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FIRST SESSION

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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

SENATE

TUESDAY, DECEMBER 5, 1967

The Senate met at 10 a.m., and was called to order by Hon. GALE W. MCGEE, a Senator from the State of Wyoming.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, grant us, we beseech Thee, the grace of toiling in these fields of time in the sense of the eternal. Lead us, in the stress and strain of this new day, to the sources of strength and victory, to the green pastures and still waters of Thine enabling grace.

As Thy servants in this temple of democracy, give us courage and strength for the vast task of social rebuilding that needs to be dared if life for all men is to be made full and free.

In the silence of this still moment before the rush of another day, may open windows of faith flood our darkness with light, that in Thy sunshine's blaze our life may be brighter. Give us inner greatness of spirit and clearness of vision to meet and match the large designs of this glorious yet demanding day, that we may keep step with Thy purpose which is marching on.

Teach us a gentler tone, a sweeter charity of words, and a more healing touch for all the smart of this wounded world.

In the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 5, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MCGEE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 4, 1967, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of James M. Nicholson, of Indiana, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes; and

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 470. An act to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.;

H.R. 555. An act to amend sections 312, 301(b), 320(a), and 321(a) of the Immigration and Nationality Act;

H.R. 6437. An act to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers;

H.R. 9833. An act to amend section 1331 (c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis;

H.R. 11542. An act for the relief of Marshall County, Ind.;

H.R. 12639. An act to remove certain limitations on ocean cruises;

H.R. 12899. An act to amend section 1072 (2) (F) of title 10, United States Code, to include other than natural parents and parents-in-law within the category of dependent eligible for medical care;

H.R. 13273. An act to amend the Marine Resources and Engineering Development Act of 1966, as amended, to extend the period of time within which the Commission on Marine Science, Engineering, and Resources is to submit its final report and to provide for a fixed expiration date for the National Council on Marine Resources and Engineering Development; and

H.R. 13833. An act to provide that the post office and Federal office building to be constructed in Bronx, N.Y., shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a Member of the U.S. House of Representatives from the State of New York from 1935 through 1964.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 470. An act to authorize the Pharr Municipal Bridge Corp., to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.; to the Committee on Foreign Relations.

H.R. 555. An act to amend sections 812, 301(b), 320(a), and 321(a) of the Immigration and Nationality Act; and

H.R. 11542. An act for the relief of Marshall County, Ind.; to the Committee on the Judiciary.

H.R. 6437. An act to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture and Forestry.

H.R. 9833. An act to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis; and

H.R. 12899. An act to amend section 1072 (2) (F) of title 10, United States Code, to include other than natural parents and parents-in-law within the category of dependent eligible for medical care; to the Committee on Armed Services.

H.R. 12639. An act to remove certain limitations on ocean cruises; and

H.R. 13273. An act to amend the Marine Resources and Engineering Development Act of 1966, as amended, to extend the period of time within which the Commission on Marine Science, Engineering, and Resources is to submit its final report and to provide for a fixed expiration date for the National Council on Marine Resources and Engineering Development; to the Committee on Commerce.

H.R. 13833. An act to provide that the post office and Federal office building to be constructed in Bronx, N.Y., shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a Member of the U.S. House of Representatives from the State of New York from 1935 through 1964; to the Committee on Public Works.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service, the Permanent Subcommittee on Investigations of the Committee on Government Operations, and the Subcommittee on Business and Commerce of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

Mr. STENNIS. Mr. President, reserving the right to object—I do not know whether I will object—that is a long list of committees. How can we have consideration on the floor of the Senate on amendments to the pending bill on their merits if all these committees are meeting? I stated yesterday that one of my problems is getting an amendment understood. I just do not know how it will work out.

Mr. MANSFIELD. May I say to the distinguished Senator that the McClellan Subcommittee on Investigations of the Committee on Government Operations is the only one of the three which will meet this afternoon.

Mr. STENNIS. That will help the situation a great deal. Is the Senator's request only for morning meetings for all except the Permanent Subcommittee on Investigations?

Mr. MANSFIELD. All of them to meet this morning, except the Investigating Committee.

Mr. STENNIS. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

REPORT OF PROCEEDINGS OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the president, Gallaudet College, Washington, D.C., transmitting, pursuant to law, a report of the Convention of American Instructors of the Deaf, held at West Hartford, Conn., June 25–30, 1967, which, with the accompanying report, was referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with amendments:

S. 2402. A bill to provide for credit to the Kings River Water Association and others from excess payments for the years 1954 and 1955 (Rept. No. 837).

By Mr. MORSE, from the Committee on the District of Columbia, with an amendment:

H.R. 10964. An act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes (Rept. No. 839).

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

H.R. 11638. An act to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia (Rept. No. 838).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY of Massachusetts:

S. 2718. A bill for the relief of Bronislaw Giro; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 2719. A bill to permit a State or political subdivision thereof to mail automobile registration certificates as enclosures in third- or fourth-class mail; to the Committee on Post Office and Civil Service.

By Mr. JAVITS:

S. 2720. A bill for the relief of Heng Liong Thung and Yvonne Maria Thung; to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. Allott, Mr. Baker, Mr. Bible, Mr. Brewster, Mr. Carlson, Mr. Case, Mr. Clark, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dodd, Mr. Fannin, Mr. Hansen, Mr. Hatfield, Mr. Javits, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Magnuson, Mr. McGee, Mr. Nelson, Mr. Pell, Mr. Prouty, Mr. Ribicoff, Mr. Scott, Mr. Tower, and Mr. Thurmond):

S.J. Res. 127. Joint resolution to proclaim National Jewish Hospital Save Your Breath Month; to the Committee on the Judiciary.

(See the remarks of Mr. Dominick when he intorduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

PERMISSION FOR CERTAIN EMPLOYEES OF THE SENATE TO TESTIFY

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 192) permitting certain employees of the Senate to testify in civil action No. 1146, pending in the U.S. District Court for the Eastern District of Kentucky, and for other purposes, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. McClellan, which appears under a separate heading.)

NATIONAL JEWISH HOSPITAL SAVE YOUR BREATH MONTH

Mr. DOMINICK. Mr. President, I introduce for appropriate reference a joint resolution which would authorize and request the President to issue a proclamation designating March 1968 as National Jewish Hospital Save Your Breath Month. The President is further requested to emphasize in his proclamation the major public health problem presented by chronic respiratory disease, and to call upon all people of the United States to observe appropriate medical safeguards for their own respiratory health and that of their families.

Mr. President, National Jewish Hospital is well known to the Members of this body. At least 41 present Members of the Senate as well as President Johnson, Vice President Humphrey, and former Presidents Truman and Eisenhower have been sponsors of the hospital.

I have had for many years some personal familiarity with the hospital and with those responsible for its operation.

Located in Denver, National Jewish Hospital's services have been widely utilized nationally, even internationally. Its officers reside in nine States and the District of Columbia—its board of trustees in 33 States and the District of Columbia. Indeed, it operates as an extension and an addition to the medical and research facilities of every community in the land. The hospital has given more than 5 million days of free treatment to patients from some 6,000 communities throughout the Nation. The cost of care available at National Jewish Hospital—a cost which would otherwise be borne by the communities from which patients come—neared $5 million for fiscal 1965–66.

Although the name might indicate otherwise, the National Jewish Hospital does not serve only the Jewish population. In fact the first person admitted was a Catholic. Since its inception, it has been completely nonsectarian in its policies. Men, women, and children are admitted regardless of age, race, creed, or geographic origin.

I believe this joint resolution to be timely and important. Hopefully it will focus national attention on the alarming rapid and continuing rise of chronic respiratory disease in the United States. Such diseases now constitute the major single cause of time lost from work or school and rank fourth in the cause of death. Tuberculosis, asthma, emphysema, and other pulmonary cripplers now afflict more than 10 million Americans, killing an estimated 160,000 a year.

Tuberculosis, still the world's No. 1 infectious disease problem, continues in this country and abroad despite efforts to eradicate it. An estimated 1.5 billion persons—half the world population—are believed to be infected with the germ of tuberculosis. Some estimates are that 30 million Americans now carry the inactive germ. New, active cases are reported at the rate of 50,000 a year. Americans still die of tuberculosis—about 8,000 annually.

More than 4 million suffer from asthma in the Nation. Asthma kills 4,000 people a year.

Approximately 3,000,000 people are suffering from emphysema, a disease of irreparable lung destruction. The Social Security Administration reports the disease disables more than 15,000 workers every year.

Emphysema and chronic bronchitis have sprung from relative obscurity into grim prominence as killer diseases, taking a total of 20,000 lives a year in the United States.

These figures, I suspect, jolt the conscience of many. At National Jewish Hospital the challenge is being met head on.

The hospital was founded in 1890 as the Jewish Hospital Association of Colorado by a small band of Jewish pioneers. They shared a dream of a haven for the destitute victims of tuberculosis. The fame of Colorado's climate had spread far and wide. The only prescription for tuberculosis in those days was fresh, dry air, sunshine and rest. Denver could supply the first two requirements in abundance. Eleven lots were purchased, in what was then Arapahoe country, and a three-story building was erected. From a 60-bed tuberculosis sanatorium, National Jewish Hospital has grown to an institution of 18 buildings, with 280 beds, including a Children's Treatment Center, the Neustadt and Hearst Laboratories and the National Rehabilitation Center. The spacious, campuslike setting covers an area of 16.5 acres in a residential section of Denver.

National Jewish Hospital has been modified through the years to meet the changing requirements of a modern chest disease center. In addition to treatment for a host of chest ailments that endanger man's ability to breathe, it has a full surgical service for both cardiovascular and pulmonary procedures. I understand it was the first institution in the world to establish a separate adult inpatient service for the treatment of chronic asthma. But looking beyond treatment, the hospital is also engaged in research, education, and rehabilitation.

The hospital has been guided by the thought that it has a duty not only to apply the findings made by the researchers all over the world to the care of patients, but also to contribute to the funds of knowledge. Thus, research is carried out by physicians directly concerned with the care of patients as well as by workers in the division of research, remote from contact with the patient.

Physicians, research scientists, nurses, medical technicians, and undergraduate students come to the hospital from many parts of the world, seeking training in chest medicine and surgery, laboratory techniques, tuberculosis nursing, social service, occupational therapy, psychology and other paramedical disciplines. In addition to the regular training program, the National Jewish Hospital shares leadership in one of the country's largest and first cooperative programs of tuberculosis training under the auspices of the U.S. Public Health Service.

The hospital also has a comprehensive medical-rehabilitation program based on the concept that every facet of the patient's life should be considered in determining appropriate treatment. Except for periods of acute illness, patients are up and around during their hospitalization and share in planned activity programs in the hospital and in the community. The aim is to return the patient to family and community as prepared as possible to live a normal life. To increase the prospects of the patient's return to a normal life, a number of courses in job training are conducted at the hospital. All children of school age are enrolled in classes conducted in classrooms at the hospital. Both high school age patients and those interested in higher education may enroll in schools outside the hospital. Recreational programs, organized by the patients through councils and under the supervision of a trained worker, are available. Significant of the progressive thinking of the hospital is the industrial therapy program under which the hospital obtains contracts from local industries for light, skilled, and semiskilled jobs which can be performed by the patient. Wages are commensurate with the individual's work capacity, and the patient receives valuable experience which may increase his employability on discharge.

Mr. President, this pioneer medical and research center is one of the few institutions in the world concentrating its total effort on chronic respiratory diseases. It is, I believe, unique in its experience and facilities, and remarkably fitted for its role of leadership in the attack on diseases which rob us of our ability to breathe.

Its admission requirement "None may enter who can pay—none can pay who enter" is known around the world.

National Jewish Hospital Save Your Breath Month can be the focal point of an intensive national educational campaign to alert all people to the increase of chronic respiratory diseases, to emphasize the importance of early detection through regular medical checkups, and to inform the public of the status of medical knowledge and current research in respiratory diseases.

I ask unanimous consent that the joint resolution be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 127) to proclaim National Jewish Hospital Save Your Breath Month, introduced by Mr. Dominick (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 127

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in response to the growing national concern occasioned by the increase of chronic respiratory disease and in recognition of the accomplishments of medical science in the detection and control of such disease, the President of the United States is hereby authorized and requested to issue a proclamation (1) designating March 1968 as National Jewish Hospital Save Your Breath Month, and (2) emphasizing the major public health problem presented by chronic respiratory disease, and calling upon the people of the United States to observe appropriate medical safeguards for their own respiratory health and that of their families.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967—AMENDMENT

AMENDMENT NO. 488

Mr. BYRD of Virginia submitted an amendment, intended to be proposed by him, to the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes which was ordered to lie on the table and to be printed.

AMENDMENT NO. 489

Mr. LAUSCHE. Mr. President, I submit an amendment, intended to be proposed by me, to House bill 7819, and I ask unanimous consent that the amendment be printed in the Record.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 55, beginning with line 16, strike out all through the period in line 19 and insert in lieu thereof the following: "and $500,000,000 for the fiscal year ending June 30, 1968, and for each of the three succeeding fiscal years.".

On page 84, line 3, beginning after the colon strike out all through line 7 and insert in lieu thereof the following: " 'and $65,000,000 for the fiscal year ending June 30, 1968, and each of the three succeeding fiscal years,'.".

On page 88, line 16, beginning with "$20,000,000" strike out all through line 18 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 98, line 13, beginning with "$8,000,000" strike out all through line 16 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 104, line 1, beginning with "$3,000,000" strike out all through line 4 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 109, beginning with line 14, strike out all through line 17 and insert in lieu thereof the following:

(e) Section 4 of such Act is amended by striking out "$5,000,000" and all through the remainder of such section and inserting in lieu thereof the following: "and $8,000,000 annually for each succeeding fiscal year thereafter.".

On page 111, line 9, beginning with "$3,500,000" strike out all through line 13 and insert in lieu thereof the following: "and not to exceed $3,500,000 for the fiscal year ending June 30, 1968 and each of the three succeeding fiscal years'.".

On page 131, line 8, beginning with "$150,000,000" strike out all through line 12 and insert in lieu thereof the following: "and $150,000,000 for the fiscal year ending June 30, 1968 and for each of the three succeeding fiscal years'.".

On page 131, line 20, beginning with "$150,000,000" strike out all through line 24 and insert in lieu thereof the following: "and $150,000,000 for the fiscal year ending June 30, 1968 and for each of the three succeeding fiscal years'.".

On page 137, line 7, beginning with the quotation marks strike out all through line 11 and insert in lieu thereof the following: "all after 'June 30, 1968,' and inserting in lieu thereof the following: 'and for each of the three succeeding fiscal years, for the purposes of this title.' ".

On page 140, beginning with line 7, strike out all through line 9 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 150, line 1, beginning with the semicolon strike out all to but not including the period in line 4.

PROVISION OF HOUSING FOR LOW AND MODERATE INCOME FAMILIES—AMENDMENT

AMENDMENT NO. 490

Mr. BENNETT submitted an amendment, intended to be proposed by him, to the bill (S. 2700) to assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut [Mr. RIBICOFF] I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania [Mr. CLARK] and the Senator from New Jersey [Mr. WILLIAMS] be added as cosponsors of the concurrent resolution (S. Con. Res. 52) to initiate action to establish an International Education Year.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, December 5, 1967, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 814. An act to establish the National Park Foundation;

S. 1003. An act to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics;

S. 2565. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 2644. An act to amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the Euraton Cooperation Act of 1958, as amended;

H.R. 2154. An act to provide long-term leasing for the Gila River Indian Reservation;

H.R. 2275. An act for the relief of Dr. Ricardo Vallejo Samala and to provide for congressional redistricting;

H.R. 2730. An act authorizing the Administrator of Veterans' Affairs to convey certain property to Temple Junior College, Temple, Tex.;

H.R. 2828. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribes of Kansas and Nebraska and of Oklahoma in Indian Claims Commission dockets Nos. 138 and 79, and for other purposes;

H.R. 4920. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona; and

H.R. 4983. An act to disclaim any right, title, or interest by the United States in certain lands in the State of Arizona.

CONGRESSIONAL DIRECTORY, 1968

Mr. HAYDEN. Mr. President, the Congressional Directory for 1968 is scheduled to go to press about mid-December. In order that House and Senate Members may acquire additional copies above their regular allotments, arrangements have been made to order extra copies at a reduced rate of $2.05 for the thumb indexed and $1.45 for the nonindexed.

Orders are to be placed with the CONGRESSIONAL RECORD clerk, room H-112, Capitol, extension 2100. All orders must be received on or before December 8. An order form for this purpose has been sent to each office, as a part of each Senator's personal office announcement.

NOTICE OF HEARING ON NOMINATION BY COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, as chairman of the Subcommittee on Constitutional Rights, I wish to announce that a hearing will be held on the nomination of Stephen J. Pollak, of the District of Columbia, to be an Assistant Attorney General, Civil Rights Division, Department of Justice.

The hearing will begin on Tuesday, December 12, 1967, at 10:30 a.m. in room 2228 of the New Senate Office Building. Any person who wishes to appear and testify or submit a statement pertaining to this nomination should send the request or prepared statement to the subcommittee.

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, the gentleman from Arkansas [Mr. FULBRIGHT], I desire to announce that today the Senate received the following nomination:

Charles E. Bohlen, of the District of Columbia, a Foreign Service officer of the class of career ambassador, to be a Deputy Under Secretary of State.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized for 10 minutes.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ANNOUNCED RESIGNATION OF DEFENSE SECRETARY ROBERT S. McNAMARA

Mr. MANSFIELD. Mr. President, the announcement that Robert S. McNamara will be leaving the Defense Department has stirred wide public interest. His is not a routine departure. Rather, it removes from the leadership of the Nation an exceptional adviser to two Presidents and an active administrator of by far the largest Department of the Government. The Department of Defense spends well over half of all the money spent by the Federal Government and employs over 75 percent of all Federal personnel—military and civilian.

For 7 years, Mr. McNamara rode herd on this enormous undertaking. Moreover, as Secretary, his decisions have had enormous impact not only on this Nation but on the world as well. The absence of his counsel will be felt for a long time to come. His resignation will leave a vacuum of incalculable proportions.

It is my understanding that Mr. McNamara has been asked to continue indefinitely as Secretary of Defense. Whether that means he will remain to direct the Defense Department for weeks or for months is not clear. In any event, it is to be hoped that he will be in the Pentagon at least long enough to curb the pressures which appear again to be rising for an oozing of the war in South Vietnam further afield, into North Vietnam, into Cambodia and elsewhere in Southeast Asia, and for adding another hundred thousand Americans to the half million who are already there.

These pressures at this time seem to me to make the resignation of Secretary McNamara all the more regrettable. His resignation leaves a disturbing uncertainty about the war and its future course.

The uncertainty, however, should not keep us from recognizing at this time the constructive service which Mr. McNamara has rendered to the Nation during the past 7 years. Although the verdict is not in on all of his major decisions, his place in the Nation's history is secure. His most fundamental contribution, in my judgment, is to be found in the reorganization which he has induced in the Department of Defense. That achievement involves not only the saving of untold billions of dollars—past, present, and future—but it may also help to check the erosion of civilian control, which is as essential to the effective usage of military personnel by a free nation as it is to the security of the Republic. The magnitude of the task has been almost overwhelming. It has kept the Secretary at his desk for intolerable hours day after day. The Nation owes him an immense debt of gratitude for this dedication.

Secretary McNamara has also been an eloquent spokesman for sanity in nuclear affairs. One hopes that in the retrospect of history, this role may well prove to be the most significant. He was a moving force behind the negotiation and signing of the nuclear test ban treaty. He has continued to urge further controls on nuclear weapons. Most important, he has alerted the Nation to the reality that ever-increasing stockpiles of nuclear destruction here tend to lead to ever-increasing stockpiles of nuclear destruction elsewhere and that the continuance of this deadly volley leads not to national security for any nation but to international insecurity for all nations.

Throughout his tenure as Secretary of Defense, Mr. McNamara has conducted himself with integrity and intelligence and with dignity and courage. I should like to take this opportunity to express to him the appreciation, which I know is widely shared in the Senate, for his service to the Nation and my personal thanks for his unfailing courtesy over the years.

In his relations with the Senate, notably in his appearances as a committee witness, his erudition and candor have been refreshing. The Secretary has been most respectful of the Senate's responsibilities in the realm of defense and international matters, and he has been more than cooperative in honoring requests on his time. His public appearances before the committees have provided enlightenment on critical issues, for the Senate and the Nation.

As a case in point, I refer to his testimony on August 25 last before the Preparedness Investigating Subcommittee. In a profound presentation, he refuted the claims that wider bombing of the north would appreciably diminish the amount of supplies moving to the south. At the same time he answered the contention that the criterion for bombing should be expanded beyond that of interdiction of supplies to include total capitulation of the north, the so-called "bomb them into the stone age" approach. In this connection, he stated:

> The tragic and long drawn-out character of the conflict in the south makes very tempting the prospect of replacing it with some new kind of air campaign against the north. But however tempting, such an alternative seems to me completely illusory. To pursue this objective would not only be futile but would involve risks to our personnel and to our nation that I am unable to recommend.

I have no doubt that the Secretary would stand by the testimony which he gave to the subcommittee last August. Indeed, events have served to underscore the wisdom of his comments. In the intervening months, notwithstanding his views, the restraints have been chipped away and the bombing has spread, but peace remains as elusive as ever and the level of our casualties in the south remains undiminished.

It is to be hoped that the Secretary will continue to exercise a restraining influence in the weeks or months during which he remains in office and thereby keep open the door to an honorable negotiated settlement with Hanoi, while at the same time avoiding a deeper enmeshment of American forces in Southeast Asia. It is to be hoped, too, that his successor will likewise be a man of prudence, possessed of the knowledge and authority which will enable him to exercise his prudence to the same interconnected ends.

While the loss of Mr. McNamara as head of the Defense Department will be keenly felt, I am delighted that his talents will continue to be employed in a public service of great consequence and one in which he has long been interested. I wish him success and personal satisfaction as President of the International Bank.

There is a great need for new initiatives and energy in the approach to the problems of economic development. In this respect, Mr. McNamara is admirably suited by temperament and training to supply a significant leadership at the Bank. If he brings to his new office—and I am sure that he will—anything approaching the vitality and dedication which has marked his incumbency at the Defense Department, the practices of international cooperation for economic development should receive a great impetus.

Mr. President, I can understand the sense of relief that the McNamara family must feel to know that the grinding workload of 7 years will soon be lifted. Mrs. McNamara is one of the unsung heroines of this city and these times. We tend sometimes to overlook the fact that it is the patience and forbearance of wives and families which bear much of the cost of the demands we make on leading public officials.

I ask unanimous consent, Mr. President, that the testimony of Secretary McNamara before the Preparedness Investigating Subcommittee, to which I have alluded, be printed at this point in the Record, and, in addition, that an article on Mrs. McNamara, which appeared in the Washington Post of December 1, 1967, also be printed.

There being no objection, the testimony and the article were ordered to be printed in the Record, as follows:

Secretary McNamara. Mr. Chairman, I welcome this opportunity to discuss with you and the members of the committee our conduct of the air war in North Vietnam. It is a matter of the greatest importance that the Congress and the people of the United States have a current and accurate picture of what the air campaign can and cannot accomplish. To address this issue, I should like to discuss these topics.

1. The objectives and achievements of the air war:
2. The target recommendations of the Joint Chiefs of Staff in relation to the objectives, and the extent to which the Chiefs' recommendations are being followed.
3. The proposals of those who argue that the bombing should be expanded, either on the theory that bombing can break the will of the North Vietnamese, thereby forcing them to the conference table, or that bombing can prevent the flow of military supplies into or through North Vietnam, thereby destroying its capability for continued aggression in the South.

I. THE OBJECTIVES OF THE AIR CAMPAIGN

In the light of the many recent public statements and speculations about the purposes and effects of our air attacks, it seems appropriate to preface this review with a restatement of the objectives that the bombing of North Vietnamese targets was intended to serve. As I have stated many times:

Our primary objective was to reduce the flow and/or to increase the cost of the continued infiltration of men and supplies from North to South Vietnam.

It was also anticipated that these air operations would raise the morale of the South Vietnamese people who, at the time the bombing started, were under severe military pressure.

Finally, we hoped to make clear to the North Vietnamese leadership that so long as they continued their aggression against the South they would have to pay a price in the North.

The bombing of North Vietnam has always been considered a supplement to and not a substitute for an effective counterinsurgency land and air campaign in South Vietnam.

These were our objectives when our bombing program was initiated in February of 1965. They remain our objectives today. They were and are entirely consistent with our limited purposes in Southeast Asia. We are not fighting for territorial conquests or to destroy existing governments. We are fighting there only to assure the people of South Vietnam the freedom to choose their own political and economic institutions. Our bombing campaign has been aimed at selected targets of military significance, primarily the routes of infiltration. It has been carefully tailored to accomplish its basic objectives and thus to achieve the limited purposes toward which all our activities in Vietnam are directed.

Weighed against its stated objectives, the bombing campaign has been successful. It was initiated at a time when the South Vietnamese were in fear of a military defeat. There can be no question that the bombing raised and sustained the morale of the South Vietnamese at that time. It should be equally clear to the North Vietnamese that they have paid and will continue to pay a high price for their continued aggression. We have also made the infiltration of men and supplies from North Vietnam to South Vietnam increasingly difficult and costly.

Complete interdiction of these supplies has never been considered possible by our military leaders. I believe that this point has been made to you by General Wheeler, General McConnell, Admiral Sharp, and General Momyer.

Our experience in Korea demonstrated the unlikelihood that air strikes or other means could choke off the minimum amounts needed to support enemy forces.

* * * * *

The nature of the combat in Vietnam, without established battle lines and with sporadic and relatively small-scale enemy action, lessens the requirement for a steady stream of logistical support and reduces the volume of logistical support needed. Moreover, it should be noted that the geography of the infiltration routes is less favorable to interdiction than was the case in Korea. There the entire neck of the peninsula was subject to naval bombardment from either side and to air strikes across its width. The routes into South Vietnam are far more complex, much more protected and involve the use of territories of adjoining countries. Under these highly unfavorable circumstances, I think that our military forces have done a superb job in making continued infiltration more difficult and expensive.

Any discussion of the bombing of North Vietnam must first address the nature of the target. North Vietnam is a land of 18.5 million people. By no standards could it be considered an industrialized country. It is predominantly agricultural. Prior to initiation of the bombing, its significant industrial facilities could be counted on your fingers. It had no steelmaking capacity, no steelmaking plants, and in 1965 its monthly industrial production of pig iron was only 5,000 metric tons, less than one-twentieth of 1 percent of U.S. output. It had no real warmaking industrial base and hence none which could be destroyed by bombing.

North Vietnam's ability to continue its aggression against the South thus depends upon imports of war-supporting material and their transshipment to the South. Unfortunately for the chances of effective interdiction, this simple agricultural economy has a highly diversified transportation system consisting of rails and roads and waterways. The North Vietnamese use barges and sampans, trucks and foot power, and even bicycles capable of carrying 500-pound loads to move goods over this network. The capacity of this system is very large—the volume of traffic it is now required to carry, in relation to its capacity, is very small.

Precise figures on the amount of infiltrated material required to support the Vietcong and North Vietnamese forces in the South are not known. However, intelligence estimates suggest that the quantity of externally supplied material, other than food, required to support the VC/NVA forces in South Vietnam at about their current level of combat activity is very, very small. The reported figure is 15 tons per day, but even if the quantity were five times that amount it could be transported by only a few trucks. This is the small flow of material which we are attempting to prevent from entering South Vietnam through a pipeline which has an outlet capacity of more than 200 tons per day.

Those targets along the lines of communication which can be found are attacked. From January through July, we averaged about [deleted] sorties per month over North

Vietnam [deleted]. About 75 percent of these sorties were directed against lines of communication (LOC) and goods moving over them. Air strikes are reported to have destroyed, in total, during the period of the air campaign, over 4,100 vehicles, 7,400 watercraft and 1,400 pieces of railroad rolling stock. In addition, we have struck approximately 1,900 fixed targets in North Vietnam, including 57 significant bridges, 50 major rail yards, troop barracks, POL storage tanks and powerplants.

North Vietnam has been forced to divert an estimated 300,000 full-time and at least an equal number of part-time workers and troops, to the repair, dispersal, and defense of the lines of communication and other targets which have been damaged. This diversion of some 500,000 people in a society already strained to maintain a marginal subsistence is a severe penalty.

There can be no question that the bombing campaign has and is hurting North Vietnam's warmaking capability. Accordingly, they are using every propaganda means to stop the bombing. Although there are some signs that war weariness is growing, these indications are accompanied by firm expressions of resolve. There is no basis to believe that any bombing campaign, short of one which had population as its target, would by itself force Ho Chi Minh's regime into submission.

I want to repeat, however, that from the military standpoint, bombing of North Vietnam supports our combat operations in South Vietnam. It renders more difficult and costly the efforts of the DRV to supply both their own and VC forces on the other side of the demilitarized zone. As General Wheeler has testified, we have under constant review the advisability of adding new military targets in the north and of conducting restrikes against rail facilities, highways, bridges, military and other war-supporting targets that have previously come under our air attack. There is continuing study of ways in which our air and naval bombardment of North Vietnam can be made more effective in disrupting and interdicting North Vietnamese attempts to support aggression against their southern neighbors.

There also is continuing study of the optimum mix of sorties, both geographically and in types of targets. Consideration is given to every possibiltiy of greater effectiveness through shifts in emphasis. These studies are designed to maximize the cost that our air campaign inflicts on North Vietnam's infiltration of men and supplies while at the same time reducing to the minimum the price that we must pay in the lives of American pilots.

These efforts to refine and improve our application of airpower will, I am confident, continue as long as the necessity for bombing remains. It must, however, be recognized that no improvements and refinements can be expected to accomplish much more than to continue to put a high price tag on North Vietnam's continued aggression.

II. THE TARGET RECOMMENDATIONS OF THE JOINT CHIEFS OF STAFF

To illustrate this point, I might note that the operating target list, currently used by the Joint Chiefs as a basis for the planning of attacks on fixed targets, contains a total of 427 targets. Of this number, the JCS do not now recommend 68 for air attack. Of the remaining 359 targets, strikes have been authorized against 302, 85 percent of the total. There are only 57 targets recommended by the Joint Chiefs of Staff against which strikes have not yet been authorized. Whatever the merits of striking these 57 targets may be, I believe it is clear that strikes against them will not materially shorten the war. As a matter of fact, seven of the 57 targets are recognized by the Chiefs as of little value to the North Vietnamese war effort. For example, one is a tire plant reported to have a productive capacity of but 30 tires per day. Nine of the 57 targets are petroleum facilities which in total equal less than 6 percent of North Vietnam's remaining storage capacity. The present importance of such targets as these has not been shown to warrant risking the loss of American lives.

Of the remaining 41 targets, 25 classified as lesser targets in populated, heavily defended areas; four as more significant targets in such areas; three are ports; four are airfields (in total the remaining Mig's based in North Vietnam approximate 20); and five are in the Chinese buffer zone. In the case of a few of these targets, the risk of direct confrontation with the Communist Chinese or the Soviet Union has thus far been deemed to outweigh the military desirability of air strikes. Others will be considered for "authorization" at a later date.

The conclusive answer to any charge that we are inhibiting the use of our airpower against targets of military significance lies in the facts. As I have noted, strikes have been authorized against 85 percent (302 of 359) of the targets recommended by the Joint Chiefs. And the total number of fixed targets struck in North Vietnam stands now at about 1,900. As further targets are authorized and additional targets are found to be of military importance, this number will increase. But the decisions to authorize new targets cannot be expected to gain different objectives than those toward which our air campaign has always been directed.

III. THE PROPOSALS OF THE CRITICS

Those who criticize our present bombing policy do so, in my opinion, because they believe that air attack against the North can be utilized to achieve quite different objectives. These critics appear to argue that our airpower can win the war in the South either by breaking the will of the North or by cutting off the war-supporting supplies needed in the South. In essence, this approach would seek to use the air attack against the North not as a supplement to, but as a substitute for the arduous ground war that we and our allies are waging in the South.

It would obviously be possible for us to change our present selective bombing campaign. We could abandon the target-by-target analysis which balances the military importance of the target against its probable cost in American lives and the risk it presents of expanding the conflict to involve new combatants. Instead, our air and naval forces might be employed against North Vietnam in an all-out effort to break their will and thus compel them to cease their support of military efforts against the Government of South Vietnam. A somewhat less drastic revision of our air campaign might be undertaken in an effort to restrict the import of war-suporting materials so substantially as to prevent the North Vietnamese leaders from supporting their present level of military effort in South Vietnam. Any such effort would obviously require action to close the three significant North Vietnamese ports of Cam Pha, Hon Gai and, most important, Haiphong.

In order to reach a reasonable conclusion on the key question of whether to abandon our present limited bombing objectives and adopt a policy intended to achieve either of these new objectives, the chances of success must be weighed against the inevitably higher risks such revision would entail. To bring this question into perspective for the committee, I would like to deal first with the likelihood that either of these objectives could be realized through a reorientation of our air attack against North Vietnam.

III–A. BREAKING THE WILL OF THE NORTH

As to breaking their will, I have seen no evidence in any of the many intelligence reports that would lead me to believe that a less selective bombing campaign would change the resolve of the North Vietnamese leaders or deprive them of the support of the North Vietnamese people. As previously pointed out, the economy of North Vietnam is agrarian and simple. Its people are accustomed to few of the modern comforts and conveniences that most of us in the Western World take for granted. They are not dependent on the continued functioning of great cities for their welfare. They can be fed at something approaching the standard to which they are accustomed without reliance on truck or rail transportation or on food processing facilities. Our air attack has rendered inoperative about 85 percent of the country's central electric generating capacity, but it is important to note that the Pepco plant in Alexandria, Va., generates five times the power produced by all of North Vietnam's powerplants before the bombing. It appears that sufficient electricity for war-related activities and for essential services can be provided by the some 2,000 diesel-driven generating sets which are in operation.

Perhaps most important of all, the people of North Vietnam are accustomed to discipline and are no strangers to deprivation and to death. Available information indicates that, despite some war weariness, they remain willing to endure hardship and they continue to respond to the political direction of the Hanoi regime. There is little reason to believe that any level of conventional air or naval action, short of sustained and systematic bombing of the population centers, will deprive the North Vietnamese of their willingness to continue to support their government's efforts to upset and take over the Government of South Vietnam. [Deleted.]

There is also nothing in the past reaction of the North Vietnamese leaders that would provide any confidence that they can be bombed to the negotiating table. Their regard for the comfort and even the lives of the people they control does not seem to be sufficiently high to lead them to bargain for settlement in order to stop a heightened level of attack.

The course of conflict on the ground in the south, rather than the scale of air attack in the north appears to be the determining factor in North Vietnam's willingness to continue.

Accordingly, as General Wheeler has pointed out, the air campaign in the north and our military efforts in the south are not separate wars and certainly they should not be regarded as alternatives.

III–B. AN EXPANDED CAMPAIGN AGAINST THE SUPPLY ROUTES WITHIN NORTH VIETNAM

It could be argued that a greatly expanded and virtually unrestricted bombing effort might substantially reduce the movement of forces and supplies through North Vietnam into South Vietnam, even though North Vietnam resolve remains unshaken. Recent prisoner interrogations suggest that 10 to 20 percent of the personnel dispatched to the south by the rulers of North Vietnam never reach the battle area—about 2 percent are casualties caused by air attack. A much higher percentage of the supplies sent south to support the DRV fighting forces are destroyed in transit by our armed reconnaissance and heavy bombing attacks. Conceivably an all-out air and naval bombardment might somewhat further increase the forces and supplies destroyed. But the capacity of the lines of communication and of the outside sources of supply so far exceeds the minimal flow necessary to support the present level of North Vietnamese military effort in South Vietnam that the enemy operations in the south cannot, on the basis of any reports I have seen, be stopped by air bombardment—short, that is, of the virtual annihilation of North Vietnam and its people. As General Wheeler has observed, no one has proposed such indiscriminate bombing of populated areas.

III–C. THE CLOSING OF SEA AND LAND IMPORTATION ROUTES

This leaves, then, as a possible new objective of our air campaign, the closing of the sea and land importation routes in an attempt to prevent entry into North Vietnam of the supplies needed to support combat in the south. There can be no question that bombing the ports and mining the harbors, particularly at Haiphong, would interfere seriously with North Vietnam's imports of war-supporting materials. But far less than the present volume of imports would provide the essentials for continued North Vietnamese military operations against South Vietnam. As I have mentioned, estimates of the total tonnage required start at 15 tons per day of nonfood supplies. This can be quintupled and still be dwarfed by North Vietnam's actual imports of about 5,800 tons per day. And its import capacity is much greater. The ports together with the roads and railroads from China have an estimated capacity of about 14,000 tons a day.

The great bulk of North Vietnamese imports now enters through Haiphong—perhaps as much as 4,700 out of the 5,800 tons per day. This includes most of the war-supporting material, such as trucks, generators, and construction equipment but this category of supply represents only a small percentage of total sea imports. And little if any of the imported military equipment (which is estimated by intelligence sources to total 550 tons per day) comes by sea. Moreover, this present heavy reliance on Haiphong reflects convenience rather than necessity. Haiphong represents the easiest and cheapest means of import. If it and the other ports were to be closed, and on the unrealistic assumption that closing the ports would eliminate all seaborne imports, North Vietnam would still be able to import over 8,400 tons a day by rail, road, and waterway. And even if, through air strikes, its road, rail, and Red River waterway capacity could all be reduced by 50 percent, North Vietnam could maintain roughly 70 percent of its current imports. Since the daily importation of military and war-supporting material totals far less than this, it seems obvious that cutting off seaborne imports would not prevent North Vietnam from continuing its present level of military operations in the south.

Elimination of Haiphong and the two other ports as a source of supply would not, in fact, eliminate seaborne imports. Our POL experience is illuminating. Our air strikes on petroleum facilities did destroy the inshore POL off-loading facilities in Haiphong. However the North Vietnamese have demonstrated a capability to adjust their methods, and they now off-load POL drums into lighters and barges and bring the drums ashore at night. There is no evidence of a POL shortage and stocks on hand equal an estimated 120 days consumption.

The North Vietnam seacoast runs for 400 miles. Many locations are suitable for over-the-beach operations. The mining of Haiphong or the total destruction of Haiphong port facilities would not prevent offshore unloading of foreign shipping. Effective interdiction of this lighterage, even if the inevitable damage to foreign shipping were to be accepted, would only lead to total reliance on land importation through Communist China. The common border between the two countries is about 500 air miles long.

Accordingly, bombing the ports and mining the harbors would not be an effective means of stopping the infiltration of supplies into South Vietnam.

A selective, carefully targeted bombing campaign, such as we are presently conducting, can be directed toward reasonable and realizable goals. This discriminating use of air power can and does render the infiltration of men and supplies more difficult and more costly. At the same time, it demonstrates to both South and North Vietnam our resolve to see that aggression does not succeed. A less discriminating bombing campaign against North Vietnam would, in my opinion, do no more. We have no reason to believe that it would break the will of the North Vietnamese people or sway the purpose of their leaders. If it does not lead to such a change of mind, bombing the North at any level of intensity would not meet our objective. We would still have to prove by ground operations in the South that Hanoi's aggression could not succeed. Nor would a decision to close Haiphong, Hon Gai, and Cam Pha, by whatever means, prevent the movement in and through North Vietnam of the essentials to continue their present level of military activity in South Vietnam.

On the other side of the equation, our resort to a less selective campaign of air attack against the North would involve risks which at present I regard as too high to accept for this dubious prospect of successful results.

[Deleted.]

IV. CONCLUSION

In conclusion, I would like to restate my view that the present objectives of our bombing in the north were soundly conceived and are being effectively pursued. They are consistent with our overall purposes in Vietnam and with our efforts to confine the conflict. We are constantly exploring ways of improving our efforts to insulate South Vietnam from outside attack and support. Further refinements in our air campaign may help. I am convinced, however, that the final decision in this conflict will not come until we and our allies prove to North Vietnam she cannot win in the south. The tragic and long drawnout character of that conflict in the south makes very tempting the prospect of replacing it with some new kind of air campaign against the north. But however tempting, such an alternative seems to me completely illusory. To pursue this objective would not only be futile but would involve risks to our personnel and to our Nation that I am unable to recommend.

[From the Washington, (D.C.) Post, Dec. 1, 1967]

MRS. MCNAMARA: TIME MAKES THE CHOICE

(By Meryle Secrest)

A cigarette box on the round coffee table of the McNamara living room will soon have a new date inscribed on it.

The Tiffany vermeil box was given to Secretary of Defense Robert S. McNamara by his wife and three children. On the outside is engraved the Secretary of Defense seal, his name and the date 1961–.

Inside is a four-line quotation from one of his favorite poets, Robert Frost:

"Two roads diverged in a wood, and I—
I took the one less traveled by
And that has made all the difference."

"I suppose we shall have to engrave a new date on it," said Margaret McNamara with a smile that mingled pride with wistful regret. Her husband's decision to leave the Cabinet and accept the post of President of the World Bank was announced yesterday.

She had just come in from a walk in the snow with Mike, their gregarious Irish setter. Outside it was still snowing and the house was still.

Everything looked in order, from the anemones in a glass vase on the piano to the bank of books ("A Treasury of Great Poems," "Gaston Diehl—the Moderns" and biographies of John F. Kennedy) beside the unlit fire.

"How do I feel about the past seven years? It's been exciting, thrilling and sad; all the emotions you can think of. It's been a time of great interest and dedication and the feeling that Bob in some way has contributed to a terribly important time in history. But it's not always been happy. . . .

"When the news came out a few days ago, the question was whether Bob was quitting or the President wanted him to go. Neither one is correct. . . . No one chooses his time to make decisions. They are thrust upon him by circumstances, and timing, and the President's need for a nomination (for the World Bank post) were the deciding factors."

[In his statement yesterday, Secretary of Defense McNamara said that he and President Johnson were unanimous about the wisdom of his move.]

But, she insists, she did not have anything to do with the decision.

"I have never played any role in my husband's decisions because I have always felt that the most important thing is that a man be happy, challenged and satisfied in what he is doing."

[Mrs. McNamara has had a slow recovery from an ulcer operation this summer and it was rumored that her health might be one of the reasons influencing Secretary McNamara's actions.]

"I feel fine now. I have to watch what I eat, but that's good on two counts," she said, with a nod towards her slender waistline.

Mrs. McNamara said that her husband was leaving his Cabinet post with considerable regret. There were many things left undone that he would have liked to finish, she said, and indicated that a successful conclusion to the war in Vietnam was one of them.

But, she continued, they both expect their lives to be more relaxed and less of a strain than they have been for seven years. Her husband's work schedule is gruelling—he leaves the house at seven and gets home for dinner at eight, "sometimes".

"This will be a much more livable pace."

Now they will be able to do a lot more of the gallery-going they both love, including their Sunday afternoon strolls down to the Phillips Collection. And she hopes they'll be able to see a lot more plays.

Mrs. McNamara doesn't share the fear of some political observers that the Administration will take a more hawklike position on Vietnam with her husband's departure.

"These comments preclude the fact that the Administration is constantly looking for ways to negotiate," she said carefully.

As for the criticisms that have bombarded her husband since he took office:

"I think if you accept public office you should expect criticism and dissent. Bob always takes the attitude that you do the best you can with the situation and go on to the next problem. You still have to keep a sense of humor." She laughed. "I admit sometimes it's hard to do."

Christmas for the McNamaras this year will be as it has been in other years. The family gathers in Aspen, Colo., where they have been going for 12 years. They are Margie, 26, married to Barry Carter and living in New Haven; Kathie, 23, and Craig, who is attending St. Paul's, Concord, N.H.

Since the Aspen home is only used once a year, Mrs. McNamara expects to go out ahead and "put dishes on the shelves."

If she anticipates a slower pace for her husband, she also intends to take one herself.

"If I become involved in something," she said, referring to the successful Reading is FUN-damental program she organized, "I give it days and weeks of my time. I think you can spread yourself too thin."

Then one day you realize, she implied, that it has been too long since you did any of the things you really want to do.

Mr. MORSE. Mr. President, I wish to associate myself with every single word of the comments of the Senator from Montana [Mr. MANSFIELD] in regard to the McNamara resignation.

My record is perfectly clear, and I stand on every word I have spoken throughout that record in regard to the Secretary of Defense. In the beginning of the escalation of the war, it was I who first named it "McNamara's war," day after day, for I thought then and I think now that the Secretary of Defense ill-advised the administration in the course of action he recommended in the early days of the war. No man did more to raise the level of the American involvement than did Mr. McNamara.

As the record also shows, some weeks after I had repeated my description of the war as "McNamara's war" the Secretary of Defense at a press conference accepted the description. That did not mean that he agreed with the Senator from Oregon on the substance, but that he was willing to recognize his responsibility for having made this an American war.

The Senator from Oregon has never questioned the sincerity or the dedication to his point of view of the Secretary of Defense. I certainly cannot speak for the Secretary, nor can I do more than express one man's opinion of what I think developments have produced in regard to the position of the Secretary of Defense. Probably he would disassociate himself with my interpretation, but I am willing that history be that judge, too, for I think the Secretary of Defense finally came to exercise a very restraining influence upon the administration and upon the military, and that is the important thing.

The sad thing is that, wars have a way of taking on a life of their own, sometimes dragging men and nations with them in places and directions they do not choose to go.

I think we are about to lose his newfound restraint, and I think that is bad for the Nation. My own personal opinion is that not only the testimony of the Secretary of Defense that has been quoted in the speech by the distinguished majority leader this morning produces some evidence of that, but also there is a great deal of other evidence which shows the restraining influence of the Secretary of Defense.

My own interpretation is that Mr. McNamara lost control of the war he did so much to set in motion. Perhaps he has come to recognize that the continuation of the upping of this escalation is going to produce results that will not be in the interests of the security of the Republic. Therefore, I am saddened to find this restraining influence leaving the Department of Defense because I have no reason to believe that a new restraint will be substituted for it. My fear is that quite the opposite will be the case and we will end up with an escalated war which will eventually bring us into a massive war in Asia and involve us in a war with China. From this war we will never emerge as the victor except in military engagements, and we will be the loser when it comes to permanent peace, vis-a-vis the United States and Asia.

Mr. President, I regret that the Secretary of Defense will be accepting the presidency of the World Bank, not because he is not highly qualified for the position, but because the very nature of the position, of course, will close his lips as far as being able to exercise the influence I think he should keep himself in a position to exercise in respect to American foreign policy. I think that here is a voice and a mind that should continue to be brought to bear upon American foreign policy. As the president of the World Bank, we all know it will not be considered appropriate for him in that position to involve himself in the foreign affairs of this country. I think that will be a great loss. I think it will be a great loss to the President.

My own view is that, of course, the President is entitled to have in his Cabinet men who share his point of view in the respective posts they occupy. We know there is a close personal relationship between the Secretary of Defense and the President. You can differ with the President and still maintain a close personal relationship. I can testify to that.

Mr. President, there is a very close personal relationship between the President and the Secretary of Defense. As he goes into the position of presidency of the World Bank I am saddened when I contemplate that he will be removed from the American people in a very real sense as far as being able to speak out, as he should be able to keep himself in a position to speak out with respect to American foreign policy.

No one can understand the Senator from Oregon in regard to American foreign policy unless one understands this great and deep conviction and concern of mine that if my country continues to rim the world with American military might, setting up a massive military line around the world for us to use to dominate the world militarily, the end of the next 100 years will find us not a second-rate or third-rate power, but a fourth-rate or fifth-rate power because we will be defeated by the world, for we cannot control the world.

No empire, including the United States—and we are setting up a military empire—will be allowed by the rest of the nations of the world to set itself up unilaterally as the military policeman of the world and then try to tell the world what its course of action shall be, vis-a-vis military posture. That is my great concern.

Mr. President, I regret that there is a danger that we are losing a powerful voice and a great mind that could help direct new foreign policy for the United States that would replace or change the trend of the present foreign policy. The trend of the present foreign policy may win elections, but, may I say most respectfully to all in my Government, "You had better stop thinking about the next election and start thinking about the next century." If we do that, we will keep, in a position where he can speak out, a man with one of the great minds in this country and who has so much to offer in helping to mold a new foreign policy for the United States, and that is the Secretary of Defense.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. DOLLAR DEFICIT AND THE GOLD DRAIN

Mr. TALMADGE. Mr. President, during the past two decades, the American Government has been spending money—both at home and abroad—as though money were going out of style.

And the world's most important currency, the American dollar, may very well do just that, if the United States persists in spending far beyond its means.

For 16 of the past 17 years the United States has suffered dollar deficits in its international payments of approximately $2 billion a year on the average, for an overall total of $34 billion.

In domestic spending, the Federal Government has mounted multibillion-dollar deficits year after year after year. Current estimates are that we will end this fiscal year somewhere between $18 and $30 billion in the red.

Mr. President, I ask, Is it any wonder, then, that confidence in the American dollar has reached the lowest ebb in a generation?

Is it any wonder that foreign governments are continuing to trade their dollars for gold at an alarming rate?

Is it any wonder that we find ourselves somewhat vulnerable to De Gaulle's attacks on the dollar and that we are stung by his blatant attempts to instigate a "gold rush" to weaken the American economy even further?

We have witnessed this situation developing for a number of years, and I submit that we should not now feign surprise or wonderment.

What we see taking place is the natural and inevitable result of sending more money abroad than we receive in return, and of spending more at home than we can afford.

Continuing deficits in our balance of payments and Federal budgets have undermined confidence in the American dollar, which in turn has led to a critical drain upon U.S. gold reserves.

This condition has come about because for more than two decades, the United States has cast itself in the almost solitary role of financier, welfare agency, and defender for most of the world.

The United States has administered a lavish foreign aid program to friend and foe alike. Since the conclusion of World War II, America has loaned or given away—mostly the latter—more than $122 billion to about 124 countries scattered all over the face of the earth.

The United States has undertaken virtually singlehandedly the defense of the free world. The maintenance of troops in Western Europe alone costs more than $2 billion a year.

And, at the present time, the United States is supporting a $2 billion a month war in Vietnam, without much assistance and very often hindrance from our so-called allies.

In short, the United States has pursued a domestic and foreign spending policy almost as if there were no limits to our resources. But there are limits, even for the richest and most powerful nation in the world, and the strain upon the American economy increases with the passing of each month.

The strength of the dollar is being questioned.

In just the past 10 years, U.S. gold reserves have shrunk from $22.9 billion to less than $13 billion. At the same time, the gold hoard of the countries of Western Europe has climbed from $9.2 billion in 1958, to more than $20 billion today.

Of the gold held by the United States, only about $2.9 billion is so-called free gold with which to meet potential foreign claims of some $30 billion.

This is not a situation calculated to assure security for the American economy.

It is a continually worsening situation that has been aggravated even more by devaluation of the British pound.

However, the British devaluation has focused renewed attention on this problem and hopefully, at long last, our Government will start doing something about it.

Perhaps now there will come an end to foreign spending on such a grand scale, and that sensible priorities will be established for domestic spending programs.

It is of more than passing interest to me that the principal critic of the dollar and the would-be leader of a run upon U.S. gold is the Republic of France—which has benefited the most from American foreign aid.

Since 1945, France has been on the receiving end of more than $9 billion in American economic and military aid. This is considerably higher than that received by any other nation benefiting from U.S. generosity.

It should likewise be of more than passing interest to our Government that De Gaulle's France still owes the United States some $7 billion in World War I debts.

France seems to have forgotten this debt, and De Gaulle has demonstrated a deplorable lack of gratitude. Considering massive American assistance and our soldiers who died to help defend France in two world wars, and in view of the fact that France today would not be enjoying an economic boom were it not for the U.S. postwar aid, France certainly appears to be biting the hand that has fed and protected her for so long.

France has taken the lead in converting dollars for U.S. gold. She has increased her reserves from $1.6 billion in 1960 to some $5 billion this year, a holding second only to that of the United States. The amount of dollars France has traded so far for American gold could have paid off more than 60 percent of French indebtedness.

While other nations, such as Great Britain, still owe the United States World War I debts, De Gaulle alone seems intent on building up France by tearing down the United States.

In view of this hostility and in the interest of shoring up the American economy, our Government should increase efforts to require France to settle her debts.

This would be one step in the right direction toward alleviating the balance-of-payments deficit and gold drain.

While we are at it, the United States needs to serve notice to the rest of the world—and especially to Western Europe—that America does not intend to bear the sole responsibility for the defense and welfare of the free world.

We do not mean to continue spending ourselves into bankruptcy, while other prosperous nations lie in the lap of luxury at the expense of American taxpayers.

ARRESTS FOR INVESTIGATION

Mr. MORSE. Mr. President, in recent years, on a number of occasions, the editors of the Washington Post have written one great editorial after another in support of the fourth amendment to the Constitution and the protection of the precious constitutional rights of the American people which are connected with the base of American criminal jurisprudence; namely, the presumption of innocence and the requirement of the Government to establish guilt.

This morning, another brilliant editorial is published in the Washington Post under the heading "Arrest for Investigation."

The editorial states:

> A Senate District subcommittee has approved its own version of arrests for investigation. It would permit police to hold suspects for up to three hours and, with notice of their right to remain silent and to consult an attorney, to interrogate them wihout taking them before a magistrate or filing a formal charge against them. Proponents of the bill solemnly pretend that this does not constitute an arrest and that it therefore need not be justified by a showing of probable cause as the Fourth Amendment to the Constitution requires.

Mr. President, there is no question about the constitutional right of every person to be brought without delay before a committing magistrate following an arrest. Of course, an arrest cannot be justified as legal unless there is probable cause, and if there is probable cause, there is not the slightest justification for not taking the arrested person before a committing magistrate.

I want the record to show that, in my opinion, the proposal of the committee is clearly and blatantly unconstitutional. It is a violation of a precious safeguard that every American is entitled under the Constitution to have preserved; namely, that no police officer can take a person without an arrest and confine him and subject him to the various kinds of third degree which police departments always develop if the guarantees under the Constitution are not protected.

So the editorial goes on to say:

> Those who support this evasion of a vital constitutional safeguard forget the evils which the Fourth Amendment and the rule of prompt arraignment were designed to prevent. Arbitrary arrest and detention by the police is the first tool of tyranny.

May I digress from the editorial to say it is the technique of a police state, not a democracy.

The editorial continues:

> The bitter experience of the American colonists with general warrants and with quixotic seizures led them, when they established their own government, to insist upon the interposition of a judicial officer between policemen and citizens. The shocking revelations in the Wickersham Commission report of widespread third-degree practices in police stations all over the country during the early years of this century led to the adoption in every jurisdiction of laws requiring that arrested persons be taken before a magistrate without unnecessary delay.

Mr. President, memories are short. So many in the Congress have forgotten the findings of a whole series of crime surveys in this country not so many years ago, of which the Wickersham report was the leading report, but it was followed by one survey after another. Long before I came to the Senate I participated in crime surveys. Long before I came to the Senate I was editor in chief of five volumes written for the Department of Justice, under the leadership of Homer Cummings, dealing with the problem of criminal law enforcement in this country.

The editors of the Washington Post are so dead right. May I say it is in times of crisis, it is in times of great social unrest, it is in times such as these, when we have crime on the streets, that the test as to whether or not a constitutional system will be preserved is before us. It is in time of great trouble that it is so important that constitutional rights be guaranteed.

The argument is made, apparently, that we cannot have law enforcement unless we adopt procedures which cannot be reconciled with the Constitution, and therefore we should ignore those constitutional guarantees. I plead once more in the Senate this morning that we do not take the course of action the committee is about to recommend to us, that we should, in effect, tear up the fourth amendment, that we seek to give to police departments in this country unchecked power; because if we do, we are going to lose our precious safeguards that this juridical system of ours is supposed to guarantee to everyone. We cannot have law enforcement without constitutionality. We can have law enforcement without giving to police departments unchecked power. This is what the editors of the Washington Post are pointing out.

I am proud to associate myself with this editorial policy of the Washington Post, as I have in the past, because these are times when free men must not only speak out in defense of freedom, but free men must insist that Congress not pass legislation that violates their constitutional rights; and this proposal will do that very thing.

I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARRESTS FOR INVESTIGATION

> A Senate District subcommittee has approved its own version of arrests for investigation. It would permit police to hold suspects for up to three hours and, with notice of their right to remain silent and to consult an attorney, to interrogate them without

taking them before a magistrate or filing a formal charge against them. Proponents of the bill solemnly pretend that this does not constitute an arrest and that it therefore need not be justified by a showing of probable cause as the Fourth Amendment to the Constitution requires.

Those who support this evasion of a vital constitutional safeguard forget the evils which the Fourth Amendment and the rule of prompt arraignment were designed to prevent. Arbitrary arrest and detention by the police is the first tool of tyranny. The bitter experience of the American colonists with general warrants and with quixotic seizures led them, when they established their own government, to insist upon the interposition of a judicial officer between policemen and citizens. The shocking revelations in the Wickersham Commission report of widespread third-degree practices in police stations all over the country during the early years of this century led to the adoption in every jurisdiction of laws requiring that arrested persons be taken before a magistrate without unnecessary delay.

These restraints on the police undoubtedly make law enforcement more difficult than if the police were allowed to act as they pleased. But they are the price of liberty. They mark the essential distinction between a free society and a police state. It is not necessary, or prudent, to forego fundamental rights to fight crime effectively.

COMMENT ON DEAN ACHESON'S ADVICE ON VIETNAM

Mr. McGEE. Mr. President, for those who might have missed former Secretary of State Dean Acheson's interview Sunday night on the Public Broadcast Laboratory program over educational television, today's Washington Post carries an excellent editorial commenting upon Mr. Acheson's cogent advice with regard to Vietnam.

His parting advice was that this country really has to see this thing through, even though he held out little hope for what so many dream of—a negotiated settlement. More likely, said Mr. Acheson, the Communists will persist until they determine that their efforts are fruitless. Then they will quit, as in Berlin and Greece. Nevertheless, Mr. Acheson agrees that should the enemy be willing to negotiate, negotiate we must. And he speaks out in favor of military efforts scaled to the level of enemy operations—thus leaving the door open for a mutual deescalation or curtailment of hostilities at some point.

Mr. President, one who has been through the international mill, as has Dean Acheson, has considerable credentials for speaking out, even for prophesying to some degree, as he has done in damping hopes for meaningful negotiation with the enemy in Vietnam. His views are, indeed, worthy of much note and his conclusion that we really have no choice but to persist in order to convince the Asian Communists that their efforts are in vain should be considered by all. I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ADVICE ON VIETNAM

Dean Acheson's Sunday evening interview on the Public Broadcast Laboratory program was enriched by the wide knowledge of a public man who has held office and who has been liberated from the inhibitions that constrict public men who hold office—or hope to hold it again. His countrymen are indebted to him for a world view that can only come from statesmen who are young enough to remember the past and old enough not to seek an opportunity to repeat it.

It is to be hoped that both the defenders of Administration policy in Vietnam and its opponents will weigh carefully the former Secretary of State's warnings about negotiation in Vietnam. Defenders and critics are contributing clouds of rhetorical incense before an icon neither has examined carefully enough. Mr. Acheson believes that "there is no possibility of negotiating our way out of Vietnam." He thinks such an opportunity does not exist. This is an observation that lies in the area of prophecy, and it might be mistaken. But there can be no mistake about his warning that "negotiation as conceived of by the Communists and as conceived of by us" are different things. They regard negotiations, he warned, as a means by which they can "disadvantage somebody in the course of a war." They look upon them as a method of separating allies or causing domestic trouble at home.

He recalls that in his experience with Communists, negotiations "never preceded a settlement or got anywhere." He reminds his countrymen that in Greece as in the Berlin Blockade "they carried on operations until they became unproductive and stopped." He feels that in Vietnam the same thing will happen. "When the Communists feel that this effort has not succeeded, they will stop the effort." He is firmly of the belief that "they don't want to negotiate." And he finds that "fine" and hopes they stay that way.

Perhaps the former Secretary is, as he acknowledges, taking counsel of his doubts and fears. He agrees that we must negotiate if they wish to do so, but he hopes they will not. And the grim reality is that any remaining confidence in negotiations must be put down to a triumph of hope over experience.

At the same time, the former Secretary of State put forward an extremely interesting suggestion that the application of military force against North Vietnam be correlated with their operations. The opportunity to diminish the scale of the fighting may not arise, unless they first curtail their operations. But if they do show signs of diminished exertions, it is his suggestion that we show by reciprocal curtailment of our effort that there is a way out. If there is any indication of a wish to "ease it off," we should correlate our activity with it.

Equally useful is the Secretary's warning against a repetition of the tactics used in Korea when General MacArthur crossed the 38th parallel and invaded the north. He cites the push to the narrow neck of North Korea as a "terrible disaster" and believes it to be "exactly what one ought not to do" in Vietnam.

The parting counsel of the former Secretary, as to Vietnam, is that "we really have to see this thing through."

The will to do it can only be impaired by having either the Government or the critics conjure up illusory hopes of some pacific alternative which is romantically desirable but realistically unattainable.

SHARPENING THE KNIFE THAT CUTS THE PUBLIC PIE

Mr. MONDALE. Mr. President, Mr. William Gorham, Assistant Secretary for Planning and Evaluation in the Department of Health, Education, and Welfare, heads one of the most exciting endeavors presently underway within the Federal Government. He is, as the Senate knows, responsible for the implementation of the planning-programing-budgeting system within the Department of Health, Education, and Welfare.

Although somewhat impeded by its fearsome title, the PPB system was conceived to bring a greater degree of rationality to the most important decisions a government must make; namely, which of competing public needs will be met by the immediate and long-range allocation of limited public resources. PPBS is itself limited both by the shortage of adequately skilled analysts and by an incredible lack of simple statistical data which is essential to the formation of rational choices between programs and policies. The limitations of PPBS and the institutional framework within which it must operate are rather clearly drawn in a recent article by Elizabeth Drew which I placed in the RECORD some weeks ago.

Whatever its shortcomings, PPBS is a commendable effort. Those men now striving to make it a useful instrument for shaping public policy are performing a vital public service and their observations about the progress being realized warrant the attention of every public official and citizen.

Recently, Secretary Gorham presented an excellent paper in this vein to the Seventh World Congress of the International Political Science Association in Brussels. I ask unanimous consent that Secretary Gorham's paper, entitled "Sharpening the Knife That Cuts the Public Pie," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, as Senators know, I have been concerned for several months about the manner in which various social programs of the Federal Government are developed and executed. Last February, I introduced S. 843, the Full Opportunity and Social Accounting Act, in order to bring greater rationality to the process by which choices between programs and policies are made. That proposal was also introduced because I believe that all Americans and certainly members of the legislative as well as the executive branch of our Government deserve and need to know the facts, to the extent they are ascertainable, about the social state of our Nation and the relative costs and contributions of competing policies for improving our social health.

S. 843 has received considerable attention and widespread support. I am hopeful that it will be enacted because I believe it will serve the ends envisioned by the PPB system while simultaneously involving both the Congress and the country in the difficult and demanding process of shaping national goals and developing suitable, realistic programs for attaining them.

Of particular significance, I believe, is that portion of Secretary Gorham's paper detailing the manner in which the need for public programs of a specific sort is perceived by decisionmakers in both the legislative and executive branches. One of the persistent problems in perceiving public needs is the lack of visibility many of our serious social problems have. My proposal, S. 843, is geared

to give these unmet needs clear visibility by means of an annual social report from the President which would be considered in depth by a Joint Social Committee.

This institutional arrangement would parallel the treatment given the annual economic report at the present time. It would, I believe, greatly assist those efforts now underway, such as PPBS, which are dedicated to highlighting unmet public needs and developing rational policies for meeting them.

EXHIBIT 1

SHARPENING THE KNIFE THAT CUTS THE PUBLIC PIE

(By William Gorham, Assistant Secretary (Planning and Evaluation), U.S. Department of Health, Education, and Welfare, before the International Political Science Association, Seventh World Congress, Brussels, Belgium, September 19, 1967)

I. INTRODUCTION

Only novelists can conceive of a society so rich that its aspirations for public goods and services fall short of the resources that the society is willing to devote to those aspirations. There are and probably always will be more countries to protect or arm oneself against, more shores to be spanned, vaccinations to be given, children to be educated, rivers to be tamed, planets to be visited, than there are real resources in a nation which can be devoted to all of these purposes.

Yet by one means or another choices are made. In most countries the process of choice among public goods is a combination of the rational and irrational, the political and the economic, the deliberate and the accidental. In the end there is a government budget. The budget *total* reflects the decisions made about how to allocate resources between public goods and private spending power.[1] Within the budget total the amounts devoted to various types of programs reflect the nation's decision among competing public goods.

Periodically our government—perhaps most governments—expresses concern about the adequacy of its methods for arriving at "good" resource allocations and decides to reassess them. The United States has undertaken several major examinations of the mechanism for budgeting in the Executive Branch of the government. The most famous of these have been the two Hoover Commissions. The most recent attempt to improve the resource allocation process goes under the name of planning, programming, and budgeting systems (PPBS), initiated by President Johnson in October 1965. The principal features of the PPB system are a long-term (five-year) plan, a method of linking the plan to the annual budget and legislative processes, and, most importantly, an improved information and analytical basis for the decisions embodied in the plan and the budget.

This paper is principally about the application of the planning, programming and budgeting system in the United States Government Department which has the largest Federal responsibility for social welfare programs. I report to you today some of my own reflections based on two years' developing and institutionalizing the planning, programming and budgeting system in the Department of Health, Education, and Welfare.

The reader should be forewarned of several limitations. First, the writer is a practitioner, not a theoretician. I describe the practical problems as I have encountered them, the limitations and possibilities as I see them, and leave to others the larger significance and long-term implications of the enterprise described. Secondly, although the President's directive provided the objective and the marching orders for the planning, programming and budgeting system, the system (if indeed we should yet aggrandize it with such a pretentious word) is still very much under development. We are in the early and I believe the steep part of our learning experience. The mold is being changed as I speak. Thirdly, the paper emphasizes the role of planning and analysis in the budgetary decision process; it touches on the decision-making process itself only tangentially.

Finally, my experience is parochial. I will be talking about what I have observed in the United States and will hope that it has some relevance to similar problems in other countries. It is my impression that many countries are now consciously coming to grips with the problem of improving budgetary allocations. The idea of planning is not new; multi-year plans have been common in many countries especially in the socialist world for a long time. But the idea of making explicit the basis for budgetary choice and using analytical tools to help mold the budget is new and my impression is that we are all in about the same stage of groping for good ways of doing it.

I am going to be talking mainly about the process of allocating resources among public goods and services, but there is a prior question: how does a nation identify its public needs?

II. PERCEIVING NEEDS FOR PUBLIC PROGRAMS

Nations perceive their problems and needs in many ways: by comparing their condition with that of other nations; by accepting the insights of charismatic leaders; by reading the persuasive prose of socially sensitive foreign observers such as Gunnar Myrdal or domestic ones such as Michael Harrington or even, on occasion, the staid writings of scholars; by hearing politicians speak of the sad state of things under the incumbent and promise better days; by more or less spontaneously observing some changes for the worse, such as an increase in air pollution; by enduring cataclysms, such as epidemics or riots.

And yet we know that many needs go unrecognized that are important, but in some sense invisible. A society can have needs it doesn't know about; that is, things that it would want or want more of if it were better informed. Perhaps they should be called perceivable needs.

Whether a public need is visible or not depends on many factors. One such factor is the news-worthiness or potential drama of that need. The need for space research is dramatized and publicized by what is, or is taken to be, the space race and by the excitement and danger of manned space exploration. The tabloids also remind us almost daily of the problems of crime and sexual misadventure. The society may need a lower rate of infant mortality as much as it needs better space spectaculars and crime control, but this need may not be perceived as a public problem simply because it gets no publicity.

A need may also be more easily perceived if it results in immediate and simple pain rather than long-run and complex difficulties. The problems posed for a nation by shortcomings in its educational systems or in its pure research may be underestimated because they emerge slowly and gradually and are exceedingly complex.

Another important factor is whether a given aspect of reality is conveniently subject to invidious international comparison. If a nation's military forces or olympic athletes are not as good as those of nations of similar status this is usually perceived as a public problem. If one nation has surpassed another in the beautification of its cities or the care of its children this is less quickly noticed.

So far we have been talking mainly about needs for public goods which presumably benefit all or most of the population. But many important public goods initially benefit or seem to benefit only certain groups in the population. How do these groups convince the majority or an effective minority that their need is worthy of public attention and action?

Some group needs get attention because they are voiced by organized associations, whereas other groups have not developed machinery for making their complaints public. The few big firms that want to raise tariffs can easily organize to state their case, but the consumers who want lower prices cannot so easily cooperate in their common interest.

An important factor in determining the extent to which certain types of group needs are recognized is the degree of segregation in a society, whether that segregation be on racial, income or social lines. The slum dweller does not live next to the affluent suburbanite. He is, on the contrary, usually crowded into places where no one else wants to go and which the affluent citizen can often by-pass altogether by taking the super-highway. The "invisible poor," as one American writer has called them, do not make speeches or write letters to the newspaper. The poorest of the poor do not even write. The effect of all this is to obscure from the view of the rest of society the real needs of its most disadvantaged citizens.

Since some public needs are more visible than others, the government itself, can provide a more balanced and complete picture of the nation's needs by collecting and publicizing information on the "social" conditions of the nation. Governments have been doing this for a long time, publishing statistics on infant mortality rates, the income of the rich and the poor, crime statistics, and so forth. Increasing attention is being focused on this important function in our government. We have begun a program of research and thought about what we rather loosely call "social indicators." By "social indicators" we mean a comprehensive set of measures (or if measures are unavailable at least indications) of social change. It is our hope that the patient collection, selection and analysis of social and economic statistics can, when combined with the judgment of sensitive and experienced observers of different aspects of a nation's life, provide reasonable if rough indications of the magnitude of socio-economic problems and the extent to which there has been progress in dealing with these problems.

In some areas it is practically and conceptually easy to provide appropriate indices of status. One such area is that of the quality of the air we breathe. We have begun to measure systematically the degree and character of air pollution. These measurements are in physical terms, and can be combined with medical and other scientific advice on different degrees of pollution in the determination of societal needs. It is probably also possible to make useful estimates of the losses people sustain because of smog, since the extent to which home values are affected by the density of smog is subject to measurement.

In other areas such as health and education plenty of statistics are already being collected but they are not always the right ones for giving an impression of social change and they are not always easy to interpret. In health we have plentiful statistics on mortality and morbidity but almost nothing which will tell us whether people are significantly healthier than they used to be. In education we know a great deal about the resources being used to teach children, but almost nothing about what is accomplished. Do children in fact learn more now than they used to? We think so, but we have no way to know.

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[1] With a central government budget, which is discussed throughout this paper, the budget total reflects society's decision about resources to be devoted to goods and services provided by the central government as opposed to those provided by all other levels of government as well as private sources.

Our work on social indicators has been underway for about a year and has enlisted the support of some of our most distinguished social scientists. It is too soon to report substantive findings, but I can convey to you the guarded optimism of a number of our government and academic skeptics.

If we succeed in putting together a good picture of the nation's socio-economic health and the trends in that health the next question will be how to give this picture the widest possible visibility. One possibility is the issuance of a "social report." Such a report, which would contain both statistical information and qualitative assessments of socio-economic problems, would serve as a periodic inventory of the social state of the nation.

Right now we do not have a set of social indicators to provide a comprehensive shopping list nor do we have a reasonably well-articulated set of social goals. We have national areas of concern, some consensus on the seriousness of some situations, and continuing support for certain kinds of activities. In spite of the incompleteness of the documentation of public needs, it is clear that those that we do recognize far exceed the resources available, and the planner if he is to be useful in budgetary formulation has to address the question of how best to allocate limited public resources among all these competing ends.

III. THE BUDGET IS THE THING

The budget is the main instrument through which those who govern a country express their priorities for governmental action. It channels the real resources to meet specified public needs. Annually in the United States the Federal budget is developed by the Executive Branch of the Government and sent to the Congress for approval. Congressional approval of the Executive budget is by no means automatic even when the same political party controls both the White House and the Congress. The President's budget goes to Congress in January every year and Congress spends the next six to nine months arguing, debating and discussing almost every item in it. While the President's budget carries considerable weight, it is always amended and revised by Congress, sometimes lightly, sometimes drastically. What emerges from this unique political system is an annual budget which reflects the priorities of the President as modified by the conflicting priorities of areas and interest groups which find their expression in Congress.

The planning, programming and budgeting system is, at present, a tool for improving the capacity of the Executive Branch of the Government to plan and through planning to develop a budget which represents an effective use of national resources to meet perceived public needs.

In theory the Executive Branch could re-examine its priorities every year and make drastic alterations in the budget reflecting changes in perceived needs or effectiveness of programs in meeting those needs. In fact, however, each year's budget looks a great deal like the last year's.

There are several reasons why drastic changes in budget allocations are so rare. First, those who provide most of the input to a budget are those who administer the programs and they tend to fight for those programs, as all good bureaucrats should.

Second, in a country as basically anti-government as the United States, most governmental programs come into existence only after a hard fight on the part of the Executive to muster support from many different interests. Once the fight has been won for a particular program the Executive is reluctant to try to change the program or substitute a new one and risk losing the support of some of the parties to the original hard-won compromise. For example, after a generation of bitter debate a substantial program of Federal aid to elementary and secondary education was passed in 1965. The Act focused aid on low-income children and included those in private schools. It probably passed the Congress only because it attracted the support of three different constituencies: those whose concern was for the poor, those who saw the Act as a first step toward wider Federal aid to education, and those who wanted to establish a precedent for Federal aid to church schools.

Third, once a program is in operation it tends to attract a vocal constituency of beneficiaries. Attempts to reduce or eliminate a program bring loud cries of anguish. In the 1967 budget proposals the present Administration called for a reduction in a program which provides financial assistance to local school districts serving a large number of children of Federal employees on the grounds that a more generous program of aid to elementary and secondary education had recently been passed. School districts receiving benefits under the old program would get more under the new. So unpopular was the Executive's recommendation to cut out the old program that not a single Congressman could be found to introduce the Administration's bill, although some privately admitted the "rationality" of the Administration's recommendation.

Not only is it hard to cut, but a modest amount of growth is expected in most programs. At least during the tenure of one Administration political commitments to expand the size of existing programs constrain opportunities for major new programs or substantially altered allocations. All of this leads to what Kermit Gordon, a former director of the Bureau of the Budget, has described as the blight of incrementalism in budget formulation: ". . . the sum of money allotted to a program this year will tend to be based on what the program received last year, plus or minus a small amount determined by overall budgetary guidelines, a 'feel' for broad priorities, workload indicators, productivity estimates, tactical judgments, and other such partial or shaky considerations."

If there is so little room for change one might ask: Why bother? Why go through an elaborate and difficult process of assessing priorities and evaluating programs in order to come up with a budget which will inevitably look very much like the budget for the year before?

The answer is that things are not as bad as they seem. First, there are exceptional years when the magnitude of discretion is relatively large because public desire for new or expanded social programs is sufficiently strong to support significant increases in the Federal budget. For example, during an eight-month period in 1965 the Administration proposed and the Congress adopted at least 30 major pieces of legislation establishing new programs or significantly expanding existing programs administered in whole or in part by the Department of Health, Education, and Welfare. The programs which resulted from this activity, frenetic by the standards of most previous Congresses, touched every major segment of the population: the young with education acts and a juvenile delinquency program; the old with Medicare and the Older Americans Act; the unemployed and the underemployed with expanded vocational training and retraining programs; the poor with health and welfare and anti-poverty programs; and the general population with air and water pollution control and health research.

1965 was an unusual year, we have not had such a year since. But if the Vietnam war should come to an end or we should be able substantially to reduce our commitment there, very considerable resources would suddenly become available which could be devoted to public programs in the domestic sphere.

A second reason why rational budgeting is worth the effort is that even little changes add up over the years. Even if only 5 to 10 percent of the budget can be considered "free money" available to be allocated to highest priority programs, an administration which does so allocate over a four to eight year period can change the whole budget very substantially.

Thirdly, priorities need not be expressed only through adding new programs or cutting back on existing programs. It is often possible to re-orient and redirect existing programs to a considerable extent. In particular, facilities and services can be located in areas of highest need. The recent riots in major cities have lead to an administration-wide re-examination of existing programs to see whether more resources cannot be put into improving life in the central city ghetto.

IV. PLANNING AND BUDGETARY DECISIONS

The word "planning" in the United States often suggests a rather esoteric activity. Planners are viewed as people who look down the dimly-lit road of the future and make predictions or projections of things to come. They are not intimately concerned with the decisions of today.

The U.S. Government has never had a Planning Agency or "a plan." Some individual agencies have had planning offices, but most of them suffered one of two fates: either they planned and nobody listened (the plans were not translated into decisions) or they did not plan (they worked on current problems instead).

The major contribution of PPB is that it has made forward planning a required activity in all Federal agencies and, more important, it has provided a mechanism for translating plans into current budgets. PPB reflects a recognition that, to be more than just an enjoyable exercise, planning must be woven into the fabric of the real concerns of an agency—and nothing is more palpable to administrators than their budgets.

Briefly, the PPB procedure as applied in my Department involves:

1. Annual review and updating of a five-year plan in each major area of our responsibility (health, education, social services and income maintenance).
2. Use of the first year of the plan as the forthcoming year's budget.
3. Widespread involvement of administrators of programs in the planning process.

The "five-year plan" is ephemeral—always tentative, always subject to change and, indeed, probably always changing in some details or in some major ways. As new needs are perceived, as new information or analysis becomes available, as ideas mature and develop, plans will change. Preparations for the annual budget require the temporary hardening of a plan. The budget is drawn off, tempered by a number of important political and other factors and emerges as the President's proposed budget. The plan is free to be altered, updated, and improved in anticipation of the next budget year.

V. A PROGRAM PLAN STRUCTURE

The "program structure" is the framework for the five-year plan. It is sufficiently broad to encompass all existing programs of an Agency and is organized in a way which facilitates planning.

Government organizational units were not organized for rational planning. My own Department, administers over 150 programs, all related in some way to the broad categories of health, education, and welfare. Responsibility for programs affecting the same broad goal are lodged with several different agencies in the Department of Health, Education, and Welfare and outside of it. For example, consider the provision and financing of health services to various groups of the population.

Many health programs fall under the aegis of the Public Health Service—one of the agencies of HEW—but several other agencies are responsible for delivery and financing of health services to specific groups in the population. Maternal and child health programs are administered as part of the Children's Bureau programs. Funds are available from the Office of Education to provide health services to economically disadvantaged school children. Responsibility for the program of health insurance and medical care for the aged falls to the Social Security Administration (an agency normally concerned with income maintenance programs). Moreover, agencies other than my own are in the act; the Veterans Administration operates hospitals and nursing homes available to veterans and their dependents; the Office of Economic Opportunity, our Federal anti-poverty agency, provides funds for health projects directed at the poor of all ages.

Under these circumstances, the program structure necessary to implement effective planning must exhibit a healthy disregard for organizational lines. It must be flexible enough to allow manipulation of information in several dimensions; by major purpose or objective (health vs. welfare service vs. education); among various beneficiary groups (the old vs. the young; the poor vs. the general population; urban vs. rural); between capital investments and consumption. Such a multidimensional approach facilitates understanding the relationships of programs to each other as well as their relationship to overall purposes or objectives. Let me illustrate with the structure we have developed for health.

The three major categories are the development of health resources, the prevention and control of health problems, and the provision of health care.

Within the development of health resources our programs are next analyzed into four categories: increasing bio-medical knowledge (including bio-engineering and behavioral science), increasing the health manpower pool (physicians, nurses, dentists, and allied professionals and technicians), providing facilities and equipment (hospitals, nursing homes, rehabilitation facilities and modernization), and improving the organization and delivery of health services. This last category includes the Department's new Research and Development Center for the delivery of health services, Regional Medical Programs for organizing medical centers, hospitals, and physicians, Community Mental Health Centers Program to effect major changes in the nature and location of the treatment of mental diseases, and Comprehensive Health Planning, the support of broad systematic planning by our States.

The Prevention and Control of Health Programs has three major sub-categories:

1. *Disease Prevention and Control* which contains communicable disease control programs such as tuberculosis and syphilis, and detection programs for catching cervical cancer in its early stages. The most detailed categories are closely tied to the International Classification of Diseases.

2. *Environmental Factors Affecting Health*. Programs with a main objective of eliminating or reducing contaminants in the environment that pose a health hazard. These programs focus on the contaminant and the environmental media rather than the specific impairment because the relationship between the health impairment and the contaminant is not direct or too difficult to evaluate. Subcategories are such items as air pollution, chemical agents, radiation, and solid wastes. Still further subdivision breaks air pollution into sulfur oxide, carbon dioxide, and other gases and particulates. Radiation hazards are divided amongst radionuclides, medical x-rays and industrial x-rays.

3. *Factors Affecting Consumable Products*. Programs with the primary objective of eliminating from commerce products which have defects that are likely to affect the health and of the consumer. Here we deal with items such as food, drugs, biologicals, and cosmetics. These in turn are broken down into problems of health, sanitation, and economics (cheating).

The last major category is the Provision of Health Services. These are broken into three groups:

1. *Direct services*. Where care is provided by our Department, such as the Indian Health Program.

2. *Financing services*. Programs having as a primary objective provision of financial assistance to individuals to help pay the cost of health services. These programs include direct payments to vendors or other financial support for health services for the medically needy.

3. *Health services support for special groups*. These programs provide for increased health services for a population group with general needs which are not being met through existing private channels. Programs aid in establishing and operating centers to provide health services for these special groups. In this category are programs such as those for mothers and children and migrants and other groups where the Federal government makes grants to States or medical institutions to assist in establishing and operating needed services for a particular population.

Programs are identified and related to one another in several dimensions. A special disease coding permits us to link research activities to prevention and control programs. Programs are also coded by target groups, so that we may, for example, see all of the health programs addressed to poor children, regardless of whether they are financing, control, or special support programs.

VI. HOW ANALYSIS HELPS

Requiring a plan and using that plan in developing an annual budget, without question, tends to improve the quality of the budgetary decisions. The first round of planning under the new PPB system last year engaged the attention of the top administrators of my Department. They focused on the right sets of questions and addressed explicitly the priority issues rather than letting them be decided implicitly. Moreover, virtually everyone involved sharpened his understanding of the issues and became more aware of the value of information in reaching informed judgments.

But more than a system has been sought with the introduction of PPB. Beyond bringing into focus the fact of choice the system aspires to contribute to the sharpening of objectives. It invites the examination of existing and new alternative programs aimed at achieving these objectives and in this examination it stresses the importance and value of specific quantitative comparisons.

How much and the kind of contribution that analysis offers to decisionmakers varies with the character of the choices in question. And here we come to the heart of this paper—the possibilities and limitations of analysis in improving the quality of decisionmaking.

The role and the limitations of analysis can perhaps be best understood by illustration. Let us review the kinds of allocations made in a federal government agency like my own. First a word about the size of our programs. Our appropriations in 1967 were $12.5 billion in program funds and we oversaw $25 billion in transfer payments. In most activities, we are the junior partners—junior in authority and fiscal contribution—both to State and local governments and to the private sector. Last year, for example, in health we spent $5.7 billion; the State and local governments spent $5.2. This compares with $32.1 billion of health expenditures in the private sector. In education, our share was $5.8 billion, State and local governments $26.5 billion, and the private sector $6.2 billion. In welfare, the Federal share was $35.3 billion, State and local governments $9.0 billion, and private expenditures of $7.6 billion. Moreover, most of what we spend is channeled through State and local governments. While the degree of Federal involvement in the execution of public programs varies, it is typically minimal. A major exception is the social insurance system which is entirely federally operated.

The most comprehensive level of choice can be thought of in several ways—

(1) By major purpose or objective: health, education, social services, etc.;

(2) Among various prospective beneficiary groups in the Nation; the general population, poor people, urban dwellers vs. rural residents, the aged, children, etc.;

(3) Between programs with immediate benefits vs. those with more long-term benefits. Some expenditures of present resources do not yield immediate benefits. They are instead investments in future benefits. Typical health investments are measures aimed at increasing the future supply of doctors by building more medical schools. Social security payments to the aged or disabled, or increasing the availability of publicly-financed medical care are examples of immediate benefits.

One cannot hope for an overriding and satisfying analytical basis for such "grand choices." The reason is that the objectives to which all of these functions contribute are so sweeping and general that they cannot be looked at under a single analytical tent. We do not have, and, indeed, could hardly hope for, an overall social welfare function against which we can measure, say, the relative contributions of programs in health vs. education in increasing welfare. Perhaps as the work of Social Indicators becomes more advanced we can expect from it some better guides for the relative priority which should be placed on these broad categories of publicly-supported services.

On the other hand, for certain kinds of quite aggregate choices which cut across a number of different categories, there is some promise. For example, if it were to become national policy to elevate those classified as poor to certain minimum income levels over the next several years, Federal programs could be evaluated in terms of their relative effectiveness in raising the income or income prospect of the poor. A best mix of programs to do the job at minimum cost is conceptually possible. (As we will see later, such analysis would be sorely hampered by lack of information about the impact of various programs on income earning capacity.)

In the last several years, a number of economists have been attempting to estimate the *economic* benefits associated with a variety of publicly-provided programs. It is possible and interesting to estimate the economic value of increasing health, increasing education, increasing services. Health programs increase potential productive resources of a nation by extending life, decreasing disability, and reducing the requirement for the use of medical resources. Similarly, education is quite properly regarded on a plane with other investments which are associated with increasing the gross national product of a nation. But, though all such programs have important economic benefits—and it is interesting and sometimes useful to understand these benefits—the economic value associated with investments in them is not their principal purpose. It would not make sense to choose among them in terms of their relative contribution to economic well-being. While the economic component of well-being can be desperately important, if there were no economic benefits whatever from health programs, for example, we would want them nonetheless. In short, simply because programs can be compared in terms of some single benefit is not sufficient justification for choosing among them on the basis of that comparison.

Analysis cannot provide an all-encompassing social welfare function which would permit a decision-maker to understand the relative contribution at the margin of devoting public resources to various purposes or groups; but it is leading to the first useful step—namely, determining what added resources devoted to each purpose buys. Now decisions are made almost exclusively in terms of level of effort. Insofar as the aggregate outputs can be determined, we place the decision-maker in a better position to make choices because he would have the trading terms—viz., if he opts for "X" years more educational attainment he will not be able to get "Y" years' increase in life expectancy.

There are, unfortunately, a number of practical obstacles to providing these trading terms. For one thing, as we lack over-all measures of felicity, we also are without useful comprehensive objectives and measures in each of the major areas of public interest. Rhetoric such as "excellent health care for all," "an opportunity for all to get all the education they can absorb and desire," or "ending poverty" are noble sentiments but not easily amenable to crisp quantitative formulation. The development of such social indicators is just begun.

Another obstacle stems from the plurality of providers of the services under discussion. Estimating the net marginal impact of one provider's (the Federal Government) contribution is challenging. The difficulty is that any change in the Federal share may occasion an increase or a decrease in the share of the other providers of the service—the States, municipalities or the private sector—a Federal program can result in marginal impact greater or less than the direct effects of the resources immediately purchased. For example, a limited Federal program to detect and treat cervical cancer may persuade many women to have annual examinations at their own expense, and voluntary organizations may cooperate by financing substantial screening programs of their own. Indeed, many programs are designed with this sort of leverage as a principal objective. Conversely (and more difficult to trace), a new Federal program to aid elementary schools may allow local communities to defer an increase in school financing they would have otherwise undertaken. (And, who knows, the funds thereby released might be turned to other and more pressing needs of the community—in education, in health, or in other vital public services.)

These are not the only problems, but they should persuade the reader that improvement in our ability to make better allocation decisions among areas of public service will be harder than shaking apples from a tree.

At this point of the PPB's development, it provides an orderly framework of incomplete information. It requires inputs *and* outputs and it has therefore set in motion a chain of events that will lead to better information and more useful and relevant analysis. When it gets very good, the system will help in the grand choices, not by offering a substitute for value judgments and politically attuned choices, but rather by providing a clearer view of the implications of adding resources to various public programs.

It should be remembered that the grand choices are not zero base choices. Real decisions are made at the margin. No one ever decides about health programs in toto or education programs in toto. The questions typically are, "should we add this pre-school education program or that medical insurance program for the indigent?" We found it convenient this year to address the across-program choices through a method of successive pair choices. After providing certain reasonable (though hypothetical) funding constraints for each major area for the five-year planning period and planning within those constraints, the "best" individual programs (those that meet what was considered the most pressing need in each area) were compared with the worst in each of the other areas and an opportunity was available to (pretty much subjectively) shift funds across program lines.[2] While not a substitute for *knowing* the impact on "health" or "education" from such shifts, this operation did allow explicit consideration of alternatives across program lines.

Choices within program areas

Within areas such as health, education, etc., the prospective contribution of systematic quantitative analysis is potentially much greater. The "value" component of the decision is inevitably smaller (though rarely absent I hasten to add) and the technical component is larger. When the objective is quite narrow (the value judgment went into the *choice* of the objective), analysis can be enormously helpful in choosing among alternative approaches. For example, within a broader health goal, a more limited objective might be to decrease infant mortality. Infant mortality is measurable and routinely reported and there is little conceptual difficulty in evaluating alternative programs in terms of their relative effectiveness in reducing the rate of infant deaths. The preferred program or programs would be those which reduced infant mortality to some specified level by some given time for minimum cost; or the program which for some fixed level of resources minimized infant mortality.

One of our first analyses last year sought to determine what existing or new health programs would be most effective in reducing the very high infant mortality rates among some groups in our country. Estimating the cost and effectiveness of alternative modes of intervention was a little more art than science, but the estimates were quite good enough to provide an adequate basis for program choice.

The analytical task gets harder and the results less conclusive as the objective becomes more comprehensive. For example, an important broad objective toward which many health, education, and welfare programs contribute is to provide each working-age citizen with a full opportunity to be self-sufficient. Unlike measuring the rate of infant mortality, however, we have no single metric for "self- (or family-) sufficiency." Having an income above an arbitrarily defined "poverty line" is one measure of family self-sufficiency, but it is certainly not a fully satisfactory measure.

Human Investment Analysis. In another of the first analyses conducted in my Department to assist in formulation of a five-year plan, a number of existing programs aimed at increasing self-sufficiency (generally defined by income) among physically and "educationally" handicapped persons were studied and compared.

Five programs were selected for analysis:

(1) *Vocational Rehabilitation*—grants to States to assist them in setting up programs designed to rehabilitate handicapped individuals.

(2) *Adult Basic Education*—a program for individuals over eighteen whose inability to read and write the English language constitutes an impairment of their ability to get and retain a job commensurate with their real ability.

(3) *Work Experience and Training Program*—a program of work experience and training designed for persons who are unable to support themselves or their families.

(4) *Vocational Education*—grants to States to support vocational high school and post-high school programs to prepare students for employment and to motivate students to stay in school who might otherwise drop out of academic or general curricula.

(5) *Elementary and Secondary Assistance for Educationally Deprived Children*—All of these programs have multiple objectives but their principal objective is increasing the capacity of the individuals involved to support themselves. The programs were compared on the basis of their relative effectiveness in meeting this common objective. Except for the last of the programs, estimates were made of the economic benefit to be expected from the program measured by the increase in the expected future earnings of the participants. Ideally the increase in expected future earnings would have been based on the differential experience of carefully matched groups—one which went through each program and another, with similar characteristics, which did not. The difference in their earnings after the program would be taken as the increase attributable to the program. Unfortunately, such data were out of the question and in every case very much inferior information was used to estimate program effectiveness. There is in the work-experience program in addition to the long-term benefit of increased earnings potential during the training a short-term benefit, namely, the economic value of the output. In all cases the future increase in earnings attributable to the programs were discounted to reflect the "present value" of these benefits.

In the end with baling wire and tape for each of the programs a benefit/cost ratio was calculated (which was nothing more than the discounted future earnings over the cost of the program.[3] The benefit/cost ratio for the programs ranged from barely over 1/1 to over 12/1, which is to say that for certain of these programs future monetary benefits equaled costs and for others future monetary benefits could be expected which were twelve times the cost of the program.

Before saying what we concluded from this study, I will discuss the limitations which surround it and which in more or less severe form are present in most such analyses. They are: (1) treating future costs and benefits; (2) an extension of (1)—intergenerational considerations; (3) multiple objectives and incommensurables; and (4) efficiency versus equity.

The future benefits of social programs accrue over a long period of time usually much beyond the costs of the program. To compare programs in which the benefits extend over different periods it is necessary to make these different streams commensurable. This is done by applying a discount to future benefits. There is no generally accepted discount rate used to apply to such future benefit streams. The lower the discount rate used the more the future benefits are weighed; the higher the discount rate the less the future counts. The question is especially important when alternative programs have substantially different patterns of benefits over time.

Intergenerational considerations. If future benefits are discounted at some positive rate, programs which have benefits that do not emerge for many years such as most children's programs will tend to look relatively unattrractive. In the analysis just discussed, the school program was originally included but it became quite clear that even if the impact of that program on the future earnings of the children involved was very substantial, a modest discounting of those benefits would practically wipe out the benefit because they occur so many years in the future. This fact raises the basic question, as yet unresolved, of how or whether to compare programs aimed at different generations. This is a specie of the genus: consumption versus investment or immediate benefits versus long-term benefits.[4]

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[2] If we had an ideal program allocation within program areas there would be no best and worst programs—all would promise equal benefits at the margin. Of course such was not the case and when one allows for differences in the redistributive aspects of programs—it never can be the case.

[3] It was not possible to make such an estimate for the fifth program, aid to children who are deprived. It would take at least a decade to obtain even preliminary indications of the impact of this program on the earnings capacity of children now in elementary school.

Multiple objectives and incommensurables. All of the programs considered in the study have objectives which go beyond increasing income earning capacity. The Adult Basic Education program for example, in providing literacy training enables the graduates to be more effective members of society. While these other objectives may not have been paramount in the eyes of the legislators who enacted the program and annually provide it funds—there may be more important outcomes of the program than they had in mind. In any case objectives are frequently multiple and appropriate criteria for measuring attainment of these objectives different, non-addable, and non-measurable. There is nothing to do about this except to recognize it and to surface and illuminate as well as possible the multiple benefits (and indeed costs) of programs.

Efficiency Versus Equity. Virtually all public programs have a redistributional character—they benefit some people more than others. The problem of choice among most alternative social programs is not therefore resolved by determining which programs are most efficient. The question of *who* benefits is absolutely central. It is vital information for a decision-maker concerned with social programs. Unless alternative programs generally affect the same individuals or at least the same relevant group in the population, efficiency considerations must be at least tempered or sometimes overshadowed by the distributional implications of alternative programs. Let me illustrate this point. The vocational rehabilitation program is directed to people with palpable physical and mental handicaps; the work-experience and training program is directed to those who are unable to make it for some other reason, generally a different group. If one were to be guided by efficiency criteria (benefit/cost ratios) exclusively the more "productive" vocational rehabilitation (VR) program would grow while the work-experience program would shrink.[5] The socially handicapped would not get to first base while the physically handicapped were scoring run after run.

Indeed, it is distributional problems which give birth to programs aimed at their amelioration. Therefore, though it is "untidy," both equity and efficiency criteria must be brought to those who decide among social programs.

In the light of these limitations it should be clear that the benefit/cost ratios calculated for these programs were not used as the definitive basis for determining program growth. They were an element of consideration. They tended to tip the scale in favor of the programs which appeared and had continued prospect of operating efficiently. Another outcome of this study, unexpected, was the recognition of the wide range of results within a program. It led to a new emphasis on program improvement for it appeared clear that large gains in efficiency were possible by upgrading the poorest programs.

Disease control analysis

An example of an analytical study somewhat less subject to the problems of commensurability and other of the limitations which surrounded the Human Investment study addressed the question, "how to allocate federal dollars among disease threats?" My Department supports a number of grant-in-aid programs designed to detect and treat individuals afflicted with certain diseases: heart disease, cancer, syphilis, tuberculosis, kidney disease, alcoholism and several others. The question addressed in the Disease Control study was: "how should a given amount of funds be allocated among these programs?"

The analysis of disease control programs rested on the following decisions: (1) the choice of diseases to be considered was restricted to programs in which it was possible to estimate with reasonable confidence the impact of expenditures on outcome. Put another way, we confined the analysis to those programs in which medical knowledge exists for a considerable measure of disease control. Alcoholism, heart disease and several other disease programs were not included in the analysis based on this ground rule. Because we have programs designed to reduce the incidence and severity of motor vehicle accidents (these are the 4th largest killer in the United States), and for our purpose these accidents are the same as a disease, we included motor vehicle programs in our analysis; (2) only detection, control and treatment programs were considered. Research programs in which it generally is not possible to estimate the impact of expenditures on results remained outside the study.

Five disease areas were included in the analysis: injury from motor vehicle accidents, cancer, arthritis, syphilis, and tuberculosis. For each disease category, alternative methods for control were evaluated in terms of the number of lives saved, the program cost per life saved, and estimated economic savings related to the programs. Two principal criteria were used to rank the programs within each disease category as well as among different disease categories analyzed:

(1) Cost per death averted—an average of program costs over the next five years divided by the deaths averted due to the program;

(2) The benefit/cost ratio which was used to provide some commensurable basis among diseases which kill versus those which cause disability. The benefit/cost ratio is the relationship between the amount of dollars invested in reducing morbidity and mortality and the "savings" of dollars which would have been spent on medical care cost including doctors' fees, hospital services, drugs and the indirect savings such as the earnings saved because the patient did not die or was not incapacitated due to illness or injury. Average lifetime earnings for different age groups were related to the age at which death occurs and a calculation of the present value of lost lifetime earnings.

There were obvious limitations upon the use of these two criteria in comparing disease control programs. For the purposes of estimating benefits among diseases, it was recognized that economic loss or even death do not completely reflect the damage and harm caused by disease. At the time of the study we had no way to measure the relative impact of pain or the hardship caused by disease. Moreover, the assessment of program benefits did not include such indirect benefits as the development of new medical techniques or the training of additional personnel. Estimates of program costs were limited to those directly linked to federal involvement in disease control. Finally, particularly in the case of the motor vehicle programs, estimates of effectiveness are subject to great uncertainty.

Bearing in mind these limitations, let me describe briefly one of the individual analyses: cancer control and prevention. Four different cancer programs for early detection and treatment were studied in terms of their relative effectiveness at two different levels of funding: uterine-cervix; breast; head and neck; and colon-rectum. The federally-supported lung cancer program, which is primarily a prevention program was also studied. Calculations of benefit/cost ratios and cost per death averted for each program showed that uterine-cervix and breast cancer control programs yield relatively greater returns in terms of dollars invested and have the lowest cost per death averted. It was fairly clear from the analysis that before programs for head and neck and colon-rectum cancer control are accelerated, technology for detection of these cancers should be further developed.

A similar analysis was performed for each of the other four diseases. Because the separate analyses made use of commensurable criteria, it was possible to make comparisons of the effects of additional allocations among different disease control programs and to suggest a priority ranking for the use of new funds. The outcome of the analysis is shown in Table 1.

TABLE I.—BENEFIT COST DATA, SELECTED DISEASE CONTROL PROGRAMS[1]

Program	1968–72 HEW costs [2] (millions) (1)	1968–72 HEW and other direct costs [3] (millions) (2)	1968–72 savings, direct and indirect [3] (millions) (3)	Benefit ratio cost [1] (4)	Program cost per death averted (5)
Seat belt use	$2.2	$2.0	$2,728	1,351.4	$87
Restraint devices	.7	.6	681	1,117.1	103
Pedestrian injury	1.1	1.1	153	144.3	666
Motorcyclist helmets	8.0	7.4	413	55.6	3,300
Arthritis	37.6	35.0	1,489	42.5	(4)
Reduce driver drinking	31.1	28.5	613	21.5	5,800
Syphilis	55.0	[3] 179.3	2,993	16.7	22,300
Uterine-cervix cancer	73.7	118.7	1,071	9.0	3,500
Lung cancer	47.0	[2] 47.0	268	5.7	6,400
Breast cancer	17.7	22.5	101	4.5	7,700
Tuberculosis	130.0	130.0	573	4.4	22,800
Driver licensing	6.6	6.1	23	3.8	13,800
Head and neck cancer	8.1	7.8	9	1.1	29,100
Colon-rectum cancer	7.7	7.3	4	.5	42,900

[1] Numbers have been rounded to a single decimal point from 3 decimal points; therefore ratio may not be exact result of dividing col. 2 into col. 3 as they appear here.
[2] Not discounted.
[3] Discounted.
[4] Not available.

Note: Funding shown used as basis for analysis, not necessarily funding to be supported by administration.

Motor vehicle accident and injury prevention programs were shown to have the highest potential for reducing deaths and injuries at very modest investment. The priority ranking for the use of additional allocations among the other programs recommended support for arthritis, uterine-cervix cancer control, lung cancer prevention, breast cancer, syphilis and tuberculosis control. After providing support for these programs the study recommended further expansion of uterine-cervix cancer, syphilis eradication and tuberculosis control programs.

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[4] In a country with rapidly growing GNP there is a persuasive case for using unmercilessly some positive discount rate for investment programs. An observer who feels this way phrases the problem: How much should we beggar ourselves for our rich heirs?

[5] Eventually of course, as the VR program increased its relative advantage would decrease and disappear and it would be efficient to add to the work-experience and training program.

VII. SUMMARY AND CONCLUDING OBSERVATIONS

An important reform is under way in the United States. It's a reform designed to improve the efficiency with which public resources devoted to public purposes are used. Its sharpest point of focus at this time is the Executive Branch of the Federal Government. It's a young reform and really too early to report on confidently, but it's a promising one and therefore well worth discussing. It is a framework for planning—a way of organizing information and analysis systematically so that the consequences of particular choices can be seen as clearly as possible. It has the unbearably lengthy title of Planning-Programming-Budgeting System. Its emergent features are:

1. Open, explicit, and deliberate attention to the ends of governmental action;
2. A comprehensive display of information about the functioning of actual government programs so that it is possible to see easily what portion of Federal resources is being allocated to particular purposes, what is being accomplished by the programs, and how much they cost;
3. Systematic comparisons of the costs and benefits of the alternative ways to attain the ends of government action; and
4. A forward-looking though highly tentative plan to serve as the backdrop for annual budgetary decision.

These four activities are interrelated and build on each other.

When priorities among social ends are known, PPB can be expected to lead to improved choice among programs toward those ends; when priorities are not known, the system will help in their formulation because of: (1) its demand for explicit choices; and (2) the improved information about the consequences of public programs.

Systematic analyses of alternatives are most effective within broad areas of social action rather than among them. The contribution of quantitative studies tends to be directly proportional to the narrowness and the uniqueness of the objective: the narrower the objective, the more relevant the analysis; the more diffuse the objective, the less helpful.

There are many obstacles to a more effective contribution of analysis. Foremost among them are:

(1) A number of perplexing unresolved conceptual problems involving: how to compare benefits over time and intergenerationally; how to contend more adequately with efficiency versus equity considerations; and how to measure important benefits and costs which have resisted quantification;

(2) Information on the outcome of existing programs and improved bases for gauging the effectiveness of new programs;

(3) and (no matter how short such a list) a shortage of talented analysts.

No reform worth its salt is without critics and PPB is no exception. Unfortunately, the quality of the controversy suffers because most of the critics are still commenting on the writings of some of the early zealots of the system rather than on the process which is emerging. In a recent article on PPB in the *Public Interest Magazine,* Elizabeth Drew aptly states "as interesting as watching what happens to Government when confronted with the Government." And what is happening is that PPB is finding a place for itself, not in an obscure isolated planning office and not yet in the scholarly literature but rather where the action is—where decisions are made. Once there, practitioners are finding decisions they can help improve now and decisions they may be able to illuminate later. They are also finding many choices in which the contribution of analysis and information is not great. The wise ones are spending their time and talent on the former.

In the end, if the reform succeeds, it will not displace traditional political processes, but help them function more effectively. It can do this by, first, focusing the attention of the political leaders of the country on the choices before them; second, by clarifying the implications of alternative courses of action; third, by improving the quality of the debate among those with diverse views about this or that end or this or that program; and, finally, by further ventilating the basis of the choices made among ends and among programs.

THE UNITED STATES STILL HAS BELATED OPPORTUNITY OF APPROVING CONVENTIONS OF HISTORIC MAGNITUDE

Mr. PROXMIRE. Mr. President, in the last few years, our country has made great strides domestically in the struggle for human equality and dignity. Indeed, the world has focused its attention on our efforts.

I feel that our successes at home have clearly strengthened our capability to exercise even greater influence in the worldwide struggle for human rights.

We have been busy building a more just society in our country and working hard at eliminating the last vestiges of discrimination from our laws. But, there is much to be accomplished yet in achieving these same goals for man everywhere.

It is shameful to note that the United States—the leader of the free nations—is not among the countries on record endorsing the Human Rights Conventions to uphold the dignity of man.

It was only a month ago that the Senate gave approval to the Slavery Convention. We now have the opportunity, belated as it is, of giving full ratification to the remaining conventions on Forced Labor, Freedom of Association, Genocide, and the Political Rights of Women.

As I rise each day in the Senate to seek ratification of these treaties, I think of the words of a man who so ably represented us in the United Nations—Adlai E. Stevenson. Ambassador Stevenson expressed his hope for a world "in which fundamental issues of human rights, which have been hidden in closets down the long corridor of history, are out in the open and high on the agenda of human affairs."

NATION'S CONCERN INCREASING OVER PLIGHT OF OLDER WORKERS

Mr. YARBOROUGH. Mr. President, on Sunday, November 19, the Dallas Times Herald, in an article written by staff writer Bill Murchison, expressed great concern for the plight of the older unemployed. The article gave a clear and complete picture of the situation which the older worker has to deal with—the prospects of lower pay, lower skill levels, and lowered pride in his work. Although he has worked upward all of his life, now, due usually only to circumstances, all of his gains are lost, and he faces neither the security nor the comfortable income in his job toward which he has worked all of his life.

In our youth-geared society, we must not fail to recognize the value of experience and maturity. And this quality must not be undervalued in the jobseekers who possess it. I commend the Dallas Times Herald and writer Bill Murchison for their concern for the worker over 45, whose plight has become worsened every year by the growing emphasis on youth in and out of industry. It is time to end discrimination because of age, and to increase the productivity of members of our society. The Senate has taken a great step toward this goal by passing S. 830, my bill to end job discrimination because of age. This is a first ray of hope for older workers, and it must not now be extinguished, recondemning them to the dark prospects of unemployment.

Mr. President, I ask unanimous consent that the article, entitled "Sorry, You're Too Old for Us," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SORRY, YOU'RE TOO OLD FOR US

(By Bill Murchison)

John Doe, a 52-year-old unemployed accountant, applied for a job with a leading Dallas insurance company.

"Sorry," he was told. "You're too old for us."

Joe Smith, 58, whose oil company had left him high and dry after a merger, offered another firm his services as a petroleum engineer.

"We'd like to take you," was the answer. "but we're just not hiring men of your age."

Forty-seven-year-old Jane Brown applied for a position as a corporate legal secretary—the same job she had held before her employer died.

The reply: "We'd like to hire you. It's just that we can't use anyone who's much above 40."

The names are fictitious, but the incidents are real: they happen regularly to a large number of the 27 million persons between 45 and 65 in the U.S. labor force.

To almost anyone, seeking employment can be a discouraging chore. But to a person 45 or older—with a family, probably; with debts, almost certainly—it can be nothing less than frightening.

It may be that such an applicant is well-qualified and still fairly young, and that he could slip back into harness with little ado.

Yet discrimination against the older worker remains a fact of life. And this despite a thaw in employer attitudes toward the middle-aged, despite a full-steam ahead economy and an increasing awareness of the problem on the part of government.

In a comprehensive 1965 study, the Labor Department found that during the previous year, job-seekers over 45 years old accounted for 27 per cent of the unemployed.

Only 8.6 per cent of new workers hired by companies surveyed were over 45—less than one-third this age group's proportion among the jobless.

Public employment offices queried said older workers constituted about 30 per cent of all applicants registered for employment.

None of this, the study concluded, means "that so-called older workers cannot get jobs or cannot get good jobs.

"But it does mean that their job search may be long and hard, for they will be given no consideration for employment in some establishments. For many, it also means that their choices narrow; that they must accept reduced wages—in some cases, for the same kind of work and in others, for work at lower skills."

What this means, in human terms, is distress—even suffering.

For when unemployment comes to a man in his 40s or 50s, it often finds him with children already in college or about to enroll.

Any sustained period of joblessness may cause a family to run through its savings.

So long, too, as a man is unemployed, he cannot build retirement benefits of any kind.

But there are personal consequences to be reckoned with, as well.

Dr. Hiram Friedfam, director of the Economics and Sociology Department at North Texas State University and an expert on problems of the aging, says there is reason to believe that unemployment at middle age has a "negative psychological impact."

The Labor Department report notes that an older worker's self-confidence begins to wane when he is out of work: "This often affects his employability. A man who has become depressed or bitter tends to lose aggressiveness and interest in his surroundings and may require rehabilitation before he can be re-employed."

It is not unusual for a man of education and experience to find himself looking for work.

It happens every day.

Companies fail, or merge, or reduce their labor forces for economic reasons; skills once widely sought pass into the discard; a workers' health begins to fail, disqualifying him for the kind of work he has been performing.

Automation may not be quite so great a factor in unemployment as those affected by it sometimes believe.

Friedfam thinks society knows too little about automation to assess its impact fully.

"One idea," he points out, "is that it may help to create the type of job where certain abilities and skills can be used—it's easier to push a button than to do heavy labor."

Whatever the cause of his unemployment, however, the older worker who seeks to join another payroll has no easy task ahead of him.

He must contend, above all, with competition from increasing numbers of young job-seekers. The last crop of war babies already is in the market, and coming up fast are the postwar progeny.

Perhaps no other society in history has been so youth-oriented.

Not an adult but regrets his greying hair and his expanding paunch. Grown-ups copy youthful styles of dress, dancing and speech.

Small wonder that such attitudes are reflected in employment policies.

The Labor Department study revealed that one of every four companies surveyed had upper age limits for one or more occupational categories. Only one in six indicated a policy of hiring without respect to age.

A few establishments said they hired only applicants under 35. Fully a quarter of them drew the line at 45.

There are, of course, many reasons for setting age limits.

Companies surveyed in the study responded most often that they avoid hiring older workers for physical reasons.

And it is true that, as Friedfam points out, middle age brings "a sort of general slowing down."

"If he has a job that places a premium on speed * * * to build them up so they can compete successfully." Similar projects are in effect throughout the state.

For older workers with little education and inferior job skills, there is the TEC's Opportunity Center, which trains enrollees for posts like engine lathe operator, production machinist and office machinery repairman. The Dallas center has about 50 older workers on the rolls.

Since 1903, 23 states and Puerto Rico have banned discrimination in employment because of age. (Texas has no such law.)

On Nov. 6, the U.S. Senate passed and sent to the House Texas Sen. Ralph Yarborough's version of a national anti-age discrimination bill.

The Yarborough bill, first of its kind in 16 years, would apply on enactment to all employers and unions with 50 or more persons and to employers and unions with 25 or more starting June 30, 1968.

Says Yarborough: "It is tragic and absurd to tell a man who has experienced these years of change and learned from his experience that he is 'too old' to work."

Yet the effect of such laws should not be overrated.

"The main thing about this kind of thing," Friedfam says, "is that it in effect lends moral support—it simply puts the state or federal government on record as encouraging employment without regard to age."

The federal government itself has not discriminated against older workers since President Johnson in February 1964 issued an executive order to the contrary.

LICENSE REQUIREMENTS FOR RADIO STATIONS

Mr. LONG of Missouri. Mr. President, recently the Missouri Broadcasters Association unanimously passed a resolution urging an extention of the renewal period for broadcast stations. This resolution brought to my attention the time-consuming, costly operation of applying for a station renewal license. This is a burden that is shared both by the stations and by the Federal Communications Commission.

A number of proposals have been introduced in this session of Congress to change the license requirements for broadcasting stations. I hope that the Senate Subcommittee on Communications will devote some time to considering each of these proposals and will devise an acceptable solution to this important problem.

Presently the broadcast industry in this country must contend with procedures and regulations established in an earlier period. Some of the objectives of early procedures are now outdated.

For some time the Federal Communications Commission and individual Commissioners have advocated important changes in the broadcast license requirements. These recommendations have included increasing the maximum period of licenses issued for broadcasting. The most prevalent recommendation would extend the license term of broadcast stations to a maximum period of 5 years. This proposal would result in some needed administrative reforms.

In the early years of broadcasting, the radio industry experienced a rapid growth. This growth was accompanied by a proliferation of broadcasting stations using a relatively small range of broadcast frequencies. Interference became so widespread that practically all broadcast programs were affected. Some method had to be devised to make possible reasonably clear reception. To meet that need, licenses were required for broadcast stations to control the number of stations broadcasting on certain frequencies and to establish an orderly assignment of frequencies. The integrity of frequencies is no longer a pressing problem. The protection sought by licensing has been accomplished. The purposes of broadcast licensing has changed. The role of licensing is now the orderly development of the broadcasting industry and the protection of public interests. But the outdated license term of 3 years has not responded to the change of roles.

The 3-year term was set by the Radio Act of 1927. The conditions of that period reflected an uncertain future for radio broadcasting. Close supervision was deemed necessary to assist development of radio in an orderly manner consistent with the interest of the general public. Since that early period the radio industry has made major advances. Television has appeared and matured. As radio technology has changed, regulatory measures have been devised to take account of progress in the industry. However, the antiquated 3-year maximum term license for broadcasting stations has persisted.

An extension of the maximum license term would not relieve broadcasters of their obligations to the public. Regulatory sanctions are available to deal with any licensee who is found at any time to be unqualified or irresponsible. The quality of broadcasting is not improved by the vast amount of paperwork which the 3-year renewal requirement entails.

A considerable saving in time would result not only for the industry but also for the FCC if the license term were extended. A change by the proposed license term would cut almost in half the paperwork for both the individual broadcasters and for the FCC. The large amount of paperwork is the chief effect of the license renewal regulations. My subcommittee investigated and has found that the FCC today has a tremendous work burden. Most of that burden is paperwork which results in long and frustrating delays. Congress must act to help the FCC unravel its outdated procedures and regulations.

The many small business broadcast stations bear a disproportionate burden because they must devote 2 or 3 weeks of work in preparation of forms for the license renewal applications every 3 years, generally during the busiest broadcast months of the year, merely to stay in business. The burden is also heavy for the larger stations even though they have greater resources. Twenty-three FCC forms are applicable in some degree to all broadcasting stations. Seven logs must be kept up to date. Individual contracts for single performances must be filed with the FCC, and kept ready for inspection at any time. Field engineering checks must be made months before expiration of the 3-year license term in any case.

A change to a 5-year license term would contribute substantially to the reductions of the heavy backlog of the FCC. Some 800 fewer applications would need to be processed annually, releasing manpower to be used in other areas of FCC work where it is badly needed. The size of the workload is indicated by the 2,579 radio, 492 TV and TV translator renewal applications processed by the FCC during fiscal 1966. During the year a total of 17,955 broadcast applications were received, of which 2,677 were for renewal of commercial licenses. This is a a significant increase from 20 years ago when renewal applications numbered only 528. We must adopt new standards to meet the great increase in the administrative burden.

Most of the current backlog of the FCC is paperwork and not regulatory work. The enactment of a 5-year license renewal term would remove a great amount of the unnecessary work for the Commission. As early as 1958 the FCC itself recommended the extension of the renewal term in its legislative program. Activities of the FCC should not continue to be based upon conditions which existed 30 or 40 years ago. Regulation should be brought somewhere within the range of technological progress in the industry. Outdated and inefficient regulatory procedures should not be continued.

Regulations which have served their original purposes should either be revised to fit new situations or withdrawn. Assuming checks on the broadcasting industry are desirable, the review which would be provided by the renewal of licenses every 5 years would suffice. The revisions in this area are long overdue. I strongly support this change in the renewal regulations and urge that the Senate study these proposals so we may act during the new session early next year.

VICE PRESIDENT HUMPHREY ADDRESSES "LAWYERS AND AMERICA'S URBAN CRISIS"

Mr. MUSKIE. Mr. President, the October issue of the American Bar Association Journal contains a timely and pertinent article by Vice President Hubert H. Humphrey on the urban crisis. Although he specifically addresses his comments to the role of lawyers and the legal profession in the crisis, the Vice President's message deserves wide attention. As he points out:

> The crisis is very real, and its dimensions are much greater than the sum of the material and human losses, the misery and terror that have occurred. It bluntly challenges the viability of American democracy.

Mr. President, this challenge to the viability of our democracy must be a primary concern to each one of us. The Vice President's eloquent words to American lawyers is a constructive and thoughtful one. I ask unanimous consent that the text of "Lawyers and America's Urban Crisis" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Lawyers and America's Urban Crisis

(Note.—Speaking before the Assembly luncheon at the 90th Annual Meeting in Honolulu last August, Vice President Humphrey outlined the extent of the present crisis facing America and called on lawyers and the organized legal profession to bring to these problems the creative solutions they have offered in the past. He described the crisis as having three dimensions: lawlessness, poverty and urbanization.)

(By Hubert H. Humphrey, Vice President of the United States)

We must turn our attention to the American city. The lawlessness and violence that have occurred in some of our cities recently has been deeply unsettling and disappointing to nearly every American—but most of all to those dedicated to the rule of law.

We have always prided ourselves on our determination to achieve our objectives through peaceful means. We have always been confident that the American legal system could grow with the needs of our society, be flexible and yet provide an absolute and stable source of authority. Indeed, the law has frequently served as an instrument for prompting social and economic progress.

Looking back over the last fifteen years, I think we can honestly say that more than ever before the law has served both as an instrument of growth and as a stabilizing force. New legislation, court decisions and executive orders, taken together, have strengthened nearly every one of our fundamental American rights—the right to be equally represented in our legislatures and in Congress, the right to privacy, the right to full protection of the law in the courts. Progress has been especially dramatic in the field of civil rights. During these few years we have sought to guarantee every American the right to vote, the right to equal opportunity in employment, in education, in access to public accommodations. These were not radical departures from American constitutional theory, but they have brought revolutionary advances in practice. Never before in history has any nation done so much in such a short period of time to provide full equality under law for all of its citizens. The law has provided a responsible avenue through which our historic nonviolent civil rights movement has been able to realize many of its goals.

CRISIS CHALLENGES OUR INSTITUTIONS

But suddenly, despite all of this progress, we find ourselves witnessing a spectacle unprecedented in American history—thousands of citizens in cities across the country openly defying the law and local authorities, necessitating use of the National Guard and federal troops to suppress them. We have heard calls to insurrection in the name of "civil rights". We have heard civil rights leaders, who have successfully found satisfaction for their people in the courts, attacked for having too great a regard for due process.

The crisis is very real, and its dimensions are much greater than the sum of the material and human losses, the misery and terror that have occurred. It bluntly challenges the viability of American democracy. Can our institutions really serve the interests of the people? Can they cope with the fundamental problems of American society today? I am confident that the answer will ultimately be "yes". But our success will depend upon our ability to understand the crisis, and to mobilize our resources and institutions to deal with it.

The crisis is three-dimensional. First, there is an immediate problem of lawlessness, crime, violence and riot which demands a simple and direct response. Men schooled in the law know that no nation can tolerate flagrant disregard for the law. You know, and I know, and the rioters themselves must know, that riots *will* be suppressed. Order *will* be restored. Those malicious individuals who spark disorders will be found and prosecuted. For there can be no freedom, no equal opportunity, no social justice, in an environment of mob rule and criminal behavior. Arson does not build houses. Murder does not win civil rights. Theft and looting do not produce jobs. These acts of violence and crime produce revulsion, hostility and hate, which are bound to slow real progress.

The second dimension of this crisis—no less real and no less obvious than crime in the streets—is poverty. It it a fact that one of every six Americans does not share in the benefits of American society in the 1960's.

Let us look at poverty the way the victim sees it. Poverty means a *maximum* of thirty-two cents a meal per person each day, with $1.40 left over for everything else—rent, clothing, transportation, medicine, recreation. Thirty million Americans live on that much *or less*. Half of America's Negro population falls into that category.

Poverty means four times as much heart disease, six times as much arthritis and rheumatism, six times as much mental and nervous illness as compared with the other five sixths of our population. It means that 60 per cent of all poor children never see a dentist; 50 per cent never see a doctor. It means that a man is four times as likely to die by the age of thirty-five. It means the ghetto unemployment and underemployment rate is up to 35 per cent. It means idle, untrained, restless youths loitering on street corners. These poor people have the freedoms that go with American citizenship. But in all too many cases these freedoms are an inflated legal currency worth little in the marketplace of American society.

These Americans suffer something more acute than poverty of the purse. They suffer an active and intense frustration that comes from watching the other America at work and at play on television, and knowing that it is beyond their reach; a frustration that comes from paying higher prices in the ghetto shops than those charged in the supermarkets of suburbia—and knowing it; a frustration that comes from paying exorbitant interest rates for shoddy goods—and knowing it; a frustration of being unemployable for lack of training—and knowing it.

The consequence of being poor and hopeless in a society in which most are not produces a deep sense of alienation. This feeling is nowhere more fully expressed than in the attitudes of some slum dwellers toward the law. Twenty per cent of the Negroes interviewed two years ago in Newark stated that they had no faith whatsoever in the police, the courts or any other public agencies. As Justice Fortas recently put it, the law to the poor is a system devised "by the establishment—of the establishment—for the establishment". This is a law known in the ghetto, not as the blindfolded goddess of even-handed justice, but as "the man"—capricious, arbitrary, authoritarian, foreign—worthy of fear but not of respect.

In the eyes of the *impoverished*, it is the law that garnishees the poor man's salary, evicts him from his home, binds him to usury, cancels his welfare payments. Worst of all, it is the law that has guaranteed equal rights to all but has failed to provide equal opportunity. In this situation, the law loses its stabilizing influence. It becomes for the poor an irritant. Frustration, alienation and unrest are not surprising consequences.

The third dimension of the crisis before us is urbanization. Some 70 per cent of the American people now live in urban areas. By 1980 the figure will be 80 per cent. The cities have become the total environment for the great majority of our citizens. And this environment is blighted with congestion, dirt, polluted water and air, tension, crime. This is the ghetto—the prison of the poor.

The residents of that ghetto are 80 per cent Negro. A high proportion of them are recent migrants from rural areas in the South. Newark received 54,000 such migrants between 1950 and 1960; Detroit, 45,000; Los Angeles, 215,000; New York City, 222,000. A man who migrates does so in hopes of bettering his lot. But the migrant Negro arrives in the city without marketable skills. He is often illiterate. He is a stranger in a foreign land.

I do not mean to minimize the problem of rural poverty, which is still acute in many areas. That is a different subject—and an important one. But most Americans live in cities. They are the measure of our civilization in the twentieth century. It is in our cities where democracy will survive or perish.

HOW THIS CRISIS AFFECTS LAWYERS

I have spelled out a compound challenge of poverty, alienation and unrest in urbanized America—and we turn to you for help. Back in the 'thirties, when the United States faced another acute social and economic crisis, the lawyers came forward with creative and constructive ideas. Lawyers provided much of the vision and stimulated those combinations of public and private effort which enabled us to rise out of the Depression. That same kind of guidance is needed now.

Many lawyers already are at work on these problems as government officials, as members of Congress, and in state legislatures and local government. Lawyers are, in fact, the architects, builders and protectors or democratic society. But those in private practice have a double opportunity to be of service to our troubled nation—as influential citizens in their communities and as advisers and counselors to their clients.

The American Bar Association is to be congratulated on the splendid work the legal profession has done through the neighborhood legal services program of the Office of the Economic Opportunity. This kind of contribution is nothing new from the legal profession. It has been providing legal aid for nearly a century. Extensive legal aid is vitally important now. It can demonstrate that our laws are designed to protect the weak and the poor as well as the establishment.

The experience of the last few weeks suggests that neighborhood legal service lawyers have succeeded in gaining the confidence of the neighborhoods in which they work. We have solid evidence that they have been able to avert riots, calm them after they have started, and see that those arrested enjoy the full protection of the law. They have talked, advised and cautioned, frequently at great personal risk. In Newark, Detroit, Cleveland, Washington and many other cities, they have served as a channel of communication between ghetto spokesmen and city officials.

To extend the protection of our existing institutions and laws to every person is obviously essential. But there is a more fundamental question regarding the structure of the institutions themselves. Do our political and social institutions adequately serve the requirements of modern, urban America? Are we organized to meet today's responsibilities and to plan effectively for tomorrow? Are your municipal governments adequate to handle the task before them? Is the structure of criminal law in your community adequate? Can it be efficiently enforced? Are there adequate provisions for dealing with mental illness and alcoholism outside the criminal courts? Do your police forces spend time on domestic disputes which could be handled better and more efficiently if referred to specialized agencies? Do the police in your communities have adequate guidelines for dealing with situations which demand a great deal of individual discretion? Lawyers and local bar associations can work with city officials to develop such a code. Does your state or city provide the facilities and program for training police officers in modern law enforcement techniques and police-community relations? One of the great urban problems today is the gap between the police and inhabitants of the slums—the very people who need police protection most.

Our police forces have a tough job to do. Lawyers can help bridge that gap between the police and the community. You can help our police to be better prepared to handle their difficult responsibilities. You can help the public gain a better understanding of and respect for the police.

Recently I suggested that all fifty states consider forming councils for civil peace at the state and, where possible, at the metropolitan level. The councils would include representatives of all racial and religious groups, plus officials of the state attorney generals' office, law enforcement agencies and local government. It could function as a community relations service to prevent violence, gain community cooperation and hear the voices of those who have too long gone unheard. It could establish a co-ordinated early-warning system to detect potential disorders and, it is hoped, nip them in the bud. It could establish a central communications network.

LAWYERS' OPPORTUNITIES AS BUSINESS ADVISERS

Lawyers have opportunities as advisers to the nation's businesses and corporations.

The central principle of American progress has been a working partnership between government and the private economy. The problems of today are too great and too complex to be solved by government alone. It is more than our laws and our public institutions that are being tested; it is our entire free enterprise system.

Can that system provide jobs and training for the hard-core unemployed? Can it make them contributing members of this economy, both as consumers and producers? Can it meet national need when that need is clear and present? Can this system provide the initiative, the imagination and the capital to meet the pressing necessity for more schools, efficient mass transport, low- and middle-income housing—the infrastructure for the new America? Some say no; but I say yes. American business has always known that prosperous people mean a better market. I don't believe businessmen can be content so long as one-sixth of their potential market is undeveloped.

We in government are ready to help. Where there are obstacles, we are willing to try to remove them. Where there are opportunities, we want to hear about them. The full creative force of American free enterprise in cooperation with government must be turned to these great and waiting tasks. The Negro leadership is in a unique position to advise which programs are likely to work and to supply leadership in these programs.

But, let me stress one crucial point. The task ahead will require the efforts of every organization and every citizen of this country. We certainly have the resources to do the job. We have the scientists, the engineers, the sociologists, the lawyers, the planners and administrators, if only we put them to work on this priority problem. Any nation that can mobilize its scientific and managerial resources to put a man on the moon ought to be able to put a man on his feet on this good earth. The so-called lunar program tells us something else. If you want to get a job done, you must use the most modern methods, you must make a commitment and you must be willing to pay the price.

But the price that we must be willing to pay is not just more money. Rather it is a price of priorities. It is the price of administrative reorganization in order to get the most out of every dollar and to use our resources better. It is the price of modernizing state laws and city charters. It is a massive training and employment program by private industry and the price of taking the risk of hiring untrained workers and giving them on-the-job training. It is a massive recreation and education program, particularly in the urban slums. It is keeping our schools operating twelve months a year, making job training programs related to job opportunities, investing billions of private capital to give our cities new life and new hope. It is investment guarantees for private capital, long-term credits and low rates of interest with government co-operation, tax incentives, risk insurance and government participation as a helpful partner but not a dominant force.

Part of the price is the willingness to recognize that the slum is repugnant to American values and that it must be eliminated as if it were a malignancy. It is the price of recognizing our slums and the majority of those living there as underdeveloped and neglected places and people. It is the willingness to offer the same generous and far-reaching considerations for our own underdeveloped areas and needy people as we do for others in foreign lands.

The price that we must be willing to pay is, above all, the willingness to accept as a partner in the American community and as a first-class citizen, the poor, the illiterate—black or white or red or yellow or brown—and give him a chance to make something out of his life. To do less is to admit failure.

Thomas Wolfe wrote: "To every man his chance; to every man regardless of his birth, his shining golden opportunity. To every man the right to live, to work, to be himself and to become whatever things his manhood and his vision can combine to make him. This . . . is the promise of America."

ADDRESS BY JOHN A. SIBLEY BEFORE GEORGIA FARM BUREAU FEDERATION

Mr. TALMADGE. Mr. President, John A. Sibley, one of Georgia's most distinguished business leaders and outstanding citizens, recently delivered a noteworthy address before the annual convention of the Georgia Farm Bureau Federation.

Mr. Sibley discussed the importance of land and productivity to the wealth and well-being of our people, and I was impressed by the eloquence and significance of his timely remarks.

I think them worthy of the attention of all who are concerned today with the importance of agriculture and its needs and problems. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GEORGIA'S RENEWABLE WEALTH AND THE THREAT OF DESTRUCTIVE TAXATION

(Speech delivered by John A. Sibley before annual convention of Georgia Farm Bureau Federation, Augusta, Ga., November 14, 1967)

God's most precious gift to man is the land and its productivity. It is a special privilege for me to speak to the members of an organization who are engaged in the nurture, cultivation and protection of the soil and its productivity. You are engaged in planting and harvesting crops, producing meat and milk and protecting and increasing our great forest domain.

By your efforts new wealth is created each year that comes from the productivity of the land and that turns a stream of new wealth into the general economy of the state and nation. Of all occupations in which men are engaged for profit, yours is the most perilous and most important.

It is perilous because in addition to the ordinary business risk of other occupations, your success depends upon forces of nature over which you have no control, sometimes smiling and sometimes frowning upon your efforts; important because, in the last analysis, all other occupations, even life itself, are dependent upon the products of your labor.

To emphasize this fact we need only to remember that the productivity of our lands feeds and clothes all of us, furnishes the raw material for manufacture, industry and trade as well as safeguards our national security.

In this era of industrialization and urbanization, it seems to me that we may be falling into the grievous error of failing to understand and appreciate the paramount importance of the productivity of the land as it affects our economic welfare, our prosperity and our national security.

Perhaps a few examples, historic and current, will remind us that the protection and preservation of the productivity of the land is a matter of supreme public interest and deeply concerns the economic welfare of the people as a whole.

Take for example the unfortunate situation that faces Great Britain. The British pound is periodically in trouble, threatening the economy of that great nation, with repercussions throughout the world. The fact is that the British pound reflects a fundamental weakness that is more deeply imbedded in England's economy. The basic trouble is that England's trade and commerce cannot cover the deficit caused by the failure of her lands to produce the necessary food and fiber to feed and clothe her people, to supply the raw material for her industry and to safeguard her security.

The failure of the potato crop, the source of Ireland's food supply, has occurred several times in history followed by starvation or migration of the Irish people. As a result, Ireland's population, once 8 or 10 million, is now less than 3 million.

Starvation in India today is caused by the failure of her wheat crop. Unlike the Irish, the Indians have no place to migrate and relief from starvation can only come from the generosity of more fortunate people whose renewable resources are greater than their immediate needs. This generosity though substantial is insufficient.

With these preliminary remarks concerning the importance of maintaining the productivity of our land, I will lay down several basic propositions that are relevant to the question of taxation of our farm and forest lands. I will discuss these propositions in more detail later.

The propositions are:

(1) The power to tax is the power to destroy, a principle announced by Chief Justice Marshall of the Supreme Court of the United States in the early days of our Republic—a principle that was sound when delivered and is sound today.

(2) A tax so heavy as to make the operation of a business unprofitable is an effective means to destroy that business. So a tax upon farm and forest lands so unreasonable as to make farming unprofitable is to destroy the business of farming. In such cases the power to tax becomes the power to destroy, as pointed out by Chief Justice Marshall.

(3) The public interest requires that a system of taxation be adopted for our farm and forest lands that encourages and stimulates the development of the productivity of these lands, thus increasing our renewable wealth and the development of our natural resources. This can be accomplished by taxing farm and forest lands upon their value as farms and forests but not by fixing as the taxable value of farm and forest land the price paid for other lands purchased for more intensive uses such as business sites, shopping centers and subdivisions.

(4) The spirit of fairness dictates, and the public interest demands that our renewable resources be preserved and developed, and that the occupation of farming be protected against the destructive power of excessive taxation.

In the light of the above propositions, let us now examine in terms of monetary and other values the significance of farm products to our general economy and the adverse effect of excessive taxation of farm and forest lands on the productivity of farm and forest lands.

The improvement in cash income from farms in the last thirty years has been spectacular both in the amount of increases and sources from which that income was derived.

In 1966 total cash farm income, excluding government payments, amounted to $1,015,808,000 as compared to $209 million in 1924. Of the 1924 cash income 62% was derived from cotton alone and livestock represented only 13.2% or $29,600,000. In 1966 cotton represented only 4.2% of farm income, whereas livestock, including poultry and eggs, amounted to $632,678,000.

The billion dollar business representing new wealth created by the farmer equals $228. per capita for Georgia's 4½ million people, whereas the new wealth created by the farmers in New York State is only $55. per capita for its more than 18 million people and for Pennsylvania only $79. per capita for its more than 11 million people.

Georgia must keep the productivity of her land in balance with her ever increasing population.

Of Georgia's $10,575,000,000. total income in 1966 farm and forest products directly and secondarily contributed 25½% and gave employment to 109 thousand people.

Now let us examine the importance of our forests to Georgia's economy. Our forest-based industries generate an annual income of a billiion dollars and provide employment for every fifth factory worker in Georgia at high-level wages.

Of the 37 million acres of land in Georgia approximately 26 million acres are in forests, representing some 69% of the entire acreage of the state. Moreover, 92% of the forest land is privately owned by more than 196 thousand owners.

Experts tell us that present forest areas can be doubled in yield by proper care and improved stands.

Trees, our most valuable single renewable resource, furnish raw material for many and varied businesses that feed our general economy.

A tree is much more than a stick of wood. To my mind, a tree is a growing chemical storehouse in which nature manufactures valuable raw materials for many useful end products. The use of wood in the construction and building trades, in furniture making and similar wood-based industries, as valuable as these businesses are, constitutes only a small part of the end uses derived from trees. Through scientific knowledge, cellulose fiber in trees can be isolated and by technology can be converted into many necessary articles of commerce.

Even more important are commercial articles derived from cellulose as the raw material for the manufacture of such varied products as women's dresses and lingerie, curtains, draperies, lamp shades, upholstery, men's summer wear, rain coats, carpets, plastic materials, photographic films, cellophane and food packaging of all kinds, military explosives, sponges, all grades of paper, including newsprint and many others.

Cellulose is indeed the magic raw material, the end product of which serves the necessities, comfort and convenience of modern man.

Georgia forest land, as a source of cellulose, is a powerful magnet which attracts industry to Georgia and has already attracted to the state pulp, paper and chemical cellulose mills, representing an investment estimated at $750 million or more of capital funds. These mills used over 5 million cords of pulpwood in 1964, and the amount is increasing each year. They furnish the tree farmer a valuable new source of available cash and result in the enhanced value of forest lands in Georgia.

Besides having developed a billion dollar wood-based industry, Georgia stands first in the number of privately owned forest acres, in the number of acres under organized fire protection and in the number of seedlings grown in State nurseries. Since 1945, 1,750,000,000 seedlings have been grown in state nurseries and 600,000,000 have been grown in forest industry nurseries. From 1964 to 1967 the State has produced 14,000,000 improved Loblolly and Slash Pine seedlings; Georgia has the Nation's largest tree improvement program, was the first to teach forestry in vocational schools, established the world's first forestry center and the world's first major forest fire laboratory, leads the Nation in tree farm acreage, produces more lumber than any state east of the Mississippi River and is the Nation's largest producer of naval stores.

Our state leads the Nation in pulp and paper production. This is a relatively new industry and developed here because of our forest resources and the knowledge that Georgia is nurturing and expanding these resources to meet future needs.

Georgia's trees furnished jobs for 65,984 persons, which generated wages amounting to $275,639,244, all of which come from more than 900 primary and secondary forest-based industries.

How important these forest-based industries are to certain counties of Georgia is illustrated by the fact that in Bibb County the payroll is $18,574,437 from such industries, and in Floyd County $63,504,000 and in Chatham County $44,695,192 and in many other counties payrolls represent a substantial part of the buying power and prosperity of that county.

The enlarged demand for this cellulose, so the experts say, must be supplied largely from the North American continent. Sweden, which for many years played a large part in meeting the world demand, is limited in area and has approached her maximum development.

The forest resources of the West Coast and Canada are very substantial but the cycle of growth is slow and the cost of harvesting great compared to our Southern pine.

Georgia is now in the forefront in meeting this demand for cellulose and has the opportunity to improve her position as a world supplier, as is evidenced by the progress that Georgia has made over the last twenty-five years in maintaining and improving her forest domain.

The policy of Georgia for the last quarter century has been to encourage the development of Georgia's forest domain. This policy is evidenced by the fact that the State is now spending yearly for forest protection, reforestation, forest management, research and education slightly more than nine million dollars, and in the last ten years has spent for these purposes more than fifty million dollars.

The question facing Georgia is, shall we destroy this renewable wealth, which is the basis of profitable wood-based industries, through the process of confiscatory taxation of the lands producing that wealth?

Unfortunately we are threatening to do so and have already done so in several counties of the state. This oppressive tax upon farm and forest lands usually arises through the process known as land re-evaluation. By the method used in that process, farm and forest lands are not treated as farm and forest lands and taxed on their value as such but instead farm and forest lands are taxed on the basis of the sale price of other lands which were purchased and sold for entirely different purposes and uses, such as shopping centers, subdivisions and industrial sites.

This method of re-evaluation overlooks the fact that to convert farm and forest lands to these more intensive uses requires thousands, and sometimes millions, of capital funds and that without the expenditure of such capital funds to develop these new and more intensive uses, high purchase prices for the lands have no economic justification. Many of the counties in Georgia are experiencing re-evaluations of farm and forest lands under this unreasonable and unfair method.

The appraisers employed to re-evaluate the lands are usually from the city or are unfamiliar with farming and its importance and are accustomed to dealing with the development of sub-divisions, shopping centers, business sites requiring the expenditures of capital funds.

The appraiser comes to a large body of land that has been a tree farm for more than a quarter of a century. The trees are inventoried by volume, types and varieties. Good forest practices, including selective cutting, have been consistently followed.

When the appraiser examines that farm he gives no consideration to the value of the land as a whole for the purposes for which it is used.

He frankly states that the use of the land as a farm is immaterial to him in fixing its value although he admits that the farm has been highly developed and properly managed as such for many years.

He then values each land lot separately, fixing its value on the suitability of that land lot for subdivision or other intensive uses.

In effect he has turned a bona fide tree farm into an imaginary subdivision. The appraiser reports to the taxing authorities as the value of the farm lands the price that other lands have been sold for that have been turned into subdivisions and shopping centers or other more intensive uses.

The land owner under such circumstances is forced by the coercive pressure of confiscatory taxation to cut his timber prematurely to pay taxes, or to quit farming and to sell his lands for speculative purposes, or to do both.

I am familiar with a county in Georgia where more than 85% of the lands were designated in 1961 as agricultural and forest lands and only 13% were used for residential, industrial, commercial, public buildings, streets and highways, public open spaces, vacant and water.

Yet under a system of re-evaluation such as I have described, the taxes on farm and forest land are so confiscatory that farming and forestry cannot be carried on in that county profitably. Under the coercive effect of taxation, timber is being prematurely cut, and the lands are fast being sold for speculative purposes.

Georgia is not the only state faced with this problem. Some 23 states have taken or are considering legislative action to prevent confiscatory taxation of farm and forest lands and to preserve and develop their renewable resources. These states recognized that such action was necessary to protect the public interest.

The State of Connecticut, in enacting laws to protect its farm lands, forest lands and open space lands from excessive taxation, made this strong declaration of public policy:

"(a) That it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state; to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state, (b) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land."

Georgia should make a similar declaration of policy, at the upcoming session of the legislature, followed by an appropriate constitutional amendment.

Florida, during the last quarter century, has experienced large increases in population, some permanent and some seasonal, and to accommodate the people, fruit groves and vegetable gardens have been turned into subdivisions, shopping centers and every other type of urban development. Lands that are worth $500 an acre as fruit groves may sell for five or ten thousand dollars or more per acre to be developed and used for more intensive uses.

The tax assessors in some instances began to raise the assessments on the orchards, groves, forest and other farm land to reflect in whole or in part the values established by the sales price of the nearby lands converted into new and higher uses. Taxes levied on these assessments were confiscatory when applied to agricultural and forest lands. The citrus fruit, forest and other farming enterprises could not survive such a burdensome tax assessment.

To save the production of these primary resources, Florida laws provide that farm and forest lands should be taxed at the value of those lands for the uses to which they are put.

The Florida law in no sense grants a tax exemption to farm and forest lands. The owners of the lands will continue to pay taxes and the lands will be valued as farm and forest lands. The law merely requires that the market value of the land for tax purposes is to be fixed by the uses to which the lands are put and not to be assessed at the price at which other lands have been sold that are put to higher and more intensive uses.

That means that when orchard, grove or forest lands are turned into a shopping center, a subdivision, or an industrial site the value of the property is then determined by the new uses.

It also means that the lands which continue in orchards, groves and forests will be taxed on the value of the lands for the purposes for which they are used, that is, as farms, orchards and forests, and not at the sales price of other land in the same neighborhood purchased and used for subdivisions, shopping centers and intensive developments.

The law also means that the appraiser cannot fix the value of agricultural and forest lands for tax purposes at the prices paid for other lands no longer used as farm or forest lands but which have been converted to higher and more intensive purposes.

Under such a system the farmer is not forced to sell his lands to speculators because of confiscatory taxation which places upon his lands speculative values based on the sale prices of lands not used for agricultural purposes.

Under this system the public interest is served because the lands continue in the hands of land owners who desire to farm and the productivity of the lands continues to put into the general economy annually a stream of new wealth.

It is such a system as this that Georgia should adopt in order to preserve and develop her natural resources.

Many states in the Union, recognizing the value of the productivity of their forest and farm lands to the general economy, have devised systems of taxation which encourage the use of lands for productive purposes.

God in His goodness has favored Georgia with great renewable natural resources; are we wise enough to appreciate, nurture and expand them?

The answer to that question is vital to the prosperity and wellbeing not only of present but of future generations.

ROLE OF PRIVATE ENTERPRISE IN GOVERNMENT PROGRAMS

Mr. MUSKIE. Mr. President, on October 13–14, 1967, the Advisory Commission on Intergovernmental Relations sponsored a national conference on legislative leadership. This conference brought together speakers, senate presidents, majority and minority leaders from the various State legislatures, Members of Congress, and representatives from the academic community for a look at ways in which "bridges might be built between State legislative bodies and the National Congress." Over 125 State legislators and others attended the conference in Washington.

The Advisory Commission, of which I am a member, along with the senior Senator from North Carolina [Mr. ERVIN] and the senior Senator from South Dakota [Mr. MUNDT], is to be commended for its initiatives in holding this conference. In 1966 the Senate and House Subcommittees on Intergovernmental Relations considered the 5-year record of the Commission and made suggestions for its continuation, including some changes in emphasis and direction. Among the suggestions made was that the Commission, from time to time, convene national conferences on major problems in the field of intergovernmental relations. The conference between congressional and State legislative leaders was needed because State legislatures have gone unattended and relatively unrecognized for too long, despite the fact that they are a very important part of our American governmental system.

Mr. President, in one of the conference sessions, Vice President HUMPHREY addressed the assembled delegates on the general subject of what State legislatures could do to help make Federal programs more flexible and realistic. As on many occasions, I find myself in complete agreement with the principal points made by the Vice President in his address to the legislative leaders. I was particularly impressed by his emphasis on the role of private enterprise in providing jobs for unemployed youth and for suggesting that the State legislatures begin to experiment in ways to further the cooperation between government and business in combating problems of unemployment and economic deprivation.

Mr. President, I ask unanimous consent that the excerpts from the Vice President's remarks be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY

The general theme of my conversation about the country is that through a partnership among Federal, State and local governments and the private sector, we are trying to upgrade the quality of American life, maximize the performance of the American community, and energize and revitalize the lives of our people. I don't believe that is a naive philosophy nor do I think it is a far-fetched hope.

One of the main difficulties in America today is lack of satisfactory communication between the executives and the legislators of the different levels of government. We have this problem even at the federal level, and here we have had a determined and considerable program to keep in close touch with our legislative leaders in the Congress, both majority and minority. I mention this at the Federal level because I think this is the secret of governmental progress. You make progress out of cooperation, out of adjustment, sometimes out of compromise, but at all times out of promoting a better understanding among those who have responsibility, and the responsibility of a legislator, State or Federal, is tremendous.

We at the Federal level must work not only with our Congress, but we must also work with the legislators, particularly with the legislative leadership, at the State level. Practically every program initiated by the Federal Government in recent years requires active cooperation and participation by the State—if not by the State government, at least by an instrumentality of the State which must be authorized by State legislation.

All the programs we have, everything from highways to the poverty program, depend upon your cooperation. If we are going to do anything about air and water pollution or better education, about cities' problems or the problems of rural America, it will in large measure depend upon what the State legislatures are willing to do. When the State legislatures do not give consideration to the needs of cities, the mayors just come pell-mell down to Washington and start a major war on you. That is exactly what has happened.

Many times we in Washington are prone to think of the United States of America as if it were one solid board with one permanent grain all the way through it, with no variations. But, this is a pluralistic society. It is a mosaic. It is not a monolith, it isn't a national community that has one culture, one ethnic group, one religion, one type of economy. It is a mixture. That is its vitality, its beauty, and that is also its complexity. Therefore, when national legislation is passed, we must realize that it must be rather broad in principle and have adaptations that fit the State and the community. That is where you come in with your advice and with your counsel.

I have noticed in the last year that some legislative leaders are beginning to testify before Congress. That is exactly what we need. We need to hear from the majority leaders and minority leaders of the State legislatures on every bill of any consequence that requires State cooperation. We need to hear from your governor, too, who represents the total State. We really need your counsel and advice.

In one of our cabinet meetings, the President of the United States said, "Before you start sending up legislation, I want you to double check with governors and with legislative leaders to see what the bugs are in this, to see if this is the sort of thing that will work, to see that this is the sort of thing that is needed." It doesn't mean that we will veto something that we planned on doing, but I think that rational and reasonable men will take your advice seriously.

Might I suggest that you do the same in your State legislature; that if there is legislation that affects local government, you should talk with the local people.

The partnership that we need between Federal and State, between President and Governor, between Senator, Congressman, and State legislator, between President and Vice President and between Majority Leader and Minority Leader is one of mutual respect and one in which we each carry our share of the load, where we can talk it out ahead of time.

Now I am going to be more specific. What are some of the critical needs today? I think you know them.

First of all, in our poverty areas, and every State has some, the basic need is a job! That job can best be provided through private industry, and I think it is the duty of every officer in the Federal and State Government to work with private industry to find out how those jobs can be provided.

The people that are unemployed today, most of them, are what we call unemployables. These people are unskilled, oftentimes poorly educated, all too often discouraged and frustrated, sometimes hostile and cynical.

They have a debate going on in Congress now about training people that are on welfare. I believe these people should be trained if physically able. We are not trying to build a welfare State in this country. We are trying to build a State of Opportunity!

The easiest thing for a man in government to do in a rich society is to write a check, even if he has to write it on borrowed money. You can have checkbook welfare and checkbook compassion, too. I believe that the handicapped, people really in need, children and mothers that cannot work, and children that are unable to work, of course, need to have welfare, compassion, and charity.

But I want to say that charity and welfare can be carried too far. What you really ought to do is start to separate the welfare cases from the opportunity cases. And that means that we need to emphasize the training, the education and the development of human resources, not by the opiate of a welfare check, but by the exciting experience of training and guidance and education and counseling and motivation.

I happen to think that this is where all levels of government have a role and it cannot all be done by the Federal Government by any stretch of the imagination. The Government of the United States is not in Washington. Just part of it is here. It is in the State capital, in the county seat, and in the city hall. That is where the government is closest to the people.

I think State legislative bodies, along with the State governors, should start to think about how they, in their States, can work through their school system, through their training institutes, through their private enterprise, to get the hard core unemployed employed, trained, on the job, and productive. The greatest single source of new economic power in America is in the poor.

We have hundreds of thousands of workers unemployed today because they are unemployable according to certain standards. We need to beneficiate those people. This is what can happen in America. I visited a training program conducted by the Alameda Central Labor Council in Alameda, California. They were training welders and on the morning I arrived, six welders got a job. And who do you think they were? They were hard core unemployed who never had a job in their lives, and most of them had been in jail or a reformatory. They had already placed over a hundred of them. Every one of them had been a welfare case or had been in a penal or a correctional institution.

Examples such as the Alameda program show that it can be done. I think the jobs ought to be in private industry. I think that we have had far too much emphasis upon the Federal Government trying to do it alone. I think every State legislature ought to take a look at its tax laws to see whether there are any tax incentives you can give your private industry to train workers in your State.

I am here to ask you to innovate at the State level. I think our State legislatures are the laboratories of democratic government, and I am of the opinion that when we're talking about what the Federal Government ought to be doing, we need some test areas to see how it really works.

So I ask you to give your attention to jobs and to urban legislation. In the model city bill we have put together for the first time a program that permits participation by State Government, local government, and private groups in the rebuilding of a neighborhood and of a city.

I have called the model cities program a Marshall Plan for the United States. I still do, because that is what it is. It provides for realistic planning—Federal, State, and local. And it provides for private initiative and private participation. We are not going to rebuild America out of Washington. We are not going to rebuild America out of public funds. We are going to do it out of private funds. The public can help. The public can give the extra measure, the loan guarantees, maybe the tax incentives. The public can help with the planning money and with the technical assistance. But to rebuild America as it needs to be in some areas is going to take private investment, private encouragement, private initiative, and that is going to require our cooperation.

I ask you to help us in our youth program. I am Chairman of the Youth Council. The Youth Opportunity Program is designed to help youth get started on the right foot. We have to find jobs for young people so that they are exposed to wholesome environments on the playgrounds, in jobs, and in training programs. I have called upon every Governor and every Mayor in America to set up a Youth Opportunity Commission. More crimes are committed by people 15 or 16 than by any other group. That young man or woman is a restless soul, and the greatest source of power is not atomic power but youth power. It should be directed to constructive purposes.

Last summer, we provided 1,400,000 jobs for young people. A year ago, it was a million. This last summer, we provided 25,000 camping experiences in Boy Scout camps across the United States, through the help of private individuals in your communities, and with some help from the Federal government.

What about a camping program in your State? What can you do about it in the next legislative session? Do you have enough camps? Are you really interested in getting these young people a camping experience?

What about a job program? Have you called upon the employers in your State? Has your Governor set up a commission or a youth council to energize the private and public resources of your State to take care of youth problems?

We have agencies and institutions that take care of those in trouble. Every time one gets arrested you give him attention. But they have to get in trouble before they can be rehabilitated. What about keeping them out of trouble? What about a youth program in every State—not in Washington alone? I call upon you to do something when you go back to your State legislature, if it is only passing a resolution called the attention of the people in your State to the fact that the number one asset is their youth, that in your State, there are a number of them without jobs, without part-time jobs, without adequate education, and that in the summer, they're standing on the street corners. They ought to be in a factory, in a wholesale house, or on a road job. They ought to be working, and they can be.

I'm happy to tell you that private industry is excited about this. All over America, we're getting help now.

In Kansas City this summer a hundred businessmen organized into a committee. They went from plant to plant and they put on 2,200 young people that never had jobs before in private industry. These were hard-core unemployed that would be involved in trouble unless they were at work.

In summary, we need you, and I think you need us. I think we ought to consult on legislation before the legislation becomes a reality. We need your counsel and advice. I ask you to take a good look in your home State. What can your legislature do to stimulate not just the War on Poverty but the Adventure of Opportunity. We need the revitalization of State government in America as we have never needed it before. We need to understand that the power of this Nation is in its people and its private resources. We need to follow that philosophy and we need to make our government a partner with the private sector. I appeal to you to take the lead and we'll try to cooperate.

DEATH OF DR. ALAN T. WATERMAN, FIRST DIRECTOR OF NATIONAL SCIENCE FOUNDATION

Mr. HILL. Mr. President, last Thursday, November 30, 1967, our country suffered a great loss in the death of Dr. Alan T. Waterman.

Dr. Waterman was the first Director of the National Science Foundation, and he laid the foundation for many magnificent accomplishments in basic research. He was a dedicated citizen, a man of tremendous vision, and achieved so much for our country and for all the peoples of this earth. He was truly a great American, and he will be sorely missed.

I ask unanimous consent to have printed in the Record a tribute to him by Dr. Leland J. Haworth, his successor as Director of the National Science Foundation; a biographical sketch of him; a statement of his many, many achievements; and a list of the honors and awards so rightfully given him.

There being no objection, the items were ordered to be printed in the Record, as follows:

STATEMENT BY DR. LELAND J. HAWORTH, DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

It was with deep sadness that I learned of the death of Alan Waterman, the first Director of the National Science Foundation. Alan Waterman successfully guided this organization from a small beginning to a position of strength and influence. He, more than any other single person, made the Foundation an important bulwark of the Nation's scientific strength. He left his own indelible mark of quality and of integrity in every field of activity in which the Foundation was involved.

When Alan Waterman took the helm of the fledgling agency in 1951, few in Government recognized the importance of basic research in the total spectrum of the Nation's scientific and technological enterprise. Alan Waterman was one of those few; his work at the Office of Naval Research had already established that agency's leadership in providing financial support for basic American science. When he came to the Foundation he began to build another organization through whose efforts science could develop strength commensurate with its promise and with the Nation's needs.

Following the precepts set forth in the famous report by Vannevar Bush, "Science, the Endless Frontier," as embodied in the National Science Foundation Act of 1950, Dr. Waterman, in concert with the National Science Board, established the basic philosophy still used in the Foundation, whereby scientists themselves largely determine the direction and progress of basic research. The Foundation early established the pattern of giving strong support to research at the Nation's colleges and universities where much of the best basic research and all of the training of future scientists, engineers, and physicians is carried out. To the widely endorsed concept of providing strong support to advanced students already committed to scientific careers, the Foundation, under his leadership, added the next logical step of assisting improvement of scientific education on the earlier rungs of the educational ladder. Thus the Nation is also strengthened through a better informed citizenry, with an ever-increasing depth of understanding of what science is, and what part it plays in the lives of everyone.

That he built the Foundation well and soundly is attested by the present size and strength of its programs and the degree to which the principles and policies laid down during his tenure continue as guides to this day. It was a mark of the man that all who were associated with him at the Foundation retain not only a deep respect for him as their mentor and leader, but the greatest affection for him as a gentle, warm, and sensitive human being. All of the Foundation mourn his passing, and extend our heartfelt sympathy to Mrs. Waterman and others of his family.

Funeral services will be conducted at 3 p.m. Monday, December 4, at All Souls' Unitarian Church, 16th and Harvard Streets NW.

ALAN T. WATERMAN

Dr. Alan Tower Waterman was born on June 4, 1892, at Cornwall-on-Hudson, New York. He married the former Mary Mallon of Cincinnati, Ohio, on August 28, 1917. With their family they celebrated their Golden Wedding Anniversary this summer. There are three sons: Alan T., Jr., of Stanford, California; Neil J. of Cocoa Beach, Florida; Guy V. of Stamford, Connecticut; and two daughters: Barbara (Mrs. Joseph C. Carney) of New Canaan, Connecticut; Anne (Mrs. William C. Cooley) of Bethesda, Maryland. The Watermans reside at 5306 Carvel Road, Washington, D.C. 20016. There are 16 grandchildren.

Dr. Waterman did both his graduate and undergraduate work at Princeton University, receiving the degrees of A.B., 1913, M.A., 1914, and Ph. D. in physics in 1916. His research included investigations in the fields of conduction of electricity through solids; thermionic, photoelectric emission and allied effects; and electrical properties of solids. After receiving his degree, he became an instructor in physics at the University of Cincinnati. In World War I, he spent two years in the military service (private to first lieutenant) with the Science and Research Division of the Army Signal Corps, where he was engaged in meteorological work. At the close of the war he joined the faculty of Yale University and remained in the Department of Physics until going on leave of absence in 1942 during World War II. During his tenure at Yale Dr. Waterman was on leave of absence on two other occasions: in 1927–28 on a National Research Council Fellowship to King's College, London, England; in 1937 to the Massachusetts Institute of Technology.

From 1941 to 1945 Dr. Waterman was associated with the Office of Scientific Research and Development (OSRD), the wartime agency headed by Dr. Vannevar Bush, first as Vice Chairman of Division D (detection, controls, instruments) and as assistant to Dr. Karl T. Compton, Member, National Defense Research Committee, as Member, Microwave Committee, and then as Deputy Chief and later Chief of the Office of Field Service.

Dr. Waterman served from 1946 to 1951 as Deputy Chief and Chief Scientist of the newly established Office of Naval Research, Department of the Navy.

On April 6, 1951, Dr. Waterman was appointed by President Truman as the first Director of the newly formed National Science Foundation, for a six-year term. In 1957 President Eisenhower reappointed Dr. Waterman to this post. Although he reached the compulsory retirement age prior to the expiration of his second term, Dr. Waterman continued to serve in this post until June 1963 at the special request of President Kennedy.

Since that date he continued an active interest in science and education through service on numerous boards and committees, as follows; Board of Trustees, Atoms for Peace Awards; Federal Woman's Award Board, Civil Service Commission; Advisory Board, Georgetown University Center for Strategic Studies; Liaison Committee on Science and Technology, U.S. Library of Congress; Special Consultant to the President, National Academy of Sciences and Chairman, Committee on Scholarly Communication with Mainland China; Consultant to the Administrator of the National Aeronautics and Space Agency (NASA) and Member, Historical Advisory Committee of NASA; Consultant to the National Science Foundation; Advisory Committee, Pacific Science Center, Seattle, Washington; Board of Trustees, University Corporation for Atmospheric Research.

Dr. Waterman was a fellow of the American Association for the Advancement of Science (He served as President in 1963 and Chairman of the Board in 1964), the American Physical Society, the New York Academy of Sciences. He was a member of the American Association of University Professors, the American Institute of Electrical Engineers, the American Rocket Society, the American Polar Society, the Washington Academy of Sciences, the Washington Academy of Medicine, Phi Beta Kappa, Sigma Xi, the Scientific Research Society of America, and the Washington Philosophical Society.

Dr. Waterman had a great appreciation for music and was himself an accomplished musician. He was one of the relatively few persons who mastered the art of the Scottish bagpipes, and on many occasions shared this special talent with family and friends. He for many years played the violin, cello and viola in a string quartet, first established during his undergraduate days at Princeton University and later composed of his Washington scientific colleagues. He also frequently entertained his associates on the piano and guitar.

Another major interest was his love of the woods. He became a licensed guide in the State of Maine very early in his lifetime, and he continued this activity whenever his official duties permitted a rare canoe or camping trip.

Dr. Waterman was a member of the Cosmos Club, the Princeton and the Yale Clubs of Washington, D.C., and the Graduates Club of New Haven, Connecticut.

STATEMENT OF ACHIEVEMENTS OF ALAN T. WATERMAN

During the decade and a half in which Dr. Alan T. Waterman served first as Chief Scientist of the Office of Naval Research and later as Director of the National Science Foundation, he worked tirelessly in the cause of basic research and education in the sciences. Through his leadership of these two major scientific agencies and through a continuing campaign of travel and speaking throughout the Nation, he sought to impress upon the people of the United States the importance of science and well trained scientists. As a result, in no small part of his personal efforts, the Federal Government has adopted broad policies for the enlightened support of both.

The establishment under Dr. Waterman's leadership of two major scientific agencies of the Government has had beneficial and far-reaching effects on the research effort of the United States. The policies and programs of those agencies will certainly influence the progress of science in this country for many years to come.

Recognizing the crucial role of the Nation's universities, both as the natural home for basic research and as the source of training for young scientists, Dr. Waterman sought to strengthen their capacity for carrying out these functions effectively. At a time when the intrests and funds of the Federal Government were concentrated on the solution of problems of an applied nature, largely in the fields of defense and atomic energy, he stressed the long-range importance of furnishing adequate support through the universities to uncommitted investigators working in very basic areas whose future importance or significance could not be anticipated. He sponsored the Federal grant as a flexible and useful means of support for such investigators and helped to establish the grant mechanism along liberal and nonrestrictive lines. When its usefulness had been amply demonstrated by National Science Foundation practice, he successfully sought legislation to extend its use to other Federal agencies that were also engaged in the support of basic research.

Out of his deep conviction of the need for a strong and diversified basic research effort throughout the country and as a result of his direct observations in the Office of Naval

Research of the importance of basic research to operating agencies, he urged, as Director of the National Science Foundation, that all Federal agencies engaged in research and development be permitted to support research basic to their missions. He rejected the idea that the Foundation should be the sole agency for the support of basic research. His recommendations on this point were adopted as national policy in Executive Order No. 10521 of March 17, 1954.

In full awareness of the unpredictable nature of basic research, Dr. Waterman consistently pointed out that the best long-range insurance of the Nation's strength, both in science and technology, was the support of basic research in all fields and not merely in national problems. As a result, the Foundation conducts a continuous review of work and progress in the various fields and seeks to bolster those where efforts appear to be lagging or inadequate.

Although support of the social sciences was merely permissive in the National Science Foundation Act of 1950, Dr. Waterman from the beginning acknowledged their importance and sought to develop a sound basis for their support. During his directorship there was steady growth and support of research in the social sciences.

In his role as principal advocate of Federal support of basic research and education in the sciences, Dr. Waterman was acutely aware that the basis for such support cannot and should not be arbitrarily decided in Washington. He urged the importance of calling upon the scientific community for advice and assistance in all stages of developing Government support programs. Hence, scientists and engineers serve in advisory and consultant capacities at policy-making levels and also at operating levels in evaluating proposals submitted for research support. The present system makes possible a very wide range of support, from limited support of small projects in a narrow field to very broad support in so-called coherent areas of research involving the interdisciplinary approach to the solution of large problems.

The principle of stability and continuity was also recognized. Under Dr. Waterman's leadership the Foundation sought to overcome the limitations of short-term support and to devise ways and means whereby support could be appropriately extended over a period of several years.

From the inception of the Foundation, Dr. Waterman stressed the importance of science education and of adequate training of science teachers as fundamental prerequisites to the long-range strength of American science. The various programs devised by the Foundation to strengthen science education have had a profound impact on the educational system as a whole and have revolutionized the teaching of science in the United States.

Through a gradually expanding program of fellowships, the Foundation has tried to insure that the means of acquiring graduate education in science is available to the best qualified and most promising students. Beginning in 1953 with small pilot projects, the Foundation undertook to improve the quality of the Nation's science teaching by means of summer institutes for teachers of high school and college mathematics and science. Course content and curriculums for the high school teaching of science have been completely revised and updated introducing entirely new approaches in the secondary schools.

Thus, by the time the attention of the Nation was seriously focused on the crisis in education—and science education in particular—by the launching of the first Soviet sputnik in 1957, the Foundation, under Dr. Waterman's able leadership, had already made a broad attack on the problem through well organized programs along the several lines of endeavor that have been cited.

As it has worked to obtain recognition and support for basic research and education in the sciences, the Foundation has also been fully alive to the need of the universities themselves for outside help in order to meet the extra burdens imposed by the rapid development of science and technology. In an effort to redress somewhat the imbalances created in the financial structure of educational institutions by the large amount of Federal money earmarked for specific purposes, the Foundation under Dr. Waterman's leadership initiated a program of institutional grants.

In its relation to the national research and development effort as well as to the research and development programs of other agencies, Dr. Waterman emphasized the fact-finding role of the National Science Foundation. Until the Foundation undertook the systematic collection of data on the extent and nature of the Nation's research and development effort, adequate basis was lacking for the formulation of policy as well as for charting the paths that the research and development effort should take for the future. Through the Foundation's efforts in acquiring information about the basic research efforts of other agencies, Dr. Waterman prepared the way for the more effective coordination of these programs, thus anticipating and facilitating the work of the Federal Council for Science and Technology.

The full measure of Dr. Waterman's contribution to the national welfare in terms of progress in science and technology in the United States cannot be fully assesed because it is difficult to gauge how far behind we might be were it not for his far-seeing and statesmanlike efforts. In the hiatus between the termination of the Office of Scientific Research and Development and the creation of the National Science Foundation, he molded the Office of Naval Research (ONR) into an effective instrument for the support of basic research. The Navy was concerned with maintaining the strength of the Nation's scientific effort through what might have become a serious letdown during the postwar period. Responsible naval officials were aware of existing and potential deficits in the numbers of scientists and technically trained people, and they were also anxious to maintain the effective relationships between Navy personnel and scientists in academic and industrial institutions that had developed during the war.

The law establishing the Office of Naval Research was signed in August 1946. As one of the principal architects of its policies and programs, Dr. Waterman helped to establish the patterns of research support that were successfully used by ONR and later widely adopted by other agencies. He interpreted broadly and with imagination the types of research that were of interest to the Navy and thereby provided a means of support for very fundamental research that might otherwise have gone unsupported. He understood the temperament and working habits of scientists and was careful to keep the support mechanism as free as possible from administrative detail and red tape. Under his guidance ONR drew heavily for advice on existing organizations of scientists, such as committees of the National Research Council, groups of special technical competence within the Navy itself, and, where necessary, it established advisory committees of scientists outside the Navy.

The Office of Naval Research served the purposes of the Navy well. But more than that, it became a model for Government support of basic research, and it demonstrated effectively the need for a National Science Foundation with the power and authority to support such research on an even broader basis.

Following its establishment by the Congress in 1950, the Foundation commenced operations in a period of public apathy toward scholarly research and education in the sciences. Dr. Waterman worked resolutely from small beginnings and embarked on a personal campaign to educate the public to the importance of both basic research and education. He successfully focused the attention of the Congress on these problems and commanded its respect and admiration, as evidenced in the steady annual increases in the appropriations for the Foundation. From an initial operating appropriation of $3.5 million, funds for the Foundation had increased more than ten fold—to $40 million by 1957, when the first sputnik was launched.

Throughout his dedicated career of public service, Dr. Waterman was always deeply aware of the importance to the national welfare of research on the frontiers of science and of the need for adequately trained scientists of proven aptitude and ability. His leadership was finely balanced between a sympathetic understanding of the purposes and needs of the scientific community and of the obligations and responsibilities of the Federal Government. He was held in high esteem by his colleagues in the scientific and educational communities.

HONORS AND AWARDS OF DR. ALAN T. WATERMAN

1948: Presidential Medal for Merit for his war work with the Office of Scientific Research and Development.

1952: Princeton University, Class of 1913, Class Memorial Cup "in recognition of his meritorious and outstanding service to his profession and his country."

1957: The first annual Captain Robert Dexter Conrad Award, established by the Office of Naval Research in recognition of outstanding technical and scientific achievements in research and development for the Navy, was conferred upon Dr. Waterman on March 19, 1957.

1958: Distinguished Service Award of Jacksonville University, Jacksonville, Florida.

1960: The National Academy of Sciences awarded its Public Welfare Medal to Dr. Waterman for "eminence in the application of science to the public welfare." The award is unique in that it is given for outstanding public service in the uses of science rather than for achievement in any particular scientific discipline.

The Proctor Prize, awarded annually by the Scientific Research Society of America for outstanding contributions to research or research administration, was also given to him in 1960.

1961: Annual Midwest Research Institute citation on May 1, 1961, for his leadership and direction of the National Science Foundation in basic research and scientific education.

1963: The Presidential Medal of Freedom was awarded to Dr. Waterman on December 6, 1963. President Johnson presented the medal, the nation's highest civilian award, to Dr. Waterman whose citation noted that as physicist and public servant he has been the far-sighted advocate of Federal support of the sciences, using the resources of Government to improve the quality and increase the thrust of basic research.

Dr. Waterman was cited by the Bronx High School of Science as "Citizen Scientist of its Silver Jubilee Year."

The Board of Geographic Names of the United States Department of the Interior approved the naming of a mountain in Antarctica in Dr. Waterman's honor. Mount Waterman is in the Hughes Range of the Queen Maud Mountains overlooking the Ramsey Glacier which drains into the Ross Ice Shelf and is some 350 miles from the South Pole. Mount Waterman is adjacent to Mount Bronk, which was named simultaneously for Dr. Waterman's close personal friend and colleague of many years, Dr. Detlev W. Bronk, President of Rockefeller University and at that time serving as Chairman of the National Science Board. The naming of this mountain in Dr. Waterman's honor stemmed from the desire of his colleagues and friends in the scientific community to establish a permanent reminder in Antarctica of his invaluable contribution to the inauguration of a strong scientific research program on that continent. It also recognized his efforts to foster an acceptable international program and his keen interest and strong support in maintaining a viable U.S. Scientific Program in Antarctica.

On June 6, 1963, Dr. Waterman received a certificate from the Director of Defense Research and Engineering "in sincere appreciation of the time and effort he has so generously devoted to the interests of the Department of Defense during his service as a member of the Defense Science Board since September 1956. I take great pleasure in honoring him with this Citation for his patriotic service."

1966: The American Meteorological Society presented the Cleveland Abbe Award to Dr. Waterman for distinguished service to the atmospheric sciences, as evidenced by contributions to the development of the double-theodolite method for tracking balloons and measuring upper winds and for furthering the progress of meteorology when he was Director of the National Science Foundation.

The Edwin Bidwell Wilson Award of the National Academy of Sciences for outstanding contributions in the service of the Federal Government to the effectiveness of its efforts, in the pursuit of its concerns to encourage and to benefit from the advancement of science was awarded to Dr. Waterman in recognition of achievements set forth in the following citation:

"As creative scientist and administrator of exceptional talent, he has exerted far-reaching influence on the development of science, as well as on its conduct in the framework of national purpose and public policy.

"He pursued a career in the public service of pioneering new patterns of Federal scientific activity, serving successively as a key member of the war-time Office of Scientific Research and Development, as the first civilian leader and intellectual inspiration of the Office of Naval Research, and as Director of the National Science Foundation from its birth to its maturity.

"His broad understanding of science, his foresight, and his seasoned judgment have enabled him to guide the organizations under his leadership in the creation of a resilient partnership between science and public affairs which is now a vital element in the intellectual heritage of this country."

1967: The American Institute of Physics Corporate Associates at its tenth annual meeting on October 1–2 awarded its Karl Taylor Compton gold medal to Alan T. Waterman for statesmanship in science. Dr. Frederick Seitz, President of the National Academy of Sciences, reviewed Dr. Waterman's role in helping physics attain a respected place in society and the medal was presented by AIP Governing Board Chairman Ralph A. Sawyer who cited Dr. Waterman for "his contributions to the science of physics and his leadership in the evolution of policy determining the growth and support of science in the United States."

HONORARY DEGREES

Doctor of Science: Tufts College, Northeastern University, University of Vermont, the University of Arizona, Bowdoin College, the University of Akron, University of Southern California, Norwich University, the University of Notre Dame, Kenyon College, Loyola University, the University of Pittsburgh, Boston College, and Polytechnic Institute of Brooklyn.

Doctor of Laws: Cornell College, Mount Vernon, Iowa; American University, the University of Chattanooga, the University of Michigan, the University of Cincinnati, the University of California, Berkeley, Illinois Institute of Technology, Rockefeller University and Michigan State University.

Doctor of Public Service: Denison University, Granville, Ohio.

EXCERPTS FROM MESSAGES ON DR. WATERMAN'S RETIREMENT AS DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

At a dinner on June 21, 1963, on the occasion of his retirement as the first Director of the National Science Foundation, President John F. Kennedy wrote:

"When Dr. Waterman became Director of the NSF in 1951, the Nation's attention was then focused on immediate challenges to Western security all around the world. Amid those pressures, it was perhaps understandable that many should fail to appreciate the long-range importance to American security and progress of strength in science, for which Alan Waterman became an eloquent and sometimes solitary spokesman. It is a tribute to the efforts of Dr. Waterman and others like him that a decade later, without relaxation of the pace and magnitude of our daily needs, this Nation should be strongly committed to progress in education and to increasing man's store of fundamental knowledge.

"Through the work of the Foundation in sponsoring basic research, the Nation has embarked on exciting and critical adventures in science that will contribute importantly to human progress. The NSF has helped extend our horizons to the innermost workings of man and his society and the outermost reaches of our planet and the universe.

"In the process, the Science Foundation has pioneered in the development of new arrangements for supporting the attack on the frontiers of science and in giving both greater breadth and higher quality to American education. This difficult task has been carried on under Dr. Waterman's guidance through a partnership with American universities and the scientific community in which the Foundation has earned for itself the reputation for the excellence that it has so eloquently urged as a fundamental national goal."

Dr. Vannevar Bush, close personal friend and colleague, who first proposed the establishment of the National Science Foundation, concluded the major address on this occasion by stating:

"Alan Waterman. We respect you for the devotion, integrity, and wisdom with which you have carried out a great undertaking over the years. You have rendered the name of scientist in Government halls a name of honor and worthiness. You have accomplished a thing which is rare: you have moulded the course of science in this country in salutary manner for many years, and at the same time made yourself a host of devoted friends. We salute you and wish you well. As long as this country has men of your calibre in its service, we need fear no rocks."

NATURAL-BORN CITIZENSHIP AS A QUALIFICATION FOR THE PRESIDENCY

Mr. JAVITS. Mr. President, article II, section 1, clause 5 of the U.S. Constitution declares that "No Person except a natural born Citizen . . . shall be eligible for the Office of President."

As we know, one announced candidate for that office, Gov. George Romney, of Michigan, was born of American parents in Mexico. In a scholarly article in the New York Law Journal of November 15, Eustace Seligman, a member of the New York bar since 1914 and a senior partner in the firm of Sullivan & Cromwell, traces the history of this clause and comes to the conclusion that Governor Romney is, indeed, a "natural-born citizen" and as such is eligible for the Presidency.

I ask unanimous consent that Mr. Seligman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BRIEF FOR GOVERNOR ROMNEY'S ELIGIBILITY FOR PRESIDENT

(By Eustace Seligman)

This is a reply to an article by Professor Isidor Blum which appeared in the New York Law Journal on October 16 and 17 and which contends that Governor George Romney of Michigan is not eligible to be President. This article takes the contrary position. It relies upon the legal principle set forth by Hackworth in his Digest of International Law, Volume III, Chapter IX, page 2: "Nationality may be acquired by birth or by naturalization. Nationality at birth may result from birth in a territory of the state, jure soli, or from birth outside of the territory of the state to parents who are nationals of the state—referred to as nationality by blood, or jure sanguinis" and establishes that a natural born citizen means a citizen by birth of either category and is not limited to one born in the United States. Since Governor George Romney was a United States citizen by blood from birth, he is a natural born citizen and therefore eligible to be President.

I. PRELIMINARY

The constitution in Article II, section 1, clause 5, reads as follows:

"5. No person except a *natural born* citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States." (Italics supplied.)

On the date of Governor Romney's birth, the law in effect with respect to the children of citizens born outside of the United States was section 1993 of the Revised Statutes of the United States, which read as follows:

"All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

Governor Romney's father, Gaskell Romney, was a citizen of the United States who had been born in 1869 and had resided in the United States until 1884 when he was taken by his parents to Mexico. While there he maintained his citizenship, and in 1895 he married. Governor Romney, his fourth child, was born in Mexico on July 8, 1907; he came to the United States in 1912 and has continued to reside here. In 1926 he had his first passport issued by the State Department upon the basis of affidavits setting forth the above facts.

II. THE MEANING OF THE TERM "NATURAL BORN CITIZEN"

The authorities define the term "natural born citizen" as one who is a citizen from birth:

The word "natural" is defined as "being such by nature" or "born such" and an example given of its meaning is "a natural fool" (The Random House Dictionary, p. 952, 21; The American College Dictionary, p. 809, 22).

The word "natural" is defined in the Oxford Dictionary (Vol. VI, p. 38) as being "present by nature; innate" and also as a "native of a place or country," but it notes that the latter is obsolete, having been common in 1580–1650.

The term "natural born" is defined in the Oxford Dictionary as: "having a specified position or character by birth; used esp. with *subject* (Vol. VI. p. 38).

The term "natural born" is defined in Webster's Dictionary as "having a certain status or character by birth—as natural born citizen genius."

Ballentine's Law Dictionary defines the term "natural born citizen" as: "A citizen by birth, as distinguished from a citizen who has been naturalized."

Dicey gives the following definition of the term:

"(2) A British subject must be either

"(a) a person who is or becomes a British subject on and from the day of his birth, and is called a natural-born British subject; or

"(b) a person who becomes a British subject at some day later than the day of his birth, i.e., who is not a natural-born British subject" (Dicey, Conflict of Laws, 5th ed., 1932, p. 142).

Frederick Van Dyne, Assistant Solicitor of the Department of State, makes the following statement:

"A child who acquires American citizenship by birth to an American father abroad, under Rev. Stat., sec. 1993 (U.S. Comp. Stat. 1901, p. 1268), is a natural-born citizen of the United States" (Van Dyne, Citizenship of the United States, 1904, p. 50).

In *Roa* v. *Collector of Customs* (23 Philippine Rep. 315, 332, 1912) the court says:

"A natural born American citizen or Spanish subject means an American citizen or Spanish subject who has become such at the moment of his birth."

III. THE MEANING OF THE TERM AT THE TIME OF THE ADOPTION OF THE CONSTITUTION

In ascertaining the meaning of the term "natural-born citizen" as used in the Constitution of the United States it is, of course, important to examine the meaning of that term as used prior to the adoption of the constitution in 1789.

It is well settled that the term "natural born" citizen (or subject) included not only all those born within the territorial limits of England or of the Colonies but likewise all those who were citizens at birth, wherever their birthplaces might be.

Blackstone's Commentaries, 12th edition, 1793, in Volume I, chapter 10, refers to the general rule that "Natural born subjects are such as are born within the dominions of the crown of England . . ." and, after pointing out that there are certain exceptions, he then goes on to state:

". . . To encourage also foreign commerce, it was enacted by statute 25, Edw. III, st. 2, that all children born abroad, provided both their parents were at the time of the birth in allegiance to the king, and the mother had passed the seas by her husband's consent, might inherit as if born in England: and accordingly it has been so adjudged in behalf of merchants. But by several more modern statutes these restrictions are still farther taken off: so that all children, born out of the king's ligeance, whose fathers were natural-born subjects, *are now natural-born subjects themselves,* to all intents and purposes without any exception; unless their said fathers were attainted, or banished beyond sea, for high treason; or were then in the service of a prince at enmity with Great Britain" (373). (Italics supplied.)

The English statutes referred to by Blackstone all are alike in stating that the foreign born children coming within them *are* natural born subjects. See, for example, the Act of 1677, 29 Car. 2, c. 6, which states that the children coming within it "are declared to be and to have been the King's natural born subjects of this kingdom." Similarly, in the last statute passed before the adoption of the constitution dealing with this subject, the Act of 1773, 13 Geo. 3, c. 21, the same phrase, "declared to be natural born subjects of the Crown of Great Britain" is used. These statutes made clear that natural born subjects meant persons who were subjects from birth.

In no case did the statutes read that the foreign born child would be entitled to the same rights as those of a subject born in Britain; what they said was that he *was* a natural born subject i.e. a subject from birth just as was a subject born in Britain.

It follows necessarily from this that at the time of the adoption of the constitution the meaning in Great Britain of the words "natural born" subject was one who was born a subject whether (a) by birth in Great Britain or (b) by birth outside but of parents defined in the applicable statute. This being the meaning of the term in Great Britain it must be presumed to be the meaning intended to be given to it in the constitution.

It is contended by Professor Blum that since foreign born children became subjects as a result of statutory enactment and not by common law, and since British statutes were not adopted in the United States but only the common law, therefore the term "natural born citizen" in the constitution was limited to those who were born in the United States. There is no basis for this conclusion. No question of adoption of the British statutes is involved; they merely are relied upon to establish that the term "natural born citizen (subject)" meant at the time, in Great Britain, anyone who was a citizen (subject) from birth, whether by virtue of birth within the country under common law or by parentage when so provided by statute.

The term when used by the draftsmen of the constitution was surely intended to have the same meaning. That they so intended is confirmed by the fact that the Nationality Act enacted by the First Congress in 1790 contained among other matters the following provision:

"And the children of citizens of the United States that may be born beyond sea, or out of the limits of the United States, shall be considered *as natural born citizens:* Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: . . ." (Italics supplied.)

This statute is a convincing contemporary construction of the pharse "natural born citizen" and demonstrates that the term in the constitution was not limited to persons born in the United States.

On January 29, 1795, the Nationality Act of 1790 was substantially rewritten and Congress put into one section a provision concerning two categories, one dealing with children of naturalized citizens, and the other dealing with foreign born children of citizens, reading as follows:

"And be it further enacted, That the children of persons naturalized dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization; and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, *shall be considered as citizens of the United States:* Provided, that the right of citizenship shall not descend to persons, whose fathers have never resided in the United States." (Italics supplied.)

It should be noted that in the clause italicized the words "natural born" have been omitted. This was rendered necessary because the clause applied to both categories, one of which dealt with children of naturalized citizens who were not citizens at birth and therefore could not be described as natural born citizens. This omission in no way implied that the children in the other category who were citizens at birth were not properly described as natural born citizens as has been done in the 1790 act.

IV. THE CONSTRUCTION GIVEN TO THE TERM "NATURAL BORN CITIZEN" IN THE CONSTITUTION

There is no case involving the eligibility to the office of President under Article II of the constitution.

Nor is there any record of any debate or discussion in the Convention of 1787 bearing on the meaning of the term.

In the first draft of Article II, section 1, clause 5, the word "citizen," was used, which was later changed to "natural born citizen," but no reason for the change is known.

However, Farrand's Records of the Federal Government of 1787, Volume III, at page 61, sets forth a letter written by John Jay to George Washington on July 25, 1787, containing the following:

"Permit me to hint whether it would not be wise and reasonable to provide a strong check to the admission of foreigners into the Administration of our National Government, and to declare expressly that the commander in chief of the American Army shall not be given to, nor devolve on, any but a natural-born citizens."

The contrasting use in this letter of the words "foreigners" and "natural-born citizen" indicates that Jay sought to exclude both aliens and also naturalized citizens who had been aliens prior to becoming citizens, but not citizens who had been such from birth and who never had been aliens. It thus confirms the meaning of natural born citizen herein set forth.

The question was considered by Professor Alexander Porter Morse, one of the foremost legal authorities on American citizenship, in an article written in 1904 in 66 Albany Law Journal, at page 99, which concludes as follows:

"After some consideration of the history of the times, of the relation of the provision to the subject matter and of the acts of Congress relating to citizenship, it seems clear to the undersigned that such persons (children of citizens of the United States born at sea or in foreign territory) are natural born, that is, citizens by origin; and that if otherwise qualified, they are eligible to the office of President."

In this article Professor Morse emphasizes that the Act of 1790: "followed closely the various parliamentary statutes of Great Britain; and its language in this relation indicates that the first Congress entertained and declared the opinion that children of American parentage, wherever born, were within the constitutional designation 'Natural-born citizens.'"

Willoughby, in United States Constitutional Law, volume 1, at page 354, states:

"Natural-born citizens not yet defined. So far as the author knows, no fully satisfactory definition of the term 'natural-born citizen' has yet been given by the Supreme Court. Thus, it is not certain whether a person born abroad of American citizens who have themselves resided in the United States is to be deemed a natural-born citizen or a citizen naturalized by the Act of Congress which provides that such persons shall be deemed to be citizens of the United States. To the author *it would seem reasonable to hold that anyone who is able to claim United States citizenship without prior declaration upon his part of a desire to obtain such a status should be deemed a natural-born citizen.* If this doctrine should be accepted, persons born abroad of parents themselves citizens would not be regarded as natural-born citizens, because, in fact, it is provided by Act of Congress of March 2, 1907 (34 Stat. 1229) that such persons, in order to receive the protection of the United States are required, upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States, and, moreover, are required to take the oath of allegiance to the United States upon attaining their majority." (Italics supplied.)

The statement in the above quotation as to the 1907 act is incorrect in that the requirements to register at an American Consulate and to take an oath of allegiance, applies only to children "who continue to reside out of the United States" until reaching the age of eighteen. Governor Romney came to the United States at the age of five and consequently it was not necessary for him to register or take an oath of allegiance and a passport was issued to him without his having taken such action.

Furthermore, even if he had continued to reside abroad until eighteen and had failed upon reaching the age of eighteen to register at an American Consulate, it would not have affected his citizenship.

See Rueff v. Brownell, 116 Fed. Supp. 298, at 305:

"It should be noted that even under this section the failure of a citizen to comply with its provisions will deprive him of the right to diplomatic protection but will not deprive him of his citizenship."

Accordingly, under the doctrine laid down by Willoughby in the words italicized above, Governor Romney is a natural born citizen.

Professor Blum in his article argues that "natural born citizen" is synonymous with "native born citizen" and is therefore limited to those who are natives, i.e., born in the United States. No evidence is advanced in support of this contention with the exception of the fact that one of the various meanings given to "natural" in the Oxford Dictionary is "native." However, the answer to this contention is that this dictionary also defines "natural" as "present by nature," and there is no justification in selecting one meaning to the exclusion of the other, and further that as set forth under I above, it defines "natural born" as "having a specified position or character by birth" and hence as including, but not limited to, native born.

V. FOREIGN BORN CHILDREN OF CITIZENS ARE NOT NATURALIZED CITIZENS

There is a dictum in the opinion of Mr. Justice Gray in United States v. Wong Kim Ark (169 U. S. 649, 1898) which is inconsistent with the definition of "natural born citizen" above set forth. It describes foreign born children of citizens as naturalized, as follows:

"A person born out of the jurisdiction of the United States can only become a citizen by being naturalized either by treaty, as in the case of the annexation of foreign territory, or by authority of Congress exercised by declaring certain classes of persons to be citizens, as in the enactments conferring citizenship upon foreign-born children of citizens or . . ." (702).

The actual decision in this case was that a child born in the United States, whose parents were subjects of the Emperor of China, became at the time of his birth a citizen of the United States.

This dictum in the Wong case has led to decisions holding that a foreign born child was a naturalized citizen within the meaning of an expatriation statute (Schaufus v. Attorney General, 45 Fed. Supp. 61, 1962, and Zimmer v. Acheson, 191 Fed. 2d 209, 1951). It has also led to a repetition of the dictum in one case (United States v. Perkins, 17 Fed. Supp. 177). This case held that, when at the date of birth abroad the parents were aliens but afterwards the mother was repatriated, the child was not a citizen at birth but a naturalized citizen, and that a certificate of derivative citizenship should be issued to him. The court then went on to say by way of dictum that even if his mother had been an American at his birth, he would still have been a naturalized citizen.

It is believed that the dictum in the Wong case and the cases based on it is incorrect and that such foreign born citizens are not properly described as "naturalized" citizens and that the term is applicable only to persons who have been previously aliens.

Professor Corwin, in The President, Office and Powers, at page 32, in a carefully reasoned discussion of the question, explains why he does not agree with the dictum:

"But who are 'natural born citizens'? By the so-called jure soli, which comes from the common law, the term is confined to persons born on the soil of a country, and this rule is recognized by the opening clause of the Fourteenth Amendment, which declares to be citizens of the United States, 'all persons born or naturalized within the United States and subject to the jurisdiction thereof.' On the other hand, by the so-called jure sanguinis, which underlay early Germanic law and today prevails on the Continent of Europe, nationality is based on parentage, a principle which was recognized by the first Congress under the Constitution in the following words: "The children of citizens of the United States that may be born beyond sea, or outside the limits of the United States, shall be considered as natural born citizens of the United States; provided that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States [Act of March 26, 1790, 1 Stat. 415] and the general sense of this provision has been continued in force to this day by succeeding legislation, [Act of February 10, 1855, 10 Stat. 604; R.S., sec. 1993; Act of March 2, 1907, 34 Stat. 1229: U.S. Code, Title 8, sec 6.] The question arises, whence did Congress obtain the power to enact such a measure? By the Constitution Congress is authorized to pass 'a uniform rule of naturalization,' that is, a uniform rule whereby *aliens* may be admitted to citizenship; while the provision under discussion purports to recognize a certain category of persons as citizens from and because of *birth*. Probably the provision is to be referred to the fact that Congress is the legislature of a nation which is sovereign at international law, and hence possesses the right of any sovereign nation in determining who shall be members of its body politic and who not. [I: United States v. Wong Kim Ark, 169 U.S. 649 (1898), Justice Gray, speaking for the court, indicates quite clearly the opinion that the above legislation was passed under the 'naturalization' clause, and that children born abroad of American parents are therefore *naturalized* citizens; that, in short, to be a natural-born citizen of the United States one has to be born 'within the United States and subject to its jurisdiction.' (Ibid. 674, 702–703.) The point, however, was not involved in the case; nor does Justice Gray explain why Congress in the Act of 1855 'declares' children born abroad of American parents 'to be citizens of the United States.']"

As opposed to the dictum in the Wong case and to the three decisions based upon it, in addition to Professor Corwin and the other authorities cited above defining natural born citizens, there are the following authorities defining naturalized citizens as not including foreign born children of citizens:

Mr. Chief Justice Fuller and Mr. Justice Harlan in their dissenting opinion in the Wong case state "the children of our citizens born abroad were always natural-born citizens from the standpoint of this government" (169 U.S. 649, 714).

Johansen v. Staten Island Shipbuilding Co. (272 N.Y. 140, 1936) involved two claims under the Workmen's Compensation Law, one brought on behalf of the decedent's widow and the other brought on behalf of the decedent's children. The facts surrounding the second claim were as follows: The claimants were children of the decedent and the widow. All of these children were born outside the United States. At the time of their birth their father, the deceased, was a naturalized citizen, and their mother had become a naturalized citizen by marriage. Therefore, the children were born abroad of parents both of whom were United States citizens. Here, the court held the award could not be commuted under the statutory provision for commuting Workmen's Compensation awards to aliens, since the children "were not naturalized citizens, but citizens by birth, though born without the United States."

The Nationality Laws of the United States (76th Cong., 1st Sess., 1938) contains the following two statements:

"Naturalization according to the usual acceptation of the term in the United States undoubtedly means the grant of new nationality to a natural person *after* birth." (Italics in original, p. 3.)

"The term (naturalization) is not ordinarily applied to the conferring of the nationality of a state, jure sanguinis, at birth upon a child born abroad" (p. 3).

An example of the customary use of "naturalization" appears in the Immigration and Nationality Act of 1952, now in effect. Title 8, chapter 12, Subchapter III, contains two parts, Part 1 of which, dealing with "nationality at birth," includes (a) persons born in the United States and also (b) persons born outside of the United States of parents one of whom is a citizen, whereas Part 2 deals with "nationality through naturalization". The predecessor statutes to the Act of 1952 made the same distinction between persons who became citizens at birth and naturalized citizens. See also the quotation from Hackworth, *supra*.

It has been suggested that the Fourteenth Amendment should be construed as though it read that citizenship can be acquired *only* by birth in the United States or by naturalization in the United States. This construction is unsound. If it were correct it would prevent foreign-born children from being citizens at all, since they are neither born nor naturalized *in* the United States. This amendment does not purport to enumerate all methods of acquiring citizenship or to apply to foreign-born children in any way, as Justice Gray points out in his opinion in the Wong case, at page 688:

"This sentence of the Fourteenth Amendment is declaratory of existing rights, and affirmative of existing law, as to each of the qualifications therin expressed—'born in the United States,' 'naturalized in the United States' and 'subject to the jurisdiction thereof'—in short, as to everything relating to the acquisition of citizenship by facts occurring within the limits of the United States. *But it has not touched the acquisition of citizenship by being born abroad of American parents."* (Italics supplied.)

Thus it is clear that the amendment in no way concerns itself with the status of foreign-born children, and furnishes no support whatsoever for the Wong dictum, which asserts that such children acquired citizenship by naturalization outside of the United States.

It is accordingly believed that the term "naturalized" applies only to aliens and not to those who are automatically citizens from birth, and that therefore foreign-born children of citizens, since they never were aliens and became citizens at birth without any action on their part, cannot properly be termed naturalized, and that the dictum in Wong is wrong.

VI. CONCLUSION

It follows from the preceding that Governor Romney, who was a citizen of the United States from his birth by virtue of his parentage, is a natural-born citizen and therefore is eligible under the constitution to be elected to the office of President of the United States.

Furthermore, it is appropriate to call attention to the following quotation from Professor Corwin, in his The President, Office and Powers, at page 33, which in referring to the fourteen years' residence, is dealing with another requirement in the constitution for eligibility to the office of President:

"At any rate, should the American people ever choose for President a person born abroad of American parents, it is highly improbable that any other constitutional agency would venture to challenge their decision—a belief which is supported by the fact that Mr. Hoover's title to the Presidency was not so challenged, although he had not been fourteen years a resident of the United States immediately preceding his assumption of office."

BAIL REFORM ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared in yesterday's Washington Post entitled "Bail System in Trouble."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BAIL SYSTEM IN TROUBLE

It is not surprising that the new bail system should be operating imperfectly. The practice of releasing accused persons on their own pledges to be present when their trials are called is new to judges, defendants and the Bail Agency alike. Time will be required to develop smooth working relationships.

Much more than time will also be required. The bondsmen who have largely been put out of business did render a useful service, however unfair their exploitation of the poor defendants may have been. They hustled their clients into court on the day of their trial. Under the Bail Reform Act no one performs this service with comparable effectiveness. Chief Judge Bazelon of the Court of Appeals has noted complaints that released persons are not properly notified when and where to appear in court and that penalties for failure to appear are not being consistently applied.

One reason is, of course, that the Bail Agency has not been granted the personnel and resources it needs to do its job. Background data about a defendant appealing for release without monetary bail is often lacking. As a result some are apparently released inadvisably and others complain that they are detained in jail without good reason. If this system is to operate successfully, it must have the support of a strong fact-finding and supervisory organization behind it.

One other difficulty appears to be that some judges are not sufficiently familiar with what they can do under the Bail Reform Act. Actually it leaves the judge a substantial number of choices—release of a defendant on his own recognizance, requirement of monetary bail if deemed necessary for the defendant's appearance for trial; release under a variety of conditions; part-time release, and so forth. But here again a strong and vigorous agency for administration of the Act is called for.

In the circumstances the District's judicial Council has wisely named a committee to study the problem and bring in recommendations. In our view the theory behind the Act is sound, but in practice many improvements are in order. The committee will have a heavy task to work out practical measures that will prevent the jailing of accused persons because of their poverty and at the same time avoid further delay of trials, the freeing of dangerous defendants and the defeat of justice.

SECRETARY OF DEFENSE McNAMARA

Mr. McGEE. Mr. President, I desire to add my voice to the chorus of those who are praising Secretary of Defense Robert McNamara and bemoaning his decision to leave the Government soon. In other places and at other times I have spelled out my very deep respect for and admiration of this most distinguished public servant. I have always preferred to view him as the philosopher-statesman rather than as the Secretary of Defense.

This is not to detract from his brilliant role in directing the Pentagon; but, rather, is another way of saying that, powerful and terrifying and frustrating as the job of Secretary of Defense has to be in these critical times, Robert McNamara was a much bigger man even than this job he filled so ably. He understood human values and the complexities of the human race. And he placed these things above the pedestrian demands of material decisions from day to day.

In another sense, he had that inner grasp of not only the meaning but also the importance of our country's constitutional infrastructure which requires civilian control of military policies and activities. No Secretary of Defense in our history has ever been more brilliantly in command of all of the factors present in the Department of Defense than has Mr. McNamara. I would not hesitate to say that he will rank in history as the greatest in a galaxy of outstanding men who have sought to direct the military activities of our country.

Having said these things, however, I cannot resist a passing comment on some of those who are now according Secretary McNamara unequivocal accolades of support and tribute. Voices have been raised on the floor of the U.S. Senate over the past 7 years as well as voices in the fourth estate who were anything but laudatory or even respectful of the high office of Secretary of Defense. Many of these very same voices are now paying tribute to this distinguished American. Some of them are now seeking to identify with his views. They pretend to see in his wisdom a reflection of their own.

But, Mr. President, assertions of this type or oratorical gymnastics of this dimension are still a marvel for me to behold. I say that with deep, personal feeling because some of these same sources regularly have not only assaulted the Secretary, they have demeaned his role, they have called into question his motives, they have doubted his judgment, and at times they have even appeared to impugn his integrity. For these critics now to rise as one voice to express regret over his pending resignation is understandably hard to rationalize.

Bob McNamara has not changed. From the very beginning he has had a grasp of what the American position in eastern Asia is all about. He has had an understanding of the forces of history which compel our presence there. He has had a sense of restraint and yet of determination to see it through. All of these attributes of the Secretary were lost upon his critics for 7 years.

Either they could not see the big picture which he carefully sketched for them, or they did not want to see it. They repeatedly "tuned him out" or "turned him off." Therefore, the present inclination of the anti-McNamara groups now to identify with him may offer some hope. It may indicate that they have at last seen the light—even at this late date—as they compete with each other to embrace his wisdom.

Some of them demean him further by suggesting that he has changed over to their views. It rather seems to me that the reverse may be true. The critics who now applaud the Secretary of Defense put me in mind of Mark Twain's old story about his father, when Twain said:

> When I was 14, I was disgusted with how ignorant my father was. But by the time I had reached the age of 21, I was amazed at how much the old man had learned.

There have been a lot of 14-year-old critics of Secretary McNamara who now, after 7 years, have acquired a greater sense of the Secretary's perspective. If only one could believe that some of the more vociferous of the critics have indeed seen the McNamara light, there would be some reason to rejoice in this present moment. I fervently hope that this is the case.

Robert McNamara from the very first has had a strong—even powerful—grasp of the dimensions of our country's role in these times. Hopefully, now we can close ranks and mobilize behind his wisdom and foresight.

FHA TALKS TOUGH ON DISCRIMINATION

Mr. PROXMIRE. Mr. President, Mr. Philip J. Maloney, the Deputy Assistant Secretary of FHA, recently delivered a strong speech to FHA officials concerning racial discrimination. Mr. Maloney makes it quite clear that, so far as the top echelon in FHA is concerned, racial discrimination in FHA programs will not be tolerated. In talking to the FHA field officials, Mr. Maloney bluntly warned that, if an FHA official cannot abide by the nondiscrimination policies of the FHA, he should "in good conscience step aside for men who can provide leadership in these areas."

Mr. President, the FHA has come a long way from 1950, when its official manuals required racial segregation as a condition for Federal aid. For example, the official FHA manuals once cautioned against "infiltration of inharmonious racial and national groups" or "a lower class of inhabitants" or the "presence of incompatible racial elements." A neighborhood was to be considered as less stable and therefore ineligible for FHA insurance if it contained "a lower level of society." Zoning restrictions and racial convenants were openly advocated by the FHA. In fact, FHA even prepared the form for the restrictive convenant and left blank spaces to be filled in according to the particular prejudice or whims of the builder.

Mr. Maloney's forthright speech stands in marked contrast to this early, but hopefully long-discredited, policy of FHA.

I commend and congratulate the top management of FHA for the leadership they have brought in this area. I recognize that it is a difficult task to change ingrained prejudices and procedures which have grown up over time, but it is encouraging to see that the effort is being made.

Mr. President, I ask unanimous consent that Mr. Maloney's remarks and an editorial concerning FHA's antidiscrimination campaign, published in the New York Times, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF PHILIP J. MALONEY, DEPUTY ASSISTANT SECRETARY-DEPUTY FHA COMMISSIONER, TO THE WASHINGTON CONFERENCE OF FHA DIRECTORS AND CHIEF UNDERWRITERS, OCTOBER 25, 1967

We meet again. Before I even begin my talk, I want to take up a special interest of mine that is related to my subject of this morning—sex. It must have been brought home to you this week that there sits among you one—only one—woman who has reached the underwriting top in FHA.

In our concern for equal opportunity, we sometimes tend to limit ourselves to racial considerations. It is equally important that there be equal opportunity for women to enter and rise in our technical positions in the field offices, as well as here in Washington.

It should not be a great chore to bring more women into the underwriting profession. There is no reason in the world that women should not be well represented in the mortgage credit positions in FHA. Women abound in such positions in the savings and loan associations. They sit on loan committees, with equal authority to that of their male counterparts. And there are women in highly prominent architectural positions around the country. I ask you to make special efforts to induce women to enter careers within FHA. I think our underwriting will be all the better for it, and it will take some of the lonely load from Mrs. Brown's shoulders. So—seriously—I want you to take positive actions in this area of sex.

Today I want to talk to you further about equal opportunity in housing and employment in the Federal Housing Administration. Don't groan—don't think that I'm going to simply repeat old lines about the Executive Order and that all housing insured since November 2, 1962, must be equally available without regard to race, creed, color, or national origin. I'll be saying these things, but you can say them as well as I can. You've said them and read them many times. But I'm going to talk cold turkey about them and about our performance in making these policies realities. And about our failures in making these realities.

I happen to be the HUD Deputy Equal Employment Opportunity Officer for FHA, as well as the HUD Deputy Contract Compliance Officer. In addition, I oversee the processing of every complaint of discrimination in housing. You won't see my name or title in the official processing procedures for these complaints, but I want you to know that every move made in the processing of these complaints comes before me—and when necessary, before the Assistant Secretary. What we have seen I'll come to a bit later.

Now I've mentioned a couple of my special titles in assuring equal opportunity, but I don't hold these titles in particularly high regard. In fact, I would as soon see them abandoned. I think that they tend to separate matters of equality in housing and employment from our day-to-day work. This shouldn't be, and I do not really separate these special responsibilities from the exercise of my full responsibility as Deputy Assistant Secretary. And neither does Assistant Secretary Brownstein. Those of you who have badly exercised your duties and responsibilities in equal housing and employment, and have heard from us, well realize that we do not separate our concern for equal opportunity from our other concerns over the operations of the agency. We can manifest our displeasure—and sometimes pleasure—under any title whatever.

The point is that FHA is unequivocally committed to equality in housing and employment. This is not a sometime commitment. Like our commitments for mortgage insurance, it's a permanent, irrevocable commitment. Today, tomorrow, and forever. And I want you to know it, and to get with it, and stay with it. Today, tomorrow, and forever. I would be less than frank if I told you that I thought you had really done what you could have done in these areas up to the present time. I think it is fair to say that you have been measured and been found wanting. Well, now I want you to measure up—to manifest your loyalty and zeal for these causes. If you can't give this much to your positions of leadership in the Department, I suggest that, in good conscience, you should step aside for men who can provide leadership in these areas.

Assistant Secretary Brownstein told you emphatically where the prime thrust of FHA must be—in housing for families of low income and in the restoration of the inner cities. The realization of these goals is as of right now the mission of the agency. It's nothing new for us to take on special challenges, and you're looking at fool's gold if you continue to look back and take pride in the FHA accomplishments of the past. Moreover, there's a bit of hypocrisy in such rear-view mirroring. Most of us weren't around to have been the leaders of yesteryear. Those who went before us were those leaders. They met the challenges of their day, and their glory is not ours. We have to meet the tests of our own time, and the tests are different. If we are to join in the continuing fine history of FHA and join with the leaders of the past, we have to realize that the time of our testing is now. And I think that you all realize that the tests are hard. But so were the earlier tests of those who led before us. I would hate to say that we cannot measure up to the demands of our time, as they did to those of theirs. And, if we can't, with the wealth of tradition and experience which we have inherited, adapt ourselves to meet our challenges, then we might as well call it quits now. Assistant Secretary Brownstein was in dead earnest when he said that these are critical times for FHA. We either produce, as we have before, or we are an agency with little future. And if that should come to pass, you and I will have betrayed our inheritance.

Don't think that I have strayed from my theme of equality. It's right here. With our primary mission of housing for families of low income and the restoration of the inner cities, we stand face-to-face, eyeball-to-eyeball with the spectre of discrimination, the ghoul of a lack of basic freedom in housing and employment. These are the shame of our cities, the shame of our nation. And there is no way to separate these problems of discrimination from the mission that we have been given by Mr. Brownstein. They are inextricably joined. If you try to separate them, you are doomed to failure from the start. You can't be a leader in the solution of the real problems of the city, if you are incapable of seeing that jobs and housing are roots of these problems. And if you can't take a total look at the problems of the cities—including all the ghastly realities of the slums, the inhuman conditions in which so many city dwellers live—then you cannot measure up to the leadership which we are demanding of you today. You cannot sit at your desks to exercise this leadership, driving home on freeways, through parks and well-established, well-maintained neighborhoods. You may live in these fine areas, but your mission is far from them. You belong in the slums, meeting with minority groups, groups of the poor, groups of those who can sponsor housing projects for the poor and for those in the inner city. You must plow through the dirty streets, the garbage, the rat-infested houses and apartment buildings. This is where we want you to be. This is where the problems are, where the work is to be done. This is where we want FHA financing to be today.

As Assistant Secretary Brownstein told you, get out and find sponsors and builders for housing for low-income families and in the inner cities. Don't sit at your desks and wait for proposals to come to you. Go get them. Put them together, cooperating with every group possible. Get to know intimately all of the state and local officials who can help you in this mission, as well as all of the officials of fair housing and minority groups who can help you. But realize that you are supposed to be leaders. You are the highest decentralized HUD officials. You have been given great authority, but I wonder whether you realize how much. And I wonder whether you exercise it as we want you to. You have the authority to commit the Secretary and the Assistant Secretary-Commissioner to insure mortgages. You determine whether these are worthy transactions and ultimately make the decision. And your decisions are binding on the Secretary. You have this authority. We want you to use it positively, not passively.

Be a leader. Use your authority in an urban renewal area, for example. The local renewal authority should be in close consultation with you from the very beginning. And you should be thinking deeply and imaginatively on the area problems from the beginning. Any housing proposals fall in your jurisdiction. When you see an area that can be redeveloped for family living, you should say so. Many of our central city areas now up for renewal were residential areas once. There may be good reason for redeveloping them as residential areas again. And I don't mean as luxury high-rise projects. But here you are the force that should mold this decision. Many a city renewal agency will block out these former inner-city areas for luxury apartments. But you don't have to agree. It's your ultimate decision on what FHA is going to insure in these areas. You have the authority to say "yes" or "no" to these plans. And stop to realize that what you say may well determine these matters, in many instances. The Secretary has clearly stated that in urban renewal areas we will give primary consideration to providing renewal housing to families of low income, many of whom will be from minority groups.

But, if you are to be the leader that I am talking about, you have to act big. You are big in authority, if you stop to realize it. But you have to use all the authority that we have vested in you. Throughout your jurisdiction, not only in your insuring office city, you must make your presence and authority felt. Meet as equals sharing a problem with any and all local or state officials, with any groups, or individuals that can help us in the accomplishment of our mission. Act to meet this mission. Don't wait to react after someone else has made a proposal to you. Guide the development of the proposal.

We want FHA to be an imaginative, driving, thrusting force throughout this country. And you have to be the drivers. You must develop within yourselves a sense of urgency and transmit it to every member of your staff. You must reexamine your working habits to free yourself from every nonessential chore so that you can dedicate your talent and time to the active promotion of the mission that Assistant Secretary Brownstein has laid out.

On equal opportunity matters, I hope that you don't think that I have no grounds for my sense of urgency. I have. And I'm going to speak frankly on these matters.

As you know, we have just completed a survey of all builders operating in subdivisions covered by the Executive Order on Equal Opportunity in Housing of November 20, 1962. We asked you to get these builders to state or estimate the number of minority-group buyers they had in these subdivisions.

The results have now been tabulated. The survey showed that 665,578 lots had been developed under coverage of the Order. And 410,574 units had been sold. I suspect that these numbers—both of them—are very much under the actual numbers. They should be considerably higher, according to our usual estimates. Slightly over 35,000 of these units were reportedly sold to members of minority groups—the Negroes, the American Indians, the Orientals, and the Spanish Americans. Reportedly 13,832 units were sold to Negroes, 12,765 to Spanish Americans, 8,784 to Orientals, and 687 to American Indians. We have, therefore, according to this survey, provided housing for families from most minority groups at the rate of somewhat over 8% of the housing units developed and sold under coverage of the Order.

Since we just have completed the tabulation of this survey, we have not had it analyzed and placed in proper relation to income levels, market demand, and so forth. This is now beginning in the Research and Statistics Division. When this work is complete, we will have a much more sophisticated measure of what has been accomplished so far.

But even from the rough tabulations that we now have, I think I can safely make certain deductions. We have not done well enough in providing housing for minority families. The conclusion is inescapable when you look at the record of a number of large urban centers and see that virtually no minority family housing has been provided through FHA. And these are urban centers with large concentrations of minority citizens. I am not going to identify these urban areas, but you saw the results before you sent them to Washington. You know where your area stands, how poorly it stands. And then we must consider that some of this minority-family housing, probably a great deal of it, is in developments that are largely or wholly occupied by minority families.

I realize, as you do, that we are here dealing in an area that is shot through with social customs and prejudices. Pressures strongly resistant to change make progress exceedingly difficult. Progress can only be made to the degree that social attitudes can be changed. And this isn't easy. The goal is, of course, to change these attitudes so that minority families are socially free to seek the housing they can afford and desire anywhere. We are far from this goal, obviously, but I think some notable progress has been made in many parts of the country. The walls haven't come tumbling down yet, but they are being breeched in many places.

What will ultimately bring them down is positive efforts to enable the minority to choose freely any housing they can handle in any developments financed through FHA. When minority families can freely choose among any number of developments, and not be restricted to developments that will ultimately be largely occupied by minorities, then I think we will be able to say that some real progress has been made.

So that we may be able to achieve this real rate of progress, you are going to have to be hard and sharp—as wise as the serpent. You're dealing in a field in which others are hard, sharp, and competitive. If building and real estate operators believe that you are complacent, busy about many other things, or less than zealous in this cause, they will in the vast majority of instances take the easy course—business as usual, within the safety of the social customs or prejudices of the area. And you must realize this fact. Human factors are strong here. Try to remember the statement of Thomas More, the great Chancellor under King Henry VIII:

"It is not possible for all things to be well unless all men are good—which I think will not be thus for a good many years."

The time of total goodness hasn't arrived. But if the builders and sellers recognize that your eye is on them constantly, that you are just as sharp as they are in the intricacies of building and real estate operations, they are going to be more careful to operate in the spirit of the Order. If they know that you know all of the ins and outs of mortgage financing, construction schedules, market potentialities, and urban growth, they will recognize you as a formidable opponent if their operations force that role on you.

But let's hope that such a role is not forced on you. Let's hope that you have—or can attain—such stature in the industries with which you deal that you can work cooperatively with all to make progress toward equal opportunity in housing.

I want to mention our formal complaint procedures. But first I want to make sure you clearly understand that such procedures actually do exist. They do, and they have existed since shortly after the issuance of the Order. They are one of the last sections of Volume V of the *Manual*. I find it necessary to make this point because we have had several recent instances where directors faced with a complaint of violations of the Order proceeded to attempt to resolve the complaint in their own fashion. In several cases, the directors had already made their findings in the complaint cases, when Washington learned of the matter and had the case reopened and properly processed. Don't let this happen to you. It's embarrassing all around and causes delays and undue resentment from all parties involved in the case. And the processing lacks the uniformity we desire in the application of the Order.

I most emphatically do not want anyone in the agency to feel that the formal complaint procedure is a significant tool to achieve the objectives of the Order. It is a procedure to assure the rights of a particular homebuyer in a particular deal. If the complaint proves justified, of course, the future operations of the builder or seller should—if still permitted the benefits of FHA financing—be under special surveillance. This doesn't get us very far very fast. But we still must be extremely careful in the processing of these complaints. Since the issuance of the Order, we have had only 136 complaints. This shows clearly that we should not look for great accomplishments through the complaint process, even if we had a substantial increase in volume. We have, by the way, new and we think, improved, complaint processing procedures virtually ready for replacement of the present procedures.

In my review of the complaints we have had, I have noticed a tendency to misunderstand the builder's position in FHA's eyes in some instances. You must remember that the builder certified to FHA that he would conduct his operations in conformity with the provisions of the Order before he got underway. Then, when a complaint is made that he has discriminated, and the director has determined that this complaint of discrimination is justified, the builder is requested to sell the desired home to the complainant. We've achieved our first objective—to get the complainant a house if his complaint is valid. But we're not finished with the builder in these cases. He certified that he would not discriminate in his operations. We determined that he had violated his certification. The fact that he sells a house to the complainant when we bring him to book does not let him return to business as usual, with another certification that he'll now abide by the Order. His certification is too suspect for our future reliance on it. He has now to demonstrate to us through some positive actions that he will, in fact, be offering his houses equally to all. What we will accept as a satisfactory positive action program will depend on the particulars of the case. For this reason, it is vitally important that you directors keep in close contact with Washington as you process these complaint cases, particularly as you reach the point of resolving the complaint, but before you make your determination known, or lay down any sanctions. It is here that we want you to have our advice and concurrence to achieve uniformity in the enforcement of the Order. We will give you advice based on our knowledge of previous complaint cases and their resolution, as well as any legal guidance you may need.

I think you will notice that we have gradually toughened our attitude toward builders who have been found to be in violation of their certification of compliance with the Order. We will continue this attitude toward these builders or sellers who refuse to honor their certifications to us. If builders decide to leave our programs on this account, then so be it. When the builder comes into our programs, the decision not to discriminate has been made—he has no choice later to decide honorably which way to go.

We are in the process of issuing jointly with the Veterans Administration letters to all builders, mortgage lenders, and management brokers calling to their attention their responsibilities for equal opportunity in housing if they wish to continue to avail themselves of the benefits of our programs. Over 150,000 of these letters will be issued through the insuring offices to builders and management brokers and through the Washington office to all approved mortgage lenders. The letters are on the presses now and will be distributed promptly. You will see them today.

But again, I do not want to make more of the potential of the complaint procedure than is justified. Its effectiveness is sharply limited and local in nature. But I do want complaints properly handled.

If FHA can get stably integrated neighborhoods established around the country, then we will have achieved something in providing equality in housing opportunity. Every example of such stable integration is worth infinitely more than all of our successful complaint actions together. In fact, the two actions are not even comparable as to the worth to us and to the nation. Successfully integrated neighborhoods should be contagious. And as these examples spread, we are ever nearer to breaking the racially restrictive bonds on our inner-city areas that lead to progressive deterioration of these areas where poverty, overcrowding, and substandard housing feed the forces of despair and discontent. We cannot effectively relieve the pressures in these areas and restore them unless all other neighborhoods of the metropolitan area are freely open to all who can and want to live in them.

I would like now to turn to another aspect of equal opportunity—FHA employment. Here again I find that progress has been generally slow and that we must improve our record. We have a few new means which we hope will be helpful in this area, but before mentioning them, I would like to review the record.

At the end of September, FHA had 7,938 employees. Of these, 909 were Negro empolyees. So throughout the agency, Negroes comprised 11.5% of the total employment. This Negro employment level has been moving up slowly. So the direction is right, but the rate is too slow.

At the end of September, the FHA Washington employment ratio for Negroes stood at 30.4% of total employment. For the field, the ratio for Negroes was 5.3%. Both areas showed gains, but they were too small. And, of course, many of our Negro employees are concentrated in the lower level, non-professional areas of employment. There has also been progress in the reduction of offices and divisions in FHA without Negro employees. Some remain, however, and some of the progress has been made only under pressure from my office. This should not be necessary. The need for the talents of Negro employees in all offices in FHA—and I do not mean what is called "tokenism" in any way—should remain uppermost in your minds at all times when taking personnel actions.

I know that at some times and in some places, it is hard to locate qualified Negro employment candidates. Particularly for our technical and professional positions. But it is not impossible, and it is very possible when we all make continuing positive efforts at recruitment. This takes leadership, particularly in the field, where much of your personnel is in the technical fields, and recruitment is difficult regardless of racial factors. But if you exercise your leadership in making and keeping contacts with schools and organizations, much can be done to improve our present position. You must be sure that these are not one-time, sporadic contacts. They must be sincere and continuing. With such careful cultivation, there should be some fruit. Don't expect a bountiful harvest. But be sure to do all that you can to take the first and best fruits. If you should locate candidates that are promising for employment by FHA—and you don't have openings for them—think of the agency and HUD as a whole. Let my office know of these candidates, or notify the Director of Personnel. If you can't consider them, other insuring offices may need them badly, or so might the Washington office.

FHA will continue its special annual recruitment drive in the colleges for minority graduates. And, we have established a new position to guide special recruitment efforts in the personnel division. We hope these actions will prove helpful.

I had hoped to be able to announce an imminent new program under which we would begin to train candidates for our own technical positions, starting with candidates far below those we take into our regular technical training schools in the various branches of underwriting.. We plan—although we may have to defer this plan—to locate promising candidates who may not qualify for our regular intern or trainee positions in a number of insuring offices. If these show promise for special training positions, we plan to take them into the FHA service at the GS-2 and GS-3 levels and educate them ourselves. We will have positive support from a contract educational institution for the development of the non-FHA educational materials and for professional teaching guidance. The training in FHA technical fields will be done by insuring office personnel. The training will be in mortgage credit, property management, appraisal, architectural, Title I servicing, and other areas. Those of the promising students who pass the pre-trainee level work will enter into the newly revived position of Housing Aide, GS-4—this is a position similar to the old underwriting aide position. Successful completion of the training in this position will entitle the student to enter into one of our official training schools or to undertake similar training in an insuring office leading into our regular technical positions.

The program is developed, and we are ready to contract with an educational institution for the professional guidance we need. The test offices have been tentatively identified to start the program. But there the good news ends. We developed this test program because we know of the difficulty of finding candidates for employment with training in the specialized fields that we need, particularly in the insuring offices. We have been two years in developing the program and in negotiating with the Civil Service Commission. Now that we are ready to proceed with our program—one we think will work—we suddenly face the battle of the budget. I know you have all followed the recent congressional actions aimed at limiting our budgets, and the actions taken to continue our spending at last year's level, pending final action on this year's budget, as well as the action taken to require executive agencies to absorb the entire cost of the employee pay raise in their existing budgets. These are serious complications. How they will be ultimately decided by the Congress I cannot tell. And until we know the outcome, we are not in a position to say whether we can undertake this new employee-training program as we had originally planned it. We called it *Fair Chance,* and we are committed to it. And it will be undertaken as soon as possible. But if we are faced with severe budget cuts, on top of a current staffing shortage, we may have to postpone the test period of *Fair Chance*. Or, if the cuts are not too severe, we may be able to start the *Fair Chance* program on a very limited basis using a few of our own present promising employees—a sort of pre-test program. But if there are no severe cuts in the budget, we should be able to proceed with *Fair Chance* within a matter of months.

We are also implementing an affirmative action and goals program in both Washington and in the field. Under this program each major division in Washington and each insuring office will set its own goals for equal opportunity in employment and its own deadlines for reaching these goals, under general guidelines set out for the entire agency. This program is already underway in Washington, but bugs have developed. And the de-bugging process is in process at the moment. It does, however, show definite promise, and full-scale implemented gradually throughout the agency, so that programs, goals, and accomplishments will be staggered, since all of these areas of the program will need intensive review and analysis by a very limited section of the Personnel Division if the program is to succeed.

But regardless of these special program developments that we hope to implement as rapidly as possible, there are several things that you can do to assure the best possible program of equal opportunity in employment in FHA.

First, and it shouldn't have to be noted, watch the personnel actions closely in your own office. Before any hiring action or promotional action can be made, be sure that you have explored it thoroughly. And be sure when you are exploring it that you are not placing undue reliance on the recommendations and opinions of your subordinates. In most cases, you should be able to have a pretty good estimate of the performance and capabilities of most of your employees throughout the insuring office. You will, of course, have to rely to a degree on recommendations of immediate and secondary supervisors. But you have the responsibility of knowing whether these recommendations are reliable. If you don't accept this on-going responsibility for knowing or questioning the validity of any proposed action, you won't be truly in charge of your office. And you will find yourself in the position of being held responsible for actions that may impair your best operation.

Also, if you fail to watch this matter closely, you may find yourself faced with charges of discrimination in employment. People are not loath to make these charges these days. We've had a number of such complaints. The consequences are not good for the office, regardless of the outcome of the investigation and determination of the complaint. The procedures are lengthy and cumbersome. They do nothing to improve morale in an office. From my experience in processing the complaints that we have had, I think that most could have been avoided. In one after another, it is clear to see that the complaining employee didn't know what was going on, didn't understand our employee promotional policy, or was completely or inadequately informed of the quality of his work performance. In such circumstances, personnel actions—mostly promotions or reassignments—look very arbitrary—perhaps discriminatory. And then come the complaints, most of which result from the bad administrative practices I have mentioned.

This needs the constant and continuing attention of you directors, as well as that of your top insuring office supervisors. I urge you most strongly to see that your employees are completely informed of their promotional opportunities, their deficiencies—told to them in person, with a written confirmation of this conference. Keep your own office open to hear any grievances that may be felt, and be sure that they are checked out for accuracy. Make totally clear the need for and the effect of any planned reorganizations in the office. In other words, be sure that your employees are fully informed on any actions that may affect them. In this way you will keep to the minimum any rumors and unexplained actions that may well play hob with your entire office and give rise to thoughts of discriminatory employment policies. I cannot overestimate the benefits you will reap from careful attention to these matters. I am, of course, emphasizing equal opportunity in employment, but the same careful and thoughtful attention to employee relations practices generally will greatly improve your entire office operations through good employee morale.

Yours is the responsibility to support the agency policy in the field. You must take every possible act to assure complete equality in housing and employment.

At times, you may well think that the goals and missions that have been given to you in this conference are unattainable—far beyond your reach. You may feel that like King Arthur and his Knights of Camelot you have been sent to seek but never find the Holy Grail. And there are many who will tell you where to find it. They will see it clearly and tell you loudly where it is. But they are incapable of telling you the way to it. There will be many of these visionaries who share our goals of equality in opportunity, of housing for families of low income, and of peaceful restored and rebuilt inner cities. But it is you who, while sharing these goals, must make the way to them. You will be criticized, and damned on all sides. It may sometimes seem that you are surrounded and your way is totally blocked. At those moments, I hope that you will remember the poet Robert Frost, who said:

"The best way out is always *through.*" With this thought in mind, I think we'll make it.

[From the New York Times, Nov. 21, 1967]

FHA Asks Aides To Get Housing for Minorities—Warns That Greater Effort Is Needed—Says Negroes Lag Under U.S. Program

(By Robert B. Semple)

WASHINGTON, November 20.—The Federal Housing Administration, appalled by a confidential new survey of Negro occupancy of federally insured housing, has told its local employes in 76 cities that they must make a greater effort to provide housing for minority groups in the white suburbs or risk unpleasant consequences.

One possible consequence, it has been hinted, would be the loss of their jobs to men with greater "loyalty and zeal" for the principle of open housing. Another would be the gradual decline of the housing agency itself as an instrument of social change.

These warnings were contained in a speech delivered here last month by a high F.H.A. official to a conference of the agency's underwriters and district directors.

The speech, which has not been released by the F.H.A. or its parent agency, the Department of Housing and Urban Development, is now beginning to circulate in civil rights circles. These circles regard it as one of the most forceful speeches on open housing ever delivered by a Federal official.

PRODUCE OR "STEP ASIDE"

In blunt language, the official, Deputy Assistant Secretary Philip J. Maloney, told his audience that "you have been measured and found wanting." Urging them to "measure up," to "manifest your loyalty and zeal for these causes," Mr. Maloney added this warning:

"If you can't give this much to your positions of leadership in the department, I suggest that, in good conscience, you should step aside for men who can provide leadership in these areas."

He also warned that his agency should either take a more vigorous role in providing housing opportunities for Negroes or "call it quits."

"These are critical times for F.H.A.," he declared. "We either produce, as we have before, or we are an agency with little future."

The Housing Agency has been the target of rising criticism from private groups, and from Congress for its alleged failure to carry out the Executive Order of 1962. The order forbids discrimination in federally insured housing and gives the Government various forms of leverage over developers who exclude Negroes. This includes the power to withdraw Federal mortgage insurance.

THE VITAL DECISIONS

Although officials at the Washington level have professed their commitment to the Executive order many times, the real power to carry out that order lies with officials in the housing administration's 76 local insuring offices—that is, the men to whom Mr. Maloney was addressing himself.

Although subject to check from Washington, the local underwriters usually determine who receives F.H.A. insurance. Their vigor—or inertia—also determines the success or failure of any civil rights enforcement program.

Mr. Maloney told the underwriters that their record since 1962 had been unimpressive. He said that a recent survey of all new subdivisions insured by the agency and constructed since the executive order showed that of 410,574 houses sold, only 35,000 had gone to minorities.

Of these, only 13,832—or about three per cent of the total—went to Negroes, 12,765 to Spanish-Americans, 8,784 to Orientals, and 687 to American Indians.

Negroes make up about 11 per cent of the total population. Mr. Maloney said that in some metropolitan areas where Negroes make up an even larger percentage of the population "virtually no minority family housing has been provided through F.H.A."

Mr. Maloney's speech complemented an address given only two days before by the head of the housing agency, Philip N. Brownstein. Mr. Brownstein told the same group that their excessive caution in the past, reflected by a reluctance to insure housing in slum areas, had hurt the agency's image and had thwarted its mission of "restoration of the inner cities."

VOLUNTARY CIVIC PROJECTS

Mr. HART. Mr. President, two projects which are being voluntarily conducted in Grand Rapids, Mich., could have a marked effect on inner city-police relationships, big city rioting, proper and just court procedure, and emergency lifesaving.

To my knowledge, they are "trailblazers," as the Grand Rapids Press reported. With all of the millions of words that have been pumped about in an effort to strengthen community police forces, these two ideas, conceived by private, concerned individuals, are simple to carry out and can produce immediate results.

The first involves 60 members of the Grand Rapids Bar Association. They decided to help to resolve the controversy: How can we protect civil liberties and at the same time unhandcuff the policeman who is trying to do his job—stop the lawbreaking citizen.

Solution: Give the policeman a basic understanding of the law. He cannot operate well if he does not know what he can or cannot do.

Some 60 young attorneys are now donating their time to teach police recruits, veterans, and sheriff deputies in six specific areas where their job necessitates public contact—arrest, search and seizure, legal evidence, testifying in court, constitutional law, and the interpretation of traffic ordinances.

The other project involves a team of doctors who felt that at times there was unnecessary tragedy or greater injury in the case of the "emergency patient."

Doctors would often criticize the methods used by policemen or firemen in emergencies, Dr. Mark Vasu of the Kent County Medical Society explained.

Since the policeman or the fireman was almost always the first to arrive in an emergency situation, it became obvious that with a little medical advice they could do much to help save the life or lessen the injury to the person involved.

Ten Grand Rapids physicians and surgeons are now training the policemen, firemen, and deputies in proper emergency procedures and techniques. Their time is also a donation to the community.

When I learned of these two projects, I wanted to bring them to the attention of Senators so that they would be able to carry these ideas back to their own communities.

No one can quarrel with any effort to save a life.

And certainly those of us who are concerned about the problems of our inner city will be in full support of a measure designed to bring about better police-community relations. I have admiration and respect for those persons who are participating in these endeavors and hope that their fine example will be imitated across the Nation.

I ask unanimous consent that an editorial published in the Grand Rapids Press be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Help Where It Counts

What is being done in this community on a voluntary basis by our doctors and lawyers represents solid progress toward more effective, more efficient and more responsive service by our policemen, firemen and our sheriff's deputies?

Sixty members of the Grand Rapids Bar Association, most of them young attorneys, are donating their time to instruct police recruits and veterans on the force in six specific areas in which the police are involved with the public—arrest, search and seizure, legal evidence, testifying in court, constitutional law and interpretation of traffic ordinances.

"The most meaningful byproduct of this effort," says Paul O. Strawhecker, who helped organize the Bar Association project, "is that it helps to put attorneys on the same side with the police. It establishes better communication through better understanding on both sides, our policemen gaining a better understanding of the law and the role of the attorney and the participating attorneys gaining a better understanding of the difficulties of the policeman's job."

Strawhecker's assessment of the benefits are enthusiastically endorsed by Police Supt. William A. Johnson, who says, "Thanks to the better understanding of the law developed by this program, our police recruits and in-service police officers are becoming even better qualified to give this community better police service."

The project, of which City Attorney Stephen L. Dykema and Prosecutor James Miller are cochairmen, has had the able assistance of H. Raymond Kalliel, Michael F. Kelly, Frank S. Spies, Sherwin J. Venema and Leo J. Stevens.

The first attorney-trained class of police recruits graduates in December. The project has been so succesful that plans already are under way to provide similar instruction-by-attorneys for future classes of recruits.

Of equal significance in helping to provide Grand Rapids with more effective service from policemen, firemen and deputies is a training program sponsored by the Kent County Medical Society and conducted by Dr. Mark Vasu.

Working with recruits and in-service veterans who are interested, Dr. Vasu's team of 10 physicians and surgeons trains policemen, firemen and deputies in proper emergency procedures and techniques.

The medical project had its origin, explains Dr. Vasu, in the doctors' criticism of procedures used by policemen and firemen in emergencies. "It finally," he says, "became a matter of 'Why criticize? Why not help?' "

The volunteer programs undertaken here by doctors and lawyers donating their own time to enable the police, firemen and sheriff's deputies to better serve this community are trailblazers. "No other community, to our knowledge," says Supt. Johnson, "has anything comparable to these two projects in which our professional men are giving so freely of themselves to make our police force a better instrument of community service."

A PRESIDENT'S. FIRMNESS IN VIETNAM

Mr. McGEE. Mr. President, addressing a group of businessmen at the State Department yesterday, President Johnson reminded his audience that there are historical parallels for the American involvement in Vietnam.

The President recalled that Western nation's were reluctant to resist Hitler and Mussolini in the 1920's and 1930's, and that the world had to suffer the consequences of a murderous World War with millions of casualties and destroyed nations.

After the lessons of World War II, the United States embarked on a conscious policy of peace through preparedness. As the President said in his speech:

> For two decades, we have made it clear that we will use our strength to block aggression when our security is threatened, and when—as in Vietnam—the victims of aggression ask for our help and are prepared to struggle for their own independence and freedom.

In his speech, the President came down very hard on those who advise the United States to shirk its responsibilities in Vietnam.

He underscored the fact that the American presence in Southeast Asia today has served as a counterweight to the awesome presence of Communist China whose shadow increasingly darkens the prospects for peace in Asia.

These statements by the President seem to me indisputable.

The United States is not involved in a civil war, killing innocent children, and civilians as our opponents claim.

The United States is involved in a defensive war to help a small nation of 15 million people retain its independence which is threatened by a Communist-led and Communist-supported external and internal force.

If we had acted against Nazi Germany and Fascist Italy with the firmness we are using today in Vietnam, the world might have been spared the holocaust of World War II.

Those who claim that we must "withdraw"—without stating the conditions for withdrawal—as did a leader of a dissident Democratic group on television Sunday—simply do not understand history. Those who do not understand history—as George Santayana wrote—are condemned to repeat it, with all its errors.

There were misguided Americans in the 1930's who said that Hitler was not really so bad, just as some are saying communism is not so bad for Asians.

There are others who said that the takeover of Austria and Czechoslovakia was really none of our business. There were the isolationists who were ignorant of the passage of time and space, and the appeasers who were ignorant and fearful and selfish.

The United States could ignore the problems of the world in the 1930's and still survive as a civilization. But we cannot do so today.

The free society is a seamless web which stretches to all the corners of the globe. When freedom and self-determination and small nationhood is attacked, it is only a matter of time before larger nations are placed on the executioner's block.

President Johnson is being criticized for taking a strong stand in Vietnam.

This is nothing new for strong Presidents who make proper decisions.

President Roosevelt was violently attacked by the right and left for his commitment to help preserve Western civilization against the Nazis, Fascists, and Japanese militarists.

Harry Truman was attacked for committing us and the U.N. to the defense of Korea.

And Lyndon B. Johnson is being attacked for his defense of freedom in the outpost called Vietnam.

But a few years from now when passions are cooler, when Communist expansionism has been stopped in Asia—as it already is being stopped—the record will show that a strong stand, a firm stand by President Johnson and the United States was the difference between peace and war, between freedom and a new threat of slavery for the world.

I ask unanimous consent that the remarks by the President to the Foreign Policy Conference for Business Executives at the State Department yesterday be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of the President to the Foreign Policy Conference for Business Executives

First I want to welcome you here and tell you how delighted I am that I can be with you. I want to thank each of you for your generosity. I have thought for some time that it was about time someone threw a benefit for Dean Rusk. This is one of the loveliest rooms to throw it in in all of Washington, even though the windows are barred.

When Dean Rusk first took his job as Secretary of State, I am told that he made one request. He wanted a room with a good view, so he was put up here on the seventh and eighth floors.

He asked for one more thing. He wanted to have the windows sealed. "Why?" he was asked. "Simple," he said, "it is too far to jump and too high for the pickets to climb."

But Dean forgot all about the birds. They tell me they flock to his window sill every single day. As everybody knows in this country, and most other countries, the Secretary of State is a very wonderfully kind, gentle, understanding and generous man. Every morning Mrs. Rusk gives him a little bag of bread crumbs to bring down to the office with him so he can feed these native birds through the day. The sparrows and the starlings seem very grateful and appreciative, but as you must have observed, there is just no pleasing the appetites of these doves and hawks.

Someone told me that there were some pickets outside while you were registering. I am getting to be an expert these days on pickets' signs myself. I think there must have been a switch in some of those that were used yesterday. The way it was reported to me, one read "Unleash Rostow."

You may have noticed that a great deal of care went into the preparation for your briefings. One reason is that business is entitled to very great respect in this country of ours. Outside of Government, it is really the only place left where a man can find a job. You may know that there are at least a few people who are out job hunting these days.

A publisher of a children's book on penguins recently sent copies to a group of youngsters to get their opinions. One young lady replied: "This is a good book on penguins—but it told me more about penguins than I wish to know."

After looking around at some of these briefers, I am afraid that you have heard a lot more about foreign policy in your briefings than you would wish to know.

The threads of foreign policy extend throughout the fabric of our national life. You cannot find the significance of any one thread without seeing its relationship to the whole.

It is not always easy to keep that in mind in the echo of gunfire.

Today, America's eyes are on Vietnam. The minds of our people are centered on the hills and rice paddies where our men are out there fighting.

Our presence in Vietnam is in keeping with a foreign policy which has guided this Nation for 20 years. Four Presidents, 11 Congresses, and the most thoughtful men of our generation have endorsed that policy and situation and have built that policy from the ground up.

For two decades, we have made it clear that we will use our strength to block aggression when our security is threatened, and when—as in Vietnam—the victims of aggression ask for our help and are prepared to struggle for their own independence and freedom.

Our strength, and America's commitment to use that strength, has served as a shield. Behind this shield, threatened nations have been able to get on with the real work of peace. They have been busy building stable societies and relieving the bitter misery of their people. Where we have been able to—where our assistance has been wanted—where it has been properly matched by self-help—we have used our wealth to help them and help feed them. For we have learned that violence breeds in poverty, disease, hunger, and ignorance.

Our purpose is not to breed violence, but to build peace.

The test of our policy is whether the time we have bought has been used to the end that we are building peace.

The evidence of 20 years suggests that we are meeting that test.

Western Europe's recovery from the ruins of war seems like ancient history to some of you here tonight. But it was only yesterday. Many thought it could not happen in our lifetime, but it did happen—with our help, and behind our shield of protection, and behind our sacrifice of lives and dollars.

Twenty years ago it was clear to the leaders of Western Europe that our shield there was necessary to their future.

Today it is equally clear to Asian leaders that our presence in Vietnam is vital, is necessary, is a must to Asia's tomorrow.

There has been much talk in the United States about the so-called "domino theory"—the theory that if South Vietnam should fall, its neighbors would topple one after the other. As I pointed out in a speech I recently made in San Antonio, the threat of Communist domination is not a matter of theory for Asians. Communist domination for Asians is a matter of life and death.

But it is now clear to all Asians that South Vietnam is not going to fall. In every capital of Free Asia that fact has already registered, and registered well. It is being acted upon. What is happening in Asia might really be called the "domino theory in reverse." We do not need to speculate about the results. We know what has happened since we made our stand clear in Vietnam.

Just a few years ago, Southeast Asia was only a geographic phrase. Its separate states had no sense of identity with each other.

All of those states were overwhelmed by the size of their own domestic problems.

Moreover—and most important—they were hypnotized by the menace of China.

Out of this fear—this sense of isolation—this awareness of desperate problems—grew something ominous. It was a paralysis of the will to progress. There was a hopeless feeling among all Asians that they were the victims, rather than the forgers, of their own destiny.

Now, in the span of a few years, all of that has changed. I am glad to say, and the major agent of that change has been America's firmness in Asia.

Behind the shield of our commitment there, hope has quickened in the nations of Asia.

They are branded together in regional institutions to attack common problems; to pool their information about how to get more from their land; to explore new ways to bring education to their villages; to join in the fight against disease; to improve their trade with each other, build new industries, and pull together for the economic development of the entire area.

I do not want to generate false optimism here tonight. I do not want to suggest that all the problems of these nations will be solved soon or easily.

But I do suggest that when men weigh the pros and cons of our commitment in Vietnam, they consider this:

The war in Asia is not merely saving South Vietnam from aggression. It is also giving Asia a chance to organise a regional life of progress, cooperation, and stability.

This is no new objective. Our Government supported the Southeast Asia Treaty in 1954 precisely because the stability of that part of the world was judged by the President and the Secretary of State in 1954 and the United States Senate by a vote of 82 to 1 in 1955 to be vital to the security of you and your boys and your girls and your families, you Americans.

The passage of time, I think, has proved that the President, the Secretary, and the Senate's judgment was absolutely correct. I think it is vital to our security.

Now, there are a lot of people who do not think so. There are a lot of people who are looking for the fire escape and the easy way out. They were doing that in Mussolini's time. They did it in Hitler's time. They did not think that this was important to the security of the United States until it was almost too late.

We waited a long time here, but better late than never, and now, behind America's protective shield, progress is in motion in Asia where there was none just a few years ago.

This development is as significant for the peace of the whole world as the activities in Europe that I discussed, and the rebirth of Europe after World War II that all of us participated in. None of us should ever forget that more than half of all human beings in the world live in Asia, and there can be no peace in the world when half of the human beings live in an unstable condition.

On the periphery of the Orient, a new Asia is already building. I saw it. I went there last year. I visited their countries and their peoples.

As this new Asia becomes a firm reality, there is a decent hope that the people on the mainland will also turn their minds to the challenge of economic and social development. There is a decent hope that they will turn to the task of living in dignity and mutual respect with their neighbors.

But our foreign policy is concerned not merely with Asia, but with all the world. And we have acted on that judgment. I want to review very briefly, because you don't hear anything but the complaints that sometimes seem to overshadow the progress we make. The constructive decisions, the march we make forward, doesn't make very interesting reading or reporting.

We achieved a trilateral agreement with Germany and Great Britain which stabilized our troops levels in Germany and dealt with the balance of payments problems caused by their location.

We achieved a successful negotiation of the Kennedy Round bringing advantages to the whole world, and a few weeks before it looked rather grim.

We achieved a preliminary monetary accord in London which led to the agreement at Rio with all the other members of the IMF—laying the basis for a new international reserve currency.

In the face of the devaluation of the pound, we worked with the industrial nations of the Free World. Our men have been crossing back over the Atlantic on week ends to keep other exchange rates stable and the international system strong.

We are working with the Soviet Union, our NATO partners, and the other nations of the world to achieve a non-proliferation treaty—which, when complete—will give all countries the opportunity to benefit from the peaceful uses of nuclear technology while reducing the risks of nuclear war.

In this past week we have moved toward a common position with the industrialized countries of the world to establish special trading benefits which will accelerate progress among the developing nations of the world.

We have concluded this year two treaties with the Soviet Union, the Consular Treaty and the Space Treaty. They have been ratified by the United States Senate.

These achievements rarely make the headlines and interest the average citizen. But they are real achievements and real accomplishments, and a failure in any one would make a lot of noise. They represent the acceptance of joint responsibilities between enlightened leaders. And we are prepared to build upon them.

In the months ahead, I would like to see us work with the institutions of the European communities and with other industrialized nations of the world: to make our policies of assistance to the developing nations more effective.

If we have demonstrated that we can work on all of these things that I have outlined, we ought to demonstrate that we can work together in making policies of assistance to developing nations. We should work to strengthen further the world monetary situation.

To consider together the problems and possibilities of flows of capital and technology back and forth among us;

And finally, to examine together and exchange experiences on the problems we all share, the problems of the urban life, the problems of the modern-day cities that have grown every day and they have reached a point now where they must be dealt with quickly and effectively.

What we have achieved in this year goes beyond these great initiatives:

After a year's careful preparation, we had the Summit Conference at Punta del Este at which the nations of Latin America committed themselves to go forward toward economic integration—with our support.

We have moved from a dangerous war in the Middle East to an agreed resolution within which a representative of the United Nations will be seeking a stable peace for that troubled region in the months ahead. I shudder to think what could have happened if we had not taken that step and what might have happened if we had not been successful in bringing about a cease-fire in the Middle East just a few months ago.

We have worked with others to avoid massive bloodshed in the Congo. To the concerned Senators I see tonight, the last of the American C–130 transport planes will leave the Congo at the end of this week. We have thrown our support behind the regional and sub-regional efforts of the Africans to build a modern life through cooperation—a process that is quietly moving forward in East Africa and greatly advanced by the current conference at Dakar in West Africa.

Tomorrow, the Secretary early in the morning and the Vice President and I a little later in the day, will be meeting with a distinguished American who has been trying to leave public service now for about seven years. He has had to come back when we have demonstrations. He has had to go to Detroit to help when we have problems there. He has been in Cyprus and Greece and Turkey trying to solve that matter.

Mr. Cyrus Vance is returning after a successful effort in which Greece and Turkey drew back from the brink of war and opened the way to solve a serious problem.

This has been a year of remarkable constructive achievement for the people by the world community, despite the struggle in Vietnam.

If the generations which come after us live at peace at all, it is going to be because this generation held the shield and supplied the courage and the fortitude and determination by which peace was built and because we stubbornly labored to build that peace instead of finding a cheap, dishonorable way out of it.

To those of you who have come here to provide this benefit for Dean Rusk, this rather unusual event, I want to say to you that we have 41 alliances around the world where the commitment and the signature and the agreement of the United States is present—where your President and your Senate and your leadership have made commitments for this nation.

Now, Dean Rusk didn't make them and I didn't make them. We just have to keep them. If you will keep the faith, we will keep the commitments.

THE NEED FOR A UNITED NATIONS PEACEKEEPING FORCE

Mr. MONDALE. Mr. President, another near-war in Cyprus, the problems of finding a solution in the Middle East, the unending fighting in Vietnam, and numerous border or civil war incidents continually call to our attention the need for some form of peacekeeping force to take the threat of a major East-West confrontation out of localized disputes. As long as the United States or any other powerful country shoulders the entire burden of policing the world, there always will be a threat that the powers with opposing interests will become involved.

President Johnson put the matter simply:

> The world has changed and so has the method of dealing with disruptions of the peace. . . . general war is impossible and some alternatives are essential.

The "blue helmets" of the United Nations in the Middle East, the Congo, Cyprus, Kashmir, and other places have restored calm to these troubled areas, any one of which might otherwise become a battleground.

Experience has demonstrated that in contemporary conditions of world conflict, only an emergency situation, when fear of action outside the United Nations becomes greater than fear of action through it, produces enough international consensus to support a large peacekeeping operation. Once that period is over, the interest of governments lags if the operations go well, or differences develop among them over the operation itself, as in the Congo. In either case, a national willingness to cooperate in the short run is not followed by an equal willingness to make commitments for unspecified future undertakings. Careful attempts at peacekeeping have worked for awhile, only to become unglued later. Examples are this summer's war in the Middle East and the recent controversy in Cyprus.

I cosponsored a Senate resolution that called for a permanent organization of procedures to "enable the United Nations promptly to employ suitable United Nations forces for such purposes as observation and control in situations that may threaten international peace and security." Ways in which the United States could do this include—

The encouragement and support of specialized training of units by United Nations member states for employment in United Nations peacekeeping operations;

The preparation to make available to the United Nations transport communications and logistical personnel and facilities;

The preparation to advocate or support on all appropriate occasions proposals for guidelines to govern the financing, training, equipping, and duration of peacekeeping force for effective use; and

As part of the long-range development of the United Nations, the encouragement and support of the creation of permanent, individually recruited force under United Nations command for impartial peacekeeping duties.

Mr. President, a recent editorial in the Minneapolis Tribune gives several reasons for establishing a U.N. peacekeeping force. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE VIEW FROM THE TOP OF HILL 875

Visibility from the top of Hill 875, near the village of Dak To, South Vietnam, may not be any better than it is from nearby high points. But now, through the kindling that remains of the foliage, the American paratroop division which fought its way to the crest can look across to hills nearby and wonder at the magnitude of the effort.

What can be seen from the top of 875 is the proof that American fighting men are no less valorous than they have been in past wars; that the technology of firepower and logistics has become a consummate art; and that the country's military leadership has avoided the kind of calamity suffered by the French at Dien Bien Phu and near calamity of the retreat from the Yalu in Korea 17 years ago.

But there is more to Vietnam than questions of courage, technique and tactics. There is more to it than strategy, even though this is the center of most of the emotional debate—whether we are defending South Vietnam, giving its people injections of democracy, containing China, preventing the fall of Thailand and other dominoes, establishing bases on the Asian continent, or just being old-fashioned imperialists.

The deeper question is less philosophical and more practical, and it can be seen by asking what happens when some kind of settlement is achieved. The question is: Who is going to keep the peace? Who is going to keep it in Vietnam, and in the Middle East, Cyprus, The Congo, and future conflict areas?

The United States is not omnipotent. It took the strength of 16,000 men to gain Hill 875, and public reluctance to undertake other commitments abroad is evident. But to recognize limitations is not to sound the knell for internationalism's demise. We think there are precedents for an answer to the question, and that these precedents suggest renewed attention to the development of supranational force.

This does not mean the dismemberment of national military establishments, but it does mean that more is required than good intentions to carry out the idea of international supervision, a phrase common to most proposals for conflict resolution. Such a force is least effective when put together only at the time it is needed, but that has been the history. We think American dedication and ingenuity, so evident last week on Hill 875, could be directed as well toward the development now of a U.N. peacekeeping force.

PROPOSED ADMINISTRATION TAX MEASURES SUBMITTED TO CONGRESS

Mr. SMATHERS. Mr. President, there has been some confusion as to whether the administration submitted a tax bill. In order to straighten out this situation, I ask unanimous consent to have printed in the RECORD a Treasury Department release indicating that a tax bill was proposed and submitted to Congress on August 15, 1967.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

[A release from the Treasury Department, Washington, D.C., Aug. 15, 1967]

PROPOSED TAX MEASURES SUBMITTED TO CONGRESS

Secretary Fowler, at the request of the House Ways and Means Committee, today submitted the Treasury's draft of the Administration's proposed tax legislation.

Attached are copies of the proposed bill and a technical explanation.

(Attachment.)

A bill to amend the Internal Revenue Code of 1954 to impose a temporary surcharge tax, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Surcharge Tax Act of 1967".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. IMPOSITION OF TAX SURCHARGE

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting at the end thereof the following new part:

"PART V—TAX SURCHARGE

"SEC. 51. TAX SURCHARGE

"(a) IMPOSITION OF TAX.—

"(1) CALENDAR YEAR TAXPAYERS.—In addition to the other taxes imposed by this chapter and except as provided in subsection (b), there is hereby imposed on the income of every person whose taxable year is the calendar year, a tax equal to the percent of the adjusted tax (as defined in subsection (c)) for the taxable year specified in the following table:

"Calendar year	Percent	
	Individuals	Corporations
1967	2.5	5.0
1968	10.0	10.0
1969	5.0	5.0

"(2) Fiscal year taxpayers.—In addition to the other taxes imposed by this chapter and except as provided in subsection (b), in the case of taxable years ending on or after the effective date of the surcharge and beginning before July 1, 1969, there is hereby imposed on the income of every person whose taxable year is other than the calendar year, a tax equal to—

"(A) Ten percent of the adjusted tax for the taxable year, multiplied by

"(B) A fraction, the numerator of which is the number of days in the taxable year occurring on and after the effective date of the surcharge and before July 1, 1969, and the denominator of which is the number of days in the entire taxable year,

"(3) Effective date defined.—For purposes of paragraph (2), the 'effective date of the surcharge' means—

"(A) July 1, 1967, in the case of a corporation, and

"(B) October 1, 1967, in the case of an individual.

"(b) Low Income Exemption.—Subsection (a) shall not apply if the adjusted tax for the taxable year does not exceed—

"(1) $290, in the case of a joint return of a husband and wife under section 6013,

"(2) $220, in the case of an individual who is a head of household to whom section 1(b) applies, or

"(3) $145, in the case of any other individual (other than an estate or trust).

"(c) Adjusted Tax Defined.—For purposes of this section, the adjusted tax for a taxable year means the tax imposed by this chapter (other than by this section, section 871(a) or section 881) for such taxable year, reduced by any credit allowable for such year under section 37 (relating to retirement income) computed without regard to this section.

"(d) Authority to Prescribe Composite Tax Rates and Tables.—The Secretary or his delegate may determine, and require the use of, composite tax rates incorporating the tax imposed by this section and prescribed regulations setting forth modified optional tax tables computed upon the basis of such composite rates. The composite rates so determined may be rounded to the nearest whole percentage point as determined under regulations prescribed by the Secretary or his delegate. If, pursuant to this subsection, the Secretary or his delegate prescribes regulations setting forth modified optional tax tables for a year, then, notwithstanding section 144(a), in the case of a taxpayer to whom a credit is allowable for such taxable year under section 37, the standard deduction may be elected regardless of whether the taxpayer elects to pay the tax imposed by section 3.

"(e) ESTIMATED TAX.—For purposes of applying the provisions of this title with respect to declarations and payments of estimated income tax due more than 45 days (15 days in the case of a corporation) after the enactment of this section—

"(1) In the case of a corporation, so much of any tax imposed by this section as is attributable to the tax imposed by section 11 or 1201(a) or subchapter L shall be treated as a tax imposed by such section 11 or 1201 (a) or subchapter L;

"(2) The term 'tax shown on the return of the individual for the preceding taxable year', as used in section 6654(d)(1), shall mean the tax which would have been shown on such return if the tax imposed by this section were applicable to taxable years ending after September 30, 1966, and beginning before July 1, 1968; and

"(3) The term 'tax shown on the return of the corporation for the preceding taxable year', as used in section 6655(d)(1), shall mean the tax which would have been shown on such return if the tax imposed by this section were applicable to taxable years ending after June 30, 1966, and beginning before July 1, 1968.

"(f) Western Hemisphere Trade Corporations and Dividends on Certain Preferred Stock.—In computing, for a taxable year of a corporation, the fraction described in—

"(1) Section 244 (a) (2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

"(2) Section 247 (a) (2), relating to deduction with respect to certain dividends paid by a public utility, or

"(3) Section 922 (2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the rate at which tax is imposed under subsection (a) for such taxable year.

"(g) Withholding on Wages.—In the case of wages paid after September 30, 1967, and before July 1, 1969, the amount required to be deducted and withheld under section 3402 shall be determined in accordance with the following tables in lieu of the tables set forth in section 3402 (a) or (c)(1).—

Tables to be used in lieu of tables in section 3402 (a)

[Interest Tables 1–6, 8.] [Not printed in RECORD.]

"TABLE 7.—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

"(a) Single Person (including head of household):

If the amount of wages is—	The amount of income tax to be withheld shall be—
Not over $200	0.
$200 to $1,200	14 percent.
$1,200 to $1,300	$160 plus 17 percent.
$1,300 to $4,440	$177 plus 19 percent.
$4,400 to $8,800	$766 plus 22 percent.
$8,800 to $11,000	$1,734 plus 28 percent.
Over $11,000	$2,350 plus 33 percent.

(b) Married person—

If the amount of wages is—	
Not over $200	0.
$200 to $2,200	14 percent.
$2,200 to $4,400	$320 plus 17 percent.
$4,400 to $8,800	$694 plus 19 percent.
$8,800 to $17,700	$1,530 plus 22 percent.
$17,700 to $22,000	$3,488 plus 28 percent.
Over $22,000	$4,692 plus 33 percent."

Tables to be used in lieu of tables in section 3402(c)(1). [Not printed in RECORD.]

(b) MINIMUM DISTRIBUTION.—Section 963 (b) (relating to receipt of minimum distributions by domestic corporations) is amended—

(1) by striking out the heading of paragraph (1) and inserting in lieu thereof the following:

"(1) Taxable years beginning in 1963, 1967, and 1968.—", and

(2) by striking out the heading of paragraph (3) and inserting in lieu thereof the following:

"(3) Taxable years beginning in 1965, 1966, and after December 31, 1968.—".

(c) CLERICAL AMENDMENT.—The table of parts of subchapter A of chapter 1 is amended by adding at the end thereof the following:

"PART V. TAX SURCHARGE"

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) Insofar as they relate to individuals, with respect to taxable years ending after September 30, 1967, and beginning before July 1, 1969.

(2) Insofar as they relate to corporations, with respect to taxable years ending after June 30, 1967, and beginning before July 1, 1969.

SEC. 3. RAISING FROM 70 PERCENT TO 80 PERCENT THE ESTIMATED TAX WHICH MUST BE PAID IN INSTALLMENTS BY CORPORATIONS.

(a) IN GENERAL.—Section 6655(b) (relating to amount of underpayment), and section 6655(d) (relating to exception), are amended by striking out "70 percent" each place it appears therein and inserting in lieu thereof "80 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1967.

SEC. 4. PAYMENT OF FIRST $100,000 OF ESTIMATED TAX.

(a) REQUIREMENT OF DECLARATION.—Section 6016(a) (relating to requirement of declaration of estimated tax in case of corporations) is amended by striking out "$100,000" and inserting in lieu thereof "$40."

(b) REDUCTION OF EXCLUSION FROM ESTIMATED TAX.—Section 6016(b) (relating to the definition of estimated tax in the case of a corporation) is amended to read as follows:

"(b) ESTIMATED TAX.—

"(1) DEFINITION.—For purposes of this title, in the case of a corporation, the term 'estimated tax' means the excess of—

"(A) the amount which the corporation estimates as the amount of the income tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, reduced by the amount which the corporation estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1, over

"(B) an amount equal to the applicable exclusion percentage (determined under paragraph (2)) multiplied by the lesser of—

"(i) $100,000, or

"(ii) the amount determined under subparagraph (A).

"(2) Exclusion percentage.—The term 'exclusion percentage' means—

"If the declaration is for a taxable year beginning in:	The exclusion percentage is:
1968	80
1969	60
1970	40
1971	20
1972 or later	0"

(c) EXCEPTION FROM ADDITION TO TAX.—Section 6655 (d)(1) is amended by striking out the phrase "reduced by $100,000" and inserting in lieu thereof "reduced by an amount equal to the applicable exclusion percentage, determined under section 6016 (b)(2), multiplied by the lesser of $100,000 or the amount of such tax."

(d) ADDITION TO TAX FOR UNDERPAYMENT OF ESTIMATED TAX.—Section 6655 (e) (relating to the definition of tax) is amended to read as follows:

"(e) DEFINITION OF TAX.—For purposes of subsection (b), (d)(2), and (d)(3), the term 'tax' means the excess of—

"(1) the amount of tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, reduced by the sum of any credits against tax provided by part IV of subchapter A of chapter 1, over

"(2) an amount equal to the applicable exclusion percentage, (determined under section 6016 (b)(2)), multiplied by the lesser of—

"(A) $100,000, or

"(B) the amount determined in paragraph (1)."

(e) TECHNICAL AMENDMENT.—Clause (v) of section 243(b) (3) (C) is amended by striking out "$100,000".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1967.

SEC. 5. POSTPONEMENT OF CERTAIN EXCISE TAX RATE REDUCTIONS.

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Subparagraph (A) of section 4061(a) (2) (relating to imposition of tax) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"Seven percent for the period beginning with the day after the date of the enactment of the Tax Adjustment Act of 1966 through June 30, 1969.

"Two percent for the period July 1, 1969, through December 31, 1969.

"One percent for the period after December 31, 1969."

(2) CONFORMING AMENDMENTS.—Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles, et cetera) is amended by striking out "April 1, 1968, or January 1, 1969" and inserting in lieu thereof "July 1, 1969, or January 1, 1970".

(b) COMMUNICATION SERVICES.—Section 4251 (relating to tax on communications) is amended—

(1) By striking out subsection (a)(2) and inserting in lieu thereof:

"(2) The rate of tax referred to in paragraph (1) is as follows:

"Amounts paid pursuant to bills first rendered:	*Percent*
"Before July 1, 1969	10
"After June 30, 1969, and before January 1, 1970	1"

(2) By striking out subsection (b) and inserting in lieu thereof:

"(b) Termination of Tax.—The tax imposed by subsection (a) shall not apply to amounts paid pursuant to bills first rendered on or after January 1, 1970."

(3) By striking out subsection (c) and inserting in lieu thereof:

"(c) Special Rule.—For purposes of subsection (a), in the case of communications services rendered before May 1, 1969, for which a bill has not been rendered before July 1, 1969, a bill shall be treated as having been first rendered on June 30, 1969. For purposes of subsections (a) and (b), in the case of communications services rendered after April 30, 1969, and before November 1, 1969, for which a bill has not been rendered before January 1, 1970, a bill shall be treated as having been first rendered on December 31, 1969."

(c) Effective Date.—The amendments made by this section shall be effective on the date of enactment of this Act.

TECHNICAL EXPLANATION SURCHARGE TAX ACT OF 1967

This bill, which is entitled the "Surcharge Tax Act of 1967", has four substantive sections:

(1) Section 2 imposes a temporary surcharge on both individual and corporate income tax liabilities at an annual rate of 10 percent.

(2) Section 3 raises from 70 percent to 80 percent, the percent of its estimated tax which a corporation may pay by installments without incurring a penalty.

(3) Section 4 eliminates, over a five-year period, the $100,000 estimated tax exemption presently granted corporations.

(4) Section 5 suspends the schedule for the reduction of the excise taxes on passenger automobiles and telephone services during the period of the temporary surcharge.

There follows a more detailed description of each of these provisions.

Section 1 of the bill sets forth its title.

Section 2. Tax Surcharge.

(a) *Imposition of tax.* Subsection (a) of section 2 of the bill adds a new part to subchapter A of chapter 1 of the Internal Revenue Code which consists of a new section 51 imposing a temporary tax surcharge on corporations and individuals.

General Provisions. Subsection (a) of the new section 51 provides for the imposition of the surcharge. The tax is at an annual rate of 10 percent of tax liability (adjusted as provided in section 51(c)) and is effective from July 1, 1967, through June 30, 1969, for corporations and from October 1, 1967, through June 30, 1969, for individuals. For taxpayers who report their income on a calendar year basis, the rate of the surcharge for the calendar years involved is as follows:

Calendar year	Percent of tax	
	Individuals	Corporations
1967	2.5	5
1968	10.0	10
1969	5.0	5

In the case of taxpayers who report their income on a fiscal year basis, the rate will be 10 percent for years falling entirely within the effective dates, whereas, in the case of taxable years that straddle either the commencement or termination date, the tax will be prorated depending on the number of days in the taxable year falling within the period the tax is in effect.

Low income exemption. Subsection (b) of the new section 51 provides an exemption from the surcharge for individuals (other than estates and trusts) whose tax does not exceed that generally applicable to the first two brackets of taxable income. More specifically, the surcharge will not apply to a husband and wife filing a joint return if their tax does not exceed $290. It will not apply to a head of household whose tax does not exceed $220, or to a single individual (or a married individual filing a separate return) whose tax does not exceed $145. In the case of a head of household, the exemption level is determined on the basis of the tax applicable to $1,500 of taxable income which is midway between the first two tax brackets of a single individual and the first two tax brackets of a married couple filing a joint return.

Tax base on which surcharge is computed. Subsection (c) of the new section 51 provides that the surcharge shall be computed as a percentage of the tax otherwise imposed by chapter 1 of the Internal Revenue Code, with the exception that it shall not be imposed with respect to the 30 percent tax under sections 871(a) and 881 on nonresident alien individuals and foreign corporations receiving income not effectively connected with a business in the United States. In the case of an elderly person who is eligible for the retirement income credit, the surcharge will be computed as a percentage of his tax liability after subtracting his retirement income credit. Similarly, tax liability shall be reduced by the retirement income credit in determining whether such an individual is eligible for the low income exemption. This treatment is afforded the retirement income credit in order to give it the same effect on the surcharge as the exclusion for social security benefits. Tax liability would not be reduced by any other credits in computing the amount of the surcharge. On the other hand, once the surcharge has been computed, it may be offset by credits to which the taxpayer is entitled and which are not absorbed by his regular tax liability.

Authority to prescribe composite tax rates and tables. Subsection (d) of the new section 51 provides that the Secretary of the Treasury or his delegate may compute composite income tax rates incorporating the surcharge and prescribe regulations setting forth modified optional tax tables computed on the basis of such composite rates. The composite rates may be rounded to the nearest whole percentage point. If the Secretary or his delegate exercises his authority under this subsection, he may require taxpayers to use the rates and/or tables he has prescribed.

Moreover, if he prescribes optional tax tables incorporating the surcharge, the usual rule that a taxpayer with less than $5,000 of income may take the standard deduction only if he uses the optional tax tables will be waived in the case of a taxpayer who is eligible for the retirement income credit. This special rule is to reflect the fact that the effect of the retirement income credit on the surcharge cannot be accurately incorporated into the optional tax tables, with the result that those claiming the retirement income credit will almost universally use the regular tax computation. Under these circumstances, without the special rule, most taxpayers claiming the retirement income credit would be precluded from using the standard deduction.

Estimated tax. Subsection (e) of the new section 51 contains provisions conforming the estimated tax provisions to the new surcharge tax. Under present law, corporations are required to pay estimated tax only with respect to taxes imposed by section 11 or 120(a) or subchapter L (relating to insurance companies). The new subsection (e)(1) provides that any surcharge that is attributable to a tax imposed under these sections or subchapter shall, for estimated tax purposes, be treated as a tax imposed under these sections or subchapter and, therefore, subject to estimated tax payments. Paragraphs (2) and (3) of the new subsection (e) provide that, in the case of the option under which individuals and corporations may pay their estimated tax on the basis of their prior year's tax liability, this prior year's liability shall be adjusted to reflect the surcharge tax.

Under the provisions of the new subsection (e), corporations would be required to reflect the surcharge in their first estimated tax payment due more than 15 days after the bill is enacted. For individuals, the surcharge would have to be reflected in the first estimated tax payment due more than 45 days after the enactment of the bill.

Western Hemisphere Trade Corporations and dividends on certain Preferred stock. The following two provisions of the Internal Revenue Code provide a special deduction with respect to certain income which has the effect of reducing the corporate tax rate applicable to that income by 14 percentage points. These provisions are:

(1) Section 922, relating to the taxable income of Western Hemisphere Trade Corporations; and

(2) Section 247, relating to dividends paid by a public utility on its preferred stock.

Section 244 provides a reciprocal deduction with respect to amounts received as dividends on certain preferred stock of a public utility. In order to maintain the 14 percentage point differential under these sections, subsection (f) of the new section 51 provides that the computation shall be adjusted, under regulations prescribed by the Secretary of the Treasury or his delegate, to reflect in the regular corporate tax rate the surcharge imposed under the new section 51.

New withholding tables. Subsection (g) of the new section 51 sets forth new tables for computing the amount of income taxes to be withheld from wages paid on or after October 1, 1967, and before July 1, 1969. These tables reflect an increase in the withholding rates of 10 percent.

(b) *Minimum distributions by foreign subsidiaries.* Subsection (b) of section 2 of the bill amends section 963(b) (relating to receipt of minimum distributions by domestic corporations from their foreign subsidiaries) to provide for the use of a minimum distribution table reflecting the surcharge. The new table is to be used for taxable years beginning 1967 and 1968. It is the same table that was applicable for taxable years beginning in 1963 when the corporate tax rate was 52 percent (the present corporate tax rate including the additional surcharge is 52.8 percent).

(c) *Clerical amendment.* Subsection (c) of the new section 51 makes a clerical amendment to reflect the addition of the new Part V imposing the surcharge.

(d) *Effective date.* Subsection (d) of the new section 51 provides the effective dates for the surcharge. These dates are explained in the discussion under subsection (a) of the bill.

Section 3. Increase from 70–80 percent the amount of estimated tax which corporations must pay in installments.

Under present law, a corporation is not penalized for an underpayment of estimated tax if its payments equal or exceed those which would be required on the basis of estimated tax liability of 70 percent of actual tax liability (less $100,000). Section 3 of the bill amends section 6655 to raise the 70-percent figure to 80 percent. This conforms the percentage for corporations to that made applicable to individuals beginning in 1967. This change would be effective for taxable years beginning after December 31, 1967.

Section 4. Payment of first $100,000 of estimated tax.

Under present law, corporations are required to make estimated tax payments only with respect to their estimated tax liability in excess of $100,000. They are not required to make any estimated tax payments on their first $100,000 of estimated tax liability and, if their annual estimated tax liability is $100,000 or less, they are not required to file a declaration. Under section 4 of the bill, the $100,000 exclusion would be repealed over a five year period.

More specifically, subsection (a) of section 4 of the bill would amend section 6016 (a) to require a corporation to file a declaration of estimated tax for a taxable year if it can reasonably be expected that its tax liability for the year (after taking into account credits) will exceed $40. As indicated above, the present exemption level is $100,000.

Subsection (b) of section 4 of the bill amends section 6016(b) to provide a new definition of "estimated tax" (which is the basic amount subject to payment by installment) reflecting the removal of the existing $100,000 exemption over a five year period. During the transition period, a corporation, in determining the amount of its estimated tax liability, would be permitted to exclude an amount equal to the applicable "exclusion percentage" multiplied by the lesser of (1) $100,000, or (2) the amount which the corporation estimates as its income tax for the year less the estimated amount of its credits. The revised subsection (b) of section 6016 would define the term "exclusion percentage" as follows:

If the declaration is for a year beginning in:	The "exclusion percentage" is:
1968	80
1969	60
1970	40
1971	20

In the case of taxable years beginning after 1971, there would be no special exemption.

As an example of the transition rule, a corporation which estimates its income tax less credits for 1968 to be $80,000 would be entitled to an estimated tax exclusion of $64,000 for 1968; 80 percent (its exclusion percentage) times $80,000. Its estimated tax liability would, therefore, be $16,000. If the corporation estimates its income tax less credits for 1968 to be $120,000, its estimated tax exclusion would be $80,000 (80 percent times $100,000) and its estimated tax liability would be $40,000.

Subsection (d) of section 4 of the bill amends section 6655(e) to reflect the repeal of the $100,000 exemption in the provisions for determining whether, and if so, to what extent, an addition to the tax should be imposed for underpayment of estimated tax. The same transitional rules apply. Thus, for example, assume a corporations' tax return for the taxable year ending December 31, 1968, indicates an income tax liability of $150,000. To utilize the exception provided in section 6655(d)(1) permitting estimated tax payments to be based on the prior year's tax, such corporation would be required to pay for 1969 an estimated tax of $90,000, computed as follows:

1968 income tax liability	$150,000
Less: $60,000; 60 percent (the exclusion percentage for 1969) times $100,000	60,000
Total	90,000

Subsection (3) of section 4 of the bill amends section 243(b)(3)(C) (relating to estimated tax exemption for members of an affiliated group) to reflect the repeal of the $100,000 exemption.

Subsection (f) of section 4 of the bill provides that the amendments made by this section shall apply to estimated tax payments for taxable years beginning after December 31, 1967.

Section 5. Postponement of certain excise tax rate reductions.

(a) *Passenger Automobiles.* Under present law an excise tax of 7 percent of the selling price is imposed on the sale by the manufacturer, producer, or importer of passenger automobiles. This rate is scheduled to be reduced to 2 percent on April 1, 1968, then to 1 percent after December 31, 1968.

Subsection (a) of Section 5 of the bill suspends this schedule of reductions for the period during which the temporary surcharge will be in effect. Thus, the present 7 percent rate will remain in effect until July 1, 1969. A rate of 2 percent will apply to sales between July 1, 1969, and December 31, 1969, with a 1 percent rate applying to all sales after December 31, 1969. Conforming amendments are made so that floor stocks refunds will apply on the corresponding date of each reduction.

(b) *Communication Services.* Under present law, an excise tax of 10 percent is imposed on amounts paid for local and long distance telephone service (including teletypewriter service). A reduction of the rate to 1 percent is scheduled to apply to amounts paid pursuant to bills rendered on or after April 1, 1968, with the tax scheduled to terminate entirely as to bills rendered on or after January 1, 1969.

Subsection (b) of Section 5 of the bill suspends this schedule of reductions for the period during which the temporary surcharge will be in effect. Thus, the present 10 percent rate will continue to apply until July 1, 1969, at which time the scheduled reduction to 1 percent will take effect. The tax will terminate on January 1, 1970. A conforming amendment makes corresponding changes in the dates applicable under the special rules established under present law to adjust for billing practices.

(c) *Effective Date.* Subsection (c) of section 5 of the bill provides that the amendments made by this section shall apply as of the date of enactment of the bill.

THE F-111A AIRCRAFT

Mr. TOWER. Mr. President, there has been a good deal of discussion in the Senate about the F-111 aircraft. I have attempted to point out from time to time that we are talking about two versions of aircraft—the F-111A and the F-111B. I also have suggested that the delay in F-111B work not be confused with the satisfactory progress on the F-111A.

Accordingly, I have shared with Senators a number of reports on the F-111A by the pilots who actually fly it. Claude Witze, senior editor of Air Force Space Digest magazine, has summed the matter up well in an article entitled "E-111A: The Men Who Fly It Like It," published in that magazine's December edition.

I ask unanimous consent that the article be printed in the Record so that all Senators may review it. I ask unanimous consent that there also be printed a chart entitled the "F-111 Industry Team."

There being no objection, the items were ordered to be printed in the Record, as follows:

F-111A: The Men Who Fly It Like It

(By Claude Witze)

Born and bred in an atmosphere of unprecedented controversy, the Air Force's General Dynamics F-111A now has combat veterans in the cockpit and they are enthusiastic about the potential of their new airplane.

These Air Force pilots consider the F-111A weapon system the greatest single technological jump designed for their mission since the wedding of the jet engine and modern avionics. The F-111A, they predict, will let them hit tactical targets harder, with greater accuracy, and at longer ranges than any other airplane in the USAF inventory or likely to join it in the foreseeable future.

It must be made clear at the outset of this report that the subject is the USAF F-111A, and that airplane alone. The first production models, configured for operational use, are now being delivered to Nellis Air Force Base, near Las Vegas, Nev. The Tactical Air Command is using them to equip the 4480th Tactical Fighter Wing. The pioneering unit is Detachment 1, 4481st Tactical Fighter Squadron, commanded by Col. Ivan H. Dethman.

Equally important, from the standpoint of operational capability, is the test work under way at the Air Proving Ground Center at Eglin AFB in Florida. Here, USAF has come to realize that the F-111A is a vehicle incorporating advances in the state of the art that have outpaced the technology incorporated in the available weaponry it can carry.

Maj. Gen. Andrew J. Kinney, APGC Commander, speculates that improved bombs, equipped with terminal-guidance systems, may turn out to be the most important addition to airpower capability since World War II. As this issue goes to press, Defense Secretary Robert McNamara has made the first public disclosure of the fact that Walleye, a bomb that carries a TV camera to seek out its target, is being used in Vietnam. Earlier this year, veterans back from Southeast Asia were complaining loudly that they had seen no improvement in the technique of delivering iron bombs. Walleye, developed by the Navy, is now also being used by USAF. It is made by the Martin Marietta Corp.

Walleye, of course, has limitations imposed by night, bad weather, and other hindrances to visibility because of its TV "eye." So APGC is working hard on other more advanced projects, all of them highly classified. The urgency of these projects clearly has been compounded by the F-111A. Back at Nellis AFB, where the users are aiming for operational capability by early 1968, you can talk to pilots who say, first, that the new airplane is more accurate than the bombs it drops. Even before production airplanes started to arrive, they found the F-111A delivery of plain old-fashioned iron bombs to be twice as accurate as that of its predecessors, the F-105 and F-4.

Even this is not good enough, says General Kinney, nor as good as we can do. Further accuracy must be achieved and made operational as fast as possible. The point, of course, is that the avionics subsystems in the F-111A—both navigation and attack systems—can work together to position the plane in the air with unprecedented accuracy. The pilot knows exactly where he is when the bomb is released. He still does not know exactly where the bomb will hit. Basically, that is why we have lost up to sixteen aircraft, flying 160 sorties to demolish one bridge in Vietnam. The cost/effectiveness of the improved F-111A system, with an aircraft that can position itself automatically in any kind of weather or visibility, if it can drop a bomb that can be steered to the target, is obvious.

The pilots at Nellis display no doubt that the F-111A will achieve this capability. At Nellis, as well as Eglin, Edwards AFB, the Aeronautical Systems Division at Wright-Patterson AFB in Dayton, and Air Force Systems Command Headquarters, Andrews AFB, Md., there is one common observation. It is put most succinctly by Brig. Gen. Ralph G. Taylor, Jr., Commander of the Tactical Fighter Weapons Center at Nellis:

"Nobody is qualified to pass judgment on the F-111A until he has flown it. I wish the critics who have not flown it would come out here and talk to our pilots."

One of his pilots, interviewed on the flight line, agreed with the boss in the kind of language you hear around a hangar:

"The guys who bad-mouth this airplane," he said, "are the guys who never got in the cockpit."

Nellis is where USAF makes Ph.D.s out of fighter pilots. The current F-111A program, called Harvest Reaper, is manned by veterans of the Korean and Vietnam Wars, men who have faced flak and Soviet MIGs in F-105s, F-4s, F-86s, F-104s, and F-84s. Harvest Reaper is the Accelerated Testing and Training Program for the F-111A, launched last July when the first of five aircraft, built for research, development, test, and evaluation (RDT&E), was shifted to the Nevada base from Edwards AFB in California.

By September, the new wing had set an unprecedented record. During that month, the five planes flew a total of 304.1 hours, an average utilization rate of 60.8 hours per aircraft. In October, the month in which the first production model was delivered and added to the Harvest Reaper stable, the rate hardly wavered. It was 59.7 hours per aircraft. The stated requirement for the F-111A is thirty hours per aircraft. The best previous records set at Nellis on other aircraft have been in the area of thirty-eight hours a month per aircraft. This has been with systems far less complex than those of the F-111A.

Colonel Dethman emphasizes that the five airplanes are all different, that they are not production models, and that they offer a type of disparity, both as to maintenance and the flight envelope, that his wing will not face when it has production aircraft. Airplane No. 31 (*see cover*), flown into Nellis on October 16 by Colonel Dethman, was the first F-111A to be delivered fully configured for operational use.

The thirty-first F-111A and the following aircraft now being delivered to Nellis incorporate two improved Pratt & Whitney TF30-P3 engines, modified engine air inlets, an attack radar, and other changes not included on all of the test aircraft.

These are changes that both air and ground crews await with a new kind of impatience. Of the features already aboard, in the preproduction models flown by Harvest Reaper pilots, the men are most enthusiastic about the avionics. The radar and navigation systems, all agree, are the best they have ever seen.

It is not difficult to find pilots at Nellis who entered the F-111A program with a high degree of skepticism. And it is not entirely gone. A typical major, an F-105 veteran of Vietnam who has shot down a MIG, says that so far he has been learning what he can do with a new and different kind of weapon system.

"It is not possible," he says, "to compare the F-111A with other planes I have flown—the F-105, RF-101, F-86, or F-84. This thing is entirely new and different, and I know there is no single answer to all our problems. The F-111A is easy to fly, but there have been some deficiencies in the RDT&E planes we have been using. But I expect they will be licked, for the most part, when we all have production models."

This man is struggling to get used to the side-by-side seating arrangement. The avionics systems are monitored, for the most part, by the man on the right. The pilot simply can't see out that side of the cockpit from his seat on the left. The veteran, of course, has been able to look right or left and over his shoulder on each side and past the tail. He does have a detector in the tail that can tell him when he is being followed, but it does not identify what it is that is coming up behind. This can be disquieting to a combat veteran who is used to single or tandem seating. The F-111A provides four eyes to look straight ahead, which has its advantages, and the electronic systems provide new low-level capability for day or night missions.

A recent illustration was provided by Colonel Dethman when he flew F-111A No. 31 from the General Dynamics plant at Fort Worth, Tex., to Nellis. It was an automatic flight, less than 1,000 feet above the ground for 1,047 miles. Colonel Dethman used the controls only on takeoff and landing.

The terrain-following radar (TFR) makes the F-111A capable of day or night low-altitude penetration of subsonic or supersonic speeds. It does not have to be automatic, but can be set for manual operation, which might be necessary to evade enemy defenses, particularly where they are as heavy and diverse as they are in North Vietnam. A safety feature is that the system continuously checks its own operation. If there is a malfunction, the aircraft goes to a higher altitude. The radar is the AN/APQ-110 made by Texas Instruments and is used in partnership with the flight control system made by General Electric.

One pilot, interviewed at Nellis, had drawn up his own list of what he considered good, fair, and poor about the F–111A. His opinion is based on close to 100 hours in the preproduction (RDT&E) models.

Under *good*, this veteran lists range, endurance, bomb load, stability, flight control, navigation, radar, bombing systems, and landing characteristics.

The maneuverability and takeoff distance he rated as *fair*. Under *poor*, he was critical of the thrust and subsonic acceleration provided by the early model engine, the air-to-air radar capability, and the manual operation of the scope camera.

This brings up the whole subject of the Pratt & Whitney engines, their role in the development problems, and the various versions of the engine. The first five aircraft at Nellis, RDT&E models, are powered by the TF30–P1. The production airplanes have the TF30–P3, with modified air inlets.

Maj. Gen. John L. Zoeckler, Deputy Chief of Staff for Systems at AFSC and former director of the F–111 program, is first to admit that the most serious deficiency at the outset was the matching of the airplane and the engine. There were compressor stalls, especially at high speeds and altitudes. He is confident this has been corrected and that the TF30's combination of turbofan and afterburner will guarantee low fuel consumption for long-range subsonic flight. The feature was demonstrated when an early F–111A was flown nonstop to the Paris Air Show last June.

The unusual thing about the F–111A afterburner is that the pilot is not restricted to using it for a "kick-in-the-pants" approach to higher speed levels. For the first time, he can use more than "power-on" and "power-off" settings for the afterburner. He can take advantage of a smooth range of thrust augmentation, going through five zones of afterburner application.

The experience at Eglin AFB and Edwards AFB also shows that the graduated afterburner contributes to fuel economy, when that is important to a mission.

General Kinney, at Eglin, has his own list of major advantages he sees in the F–111A. On one of his first flights, with a contractor pilot, he was instructed to set the TFR dial for fifty feet and let the plane go to that altitude and skim the ground. At the moment he got the instruction he was at 20,000 feet. General Kinney says it was difficult to resist grabbing the stick as the aircraft started to go down fast, seeking the fifty-foot level. He managed to leave it alone, and the F–111A leveled out at fifty feet and continued the mission, automatically. The General says he was convinced that the plane is safer and puts the pilot in a better position to do his job, visually or bilnd, than any other aircraft he has seen.

The F–111A can operate from short runways. It needs 1,500 to 3,000 feet to land. With a heavy load it can take off in less than 5,000, usually about 3,500 feet. The landing speed is in the range of 125 to 130 miles an hour, with no drag chute employed. Outside of what it contributes to safety, this feature increases the flexibility of the F–111A by permitting it to operate out of available airports in more undeveloped countries. It is attributable, of course, to the variable-sweep wing, which lets the pilot redesign the airplane in flight for a range of speeds from slow to supersonic.

The aspect ratio of the F–111A wing, a characteristic that is important in achieving long range, is on the order of 6.9 with the wing at cruise position. Aspect ratio of a 727 airliner is 7.1, and that of the military F–4 fighter is 2.82.

Those who have never flown the airplane have been free with criticism of the F–111A. For this report, the men who have flown it were asked to assess some typical fault-finding. Here is a résumé of their answers, compiled from sources at five USAF commands:

The first thirty F–111As have performed so poorly they will never be fit for active service. The first thirty never were intended for active service. They are for RDT&E. No two are entirely alike. Hundreds of changes were made before No. 31, the first production aircraft, was built, and more changes will come. The deficiency lists on the early aircraft are no longer than and no different from the same lists for other aircraft now in the fighting inventory. This is routine in the development of new weapon systems. If it were not true, it would be an indication that the aircraft would be obsolescent before it was operational.

The thirty-first F–111A still falls short of several requirements. Correct, if you substitute *specification* for requirements. With the changes that were incorporated in the design, weaponry, and subsystems, some original performance specifications had to be revised. The substitution of iron bombs, hanging on pylons under the wings, for internally carried nuclear weaponry, is an example. This has increased the versatility of the F–111A and thus its effectiveness. The airplane also falls short in low-level dash range, but still is acceptable to the using commands and will carry out its mission. It is not unusual for the user to ask, initially, for more than he can get. But it is a good way to make progress, and the F–111A still has a supersonic dash capability superior to that of any other aircraft in the world today.

USAF specified a 40,000-foot ceiling. No. 31 will not be able to operate above 30,000 feet with a bomb load. USAF specified much more than 40,000 feet, but not with a bomb load. There was no requirement fixed for a ceiling with externally mounted iron bombs. The F–111A can carry up to forty-eight of them hanging on four pylons under each wing. Work is under way at Eglin AFB to provide bombs with guidance and better aerodynamic properties.

Because of buffeting, the size of the speed brakes was reduced until they are largely ineffective. The speed brakes are effective. The buffeting is undesirable but not uncontrollable. This is not a major problem. From a practical viewpoint, the variable-sweep wing is the best speed brake on the airplane.

Takeoff weight of the F–111A has increased from 69,000 pounds to nearly 90,000 pounds. This is true when the aircraft is fully loaded with iron bombs. The 69,000-pound figure was for a load of one nuclear bomb and two GAR–8 rockets. The aircraft can take off weighing up to 98,000 pounds. USAF now wants tires qualified to support a weight of 100,000 pounds.

The ferry range is 800 miles less than USAF required. Wrong. The F–111A can remain on patrol hours longer than any other fighter. The flight to the Paris Air Show was 2,900 miles. On arrival, there were two hours of fuel remaining.

There are engine troubles still unfixed. The TF30–P3 will resolve afterburner problems encountered in the RDT&E aircraft, as well as thrust deficiencies. There is confidence that most basic development problems in the engine have been solved.

Anyone who seeks out the men most familiar with the F–111A will come up with scores of observations and related experiences that they use to express their high hopes for the new system. Here are some examples:

A General Dynamics pilot, at Eglin, had a malfunction in his bomb-release mechanism, after releasing one bomb. If he dumped the remainder in the Gulf of Mexico, he might lose all clues about the malfunction. He elected to land with nineteen 750-pound bombs under his wings. The plane stopped in less than 5,000 feet of runway. The bombs were loaded with cement.

The TFR equipment astounds the veterans. For the first time, pilots have had the experience, flying automatically at 200 feet, of passing *beneath* the level of a TACAN station.

Every pilot in the program knows that the F–111A was not intended to perform up to specifications, or meet requirements, until aircraft No. 31 was delivered in October. They feel that criticism before this date was premature and that the aircraft follows the pattern set for all earlier weapon systems. In many cases, the first test results were identical with those experienced on other aircraft. Specifications were much higher than requirements; that also is normal.

The airplane, in its test program, has set an extraordinary record for safety. Far fewer aircraft have been lost than USAF experienced in previous similar programs (*see accompanying table*).

The high utilization rate of the first five aircraft at Nellis is attributed almost entirely to the maintenance and reliability features of the F–111A. General Dynamics officials point out that their contract is the first one to include "specific quantitative maintainability requirements." This means that reliability and ease of maintenance had to be designed into the aircraft. Ninety-five percent of the components that need service are eye level when the mechanics remove the fuselage plates.

Reliance on ground-support equipment (GSE) is reduced by self-testers built into the aircraft's subsystems. In contracting for these subsystems, General Dynamics has passed the basic USAF requirement along to the subcontractors. The reliability and ease of maintenance was not easily achieved. No supplier met the demand on the first design effort. As a rule, it took three exercises, back at the drawing board, to satisfy the prime contractor that the results would suit the customer.

Another factor, according to General Dynamics, was that, in this case, full funding was provided for the ground-support equipment early in the program. This is not always so and in the past has resulted in the delivery of new weapon systems that could not be properly maintained until all GSE was available.

So far as the self-test equipment is concerned, some of it can be operated directly from the cockpit, giving the aircraft commander and pilot an instant check. The remainder is available through test stations, manually operated after fuselage panels have been removed. The built-in test circuits make it possible for a technician to locate a malfunction quickly. Then, a line replaceable unit (LRU) can be pulled and replaced. The LRUs are sent to the avionics shop for repair. All of this makes the location of trouble swift and easy and cuts ground time on the airplane.

Because the F–111A program is so young and most of the aircraft are RDT&E models, there are no sound figures available at Nellis on the maintenance manhours per flight-hour. The design requirement is for not more than thirty-five hours of ground work for each hour in the air, and the high utilization record set at Nellis indicates it will be easily met. In one test run, the figure was down to 12.6 hours, but this was not considered definitive. The September utilization record of 60.8T hours per aircraft, set at Nellis, is at least twice as good as the requirement, which was set in the contract at thirty flight-hours per month per aircraft.

There has been no attempt in this report to examine other versions of the F–111, programmed for the U.S. Navy, Australia, Great Britain, or the Strategic Air Command. USAF is not concerned at this point with the inferno that surrounded the selection of General Dynamics as the contractor, the virtues of the design as opposed to that offered by the Boeing Co., or the role, if any, played by politicians when the F–111 was known, in the embryo, as the TFX. Neither have we investigated the choice of materials in the aircraft, the extent of commonality, the location of engine inlets, or the degree of competence displayed in estimating costs.

All of these subjects, and others, have been involved in the brouhaha that has been raging about this aircraft for years. The men most intimate with its performance as USAF's F–111A read the newspaper and congressional comments with astonishment. A national weekly calls the airplane a "lemon." In the Senate, a Claghorn-type speech declared it "a poor strategic bomber and an even poorer tactical fighter," a statement the pilots say is at least half wrong.

So far as USAF is concerned, the pudding now is ready for eating. So far as the crew at the table is concerned, the question is out of the kitchen and away from the cook, except for seasoning. The F–111A is a weapon system in being.

THE F–111 INDUSTRY TEAM

Prime Contractor: General Dynamics Corp., Fort Worth Div., Fort Worth, Tex.

Associate Contractor: Hughes Aircraft Co., Culver City, Calif., Phoenix missile system.

Associate Contractor: United Aircraft Corp., Pratt & Whitney Aircraft Div., East Hartford, Conn. Engines.

Subcontractor: Principal and Associate: Grumman Aircraft Engineering Corp., Bethpage, N.Y., Aft fuselage sections and F–111B assembly.

SUBCONTRACTORS: MAJOR SUBSYSTEMS

AVCO Corp., Electronics Div., Cincinnati, Ohio, Countermeasures receiving systems.

The Bendix Corp., Electrodynamics Div., North Hollywood, Calif. Servo actuator for horizontal tail, rudder, and spoilers. Navigation and Control Div., Teterboro, N.J. Air data computer.

Collins Radio Co. Cedar Rapids Div., Cedar Rapids, Iowa. Antenna coupler.

The Garrett Corp. AiResearch Manufacturing Co., Los Angeles, Calif. Air-conditioning system, engine starter (pneumatic).

General Precision, Inc. Link Group Binghampton, N.Y. Mission simulator. GPL Div. Pleasantville, N.Y. Doppler radar.

General Electric Co. Defense Electronics Div.

Aerospace Electronics Dept., Utica, N.Y. Attack radar. Defense Electronics Div. Avionics Controls Dept., Johnson City, N.Y., Flight control, lead computing optical sight set, and the optical display sight set. Missile and Space Div. Armament Dept., Burlington, Vt. Ammunition handling system.

Honeywell, Inc. Aeronautical Div. Minneapolis Minn. Low-altitude radar altimeter.

Litton Industries, Inc. Guidance and Controls Systems Div., Woodland Hills, Calif. Navigation and attack system, astrocompass.

McDonnell Douglas Corp. St. Louis, Mo. Crew module and escape system.

Motorola, Inc. Aerospace Center, Scottsdale, Ariz. X-Band transponder.

North American Aviation, Inc. Autonetics Div. Anaheim, Calif. Mark II and Mark IIB avionics.

Sanders Associates, Inc. Nashua, N.H. ECM group.

Sundstrand Corp. Sundstrand Aviation Div. Rockford, Ill. Constant speed drive engine starter (cartridge), emergency power unit.

Texas Instruments, Inc. Apparatus Div. Dallas, Tex. Terrain-following radar.

Textron, Inc. Dalmo Victor Co. Belmont, Calif. Radar homing and warning.

United Aircraft Corp. Hamilton Standard Div. Windsor Locks, Conn. Air inlet and cabin pressure equipment.

Westinghouse Electric Corp. Aerospace Electrical Div., Lima, Ohio. AC power system.

PRESIDENT JOHNSON, HOWARD SAMUELS, AND THE CHALLENGE TO AMERICAN BUSINESS

Mr. BREWSTER. Mr. President, last week at the White House, President Johnson swore into office as Under Secretary of Commerce a distinguished businessman, Mr. Howard Samuels, of New York.

Mr. Samuels is not the first businessman to serve his President and his country.

The business community has always responded—even at personal sacrifice—to the call of President Johnson and to the call of the people.

But this swearing-in ceremony has particular meaning for the business community and the country.

Howard Samuels, a success in his own right, has been asked to help to mobilize the business community for cooperation in the President's new housing and job development programs.

He has been asked to place his considerable expertise and intelligence at the service of his country, at a time when every sector in the Nation must cooperate to lift our citizens to a new and even higher standard of living.

We are now in the 82d month of continuous prosperity. That prosperity must mean more than just better incomes for our citizens. It must mean that every citizen has an equal opportunity to share in our prosperity. That is what President Johnson wants. That is what Under Secretary Samuels will help him to achieve.

I know that Congress will work with him and the President and the business community to achieve a better America for all our citizens.

I ask unanimous consent that the remarks by President Johnson at the swearing-in ceremony for Under Secretary of Commerce Howard Samuels, of New York, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS OF THE PRESIDENT AT THE SWEARING-IN CEREMONY FOR HOWARD SAMUELS, THE EAST ROOM, NOVEMBER 30, 1967

Mr. Howard Samuels and family, Secretary Fowler, Mr. Justice Fortas, members of the Congress, ladies and gentlemen, and friends:

I am here this morning to hand new challenges to a man who has really made a career of challenges.

Howard Samuels has been facing up to challenges all of his life.

In the public schools of upstate New York.

In the classes of MIT.

In the Army before Pearl Harbor, when he was fighting with Patton across Europe.

Lieutenant Colonel Samuels, age 26, came back from war with an idea and with a dream. He began his own business in an abandoned old schoolhouse. The rent was $35 a month. He and his brother built a corporation from that. It is now this nation's largest producer of plastic packaging.

Howard Samuels leaves this success behind—because another and a larger challenge has brought him to his Nation's Capital.

He takes high office this morning in a department that once spoke only for business. Now it speaks to business about the real business of America—the well-being of all the American people, including the business people.

So Mr. Samuels, your President wants to challenge you—and to challenge American business—to do more to solve the stubborn problems that plague this Nation and that keep us worrying at night.

Let me mention just two of those problems in the brief time this morning:

One is the shame of America. It is the slum of America—the nameless sub-city of the poor that exists in every State. It is a sprawling hovel where 20 million Americans—10 percent of all of our people—today live in tenements, in rural shacks and tar-paper shanties.

There are nearly 6 million of these so-called homes in this, the richest land in the world. Law and decency condemn them. Yet they stand—supported by our inaction, and also supported by, I am afraid, our indifference. They stand 30 years after President Franklin Roosevelt signed our first public-housing act. They stand despite all that the last five Presidents have done to try to wipe this shame from the face and from the conscience of the wealthiest people on earth.

So much for challenge one. The second challenge is to try to hire and to train the half-a-million hardcore unemployed. That is what we are talking about—500,000 hardcore unemployed.

This is our forgotten labor force. It is an unenlisted legion, a neglected resource of a rich and productive America.

They are the last in line. They do not share in America's abundance because they are the handicapped, they are the unskilled, they are the untrained, and they are the slighted victims of indifference and of discrimination.

Some of us think and hope that all they are asking of us is a chance. We are trying as hard as we know how to give them that chance—a chance to work at a good job at a decent wage.

But we do need help. Government just cannot do it alone. We need the energy, we need the genius, we need the imagination, and we need the initiative of the businessmen of America who have built this great, free enterprise system into the most powerful economy in all the world.

Last month I asked the distinguished Secretary of Commerce, Mr. Sandy Trowbridge, to get our businessmen involved, to get them involved in hiring and training these cast-off Americans. The Secretary turned to our country's 500 largest firms and asked them for help:

Twenty-three of these 500 said they would help.

Twenty-nine said they would not help.

Eighty-five said they were interested.

But the men on the highest levels sometimes just deal with the cream of the crop. That still leaves, after Mr. Trowbridge worked these days, 70 percent for you, Mr. Samuels. They have not committed themselves. We are going to put you in the nose of the cone in the goldfish bowl and we are going to see what you do and what the 70 percent of the 500 do about helping us do something for these half-million hardcore unemployed.

I believe the businessman can become concerned, if he knows the facts. But the average businessman is, first of all, always concerned first with his own business. He is busy with his own affairs. The pity of that is a terrible, accidental callousness to the greater business of all of us—a very dangerous thing. His business is not going to ultimately be any better than all of our business.

Tomorrow morning, we will begin the 82nd consecutive month of growing prosperity in America. In less than seven years, corporate profits after taxes have increased 93 percent—almost doubled in the last seven years—corporate profits after taxes.

So I summon American business this morning, as I did yesterday at the luncheon here in the White House. I summon them in their surge of prosperity, to try to look back at its wake: to look hard at the nameless slum city of the poor and to look hard at this forgotten labor force—and try to help the leaders of commerce join the leaders of the workers in doing something about it. Government can supplement their efforts but cannot supplant them.

Now, before we administer the oath, I must remark upon your wonderful family of eight children. I think it is right that a man who will help to run the Census Bureau should have such a large and attractive family.

So in the language of commerce, "It gives a man a piece of the action."

EQUAL OPPORTUNITY IN HOUSING—CORRESPONDENCE BETWEEN SENATOR EDWARD KENNEDY AND THE FEDERAL TRADE COMMISSION

Mr. KENNEDY of Massachusetts. Mr. President, we are all used to hearing the refrain: "If poor people showed some ambition and initiative they could escape from poverty and the slums." There are many reasons for questioning the validity and relevancy of this assertion, but in one field its absurdity is obvious and distressing. No matter how great his aspiration and ambition, neither the poor Negro-American, nor the rich one, can choose where to live. Whether he is moving from a tenement into a city high rise, or from a high rise into a suburban garden apartment; or from a garden apartment into a country split level, the color of his skin bars him from access to a large part of the housing market. No matter how secure and successful he may be, he finds himself judged not on his financial responsibility, or even his personality or the number of children he has, but rather on his pigmentation.

Can there be any justification for this throwback to slavery? Is there any rational basis for rejecting a man as a neighbor solely because of his color? I daresay no intelligent citizen can give these questions an affirmative answer, yet through ignorance and fear and prejudice the practice continues, and some people continue to defend it.

Most real estate dealers and builders and apartment owners say that they do not condone or support the practice, but that they are forced to maintain it as long as their competitors do. They say that if there were laws or regulations or other sanctions to end discrimination throughout the housing market they would gladly and voluntarily cooperate. In fact this is what happened after passage of the public accommodations title of the 1964 Civil Rights Act. Voluntary compliance was the rule and the exceptions were few and far between. With the force of congressional policy behind them, individual restaurateurs, hotel keepers, and theater operators could meet the demands of morality and conscience by opening their facilities to all, without risk that their competitors would do otherwise.

Clearly, the most logical solution in the housing field would be an equally forceful and comprehensive Federal open housing bill, ending once and for all the vicious practice of racism in real estate. Such a bill was passed in the 89th Congress by the House and received the support of a majority of the Members of the Senate. Nevertheless, as we well know, a minority of the Members of this body were able to prevent it from becoming law. A similar bill is before the Senate this year, but a similar effort to obstruct is already promised.

Mr. President, it is strange, indeed, that some of the very same people who seek to prevent the Congress from meeting its responsibility in the vital field of open housing, are also the ones who complain the loudest when as a result of repeated congressional defaults, it becomes necessary for the judicial branch or the executive branch to take strong initiatives in sensitive fields.

That phenomenon is becoming more and more apparent with regard to housing. What Congress could do and should do in one clean sweep must be done instead through piecemeal action by States and counties and cities, and by Presidential regulation and military order, and by administrative agency action. This is an expensive and time-consuming way to go about the job, and will not do the job adequately. The Executive order on housing affects only federally financed or guaranteed housing. The Defense personnel housing orders affect only neighborhoods of military bases. But until fully effective legislation is passed, or until the Supreme Court is forced to decide that the Constitution or existing laws already meet the need, the piecemeal approach must be pursued and pursued vigorously if we are to achieve as nearly as possible the constitutional goal of liberty and freedom for every American.

Last May I raised with the members of the Federal Trade Commission one opportunity for effective action within their jurisdiction.

I suggested in a letter to each Commissioner that the practice of offering in interstate markets housing which is ostensibly for sale or rent to all comers, but which in fact is closed to people of particular races or religions, constitutes deceptive advertising within the meaning of the applicable laws and rules under which the Commission operates.

The responses I received indicated that the members of the Commission agreed that this was a matter within their jurisdiction, although there was disagreement as to what the Commission's action should be. I therefore proposed a course of action consisting of the filing of a series of complaints in test cases across the country, and formally requested the Commission to follow this course.

That was in July. On September 25, I received a progress report from the Chairman of the Commission indicating that the FTC had proceeded on a staff level to develop the information necessary to determine whether complaints should be filed in a group of specific cases. The Chairman stated that the staff investigations were being conducted in the Washington, D.C., metropolitan area both because of the ease of developing evidence in this area and because the bringing of the first cases in the Nation's Capital would help to focus national attention on the principle in issue. The Chairman indicated that the Commission was prepared to take action in a matter of weeks if the investigations disclosed facts supporting the charge of deceptive advertising.

Although I have not heard from the Commission since September 25, news reports over the weekend indicated that the Commission voted last week to issue complaints against certain real estate advertisers in the District of Columbia area. There has been no confirmation of this fact from the Commission, but the persistence and similarity of reports from several sources suggests that complaints have in fact been authorized.

Mr. President, if the Commission has acted in this important field, a strong blow for freedom and equality of opportunity will be struck. If real estate ads are required to disclose that the offers they make are not open to all, the results will be immediate and widespread. In some places discriminatory advertising will be prohibited by law. In others the media will not be a party to such racism, and will not accept the advertising. In still others, builders and owners who were willing to discriminate covertly and anonymously will not do so when they have to admit it openly. And finally, in many places the pressure of public opinion and the unwillingness of many citizens to do business with offerors who discriminate will create a strong stimulus to changed policies. Of course this will not be a complete answer, but it will help significantly in many of our large metropolitan areas and in housing developments which are offered on a regional or national scale.

Today's news also brings some hope that we may achieve some help toward a solution from the judiciary if Congress again fails to act. The Supreme Court yesterday accepted for consideration a case which will test the contention that existing principles of law already bar racial discrimination in certain housing developments. My personal hope is that the 90th Congress will meet its responsibility by passing an open housing bill which will moot the case before the Supreme Court. But if we do not, then we will have to continue attacking the problem in every possible alternative way, and sooner or later the Supreme Court will have to act. For emotionalism and demagoguery cannot hide the simple fact that Negro Americans today are not free and are not equal when it comes to housing, and they and all Americans have a right to demand that this gaping hole in the facade of our democracy be filled, fully, fairly, and soon.

Mr. President, I ask unanimous consent that my correspondence on this subject with the Federal Trade Commission, and an article published in the Washington Post of December 2, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 8, 1967.

Hon. ———,
Commissioner, Federal Trade Commission,
Washington, D.C.

DEAR COMMISSIONER ———: I would like to raise with you a matter which has become of increasing concern to me with each passing month.

It seems patently obvious that many of the apartments, homes, and parcels of real estate offered for sale or rental in interstate commerce are not in fact offered to all comers. This is especially clear in multi-state metropolitan areas such as the District of Columbia, where offerings in Maryland and Virginia suburbs which are not available to Negroes are advertised in D.C., where the majority of the population are Negroes. Of course, in other parts of the country there are restrictions based on religion or national origin rather than race.

It seems to me that, since the advertising for such homes, apartments, and real estate gives the impression that they are being offered to all comers, and since this impression is false, there would thus arise a question of misrepresentation with regard to such advertising. Citizens who might wish to avail themselves of the opportunities offered must frequently take the time, effort and expense to call, write, or visit the offeror before discovering the restrictive nature of the offer. In addition, they might be forced to undergo the embarrassment and emotional strain of being told in person or by mail or by telephone that the offer is not being made to people of their race, religion, or national origin. On the other hand, potential buyers and renters who are not members of the excluded groups, but who do not wish to deal with offerors who discriminate, may be misled by the silence of the advertising as to this material element of such offers. Moreover the media who carry such advertising, although they may have a policy against publishing offerings which are closed to readers of a particular race, religion, or national origin, have at the present no convenient means of determining whether proposed advertisements meets that standard, since there are no governmentally enforced requirements of prior disclosure even to the media.

I would be most interested in having as soon as possible your thoughts as to whether the Federal Trade Commission might have within its powers and jurisdiction, some means for correcting this situation and what procedural steps would be necessary for the Commission to act in this area.

My own preliminary conclusions would be that the inherent misrepresentations would alone bring the problem within your purview, that as a practical matter existing practices do have substantial negative effects on the volume, nature, and competitiveness of the interstate markets for residential premises and sites, and that a disclosure policy would have both direct and indirect effects tending to improve the flow and competition in these markets.

I am taking the liberty of sending an identical letter to each of the Commissioners so that I may have the benefit of the suggestions of each of you. Since this is a matter of which I am placing some priority, I look forward to your early reply.

With best regards,
Sincerely,
EDWARD M. KENNEDY.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 12, 1967.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter of May 8th. I agree 100% with everything you say. The Federal Trade Commission has ample authority to take effective remedial action with regard to this problem, at least in the District of Columbia metropolitan area. For several years now, I have been urging the Commission—unsuccessfully thus far—to take action. However, I am hopeful that there will soon be a majority favoring the issuance of complaints directed at this kind of unfair and deceptive advertising. For that reason, I especially welcome your expression of views to each Commissioner.

With best wishes,
Sincerely,
PHILIP ELMAN.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 12, 1967.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of May 8, 1967, in which you inquired concerning the powers and jurisdiction of the Federal Trade Commission to deal with the representations in connection with the renting of real estate in the District of Columbia, Maryland, and Virginia. It is said that there is some thought that some of the representations involved are not completely accurate in that they do not disclose that the property being offered for rent is not available to Negroes.

The question of whether the Federal Trade Commission might have within its powers and jurisdiction some means of dealing with this situation and what procedural steps would be necessary for the Commission to act in this area as well as whether it would be appropriate for the Commission to inject itself into the larger question involving civil rights are questions which have troubled the Federal Trade Commission for some time.

There have been arguments pro and con that even if the Commission should be considered as having power and jurisdiction over any of these matters, then because of the larger question of jurisdiction over civil rights problems generally, it should consider carefully whether anything it would do in this area would interfere with or prejudice any possible, contemplated or planned action by the Attorney General or other officials of government under laws other than the Federal Trade Commission Act. Also, the question has been asked whether the Commission, by injecting itself into any aspect of this matter through any attempt to invoke provisions of the Federal Trade Commission Act would thereby be treading upon or attempting to forecast the views of Congress regarding the appropriate public policy applicable to the open housing issue.

In view of all of these troublesome and unresolved questions, I have proposed that the Commission conduct a public hearing on these questions in which all interested persons would be provided with an opportunity to supply the Commission with data, views and arguments relevant to these questions. My proposal did not find favor with a majority of the Commission; therefore, it was not approved. It is my thought that such a public hearing would provide an opportunity for the Commission to explore questions going to the powers and jurisdiction of the Commission as well as means available to the Commission to deal with the situation to which you have referred. Also, such a public hearing would provide an opportunity to develop information about the public interest in the Commission doing something about the problem. It is clear that in doing what I have suggested we would have been able to answer a number of the questions which you have propounded in your letter. As matters stand now, I doubt that we have any conclusive answer on either the facts, the law or the public policy which would be acceptable to a majority of the Commission as a basis for a decision on what course of action should be taken by the Commission.

I trust that these comments will be found by you to be responsive to the request you have made of me.

With best wishes and warm personal regards, I am,
Sincerely,
EVERETTE MACINTYRE,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 24, 1967.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of May 8 regarding rental and sale advertising of homes and apartments. I am in complete agreement with you that an advertisement may be materially deceptive if those responding to it are subjected to conditions not set forth in the advertisement. I am further of the opinion that advertising of this kind may be a violation of Section 5 of the Federal Trade Commission Act.

You ask whether the Federal Trade Commission can correct this situation and what procedural steps are available. In the Washington area, which is essentially an interstate metropolis, there is no question that the Federal Trade Commission has the jurisdiction to proceed against deceptive advertising. However, since real estate dealings of the kind involved are largely local transactions, there is a question whether the Commission can act effectively throughout most of the United States. Assuming a basis for federal jurisdiction, the procedural steps open to the Commission after informing itself of the nature and dimension of the problem are either the adjudication of particular cases after issuance of complaint or a more comprehensive approach through rule making.

You will be interested to know that the Commission has undertaken an investigation of housing advertising in the Washington metropolitan area as an aid in determining what course can best be pursued by the Commission in this matter, including the issuance of complaints.

I am informed that this investigation has been completed and that the staff's report will shortly be submitted to the Commission.

Sincerely yours,
JOHN R. REILLY,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 16, 1967.
Hon. EDWARD M. KENNEDY,
Committee on the Judiciary, U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: It was very good to get your letter of May 8, 1967 and to know of your concern about the advertising of commercial housing in the metropolitan areas and in the District of Columbia, a concern which we all share.

The Federal Trade Commission has been concerned with this problem officially now for about a year. We have started an investigation of just precisely the type of advertising to which you refer in your letter. I am enclosing copies of our correspondence with CORE, which was the first complainant in this matter. This correspondence sets out the limits of our jurisdiction in this situation. We have also been in touch with the Corporation Counsel's office in the District of Columbia and with various other organizations in the metropolitan area to ascertain their experience. I personally have discussed this matter with Sterling Tucker of the Urban League and have asked his organization to forward to us any complaints of which they are aware.

I do not know whether you personally receive complaints in this area, but if you do I hope that you will forward them to us.

With all good wishes.
Yours very sincerely,
MARY GARDINER JONES,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 17, 1967.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your letter of May 8, 1967 reached my office while I was out of the city. I returned on Monday to a Commission meeting with representatives of the Grocery Manufacturers Association. This meeting ran into the afternoon, when a previously announced press conference was held, dealing with the opening of a laboratory here in the Commission building to be used to test the tar and nicotine contents of cigarettes. Immediately thereafter I had to depart for New Orleans to meet a speaking commitment on May 16, and I have thus been unable to answer your inquiry until today.

In your letter you call attention to the fact that apartments, homes and parcels of real estate are advertised and offered for sale in interstate commerce—especially in multistate metropolitan areas such as the District of Columbia, Maryland and Virginia—which are not available to Negroes and that in other parts of the country similar restrictions are based on religion and national origin rather than race. You further point out that this raises a question of misrepresentation, and that citizens who might wish to avail themselves of these advertised opportunities frequently take the time and effort to call, write or visit the offeror before discovering the restrictive nature of the offer. You point out the embarrassment and emotional strain that come to such people, as well as the fact that potential buyers and renters who are not members of the excluded groups, but who do not wish to deal with offerors who discriminate, may be misled. You ask my individual thoughts as to whether the Federal Trade Commission has within its powers and jurisdiction some means for correcting this situation.

In 1938 Section 5(a)(1) of the Federal Trade Commission Act was amended by adding the following words, "* * * unfair or deceptive acts or practices in commerce" are hereby declared unlawful. Congress thereby substantially increased the powers and duties of the Federal Trade Commission. Quite frankly, the words "unfair or deceptive acts" are extremely broad and were so intended by the Congress so that the Federal Trade Commission would be free to develop them into a body of law under the recognized doctrine of inclusion and exclusion. It is my opinion that under a strict application of the above language the practices you describe in your letter are highly questionable.

This opinion on my part, however, does not resolve the matter completely. You will recall that before the Federal Trade Commission may proceed against an unfair and deceptive act or practice, the act or practice must be "in commerce." Historically, the Commission has restricted itself, wisely, in my opinion, to proceeding only against acts or practices which resulted in the movement of goods or a sale in commerce. It is agreed by the present Commission that the Commission has within its authority power to proceed against advertising, as such, which is disseminated in commerce, regardless of whether such advertising results in the sale of goods or articles in commerce. The present Commission, however, has not deviated from the long-standing policy of not moving into this area simply because, as a practical matter, it could not effectively process the avalanche of complaints that might be expected to result from a change in the policy. I think you can understand why this might be the expected result. For instance, there is hardly a newspaper or magazine which does not in one manner or another circulate across state lines. A change in Commission policy would mean that practically every practice that may be engaged in by all local businessmen in America which might appear questionable under the broad provisions of Section 5 of the Federal Trade Commission Act would be called to the Commission's attention with a demand for action against it.

The Federal Trade Commission now has approximately 1,150 employees, with about fourteen million dollars annually in appropriated funds, to carry out the broadest mandate given to any agency of government. Stated simply, our obligation is to see to it that business remains fair and that the consumer is not deceived. A reading of the Congressional history of the Act, however, and study of the judicial interpretations under it will lead any reader to the conclusion that the Congress only contemplated that this agency would act in the field of trade and commerce, and not in the general area of civil rights.

I think it would be unwise for the Commission, acting on a case-by-case basis, to venture into this field. I agree with you that the housing problem must be resolved. I would suggest, however, that it should be resolved by the Administration, by and with the help of the Congress, not by an administrative agency created to deal with problems associated with interstate trade and commerce.

As you know, actions of the Federal Trade Commission are taken by a majority of a quorum of its membership. With all five members of the Commission participating, this means by an affirmative vote of three members. Should this matter come to the table, I certainly would think it unwise for the Commission to proceed on a case-by-case basis and would so vote. If it should be the will of a majority of the Commission to act in the field, I would then counsel and urge that the Commission proceed on an across-the-board basis, possibly looking to the issuance of a trade regulation rule. This would be the fairer approach and would afford the Commission a record basis upon which it could determine whether the practices involved are in general unfair or deceptive and what guidelines or rules, if any, the Commission might issue in an attempt to help resolve the problem.

I have appeared many times before many committees of the Congress where I have heard the expression that "the Commission is an arm of the Congress"—an agency created to carry out the expressed will of the Congress. I do not believe it is the will of the Congress for the Commission to enter the civil rights field with respect to the advertising of housing. This, of course, does not mean that we should not enter the field when the practice complained of, including the advertising, falls clearly within the existing policy of the Commission. I have attempted here to distinguish the two concepts.

To summarize, in part: I do not think the Commission should enter any new field where it could be reasonably anticipated that as a result it would receive an avalanche of complaints, unless it is first satisfied that it is properly manned to follow through. If the Commission should announce its intention to undertake to resolve the advertising practices with respect to housing, I am convinced we should be inundated with thousands of complaints. We simply could not handle them unless funds had been previously appropriated. If the Congress or the Administration wishes the Commission to enter this area, it should first arrange to have appropriated to us the funds necessary to do an adequate job.

I hope my frank answer to the questions you have asked in your letter is satisfactory. If you have any further questions, I will be glad to clarify any ambiguities or to make myself available to you personally at your convenience.

With kindest personal regards, I am,
Sincerely,

PAUL RAND DIXON,
Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
July 7, 1967.

Hon. PAUL RAND DIXON,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I want to thank you and the other members of the Federal Trade Commission for your frank and helpful replies to my letter of May 8, 1967. In that letter I raised the question of whether real estate advertising is not inherently deceptive and unfair when the offer appears to be addressed to the public generally but is actually open only to a limited segment of the public, and the premises advertised are in fact not available to many people because of their race, religion, or national origin. I suggested that such deceptive and unfair advertising in interstate commerce has a potential detrimental effect on such commerce, especially in multi-state metropolitan areas, and requested the views of each of you on the appropriateness of F.T.C. action in this field.

Your replies make clear that: the statutory basis for F.T.C. jurisdiction in this area is ample and adequate; the practices described, where proved to exist, would violate the prohibitions of the Federal Trade Commission Act; a majority, and perhaps all, of the members of the Commission favor initiation of some type of Commission action to remedy this problem.

Only two Commissioners indicated reservations on the issue. While their points appear to me to be peripheral to the central problem, the answers to the questions they raise do in fact help to emphasize the utility of F.T.C. action. Their concerns were that action by the F.T.C. might interfere with activities in the housing field by Executive Departments or by the Congress; that entry into the field by the Commission might entail administrative burdens which the Commission does not now have the staff or funds to meet; and that action on a civil rights-related problem might bring the Commission outside its central statutory assignment to matters of trade and commerce.

Very briefly addressing each of these suggestions, I would point out that:

F.T.C. initiatives would supplement and support, rather than interfere or conflict with, Executive Branch policies and programs. The President's Executive Order on Housing, the regulations of the Department of Housing and Urban Development, and the recent housing orders of the Secretary of Defense are examples of Executive policies which F.T.C. action would complement. There is every reason to believe that the responsible officials in the Executive Branch would welcome and encourage F.T.C. initiatives which might touch upon the housing field.

The pendency in Congress of a comprehensive fair housing bill should not and cannot justify failure of other agencies of government to undertake more limited entry into the housing field when required to do so in pursuit of their own primary functions. Again the examples in the Executive Branch, and particularly Secretary McNamara's order declaring certain discriminatory housing in the D.C. area off limits to military personnel, provide clear precedent. Moreover, even when Congress enacts such legislation there will probably remain gaps where agency action will still be necessary.

Representatives and members of the real estate industry have repeatedly emphasized that, while they may be economically unable to take individual initiatives towards fair housing, there would be widespread voluntary compliance with any official decisions in this field applicable to all.

This was in fact the result in the most analogous area, public accommodations. Thus, once the F.T.C.'s interpretation of the law is made clear, the level of disobedience and the necessity for enforcement should be minimal. In any event the possibility of needing to go to Congress for more funds and staff if a new burden arises from meeting a statutory responsibility is not reason to decline to meet that responsibility.

The clear impact of deceptive real estate advertising on commerce is not negated or diluted by the fact that such violations of the F.T.C. Act may also involve discriminatory real estate practices. Indeed, while it is the protection of commerce which provides jurisdiction and standards for the Commission, and by-product benefits to the public in achieving equality of citizenship opportunities create a special public interest in speedy and firm Commission action.

The principal open question seems to be that of the most appropriate form of Commission action at this point. Again, in my opinion, a course of action which achieves the speediest and most effective results would best serve the public interest. The Commissioner's letters indicate that the jurisdictional questions and public interests in a remedy are not open to serious challenge. Thus it would seem that hearings to explore these preliminary questions might only serve to delay effective action. The present necessity is for receiving evidence on specific cases and for fashioning practicable remedies in the light of these cases.

In my judgment, the appropriate course would be for the Commission to proceed immediately to file complaints in a cross-section of test cases throughout the country.

It appears from the replies of some of the Commissioners that the staff is already prepared to present for action complaints pertaining to the District of Columbia metropolitan area. I am confident that in a matter of days or weeks each of your eleven regional offices would be able to develop other suitable test cases in multi-state metropolitan areas in their regions. With such a group of test cases the Commission could develop a firm factual foundation for any action which it found to be required by governing law. Its articulation of the controlling standards in these cases would serve as guidelines to the industry and to the public.

In accordance with Section 2.1 of the Commission's Procedures and Rules of Practice, I therefore suggest and request that investigations be initiated immediately with a view towards early issuance of complaints directed to the allegedly unlawful practices which have been described in this and my prior letter.

Misleading advertising of this nature causes great inconvenience and heartbreak to many Americans in their search for homes. At the same time it adds to the suspicion and distrust which impedes harmony among citizens of different races, religions, and national origins. The blight of discrimination has been attacked successfully in many areas of national life, but housing is one of the key remaining problems. I feel that the Federal Trade Commission can, by enforcing in the housing field the Congressional prohibition against misleading advertising, take a significant step towards assuring the right of all citizens to find homes without subjecting themselves to discrimination.

Again my thanks for the continuing attention of yourself and the other Commissioners to this important matter.

Sincerely,

EDWARD M. KENNEDY.

FEDERAL TRADE COMMISSION,
Washington, D.C., September 25, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Since receiving your letter of July 7, the Commission has given careful consideration to your request for immediate action attacking as an unfair and deceptive practice the advertising of housing accommodations which fails to disclose that such accommodations are not in fact available to many people because of their race, religion or national origin.

Upon receipt of your letter the Commission directed its staff to proceed immediately to attempt to develop facts permitting the issuance of not less than four complaints in the District of Columbia area on the subject of deceptive advertising of housing through failure to disclose material facts concerning those to whom the advertiser will rent or sell. The staff was further directed to conduct these investigations expeditiously and if the facts so warrant to draft and submit complaints to the Commission as quickly as possible. The Commission reserved for further consideration the question of whether the complaints should cover the failure to disclose any or all restrictive conditions or only undisclosed restrictions as to race, religion or national origin. In the event the facts developed support complaints along either of these lines the charge would be that this failure to disclose such a material fact is an unfair and deceptive practice within the meaning of Section 5 of the Federal Trade Commission Act.

These investigations are being conducted in the Washington, D.C., metropolitan area where it is believed they may be more speedily concluded because of the background evidence already developed in this area. Furthermore, it appeared most appropriate to bring any possible cases in the nation's capitol and there focus attention on the principle in issue.

You understand, of course, that complaints may be filed only if the investigations disclose facts which will support the charges to be made. The investigations are now being concluded and the results will be reported to the Commission very soon. The Commission's action thereon may be expected within the next two or three weeks.

With kindest regards, I am,

Sincerely yours,

PAUL RAND DIXON,
Chairman.

[From the Washington (D.C.) Post, Dec. 2, 1967]

FTC TO ACT ON REALTY ADS

(By Robert F. Greene)

The Federal Trade Commission voted last Wednesday to file complaints of deceptive advertising against a number of Washington area businessmen who have failed to disclose that the land and housing they offer for sale or rent is not available to all persons, regardless of race, religion or national origin.

The FTC made the decision in a 3-to-2 vote, with Commission Chairman Paul Rand Dixon and A. Everett MacIntyre dissenting, The Washington Post learned.

Last night Dixon declined comment on the decision "unless and until," he said, "the Commission makes a public statement."

Under Commission procedures, individuals or firms named in complaints are given an opportunity privately to comply with FTC orders before being cited in a formal public complaint that might result in a hearing or a cease-and-desist order.

Last Wednesday's action came after an FTC staff investigation discussed in a letter Dixon wrote Sept. 25 to Sen. Edward M. Kennedy (D-Mass.). Kennedy last July had pressed the Commission to declare real estate advertising that conceals discrimination to be deceptive and subject to prosecution.

Kennedy declared at the time that it is "patently obvious" that some properties are advertised without hint that certain applicants will be turned away. Kennedy said the practice was especially prevalent in multi-state metropolitan areas such as this one.

Dixon wrote that after receiving a letter from Kennedy the Commission staff was told to "attempt to develop facts permitting the issuance of not less than four complaints in the District of Columbia area on the subject of deceptive advertising . . ."

If the investigations warranted, Dixon wrote, the charge would be that deceptive advertising was a violation of Section 5 of the Federal Trade Commission Act.

Dixon implied that the Washington area was picked as a target for the investigation because "it is believed (the investigations there) may be more speedily concluded because of the background evidence already developed . . ."

"Furthermore," the Chairman wrote, "it appeared most appropriate to bring any possible cases in the Nation's Capital and there focus attention on the principal issue."

THE GOLD STANDARD

Mr. BREWSTER. Mr. President, whenever the subject of the gold standard is raised as a topic of conversation, invariably a great deal of misinformation is presented. The Washington Post on Sunday, December 3, 1967, published an article entitled, "It's Just a Lot of Bullion," by Mr. Harvey H. Segal, that clearly sets forth the facts concerning the value of gold and the role played by the International Monetary Fund.

In light of the current discussions about our balance-of-payments deficit and the recent devaluation of the pound sterling, I believe that Senators will find the article most interesting and informative.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S JUST A LOT OF BULLION

(By Harvey H. Segal)

The gold rush—frantic buying of gold in the expectation that its price would rise as the devaluation of the dollar followed that of the pound—has all but subsided on markets all over the world. But the fundamental problems of gold and its relationship to the dollar are unresolved, and they will surface again in the foreseeable future, undermining confidence and subjecting the international monetary system to new shocks.

Modern history records a progressive weakening of the link between gold and money, a part of the general shift from commodities—gold, silver and copper—to more sophisticated forms of representative money such as bank notes and checking account deposits.

Before 1914 there was a close and obvious link, virtually an identity, between gold and money. Gold coins formed an important part of the national money supplies. Bank notes in advanced countries were freely convertible to gold and their issues tended to be limited by the gold reserves held in national treasuries and central banks.

GOLD EXPANDS

Inflows of gold resulting from export surpluses or investment by foreigners permitted an expansion of the money supply with subsequent rises in the levels of employment and prices. Gold losses tended to depress employment and price levels.

Under that classical gold standard, which France's President de Gaulle wants to revive, gold was the principal monetary reserve, the medium for settling debts among nations. And the banks—both central banks and private banks—maintained fixed exchange rates by converting national currencies into gold and gold into national currencies.

Because of inflation and other disturbances that followed in the wake of World War I, most countries in the 1920s began to supplement their gold reserves with holdings of widely acceptable foreign currencies, principally sterling. The practice of holding foreign exchange as reserves gave rise to the "gold exchange standard." Under it the link between the growth of domestic money supplies and gold reserves was greatly loosened. But general convertibility between gold and national currencies was the rule.

The Great Depression sounded the death knell of gold convertibility, at least so far as ordinary citizens were concerned. After 1930, there was a headlong abandonment of domestic convertibility as countries sought to avert the sharp monetary contractions and price deflations that would have followed from maintaining the old parities between gold and and domestic currencies. In some instances, notably in this country, there was severe deflation in spite of the devaluation, that is, the reduction of the gold content of the currency unit and the correlative increase in the price of gold.

During the 1930s, domestic gold stocks were recommended by many national governments and used for official transactions, especially to intervene in the foreign exchange markets through exchange stabilization funds. The object of those operations was to peg or fix exchange rates and by so doing to prevent a country from gaining a competitive edge in international trade by virtue of a fall in the exchange value of its currency.

United States citizens were compelled to surrender all gold coin and bullion in 1933, and under the Gold Reserve Act of 1934, the dollar was officially devaluated. Its gold content was reduced from 25.8 grains of gold (.9 fine) to a little less than 15.3 grains. That action raised the official price—the price at which the Treasury is willing to buy and sell gold—from $20.67 to $35 per troy ounce, where it has remained ever since.

A new stage in the evolution of gold began with the operation of the International Monetary Fund in 1946, a year when the economies of Europe were prostrate as a result of World War II. The architects of the IMF sought to avert the beggar-my-neighbor policies—the restrictions on imports and the competitive devaluations that drastically reduced the volume of international trade in the 1930s. The rules which they laid down and the dominant position of the United States economy in a war-torn world led to the establishment of a dollar-gold exchange standard.

Under the IMF Agreement, member countries, which ultimately included all those outside the Communist bloc except Switzerland, were given two options.

They could undertake, through official intervention in the foreign exchange markets, to maintain the par value of the currency, as expressed in terms of dollars, within margins of plus and minus 1 per cent. Or they could undertake to buy and sell gold freely, conducting the transactions within margins of plus and minus 1 per cent of the gold par value of their currencies. In the case of the United States, that would be between $34.65 and $35.35 an ounce.

The only country which opted to buy and sell gold freely was the United States, and the reason is not hard to uncover. We then held more than 70 per cent of the non-Communist world's stock of monetary gold and the dollar was virtually the only currency that commanded the food and industrial materials needed for economic reconstruction. As a result, the world was placed on a dollar-gold standard. The dollar was pegged to gold and all other currencies were pegged to the dollar.

In the course of the postwar reconstruction, the United States acted as the world's banker. Through the Marshall Plan, the programs to aid underdeveloped countries and through private investment, nearly $200 billion went overseas in the shape of loans, grants and equity purchases. The dollar became the vehicle by which most of the world's international trade was transacted and it also became the most important reserve currency.

Of $71 billion in official monetary reserves—gold, foreign exchange and IMF credit—reported last June, dollars accounted for more than $16.3 billion, or 23 per cent. Sterling, the other reserve currency, comprised less than 9 per cent.

PERSISTENT DEFICITS

Since 1948 the United States has incurred persistent balance-of-payments deficits because it spends, lends, gives away and invests more in foreign countries than it receives from them. Had the foreign recipients of payments from the United States been willing to hold dollars without limit, there would be no gold convertibility problem. But that is hardly the case.

A few years ago the Johnson Administration, in one of those fits of delusion to which public relations men are susceptible, coined the slogan "The dollar is as good as gold!" But foreign central bankers, whose institutions ultimately receive surplus dollars from private banks, don't believe it.

Partly through fear of devaluation, partly through a desire to impose a balance-of-payments discipline on this country and partly for purely political reasons, as in the case of France, other governments have been steadily buying Treasury gold with their dollars.

In 1949, this country's gold stock reached a peak of nearly $24.6 billion. Today, it is down to less than $12.5 billion. And the outstanding liabilities against that reserve, the dollars in the hands of foreign central banks and private businesses, amount to some $31 billion. Western European gold holdings gained at the expense of the United States. In 1958, Western Europe held only $9.2 billion, or less than 24 per cent of the total, but by mid-1967 its holdings had risen to $19.1 billion, more than 47 per cent of the non-Communist world total of $40.5 billion.

Can the dilemma of dollar-gold convertibility be solved without precipitating a great panic? Yes, but it is necessary to separate the spurious solutions from those which are really viable.

If the supply of monetary gold could be greatly expanded and somehow channeled to Ft. Knox, our troubles would be over. But that golden dream will never become a reality. Because of the fixed price and the squeeze on South African mining profits, gold production is growing very slowly. Moreover, private absorption, the large industrial demand and the smaller demands of hoarders has diminished the stock of monetary gold since 1965.

DE GAULLE AND HISTORY

President de Gaulle would solve the problem by doubling the dollar price of gold and reviving the pre-1914 gold standard by eliminating foreign exchange—that is, dollars—as an international monetary reserve.

Domestic money supplies and levels of prices, income and employment would be determined by swings in the balance-of-payments and movements of gold. Few authorities, in France or elsewhere, are willing to set the clock back in that fashion.

Is a solution offered by the plan for creating "paper gold"—Special Drawing Rights—that was just adopted at the Rio de Janeiro meeting of the IMF? The answer is that the SDR scheme, while it would provide for the creation of reserves, affords no specific protection to the United States gold stock. None of the countries which want to exchange dollars for gold would be obliged to accept SDRs.

Assuming that the balance-of-payments deficits continue, the United States—after freeing the $10 billion of gold that is held as a "cover" against Federal Reserve notes—could let the gold stock run out. Indeed, some economists suggest that we announce to the world that once it is gone, we will never agree to buy it back at $35 an ounce.

But taken alone, that might be an empty threat so long as the U.S. balance of payments deficits continue. Moreover, every dollar of gold that the United States loses reduces the world's monetary reserves by a dollar. When the French or the Spanish convert, they substitute gold for dollars in their reserves. But there is no substitution in the case of the United States whose reserves are held in gold.

But suppose that the gold-dollar link were severed? Suppose the United States refused to buy and sell gold freely and opted—as it can under the IMF rules—only to support the dollar in our foreign exchange markets?

Other countries would have to decide whether to peg the dollar rates in their foreign exchange markets or permit them to fluctuate, either freely or within limits. Then the task of deciding what role gold is to play in the international monetary system could be assigned to the IMF, the only body capable of providing a meaningful solution.

ABM: THE DYNAMICS OF A NATIONAL DECISION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my remarks at New York University on November 6, 1967. I delivered these remarks as the opening lecture of this year's Moskowitz Lecture Series. I consider it both an honor and a pleasure to have been asked to initiate the lecture series this year. Dr. Charles J. Hitch, vice president of the University of California, and Dr. Arthur F. Burns, John Bates Clark, professor of Economics at Columbia University and former Chairman of President Eisenhower's Council of Economic Advisers, also participated in the Moskowitz Lecture Series this year.

The Charles C. Moskowitz Lectures were initiated at New York University in 1961. "The Defense Sector and the American Economy" was chosen as the overall theme of the lectures this year.

In view of the gratifying reception accorded to my speech, entitled "ABM: The Dynamics of a National Decision," I thought it would be useful to make it easily available to those of my colleagues who have shown a special interest in the ABM question, which continues to weigh so heavily before our Nation.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ABM: THE DYNAMICS OF A NATIONAL DECISION

(Remarks of Senator JACOB K. JAVITS, at New York University, November 6, 1967)

On September 18, in a truly remarkable speech, Defense Secretary McNamara announced the Administration's decision to deploy a "thin" anti-ballistic missile defense against a potential threat from Communist China. This decision was one of the most complex, and portentous in its ramifications, of any that has been made in the past decade. The decision has implications which impinge, directly or indirectly, on every important aspect of our national life. A study of the dynamics of this decision is very instructive.

First I wish to comment on what I consider to be the inadequacy of the national debate which preceded the ABM decision. Ostensibly, one might attribute the inadequacies of the debate to the complexity of the technical considerations involved in an antiballistic missile system. There is no doubt that most Americans are intimidated by the language of science and technology.

However, as I followed, and later reviewed the ABM debate, I was struck by the fact that there was relatively little dispute over purely technical questions. By contrast, however, there was very earnest dispute over a wide spectrum of the most fundamental policy considerations which were involved in the ABM decision.

While pressures were exerted from many quarters during the ABM debate, it is clear that the decision-making process was throughout dominated by Secretary McNamara. Indeed, we owe him a debt of national gratitude for having forced a shift in the focus of the ABM debate away from essentially technical considerations and for having forcefully brought to public attention the fundamental policy considerations involved in the ABM decision.

There were pressures from many quarters during the ABM debate. One might assume that many of these pressures came from what is called the "military-industrial complex." After all, there are, potentially at least, tens of billions of dollars worth of contracts involved in building an ABM system. However, I have not discovered any discernible efforts by the great defense contracting corporations to influence the ABM debate or its outcome. This is not always true of national debates and decisions on defense questions, as you all know.

Having made that statement, I wish to modify it in one respect. It was President Eisenhower, in his farewell address to the nation, who brought to public attention the dangers posed by the "military-industrial complex". As President Eisenhower used the term, he was talking about something much more expansive and ramified than the narrow world of defense-contractor lobbyists who abound in Washington and who have come to be thought of in the public mind as being the "military-industrial complex".

In the wider sense that President Eisenhower used the phrase—to include entrenched elements in the military establishment itself and in its vast dependent intellectual establishment sustained by government contract—the "military-industrial complex" was active in the ABM debate and did seek manfully to determine its outcome. There is nothing improper about this. In fact, that is just the plain duty of the Joint Chiefs of Staff.

I spoke earlier of the technical complexity of an ABM system, and of how this tends to inhibit participation in debate by those who do not have a technical background. I think that this is a very real danger.

In his farewell address President Eisenhower also warned of the ". . . danger that public policy could itself become the captive of a scientific-technological elite." Largely because of Secretary McNamara's alertness and zeal, this did not happen in the present case of the ABM decision. The danger was definitely present, however, and will be present again in future decisions on the ABM system. I will give you a very graphic example.

Dr. Harold M. Agnew, head of the Weapons Division of the AEC's Los Alamos Scientific Laboratory, made a speech to the Air Force Association on March 16, in San Francisco. Dr. Agnew's speech is an open attack on Secretary McNamara's general conduct and specifically of his views on the ABM question. It is a pure example of the expression of the view of the "scientific-technological elite" which President Eisenhower warned us of, and I commend to you a study of its full text. For illustrative purposes, I will just quote one sentence. After taking Secretary McNamara to task for his entire strategic philosophy and his opposition to a Soviet-oriented ABM system, Dr. Agnew says:

"I believe the lack of true understanding of science and technology of many of our policy makers, and what I consider the substitution of wishful thinking, is very dangerous, and could become more and more serious."

In my judgment, Dr. Agnew's knowledge of science and technology is most useful and essential to us. The problem is the tendency of this elite to get out of their field, to think they have equal expertise and authority on broad matters of public policy. And most troublesome is their recurring efforts to have basic policy questions decided on the basis of technological factors where they are expert but which are inadequate criteria for judging basic questions of national goals and values.

I would like to turn now to some of the differences between Secretary McNamara and the Joint Chiefs of Staff which emerged in the course of the ABM debate. The Joint Chiefs understood their role in this debate. But a close study of the record shows that some fundamental differences exist between the Secretary of Defense and the Joint Chiefs of Staff with regard to our relationship to the Soviet Union. Secretary McNamara believes that it is both possible and essential to achieve an understanding with the Soviets to stabilize the "balance of terror" which keeps the peace. He is passionately concerned over avoiding a new round of the arms race, and believes that accurate communication of intention is a crucial factor. I quote a brief passage of his San Francisco speech as example:

"They could not read our intentions with any greater accuracy than we could read theirs. And thus the result has been that we have both built up our forces to a point that far exceeds a credible second-strike capability against the forces we each started with."

The alternative which he poses to an understanding on strategic weapons is "both the Soviets and ourselves would be forced to continue on a foolish and reckless course . . . The time has come for us both to realize that, and to act reasonably. It is clearly in our mutual interest to do so."

The approach of the Joint Chiefs is quite different. Their view, as reflected in General Wheeler's statement to Congress, is based on the traditional concept of an adversary relationship with the Soviet Union and contrasts sharply with the innovative thinking of McNamara. An illustrative example is the following quote from General Wheeler's statement:

"We do not pretend to be able to predict with certainty just how the Soviets will react. We do know from experience the high price they must pay to overcome a deployed U.S. ABM system."

The record also shows that the civilian Defense Secretary and the uniformed Joint Chiefs have very different assessments of the diplomatic leverage provided by nuclear weapons. Secretary McNamara says:

"Unlike any other era in military history, today a substantial numerical superiority of weapons does not effectively translate into political control, or diplomatic leverage."

General Wheeler has a quite different view:

". . . at the time of Cuba, the strategic nuclear balance was such that the Soviets did not have an exploitable capability, because of our vastly superior nuclear strength. And to bring this forward into the present context, it's also the view of the Joint Chiefs that regardless of anyone's views about the situation in Vietnam, we think it quite clear that we would have had even more hesitation in deploying our forces there, had the strategic nuclear balance not been in our favor."

I think it would be instructive at this point to juxtapose another set of quotes. The question at issue involves judgments as to the allocation of resources. While the initial cost of our "thin" ABM defense will be around $4 billion, it is common knowledge that further refinements could lead to expenditures of at least $40 to $50 billion for a "heavy" defense system. Secretary McNamara's view is succinct:

"I know of nothing we could do today that would waste more of our resources or add more to our risks."

By way of contrast, the Chairman of the House Armed Services Committee expressed the following view:

"We are an affluent nation . . . we are now right at $750 billion GNP; and responsible people tell us it is headed for a trillion. So we can afford it. Why not have the two of them, and keep the Soviets off balance . . .?"

The most shockingly neglected aspect of the ABM debate has been what is ultimately the basic issue—the allocation of national resources. The magitude of potential costs is very great—$50 billion, and a lot more if a civilian fall-out shelter program were added on. Expenditures of this order of magnitude could have profound warping effects on the total pattern of our national life. It is essential that public men, both in and out of government, join the continuing debate over the need and justification for an antiballistic missile defense. Now is the time when we need the views and judgments of our nation's best minds. Later, when we might be irrevocably tied to the ABM roller coaster, their post-mortem dissent will be of little value.

If there is any lesson we should have learned from our Vietnam experience it is the danger of not taking a long look down the road ahead before we commit ourselves to something. In Vietnam, initial small expenditures and periodic increments that were modest at first have now snowballed into a $30 billion per year affair. We find ourselves faced with a high cost in human life and misery and inflationary threats, while our urgent urban needs are not adequately met. The lessons of Vietnam in this regard are applicable to the ABM debate and I repeat my earnest exhortation that this whole matter be given the closest scrutiny *now* by the men whose views are respected in all areas of national endeavor.

Decisions regarding national security are perhaps the most difficult of all decisions. We live in a very complicated and dangerous world. An atmosphere of insecurity prevails everywhere. But there is no such thing as absolute security, and security certainly is not solely or even primarily a question of weapons systems. Maximum security is derived from the optimum balance and quality of national life. Secretary McNamara had some pertinent things to say in this regard in a speech he gave in Montreal in May of 1966:

"A nation can reach the point at which it does not buy more security for itself simply by buying more military hardware—we are at that point. The decisive factor for a powerful nation—already adequately armed—is the character of its relationships with the world."

At this point I cannot resist quoting the opposing view of Dr. Agnew, the Los Alamos Weapons Division chief:

"I would argue that there are few nations whom we should worry about as far as world opinion is concerned. These are only the nations with whom we are engaged in competition and who may have the military and economic strength to materially affect what we are doing."

I think the important point is that all of us have a real competence and a real contribution to make when the broad questions of national security are involved. The weapons cultists notwithstanding, the quality of our schools, the physical and mental health of our population, the social justice barometers of our big cities—are all factors which determine our national security.

While most of the ABM debate has been concerned with our relations with the Soviet Union, the ABM system finally decided on is oriented against Communist China. In his San Francisco speech McNamara said there were "marginal grounds" for concluding that the deployment of a China-oriented system would be "prudent".

This is neither a very enthusiastic nor a very convincing line of argument and the suspicion persists that the decision to proceed with a "thin" ABM deployment was attributable in fact to other considerations than Peking's nuclear capability and potential. James Reston of the New York Times has dubbed the ABM "the anti-Republican Missile". I will not deny that there has been a partisan dimension to this entire issue with both Democrats and Republicans maneuvering for party advantage in a pre-election year, and Mr. Reston may well be correct when he accuses the President of ". . . not dealing with the problems before him but with the politics of the problems" in making his ABM decision. In any event, it is most unfortunate that we have not heard the President's views of the very fundamental substantive considerations involved in the ABM controversy.

However, this line of inquiry does not lead us very far. Let us turn instead to the rationale which is now being expounded with regard to Communist China as a reason why we need a $5 billion "thin" ABM defense.

In a major follow-up speech on October 6, Assistant Defense Secretary Warnke addressed himself to this and other issues not gone into by Secretary McNamara in his earlier San Francisco speech.

Among other things, Mr. Warnke argues that our anti-China ABM will reinforce President Johnson's 1963 pledge to protect non-nuclear states against Chinese nuclear blackmail and thus make it easier for Asian nations to sign the Non-Proliferation Treaty. Mr. Warnke's reasoning is ingenious but dubious in its accuracy. For instance, on October 1 an Indian Foreign Ministry publication had the folowing to say:

"The Government of India's decision not to sign the Nuclear Non-Proliferation Treaty stands intact in spite of big power pressure . . . The question of guarantees by the United States and the Soviet Union either jointly or individually has been dismissed as unworkable."

There are several passages in Mr. Warnke's remarks concerning Communist China which merit close attention because of their wider implications for U.S. policy. Parenthetically, it is most unfortunate that Secretary Rusk, who has recently conjured up the frightening image of "a billion Chinese on the Mainland, armed with nuclear weapons", has not given us his views of Mr. Warnke's assessment which follows:

"We see no reason to conclude that the Chinese are any less cautious than the rulers of other nations that have nuclear weapons . . . Indeed the Chinese have shown a disposition to act cautiously, and to avoid any military clash with the United States that could lead to nuclear war.

Following on the heels of this most interesting assessment Peking's policy-orientation, Mr. Warnke goes on to state:

"In deploying this system, we seek to emphasize the present unique disparity in strategic nuclear capability between the U.S. and China and to extend well into the future the credibility of our option for a nuclear response."

He also affirms that our ABM deployment will end ". . . any uncertainty as to whether or not the United States would act to prevent the Chinese from gaining any political or military advantage from their nuclear forces."

Implicit in Mr. Warnke's exposition of policy is an apparent assumption that the Soviet Union would not honor its defense treaty commitments to Peking in the event of a U.S. nuclear strike at the Mainland. I think this point requires a definite clarification and I intend to seek one from both Secretary Rusk and Secretary McNamara.

Administration spokesmen have been largely silent on the impact of the ABM decision on our relations with our NATO allies, and there is evidence that this very important aspect of the decision was not given sufficient consideration.

According to press reports, our ABM decision has been received with skepticism and disfavor in most NATO capitals. Two of our closest Allies, Canada, and the U.K. have publicly deplored the McNamara announcement. At a minimum, NATO feathers were unnecessarily ruffled by a lack of consultation on an important issue, at a time when the whole Alliance is passing through an internal crisis of confidence. According to a Washington *Post* survey the only NATO capital that took heart from our ABM decision was Paris, and that for reasons which are not necessarily helpful to our national interests. The *Post* reports that the French are having a "field day" with the "disquiet caused by the American decision" and see it as "a new vindication for their policy of disengagement from the Atlantic Alliance."

It is not by intention tonight to offer definitive answers to the many profound questions which have been raised in the course of this review of the dynamics of an important national decision. Rather, I have tried to suggest the scope and the implications of the issues which are involved. There are others too which I have not even sketched in this brief *tour d'horizon*. If it does accomplish anything, I think this review dramatizes the inadequacy of the national debate of the ramifications of opting for an anti-ballistic missile defense. It is clear, however, that only the initial round of debate has been concluded. The proponents of a full-blown "heavy" ABM defense against the Soviet Union have been denied victory on this round by Secretary McNamara's adamancy and by his compromise action in agreeing to a thin anti-Chinese ABM deployment. But we are now experiencing but a brief hiatus before the battle is renewed.

It is imperative therefore that the full weight of all elements and all points of view in our society be mobilized to participate proportionately in the next round of debate. It is only in this way that we can be assured of a truly national decision which reflects the true balance of our national interests.

The basic issues have now surfaced. They need further clarification and refinement, and much much more searching exploration. As one Senator, I shall do my utmost to assure that we have a real national debate before we move any further down the road to a Buck Rogers world of missiles and counter missiles where fatalities are counted in the "megadeaths". Concurrently, I shall do my utmost to insure that the proper issues are debated and that decisions are not camouflaged by illustory technical jargon intended to intimidate or exclude the layman from the decision making process. It is in this aspect of the challenge that our universities can play their most vital role. I entreat you to join in this defense of the national interest.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there be no further morning business, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents' schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate resumed the consideration of the bill.

CALL OF THE ROLL

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 372 Leg.]

Aiken
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Eastland
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Smathers
Smith
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent.

The Senator from Kentucky [Mr. Morton] is absent to attend the funeral of a friend.

The PRESIDING OFFICER. A quorum is present.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KUCHEL ADDRESSES CALTECH YMCA

Mr. KUCHEL. Mr. President, I had the honor to speak on the campus of the California Institute of Technology, at the invitation of the Caltech Young Men's Christian Association, last November 30. I ask unanimous consent that a portion of my comments be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Facing the Ghetto: Brinkmanship or Commitment?

(Partial text of address by U.S. Senator Thomas H. Kuchel, at the invitation of the Caltech Young Men's Christian Association, Beckman Auditorium, California Institute of Technology, Pasadena, Calif., November 30, 1967)

Ralph Waldo Emerson, poet-essayist of the century past, on one occasion observed: "It needs a whole society to give the symmetry we seek." In facing the sprawling, spreading, urgent plight of the American city, especially the isolated, racial ghetto with its exaggeration of every city problem, we do indeed need a whole society, if our unique form of society is to survive and flourish, and fulfill the symmetrical American dream.

Long before Emerson, a Greek of the 6th Century B.C., Alcaeus, said of Athens: "Not houses finely roofed or the stones of walls well-builded, nay nor canals and dockyards, make the city, but men able to use their opportunity."

Today we look at the city and the many men who use their opportunity and use it well. Focus for a moment on what we have come to call the American ghetto. It sits in the core of the city, and it contains many men who do not use opportunity because, in large measure, they enjoy little opportunity to use. It is this ghetto and its people which we seek to explore this evening. We will go in, and try to determine where we are. We will try to find a way out, and decide where we are going.

Much has been written about brinkmanship in foreign affairs over the years: How John Foster Dulles raised it to a fine art confronting the Soviet Union in the middle and late 1950's under President Eisenhower, facing down the cold war enemy at the very brink of possible conflict; how the late President Kennedy practiced it at the Cuban missile crisis.

I would like to suggest tonight that we are witnessing brinkmanship in our Nation's cities. We are on the verge of a broad-fronted commitment against the blight and poverty of the ghetto. We need now to take that one step in many sectors which will involve all of us: government, those in the business community, you theoreticians and activists in colleges and universities, men and women from organized labor, those outside the ghetto, and perhaps most important, those inside the ghetto themselves. The step should be taken with a sense of common purpose.

We should commit ourselves because there is a human need for us to do so. No other reason should be necessary. But for those who are particularly hard to convince, let me point out that there is one faction in today's ghetto which is practicing a brinkmanship of its own. I refer, of course, to the incendiaries who have set people and property aflame, with both words and deeds, over the past three years. They threaten that "The Fire Next Time" will engulf the entire United States. *Newsweek* talks of an "increasing appetite for confrontation," as it pours its resources into searching out a way to help the ghetto and to avoid such confrontation. An Oxford-educated Negro from Watts asks Walter Lippmann on Public Broadcasting Laboratory if perhaps a "confrontation" isn't the way to educate America to the anguish of the ghetto. Lippmann said, "No," incidentally, warning of the "backlash you will reap."

I say there is not only no need for this armed confrontation, but that it would do both the ghetto, and the America it should belong to, irrevocable harm. I believe social balance and a way out—for the ghetto resident and for the alienated taxpayer or backlasher—can be and should be provided as an alternative to a massive confrontation.

Indeed, I think our ghetto moves should be made very much within the framework of the laws of our time and the order of our society. Uprisings and riots can be put down by the agencies of law enforcement, and without the vigilantes who seem to yearn to repress their fellow citizens. But any massive revolution, and the inevitable, repressive crush of response, would also destroy our present society and would set back, by decades, what racial and economic progress have actually come in recent years.

Promises have been made by one generation. I believe that generation should keep them. But much of the energy and most of the meaningful work to translate the promises into effective action, must come from the younger, emerging generation of thinkers and doers. Already, the front-line troops of the war on poverty are young people who have made a commitment with themselves. When I read that a VISTA volunteer contemplates sleeping in a New England jail because the United States Congress delays appropriating the interim funds to keep her poverty program and her living allowance going while we debate details, I am not very proud. On the other hand, when I see a vast segment of our young population withdrawing from the daily struggle with the world and becoming social iconoclasts, the supreme flowery isolationists of urban America, I am not very encouraged either. This is a time for commitment, not holding action or retreat, and we must appeal to youth for an alliance of action and purpose with his neighbor. Similarly, any generation must back youth with financial resources and good faith.

Consider the age of the average inhabitant among the 30,000 in Watts. I am told a recently completed survey put the age at 14 years. That single fact is distressing in its implications of large family units in poverty. But it is hopeful in terms of having time on the side of rehabilitation. More than anything else, that very young average age is a supreme argument for youth outside the ghetto to begin learning what the ghetto is all about. It is the problem of tomorrow's citizen far more than it is today's.

That is why I am particularly pleased to try to make common cause with a university audience tonight. I am convinced there is an untapped reservoir of youth still to become involved, which can match the many who have already recognized the task to be done in the cities of the United States.

Let us explore for a moment what I call the "mathematics of concern." Hopefully, some figures can demonstrate to the technology-oriented why it is they who should see the problem of the disadvantaged in the central city as something which at least in part involves them, like it or not.

One of the premises here is that the problem we face in the ghetto, as a part of the central city, is primarily the problem of the minority population, and, beyond that, chiefly the problem of America's Negroes. There is, to be sure, a sizeable Latin American ghetto in many large cities, usually Mexican or Puerto Rican in origin. That presence is getting special attention, in such legislation as the Bilingual Education Act, which I am proud to say I co-sponsored, to ease the transition from native Spanish to English language education.

But I tend to think these Spanish speakers have taken the place of the Italians, the Irish, the Eastern European Jews and the other immigrant ghetto dwellers of past decades, and that like those immigrants, they will find their way out. The Negro, who has been an American for many more generations, has been denied many of the opportunities that the poverty stricken immigrants discovered and seized.

First, consider that the central city has been essentially abandoned by the white man as a living place, while the Negro population has grown there. Between 1950 and 1966, a full 87% of the Negro population growth took place in the central city. Among whites, only 2% of the growth occurred in the center while 79% took place in the suburbs or "urban fringes." As whites have moved to the suburbs, so have their factories. Over 60% of new industrial buildings in standard metropolitan areas between 1960 and 1965 took place in the suburbs. In Los Angeles, it is worse, with 85% built in suburbs in that period. When industry moves to the suburbs, the Negro ghetto worker cannot always follow except by day and at great expense.

Indeed, one study in Chicago revealed that Negro workers, on the average, travel about twice as far to work as their white counterparts. One job seeker from Watts reports spending $2.80 and taking 2½ hours to go for a job interview by greater Los Angeles' far-flung transit system, and spending the same money and effort to return home. Needless to say, he was discouraged at the prospect of the daily routine. It was far easier to journey to and from Watts years ago when the old Pacific Electric street cars were running, but they are now long since gone, with a modern rapid transit system still somewhere in the future. The central city jobs which are left to the immobile ghetto resident are usually managerial, white-collar jobs for which the Negro is untrained or ill-trained.

The man who is left in the ghetto as job opportunities leave is what some unpopular bureaucrats in Washington have called the "high-cost citizens" of our Metropolis. One of the high costs is welfare. In 1966, 14% of the non-white, mainly ghetto population was receiving welfare, while only 3% of the white population was. Other public costs, such as police protection, increase where the ghetto grows and festers.

So much for the human composition of the ghetto and some of the many costs. Where do we go to find the revenues, the money, to meet these costs? Not much of it is going to come from the ghetto, for the ghetto even at this moment is crumbling further. More than 4 million urban families live in substandard homes. The condition of housing units in Watts in 1960 reflected 14% which were deteriorating; by 1965, 21% were deteriorating, and the percentage of "dilapidated" units had doubled. David Rockefeller, President of Chase Manhattan Bank, told a Senate committee not long ago, "Deteriorating neighborhoods are a constant drain on municipal finances. While they continue to absorb a full share of services such as police and fire protection, street maintenance and sanitation, their deflated real estate values offer only diminishing assessments."

The result of this concentration of high-cost humanity in a low-revenue area is two-fold.

First, the man who has been left behind is left behind at a rapidly accelerating rate. His employment tends to be physically farther away from his home than it used to be, even as the cost of transit increases to record levels. In education, ten years ago, the cities and the suburbs spent about the same each year per pupil; today, the central cities spend $150 less, and have more trouble than ever encouraging the best teachers to help them. A recent Census and Labor Department report on Negroes in the United States stated its most "distressing" evidence indicates that while more Negroes are entering the middle class and those outside the ghetto are making progress, conditions are "stagnant or deteriorating in the poorest areas."

The second result is that the man in the non-ghetto area, the property owner in the suburb, is getting a bigger tax bite every year to maintain an area and a people he never sees, if he can help it. This is the main auxiliary answer today to the quest for revenues for the ghetto: property taxes. And as David Rockefeller points out, many large cities have "just about reached the limit of their taxing capacity." The suburban homeowner knows that some of his local taxes, and state and federal as well, are going to help the ghetto.

Is this involuntary tax link to be the only involvement of the man outside the ghetto with his unfortunate counterpart who is inside? If so, I regret to say that his taxes are likely to be higher, probably at all governmental levels.

As I think I can demonstrate, there is a trade-off here, between the involuntary financial involvement many of us have with the ghetto, and the degree of energy presently put into constructive investment of concern, time and private financial resources. It is a part of the mathematical "why" of concern, the personal and financial part.

Another part of the formula lies in purely human numbers and their truly frightening proportions. It took hundreds of thousands of years for man to reach today's population of slightly over three billion. But population experts warn it will take a mere 40 more years for population to double to six billion, if present growth rates remain unchanged. Within our country, California has already shown how difficult it is for a relatively wealthy, technologically advanced state to cope with growth. And we can expect more of the same, as the Golden State's population swells from its current 20 million inhabitants to a projected 50 million by the year 2000.

More to the point, we are destined to become an increasingly urban society here and throughout the world. Constantinos Doxiadis, the international architect and city planner, paints a rather bleak picture of future human crowding:

"The situation is going to become even worse in the future since there is no visible indication of a change for the better.

"By the year 2000 urban population will be at least doubled and urban land will be many times more extensive. The number of machines in our cities will increase immensely. All this means that the greatest pressures will be on our cities, pressures which they cannot stand. A century from now the situation will be disastrous.

"By the end of the century the structure of our society will be different. 91% of the population will be urban, and this percentage will continue to rise. The remaining 9% will have many characteristics of an urban population. This entitles us to say that by the end of the century, 95% of the population will belong to an urban society, and this percentage will continue to increase. We are heading towards a completely urban society, and we overlook this fact.

* * * * *

"Man is going to turn into a misguided, displaced person, hiding in the depths of buildings, fleeing the most developed parts, spending perhaps all his spare time commuting to work and traveling to and from points of interest, trying to communicate with others. He is going to have more characteristics of a nomad and troglodyte than of a citizen."

While you and I may not yet feel like the full-fledged troglodyte, or cave man, we in the Los Angeles area do, I think, recognize the long abominable commute and rising social tensions as crowding increases here. If it is hard to live cheek by jowl now, what will it be like in the greater metropolitan area, much less within the ghetto, when this Malthusian nightmare befalls us? Efforts to smooth the frictions between groups of men must be pursued now. I see the attention paid to the poverty-stricken and the ghetto prisoner as a necessary response to a mathematical imperative: We are becoming too crowded to ignore such things. Ironically, the polarizing of the white and non-white worlds within America might increase just from tension-producing proximity, if nothing is done to improve the lot of the man on the bottom.

I used all these numbers to illustrate that, with the passage of time, the choices are getting harsher. They will get harsher still. It is no longer just a matter of helping fellow humans, of seeing social justice done for those who have suffered too long. That time has passed, and our record on the whole is rather shabby. But now self-interest, too, is involved. The ghetto is impinging more, and more, and more on American pocketbooks in the form of taxes, and on American activity outside the ghetto as population swells. The choice—if it really remains any more—is whether to take a voluntary step to meet the problem, or to let events and the ghetto continue their unguided course until they spiral out of control.

The choice must be made to commit the private sector of the United States to the ghetto in great quantity, and with the dedicated aim of promoting viable private sector activity located within the ghetto and owned and run by ghetto residents. Only by taking this initiative can non-ghetto America hope to see its cities become whole and healthy again, with every segment of the urban population self-sufficient enough to contribute, rather than to drain.

Americans have been presented with enough motives for doing something. Assuming they want to do it, how do they do it? Here is where we get away from the numbers (none too soon) and back to the human aspect of the ghetto.

I am convinced that the first step for any individual, corporation or government official who is going to wade in to the ghetto is to learn what it is he is getting into and who it is that will meet him at the ghetto curb. For this evening, I will call this initial process "sensitizing," because that is the exact word used by one young ghetto resident for what he feels is lacking in the outsider's approach. It has particular relevance to the Caltech YMCA because I believe. that is the single most realistic aim of your program of students living in the ghetto, and in ghetto "tutors" coming to the campus.

Sensitizing, in photography, is chemically making a film or plate susceptible to light so that images are held permanently, just as they were in the moment of exposure. A piece of film which came out of a factory unsensitized for light could be exposed for any length of time and no impression would be made on it at all.

The ghetto outsider, who drives through the ghetto on his way to work, or merely sees the ghetto face occasionally on television, or, worse yet, just hears and reads what others say in some casual reporting of ghetto events, is not going to hold an image or impression of the ghetto as it is, any more than an untreated film would hold it. His prejudices, misconceptions and apathy remain as untouched as if his eyes never opened and his ears never heard.

One ghetto youth invited to Senate hearings urged Americans to take the trouble to learn that "all Negroes are not dirty, all Negroes are not lazy, all Negroes do not grin even in pain." Then he took a little dig at some of our Nation's unsensitized advertisers, as he appealed to us to realize "that, yes, blondes have more fun, but blacks have a little."

It isn't just the white man who needs all the sensitizing, as another ghetto resident tells us: "There had been no active recruiting in the first place, because the people themselves, I am talking about Negroes now, not whites, they were out of touch with the ghetto itself."

Getting to know the ghetto and its denizens is hard. In East Los Angeles there also is a ghetto, you know. You had best know Spanish to really learn what that area is all about because it is the Mexican-American ghetto. It has a poverty problem and a host of other problems which rival those of the Negro ghettos of Los Angeles.

Even if everybody spoke English, though, the message might well be missed. For in our native tongue, warns one who escaped the ghetto recently, "the language is bitter and it smacks of desperate conduct and action. Yet, even worse, the Nation's ear is not trained to recognize it."

It is time that someone besides the social workers, who may or may not recognize the language, takes the time to listen to that language—as profane as it might be—and find out what is behind it.

I suspect that Henry Ford II, a good man, I believe, became sensitized to the lights and shadows of the ghetto as he never was before when he actually ventured into what was described as a "dingy ghetto church" to talk to a Detroit Negro militant for an hour and a half recently.

No one expects every industrialist or even every commuter to detour through after work and stop at a ghetto church for a shot of sensitivity on the way home. But we might expect the recruiting personnel manager to go in and learn the language of the ghetto, so he can communicate enough to find out what he is missing by not hiring the under-educated man before him. We might expect a factory location expert to take the time to become sensitized, so he can get the help he needs. We would certainly hope the university professor who lectures on urban affairs is acquainting himself and his students with "the way it is, baby," in the lecture hall with the pool table and the students of life surrounding it.

Last year, one Eastern college got a real roasting from one of my Senate colleagues who discovered that this commuter institution had so ignored the slum around it for years that its leaders were totally unable to talk to the angry ghetto dwellers who were being moved aside to make room for university expansion. "If a university itself is unwilling to get its hands dirty with the problems of every day life, I wonder of what value their theories would be, as they are handed down from one thesis to another or from one book to another . . . untested in their great 'backyard' laboratories?" asked this Senator, with no real question in his voice at all.

At this point, Caltech and its YMCA are due great credit for their role in "sensitizing" students to receive images from the ghetto. You have a mutually beneficial arrangement with the tutors from Pasadena's West Side, and have set a "how-to" example which I hope will be copied widely throughout the United States. I don't think anyone expects that each Caltech "Y" participant will graduate as another Jacob Riis reformer, but if your participation is successful, the picture you have should be clear. Anything more than that, the realists would consider a bonus. The tutors may even have gained something from the experience, too.

As we gain an awareness of the ghetto, we outsiders sense that there is a certain mobilization going on with it. At its best, it is an organizational move to make meaningful strides forward independent of outsiders. At its worst, it is the arming and exhorting of ghetto revolutionaries to prepare them for that confrontation which we have learned to fear each summer. It is, in any event, a movement, a stirring which cannot go totally ignored.

I propose a mobilization of those outside the ghetto as a natural adjunct to the new awareness. This means business, as much as any other segment of American society. It is clearly overdue, but business' turn to try its hand is here.

Pioneers have led the way. It has been said that Chad McClellan of Los Angeles is probably the only former president of the National Association of Manufacturers to have on his study wall a framed thank-you letter from a black nationalist. It is reward for a chore of successfully mobilizing job opportunities within the business community for the unemployed of Watts, a chore he began right after the Los Angeles riots of 1965 and which the Negro letter writer said he performed "exceptionally well."

Aerojet General Corporation has moved a subsidiary into Watts, run entirely by Negroes, which is expanding its industrial function as its 500 ghetto-resident workers become trained in new skills. It is understood several more corporations are practicing brinkmanship, and hopefully soon will be in the fold.

U. S. Gypsum Company has tested rehabilitation techniques in New York slums, is now moving on to Chicago. Ford Motor Company, with its chairman of the board recently sensitized, has begun hiring directly in and from the Detroit slums without written tests but with promises to make the hiring decision on the spot.

This is not to say that these companies are abandoning the profit motive as they search out new ways to help in the ghetto. U. S. Gypsum is quite frankly trying to increase sales of building materials. Ford's Mr. Ford argues, "some may feel it unseemly to mention cost and profit when urgent human needs are involved, but the profit motive is a powerful force. It must be maintained, and it can be used effectively to help the urban crisis."

Jobs and housing efforts are not by far the only opportunities for private enterprise in the ghetto. If technology is to be turned to a human task, it must be done with the resources of industry. I do not believe the government apparatus, especially the Federal Government apparatus which would be charged with the job, is flexible enough or widely experienced enough to harness, say, infra-red rays to the particular cooking, lighting and heating needs of the ghetto home. (For all I know, infra-red may burn a house down before it heats it, so please don't take that as a specific suggestion.)

Of course, the university, as the center of much "pure" research, plays a role here, too. I would like to pay tribute to my host institution of this evening again, in this case for its superb initiative in launching an 85 million dollar drive to bring science and technology to bear on the problems and needs of humanity. Dr. DuBridge says 85 million dollars, "measured against the cost incurred in man's long history of waste and self-destruction, may safely be counted as nominal."

Where cities are concerned, Caltech's ambition might cheer Lewis Mumford. He wrote some pretty gloomy lines in *The City in History* about the way technology seems divorced from any social ends:

"We live in fact in an exploding universe of mechanical and electronic invention, whose parts are moving at a rapid pace ever further and further away from their human center, and from any rational, autonomous human purposes. This technological explosion has produced a similar explosion of the city itself: The city has burst open and scattered its complex organs and organizations over the entire landscape. . . . In short, our civilization is running out of control, overwhelmed by its own resources and opportunities, as well as its super-abundant fecundity. The totalitarian states that seek ruthlessly to impose control are as much the victims of their clumsy brakes as the seemingly freer economies coasting downhill are at the mercy of their runaway vehicles."

As a man from Uncle—Sam, that is—I should be talking more about the Federal Government, I suppose. That is within my sphere of responsibility. But, of course, the Federal Government has been the main outside presence in the ghetto in many cities for many years. That is what involves me officially in the problems of the city and it is what worries me. The Federal Government is neither rich enough nor personal enough nor close enough to shoulder the burden as it must be shouldered, by itself. And there is no immutable national rule or regulation or law which Congress can adopt to apply in every ghetto of every city in the land.

That is not to say I have not approved the mobilization of the war on poverty forces in recent years, because I have. I continue to support that war. I think we must consolidate the gains we have made and see where we can make more. The aim of the war on poverty—and many seem to be losing sight of this as they meat-axe funds in House and Senate committee meetings and floor debates—the aim of the war is to increase the self-sufficiency of the poor. I think that aim has been generally kept in mind, although the occasional executive and legislative aberrations have disturbed many, and the riots of the past three years have caused some of my colleagues in Congress to consider the entire ghetto community ingrates and unworthy of further beneficial attention.

But while I approve of the poverty war, I become increasingly convinced that the best role of government, city, state and Federal, is to do all it can to cooperate and actively encourage with tax forgiveness and make it easy, not tough, for the businessman who can go into the ghetto and bring his business or industry with him. He may be going in with profit motive firmly in mind, but what is wrong with that? If he pulls the ghetto up by supplying advancement jobs and training for its people, no one should complain. Corn Products Company experimented with a program which taught its illiterate employees to read and write in just 160 hours. The program not only upgraded the workers, but saved Corn Products $100 a man over the cost of hiring and breaking in a new one, the company figures. That cost saving may be a compelling motive to repeat the program, and cannot be pushed aside as simply unredeeming greed. Corn Products is now carrying its education program to several other corporations and at least one community, the latter under the poverty program.

Here is a whole area of government mobilization which has been discussed little. It needs a lot of exploration.

Certainly more can be done by both executive and legislative branches of the Federal Government to open doors for private enterprise to perform in the ghetto.

At the risk of appearing partisan for a moment, I would like to review some of the leadership steps we in the minority party of the U.S. Senate have taken in recent years and months to try to broaden the private role.

In 1965, I was pleased to co-sponsor with Republican colleagues what we called the Human Investment Act, as a proposed adjunct to the war on poverty. It would have provided government grants-in-aid and tax relief to corporations which undertook job training programs for the ghetto resident and other low-level employables or unemployables. Unfortunately, that bill did not pass. I think if it had, we would have seen today's tremulous advances by business into the ghetto pushed ahead by a year or so. Time has been wasted.

In 1966, an amendment to the poverty legislation which I authored was accepted, making it a matter of legislative policy that, consistent with the anti-poverty aims, "whenever the utilization of resources of the private sector . . . would be at least as effective as the resources of the government, private enterprise should be given priority in carrying out programs authorized by this Act." I believe constant review is needed to be sure this policy is being carried out by the Office of Economic Opportunity. I am more convinced than ever the theory is sound.

This year, Senator Charles Percy of Illinois introduced a bill which would encourage private industry to invest in private housing in the ghetto, and more importantly would encourage greater home ownership by the disadvantaged. It is a vast improvement over so-called public housing, which provides none of the pride of ownership or stake in the community that private housing does. Under the compromise legislation finally accepted by the Senate committee, a government corporation would make grants and loans to individuals who are interested in public construction of housing, and would provide the low-income homeowner the chance to participate in a rebate of interest payments on the unpaid portion of the loan. I hold out some hope that this bill may become law, if not this year, then next.

Also, this year, a bipartisan effort to provide tax incentives to business to move factories and jobs into the ghetto surfaced with a broad show of support. I think Congress itself is beginning to realize, if belatedly and hesitantly, that all resources must be thrown into the fight, including private resources. The Executive Branch is moving slowly in that direction, too. A little run-in I had last year indicates the reluctance of some agencies to make room for private action and progress. The outcome, however, was beyond my greatest expectation.

Following the riots in South Central Los Angeles, I had received complaints from builders, buyers and brokers of homes that lenders refused to make home mortgage loans in the so-called curfew area. The lenders said the risk was too great. Such an attitude was not hard to understand, considering that the area by now had acquired a reputation as being prone to riot and destruction.

It seemed to me that every effort should be made to encourage building anew in Watts and its environs, and that it was especially important to encourage ownership by the area residents of their own homes. It would certainly give a man a greater stake in society if he were buying his own home and would hopefully form the core of a stable community.

The Federal Housing Administration was in a good position to assume part of this risk. But the FHA fought a bill I proposed permitting it to insure mortgages for home purchase in city riot areas for the first time. By this time, in late summer of 1966, more cities had suffered riots.

Over the objection of the FHA, the Senate adopted my amendment to the Demonstration Cities bill of 1966. My amendment substituted the term "acceptable risk" for the phrase "economic soundness" in the criteria for approval of FHA guarantees. Thereafter, it passed the House of Representatives and became law.

Even after passage of this legislation, however, the FHA was extremely reluctant to implement the new rule. To judge by new FHA grants in Los Angeles, the rule was being ignored.

Only at the end of this summer, after the tragedy of hundreds more made homeless by riots in Detroit, Newark and other cities across the Nation, was the FHA goaded into issuing the new implementing guidelines. By October, the Administration was announcing that it had provided mortgage insurance to help over 1,000 families purchase homes and that it was making commitments "at a rate of more than 150 a week."

The smash came, however, when leading companies of the life insurance industry recently pledged to spend one billion dollars of their investment funds on ghetto housing. Naturally, the companies requested and received promises of FHA insurance to minimize the risk of investing in areas of potential violence. It was only by happy accident, of course, that the way had been paved a year earlier to permit the assumption of that kind of risk by the FHA.

The search must continue to find ways to make it easy for business to help in the ghetto. Public-private cooperation should not simply happen by fortunate coincidence alone, nor be prevented from happening at all by government hostility or inaction.

The FHA riot insurance experience shows that no matter how progressive legislation may be, there is a certain conservatism, or desire to retain the status quo, inherent in government bureaucracy. It is rooted in both inertia and fear, and I believe it should be tested, battled and rolled back as we seek the means of developing incentives to business and to people outside the ghetto area to come in and to help solve the problems.

I predict the next generation of riot insurance legislation will provide for some kind of participation by the Small Business Administration and will be considered next year. Anyone who walks or drives through Watts today can see that business is not exactly swarming into the gaping holes left on charcoal alley. Again, many businessmen feel the risk is too great to move into the area with stores, service centers or light manufacturing concerns. Even if they want to move in, lenders may not glow with great enthusiasm for investing capital in the area. Legislation permitting the SBA to guarantee loans against failure of business through riot damage is needed, in the same fashion that home purchase loans are available for guaranty.

As it is, one of the chief complaints in Watts today is the lack of a decent shopping center. The reluctance of the outside world to invest in a section of central city where turmoil has erupted in the past also serves as a grim reminder to its residents that they do, indeed, live in a world apart. Perhaps most important, new business in the ghetto, encouraged by SBA insurance, would provide one more source of jobs close at hand and modern retail outlets similar to those in many other areas of the city.

I think one of the most encouraging things to happen in the United States in several otherwise rather bleak years for the city is the formation of the Urban Coalition. When you get a group which links the arms of General Electric Company and other business leaders, Walter Reuther and his friends in organized labor, big city mayors and civil rights leaders, to go in and lobby Congressmen on bills affecting the central city and its residents, you have what I call a very positive force working. Now that the legislative year is almost over, coalition members are turning their efforts to forming autonomous urban coalitions within individual cities, groups which can bring pressures to bear, or at least educate, local and state government to do what is needed for the cities. Unfortunately, not all city "establishments" are responding to the call to set up such a coalition. Those that are, it seems to me, are guaranteeing themselves some results.

City government has mobilizing to do, too. In one major city in recent weeks, a large company—one with a good reputation for educating its disadvantaged workers—just yearned for a chance to move into the city's riot-torn area with a new plant, representing some 500 new jobs. The company required 10 acres. This created no problem, because the community redevelopment plan called for more than that to be made available for a walk-to-work industrial park. Checkerboard-ownership lots and parcels in the site contemplated by the plan could be acquired and consolidated with federal assistance.

It was an ideal arrangement, except that the redevelopment plan had been so bogged down in red tape and lethargy for so many months that the corporation is now looking in essentially suburban locations too far from the ghetto for its workers to be ghetto men and women.

"Some just plain old cooperation would have gone a long way with us," says a representative of the company who bargained with the city.

Then, too, there is need for public agencies such as community redevelopment agencies to learn techniques of communication. Whether it is called "sensitizing," or simply understanding, we have been shown recently that there is an inability of some of these agencies to know whom they are dealing with in the ghetto, and then to explain their program of urban renewal or planning so that the ghetto community accepts it.

In fairness, it should be pointed out that urban redevelopment plans are often legitimately questioned on grounds they subvert human values to financial considerations. To some, "urban renewal" comes out "Negro removal." Beyond that, regrettably, there is a very definite core of people in the ghetto itself who have a financial stake in the status quo. Some are merchants, some are property owners, and there are others, all of whom raise bogus cries of damage to ghetto dwellers in order to thwart change.

So it is not just city government which must be held responsible for unpreparedness in the ghetto. But there is a responsibility of leadership and of judgment which must be exercised at the top. When those qualities are lacking, the city falters at the ghetto gate, and serves the rest of the city poorly to boot.

I have left until last the ghetto figure himself. I think it is premature for us, on the outside, to suggest a course of action to help him and to help him help himself. It is so easy to coach from the sidelines, and to shout "grab that ball," when we think that opportunity comes his way. But there is a lot of quiet acquainting to be done between that individual and opportunity before many spectacular catches will be made.

I would like to lend my encouragement, however, to many of the all-ghetto projects which seem to be springing up, often with resources and some leadership from Negroes who have become successful in their own right. Where many did, and still do, turn their back on the ghetto as they gain recognition or wealth, more are remaining to help less fortunate brethren, evidence shows. This is heartening, as are the constructive efforts made by many youthful former gang members who are trying their hand at free enterprise efforts with a fierce independence which belies some old myths about Negroes.

I think the best I can do is to urge that law and order rule the ghetto. That is the basis of our society. If you break the law and destroy order in the name of progress, I suggest you are breaking and destroying progress as well. Within the framework of law and order, much can be done that is unorthodox, that is exciting and that fulfills. While he is operating within that framework, the ghetto dweller should speak out to the outsider, tell him needs, suggest the way the environment of his neighborhood should be built. He should otherwise assert himself and discover his pride. He could do worse than thinking in terms of sensitizing those outsiders to the ways of the "under class" living in a neighborhood where the scars of past turmoil still show.

And we on the brink would do well to listen, and to act on our concern, for in Lewis Mumford's words, "The best economy of cities is the care and culture of men."

ADDRESS BY SENATOR KUCHEL BEFORE CALIFORNIA PRESS ASSOCIATION

Mr. KUCHEL. Mr. President, I was honored to speak before the members of the California Press Association at the Clift Hotel in San Francisco on Friday, December 1, 1967.

I ask unanimous consent that there be printed in the RECORD a partial text of my comments on that occasion.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IT KEEPS THE WATERS PURE

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL before the California Press Association, Clift Hotel, San Francisco, Calif., December 1, 1967)

In 1823, near the end of his long and fruitful life, Thomas Jefferson wrote these memorable words in deep devotion to a unique and unprecedented American constitutional guaranty:

"The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitations it produces must be submitted to. It keeps the waters pure."

I am highly honored to join with you on the occasion of the 97th Annual Winter Conference of the California Press Association. As a citizen, and as a servant of the people of this State, my respect for the press of America, and of California, continues to grow.

Jefferson spoke an eternal truth. The only real security lies in the freedom of the press. That was his view, though he could speak feelingly and critically of the agitations it sometimes produces. On one occasion, he said:

"I deplore . . . the putrid state into which our newspapers have passed, and the malignity, the vulgarity, and mendacious spirit of those who write them . . ."

On the other hand, he subsequently observed:

"Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter . . ."

Your Association came into existence 97 years ago, the precise milestone which my dearly beloved mother reached last November 22. Among those members of the California Press Association are a few whom she has known for years, and some others representing families which she and my late father knew, and knew intimately, for a long lifetime. For my parents, I recall with an unbounded pride, owned and published and edited a country newspaper, the *Anaheim Gazette*. My father as a boy delivered the first issue in 1870 by horseback. He came back in the 1890's to buy it, and to publish it for two years short of a half century. San Francisco is the city of his birth and surely the city of a proud and moving recollection of his life by all his family. For it was here in 1960, a little more than a century after he was born, that you selected him for the California Newspaper Hall of Fame. I think I may truthfully say that he knew the power of the printed word, and the responsibility of being a newspaperman. He was brought up in the house of his immigrant father to love this country, to cherish freedom and to stand for principle as he saw the light. As he was respected, so, too, he respected the newspaper profession, your profession. As one of his sons, I repeat my keen sense of honor in being invited to speak to you today.

It is a great heritage that: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ." When it was laid down in 1789, it was a public warranty unexampled in all the world. Time may dim recollections of forward progress, and Americans take their rights pretty much for granted, sometimes, indeed abusing and misusing them, and refusing to respect the rights of their neighbors. The real meanings of these constitutional freedoms are sometimes ignored. In difficult times, in periods of crisis and frustration, in facing the challenges which involve the future, if not the survival, of mankind, it is easy to condemn those who would freely exercise their constitutional freedoms in ways which might be bitterly offensive to others.

But the exercise of free speech and a free press is fundamental to a free society. They are so fundamental, so vital, so forceful in their effect upon the minds of men groping to find the truth, that they are intolerable to any form of dictatorship. They forecast the dissolution of tyranny. The book burnings by the Nazis under Hitler, the Iron and Bamboo curtains, prohibiting newspapers from abroad and seeking to abort incoming radio beams by static—all represent vain attempts to disprove Lincoln's aphorism that "you cannot fool all of the people all of the time." One by one, attempts to stifle freedom have failed, and they shall continue to fail, for the sons and daughters of man are, by their very nature, free.

When a government moves toward authoritarianism of any kind, freedom of speech and its necessary concomitant, freedom of the press, become the first casualties. When men can no longer transmit their thoughts to one another, no other freedom is secure. When men can no longer discuss their differences, then the way has been barred to making common cause against encroachments on any and all rights of person and property.

Our Founding Fathers gave number one importance to the freedoms of speech and press, and wrote in their protection in our Bill of Rights. And the American people through their representatives did the same thing in adopting the Fourteenth Amendment by which these freedoms apply to states. Congress is ordered to make no laws abridging these freedoms. This not only marks the extreme limits of lawful suppression but further serves as a guide for Congressional action within those limits. Professor Chafee of the Harvard Law School has stated that the Bill of Rights fixes a certain point of "thus far and no farther," but that long before that point is reached, it urges "upon every official of the three branches of the state a constant regard for certain declared fundamental policies of American Life."

The development of these "fundamental policies" in the American Republic was a historical development of long duration. It was the early colonists who rejected the theory of sovereignty of the crown on which the English law of speech and press was founded. Under this law, any self-expression, even though honest and sincere, and, above all, even if truthful, which expressed dissatisfaction with government by the crown, or with the conduct of public affairs by government office holders was considered a threat to law and order and therefore intolerable and illegal. Indeed, it was under the ominous dome of the Star Chamber that the first seditious libel law was brutally enforced.

In 1275, the statute De Scandalis Magnatum provided for imprisonment of anyone who should disseminate false news or "tales" from which discord might result between the King and his subjects. Truth was no defense. Even after the Star Chamber was abolished in 1641, a severe licensing statute restricted any and all public news. This licensing and censorship of the press, aimed at protecting the sovereign made its way to the colonies along with segments of the English rule. The first newspaper to be published in the American colonies did not even survive its first issue. It was immediately suppressed because it mentioned the Indian Wars and commented on local affairs. In 1671, Governor Berkeley of Virginia expressed his pleasure at the lack of progress for the press in the following manner:

"But I thank God, we have no free schools nor printing; and I hope we shall not have these hundred years; for learning has brought disobedience and heresy and sects into the world; and printing has devulged (sic) them, and libels against the government. God keep us from both."

The American colonist was indignant at the restrictions which controlled his press and his speech. The technical procedures of the English Common Law unavailing to him in any colonial judicial proceeding, began to give way to new and pragmatic rules derived from the Bible and the natural law. Law books and reports of decided cases were rare; so few statutes were printed that it was uncommon for a lawyer to possess even a full set of the laws of his own colony. Self-reliant lawyers and judges developed their own law, based on concepts of what was just and right in the community.

Perhaps the most famous test of these new rules was the trial of John Peter Zenger. Accused of seditious libel in 1734, Zenger had dared to print and write political attacks on William Cosby, the then Governor of New York, and a representative of the King. In his successful defense of Zenger, Andrew Hamilton concluded his argument to the jury with these words:

" . . . every Man who prefers Freedom to a Life of slavery will bless and honour You, as Men who have baffled the Attempt of Tyranny; and by an impartial and uncorrupt Verdict, have laid a Noble Foundation for securing to ourselves, our Posterity and Our Neighbours, That, to which Nature and the Laws of our Country have given us a Right—the Liberty—both of exposing and opposing arbitrary Power by speaking and writing Truth."

While the main point at issue in the trial itself had been the question of what constituted a libel, the point of great importance to the colonies was that the verdict established by implication the right of the people to criticize the government.

Following the Zenger trial, men like John Adams and George Mason spoke of a "moral Law" and of "inherent rights." Formal rejection of sovereignty on which the English law of speech and press was founded, and the substitution of a theory of natural rights and justice appeared a ringing declaration of irrevocable rights claimed by the First Continental Congress in 1774 for every colonial. The first was the right of the people to share in their government by representatives chosen by themselves, to be governed by laws which the people themselves approve through their elected representatives, and not by edicts of men over whom they have no control. The second, enumerated as the last in the address, was freedom of the press. It was to consist, "besides the advancement of truth, science, morality, and acts in general, in its diffusion of liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honorable and just modes of conducting affairs."

Complete acceptance of natural rights and justice was perfected in the Declaration of Independence—"We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their creator with certain inalienable rights . . ."

When the Founding Fathers met to consider a Constitution they knew what they wanted to establish as a covenant of freedom, but they did not all agree on how to draft it or on what to include. Indeed, during the Convention of 1787, proposals for specific guarantees for the press were twice voted down. Some argued that not only in a government of enumerated powers was a bill of rights unnecessary but was imprudent as well. Should an attempt at enumeration of rights be made, it was argued, every right not included would be presumed to be relinquished. Others contended that state declarations of rights would be sufficient. But men like James Monroe and Patrick Henry continued to fight for a bill of rights. Without an express provision which would secure rights which were inalienable in their eyes, they saw the Constitution as a dangerous instrument calculated to secure neither the interests nor the rights of anybody. When the First Congress met under the ratified Constitution, its members were prepared to adopt the recommendations for a list of basic rights commencing with freedoms of speech and press.

The American Constitution was, as I say, the first governmental charter of any human society to give recognition to the importance of a free press. The first American patriots had come a long way, from the tyranny of the Star Chamber to a new nation with her newly conceived liberties for all her people. They viewed representative government and a free press as inseparable. Surely, you may trust the people's judgment when they know the truth. And, surely, the truth is best served in an atmosphere of freedom where the dissemination of the news is neither controlled nor manipulated. One of the wisest of our federal judges, the late Learned Hand, once wrote:

"The interest protected by the First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many, this is, and always will be, folly: but we have staked upon it our all."

But the placing of a small phrase in our Constitution did not of itself end the renewed challenges to the cause of liberty. Each decade of history has witnessed the need to interpret and apply this phrase in providing the protection it was designed to achieve. The Alien and Sedition Act of 1798 sought to silence criticism of the government in an impending war with France. It was denounced by Jefferson and set right by Congress. President Jackson sought legislation to prevent the circulation of incendiary publications in southern states but John C. Calhoun opposed this attempt as a violation of "one of the most sacred provisions of the Constitution." During every war, the cry has arisen for greater restrictions of the free press. But it was not until World Wars I and II that actual censorship laws were enacted and upheld as being reasonable restrictions in time of war.

Despite the threats which have arisen, it is an everlasting tribute to the genius of the drafters of the Constitution and the members of the First Congress that the First Amendment like the entire document has had the capacity to adapt and to grow as the problems of preserving freedom changed and became more complex. In *Thornhill v. Alabama*, the Supreme Court observed:

"The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties adequate to supply the public need for information and education with respect to the significant issues of the times. . . ."

Like all freedoms, there must, of course, be certain obligations attached to their exercise in a democratic society. Justice Frankfurter defined the boundaries:

"Freedom of the Press is not freedom from responsibility for its exercise. That there was such legal liability was so taken for granted by the framers of the First Amendment that it was not spelled out. Responsibility for its abuse was imbedded in the law."

The pen will still win its battles with the sword. And in the affairs of men, the spoken word and the written word, freely expressed, will finally overcome tyranny. A closed society cannot stand the light of day or it will cease to be closed. The access to different, varied and opposing viewpoints is the essence of free government. In this, Americans have an unparalleled advantage—more newspapers, more magazines, more books, more television and radio sets than any other people in the world. It is an advantage we need to keep.

Our press is free, free to report facts, to present opinion, to emphasize one point of view and to slight another. It is the citizen's right to accept or to reject any or all of what a newspaper prints. He will be the judge, the sole judge, of what to believe, and of what to do about it. In helping to mold public opinion, our news media are a powerful tool. And to their infinite credit, I believe that the newspapers of America have used their power well and in the public interest.

It is the responsibility of newspapers and of other periodic publications to preserve their rights by constant and scrupulous attention. As the Supreme Court of the United States said in the 1957 decision in *Alberts v. California:*

"The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth. Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States."

Open expression of informed opinion, free give and take in debating vital issues, and finally, decisions taken in the light of all knowledge—these are essential ingredients of a peaceful and orderly society, and, I believe I may say, of a peaceful and orderly world. The truth is a driving force, and it deserves our faith as it invites its dissemination. Albert Camus expressed this credo as holding "obstinately to the tremendous wager which will finally decide whether words are stronger than bullets." This is the essential challenge of our times—to seek assurance that reason may finally prevail over brute force, that issues may at last be resolved by the quest for truth rather than by armed conflict and bloodshed. For if, God forbid, in this 20th Century world, we were finally compelled to decide our fate by war, then the lights would begin to dim all around this earth, and a terrible doom would be approaching.

The struggle of freedom is a struggle for truth. That is the excellent, exhilarating contest in which all of you can play a proud role, and play it with honor. For in reporting the "good news" of democracy and of free men's thoughts you will be traveling the road towards a better tomorrow.

TRADE AGENDA WITH RED CHINA

Mr. DOMINICK. Mr. President, as a member of the steering committee of the Committee of One Million—against the admission of Red China to the United Nations—I probably pay more attention than most to the arguments advanced by advocates of admission of Red China to the United Nations, and it never ceases to amaze me how unrelated to reality their reasoning is. Weary, perhaps, of old arguments—like the unquestioned "stability" of Mao Tse-tung and his associates, effectively disproved by time and events—the advocates of admission have turned, almost in desperation, to new arguments which border on the hallucinogenic. A prime example of this LSD-diplomacy is the suggestion that the United States ought to trade with Communist China, on the assumption that increased trade relations will turn Communists into capitalists and tyranny into freedom.

There is no need to belabor the point, but it is quite clear to any rational man who examines carefully the Soviet Union, or Yugoslavia, or Poland or East Germany that these Communist countries remain Communist, not capitalist, and that freedoms which we take for granted in this land are only dreams in Moscow, Belgrade, Warsaw, and East Berlin. The possibility of helping Red China to "mellow" through trade is even more remote, when one considers that its leaders are the most aggressive and hostile Communists in the world.

One only has to look at the recent guerrilla warfare in Hong Kong to see this point clearly. The Red Chinese now do more trade through that island than any other spot in the world, and yet are creating as many problems there as they can dream up. Fifty percent of their world trade balances originate out of Hong Kong alone, and yet the Red Chinese are attempting to make this fabled island a battleground which will have a substantially adverse effect on their trade as well as on free world interests.

In an address at Rider College in New Jersey, our colleague, Senator STROM THURMOND, of South Carolina, presented a cogent and lucid analysis of the fallacies of trade with Red China. It is an admirable address, which I recommend to all who read the RECORD.

As Senator THURMOND states:

> We are making a mistake whenever we trade with Communists, whether in China or in the Soviet Union. The Communist system needs trade to make up its own deficiencies; the system needs trade to make it work. Even token trading destroys our moral position, and weakens our will to survive. It will profit us nothing to trade with the whole world if we fail to survive.

I ask unanimous consent that the address at Rider College by Senator THURMOND, entitled "Trade Agenda with Red China," be inserted in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TRADE AGENDA WITH RED CHINA

(Address by Senator STROM THURMOND (Republican, of South Carolina), "Operation 1968" lecture series, Rider College, Trenton, N.J., November 16, 1967)

If it had not been for the revival of the Mid-East Crisis, the General Assembly of the United Nations this week would once more be debating the admission of Red China into the UN. Once more, the Red China lobby would be in full swing repeating its tired tune, monotonously returning to the same note.

Many members of this audience are probably not old enough to remember the course of our disastrous China policy before 1949. A group of so-called experts in the United States worked for many years to assist the Communist takeover. Our policy was directly influenced by their subversive work. While it may be going too far to say that U.S. policy desired that takeover, it is clear that the subversives were able to incorporate many of their desired aims and decisions into official policy.

One of the principal instruments of subversion in our China policy was a supposedly learned academic group known as the Institute of Pacific Relations. In 1952 the Senate Internal Security Subcommittee—of which I recently became a member—held extensive hearings on the IPR, and came to a few restrained conclusions. Let me quote:

"The Institute of Pacific Relations has not maintained the character of an objective, scholarly, and research organization." * * *

"The IPR has been considered by the American Communist Party and by Soviet officials as an instrument of Communist policy, propaganda, and military intelligence." * * *

"The IPR disseminated and sought to popularize false information including information originating from Soviet and Communist sources." * * *

"Members of the small core of officials and staff members carried the main burden of IPR activities and directed its administration and policies." * * *

"The effective leadership of IPR worked consistently to set up actively cooperative and confidential relationships with persons in Government involved in the determination of foreign policy." * * *

"A group of persons associated with the IPR attempted, between 1941 and 1945, to change United States policy so as to accommodate Communist ends and to set the stage for a major United States policy change, favorable to Soviet interest in 1945." * * *

"Persons associated with the IPR were influential in 1949 in giving United States far eastern policy a direction that furthered Communist purposes." * * *

The conclusions I have just quoted are not based upon surmise, speculation, or allegation. They are based upon thousands of pages of published sworn testimony and painstaking analysis.

I have gone back to this ancient history because so many of the so-called experts associated with the IPR and its policies are still around today. In fact, they are among the most vociferous proponents of closer relations with Red China today. I prefer not to name names because not all who contributed to the IPR were actual Communists. Nor do I wish to indulge in guilt by association. The significant fact is the direction of the policies they were supporting in the Forties and the direction of the policies they are propagandizing now. The direction is the same: Toward increased U.S. support of the Chinese Communists.

The experts who created the IPR had to lie low for a while after the Communists took over Peking, but gradually they came back, their reputations refurbished by time and a vociferous mutual admiration society.

New voices, perhaps unaware of history, have been added to the old ones, but the persistent theme remains the same.

That theme is this: Red China should be admitted into the consort of civilized nations, with Communism accepted as the legitimate fate of China's 750 million people.

The theme is developed with whatever material is at hand. If the question is the diplomatic recognition of the Communist regime in Peking, then the answer we hear is that by all means the regime must be recognized. If the political climate won't bear such a frontal assault, then the theme is that we should recognize "two Chinas," one slave and one free.

Alternatively, they say that we don't need to accord Peking diplomatic recognition—that is, right away—but that both should be seated in the United Nations General Assembly. The corollary to that, of course, is that free China should be kicked out of the Security Council, and that Communist China be made a permanent member, with a permanent veto power. I have never been a strong partisan of the UN, but I can't think of a quicker way to cripple the UN entirely.

Nevertheless, this proposal popped up again this fall, like the bubble when you tip a level, by a panel of experts put together by the United Nations Association of the United States, who supposedly want to strengthen the UN. The plan predictably was endorsed by the New York Times, for whom the thought of getting cozy with Communist nations is even more alluring than the sterile appeal of the UN. The panel was headed by Robert V. Roosa, Under Secretary of Treasury in the Kennedy Administration, so you see the pro-Peking movement is only a step or two removed today from the official establishment.

However, I am not here to discuss the "two Chinas" theory. I merely bring it up to show how all these pro-Peking movements are variations on the same theme. I believe that it just is not intellectually honest to say that you are against Communism and against the excesses of the present regime, but that the way to cure China's problems is to make the Communist leaders more successful. Perhaps the most insidious of these variations, and the one I want to discuss with you, is the argument that the way to begin to ameliorate the evils of Communism is to step up trade relations.

This theme is most insidious because it comes up in the most well-meaning circles. A report issued last June by the Joint Economic Committee of Congress fell into this fatal error. It adopted almost verbatim the views of former Ambassador to Japan, Edwin O. Reischauer, who maintained that our embargo on Red Chinese trade is "ineffective." The Committee said the embargo is "actually detrimental to the long-term interests of the United States."

Of course, to accept such a conclusion, you have to agree on the definition of the "long-term interests of the United States." The long-term interests were defined as—and I quote—"integrating China—however slowly and gradually—into the world international system." This definition is false. There is no point in integrating China into the world international system as long as Communism, or the semblance of Communism, lingers in control. Our longest-term interest is national survival, and we defeat that interest whenever we assist a Communist regime.

I doubt if anyone can say what our China policy is today. It remains exactly where it was frozen in 1949 with the Red takeover, namely, a policy of waiting until the Communists consolidate power on the mainland, and develop a viable economic structure. The policies of the Red China lobby have complemented this posture beautifully, since, if adopted, they would guarantee that there would be no interference with Communist power by the free world, and they would assist the Communists in achieving what Communism cannot do alone, namely, achieve a viable economy.

I believe that our China policy should be dynamic, in contrast to the official policy of maintaining the status quo and the Red China lobby's policy of helping the Communists get what they want quicker.

I believe that our China policy should be measured by two standards. In the short run, our aim should be to neutralize Red China as a state hostile to our interests in the Pacific. In the long run, our aim should be to integrate Red China into the international system—but only as a free nation.

Neither of these aims can be served by the so-called bridge-building policies of trade and reciprocal relations. The bridge-building policy is built upon the theory that the way to change people is to change their environment. It is essentially a materialistic theory. Trade, like aid, is supposed to make men less aggressive, and less envious of another's success.

The problem of the Communist nations requires a spiritual change, not a material one. Their discontent comes from a spiritual sickness. Until the Communists leave off their dream of dominating the world, there will be no peace. Of course, when their dream is gone, there will be no Communists, either.

We are very foolish, then, if we expect trade to bring about a significant change in Communist attitudes. If we expect trade to bring about such a change, then we are no better than the Communists themselves. The theory that "the system" makes men evil is *their* theory. It should have no part in the thinking of freemen.

Trade will do nothing, therefore, to cause the Communists to become less aggressive. Instead, they will use trade as an instrument of aggression. More precisely, they will seek to use trade to strengthen their economy, and to weaken ours. We will have nothing here of the old idea of trading partners that trade is for mutual advantage; or even of the selfish idea that trade enables the sharp man to profit on an item at the expense of the less astute. Rather, the Communists will use trade in such a way as to allow an ostensible profit, while sapping the economy of the enemy in general.

To understand this better, let us look at the possible items on the trade agenda with Red China. The things that Red China needs most are machine tooling and manufacturing processes. She needs them to industrialize an economy that is 80 percent agricultural. But her needs are also the clue to her weaknesses. Red China has no convertible currency. In fact, she has no currency at all that is recognized in the outside world. The so-called "Jen-Min-Piao," the currency unit, has no intrinsic value and is not accepted anywhere—and, incidentally, this fact shows how far Red China has to go before she could become a member of the international banking system even on the most basic level.

Red China needs the industrial products and technology of the West, but she can pay for them only by exporting a volume of equal value to her imports. Since she is an agricultural country, she must rob her domestic economy to pay for such necessities as the annual wheat deficit, which runs to 5½ million tons annually. One of her chief exports is rice, even though rice is frequently in short supply for domestic needs. However, rice is a good earner of exchange, and Red China is eager to export it.

Could Red China earn U.S. dollars by selling us rice? We had a bumper crop of rice last year, running 32 percent above average. Of last year's annual production of 89.4 million bags (100 lbs.), 58½ million will be exported. Furthermore, slightly under half of these exports, 25 million bags, will be in the form of P.L. 480 "Food for Peace" shipments, practically in the form of a giveaway. When we have to give away more than a quarter of our own rice crop, it hardly seems that we would get any trade benefit by buying Red China's rice.

Another of the exports that Red China uses to get foreign exchange is soybeans. This is one of the high-value agricultural crops, as we know from our own experience. In fact, if you take all U.S. exports of soybeans—seed, oil, and cake—they form the No. 1 dollar earner for U.S. trade in agricultural commodities, higher than any other single crop. About a quarter of our soybean crop is exported. It would be ridiculous for the U.S. to consider importing Red Chinese soybeans.

Let us turn from the major agricultural crops to the possibility of importing raw materials. It is possible that we might find a ready market for Red Chinese coking coal, iron ore, and pig iron. It is estimated that there is a potential of 3 billion tons of ore underground in the northwest provinces. Red China does a lively trade in coke, ore, and pig iron with Japan, supplying Japan's basic industry.

Unfortunately, China's mines are unable to supply her own modest steel industry. In July and August of this year, the famed Anshan complex of steel mills in Manchuria—China's Pittsburgh—closed down for the first time in 70 years. The plants that operated all through the difficulties of World War II ran out of raw materials. The political troubles disrupted mining operations and transportation. Moreover, ports were shut down too. The Japanese complained that Red China did not meet her commitments in ore.

However, a more basic problem is that China is unable to exploit the vast mineral resources of the northwest provinces. Her policy frowns upon receiving foreign technical advice. She refuses to admit even Japanese mining engineers. We could hardly expect her to admit American technicians who could assist in expanding production. I doubt that Chinese ore will be on a U.S.-China trade agenda for a long time to come.

Perhaps the answer then is to buy Chinese light manufactured goods. I hardly think that such a policy would be acceptable in the United States. American industry in many basic fields is already hard pressed to meet the competition of cheap foreign labor. The last thing we need is a flood of cheap Communist goods. Moreover, when the Chinese are seeking exchange, cost is no object. Japan—Japan, of all places—recently suffered through a deluge of Red Chinese fountain pens and ball-point pens that were dumped on the market at half the Japanese cost. This is the other side of the story that Communists always meet their commercial payments promptly, in contrast to political obligations. For one thing, trade is a life-and-death matter for the survival of a Communist regime. For another, they are prepared to dump whatever is necessary on the world market to pay their bills.

The threat of dumping is particularly ominous in the field of textiles. Cotton goods are among the chief manufactured exports of Red China, even though she has to import raw cotton from Egypt to supply her mills. If we were to buy cheap cotton cloth from Red China, it would further endanger our own precarious textile industry. Furthermore, it would threaten our policy in Taiwan, where textile exports are the chief earner of exchange, making Taiwan self-sufficient. Taiwan adheres rigidly to the quota system, and does not endanger the U.S. industry. We could draw little such comfort from Red Chinese trading practices.

It is plain, then, that Red China has little to offer us in the way of hard business ventures, nor does she have the cash to put on the barrelhead. As a matter of fact, her agricultural exports have just about balanced the value of her imports; even though in the past nine months her imports are down 14 percent, Red China's trade balance is running appropriately in the red.

As is widely known, Red China's foreign trade was based on a "tightened belt policy" and a favorable trade had always been registered in the past no matter how great its domestic difficulty was.

But the situation is different this year. According to statistics of international trade circles, Peking exported a total of 18,300,000 pounds sterling worth of goods to Britain in the first six months of this year, while it imported 28 million sterling pounds during the same period, representing an unfavorable balance of 9.7 million pounds.

Its trade with West Germany, in that period, resulted in a U.S. dollar equivalent of $113 million unfavorable balance, and her trade with Italy also registered a 6,000,000 pounds sterling deficit.

This reflects the seriousness of Peking's economic difficulties, caused by the decrease in industrial production as a result of the Red Guard rampage.

An examination of statistics concerning Peking's foreign trade volume in the past years bears evidence of its deteriorating economy.

Peking's trade volume in the past decade maintained an average of $3 billion per year. The trade volume hit $4.29 billion during the "great leap forward" in 1959, but plummeted to $2.67 billion when the leap flopped in 1962.

In recent years, the volume rose again because of Peking's effort to promote trade ties with Japan, West Germany and Italy. The figure climbed to $3.7 billion in 1965 and to $4.16 billion last year. But this rosy picture did not last long.

In any reciprocal trade arrangement we might make with Red China, there would be no reciprocity and no exchange. There would be no reciprocity because of the trade agenda I have just discussed. Red China can supply nothing that we need in quantity, indeed, nothing that would not be injurious to our own economy. She has no way of earning the exchange from us to buy our manufactured goods. The exchange which she earns from other countries is plummeting, and is needed to buy food. The only way Red China could trade with us is by barter.

By barter, of course, I mean a three-legged trade deal. We would sell Red China machinery, she would ship us soybeans, for example, which we don't want and can't use, and we would have to dump the soybeans somewhere on the world market, or give them away, thereby alienating the other soybean producers of the world. Let me give you a recent example of what this kind of a deal means for the private trader:

A Canadian, who once was widely known as one of the most successful traders with China, has recently returned from Canton. Three years ago he sold 88 English trucks to the Chinese Communists, and still had not been paid. When a friend asked him if he finally got payment, he said, no, but the Communists gave him 25,000 tons of soybeans. This would be several shiploads of soybeans, which he was hoping to dump in Japan. The Japanese payments would be in yen, rather than pounds sterling. It is doubtful that the Japanese would allow the rather large sum involved to be taken out of the country in one swoop. The trader therefore was hoping to convert his yen into pounds sterling at the rate of approximately 10 percent a month. Meanwhile, it must be remembered that the interest rate on export capital is about 10 percent on the London money market. I submit that this kind of a deal is not foreign trade at all. It is more like trying to break the bank at Monte Carlo.

Barter trade, on the whole, is not profitable from a business standpoint. That is why those who are seeking trade with Red China always demand government subsidies, or at least government guarantees. Barter trade isn't business; it's politics. It needs a subsidy to make it work. Such subsidies would contribute to the dollar outflow at a crucial moment in our trade posture. The financial world is just beginning to realize that, for the first time, the United States faces a trade deficit in hard commercial exports and imports. Let me explain:

In 1966, the U.S. balance-of-trade took a startling change: For the first time in recent history, our trade went into the red. The U.S. is now importing more goods than it exports.

Unfortunately, the sobering news of our trade deficit has been withheld from the business community and the people at large. The U.S. Department of Commerce has been publishing misleading trade statistics, thus covering up an alarming development. However, an even more alarming situation is indicated by this credibility gap: the drastic tariff concessions just concluded in Geneva, so crippling to key American industries such as textiles, are based upon the assumption of a trade surplus.

The credibility gap in trade statistics has only recently come to light. The Commerce Department's statistics show that in 1966 U.S. exports amounted to $29.42 billion, while imports were $25.65 billion. Those figures suggest that the U.S. had a trade *surplus* of $3.77 billion.

In actual fact, however, the Commerce Department deliberately includes exports authorized under governmentally subsidized programs, such as Public Law 480 shipments of food. Payments for such shipments are nominal, and cannot be converted into dollars. No reputable business accounting method would include free samples in reports of yearly sales. Yet the Commerce Department inflates the statistics of hard commercial sales with giveaways. A realistic accounting reduces the actual total of exports by 10 percent.

On the other side of the balance, the Commerce Department undervalues imports. It consistently reports import values on the basis of free-on-board (f.o.b.)—that is, the cost of the goods when put on shipboard at a foreign port. The reports of nearly every other country in the world realistically include the insurance and freight charges that must be paid when the ship reaches the domestic port. In the U.S., these additional charges must be paid in dollars that leave the country. When imports are figured on a true cost-insurance-freight basis (c.i.f.), the costs go at least 10% higher.

When the two adjustments are taken together, they constitute an error of 20%. Instead of the favorable trade balance of $3.77 billion reported by the Commerce Department, the 1966 trade *deficit* was $1.8 billion. The 1967 deficit, based on current projections, will at least be equal. The Commerce Department figures *conceal* not only a bad trade picture, but also help to obscure an important reason for our unfavorable balance-of-payments, and the gold drain.

This situation was uncovered in recent Senate hearings by the Senate Minority Leader, Senator Everett Dirksen, and the Senate Finance Committee Chairman, Senator Russell Long. The new calculations are based upon official but unpublicized U.S. government data. Thanks to the Senate hearings, the Commerce Department is beginning to publish c.i.f. statistics on a limited basis.

Now at first glance it might seem that trade with Red China would help improve our export picture. However, in the light of the facts I have just outlined, it would only make our trade picture worse. To import agricultural commodities would be financial insanity. To import cheap manufactured goods would undercut our own industry. To accept barter trade would require a heavy subsidy that would be detrimental to our poor balance of payments, and would contribute to the misleading inflation of export statistics.

Red Chinese trade, as I have pointed out, is already in a decline with her major trading partners. Moreover, her trade history shows a pattern of uncertainty and confusion, as waves of ideological fervor sweep over her operations. Originally, she traded almost exclusively with Communist bloc countries; then she realized that trade with the Soviets tends to be a one-way street. The Great Leap Forward of 1959 provided another boost in trade, followed by a great decline. In 1965, Red Chinese trade was at an all time high, and once more has fallen.

Trade agreements postulated upon such a foundation are meaningless. Here is direct evidence of ideological intervention and interference in the marketplace. The risks and uncertainties of Communist trade are the direct result of Communism.

I think that our Western allies, including Japan, are beginning to learn that lesson. Our policy of no trade at all is emerging as the correct one, and should be reaffirmed rather than weakened. Has it served to neutralize Red China as a power hostile to our interests in the Pacific? I believe that it has acted toward this end. The Chinese Communists have more bluster than effect. Even their contribution to the Vietnamese War has been limited mainly to deliveries of small weapons, logistical support for Soviet railroad shipments to Hanoi, and propaganda.

Any trade between the U.S. and Red China would perforce be small in volume. A large volume is not economically feasible, no matter what the policy. Whatever trade we engaged in would have little leverage to incline Communist leaders toward the West. The trade would be so small that it could never engage East and West in dialogue.

However, the psychological effects would be sobering indeed. A pro-trade policy would completely undercut our policy against seating Red China in the UN. In fact, I believe that many of the advocates of trade are actually seeking the recognition and seating of Red China as their principal aim.

Furthermore, any shift toward Peking in our trade policy would denigrate the position of Free China. Taiwan, through the efforts of the Chinese and our assistance, has been built up into a self-sustaining economy. Taiwan today has trade agreements with Japan to trade sugar for Japanese fertilizer, necessary for Taiwan's volcanic soil. Under another agreement, rice is exchanged for Japanese replacement machinery parts for Taiwan's textile industry. If there were a significant alteration in the Asian trade pattern, this delicate balance might be upset.

If profit is to be made for the businessman in the Far East, then I would suggest that he investigate investment in Taiwan. Within the past few months, three U.S. firms have invested about $150 million in Taiwan. Pfizer has built a large plant for general pharmaceuticals; Stanback has set up a large urea plant; and Gulf Oil has installed a gasoline cracking plant. The Gulf operation, by the way, has the capacity to refine up to 100 octane, and provides logistical support to the U.S. Air Force in the Pacific.

The growth of U.S. investment in Taiwan is made possible because of the Chinese government's enlightened and progressive 4-point development policies, designed to attract capital and generate economic strength. (1) Taiwan offers 100% tax relief for the first five years. (2) Taiwan allows the investor to repatriate 15% of these untaxed profits for the same period. (3) Taiwan has a favorable balance of trade, guaranteeing currency convertibility of those repatriated earnings. (4) Costs of operation in Taiwan are less than in Japan, even less than in Hong Kong.

If anyone wants to do business in the Orient, then I suggest that he go where business is conducted on a business-like basis. These are terms that an American businessman can understand, and of which he can take advantage. At the same time, he will be strengthening the free world economy, and preserving freedom for both Taiwan and the United States.

I have been speaking mainly of the economic consequences of trade with Red China, but I do not want to imply that those consequences are the only reasons, or even the chief reasons, for reaffirming our trade policy with the Communists. Our national policy in this regard is basically a moral issue. As long as we accept the usurpation of power by the Communists in China as a permanent and legitimate situation, then we are cooperating in the enslavement of the millions of Chinese people. If we assist such a regime to consolidate its position, then we are hardening its grip on the people, not softening its grip.

Moreover, the consequences of a weak moral position on trading with the Communists are bound to catch up with us sooner or later. As I have already pointed out, the aid which Red China has furnished to North Vietnam is minimal, despite Communist boasting. On a practical level, the small level of trade which Red China could sustain with the U.S. would do little to help Hanoi continue aggressive acts against South Vietnam. Nevertheless, the principle of the thing is very clear: It is moral imbecility for the U.S. government to guarantee profits for businessmen trading with a Communist nation that is helping to kill American boys sent to Vietnam to defend freedom. Whatever the level of trade, Red China's intentions are clear. The lesson is spelled out in a short news dispatch from Sydney, Australia, a few weeks ago. Australia, as you know, is one of the principal countries engaged in the wheat trade with Red China. Here is how the lesson was brought out:

"PROTEST RED DEAL

"London, September 21.—Australian wheat shipped to Communist China aboard British ships is being sent to North Vietnam, British sailors said today. Eight British merchant seamen quit their ship, the 7,457-ton Hopepeak, in Sydney, in protest over the alleged grain deal. The sailors arrived here last night." (The *New York Daily News*, September 22, 1967)

This dispatch I have just quoted is perhaps a more powerful argument than all the others I have touched upon, because it shows the essential hostility and duplicity of Communism. Trade with any Communist nation is morally wrong. Any kind of trade is strategic trade, for it strengthens the power of the regime and stabilizes its domestic unrest. It seems to me that it is incredibly naive to expect an enemy to reduce his hostility when he grows stronger.

The proof of this is of course the Soviet Union. Of the two Communist giants, the Soviet Union by far presents the most serious threat to our security. A totalitarian regime has the power to direct its capital toward armament and aggression. The Soviets have directed their economy towards this end. The Soviet Union today is richer, more powerful. Its leaders are more sophisticated, better educated, and more experienced in dealing with the outside world. The Soviet Communists say that they are out to destroy us, and their world-wide agitation backs up their words. They are too prudent to risk a nuclear confrontation with us as long as they know we have nuclear superiority, but they do not hesitate to engage our men and our finances on a third battlefield in Vietnam.

We are making a mistake whenever we trade with Communists, whether in China or in the Soviet Union. The Communist system needs trade to make up its own deficiencies; the system needs trade to make it work. Even token trading destroys our moral position, and weakens our will to survive. It will profit us nothing to trade with the whole world if we fail to survive.

THE 1967 ESEA AMENDMENTS: ANOTHER MILESTONE IN EDUCATION POLICY

Mr. KUCHEL. Mr. President, the 1967 amendments to the Elementary and Secondary Education Act mark a major milestone in the continuing expansion and improvement of Federal programs to aid our schools. All of the members of the Education Subcommittee deserve the enthusiastic thanks of the people, and of the Senate. This bill includes not only new programs but important innovations in providing funds for existing ones. I am particularly grateful that proposals which I have joined in offering, including one introduced by the distinguished subcommittee chairman, the senior Senator from Oregon, have been included.

I commend the committee for the timely inclusion of the provisions of S. 428, the Bilingual Education Act. I cosponsored that great piece of legislation when the distinguished senior Senator from Texas offered it earlier this year. It is a mark of the careful craftsmanship put into this bill that the subcommittee established the bilingual education program as a separate entity in the Elementary and Secondary Education Act. This program, which at last recognizes the significant intellectual assets possessed by Americans whose native tongue is other than English, is a new departure in our Federal aid program. It will offer a new cause for just pride in the great Spanish-speaking culture of the American Southwest, and particularly of my own State of California. It will offer new hope to millions of American children who otherwise might never understand either the true value of their native tongue and native heritage, nor achieve the easy conversance with modern learning which has become a necessity of life for our era. In years to come, I predict that this bold new approach to the problems of language differences in our great Nation will be remembered as a major contribution of this Congress. I want to urge the chairmen and those designated as conferees that no compromise be made which would weaken or remove this vital segment from the bill in any Senate-House conference.

Mr. President, we have been in session for many months this year. We may yet set a record for legislative longevity. But, while we deliberate, if that is the correct word, the world goes on. Most important, the nurturing of the treasured minds of our young children goes forward. Many school districts in this Nation have taken full advantage of the programs of Federal aid established by the Congress over the last 15 years. Not the least of them are large and growing school systems of cities like Los Angeles, San Francisco, Oakland, and San Diego in California. The delay in bringing out adequate appropriations for these programs this year has caused considerable hardship—not only on the administrators and teachers, but on local budget planners, and, may I add, on taxpayers as well. We can all be greatly encouraged by the provision in this bill authorizing the administration to execute grant agreements for the succeeding fiscal year at the current appropriation level of existing programs, when there is a delay in passing the new annual appropriations. The very existence of this authority should reduce uncertainty, and improve fiscal management at the State and local level. As a Republican member of the Senate Committee on Appropriations, I fully agree with this approach. It strikes exactly at the kind of administrative confusion in Federal programs which my party is pledged to eliminate. I believe it will find support on both sides of the aisle.

Many of the important features of this bill were proposed by my fellow Republicans. Indeed, the statement of the minority lists 23 amendments put forward by Republican committee members. They are to be warmly congratulated for their effort. Many of their improvements are highly significant—the provision of funds to improve school bus safety, the establishment of incentive grants to States to increase their efforts in educating disadvantaged children, and the ending of the practice of deducting amounts due under one program from those due under another. Three are those of many that deserve special mention. The ranking Republican member, the distinguished senior Senator from New York [Mr. Javits], and his colleagues, the distinguished Senator from Colorado [Mr. Dominick], the distinguished Senator from Arizona [Mr. Fannin], the distinguished Senator from Michigan [Mr. Griffin], the distinguished Senator from California [Mr. Murphy], and the distinguished Senator from Vermont [Mr. Prouty] all deserve high praise.

The minority amendment to provide $30 million in additional funds to establish projects to eliminate the increasing problem of school dropouts is a major and vital addition to this bill. This was the work of a man long concerned with the problems of the poor, the handicapped and the disadvantaged, my own distinguished colleague from California, Senator George Murphy. He merits the enthusiastic congratulations of all Senators.

The Murphy amendment is an inseparable part of this bill and a major contribution to the Federal-aid-to-education program.

Mr. President, education is not only the Nation's second largest business. It is everybody's business. I am proud of the record of our Nation in providing a broad and freely available education to our people. From the Land Ordinance of 1785, through the Land Grant College Act in the time of Lincoln, to the ESEA of 1965, this has been a joint concern of all responsible public servants in both parties and at every level of government. It must remain so.

REPUBLICAN ACCOMPLISHMENTS

Mr. JAVITS. I want to thank the distinguished acting minority leader for his very fine words. As the ranking member of the Committee on Labor and Public Welfare, I would like to observe that what is unique about the recital of the amendments which the Republican minority had included in the bill, and with which I agree, is not a single Senator's name is attached to the listing of any of these amendments found on pages 186 and 187 of the committee report, although it is well known who sponsored each of them. The Senator has mentioned that. That is as it should be.

The reason is interesting. We on the minority side of the committee have acted very much together. This has been our strength. The Senator knows that the ideological views of minority members differ, perhaps not too widely, but they do differ. We have been extraordinarily cooperative with each other, because the existence of the amendments was preceded by a stage of consultation, development, and openminded willingness to change, in order to produce maximum support. These amendments are also a tribute to the majority, for without a fair attitude on the part of the majority none of the amendments could have been adopted.

It is a matter of particular pride to me, as the ranking minority member—first, because every person likes to be the ranking member of a good team, and this team is the best; second, it will be remembered on one occasion, not through any fault of his but because he could not help it, the Senator in charge of the bill on the floor had put through an education bill in which the majority lowered the boom on the minority so far as amendments were concerned and none—even of a minor or technical nature—were permitted. I do not think that any of us got over it. It was a salutary lesson. What has happened to the bill is one of creativity born of bipartisan collaboration, of which the Senator from California eloquently spoke.

Unfortunately, these things are not sensational. Tomorrow's headlines will feature something else, but it will not be remotely so important as what the Senator from California has said in this Chamber today. That is the most important reason why, to me, this is one of the most prideful committee assignments I have ever had, because of the creativity which has been developed in the pending bill by the Committee on Labor and Public Welfare, and in other areas such as health and even labor where we have obtained an extraordinary degree of unanimity of action.

The committee's efforts remind me of Arthur Vandenberg's finest hours as the Republican chairman of the Committee on Foreign Relations which was responsible for some of the most historic actions ever taken in Congress.

For all these reasons, I am very grateful to my colleague from California for his eloquent remarks.

Mr. KUCHEL. Let me say to the Senator from New York that it is really the other way around. I express my gratitude to my friend from New York, and to my colleagues on the minority side, as well as to my friend the chairman and Senator in charge of the bill on the majority side, who have demonstrated, I think, zeal for a good cause, for an American cause, that has flowered into a highly significant piece of legislation and represents, in my judgment, a great milestone.

Mr. JAVITS. One more word. I should like to point out that the ranking minority member of the Education Subcommittee is the Senator from Vermont [Mr. Prouty]. Unhappily, he cannot be with us today, because of a momentary health problem.

I want to speak most feelingly about him. I am a member of the Education Subcommittee, too, as well as the Senator from Colorado [Mr. Dominick] and the Senator from California [Mr. Murphy], who are now in the Chamber, and who have been extremely active in its work as members of the subcommittee.

However, I think we would all be derelict in our duty if we did not speak in glowing terms of the leadership of the Senator from Vermont [Mr. Prouty], who is, unfortunately, unable to be with us today. He has done much creative and outstanding work on the subcommittee.

Mr. KUCHEL. The Senator from Vermont [Mr. Prouty] is an excellent Senator and an excellent member of the subcommittee.

Mr. MORSE. Let me say to the Senator from California [Mr. Kuchel] that as chairmar of the Subcommittee on Education and the Senator in charge of the pending bill, I associate myself with every word he has spoken on this subject.

I am glad to associate myself with this cause. We have demonstrated again the bipartisan nature of the committee and have verified what the Senator from New York [Mr. Javits] has just pointed out.

We would not have had this legislative miracle in the field of education over the past several years if we had not had this bipartisanship. We certainly would not have had it if members of the committee had placed their partisan affiliation first at any time.

Of course, I cannot stand before the Senate today and testify that at any time straight partisanship did not control our committee every once in a while. There were some times, in discussing the issues, when the discussion was tinged with party affiliation, but it did not last very long. We usually laughed each other out of such a position. I suppose the closest we came to it was the incident I reported on yesterday, in debate on the floor of the Senate, when we were dealing with section 3 of the bill as to whether 100-percent control should be in the Federal Government, or whether 100-percent control should be in the State department of education.

As I stated yesterday, it happened that the lineup on that was all the Republicans on one side, and all the Democrats on the other side, except for the chairman. As sometimes is my practice, I joined the Republicans, not because they were Republicans, but because I thought the Democratic majority in that case was wrong. I cast the vote that resulted in a tie vote and prevented passage of the motion which would have kept title III funds under the complete control of the Department of Health, Education, and Welfare.

With the next vote, I voted against the rare alinement in the committee, where all the Republicans wanted another program, which I thought was wrong. With that little flurry of what looked like a party alinement, it disappeared, and from then on we went back to work on a bipartisan bill; and that is what we have brought to the floor of the Senate.

There has been no mention of the individual Republicans on the committee responsible for this bipartisanship.

The Senator from New York [Mr. Javits] is the ranking minority member, followed by the Senator from Vermont [Mr. Prouty], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Fannin], the Senator from California [Mr. Murphy], and the Senator from Michigan [Mr. Griffin].

These men on the so-called Republican side of the committee, let me say, have given to me complete cooperation at all times, even when we were in disagreement on the merits of some particular amendment.

It should be made crystal clear that the Senator from California [Mr. Kuchel] and the Senator from New York [Mr. Javits] are so right that here is a committee which has worked as a committee without partisanship dictating its legislative policy. The Senator from Colorado [Mr. Dominick] has just given me splendid cooperation, particularly when we were on the opposite side of an amendment, or an issue.

After all, it seems to me, that is the test, whether we have true bipartisanship—when we can disagree—and whether we still get the kind of cooperation which the Senator from Colorado [Mr. Dominick] always extends.

So I am glad, as the chairman of the subcommittee, and as the manager of this bill, to make these comments.

I close by asking, Mr. President, do you know why, more than anything else, this situation exists in the Committee on Labor and Public Welfare? Because of the chairman of the full committee, Senator Hill, of Alabama. I do not know how we could have a more judicious, sagacious, considerate man than Senator Hill. He is always willing to have our differences resolved by full discussion and hammering out our understandings.

The thing that impressed me is that on any issue there will be a number of Democrats and a number of Republicans on one side, and the same thing on the other side.

I wanted to pay this expression of thanks to the committee.

AMENDMENT OF ACT RELATING TO ACQUISITION OF WETLANDS FOR CONSERVATION OF MIGRATORY WATERFOWL

Mr. BARTLETT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 480.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 480) to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes, which was:

In the amendment proposed by the Senate, strike out "funds" and insert "fund."

Mr. BARTLETT. Mr. President, I move that the Senate concur in the House amendment, which merely corrects a typographical error.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. BARTLETT. Again I thank the Senator from Oregon and the Senator from Colorado for their courtesy.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, I yield to the Senator from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Mr. President, I appreciate the courtesy of the distinguished Senator from Oregon. Unfortunately, I did not have the opportunity to be here last Friday, when the Senator from Oregon made his opening statement on this bill. I felt obligated to honor a longstanding commitment in Colorado made, I might say, before it became evident that Congress would be in session in December. However, I am pleased that I was able to return yesterday for the votes on the amendments to this bill and I am particularly pleased to have been on the floor today to hear the remarks of the Senator from New York, both Senators from California, and the Senator from Oregon.

I think it can be truthfully said that the committee as a whole, under the very able leadership of the distinguished Senator from Oregon, has made some milestone approaches in this particular bill, in changing, amending, redirecting, and transferring parts of the Elementary and Secondary Education Act.

Some two and a half years ago, when the bill was first reported out of committee without a comma changed from the House bill, the Senator from Oregon and several other Senators had some fairly bitter discussions about this bill on the floor, and I participated freely in those discussions. It was my impression at that point that we had not been permitted—not through any fault of the Senator from Oregon, but through other pressures within the administration—an opportunity to really discuss the bill and to try to work out problems that seemed self-evident. The proof of the pudding was that not more than 2 weeks after the bill passed, we had to consider another bill in order to include Indian children within the legislation.

But this year, under the able leadership of the Senator from Oregon, we have, in fact, exercised a greater degree of oversight in the process of working out the elementary and secondary education bill, and have, in my opinion at least, made some improvements in redirecting its emphasis, by adding provisions, and trying to take care of some of the problems which the people who have actually been working in this field have brought to our attention over the past 2½ years.

I, of course, have been particularly pleased with the very great cooperation the Senator from Oregon gave in the inclusion of the incentive grant provision. The Office of Education was not very happy with it, or with any other type of incentive grant program, I am frank to admit; but it seemed to me that, as long as we were distributing taxpayers' funds to the various States for the strengthening of their educational systems, we should give some recognition to those States which have exerted the most local effort in support of their schools based on an effort index. We worked this amendment out over a period of time, we tried to take care of the objections of those who felt that perhaps this money would not go into the right place or help disadvantaged children, by including this as part B of title I and distributing the money under the title I formula. We took care of most of those objections, because it means additional funds will go into the districts where there is a heavier concentration of disadvantaged children and will be, therefore, of maximum help in promoting the cause that title I is designed to take care of.

Second, we had some problems in the impacted aid provision, because of the type of administrative rulemaking that has gone on under which, in the State of the Senator from Oregon and my own, we found that the money being paid to counties in lieu of taxes for national forests and the like was being deducted from the amount of impacted aid being distributed to those areas, even though this was not the intent of the law.

We have that changed around now so that the "in lieu of taxes" payments will be continued in the counties, and where the counties are affected by Federal impaction, they will get the same kind of impacted aid support as if they received no "in lieu of taxes" payments. This is a step in the right direction.

The decision of the Senator from Oregon in formulating an Indian Education Subcommittee is, in my opinion, of tremendous significance, because it will give us an opportunity over a period of time to be able to study the impact of the education system on the Indians and whether they are able to bring up their children to fit into the pattern of living we have in this country.

It has been my experience over a period of years that the Indians, by being furnished schools on the reservations by the Bureau of Indian Affairs, are in fact, being segregated from the rest of the American population at the very time when all of us are trying to achieve an integration pattern as far as minority groups are concerned. I believe the effort that can be made in the Indian Subcommittee will be of substantial importance in working out these problems as time goes on. I look forward to working and serving on this subcommittee.

I want to express my appreciation for the tremendous cooperation which the minority members of the committee have received from the distinguished Senator from Oregon, the leadership he has displayed, and the cooperation that I, as a member on the subcommittee, have received from all Members on the majority and minority sides, particularly the distinguished Senators from New York, Vermont, Arizona, California, and Michigan. They have been very, very helpful all the way through in putting up imaginative ideas, discussing this matter in a nonpartisan way, and being able to include many of them in the framework of the bill.

I am sure, as time goes on, other problems will arise. We cannot have a bill with the amount of major impact in every area of the country that this program has without having problems arise. The oversight work that has gone on in the past, that will go on in the future, will be of help in working these problems out.

One of the major problems which we have not been able to fully solve, but which we must, is to get the appropriations enacted soon enough so the school administrators will be able to learn the amount of funds they are going to receive so they can plan early enough in the school year for wise utilization of the funds. This is one of the major problems we have to work out though great steps have been made in the future funding aspects of the Senate bill.

Mr. MORSE. I thank the Senator from Colorado very much. The comments go to the full committee, and the full committee deserves the comments he has made. I thank him very much.

Mr. JAVITS. Mr. President, I appreciate the tremendously constructive work and the very helpful positions and the kind of acknowledgment just made by the Senator from Colorado.

Mr. YARBOROUGH. Mr. President, I wish to state that the courtesy and cooperation of the distinguished chairman of the committee has been extended not only to members of the minority, but to members of the majority party as well.

I concur in the remarks made a few moments ago by the distinguished senior Senator from New York [Mr. JAVITS] concerning this entire Labor and Public Welfare Committee. I consider it my greatest privilege in the Senate to be a member of that committee, because it is a committee of ideas, a committee moving into new fields, and a committee planning for the future. I think more of the constructive legislation considered by the Senate comes out of that committee than any other, because it includes the Subcommittee on Health, the Subcommittee on Education, the Veterans' Affairs Subcommittee, the Labor Subcommittee on Employment, Manpower, and Poverty, and the Migratory Labor Subcommittee. This year, for the first time, the Special Subcommittee on Bilingual Education was created, to hold hearings on the Bilingual Education Act, which has now been incorporated by amendment into the pending legislation.

That illustrates again how this committee moves forward with the cooperation of members of both parties. For example, the Bilingual Education Act, now incorporated into this bill, was cosponsored by both Senators from New York. My colleague from Texas [Mr. TOWER] cosponsored the bill. Both Senators from California [Mr. KUCHEL and Mr. MURPHY], the latter of whom I see on the floor, participated in the hearings in Los Angeles on the bill which they also cosponsored.

This is an illustration of the bipartisan support of the members of this committee for progressive and innovative legislation.

That, Mr. President, is the kind of creative cooperation we have had under the leadership of the Senator from Oregon. It is a pleasure to see American children of this generation receiving better opportunities because of his work and his leadership.

Mr. MORSE. I thank the Senator.

Mr. MONTOYA. Mr. President, the Elementary and Secondary Education Act has made a great contribution to the education of the children of New Mexico. Last summer, when I was in my home State for hearings, I could see the results in the most tangible form.

I am most pleased that the Congress is increasing the funds for these programs, for they are sorely needed. It is my hope that the full amount authorized for each of the succeeding years will be appropriated.

In particular, I am gratified that title 7 has been added to, and provided for, in this bill. As you know, this title provides for aid to bilingual education. It provides a solution to the problems of those children who are educationally disadvantaged because of their inability to speak English.

Mr. President, a major, untapped human resource cries out for attention in our society—the Spanish-speaking youngster. This is an age when people are finally being recognized as a resource to match and perhaps surpass any mineral in the ground.

In our Southwest in particular, as in other areas of the Nation, we have passed up a unique national oportunity by not opening all the doors wide to the Spanish-speaking youngster. We have not used their language as the asset it really is.

These young people are changing before our very eyes. They have desires and dreams now that they never possessed before. We have held out the prospect of a better future to them, and they are grasping for it.

Their commitment to America and her ideals is still strong. Their military records are second to none. As they return home, they form civic organizations that show community interest and ethnic pride that must be recognized by our country.

These young people have not taken to the streets, mainly because they seek opportunity within the framework of American life, rather than a chance to destroy it. We must make their lives meaningful through opportunity and a recognition of the integral worth of their national heritage. This includes respect for, and use of, the Spanish language.

Education is, of course, the key, as it is to most problems of this sort. The dropout rate for Spanish-speaking youngsters is appalling. It is one of the root causes of the problems confronting us now.

We must cut that dropout rate. If we do not, then the consequences our Nation faces are terrible. Demagogs await in the wings for us to falter.

We must take advantage of the language pluralism that exists in our Southwest. But it must be constructive pluralism. Comprehensive bilingual education programs are, to my way of thinking, one way we can give to all the best of both worlds in terms of language, culture, and cooperation in daily life.

Therefore, I have joined several of my distinguished colleagues in sponsoring legislation which will provide for more of such programs to those children in those areas where they are most needed.

To this end I have joined with a full heart in the fight to get more of these programs going where they are most needed. If we will but use the unique linguisitic talents of these people as an asset, it can benefit our Nation enormously, as well as broaden the opportunities now available.

Finally, ignorance of others and lack of communication between them only breeds more of the same. Bringing youngsters in contact with another culture and language can only serve to create better communitcations rather than foster apartness, which has too often been the case in the past.

Many of these children of Spanish-speaking background are concentrated in low-income school districts. The programs envisioned in this bill will finance programs that will reach out to them in the districts where they now are. Teachers will be trained under this program as well.

We must bring the Spanish-speaking student into the mainstream of American education, making him feel that his language is an asset rather than a liability.

We must turn a student's knowledge of Spanish into an added tool and gift which can be shared with non-Spanish-speaking students. This bill is a step in that direction.

For too long this knowledge of Spanish has been a handicap for too many children. It does not and should not have to remain so. By means of bills such as this we can turn it into an asset. An asset, I might add, that our country is in increasing need of.

Our Spanish-speaking community in this country can and must serve our Nation as an economic and cultural bridge to Latin America.

Castro has shown us that we had better pay heed to our fencemending and economic well-being south of our borders. These Communists from Cuba can move throughout Latin America, melting linguistically into the population.

If we move down there as we have in the past, we will stand out and be singled out, rather than blend in and be accepted as those who are friends rather than exploiters.

Our path is clear, and our choices are brightly delineated. The required investment is minimal, compared to sums we invest in so many other fields.

The Spanish-speaking citizens of our Southwest are astir, and we must take heed of those stirrings. Not to do so would be the height of folly and the depth of ignorance of legitimate aspirations.

Up to now, these citizens have shown marvelous restraint, coupling it with an often stated and always observed drive for accomplishment through channels of opportunity.

Let us open up yet another series of these channels through this bill. Justice requires it, necessity demands it, and conscience reminds us that we must do this.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 830) to prohibit age discrimination in employment, with an amendment, in which it requested the concurrence of the Senate.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Mr. YARBOROUGH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 830.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 830) to prohibit age discrimination in employment which was to strike out all after the enacting clause and insert:

That this Act may be cited as the "Age Discrimination in Employment Act of 1967".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) in the face of rising productivity and affluence, older workers find themselves disadvantaged in their efforts to retain employment, and especially to regain employment when displaced from jobs;

(2) the setting of arbitrary age limits regardless of potential for job performance has become a common practice, and certain otherwise desirable practices may work to the disadvantage of older persons;

(3) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability is, relative to the younger ages, high among older workers; their numbers are great and growing; and their employment problems grave;

(4) the existence in industries affecting commerce of arbitrary discrimination in employment because of age, burdens commerce and the free flow of goods in commerce.

(b) It is therefore the purpose of this Act to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment.

EDUCATION AND RESEARCH PROGRAM

Sec. 3. (a) The Secretary of Labor shall undertake studies and provide information to labor unions, management, and the general public concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy. In order to achieve the purposes of this Act, the Secretary of Labor shall carry on a continuing program of education and information, under which he may, among other measures—

(1) undertake research, and promote research, with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills;

(2) publish and otherwise make available to employers, professional societies, the various media of communication, and other interested persons the findings of studies and other materials for the promotion of employment;

(3) foster through the public employment service system and through cooperative effort the development of facilities of public and private agencies for expanding the opportunities and potentials of older persons;

(4) sponsor and assist State and community informational and educational programs.

(b) Not later than six months after the effective date of this Act, the Secretary shall recommend to the Congress any measures he may deem desirable to change the lower or upper age limits set forth in section 12.

PROHIBITION OF AGE DISCRIMINATION

Sec. 4. (a) It shall be unlawful for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or

(3) to reduce the wage rate of any employee in order to comply with this Act.

(b) It shall be unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of such individual's age, or to classify or refer for employment any individual on the basis of such individual's age.

(c) It shall be unlawful for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his age;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's age;

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member, or applicant for membership has opposed any practice made unlawful by this section, or because such individual, member, or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act.

(e) It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on age.

(f) It shall not be unlawful for an employer, employment agency, or labor organization—

(1) to take any action otherwise prohibited under subsections (a), (b), (c), or (e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age;

(2) to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual; or

(3) to discharge or otherwise discipline an individual for good cause.

STUDY BY SECRETARY OF LABOR

Sec. 5. The Secretary of Labor is directed to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate legislative recommendations to the President and to the Congress.

ADMINISTRATION

Sec. 6. The Secretary shall have the power—

(a) to make delegations, to appoint such agents and employees, and to pay for technical assistance on a fee for service basis, as he deems necessary to assist him in the performance of his functions under this Act;

(b) to cooperate with regional, State, local, and other agencies, and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act.

RECORDKEEPING, INVESTIGATION, AND ENFORCEMENT

Sec. 7. (a) The Secretary shall have the power to make investigations and require the keeping of records necessary or appropriate for the administration of this Act in accordance with the powers and procedures provided in sections 9 and 11 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 209 and 211).

(b) The provisions of this Act shall be enforced in accordance with the powers, remedies, and procedures provided in sections 11(b), 16 (except for subsection (a) thereof), and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(b), 216, 217), and subsection (c) of this section. Any act prohibited under section 4 of this Act shall be deemed to be a prohibited act under section 15 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 215). Amounts owing to a person as a result of a violation of this Act shall be deemed to be unpaid minimum wages or unpaid overtime compensation for purposes of sections 16 and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216, 217): *Provided,* That liquidated damages shall be payable only in cases of willful violations of this Act. In any action brought to enforce this Act the court shall have jurisdiction to grant such legal or equitable relief as may be appropriate to effectuate the purposes of this Act, including without limitation judgments compelling employment, reinstatement or promotion, or enforcing the liability for amounts deemed to be unpaid minimum wages or unpaid overtime compensation under this section. Before instituting any action under this section, the Secretary shall attempt to eliminate the discriminatory practice or practices alleged, and to effect voluntary compliance with the requirements of this Act through informal methods of conciliation, conference, and persuasion.

(c) Any person aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act: *Provided,* That the right of any person to bring such action shall terminate upon the commencement of an action by the Secretary to enforce the right of such employee under this Act.

(d) No civil action may be commenced by any person under this section until the person has given the Secretary not less than sixty days' notice of an intent to file such action. Upon receiving such notice, the Secretary shall promptly seek to eliminate any alleged unlawful practice by informal methods of conciliation, conference, and persuasion.

(e)(1) Any suit brought to enforce any cause of action granted by this Act shall be forever barred unless commenced within two years after the cause of action accrued, except that a cause of action arising out of a willful violation may be commenced within three years after the cause action accrued.

(2) In any action or proceeding under this Act, no employer, labor organization, or employment agency shall be subject to any liability based on any act or omission if such employer, labor organization, or employment agency pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative regulation, order, ruling, approval, or interpretation of the Secretary of Labor, or any administrative practice or enforcement policy of the Secretary of Labor with respect to the class of employers, labor organizations, or employment agencies to which such employer, labor organization, or employment agency belonged. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice, or enforcement policy is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.

NOTICES TO BE POSTED

Sec. 8. Every employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Secretary setting forth information as the Secretary deems appropriate to effectuate the purposes of this Act.

RULES AND REGULATIONS

Sec. 9. The Secretary of Labor may issue such rules and regulations as he may consider necessary or appropriate for carrying out this Act, and may establish such reasonable exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest.

CRIMINAL PENALTIES

Sec. 10. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere, with a duly authorized representative of the Secretary while he is engaged in the performance of duties under this Act shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both: *Provided, however,* That no person shall be imprisoned under this section except when there has been a prior conviction hereunder.

DEFINITIONS

Sec. 11. For the purposes of this Act—

(a) The term "person" means one or more individuals, partnerships, associations, labor organizations, corporations, business trusts, legal representatives, or any organized groups of persons.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year: *Provided*, That prior to June 30, 1968, employers having fewer than fifty employees shall not be considered employers. The term also means any agent of such a person, but such term does not include the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is fifty or more prior to July 1, 1968, or twenty-five or more on or after July 1, 1968, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by any employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

LIMITATION

Sec. 12. The prohibitions in this Act shall be limited to individuals who are at least forty years of age but less than sixty-five years of age.

ANNUAL REPORT

Sec. 13. The Secretary shall submit annually in January a report to the Congress covering his activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this Act as he may find advisable. Such report shall contain an evaluation and appraisal by the Secretary of the effect of the minimum and maximum ages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the general age level of the population, the effect of the Act upon workers not covered by its provisions, and such other factors as he may deem pertinent.

FEDERAL-STATE RELATIONSHIP

Sec. 14. (a) Nothing in this Act shall affect the jurisdiction of any agency of any State performing like functions with regard to discriminatory employment practices on account of age except that upon commencement of action under this Act such action shall supersede any State action.

(b) In the case of an alleged unlawful practice occurring in a State which has a law prohibiting discrimination in employment because of age and establishing or authorizing a State authority to grant or seek relief from such discriminatory practice, no suit may be brought under section 7 of this Act before the expiration of sixty days after proceedings have been commenced under the State law, unless such proceedings have been earlier terminated: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State law. If any requirement for the commencement of such proceedings is imposed by a State authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State authority.

EFFECTIVE DATE

Sec. 15. This Act shall become effective one hundred and eighty days after enactment, except (a) that the Secretary of Labor may extend the delay in effective date of any provision of this Act up to an additional ninety days thereafter if he finds that such time is necessary in permitting adjustments to the provisions hereof, and (b) that on or after the date of enactment the Secretary of Labor is authorized to issue such rules and regulations as may be necessary to carry out its provisions.

APPROPRIATIONS

Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. YARBOROUGH. Mr. President, I move that the Senate concur in the amendment of the House of Representatives, with the following amendments, which I now send to the desk.

The PRESIDING OFFICER. The amendments will be stated.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with, and that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments proposed to be considered en bloc by the Senator from Texas [Mr. Yarborough] are as follows:

On page 8, beginning with line 21 and continuing through line 2 on page 9, strike all of subsection (d), and substitute in lieu thereof the following:

"(d) No civil action may be commenced by any individual under this section until the individual has given the Secretary not less than sixty days' notice of an intent to file such action. Such notice shall be filed—

"(1) within one hundred and eighty days after the alleged unlawful practice occurred, or

"(2) in a case to which section 14(b) applies, within three hundred days after the alleged unlawful practice occurred or within thirty days after receipt by the individual of notice of termination of proceedings under State law, whichever is earlier.

Upon receiving a notice of intent to sue, the Secretary shall promptly notify all persons named therein as prospective defendants in the action and shall promptly seek to eliminate any alleged unlawful practice by informal methods of conciliation, conference, and persuasion."

On page 9, beginning with line 3 and continuing through line 2 on page 10, strike all of subsection (e) and substitute in lieu thereof the following:

"(e) Sections 6 and 10 of the Portal-to-Portal Act of 1947 shall apply to actions under this Act."

On page 10, line 10, strike the word "The" after "Sec. 9." and insert in lieu thereof the following:

"In accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, the".

On page 17, line 5, strike the word "sums" and insert in lieu thereof the following: "sums, not in excess of $3,000,000 for any fiscal year,"

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. YARBOROUGH. Mr. President, these proposed amendments to the House amendment are basically amendments offered in the committee by the distinguished senior Senator from New York, which were adopted and made a part of the Senate bill. They were stricken out by the amendment of the House of Representatives; but we are now asking that the Senate restore those amendments, which were in the bill the first time, with the expectation that the House will concur in its amendment, as amended.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the substance of the amendments which, if favorably acted upon by the Senate will be sent back to the House of Representatives with the expectation that they will be agreed to by the House, is that they are intended to answer some of the disquiet in American business—Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York may proceed.

Mr. JAVITS. This bill, which deals with age discrimination in employment, deals with some of the concerns of American business that the legislation would be open ended. These amendments are expressly designed to fix reasonable standards for regulations, subject to the Administrative Procedure Act, limiting—at the request of the Senator from Colorado [Mr. Dominick]—the amount that can be appropriated for any fiscal year for administration, so that there may be assurance that the bill will be tight and well considered, keeping also in mind the practical problems of administration, and will answer some of the concerns which have been expressed about it.

Mr. President, this is one of the most desirable pieces of legislation with which we have ever dealt, concerning, as everyone knows, a very grave problem in American community life—the employment of older workers. I hope very much that the Senate will act affirmatively, as requested by the chairman of the subcommittee [Mr. Yarborough].

Mr. YARBOROUGH. Mr. President, I commend the distinguished senior Senator from New York for his great contribution to this measure. He has been introducing bills such as this for years.

We are assured that the House will pass the bill; thus making this the first bill passed by the U.S. Congress to prevent discrimination in employment on account of age.

I introduced this bill, cosponsored by the distinguished Senator from New York and a number of others. There have been a number of amendments agreed to by our committee, the Subcommittee on Labor, and by the full Committee on Labor and Public Welfare, all of which, I think, were good amendments, as the Senator from New York has stated, I am sure they tighten the bill up and improve it.

I believe this is another example of the creativity of the committee. This is landmark legislation, a bill of the first importance to that vast body of Americans—they number, I believe, some 46 million in this country now—between 40 and 65 years of age, who are finding employment very difficult to find, regardless of their qualifications. This bill is to give them a fair chance, based on their qualifications. It does not give a person preference because of age; it merely says that if they have equal qualifications, they will have equal treatment.

It will serve to keep an employee from being arbitrarily barred from employment because he is over 40, over 45, or over 50 years of age. As I say, it is landmark legislation.

Our fellow Senators from both sides of the aisle are to be congratulated. The Senator from Colorado [Mr. Dominick] offered a valuable amendment. I thank all of those who have contributed so much to this legislation.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from West Virginia.

Mr. MORSE. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful that the distinguished Senator from Oregon has yielded to the distinguished Senators from Texas [Mr. Yarborough] and New York [Mr. Javits], and now to me so we may have the opportunity to speak on the vital legislation being discussed.

The Special Committee on Aging has, as Senators know, several subcommittees that cover particular matters that affect the aged in our country.

In our Subcommittee on Employment and Retirement Incomes, which I chair, we have had hearings on this subject of gainful employment for elderly citizens within our society. I ask unanimous consent to have printed in the Record excerpts from a report issued as a result of these hearings.

There being no objection, the statement was ordered to be printed in the Record, as follows:

EXCERPTS FROM THE REPORT OF AUGUST 1964 BY SENATE SPECIAL COMMITTEE ON AGING, ENTITLED "INCREASING EMPLOYMENT OPPORTUNITIES FOR THE ELDERLY"

INTRODUCTION

One important means of improving the economic position of America's senior citizens is to make it possible for those to work who can work and want to work. At present, one-third of the total income of older Americans comes from their employment. This belies the stereotype of idleness, dependency, and unproductivity which is too often associated with these Americans.

Dr. Donald P. Kent, Director of the U.S. Office of Aging, has said:

"We have a vested interest as a society in keeping (older) people employed not only from the viewpoint of their own personal well-being but from the national viewpoint. If we had to replace what they are now getting from earnings by some kind of public contribution this would be an enormous sum."

Studies have shown that working, at least part-time, benefits the senior citizen not only financially but in many other ways as well. It prevents a feeling of uselessness and futility. It takes him out of his loneliness and isolation and puts him into the "mainstream of life." It benefits both his psychological outlook and his physical health.

An authority in the field of geriatrics, Dr. Edward F. Bortz, has said:

"Older citizens who are actively employed will be more healthy and better adjusted and consequently a less likely drain on the Public Treasury. Instead of being consumers, they will be producers and taxpayers. They will take pride in being self-supporting and in being able to provide for their own needs. It can be predicted that healthy and alert senior citizens, well utilized by the community, will make far fewer demands for medical services."

* * * * *

As a basis for making recommendations on increasing employment opportunities for the elderly our Subcommittee on Employment and Retirement Incomes held three hearings, as follows:

December 19, 1963: Washington, D.C.
January 10, 1964: Los Angeles, Calif.
January 13, 1964: San Francisco, Calif.

The recommendations below are based upon a report recently submitted by that subcommittee to this committee.

Recommendation No. 1. *The Committee recommends that increased appropriations be made to the U.S. Employment Service to improve and expand its services for older workers in local employment offices, and to establish a Part-Time Employment Service.*

* * * * *

Recommendation No. 2. *The Committee recommends that Congress enact legislation authorizing a new program of grants for experimental and demonstration projects to stimulate needed employment opportunities for older Americans. The Federal Government through the Department of Labor would provide funds on a matching basis to State and local governments or approved nonprofit institutions for experiments in the use of elderly persons in providing needed services.*

* * * * *

Recommendation No. 3. *The Committee recommends that the present complex formula of permissive earnings for recepients of old-age assistance be eliminated in favor of a simple allowance of a certain amount per month of earnings by recipients without reduction of their grants.*

* * * * *

Recommendation No. 4. *The Committee recommends that the amount of earnings which can be received by a recipient of old-age insurance benefits without loss of benefits be increased to a more realistic level, and that the present complex formula be eliminated.*

* * * * *

Recommendation No. 5. *The Committee recommends that a modest annual appropriation be authorized for use by the Bureau of Employment Security in assisting with the expenses of volunteer community efforts to find employment for older workers.*

* * * * *

Recommendation No. 6. *The Committee recommends that Congress enact a resolution designating a week in each year as "National Employ the Older Worker Week."*

Mr. YARBOROUGH. I thank the distinguished Senator from West Virginia. As a member of the full Committee on Aging of the Senate, I, too, have participated in those hearings, and we have learned much, on that Committee, of the problems of the tens of millions of Americans who are barred arbitrarily from employment on account of age, and not because of inability to do the job.

Mr. MORSE. Mr. President, I wish to say to the Senator from Texas and the Senator from New York, on the basis of my membership in the Special Committee on Aging, that I am an enthusiastic supporter of this bill, as they know.

I think that this measure is really a companion bill, in a sense, to the action taken in the Senate the other day, when we supported the amendment to the social security law that seeks to give the aged, on retirement, the right to earn up to $2,400 a year before there is any deduction from their social security payments.

The treatment of the aged in this country is one of the great derelictions of the Congress of the United States. I think that we have simply walked out time and time again on our moral obligations to the aged. After all, this great economy of ours is strong enough to give the opportunities to the aged which the social security benefit provisions, to which I have just alluded, and also the bill that the Senator from Texas is making a report on to the Senate today involve.

I think that we just have to be more fair and equitable and considerate of the aged of this country from the standpoint of economic factors than we have been. The aged are entitled, in my judgment, as a matter of right—and I use that term advisedly—to have the opportunity to live out their lives in decency. And we are not doing that under the social security law as it presently exists. We are not doing it on the basis of the discrimination that we know exists throughout American industry.

Employers generally discriminate against the aged. Their hiring limitation, in fact, is down in the forties. If a man is 45 and seeks to get a job in general industry, the odds are against him as long as the employer can get someone who is in his thirties.

I think that the Federal Government has a partnership obligation with American industry in this respect. That is why I am such a strong supporter of the bill the Senator is reporting on, as I was of the proposal for modification of the social security law to permit the aged to earn $2,400 a year before there would be any deduction from their social security benefits.

I congratulate the Senator from Texas and the Senator from New York.

Mr. YARBOROUGH. Mr. President, I thank the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. Yarborough] to concur in the House amendment with Senate amendments.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 320. An act to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of North Carolina in order that such land may be used in connection with a proposed water supply lake, and for other purposes;

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966;

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes;

S. 2195. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S.J. Res. 35. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

S.J. Res. 101. Joint resolution amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

AMENDMENT NO. 488

Mr. BYRD of Virginia. Mr. President, I submit an amendment on the pending legislation, H.R. 7819.

I ask unanimous consent that the amendment be printed and that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of Virginia. Mr. President, I do not plan to call my amendment up at the present time. My amendment would delete lines 6 through 17 on page 135 of the pending bill.

The legislation pending before the Senate would provide that in the event Congress does not appropriate money by May 15 of a particular year, the Commissioner of Education may nevertheless execute grant agreements, and such grant agreements shall be obligations of the United States. This would permit roughly $2.7 billion to be obligated by a member of the executive branch of the Government, which amounts have not been appropriated by Congress.

At the appropriate time, I would like to engage in a colloquy with the Senator from Oregon in regard to the actual costs of the program along the lines we discussed on yesterday. However, I am still not clear as to some of the figures. If the Senator from Oregon will indicate a convenient time for him to engage in such colloquy, I will proceed accordingly.

Mr. MORSE. I certainly will provide a time. I would want my friend, the Senator from Ohio [Mr. Lausche] on the floor at the same time, because he has a vested interest in that colloquy, too.

I think that the corrections we made after we received the figures from the Department yesterday are helpful. If further clarification is needed, we are certainly going to get that clarification into the Record. So, we will have a conference sometime this afternoon, and in the course of that conference the three of us will work out exactly what we want to get into the Record for legislative history. We can then come to the floor and make that history.

Mr. BYRD of Virginia. Mr. President, the information which was made available by the Department yesterday and which the Senator from Oregon caused to have printed in the Record is not in a form in which it can be compared with the pending bill.

Mr. MORSE. We will get it in that form, and I hope that counsel will take note of what the Senator from Virginia has just said. Before we have our colloquy, we will have the comparative figures.

I cannot possibly, any more than any other Senator, carry in my head the myriad of fiscal statistics involved in a bill as long as the pending bill.

I can answer the general questions on total amounts. However, I am not a computer, and I do not have in my mind the details of all the tabulations involved in these volumes of reports on our desks. I can always get the information that a Senator needs.

Mr. BYRD of Virginia. Mr. President, I thank the Senator.

Mr. MURPHY. Mr. President, first, I want to congratulate the chairman of the Education Subcommittee, Senator Morse, for his capable stewardship of H.R. 7819, the Elementary and Secondary Education Amendments of 1967 through both the Education Subcommittee and the full committee. As usual, he was most considerate of all proposed amendments and all points of view. As usual, he did an outstanding job.

Coming from a State that takes great pride in its educational system which, in my judgment, is unparalleled in the Nation and having a great personal interest in education, I naturally welcomed my assignment this year to the education subcommittee. Service on the subcommittee has been very rewarding to me personally and I hope that my membership on the committee will prove to be beneficial both to my State and to the Nation.

The bill before the Senate today is a good bill. Of course, not all of the bill's provisions are precisely what I worked for and wanted. Nevertheless, the bill deserves the support of the Congress and the Nation.

THE NATION'S COMMITMENT TO EDUCATION

Thomas Jefferson once remarked:

> If the condition of man is to be progressively ameliorated, as we fondly hope and believe, education is to be the chief instrument in effecting it.

This statement evidences not only the wisdom of our Founding Fathers, but also, the faith and commitment to education that has always characterized this country. This commitment continues today, as American citizens invest approximately 50 billion in our diverse educational system of more than 125,000 separate educational institutions serving more than 60 million students under the instruction of nearly 2 million teachers

This commitment to and investment in education will, as it has in the past, result in great dividends for the Nation. This investment will help to assure the Nation's world leadership and will help to further the Nation's continual climb toward equal and better opportunity for all citizens here at home. The dream and desire of parents everywhere is that their youngsters will enjoy a better life than they themselves enjoyed. In fact this dream has generally been realized as each succeeding generation of Americans, through hard work and education, has been blessed with more abundance. There is little question, Mr. President, that the rising educational levels in this country have helped to open the door to the "good life" for more Americans. That the American people are aware of the importance of education and are cognizant of the role education has played in carrying the country to greatness is evident from a Gallup poll taken in 1966 which revealed an unbelievable 99 percent of American parents wanted their children to go to college. So the dream continues.

Mr. President, overall our educational system has served us well, but no one denies that problems remain, that we cannot be complacent. The challenge remains not only great, but seems to increase yearly. Throughout our history we have turned, what to other nations seemed as stumbling blocks, into building blocks.

The Elementary and Secondary Education Act is one such building block. It attempts through education to raise the education level of the Nation's disadvantaged youngster. It has helped to focus the attention of the country and of the educators in particular on the need to correct the educational deficiencies of poverty-area youngsters. In short, the Elementary and Secondary Education Act is the vehicle that is helping to carry educational opportunity to the disadvantaged. Federally funded but locally and State operated, this educational program has great longrun potential in helping to solve our poverty, and many other social problems.

The Elementary and Secondary Education Act has been well received in my State as it has in the Nation. And, the State of California has done a good job with the program. For example, Office of Education officials singled out California's title I evaluation as the best in the Nation.

THE DROPOUT PROBLEM—EDUCATION'S ACHILLES' HEEL

The Elementary and Secondary Education Act has helped to alert the Nation and bring to our attention the special problems of the disadvantaged. Yet, because of the urgency of the dropout problem, in our large metropolitan cities, and because of the realization that our society demands educated and trained citizens, there is a growing "impatience" both in the Congress and in the country over the failure to find programs that will actually reduce the dropout rate.

Mr. President, the dropout problem truly is one of the most serious domestic problems facing America. We are told that approximately 1 million students are dropping out of school each year. This is not only a personal tragedy preventing full development of an individual's potential, but it also is costly to society. For the dropout reappears in our spiraling crime statistics, in our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Dr. Conant in his 1961 book, "Slums and Suburbs," warned that social dynamite was accumulating in our large cities. Much of this "social dynamite" results from those who have dropped out of school and are out of work.

We are, of course, making some progress. For example, in 1900 it was estimated that 80 percent of youngsters aged 5 to 17 were in school. By January 1967, the estimate for the same group was 97 percent.

Also, of the 2.7 million ninth graders of 1956, 1.9 million or 69 percent ultimately graduated. Of the 3.8 million ninth grade youngsters today, it is projected that 2.9 million or 77 percent will successfully complete high school. While this 1967 projection represents a significant increase to the 1956 date, if it proves accurate, this Nation will still be faced with a dropout rate of 23 percent in 1970.

Think of it, Mr. President, a dropout rate of 23 percent in 1970. This at a time when technological change is occurring at an ever-increasing pace. This at a time, Mr. President, when even educated Americans realize the truth of the Chinese proverb that "learning is like rowing upstream; not to advance is to drop back." With the knowledge explosion, the educated citizens find it a struggle to keep from dropping back. The dropout, confronting both the education explosion and a shrinking unskilled job market, is likely to sink.

Today in the United States, there are not enough jobs for the unskilled. We are told that for every 10 unskilled workers there are only seven unskilled job vacancies. By 1970 it is estimated that only 5 percent of our jobs will be unskilled. Thus the problems already serious today will become more so tomorrow. For today there are 1 million dropouts under 21 who are out of work. And it has been estimated that the decade of the sixties, by its conclusion, will have produced some 7½ million school dropouts.

MURPHY DROPOUT AMENDMENT

Because of the urgency of the dropout problem and society's stake in finding a solution, I offered and the committee accepted an amendment aimed at the dropout problems. Mr. President, I want to thank Senator Morse and other committee members for their strong support and acceptance of my dropout prevention demonstration program.

My amendment added to title VII authorizes an additional $30 million for projects designed for dropout prevention. It is designed to give maximum flexibility and freedom at the local level for experimentation. It is based on the premise that answers have not as yet been found which will make dramatic changes in poverty area schools. Under the program, local and State educational agencies will submit innovative proposals which zero in on a particular school or a particular classroom in an effort to have a major impact on the dropout problem. The amendment requires that eligible schools be located in an urban area, have a high percentage of children from families of low income, and have a high percentage of children who drop out of school.

Before approving projects conceived at the local level, the local school district is required to identify the school, analyze the reasons for and tailor programs to meet the dropout problem, provide effective procedures, including objective measurements of educational achievement, for evaluating the program, and secure the approval of the State educational agency.

Two recent articles, one from the west coast and one from the east coast are most disturbing, and show the timeliness of my amendment. One report came from the November 2 New York Times article which reported that in New York City—

> Pupils in the city school system are continuing to lose ground in reading and arithmetic.

On the following day from the west coast the Los Angeles Times reported—

> Student in the Los Angeles City Schools, particularly those in the first three grades are among the worst readers in the nation.

These reports from the largest cities of the Nation's two largest States certainly have disturbing future implications and will have a bearing on our ability to deal with the dropout problem. Since reading is the basic skill, the key to successful school achievement, the need for remedial steps are apparent. For the correlation between poor reading, poor school performance, and the dropout are all too great. I ask consent that the New York Times and Los Angeles Times articles and an editorial from the Los Angeles Herald-Examiner be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, to rescue the dropout, our society spends dollar after dollar on program after program, but experience has demonstrated that educational repair jobs are extremely costly and equally difficult—witness the Job Corps.

My amendment seeks to find and to reach the root causes of the dropout problem. It provides additional resources and throws a challenge to the educational community. Prevent dropouts. If our educational system can reduce or prevent the dropout problem, it will not only be saving society the cost of the cure, but also it will be eliminating the Achilles' heel of our educational system.

Mr. President, I am convinced that this kind of approach will result in programs that will not only have an impact at the local level, but have nationwide significance. Zeroing resources on certain target schools or classrooms will accelerate the collection of objective data that will permit us to determine what programs work and what programs do not. My staff and I have talked to many people regarding this dropout proposal including Dr. James Conant, Dr. Max Rafferty, superintendent of schools of the State of California, Superintendent Jack Crowther, of the Los Angeles city school system, Dr. Ralph Dailard, of the San Diego school system and Dr. Wilson Riles, of California Compensatory Education. All seem to think this amendment would be helpful and useful in meeting the crisis that exists in our slum schools.

THE BILINGUAL EDUCATION ACT

Mr. President, as coauthor of S. 428, the Bilingual Education Act of 1967, I am very pleased that the Senate Labor and Public Welfare Committee has approved the incorporation of the bilingual program as a new title VII to the Elementary and Secondary Education Act.

The bilingual program is a much needed one. As the hearing record reveals it had overwhelming support in the State of California and throughout the southwestern part of our great country. This program attempts to reach youngsters who face unique education problems because of their inability, and that of their parents, to speak English. I feel confident that the program will cause local educational agencies to devise programs to bridge the language gap, and thereby close the educational gap which obviously exists between English-speaking and non-English-speaking youngsters.

As I remarked when the Special Subcommittee on Bilingual Education was in California in June as part of its field hearings:

> There can be no question that the language problem multiplies the difficulties of the young Mexican-American student as he enters the English-speaking schools of this country. We must not forget that for many of these youngsters, the only language they really know is Spanish. For many of these youngsters the only language they hear at home is Spanish. With a different language and a different cultural background, these students begin their school careers under severe handicaps. A sixth grade teacher in California school observed: "These children (Mexican-Americans) start school with a decided handicap, they fall behind their classmates in the first grade, and each passing year finds them farther behind. They are conditioned to failure in the early years of their schooling and each passing year only serves to reinforce their feeling of failure and frustration. Is it any wonder that as soon as they are sixteen, or can pass for sixteen, they begin dropping out of school."

This program should help to reduce the very high dropout rate of Mexican-American children.

This educational gap is further shown by the statistics taken from the Senate report and I quote:

> These children, who number around three million of school age, are deprived of equal educational opportunities because of their limited communication skills. This is evidenced by the fact that in the five Southwestern states, which contain approximately one and one-half million Spanish-speaking children of school age, the average years of school completed is 7.14 Spanish surnames, 9 for non-white, and 12.1 for white. There is a similar correlation between low family incomes and their inability to speak English. For example, in the same five Southwestern states, 34.8 per cent of the Spanish surname populations are from families of incomes below $3,000 as compared to 21 per cent of the general population. The solution to this problem lies in the ability of our local educational agencies with high concentration of children of limited English-speaking abilities to develop and operate bilingual programs and instruction.

Mr. President, I am convinced that this bilingual program combined with legislation which has already been signed into law by Governor Reagan in California permitting instruction in Spanish in the State's public schools represents two major steps in extending education opportunities to those youngsters with special problems because of their inability to speak English. This bilingual program will, by raising the level of educational achievement, also increase the earning potential, for the relationship between levels of education and earnings is well known.

I will be following the developments of this program very carefully not only in the State of California, but throughout the country.

I appreciate the opportunity of serving on this Special Subcommittee on Bilingual Education and it is personally gratifying to see the Special Subcommittee's efforts culminate with today's Senate action. I am certain that in the years ahead all Members of the Senate will point with pride to our action in adding the Bilingual Education Act of 1967 to the Elementary and Secondary Education Act.

Mr. President, I would ask unanimous consent that the full text of my statement before the Special Subcommittee on Bilingual Education, when it was in Los Angeles in June of this year, be printed in full at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR GEORGE MURPHY BEFORE THE SPECIAL SUBCOMMITTEE ON BILINGUAL EDUCATION, LOS ANGELES, JUNE 23, 1967

First, Mr. Chairman, I want to welcome the Committee to California and to tell you how much the State appreciates your holding the field hearings and spotlighting a most important problem. This Special Committee is focusing on the special problems of certain citizens of California whom I regard as very special people. I, of course, refer to the Mexican-Americans.

All Californians are very proud of the contributions that Mexican-Americans have made to the State's history, its culture, its architecture, its art. In fact, Mexican-Americans have contributed to every facet of California's life from Father Serra to those of Mexican-American origin serving in Vietnam. Mexican-Americans are the recipients of 14 medals of honor for heroic acts in Vietnam, and I understand that this is the largest number won by any one group.

California is not only the largest state in the union, but we also are proud of the fact that we have more Mexican-American citizens than any other state. In California, there are over one and a half million persons with Spanish surnames of whom 80 per cent are native-born Americans.

During a recent field trip with the poverty subcommittee in California, I once again had the opportunity to visit with some of my good friends of the Mexican-American community. Their biggest concern was for their children. Their hopes and prayers are that their children will have a better way of life than they themselves enjoyed. They are aware of the need and importance of education. That is why I am so concerned that 50 per cent of the Spanish-speaking people in California drop out of school by the eighth grade. This is a shocking statistic and I have reason to believe that the language problem contributes to this unfortunate situation.

There can be no question that the language problem multiplies the difficulties of the young Mexican-American student as he enters the English-speaking schools in this country. We must not forget that for many of these youngsters, the only language that they really know is Spanish. For many of these youngsters, the only language that they hear at home is Spanish. With a different language and different cultural backgrounds, these students begin their school careers under severe handicaps. A sixth grade teacher in a California school observed: "These children (Mexican-Americans) start school with a decided handicap, they fall behind their classmates in the first grade, and each passing year finds them farther behind. They are conditioned to failure in the early years of their schooling and each passing year only serves to reinforce their feeling of failure and frustration. Is it any wonder that as soon as they are sixteen, or can pass for sixteen, they begin dropping out of school?"

In 1966, the National Education Association—Tucson Study—stated "during the two or three years of primary school while the pupil acquires a minimal knowledge of English, he falls seriously behind his English-speaking contemporaries in other sections of the community. This loss in subject-knowledge is seldom made up by the time he enters high school, where he finds himself unable to compete scholastically with his Anglo-American schoolmates."

These instances obviously underscore the necessity for great understanding and great patience on the part of the public schools and those who must mold and shape the minds of these children. Yet in the same NEA study, it is stated: "In some schools the speaking of Spanish is forbidden both in classrooms and on the playground, except, of course, in classes where Spanish is taught. Not infrequently students have been punished for lapsing into Spanish. This is even extended to corporal punishment. A member of our survey team tells of one school at which such punishment was dealt out to children who lapsed into Spanish despite the fact that 99 per cent of the school's enrollment was Mexican-American." This seemed rather ridiculous to me and certainly I thought it was somewhat atypical.

Recently when the poverty subcommittee was in California, I was shocked to hear from one witness that it was necessary to fight a school board rule against using the school after hours for meetings conducted in Spanish.

Mr. Chairman, I once again applaud the attention that this committee is giving to a most important problem. Feeling that education is the best key to the unlocking of these most difficult problems facing our society, as a co-author of S. 428, I pledge to this committee my full cooperation and efforts to secure expeditious action by the Congress on the Bilingual Education Act.

Governor Reagan is also very interested in this legislation and recently he signed into law legislation permitting the state's school districts to provide instruction in a language other than English. In signing the measure, the Governor said: "This measure will be of tremendous benefit to many Californians, particularly Spanish-speaking children who will be afforded more and better opportunities for quality education."

This measure, Mr. Chairman, will mark a significant step in reversing the alarming dropout rate among Mexican-American school children.

Of particular interest to me was testimony our poverty subcommittee heard from Mr. Bruce A. Gaarder, Chief, Modern Foreign Language Section, Office of Education, relaying an experience that occurred in Puerto Rico, and which was documented in a study by Columbia University.

"In Puerto Rico, in 1925, the International Institute of Teachers College, Columbia University, made a study of the educational system on that island where English was the major medium of instruction despite the fact that the children's mother tongue is Spanish. The Columbia University group undertook a testing program to measure pupil achievement in all grades and particularly to explore the relative effectiveness of learning through each of the two language mediums. To test reading, arithmetic, information, language, and spelling they used the Stanford Achievement Test in its regular English version and in a Spanish version modified to fit Puerto Rican conditions. Over 69,000 tests were given.

"The results were displayed on charts so as to reveal graphically any significant difference between achievement through English and achievement through Spanish. Both of these could be compared on the same charts with the average achievement of children in schools in the continental United States. I will summarize the findings in two sentences:

"1. In comparison with children in the continental United States, the Puerto Ricans' achievement through English showed them to be markedly retarded.

"2. The Puerto Rican children's achievement through Spanish was, by and large, markedly superior to that of continental United States children, who were using their own mother tongue, English.

"The Columbia University researchers, explaining the astonishing fact that those elementary school children in Puerto Rico—poverty-stricken, backward, 'benighted,' beautiful Puerto Rico—achieved more through Spanish than continental United States children did through English, came to the following conclusion, one with extraordinary implications for us here:

"Spanish is much more easily learned as a native language than is English.

"The facility with which Spanish is learned makes possible the early introduction of content into the primary curriculum.

"Every effort should be made to maintain it and to take the fullest advantage of it as a medium of school instruction.

"What they were actually saying is that because Spanish has a much better writing system than English (i.e., the writing system matches the sound system) speakers of Spanish can master reading and writing very quickly and can begin to acquire information from the printed page more easily and at an earlier age.

"The conclusion is, in sum, that if the Spanish-speaking children of our Southwest were given all of their schooling through both Spanish and English, there is a strong likelihood that not only would their so-called handicap of bilingualism disappear, but they would have a decided advantage over their English-speaking schoolmates, at least in elementary school, because of the excellence of the Spanish writing system. There are no 'reading problems,' as we know them, among school children in Spanish-speaking countries."

I am certain that the recent action by the State Legislature in permitting instruction in Spanish and the enactment of the Bilingual Education Act, S. 428, will result in a duplication of the experience that occurred in Puerto Rico, and I feel confident, Mr. Chairman, that if this Education Committee comes to California some time in the future, we will be hearing testimony of the progress of the Mexican-American student here.

LATE FUNDING: THE PROBLEM

Mr. MURPHY. Mr. President, when I was appointed to the Senate Education Subcommittee this year, I immediately wrote many of the educational leaders in the State of California asking them to share their expertise and experience with me in order that I would be better prepared to serve on the important subcommittee assignment.

The response that I received from the presidents and chancellors of the universities, State colleges, junior colleges, and the superintendents of schools were most gratifying and helpful.

Inevitably, the recurrent complaint in the letters from the superintendents of the various school districts was the problem created by the late funding by the Congress of the Elementary and Secondary Education Act.

While I feel certain this is a serious problem throughout the country, in California, according to the superintendents, it was critical. For example, California law requires that a written notice be given teachers by May 15 if they are not going to be hired the next year and that the district budget be enacted not later than early August. One can see how the uncertainty over the level of Federal funding with those two laws alone would create an administration nightmare.

Since the Elementary and Secondary Education Act was enacted in 1965, the record shows that the school districts failed to receive the funds until the school year had progressed many months. This creates an obviously impossible situation. I have selected some typical reactions of California school superintendents on this problem of funding. From Superintendent Ralph Dailard of the San Diego school system:

Delays in appropriations have had a crippling effect on the operation of the authorized programs. I am aware that the President has called this to your attention in his recent message and urged "that Congress enact educational appropriations early enough to allow the nation's schools and colleges to plan effectively." I would add emphasis to this by telling you that as of this moment I do not know the amount of money the San Diego City Schools will receive for this year for the program for deprived children being operated under Title I of the Elementary and Secondary Education Act. Under California law, the district budget had to be enacted not later than the first week in August. No appropriation had been made at that time for the Elementary and Secondary Education Act. On advice of the State Department of Education, we included a budget estimate for the purpose equal to 85% of the amount we had received for the seven months of operation during fiscal '66. I do not yet have firm information of the amount we will receive. Information I did receive last week led me to believe that the 85% estimate was optimistic and that our actual grant would be below that level. I am distressed to tell you that I issued instructions last week to cut back the project, freeze all vacancies, and cancel all unspent appropriations for materials. This will be destructive to the morale of the staff and parents in the neighborhoods being served. The quality of the program will suffer. However, I had no alternative. The district does not have funds to replace the deficit that has apparently occurred in Federal funding. To plan and operate the authorized programs adequately and efficiently, the local school districts need firm information on financing prior to final budget enactment which, in general, occurs in June or July. Funds must be disbursed early to permit districts to maintain a cash operation. The district I represent had to borrow $8 million—10% of its anticipated revenue, early in the fiscal year to meet current operations. The normal district does not have adequate cash reserves to maintain these massive new programs when payments are delayed.

Also, from Superintendent Coffin, of the Monterey County schools, came this special plea:

On behalf of all of us in education, particularly in California, I would like to enter a special plea for a revision of appropriation procedures and greater coordination of application deadlines among the various federal acts.

First, our school districts must prepare budgets in the spring. In order to get qualified personnel, we must complete our recruiting by March of each year. (Later than that, the good people who are not already signed are very few and far between.) These two problems, coupled with the present timing of appropriations, lead to waste and to a lessening of program quality, for, unfortunately, districts are too prone to merely grab at money, whether or not they have proper personnel and programs, just so it won't escape. This practice is, I'm afraid, aided and abetted by the habits of Congress.

From the governing board of the Fremont Union High School District the need for early funding was stated as follows:

What we need most in federal aid is earlier approval of federal grants so we can plan more effectively for their use. Since we must prepare our budget in April for use in the following fiscal year (July 1–June 30), it would be helpful to know how much in matching funds we will need and the amount of outright grants. At the present we must budget for all categorical items even though many of them may not be approved.

Superintendent LaFleur, of the Oceanside-Carlsbad Union High School District, deplored late funding in the following manner:

Two aspects of the federal assistance program that concern us the most are those which have to do with securing approvals on project applications in time to put the project into effect at the beginning of the school year and the practice of having to wait for annual fundings for federal programs. We have incurred particular difficulty in getting approval on our Elementary & Secondary Act projects before the school year begins. When the approval comes after the start of the year classes are interrupted, students and staff are confused and frustrated and, as a consequence, the program is not nearly as effective as it would be if instruction could proceed in an orderly manner.

With respect to annual funding, here again the problem is very real. The programs could be set up for a 2, 3 or 4 year period with full funding assured and the district could make long range plans for their participation.

Again, let me thank you for asking for an opinion. It is most encouraging to know that our senatorial representatives are interested in seeking counsel and advice.

Superintendent Moore, of the Ravenswood City School District, outlined the problems caused by late funding in his district and urged correction of this program, saying:

Relative to federal assistance to districts such as ours under Title I, Public Law 89–10, enacted in 1965, I believe that the most important thing that needs to be done now is to insure the allocation of money to the states not later than May 15 of a given year in order that school districts might properly plan the programs that will be in effect during the next school year. In California our school budgets must be adopted prior to the tenth of August. During this past year we were notified of our actual federal allotment only in March. Even though we went ahead and hired people, we were taking an extreme gamble on the allocation of federal funds. Anything that you could do to insure that these funds will be available at the earliest date possible would be far more important at this time than extending the program or adding new provisions.

You may not know that our allotment

this year, despite the fact that we have more eligible children, was only 85% of what it was for the 1965–66 school year. We are now being told that we will probably receive even less next year. Under such conditions it is impossible to develop and to carry on programs that will have a lasting effect on children.

Your interest in our school district and your interest in serving on the Subcommittee on Education of the Senate Committee on Labor and Public Welfare will, I am sure, prove to be a worthwhile experience to you and will give us in California someone with whom we may correspond.

These observations of California educators in deploring the late funding of the Elementary and Secondary Education Act were echoed by the 1966 report of the National Council on the Education of Disadvantaged Children when it observed:

> There is no doubt that implementation of Title I (programs for disadvantaged children and the major share of the Act's funds) was greatly hampered . . . by the nonavailability of funds until after the school year began. Most personnel in needed specialities were already under contract, and school administrators were forced to plan projects almost overnight . . . We strongly urge the Congress to enact the next Title I appropriations bill . . . not later than early summer 1966 to permit more careful program development and thus assure more effective use of the funds.

ADVANCE FUNDING: A SOLUTION

Last year, under the leadership of Senator PROUTY, the ranking Republican on the Education Subcommittee, the Senate added a provision to the Elementary and Secondary Education Act Amendments of 1966 which employed the continuing resolution device to take care of this late funding problem. Although the Prouty amendment, which I supported, passed the Senate, it was unfortunately deleted in conference.

This year, the committee has added an amendment to title IV designed to face up to this late funding problem. Basically, the amendment would place the Elementary and Secondary Education Act on an advanced funding basis. This will permit educators to better utilize Federal funds, and even more importantly, result in better programs for the disadvantaged.

This section is discussed on page 6 of the committee report from which I read:

> Under title IV of H.R. 7819 may be found committee recommendations (1) to provide specially for funding advance planning of programs, and evaluation of programs, so as to promote effective use of program funds, and (2) to meet the problem of reconciling school budget and congressional appropriation cycles to provide a sound basis for planning and operation of educational programs, at the elementary and secondary levels. The first proposal would authorize, for each fiscal year for which program appropriations are authorized, appropriations for expenses (including grants, contracts, or other payments) for (1) planning for the succeeding year and (2) evaluation of programs. The second proposal, essentially, would permit the President to submit to the Congress, and the Congress to enact, in one fiscal year his funding recommendations for education legislation for the next fiscal year; in the initial year of this system, appropriations for the succeeding year would be included in the appropriation Act for the current year. If these budget estimates were approved by the Congress, expenditures would not take place until the fiscal year designated. The action of the Congress and the President in approving advanced funding, it is the committee's hope, would stabilize a difficult situation which has caused much concern to State and local educational agencies, institutions of higher education, and others who must plan and make commitments in one fiscal year for expenditures in the next fiscal year.
>
> Title IV would also require, not later than March 31 of each year, evaluation reports from the Secretary of Health, Education, and Welfare upon the effectiveness of programs under provisions which have been authorized and funded. The evaluation report filed in the penultimate fiscal year for which appropriations are authorized under a program would have to cover comprehensively the entire life of the program; the authorization of the program would be automatically extended for 1 year at the previous year's level if the legislative process authorizing or declining to authorize an extension of the program had not been completed by the end of the session in which the comprehensive evaluation report is filed.
>
> Title IV of the bill also provides that if, by May 15 of any year, the appropriation for carrying out title 1 of the Elementary and Secondary Education Act of 1965 during the succeeding fiscal year has not yet been enacted, the Commissioner may execute grant agreements for such succeeding fiscal year but only at the current appropriation level.
>
> Appropriations for any fiscal year for payments to educational agencies or institutions under any of the acts specified in title IV of the bill could be made available for expenditure by the agency or institution on the basis of an academic or a school year if this differs from the fiscal year.

OTHER IMPORTANT PROVISIONS

Mr. President, there are many other aspects of the bill before us today, including programs in which I am vitally interested and strongly supported. They include the adult education programs, the needed improvements in the migrant children educational programs, the handicapped children provisions, amendments improving education programs for Indian children, extension of the school library resources and instructional material section of the act, greater authority for the States under title III, supplemental educational centers, and the impacted aid programs.

IMPACTED AID: CALIFORNIA'S ELIGIBILITY ASSURED

I heard the disturbing reports again this year regarding the latter program. Specifically, rumors reached me that the Office of Education was going to rule that junior colleges in California, because of the restructuring in the junior college system would become ineligible for impacted aid assistance. To prevent this, I was prepared to offer an amendment which I feel confident would have been accepted by the committee. However, I received a letter from the Office of Education advising me that the California junior colleges would remain eligible thus eliminating this necessity for a corrective amendment. So that the record will remain clear, I ask unanimous consent that my earlier floor statement on this subject be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Oct. 19, 1967]

JUNIOR COLLEGE ELIGIBILITY UNDER THE IMPACTED-AID PROGRAM

Mr. MURPHY. Mr. President, last year, as my colleagues may recall, I opposed the administration's efforts to eliminate the so-called impacted-aid program, Public Law 81–815 and title I, Public Law 81–874.

Because of the importance of this issue, I appeared on April 5, 1966, before the Education Subcommittee and strongly urged the subcommittee to reject the administration's recommendation and accept my amendment, which continued junior college eligibility. The subcommittee, and later the full Labor and Public Welfare Committee, agreed with me, and as a result, the Senate adopted the Murphy amendment continuing junior college eligibility. Congressman BELL of California led this fight on the House side.

Again this year it appeared that the loss of funds was threatened. Recently, the California State Legislature passed, and the Governor signed into law, legislation establishing a new 15-member Board of Governors of California Community Colleges, which will be the new governing body for the State's junior colleges. The new board will succeed to the responsibilities previously exercised by the State board of education, the director of education, and the department of education.

As a result of this administrative change, I heard disturbing reports that the Department of Health, Education, and Welfare was about to render a ruling making California junior colleges no longer eligible for the impacted-aid assistance.

With the Elementary and Secondary Education Act presently being considered in executive session by the Subcommittee on Education, I was determined not to allow this "vehicle" to clear the Congress and then to hear the Department had ruled California junior colleges ineligible.

To prevent the loss of funds, I prepared an amendment which I planned to offer, if necessary, to the Elementary and Secondary Education Act, and which, incidentally, I am confident would have been accepted by the subcommittee. I also pressed the Department to render an immediate decision on this matter and provided them with a copy of the California State law.

I was pleased, Mr. President, to have received late yesterday a letter from Mr. James F. Hortin, Acting Director, Office of School Assistance in Federally Affected Areas, ruling that California would remain eligible. I ask unanimous consent that his letter be printed in full at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., October 18, 1967.

Hon. GEORGE MURPHY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURPHY: Thank you for the copy of the California State Law, Chapter 1549, approved by the Governor on August 20, 1967, relative to junior colleges (grades 13 and 14) which you sent to our office yesterday.

The provisions of the new Act have been reviewed by our Counsel and the Commissioner has determined that those junior colleges in California which were considered to be legal "local educational agencies" for purposes of Public Law 81–815 and Title I, Public Law 81–874, under the terms of the previous California law are not precluded from the same classification under the new Act.

Should you have need for further information relative to this matter we will be glad to oblige.

Sincerely yours,

JAMES F. HORTIN,
Acting Director, School Assistance in Federally Affected Areas.

Mr. MURPHY. Mr. President, I am extremely proud of the educational system in the State of California. In my judgment, it is unparalled in the Nation. The junior colleges are an important part of this great educational system. At this very moment in California 84 out of every 100 college freshmen and sophomores are in our junior college system. This statistic in itself underscores their importance.

California has been the pioneer in the junior college movement which has spread throughout the Nation. As of October of last year, there were 78 junior colleges in the State, and there may be more now for they are growing so fast that I have trouble keeping track of them. By early 1970, it is expected there will be 100. Had a ruling been made that the California junior colleges were ineligible, a heavy blow would have been inflicted upon some of these colleges.

Since California has been the leader in the junior college movement, I believe that any decision harmful to the California system might have national repercussions. And, Mr. President, the junior colleges continue to grow nationally. I am advised that there were approximately 850 junior colleges in the country last year, and 67 new ones will open this year. These junior colleges were attended by 1.5 million last year and an additional 250,000 students will be enrolled this school year.

I, of course, am delighted over the ruling of the Department. I am pleased no amendment will be necessary. This ruling of the Department will be applauded by educators, citizens, and particularly the junior college students.

EXHIBIT 1

[From the Los Angeles Herald Examiner, Nov. 12, 1967]

READING AND RANKING

The poor showing on reading tests made by pupils of the Los Angeles city school system is cause for concern but not panic.

Even before the results of the tests were revealed, school officials had initiated many moves to improve reading skills. This effort undoubtedly will be reflected in the next testing. If it isn't, then a general alarm should be sounded—for reading is the key that unlocks all doors to knowledge.

The quality of education in the Los Angeles public schools is not uniform. It will vary from school to school, depending on social and economic factors, parental interest and the competence of teachers.

Education also must cope with budgetary problems resulting from voter rejection of school bond issues. And the Los Angeles schools must contend with having 30,000 children on double sessions.

The state's 175-day school year, five days less than the minimum of most other states is another handicap. And the loss of 10 to 15 days in the mid-year change of semester takes its toll.

But Supt. Jack Crowther has zeroed in on these problems and recommended that the school day be lengthened a half hour for first and second-grade pupils, and the midterm promotion system be eliminated.

The allocation of additional time for reading instruction is a definite plus factor already at work in the schools. Supplementing this effort is the decision to hire 24 reading specialists to work with new teachers.

The Los Angeles schools have their problems, true, but strong, imaginative leadership is acting to solve them. We think that leadership merits all the help the people of Los Angeles can give.

And, by the way, a school system that feeds an ever greater percentage of its students into the best-in-the-nation university and college system in California must be doing something right.

[From the Los Angeles Times, Nov. 3, 1967]

LOS ANGELES STUDENTS AMONG POOREST READERS IN UNITED STATES, TESTS SHOW

(By Jack McCurdy)

Students in the Los Angeles city schools, particularly those in the first three grades, are among the worst readers in the nation, test results showed Thursday.

Major findings indicated:

1—Los Angeles first graders are in the bottom 7% of the national norm in reading.

2—Pupils are one year behind the norm for reading ability by the time they reach the third grade.

3—Los Angeles ranks 10th among California's 10 largest school districts in reading achievement in the first, second and third grades.

4—Sixth graders are in the lower 20% nationally.

5—Tenth graders scored in the lower 35%.

"California's statewide attainment (in reading) is substantially below that of the national sample . . . and Los Angeles' attainment is substantially below that of California as a whole," the report concluded.

The Board of Education appeared stunned by test results submitted by Supt. Jack P. Crowther.

"This is a crisis," said Dr. Ralph Richardson, a board member. "Districts as large as this usually move with caution, but this calls for a renewed, redoubled, dramatic effort."

Crowther called for a series of actions including:

1—Eliminating the mid-year promotion system throughout the city schools to save time for classroom instruction.

(This would virtually do away with semesters and make the September-June school year a continuous period of classes without promotion from lower to upper grades in January.)

2—Extending the school day by 30 minutes for first and second graders.

3—Hiring of 24 specialists for the elementary schools to help new teachers improve their performances.

While accepting his proposals, the board voted to authorize Crowther to seek "an emergency measure in the Legislature to lift reading to a priority level."

TEMPORARY RELIEF

The board asked for "temporary relief from selected (state) mandated programs having less urgency then reading," referring to certain subjects other than reading which the State Education Code says must be taught.

Richardson and Mrs. Georgiana Hardy, board president, suggested that the district go ahead "and break the law for a while" to emphasize reading at the expense of the state-mandated subjects.

"I am quite serious," Mrs. Hardy said and Richardson agreed.

The Stanford Reading Test was administered to all first, second, third, sixth and 10th graders late in 1966, and early this year.

SCORES DETERIORATE

Results showed the scores for the sixth and 10th graders had deteriorated when compared to tests in 1965 and 1964, respectively. Results were virtually unchanged for first and second graders.

This showed that first graders were about 3 months behind the national norm and second graders eight months, trailing by one year in the third grade.

In raw test scores, the first graders scored a median of 23 compared to a national average of 47. Second graders were 28 compared to 50 nationally. There was no comparison for third graders.

While first graders scored in the lower 7% of the national norm, second graders were in the bottom 11% and third graders in the lowest 21%.

Dr. Howard Bowman, director of the city schools' testing section, said questions had been raised about the validity of the tests.

They were used here for the first time in 1966 after four years of using other tests.

However, Bowman said, students did not improve their scores this year although they were more familiar with the tests.

In addition, the Stanford testers found that examinations for other parts of the nation have had to be made harder because student performance is rising, while Los Angeles students have not shown similar improvement.

On the sixth and 10th grade tests, percentile scores were down from 20 to 18 for the younger group over last year and were unchanged for the high school students.

The test analysis indicated scores for Los Angeles students were virtually unchanged between 1962 and 1965, but the latest results are "appreciably below" preceding years.

In general, Bowman said, the scores "are down by a considerable amount—much larger than we are accustomed to receiving."

Some board members said the test scores might have been pulled down by low performances in Negro and Mexican-American areas.

SCORES GENERALLY LOW

Although the district refused to release results of individual schools, it was understood that the results were generally low throughout the school system.

Crowther said he is appointing a task force to work out details of his proposals which will be submitted to the board.

This will determine when to begin eliminating the mid-year promotion system. The extension of the school day for first and second grades will be effective Jan. 29.

Crowther said five years ago the district had one specialist for every 17 new teachers but that this ratio has been steadily reduced to meet budget cutbacks. The last 24 were eliminated from the budget this year.

The superintendent told the board that growing enrollments and lack of tax revenue have decisively damaged the educational program.

"We have tightened our belts, we have lopped here and cut there. And, frankly, I think we must tell people that our educational program has been harmed," he said.

[From the New York Times, Nov. 2, 1967]

CITY PUPILS LOSING GROUND IN READING AND ARITHMETIC

(By Leonard Buder)

Pupils in the city school system are continuing to lose ground in reading and arithmetic, a Board of Education report disclosed yesterday. The report, giving the results of standardized achievement tests conducted during the 1966–67 school year, showed that pupils in the public schools lagged behind national norms or standards in virtually every grade.

Despite a systemwide effort on intensifying and improving education in the basic subjects, the achievement gap between youngsters here and those of the nation as a whole, as represented by the national test sampling, was wider last spring than ever before.

One of every three pupils in the city schools was a year or more behind in reading last spring, the report showed.

The gap between the achievement of city pupils and the national standards showed up in the second grade, the first tested, and became more pronounced in the upper grades.

In the fourth through sixth grades, one of every five pupils was two years or more behind in reading.

In the seventh through ninth grades, one of every three youngsters was two years or more behind. One of every nine pupils was four years behind.

In a test of arithmetic skills—given to fourth and sixth grades—two of every three children had an achievement rate below the national standard.

The board also made available the reading test results for each elementary, intermediate and junior high school in the city.

This was in line with a board policy adopted last year to give the public more information about school matters. Some persons in the school system have asserted in the past that the release of individual school results could lead to unfair comparisons by parents and others.

The data showed the wide range in achievement between pupils in schools in different sections of the city—a matter that has been increasingly pointed up by critical slum residents.

Pupils in middle-income communities were frequently two or more years above the national standards. Those in predominantly Negro and Puerto Rican neighborhoods were generally one to two years behind the national standard, and brought down the citywide scores.

SOME PROGRESS NOTED

Despite the seemingly bleak test results for the system, Superintendent of Schools Bernard E. Donovan said at a news conference at board headquarters in Brooklyn that he was "encouraged by what looks like some progress towards better reading," particularly in the early grades.

He noted that when the first reading test of the school year was given in September, 1966, only 28.9 per cent of the second-graders were reading at or above the norm for that point. When the second test was given last April 45.1 per cent were at or above the appropriate norm.

Dr. Donovan said that it appeared that the system's efforts to improve reading were "beginning to pay off."

To a reporter's question of whether last year's scores were the "worst ever," the Superintendent conceded that they were.

"But a headline of that nature would set back our efforts and undermine what we are trying to accomplish," the Superintendent said.

Mr. MORSE. Mr. President, I wish to assure the Senator from California that I am deeply appreciative of the comments he has made about the chairman of the subcommittee. His comments should be applied, as he knows, to the full subcommittee, and to the full Committee on Labor and Public Welfare.

As an indication of how appreciative I am of his remarks, I wish to announce to him that he owes me a cup of coffee. He may not know it, but not so many days ago I was in California. In the course of an open forum discussion which followed a speech I delivered on a subject matter with which the Senator from California does not agree with me, I was asked to comment on the Senator from California. I want him to know that, in the presence of his constituents, I said he was one of the most valuable members of the Subcommittee on Education.

I pointed out in that discussion that the bill that I was about to manage on the floor of the Senate contained a series of contributions of the Senator from California, including amendments that he either authored or cosponsored.

I was pleased to say that in California, as I am pleased to say it on the floor of the Senate today, for he has extended to this chairman more than the cooperation to which a chairman is entitled. I thank him very much for that cooperation.

Mr. MURPHY. I thank the chairman most sincerely. I shall be more than pleased to provide the cup of coffee.

I should also like to point out that flattery of this nature is still very acceptable. I am still young and impressionable. But I hope that his words will not turn my head for activities in the future, because I look forward to the privilege of serving many more years with the distinguished Senator from Oregon on this most important committee.

It is even fun sometimes to disagree with the Senator from Oregon, because he is so gracious in disagreement and so capable in argument.

Mr. MORSE. Flattery is not intended by my comments; but I know how the Senator feels, because I feel that way sometimes in some of the things I have said. But I am sincere in paying this compliment to the Senator from California.

ECONOMIC SLOWDOWN SHOWS WHY TAX INCREASE EXACTLY THE WRONG MEDICINE

Mr. PROXMIRE. Mr. President, Arthur Ross, the able Commissioner of Labor Statistics, has just sent me, as chairman of the Joint Economic Committee, his analysis of wages, prices, and productivity for the third quarter of 1967.

This analysis, from the man chiefly responsible for our economic statistics, should be "must" reading for any Senator who supports a tax increase.

The report does show that output increased in the third quarter of the year. But, as the report argues, output fluctuations have moved erratically in the past and are far more meaningful if put together on the basis of moving averages covering four consecutive quarters or the full year ending with the third quarter of 1967.

On this basis, real output of all this Nation's goods and services—not just industrial output, which is down, but all of it—increased only 2 percent and, as the Bureau of Labor Statistics points out, this is only "half the rate necessary to keep pace with labor force growth and long-term productivity gains."

Mr. President, this means that unless the economy speeds up, unless we get more demand and production, unemployment is going to increase.

So I would ask the advocates of the administration's tax increase, which would take $10 billion at an annual rate out of the economy and eliminate a million jobs: "How in the world do you reconcile such an economic slowdown policy with an economy that is growing so slowly that, even without a tax increase, demand is so anemic, so limping that we can only absorb about half our increase in the labor force?"

How much do we have to increase unemployment to meet the administration's objective?

The second fascinating revelation of the Bureau of Labor Statistics' most recent report is that prices are rising because costs are rising, and labor costs especially are rising more rapidly than productivity. As any cost accountant in any firm in America can tell you, this means that those wage-price increases are being translated into higher prices. American business cost accounts what it produces. A major reason why it carefully accounts for its costs is so that it can price what it produces. If a business sell below its cost, it does not stay in business.

To this cost-push inflation the tax increase contributes adversely in two ways. First, taxes are a cost. The corporation income tax increase proposed by the administration will be translated into higher prices. And the tax on the labor union member's personal income will also tend to find its way into higher wages and higher prices.

So the tax increase will contribute nothing to the present anti-inflation fight by taking income and effective demand out of the economy. We have too little of it now. The diminution of that demand by a tax increase will contribute in still another way to higher prices.

As production is reduced by the fall in demand, the lesser production must cover the same overhead. This means unit costs go up.

Mr. President, this is not a far out theory. This was the brilliant analysis of Charles Schultze when he was freer to speak his mind. He is a distinguished professor, and he appeared before the Joint Economic Committee in 1959 and pointed out that under these conditions a tax increase can increase prices and not decrease prices.

Mr. President, I wish to repeat the statement that I made more slowly. Lower production, because the tax increase reduces demand, means higher costs for each unit produced because overhead must be covered.

Reducing income by increasing taxes does indeed stem inflation when demand is excessive and production soaring. Then it does keep too much money from chasing too few goods up to higher prices. But the Bureau of Labor Statistics report shows once again that this is emphatically not the present situation.

If there are any better statistics than we can get from Government I would like to know what they are. When prices are going up because costs are pushing them up, then higher taxes that reduces demand and therefore production does increase unit cost and, therefore, prices.

Finally, Mr. President, this interesting report of the Bureau of Labor Statistics emphasizes still another reason why this economy does not need a further tax increase. In the third quarter of this year three elements that contributed most to the rise in prices were: The price of cigarettes, of electricity, and rent. And why? Because in each case taxes forced their prices up. Cigarette tax increases pushed the price of cigarettes up. New sales taxes on utilities in a number of large cities shoved up the price of electricity. Rent rose because of higher property taxes.

For the Federal Government to solve the taxpayer's problems further by another tax—this a whopping ten billion increase in Federal income taxes—can hardly be classified as kindness to the

American citizen whether he is viewed as a taxpayer or as a consumer.

Mr. President, I ask unanimous consent that the report of the Bureau of Labor Statistics to which I have alluded be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REVIEW OF WAGES, PRICES, AND PRODUCTIVITY, THIRD QUARTER 1967

U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
Washington, D.C., November 29, 1967.

SUMMARY

Output grew at an increasing rate during the third quarter, but, as frequently occurs during a protracted period of slow growth, productivity increases continued substantially below trend. At the same time, average hourly compensation was rising strongly. As a result, cost per unit of output again rose at about double the post World War II pace.

As demand gained strength and costs continued to rise, industrial prices resumed their upward trend after five months without a change, and the rise in the Consumer Price Index continued unabated. A sizeable decline in prices of farm products due to expanded supplies helped to offset a portion of these rises.

I. PRODUCTIVITY AND UNIT LABOR COSTS

In the third quarter of 1967, real output of the private economy rose at the highest rate since early 1966, and man-hours rebounded partially from the sharp drop in the previous quarter. (Table 1a) Since both factors rose, output per man-hour increased only slowly. Hourly compensation continued to rise, although at a slower pace than in most recent quarters, so that the rise in labor cost per unit of output continued to be nearly double the long-range average.

Because changes in output frequently do not appear simultaneously with man-hour changes, quarterly changes in output per man-hour data tend to fluctuate, especially when output gains move as erratically as they have in the past two years. Moving averages which take into account a longer span of time present more meaningful results.

In the most recent four quarters, ending September 1967, growth in real output of the private economy increased somewhat as compared with earlier periods, but it was only 2 percent. This is hardly half the rate necessary to keep pace with labor force growth and long-term productivity gains. The slow rate of output growth, which, in the short run, is frequently associated with low productivity gains, was reflected in an increase in output per man-hour at an annual rate of only about 2 percent. Basically, this was the same rate as in most quarters since the economic slowdown in the second quarter of 1966 and was well under the postwar average of 3.2 percent or the 1961–66 average of 3.6 percent. The total number of man-hours made no gain over these quarters; the service sector showed some gains and the goods areas some declines.

Hourly labor costs advanced more than 5½ percent in the most recent four quarters as compared with the postwar average of nearly 5 percent. The increase was somewhat smaller than in 1966 and earlier in 1967, largely because of the smaller social security increase this past year, greater employment in the low-wage industries, and delay in several important wage negotiations. With hourly compensation continuing to rise at a faster pace than the long-term average and productivity sagging below trend, labor costs per unit of output rose at double the postwar average.

II. WAGES, SALARIES, AND BENEFITS

Hourly expenditures on wages and benefits (excepting social security taxes) for employees[1] in the private nonfarm economy rose at about the same rate in the first three quarters of 1967 as in the corresponding period last year. However, because social security taxes rose more in 1966 than in 1967, *hourly labor costs* as a whole advanced 5.0 percent in the first three quarters of last year as against 4.4 percent this year. (Table 2)

Average *hourly earnings* in the total private economy rose at about the same pace in the two periods. In finance, insurance and real estate, trucking, and laundries, hourly earnings advanced more in 1967 than in 1966. Real estate (which includes some building services) and laundries were affected by the changes in the FLSA minimum in February 1967. FLSA increases—the 1967 change or the anticipated 1968 change—presumably were factors in some manufacturing industries as well, but the overall rise in manufacturing was somewhat slower than a year earlier, mostly because of reduced overtime. Construction union wage scales going into effect during the first three quarters of the year increased more rapidly than during any period since 1952.

Real weekly earnings rose 1.7 percent in the first three quarters of 1967, compared with 1.5 percent a year earlier, mostly because consumer prices rose more slowly. After deduction of Federal income and social security taxes real earnings rose 1.0 percent in the past year, compared with virtually no change a year earlier. Purchasing power of the average worker for the past two years has held within a very narrow range. The September 1967 figure was actually slightly lower than in September 1965.

Changes in compensation and earnings result, in part, from provisions made in earlier years under long-term contracts for *deferred wage increases* to go into effect during the current year. Decisions actually reached in the first three quarters of 1967, considered apart from deferred changes, showed a marked acceleration from the first three quarters of 1966. Key collective bargaining settlements provided average increases in wages and benefits of 4.8 to 4.9 percent a year, compared with 3.9 to 4.4 percent in the corresponding months of 1966. Cash wage changes in union contract settlements and wage increases in nonunion establishments in manufacturing showed a similar acceleration. (Table 3)

Larger increases resulted from wage decisions in 1967 than in 1966, but changes accruing to all workers during the past year did not advance at a faster pace, partly because the deferred wage and benefit increases which went into effect in 1967 were smaller than those in the newly negotiated agreements. Other factors restraining the actual rise in earnings and compensation in the first three quarters of 1967 were smaller cost-of-living escalator adjustments and the delay in negotiating new automobile contracts. Automobile workers got a total increase of about 19 cents in the first nine months of 1966 and only 2 cents in the first nine months of 1967. The relative increase of employment in lower-wage industries such as trade, finance, insurance and real estate, and services also held down the overall average in 1967.

Wage developments during the third quarter made little change in the picture presented by the first two quarters of 1967. With settlements in the auto and nonferrous mining industries deferred by prolonged disputes, the number of workers covered by major settlements was only about a third of the number covered by settlements in the previous six months.

The settlement reached early in the fourth quarter of the year between Ford and the United Automobile Workers, though about the same in cost as the 1964 settlement, was notable for the emphasis it placed on wage increases, including substantial extra increases for skilled workers. For the first time since the establishment of cost-of-living escalation in the industry about 20 years ago, the contract established a minimum and maximum limit on the size of cost-of-living escalator increases and provided for annual rather than quarterly adjustments in the cost-of-living allowance. It also increased supplemental unemployment benefits and provided for higher employer contributions in the event of substantial drains on the fund. On the other hand, it abolished provisions for annual Christmas bonuses payable from these funds.

III. PRICE DEVELOPMENTS

The wholesale industrial price index resumed its upward trend with a rise of 0.5 percent in August and September, after five months without change, largely because of a renewed advance in intermediate materials. Crude materials increased slightly, after more than a year's decline, and finished goods resumed the rather sharp rate of rise of the first quarter, after some slowing in the second. (Table 4) Despite the advance in industrial prices, however, the overall wholesale price index edged lower in the third quarter because of a sharp decline in farm prices.

The consumer price index rose 0.9 percent in the third quarter, the same as in the second, with consumer services rising a little more sharply, foods a little less, and other commodities about the same. Prices of commodities other than food increased the same 1 percent as in the previous quarter. (Table 6) Nondurables, other than food, continued to advance, attaining their largest quarterly increase since the current sharper uptrend began in early 1965, but durable commodities rose a little less than in the second quarter, mainly because of seasonal slack in automobile prices at the end of the model year, which outweighed sharper increases in household durables and automobile tires. The nondurable groups showing both the largest rises in the third quarter and the greatest acceleration from the second quarter were fuel oil, cigarettes, and alcoholic beverages. The rise for cigarettes resulted from both wholesale price increases and higher taxes.

Industrial materials and products. The increase in prices of crude industrial materials followed a 16-month downtrend, but it was due in large part to special factors. Crude petroleum, unchanged in the second quarter, recorded its sharpest rise in ten years, largely because of the Mideast situation, and both ferrous and nonferrous scrap increased in price; prices of copper scrap rose because of the domestic copper strike. A jump in silver prices followed the cessation of silver sales by the Treasury at a fixed price. The drop in hides and skins slowed sharply. These changes slightly outweighed the declines in some agriculture-related and world-traded commodities. (Table 7)

Of greatest importance in the renewed industrial price advance was the rise of 0.4 percent in intermediate industrial materials, which had remained relatively stable during the second quarter. Increases occurred over a wide range, with an 0.5 percent advance in steel mill products probably most significant; over the past year, this group has risen 1.1 percent. Some of the other major increases partly reflected temporary developments, but basic demand and cost factors seemed to be of considerably greater importance in these rises.

Almost all major construction material prices moved up with the recovery of construction activity from the depressed levels of last winter. The sharpest increase came in lumber and plywood; rising demands—because of the housing resurgence and the threat of a Canadian lumber strike—converged on reduced supplies as Pacific Northwest forests were closed to loggers because of severe and prolonged fire danger. Some decline in lumber and plywood prices came in October, after forests had been reopened and demand slackened seasonally. Prices of copper mill products rose sharply as the domestic copper strike forced manufacturers to higher-priced sources of the metal.

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[1] This section refers to nonfarm employees only, whereas the summary, the discussion of unit labor costs, and Table 1a include both the self-employed and all farm workers.

Among finished industrial goods, increases continued widespread, although the rise in producers' durable goods prices, which had been slowing since last year, slackened slightly further in the third quarter. (Table 6)

Consumer durables rose moderately at wholesale in the third quarter after a small decline in the first half, largely reflecting a withdrawal of automobile manufacturers' special concessions to dealers, since dealer inventories were low. Floor coverings increased moderately after five quarters of declines.

Among the nondurables, the new fall and winter lines of apparel carried higher price tags as sales ran well ahead of a year earlier. The continued downtrend in prices of hides and leather has slowed the advance in retail prices of footwear, but rises were still substantial, reflecting last fall's increase in wholesale prices as well as larger retail markups. Gasoline prices rose in August at the retail level as higher wholesale prices were passed on to consumer, and continued up in September. Seasonal reductions had begun at wholesale, however. Retail prices of cigarettes jumped sharply in delayed response to the June rise at wholesale and because of tax increases in several States.

Farm products and foods. Expanding supplies were chiefly responsible for the drop of nearly 4 percent in farm product prices. Delayed harvests of vegetables had flooded the market and caused fresh produce prices to fall more than they normally do at this time of year. Record-breaking crops resulted in a sharp drop in grain prices and expanded production pushed hog and poultry prices down. Even for those farm products which increased in price, such as eggs and milk, the third-quarter rises were mostly less than the usual seasonal amount.

Cattle prices, on the other hand, showed the largest quarterly increase since March 1966, and beef prices also rose despite expanding production.

Over the year, prices of farm products dropped 10 percent while processed foods prices declined less than 3 percent. This was an exceptionally sharp divergence between the two groups, although foods have tended to move up in relation to farm products for many years. While food prices rarely rise more than farm products in an uptrend, they nearly always fall considerably less in a decline.

Fluctuations in farm products and foods over the past year have been among the widest and most abrupt in the entire postwar period: Farm products fell 10 percent from September to April, recovered by 5 percent to July, and dropped back nearly 5 percent by September. Fluctuations in foods were in the same direction, but considerably smaller, especially in the declines.

Consumer services. About half the rise in the Consumer Price Index so far this year has been due to services, which constitute one-third of the index.

Charges for consumer services rose 1.0 percent in the third quarter—a fraction more than in either of the two previous quarters. Each major service group—rent, transportation, medical care, and household services—shared in the slight speedup, but except for rent, the rate of advance was still below the rapid pace reached in late 1966. (Table 5)

Significant developments in the third quarter included the slight acceleration in increases for rent, as vacancy rates continued low while maintenance costs and taxes rose; the largest advance in charges for electricity in recent years, due partly to higher rates and partly to new sales taxes on utilities in some cities; and a renewed advance in mortgage interest rates, which had edged down in the first half of the year after climbing steeply in 1966.

Medical care costs continued to rise more than any other service group. The speedup in the third quarter reflected higher dentists' and physicians' fees. The uptrend in hospital charges slowed further, but was still sizeable. Last year, hospital charges had been affected sharply by a round of large wage increases, initial coverage of hospitals under the minimum wage and overtime provisions of the Fair Labor Standards Act, and the introduction of Medicare. However, hospital rates continued to rise more sharply than most other medical costs.

TABLE 1A.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, AND UNIT LABOR COSTS IN THE PRIVATE SECTOR, 1966–67

	Output	Man-hours	Output per man-hour	Compensation per man-hour	Unit labor costs
Percent change:					
Annual rate: 1947–66	3.7	0.5	3.2	4.9	1.7
From previous quarter:					
1966—1st	1.7	.7	1.0	2.1	1.0
2d	.4	–.1	.5	2.3	1.8
3d	.7	.7	.0	1.2	1.2
4th	.9	.3	.7	1.6	1.0
1967—1st	–.2	.4	–.7	1.1	1.8
2d	.5	–1.4	1.9	2.0	[1].0
3d	1.0	.7	.3	1.0	.8
Percent change—Continued In 4 quarters ending in (annual rate)—					
1966—1st	7.1	3.2	3.8	5.8	1.9
2d	6.1	2.3	3.8	7.0	3.1
3d	5.0	2.5	2.4	6.7	4.2
4th	3.6	1.5	2.0	7.1	5.0
1967—1st	1.7	1.2	.6	6.1	5.7
2d	1.8	.0	1.8	5.8	3.9
3d	2.1	.0	2.0	5.6	3.5

[1] Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 1B—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, AND UNIT LABOR COSTS IN THE PRIVATE NONFARM SECTOR, 1966–67

	Output	Man-hours	Output per man-hour	Compensation per man-hour	Unit labor costs
Percent change:					
Annual rate: 1947–66	3.8	1.1	2.7	4.6	1.9
From previous quarter:					
1966—1st	1.8	.9	.7	1.9	1.0
2d	.7	.4	.5	1.9	1.6
3d	.7	.9	–.2	1.0	1.2
4th	.9	.2	.7	1.5	.8
1967—1st	–.4	.2	–.7	1.5	2.2
2d	.6	–.7	1.4	1.4	[1].0
3d	.9	.4	.5	1.3	.8
Percent change—Continued In 4 quarters ending in (annual rate)—					
1966—1st	7.5	3.8	3.5	3.2	1.6
2d	6.8	3.6	3.3	6.0	2.8
3d	5.5	3.6	2.0	5.9	4.0
4th	4.0	2.4	1.6	6.3	4.7
1967—1st	1.7	1.6	.2	5.9	5.8
2d	1.7	.4	1.1	5.4	4.2
3d	1.8	.0	1.8	5.7	2.9

[1] Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 1C.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, AND UNIT LABOR COSTS IN THE MANUFACTURING SECTOR, 1966–67[1]

	Output		Man-hours	Output per man-hour		Compensation per man-hour	Unit labor costs	
	FRB	Census		FRB	Census		FRB	Census
Percent change:								
Annual rate: 1947–66	4.2	(2)	0.8	3.4	(2)	5.0	1.5	(2)
From previous quarter:								
1966—1st	3.8	3.2	2.1	1.6	1.1	1.5	–.2	.4
2d	2.1	.8	1.6	.4	–.9	1.4	1.0	2.3
3d	1.3	.5	.8	.6	–.2	1.6	1.0	1.7
4th	.9	1.7	.6	.4	1.1	1.7	1.4	.6
1967—1st	–1.5	–1.4	–.9	–.6	.5	1.6	2.1	2.2
2d	–.9	–.7	–1.5	.6	.8	1.2	.7	.5
3d	.6	.6	.2	.5	.4	1.5	1.0	1.0
Percent change—Continued In 4 quarters ending in (annual rate)—								
1966—1st	9.3	7.4	6.4	2.6	1.0	3.6	0.9	2.6
2d	9.6	7.6	7.2	2.4	.4	4.4	2.0	4.0
3d	9.4	5.8	6.5	2.5	–.8	5.1	2.6	5.8
4th	8.0	6.1	5.0	2.9	1.1	6.2	3.2	5.1
1967—1st	2.8	1.6	2.0	.8	–.4	6.3	5.5	6.7
2d	–.2	[3]0	–1.1	.8	1.2	6.1	5.2	5.0
3d	–.8	.2	–1.7	.8	1.9	6.1	5.2	4.2

[1] Employees only.

[2] Not available.

[3] Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 2.—SUMMARY OF PERCENTAGE CHANGES IN PRIVATE NONFARM COMPENSATION, 1964 TO SEPTEMBER 1967

[Changes are increases unless preceded by a minus sign]

Item	3 months ending in—					9 months ending in—				Annual data		
	September 1967 [1]	June 1967	September 1966	September 1965	September 1964	September 1967 [1]	September 1966	September 1965	September 1964	1966	1965	1964
Average hourly compensation [1]	1.5	1.2	1.3	1.0	1.8	4.4	5.0	2.4	4.0	6.4	(2)	(2)
Average hourly earnings [3]	1.9	1.5	2.0	1.2	1.7	4.6	4.8	3.8	(4)	4.4	3.8	(4)
Manufacturing	1.1	1.1	1.5	.8	1.2	2.9	3.4	1.9	2.0	4.1	3.1	2.8
Real average weekly earnings [3]	.9	1.5	.6	.6	.5	1.7	1.5	1.7	(4)	(5)	1.7	(4)
Manufacturing	.9	1.0	−.2	−.1	.1	−.2	−.3	−.6	.7	−.2	1.5	3.1
Real spendable average weekly earnings (worker and 3 dependents) [3]	.7	1.2	.4	.6	.4	1.0	.2	2.2	(4)	−1.1	2.2	(4)
Manufacturing	.7	.8	−.3	(5)	(5)	−.6	−1.8	.3	2.7	−1.8	2.2	4.9
Average union scale, building construction:												
Hourly wage rates	.6	3.6	.5	.4	.2	5.2	3.8	3.6	3.2	4.6	3.9	3.8
Wages and selected benefits	.6	4.1	.5	(4)	(4)	5.1	4.4	(4)	(4)	5.8	(4)	(4)

[1] Preliminary. The hourly compensation figures on this table pertain to nonfarm employees only (including private household employees); the self-employed and all farm workers are excluded.

[2] Average annual rate 1964–65 is 4.1 percent.

[3] Production and nonsupervisory employees.

[4] Data are not available.

[5] No change or change of less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 3.—WAGE AND BENEFIT DECISIONS, 1963 TO 1ST 9 MONTHS OF 1967

[Possible increases in wages resulting from cost-of-living escalator adjustments omitted]

Measure	Median annual rate of increase in decisions reached during—								
	1st 9 months of—					Full year of—			
	1967 [1]	1966	1965	1964	1963	1966	1965	1964	1963
Major collective bargaining situations [2]—									
Wage and benefit changes (packages):									
Equal timing [3]	4.8	3.9	(4)	(4)	(4)	4.1	3.3	(4)	(4)
Actual timing [5]	4.9	4.4	(4)	(4)	(4)	4.5	(4)	(4)	(4)
Negotiated wage-rate increases averaged over life of contract:									
All industries	4.4	[6] 3.8	(4)	(4)	(4)	3.9	[7] 3.3	[7] 3.0	[7] 2.5
Manufacturing	4.4	(4)	(4)	(4)	(4)	3.8	(4)	(4)	(4)
Nonmanufacturing	4.5	(4)	(4)	(4)	(4)	3.9	(4)	(4)	(4)
Negotiated 1st year wage-rate increases:									
All industries	5.0	4.0	4.2	3.2	3.4	4.8	3.9	3.2	3.4
Manufacturing	5.0	4.2	4.2	(4)	(4)	4.2	4.1	2.2	3.0
Nonmanufacturing	5.0	3.9	4.0	(4)	(4)	5.0	3.7	3.6	3.5
Wage increases in manufacturing:									
Union and nonunion establishments combined	[8] 4.8	[8] 3.8	[8] 3.4	3.1	3.0	4.2	3.7	2.7	3.0
Union establishments	[8] 5.0	[8] 3.7	[8] 3.3	2.8	2.9	4.1	3.6	2.5	2.9
Nonunion establishments	[8] 4.4	[8] 3.9	[8] 3.6	3.3	3.3	4.4	4.0	3.2	3.6

[1] Data are preliminary.

[2] Except for packages, data are for contracts affecting 1,000 workers or more. Package cost estimates are limited to settlements affecting 5,000 workers or more (10,000 in 1965). The package cost of a few settlements, affecting relatively few workers, has not been determined.

[3] Based on estimated increases in hourly costs at end of contract period and assumes equal spacing of wage and benefit changes over life of contract.

[4] Data are not available.

[5] Takes account of actual effective dates of wage and benefit changes.

[6] Based on settlements affecting 5,000 workers or more.

[7] Based on settlements affecting 10,000 workers or more.

[8] Data apply to 1st 6 months of 1967, 1966, and 1965.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

MEXICO, OUR GALLANT FRIEND, REAFFIRMS CONFIDENCE IN THE AMERICAN DOLLAR

Mr. KUCHEL. Mr. President, at the height of the international financial crisis which followed the devaluation of the British pound sterling several days ago, the money markets of the world—certainly most of them—were seeking to provide renewed confidence in the strength of the American dollar as well as to resuscitate the English currency. During the week which followed the unhappy announcement by the British Government, there were days of frenzied gold buying and selling on markets throughout the world by speculators who thought that the dollar price of gold would be driven up; that the United States would be forced to follow the example of Great Britain, and that our country would be compelled to announce a devaluation of our currency. Well over $300 million of gold changed hands on the London bullion market during that week.

In the midst of this international crisis, including the problem with respect to confidence worldwide in the American dollar, the President of France held a press conference in which he supported a return to the gold standard. His remarks, as I pointed out in a recent statement on the floor of the Senate, only served to undermine the "fundamental process of increasing harmony and cooperation among free nations." No one wants the devaluation of the American dollar—surely the major world reserve currency—except perhaps the anachronistic President of France.

But while General de Gaulle was engaged in his incredible criticisms of the American dollar, and of Western unity, as well, there were those nations which stood up to pledge their unswerving support to America and to our currency, and, beyond that, to the economic health of the world.

The most noteworthy action of all was taken by our truly great neighbor to the south, the Republic of Mexico. On the same day that De Gaulle held his press conference, Mexico publicly, and in ringing terms, affirmed its willingness and desire to maintain the price of gold at $35 an ounce, and voiced renewed confidence in the strength of the American dollar.

The Government of Mexico put all of its national gold reserve on the line in an unprecedented, courageous, and simply superb indication of international friendship and international assistance to a neighbor. I swell with pride in that act by the Mexican Government.

According to an article which appeared in the Wall Street Journal, Antonio Ortiz Mena, Mexico's Secretary of Finance, said that Mexico is confident that the price of gold and the parity of the U.S. dollar will not change.

The true meaning of unity and friendship among the nations of the world is tested in times of crisis. Mexico again has proven its dedication to the bonds of friendship which it shares with this Nation. By reaffirming its confidence in the American dollar, Mexico has rendered a service not only to America but to the economic strength of the world.

I speak, I believe, for all of the American people in saying, "Thanks, gallant neighbor and good friend. We shall never forget."

Mr. President, I ask unanimous consent that articles describing the action taken by the Government of Mexico, which appeared in the distinguished Mexican Spanish language newspaper, Excelsior, of which I have a translation, and the Wall Street Journal and New York Times, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

(Translation Spanish to English for Senator Thomas H. Kuchel)

The Government Decides To Sell All the Gold That the Public Demands—If They Lack Coins, They Will Hand Over Bars—The Treasury Gave the Respective Instructions to the Banking System

(By Adrian Vilalta, reporter from Excelsior Newspaper, Mexico, D.F., November 28, 1967)

The Government decided to sell all the gold that the public demanded and that is what they communicated to the Banco de México [Bank of Mexico] and to the banking system.

Mr. Antonio Ortiz Mena, Secretary of the Treasury, made the declaration yesterday to the reporters from the capital and announced these measures:

(1) The Casa de Moneda [Mint] will provide the banks with bars of fine gold—legal standard of 900 fineness—with a weight of 375 and 750 grams, equivalent to 10 and 20 centenaries, respectively, while more coins are minted.

(2) The pieces of 375 grams will be sold at 6,000 pesos [$480.00 U.S. approx.] and those of 750 at 12,000. [$960.00 U.S. approx.]

(3) The banks were authorized to issue vouchers for the sale of gold, documents which would be exchanged, at a later date, for centenaries, the operations began to take place yesterday in this capital and in all the country.

The head of Finance spoke about these arrangements and about the policy of unlimited selling of gold—the same policy as was adopted in the United States and seven of the eight European countries which form the gold pool—in an interview he held with the unusual background of the area where the strong boxes of the Banco de México are housed, more than ten meters under the cellars of the Guardiola building and protected building and protected by an armored dome.

The statements of Mr. Ortiz Mena and of the director of the Banco de México, confirm their conviction that gold will continue to be sold at 35 dollars an ounce; the dollar will maintain its parity and the peso its equivalence of 12.50.

The President of the Banker's Association, Mr. Ladislao López Negrete; the Director of the Banco Nacional de México [National Bank of Mexico], Mr. Agustin Legorreta and Mr. Manuel Espinosa Yglesias, President of the Sistema Bancos de Comercio, praised the government's resolution, supported its measures and pointed out the losses which those who have sold securities in order to buy gold would suffer, upon having to sell this metal in order to recover their investments.

Ortiz Mena, was convincing:

"The Government has decided to provide the public with all the gold which they demand and that is what they informed the Banco de México and the Mexican banking system."

He added: "We have never had such a strong situation in gold, silver and currency, in the Banco de México, as we have now."

He explained that the decision to manufacture bars of gold which are equivalent to 10 and 20 centenaries was made in order to facilitate for the banks and the public, the handling of large quantities of gold and also in order to give the Casa de Moneda [mint] time to mint all the gold which is needed.

The Casa de Moneda is working twenty-four hours a day in order to take care of the demand and in order to obtain that the minting be as quick as possible.

Simultaneously, the banks have been authorized—he announced—to deliver vouchers on the sale of gold for the quantities which the clients buy, without the necessity of physically handing over the quantity of gold which these documents have recourse to.

SUFFICIENT GOLD TO FLOOD THE MARKET

Don Rodrigo Gómez stated that more than half of the country's reserve is now made up of gold and silver. It makes available the equivalent of 260 million dollars; but "our sales capacity, through the possibilities of insuring against loss, is practically infinite, while the United States maintains the present price of 35 dollars per ounce."

The Secretary of the Treasury and the directors of the principal banks of the capital looked at the sacks and bags of gold held in the strong boxes of the Central Bank, jealously guarded and provided with modern alarm systems, at the moment when Mr. Rodrigo Gómez made this precise statement: "We can flood the market with gold."

He explained that the last shipment arrived from Canada. It was six tons, in pieces weighing 12.5 kilograms each.

Mexico has deposits in that country, in New York, Fort Knox and in Switzerland.

Our reserve is here, in part physically and the rest available within less than four hours distance from our capital and within seven, for that which is in Switzerland, in a way that we can quickly concentrate it at any moment.

The gold deposited in the Bank of Mexico comes from Canada and South Africa and also from the Mexican production, mainly Peñoles and ASARCO.

(The gold production in our country was 6,644 kilos last year, with a value of 92,383,447 pesos.) [$7,390,675.76 US.]

Answering the questions of the reporters, he pointed out that the gold reserves of the United States approach 13,000 tons and to a similar quantity that of the countries who make up the gold "pool" to reaffirm his confidence that the avalanche of purchases unleashed in Europe will be successfully met.

WORD FROM MR. LÓPEZ NEGRETE

The President of the Bankers' Association, Mr. Ladislao López Negrete, said the statement by the Secretary of the Treasury was highly important, in that the public will be able to buy all the gold it wishes, and he praised the authorization granted to the banks to issue sales slips as substitution for minted coins, a measure which was taken due to the lack of minting capacity of the Mint and this will facilitate the operations.

ESPINOSA YGLESIAS' SATISFACTION

The President of the Commercial Banks System, Mr. Manuel Espinosa Yglesias, for his part, commented: "Who have all seen the gold that exists in the hands of the Bank of Mexico". The provisions dictated by the Secretary of the Treasury will allow the public to buy in an unlimited way, and private banks to make the sales in the volumes that each person can purchase or that the savers request.

The Director General of the Bank of Mexico, Mr. Agustin Legorreta commented that it is evident that those who jumped the gun and bought gold and for this, sold securities are going to experience noticeable losses upon selling it again to recover their investments. The uneasiness caused by the measures that were taken in Europe owing to the devaluation of the pound "those who exchanged securities for gold in order to protect themselves from a sickness that doesn't exist here in Mexico are going to pay dearly."

THE SALES OF GOLD LAST WEEK

Mr. Rodrigo Gómez confirmed the off-the-record reports supplied by EXCELSIOR, about the sales of coined gold. He affirmed that last week twelve million gold pesos were sold, an extremely high figure for our market, inasmuch as it is equivalent to the usual demand for a whole year.

The demand yesterday was solid but less in quantity than Saturday. The banks in the capital received in the first hours 50, 20 and 10-peso coins. The public bought them out rapidly.

The bars that are equivalent to 10 and 20 centenaries will be for sale all day today, although the private banks, which very early had been informed about their fabrication, had been waiting for them and offering them to their clients.

In most institutions one started expediting the "vouchers for gold sales in centenaries" authorized by the Government and the Bank of Mexico.

A few banks distributed their gold reserves among their clients in the following form: 20% in centenaries; 20% in 20 and 10-peso gold coins and the remaining 60% in sales constancies, issued for 90 days, within which the demand will have been satisfied to the extent that the exchange can be carried out.

REQUISITES FOR THE EXCHANGE OF BARS

The Mint manufactures pieces of 350 and 750 grams of gold which are equivalent to 10 and 20 centenaries. And they will then be exchanged for this class of coins of "50 gold pesos." Nevertheless, there will be a "previous test" to avoid falsification of these coins and lucrative speculations as to their contents.

Don Rodrigo Gómez stated: We will try to avoid—and there is never a lack of profiteers—that someone will make this gold "sweat."

As a result, the purchasers will be able to keep the vouchers sent to them by the bank and exchange them for the centenaries or reconvert them in actual money at the purchase price the gold will have at the moment when the transaction takes place.

THE PRICE WHICH THE PUBLIC PAYS

The price of the "centenario" is 600 [$48.00 U.S.] pesos. This value is equivalent to 12 [$.96 U.S.] pesos for each gold peso. Nevertheless, the centenario has a gold contents of 37.5 grams. The ounce is equivalent to 31.1035 grams and costs $35.00—14.06 [$1.16 U.S.] peso per gram—so that the gold minted in coins costs $1.94 pesos more per gram and this is above the quotation on fine gold on the European market, that is gold bought in lingots.

The statement made by the Secretary of Commerce must, therefore, be interpreted in the sense that the gold sale will be continued at the price previously quoted: 600 pesos per centenario that has a contents of 37.5 grams. The same applies to the bars that are temporarily sold in order to satisfy the exceptional demand at present.

PERSONS WHO ATTENDED

The Secretary of Commerce and the Director of the Bank of Mexico met at the early hours of today in the office of the latter with a group of private bank leaders who visited the armored vaults of the bank together with the newspapermen. To this group also belonged Licenciate Jesús Rodriguez y Rodriquez, Under-Secretary of Commerce; Licenciate Enrique Landa Berriozábal and Ernesto Fernández Hurtado, Directors of the Bank of Mexico; Ladisalo López Negrete, President of the Association of Bankers; Héctor Flores, Vice President of the latter; José Antonio César, Director of the International Bank and Felipe Sandoval Hoyer, Director of the Mexican Commercial Bank.

(Translated by Paul Vidal, Wesley Kerney, Martha Huertas.)

[From the Wall Street Journal, Nov. 28, 1967]

Mexico Places All of Its Gold Backing $35 Price—Eighth-Largest Producer of Metal Would Be Willing To Sell $260 Million Holdings—Some Speculation Subsides

Mexico late yesterday said its gold is for sale without limit up to the $260 million of bullion and coins in the national bank reserves.

The Mexican statement affirmed willingness to maintain the price of gold at $35 an ounce. A similar intention had been voiced Sunday by representatives of the international gold pool after a meeting in Frankfurt, Germany. Both statements followed days of frenzied gold buying on European markets by speculators who thought that the price of gold would be driven up, and that the U.S. dollar would thus be devalued.

In Mexico, where gold coins and bars can be purchased from the nation's banks, more than $1 million in gold was sold last week. That is more than had been sold in the entire last year, the government disclosed. The government statement was designed to curb panic buying.

Speculative fever in the big London and Zurich gold markets had already begun to abate yesterday despite continued heavy demand in the smaller Paris, Brussels and Frankfurt markets. Gold-share prices also dropped in Johannesburg and London.

Dealers attribute the easing of demand to assurances from the central banks of seven key industrial nations Sunday that the $35-an-ounce price of gold would be maintained.

London bullion dealers reported that French President de Gaulle's pointed press conference remarks to the effect that the devaluation of the British pound may trigger a return to the gold standard had almost no effect on after-hours trading.

Antonio Ortiz Mena, Mexico's secretary of finance, told a press conference late yesterday that Mexico is confident that the price of gold and the parity of the U.S. dollar won't change. Ridrigo Gomez, director of the Bank of Mexico, added that "our (Mexican) capacity to sell gold is infinite so long as the U.S. maintains the price of gold at $35 an ounce."

Mexico is the world's eighth largest producer of gold. Production in 1965, the latest year for which figures were immediately available, totaled 7.6 million. South Africa, by contrast, the world's largest producer, had a 1965 output of slightly more than $1 billion in 1965, according to the Federal Reserve figures.

Well over $300 million of gold changed hands on the big London bullion market last week, it's estimated. Though gold-buying was still heavier than normal yesterday in London, it was well below the record pace of last Friday and prices eased fractionally.

But in the relatively small, Paris gold market, gold sales eclipsed even last Friday's record pace, and the trading session had to be extended 15 minutes to cope with an influx of orders. Turnover amounted to about $12.7 million, up from about $12.5 million Friday. Dealers attributed much of the demand to investors who expected President de Gaulle to call for a higher gold price.

In Zurich, where much of last Friday's activity originated, dealers reported demand was about half Friday's level. Gold prices eased slightly from Friday at the opening, then improved in lighter trading prior to the de Gaulle press conference. After the conference, in which Gen. de Gaulle refrained from threatening a direct French gold buying attack on the dollar, prices dropped to below opening levels.

Last week the five big Swiss banks halted forward selling of gold and the sale of gold on credit. Over the weekend, according to bankers and dealers, the Swiss National Bank directed the five largest Swiss banks to supervise all gold sales, clamp down on speculation, require full payment for gold and in some cases limit sales of gold to customers with less than top credit ratings.

Swiss banks also refused to sell gold to foreign banks seeking to buy in Switzerland and told them to go directly to the London market instead. One London dealer praised the Swiss moves, saying "it's now extremely difficult for speculators without funds to play the market. I'm personally convinced much, too much power is on the side of the U.S. Treasury" for speculators to stand a chance.

Heavy speculative demand for silver was reported on the London metals market as British citizens apparently sought a medium for switching out of paper currency. Like U.S. citizens, British citizens are prohibited by law from hoarding gold.

Silver for spot, or two-day, delivery rose to a record $2.20 an ounce, while contracts for future delivery advanced to a record $2.235. Both prices were up 10 cents from Friday's close.

[From the New York Times, Nov. 28, 1967]

Mexican Gold for Sale

Mexico City, November 27.—Mexico announced today that her gold was for sale without limit up to the $260-million in the national bank reserves.

Antonio Ortiz Mena, the Secretary of Finance, said Mexico was certain that the price of gold would not change.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, I think it is obvious to anyone observing the proceedings this morning that Senators on both sides concerning the Griffin amendment have been following a course of action on the floor of the Senate which has postponed a vote.

The Senator in charge of the bill not only pleads guilty to that; but he also proclaims it, because that was his responsibility as the Senator in charge of the bill.

I am ready to go to a vote now, but I also have other responsibilities of cooperation. It is also known that a very important conference is being held by many Senators during the luncheon period. There is much more to be said on the bill, and therefore, in the spirit of cooperation, I shall continue to follow a course of action which will postpone a vote until that luncheon is over. However, I want the record to show that I am ready to go to a vote now.

Before I close, let me say something also on the matter of procedure, and then say something about the Dirksen amendment.

As the Senator in charge of the bill, I have invested not only many, many hours, but also days and days of work on it. I am very much interested in passing it before we adjourn until next January. But I do not speak for myself alone when I say that for the good of the school systems of the country and also for the good of the country, it would be better to postpone action on the bill until the next session of Congress, if, under the stresses, strains, and pressures of the closing days of this session of Congress, actions were to be taken regarding amendments to the bill which would prove, as I am sure they would prove in this short period of time, to be unwise actions.

Speaking only for myself, although other Senators share my view, and the number has been increasing in the last few hours, I would rather not have a bill until after we reconvene next January, if proposals to add so-called civil rights amendments to the bill are in any danger of being passed.

Speaking again only for myself—and it is my own personal opinion—I cannot think of a greater mistake we could make, so far as the education bills in this country are concerned, than to adopt amendments that would involve modifications or exemptions in the Civil Rights Act and the court decisions for carrying out constitutional guarantees. Any such amendments, in my judgment, would represent such a great mistake in public policy, legislatively, that I think we should talk to the people first.

I think we should talk to the people back home. We would need to talk to the school people, talk to the parents, talk to our citizens generally. If it develops that there is a danger of causing what I think would be damaging consequences to the education program in this country through changes in carrying out the civil rights program which has been decreed by the courts. I must oppose such actions. These are decisions in which most of us believe—although many disagree with me—and which, in my opinion, are completely sound.

When I have a responsibility such as the one that is mine at the present moment, I always deal with Senators on the basis of full disclosure. That does not mean that what my desires are, should necessarily prevail. But at the present moment, if someone said to me, "You have a choice of taking the education bill with 'civil rights amendments' attached to it or no bill at all," I would not have any trouble at all in making a quick reply, "That will be all right. Let's go home and talk to the people."

That is consistent with our great representative system of government—our checking with the people. They should have an opportunity to advise us over the Christmas holidays as to what they think we should do with so-called civil rights amendments. It will result in some inconvenience and some losses. I know that. But the greater loss would be for us to set back, or create the image that we are setting back, the civil rights program in this country.

Yesterday, I discussed briefly and placed in the Record the Associated Press news ticker announcement of the decision of the Supreme Court with respect to Alabama. The decision made it very clear that the attempt on the part of the State government of Alabama to slow up integration was rejected by the Supreme Court.

That is the law of the land. I think we should carry it out. I feel that some of the amendments that I have been told will be offered, but have not yet been offered, are amendments which I think cannot be reconciled either with court decisions or with the Civil Rights Act of 1964.

In a democracy, it is good when this kind of split develops in the Congress. We saw by the votes yesterday how close that split is. Perhaps wisdom directs that we should talk to the people. All I am saying is that I think we had better be giving some consideration to the possibility of laying aside this bill until next January, if the alternative is to accept education legislation which, in the judgment of many of us, would be a serious retreat.

Again, speaking only for myself, I think that such a course of action, at least on the part of Senators on this side of the aisle, should be considered carefully. I do not mean to imply that Senators on the other side of the aisle may not also believe in the implementation of the 14th amendment, so far as the decisions of the courts in respect to civil rights are concerned.

But as the manager of the bill and as a member of the Democratic Party, I think that the Democrats in the Senate would not serve the President well if we passed a bill that could not be reconciled with the courageous, and sound position that the President has taken in the field of civil rights. In fact, I think that when the history of President Johnson's administration is written, one of the great monuments of statesmanship that he will have erected is the leadership that he has given to the people of the country, and which has been indelibly written into the history of our country, in the field of civil rights.

I say to Senators on my side of the aisle that we could not possibly justify in any way detracting from the great civil rights record of the President. I think we would do that by any amendment in the field of civil rights that has been suggested to me as a possibility of being added to this education bill. After all, although we have legislative responsibility, we also have a responsibility of stewardship and a responsibility of trusteeship. We have an obligation, in my judgment, before we take any such unfortunate step, legislatively, to check with the people. If we do check with the voters of the country, we Democrats will find that for us to support any retreat in the field of civil rights would cause irreparable damage to our party and great damage to the President, and would be a most unwise course of action.

I have made these statements, not asking for or expecting unanimity of agreement. I have made them because, as the manager of the bill, I believe that Senators are entitled at least to know what is going through my mind, so far as the recommendation of a parliamentary course of action to the Senate is concerned. I am not ready, at this moment, to recommend that action on the bill be postponed until January. I merely wish to point out to Senators on both sides of the aisle that I think most sober consideration should be given to the implications and the probable result of a retreat on civil rights in the form of amendments that would result, in their application, in a slowing up and in a weakening of the implementation of President Johnson's great program in the field of civil rights.

That causes me to say only this briefly in regard to the Dirksen amendment. I hope Senators have taken the time, since the debate yesterday, to reflect on the basic objection to the Dirksen amendment which the Griffin amendment seeks to correct.

I spoke a few moments ago about the nonpartisanship or bipartisanship of the work of the Senate Committee on Labor and Public Welfare in the field of education. The Senator from Michigan [Mr. GRIFFIN] is a member of that committee. He has done a magnificent job as a member of that committee. He has demonstrated time and time again that he is going to deal with basic principles in the field of education. That is what he is dealing with in the Griffin amendment. He is seeking to implement, legislatively, a principle that we all agree on in the committee; namely, that the Federal Government shall not in any way dictate educational policy at the local level; that the only area in which the Federal Government has a right to lay down a mandate of policy is in the field of constitutionalism; and that, when a particular constitutional issue is raised, be it involving education or labor or any general welfare legislation, the Federal jurisdiction growing out of the constitutional responsibilities of the Congress come into play.

The Senator from Michigan [Mr. GRIFFIN] in his amendment is simply seeking to make perfectly clear by legislative mandate that no Federal funds shall be used for busing if the Federal Government is responsible, directly or indirectly, for the busing.

In other words, if the Federal Government seeks to impose busing upon any local school district, then the Griffin amendment says Federal funds cannot be used. It makes it perfectly clear that, if the Department of Health, Education, and Welfare or any other department sought to accomplish such an improper end, it would be prohibited.

But, Mr. President, the Dirksen amendment does not limit itself to that. The Dirksen amendment prohibits any local school district from deciding as a matter of local policy that busing is desirable to meet an educational problem in that school district. If, in the opinion of that local school board, that problem ought to be met by way of busing, it could not be done.

I am at a loss, may I say good naturedly and most respectfully, to find so many of my close and beloved Southern friends in the Senate supporting that amendment. For years and years and years I have heard them oppose, and I joined with them, in opposition to any attempt on the part of the Federal Government to interfere with true States rights. If there ever was a States rights issue raised by any amendment on the floor of the Senate, the Dirksen amendment raises it.

The Dirksen amendment proposes that the Federal Government, by its interference, shall say to a local school board, "We don't care what your problem is with regard to racial problems in your district. You can't use a dollar of any Federal funds to which you are entitled for busing."

If that is not destruction of States rights, with respect to these operative facts, I do not know what is. I think that would be an abuse of our legislative responsibility. I hope such a precedent will not be established here on the floor of the Senate.

The Senator from Illinois had much to do with the final form of the Civil Rights Act of 1964. I think the RECORD will show he said yesterday the final draft of the act was prepared in final conference in his office. I think that is true. I know it is true that the Senator from Illinois had much to do with the compromises that resulted in the Civil Rights Act of 1964.

He argues that his amendment is necessary, apparently, to prevent the Federal Government from involving itself in busing. Well, I most respectfully say that the Civil Rights Act speaks for itself. The Federal Government, under the Civil Rights Act, cannot direct busing. Let me say there is not a scintilla of evidence to show it can. If there is, I ask for it to be presented in this debate. We went into this question in great detail and great depth in the deliberations of the Subcommittee on Education.

It is one thing to make a charge; it is another thing to prove it. I wish to say, Mr. President, that the Department of Health, Education, and Welfare—and I am their witness at this point—has never been successfully charged with ordering any busing. The evidence is quite to the contrary. The Department recognizes that, under the 1964 law, it cannot involve itself in any such program.

Mr. President, what the Dirksen amendment does is, in effect, tell the States that they cannot do so either. A State could not use Federal funds to which it is entitled under the law for this type of solution to a pressing educational problem that involves matters of racial imbalance.

Is the Federal Government going to say that school officials cannot solve a local problem as they wish to, unearmarked by legislative purpose? It can, in effect, say so under the Dirksen amendment. A school district in Illinois, or in Massachusetts—and I have been using the Massachusetts example, and will come back to it in a moment—cannot have a school busing program to solve a local problem in the manner that the local officials feel it ought to be solved, and use therefor Federal funds to which they are entitled under the education program.

Name for me a better example of an attempt on the part of the Federal Government to dominate educational policy at the local level. I cannot.

So what does the Griffin amendment propose? It proposes that the Dirksen amendment be modified so as to provide that no Federal funds can be used if the Federal Government or any of its agencies or officers initiate, directly or indirectly, a program of busing. It is already covered by the Civil Rights Act.

"Oh," says the Senator from Illinois, "the purpose of the Griffin amendment is to gut my amendment."

The Senator can use his own word, but I wish to state what I think is the obvious purpose of the Griffin amendment. The purpose of the Griffin amendment is to protect States rights. One of the results of the Dirksen amendment would be to destroy them on this matter.

The purpose of the Griffin amendment is to make crystal clear, as far as legislative intent is concerned, to the Department of Health, Education, and Welfare or any other agency of the Government, that they shall not seek to dictate the policies of a local school board.

The result of the Dirksen amendment is to do exactly that—to dictate the policy of a local school board in regard to the matter of busing.

"But let them use State funds," says the Senator from Illinois. In his argument yesterday, he said—and I paraphrase him, but I think accurately—that he did not see why the taxpayers of Peoria, Ill., should pay for busing in Massachusetts.

Mr. President, I say most respectfully that he does not seem to recognize the loss of identity of Federal funds. He overlooks the fact that you and I, Mr. President, are dual citizens. We are citizens of our States, and we are citizens of our Federal Government; and we have dual responsibilities. Because we pay taxes called Federal taxes, it does not follow that when those taxes go into the Treasury of the United States for Federal policy, we have some claim on our share of the money that went into the total pot. A claim to say that we will not permit any of that money to be used by a local school board that is entitled to that money, under an authorized project of legislation, to carry out a busing program. The identity of those Federal tax dollars is lost in respect to their application to this kind of a problem.

Do not forget, Mr. President, as I said last October 6 on this floor, when I discussed this issue in my responses to statements of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Wisconsin [Mr. NELSON] that the Elementary and Secondary Education Act provides for a program for special projects in title III, which is continued in the new bill—one of the most popular and most needed authorizations in the entire bill.

We need that special project program, Mr. President, also to give even further assurance of the right of local school boards to develop their own projects. The program provides funds which can be used for any variety of projects which a local school board wishes to develop to meet the special educational needs of the school district.

Some such special projects, Mr. President, deal with the field of audiovisual education; others provide special programs for the handicapped. It can cover a myriad of special projects, including busing. That is what some local schools want.

But do not forget that when a program such as this is created, or one under title I, ESEA, then all school districts are entitled to their fair share under the formula—to use in accordance with local educational policy, not with dictation from the Federal Government.

So, it is proposed under the Dirksen amendment that they cannot do it if the funds are for busing. It is proposed that if the project involves busing they have got to use State funds or local funds. Are we going to set a precedent for saying that about the purposes of all of these other projects?

Some people do not like counseling work. Some of the special projects deal with the payment and the provision of funds for hiring specially trained experts in the field of counseling, which includes counseling in regard to the techniques that have been developed for the retarded student, counseling for the emotionally disturbed, and counseling for those students that have the behavior pattern that we call characteristics of the truant. Do we want to pass an amendment setting a precedent for saying that we cannot use any Federal funds directly or indirectly for any of those projects?

When we pick something out, as is done in the case of the Dirksen amendment, and say that cannot be done, then we have a Federal mandate of interference with the local school board. The Dirksen amendment, in my judgment, sets a very bad precedent. It should be rejected.

We must understand this principle that has run through, as I said yesterday, all of the Federal aid bills from the very first one I cosponsored. This particular issue of a guarantee against any danger of interference was really laid to rest in 1947 by Bob Taft in what I have always said is the pacesetter, examplemaker, the mold for Federal aid to education. I refer to the famous Taft bill of 1947, of which I was privileged to be one of the sponsors.

Go back to the RECORD and read the pronouncements of the then Senator from Ohio and others who participated in the debate, because in those days we were greatly handicapped in getting legislation passed. In fact, the Taft bill was beaten in 1947 on this issue. The then Senator from Ohio laid down the argumentative precedents that the rest of us picked up in the years following until we finally used them successfully in the adoption of a whole series of Federal aid to education bills that has resulted in what President Johnson has referred to as the legislative miracle in the passing of education legislation.

What did Bob Taft lay to rest? It involved the very point that I am making in my opposition to the Dirksen amendment. He made it very clear that legislation should be so understood as never to permit or authorize the Federal Government in any way to interfere in determining the education policy at the local school level.

That is the principle. That is the principle that we cannot reconcile the Dirksen amendment with. It does not justify passing that amendment merely because a lot of Senators do not like the idea of busing in order to eliminate racial imbalance. I do not either. I think there are better ways of handling it. However, my subjective judgments or the subjective judgments of the Senator from Illinois or any other Senator are not relevant in the determination of the issue I have raised.

That matter is up to the local authorities. I do not intend to support an amendment that I think would establish a very dangerous precedent and create unbelieved misunderstanding across this country.

Pass the Dirksen amendment and we will answer for it. Pass the Dirksen amendment and we assume the responsibility for what I am satisfied will be agitation at the local levels in this country in opposition to this kind of intervention on the part of the Federal Government in a field into which it has no business trespassing—the field of the local control of education.

Mr. President, I have a duty, as I see it, for whatever it is worth, as the manager of the bill to make a record here today forewarning the Senate as to what I think would be a most dangerous precedent.

I think that instead of moving along toward a better understanding and a more rational solution to our civil rights problem, this would throw the country backward and create great problems for us. That is why I speak out against it at this time.

I think the Massachusetts hypothetical that I used on October 6, 1966, and used again yesterday, is the best answer I can give. It was the answer last year, it will be remembered, that won for me the votes here in the Senate when, as manager of the bill, I announced that I would accept the Fannin amendment which eliminated from the bill the words "racial imbalance."

I took the position, as the RECORD will show, that on the operative facts of that issue, what the Senator from Arizona was seeking to do was to eliminate words that might be used by a Federal official to seek to justify a regulation or an administrative order that would involve the Federal Government in seeking to interfere in what it called a problem of racial imbalance in connection with a local school board policy.

When I announced that I would accept the amendment, I immediately, as the RECORD shows, was bombarded with some questions from my colleagues, the Senators from Massachusetts and Wisconsin among others. And I discussed the Massachusetts hypothetical.

It should be pointed out that in the Boston School District, the school board decided that the best way for it to meet the imbalance that existed because of an overcrowded, poorly equipped, understaffed Negro school in a ghetto of Boston was to bus a proportion of the students to a new school with the best of equipment. Instead of having 50 students in a classroom, there were only 18. Instead of having an undersupply of teachers, there was an adequate number of teachers.

The bill, with its program of special projects in title III, left to the Boston School Board the authority to decide whether or not it wanted to adopt, on a local basis, a busing program. It had a right to do it; it should have the right to do it. The Dirksen amendment would prevent it. It is no answer to say, "Let the Boston School District or School Board pay for it." That is an interference. Just the saying, "Let them pay for it" is an interference; because you are saying that you are going to earmark special project funds for purposes other than those the local school board thinks would best serve the local educational needs.

For this reason, I repeat, for emphasis, my objection to the Dirksen amendment: It is an invasion of States rights—true States rights.

I commend the Senator from Michigan [Mr. GRIFFIN] for his amendment, which would remove this objection and, at the same time, carry out the only legitimate right that I think the Senate has in this field—to make perfectly clear that no interference, no dictatorial policy of the Federal Government will be imposed upon any local school board in deciding what its educational policy will be, except—as I have said over all the years—when a policy involves a conflict with the Constitution.

That is my case, in summary, against the Dirksen amendment; and in due course, after further debate, I shall be ready to vote on the Griffin amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, yesterday, in a colloquy among the Senator from Oregon, the Senator from Virginia, and myself, an effort was made to determine what the pending bill, in amount, would increase the expenditures for the years 1968, 1969, 1970, and 1971 over the year 1967. Regrettably, that colloquy did not clarify the figures that reflect the actual situation that will exist. The colloquy, in fact, confused the situation; because in the report, on page 53, is set forth a table which was construed by the Senator from Oregon, the Senator from Ohio, and the Senator from Virginia, as comparing likes for the years 1968, 1969, 1970, and 1971, when in fact the table erroneously does not make comparison of likes for likes, but sets up a schedule for 1968 that was different than the schedules for 1969, 1970, and 1971.

The question was: By how much does the pending bill increase the authorizations of expenditures for 1968, 1969, 1970, and 1971 over 1967? A reading of the RECORD of yesterday dealing with the question involved indicates the material was not accurately set forth.

Yesterday it was discovered that the colloquy produced erroneous impressions and finally it was asked that the experts in the Department of Education submit figures which would be understandable and which would clearly set forth by how much the bill would increase the expenditures in this field.

In yesterday's RECORD, on page 34912, there is set forth a tabulation of the authorizations made for the year 1967, and the appropriations made for the year 1967. I wish to give those figures as now being the report made by the Department of Education concerning the actual facts on how much was authorized for expenditure in 1967 and how much was appropriated.

Therefore, Mr. President, as shown on page 34912 of the RECORD of December 4, 1967, the figures show that $2,357,043,000 was authorized for expenditure in 1967. I wish to repeat. In round numbers, $2,357,000,000 was authorized for expenditure in 1967. The amount appropriated in 1967 was $1,815,000,000 or $500 million less than was authorized.

Now the question would immediately arise: How much was appropriated for 1968? Three billion, nine hundred million dollars was authorized and $2 billion was appropriated, or 50 percent of the authorization was appropriated for the 1968 program.

Now, going down to the year of 1969, I shall compare and set forth the amount the House bill authorized, the amount the Senate bill contemplates authorizing, and the difference.

For the year 1968, under the existing law, there was authorized for expenditure $3,965,000,000. That is $1,600,000,000 more than was authorized in 1967.

Mr. President, at the risk of the charge of repetition, I shall repeat. The present law authorizes an expenditure of $3,900,000,000 as compared to $2,300,000,000 for 1967, the difference being $1,600,000 more.

The House bill for the 1969 fiscal year, which will begin July 1, 1968, authorized an expenditure of $4,141,000,000. The Senate bill authorized an expenditure of $4,505,000,000. The Senate bill authorization was $364 million over that of the House.

I now compare the 1969 authorization of the Senate in the amount of $4,505,000,000 with the 1967 authorization of the Senate, which was $2,367,000,000. The authorization for 1969 is practically 100 percent over that of the year 1967.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. LAUSCHE. I yield.

Mr. BYRD of Virginia. I wish to ascertain whether I understand the Senator accurately.

The authorization for the year 1967 was $2,357,000,000 in round numbers.

Mr. LAUSCHE. In round numbers. The Senator is correct.

Mr. BYRD of Virginia. Now, the authorization we are asked for the upcoming fiscal year is $4,505,000,000, in round figures.

Mr. LAUSCHE. The authorization which this bill contains for the fiscal year 1969, which will begin on July 1, 1968, is $4,505,000,000, or in other words, 100 percent more than the authorization for the year of 1967.

Mr. BYRD of Virginia. Then, to phrase it another way, what this bill envisions, assuming the expenditures authorized under this act are appropriated and spent, the authorization would lead to expenditures of almost double what they were just 2 years ago.

Mr. LAUSCHE. By 2 years ago what period does the Senator mean?

Mr. BYRD of Virginia. Fiscal year 1967. In other words, the fiscal year 1969 compared with the fiscal year 1967.

Mr. LAUSCHE. The appropriations for the year 1967 was $1,815,000,000. The authorization for the fiscal year 1969 contained in this bill is $4,505,000,000.

That would mean 150 percent more authorized than spent in 1967. I do not know whether that answers the Senator's question.

Mr. BYRD of Virginia. The Senator has answered the question. Leaving out precise figures, what it means is that the Senate is being called upon now to make tremendous increases in the authorizations over what the figures were prior to 2 years ago—that is, for fiscal year 1969 as compared to fiscal year 1967.

Mr. LAUSCHE. I will point out those figures again. In fiscal year 1967, which expired on June 30, 1967, we authorized $2,357 million. For fiscal year 1968, we are authorizing $3,965 million, which is $1,600 million more than in 1967.

I now go to 1969, to answer the question which the Senator put. In 1967, $2,357 million. In 1969, we are authorizing $4,505 million, which is practically 100 percent more than 1967.

Mr. BYRD of Virginia. In other words, practically double 1967.

Mr. LAUSCHE. That is right.

Mr. BYRD of Virginia. I thank the Senator.

Mr. LAUSCHE. I think the Senator from Virginia would be interested in this: How much did we actually appropriate and, in all probability, spend in 1967? The answer is, we appropriated and, in all probability, spent the entire appropriation of $1,815,000,000 in 1967.

How much are we now authorizing for 1969? The sum is $4,505,000,000, which is 150 percent more than we actually spent in 1967.

Mr. BYRD of Virginia. Which was 2 fiscal years ago.

Mr. LAUSCHE. Two fiscal years ago, that is right.

In fiscal year 1967 and 1968, and 1969. In 1969, we will be spending, if the whole authorization is utilized, 150 percent more than we spent in 1967.

The interesting question is: Perhaps this is a good program, but what about the fiscal situation? I should like to hear what the Senator from Virginia has to say on that.

Mr. BYRD of Virginia. What the Senator from Ohio is concerned about, as I see it, is not that there is no merit in the program—we are not arguing its merits or demerits——

Mr. LAUSCHE. Not at all.

Mr. BYRD of Virginia. We are arguing whether it is wise, at a time of great fiscal stress which faces the Nation, whether we can afford to pass an authorization bill for fiscal 1969 which would be double the appropriation for fiscal 1968.

In that respect, I point out, in regard

to the $4.5 billion, that to raise that amount—and we are running a heavy deficit now—would take a surtax of 4½ percent. Levying a 1 percentage point on a surtax is equivalent to taking in roughly $1 billion. Thus, what we are dealing with in the pending bill would be to authorize $4.5 billion in expenditures, assuming the money is appropriated, so that we will be in effect saying that we need a 4½-percent surtax in order to finance it, unless we are going into more deficit financing. The President has said time and again over the past 6 to 10 months that this Nation is facing a grave fiscal crisis. Indeed, I think that it is facing a grave fiscal crisis.

The President has done a great deal to focus attention on it. I do not think that he has done very much to cut expenses but he has done a great deal to focus attention on the grave fiscal situation which exists in the country today. What concerns me is the size of this program. We are being called upon to vote for $14 billion over a period of 3 years and an authorization for the upcoming year of $4,500 million compared with an expenditure of $2 billion just this current fiscal year.

Mr. LAUSCHE. That is correct.

On the subject of promoting education, I am certain that there is no Senator here who does not want to expend the maximum amount of money available to promote education. But, we have to be realistic about it. Realism requires that we take into consideration the money available through reasonable taxation to provide the services which new and desirable programs demand.

The weakness of what has been occurring in Congress is that there has been an absence of realism, that desirable and what are deemed to be essential programs are being promoted without any thought of the ability of the taxpayers to finance the programs and without any thought of what will happen through repeated deficit operations.

At this point, I repeat, in fiscal year 1967, which ended on June 30 of this year, we appropriated and spent $1,815,000,000 in the general program. It is proposed by the bill that as against expenditures of $1,815,000,000 in fiscal 1967, we authorize $4,505,000,000, which is 150 percent more than was authorized in the 2-year period over what was spent in 1967.

Mr. BYRD of Virginia. I feel that the Senator from Ohio is rendering an important service not only to the Senate but also to the Nation in focusing attention on some of the fiscal problems concerned with this legislation now before us.

Much of yesterday was taken up with other aspects of the legislation but, to my way of thinking, it is so vitally important that Congress realize, and the American people realize, the tremendous sums of money involved in the programs, not only tremendous sums of money involved but also tremendous increases which are being proposed in the upcoming years, compared with the appropriations of the current fiscal year and the one prior to that.

It is just a matter of arithmetic, Mr. President, that if we are to come anywhere near balancing the Federal budget—and the President has been seeking and demanding a 10-percent tax increase—if he really wants to balance the budget, if Congress wants to balance the budget, leaving out the new bills we want to pass, it would take a 20-percent tax increase. I am very doubtful whether the people of this country are willing to stand for such tremendous increases in taxes as they will be called upon to pay if these tremendous spending programs are continued and increased, as this bill proposes.

The Senator from Ohio has brought out facts and figures which heretofore have not been too apparent. He is attempting to make them apparent to the general public, and he deserves the thanks of all of us in the Senate.

Mr. LAUSCHE. I read in a magazine within the last 3 days a statement made by Lenin. He said, according to my recollection, that France would spend itself into exhaustion through luxury, Germany through militarization, and the United States through general spending beyond the ability of the taxpayers to carry the burden.

In my judgment, Lenin knew what he was talking about. That is, it is simple to promote spending programs. It is rather painful to promote laws imposing taxes that will finance the spending programs. Since it is painful to finance our spending programs and indulge in deficits, we spare ourselves the political animosities that come from imposing taxes, and impose the taxes upon the children that will be born in the 1970's, the 1980's, and the 1990's to pay the debts that we are incurring through imprudent, unreasonable, and unrealistic spending.

I may say to the Senator from Virginia [Mr. BYRD] that thus far I have not discussed what the Senate committee has done compared with what the House has recommended. The 1967 fiscal year authorizations were concurred in both by the House and the Senate. That year is past. As I have pointed out several times, the authorization was $2.357 billion.

I skip 1968 and go to the year of 1969. The House authorized $4.141 billion compared with $2.357 billion that was authorized in 1967. The House authorization for 1969 is $1.8 billion more than the authorization for 1967.

But the Senate committee was not content with the increase in the amount of $1.8 billion. It had to go a step further. It authorized $4.505 billion for the year 1969, practically 100 percent more than the authorization for 1967, and, in dollars, $400 million more than provided by the House.

It is the same pattern. The President recommends *x*. The House gives *x* plus *y*. The Senate comes along and gives *x* plus *y* plus *z*. The taxpayer is the one who bleeds. The taxpayer is the one who weeps. The taxpayer is the one who writes and says, "Do not pass the surtax of 10 percent."

For 10 or 11 years I have been making the argument on the floor of the Senate that one cannot keep spending more each year than he takes in without finally going to the poorhouse. But the Senate and the House have continued to operate under deficit principles, ignoring the laws of economics, believing that we can keep spending more than we take in, without ever getting into trouble.

Congress was, and continues to be, unwilling to recognize that the laws of economics operate inexorably. They may be slow in achieving their demand, but they move on, and finally they demand a payment for an abuse of those laws.

It is the law of action and reaction. We can tax in a sanguine way, but if we do, the taxpayer will quit paying.

Mr. MORSE. Mr. President, will the Senator yield at this moment?

Mr. LAUSCHE. Just let me finish this thought.

One can commit a crime, thinking that he will never be detected. But the law of atonement operates. The time will finally come when there is a revelation. Repeated commission of wrongs and crimes cannot be escaped. In the solitude of the bedroom, when silence prevails and sleep is sought, there is the reminder that during the day one committed a wrong. He can flee from the remorse, but it will follow him as the shadow follows the human being.

So it will be with our Government. We have arrogated to ourselves the infallible judgment that by the intellect of our minds we will escape the natural laws. But the natural laws are beginning to catch up with us.

I now yield to the Senator from Oregon.

Mr. MORSE. I ought to withdraw my request, because it is no longer applicable. I merely wanted to say that when the Senator from Ohio used the phrase, as I recall, "Action and reaction," he pointed at me when he said "reaction." I wanted to dissociate myself from the word.

Mr. LAUSCHE. No; I did not intend that.

In the Greek tragedies, there was what was supposed to be the plot of the Furies. A crime was committed. The Greeks tried to detect who had committed the crime. So they would concoct a play, and in the play the crime was set forth just as in Shakespeare's "Hamlet," in which young Hamlet produced a plot showing the crime of his father. In the Greek plays, the plot was shown, and in the plot was the crime. In the audience sat the man who had committed the wrong, and when the plot was discovered, he would jump up and run out.

Mr. MORSE. I am here.

Mr. LAUSCHE. No; I have the greatest respect for the Senator from Oregon.

Mr. MORSE. It is mutual.

Mr. LAUSCHE. I say that because the Senator from Oregon has the courage to stand by his convictions. He has no hesitation in stating them. Although we may disagree, I respect him for his great quality in never operating on the basis of political expediency and advantage.

Mr. MORSE. That is because the Senator from Ohio is my teacher.

Mr. LAUSCHE. I say that in deep tribute to the Senator from Oregon.

The point I have been trying to make is that the authorization for 1969 is $4,-

500,000,000 compared with $1,800,000,000 spent in 1967. I think that that authorization is too much.

Therefore, Mr. President, I send to the desk an amendment which will cut back the authorization to the amount that has been authorized for the year 1968 in the general laws, and I yield the floor.

Mr. MORSE. Mr. President, before I reply in part to the views expressed by my two good friends, the Senator from Ohio and the Senator from Virginia, I first wish to say to my friend from Ohio that I was not engaging in semantics when I said that he was my teacher; for, disagree as we do on various issues, when one talks about exercising independence of judgment and standing by his convictions, and not being afraid to disagree, I do not know of anyone in the Senate with a more perfect record in that regard than the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator.

Mr. MORSE. Mr. President, I ask the Senator from Ohio and the Senator from Virginia if they have received, under the assignment I gave this morning, all the fiscal data that they asked me to obtain for them from the Department, save and except the exhibit, which I understand will be forthcoming, that sets forth the comparative table comparing 1966 with the 1967 and 1968 expenditures. That is the only table, my counsel tells me, that has not yet been supplied to the two Senators; but if there is any other information the Senators need, we shall supply it. As I followed the discussion, I judged that they had received it all except for that comparison table. Is that correct?

Mr. LAUSCHE. Mr. President, the discussions which we have had today, and the figures which have been supplied, which are in the RECORD, have completely clarified the factual situation with respect to the authorizations and appropriations, respectfully, for the years 1967, 1968, 1969, and 1970. Of course, appropriations have not yet been and cannot be made for 1969 and 1970; but the staff has provided the figures, as I think I have related; and the RECORD will come in conflict with what was said yesterday, but today's RECORD will set forth correctly what has been done.

Mr. MORSE. I am glad if the counsel was of help.

I wish to make these comments about some of the observations of my friend from Ohio and my friend from Virginia, for I do not share their great concern about the requests of the committee for these increased authorizations.

It was interesting that in their discussion, they were not questioning the value of the programs covered by the bill which the committee has brought to the floor of the Senate—with the unanimous vote of those members voting. Only one member of the committee was not present to vote.

The volumes in front of me are the best exhibit that I can give to the Senate to prove the thoroughness with which we considered the substantive issues. I am perfectly willing to stack this stack of reports alongside the reports that may be issued by any other legislative committee for a comparison on the question of whether the committee worked with thoroughness, made a full record, and provided hearings that present to the Senate the data to support the recommendations of the committee.

Read the record. It will not suffer by comparison. I wish to talk for just a few moments, Mr. President, about the quality of the program.

In all the discussions of my good friends, the Senator from Ohio and the Senator from Virginia, about the authorization amounts and the appropriation amounts that have already been authorized and appropriated, and the proposal for enlarged authorization amounts, I point out most respectfully that their arguments seemed to overlook the fact that we have educational needs in this country that will have to be supported either by enlarged local taxation or increases in Federal funds to relieve an already overburdened local education tax program.

My two friends, as I say, seem to be talking as though this Federal program were the total educational program of the country.

I call attention to the fact that if we do not authorize more Federal money and appropriate more Federal money, then it will have to be done at the local level, or we shall fail to meet the obligations that we, as a population, owe to the youth of this country.

That is what confronts my committee. When we start slashing the Federal program, we must get ready to meet on the local level what will have to be done to supply local tax funds to meet the needs, or else stand on the floor of the Senate and argue that we should walk out on the educational needs of the young people of this country.

I do not intend to do that; and I say most respectfully to my fellow Senators, the people will not let us do it, either. For, while it takes them a little time to catch up, once the parents of this country come to find out and to decide that neither at the local nor the Federal level are the funds being supplied to give their children the education that this era of civilization calls for, with the automated economy into which those young people will be thrust, they are going to hold the politicians to an accounting; and they should.

When my committee brings in this authorization program calling for these increases in authorization, we tell the Senate what we are doing. We are decreasing the need for additional authorizations at the local level, and particularly at the level of the school districts that are so poor that they cannot raise the taxes because they do not have the tax base with which to provide their children with the education to which they are entitled.

I bring the Senate back again to the major premise upon which I offer all education legislation in the Senate. I have for years and years. Disagree with me on that, and then of course we can follow a parsimonious program in regard to supplying funds with which to provide the children of this country in all school districts—poor, moderate, and rich—with the education to which they are entitled as a matter of right.

The Senate will note that I used the word "right," for that is the basic word in my major premise. And here it is. In my judgment each boy and girl, every one of them, no matter where he or she is born and irrespective of the color of that child's skin, is entitled as a matter of right to full opportunity to develop to the maximum extent possible the intellectual potential of that boy or girl. That costs money, and lots of it. That is going to cost more money than we are proposing to authorize.

I say quite frankly to the Senate that the authorization bill we are proposing this year is not going to be the maximum authorization bill that will be proposed in the next 10 years, for each year it will be higher if we are going to carry out that obligation.

Let me point out the cost of not carrying it out. Let me warn the Senate now that if we retreat from that obligation, if we walk out on that duty, then with relation to the money that we save at the expense of that obligation, the money that we save at the expense of denying to thousands and thousands of boys and girls in the poor school districts of this country an opportunity to develop to the maximum extent possible their intellectual potential—and I am sure I am engaging in an understatement—there will be $6 of loss to the economy of this country for every dollar that we save by cutting the authorizations and the appropriations.

I am sure it will be much more than that. As I sometimes have been heard to say, "When you talk to me about education, you have to talk to me at the point of a lead pencil." I am talking about the value of carrying out that educational right to the economic wealth of the Republic.

There are so many facets of that problem to be developed that it is fortunate that I have the problem here of taking a little time so that absentees can come back and make the legislative record.

I turn to page 51 of the committee report.

I read from that page of the report:

> Dr. James Conant in 1961 in his book, entitled "Slums and Suburbs," warned that social dynamite was accumulating in our large cities. Of course, the Nation is making some progress. In January of 1967 it was estimated that 97 percent of the 5- to 17-year-olds in America were in school. This as compared to 60 percent of the same age group in 1900. Also in January of 1967 it was conjectured that of the 3.8 million youngsters in this country then enrolled in ninth grade, some 2.9 million, or 77 percent, would graduate from high school. This represents a significant increase over similar data collected for the 2.7 million ninth graders of 1956, of whom only 1.9 million, or 69 percent, ultimately graduated.
>
> But reversed, the figures do not appear so reassuring. We are still faced, according to these 1967 predictions, with a possible 23 percent dropout rate in 1970.
>
> It has been estimated that approximately 1 million students drop out of school each year. The seriousness of the problem is magnified by the technological changes in our society which demand skilled workers. Currently in the United States, for every 10 unskilled workers there are seven skilled job vacancies. And by 1970, it is estimated, no more than 5 percent of our jobs will be unskilled. Yet today there are more than 1 million young men and women under 21 who have left school and are unemployed. And it is estimated that the decade of the

sixties, by its conclusion, will have produced some seven and a half million such school dropouts.

That deals with the question of what it costs the taxpayers of this country to not fulfill the obligations I have talked about.

Let me give other statistics in round numbers, and counsel will supply the figures for the RECORD.

What are the average lifetime earnings of a college graduate? They are in the neighborhood of $452,000.

What are the average lifetime earnings of a high school graduate? They are in the neighborhood of $272,000.

What are the average lifetime earnings of a grade school graduate? They are in the neighborhood of $200,000.

What are the average lifetime earnings of dropouts from grammar school? If they have any earnings at all, if the public does not support them in prison or in mental institutions or in other various forms of public upkeep, they will earn from $150,000.

Do not talk to me about a penny-wise and pound-foolish policy, which I respectfully submit is the policy advanced in these proposals to cut the investment of the taxpayers of this country in the potential brainpower of the youth of our country.

It is our great reservoir of wealth, this brainpower of the youth of the country. It is that brainpower, to the degree that we develop it to its maximum extent, that determines our annual economic productivity.

Do not forget also, and this is pregnant in the remarks of Dr. Conant, that when we start talking about the dropout program and about the relationship between skilled and unskilled jobs, we are dealing with the great oncoming—and we are in midst of it—and new economic revolution in this country, called the revolution of automation where unskilled workers will be unemployable for the most part.

We are entering now into an automated revolution in which back muscles will not be hired. Brainpower will be hired.

If we do not meet the obligation about which I am speaking, we will drown in pools of unemployability, across this land, hundreds of thousands of our young people, so far as their economic futures are concerned.

Do not talk to me about parsimony in connection with an investment in the economic productive power of developed brain power in this country, for it pays back into the local, the State, and the Federal Treasury over and over again the cost of the investment in the education of the youth.

This is so important that I am one Senator who believes that every young man and woman in this country should be assured of an opportunity to go to college with all tuition paid; because that education will pay back the cost of that education over and over again, by the increased tax dollars that educated brains will be able to earn and pay back into the Treasury.

We cannot afford to have a cutting program. I am not talking about a sound economic program, but a program cutting education just for the purpose of cutting, in the interest of so-called balancing the budget. I will not vote to balance the budget at the expense of providing educational opportunities to the young of this country. I cannot imagine a more unwise fiscal policy for the Senate to follow.

Let me give you another vital statistic that comes out of the hearings of my committee; 1985 is not very far away, but as I have said before, if we are going to answer, by 1985, the knocks of the qualified students on the college doors of America, do you know what we would have to do? We would have to double the size of every university and college, public and private, in the entire land, and build a thousand new colleges with an average student population of 2,000 per college. Are you going to lock the college doors against them? Are you going to say, in the name of an argument for fiscal parsimony in regard to education appropriations and authorizations, that you are going to lock the doors of colleges to hundreds of thousands of young men and women who can do satisfactory work in college if you will give them the opportunity? What are we thinking about? What are we thinking about from the standpoint of a sound investment?

Therefore, from the standpoint of educational philosophy, from the standpoint of political obligations, I will not go along with the suggestion of my good friends, the Senator from Ohio and the Senator from Virginia, to cut the proposal of this bill that has come to the floor of the Senate, seeking to carry out the obligation that I mentioned earlier in my remarks.

No member of the Senate can now go on a single campus in this country or only a few at most, that already is not the beneficiary, from the standpoint of tangible results, of the education bills we have passed since 1961 and of the small number of bills we had passed prior to that time. Since 1961, we have passed more Federal aid to education legislation, quantitatively and qualitatively, than had been passed in the preceding history of the Nation. That is why President Johnson refers to it as a legislative miracle.

Mr. President, I will not follow a course of fiscal parsimony on the floor of the Senate and deny to the young of this country the educational opportunities to which in my judgment they are entitled as a matter of right.

Before I turn to the next point, I wish to dwell on the point that there will be a public demand to meet the needs; and you will either maintain the amount of Federal aid that we are recommending or you will create great fiscal problems at the local tax level. Do you think the parents of this country are going to stand by, if we follow a parsimonious course of action in the Senate, and see their children denied the educational benefits to which they are entitled, and do nothing at the local level?

Every Senator knows that real property taxes for educational purposes have already reached the saturation point in almost all school districts. One of the great benefits of the Federal aid to education legislation has been to alleviate the necessity of higher tax increases at the local level so far as educational costs are concerned.

Mr. President, I wish to stress something which has not been mentioned by the Senator from Ohio or the Senator from Virginia. They speak as though this is just a single program for providing education to the young people of the country. It is a Federal supplementary program, as it should be. That is the entire basis for it. Either you do it on the Federal level or you will have to increase taxes to supply this money on the local level or deny education and training to the young people of the country. As I have said, for every dollar you save, it will cost the taxpayers, in losses, at least $6, and probably many times $6. That fact is not recognized, I say most respectfully, in the discussion of the Federal costs.

Mr. President, there is another aspect to the matter, and this is the last topic I shall discuss at this time with respect to this subject: Why the cut in education? Let those in the Senate who voted over $5 billion for NASA answer my question. Let those in the Senate who are willing to go along with a $75 billion defense program, the highest by billions and billions in the history of the country—higher by many billions than at the height of World War II—tell me why I should vote for a proposal for drastic cuts in an education budget. You can take the proposed $7.5 billion cut of the administration out of the $75 billion military budget and never know you have affected it. Do not make the argument of Vietnam to me, because out of the $75 billion, only $22 billion is earmarked for Vietnam. This administration gets most of its money for Vietnam, not out of the general defense appropriation, but out of supplemental appropriations. That is why the American people must be educated constantly about the legislative technique of supplemental appropriations and budget requests.

Mr. President, you have a defense budget request and then a whole series of supplemental budget requests. I have reason to believe that by the end of February, if you add the supplemental budgets that will be passed by then to the defense budget it will not be $75 billion but $83 billion.

Mr. President, there are so many places to make any savings you want to make rather than gutting the domestic programs, because the domestic program is a $20 billion budget which includes education, health, roads, public works, medical programs, and the myriad of programs essential to keeping a strong domestic economy and serving the civilian needs of the American people in an administration which is trying to alibi and rationalize a $75 billion defense budget.

(At this point, Mr. CHURCH assumed the chair.)

Mr. MORSE. Mr. President, if we can get the American taxpayers to realize what is involved in the mathematics of this administration budgetwise, there is no doubt what their verdict would be. The verdict would be to cut it. There is the matter of $2.5 billion for manpower commitments in Europe. The only member of NATO that ever came anywhere near keeping its manpower commitments is the United States. The majority leader introduced a resolution, which I cosponsored along with others, to cut those divisions from six to two, and the flag wavers seek to give the impression that those who support it are not patriotic. Mr. President, the millions we are pouring into NATO are at least 85 percent unjustified and wasted.

Tell me why I should vote to spend American taxpayers' money for military assistance programs in Africa, Latin America, or the subcontinent in any such amount and degree to which this administration is pouring money down a military rathole by way of military aid. Let us take the $7.5 billion of foreign assistance, which is a real foreign aid program. The so-called semantically named foreign aid program of the administration of $3.2 billion is not even one-half of the foreign assistance program of this administration.

I say to the Senator from Ohio, and to the Senator from Idaho [Mr. CHURCH], who is presently the Presiding Officer of the Senate, to build a lot of schools, engage in public works, to seek to build a dam in Idaho or Oregon, or other public works, and he has to establish and I have to establish the cost-benefit ratio. We do not have that in the foreign aid program. I have fought for that for years. I will not support this kind of foreign aid because it plays the American taxpayers for suckers, and that is what they are and will continue to be as long as they do not insist upon a revision of a program that wastes their money. Many of them do not know about it. Some of us are doing the best we can to educate them.

I say that there are so many places to save billions of dollars of taxpayers' money now being wasted, and wasted, I repeat, in much of the boondoggling of this administration in regard to foreign expenditures that I do not intend to sit in the Senate and vote to cheat this generation or future generations of American boys and girls out of the precious right that I lay down as a major requirement of any educational philosophy. That is: we better see to it that every boy and girl in this country is able to enjoy the right to have developed to the maximum extent his and her intellectual potentiality to the greatest degree possible.

That is involved in this bill. I plead for the poor school districts because they cannot raise more tax money to provide the funds to carry out that obligation. Whether one lives in Idaho, Oregon, Michigan, or Minnesota, or any other place, we have a great stake in the citizenship and training of those boys and girls in the poor school districts because in this age of mobility they may grow up to be our nextdoor neighbors. It is important that they be skilled and educated neighbors.

Mr. President, after my colloquy with the distinguished senior Senator from Mississippi [Mr. STENNIS] yesterday, I indicated that I would place in the RECORD today an excerpt from the Department of Health, Education, and Welfare regulation implementing title VI. The section to which I allude is paragraph 80.9(a) which deals with hearings procedures:

§ 80.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 80.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 80.8(c) of this part and consent to the making of a decision on the basis of such information as is available.

I also ask unanimous consent that at this point in the record there may appear excerpts from the "Procedures for Review of Elementary and Secondary School Desegregation Plans—Spring and Summer 1967."

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PROCEDURES FOR REVIEW OF ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION PLANS—SPRING AND SUMMER 1967

* * * * *

While in the field, staff should not prepare written desegregation plans or other written materials for local officials or otherwise make binding commitments for HEW. Such material, if requested, should be sent by letter after review by senior HEW staff. This requirement, however, should not prevent staff from freely suggesting and discussing alternative desegregation plans if local school officials so request, or from freely expressing opinions on the effectiveness or adequacy of any proposals local officials may make concerning the desegregation of their schools. If school officials wish to record the meeting, ask them to furnish HEW with a copy of the tape or the typed transcript. If the school district requests, HEW will pay the reasonable cost of the transcript or the tape. If the district refuses to furnish a copy of tape or transcript, note the refusal and continue the meeting.

Immediately upon their return to Washington, the staff should prepare a report for the file giving their findings, summarizing their interviews and giving a chronology of their activities in the district. (Attachment E) Staff should discuss their recommendations with their immediate supervisor and prepare a letter to the district confirming the HEW position. If specific suggestions were requested, include suggestions in the letter, making it clear that such suggestions are being offered at the request of the district. (Attachment F-1) If the district asked for no suggestions, or showed no interest in the suggestions made at the field meeting, do not make any suggestions in the letter, but advise the district that HEW is ready to give all possible assistance. (Attachment F-2) If the district is not in compliance, restate the request to hear from them within 15 days regarding their plans.

* * * * *

ATTACHMENT F-1

POST VISIT LETTER FOR SCHOOL DISTRICT REQUESTING SUGGESTIONS

DEAR ———: Section 80.7 of the Departmental Regulation implementing Title VI of the Civil Rights Act of 1964 provides for a periodic review of the practices of recipients of Federal assistance to determine whether they are complying with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964. This Office conducted such a review of the operation of your district's desegregation plan from May 24 to May 27. This letter confirms the staff's advice to you that your desegregation plan, as implemented, does not appear to be adequate to accomplish the purposes of Title VI.

The staff found that your district has no regular classroom teachers assigned to desegregated situations on a full-time basis, and that staff vacancies are still being filled on a racial basis. In addition, school officials have not made sufficient efforts to make the free choice procedures an effective means of desegregating students, so that the dual school system remains virtually unchanged in your district. Finally, the educational programs at the Negro schools are demonstrably inferior to those at the white schools, partly because their enrollments are not large enough to support programs comparable to those at the white school.

Officials of school systems which have not yet eliminated their dual school structure have the responsibility for adopting and carrying out a desegregation plan which will change their school district into a single nonracial system as expeditiously as possible. Nevertheless, you have requested the staff's suggestions on the plan your district should adopt to achieve compliance. This will confirm the advice the staff gave you at their meeting with you in May.

You stated that your district has available now sufficient funds for the construction by early 1969 of approximately 35 classrooms and related facilities. On completion of such construction it would be possible to close both Negro schools, and two old white schools. In the meantime, your district's predominantly white schools will have sufficient space next September to accommodate all Negro students who will enter the first and ninth grades, and, in addition, all students who are now attending the smaller Negro school. With regard to faculty desegregation new positions will open at the predominantly white schools for the teachers displaced by the new student assignments and two vacancies are expected in the fourth and seventh grades at the remaining Negro school. By filling these positions on a desegregated basis, your district will be able to make substantial progress in staff desegregation. Needless to say, if there should be a reduction in the total professional staff in the school system, the qualifications of all staff members in the system must be evaluated in selecting the staff members to be released. Racial considerations may not be a part of the evaluation.

If your district adopts a plan which follows the above suggestions, your district will be deemed to be making adequate progress for the 1967-68 school year. I recognize that you may need additional time for planning before your school board can fully commit itself and that the final plan you adopt may vary from the suggestions above. An alternative plan, if effective, will be fully acceptable. Please advise me in 15 days what your board's intentions are, and within 30 days what its student and teacher assignments, by school and race, for the 1967-68 will be. Finally, within 60 days, please submit your district's full plan for the complete elimination of its dual structure.

If your school system does not adopt and implement a plan adequate to accomplish the purposes of Title VI within a reasonable period, it would be necessary to start noncompliance proceedings seeking the termination of assistance for your school system. If such proceedings are started, commitments of Federal assistance for new activities for your school system will be deferred and other Government agencies will be notified so that they may take such action as they may deem appropriate. Prior to entering a final order for the termination of Federal financial assistance, your school system would be given an opportunity for an administrative hearing before a Federal examiner on the question of its compliance.

Needless to say, my staff stands ready to give you all possible assistance as you carry out the necessary reorganization of your school system.

Sincerely yours,

LLOYD HENDERSON,
Acting Chief, Education Branch, Office for Civil Rights.

Mr. MUSKIE. Mr. President, in 1965, when we first considered and approved Public Law 89-10, I stated that I felt it to be our principal objective to enact a meaningful Federal program of assistance to the States for elementary and secondary education. I felt at that time, and so stated, that the bill was not a perfect bill, but I felt that legislation for the purpose of Federal assistance to our elementary and secondary schools was long overdue.

We now have an opportunity to observe and examine Public Law 89-10 in action and we are now in a position to make improvements on our original bill.

I extend my congratulations to the Committee on Labor and Public Welfare and to those who have worked out the amendments of 1967 to the Elementary and Secondary Education Act.

I am particularly grateful that the committee has written into the bill a repealer of the provision in Public Law 89-750 which requires the use by the States of mandatory group rate provisions under Public Law 874. This repealer provision is extremely important to several Maine communities receiving funds under Public Law 874. Our federally impacted small towns would not be able to maintain their present school systems if required to enter into a mandatory grouping formula.

Limestone, Maine, the home of Loring Air Force Base, provides a striking example of the effect mandatory grouping would have on a community. The loss to Limestone under mandatory grouping would be $147.76 per student. Under the grouping plan, the town would be eligible for a total amount of $394,057.40. Under the comparable schools plan, using last year's entitlement figure, Limestone would be eligible for a total amount of $675,614.08. The loss to the community would be $253,401.01.

I also wish to express my appreciation to the committee for the new title in the Elementary and Secondary Education Act which provides for bilingual education programs. Early this year I submitted to the Special Subcommittee on Bilingual Education a proposal to include French-speaking children in the bill which the special subcommittee was considering. In the St. John Valley, in northern Aroostook County, Maine, 95 to 98 percent of the pupils are of French descent. Their home language is French; and they learn English only when they enter school. There is a high degree of linguistic solidarity in the community. Their culture is oriented toward the culture of Quebec Province and the French-speaking section of the Province of New Brunswick. Maine has other large concentrations of French-American families and students located in the industrial communities in southern and central Maine. The Superintendent of Schools at Van Buren, in northern Aroostook County, reports to me that those pupils who speak French exclusively at home score 3 years below national norms. Other surveys have shown that the average achievement scores are far below the national average. It is clear that equality of opportunity is severely limited for our French-speaking children in Maine, and I am hopeful that by giving them special language instruction in school, we will have given these children a more equal chance.

Mr. RANDOLPH. Mr. President, the Elementary and Secondary Education Act, which we are currently considering, is one of the most vital legislative programs on which this Congress should act.

This measure is a continuation of our commitment to provide increased educational opportunities for the millions of school-age children in our country. It is a realization that education is truly the key to the future development of our society and it constitutes an awareness that our young people must be afforded the chance to develop their potential and capabilities. I believe that we are now recognizing that education cannot be limited to those areas or those families which can afford the comprehensive and progressive school system. We must insure that the schools and the teachers are functioning through every area—rich and poor—and that we are implementing this philosophy through the pending amendments to the Elementary and Secondary Education Act.

Ours must be a partnership of the Federal, State, and local agencies to educate our youth. This is a partnership which is essential to the continued progress of America. We have made a significant beginning, but it may be that the legislation this year will be a further vital turning point in the development of educational programs. The passage of the original Elementary and Secondary Education Act was a monumental effort and we are again moving, with this year's measure, to a time when new beneficial results will be genuinely realized.

Mr. President, the Subcommittee on Education has worked earnestly and diligently on this measure. We are fortunate to have the able guidance of the Senator from Oregon [Mr. MORSE]. The members of our subcommittee the Congress, and our Nation are indebted to our distinguished chairman. Truly, in this country there is no better friend and effective advocate of education than the Senator from Oregon. It is a privilege to be a member of the subcommittee and to actively work with him. His patience in trying circumstances; his modesty in achievement; his cooperation and understanding in individual cases; his knowledge of complex education legislation; but above all his fairness in judgment, are unparalleled.

Mr. President, there are many constructive provisions in the pending legislation. I do not wish to repeat, even in another way, what the Senator from Oregon [Mr. MORSE] has detailed. I shall comment on a limited number of aspects.

I believe our committee has vigorously probed into one of the most perplexing and certainly intricate problems with regard to the implementation of the Elementary and Secondary Education Act. This is the difficulty of timely coordination of program authorization, funding, and State and local implementation.

As Senators know, the school year normally begins in September of a given year, but the planning phase and recruitment of teachers and specialists for program implementation is usually commenced before the close of the prior school year. Regrettably, the appropriation and authorization process of the Elementary and Secondary Education Act has not been able to coincide with the programs and program developments of the local educational agency. Frankly, this has probably been one of the most frustrating areas for local sponsors in implementing the Elementary and Secondary Education Act.

School superintendents in West Virginia have written to me voicing their concern over the fact that the authorization, funding, and program operation have not been better coordinated with the local time schedule. I believe our bill provides a constructive basis and a start for insuring coordination and proper planning of the educational efforts at all levels. I am confident that the proposals set forth in the pending legislation will be acceptable to our local school superintendents and officials. In part, these provisions covering duration and leadtime, planning and evaluation, extend the Elementary and Secondary Education Act through fiscal year 1971; insure that funds for grants to States will be available in each fiscal year; establish a program for planning and evaluation; and authorize appropriations to be advanced 1 fiscal year, thereby giving information to the State and local officials on the amount of money which will be available for the following fiscal year. The provisions are reasonable and are indeed a positive step in the effort to assist the local school districts in the development of long-range plans.

Mr. President, on August 4, I introduced a rural education amendment which would provide for technical assistance and counseling services to rural schools in determining benefits available to the schools under Federal programs and in preparing applications for such benefits. This allows the Commissioner of Education to provide assistance in the form of grants to the local district or through personnel from the Office of Education.

The inability of rural schools to take advantage of educational and other appropriate Federal programs is a matter of concern to me. I know it is to other Members also. A number of State education agency heads have discussed this problem area with me. Additionally, the Appalachian Educational Advisory Committee during hearings presented a forceful case in support of the need for technical assistance and counseling services for rural areas. This rural education amendment, although a limited program, will be helpful to our schools. It is not included in the House bill, but I am confident that House conferees will accept this additional provision.

This amendment for technical assistance and counseling for rural areas has been added to the "dissemination of information" provision which was sponsored by the distinguished Senator from Texas [Mr. YARBOROUGH] and enacted last year. The vigorous Senator from Texas was active and helpful in securing committee approval of my amendment. I am privileged to cooperate with the Senator from Texas [Mr. YARBOROUGH], who has been a leading advocate of education legislation.

During the past few years, there undoubtedly has developed a total commitment of the Congress and the Federal Government to expand the resources dedicated to public education. We have moved forward rapidly on a broad front. But the danger in any large-scale attack is the possibility of neglecting or leaving behind, so to speak, those who are in a minority grouping—those who do not speak in large numbers in this process. It is particularly gratifying to me to stress the importance of the committee action in approving the authorization for regional resource centers for the handicapped and centers for deaf-blind children. The education of the disadvantaged must not be relegated to a lower step in our national priorities. We must be watchful that, even though progress is evident in the more encompassing phase of education, the minority disadvantaged is provided the means to secure training and services.

The regional resource center concept offers a method of meaningful testing and evaluation services, the development of special educational programs, and assistance and dissemination of information so that other agencies in a region may benefit.

To promote aid to deaf-blind children, the Elementary and Secondary Education Act authorizes grants and contracts for the establishment and operation of services and centers for deaf-blind children. Again, such centers can serve as models for the development of comprehensive evaluation, diagnostic and educational service.

The committee report states:

> This amendment would provide a national program to meet a national need for a group of multiple-handicapped children who have been, for the most part, neglected in terms of education and training opportunities which would help assure their full potential for communication, adjustment, participation, and self-fulfillment in society.

I repeat "for a group of multiple-handicapped children who have been, for the most part, neglected in terms of educational and training opportunities."

With regard to this provision, the capable superintendent of the West Virginia Schools for the Deaf and Blind at Romney, Eldon E. Shipman, has emphasized the need for the establishment of additional programs to provide for the treatment of the increasing number of deaf-blind children. I have visited in recent months the schools for the deaf and blind and have been impressed with work now being done at Romney. More can be accomplished. We propose to do so.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I have conferred with the majority leader and the minority whip—the minority leader is not presently available—about the matter I wish to take up. I have their consent that the matter may be taken up at this time. Therefore, I ask unanimous consent that the pending business be set aside temporarily for the consideration of a resolution I wish to present.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION PERMITTING CERTAIN STAFF EMPLOYEES TO APPEAR AND TESTIFY IN CONNECTION WITH CIVIL ACTION NO. 1146

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be stated.

The LEGISLATIVE CLERK. A resolution permitting certain employees of the Permanent Subcommittee on Investigations to testify in civil action No. 1146, in the U.S. District Court for the Eastern District of Kentucky, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCLELLAN. Mr. President, this resolution simply authorizes a member of the committee staff to testify in a proceeding that is pending today and being considered today in the U.S. District Court for the Eastern District of Kentucky. Without the resolution authorizing this procedure, under Senate rule XXX, the witnesses, who are members of the committee staff, would not be able to appear and testify. Their testimony is important to the issue involved and I ask that the resolution be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 192) was agreed to as follows:

S. RES. 192

Resolved, That the Chairman of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations may designate and authorize any staff employees of the said Subcommittee to appear and testify at proceedings in connection with the aforementioned civil action, but that such appearance and testimony of any such staff employees shall be limited to matters which have been testified to in open hearings of said Subcommittee in furtherance of the authority and direction given to the Subcommittee under Senate Resolution 53 of the 90th Congress, 1st Session, or Senate Resolution 150 of the 90th Congress, 1st Session, or such matters as are a matter of public record in connection with the Senate Resolutions aforementioned, or such matters which are germane to the subpoenas issued by the Chairman of said Subcommittee to Alan McSurely, Margaret McSurely, Thomas B. Ratliff and/or Archie Craft.

The preamble was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on December 4, 1967, the President had approved and signed the following acts:

S. 287 An act for the relief of Wen Shi Yu;

S. 764. An act to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath; and

S. 770. An act to amend an act to provide for the establishment of a public crematorium in the District of Columbia.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, the manager of the bill is ready to vote on the Griffin amendment. I suggest the absence of a quorum, which I hope will result in whatever discussion of the matter Senators may wish to engage in. I have made my case in support of the measure, and I am ready to vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 373 Leg.]

Aiken
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Smathers
Smith
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senate from Michigan. The yeas and nays have been ordered——

Mr. HRUSKA. Mr. President, I rise to support the amendment as originally offered by the senior Senator from Illinois.

The amendment is not complicated. Its words are not many in number, nor are they hard to understand. The amendment states:

> No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

There are several propositions that make a very persuasive case in favor of the adoption of the amendment. In the first place, we have a solidly entrenched and congressionally approved national policy that there shall be no assignment or transportation of students or teachers in order to overcome racial imbalance. The policy is couched in existing statutory language. It also has frequently appeared in committee reports, as I shall later point out.

The second proposition is that, in spite of this well-entrenched, deliberately and duly chosen national policy, efforts are constantly being made to achieve Federal assistance for the purposes of assignment and transportation of students and teachers in order to achieve racial balance.

Third, the Dirksen amendment is needed to make effective, present statutory policy because of these constant efforts, which I shall shortly detail.

The language of the Dirksen amendment is especially persuasive. It says that no funds, appropriated or authorized by Congress, can be used for this specific purpose.

Mr. President, it is not hard to envision why this language is conclusive. Without money you cannot get buses, you cannot get escorts, you cannot do all the things that go into the matter of transportation and busing of students or teachers for the purpose of trying to overcome racial imbalance.

I also wish to point out that the proposed amendment offered by the Senator from Michigan should not be approved because it would reverse present policy. It would mean acquiescence in, and it could even be construed as meaning affirmative approval of, the use of Federal funds for the purpose of assignment or transportation of students and pupils to overcome racial imbalance.

Mr. President, this would be a high price to pay since the national policy, I have referred to, was enacted into law only after a great deal of effort, in 1964.

That policy was enacted into law originally as a part of the Civil Rights Act. I happen to know something about that act, because much of the tedious work of obtaining agreement on the many titles which that act contained was the task of a subcommittee and a committee on which I was a member. As a member of the Senate Committee on the Judiciary, I sat in on many of the committee meetings and many of the informal meetings, wherein that bill was finally hammered out, although it did not satisfy every Member of the Senate or the House of Representatives, or every citizen in the Nation; nevertheless, the passage of a Civil Rights Act was accomplished.

Certain actions were taken, and certain other actions were not taken, in order to arrive at a bill that, when reported, would be accepted by both Houses of Congress.

One of the points in the bill that was very controversial, very sensitive, and highly important, was this business of assignment and transfer of pupils in order to overcome racial imbalance.

The Civil Rights Act of 1964, as found in 42 United States Code, section 2000c, subparagraph (b), by way of defining what desegregation is, reads thus:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That is one of the sections that was hammered out on the anvil of discussion. It was the thought of many that the last sentence of that section should be deleted. It was also the thought of many of those who later debated the bill and voted upon it that it should not expressly say what desegregation did not mean.

But that has been the law for more than 3 years.

Section 2000c(6), providing for action by the Attorney General in desegregation cases, contains the following statement:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance—

Mr. President, that is a clear prohibition against authority being granted to any official or court of the United States in regard to transportation of pupils or students. The words were carefully chosen. They are not equivocal, but clearly state that nothing in the Civil Rights Act of 1964, shall empower any official or court of the United States to issue any order seeking to achieve racial balance by requiring the transportation of pupils or students from one school to another, or from one school district to another, for the purpose of achieving racial balance.

That particular language was written into the bill by an amendment in the other body. The amendment was proposed in the House Judiciary Committee and later was agreed to by the House of Representatives. It came over to this body, and eventually was adopted in the form which I have read. It is the language of title IV that was the subject of colloquy in the Senate on June 4, 1964, to which reference has heretofore been made during the course of the debate on the pending amendment.

That colloquy was between the then senior Senator from Minnesota, Mr. HUMPHREY, and the Senator from West Virginia [Mr. BYRD].

In addressing Senator HUMPHREY, Senator BYRD of West Virginia said this:

> Can the Senator from Minnesota assure the Senator from West Virginia that under title VI school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?
>
> Mr. HUMPHREY. I do.
>
> Mr. BYRD of West Virginia. Will the Senator from Minnesota cite the language in title VI which would give the Senator from West Virginia such assurance?
>
> Mr. HUMPHREY. That language is to be found in another title of the bill, in addition to the assurances to be gained from a careful reading of title VI itself.
>
> Mr. BYRD of West Virginia. In title IV?
>
> Mr. HUMPHREY. In title IV of the bill.

A little later, after other material had been discussed, there occurred this further question by the Senator from West Virginia:

> Mr. BYRD of West Virginia. But would the Senator from Minnesota also indicate whether the words "provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance" would preclude the Office of Education, under section 602 or title VI, from establishing a requirement that school boards and school districts shall take action to relieve racial imbalance wherever it may be deemed to exist?
>
> Mr. HUMPHREY. Yes. I do not believe in duplicity. I believe that if we include the language in title IV, it must apply throughout the act.

Of course title IV is the title to which I made reference a little while ago. It withheld any power of any official or of any court of the United States to issue an order seeking to achieve racial balance by the so-called busing of students from one school district to another or from one school to another.

In 1965 the Elementary and Secondary Education Act was passed. It contained in section 604 the following language:

> Nothing contained in this act shall be construed to authorize any department, agency,

> officer, or employee of the United States to exercise of any direction, supervision, or control over the curriculum, program, or instruction, administration or personnel of any educational institution of the school system, or over the selection of library resources, textbooks, or other printed or published instructional matters by any educational institution or school system.

It is this section which is entitled and described as prohibiting Federal control of education. It did not, in its original form, contain the more definite language which was added a year later when amendments to it were considered.

In the changes of 1966, contained in Public Law 89–750, a number of amendments were adopted. One of them renumbered section 604 as 704 and inserted at the end of the original section 604 these words: "or to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

The new section 704, leaving out the words, irrelevant to this debate reads as follows:

> Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

The language is plain. It embodies the very thought that was expressed in 1964 by the then Senator from Minnesota, Senator HUMPHREY.

The enactment of this amendment was an expressed intent of Congress of the highest form. It was approved by both Chambers of Congress and signed into law by the President. The language is unequivocal. The busing of students or teachers to achieve racial balance is prohibited by the law of the land.

There is similar policy in other acts. I refer, for instance, to the demonstration cities program.

Mr. President, it was charged in debate in the other body that the demonstration cities program would be used to require school systems to plan busing and school rezoning, as a condition of Federal grants. That charge was made and the details in support of it were set out by a Member of Congress who felt that such was the situation. In the CONGRESSIONAL RECORD on March 7, 1967, there appeared a letter from the Secretary of Housing and Urban Development, Robert C. Weaver, which strongly denied that charge. He cited two sections of the demonstration cities and Metropolitan Development Act in support of his position. One section is found in title II, section 103, subparagraph (d). That section reads as follows:

> (d) Nothing in this section shall authorize the Secretary to require (or condition the availability or amount of financial assistance authorized to be provided under this title upon) the adoption by any community of a program (1) by which pupils now resident in a school district not within the confines of the area covered by the city demonstration program shall be transferred to a school or school district including all or part of such area, or (2) by which pupils now resident in a school district within the confines of the area covered by the city demonstration program shall be transferred to a school or school district not including a part of such area.

Again, we have the same language:

> Nothing in this Act shall authorize the Secretary to require such assignment, transfer, or transportation of students from one school district to another.

Then, in section 205, subparagraph (f) of title II of the Demonstration Cities and Metropolitan Development Act, there appears the following language:

> (f) Nothing in this section shall authorize the Secretary to require (or condition the availability or amount of financial assistance authorized to be provided under this title upon) the adoption by any community of a program to achieve a racial balance or to eliminate racial imbalance within school districts within the metropolitanwide area.

Mr. President, that language likewise is plain. It certainly states there is no authority for these purposes. The citation of these statutes, and the reading of the excerpts therefrom, are sufficient to establish my first proposition, that there is currently in existence a congressionally approved national policy to prohibit any assignment or transportation of students or teachers in order to overcome racial imbalance required by any Federal officer, agency, or department.

Mr. President, the second proposition I advance is this: The statutes have not been sufficient to accomplish their stated objective. They have not been effective. Assault after assault has been made by the executive branch of the Federal Government to destroy, avoid, and nullify this policy which is also the law of the land. Hence, the necessity for the Dirksen amendment.

It provides that—

> No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

This language, of course, follows the statutes to which reference has already been made. It is language which can be plainly understood. It would effectively implement the policies which Congress has repeatedly declared.

What about the efforts to nullify this national policy? In the first place, there was the establishment and promulgation of school desegregation guidelines, which is a topic familar to this Chamber. They were discussed extensively, heatedly, and vigorously on many occasions. These guidelines first were issued by the Department of Health, Education, and Welfare in 1966.

They were reissued with minor changes, in a new and more determined fashion and with the original thrust still contained in them in January of this year. The object of the guidelines is to impose upon school authorities an absolute and affirmative duty to desegregate. No longer did the Constitution or the law merely forbid Government power to enforce desegregation. A new feature was adopted. Under the guidelines there was an imperative duty upon school districts to integrate. A disproportionate concentration of Negroes in certain schools could not now be ignored. According to the guidelines racial mixing of students became a high educational goal.

This situation makes necessary a Dirksen-type amendment so that funds will not be available to implement and finance programs based upon those guidelines. It is an instance of a vigorously pursued effort to disregard and nullify the conscious and deliberately adopted national policy to which I have previously referred. Statutes were cited to support the proposition. I do not think it necessary to go into detail on the guidelines, since they have been thoroughly discussed in this body on previous occasions. It has been alleged and, I think, with some merit, that the guidelines are improper and illegal because they have never received Presidential approval. The situation that resulted after the promulgation of the guidelines was considered so serious and so great in the other body that a series of hearings was held on the administration of the entire Education Act with particular reference to the guidelines.

Another example of efforts to nullify the national policy will be found in the busing pattern adopted in the District of Columbia. Hearings before the Senate Subcommittee on Appropriations for the District of Columbia developed the fact that many elementary, junior high school, and senior high school students were being transported at a total cost of approximately $400,000 a year. It was pointed out by the very able chairman of the Subcommittee on Appropriations for the District of Columbia that a capital outlay of a few hundred thousand dollars would have improved the school system in the District of Columbia, had the busing money been devoted to that purpose.

We now come to the question of the inconveniences in busing children, in other words, the length of the bus ride, the busy rush hour traffic to face to get the students to and from school, and the time of the bus ride, which often extends as much as 1 hour and sometimes even one hour and a half each way.

There are many reasonable minded persons who believe that the time and the effort of students could be more profitably spent in an activity other than going back and forth to school in a bus, with all the attendant hazards.

The question was asked of a witness, who was an official of a school district, as to where the money came from to bus children. His answer was that the money came from funds for federally impacted schools.

The Senator from West Virginia [Mr. BYRD], during the course of hearings on the fiscal 1968 District of Columbia appropriations bill asked the following question after he had ascertained that the money for busing came from the Federally impacted school funds:

> Are you aware of the language in the HEW Appropriations Committee report?
>
> Dr. CARROLL. I am aware of that. I wasn't aware that this was applying to the provision of Public Law 874 funds to schools.
>
> Senator BYRD. I would like to put that language in the record.
>
> (The information follows:)
>
> "EXCERPT FROM HEW REPORT
>
> "The committee recommends that no funds herein provided for the Office of Education shall be used for busing of public school students or for any other activities calculated

to eliminate racial imbalance in the public schools."

It is true that the language is not a provision of the law but it is a recommendation of the Health, Education, and Welfare Appropriations Subcommittee and the entire Appropriations Committee of the Senate. It further indicates the national policy on this subject.

Senators will remember that when the District of Columbia appropriation bill came before the Senate, an amendment was inserted which prohibited the use of any of the moneys from that particular bill for the purpose of busing students. That amendment is a part of the bill which was signed into law by the President. It was a result of the active and persistent efforts by Federal authorities and officials in attempting to nullify the national policy in this area.

The existence and evidence of such efforts are to be found in testimony and statements by officials of the Department of Health, Education, and Welfare. Not long ago—in fact, last May—an interview of the Honorable John W. Gardner, Secretary of Health, Education, and Welfare, was reported in the U.S. News & World Report. I should like to read portions of the interview because I think it conclusively indicates what is happening in the adoption of a policy which is calculated to disrupt, and to nullify the law concerning assignment and transportation of teachers and pupils for the purpose of overcoming racial imbalance.

At one point in the interview, the question was asked of Secretary Gardner:

> Q. Is there anything in the law that allows you to attack *de facto* segregation—that is, segregation in a school just because the surrounding community is not racially mixed?
>
> A. Not if you take *de facto* in its literal sense. You have to prove racially motivated official acts that led to imbalance. The mere fact of racial imbalance isn't enough.
>
> Now, I happen to believe that we must combat *de facto* segregation with all the energy possible. Segregated education is not good for the children or the nation, whether *de jure* or *de facto*. But how do you eliminate segregation? Our present efforts aren't particularly effective.
>
> It's something we all ought to be thinking about. What do we do in the North when the central city of every major metropolis is becoming exclusively Negro, surrounded by white suburbs? Under such circumstances, how can we provide better education for Negro children right now?
>
> Wherever it is possible to halt the movement of the white population out of a neighborhood by improving that neighborhood, so that the schools will have a reasonably mixed population, it should be done. We cannot and must not have two nations. We must not allow a situation to develop in which we have two peoples living apart, not knowing each other, not trusting each other. That isn't the America we started out to build.

A little later in the interview the following appeared:

> Q. Are you tackling this basic problem of *de facto* segregation?
>
> A. Yes, but not on as large a scale as I would like. We have limited funds. With these funds we say, in effect, to communities: "If you think you have a solution, we'll help you with it."
>
> Our attitude is that these are local decisions and we ought to be ready to try to help people who want to figure these things out. They're very tough problems.
>
> If a community wants to try to create a situation in which it diminishes the movement toward *de facto* segregation, if the community says, "All the whites are moving out and you've got to help us do something about it," then perhaps we can help. We can help them improve their schools to try to stop the outmigration. We can help them train their teachers to deal with problems of racial conflict.
>
> If a suburban school says, "We would like to open up 150 or 200 places to disadvantaged youngsters from the central city," well, that's a pretty forward-looking thing for a suburban school to do—and if they came to us and asked for help we might give it to them.
>
> Q. Do you mean help on a program, or financial help?
>
> A. Money.

Mr. President, in this we get to the essence of the Dirksen amendment—money. Secretary Gardner said, "We have limited funds." The Dirksen amendment would say, "You have no funds for transporting or assigning teachers or children from one district to another or from one school district to another for the purpose of overcoming racial imbalance."

It may be that the Secretary is entirely right in his analysis that this is a very important thing and that there must be a racial mix; but we have deliberately adopted and approved a differing national policy on this subject. It is in the form of a statute, and it is not for the Secretary of HEW or any other Secretary or official to say, "In my judgment, this is a good use of this money and I am going to put the money to that use."

It is not for him to say. Nevertheless, he is pursuing that course, and as I understand it, he is the one who authorized issuance and promulgation of the guidelines under which that has been done.

Under this sort of attack from every side, it seems to those of us who support the Dirksen amendment that some action should be adopted to make the statute effective as originally intended and strengthened as it was in 1965. We can do this, by putting, in express words, a denial of authority to effect the transfer of students or teachers for the purpose of overcoming racial imbalance. That is just about the situation in the District of Columbia. One of our colleagues observed that Judge J. Skelly Wright made his decree; now let him enforce and finance it. This body, unless it wants to abdicate its most powerful instrument, the power of the purse, has the means whereby it can enforce its enactment.

Mr. President, that makes the case for the need for the Dirksen amendment.

Insofar as the amendment of the Senator from Michigan [Mr. GRIFFIN] is concerned, I have grave misgivings about it. It is the suggestion of this Senator that it would reverse the present policy. It probably would soften the stand that has been taken by the Congress, by both Houses, and which is under the signature of the President. There is not any call for it at all. In fact, it would be highly undesirable.

The Dirksen amendment reads as follows:

> No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance—

And to that language would be added by the amendment proposed by the Senator from Michigan—

> unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States.

Thus, we would have one set of statutory sections saying there is no authority for any Federal office or agency or department or bureau to do anything which would result in the transportation or assignment of students if it is for the purpose of overcoming racial imbalance. And now comes an amendment which says that if a State body says, freely and formally, and without any direction, supervision, or control—if all those conditions are satisfied—then it is all right for the money to be used for that purpose.

Mr. President, I submit it cannot be done. This amendment will mean nothing unless there is a derogation of the existent statutory provisions which I have read into the RECORD. These sections will read, for example:

> Nothing in this Act shall be construed to authorize any department, agency, or employee of the United States to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

Under the proposed amendment, it would no longer read that way. It would say that "except that where a community develops a plan, without control, supervision, or coercion, and does it freely and formally, and it is approved by the Secretary," then the money can be spent.

I submit that the statutory prohibitions presently existing make it illegal for the Secretary to stamp such an application with his approval, because that would be a use of his authority which would result in the payment of money for the purpose of the transportation. That is what this Dirksen amendment seeks to preclude.

For that reason, it is my considered judgment, and I urge my fellow Senators to adopt that view, that the Griffin amendment should be rejected, and the Dirksen amendment approved in the form originally proposed.

The amendment proposed by the Senator from Michigan to the Dirksen amendment would mean acquiescence in, and even approval of, the use of Federal funds and authority, under certain circumstances, for the purpose of assignment or transportation of students or teachers to overcome racial imbalance.

That certainly does not represent the thinking, the conclusion, or the policy reached by the Congress and the President of the United States, because they were the agencies, and they were the people who created the policy which now exists, the two Houses of Congress, by passing and approving the bills, the President by signing them when they were sent to him. That policy is not contained in only one act; it is found in several sections, in several very important acts, notably the two that I have referred to.

By way of summary, Mr. President, I say that these four propositions are worthy of consideration by every Member of this body, and I hope they will be considered worthy of consideration by Members of the House of Representatives as well, in determining the final outcome of the subject under debate.

The first proposition is that there is presently a congressionally approved national policy that there be no assignment or transportation of teachers or students in order to overcome racial imbalance, and that there is no power in the hands of any department, agency, officer, or employee to require such assignment or transportation.

The second proposition is that in spite of this very flat, unequivocal, and plainly understandable national legislative policy, persistent efforts are being made to achieve Federal assistance, with authority and with funds to accomplish assignment and transportation of teachers and students, notwithstanding the statutory inhibition and prohibition thereof.

The third proposition is that the Dirksen amendment is needed to make the present statutory policy effective, to make it truly workable. Without the lubricant of U.S. currency, none of these programs can work; and it would be an exercise of one of the most effective instruments Congress possesses to see that the dictates of these representatives of the people of the United States shall in fact become a reality, instead of subjecting ourselves to additional assaults upon those statutes, made with the intent that a contrary policy be achieved.

Finally, I say with the greatest respect for the Senator from Michigan because he is one of the most valued and respected Members of this body and of Congress, and he has a splendid record for soundness and bending his efforts toward trying to secure approval of those things in which he sincerely believes—the Senator's amendment should not be approved. It would tend to reverse present policies; it would mean acquiescence in, or even approval of, the use of Federal funds for the busing and assignment of teachers and students in violation of other statutes on this subject, a result which would be highly regrettable and most undesirable.

In conclusion, Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "A Dubious Remedy," from the Washington Post, bearing on the question of policy, as to whether or not this type of transportation and assignment for the purpose of overcoming racial imbalance is good and sound, or whether it is indeed a dubious remedy and I suggest that is a very charitable characterization.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Dubious Remedy

Public schools in the country are, unfortunately, more heavily segregated now than in 1954. Segregation by residential pattern is proceeding faster than desegregation by law. The U.S. Civil Rights Commission's latest report, "Racial Isolation in the Public Schools," explains the difficulty clearly enough. But it offers only a very dubious remedy.

Lower class life has traditionally been largely organized by ethnic groups in American cities. Some of the earlier ethnic groups in the slums have positively insisted upon their own schools and segregated institutions even though, in the opinion of some scholars, they have retarded their own economic and social progress by it. The past decade is the first time in the cities' experience that that idea of ethnic concentrations has been subjected to a sustained political challenge. There is not much in the cities' laws or past experience to guide them toward a solution.

The Civil Rights Commission begins with the familiar point that most children in segregated Negro schools do not do as well as most children, white or Negro, in preponderantly white schools. The Commission then reviews several attempts to compensate for segregation by giving Negro schools somewhat more money and attention. The Commission concludes that all of these experiments have failed. The only answer, it argues, is Federal legislation to reduce the proportion of Negroes in any school to a fixed standard, perhaps 50 percent.

To achieve this ideal, the Commission suggests school pairing, educational parks, and a variety of other familiar expedients. But these devices seem to work best in small cities. They offer little hope to New York, where the slums are great cites, in themselves, or to Washington, where more than 90 per cent of the schoolchildren are Negroes and state lines surround them on all sides. The basic concept of a racial balance is not useful in a city like Detroit where many of the white children are from Appalachia and are, as a group, more deprived than the Negroes; or in cities where many of the children, both white and Negro, speak Spanish. To pin all of our national policy to a rule of racial balance alone would be a dangerous oversimplification of the actual needs of minorities.

When exchanges can reasonably be accomplished, they ought to be encouraged. But in many schools, for the present, there is no alternative to large Negro majorities. The Commission has been far too quick to conclude that compensatory programs do not work. On present experience, it can only be said that small, inexpensive programs have little visible effect. The best hope for inner city education now is a sweeping reorganization of the schools to bring in the parents, both as advisers and as students, and to bring in the children at much earlier ages. We must begin with three-year-olds. We must run schools through the summers. We must keep them open until 11 p.m. every night for recreation, adult education and community activities. Until we do these things we cannot say that the inner city school is doomed to failure. The Commission makes the mistake of assuming that there is magic in white faces that makes them indispensable to other children's education. This whole concept is profoundly wrong. It merely offers an easy evasion to the hard truth that the big-city school systems are highly ineffective and require reform on a scale not yet attempted.

Mr. HRUSKA. For all these reasons, Mr. President, I urge that Senators consider seriously and vote that the Dirksen amendment, as originally proposed, without any amendment, be agreed to and made a part of the pending measure.

Mr. President, I yield the floor.

(The following colloquy, which occurred during the delivery of Mr. Hruska's address, is printed at this point in the Record on request of Mr. Hruska and by unanimous consent.)

Mr. GORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. GORE. Mr. President, if it is considered wise, fair, and advisable to use U.S. Government funds, and thus the power of the U.S. Government, to require a child to undergo the hardship and hazard of daily bus travel to some designated neighborhood outside of his own for some purpose, or for any purpose, would it be equally fair, wise, and advisable, and within the police power, to require the parents of such child to move to such neighborhood? What is the difference in legal principle in requiring the child to go daily beyond the school to which he would normally go in his neighborhood and requiring his parents to move?

Mr. HRUSKA. Those are not the only two alternatives which exist. There are other alternatives.

The pending bill goes only to prohibit the use of Federal funds for this purpose. And the Federal funds talked about in the school program are relatively small in percentage and amount. There is nothing which provides that the local school district cannot pay for busing if, in its wisdom, it decides to do so. The local school district could pay for busing or transportation, and nothing is contained in the pending amendment which would bar that or prevent that. The student himself could pay for the transportation.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. HRUSKA. I yield.

Mr. GORE. I was seeking to draw from the able Senator, who is a very learned student of the law, what distinction there is in principle between requiring a student, perhaps against his or her will, to make daily trips across a city for some purpose other than education and other than the welfare of the child and requiring the parents of such child to move to such neighborhood or, for that matter, to prohibit the parents from moving from a given neighborhood without the permission of the Government.

Mr. HRUSKA. The policy considerations in this matter are many and varied. There are those who believe in neighborhood schools as opposed to educational parks. That could be violated or perhaps disrupted by the wholesale moving of children from a neighborhood.

I presume those are some of the policy considerations, as explained by the Senator from Ohio earlier in this debate, which were highly persuasive in this matter. However, the alternatives are not, again I say to the Senator from Tennessee, necessarily to require the parents of the child to move to a neighborhood, nor to have the child attend another city school.

All the amendment does is to say that they cannot use Federal funds for that purpose. If the local school district wants to do that or if the parents want to transport the child, that is their business.

Mr. GORE. Again talking about the use of Federal funds, Federal funds are used for many purposes. They are used for the insurance of home mortgages in the case of the Federal Housing Administration, for loans for the rehabilitation of homes, and in many respects other than education.

I was seeking to draw from the able Senator what distinction, in his view, there is really between forcing a child to go daily outside of his neighborhood, spending time and taking the hazard of travel across the city for purposes other than education, on the one hand, and requiring the parents of that child, if they receive loans on their home or guaranteed mortgages on their homes, to move to a neighborhood which someone shall select.

Mr. LAUSCHE. There is no difference.

Mr. HRUSKA. I would not think there would be any difference in that proposition, as the Senator puts it.

Mr. GORE. It would seem to me that in either of those instances we would be going pretty far and being rather arbitrary for purposes other than education.

Mr. HRUSKA. I think that would follow so that Federal authority would be exercised perhaps in an indirect way, but nevertheless in a very effective way, in interfering with the course of conduct which an individual or an individual family would want to pursue and would pursue except for that interference by the Federal agency.

Mr. GORE. Mr. President, I thank the Senator.

Mr. HRUSKA. I thank the Senator from Tennessee for his interest.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator who offered the amendment, the junior Senator from Michigan.

Mr. GRIFFIN. Mr. President, I hesitate to interrupt. I expect to develop this at more length later on my own time.

The Senator has focused on title IV of the Civil Rights Act as being a basis for the argument for the Dirksen amendment and against the amendment I offered.

I would like to read that language again, and I shall perhaps emphasize a different word. It reads:

> . . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another. . . .

The word "requiring" in title IV of the Civil Rights Act of 1964 is the key word, and here is the crux of the argument or the debate that is going on between those who support the Dirksen amendment and those who support my amendment.

It is well established in the Civil Rights Act that an official of the United States may not use Federal funds to require the transportation, but my amendment seeks to point out that the Dirksen amendment goes too far. The Dirksen amendment, as it is offered, does not speak in terms of requirement. It says:

> No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

In other words, the Dirksen amendment is not a restatement of the language in title IV of the Civil Rights Act. It goes further. It prohibits the use of Federal funds in an instance where there is no requirement but it is purely a matter of local policy.

Therein is the argument, as succinctly and as concisely as I can state it.

If all the Dirksen amendment sought to do were to restate language that is already in title IV of the Civil Rights Act, what would be the point in it? It serves no purpose to have the language restated in another point in the statute books. If it is law in the Civil Rights Act today, it is still law, whether or not the Dirksen amendment is adopted. The crucial word is "requiring."

Mr. HRUSKA. The Senator from Nebraska most respectfully differs with the conclusion drawn by the Senator from Michigan.

Nothwithstanding the flatfooted and unequivocal statutory provisions, some of which I have already referred to and additional ones which I shall refer to shortly, there are constant efforts on the part of the executive branch, its officials, and agencies, to frustrate that policy in this regard.

The only way to reach it is to say, "All right, if these agencies so badly want the busing and the transportation to make racial balance possible, or to overcome racial imbalance, let them furnish the money. But none of the money voted by this Congress will be devoted to that purpose."

Therein lies one of the redeeming features of the Constitution, which says that Congress shall have the power of the purse, and it can use that power in order to enforce some of the things it decides to declare as policy. That is the real point of the Dirksen amendment.

Let us move on to the suggestion by the Senator from Michigan that the word "require" is the crucial word.

As I read the law pertaining to education or to any other Federal grant programs—one element that always can be found in the provisions of virtually every act is that the State or the local political subdivision must submit a plan and that plan must be approved by the Secretary or some designee of his; and until it is approved, it will not qualify for Federal funds. That certainly is the case in the Education Act we are considering today. In that lies the control which the amendment proposed by the Senator from Michigan cannot escape. That control is always there.

The Secretary has virtually unlimited arbitrary power to say "Yes," "No," or "Maybe" to any application for approval of a plan.

He can say, "Sorry, Mr. School District. This plan does not quite fit. Maybe you had better redraw it and submit it again and put in it the busing of school children so that we will have racial balance here, and then we will approve it."

Under those circumstances, is the plan that is proposed for approval one that is voluntarily proposed by the local district, or is a form of coercion or a form of pressure or control being exerted by someone other than the local political subdivision?

The idea of the Dirksen amendment is to get an effective working of the present national policy and not to give the label of uncontrolled, unsupervised, uncoerced plans offered by local subdivisions, when in truth and in fact such an uncontrolled result is impossible to attain under the present statute.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. GRIFFIN. It seems to me that the Senator is saying that in title IV of the Civil Rights Act is the very explicit language which provides that no official of the United States shall require the transportation of pupils or students; and then the Senator is arguing that the Office of Education is not adhering to the law and is requiring, one way or the other, the transportation or busing of students. I do not know whether this is true. The Secretary of Health, Education, and Welfare says it is not true. But whether it is true or not, let us assume that the Office of Education is violating the law, is not following the law. We come to the question of whether or not the amendment of the Senator from Illinois would make any difference by restating the law in another place in the statute books. I suppose if the language of the amendment offered by the Senator from Illinois merely restated the law in another place in the statute books, we would not have the controversy that is occurring. But the fact is that it does not.

I would point out that we are dealing here with an authorization bill. It will be another act on the statute books. It will have no more force or effect than title IV of the Civil Rights Act. And if the Office of Education is going to disregard the law in one instance, I assume it would disregard the law again, if you write it again.

Mr. HRUSKA. But they will not be able to implement their disregard of the law, because they will not have available the dollars necessary to make it work. That is the whole thrust of the Dirksen amendment. I am aware of very few activities of the Government that do not require some U.S. currency to make the machine go.

Mr. GRIFFIN. This is not an appropriation bill.

Mr. HRUSKA. No, but it is a limitation.

Mr. GRIFFIN. We are dealing with an authorization bill.

Mr. HRUSKA. That is right. And the Dirksen amendment would be binding upon any funds that are authorized, whether by appropriation or by authorization.

Mr. GRIFFIN. Does the Senator say that title IV of the Civil Rights Act is not binding and controlling on the Office of Education at the present time?

Mr. HRUSKA. No. But I ask the Senator from Michigan to listen carefully to some of the other things I will say, as patiently as he can, when I seek to develop the case for the proposition that, notwithstanding the unequivocal language of the present statute, there are presently in motion efforts to circumvent, to disregard, and to violate the statute.

Mr. GRIFFIN. I would suggest that the

remedy might be for a court action to compel, in some way, the Office of Education or the Secretary of Health, Education, and Welfare to follow and adhere to the existing law, rather than to change the existing law, which the Dirksen amendment would do.

Mr. HRUSKA. I would differ again, most cheerfully and most respectfully, with the Senator from Michigan, because the Dirksen amendment would not change the present law. It would simply supplement it by furnishing the method whereby the present law could be implemented and really enforced.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address and was printed at this point in the RECORD by unanimous consent.)

AMENDMENT NO. 489

Mr. LAUSCHE. Mr. President, earlier I sent to the desk an amendment which, if adopted, would fix the authorization for the program we are discussing at the level of the 1968 authorization for the next 4 years, including 1968. The 1968 authorization is $3,965,000,000, in round figures. My amendment would fix the same amount for the years 1969, 1970, and 1971.

If we multiply the $3,965,000,000 by four, we arrive at the figure $15,860,000,000, which would be the authorized expenditure for this program for the 4 years beginning in 1968 and ending in 1971. I have been asked the question, "How does this figure, for the 4-year period, of $15,860,000,000, differ from what is authorized in the bill pending before us?"

In the pending bill, there is authorized for 1968 $3,965,000,000; for 1969, the Senate version authorizes $4,505,000,000; for the year 1970, it authorizes $4,783,000,000; and for the year 1971 it authorizes $5,056,000,000.

The total of the authorizations for the 4 years, including 1968, 1969, 1970, and 1971, under the bill, is $18,237,000,000. The provisions of the bill as reported, therefore, authorize the expenditure of $2,377,000,000 more than my proposal would authorize.

I felt impelled to make this explanation because there has obviously been a misunderstanding about what my amendment provides.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY of Massachusetts in the chair). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 809. An act for the relief of Dr. Youssef (Joseph) Selim Hasbani; and

S. 1410. An act for the relief of Tran Van Nguyen.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10805) to extend the life of the Civil Rights Commission.

The message further announced that the House had passed a bill (H.R. 12323) to amend chapter 73 of title 10, United States Code, relating to the retired serviceman's family protection plan, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12323) to amend chapter 73 of title 10, United States Code, relating to the retired serviceman's family protection plan, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. EASTLAND. Mr. President, this bill, as it came from the House of Representatives, had what was called the Fountain amendment. That amendment was taken out by the Senate committee and is not now in the bill. I shall, at the proper time, offer that amendment in the Senate, and I desire to discuss it and will discuss it briefly.

The purpose of this amendment is simply to assure that school boards and school districts will be accorded minimal rights of due process of law by the Office of Education and by the Department of Health, Education, and Welfare, when the payment of Federal funds is stopped on account of alleged discrimination in violation of title VI of the Civil Rights Act of 1964.

Of course, in receiving Federal funds for educational purposes, the school boards and school districts represent the schoolchildren and the taxpayers of the school districts. The children attending public school certainly have every right to receive the additional educational advantages which would flow from the use of Federal funds to which the school districts would be entitled. The taxpayers of the school districts, who are also taxpayers to the Federal Government, are also entitled to have the school boards or school districts receive Federal funds to which they are entitled, so that the school taxpayers, who send some of the money to Washington in the first place, would not be placed in the position of raising local taxes or seeing their schoolchildren do without additional educational advantages.

There are those who might argue that no school board or school district has the right to receive Federal funds and the agencies of the Federal Government might attach any conditions to the privilege of receiving such funds.

However, this theory has been completely repudiated by the Supreme Court of the United States and other Federal courts which have held in a long line of decisions that the Government cannot condition the granting of a privilege on an arbitrary or unreasonable basis.

No more lucid exposition of the meaning of due process of law has ever been given than the one made by Mr. Justice Frankfurter in his concurring opinion in the case of *Joint Anti-Fascist Refugee Committee* v. *McGrath* (1951, 341 U.S. 123).

In discussing the meaning of "due process of law" when the power of the Federal Government is used against an individual, Mr. Justice Frankfurter said in part:

> Petitioners are organizations which, on the face of the record, are engaged solely in charitable or insurance activities. They have been designated "communist" by the Attorney General of the United States. This designation imposes no legal sanction on these organizations other than that it serves as evidence in ridding the Government of persons reasonably suspected of disloyalty. It would be blindness, however, not to recognize that in the conditions of our time such designation drastically restricts the organizations, if it does not proscribe them. Potential members, contributors or beneficiaries of listed organizations may well be influenced by use of the designation, for instance, as ground for rejection of applications for commissions in the armed forces or for permits for meetings in the auditoriums of public housing projects. Compare Act of April 3, 1948, § 110(c), 62 Stat. 143, 22 U.S.C. (Supp. III) § 1508(c). Yet, designation has been made without notice, without disclosure of any reasons justifying it, without opportunity to meet the undisclosed evidence or suspicion on which designation may have been based, and without opportunity to establish affirmatively that the aims and acts of the organization are innocent It is claimed that thus to maim or decapitate, on the mere say-so of the Attorney General, an organization to all outward-seeming engaged in lawful objectives is devoid of fundamental fairness as to offend the Due Process Clause of the Fifth Amendment.
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> Fairness of procedure is "due process in the primary sense." *Brinkerhoff-Faris Co.* v. *Hill*, 281 U.S. 673, 681. It is ingrained in our National traditions and is designed to maintain them. In a variety of situations the Court has enforced this requirement by checking attempts of executives, legislatures, and lower courts to disregard the deep-rooted demands of fair play enshrined in the Constitution. "(T)his court has never held, nor must we now be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in 'due process of law' as understood at the time of the adoption of the Constitution. One of these principles is that no person shall be deprived of his liberty without opportunity, at

some time, to be heard . . ." *The Japanese Immigrant Case,* 189 U.S. 86, 100–101. "(B)y 'due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought." *Hagar* v. *Reclamation District,* 111 U.S. 701, 708. "Before its property can be taken under the ediction of an administrative officer the appellant is entitled to a fair hearing upon the fundamental facts." *Southern R. Co.* v. *Virginia,* 290 U.S. 190, 199. "Whether acting through its judiciary or through its legislature, a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was afforded to him some real opportunity to protect it." *Brinkerhoff-Faris Co.* v. *Hill, supra,* 281 U.S. at 682.

The requirement of "due process" is not a fair-weather or timid assurance. It must be respected in periods of calm and in times of trouble; it protects aliens as well as citizens. But "due process," unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. Expressing as it does in its ultimate analysis respect enforced by law for that feeling of just treatment which has been evolved through centuries of Anglo-American constitutional history and civilization, "due process" cannot be imprisoned within the treacherous limits of any formula. Representing a profound attitude of fairness between man and man, and more particularly between the individual and government, "due process" is compounded of history, reason, the past course of decisions, and stout confidence in the strength of the democratic faith which we profess. Due process is not a mechanical instrument. It is not a yardstick. It is a process. It is a delicate process of adjustment inescapably involving the exercise of judgment by those whom the Constitution entrusted with the unfolding of the process.

Fully aware of the enormous powers thus given to the judiciary and especially to its Supreme Court, those who founded this Nation put their trust in a judiciary truly independent—in judges not subject to the fears or allurements of a limited tenure and by the very nature of their function detached from passing and partisan influences.

It may fairly be said that, barring only occasional and temporary lapses, this Court has not sought unduly to confine those who have the responsibility of governing by giving the great concept of due process doctrinaire scope. The Court has responded to the infinite variety and perplexity of the tasks of government by recognizing that what is unfair in one situation may be fair in another. Compare, for instance, *Murray's Lessee* v. *Hoboken Land and Improvement Co.,* 18 How. 272, with *Ng Fung Ho* v. *White,* 259 U.S. 276, and see *Communications Comm'n* v. *WJR,* 337 U.S. 265, 275. Whether the *ex parte* procedure to which the petitioners were subjected duly observed "the rudiments of fair play," *Chicago, M. & St. P. R. Co.* v. *Polt,* 232 U.S. 165, 168, cannot, therefore, be tested by mere generalities or sentiments abstractly appealing. The precise nature of the interest that has been adversely affected, the manner in which this was done, the reasons for doing it, the available alternatives to the procedure that was followed, the protection implicit in the office of the functionary whose conduct is challenged, the balance of hurt complained of and good accomplished—these are some of the considerations that must enter into the judicial judgment.

Applying them to the immediate situation, we note that publicly designating an organization as within the proscribed categories of the Loyalty Order does not directly deprive anyone of liberty or property. Weight must also be given to the fact that such designation is not made by a minor official but by the highest law officer of the Government. Again, it is fair to emphasize that the individual's interest is here to be weighed against a claim of the greatest of all public interests, that of national security. In striking the balance the relevant considerations must be fairly, which means cooly, weighed with due regard to the fact that this Court is not exercising a primary judgment but is sitting in judgment upon those who also have taken the oath to observe the Constitution and who have the responsibility for carrying on government.

But the significance we attach to general principles may turn the scale when competing claims appeal for supremacy. Achievements of our civilization as precious as they were hard won were summarized by Mr. Justice Brandeis when he wrote that "in the development of our liberty insistence upon procedural regularity has been a large factor." *Burdeau* v. *McDowell,* 256 U.S. 465, 477 (dissenting). It is noteworthy that procedural safeguards constitute the major portion of our Bill of Rights. And so, no one now doubts that in the criminal law a "person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense—a right to his day in court—are basic in our system of jurisprudence." *In re Oliver,* 333 U.S. 257, 273. "The hearing, moreover, must be a real one, not a sham or a pretense." *Palko* v. *Connecticut,* 302 U.S. 319, 327. Nor is there doubt that notice and hearing are prerequisite to due process in civil proceedings, *e.g., Coe* v. *Armour Fertilizer Works,* 237 U.S. 413. Only the narrowest exceptions, justified by history become part of the habits of our people or by obvious necessity, are tolerated. *Ownbey* v. *Morgan,* 256 U.S. 94, *Endicott Johnson Corp.* v. *Encyclopedia Press,* 266 U.S. 285; see *Cooke* v. *United States,* 267 U.S. 517, 536.

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The construction placed by this Court upon legislation conferring administrative powers shows consistent respect for a requirement of fair procedure before men are denied or deprived of rights. From a great mass of cases, running the full gamut of control over property and liberty, there emerges the principle that statutes should be interpreted, if explicit language does not preclude, so as to observe due process in its basic meaning. See, *e.g., Anniston Mfg. Co.* v. *Davis,* 301, U.S. 337; *American Power Co.* v. *S.E.C.,* 329 U.S. 90, 107–108; *Wong Yang Sung* v. *McGrath,* 339 U.S. 33, 49. Fair hearings have been held essential for rate determinations and, generally, to deprive persons of property. An opportunity to be heard is constitutionally necessary to deport persons even though they make no claim of citizenship, and is accorded to aliens seeking entry in the absence of specific directions to the contrary. *Even in the distribution by the Government of benefits that may be withheld, the opportunity of a hearing is deemed important.* (Emphasis added.)

* * * * *

This Court is not alone in recognizing that the right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society. Regard for this principle has guided Congress and the Executive. Congress has often entrusted, as it may, protection of interests which it has created to administrative agencies rather than to the courts. But rarely has it authorized such agencies to act without those essential safeguards for fair judgment which in the course of centuries have come to be associated with due process. See *Switchmen's Union* v. *National Mediation Board,* 320 U.S. 297; *Tutun* v. *United States,* 270 U.S. 586, 576, 577; *Pennsylvania R. Co.* v. *Labor Board,* 261 U.S. 72. And when Congress has given an administrative agency discretion to determine its own procedure, the agency has rarely chosen to dispose of the rights of individuals without a hearing, however informal.

The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights.

An opportunity to be heard may not seem vital when an issue relates only to technical questions susceptible of demonstrable proof of which evidence is not likely to be overlooked and argument on the meaning and worth of conflicting and cloudy data not apt to be helpful. But in other situations an admonition of Mr. Justice Holmes becomes relevant.

"One has to remember that when one's interest is keenly excited evidence gathers from all sides around the magnetic point. . . ." It should be particularly heeded at times of agitation and anxiety, when fear and suspicion impregnate the air we breathe. Compare Brown, The French Revolution in English History. "The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome, and the corrupt to play the role of informer undetected and uncorrected." *United States ex rel, Knauff* v. *Shaughnessy,* 338 U.S. 537, 551 (dissenting). Appearances in the dark are apt to look different in the light of day.

Man being what he is cannot safely be trusted with complete immunity from outward responsibility in depriving others of their rights. At least such is the conviction underlying our Bill of Rights. That a conclusion satisfies one's private conscience does not attest its reliability. The validity and moral authority of a conclusion largely depend on the mode by which it was reached. Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done.

The strength and significance of these considerations—considerations which go to the very ethos of the scheme of our society—give a ready answer to the problem before us. That a hearing has been thought indispensable in so many other situations, leaving the cases of denial exceptional, does not of itself prove that it must be found essential here. But it does place upon the Attorney General the burden of showing weighty reason for departing in this instance from a rule so deeply imbedded in history and in the demands of justice. Nothing in the Loyalty Order requires him to deny organizations opportunity to present their case. The Executive Order, defining his powers, directs only that designation shall be made "after appropriate investigation and determination." This surely does not preclude an administrative procedure, however, informal, which would incorporate the essentials of due process. Nothing has been presented to the Court to indicate that it will be impractical or prejudicial to a concrete public interest to disclose to organizations the nature of the case against them and to permit them to meet it if they can. Indeed, such a contention could hardly be made inasmuch as the Loyalty Order itself requires partial disclosure and hearing in proceedings against a Government employee who is a member of a proscribed organization. Whether such procedure sufficiently protects the rights of the

> employee is a different story. Such as it is, it affords evidence that the wholly summary process for the organizations is inadequate. And we have controlling proof that Congress did not think that the Attorney General's procedure was indispensable for the protection of the public interest. The McCarran Act, passed under circumstances certainly not more serene than when the Loyalty Order was issued, grants organizations a full administrative hearing, subject to judicial review, before they are required to register as "Communist-action" or "Communist-front."
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> We are not here dealing with the grant of Government largess. We have not before us the measured action of Congress, with the pause that is properly engendered when the validity of legislation is assailed. The Attorney General is certainly not immune from the historic requirements of fairness merely because he acts, however conscientiously, in the name of security. Nor does he obtain immunity on the ground that designation is not an "adjudication" or a "regulation" in the conventional use of those terms. Due process is not confined in its scope to the particular forms in which rights have heretofore been found to have been curtailed for want of procedural fairness. Due process is perhaps the most majestic concept in our whole constitutional system. While it contains the garnered wisdom of the past in assuring fundamental justice, it is also a living principle not confined to past instances.

Let us now apply the principles of due process of law as stated by Mr. Justice Frankfurter in the McGrath case to the situation of the proper method for terminating the payment of Federal funds to school boards and school districts.

Which procedure more comports with the requirements of due process:

First. Cutting off the payment of such funds only after notice is given the recipient school district, a hearing is held at which the representatives and lawyers for the school district are given an opportunity to present evidence to rebut any allegations of discrimination, and a finding made on the record that the recipient school district has, in fact, been guilty of some act or acts of discrimination prohibited by law; or

Second. The procedure currently followed by the Office of Education and/or the Department of Health, Education, and Welfare whereby the Government agency, without notice, hearing, or opportunity to present evidence, mails a letter to some official of the school district advising him that the payment of Federal funds to the school district is to be terminated under the guise of "deferment," and that a hearing will be held in Washington, D.C., to determine whether the payment of such funds should be "terminated"?

This question should answer itself. It is obvious that the requirements of due process of law fall far short of being met under the second alternative procedure. Yet, that is the very procedure that is being currently followed.

Mr. Justice Frankfurter's opinion states that some of the factors to be considered in determining whether an administrative proceeding complies with the requirements of due process are as follows:

> The precise nature of the interest that has been adversely affected, the manner in which this was done, the reasons for doing it, the available alternatives to the procedure that was followed, the protection implicit in the office of the functionary whose conduct is challenged, the balance of hurt complained of and good accomplished—these are some of the considerations that must enter into the judicial judgment.

As to the nature of the interest which has been adversely affected by the administrative act in terminating the payment of Federal funds to school districts, as I have previously noted, such adverse decision has an extremely harmful effect on the children who attend the schools of said school district, who are deprived of educational opportunities and advantages which they would have otherwise received, and also adversely affects the taxpayers of the school district.

With regard to the manner in which the termination of funds is accomplished, and the reasons for doing it, I can think of no good, valid reason for following the procedure of suspending payment of Federal funds without notice, hearing, or opportunity to present evidence. On the other hand, there are many good reasons for following the procedure as set out in the proposed amendment to the Elementary and Secondary Education Act of terminating the payment of funds only after notice, hearing, and a finding on the record that acts of discrimination have been committed. Not the least of these reasons is that it would afford the school district, and the affected pupils and taxpayers, some degree of fair treatment and due process of law.

The next factor to be considered is the available alternatives to the procedure of ex parte termination of the payment of funds by the Government agency. One of the available alternatives, which would afford some due process is set out in the amendment which I support.

As for the next factor in the determination of what constitutes due process of law as stated by Mr. Justice Frankfurter, there seems in this case to be very little "protection implicit in the office of the functionary whose conduct is challenged." We are not dealing here with matters of national security or other high matters of State, in which the challenged conduct of an administrative official might be protected. This case deals with cutting off Federal money. There is no good policy reason why the actions of an administrative official in so acting should be protected.

In 17th-century England the law of the land was: "the king can do no wrong." That theory never took root in the American soil, and it was completely overthrown by the shed blood which purchased the American Revolution. We should not today paraphrase the theory of the divine right of kings by saying: "the Office of Education, Department of Health, Education, and Welfare can do no wrong."

As for the last consideration in determining what constitutes due process, "the balance of hurt complained of and good accomplished," I have previously discussed the injury inflicted by the Federal administrative action in terminating the payment of funds to school districts without notice, hearing, or an opportunity to present evidence. There is no countervailing good to be accomplished by the present ex parte procedure of "deferring the payment of Federal moneys."

The case of *Dixon* v. *Alabama State Board of Education* (5th Cir., 1961, 294 F. 2d 150, certiorari denied, 368 U.S. 930), involved the dismissal without notice and hearing of a number of students in attendance at Alabama State College. The ousted students brought suit in Federal court to compel the college authorities to reinstate them as students. They claimed that their rights of due process of law had been denied them because of the failure of the college authorities to give them notice of the charges against them and to afford them a hearing at which they would have the opportunity to present evidence in their defense.

The defendant college authorities asserted that attendance at a college is a privilege, not a right, and that since it was a privilege the college authorities had the right and power to revoke that privilege at any time without stating any reasons therefore. The district court agreed with this contention of the defendants and dismissed the complaint. The court of appeals, however, reversed the decision of the district court and ordered the students reinstated pending a hearing on the charges which led to their dismissal.

The court of appeals dealt with the question of what constitutes due process of law clearly and unmistakably as follows:

> Just last month, a closely divided Supreme Court held in a case where the governmental power was almost absolute and the private interest was slight that no hearing was required. *Cafeteria and Restaurant Workers Union* v. *McElroy et al.*, 1961, 81 S.Ct. 1743. In that case, a short-order cook working for a privately operated cafeteria on the premises of the Naval Gun Factory in the City of Washington was excluded from the Gun Factory as a security risk. So, too, the due process clause does not require that an alien never admitted to this Country be granted a hearing before being excluded. *United States ex rel. Knauff* v. *Shaughnessy*, 1950, 338 U.S. 537, 542, 543, 70 S.Ct. 309, 94 L.Ed. 317. In such case the executive power as implemented by Congress to exclude aliens is absolute and not subject to the review of any court, unless expressly authorized by Congress. On the other hand, once an alien has been admitted to lawful residence in the United States and remains physically present here it has been held that, "although Congress may prescribe conditions for his expulsion and deportation, not even Congress may expel him, without allowing him a fair opportunity to be heard." *Kwong Hai Chew* v. *Colding*, 1953, 344 U.S. 590, 597, 73 S. Ct. 472, 478 97 L.Ed. 576.
>
> It is not enough to say, as did the district court in the present case, "The right to attend a public college or university is not in and of itself a constitutional right." 186 F. Supp. at page 950. That argument was emphatically answered by the Supreme Court in the Cafeteria and Restaurant Workers Union case, supra, (81 S.Ct. 1748) when it said that the question of whether "* * * summarily denying Rachel Brawner access to the site of her former employment violated the requirements of the Due Process Clause of the Fifth Amendment * * *" cannot be answered by easy assertion that, because she had no constitutional right to be there in the first place, she was not deprived of liberty or property by the Superintendent's action. "One may not have a constitutional right to go to Bagdad, but the Government may not prohibit one from going there unless by

means consonant with due process of law." As in that case, so here, it is necessary to consider "the nature both of the private interest which has been impaired and the governmental power which has been exercised."

The appellees urge upon us that under a provision of the Board of Education's regulations the appellants waived any right to notice and a hearing before being expelled for misconduct.

"Attendance at any college is on the basis of a mutual decision of the student's parents and of the college. Attendance at a particular college is voluntary and is different from attendance at a public school where the pupil may be required to attend a particular school which is located in the neighborhood or district in which the pupil's family may live. Just as a student may choose to withdraw from a particular college at any time for any personally-determined reason, the college may also at any time decline to continue to accept responsibility for the supervision and service to any student with whom the relationship becomes unpleasant and difficult."

We do not read this provision to clearly indicate an intent on the part of the student to waive notice and a hearing before expulsion. If, however, we should so assume, it nonetheless remains true that the State cannot condition the granting of even a privilege upon the renunciation of the constitutional right to procedural due process. See *Slochower* v. *Board of Education*, 1956, 350 U.S. 551, 556, 76 S. Ct. 637, 100 L.Ed. 692; *Wieman* v. *Updegraff*, 1952, 344, U.S. 183, 191, 192, 73 S. Ct. 215, 97 L.Ed. 216; *United Public Workers of America (C.I.O.)* v. *Mitchell*, 1947, 330 U.S. 75, 100, 67 S. Ct. 556, 91 L.Ed. 754; *Shelton* v. *Tucker*, 1960, 364 U.S. 479, 81 S. Ct. 247, 5 L.Ed. 2d 231. Only private associations have the right to obtain a waiver of notice and hearing before depriving a member of a valuable right. And even here, the right to notice and a hearing is so fundamental to the conduct of our society that the waiver must be clear and explicit.

* * * * *

The precise nature of the private interest involved in this case is the right to remain at a public institution of higher learning in which the plaintiffs were students in good standing. It requires no argument to demonstrate that education is vital and, indeed, basic to civilized society. Without sufficient education the plaintiffs would not be able to earn an adequate livelihood, to enjoy life to the fullest, or to fulfill as completely as possible the duties and responsibilities of good citizens.

There was no offer to prove that other colleges are open to the plaintiffs. If so, the plaintiffs would nonetheless be injured by the interruption of their course of studies in mid-term. It is most unlikely that a public college would accept a student expelled from another public college of the same state. Indeed, expulsion may well prejudice the student in completing his education at any other institution. Surely no one can question that the right to remain at the college in which the plaintiffs were students in good standing is an interest of extremely great value.

Turning then to the nature of the governmental power to expel the plaintiffs, it must be conceded, as was held by the district court, that that power is not unlimited and cannot be arbitrarily exercised. Admittedly, there must be some reasonable and constitutional ground for expulsion or the courts would have a duty to require reinstatement. The possibility of arbitrary action is not excluded by the existence of reasonable regulations. There may be arbitrary application of the rule to the facts of a particular case. Indeed, that result is well nigh inevitable when the Board hears only one side of the issue. In the disciplining of college students there are no considerations of immediate danger to the public, or of peril to the national security, which should prevent the Board from exercising at least the fundamental principles of fairness by giving the accused students notice of the charges and an opportunity to be heard in their own defense. Indeed, the example set by the Board in failing so to do, if not corrected by the courts, can well break the spirits of the expelled students and of others familiar with the injustice, and do inestimable harm to their education.

The district court, however, felt that it was governed by precedent, and stated that, "the courts have consistently upheld the validity of regulations that have the effect of reserving to the college the right to dismiss students at any time for any reason without divulging its reason other than its being for the general benefit of the institution." (186 F. Supp. 951). With deference, we must hold that the district court has simply misinterpreted the precedents.

The language above quoted from the district court is based upon language found in 14 C.J.S. Colleges and Universities § 26, p. 1360, which in turn, in paraphrased from *Anthony* v. *Syracuse University*, 224 App. Div. 487, 231 N.Y. S. 435, reversing 130 Misc. 2d 249, 223 N.Y.S. 796, 797. (14 C.J.S. Colleges and Universities § 26, pp. 1360, 1363 note 70). This case, however, concerns a private university and follows the well-settled rule that the relations between a student and a private university are a matter of contract. The Anthony case held that the plaintiffs had specifically waived their rights to notice and hearing. See also *Barker* v. *Bryn Mawr*, 1923, 278 Pa. 121, 122 A. 220. The precedents for public colleges are collected in a recent annotation cited by the district court. 58 A.L.R. 2d 903–920. We have read all of the cases cited to the point, and we agree with what the annotator himself said: "The cases involving suspension or expulsion of a student from a public college or university all involve the question whether the hearing given to the student was adequate. In every instance the sufficiency of the hearing was upheld." 58 A.L.R. 2d at page 909. None held that no hearing whatsoever was required. In *Commonwealth ex rel Hill* v. *McCauley*, 1886, 3 Pa.Co.Ct.R. 77, the court went so far as to say that an informal presentation of the charges was insufficient and that a state-supported college must grant a student a full hearing on the charges before expulsion for misconduct. In *Gleason* v. *University of Minnesota*, 1908, 104 Minn. 359, 116 N.W. 650, on reviewing the overruling of the state's demurrer to a petition for mandamus for reinstatement, the court held that the plaintiff stated a prima facie case upon showing that he had been expelled without a hearing for alleged insufficiency in work and acts of insubordination against the faculty.

The appellees rely also upon *Lucy* v. *Adams*, D.C.N.D.Ala. 1957, 134 F.Supp. 235, where Autherine Lucy was expelled from the University of Alabama without notice or hearing. That case, however, is not in point. Autherine Lucy did not raise the issue of an absence of notice or hearing.

It was not a case denying any hearing whatsoever but one passing upon the adequacy of the hearing, which provoked from Professor Warren A. Seavey of Harvard the eloquent comment:

"At this time when many are worried about dismissal from public service, when only because of the overriding need to protect the public safety is the identity of informers kept secret, when we proudly contrast the full hearings before our courts with those in the benighted countries which have no due process protection, when many of our courts are so careful in the protection of those charged with crimes that they will not permit the use of evidence illegally obtained, our sense of justice should be outraged by denial of students of the normal safeguards. It is shocking that the officials of a state educational institution, which can function properly only if our freedoms are preserved, should not understand the elementary principles of fair play. It is equally shocking to find that a court supports them in denying to a student the protection given to a pickpocket."

Dismissal of Student: "Due Process," Warren A. Seavey, 70 Harvard Law Review 1406, 1407. We are confident that precedent as well as a most fundamental constitutional principle support our holding that due process requires notice and some opportunity for hearing before a student at a tax-supported college is expelled for misconduct.

For the guidance of the parties in the event of further proceedings, we state our views on the nature of the notice and hearing required by due process prior to expulsion from a state college or university. They should, we think, comply with the following standards. The notice should contain a statement of the specific charges and grounds which, if proven, would justify expulsion under the regulations of the Board of Education. The nature of the hearing should vary depending upon the circumstances of the particular case. The case before us required something more than an informal interview with an administrative authority of the college. By its nature, a charge of misconduct, as opposed to a failure to meet the scholastic standards of the college, depends upon a collection of the facts concerning the charged misconduct, easily colored by the point of view of the witnesses. In such circumstances, a hearing which gives the Board or the administrative authorities of the college an opportunity to hear both sides in considerable detail is best suited to protect the rights of all involved. This is not to imply that a full-dress judicial hearing, with the right to cross-examine witnesses, is required. Such a hearing, with the attending publicity and disturbance of college activities, might be detrimental to the college's educational atmosphere and impractical to carry out. Nevertheless, the rudiments of an adversary proceeding may be preserved without encroaching upon the interests of the college. In the instant case, the student should be given the names of the witnesses against him and an oral or written report on the facts to which each witness testifies. He should also be given the opportunity to present to the Board, or at least to an administrative official of the college, his own defense against the charges and to produce either oral testimony or written affidavits of witnesses in his behalf. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. If these rudimentary elements of fair play are followed in a case of misconduct of this particular type, we feel that the requirements of due process of law will have been fulfilled.

It is significant that the Supreme Court of the United States refused to review the decision of the court of appeals in the Dixon case. The decision in the Dixon case established at least two principles pertinent to consideration of the pending amendment: First, a person is entitled to due process of law, including notice, hearing, and an opportunity to present evidence, before he is deprived of a privilege by governmental administrative action; and, second, this is especially true where the harmful impact of administrative action adversely affects the educational opportunities of a person.

Although the decision in the Dixon case dealt with protection of the rights of due process of law from State deprivation, as guaranteed by the "due process clause" of the 14th amendment, the same reasoning would apply to protection from deprivation by the United States of the rights of due process of law as guaranteed by the "due process clause" of the fifth amendment. See *Bolling* v. *Sharpe* (347 U.S. 497).

The decision of the Supreme Court of the United States in the case of *Wieman* v. *Updegraff* (344 U.S. 183), considered the constitutionality of an Oklahoma loyalty oath prescribed by an Oklahoma statute for all State officials and employees. As part of the loyalty oath, the affiant was required to swear that he was not, and had not been, a member of the Communist Party or any organization officially determined by the Attorney General of the United States to be a Communist front or subversive organization.

The opinion of the Supreme Court, by Mr. Justice Clark, discussed the problem in the following manner:

> In a series of cases coming here in recent years, we have had occasion to consider legislation aimed at safeguarding the public service from disloyalty. *Garner* v. *Board of Public Works*, 341 U.S. 716 (1951); *Adler* v. *Board of Education*, 342 U.S. 485 (1952); *Gerende* v. *Board of Supervisors*, 341 U.S. 56 (1951). It is in the context of these decisions that we determine the validity of the oath before us.
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> We assumed in *Garner*, that if our interpretation of the oath as containing an implicit *scienter* requirement was correct, Los Angeles would give the petitioners who had refused to sign the oath an opportunity to take it as interpreted and resume their employment. But here, with our decision in *Garner* before it, the Oklahoma Supreme Court refused to extend the appellants an opportunity to take the oath. In addition, a petition for rehearing which urged that failure to permit appellants to take the oath as interpreted deprived them of due process was denied. This must be viewed as a holding that knowledge is not a factor under the Oklahoma statute. We are thus brought to the question touched on in *Garner, Adler,* and *Gerende:* whether the Due Process Clause permits a state, in attempting to bar disloyal individuals from its employ, to exclude persons solely on the basis of organizational membership, regardless of their knowledge. For, under the statute before us, the fact of membership alone disqualifies. If the rule be expressed as a presumption of disloyalty, it is a conclusive one.
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> But membership may be innocent. A state servant may have joined a proscribed organization unaware of its activities and purposes. In recent years, many completely loyal persons have severed organizational ties after learning for the first time of the character of groups to which they had belonged. "They had joined (but), did not know what it was, they were good, fine young men and women, loyal Americans, but they had been trapped into it—because one of the great weaknesses of all Americans, whether adult or youth, is to join something." At the time of affiliation, a group itself may be innocent, only later coming under the influence of those who would turn it toward illegitimate ends. Conversely, an organization formerly subversive and therefore designated as such may have subsequently freed itself from the influences which originally led to its listing.
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> There can be no dispute about the consequences visited upon a person excluded from public employment on disloyalty grounds. In the view of the community, the stain is a deep one; indeed, it has become a badge of infamy. Especially is this so in time of cold war and hot emotions when "each man begins to eye his neighbor as a possible enemy." Yet under the Oklahoma Act, the fact of association alone determines disloyalty and disqualification; it matters not whether association existed innocently or knowingly. To thus inhibit individual freedom of movement is to stifle the flow of democratic expression and controversy at one of its chief sources. We hold that the distinction observed between the case at bar and Garner, Adler and Gerende is decisive. Indiscriminate classification of innocent with knowing activity must fall as an assertion of arbitrary power. The oath offends due process.
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> But appellee insists that *Adler* and *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947), are contra. We are referred to our statement in *Adler* that persons seeking employment in the New York public schools have "no right to work for the State in the school system on their own terms. *United Public Workers* v. *Mitchell* . . . They may work for the school system upon the reasonable terms laid down by the proper authorities of New York." 342 U.S., at 492. To draw from this language the facile generalization that there is no constitutionally protected right to public employment is to obscure the issue. For, in *United Public Workers*, though we held that the Federal Government through the Hatch Act could properly bar its employees from certain types of political activity thought inimical to the interests of Civil Service, we cast this holding into perspective by emphasizing that Congress could not "enact a regulation providing that no Republican, Jew or Negro shall be appointed to federal office, or that no federal employee shall attend Mass or take any active part in missionary work." 330 U.S. at 100. See also *In re Summers*, 325 U.S. 561, 571 (1945). We need not pause to consider whether an abstract right to public employment exists. It is sufficient to say that constitutional protection does not extend to the public servant whose exclusion pursuant to a statute is patently arbitrary or discriminatory.

The case of *Slochower* v. *Board of Higher Education of New York City* (350 U.S. 551) dealt with section 903 of the charter of the city of New York which provided that whenever an employee of the city utilizes the privilege against self-incrimination to avoid answering a question relating to his official conduct, his term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible to election or appointment to any office or employment under the city or any agency thereof.

Mr. Slochower was an associate professor at Brooklyn College and invoked the privilege against self-incrimination under the fifth amendment before an investigating committee of the U.S. Senate. Consequently, he was discharged from his position as associate professor pursuant to section 903.

In holding that Professor Slochower was entitled to notice, hearing, and an opportunity to present evidence, the Supreme Court, again speaking through Mr. Justice Clark, applied the principles of due process of law to that case as follows:

> Slochower had 27 years' experience as a college teacher and was entitled to tenure under state law. McKinney's New York Laws, Education Law, §6206 (2). Under this statute, appellant may be discharged only for cause, and after notice, hearing, and appeal. § 6206 (10). The Court of Appeals of New York, however, has authoritatively interpreted § 903 to mean that "the assertion of the privilege against self incrimination is equivalent to a resignation." *Daniman* v. *Board of Education*, 306 N.Y. 532, 538, 119 N.E. 2d 373, 377. Dismissal under this provision is therefore automatic and there is no right to charges, notice, hearing, or opportunity to explain.
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> Slochower argues that § 903 abridges a privilege or immunity of a citizen of the United States since it in effect imposes a penalty on the exercise of a federally guaranteed right in a federal proceeding. It also violates due process, he argues, because the mere claim of privilege under the Fifth Amendment does not provide a reasonable basis for the State to terminate his employment. Appellee insists that no question of "privileges or immunities" was raised or passed on below, and therefore directs its argument solely to the proposition that § 903 does not operate in an arbitrary or capricious manner. We do not decide whether a claim under the "privileges or immunities" clause was considered below, since we conclude the summary dismissal of appellant in the circumstances of this case violates due process of law.
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> The problem of balancing the State's interest in the loyalty of those in its service with the traditional safeguards of individual rights is a continuing one. To state that a person does not have a constitutional right to government employment is only to say that he must comply with reasonable, lawful, and nondiscriminatory terms laid down by the proper authorities. *Adler* v. *Board of Education*, 342 U.S. 485, upheld the New York Feinberg Law which authorized the public school authorities to dismiss employees who, after notice and hearing, were found to advocate the overthrow of the Government by unlawful means, or who were unable to explain satisfactorily membership in certain organizations found to have that aim. Likewise *Garner* v. *Los Angeles Board*, 341 U.S. 716, 720 upheld the right of the city to inquire of its employees as to "matters that may prove relevant to their fitness and suitability for the public service," including their membership, past and present, in the Communist Party or the Communist Political Association. There it was held that the city had power to discharge employees who refused to file an affidavit disclosing such information to the school authorities.
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> But in each of these cases, it was emphasized that the State must conform to the requirements of due process. In *Wieman* v. *Updegraff*, 344 U.S. 183, we struck down a so-called "loyalty oath" because it based employability solely on the fact of membership in certain organizations. We pointed out that membership itself may be innocent and held that the classification of innocent and guilty together was arbitrary. This case rests squarely on the proposition that "constitutional protection does extend to the public servant whose exclusion pursuant to a statute is patently arbitrary or discriminatory." 344 U.S., at 192.
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> With this in mind, we consider the application of § 903. As interpreted and applied by the state courts, it operates to discharge every city employee who invokes the Fifth amendment. In practical effect the questions asked are taken as confessed and made the basis of the discharge. No consideration is given to such factors as the subject matter of the questions, remoteness of the period to which they are directed, or justification for exercise of the privilege. It matters not whether the plea resulted from mistake, inadvertence or legal advice conscientiously given, whether wisely or unwisely. The heavy hand of the statute falls alike on all who exercise their constitutional privilege, the full enjoyment of which every person is entitled to receive. Such action falls squarely within the prohibition of *Wieman* v. *Updergraff, supra.*
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> It is one thing for the city authorities

> themselves to inquire into Slochower's fitness, but quite another for his discharge to be based entirely on events occurring before a federal committee whose inquiry was announced as not directed at "the property, affairs, or government of the city, or . . . official conduct of city employees." In this respect the present case differs materially from *Garner,* where the city was attempting to elicit information necessary to determine the qualifications of its employees. Here, the Board had possessed the pertinent information for 12 years, and the questions which Professor Slochower refused to answer were admittedly asked for a purpose wholly unrelated to his college functions. On such a record the Board cannot claim that its action was part of a bona fide attempt to gain needed and relevant information.
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> Without attacking Professor Slochower's qualifications for his position in any manner, and apparently with full knowledge of the testimony he had given some 12 years before at the state committee hearing, the Board seized upon his claim of privilege before the federal committee and converted it through the use of § 903 into a conclusive resumption of guilt. Since no inference of guilt was possible from the claim before the federal committee, the discharge falls of its own weight as wholly without support. There has not been the "protection of the individual against arbitrary action" which Mr. Justice Cardozo characterized as the very essence of due process. *Ohio Bell Telephone Co.* v. *Commission,* 301 U.S. 292, 302.
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> This is not to say that Slochower has a constitutional right to be an associate professor of German at Brooklyn College. The State has broad powers in the selection and discharge of its employees, and it may be that proper inquiry should show Slochower's continued employment to be inconsistent with a real interest of the State. But there has been no such inquiry here. We hold that the summary dismissal of appellant violates due process of law.

The case of *Sherbert* v. *Verner* (374 U.S. 398), concerned the right to receive unemployment compensation benefits under the South Carolina Unemployment Compensation Act. That act provided, in part, that a claimant is ineligible for benefits if he has failed, without good cause, to accept available suitable work when offered him. The claimant was a member of the Seventh-day Adventist Church, who was discharged by her South Carolina employer because she would not work on Saturday, the Sabbath Day of her faith. She was unable to obtain other employment because she would not work on Saturday, and she filed a claim for benefits under the Unemployment Compensation Act. The State Unemployment Commission denied the claim on the ground that she would not accept suitable work when offered, and its action was sustained by the Supreme Court of South Carolina.

The case was appealed to the Supreme Court of the United States, and it was argued there that the receipt of unemployment compensation benefits is a privilege, not a right, and that the State may impose any condition to the granting of that privilege.

In holding that the action of the South Carolina Unemployment Commission in denying unemployment compensation benefits to claimant violate the "establishment of religion clause of the first amendment," the Supreme Court made the following statement of law:

> Nor may the South Carolina court's construction of the statute be saved from constitutional infirmity on the ground that unemployment compensation benefits are not appellant's "right" but merely a "privilege." It is too late in the day to doubt that the liberties of religion and expression may be infringed by the denial of our placing of conditions upon the benefit or privilege. *American Communications Assn.* v. *Douds,* 339 U.S. 382, 390; *Wieman* v. *Updegraff,* 344 U.S. 183, 191–192; *Hannegan* v. *Esquire, Inc.,* 327 U.S. 146, 155–156. For example, in *Flemming* v. *Nestor,* 363 U.S. 603, 611, the Court recognized with respect to Federal Social Security benefits that "(t)he interest of a covered employee under the Act is of sufficient substance to fall within the protection from arbitrary governmental action afforded by the Due Process Clause" In *Speiser* v. *Randal,* 357 U.S. 513, we emphasize that conditions upon public benefits cannot be sustained if they so operate, whatever their purpose, as to inhibit or deter the exercise of First Amendment freedoms. We there struck down a condition which limited the availability of a tax exemption to those members of the exempted class who affirmed their loyalty to the state government granting the exemption. While the State was surely under no obligation to afford such an exemption, we held that the imposition of such a condition upon even a gratuitous benefit inevitably deterred or discouraged the exercise of the First Amendment rights of expression and thereby threatened to "produce a result which the State could not command directly." 357 U.S. at 526. "To deny an exemption to claimants who engage in certain forms of speech is in effect to penalize them for such speech" *Id.,* at 518. Likewise, to condition the availability of benefits upon this appellant's willingness to violate a cardinal principle of her religious faith effectively penalizes the free exercise of her constitutional liberties.

The most striking example of decisions by the courts involving conditions attached to the granting of a privilege by the Congress of the United States and the legislatures of the several States is a series of recent decisions by three-judge U.S. district courts voiding the 1-year residence requirements for the payment of welfare benefits in the District of Columbia, Delaware, Connecticut, and Pennsylvania. These cases are *Harrell and Legrant* v. *Tobriner* (— F. Supp. —), decided November 2, 1967, District of Columbia; *Thompson* v. *Shapiro* (270 F. Supp. 31), Connecticut; *Green* v. *Department of Public Welfare* (270 F. Supp. 173), Delaware; and *Smith* v. *Reynolds* (— F. Supp. —), Pennsylvania. A final decision has not been reached in the Pennsylvania case, but enforcement of a 1-year residence requirement in that State has been preliminary enjoined on constitutional grounds.

In Harrell and Legrant against Tobriner, supra, the district court was considering the validity of an act of Congress which established a 1-year residence requirement for payment of welfare benefits in the District of Columbia. The court there gave the argument that since receipt of welfare payments is a privilege, not a right, Congress can attach any conditions it chooses thereto, short shrift:

> It is said that Congress in gratuitously providing for assistance may not be held to constitutional standards. The decisions are to the contrary. In *Sherbert* v. *Verner,* 374 U.S. 398, 404, the Supreme Court held that the fact that "unemployment compensation benefits are not appellant's 'right' but merely a 'privilege' " does not save a statute limiting such rights from "constitutional infirmity." There is no indication in our cases that Congress desired unequal protection of the laws. Congress viewed the eligibility provision as justified. Our judicial problem is to determine the reasonableness of the difference in treatment which the challenged requirement imposes upon those in need of public assistance. There is no escape from the proposition that, in carrying forward a comprehensive program of this character, restrictions having no reasonable relationship to the basic purposes of the program are not immune from attack because the Congress was not under legal obligation to inaugurate the program.

In the case of Thompson against Shapiro, supra, the district court disposed of this issue in the following manner:

> Granted, the state may provide assistance in a limited form with restrictions, so long as the restrictions are not arbitrary; but, in any case where the government confers advantages on some, it must justify its denial to others by reference to a constitutionally recognized reason. See *Sherbert* v. *Verner, supra*; *Speiser* v. *Randall,* 357 U.S. 513, 78 S. Ct. 1332, s L. Ed. 2d 1460 (1958). In *Carrington* v. *Rash,* 380 U.S. 89, 96, 85 S. Ct. 775, 13 L. Ed. 2d 675 (1965), while striking down a Texas law which prevented servicemen from voting, the Court was careful to emphasize that, "Texas is free to take reasonable and adequate steps * * * to see that all applicants for the vote actually fulfill the requirement of bona fide residence." For example, if there were here a time limit applied equally to all, for the purpose of prevention of fraud, investigation of indigency or other reasonable administrative need, it would undoubtedly be valid. Connecticut's Commissioner of Welfare frankly testified that no residence requirement is needed for any of these purposes.

The holding of the foregoing cases may be summed up as follows:

First. Neither the United States nor the States may deny any person a privilege without due process of law.

Second. What constitutes due process of law in administrative proceedings before a Government agency varies from case to case, but the rights of due process almost always include the right to notice, hearing, and to present evidence before adverse administrative action is taken, unless some strong countervailing reason can be shown why these rights should not be accorded in a particular case.

Third. The due process rights of notice, hearing, and presentation of evidence should be afforded especially where unfavorable administrative action would adversely affect the right to obtain educational opportunities.

There are many cases decided by the courts which define the meaning of due process of law. A review of those cases will clearly show that the amendment should be adopted, so as to provide the basic minimum requirements of due process of law to the school boards and school districts in terminating the payment of Federal funds in federally assisted programs.

Actually, we do not need to rely on this line of cases in order to show the need for this amendment.

The application of plain logic and commonsense tells us that the use of the present procedure whereby Federal functionaries mail a notice to school district officials, without any notice or hearing, informing them that the payment of

Federal funds has been "deferred," is so flagrantly unfair as to offend the basic principles of due process of law.

Why do these Federal functionaries want to act in such an arbitrary and capricious manner so as to violate the rights of due process of law vested in the officials of the school district, the affected school children, and the taxpayers?

They can give no good reason.

The law enacted by Congress already requires that notice, hearing, and an opportunity to present evidence be given the school districts before a decision is made to cut off Federal funds. Section 602 of title VI of the Civil Rights Act of 1964 (78 Stat. 252–253), which provides the manner in which the payment of funds can be terminated states as follows:

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirements and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and the Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

This law clearly provides that no Federal agency may terminate, or refuse to grant or to continue assistance under any program or activity until there has been an express finding on the record, after opportunity for hearing, of a failure to comply with a rule, regulation, or order, adopted by such agency to guarantee that no person shall, on the grounds of religion, color, or national origin be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

It is outrageous that it is necessary to offer an amendment to this bill to make certain that these Federal agencies comply with the clear provisions of presently existing law. This is made necessary by the obstinate refusal of those persons in charge of administering the payment of Federal funds to school districts to adhere to the clearly expressed congressional intent in enacting said section 602 of the Civil Rights Act of 1964.

Congress was certain when it enacted section 602 that it was giving the school districts a "day in court" before payment of Federal money could be terminated. In my judgment, most Members of Congress thought they were affording some rights of due process of law to the school districts. However, the maladministration of this law has frustrated the intent of Congress and has created the necessity for the enactment of the amendment.

An effort is made to justify the ex parte termination of funds on the basis that such action merely constitutes the "deferral" of the payment of funds, and that the school districts still have a right to a hearing to determine whether such funds should be "terminated."

This play on words, this semantic trick, would make a freshman in logic blush. The mind that would accept this as good reasoning would speculate as to how many angels could dance on the head of a needle.

Section 602 speaks of "the termination or refusal to grant or to continue assistance under such program or activity." What is the difference between "refusal to grant assistance" and "deferral"? What is the difference between "refusal to continue assistance" and "deferral"? In both cases, the answer is "none." The fact of the matter is that every action of HEW or the Office of Education in "deferring" payment of Federal funds without notice or hearing, has in fact constituted a refusal to grant assistance or a refusal to continue assistance.

By adopting the amendment, we will make clear to those in charge of administering Federal programs what their duties are under the law.

I strongly urge the adoption of the amendment, which would restore some of the rights of due process of law to the officials of the school districts and schoolchildren.

REPRESENTATIVE CLAUDE PEPPER: CHAMPION OF NATIONAL HEALTH CARE

Mr. HOLLAND. Mr. President, my former colleague in the Senate, the Honorable Claude Pepper, now a Member of the House of Representatives, representing the 11th District of Florida, which State I have the honor to represent in part, was recently chosen to receive the Albert Lasker Public Service Award for "his continuing service to medical legislation and his dedicated zeal against the diseases which erode our Nation's economic and physical strength."

The award by the Albert and Mary Lasker Foundation was presented to Representative Pepper at a luncheon in New York on November 9, 1967.

Claude Pepper was elected by the people of Florida to the U.S. Senate in November 1936, and during his first year in the Senate, while serving on the Senate Labor and Public Health Committee, he cosponsored the legislation creating the first of the "categorical" National Institutes of Health—the National Cancer Institute. Later, he sponsored legislation for the National Institute of Mental Health; the National Heart Institute, the National Institute of Neurological Diseases and Blindness, and the National Institute of Arthritis and Metabolic Diseases.

Claude Pepper continued his efforts in the health field during World War II as chairman of the Subcommittee on Wartime Health and Education and supported a national system of health insurance.

After being elected to the House of Representatives in 1962, he continued his efforts in this field by his joint sponsorship of the Community Mental Health and Mental Retardation Act of 1963; the Nurse Training Act of 1964; the Health Professions Educational Assistance Act, and the Heart Disease, Cancer, and Stroke Amendments of 1965.

We in Florida are justly proud of the recognition of the valuable contributions Claude Pepper has made to the health field, and we greatly appreciate his having been given the Albert Lasker Award.

Mr. President, I ask unanimous consent to have printed in the Record at this point five articles, all of which expound on the accomplishments of Claude Pepper—namely, an article which appeared in the November 17, 1967, issue of the Medical World News entitled "Champion of National Health Care"; an editorial which appeared in the Daytona Beach Morning Journal of November 10, 1967, entitled "An Honor Deserved"; an editorial which appeared in the St. Petersburg Times of November 12, 1967, entitled "A Smear Becomes an Honor"; an editorial which appeared in the Miami News of November 13, 1967, entitled "Stalwarts for Health"; and an editorial which appeared in the Miami Herald of November 17, 1967, entitled "How Times Change: MD's Love Pepper."

There being no objection, the material was ordered to be printed in the Record, as follows:

Champion of National Health Care

In the dawning years of the 20th century, Claude Pepper recalls seeing "most pitiful" examples of poor health care in Alabama where he grew up. He remembers "rural people coming into town with dead babies in their arms because they could not get anybody to administer medical care."

The indelible imprint of these memories remained with the fiery Southerner all through the years during which he took a law degree at Harvard and established a practice in Perry, Fla. The remembrances continued to motivate him through his long career on Capitol Hill as a senator and congressman. For his unremitting efforts to improve the nation's health, he has now won the Albert Lasker Public Service Award.

Starting when he was elected to the Senate in 1936, Pepper worked constantly to obtain more federal funds to train doctors, build hospitals, and establish and maintain the National Institutes of Health. Going even further, he spoke out strongly for a national health insurance plan. This drew the vehement opposition of the AMA and individual doctors.

One of Representative Pepper's greatest frustrations today is with colleagues who want to cut federal funds for medical research. "I shall always remember that a good many men in the Senate who strenuously opposed the efforts to get research in the fields of cancer and heart disease later died from cancer and heart disease. And the research is opposed even today."

For Pepper, these programs have always had human relevance. "My mother lived for several years after her first heart attack by use of blood-thinning medicine, which, I, think, was developed by the National Institutes of Health. Suppose I said, 'Now, Mama, I'm sorry you had that heart attack; you know, we could have developed a blood-thinning medicine, but we didn't have the money to do it and you'll just have to go on and die because it is not available.' "

An Honor Deserved

An honor richly deserved went to Florida's Claude Pepper this week.

At a ceremony in New York Thursday he was presented the Albert Lasker Public Service Award "for his continuing dedication to medical legislation in both Houses of Congress for 30 years."

It began for him as a U.S. Senator as he was elected without opposition to fulfill an unexpired term. He was a liberal in an era when people were not suspicious of liberalism.

Sen. Pepper was one of the first advocates of a program of national health insurance because his many excursions to other nations where such health care was in effect convinced him that America was lagging in concern for its ailing poor. He advocated a policy of friendly relations with the Russians in the name of World harmony. He considered Negroes as citizens and championed an end to voter discrimination.

Then along came that "freeze" again in 1950—and George Smathers.

The cold climate of antiliberalism froze Claude Pepper out of the Senate.

Other men with less dedication to public service would have given up, but not Florida's Pepper. He settled for a less august position in the House of Representatives, and went on fighting for the things of concern to the mass of Americans.

America progressed, despite the lingering climate of suspicion. It did begin to establish better relations with the Communists. It did enact laws to end oppression of Negroes. It did establish medicare and medicaid to help the old and the poor.

Not long ago, Pepper reminisced: "Now, everything I stood for then has come true . . . and George Smathers, as chairman of a subcommittee on the needs of our senior citizens, was forced to come into the fold of the concerned."

Congratulations, Mr. Pepper. The award certainly has found its proper recipient.

A Smear Becomes an Honor

One of the great injustices of American politics was at least partially corrected last week in a ceremony that didn't receive as much attention in Florida as it deserved.

The event was the presentation of the 1967 Albert Lasker Medical Public Service Award to U.S. Rep. Claude D. Pepper of Florida. He was selected for the Lasker Foundation's tribute by a committee headed by Dr. Michael DeBakey, the heart surgeon.

Pepper more than deserved the honor. As a U.S. senator from Florida in 1937, he co-sponsored legislation that created the first of the National Institutes of Health. As chairman of the Senate Health and Education Committee during World War II, he gave leadership to studies that eventually produced the Hill-Burton program of federal hospital construction. During 30 years in the Senate and House, Pepper has worked regularly for better medical care and medical research.

The heavy irony in Pepper's medical citation reaches back to 1950 and the bitter political campaign in which Pepper was defeated by U.S. Sen. George Smathers. Pepper was smeared as an extremist because he had proposed Medicare. Doctors in Florida contributed thousands of dollars to the campaign that defeated Pepper.

Today medicare is a popular success that isn't even very controversial. Instead of working to defeat Pepper, one of the nation's leading doctors honors him for "continuing service to medical legislation in both houses of Congress and dedicated zeal against diseases which erode our nation's economic and physical strength."

The wounds of 1950 are not completely healed, but events in New York last week certainly soothed them.

Stalwarts for Health

(By Howard A. Rusk, M.D.)

Never in the 22 years since the establishment of the Albert Lasker Medical Research Awards has the choice of the winners been more exciting. This year's awards, presented last week, include a prize of $10,000 and a gold statuette of the Winged Victory of Samothrace, symbolizing victory over death and disease.

The basic medical research award went to Dr. Bernard B. Brodie, chief of the Laboratory of Chemical Pharmacology, National Heart Institute, National Institutes of Health. His citation reads:

"Probably no man has contributed more to the body of knowledge which makes possible the rational use of drugs in the treatment of many diseases. His most extraordinary contributions to biochemical pharmacology over 30 years have had a profound influence on the use of drugs in the therapy of cardiovascular diseases, mental and emotional disorders, and cancer. . .

"Dr. Brodie also proposed a new line of attack on schizophrenia, and this concept led to numerous studies attempting to correlate the way in which nerve impulses are transmitted and their relation to clinical patterns of behavior.

"His early work on the distribution and metabolism of anti-malarial, anesthetic and hypnotic drugs has led to many basic pharmacological concepts which are now used in the development of new therapeutic agents."

The Albert Lasker Public Service Award was given to Rep. Claude D. Pepper (D., Fla.) for his devotion to the cause of medical research through the years.

When he was a U.S. senator (1936–51) Pepper introduced the first legislation that sponsored the Institutes of Mental Health, Heart, Neurological Diseases and Blindness, and Arthritis and Metabolic Diseases.

When Pepper first held hearings in 1944 the budget of the National Institutes of Health, including grants for research and training and construction, was $2.4 million. Last year it was more than $1.5 billion.

The Albert Lasker Clinical Research Award to an investigator whose research contributed directly to the alleviation or elimination of one of the major medical causes of death or disability, resulting in the prolongation of life, was presented this year to Dr. Robert Allan Phillips Capt., USN (Ret.) director, Pakistan-SEATO Cholera Research Laboratory, Dacca, East Pakistan.

Cholera is an infectious disease caused by the growth of the organism of vibrio cholera in the intestine. It is characterized by diarrhea.

Dr. Phillips found that by replacing the blood electrolytes and fluid with heretofore-unheard-of amounts of simple salt solutions intravenously, the patient rapidly recovered. Under this simple treatment the mortality rate today is less than one-half of 1 per cent.

How Times Change: MD's Love Pepper

(By John McDermott)

How times do change! Back in 1950 when Claude Pepper was running for reelection to the U.S. Senate some of his strongest opposition came from the medical profession. The liberal leanings of the senator cost him countless votes and many campaign dollars—and helped George Smathers defeat him in the bitterest-ever primary.

A few days ago Pepper, now a Miami congressman, was named the 1967 recipient of the Albert Lasker Public Service Award for his "continuing dedication to medical legislation in both Houses of Congress for 30 years." With the award goes $10,000. "It is a little ironic, but most gratifying, to be cited for this high honor," commented Pepper. Some doctors, who openly opposed Pepper as a senator, today sing his praises, too.

Although Pepper would like nothing better than to return to the Senate, indications are the 67-year-old veteran politico will seek reelection to a fourth term in the House. The congressman played host to Vice President Hubert H. Humphrey Saturday, introducing him to the Young Democrats National Convention at the Diplomat and then to a picnic of his supporters at Greynolds Park.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. Mr. President, I am delighted that my good friend, the senior Senator from Florida, has paid tribute to our former colleague, now Representative Claude Pepper, in winning the Lasker Public Service Award.

I served on the Committee on Labor and Public Welfare with Representative Pepper when he was a Member of the Senate. I know how indefatigable he was in his efforts in bringing into being many facilities we have in the National Institutes of Health that have done so much and have made such outstanding contributions not only to the health of the people of our country, but all people.

I rejoice that Congressman Pepper has received this recognition by the Albert and Mary Lasker Foundation. He certainly richly deserved it. He labored many weeks, months, and years to bring about these Institutes for the health of our people and, as I have said, of all people.

Mr. HOLLAND. I thank my distinguished friend for his kind comments. I know that they are well deserved by our former colleague and I know he will appreciate the Senator rising to speak on the floor at this time because the senior Senator from Alabama is regarded as the spearhead in the Senate of our efforts in behalf of suffering mankind. Representative Pepper will particularly appreciate the comments coming from the distinguished Senator from Alabama.

Mr. HILL. I thank the distinguished Senator from Florida for his generous remarks about me. I am, indeed, most grateful to him.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to vacate the order for the yeas and nays on the Dirksen amendment.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. What will be the effect of this action upon the amendment to the amendment?

The PRESIDING OFFICER. It has no effect on the second amendment.

Mr. DIRKSEN. I thought I was advised that when the original amendment was no longer supported with the yeas and nays, that that had an effect on the modifying amendment. However, perhaps that does not come until I ask unanimous consent to withdraw my amendment, which I do.

The PRESIDING OFFICER. The Senator is permitted to withdraw his amendment if he so desires.

Mr. DIRKSEN. Now what is the effect of the modifying amendment?

The PRESIDING OFFICER. The amendment to the amendment now falls. The bill is open to amendment.

Mr. DIRKSEN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The effect of the consent of the Senate to this action in no wise operates prejudicially to the offering of an amendment to this or any other bill similar to or identical to the Dirksen amendment. Is that correct?

The PRESIDING OFFICER. It has no effect.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate go into executive session to consider Executive K, 90th Congress.

Mr. MORSE. Mr. President, will the Senator assure me that he uses the word "temporarily" advisedly?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider executive business.

PROTOCOL FOR THE FURTHER PROLONGATION OF THE INTERNATIONAL SUGAR AGREEMENT

The PRESIDING OFFICER. The question is on the request of the Senator from Montana to proceed to the consideration of Executive K, 90th Congress, first session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty (Ex. K, 90th Cong., first sess.), the Protocol for the Further Prolongation of the International Sugar Agreement of 1958, done at London, November 14, 1966, which was read the second time, as follows:

PROTOCOL FOR THE FURTHER PROLONGATION OF THE INTERNATIONAL SUGAR AGREEMENT OF 1958

The Governments party to this Protocol,

Considering that the International Sugar Agreement of 1958 (hereinafter referred to as "the Agreement"), as extended by the Protocol of 1963 for the Prolongation of the International Sugar Agreement of 1958 and the Protocol of 1965 for the Further Prolongation of the International Sugar Agreement of 1958 (hereinafter referred to as "the previous Protocols") will expire on 31 December 1966;

Desiring to continue the Agreement in force for a further period pending the entry into force of a new International Sugar Agreement under the auspices of the United Nations;

Reaffirming their intention urgently to consider possible bases for a new International Sugar Agreement to replace the Agreement;

Have agreed as follows:

ARTICLE 1

(1) Subject to the provisions of Article 2, the Agreement shall continue in force between the parties to this Protocol until 31 December 1968. Should a new International Sugar Agreement enter into force before that date, this Protocol shall cease to have effect on the date of the entry into force of the new International Sugar Agreement.

(2) Any Government which was not party to the Agreement but which becomes a party to this Protocol shall thereby be deemed to be a party to the Agreement as extended in force.

ARTICLE 2

Paragraphs (2) and (3) of Article 3, Articles 7 to 25 inclusive, Articles 41 and 42 and paragraphs (4) and (7) of Article 44 of the Agreement shall be deemed to be inoperative.

ARTICLE 3

(1) Governments may become party to this Protocol

(*a*) by signing it; or

(*b*) by ratifying, accepting or approving it after having signed it subject to ratification, acceptance or approval; or

(*c*) by acceding to it.

(2) When signing this Protocol each signatory Government shall formally state whether, in accordance with its constitutional procedures, its signature is, or is not, subject to ratification, acceptance or approval.

ARTICLE 4

(1) This Protocol shall be open for signature at London from 14 November to 30 December 1966, inclusive, by the Governments party to either of the previous Protocols and by the Government of any other country referred to in Article 33 or 34 of the Agreement.

(2) Where ratification, approval or acceptance is required, the relevant instrument shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(3) After 30 December 1966 this Protocol shall be open for accession by the Government of any country referred to in Article 33 or 34 of the Agreement, by deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland.

(4) This Protocol shall also be open for accession by the Government of any Member of the United Nations or any Government invited to the United Nations Sugar Conference, 1965, but not referred to in Article 33 or 34 of the Agreement, provided that the number of votes to be exercised in the Council by the Government desiring to accede shall first be agreed upon by the Council with that Government.

ARTICLE 5

(1) This Protocol shall enter into force on 1 January 1967 among those Governments which have by that date become parties to this Protocol, provided that such Governments hold 60 per cent of the votes of the importing countries and 70 per cent of the votes of the exporting countries under the Agreement as extended by the previous Protocols on 31 December 1966. Instruments of ratification, acceptance, approval or accession deposited thereafter shall take effect on the date of their deposit.

(2) In calculating whether the percentage requirements referred to in paragraph (1) of this Article have been met, a notification containing an undertaking to seek ratification, acceptance, approval or accession in accordance with constitutional procedures as rapidly as possible and if possible before 1 July 1967, received by the Government of the United Kingdom of Great Britain and Northern Ireland before 1 January 1967, shall be taken into account.

(3) If by 1 January 1967 this Protocol has not entered into force, the Governments which have satisfied the requirements of Article 3 may agree to put it into force among themselves.

ARTICLE 6

Where reference is made in the Agreement or in this Protocol to Governments or countries listed or referred to in particular articles, any country not referred to in Article 33 or 34 of the Agreement the Government of which either has become a party to the Agreement before 1 January 1964, or has become a party to either of the previous Protocols or to this Protocol, shall be deemed to be listed or referred to accordingly.

ARTICLE 7

Governments party to this Protocol undertake to pay their contributions under Article 38 of the Agreement according to their constitutional procedures. At its first session under this Protocol the Council shall approve its budget for the first year and assess the contributions to be paid by each Participating Government.

ARTICLE 8

(1) The Government of the United Kingdom of Great Britain and Northern Ireland shall promptly inform all Governments represented at the United Nations Sugar Conference, 1965, of each signature, ratification, acceptance and approval of this Protocol, of each accession thereto, of each notification received pursuant to paragraph (2) of Article 5 and of the date of entry into force of this Protocol.

(2) This Protocol, of which the English, Chinese, French, Russian and Spanish texts are equally authoritative, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to each signatory and acceding Government.

IN WITNESS WHEREOF the undersigned, having been duly authorised to this effect by their respective Governments, have signed this Protocol.

DONE at London, the fourteenth day of November, one thousand nine hundred and sixty-six.

For Argentina:

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For Australia:

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For Belgium:

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For Bolivia:

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For Brazil:

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For Canada:

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For Ceylon:

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For Chile:

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For China:

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For Colombia:

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For Costa Rica:

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For Cuba:

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For Czechoslovakia:

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For Denmark:

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For the Dominican Republic:

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For Ecuador:

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For El Salvador:

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For Finland:

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For France:

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For the Federal Republic of Germany:

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For Ghana:

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For Greece:

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For Guatemala:

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For Haiti:

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For Hungary:

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For India:

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For Indonesia:

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For Jamaica:

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For Japan:

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For Lebanon:

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For Madagascar:

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For Malaysia:

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For Mexico:

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For Morocco:

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For the Netherlands:

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For New Zealand:

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Nor Nicaragua:

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For Nigeria:

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For Norway:

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For Pakistan:

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For Panama:

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For Paraguay:

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For Peru:

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For the Philippines:

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For Poland:

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For Portugal:

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For Sierra Leone:

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For South Africa:

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For Sweden:

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For Trinidad and Tobago:

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For Tunisia:

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For the Union of Soviet Socialist Republics:

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For the United Kingdom of Great Britain and Northern Ireland:

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For the United States of America:

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For the Upper Volta:

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Certified a true copy:

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[SEAL]

V. A. TODD,
(For Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs).

NOVEMBER 14, 1966.

Mr. MANSFIELD. Mr. President, this is the International Sugar Agreement, which was reported by the Foreign Relations Committee unanimously. It has nothing to do with the domestic sugar market. It has nothing to do with prices. It calls for the expenditure of $20,000 on the part of this country.

I ask unanimous consent that excerpts from the report covering the purpose of the protocol, the background, and the committee comments and recommendations be incorporated at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

1. PURPOSE OF THE PROTOCOL

The purpose of the protocol is to extend the administrative provisions of the International Sugar Agreement of 1958 from December 31, 1966, to December 31, 1968. The economic provisions of the agreement having to do with price ranges and export quotas expired December 31, 1961, and are not affected by the pending protocol.

2. BACKGROUND

The International Sugar Agreement of 1958 (Ex. D, 86th Cong., first sess.), which was itself a modification of earlier agreements dating back to the 1930's, established export quotas and made other arrangements designed to stabilize the price of sugar on the world free market. These provisions expired by their own terms December 31, 1961, when the contracting parties were unable to agree on an extension (largely because of Cuban insistence on a higher quota).

The administrative mechanism of the 1958 agreement however, consisting of the International Sugar Council and its work of collecting and disseminating statistical information, continued in being until December 31, 1963. It has since been extended twice—the first time until December 31, 1965, and the second time until December 31, 1966. The pending protocol, which would provide a third extension until December 31, 1968, was negotiated in London in November 1966. It was signed on behalf of the United States December 22, 1966, and transmitted to the Senate by the President with a request for advice and consent to ratification on May 9, 1967.

The Foreign Relations Committee held a hearing on the protocol November 17 and ordered it reported November 30. The transcript of the hearing is appended to this report.

3. COMMITTEE COMMENTS AND RECOMMENDATION

The pending protocol in itself raises no substantive issues. It imposes no obligations on the United States other than payment of the U.S. share of the expenses of the International Sugar Council (approximately $20,000 a year. It has no effect on U.S. sugar legislation.

Even when the economic provisions of the 1958 agreement were in effect, that agreement covered only sugar traded in the world free market; that is, sugar not subject to special arrangements such as imports into the United States or the United Kingdom. This free sugar amounts to only about 10 percent of total world sugar production, but it has historically been subject to the widest price fluctuations and it is an important item in the foreign trade of several countries of Latin America.

Since the failure of the 1961 Sugar Conference, it has proved impossible to negotiate a new agreement, mainly because of the attitude of Cuba and the fundamental change in world sugar trade resulting from the replacement of the United States by the Soviet Union as the principal market for Cuban sugar. Other sugar-producing countries, however, have felt it worthwhile to keep the International Sugar Council and its small secretariat in being to collect and publish sugar statistics and to provide a readily available administrative mechanism if and when it may become possible to negotiate a new agreement.

In view of the importance of sugar to the countries of Latin America, and especially the Caribbean, the committee agrees that continued U.S. participation in the International Sugar Council is worth the cost of approximately $20,000 a year. The committee therefore recommends that the Senate give its advice and consent to ratification of the protocol.

UNANIMOUS-CONSENT AGREEMENT TO VOTE AT 2 O'CLOCK TOMORROW AFTERNOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending business take place at 2 o'clock tomorrow afternoon.

Mr. STENNIS. Mr. President, will the Senator repeat that request?

Mr. MANSFIELD. I asked that the vote upon the convention take place at 2 o'clock tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. Mr. President, the vote is on the convention?

Mr. MANSFIELD. Yes. It provides for the extension of the International Sugar Agreement. It has nothing to do with sugar prices, products, or crops within the area of the United States or areas close by. It was unanimously reported. It will cost $20,000 to the United States to continue the protocol.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That at 2 o'clock p.m. on Wednesday, December 6, 1967, the Senate proceed to vote on the resolution of ratification to Executive K (90th Cong., first sess.), the protocol for the further prolongation of the International Sugar Agreement of 1958.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to the point of the consideration of the resolution of ratification, which the clerk will read.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the protocol for the further prolongation of the International Sugar Agreement of 1958, done at London, November 14, 1966 (Ex. K, 90th Cong., first sess.).

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification?

Mr. MANSFIELD. Mr. President, now I ask for the yeas and nays.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session and that the pending business be stated once again.

There being no objection, the Senate resumed the consideration of legislative business.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The PRESIDING OFFICER. The pending business will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, there will be no votes tonight.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there be no further business, I move under the previous order, that the Senate stand in adjournment.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 6, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 5, 1967:

FEDERAL TRADE COMMISSION

James M. Nicholson, of Indiana, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1962, vice John R. Reilly, resigned.

DIPLOMATIC AND FOREIGN SERVICE

Charles E. Bohlen, of the District of Columbia, a Foreign Service officer of the class of career Ambassador, to be a Deputy Under Secretary of State.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of 10 U.S.C. 3283 through 3294, and 3311:

To be majors

Barker, Frank A., Jr., O989282.
Wasco, Joseph, Jr., O470134.
Wyllie, Clement A., Jr., O2028534.

To be captains

Andrew, John K., O5405315.
Chancey, Jeff E., O5310980.
Fitzgerald, Herman L., Jr., O5210980.
George, Joseph L., O5306499.
Hearn, Forrest, O1942180.
Holman, Glenn W., O5512722.
Koziatek, Norbert W., O4010583.
Lopez, Hector L., O5404300.
Purdon, Robert W., O4068186.
Williams, Billy G., O4026176.

To be first lieutenants

Adams, Thomas H., O5322917.
Arlinsky, Harris D., O3133314.
Barrington, Jerald W., O5519780.
Besterman, Gerald, O2319747.
Cavanaugh, Edward W., Jr., O5321902.
Cunniff, Schuyler N., O5017584.
Davis, George H., O2318369.
Daxe, Arnold, Jr., O5016699.
Garrott, Robert W., Jr., O5706832.
Gerace, Samuel J., O2310316.
Griffin, David J., O5406820.
Heggen, Wayne L., O5710258.
Holmes, Garth H., O5703935.
Huntington, Bobby N., O5415897.
Jones, Leonard M., O5314373.
King, Fred H., O5209049.
Koval, Richard K., O5222810.
Kugler, Roger K., O5709687.
Kuhn, Ronald M., O5415308.
Maddry, Ted R., O5315518.
Magness, Donald F., O5321295.
Mahoney, James V., Jr., O4065971.
Merola, Vincent A., O5015830.
Morelli, Nicholas, O2317587.
Nelson, Charles D., O5325143.
Nilson, Gary L., O2296091.
Popham, Roger E., O5321012.
Risko, Michael, Jr., O5020047.
Robinson, Johnny S., O5320628.
Rosenblum, Victor S., O5013765.
Schaller, Robert H., O5011543.
Spencer, Darrell A., O5020234.
Spruiell, Jerry B., O5313199.
Stanger, Rodney T., O5416628.
Trew, Grady, O5418846.
Walker, Edward G., O5405744.
Way, Darwin M., Jr., O5220343.
Weisenburgh, Louis B., III, O5415945.
White, Lowell L., O5406239.
Williams, William J., O5322479.
Winston, Albert P., O5404038.

To be second lieutenants

Angeli, Raymond S., O5327154.
Bacon, John E., Jr., O5426776.
Beck, Dwight A., O5520947.
Bowers, John E., O5317614.
Brown, James I., O5427434.
Cole, John M., Jr., O5334038.
De Bonville, Robert G., O2322388.
Delaney, John J., O5419437.
Devlin, Barbara, L2325784.
Dillon, Dana B., O2329234.
Fraser, Robert E., O2322394.
Hoch, Joseph F., O5243533.
Hooker, Scottie T., O5324581.
Kimmel, Carl E., O5227345.
McArthur, Colin L., O5023226.
McLarty, William T., Jr., O5328317.
Miles, Ronald D., O2325100.
Milton, Frederick J., O5009261.
Morris, Melvin L., O5321354.
Muir, George E., O2321313.
Parks, Larry D., O5242089.
Robeson, William M., O5419728.
Salentine, John H., O2320455.
Shanabruch, Raymond E., O5533148.
Wisdom, Harry A., Jr., O2321221.

The following-named distinguished military and scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of 10 U.S.C. 2106, 2107, 3283, 3284, 3286, 3287, 3288, 3290:

Agee, Hubert C., Jr.
Andre, Drue M.
Beck, David W.
Beyrer, William H.
Bottman, John A.
Boudreaux, Freddie M.
Bussell, Jerry L.
Chapin, Orville L.
Demattia, Robert A.
Downs, Curtis H., III
Gallivan, James J.
Garza, Reuben R.
Gordon, William H., IV
Hammett, David P.
Hensley, Edward L.
Henricks, Robert A.
Juliano, Jerold W.
Lartigue, Louis J.
Mackey, Patrick J.
Magee, Burl D.
Manuel, Gerald G.
Perry, Robert C.
Pickens, Monte L.
Shaw, John W.
Teasley, Allan V.
Warren, Harold M.
Wise, Thomas J.
Yatsevitch, Peter G.

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 5, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that doeth the will of God abideth forever.—I John 2: 17.

Let us pray. Out of deep sense of need, our Father, we come to Thee, praying that Thou wilt help us to be aware of Thy presence as we kneel at the altar of prayer and offer ourselves to Thee at the beginning of another day.

At times we seem to talk too much and think too little, we are heard professing loudly but practicing in such small ways, we worry often but worship so seldom. Forgive us, O Lord, and help us to think more, to practice more, and to pray more that Thy spirit may come to new life in us and through us come to new life in our Nation.

Grant unto us, the Representatives of our people, wisdom and faith as we meet in this troubled hour. Help us to accept our responsibilities with courage, make our decisions with confidence, and plan for the future with creative hope.

We pray that Thou wilt awaken the faith of Americans in America that our laws may be obeyed, order made to prevail and good will move in the hearts of all our countrymen. In the spirit of Christ, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

NOMINATION OF LT. GEN. LEONARD F. CHAPMAN, JR., TO BECOME COMMANDANT OF THE MARINE CORPS

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to address the House for

1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, all Floridians were proud yesterday at the nomination by President Johnson of Lt. Gen. Leonard F. Chapman, Jr., to become Commandant of the Marine Corps.

We are proud because General Chapman has served his country faithfully since becoming an officer in 1935, and his entire military career has been distinguished by his great devotion to duty in the service to his country.

A graduate of the University of Florida, General Chapman's parents still reside in Raiford, Fla., which is located in the district that I have the privilege of representing.

All of us send our warmest congratulations to General Chapman and wish him every success in this great job that he will soon undertake. I know that the confidence that has been placed in this great Floridian will always be held in the highest honor by this great marine.

CYRUS VANCE: A JOB WELL DONE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, every once in a while in the course of history, an occasion arises when it falls upon the shoulders of one man to prevent calamity from falling upon many.

During the past 2 weeks, this role has certainly fallen upon the shoulders of our former Deputy Secretary of Defense Cyrus R. Vance.

As a result of conflicts whose roots go back for hundreds of years, our two NATO allies, Greece and Turkey, were on the threshold of going to war with each other.

Sent to Ankara and Athens and then to Nicosia as a personal emissary of President Johnson, Mr. Vance worked tirelessly shuttling back and forth between those capitals, helping to avoid a disaster and to work out a peaceful settlement.

Such a peaceful resolution to the problem on Cyprus is now at least in sight.

Mr. Speaker, Mr. Vance is to be congratulated for the tremendous service which he has rendered to our country, to the North Atlantic community, and to the entire free world.

CARMICHAEL SHOULD BE BROUGHT TO TRIAL

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, in the opening prayer this morning our respected Chaplain referred to the fact that sometimes we speak too much and think too little, and I hope I will not be guilty of that in indicating what is on my mind this morning.

Mr. Speaker, if you can believe what appears in the daily newspaper, and sometimes you can, Attorney General Ramsey Clark does not believe it wise to prosecute Stokely Carmichael if and when he returns to the United States.

Mr. Speaker, if Stokely Carmichael is guilty of sedition or any crime against the United States he should be brought to trial.

The American people, both black and white, can hardly be expected to respect the law if the Attorney General of the United States can refrain from bringing citizens to justice on the basis of partisan political or racial repercussions.

All I can say is there will be great indignation throughout the land if Carmichael is not brought to trial for treason.

We have just come through a summer of anarchy in many American cities, and, Mr. Speaker, I have seen no indication from the Justice Department that positive steps are being taken against the top-level troublemakers to prevent a recurrence of this past summer's violence.

PROSECUTE STOKELY CARMICHAEL

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, I take this opportunity to voice my urgent plea to the Department of Justice to vigorously prosecute Stokely Carmichael when he returns to the United States for each and every one of the crimes of disloyalty that he has committed against our country. My interest in this is not directed at an individual as such but to the spectacle of unbridled treason, distortion, and vilification against the greatest country on earth. Whatever may be our shortcomings in this country there has never in history been a country so sacrificial for the general betterment of mankind, both abroad and here at home. To allow Carmichael to escape his earned punishment for such offenses can only encourage other enemies of our country to do likewise. We should push forward as rapidly as we can to improve opportunities for all our citizens, but we should never overlook the fact that even the least blessed of our citizens do better than the vast majority of mankind and that no country in the world offers more opportunities and freedoms to all its inhabitants, nor does any country in the world do more for those abroad who are in need, such as those who fight for freedom today in South Vietnam. It should be made crystal clear to Carmichael and to everyone else that if he returns to this country he will be vigorously and promptly prosecuted for his crimes against this country. There appear to be ample laws on the books to do this; but if there are deficiencies for any future similar acts they should be promptly recommended by the Department of Justice for enactment.

SPECIAL ORDER TRANSFERRED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special order granted for today to the gentleman from Alabama [Mr. SELDEN] be transferred to Thursday, December 7.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, on yesterday afternoon House Resolution 996 came up for consideration and a call of the yeas and nays.

At the time this occurred I was at Walter Reed Hospital proudly watching brave Sgt. Robert D. Weldon receive the Silver Star and the Bronze Star for gallant conduct in Vietnam in which he gave much for all of us.

I do not regret my absence on the floor in light of the alternative, but I do want the RECORD to show that if I had been present I would have voted in favor of the resolution.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7977, TO ADJUST CERTAIN POSTAGE RATES AND RATES OF BASIC COMPENSATION IN THE FEDERAL GOVERNMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report and statement on the bill H.R. 7977, to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ROADS, COMMITTEE ON PUBLIC WORKS, TO MEET DURING GENERAL DEBATE THIS WEEK

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads be permitted to meet during general debate today and for the balance of the week.

The SPEAKER. Is there objection to the request if the gentleman from New Jersey?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

E. F. FORT ET AL.

The Clerk called the bill (H.R. 2661) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Talcott]?

There was no objection.

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 8091) for the relief of Charles Waverly Watson, Jr.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

FIRST LT. ALLAN L. SCHOOLER

The Clerk called the bill (H.R. 6325) for the relief of 2d Lt. Allan L. Schooler.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

DR. ANGEL REAUD

The Clerk called the bill (S. 503) for the relief of Dr. Angel Reaud, also known as Angel Reaud Ramos Izquierdo.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Talcott]?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 4386) for the relief of Visitacion Enriquez Maypa.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

VALENTINA SIDOROVA PARKEVICH

The Clerk called the bill (S. 811) for the relief of Valentina Sidorova Parkevich.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

DR. YOUSSEF (JOSEPH) SELIM HASBANI

The Clerk called the bill (S. 809) for the relief of Dr. Youssef (Joseph) Selim Hasbani.

There being no objection, the Clerk read the bill, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Youssef (Joseph) Selim Hasbani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 22, 1959.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. PEDRO AUGUSTO RUIZ Y CUE

The Clerk called the bill (H.R. 6659) for the relief of Dr. Pedro Augusto Ruiz y Cue.

There being no objection, the Clerk read the bill, as follows:

H.R. 6659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Pedro Augusto Ruiz y Cue shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 1, 1961.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JOSE DEL RIO

The Clerk called the bill (H.R. 7042) for the relief of Dr. Jose Del Rio.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Talcott]?

There was no objection.

JOSE BERNARDO GARCIA, M.D.

The Clerk called the bill (H.R. 8257) for the relief of Jose Bernardo Garcia, M.D.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Talcott]?

There was no objection.

DR. LORENZO GALATAS

The Clerk called the bill (H.R. 10985) for the relief of Dr. Lorenzo Galatas.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Talcott]?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 36) favoring the suspension of deportation of certain aliens.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

ARTHUR JEROME OLINGER, A MINOR

The Clerk called the bill (S. 155) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

CHESTER E. DAVIS

The Clerk called the bill (S. 233) for the relief of Chester E. Davis.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

JAMES W. ADAMS ET AL.

The Clerk called the bill (S. 234) for the relief of James W. Adams and others.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

Mr. HAYS. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman cannot reserve the right to object.

Mr. HAYS. Then, Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ELOY C. NAVARRO

The Clerk called the bill (S. 294) for the relief of Eloy C. Navarro.

There being no objection, the Clerk read the bill, as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, to Eloy C. Navarro, of Albuquerque, New Mexico, the sum of $2,500.00 in full settlement of his claim against the United States for compensation for the loss of his personal hand tools incident to his employment by the Bureau of Reclamation as an automobile mechanic, the said Eloy C. Navarro having been required to furnish personally all hand tools necessary for the performance of his official duties as an employee of the Bureau of Reclamation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That the claim of Eloy C. Navarro, of Albuquerque, New Mexico, for the loss of personal hand tools on or about April 29, 1964, shall be held and considered to be a timely claim under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (Public Law 88-558, 78 Stat. 767, as amended) if such a claim is filed within one year of the effective date of this Act with the Secretary of the Interior, and the Secretary of the Interior is authorized to consider, settle and, if found meritorious, to pay that claim in accordance with the provisions of the Military Personnel and Civilian Employees Claims Act of 1964."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. ROGERS

The Clerk called the bill (S. 1580) for the relief of John W. Rogers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman make the point of order that a quorum is not present at this time?

Mr. HAYS. Yes, right now.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 424]

Abbitt
Adair
Anderson, Tenn.
Annunzio
Arends
Aspinall
Baring
Bates
Battin
Bell
Biester
Blanton
Bolling
Bray
Broomfield
Brotzman
Button
Cahill
Carter
Celler
Clausen, Don H.
Cohelan
Daddario
Dickinson
Diggs
Dingell
Dorn
Edmondson
Findley
Flood
Ford, Gerald R.
Frelinghuysen
Gathings
Griffiths
Hall
Halleck
Hansen, Wash.
Hardy
Hawkins
Heckler, Mass.
Hull
Ichord
Jacobs
Jones, Mo.
Kuykendall
Kyros
Landrum
Latta
Mathias, Md.
Mink
Monagan
Moorhead
Morris, N. Mex.
Multer
Pepper
Pickle
Pirnie
Pool
Resnick
Roberts
Rogers, Fla.
Ronan
Rosenthal
Rostenkowski
Ruppe
St. Onge
Satterfield
Scott
Shriver
Sikes
Sisk
Springer
Steed
Stratton
Tuck
Tunney
Van Deerlin
Vanik
Watson
Watts
Widnall
Williams, Miss.
Willis
Wilson, Charles H.
Wolff
Wright
Wyatt

The SPEAKER. On this rollcall, 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

JOHN W. ROGERS

The SPEAKER. Is there objection to the present consideration of Private Calendar No. 285; S. 1580.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DWAYNE C. COX AND WILLIAM D. MARTIN

The Clerk called the bill (H.R. 2281) for the relief of Dwayne C. Cox and William D. Martin.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES B. FRANKLIN

The Clerk called the bill (H.R. 2288) for the relief of Charles B. Franklin.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 4936) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

CERTAIN INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE NAVY AT CERTAIN U.S. NAVAL STATIONS IN FLORIDA

The Clerk called the bill (H.R. 7882) for the relief of certain individuals employed by the Department of the Navy at certain U.S. naval stations in Florida.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

CERTAIN CIVILIAN EMPLOYEES OF THE AIR FORCE AT KELLY AIR FORCE BASE, TEX.

The Clerk called the bill (H.R. 8096) for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.

There being no objection, the Clerk read the bill, as follows:

H.R. 8096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 3 of this Act is relieved of liability to pay to the United States the amount set forth opposite his or her name, which amount represents an overpayment of compensation, due to administrative error, received by him or her within the period beginning December, 1961, and ending September, 1966, as a civilian employee at Kelly Air Force Base, Texas. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual named in section 3 of this Act an amount equal to the aggregate of the amounts paid by him, or her, or withheld from sums otherwise due him or her, with respect to the liability to the United States which is relieved by the first section of this Act.

SEC. 3. The individuals referred to in the first section of this Act, and the amount of the liability of each of them, are as follows:

Name	*Amount of overpayment*
Behrendt, Vernon A	$480.00
Benavidez, Alvaro A	563.54
Biasciolli, John L	468.80
Borchers, E. W	257.69
Bryant, J. W	282.67
Bull, Victor R	249.60
Bullock, Earl J	98.28
Cannaday, Charlie T	30.40
Castaneda, Alfonso	284.75
Chavez, Elizabeth	480.00
Davlin, Earnest G	973.37
Dominguez, Felipa	515.47
Doyle, James C., Jr	279.23
Dunn, Warren R., Jr	67.29
Favor, Loma N	436.00
Ford, Kathleen M	164.80
Galindo, Hector F	87.36
Gann, Leo	280.58
Garza, Rudolph C	278.12
Gerdes, Archie R	51.20
Gomez, Israel	239.55
Gooch, Arthur	288.37
Hasson, Laural M	615.20
Havelka, Johnnie S	279.51
Koenig, Newton E	276.88
Kovacs, Steven A	407.20
Lopez, Federico	153.60
Lowe, Samuel L	281.31
Lynch, George C	284.65
Marroquin, Raymond T	16.80
Martin, Albert	276.00
Mercado, T. P., Jr	296.31
Moore, Charles R	132.91
Naron, R. B	455.20

Name	*Amount of overpayment*
Parchman, Marvin W	294.25
Pena, Frank P	288.00
Penshorn, L. O	153.60
Peters, Fred A., Jr	165.00
Porter, Adeline M	112.00
Rawson, Jewell J	243.20
Reese, Coralyn D	133.58
Rine, Joseph E	151.20
Roberts, Carl E	166.40
Rockey, Carmen C	288.19
Schnuroiger, Robert L	165.00
Solis, Raul	324.00
Stewart, Eugene W	276.02
Stroud, Joe H	291.71
Sunvison, Lester E. W	279.83
Talerico, Ernest	276.15
Terrell, Charles L	290.93
Tiller, W. G	928.23
Vega, Reynaldo	259.30
Warner, H. T	457.73
Weiss, H. D	494.40
Wickham, H. E	9.60
Young, Graves C	132.91

SEC. 4. No part of the amount appropriated in section 2 of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 3, in the list of individuals in section 3, after the name "Peters, Fred A., Jr", strike "165.00" and insert "278.09"; after the name "Schnuriger, Robert L", strike "165.00" and insert "277.44"; and after

"Young, Graves C 132.91"

add the following:

"Levith, Jean	1,324.40
Mangham, Kilbert	62.23
Cordaway, Sims L	179.20
Adams, James C	80.00
Adams, Thomas H	66.88
Aderholt, William R	283.38
Bowens, Julius E	105.60
Banks, William H	285.20
Gomez, Tomas, Jr	487.60
Prince, James	218.28
Pruitt, William S	136.72
Farrish, Thomas J	442.24
Earwood, Grone V	240.72
Rodriguez, Martin M	355.20
Woodward, Milburn P	66.00
Livingston, Dorothy	480.00"

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN M. STEVENS

The Clerk called the bill (H.R. 10003) for the relief of John M. Stevens.

There being no objection, the Clerk read the bill, as follows:

H.R. 10003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. Stevens, 35 East Seventeenth Street, Paterson, New Jersey, the sum of $750. Such sum shall be paid only on condition that the said John M. Stevens shall use such sum, or such part thereof as may be necessary, to settle and pay the judgment in an equal amount rendered against him on April 4, 1967, in Passaic County District Court for personal injuries sustained by Joseph Bruno on November 11, 1960, in an accident involving the United States mail truck operated by the said John M. Stevens, career substitute letter carrier at the United States Post Office, Paterson, New Jersey. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Bruno the sum of $750 in full settlement of his claims against the United States and John M. Stevens of Paterson, New Jersey, based upon an accident involving a United States mail truck operated by John M. Stevens which occurred on November 11, 1960, and such payment shall be in full and final satisfaction of the judgment rendered against the said John M. Stevens on April 4, 1967 in the Passaic County District Court based upon the same accident. No part of the amount appropriated in this Act in excess of 25 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LLOYD W. CORBISIER

The Clerk called the bill (H.R. 10199) for the relief of Lloyd W. Corbisier.

There being no objection, the Clerk read the bill, as follows:

H.R. 10199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the annual leave account of Lloyd W. Corbisier, postal employee of Sturgeon Bay, Wisconsin, there shall be added a separate account of three hundred and fifty hours of annual leave, in full settlement of all claims of the said Lloyd W. Corbisier against the United States for compensation for the loss of such leave which was earned by him in the period July 1, 1945, through February 28, 1948, inclusive, while he was employed in the United States Post Office in Sturgeon Bay, Wisconsin, and which, through administrative error, was not credited to his leave account.

SEC. 2. Section 203(c) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680, 67 Stat. 137; 5 U.S.C. 2062(c)), shall not apply with respect to the leave granted by this Act, and such leave likewise shall not affect the use or accumulation, pursuant to applicable law, of other annual leave earned by the said Lloyd W. Corbisier. None of the leave granted by this Act shall be settled by means of a cash payment in the event such leave or part thereof remains unused at the time the said Lloyd W. Corbisier is separated by death or otherwise from the Federal service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. L. TOWNLEY ET AL.

The Clerk called the bill (H.R. 11381) for the relief of E. L. Townley.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

JOSEPH M. HEPWORTH

The Clerk called the bill (H.R. 12119) for the relief of Joseph M. Hepworth.

Mr. TALCOTT. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ROCHESTER IRON & METAL CO.

The Clerk called the bill (H.R. 7210) for the relief of the Rochester Iron & Metal Co.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

DR. EDUARDO GONZALEZ

The Clerk called the bill (S. 174) for the relief of Dr. Eduardo Gonzalez.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

TRAN VAN NGUYEN

The Clerk called the bill (S. 1410) for the relief of Tran Van Nguyen.

There being no objection, the Clerk read the bill, as follows:

S. 1410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Tran Van Nguyen may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition may be filed in his behalf by Mr.

and Mrs. Edward A. Max, Junior, citizens of the United States, pursuant to section 204 of the Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD E. CRICHTON

The Clerk called the bill (H.R. 4961) for the relief of Donald E. Crichton.

There being no objection, the Clerk read the bill, as follows:

H.R. 4961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donald E. Crichton, United States Air Force, retired (AF 17179390), is relieved of liability to the United States in the amount of $1,550.12, representing overpayments resulting from an administrative error, of his pay and allowances as a member of the Air Force. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald E. Crichton an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. E. JUANITA COLLINSON

The Clerk called the bill (H.R. 5854) for the relief of Mrs. E. Juanita Collinson.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

MANUFACTURERS HANOVER TRUST CO., OF NEW YORK, N.Y.

The Clerk called the bill (H.R. 7909) for the relief of Manufacturers Hanover Trust Co., of New York, N.Y.

There being no objection, the Clerk read the bill, as follows:

H.R. 7909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury, not otherwise appropriated, the sum of $82,041.30 to Manufactures Hanover Trust Company, of New York, New York, in full settlement of its claim against the United States based upon the monetary loss, not otherwise compensated for or reimbursed, that it suffered by making overpayments in the aggregate amount of $88,041.30 to the Attorney General of the United States during 1955 and 1956, by reason of Vesting Orders Numbers 18941 and 19268 issued July 2, 1953, and April 13, 1953, respectively, by the Office of Alien Property of the Department of Justice. These vesting orders vested in the Attorney General of the United States certain debentures issued on October 1, 1926 by Hugo Stinnes Industries, Incorporated. These debentures had in fact, however, been retired by Hugo Stinnes Industries, Incorporated, prior to the dates of the two said vesting orders.

No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 3, strike "Secretary of the Treasury" and insert "Attorney General".

On page 1, line 4, strike "out of any money in the Treasury, not otherwise".

On page 1, line 5, strike "appropriated,".

On page 1, line 5, strike "Manufactures" and insert "Manufacturers".

On page 2, line 9, after "orders." insert "The payment authorized and directed by this Act shall be made out of the proceeds resulting from Vesting Orders 18941 and 19268."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Manufacturers Hanover Trust Company, of New York, New York."

A motion to reconsider was laid on the table.

ADEL LESSERT BELLMARD ET AL.

The Clerk called the bill (H.R. 8391) for the relief of Adel Lessert Bellmard, Clement Lessert, Josephine Gonvil Pappan, Julie Gonvil Pappan, Pelagie Gonvil Franceour de Aubri, Victoire Gonvil Pappan, Marie Gonvil, Lafleche Gonvil, Louis Laventure, Elizabeth Carbonau Vertifelle, Pierre Carbonau, Louis Joncas, Basil Joncas, James Joncas, Elizabeth Datcherute, Joseph Butler, William Rodgers, Joseph Cote, four children of Cicili Compare and Joseph James, or the heirs of any who may be deceased.

There being no objection, the Clerk read the bill, as follows:

H.R. 8391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons determined by the Secretary of the Interior to be the heirs of the following named individuals their proportionate intestate share of the amount shown opposite their ancestor's names:

Adel Lessert Bellmard	$3,200
Clement Lessert	3,200
Josephine Gonvil Pappan	3,200
Julie Gonvil Pappan	3,200
Pelagie Gonvil Franceour de Aubri	3,200
Victoire Gonvil Pappan	3,200
Marie Gonvil	3,200
Lafleche Gonvil	3,200
Louis Laventure	3,200
Elizabeth Carbonau Vertifelle	3,200
Pierre Carbonau	3,200
Louis Joncas	3,200
Basil Joncas	3,200
James Joncas	3,200
Elizabeth Datcherute	3,200
Joseph Butler	3,200
William Rodgers	3,200
Joseph Cote	2,200
Four children of Cicili Compare:	
First	$3,200
Second	3,200
Third	3,200
Fourth	3,200
Joseph James	3,200

The amounts paid under the authority of this Act shall be paid in full and final satisfaction of all claims of the named individuals or their heirs against the United States based upon the loss of Indian lands included in the twenty-three halfbreed Kaw allotments granted the above named individuals under article 6 of the treaty of June 3, 1825 (7 Stat. 244) in the Territory of Kansas and in full satisfaction of any claims of the original allottees or his heirs for the consequent loss of use of the land.

Sec. 2. The Secretary of the Interior is authorized and directed to determine the heirs at law of the above named individuals in accordance with the laws of intestate succession of the State of Kansas. Persons asserting rights to share in the distribution of amounts as provided in this Act as heirs of the persons named in section 1 shall file their claims with the Secretary of the Interior within one year of the effective date of this Act and in accordance with such regulations as the Secretary may prescribe. In the event that the Secretary determines that any of the individuals named in section 1 had no living heirs at law on the effective date of this Act, he shall make a formal determination of this fact, and his determination of the absence of heirs at law shall be final and conclusive as of the date of the expiration of the time for the filing of claims under this Act. Upon determination of heirship as provided for herein, the Secretary of the Interior shall certify the names of the persons entitled to payment to the Secretary of the Treasury together with the amounts he has found to be due in each instance and his determinations as to the amount and person entitled to receive it shall be final and not subject to appeal.

Sec. 3. The amounts paid under the authority of this Act are to be free and clear of any obligations, debts or claims of the original allottees or any successors in interest and are not to be subject to State or Federal taxes.

With the following committee amendments:

On page 3, line 2, after "Kansas", insert "and his determination as to heirship and entitlement under this Act shall be final and conclusive".

Page 3, line 7, after "regulations", strike "at" and insert "as".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. RUSSELL T. RANDALL

The Clerk called the bill (H.R. 10050) for the relief of Capt. Russell T. Randall.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. Gross]?

There was no objection.

EARL S. HALDEMAN, JR.

The Clerk called the bill (H.R. 11166) for the relief of Earl S. Haldeman, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 11166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Earl S. Haldeman, Junior, of Troy, New York, is relieved of liability to the United States in the amount of $166.32, representing the difference between compensation received for one hundred and twelve hours of jury duty in April 1967 and the salary paid to him for the same period as an employee of the Watervliet Arsenal. In the audit and settlement of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Earl S. Haldeman, Junior, an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD C. MOCKLER

The Clerk called the bill (H.R. 13373) for the relief of Richard C. Mockler.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROBERT E. NESBITT

The Clerk called the bill (H.R. 11959) for the relief of Robert E. Nesbitt.

There being no objection, the Clerk read the bill, as follows:

H.R. 11959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert E. Nesbitt, rural carrier in the postal field service, Bonner County, Idaho, is relieved of liability to refund to the United States the sum of $400.13. Such sum is the amount due the United States from the said Robert E. Nesbitt as a result of his placement in the incorrect leave category, through administrative error and without fault on his part, notwithstanding that the said Robert E. Nesbitt requested a check of his leave record in 1961 and received erroneous information that such record was correct. In the audit and settlement of accounts of each appropriate certifying or disbursing officer of the United States, full credit shall be granted in the amount for which liability is relieved by this Act.

With the following committee amendment:

On page 1, line 5, strike "$400.13" and insert "$383.46".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LT. DAVID CAMPBELL

The Clerk called the bill (H.R. 2270) for the relief of Lt. David Campbell.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JE–IL BRICK CO.

The Clerk called the bill (H.R. 4058) for the relief of the JE–IL Brick Co.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JAMES W. ADAMS ET AL.

Mr. TALCOTT. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALCOTT. Earlier, during the call of the Private Calendar, the gentleman from Iowa [Mr. Gross] and I objected to Private Calendar No. 282. We would like to restore this bill to its proper place on the calendar, and I would like to inquire the proper procedure for doing so. My problem right now is that I have not talked with the gentleman from Ohio [Mr. Hays], who was involved in the consideration of this bill.

The SPEAKER. The Chair does not feel that it is necessary to entertain that as a parliamentary inquiry. It is a matter of a unanimous-consent request.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that Private Calendar No. 282, Senate bill 234, be restored to its proper place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF THE U.S. CIVIL RIGHTS COMMISSION—CONFERENCE REPORT

Mr. ROGERS of Colorado. Mr. Speaker, I call up the conference report on the bill (H.R. 10805) to extend the life of the Civil Rights Commission, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 992)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10805), to extend the life of the Civil Rights Commission, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate: on page 1, after line 6, insert a new section as follows:

"Sec. 2. Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e) is amended to read as follows:

"'Sec. 106. For the purposes of carrying out the provisions of this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and for each of the four succeeding fiscal years, the sum of $2,650,000 for each such fiscal year.'"

And agree to the same.

Emanuel Celler,
Peter W. Rodino, Jr.,
Byron G. Rogers,
William M. McCulloch,
Edward G. Biester, Jr.,
Managers on the Part of the House.

James O. Eastland,
John L. McClellan,
Samuel J. Ervin, Jr.,
Everett McKinley Dirksen,
Roman L. Hruska,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10805), to extend the life of the Civil Rights Commission, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House version of the legislation, H.R. 10805, extended the existence of the U.S. Civil Rights Commission for a period of 5 years, which is from January 1, 1968, to January 31, 1973.

The Senate version extended the life of the U.S. Civil Rights Commission for the same 5-year period as provided in the House version. However, the Senate amended the House version by adding a new section 2 to the legislation. That amendment placed a ceiling on the open-end appropriation authorization contained in section 106 of the Civil Rights Act of 1957. For each fiscal year until the Commission's expiration the committee authorizes the sum of $2,650,000 to be appropriated for the purposes of carrying out the provisions of this act.

The managers on the part of the House

receded from their disagreement to the Senate amendment and agreed to the same.

Emanuel Celler,
Peter W. Rodino, Jr.,
Byron G. Rogers,
William M. McCulloch,
Edward G. Biester, Jr.,
Managers on the Part of the House.

Mr. ROGERS of Colorado. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE CIVIL RIGHTS COMMISSION

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the House in passing H.R. 10805 extended the life of the Civil Rights Commission for an additional 5 years. The Commission was due to expire on January 31, 1968, but the House, as well as the other body, has extended its life for a 5-year period, thus the Commission's activities would terminate on January 31, 1973.

The other body, however, amended the legislation by adding a new section 2, amending section 106 of the Civil Rights Act of 1957. That amendment provided for a ceiling on the authorization for funds for the Commission of $2,650,000 for each fiscal year running from June 30, 1968, through fiscal 1973. Conferees on the part of both bodies unanimously agreed that the House recede from its disagreement to the Senate amendment and accept the same.

Mr. McCulloch. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, the U.S. Commission on Civil Rights is a temporary, independent bipartisan agency in the executive branch of the Government, establish by Congress under the Civil Rights Act of 1957.

The Commission is primarily a fact-finding body investigating complaints of racial discrimination. It also serves as a national clearinghouse for information on equal-protection violations. It has made important contributions to our understanding of discrimination in housing, education, jobs, unions, and criminal justice. Moreover, many of its recommendations have been enacted into law.

The members of the Commission are capable, conscientious, well-qualified individuals. One of their former members has recently been appointed Solicitor General of the United States.

This important work should continue. The Commission is due to expire on January 31, 1968.

Therefore, I support the adoption of the conference report so that this important work will continue for the next 5 years.

PERMISSION FOR THE SUBCOMMITTEE OF THE SELECT COMMITTEE ON SMALL BUSINESS TO SIT DURING DEBATE THIS AFTERNOON

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee of the Select Committee on Small Business be permitted to sit during debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

POLITICAL MATURITY IN SOMALIA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on Thursday, November 23, while we in America quietly observed our national day of thanksgiving, another distinguished legislative body in a country nearly half way around the world, the National Assembly of Somalia, registered its overwhelming support for political maturity and responsibility by its Government's leaders.

By a vote of 89 to 1, that assembly approved the course chosen by the Government of Somalia, headed by Prime Minister Mohamed Hagi Ibrahim Egal, to try to create an atmosphere within which Somalia and its neighbors could seek peaceful settlements of its long-standing border disputes.

The path ahead will not be easy for any of the parties to these disputes. Well-intentioned outsiders, such as ourselves, can only rejoice that African leaders are displaying the kind of political maturity and courage which foregoes the politically easy expedient of fanning already inflamed emotions but chooses, rather, the more responsible and more difficult path of reason.

As a token of our admiration for the political maturity and courage displayed by these leaders, I include in the Congressional Record the text of the resolution passed by the National Assembly of Somalia. Accompanying it, I should also like to insert a perceptive editorial from the Kansas City Star which describes the background of the problems to be solved and some of the steps thus far taken toward a peaceful solution:

Text of Resolution Passed by National Assembly of Somalia, November 23, 1967

Having seen Article 6, paragraph 4 of the Constitution of the Republic, which reads:

The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories and encourage solidarity among the peoples of the world, and in particular among African and Islamic peoples.

Having seen Article 6, paragraph 2 of the Constitution which states that,

The Republic repudiates war as means of settling international disputes.

Having seen the Statement of Programme made by the Government, which intends, as far as Somali territories are concerned, to

Continue the policy of earlier governments and induce foreign countries to grant self-determination to the Somali territories still under alien rule.

Decides as follows:

1. Expresses its approval of initiatives recently undertaken by the Government of Kinshasa, Addis Ababa and Arusha, with the intention of creating an atmosphere of understanding and mutual confidence so as to reach peaceful settlement of disputes between Somalia and its bordering neighbors.
2. Encourages the Government to continue such activities already initiated and to take further positive steps for the satisfactory settlement of outstanding disputes safeguarding the rights of the people directly interested.
3. Calls upon the Government to submit to this Assembly for approval and ratification the agreements reached with Ethiopia and Kenya.
4. Expresses its own gratitude to Dr. Kenneth Kaunda, President of the Republic of Zambia, for his efforts made as mediator in the disputes between the Somali Republic and the Republic of Kenya.
5. Expresses its own gratitude to Dr. Julius Nyerere, President of the Republic of Tanzania and Dr. Milton Obote, President of the Republic of Uganda for their participation in the recent Conference of Arusha.

[From the Kansas City Star, Nov. 4, 1967]

A Persistent Sore Heals in East Africa

September's African summit meeting appears to have borne tangible fruit. For years a wicked, fruitless little war has flickered along the Kenya-Somalia frontier. Now, as a result of initiatives taken at the all-Africa conference in the Congolese capital, Kinshasa, the governments of the two countries have signed a "memorandum of understanding" pledging to damp down the dispute.

Specifically diplomatic relations are to be reestablished between Nairobi and Mogadishu, barrages of hostile propaganda will be stilled, both governments will co-operate to restore peace along their borders and a committee will be set up to investigate and resolve future incidents. If implemented, the agreement could be a boon for all concerned.

Kenya reportedly has been spending some 14 million dollars a year—money that could better be devoted to development—to suppress the terrorist activities of nomadic bands of Somali warriors in its northern frontier district. Nearly 700 Kenyan civilians, soldiers, police and civil servants have lost their lives. Deaths to the Somali raiders, called the Shifta, have been placed at some 2,000.

The conflict was partly the result of the arbitrarily imposed colonial borders which cut through traditional grazing lands of the Somali nomads. With independence, the issue of territorial sovereignty came into play. The problem is not unique to Kenya and Somalia. It has been a recurring one throughout a fragmented Africa in a decade of turbulence.

Its resolution, while not easy, is essential if the former colonies are to live in working accommodation with their neighbors. The alternative is perpetual friction, wasting scant resources and frustrating America's, and the world's, hope for a stable continent. Kenya and Somalia, on paper at least, have taken a constructive step in the right direction.

ADMISSION FEES TO OUR RESERVOIR RECREATIONAL AREAS

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. **OLSEN.** Mr. Speaker, a number of bills, including H.R. 11236, which was introduced by the gentleman from Oklahoma [Mr. EDMONDSON], are now pending in the House, calling for repeal of Federal authority to levy entrance and admission fees on most of the Nation's Army Engineers lakes and reservoirs.

Introduction of these bills followed the announcement of the Secretary of the Army that entrance fees will be charged for the first time in history at outdoor recreational areas of 95 lakes and reservoirs, beginning on Memorial Day, 1968.

This will mean a levying of a 50-cent fee per person entering the reservoir, including persons merely seeking access to the waters through a land recreational area.

There has been increasing opposition to this. The fees are far in excess of the administrative costs people would be willing to pay.

Generally, Montanans are willing to pay a reasonable user fee for a fully developed Federal land area—requiring attendants and maintenance. However, when the obvious purpose of this fee violates the guarantees of free access to public waters, promulgated and protected by the Constitution of these United States, a majority justifiably criticized the fee. Most of them believe it is unreasonable to charge an entrance fee for sightseeing, picnicking, and similar activities on public lands. The fee in such an instance appears not to be a user fee, but a tax—and as such double taxation for the use of public lands.

This is a Nation where the dictates of right reason are fostered by law and tradition. The balanced harmony of these two in this instance is founded upon the belief that the public waters of this Nation shall, and of right ought to be, freely accessible.

Notwithstanding this conviction, which is a constitutional mandate, the Army Engineers have proceeded to impose entrance fees at large land areas surrounding such projects as Fort Peck Reservoir in eastern Montana. In many instances, this has happened at the areas closest to the major highways crossing Fort Peck. Practically, then, access to the public waters at points most convenient to the public will be denied.

Mr. Speaker, if we mean what we say when we provide by law that no charge shall be made for the use of the waters, or for access to them, we must eliminate all authority for entrance and admission fees on land areas surrounding this and other Army Engineer reservoirs.

I would also point out, as did the gentlemen from Oklahoma, that in most, if not all instances, the cost of collection has been more than the resultant revenue. The plain fact is that a total of $594,174 has been collected in entrance fees at designated fee areas during the period April 1 through August 31, 1967.

Just recently, top officials in the Army Engineers reported that approximately $600,000 had been spent by the Army Engineers in the last summer to employ additional rangers and personnel. At Fort Peck Reservoir, specifically, the total fees collected for last summer were $2,889.50. At the same time two additional rangers were put on at an expense of $4,800, with the total cost for the first year's operation being $7,365.

These figures speak for themselves—obviously it is a losing proposition.

Turning to another aspect of this fee system, it is apparent that the low-income people of our State and the Nation are being denied access to this Federal reservoir. Fixed income equates enough of a hardship without denying these people the right to a recreational site.

These sentiments are held throughout Montana, especially in the Fort Peck area. This is a Reservoir known throughout the Nation for its fishing, waterfowl, and recreational facilities. It is the largest earth filled dam in the world, the fourth largest reservoir with a length of 189 miles and a shoreline of 1,600 miles. Now the easiest access routes have a fee, while those more remote routes escape the fee.

Besides being inequitable, it is quite obvious that to collect a fee on a reservoir the size of Fort Peck would require a task force of rangers with a fee of $5 to pay their wages.

This all leads to the basic contradiction which arises when the State sites are free and the Federal sites are fee. Significantly too, the Bureau of Outdoor Recreation which is the great advocate of entrance fees, has never introduced entrance fees at the many fine outdoor recreational areas which are provided in the District of Columbia. Apparently they feel this is out of place in the Nation's Capital.

We in Montana are equally out of place at Fort Peck Reservoir which was built to provide power and flood control.

I believe the practice of the States should be adopted by the Federal Government. I believe that the fees for entrance, dock, and float purposes should be eliminated without further delay.

On behalf of the people of Montana, I urge a favorable report of H.R. 11236 and companion bills, repealing all authority for these fees.

PUBLIC SERVANTS DOAR AND POLLAK

Mr. **CELLER.** Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **CELLER.** Mr. Speaker, civil rights is one of the most sensitive divisions within the Department of Justice, and the man who heads that division must of necessity be sensitive to the many problems attendant with that responsibility.

John Doar fits that challenge most capably. Now that he is leaving the Department, it is appropriate to take note of his accomplishments and also of his successor, Stephen J. Pollak. Mr. Pollak has the excellent credentials to continue Mr. Doar's leadership.

The spirit is aptly caught up in an editorial in the December 1, 1967, edition of the Washington Post. I insert the editorial in the RECORD at this point:

A GREAT PUBLIC SERVANT

> The resignation of John Doar as an Assistant Attorney General is a major loss to the civil rights movement and to the Government of the United States. For more than seven years, he has been at the center of almost every racial crisis in which the Federal Government has been involved. No man in government has been more widely respected, by those he fought as well as by those he befriended, than Mr. Doar.
>
> The stories out of the South about Mr. Doar's courage and his integrity are legion. Red-necked sheriffs in backwoods counties trembled and cursed when his name was mentioned, but, nevertheless, admired him. Negroes knew him as the man from Washington they could trust. Public officials and judges and lawyers knew that when he said something, he backed it up. Perhaps Mr. Doar's finest moment was on a summer afternoon in Jackson, Miss., when he walked between police lines and a brick throwing crowd, talked the mob of irate Negroes into going home, and averted what was on the verge of becoming a bloody massacre.
>
> There have been few public officials in our time who have contributed as much as Mr. Doar to the solution of the nation's most difficult domestic problem. And there are few men to whom the Government owes more than it does to Mr. Doar who went far beyond the call of duty in his own quiet, self-effacing way.
>
> The selection by the President of Stephen J. Pollak to replace Mr. Doar is a wise one. Mr. Pollak's record in the Department of Justice and as the President's adviser on District of Columbia affairs has been excellent. He need set himself no higher goal than simply to continue the work of the Civil Rights Division in the distinguished pattern set first by Burke Marshall, and then by Mr. Doar.

MARTIN LUTHER KING

Mr. **WAGGONNER.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **WAGGONNER.** Mr. Speaker, with the cold, aloof assurance of a man who feels he is totally immune to and apart from all legal and moral restraints imposed by society, Martin Luther King has handed the Federal Government his latest blackmail edict. It says: Surrender to my demands or, to use his phrase, "God only knows what we will face in terms of chaos."

King regards himself as being the "god" who alone knows what lawlessness he and his "peaceful," "nonviolent" followers will bring to the Nation's Capital next spring if he is not given anything and everything he wants.

And, he may be right, Mr. Speaker. He may be powerful enough to import scores of thousands of derelicts, peaceniks, smutniks, and sickniks, threaten the Congress with immobility, and tie up the traffic of this city and keep law-abiding people from their jobs.

After all, he knows that in the past the Armed Forces have been mobilized at taxpayers' expense to protect him; he knows that the Justice Department will not prosecute him; and he knows that, when it is all over, he will, in all probability, be invited again to the highest places of Washington, there to be embraced by administration representatives. But if this is what he is faced with from the executive and judicial branches, more is demanded of us in the legislative branch.

No matter what is required of us, the people are looking to us to do whatever is necessary to curb this man and his followers. If the Armed Forces are to be mobilized, they want them used to stop King, not act as his escort and protector. Washington and the Nation are sick of demonstrations. They prove nothing. They produce nothing. Any fool can collect a crowd and storm the city. But it takes energy, determination, ability, and just plain guts to work for what you want in this world. King has not learned that lesson and, if it is up to the Congress to teach him, then I say, let us get about it.

DMSO: STILL THE PERSECUTED DRUG—PART IV

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WYATT. Mr. Speaker, 7 months ago Dr. James Goddard of the Food and Drug Administration promised to ease present prohibitive restrictions on clinical testing of the potential wonder drug DMSO.

In March 1966 a symposium on DMSO was held by the New York Academy of Sciences. Over 150 doctors presented 79 separate papers attesting to the efficacy and clinical safety of this drug.

Many of these doctors had done considerable clinical research on DMSO before the ban originally went into effect in 1965. Dr. Arthur Scherbel of the renowned Cleveland Clinic is one of these doctors. A large number of the hundreds of patients who had been experiencing relief while undergoing DMSO treatment wrote bitter and heart-rending appeals to both Dr. Scherbel and the FDA when their supply of the wonder-working drug was suddenly and arbitrarily cut off.

Here are a few of those letters, along with the sad replies given by Dr. Scherbel. One can imagine the abject despair of the sufferers who had been helped back to a normal life, only to have it suddenly ripped from their grasp by the FDA ruling. One can also understand the terrible feeling of impotence experienced by a fine doctor such as Dr. Scherbel who sees the means for successful treatment suddenly, capriciously taken from him. And one can see the frustration and the rage that must result from the FDA's bureaucratic doubletalk and buckpassing which doctors must accept as a substitute for needed medication.

The letters follow:

JULY 7, 1967.

Dr. ARTHUR SCHERBEL,
Cleveland Clinic,
Cleveland, Ohio.

DEAR MR. SCHERBEL: You may recall a telephone conversation we had last year concerning the use of DMSO in my patient who is suffering from scleroderma. Despite the revised FDA ruling on DMSO, it has been impossible to obtain this substance. The patient, in the meantime, has slowly deteriorated, and now has pronounced, active scleroderma. She has failed to improve on corticosteroids, azathioprine, and cyclophosphamide. The skin is severely affected and there is very little evidence of visceral involvement.

I suggested to her that she should seek your advice. She is quite willing to go to Cleveland, and tells me that the week of September 11 would be most convenient for her. Incidentally, she would prefer hospitalization because of her insurance coverage.

I do hope you can see this patient. We are quite frankly stymied, and would be most interested in trying DMSO, if you think it advisable. If you can see Mrs. Baler, please contact her at 2 South Green Street, Plymouth, Massachusetts.

With kindest regards,
Sincerely yours,
_____ _____.

JULY 13, 1967.

DEAR SIR: I have received your letter regarding the lady who has diffuse scleroderma. At the present time I do not have DMSO and it is doubtful whether we will again resume our studies because of the severe restrictions and unrealistic demands imposed by the Food and Drug Administration.

It is not possible for us to re-evaluate these patients every four weeks as demanded by Doctors Goddard and Hodges. During the past three years, we evaluated scleroderma patients at approximately three month intervals which we found to be perfectly satisfactory. During this time, we found no serious toxicity and certain patients noted improvement in skin manifestations.

If you are in a position to evaluate this woman at four week intervals, I would suggest that you write to Dr. Richard Brobyn who is in charge of the DMSO program at Squibb Research Institutes. I have heard indirectly that Squibb will probably begin investigational studies with DMSO within the near future.

Inasmuch as I have no other suggestions which might be of help to your patient, I do not feel that she should come to the Cleveland Clinic for evaluation of her condition.

I am sorry that I cannot be of more help to you but unfortunately this is the beginning of government medicine. With best wishes, I am,

Yours very truly,
ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

Dr. ARTHUR L. SCHERBEL,
Department of Rheumatology,
Cleveland Clinic.

DEAR DR. SCHERBEL: I am writing about my daughter, whom you are treating for linear schleroderma. We have been using Dromisol (DMSO) in the gel form on her hand and arm. But now we have finished the last tube that you gave us.

For a few days her little finger was especially red and looked a little bit swollen. We think that she bumped it. But now it is not so red, and looks about like it did.

We have been wondering if there is any new hope of being able to secure the liquid Dromisol.

Please advise us what we should do. She has no more appointments made at the Clinic, since her last visit on May 25.

Thank you.
Sincerely,
_____ _____.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, July 7, 1967.

DEAR SIR: I've received your letter and am sorry that we do not have aqueous DMSO for your daughter at the present time. As you know, DMSO is not available at the present time primarily because of the unrealistic demands that the F.D.A. has insisted that we carry out on all patients receiving this drug. A number of laboratory studies including liver function studies are requested every four weeks and an eye examination must be carried out every three months. It is not possible for many of our patients to return to the Clinic this frequently nor is it possible for us to do these studies this frequently in the Clinic.

If the F.D.A. will relax these demands in the future, we will be pleased to again continue our study with DMSO and I will let you know at that time when Diane should return to the Clinic.

Assuring you of our continual interest in your daughter's health, I am,

Yours very truly,
ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

MAY 18, 1967.

Dr. ARTHUR J. SCHERBEL,
Cleveland, Ohio.

DEAR DR. SCHERBEL: My wife is now suffering from scleroderma and is in need of some aid to ward off the pain and the discomfort of the disease.

In the May 5th issue of TIME magazine your research in this field was published. I hope this letter will reach you as your address was rather generally stated. She could come to your city as we have relatives there. If however you could not find the time could you refer us to some equal talent in New York city who would help my girl.

Your interest would be deeply appreciated. Please write me.

Very Truly,
_____ _____.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, June 5, 1967.

DEAR SIR: I've received your letter regarding your wife is suffering from pain and discomfort of diffuse scleroderma.

I'm sorry to inform you that dimethyl sulfoxide is not available for treatment at this time inasmuch as the Food and Drug Administration is making unrealistic demands regarding the frequency of laboratory studies and eye examinations. It would not be practical or possible to carry out these studies and carry on with the treatment of other patients.

If and when the drug becomes available, I feel that you will be able to obtain it from a physician in your local community.

Sincerely yours,
ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

CLEVELAND CLINIC,
Cleveland, Ohio.

DEAR DR. SCHERBEL: In answer to your letter of April 6th, I am writing to find out if DMOS is available to me at this time. I have used the gel several times and it has helped the ulcers on my fingers.

Sincerely yours,
_____ _____.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, June 5, 1967.

DEAR MADAM: I have received your letter and am sorry to inform you that DMSO is not available at this time for treatment of ischemic ulcers complicating scleroderma. It is apparent to most clinical investigators that no therapeutic agent has been as effective as DMSO for this condition, but unfortunately the drug is not available without unrealistic demands from the Food and Drug Administration requesting a large number of laboratory studies every four weeks and repeat eye examinations every three months. It is not possible for patients to travel long distances this frequently nor is it possible for physicians carrying on a medical practice to follow these patients this frequently.

If and when the restrictions are relaxed, I will contact you for treatment of your ulcers. I am sorry that I cannot be of more help to you at this time.

Sincerely yours,
Arthur L. Scherbel, M.D.,
Head, Department of Rheumatic Disease.

July 14, 1967.

Arthur L. Scherbel, M.D.,
Cleveland Clinic Hospital,
Cleveland, Ohio.

Dear Dr. Scherbel: Several months ago I wrote to you asking if you would consider treating my sister (age 24) who has systemic sclerosis with DMSO or if you could release the drug to me with instructions regarding its use on her. You replied that the drug was not available at the time of my request but to remind you in July since you expected the drug to be released again to you at this time. Thus, I am again asking if it would be possible for her to be treated with DMSO at this time either here under my supervision or in Cleveland under your direction.

Sincerely,
——— ———.

The Cleveland Clinic Foundation,
Cleveland, Ohio, July 26, 1967.

Dear Doctor: I have received your letter regarding DMSO treatment for your sister who has progressive systemic sclerosis.

Unfortunately, I do not have this drug available at the present time for investigational studies of this disease. The F.D.A. has not approved the use of this drug without unrealistic restrictions which include frequent laboratory studies and eye examinations at four week intervals. This makes absolutely no sense to me inasmuch as these studies have been carried out in the past without abnormalities being observed. Moreover, it is not possible to carry out extensive studies in this manner in patients with this disease who will probably need treatment for a number of years.

I am sorry that I cannot be of more help to you and I hope you will understand the situation.

Sincerely yours,
Arthur L. Scherbel, M.D.,
Head, Department of Rheumatic Disease.

May 5, 1967.

Dr. Arthur L. Scherbel,
Cleveland Clinic, Cleveland, Ohio.

Dear Dr. Scherbel: I have read the article in the Times magazine in connection with DMSO.

I have a wife suffering from scleroderma and I am very much interested in receiving the results of DMSO from your own experience.

I hesitate to trespass on your time but I am very much concerned with my wife's case. She apparently has had this disease for about eighteen months and has been treated.

Very little improvement has been shown and I am very anxious to know what the effects of this DMSO in your treatments has been.

Sincerely yours,
——— ———.

The Cleveland Clinic Foundation,
Cleveland, Ohio, May 17, 1967.

Dear Sir: I have received your letter regarding the use of dimethyl sulfoxide in diffuse scleroderma. I am sorry to inform you that the drug is not available at this time for clinical investigation and I doubt if it will be released within the near future without unrealistic demands being made upon the patient, physician and pharmaceutical firm supplying the drug.

The Food and Drug Administration will allow the use of this drug only if multiple laboratory studies are obtained at monthly intervals and eye examinations are carried out at three month intervals. In our institution this is completely impractical and, therefore, we regret that it will not be possible for us to resume further study of this drug unless the Food and Drug Administration becomes more reasonable in their unusual investigational demands with DMSO.

Sincerely yours,
Arthur L. Scherbel, M.D.,
Head, Department of Rheumatic Disease.

May 17, 1967.

Dr. Arthur L. Scherbel,
Cleveland Clinic Foundation,
Cleveland, Ohio.

Dear Dr. Scherbel: Thank you again for the help you gave me on the telephone the other evening. I am, obviously, very distressed over my 11½ year old daughter, who has contracted systemic scleroderma.

I have contacted the Syntex Lab, in an effort to get DMSO released for my daughter's use, but they were of no help. I intend to contact some U.S. Senators, and Dr. Goddard of the F.D.A.

At the time of our conversation, I intended for my daughter to visit the Tucson Clinic, as you suggested. However, we now find we will be moving to Covina, California in two weeks, and we plan to remain there for years. For this reason, could you instead recommend a physician in Los Angeles County? Covina is 22 miles east of the City of Los Angeles, but the name of a practitioner anywhere in the greater Los Angeles area who is up to date on treatment of scleroderma, would be most welcome.

Because of our pending move, I do not know when we will be able to make it to Cleveland for an examination of Penny, but I hope it will be within the next few months. Meanwhile, I hope you can advise me now, as to the name of a suitable practitioner in the Los Angeles area.

Thank you most sincerely.

Very truly yours,
——— ———.

The Cleveland Clinic Foundation,
Cleveland, Ohio, June 2, 1967.

Dear Sir: At the present time DMSO is still not available and I am not at all sure if it will again become available for clinical investigation. The drug has good potential but it is hopelessly tied up in bureaucratic red tape. Perhaps letters to Senator Long and Congressman Wyatt or Dr. Goddard might be helpful.

Sincerely yours,
Arthur L. Scherbel, M.D.,
Head, Department of Rheumatic Disease.

July 11, 1967.

Dear Dr. Scherbel: I have written to you before about a patient of mine with severe scleroderma.

Would you now be willing to see him, inasmuch as DMSO is again available to you (as I understand it)?

He will come at any time you designate. Thank you.

Sincerely yours,
——— ———.

The Cleveland Clinic Foundation,
Cleveland, Ohio, July 14, 1967.

Dear Doctor: I have received your letter regarding your patient and am sorry to inform you that I do not have DMSO at the present time for treatment of patients with diffuse scleroderma. I do not know when it will become available inasmuch as the F.D.A. continues to impose severe restrictions on the use of this drug.

If and when it does again become available, I will contact you.

Sincerely, yours,
Arthur L. Scherbel, M.D.,
Head, Department of Rheumatic Disease.

REPORT ON FIRST SESSION, 90TH CONGRESS BY REPRESENTATIVE WILLIAM S. BROOMFIELD

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Broomfield] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, while piling up a record number of rollcall votes and threatening the record for length, the first session of the 90th Congress produced few major legislative accomplishments.

In this yearend report to the people of the 18th Congressional District, I will point to some of the significant successes and failures and attempt to sum up the legislative year. As this is written, Congress is still in the midst of an unusually long session, so the report on some issues is inconclusive.

Although I have reported annually to the district since my election to Congress in 1956, some of you will receive this report for the first time. As always, your suggestions and comments are most appreciated.

Personally, I was honored this year with the responsibility of representing Congress as a principal delegate to the 22d General Assembly of the United Nations.

While the achievements of the General Assembly have been less than spectacular, the assignment offered a rare opportunity to meet leaders of nations and to participate in a small way in the search for world harmony.

WAR AND RIOTS

The work of the 90th Congress was overshadowed from the start by war in Vietnam and later by the summer's big-city riots.

Despite volumes of words, Congress was unable or unwilling to do very much about either problem.

Senate Majority Leader Mike Mansfield told committee chairmen at the start of the year that Congress should devote itself to refining and reexamining the vast and unprecedented legislative outburst of the previous 2 years.

To a great extent his advice was heeded. The first session of the 90th Congress was concerned mainly with reshaping, filling in gaps, and cutting the costs of existing programs.

ECONOMY MOOD

Economy was the dominant theme of the session, especially in the House of Representatives.

Every major appropriation bill submitted by the administration was cut by Congress, some by relatively small amounts, others significantly.

Altogether, the House trimmed nearly

$6 billion from the President's requests. More than half of those cuts have been restored by the Senate.

Despite the economy-minded mood of Congress, the administration continued to spend previously appropriated funds at a record clip and to add new employees to the Federal payroll.

During the first 3 months of the new fiscal year which began July 1, Government spending was up 11 percent from the same period a year ago.

Although the President promised a "freeze" on Federal hiring, new workers continued to be hired.

DEBT SOARS

The national debt soared to a new record of $340.8 billion in November, up $14 billion in the last year. It now costs $15 billion a year just to pay the interest.

As the Nation's money supply was reduced by Government borrowing, interest rates on private loans rose and consumer prices continued their climb.

The administration's answer to mounting debt and inflation was to ignore calls from Congress to cut Government spending.

Instead, the President proposed a 6- and then a 10-percent income tax increase on individuals and corporations to maintain the present rate of Government spending.

A stalemate resulted when the House Ways and Means Committee, the only body with authority to originate tax legislation, refused to consider the President's tax proposal until spending was reduced.

SPENDING CUTS

After a month's delay, the administration finally indicated a willingness to make some spending cuts.

But a serious question remains whether meaningful reductions or merely token cuts are being offered in hopes of winning still greater, long-range spending authority.

As the debate continued over fiscal policies, congressional investigators turned up hard-to-believe evidence of waste and big-government bungling by the administration.

They discovered, for example, that the Pentagon paid more than $33,000 for 130 doorknobs which retailed for about $210.

The Defense Department also admitted purchasing 30 insulated couplings with a retail value of $82.50 for $2,025.

And in Rio de Janiero, the administration financed a $3.5 million housing project for slum dwellers only to discover that no one wanted to live in it because of its location far out in the countryside.

SOCIAL SECURITY

While the administration praised the effects a tax increase would have on the economy, it failed to point out that one of the major works of Congress, a social security increase, would produce some of the same results.

Like the surtax proposal, it would draw money out of the consumer economy in the form of increased payroll taxes.

Although the final version of the bill is still being refined by a committee of House and Senate Members, its general outline may now be predicted.

The House version of the bill, which I supported, would increase social security benefits 12½ percent across the board.

The Senate version calls for a 15-percent increase. The final figure probably will be a compromise between the two.

WITHHOLDING UP

The House bill raises maximum taxable wages from $6,600 to $7,600 effective in 1968 and would increase the tax rate on both employer and employee from 4.4 percent to 4.8 percent in 1969.

The Senate bill would increase the maximum taxable wage to $8,000 in 1969 and $10,800 in 1972. It would boost the tax rate to 4.8 percent in 1969.

Under present law, the maximum payroll tax on each worker and employer may eventually go to $372.90 annually. The House bill would increase the maximum to $448.40; the Senate bill would raise it to $626.40.

The Senate bill would lower the eligibility age for reduced benefits to 60. The House bill retains the present age requirement at 62.

In addition to these basic changes, there are literally hundreds of others dealing with social security, medicare, aid to dependent children, and welfare. If you desire information on any of these areas, please let me know, and I will do my best to answer your questions.

VETERANS' BENEFITS

Congress also approved $285.6 million in increases and extensions in veterans' benefits.

The new law gives veterans and their dependents a cost-of-living increase in pension payments, provides full wartime rates of compensation and pension payments for those injured or disabled in Vietnam, provides higher educational allowances for veterans attending college under the cold war GI bill and offers new training programs under that bill.

The cost of living pension increases are estimated to cost $102 million in the first year, and GI bill provisions are estimated at $158 million.

Despite proclamations and promises in the wake of rising crime rates and last summer's rioting, the administration's programs for dealing with these problems had little success in Congress.

Its two major pieces of anticrime legislation—the "safe streets" program for bolstering local law enforcement agencies and firearms control bills—are still pending before committees.

CRIME CONTROL

The House passed the safe streets bill after making a number of changes and renaming it the Law Enforcement and Criminal Justice Assistance Act.

The House bill, which I supported, grants $50 million in Federal funds to local governments for planning, modernizing, and otherwise improving their law enforcement agencies. The House bill includes another $25 million earmarked for improving techniques and training for prevention and control of riots.

In the Senate, where the bill is still pending, a subcommittee has added a provision to permit wiretapping under certain restricted conditions and has increased riot control funds to $35 million.

Gun control legislation is similarly bottled up in the House and Senate Judiciary Committees, and no further action is expected on it until next year.

Faring somewhat better were administration proposals to improve conditions in the cities, conditions which many experts said were at the root of last summer's disorders.

URBAN PROGRAMS

Two of the President's major urban assistance programs—rent supplements and model cities—were approved reluctantly and at far less costly levels than sought by the administration.

Congress provided $10 million for rent supplements while the President sought $40 million. For the model cities program, Congress appropriated $312 million while the administration asked for $662 million.

The programs were amended by Congress to encourage local funding wherever possible. Even where Federal funds make up the bulk of the investment, local sponsors will be required to put up a minimum of 5 percent. Local sponsors will be assisted by a pledge from the insurance industry to make $1 billion available for low-cost housing loans.

Differing versions of bills to continue the antipoverty program were passed by the House and Senate and are still under negotiation by representatives of the two bodies.

The House bill, which I supported, continues the program at about the same level as last year but makes a number of technical changes designed to eliminate abuses and waste.

House-approved amendments would limit the activities of the Office of Economic Opportunity—OEO—in nonpartisan elections and in registering voters in any election; remove the authority of the OEO Director to pay up to $100 a day for consultants; reduce the number of high-salaried jobs in the administration of the program; and prohibit OEO funds from being used in labor union activities.

The House-passed bill also would place community action programs under control of local governments and require that at least 10 percent of local contributions be made in cash. These items are still under consideration by the House-Senate conference.

Another matter under negotiation is the cost of the program. The House authorized $1.6 billion, the Senate $2.2 billion.

RAT PROGRAM

A proposal to spend $40 million over 2 years in an attempt to rid city slums of rats generated a heated debate at midyear.

The House defeated the measure the first time around because, as originally proposed, the bill would have created a new bureaucracy to do what existing programs could have done.

The bill was revised to provide for administration of the funds through existing agencies and passed the House and Senate.

Ignored throughout the debate was the fact that three existing programs provided more than $448 million last year for rat eradication, and much of the money was not used.

Civil rights legislation moved quickly through the House last August but the Senate as yet has not acted.

CIVIL RIGHTS

The House bill, which I supported, is designed to strengthen criminal laws against intimidating or injuring civil rights workers or other persons engaged in federally protected activities such as voting, attending school or using public accommodations.

Another bitter debate developed earlier in the House in a move to give the States greater control over Federal funds granted to schools under the Elementary and Secondary Education Act.

State control was proposed because under existing broad Federal guidelines money intended to fight poverty frequently was diverted to rich school districts rather than to those in need.

Parochial and private schools objected to the proposed change fearing some States would shut off their funds.

SCHOOL AID

Under a compromise plan which finally passed the House, parochial and private schools were protected, and the States were given control of a limited area of the program, specifically in research on teacher-training techniques.

The bill also spelled out new Federal guidelines on school desegregation. That feature has proven a major stumbling block to passage in the Senate where the bill still rests.

Congress approved continuation of the student-loan program for encouragement of higher education and narrowly authorized extension of the Teacher Corps.

The House turned down requests for funds for the Teacher Corps, but in a compromise with the Senate subsequently approved $13.5 million.

An administration proposal to expand the student-loan program to make it available to medium as well as low-income families was not approved.

AIR POLLUTION

One of the few major legislative achievements of the year was approval of the Clean Air Act designed to get at another sort of big-city problem.

The bill authorizes spending $428.3 million during the next 3 years to encourage research and to establish regulatory machinery throughout the country to fight air pollution.

Emphasis is placed on local and regional approaches to the problem with the Federal Government providing money and advice.

The law does give the Federal Government new powers through the Department of Health, Education, and Welfare to be used only if States refuse or neglect to act responsibly.

EDUCATIONAL TV

In another look at the future, Congress authorized establishment of a nonprofit, nongovernmental educational radio and television network. The bill, however, authorizes only $9 million for fiscal 1968 and leaves the question of long-term financing unanswered.

Congress approved postal-rate increases to help absorb the mounting deficit of the Post Office Department and to finance a 6-percent raise for postal workers and a 4.5-percent pay increase for other Federal employees.

The House bill provides for a 1-cent increase in the per-ounce rate for first-class letters and increases second-class mail 23.5 percent, third-class mail 32 percent. The Senate bill differs slightly and details are being worked out.

Included in the bill is a measure I supported to lower postal rates for mailing packages to servicemen overseas. Under the new provision, rates for some packages would be cut in half.

A combination of factors including frustration with the progress of the war in Vietnam, mounting evidence of waste, and the economy mood of Congress, generally, resulted in one of the smallest foreign-aid bills in the last 20 years.

FOREIGN AID

Although final figures are not complete, it is expected the foreign-aid appropriation will be about $2.7 billion—about one-half billion dollars less than the administration sought.

Included is $200 million for development loans, $145 million for military aid and $133 million for the Alliance for Progress.

The House and Senate approved a measure, which I sponsored, appropriating $714,000 for the partners of the Alliance program.

One of the most successful of our foreign aid efforts, it has involved top experts in the fields of medicine, agriculture, business and finance, industry and education in helping countries of Central and South America solve local problems.

The money approved by Congress will be used to purchase round-trip, tourist-class plane tickets and to pay minimal board and room for these unpaid volunteers.

VIETNAM

The war in Vietnam remained the major preoccupation of Congress this year, and Members tried a variety of methods to make known their displeasure and to influence the administration's war policies. They mostly were in vain.

The Senate Foreign Relations Committee concluded after conducting hearings on the problem that the role of Congress in determining the Nation's war policies has eroded rapidly in the 20th century with the authority flowing increasingly to the President. The committee reported:

> The concentration in the hands of the President of virtually unlimited authority over matters of war and peace has all but removed the limits to executive power in the most important single area of our national life.

In the House, more than 50 Congressmen called for a review of the war-making authority claimed by the President under the Gulf of Tonkin resolution.

The Senate urged the United Nations to consider Vietnam and a great number of individual war solutions were proposed by individual Congressmen and Senators.

PRESIDENT DECIDES

The President, arguing that the Constitution gives him a virtual free hand in the conduct of foreign policy and command of the Armed Forces and that it relegates Congress to the role of adviser, ignored almost all of the advice.

In a related area, Congress extended the selective service law last May with some changes.

It continued the present student deferment policy including graduate school deferments, created a National Manpower Resources Board to specify the professional, scientific, and critical skills which would lead to deferment in the national interest, limited the President's authority to establish a lottery for selection of draftees, and left intact a recommendation that the President give priority on future draft calls to men in the 19 to 20 age group.

Although I voted for this bill, I did so with some misgivings and in recognition of its shortcomings.

I later joined with other Republican Congressmen from Michigan in asking the President to establish uniform national standards for draft classifications and to require that these standards be administered equally throughout the country.

Some States, for example, consistently draft more men than others which statistics show have greater numbers of eligible draftees.

UNITED NATIONS

As a member of the U.S. delegation to the United Nations, I served as an adviser to U.S. Ambassador Arthur J. Goldberg on major questions such as Vietnam and the Middle East and presented the U.S. position on some other issues.

The United States is continuing its efforts to bring the Vietnamese war before the U.N. again this year, as it has since early in 1966. All past attempts have been blocked by the Soviet Union and France which prefer not to offer the United States any possibility of an easy escape from its predicament.

Probably the most significant accomplishment of the U.N. so far this fall was the Security Council's appointment of a mediator in the Middle East dispute.

Shortly after the 6-day June war between Israel and the Arab States and before my appointment as a United Nations principal delegate, I was sent to the Middle East as an observer for the House Foreign Affairs Committee.

In my report to the committee, I recommended the following points as a basis for settlement of the crisis: direct negotiations between Arabs and Israelis, a reunification of Jerusalem with supervision of the holy places by the various religious orders, free and innocent passage through the Straits of Tiran and the Suez Canal, rehabilitation and settlement of the Palestinian Arab refugees, limits on arms shipments to the Middle East, and a minimum of outside intervention.

It is my hope that the Security Council's special representative to the Middle East can achieve a settlement within this framework. It is doubtful anything less will result in a lasting peace.

KOREA AND FINANCE

Of the items which I handled personally before the General Assembly, there are two which were particularly important for the United States and the future of the United Nations.

The first was the question of continuing U.N. involvement in Korea; the other that of improved management and budgetary procedures within the U.N. itself.

Every year since the end of the Korean war, the United Nations has reaffirmed its responsibility for the security of South Korea, although not by a unanimous vote.

A group of Communist nations has called regularly for withdrawal.

This year, because of the war in Vietnam and a growing number of incidents along the North Korean armistice line, it was especially important that the U.N. unequivocally reaffirm its stand in Korea.

U.S. VICTORY

After considerable debate, the General Assembly approved the U.S.-sponsored resolution supporting the U.N. command in Korea by a vote of 68 to 23. All resolutions calling for U.N. withdrawal were defeated.

I also represented the United States on a number of technical matters in the U.N. Budget and Administrative Committee.

To help modernize and improve its management, I introduced a proposal to establish a budgetary planning figure to enable the Secretary General to give earlier and better guidance in planning the U.N. budget.

Although this issue is still under consideration, the other three major U.N. contributors, the Soviet Union, France, and Great Britain have joined in support.

My term as a United Nations delegate will end soon, and the second session of the 90th Congress will get underway in January.

May I urge my constituents to continue to write or call on me at my district office at 1029 South Washington, Royal Oak, or at room 2435, Rayburn House Office Building, Washington, D.C., while Congress is at work.

POST OFFICE DEPARTMENT AND FTC WILL INVESTIGATE SECOND MORTAGE FRAUDS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. CAHILL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, the tragic victimization of homeowners through fraudulent secondary mortgage schemes is not a new problem in our Nation. However, intensifying public anger, expressed by complaints to public officials and by the press, clearly indicates that it is an increasing problem.

Like some evil creature of mythology, fraudulent secondary mortgage transactions can assume many forms. In the absence of effective regulation, homeowners desiring to borrow money are confronted by deceptive contracts, hidden finance charges, and misrepresentations of the consideration to be received and of the financial obligations to be assumed.

Unfortunately, abuses of homeowners by debt consolidation and home improvement mortgage companies have been frequent in my own State of New Jersey. In an effort to contribute to the elimination of such abuses, I recently requested Federal Trade Commissioner Dixon and Postmaster General O'Brien to undertake investigations of seven companies in the Camden, N.J.-Philadelphia, Pa., area to determine possible violations of Federal fraud legislation.

I am indeed gratified to announce to the Members that these authorities have promised prompt action with respect to my request. The Post Office has advised me that postal inspectors in Philadelphia will be directed to undertake immediate investigation to determine whether the postal laws are being violated. Commissioner Dixon similarly has advised me that prompt action will be undertaken within the limitations presented by a small staff and numerous and varied FTC complaints pending.

It is my sincere belief that action by these authorities will prevent the victimization of many New Jersey homeowners. However, it is apparent neither the FTC nor the Post Office has the resources nor the personnel to regulate each of the thousands of mortgage lending companies in the United States. What is clearly called for is a full scale, intensive, congressional investigation of this form of loan sharking.

L. B. J. CONSUMER PLAN SKIPS THE DRIVERS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. CAHILL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, those of us in the House of Representatives who have been urging a congressional investigation of the automobile liability insurance industry have done so because we are convinced that the citizen, the consumer of America, is suffering as the result of many of the present practices of this industry.

A very perceptive and realistic appraisal of the industry and its effect upon the Nation as well as a frank and thoughtful recommendation to the administration was contained in a recent column written by Mr. Robert W. Lucas, chief of bureau, Gannett newspapers. I believe it would be of interest to the membership and I therefore insert it at this time in the RECORD:

L. B. J. CONSUMER PLAN SKIPS THE DRIVERS

(By Robert W. Lucas)

WASHINGTON.—President Johnson is trying to identify his administration with concern for and protection of consumers. In doing this he has angered elements of the small loan business, meat packers, packagers and the pipeline companies. But he obviously means to press for consumer laws that will add to the public's safety against flammable fabrics, exploding gas pipelines, diseased meat, usurious interest rates and defective home appliances. And hooray for LBJ!

Unaccountably ignored to this point, however, is the deep consumer interest in a reformed and more practical system of automobile insurance. And while this may not have as much political sex appeal as a crusade against "filthy meat," the toll of unnecessary costs that some 80 million insured motorists pay merely to drive a car runs into billions annually.

This week the president signed a law establishing a commission on "product safety." The idea is to head off accidents such as those resulting from faulty heating, which killed or injured 125,000 people last year, or dangerous power mowers, or clothes washers, or defective electrical wall sockets.

The Commission will investigate such fixtures, appliances, tools and gadgets, reexamine federal, state and local laws relating to them, and propose what new laws seem advisable.

But in signing this law, Johnson observed—not without some vehemence—that this was only the first of twelve "consumer laws" he has asked Congress to pass. The others would clamp down on loan sharks, purveyors of uninspected meat and land speculators who con old folks into buying swamps and shacks instead of land and a home to live in. This program has been stalled on the Hill so far.

Betty Furness, the president's special assistant for consumer affairs, is a cosmetic Ralph Nader, far more form than substance. Her grasp of the struggle between producer and consumer, and the awesome responsibility of government as arbiter, seems less than profound. And some feel that the spectacle of Miss Furness, yakking about TV repairmen or garage mechanics, weakens the ostensible seriousness of the President's commendable purpose.

Unless they deliberately turn the other way, some of the bright young men in the White House are eventually going to discover that auto insurance is becoming a major—and to a large extent unnecessary—drain and drag on almost every adult American—rich, poor and inbetween.

Here is an industry that involves 102 million licensed drivers in a national population of 200 million people.

Of an estimated 97 million registered vehicles, more than 80 per cent are insured.

In 1967 American motorists will have paid more than $10 billion in auto insurance premiums.

In the last year alone there were 53,000 people killed and 3,710,000 injured in 13,600,000 auto accidents that damaged 24,300,000 cars. And the National Safety Council estimates that in 1966 automobile accidents cost the American people $10 billion.

Fortune Magazine has described the present system of automobile insurance as an "impersonal mechanism of the market" that is "failing to fill the needs and desires of the public."

Three committees of Congress are struggling to launch an investigation of this "impersonal mechanism" which those who own and control it admit is becoming an economic anachronism.

More than one study of auto insurance has concluded that the present system is wasteful, self-defeating, unprofitable to underwriters, unfair to millions of policy holders, inequitable as to its availability, disruptive of the judicial system and even corrupting in its application to arbitrary classifications of insured drivers.

Actuaries in New York have testified that a substitute plan submitted by two professors of law from the universities of Illinois and Harvard, providing for automatic but limited recovery of damages without regard to blame, could save premium buyers as much as 25 per cent a year.

Any national administration that is sincerely committed to meaningful action in behalf of the consumers' interest, and is not simply content to crusade on valid but still comparatively peripheral consumer concerns, would by now be leading a movement to install a new automobile liability insurance system in the U.S.

So far the Johnson White House has indicated a mild interest. If it is at all aware of the gathering momentum in Congress for an all-out investigation of this archaic system, and the struggle to obtain action now and not several years hence, it has not made that awareness known.

And when the White House finally does tumble to this consumer crisis that cries out for attention, it had best assign its most experienced, competent and tough-minded warriors to the action. And leave Betty Furness in the kitchen.

SUPPORT MENTAL HEALTH OR I'LL KILL YOU

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Hall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HALL. Mr. Speaker, that great benefactor of the oppressed, Martin Luther King, is planning a vacation in Washington next spring. Accompanying him, according to King, will be hundreds, maybe thousands, perhaps even hundreds of thousands, all of whom will join together in a spirit of violent nonviolence to disrupt the city of Washington.

The alleged reason for this sudden increase in tourism in our Capital City is to see that the poor get what is coming to them. According to King, this will be the last desperate effort to use nonviolent methods to get a handout. I can only reflect that Mr. King's cerebral processes remind me of a bumper strip I saw recently, "Support Mental Health—or I'll Kill You!"

I only hope that GSA will have better sense than to issue any kind of permit to engage in any disruptive activity on Federal grounds. Surely they have learned from the recent demonstrations at the Pentagon puzzle palace.

POVERTY LEGISLATION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Michel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MICHEL. Mr. Speaker, during the debate on the poverty legislation there were many instances brought to light of mismanagement and waste on the part of those who administer the program but one area where they seem to be quite resourceful is in applying pressure to Members of the Congress.

I have particular reference to a message from Mr. James Duffy, chairman, economic development committee, Action for Boston Community Development, which was included in a publication entitled "Consumer News," urging OEO beneficiaries to write their Congressmen as follows:

> In your letter please tell them that you are opposed to the cut in OEO funds. You might describe what the program has done for you and your family.
>
> Tell each Congressman you feel the program should continue to be operated by local, private, non-profit groups, controlled by the neighborhood people. Add that the program has done a good job—it's biggest difficulty was lack of money—that you feel sure that if the program were voted more money it would do a better job.

The October issue of Consumer News carries headlines such as "We'll Show You How To Find Money," "Christmas Is Coming and You Will Need Money," and then the publication goes on to provide shopping hints for such services as TV repairs, prescription drugs, low-priced food items, and low-cost loans.

I thought it might be appropriate if the Consumer News also carried a reprint of the help wanted section of the Boston newspapers so that those who are taking part in these poverty programs might have the opportunity to secure meaningful employment and thus fight poverty with their own resources which in the final analysis is the best weapon of all.

As a contrast to the Boston story, I am happy to include at this point in my remarks an article from the Washington Post of December 4, written by William Raspberry, outlining the activities of a Mr. William D. Wright who, along with two friends, has devised a program designed to provide work experience and job opportunities for Washington's jobless and underemployed and to help them to become self-supporting in meaningful work. This is the approach we Republicans tried to bring into the program with our opportunity crusade proposal and I agree with Mr. Wright that "this makes a lot more sense to me than all these poverty programs." The article follows:

NORTHEAST CAR WASH OFFERS STEP TO A BETTER LIFE

(By William Raspberry)

It isn't all that surprising that William D. Wright is running an insane operation. Wright himself is crazy.

How else do you describe a man who is in business but not to make money, who bummed around the streets without work for two years just to see how street bums make out and who is job hunting this week because he just gave his managerial job to someone else he thought deserved it?

Wright is the idea man and one of three owners of Stadium Car Wash at 29 45th st. ne. The operation, a year old last Saturday, was designed to provide work experience and job opportunities for Washington's jobless and underemployed and to help them become self-supporting in meaningful work.

When the weather is bad and the car wash is closed, employes are encouraged to use the free time to go job hunting. If they find work that pays 10 per cent more than the $1.40-an-hour base at the car wash, they get enthusiastic letters of recommendations from Wright. As a result, Wright is constantly losing his best workers, and he's proud of it.

He gives free passes to members of the Redskins and Senators teams just so the youngsters who work for him can have some models besides hustlers.

In addition, Wright will pick up the tab for any employe who wants to go to school, the only stipulation being that the employe must show the diploma he has earned. Wright finds it "rather disgusting" that only two employes are currently taking advantage of the opportunity.

"The basic idea was to get people to use this place as a stepping-stone," Wright explains. "As soon as a man comes on, we make him realize that this is not a job to keep for the rest of your life, although it is possible to work your way up from the bottom to manager."

One man has worked his way up, to the $160-a-week manager's post and that's why Wright is job hunting now.

The idea for the car wash came up during a dinner party at Wright's home. Wright, a high-school graduate, and two friends, Drs. Herbert Freidman and Paul Babarik, both psychologists, decided to give it a whirl.

After two years of research and some disappointing attempts at negotiating a loan, the three managed to put together about $47,000 by depleting their savings and mortgaging what they could. This paved the way for a $50,000 Small Business Administration loan, and the car wash was under way.

The three owners have agreed not to take any money out of the business, even to recover their initial investments, for at least three years, except for Wright's salary as manager.

For most of his 13 years in Washington, Wright worked as a dental technician and hacker. But for two years he became a jobless bum so he could gather information for a book he wants to write.

After two years of consorting with panderers, prostitutes and hustlers ("I even delivered pay-offs to the police for numbers backers") he "put on a white shirt and tie and stepped back into the middle-class world" in 1961.

The experience, he feels, has given him special understanding of the problems of ghetto life. He sees the car wash business as an escape route for the "underclass" he left behind.

What he wants now is for big business to do the same sort of thing he and his psychologist associates have done. "They could develop the business, run it for a year and then turn it over to the employers who, in turn, would repay the initial investment over a long period."

It is a great way to train the "underclass" for the business world, he believes. At least 20 of the 200-odd employes he has had in the last year have moved on to better jobs, he said. "You have to be realistic enough to know that there are some you won't be able to help—the guys who work a day or two so they can buy a bottle of wine."

As soon as the car wash becomes a really solid operation, Wright hopes to open service stations and other such businesses and turn them over to the employees after they are established.

"This makes a lot more sense to me than all these poverty programs," he said.

DISSENT OR DESTRUCTION?

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, Eric Sevareid, CBS news analyst, can speak for himself, as millions of television viewers can testify. That Mr. Sevareid can speak for thousands of concerned citizens is attested by his recent article in Look, entitled "Dissent or Destruction?"

Sevareid argues that "these are odd times" and that today's protests "have gone so far as to be senselessly harming the causes themselves, corroding the reputations of the most active leaders, and loosening some of the cement that holds this American society together."

Mr. Sevareid offers an interesting insight into a problem which is deeply troubling to the Nation. I insert for the Record the full text of his article:

Dissent or Destruction?

(By Eric Sevareid)

These are odd times. Tens of thousands of Americans of every age, color, sex, and economic and intellectual condition are daily and hotly invoking every right and privilege mentioned in the Constitution, the Bible and Bartlett's *Familiar Quotations*. Others are busy invoking self-serving "higher laws" to supersede the national rulebook. None of them seems familiar with the words "duty" or "obligation."

The production curve on putative saints and martyrs has been rising rapidly—possibly in direct proportion to the availability of press and TV cameras. The country bears the aspect of one vast wailing wall, washed down daily with the tears of the self-pitying.

The general import of their varying messages, taken as a whole, seems to be that: all American policemen have joyfully renounced their days off in order to bludgeon Negroes as a wholesome exercise; the armed services of the United States, drunk with bloodlust, eagerly notch their guns for every Vietnamese civilian they kill; administrators burn the midnight oil in order to conceive new ways to coerce, threaten, silence and otherwise "alienate" that oppressed *lumpen-proletariat,* American college students.

And all the while, a mysterious group known as the "Power Elite" or the "Establishment" sits in Washington, New York, Chicago and Los Angeles, fat cigars in one hand, telephones in the other, engaged in a round-robin conversation featured by chortling remarks, such as "Hi, fella, how many of the downtrodden did you trod on today?"

As a result of all this, the familiar quotation that comes first to mind for an increasing number of other Americans is one of the opening lines of *The Man Who Came to Dinner*—"I may vomit."

Still others who believe firmly in free speech can no longer find the strength even to murmur Voltaire's celebrated remark that while he disapproved of what you say, he would defend to the death your right to say it, because they are already half-dead—with boredom.

When we reach the point, which we have, where an organization is formed, called "Proxy Pickets," to rent out picketers for any cause at so much an hour, then we know that the fine, careless rapture of this era of protest is all over and that the corruption of faddism has begun to set in. Every movement becomes an organization sooner or later, then a kind of business, often a racket. This is becoming the age of the cause Cause. Kids will soon be hanging around back lots trading causes the way they used to trade aggies.

One of the oddest things about the period, no doubt, is that anyone like me should feel moved to say these things. I have always believed in the Negro "revolution," if that's the right word. I have not believed, for some time now, in the Vietnamese war because to me the official rationale for it simply does not add up, and as a college kid in the thirties, I was a hollering "activist" and even voted for that Oxford oath—"I will not fight for flag or country" (though I couldn't sleep that night for doubts about it, which will merely prove to today's hip set that I had the seeds of squaredom in me at an early age).

But it seems clear to me now that a high percentage of today's protests, in these three areas of civil rights, the Vietnam war and college life—all of which commingle at various points—have gone so far as to be senselessly harming the causes themselves, corroding the reputations of the most active leaders and loosening some of the cement that holds this American society together. There never was any real danger that this country would find itself groaning under Fascist oppression, but there is a measure of real danger that freedom can turn into nationwide license until the national spirit is truly darkened and freedom endangered.

The notion is abroad that if dissent is good, as it is, then the more dissent the better, a most dubious proposition. The notion has taken hold of many that the manner and content of their dissent are sacred, whereas it is only the *right* of dissent that is sacred. Reactions of many dissenters reveal a touch of paranoia. When strong exception is taken to what they say by the President or by a General Westmoreland, the dissenters cry out immediately that free speech is about to be suppressed, and a reign of enforced silence is beginning.

What is more disturbing is that a considerable number of liberal Left activists, including educated ones, are exhibiting exactly the spirit of the right-wing McCarthyites 15 years ago, which the liberal Left fought so passionately against in the name of our liberties. For the life of me, I cannot see the difference in morality between the right-wing woman in Texas who struck Ambassador Adlai Stevenson and the left-wing students and off-campus characters at Dartmouth College who howled down ex-Governor Wallace of Alabama and tried to smash his car.

The use of force to express a conviction, even if it takes so relatively mild a form as a college sit-in that blocks an administration building, is intolerable. When Dr. Martin Luther King, who may well be one of the noblest Americans of the century, deliberately defies a court order, then he ought to go to jail. Laws and ordinances can be changed, and are constantly being changed, but they cannot be rewritten in the streets where other citizens also have their rights.

I must say that, kooky as we may have been in that first real American student movement in the thirties, we never, to my memory, even dreamed of using force. We thought of the university, much as we often hated its official guts, as the one sanctuary where persuasion by reason must rule alone and supreme, if the university itself were to be preserved from the outside hands of force and unreason. What makes today's college activists think they can take the campus forcibly into national politics without national politics—in the form of police or legislature or troops—forcibly coming onto the campus? (Some of the activists, of course, are pure nihilists and *want* this to happen, but that's another story.)

The wild riots that have exploded in the Negro areas of American cities the last few summers should not be confused with protest movements. Most of them do not even deserve the designation of race riot. We had genuine race riots in Chicago, Detroit and Tulsa nearly half a century ago, whites against Negroes, and mass murders occurred. Nearly all the recent summer-night riots have chiefly involved Negro kids smashing and looting the nearest property, most of which was owned by other Negroes. This is sheer hoodlumism, involved as its psychological and sociological origins may be. It is a problem for sociologists, psychologists and economists only in the second instance. In the first instance, it is a police problem, as are the episodes of mass vandalism staged by prosperous white kids on the beaches of New Hampshire or Florida. Majorities have a right to protection quite as much as minorities, heretical as this may sound.

If there were no protests at all about the Vietnamese war, the American society would really be in sad shape. We were in this war very deeply almost before the average busy citizen grasped what had happened, and there was no serious congressional debate on the issue until the winter of 1966. The present national disunion, including the disaffection of so much of the "intellectual community," is just what happened in the War of 1812, the Mexican War of 1846–1848, the Spanish-American War and the war in the Philippines that followed. As historian Henry Steele Commager has pointed out, the only wars during which the President had all but universal support were the two world wars, and both were debated and discussed all over the nation for many long months before we got into action.

So the present protests about Vietnam are entirely within the American tradition. Even so, the law, public necessity and human reason must impose certain limitations.

It is outrageous and insupportable for anyone to desecrate the flag, the one symbol of nationhood that reminds all citizens of the country's meaning. It is disgusting for paraders to chant, "Hey, hey, LBJ, how many kids did you kill today?" These deaths in battle are eating at his soul, too, and vulgarities can help no high-minded cause.

It is a crime for rioters to terrorize cities as they did in the disgraceful upheavals in Newark and Detroit.

It is silly for a group of American artists to ask Pablo Picasso to withdraw his famous Spanish Civil War painting, *Guernica,* from the Museum of Modern Art in protest against our bombings in Vietnam.

It is unreasonable to become indignant about the civilian casualties our forces accidentally cause in Vietnam while remaining silent about the thousands of assassinations of civilian leaders by the Vietcong's "murder committees." The President rightly calls this "moral double bookkeeping."

It is unfair to say that some members of Congress don't mind the war because it helps defense industries in their districts, as Senator Fulbright did say—and then apologized.

It is damaging to the national awareness of reality, and to his own name and cause, for Dr. King to declare that the U.S. "is the greatest purveyor of violence in the world," and that "we may have killed a million (Vietnamese civilians)—mostly children." These statements are untrue. The first is a subjective generalization. The second bears no relationship to what civilian casualty figures we have been able to gather.

It is unreasonable to maintain that President Johnson does not *want* a negotiated peace and is intent on a military victory, because to say that is to say he has deliberately and repeatedly lied to the people, and for that, there is no convincing evidence.

If some of the war protesters go out-of-bounds, so do some of the war supporters and counterprotesters:

It is unfair for them to charge that the protesters are "letting the boys down." Serious protesters want to save the boys entirely by getting the war ended, and in the meantime will insist they have every bullet and article of use they require.

For the same kind of reason, it is unfair for the President to imply, as he did, that a Medal of Honor winner died by an enemy weapon shipped down during one of the bombing pauses. Rightly or wrongly, those calling for a pause in the bombing believe it may lead to an armistice saving the lives of *all* our heroes in Vietnam, and while they can only ask for the pause, it is the President who decides it.

It is grossly self-serving for Administration spokesmen to imply repeatedly that our domestic disunion over Vietnam keeps Hanoi fighting on in expectation that we will quit the war. Of course, Ho Chi Minh's regime *hopes* our will is going to break; but the overwhelming American reality they see before their eyes and that surely governs their reactions is our ever-increasing land force and our continuous bombing of the North. I am persuaded that were there no debate whatsoever in this country, Ho's regime and the Vietcong would be fighting just as relentlessly as they are today.

It was pettifogging, and indeed illegal, for General Hershey to support the drafting of young protesters by deliberately reclassifying them 1–A. The draft is not a punitive instrument.

It was pettifogging for state boxing commissions to strip Cassius Clay of his title—even before his conviction—because he refused to accept the draft. If he can lick any man in the world, he's still champion of the world. These silly irrelevancies are counterproductive.

It is wrongheaded for any maritime union to refuse to load or unload a foreign ship because they disapprove of that nation's philosophy or actions. It is hard enough for the Government to conduct foreign policy, without such presumptuous handicaps.

I happen to feel that the experience of American Negroes these many generations is the one deep stain in the American national soul. I cannot help a greater readiness to condone their excesses than those of prosperous white college students (though the law cannot be morally choosy). But there are some basic misconceptions about both.

One is that youths of both colors have been driven to action because their conditions of oppression were becoming intolerably miserable. The reverse is the truth. The barriers to Negro equality were beginning to fall before the period of mass physical action set in; this, in fact, is *why* mass action swept the nation. It is a commonplace now among social historians that change produces revolution before revolutions add to and institutionalize change. Basically, it has not been the street orators and marchers who have been bringing desegregation, for example; the marchers were set in motion by the fundamental changes of principle and law won in the courts by the quiet work of leaders like Roy Wilkins and Thurgood Marshall.

Totally oppressed people, here or in Africa or Asia, do not go into action. It is when the chains have been loosened, when they see some light at the end of the tunnel, that is, when *hope* is aroused, that the people arouse themselves.

In a certain sense, this pattern also applies to white college students protesting their "alienation" and the "establishments" they feel oppress them. Youth in any generation feels alienated because youth is the precarious, emotionally uprooted stage between childhood and maturity. But while individual youths of any generation are self-conscious because of this biochemical transition, today's collective self-consciousness of the young was not generated by them. The great American "youth cult" was generated by older people concerned with youth, from popular psychologists to advertising writers who realized that youth for the first time had sizable spending money, to publishers of girlie magazines who realized old moral barriers were giving way—and not, incidentally, from pressure by the young.

It is easy to sympathize with students in the massive institutions who feel they are treated as index-card numbers, not as individual souls, and various forms of decentralization must come about. But these youths will never persuade the graduating classes of the thirties, who faced the quiet desperations of the jobless Depression *and* the unmistakable imminence of a vast world war, that their lot is a tragic one. From my own life experience and travels, I would happily hazard the conjecture that to be young and to be a student in the United States of today is to enjoy the most favored condition that exists for any large, identifiable group anywhere in this world.

But experience, as every parent knows, is scarcely transferable. That hilarious slogan—"you can't trust anybody over thirty"—is, indeed, the explicit denial of the validity of experience.

When I listen to the young vigorously suggesting that if *they* had the governing influence, peace, love, beauty and sweet reason would spread o'er the world, I am tempted to remind them of the barbarities of the Hitler *Jugend*, the Mussolini Youth, the Chinese Red Guards, the Simbas of the Congo—but perhaps that would be over-egging the pudding, as the English say.

When I hear the passionate arrogances of a Mario Savio (the Berkeley fellow) or read about hundreds of University of Wisconsin students smashing windows and stopping traffic because they're sore about a bus-route schedule (or was it the price of textbooks?), I mutter to myself a private remark of Winston Churchill's: "I admire a manly man and a womanly woman, but I cannot abide a boyly boy."

If youth were complacent, devoid of the spirit of innovation and challenge, we would be in a bad way because some of the source springs of the American genius would dry up. Yet I think the "generational gap" in viewpoint will always be with us, for this reason: Youth can measure society only in one direction—forward, from things as they are, to their ideals. Older people, by the imperatives of experience, must add two other equally valid directions—backward, to things as they used to be, and sideways, to the other societies in the world they know.

Older people know something else: that the Savios, the Adam Clayton Powells and the Stokely Carmichaels are not, despite appearances, genuine leaders. Because they are not the strong men but the weak ones. They have not the moral stamina for the long haul, with its inevitable routines and periods of boredom. Eloquence, brilliance and perhaps even physical bravery are not what count in the end. What counts is the quality the Romans defined and respected above all others—*gravitas*, meaning patience, solidity, weight of judgment. As Eric Hoffer puts it, "people in a hurry can neither grow nor decay; they are preserved in a state of perpetual puerility."

Furthermore, it is usually true that the habitual protester, the man with a vested emotional interest in protest, unconsciously does not *want* his goals to be realized. Success would leave him psychically bereft. Many successful revolutionaries in other lands had to be replaced as leaders when the new order of life was installed, partly because of their practical incompetence, partly because they continued in one way or another as protesters, as their nature obliged them to do.

There is a great deal wrong with American society of mid-twentieth century. There are some very ugly areas in our life; but never have they been so thoroughly exposed, researched and organized against. Never in our history have we seen an assault on these evils mounted on the level of Federal action to compare with the legislation and programs started under the Kennedy and Johnson Administrations, particularly the latter. Were it not for the creeping calamity of the Vietnam war, Mr. Johnson would, I think, stand revealed to everyone as one of the most vigorously humanitarian Presidents America has had, in spite of those personal crudities that upset the fastidious.

America has never been a frozen, rigid society, caught in conformity. At times we may seem becalmed, but as the Frenchman Jacques Maritain wrote, "Wait a moment, another current will appear and bring the first one to naught. A great country, with as many windshifts as the sea." We are not repeating the experience of Europe, whatever the Marxists and other doctrinists may think. America has eloped with history and run away with it, says Eric Hoffer

Conformity, mass-mindedness? Go to the totalitarian or to the primitive societies if you wish to see them. Not here. If we live in a web of conforming laws and regulations, it is *because* we are so individualistic, so infinitely varied in our ideas, desires, ambitions and fears, and so very free to express them and to act upon them. Those who despair of getting public action on, let's say, our fearful urban problems, are wrong in thinking this is because "people don't take enough interest in public affairs." It is for the opposite reason; it is because so many groups, interests, points of view conflict. Ask any mayor. Ask any congressman whose desk is daily heaped with windrows of petitions, complaints, suggestions or denunciations.

It is not our freedom that is in peril, in the first instance. We have never had more freedom to speak out, to organize, to read what we choose, to question authority, whether political or cultural, to write, to film, to stage what would have been impermissible years ago. Never has the police authority been more restricted, never have defendants been so girded with legal protections.

Our freedom will be imperiled only if it turns into license, seriously imperiling order. There can be no freedom in the absence of order. There can be no personal or collective life worth living in the absence of moderation. Repeatedly, since the ancient Greeks, people have had to relearn this. Aristotle expressed it no better than Edmund Burke, the Anglo-Irish statesman, who said:

> "Men are qualified for civil liberties in exact proportion to their disposition to put moral chains upon their own appetites . . . society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

PROJECT WINNETOUR

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. REIFEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. REIFEL. Mr. Speaker, the romantic atmosphere of American Indians, their arts, crafts, and mainly their attitude toward nature, has always had a great appeal to the overurbanized population of Europe. While war temporarily interrupted this trend, postwar reconstruction, industrial development, and technical programs have increased the inclination of Europeans to romantic retreat to nature, so beautifully symbolized by the American Indians.

I am very much impressed by the potentialities of a project specially designed to bring tourists to American Indian areas from abroad, particularly from Europe and Asia. In addition to my own State of South Dakota, Indian areas in Missouri, Oklahoma, Texas, New Mexico, Arizona, Colorado, Wyoming, Montana, Utah, Nevada, Idaho, North Dakota, and Wisconsin would benefit substantially from the project.

Known as Project Winnetour, the plan to integrate the customs, crafts and other resources of the Indians of the Rocky Mountain area into a total tourism industry is sponsored by Illustrative Services International. It was initiated by Miroslav Gregory, Washington, D.C., artist and writer, and developed in cooperation with Mrs. Jeanne Wasile, employment specialist, also of Washington, D.C.

The U.S. Travel Service has assured the sponsors of Project Winnetour that it is "anxious to cooperate in the promotion of international travel" to the Indian areas. It comments:

> The Indian cultures of the West possess all the basic requirements of a healthy tourist industry; music, design, dance and architecture.
>
> Their areas offer a unique and spectacular geography. Very importantly, the image of the Indian is well fixed in the minds of other people everywhere and presents an attractive, pre-sold travel product.

Commissioner Robert L. Bennett, of the Bureau of Indian Affairs, views Project Winnetour as presently proposed as having "great merit in offering income and employment benefits to American Indians, stimulation of both domestic as well as foreign travel to Indian areas, and would contribute to a deepening of mutual understanding between people of the United States and other countries."

He has pointed out that more than 400 manufacturing, processing, and mineral industry companies, plus several thousand commercial and service enterprises, have been established on Indian reservations through the investment of outside capital and are owned and operated by non-Indian entrepreneurs.

Project Winnetour consists of two parts, as visualized by the sponsors:

First, how to stimulate increase of tourism to the United States, in cooperation with European movie producers, publishers, existing Indian clubs and air and ship lines; and

Second, how to use existing European interest in American Indian lore and culture to increase employment, creativity and self-respect of American Indians.

Because of possibly rerouting of visitors to the Olympic Games in Mexico to the United States American Indian areas in October 1968, research and development and other phases of Project Winnetour have great urgency. A camper tour of German tourists to the American Indian areas is already developing much interest.

FEDERAL ELECTION DAYS TO BE MADE LEGAL HOLIDAYS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BUSH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BUSH. Mr. Speaker, I would like to take this opportunity today to introduce a bill designed to make Federal election days legal public holidays. By allowing the voter to cast his ballot at the time most convenient to him, hopefully the long, tiresome lines at the polls would be eliminated. The additional time to study today's long ballots with extensive referendum questions would result in a more informed, intelligent vote. As the world's leading democracy, the United States should be ashamed of its lack of voter participation. I think we should force public attention on the voting process in an effort to increase voter participation.

Having considered these and other points, I would like to submit the bill for the consideration of the Congress and urge its passage.

IMPROVING USDA CROP AND LIVESTOCK REPORTS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. KLEPPE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced legislation designed to improve the accuracy of the Department of Agriculture's statistical reports on livestock, poultry, and field crops.

Under my bill, which is similar to that introduced by 25 other Members of this body yesterday, county extension agents engaged in cooperative agricultural extension work would be contacted by the Agriculture Department in making its monthly crop estimates.

Farmers throughout the United States have complained bitterly because of the financial damage done them by the erroneous crop and livestock estimates issued by the Department of Agriculture. I do not think that the answer lies in eliminating the service that the Department renders in this regard, but instead we must upgrade the accuracy of the reports. The legislation I introduced today would help accomplish that.

Examples of the error in the crop and livestock are well known to the farmers and ranchers affected. For example, cattle numbers were underestimated by the Department by some 2,305,000 head. When that estimate was revived upward, prices received by the producer were depressed.

Similarly, the Department somehow "lost" 5 million turkeys. This had a price-inflating effect on the 1966 market, and those inflated prices contributed to overproduction and depressed prices in 1967.

Finally, it now appears that the USDA will revise sharply upward its estimate of the 1967 spring pig crop this December. Such an increase at this date will probably have a depressing effect on prices. It now appears that the 1967 spring pig crop will be 5 to 6 percent above 1966. The 1967 fall pig crop will probably be up 2 to 3 percent, and the 1968 spring pig crop wil be up 2 or 3 percent. The fact is that we are moving higher from an already high base. Mr. Speaker, this means that we are going to have too many hogs coming to market in 1968.

The legislation I have introduced would help eliminate these inaccuracies from USDA reports. I hope that we can look forward to early action on this bill. It is something the American farmer needs and deserves.

BURGEONING BURDEN OF TAXES

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VANDER JAGT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. VANDER JAGT. Mr. Speaker, an article in the Wall Street Journal for Monday, December 4, 1967, notes that there could be an increase in the Nation's tax bill in the range of $12 to $14 billion resulting from actions at the Federal level alone This increase does not take into account the increases that might result from mounting pressures on State and local governments to impose higher taxes It is entirely conceivable that the total increase at all echelons of government might approach $20 billion annually in the next several months

We are reaching the saturation point in regard to the coverage of tax sources and the point of diminishing returns with respect to the high level of tax rates. The Wall Street Journal article also points out that on the basis of estimates by the staff of the Joint Committee on Internal Revenue Taxation, if tax rates were to be made 100 percent—complete confiscation—on all taxable income in excess of $25,000–$50,000 per joint return—the revenue gain from such a confiscatory tax schedule would be only $2.1 billion.

The article points out that next to our defense outlay the largest single budget item is the approximately $14 billion in annual interest charges on the $343 billion national debt. This staggering interest payment does not provide for a single dollar of debt retirement. In the absence of a meaningful debt reduction program, these annual interest charges will go on in perpetuity and if we continue deficit financing the annual cost of carrying the debt will grow and grow and grow as an increased burden on our oppressed taxpayers.

With respect to the annual cost of the debt, the following might be noted. Assume an average American family of four with an annual income of $6,000. Such a family would pay $450 in Federal income taxes. Dividing the annual tax payment for such a family into the $14 billion carrying charge on the public debt we find that it would require the tax payments of 31.1 million of such families to pay those carrying charges without any of their tax payments going for any other purpose.

Mr. Speaker, a careful reading of this informative Wall Street Journal article clearly points to the urgent importance of achieving control over our governmental expenditures. If we are not successful in practicing spending discipline higher tax burdens will be inevitable. The Wall Street Journal article notes that in 1967 American taxpayers paid $213 billion in taxes and fees to our governmental units. The amount is equal to almost 29 percent of the gross national product. When it is considered that government as such creates no economic wealth that did not exist before, it becomes apparent the extent to which we have gone in socializing the productive endeavors of our citizens.

The article follows:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

The old saw about the certainty of taxes would seem to have a corollary: Those taxes usually rise. It was as recent as the fiscal year 1956 that taxes collected by all levels of government in the U.S. first exceeded $100 billion. In fiscal 1967, receipts broke through the $200 billion level. Measured on a per capita basis, since 1956 the tax bite has declined in only two years.

Now comes the growing likelihood of higher Social Security taxes, plus the strong drive the Administration will continue to make in next year's Congressional session for a 10% boost in income taxes. The effect of these and other possible actions on the Federal tax front could lead to an increase in the total tax bill at a yearly rate of $12 billion to $14 billion or more if the economy does not go into a nose dive. Deepening the gloom for taxpayers—and that includes nearly all of us—are the increasing warnings from officials of states and cities that they must seek increased revenues.

Thus it would seem a timely exercise to look at the overall tax picture. Some light is shed on the tax load Americans bear in studies by the nonprofit Tax Foundation and New York's Chase Manhattan Bank.

Last year, Chase reports, we paid some $213 billion in taxes and fees to all governmental units. That amount is equal to almost 29% of the gross national product. The Federal share of these collections amount to about 19% of GNP. That's below the 20% to 23% paid in the United Kingdom, France and West Germany, but much more than Canada's 15.5% and Japan's 13%.

Over the long range, our tax burden has risen sharply. In 1939, the total tax "take" was equal to only 17% of GNP, compared with last year's 29%. In 1929 the figure was a mere 11%. Two world wars, many smaller conflicts, the Depression and growing public responsibility for social welfare among a rising population have fueled the increase.

Another way to look at the tax burden is to relate all tax receipts to total population and the number of families. The following table shows total Federal, state and local government tax receipts for selected fiscal years, ending June 30, and on a per capita and per family basis. Total taxes exclude government fees but include social insurance payments and business taxes; the Tax Foundation, which compiled the figures, assumes the burden of the corporate tax is shifted to individuals as a cost of doing business.

Year	Total taxes (billions)	Per capita	Per family
1956	$100	$600	$1,897
1960	127	709	2,264
1965	166	860	2,768
1967	207	1,048	3,385

While Uncle Sam remains king of the tax collectors—over two-thirds of total receipts in fiscal 1967—the tax receipts of the other 90,000 governmental units in the U.S. are rising considerably faster. State-local tax revenue per person rose by about 79% from 1957 to 1967, compared with the 54% climb in Federal taxes.

Moreover, hard-pressed states and localities find a growing proportion of their general revenues coming from taxes Washington has levied. Federal grants in aid last year accounted for 16% of state-local governments' general revenues, making Washington the third largest source of funds for these governments, ranking right after real estate and sales taxes.

The increasing tax appetite of nonfederal governments is shrinking the untapped sources for new revenues. Today, New Hampshire remains the only state without taxes on general sales, corporate or individual income (except from dividends and interest). Thirty-five states now tax individual income; 40, corporate income; 44, general sales. The lure of the levy on personal income has brought some 1,300 municipalities into that taxation area.

Though nearly everyone shares the tax load, the bulk of it is borne by individuals and families with yearly incomes between $5,000 and $25,000; they pay two-thirds of the huge Federal income tax alone.

If we "soaked the rich" or near-rich, couldn't we erase the expected towering Federal deficit without raising taxes generally?

Figures from the Congressional Joint Committee on Internal Revenue Taxation show that a 100% tax—complete confiscation—on all taxable income in excess of $25,000 ($50,000 for joint returns) would produce a revenue gain of only $2.1 billion. Extending the 100% tax to all taxable income over $10,000 ($20,000 for joint returns) would net $31.2 billion. Those sums compare with a budget deficit of as much as $35 billion that's envisioned by President Johnson unless he gets the 10% tax surcharge.

Americans are well aware that the biggest chunk of their Federal taxes goes to maintain the military establishment. But it may surprise some that the next biggest tax outlay goes for interest on the national debt. A married man with two children who earns $10,000 a year pays $1,114 in Federal income taxes; $623 goes for defense, $117 for interest on the national debt.

Interest costs on the mounting national debt put severe upward pressure on taxes. These interest costs are estimated at $14 billion-plus for fiscal 1968, nearly double the cost in 1957. Adding to taxpayers' woe is the high cost of refinancing the $343 billion national debt. The Treasury now must pay the highest interest rates since the post-Civil War days.

Even without the Vietnam war, the cost of which has been rising from $100 million in fiscal 1965 to an estimated $25 billion-plus this fiscal year, the tax burden will remain heavy. Without the war, pressures for expanded domestic spending programs will be greater. The U.S. economy is a mighty machine for producing tax revenue; when healthy it generates an additional $10–$12 billion yearly, with no change in tax rates. But even if Federal revenue demands should slacken, chances are high that the public's appetite for improving the "quality" of living will keep the total tax bill moving upward in coming years.

—STERLING E. SODERLIND.

PUC TO HEAR ABOUT ATOMIC ACCIDENTS IN 21-YEAR PERIOD

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAYLOR. Mr. Speaker, 2 weeks ago, I inserted in the CONGRESSIONAL RECORD several editorial clippings from a Denver, Colo., newspaper, dealing with the application before that State's Public Utilities Commission by a private power company to build a nuclear electric generating plant.

At the time, several interested groups had requested permission to be intervenors in the case; however, the PUC has ruled against such intervenors, other than a statement of interest to be submitted by the Colorado Open Space Coordinating Council, Inc.

It would seem to me that the PUC, which is supposedly to act, in its own words, "in the public interest," would be soliciting the opinions of others in reviewing this application, rather than arbitrarily rejecting such statements.

I wish to include as a part of my remarks a subsequent article in the Cervi's Rocky Mountain Journal as to the evidence being presented to the PUC on the number of known atomic reactor accidents between 1945 and 1966:

PUC TO HEAR ABOUT ATOMIC ACCIDENTS IN 21-YEAR PERIOD

(By Douglas Bradley)

Evidence on 214 known atomic reactor accidents between 1945 and 1966 is scheduled to be presented to the Public Utilities Commission (PUC), along with correlated statistics on peril involved to human beings, *Cervi's Journal* learns.

Whether the data will be taken into consideration by the PUC in its hearings on an application by the Public Service Co. of Colorado (PSC) to build a nuclear electric generating plant near Platteville, is still in doubt.

The PUC has not yet ruled upon the right of would-be protesters and intervenors to enter the case, on which public hearings are tentatively expected to be resumed in mid-December.

Last Friday, the PUC also received a petition from area residents protesting the Platteville project.

The PCS's nuclear plant will be of an experimental and unproven nature encompassing new methods in operation and construction.

It has met with strong opposition from labor union and other sources which question it as a potential threat to the safety of Coloradans.

In addition to the known reactor accidents, upon which official reports have been scanty in line with the policy "not to scare" the public; there have been a number of mishaps on nuclear projects, about which no information has been released.

This is defended as being "in the national interest" although development of the peaceful atom has no avowed tie-in with national security.

Last Saturday, there was another major nuclear power station accident in Japan whose atomic program is closely linked with the latest American know-how.

According to news dispatches, five workmen were injured trying to keep flames from radioactive material in the new atomic power plant. The nuclear station's officials announced that "it was unlikely any radioactive leaks developed."

Unlikely! But it is the public that must take the over-all risk in such accidents.

One of the experts tabbed to give evidence before the PUC is Leo Goodman, an executive aide to Walter Reuther, president of the United Auto Workers, and head of the Atomic Energy Technical Committee of the IUD, AFL–CIO.

Goodman, in congressional testimony this year, quoted medical studies showing the increasing incidence of cancer and its relationship to exposure to radioactivity.

He said the studies showed that out of 10,000 men who had worked one year or more in underground uranium mining on the Colorado Plateau, some 6,000 were marked for death from lung cancer alone.

The Atomic Energy Commission (AEC) protests that radiation hazards in government and commercial nuclear plants—for employees—have been reduced to acceptable levels.

Goodman, and other experts, while allowing that logical steps have been taken to minimize the dangers, assert the record shows that the efforts have been only partially successful.

Goodman says that in any case, when the unforeseen accident occurs, the circumstances can be that no precautions will ensure the safety of the populace from radioactivity.

"In a nuclear accident, who knows how many are affected?" he questioned during an interview with Cervi's reporter.

"The human senses do not recognize the presence of radioactivity. The human body is not equipped to recognize the existence of the peril.

"If radioactivity is released from a nearby plant, the average citizen would have no idea how he was affected because he lacks the proper instruments of detection. That is one of the insidious effects arising from the problem."

Richard F. Walker, an assistant vice president of the PSC, told the PUC that no accidents had occurred in commercial atomic plants.

He has not been filled in, apparently, on the "accident" at the Enrico Fermi Atomic Power Plant (Detroit Edison Co.); the malfunction breakdowns at Shippingport, Pa. (Westinghouse-DuCayne of Pittsburgh); and the fiasco at Hallam, Neb. (Public Service Co. of Nebraska.).

There is semantics involved on whether ownership is government (Atomic Energy Commission) or private (utility company).

Will the public care whether the nuclear plant is a federal or private power project, if the atom runs rampant?

The effects won't be any different to the public, it is pertinent to stress, whether radioactivity is released to the atmosphere by federal or private authority.

When the atom breaks, it splits into a variety of isotopes. These are the dangerous products. They are in the fuel element. When the fuel element burns, they are released to the atmosphere and create a danger to human life.

Until the nation's 15 commercial plants were built, all reactors were "government owned."

Walker's distinction between commercial and government nuclear plants has a misleading connotation in that many of the federal plants were destined for commercial production, and are tied in to the nation's electric grids.

And the government-private industry partnership extends to Canada, where the NRX and NRU reactors at Chalk River have been producing electricity for the grid system in Ontario.

The two Ontario reactors have been involved in accidents involving the release of radioactivity. There was a power burst on May 23, 1958, at NRU, and a fuel protection failure there on Dec. 19, 1961.

At NRX, on Dec. 12, 1952, there was a violent power surge malfunction, and on July 25, 1955, heavy water atomic contamination was sustained.

There are 36 major privately owned utility companies in the United States.

Through their trade association, they have been urged by the Atomic Energy Commission to get into the nuclear power business.

Some utilities, of course, already have nuclear power plants. Others, like the PSC, are moving toward that end. Some companies have two plants, and in one case, the Commonwealth Edison Co. of Chicago, four plants is the goal, with one now operating at Dresden.

The current AEC projection is for 50 nuclear power plants. Eight are now in process of being built or are on the drawing boards.

Opponents of the AEC program insist they are not against the controlled development of nuclear power for the benefit of mankind.

They would prefer to see the American use of the peaceful atom however, run under military scientific auspices rather than the Gargantuan "spendthrift" AEC. They point to the better safety record and more careful husbandry of the military.

They cite, as a precedent for military supervision, the over-all task performed in reclamation projects by the Army Corps of Engineers.

Military authority over nuclear projects is the Utopia.

If that is a Utopian dream, then compromise is urged by the building of orthodox plants along the lines of conventionally proven concepts, rather than the ever increasing recourse to sophisticated experimentation—viz. the PSC plant at Platteville, 30 miles north of Denver, to be known as the Fort St. Vrain Nuclear Generating Station.

Although the AEC cajoled the PSC into taking on the constuction of St. Vrain, it directed the PSC to first obtain a license from the Colorado PUC. This move was to harness state participation in the AEC's conceived program of turning the nation's nuclear plants over to the private utilities.

There is an aura of formality about the PSC's application to the PUC. The AEC will take the PUC largely off the hook so far as the safety factor is concerned.

The AEC will hold public hearings near St. Vrain which will be conducted by the Atomic Safety & Licensing Board.

Here again, this will be allegedly something of a grandstand play to reassure the public that St. Vrain will pose no risk to the public.

Heavy emphasis has been placed in PSC press releases that local material and labor will be used to the fullest possible extent.

The one safeguard that really does exist for Colorado is that St. Vrain cannot go ahead until a nine-month review period of full-power operation of the Peach Bottom Atomic Power Station in Pennsylvania is completed.

Peach Bottom is a prototype for St. Vrain which is destined to be eight times as large.

The Public Service Co.'s stimulation toward nuclear generation of electricity goes back to 1954. But it was in April of 1958 that the PSC entered into an agreement with the General Atomic Division of General Dynamics Corp. to sponsor development of a high temperature, gas-cooled reactor as planned at St. Vrain.

General Atomic has since been taken over by the Gulf Oil Co., which has agreed to honor the partnership with PSC.

Another private utility, the Philadelphia Electric Co., built the plant at Peach Bottom.

That plant has suffered three known major accidents: an outbreak of fire on Feb. 3, 1965; leaks from the steam generator tubing on May 3, 1966; and a fuel elements failure on May 14, 1966.

The output of electricity has been dismal. For September 1967, the last published figure, the output was zero.

If it should suffer another accident of significance before its nine-month review deadline is completed in March 1968, the green light for St. Vrain may never be turned on.

SAN RAFAEL WILDERNESS BILL CONFEREES SHOULD AFFIRM PRINCIPLE OF CITIZEN PARTICIPATION IN WILDERNESS REVIEW PROCESS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Saylor] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the following editorial in the New York Times of December 1, 1967, neatly sums up my position on San Rafael Wilderness bill, S. 889, scheduled to be the subject of a House-Senate conference on Thursday of this week:

San Rafael Wilderness

A major principle is at stake in a minor provision of the San Rafael Wilderness bill now deadlocked in a House-Senate conference.

The bill as passed by the Senate would establish the 143,000-acre San Rafael tract in southern California as a wilderness area in accordance with the procedures set forth in the Wilderness Act of 1964. The House in approving the bill last month added a 2,200-acre section to the original proposal of the Forest Service because local conservationists from Santa Barbara urged its inclusion. This small section is important because it is scenic, it is archeologically significant and it is part of the habitat of the condor, now in danger of extinction.

The Wilderness Act was designed to encourage private citizens and private conservation organizations to participate in the hearings leading up to the designation of new areas as wilderness. To guarantee that their views would be considered, the final decision was left with Congress, the people's representatives, not with an administrative agency.

What is the use of soliciting the public's opinions if this slight and well-documented revision in the very first plan submitted by the Forest Service is to be adamantly resisted on the bureaucratic ground that the Forest Service's proposal is perfect as presented, and must be controlling? The Senate conferees could affirm the principle of citizen participation—when the citizens have so excellent a case—by yielding to their House colleagues in this instance.

As my colleagues and fellow sponsors of the Wilderness Act know, we provided in that landmark conservation measure both for administrative field hearings by the agencies making proposals for wilderness designations and for congressional review of the agencies' proposals. Why did we require hearings by the committees of Congress on these wilderness designation proposals? Because we wanted to provide an opportunity for citizen conservationists to appeal their case to a "higher court" when their appeals for enlargements and other modifications of proposed wilderness areas have not registered with the administering agencies.

It is understandable that agencies such as the Forest Service may from time to time resist the recommendations of local citizen conservation groups for the enlargement of their wilderness area proposals. Uppermost in the minds of the agency administrators are the advantages of easily recognized wilderness area boundaries and elbow room for fuel breaks, guard stations, and other administratively convenient developments.

Members of Congress who worked with me to win passage of the landmark Wilderness Act in the 88th Congress will recall that only 3 percent of our Nation's land surface has escaped abuse by mankind and still can be considered for inclusion in the National Wilderness Preservation System, which now protects less than 1 percent of our land as wilderness.

Therefore we must join with our citizen-conservationist constituents in supporting the largest possible wilderness designations consistent with the application of the definitions and principles contained in the Wilderness Act. Where wilderness still exists, it should be given permanent statutory protection. Room for administratively convenient developments should not be carved from existing wilderness, but should be found elsewhere, where roads and other intrusions rule out the possibility of wilderness designations, and boundaries of wilderness areas should conform to the edge of the now wild and undeveloped tracts, not arbitrarily pulled back beyond artificial "wilderness thresholds" or buffer strips.

The San Rafael Wilderness bill gives us the opportunity to make small but significant improvements in the agency's proposal. While the Forest Service contends that it must have elbow room for future fuel break construction that includes the small additions proposed by local conservationists, I feel that the Forest Service simply does not want to see its proposal amended by Congress in response to citizen-conservationist request for same.

We are told by the Forest Service that it must have more fuel breaks along the Sierra Madre Ridge, yet this ridge is traversed by a road and is covered with natural grassy potreros which form ideal fuel breaks. Some have said we must take the Forest Service's advice on this boundary question because it, after all, is the agency responsible for wildfire control in this area. Yet the Forest Service is fallible, as the Secretary of Agriculture's Magruder Corridor Review Committee found out earlier this year.

This blue ribbon advisory committee reported that the Forest Service's multiple-use plan for this 170,000-acre backcountry unit was "directed essentially at timber cutting and fire control . . . despite repeated emphasis on recreation, hunting, and fishing as being paramount public values in the corridor."

In the case of the San Rafael, it seems that the Forest Service's plans for this area place primary emphasis on roadbuilding—underway on the Sierra Madre Ridge—and on fuel-break construction despite statements reflecting its awareness of the primary value of this area as an undeveloped haven for wilderness recreationists, for the California condor, and for the remains of ancient aboriginal cultures.

I have met and talked at length with the Santa Barbara conservationists who seek the small additions to the Forest Service's proposed San Rafael Wilderness Area. They are mature, intelligent, responsible citizens who have lived all their lives in this area and know the country intimately. I believe we would be doing these gentlemen—and the national wilderness conservation movement generally—a disservice if we do not recognize, during our congressional review of this proposal, the merits of their position. I am hopeful that my fellow conferees on S. 889 will agree to the inclusion of a major portion of these local conservationists' proposed addition when we go to conference on Thursday.

I would like to insert at this point a summary of the local conservationists' position, taken from a recent brochure produced by the Citizens Committee for the San Rafael Wilderness:

Statement of the Citizens' Committee for the San Rafael Wilderness

The Wilderness Act provides, through its review and hearing requirements, for public participation in the development of proposals for additions to the Wilderness System.

The Committee respects the professional competence of the Los Padres National Forest staff, and commends the Forest Service's willingness to expand the 75,000-acre San Rafael Primitive Area by 68,000 acres. Conservationists feel, however, that an additional 15,000 contiguous acres also qualify for Wilderness Area inclusion. This additional acreage (Areas E, F, and G in the Forest Service report) was recommended for wilderness status at the Santa Barbara hearing two years ago by the National Audubon Society, the Sierra Club, The Wilderness Society, the Federation of Western Outdoor Clubs, and many local groups and individuals.

At the Senate hearing in April, Senator Kuchel requested precise boundaries for the area believed by conservationists to be the *essential* addition to the Forest Service-proposed area. Within two weeks a map delineating three units totalling 2,200 acres within Area F along the Sierra Madre ridge was submitted to Senator Kuchel. The case for the 2,200-acre addition was presented to the House Interior Committee on June 20. On October 16 the House passed S. 889 amended to provide for the designation of a 145,000-acre San Rafael Wilderness which includes this proposed Area F addition.

Senator Kuchel—a long-time wilderness advocate and a leading sponsor of the Wilderness Bill—asked specifically for "the delineated area which would be the equivalent of 2,000 to 3,000 acres" as recommended by citizen groups. In support of this the Senate Interior Committee report on S. 889 "points out that such an (Area F) inclusion can be accomplished later if this proves desirable". Conservationists anticipated, therefore, that the Senate would favorably consider the House amendment. However, Senate-House conference committee sessions on S. 889 have been postponed twice, apparently because of an all-out campaign by the Forest Service to block any agreement on the House's 2,000-acre addition.

The Forest Service argues that the addition of this area would disrupt its fire presuppression program. The most significant Forest Service document on its plans for the Sierra Madre Ridge area, however, states that a 500-foot-wide fuel break located to the *north* of the Sierra Madre ridge road would "materially aid" in fire protection. All of the proposed additions lies to the *south* of the ridge road. The few hundred acres of brush-to-grass "type conversion" the Forest Service would conduct within the House-approved 2,000-acre addition would only slightly supplement the chain of natural grassy potreros which already cover the Sierra Madre ridge and such a major fuel break to the north of the ridge road (see map). The extensive type conversion fuel break program apparently was developed as part of a multiple use plan for the development of the ridge, which included a ski resort, major campgrounds, and public vehicular use of the Buckhorn and Sierra Madre Ridge roads. These intensive development plans have been abandoned, but not the accompanying fire protection plan, which was designed to cope with the increased fire hazard from mass public use of the area.

The three small proposed additions encompass much of the best scenery in the entire San Rafael area, as well as important archeological sites, rare transitional life zones, and undisturbed California condor habitat. They are minor extensions of the Forest Service's own proposed boundary. Because of their many intrinsic values, we believe their inclusion in the San Rafael Wilderness Area merits vigorous support.

PERCENTAGE DEPLETION CRITICS KILLING THE GIANT? OR THE GOOSE?

The SPEAKER pro tempore (Mr. Corman). Under a previous order of the House, the Chair recognizes the gentleman from Texas [Mr. Price] for 10 minutes.

Mr. PRICE of Texas. Mr. Speaker, when war shook the Middle East last June, the normal corridors for almost half the free world's oil movements were shut off. The Arab oil countries, as a peevish, futile gesture to save face, embargoed oil shipments to the United States, Great Britain, and West Germany. Arab oil was used as a tool of economic-military blackmail. But the blackmail did not work, simply because the domestic oil-producing industry in the United States was able to offset the supply gaps which resulted from this new outbreak of Israeli-Arab turmoil.

The unsung heroes of that situation were the domestic petroleum industry and the State oil regulatory agencies so often criticized in the Halls of Congress. Here is an industry that again, for the second time in a decade, responded to the needs of our country and our allies in a situation involving disruption of Middle East oil supplies. It responded so efficiently to this emergency that Secretary of the Interior Stewart Udall observed that it met all needs without even changing pace.

Few Americans were even conscious of an oil crisis in the world.

Few had any reason to know that U.S. oil production was increased by 1,000,000 barrels daily and that one of the most massive shipping readjustments in modern history was made to assure that no oil shortages developed.

Few realize that the industry shifted sources half way around the globe for more than 200,000 barrels daily of petroleum products moving to our Armed

Forces in Vietnam, and that not a jeep wanted for fuel.

Outside of those in the industry and in Government directly involved, few were aware that more than 1,200 old T–2 type World War II tankers were pressed into service to carry off this world reshuffling of oil supply lines.

Twice in a decade the industry has responded to such an oil disruption, Mr. Speaker. When Britain went shooting its way into the Suez Canal in 1956, and the late John Foster Dulles went as our emissary to arbitrate that dispute, he carried among his papers assurance on one overriding question that was on the minds of Europeans facing a long, cold winter: To what extent could U.S. oil replace supplies cut off by closure of Suez? When the historians get around to placing those events in perspective, they will not be able to ignore that availability of U.S. oil, which subsequently was supplied to Europe at a rate of 600,000 barrels daily in the 6 winter months of 1956–57, was the dominant consideration enabling British withdrawal out of Suez and possible prevention of world war III.

Now, in the past summer, we have had a repetition of that tense situation. In accomplishing what was accomplished without appearing to change pace, the domestic oil industry demonstrated once again its unparalleled importance to the security of our country and to the safety and well-being of all Americans. In responding to this world oil crisis as it did, it earned the gratitude of every American, and the respect of every Member of this body.

But it is a paradox of our time, Mr. Speaker, that an industry which can and does perform near miracles to see that no American goes without oil and no American fighting man without fuel, in an oil crisis of global proportions, not only goes without due recognition for that achievement—but is without question the No. 1 whipping boy of some of my colleagues and of a handfull of cartoonists and columnists whose credentials for distortion are well-known to the Members of this body.

I find that some of my colleagues, for purposes known but to themselves, get amusement out of condemning the oil regulatory programs of Texas and her sister oil-producing States. The State oil conservation programs are decried as "price props," and as "State cartels," among other baseless epithets.

I say to my colleagues, Mr. Speaker, that these programs and these programs alone are responsible for excess oil producing capacity which was called into play and which enabled us to ignore the Arab attempt at blackmail. Except for these programs, this country would have no surplus oil producing capacity. Except for these programs, we would have an oil famine. How anyone can reason that the consumer suffers from abundant supply and would pay less for petroleum supplies if we had pursued policies leading to certain oil famine is a mystery that I confess I am unable to unravel.

The strains of adjusting to the Middle East crisis caused shifting of some U.S. coastal tankers into military fueling runs to Vietnam. This delayed but did not prevent the buildup of east coast heating oil stocks for use this winter. Those stocks now are in better shape than a year ago when they were more than adequate. But it was distressing to me, Mr. Speaker, that some Members of this House, as well as some Senators, did not wait until the oil crisis was at an end until they began agitating for an end to controls on heating oil imports.

In other words, they proposed to reward the domestic oil industry for an unparalleled response to a crisis by turning its markets for the second most important petroleum product over to foreign oil. I submit that this is indeed a warped sense of gratitude for a job well done. It also would be a sure formula for extending our dependence on foreign oil to such an extent that the domestic industry could not respond to the next petroleum crisis.

The continuing attacks on State regulatory programs and the mandatory oil import program are nothing more than unthinking assaults on policies which have been vital in preserving our ability to meet emergency oil requirements from domestic sources. When that ability is lost, our position as a world power will also be lost. Any who doubt this need only ponder momentarily the fact that Soviet Russia would be the only remaining major world power with petroleum supplies adequate to its own needs.

Now, I come to a third element of minerals policy that is under assault and without which this country long-since would have been in a have-not position as to petroleum. I refer to the percentage depletion provision of our tax law, which was initiated by this Congress in the 1920's to prevent a threatening shortage of oil. Only a brief examination of the 41-year record since enactment of that differential tax concept, which now applies to more than 100 minerals, illustrates that it was perhaps the wisest tax policy ever implemented by Congress.

It brought forth investments which resulted in an oil abundance that has made this Nation the biggest per capita user of energy at the lowest per capita cost. As Secretary Stewart Udall pointed out only recently, the total energy bill in America—for oil, natural gas, coal, and water power—adds up to only 3 percent of our gross national product. And it can be proven that our standard of living, the world's highest, has a direct relationship to our high level of energy consumption; by contrast, India, with the lowest living standard, also happens to be the lowest per capita user of inanimate energy.

Now, the critics of percentage depletion conveniently gloss over the many evidences that this differential tax policy has obtained precisely the result that the Congress hoped for. It resulted in more oil and gas, at a lower cost to consumers, and stimulated an expansion in our energy-fed industrial economy which nourishes a base productive income—subject to local, State, and Federal taxes—that exceeds that of the entire remainder of the free world.

The tax provisions which so many of my colleagues condemn with such frequency, Mr. Speaker, have been a vital element in making all this possible. No economist that I know will deny that the depletion provision has indeed spurred risk-taking in oil exploration and, as a result, has meant more oil at lower prices to consumers. And economist critics acknowledge, very readily—which is more than I can say for my colleagues who criticize this provision—that elimination of percentage depletion, or reduction of the rate, inevitably would mean less oil at higher prices.

Mr. Speaker, I have seen so many estimates of how much would be gained by the Treasury if the depletion provision on petroleum were eliminated that I find it impossible to keep track of the various figures. Most, I find, are simply what we in Texas call "butterfly statistics," plucked out of the air. I would like to give you an estimate with which even the Treasury would agree: Based on the present 27.5 percent depletion rate on oil and gas, the tax saving which Congress intended to be used as "seed corn"—to be plowed back into exploratory effort to replace petroleum supplies depleted each year—amounts to about $1.2 billion.

Now, some of the more flamboyant of the critics of this provision declared that it permits oil producers to recoup their costs many times over. One Member of the other body has even declared that depletion claimed over the life of a property averages out to 19 times the investment. How so scientific and precise an answer was arrived at is a matter I will leave to those who are willing to engage in futile speculation.

I do know, however, that in assaying the effects of such tax policy, realism dictates that such analysis be done in relation to overall industry activity, and impacts on industry operations as a whole. I know, if we had access to the tax records, which none of us is supposed to have, that we undoubtedly could single out particular tax circumstances, in particular years, for particular taxpayers in any industry, which could be criticized, or envied if we have reached the point where tax law is to be determined by envy.

But when we look at the domestic oil producing industry as a whole, Mr. Speaker, we find that petroleum exploration, drilling and development currently involves expenditures of more than $7 billion a year. The $1.2 billion returned to the oil and gas producing industry through percentage depletion is, therefore, about one-sixth of the total expenditures involved in finding and developing adequate petroleum supplies for the future. It is apparent, therefore, that, for the industry as a whole, the depletion provision does not and cannot return many times the cost of exploration-drilling-development, but in fact covers only about 20 percent of these costs.

If we eliminated depletion as it applies to oil and gas, therefore, we would transfer to the Treasury about one-sixth of the dollars now being spent on domestic oil and gas exploration, drilling and development. The immediate effect would be to cut funds available for these essential activities by 20 percent; the long-range effect would be to dry up exploratory activity entirely because petroleum production would be the only industrial activity in America denied at least a partial return of capital through the tax laws; the ultimate effect, of course, would be a cessation of all effort to replace depleting petroleum resources that are currently being consumed.

The tragedy of such a turn of events, Mr. Speaker, can be readily recognized. Already, the level of petroleum exporation and drilling in the United States is depressed and inadequate. The domestic petroleum industry is in its 11th year of decline in exporatory drilling activity. Since 1960, U.S. reserves to production ratio has dropped from 12 to 1 to just over 10 to 1. In other words, our proved petroleum resources have dropped from a 12-year supply to a 10-year supply. In 3 of the past 7 years, we actually produced more oil in this country than we found; in other words, in those 3 years we had a net drop in our proved reserves in the ground. In the other 4 years, we barely held our own.

On numerous occasions in the past few years, the Department of the Interior has warned that the level of exploratory activity to turn up new oil reserves has been inadequate. In the face of declining exploration, now at a level almost 50 percent below 10 years ago, the Department has estimated that, to provide adequate supplies for the future, the domestic industry should be finding and developing 5.5 billion barrels of new oil each year. The Department estimated that in the period 1965–80, the domestic industry should find and develop 83 billion barrels of new liquid petroleum reserves, and 450 trillion cubic feet of natural gas.

Current discoveries are turning up reserves of less than one-half this rate; so we are proceeding steadily and inevitably toward the day, in the not-too-distant future, when we will be a "have not" country as to oil supplies. That day is coming to the regret of each of us unless some means are found and implemented to restore adequate economic incentive to the search for oil and gas in this country. That day of oil famine would be hastened if this Congress chose to repeal a tax provision, percentage depletion, which has been built into the economic processes of the petroleum industry for 41 years.

I submit, Mr. Speaker, that my colleagues who apparently feel, and who mislead others into the notion, that the oil and gas producing industry is so awesomely rich that it could pay another $1.2 billion with no economic repercussions, with no effects upon already inadequate exploratory levels, with no results for the consumer, with no dangers to our ability to maintain adequate future oil and gas supplies, are indulging themselves in an economic daydream. I realize some of my colleagues have been themselves misled by those who claim that an end to depletion would fatten the Treasury by $4 billion and even by up to $10 billion. This, of course, is not true; but the idea that a defense-vital industry, already beset with overwhelming economic ills, could be hit for up to 10 billion additional dollars with no lasting effect is just to inflate the fantasy a mite.

I have said, Mr. Speaker, that the real beneficiary of percentage depletion has been the consumer of petroleum products. This becomes apparent when we examine the record of prices for the petroleum industry's principal product, gasoline, since the 27½ percent depletion rate was adopted. The average price of regular grade gasoline, excluding taxes, in November 1966, is 1.7 cents per gallon more than the average price of a far inferior gasoline in 1926, the year the present depletition rate was initiated.

Far more telling, however, is the amount of gasoline the average American can buy. In 1926, an hour's average U.S. wage would pay for 2.3 gallons of gasoline. Thirty years later, in 1956, an hour's wage would buy 6.6 gallons of gasoline, and by, 1966, 8.4 gallons of gasoline could be purchased with an average hour's income by a U.S. wage earner—there and a half times more than in 1926, and about 30 percent more than 10 years ago. These figures came from the data published by the Bureau of Labor Statistics and McGraw-Hill Publishing Co.

These facts leave no doubt that the depletion provision has greately benefited consumers of petroleum products, but these benefits would have been far greater had it not been for rising Federal and State taxes on gasolines. The figures I have used include gasoline taxes. If we exclude these taxes, which are more than four times as high as in 1926, and average 10.5 cents a gallon, then an hour's wage in 1966 would buy 12.6 gallons of gasoline or almost five times as much as in 1926.

Now, it has been said, Mr. Speaker, that because of percentage depletion, the oil and gas producing industry does not pay its "fair share"' of taxes. On the basis of the facts, this is among the most incredible delusions that ever seized some of our chronically deluded columnists and cartoonists.

Last year in the United States, the total gross value of crude oil and natural gas production at the wellhead was $11.4 billion. In this same year, 1966, total domestic taxes paid by the petroleum industry, excluding Federal and State excise taxes, but including severance, production, ad valorem, income and other taxes, added up to $2,450,582,000. These tax collections, in other words, were the equivalent of about 20 percent of the total gross value of 1966 oil and gas production in the United States.

In 1966, Mr. Speaker, State and Federal excise taxes collected on motor fuel, lubricating oil and kerosene totaled $8 billion. The tax revenues, collected by the industry for State and Federal governments, were the equivalent of 70 percent of the total value of crude oil and natural gas produced last year.

I will cite one more figure: U.S. Government lease bonuses, rentals, and royalties collected from the domestic oil and gas producing industry. In the latest fiscal year, these collections totaled $883 million—equivalent of 7.7 percent of the total value of U.S. crude oil and natural gas production in the United States.

Mr. Speaker, these Government revenues paid and generated by the domestic petroleum industry, all nonexcise taxes—using the 1963 figure—total State and Federal gasoline taxes, and Federal Government oil and gas lease and royalty payments, totaled $11.34 billion. These Government revenues alone, Mr. Speaker, are almost equivalent to the total value of crude oil and natural gas production, at the wellhead, in 1966.

This is only the beginning, and I wish there were reliable statistical data on the total Government revenues generated by the oil and gas producing industry. These estimates, for example, do not include the tremendous State and Federal taxes paid by interstate natural gas pipelines and by natural gas utilities, throughout nearly every sector of America. It does not include the local, State and Federal taxes paid by petrochemical manufacturers which process some 600,000 barrels daily of petroleum liquids into products which last year had a shipping value of $18 billion, according to the Department of Commerce.

Lastly, I have no way, Mr. Speaker, of estimating the State and Federal sales, ad valorem, income and other taxes paid by 2,000,000 employees of the petroleum industry in the United States. I believe it would be safe to say these revenues would total not millions, but into the billions.

There is no way, Mr. Speaker, to estimate the tax revenues which emanate to local, State, and Federal Governments from the many enterprises closely related to oil and gas drilling and development—the hundreds of drilling equipment, supply, and service firms that are important economic cogs in every oil community in 32 oil and gas producing States.

If there were some way to total it all up, Mr. Speaker, it is apparent that the industry which some of my colleagues accuse of avoiding its fair share of taxes probably generates more governmental revenues than any industry on a dollar for dollar basis, and undoubtedly generates total taxes of all kinds of several times over the total gross value of all domestic crude oil and natural gas production.

Why does the industry generate tax revenues on such a scale? Because, thanks to a wise tax policy which has returned to the Government many times over its basic direct revenue costs, the domestic industry has found energy supplies in such quantities that oil and gas, at the wellhead, have been low-cost enough that the end product has been able, thus far, to sustain these large and increasing direct taxes within the consumers' means to pay. That is why the 50 States, last year, could collect $4.7 billion in gasoline taxes, and the Federal Government another $3.1 billion in gasoline taxes.

I repeat and reemphasize and forewarn my colleagues who have been misled on this important matter that to tamper with percentage depletion which has worked so well, can only transfer to the consumer the burden of finding the tremendous petroleum supplies required for the future. The alternative to higher prices in the event of higher taxes is, obviously, less exploration, less drilling, and ultimately less oil and gas. In either case, it would be the Government and the public coffers that would suffer the most. In the latter case, it would be the national security of the United States that we would pay as a rather high price for the folly of undoing a tax concept that has served this Nation well by any standard that a fair man could use.

I would like to say that I stand ready to fight for the rights of every Member of this House to express his convictions, Mr. Speaker, but it distresses me to witness waves of proposals to "get" the oil industry when it is so apparent that much of this effort is inspired by the distortions of a small clique of columnists, cartoonists, and harpoonists who refuse to let facts stand in their way. Some of the statements put into the Record in only recent weeks, in support of various proposals to cut or eliminate depletion provisions, reflect these distortions, in accuracies, and deliberate attempts to ascribe to these provisions purposes that are illegitimate, results that are immoral, and alliances that are corrupt.

I would cite one example, Mr. Speaker. One of our flamboyant Washington-based columnists has devoted much effort recently to a tirade of condemnation and exaggeration that is beyond belief. In one of these columns, this particular writer took full credit for recruiting one Member of this House to sponsor a bill to reduce the oil and gas depletion rate. He boasted that the Congressman got so much mail as a result of his columns exposing this "immoral" benefit for "oil billionnaires," that he was compelled to put in his bill.

Mr. Speaker, I could dirty up at least 20 pages of the Record with the irresponsible charges of this columnist attributing to the petroleum industry—which is peopled with as fine Americans as any industry or any profession—moral decay and corruption which do not exist.

Here is one far stretch of the imagination by this Washington columnist:

> Closing the oil and gas loopholes—

He wrote—

> would bring in $10 billion.

The most generous thing that can be said about this figure, Mr. Speaker, is that it is most unscientific. It happens that the total value of U.S. oil and gas production is not quite $12 billion, so, according to this columnist, closing of the "loopholes" could result in taxing away more than 80 percent of the gross revenue of the domestic oil producing industry. What kind of tax justice is this? Yet this is the kind of misleading statement which this columnist says stirred hundreds of letters which forced a Member of this House to put in a bill to cut the depletion rate.

Mr. Speaker, I would mention one distorted example which has become a stock missile of the antidepletion columnist. It was long ago discredited, but these critics not only continue to use it, they embellish it with psychedelic adjectives. I refer to the example recited on the Senate floor almost 4 years ago by former Senator Paul Douglas. It involved an "oilman" who made a "$26 million profit" and "paid no taxes." At that time, Senator Anderson, of New Mexico, put into the Record facts which proved conclusively that the loss carryover provisions and capital gain treatment—two provisions that apply to all taxpayers—were the dominant provisions affecting the tax result in this much-cited case.

Senator Douglas admitted at that time, and it is in the Record of February 6, 1964, that only $10 million of the $26 million was applicable to the taxable year, and acknowledged that tax liability in this case was reduced by the capital gain provision. The transaction did not involve production of oil, but was primarily a real estate sale.

Despite these facts, some of our columnist friends continue—these 4 years later—to recite this misleading example and to attribute the tax circumstance of this taxpayer entirely to the percentage depletion provision. This is a gross and unfair deception. Again, these are the kinds of facts that this one columnist boasts resulted in his New Jersey readers demanding that their Congressman sponsor a bill which would, as this columnist put it, "reduce the immoral 27½-percent depletion allowance to 12 percent."

He wrote in his column that an aide to a Congressman from New Jersey informed him that the pressure from the Congressman's constituents was the "direct result" of his columns on the depletion allowance scandal carried in a New Jersey newspaper.

Mr. Speaker, I hope this arrogant claim is not true. By the distortions, half-truths, and whole lies written by this particular columnist, the editors of that newspaper were used and their readers duped. If citizens reaction to this kind of muck did, in fact, lead a Congressman to sponsor a bill, then I would hope the Congressman would withdraw his bill and apologize to his constituents.

Mr. Speaker, there are some 30 other bills which have been referred to the Committee on Ways and Means which would, in various degrees, reduce the oil and gas depletion rate. Some of these proposals would eliminate all mineral depletion allowances. It is distressing, indeed, that an industry which has contributed so much to the development of our country should suddenly find itself the target of almost unbelievable journalistic attacks and agitation from Members of this body to take actions which would kill what remains of the oil-producing industry in the United States.

Those who would do these things have decided one of two things: First, that we no longer need a domestic oil-producing industry and should take that step toward dependence on Arab oil which only recently has been denied us, or, second, that the American consumer can pay substantially more for petroleum and natural gas through much higher prices. We cannot "soak the oil industry" without repercussions that we will each live to regret; and he who deludes any Member of this body into believing that the petroleum industry can be gouged for another $1 billion or $5 billion or $10 billion with no economic shockwaves is perpetrating a hoax upon this Congress and upon the American people.

I call the attention of my colleagues to some facts of life with respect to earnings in the petroleum industry. In the years 1955 through 1965, the average rate of return for all manufacturing industries averaged 10.6 percent. For these same years, the rate of return for the domestic petroleum industry averaged 9.5 percent—more than a full percentage point lower than for all manufacturing industries.

Normally, most of us accept the provable fact that no matter what kind of tax is levied against whom, it is, in the end, all of us, we the consumers, who pay that tax. Yet, the critics of the percentage depletion provision glibly imply that this Congress could sock the oil producing industry, already with a rate of return consistently below that of industry generally, with additional billions in taxes and that there would be no adverse consequences. Those who would promote this fantasy must take the Members of this Congress for economic illiterates.

Mr. Speaker, to summarize what I have tried to say:

First. Percentage depletion has accomplished what the Congress intended, thus far resulting in adequate oil and gas to meet our growing needs in peacetime, and to meet emergency requirements over and above normal consumption.

Second. Percentage depletion primarily has benefited the consumer who today can buy, with an hour's wage, five times as much gasoline, excluding taxes, as he could buy with an hour's earnings in 1926.

Third. Percentage depletion, by encouraging the search for and development of abundant petroleum supplies, has provided such low-cost products as to enable governments, States and Federal, to extract tax revenues of hundreds of billions of dollars, hundreds of times over the much-discussed "cost" of percentage depletion.

Fourth. While meeting requirements of the largest energy-consuming nation in history at a price within the means of all, and stimulating unmatched Government revenues, the petroleum industry has realized a return on investment below that of industry generally.

Fifth. With percentage depletion, domestic oil and gas exploration and development are in the 11th consecutive year of decline, and our oil and gas reserves are declining as a result. Without percentage depletion, I submit that these unhealthy industry trends would be accelerated to the extent that the domestic industry may never recover to a healthy state.

Mr. Speaker, this is the last point that concerns me more than all other considerations. I do not want this nation to lose its position of self-sufficiency as to fuels; because, once that happens, our position of strength will have evaporated. I call my colleagues' attention to this startling fact: In the last fiscal year, with the tremendously sophisticated weaponry we are using in a "limited war," the U.S. military consumed, within a few thousand barrels, 1,000,000 barrels of petroleum products daily. This exceeded the peak military demands of World War II, Mr. Speaker.

If we are that dependent upon adequate, reliable oil supplies in a limited conflict, I leave to my colleagues to surmise how much greater would be our need for oil in a broader conflict.

In conclusion, Mr. Speaker, I urge my colleagues to consider the result of tampering with the depletion provision: the long-term result to American consumers and our national security, not just the temporary gain that the Treasury might realize. I know some of our columnist friends would look upon themselves as giant killers if this Congress would heed some of their misinformation, and act to deal a death blow to the oil industry. But doing away with percentage depletion would not kill the giant, Mr. Speaker. It would kill the goose which has laid the golden eggs of abundant oil and gas, at low prices, and at the same time, has generated Government revenues of unprecedented scale.

PRESIDENT JOHNSON AND UNDER SECRETARY OF COMMERCE HOWARD SAMUELS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. BINGHAM. Mr. Speaker, during swearing-in ceremonies for our new Under Secretary of Commerce Howard Samuels, President Johnson issued a challenge to a man who has thrived on challenge.

After a distinguished career in the Army during World War II—attaining the rank of lieutenant colonel at 25—Howard Samuels began his own business in an abandoned New York schoolhouse and built the enterprise into an industrial leader.

While managing his enterprise, Under Secretary Samuels has fully responded to civic and national challenge by throwing himself into a host of city, State, and National public service projects.

This son of New York now faces his sternest challenge—too enlist the genius of private enterprise in fighting the war on poverty.

As President Johnson noted, the Government alone cannot eradicate the slums in which 10 percent of our people must live, nor train the half-million hard-core unemployed who live as an invisible underclass in our midst.

Howard J. Samuels will have mastered his greatest challenge if he can involve the businesses of America in what President Johnson described as the "real business of America"; the eradication of poverty and degradation from the face of America.

The President has selected the right man for this enormously challenging task. The Nation's hopes are with him.

RESIDENT COMMISSIONER POLANCO-ABREU WORKS FOR PUERTO RICO

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DE LA GARZA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, it is my privilege to call to the attention of the House of Representatives the activities of the Resident Commissioner of the Commonwealth of Puerto Rico, our colleague, SANTIAGO POLANCO-ABREU. It is my complete pleasure and honor to bring to the attention of all, the speech Resident Commissioner POLANCO-ABREU made before the Equal Employment Opportunity Commission:

I appreciate this opportunity to discuss with you some of the problems faced by my fellow Puerto Ricans both on the Island and in those mainland communities where they work and live in substantial numbers.

It may come as a surprise to some that Puerto Ricans in the United States now number well over a million. In New York City alone approximately 750,000 Puerto Ricans reside alongside of Jews, Negroes, Italians, Irish and other great minorities that make up that multi-ethnic metropolis.

Puerto Ricans today make up significant elements of the social complex of the main cities of this country. Indeed, there are Puerto Ricans residing in every state, including, of course, the District of Columbia and other areas of the United States.

Puerto Ricans, along with other Spanish-speaking peoples of the United States make up the second largest minority population facing discrimination of a social and economic nature.

Because in your deliberations you will be dealing from time to time with situations involving Puerto Rican people, I feel it is important that you have a distinct understanding of the characteristics of the Puerto Rican and, indeed, a mental picture of him. First, almost all of the Puerto Ricans who may come to your attention will have had very poor and humble beginnings. They will have known the true meaning of poverty, and they will have experienced its physical aches and its mental pains. Nevertheless, the Puerto Rican is not one to despair his situation, or to give up and accept as final something less than he is capable of. He carries in his breast a burning ambition and an indestructible faith in the future. In employment, the measure of trust and responsibility given him is more valued than the gauge of his pay check.

Because of his experience with poverty, the Puerto Rican will engage in an endless struggle against it, but this engagement is constructive and peaceful, because while the Puerto Rican is emotional by nature, he is not, with rare exceptions, given to violence.

Perhaps, this is because of his early family training, the large composition of his family, the close family ties, his highly disciplined family training, and his resultant respect for the authority of the head of the family. I have observed instances in some mainland communities of a departure from family respect and authority, and a consequent lack of control of youngsters growing through their teens. In Puerto Rico, the respect for family authority is maintained until adulthood, and even beyond that, where the members of the family live within the same household. The Puerto Rican, then, is not difficult to control, because his inherent respect for authority is transferred to the community and to those responsible for maintaining law and order.

The stateside Puerto Rican is essentially a migratory person, who has been forced to leave his boyhood community and ultimately his beloved island because of the necessity of earning a livelihood—of obtaining the merest essential human necessaries. By habit, he is equipped to adjust to a different environment, different people, different customs, and changing conditions in a changing world. And he has an optimistic view of the future. When he comes to the mainland, he comes as a fellow American, fiercely proud of his U.S. citizenship and ready to accept its responsibilities and to defend it if need be with his life. The Puerto Rican is not an accessible prey to "isms". Characteristically, he is in love with democracy.

Because Puerto Ricans are essentially a rural people, they are neighborly, receptive to strangers and hospitable to all. They enjoy the company of others, and they celebrate their little victories of the day or bury their frustrations in an atmosphere of gaity which they create. They love parties, and the climate of music and dancing is a way of life with them. There is almost complete and total participation by all on these occasions. The Puerto Rican has the same enthusiasm for community functions and a deep pride and interest in the community structure. As soon as he is able, he will seek a place on the ladder of community responsibility.

I hope that this description will help you, as to this segment of the American people, in meeting the task you face as the Equal Employment Opportunity Commission.

Your mission is central to the social and economic well being of the United States, and the necessary and proper power of your office is of special significance not only to the American negro and other minority groups, but also to the Spanish-speaking people who face discrimination. The responsibility to assure that equal employment opportunities exist for all our citizens is indeed a burden of noble proportions.

Your objective is the protection of the rights and enhancement of the worth of the individual regardless of race, color, creed, national origin or sex.

Your commitment is to the recognition and acknowledgment of universal similarities in the human experience and not to the differences which may set us apart.

However, in pursuing this task, and in achieving your objectives it is essential that the many factors and historical circumstances which make up our diverse society be understood and appreciated. Consequently, we should become familiar with a variety of cultural components making up our complex society in order more effectively to fulfill our duties and perform our functions as public servants, educators, social workers, and policing officers.

None of us can afford the luxury of relaxing in our commitment to defend each person's right to perform to his fullest capacity, in spite of his cultural differences.

It is, therefore, encouraging for me to learn that under the chairmanship of the Honorable Clifford L. Alexander, Jr., the Commission has begun to examine its procedures and methods and is seeking new ways of establishing its presence in the Spanish-speaking communities across the country.

I am also pleased by the fact that a Spanish-speaking task force has been created to look at the special problems of aggrieved Mexican-Americans and Puerto Ricans.

I am further encouraged to know that President Johnson has created a special Inter-Agency Commission to explore new avenues of improving the economic well-being of Mexican-Americans. And I am confident that its Chairman, your own Commissioner Vicente Ximenes, will be directing that Commission's concern not only toward the Mexican-American community, but also toward the Puerto Rican community.

All of these developments, including the appointment to your staff of Manny Diaz in New York and Inés Casiano in Washington makes me optimistic for the success of the mission you have undertaken.

I have, however, several concerns which I wish to bring to your attention.

First, and most important, is one which is built into the nature of the Commission. We all recognize that the Equal Employment Opportunity Commission is a complaint-oriented agency; this means that when a citizen brings his grievance to your attention, you have the obligation to pursue redress for him (or her) through a complex and time-consuming process which involves investigation, conciliation, and a court procedure.

I understand that less than 1% of the complaints filed in the first year of the life of the Commission were of Spanish speaking origin. I cannot believe, or accept, that statistically speaking, Spanish speaking Americans are discriminated against to an extent of only one per cent.

Could it be that this figure is explained by the fact that the Commission has not yet effectively gained the confidence of the Spanish-speaking community?

My suggestion here is that an aggressive and affirmative action-program be developed in such communities in order to build the confidence which will grow into the full utilization of the complaint procedure by its members.

Our culture is not complaint oriented. I have said the Puerto Ricans have a deep respect for authority. Our sense of dignity and honor prevents the use of the complaint procedure as a normal course of events. We are very sensitive to adversary proceedings. When we face it we tend to shy away, withdrawing into the security of our culture to pity the perpetrator for his ignorance and uncouthness.

Given these circumstances it therefore becomes the responsibility of the EEOC to develop an initiative and reach out to its Puerto Rican constituents. To do less is to abdicate and retreat from your task.

Another related concern, is directed at the propensity of public agencies to respond to the squeaky wheel. This is to say that those communities which raise issues the loudest, seem to be the ones that receive the greater response from the public sector to their social, economic and political ills.

Indices of deprivation would show that in New York and in other communities where large numbers of Puerto Ricans reside the adverse economic conditions which they face are second to none. Yet, a disproportionate response to these communities exist on the part of public authorities. I am hopeful that by raising this issue your Commission will avoid similar pitfalls.

I wish to say a word on your EEO–1, 2 and 3 forms. Several discussions have been held by my office and Commission officials with regard to the dangers of applying forms to the Commonwealth of Puerto Rico which are designed for the mainland environment.

How meaningful can it be, for example, to have an EEO–1 form submitted that shows a breakdown in work force of 95% Puerto Rican and 5% for all others? The very concept of race has little meaning to Puerto Ricans for in our ethnic spectrum we run the gamut from rosy pink to ebony black.

Racial bigotry does not exist in Puerto Rico. Furthermore, different religious attitudes and practices are accepted, even within the same family. Integration is our own way of life and has therefore never been an issue.

It is because of this that the Commission needs to develop sensitivities to these cultural differences both in the mainland and in the island of Puerto Rico.

Finally, I am particularly concerned over a device used by labor and industry in the United States, which may result in the exclusion of Spanish-speaking workers. I am referring to culturally evaluative testing systems that could even exclude a Spanish-speaking Ph.D. even from menial and middle level employment. I am aware of, and congratulate you for, the guides on testing issued in August of 1966. I would like to see the Commission develop a concentrated effort to scrutinize the use and misuse of tests which for all intents and purposes block the channels of opportunity for cultural groups different from the middle class norms upon which tests are based.

It is clear to me that the Commission is attempting to make significant headway in its overall mission. Its resources, however, need to be enlarged. Its procedures must be simplified and made more expeditious and Congress should vest additional regulatory powers through legislation, such as the cease and desist powers. All these developments will come to pass: Of this I am confident. You can rest assured that you have my fullest support and advocacy.

We are all crusaders in the pursuit of a new equality. There is great urgency in the mission before us. Let there be a great effort and a new energy and a matching dedication to meet the task at hand.

LIMITATIONS ON U.S.-FLAG VESSEL CRUISE OPERATIONS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, yesterday's vote on H.R. 13630 will, I am quite certain, lead to a new awareness in this Nation's U.S.-flag merchant marine fleet.

I have worked on this legislation for some time and commend the able chairman, the gentleman from Maryland [Mr. GARMATZ], and the other legislation which will give a new life to our merchant marine fleet.

For some time I have been concerned about the deterioration of our U.S.-flag merchant fleet. If we are to have a merchant fleet capable of meeting our requirements for commerce and national defense, the operators of our flag lines must be able to compete effectively with the fleets of other nations. For several years operators of U.S.-flag ocean passenger service have been operating at or near loss, some lines incurring passenger operating deficits which have made it mandatory to eliminate passenger service and to dispose of such famous passenger liners as the *America*, the *Lurline*, and the *Presidents Polk, Monroe*, and *Hoover*, along with others. Many were sold to foreign-flag operators.

This legislation, H.R. 12639, will remove some of the restrictions which are responsible for the inability of many of our passenger vessels to operate without incurring loss. The provisions are very similar to those proposed by a bill which I introduced this past summer and I heartily support enactment of H.R. 12639. I note with satisfaction that the Bureau of the Budget has approved this proposed legislation.

In view of the importance of our merchant marine to the Nation, the fewest possible restrictions should be placed upon the operations of U.S.-flag vessels. Passenger liners as well as other types of vessels are essential components of a national merchant marine. When the restrictions on passenger liner operations were made effective, an ocean passenger service along our coasts was in existence. Now we no longer have a coastwise passenger service and people wishing to travel between ports must travel by land or air. If the restrictions on our berth line operators with respect to passenger service for cruising continue, the time is not far off when we will have little or no U.S.-flag passenger service available.

At present our U.S.-flag liners in the subsidized fleet are not permitted to engage in cruise operations for more than 120 days of each year. Even to operate on cruise voyages for part of the year, special authorization must be secured and several limitations remain in effect which seriously hamper operations. The result is loss of ability to effectively compete with foreign-flag vessels in the ocean cruise market, the largest portion of which market is among U.S. citizens. Reduced earnings resulting from the cruise operation restrictions further weaken the position of the merchant marine as a whole.

These restrictions and the limitation on the portion of the year in which U.S.-flag liner vessels may engage in cruise operations are the more inexplicable in view of the fact that many of the berth liners are not needed in regular service for as much as two-thirds of the entire year and consequently must remain idle or voyage at a loss to the operators.

In addition to lifting the restriction as to the portion of the year within which berth liners may engage in cruise voyaging, the requirements that passengers be embarked only at domestic ports on the same seacoast as that to which the vessel is assigned on regular service should be repealed. U.S.-flag vessels on cruises should be able to carry passengers round-trip or one-way between domestic and foreign ports, and between domestic ports, without loss of subsidy, except that they should not carry passengers between ports regularly served by other U.S.-flag vessels without special authorization based on findings that existing operators' service would not be affected adversely.

Another handicap suffered by U.S.-flag vessels compared with their foreign-flag competitors is prohibition of round-the-world cruises. The proposed bill would remove this disability and allow greater U.S.-flag participation in the growing worldwide cruise traffic.

There appears to be no valid reason to continue the prohibition against carrying mail and/or cargo on cruise vessels. Mail and/or cargo should be carried on these vessels except between ports where other U.S.-flag vessels are providing the service on regular routes. If existing service between ports be found insufficient, then cruise vessels should be allowed to carry mail and/or cargo between such ports in addition to the regular service already provided.

One of the most important provisions of H.R. 12639 would be the removal of restrictions which limit the cruise vessel to the seacoasts where the line is authorized for regular operations. If this were done, cruise ships sailing from North Atlantic ports would be able to stop and embark passengers at intermediate points. This would increase tour traffic to Florida, for example, as many who would not travel the entire cruise route could join the cruise at an intermediate point. Also considerable cruise traffic might be obtained at Miami, either for another port or for the remainder of a cruise. It would appear that considerable passenger traffic could be generated as a result of such changes in restrictions. Full utilization of vessels should not only be permitted but should be encouraged by the Federal Government as a means of strengthening the merchant marine.

The increasing number of people with more leisure time provides a growing prospective market for ocean travel. One of the most attractive cruise markets, between Florida and Puerto Rican ports, cannot now be served by U.S.-flag vessels because of statutory restrictions. A case in point is the experience with cruises to Canada in connection with Expo 1967. About 10,650 passengers were carried on 22 cruises between U.S. North Atlantic ports and Montreal, only seven of which were U.S.-flag vessels. The cruises between the North Atlantic ports and Florida and Puerto Rico would prove even more attractive and provide a significantly greater traffic volume than the cruises to Montreal.

The importance of the merchant marine to the Nation demands removal of all unnecessary restrictions on U.S.-flag passenger operations at the earliest possible date. Port areas would reap substantial benefits, as well as the vessel operators. H.R. 12639 would go far to accomplish the desired results and revitalize the passenger operations of our merchant fleet. I am, therefore, happy to see the House pass this legislation and urge early and favorable action on this bill in the other body.

THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, you know of my longtime concern for legislation to promote better employment opportunities for our older workers.

The House yesterday passed, in my opinion, a monumental bill which will do much in ending age discrimination in employment. During the debate on H.R. 13054, the Age Discrimination Employment Act of 1967, I reminded this body that there is much to be done in providing adequate benefits to our older workers as well as protecting their positions in this Nation's economy.

Mr. Speaker, I would like to go into more depth on this legislation.

Mr. Speaker, the Congress has talked at length in recent years about the need to preserve our natural resources. We have even gone so far as to pass legislation to this effect. I would hope we could be as considerate of our Nation's human resources.

We are all uncomfortably aware of the terrible waste of manpower we have today as a result of discrimination against older workers. I believe we should take prompt legislative action to protect our older citizens of today and tomorrow from unwarranted job discrimination. With this in mind, I strongly supported passage of H.R. 13054, the Age Discrimination in Employment Act of 1967.

This bill, which was favorably reported to us by the Committee on Education and Labor, represents an important effort by the Congress to assist the older worker in overcoming the barriers he faces in the field of employment. It is an effort to help him compete in the job market on the basis of ability, regardless of age.

Specifically, the bill would authorize the Secretary of Labor to conduct a program of education and information to reduce barriers to the employment of workers between the ages of 40 and 65, and to publish his findings in order to promote the employment opportunities of these workers. He would also encourage the development of public and private agencies for expanding employment opportunities for older workers, and sponsor and assist State and community informational and educational programs.

These educational activities will do much to bring to public attention the virtues of older workers and to enable employers to make a more balanced effort in their employment procedures. Much of the discrimination which older men and women face is of a careless unthinking nature. It is susceptible to change through educational and informational measures.

The bill also includes enforcement provisions to be used when discriminatory practices cannot otherwise be overcome. Under the bill it would be unlawful for an employer to fail or refuse to hire, or to discharge or discriminate against any person on the basis of age. It would be unlawful for him to lower the wage rate of an employee in order to comply with the provisions of the act. There is also provision for protection of older workers from discrimination by employment agencies or labor organizations.

It is true that discrimination on any basis is a subtle matter, and effective legislation to combat it is difficult to formulate. Nonetheless, we have the experience of 24 States which have age discrimination legislation now in effect. These State laws have generated an overall favorable reaction, and have demonstrated that a legislative approach to the problem is useful and helpful. Furthermore, State officials who were canvassed as to the advisability of Federal action against employment discrimination on the basis of age, were in agreement that it would be advantageous to have a national policy against such discrimination.

The provisions in this bill before us are essentially the same as some of the proposals which are in my own bill, H.R. 12405. My bill, too, was designed to overcome discrimination through educational efforts and through enforcement. I am wholeheartedly committed to such an approach to easing the problems of the older worker.

As I testified before the House General Subcommittee on Labor last August, however, I believe that this approach is inadequate in terms of assuring all older workers of an opportunity to employment. My own bill provides also for increasing the availability of work through federally supported job programs, and for the training of older workers to fill these jobs.

Under my bill there would be created a Senior Service Corps. The Secretary of Health, Education, and Welfare would be authorized to supply part-time paid jobs in community service programs to workers who have reached age 60 and who are unable to find full-time employment or have an inadequate retirement income. I would like to see further study of the problems of employment of the older worker and of retirement, and, therefore, I included in my bill a provision for research programs to study the feasibility of education and training programs for older workers and advance planning of manpower requirement. A Commission on Lifetime Adult Education would be created to study the problems of the older worker and make legislative recommendations.

Finally, my bill would direct the Secretary of Labor to study the feasibility and desirability of a transitional allowance system for older workers between the ages of 55 and 65 who are unemployed and have exhausted their unemployment compensation. The President would be directed to submit a report to the Congress on the means of eliminating the gaps and inadequacies in workmen's compensation and disability insurance as they relate to the unemployment problems of the older worker.

I believe, Mr. Speaker, that these additional proposals which I have mentioned would represent a much stronger attack on age discrimination than we have in the bill before us now. Nonetheless, I also believe that it is urgent that we agree on legislation in this area. I supported the committee bill without reservation. I would only note that I regard it as a beginning.

The problem of the unemployed older worker is likely to grow as the absolute number of older persons grows. Today there are 22 million men and women between the ages of 45 and 55, about 17 million between the ages of 55 and 65, and more than 18 million age 65 and over. These numbers are all significantly greater, both in absolute terms and as a proportion of the entire adult population, than was true 10, 20, or 50 years ago. By 1975 there will be almost 24 million men and women between 45 and 55, about 20 million between 55 and 65, and about 21 million 65 and over. The problem area, Mr. Speaker, is growing rapidly.

Henry Ford once said:

> You take all the experience and judgment of men over 50 out of the world and there wouldn't be enough left to run it.

Unfortunately, much of the business and industrial world has not yet come to share this generous attitude toward the man of advancing years. There is no question but that there is widespread discrimination in the hiring of older men and women. A 1965 study based on a survey by the Bureau of Employment Security of the Department of Labor resulted in the following findings:

The setting of specific age limits beyond which an employer will not consider a worker for a vacant job, regardless of ability, has become a characteristic practice in those States which do not prohibit such action, to the extent and with the result that in these States more than half of all employers are presently applying such limitations, using age limits usually set at from 45 to 55. In addition, approximately half of all job openings which develop in the private economy each year as closed to applicants over age 55, and a quarter of them are closed to applicants over age 45.

Another finding of the study which is directly applicable to the consideration of this legislation is that an unmeasured, but significant proportion of the age limitations presently in effect are arbitrary in the sense that they have been established without any determination of their actual relevance to job requirements, and are defended on grounds apparently different from their actual explanation. In fact, according to this same study, the competence and work performance of older workers are, by any general measures, at least equal to those of younger workers.

It is this last point which we must make every effort to get over to the public. Older workers are generally capable of competing with younger workers, especially in certain kinds of jobs, if they are not judged solely on the arbitrary basis of age. Some businesses and companies are beginning to recognize the virtues of the older employee. The International Shoe Co., of Hartford, Ill., hires no one under age 45. Their vice president says:

> We found older workers to be of better quality. They've got more interest in what they're doing.

In another example of enlightened hiring procedures, a new discount department store in Dallas announced, when it began hiring its work force, that there was no maximum age limit. As a result, when the store opened the average age of the 200 employees was 52—12 years above the average for a typical new store. One of the employees was 74 years old. The president of the store said of his hiring policy:

> We're not doing this to be humane. Our reasons are entirely selfish. We're taking on these people because we expect them to do more for us than younger employees.

I hope that the legislation we are now considering will encourage many efforts similar to these. It will certainly give impetus to the beginnings we see at all levels of government in work to counteract the serious consequences of present discriminatory practices. It is estimated that a million man-years of productive time are unused each year because of unemployment of workers over 45. Greater numbers of years are lost because of forced, compulsory, or automatic retirement. The loss to the economy can certainly be measured in billions of dollars.

Even more serious is the loss to individuals, not only in terms of dollars, but in terms of psychological and physiological well-being. By depriving a man of the right to work at the age of 45, or 55, or even 65, we are often depriving him of all opportunity to participate in the world around him. This is intolerable cruelty and injustice.

It is for these reasons that I urge my colleagues to join me in voting for H.R. 13054. We will be making progress toward assuring all Americans of fruitful and productive lives.

JUDGE COMISKEY ON STEWARDESSES

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from Michigan [Mrs. GRIFFITHS] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, there follows a copy of the correspondence between Judge Comiskey and myself on his opinion in the case of Cooper against Delta Air Lines, Inc. Judge Comiskey's letter follows first:

U.S. DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., November 22, 1967.
Hon. MARTHA W. GRIFFITHS,
House Office Building,
Washington, D.C.

DEAR MRS. GRIFFITHS: I am sorry that you feel so critical about me in view of my opinion in the case of Cooper vs. Delta Air Lines, Inc.

I wish you would re-read my opinion and think about it some more. Perhaps then your appraisal of me will not be so harsh.

Yours truly,
JAMES A. COMISKEY,
U.S. District Judge.

DECEMBER 4, 1966.
Hon. JAMES A. COMISKEY,
U.S. District Court, Eastern District of Louisiana, New Orleans, La.

DEAR JUDGE COMISKEY: Your courtesy is appreciated in sending to me a copy of your opinion which you wrote and issued on October 19, 1967 in the case of *Cooper v. Delta Air Lines, Inc.* (No. 67–477). I had already read the full text of your opinion, not once but several times, before I had discussed it in my speech of November 21 on the floor of the United States House of Representatives.

On page 4 of your opinion you state, "only two states, Wisconsin and Hawaii, include sex discrimination as an unlawful practice in fair employment laws", when in fact my research discloses that at least 12 states plus the District of Columbia have fair employment practice laws which include prohibitions against discrimination based on sex. If you find this is not so, I would be pleased to know. These laws are collected in section 451 of Labor Policy and Practices—Fair Employment Practices, published by the Bureau of National Affairs, at the following pages, as well as in the following official publications of the State Code and/or State Session Laws:

LP&P—FEP

Page 261—District of Columbia—Article 47, Police Regulations, Order 65–768 of June 10, 1965, effective July 2, 1965.

Page 201—Connecticut—Sec. 31–123, as amended by Public Act 426, Laws 1967, approved June 16, 1967.

Page 275—Hawaii—Sec. 90A, Rev. Laws, Act 180, Laws 1963, amended by S.B. 406, Laws 1967.

Page 525 at 529—Maryland— Art. 49B, Md. Code, Ch. 717, Laws 1965; Ch. 427, Laws 1967.

Page 551 at 573—Massachusetts—Ch. 151B, as amended by Ch. 397, Laws 1965.

Page 577 at 578—Michigan—Sec. 423.303a, as amended by Public Act 349, Laws 1966, effective Dec. 21, 1966.

Page 675—Missouri—Sec. 296.020, as amended by S.B. 235, Laws 1965, effective Oct. 3, 1965.

Page 725—Nebraska—L.B. 656, Laws 1965.

Page 751—Nevada—A.B. 7, Laws 1967.

Page 875—New York—Sec. 291, Executive Law, as amended by A. Int. 11, effective March 29, 1964.

Page 1151 at 1153—Utah—Sec. 34–17–6, Utah Code, Ann., Ch. 66, Laws 1965.

Page 1275—Wisconsin—Wisc. Stats. Ann. sec. 111.31—111.32.

Page 1301—Wyoming—S.B. 140, Ch. 170, Laws 1965.

Page 175 at 178—Colorado—(prohibits sex discrimination in apprenticeship training).

In view of the long struggle to eliminate the manifold discriminations against women—in view of the enactment by Congress of the Equal Pay Act of 1963 (P.L. 88–38; 77 Stat. 56, amending the Fair Labor Standards Act (29 USC 206) to eliminate wage differentials based on sex)—and in view of the vigorous floor fight during the adoption of the Civil Rights Act of 1964 to prohibit discrimination in employment on the basis of sex as well as on the basis of race, color, religion, and national origin—it cannot be said that the word sex, "just sort of found its way into the equal employment opportunities section of the Civil Rights bill". This is what you said on page 3 of your opinion. The fact that the word sex was added as a floor amendment does not make that word any less a part of the law. Indeed, it could be argued that a floor amendment emphasizes the purpose and intent of Congress. I reiterate what I said in my speech on the floor of the House, "I am astounded that a Federal judge would announce that amendments do not count". In my opinion, a judge who disregards legislation and derides the legislative intent does great damage to constitutional government.

It is true that Title VII of the Civil Rights Act of 1964 does not ban employment discrimination against married people in favor of single persons. But that was not the issue in the case against Delta Air Lines. The basic factual issue was whether the fact of marriage is the basis for discharging women only, and not men. Your own opinion states on page 2, and I quote: "Delta admits that it applies this 'single women rule' to only its stewardesses and not to any of its other employees, male or female". Such a discrimination is plainly and obviously a discrimination based on sex, not merely on marriage.

The lawyers for Delta Air Lines correctly recognized that the sole legal issue under Title VII of the Civil Rights Law of 1964 is whether sex is a bona fide occupational qualification for the job of flight cabin attendant, within the meaning of 42 USC 2000e–2(e) which would exempt the airline's action from the antidiscrimination prohibition of Title VII, and they apparently argued that proposition to you. Your ruling on that point is, in my opinion, thoroughly confused. You brushed aside the case cited by Delta's lawyers (*Bowe* v. *Colgate Palmolive Co.*, which held that sex is a bona fide occupational qualification for a job requiring lifting of very heavy weights) by saying that the Bowe case "goes off on the bona fide occupational qualification *which is inapplicable in the instant case*". These underscored words practically amount to a ruling by you in favor of the stewardess on the single legal issue in the case. Yet it is apparent that you did not understand that such a legal ruling logically required granting a judgment in her favor, because you accepted Delta's contention that its steward service requires single, young, and attractive females and you ruled that Title VII does not protect the stewardess from being discharged on the basis of a factor which was applied to her solely because of her sex.

Stewardesses are human beings who work in order to obtain their daily bread and shelter. They devote their maximum effort and dedication to the performance of their job. They make an important contribution to the welfare of the whole country. They deserve sufficient consideration to be treated as human beings. The sex-based discrimination which some airlines now indulge in is precisely the kind of discrimination which the Congress intended to abolish by including the word "sex" in Title VII of the Civil Rights Act of 1964. As one of the authors of the sex amendment, I bitterly resent its malquotation by judges who treat sex discrimination as a joke; who fail to research the law; who approach with hostility the plea of a woman fired from her job and deprived of her living for a reason that is irrelevant to its performance and is forbidden by Act of Congress. The airlines' discriminatory policy forces many stewardesses who desire to retain their jobs either to forego marriage, or to undergo the severe strain of keeping their marriage secret, or to live in sin. There is nothing funny about sex discrimination which deprives a person of a job and the opportunity to earn one's living.

Judge Comiskey, I am sorry if you thought me unduly harsh in my appraisal of your opinion, but the more I re-read your opinion the less I think of it.

Cordially,

MARTHA W. GRIFFITHS,
Member of Congress.

UNPOLITICAL JOB — GEORGIAN KEEPS CLOSE TABS ON HEARTBEAT OF CONGRESS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. HAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. HAGAN. Mr. Speaker, a distinguished friend of the House of Representatives and the Senate was the subject of a feature article in the Atlanta Journal and Constitution of November 26.

I am sure my colleagues would be most interested in reading about Dr. Rufus J. Pearson, official physician for the U.S. House of Representatives and Senate. The article follows:

UNPOLITICAL JOB—GEORGIAN KEEPS CLOSE TABS ON HEARTBEAT OF CONGRESS

(By Art Pine)

WASHINGTON.—A Georgian who insists he isn't a bit interested in politics has taken an office here so he can keep close tabs on the pulse and heartbeat of the 90th Congress.

But Atlanta-born Rufus J. Pearson can easily explain such an apparent anomaly: He is the official physician for the United States Senate and House of Representatives.

"I've got one of the most unpolitically sensitive jobs in Washington," he quips, "but also one of the most satisfying. Congressmen, believe it or not, make pretty good patients."

Now 52, Dr. Pearson heads a team of two other physicians and a few staff assistants in the Capitol dispensary—a 13-room medical suite equipped to handle everything from first-aid to physiotherapy.

The tall, constantly smiling Emory graduate is "personal physician" to almost two-thirds of the nation's 533 senators and representatives, and he has some firm ideas on what shape Congress is in.

ATTENDS CONGRESSMEN

The three maladies that afflict congressmen most, Dr. Pearson says with no doubt that his listener will be unsurprised, are overweight, poor physical conditioning, and nervous tension—in that order.

"I fuss at them to get them to exercise more," he says of his legislator-patients, "but the demands on them are so great that unfortunately they rarely have the time for it."

Aware of the often-hectic congressional schedules, Dr. Pearson has instituted an innovation few other doctors' offices have: No waiting—at least not for members of Congress.

"Unless there's an emergency elsewhere," Dr. Pearson says "we always see members first. We find that by making sure a congressman isn't delayed, we're actually saving the taxpayers' money."

The congressional physician is understandably reluctant to pass on any anecdotes about his patients. Partly for his own political health, the doctor stays as far away from politics as possible.

"I never was interested in running for office," Dr. Pearson says. "In fact, even though I'm here at the capitol every day, I have a hard time keeping up with what's going on on the floor."

Despite such assurances of neutrality, Dr. Pearson concedes the congressional doctor must do his own share of politicking among the senators and representatives.

"I try to make it to the floor every day," the doctor says, "just to shake hands and see how everybody is doing."

The reason is partly to make sure capitol security guards still recognize him, and partly to remind health-lax congressmen that his office is ready to serve them anytime they need it.

"We stay in pretty good contact," Dr. Pearson says. "If a legislator is due in for a checkup, we keep reminding him about it. Many of them come in a few times a week for consultations."

Dr. Pearson, whose official title is "attending physician at the U.S. Capitol," actually is a rear admiral in the Navy Medical Corps.

He was assigned to head the congressional dispensary in October, 1966, after the Capitol's first physician, Vice Admiral George W. Calver, retired.

The post has been a Navy billet ever since it was instituted, in 1928. Calver was called in after a congressman died on the House floor that year. Calver stayed for 38 years.

Born in Atlanta, Dr. Pearson attended the University of Florida and later earned an M.D. at Emory University in 1938. He spent four years in the Navy, and then opened a private practice in Jacksonville.

A general practitioner for five full years, Dr. Pearson was recalled to active duty when the Korean War broke out in 1950, and has stayed in the medical corps ever since.

He is married to an Atlantan, the former Miss Emily Timmerman. The couple has two children—Rufus III, a Navy lieutenant, and Virginia, now Mrs. H. E. Sudders of Mahwah, New Jersey.

During his 13 months as Capitol physician, Dr. Pearson has brought about a spate of changes—adding an additional internist, updating the one-room Capitol pharmacy and improving lab services.

One of his most popular innovations was to give each member a laminated wallet-sized record of his cardiogram—a valuable pocket-record of heart-problems useful in case of a stroke or attack.

In a floor-speech recently, Rep. Roman Pucinski, D-Ill., urged that the cardiogram-card be made "a national practice." "I hope that every citizen in America would be encouraged to carry one," he said.

Dr. Pearson also has begun a comprehensive program urging all congressmen to have a regularly scheduled annual physical—much like those the military services give their personnel.

In its years of operation, the Capitol dispensary gradually has played a more and more important role in keeping Congress fit, and Pearson says he hopes to continue on that road.

As one admiring Capitol Hill employe remarked, not without a share of truth, "These days you never find anyone having to ask whether there's a doctor in the House. Or the Senate, either."

ROBERT S. McNAMARA: A TRIBUTE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. DINGELL. Mr. Speaker, through 7 years of dedicated public service, Robert S. McNamara has borne mightily on his shoulder the crushing burdens of the Secretary of Defense.

His sacrifices for his country have been great—long, grueling hours, a greatly reduced income from his previous job, and exhausting decisions. But his labors helped keep his country strong and free.

His was the longest, most productive, and most revolutionary tenure in the history of the American Secretary of Defense. He has given America maximum military might at minimum cost, made the principle of civilian control a working reality, and created a more flexible, mobile defense system.

President Johnson's high regard for Mr. McNamara is reflected in his recommendation that the Secretary become the head of the prestigious World Bank. Despite nasty rumors, the truth is simple. President Johnson acted upon Mr. McNamara's request for a fresh replacement and fulfilled the Secretary's well-deserved wish to receive appointment to the World Bank.

Robert S. McNamara has left an indelible mark upon this Nation and the free world. Americans have slept more securely for his diligence and brilliance. A grateful Nation will always admire his contribution to their peace and well-being.

LATE BLOOMERS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, one of the central concerns of the American society is to assure that every man has an opportunity to go as far as his motivations and abilities will take him, no matter when he becomes motivated to pursue a path of achievement and accomplishment.

Scholarships are plentiful for those who pursue an unbroken course of academic excellence, but many late bloomers are unable to afford an education because they become motivated later in life. This is one of the reasons why I have continued to introduce a bill to provide tax credits for higher education.

The Daily Journal, published in Elizabeth, N.J., has recently instituted a column which ranges widely through subjects of local and national interest. Mr. Ramsay—frequently witty and always informative—wrote his column of November 30 on the subject of "Late Bloomers," and I am pleased to be able to introduce it into the Record at this point:

LATE BLOOMERS: A NEW CHANCE

The kid was the kind of a son a lot of parents would like to have—particularly with things being as they are.

He was clean, neat, decent, polite to his elders and, obviously, of at least average intelligence. Yet he was finished before he ever started.

The boy had made the mistake of acting like a teenager in high school rather than behaving like a 35-year-old who has his eye on a vice presidency. His grades were plain bad.

Both parents were frantic. They came from the white-collar, uppermiddle class set and they couldn't get their son into any decent college with a gun.

College admissions directors greeted him with the enthusiasm bank guards used to reserve for Willie Sutton. The boy was afraid of being physically thrown out when he showed up for interviews at colleges and he might just as well have been.

Modern America considered him a failure. He was treated worse than a juvenile delinquent whom society tries to help by not holding his record against him.

The story, unfortunately, is a common one. It does have a happy ending, unlike many others. His parents finally decided to send him to a "flunk out" school which needed warm bodies.

There he got good grades, racked up the college transfer test and was admitted to an accredited school. Maturity, which was all he lacked, had come to the fore.

The problem for similar students seems bound to get worse. More and more, we expect earlier achievement of real substance.

A headmaster at a private nursery school in New York tells how parents burst into tears when informed their child will not be admitted.

"You've ruined my boy's life," the mother of one three-year-old said.

A first grade teacher talks about the parent who virtually collapsed when informed her son was a "good average student."

"But he's got to be better than that," mama said. "He has to go to Harvard."

"Late bloomers" are a real problem in education circles. On the other side of the coin is the valid argument that students who have performed well and worked hard deserve to get into college first. Yet some students are not mature enough to achieve satisfactorily at the high school level.

Union College in Cranford is participating in a program called "Second Chance." However, it applies only to educationally disadvantaged students and more properly should be called "First Chance."

Dr. Kenneth C. MacKay, college president, said the institution does run its own "second chance" program.

"We like to admit a number of students who have flunked out of other schools but show promise of potential success," he said.

According to a 10-year study conducted at the college, 50 per cent of the second chance people did succeed. The record is not up to that of people admitted strictly on their performance records.

"But we consider the program well worth the effort," Dr. MacKay said. "It always has been an integral part of our institution and we don't intend dropping it."

Dr. MacKay admitted there were difficulties in choosing which students should get the second chance.

"It takes a lot of effort on the part of the admissions department," he explained. "You have to search for an indication that the person may be a late bloomer. Sometimes the student may show ability on his college boards, but not always.

"Actually, it's a matter of getting on the wave length with the student. You have to find out what motivates him. Sometimes a student suddenly discovers in his senior year in high school that he likes science. That motivation would not have been present before."

Dr. MacKay thinks that ex-servicemen generally show the best track record among the second chancers.

"Take the World War II veterans, for instance," he said. "They were a great bunch, yet many of them had lousy high school records. The key to it all was motivation.

"It's amazing how some people catch fire once they have it."

The Union College president said the reasons why a person drops out of school initially often indicate whether or not he will succeed on a second chance.

"Some students suffer from the 'fugues.' They work at something for awhile then just want to run away from it. Others go to college strictly because their friends and neighbors expect it."

On one point, Dr. MacKay differs with some other educators. He doubts if the pressure today is that much more substantial than in the past.

"The French have an expression, 'the more things change, the more they remain the same.' I think there's a lot of truth to that.

"Every generation seems to feel it's got it more difficult than past generations. Today students believe they're 'up tight.' Things always have been that way."

PRESIDENT JOHNSON COMMEMORATES THE 25TH ANNIVERSARY OF ATOMIC ENERGY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Morgan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MORGAN. Mr. Speaker, last Saturday, President Johnson commemorated the 25th anniversary of atomic energy by restating America's determination to insure that the blessings of this marvelous discovery are never used to kill or destroy.

Atomic power, the President reminded us, holds the key to unprecedented human progress and achievement. We have just begun to learn how to use the atom creatively to advance human needs and to help explore new opportunities for greater economic development.

The record will show that the Johnson administration has worked patiently and diligently to promote the peaceful uses of atomic energy. Under President Johnson's leadership, a nuclear nonproliferation treaty has been put forward and an outer space agreement has been hammered out and ratified by the Senate. Now, the United States is working to enlist the support of other countries in the world to sign the treaty and greatly reduce the dangers inherent in widespread possession of atomic weaponry.

The President made clear that the United States will permit the safeguards of the International Atomic Energy Agency to monitor all nonsecurity aspects of U.S. nuclear activities.

We do so, in the President's words, to "reaffirm our determination to dedicate the miraculous power of the atom, not to death, but to life."

The President noted that when he took office, nuclear energy was generating about 1 million kilowatts of electric power in this country. Today, the atom is giving us more than 2.8 million kilowatts—almost three times as much. And more than 70 additional nuclear powerplants are already planned or under construction.

As the President said:

> This will equal about 20 percent of the whole electric generating capacity in the United States today. It is enough to meet the total requirements of 45 million people. All this from what was, 25 years ago . . . only a scientist's dream.

What remains, of course, is the ability of this and future generations to use this power wisely. All Americans join with President Johnson in hoping that we may all be worthy of this great and historic discovery.

The President's remarks on this occasion follow:

REMARKS OF THE PRESIDENT ON THE 25TH ANNIVERSARY OF ATOMIC ENERGY, BY CLOSED-CIRCUIT TELEVISION FROM THE WHITE HOUSE

President Saragat, Mrs. Fermi, Mayor Daly, Members of the Fermi Team, Dr. Seaborg and Distinguished Guests:

I believe history will record that on this day 25 years ago, mankind reached the turning point of his destiny.

The book of Genesis tells us that, in the beginning, God directed man to: "Be fruitful, and multiply, and replenish the earth, and subdue it."

But only in our lifetime have we acquired the ultimate power to fulfill all of that command. Throughout history, man has struggled to find enough power—to find enough energy—to do his work in the world. He domesticated animals, he sold his brother into slavery, and enslaved himself to the machine—all in a desperate search for energy.

Desperation ended in the experiment conducted in Chicago, 25 years ago, by Enrico Fermi and his fellow scientists. In a single stroke, they increased man's available energy more than a thousand-fold.

They placed in our hands the power of the universe itself.

Nothing could have been more appropriate than the words used by Dr. Arthur Compton to describe what happened on that day:

"The Italian navigator has just landed in the new world."

This modern Italian navigator was a great man of science. But he was also something more. He was one of millions who, in the long history of the world, has been compelled to leave a beloved native land to escape the forces of tyranny. Like millions before him, Enrico Fermi found here a new home, among free men, in a new world. His life and his career have a very special meaning to all who love freedom.

There are today millions of young Americans with an Italian heritage who feel a deep, personal pride in Enrico Fermi. America was born out of the voyages of a great Italian navigator. In a time of greatest danger, another—equally willing to pursue his dream beyond existing charts—took us again into a new epoch.

Today we commemorate our debt to him. And in doing so, we also honor the historic bond between the old world and the new world.

In a short time, we will be dedicating, in the great State of Illinois, a new National Accelerator Laboratory. This laboratory, with its 200 billion electron volt accelerator, will maintain our country's position in the forefront of nuclear research.

I suggest that we dedicate this great new laboratory to the memory of the modern-day "Italian navigator."

In so honoring Enrico Fermi, we will also honor the immeasurable contributions that have been made, over the centuries, by the people of Italy to the people of the United States.

Much has already happened in that new world which just began 25 years ago.

Giant nuclear reactors, direct descendants of Fermi's first atomic pile, are now producing millions of kilowatts of power for peaceful purposes. Other reactors are powering nuclear submarines under the seas of the earth. They are our first line of defense against tyranny, whatever its contemporary doctrine or disguise, which Enrico Fermi dedicated himself to resist.

But it is really the peaceful uses of atomic energy about which Fermi would have wished us to speak—and there are many peaceful uses.

When I became President, nuclear energy was generating about 1 million kilowatts of electric power in the United States.

Today, the atom is giving us more than 2,800,000 kilowatts—almost three times as much. And more than 70 additional nuclear power plants are already planned or are now under construction.

This will equal about 20 percent of the whole electric generating capacity in the United States today. It is enough to meet the total requirements of 45 million people. All this from what was, 25 years ago—before the success of Fermi's experiment—only a scientist's dream.

The dream has been realized. By learning the secret of the atom, we have given mankind—for the first time in history—all the energy that mankind can possibly use.

It took the genius of countless generations of dedicated scientists to find the secret. It remains for us to use that secret wisely.

What began as the most terrible instrument of war that man has ever seen can become the key to a golden age of mankind. But this will not happen unless we make it happen.

We cannot forget that another, darker future also opened on this day 25 years ago.

The power to achieve the promise of Genesis is also the power to fulfill the prophecy of Armageddon. We can either remake life on earth—or we can end it forever.

Let me be specific.

If Enrico Fermi's reactor had operated 10,000 years, it would not have produced enough plutonium for one atomic bomb.

Today, a single reactor, while generating electricity, can produce enough plutonium to make dozens of bombs every year. And scores of these reactors are now being built all over the world.

Their purpose is peaceful. Yet the fact remains that the secret diversion of even a small part of the plutonium that they create could soon give every nation—every nation—the power to destroy civilization—if not life on this earth.

We just cannot permit this to happen.

Nor can mankind be denied the unlimited benefits of the peaceful atom.

We must, some way, somehow, find a way to remove the threat while preserving the promise.

The American people have made their own desires crystal clear when their representatives in the United States Senate voted unanimously to support an effective nonproliferation treaty for nuclear weapons.

We are now engaged in a major effort to achieve such a treaty, in a form acceptable to all nations.

We are trying so hard to assure that the peaceful benefits of the atom will be shared by all mankind—without increasing, at the same time, the threat of nuclear destruction.

We do not believe that the safeguards we propose in that treaty will interfere with the peaceful activities of any country.

And I want to make it clear, very clear, to all the world that we in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves.

So I am, today, announcing that when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

Under this offer, the agency will be able to inspect a broad range of United States nuclear activities, both governmental and private, including the fuel in the nuclear power reactors owned by utilities for generating electricity, and the fabrication and chemical reprocessing of such fuel.

This pledge maintains the consistent policy of the United States since the very beginning of the nuclear age.

It was just 14 years ago that a President of the United States appeared before the General Assembly of the United Nations to urge the peaceful use of the atom. President Dwight D. Eisenhower said on that occasion: ". . . The United States pledges . . . before the world . . . its determination to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

We renew that pledge today. Today. We reaffirm our determination to dedicate the miraculous power of the atom, not to death, but to life.

We invite the world's nations to join with us.

Let us use this historic anniversary to deepen and to reaffirm the search for peace.

Let us so conduct ourselves that future generations will look back upon December 2, 1942—not as the origin of sorrow and despair—but as the beginning of the brightest, most inspiring chapter in the long history of man.

THEY'RE MAKING IT EASY TO STEAL YOUR CAR

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. BARRETT. Mr. Speaker, I will shortly introduce legislation to deal with the unrestricted distribution of master keys for automobiles. There has been a continued increase in the number of stolen cars each year. National magazines today carry advertisements for the sale of master keys for any car made from 1955 through 1967. Last year alone almost 7,000 cars were stolen in Philadelphia. With the easy access to these master keys there is the great possibility that this number will increase, despite the efforts of car owners and manufacturers to the contrary, and, as a result, the cost of automobile insurance will increase.

Mr. Peter Duncan, the very fine editorial director of WCAU-TV in Philadelphia, just last week aired an editorial statement on this matter. Under leave to extend my remarks, I insert a copy of that editorial at this point:

THEY'RE MAKING IT EASY TO STEAL YOUR CAR

Stolen cars are moving through the streets of our city and throughout the country. Stealing cars is a big business; last year alone almost 7,000 cars were stolen in Philadelphia.

Insurance companies have urged motorists to take their keys out of the ignition and lock their cars.

Many of the new models even have a buzzing device which turns on if you try to leave your car with the keys still in the ignition.

So you take out the key, you lock the car—and everything's secure. At least, you might think so.

But times have changed. No longer does a juvenile delinquent or an adult in the stolen car racket have to search for that unlocked car, for the car with the keys in the ignition.

Ads in national magazines are doing the hard work for them. According to the Better Business Bureau, there are a dozen or so firms just ready and waiting to send a set of master keys to anyone. (Master keys—keys which will unlock any car made from 1955 through 1967; keys which will start up the engines so a car—perhaps your car—can be driven away.)

With such ease of operation, the number of stolen cars should zoom. All anyone needs is eight dollars for the set of keys, an envelope and a stamp. By return mail, he'll get the set of keys with no questions asked.

Well, it's time that some questions were asked. Who's going to protect the car owner? Who's going to prevent these keys falling into criminal hands? The ads do state that the keys are for legitimate use only, but once the company gets the money, who's to know what the keys are used for?

The United States Senate looked into the growing problem last year but no legislation has resulted.

If widespread distribution of these keys continues: First, there's a greater possibility that your car will be stolen. But, also, if the number of stolen cars zooms, so will the cost of your car insurance.

WCAU-TV urges congressional members from Pennsylvania to lead the fight for legislation restricting the now-unrestricted distribution of automobile keys.

STOKELY CARMICHAEL SHOULD BE PROSECUTED FOR SEDITION

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, I hope that it does not cause too much consternation at the White House but I rise today to express my complete agreement with President Johnson on one point. I am referring to press reports that the President feels very strongly that Stokely Carmichael should be prosecuted for sedition if and when he returns to the United States. This man Carmichael has long since forfeited his right to act as a spokesman for the civil rights movement in this country and I have reason to believe that responsible and respectable civil rights leaders would like very much to see his sails trimmed and that he be brought to account.

Reportedly the Attorney General, Ramsey Clark, disagrees with the President and feels that to take action against Carmichael would only serve to make a martyr of him. I think that is so much "balderdash" and if forceful action is taken against Carmichael it will be applauded by the great majority of Americans, whether they be black, white, yellow, or red.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ROSTENKOWSKI (at the request of Mr. OLSEN), for Tuesday, December 5, 1967, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. PRICE of Texas (at the request of Mr. HUNT), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. COLLIER.
Mr. IRWIN.
Mr. DULSKI.
Mr. FULTON of Pennsylvania.

(The following Member (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. KLEPPE.

(The following Member (at the request of Mr. MATSUNAGA) and to include extraneous matter:)

Mr. DONOHUE.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 320. An act to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of North Carolina in order that such land may be used in connection with a proposed water supply lake, and for other purposes;

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966.

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes;

S. 2195. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S.J. Res. 35. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

S.J. Res. 101. Joint resolution amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p.m.) the House adjourned until tomorrow, Wednesday, December 6, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1258. A letter from the Acting Secretary of Transportation, transmitting a report of Anti-Deficiency Act violations by the Federal Aviation Administration, pursuant to the provisions of 31 U.S.C. 665(i) (2); to the Committee on Appropriations.

1259. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1260. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1261. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved, according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS:

H.R. 14284. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 14285. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

By Mr. MATSUNAGA:

H.R. 14286. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction from gross income for certain expenses of employing housemaids, yardmen, and other household help; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 14287. A bill to amend section 503(f) of the Federal Property and Administrative Services Act of 1949 to extend for a period of 10 years the authorization to make appropriations for allocations and grants for the collection and publication of documentary sources significant to the history of the United States; to the Committee on Government Operations.

By Mr. BUSH:

H.J. Res. 949. Joint resolution declaring the first Tuesday after the first Monday of November in each even numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. WYDLER:

H.J. Res. 950. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the late Francis Cardinal Spellman; to the Committee on Post Office and Civil Service.

By Mr. WYLIE:

H. Con. Res. 592. Concurrent resolution expressing the sense of the Congress with respect to the settlement of the indebtedness of the Republic of France to the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 14288. A bill for the relief of Margaret Patricia Wilson; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 14289. A bill for the relief of Francesco Buffa; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 14290. A bill for the relief of Joseph A. Petnel; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 14291. A bill for the relief of Anastou Styliano; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 14292. A bill for the relief of Rosa Barbero; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

There Ain't No Santa Claus

EXTENSION OF REMARKS
OF
HON. HAROLD R. COLLIER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 5, 1967

Mr. COLLIER. Mr. Speaker, in a little over 3 weeks, we will celebrate the birth of the Saviour. I am hoping that the present session of the 90th Congress will have adjourned sine die by Christmas, so that the Members, as well as their constituents, may have a brief vacation before the second session begins early in January.

Many of us, if not most of us, believed for a brief period during our early years in a character called Santa Claus. Then one day one of our more sophisticated schoolmates informed us that "There ain't no Santa Claus," and that our fathers and mothers, uncles and aunts, and other possessors of the necessary wherewithal were the ones who bought the presents that were bestowed upon us at Christmas time.

Today, even though the season of peace on earth, good will toward men approaches, we are concerned with much more than Christmas shopping. Our present preoccupation is with the problems that accompany the huge budget deficit for fiscal 1968, which the President has said may reach a figure between $30 billion and $35 billion. We must soon find the answers to these problems. Should we increase revenue by imposing a 10-percent surtax or should we make the percentage smaller? Should we set different rates for corporations than for individuals? When should the new rates, if any, take effect? Where should spending be cut, and how much?

The answer to the last question should be accompanied by the five words of youthful wisdom that most of us heard many years ago: "There ain't no Santa Claus."

Let us all get up on the housetops, next to the chimneys that are a part of the Santa Claus story, and tell everybody who has ears to hear that all the good things that Government provides must be paid for by those of us who are today's fathers and mothers and uncles and aunts. What we fail to pay for will some day be paid for by our children and grandchildren, who will then realize, if they have not already become convinced, that Santa Claus is only a figment of the imagination.

Let us tell those in our own country who are the recipients of handouts from Washington, D.C., that their checks are made possible by the sweat of other men's brows. Let us tell those in other lands who have been receiving foreign aid charity that Uncle Sam has found it necessary to tighten the purse strings and that the gravy train must be sidetracked.

Many years ago an editorial writer for the New York Sun told a little girl, "Yes, Virginia, there is a Santa Claus." Let us now enlighten Virginia and Georgia, New York and Illinois, Massachusetts and Alaska, and all the other States, as well as the foreign nations of every continent, by telling them, "There ain't no Santa Claus."

Congressman Harold D. Donohue Urges 2-Year Extension of the Adult Education Act of 1966

EXTENSION OF REMARKS
OF
HON. HAROLD D. DONOHUE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 5, 1967

Mr. DONOHUE. Mr. Speaker, through misunderstanding, my prepared remarks urging overwhelming approval, yesterday, of H.R. 11276, to extend the provisions of the Adult Education Act of 1966 for 2 additional years were not included in the RECORD account of the House proceedings on this vitally important measure. I would like to have them included at this point, and they follow:

CONGRESSMAN HAROLD D. DONOHUE URGES 2-YEAR EXTENSION OF THE ADULT EDUCATION ACT OF 1966

Mr. Chairman, I most earnestly urge and hope that the House will speedily approve this bill before us, H.R. 11276, authorizing appropriations to extend the Adult Education Act of 1966 for two additional years.

Mr. Chairman, there are now living in the United States about 4,000,000 adult people who cannot read and some 21,000,000 additional adults who never went beyond the seventh grade of school. In other words we have 24,000,000 undereducated adult Americans who do not have the educational attainments to obtain and progress in any responsible employment position in our modern business market.

It is obvious, therefore, that there is an ever increasing and urgent need to provide educational opportunities for adults whose inability to speak, read or write English constitutes a substantial impairment of their ability to obtain employment that offers them a chance to progress into the higher salaried positions even though they may otherwise have substantial talents of initiative, judgment, and diligence in their work.

The original adult basic education program was established to assist these Americans in improving their education accomplishments and, thereby, their economic opportunities to better provide for themselves and their families as well as reducing the almost absolute dependency of some illiterates.

When the program was begun in 1965 38,000 people enrolled in it and, in just two years, the number has increased to approximately 400,000. All over the country the lists of people, in every state, who want and need adult basic education continues to grow but the list far outnumbers the classroom space and the teachers which available funds can provide. For this reason I think it is of extreme importance that our federal participation in these adult basic education programs be continued for an additional two years and, as budgetary circumstances permit, expanded to meet the expanded needs in this critical area of adult basic education.

I submit, Mr. Chairman, that approval of this measure is a sound and prudent investment for true American development and the returns on the investment will be multifold. I hope the bill will be adopted without delay.

Nelson A. Rockefeller for Secretary of Defense

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 5, 1967

Mr. DULSKI. Mr. Speaker, an outstanding and dedicated public servant, Robert S. McNamara, has accepted the Presidency of the World Bank.

Mr. McNamara has served for nearly 7 years as Secretary of Defense, one of the most difficult appointive offices that exist. He has done so with dignity, with the utmost devotion to duty, with competence.

Now, President Johnson must choose a successor to Secretary McNamara—not an easy responsibility.

Mr. Speaker, I would like to suggest to the President that he consider appointing Gov. Nelson A. Rockefeller, of New York, as the new Secretary of Defense.

Here is a candidate who has demonstrated executive ability, not only as the Governor of our State for three terms, but also in a number of other Government responsibilities over the years.

The Defense Department represent the largest part of our Government in terms of both budget and manpower. It requires a civilian leader of broad experience not only in Government, but also in foreign affairs and in finance.

Indeed, Governor Rockefeller has a unique background of experience which makes him especially qualified to head the Department of Defense.

In 1953, he was chairman of a special committee on the Reorganization of the Defense Department. Its recommendations were approved by President Eisenhower and adopted by the Congress.

Then in 1958, he undertook a further review and study of the Defense Department at the request of then Secretary of Defense McElroy.

Governor Rockefeller was also Chairman of the President's Advisory Committee on Government Organization, which proposed a number of reorganization plans. Included was the plan creating the Department of Health, Education, and Welfare and, later, he served that Department as Under Secretary.

In the field of foreign affairs, he has been active particularly in inter-American affairs and participated in the San Francisco conference when the United Nations was founded.

Politically, there is no problem. The position of Secretary of Defense is and should be nonpartisan. Mr. McNamara was a Republican when he was nominated by the late President Kennedy.

Further, Governor Rockefeller has taken himself out of the national political picture in no uncertain terms. He has said repeatedly that he does not want to be a candidate for President.

Thus, I believe that Governor Rockefeller is ideally suited for this high Cabinet post. He has the demonstrated ability, the executive reputation, the political independence, which the man in this high office requires.

I suggest that President Johnson give serious consideration to the nomination of Nelson A. Rockefeller to be his Secretary of Defense to succeed Robert S. McNamara.

The 1968 Election Calendar

EXTENSION OF REMARKS
OF
HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 5, 1967

Mr. FULTON of Pennsylvania. Mr. Speaker, in order to give my colleagues in the House, and the citizens of my district the Federal and State calendar of 1968 events, I have made up this information in letter form as follows:

DECEMBER 8, 1967.

To My Good Friends:

I am writing to let you know the calendar of 1968 events of National and State importance. This is an exciting year—with Federal elections for President (and Vice President), one-third of U.S. Senate, and all of U.S. House of Representatives in Congress. Also for State elections are 3 State offices, one-half the Pennsylvania State Senate, and all of the State House of Representatives.

Pennsylvania Spring *Primary* election is—Tuesday, *23 April 1968*.

November *General* election is—Tuesday, *5 November 1968*.

National Party Conventions begin:

Monday, *5 August 1968*—Republican—*Miami.*

Monday, *26 August 1968*—Democratic—*Chicago.*

Convention delegates are elected at primary 23 April—2 delegates for each party, with alternates, in each Congressional District.

In order to be helpful to you, I am giving below the list of officers and legislative seats to be voted on in our South Hills Congressional District.

Cordially,

Jim Fulton.

FEDERAL OFFICERS

President—Lyndon Johnson.

Vice President—Hubert Humphrey.

U.S. Senate Pa. Joseph Clark—6 year term.

U.S. Congress 27th District—Jim Fulton—2 year term.

PENNSYLVANIA STATE OFFICERS

Auditor General—Grace M. Sloan—4 year term.

Treasurer—Thomas Z. Minehart—4 year term.

Superior Court Judge—Vacant—10 year term.

PENNSYLVANIA GENERAL ASSEMBLY

State Senate (4 year Terms):

37th District—Wayne S. Ewing. 45th District—Joseph M. Gaydos. 43rd District—Frank Mazzei.

State Legislators (2 year Terms)—by District:

26th—Charles N. Caputo, 27th—Robert A. Geisler, 40th—Donald O. Bair, 41st—Joseph V. Zord, 42nd—H. Sheldon Parker, Jr., 43rd—George K. Haudenshield, 44th—Andrew J. McGraw, 45th—Max H. Homer.

In these times, I believe it is the patriotic duty of every American citizen to register and to vote. We Americans are watched and criticized because so many do not vote. Our U.S. servicemen deserve our support.

I recommend that you plan ahead to reserve these election dates particularly. But if you are ill or must be out of town, write for your absentee ballot application to Allegheny County Department of Elections, Pittsburgh, Pennsylvania 15219.

Change in law: New Pa. residents—*only* 90 day residence required for registration prior to elections.

Absentee ballot applications: Primary: 1st day to apply—4 March '68. Last day—16 April '68. General Election: 1st day to apply—16 September '68. Last day—29 October '68.

Military ballot applications—U.S. Servicemen: ask for Federal absentee ballot application at your base—or apply in writing to Allegheny County Department of Elections—or members of family can apply for servicemen in person or by writing.

Absentee Ballots are then mailed out by Department of Elections.

All military and absentee ballots must be mailed and postmarked by midnight Election Day, otherwise they are not counted.

President Johnson Builds for Peace in 1967

EXTENSION OF REMARKS

OF

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. IRWIN. Mr. Speaker, President Johnson eloquently reminded the Nation in remarks to the Foreign Policy Conference for Business Executives that 1967 has been a year of "remarkable constructive achievements for the people of the world community."

As the President made clear, behind the glaring headlines of conflict and international tension, the United States has moved boldly to lay the cornerstones of a durable and lasting peace.

Behind our firm shield in Vietnam, the threatened nations of Asia have, in the President's words, "been able to get on with the real work of peace."

Tensions with the Soviet Union have been reduced by ratification of the Consular Treaty to protect American citizens in Russia; the historic Outer Space Treaty to assure peaceful exploration of the firmaments; and agreement on a draft nuclear nonproliferation treaty to control the spread of nuclear weapons after 25 tension-laden years of the nuclear age.

During 1967, the economic interdependence of the free world has been greatly accentuated with successful completion of the historic Kennedy round lowering trade barriers, the Rio Accord creating a new international reserve currency to facilitate international transactions, and the Punta del Este Conference, bringing the dream of Latin American cooperation closer to reality.

The works of peace—lessening Middle Eastern tensions, advancing constructive regionalism, eradicating the poverty and ignorance which breeds violence—are quiet works. They make few headlines and incite no demonstrations. But they are making this uneasy planet a better, more tranquil, more tolerant place to live.

The seeds which President Johnson has so diligently planted in 1967 will one day bloom into the world order we all seek and that will create headlines indeed.

Under unanimous consent I insert into the Record the President's important statement to the Foreign Policy Conference for Business Executives and to the Nation:

Remarks of the President to the Foreign Policy Conference for Business Executives, December 4, 1967, State Department

First I want to welcome you here and tell you how delighted I am that I can be with you. I want to thank each of you for your generosity. I have thought for some time that it was about time someone threw a benefit for Dean Rusk. This is one of the loveliest rooms to throw it in in all of Washington, even though the windows are barred.

When Dean Rusk first took his job as Secretary of State, I am told that he made one request. He wanted a room with a good view, so he was put up here on the seventh and eighth floors.

He asked for one more thing. He wanted to have the windows sealed. "Why?" he was asked. "Simple," he said, "it is too far to jump and too high for the pickets to climb."

But Dean forgot all about the birds. They tell me they flock to his window sill every single day. As everybody knows in this country, and most other countries, the Secretary of State is a very wonderfully kind, gentle, understanding and generous man. Every morning Mrs. Rusk gives him a little bag of bread crumbs to bring down to the office with him so he can feed these native birds through the day. The sparrows and the starlings seem very grateful and appreciative, but as you must have observed, there is just no pleasing the appetites of these doves and hawks.

Someone told me that there were some pickets outside while you were registering. I am getting to be an expert these days on pickets' signs myself. I think there must have been a switch in some of those that were used yesterday. The way it was reported to me, one read "Unleash Rostow."

You may have noticed that a great deal of care went into the preparation for your briefings. One reason is that business is entitled to very great respect in this country of ours. Outside of Government, it is really the only place left where a man can find a job. You may know that there are at least a few people who are out job hunting these days.

A publisher of a children's book on penguins recently sent copies to a group of youngsters to get their opinions. One young lady replied: "This is a good book on penguins—but it told me more about penguins than I wish to know."

After looking around at some of these briefers, I am afraid that you have heard a lot more about foreign policy in your briefings than you would wish to know.

The threads of foreign policy extend throughout the fabric of our national life. You cannot find the significance of any one thread without seeing its relationship to the whole.

It is not always easy to keep that in mind in the echo of gunfire.

Today, America's eyes are on Vietnam. The minds of our people are centered on the hills and rice paddies where our men are out there fighting.

Our presence in Vietnam is in keeping with a foreign policy which has guided this Nation for 20 years. Four Presidents, 11 Congresses, and the most thoughtful men of our generation have endorsed that policy and situation and have built that policy from the ground up.

For two decades, we have made it clear that we will use our strength to block aggression when our security is threatened, and when—as in Vietnam—the victims of aggression ask for our help and are prepared to struggle for their own independence and freedom.

Our strength, and America's commitment to use that strength, has served as a shield. Behind this shield, threatened nations have been able to get on with the real work of peace. They have been busy building stable societies and relieving the bitter misery of their people. Where we have been able to—where our assistance has been wanted—where it has been properly matched by self-help—we have used our wealth to help them and help feed them. For we have learned that violence breeds in poverty, disease, hunger, and ignorance.

Our purpose is not to breed violence, but to build peace.

The test of our policy is whether the time we have bought has been used to the end that we are building peace.

The evidence of 20 years suggests that we are meeting that test.

Western Europe's recovery from the ruins of war seems like ancient history to some of you here tonight. But it was only yesterday. Many thought it could not happen in our lifetime, but it did happen—with our help, and behind our shield of protection, and behind our sacrifices of lives and dollars.

Twenty years ago it was clear to the leaders of Western Europe that our shield there was necessary to their future.

Today it is equally clear to Asian leaders that our presence in Vietnam is vital, is necessary, is a must to Asia's tomorrow.

There has been much talk in the United States about the so-called "domino theory"—the theory that if South Vietnam should fall, its neighbors would topple one after the other. As I pointed out in a speech I recently made in San Antonio, the threat of Communist domination is not a matter of theory for Asians. Communist domination for Asians is a matter of life and death.

But it is now clear to all Asians that South Vietnam is not going to fall. In every capital of Free Asia that fact has already registered, and registered well. It is being acted upon. What is happening in Asia might really be called the "domino theory in reverse." We do not need to speculate about the results. We know what has happened since we made our stand clear in Vietnam.

Just a few years ago, Southeast Asia was only a geographic phrase. Its separate states had no sense of identity with each other.

All of those states were overwhelmed by the size of their own domestic problems.

Moreover—and most important—they were hypnotized by the menace of China.

Out of this fear—this sense of isolation—this awareness of desperate problems—grew something ominous. It was a paralysis of the will to progress. There was a hopeless feeling among all Asians that they were the victims, rather than the forgers, of their own destiny.

Now, in the span of a few years, all of that has changed, I am glad to say, and the major agent of that change has been America's firmness in Asia.

Behind the shield of our commitment there, hope has quickened in the nations of Asia.

They are banded together in regional institutions to attack common problems: to pool their information about how to get more from their land; to explore new ways to bring education to their villages; to join in the fight against disease; and to improve their trade with each other, build new industries, and pull together for the economic development of the entire area.

I do not want to generate false optimism here tonight. I do not want to suggest that all the problems of these nations will be solved soon or easily.

But I do suggest that when men weigh the pros and cons of our commitment in Vietnam, they consider this:

The war in Asia is not merely saving South Vietnam from aggression. It is also giving Asia a chance to organize a regional life of progress, cooperation, and stability.

This is no new objective. Our Government supported the Southeast Asia Treaty in 1954 precisely because the stability of that part of the world was judged by the President and the Secretary of State in 1954 and the United States Senate by a vote of 82 to 1 in 1955 to be vital to the security of you and your boys and your girls and your families, you Americans.

The passage of time, I think, has proved that the President, the Secretary, and the Senate's judgment was absolutely correct. I think it is vital to our security.

Now, there are a a lot of people who do not think so. There are a lot of people who are looking for the fire escape and the easy way out. They were doing that in Mussolini's time. They did it in Hitler's time. They did not think that this was important to the security of the United States until it was almost too late.

We waited a long time here, but better late than never, and now, behind America's protective shield, progress is in motion in Asia where there was none just a few years ago.

This development is as significant for the peace of the whole world as the activities in Europe that I discussed, and the rebirth of Europe after World War II that all of us participated in. None of us should ever forget that more than half of all human beings in the world live in Asia, and there can be no peace in the world when half of the human beings live in an unstable condition.

On the periphery of the Orient, a new Asia is already building. I saw it. I went there last year. I visited their countries and their peoples.

As this new Asia becomes a firm reality, there is a decent hope that the people on the mainland will also turn their minds to the challenge of economic and social development. There is a decent hope that they will turn to the task of living in dignity and mutual respect with their neighbors.

But our foreign policy is concerned not merely with Asia, but with all the world. And we have acted on that judgment. I want to review very briefly, because you don't hear anything but the complaints that sometimes seem to overshadow the progress we make. The constructive decisions, the march we make forward, doesn't make very interesting reading or reporting.

We achieved a trilateral agreement with Germany and Great Britain which stabilized our troop levels in Germany and dealt with the balance of payments problems caused by their location.

We achieved a successful negotiation of the Kennedy Round bringing advantages to the whole world, and a few weeks before it looked rather grim.

We achieved a preliminary monetary accord in London which led to the agreement at Rio with all the other members of the IMF—laying the basis for a new international reserve currency.

In the face of the devaluation of the pound, we worked with the industrial nations of the Free World. Our men have been crossing back over the Atlantic on weekends to keep other exchange rates stable and the international system strong.

We are working with the Soviet Union, our NATO partners, and the other nations of the world to achieve a non-proliferation treaty—which, when complete—will give all countries the opportunity to benefit from the peaceful uses of nuclear technology while reducing the risks of nuclear war.

In this past week we have moved toward a common position with the industrialized countries of the world to establish special trading benefits which will accelerate progress among the developing nations of the world.

We have concluded this year two treaties with the Soviet Union, the Consular Treaty and the Space Treaty. They have been ratified by the United States Senate.

These achievements rarely make the headlines and interest the average citizen. But they are real achievements and real accomplishments, and a failure in any one would make a lot of noise. They represent the acceptance of joint responsibilities between enlightened leaders. And we are prepared to build upon them.

In the months ahead, I would like to see us work with the institutions of the European communities and with other industrialized nations of the world to make our policies of assistance to the developing nations more effective.

If we have demonstrated that we can work on all of these things that I have outlined, we ought to demonstrate that we can work together in making policies of assistance to developing nations. We should work to strengthen further the world monetary situation: to consider together the problems and possibilities of flows of capital and technology back and forth among us; and finally, to examine together and exchange experiences on the problems we all share, the problems of the urban life, the problems of the modern-day cities that have grown every day and they have reached a point now where they must be dealt with quickly and effectively.

What we have achieved in this year goes beyond these great initiatives:

After a year's careful preparation, we had the Summit Conference at Punta del Este at which the nations of Latin America committed themselves to go forward toward economic integration—with our support.

We have moved from a dangerous war in the Middle East to an agreed resolution within which a representative of the United Nations will be seeking a stable peace for that troubled region in the months ahead. I shudder to think what could have happened if we had not taken that step and what might have happened if we had not been successful in bringing about a cease-fire in the Middle East just a few months ago.

We have worked with others to avoid massive bloodshed in the Congo. To the concerned Senators I see tonight, the last of the American C-130 transport planes will leave the Congo at the end of this week. We have thrown our support behind the regional and sub-regional efforts of the Africans to build a modern life through cooperation—a process that is quietly moving forward in East Africa and greatly advanced by the current conference at Dakar in West Africa.

Tomorrow, the Secretary early in the morning and the Vice President and I a little later in the day, will be meeting with a distinguished American who has been trying to leave public service now for about seven years. He has had to come back when we have demonstrations. He has had to go to Detroit to help when we have problems there. He has been in Cyprus and Greece and Turkey trying to solve that matter.

Mr. Cyrus Vance is returning after a successful effort in which Greece and Turkey drew back from the brink of war and opened the way to solve a serious problem.

This has been a year of remarkable constructive achievement for the people by the world community, despite the struggle in Vietnam.

If the generations which come after us live at peace at all, it is going to be because this generation held the shield and supplied the courage and the fortitude and determination by which peace was built and because we stubbornly labored to build that peace instead of finding a cheap, dishonorable way out of it.

To those of you who have come here to provide this benefit for Dean Rusk, this rather unusual event, I want to say to you that we have 41 alliances around the world where the commitment and the signature and the agreement of the United States is present—where your President and your Senate and your leadership have made commitments for this nation.

Now, Dean Rusk didn't make them and I didn't make them. We just have to keep them. If you will keep the faith, we will keep the commitments.

The Wheat Situation—Domestic and Foreign

EXTENSION OF REMARKS

OF

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. KLEPPE. Mr. Speaker, I ask to have included in the CONGRESSIONAL RECORD the text of a speech on the current wheat situation, delivered December 4, 1967, by Representative BOB DOLE, of Kansas, before the Hard Winter Wheat Quality Advisory Council at Kansas City, Kans. It has been my privilege to serve on the House Agriculture Committee with the gentleman from Kansas [Mr. DOLE]. He has worked hard and long to promote increased wheat exports and to strengthen domestic wheat prices. I believe other Members will find his remarks most interesting and informative. The text follows:

The Wheat Situation—Domestic and Foreign

In discussing wheat policy, I should like to review the current situation with some interesting background data and my proposals for a more prosperous future for wheat growers.

KANSAS AND WHEAT PRICE

If there is any one statistical figure for the Kansas wheat grower to examine and to be concerned about, it is the most recent price received by farmers for wheat which was released by USDA. For the United States, it was $1.39 per bushel—53 percent of parity. For Kansas, this November 15, 1967, price was even lower—$1.31 per bushel. These price data reflect the disastrous effects of a misguided Freeman-Johnson policy which makes a sacrificial goat of the farmers interests to those of the more numerous urban citizens.

Now how did we get to this unhappy situation? What are the true facts? Let us together examine the facts. The data and statements are all from official sources.

U.S. WHEAT SUPPLIES

Total U.S. wheat supplies for 1967–68 are estimated at 1,961 million bushels, an increase of 133 million bushels from supplies of a year earlier. This is the first time since 1960–61 that the supply of wheat in the United States has increased from that of the previous year. The July 1, 1967, carryover was 426 million bushels. It will be up by 100 million on July 1, 1968.

Total disappearance of wheat during July–September, 1967, at 415 million bushels, was slightly larger than for the same period a year earlier. Exports, totaling an estimated 195 million bushels, were down 16 percent from exports in July–September, 1966.

Use of wheat for food was little changed from a year earlier while seed use was off, reflecting the 13 percent reduction in the national acreage allotment for the 1968 crop. Feeding of wheat was greater during this past July-September than a year earlier, due to the narrower spread between wheat and feed grain prices. The approximately 45 million bushels fed in this quarter this year is about 30 million more than a year ago.

Stocks of wheat in all positions on October 1 totaled 1,565 million bushels, up 124 million from October, 1966.

Total domestic disappearance will probably increase in 1967–68, primarily because of lower prices resulting in heavier use of wheat for feed. For the entire 1967–68 marketing year, feeding is estimated at about 125 million bushels compared with 93 million last year.

The Bureau of the Census made downward revisions in their data on wheat grind and flour produced for calendar years 1962 to 1966, resulting in smaller domestic wheat food usage and a lower per capita disappearance of flour. The level of per capita flour disappearance was reduced by about 2 pounds so that the average for 1966 has been revised to 112 pounds. The revisions place the recent trend in per capita flour use at a 1 pound reduction per year. As a result, it appears that food use of wheat in 1967–68 may total 510 to 515 million bushels.

Seed use of wheat in 1967–68 is likely to total 70 million bushels, somewhat below the 78 million of last year. This is likely to be more than offset by increases in food and feed use, resulting in a total domestic disappearance in 1967–68 of about 700 million bushels, slightly higher than last year.

Allowing 700 million bushels for domestic requirements for the entire 1967–68 marketing year, the quantity available for export and carryover is above that of a year earlier. The *USDA's* export target was announced last summer at 750 million bushels, fractionally larger than the 742 million of 1966–67.

Through October 30, exports of wheat and products, as well as forward registration for export payment, were behind last year's record level on that date. It is going to be difficult to reach that target. I shall do everything possible to help the *USDA* in achieving or even exceeding that level. I have traveled tens of thousands of miles to remote areas of the earth in that endeavor.

A LOOK AT THE RECORD

Now if we are to understand what was really happening to drive prices down to current bankruptcy levels, we must take a step backward in time. In 1966, the Secretary of Agriculture, along with the Council of Economic Advisers, decided that the Consumer Price Index was more important than the prices farmers received. In 1965–66, U.S. wheat exports were 867 million bushels. In 1966–67, wheat exports were cut arbitrarily by the administration. I say arbitrarily because Secretary Freeman sent a cable around the world to Public Law 480 recipients—a cable of malnutrition—advising our ambassadors to cut their wheat requests under the food for peace program by 25 percent.

By this arbitrary means, with no indication to the Congress, exports of wheat under P. L. 480 were actually cut by 44 percent from a year earlier—from 523 million bushels to 292 million bushels in 1966–67. I have been, as might be expected, interested in the food for peace program for some years. I find nothing in the record which authorized the administration to withhold food in order to get farm prices down—in bureaucratise—to "stabilize" prices. Incidentally, wheat was not the only commodity to get this treatment. In view of the fact that this is a wheat talk, I will not go into the details of the price destroying actions affecting other commodities.

William Jennings Bryan, a presidential candidate from a neighboring State, once made a famous cross of gold speech. To paraphrase one of his famous comments:

> You shall not press down upon the brow of
> farmers this crown of thorns,
> You shall not crucify agriculture upon the
> cross of the consumers price index.

WHAT FREEMAN SAYS

Now, Secretary Freeman, recognizing that these decisions are responsible for the unhappy state of agriculture, has tried to explain away these current low farm prices. He stated in a recent speech at the Outlook Conference held at USDA that "the bricks hurt, gentlemen." To be fair to him, we should quote him more fully:

"What has taken place over the past year is ironic—but we have always recognized the danger. A year ago the evidence on world food production and supplies was most unfavorable. The monsoons in India were failing for the second successive year, short crops in the Communist countries had required large purchases from Western exporters. The disappearance of excess stocks in the United States and an unfavorable wheat yield outlook contributed to the uncertainty. The world was clearly in a short grain supply position.

"As a result, after a careful assessment of probable world needs in the 18 months ahead, the national wheat acreage allotments for the U.S. 1967 crop were increased sharply. Action was taken to increase acreage in feed grains and soybeans as well.

"Then within a few weeks after these decisions were made, the world outlook changed sharply with favorable prospects in almost every major grain producing country.

"Canada, Australia, and the Soviet Union harvested record wheat crops. Argentina and Western Europe harvested good crops of both wheat and feed grains. Feed grain harvests in Eastern Europe were good and a few months later South Africa produced a record corn crop.

"In the U.S. we have a record grain crop in 1967, with an overall increase of from 4 to 5 percent. The 1967 feed grain crop is up 12 percent, wheat crop up 19 percent."

Now this explains only one part of the problem—the size of the 1967 wheat crop. I think the important question is, if as stated, the world outlook changed within a few weeks, why did not the Secretary loosen his grip on P.L. 480 exports? Why did the concept of holding farm prices down or "stabilized" continue in force past harvest time for the 1967 crop? After all, the Congress has made available to the administration $7.5 billion for launching the war on hunger program. Actual use is only a fraction of this level. The answer lies in the internal strategy to sacrifice the farmers' interests to those of the much more numerous urban dweller. I think this policy is disastrous. It should not go unnoticed that all this food holdback was going on just after President Johnson was telling the Congress that he intended to lead a war against hunger.

FOOD FOR PEACE

I feel very strongly about this. The food for peace legislation was passed under President Eisenhower in 1954. It is called the Agricultural Trade Development and Assistance Act of 1954. This legislation and subsequent amendments have had strong bipartisan support. It has done so much good all over the world. *I will not stand by and watch farmers' interests sacrificed to the statistical rigidities of the consumer price index.* The beneficial potentials of the war on hunger must be maximized. The nation and the world must not be deterred from this victory!

PURCELL RESERVE BILL

In recent weeks the Secretary of Agriculture and his top assistants have been decrying the defeat in the House of Representatives, livestock and grains subcommittee, of the so-called *strategic reserve grain bill*. It is significant that the Secretary of Agriculture in talking about this bill never refers to the provisions regarding reserves. He claims that it would have resulted "in from $300 to $500 million in additional income for farmers."

Let us examine this ridiculous claim by analyzing the Purcell bill in detail.

(1) The Under Secretary came before our subcommittee and made the ridiculous claim that the market prices for wheat, feed grains and soybeans could be increased sharply as provided in this bill by an expenditure of $5 to $10 million. Note that he testified to this in an open hearing. Note that the Under Secretary testified that with this small outlay he would move into the open market ready to purchase up to the following amounts:

180 million bushels of wheat; 500 million bushels of feed grains; 90 million bushels of soybeans.

If $5 to $10 million was all he would spend, this raises a fundamental question of whether the administration really supported the bill. Was it just a political conversation piece?

(2) The release formula provisions in the bill formed what could be termed an "inverted pyramid". That is, the lowest resale prices would come into effect when total available supply of a commodity would be at the highest level. The farmer needs protection from the Government stocks the most when the supply is greatest. In other words, the greater the supply, the greater the need for price protection and insulating of stocks. This bill, however, would have just the opposite effect.

The administration measure was defeated because it was not, in fact, a reserve bill, but simply a device to further stabilize and manipulate the price farmers receive for their commodities. Had the administration and some Democrat members of the committee been willing to insulate the stocks acquired under the provisions of the reserve bill, it would have passed without difficulty. In my opinion, the 6 to 6 vote on the amendment offered by Congressman John Zwach of Minnesota indicated the administration was not interested in a true reserve proposal. The Zwach amendment would have prevented the release of any reserve stocks at less than 100 percent of parity. This amendment would insulate the stocks from the market, resulting in significant increases in the market prices. Six Republicans voted for the Zwach amendment, and significantly, six Democrats opposed it. This should leave no doubt as to which party is interested in improving farm income.

TIDE OF PROTECTION

As we look ahead to the future, the wheat producer will be adversely affected by the rising tide of protectionism. We are witness to an increase by foreign countries in efforts to set aside the conventional rules in international trade in order to solve domestic problems.

The European Economic Community's variable levy on cereal imports effectively protects indigenous production from competition. Concurrently, other portions of the *EEC* farm policy are providing financial incentives to its farmers to increase production.

Secretary of Agriculture Orville Freeman has recognized the danger inherent in *EEC's* common agricultural policy. In April, 1966, he said:

"The consequences for a liberal trade policy generally will be very serious if we cannot negotiate in the Kennedy Round some limitations on the trade restrictive effects of the Common Market's common agriculture policy. All of us, therefore, have a vital stake in the successful outcome of the Kennedy Round."

The variable levy system, while one of our original targets in the Kennedy Round, *was one of our negotiation failures.*

INCREASED PRODUCTION

Another factor adversely affecting our wheat position is the increasing production all over the world. We suffer from a complete lack of cooperation from other exporting nations in managing production and stocks. Argentina, Australia, and France continue to produce on an unlimited basis and get rid of their supplies on a year-to-year basis. Canada has no production limitations. The United States has taken on the role of supply manager for the world, and in this role has become the residual supplier to the commercial markets. *It is time that we let the world know that we are going to be competitive, every hour of every day.*

Another negotiation failure in the Kennedy Round was our efforts to get effective access guarantees. The United States proposed that importing countries purchase a fixed percentage from all exporting countries of their total needs. Secretary Freeman stated:

"The number one key to sustained expansion of U.S. agricultural exports is access to markets."

The Under Secretary in testimony before the House Foreign Affairs Committee stated:

"The opportunity to compete for traditional import markets is one of the cornerstones of our position."

These negotiating failures are costing wheat growers dearly. They will continue to do so for many years.

STEPS TO IMPROVE INCOME

Time and time again, I have outlined constructive steps to improve wheat growers' income. But time and time again the *Administration has ignored the recommendations.* Let me restate them.

(1) Raise the loan rate for wheat from $1.25 to $1.40 per bushel.

(2) Announce that no wheat stocks owned or to be owned for the next 2 years by *CCC* will be resold at less than parity.

(3) Announce that *CCC* will pay the first year storage costs for wheat under loan.

(4) Expand exports under P.L. 480 to the maximum consistent with the self-help provisions.

(5) Price wheat competitively for export, and take down the umbrella over the world commercial market. Under this price umbrella, Australia, Argentina, and France sell their crops and make the United States less competitive.

The American farmer is in serious trouble because of present "stop and go" policies. In my opinion, strong new leadership and new direction is needed.

HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 6, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If any man will come after Me, let him deny himself and take up his cross daily and follow Me.—Luke 9: 23.

O God of grace and goodness, we acknowledge our dependence upon Thee, out need of Thy mercy and our desire for Thy guidance. We beseech Thee to make us more and more aware of Thy presence, give us to know that Thou art ever with us and that with Thee we can face the day with confidence, do our work with fidelity, and be calm in the midst of trying experiences.

We do not pray for freedom from disappointment or defeat but we do pray that Thou wouldst give us the faith and fortitude we need for these hours and such strength, as will enable us to do the work we are called upon to do and to do it honorably and well.

Renewing our strength, reinvigorating our minds, and restoring our souls, send us out into this day to do what we can for others, to keep our Nation great, and to make the world a better place where men can learn to live together in peace. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Bradley, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 480) entitled "An act to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 830) entitled: "An act to prohibit age discrimination in employment," with amendments in which concurrence of the House is requested to the foregoing bill.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2388, ECONOMIC OPPORTUNITY AMENDMENTS OF 1967, UNTIL MIDNIGHT TOMORROW NIGHT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file the conference report on S. 2388, the Economic Opportunity Amendments of 1967.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGE OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from Idaho [Mr. HANSEN].

Mr. HANSEN of Idaho. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. HANSEN of Idaho. Mr. Speaker, I have been subpenaed to appear before the District Court of the First Judicial District of the State of Idaho, Kootenai County, to testify on Thursday, December 7, 1967, in the action of John Heine against School District 271, Coeur d'Alene, Idaho, and others.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

Mr. Speaker, I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

JOHN HEINE, PLAINTIFF *v.* SCHOOL DISTRICT 271, COEUR D'ALENE, IDAHO, AND STATE OF IDAHO, ACTING BY AND THROUGH ITS DULY ELECTED SUPERINTENDENT OF PUBLIC INSTRUCTION, D. F. ENGELKING, LEO REINAN, COEUR D'ALENE EDUCATION ASSOCIATION, IDAHO EDUCATION ASSOCIATION AND NATIONAL ASSOCIATION, DEFENDANT—SUBPOENA

[In the District Court of the First Judicial District of the State of Idaho, Kootenai County]

The people of the State of Idaho, to: George V. Hansen, Member of Congress, House Office Building, Washington, D.C.

You are hereby commanded that, laying aside all excuses, you appear at the Court Room of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, at Coeur d'Alene on the 7th day of December, 1967, at ---- o'clock --M. of said day, as a Witness in the above entitled action on the part of the plaintiff.

Given under my hand this 24th day of November 1967.

HAROLD E. PETERSON,
Clerk.
By JASPER FITZGERALD,
Deputy Clerk.

A CALL TO AMERICAN CONSUMERS TO ABSTAIN FROM PURCHASING FRENCH-MADE PRODUCTS THIS CHRISTMAS

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, we are entering the height of the holiday season in which Americans have the pleasure of buying gifts and sharing the holidays with their families and friends.

Yet we approach the holidays in difficult days. Hundreds of thousands of young Americans are fighting overseas and the American economy is being challenged by a French-directed raid on our gold reserves.

Thus at Christmastime 1967, I call upon American consumers to abstain from purchasing French-made products, such as apparel, wine, and perfume. By refusing to buy French goods the strong voice of the American consumer will carry to French President de Gaulle our rejection of his attempt to undermine the dollar. Such a refusal to buy French products would also be an important and powerful way of telling De Gaulle to immediately begin payment on his country's $6.8 billion World War I debt to this country.

France must learn that international trusts and agreements cannot be discarded like idle promises.

INDIANA'S PONT WINS COACH OF YEAR AWARD

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, throughout the State of Indiana bumper stickers are appearing which have on them "Pont for President." This shows the high regard of the people for the Presidency of the United States.

John Pont is the coach of the Indiana football team which will be playing in the Rose Bowl this year. It has just been announced that he was a runaway winner in the balloting for college coach of the year by members of the Football Writers Association of America. This year Coach Pont directed the Indiana squad to eight straight victories before they lost to Minnesota, and in the last game of the year, of course, Indiana beat Purdue to win the Rose Bowl berth. This 39-year-old head coach is a graduate of the University of Miami of Ohio where he played halfback and wore No. 42, the only number retired by that school. He became head coach there in 1956 and finally moved to Yale and then on to Indiana. Indiana is proud of its coach and we are proud of the fact that he is at this time receiving this high honor.

ISRAEL NEEDS ALLIES

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I understand that a "good will" flight of 16 Russian jet bombers over Cairo took place early this week. Evidently, the Soviets want Israel to understand that Russian airpower is available to Egypt should the U.S.S.R. decide to take the Arab side in the event of renewal of the Mideast conflict. Further, that facilities are present for Egypt should the U.S.S.R. decide to take an apparently neutral stand on the side of Egypt.

The Middle East is important to the West both as the crossroads of the world and because of the substantial investments in that area by Western Europe and the United States.

Israel has repeatedly stated that it does not expect any nation to send its soldiers to help defend that embattled nation. All it seeks is the means to help it defend itself.

France, the traditional supplier of arms, because of President de Gaulle, refused to sell Israel any airplanes or airplane parts at the outbreak of the 6-day war between Israel and the Arab States. De Gaulle has recently made evident his anti-Semitic and anti-Israel position. If there is to be peace in the area, another nation must be depended upon to sell Israel military supplies.

Sufficient airpower should be made available by the United States to enable Israel to defend itself in the event of the outbreak of hostilities as a result of the failure of the Arab countries to enter into peace negotiations with Israel. In fact, I am sure that if this will be done there will be no renewal of the conflict.

CYRUS VANCE, CYPRUS PEACEMAKER

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, the Nation and the people of the entire world who yearn for peace owe a great debt of gratitude to a remarkable man from Clarksburg, W. Va., the Honorable Cyrus R. Vance. With only very brief notice, he took off to the Mediterranean at a time when the threat of war hung over Cyprus and when it appeared certain that Greece and Turkey, our great NATO allies, were about to be pitted against each other in a dangerous and disruptive war. He helped to bring peace to that area. As the President so well stated in summarizing Mr. Vance's mission, he carried it out "with the greatest skill and total dedication."

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from West Virginia [Mr. HECHLER] in complimenting the outstanding job that Cyrus Vance did upon this occasion.

Mr. Speaker, the entire country owes this great American a debt of gratitude for his remarkable performance.

Mr. HECHLER of West Virginia. Mr. Speaker—

> Blessed be the peacemakers for they shall be called the children of God.

West Virginia has a special pride in the good works of its native son. I was rather surprised to read in the New York Times this morning the editorial which termed Cyrus Vance a "West Virginian Turned New Yorker." Of course, Mr. Speaker, we can well understand the desire of other States to claim this native West Virginian. Speaking as one who frequently gets labeled as a "New Yorker turned West Virginian" myself, I can say that our State is big enough to recognize that it is a supreme compliment for other States to rush forward and claim our native sons as their own. West Virginia will not begrudge other States this privilege.

We know not what the future holds in store for Mr. Vance. There has been much speculation. Suffice it to say, there have been many distinguished West Virginians who have served in Cabinet positions, including Louis A. Johnson, Secretary of Defense under President Truman; William L. Wilson, Postmaster General under President Cleveland; Howard M. Gore, Secretary of Agriculture under President Coolidge; and Stephen B. Elkins, Secretary of War under President Benjamin Harrison.

Born in Clarksburg, W. Va., on March 27, 1917, Cyrus Roberts Vance has had a distinguished career in the Navy on combat duty during World War II, in the practice of law, in private industry, and Government service. In 1957 and 1958 he served as special counsel to the Preparedness Investigating Subcommittee of the Senate Armed Services Committee during its inquiry into satellite and missile programs.

As a member of the House Committee on Science and Astronautics, I am always proud to recall the fact that in 1958 Mr. Vance served as consulting counsel to the Special Committee on Space and Astronautics of the Senate during hearings on, and the drafting of, the National Space Act of 1958, which created the National Aeronautics and Space Administration and the National Aeronautics and Space Council.

In 1961 he became General Counsel of the Department of Defense, and in 1962 was appointed Secretary of the Army. He was then appointed Deputy Secretary of Defense and resigned in June of this year because of a back ailment.

Under unanimous consent, I include several articles and editorials concerning Mr. Vance's accomplishments in the recent crisis in Cyprus:

[From the Christian Science Monitor, Nov. 27, 1967]

Vance Picked To Move Fast in Cyprus Rift

Washington.—"Willing to go and able to move fast."

That was the way one official described Cyrus R. Vance when President Johnson was casting about for a troubleshooter in the Greek-Turkish dispute over Cyprus.

It was hardly the compelling factor in Mr. Johnson's selection of the New York lawyer and former Defense Department official, however.

For the President has called on Mr. Vance several times to undertake delicate assignments. Last July he sent Mr. Vance to Detroit to serve as his personal representative during the riots.

Before that President Johnson had sent Mr. Vance on assignments to South Vietnam, to the Dominican Republic during the 1965 civil war, and to Panama during the 1964 Canal Zone riots.

Mr. Vance, tall, handsome and soft spoken, is credited by former Pentagon associates with being unexcitable, objective, and incisive of mind. "He always insists on having all the facts before making a judgment," one said.

Johnson administration leaders decided Nov. 22 on the dispatch of Mr. Vance to Ankara and Athens, although it was reported that there had been talk between Mr. Johnson and Secretary of State Dean Rusk the day before of such a special mission.

FIRST CHOICE

According to one account, Mr. Vance's name came up in those preliminary talks when the President recalled the troubleshooting jobs he had taken earlier.

When the final decision on sending a troubleshooter was reportedly made in a telephone conversation between President Johnson and Secretary Rusk, Mr. Rusk proposed Mr. Vance as his first choice for the assignment, according to knowledgeable officials, because of the latter's past record and his detailed knowledge of NATO affairs in the eastern Mediterranean.

"He was already briefed," one official put it.

Admirers in the administration say that Mr. Vance has developed a kind of standing for dealing with military-political problems somewhat like the positions held in earlier postwar years by John J. McCloy and Gen. Lucius Clay.

Mr. Vance, a native of Clarksburg, W.V., is a former naval officer and Yale-educated Wall Street lawyer. He entered government work in 1957 as special counsel to the Senate preparedness subcommittee, then headed by Mr. Johnson.

President Kennedy named Mr. Vance general counsel of the Defense Department in 1961, and a year and a half later made him Secretary of the Army. President Johnson elevated him to Deputy Secretary of Defense, the No. 2 civilian post in the defense establishment, on Jan. 28, 1964. He resigned last June 20.

When he has a rare chance to pursue outside interests he enjoys tennis and squash and is an avid reader.

His wife is the former Grace Elsie Sloane, whom he married 20 years ago. They have five children.

[From the Washington (D.C.) Post, Dec. 6, 1967]

Well Done

Cyrus R. Vance is back from the war that almost was between Turkey and Greece and it is in very large part his doing that there has not been a war. It was a near thing, by all accounts, and the danger will not completely die away until some sort of permanent Cyprus settlement is reached. But the sparks of a potentially bloody conflict have been stamped out, at least for now.

Others from President Johnson on down, played important roles, and considerable credit is due to Ambassador Goldberg at the United Nations, who worked tirelessly, almost around the clock, as coordinator of the American peace-keeping effort with those of the U.N. and its members. But it was Mr. Vance, who left his job as Deputy Secretary of Defense earlier this year to rest an ailing back, who carried the big burden. It was his readings of the temper and intentions of the conflicting parties that were crucial to the shaky understanding that was reached. He was thrown into the crisis with no particular expertise to help him and little time to do his homework. Yet he came quickly to the heart of it: Turkey was in no mood for half-baked solutions; if no major concessions were forthcoming from Greece, the Turks were ready for war. The necessary concessions were worked out, all around, though it remains to be seen just how reasonable President Makarios of Cyprus is going to be.

In any case, the threat of war between two NATO partners—with all that this would mean—has been put off once more. History warns us not to expect that the threat may not recur another day. But this does not subtract from Mr. Vance's job well done. This is his second major contribution to the country since his "retirement" early this year; during the summer he answered the President's call to help damp down the rioting in Detroit. He deserves the country's thanks.

[From the New York Times, Nov. 24, 1967]

Cyprus Troubleshooter: Cyrus Roberts Vance

Washington, November 23.—The urgent White House telephone call that sent Cyrus R. Vance off to Ankara and Athens to cool off the Cyprus dispute has added to his growing role as a Presidential troubleshooter.

The 50-year-old New York lawyer, who resigned as Deputy Secretary of Defense last July 1, was tapped by President Johnson on three occasions to visit hot spots during his six and a half years at the Pentagon.

The President dispatched Mr. Vance to Panama in 1964 during the Canal Zone riots and to the Dominican Republic during the 1965 civil war there. He also went to South Vietnam last year.

Even after Mr. Vance had left the Pentagon, he was called upon last July to serve as the President's representative in Detroit during the rioting.

Those close to Mr. Vance believe he is an ideal man for sensitive assignments because he combines emotional stability with precision of mind and an understanding of people. He has also earned a reputation for candor.

TREMENDOUS COMPASSION

"He's totally unflappable," says one Pentagon associate. "In the second place, he is a brilliant man with a keen, logical lawyer's mind. In the third place, he is the most human person I've ever met. He's a tremendous diplomat because he's got tremendous compassion."

Cyrus Roberts Vance is a handsome man with graying dark hair and a lanky frame that earned him the nickname Spider during his college hockey days. He dresses in dark, conservative suits that somehow have a slightly rumpled look. He is never caught with his black shoes unpolished.

Mr. Vance peers out at visitors over half-glasses that slip down on his nose. He looks steadily into the visitors' eyes, speaking in a clipped manner and puffing on a cigarette.

The Presidential envoy is a tennis and squash enthusiast who also enjoys hunting and reads widely. He is not much of a party-goer, preferring to relax at home with a Scotch on the rocks.

Mr. Vance was born in Clarksburg, W. Va., on March 27, 1917. His father died when the boy was 5 years old. His mother died last July.

After majoring in economics at Yale, Mr. Vance was graduated from the Yale Law School in 1942. He served on destroyers in the Navy during World War II.

In 1947, he joined the New York law firm of Simpson, Thacher & Bartlett, where he specialized in the preparation of civil cases.

President Johnson has been an admirer of Mr. Vance since 1957, when the young lawyer came to Washington to help set up an inquiry by the Senate Preparedness subcommittee into military and space programs. Mr. Johnson, then majority leader, was in charge of the hearings, and he prevailed upon Mr. Vance to stay on into 1958 as committee counsel.

When President Kennedy came into office in 1961, he named Mr. Vance as the Defense Department's General Counsel. During his first years in the Pentagon, Mr. Vance played a major role in reorganizing the department's operations, earning the respect of Secretary of Defense Robert S. McNamara.

NAMED BY TWO PRESIDENTS

Mr. Vance was named Secretary of the Army by President Kennedy in 1962, and two years later President Johnson elevated him to Deputy Secretary of Defense, in the Pentagon's second-ranking civilian job.

The demands of 12-hour days at the Pentagon began to tell on Mr. Vance, who was bothered by a painful back injury. The trouble was aggravated when he hurt his knee last year while examining a flat automobile tire, and it eventually forced him to resign.

Mr. Vance put his $115,000, seven-bedroom house here up for sale and moved to Manhattan with his wife, the former Grace Sloane, and five children. He has rejoined his old New York law firm. But his current journey for President Johnson indicates that he still can expect to see a good deal of the nation's capital.

[From the New York Times, Dec. 6, 1967]

Success of a Mission

When President Johnson tapped Cyrus R. Vance two weeks ago to be his troubleshooter in the Greek-Turkish dispute over Cyprus, it was recalled that the former Deputy Secretary of Defense had served with distinction on similar emergency missions to Panama, the Dominican Republic, South Vietnam and Detroit. He was described by some of his old Pentagon associates as precise, candid, fair and "unflappable."

Having returned with another successful mission under his belt, Mr. Vance has lived up in every respect to this impressive billing. Even the Turks, who first received him as a "nondescript lawyer," now hail him as "an experienced and qualified statesman."

There is just one thing to be added. This West Virginian turned New Yorker must be just about as close as a human can get to being the indestructible man. During nearly two weeks of continuous shuttling back and forth between Athens and Ankara, with side trips to Nicosia, and endless sessions of patient negotiation through anxious nights, Mr. Vance got practically no sleep, wore out his entourage and yet always was able to summon energy for just one more effort for peace.

The nation, and the world, owe Mr. Vance a vote of admiration and thanks, plus a bow to President Johnson for having sent him on this successful mission.

THE FOREIGN AID APPROPRIATION BILL

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, many Members of the House are now asking me when the conference report on the foreign aid appropriation bill will be called up for action.

Mr. Speaker, I asked for this time so as to inform the House Members that the Senate—or should I say "the other body"—has not yet taken up the foreign aid appropriation bill.

Until they do, there can be no conference or conference report.

Mr. Speaker, it seems to be the policy almost every year to wait until the very closing hours of the session before final action is taken on the foreign aid appropriation bill. There seems to be a tendency on the part of those who could expedite the handling of this bill to hold it up until the dying hours of a session of the Congress. The spenders seem to think that by delaying final action on the conference report on the foreign aid appropriation bill, they can get an excessive amount of money, whether it has been justified or not. However, I wish to assure the membership of the House that it will be my personal desire to see the Congress remain in session until Christmas Eve as we did once before rather than capitulate to the other body on an amount that has not been justified other than by the hordes of spenders in the executive branch.

To my way of thinking, the American people are sick and tired of the way we are handling their business. This applies not only to the Congress, but also to the executive branch. We are spending money we do not have for things we do not need, trying to be everything to everybody everywhere, and a lot of it on borrowed money.

With this country facing a deficit of approximately $35 billion for the current fiscal year, with the President hollering for a tax increase and with inflation frighteningly high, it is going to be extremely interesting to hear the conferees of the other body justify the $500 million increase over what the House approved only a few days ago.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentlewoman from New York.

Mrs. KELLY. I thank the distinguished gentleman from Louisiana for yielding. I thoroughly understand the problem that the gentleman and the Committee on Appropriations is now involved in resolving with the other body. However, I would like to emphasize the fact that had the Committee on Appropriations followed the same policy in the committee, it is my opinion that the matter could have been brought before the House before this late date.

Mr. PASSMAN. Mr. Speaker, may I say to the distinguished gentlewoman from New York [Mrs. KELLY] that so far as I know all appropriation bills have been passed by the Congress and signed into law with the exception of the foreign aid and supplemental appropriations. I was ready to report the foreign aid appropriation bill in June, but the authorizing committee did not give us an authorization bill until November, and even then we had to bring the bill to the floor with a rule because certain items had not been authorized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. Of course, I yield to the distinguished gentleman from Iowa.

Mr. GROSS. It is apparently becoming customary and, perhaps, appropriate that the foreign giveaway bill come out on Christmas Eve?

Mr. PASSMAN. Well, it is true that we disposed of the foreign giveaway bill on Christmas Eve in 1963. If I have the power, and the support of a majority of the House conferees on the Foreign Aid Committee on Appropriations and the membership of the House, I would prefer to see us stay in session until Christmas Eve this year rather than to capitulate to the other body on an increase of over one-half million dollars in title I only of the foreign aid appropriation bill.

PRESIDENT JOHNSON CONGRATULATES EAST AFRICAN COMMUNITY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, Presidents Kenyatta, of Kenya, Nyerere, of Tanzania, and Obote, of Uganda, met December 1 to inaugurate the coming into effect of the East African Community. They assembled at Arusha, in northern Tanzania, where the headquarters of the new organization will be located. Earlier, on June 6, the three Presidents had signed the Treaty for East African Cooperation establishing the organization. For the first time it brings together all aspects of regional economic cooperation in one basic legal document.

We here in the United States join with our African friends in saluting the birth of the East African Community. The new organization provides for the maintenance and strengthening of the common market through a common market council, as well as for continuation of common services which include railways and harbors, an airline, and posts and telegraphs. It also creates an East African Development Bank.

The strength of the desire for African unity was very much in evidence on this occasion. Not only does the organization formally join these neighbors and friends, but provision is made in the treaty for membership of or association with the Community by neighboring states. Several of them were represented at the inaugural ceremony. Included were President Kaunda, of Zambia, Emperor Haile Selassie, of Ethiopia, and President Abdirascid, of Somalia. President Kaunda has already publicly expressed Zambia's desire to be a member of the Community. There are also indications that several other nations are considering how they might become associated.

Mr. Speaker, President Johnson sent a message of congratulations to the three heads of state at Arusha which I include with these remarks in the RECORD:

His Excellency JOMO KENYATTA,
President of the Republic of Kenya.
His Excellency JULIUS NYERERE,
President of the United Republic of Tanzania.
His Excellency A. MILTON OBOTE,
President of the Republic of Uganda.

EXCELLENCIES: Your American friends join you and your peoples in celebrating the inauguration of the East African community. The birth of the community provides dramatic evidence to the world that the Governments of Kenya, Tanzania, and Uganda are determined not only to maintain but to strengthen the regional economic cooperation which has linked your countries in the past. By your statesmanship, you, the Presidents of these East African nations, have made a far-reaching contribution to the momentum as a unit which is a vital force in the new Africa. At a time when there is much divisiveness in the world, your decision to join hands to promote the common welfare is a heartening example to nations everywhere. In common with the representatives of your neighbors, who are gathered with you on this historic occasion, I offer you the heartfelt congratulations of the American Government and people.

Sincerely,

LYNDON B. JOHNSON.

HOOSIER HYSTERIA

Mr. MYERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MYERS. Mr. Speaker, my home State of Indiana has long been known for what we respectively refer to as Hoosier Hysteria, or called basketball elsewhere in the Nation. But a new epidemic has spread across Indiana which has been diagnosed as Rose Bowl fever which I feel compelled to bring to the attention of my colleagues.

The Cinderella football team from Indiana University at Bloomington, in my district, has completed one of the most exciting seasons in the school's history. They won nine of their 10 games, a share of the Big 10 title, and earned a berth in the Rose Bowl game at Pasadena, Calif., on January 1. I have had the honor of watching this group of men in action and consider them to be one of the finest examples of the younger generation which we hear so much about these days. Their desire and determination on the football field, I am certain, will stay with them as they make their way in life.

Added to the team's honors was the announcement today that their 39-year-old coach John Pont has been named Coach of the Year by the football writers of America. Pont must be credited as author of this fantastic rags to riches story which saw the Hoosiers climb from a 1–8–1 season in 1966 to a 9–1 mark this year.

Pont's impressive coaching career at his alma mater of Miami of Ohio, later at Yale and now Indiana University can only reflect on the genuine ability and determination of the man himself. His record of inspiring the young people around him to excel is one which should serve as an example for student and faculty alike across the land.

I plan to be on hand at Pasadena on January 1 when Coach Pont and the Hoosiers will take on the Nation's No. 2 team from the University of Southern California. If you cannot be with us at the Rose Bowl, I urge you to join the many IU fans across the country who will cheer them on from their armchairs on New Year's Day.

FREE WORLD SHIPPING TO NORTH VIETNAM

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, as has been my policy for the past year or so, I wish to take this occasion to share with my colleagues of the House the information contained in a report I have just received from the Department of Defense indicating that during this November there were five free world ships that delivered cargoes to North Vietnam. It is of particular interest to note that all of these ships were flying the British flag. With these added five British-flag vessels, there have now been a total of 68 free world ship arrivals in North Vietnam so far during 1967. The breakdown of these 68 vessels by country is as follows: British, 58; Cyprus, five; Malta, three; and Italy, two.

The British may well be in a financial crisis, and they no doubt need to maintain their foreign trade, but so long as the British law will permit the British flag to fly on vessels chartered to Communist interests, they should be held accountable for this trade. Let us make no mistake about it: Every ship flying the British flag, or any other free world ship, that puts its cargo on the docks of North Vietnam is helping the enemies of our country. Simply stated, the British are renting their flag to the Communists, and so long as the British flag continues to fly on ships that are going to North Vietnam, as they have been doing month after month to supply the sinews of war to the Hanoi regime, I cannot get sympathetic with the British over the predicament in which they now find themselves.

Mr. Speaker, some means should be found to stop this immoral trade.

LIBERALIZATION OF VETERANS' PENSIONS NEEDED

Mr. WAMPLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WAMPLER. Mr. Speaker, I am today introducing a bill which would liberalize the income limitations for a veteran or widow of a veteran so that no beneficiaries of veterans' pensions would realize a cut in benefits because of an increase in social security.

It would also change the present system of pensions so that the amount of pension paid would be on a graduated scale, according to income, and not a set amount according to an income bracket.

I know that the Veterans' Affairs Committee is aware that the need for the enactment of such a measure is vital, and I urge that this realistic approach to the VA pension system be reported to the House for consideration, with appropriate amendments in accordance with the social security bill, just as soon as that measure is finally acted upon by both Houses of the Congress.

CONGRESSMAN McCARTHY SUPPORTS LYNDON B. JOHNSON

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCARTHY. Mr. Speaker, since my name is McCARTHY and I am a Member of Congress, many people, to my surprise, have assumed that I am supporting the candidacy of my kinsman from Minnesota for the office of President of the United States. I take this time to state that I am not.

I am supporting President Lyndon B. Johnson, before the nomination, and after the nomination.

I do not believe the gentleman from Minnesota has offered anything constructive on the war. Nobody wants to end this war more than Lyndon B. Johnson.

Aside from the war, I feel he is one of our best Presidents in the fields of education, conservation, consumer affairs, and so many other areas. President Johnson is not only a good President. He is also a great President, and this is one McCARTHY in Congress who is supporting Lyndon B. Johnson.

PERMISSION TO HAVE UNTIL MIDNIGHT THURSDAY TO FILE A CONFERENCE REPORT ON H.R. 4765, INCOME TAX TREATMENT OF CERTAIN DISTRIBUTIONS PURSUANT TO THE BANK HOLDING COMPANY ACT OF 1956, AS AMENDED

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight, Thursday, December 7, 1967, to file a conference report on the bill H.R. 4765, relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROHIBITING AGE DISCRIMINATION IN EMPLOYMENT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 830) with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment, as follows:

> Page 8, of the House engrossed amendment, strike out all after line 20 over to and including line 2 one page 9 and insert:
>
> "(d) No civil action may be commenced by any individual under this section until the individual has given the Secretary not less than sixty days' notice of an intent to file such action. Such notice shall be filed—
>
> "(1) within one hundred and eighty days after the alleged unlawful practice occurred, or
>
> "(2) in a case to which section 14(b) applies, within three hundred days after the alleged unlawful practice occurred or within thirty days after receipt by the individual of notice of termination of proceedings under State law, whichever is earlier.
>
> Upon receiving a notice of intent to sue, the Secretary shall promptly notify all persons named therein as prospective defendants in the action and shall promptly seek to eliminate any alleged unlawful practice by informal methods of conciliation, conference, and persuasion."
>
> Page 9, of the House engrossed amendment, strike out all after line 2 over to and including line 2 on page 10 and insert:
>
> "(e) Sections 6 and 10 of the Portal-to-Portal Act of 1947 shall apply to actions under this Act."
>
> Page 10, line 10, of the House engrossed amendment, strike out "The" and insert: "In accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, the".
>
> Page 17, line 5, of the House engrossed amendment, strike out "sums" and insert: "sums, not in excess of $3,000,000 for any fiscal year,".

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, are the amendments germane to the bill?

Mr. PERKINS. That is correct.

Mr. GROSS. I ask the question because I understand another bill may soon come over from the other body to which totally ungermane legislation has been attached.

Mr. PERKINS. This is the bill that the House passed the day before yesterday and passed unanimously.

Mr. GROSS. I understand, but as I just stated another bill is scheduled to come over from the other body with completely ungermane amendments to it.

Mr. PERKINS. I do not know about that.

Mr. GROSS. All I want to ascertain is that the amendments are germane to this bill.

Mr. PERKINS. That is correct.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

TRIBUTE TO CONGRESSMAN CARL D. PERKINS, CHAIRMAN OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, late yesterday evening the House and Senate conferees on the poverty bill reached agreement and reported out a favorable conference report. I would like to take this opportunity to congratulate our colleague, the gentleman from Kentucky [Mr. PERKINS], the chairman of our full Committee on Education and Labor, for the truly inspiring and spectacular job that he did in conference.

When we went to conference we had 196 major points of disagreement between the two bodies. Under the skillful leadership of the gentleman from Kentucky, under his dedicated leadership, and under his determination to protect the interests of the House, we were able to resolve these differences and put together a bill that I think every Member of the House can support.

I would like particularly to stress that our chairman did retain the principal features of the home-rule provision that was enacted by this House, and I firmly believe that this new legislation, as it has been restructured by the House, will bring at least 2,000 additional communities into the poverty program by the time this legisaltion comes up for renewal in 1969.

We retained all the features of the home-rule amendment which I have fought for during the past 2 years. This amendment will eliminate or substantially reduce many of the shortcomings in the program in the past.

Mr. Speaker, the gentleman from Kentucky, CARL PERKINS, has written a spectacular page of achievement through his impressive leadership in the conference.

I am sure he deserves the gratitude not only of the people in his own district, but the people of the entire United States.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I am happy to yield to the majority leader.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with the remarks of the gentleman from Illinois. If anyone has ever worked any harder and with greater devotion on any bill than has CARL PERKINS on this bill, both in committee and in conference, I cannot remember who it was. He did a great job on behalf of the House.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I would personally like to express my appreciation to the gentleman from Illinois for bringing the results of this conference report to the attention of the House on this occasion, because I share his point of view with regard to the gentleman from Kentucky. If I have ever seen a magnificent job done by a committee chairman on a controversial piece of legislation since I have been here, the gentleman from Kentucky has done that job, and I think a number of other members of the committee have done yeoman work on it, too.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I would like to associate myself with the remarks of the three gentlemen who have preceded me. I think without any question, if it had not been for the patience, the persistence, and the understanding of the chairman of the House committee, the gentleman from Kentucky [Mr. PERKINS] we would not have been able to reach an agreement.

I also share with the gentleman from Illinois the belief that we bring back to the House a bill that contains the essential features of the legislation as it was passed by the House.

SUBSTITUTION OF CONFEREE ON S. 889, DESIGNATING SAN RAFAEL WILDERNESS, LOS PADRES NATIONAL FOREST, CALIF.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. REINECKE] be relieved from further duties on the conference committee on S. 889, to designate the San Rafael Wilderness, Los Padres National Forest in California.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Utah [Mr. BURTON] as a conferee, and the Clerk will notify the Senate.

AMENDING THE ACT ESTABLISHING THE PUBLIC LAND LAW REVIEW COMMISSION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12121) to amend the act of September 19, 1967 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 2, after line 14, insert:

"SEC. 2. Section 8 of the Act of September 19, 1964 (78 Stat. 986), is amended to read as follows:

" 'SEC. 8. The authorizations and requirements of this Act shall expire six months after the final report of the Public Land Law Review Commission has been submitted to Congress, except that any segregation prior to such time of any public lands from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land laws shall continue for the period of time allowed by this Act.'

"SEC. 3. Section 7 of the Act of September 19, 1964 (78 Stat. 988), is amended to read as follows:

" 'SEC. 7. The authority granted by this Act shall expire six months after the final report of the Public Land Law Review Commission has been submitted to Congress, except that sales concerning which notice has been given in accordance with section 3 hereof prior to such time may be consummated and patents issued in connection therewith after such time.' "

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I will not object—I would ask our distinguished chairman to explain the Senate amendment and tell the House whether or not this amendment is germane to the bill that is being considered.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield to me, I will be glad to explain.

Mr. Speaker, as you know, the House passed H.R. 12121 on August 21, 1967. This bill extends the life of the Public Land Law Review Commission by 1½ years or until December 31, 1970, rather than the present termination date of June 30, 1969. It also increases the amount authorized to be appropriated to finance the Commission by $3,390,000. The amendment is germane to the original legislation.

The Senate passed H.R. 12121 on November 30 with an amendment that would extend the life of two closely related acts to parallel the extension of time proposed for the Public Land Law Review Commission.

The first of these, Public Law 88–607, provides legislative guidelines for the orderly classification, retention, or disposal of public lands during the time that the Commission is conducting its study of these lands. The second, Public Law 88–608, permits the sale of certain public lands that have been classified for such disposal. These two acts were considered and passed at the same time that the Public Land Law Review Commission was created. They provide certain essential interim management and disposal authority to the Secretary of the Interior during the Commission's study and they also provide the Commission with valuable background material and case histories on the classification and management of public lands that may prove useful in its studies and recommendations to Congress.

Mr. Speaker, for these reasons I urge that the House concur in the Senate amendments to H.R. 12121.

Mr. SAYLOR. Mr. Speaker, I commend our colleague, the chairman of the House Interior and Insular Affairs Committee, for his explanation. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 425]

Abbitt
Abernethy
Adair
Annunzio
Arends
Ashley
Barrett
Bates
Battin
Bell
Bingham
Bolling
Bray
Broomfield
Button
Cahill
Cederberg
Clausen,
  Don H.
Daddario
Dawson
Derwinski
Dickinson
Diggs
Dingell
Eshleman
Fountain
Frelinghuysen
Gardner
Gurney
Hagan
Halleck
Hansen, Wash.
Hardy
Heckler, Mass.
Holifield
Jones, Mo.
Keith
Landrum
Latta
McFall
Mathias, Md.
Miller, Calif.
Monagan
Moorhead
Multer
Pepper
Pike
Pirnie
Reinecke
Resnick
Rhodes, Ariz.
St. Onge
Sandman
Schweiker
Scott
Sisk
Steed
Stratton
Tuck
Van Deerlin
Vanik
Watkins
Watson
Watts
Willis
Wilson,
  Charles H.
Wright
Wyatt
Wydler

The **SPEAKER**. On this rollcall, 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL JUDICIAL CENTER

Mr. **CELLER**. Mr. Speaker, I call up the conference report on the bill (H.R. 6111) to provide for the establishment of a Federal Judicial Center, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 996)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6111) to provide for the establishment of a Federal Judicial Center having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—FEDERAL JUDICIAL CENTER

SEC. 101. Title 28, United States Code, is amended by inserting, immediately following chapter 41, a new chapter as follows:

"CHAPTER 42.—FEDERAL JUDICIAL CENTER

"Sec.
"620. Federal Judicial Center.
"621. Board; composition, tenure of members, compensation.
"622. Meetings; conduct of business.
"623. Duties of the Board.
"624. Powers of the Board.
"625. Director and staff.
"626. Compensation of the Director.
"627. Retirement; employee benefits.
"628. Appropriations and accounting.
"629. Organizational provisions.

"§ 620. Federal Judicial Center

"(a) There is established within the judicial branch of the Government a Federal Judicial Center, whose purpose it shall be to further the development and adoption of improved judicial administration in the courts of the United States.

"(b) The Center shall have the following functions:

"(1) to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies;

"(2) to develop and present for consideration by the Judicial Conference of the United States recommendations for improvement of the administration and management of the courts of the United States;

"(3) to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch of the Government, including, but not limited to, judges, referees, clerks of court, probation officers, and United States commissioners; and

"(4) insofar as may be consistent with the performance of the other functions set forth in this section, to provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

"§ 621. Board; composition, tenure of members, compensation

"(a) The activities of the Center shall be supervised by a Board to be composed of—

"(1) the Chief Justice of the United States, who shall be the permanent Chairman of the Board;

"(2) two active judges of the courts of appeals of the United States and three active judges of the district courts of the United States elected by vote of the members of the Judicial Conference of the United States: *Provided, however,* That the judges so elected shall not be members of the Judicial Conference of the United States; and

"(3) the Director of the Administrative Office of the United States Courts, who shall be a permanent member of the Board.

"(b) The term of office of each elected member of the Board shall be four years: *Provided, however,* That section 629 of this chapter shall govern the terms of office of the first members elected to the Board: *And provided further,* That a member elected to serve for an unexpired term arising by virtue of the death, disability, retirement, or resignation of a member shall be elected only for such unexpired term.

"(c) No member elected for a four-year term shall be eligible for reelection to the Board.

"(d) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

"§ 622. Meetings; conduct of business

"(a) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the Chairman, acting at his own discretion or pursuant to the petition of any four members.

"(b) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the members present and voting.

"§ 623. Duties of the Board

"(a) In its direction and supervision of the activities of the Federal Judicial Center, the Board shall—

"(1) establish such policies and develop such programs for the Federal Judicial Center as will further achievement of its purpose and performance of its functions;

"(2) formulate recommendations for improvements in the administration of the courts of the United States, in the training of the personnel of those courts, and in the management of their resources;

"(3) submit to the Judicial Conference of the United States, at least one month in advance of its annual meeting, a report of the activities of the Center and such recommendations as the Board may propose for the consideration of the Conference;

"(4) present to other government departments, agencies, and instrumentalities whose programs or activities relate to the administration of justice in the courts of the United States the recommendations of the Center for the improvement of such programs or activities;

"(5) study and determine ways in which automatic data processing and systems procedures may be applied to the administration of the courts of the United States, and include in the annual report required by paragraph (3) of this subsection details of the results of the studies and determinations made pursuant to this paragraph; and

"(6) consider and recommend to both public and private agencies aspects of the operation of the courts of the United States deemed worthy of special study.

"(b) The Board shall transmit to Congress and to the Attorney General of the United States copies of all reports and recommendations submitted to the Judicial Conference of the United States. The Board shall also keep the Committees on the Judiciary of the United States Senate and House of Representatives fully and currently informed with respect to the activities of the Center.

"§ 624. Powers of the Board

"The Board is authorized—

"(1) to appoint and fix the duties of the Director of the Federal Judicial Center, who shall serve at the pleasure of the Board;

"(2) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to the performance of the functions of the Federal Judicial Center set forth in this chapter, and each such department, agency, or instrumentality is directed to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Center upon request of the Chairman or upon request of the Director when the Board has delegated this authority to him;

"(3) to contract with and compensate government and private agencies or persons for research projects and other services, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and to delegate such contract authority to the Director of the Federal Judicial Center, who is hereby empowered to exercise such delegated authority.

"§ 625. Director and staff

"(a) The Director shall supervise the activities of persons employed by the Center and perform other duties assigned to him by the Board.

"(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: *Provided, however,* That the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule pay rates, section 5316, title 5, United States Code: *And provided further,* That the salary of a reemployed annuitant under the Civil Service Retirement Act shall be adjusted pursuant to the provisions of section 8344, title 5, United States Code.

"(c) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of title 5, United States Code, governing appointments in competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(d) The Director may procure personal services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the highest rate payable under General Schedule pay rates, section 5332, title 5, United States Code.

"(e) The Director is authorized to incur necessary travel and other miscellaneous expenses incident to the operation of the Center.

"§ 626. Compensation of the Director

"The compensation of the Director of the Federal Judicial Center shall be the same as that of the Director of the Administrative Office of the United States Courts, and his appointment and salary shall not be subject to the provisions of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: *Provided, however*, That any Director who is a justice or judge of the United States in active or retired status shall serve without additional compensation.

"§ 627. Retirement; employee benefits

"(a) A Director of the Federal Judicial Center who attains the age of seventy years shall be retired from that office.

"(b) The Director, the professional staff, and the clerical and secretarial employees of the Federal Judicial Center shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code: *Provided, however*, That the Director, upon written notice filed with the Director of the Administrative Office of the United States Courts within six months after the date on which he takes office, may waive coverage under subchapter III of chapter 83 of title 5, United States Code (relating to civil service retirement), and elect coverage under the retirement and disability provisions of this section: *And provided further*, That upon his non-retirement separation from the Federal Judicial Center, such waiver and election shall not operate to foreclose to the Director such opportunity as the law may provide to secure civil service retirement credit for service as Director by depositing with interest the amount required by section 8334 of title 5, United States Code.

"(c) Upon the retirement of a Director who has elected coverage under this section and who has served at least fifteen years and attained the age of sixty-five years the Director of the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

"Upon the retirement of a Director who has elected coverage under this section and who has served at least ten years, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 60 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

"(d) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has served at least fifteen years, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has served less than fifteen years, but in no event less than 50 per centum of such salary.

"(e) For the purpose of this section, 'service' means service, whether or not continuous, as Director of the Federal Judicial Center, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

"§ 628. Appropriations and accounting

"There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Federal Judicial Center.

"§ 629. Organizational provisions

"(a) The terms of office of the members first elected to the Board shall commence on the thirtieth day after the first meeting of the Judicial Conference after the date on which this chapter shall take effect.

"(b) The members first elected to the Board shall continue in office for terms of one, two, three, three, and four years, respectively, the term of each to be designated by the Judicial Conference of the United States at the time of his election.

"(c) Members first elected to the Board who are designated by the Judicial Conference of the United States to serve terms of office of less than four years shall be eligible for reelection to one full term of office."

TITLE II—ADDITIONAL AMENDMENTS TO TITLE 28, UNITED STATES CODE

SEC. 201. (a) Chapter 41 of title 28, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 611. Retirement of Director

"(a) The Director may, by written election filed with the Chief Justice of the United States within six months after the date on which he takes office, waive coverage under subchapter III (relating to civil service retirement) of chapter 83, title 5, United States Code, and bring himself within the purview of this section. Such waiver and election shall not operate to foreclose to the Director, upon separation from service other than by retirement, such opportunity as the law may provide to secure civil service retirement credit for service as Director by depositing with interest the amount required by section 8334 of title 5, United States Code.

"(b) Upon the retirement of a Director who has elected coverage under this section and who has served at least fifteen years and attained the age of sixty-five years the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

"Upon the retirement of a Director who has elected coverage under this section and who has served at least ten years, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

"(c) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has served at least fifteen years, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has served less than fifteen years, but in no event less than 50 per centum of such salary.

"(d) For the purpose of this section, 'service' means service, whether or not continuous, as Director of the Administrative Office of the United States Courts, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, or a civilian official appointed by the President, by and with the advice and consent of the Senate."

(b) The table of contents preceding such chapter is amended by inserting at the end thereof the following new item:

"611. Retirement of Director.".

SEC. 202. Section 376, title 28, United States Code, is amended by adding the following new subsections:

"(r) The Director of the Federal Judicial Center shall be deemed a judge of the United States for the purposes of this section and shall be entitled to bring himself within the purview of this section by filing an election as provided in subsection (a) of this section within the time therein specified. As applied to a Director of the Federal Judicial Center, the phrase 'retirement from office by resignation on salary under section 371(a) of this title' as used in subsections (b), (c), (g), (i), and (n) of this section shall mean 'retirement from office under subsection (c) or (d) of section 627 of this title or by removal after not less than ten years service', the phrase 'salary paid after retirement' as used in subsection (b) of this section shall mean 'annuity paid after retirement under subsection (c) or (d) of section 627 of this title', and the phrase 'resigns from office other than on salary under section 371 (a) of this title' as used in subsection (f) of this section shall mean 'resigns from office otherwise than on retirement under subsection (c) or (d) of section 627 of this title or is removed after less than ten years service'.

"(s) The Director of the Administrative Office of the United States Courts shall be deemed a judge of the United States for the purposes of this section and shall be entitled to bring himself within the purview of this section by filing an election as provided in subsection (a) of this section within the time therein specified. As applied to a Director of the Administrative Office of the United States Courts, the phrase 'retirement from office by resignation on salary under section 371(a) of this title' as used in subsections (b), (c), (g), (i), and (n) of this section shall mean 'retirement from office under section 611 of this title or by removal after not less than ten years service', the phrase 'salary paid after retirement' as used in subsection (b) of this section shall mean 'annuity paid after retirement under section 611 of this title', and the phrase 'resigns from office other than on salary under section 371(a) of this title' as used in subsection (f) of this section shall mean 'resigns from office otherwise than on retirement under section 611 of this title or is removed after less than ten years service'."

SEC. 203. Subsection (a) of section 604, title 28, United States Code, is amended by amending:

(a) Paragraph (7) to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business,";

(b) Paragraph (9), to insert between the word "courts" and the word "and" a comma and the words "the Federal Judicial Center,";

(c) Paragraphs (10) and (11), to insert between the word "courts" and the word "and" a comma and the words "the Federal Judicial Center,".

SEC. 204. The table of contents to "PART III.—COURT OFFICERS AND EMPLOYEES" of title 28, United States Code, is amended by inserting after

"41. Administrative Office of the United States Courts .... 601"

a new chapter reference as follows:

"42. Federal Judicial Center .... 620".

SEC. 205. (a) Except as provided in subsection (b), the amendments made by this title, insofar as they relate to retirement and survivorship benefits of the Director of the Administrative Office of the United States Courts, shall be applicable only with respect to persons first appointed to such office after the date of enactment of this Act.

(b) The provisions of section 611(a), the first paragraph of section 611(b), and section 376(s), of title 28, United States Code, as added by such amendments, shall be applicable to a Director or former Director of the Administrative Office of the United States Courts who was first appointed prior to the date of enactment of this Act if at the time such Director or former Director left or leaves such office he had, or shall have, attained the age of sixty-five years and completed fifteen years of service as Director of the Administrative Office of the United States Courts and if, on or before the expiration of six months following the date of enactment of this Act, he makes the election referred to in section 611(a) or section 376(s), or both, as the case may be.

Amend the title so as to read: "An Act to provide for the establishment of a Federal Judicial Center, and for other purposes."

And agree to the same.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
CLARK MACGREGOR,
ROBERT MCCLORY,
Managers on the Part of the House.
JOSEPH D. TYDINGS,
SAMUEL J. ERVIN, Jr.,
PHILIP A. HART,
ROMAN L. HRUSKA,
EVERETT M. DIRKSEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6111) to provide for the establishment of a Federal Judicial Center, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate passed the House bill after amending it by striking out all after the enacting clause and inserting its own provisions. The House disagreed to the Senate amendment and requested a conference; the Senate then agreed to the conference.

The conference report recommends that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment. The amendment makes two changes in the bill as passed by the Senate. First, the word "stimulate" is added to paragraph 620(b)(3), relating to programs of continuing education and training for judicial personnel. New paragraph 620(b)(3) provides that one function of the Center will be to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch.

Second, the amendment inserts a new paragraph 623(a)(5), relating to the use of automatic data processing and systems procedures, in lieu of the provision passed by the Senate.

With respect to the use of automatic data processing and systems procedures in the administration of the Federal judicial system, the House directed the Board of the Federal Judicial Center to ". . . study and determine ways in which automatic data processing and systems procedures may be used in Federal judicial administration." The House further required the Board specifically to submit to the Congress separate annual reports on the results of such studies.

In the Senate, the provision related to the use of automatic data processing and systems procedures required the Board of the Federal Judicial Center to ". . . evaluate proposals for the application of data processing and systems techniques to the administration of the courts of the United States." The Senate did not require a separate report on the discharge of this responsibility.

While the language in the Senate version is designed to accomplish the same objective of that of the House, the conferees preferred the more affirmative statement, particularly the provision for a separate reporting requirement, that had been passed originally by the House. The conferees believe that it is imperative that the Board study and use all modern advanced administrative techniques and tools in the solution of the administrative problems that now confront the Federal judiciary.

Representative MacGregor and Representative McClory, although they signed the conference report, emphasize their exceptions to two portions of the amendment. They would except as to that part of section 620 that locates the Federal Judicial Center in the judicial branch of the Government rather than in the Administrative Office of the United States Courts, and except as to that part of section 625 that authorizes the Director to appoint and fix the compensation of professional personnel rather than to require the Board to appoint and fix the compensation of such personnel.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
CLARK MACGREGOR,
ROBERT MCCLORY,
Managers on the Part of the House.

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman give us a brief explanation of what occurred in the conference?

Mr. CELLER. I will be glad to.

H.R. 6111 provides for the establishment of a Federal Judicial Center to foster research and development for improvements in the administration of the U.S. judicial system. This bill has not been a subject of controversy. It passed the House on June 19, 1967, on suspension of the rules after it had been unanimously recommended by both Subcommittee No. 5 and by the full Committee on the Judiciary.

When the Senate passed the bill on November 17, 1967, it struck all after the enacting clause, and inserted new provisions. In addition to a number of grammatical and stylistic changes, the Senate amendment contained five substantive differences from the House-passed bill that were of concern to the conferees.

The conference committee has resolved these differences and recommends that the House recede, and concur in the Senate amendment with an amendment.

The amendment makes two changes in the bill as passed by the Senate. First, the word "stimulate" is added to paragraph 620(b)(3); relating to programs of continuing education and training for judicial personnel. New paragraph 620(b)(3) provides that one function of the Center will be "to stimulate, create, develop, and conduct" programs of continuing education and training for personnel of the judicial branch.

Second, the recommended amendment inserts a new paragraph 623(a)(5), relating to the use of automatic data processing and systems procedures, in lieu of the provision passed by the Senate.

With respect to the use of automatic data processing and systems procedures in the administration of the Federal judicial system, the House directed the Board of the Federal Judicial Center to "study and determine ways in which automatic data processing and systems procedures may be used in Federal judicial administration." The House further required the Board specifically to submit to the Congress separate annual reports on the results of such studies.

In the Senate, the provision related to the use of automatic data processing and systems procedures required the Board of the Federal Judicial Center to "evaluate proposals for the application of data processing and systems techniques to the administration of the courts of the United States." The Senate did not require a separate report on the discharge of this responsibility.

While the language in the Senate version is designed to accomplish the same objective of that of the House, the conferees preferred the more affirmative statement, particularly the provision for a separate reporting requirement, that had been passed originally by the House. The conferees believe that it is imperative that the Board study and use all modern advanced administrative techniques and tools in the solution of the administrative problems that now confront the Federal judiciary.

The conferees agreed to accept the provisions adopted by the Senate on the following issues:

1. LOCATION OF THE JUDICIAL CENTER

The Senate provided that the Federal Judicial Center would be established "within the judicial branch of the Government"—section 620(a). The House, as a matter of organization, had located the Judicial Center "in the Administrative Office of the U.S. Courts." The conferees accepted the Senate view to emphasize that the Federal Judicial Center was not to be a subordinate or a constituent part of the Administrative Office of the U.S. Courts. These two offices are to be equal in stature, each has different functions. The Administrative Office is the "operations arm" of the judicial branch; it is charged with the record keeping, budgeting, statistics gathering, and other personnel administrative functions. The Federal Judicial Center, on the other hand, is the "research and development arm" of the judiciary, and is to be responsible for the development of improved techniques in the administration of the courts.

2. APPOINTMENT OF PROFESSIONAL PERSONNEL

Section 625(b) of the bill, as it passed the Senate, authorizes the Director to appoint and fix the compensation of the personnel staff of the Center. The House had required the Board of Directors of the Center to appoint and fix the salary of the staff. The conferees accepted the Senate language. It was considered to be better administrative practice for the Director, who is responsible for the Center's performance, to have the power to hire the employees that serve under him. The Director needs the authority to hire staff in order to effectively carry out the directions of the Board. In addition, it would be unwieldy for the Board, since it meets only quarterly, to be directly concerned with personnel matters of this sort.

3. QUALIFICATIONS FOR BOARD MEMBERSHIP

The Board of the Federal Judicial Center is to be composed of the Chief Justice of the United States, who is the permanent chairman, two judges from the courts of appeals, and three judges from the district courts of the United States. The Senate in its amendment required all members of the Board to be active judges; and specifically provided that Board members could not also be members of the Judicial Conference. The House language permitted senior judges and members of the Judicial Conference to be eligible to serve as members of the Board of the Judicial Center. The conferees adopted the Senate provision. It was felt that active judges would likely be more familiar with the problems that currently face the judiciary, and would be more ready to authorize research in innovative procedures and techniques. Further, the experience of senior judges, under the bill, may be made available to the Board by having them serve as consultants. The prohibition against members of the Judicial Conference serving on the Board is to avoid interlocking relationships between the Conference and the Board. The Judicial Center in its operations may be called upon to evaluate the work of the Judicial Conference or its committees, and the Conference will regularly review the work of the Center. The objectivity of both the Center and Conference could be impaired if the same individuals were eligible to serve on both.

Mr. McCLORY. Mr. Speaker, will the gentleman from New York yield 10 minutes to me?

Mr. CELLER. I yield 10 minutes to the gentleman from Illinois [Mr. McClory] who has rendered yeoman service in connection with this bill.

The SPEAKER. Will the gentleman from New York yield further to the gentleman from Iowa?

Mr. CELLER. I yield to the gentleman from Illinois, who is a member of the committee.

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding. I would like to make some comments with reference to this conference committee report. In my opinion, the bill establishing a Federal Judicial Center is a most significant piece of legislation. It offers great hope for the expedition and the administration of justice in our Federal courts. The aim is to develop some modern techniques, modern machinery through which we can help to eliminate part of the backlog in our Federal courts, and so we will not be faced constantly with the need of providing more and more Federal judges to take care of the increasing caseload.

A great many of the States have already provided for modernizing machinery, and really what we are seeking to have the Federal court system do is to adopt some of the patterns that have already been laid out by these State courts.

For one thing, we want the courts to take advantage of automatic data processing so that we can know where the cases are, how big the caseload the various judges are taking care of, where the greatest need for judicial talent is, how long we are taking in the trial of cases, how many cases judges are handling, and a great many of the things which are necessary in order to do an efficient and modern job in our Federal court system.

When we established the Administrative Office of the U.S. Courts in 1939, it was hoped that it would provide the complete answer. But it is now felt that supplementary legislation establishing a Federal Judicial Center is needed in order to carry out the job in a more efficient and modern way.

May I explain briefly the differences in the views of the House and Senate memberships with regard to this legislation? In the House bill we provided that the Judicial Center should be housed in the office of the Administrative Office of the U.S. Courts. The gentleman from Iowa asked the question of me during the debate on this bill as to where the Judicial Center would be located.

I assured him, in response, that the office would be located in the Administrative Office of the U.S. Courts and that we would not need any new office. In the Senate they amended our bill and provided that the Center should be an independent agency established in the judicial branch, so that it would be separate and distinct and independent from the Administrative Office of the Courts except for the fact that the Director of the Administrative Office would serve on the board of the Judicial Center and for audit and fiscal purposes. Otherwise, there is no structural administrative liaison between the two offices.

Also, we provided in the House bill that we wanted the board to assume responsibility for the management of the Judicial Center and that the board should appoint and fix the compensation of the professional staff, because we felt that they should assume and take on that responsibility, and not appoint a director and then have the director appoint the staff. The other body disagreed with us on that point and decided that the director should be the person who should appoint and fix the compensation of the professional staff.

Those are the two main points of difference. If you look at the statement of the managers on the part of the House, you will notice the gentleman from Minnesota, Mr. MacGregor, and I excepted from those two parts of the conference report. We stated our exception in the statement of the managers on the part of the House. I am informed that parliamentary procedure limits us to that form as the only way we can express those exceptions while desiring at the same time to support the objectives and aims and the general concept of this legislation.

That, in brief, is my position with regard to this legislation. Those are the points of difference, and that is the acquiescence which the House conferees had to provide in order to get a conference report here for action at this session.

Mr. Speaker, as the report of the committee on conference appointed to resolve the differences between the House and the Senate with respect to H.R. 6111 indicates, I have approved the report with two exceptions. These two exceptions appear to me to be sufficiently basic to this landmark legislation to warrant a brief explanation.

Mr. Speaker, there is an urgent need for establishing a Federal Judicial Center, first, to provide research and technical support including education and training of personnel in the judicial branch of Government; and, second, for staff research and planning assistance to the Judicial Conference of the United States. These are vital to an improved administration of justice in our Federal court system.

It was the hope of many that a complete answer to a more expeditious and orderly handling of cases in the Federal courts would be accomplished through the enactment in 1939 of the Administrative Office Act. While that legislation has served a most useful purpose, the need to supplement the work of the Administrative Office has become apparent.

The serious question which has arisen in my mind between the Senate and House versions of this legislation is where the new Judicial Center shall be reposed. The President of the United States in his message to the Congress of February 6, 1967, recommended that—

> A Federal Judicial Center, *established in the Administrative Office of the United States Courts*, will enable the courts to begin the kind of self-analysis, research and planning necessary for a more effective judicial system—and for better justice in America.

The Attorney General of the United States, the Judicial Conference, a Special Committee appointed by the Chief Justice of the United States and all who recommended this legislation to the House Judiciary Committee emphasized that the proposed Judicial Center should be established in the Administrative Office of the U.S. Courts.

In the House bill passed on June 19, 1967, it was specifically provided in section 620 of that bill, as follows:

> *There is established in the Administrative Office of the United States Courts a Federal Judicial Center* for the purpose of seeking knowledge of the best methods of judicial administration through scientific study so that it may be possible to administer justice in the Federal courts with maximum effectiveness and minimum waste.

In other words, the aim of providing maximum effectiveness and minimum waste in our Federal courts was coupled with the establishment of a Federal Judicial Center in the Administrative Office of the U.S. Courts.

The Senate version of this legislation departed completely from this philosophy and provided instead that the Federal Judicial Center shall be established within "the judicial branch of the Government." In other words, the Senate seeks to establish the Federal Judicial Center as a new and independent governmental agency which is neither lodged in the Administrative Office of the U.S. Courts nor in the Department of Justice, nor any other existing Federal department or agency.

The broad description of "the judicial branch of Government" is nowhere provided in the Constitution or laws of the United States. While article III of the Constitution refers to the "judicial power" of the United States, the courts which are specified are nowhere denominated as "judicial branch" of the Government. To give support to legislative language of this character would seem to justify future legislation establishing new and independent bureaus and agencies in the "judicial branch" and "legislative branch" of the Federal Government. The inartistic language of the Senate version would establish not only a precedent with regard to new agencies and bureaus in these branches of Government, but, in addition, would seem to provide a unique quality of autonomy and independence which no other agency of Government appears to enjoy.

In the report of the Special Committee appointed by the Chief Justice to the chairman of the House Judiciary Committee, dated May 10, 1967, the suggestion for establishing the Judicial Center as a separate or independent agency was specifically and emphatically rejected. This report on page 4 declares:

> The Special Committee concluded that it would only cause friction and difficulty if the Center was organized as a third body, separate and distinct from the Judicial Conference and the Administrative Office which acts under direction of the Conference. The Special Committee concluded that efficient, coordinated management and development of the Judicial Conference programs and projects can be achieved by establishing the Federal Judicial Center in the Administrative Office but with its own autonomous board of judges to be elected by the Judicial Conference.

The Special Committee set forth advantages which this form of organization would permit.

The concept of a Judicial Center distinctly separate from the Administrative Office of the U.S. Courts appears to have evolved among staff members of the other body or elsewhere. This concept is not reflected in any of the legislative proposals introduced on this subject in the House, nor is it supported by any of the testimony or recommendations upon which the House acted.

As the hearings and Senate committee Report No. 781 indicated, the work of the Judicial Center and that of the Administrative Office should be very closely related one to the other. The Judicial Center should form the technical and research arm while the housekeeping or administrative arm should continue in the Administrative Office of the U.S. Courts. The need for close liaison and cooperation are readily apparent since the objective of both offices is to expedite and improve the administration of justice. Indeed, all versions of this legislation have provided that the Director of the Administrative Office of the U.S. Courts shall be a permanent member of the Board of the Judicial Center.

To reject the recommendations made to the House Judiciary Committee, and to permit instead the establishment of the Judicial Center as a new and independent agency is to countenance proliferation of Government and to run the risk of the creation of a new bureaucracy. Such an agency with its independent status may well duplicate through its personnel and operations existing functions of the Administrative Office itself.

The budget submitted to the committee and to the House of Representatives contained no provision for a new or additional office or building where the Judicial Center might be located. Indeed, during the House debate on this measure, the gentleman from Iowa [Mr. GROSS] inquired "as to where the Judicial Center is going to be located," to which I replied unequivocally, "the Judicial Center will be located in the Administrative Office of the U.S. courts, which already is established, I believe, in the Supreme Court Building. The Judicial Center will be located in the same office. This supplements what was done, I believe, about 20 years ago. I am not sure when the Administrative Office of the Courts was established, but it was a long time ago, and this brings the whole system up to date." I could not depart from this assurance which I gave to the House during House debate on this measure, nor could I fail to support the House position with regard to this vital and basic aspect of the Judicial Center legislation. As a House conferee I worked diligently to keep faith with the House membership.

I can only hope that following approval of this conference committee report the Judicial Center will, indeed, be established in the Administrative Office of the U.S. Courts. The language which was inserted by the other body, and insisted upon by its conferees, does not, in my opinion, prevent establishment of the Judicial Center in the Administrative Office of the U.S. Courts. Accordingly, I am hopeful that, despite the broad and imperfect language to which the conferees have agreed, the original intention of this House will be honored.

In addition, Mr. Speaker, I have taken exception to that part of the bill which permits the Director of the new Judicial Center to appoint and fix the compensation of professional personnel. In my opinion, the House version of this legislation which lodged this responsibility in the Board, should have been followed by the conferees. The professional personnel, in addition to their responsibility to the Director, should be answerable to the members of the Board. The Board established by this legislation is intended to be a responsible and acting Board charged with the general direction and supervision of the activities of the Federal Judicial Center. The members are not intended to be figureheads, nor should they delegate their responsibility with regard to the "professional personnel" which may serve in the new Judicial Center. It is expected that such professional personnel will be highly skilled specialists enjoying high salaries.

The issue as to whether or not the Board should possess this authority was debated fully and thoroughly in the House Judiciary Committee. It was discussed during the general debate on this measure and the House position was made eminently clear. I am disappointed that the House conferees were obliged to recede from their position on this issue. Accordingly, I have been constrained to except also to that part of the conference committee report.

I am heartened by other provisions of this legislation, including the emphasis placed upon the use of automatic data processing to assist in the work of the Center. I am hopeful also that the seemingly endless practice of appointing new and additional Federal judges and other judicial personnel may be averted and that the efficient and effective utilization of personnel and facilities may be greatly augmented.

Mr. Speaker, I am proud to have been associated with the formulation of this key legislation. My disappointments with respect to the final version of the measure are counterbalanced by my confidence that the measure as passed will be interpreted and applied in a manner not inconsistent with the hopes and aims of those of us who have given this subject the careful study and earnest support which it has received and deserves.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Speaker, the gentleman from Illinois [Mr. MCCLORY] has accurately outlined the two points in the conference report which are deeply troubling to the gentleman from Illinois and the gentleman from Minnesota.

The gentleman from Illinois worked very assiduously and very effectively on this bill in Subcommittee No. 5 of the House Committee on the Judiciary. He continued that work during deliberations of the full Committee on the Judiciary, and he was, I may say, in my judgment the most active, the most knowledgeable, and the most farsighted of the conferees in the consideration of this particular proposal.

I am troubled by the fact that the hearings held in the Judiciary Committee of the other body do not in any measure whatsoever support the Senate version of the bill in the two particulars to which the gentleman from Illinois and I object. I am particularly disturbed, in addition, by the fact that these changes were made in the other body without consultation with the Administrative Office of the U.S. Courts and without any opportunity for responsible officials of the Administrative Office of the U.S. Courts to counsel with our sister group in the other body on the wisdom of these changes.

The two changes to which I refer are the changes made in the other body, and accepted by the conferees, which are outlined at the bottom of page 9 and the top of page 10 of the conference report. They are located in the section entitled "Statement of the Managers on the Part of the House."

Those two provisions, again for emphasis, are as follows, and they are the two provisions to which the gentleman from Illinois and I object most strenuously. In the first provision the Senate version locates the Federal Judicial Center in the judicial branch of the Government rather than in the Administrative Office of the U.S. Courts. The second provision, to which we except most strenuously, is that which authorizes the director appoint and fix the compensation of professional personnel, rather than, as provided in the House, requiring the board to appoint and fix the compensation of such personnel.

Mr. Speaker, I feel that wholly inadequate and in some respects improper legislative procedures led to the adoption of the Senate version of these two particular provisions, and I register my objections most strenuously.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the chairman of the committee.

Mr. CELLER. I want to address my statement to both the gentleman from Illinois and to the gentleman from Minnesota.

I recognize that both gentlemen fought hard to bring about the suggestions about which they have told us. I take it they realize every conference involves a compromise. I take it, however, they are in favor of passage of this legislation and are reporting favorably on the conference report, but they want to register as emphatically as they can their exceptions to these two provisions.

Is that the attitude of the gentleman from Illinois?

Mr. McCLORY. Let me say, in response to the comment of the chairman of the committee, it was my position that the House version was the sound one. We were following the recommendations of the President, who recommended this legislation to the Congress. Also, we were following the recommendations of the Special Committee of the Judicial Conference. And we were following the recommendations of the American Bar Association, and the recommendations of Subcommittee No. 5 and of the Committee on the Judiciary of the House.

I might say, with regard to the power of the Board with respect to the appointment of and the fixing of compensation of professional personnel, the gentleman from California [Mr. CORMAN] participated actively in the debate and supported that version following a debate in the subcommittee on that issue.

Let me add that the Senate version, adopted in the other body, does not emanate from the official recommendations to the House and does not emanate from the legislation as introduced by the gentleman from California and myself or by the chairman of the committee and others, but springs from some other source, which is a little mystifying to me and I believe to the gentleman from Minnesota.

I am supporting this legislation. It is my hope that in the application of this legislative measure the House recommendation to utilize the Office of the Administrative Office of the U.S. Courts will be taken advantage of.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. In connection with the remarks of the distinguished chairman of the Committee of the Judiciary, the gentleman from Illinois [Mr. McCLORY] and the gentleman from Minnesota, not only were fighting in conference for what they thought was right, but were fighting to maintain the House position, the House-passed bill, which we understand is the function of the House conferees.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CELLER. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. MACGREGOR. We were fighting also to maintain and to enact into law, as the House proposed, the formal recommendations to us from the Judicial Conference.

Let the record show that we have received no revision of those recommendations which would support the Senate-sponsored provisions of the conference report that are brought before the House today.

Mr. McCLORY. The gentleman from Minnesota is absolutely correct.

Mr. CELLER. Mr. Speaker, will the gentleman yield so that I may address an inquiry to the gentleman from Minnesota?

Mr. McCLORY. I yield.

Mr. CELLER. I take it, despite what the gentleman has said, he will support this conference report?

Mr. MACGREGOR. The gentleman from Minnesota signed the conference report with great reservations, making it clear he took these two specific exceptions to the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. GROSS. First let me ask the gentleman the ultimate cost as a result of the conference report changes to the House bill as to the cost of the establishment of this institution?

Mr. McCLORY. We inquired about that. It was represented to us as conferees that there would be no additional cost involved in this change in the legislation.

However, I may say that the budget estimate presented to the committee, when we considered this legislation, did not include any amount for rent or for new office space or anything of that nature. It also contemplated administrative functions like budget and personnel would be provided by the Administrative Office. If the office is to be located elsewhere than in the Administrative Office of the U.S. Courts, and if separate administrative functions will have to be provided out of the Center's budget, it is bound to involve some additional money.

Mr. GROSS. From where is the personnel to be obtained, now to be placed in the hands of the Director for selection? From where is this personnel to be obtained?

Mr. McCLORY. The professional personnel would be the same as that contemplated in our House bill. I do not think that there is any change in the number. It may be there will be additional administrative and clerical help involved, but the professional personnel, in my judgment, would be the same in both versions.

Mr. GROSS. Are the laws governing the hiring of supergrades set aside in the creation of this Judicial Center?

Mr. McCLORY. Yes, I believe it is, up to a point.

Mr. GROSS. You believe it is?

Mr. McCLORY. I refer you to section 625 of the Senate bill which says that the Civil Service Act is not applicable to professional personnel but limits that exception up to the ceiling of level V of the executive schedule.

The SPEAKER. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, will the gentleman yield the gentleman from Illinois 2 more minutes?

Mr. CELLER. I yield the gentleman 2 additional minutes.

Mr. GROSS. I thank the gentleman.

Mr. McCLORY. I know that most of these provisions of the Civil Service Code will not be applicable with regard to professional personnel.

Mr. GROSS. But does it not have to do with the salary level?

Mr. McCLORY. The salary level will undoubtedly be very high and in accordance with the grade levels of the Civil Service Code.

Mr. GROSS. Of course, we have supergrades now under control, at least to some extent. I am very much concerned about this employment of personnel to staff the Judicial Center as to whether it is setting aside the civil service procedures or what the means of obtaining them is. Let me ask another question since there appears to be some area of doubt on it.

Mr. McCLORY. Let me say I was not in controversy about that portion of the Senate bill and I was not dissatisfied with the subject of the application and nonapplication of parts of the Civil Service Code.

Mr. GROSS. Is there any authority lodged in this Judicial Center or lodged in any of the officials thereof to do anything about the removal of Federal judges or the circumscribing of cases assigned to Federal judges? Of course, I have in mind—and the gentleman from Illinois probably recognizes it—the case in Oklahoma where three Federal judges have been feuding for some 3 years, and calling each other names.

Mr. McCLORY. May I respond to that by saying it is not covered in this legislation at all. This is essentially a research, study and technical arm of the Administrative Office of the United States Courts. It is supposed to provide ideas and recommendation for machinery to modernizing and streamlining the courts and expediting the administration of justice.

Mr. GROSS. That is what I thought the gentleman said in his original or previous statement. It was for the purpose of expediting the cases in the Federal courts and the package that has been used in Oklahoma is quite the contrary.

The SPEAKER. The time of the gentleman has again expired.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from California [Mr. CORMAN] 2 minutes.

Mr. CORMAN. Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, I rise in support of H.R. 6111, to provide for the establishment of a Federal Judicial Center.

Of the recommendations included in the President's crime message to the Congress early this year, improvement of the administration of justice in our Federal courts was one of the more important. My own interest in and concern about our Federal court system led me to introduce H.R. 6111 shortly after this session convened.

The Center will conduct research and study of the operation of Federal courts and stimulate and coordinate such research and study on the part of public and private agencies; make recommendations to the Judicial Conference of the United States for improvement of the administration and management of the U.S. courts; stimulate, create, develop and conduct programs of continuing education and training for personnel in the judicial system—including judges; and provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

H.R. 6111 is a nonpartisan piece of legislation with bipartisan support because it represents a reasonable, necessary approach toward solving some of the major problems which plague our courts; namely, serious delays in completing court action and growing docket congestion.

Mr. Speaker, this delay and congestion in our courts has reached crisis proportions in recent years. The number of civil cases pending before the U.S. district courts, for instance, was 79,906 at the end of fiscal year 1967—an increase of approximately 5 percent over the 76,607 cases pending at the end of fiscal 1966 and an increase of more than 23 percent over the number of cases pending 5 years earlier at the end of 1962. More than 10 percent of the civil cases pending before district courts at the end of fiscal 1967 had been on the dockets 36 months or more. The U.S. courts of appeal are facing problems of similar proportions. I am sure that many of my distinguished colleagues are finding parallel conditions in their own districts.

Statistics are available which paint a dismal picture of the state of justice in the Federal courts. Only those with infinite patience—and financial resources—can afford to pursue justice when the road is such a lengthy one. With a growing population and with the greater complexity of many of the cases with which our Federal courts must deal, this road is lengthening alarmingly.

Congress has responded to accelerating judicial business by establishing new judgeships but this has not worked to reduce this backlog substantially. Between 1959 and 1964, the number of trial judgeships was increased 25 percent, but the number of cases disposed of in 1964 was only 3 percent greater than in 1959. The creation of new judgeships is well worth the expense involved if this were the answer to reducing delay and docket congestion, but it is apparent that this alone is not sufficient. What is needed is better judicial administration, and to obtain this we must have programs of research, training and continuing education.

We have been asking our Federal judges—men who owe primary devotion to their courts—to be administrators. And, we have been asking them to do this without providing them with sufficient facilities, staff, funds or training to meet this task.

Mr. Speaker, H.R. 6111, by providing for comprehensive programs of continuing education and training would give judges and judicial personnel the administrative expertise necessary for them to discharge their obligations.

The key to the effectiveness of programs of research, training and education is not their proliferation, but their quality. The committees of the Judicial Conference of the U.S. courts have struggled with the problem of judicial administration in our courts before and plans and programs have been initiated—but only on a piecemeal basis, and often hurriedly. Their solutions sometimes lacked the insight that only complete information, protracted research and unhurried analysis can bring.

Continuity was lacking and staffing and financial support were inadequate. The Administrative Office of the U.S. Courts has done an excellent job of providing the judiciary with valuable fiscal and housekeeping services, but it too, is handicapped in its efforts to engage in continuing the in-depth research necessary to provide long-term answers to the administrative and training problems of our courts.

We have operated our courts under a system which is in the Dark Ages in terms of management techniques and in terms of adequate staff assistance. It is a system which can only serve to debilitate our capacity for justice. If we are to have effective, just courts—courts which reflect the best aspects of our modern, scientific era—we must equip the judiciary with the resources necessary to meet their needs. I believe H.R. 6111 will do this.

Mr. Speaker, as you will recall, the House passed H.R. 6111 with strong support from both sides of the aisle. Though the Senate disagreed on certain technical points, I am pleased that the conferees have agreed on a bill that is faithful to the purpose and principal provisions of my proposal.

The bill as it now stands is a good bill—an urgently needed bill—and I hope my colleagues will support the conference report now before them.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Mr. Speaker, I yield the gentleman 1 minute.

Mr. SNYDER. I would like to ask a question. Am I correct in my assumption that the wording of the bill in several places "courts of the United States" refers only to the courts in the Federal system and has no connection with States?

Mr. CELLER. That is correct.

Mr. SNYDER. I thank the gentleman.

Mr. COLMER. Mr. Speaker, will the gentleman yield to me for a question?

Mr. CELLER. I yield to the gentleman.

Mr. COLMER. Will the gentleman explain to me in the purposes of this Federal Judicial Center what is meant by provision 3 on page 2 of the report, which states:

> (3) to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch of the Government, including, but not limited to, judges, referees, clerks of court, probation officers, and United States commissioners—

What type of education is proposed to be given the judges in the Judicial Center?

Mr. CELLER. Well, primarily, it is to keep judicial personnel updated on current cases. There are many, many courts in this country and there are courts in foreign countries. We have a lot to do to keep abreast of current developments, especially in foreign countries. In my opinion it is well to have all the facts and data coordinated in this Judicial Center. The judges and other personnel could partake of the judicial nourishment afforded them. In that sense they could obtain education in judicial matters which they are not now obtaining. They must keep abreast of the times. The judicial system must go forward, as must all other branches of the Federal Government go forward.

Mr. COLMER. Mr. Speaker, will the gentleman yield further?

Mr. CELLER. Yes. I yield further to the gentleman from Mississippi.

Mr. COLMER. In furnishing this "nourishment" to the judges, that is the thing about which I am most concerned. Does that nourishment include philosophical or political nourishment?

Mr. CELLER. I suppose it is very difficult to separate that which is judicial from that which is philosophical.

Mr. COLMER. Mr. Speaker, if the gentleman will yield further, that is what I am afraid of.

I wonder if the gentleman from New York has been confronted with or heard of the fact that there has been too much interference with the judiciary already from people in other parts of the Government, for instance, the Attorney General and others representing the various executive departments?

There was recently an article which appeared in the U.S. News & World Report with reference to this matter.

I just do not see any good purpose to be served by the enactment of this legislation. I am afraid that our justices have already become too indoctrinated in political philosophy, and are continuing to be so indoctrinated.

Mr. CORMAN. Mr. Speaker, will the distinguished chairman of the Committee on the Judiciary yield to me at this point?

Mr. CELLER. I am glad to yield to the distinguished gentleman from California.

Mr. CORMAN. I thank the distinguished chairman of the committee for yielding to me at this time. It is my opinion that the type of education about which we are talking here goes more to procedure than it does to philosophy. It is the hope that this Center will devise methods of operations that will expedite the work of the judicial branch of our Government.

Further, Mr. Speaker, it is my opinion that the matter to which the gentleman from Mississippi refers—that is "philosophy"—comes much more from the work of the appellate courts than it comes or would come from this Judicial Center.

Mr. Speaker, the great State of California for some years has followed the practice of attempting to educate members of the bench. However, that procedure goes to the methods of expediting the job of the courts rather than substantive law or philosophy.

Mr. COLMER. Mr. Speaker, if the distinguished gentleman from New York will yield further, permit me to comment just briefly upon that statement which has been made by the learned gentleman from California [Mr. CORMAN].

I have no objection to procedural indoctrination. But the thing about which I am most concerned is the philosophical narrowing down to political indoctrination. There is a growing sentiment in the country that our judiciary is not the independent body of the Government which was intended when it was originally established.

Will the gentleman from New York agree with me on that point?

Mr. CELLER. I wonder——

Mr. COLMER. And may I add further that I am a little nonplused that the reaction of the chairman of the Committee on the Judiciary, the very able and learned gentleman from New York, and the very able and learned member of that committee, the distinguished gentleman from California, since it would seem to be and to represent an attempt at accomplishing that which this language does not provide.

Mr. CELLER. Mr. Speaker, I take the position that our judiciary has been independent and has been independent all through its history.

There has been tremendous conflict, particularly between the executive branch of the Government and the judiciary branch of the Government.

I was one of those who refused to allow the Court to be packed, and I voted against the provision that would extend the Court from nine judges to 11 judges, to allow the President to appoint two additional judges that might do his bidding.

I remember also that President Truman, in his opinion, had difficulty with the Court. They did not really abide by what he thought would be a proper decision. And I am quite sure if you talked to President Johnson you would find that the Court has not always been, in his opinion, in accord with what he thought was proper.

I do not believe the gentleman can find very much authenticity for the statement that the courts have not been independent of the executive branch of government.

Mr. COLMER. In reference to the last statement the gentleman made—and the gentleman has made so many statements that it is hard to comment on all of them—but with reference to the last statement I would say that I have just replied to a constituent of mine the other day who was very much concerned about the matter we are talking about now, and I expressed the hope that this article that I referred to a moment ago was exaggerated, that it was not true. But for a long time in my own mind I have been concerned about the question that I raised.

Now, insofar as the packing of the Court is concerned, of course, as I recall, I was here too at the time, and we did not vote on that in the House, did we?

But I recall that I was opposed to it. However, my point is, regardless of that, that while the Congress are representatives of the people, and did not give President Roosevelt the power to stack the Court, that, "Oh, death, oh, time," passed, and the Court was stacked, and it is now of one predominant philosophy.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, much has been said this afternoon about the necessity of the Judicial Center for the purpose of expediting cases in the courts. I noticed in yesterday's paper that the senior judge of the courts of the District of Columbia has put the judges in the District of Columbia on a 5-day week. Perhaps this is what is needed more than anything else to expedite business in the courts. I doubt, in view of the action that was taken by the senior judge in the District of Columbia yesterday, that a Judicial Center is needed in order to put the judges on a 5-day week.

Mr. CELLER. I do not know what relevancy that has to the main import of the bill under consideration.

Mr. GROSS. Only this: If the burning desire of the gentleman is to expedite cases in the Federal courts, if we do not have judges on the bench 5 days a week, there is bound to be a slowdown.

Mr. CELLER. I can say as far as the Federal judges are concerned, in the southern district of New York and the eastern district of New York, of which I am familiar, work more than 5 days a week. The gentleman must realize that a judge may have a very intricate case, and he may hear the case. Then he has to take the papers and the documents home, and give reflection, study, and research to it after hours. It is not only the time spent actually on the bench that occupies the duties of the judges. There are many other ways by which the judges must exert their efforts in the interest of carrying out justice. I believe it is unfair to just test the efficacy or the worthwhileness of a judge by the number of hours he spends in the courtroom; there are many other chores he has to do outside of the courtroom.

Mr. GROSS. I will say to my friend, the gentleman from New York, that I have no doubt that the senior judge in the District of Columbia took all that into account when he ordered 5 days of service out of the judges in the District of Columbia.

Mr. CELLER. I am sure that he took all of that into account.

The SPEAKER. The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 230, nays 126, not voting 76, as follows:

[Roll No. 426]

YEAS—230

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspinall
Ayres
Belcher
Berry
Biester
Blackburn
Blanton
Boggs
Boland
Brademas
Brasco
Brock
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Carey
Casey
Celler
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Cowger
Culver
Curtis
Daniels
de la Garza
Delaney
Dellenback
Denney
Dent
Donohue
Dow
Downing
Dulski
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kazens
Kee
Kelly
King, Calif.
Kirwan
Kluczynski
Kupferman
Kyros
Leggett
Lloyd

Long, Md.
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Martin
Mathias, Calif.
Matsunaga
May
Meeds
Meskill
Miller, Calif.
Mills
Minish
Mink
Moore
Morgan
Morris, N. Mex.
Morse, Mass.
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patman
Patten
Perkins
Philbin
Pickle
Pike
Poff
Price, Ill.
Pryor
Pucinski
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Shipley
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Stubblefield
Sullivan
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Vander Jagt
Vigorito
Waldie
Walker
Wampler
Whalen
White
Widnall
Wiggins
Wilson, Bob
Wolff
Wyman
Yates
Young
Zablocki

NAYS—126

Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashmore
Baring
Bennett
Betts
Bevill
Bolton
Bow
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson
Byrnes, Wis.
Cabell
Carter
Chamberlain
Clancy
Clawson, Del
Colmer
Cramer
Cunningham
Davis, Ga.
Davis, Wis.
Derwinski
Devine
Dole
Dorn
Dowdy
Duncan
Edwards, Ala.
Esch
Fino
Flynt
Fuqua
Galifianakis
Gardner
Gathings
Gettys
Gross
Haley
Hall
Hansen, Idaho
Harrison
Henderson
Herlong
Hunt
Hutchinson
Jarman
Jonas
Jones, N.C.
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Laird
Langen
Lennon
Lipscomb
Long, La.
McClure
McEwen
Marsh
Mayne
Michel
Miller, Ohio
Minshall
Mize
Montgomery
Morton
Mosher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Pelly
Pettis
Poage
Pollock
Price, Tex.
Purcell
Rarick
Reid, Ill.
Riegle
Rivers
Roberts
Rogers, Fla.
Roudebush
Satterfield
Saylor
Schadeberg
Scherle
Selden
Shriver
Sikes
Skubitz
Smith, Okla.
Snyder
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Whalley
Whitener
Whitten
Williams, Miss.
Williams, Pa.
Winn
Wylie
Zion
Zwach

NOT VOTING—76

Abbitt
Abernethy
Adair
Annunzio
Arends
Barrett
Bates
Battin
Bell
Bingham
Blatnik
Bolling
Bray
Broomfield
Button
Cahill
Cederberg
Clark
Clausen, Don H.
Daddario
Dawson
Dickinson
Diggs
Dingell
Eckhardt
Eshleman
Evins, Tenn.
Fountain
Frelinghuysen
Fulton, Tenn.
Gubser
Gurney
Hagan
Halleck
Hansen, Wash.
Hardy
Hébert
Heckler, Mass.
Jones, Mo.
Keith
Landrum
Latta
Lukens
McMillan
Mailliard
Mathias, Md.
Monagan
Moorhead
Multer
Olsen
Pepper
Pirnie
Pool
Quillen
Resnick
Rhodes, Ariz.
Sandman
St. Onge
Schweiker
Scott
Sisk
Smith, Calif.
Steed
Stratton
Tuck
Van Deerlin
Vanik
Watkins
Watson
Watts
Willis
Wilson, Charles H.
Wright
Wyatt
Wydler

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Abernethy against.

Mr. St. Onge for, with Mr. Fountain against.

Mr. Daddario for, with Mr. Hagan against.

Mr. Evins of Tennessee for, with Mr. Hardy against.

Mr. Stratton for, with Mr. Hébert against.

Mr. Barrett for, with Mr. McMillan against.

Mr. Sandman for, with Mr. Bray against.

Mr. Cahill for, with Mr. Dickinson against.

Mr. Rhodes of Arizona for, with Mr. Eshleman against.

Mr. Pirnie for, with Mr. Gurney against.

Mr. Broomfield for, with Mr. Latta against.

Mr. Adair for, with Mr. Quillen against.

Mr. Frelinghuysen for, with Mr. Watson against.

Mr. Bates for, with Mr. Smith of California against.

Until further notice:

Mr. Charles H. Wilson with Mr. Bell.

Mr. Monagan with Mr. Arends.

Mr. Bingham with Mr. Don H. Clausen.

Mr. Moorhead with Mr. Halleck.

Mr. Dingell with Mr. Cederberg.

Mr. Resnick with Mr. Mathias of Maryland.

Mr. Sisk with Mrs. Heckler of Massachusetts.

Mr. Clark with Mr. Mailliard.

Mr. Vanik with Mr. Wydler.

Mr. Pepper with Mr. Gubser.

Mr. Fulton of Tennessee with Mr. Keith.

Mr. Blatnik with Mr. Scott.

Mr. Olsen with Mr. Schweiker.

Mr. Steed with Mr. Watkins.

Mr. Van Deerlin with Mr. Button.

Mr. Wright with Mr. Battin.

Mr. Abbitt with Mr. Wyatt.

Mr. Eckhardt with Mr. Lukens.

Mr. Pool with Mr. Multer.

Mr. Watts with Mr. Landrum.

Mr. Willis with Mrs. Hansen of Washington.

Mr. Dawson with Mr. Diggs.

Mr. MINSHALL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Illinois.

There was no objection.

COMPOSITION OF A SELECT COMMITTEE ON THE HOUSE BEAUTY SHOP

Mrs. GRIFFITHS. Mr. Speaker, on behalf of the distinguished gentlewoman from Washington [Mrs. MAY] and myself, I offer a resolution (H. Res. 1000) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1000

Resolved, (a) That there is hereby created a select committee to be composed of three Members of the House of Representatives to be appointed by the Speaker, one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) Effective upon the date of approval of this resolution, until otherwise ordered by the House, the management of the House Beauty Shop and all matters connected therewith shall be under the direction of the Select Committee herein created and shall be operated under such rules and regulations as such Committee may prescribe for the operation and the employment of necessary assistance for the conduct of said Beauty Shop by such business methods as may produce the best results consistent with economical and modern management.

SEC. 2. The Select Committee is hereby authorized to purchase, at a cost not to exceed $15,000, the initial equipment and materials required for the operation of the House Beauty Shop, and the expense thereof shall be paid from the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, the $15,000 advanced to reestablish the House beauty shop will be in the course of the next year, barring unforeseen circumstances, be returned to the contingency fund, and it is my earnest hope that the next time you hear from the select committee, it will be for the pleasant task of returning money to the Treasury of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF SELECT COMMITTEE ON HOUSE BEAUTY SHOP

The SPEAKER. Pursuant to the provisions of House Resolution 1000, the Chair appoints as members of the Select Committee on the House Beauty Shop the following Members: Mrs. GRIFFITHS, chairman; Mrs. GREEN of Oregon, and Mrs. MAY.

PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 13510 AND H.R. 6167, UNTIL MIDNIGHT SATURDAY

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight Saturday to file conference reports on the bills H.R. 13510 to increase the basic pay for members of the uniformed services, and for other purposes, and H.R. 6167, to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

FEDERAL MEAT INSPECTION ACT—CONFERENCE REPORT

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 12144) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes:

Conference Report (H. Rept. No. 998)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12144) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the Wholesome Meat Act and that the provisions appearing under the subheading 'FOR MEAT INSPECTION:' under the heading 'BUREAU OF ANIMAL INDUSTRY' in the Act approved March 4, 1907, entitled 'An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight' (34 Stat. 1260–1265, as amended; 21 U.S.C. 71–91), are hereby designated as the 'Federal Meat Inspection Act'; the first twenty paragraphs thereof are hereby designated, respectively, as sections 3 through 22, and the twenty-first and twenty-second paragraphs thereof as section 23; and said sections 3 through 23 are hereby designated as 'TITLE I—INSPECTION REQUIREMENTS; ADULTERATION AND MISBRANDING'.

"Sec. 2. The Federal Meat Inspection Act is hereby amended by adding, in title I, new sections 1 and 2 reading, respectively, as follows:

" 'Section 1. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

" '(a) The term "Secretary" means the Secretary of Agriculture of the United States or his delegate.

" '(b) The term "firm" means any partnership, association, or other unincorporated business organization.

" '(c) The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

" '(d) The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection or exemption under title I of this Act.

" '(e) The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

" '(f) The term "State" means any State of the United States and the Commonwealth of Puerto Rico.

" '(g) The term "Territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

" '(h) The term "commerce" means commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

" '(i) The term "United States" means the States, the District of Columbia, and the Territories of the United States.

" '(j) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

" '(k) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

" '(l) The term "prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

" '(m) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

" '(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

" '(2)(A) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

" '(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act,

" '(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act,

" '(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in establishments at which inspection is maintained under title I of this Act;

" '(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

" '(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

" '(5) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

" '(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

" '(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

" '(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

" '(9) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

" '(n) The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

" '(1) if its labeling is false or misleading in any particular;

" '(2) if it is offered for sale under the name of another food;

" '(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

" '(4) if its container is so made, formed, or filled as to be misleading;

" '(5) if in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the Secretary;

" '(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

" '(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 7 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

" '(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 7 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

" '(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

" '(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

" '(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

" '(12) if it fails to bear, directly thereon or on its container, as the Secretary may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

" '(o) The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

" '(p) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

" '(q) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

" '(r) The terms "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

" '(s) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or animal under this Act.

" '(t) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Act.

" '(u) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

" '(v) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.'

"Sec. 2. Meat and meat food products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products impair the effective regulation of meat and meat food products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and animals which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

"Sec. 3. Said Act is hereby further amended by—

"(a) deleting the phrase 'interstate or foreign' wherever it appears in sections 3 through 23 of title I of said Act; and

"(b) deleting in section 3 of said Act (21 U.S.C. 71) the phrase 'the Secretary of Agriculture, at his discretion, may' and inserting in lieu thereof the words 'the Secretary shall' and deleting the words 'of Agriculture' wherever they appear after the word 'Secretary' thereafter in title I of the Act.

"Sec. 4. Section 4 of said Act (21 U.S.C. 72) is hereby amended by deleting the phrases 'for human consumption' and 'for transportation or sale', and by inserting after the word 'commerce' the phrase 'which are capable of use as human food'.

"Sec. 5. Section 5 of said Act (21 U.S.C. 73) is hereby amended by adding at the end thereof the following: 'The Secretary may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this title is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.'

"Sec. 6. Section 7 of said Act (21 U.S.C. 75) is hereby amended by—

"(a) deleting the provisions thereof reading as follows: ', and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted';

"(b) designating the remaining provisions as paragraph (a); and

"(c) adding at the end of said section the following provisions as paragraphs (b) through (e), respectively:

" '(b) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this title and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Secretary may require, the information required under paragraph (n) of section 1 of this Act.

" '(c) The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or animals subject to this title or title II of this Act; (2) definitions and standards of identity or composition for articles subject to this title and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 301 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

" '(d) No article subject to this title shall be sold or offered for sale by any person, firm, or corporation, in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

" '(e) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this title is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Secretary, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the United States court of appeals for the circuit in which such person, firm, or corporation has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.'

"Sec. 7. Section 10 of said Act (21 U.S.C. 78) is hereby amended to read:

" 'Sec. 10. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

" '(a) slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for commerce, except in compliance with the requirements of this Act;

" '(b) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (1) any such articles which (A) are capable of use as human food and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this title unless they have been so inspected and passed;

" '(c) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.'

"Sec. 8. Section 11 of said Act (21 U.S.C. 79) is hereby amended to read as follows:

" 'Sec. 11. (a) No brand manufacturer,

printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"'(b) No person, firm, or corporation shall—

"'(1) forge any official device, mark, or certificate;

"'(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"'(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"'(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"'(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"'(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.'

"Sec. 9. The present provisions of section 19 of said Act (21 U.S.C. 87) are hereby deleted and the following new provisions are substituted therefor:

"'Sec. 19. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Secretary to show the kinds of animals from which they were derived. When required by the Secretary, with respect to establishments at which inspection is maintained under this title, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared.'

"Sec. 10. The present provisions of section 20 of said Act (21 U.S.C. 88) are hereby deleted and the following new provisions are substituted therefor:

"'Sec. 20. (a) No carcasses, parts of carcasses, meat or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States. All such imported articles shall, upon entry into the United States, be deemed and treated as domestic articles subject to the other provisions of this Act and the Federal Food, Drug, and Cosmetic Act: *Provided,* That they shall be marked and labeled as required by such regulations for imported articles: *Provided further,* That nothing in this section shall apply to any individual who purchases meat or meat products outside the United States for his own consumption except that the total amount of such meat or meat products shall not exceed fifty pounds.

"'(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary, or (2) in the case of articles which are not in compliance with the Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"'(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

"'(d) The knowing importation of any article contrary to this section is prohibited.

"'(e) Not later than March 1 of each year the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to the administration of this section during the immediately preceding calendar year. Such report shall include, but shall not be limited to—

"'(1) a certification by the Secretary that foreign plants exporting carcasses or meat or meat products referred to in subsection (a) of this section have complied with requirements at least equal to all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder;

"'(2) the names and locations of plants authorized or permitted to have imported into the United States therefrom carcasses or meat or meat products referred to in subsection (a) of this section;

"'(3) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (e) (2) hereof and the frequency with which each such plant was inspected by such inspectors;

"'(4) the number of inspectors licensed by each country from which any imports subject to the provisions of this section were imported who were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled and the frequency and effectiveness of such inspections; and

"'(5) the total volume of carcasses or meat or meat products referred to in subsection (a) of this section which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this Act.'

"Sec. 11. Section 23 of said Act is hereby amended to read as follows:

"'Sec. 23. (a) The provisions of this title requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for commerce shall not apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided,* That such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any cattle, sheep, swine, goats or equines, capable of use as human food.

"'(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this title the slaughter of animals, and the preparation of carcasses, parts thereof, meat and meat food products, by any person, firm, or corporation in any Territory not organized with a legislative body solely for distribution within such Territory when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will otherwise facilitate enforcement of this Act. The Secretary may refuse, withdraw, or modify any exemption under this paragraph (b) in his discretion whenever he determines such action is necessary to effectuate the purposes of this Act.

"'(c) The adulteration and misbranding provisions of this title, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section.'

"Sec. 12. Said Act is hereby further amended by:

"(a) deleting the phrase 'cattle, sheep, swine, and goats' and the phrase 'cattle, sheep, swine, or goats' wherever they appear in title I of the Act, and substituting therefor, respectively, the phrase 'cattle, sheep, swine, goats, horses, mules, and other equines' and the phrase 'cattle, sheep, swine, goats, horses, mules, or other equines';

"(b) in sections 3 and 4 (21 U.S.C. 71, 72), deleting the phrase 'unsound, unhealthful, unwholesome, or otherwise unfit for human food' each time it appears and inserting in lieu thereof the word 'adulterated';

"(c) in section 4 (21 U.S.C. 72), deleting the phrase 'sound, healthful, wholesome, and fit for human food' and inserting in lieu thereof the phrase 'not adulterated';

"(d) in section 4 (21 U.S.C. 72), deleting the phrase 'unsound, unhealthful, unwholesome, or in any way unfit for human food' and inserting in lieu thereof the word 'adulterated';

"(e) in section 6 (21 U.S.C. 74), deleting the phrase 'sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food' and inserting in lieu thereof the phrase 'not adulterated', and deleting the phrase 'unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food' and inserting in lieu thereof the word 'adulterated';

"(f) in section 8 (21 U.S.C. 76), deleting the phrase 'unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food' and inserting in lieu thereof the word 'adulterated';

"(g) in section 17 (21 U.S.C. 85), deleting the phrase 'or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided' and substituting therefor the phrase 'goat or equine meat';

"(h) in section 18 (21 U.S.C. 86), deleting the phrase "sound and wholesome."; and

"(i) in section 21 (21 U.S.C. 89), deleting the phrase 'sound and wholesome.'; and and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for' and inserting in lieu thereof the phrase 'not adulterated'.

"Sec. 13. Said Act is hereby further amended by adding at the end thereof the following new section in title I:

" 'Sec. 24. The Secretary may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited. However, such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State or organized Territory that would be subject to this section only because of purchases in commerce, if the storage and handling of such articles at such establishment is regulated under the laws of the State or Territory in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 301 of this Act, determines is adequate to effectuate the purposes of this section.'

"Sec. 14. Said Act is hereby further amended by adding after title I thereof, the following new sections as:

" 'TITLE II—MEAT PROCESSORS AND RELATED INDUSTRIES

" 'Sec. 201. Inspection shall not be provided under title I of this Act at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

" 'Sec. 202. (a) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

" '(1) Any persons, firms, or corporations that engage, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

" '(2) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

" '(3) Any persons, firms, or corporations that engage in business, in or for commerce, as renderers, or engage in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

" '(b) Any record required to be maintained by this section shall be maintained for such period of time as the Secretary may by regulations prescribe.

" 'Sec. 203. No person, firm, or corporation shall engage in business, in or for commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

" 'Sec. 204. No person, firm, or corporation engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

" 'Sec. 205. The authority conferred on the Secretary by section 202, 203, or 204 of this title with respect to persons, firms, and corporations engaged in the specified kinds of business in or for commerce may be exercised with respect to persons, firms, or corporations engaged, in any State or organized Territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 301 of this Act, that the State or Territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act including the State providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of section 202, 203, or 204, respectively, shall apply to such persons, firms, and corporations to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.'

"Sec. 15. Said Act is hereby further amended by adding after title II thereof, the following new section as:

" 'TITLE III—FEDERAL AND STATE COOPERATION

" 'Sec. 301. (a) It is the policy of the Congress to protect the consuming public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy—

" '(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under title I of this Act, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

" '(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in title II of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act.

" '(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (4), deems adequate to effectuate the purposes of this section.

" '(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

" '(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

" '(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Meat Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2)) at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under titles I and IV of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of titles I and IV of this Act shall apply to operations and transactions wholly within such State: *Provided,* That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of titles I and IV shall apply to operations and transactions and to persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. Thereafter, upon request of the Governor, the Secretary shall revoke such designation if the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act: *And provided further,* That, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated meat or meat food products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate Advisory Committee provided by section 301 of the Act of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of titles I and IV of the Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act.

" '(2) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

" '(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State meat inspection requirements at least equal to those imposed under titles I and IV, with respect to the operations and transactions within such State which are regulated under subparagraph (1), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication at any time after the period specified in this paragraph whether or not the State has theretofore been designated upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under titles I and IV.

" '(4) The Secretary shall promptly upon enactment of the Wholesome Meat Act and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this pargraph (c), with respect to the slaughter, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required under section 17 of the Wholesome Meat Act.

" '(d) As used in this section, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.'

"Sec. 16. Said Act is hereby further amended by adding after title III thereof, the following new sections as:

" 'TITLE IV—AUXILIARY PROVISIONS

" 'Sec. 401. The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under title I because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This section shall not affect in any way other provisions of this Act for withdrawal of inspection services under title I from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

" 'For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

" 'The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in section 404. Judicial review of any such order shall be upon the record upon which the determination and order are based.

" 'Sec. 402. Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to title I or II of this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of title I of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 403 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Secretary that the article or animal is eligible to retain such marks.

" 'Sec. 403. (a) Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine, that is being transported in commerce or otherwise subject to title I or II of this Act or is held for sale in the United States after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 404 of this Act within the jurisdiction of which the article or animal is found. If the article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or animal shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided,* That upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

" '(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

" 'Sec. 40. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other Territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 7(e) of this Act.

" 'Sec. 405. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

" 'Sec. 406. (a) Any person, firm, or corporation who violates any provision of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both such imprisonment and fine; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 1(m)(8) of this Act), such person, firm, or corporation shall be subject to imprisonment for not more than three years or a fine of not more than $10,000, or both: *Provided,* That no person, firm, or corporation, shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this Act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

" '(b) Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

" 'Sec. 407. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914 (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 404 of this Act.

" 'Sec. 408. Requirements within the scope of this Act with respect to premises, facilities and operations of any establishment at which inspection is provided under title I of this Act, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 202 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements under title I of this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under said title, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

" 'Sec. 409. (a) Notwithstanding any other provisions of law, including section 902(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 392(a)), the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Meat Act.

" '(b) The detainer authority conferred by section 402 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any carcass, part thereof, meat, or meat food product of cattle, sheep, swine, goats, or equines that is outside any premises at which inspection is being maintained under this Act, and for such purposes the first reference to the Secretary in section 402 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

" 'Sec. 410. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.'

"Sec. 17. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of animals subject to this Act, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of establishments operated in connection therewith, including the operations under and effectiveness of this Act.

"Sec. 18. The provisions relating to equine meat and meat food products beginning with the phrase 'And, hereafter,' under the heading 'Bureau of Animal Industry' and the subheading 'MEAT INSPECTION, BUREAU OF ANIMAL INDUSTRY:' in the Act approved July 24, 1919, entitled 'An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and twenty' (41 Stat. 241; 21 U.S.C. 96), and paragraph (b) of section 306 of the Tariff Act of 1930 (46 Stat. 689, as amended; 19 U.S.C. 1306(b)) are hereby repealed.

"Sec. 19. If any provision of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

"Sec. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (d):

"(a) The provisions of paragraph (b)(1) and (c) of section 10 and the provisions of section 20 of the Federal Meat Inspection Act, as amended by sections 7 and 10 of this Act, and the provisions of section 18 of this Act repealing paragraph (b) of section 306 of the Tariff Act of 1930, shall become effective upon the expiration of sixty days after enactment hereof.

"(b) The provisions of title I of the Federal Meat Inspection Act, as amended by this Act, shall become effective with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof upon the expiration of sixty days after enactment hereof.

"(c) Section 11 of this Act, amending section 23, of the Federal Meat Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

"(d) Section 204 of the Federal Meat Inspection Act, as added by section 14 of this Act, shall become effective upon the expiration of sixty days after enactment hereof."

And the Senate agree to the same.

Thomas S. Foley,
Graham Purcell,
Page Belcher,
Charles M. Teague,
Catherine May,
Managers on the Part of the House.

Spessard L. Holland,
Herman E. Talmadge,
George McGovern,
Joseph M. Montoya,
Walter F. Mondale,
Harry F. Byrd, Jr.,
George D. Aiken,
Milton R. Young,
J. Caleb Boggs,
Jack Miller,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses to the amendment of the Senate to the bill (H.R. 12144) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The amendment of the Senate struck out all after the enacting clause of the House bill and substituted language which, except for several typographical and other non-substantive technical corrections, differed from the House bill in seven instances. These differences and their disposition by the Committee of Conference are as follows:

1. The Senate amendment included a new subsection requiring annual reports on the administration of the imported meat provisions of this Act. The House Conferees receded with an amendment clarifying and simplifying reporting requirements related to the handling of imported meat and meat products.

2. The Senate amendment continued a provision in present law which gives the Secretary of Agriculture authority to exempt certain retail butchers and retail dealers from the application of full federal meat inspection. The Senate Conferees receded and this provision was deleted from the conference substitute.

3. The Senate amendment deleted a provision in the bill which would have permitted the Secretary of Agriculture to grant certain exemptions in the District of Columbia and unorganized territories from the application of the Act. The House Conferees receded with an amendment which authorizes these exemptions to be made in unorganized territories, but does not reinstate authority therefor in the District of Columbia.

4. The Senate amendment substituted the term "at least equal" in lieu of the term "comparable" to describe the standards which States must meet in order to qualify for federal assistance under the Act. The House Conferees receded on this provision.

5. The Senate amendment included a provision requiring that the appropriate State law be exercised so as to permit access by the Secretary of Agriculture in order for such law to be considered at least equal to the requirements of Title II of the Federal Meat Inspection Act. The House Conferees receded on this provision. In regard to Title II the Conferees intend to limit the scope of Sec-

tion 202(a) to the keeping and inspection of those records which are properly necessary for effective enforcement of the provisions of the Act in order to insure against adulterated or misbranded meat products for the American consumer, upon such reasonable terms and conditions as are spelled out by regulations of the Secretary of Agriculture.

6. The Senate amendment provided for the extension of federal inspection to all intrastate operations under three circumstances: *First,* upon request of a governor who waived the application of State law in order to permit immediate federal inspection; *Second,* upon a finding that the State has not, within a prescribed period of time (no later than three years from the date of enactment of this legislation) developed an inspection system at least equal to the federal system; and *Third,* if the Secretary finds any plant is distributing adulterated products dangerous to the public health. The House Conferees receded with an amendment deleting the authority of a governor to request federal inspection by the waiver of State law.

The Conferees do not intend that the deletion of this provision shall interfere with the power of any governor or the Secretary of Agriculture to act quickly and effectively to prevent the sale or distribution of unsafe or unwholesome meat or meat products.

7. The Senate amendment required more detailed reports concerning the operation and administration of the Act to be submitted annually to the Committee on Agriculture of the House and the Committee on Agriculture and Forestry of the Senate. The House Conferees receded on this provision.

It is also the intention of the Conferees that in any State which has enacted a meat inspection program and is enforcing requirements at least equal to those under titles I and IV of this Act, that those intrastate plants regulated under such a State program shall be entitled to participate in bidding on Federal contracts for meat supplies.

In order to clarify the application of federal building standards under this legislation, the Chairman of the Committee of Conference requested and received the following letter from the Department of Agriculture:

"Hon. SPESSARD L. HOLLAND,
U.S. Senate, Washington, D.C.

"DEAR SENATOR HOLLAND: This letter is written in response to your request made at the meeting of the conferees on H.R. 12144 for information regarding plant construction requirements in connection with the Federal Meat Inspection Program.

"The eligibility of an establishment for inspection under the Federal Meat Inspection Program is based upon a combined evaluation of the operating procedures used by the establishment and the building construction and physical facilities rather than upon a separate evaluation of these factors. As a result of many requests a guide to plant construction and equipment has been put together for use by industry operators, architects, engineers, and other Government officials (foreign and domestic) interested in the sanitary handling of products within an establishment. The guide is a collection of recommended minimum standards. However, a great variety of arrangements, building materials, and equipment have been considered acceptable so long as they lend themself to the production under sanitary conditions of clean wholesome product.

"The only mandatory construction requirements are set forth in general terms in the regulations. These requirements relate directly to maintenance of sanitary conditions for the production of wholesome meat. For example, 'The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned.'

"The Secretary has responsibility under the statutory authority to insure that meat and meat food products are produced under sanitary conditions which will result in the production of wholesome food. Therefore, the only building construction or equipment requirements mandatorily prescribed under or contemplated by the statute are such as are necessary to insure sanitary conditions in the light of operating procedures which are to be used in the establishment.

"Sincerely yours,

"RODNEY LEONARD,
"Deputy Assistant Secretary."

THOMAS S. FOLEY,
GRAHAM PURCELL,
PAGE BELCHER,
CHARLES M. TEAGUE,
CATHERINE MAY,
Managers on the Part of the House.

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 12144) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. FLYNT. Mr. Speaker, I reserve the right to object to this unanimous-consent request because of the serious concern which has been expressed over the provisions of the Senate version of this bill by the commissioner of agriculture of the State of Georgia. During the period of consideration of this legislation the commissioner of agriculture of the State of Georgia, who is the director and supervisor of a very competent State meat inspection system, has run into a situation which has involved a number of threats from personnel of the U.S. Department of Agriculture if he continued his opposition to the substitute for the House-passed bill.

During the time which may be available in the discussion of the conference report, I request that the chairman of the House Committee on Agriculture make available to me a few minutes in order to make the record clear on certain points.

Mr. POAGE. I will be glad to give the gentleman from Georgia time.

Mr. FLYNT. Mr. Speaker, I thank the gentleman from Texas, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today I find myself in the same position which I occupied when we sent this bill to conference. I have no desire to interfere with or delay consideration of the bill. I full well recognize the very proper desire of every Member of this House to secure and maintain the very best possible meat inspection program for the United States. I join in that desire. The conference report which our committee brings you is intended to achieve that result. I hope it will.

This report is signed by all of the conferees on the part of the Senate and all but two of the conferees on the part of the House. I am one of those two. Our failure to sign this report does not indicate that we are opposed to clean meat. I repeat, we are all agreed on the objectives. Nor does it indicate that we are in anywise critical of our colleagues who did sign the report. We believe that they were sincere in their views. We feel that we are sincere in ours. I expect this report will be adopted, and I hope that it functions better than I anticipate. I shall shortly call on the chairman of the subcommittee, the gentleman from Texas [Mr. PURCELL], to explain the details of the conference agreement.

Before you pass upon the report, I ask your indulgence while I outline my reasons for voting against the report. Those reasons are based upon two premises. The first is philosophical. I am old enough to remember when there was in practice, as well as in theory, such a thing as intrastate commerce. Commerce has changed somewhat since I was a boy, but the decisions of our courts have changed much more. I realize that there is today a widespread feeling that if a certain action is thought to be needed and if the States are not meeting that need that the Federal Government should step in and fill the need.

I think it is perfectly clear that in the final analysis, the only justification for this philosophy is the belief that if the objective is good, the ends always justify the means. But Mr. Speaker, this is not my philosophy. I believe that our form of government is the greatest ever devised by man. I do not believe that we should pervert it no matter how laudable our immediate objective may be.

In the second place, I think as a practical matter that the bill passed by this House would be far more likely to secure better and more effective meat inspection than the bill agreed upon by the conference committee, which is in essence the Senate bill. I learned a long time ago, Mr. Speaker, that to enforce legislation, you need the support of at least a substantial segment of the population, particularly of the people affected by the regulations. I am old enough to have observed the difficulties attendant on the attempted enforcement of prohibition. This experience compels me to point out that the subcommittee so ably directed by the gentleman from Texas [Mr. PURCELL] with the support of the gentlewoman from Washington [Mrs. MAY] and of the gentleman from Washington [Mr. FOLEY] and other Members had by many months of hard work secured a rather broad consensus of agreement and support, which is totally lacking in regard to the measure on which you will soon vote. For instance, the House bill had the endorsement of all of the major livestock producers' associations. It had the support and the pledged cooperation of all of the major packing associations; it had the endorsement of the commissioners of agriculture clear across the Union; and it had the endorsement of the U.S. Department of Agriculture. These are the people whose cooperation is so essential to the successful enforcement of any kind of inspection.

Of all of these groups, the conference report seems to have the support of only the Federal Department of Agriculture and a part of the meatpackers. Is it not reasonable to assume that it would help—not hurt—to have the support of the State commissioners? But the Senate bill and the conference report substitutes for this cooperation the stark power of the Federal courts to impose penalties. The House bill, which I supported, relied primarily on the carrot, the Senate bill—that is, the conference report relies primarily on the stick.

The House bill presented a very attractive cooperative program, one which few, if any, States could have afforded to reject. The conference report ignores this concensus and puts a black snake in the hand of the Secretary and says to the States: "Stand back. If you are good, we are in time going to give you a carrot, but Simon Legree is going to stand over you while you eat it." I anticipate that many of the proud and self-reliant States of this Union will refuse to eat the carrot under those circumstances. As a result, you are probably not going to eat as good meat as you might have eaten under the terms of the House bill.

I recognize that I may well be branded as an enemy of society, but I think in the long run society will be best served by the use of a program calculated to get cooperation, and that my Government will be best served by protecting its dual character.

I do not ask any Member to join me in what I recognize as probably a hopeless quest, but as for me, I shall respectfully and as unobtrusively as I can vote "no."

I will yield now, Mr. Speaker, to the gentleman from Texas [Mr. PURCELL] and ask that he be allowed to control the time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. POAGE. Mr. Speaker, if I have the time, I yield to the gentleman from California.

Mr. WIGGINS. Mr. Speaker, I would like to say to the gentleman, he will not be alone in his "no" vote. I think the gentleman is to be commended for his constitutionally correct statement.

Personally, I am repelled to think that the Federal Government has the right to regulate a wholly intrastate activity.

Mr. POAGE. Mr. Speaker, I thank the gentleman.

Mr. PURCELL. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. BELCHER].

Mr. BELCHER. Mr. Speaker, I would say to my friend from California, who spoke just a minute ago, when he jumped up and agreed with the plaintiff, that is just exactly what I used to do when I was a clerk of the court. I would hear the plaintiff give his opening statement, and I would think the plaintiff certainly had a case here, and I would not understand even why the defendant was coming into court. Then I would hear the defendant, and I would wonder why the plaintiff ever filed the suit in the first place. I would say to my friend, if he will sit down and listen to the defendant's side of the case for the same length of time he listened to the plaintiff, then I will yield to the gentleman.

Mr. Speaker, I do not think my record of 17 years in the House would brand me as either a liberal or a strong central government man or a man against States rights. At the same time, I feel that the citizens of the United States have a dual citizenship—they are citizens of the State and they also are American citizens. I think both governments have responsibilities to their citizens. I think the Federal Government has a responsibility to protect the lives and the health of citizens of America, even if they happen also to be citizens of Texas or Oklahoma or some other State.

In regard to this present instance, this does not take away the right of any State. Any State within the next 2 years can pass and inaugurate a meat inspection system that is equal to the Federal standards, and the Federal Government will pay half of the bill, and will cooperate with the State in the accepting of the responsibility to the citizens of the State and the American citizens who happen to be citizens of the State.

The States rights also entail States responsibilities. If the State does not care enough about the citizens of that State to have a meat inspection bill, even though they can get the Federal Government to pay half of the bill, and if the Governor and the legislature of the State absolutely sit still, I do not believe as a Federal legislator, I am discharging my duty as a Federal legislator if I say to the citizens of Texas: "Your legislature and your Governor will not protect you from contaminated insanitary meat." I do not believe as a Federal legislator that I can then say to the people of Texas: "You just live in the wrong State. If you lived in another State, a State that did care about its citizens, then you would be protected."

As a Federal legislator, I am responsible for the American citizens who live in that State of Texas, and I think I have a responsibility to protect their health, if the State of Texas will not protect the health of its citizens. If there were no American citizens living in the State of Texas, then I would say the Governor of Texas and the State of Texas could do as they pleased with the citizens of Texas. But there are American citizens who live there, and as a Federal legislator, I feel a responsibility to protect them from contaminated meat. Contaminated meat can kill as quickly as a bullet, if it has the right kind of contamination.

Therefore, in the first place, I do not believe that in this conference report we are taking away any rights the State has.

The State, under the conference report, will have the right to have inspection. It even will have the right to require the Federal Government to pay half of its own inspection cost.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the minority leader.

Mr. GERALD R. FORD. Within the past year, in my part of the State of Michigan, we have had a number of serious meat scandals, even under good State legislation. Those accused were prosecuted, both individuals and corporations. Under the State law a number of convictions were achieved.

I believe we have an excellent State law. As I indicated, when violations of law did occur, convictions were obtained.

Under the conference report, can the State of Michigan continue its program and can it qualify for 50-percent funding by the Federal Government?

Mr. BELCHER. The fact of the matter is that we invite the State of Michigan and the States of Texas, Oklahoma, Kansas, or Nebraska to do the same thing that Michigan did, and the Federal Government will pay half of the bill.

I hope—and I believe all the conferees hope—every State will take over the responsibility, together with the Federal Government, of protecting the people. Most certainly, the only requirement at all is that the meat inspection should be equal to the standards set forth by the U.S. Department of Agriculture. In checking those requirements, I do not believe they are unusual requirements.

I feel that anyone who eats a piece of meat would like to have it at least treated in as sanitary a manner as the U.S. Department of Agriculture would treat it.

Last night I ate a piece of beef. On the menu, right at the bottom, was the statement:

> We do not serve any meat that does not have the USDA inspection stamp on it.

Mr. GERALD R. FORD. I want to compliment the gentleman from Oklahoma, the members of the Committee on Agriculture on the House side both on the majority and minority sides, and particularly the conferees, who I believe have taken the vehicle we passed in this body and combined it with the proposal which was approved in the other body and ended up with very constructive legislation.

I particularly wish to compliment the gentlewoman from Washington [Mrs. MAY], who over a long period of time has had a great interest in good meat inspection legislation and even though being the victim of some severe and undeserved criticism has steadfastly worked for strong consumer protection. She served with distinction on the National Commission on Food Marketing, and that Commission has had an interest in this particular problem. As the ranking minority member of the Subcommittee on Livestock and Feed Grains of the House Committee on Agriculture, she also has had an interest in this problem and she was particularly constructive in helping to bring this kind of legislation to the floor of the House for consideration. As one of the original authors of this improved meat inspection legislation she has also been in the vanguard of those seeking to protect the American consumer.

I compliment the gentlewoman from Washington [Mrs. MAY], the gentleman from Oklahoma [Mr. BELCHER] and the other Members of the Committee on Agriculture for doing a fine job and while I have some question as to how the Secretary of Agriculture will exercise his authority to apply Federal inspection to intrastate plants. I believe this is a good conference report.

Mr. BELCHER. I thank the gentleman.

I want to answer one thing my good chairman said. I agree with 90 percent of what my chairman said. I am just as adverse to a lot of the Supreme Court decisions which have destroyed the rights of individual States as he is. My conservative voting record, I believe, is as good as that of anyone else in the House.

The bill which passed the House, which was such a good bill that the chairman says he could put his complete stamp of approval on it—but he could not put it on this conference report—had Senate amendments. The most objectionable part of the Senate amendments was that amendment by the Senate which provided that a State Governor could just turn over to the Federal Government, and dump into the lap of the U.S. Department of Agriculture any day after the President signed the bill, the whole problem, and let the U.S. Department of Agriculture and the Federal Government pay the entire bill. That part of the Senate amendments was eliminated. The rest of the Senate amendments, certainly, in my opinion, do not make this a bad bill.

I want to say, and I am going to say this with all the sincerity that I possess, if you vote against this bill and somebody dies of ptomaine poisoning and you try to explain the reason why you did not provide a clean meat bill was because of some of the Senate amendments, then you are not going to have any place to hang your hat on those Senate amendments, because they are not that bad.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman has expired.

Mr. PURCELL. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Speaker, the gentleman mentioned the fact that in certain States there may be exemptions from inspection and that you want to protect the citizens in those particular States. I am sure the conferees took into account the fact that in this country there is a great pitch going on now to travel America. This man who eats the meat at a noninspected area, this intrastate meat, might well be a man from North Carolina, Oklahoma, or some other State who is passing through and is not aware of the fact that it is not inspected. Is that not correct?

Mr. BELCHER. That is correct. I think he ought to be able to travel any place in the United States and buy a steak without thinking that he might get contaminated because the Governor or the State legislature of that State did not think enough of protecting the health of their own citizens to pass an inspection law.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman who already decided the case for the plaintiff.

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding.

I want to say that I have a great deal of respect for the gentleman from Oklahoma for his work on the committee. I know he is a pretty fair country lawyer, too. I have had enough private conversation with the gentleman to know that he does not believe this Federal Government has plenary power to do all that it thinks is necessary. Yet I feel the essence of the gentleman's remarks is such that I do not subscribe to his point of view, and I am sorry that the gentleman does have them in this case. I think he succinctly stated the case when he stated a few moments ago that if someone dies, you will have difficulty in explaining your vote on this bill. I agree that you may have, but nevertheless he is wrong.

I thank the gentleman for yielding me the time.

Mr. BELCHER. I hope that if the gentleman ever gets in a tough position, he does not ask me to help to defend him against his vote against a clean meat bill.

Mr. Speaker, I want to say in passing I do not care how you vote on this bill. I have never tried to represent the conscience of any of the Members of this House of Representatives. In all sincerity I feel that I have a duty and a responsibility after having lived with this bill for many, many months in the full committee and on the floor of the House and as a member of the conferees, in reading the testimony and in conferring with packers, cattlemen, consumers, and Secretaries of Agriculture and everybody else—I owe a duty and responsibility to my colleagues to come before them and tell them what this bill is all about, what it is and what my viewpoint on it is. However, from there on out it is your own conscience, and any way you vote is going to be perfectly all right with me.

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Kansas.

Mr. DOLE. I wonder if the gentleman will tell us the approximate cost of and how many Federal employees might be employed if this legislation is enacted.

Mr. BELCHER. If the States do their duty, there will be no more Federal employees. If the States do not do their duty, I am willing, even though I am a rank conservative, to hire an inspector to protect the citizens of Kansas or the citizens of Oklahoma, or any other State.

Mr. PURCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I arise in opposition to the conference report. We are all in favor of laws which would provide for strong protection of the American public from unwholesome or unsanitary meat.

While the Federal Meat Inspection Act undoubtedly needs some revision, it is my opinion that this proposed legislation has far reaching objectives whose ultimate motives need clarification.

I am worried that the conference report on intrastate meat inspection has gone too far. I think this bill in its present form would lead to Federal domination and ultimately to an elimination of State and municipal meat inspection systems.

Under the conference report, it will also be impossible to estimate the cost of this legislation. It is my opinion that under the changes made to the Purcell bill, that the incentive for the individual States to support their own meat inspection programs will be substantially lowered. I do know that there will be an additional cost to the Government of millions of dollars.

While I favored the Purcell bill, I cannot vote for the conference report making substantial changes leading to a Federal takeover when my own State of Mississippi has already taken positive action on the matter with the enactment of: "The Animal and Poultry Byproducts Disposal Act of 1964."

Mr. PURCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I urge adoption of the conference report.

While the conference report on the meat inspection bill is not as strong as the bill I cosponsored with Congressmen SMITH and FOLEY, I am satisfied that it goes a long way in affording protection to the consumer, who has in the past been duped in the purchase of what he believed to be meat fit for human consumption.

The good effect of this bill will not stop at the consumer level—the farmer's market will be sizably enhanced by the fact that consumers will now be buying good meat, not meat mixed with foreign material.

Even though the States are given a maximum of 3 years to meet Federal standards on their meat processing, it is my belief that there will be considerably less violation of proper processing practices in the meat industry. The consumer is further protected during this interim period by the fact that the Secretary of Agriculture will have the authority to inspect intrastate plants and proper action may be taken when it is apparent that public health is threatened when the States themselves have failed to act.

It is appalling to me to read what has been going into some of our processed meat products, contaminated meat, meat from sick animals, horsemeat, chopped hides, carcass portions, animal entrails, artificial coloring, and what have you.

It came as a surprise to me when I heard that even in the District of Columbia, unfit meat and meat products have been sold and served.

My own State of Ohio has recently

passed a law imposing mandatory meat inspection requirements and there are inspection programs being conducted in several areas of the State by the municipalities. The city of Cleveland presently has a meat inspection system located in the department of public health and welfare. I understand that there are three plants in the city which have qualified to receive the Federal grading service.

Again I urge support of the report.

Mr. PURCELL. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Speaker, I thank the distinguished gentleman from Texas [Mr. PURCELL] for yielding to me this time.

Mr. Speaker, I support the conference committee report on the Wholesome Meat Act, and I am hopeful that my colleagues in the House of Representatives will do the same.

Mr. Speaker, the members of the conference committee have reached an agreement which, if endorsed by the House and the other body, will result in stronger, more effective and more uniform meat inspection programs in all States that do not have meat inspection systems at least equal to the Federal program.

Last week we recommended that the House go to conference on this bill, and we pointed out the fact that the other body had made several changes in the House-passed measure.

One of the changes caused a great deal of concern. It involved providing for the extension of Federal inspection to intrastate operations in any State, upon request of the Governor thereof. This would have, in effect, penalized the responsible States and rewarded those which wish to abdicate their responsibility. So, Mr. Speaker, because of this and other questions concerning the changes made by the other body, the Members of the House will recall that the House sent its Members to the conference uninstructed with the understanding that we would fully discuss these changes and their implications and attempt to arrive at a satisfactory agreement.

Mr. Speaker, our conferees met upon two separate occasions and went over the amendments, point by point. As has already been noted, the conferees of the other body receded upon two points:

First, the Governor's provision which I just mentioned, and second, a provision which would have extended the authority of the Secretary of Agriculture to exempt retail butchers and retail dealers from the inspection requirements of the act.

In addition, Mr. Speaker, the conferees of the other body agreed to some clarifying changes in the language of the Hruska amendment relating to imported meat. The other changes which were made by the other body were accepted by the House conferees, and the result is the bill which we bring before you today.

Personally, Mr. Speaker, I am convinced that the agreement reached by the House and Senate conferees is a good one and I am sure that in view of the overwhelming support which the House has already given to the bill which has been introduced by the distinguished gentleman from Texas [Mr. PURCELL], there can be no question about supporting the decision of the conference committee.

The additional provisions adopted by the other body, and agreed to by the conference committee, includes a stick as well as a carrot, and will give additional assurance that our Nation's meat inspection services will be strengthened and improved.

Mr. Speaker, under this bill, the States will be encouraged, as well as firmly guided, toward the enactment and enforcement of meat inspection laws, at least equal to the high standards required under the Federal inspection system.

Mr. Speaker, this measure will provide an instrument through which every meat plant in the United States, large or small, will be required to live up to standards which will insure that not even 1 pound of dirty or unwholesome meat will find its way into an American kitchen.

After working for quite a number of years to get our meat inspection systems updated, it is most gratifying to me to see this legislation well upon its way toward enactment into law.

This is a major victory for all Americans and will serve to inspire even greater confidence in the purity and wholesomeness of our Nation's meat supply.

I might say that while my own State of Washington has an excellent meat inspection system, I intend to continue working with my State to make sure our program is completely adequate in every respect, and I would hope that my colleagues in this House would offer the same type of cooperation and encouragement to their States where they know that needed changes should be made.

Mr. Speaker, before I end my remarks I certainly would be remiss if I did not pay respect to the chairman of our subcommittee, the gentleman from Texas [Mr. PURCELL] with whom I have worked over these many months. We found it to be a very complicated, difficult, and controversial matter to write a bill that provided good consumer protection through a balanced Federal-State arrangement which protected the innocent and punished the guilty.

I feel the Purcell bill in its final form did this and I am proud to have played a part in its creation.

I also wish to thank the chairman of our full committee, the gentleman from Texas [Mr. POAGE], for his great fairness and certainly his statesmanlike approach to this whole matter.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentlewoman has expired.

Mr. PURCELL. Mr. Speaker, I yield 1 additional minute to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. I thank the gentleman.

Mr. Speaker, in summary, I urge my colleagues to give their approval to the conference report, and in so doing place their seal of final endorsement on this highly significant and important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. PURCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will take only a very few minutes to try to perhaps add to some of the explanations that have already been made by previous speakers.

Mr. Speaker, I would be remiss in my duty—and I did not comment on the fact that, in my judgment, in this piece of legislation we have seen the most cooperative effort on the part of the minority Members and, I believe, the majority Members toward any piece of legislation that it has been my privilege to work on during the time that I have been in Congress.

I want to pay particular tribute to our distinguished chairman, the gentleman from Texas [Mr. POAGE], who made his statement a moment ago. I believe the Members who want to vote for this bill, like I do, will agree with me that I am glad Mr. POAGE is not really opposed to this bill, because his explanation of it is rather definitive, and I appreciate the fact, Mr. Speaker, that the chairman of the Agriculture Committee is not really opposed to the bill.

Then I would like to say that the ranking minority member of the committee the gentleman from Oklahoma [Mr. BELCHER], has made an unusually significant contribution to this bill.

The gentlewoman from Washington [Mrs. MAY] has worked endlessly and with complete objectivity on this bill. Also our colleague, the gentleman from Washington [Mr. FOLEY], has taken a deep interest in this legislation, and is as sincere about it as a man can be.

I further want to say that my dear friend, the gentleman from Iowa [Mr. SMITH]—whom I have not agreed with throughout many aspects of this procedure—has devoted himself and his interest to this, and I believe has maintained a very high degree of objectivity in his dealings.

In my judgment, Mr. Speaker, we have before us today a piece of legislation that has genuinely been the handiwork of both parties, and of people from all parts of our country. In my opinion it is a reassurance to the American people that we do have the finest meat inspection law in the world. We have had a strong law all of the time, but the additions that the House has made, and which I do not believe were detracted from on the part of the additions made by the other body, have made this as nearly a fool-proof piece of legislation as can possibly be made from the standpoint of cleanliness and wholesomeness of American meat as we could have asked for.

As you know, this conference report, which I hope will be adopted here today, represents a pinnacle of efforts by the Congress to update and strengthen our present national meat inspection system. I would merely be duplicating previous disclosures to attempt to catalog the many different problems and room for unwholesomeness that exist in our present national system of meat inspection. Unsanitary conditions, filthy plants, both large and small, and in short, a system of consumer protection that does not achieve its primary purpose of insuring safe meat to the American homemaker, all are found in our present system.

Mr. Speaker, as you will recall, the bill passed by the House of Representatives—by a vote of 403 to 1—accomplished three major purposes:

First, it would broaden the present meat inspection program by establishing a Federal-State cooperative meat inspection arrangement under which the Federal Government would provide both personnel and financial assistance to State agencies in order to improve the quality of State meat inspection services.

Second, it would rewrite and modernize present meat inspection statutes as a single Federal Meat Inspection Act designed to provide the appropriate means for achieving the purposes of the program.

Third, it would give the Department of Agriculture new legislative authority to eliminate numerous opportunities now present to defraud consumers and endanger the public health.

This legislation which the House of Representatives saw fit to adopt by an overwhelming majority was good and sound legislation, and carefully examined. However, I think the amendments added by the other body resulted in an even greater strengthening of the provisions of the House bill. In addition to minor changes of a technical nature having no substantive effect on the provisions of the House-passed bill, there are four major changes that were added by the other body which are substantive in nature and deserve summarizing.

First, there was inserted a provision to require annual reports on the administration of the imported meat provisions of the act to be made to the House Committee on Agriculture and its counterpart in the other body. The report will include a certification by the Secretary that foreign countries exporting carcasses, meat, or meat products, have complied with the high standards that we expect for our domestic meat and meat products.

In addition, this provision provides for detailed reporting of the total volume of meat imported from each country and the number of inspectors assigned both by the Department of Agriculture and the country from which the meat is being imported who are engaged in enforcing the provisions of this act.

Second, the other body in defining the system of meat inspection that a State must enact in order to be eligible for Federal cooperative assistance given under title III of the House bill provided that the State meat inspection system must be "at least equal to" instead of "comparable" as contained in the bill passed by the House of Representatives. This makes it perfectly clear that we expect the strongest requirements from the States and, in fact, gives them clear-cut authority to enact stronger standards than the Federal inspection system, and still be eligible for Federal assistance under title III of the bill.

Third, and in my opinion most important, was the amendment to provide authority to the Secretary of Agriculture to designate a State as being subject to Federal meat inspection for intrastate plants should the State delay in moving towards an adequate meat inspection program beyond 2 years. This is tempered by an additional provision providing that if the State is taking substantial steps toward enacting a strong meat inspection program to protect its own consumers, the Secretary of Agriculture may, within his discretion, give the State an additional year to achieve its goal.

Additionally, authority is given the Secretary to identify intrastate plants whose operation procedures or production result in an unsanitary or unwholesome situation and to call the existence of this plant to the attention of the State Governor. Should the State choose not to act within a reasonable time thereafter to police this plant, the Department of Agriculture itself is authorized to take appropriate steps to insure that unhealthful products are not being allowed from this installation.

Mr. Speaker, of course, these are not all of the changes that the other body attempted to make to our bill. However, I am happy to say that these are the only ones which the conferees agreed to being worthy of the strong bill originally passed by the House. It cannot be denied that the American consumer is entitled to the strongest possible protection in this area, nor can it be denied that there must be a quality of reasonableness inserted in our regulations so as not to create a great hardship on a vital segment of our domestic industry. The provisions which the conferees were willing to accept which were added by the other body do not, in my opinion, decrease the effectiveness of the House-passed bill. Quite the contrary, I think they add to the provisions which the House saw fit to include in our bill. The provisions providing for reporting of foreign meat imported into this Nation along with the certification by the Secretary that this meat is wholesome and has been produced in compliance with the provisions of this bill insure that meat being imported from other countries meets the same high standards as that produced here in the United States. There is no element of unfairness to another nation in this requirement, merely the logical expectation that those nations which would export meat and meat products to the United States must meet our high standards.

The amendment which would provide the States 2 years to enact an adequate meat inspection program or, at the grace of the Secretary, 3 years is logical. States are preserved their freedom of choice and their right to control those domestic industries within their borders as in the House-passed bill, but the safety of the American consumer is recognized as an overriding factor which is taken into account. When weighing the provisions before us, it cannot be denied that not one of us here would feel we had done our job adequately unless we could insure that there will be safe regulations put into effect for intrastate meat production. This area presently comprises approximately 15 percent of our present overall domestic meat production and needs regulation in some form to provide the necessary protection to the American consumer.

Three corollary problems deserve mention here, regarding interpretation of the efforts on this bill to date:

First. The conference report notes that it is the intention of the conferees that in any State which has enacted a meat inspection program qualifying for assistance under title III of this bill, that those intrastate industries regulated under such a State program shall be entitled to participate in bidding on Federal contracts for meat supplies.

Second. I also wish to take this opportunity to comment on the recordkeeping and inspection provisions in section 14 of the bill. As introduced and reported favorably by the Committee on Agriculture of this House, section 14 of H.R. 12144 contained a provision for recordkeeping by the regulated industry, as well as a provision authorizing the inspection of the facilities and records of regulated industry members by representatives of the Department of Agriculture.

As reported by the committee, section 14 of H.R. 12144 would have added section 202(a) to the Meat Inspection Act, requiring that the classes of persons and organizations specified by the bill "keep such records as will fully and correctly disclose all transactions involved in their businesses."

The broad class of business firms subject to this requirement was described in the following language:

> Any persons, firms, or corporations that engage, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food.

Furthermore, the bill defined the term "prepared" as "slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed."

This provision was debated extensively in the course of the consideration by the Senate of the Senate bill, as reported by the Senate Committee on Agriculture and Forestry, with particular reference to the problems outlined in a letter by the Grocery Manufacturers of America, Inc., to Senator ELLENDER, the distinguished chairman of the Senate Committee on Agriculture and Forestry, dated November 20, 1967.

As the sponsor of H.R. 12144, I wish to take this occasion to join in the clarification of the intended scope and objective of section 202(a) with respect to recordkeeping and record inspection, in line with the colloquy between Senator HRUSKA and Senator MONTOYA in the course of the Senate debates of November 27.

There was no intention on the part of the sponsors of H.R. 12144 to require the keeping of records by the regulated industry, or to authorize inspection by representatives of the Secretary of Agriculture, beyond those records applicable to meat and meat products which were properly necessary for the effective enforcement of the provisions of the bill to insure wholesome meat and meat products for the American consumer.

I agree with and join in the statement of the distinguished Senator from New Mexico that the Secretary of Agriculture shall issue regulations setting forth specifically what records shall be kept and under what circumstances they are to be made available to duly authorized representatives of the Secretary, and to define in such regulations, after notice and hearings, the reasonable terms and conditions whereby such inspections may be made in conformance with applicable constitutional requirements.

Third. I would like to emphasize that those of us who have considered the important subject of improved consumer protection through expanded meat plant inspection realize that this involves additional Government costs. We are giving the Department of Agriculture a larger job to do. In the bill we are considering we have built in some concepts that should lead to qualitative as well as quantitative approach to this job. Protection of the consumer is the objective, not just maintaining inspectors. I urge the Department to review its program in order to distinguish between areas where its resources and personnel are required to achieve the objective and where the inspection may duplicate that already performed once or twice as in those areas where there is sufficient coverage by the Food and Drug Administration by their inspection procedures. I am hopeful that the Department will review its present operations and systems and come to the Appropriation Committee next year with the advantage of having examined where it can strengthen its work by judicious allocation of its resources to get the most real protection per dollar.

Fourth. It is further the intention of the conferees that appropriations for both Federal and State funds are not to be collected by "user" fees. A system providing for general appropriation in this area is much more sound and much more justifiable. Moreover, it will not result in an inordinate burden being placed on the American housewife for the protection she is entitled to have.

Mr. Speaker, the conferees on the part of the House were all knowledgeable of the problems involved in this critical area of consumer protection. Although I am certainly prejudiced, I feel they were much more knowledgeable than those critics outside of the Congress who attempted to use the spectacle of unsafe meat for their own selfish ends. All of us here today without question want the best possible protection for Americans. This was the attitude of your conferees. The conferees neither agreed to every amendment made by the other body, nor did they accept them. The provisions which are recommended are the ones which, in my estimation, provide the most logical additions to this bill and are entirely consistent with the goals we are attempting to reach with a system of national meat inspection. Accordingly, I sincerely urge the adoption by the House of Representatives of the conference report.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Iowa.

Mr. KYL. I would like to ask the subcommittee chairman to expand a bit on the matter of the fifth amendment which is listed in the sheets prepared by the conference. In line 2, under the fifth sequence, it says that the Federal Government will be permitted access.

Let us see if we understand this.

The States have 2 years—and if they are trying, an additional year—to bring their State laws to the standards of the Federal act. But in the meantime and immediately upon the passage of this act, and its being signed into law, the Secretary has the right to send inspectors to any intrastate plant to determine if there is a violation of good standards; is that correct at that point?

Mr. PURCELL. Yes; that would be correct.

Mr. KYL. If the Secretary or the inspector who is working under the Secretary goes to a plant which is acting completely intrastate in its commerce and finds there are some matters of sanitation that must be improved according to his judgment, what is the recourse—what happens to this plant that he is inspecting? Does he have the authority to stop the operation temporarily or permanently? What is his choice there?

Mr. PURCELL. My understanding is that the Secretary would only have authority first to call this to the attention of the plant and to the State officials and then if after a reasonable length of time curative or corrective action has not been taken, then the Secretary has the authority to use Federal inspections and standards for them.

I will be glad to yield to the gentlewoman from Washington [Mrs. MAY] if she would care to elaborate on that.

Mrs. MAY. I believe that the part which the gentleman from Iowa is referring to is in title II where Senate language has been added, which requires that the State include in their law provision for permission for the Secretary or his representative to have access to such place of business.

I am now reading from the wording "and the facilities, inventories and records thereof and the taking of reasonable samples where he determines it is necessary in carrying out these responsibilities under the act."

This refers to that portion of the bill which says that if the Secretary of Agriculture finds that any plant is distributing adulterated products dangerous to the public health, he shall be given permission to move in—in the first place he has, of course, to report it to the State—and if nothing is done, then he may move in so that the public health may be protected. But in an attempt to establish this there has to be within the State laws this express permission for him or his representatives to come in and make a check of samples where they have great suspicion that deleterious materials may be present in the meat.

Mr. KYL. Mr. Speaker, will the gentleman yield for a further question?

Mr. PURCELL. I yield to the gentleman.

Mr. KYL. In those cases where an intrastate plant today uses Federal meat grading standards, even though he is not under Federal inspection generally, which means that a Federal inspector does periodically inspect the sanitation of the plant, would additional authority even under the State law be necessary for the Federal inspector to proceed beyond that point of the routine inspection that he makes for grading and labeling?

Mr. PURCELL. My understanding is that it would not.

Mr. KYL. I thank the gentleman.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman.

Mr. WAMPLER. I notice in section 2 of the statement of the managers on the part of the House that the Senate receded from the authority to exempt certain retail activities and retailer dealers from the application of the full Federal meat inspection.

My question is this: What was the intent of the conferees with regard to the treatment of building standards? Many of the small processors are operating now under Federal exemption certificates. Was it their intent to put stronger controls on them, or what was their intention?

Mr. PURCELL. Will the gentleman repeat the question?

Mr. WAMPLER. It is my understanding that there are some 540-odd establishments operating under Federal certificates of exemption today. The language in the bill of the other body provided for exemptions. It is my understanding that in the conference that language was deleted. My question is this: What was the intent of the conferees in regard to these establishments that are operating under retail exemption certificates?

Mr. PURCELL. For an answer to that question, I would again yield to the gentlewoman from Washington, for she has a letter from the Department on that subject.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentlewomen from Washington.

Mrs. MAY. The gentleman will recall that in the House bill we established that further exemptions that are now in the statutory authority of the Secretary shall not continue. It would have to be redetermined.

Then the Senate acted under the amendment offered by the Senator from Iowa, Mr. MILLER, to ask that these exemptions on retail certifications be retained. When the conferees were in disagreement on this question, the Department of Agriculture was asked to express its policy, now and in the future, as to what they intended to do about these present exemptions. In response to our questions, the Department of Agriculture sent a letter to the conferees. It was read to the Senator from Iowa, Mr. MILLER, who had offered the amendment. In a moment I shall be glad to show to the gentleman that letter in full. In that letter it is pointed out that the stated policy of the Department of Agriculture is to phase out all authority for retail exemption certificates which is still discretionary with the Secretary.

In other words, there are some 500 plants operating under these exemptions. The Secretary has stated that he intends to phase-out these exemptions in a matter of, I suppose, the next few months. These exemptions are gradually being reduced. Therefore, there was no reason for retaining the exemptions under the announced stated policy of the Secretary. That is why the Senate conferees receded on this point.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield further?

Mr. PURCELL. I yield to the gentleman from Virginia.

Mr. WAMPLER. It would certainly be my hope that these establishments that are now operating under Federal exemption certificates would be given a reasonable time to comply with whatever requirement might be placed upon them. It seems to me, from my recollection of the evidence before the committee, that there was little or no evidence that these establishments were responsible for placing into the market unwholesome meat for human consumption. But, on the contrary, many of them were reputable dealers. I certainly hope that the Department will use prudence as they apply the standards of this bill and not work undue hardship on these establishments.

Mr. PURCELL. I can say to the gentleman that under this bill they would be given a reasonable time to comply with the requirements.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Oklahoma.

Mr. BELCHER. There is a question that arises as to what might happen to some of the little packers that do not have proper buildings and facilities. It is feared that they might be put out of business by rigid requirements on the part of the Federal Government. The fact of the matter is that a small packer called me and said that he did not have any objection to conducting a completely sanitary plant, but that one of the requirements made by the Department of Agriculture was that he had to have rails 11 feet above the floor. In order to comply with that requirement he would have to completely rebuild his plant. In doing so he would be out of the business, and that would throw 100 people out of jobs.

We received a letter from the Secretary of Agriculture, which is made a part of the report. In view of the fact that the report is not here for inspection, I wish to read a part of that letter, which would cover that very situation. The letter states as follows:

> This letter is written in response to your request made at the meeting of the conferees on H.R. 12144 for information regarding plant construction requirements in connection with the Federal Meat Inspection Program.
>
> The eligibility of an establishment for inspection under the Federal Meat Inspection Program is based upon a combined evaluation of the operating procedures used by the establishment and the building construction and physical facilities rather than upon a separate evaluation of these factors. As a result of many requests a guide to plant construction and equipment has been put together for use by industry operators, architects, engineers, and other Government officials (foreign and domestic) interested in the sanitary handling of products within an establishment. The guide is a collection of recommended minimum standards. However, a great variety of arrangements, building materials, and equipment have been considered acceptable so long as they lend themself to the production under sanitary conditions of clean wholesome product.
>
> The only mandatory construction requirements are set forth in general terms in the regulations. These requirements relate directly to maintenance of sanitary conditions for the production of wholesome meat. For example, "The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned."

That is all that the Federal Government requires of a plant—that it must be sanitary and clean, and they do not have mandatory specifications or sizes that have to be complied with in order to meet the Federal standards. This letter will be a part of the report.

Mr. PURCELL. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, the report of the conference committee on the meat inspection bill, the Wholesome Meat Act of 1967, is a report which I am proud to support enthusiastically. The conference version on which this House will vote shortly is a vastly stronger bill than the House of Representatives itself voted on October 31.

In particular, the Senate amendments adopted by the House conferees provide that in 2 years—3 years at the most—there will be no State in the Union which will not be under Federal meat inspection unless it has adopted, with the approval of the Secretary of Agriculture, a meat inspection system at least equal to Federal standards.

I am not one who thinks the Federal Government ought to be the final arbiter in all fields; but in the field of meat inspection, there is no State in the Union, in my judgment, that can meet Federal standards today in both its law and its enforcement. And we know that the meat inspection system of the U.S. Department of Agriculture is a model for the world.

Thus the standards of the conference version are very high standards indeed. They are, however, no less than the American people have a right to expect from both their States and their Federal Government; and they are no less than those which it is the obligation of the Members of this House to provide.

In addition, there is some protection immediately for the public while States are preparing to meet these standards. One of the Senate amendments provides that the Secretary of Agriculture will have authority to enter any meat plant in the United States, whether or not it ships its products across State lines, and, if the Secretary believes that adulterated products dangerous to the public health are being distributed he would notify State authorities. If they failed to act in a reasonable time, he could place such plant under immediate Federal inspection.

Other provisions in the bill will allow and require full and detailed reporting by the Secretary of Agriculture on the operation of meat-inspection systems throughout the United States.

Many Members, moreover, have been praised by the speakers who have appeared in the well, including myself. There are, however, two Members of this House who, I feel, merit the gratitude not only of this House and of this Congress but also, the gratitude of every American consumer, of every responsible meat packer and processor and of the American livestock agricultural community.

The first is the gentleman from Iowa, Mr. NEAL SMITH, who for 7 years has labored in behalf of an adequate meat inspection bill. To the great credit not only of him but also of the chairman of the Committee on Agriculture—who is opposed to this bill—this is the first year in the 7 that he has been given a hearing by the Committee on Agriculture, and that a bill could be brought forth in this House.

The second is the gentlewoman from Missouri [Mrs. SULLIVAN] who in all fields relating to consumer protection has been an outstanding and stalwart champion of the American consumer. Mrs. SULLIVAN's interest in meat inspection has gone back very many years.

These two, of all the Members of the House and Senate, merit the gratitude not only of this body but also of the American consuming public.

I say only one more thing in closing: The distinguished chairman of the Committee on Agriculture and I occasionally have disagreed. But I would tell all of my friends who have supported my position in this House that I could not have asked for fairer, for straightforward, and more honest treatment than that which I received from the gentleman from Texas [Mr. POAGE] and from the gentleman from Texas [Mr. PURCELL]. I say this not in a spirit of mere courtesy in the House. I say it very sincerely. I was allowed by the gentleman from Texas [Mr. POAGE] and through the courtesy of the gentleman from South Carolina [Mr. MCMILLAN] to be a member of the conference committee.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from Washington has expired.

Mr. PURCELL. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FOLEY. Mr. Speaker, the gentleman from Texas [Mr. POAGE], out of conscience and deep philosophical conviction, is taking another position on this bill. But I want to make it very clear to all of those who feel strongly about this matter that his conduct and his action with respect to those who disagreed with him on the committee could not have been more exemplary, could not have been more equitable and fair. I appreciate his conduct very, very much.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I congratulate all who had a hand in prying this bill out of conference in a manner which will give the consumer the hope of achieving, within the next 3 years, the assurance that all meat and meat products sold in the stores or served in restaurants is slaughtered and processed under decent standards of sanitation and wholesomeness.

As the first Member of Congress to have introduced legislation to provide authority to the Federal Government for compulsory inspection of meat sold only in intrastate commerce, I am gratified by the fact that the bill now before us would provide such authority under certain circumstances. In many respects, this bill, H.R. 12144, goes beyond my bill, H.R. 1321, which I first introduced in 1962, and I support H.R. 12144 as a practical and, I hope, effective measure for meeting the serious problem of uninspected, diseased, and "doctored" meat now being sold in many jurisdictions.

Making this legislation work, however, will depend upon three things: adequate Federal appropriations; conscientious cooperation by the States; and strong Federal administration and enforcement.

I am sorry that the House conferees have divided so strongly on this conference report. Of course, it is not the first time that the consumer has received second- or third-priority consideration in matters which relate to the agricultural industry. But we are making progress.

ROLLCALL OF LEADERS IN MEAT INSPECTION BATTLE

For that progress, we can all be grateful to the late President John F. Kennedy, for having sent the first Presidential consumer message to Congress in 1962, in which he cited some of the problems in connection with noninspected meat sold in intrastate commerce; to President Johnson, for continuing and expanding the drive for consumer legislation; to Assistant Secretary of Labor Esther Peterson, the first Special Assistant to the President for Consumer Affairs, who spotlighted this issue of unwholesome meat during her 3 effective years as the administration's voice of the consumer; to the Honorable Betty Furness, who has demonstrated real courage and straightforwardness in fighting for a strong bill such as we now have before us for final passage; to Arnold Mayer of the Meat Cutters Union; to Ralph Nader, who dramatized an issue which some of us have labored over for 5 years without achieving the public support he helped us obtain; to such House colleagues as Representatives SMITH of Iowa and FOLEY, of Washington, and to Senators MONDALE and MONTOYA; and, as I said, to those conferees who pried a good bill out of conference committee.

If I have left out anyone whose efforts deserve recognition on this bill—and I am sure I have left out many—I hope that consumer groups will make up their own rollcalls of outstanding performance on this legislation and publicize them widely.

THE 1957 POULTRY ACT MACHINERY STILL UNUSED

Ever since 1957, we have had machinery for the compulsory inspection of poultry sold only in intrastate commerce, but that section of the Poultry Act has never been used. It is different from the procedures for intrastate inspection which would be established in this bill for the red meats. In testifying on the meat inspection bills, I urged the Committee on Agriculture to try to achieve uniformity in the two programs either by adopting for meat inspection the law as it now applies to poultry, or by amending the Poultry Products Inspection Act to conform to whatever system was eventually devised for compulsory Federal inspection of the red meats in intrastate commerce.

This has not been done. It should be done. It should be made the next step in the modernization of our food inspection laws. There is still a vast amount of poultry which cannot be sold across State lines because it is not slaughtered and processed under proper standards of cleanliness and wholesomeness.

So the job we are doing today in behalf of the consumer in passing this bill is far from finished, as long as poultry can be processed and sold to unwary purchasers in intrastate commerce without adequate inspection to insure its wholesomeness.

CAN WE NOW DRAMATIZE THE NEED FOR INVOKING POULTRY ACT?

I feel that the Department of Agriculture has been far too timid in the use of its existing powers to get at this unwholesome poultry moving only in intrastate commerce. The States have failed utterly to try to invoke the machinery of the Poultry Products Inspection Act to help them solve this problem. My own city of St. Louis, joined by St. Louis County, tried not once but several times to have our area designated a "major consuming area" under the 1957 Poultry Act, so that all poultry coming into the area from within Missouri would have to pass Federal inspection. Apparently, the law is cumbersome in its provisions, or the Department is not anxious to invoke it.

I would urge Mr. Nader, and others who helped to dramatize the meat situation, to take a look now at the poultry problem and perhaps we can get long-overdue action on that front, too. In the case of poultry, we already have a law which could be used to protect consumers against unwholesome poultry in intrastate commerce. Who will provide the push now to have this law invoked? I have tried to do so in every way I know, but I have not succeeded. Can I get some help?

Mr. PURCELL. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia, [Mr. FLYNT].

Mr. FLYNT. Mr. Speaker, I believe that all of us in this body support the objectives of this legislation. Some of us, including the chairman of the Committee on Agriculture, question whether this conference report is the vehicle through which this objective can best be reached.

When the Purcell bill was before the House of Representatives several weeks ago I supported that bill with enthusiasm, because I thought then, as I do now, that it was a well-considered, properly planned piece of legislation which had been fully and carefully discussed in the Committee on Agriculture and on the floor of the House of Representatives.

The House of Representatives spoke its will at that time and overwhelmingly, I would say, supported the position of the Committee on Agriculture and the provisions of the Purcell bill.

There are many of us who believe that this conference report, which is in substance the Senate-passed version of this bill, would in effect be a step backward and, in many States, where State standards are the equivalent of or even better than Federal standards at the present time, there might be a tendency to let up. I hope that this will not happen.

But that would be a natural reaction by some of the State departments of agriculture which today set higher standards than does the U.S. Department of Agriculture. Let me give you two examples of this. Twice within recent years the State of Georgia, which has a substantial and I think an outstanding meat inspection system and program, appealed to the U.S. Department of Agriculture to raise Federal standards to equal the standards which were set in the State of Georgia. One of those was in the processing of pork products where the U.S. Department of Agriculture standards at that time permitted the pumping of excess water into hams and other meat products. The Department of Agriculture lowered its standards on pork products. It was only after an effort of several years, spearheaded by the State of Georgia and other States, that the Department of Agriculture of the Federal Government restored the standards to what they should have had in the first place.

We in Georgia are no strangers to stringent meat inspection requirements and standards. Georgia is one of the largest poultry producing States in the country. For many years the poultry inspection requirements of our own State have been superior to those of the U.S. Department of Agriculture. On several occasions the commissioner of agriculture of the State of Georgia asked the Secretary of Agriculture to raise the Federal standards. He said that he could not and would not do so because he did not think that the intent of the Congress as expressed in existing Federal statutes required it.

Mr. Speaker, I think this could well be a step backward instead of a step forward in guaranteeing highly rigid strict standards of meat inspection and the wholesome quality of meat.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to my colleague from Georgia.

Mr. O'NEAL of Georgia. Mr. Speaker, I thank my longtime and warm friend and colleague.

Mr. Speaker, no one favors unclean meat. No one wants lax inspection. The question is only one of responsibility. In Georgia we see to it that our own meat produced in the State is inspected by our own inspectors, and we depend on Federal inspection for that which is produced in States over which we have no control. This is the way it should be. The State that wants to face its own responsibility can have locally produced meat as clean as it wants to have. Under the present system the State that has bad meat because of inadequate State inspection can only blame itself.

The effect of this bill, as now amended, will be to hasten the day when State responsibility will be nonexistent, and Mr. Speaker, that is not good. It is a trend in the wrong direction.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to my colleague from Georgia.

Mr. STEPHENS. I thank the gentleman for yielding.

I would like to associate myself at this time with the remarks that my colleague, the gentleman from Georgia [Mr. FLYNT], made as well as to associate myself with the remarks of my other colleague, the gentleman from Georgia [Mr. O'NEAL].

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Georgia [Mr. BRINKLEY].

Mr. BRINKLEY. Mr. Speaker, I rise also to associate myself with my colleagues from Georgia [Mr. O'NEAL and Mr. FLYNT]. I will say our State and the meat-processing industry of our State has already shown responsibility in meeting the challenges which confront them.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to congratulate the gentleman from Georgia, because he said something that needs to be stated. The commissioner of agriculture of the State of Georgia has tried in every way possible to cooperate with the Federal authorities. Several times he asked for some help in poultry inspection and was denied it. Georgia has been a leader among the States in meat inspection. I certainly congratulate the gentleman from Georgia for bringing this matter out. I would like to endorse his remarks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PURCELL. Mr. Speaker, I yield the gentleman 30 seconds.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Georgia [Mr. FLYNT]. His remarks are timely, and this is a good illustration of the example of a State which has shouldered its responsibility and done it well.

Mr. FLYNT. The bill which the House passed was fully debated and thoroughly considered by the House of Representatives. The rules under which the amendments were debated provided ample time for any Member to be heard.

Today this bill comes up under somewhat unusual circumstances when the Members of the House do not have before them copies of the conference report or the statement of the managers. I recognize that the statement of the managers was read and that a few copies have been available to Members upon request.

When the statement of the managers was read, there was a small attendance in the House and such attendance has not increased substantially during the 50 minutes which have already been used. It is therefore quite likely, Mr. Speaker, that a larger number of Members are more aware of the propaganda which has been circulated about this bill than they are about the conference report itself.

As I stated earlier in my remarks, the question of wholesome meat products is not a novel question as far as we in Georgia are concerned. We are proud of the high standards of meat inspection which have been promulgated and enforced by the general assembly and department of agriculture of our State. As a result of these high standards, Georgia has become a leading shipper of meat products of many varieties. Decades of experience have convinced wholesalers, retailers, and consumers of the high quality of the meat products of Georgia and the State approval on the package of meat products indicating that such products were produced in Georgia has long been accepted as an emblem of the highest quality and wholesomeness.

Several weeks ago the commissioner of agriculture of Georgia, the Honorable Phil Campbell informed me that he had been threated by officials of the U.S. Department of Agriculture if he persisted in his opposition to the pending substitute to the original Purcell bill. These threats were in the nature that Federal inspectors would undertake smear campaigns and a series of harassing actions against him, other State agriculture commissioners who shared his views and the inspection services which were administered under such departments. He further informed me that more than 2 weeks of spot checks by USDA inspectors, instead of producing evidence of low-grade inspection standards, produced evidence of very high standards of inspection and processing in the Georgia plants.

It is difficult to understand why the original Purcell bill (H.R. 12144), introduced with the full approval of the Department of Agriculture and the administration, has now been scuttled and we are today confronted with a conference report which few Members of the House other than the conferees themselves have had an opportunity to study.

Of course I want the very highest standards of meat inspection for all meat products regardless of the State in which they are processed. I believed then and I believe now that H.R. 12144 as originally reported by the Committee on Agriculture was the best possible step in that direction.

It provided the best elements of a strong partnership between the Federal Government and the State to accomplish that objective. I am not sure that this conference report will accomplish this.

We have seen many instances especially in the field of agricultural research, where increased funds by the Federal Government have unfortunately resulted in corresponding reduction of funds provided by the States.

The provisions of this conference report could eventually preempt the field of meat inspection with the result that the effective efforts of local, municipal, and State inspection systems may be abandoned.

We are not certain that the Federal Government alone can do the job which needs to be done. It has been estimated that as many as 5,000 new Federal inspectors may be required and may be required on short notice. If this happens, it is very probable that many qualified persons will be employed who will be incapable of adequately inspecting meat products. The result could be very serious.

I support the objectives of this legislation but a comparison of the language of the House passed bill and the language of this conference report leads me to believe that the provisions of the original House-passed bill are in the best interests of the consumers of meat products.

Mr. PURCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Rhode Island [Mr. TIERNAN].

Mr. TIERNAN. Mr. Speaker, as a supporter of the Smith-Foley amendment to the recent Meat Inspection Act passed by the House, I am delighted that the House-Senate conference has reported a stronger bill than originally approved by the House. Although one of the key provisions of the Senate bill was dropped in conference—the Governor's waiver—I feel that the House should enact this legislation without delay. The conference measure is a real victory for the American consumer who has too often and too long been disregarded by the meatpacking industry.

During my college days, I remember reading an expose by Upton Sinclair of the conditions in the meatpacking industry in his novel "The Jungle." This book so graphically portrayed the horrors of the meatpacking trust that it eventually led to a full-scale Government investigation which created a climate of public concern and in turn led to the Meat Inspection Act of 1906. Although this act was a model of progressive and enlightened legislation in its day, it only covered, as we know, meat involved in interstate commerce. Today, 60 years later, meat products are still not subject to this inspection if State lines are not crossed, and conditions in some segments of the intrastate meat industry are scarcely better than is described in "The Jungle."

Like most consumers, I have assumed that modern meatpacking concerns—out of consideration for the health of their own customers—would adhere closely to Federal standards whether or not they were covered by the Meat Inspection Act of 1906. I do not think this was naivete on my part. I just did not realize that for many in the meatpacking industry, health is fine but filth pays dividends. I was appalled to read the Department of

Agriculture's survey that 9 million or more pounds of meat—15 percent of all slaughtered meat and 25 percent of all processed meat—is subject only to State inspection. No one can read this sad record of the meat industry neglect and disregard for consumer health and not be outraged.

I was shocked to learn that the water content of some processed meats also were found to run sometimes as much as 500 to 600 percent more than the federally accepted maximum.

In effect, what was happening was that the consumer was buying water at meat prices.

Perhaps the most sickening aspect of the Clarkson report is that part which brings to light the fact that some slaughterers and processors are engaged in what is commonly referred to as the 4–D trade—that is, meat that is taken from disabled, diseased, dead, and dying animals. I am horrified to know that this kind of meat which under Federal inspection is classified as unfit for human consumption has been sold to many unwitting consumers in this country.

With respect to my State, Rhode Island, I am most reassured by a recent letter from Dr. Joseph Cannon, the director of the Rhode Island Department of Health in which he stated that no 4–D cattle have been slaughtered in Rhode Island nor have any been purchased by any Rhode Island buyer at neighboring livestock auctions. I am also happy to report that Agriculture Department hearings revealed that Rhode Island is one of the States with a good mandatory inspection law.

As a State senator in the Rhode Island Legislature, I was a vigorous supporter of the transfer of the division of animal husbandry from the department of agriculture and conservation to the department of health where it rightfully belongs. As a result of the reorganization, a division of animal and dairy industry was created and one of its prime activities is the enforcement of the Rhode Island slaughter act. Since July of 1963, meat inspection activities in Rhode Island have been under the direction of a full-time public veterinarian, a former employee of the USDA Meat Inspection Division.

Clearly, the revelations of the Clarkson report reinforced by the Department of Agriculture of this year point up the need for this legislation. I urge the House to accept this conference report so that this legislation can be signed into law without delay.

Mr. Speaker, without objection, I include two recent articles on the subject of meat inspection:

[From the New York Times, Dec. 2, 1967]

Toward Safer Meat

(By William M. Blair)

Washington.—Consumers have assumed for years that the Federal meat inspection law protected them against filthy, diseased or adulterated meat.

This is true for much of the meat they buy, but substantial quantities of meat and meat products are not federally inspected. Consumers have learned from the current Congressional hassle that Federal inspection applies only to meat sold across state lines and that some 9 million or more pounds—15 per cent of all slaughtered meat and 25 per cent of all processed meat—is subject only to state inspection, if any.

It is this intrastate meat, produced and sold wholly within states, that has produced for years the conflict in the states, the meat industry and the Federal Government. The Administration's growing emphasis on consumer affairs and the widening consumer-orientation of Congress brought the problem to a head this year because of the opposition of agricultural interests.

The conflict had been raging before Congress heard of Department of Agriculture reports of 1963 and another this year such as this one on a plant not federally inspected: "Abscessed beef and pork livers and parasitic infested livers mixed with edible products." Or "Mold and slime in coolers and debris and trash mixed throughout the plant." Or meat was dragged across the floor with "vermin droppings" and "No window screens—flies abundantly present."

SEEK MODERNIZATION

Two years ago the Administration sought to "modernize" the basic 1906 Federal meat inspection law that resulted from Upton Sinclair's exposure of meat industry conditions in "The Jungle." The Administration wanted to get at the purveyors of rotten, adulterated meat and even horse products and products from the 4–D—dead, dying, diseased and disabled—animals. It was stymied, however, without readily available proof that the meat moved in interstate commerce.

It must be said, however, that a few voices were heard within the meat industry saying that the intrastate situation had to be cleaned up, and that if the states didn't do it, the pressure on Congress could result in stringent Federal action.

Involved in this was the belief that if the Federal Government took over all meat inspection, the cost, now paid by the Government, would be shifted to the industry. The industry also saw more Federal encroachment and regulation of business.

Advancing technology, rapid transportation and communications, competitive marketing and new food preservation methods have revolutionized the meat industry. Slaughtering and other plants have been decentralized and specialized and located near large consumer markets. This has caused a growth of intrastate plants because they do not have to ship across state lines to get at markets.

Although some states have sought to meet the growing problem of uninspected meat, few have the needed manpower and financial resources.

The Administration's approach has been to offer the states money aid to upgrade inspection systems, whether mandatory or voluntary, and to install systems in states without inspection statutes.

The industry, fearing consumer backlash and more Government regulation, accepted this Federal-state cooperative approach in a House-passed bill this session. But the case against widespread filthy conditions built up again and forced considerations of stronger measures in the Senate.

After the House passed its bill and defeated an effort to put an estimated 9,000 of the 15,000 plants under Federal inspection immediately, Senator Walter F. Mondale, Democrat of Minnesota, moved to get all meat under Federal inspection.

A "SPOILER"

In a role as a "spoiler," he knew that such a bill might fail, leaving consumers with no bill at all. He succeeded in strengthening a Senate bill to give the states two years to shape up or face Federal intervention. The meat industry accepted this "stick" to prod the states into action.

Confusion resulted, however, when Betty Furness, Special Assistant to the President for Consumers Affairs, gave the Mondale bill unqualified endorsement while other Presidential assistants were still divided over whether they should go for the strongest bill or for a bill that Congress would pass.

The Senate bill retains the House "carrot" of matching Federal grants to help states gain inspection at least equal to Federal standards. It gives the states two years to meet the Federal standards or face a takeover of inspection by the Secretary of Agriculture, but the Secretary may add a third year of "grace" if he finds progress being made by a state on its own system. A Governor could waive the time period and put his state under Federal inspection immediately. Further, the Secretary is empowered to seize unwholesome meat and seek a court injunction to close a plant if he considers the plant a menace to health.

Senate and House conferees will meet this week to reconcile their difference after the House refused to instruct its conferees to accept the Senate version.

[From the Wilmington, Del., Evening Journal, Dec. 2, 1967]

United States Indicts Two Meat Firms Here

A federal grand jury in Wilmington returned a 30-count indictment yesterday against two Wilmington slaughterhouses and a Philadelphia meat firm, charging violations of federal meat inspections laws.

Goldberg Bros. of South Market Street and Morris and Alec Goldberg, its president and vice president, respectively, were charged in 10 counts.

They are accused of causing transportation of a quantity of meat that had not been inspected and examined and marked as "inspected and passed" as required by the federal law and U.S. Department of Agriculture regulations.

The violations, according to the indictments, occurred in connection with meat being transported from Wilmington to Philadelphia between February and August in 1965.

Sidney Hendler, operator of a slaughterhouse at 737 S. Market St., was named in a similar 10-count indictment charging similar offenses over the same period of time.

The indictment also accused Morton Provision Co. of Philadelphia and Morton Gekoski, its president and manager, in 10 counts of transporting the meat bought from the Goldbergs and Hendler.

The Goldbergs are alleged to have shipped 42,570 pounds of meat and 1,333 additional pieces of meat.

Hendler's indictment involved 14,462¾ pounds and 673 pieces.

Federal law prohibits transportation, offering for transportation, receiving or causing to be transported from one state to another any carcasses, meat or meat products, which have not been inspected and examined and marked as "inspected and passed."

The penalty on conviction for the misdemeanor offense is up to $10,000 in fines, imprisonment up to two years, or both.

Asst. U.S. Atty L. Vincent Ramunno prepared and presented the case to the grand jury. Investigation was made by Clarence O. Cowgill Jr., an Agriculture Department meat laws investigator, and Sigmund P. Zeitlin, a special agent of the department.

Mr. PURCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas [Mr. Gathings].

Mr. GATHINGS. Mr. Speaker, I am opposed to the adoption of the conference report. It has been a real pleasure and a privilege to serve on this conference with such a fine group of members of the Committees on Agriculture of both

Houses of Congress. I oppose the conference report on the ground of principle. The chairman of our committee, Hon. W. R. POAGE, of Texas, has fought valiantly for the House bill as he believes it to be in the best interests of the farmer, the consumer, the packer, and the meat dealer. I commend him for a splendid job. It is a great thing to be associated with such an able leadership as that exemplified by Chairman POAGE and the ranking minority member, PAGE BELCHER, of Oklahoma. Mr. BELCHER is a stalwart, courageous legislator. As for Mr. POAGE, he is "Mr. Agriculture" in the Nation. There is no one who could run a close second to him in having the knowledge of all phases of farm problems as that of chairman BOB POAGE, of Texas.

In commenting with respect to this legislation I would like to bring to the attention of the House the superb services rendered by the chairman of the subcommittee and author of the bill, Hon. GRAHAM PURCELL of Texas, Representatives CATHERINE MAY and TOM FOLEY of Washington, NEAL SMITH of Iowa, and all the members of the subcommittee who worked tirelessly and diligently on this legislation.

It is a hobby of mine to buy meat over the counter. I engage in this hobby every Saturday. I feel that when the stamp, "Approved, U.S. Department of Agriculture," is placed on fresh meats it means something. It is a protection to the consuming public that the meat is wholesome. The Meat Inspection Service is a great organization and has served the interests of the people commendably and well. However, the State inspectors, too, have performed their jobs with credit and distinction. The House bill recognized the good in both State and Federal inspection services. The House bill was endorsed by all segments of the industry including the farmer, the commissioners of agriculture, the meatpackers and dealers. I am firm in the conviction that you do not have to go to Washington with every human ill that befalls the American people. The 50 States in this Union are close to the people themselves and should be recognized when it comes to a matter of dealing in intrastate commerce in all of its various phases. This bill just says to the State, "If you do not place your house in order within 2 years, or an additional 1-year period of grace, a 3-year period of time, we will step in and do the job for you" in connection with transactions that are local in nature and that do not involve intrastate commerce.

The legislation as approved by the conferees will in time mean the death knell of the State inspection of meats that do not cross state lines. This is a bad situation that will result from the approval of this legislation.

When we speak of the success of the Federal meat inspection program, and it has been a success, I cannot see that there should be a monopoly in the hands of the Federal Government in this field. There is no monopoly when it comes to the matter of classification of cotton. The cotton classing service of the Department of Agriculture is a great institution rendering fine services to the cotton farmers in the Nation, but it is recognized full well that private concerns have cotton classers whose classifications are readily approved by the U.S. Department of Agriculture officials. State meat inspectors have and do perform similar meritorious services.

It is estimated that $8 million additional funds would be required or requested for the Federal meat inspection service for the remainder of the current fiscal year. This money will be spent largely in intrastate operations.

I have doubts about the constitutionality of the conference proposal. I will not support the conference report.

Mr. PURCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, after the able and distinguished gentleman from Oklahoma [Mr. BELCHER], who described himself as the defendant, presented the case, there is not much left to say with reference to the substantive matters that are involved in this legislation.

However, I do wish to say that I do not think that this is any usual Federal-State matter. This is, really, a health matter. There is no part of the entire United States—and do not be fooled by these claims that there are—that insofar as the Federal meat inspection standards are concerned, will measure up and meet the standards of Federal inspection. Most everyone agreed that the great State of California does the best job, but they do not enforce their law as well, especially with reference to the labeling provisions.

Also, I want to refer very briefly to the States rights argument. This bill does not go any further into the regulation of sales within a State than do laws we already have with reference to tobacco and wheat marketing quotas. Courts held 25 years ago that a farmer in Kansas was subject to a wheat marketing quota although he sold no wheat outside the State. No authority contained in the bill agreed upon by the conference report goes further than those laws pertaining to tobacco and wheat legislation. So, people who support those laws certainly are in no position to complain about the question of jurisdiction in this matter.

Reference was made here to a bill relating to the USDA having access to plants not now federally inspected. That right of access is immediate upon the President signing the bill and would not require a State law.

Mr. Speaker, I think the bill proposed in the conference report is a great deal better than the bill originally passed by the House. It accomplishes about 95 percent of what, in my opinion, should be done and over a period of 3 years will upgrade the meat inspection system in this country and will provide the protection consumers need. This bill contains, almost word for word, provisions of the bill I have supported relative to imported meat, meat from rendering works or 4-D meat, labeling, and additives. It will require that imported meat meet the Federal standards that we have in this country. Some people have recently been alleging that the Smith-Foley and Mondale-Montoya bills did not provide this protection. That was an absolutely false allegation and, in fact, both of those bills and the House passed bill provide identical requirements for inspection of plants from which meat is imported. There is no 2- or 3-year delay in these provisions going into effect either.

This bill requires that dead, dying, diseased and disabled animals not be sold for human consumption. This meat, which is usually handled through rendering plants, must be denatured, and after the bill goes into full force and effect, the processing plants which have been exempt from Federal inspection will also be prohibited from bringing this meat within their establishment in a way enabling them to mix it with other meat.

The bill also prohibits improper labeling and fraud in labeling. If a processor puts chopped lips, chopped hides, lungs, flour and other foreign material into the meat, the label must clearly and truthfully show that fact and when they add 30-percent water they will not be able to label it in a way that hides that fact.

The bill also protects against the use of some extenders, additives, and chemicals designed to fool the public into thinking the meat is fresher than it is or contains less undesirable qualities than it does.

The big difference between this bill and the bill that originally passed the House is that it does require that plants which have not been federally inspected come up to Federal standards over a period of a maximum of 3 years. If a State does not provide an inspection system within that period which is at least equal to the Federal system, the plants will be subject to Federal inspection within that State. Many of these plants have carefully avoided Federal inspection through a loophole in the law which exempts any plant, regardless of size and regardless of its source animals, if it did not sell meat to customers in another State. When States bring their inspection system up to Federal standards, these plants will no longer enjoy the unfair competition that they had and will no longer be able to bilk the public by pawning off inferior and mislabeled meat.

Under the Smith-Foley bill which we considered in the House, the largest of these plants would have been immediately placed under Federal inspection. Under the bill finally passed by the Senate these nonfederally inspected plants would have a maximum period of 3 years to come up to Federal standards and in the interim 3 years, three principle tools would be used to give some measure of protection against the bad ones.

One tool is access by the USDA so that people can be informed as to their practices and to avoid to some extent the meat from those plants that are not operating under sanitary conditions and are mislabeling their products. This tool is retained in the bill now before us.

Another tool is a provision that when the USDA finds a plant selling adulterated meat and following practices endangering the health of people, under certain procedures the plants can be required to come up to Federal standards before the 3-year period has expired. This provision has also been retained.

Another tool which was in the Senate

bill which has been dropped by the conferees was a provision which permitted the Governor to turn responsibility over to the Federal inspection system before the 2- or 3-year period has expired. It would not have prevented the State from taking jurisdiction back at a later time. I still think this was a good provision. This tool would have had a salutory effect in two special ways: First, where the Secretary of Agriculture or the head of the inspection system has not been doing a good job, the Governor could have said, "straighten up the situation or I will ask for Federal inspection"; and second, where plants have been mislabeling and following bad practices, they would know they must change their ways or the Governor, who might be more responsive to public demand and more apt to be sensitive to public health needs, could make them subject to Federal inspection right away. This leverage has been omitted by the conferees. However, the other two tools are still in the bill and will help to bridge the gap during the next 3 years. During this period of time any one in doubt can refuse to buy meat that does not bear the Federal inspection seal, and in that way, can feel safe.

The bill on a whole makes a great stride forward for the benefit of the consumers and producers in this country. It is a good bill for farmers because it will stop the loss of billions of pounds of market by consumers unknowingly buying great amounts of foreign and inferior material and water in their meat in place of wholesome meat products. It will certainly also be good for the health of the Nation. Just because there is a waiting period for some plants, the dirty meat purveyors need not think they can relax. Some of us are going to be vigorously exercising some oversight functions, scanning the reports and information available and exposing them for what they are.

I think the bill represents one of the greatest victories consumers have had in recent years. While the Members and committees of Congress should be vigilant and exercise oversight functions on a continuing basis, the bill provides the legal machinery that can bring our inspection system up to the standards that the American people deserve in this day and age.

A considerable effort by a good many people is required to pass a bill as comprehensive as this one and as vigorously opposed as it has been. It has been opposed both by representatives of nonfederally inspected plants and by State secretaries of agriculture who have seen fit to oppose the Federal government cleaning up a mess which they have failed to clean up themselves. The gentleman from Texas [Mr. Purcell], chairman of the appropriate subcommittee, scheduled and held hearings in which this situation was originally developed. The gentleman from Texas [Mr. Poage] as chairman of the Agriculture Committee and even though he has stated that he was opposed to this bill has not sought to prevent the will of Congress from eventually being felt.

All of the Members know there have been committee chairmen who have sought to prevent the will of Congress from being expressed, but Chairman Poage did not attempt to delay meetings of the conference committee or prevent bringing this bill back to the House. Two leading Members of the Senate, the Senator from New Mexico, Mr. Montoya, and the Senator from Minnesota, Mr. Mondale, worked very, very hard on this bill during the period it was in that body, and I personally know they worked all through at least one weekend trying to find a formula that would do the job and also pass the Senate. Their grasp of the subject matter was tremendous and their unwillingness to accept the House bill without strengthening features was absolutely necessary in order to eventually have a bill as good as the one we are passing today. The gentleman from Washington [Mr. Foley] was an aggressive stalwart in the House Agriculture Committee for a strong bill. He has worked vigorously over a long period and given the kind of extraordinary service that the great unorganized horde of consumers in this country too seldom receive from public officials. Many provisions of the bill reflect his influence and hard work. Cosponsors of legislation, including Mr. Foley, Mr. Gude, Mr. Dow, Mr. Feighan, Mr. Green of Pennsylvania, Mrs. Sullivan, and others made contributions and some made special efforts to inform the people of their particular area.

The result of action on bills that involve consumers, who are so inadequately represented on a day-to-day basis, many times depends upon the extent to which the consumers are informed enough to cause them to express their opinions vigorously. Those opposed to consumer bills are usually well organized with expert representatives on the scene. Newspaper reporters such as Nick Kotz, Tom Leach, Jim Adams, and a few others wrote articles with such clarity that this complicated and comprehensive bill could be understood well enough so that constituents began to write to their Congressmen on this bill. This was an absolutely necessary ingredient. Consumers representative, Ralph Nader, the Special Assistant to the President on Consumers Affairs, Betty Furness, and others spoke out on the matter and representatives of some of the organizations with large memberships, such as some of the labor unions, informed their members as to what the facts were in the situation. It really takes the interest of a lot of people to pass a bill such as this, and I am sure that the consumer should thank those I have mentioned who worked on the bill in the years to come.

I urge that the conference report be adopted and that the bill be passed.

Mr. PURCELL. Mr. Speaker, I yield the remainder of my time to the distinguished gentleman from Idaho [Mr. Hansen].

Mr. HANSEN of Idaho. Mr. Speaker, I would like to take this time to very briefly and very quickly ask some questions of the chairman of the subcommittee.

First of all, once the Federal Government is involved with the States, what is in this legislation which would cause the Federal Government to become uninvolved at such time as a State may decide to independently handle its own inspection program?

Mr. PURCELL. That is to be found on page 36 of the copy of the Senate bill, S. 2147, that we are using for this purpose, and it is particularly pointed out on page 37 in line 4. It provides that when the Secretary finds that there is adequate inspection on the State level he then shall withdraw the Federal inspector from that State.

Mr. HANSEN of Idaho. Also, Mr. Speaker, I would like to ask this question of the gentleman:

As far as State participation is concerned, it will be 50 percent. There are some 28 States that have full State inspection both post mortem and ante mortem. I would like to inquire how much of an additional burden this might create on the Department of Agriculture when they are already spending $48 million for meat inspection.

Mr. PURCELL. We have estimates which range from, I believe, $20 million up to $40 million a year that this bill may cost the Federal Government.

Mr. HANSEN of Idaho. There is no firm figure?

Mr. PURCELL. It will cost much less with the States participating.

Mr. HANSEN of Idaho. The time having expired I plan to submit further questions at a later date which I hope will be answered to show legislative intent.

Mr. PUCINSKI. Mr. Speaker, I rise in support of this conference report. I have supported this legislation from the very inception because I believe the American people are entitled to the highest degree of protection in the food they consume.

Too long, Mr. Speaker, have too many meat processors used indescribable methods in processing meat. These irresponsible processors have brought great problems on those reputable meat processors who have taken the trouble to install adequate sanitation facilities to provide maximum health protection for their customers.

This legislation will go a long way toward establishing decent meat inspection procedures for all meat processors so that American consumers can be confident in the purchase of meat.

I believe this is one of the most important bills in this session and I am proud to vote for it.

Mr. YATES. Mr. Speaker, I support this conference report on the meat inspection bill. The American people are entitled to the highest possible measure of protection for their food and food products. They enjoy today the best system of meat inspection in the world but it is still not as good as it can be. This conference report will help strengthen the cause of adequate meat inspection and consumer protection and should be approved.

I want to commend the gentleman from Iowa [Mr. Smith] and the gentleman from Washington [Mr. Foley] for whose amendment I voted when the bill was under consideration in the House. Their amendment was not accepted, but they persisted in their fight for a strong bill and they won. This bill is in great measure a tribute to their determination and their work.

It is now a good bill. It will provide much more protection for the fine men, women, and children of America. I urge Members to vote for it.

Mr. BOLAND. Mr. Speaker, I support the conference report on the Wholesome Meat Act of 1967 now being considered by the House. I congratulate the conferees for bringing back to the House a stronger bill than the one that passed the House a few weeks ago. I am glad that the House receded to the Senate and adopted many of the amendments that were adopted by the other body that make this bill a much better vehicle for the proper inspection of meat. The consuming public is entitled to the best possible protection and the Congress should not settle for less.

Mr. Speaker, it has been pointed out that there is no State in the Nation that comes up to the Federal standards respecting inspection of meat. The bill that we have before us will greatly assist in bringing State standards up to the Federal regulations. This bill is a victory for the consumer. I trust that it will be adopted overwhelmingly by the House.

Mr. SCHWENGEL. Mr. Speaker, today, once again, we are seeing the positive result that comes from allowing the House to work its will and by allowing free discussion and open debate in the consideration of H.R. 12144 and the conference report before us today. The other House has had the same opportunity to work its will. As often is the case, the Senate disagrees with the House and when this happens we have the unusual technique to use the talents of both Houses by providing for a conference committee. At the conference committee meetings most often, as in this case, the best talents and experience of both Houses are brought together. There is opportunity for "give and take." There, also, we find respect for the integrity and best judgments of both Houses. There we find the spirit of compromise which is the essence of good legislation often at its best. This is certainly a tribute to our system and the present leadership of the committees.

This problem of meat inspection is a serious one. Many of us have been aware of this for a long time. Because of public interest stirred by newspapers, periodicals, the other media, and the rekindled interest of the Agriculture Committee members we were finally successful in getting the great House Committee on Agriculture to act favorably on proposals for legislation. After weeks of testimony, discussion, and evaluating and, finally, of judgment, the House brought out the bill that resulted in the legislation passed today. This bill, itself, as voted out by the committee originally was a good approach, a long step in the right direction. It was my feeling that in the long run, because of a change of representation in all State legislatures, this bill would have been adequate. However, there were those who said they wanted a stronger bill and so when the bill was brought to the House, the bill was granted a rule that would provide an opportunity for those who believed there was room for improvement to have their day in court. After thorough debate of an amendment in the terms of its authors to improve the bill, the House, by a substantial vote majority, voted to disagree. This was not a record vote and those who supported this provision did not choose to make a record vote of it when we went into session. But to accept the judgment of the House, the vote then carried with one dissenting vote.

Mr. Speaker, there have been those who after that vote claim that those who disagreed with the Agriculture Committee version of the bill were voting for a dirty meat bill. Mr. Speaker, this is unfortunate and really it is "dirty politics" for those people to make that charge and claim it as a fact, for nothing could be further from the truth. Every Member, myself included, wanted improvement in this area. In my own case, I pled with the members of the committee to bring out some form of legislation that would insure the public we had a concern that we knew there was a problem and that we were willing to apply our talents toward its solution and I reiterate that I am grateful this Congress finally saw fit to present a bill and to provide for some positive solutions.

Some of these discussions both on the floor and in certain publications were unfair and resulted, unfortunately, in the public losing some confidence in a system that provides for more wholesome food, better quality food and at a more reasonable price than is provided in any other part of the world. These charges and countercharges have adversely affected the prices of meat on the market at a time when the farmer's income is already far too low, at a time when the parity price index is down. To indiscriminately criticize packing plants on a blanket basis has played and was the major influence in diminishing the consumption of meat and, thus, lowering livestock prices. These indiscriminate accusations of "dirty meat" and implication that most of the operators were careless in observing sanitary rules and regulations simply was not true and, therefore, it is—and I reiterate—"dirty politics."

Mr. Speaker, during my political career I have visited every plant that I know of that processes meat in my district and I can say without exception, every one of the operations I have seen and know about is clean and operated by honorable men and patronized by the best producers of meat in the world, the Iowa farmer. All of them, like most of the business community and all aspects of our free enterprise system, are dedicated to serving the public interest, to produce the very best products and give the best service at the very lowest cost. In fact, Mr. Speaker, we can say, and should say more often, that in America we have a system that produces more high quality food under more sanitary conditions and at a lower cost, when you compare the percentage of take-home pay required to buy food than can be credited to any other system or any other part of this world. This is made possible as we all know through the ingenious system we call the free enterprise system. In fact, I am very proud to report the Oscar Mayer plant I have visited many times is one of the finest and cleanest facilities for food production. They have had Federal inspection for as long as I can remember, but it is easy to see when you study this operation that they go far beyond Federal or State requirements under the law. This I am sure, is true, also, of the other plants in the First District.

Mr. Speaker, I am voting for the conference report, not because I think it is a perfect bill, nor do I admit it will take care of all the problems, but I am sure that the philosophies in the House version which envision the partnership of Federal and State inspection is very valuable and is the strongest feature of this bill.

The net result of this bill will be for the public—a development of a situation that was for the most part, very good, to one that makes it much better. The public should be grateful and I think most of the public will be—that the House, especially in its wisdom, had a major role in allowing the House to work its will without submitting to undue and unfair pressures. It is my conviction that no Member of the House, that I know of, at any point was guilty of voting for a "dirty meat" bill. Rather, we were supporting a very positive result by resisting moves that may not have been in the public interest.

There have been those who have made much of undue and unfair influences in the Congress, but thanks to the alertness of the House Agriculture Committee in particular, those influences and tactics had very little or no influence. So far as I am concerned, or the Iowa delegation, I am sure it could be said that none of us benefited directly or indirectly from the special fund for campaign purposes now or in the past.

In closing, Mr. Speaker, I want to commend the House Agriculture Commiteee for the leadership it took in finally bringing out a bill that resulted in the positive, forward-looking and, hopefully, adequate and effective legislation we are passing today. This will further reassure the public of the great American process of legislating through Representatives and it will result in an even higher quality foods, while we protect the public interest in holding down the cost of its administration. I am predicting that both proponents and opponents of this legislation will be happy and that the public will finally recognize the value and virtue of the political integrity that insists on knowing all the facts and considers all of the facets that influence the process of legislation and the administration of that legislation before they cast their votes in favor of it.

Mr. BOLAND. Mr. Speaker, I support the conference report on the Wholesome Meat Act of 1967 now being considered by the House. I congratulate the conferees for bringing back to the House a stronger bill than the one passed the House a few weeks ago. At that time, I supported the Smith-Foley substitute which, in my judgment, was much more adequate and necessary than the bill reported by the committee.

I am glad that the House receded to the Senate and agreed to many of the amendments that were adopted by the other body—amendments that make this bill a much stronger vehicle for the proper inspection of meat. The consuming public is entitled to the best possible protection and the Congress should not settle for less.

Mr. Speaker, it has been pointed out that there is no State in the Nation that comes up to the Federal standards respecting the inspection of meat. The bill that we have before us will greatly assist in bringing State standards up to the Federal regulations.

This bill is a victory for the consumer. I trust that it will be adopted overwhelmingly by the House.

Mr. PICKLE. Mr. Speaker, I come from a meat State. More specifically, a beef State, Texas. And with these credentials, I would like to say a few words about the Federal Meat Inspection Act, and the conference report on that bill we have before us today.

All of us have followed the history of this piece of legislation. It is one with many sides. And beyond the issue of pure and wholesome meat, which everyone is for, there has been the constant problem of how to treat intrastate meats and the extent to which the Federal Government will move to protect Americans from dangerous intrastate meats.

The conference report does create a situation in which Federal standards could be applied and enforced on intrastate meats. But this alternative is not locked in. The States have an out. As you remember, the amendments offered in the House by the gentlemen from Iowa and Washington to draw in all intrastate meat plans with gross annual income over $250,000 was defeated. I believe that was a wise decision. In that amendment, the States had no choice. Federal law would have applied across the board.

In the other body, however, a very similar provision was included, so the conferees were faced with the problem of reconciling these two views.

In briefest terms, their solution allows the States to keep the initiative in the field of meat inspection, but gives them Federal matching funds when they do so. They are given 2, or on proof of good faith, 3 years to get State laws on the books which are at least as strict as the Federal meat laws amended by this same bill.

If the States fail to follow this course, then Federal standards will be applied to intrastate plants.

Some say this will impair the rights of the States. I say it will promote them. It will stimulate action both on the part of the State governments and intrastate meat producers. With enactment of this bill, all will have a valid interest in pure meat laws for their State.

Even to those who feel this solution is too much of an inroad on the powers of the States, I would ask that you weigh the factors in the balance. I do not see how there could be much argument that pure meat is absolutely primary and essential. Yesterday, President Johnson said that we must find ways to give parents assurances that every frankfurter and hamburger they give their children is pure and unadulterated.

I agree and I support the conference report.

Mr. POLLOCK. Mr. Speaker, I was pleased to be recorded in favor of H.R. 12144 when it passed the House this October. I regret, however, that I cannot favor the report filed by the conferees. This report accepts the Senate provision that intrastate meat will be federally inspected unless States bring their inspection up to Federal standards. This way would be fine for a State with a highly developed livestock industry, but for Alaska it would be disastrous.

Our industry is small, struggling, and seasonal. The State has embarked upon a sensible program to develop an Alaska meat industry. I also have the views of the Governor of Alaska, Walter J. Hickel, that the bills provision will be highly detrimental to this development. Alaska has no slaughtering facilities that meet Federal inspection. Moreover such facilities cannot be built economically. The Governor opposes the provisions added by the other body. For the information of the House, I am inserting the Governor's views after my remarks.

Mr. Speaker, I am as much in favor of guaranteed wholesome meat as anyone, but I fear that this legislation will be overregulation as far as the State of Alaska is concerned. The State of Alaska is not shirking its duty in this regard, yet the strong provisions of the conference bill may unnecessarily condemn the State's program and prematurely require Federal regulation of all meat produced in Alaska. Such provisions may very well be good for other areas, but may unintentionally harm the infant livestock industry of Alaska. For this reason, I must vote against the conference report.

The Governor's letter follows:

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, November 29, 1967.

Hon. HOWARD POLLOCK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN POLLOCK: I have recently been apprised of the passage of HR 12144 as amended by the Senate, which calls for all states to meet Federal Standards for meat inspection within a two year period, or face complete take-over by the Federal Government. The provisions of the Purcell Bill (H.R. 12144), as it originally passed the House, were not particularly onerous to Alaskans, however, the amendments proposed and agreed upon by the Senate, as you know, will virtually eliminate any chance Alaska has to develop a red meat industry, including reindeer, beef cattle, and other domestic livestock.

Alaska does not have Federal meat inspection. Neither do we have a slaughter facility that would meet the standards required under Federal Regulations. A Federal-approved slaughter facility is not economically feasible in Alaska at this time because of the relatively small volume and seasonal nature of the slaughter house business.

We are embarked on several well founded and logical programs, to revitalize the reindeer industry in Alaska, and to encourage, support and build a healthy livestock industry in the State. It appears that all of our efforts in this regard will be to no avail if Alaska is not specifically excluded in these amendments. I know you are keenly interested in seeing that this segment of Alaska's agriculture economy does not flounder, particularly before it has a chance to get underway. I urgently enlist your support and assistance in convincing your colleagues in the House that the amendments to the Purcell Bill do not accommodate the need of the people in this State and are totally detrimental. Whatever you can do in this matter will be greatly appreciated.

If you need further details and information, it will be furnished immediately through the Division of Agriculture.

Warm personal regards.

Sincerely yours,

WALTER J. HICKEL,
Governor.

The SPEAKER pro tempore (Mr. HOLIFIELD). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 336, nays 28, not voting 68, as follows:

[Roll No. 427]

YEAS—336

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baring
Belcher
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carter
Casey
Celler
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daniels
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gettys
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.

Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Langen
Leggett
Lipscomb
Lloyd
Long, Md.
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Moore
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss

Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Poff
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain

Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Vander Jagt
Vigorito
Waldie
Walker
Wampler
Whalen
Whalley
White
Whitener
Widnall
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—28

Brinkley
Burleson
Colmer
Davis, Ga.
Dorn
Edwards, La.
Flynt
Gathings
Hansen, Idaho
Henderson

Lennon
Long, La.
McClure
Marsh
Montgomery
O'Neal, Ga.
Passman
Poage
Pollock
Rarick

Satterfield
Stephens
Stuckey
Teague, Tex.
Waggonner
Whitten
Wiggins
Williams, Miss.

NOT VOTING—68

Abbitt
Abernethy
Adair
Annunzio
Arends
Barrett
Bates
Battin
Bell
Bingham
Bolling
Bray
Broomfield
Brown, Calif.
Cahill
Cederberg
Clausen, Don H.
Daddario
Dawson
Dickinson
Diggs
Dingell
Eshleman

Evins, Tenn.
Fountain
Frelinghuysen
Giaimo
Gubser
Gurney
Hagan
Halleck
Hanna
Hardy
Hébert
Heckler, Mass.
Jones, Mo.
Landrum
Latta
Lukens
McMillan
Madden
Mathias, Md.
Monagan
Moorhead
Multer
Pepper
Pirnie

Quillen
Resnick
Rhodes, Ariz.
St. Onge
Sandman
Sisk
Slack
Steed
Stratton
Tuck
Tunney
Van Deerlin
Vanik
Watkins
Watson
Watts
Willis
Wilson, Charles H.
Wright
Wyatt
Wydler

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Annunzio with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Halleck.
Mr. Daddario with Mr. Bates.
Mr. Barrett with Mr. Cahill.
Mr. Stratton with Mr. Adair.
Mr. Fountain with Mr. Eshleman.
Mr. Hardy with Mr. Latta.
Mr. Hagan with Mr. Battin.
Mr. McMillan with Mr. Lukens.
Mr. Monagan with Mr. Cederberg.
Mr. Bingham with Mr. Mathias of Maryland.
Mr. Moorhead with Mr. Tuck.
Mr. Dingell with Mr. Pirnie.
Mr. Sisk with Mr. Don H. Clausen.
Mr. Abernethy with Mr. Gurney.
Mr. Resnick with Mr. Bell.
Mr. Watts with Mr. Quillen.
Mr. Willis with Mr. Rhodes of Arizona.
Mr. Pepper with Mr. Dickinson.
Mr. Vanik with Mr. Gubser.
Mr. Charles H. Wilson with Mr. Bray.
Mr. Madden with Mr. Sandman.
Mr. Brown of California with Mr. Diggs.
Mr. Steed with Mr. Watkins.
Mr. Van Deerlin with Mr. Wyatt.
Mr. Wright with Mr. Broomfield.
Mr. Abbitt with Mr. Slack.
Mr. St. Onge with Mrs. Heckler of Massachusetts.
Mr. Hanna with Mr. Watson.
Mr. Multer with Mr. Mathias of Maryland.
Mr. Landrum with Mr. Wydler.
Mr. Giaimo with Mr. Dawson.

Mr. PASSMAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter regarding the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORITY TO CONSIDER AND WAIVER OF POINTS OF ORDER AGAINST A BILL MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1968

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday next or any subsequent day next week to consider a bill making supplemental appropriations for fiscal year 1968 and that all points of order against the bill or any provisions contained therein be considered as waived.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Speaker, reserving the right to object, I should like to ask the distinguished chairman of the Committee on Appropriations, if this bill is brought up, as to whether there will be adequate time for debate and whether the time will be divided on both sides of the aisle.

Mr. MAHON. I would like to say to the gentleman that I will be glad to work with the gentleman from Ohio, the ranking minority member on the Appropriations Committee, and agree to an equal division of the time. A time for debate will be provided which should be reasonably agreeable to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, further reserving the right to object, I understand that this is a supplemental appropriation bill.

Mr. MAHON. Mr. Speaker, if the distinguished gentleman from Ohio will yield further, this would be the supplemental appropriation bill, 1968, which would consist principally of appropriations for the Office of Economic Opportunity.

Mr. BOW. Mr. Speaker, can the distinguished gentleman from Texas [Mr. MAHON] give us some idea as to what other supplementals are included in this request and as to whether this represents a large supplemental appropriation bill?

Mr. MAHON. It will be a relatively small supplemental appropriation bill. I have asked the executive branch of the Government not to send down any supplemental requests which are not direly needed, and as I understand it, we shall have no supplemental requests at all, other than the requests that came before us in January, but which have not been previously funded through an appropriation bill. There might be some emergency items about which I am not aware.

Mr. BOW. Mr. Speaker, if I may ask one further question of the distinguished gentleman from Texas—and this is a particular query—why do we waive points of order?

Mr. MAHON. Our particular reference is to whether or not the House passes upon the economic opportunity conference report on Monday. It could hardly clear the Congress and be signed by the President of the United States short of a few days. We would hope that we could hasten the consideration of the supplemental bill. It is out of our desire to adjourn this Congress next week that the request is being made. I am making this request so as to expedite the adjournment of the Congress and after full consultation with the leadership of the House.

Mr. BOW. I appreciate that statement on the part of the distinguished gentleman from Texas, but I am trying to inquire as to what is contained in the bill upon which we are asked to waive points of order.

Mr. MAHON. It is the Office of Economic Opportunity, and that is the only agency involved.

Mr. BOW. Can the distinguished gentleman from Texas tell the Members of the House what some of the items are upon which the waiving of points of order are called for?

Mr. MAHON. Of what?

Mr. BOW. The waiving of points of order?

Mr. MAHON. Certain items contained within this bill are subject to a point of order, the entire appropriation for the antipoverty bill will be out of order until the President signs the authorizing bill.

Mr. BOW. The gentleman from Texas means that the authorization bill would not be signed by that time?

Mr. **MAHON**. The gentleman is correct.

Mr. **GERALD R. FORD**. Mr. Speaker, will the gentleman yield?

Mr. **BOW**. I shall be glad to yield to the distinguished minority leader.

Mr. **GERALD R. FORD**. I am glad that point has just been clarified. As I understand it, the reason for waiving points of order is because the authorization bill for the Office of Economic Opportunity will not have become law through the signature of the President at the time specified? In other words, that is the only reason that the gentleman from Texas [Mr. MAHON] asks to waive all points of order?

Mr. **MAHON**. Mr. Speaker, if the gentleman from Ohio will yield further, the gentleman from Michigan is correct. This is the only reason for the request. There is nothing else that I can envisage in the appropriation bill where a point of order might obtain.

Mr. **BOW**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas [Mr. MAHON].

There was no objection.

UNITED STATES IS NOT ALONE IN RESISTING COMMUNIST AGGRESSION

Mr. **ZABLOCKI**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **ZABLOCKI**. Mr. Speaker, one of the charges frequently heard from those who criticize our efforts in supporting the struggle of the people of South Vietnam against Communist aggression is that we are alone in assisting this effort—that the world in fact condemns us for it.

One of the leading statesmen of that part of the world is Mr. Keith Holyoake, the Prime Minister of New Zealand. New Zealand, as you know, is rendering both economic and military assistance to the Republic of Vietnam. On November 27, Mr. Holyoake issued a major statement on the subject of Vietnam. The Prime Minister defined the question at stake in very lucid terms and gave the reasons why New Zealand answered the call. He stated:

> The stark fact is that Hanoi does not want peace except on its own terms.

The Prime Minister concluded his address with this thought:

> The South Vietnamese have shown that they overwhelmingly reject the Communist plans for the future of their country and they have firmly indicated that they wish to follow the path of free democratic government.
>
> Certainly the stage has been set for new efforts to further the social revolution which is under way in South Viet Nam and to pursue the search for a negotiated settlement of the conflict. If only the North Vietnamese will face up to the startling changes which have occurred in South Viet Nam this could be a turning point in the long struggle for peace in Viet Nam.

Mr. Speaker, Prime Minister Holyoake, like our own President, very much wants peace in Vietnam. But, he is under no illusions as to who is preventing it.

LEGISLATIVE PROGRAM

Mr. **GERALD R. FORD**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GERALD R. FORD**. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and any information in general or otherwise that the gentleman can give us concerning the program for next week and any other matters of interest to the Members.

Mr. **ALBERT**. Mr. Speaker, will the distinguished gentleman yield?

Mr. **GERALD R. FORD**. I yield to the gentleman from Oklahoma.

Mr. **ALBERT**. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have no further legislative business for this week. It will be my intention to ask unanimous consent to go over from tomorrow until Monday.

ADJOURNMENT TO MONDAY, DECEMBER 11, 1967

Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Monday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7977, THE POSTAL REVENUE AND FEDERAL SALARY ACT OF 1967

Mr. **ALBERT**. Mr. Speaker, in order to be able to answer the inquiry of the distinguished minority leader, fully, I ask unanimous consent that the conferees on the part of the House on the bill H.R. 7977 have until midnight Saturday night to file a conference report on that bill, the Postal Revenue and Federal Salary Act of 1967.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

Mr. **HALL**. Mr. Speaker, reserving the right to object, could the distinguished majority leader tell us whether or not this conference report is ready for filing, or whether indeed the conference has been concluded?

Mr. **ALBERT**. The conference has not been concluded, and this request of course will be moot unless the conference is concluded by that time.

Mr. **HALL**. And the request is for filing it by midnight Saturday night?

Mr. **ALBERT**. Midnight, Saturday night. The only reason for this request is to make this conference report eligible for consideration in the House on Monday.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

Mr. **HALL**. Could the distinguished majority leader, Mr. Speaker—continuing to reserve the right to object—advise us as to whether or not there is additional programing for Monday, at this time, before the gentleman asks his unanimous-consent request?

Mr. **ALBERT**. I will be glad to withhold the unanimous-consent request until I make a further announcement.

Mr. **HALL**. I thank the gentleman.

Mr. **ALBERT**. Mr. Speaker, we will announce the legislative program as far as we are able to do so in formal form tomorrow, and notices will be sent out as usual by the whips, but for the edification of the Members we do expect important conference reports on Monday, and these include:

S. 2388, which is the Economic Opportunity Act amendments; H.R. 7977, which is the Postal Revenue and Federal Salaries Act of 1967; and probably also H.R. 13510, the military pay bill. And if we get to it, H.R. 6167, the ship loans bill.

Then I would advise further that, pursuant to the agreement reached on the request of the gentleman from Texas [Mr. MAHON], the supplemental appropriation bill will be programed sometime after Monday, that is, Tuesday through the balance of the week. Also on sometime Monday, Tuesday, or Wednesday, the conference report on H.R. 4675, which is a tax matter, and sometime on Tuesday or Wednesday, the conference report H.R. 12080, the Social Security Amendments of 1967, will be considered.

And this announcement, of course, is made subject to all of these conference reports being ready by the time indicated.

Mr. Speaker, I would state to the Members that the reason we are endeavoring to move on these is, of course, we are looking forward and hoping that we will be able to adjourn this session of Congress late next week.

There is a continuing resolution out of the Committee on Appropriations and also others to come. I am just mentioning those that we know about at the present time.

I also wish to announce to the House that the Speaker of the House has advised today that it will be our purpose on adjournment to adjourn to reconvene on January 15.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7977, TO ADJUST CERTAIN POSTAGE RATES AND RATES OF BASIC COMPENSATION IN THE FEDERAL GOVERNMENT

Mr. **ALBERT**. Mr. Speaker, I renew my unanimous consent request made on behalf of the gentleman from New York [Mr. DULSKI] that the conferees on the bill, H.R. 7977, adjusting certain postal rates and basic compensation of Federal employees, have until midnight Saturday night to file a conference report.

Mr. **HALL**. Mr. Speaker, in view of the information that has been brought out, I gladly withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ONE MAN CAN AFFECT GOVERNMENT SPENDING

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the question is often posed: "What can one man in the Federal Government do to help cut unnecessary spending and economize in Government?"

Indeed, it sometimes seems futile.

But I was pleased to read of "one" such man in the New York Times Monday. And I think the story can serve as a parable to those who sometimes wonder if indeed one man can correct a part of this huge machine called Federal Government.

John Wills Tuthill, the U.S. Ambassador to Brazil, is the man I am speaking of. Instead of continuing to accept the traditional practice of proliferating the staff of his mission, he has recommended a cutback.

As yet we have no real knowledge of what this cutback will mean in savings to the American taxpayer, but the Times' article said that the reduction of personnel may be as high as 300 and that this would result in a savings of $7.5 million.

I think we owe John Wills Tuthill a debt for speaking out. And we owe him a debt for effectively managing the operation of our Embassy in Brazil. It appears that the State Department intends to see what can be done in cutting other unnecessary manpower and costs in our other Embassies around the world, and I commend this move most heartily.

Here is a man who is doing his job and more. I wish we had more like him.

At this time I would like to include for the information of my colleagues the story from the Times:

UNITED STATES TO CUT MISSIONS ABROAD—STATE DEPARTMENT IS MOVING TO REDUCE PERSONNEL

(By Benjamin Welles)

WASHINGTON, December 3.—Early last summer John Wills Tuthill, the United States Ambassador to Brazil, noticed amid his daily influx of telegrams, airgrams, reports and memorandums a request from an agency in Washington for a survey on "bats and noxious birds" in Brazil.

For Mr. Tuthill it was the final straw in a steady escalation of programs that had expanded the personnel in the American Embassy in Rio to nearly 1,000 United States citizens and more than 1,000 Brazilian employes.

Since then, Mr. Tuthill has had the offending request framed, and Secretary of State Dean Rusk has authorized a review of United States programs—new and old—in Latin America.

To start, Mr. Tuthill will invite to Brazil representatives of the State and Defense Departments, the agency for International Development, United States Information Service and other Federal agencies and ask them to cut their staffs in Brazil by a third to a half.

"Every United States Government employe overseas costs the taxpayer an average of $25,000 per year," said a senior State Department administrator. "In Brazil alone, Jack Tuthill's personnel cuts may come to 300 people—about $7.5-million in savings."

Mr. Tuthill is due to report here soon, and while his recommendations are still secret there is little doubt that they will be heartily approved at the highest echelons of the State Department.

In fact, some officials predict that Mr. Tuthill's "Operation Topsy"—so named because the staff in Rio "just growed," like the character in "Uncle Tom's Cabin"—will be copied in a dozen or so other major United States Embassies.

In London, Paris, Rome, Bonn, Moscow, Mexico City, New Delhi, Manila and Tokyo the United States missions each have about 1,000 United States citizens.

A fifth represent the State Department; the rest are sent by 34 Government agencies ranging down to obscure bureaus that request—and virtually always get—surveys on such specialized topics as "bats and noxious birds."

In the 119 United States Embassies, the Ambassador is the head of the entire "country team," as the American representatives are known. This authority was established by President Kennedy soon after taking office.

Every year, under the Ambassador's supervision, each Federal component of the country team—State, Defense, Central Intelligence Agency, and so forth—estimates its requirements in money, manpower and other resources for the year ahead and the reports are submitted by the Ambassador to the State Department.

In Washington, however, Secretary Rusk's authority over the other Federal agencies operations abroad is far less clear. Until recently they have drawn their programs and sent their personnel to join the overseas missions with virtual authority.

An experienced administrator said:

"Even now any enterprising bureaucrat can get a program started overseas by getting a State Department airgram [official air-mail letter], asking for some study or other and getting the right number of signatures on it.

"But we're moving in to stop that. We're not only going to cut back excess personnel overseas but we're going to weed out unproductive old programs and screen requests for new ones."

This global house-cleaning was proposed before President Johnson's recent call for trims in Federal expenditures to help his tax bill in Congress.

It stems, essentially, from the President's National Security Action Memorandum 341 of March 4, 1966—known colloquially as a "Nassum"—which reasserted for the Federal bureaucracy the over-all authority of the Secretary of State in foreign affairs.

ADVISER TO JOHNSON

Mr. Rusk prefers to concentrate on serving as President Johnson's foreign affairs adviser, and he tends to leave the running of the State Department, and particularly its relations with other agencies, to his subordinates.

However, Nassum 341 created machinery for coordinating foreign affairs and this, in turn, is beginning to have far-reaching results.

Mr. Rusk has appointed Under Secretary of State Nicholas deB. Katzenbach chairman of the seven-member Senior Interdepartmental Group, which is made up of senior officials from Defense, the aid agency, U.S.J.A., C.J.A., the White House and the Joint Chiefs of Staff. Once weekly they meet to coordinate overseas policy. And, barring an appeal to the White House, the State Department now calls the shots.

Similarly, the five assistant secretaries of state who are responsible for various global areas preside over Interdepartmental Regional Groups—lower-level meetings of officials from the Federal agencies operating abroad.

The State Department's "primacy," therefore, is slowly beginning to extend, in fact as well as theory, throughout the Government machinery.

Under Mr. Katzenbach's supervision the department in recent months has taken steps to tighten its control over Federal operations abroad and to cut much of the "fat" from overseas programs.

COLOR TV SETS STILL EMITTING HIGH LEVELS OF RADIATION

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the U.S. Public Health Service today is issuing a report stating that many of the GE color television sets which emitted high levels of radiation in Pinellas County, Fla., have not been properly adjusted and are indeed still emitting levels of radiation above the recommended levels.

The report is the result of a joint effort of PHS and the Pinellas County Health Department. The two groups surveyed 131 color sets manufactured by General Electric. The sets tested were of the model which was called back because defective parts were causing excess radiation to be emitted.

Yet of the 131 sets tested, which were supposed to have been corrected, 28 percent were still emitting excess radiation.

We do not know what correlation can be drawn from this survey as applied to the other 100,000 sets which had defective parts. But the sets tested in Florida, which still were defective, used parts which are also used by other manufacturers.

At this time, I would like to quote from the PHS report:

> The high voltage settings and leakage from high voltage rectifier tubes observed in the survey suggest the need to reevaluate levels of X-radiation exposure from sets of other manufacturers. We have asked the Electronic Industries Association to review the X-radiation emission situation for the entire industry. The Public Health Service will extend its investigations to include an evaluation of radiation emissions from sets of other manufacturers.

I think this report should reinforce our concern over the potential health hazard which is involved here. I have introduced legislation which would remedy the situation and I ask that my colleagues join with me to see that this legislation is acted upon immediately.

For today's report released by the PHS once again points out the need for radiation control legislation. But the problem which faces us is not limited to X-ray emissions from color television receivers. Rather, we are continuously being bombarded by increasing amounts from many electronic devices. Another problem area, which should be given equal concern, is that of the unnecessary overexposure to X-radiation by improperly trained technicians, oftentimes using defective diagnostic devices.

I would like to call my colleague's attention to my remarks found on page A5958 of the daily RECORD for December 5, 1967. Within my remarks is the text of a speech by the first deputy commissioner of the New York State Department of Health, delivered at a recent national conference on the licensure of X-ray technicians. I believe that it clearly points out the great need for radiation control legislation; and yet it concerns not color television, but the use of X-ray devices by the medical professions.

As the PHS continues to keep me advised of their progress, I will, from time to time, endeavor to keep my colleagues informed. For surely, a problem of such significance to the national health demands the concern of the Congress.

THE CARDINAL SPELLMAN LEGACY IN WESTERN MASSACHUSETTS, BY RICHARD C. GARVEY, MANAGING EDITOR, THE SPRINGFIELD DAILY NEWS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise to pay tribute to the late Francis Cardinal Spellman, a native son of Massachusetts who from modest beginnings rose to become one of the great princes of the Roman Catholic Church, a friend and adviser to Popes and Presidents of the United States, and the spiritual shepherd of millions of Americans serving in the Armed Forces over the last quarter century.

Cardinal Spellman was a patriotic American and a great churchman who was always concerned for the sick, the poor and the unfortunate. He was warmhearted, generous and a man of great humility who dedicated his life and energy to the principle of equal justice for all.

Mr. Speaker, the passing of Cardinal Spellman is a great loss to his church which he loved, to his country which he cherished, and to people throughout the world of every race and creed who benefited from his great works and charity.

The people of Massachusetts have special memories of Cardinal Spellman, and particularly those from the Roman Catholic Diocese of Springfield embracing my congressional district. I include with my remarks an article from the Springfield Daily News of December 5, written by Richard C. Garvey, the distinguished managing editor of the newspaper, entitled "Cardinal's Legacy: Spellman Gave Us a Bishop."

CARDINAL'S LEGACY: SPELLMAN GAVE US A BISHOP

(By Richard C. Garvey)

The links between Western Massachusetts Catholics and the Archdiocese of New York were, for more than a century, more apparent than real. During recent years, the bond formed has been less obvious but more meaningful. That is a part, small only by comparison, of Francis Cardinal Spellman's legacy.

EARLY FRIENDSHIP

The evidence of early friendship between Springfield and New York Catholics is impressive.

—Springfield's first Catholic church was largely the labor of love of a New York City Catholic, Eliakim Parker Scammon.

—The archbishop of New York came here to consecrate Springfield's first bishop in 1870.

—New York's (and the country's) first cardinal stopped en route from Rome to his own archbishopric to visit friends in this diocese. It is recorded here, if not in New York, that Cardinal McCloskey's first blessing was given, not in St. Patrick's Cathedral in New York, but in Holy Name Church in Chicopee.

—The Sisters of Providence, when they came to this region from Canada, went to New York City to get the contributions needed to support their earliest works at Ingleside.

However, all of these events were more coincidental than symbolic. They were threads, usually unconnected, and never forming a planned design.

FRIENDS FOR YEARS

Cardinal Spellman came to Springfield in 1949 to preside at the requiem Mass for the Most Rev. Thomas M. O'Leary, third bishop of Springfield. That the cardinal and bishop had been friends for many years was not well known here, and documentation of this friendship did not publicly appear until several years after the bishop's death when the Rev. Robert I. Gannon, S.J., in his biography of the cardinal, referred to one of Msgr. Spellman's visits with Bishop O'Leary here, and quoted from their correspondence.

When Bishop Spellman had gone from his native Massachusetts to become New York's archbishop in 1939, the Rev. Christopher J. Weldon, a priest only 10 years, was serving as a curate in a Manhattan church. Under the guidance of his new archbishop, Fr. Weldon advanced rapidly during the next decade, although almost half of it was spent as a Navy chaplain during World War II.

PROMOTED TO DIRECTOR

In 1947, Cardinal Spellman named Fr. Weldon as assistant director of archdiocesan charities. Before the year ended, Fr. Weldon was promoted to director, and named a papal chamberlain by Pope Pius XII.

When Msgr. Weldon marked the 20th anniversary of his ordination, he was already a domestic prelate and a member of the Board of Consultors advising the cardinal in the administration of the huge archdiocese. Three weeks later, Bishop O'Leary died, and the cardinal considered his new consultor to be a worthy and highly qualified successor to the cardinal's late friend.

HEADS CAMPAIGN

Msgr. Weldon not only served as director of the complex archdiocesan charities system, and headed the campaign to raise millions yearly for its support, but he also was the cardinal's aide throughout the archdiocese, and his companion on trips within the United States and abroad.

Oftentimes, the monsignor's work poured out of the cardinal's orderly briefcase which traveled with him everywhere. Other times, there was surprises, such as when Msgr. Weldon was quickly drafted as interpreter for the cardinal's major press conference in Paris.

RELEASES ASSISTANT

It would have been reasonable for the cardinal to insist that this uniquely trained monsignor should remain in the archdiocese for which he had been ordained. It would even have been understandable if the cardinal, then in his 60's, had personally retained his consultor's services, instead of offering them to a diocese which is not even within the cardinal's responsibility as metropolitan of the New York Province. However, he released his assistant and personally consecrated him as Springfield's fourth bishop.

Tributes are being paid to the late cardinal for his services to the church, the country and the world, but this little corner we call Western Massachusetts can add its tribute for the generous spirit which he showed us in 1950, and which labors vicariously for us yet.

THE DENVER POST OUTLINES WITH CLARITY THE HOPES AND POSSIBLE DESPAIR OF THE MODEL CITIES PROGRAM

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, a recent editorial in the Denver Post outlined with great clarity the hopes and possible despair of the model cities program.

The people of Denver were delighted to find their city among those chosen to participate in the multifaceted attack on the root causes of urban blight. But, with hopes raised high and programs ready to go forward the spectre of inadequate funds has cast a shadow on plans for the future of the model cities program. The Post has described the obligations of Congress to our cities and the seeds of disaster that lie in our neglect of urban problems. I commend this editorial to all Members of the House:

MODEL CITIES: BIG CHANCE FOR DENVER

The announcement that Denver has made the select list of 63 cities qualifying for the Model Cities program is, Mayor Tom Currigan said Thursday, "exciting and rewarding" news.

The prospects are indeed exciting; we hope they are rewarding. Mayor Currigan deserves commendation for Denver's success.

Certainly there can be a multi-million-dollar reward to the city for Currigan's enterprise in working up Denver's winning entry in a nationwide competition among hundreds of cities. We have some misgivings, though, about whether there is as much enterprise and commitment to this program on the national level as there is in City Hall.

There are two great attractions about the Model Cities program which inspired Currigan to put aides to work night and day for several months, preparing Denver's winning proposal.

First, Model Cities offers a city for the first time the opportunity to attack in one comprehensive program every defect, every problem, people have in a disadvantaged neighborhood.

Sociologists have long known that when you try to remedy one problem at a time in a poverty neighborhood, other worsening problems linked to the one you are attacking may prevent success in the one you are working on.

They have long thought that if a city could ever figure out all the many things that need fixing up in a poverty area, and fix them up in coordinated fashion all at once, the city would have a chance to make a real impact—to change the lives of the people in that neighborhood permanently for the better.

This is the big chance Model Cities offers. This is why Currigan and mayors all over the nation have been so excited about it.

The second great attraction is the financing—the most generous, on paper, of any federal program for cities. Not only is the federal government to provide funds on an 80–20 matching basis when the work starts. The participating city also will be eligible to receive an additional grant of up to 80 per cent of the 20 per cent the city contributes for additional programs it finds needed within the area for which no federal funds otherwise would be available.

Right now, all that Denver is getting is $223,000 to turn its winning proposals into detailed, coordinated, working plans. Then Denver and the other cities involved will have to go back to Congress for the actual working money.

This is where we have misgivings. All systems are go at City Hall on the planning job. Task forces of citizens from the target areas and city officials are set up and some of them already at work. We have little doubt that within a year Denver will have plans ready to fund and put into operation.

We can only hope that, when Denver is ready, Congress will be ready with the money. On this year's congressional record of niggardliness to the cities' poverty areas, the prospects are not too bright. Funds for Model Cities itself were cut by the House from about $600 million to $312 million. Other worthwhile urban programs were cut even more.

When Denver and other cities come in with their final Model Cities plans, looking for money, Congress had better be ready. These plans are going to raise hopes among millions of people for whom hope is usually in short supply. There could be hell to pay if those hopes are dashed.

A GUIDE FOR THE PERPLEXED

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I noticed, a few days ago, in the Air Force/Space Digest, an article by Amrom H. Katz, a senior staff member of the Rand Corp., with wide experience in working his way through the rough waters of the bureaucracy. He put into words eight maxims which are worthy of review. I believe, as he does, that when we stop confusing the issue we will get more out of the woods. I recommend your review of "A Guide for the Perplexed," that follows:

A Guide for the Perplexed—Or a Minimal/Maxim-al Handbook for Tourists in a Classified Bureaucracy

(By Amrom H. Katz)

(NOTE.—Mr. Katz is a regular contributor to Air Force/Space Digest. His by-line last appeared here in the June '67 issue with the article "The Short Run and the Long Walk." A senior staff member of the Rand Corporation, he is widely recognized as an expert on such matters as arms control and reconnaissance. The views in this article are those of Mr. Katz and should not be interpreted as reflecting the views of the Rand Corporation or the official opinion or policy of its governmental or private research sponsors.)

Some fifteen years ago, after more than ten years of life as an entrenched bureaucrat and not-too-civil servant behind the lines in the Air Force's Aerial Reconnaissance Laboratory at Wright Field at Dayton, Ohio, I was assigned, and was able to successfully carry off, the role of guide, adviser, and philosopher to a group of younger associates.

I had been struck over the years by the continual recurrence in the jungles of bureaucracy of patterns of conflict, concealment, collusion, confusion, and corruption. Thus, when I was faced with the problem of providing guidance and insight for younger, softer-skinned, and wondering associates (all of whom had less experience and success than I in fighting city hall), I found it necessary to produce a set of maxims which wrap up most of the more obnoxious aspects of life in a bureaucracy.

These observations proved of considerable use to the group. In fact, they described about ninety-eight percent of the situations that later arose.

Most organizations evolve methods, systems, and a competence which relate to the organization itself. They evolve procedures as well: goals and discipline which, though always identified as facilitating the organization's end product, usually take precedence over the end product and, after a while, *become* the end product.

If not a major objective, then certainly a major result of much organizational machinery is to attenuate, filter, refract, and distort the line of (in)sight between a question and an answer. This produces the "*understanding gap,*" a gap which preceded and outlives the "bomber gap" and the "missile gap." This understanding gap was and remains more important than more publicized gaps.

The objective of the serious worker may be simply to understand why and how he is stymied. More often the serious worker really "wants to get something done." Understanding these maxims should satisfy the first group and serve as a necessary precondition to eventual success for the second group. You have to know what's biting you before reaching for a remedy!

The worker who insists that what he really wants are guides to getting things done, not mere explanations of his dilemma, may not be entirely happy or satisfied with these maxims. He will have to wait for another paper devoted to "Getting the Job Done."

Please remember that these maxims were developed to describe the situations I encountered in *my* orbiting. If they seem applicable to other government agencies, to large business organizations, to large nongovernmental nonbusiness groups, this is unintended, but probably not entirely coincidental. Organizations take on and develop similar garb and customs independently of each other.

It is interesting, and just a little sad, to see how new organizations, with shining escutcheons and high hopes, oft made up of rebels and refugees and defectors from older organizations, gradually take on the crust, the bureaucratic symptoms, the organizational *apparat, raison d'être*, and style of the older organizations.

The deficiencies, ineptitudes, and roughness of new organizations are often explained away with, "Don't criticize them. They're just getting started." This reminds me of a remark once made about the United States: "The US is the only country in the history of the world to go from barbarism to decadence without an intervening, civilization." Similarly, organizations should not go directly from infancy to senility without going through maturity.

A reformulation of Gresham's law is needed to explain this phenomenon (in economic theory, this law states, "Bad money drives out good money"). For a bureaucracy, the law states: "Bad habits drive out good habits."

My first five maxims were compiled in 1950, and I've found no reason to modify them. Maxims Six through Eight were developed in the last few years.

Maxim One: Where Are the Calculations That Go With the Calculated Risk?

All of us who go to briefings have heard brave men declaim: "We're going to take a calculated risk." Do you ever see any of the calculations? All we see is the risk. A long look into a big dictionary helps. There we find that the exact sense of the phrase "calculated risk" is "deliberate risk," or "understood risk." "Calculated," however, has come to be associated with numbers, actuarial science, and worse yet, systems analysis.

Webster's New International yields:

"*cal'cu lat'ed* . . . Adapted by calculation, forethought, or contrivance to accomplish a purpose; hence, loosely to produce a certain effect; fitted; adapted; suited. 'Calculated to injure rather than benefit society.'—Goldsmith."

According to this definition, a calculated risk is adapted by contrivance to accomplish a purpose, clearly ensuring that there really is a risk!

So, a *calculated risk* is simply a deliberate risk. But most unsuspecting audiences feel that somewhere there is a set of calculations that justify the risk. Interrupting a speaker with Maxim One will usually derail him. If you want to stop a speaker, try it on him! He is probably unaware of the alternate meaning of the word.

Maxim Two: Inventing Is Easy for Staff Outfits. Stating a Problem Is Much Harder. Instead of Stating Problems People Like to Pass Out Half-accurate Statements Together with Half-available Solutions Which They Can't Finish and Which They Want You to Finish.

All organizations have staff level groups, higher headquarters, front offices, planning groups, and similar collections of high-level busybodies, who bug everyone below them with problems. Problems, stated as such, would be OK. It's the problem accompanied by incomplete solutions that makes a mess. The way people fight to get on staff positions, in the front office, or in higher headquarters, you'd think they'd be glad to abandon the screwdriver. No, they insist on continuing the low-level work. It's truly amazing how seldom *problems* alone are stated.

When someone's half-completed brainstorm is passed down from on high, you can be sure that if it could have worked, or been finished, it would never have been passed down. I wish these guys who wanted high level jobs would work at them. There are enough people down below!

Maxim Three: Every Organization Is Self-perpetuating. Don't Ever Ask an Outfit to Justify Itself, or You'll Be Covered with Fact, Figures, and Fancy. The Criterion Should Rather Be, "What Will Happen If the Outfit Stops Doing What It's Doing?" The Value of an Organizaton Is Easier Determined This Way.

Anyone who has ever asked an organization, or an element of one, say a division, section, branch, or unit, "What do you do?" knows that a long and often emotional briefing will follow. They'll prove their indispensability by charts, directives, regulations, and job descriptions. One usually wonders how the world ever got along *before* this organization was created!

Sometime try asking the reverse question, "What would happen to the (. . . Air Force, Department of Defense, U.S., corporation, company . . .) if your organization were abolished?" This is a very embarrassing question. Save it for the moment of truth, savor it, guard it, don't use it prematurely—for when *this* bomb is dropped the game is usually over!

Also, be very cautious. This question may be turned around and tried on the questioner!

Maxim Four: Try to Find Out Who's Doing the Work, Not Who's Writing About It, Controlling It, or Summarizing It.

When organizations get rich, when there's much money coursing through the arteries of the organization, then the number of people *talking* about work increases rapidly, without a proportional increase in the number of people *doing* the work.

I will never forget a case in point. Back in the lean postwar years of the Air Force, there was one man in the Pentagon who concerned himself with the affairs of one laboratory out at Wright Field. Whenever the higher staffs of the Air Force had questions about this laboratory and its projects, this chap handled them. He took care of budgets, projects, and related paperwork. But then a huge and powerful organization was interposed between Wright Field and the Pentagon. This was called the Air Research and Development Command, and was situated in Baltimore. Our solitary man from Washington moved to this new organization and set up shop with fifteen or sixteen helpers.

Now questions, forms, problems started flowing to the laboratory at Wright Field, and paper started flowing back. Much conversation was generated. By the way, to keep up with all this activity, the one chap in the Pentagon was replaced by about eight or nine, who kept busy dealing with the sixteen in Baltimore. After a while, the laboratory at the bottom of the chart did little but fill out forms, answer questions, and prepare summaries, tables, and charts! That became the work!

Of course, when there was only the one fellow in the Pentagon to deal with, he couldn't generate this much work. He worked hard, perhaps ten hours per day, but he did sleep.

This illustrates the *inverted pyramid* effect. Down at the bottom is a project engineer, a worker, or a scientist. Above him, as if created by administrative fission, are layers and levels of organizational boxes—units, sections, branches, groups, departments, divisions, commands—all of them filled with bosses and chiefs. All these people spend most of their time talking about the poor engineer and what he's doing at the bottom. This guy could drop dead, and the sheer internal momentum and inertia of the system would carry on conversation about him for two years before the absence of new work would be detected!

It is a genuine struggle, but one worth the effort, to get to the chap who knows what he is talking about from firsthand information. The dilution and errors of fact occurring in second- or thirdhand information doesn't prevent people from presenting it as their work!

Maxim Five: Watch Out for Formal Briefings. They Often Produce an Avalanche. (Definition: A High-level Snow Job of Massive and Overwhelming Proportions.)

Large numbers of beautifully colored charts filled with detail are often a giveaway for a briefing with low content. In principle, a briefing is supposed to convey information succinctly, painlessly, and at minimum wear and tear on the audience. But not all briefings serve this end. When there is really nothing to say, when the work is inferior, when lack of effort requires camouflage—then the prescription calls for expensive, detailed charts with many words, figures, and graphs.

Genuine ideas are so rare—and so easily described and recognized—that burying them in a multichart briefing guarantees their loss. So be suspicious; perhaps no ideas are being presented.

If a briefer wants to put over a fast one, he will schedule a briefing directly after a heavy lunch, and then show slides. The hour and the darkness will always cause severe attrition among the audience.

The most suspect briefings are those which put several speakers on stage at the same time. Sentence one is said by the chap on the left, sentence two by the one on the right, etc. Often several slide projectors are used simultaneously. You are so bewildered and bemused by the mechanics of the presentation that you may not notice that no information is being conveyed.

Maxim Six: The Difficulty of the Coordination Task Often Blinds One to the Fact That a Fully Coordinated Piece of Paper Is Not Supposed to Be Either the Major or The Final Product of the Organization, But It Often Turns Out That Way.

The gradual elevation in importance of two-dimensional paper over the three-dimensional subjects and objects the paper is about was almost inevitable. If one is in an organization whose direct visible output is a paper, whose daily activities are the production and coordination of a paper—it would take a strong-minded rebel to resist.

The reason it is so hard to get a paper coordinated is easy to understand. First, these "papers" may be policy directives, statement of doctrine, guidance documents, etc. Second, "coordination" means getting agreement (the jargon for this is "concurrence") among all groups whose agreement is necessary. The paper is mailed from one office to another, usually dwelling and ripening in each office for a long time. The real problem is this: It usually takes only one "no" to stop something, but near unanimous agreement to do it.

It is clear that if a "yes" is as likely as a "no," the chance of getting one "no" greatly exceeds the probability of a couple of dozen "yeses." You can always bet that throwing a single tail with a coin is much more probable than throwing two dozen consecutive heads!

Thus it happens that a career of several years can be spent in coordinating documents, and perhaps pushing one all the way through, fully coordinated. So, small wonder that, to those in a paper-centered headquarters organization, it appears that the major product is paper.

We know that this isn't really the case. The paper is or should be about real objects and procedures, all located elsewhere—at Cape Kennedy, Vandenberg AFB, or a SAC base.

Nonetheless, paper procedures, forms, and documents multiply. One type of document, which may seem to have endurance, value, and long life, can be eliminated in a flash and be replaced by several new ones. Even such evidence fails to deter those who, genuinely interested in the real world, are hypnotized by paper work and revel in coordination as a way of life.

Maxim Seven: Most Organizations Can't Hold More Than One Idea at a Time . . . Thus Complementary Ideas Are Always Regarded as Competitive. Further, Like a Quantized Pendulum, an Organization Can Jump From One Extreme to the Other, Without Ever Going Through the Middle.

All of us who have tried to sell a new idea or project which is complementary to an existing one know that it is like storming a well-defended fort. The defenders of the entrenched idea feel insecure and threatened by a new idea, even when the new idea is not competitive with one being defended. The bigger the organization, the more firmly the single idea is held, the better it is defended, and the harder a new idea—and its proponents—are assailed and rejected.

But when a new idea finally triumphs, the older one is completely rejected. Thus we see big organizations behaving like a jerky pendulum—quantized in two end positions. The organization doesn't swing smoothly from one position to another. It jumps instantaneously and unpredictably.

Maxim Eight: Try to Find the Real Tense of the Report You Are Reading: Was It Done, Is It Being Done, or Is It Something to Be Done. Reports Are Now Written in Four Tenses: Past Tense, Present Tense, Future Tense, and Pretense. Watch for Novel Uses of Congram (CONtractor, GRAMmar), Defined by the Imperfect Past, the Insufficient Present, and the Absolutely Perfect Future.

In the good old days it took you no more than a day to read a report. This golden period ended perhaps a dozen years ago. I may have been naive, but I don't recall that then I ever seriously doubted the facts in a report I was reading. If someone said *he* did something, I believed him. I never thought that the report had been cribbed from other reports, or that it reproduced others' data without check.

But in those days reports were fairly thin; the 500-page report, let alone the 5,000-page report, was not yet born. Then there appeared an innocent-looking invention, which I believe has done more to corrupt our lives and drive us to bifocals than anything else since World War II—spiral binding! Before this insidious invention became popular, reports were stapled, thus limiting their thickness. But the new plastic binders permitted writing long reports, for they could be opened flat. Then the disease of multivolume reports became epidemic; many project reports got to be a foot or more thick!

The airlines used to have a test fixture at the weigh-in counter. It carried the note: "If your bag fits in here, you can carry it aboard the airplane." I had a similar gadget in my office: "If your report fits in here, I'll read it; if it doesn't, the hell with it." This go, no-go gauge was made partially obsolete by the insidious introduction of multivolume reports.

Despite being printed, these reports are frequently unwritten. Instead of being a literate, interesting summary of work, they are a compilation of data charts, held together by dull English. It is easy to be persuaded that some reports are written by a machine. If only we could get them *read* by a machine! Perhaps the machine could also tell us the correct tense of the report: Was the work done, is it being done, will it be done, or is it in pre-tense?

The huge contractors, the big projects, the requirement for detailed proposals before a contract is awarded, have resulted in a new art form—*proposal writing.*

Proposals are sometimes prepared in answer to a request—in response to which several contractors may prepare proposals. Sometimes a contractor gets an idea for something he thinks should be done—and prepares an *unsolicited* proposal.

Into the proposal—often a thick, expensive production—the contractor can pour his best talent, his finest literary efforts, his dreams, his hopes, his optimism. Here the proposed project reaches its highest peak; here we see the promised land! And so it remains, unless the contractor is awarded the contract. Then the constraints of the real world set in, and changes, deviations from the proposal, have to be made.

Back to the proposal language, which I call CONGRAM (from CONtractor GRAMmar). Dealing as it does in the dividends of a golden future, CONGRAM must reflect the errors of the past, highlight the inadequacy of the present, and point to the bright and glorious future. The basic tenses of English grammar are shunted aside; for them are substituted the elements of CONGRAM; the *imperfect past* (used to describe the deficiencies of the past, about to be corrected via the new proposal), the *insufficient present* (to justify the presentation of the new proposal), and the *absolutely perfect future* (to describe what will happen when the proposal is accepted and acted upon). Some worry about the future emergence and spread of George Orwell's "Newspeak." CONGRAM is already here!

Travelers to foreign lands need and use handbooks on the local customs, geography, and history. So do residents of vast bureaucracies. I hope these maxims hitherto passed along by word of mouth and in smuggled private printings to friends, will be of use to a larger audience.

L. B. J. AND THE AMERICAN NEGRO

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, Roy Wilkins, one of the most distinguished students of race relations in this country, has written a perceptive article on Lyndon B. Johnson and his historical role concerning the Negro American.

Writing in the New York Post last week, Wilkins said:

> The inescapable truth is that no President in history, with the possible exception of Abraham Lincoln, has done more for the . . . Negro citizen.

Wilkins pointed out something we in Congress should all know, that President Johnson won many of his civil rights battles against very vocal and stanch opposition. For centuries, as Wilkins notes, every institution in our society conspired to maintain segregation and discrimination.

When another President might have been content to rest with the knowledge of having passed the landmark Civil Rights Act of 1964, President Johnson pressed on to move the Voting Rights Act of 1965 through the Congress. He then proposed new laws to combat discrimination in housing, in jury trials, and in other areas.

Amidst the cries of black power from extremists, and the cries of resistance from the white community, the enormous strides which President Johnson has helped the Negro achieve are being overshadowed by propaganda.

The opportunity record of the Johnson administration is clear. Never has so much been tried in so short a time for the submerged poor and deprived of the Nation. Never have so many economic and social opportunity programs been initiated by any one President—Franklin D. Roosevelt notwithstanding.

Mr. Wilkins is correct when he chides his readers not to write civil rights books from yesterday's headlines. Let us look at the record. And the record of L. B. J. is a proud record.

The following is the Roy Wilkins article from the New York Post of December 2, 1967, entitled "L. B. J. and the Negro":

L. B. J. AND THE NEGRO

(By Roy Wilkins)

Before the LBJ situation gets any bloodier and dirtier it might serve such logic as remains among the emotional partisans in the political arena to recapitulate, in part, the President's performance on civil rights for Negro citizens.

Regardless of one's opinion of the Johnson Administration's foreign policy, the inescapable truth is that no President in history, with the possible exception of Abraham Lincoln, has done more for the generality of Negro citizens.

Most students of race relations realize that the principal task is the building of a nonracial climate of opinion. Although our nation has been overtly and covertly racist since the first Africans were brought here as slaves in 1619, there has been a continuing unofficial citizens' effort since that date to combat the racist majority.

This majority, until very recent decades, had the official support of the U.S. Supreme Court, the Congress, the Presidency, organized religion, the press, the business community, public and private school systems, colleges and universities, local, state and national governments, 99 per cent of the legal machinery and, naturally, all law enforcement bodies, including the police.

One of these days, instead of civil rights books written from yesterday's headlines, someone will write the story of the magnificent courage of the Negro himself in this bricks-without-straw struggle. The chief goal was to get the race affirmatively included under the constitutional guarantees affecting every citizen. The chief step toward this goal was to get a President of the U.S. to assert the rights of the Negro as a human being and as a citizen and to propose legislation to establish these as a national policy.

Lyndon B. Johnson, entering the White House nine years after the historic Brown decision of 1954, told a solemn joint session of the Congress on Nov. 27, 1963, that the civil rights bill must be enacted. If he had doodled as had the states on implementing the Brown affirmation of constitutional equality, we would have today no national policy in legislation. The Voting Rights Act followed in 1965.

It is a justifiable criticism to state that civil rights legislation has been enforced spottily, but the necessary role of the Presidency in the overall enterprise has not been shirked.

At a time when California had turned back the clock on fair housing with the notorious Proposition 14, LBJ was proposing a national housing law. Rebuffed by the Senate in 1966, he presented the same proposal to Congress in 1967. In contrast, JFK's advisers had been fearful of white opposition in the South and in Northern suburbs and had held up his executive housing order two years.

President Johnson's fair employment enforcement has not had a happy time, but he has never shrunk from the nettle, including the foot-dragging in the federal establishment.

With all its insufficiencies, imperfections and harassments, more hundreds of millions of dollars have gone into the anti-poverty program among Negroes than all the states have appropriated for this and related purposes in the past 30 years. The Johnson education acts have been vital to the Negro population.

Negro Americans, then, are a far piece from the June 1932 plea to a deaf Hoover, "Speak, Mr. President, speak!" That plaintive cry underscored the importance of a committed and articulate President as a weapon in shaping public opinion.

Lyndon B. Johnson has kept a pledge of nonracial opportunity and decency. Because this pledge is clearly understood in academic and intellectual circles as well as in the unreconstructed sections of the white South (and either belittled or combatted), it would be the irony of ironies if the black beneficiaries were to be confused by the appealing distortions of the professors and the sloganeers.

VITAL CONGRESSIONAL REFORMS

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, my attention has been drawn to an editorial in the St. Louis, Mo., Globe-Democrat on November 27, 1967, entitled, "Vital Congressional Reforms."

This editorial comments on the resolution—House Concurrent Resolution 578—introduced by my colleague from Missouri, the Honorable Thomas B. Curtis, and cosponsored by myself and Representative James C. Cleveland, to extend the life of the Joint Committee on the Organization of the Congress beyond its present expiration date of December 31, 1967.

It is my understanding that discussion of action on this resolution took place during at least two meetings of the Rules Committee, but that the Rules Committee failed to report the resolution. Of course, I have no inside information on the attitude of the majority leadership of the House, but I think it is a fair inference from the absence of action that the majority leadership lacks "enthusiasm" both for congressional reform and for the continuation of the Joint Committee on the Organization of the Congress.

While I realize there probably will be no House action before adjournment of the first session of the 90th Congress, I hope that congressional reform can be made the first order of business when the second session convenes in January of next year.

I understand the Senate, by the adoption of Senate Resolution 188 on Thursday, November 30, 1967, has kept the matter in status quo by extending the life of the Special Senate Committee on the Organization of the Congress to the end of January 1968 and funding the expenses of the committee with an appropriation of $10,000.

As we all know, my colleague from Missouri, the Honorable Thomas B. Curtis, has long been a champion of congressional reform and is currently the ranking Republican House member of the the Joint Committee on the Organization of the Congress. I am pleased that his hometown newspaper the St. Louis Globe-Democrat has recognized Representative Curtis' efforts to modernize the Congress and, therefore, I am pleased to insert the text of the editorial at this point in my remarks:

Vital Congressional Reforms

Fighting for much-needed congressional reform, Representative Thomas Curtis of Missouri has introduced a House Concurrent Resolution to continue the Joint Committee beyond its present expiration date of Dec. 31.

Congressman Curtis is attempting to salvage the proposed Legislative Reorganization Act of 1967, which cleared the Senate in March and has since languished in the House. He stresses the importance of his resolution by pointing out that "action on the continuation of the Joint Committee will be a test of the intentions of the House with respect to congressional reform."

We concur with Mr. Curtis. The House membership is on trial.

This vital piece of legislation is long overdue. For one thing, the measure would tighten the loosely-written lobby registration laws. In the broadest sense, it proposes sweeping modernization of archaic procedures, aimed at improving the efficiency of the legislative branch.

Congress is in need of re-establishing its faith with the American voter, who experiences a growing discontent with its nonsystematic ineptitude. Passage of congressional reforms would be a step toward organized and responsible government.

EVERGLADES NATIONAL PARK: AN ANNIVERSARY AND AN OBLIGATION

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, today's 20th anniversary of the dedication of Everglades National Park will be marked by appropriate ceremonies in which Secretary of the Interior Stewart L. Udall and many conservation groups will participate.

The occasion calls for celebration to mark a development which was many years in making. Destruction of the area's wildlife and other resources had for years been a source of deep concern to every conservationist familiar with what was taking place in the Everglades, and it was to be assumed that proper protection would be provided once the U.S. Government took possession of this phenomenal landscape and environment unmatched anywhere else in the world.

President Harry S. Truman dedicated Everglades National Park on December 6, 1947. At long last the rare birds, the flowers, and the crocodiles residing in this habitat of almost 1½ million acres in southern Florida would be safe from the predations of selfish and careless men. So everyone believed.

On the contrary, the 'glades has gone downhill since the Federal Government took over. Lack of water management is the reason, as Roger W. Allin, superintendent of Everglades National Park, explains in the October issue of Parks & Recreation, the official publication of the National Recreation and Park Association. His statistics emphasizing the decline in the population of wading birds during the past two decades alone are evidence enough that Uncle Sam has failed miserably as custodian of a wondrous repository that needs to be maintained in its natural state for the enjoyment of the multitudes who visit the area now and in the future.

Mr. Allin presents a brief but shockingly informative analysis of what is happening to the Everglades. He describes the problem and the relatively simple answer to the decline of a celebrated natural heritage. Congress must acquaint itself with the story of the Everglades, and Congress must insist that the Corps of Engineers cooperate fully with the National Park Service and the State of Florida in insuring necessary supplies of fresh water at all times to sustain the living beauty of these surroundings.

I submit Mr. Allin's article for your close attention:

INADEQUATE WATER SUPPLY THREATENS EVERGLADES NATIONAL PARK

(By Roger W. Allin)

Everglades National Park is an important part of our national and individual heritage in a world where natural beauty is a rapidly dwindling resource. It provides a colossal display of tropical vegetation and wildlife, as well as an opportunity to experience a unique tropical wilderness that is now enjoyed by over a million persons annually.

The Congress authorized the establishment of the Everglades National Park by Act of May 30, 1934. In this piece of legislation both Houses saw the park as it appeared in the report of December 3, 1930, by Secretary of the Interior, Ray Lyman Wilbur, to the Congress. And reference was made to Wilbur's report in the Act in which the Congress provided that the Everglades ". . . shall be permanently reserved as a wilderness . . ." and that no development ". . . shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area."

This park was created to perpetuate unique, aquatic-based ecological systems. There are 150 species of fish (including the tarpon, snook, mangrove snapper and sea trout), 47 species of amphibians, 42 species of reptiles (most notably the crocodile and alligator) and 12 species of mammals in the park that are either marine in character or mostly dependent upon aquatic habitats or aquatic foods for their continued existence.

But it is the 89 species of aquatic dependent birds—including the roseate spoonbill, reddish egret, wood ibis, great white heron and the bald eagle (all on the U.S. Fish and Wildlife Service's rare and endangered species list)—that in most cases appear of primary interest to the public. These beautiful creatures largely inhabit the coastal mangrove edges of the park or the Keys of Florida Bay, and feed on the small fish, crawfish and aquatic food animals produced in the park's aquatic environment.

The key to the maintenance and protection of these species, and indeed of nearly all of the notable wildlife populations in the park is the annual cycle of inundation of the 'glades and the resulting enormous fertility created within these warm, shallow aquatic environments. As fresh water is received into the park from the north and the east, it moves slowly (about 500 yards a day) southward across the 'glades before reaching the estuarine areas of the coastal waters. Because the park is almost table flat (a gradient of 8 feet in 45 miles) this inflow spreads out over the park in a thin film a few inches deep, forming broad expanses of marsh and swamp. As it slowly flows through the sawgrass and hammocks it picks up nutrient, and immense quantities of insects, small fish, fresh water vertebrates and invertebrates come to life, multiply, and flourish. These smaller life forms are critical elements in the base of the food chains which have created and sustained the unique species of fish, birds and wildlife presently found within the park.

DECREASED HYDROPERIOD

Historically, the park had a hydroperiod (the time the 'glades were covered by a shallow surface film of water) of approximately nine months each year. But today, canals and levees in the Lake Okeechobee area and the flood control and drainage systems north and east of the park are diverting normal seasonal excess waters to the Atlantic Ocean and the Gulf of Mexico, and the park's hydroperiod lasts for no more than five months and covers a smaller area than formerly.

Less fresh water from the north and a reduction in the length of time surface water lies on the land results in reduced growing periods for aquatic organisms, thus lowering the amount of aquatic food produced in the park. It is axiomatic that lower productivity will adversely affect park bird and animal populations.

Man has a less than notable record of protecting the wildlife resources of this area. In the last 30 or 35 years—long since the epoch of plume hunting, from which the 'glade birds were able to recover because their habitat was intact—there has been an alarming decline in wading bird populations. From the best estimates available, the combined populations of wading birds in this area had more than 1,500,000 breeding adults in the mid-30's; less than 300,000 breeding adults in the mid-40's and a maximum of 50,000 breeding adults in the 1950–1962 period. Today there is no question but that these declines have resulted from the cumulative effects of drainage and drought upon the Everglades.

Alligators have shown a similar decline. One researcher has stated that alligator populations have suffered more than a 95% decline since the early 1920's. An important element in this loss is the drying effect of reduced hydroperiods. With longer dry periods semi-aquatic and woody vegetation encroach into the 'gator holes, filling them with brush and organic matter, leaving the alligators without deep water pools or food to withstand even normal spring dry periods.

These 'gator holes, also, are places where bass, gar, and bream (sunfish) survive the spring dry period and are thus available as brood stock to repopulate the 'glades when the summer rains and flows from the north again spread water over the land. When brood stocks of adult fish life and other aquatic organisms are plentiful, and explosive repopulation of the 'glades is possible. But, with protracted drought and the drying of the shallower survival holes, some of the brood stocks die and this capacity to repopulate the aquatic environments during the summer and fall is reduced.

FRESH WATER REDUCTION

Of equal importance to maintaining natural conditions within the park—and this is the basic responsibility given us by the Congress—is the effect of reduced volumes of fresh water upon the estuarine environment of the park. About half of the total area of the park is made up of coastal bays, estuaries, their sloughs and tidal flats. Overland fresh water flows from the north eventually reach these coastal zones and modify the salinity according to the seasonal variation in fresh water availability. Reduction of flow by drought and diversion works have tended to create hypersaline conditions (over 55 parts per thousand total salts) in portions of these coastal environments (most notably areas within Florida Bay) resulting in a marked reduction of forage fishes, juvenile sport and commercial fishes, and the commerically important tortugas pink shrimp. These fishes and shrimp now spend vital periods of their life cycle in the estaurine waters of the park. From a reduced fish and shrimp production there also results a decline in the ability of estuarine areas to act as a feeding source for the birds resident in and around the bays.

Yet, another ecological change, which is occurring and which can be traced to reduced overland flows, is the acceleration of woody plant succession within the 'glades area of the park. Poisonwood, buttonwood, willow and other woody plants are becoming established in areas which formerly were pure sawgrass 'glades. The seeds and sprouts of these species were once "drowned-out," but now are able to become established and form a new and different community at variance with the historical ecology of the area. This change in vegetative cover affects transpiration, soil formation, direction and rapidity of water flow, sunlight penetration and water temperatures, and speciation and abundance of aquatic insects, invertebrates, and vertebrates produced within the region undergoing these changes. These ecological changes cannot but cause further changes in the bird and animal populations that live, nest or feed within this environment.

The wildlife losses resulting from anticipated ecological changes, and the relation of these losses to specific volumetric reductions of inflow have not yet been determined in quantitative terms; but it is the opinion of many biologists that unless the park's hydroperiods can be restored, the productivity of the 'glades will continue to be lowered, its wildlife carrying capacity will continue to be reduced, and thus the park, the people of the nation and the future generations will suffer a loss of a part of their heritage.

Man's technological ability to change his environment may be outpacing his ability to predict precisely and quantitatively the effects of such changes.

PROPER WATER MANAGEMENT NEEDED

The central and southern Florida flood control project *can* be planned, constructed and operated to make full use of the water available in south Florida. This important natural resource must be conserved and managed to benefit all of the potential users—the farmers, the cities and the park—by practicing total utilization water management rather than limiting planning and practice to removing "excess waters" during the rainy season, in the face of knowledge that the area will suffer drought a few months later. More than enough water falls upon the watersheds which traditionally have served the cities of the east coast and Everglades National Park to satisfy adequately the needs of all the users, including the park. There has been wasted to sea an average of over two-million acre feet of water annually from the project. (An acre foot of water per day is approximately ½ cubic foot per second or 225 gallons per minute.) One must conclude that there is currently a surplus of water—but if surpluses are not stored, there will certainly follow periods of drought which might otherwise have been relieved.

South Florida needs proper water management. As long as fresh water is being diverted and drained away from the historic everglade drainage routes, it will be difficult for many to comprehend why these waters could not have been made available to preserve the natural biological conditions and balances which are the essence of this great national park. It is the responsibility of all agencies concerned with the planning, construction and operation of this project—and the public at large—to see that this precious resource is not wasted.

QUESTIONS RAISED

The Everglades problem can be seen as a wide-ranging issue of many facets, for it is a question of whether a great national resource, Everglades National Park, which belongs to all of the people of the country, and indeed to the world, will be sustained. It is a question of whether recognition will be given House Document #643 (the authorizing document of the central and southern Florida flood control project, which stated that the project would "assist in restoring and maintaining natural conditions within the national park." It is a question of whether existing policies regarding the expenditure of Federal funds for water development projects, as defined in Senate Document #97, will be observed in the planning and operation of the project. This document states: ". . . care shall be taken to avoid resource use and development for the benefit of a few or the disadvantage of many . . ."

Parks are for people. The birds and alligators which have sanctuary and are protected in Everglades National Park are but vehicles through which this park provides enjoyment, satisfaction, education and delightful experiences to over a million people each year. This national park is part of a magnificent system of preserves which protects selected, outstanding and unique landscapes and life systems, that are in fact national treasures of great significance and are of lasting value to our culture and civilization—to be saved for this and future generations to enjoy, unspoiled by man. The impairment or destruction of an element of this system is a serious consideration. We must remain adamantly opposed to any proposal that would cause change to the basic resources of the park or that would threaten the park's value to the public.

Some progress is being made in satisfying the very complex problem of maintaining desirable ecological conditions within the park. In addition to the interim agreement reached last year between the U.S. Army Corps of Engineers, The National Park Service, and the State of Florida, regarding the provision of minimum flows from the project into the Shark River drainage of the park, agreement was also reached within the past few months which will protect the park's eastern panhandle from the threatened intrusion of salt water from an open canal. This agreement provides for the continuance of fresh water flows to maintain the wildlife in this portion of the park. Both of these agreements will remain in effect until a study now being conducted by the Corps of Engineers of the long-range water needs of the park is completed. This study, scheduled for completion this fall, is expected to reveal needed changes in project planning, construction and operation to permanently satisfy the park's water requirements. It is anticipated the Corps' recommendations will include storing surplus waters and provide for the necessary works to route these waters to their historic watercourses in Everglade National Park.

In the last few years it has become obvious that despite its size, Everglades National Park does not control its ecological destiny. If the park does not receive adequate water from the central and southern Florida flood control project, there can be only one predictable conclusion—the end of this unique biological wilderness and the loss of the values which commended Everglades National Park's establishment as an element within America's national park system.

A YOUNG MARINE IN VIETNAM TAKES HIS OWN POLL

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, yesterday I received a most interesting and compelling letter from one of our fine young marines in Vietnam, Cpl. Travis W. Powell, of Texarkana, Tex. As you will note from his letter, Corporal Powell has taken a poll of "a little over 200 marines" and found that 197 were in favor of escalating the bombing. His remarks about demonstrators in the States are also illuminating.

This sincere, forthright, and convincing document from a young man whom I believe to be a typical east Texan is offered as a thought-provoking and valuable insight to the attitude of our fighting men in Vietnam. I would like to add that I am personally proud that Corporal Powell is my countryman, and that I have the privilege of being his Congressman.

The letter follows:

NOVEMBER 30, 1967.

DEAR MR. PATMAN: I know that you are a busy man, but I thought that I'd drop you a line from over here, where the action is. The reason for doing this is to let you know how some of us feel. What made me sit down and write this letter to you? In an article from a little paper that we get over here, recently I was reading where the students of the University of Texas were having a demonstration against the war in Viet Nam. One of the signs read, Back our men in Viet Nam, Pull them out, or words to that effect. If it had been any other State, it would have been different, but my own home State, well that is something else. Maybe these people all need to be put in the service to see what it is like. I'd venture to say that a group of men in a single unit, company, branch of service, or whatever; is one of the tightest groups, that you'll ever find. In the service you have no poor or wealthy, smart or dumb, or black or white. You all stick together and try to do the job to the best of your ability. If all these people want to help, if they don't want to or are ineligible to come in the service, the least that they can do, is not be causing trouble stateside, and really try to back their fellow countryman.

Just to show you an example, there was and I guess that there still is a large question on whether to bomb North Viet Nam more, about the same, or stop completely. I took a poll of a little over 200 marines around my area and from the field. It turned out that 197 of the men said to bomb it more, and three men were undecided on whether to bomb it more or to stop completely. However, all the men agreed that if we stopped bombing, that all our troops should be pulled out; the reason for this is the men feel that by not using all your powers to their fullest extent, except the "big bomb," is like fixing a fight. You are only using part of your abilities, meanwhile you (the boxer) are taking hits. In this case, which is a lot more serious, instead of a punch, a lot of those demonstrators' kinfolk, ole buddies, friends and their friends' friends, that are members of one of the branches of the Armed Forces of the United States is dying. That is also the reason for not wanting to stay the same, either get in or get out. I guess that's all for now.

Now for a little about me that you might be interested to know, plus maybe being able to help me. My last name, Powell, it might have sounded familiar to you from around *our* hometown. I am from Texarkana, Texas, and graduated from Texas Sr. High in 1966. Your nephew, Robbie, and I are good friends; we went to school together ever since the third grade. We write each other every once in a while. The reason for me saying that my last name might sound familiar is because my father and five of his brothers and families still live in Texarkana. You might know a couple of them, Lester has Camp Texarkana on Lake Texarkana along with one of his closest friends Sherwin Massey. Another one of my uncles, Troy, is a small cattleman out on Richmond Road; he gets letters from you or let's say from your office quite often.

I am a supply man with a 3042 mos. They say over here that it is critical. I joined the Marine Corps for one reason, to come over here and fight for what I think is right. As soon as I graduated from boot camp and found out that I had a supply mos, I tried to get it changed and failed. From San Diego, I came home on leave, then went to North Carolina for Supply School. I tried to get it changed again and it failed. The only reason why I haven't written you sooner, was because I was told that after you got over here that it would be different and that I would be fighting, no matter what my mos was. I volunteered for Viet Nam at Camp Lejeune, went home for twenty days, and have now been over here four months. I am in the Danang area, other than one rocket and mortar attack we received, which had one (1) killed in action and forty-three (43) wounded in action, six of whom were good friends of mine from Supply School, I have seen no other action at all. I've never seen a VC or a NVA other than at the local POW Camp and have yet to fire my rifle.

I graduated from boot camp as Platoon Honorman, field expert with the rifle, and made Pfc. meritoriously. I made L/Cpl. meritoriously out of Supply School and just recently made Corporal. I came in on 29 Nov. 1966 and made Corporal, which is a Non-

Commissioned Officer, in less than a year, which is supposed to be pretty good. I have a 4.8/5.0 average on my proficiency/conduct marks, respectively. I think the reason for my quick promotions is because I try to stay squared-away and I do my job to the best of my ability. I think that I was put in the Supply field because of some tests that I took. I might have the, let's say smarts to be a supply man, but am slowly cracking under the pressure of doing something that I can't stand, and me forcing myself to do it without causing trouble. I feel, since I've hunted, fished, camped-out, hiked, or stayed in the outdoors all of my life, that I can better serve my country by putting me in the field. I work hard at whatever I do, but naturally a man can work harder at something he likes.

I came in the Marine Corps wanting to be a machine gunner on a helicopter or just a plain infantryman. Since I've been here I've tried to get into either of the above, but no one will help me. They think that because the Marine Corps says you do this, that you do it. Well, I guess that that is right, but even the Marine Corps makes a mistake or two. Some people can do some things and not others. I don't have the patience to sit behind a desk, and type, or in a warehouse, but I can sit all day not moving, waiting on a bear to come by me, and as far as feelings go. I had rather kill the enemy before I had a bear. A bear can be useful, but the enemy can't. When I talk about enemy, I mean enemy, not all Vietnamese people. Since I've been over here I've met some pretty decent people and I try to help them as much as possible. I've gotten several packages from home and when I get a chance I buy candy and little things at the PX and give it to the kids. I try to teach them English and in return pick up a little of their language. A lot of the men don't treat the people very kind, but I try as hard as I can. They don't realize that we have to leave a good impression and to make friends with these people, and the demonstrations back home don't help. I think if the people back home knew what it was like, and could see the progress that we have made, that they'd understand why we don't want to pull out. Sure we want to get home and see our loved ones, but we don't want to leave all these people here helpless and subject to communism.

About my problem, if you can help me I'd appreciate it very much. It would have to be something definite, not just a letter to my Commanding Officer. If that's all you can do I had just as soon that you forget about it. I liked to stay squared-away and on good terms with my superiors, but a letter to them would definitely hurt my standings and would help in no way. I don't know how hard you'll try on this but I'm sure if you wanted to you could help me. I was just leaving Texarkana to come over here on the day of your wife's funeral and am sorry about it and not being able to attend I did see President Johnson at the airport. I don't know if you'd even think of going that high, but if so, I know he could do something. The Commandant of the Marine Corps, Mr. Wallace Green, has a copy of my record book on file; you might want to look through it. It might help.

From when I graduated from high school until I joined the Marine Corps, there was a period of six months. During these six months I worked at D & Z as a Quality Control Inspector, and I inspected ammunition. I was trying to do my part for the war; I didn't feel that it was enough, so I joined the Marine Corps; I still don't feel that I'm doing my part. I know that only about 30% of our men are on the lines and the remaining 70% are in the rear supporting the men up front, which is my present job, but the job just isn't for me, like I said earlier, it is slowly getting to me. I've held off as long as I can, so please try to do something, before I start getting hard feelings aroused.

My first request, an mos change to Helicopter Machine Gunner, I could take "on the job training," instead of going to the school. If not that, my second request on mos change to infantryman. I would need to be brushed up on some of the function of the infantryman, although I stay up-to-date on what I can. This could be accomplished by sending me to jump school and warfare school in Okinawa, or by "on the job training," which is best sometimes. People are sent to Okinawa for several schools from here, so it wouldn't be much trouble.

I will be twenty years of age the 18th of Dec., if I was old enough, I'd put in for a field commission for second lieutenant, and request an 03? ? mos either infantryman or machine gunner. I am planning on extending for six months over here and will if I get what I'm hoping for, plus I hope to be making Sergeant within the next few months.

Thank you for listening! !

Respectively yours,
Cpl. Travis W. Powell,
U.S. Marine Corps.

U.S. REPORT FINDS GLOOM IN VIETNAM

Mr. TAFT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, the publication this morning on page 1 of the New York Times of an article by Bernard Weinraub, dateline Saigon, December 5, and headlined "U.S. Report Finds Gloom in Vietnam" raises some interesting questions. Nowhere in the article is the source of the report identified, nor is there an explanation as to the circumstances under which it is being distributed within the U.S. mission in South Vietnam. It is said to be "A weekly report privately drafted and distributed within the U.S. mission in South Vietnam," and is described as a two-page document, headed "Provincial Attitudes" covering a "1-week period from November 26 to December 2."

The New York Times further indicates that—

> The document is marked for "limited distribution" at the U.S. mission but is not classified.

The lack of further information in the New York Times about the source of the article or the circumstances under which it is being distributed raises questions of journalistic responsibility when at least 15 column-inches are devoted to repeating discouraging reports on attitudes among the South Vietnamese. This information, having been given the coverage it now has, calls for a full explanation by U.S. State and Defense officials as to what the weekly report is, who drafted and distributed it, to what extent the pessimistic views reported are accurate in view of their conflict with recent statements by Ambassador Bunker and General Westmoreland, and why, if the information was for internal purposes, it was not classified and distributed as an official document rather than passed around unofficially?

I am today addressing these inquiries to the Secretary of State and the Secretary of Defense and asking for answers. When they are at hand, I shall be happy to bring them to the attention of the House.

I include the article which I have previously referred to, at this point in the Record:

[From the New York Times, Dec. 6, 1967]

U.S. Report Finds Gloom in Vietnam—Asserts Many in South Feel Americans Are Deliberately Prolonging the Conflict

(By Bernard Weinraub)

Saigon, South Vietnam, December 5.—A weekly report privately drafted and distributed within the United States mission in South Vietnam portrays American officials posted in the provinces as gloomy about the war and the mood of the South Vietnamese people.

The two-page document, which was distributed today, says that there has been "an increasing tempo of VC terrorism and propaganda and, in some circles at least, a strange drift from reality regarding the U.S. role in Vietnam."

The report says that numerous Vietnamese now feel that the United States is "deliberately prolonging" the war and that "many Vietnamese believe that Americans in Vietnam have been so dominant, especially in the direction of the war, that the very sovereignty of Vietnam is threatened."

ONE WEEK IS COVERED

The report, headed "Provincial Attitudes," covers a one-week period, from Nov. 26 to Dec. 2. The document indicates, however, that American officials in the field were meeting long-range—and growing—problems with the South Vietnamese.

The report discussed the Vietnamese attitude toward Americans, the South Vietnamese Government and army and the Vietcong.

"The theme that recurred most often was the continuing rise in VC terrorism and propaganda," the report said. In most cases, the aftermath appeared to be a declining confidence in the South Vietnamese Government's defense capabilities.

The report says that this theme was especially prevalent in the III Corps area, the section of the country around Saigon, and the IV Corps area, the Mekong Delta.

On the propaganda front, the report says, Vietcong cadres "enter hamlets escorted by armed squads, scatter leaflets, indoctrinate the people or, in the more secure hamlets, operate a portable speaker at the edge of town"—usually with "upsetting" results for public morale.

The document, quoting the final paragraph of a report from the Mekong Delta, added: "Unless the [Government] of South Vietnam is able to demonstrate visibly and convincingly that it is truly dedicated to the interests of the people, republic [the Thieu Government] will have no more support than any of its predecessors."

While American officials in recent weeks have produced optimistic public statements on the war effort and pacification, they have not dealt with the mood and the attitudes of the Vietnamese people. Over the last few months, however, officials in Saigon have noted an anti-American mood, especially in the Saigon newspapers.

The document is marked for "limited distribution" at the United States mission but is not classified.

DRAFT LAW CRITICIZED

A main complaint of Vietnamese, the report says, is against a new mobilization law that lowers the draft age from 20 to 18 and tightens deferments. The document indicates that many Vietnamese feel that the draft measure was spurred by United States pressure.

In Saigon, the document notes, a member of the new House of Representatives was reported to have said that the measure had been designed to "calm American public opinion because the American people do not take kindly to the mobilization of Americans for combat in Vietnam."

The document adds: "Another legislator reportedly said, "Why should our young men be drafted to serve U.S. interests?"

Discussing what it termed the "strange drift from reality regarding the U.S. role in Vietnam," the report said that in the III Corps area a "group of 12 middle-aged citizens" felt the mobilization law had been enacted at "the behest of the Americans, whose real aim is 'the extermination of as many Vietnamese as possible.'"

A GUINEA PIG

One of the group was then quoted as having said: "Our country is a guinea pig for the testing of new U.S. and Russian weapons."

In the IV Corps area, the report says, there was "a rumor heard among the educated elite" that the United States was deliberately prolonging [the war] in order to provide an outlet for its surplus production."

The report adds: "A Marxian argument, perhaps, but it does have currency among people who ask why else would a powerful nation like the U.S. not exert its maximum force.

"To counter this with the argument that it's a Vietnamese war falls on deaf ears, as many of these people feel it is now a war between the U.S. and the Communists."

The document said that there had been vehement protests against the partial mobilization decree scheduled to take effect Jan. 1. The law orders more rigorous study of all types of deferments, including those for academic, religious and professional reasons. All specialists needed for military service, such as doctors and engineers, will be subject to the draft until they reach the age of 45.

"Although most youths do not want to join the army," the report says, "they want even less to join the VC—but the only reason given is the harder life of the VC."

The document adds that the possibility of mobilization "had provoked hopes that the war may soon end, but almost all [youths] see it as continuing indefinitely."

"The hope for peace, when expressed often reflected a dim conception of external forces beyond one's control," the report says. "Thus, from Binhthuan in II Corps it was reported that the people believe the Americans will send more troops to Vietnam next year to end the war sooner and help the campaign of President Johnson for re-election to the Presidency."

"As in Saigon, where some military personnel and workers were heard to critize the GVN [South Vietnamese Government] for allegedly undercutting Hanoi's cease-fire proposals," the report says, "there were those in the provinces who were aware that peace-feeling was a finely balanced thing."

"A businessman in a provincial town in the II Corps area, the central highlands and lowlands, was reported to have complained: "What kind of peace negotiation is it when President Thieu sends a letter to Ho Chi Minh and at the same time increases troop strength [via the partial mobilization decree]?"

A RESPONSIBLE CHOICE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the National Observer of October 23, 1967, carried an article regarding the program of the National Urban League to help Negro veterans returning from Vietnam in their return to civilian life. By establishing a Veterans' Affairs Office and assigning coordinators to eight major cities, the league hopes to be of assistance to veterans in preparing for their future in the mainstream of civilian living. It is believed that the returning Negro servicemen can be America's greatest opportunity for progress in civil rights, if planned for and properly directed.

Now contrast this responsible approach with the new program outlined by Martin Luther King in the New York Times article of yesterday, December 5, entitled "Dr. King Planning To Disrupt Capital in Drive for Jobs." As reported by the Times, King plans an extended campaign of massive civil disobedience in Washington next year to force Congress and the administration to provide "jobs or income for all." He also stated that Negro militants including the Student Nonviolent Coordinating Committee and the various factions of the peace movement will be invited to participate, but that all participants in the protests must pledge nonviolence for the duration. King's goal is "massive dislocation" of the Capital "until America responds" to the needs of its poor.

This is certainly a strange position for Martin Luther King. He is either incredibly naive or indulging in a clever form of demagoguery. Having done quite a bit of research on Mr. King's record which appears in the CONGRESSIONAL RECORD of October 4 of this year, I believe he is anything but naive. The case of King's takeover of the Chicago tenement in February of 1966 is a good case in point.

At that time King led three civil rights organizations in assuming "trusteeship" of a six-flat tenement house without court authority or permission of the owner. He proposed to collect the rents which would be used to clean and renovate the building. When asked if he considered the action legal, King stated, according to the Chicago Tribune of February 24, 1966:

> I won't say that it is illegal, but I would call it supralegal (above the law). The moral question is far more important than the legal one.

Fortunately for the forces of law and order, a circuit court judge found a legal issue involved and enjoined King and his associates from entering the building, interfering, or collecting rents from the tenants.

As in other cases, King made clever use of the English language. He emphasized that this action was not a takeover, but simply a "trusteeship."

With regard to the proposed dislocation of Washington, Dr. King uses scare words, threats or warnings of impending trouble to create the necessity for his action. But he absolves himself of any responsibility for possible violence by using the term "nonviolence" and requesting a pledge of nonviolence from participants. It is certainly not prudent nor responsible to invite the radical anti-Vietnam peace groups to participate without considering the possibility of ultimate resort to rioting and lawlessness. If violence does erupt and laws are broken, King has a trump card: "Often an individual has to break a particular law in order to obey a higher law."

The comparison of the Urban League's program for helping returning Negro servicemen with that of Martin Luther King's disruption program emphasizes that there is a positive, responsible approach to the pursuit of civil rights aspirations. Of the two choices cited above, I believe the overwhelming majority of American citizens will have no difficulty whatsoever in selecting the right one.

I include at this point the article "Dr. King Planning To Disrupt Capital in Drive for Jobs," from the New York Times of December 5, 1967:

[From the New York Times, Dec. 5, 1967]

DR. KING PLANNING TO DISRUPT CAPITAL IN DRIVE FOR JOBS

(By Walter Rugaber)

ATLANTA, December 4.—The Rev. Dr. Martin Luther King Jr. announced plans today for an extended campaign of massive civil disobedience in Washington next year to force Congress and the Administration to provide "jobs or income for all."

The internationally known Negro civil rights leader said a force of 3,000 demonstrators, trained in nonviolent techniques, would seek "massive dislocation" of the capital "until America responds" to the needs of its poor.

Dr. King said the protesters, recruited in 10 major cities and five rural areas, would begin a "strong, dramatic, and attention-getting campaign" in early April. He indicated that the Capitol and the White House would be among the targets.

In a news conference here, the winner of the Nobel Prize for Peace acknowledged that the ugly mood of many Negroes in the nation's slums made the campaign "risky," but he asserted that "not to act represents moral irresponsibility."

Dr. King advanced the view that "angry and bitter" people would respond to nonviolence "if it's militant enough, if it's really doing something." He promised to spend three months in training the initial force of 3,000.

"These tactics have done it [won civil rights advances] before," Dr. King said, "and this is all we have to go on." Continued inaction by the Federal Government, he warned, would bring down "the curtain of doom" upon the nation.

For some time, Dr. King has been talking generally about the dislocation of Northern cities "without destroying life or property." Such efforts, he has said, can channel rage from destructive rioting to more "creative" ends.

The Negro leader committed himself most firmly to the idea of dislocation during a speech in August to the annual convention of the Southern Christian Leadership Conference. He is president of the Atlanta-based group.

Then, last week, Dr. King and the leading members of his staff chose Washington as the target and mapped other aspects of the projected drive during a meeting at Frogmore, S.C. In a statement issued today, Dr. King said:

"America is at a crossroads of history, and it is critically important for us, as a nation and a society, to choose a new path and move upon it with resolution and courage.

"It is impossible to underestimate the crisis we face in America. The stability of a civilization, the potential of free government, and the simple honor of men are at stake."

Dr. King said that "a clear majority in America are asking for the very things which we will demand in Washington," but he added that the Government "does not move to correct the problem involving race until it is confronted directly and dramatically."

The Negro leader's mood seemed deeply pessimistic. He said the confrontation in Washington was a "last desperate demand" by Negroes, an attempt to avoid "the worst chaos, hatred and violence any nation has ever encountered."

A number of details concerning the new drive apparently remained unsettled. Dr. King said the areas from which the demonstrators would come had not been chosen, although Mississippi and New York have been mentioned. Some of the protesters may march to Washington, Dr. King said.

THE FORMS OF PROTEST

An aide to the civil rights leader said that financial needs would present no problem. The protesters would camp out, he indicated, and "soup kitchens" might be organized for them at various churches in Washington.

While Dr. King avoided detailing the forms of protest that might be used, other sources suggested transportation tieups, school boycotts and appearances at major Government installations in the capital.

One aide, citing the high incidence of infant mortality among Negroes, said another tactic might be to tie up Washington hospitals with waves of sick youngsters. Such action, he said, would be useful as well as dramatic.

Dr. King said he hoped the new campaign would involve representatives of the non-Negro poor and "all Americans of good will." An aide added, however, that the drive would need more or less permanent demonstrators, "not college kids down for a weekend."

Negro militants, including the Student Nonviolent Coordinating Committee, will be asked to participate, Dr. King said, but all participants in the protests must pledge nonviolence for the duration.

Dr. King said the peace movement would also be invited to participate, on the grounds that many believe domestic poverty cannot be successfully fought until the Government withdraws from the war in Vietnam.

TIME TO DISSENT FROM THE DISSENTERS

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, responsible dissent will always have a respected and guarded place in our American society. But dissent, or any comment, requires that the person responsible, be responsible. Those who dissent from our position in Vietnam are too often guilty of wishful thinking and too often neglect to determine—or avoid consciously—the simple facts.

So many attempts have been made to present the true picture of Vietnam and so much documentation has been compiled that no one can plead ignorance.

The exasperation of so many millions of Americans with those who consciously or unconsciously give comfort or encouragement to the enemy in Vietnam through their unsubstantiated charges was expressed recently by the commander in chief of the Veterans of Foreign Wars of the United States, Joseph A. Scerra.

Commander Scerra put out a call to all Americans to "dissent from the dissenters." He states:

> It is high time some of the amateur diplomats, professional politicians, armchair generals and would-be Presidents in our nation be reminded that their continuing harsh and distorted criticism of America's continuing stand against aggression in Vietnam is harmful to the success of our mission and to the security of our nation.

As an example, the irresponsible dissenters like to avoid the entire ugly issue of the enemy, his nature and his methods and plans for suppression of South Vietnam.

I can only ask how the dissenters would justify surrendering South Vietnam to barbarisms such as have already taken place. Here is a sampling of what we are fighting against and what we are asked to forget or ignore by the irresponsible dissenters. These are headlines of the atrocities by the North Vietnamese and the Vietcong.

One reads: "17 Women and Children Die in Massacre." This is not an isolated, accidental incident of bombing but the beginning of an account of how the Vietcong overran a refugee camp and slaughtered in cold blood.

Who denies the terror campaign against the population in South Vietnam during the preelection weeks.

Where is the sincerity of men who force the American public to read headlines such as these: "Viet Reds Execute Two U.S. Civilian Flyers," or, "Fleeing Pilot Had To Watch Red Pursuers Behead Pal," or, "Reds Execute Six Wounded Marines" or any of the scores of other statements of atrocities which tell the same inhuman disregard for life. They are summed up in one additional headline: "Cong Terror Stalks Viet Countryside."

These are only a few of the examples from but one corner of the picture. But they are the facts. Irresponsible dissenters fail to mention these items but they are quick to shout unsubstantiated charges of wholesale slaughter by American napalm.

I must agree with Commander Scerra that it is time for the American people to make their will known. While the many who dissent have the guaranteed right to do so, each American also has the right and responsibility to make his will known when it comes time to dissent from the dissenters.

I include the commander's remarks at this point:

IT'S TIME TO DISSENT AGAINST THE DISSENTERS

> It is high time some of the amateur diplomats, professional politicians, armchair generals and would-be Presidents in our nation be reminded that their continuing harsh and distorted criticism of America's continuing stand against aggression in Vietnam is harmful to the success of our mission and to the security of our nation.
>
> It may not be their intention, but these self-appointed experts of international military and political strategy are providing false hope and misleading comfort to the enemy. They—no less, and perhaps even more, than the so-called anti-war demonstrators—are actually helping to prolong the war rather than to shorten it, as they so zealously claim is their objective. Their expressions of dissent and protest provide the North Vietnamese with a reason to believe they can achieve the victory our men in uniform are denying them on the battlefront through a split in our ranks on the home front.
>
> The divisive antics of the peaceniks, beatniks and draft card burners can perhaps be blamed on ignorance or immaturity. It is difficult, however, to find any excuse for the increasing tendency of certain members of Congress and other elected officials to assume they somehow have acquired a special insight and wisdom which qualifies them to render better judgments on policies and actions than the Secretary of Defense, the Secretary of State or the Commander-in-Chief.
>
> Never in the history of our nation has there been a greater need for national unity and support of our constituted leaders. The withholding of traditional bi-partisan Congressional support from the President in the conduct of foreign policy can only serve to undercut his bargaining strength with our enemies and diminish his stature among our friends.
>
> Our military leaders report that our military position in Vietnam has improved considerably in recent months. We have gained the offensive and the enemy has sustained crippling losses in men and materials that have destroyed his ability to effectively continue his course of aggression. However, although the North Vietnamese can find little comfort in the trend of the war itself, they have only to read the statements of some of our Senators and Represenatives to find reason to believe they can outlast our will even if they cannot outgun our fighting men. Almost daily, a Member of Congress furnishes the enemy with fresh signs of what he can easily misinterpret as a weakening of our staying power.
>
> It is difficult for our enemies to understand that America's freedom to debate and dissent does not mean a lack of resolve to honor our commitments. We Americans respect the right of the individual to dissent. But too often the enemy quotes the words of our debaters and dissenters in their newspapers and on their broadcasts as a means of bolstering the sagging morale of their own fighting men.
>
> It is indeed unfortunate that the pressure that our guns and bombs bring to bear on the enemy in an effort to lead him to the negotiating table in response to the President's repeated requests for peace talks is continually negated by the words of the dissenters in the U.S. Congress.
>
> Some of the dissenters say we should halt our bombing of North Vietnam. Yet they do not ask that the enemy provide any assurances that he will respond with a comparable deescalation in military activity, or that he will not use the occasion to build up his weaponry and manpower so that he can launch new offensives and kill more of our American troops.
>
> Some of the dissenters want to restrict our military activities to the defense of isolated enclaves. Yet they do not explain how this will help the South Vietnamese achieve freedom for the people outside these limited areas or how this will help resolve the conflict.
>
> Some of the dissenters even call for a complete withdrawal of our troops. Yet they do not say how we can explain this abrogation of our commitment to the other small nations of the free world who look to us as a bulwark against Communist aggression.
>
> The dissenters do not have a monopoly on a desire for peace.
>
> What the dissenters in Congress and elsewhere seem to forget is that the Administration has tried halting the bombing of North Vietnam a number of times, but they have all gone unheeded by Hanoi.
>
> The Administration has repeatedly offered to hold unconditional negotiations with the North Vietnamese and the Viet Cong but all overtures have been rejected.
>
> The Administration has honored cease fire

agreements during certain holiday observances, but the enemy has used them to infiltrate our lines and reinforce his positions.

The Administration has conferred with every interested nation and used every available channel, including the United Nations, in its efforts to find some method for bringing about a meaningful cessation of hostilities.

Peace, unfortunately, cannot be achieved merely by making speeches on the floors of Congress or by holding demonstrations in the streets of our cities. And peace cannot be brought about by one side alone.

The enemy must be made to realize that he cannot achieve his goals of expansion and domination by military aggression. He must understand that this nation is committed to the defense of freedom in South Vietnam and that this nation honors its commitments. He must not be permitted the luxury of drawing succor, no matter how unjustified, from the misleading statements of the dissenters within our midst.

We do not need another pause in the bombing of North Vietnam to convince Hanoi of our desire for peace. We tried that, and it didn't work.

What we need to try now is a pause in irresponsible dissent to demonstrate our strength of purpose and unity of spirit.

President Kennedy said "The cost of freedom is always high but Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission."

The path to a just peace is the one where we present a united front to the enemy, so that he will not fail to recognize the futility of his aggressive course of action.

I, therefore, personally call upon our Senators and Representatives to support the Administration in fulfilling its pledge to support our fighting men in Vietnam and to work for a just and honorable peace in Vietnam.

At the same time, I urge every member of the V.F.W. and every American citizen to embark on the most massive letter writing campaign in the history of this nation. I urge that he write his own Senators and Congressman to adhere to our traditional Constitutional procedures for the conduct of war and foreign affairs and to support—not hamper—our Secretaries of State and Defense and the President of the United States in the conduct of their awesome tasks. You should also send copies of your letters to the White House, so that our President will know his countrymen stand behind him in this hour of trial.

I have never asked the members of the V.F.W. to write their Congressmen for any specific purpose before, but I do so now because I feel the need is critical. Let your Senators and Congressman know how the veterans of this nation feel about our commitment in Vietnam.

If he supports the Administration's stand in Vietnam, let him know how much you appreciate it. But if he has been among the dissenters, let him know that now is time for our nation to stand together in its defense of freedom and its quest for peace.

WILL NORTH VIETNAMESE REFUSE TO DELIVER CHRISTMAS PARCELS TO CAPTURED MILITARY PERSONNEL?

Mr. **MONTGOMERY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **MONTGOMERY**. Mr. Speaker, United Press International this morning carries a story by Donald May which raises the question of whether the North Vietnamese Government will refuse again this year, as they did last year, to permit the delivery of Christmas parcels, now in their hands, to captured U.S. military personnel sent by their families.

The story says that Deputy Secretary of Defense Paul Nitze has expressed his concern over this question.

I share that concern.

At this season of the year—the season of good will—it is particularly appropriate that man's treatment of his fellow man be in accord with the spirit of the holidays.

I earnestly hope and pray that the North Vietnamese Government will recognize this, will respect the spirit of the season, abide by the humanitarian principles of warfare governing the treatment of prisoners, and permit the delivery of these small gifts from their loved ones to our unfortunate servicemen. To do otherwise would be grossly inhumane, deliberately cruel, and violative of the recognized international practices in warfare.

I include the text of the UPI article in the Record:

Prisoners

(By Donald H. May)

Washington.—Families of U.S. servicemen held captive in North Vietnam have mailed them Christmas packages, it was learned today.

The families were waiting to see whether the parcels would be delivered by North Vietnamese authorities. Last year Christmas packages sent by prisoners' relatives were returned undelivered.

Small parcels have been sent this year by a number of wives, children, and parents who acted individually and used the regular mails.

Defense Department officials kept out of it but were obviously interested in the outcome.

Within the Pentagon, Deputy Defense Secretary Paul H. Nitze sent a memorandum to the Department's prisoner of war policy committee asking to be kept advised of what happens.

Nitze's memorandum said: "Last year the Government in Hanoi inhumanely refused to deliver Christmas packages to the prisoners of war. Renewed refusal by Hanoi to permit delivery of Christmas parcels would be yet another distressing violation of the Geneva Convention."

The 1949 Geneva Convention on prisoners of war provided for mail privileges and the right of prisoners to receive packages.

North Vietnam signed the Convention in 1957, but did so with the reservation that it would not apply to those guilty of "war crimes" as defined in the Nurenberg trials. Hanoi maintains that the U.S. prisoners are "war criminals" because they took part in what it calls the "illegal" bombing of North Vietnam. Most of the prisoners in the North are pilots.

North Vietnam has never furnished a list of prisoners, as called for in the convention, and the U.S. Government is not sure how many there are. The Pentagon lists 226 U.S. servicemen as currently captured, and all but a few of these are believed to be in North Vietnam.

Another 688 Americans are listed as "missing" in the war.

The number of Americans held prisoner by the Vietcong in the south is believed to be a great deal smaller than in the north. But their plight may be more desperate because the Vietcong have poor facilities for keeping prisoners. Some relatives have sent packages to servicemen believed to be prisoners in the south.

The Defense Department Prisoner of War Policy Committee was set up in September to give advice concerning captured or missing servicemen. It is headed by Paul C. Warnke, Assistant Secretary for International Security Affairs.

DMSO: STILL THE PERSECUTED DRUG—PART V

Mr. **HUNT**. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. Wyatt] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **WYATT**. Mr. Speaker, the Food and Drug Administration and its Chief, Dr. James Goddard, are presently under fire from many quarters for high-handed, arbitrary, slow, and often poorly considered handling of drug regulation.

In recent months, Dr. Goddard and his agency have aroused the public's ire by attempting to regulate sale of vitamins and food supplements. Dr. Goddard has lambasted candy cigarettes, while advocating that marihuana be stricken from the list of narcotic drugs and put under the less stringent Dangerous Drug Act.

A backlog of new drug applications trapped in bureaucratic redtape has, in some cases, held up marketing of important new medications for as much as 2 years. Yet in some other cases drugs whose effects are not fully known have been allowed commercial status—that is, artificial sweeteners and the much-touted birth control pills.

In no case, however, has the action of the FDA and Dr. James Goddard been so arbitrary, capricious, whimsical, and, indeed, two faced, than in the case of the lumber derived solvent, DMSO, found, without question, to have therapeutic value.

This drug has been more thoroughly tested in the United States and throughout the world than any in recent memory. Thousands of clinical experiments attest to its safety and efficacy in the treatment of skin and joint diseases, including some forms of the deadly crippler arthritis.

Yet because some experimental lower animals were found to have developed changes in the lenses of their eyes after receiving overwhelmingly massive doses of this drug, often orally—not the clinical method of application—the FDA suddenly and utterly withdrew DMSO from clinical testing. This action was taken after over 2 full years of rigorous clinical tests had been allowed—2 years in which not one major side effect of the drug was noted by the hundreds of doctors and thousands of patients involved in that testing.

DMSO is now on the market commercially in Germany and Austria. Still not one major side effect in humans has been detected. And, still, because of both the stringent restrictions placed on experimenting doctors and the harsh, virtually impossible, protocols for a clinical research program placed on drug companies with regard to DMSO, the FDA effectively bans clinical testing of this drug.

Credibility is a phrase bandied about quite often these days. Nowhere in this Government, however, has credibility been so totally debased and eviscerated as in recent actions and nonactions by the Food and Drug Administration.

Since the FDA seems determined to continue in its present course, adrift in the sea of redtape and foundering on the rocks of bureaucratic inaction and arbitrary decision, one possible solution has been put forth that might mean an end to the tribulations inflicted on DMSO and other meritorious new drugs.

This solution would be to place new drug investigations under the National Academy of Sciences, taking this power totally away from the FDA. This organization is eminently more professionally qualified to carry out and administer such a program than is the FDA.

The Food and Drug Administration has proven what a poor job it can do. Perhaps it is time to let another agency try.

Perhaps the facts point the way to reorganization of drug testing regulation through legislation in order to unplug the bottleneck of confusion and malfeasance now rampant in FDA handling of new drugs.

The following letter and articles indicate only partially the magnitude of the furor created by the FDA not only over DMSO, but also over almost all new drug applications.

Action is sought; action is warranted; and action must be taken. If not action by the FDA, then action by the Congress itself.

AUGUST 22, 1967.

ROBERT M. HODGES, M.D.
Director, Office of New Drugs, Bureau of Medicine, Department of Health, Education, and Welfare, Food and Drug Administration, Washington, D.C.

DEAR DR. HODGES: Thank you for your reply of August 10th in connection with a letter I had written to Mr. Paul A. Pumpian.

I appreciate the fact and the privilege that my daughter could still have DMSO, subject to the willingness of both a drug concern and the doctor in meeting the requirements as set forth by the Food and Drug Administration. I am quite well versed in the requirements of the Food and Drug Administration as they pertain to the use of DMSO since I have had lengthy conversations with Dr. Arthur Scherbel of the Cleveland Clinic and a personal consultation with Dr. G. Boost of Syntex Laboratories in Palo Alto.

Because of the long usage I have made of DMSO for my daughter, I have received many articles concerning it. Among those I have received is a scholarly one from Don C. Wood, Ph.D., Head of the Research Department of Providence Hospital, Portland, Oregon. Rather than to give the impression that statements I might make would be ones of my own learning, I am enclosing a copy of a letter which Dr. Wood wrote to Senator Long. To me, this certainly reinforces my thought that the entire DMSO controversy should be turned over to the National Academy of Sciences. Dr. Arthur Scherbel of the Cleveland Clinic has indicated to me that DMSO is one of the safest, most effective drugs he has ever known in medicine. This certainly is not the position the Food and Drug Administration has been taking.

I recently read an article in connection with the approval by the Food and Drug Administration of a drug for the prevention of influenza wherein it mentioned that there was practically no margin of safety in man (Doctors Enders and Sabin), whereas on the other hand, with DMSO there has been shown to be a great margin of safety in man. From this it appears that the Food and Drug Administration is putting more emphasis on animal data than on human data in the DMSO matter and seems to be de-emphasizing human data in the matter of the drug for influenza.

It would appear to me that the Food and Drug Administration is using a double standard when it comes to new drugs, especially as it concerns DMSO. From various articles I have read in medical periodicals, it appears that studies are being accepted for other drugs that are being refused for DMSO. It seems only reasonable that perhaps the last dozen drugs that the Food and Drug Administration has approved should be turned over to the National Academy of Sciences, together with all the data obtained on DMSO, to let them determine whether double standards are being used.

I can readily realize that you receive many individual letters from laymen such as me and I can see how perhaps many might not have competent scientific reasoning back of them. I cannot see, however, how the Medical Section of the Food and Drug Administration can constantly apparently ignore letters from individuals such as Dr. Don C. Wood. I would certainly hope that first of all you are a doctor and not a politician, and certainly it has been my understanding that the Hippocratic oath carried with it more than evasive action.

Sincerely yours,

—— ——.

[From Medical World News, Aug. 25, 1967]

POINT OF VIEW: ARE THE NEW DRUG RULES AN "APOTHEOSIS OF ABSURDITY"?

(By Dr. Morris Fishbein)

Next week marks the Food and Drug Administration's deadline for comment on its new regulations for labeling and advertising drugs prescribed by physicians. The proposed regulations, which were first published in May, seem to go far beyond previous requirements.

When an advertisement suggests how the product shall be used or suggests a dosage or contains any claim as to safety or effectiveness, it must also provide a summary of side effects and contraindications. A reminder advertisement is permitted, which may contain only the name of the drug, dosage form and ingredients, and information relative to the manufacturer or distributor, but no recommendation or suggestion regarding use, dosage, safety, effectiveness, "or other quality" of the drug. Another section elaborates in detail what is meant by the terms "side effects," "contraindications," and "effectiveness." The limitations on these terms are emphasized, intensified, and reemphasized. Indeed, the detail reaches so far as to require that advertisements for a drug offered as an antibacterial must name the types of infections and microorganisms for which the drug is effective clinically.

"Fair balance" is demanded between claims for safety or effectiveness and information relating to limitations on safety or effectiveness. As proof of positive claims, there must be "substantial" evidence. The advertiser cannot claim advantages for a drug without simultaneously disclosing pertinent disadvantages. He must not "publish articles" if these articles fail to include reference to other articles citing side effects. The advertiser must not refer to articles that fail to disclose the extent to which the claimed results may be due to placebo effect or concomitant therapy.

The detail in which the judgment of the reader of an article is guided in deciding whether or not the article is authoritative and dependable or false and misleading or outside the limitations considered desirable by the FDA is unheard of in previous governmental regulations. In the section on "fair balance," the paragraphs on evaluation of statistical material seem to go far beyond the ability of any except the most profound statisticians. Clinical investigators may find themselves completely baffled.

ALL IMPLEMENTING FACTORS

Any advertisement or statement that proposes a variation in dosage greater than that authorized in the approved package labeling would be subject to challenge.

Advertisements are controlled with reference to the number of pages and the size of the page. The exact area and space of the summary are stipulated. One paragraph demands that information related to side effects and contraindications shall be presented with "a prominence and readability reasonably comparable with the presentation of information relating to effectiveness of the drug, taking into account all implementing factors such as typography, layout, contrast, headline, paragraphing, white space, and any other techniques apt to achieve emphasis."

Even beyond this, the advertiser is instructed as to the use of borders, headlines, the relationships of facing pages, and explanatory directions as to where to look for the side effects and contraindications. The regulations make clear that every type of advertising is covered by these stipulations. And in a still more comprehensive paragraph, even film strips, sound recordings, and scientific exhibits are covered.

Should a manufacturer wish to discuss a drug in a motion picture or a film strip with audio or visual labeling, and should this method of presentation make it difficult to satisfy the stipulation for lists of side effects and contraindications, the statement must be made that printed matter will be distributed covering what is not in the audiovisual material. Exhibits must include a panel on side effects and contraindications, and other panels will have to tell the viewer that the side-effects panel is on view.

As a medical editor with some 54 years of experience, the proposals included in these regulations appear, if I interpret them correctly, to be beyond any reasonable attempt to protect either the medical profession, the publishers, or the advertisers against the hazards associated with the use of prescribed pharmaceuticals. These regulations represent an invasion of medical practice and medical education that is wholly unwarranted in the present state of medical science.

Prescription drugs are limited in sale and purchase to those qualified and licensed. If physicians are competent to diagnose disease and to direct the patient as to his course of living for the protection of his health, they should be considered possessors of sufficient knowledge and judgment to be aware of the benefits and hazards associated with the pharmaceuticals they recommend.

LICENSE AND RESPONSIBILITY

When a physician is granted a medical degree and is located to practice, he assumes the responsibilities associated with such education and licensure. Apparently, the FDA is convinced that its obligation under the law is to spell out the limitations on his prescribing, in terms so positive, so blatant, so meticulous, and so inescapable that he will henceforth practice only within the exact borders that the FDA may determine.

Despite the painstaking detail of the stipulations, the FDA's wording is still frequently far from specific. In addition to "safety" and "effectiveness," there is a reference to "other quality" of a drug, which is a phrase so all-embracing as to defy definition. The FDA assumes the authority and ability to interpret any illustration as to its meaning. Obviously its officials think they can decide whether or not the face of a person shown in a picture indicates the severe pain of a headache or of menstruation, the anxiety associated with the fear of death or the loss of business.

The regulations demand a bibliographic service better than those of *Excerpta Medica* or MEDLARS. Apparently they insist that every reference in the total medical literature be found. The advertisers cannot quote a recognized authority without indicating that there are other recognized authorities that differ with him.

The previous animadversions on statistical studies, in the light of current debates among statisticians, make these paragraphs represent the apotheosis of absurdity. If I read it correctly, one of these paragraphs says, in highly complicated and abstruse language, that one cannot emphasize a medical opinion unsupported by statistics acceptable to the FDA. Even among experts in advertising typography, there is no unanimity of opinion on the effectiveness of borders, headlines, and other technicalities, which the proposed regulations seem to take for granted.

When the amended Food and Drug Act was under consideration, many doubted the ability of the FDA to pass on questions related to the effectiveness of drugs. Some even hesitated on questions of dosage, toxicity, and side effects. I am not aware that anyone involved in medical editing, practice, or education imagined that the development and interpretation of the law and regulations would carry the bureaucracy into such infinitesimal absurdities. Even a slight awareness of the history of previous legislation and regulations would suggest that what is here attempted will simply breed more and more of the same, until the mountain of minuscule stipulations finally disintegrates by the very weight of its particles.

Dr. Fishbein Sums It Up

The ultimate effect of the FDA's proposed new regulations governing prescription-drug advertising is to cast doubt on the ability of physicians to make any individual judgments about drugs and to remove from the physician both the responsibility and the right to practice that his license confers upon him. It puts on the advertiser a demand for projecting every conceivable facet of information, which I am sure is quite beyond any manufacturer's or advertiser's compliance.

As an editor, I resent the concept that any federal bureau can dictate every nuance of every type of printed, audio, or visual presentation—even if it had sufficient qualified personnel to undertake the necessary monitoring.

I doubt that physicians realize the difficulties in which they are placed by these regulations. Anyone who wishes to bring any sort of suit for malpractice or damages against a physician could cite the material in the advertisements under control of the bureau as representing an established standard of information and practice.

[From Drug & Cosmetic Industry, August 1967]

The New Imperialism: Growing Power for the FDA

(By Donald A. Davis, editor)

An old and respected military axiom reads something like this: "It doesn't make much sense to expend a major effort to attempt to take an objective you probably cannot hold." These days this repeatedly comes to mind as the Food and Drug Administration extends its regulatory activities into new domains.

Over the past two years, with the help of a too willing Congress, the FDA has gone far beyond the rather limited scope suggested by its name. The Federal Hazardous Substances Labeling Law, the Fair Packaging and Labeling Law, the Child Safety Law, coupled with an extensive re-evaluation of the agency's more traditional spheres—drug safety and efficacy, food contamination and processing procedures, cosmetic safety—seemingly have threatened to push the agency to the limit of its manpower and financial resources. Added to this has been the agency's new role in law enforcement, with hundreds of agents in the field tracking down the sources of narcotics, pep pills, and other habit-forming drugs.

To this observer the major drawback to this diversification of activity has been a lack of attention to detail. Such matters as the vitamin labeling hassle, the actual writing of the provisions of the Fair Packaging and Labeling Law, and similar problems either go unresolved for too long, or seem to get lost in the shuffle.

A good case in point is vitamin labeling, which was discussed in a major article in this magazine last month. Ever since Commissioner Goddard issued his edict suggesting vitamins are really "not necessary" to the normal American diet, it's a safe bet that those Americans who consider themselves well informed have at very least curtailed their consumption of these products. The FDA's long delay in setting a date for public hearings has deprived the manufacturers and retailers of vitamins of their "day in court"—their chance to tell the public how important these products are to every-day health. The impression remains that, partly because the agency's attention has been diverted elsewhere, the vitamin labeling problem has been handled in a slap-dash way that inevitably will put a serious crimp in future industry-government relations.

This erratic attitude toward regulation continues into other areas. The FDA's ideas on the advertising of ethical drugs and on the advertising of analgesics are clearly stated, whether or not everyone agrees with them. But these ideas need to be carried to a conclusion before opening up new areas.

Obviously, part of the problem associated with the FDA's seeming inability to establish priorities, to work out a pattern of alarm-sounding/law writing/holding-of-hearings, is Commissioner Goddard's propensity for jumping from crag to crag. As was the case with President Kennedy, his idealism far outstrips the political (or in this case the regulatory) realities of the situation. The problems may exist, but the way to attack them is not with a wild cavalry charge, but with the hard-slugging effort of the foot soldier.

The most effective and painless way of achieving goals in any regulatory situation is to do it with the cooperation of the industry being regulated. To win such cooperation the FDA must discard its erratic behavior in favor of a more calm, less publicity-conscious, more reasoned approach to regulation and policy.

[From the American Family Physician, August 1967]

The Image of the FDA

In a mid-1966 speech, FDA Commissioner James L. Goddard said that the FDA had surveyed 4,200 drug samples in 20 major therapeutic categories and all collected by FDA field offices. He added that 7.6 percent of the products tested "deviated to a material extent from declared potency." On the basis of this survey, Dr. Goddard concluded that "one out of every 14 drug units manufactured is violative just on potency alone." If true, this would be an alarming bit of news and it was of more than momentary interest to the Pharmaceutical Manufacturers Association. The PMA immediately set out to learn more about the FDA survey—and this brings us to the point of this editorial.

We would expect that a copy of this survey would be instantly available to the PMA. We would be hard put to name an industry that is more concerned with quality control than the pharmaceutical industry, represented by the PMA. Certainly a letter to the FDA, asking for a copy of the survey results, should merit an immediate, positive response.

Accordingly, the PMA wrote to the FDA—on August 22. Said the FDA, in its reply, "We . . . will be in touch with you later." On August 25, the PMA wrote another letter—and received a similar reply. On October 17, the PMA wrote a third letter stating, "We believe it is most important to obtain meaningful information on the performance of drug manufacturers of various kinds, so that mutual efforts can be put forth by the industry and the FDA to raise the level of quality of the drug supply as high as possible." From the FDA—no answer.

On December 1, the PMA wrote its fourth letter to Dr. Goddard and asked specifically about the nature of the survey's sampling technique or design, the source of the samples, the lot or control number of the products found to be subpotent and the method of analysis. Again, no answer.

Meanwhile, in an October 29 speech, a deputy undersecretary of HEW referred to the elusive survey and added that "the study was not a model of careful design anyhow." This must have already been suspected by members of the PMA staff.

During all these months, the FDA was distributing news releases—citing the survey's "results." In the words of PMA President C. Joseph Stetler, the FDA kept "replaying the same tired number game which it started June 8"—almost eight months earlier.

Finally, on February 1, the PMA received a brief letter and a list of the products examined by the FDA. The letter did not include (a) the lot or control numbers requested by the PMA or (b) any of the other information requested in the four letters written by the PMA.

This is a sad story—and there's a sequel to it. On March 16, almost a year after Dr. Goddard's first mention of the survey results, *he himself* told the Pharmaceutical Wholesalers Association that the survey "cannot and should not be projected for the industry." This strikes us as being a direct about-face, executed by a top-level government official who had earlier concluded that "one out of every 14 drug units manufactured is violative just on potency alone."

We have earlier taken a dim view of the FDA's apparent willingness to promote its views in the public press. We do not question the FDA's right, or the right of any man or agency, to tell its story in a manner it alone prescribes. But we seriously question the merits and propriety of indicting an industry publicly—and then denying that . . . .

[From the Hospital Tribune, Aug. 28, 1967]

Exclusive: The Future of FDA—I: Need for Reorganization Found in New Appraisal

(By Joseph D. Cooper, Ph. D., professor of government, Howard University; adjunct professor of government and public administration, the American University, Washington, D.C.)

On July 6, 1967, in Washington, D.C., before a packed audience of drug industry officials, Dr. Dennis Cahal, medical assessor of Britain's Committee on Safety of Drugs, explained how new drugs are approved in his country. He told a fascinating story of how some really tough decision making goes on within a framework of regulation that is entirely voluntary, without force of law. This system, he said, yields final decisions on major submissions—approvals, of course, because the others are withdrawn—usually within three months. Minor submissions or supplemental applications are disposed of within a few days. The work of his permanent secretariat is done by nine professionals and 16 auxiliaries and clericals. The committee and its three subcommittees meet once a month, serving without pay.

This report to America was most timely, because at this very moment top officials of the Department of Health, Education, and Welfare are studying what, if anything, to do about the future organization of the Food and Drug Administration in the light of plans for reorganizing the over-all department along Pentagon lines to include a subsidiary Department of Health.

Of course, Dr. Cahal had much more to say, not relevant to this discussion of FDA's future. One year ago, in England, I was privileged to ask Dr. Cahal most of the same questions put to him by his Washington audience. The essence of his most recent remarks can be found in the articles I wrote for Medical Tribune last year (August 22 to September 19, 1966). In the concluding article I drew inferences for the future organization of the FDA.

Now, one year later, much has occurred in the United States with implications for the FDA future. The consumer protection movement has become stronger, especially in the political sector. Both the FDA and industry have had some experience in dealing with the efficacy review panels of the National Academy of Sciences-National Research Council, which have been examining drugs approved by the FDA prior to the passage of the Kefauver-Harris Act of 1962. Increasing attention has been given to manufacturing and quality controls in the light of the national debate on generic prescribing. The country, the medical profession, and the industry have had one more year of reacting to the dynamic leadership of FDA Commissioner Dr. James L. Goddard, who probably introduced more change in the regulation of drugs within the past year and a half than his predecessors had since passage of the 1938 Food and Drug Act.

OPEN DIALOGUE WANTED

The time is ripe for open dialogue. The future of the FDA is not a matter solely for the bureaucratic and political judgment of the elders of the HEW in consultation with key members of the Congress and the Executive Office of the President. For one thing, HEW is now a party at interest in the outcome of FDA decisions. It has an economic interest in the approval of drugs from the standpoint of efficacy, in the light of its responsibilities for Medicare and Medicaid. It has a program interest in having new drugs—and potentially devices—approved in the light of its heavy investments in medical research and development.

From the standpoint of practicing physicians, it has never been more timely to get into the debate, for upon its outcome may depend the extent to which professional medical practices are to be centrally dictated, covering availability and choice of drugs and determination of dosages.

To put this discussion into perspective, I suggest that the value of anything the FDA does in the drug area, as well as how it is organized and staffed, must be measured from the standpoint of how doctors are helped or hindered in their practice of medicine. We are concerned here mainly with prescription drugs, whose availability and use are controlled for the patient through the medium of the physician. In a broad sense, the effectiveness of FDA operations should be measured in terms of effect upon public health, but practically this might be an exercise in counting angels on a pinhead.

EFFECT ON PRESCRIBING

How do we know whether tougher reviews of ethical drug advertising and insistence upon fair balance in describing the advantages and disadvantages of a drug will make any or much difference in prescribing practices and public health? How do we know whether prescribing practices will be altered or improved by imposing a generic name on a label every time the brand name is used? How do we know whether a master drug compendium, kept current through a revision service and occupying a 5-foot shelf, would help or hinder a physician in his own practice of medicine? How do we know whether FDA's Bureau of Medicine is overstaffed or understaffed or whether adding more people would help or hinder the drug review process and ultimately help or hinder the physician in his care of patients? And so on.

Such questions may have been asked in the past, but they certainly have not been answered. The fact is that no one knows the answers. From a political standpoint it may not be important to know, for the politician may be concerned only with assuring a constituency that *something* is being done.

Ever since its creation in 1906, in another form, the FDA has grown by addition of responsibilities and staff. Always the question has been: What must be done to strengthen the FDA? Present projections call for even more growth. While Congress, before 1962, occasionally cut back on FDA appropriations for purely political reasons, no one seems to have asked seriously whether we could have a more effective FDA through cutting back on its staff operations. To do so would, of course, call for major reconstructions of philosophy and technique. It is at least worth considering, and I so propose. In a crude way of putting it, one can obstruct the progress of the meal by having too many functionaries in the kitchen, all doing seemingly worthwhile things.

AN ANACHRONISM

In my articles last year I said that the FDA is an anachronism in an age of science. New concepts of organization and decision making are needed. The FDA cannot really be strengthened from within. It cannot assemble within its own walls the technical competence needed to make judgments on today's drugs, let alone the much more complex products it will be called upon to review in the future. The fact is that the greatest competence is to be found in the laboratories of the major drug companies and leading medical schools. The FDA does occasionally attract competent people, but they do not stay. Many join for reasons of convenience in the absence of other alternatives. The FDA does not offer an atmosphere or career ladder for creative advancement and recognition in the various areas of scientific and clinical judgment in which it desperately needs expertise. Whatever else might be done to improve FDA organization, the upgrading of its scientific posture is a must.

[From the Hospital Tribune, Sept. 11, 1967]

Exclusive: The Future of FDA—II: A Single Drug Agency Urged Utilizing Reference Panels

(By Joseph D. Cooper, Ph. D., professor of government, Howard University; adjunct professor of government and public administration, the American University, Washington, D.C.)

In reviewing my conclusions concerning the organization of the Food and Drug Administration published in Medical Tribune last year, I find little to change, other than to add and explain. The comments which follow are based on interactions after publication and on discussions held since then with scores of authorities.

The first problem to be faced is that of scope. Should there continue to be a single agency with responsibility for regulating foods, drugs, cosmetics, and hazardous substances, with the possible addition of medical devices? Are these still a homogeneous assortment requiring common direction, or have we reached a stage of scope and sophistication in the medical area which requires that it be separated out for independent attention?

The time is perhaps ripe for change by both exclusion and inclusion. The main distinguishing feature between prescription drugs and all the other objects of current FDA control is the intermediary role of the physician, who is FDA's main client. The counting of rat droppings in grain elevators, the checking of weight fill in cereal boxes, the labeling of the potential hazards of tear-gas guns, and the control of food and color additives, among other duties, all call for different judgmental processes.

The scope of a Federal drug agency should include only drugs and biologicals now under the control of the National Institutes of Health, Division of Biologics Standards. (No such transfer should be made, however, unless other upgrading proposals are adopted to assure maintenance of a viable scientific environment for DBS.) If over-the-counter drugs are kept within the scope of the Federal drug agency—for they need not be—then it should be complete, including the transfer out of the Federal Trade Commission of responsibility for policing advertising of generally available drug products.

Nondrug responsibilities could go into an environmental health agency, with the possible exception of foods, which might also be so disposed or might be reassigned to the Department of Agriculture and the Federal Trade Commission.

The important point is that drug responsibilities alone are of sufficient magnitude to warrant the full-time attention of the overall drug authority. I wonder if the public even thinks of food when it identifies with the FDA, whose news headlines predominate in the drug area almost exclusively and whose Congressional investigations are similarly skewed. Instead of bureaucratic growth, I propose bureaucratic devolution.

This proposal might not accord with aspirations in some circles for an expanded structure of consumer protection. Without detracting from the importance of the latter, I suggest the difficulty of housing all consumer-protection activities under one roof, for they are disseminated among many different Federal departments and agencies. Nor does it necessarily follow that all consumer-oriented activities within HEW need be under integrated direction. Again, the drug situation is different because of its involvement of the whole medical-scientific community in addition to the existence of the physician as intermediary client.

SHOULD FUNCTION INDEPENDENTLY

Ideally, the drug agency should be completely divorced from the interested influence of HEW, functioning as an independent agency. This would minimize the possibility of political interference with aspects of the professional practice of medicine, apart from influences on its organization stemming from various Public Health Service programs in addition to Medicare and Medicaid.

All agencies cannot be independent, however, so an alternative would be to accord the drug agency a semiautonomous status, as was done in Britain. When its Committee on Safety of Drugs was created, the Government decided for about the same reasons given above that it would avoid influencing drug decisions in view of the economic leverage of the Ministry of Health. The latter, therefore, merely provides secretariat support. It does not enter into decision making in any way.

Whatever the arrangement, I return to the organization format proposed in my earlier articles. The drug agency would be headed by a board of commissioners who could be full- or part-time (although its chairman should probably be full-time), whose membership would be drawn from medical scientists, medical practitioners, and social scientists. The commissioners would be appointed by the President, without Senate confirmation, from among nominees proposed by accredited professional bodies. The commissioners would establish policies and standards, issue regulations, take appeals on decisions of advisory panels, appoint an agency administrator, and evaluate staff.

Actually, decision making on professional matters, including new-drug applications, would be vested in reference panels which would operate somewhat along the same line as NIH study sections. To the extent practicable, these might be organized along therapeutic specialty lines. Membership of the reference panels would be nominated to the Board of Commissioners by professional bodies. Their qualifications would be investigated and submitted to the board by its own secretariat, which would be independent of the administrator. The decisions of the panels would be published in the Federal Register and would automatically become binding unless appealed by any aggrieved party at interest, as administratively defined, including the administrator, the latter on advice of the Bureau of Medicine. The bureau would provide work-up services for the panels. It would also dispose of minor submissions, under delegation, when these would not have to go forward to the full panels. The last is an important point. The FDA has not made any distinctions in its published statistics as to minor submissions and major new submissions—which call for, or should receive, entirely different processing.

VESTIBULE PERIOD SUGGESTED

In the work-up of cases, the Bureau of Medicine, cut loose from the legalistics which now so heavily dominate proceedings, would put them through an initial vestibule period, during which informal conferences would be held with manufacturers to assure that all needed information for prompt decision making has been submitted. Such informal reviews should be without commitment to any parties, both as a means of speeding the movement of the file and as assurance that the Government would still be free to request additional data submissions.

One of the problems with the present regulatory setup, which is not in the public interest, is the arms-length dealing of two adversaries, warily seeking to catch or evade the other, with respective legal resources in depth. The public pays for this through increased costs on both sides as well as through deprivation of the use of occasionally important drugs. The probability of correcting this is not very great under present procedural arrangements. Some big change is needed, such as the reorganization proposed here or a new regulatory philosophy, or both. I choose both.

Furthermore, the approval of new drugs must be linked more closely to the stages of clinical experience. The approval of a new-drug application is presently a formal gesture subject to revocation in the event of bad conduct reports. Approval must still be regarded as an important action, not lightly retrieved, but the emphasis should be on tentative approvals at the earliest stages of clinical trial, broadening out progressively in line with clinical experience, properly monitored and reported.

The use of reference panels will provide a buffer zone in the relationships between government and industry. Presently, drug companies avoid any open, critical expression for fear of reprisal.

CUTBACKS IN PASSENGER TRAIN SERVICE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. Andrews] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, people in communities all over our Nation, particularly in the Midwest where travel distances are vast, are concerned about cutbacks in passenger train service, and we feel that these cutbacks are the result of arbitrary and capricious rulings of the Post Office Department in removing mail service.

Resolutions have been introduced in both the House and the Senate regarding this matter. I was the author of one, House Concurrent Resolution 351, introduced May 18, 1967, calling for the Secretary of Transportation to make a full and complete investigation and study of the potential of rail transportation for passengers and mail, and that the Postmaster General should continue all existing arrangements for railroad mail transportation until such an investigation is complete.

Just recently, the Fargo City Commission passed a resolution regarding this matter and sent it to me so that it may be put in the Congressional Record for the benefit of all of the Members of Congress. I include the resolution at this point in the Record:

City of Fargo, N. Dak., Resolution

(Resolution adopted protesting discontinuance of Northern Pacific Mainstreeter and Great Northern trains Nos. 11 and 14)

Whereas, The Northern Pacific Railway officials have announced their intention to discontinue the Mainstreeter and Great Northern Railway officials have announced their intention to discontinue trains No. 11 and 14; and

Whereas, This discontinuance poses a serious threat to the economy of this area.

Now, therefore, be it resolved, That the Fargo City Commission does hereby register a strong protest to the proposed discontinuance of railway service to this area, as proposed by officials of the Northern Pacific Railway and Great Northern Railway, as detrimental to the public interest.

Be it further resolved, That this Resolution be inscribed upon the permanent Minutes of the Fargo City Commission and Certified Copies of same be forwarded to the Congressional Delegation, requesting them to consider the Commission's previous Resolution that there be a study in depth of the railroad system and that no discontinuances or terminations of services be permitted until such a study has been completed.

TAX AND SPENDING ISSUE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. Andrews] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, it is my custom to send my constituents periodic reports on my activities in Congress and on the more pressing issues facing this body. Such a report is being sent out this week and I insert it in the Record at this time:

The big item of discussion in our nation today, second only to the struggle in Vietnam in importance to all of us, is the tax and spending issue.

This Congress has attempted to keep spending within the bounds of prudence. This effort, of course, has been made especially difficult because of the credibility gap that exists in the present Administration. For instance, economists tell us the proper time to increase taxes was early in 1966 when the economy was booming. At that time all of the new Great Society programs, calling for massive spending, were trotted out by the Johnson Administration and phony statements minimizing the deficit were issued, giving the illusion that these new programs could be funded without additional taxes. This helped to hasten their approval by the lopsided majority the Administration controlled in Congress.

Many Members who voted for these programs felt that we could afford them. I feel certain that if they had known the truth they would have voted against them.

Immediately after the election, the President presented $14 billion in supplemental appropriations requests and the budget, far from being balanced, ended with one of the largest deficits in years.

This year, we saw the same tactics used as the President once again underestimated the deficit in his budget. The "crunch" came in August. After the House had already acted on 13 of the 16 major appropriations bills (making significant cuts in all of them), the President made what he called "significant revisions" in his budget and predicted a deficit of over $28 billion.

Because many Members of Congress are convinced that the deficit was deliberately and badly underestimated originally, resistance to the President's request for a tax increase stiffened. Rep. Wilbur Mills (D-Ark.), the highly regarded Chairman of the House Ways and Means Committee, spoke for many of us when he said: "What many of us fear is that tax increases now make more revenue available for expenditure programs in the future." It won't do much good to increase taxes if the money isn't used to cut back the deficit.

Those who continue to insist that the budgetary problem is the result of the situation in Viet Nam totally ignore the fact that while defense expenditures are up 67% since 1960, non-defense spending has increased 104%. All of this cover up and deception has further complicated the matter.

Many knowledgeable economists tell us that the timing is not right for a tax rise now. The recent increase in the Federal Reserve discount rate to 4½% and anticipated further increases will result in higher consumer credit costs. This in turn reduces the demand for new houses, new industrial plants, automobiles, farm machinery and other consumer durable goods.

Today's economy at best is soggy. Our industries are operating at only 84% of plant capacity. Unemployment stands at 4.3%, the highest point in two years. The average work week declined in October and last month saw a smaller than usual increase in employment. It's almost unheard of, but it looks like this Administration is succeeding in having an inflation and a recession at the same time.

Superimposing a tax increase on the dampening effect of high interest rates could plunge our economy deeper into recession. Thus enactment of the surtax by Congress at this time appears even more unjustified by the economic risks such action could entail. First, domestic spending has to be cut back to at least last year's level and possibly further. Secondly, immediate action has to be taken to put our international payments into balance, thus reducing the accumulation of American dollars in foreign hands that may be converted into gold.

A tax increase before these two conditions were remedied would fail to meet the problems facing us.

NO ONE CAME CLOSE TO CLARE HOFFMAN

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Hutchinson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, among the editorials which appeared at the time of the death of Clare E. Hoffman, one published by the News-Palladium at Benton Harbor, Mich., is outstanding.

I include it at this point:

NO ONE CAME CLOSE TO CLARE HOFFMAN

There would be room for debate if Southwestern Michigan were to seek to name its most powerful preacher, its greatest athlete, its most accomplished artist, its greatest teacher, its most productive industrialist, its outstanding lawyer or doctor.

But there can only be one answer to this question: who was the most colorful politician with the biggest image among his constituency and the greatest loyalty from it on election days?

Clare E. Hoffman who died Friday night at age 92 stands out like a skyscraper in the open prairie. No one else even comes close. Elected to Congress in 1934, he served 14 consecutive terms, 28 years until he voluntarily retired in 1962.

During that time, everyone in the six-county Fourth Congressional district was aware of him as they had never been aware of a legislative representative before or since. He not only had a personality and character that attracted nationwide attention, he personally knew thousands of his constituents. He was a tireless worker and campaigner. His range of activities with and on behalf of his constituents was probably three or four times greater than that of average congressmen, more than an ordinary man could undertake—or stand.

He brought great talents to his job. He was learned in the law and experienced in its practice. He was articulate, well read and intelligent. These talents plus a sharp wit made him the most feared member of Congress in parliamentary debate. On the campaign trail in this midwestern district, he was like an eagle among pigeons. Observing Hoffman debate an election foe, the late Supervisor Charles Blumrich of Benton Harbor, commented:

"One of Clare's idle thoughts would crack ———'s brain."

Added to all Hoffman's quickness was great showmanship. More than one reporter for this newspaper saw him turn a desultory meeting of 25 or 30 at some vacant store into a singing, cheering rally the likes of which are all too few these days.

Perhaps because he started his business career at $1 a day for 11 hours work, because he labored hard for all he earned, Hoffman was a rugged individualist. He was tagged, and rightly so, a conservative Republican. Not even political enemies impugned his integrity, yet he drove many Democrats and some liberal members of his party to a frenzy. They scorned him as a throwback to the McKinley era.

He readily admitted that no major legislation carried his name. But he prided himself on the work he did in three major areas: government reorganization under the Hoover commission; the armed services unification act, and the Taft-Hartley labor act. President Dwight Eisenhower and ex-President Herbert Hoover formally expressed their thanks to Hoffman for his work in these areas.

Still, through the mass news media, Hoffman must have come through to the public strictly as an "aginner." He was accused of being even more conservative than his normally Republican district. How, then, did he win his great hold on the loyalty of the district's voters?

First, there were probably a great many voters who felt personal admiration for a man who had the courage to row against the current.

Second, he was utterly honest. His political philosophy was the opposite of Lyndon Johnson's "government by consensus." He threw his independent beliefs from the rostrum into the teeth of CIO rallies; the crowds booed his statements but cheered him when he walked out of their halls. He never claimed "misquotation" for words that later proved unpopular.

Third, he would turn Heaven and earth to help a constituent find his way through the maze of government bureaucracies, regardless of the constituent's politics. He went to bat for his people with a vengeance; and even hostile bureaucrats jumped rather than risk his scathing exposure.

Fourth, and perhaps most importantly, he was—in private—a charming man. Congressman Barratt O'Hara, Chicago Democrat born in Benton Harbor, had this to say when Hoffman retired in 1962:

"More often than not Clare and I have been on different sides of issues (but) I have never known a kinder heart."

This was the side of Clare Hoffman that came through when he hunted or fished with dirt farmers, when he took extra hours to explain a complicated subject to a cub reporter, when he jollied a hard-working housewife in some remote hamlet, when he drove his small Plymouth down country roads to visit an ailing friend.

The Congressional Record for July 1962, notes that when Hoffman's intention to retire was announced, one colleague said: "They don't hardly make them like Clare any more." And another added: "When the good Lord made Clare Hoffman, He broke the mold." And still a third added: "He is a man who has to be recognized by all who know him . . . as an extraordinary man."

Indeed, he was.

A FULLER KNOWLEDGE OF DEVALUATION OF THE POUND

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CURTIS. Mr. Speaker, the devaluation of the British pound sterling on November 18 by about 14 percent was a major event for international economic policy, and it came at the end of a long period of struggle by the British Government to create, through an economic austerity program, a healthy balance of payments.

The Wall Street Journal has made a major contribution toward better understanding of the most recent devaluation of the pound by putting the event into the context of world monetary history during the present century, and by a factual economic account of the most recent devaluation. A news roundup article, titled "Previous Pound Devaluations in 1949, 1931 Resulted in Contrasting Economic Trends," in the November 20 edition provides an excellent brief history of previous devaluations—including the 1933 U.S. devaluation by 41 percent. It is valuable also because it makes clear that the recent British efforts to control chronic balance-of-payments deficits through an austerity program were actually bearing fruit. According to the Journal:

> The austerity measures and massive aid from other countries (begun in July 1966) enabled Britain to make considerable headway in cutting its payments deficit, and by early this year the nation appeared headed for some semblance of economic stability.
>
> Early this year, in fact, government ministers were freely predicting a sizable surplus in the nation's balances of payments for 1967. The nation's currency reserves were steadily rising as funds pulled out of London in 1966 started flowing back.

This progress was reversed by several factors. Among them, the Journal says, were the Mideast crisis and the stoppage of traditional British oil supply sources which required purchases of higher cost oil from other sources; the dock strike; and high interest rates in the United States, which tended to make investment in the United States more attractive to international "flight" capital. These unfavorable forces were all brought to the front by the October trade figures which showed a substantial deficit, the natural result of the dock strike magnified by statistical reporting peculiarities.

The final result, with the addition of certain psychological factors affecting international confidence in the pound, resulted in devaluation.

The Wall Street Journal article referred to follows:

PREVIOUS POUND DEVALUATIONS IN 1949, 1931 RESULTED IN CONTRASTING ECONOMIC TRENDS

The British pound has been sharply devalued twice before in this century. The two devaluations were followed by contrasting economic trends.

From 1819 until 1931, Britain stood ready to pay $4.86 in gold for each pound note. In 1931, however, the government went off the gold standard and decided to abandon the fixed rate, letting the pound seek its own level. The pound quickly fell to about $3.50. By 1949, the value had climbed to $4.03, but, faced with high postwar production costs, Britain went to a fixed rate of $2.80—the rate that prevailed until the cut to $2.40 over the weekend.

The 1931 cut was followed in the U.S. by an extension of the declines in business activity and prices that had been going on since 1929, and by a growing wave of bank failures. These resulted from a run on the U.S. dollar, with Americans drawing their money out of banks and buying gold with it, while foreigners sold property in the U.S. and transferred any dollars they had into other currencies.

The outcome was the bank holiday of March 1933, when newly elected President Franklin D. Roosevelt closed the banks temporarily and stopped the U.S. Treasury from paying out gold for dollars. Later that year, the dollar was devalued 41% by raising the price of gold to $35 an ounce (where it still stands) from $20.67.

DIFFERENCES IN BRITAIN, TOO

After the 1949 British devaluation, however, a U.S. recession in business that had begun late in 1948 continued only another couple of months. At that time, a lengthy uptrend began.

In Britain, too, the aftermath of devaluation was different on the two occasions. Wholesale prices rose about 7% in a few months in late 1931, but then fell back again. In 1949, prices of raw materials jumped about 16% in a few weeks, leveled off for awhile, and then began a new uptrend.

The difference between the two situations seems to be that a world economic downtrend was under way in 1931 that the devaluation helped aggravate; but in 1949, the great postwar recovery, which the world has enjoyed most of the time since then, was about to get under way. Apparently the preliminaries to the 1949 devaluation and its immediate consequences were mildly deflationary, but the general forces of recovery were stronger.

DIFFERENT BACKGROUND

The two devaluations themselves were based on somewhat different monetary backgrounds, though both were forced by runs on sterling, in which people who held funds in London sought to withdraw them.

The 1931 move reflected a basic inability of the British banking system to pay its foreign depositors on demand, because the deposits had been lent in Germany and elsewhere with repayment not due for years. The 1949 devaluation—together with devaluations that occurred in other nations at the same time—was aimed mainly at curing relatively high production costs, economists say. They note that the devaluing nations had been weakened economically by World War II, whereas the economic system in the U.S. had been strengthened in spite of the war.

The widespread opinion that the 1949 devaluations were needed was what caused the run on sterling, rather than any weakness in Britain's banking structure.

In one respect, both devaluations had the same effect. They stimulated production of gold because its price rose in terms of British and other currencies.

THE ROLE OF THE MIDEAST WAR

The decision over the weekend to devalue the pound—which came as no surprise in business and financial quarters in either the U.S. or Britain—stems basically from the failure of British exporters to earn enough to pay for the nation's important needs. (Devaluation tends to encourage exports by making them cheaper in world markets and to restrict imports because they become more costly.) The immediate cause of the devaluation was the Mideast War and the closing of the Suez Canal.

After the 1949 devaluation, there was a monetary crisis as early as 1951, and there were others in 1955, 1957 and 1961. Each time, the threatened devaluation was avoided by the adoption of stiff austerity measures in England, such as credit restrictions, limitations on dividend and wage increases, and boosts in interest rates. These measures were designed to hold down purchasing power and thus limit imports. Money was borrowed from the International Monetary Fund to buy pounds from currency speculators in foreign exchange markets.

Crisis struck again in late 1964. Britain had amassed a huge deficit in its international balance of payments—the difference between what a nation spends, lends and gives away abroad and what it takes in from foreign sources—and this caused a heavy drain on the nation's reserves of gold and currencies freely convertible into gold. These reserves, which had risen as high as $3.3 billion a few years earlier, fell to $2.3 billion at the end of 1964. (The payments deficit in 1964 totaled almost that much—$2.1 billion.)

DRASTIC STEPS IN 1964

Late in 1964, the Labor government, which had narrowly captured control in the October elections, took drastic measures to save the pound. It borrowed heavily from the International Monetary Fund and also from a group of 10 central banks of other nations. It posted a 15% surcharge on imports, and increased personal and corporate taxes. It also increased the Bank of England's discount rate—which influences all other interest rates in the nation—by two percentage points to 7%, the highest in modern times until this past weekend's increase to 8%. The purpose of the rise in the interest rate was to attract investment funds from abroad.

(Labor Party leaders said the moves were necessitated by bad leadership during the reign of the Conservatives, who had been in control for more than a decade prior to the 1964 elections. "Nineteen-sixty-four was a year of reckoning for a decade of mistaken policies and false pride," said James Callaghan, who currently is Chancellor of the Exchequer. The Labor government also implemented the two previous devaluations.)

But the moves did little to help the national economy. The pound came under frequent pressure through the early months of 1965, and the nation had to make big inroads into its reserves to support the pound in the foreign exchange markets. Some headway was made in cutting the massive $2.1 billion deficit in the balance of payments, but domestic spending and import spending continued high. A new wave of price increases, followed by substantial wage boosts, added to inflationary pressures and the government's troubles.

Thus, in April 1965 the Labor government introduced Britain's first tax on capital gains. It also stiffened the corporate tax structure. This helped. The payments deficit for all 1965 was more than halved, to $991 million, even though the surcharge on imports was cut to 10% from 15% and the bank rate was lowered to 6% from 7% during the year. Britain also made arrangement for new borrowings that year, and by the end of 1965 its currency reserves were up to $3 billion from the $2.3 billion of a year earlier.

The reserves grew further until they hit a high of $3.6 billion in February 1966. But then they began to melt away. A British seamen's strike that began in mid-May and lasted seven weeks aggravated the outflow, and by the end of June the reserves were less than $3.3 billion.

Despite new lending agreements, the pound began to weaken in foreign exchange markets early in July last year. In mid-July, the bank rate went back up to 7%, instalment buying was severely restricted, wages and prices were frozen for six months and dividend increases were barred for 12 months.

The austerity measures and massive aid from other nations enabled Britain to make considerable headway in cutting its payments deficit, and by early this year the nation appeared headed for some semblance of economic stability.

Early this year, in fact, government ministers were freely predicting a sizable surplus in the nation's balance of payments for 1967. The nation's currency reserves were steadily rising as funds pulled out of London in 1966 started flowing back. The discount rate was cut to 6% from 7%, with two half-point cuts in February and March. It was cut a further half point, to 5.5% on May 4.

But in June the economy ran into new trouble when the Middle East war flared up. The Arabs refused to ship oil to Britain, and the Suez Canal was closed by the fighting. This forced the United Kingdom to pay increased prices for imported oil—just when its excess of imports over exports, its major problem, had begun to shrink. In addition, rising interest rates in the U.S. generated an increasing flow of money out of Britain to New York.

Foreign exchange dealers reported mounting pressure on the pound, and it remained under pressure throughout the summer and into the fall. Two half-point increases in the bank rate, to 6.5%, occurred within a three-week period, but the rises were completely ineffective. Last month, the nation had a trade deficit of $465 million, up from $305 million in September.

The massive trade deficit sparked a serious run on the pound. By late last week, London financial markets were thrown into what was described as their "worst confusion in a generation." In a desperate, eleventh-hour effort to save the pound, the Bank of England on Friday threw in hundreds of millions of dollars from Britain's gold and currency reserves to stem the flood of selling.

But dealers in the foreign exchange, stock and commodity markets reported near panic conditions as traders around the world scrambled to get out of sterling and buy up gold, silver and a wide range of other commodities.

Friday, says a foreign exchange trader, "was the most desperate day I can remember."

THE AMERICAN PAPER INDUSTRY'S POSITION ON FOREIGN TRADE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CURTIS. Mr. Speaker, as a congressional delegate to the recent trade negotiations under the 1962 Trade Expansion Act, I had occasion to examine the problems of international trade in the pulp and paper sector. I became impressed during my study with the vigorous, aggressive exporting activity of the American paper industry and their excellent prospects for future trade growth, prospects which were furthered by the Kennedy round of trade negotiations.

In this respect it is of interest to me that the American pulp and paper industry, through its trade association, the American Paper Institute, has taken a firm position in favor of an expanding trade policy and against new trade restrictions.

This policy is expressed in a recent letter from the president of the American Paper Institute, Mr. James L. Ritchie, which follows:

AMERICAN PAPER INSTITUTE,
New York, N.Y., November 28, 1967.

Subject: Foreign trade policy.

Hon. THOMAS B. CURTIS,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CURTIS: Because of concern aroused by the so-called "wave of protectionism," as manifested by the introduction of numerous bills seeking restrictions on imports, the American Paper Institute—representing 245 manufacturers who produce over 90 per cent of the nation's pulp, paper and paperboard—has adopted the following foreign trade policy statement:

"Since the passage of the first reciprocal Trade Agreement Act of 1934, the United States has played a major role in the progressive liberalization of international trade. The agreements reached in the Sixth or Kennedy Round of Gatt Trade Negotiations will bring tariff barriers of the major trading nations to relatively low levels. The constancy of the position of the United States since 1934 has resulted in a willingness on the part of other industrial nations to also reduce tariff barriers on a reciprocal basis.

"The United States paper industry has confidence in its ability to compete with the rest of the world. It has favored trade liberalization not only on the ground that the expansion of international commerce will help the United States paper industry but does in fact promote the most effective use of the world's human and material resources and increase the economic welfare of the United States along with that of other nations.

"Any attempts to revert to a policy of protectionism, and to avoid agreements the United States reached in the Kennedy Round will further contribute to this country's inflation and result in massive retaliation by our GATT trading partners which in turn could make a shambles of our large export business. We believe the momentum of trade liberalization and expansion which has been developed through the constancy of our country's position must not be allowed to falter or be pushed back by protectionist legislation."

I hope that should any protectionist legislation come before you in this or the next session of Congress, you will give careful consideration to the potentially damaging impact on our nation's foreign trade should Congress now back away from the leadership this nation has given to trade expansion over the past thirty plus years. The recent devaluation of the English pound makes it even more imperative that we expand our exports in the years ahead to assure a healthy balance in our nation's trade.

Sincerely yours,

James L. Ritchie,
President.

THE CONTRIBUTION OF DR. ERIC WYNDHAM WHITE, DIRECTOR GENERAL OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CURTIS. Mr. Speaker, the General Agreement on Tariffs and Trade is 20 years old this year. The General Agreement is a treaty signed by over 70 countries which provides an extensive body of rules and precedents for international trade practices.

In 1947 the General Agreement was only a half step toward the creation of international fair trade rules and orderly world trade. It was intended as a remedy for the international trade disorders that had preceded the Second World War. The key element of this post war trade stabilization effort was to have been the International Trade Organization—ITO—which never came into existence. Thus the GATT, merely a multinational treaty, has been called upon to fill the larger role that was intended to be served by the International Trade Organization.

From its inception GATT has been directed by Dr. Eric Wyndham White, first Secretary General and then Director General of the GATT. Through his 20 years of service Eric Wyndham White has gained an unrivaled international reputation for his astute effectiveness, his political acumen and his knowledge, which have enabled him to make GATT one of the most important international organizations.

Eric Wyndham White has now announced his resignation as Director General of the GATT and his intention to direct his energies to other pursuits. Last week in Geneva at the meeting of the ministers of the major GATT member countries a new Director General was chosen. Mr. Olivier Long, presently Swiss Ambassador to London, will assume Dr. Wyndham White's post as Director General next year.

GATT has indeed come to the end of an era and with the departure of Eric Wyndham White the challenges that confront it in a new period will seem as difficult. His contribution to world economic growth and stability is unmeasurable. Even more important is that, through striving to create a viable set of ground rules by which nations conduct their international trading relationships he has furthered international peace by diminishing the economic tensions that are often the root causes of armed conflict.

It is with these achievements that those of us who have witnessed his work, as I have since 1956 when I first participated in a GATT trade negotiating session at Geneva, have been so impressed. It is with the memory of these achievements that we regret deeply the resignation of Eric Wyndham White. I am inserting in the Record following my remarks an editorial from the New York Times of November 11, entitled "International Civil Servant":

INTERNATIONAL CIVIL SERVANT

Eric Wyndham White has served as head of the General Agreement on Tariffs and Trade (GATT) since the very inception of this important international agency nineteen years ago. We regret his determination to leave his post at the end of this year, but we are grateful for the unique contribution that he has made to the world's well-being the last two decades.

Mr. Wyndham White is the very model of a modern civil servant—a truly international civil servant. He took a six-month "temporary" leave of absence from the British Foreign Office in 1948 to help set up the fledgling GATT. He remained to guide its members through a series of incredibly intricate and intensely political negotiations which have opened the avenues of commerce ever wider, and thus added immeasurably to world prosperity.

"International institutions are as effective as the governments which constitute them," Mr. Wyndham White has said. He underrates his own importance, his own distinguished talent for meshing infinitesimal detail with global strategy, and for making disparate national interests work together. He has been sitting on a hot seat for all these years and is still respected—and, more important, trusted—by rich and poor nations alike.

JOHN MORTON OUTLINES THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS POSITION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, last week I attended hearings held by the Subcommittee on Roads of the Senate Committee on Public Works.

I was privileged to present to that fine subcommittee an old friend and constituent of mine, John O. Morton, New Hampshire commissioner of public works and highways. Mr. Morton, in addition to his New Hampshire duties, was recently honored by his election as president of the American Association of State Highway Officials.

It was in that capacity that Mr. Morton appeared before the subcommittee last week to outline AASHO's positions and recommendations on highways. I present here, for the benefit of my colleagues, the most thoughtful statement of Mr. Morton:

THE STATEMENT OF JOHN O. MORTON, PRESIDENT OF AASHO PRESENTED BEFORE THE SUBCOMMITTEE ON ROADS OF THE SENATE COMMITTEE ON PUBLIC WORKS, NOVEMBER 30, 1967

Mr. Chairman and gentleman of the Committee, I am John O. Morton, Commissioner of Highways for the State of New Hampshire, and am speaking here today as President of the American Association of State Highway Officials.

We, the State highway departments, have the primary responsibility for planning and building Federal-aid projects, including those in the urban areas, and we are completely cognizant of the influence of highways on all phases of urban development.

I am accompanied by our Executive Director, Mr. A. E. Johnson, and Mr. J. Burch McMorran, Commissioner of Transportation for the State of New York, who heads our very important Committee on Urban Transportation Planning, Socio-economic and Environmental Factors.

Mr. McMorran's Committee has been dealing with all of the areas included in his Committee's title since its inception. At our Association meetings, his program has included presentations and participation by outstanding city planners, economists, sociologists, federal, state and county officials, representatives of all of the various design professions, and other specialists involved in the nebulous and complex urban picture.

His Committee has done much to improve understanding and to cross-fertilize thinking between the various disciplines and agencies.

We will all be available to answer any questions that your Committee might have, and we will be happy to obtain any additional information that we can supply for the record that you may think desirable.

First of all, the State highway departments want me to express their feeling that these hearings that you are holding is one of the finest things you have done. We compliment your Committee, for this will provide a forum for the several groups to present their case, and will give your Committee an opportunity to look at the entire picture. We quote from the notice of the hearings that your distinguished Chairman first announced on October 16th, at our recent Annual Meeting in Salt Lake City.

"The highway is a catalyst changing everything it touches. This is true in rural America, as well as in urban America, but the urban highway, by reason of density of population and concentration of economic and social values, has a far greater effect on environment."

This is a correct statement to which we subscribe completely, and it properly sets the stage for your hearings.

These hearings, we believe, are appropriate for the following reasons:

1. We have sufficiently advanced in the urban highway program that you should analyze and evaluate progress.

2. In hundreds of urban areas, urban highway projects have been satisfactorily completed and are serving the public. A complete look should be taken at that side of the picture.

3. In some few instances, special and controversial problems have arisen and there is need to explore the reasons and the solutions in these cases.

4. To take a look at the interaction between highways and urban development, and to identify and quantify as many of the indirect benefits as possible.

5. To study the proper role of other design and planning professions than the highway departments, as well as that of the economists and the social scientists.

6. To determine the proper role of local officials and local people in the planning and design of projects.

7. To review the performance of those who

have the prime responsibility, accountability and authority in the program, and to determine if there is any tendency to fragment authority.

8. To look at emotional charges and anticipated adverse affects that have been voiced regarding urban highway projects and see if they are valid or not, based on projects that are completed and in use.

9. To evaluate the results of the two Planning Requirements in the Federal statutes, which are the Planning Requirement of the Act of 1962, which became effective on July 1, 1965, and the Section 204 Requirement of the Demonstration Cities Act, which became effective on July 1, 1967.

10. To develop some guidelines and considered legislative judgment to guide professional engineering and planning judgment as to the value to be given for some of the generally intangible indirect benefits of the highway influencing urban development and social factors as they are reflected in additional costs.

HISTORICAL SEQUENCE OF THE STATE HIGHWAY DEPARTMENTS' INTERESTS IN URBAN HIGHWAYS

We believe that a review of the historical development of urban highway programs will refute charges that the highway departments are rurally-oriented and insensitive to urban values and problems.

When the basic and organic Federal-aid highway program was first enacted in 1916, the reasons for it generally were as follows:

1. Most of the paved roads in the United States were in towns and cities, and extended along main street into the adjacent rural area for a short distance, where it terminated abruptly. There was a need to fill in the pavement between these cities to get the traffic out of the mud and dust, and to tie the country together with a primary system of highways.

2. To encourage the establishment and building of major highway routes across state lines.

3. To provide adequate roads for land service and rural mail delivery.

As a result, the highway program started as a rural program, for that was where the problems existed, and established the current myth that State highway departments are rurally-oriented.

The highway program hardly got started when it was interrupted by World War I, so the highway program really started about 1920.

It was again interrupted in 1930, by the big depression of that period. A considerable amount of our existing primary system network was built in that ten-year period.

Highway work was revived through certain emergency programs in 1933, and we were moving along fairly well when it was stopped again by World War II, in early 1942.

During this nine-year period, much more of the existing primary system was built.

In 1943, the State highway departments, because of their close contact with traffic problems and needs, realized that urban traffic was becoming critical, and we promoted the Federal-aid highway program becoming a balanced program with money earmarked for urban projects on primary system extensions, and for providing for projects on a Federal-aid secondary system.

It was also evident to the State highway departments, through our extensive planning operations, that as soon as World War II was over, that urbanization would start in earnest and continue to further complicate highway transportation problems in our growing urban areas.

In 1944, Congress enacted the ABC Program, AASHO, at that time, had pressed for a billion dollars a year in Federal aid to keep highway needs from increasing too rapidly above available facilities.

It was as late as the Act of 1954, however, before we reached the all-time authorization of $700 million a year. We would like to say for the record that the total Federal aid provided for the first forty-year period, from 1916 to 1956, totaled only $9.7 billion, or about 10 percent to 12 percent of the total that the several State highway departments spent for highway construction.

More than that total amount is now provided in a two-and-a-half year period.

After World War II, the highway program started up again in 1946. However, it was not at a rate to keep pace with increasing traffic needs, and there was definite need for a nationwide system of freeways.

In 1954, during the formative period of the Interstate highway program, the State highway departments endorsed such a program and insisted that the urban sections of the system were essential parts in the face of insistence by General Bragdon, who headed the White House Planners, that the Interstate System should be like the German Autobahn and only skirt the environs of the city and not go into them.

As far as urban highways were concerned, there was a major bright spot in 1954, when the National Committee on Urban Transportation was formed, with the Automotive Safety Foundation and the Bureau of Public Roads serving as major sponsors, along with some minor ones.

AASHO provided an advisor to this important Committee, and the Committee made use of the expertise and knowledge of a group of outstanding specialists contributing their time to turn out a set of manuals to guide the cities in the collection and use of data and information that could result in planning transportation.

In the early 1960's, a few cities volunteered to serve as pilot cities in the use of the manuals. Among these were Nashville, Tennessee, and San Diego, California, and the results were most pleasing.

Generally, however, at this time we found very few people in the field of city planning, or city officials who had any real knowledge of what was involved in the transportation planning process, and they had no mechanism for handling it.

In 1955, the State highway departments, through AASHO, supported the Interstate program and made it clear that the urban sections were very important parts of the system, for the origin and destination of much of the traffic was the rural areas, and that much of the central business district congestion was caused by traffic having to go through that area to go to some other part of the urban area because no adequate alternate routes existed.

The State highway departments had been involved in highway planning since the middle 1930's, and through our internal and external origin destination surveys, we had learned a great deal regarding the desire-lines of traffic and the pattern and density of traffic in and around urban areas. From this information evolved the pattern of beltways, innerloops, connecting radial highways, and through highways.

When the Interstate program was enacted in 1956, the State highway departments had been working on the design standards for several years. Within twelve days after the bill was signed, the highway officials met, adopted the design standards, submitted them to the Secretary of Commerce, and received his approval. The Joint AASHO-American Municipal Association Committee was also organized in 1956. The 1956 legislation made funds available for badly needed urban facilities.

In 1957, the Connecticut General Life Insurance Company of Hartford, Connecticut, sponsored a symposium entitled, "The New Highways: Challenge to Metropolitan Regions". It was held in Hartford from September 9th to 12th, and included about 400 people.

It appears to us that many of the conclusions of the symposium had been formulated in advance of the meeting, and we were disappointed in that regard. However, the major thing that developed from the symposium was a serious proposal that all urban highway work be deferred until city planning could be initiated in all urban areas, and progress to the point that the planner would approve all proposed projects. A two-year moratorium was advocated.

This was unacceptable to the State highway departments because of the time that would be involved to get the planning under way and ready to function. It was our opinion that it could defer badly needed urban projects up to ten years, and that many of these projects were so evident as to their location and design that the delay could not be justified, for they were needed to be in use as soon as possible to ease serious traffic congestion.

It is not generally understood, but the State highway departments had been doing much cooperative planning before it was an official requirement. It had been in the form of contacts with all affected public officials, planners, professional staff, and combined with the public hearings process.

While it was informal, it nevertheless was very productive and effective. No highway department was going to go it alone on a project of such importance without consulting with the appropriate local officials.

Very early in the program, we realized that there would be some problems arising from our mistakes, but it became very evident that we now had many people wanting to get into the act now that the program was so big, important, and glamorous, and involved so much money.

It was definitely attracting disciplines and professions that had taken little or no interest in highways previously.

We began to hear immediately from many instant and self-proclaimed highway experts, where they had not been in evidence before. There were a few people in each of these groups who did have some background and experience, and contributed constructively, but they were extremely limited in numbers.

We began to realize that the city planning profession was just actually reaching its majority, but it still lacked uniform accepted measures, values, and the like, and the planning varied greatly with the individual, and to a great degree, it was a matter of personal opinion or preference.

In 1957, AASHO issued its first policy publication on urban highway design, which we called the Urban "Red Book". It was the first publication to deal with geometric design requirements for urban highways to accommodate the physical dimensions of the vehicle, the design density and speed of traffic, and to fit the facility into the urban requirement.

The State highway departments had, by this time, through their twenty years of experience in planning, had learned to develop the theoretical desire-line of travel and to use this in combination with other controlling factors to determine a highway corridor.

These other controlling factors included such things as utilizing the highway location as a desirable line of definition between different types of land use, the avoiding of the severence of established communities and community services, to enhance economic development, and to lessen any adverse impact of the highway on social factors.

The State highway departments were not using the lowest and first cost in determining the highway location or design, but accepting reasonable increased costs so that the highway would be an attractive facility and a good community neighbor.

It is true that the State highway departments, over the years, had become rather conservative in spending the public's highway funds for those things that were difficult to evaluate as far as benefits are concerned. We refer to those intangible indirect benefits where proposed solutions can involve large sums of money and are sometimes matters of opinion.

We had found out that by locating urban

highways in corridors where property values were declining, that revitalization and renewal were brought about with increased tax values, and that the cost of right-of-way was usually much less.

We also found that such locations sometimes caused the most serious human problem side effects, the major cause of criticism against the highway program.

We were, at this time, in the process of evolving so-called urban design as it applies to urban highway and much of the most severe criticism directed against urban projects center around those that were already built or were in the right-of-way acquisition stage prior to the enactment of the Interstate program in 1956.

From October 5th through 9th, 1958, the First National Conference on Highways and Urban Development was held. It was called the Sagamore Conference.[1] By unanimous request of the sponsors, our Executive Director, Mr. A. E. Johnson, served as the General Chairman.

It brought together for the first time economists, officials at all levels of government, highway administrators, highway planners, transit people, city planners, and others, so that each would know of the capabilities of the other and the role that each might play in making the highway program best serve the public interest.

AASHO went to this Conference requesting and welcoming all constructive and responsible advice and criticism from those who could contribute to the success of the urban highway program.

All of the public official groups involved endorsed the Findings and Recommendations coming out of this first and landmark historic Conference, for they actually gave the first guidelines for the various levels of government and disciplines to follow.

As a direct result of the Sagamore Conference, Mr. Rex M. Whitton, then Chief Engineer of Missouri, proposed the creation of an AASHO Committee which was formed, and which he chaired for a time, and is the same Committee now chaired by Mr. McMorran.

An action program was initiated to follow up the Sagamore Conference in the form of a series of regional conferences, bringing together the same spectrum of people who had attended the Sagamore Conference. Again, we found wide variation in the thinking of the city planning group.

In June 1962, a Conference was held in Hershey, Pennsylvania, on the subject of "Freeways in the Urban Setting". It was for the purpose of discussing highways and amenities and to bring together highway planners and outspoken highway program critics which, at this time, consisted of city planners, architects and landscape specialists.

The State highway departments were not involved in this Conference in either the steering committee or the evaluation committee operations. However, we did agree with the general statements included in the Findings and Recommendations, but we did not endorse the results of the Hershey Conference for the following reason.

In the discussions at the Hershey Conference, it was again evident that the highway program had gotten so big that it was attracting many people for the first time. It appeared that some of these people wanted to establish and maintain a national identity by being a vocal critic, and others felt that the program was so big and so glamorous that they must have a part in it.

This was not universal, for there were some sincere and objective people involved in the Conference.

Most of the critics were unanimous in one point, and that was they should have a major role in the decision-making process in the program, but from there on, we were impressed and concerned that their individual views varied radically and diametrically, even between representatives of the same design profession or discipline, especially was it so in the case of the architects.

Again, in the Hershey Conference, we invited all constructive help that we could get.

In 1962, the Urban Transportation Planning Requirement was first included in Federal-aid highway legislation. We supported this to the fullest. In fact, this planning procedure was first born in our Joint Committee with the American Municipal Association in 1959.

We had proposed it as a voluntary operation for the several States and affected cities, but we soon realized that it would be far more successful if it were a legislative requirement.

The State highway departments supported this legislation, for they wanted comprehensive, cooperative, continuing planning and not just another planning study or report to be placed in some file or on some shelf to gather dust.

A city is a living organism made up of many cells of different land use types, some new, some in their prime, and some dying. A city is a continuous thing and its planning must be likewise. In fact, there is nothing happening in the city of today that is not natural, or should not have been anticipated in our complex society.

Our major problem is that we have not developed a governmental mechanism, or the planning and the financing to keep a city a healthy, living organism.

The State highway departments wanted to know that any project for which they were responsible in an urban area would definitely fit into the transportation needs of the city, and would enhance the proper urban development of the area.

This is the major motivation behind the State highway departments' support of the planning requirement.

We had been concerned for some time that there was little or no procedure for bringing all planning and proposed capital improvement programs for a metropolitan area together at one place where they could all be considered as to their interaction with each other and in particular, with highways.

We had become concerned, also, that in talking with many city planners and others at the urban level, they had little grasp of what the highway transportation planning might consist of and, in fact, in many of our early discussions with these people, they referred to it as "that planning thing."

We knew that transportation planning must be comprehensive and that it must start with land use planning and involve projection into the future. The interaction between land use planning and transportation is important and definite.

If a highway is built to accommodate the traffic requirements of certain planned land use and, for some reason, higher density land use does occur, then the highway can become obsolete or at least inefficient and transportation investments can be jeopardized.

In case transportation is inadequate, land use and the economic health of the affected area will certainly adjust accordingly.

The State highway departments had also felt that there was need for some responsible governmental mechanism consisting of elected officials who could speak for the entire metropolitan area in decision-making and pledging commitments because so many of the urban areas contained a multiplicity of small and separate municipalities, and there is need for someone to have authority and responsibility for those things which are area-wide in their application.

Some of our problems have been caused by vetoes on the part of some of these small and included municipalities.

As soon as the Planning Requirement of the Federal-aid Act of 1962 came into being, all of the State highway departments were made aware that it was their primary responsibility to see that it was carried out.

Within a reasonable time period, the planning process was instituted in all of the 216 areas affected by the legislation, and in the 15 areas subsequently added. There were some disappointments at the local level, for they expected that the planning process would develop projects for which someone would furnish the money.

When the planning process was started, AASHO, through its Committee now headed by Mr. McMorran, recommended to the Bureau of Public Roads that the cooperative feature of the planning requirement be executed through agreements with local governing bodies rather than with independent or quasi-governmental agencies.

This decision was based on the recognition of authority and the responsibility of elected officials to adopt plans and to implement programs.

The effort required by the highway departments to carry out their responsibility with local governments has been large. It has involved all of our Member Departments, except Alaska, Wyoming and Vermont, which have no urban areas falling within the population limits specified.

It has required much time and effort to execute the necessary intergovernmental agreements and to establish mutually acceptable administration arrangements to carry out the planning work.

The State highway departments believe that the planning program is extremely valuable, and that a very important by-product has been the increased dialogue between State and local officials, and the understanding and the necessity of adequate planning by local government officials.

In the affected areas, highway user funds are providing the major part of financing the development of plans for transportation within the framework of forecasts and plans for future highway development.

Housing and Urban Development, Section 701 funds, are utilized in the land use planning portion that is a prerequisite for transportation planning, but those funds are not available for transportation planning.

In 1964, AASHO, in its official Policy Statement, endorsed the multiple use of urban highway rights-of-way for utilizing space over, under and along the side of the highway itself for such things as housing, parking, shops, recreation, and the like, where such use is in the public interest, is financially feasible, and does not interfere with the primary purpose of the right-of-way taking.

On December 12th to 16th, 1965, the Second National Conference on Highways and Urban Development[2] was held in Williamsburg, Virginia.

Mr. E. H. Holmes, who heads planning in the Federal Highway Administrator's office, served as the General Chairman of that Conference by unanimous choice of the sponsors. It was a most successful Conference and the Findings and Recommendations coming out of it bears the historic-sounding title of the "Williamsburg Resolves".

AASHO and all of the sponsors of the Conference endorsed the "Williamsburg Resolves" and it has been recommended for implementation by all of the State highway departments.

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[1] The sponsors were the AASHO, American Municipal Association Joint Committee, the Committee on Urban Research of the Highway Research Board, and Syracuse University, with the Federal Bureau of Public Roads, the Automotive Safety Foundation, AASHO, the American Municipal Association and the National Association of Counties operating in a support role.

[2] The sponsors were the American Association of State Highway Officials, the National League of Cities, the National Association of Counties, with the Bureau of Public Roads and the Automotive Safety Foundation serving in a supporting role.

AASHO went to the Williamsburg Conference hoping that there might be some answers found to identify, measure and place values on indirect benefits and other intangible things associated with the highway program. These might be cosmetics or other aesthetic features, in addition to what would produce an attractive highway, or location or design features brought about by the rather nebulous economic and social factors.

The State highway departments for years have used the so-called Road User Benefit Analysis to compare locations and designs. This process is, in reality, a cost effectiveness approach based on items to which value, measurements and costs can be assigned.

We had hoped at the Williamsburg Conference that we could get some guidance on how we might assign some costs and benefits to these many other things, some of which are indeterminate benefits and vary materially as to cost.

AASHO, through its National Cooperative Highway Research Program, that is administered by the Highway Research Board of the National Academies of Sciences and Engineering, have carried on a continuing research effort to get some answers to these rather important questions, and the work is still continuing.

It is felt by State highway administrators that because of some of the costs involved, and the lack of something definite to link benefits with these costs, that they would like to have something more rational than is presently available in approving affected projects.

There has been some limited work done in some of the State highway departments. In England, Mr. Colin D. Buchanan of the British Ministry of Transport has also worked in this area. However, Mr. Buchanan has not been able to assign any monetary values to these rather intangible benefits, but has actually come out with a sort of checklist and priority suggestion to which he has attached some empirical percentage values.

It now appears to us that many of these things will continue to be intangible and defy the assignment of measures and values and must finally be resolved by considered judgment, both at the legislative and professional level.

We do know that if we attempt to satisfy 90 percent of the people in planning and designing a project that is adequate for its primary purpose and is attractive, that our job is relatively simple. If we try to satisfy 95 percent, it becomes more complex and expensive, and at 98 percent, you run into controversy and you draw criticism from the so-called artistic and creative people. It would be absolutely impossible to build a project if you had to satisfy 100 percent of the people.

This was realized early in the history of public works programs when eminent domain proceedings were legislated.

The matter also arises as to how much of the cost of these rather indeterminate indirect benefits should be financed from highway user funds, and from what source should any additional costs be provided.

At this point, we would like to introduce for the record the reports of the Sagamore Conference, the Hershey Conference and the Williamsburg Conference, calling special attention to the Findings and Recommendations of each of the three. AASHO and the Bureau of Public Roads have endorsed the Findings and Recommendations of the Sagamore and Williamsburg Conferences.

In July 1965, AASHO, through its Planning and Design Policies Committee, which is made up of twenty Chief Engineering Officers from the State highway departments, and develops the major design policies for highways that are in use throughout the world, proposed a multiple-discipline team approach as an AASHO research project for that Committee to get some material for updating our Urban "Red Book".

The Executive Committee approved this proposal in which the team would be made up of private professional engineers, landscape architects, city planners and architects, to develop some guidelines, checklists and illustrations or examples that could be used in the development of urban design of highways covering the entire spectrum from the central city situation through suburbia to the rural environs outside the city, and to make the resulting highway a good neighbor to the communities traversed and result in an attractive and efficient facility.

We ran into some red tape in being able to use pooled research funds because of some of the procedures that had been established for handling such funds in the National Academy of Sciences, and, as a result, and to save time, Federal Highway Administrator Rex M. Whitton, volunteered to handle this research operation through the Bureau of Public Roads by the establishment of an Advisory Committee to him which would serve the same purpose that AASHO had in mind.[3]

Mr. Whitton selected his advisors in consultation with AASHO and Mr. Joseph Barnett, of the Bureau of Public Roads, and Secretary of the AASHO Planning and Design Policies Committee since its creation in 1937, and who recently retired from the Bureau, served as the liaison man with the Advisory Committee. In selecting these people, we were looking for outstanding leaders in their profession and people who had some experience with highways.

We understand that a draft of the report of this Special Advisory Committee has been submitted to the Bureau of Public Roads, but to date we have not seen it. We hope, however, that it will furnish us some valuable information from these outstanding specialists, in addition to that furnished by the State highway departments, that we could use in the new edition of the Urban "Red Book".

OBSERVATIONS, POLICY POSITIONS AND RECOMMENDATIONS

The State highway departments must continue to have the primary responsibility for Federal-aid urban highway affairs, especially as they apply to urban extensions of the State highway systems.

Urban extensions of the State highway routes must be considered, planned and constructed as part of an over-all State highway system.

The States have the experience, education, background, continuity, history of accomplishment, and other capabilities that are required to provide such a statewide highway transportation network.

Competence comes from education and experience, and the State highway departments have added city planners, landscape specialists, and other appropirate disciplines to their professional staffs as needed in the modern day operation. We have become multiple-discipline team departments.

Federal-aid highway funds, including urban, should be apportioned to the State highway authority and should not be complicated by urban highway funds being made directly available to the cities, especially as those funds apply to those highways which form the logical urban extensions of the State highway system.

In our study of future highway needs, we find that in most urban areas additional urban freeway construction, after the completion of the present Interstate program, will not be extensive.

State highway departments have never taken part in the competitive controversy between highways versus rail transit, for we have firmly believed that where any mode of transportation is needed and can be financed, it should be provided, and that the planning of those modes and the planning of highways should complement each other, and that they be coordinated not only through the planning and design, but in the operation of the facilities as well.

The State highway departments have deplored charges made by some of the rapid transit proponents, and especially their use of some of the so-called comparable capacities of the two types of transportation. We know for certain that even in the central business district of some of our largest cities, adequate highway transportation is essential for it is needed for the movement of goods and services which cannot be provided by some of the other modes, and it is needed for moving people as well.

This capacity must be adequate to handle all essential travel, if for some reason, other modes of transportation might be out of service.

We have, however, resisted any suggestions that highway funds be made available for optional use, such as financing other modes of transportation. It is very definite that even the most conservative estimate of highway needs far exceed highway financing that is in sight.

The State highway departments have a long record of accomplishment in know-how and in decision-making and in getting work under way and completed. This is a very valuable and often taken-for-granted capability. We are not only highway engineers, for the modern highway department is very big business and is a very complex operation. We have a wide range of experience in business management, fiscal control, economics, and the like.

It is our belief that the time is not here, nor will it ever arrive, when the cost benefit approach or economic feasibility measurements will be out of date. Proposals must be put into perspective and proper relationship with the overall funds that are available.

The State highway departments have long firsthand experience in knowing all sorts of problems surrounding highways because of their many years of grass roots contact with all segments of the public and business and with all levels of government.

The design of a highway is a continuous linear functional design and it must be such as to accommodate the dimensions of the vehicles using the facility, and to accommodate the design densities and speeds of the traffic. It must also be fitted into the natural human and other man-made controls and must be adapted to the land use planning for the area that it serves.

It must be controlled also by certain limiting grades and curvature if it is to function and it must extend on to its destination. In fact, it is entirely a different design procedure than that of the architects.

We have had much criticism from the architects as to the damage that highways do and that they do not match the architectural pattern of the area. However, we have observed that very often a new highway spawns a building program of considerable portions, and very often the new buildings that are developed side by side by different architects clash in their design and do not set a very good example.

Irregardless of charges that highway planners and engineers are insensitive to social, economic and aesthetic values, and that they are single-purpose people wanting to pave over the whole city, we have no such tendencies and we do take a sense of pride in our accomplishment in producing attractive facilities that fit harmoniously into the socio-economic structure.

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[3] Michael Rapuano of New York City, Chairman, Landscape Architect and Engineer; Lawrence Halprin of San Francisco, Landscape Architect; Dr. Thomas C. Kavanagh of New York City, Structural and Highway Engineer; Kevin Roach of Hamden, Connecticut, an Architect; Matthew L. Rockwell of Chicago, City Planner and an Architect; John O. Simonds of Pittsburgh, Landscape Architect and Planner; Marvin R. Springer of Dallas, an Urban Planner; Harry B. Powell of Seattle, a Structural Engineer.

Some of the factors that have caused controversial problems have been a sincere fear that the highway will encroach upon historic areas, parks, vistas, and the like, or that the highway would cause serious human problems, but in some instances, it seems to resolve itself as out-and-out opposition to highways presented in the most sensational, vocal and uncooperative manner.

In some instances, the administering federal officials could aid by keeping matters in proper channels and working through the State highway departments, instead of directly trying to passify the persons who represent a small, but vocal, minority.

Some of our critics have used the emotional and sensational approach and have actually taken the role of antagonists to highways. If their criticism is responsible and sincere, a great deal more could be accomplished by discussions and dialogue through the proper channels and the recourses that are available.

If a project is not needed, we certainly do not want to build it. If it is needed, then we should get along with it and consider all of the constructive help we can get.

Throughout the years we found, in our long experience, that when projects are well thought out, opposition soon disappears and adjustments result soon after the work is completed, and that the longer a project is delayed, the more it festers and the more problems it creates.

Some of the opposition is actually incited and spread and is based on false assumptions. Such was the case when the very beautiful Jefferson Memorial was being constructed here in Washington, D.C. Many ladies of the city, thinking that the new Memorial would spoil the beauty of the Potomac, worked hard to fill the footing excavations as fast as the workmen could make them.

It was not long before everyone decided this Memorial is one of the most beautiful in the world and enhances the Potomac setting.

In handling a program such as the big highway program, primary authority must rest with responsibility and accountability, and the final decision-making, therefore, must rest with the agency and its officials that have this role. Such authority cannot be fragmented and distributed to a committee or to the public.

The multiple-discipline or team approach can be helpful in many instances, utilizing such a procedure in an advisory or consulting capacity to develop a project.

We are watching with interest the team concept approach in Baltimore and Chicago, and will be watching as to its success, time required, the costs of their proposals, and the acceptance by the public of their recommendations.

We are concerned about an expressed attitude by the Department of Transportation to allow local people to pass judgment on location and design of projects. This would be a most effective way to stop the program.

We believe that the public hearing process, and people working through their elected local officials, is the proper manner for handling such things. We warn against anything that would fragment authority and complicate the approval of projects.

We ask that the Congress and the federal agencies not establish rules and regulations for the program based on solving the problems of the dozen or so controversial locations that have arisen, but to treat them as special cases. To do otherwise would unduly complicate the procedure that has successfully handled hundreds of satisfactorily completed urban projects.

We have gone to our State highway departments with four questions, as follows:

1. Do you have the necessary legal authority to handle the Federal-aid urban program?

2. Do you have the professional and technical capabilities for handling that program?

3. In general, do the cities over 50,000 population have an adequate governmental mechanism for handling the program?

4. Generally, do these same cities have adequate professional and technical capabilities for handling their part of the planning process in the highway program?

The answers to the first two were unanimous and definite "yeses".

The answers to three and four were generally "yes", but with some added comment. Some felt that improvement was needed in the form of an effective council of elected officials that could represent the entire metropolitan area in making decisions and commitments.

Also, several commented with regard to question four in the following way. Some cities do not have full capabilities at this time and have to either go for outside help, or depend extensively on the State highway departments. In going to outside assistance in the planning process, generally a "turnkey" job is the result and all too often, the city people themselves do not fully appreciate the significance of the continuous planning concept in such a manner that they can contribute effectively to making the planning process a continuous one.

We, of the State highway departments, recognize that we have made some mistakes because we have been doing a job, but we have learned as we have gone along. The urban highway program has evolved accordingly and we still have more experience in urban highways than any other group.

We ask everyone not to judge us on our older work and, especially that predating 1956, but to grade us on the basis of our present efforts.

In 1956, your Committee gave us some guidance as to how to handle cost connected with local service in the Interstate program. You very helpfully set out a guideline that equal consideration should be given to local service. Now this involved the addition of several access points and a corresponding increase in the cost estimate of the program, but everyone believes that it was a proper additional charge.

Now, we ask that you give us some guidance in these rather nebulous areas as to how much additional expenditures should be considered in the case of the indirect and intangible benefits of highways and their impacts on the socio-economic life of the city.

The cost of proposed solutions to some of the problems vary considerably, and what to consider and approve becomes a matter of considered judgment.

A State highway administrator does bear great responsibility when he is asked to approve a project that involves considerable additional costs above what is needed to supply an attractive and efficient facility for moving traffic, and especially if it is financed from highway user funds.

We realize that this is not going to be an easy job, but since it is practically impossible to put monetary values on these rather indeterminate benefits, it becomes a matter of considered judgment by those who are responsible for the program.

Some guidelines in the form of considered legislative judgment would be most helpful in helping us make proper engineering judgment.

We would hope that your Committee might be able to check conditions in some of the areas where urban freeways have been completed and have been in service for some time, to see if there is any validity to charges that our highways did harm communities, or that we gave inadequate consideration to important social or economic considerations.

We read such charges quite often and it would be interesting to see how they might stand up.

In closing, we emphasize that no other group has the record of urban highway development that the State highway departments have, and we are proud of it.

We thank you for the great privilege of presenting this statement.

THE CREDIBILITY GAP: A NEW CHAPTER—PUBLIC WORKS COMMITTEE HEARINGS ON THE THREE SISTERS BRIDGE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, for many months now several of my colleagues and I have pointed out numerous instances of the credibility gap which grows wider and wider as it separates this administration from the people.

This week, a new chapter in this story has been written before the Subcommittee on Roads of the House Works Committee.

Yesterday, Alan S. Boyd, Secretary of Transportation, testified before the subcommittee.

He assured my colleagues and me that:

> The Department is consulting and intends to continue consulting with the States and local governmental officials to resolve these issues so that highway transportation development in the region can proceed at a rapid pace.

Unfortunately, the remainder of Mr. Boyd's testimony did not offer any assurance that these noble ideals of consultation with local officials were, in fact, being carried out. As he continued, he outlined several proposals he was offering, and several conclusions he had come to.

He then added, after presenting his conclusions, that:

> It is my intention to place these questions before the three highway commissioners.

Apparently his discussions with the State and local governmental officials will come only after his own conclusions are a fait accompli.

As if to bear out this contention, today we heard from Douglas B. Fugate, State highway commissioner of Virginia. And, in discussing problems connected with the proposed Three Sisters Bridge, here is what he had to say about Mr. Boyd's "consulting":

> In my opinion, Section 4(f) of the Department of Transportation Act requires that the Secretary of Transportation shall cooperate and consult with the states in developing transportation plans and programs, and we have never been consulted in connection with the studies which the Department of Transportation has apparently made.

Mr. Fugate also told our subcommittee that the Secretary's decision, which he had heard of only through a newspaper article, "comes as a distinct surprise" to him and others engaged in transportation planning on the State and local area.

If this is the consultation that Secretary Boyd so nobly talked of before our subcommittee, then something is radically wrong. But I am afraid this is just another chapter in the sad story of the credibility gap which is widening between the administration and the people on the State and local level.

CONGRESSIONAL REFORM—THE NEED FOR ACTION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, my attention has been drawn to a recent editorial in the November 18, 1967, Little Rock, Ark., Democrat, entitled, "Congress and Reform."

The editorial calls attention to the inability of Congress to deal effectively with the vast and complicated Federal budget. I quote two paragraphs from the edtiorial for emphasis:

> Congress needs a staff of experts who could devote close study of the budget and help lawmakers pinpoint quickly and surely where money is being wasted, where funds can be saved, where programs can be shut off, and others expanded to be more effective.
>
> A bill to give Congress better control of the budget has been passed by the Senate but not by the House. The Congressional Reorganization Bill, among other things, would provide experts and computers to help lawmakers keep abreast of how money is being spent and how effective the programs are.

Mr. Speaker, I think perhaps those of us who have been fighting for congressional reform have neglected to point out the salutary provisions of the bill from time to time and have spent too much time defending the bill from attacks against those who would resist all change.

The Joint Committee on the Organization of the Congress sought to deal with precisely the problem pointed up in the Little Rock, Ark., Democrat editorial and title II of S. 355, entitled "Fiscal Controls," was the best our committee could do to provide the Congress with the tools and the procedures to do a better job of understanding and dealing with vast and varied Federal expenditures.

We have all heard of the relatively recent movement in the executive branch of Government for cost effectiveness studies of the program planning budgeting system.

Title II of S. 355 was aimed at equipping the Congress, through its committees and especially through the General Accounting Office, to cope with the new budgeting systems in the executive branch of the Government.

It should be interesting to my colleagues, therefore, to know that the General Accounting Office, not waiting for final action on S. 355, which seems presently to be frozen in the Rules Committee of the House, has inaugurated studies of the kind contemplated in title II of our reorganization bill, S. 355, by creating a Systems Analysis Section in the Office of Policy and Special Studies of the General Accounting Office. This development was announced in the GAO Newsletter of November 10, 1967, volume 1, No. 10.

Mr. Speaker, I wish my colleagues, and particularly the majority leadership, would look at the reorganization bill, which was the product of 2 years' hard work by a bipartisan, 12-man committee, not for the purpose of finding out things they do not like in the bill, but for those provisions which would enable the Congress to do a better job of understanding national problems and adopting intelligent national policies, as well as reviewing the execution of the laws and the expenditure of funds more effectively.

Mr. Speaker, I include the text of the Little Rock, Ark., Democrat editorial at this point in my remarks:

CONGRESS AND REFORM

> The great conflict in Congress centering around budget spending emphasizes the need for the lawmakers to have more accurate information on government income and on the operation of the spending programs.
>
> Congressional committees, when studying the budget, are compelled in most cases to accept the figures presented by bureaucrats who have vested interests in getting and spending money, in building up their bureaus and the scope of their influence. This can hardly be considered as beneficial to the national interest.
>
> Congress needs a staff of experts who could devote close study of the budget and help lawmakers pinpoint quickly and surely where money is being wasted, where funds can be saved, where programs can be shut off, and others expanded to be more effective.
>
> A bill to give Congress better control of the budget has been passed by the Senate but not by the House. The Congressional Reorganization Bill, among other things, would provide experts and computers to help lawmakers keep abreast of how money is being spent and how effective the programs are.
>
> Under the present system many Congressmen often vote for bills they have not had the time to study; as a result, they do not know what they are voting for. Huge appropriations are made without proper safeguards to see that the money is properly spent.
>
> That's what the reorganization bill is all about.
>
> Congress has an opportunity to improve its own image by setting up proper machinery to help it deal with money matters. When programs are wasteful and inefficient, the taxpayers suffer and Congress degrades itself by not making good on its responsibilities as the sole, single source of all federal spending.
>
> A Congress that does not reform itself is grossly lacking in moral fiber.

WAR NEVER SOLVES ANYTHING? A PERCEPTIVE EDITORIAL ANSWERS THE QUESTION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, history is replete with tales of war and great battles for great causes. It is equally replete with harsh denunciations of war. Sherman's "war is hell" and F. D. R.'s "I hate war" are expressions that come readily to mind.

But is it true that war never solves anything? I think not. In support of this thesis, I offer for the RECORD at the conclusion of my remarks a perceptive editorial written by an editor in my district, Richard Lewis, of Franklin, N.H. Mr. Lewis' editorial appeared in the September 28 edition of the Journal-Transcript.

While it is quite true that war does not solve everything, Mr. Lewis points out that the case for war as a solution to some problems is quite clear. The Revolutionary War solved the question of American independence. The Civil War certainly was the only way in 1861 to hold the Union together. As Mr. Lewis himself states:

> The Second World War cut short the international depredations of Adolph Hitler and Nazi Germany. The Korean police action, if nothing else, stablized, even though the hard way, the line of demarcation between North and South Korea.

Because so many voices of protest are now being heard against war in general and against our fight to defend South Vietnam in particular, it may be helpful to remind ourselves that in spite of our inherent aspirations for meaningful peace, wars have solved some important problems in the past. In the opinion of many thoughtful and peace-loving people, war will also solve a problem now—that in Communist aggression and terrorism against South Vietnam.

The editorial referred to follows:

WAR NEVER SOLVES ANYTHING?

> Our eye was caught by a photo appearing this week on the front page of the Christian Science Monitor. The picture was one of a pair of protest marchers at opposite ends of the scale—one carried a sign reading "War Never Solves Anything", and the other proclaimed "Support Men In Vietnam".
>
> It was the comment "War Never Solves Anything" that particularly attracted our attention.
>
> It's a fine ringing phrase that sounds quite plausible at first blush, and maybe there's a certain amount of truth to it, but painfully, there's a considerable amount of baloney, too.
>
> Quite, obviously, war does solve certain problems. A war surely settled the question of whether or not the 13 American colonies would continue under British rule. The Civil War, we should say, answered definitely the question, shall the Confederate States be established as a nation independent of the United States of America? The First World War resolved certain conflicts among the major nations of Europe, and the Second World War cut short the international depredations of Adolph Hitler and Nazi Germany.
>
> The Korean police action, if nothing else, stabilized even though the hard way, the line of demarcation between North Korea and South Korea.
>
> Just as obviously, none of these wars solved everything involved. It took years of sweat and hard work to turn the 13 American colonies into an independent, functioning nation. The Civil War surely left pain, heartache and deep disagreement in its wake. The First World War created as many problems as it solved, and if World War II cut short the territorial ambitions of the Germans, it marked the resurgence of Russia as a major world power. The Korean conflict stopped a specific act of aggression, but obviously didn't wipe out aggression as anybody's national policy.
>
> To say that "War Never Solves Anything" is nonsense, of course. But it's just as much nonsense to proclaim and believe that war is a solution to everything. None of the wars we've mentioned here solved all the problems that were involved in the events leading to each, and in some cases, created brand new

problems that might not have existed otherwise, or led to other wars that in turn solved some problems and created new.

War has never served as a final solution to all problems, but then neither have negotiation, good will, treaties, or any other means of problem solving.

The tool of war is in many ways a stupid way to solve disagreements, but then, many are the stupid ways that men attempt to solve their problems.

WHAT MAKES ROMNEY RUN?

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. LLOYD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LLOYD. Mr. Speaker, the December 12, 1967, issue of Look magazine, which is on the newstands this week, contains an article by Mr. T. George Harris on the subject of the presidential candidacy of the Governor of Michigan, George Romney.

It has been several days since I read the article, and a striking feature keeps recurring to me which I believe is so significant that it should be given this attention in the RECORD.

The author, Mr. Harris, relates that he asked Governor Romney for a copy of his latest form 1040, the Federal individual income tax return. Mr. Harris reports the Governor's response in the following language:

> He balked when I badgered him for a copy. . . . Release of the document, while it might serve a political purpose, would not prove very much, he argued. One year could be a fluke, perhaps done for show, and what mattered in personal finance was how a man conducted himself over the long haul.
>
> Stumped by this argument, I was not prepared for the move that it eventually led him to make: He ordered up all of the Form 1040's that he and Mrs. Romney had filed over the past *twelve* years—including those profitable ones when he saved the American Motors Corporation from bankruptcy and became a millionaire on the company's stock options. While his wealth and income had fluctuated wildly with the auto industry, he and Mrs. Romney had kept right on living in modest comfort, tithing and contributing a substantial share to community needs. Over the long haul, I discovered, they had put an average 23 percent of their adjusted gross income each year into donations (straight charity, 4 percent: church, 19 percent).

Mr. Speaker, no comment of mine can lend eloquence to this simple and voluntary act of honesty and complete disclosure of personal interest by a candidate for President of the United States. None of us knows nearly a year in advance of the election who among the many candidates of both parties will be our next President. But I believe our form of government, our two-party system, and the value of our citizenship have all been enriched by this demonstration of personal integrity by Governor Romney as he begins his campaign for the Presidency.

Excerpts of the Look article with editorial comment from the Washington Star follow:

[From Look, Dec. 12, 1967]

WHAT MAKES ROMNEY RUN?

(By T. George Harris)

Presidential candidates do not hustle votes door-to-door in the suburbs or hug children at dozens of campaign offices right in the homes of ghetto families. But these and other odd doings will be seen early in 1968, on a hefty scale. Many a roller-haired housewife will soon answer the bell and face a ruggedly joyful man with a notched nose, crow-feet eyes and a hedge of white hair that his daughter clips on Sunday for a dollar. He will look familiar, bigger than five-feet-eleven, 170 lbs.

"My name is George Romney," he will announce in that gravel baritone. "I hope you will support me."

Reporters and haulers of TV gear will trail along, sore of foot and sullen in the belief that Romney, while obviously having a ball, is wasting their talent covering a lost cause. He has already been pronounced dead by more experts than any politician to the right of Che Guevara.

In 11 months this year, he managed to get himself more or less officially buried half a dozen times: on his Western tour last spring, then in his tax-reform battle at home, twice over Mormonism's anti-Negro policy, once over his Mexican birth and, for sure, during the Detroit riot.

People interviewed by pollsters stubbornly considered him their favorite future President, however, until his famous TV blooper this fall: "When I came back from Vietnam [in 1965], I just had the greatest brainwashing that anybody can get . . ." To admit he'd been wrong, over-sold on President Johnson's war strategy, was ungainly enough. Worse, that word "brainwash" had a curiously chemical effect on the minds of Washington columnists. They flipped. It took other politicians some weeks to pick up the word, gingerly, to find that it said something to people and might be useful. But Romney just jutted out that jaw among angry Negroes in 17 big cities. He also quietly pushed the button on the most unorthodox campaign that is likely to be seen for some years.

The more trouble he has winning primaries and delegates, the harder he will drive. A genial Mormon elder, not wanting to call George stubborn, puts the matter very carefully. "When a Romney drowns," he says, "you look *upstream* for the body."

His family shares the general joke. Mike Romney, a mining engineer in Salt Lake City, lets an almost ribald grin crease the horse-kick scar on his face, broad and leathery, when he talks about younger brother George. "I have always operated on the premise that Romneys were not descended like other humans," Mike drawls. "We descended from the mule."

Maybe not, but Governor Romney of Michigan has a pronounced tendency to act as he sees fit, even if it might lead to embarrassment. For 41 years, no matter how hot the sun, he has worn long cotton-knit underwear with Mormon symbols stitched on chest and stomach. He knew, when I asked about these "temple garments," that he might inspire a national giggle, but he told me the facts.

He balked when I badgered him for a copy of his latest Form 1040, the Federal Individual Income Tax Return. Release of the document, while it might serve a political purpose, would not prove very much, he argued. One year could be a fluke, perhaps done for show, and what mattered in personal finance was how a man conducted himself over the long haul.

Stumped by this argument, I was not prepared for the move that it eventually led him to make: He ordered up all the Form 1040's that he and Mrs. Romney had filed over the past *twelve* years—including those profitable ones when he saved the American Motors Corporation from bankruptcy and became a millionaire on the company's stock options. While his wealth and income had fluctuated wildly with the auto industry, he and Mrs. Romney had kept right on living in modest comfort, tithing and contributing a substantial share to community needs. Over the long haul, I discovered, they had put an average 23 percent of their adjusted gross income each year into donations (straight charity, 4 percent; church, 19 percent). You can work out these and other conclusions from the nine-column chart of their personal affairs from 1955 through 1966.

Year	Salary and bonus	Deferred compensation	Dividends, interest and taxable capital gains	Adjusted gross income	Church contributions	Other contributions	Total deductions	Net taxable income	Tax
1955	$125,000.04	-------------	$3,541.21	$129,674.46	$23,887.96	$3,190.96	$36,118.98	$89,355.48	$45,651.47
1956	125,000.04	-------------	7,031.70	133,763.31	33,154.43	2,261.50	43,370.05	86,193.26	43,172.19
1957	87,500.01	-------------	3,607.18	92,573.06	22,341.01	2,740.45	32,948.45	56,024.61	23,959.20
1958	168,750.02	-------------	4,280.00	173,858.77	39,758.25	5,765.63	56,760.06	113,498.71	63,469.19
1959	200,000.00	-------------	60,451.82	260,801.82	64,027.08	5,591.25	86,761.14	170,440.68	109,150.24
1960	173,125.00	-------------	487,202.68	661,427.68	156,038.31	16,697.10	181,905.47	476,522.21	237,000.48
1961	155,083.40	-------------	116,493.66	272,977.06	41,243.68	26,875.30	81,036.03	188,941.03	124,955.96
1962	75,803.02	-------------	117,117.36	194,920.44	13,404.22	37,149.89	66,062.17	125,858.27	73,173.37
1963	27,499.92	$31,705.00	507,566.55	566,771.47	42,821.62	2,054.23	60,675.59	503,095.88	249,998.56
1964	27,499.92	31,705.00	211,958.18	271,163.10	78,941.00	3,051.50	97,263.19	170,899.91	80,830.62
1965	30,000.00	31,705.00	74,803.56	136,508.56	31,033.97	1,362.50	47,231.83	86,276.73	35,213.50
1966	30,000.00	11,705.00	41,130.52	78,483.85	13,956.64	8,465.59	33,723.37	41,760.48	12,980.40
Total	1,225,261.37	106,820.00	1,635,184.42	2,972,923.58	560,608.17	115,205.90	823,856.33	2,108,867.25	1,099,555.18

Note: All pay from 1955 through 1962 came from American Motors, except $7,500 in delegate's per diem at the state constitutional convention. Romney has paid high taxes, accountants note, has not dodged into loopholes.

One year, in 1960, they carefully gave away all but $389.59 of his salary and bonus, $173,125.

The Romneys can be as open about their lives as they are about their money. Mrs. Romney—Michigan thinks of her as Lenore—is a full partner in politics, who tells it like it is. When a radio interviewer asked what she likes best about her husband, she told the folks: "The way he kissed me good-night." Her marriage rule: "Never go to bed angry." . . .

This earthy pair will keep politics aboiling for the next few months, no matter what may happen at the Republican National Convention. As the primary races get tight, some alert reporter will make headlines with an exposé of Romney's "hidden" machinery—his lease-time computer, his radio-TV communications hookup and such spooky things as the "telectraphonics" device that lets him "call" thousands of carefully selected homes with a pre-taped phone message (4¢ a call). Behind his old-fashioned style and door-to-dooring, the story will say, is an electronic data-processing (EDP) monster, a solid-state Big Brother George. It searches local census tracts and precinct voting records to pick the exact neighborhoods, from Ohio to Oregon, where the Governor will surprise housewives and blitz through shopping centers. It monitors his every move through before-and-after polls and pretests each campaign device on guinea-pig voters.

The whole EDP system is, as his research chief Dr. Walter De Vries says, "unorthodox and rational."

That's the way Romney wants it. Out-Kennedying the Kennedys, he and his Midwest political scientists have perfected their EDP weapon while wrecking, in three gubernatorial battles, the country's most powerful Democratic-labor combine. They have nailed down an increasingly precise definition of the men and women most likely to be impatient with the present way of doing the public's business at home and abroad. These millions, whatever their party, seem ready, given half a chance, to fight for a say-so in government and in the other institutions that crowd in upon their lives.

So Romney, as he reaches out into other states, is hunting with computer help for specific people. He has them defined; he has proved that they control elections; he believes these restless activists are the key to the Presidency.

Through his own life runs a rebellious, original streak that is often obscured by the Rotarian Gothic of his rhetoric. He stomps down the shibboleths of both liberals and conservatives. Modern liberalism's panacea—"Federal pills for all ills," Romney calls it—is to him dangerously superficial. Its tendency to concentrate power in the Federal Executive at home leads to crude use of that same power abroad. Yet no notion grabs his spleen quicker than the one generally served up at GOP functions: rugged individualism. "It's nothing," he grits, "but a political banner to cover up greed." . . .

Though a displaced person at birth, on July 8, 1907, in pin-neat Colonia Dublan, Mexico, George Wilcken Romney was hardly deprived, not at first. His father, Gaskell, now owned a dairy-wheat farm and a planing mill. His mother, Anna, was a Pratt, descended from a family of fiery theologians who wrote still-popular hymns (e.g., *As the Dew from Heaven*) and drew up the intellectual architecture for LDS government. Anna was also a good cook, the kind who would tear the hot crust from a loaf of home-baked bread, slather it with fresh-churned butter for the sons who came with watering mouths.

Life was tasty. In 21 years, the Saints had irrigated the local desert, built a college and cut their commune red tape to gain the variety and higher production of the profit discipline. George's grandfather, Miles Park, ever a dedicated square dancer and amateur actor, had even organized a theater so as to play his favorite Shakespeare lead, *Othello*.

The Saints made the mistake, however, of growing their neat stalks of plenty without regard for the hunger all around them. In 1912, when George was a five-year-old in a striped middy blouse, the Red Flagger guerrillas of the Mexican Revolution drove the colonists back north to their native country. Gaskell rode rear guard for the retreating column.

The lesson was planted in the family. Years later, on November 14, 1947, George Romney became the first business witness for the Marshall Plan. "One of the most serious problems we face as Americans," he once said, "is the envy of other people." Before and after that, as head of a corporation operating in 19 nations and three time as a U.S. representative to international labor-management conferences, he proposed public and private programs to help other countries develop their own resources and commerce. The business of foreign policy, he argued, "is to help people without dominating them"—a principle that led in time to his troubled conscience over the U.S. role in Vietnam.

Gaskell Romney was forced to start life again with a big family (six boys; later, one girl) and $25. At El Paso, he boarded a train to Los Angeles with his brother, a science teacher but also, of course, a carpenter and head of a large family. After repairing houses for a couple of years, the brothers moved their families to the potato country of Idaho and survived the first winter, both families on $72 a month. That meant potatoes for breakfast, dinner (high noon) and supper. "We had potatoes coming out of our eyes, ears, nose, and other places too," recalls Romney.

The kids were like a task force. They would talk a family of red-headed neighbor children into a game of Run-Sheepie-Run so as to hide by the chicken nests, pick up a few eggs to trade at the store for Golden Crumbles candy. (George Romney still worries about that.) They functioned the same way on farm chores and on the odd jobs, from carpentry to teaching, that they took to help their parents pay the bills. As a teen-ager, moved to Salt Lake City, George could grip a bundle of laths between his thighs, spit nails through his teeth and, teamed with two brothers, lath an entire new house in a day. Once, jumping off an unfinished house, he slipped, sprained an ankle and broke his cow-catcher nose. It was already beat up. Not being a natural athlete, he had made the high school football team because his legs kept pumping after his face dug dirt.

His football was casual in comparison with his dogged pursuit of Lenore LaFount, the 15-year-old brunette he met when he was 17. That girl had the dewy beauty of excited innocence, a schoolmate recalls, "so gentle and sweet that you could just choke her." . . .

It took seven years, and he dropped out of college (after two and a half years) to take a job that would support her, but she at last accepted the inevitable in a temple wedding at Salt Lake on July 2, 1931. A practical romantic, she was proud to learn later that he financed their honeymoon by selling aluminum paint—he brought along samples—between the bridal parties.

Marriage did not cure them. George was trapped at work in Washington when their second daughter, Jane, was born. By the time he raced to the bedside, a row of fever blisters had cut a line across his lips. "But they went away in a few days," explains Mrs. Romney, "because they were emotionally induced."

Romney demonstrated in youth his gift for starting a job by falling on his nose. As a new LDS missionary in Britain, he looked so bound up on the soapbox that a kindly Scot, a Gentile, up and offered him a set of golf clubs to relax with. Slowly, he became convinced of what he was doing and used the specifics of that conviction to work out a practical way of doing it. Result: a new style of missioneering, still in use. Named head of the Scotland group, he would muster all his young teams into one community, enough to scare up outrageous attacks that he could use to draw sympathetic, attentive crowds.

He came back to the States after his two-year stint, signed up for courses at George Washington University while taking a stenographer's job with a U.S. senator from Massachusetts. This time, it took him three days to flop—at taking dictation; he shifted to more demanding duty, doing case studies on the Hawley-Smoot Tariff bill, and provided pages of solid research for the Senate debates.

By luck, or an instinct for action, he regularly ended up at points of illuminating friction. Having preached Saint optimism to desperate Scottish coal miners during the first General Strike and near-revolution, as well as during the rise of the Labor Government, he found his place on the Senate staff in Washington right between GOP protectionists and Democratic free traders. Though he leaned toward the free traders, and later became one, he was a born Republican. He went to Utah in 1932 to campaign for Sen. Reed Smoot, king of the protectionists, for President Hoover and for his father, a Republican county commissioner. All three disappeared under Franklin Roosevelt's landslide. So Romney, by now the Aluminum Company of America's Washington lobbyist, spent the next six years in a high-pressure classroom: between the abrasive reformers of the New Deal and the bauxite executives of what was then the top monopoly.

In these heady years before Washington got sure it had all the answers, Romney sat in on fundamental debates between planners and business. In one study group, he read Keynesian economics under tutors like Federal Reserve Chairman Marriner Eccles. "Many of the New Deal reforms were needed for balance," he says, "but the Great Society is the New Deal carried to excess."

Romney, having been on hand for the formative years of big government, now got a close look at the labor movement's climb to power. In 1939, he took over the Detroit staff of the Automobile Manufacturers Association—about the time the United Auto Workers took over mass production's hometown. Management, mobilizing for war, was learning how to live with unions. Romney and Victor Reuther, brother of Walter, tore into each other but also joined forces on the Detroit Victory Council. They fought side by side to improve public services for war workers, get open housing for Negroes and plan postwar civic improvements.

Management's Romney once had to be talked out of resigning to become a labor organizer. He wanted to fight, from within, union leadership's tendency to escalate its power by industry-wide pressure rather than build strong, productive communities inside the plants. In 1948, he became an auto-production executive at Nash, dedicated to the same idea. He later negotiated a "progress sharing" contract that Walter Reuther, a sparring partner for at-home debates, called "the most significant and historic collective bargaining agreement ever signed in the United States."

For all his uncommon experience, Romney might have been just one more ambitious businessman who talked ideas on the side but walked lockstep up the standard ladders. The winter of 1955–56 changed that prospect. He had been left, by the sudden death of his boss, George Mason, running American Motors Corporation. It was piling $89 million debt onto 28 banks, who expected to liquidate at 50¢ on the dollar. Its cars, Nash and Hudson, were lemons on a market where Ford and Chevrolet were dumping juicy bargains in a price war for first place. AMC's labor costs were exorbitant. Like a driver at the wheel of a rattletrap skidding for a crash, Romney had to react with considered instinct. He did everything wrong while the experts keened disaster in his ear—and it worked.

In business folklore, Romney wound up a clever merchandising pitch against "the gas-guzzling dinosaurs." That's the surface of it, but the legend misses the full flavor and body. The Big Three—General Motors, Ford and Chrysler—had learned to move car buyers up status steps . . . forever manipulated by big business and can be protected only by ever-bigger government.

"We faced at American Motors the kind of problems that Galbraith talked about," Romney admits. But he had a less-grandiose solution in mind. He dusted off a defunct car that had a wheelbase no bigger than the old Model T Ford, slashed its costs, invented a category and name for it, "compact," and organized a far-reaching consumer protest against the Big Three. He bet that affluent people, perhaps less passive than hungry ones, would share his rebel sentiment and actively demand the right of wider choice. He preached against pouring money into stylish cars rather than education.

The Detroit pros called him "the preacher." Wall Street, the business world's opinion poll, sold him short. The banks squeezed his credit. Financial columnist Sylvia Porter wrote with her firm authority that "his management may not last beyond this year." Company raider Louis Wolfson, then the suave terror of wounded companies, held a Halloween seance to warn Romney that he had bought 200,000 shares of AMC stock and had $8,000,000 in reserve, he indicated darkly, to buy control. The situation, in retrospect, was comic. Looking like a bouncy square in his double-breasted suit, Romney didn't seem to know he was supposed to panic. He treated Wolfson so fairly it confused the man—and won the fight a few months later while the smart people were still counting him out. Wolfson made money but, by underestimating a square, missed out on a fortune and lost his usefully ominous reputation.

By '58, Romney's compact was splashing through black ink to the tune of a new pop record, *Beep, Beep,* about that spunky "little Nash Rambler" on the road. The ex-carpenter had come quite a way. "My mother had always made beans taste pretty good," he says. Except for a few stocks Lenore inherited, plus the paid-off part of their home mortgages, the couple had been without capital. They had never fretted much about it, and now, with Rambler making money, they seemed downright casual. He always refused to let the AMC board raise his pay to the going scale for the blue-chip chiefs, and never above the $200,000 line. Any time his total salary and bonus ran to unseemly heights—or if, on the other hand, the company needed to hold down costs—he turned cash back to the till. A veteran accountant at AMC recently figured, when I asked, that Romney had turned back a total of $268,000 in pay due him.

He kept on with his parsimonious ways. When he took son Scott on a car trip West, he still refused to squander on luxuries like restaurant food and motel beds. They chewed sandwiches while roaring along at his usual breakneck pace; at night, they would find a cornfield where Scott could sack out on a camp cot while the president of American Motors used his car-bed.

But the AMC stock options he held, once worthless, were rising like warm dough. By 1960, when Romney sold a block of risen stock, his gross adjusted income hit $661,427.68. He needed the cash to pay off the loans with which he had financed the options. He also had to make payment on the bigger house he had promised Lenore long ago and, of course, to keep up their tithes and offerings on the new wealth. His income soon slipped, in part because he docked his own pay for the time he was spending (1961–62) as a delegate to Michigan's constitutional convention. As Governor, his salary slid to $27,500 (later $30,000), and his deferred compensation from AMC drifted down. He handed his portfolio over to a bank, which, to diversify, sold more chunks of AMC.

One question about wealth did worry Romney, from the day he saw that the compact would make him a tidy bundle: how to use the freedom it brought. He had always wanted a chance at "public service." Oddly enough, though he was dip-dyed Republican, he did not necessarily intend to run for office. He edged toward politics in 1959—when he led the drive, pointedly nonpartisan, to rewrite the Michigan constitution—but he was "keeping open a live option." With Walter Reuther, ex-enemy, he had quietly set up a national citizens organization rather like the Urban Coalition that eventually emerged after the 1967 riot. This route might avoid the hell that his Mormonism would, he knew, raise in politics. . . .

As his religion would cause him political pain, just as surely he would put his church in the squeeze. The inevitable assault on him would broaden into an attack on the whole of Mormonism. Should he warn the leaders? He brooded over the prospect late in 1961, when he was deciding whether to run for governor.

So he made an airplaine flight to Salt Lake City that he did not talk about. Around Christmas, he strode into Mormonism's headquarters, a heavy Romanesque bulk just up the street from the Hotel Utah. . . .

Closeted with President David O. McKay and a group of advisers, Romney as usual went abruptly to the point. "I want to know if there is any *religious* reason why I should not run for governor," he said. "I will make my own decision, but if there are any religious [he came down hard on that word again] objections, I ought to hear them now."

President McKay, then 88, understood instantly. Romney was serving notice on his church: Don't Dabble. . . .

The visitor wanted to be sure that nobody in the hierarchy would ever be confused about the separation of church and state, a line that has often been obscure in Mormonism. He would, if he became a candidate for governor of Michigan, resign from the stake presidency. He would manage his business; they would manage theirs. There was an implicit corollary. He would not criticize them—that would be dabbling—and they would try to be charitable about the turmoil his public life would stir up. He ran, and that's the way it went. . . .

The novice out of business was off to one of his classic starts. He was also trying to find a way to win rather than run the usual Republican race. Tradition beckoned him to rural GOP redoubts; urban centers belonged to the majority Democrats. He knew what was wrong with that arithmetic, but he did not care to upset party regulars any more than he had to. So he sent Lenore out to be Joshua's army. She took on the 64 outstate counties, running hard enough to sound like several candidates, while he slugged full-time at Democratic power in the 19 heavyweight counties down south.

That was only the first stage of heresy. Romney more or less ignored the voter who calls him Independent and who, liberal wisdom says, is the key to GOP victories. He went instead after the citizen who is most despised by loyal party workers: the Ticket-Splitter, that untouchable who favors one party at the top of the ballot (President, senator, governor) but shifts to the other party just below.

Most experts lumped Independents and Splitters into the same mangy category, but Romney's EDP research showed that, taken as groups, they were distinctly different breeds. The Independent tended to be apathetic, a dud. The Splitter might call himself a Democrat or a Republican, or be put out with both parties, but he tended by nature to be an activist. He read more serious news, went to hear more candidates talk and turned into a ferocious volunteer if drawn into a cause. The future belonged, Romney sensed, to the party that could find out why Splitters were on the rise, how to make them regulars and how to use their energy.

He made a stab at it in 1962. By '66, he had nearly half of Michigan voting the straight Republican ticket.

In campaigns and out, he has hunted recruits for "citizen involvement," as he lugubriously calls it—or, when talking to his Student Volunteer Corps, "those who want a piece of the action." He has tested a variety of state and party devices to reach them. Michigan became a constant, floating seminar of Governor's conferences on every problem from crime to the pains of age. Thousands came. The conferences hashed out legislative proposals, and he needed quite a few. Under the new Michigan constitution, after a decade of two-party stalemate, there was a lot of catching up to do in state services. Over four pay-as-you-go years, he boosted outlays 54.5 percent, mainly in education. If states would belly up to their job, he argued, they could grab the initiative back from the Federals and lab-test in failure areas like slum housing.

Romney has even pushed the rural-minded Michigan GOP into urban experiments. The party's first full-time slum organizer, a former civil-rights activist, uses Republican power to serve the Negro community. He puts the muscle on slumlords, utility companies and welfare agencies to get a fair shake for the helpless poor, about 30 a day, who call in anger or despair to see if he is for real. Habits change. During the Detroit riot, 300 GOP workers and staffers piled up truckloads of food and clothing, ran the goods through sniper fire to burned-out Negro families.

The notion that a political party can serve voters directly, instead of orating, has not been seriously tried since city Democrats built their machines on scuttles of free coal for immigrant families. Only in recent years have a few groups of Republicans—notably in Illinois, California and Indiana—begun to hunt for a new service role. Their early efforts brought on many of the 1966 election upsets.

With his state party leading this movement inside the national GOP, Romney argues that people who are concerned and deeply involved in public problems at home can find new answers, perhaps non-Federal. With the Negro militants and Conservatives alike, he doubts that the city can be rebuilt from the top down. The ghettos will blow up again and again, he says, "until we learn to bring power back to the level where the people themselves—and I mean all the people, not just the rich and influential—can can shape their own destinies."

George Romney has spent his life rousing workers, consumers, Negroes, Republicans and ordinary citizens to break out of the passive-masses trap. He is a Populist faith. Urban America, like rural America before it, will not be habitable, he believes, until there is again a boiling in people of the will to run, not be run by, the bureaucracies around them. Hustling votes door-to-door, this stubborn Mormon Romney will pester a generation of his countrymen to reach for active control over the shape of their destiny.

[From the Washington (D.C.) Evening Star, Nov. 30, 1967]

ROMNEY'S RETURNS

Governor Romney's disclosure of his income tax returns for the last 12 years is a bold act of candor that ought to set a precedent for all White House hopefuls.

The figures on his income shed new light on his character. Romney appears to have been well rewarded for pulling American Motors out of the doldrums a few years ago. His company stock options plus salary and other income brought him nearly $3 million during the period. But Romney also has revealed that he is an unusually generous man who goes far beyond the norm for church tithing. He donated more than $560,000 to his church, plus another $115,205 to other causes.

In past years presidential candidates have made public their assets. But the picture as shown in income tax returns is far more revealing. The Michigan governor's willingness to open the books in this fashion sets a high example for other presidential aspirants.

NATIONAL MONUMENT TO FAILURE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Schwengel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, the public school system of the District of Columbia has been the target of criticism from many sources in recent years. One of the finest articles which I have seen on this subject appeared in the November 18, 1967, issue of Saturday Review. I commend it to the reading of all Members of Congress.

The contents of this article follows:

Big City Schools IV—Washington: National Monument to Failure

(By Susan L. Jacoby)

"My boy, he pass to fifth grade this year and he can't hardly read at all. That just not right. Why they pass him when he don't know how to read? That school, it just not doing the job it ought."—(A Negro mother in Washington, D.C.)

Hardly anyone in the nation's capital wastes time quibbling over whether the Washington public schools are really as bad as critics say they are. The school system has been declared a failure by white families who have fled to the suburbs in more massive numbers than in any other American city; by middle- and upper-income Negro families, who are enrolling their children in private schools at a rapidly increasing rate; and by poor Negroes, who are becoming increasingly vocal in their outrage at the deteriorating public schools they do not have the money to escape. Washington has the closest thing to an all-ghetto school system of any city in the nation: Nearly 91 per cent of its students are Negro. More important, a majority of public school students come from a poverty subculture which stymies traditional educators. School officials estimate that at least 50 per cent of the students come from homes where the annual family income is below federal poverty guidelines ($3,000 for a family of four).

"It should be obvious to everyone that the issue is not whether Washington will have an all-Negro school system," says former Board of Education President Euphemia L. Haynes. "The real issue is whether we will have a system composed entirely of poor children."

Every sophisticated indictment of the school system, which serves nearly 150,000 children, boils down to the fact that an overwhelming majority of its students are not learning the basic skills they need to survive in a technological society. Two statistics tell the dismal story of public education in Washington: The citywide dropout rate hovers between 45 and 50 per cent; and, of the students who do finish high school, at least one-third are retarded in reading to the point where they would find it difficult to pass an employment examination administered by the Civil Service Commission or a local bus company. Reading retardation—always disastrous for high school graduates seeking jobs—is even more of a hindrance than usual in Washington's "paper economy."

Most jobs open to high school graduates in Washington are found in the lower grades of the federal civil service, where a reasonable degree of reading proficiency is essential. When former Superintendent Carl F. Hansen released a school-by-school breakdown of scores on standardized reading tests for the first time last year, the Washington *Post* editorialized flatly: "The collapse of public education in Washington is now evident." John A. Sessions, a Board of Education member who has pressed vigorously for major reforms in the school system, said at the time, "I think 'collapse' is a pretty strong word to use. But it does seem to me that the first requirement for change is to admit what a mess we're in."

Unprecedented pressures for reforms in the public school system have been brought during the past year by a variety of likely and not-so-likely sources. A controversial federal court decision found that the schools had discriminated against Negro students, especially in slum areas, by failing to provide facilities and academic programs comparable to those in more affluent areas of the city. In a lengthy, indignant opinion, Judge J. Skelly Wright concluded that "the Washington school system is a monument to the cynicism of the power structure which governs the voteless capital of the greatest country on earth." A year-long study of the school system by Teachers College at Columbia University produced the unsurprising conclusion that the schools are in "deep and probably worsening trouble." The study, headed by Dr. A. Harry Passow, recommends major reforms, ranging from decentralization of the school system to regular classes for three-year-olds.

The Board of Education, appointed by Washington's U.S. District Court judges, openly admits that much of the community has lost confidence in the schools and is moving on several fronts to give parents a stronger voice in school-policy decisions. Most observers feel that the existence of a liberal majority on the current board may have strongly influenced the decision of conservative Southern Congressmen to endorse a bill which will allow Washington residents to elect their school board. "I think they decided an elected board couldn't possibly be worse than the liberal group of board members the federal judges have come up with in recent appointments," says one Congressional aide.

The chances for change in Washington's school system do not depend exclusively—or even primarily—on the Board of Education or the residents of the District of Columbia. The nation's capital is in the peculiar situation of being the only city in the United States where citizens have virtually no control over their local government. City finances, including the school budget, are controlled entirely by Congress. Most city officials are appointed by the President, subject to confirmation by the Senate. Unable to push a home-rule bill through a balky Congress, President Johnson resorted this year to a reorganization plan that has streamlined the city government but given it no new powers. (The President insists that his appointed city commissioner, Walter E. Washington, be given the title of "mayor." Webster's Dictionary, however, defines a "mayor" as an elected city official.)

If the school board election is held as expected this spring, it will be Washington's first local election since 1874. But the elected board will have no more financial or administrative power than the present board. Conservatives who control key posts on the House and Senate appropriations subcommittees dealing with District finances are fond of cutting budget requests for school programs they do not like or, in many cases, do not understand. And the school budget is sure to receive even closer scrutiny than usual this year from Congressmen who were angered when the board forced Superintendent Hansen's resignation last summer by refusing to appeal Judge Wright's ruling on discrimination in the schools.

The relationship between Carl Hansen, Congress, and racial politics in Washington is essential to any understanding of what has happened to the public school system during the past twenty-five years. Judge Wright's decision—which ordered the board to make major changes in its methods of grouping students, to integrate faculties, and to bus students from crowded Negro schools to white schools with empty seats—forced an inevitable confrontation between Hansen and the board.

Unwilling to place itself in the distasteful posture of a Southern school board fighting federal court orders, the board voted 7 to 2 against appealing the decision. Hansen, personally affronted by Wright's implication that his policies had encouraged resegregation of the schools during the 1950s, insisted he would appeal the decision himself and submitted his resignation.

When Hansen came to Washington as an executive assistant to the superintendent of schools in 1947, the nation's capital was essentially a segregated Southern town. The city operated a dual school system, and separate but unequal was the rule in many neighborhoods where white children attended schools with empty seats and Negroes were crammed into classrooms on double sessions. White enrollment in the schools began dropping sharply after World War II—a phenomenon which suggests that middle-class whites were seriously concerned about the deteriorating quality of public education in the city schools long before desegregation. Only 55 per cent of the students in the Washington public schools were white when the Supreme Court declared legal segregation unconstitutional in 1954—a fact that school officials conveniently ignored for years when they said whites were fleeing Negroes rather than poor schools.

Hansen, then an associate superintendent of schools, developed a desegregation plan based on the "neighborhood school" concept which went into effect in September, 1954. Local and national civil rights leaders hailed the plan as a "model for the nation." Hansen staunchly resisted attacks by Southern Congressmen who conducted "investigations" aimed at proving that desegregation had turned the schools into cauldrons of vice, violence, and sexual promiscuity. Hansen's stand was regarded as a brave one by most Negroes and white liberals in Washington, and he was appointed superintendent of schools in 1958. In the 1960s, Hansen was understandably puzzled and disturbed when—like former Superintendent Benjamin S. Willis in Chicago—he became a symbol of frustration to groups demanding a better break for the city's poor Negroes. Ironically, the Southerners on Capitol Hill who had attacked Hansen during the early 1950s gradually became his staunchest defenders a decade later.

What happened was really no mystery. Policies that seemed liberal during the 1950s in what had basically been a Southern town seemed very conservative ten years later amid the rising tensions of a Northern ghetto. Hansen had not changed, but the city had. The creed running through Hansen's entire career—a creed shared by most professional school administrators—insists that education is the responsibility of professional educators alone. In the 1960s, Hansen resisted attempts by angry ghetto parents to play a role in school policy decisions as rigidly as he had resisted the attempted encroachments of segregationist Congressmen. The more people wanted things to change in the schools, the more they stayed the same. Shortly before his resignation, Hansen made an auspicious-sounding proposal for "parent-advisory councils to return the schools to the people of each community." There was only one hitch, and it was a beauty—the method of selecting the councils was to be determined not by the people in each community, but by the school principals.

Hansen's track system, which became a focal point for criticism of the schools, was the prime example of a well meant idea that the former superintendent was not flexible enough to adapt to changing educational needs. Critics tended to blame all the ills of the school system on tracking; in reality, the track system was merely one obvious example of the lack of imagination, rigidity, and just plain bungling that characterized (and, despite the upheavals of the past year, still characterize) many administrative and teaching practices in the schools.

Hansen developed the track system after desegregation, when citywide testing revealed great disparities in achievement between white children and Negroes who had attended inferior schools under segregation. (No one bothered with standardized tests in the Negro schools when they were separate from the white schools.) There were three tracks—a basic track for students classified as retarded, a general track for average students, and an honors track for highly superior students. In high school, college-bound students were separated from students who were not going to continue their education in the general track.

The lower tracks, as might have been expected, consisted mainly of Negro students from deprived homes. The college preparatory and honors tracks were composed primarily of affluent white students and Negroes from professional or other upper-income homes. (The District schools have only a minimal number of poor white students, because low-income whites are able to find housing readily in the less affluent suburban communities.) Bright students in slum schools usually had to do without honors tracks because there were not enough children who met eligibility requirements on standardized tests to make up a class. In predominantly white schools, there was usually no basic track.

Wilhelmina B. Thomas, principal of Walker-Jones Elementary School in one of the city's most blighted areas, tested her students and found thirteen in one grade who belonged in the honors track. The school system's department of pupil personnel services, unable to believe that so many able students could come from a "slum school," suggested that Mrs. Thomas retest the youngsters. "They told me I couldn't possibly have that many children who belonged in the honors track," says Mrs. Thomas, "but I tested them again and indeed I did. We tried to arrange for transportation to the nearest school with honors classes, but most of the parents couldn't do it. The schools won't provide children with transportation in these cases, you know."

Hansen met protests against the track system with stubborn resistance, especially when they came from militant Negro leaders. He accused anyone who criticized the track system of wanting to abolish "ability grouping"—ignoring the fact that the track system is only one form of ability grouping. In Washington, each track had a different curriculum. Mobility between tracks was minimal in such a system because a child who graduated from a basic-track sixth-grade class was only able to do the work of a fifth-grade general-track class. The federal court decision which led to Hansen's resignation came in a suit filed by militant Negro leader Julius W. Hobson, who removed his daughter from public school after she was placed in the basic track. In ordering the board to abolish the track system, Judge Wright based his opinion not on objections to ability grouping but on his belief that tracking classified children on the basis of standardized tests that measured not the ability but the cultural background of ghetto students.

The abolition of the track system placed the schools in something of a quandary this fall. Between half and two-thirds of the former basic-track students are clinically retarded to some degree, and the schools have simply placed them in regular classes. One tearful mother told a reporter: "My daughter was doing well in her basic class last year. Now she comes home from school crying every day because she can't keep up with the other children. I just don't know what to do." While the Passow research team discovered that many children classified as retarded by the schools simply need glasses or hearing aids, the report also suggests that several thousand retarded children have not been identified. Acting Superintendent Benjamin J. Henley says testing procedures in the system were so poor that hundreds of basic-track children were incorrectly classified as retarded and should have been in regular classes. The gap between the theory and practice in the administration of the track system would have astonished Carl Hansen, who always emphasized that the success of tracking depended on accuracy of testing and other forms of evaluation.

As an administrator, Hansen's major success was in gaining the confidence of the Southern gentlemen who control school appropriations on Capitol Hill. When Hansen was appointed superintendent, Washington's per-pupil expenditure was far below that of most other large cities, not to mention the suburbs. The city's per-pupil expenditure of $644 last year was still far below the Maryland and Virginia suburbs, but was "about average" for a large city, the Passow report showed. The Congressmen approved of Hansen's track system and his resistance to demands for more community control of the schools, and it paid off at budget time. "You've simply got to remember," said one community leader, "that Carl Hansen got money out of Congress for the schools. And don't forget he got that money for a Negro school system. Remember the racial facts of life."

In Washington, the "racial facts of life" are an imponderable in the battle for change in the schools. Several Board of Education members regard the overwhelming racial imbalance in the schools as a blessing in disguise. "At least we don't have to waste our energies fighting racial battles any more," says one board member. "We aren't going to be like Boston, so tied up in bickering over integration that no one does anything while the schools go to hell." Most board members, like Dr. Haynes, are deeply concerned over the school system's continuing loss of middle-class Negroes. In many instances, schools in middle-class Negro neighborhoods are as isolated from the ghetto as predominantly white schools.

Many Negro professionals go to great lengths to keep their children out of schools that enroll large numbers of low-income Negro children. The board's controversial tri-school plan, which went into effect last February, is a case in point. Modeled on the Princeton Plan, the tri-school experiment assigned students by grades to three schools in Southwest Washington. Southwest is a "showcase" urban-renewal area, with expensive high-rise apartments and townhouses and public housing. Median income in the high-rises is nearly the highest in Washington; in public housing, it is about the lowest. Amidon Elementary School (which gave the name to a plan of "fundamental" education developed by Carl Hansen) enrolled nearly all of the children from the high-rise apartments.

The tri-school plan was originally developed by a coalition of high and low-income Southwest residents, but most Amidon parents were outraged at having to disperse their children to two other elementary schools in the public-housing area. Some of the plan's bitterest opponents were Negroes who live in the high-rises. This fall, an overwhelming majority of the affluent whites and Negro families whose children formerly attended Amidon have enrolled the children in private schools. Interestingly, about 60 per cent of the students who used to attend Amidon were from public housing. The middle-class parents would tolerate a 60 per cent enrollment from low-income homes but not a higher percentage as effected by the tri-school plan. Also, the track system had kept most of the poorer students in separate classes from the more affluent ones. "They just don't want their precious darlings to sit in the same classroom with dirty little slum kids," says Hobson.

Enrollment of Negroes in private schools tripled during the past decade while the number of Negro students in the public schools only doubled. At the same time, housing in the suburbs is beginning to open up to Negroes. One of the Maryland suburbs has already passed an open-occupancy ordinance and another is expected to follow soon. Unless the quality of the Washington public schools is upgraded, the white flight to the suburbs is likely to be followed by a flight of Negroes who never had the opportunity before. And the task of upgrading the school system will be made far more difficult if the schools are to be filled entirely with children from the most impoverished segment of American society.

In the final analysis, the chances of improving Washington's school system rest not on the racial or economic balance of the student body but on the staff. The statement might seem obvious to those outside the educational profession who do not realize that one of the gravest problems of Washington's school system—indeed, of all school systems with large concentrations of disadvantaged students—is a deeply ingrained belief on the part of many teachers and administrators that slum children have less ability to learn than other children. "Don't expect too much from these kids," an assistant principal of a junior high school cautioned a shocked young teacher on her first day of school last year. "Just keep them moving along as best you can, and don't break your heart over how stupid they are."

School board member Sessions made an unannounced visit to an elementary school last year after he received complaints that classrooms were being painted during school hours and that teachers and students were growing faint. Walking past a fourth-grade classroom, he heard a teacher screaming at the children. When she saw Sessions, she stopped yelling and stepped to the door to greet him. "Doesn't it smell terrible in here?" Sessions remarked, referring to the odious paint fumes. "Oh yes," the teacher replied in a loud voice. "It's the children. They always smell that way—just like little animals."

Carl Hansen once remarked that "the greatest problem the schools face is that large numbers of children are entering school uneducable." In fairness to Hansen, it must be noted that he did not intend to absolve teachers of the responsibility for poor teaching. But the attitude that large numbers of children are "uneducable" gives teachers an easy out if they work where most of their students score in the bottom fifth of the nation on standardized reading tests.

The poor attitudes of many teachers toward slum children are fostered by traditional teacher training, which does not give them the tools and methods they need to reach ghetto children. "The teachers find themselves in a situation that their training, has taught them to believe is atypical," says John D. Howard, principal of a ghetto elementary school where the Passow researchers were astonished to find that children were doing far better in reading than many schools in middle-class areas. "They stand in front of a class where most of the students are far below where they should be, and they don't know what to do."

The Washington schools have a provincial teaching staff. More than half of the new teachers hired each year come from D.C. Teachers College, which is operated by the public school system. Another hefty chunk of the new teachers comes from southern Negro teachers colleges—most of them the starving stepchildren of de facto segregated state systems of higher education. The teaching staff is nearly 80 per cent Negro. Although it might be expected that a predominantly Negro teaching staff would reduce some antagonisms between the schools and ghetto communities, in fact some Negro teachers who are one generation away from the ghetto are extremely contemptuous of slum children. "I got out myself," says one teacher. "I don't see why these kids deserve any more help than I got."

Passow concluded that the need to upgrade the competence of the teaching staff is the most urgent problem the school system must face. He recommended that teachers be released 20 to 30 per cent of their time each week for in-service training. "I'm not talking about in-service training in some college classroom," Passow says, "but training in the schools that deals with the immediate problems teachers are facing in the classroom. The school system should make every effort to persuade colleges across the country to establish student-teaching programs in the nation's capital. These might be coordinated with in-service programs for experienced teachers."

The school system itself is already operating an admirable model for such a program—the Cardozo Project in Urban Teaching. Under the Cardozo project—which served as a model for the national Teacher Corps—students working toward a Master of Arts and Teaching degree at Howard University spend an internship developing new curricula and instructional materials for their classes under the supervision of a master teacher. The Cardozo project opened its internships to experienced teachers in the system this year but received a less-than-enthusiastic response. "I guess most of the teachers think they know everything there is to know about teaching," says former project director Larry Cuban. "They weren't exactly beating down our doors."

The teachers themselves may attempt to stymie the kind of in-service training Passow has in mind. Washington Teachers Union President William H. Simons issued a warning blast when he said, "The union takes strong exception to the implication [in the Passow report] that the District schools have a large number of unsatisfactory teachers." The union, a local of the American Federation of Teachers, won collective bargaining rights in an election last spring and is just beginning to flex its muscles.

Just how much clout the Teachers Union will wield in Washington remains to be seen because of the peculiar financial relationship with Congress, which determines teachers' salaries. The present starting salary of $5,840 compares reasonably well with the Washington suburbs, but is far below settlements achieved after teachers' strikes this year in New York and Detroit. Salaries are even poorer for experienced teachers, who may make several thousand dollars less than their counterparts in the suburbs. Contract negotiations between the board and the union, which went smoothly this year, may have been a deceptive prelude to next year.

"You think we can't strike the Congress next fall?" says one union representative. "Do you suppose LBJ and all of the Congress would like to have schools closed in the nation's capital just before an election?" Says one school official: "Just between you and me, I don't think the school board and the administration would be violently angry to see the teachers strike the Congress. For once, it would place the responsibility squarely where it belongs."

Whether the union will fight reforms such as decentralization—as the United Federation of Teachers is doing in New York—remains to be seen. Washington is already operating an advanced experiment in school decentralization in an area about two miles north of the White House known as Adams-Morgan. The Board of Education approved the experiment so quickly last spring that no one had time to prepare a murmur of protest. The Morgan Elementary School was contracted out to Antioch College to be operated in consultation with a community school board. Antioch's three-year contract calls for the college to take over another elementary school next year and to begin operating programs in a junior high school.

The experiment was originally proposed by the Adams-Morgan community council, an alliance of low-income Negroes who are long-time residents of the area and young white families who began moving into the neighborhood about five years ago. The school board gave Antioch a free hand in its contract. Adams-Morgan is completely free of supervision from the regular departments of the school system in its selection of personnel and curriculum development.

Principal Kenneth Haskins, a forty-four-year-old Negro from New York, was selected to head the school by a joint committee of representatives from Antioch and the community. His appointment was routinely confirmed by the Board of Education. Several candidates for the principal's job expressed varying degrees of amazement when they arrived at the school and found they were to be interviewed by parents as well as professional educators. Nearly 75 per cent of the teachers at Morgan requested transfers after the experiment was announced by the board—a phenomenon comparable to what happened in New York City when teachers began mulling over the implications of community control in widely publicized decentralization experiments at Intermediate School 201 in Harlem and in the Ocean Hill-Brownsville section of Brooklyn. The unwillingness of teachers to participate in experimental projects involving greater community control of the schools raises the disturbing question of whether they will be willing to participate in any programs aimed at changing traditional attitudes and methods. In Washington, strong administrative leadership and the cooperation of the teachers union—by no means a foregone conclusion—will be needed to introduce innovations such as the Adams-Morgan plan on any broader scale.

The opening of the Morgan School this fall brought another potential conflict into the open—a clash between innovative educators who are trying to reach ghetto students in new ways and ghetto parents who are primarily concerned that their children learn the three Rs. Parents at Morgan were annoyed when an Antioch staff member told children they had to attend school only as long as they were interested. When some fifth and sixth-graders went home for the day, parents were—as one teacher put it—"pretty unhappy." Haskins is sensitive to the problem, noting that "many Negro parents in the slums practice a very traditional kind of discipline in their homes and do not understand or approve of an educational philosophy that allows as much freedom for children as the one Antoch tries to install in its teachers. Their main dissatisfaction with the schools in the past has been that their children haven't learned to read and write. They want the ineffectiveness of the school corrected, but there are going to be a lot of disputes over methods. We have an untested relationship here."

For the Washington school system, the only hope lies in "untested relationships." The tested relationships have failed, as they have in ghetto areas of other cities. But the failure of public education is particularly shameful in a city filled with marble monuments proclaiming that this is, indeed, "the greatest country on earth." The Passow report sums up the situation succinctly:

"Washington is not just another troubled large city; it is the nation's capital and its international center. The District schools cannot be treated as just another school system, different only in that its patrons are without vote and that it is subjected to greater 'federal control.' America's cities are in crisis and turmoil and Washington is one of those cities, but it is much more to the nation. Schools alone cannot resolve the problem of the cities but, without adequate education, there is little hope of alleviating the difficulties metropolitan areas face. What better place is there for the nation to tackle its urban problems than in the city which houses its national and international leaders?"

NEW SUPERINTENDENT FOR DISTRICT OF COLUMBIA SCHOOLS

William R. Manning, forty-four, a white school superintendent from Lansing, Michigan, was selected as Washington's next superintendent in an angry, chaotic meeting at the end of October.

The meeting was disrupted by demonstrators ranging from Negro militants to members of the Greater Washington Chapter of the Americans for Democratic Action. They charged that the community had been systematically excluded from the process of selecting a new superintendent. Manning's appointment was supported by only five of the nine board members, some of whom had wanted to appoint Acting Superintendent Benjamin J. Henley, a Negro, on a permanent basis. The fact that a Negro was passed over in the process of selecting Manning will not help his relations with the more militant elements of the Negro community. But Julius W. Hobson, leader of the demonstrators at the meeting, emphasized that his quarrel was not with Manning's qualifications or his race, but with the way the board picked him. If the Senate approves a bill that will give Washington an elected school board, as it is expected to, Hobson pledged that candidates will run on a "get rid of Manning" platform. Two court suits have already been filed by civil rights leaders to declare the appointment null.

Manning's appointment was also opposed by the Washington Teachers Union, and some of his immediate problems may arise from a staff that resented Henley's being passed over. But Manning was expected to formally accept the appointment after notifying his board of education in Lansing, "I feel a sense of dedication," he said, "to help solve some of the problems facing our great urban centers."

THE PASSING OF FRANCIS CARDINAL SPELLMAN

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, an outstanding figure of the 20th century and one of my leading constituents has passed on.

Francis Cardinal Spellman, whose career encompassed an era in New York

City, achieved so great a place in lay and religious history much beyond our power to add or detract.

I will merely acknowledge the deep sadness at the loss and bring to my colleagues' attention the survey in the New York Times of December 3, 1967, which details the tremendous record of a leader. The article follows:

FRANCIS J. SPELLMAN: NEW YORK ARCHBISHOP AND DEAN OF AMERICAN CARDINALS

(By Alden Whitman)

From 1939, when he was appointed Archbishop of New York, Francis Joseph Spellman was a pre-eminent leader of the nation's 45 million Roman Catholics.

He was the best-known, most widely traveled and most publicized member of the American hierarchy of about 250 prelates; and of the six American cardinals he was the dean as well as the first among equals. He dominated his church in the United States as no other person had, so much so that he was often thought of as a kind of American pope.

The brilliant career of a small-town grocer's son whose forebears came from Ireland had two undeniable peaks amid a score or more of high points. The first, coinciding with the pontificate of Pius XII from 1939 to 1958, raised him to membership in the College of Cardinals, brought him extraordinary influence in the Vatican and made him a personage in the United States.

The second peak occurred in 1965, when he was host to Pope Paul VI on the Pontiff's epochal peace mission to the United Nations and visit to New York. The Pope's many personal accolades, bestowed throughout the visit, were visible signs of his approval of Cardinal Spellman's imposing accomplishments.

Many of these accomplishments were tangible—the new churches, schools and hospitals built for a congregation that since 1939 has doubled to almost two million. The Cardinal's brick and mortar, valued at more than a half-billion dollars, was spread over an archdiocese of 4,717 square miles. This included Staten Island, Manhattan and the Bronx in New York City plus Westchester, Putnam, Dutchess, Orange, Rockland, Sullivan and Ulster Counties. (The Brooklyn Diocese, over which Cardinal Spellman had no canonical authority, covers Queens and Brooklyn, with a total Catholic population of more than 1.5 million. Because many people did not realize that there were two dioceses in New York City, it was often believed that the Cardinal's jurisdiction was more extensive than it actually was.)

The Cardinal's prominence and preeminence in Catholic and American life arose from a combination of related circumstances. These included his pervasive power in the Vatican, especially in the reign of his close friend, Pius XII; the untold wealth of his see and its location at the communications center of the United States; the millions he collected yearly for the papal treasury; the number of American bishops and cardinals elevated from among his proteges and on his recommendation; his personal associations and his network of friendships at the uppermost levels of American Government, society, business, industry and banking; his extraordinary skill as a behind-the-scenes diplomat; his key position as Military Vicar to the Armed Forces; the tireless care with which he attended his churchly duties; and, of course, his personality.

ENHANCED IMPORTANCE

In addition, the emergence of Catholics to a new and more accepted position in American society and the vastly increased role of United States Catholics in their global church tended to enhance the Cardinal's importance and the respect he was accorded.

On the whole the Cardinal exercised his influence unobtrusively, making his views and desires known through others. He, of course, spoke out from time to time—on Federal aid to parochial schools, on motion pictures and on Communism. On some of these occasions he generated controversy; his acerbic dispute with Mrs. Franklin D. Roosevelt over state-church relations; his calls to boycott certain films as salacious or sacriligious; his endorsement of Senator Joseph R. McCarthy's anti-Communism; his breaking of a gravediggers' strike and his support of United States involvement in Vietnam.

Much of the acute public controversy over the Cardinal occurred in his early archiepiscopal years. He acquired the reputation then of being a social and political conservative, and this tended to obscure his liberal statements on racial discrimination and anti-Semitism.

The Cardinal traveled hundreds of thousands of miles, many of them as head of the Military Ordinariate. This was, in effect, a second archdiocese that extended all over the world, wherever American troops were stationed. Beginning with World War II, the Cardinal visited training camps, fleets at sea, air forces at their bases, fighting fronts. It was his custom to pass the Christmas season with troops overseas. These personal visits, the Cardinal's battlefield masses and his supervision of nearly 2,000 Catholic chaplains brought the church to a great number of American youths, including many reared to be suspicious of Catholicism.

The Cardinal's activity, in an indirect way, helped generate an increasing toleration for his church. At the same time he widened his friendships among high-ranking military men, a great many of whom on their visits to New York regularly "checked in" at 452 Madison Avenue, the Cardinal's residence, for luncheon or conversation.

A genuinely warm and friendly man, Cardinal Spellman possessed a gentle smile and sly Irish wit. These attributes endeared him to important people in ecclesiastical and temporal life—among them President Franklin D. Roosevelt. He was Mr. Roosevelt's "favorite bishop" who helped to bring about a rapprochement between the Vatican and the United States in 1939.

He was also on amicable terms with President Harry S. Truman, President Dwight D. Eisenhower, President John F. Kennedy and President Johnson.

The Cardinal was a gregarious man, at home with a great variety of persons. This characteristic puzzled some of his friends, who could not understand how he could enjoy, seemingly equally, the company of a serious intellectual and that of a fun-loving, yacht-owning lawyer.

DELIGHTED IN INFORMALITY

The fact was that the Cardinal delighted in the rare moments of informality that his position afforded. These were the times he could sit and chat with old school and family friends, to whom he was either Frank or Spelly. Such occasions were an echo from his youth or his less burdened Roman days.

He enjoyed listening to songs, Irish ballads in particular. A favorite was "Danny Boy," and a monsignor on his staff, possessed of a good tenor, was often called upon to sing it and other sentimental lilts

The Cardinal was rarely without guests for breakfast, luncheon or supper at the large oval table in his dining room. In the course of a week he talked to diplomats, travelers, men of affairs, potential contributors to charitable causes and others whose knowledge or expertise might somehow be useful.

These gatherings were scarcely ever solemn, for the Cardinal had a spontaneous humor. He could turn a phrase or make a sally. His accent, even after years in Italy and New York, betrayed its Massachusetts origin. "New Yorkers still think I speak English with a foreign accent," he said after 25 years as head of the archdiocese.

The Cardinal was a tireless worker. His day began at 7 A.M. or earlier with mass in his private, oak-paneled chapel on the third floor of the residence; it often ended at midnight or later. (Like all priests, he devoted an hour a day to saying his office.) Although he delegated many responsibilities to members of his staff and officials of the Chancery, he was personally involved in most diocesan activities. For example, he appeared for years at every Catholic college commencement in the archdiocese, handed out the diplomas that he had signed and shook hands with each graduate and his parents. For good measure he sometimes took in a couple of high school graduations.

The public saw the Cardinal most frequently as a ceremonial figure—presiding at the 10 A.M. Sunday mass at St. Patrick's Cathedral, reviewing parades from the cathedral steps facing Fifth Avenue, appearing at school commencements, cornerstone-layings, parish events, formal luncheons, dinners and charity affairs. At these times he seemed almost swallowed up in the Renaissance magnificence of his clerical robes, an impression that his stature of just over 5 feet accentuated.

But what was memorable amid the opulence of the Cardinal's garb was his face. It was round, benign, shining, almost cherubic. The forehead was high, the ears large, the nose a mite pointed, and the dark blue eyes, peering through old-fashioned rimless spectacles, were steady. The face conveyed a sense of cheerfulness that even long hours of ceremony rarely seemed to dull.

CASSOCK AND KHAKI

The Cardinal's unaustere demeanor was best complemented when he dressed in unadorned black, which he did as often as he could. In a house cassock he was indistinguishable from a rotund parish priest. For his walks, which he took almost nightly in his younger years, he also dressed in black. As a stroller, the Cardinal was known to hundreds of policemen and taxicab drivers, who singled him out from other priests because of his face.

On his trips to troop concentrations he dressed in his khaki uniform as a military vicar, but he often wore his shirt collar open and sported an overseas cap. He liked to mingle and banter with service men and women.

Once, in the early days of World War II, a G.I. said to him, "How come, Archbishop, that you're not a cardinal?"

"Our T.O. calls for 70," the prelate replied, "but promotions have been frozen during the war."

Informal occasions suited the Cardinal. After a dedication or other ceremony at a church or school, when he put aside his robes, he could be the jolliest and most exuberant person present. His natural affability also shone at luncheons at the residence. Over the years these brought leading Protestants and Jews into touch with Catholic clergy and laity and thus played a significant part in the Cardinal's personal ecumenism. At these repasts he was relaxed and humorous, a delightful host, according to those who sat at his table.

Another aspect of the Cardinal's humanness was his fortnightly session with members of the laity beset by troubles. On a typical such day a dozen persons visited him at 15-minute intervals in the long drawing room on the first floor of the residence. There could be a mother whose son was in difficulty, a father seeking help for an ailing daughter, an elderly person wanting admittance to a Catholic home.

The Cardinal was a sympathetic listener, quick to dispel his visitor's awe. At the end of the talk he was likely to help the guest with his coat, walk him to the door and part with a handshake.

In matters of charity Cardinal Spellman was generous to a fault. Visiting another bishop's diocese, he almost always left a check for a worthy cause. Passing through Genoa once, he pressed a check for $1,000 on its astonished Ordinary. Other clergymen, recipients of his bounty, looked upon him as something of a Santa Claus. On his 75th birthday he made a gift of $75,000 to Pope Paul VI for a papal charity. And there was $10,000 here and $10,000 there for other public or nonchurch funds.

Criticism of Cardinal Spellman, in the church and outside it, amounted to a small industry. Although he was generously praised for his piety, his charity, his building program and for helping to bring Catholics more into the mainstream of American life, his critics called him narrow in his outlook and halting in his leadership. He inspired, they said, a theological airlessness in the American church.

Conservative was the word most frequently employed by the Cardinal's critics. His voice, it was said, was unmistakably clear in condemning movies and plays that he disliked, but less vehement on such social issues as political corruption and slum housing.

Of the few occasions on which he appeared in the cathedral pulpit, three were attacks on Communism, one was a call to boycott so-called indecent movies, one marked his accession as archbishop and another welcomed an apostolic delegate to the United States. This record, critics said, did not reflect the currents of concern in the world.

Rather than displaying largeness of mind in confronting the touchstone public and church issues of his time, Cardinal Spellman concentrated, according to his critics, on buttressing rigid attitudes on morals, divorce, birth control, mixed marriages and Americanism.

Complex political, economic and moral issues, critics asserted, were turned into easy choices between good and evil, patriotism and treachery. "The only grave sins the Cardinal recognizes are Hollywood sex and Communism," one critic remarked.

The Cardinal's critics conceded, however, that he did indeed issue statements or make speeches about racial equality, social justice and interfaith goodwill. But what was lacking, they instisted, was vigorous, crusading leadership. He was too prudent, too bland, too soft, it was charged, and not basically interested in such matters as the social encyclicals of Pope John XXIII.

Critics also made much of the Cardinal's publicly inactive role in Vatican Council II. He was out of general sympathy with its aims, it was said, even though he contributed to financing it. The Cardinal had slight influence, some observers said, spoke seldom and supported liberal proposals only sparingly. Theological points propounded by progressive prelates did not capture his interest, it was said.

In the Council sessions Cardinal Spellman was on the record as opposing a plan for a ministry of deacons, possibly including married men. He was against the doctrine of collegiality, the idea that the college of bishops share church government with the Pope. He also opposed a softening of the Catholic stand on mixed marriages; and he expressed strong reservations about an approving reference to conscientious objection in the decree on the Church in the Modern World.

On the other hand, the Cardinal was on the Central Preparator Commission for the Council, a member of its Coordinating Committee and of the Council of the Presidency, the highest Council body. He was credited with helping to bring the religious liberty statement to a vote when it was being ambushed by ultraconservatives in 1965. He also worked for a strong declaration exculpating Jews collectively from the age-old charge of deicide.

In the view of some observers, the Cardinal shifted from conservatism to a mild liberalism in the Council session. In 1963, it was noted, the Cardinal took to Rome as his personal theological adviser the Rev. John Courtney Murray, a Jesuit once excluded from Council matters for his liberal views on state-church relations. In this sense the Cardinal was an unpredictable conservative.

Cardinal Spellman's defenders, for their part, said that his lack of flamboyance did not imply ineffectiveness in keeping the church in step with the times or passivity in promoting interfaith goodwill and social goals.

"The Boss," said one priest, using the nickname by which the Cardinal was universally known in his archdiocese, "did not believe in change just to change, nor did he believe in thrashing out church problems in public. He preferred to work quietly in the background, encouraging change when and where it would do the most good."

This priest suggested that the Cardinal was also a traditionalist. "The imprint on him from the church and its liturgy as he experienced them in his formative years was very strong. You would not expect him in his late years to become a flaming liberal," he said.

CONTEXT OF HISTORY

Another priest, sympathetic to the Cardinal, said that he should be viewed in the context of the history of the Catholic Church in this country.

"The American church was shaped by a strong Irish component, fresh from persecution in Ireland," the priest said. "It was fiercely self-protective, preoccupied with maintaining doctrinal purity and attaining a measure of social respectability.

"The Cardinal, with his Irish background, was molded by this history so that his Catholicism was more akin to strait-laced Irish Catholicism than it was to the more easygoing Catholicism of the church in France or Italy."

Another priest who observed the Cardinal's theology and politics for many years summed him up by saying: "He was basically more Puritan than Catholic."

In his own archdioceses and through selection of his protégés for church office, the Cardinal was said to have singled out men of Irish background for preferment. In the archdiocese, priests said, there was only one bishop of Italian descent although the bulk of the diocesan population had Italian forebears.

Of the approximately 30 members of the American hierarchy who are said to owe their promotions to Cardinal Spellman, the most conspicuously controversial is James Francis Cardinal McIntyre of Los Angeles. Once chancellor and vicar general of the New York Archdiocese, Cardinal McIntyre has been a pronounced conservative in racial and social matters on the West Coast.

On the other hand, the Cardinal's friends cited his interest in meeting the religious and educational needs of Puerto Ricans in New York. Newly ordained priests were sent to Georgetown University for Spanish studies and to the Catholic University in Puerto Rico for language and cultural instruction. In addition, teaching nuns and brothers received background training in Puerto Rico.

In temporal affairs in the city, state and nation, the Cardinal wielded a degree of political power that was difficult to define precisely. His residence and the Chancery across Madison Avenue were generally referred to in political circles as "the powerhouse." It was said that Mayors, Governors and sometimes Presidents harkened to "word" from "the powerhouse"; but documented instances of this were rare indeed.

A priest close to the Cardinal for many years said that he exercised less political influence than he was given credit for.

"The Cardinal's views, or rather the church's attitude, seep down," this priest said. "But the days when 'the powerhouse' ran the city went out with the demise of Tammany Hall."

Within the church in New York it was conceded that the Cardinal ran a tight ecclesiastical ship. Restive priests who ventured out of line on social and political issues could find obstacles in their careers. One such was the Rev. George Ford, former Catholic chaplain at Columbia and pastor of Corpus Christi Church. Father Ford, an outspoken political liberal and ecumenist, was at one time forbidden to speak outside his parish. The Cardinal's ban, once strict, ceased to be enforced after a while, and when Father Ford retired as pastor he and the Cardinal were on good terms.

DIFFICULT TO GAUGE

Another priest in disfavor with the Cardinal was the Most Rev. Fulton J. Sheen, once Auxiliary Bishop of New York and now Bishop of Rochester. For some years Bishop Sheen was high in the Cardinal's esteem, but, according to reliable sources, he slipped in a difference of opinion over money raised for Catholic missionary work. Their poor relations were an open secret.

Priests who dealt directly with the Cardinal found him difficult to gauge.

"The Boss can be brusque and impassive in bawling out a subordinate," one priest recalled, "yet when the interview is over he is on his feet helping the errant man into his overcoat and making pleasantries. You never know what to make of him. If a priest who has displeased The Boss then does something he likes, he does not hold the past against him."

Although the Cardinal was known to be displeased from time to time with The Commonweal, a liberal Catholic magazine, and with The Catholic Worker, a monthly paper, he did not interfere with them. He could be irked by what they printed, and subside after a while in seeming benevolence.

One example involved "The Foundling," a novel the Cardinal published in 1951. The signed review that appeared in The Commonweal was quite unflattering to the Cardinal's literary craftsmanship, and he passed the word that the reviewer had forever incurred great displeasure. Fourteen years later the reviewer received an award for Catholic journalism. Not only did the Cardinal present the citation publicly, but also he avowed privately that the journalist was a splendid chap.

As an author of inspirational religious and patriotic poetry, including "What America Means to Me and Other Poems and Prayers," the Cardinal stirred less criticism. The half-million dollars in royalties from all his books—they were brisk sellers in New York—was given to various charities.

Although the Cardinal took pride in his writing, which he undertook in his limited spare time in the evenings, his best-known hobby was philately, which he began as a seminarian in Rome. His collection at first specialized in the United States stamps issued since 1847, and then branched out to include stamps of any country depicting persons or scenes related to religion or literature.

His albums and their thousands of stamps were given, during the Cardinal's life, to Regis College in Weston, Mass., in memory of his aunt, Sister Mary Philomena of the Sisters of St. Joseph.

When Cardinal Spellman was named Archbishop of New York he announced: "I shall pray as if everything depended on God. I shall work as if everything depended on me."

This formula, with its emphasis on strenuous practical activity, reflected Francis Joseph Spellman's life and rise in the church.

He was born May 4, 1889, in Whitman,

Mass., a small shoe-manufacturing town southeast of Boston. He was the first of five children of William and Ellen Conway Spellman. His mother named him for two saints—Francis of Assisi and the husband of the Virgin Mary.

William's father, Patrick, was a bootmaker who had immigrated from Ireland. Mrs. Spellman's father was a farmhand, also an immigrant from Ireland. Both families lived in an area with a sparse Catholic population, and they assimilated very quickly the dominant Yankee ways of thrift and frugality. Although Catholics in other parts of the country were then subject to persecution, the Spellmans, the Conways and their co-religionists escaped searing manifestations of bigotry.

SUCCESSFUL ENTERPRISE

William Spellman was the proprietor of a "cash grocery" when his eldest son was born. It became such a successful enterprise that he was able to buy a fine house set off in five acres of lawn and trees and also to expand his store. Frank worked there in his spare time from the age of 8, selling provisions or delivering them in a horse-drawn wagon.

His father had a dry wit. "Son," he used to tell the boy, "always associate with people smarter than yourself, and you will have no difficulty finding them."

The father was also a cautious man with a penny. When his son came home one evening from college to announce that he had won a scholastic medal, William Spellman's comment was, "Did you put out the light downstairs?"

Frank's mother, on the other hand, was indulgent, gentle and easy-going. A picture of her hung prominently in the Cardinal's study, and he established an endowment fund in her memory at Whitman High School.

As a student in Whitman, Frank was not outstanding, although he won two prizes for essays, one on the Battle of Gettysburg and the other a suitably patriotic collection of impressions of a visit to Washington. His out-of-school interests were photography, boxing, ice hockey, horseshoe-pitching and baseball.

On graduating from high school in 1907 Frank was sent, largely at his mother's urging, to Fordham, a Jesuit college in the Bronx. His four years there were passed inconspicuously, although he showed competence in English composition, Latin and scientific studies. Disappointed in not making the baseball team (he was a good infielder but a light hitter), he learned to play tennis. He also tried his hand at poetry and oratory.

There is no chronology of the young man's decision to study for the priesthood, nor did the Cardinal ever make his reasons public. The clearest account is in "The Cardinal Spellman Story," an authorized biography by the Rev. Robert I. Cannon, a former Fordham president.

"As a student at Fordham, Frank Spellman continued to be an active, intelligent young Catholic with a layman's interest in his church," Father Cannon wrote. "He was regular in his reception of the sacraments and active in the 'Parthenian' — the oldest and most distinguished of the student sodalities. As a sophomore, he read an essay on 'Devotion to Mary in Modern Times' as part of a literary academy for the Feast of the Purification, and in his junior year we find him listed as 'sacristan.' . . . As far as a vocation was concerned, he was content to keep an open mind and stay in the state of grace until the senior retreat came around. This opportunity, he quietly determined, was not to be wasted.

DECISION ON PRIESTHOOD

"Following the Spiritual Exercises of St. Ignatius, he weighed every word of the Foundation with its inexorable logic, and like any generous youth of blameless life, he came prepared to the 'Meditation on the Kingdom.' There he saw Our Blessed Lord as the perfect Captain of men's souls, calling for a new crusade to win back the world to His Eternal Father, and bowing down with his head in his hands, he whispered, 'Lord, I shall follow You wherever You go!' He talked things over with his favorite scholastic, Mr. Edward P. Tivnan, S.J., who told him that he had the required aptitude and if he made application, would, no doubt, receive the call from his Bishop."

The day of his graduation Frank Spellman told his parents that he wanted to be a priest. His mother was overjoyed; his father asked only if he were certain. On his assertion that he was, the family agreed to back him in his desire to attend the North American College in Rome.

"In those days you did not have to be bright to go to the North American College," the Cardinal said in later life. "The only qualification was financial."

That was not quite the case, for he had to obtain the consent of his clerical superiors, including the Most Rev. William O'Connell, Archbishop of Boston and later a cardinal.

Arriving in Rome in the fall of 1911 with camera in hand, Frank Spellman donned his seminarian's uniform—a black cassock with blue piping and buttons and a maroon sash—and went for his interviews with the college officials. He did not make a favorable impression, with the result that for five years he was never an officer of his house, a sacristan or a beadle; moreover, he was not permitted to go for a walk alone.

If his superiors were frosty, the seminarian's fellow students were not, and he made lifelong friendships. He also struck his stride as a student, showed a capacity for organizational leadership and developed prodigious memory.

At the same time he made a fortunate friendship with one of his teachers, Francesco Borgongini-Duca, later to be an influential cardinal and Vatican official. Frank Spellman also sharpened his instinctive ability for pleasing people of high rank. Visiting a new cardinal with a group of seminarians, Frank persuaded the dignitary to pose for his camera. Departing, he asked if he could call again to deliver the finished photographs. The cardinal agreed, and before long Frank had acquired a powerful patron.

The seminarian received his doctorate in sacred theology after a thesis in sacramental theology and was ordained a priest May 14, 1916. He said his first mass the following morning at the Tomb of St. Peter.

Returning to the United States and to the Archdiocese of Boston, Father Spellman received a cool welcome from Cardinal O'Connell, a crusty, blunt and powerful prelate.

DUTIES IN BOSTON

In the nine years that Father Spellman spent in the Boston chancery he appeared never to have been in the Cardinal's favor. Some students of the situation have said that there was a clash of personalities between a strong-minded superior and a young man who seemed to be in a hurry. Others have said that the young priest lacked humility after his exalted experiences in Rome.

In any event, Father Spellman's first appointment was as chaplain for a home for aged women. This was followed by a routine assignment as second curate at the Church of All Saints in Roxbury, where, in addition to sick calls, parlor duty and preaching every Sunday, he was in charge of the Holy Name Society, the First Communion class, the Confirmation class, the Sunday school and the baseball team.

With United States entry into World War I, Father Spellman delivered fervent patriotic speeches and received Cardinal O'Connell's permission to volunteer as a Navy chaplain. Turned down by the Navy, he was accepted by the Army and was on the point of departure to camp when Cardinal O'Connell abruptly ordered him to promote subscriptions to The Pilot, the diocesan newspaper.

For the next four and a half years Father Spellman visited a different church each Sunday, preaching at all the masses and drumming up sales of The Pilot. It was humdrum work, and somewhat to relieve the monotony and for intellectual exercise Father Spellman studied Spanish and translated into English two devotional books written in Italian by his old professor, Monsignor Borgongini-Duca. This endeared him to the monsignor, who, at an opportune time, was able to get Father Spellman out of Boston.

Meantime, he had become a general handyman on The Pilot, reading proofs and writing headlines and an occasional editorial. In 1922 he was made an assistant in the chancery, where he studied accounting and canon law and gained experience in the procedures of diocesan administration. He apparently did not please his cardinal, however, for he was demoted to archivist and given an office in the basement of the chancery office. However, he was able to joke about his dull estate.

The turning point in Father Spellman's career came in 1925—a Jubilee Year in Rome. Cardinal O'Connell and his chancellor, Msgr. Richard J. Haberlin, led a pilgrimage of Boston Catholics to the Eternal City early in the year. While the chancellor was away his brother died, and Father Spellman comforted the family.

The chancellor, on his return, thanked the young priest and asked what he could do to repay his kindness. Father Spellman replied that he would like to go to Rome on his second pilgrimage. Monsignor Haberlin was able to arrange this, and Father Spellman sailed for Italy as secretary to the bishop leading the pilgrims—over the bishop's protests.

GREETED BY FORMER TEACHER

When the party arrived in Rome there was an immediate and dramatic change in Father Spellman's status, for on hand to greet him at the railroad station was Monsignor Borgongini-Duca of the Vatican Secretariat of State, his former teacher whose works he had translated. The monsignor made it plain to the Boston bishop and to the pilgrims that Father Spellman was his friend.

In the course of the pilgrimage Father Spellman was introduced to Pope Pius XI and pleased him by translating several of his addresses to pilgrim groups. Also during the visit, Monsignor Borgongini-Duca arranged for Father Spellman to take charge of a playground project in Rome that had been initiated by the Knights of Columbus. The appointment was confirmed by the Pope himself, and Father Spellman was effectively detached from the Boston Archdiocese for the next seven years.

Technically, Father Spellman was made an attaché in the first section of the Vatican Secretariat of State—the first American to hold such a job. There he enlarged his circle of friendships to include Pietro Cardinal Gasparri, the Secretary of State, as well as other members of the Roman Curia, or governing body of the church.

Father Spellman's playground duties were not so onerous that he could not spend a part of each day in the Secretariat of State. When prominent Americans came to pay their respects to the Pope, it was Father Spellman who made the arrangements and who came into contact with the American Embassy in Rome.

Among the Americans in Rome with whom the black-haired, good-looking priest became intimate were the Nicholas F. Bradys who owned a villa, Casa del Sole, on Janiculum Hill. Nicholas and Genevieve Brady were immensely wealthy and immensely interested in partaking of the Vatican's social life. To their villa came all the important cardinals, and through one of them, John Cardinal Bonzano, Father Spellman.

Very shortly Father Spellman was the Bradys' private chaplain and good friend. "After mass in the morning, I play tennis with Mr. Brady and then take a shower and get to work at 10:30 or 11," Father Spellman wrote his family at the time. "It does him good and I am certain it does me worlds of good."

Another letter to Whitman, Mass., reported:

"Yesterday Cardinal Gasparri, Monsignor Borgongini, Monsignor Pizzardo and Mr. Brady and I had a 150-mile ride in the country . . . We all had a great time.

"I suggested to Mr. Brady to give Cardinal Gasparri a new Chrysler Limousine 82 and he said 'Sure.' Both Mr. Brady and the Cardinal are delighted."

Somewhat later Father Spellman obtained three Graham-Paige motor cars for the Pope through a former classmate at Fordham.

Three years after his arrival at the Vatican, Father Spellman became a monsignor and then, later, a domestic prelate. Meanwhile, he had made the acquaintance of John J. Raskob, the American industrialist, and had persuaded him to give $45,000 for a papal project. For this he was personally commended by the Pope.

In 1929 Monsignor Spellman met Msgr. Eugenio Pacelli, then the Papal Nuncio in Berlin and later to be a cardinal and Pope Pius XII. "He is a wonderful man," Monsignor Spellman wrote of their first meeting.

The friendship that developed was profound. After Monsignor Pacelli returned to Rome as Vatican Secretary of State, he and Monsignor Spellman spent their vacations together in Switzerland, and, of course, the two men saw much of each other through their duties in the church.

Over the years the friendship flourished. It was Eugenio Pacelli who consecrated Monsignor Spellman a bishop, who appointed him Archbishop of New York and who named him a cardinal, bestowing upon him his own red hat. As Pope Pius XII he recognized his friend as the chief American cardinal. When Cardinal Spellman had Vatican business to transact, he went directly to the Pope rather than through normal bureaucratic channels; he was able to get the Pope directly on the telephone from New York; and he was able to lunch with the Pope, a privilege permitted no other cardinal. In turn, the Cardinal performed delicate diplomatic tasks for the Pope, raised money for papal projects and advised him on his relations with the United States.

In 1931 a bishopric vacancy opened in the Boston Archdiocese, and the following summer Monsignor Spellman was named to fill it. He was not Cardinal O'Connell's candidate, as the monsignor's letter to his family made clear.

"On Monday evening July 25th Cardinal Pacelli sent for me," he wrote. "I went into his big room and he at once came towards me and before saying a word he embraced me. Then he said, 'I have something to communicate to you, something joyful and something sad, sad because it means you will leave me, joyful because it will be for the welfare of the Church and because it is clearly God's will—the Holy Father has named you Auxiliary Bishop of Boston'."

Monsignor Spellman was consecrated in St. Peter's Basilica in September, 1932. He was named Titular Bishop of Sila and Auxiliary Bishop of Boston. He was the first American to receive episcopal consecration at the Basilica's high altar.

His ring, a gift of Archbishop Borgongini-Duca, was a sapphire surrounded by diamonds with a fragment of the True Cross set in gold. His vestments were those that Cardinal Pacelli, his consecrator, had worn when he himself was consecrated a bishop.

Afterward, the new Bishop was received privately by Pope Pius XI, who suggested to him his episcopal motto, Sequere Deum, or Follow God. Following a short holiday with Cardinal Pacelli in France and Switzerland, Bishop Spellman departed for Boston. He was 43 years old and on the verge of a new career.

In seven years he had served a diplomatic apprenticeship open to few priests. He had copied orders, translated encyclicals, arranged broadcasts, drafted documents, carried out diplomatic missions, obtained a global perspective on Vatican affairs, met every American bishop to visit Rome. He had, moreover, achieved every mark of the Vatican's approbation.

Bishop Spellman's return to Boston was less cordial than he might have hoped. His official greeting was a radiogram, delivered to him on shipboard. It read:

"Welcome to Boston. Confirmations begin on Monday. You are expected to be ready. Cardinal O'Connell."

The Cardinal was as frosty as his message, for he did not receive his new auxiliary for more than five months. He then appointed him parish priest of the debt-burdened Sacred Heart Church in Newton Centre, Mass. He remained there until his appointment to New York in 1939.

As a parish priest, Bishop Spellman won the affection and respect of his congregation, increased its size, erased its debt by skillful fund-raising, including a horse show, and built up an excellent parish school.

HOST TO VISITING OFFICIALS

At the same time, he traveled about the United States, seeing and talking with other members of the American hierarchy, playing host to visiting Vatican dignitaries and maintaining a flow of correspondence with Vatican officials. Some of this correspondence had to do with American affairs, beginning in 1933 when United States recognition of the Soviet Union was under way.

An entry in Bishop Spellman's diary for Nov. 7, 1933, read:

"Had a letter from Mr. [Enrico] Galeazzi [a Vatican intimate] saying that the Pope wished him to tell James Roosevelt to ask his father to request some guarantee for freedom of religion in Russia before recognition. Sent letter to Apostolic Delegate."

Bishop Spellman edged further into Vatican-United States diplomacy in 1936. In that election year, when the Rev. Charles E. Coughlin, a Michigan priest, was berating President Roosevelt as "anti-God" and as "a scab President," Cardinal Pacelli, the Vatican Secretary of State, accepted an invitation to spend his vacation as a guest of Mrs. Nicholas Brady, by then a papal duchess, at Inisfada, her Long Island estate.

This raised the possibility of delicate complications: To what political leaders, if any, should the Cardinal pay his respects? What should he say if he was asked to comment on Father Coughlin? What should he say if he was asked about an American-Vatican diplomatic tie?

Bishop Spellman stepped into the situation with characteristic energy, and became the Cardinal's guide and mentor on his visit, which, it was stressed, was purely personal and ecclesiastical. The Cardinal gave no interviews on his 8,000-mile tour of the country.

The fact that a publicly obscure Boston prelate was Cardinal Pacelli's host-in-fact was not lost on observers, especially when Bishop Spellman escorted the Cardinal to a post-election meeting with President Roosevelt at Hyde Park, N.Y. The interview had been arranged by Joseph P. Kennedy, a Catholic layman and a friend of the Bishop's.

The Cardinal's obvious confidence in the Bishop led President Roosevelt to consult increasingly with him on national and international affairs. He became, indeed, the principal avenue of communication between the White House and the Vatican, and the President termed him "my favorite bishop."

To the end of the President's life in 1945, the prelate and Mr. Roosevelt were on good terms. He was a frequent White House guest, and his advice was solicited on great and small matters. He was consulted, for example, when Supreme Court Justice Hugo Black was disclosed to have been a member of the Ku Klux Klan; when Mr. Roosevelt considered paying a call on George Cardinal Mundelein of Chicago; when the President was dickering for a diplomatic tie with the Vatican.

ROLE IN VATICAN ACCORD

In 1939, shortly after his appointment to New York, Archbishop Spellman arranged the final steps whereby by Mr. Roosevelt sent Myron C. Taylor as his personal representative to the Vatican. It was a momentous diplomatic accord, the first United States recognition of the Holy See since 1866. Arguments for even limited relations with the Vatican had, in the nineteen-thirties, excited many in the Protestant community who felt that the Vatican was not properly a state, and it took all Mr. Roosevelt's skill to assuage fears that recognition implied an alliance with a religious organization.

Archbishop Spellman's role was discreet and behind-the-scenes in bringing the Vatican and the President together in such a manner that recognition in fact was accomplished comparatively innocuously.

During World War II, when the Archbishop was also Military Vicar and traveling the world to war theaters, he and the President were in communication on policy matters regarding Europe. Coolness in the Archbishop's support began to develop, however, with the Allied bombing of Rome and Vatican property in 1943 and 1944.

On several occasions he intervened with the President to protest American and British tactics in battling the Germans in and near Rome. And when Rome finally fell to the Allies on June 4, 1944, the President yielded to the Archbishop's importunings and agreed to a virtual demilitarization of the city. Subsequently, the Archbishop was instrumental in obtaining economic relief for Italy.

In other areas, the Archbishop's enthusiasm for the President also waned. For one thing, he came to disagree with the policy of unconditional surrender for Germany; and, for another, he was disenchanted by the Yalta agreements with the Soviet Union on the ground that Mr. Roosevelt had conceded too much, especially in Catholic Eastern Europe, to the Russians. There was no public break, of course, and when Mr. Roosevelt died the Cardinal said a votive mass in St. Patrick's.

The way had been opened for Auxiliary Bishop Spellman's further rise in the hierarchy by the death of Patrick Cardinal Hayes in New York in September, 1938.

Although Bishop Spellman received some initial consideration for the vacancy, archdiocesan officials in New York favored the Most Rev. Stephen J. Donahue, Auxiliary Bishop of New York, and Pope Pius XI was said to have decided on the Most Rev. John T. McNicholas, Archbishop of Cincinnati. But before the designation papers could be signed the Pope died in February, 1939. He was succeeded by Cardinal Pacelli as Pius XII, and one of his first acts was to send a personal cablegram to Bishop Spellman. This was followed, in April, by his designation of his old friend to the New York post.

"The news broke at 7 o'clock [April 24]," the Bishop wrote at the time. "I said mass in the convent at 6:30 and told the nuns after mass . . . I wrote a letter to the Holy Father, to President Roosevelt and I went to see Cardinal O'Connell. It was quite an interview. He was very nice. Of course he knew the past and also the immediate past, and I knew the past and also the immediate past."

A BUSY SCHEDULE

Cardinal O'Connell's public statement was a model of praise but his private comments were caustic. "Francis epitomizes what happens to a bookkeeper when you teach him to write," he reportedly remarked to a Catholic journalist. He also cautioned a group of New York priests, "Don't you believe a word he says."

Coming to New York Archbishop Spellman impressed himself on the public as a busy and civic-minded prelate. He appeared at public receptions, dinners and dedications, considerably in contrast to his more retiring predecessor. He also took steps to overhaul the administrative machinery of the archdiocese, which he found $28-million in debt. Curtailing the fiscal autonomy of parishes, he centralized and refinanced the debt, consolidated insurance coverage, centralized purchasing, created an archdiocesan bank and established firm controls over spending and building.

In carrying out these policies, with a talent that amounted to genius, he came to work closely with bankers, industrialists and corporation executives. "There's nothing abstract about the Cardinal," a financial man who collaborated with him once remarked. "He tells you exactly what he wants and then lets you do it."

One striking result of the reorganization was a remarkable building program in which the archdiocese became second only to the city as an institutional generator of construction. Since 1939 the value of construction has been put at $500-million, with an annual outlay at present of $50-million.

The money has gone (and goes) for schools, churches, hospitals, convents, seminaries and homes for the aged. Among the structures put up since 1939 are the $5-million Archbishop Stepinac High School in White Plains, the $6-million Cardinal Spellman High School in the Bronx and the $11-million Foundling Hospital in New York. In 25 years the number of parishes increased by 25 to more than 400 and the number of schools from 130 to more than 425.

The Cardinal was personally concerned with all the Catholic charitable enterprises, but he lavished special attention on the Foundling Hospital and on St. Vincent's Hospital. For the latter he raised money at annual Alfred E. Smith Memorial Dinners; and for the former he raised millions by soliciting friends. The Cardinal's guests, on tours of the city, were almost certain to be shown the Foundling Hospital, and he himself evidently enjoyed going there to watch the care of its children.

Archbishop Spellman was nominated by the Pope for the College of Cardinals in December, 1945, and was raised to it in Rome Feb. 18, 1946. The red hat that he received from the Pope was the one Pius XII had himself received when he became a cardinal. The Pope also gave the new Cardinal his own pectoral cross and assigned him his own Titular Church of SS. John and Paul in Rome.

Returning to New York in March, the Cardinal was given a triumphal reception that included a public accolade at the Metropolitan Opera House. Gov. Thomas E. Dewey represented the state, Mayor William O'Dwyer the city and Postmaster General Robert E. Hannegan brought greetings from President Truman.

In his New York years Cardinal Spellman was involved in several public disputes. The four most notable concerned films, a gravediggers' strike, Mrs. Franklin D. Roosevelt and McCarthyism.

In 1941 he condemned "Two-Faced Woman," a slight comedy starring Greta Garbo, as dangerous to the morals of Catholics. Ten years later he attacked Roberto Rossellini's "The Miracle," a story of an idiot girl seduced by a stranger she believed to be St. Joseph. When a child was born, the girl considered a miracle had occurred.

Calling for a nationwide Catholic boycott of the movie, the Cardinal termed it sacrilegious and "a despicable affront to every Christian." Catholic pickets were mobilized to march at the New York theater where it was showing and the film was quickly banned by New York State. The ban was thrown out, however, by the United States Supreme Court in 1952 in a landmark ruling that condemned capricious censorship.

MORAL AND PATRIOTIC DUTY

The Cardinal's crusade against "The Miracle" troubled many people, especially as the film was freely exhibited in Italy without provoking protests.

Despite rebuffs the Cardinal kept his eye peeled for films he considered obnoxious. In 1956 he urged his co-religionists to shun "Baby Doll" under "pain of sin." Pronouncing against the film from the pulpit in St. Patrick's, he said:

"It is the moral and patriotic duty of every loyal citizen to defend America not only from dangers which threaten our beloved country from beyond our boundaries, but also from the dangers which confront us at home."

The Cardinal's personal involvement in a labor dispute came in early 1949 when 240 members of the United Cemetery Workers Union, a C.I.O. affiliate, struck for a five-day week and a basic wage of $77.23. The gravediggers, virtually all of whom were Catholics and who began their meetings with a Hail Mary and a prayer, declined to dig graves at Calvary Cemetery in Queens. They picketed the burial ground and the Chancery.

The Cardinal broke the strike by enlisting as gravediggers priesthood students at St. Joseph's Seminary, Dunwoodie, Yonkers, and by leading them through union picket lines.

"I admit to the accusations of being a strikebreaker," he said, "and I am proud of it. If stopping a strike like this isn't a thing of honor, then I don't know what honor is."

Eventually the strikers joined an A.F.L. union and the Cardinal approved a contract with it for an 8.3 per cent raise over the prestrike weekly wage of $59.40.

Looking back on the strike, the Cardinal remarked that it had confronted him with "one of the most difficult, grievous, heartbreaking issues that has ever come within my time as Archbishop of New York, and it will be my daily prayer that if ever again the workingmen of this Archdiocese must make their choice between following their faith or faithless leadership, they will of their own free and immediate choice, choose—God!"

In mid-1949 the Cardinal fell out with Mrs. Roosevelt over whether parochial schools were entitled to Federal aid. Mrs. Roosevelt regarded such help as a threat to the constitutional separation of church and state. The Cardinal wanted funds and nonreligious textbooks, bus transportation and health aids.

The controversy began with a single reference to the Cardinal in one of Mrs. Roosevelt's "My Day" columns. It said:

"The controversy brought about by the request of Francis Cardinal Spellman that Catholic schools should share in Federal aid funds forces upon the citizens of the country the kind of decision that is going to be very difficult to make."

The Cardinal's response was a long, emotion-charged letter in which he accused Mrs. Roosevelt of waging a "personal attack" and of mounting an "anti-Catholic campaign." The letter concluded by calling Mrs. Roosevelt "unworthy" as "an American mother."

The letter shocked many Americans and public criticism was immediate. Acting through Edward J. Flynn, a Catholic layman and a Democratic leader, the Cardinal thereupon got in touch with Mrs. Roosevelt and the rough edges of the episode were eventually smoothed over.

In later years the Cardinal shunned discussion of the incident. "I don't like to have any hard feelings," he said in explanation. "I want to be charitable with everybody."

Cardinal Spellman was chary of openly expressing his political preferences. This neutralism, however, did not extend to Senator McCarthy and his investigations of alleged subversive activities. The Cardinal came to Mr. McCarthy's defense in 1953 by asserting:

"No American uncontaminated by Communism has lost his good name because of Congressional hearings on un-American activities."

The following April the Cardinal appeared at the annual Communion Breakfast of the Police Department's Holy Name Society and, to the cheers of some 5,000 policemen, shook hands with Mr. McCarthy.

Cardinal Spellman never retreated from his defense of the Senator even after Mr. McCarthy was censured by the Senate. Indeed, the Cardinal maintained a friendship with one of the Senator's coworkers and most contentious investigators, Roy M. Cohn. The Cardinal was a guest from time to time on Mr. Cohn's yacht and appeared often at dinners arranged by the lawyer.

On the subject of Communism the Cardinal was outspoken, and he saw its perils and threats in many areas of American and international life. According to Father Gannon, his biographer, the Cardinal's all-inclusive hatred of Communism led him to deplore "the indifference of the United Nations to Divine Guidance, their exclusion of Ireland and Spain and every civilized country that might prove embarrassing to the Kremlin, and above all, their cynical attitude toward the liquidation of Poland, Estonia, Latvia, Lithuania and the Atlantic Charter."

But the United Nations finally proved better than nothing, Father Gannon wrote, "and when New York City formally turned over several tracts of land on the East River to the United Nations, His Eminence pronounced the invocation."

The Cardinal was often a target of Moscow invective—he was once called "the archangel of atomic war"—because he likened Communism to, among other things, "a wild beast of the forest." When Nikita S. Khrushchev, then Soviet Premier, toured the United States in the summer of 1959, the Cardinal summoned the entire archdiocese to Holy Hour services in every church on the eve of the Premier's arrival.

In the late nineteen-forties the Cardinal took a hand in the United Nations discussion over Palestine partition and was helpful in rounding up support from the Catholic countries of South America for the admission of Israel to the United Nations. One aspect of the plan called for international control of the holy places in Jerusalem. When this fell through, the Cardinal was critical of Israeli officials.

CARDINAL'S GUESTS

On a personal level, however, the Cardinal was friendly with scores of Jewish leaders. The late President Chaim Weizmann of Israel was a dinner guest of the Cardinal, as was Abba Eban, the Israeli diplomat. Locally, Charles S. Silver, a former Board of Education official and an officer of the American Woolen Company, was a close friend and frequent table companion.

Cardinal Spellman was on his way home from a pilgrimage to Lourdes when Pope Pius XII died in 1958. He flew to Rome, took part in the funeral rites for his old friend and attended the conclave that elected Angelo Cardinal Roncalli as Pope John XXIII. The two were on friendly terms.

Similarly, he was on friendly terms with Pope Paul VI, whom he had met when both were in the Vatican Secretariat of State. The Pontiff honored him when he celebrated his 75th birthday and 25th anniversary as Archbishop of New York at a dinner here in May, 1964. On that occasion the Pope, through a representative, gave the Cardinal a jeweled clasp that had been worn by Pope Pius XII. It was inscribed in Latin in words meaning "to our beloved son."

Later that year the Pontiff, through the Cardinal, gave his jewel-studded crown to this country "to express gratitude for the goodness of all people of America." After being exhibited at St. Patrick's Cathedral the triple tiara was placed on permanent display at the National Shrine of the Immaculate Conception in Washington.

A climactic honor came to the Cardinal Oct. 4, 1965, when he was host to Pope Paul on the Pontiff's visit to New York to address the United Nations in an appeal for world peace. From the moment of the Pope's arrival at Kennedy Airport until his departure late that night, the Cardinal was at his side. The honor paid the Cardinal was enhanced by the fact that it was the first visit of any Pope to the United States.

Nonetheless, the Cardinal's influence in the Vatican and his power in the United States had diminished considerably by 1965. Having so often "jumped channels" when Pius XII was Pope, the Cardinal had annoyed many in the Curia, and the political pendulum now swung against him. At the same time, the Vatican paid less heed to the Cardinal's advice on American affairs.

In May, 1966, the Cardinal marked his 50th anniversary as a priest. There was an elaborate ceremony at St. Patrick's Cathedral attended by four other cardinals and the Apostolic Delegate to the United States.

In the glow of the celebration the Cardinal seemed to have mellowed and to have withdrawn from the arena of public dispute. This estimate was accentuated by his offer, in September, to resign as Archbishop of New York and as Military Vicar because he was over 75. A month later he announced the offer (and its rejection by the Pope) in one of his rare appearances in the pulpit at St. Patrick's.

"I accept this decision of His Holiness as God's will for me," he said.

But any thought that the Cardinal might have eschewed controversy was dispelled, when he traveled to South Vietnam at Christmastime. Addressing American troops, he asserted, "This war in Vietnam is, I believe, a war for civilization." He went on to say that "less than victory is inconceivable."

These words, uttered as the Pope was earnestly striving for a Vietnam peace, evoked denunciation of the Cardinal from without and within the church. He was even chided by the Vatican newspaper, which remarked that all Catholics had a duty to give loyalty to the Pope's peace efforts. The Cardinal later sought to modify his stand by insisting that he wanted peace in Southeast Asia.

This fall the Cardinal was again in controversy when, in a rare political statement, he endorsed the proposed New York State constitution as "a document worthy of support by the people." The proposal, which was defeated, repealed a specific restriction on public aid to parochial schools.

Out of the spotlight, the Cardinal spoke longingly of his joy in pastoral work. "That has always been my ideal," he said recently, "to be close to the people. That is what the church has always done and always should do."

BABCOCK & WILCOX CO.—100 YEARS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ayres] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AYRES. Mr. Speaker, the State of Ohio and Summit County in particular have been most fortunate in having industrial firms who have not only added greatly to the wealth of the people but who have a genuine concern not only for their own employees but for all of the people of the community in which their plants are located.

The Babcock & Wilcox Co. is this year celebrating its 100th year and ranks among the industrial giants of the world. We congratulate them.

We, in Summit County, Ohio, take a deep pride in the tremendous growth of the boiler division of that company. While this great division does not date back to the origination of the Babcock & Wilcox Co., its antecedents do go back to 1880.

Today some 6,000 persons are employed by this company at its boiler division headquarters in the fine city of Barberton, Ohio. Another 4,000 are employed by B. & W.'s other departments in neighboring counties. Its Ohio payroll is in excess of $81 million annually.

Under its great industrialist, vice president, J. P. Craven, the boiler division of the Babcock & Wilcox Co. has shown great dedication to the total welfare of the community.

Just recently the Barberton Area Chamber of Commerce gave their annual certificate of merit to this division of the Babcock & Wilcox Co. In doing so, the Barberton Area Chamber of Commerce president, William Haury, stated:

> We give this award to the Babcock & Wilcox Co. in recognition of its contribution to the industrial life of the Nation; for the dynamic leadership of its management that has contributed to the constant growth and expansion of the firm's Boiler Division; thereby providing increasing benefits to the economy and well-being of the Barberton Area community; and for the continuing participation and support in community activities.

J. Paul Craven, who accepted the award on behalf of his company, has the respect and the affection of the citizens of Ohio. He has been a member of the Babcock & Wilcox Co. for over 39 years and is considered one of the world's great authorities in his field. The Babcock & Wilcox Co. boiler division's entire staff of executives and employees have gained an international reputation for the excellence of their work.

I cannot close this tribute without paying homage to the parent organization. The Babcock & Wilcox Co. has over 30,000 employees in its 35 facilities here and abroad. Its sales for 1966 were over $561 million. Its history is one of ever-increasing growth. One can well understand this when one considers that it spends over $15 million annually in research and development.

When the industrial history of man's conquest of his environment is finally written the name of Babcock and Wilcox will occupy some of its most important chapters.

We do feel that under its chairman of the board and president, Morris Nielsen, the Babcock & Wilcox Co. will achieve even greater goals in the next hundred years of its existence.

We thank them for the faith that they have shown in the State of Ohio.

MINNIE HARRELL

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. Broyhill] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, on Monday, December 4, I made a speech which appears in the Congressional Record, volume 113, part 25, page 34771, concerning the fact that neighborhood legal service attorneys, paid by OEO antipoverty funds in three States and the District of Columbia, have gone into Federal district courts seeking to strike down both State and Federal residency requirements as unconstitutional.

The original draft of my speech contained a reference to one Minnie Harrell, whom I had been told was in the district only 5 days when the suit was filed in her behalf against the District of Columbia Commissioners. Prior to making the speech I learned that she had been here 9 months, and that the case was filed on June 20, 1967, the same day a Federal court ruled in the case of Thompson against Shapiro that Connecticut's residency requirements were unconstitutional. I therefore deleted the following paragraph from my speech:

> The case of Minnie Harrell v. the Board of Commissioners of the District of Columbia was filed 5 days after Minnie Harrell entered the District. Anyone acquainted with the law and the effort and research connected with filing of a suit, knows that she must be a plant, the UPO attorneys co-conspirators and the victims none other than the American people who will foot the bill.

Unfortunately, a few copies of the original draft reached the press although my office attempted to retrieve all copies containing the error. I therefore would like to take this opportunity to correct this unintentional error and to express my regrets if any embarrassment has been caused thereby.

LET US SET THE RECORD STRAIGHT

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Morton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MORTON. Mr. Speaker, on October 23, 1967, in a discussion of House Resolution 948, and on October 24, 1967, in reference to the same matter, my colleague from the Second District of Maryland charged the Honorable Spiro T. Agnew, Governor of the State of Maryland, with a conflict of interest and impropriety in the alleged ownership of land next to the proposed parallel Chesapeake Bay Bridge.

Specifically, the gentleman charged that Governor Agnew—

First, owns land on the approach to and very near the proposed parallel span;

Second, that his ownership of the land was discovered last year;

Third, that, when the ownership was discovered, the Governor promised to sell the land and give the proceeds to charity; and

Fourth, that the land had not been sold but "repeated public prodding has only just now succeeded in getting a definite action to sell this property."

The charges appear in the CONGRESSIONAL RECORD, volume 113, part 22, pages 29605 and 29610. The charges are a distortion of the facts and unfairly impugn the integrity of Governor and Mrs. Agnew. The record should reflect the following facts:

First. A one-ninth interest in the land in question was purchased by the Agnews on June 31, 1965, some 15 months before Mr. Agnew was elected Governor.

Second. On July 6, 1966, before the gubernatorial primary election in Maryland, Mr. Agnew voluntarily disclosed his ownership interest in the land in question. He subsequently volunteered to divest himself of his ownership therein so there could be no conflict of interest in the event he should be elected. On September 16, 1966, prior to the Maryland gubernatorial election, the Agnews entered into an irrevocable trust agreement with the Maryland National Bank under the terms of which the bank was directed to sell the Agnews' one-ninth interest in the property at a private sale within 1 year of that date and, if no suitable sale could be consummated within that time, the trust agreement directed that the Agnews' one-ninth interest be sold at public auction. Any profit from the sale was to be paid over to charity. No suitable purchaser having been found for the property, the trustees, on October 13, 1967, advertised the Agnews' one-ninth interest for sale at public auction.

My colleague was aware on October 23, 1967, when he made his charges, that the Agnews' interest in the property had been advertised for sale and would be sold on October 31, 1967, at public auction. The Agnews' interest was sold on October 31, 1967, at public auction for $13,200. The only bid at the auction was by a representative of the other owners of the property to whom the property was sold. The sale will result in a small loss to the Agnews.

In fairness to Governor and Mrs. Agnew, it should be emphasized—

First, that their purchase of the land was some 15 months prior to Mr. Agnew's election as Governor;

Second, an irrevocable trust disposing of the Agnews' interest in the property and divesting the Agnews of any further ownership in the property was executed and recorded 2 months before his election as Governor;

Third, the Agnews' interest in the land was sold at public auction under the terms of the trust agreement and at a loss to them; and

Fourth, the Agnews' interest in the property was not "discovered." Governor Agnew voluntarily disclosed his interest in the property well in advance of the Maryland gubernatorial primary election.

VIETNAM LETTER

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MORTON. Mr. Speaker, all of us receive voluminous mail about Vietnam. The mail comes from constituents at home and from our servicemen on the firing line. The letters plead, cajole, bully, and give a great deal of advice. But on a rare occasion, the one letter comes in which is such a simple and clear statement of feeling and fact that it makes us sit back and honestly reappraise our sometimes cluttered and confused thinking.

Mr. Speaker, I have received just such a letter from Michael W. Massey, a Navy Seabee stationed in Da Nang, which I would like to share with my colleagues. His letter follows:

DANANG, REPUBLIC OF VIETNAM.

Hon. CONGRESSMAN MORTON,
First Congressional District Representative of the State of Maryland.

SIR: I have been meaning to write this letter for weeks. My name is Michael W. Massey, and my home address is 716 Edgar Drive, Salisbury, Maryland. I have been a Maryland resident for the past twenty-one years. At the present time I am an enlisted Navy serviceman stationed at DaNang, Republic of Vietnam with U.S. Naval Mobile Construction Battalion 1. I have been in Vietnam a little over six months.

I am writing to encourage you to support the continuation of the bombing of North Vietnam. I am sure that you realize that the bombing of North Vietnam is buying an item so valuable that not even all our tax money can buy. That item is human lives. With each bomb dropped in the north we help to earn a few more men the right to live so that they might be able to come home. As long as the supply lines from the north are paralyzed the Seabees here in DaNang, Phu Bai, Chu Lai areas can have only limited contact with the V.C., thus making it a little easier to do the job we are expected to do. I realize world opinion is against us in a great many of the countries we have considered our allies; plus a lot of people, particularly college students, do not favor or endure the war. I myself don't pretend to tell you I think war is the solution to any of the world's ideological disputes. It seems to me that we the people who are striving to reach unlimited goals in space and human development should concentrate more on getting along here on earth. But as one human to another, small cries of peace and understanding in a darkened, hateful world can not stand up against the misguided teachings of a few world communist leaders. I hope you will seek every means of helping to end this war, and encourage your fellow Congressmen to also do so. You must evaluate the facts and vote for the right measures.

We here in Vietnam listen and read of the differences of opinions circulating in Congress at the present time. The lives of thousands of servicemen are in your hands. We here in Vietnam don't want to be used as a political ball to be thrown back and forth from one political party accusation to another. We were sent here to do a job which Congress gave the President permission to do. I say, let's get it done and done right.

I know you are doing your best and I know you will continue the good job you have done. In closing let me say I don't know the answer over here. I have learned one lesson over here. That lesson is peace and democracy are worth any battle no matter if it is fought in Congress, the debating tables in the United Nations or in the rice paddies of Vietnam.

Respectfully,

MICHAEL W. MASSEY,
U.S. Navy USN MCB 1, "H" CO.
FPO, New York, N.Y.

CONGRESSMAN BURKE CITES ADDITIONAL SOVIET BUILDUP IN MIDDLE EAST

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. BURKE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BURKE of Florida. Mr. Speaker, on November 20 I called to the attention of my colleagues reports of a tremendous military buildup taking place in the Middle East and the Mediterranean area, in which the Soviet Union is instrumental. Today I want to relate to you another step which the Soviet Union is taking to command military control of the vital Mideastern and Mediterranean Sea routes, and destroy the southern flank of NATO defenses.

The new step is the basing in Egypt of a squadron of Tupolev 16 jet bombers by the Soviet Union this past weekend. This squadron of Russia's best bombers have been placed there, complete with Russian pilots and crews. It is especially significant because it marks the first time that the Soviet Union has equipped foreign nations outside the Soviet bloc with their best bomber plane. Furthermore, it is also the first time that Russian pilots and crewmen have been supplied to such nations.

I cannot overemphasize the importance of acting now to review this situation and reassess our position and policies with Russia in the light of these recent events. The Tupolev 16 planes have long been considered the pride of the Soviet bombing fleet, and are capable of carrying missiles and nuclear weapons for a great distance, even as far as the eastern shores of the United States.

In my opinion, these latest developments by the Soviet Union mean only one thing: The Russians are moving into the Middle East, far more swiftly than our administration realizes, to capture control of the vital sea routes, to bottle up our 6th Fleet, and to further undercut our Western defenses, principally NATO.

How long must we wait before we get some assurances from the Johnson administration that steps will be taken to curb this Soviet takeover of the Middle East and Mediterranean?

In my November 20 statement, I reported to you some information which I received through reliable sources to the effect that the Soviet Union is already moving missiles to develop a rocket complex at the Port of Oran in Algeria. This complex of rockets will be aimed directly at the Straits of Gibraltar. I also reported that the Russians have totally rearmed the Arab nations with weapons more modern than those destroyed in the June war. In addition, this time they are supplying six to eight Russian generals to oversee the operation. Furthermore I understand that the Russians have based over 25,000 Soviet military personnel and technicians in Syria, Egypt, and Algeria to train Arab troops in the manipulation of the modern war equipment they have supplied. These Russians will also be used as backup reserves for the Arab forces.

I feel compelled to say again, Mr. Speaker, that the danger of world war III appears to lurk more in the passionate deserts of the Middle East and Mediterranean today than in the Southeast Asia war.

The Russians are playing for high stakes throughout the Mediterranean. They are definitely aiming at the weak foundation of NATO, hoping to undermine the entire defense structure of the Western Community.

I think the present administration is underreacting in the Middle East and Mediterranean because of a misguided belief that the Russians are less hostile and less dangerous than the North Vietnamese and the Red Chinese. But do not believe for a minute that the Soviet Union has in any way changed its long recognized desire for world conquest.

Mr. Speaker, I feel very strongly that we must reassess our position and our policies with respect to the Soviet Union. Russian objectives in the Middle East are far from peaceful. Again, I urge my colleagues to join me in urging the Johnson administration to take immediate steps to counteract this situation before it is too late.

INDIAN CLAIMS COMMISSION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Smith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of Oklahoma. Mr. Speaker, the Indian Claims Commission is an agency of vital importance to many of my constituents. The saga of negligence and unfair treatment of the American Indian by the Federal Government is a sorry chapter in the history of our Nation.

The Indian Claims Commission was created to correct some of the wrongs done to the original Americans, the Indians. This Commission was created to redress grievances and function to restore honorable relations between Washington and the Indian. The Commission should be regarded as sacred to our national honor as is the U.S. Supreme Court. Its members should be chosen with the same care on a basis of individual merit.

I am deeply troubled, Mr. Speaker, to read in the Washington Evening Star and Washington Post that Richard W. Yarborough, son of Senator Ralph Yarborough, a Texas Democrat, was appointed to a $26,000 position on the Indian Claims Commission reportedly because the Senator rendered a political favor for a close personal friend of President Johnson.

Today I have received information to indicate that young Mr. Yarborough, whose legal experience appears mainly confined to work in his father's office, is certainly not the most qualified individual available for service on the Commission. Indeed, he appears to have no special background in the complicated laws that pertain to Indian claims or to the unique problems of the American Indian.

Mr. Speaker, I would like to know if the administration regards the Indian Claims Commission so lightly that appointments to that body are used to pay off political debts. I would like to know why Mr. Yarborough was chosen when more experienced and qualified men were obviously available. I would like to know if the administration is indicating a lack of concern for the claims of great importance to our Indian citizens now pending before the Commission.

The answers to these questions must be forthcoming if we are to restore public confidence in the Commission and reassure our Indian citizens that their claims are regarded in Washington as a very serious matter.

MENTAL RETARDATION FACILITIES AND COMMUNITY HEALTH CENTERS CONSTRUCTION ACT OF 1963

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. Brotzman] may extend hs remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, yesterday I watched with considerable personal pride as the President signed into law a bill to amend and improve the mental retardation features of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963.

It had been my privilege during the 88th Congress to serve not only on the Interstate and Foreign Commerce Committee, which brought the act to the floor, but also the Public Health and Welfare Subcommittee, which drafted the act.

But my pleasure at playing a part in this milestone occasion was inhibited somewhat by knowledge that a few days ago Colorado suffered a great loss in the human resources side of its ongoing program to assist the victims of mental retardation and mental illness.

A young leader in this field in my district has died. His name was Merlin Zier. Among the newspaper articles which marked his passing was a particularly moving eulogy by Leonard Larsen, a staff writer for the Denver Post. Mr. Larsen makes the statement in the article that Merlin Zier, despite having made a tremendous contribution to institutionalized children in Colorado, left this world relatively unknown by his fellow men.

I doubt that the fact of nonfame would have bothered Merlin Zier. He did not, by nature, seek the limelight.

But Mr. Zier deserves to be remembered in the hearts of all men—and not just the fortunate few whose lives have been directly touched by his selfless service to humanity.

Leonard Larsen's eulogy has served to memorialize Merlin Zier in the hearts of thousands of Coloradans. It now seems fitting to expand the readership of this fine article, Mr. Speaker, and this can be accomplished by reprinting it in the Record. The text of Mr. Larsen's article follows:

A MAN WHO CARED ABOUT LITTLE THINGS

(By Leonard Larsen)

Merlin Zier was one of those men who is in public life but not in a public spotlight, not like a governor or a congressman or even a penitentiary warden.

He died of leukemia last Sunday and he was not a famous man. Chances are the only people who knew he was a state official were those in his own circle of friends, other state officials and employes and the parents of children whose lives have been brushed by the tragedy of mental retardation.

Zier had served since 1962 as superintendent of the State Home and Training School at Wheat Ridge, a quiet, compassionate man who represented a new breed of administrators in state institutions.

Zier and the others like him don't look on their jobs as keepers or wardens of places which operate mainly to keep the inmates in. That was to be done, but for men like Zier the real objective is to help open doors.

A place like the Ridge home can be shocking and depressing. Children, some of them helpless, misshapen, without a flicker of response, are cared for there, along with others who may appear bright and animated but are still severely retarded.

Only a few years ago in Colorado all of them were filed away as hopeless.

But administators like Zier have come on the scene—with, it must be acknowledged, the backing of legislators and governors—to work at human salvage as well as human custody.

For the mentally ill, new approaches have produced impressive results. It is harder in the area of mental retardation. If a smile of recognition begins to form behind a child's fixed mask, if a word or a sentence is blurted out, if a finger is pointed in recognition at a tree, that's progress.

About a year ago, Zier was meeting with the legislature's Joint Budget Committee to outline his proposed budget for the forthcoming year and I, for one, got a better look at this little-known state official—his humility, his concern for the children he cared for and his view of progress.

He would like some extra money for special activities at Ridge, Zier told the legislators, money to pay for parties and other projects for the children in his care. It wasn't much money, really lost in a total request of about $4.7 million to operate Ridge, but it was important, he said.

He explained how some of these activities had been carried out on a limited basis and gave an example which showed not only the plight of the children, but Zier's compassion for them.

There had been a night-time party arranged at the home and the children were taken from their cottages to walk across the grounds to the party location, he said.

On the way—in that dark night—some of

the children cried out. His first thought, Zier said, was that the children were frightened. But they weren't afraid, Zier told the legislators. The children were crying out in wonder and delight at the stars above them.

These children had become so institutionalized—their lives arranged in a schedule of meals and play and training and sleep—that they didn't know there were stars in the sky when the world got dark, Zier said.

He confessed he had lost sight—until that moment on the darkened Ridge campus—of how deep were the needs of the children in his care and how important it was to reach them in very small ways.

Merlin Zier will be missed in Colorado state government. I hope he can be replaced by another star-gazer.

NATIONAL JEWISH HOSPITAL SAVE YOUR BREATH MONTH

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. BROTZMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, our Nation has a growing problem of chronic respiratory diseases. Despite tremendous strides forward in both research and the care of respiratory disease victims, some 160,000 Americans die annually of such afflictions as tuberculosis, asthma, and emphysema.

It is estimated that 10 million of our fellow-citizens suffer from a respiratory disease.

One of the Nation's foremost research and care organizations in this field is located in Colorado. National Jewish Hospital, a nonsectarian institution founded in 1890, has played a vital role in the continuing fight to understand and cure respiratory diseases.

This institution has provided more than 5 million patient-days of free care to victims of chest disease in its 67 years of operations.

In recognition of the need for our Nation to support the ongoing research and care programs of National Jewish Hospital and other outstanding organizations in the Nation which are involved in the ongoing fight against respiratory diseases, yesterday I introduced a joint resolution which would authorize and request the President to issue a proclamation designating March 1968 as "National Jewish Hospital Save Your Breath Month," and emphasizing the major public health problem presented by chronic respiratory disease.

H.J. RES. ——

Joint resolution to proclaim National Jewish Hospital Save Your Breath Month

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in response to the growing national concern occasioned by the increase of chronic respiratory disease and in recognition of the accomplishments of medical science in the detection and control of such disease, the President of the United States is hereby authorized and requested to issue a proclamation (1) designating March 1968 as National Jewish Hospital Save Your Breath Month, and (2) emphasizing the major public health problem presented by chronic respiratory disease, and calling upon the people of the United States to observe appropriate medical safeguards for their own respiratory health and that of their families.

U.S. SUPREME COURT UNREALISTIC

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. DEVINE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DEVINE. Mr. Speaker, the one-man one-vote concept and the rights of State legislatures to redistrict received a lethal blow this week when the U.S. Supreme Court, with three words, wiped out months of hard work by both the Legislature of the State of Ohio as well as the U.S. district court in Cleveland.

A 20-page opinion upholding Ohio's 1964 redistricting was summarily eliminated with only the words "reversed and remanded."

Perhaps the Supreme Court majority could not find a reason supported by logic; however, Justices Harlan and Stewart expressed deep concern in the dissenting opinion.

The Court, apparently, and nobody really knows because of the absence of opinion, felt only the 1960 census could be used in drawing new districts. This, of course, is wholly unrealistic and does grave injustice to the one-man one-vote concept they profess to support.

An editorial in the December 5 Washington Post tells the story graphically:

PROCRUSTEAN TENOR?

The Supreme Court's decision in the Ohio redistricting case highlights the hazards in the struggle for equal representation. The statute creating new congressional districts for Ohio in 1964 was admittedly defective, according to the criteria laid down by the Supreme Court, because one district had 13 per cent more population than the average and another had 18 per cent less, on the basis of the 1960 census. But state officials had defended the legislature's decision by saying that it had taken into account population shifts after 1960. The unofficial statistics thus relied upon were admitted to be unsatisfactory, but the lower court concluded that the disparities would not be greater than those which would result from a 1967 districting based wholly on the 1960 census. It was this conclusion that the Supreme Court overturned.

Justices Harlan and Stewart, dissenting, accused their brethren of closing their eyes to substantial population shifts and of thus giving the Court's decision in the *Wesberry* case "a Procrustean tenor." Unofficial population statistics are, of course, an unreliable guide in determining the legislative representation of any area. But so are obsolete population figures. In some parts of the country population movements in the last seven years have been widespread. Since there is no acceptable way of measuring these shifts until the 1970 census, all redistricting efforts in the next two years will leave much to be desired.

It is well to remember too that the courts will not now have the expedient of at-large elections to fall back upon. Congress has outlawed such elections, with a highly dubious one-year exception for Hawaii and New Mexico. Courts can no longer hold the threat of an at-large election of Congressmen over the heads of legislators if they fail to enact a constitutional districting plan. When no equitable districting plan has been enacted, the courts themselves will have to undertake the task—unless some other suitable mechanism created by the state is at hand.

However the job is done, it would be logical to recognize known population shifts, even though they cannot be measured with precision, so as to minimize the changes that will be necessary after 1970. Insofar as it discourages this policy, the one-sentence decision in the Ohio case is unfortunate. It is open to the interpretation that the Court is more concerned with form than with substance.

CONGRESSMAN HORTON INTRODUCES BILL TO LIBERALIZE PENSION BENEFITS FOR SURVIVORS OF CERTAIN RETIRED CIVIL SERVICE EMPLOYEES

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HORTON. Mr. Speaker, I am today introducing a bill which will provide more liberal pension benefits to certain survivors of former Government employees who must presently give up their pension benefits if they remarry.

The 1966 amendments to the Civil Service Retirement Act provide that surviving spouses of civil service employees who retire after the effective date of the legislation, July 18, 1966, are entitled to continue receiving pension benefits if they remarry, provided that they remarry after the age of 60.

Thus, under present law, of two surviving spouses who are in identical circumstances except that one of their spouses retired before July 1966 and the other after that time, one will be eligible to continue receiving pension benefits and the other will not if they elect to remarry.

My bill eliminates this inequity by providing that all surviving spouses of retired Government employees are eligible to continue receiving pension benefits even though they remarry. As under present law, the survivor would have to remarry after the age of 60 to be eligible for these continued benefits.

I urge my colleagues to join me in supporting this measure which would make the civil service pension schedule more equitable and benefit surviving spouses of many former loyal public servants.

OUR COLLEAGUE FLORENCE DWYER RECEIVES THE ELEANOR ROOSEVELT HUMANITIES AWARD

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, Members of the House will be as pleased and delighted, as I was, to learn that our good friend and colleague from New Jersey, Representative FLORENCE P. DWYER, has just received the Eleanor Roosevelt Humanities Award at a dinner held December 3, 1967, at Temple Sholom, in Newark, N.J. This distinguished award was established to perpetuate the spirit and ideals of a noble woman who graced the American scene as a humitarian fighter for freedom, defender of underdeveloped nations, stanch friend and supporter of the State of Israel. And those of us who know and have worked with "FLO" DWYER easily recognize that the Plainfield Area Committee, State of Israel Bonds, selected someone who emulates all of the great humanitarian virtues of the renowned former First Lady.

To the people of the 12th Congressional District of New Jersey, FLO DWYER is Union County's First Lady. Their respect for her ability, dedication, and hard work as a creative and forceful legislator has been clearly demonstrated, as they have returned her to the Congress five times since her initial election, and each time by an even greater majority. And with good cause. She has been a pioneer in the fields of education, consumer protection, civil rights, mass transportation, and urban problems. Her sponsorship and service on the Advisory Commission on Intergovernmental Relations is a monument to her personal conviction that government can be used in a positive and progressive way but only so long as State and local governments are strengthened to meet the needs of the people and cooperation among all levels of government is increased to eliminate needless waste and duplication and to improve program effectiveness. Her efforts in this regard were previously rewarded when she received the "Watchdog of the Treasury" award.

I have had the distinct pleasure of serving with FLO DWYER on the Banking and Currency Committee and the Special Subcommittee on Housing. Over the years I have grown to respect her no-nonsense approach to proposed legislation which must pass her two critical tests: "Is it necessary?" and "Will it work?" This same spirit and dedication has also earned her the respect of her colleagues on the Government Operations Committee on which she is the ranking minority member.

In the presentation of the award, it was noted that FLO DWYER has always responded to the needs of the Jewish community in her district. But, what also pleased the Jewish people of Plainfield is the fact that she has always responded with equal vigor to all groups in the community. And in times of stress, when a humanitarian cause is to be championed, Congresswoman DWYER can be counted on to be a leader. Her remarks to the Plainfield Area Committee following the receipt of the Eleanor Roosevelt Humanities Award attest to this fact.

Mr. Speaker, I think all of us have profited by having FLORENCE DWYER as a Member of Congress. I know others join me in extending our heartfelt congratulations. And I know, too, that all will enjoy reading her remarks to the Plainfield Area Committee which I now include in the CONGRESSIONAL RECORD at this point:

TEXT OF REMARKS OF REPRESENTATIVE FLORENCE P. DWYER FOLLOWING RECEIPT OF THE ELEANOR ROOSEVELT HUMANITIES AWARD "FOR OUTSTANDING SERVICE TO HUMANITY AND FRIENDSHIP FOR ISRAEL IN THE SPIRIT OF ELEANOR ROOSEVELT," PRESENTED BY THE PLAINFIELD AREA COMMITTEE, BONDS FOR ISRAEL, AT TEMPLE SHOLOM, PLAINFIELD, N.J., SUNDAY, DECEMBER 3, 1967

Mr. Chairman, General Horev, distinguished guests, and friends. This is a very proud moment for me, as I know you can understand. I can conceive of no other award—past or future—which means or could mean more to me than this one. I shall not bore you with protestations of humility; I shall only say how deeply grateful I am. I shall never forget this evening.

There are two things, especially, which make this award so meaningful to me: first, it is a part of one of the most noble and selfless causes I know—the effort to strengthen a tiny country and its people who have taught the world great lessons in courage and humanity: and, second, it symbolizes the spirit of a great and gallant woman—the first woman of the world during her lifetime—who exemplifies the very same qualities of humanity and courage, qualities which seem so often to be in such short supply.

Israel and Eleanor Roosevelt have always seemed to go together. The one and only occasion on which I was privileged to meet Mrs. Roosevelt personally was here in Plainfield at the very first Bonds for Israel dinner to which I was invited just eleven years ago following my election to the Congress. The occasion was a memorable one for me, and the memory of Mrs. Roosevelt and of the fundamental purpose of Bonds for Israel have continued to be inspiring as my interest in and concern for the welfare of that tiny bastian of democracy in the Near East has grown and deepened.

There is neither time nor excuse to speak at length this evening, but a few brief observations might be in order and might be of interest.

Eleven years ago, Israel faced a situation remarkably like the continuing crisis which confronts her today. Then, as now, Arab efforts to intimidate their small neighbor, Arab aggression against Israel's borders, Arab insistence that Israel must be eliminated as an independent state, and Arab confidence in the moral support and military weapons of the Soviet Union had been rebuffed decisively by Israel's armed services. And in the aftermath of Israeli victory, a long and tortuous search for settlement was under way.

Then, as now, Israel held firm. Then, as now, Israel demonstrated its readiness to respect the territoral integrity of its neighbors, but insisted on effective guarantees that its own rights and territory must be respected.

History has now come full cycle in little more than ten years. And because there is no hope or promise in forgetting the lessons of history, neither Israel nor Israel's friends can afford to forget that the failure of the 1957 guarantees was partially responsible for what happened last June.

In a very fundamental way, I believe, the Arab-Israeli wars of 1956 and 1957 have revealed the full measure of the challenge aimed at Israel. Both wars occurred as a direct result of Arab hostility and aggression. In turn, Arab hostility was motivated by an unyielding and passionate hatred of all things Israeli, a hatred based on tortured interpretations of history, deliberate distortions of Israeli intentions, and the peculiar concept that the very existence of the State of Israel constituted an act of aggression. And the aggression of the Arab states on both occasions was powered by Soviet incitement and supported by Soviet arms.

For me, there were many notable aspects of the June war which have permanent significance so far as Israel and the Jewish people are concerned. But two such aspects seem to stand out:

First, the immediate and total commitment of the entire Jewish people to the defense of Israel. From the overwhelming response of American Jews in Israel's time of need—probably the greatest single act of mass philanthropy in American history—to the Israeli people's own response to the Arab challenge—which saw more reserves volunteering than had been ordered to mobilize in a nation under total mobilization—the world-wide Jewish communty responded as one people to the attack on the life of the Jewish State. And you were not alone, for much of the non-Jewish world rallied to your side—in spirit, in admiration, and in active support.

Second, in the face of fanatic Arab hostility, of venomous propaganda, and of a long and deliberate campaign of hatred, in the face of threat and provocation, Israel's response in victory has been reasoned and restrained. In the occupied territory, she has substituted justice for injustice; she has met terrorist attacks with carefully limited retaliations; she has held out the promise of peace at a time when military victory might have seemed like an excuse for vengeance.

Nevertheless, the threat to Israel's security not only remains but is intensified. Less than six short months from all but total military defeat, the Arabs—with a cosmic disregard of history—have returned to the offensive. Backed by Soviet weapons in great number and higher quality than before, and stimulated by old hatreds and by the new frustrations of military failure, Egypt's Nasser and other Arab leaders are reviving the old slogans and frankly preparing for another round of aggression.

In a situation like this, I see little point or reason in calling on Israel alone to exercise restraint, to hold back, to avoid moves which might result in renewed warfare. For it is not Israel which desires war. To react to crisis in this way alone would be to place the burden of responsibility and restraint upon the victims of attack. This would seem a stranger way to secure peace.

Peace can best be secured by restraining those whose purpose is war. To the extent that there is any remaining possibility of achieving military balance in the Near East, therefore, further arms shipments to the Arabs should be effectively halted. This should be the aim of those who seek peace. Peace cannot be a product of one-sided Arab superiority. Peace cannot be purchased at the price of retreat from reason and principle. Peace cannot be secured by backing down in the face of threats and impossible demands. If, however, the balance of power could be restored and the Great Powers could be persuaded to withdraw from the area, if the Arab States could be persuaded to negotiate directly with Israel, then there might be a chance for a workable settlement, a lasting peace and, ultimately, the cooperative development of the great potential of the Eastern Mediterranean—the only objective that makes sense in human terms.

While there is still time, therefore, I would urge our own government to mobilize free-world pressure in the interest of preventing aggression.

I can think of no better or more appropriate way to close these brief remarks than by repeating a story with which a distinguished Jewish writer closed his own report of the birth of the State of Israel.

It is the story of how the Lord got thoroughly fed up with mankind and decided to arrange for a second flood. But this time it was to be a thorough job, with 30 fathoms of water everywhere, and there would be no Ark and no Dove.

The Lord dispatched the Archangel Gabriel to make this decision known to all concerned. When Gabriel had delivered his message to the leader of the Moslems, all Moslems turned toward Mecca and began praying for a comfortable corner in Paradise, with plenty of wine and women.

Gabriel next went on to the leader of the Christians and the Christians all over the earth fell to their knees and prayed to be forgiven their sins at the Last Judgment.

Finally, the Archangel broke the news to the leader of the Jewish community, who began to scratch his beard and gave a great sigh.

"Lord," he said, "what a difficult life it will be under 30 fathoms of water."

What more can be said of a great people's staunchness in the face of adversity, their refusal to retreat from impending disaster, their relentless struggle for survival, and their steadfast faith in ultimate victory?

This is what Eleanor Roosevelt always stood for. This is what Bonds for Israel really means. And this is why I thank you for the great honor you have given me.

FORD MOTOR CO. PRESIDENT ENDORSES THE NEGATIVE INCOME TAX

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Whalen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WHALEN. Mr. Speaker, there has been a steady growth in the level of discussion of the concept referred to as the negative income tax.

I am happy to note that one of the leading industrialists in the United States, Mr. Arjay Miller, president of the Ford Motor Co., has added his thoughts to this question.

He did so on Thursday, November 30, 1967, before a meeting of the National Industrial Conference Board in New York City.

In his excellent speech, Mr. Miller endorsed the negative income tax concept and advocated its thorough study and testing by the Federal Government. He expressed the concern that I am sure every Member of the Congress shares—"that of all the social problems demanding attention today, the most basic is the elimination of poverty in this country."

As a pragmatic manager of one of the major companies in this country, Mr. Miller concluded that the possibilities offered by the negative income tax represent a way to achieve "a 'total approach' that would reach all of the poor and not just certain segments."

The concept of the negative income tax has been greatly misunderstood, unfortunately, and I believe it took great courage for Mr. Miller to state his position. He did not have to do so and, thus, expose himself to the criticism that doubtless will ensue. The fact that he did represents a very deep concern for our poor people and the recognition that their economic betterment is in the best interests of this country.

As a proponent of the negative income tax, I welcome Mr. Miller's contribution to the continuing dialog on this issue. I commend him for his forthrightness in approaching the plight of the poor.

Mr. Speaker, I herewith insert in the Record the major portion of Mr. Miller's speech:

Human Values in the Computer Age

(Following is an excerpt from remarks by Arjay Miller, president, Ford Motor Company, at a meeting of the National Industrial Conference Board, Waldorf Astoria Hotel, New York, New York, Thursday, November 30, 1967.)

I am convinced that of all the social problems demanding attention today, the most basic is the elimination of poverty in this country. It is from poverty that many other social ills spring, and any successful effort to eliminate or greatly reduce this malignant growth could bring about dramatic improvement in the general health of our society.

The poverty problem is gigantic, by any measure, and it will not yield without enormous effort on our part. Although about 7½ million people are now covered by some form of welfare assistance, the government estimates that 30 million people do not have incomes sufficient to provide an adequate living standard. That's nearly one-sixth of our total population.

From all reports, the present welfare and manpower programs are making unsatisfactory progress—they are failing to reach many of those who need help most, and they have not sufficiently improved the welfare of others. Some of the poor now receive help from two or more programs, while others in desperate need receive nothing at all. It is increasingly evident that many of our welfare programs are inefficient and wasteful, offering no hope of breaking the poverty cycle.

I believe strongly that it is now time for us to take a "total approach" that would reach all of the poor and not just certain segments. What I have in mind would include both direct income assistance to those in need and measures to increase employment of the disadvantaged.

A satisfactory plan of income assistance should have these three essential provisions:

First, it would preserve incentives to those able to work to get jobs and to increase their earnings as rapidly as possible;

Second, I would be efficient in the sense of getting money only to those in need, without favoring some and ignoring others, and

Third, it would be relatively simple to administer.

In my opinion, the proposal that meets these requirements best is one called the "negative income tax." Under this plan, a family with zero income would receive a basic allowance related to the size and composition of the family unit. When a member of a family began to earn income, the basic allowance would automatically be reduced by an offsetting tax, but not by a corresponding amount.

Thus a family with a member at work would always be better off than a family without anyone at work, in contrast to present situations where every dollar increase in earned income is entirely offset by withdrawal of a dollar in welfare payments. Because the family's total income would always go up, there would always be an incentive to work and to increase earnings. As the family moved up the income scale, of course, it would switch from receiving negative income tax payments to *paying* income taxes in the normal manner.

The negative income tax is worthy of thorough study and testing by the Federal government to ascertain, for example, what combinations of basic allowances and offsetting taxes on earned income might be most workable and most acceptable to society at large.

Since this system would embrace all persons in need of help, it could replace a number of existing public assistance programs. Thus the net cost would be less than the gross cost of the assistance payments under this program. States and localities, however, would be free to continue portions of existing programs in order to compensate for unusually high living costs in certain areas or to meet other special needs.

Let me repeat that adoption of a negative income tax plan should be only one part of a total program to reduce dependency. The basic long-run approach to helping disadvantaged people who are able to work must, of course, be to improve their capability for work and to increase job opportunities. This requires, first, education and training to overcome lack of qualifications; second, incentives for trainees to improve their qualifications for employment and advancement and, third, reduction of other barriers to employment and advancement.

As we all know, lack of qualifications is not the only barrier to the disadvantaged who seek employment. Fortunately, the social and psychological barriers of prejudice and unfamiliarity are being overcome. But more rapid progress is needed. Employment tests, for example, should be re-examined to make sure they measure genuine employment potential and not merely cultural background. Tight limitations on entry into certain occupations should be eliminated.

If we are to plan effectively, we need to know a great deal more about the circumstances and disabilities of the poor and about the kinds of incentives and opportunities we must make available to them if they are to join the ranks of the self-sufficient. A systems analysis approach could give us a much better picture of these and other major factors, such as basic job requirements and the ability of these groups to respond to various methods of training. Until we see the problem in its totality and understand its many ramifications and its many sub-problems, we cannot expect more than piecemeal efforts and piecemeal results.

I have talked about the problem of poverty at some length because I believe strongly that if we can eliminate poverty from our society, we will have relieved many other problems growing from it. And we can approach with more skill and more confidence the other social ills that stand in the way of our aspirations for a better life.

For the first time in all recorded history, we have a sound and practical basis for optimism about man's future. This might seem paradoxical at a time when the world appears to be in terrible shape, what with war, riots, increasing crime and the rise of a host of new problems added to the old.

But the fact is that we increasingly recognize the need for a change in our attitudes and in our old ways of doing things. The riots in Watts, in Newark and in Detroit have shocked us into the realization that we cannot afford to dally on the road to social progress. We know that we must dare to experiment, to innovate socially and to take big steps.

We now have the power, if we can but learn to use it, to break the mold of social apathy, of resignation to age-old human ills, of continued tolerance of the wide cleavage between our aspirations and reality. We have skills and resources, human and mechanical, to achieve more than we can imagine. We must not fail to use them effectively.

We are only at the beginning of what could represent a quantum jump not only in man's relationship to his environment but in man's relationship to man. We have nothing to fear from technology. The real

> problem lies in our own uncertain grasp of the tremendous God-given powers within us.
>
> If we can summon the will and the intelligence to use boldly and humanely the promising new tools in our possession, ours will be remembered not as the Computer Age or the Space Age or the Cybernetics Age—but as the Age of Man.

ROADS VERSUS CONDORS ON THE SIERRA MADRE RIDGE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAYLOR. Mr. Speaker, yesterday I brought to my colleagues' attention two important statements on the San Rafael Wilderness issue: an editorial from the New York Times of December 1 and a position paper published by the Citizens Committee for the San Rafael Wilderness of Santa Barbara, Calif. Taken together, these statements summarize the feelings of wilderness conservationists on the San Rafael Wilderness bill—S. 889. Conservationists hope to see this bill, scheduled for conference consideration tomorrow, go to the President for signature this year. However, they have asked the Congress to make improvements in the draft bill provided the Congress by the Forest Service, and I shall urge my fellow conferees to agree to an amendment of this bill which provides for these improvements.

I would like to document in fuller detail today the role which private citizens have played in protecting the sensitive values of the San Rafael area from developments planned by the Forest Service. My purpose in doing is not to criticize the U.S. Forest Service, which is one of the most efficient and dedicated arms of the executive branch of this Government. My purpose is to demonstrate that, in this instance, the special, fragile values of the Sierra Madre Ridge area were not fully considered by Forest Service planners until expressions of concern from responsible local citizen conservation leaders caused them to reconsider these plans. The planners' standard package of national forest development projects—high-standard access roads, major campgrounds, ski resort developments, extensive artificial fuel breaks, and so forth—was to be pumped into the Sierra Madre Ridge country to the detriment of the endangered California condor and other biological and archeological values.

The Service has been slowed in this ill-conceived ridgetop development plan by conscientious local citizens, backed by national conservation groups, who foresaw the threat this standard development package would pose to the condors, the ancient Indian village sites with their pictographs and other artifacts, and the unique plant and animal associations of the ridgetop potreros.

Members will note that I said "slowed" the Forest Service, not "stopped" it from proceeding with developments outlined in its long-range "Multiple-Use Management Plan."

I said "slowed" because today I received word from conservationists in Santa Barbara that the Forest Service appears to be about to relocate and upgrade a stretch of Sierra Madre Ridge road which it has promised committees of Congress it would not open to the public. Such a closure was promised in order to protect the California condor and reduce the wildfire threat in this area.

Aerial photographs airmailed to me this past weekend—taken within the last week—clearly show the eroding cuts and fills of a new ridgetop road running from Miranda Pine Mountain to McPherson Peak on the very edge of the proposed San Rafael Wilderness. Observers on the ground report that the ridge road from the McPherson Peak lookout tower eastward toward Montgomery Potrero appears to be slated for the same kind of relocation and upgrading as is in evidence now west of McPherson Peak. Survey stakes for this road construction project are in place along the Sierra Madre ridge now.

Members whose districts include lands administered by the U.S. Forest Service know how difficult it becomes for this agency to keep closed to public vehicular use new, upgraded roads built in the national forests. Built or improved originally to expedite timber harvest or firefighting with bulldozers and pumper trucks, these two-lane gravel roads soon become recognized locally as ideal also for sportsman access by car, for Sunday afternoon scenic drives, and even for shortcuts for commercial traffic. The result can be the capitulation of the Forest Service to local pressure to open its "administrative truck trails" to the motoring public. When the Forest Service completes its Sierra Madre road construction, will we see this chain of events take place, which experts predict could have a disastrous effect on the California condor?

While designation by Congress of a 145,000-acre San Rafael Wilderness as proposed by conservationists will not, in and of itself, guarantee the survival of the condor or even rule out the completion of a high-standard Sierra Madre Ridge road if the Forest Service insists upon completing this project, it will protect from development the maximum possible acreage of natural condor habitat within the wilderness unit, with the area's boundaries being circumscribed on almost all sides by roads.

I am hopeful that the members of the House-Senate Conference which meets tomorrow on S. 889 will agree to the inclusion within the San Rafael Wilderness Area of all of the natural wildlands which now qualify for inclusion and, in addition, will insist, in their report on the bill, that the Forest Service refrain from converting the entire Sierra Madre Ridge road from "an adequate fire protection route" into a scenic drive suitable for use by private automobiles.

Conservationists in the region are looking to the Congress to insist that the rights of a minority—the last 50 California condors—are thus protected, and they wish that something could be done to stop planned Forest Service construction on a neighboring ridge, as well, between Mt. Pinos and Mt. Able, where the demand for roads, parking lots, and commercial developments associated with a ski resort have taken precedence over the protection of the natural ecological values of the site including, again, the condor flyway.

Here is the recent testimony of the Chief of the Forest Service—on April 11, 1967, before the Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs—on the subject of the development and use of the Sierra Madre Ridge road:

> Now, the road will be further improved but we have it closed to public use for the protection of the condor. If the study shows that the road needs to be closed for the protection of the condor it will remain closed. We are just as much interested in the protection of the condor as anyone else.

And here is the record of the efforts of citizen conservationists, over the past few years, which to date have kept the ridge free of public vehicular traffic and which have led to the generation of widespread support for the designation of a San Rafael Wilderness Area of the largest possible size:

Our story begins with quotations from the Forest Service's 15-year plan for the area, the "Multiple Use Management Plan for the Cuyama District, Los Padres National Forest." This plan was approved by the forest supervisor on April 27, 1962. It describes the agency's plans for the San Rafael Primitive Area and the Sierra Madre Ridge in this way:

> The eastern half of the District (including the Sierra Madre Ridge) does not have the magnitude of fire potential that exists elsewhere on the Forest, and lack of public access routes in the western portion has contributed to a low fire occurence. This has resulted in a reduction of protection facilities during the past 10 years. The 1960 fire replanning study indicates the need for . . . some new facilities to meet the Forest protection responsibilities under the *expanded multiple use program.*
>
> Protection of the (Saulsbury) unit (an area extending from the Sierra Madre Road down the north slope facing Cuyama Valley) from fire is paramount in maintaining management objectives. Recent fire occurrence is light but history indicates a number of major fires, the result of an upward spread from the lower zone. *Maintaining the unit* on essentially a trail system *with a minimum of roads* to meet public needs *will moderate risk* to some extent. A skeleton preattack system has been completed, but additional fire lanes and helispots are necessary to make the system adequate to meet future needs. In addition, *a fuel break program at the base and crest* (in effect to the *north* of the Sierra Madre Road) *will materially aid in confining any starts.*
>
> Direct overnight use of the Saulsbury unit by concentrating campground development to the more aesthetic sites on the crest of the Sierra Madre. . .
>
> *Public access to the Sierra Madre Road* along the north boundary of the unit will significantly increase recreational use. . . . Managing the interior portion of the unit for public use on a trail system basis will minimize fire risk. . .
>
> Subsequent to the fire closure, fire history (on the Sierra Madre Ridge) has been light.
>
> *With planned vehicular public access on the Sierra Madre* a significant increase in recreational use can be anticipated in the Sisquoc (Canyon Bottom) Unit.
>
> *The opening of the Sierra Madre road to*

public travel should significantly increase the use of the (San Rafael Primitive Area) which currently fluctuates between 500 and 1800 man days. The 1960 NFRS (National Forest Recreation Survey) . . . indicates *a potential winter sports area on Big Pine Mountain*. . . . The Big Pine Road (9N11) crosses Big Pine Mountain within the wild area and a boundary adjustment is currently under study.

The (San Rafael) unit has a large fire potential. . . . Initial attack is dependent on the "*Forest Air Arm*" and the 1960 fire replanning proposes a helitack crew adjacent to the unit.

The Condor Sanctuary Zone is composed of the Fall Canyon Condor Sanctuary which is closed to entry under the Authority of Regulation T-91 to preserve the vanishing species. It is within the San Rafael Wild Area, and is bordered by the Sisquoc River Unit at the base and extends up the north slope of the San Rafael Mountains within the San Rafael Unit. Terrain is extremely steep, with a number of cliffs forming the walls of Fall Canyon. Vegetation is dense chaparral with some riparian vegetation along the Fall Canyon creek bed. A few Condors remain in the area and are periodically seen by travelers and lookouts. *It is essential that Condors are not disturbed in order to survive.*

I would like to bring to my colleagues' attention at this point the fact that several condors were seen resting in the conservationists' proposed additions within Area F as recently as October of this year. These observations pointed up the fact that the Sierra Madre Ridge remains today an important condor flyway.

These "multiple use plans" of the Forest Service were made public on February 24, 1963, when the Los Padres National Forest's new supervisor, William H. Hansen, released the story of the Services Sierra Madre Ridge roadbuilding plans to the Santa Barbara News-Press. Citizen reaction to this announcement was not long in coming, as this March 3, 1964, report in the New York Times indicates:

FATE OF CONDORS DEBATED ON COAST—ROAD WOULD OPEN UP HAVEN OF NEARLY EXTINCT VULTURE

SANTA BARBARA, CALIF., March 2.—One of the last known refuges of the nearly extinct California condor, one of the world's largest birds, was the focus of controversy at a Federal hearing here last week.

Conservationists and sportsmen expressed opposing views as the United States Forest Service detailed plans for development of the San Rafael Primitive Area, in the Los Padres National Forest, just north of here.

The forest service is proposing to improve a 50-mile fire road bordering the primitive area, developing it into a thoroughfare for passenger cars.

The plan is supported by spokesmen for sportsmen's organizations, who say that the area is now accessible only to a privileged few.

The proposal is opposed by spokesmen for conservation groups, including the Sierra Clubs and the Audubon Society.

A major point of contention is what the added traffic through the preserve might do to the unofficially designated "Condor Sanctuary."

The California condor—Gymnogyps californianus—is a member of the vulture family with a wing spread of about 10 feet. This is about the same as that of its relative, the Andean condor, and is much broader than that of the golden eagle, the next largest North American bird.

There are only a few dozen California condors known to exist. The females are thought to lay an egg only once every two years, and attrition is severe.

Slight disturbances frighten the birds away from incubating eggs, thus leaving the unborn young to die.

The condors eat only dead animals. The growth of cities has eliminated much wildlife, and once-plentiful dead sheep have been diminished by the trend to cattle raising.

The remaining condors have established a transient "sanctuary" in the San Rafael Mountains, 25 miles north of Santa Barbara, supposedly because the updrafts common there help their aerial reconnaissance for food.

ONE HUNDRED ATTEND HEARING

They have a nesting area 50 miles eastward in the Sespi area of Ventura County. Their only other known haunt is another "sanctuary" in Tulare County, 200 miles north.

An overflow crowd of more than 100 attended the hearing Thursday in a small chamber at the Santa Barbara Municipal Recreation Center.

William Hansen, supervisor of the 2 million-acre Los Padres National Forest, which encompasses the primitive area, said development of the fire road would both improve fire protection and open up the area to public use.

Fred Eissler, a local high school teacher, who is conservation chairman of the Sierra Clubs, cited the danger of disturbing the condors with a road only a few miles from their sanctuary. He urged a Federal study of the area's "optimum recreational capacity."

Kenneth Millar, a mystery writer who is an officer of the local Audubon Society, said the condors' nesting area in Ventura County was also threatened by dam building.

The Santa Barbara Audubon Society's opposition to the Sierra Madre public road was expressed by society President T. Nelson Metcalf to Secretary of Agriculture Orville L. Freeman in this letter of March 9, 1964:

SANTA BARBARA AUDUBON SOCIETY,
Santa Barbara, Calif., March 9, 1964

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I trust you are aware of the plans of the Forest Service for the construction of a through road along the Sierra Madre Ridge, Los Padres National Forest, Santa Barbara County, California.

Although the Sierra Club, the Santa Barbara Audubon Society and the Santa Barbara Trails Advisory Committee have been in constant contact with Messrs. Connaughton and Hansen of the Forest Service, it is our conviction that there is a matter of national interest involved which transcends any regional aspects of the situation.

The aspects which are of the widest concern relate particularly to the conservation of the California condor and the preservation of primitive wilderness area. You know that the condor's protected ranges and nesting areas are now limited to the Sespe and Sisquoc areas and that the preservation of this species is wholly dependent upon their situation in the midst of true wilderness. The extinction of this magnificent bird scarcely one hundred years after the intensive settlement of this area, would be an unnatural and tragic occurrence reflecting another irreparable loss to the nation's heritage. The road will enable the unrestricted introduction of great numbers of people into this primitive area and the condor will be pushed further into oblivion.

You also know that the true wilderness acreage in the nation has been consistently reduced, particularly in the last 25 years, due to increased pressure for types of recreation other than the enjoyment of primitive wilderness. The road will enable the further automobile access into areas hitherto open only to men with packs on their backs. As Dr. Keith Arnold has shown it is increasingly true that people cause more forest fires than natural causes. It has also been shown that fire is most completely prevented by keeping numbers of people out of the woods. The existing primitive fire road in the area has served well for many years. Surveys and reports by public and private authorities have demonstrated clearly that ready automobile access rapidly and permanently destroys the primitive character of wilderness. In fact, by definition, wilderness requires for its own protection, a buffer zone of depth of a one-day's hike.

The local and national organizations and the legion of private citizens who have supported a moratorium on the completion of this through road, urge you to act now to require that a thorough study be made by competent authorities before any action is initiated by the Forest Service.

Our frequent contacts with your Foresters have indicated that the traditional custom of a hearing under legal ground-rules is not their practice. A public meeting was held here on February 27, 1964, at which there was no opportunity for detailed discussion, only an opportunity to present our different views from the rostrum. We urge that you arrange a public hearing to make possible careful discussion of the issues and thorough development of the facts.

We believe that this matter requires your personal attention and submit that the public interest relating to conservation has not been served in the proceedings to date.

Very truly yours,
T. NELSON METCALF,
President.

On April 19, 1964, the Santa Barbara News-Press reprinted the article, "A Death Road for the Condor," from Sports Illustrated magazine, which dealt specifically with this Sierra Madre Road project:

A DEATH ROAD FOR THE CONDOR

(By Ross Macdonald)

We ate lunch on top of Big Pine. It was a brilliantly clear day and from this elevation, 6,800 feet, we could look down over the Coast Range, across the Santa Barbara Channel, and see all of the Channel Islands. In the other direction, inland, the Mount Wilson group stood under December snow. Farther north loomed the white peaks of Yosemite.

We took quick bites of our sandwiches and scanned the nearer horizons with our binoculars. This was condor country. At the foot of Big Pine lies the San Rafael Primitive Area, one of our few remaining wildernesses, and at its northern edge is the Sisquoc Condor Sanctuary. The Sierra Madre Ridge above the sanctuary is a major condor flyway, and has been since prehistoric times. But today there was not a condor in the sky.

The Forest Supervisor and his Assistant looked at us over their lunches with I-told-you-so expressions.

"There are practically no condors in the area anymore," said the Supervisor.

"Our observers see them all the time," I said.

The Supervisor's Assistant said firmly: "Our observers practically never see one."

The Supervisor and his Assistant didn't seem to want to see any condors, I thought. Their reluctance would have to do with the project they were pushing at the moment: the development of a through road along the Sierra Madre Ridge. They had brought us conservationists and bird watchers along on the present expedition in an effort to persuade us that the building of the Sierra Madre road and the consequent opening of the backcountry to cars and motorcycles would damage neither the wilderness nor the condors, if any.

The Supervisor rose athletically from his rock, a handsome man, extraordinarily tall, with clipped iron-gray hair and a quick, boyish smile. His assistant was shorter and broader, but very alert-looking. They reminded me of a brigadier general and his aide, shortly after the general has decided to run for public office.

"If you men have finished eating," the Supervisor said, "we can be on our way."

"But don't let us rush you," said the Assistant Supervisor.

They were important people who liked to be liked. The Supervisor managed two million acres of national forest, including nearly half of Santa Barbara county. If he wanted to build a road along the edge of his wilderness and open it up to Los Angeles Sunday traffic, he was going to be hard to stop. And he definitely wanted to build it. He and his rangers were openly advocating the road, in chambers of commerce and service clubs and rifle clubs.

The Forest Service, once noted for its single-minded idealism, has developed in recent years an interest in the art of politics and the manipulation of public opinion. The Supervisor's Assistant had confided to me on the way up to Big Pine that knowledge of human beings was his most valuable asset as a career forester. Soon, if he handled people properly, he would have a forest of his own.

Now, as we drove down from Big Pine, we argued about the road.

"We need it for fire fighting," he said.

"You've got a primitive fire road along the ridge, which has always been adequate. You haven't had a fire there in nearly 40 years."

"Are you an expert on fire fighting?"

"No, but I can read, and I know what your own experts are saying. Fire fighting is taking more and more to the air, using borate bombers and, eventually, missiles. Ask your missile research division. Or ask Keith Arnold, your forest protection research director, what happens to the fire risk when you let increasing numbers of people into a forest area."

He admitted that the risk rose. "But we have no right to keep the people out. The road will be built with public money, and that makes it public property."

"The condors and the wilderness are public property, too. They belong to the whole country."

"But this road," he said with esthetic fervor, "would make a beautiful scenic drive. We could have picnic grounds along it, too."

"You can't have a scenic drive and a wilderness area within five miles of each other. You'd be putting the Sisquoc Sanctuary, the heart of the wilderness, within two hours' hiking time of an automobile road, half an hour by motorcycle. You'll ruin your wilderness and drive away your condors."

"The condors hardly use the Sisquoc anymore."

"So you keep saying. Our people see them there constantly. It's a roosting area and a former nesting site that the birds can use again if anything happens to their alternate sites. The Falls of the Sisquoc is still their best watering place."

The Assistant Supervisor was not impressed. "So what? Who says the road will bother them?"

"All the experts say so. The condors are allergic to road building and automobiles and people in any great numbers."

"Five or six or seven miles away?"

"Yes. And remember they don't just sit on the Sisquoc. The Sierra Madre Ridge is their flyway. This whole back-country is their range."

I waved my arm rather emotionally out the car window. We were on the Buckhorn Road, headed north toward the Sierra Madre Ridge. The canyons and ridges of the wilderness lay around us like a violent dark green sea quick-frozen. It had been frozen in time. Except for the road we were on, a fire road normally closed to automobiles, nothing had changed here in 2,000 years.

The condor had been flying here longer than that, I thought. He had been catching the updrafts along these ridges since the Pleistocene Age. He was ancient. He was great, the greatest flying land bird in North America. His wingspan often exceeded nine feet. He could fly up to 50 miles an hour, scarcely moving his wings, with or against the wind, all day if necessary. Aeronautical engineers studied his design. Naturalists came from all over the world to catch a glimpse of him.

He was harmless and useful. He cleared the rangeland of dead animals. With only about 50 of him left, there are no lack of food. But he was running out of space to nest and roost. His range, which had once extended from ocean to ocean and from the Columbia River south to Mexico, had shrunk now to this small part of California.

We were only a few miles from his last retreats on the Sisquoc and the Sespe. We still hadn't seen him. I was getting anxious.

The Buckhorn Road is primitive and seldom used, even by Forest Service automobiles. From time to time our party had to stop and push fallen boulders out of the way of our cars. They rumbled down into the canyon.

Following the dust smoke of one such boulder, I caught sight of a little black thing half a mile or more down the precipitous slope. The little thing seemed to be crawling up over the secondary ridges, like a black beetle with extended wings. Then I saw that he was crawling above the ground, in mid-air, rising in air and growing steadily and incredibly larger.

I didn't speak. I didn't even raise my binoculars. Poised and outspread on the updraft, emblem and living totem of wilderness men and flyers, he rose up the slope toward me. Now I could see the clean white epaulets on his black shoulders and make out with my naked eye the deep orange color of his bald head. At his wingtips the great black primary feathers curved up individually in the wind. He balanced in the air a hundred yards away from where we stood, regarding us with his glistening black eye. Then he wheeled, the undersides of his wings glinting white in the sun, and slid away.

I think we all saw him, except the Supervisor and possibly the Supervisor's Assistant, who didn't say.

That was back in December. On February 27 the Forest Service held a public meeting in Santa Barbara. It was presided over by the Regional Forester, an elderly gentleman who looked like a major general but who described himself as a bureaucrat.

He watched with a calm, cold eye while the Forest Service's road project was severely criticized by conservationists, including me and my wife, and by a number of experts in the fields of botany, ornithology and land use.

One ardent proponent of the road suggested that condor lovers might keep a few stuffed condors around town that they could love. This one made even the Regional Forester look uncomfortable. But at the end of the meeting he stated that there were extremists on both sides and that his decision would fall between the two extremes. Which seemed to imply that he would decide to ruin the wilderness just a little, for the present, and permit the condor to survive for a few more years, perhaps.

The Supervisor's Assistant spoke to me on the way out of the meeting. "Another day," he said cheerfully.

On March 21 the Regional Forester announced that he would defer his decision on building the road until its effect on the survival of the condor had been studied further.

A photospread in the June 12, 1964, Santa Barbara News-Press, headlined "Disputed Wilderness Road" contained these captions:

Construction scars on mountainside show course of new Sierra Madre Ridge Road bordering wilderness region of Los Padres National Forest in Santa Barbara county. Public protests caused U.S. Forest Service to halt road-building pending study of wilderness, wildlife, and archeological sites in area. Road penetrates habitat of condor. Conservationist groups have protested road improvement, claiming existing road provides adequate fire protection route. Forest Service says greater fire-protection and public use is needed.

Dotted survey line of proposed new construction parallels unimproved section of disputed road between McPherson Peak and Bates Canyon. Survey work caused rumor that road was being built despite announced moratorium.

New portion of remote Sierra Madre Ridge road cost $12,000 a mile to build. U.S. Forest Service terms road single-lane, primarily for fire protection. Conservationists claim road is unnecessary and urge that funds be spent on heavily-used recreation areas at Figueroa Mountain, Davey Brown and upper Santa Ynez Valley.

Forest Service sign on locked gate at east end of Sierra Madre Ridge fire road proclaims that road is for official use only. But west end of road is open.

Absence of signs or gate at west end of disputed section of road permits vehicles to pass. County supervisors have asked that road be restored to original status, for fire protection only. Forest Service officials have said that fire roads were never built for public motorized use.

Threats to Los Padres National Forest are overcrowding of San Rafael wilderness area, wanton shooting of the rare California condor and vandalism of Indian pictographs such as the one shown, conservationists say.

On June 19, 1964, the distinguished critic-at-large of the New York Times, Brooks Atkinson, devoted his entire column to the Sierra Madre road threat to the condors:

The Vanishing California Condor Is Today More Preyed Upon Than Preying

(By Brooks Atkinson)

Ever since the Ice Age, the California condor has been patrolling America, but it may not patrol much longer. The condor population has shrunk to 40 or 50.

What can be said to dramatize the necessity of preserving them? Most people don't care. At a hearing in Santa Barbara in February to discuss a scenic highway that will impinge on the privacy of condors, one representative of modern America opted for progress: People enraptured with condors, he said, could shoot them, stuff them and take them home to look at as much as they wanted while the rest of the population enjoyed a scenic road.

If Americans do not regard the continuity of life as sacred but, on the contrary, regard a shrill, superficial, transient present as good enough for anyone, they will not be much concerned about the California condor, which is, in fact, a giant vulture with unlovely feeding habits. What can be said to disturb the self-satisfaction of such people? I sought the advice of Dr. S. Dillon Ripley, secretary of the Smithsonian Institution.

He replied that the genes of the California condor are unique and invaluable, because they have been passed on from generation to generation ever since the Pleistocene Age. At the time glaciers were carving out the land and forming moraines and kames, the California condor was planing the skies. In those days, men wore skins and hunted with stonetipped spears and were in the minority of living creatures. They were not able then to blast a scenic highway across the ridge of the Sierra Madre, which is the condor flyway.

The biologists of the Smithsonian Institution are trying, before it is too late, to safeguard natural areas with associated plant and wild life as what might be called living museums for scientific research. Although the Smithsonian is concerned with the whole spectrum of nature, the condor is a living museum. In 20th-century California, it retains the habits it had hundreds of thousands of years before recorded history. In view of the extent to which its habitat has been crowded, the wonder is that 40 or 50 birds survive.

The condor is an interesting bird apart from its scientific significance. With a wingspread of 9 feet and sometimes more (11 feet 4 inches is one museum specimen), it is the largest land bird in North America. If its body weight is added to its wingspread, some condor patrons argue, it is the largest bird that flies. Condors nest in caves. They lay one egg not oftener than once in two years. The young birds take two years to mature. Condors roost in secluded cliffs near pools where they bathe. They soar on motionless wings on thermal spirals and sail 40 or 50 miles to their feeding areas at heights ranging from a few thousand to 15,000 feet.

Man is their only danger. They make easy targets for gunners, although they have been protected by California law for more than half a century. One condor was shot last month. Most of the shooting may be by gunners who do not know what bird they are killing, but ignorance does not return to life the birds that are brought down out of the sky.

Particularly during the last several months, a lot of able people have been working to save the condor. Ian and Eben McMillan, ranchers of Shandon, Calif., who have watched condors all their lives, are completing the field work for a study that the Audubon Society will publish next autumn. Dick Smith and Robert Easton of Santa Barbara have completed the manuscript of an excellent book, "California Condor: Vanishing America," which will be published by McNally & Loftin Oct. 20. Some of the members of the Santa Barbara bird club, which is one of the keenest in America, propose to patrol the condor area, not only to spot gunners, but also to explain to other people the necessity for keeping away from the nesting, roosting and bathing sites. Ken Millar, who writes mystery stories under the name of Ross Macdonald, is one of several people who hope to get the condor accepted as a national monument.

The Forest Service argues that the proposed scenic highway will not pass close enough to the condor refuge to disturb the birds. But the normal spread of civilization has already disturbed them so much that the condor population is precariously small. Crowded on all sides, they may be living on borrowed time.

And the Santa Barbara News-Press thanked Mr. Atkinson and agreed with him in its editorial column of June 23, 1964:

PLEA TO SAVE "LIVING MUSEUM"

Brooks Atkinson, distinguished columnist of The New York Times, has made a strong plea for the preservation of a "living museum" in Santa Barbara's back country.

In a column printed in the News-Press last week, he pointed to the patrol of the great California condor in the Sisquoc area and the threats posed to their sanctuary and flyways. He reminded us that this huge survivor of the Ice Age, now numbering no more than 40 or 50, is faced with extinction as a result of public unconcern and a forest policy that places condor survival in something less than first priority. He noted the proposed Sierra Madre scenic highway, plans for which are in abeyance pending studies of its wildlife and archeological impact, as an instrument which could well deliver the condor its coup de grace.

Mr. Atkinson has taken the time to visit Santa Barbara's wilderness, to acquaint himself with the nature, the habitat and the plight of the condor, to assess the pleas of those who would conserve for future generations a priceless living museum. He is well aware of the running contest between the forest road-builders and the lovers of deep wilderness sanctuaries. The condor in these regions, as a local Audubon leader has stated, "incarnates the wilderness; if we lose one we shall lose the other, and if we lose both we shall be poorer than we realize."

A national spotlight on one of the major conservation challenges of the day is welcome. If Americans, said Atkinson, do not regard the continuity of life as sacred but, on the contrary, regard a shrill, superficial transient present as good enough for anyone, they will not be much concerned about the California condor. . . .

We believe that great numbers of Americans regard the continuity of life as sacred and are at least dimly aware of the inexhaustible riches to be realized from wilderness museums. They must become more alert, however, more adept at preserving these living museums. There are few enough of them left and, like the flyways of the giant condor, beset alike by the indifferent and the abettors of mass public intrusion.

Some historical notes on the use of the Sisquoc Valley by condors were distributed by the Santa Barbara Audubon Society on October 2, 1965, which documented the fact that the Sisquoc Condor Sanctuary was and can again be of great importance to those endangered birds:

NOTES ON THE SISQUOC

Conversation with Alfred Davis, (born about 1905) son of Alonzo Davis who homesteaded near the Manzana School.

"I was born at Sisquoc but we moved up the river and I went to school at the Zaca Canyon School when I was seven. During the school year, we boarded at John Lebieu's place at Zaca Lake. It was nine miles down to the school from there. The Manzana School was closed by then.

"We leased the Wilmann Place from 1920 to 1925. We grazed stock up there. I remember that John Lebieu came over to make wine out of the Wilmann grapes that were left. That's about the time the cattle went wild in the backcountry. We should have shot them and made jerky out of them then. Many of our regular stock for years would go wild when they met up with the old wild ones.

"The country had been burned off in '23 by a fire that burned the Sisquoc and part of the Manzana. I remember that the fish all died from the ashes that came down—made lye in the water.

"The hunters that came up after the burn got into John Lebieu's wine barrels up at the Wilmann place and left the stoppers out. It all went bad. That was after '23.

"About condors—we saw them all around the Manzana and up the Sisquoc. I counted 18 going up from the Sisquoc on the trail above Cottonwood in the '35s when I was working for the U.S. Forest Service. I was going up with horses and a mule and the birds soared all around. There weren't 18 at first but they kept growing in numbers until they were sitting on trees ahead of me and some in the air.

"In the '20s there were birds going in and out of the hole at the sides of the Sisquoc Falls. We went right up there from the river and there were at least 8 birds in and out of the cliff holes while we were there. I made several trips way up there and I can't remember a trip we didn't see condors. The season had a lot to do with that, though. It was spring mostly when we went up. That's nesting time and the falls was where they nested.

"I remember seeing other nesting places. Once when I was up in the Lost Valley Canyon, we saw a bird near the canyon end. This bird came out of a hole in a rock above a big oak tree and dived down on us until we finally got out of there. This bird really meant business. She kept going back up into that hole. We saw condors nesting in holes on Castle Rock all the time we lived there. The birds would be around in the spring pretty steady.

"On my last trip up into Sisquoc Falls about 1927, I saw young birds not yet white and with smaller wings. These young ones were coming out of the holes at Sisquoc."

The Smithsonian Institution expressed its concern over the welfare of the condors in this November 1, 1965, letter to Richard J. Smith from Dr. S. Dillon Ripley:

SMITHSONIAN INSTITUTION,
Washington, D.C., November 1, 1965.

MR. RICHARD J. SMITH
Santa Barbara News-Press,
Santa Barbara, Calif.

DEAR MR. SMITH: Your concern for the preservation of the California Condor is certainly appreciated here at the Smithsonian Institution. As I stated in a letter to President Johnson last February, I believe that one of the most compelling reasons for preserving species such as the Condor is not one of emotion or sentiment, but rather expediency. The Condor represents, among the warm-blooded vertebrates, birds and mammals, one of the very few remaining natural genetic reservoirs, unchanged since Pleistocene times a million years ago. It should be preserved as a biological resource. In the future scientists may well be put to it to reconstruct genetic combinations which exist today in such pure strains from the past. A whole biological story remains to be told here, waiting for the ever-increasing skills of scientists to be able to interpret. What a catastrophe if the story were to be destroyed before its meaning could be unravelled, the code uninterpreted before it is lost.

I have been assured by The President that every consideration will be given to the Condor and its continued preservation in the studies being conducted by the Bureau of Sport Fisheries and Wildlife and the Bureau of Reclamation in cooperation with the California Department of Fish and Game and other conservation agencies and organizations.

I concur with the "Management and Research Plan for the California Condor" of the Bureau of Sport Fisheries and Wildlife (July 1965) which recommends a delay of 2 years for the accumulation of additional information prior to considering authorization of the Topatopa Dam.

From the purely scientific point of view, I feel that the preservation of the California Condor is of utmost importance, and I hope that neither the sentiment of bird lovers nor commercial interests will interfere with the application of appropriate, scientifically based management measures to enhance the continued existence of the species.

Sincerely yours,
S. DILLON RIPLEY,
Secretary.

On June 19, 1967, in testimony before the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs, Charles F. Luce, Under Secretary of the Interior, was able to make this announcement regarding the use by condors of the Sisquoc Condor Sanctuary:

> My final comment relates to the California condor, a majestic bird threatened with extinction, which is found in this area. As brought out this morning the condor area is principally to the south of the San Rafael Wilderness Area. The proposed San Rafael Wilderness would add substantially to the protection of the condor environment now afforded by the relatively small Sisquoc Condor Sanctuary already established by the U.S. Forest Service. This sanctuary has historically been a bathing and watering area; however, Bureau of Sport Fisheries and Wildlife biologists found only a few days ago that at least one nest in the area had been in active use during the past 2–3 years.

All of the foregoing reinforces my position in favor of the inclusion of the maximum possible acreage within the San Rafael Wilderness Area.

My colleague, the Honorable CHARLES M. TEAGUE, in whose district the San Rafael area is situated, summed up the feelings of all of us who favor a small addition to the Forest Service's San Rafael proposal when he said to the House Interior Committee on June 19:

> You are going to hear a proposal, I believe, that (the proposed wilderness area) be increased by another 2,200 acres. As long as the area is being established, it seems to me it might as well be done properly and include all of the alleged advantages, advantages I think exist, to an adequate wilderness area.

Let us do the job properly, as Mr. TEAGUE suggests, and send to the President for signature a San Rafael Wilderness bill which provides wilderness system protection for the important Pine Corral Potrero and Logan Potrero areas recommended by local conservationists as well as the 143,000 acres recommended by the Forest Service.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WILLIAM McCHESNEY MARTIN LAUNCHES POLITICAL ATTACK AGAINST THE PRESIDENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, William McChesney Martin has hit the campaign trail for the Republican Party.

The Federal Reserve Board Chairman in his traditional arrogant manner used a meeting of the American Bankers Association to describe President Johnson as "irresponsible."

Mr. Martin went on to tell the audience of bankers just how the country ought to be run.

Mr. Speaker, undoubtedly we can expect to see many of the Martin quotes—including his blunt description of the President as "irresponsible"—in Republican campaign literature in the coming months. The Federal Reserve Board Chairman made an open and blatant political speech designed to embarrass the Democratic administration and its President.

As a citizen, William McChesney Martin has every right to comment on the conduct of the country, even to the point of calling a President irresponsible. However, I suggest that this campaign oratory would be more appropriate if Mr. Martin were outside of the Government.

Indeed, this rule is generally followed by all officials in the Federal Government. If they desire to campaign against President Johnson, it is appropriate that they step aside and carry on their attacks as private citizens. I am sure that President Johnson would be happy to free William McChesney Martin for whatever role he wants to play in the 1968 campaign.

Mr. Martin is extremely free and loose with the use of the word "irresponsible." This is the second time in less than a month that he has lashed out against elected officials in this manner. On November 16, he spoke to the American Petroleum Institute in Chicago and described Members of Congress as "irresponsible" for opposing increases in taxes.

Mr. Speaker, with the failures—the massive failures—of the Federal Reserve Board's actions over the past 2 years, it would seem that William McChesney Martin would have more to do than run around the country describing elected officials as "irresponsible." Mr. Martin and his colleagues have gotten monetary affairs in one of the worst messes in the history of this country. It would seem that it was time for Mr. Martin to stay home and try to correct some of his own errors.

Much of the fiscal problem facing the country today stems directly from the misguided policies followed by the Federal Reserve Board.

Mr. Speaker, as I have warned the Congress so many times, William McChesney Martin and the present Federal Reserve Board attempt to operate a separate Government and to dictate economic policy to the administration. This is a dangerous situation in which Mr. Martin uses monetary policy to sabotage programs he does not like and to destroy public officials with whom he disagrees.

Mr. Martin should not be called on to establish tax policy or general economic programs of this Nation. We have a President and a Congress elected by the people of the United States to do this job. Mr. Martin has once again overstepped his bounds and I hope that Members of Congress will think long and hard about this latest blatant and uncalled for attack on the President of the United States.

THE GREAT WHITE FLEET—NEW HOPES FOR THE FUTURE

The SPEAKER. Under previous order of the House, the gentleman from Oklahoma [Mr. EDMONDSON] is recognized for 45 minutes.

Mr. EDMONDSON. Mr. Speaker, on October 11, 1967, a group of dedicated Americans came to Washington to present a dramatic briefing to several Members of Congress on a subject with which I am sure many of my colleagues are familiar—the concept of the Great White Fleet.

The Great White Fleet proposal would establish a fleet of ships which would sail in continuous service to people around the world, concentrating on hospital care and education. The basic idea is embodied in the highly successful hospital ship *Hope*, which has won the hearts of people in Asia, Latin America, and Africa, in a series of mercy missions sponsored by the People-to-People Foundation.

This "floating Peace Corps" has been formally introduced to the 90th Congress in the form of two pieces of legislation. Representative SEYMOUR HALPERN introduced H.R. 12509, which would amend the Foreign Assistance Act of 1961 to provide for the establishment of a White Fleet. My House Concurrent Resolution 15 would likewise declare the sense of Congress on the concept. Both of these measures are pending before committees.

When Capt. Frank Manson, USN, initiated the Great White Fleet concept in 1959, I joined Representative WILLIAM H. BATES, of Massachusetts, and a number of others in cosponsoring legislation in the House calling upon the President to establish the Great White Fleet. Principal Senate cosponsors were the present Vice President, HUBERT H. HUMPHREY, of Minnesota, and Senator GEORGE D. AIKEN, of Vermont.

As a member of the House Armed Services Committee, which has considered this legislation, Mr. BATES not only has done much to promote the idea of a White Fleet, but he also actively helped to bring about assignment of a Navy hospital ship, now known throughout the world as *Hope*, to the People-to-People Health Foundation, Inc. Mr. BATES, now the senior Republican member of the Armed Services Committee, is at this moment with the Armed Services Subcommittee visiting Vietnam and American bases in other Far Eastern countries; so he cannot be directly recorded here today as we renew our faith in the Great White Fleet proposal.

I feel that this occasion should not pass, however, without recording the longstanding interest of the gentleman from Massachusetts [Mr. BATES] in this concept. He recently reassured me of his continued interest and willingness to assist in efforts to attain the objective we here seek. While the SS *Hope* is operated by a private foundation largely dependent upon contributions from an appreciative public, I know that Mr. BATES believes that this hospital ship has proved the great value of medical aid on a free and friendly basis to countries needing it. Indeed, this Great White Fleet project would assure all types of emergency services for nations desiring them.

However, my purpose today is not to discuss these measures, but rather to review the work of the October conference, which was largely the work of the White

Fleet Foundation and its inspiring founder, Captain Manson. Many excellent points were made during this conference, and I sincerely hope that some Members of Congress will take note of what is being said here today. This project is one that is urgently needed today.

One extremely enlightening statement was made by Dr. Robert Hingson, of Cleveland, Ohio, who is president of the Project "Brother's Brother." Our colleague, the gentlewoman from Ohio [Mrs. BOLTON], is one of the driving forces in this particular project, just as she has been a great help in White Fleet work.

The Great White Fleet is not a "disaster plan" although it would have utility in disaster. Its basic purpose, however, is to avert disasters by working in areas before such calamities strike.

Dr. Hingson told us that one-third of the world's population is sick unto death with diseases which could either be cured or entirely eradicated with proper medical treatment. Such treatment, to the limit of its capability, would be provided by the fleet.

The Hingson group spoke to people in various areas, and Dr. Hingson said:

> We talked to them about their problems. We went out under the banner of . . . "Brother's Keeper" (first).

This name was changed when an old African chief pointed out that such a name indicated what it said—and that he thought "Brother's Brother" would be more befitting the work they had done in that particular area. The name was changed and has remained "Brother's Brother" ever since.

The doctor then discussed the first major project—when they went to Liberia to vaccinate the people against smallpox. He noted that while en route, they discovered that they had only 10,000 doses of vaccine for some 1,000,000 people to vaccinate. They could not turn around—and so had to experiment. He discovered that the vaccine could be diluted and still obtain satisfactory vaccinations. With this knowledge and armed with jet gun vaccination devices—which the doctor demonstrated for us—the doctor arrived in Liberia for the vaccination program.

I think that I should use his words to fully describe what he found:

> One hundred and ninety-four men, women, and children suffered under 10,000 blisters of smallpox. Thirty had died since the last doctor had visited this place. Open caskets were stacked under the steps of the houses. They had no covers. Dying patients lay on army cots. Flies and mosquitoes swarmed over this blanket of smallpox blisters.

This scene, Mr. Speaker, existed in a highly industrialized and civilized country only a few years ago.

It took the team only 6 weeks to innoculate 300,000 Liberians against smallpox and other diseases which threatened that nation in epidemic proportion.

Hingson further commented:

> Think about immunizing all the children in the Gaza Strip against polio. We did that. Think about immunizing all the children in the Vatican City in Rome at a time when there was no poliomyelitis vaccine in Europe. We did that.

This story represents only one trip which Dr. Hingson has taken—and with the same results coming on later ventures. And, Mr. Speaker, our distinguished colleague, Mrs. BOLTON, will affirm everything I have said about the work of this great man, Dr. Hingson.

Such work would be performed by the Great White Fleet—and at a greater scale. Dr. Hingson's team is only one unit—we would have many identical units operating out of the fleet. Wherever there was a water access to an area, we could go. And, with a helicopter crew, we could go far inland to treat people not on the water.

The postscript to this story makes the possibilities of the fleet seem more feasible—the doctor said:

> One year after our immunization program in Liberia I returned to the smallpox hospital where Dr. Dibble had prayed for guidance before we began our work. I found two were playing checkers and a third member of the smallpox team was working on a sewing machine. They put their arms around me and said, "Dr. Hingson, there's no smallpox in Liberia. We have had no cases in four months."

And this occurred in a place where, but for the work of this team, we might have been reading of an epidemic which threatened the entire population with extinction only 12 months before.

Another outstanding presentation was delivered by Dr. John H. Proctor, who is employed by Litton Systems, Inc., in Fort Walton Beach, Fla.

Dr. Proctor emphasized the feasibility of the "systems approach" in the fleet concept. He pointed out that approximately 70 percent of the world's population lives within 100 miles of navigable waters. This statistic graphically points out the range of a vessel when we worry about reaching the people.

The need is still further emphasized when we note the breakdown of national wealth, as computed by the Future of World Banks in 1965. This shows that of 135 nations then in existence: 38 were classified as very poor; 33 were classified as poor; 37 were classified as middle income; and 27 were classified rich.

These statistics show that over one-half of the nations of the world are poor or very poor—and they represent areas which would be served by the Great White Fleet.

Feasibility of creating this fleet came into the discussions, Mr. Speaker, and it is clear that this concept could be implemented with an absolute minimum of time and expenses. In fact, the facilities required are currently in existence—and in mothballs.

Naval Capt. James M. Hingson—and brother to the above-mentioned doctor—spoke and discussed the ships which would be needed. To sum it up, virtually any ship in existence could be utilized, with few exceptions. And, Mr. Speaker, he disclosed one of the most startling facts of the conference. We currently have ships in mothballs which could be used in the Great White Fleet—and it cost the United States more money to put them into mothballs than it would have to have maintained them. The captain said it is better for the ship itself to be kept operating than to be mothballed.

And, he said, there is currently a seaplane tender in Seattle which could be easily converted for fleet use, but will soon be put into mothballs—at a greater expense than it would cost to operate it.

While the fleet is still little more than a proposal on paper, I should carefully point out that its proponents have been working on it. In fact, they soon will sail a 42-foot cruiser which they have acquired up the York River in Virginia to assist two small tribes—the Mattapony and Pamonkey Indians. These tribes have been isolated from any neighbors by their waterlocked location, and the situation is worsened by the fact that they have no pier for boats to make stops. These fleet proponents are going to construct this pier in the near future, and will then assist the Indians in building a road from the pier to their reservation. Finally, fleet personnel will go into the area and train these people in vocational skills.

This effort seems small—and it is small in comparison to what the fleet potentially can accomplish. But, there are few funds with which to work, and the proponents felt that they should begin somewhere.

In addition, these two tribes represent a great link in American heritage—for they are direct descendants of Powhatan and Pocahontas. Without some assistance, these Indians will be extinct very shortly. The fleet is small—but even this first project is great in purpose.

I would also especially call attention to a statement made by Mr. Edwin Ott, president of Fairlea Metal Works in Fairlea, W. Va. He gave us an insight from an area which already is receiving funds for rehabilitation—through the Appalachia program. In a moving talk, he pointed out that:

> When we offer man an opportunity to improve we offer him a chance to enhance his own dignity and self-respect. Giving money away is not the answer. Offering man the opportunity to improve himself through his own education and hard work is the answer.

The possibilities for a White Fleet operation are almost endless. For example, Mr. Robert A. Peters, a hydrologist with the Layne Atlantic Co. in Norfolk, Va., appeared at our October 11 conference to tell us of the value of good water to underdeveloped nations—and of the abundance of supply which could be made available almost anywhere in the world. He said that good, inexpensive drilling equipment could easily be transported by White Fleet vessels and used to develop pure sources of ground water wherever it was found to be needed.

Finally, Mr. Speaker, I would not do justice to the concept of the Great White Fleet, without mentioning the name and efforts of its creator and foremost sponsor—Navy Capt. Frank Manson. And, I might add, Mr. Speaker, that his work has borne new fruit within the past 3 days when a private citizen donated a $2,600 30-foot boat to constitute the second vessel in the White Fleet.

This man's grasp of the fundamental principles has attracted an ever-increasing number of supporters throughout the country and even abroad. Singlehandedly, his logic, quiet persuasion, and conviction have won support in many quarters, including many congressional offices.

Captain Manson has spearheaded the drive to assist the Indian tribes that I mentioned above—the first of a series of planned projects which could be implemented in the near future if resources are secured.

I wish every Member of Congress could talk to this dynamic man. There would not be one dissenting vote on the measures which would create the White Fleet.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I wish to commend my colleague upon the statement he is making.

Mr. Speaker, the concept we have heard outlined here today is a concept which, when it becomes a reality, could hold perhaps this Nation's greatest potential for helping others to help themselves in a meaningful, compassionate, understanding way.

I am especially proud that this concept originated with an Oklahoman, Capt. Frank Manson, of the U.S. Navy, and has had full-fledged Oklahoma support since Captain Manson first approached our distinguished colleague, Mr. EDMUNDSON, with the idea.

It may seem incongruous that the concept of sailing a fleet of helping ships to the underdeveloped nations of the world originated with Oklahomans, citizens of a landlocked State. But Oklahomans, Mr. Speaker, do not have landlocked hearts. And it is from the heart that an idea such as this one must come and grow.

I am proud to have been associated with this idea since its concept, and it will have my full support until the day that the fleet is launched.

Mr. EDMONDSON. I thank the distinguished majority leader, who was a cosponsor of the original White Fleet resolution when it was first introduced in 1959.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am pleased to yield to the distinguished gentlewoman from Ohio.

Mrs. BOLTON. I thank the gentleman from Oklahoma for making it possible for us to bring this matter before the Congress.

Mr. Speaker, I want to take these few minutes to voice my most sincere support for the Great White Fleet.

I have been interested for many years in work similar to that which would be performed by the White Fleet. Dr. Robert Hingson, of whom our colleague from Oklahoma spoke, and I have worked on Project "Brother's Brother" for many years—and I hope to work on the Great White Fleet for many years more.

When a man gives another money, this is help—but only of a temporary nature. When man gives health, education, or opportunity to another, then he has given him help of a permanent nature—and, Mr. Speaker, this is help which he will never forget.

People in Liberia remember the work of Dr. Hingson's teams of inoculators, from the weeks they worked to eradicate smallpox. Similar reaction has been generated in other countries into which these teams have gone. Indeed such enthusiasm would come from any area into which the White Fleet could go. As Mr. EDMONDSON said in his remarks, this represents over 70 percent of the world's population.

The question is not whether we can afford to create this fleet—but whether we can afford not to create it. Surely there can be no doubt as to the answer.

Mr. EDMONDSON. Mr. Speaker, I thank the gentlewoman for her remarks. I join wholeheartedly with her in her tribute to Dr. Robert Hingson, who is one of the truly great benefactors we have in our country today. I know and understand the gentlewoman's work on her project "Brother's Brother" and her work in Liberia.

Mrs. BOLTON. Dr. Hingson comes from my hometown.

Mr. EDMONDSON. We know the gentlewoman is proud of him, as we all are, and we are all proud of her association with this project.

Mr. Speaker, I yield at this time to my colleague, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding.

I compliment the gentleman for bringing this subject before the House and before the Nation today. As the gentleman well knows, I am not always in full favor of additional giveaway programs, even of our so-called surplus commodities.

I do have copies of House Concurrent Resolution 15 before me, and also the other bill, by one of our colleagues, H.R. 12509, to which the gentleman referred.

But the real reason I rise at this time is not only to compliment the gentleman for portraying an idea and a concept which would be certainly magnanimous and which would share our largess with people in need around the world, but particularly through him to compliment Captain Manson, who was on the staff of the late Chief of Naval Operations, Admiral Ricketts.

Captain Manson told me Admiral Ricketts was the first four-star admiral, so to speak, who ever grasped this concept, and that he was preparing an order for cooperation with the Department of State and the Department of Defense and the White House, and others, necessary for the completion of this quite free concept and especially for technical assistance and training and education in the estuarine areas of the world. I think this, perhaps, followed Admiral Ricketts' experience with Solant Amity, wherein for a long time the United States exchanged books, and so on with various sovereign nations and indeed some tribes around the coast of Africa. This was followed in South America by a Latin American project of the Navy called Unitas, which is now in its seventh year. The seventh project Unitas is currently engaged in and is underway in the ports of call in South America.

Admiral Ricketts unfortunately expired after this complete workup by Captain Manson and others was in the in-basket of the Chief of Naval Operations. We all recall when he passed away, making a speech for the Chief of Naval Operations.

If the gentleman will yield for just a minute further, I would like to read a quote from a speech made by Admiral Ricketts in 1964, at Oklahoma City, unless the gentleman has this available.

Mr. EDMONDSON. Mr. Speaker, I am pleased to yield to the gentleman. I join with the gentleman in his great regard for Admiral Ricketts, who, I think, was one of the truly great farsighted statesmen and military leaders of our Nation, and whose unfortunate death was a great loss to the Navy and to the Nation.

Mr. HALL. I think the gentleman is exactly correct.

For example, after a trip to Indonesia and Malaysia in the year prior to his death, the admiral very accurately forecast what would subsequently happen there with the liberation of Indonesia. He was a statesman as well as a great naval officer and a son of the sea. He said shortly before his death:

> Within the context of future ideas of technical assistance and our efforts to systematize the science of helping others, I predict that mobility of the base of operations will become of increasing importance. I predict that ships and waterborne craft will be utilized more and more. There are numerous reasons why this is so. Navigable oceans and inland waters reach a vast majority of the world's population, particularly the worst areas of impoverishment. Ships will bring mobility to the system, making it possible for the same system to be utilized in a dozens of places. Being the least expensive form of transport, ships offer the most economical means of transporting those tools and talents required to do the job. They provide maximum mobility at minimum cost. Beyond this, ships are highly organized and the responsibility is placed. The ship is an excellent instrument of management. Log books are kept, they are not easily distorted. The moment of truth in an unending truth. This is the tradition of the sea. Today we see an increasing interest in waterborne programs by those countries with large coastal regions and navigable lakes and rivers.
>
> The idea of using ships in emergency and technical assistance programs is conceptually sound, just as it is conceptually sound to place our armaments on the mobile base.

This, of course, refers to the concept of our Committee on Armed Services of prepositioning which was worked out and has done so well in South Vietnam.

Mr. Speaker, I thank the gentleman for yielding. In closing I want to say I certainly strongly support the White Fleet concept as I have Project Hope, Project Concern and others, where the M.D.'s—and that stands in this case for "medical diplomats"—to whom the gentleman so kindly referred a while ago, have shared their knowledge around the world with others. This and all types of technical assistance and educational assistance to my way of thinking would be most appropriate.

I compliment the gentleman for what he has brought before the House.

Mr. EDMONDSON. I thank the gentleman for his contribution. Personally, I do not know of any instance in which any single profession has done as much for the image of America around the world and particularly the underdeveloped areas of the world as has the medical profession participating with the nursing profession in Project Hope. I have had an opportunity to observe some of the films which have been made of the operation of this great ship, and I have talked with some of the participants and with some of the Latin American and Asiatic diplomats who have seen it in operation. I know it has succeeded beyond the fondest dreams of some of its sponsors, and I know that Captain Manson's concept of enlarging this operation and making it a fleet operation, in which we not only would have several hospital ships operating but also would have other vessels to perform other essential functions which help the people of underdeveloped areas, is a noble concept and a practical concept and one that fits so well into the vision of Admiral Ricketts.

I know that President Eisenhower was sold on this idea as an approach, and got behind Project Hope when it was first started.

I know that Vice President HUMPHREY, when he was a Member of the Senate, was one of those who saw the possibilities in it.

I believe it is something which every Member of Congress who has studied it has become convinced is worthwhile and desirable.

I am very pleased the gentleman from Missouri has expressed the views he has expressed on the floor today.

Mr. HALL. If the gentleman will yield further, Mr. Speaker, I believe he has summarized better than most people could in his beautiful language what is involved. It is a part of the people-to-people program. If the time ever comes when the people of the world cannot sit down and help each other or discuss their problems across the table we will indeed be lost.

Mr. EDMONDSON. Mr. Speaker, mention has been made of the great work of Dr. Robert Hingson, president of Project Brother's Brother.

I ask unanimous consent that a summary of the report which he presented at our conference may be printed at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection. The report is as follows:

DR. ROBERT HINGSON'S REPORT

(By Dr. Robert Hingson, professor of anesthesiology, Western Reserve University School of Medicine, Cleveland, Ohio, president of Project Brother's Brother)

In our great medical center in Cleveland, Ohio while she was recovering from a minor illness, The Honorable Mrs. Bolton worked with a broken hand to plan a pilot program, an international emergency disaster plan; the first that Congress had ever undertaken. She worked on this plan as a memorial to her beloved brother because she felt his good works should be continued. So long before I went into the jungles this lady was planning my trip. She and Dr. Albert Schweitzer inspired me to go to work and we all went together in spirit and purpose even though we traveled separately by a few months, and we know the true story of the have-nots which cannot be fully described in the short time available.

* * * * *

As a physician, I am appalled that one-third of the world's family, more than one billion people are sick unto death at this very moment with diseases which could either be cured or entirely eradicated. It would be possible, if we wanted to, at this moment of history for the United States to rise up with its civilian technological strength reinforced by its governmental strength and to set a new image in all the emerging nations—even in North Vietnam. There is a way to prevent this continued march down this road to destruction which we are taking at this moment. The correct approach is a constructive and responsible road toward mankind's improvement. When mankind realizes human betterment is our intended road there will be a conference table.

* * * * *

In our first survey of Asia and Africa, our interfaith and interracial medical teams documented the problems. We found they were soluble . . . not beyond our own comprehension. We returned with respect for those special missionary boards now working on the problems. We told these boards that the problems could be easily solved. We had high praise for many of these small pilot lighthouse missionary stations operating in many nations. We felt however, that any missionary effort which had remained longer than twenty years was an insult both to itself and to the nation which it served.

Mankind has been led to believe that with today's technology he can be improved within a period of twenty years. We recommended that the missionary boards take a new look at any pilot lighthouse which had not advanced ten miles from its center and we suggested that something might be wrong with the approach or the program. As we made our original survey, at no time did we talk about democracy, freedom or private enterprise. We showed no paternalism. We talked to them about their problems. We went out under the banner of the Cleveland Plain Dealer's Operation "Brother's Keeper". We went first to Nigeria and an old Chief there gave me his son to educate. We already had four sons, all of them working toward a college degree. To have four sons plus an African son too, was a pretty big job for the Hingsons. I am pleased to say that one of our sons is here at this meeting from Johns Hopkins University. That son which the old Chief gave me to educate is now back in Nigeria as a practicing physician. He was trained at our medical school in Cleveland.

The old Chief was certainly happy to see his son return as a trained physician, but he asked us where we got our name, "Brother's Keeper".

'That name is an American Disease", said the Chief. "God didn't start anything called Brother's Keeper".

"Your correct name should be Brother's Brother".

So we went down to Columbus and paid $49.00 to change our project's name from "Brother's Keeper" to project "Brother's Brother". And we got on with the program. At this moment I have more invitations in my brief case asking for help than you could believe; ministers of health pleading with us to come to their nation to stamp out smallpox, measles, malaria and the numerous other diseases which we can eradicate. One of those letters is from Panama where we have a vital interest.

After our initial survey our medical team, Brother's Brother had to try its worth. We had to prove our theory. We selected a nation about the size of our home state of Ohio. We selected a nation which was closely related to American industry. We chose our partner nation of Liberia where they say that every rubber tree has a fifteen degree list toward Akron. Well the list is now leaning toward Republic Steel and United States Steel as the iron ore from Liberia pours in ever increasing amounts into the Great Lakes Seaway. During that first visit Mrs. Hingson and I stood on a hill which I later learned was composed of eighty percent iron ore, and we vaccinated every person on that hill against smallpox.

We also had another reason for choosing Liberia as a starting point. Liberia was a Christian nation, governed by President Tubman, a Christian, and we felt we would get the full cooperation of the government and the people. Then we made a call on the Navy and that is when Captain Manson and my brother sitting over there, Captain Hingson and I put our heads together. We had 30 tons of equipment which had to be moved 3,000 miles across the Atlantic and we only had $1,000 left in our budget. We needed the transport of the thirty tons of medical supplies and sixteen people in order to get on the job. My brother said well here are my classmates. We will just keep checking the list until we find someone who can take us there. Fortunately, my brother was given command of an ammunition ship, and with the command of Admiral George Anderson we sailed on an ammunition ship loaded with a new kind of ammunition on a new type of mission. This was truly a mission for the Great White Fleet being carried by a ship from the Navy's Great Grey Fleet.

Enroute to Liberia, after we arrived in mid ocean, we discovered that we had only 10,000 doses of smallpox vaccine and we had over 1,000,000 people to vaccinate. What would you have done? We could not turn around. Well we started experimenting with our jet guns whose nozzles have a hole in them the size of a human hair or a mosquito's nose. We took a look at the profile of the spray from these guns firing vaccine at 700 miles per hour. We saw, as you see here, as I pull the trigger that each shot literally sends out a cloud with millions of tiny particles. We reasoned that if one placed a barrel of rice in one small hole and covered it with dirt the rice farmer might not get more than a dozen shoots, but if the farmer was wise and broadcast his rice he would reap a harvest. So we decided to try the broadcast method. We decided to dilute the vaccine and asked Captain Hingsons' crew of 300 to serve as guinea pigs. And they did. Each of the crew of his ship, the USS DIAMOND HEAD, should be given a citation. We diluted the vaccine 1 to 10, 1 to 25 and 1 to 50 and every shot got a positive take. Thus, by diluting the vaccine, we discovered we could immunize the entire country as planned.

And when we arrived in Liberia, we set up our medical center eight miles from the center of Monrovia at a spot where 194 men, women and children suffered under 10,000 blisters of smallpox. Thirty had died since the last doctor had visited this place. Open caskets were stacked under the steps of houses. They had no covers. Dying patients lay on army cots. Flies and mosquitoes swarmed over this blanket of smallpox blisters.

Dr. Eugene Dibble of Tuskegee Institute, who was one of our original team, as we were using the entire American family and I feel we should have a great American negro physician herewith us today at this meeting just as we had with us on our team in Liberia. Seeing the great suffering, Dr. Dibble walked under a palm tree and lifted his hands in prayer.

* * * * *

For six weeks, twenty-three American doctors, technicians and medical students donated their time and talent in Liberia. Our teams include both white and negro doctors representing Protestants, Catholics and Jews. Think of inoculating over 300,000 Liberians against smallpox and other diseases which threatened that nation in epidemic proportion. With our jet inoculators we were able to do it.

Think about immunizing all the children in the Gasa Strip against polio. We did that. Think about immunizing all the children in the Vatican City in Rome at a time when there was no poliomyelitis vaccine in Europe. We did that.

We returned to the United States so elated that I went to the Surgeon General of the Public Health Service and told him we could do away with most of the diseases which had plagued mankind . . . . not in the next fifty years, not in the next twenty years . . . but now. I told him what we had been able to do in Liberia in terms of preventive medicine.

The Surgeon General said, "Bob, where is Liberia?"

* * * * *

It is because of the work of people like Mrs. Bolton that we have advanced disease prevention as far as we have. Her writings and research in 1957 would be germane to this meeting. Before we were through in Liberia, we vaccinated one million people and it is because of such experiments as these that President Johnson was able to tell the Congress recently that smallpox is the one disease we can now eradicate from this earth.

But we could not have done this if Mrs. Bolton had not helped us to get started and if the Navy had not taken us across and if our own teammates had not been willing to make the personal sacrifices needed to do the job.

One year after our immunization program in Liberia I returned to the smallpox hospital where Dr. Dibble had prayed for guidance. I found two were playing checkers and a third member of the smallpox team was working on a sewing machine. They put their arms around me and said, "Dr. Hingson, there's no smallpox in Liberia. We have had no cases in four months."

Suppose you had one of these jet guns in your pocket and that this had happened to you in Liberia. We had been pushing our Doctors in 1965 and didn't have enough Doctors to go into Central America in 1966. We had only fifteen able to go but I had some three hundred volunteer high school and college students and we vaccinated 1,500,000. That young man sitting right over there (Dr. Hingson's son) and his brother vaccinated 22,000 a day.

Captain MANSON: How long did it take you?

Dr. HINGSON: Three weeks. We put one gun on one side and one gun on the other side of each person; we shot them tuberculosis vaccine on one side, smallpox the other side and then gave them polio vaccine by mouth.

Normally we do our work in partnership. The local people help us. They take care of our meals, they provide us with jeeps, when they have them, they put up our tents, they give us sandwiches and coca-cola. We put the jet guns in Venezuela. They are still going strong—into the third year now.

In Nicaragua, we vaccinated for smallpox, leprosy, tuberculosis and poliomyelitis.

As I was in the plane flying from Nicaragua to Honduras, the stewardess said, "You're wanted on the telephone."

"Where is your telephone?" I went up to the cockpit. This was a call from the Vice President of Nicaragua, Dr. Francisco. I had to talk back on the radio phone. I had to say "over" and wait. I am sure you know how to do that. The Vice President said after sometime, "We lost eleven babies last night. The whole hospital has polio. They are coming in at a rate of twenty five each day. Doctor can you come down to help?" The pilot said, "I'm just the guy to do it if you want to make an unscheduled landing. I'll take old 'papa' down to Managua." We landed in Managua and within a short time we were in this hospital. We had to send the Nicaraguan Air Force for iron lungs from Panama.

Just think what could have happened if we could have had a White Fleet to move in with iron lungs on board. They only had four iron lungs in Panama and we had four hundred children paralayzed from the neck down. Well we had to put one little head out this end of the iron lung, had to put another little head out the other. And you know the arm places where you reset an iron lung or utilize them to change the diapers of the sick baby, we had to put the babies crosswise in there. We had to put four little bodies into each one of the 4 iron lungs. Oh, we lost a good many. I put twenty five lost ones in one sack as I took them out. But we saved a lot of them. We had three professors; one from Harvard; one from Chicago; and one from a Mexican town. Then I got on the telephone and on the Western Union line and I sent 125 telegrams to Catholic charities. This is Catholic country. Catholic charities in New York sent us 465,000 doses of polio vaccine. The Doctors sent us 260,000 doses. The Methodists sent us 1,000 doses, and another charity sent us 25 doses.

Well we got the vaccine. Let me tell you, we administered 1,200,000 doses of polio vaccine in one week. Now Nicaragua could not have another polio epidemic tomorrow if it were to try.

Later we fired 210,000 shots of protective and life-preserving vaccine into the people of Honduras. Right next door in Costa Rica there were 10,000 children sick with the measles and they needed vaccine. I sent out a call for help. "We've got the guns, we've got the people, we've got the patients, we've got everything but the vaccine. If you give us the vaccine, we'll take care of it. I called a friend in Annapolis, Maryland. He said, "Dr. Hingson, we can't give it to you. We'll give it to you at a fair price. It's $2.95, we'll give it to you for $1.06." I said, "we can't do it. Our nurses don't make but $200 a month and some of them are barefooted. We can't make the payroll." He said, "Dr., the children will have to die."

I said, "No they won't die." I said, "Somewhere in this heart of America is compassion and I'll sign the note here." At this very moment we are $101,000 in debt because of that note but last week we raised $11,000. I raised $2,000 yesterday speaking fourteen times in Louisiana . . . and I am going back to Cleveland tomorrow to raise some more funds.

With our success in Liberia, with our success in Honduras, with our success in Nicaragua, and with our success in Costa Rica, you can readily understand why Panama would ask us now for total immunization of their country with its 650 miles of coastline. That is where the ditch is going to be built. Think what the Great White Fleet could do now. It could turn us into a one-ocean Navy. In an economic sense, the Great White Fleet, by demonstrating American technology to the developing nations could double the business of New Orleans, Mobile, Miami and Houston.

These are positive things that I know. The White Fleet will take some logistics planning, proper timing and support. White Fleet ships will need the helicopter that can go over that ridge and go down into the typical Indian village where thirty seven people died in one night. Think of the coastlines in Central and South America. If you were going to build a home in South Brazil, it would cost you $50,000,000. In that little area with thirteen million people, you could clear out five million diseases with $5,000,000, with the White Fleet to support it.

* * * * *

But I can tell you that I saw forty people killed by agents planted by Castro in the streets of Managua last month; that Mr. Castro wants to climb in the mountains of Central America all the way up and down. Mr. Calvo, the Minister of Health from Panama told me just last week in Washington that he is having trouble with the Castro sponsored rebels in the mountains in the Passo del Norte.

The Minister of Health is losing six hundred babies a week with measles. With $200,000 and logistical support we could immunize 1,100,000 people in Panama against measles, polio, tuberculosis, leprosy and smallpox. That's the kind of outlay we are talking about and I do hope that we can respond. We're making every effort to do it. I'm just giving you an example. The Great White Fleet must live! The Great Grey Fleet is active, I want to pay tribute to that. Every ship that moves at sea, one of these days is going to help wage peace, or we are going to be fighting "the real one." War ranks third behind famine and disease in its destructive force.

* * * * *

We talk about education; we talk about improved garden seed; improved agriculture and transportation; we talk about combined help, and these are the things that can tie areas of want and need very quickly to the United States. I reckon we could put Castro on the run if we just moved out into these vacuums of cess pools and sewer pipes which are just wide open and one final thought. Think what a wonderful thing it would be if all of those plagues of South America, including Castro's agents were separated by 1500 miles of quarantine!

Mr. EDMONDSON. Mr. Speaker, I make the same request with respect to the splendid report by Dr. John H. Proctor, of Litton Systems, Inc., who also participated in that conference on October 11.

The SPEAKER. Without objection, it is so ordered.

There was no objection. The report is as follows:

Dr. John Proctor's Report

(By Dr. John H. Proctor, Litton Systems, Inc., Fort Walton Beach, Fla.)

Most of us are well acquainted with the great nation building programs this country has engaged in *after* the shooting has stopped. The Marshall Plan and similar post World War II programs are well-known to all; but, nation building before and during the shooting is a newer experience dating primarily from the early 1960's and brought clearly into focus by our efforts in South Vietnam.

This country's international commitments and the nature of the threats to world peace and the technical advances of communication and transportation have involved new ways of employing our military forces and government employees as instruments of national policy. In like manner, this country's private business and private citizen groups have found that the manner in which they conduct their activities reflects upon the image of the United States. Indeed, action of the private sector is a potent force for enhancing or undermining the U.S. policy and position.

This appears especially true around the periphery of the Communist bloc in the underdeveloped areas of the Moslem world, Africa, Latin America, and Southeast Asia. The area of greatest concern during the next decade is within the belt around the equator ranging from 35° North to 35° South latitude.

Latin America, 25; not on sea, 2.

Africa, 53; not on sea, 13.

Near East and South Asia, 26; not on sea, 4.

Far East, 18; none on sea.

We have counted 122 separate states or significant territories in this region exclusive of Australia, New Zealand, and the Oceania collection of countries. Of these countries only 19 do not have sea coasts.

When one remembers that approximately 70% of the world's population live within 100 miles of navigable waters, access to people of this region by ship does not appear to be a problem.

This table depicts the status of this region in terms of free world population and Gross National Product:

PERCENTAGE OF FREE WORLD POPULATION VERSUS PERCENTAGE OF FREE WORLD GROSS NATIONAL PRODUCT

	Percent of population	Percent of GNP
Latin America	11	6
Africa	12	[1] 3
Far East	17	[2] 7
Near East and South Asia	35	6
Total	75	22

[1] South Africa, 0.7 percent.

[2] Japan, 5.3 percent.

Even for those of us who have seen these figures before, the picture is startling: 75% of the free world population has only 22% of the Gross National Product. Two nations, Japan and South Africa, has 6% of the 22%.

In the world today, regions and countries that are poor present a breeding ground for conflict. In the words of Secretary of Defense Robert McNamara:

"There is a direct and constant relationship between the incidence of violence and the economic status of the countries afflicted. . . . There is an irrefutable relationship between violence and economic backwardness and the trend of such violence is up, not down."

Nations with higher than optimal population growth, lower literacy rates, and lower life expectancy rates appear to be more prone to violent outbreaks internally. From 1958 to 1965 there were 164 "internationally significant" outbreaks of violence, each designed as a serious challenge to the authority or the existence of the government in power according to the Secretary of Defense. Only 15 of these were military conflicts between nations. In 1958 there were 23 prolonged insurgencies whereas of February 1966, there were 40.

Using the World Bank classification of a nation's wealth mentioned earlier, the outbreaks of violence occurred in 32 of the 38 very poor nations, 23 of the 33 poor nations, and 18 of the 37 middle-income nations.

The backdrop I have been painting of the problems facing developing nations and the U.S. has been with broad brush strokes—general or summary statistics. I *am* making the point that the situation grows more acute even in the face of the several brilliant action programs initiated since 1959 and the birth of the Great White Fleet idea. Other speakers today will describe these problems at a more personal, human level. But all of us, from each of our points of view, see only greater consternation for the next decade on the same problems. In short, our solution efforts singly and in combination have not relieved sufficiently the difficulties which have accrued from population growth and the inadequacies in meeting basic human needs for food, water, education, and jobs.

That programs to relieve the situation are justified has already been established since, in fact, we are conducting them: church missionary efforts, the Peace Corps, groups working through the United Nations, our military civic action and foreign aid program are a few examples. That more is needed appears obvious but there may be doubt in some quarters about whether the U.S. can afford to do more. Needless to say, my thesis is that we cannot afford *not* to do more. Most people view such projects from the altruistic viewpoint. Actually, there are at least *three* basic reasons why the Great White Fleet has continuing appeal and why it should become part of the programmed action for this country: Humanitarian, National Security, and Good Business.

HUMANITARIAN

One doesn't have to justify noble behavior. The differences between our standards of living and those of the less fortunate nations are appallingly large. One simply cannot disregard or "make do" and truthfully claim to adhere to the principals that increased the wealth of this country. We cannot advise and guide, we cannot be a leader and not do as much as we can to solve the plight of our friends. President Johnson continued our commitment to help Latin American nations build with their own hands in their own lands. "To my fellow presidents," he has said, "I pledge: Move boldly along this path and the United States will be at your side."

NATIONAL SECURITY

The stated objective of this nation has been not to acquire land by force or to crush a nation, but to provide a climate for nations to develop their own identity, to increase their own safety, and to improve their own standards of living. The U.S. has no imperialistic or colonialistic objectives. The form of the government we are assisting in a self-help program is of little consequence so long as it is not inconsistent with the objectives of free men. The U.S. Navy role in the last fifteen years has been to maintain and, as in Southeast Asia, to use its capacity to destroy while at the same time applying it capabilities constructively.

While the current belief in the absolute necessity for maintaining a seaborne nuclear deterrent is rarely challenged by thoughtful men, the legitimacy of the military involvement in nation building activity is questioned.

Reducing the causes of war will lessen the chances of our having to send troops overseas for combat purposes. In the event of a major showdown between the great powers, our friendly and helpful assistance to emerging nations today could pay important dividends later in terms of strong and helpful allies.

Today, I hope to hear more about how this great potential of Naval power might be constructively applied through the Great White Fleet concept.

GOOD BUSINESS

In addition to humanitarian and national security benefits to be expected from operations of the "White Fleet" and other nation building programs, there are benefits which can accrue to American business and industry. U.S. markets need to be increased, and they can be, provided the emerging nations can be made safe for business ventures and provided they can achieve a larger share of economic gain which can be sustained at a reasonable level. In short, there is self-interest from the "Yankee-Trader's" viewpoint arguing for sponsoring programs to assist the underdeveloped nations.

But we are learning that when the basic ills of mankind are to be successfully attacked, whether in public health, education, finance, family planning or agriculture, the best of our equipment and know-how and lots of money and man-hours are required. Simply, constructive instruments of national policy are expensive. The U.S. is not rich enough to do all the things that need to be done at the same time.

One of the hoped for results of this meeting is a relatively *inexpensive* initiation of the Great White Fleet idea—inexpensive in terms that businessmen can understand, those same businessmen who would not give their backing to another "give away" program.

Mr. EDMONDSON. Mr. Speaker, Capt. James Hingson, of the U.S. Navy, formerly in the Office of the Chief of Naval Operations, also delivered at that conference an outstanding report. I ask unanimous consent that it may be printed in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection. The report is as follows:

CAPTAIN HINGSON'S REPORT

(By Capt. James Hingson, U.S. Navy, Office of Chief of Naval Operations, Washington, D.C.)

I have brought with me some illustrations of types of ships which could be used in such a fleet. It will only take a few minutes to show and tell you that we have a number of vessels which would prove suitable for White Fleet operations. If an ammunition ship can serve, then almost any ship could serve.

First of all the Great White Fleet can provide a hospital or a medical field service. It has been proved time and again that we can have two hospital ships out in Vietnam now. They are air conditioned with the latest equipment, and provide the best type of medical service aboard ship.

Units afloat can actually provide better service than is ordinarily available in our modern hospitals ashore.

The White Fleet could be operated by MSTS or they could be operated as individual task groups under other agencies of government.

The Landing Ship Tank (LST) would be an excellent ship for the White Fleet. An LST is capable of doing almost anything. From an LST, the USS *Alameda County*, we unloaded and built a complete airfield at Cyprus within forty-eight hours.

This included setting up a complete airfield on Cyprus. Setting up radars, runways, generators, barracks, operational control centers and everything needed to operate land-based aircraft. LST's can be configured as hospital ships, tenders, in fact they can be fitted out, staffed and equipped to do anything. Also, they have a relatively shallow draft and can land virtually anywhere there are sandy beaches. There are numerous amphibious vessels such as LCU's, LCM's and ARSD's which would serve the purpose. Many of these are surplus to present military needs.

(Captain Hingson at this point was asked whether it would not cost more money to mothball a seaplane tender than it would cost to keep it operational. He replied as follows:)

Yes, it is more economical to keep the ships operating. We have at least a half dozen different types of ships which would prove suitable for White Fleet operations.

(Captain Hingson was then asked whether there was currently a seaplane tied up in Seattle. He replied as follows:)

Yes, and it would be better to keep the ship operational. It is better to operate a ship than to mothball it.

In conclusion, I would note that the Army's mobile hospital can be moved by helicopter and set up by four people in about thirty minutes. Helicopters can lift this entire hospital. Lifting heavy loads by helicopter is one of the ways we have licked the log jam in ports. They save a lot of time. The Great White Fleet when properly organized, staffed, and targeted can cover an entire nation in a very short time.

Mr. EDMONDSON. Mr. Speaker, another splendid report which was delivered on the occasion of the conference was presented by the president of Fairlea Metal Works, of Fairlea, W. Va., Mr. Edwin Ott. I ask unanimous consent that it be printed in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The report is as follows:

Edwin Ott's Report

Since (the people of West Virginia) live in the mountains where life is pretty rugged under normal conditions we have learned to be concerned about other people. We also have a feeling in the mountains that our interest in the welfare of others is important to our own economic welfare and to the development of mankind.

I would like to make a few comments about the course of future events. For example, prophets tell us there will be another major war; perhaps another war will be of an atomic nature. This war might come within a few years, 50 years or perhaps 100 years. Nevertheless, they tell us that we face another major conflict. Should this happen, I cannot think of a better survival kit for mankind than the White Fleet.

We also hear that someday the world will face a major depression. We know, both from our statisticians and our intuition, that this is so. Periods of prosperity and depression follow in the cycle and it can be assumed that eventually we will have another depression. Therefore, again, I would say that we could use something like the White Fleet as a part of our survival kit.

At some point in time we must take into account the possibility that humanity may face tremendous food shortages. . . . The White Fleet is one possible answer to this problem.

When we offer man an opportunity to improve we offer him a chance to enhance his own dignity and self-respect. When we give him money we do just the opposite. Giving money away is not the answer. Offering man the opportunity to improve himself through his own education and hard work is the answer. This is true in Appalachia, and it likewise is true in every poor section of the world.

Mr. EDMONDSON. Mr. Speaker, I would like to make a similar request for the energetic and dynamic naval officer who is the father of the White Fleet concept, Capt. Frank Manson, who, as a naval officer back in the late 1950's saw the possibilities of the utilizing of surplus vessels and presented the idea for a White Fleet at the Naval War College. It attracted the attention of Life magazine and other major publications and was given nationwide publicity at that time.

Captain Manson has persisted in his advancement of that great idea and has at this time succeeded in founding a White Fleet Foundation which is engaged in a very imaginative pioneering effort in connection with several of the Indian tribes of our own east coast.

I would like to ask unanimous consent that his remarks might appear at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Excerpt From Captain Manson's Report

The basic purpose of the White Fleet is to perpetuate man's freedom and his dignity, by offering on a global basis, a floating technology designed to help man overcome these hostile environments which bring on disharmony among nations and violence in the struggle for life's basic necessities.

I should also say at the outset that the White Fleet does not compete with any foundation or with any organization, civilian or governmental, which is now created to serve in common purpose with the basic principles for which the White Fleet Foundation was created.

It is our common hope and faith that when the White Fleet gets underway, these floating units will be formed into task groups around the globe; that these task groups will serve as a catalyst in each region of challenge; that these multi-purpose groups will help attract and bind the hundreds of humanitarian organizations into a concerted effort; that these floating units will help to coordinate the full spectrum of constructive programs to increase their effectiveness, and drastically reduce the overall expenditures of money, time, and manpower.

As I once discussed with Admiral Arleigh Burke in the Fall of 1957 during his tenure as Chief of Naval Operations that I did not then feel that the two hospital ships which I had proposed to him should be placed in commission at the price of placing two combatant cruisers out of commission, I have never felt that it would be wise to buy a White Fleet at the price of diminishing our defense capability designed to deter the onrush of the greedy who thrive on weak and undefended governments.

I say the White Fleet can be built for the most part from the scrap heap of U.S. surpluses; it can be salvaged from those ships and surpluses which are rusting and eroding away, items for which there is no market.

We need the sponsorship of some federal agency, an agency which is sufficiently broad in its charter and objectives to work with all elements of the White Fleet concept. We need some legal means of drawing surplus items needed in White Fleet operations.

Mr. EDMONDSON. Mr. Speaker, I would like to make a similar request with respect to brief excerpts from the remarks submitted on October 11 by Dr. John Tabb, director of planning and development of Old Dominion College, Norfolk, Va.; and Mr. Curtis T. Brooks, Jr., of the Chamber of Commerce of Norfolk, Va.; and Capt. O. C. Scellato, commanding officer, first precinct, Norfolk Police, and a trustee of the Federal Order of Police; and Mr. Harry Drew, president, MACE Club, Norfolk, Va.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Excerpt of Remarks of Dr. John Tabb

I have worked and am very familiar with the problems confronting our trust territories in the Pacific.

I feel the White Fleet might be able to contribute to the economic and social development of these islands and therefore recommend that this aspect of the White Fleet concept be given prompt and thorough study.

Excerpt of Remarks of Mr. Curtis T. Brooks, Jr.

With a background of twenty years service in the Chamber of Commerce profession at all levels, local, state and national, I would like for this Committee to know that one of our nation's important maritime states, the Commonwealh of Virginia, does have a sustaining interest in the Great White Fleet concept.

Captain Manson and I have had White Fleet discussions with our Governor, Mills E. Godwin, Jr., who indicated his interest from the point of view of commonwealth participation, as did Richard S. Gillis, Jr., Executive Director of the Virginia State Chamber of Commerce in Richmond, Virginia. (Further) five corporations in the State of Virginia have already offered their goods and services to the White Fleet Laboratory ship which will operate on an experimental basis in the Tidewater area.

Excerpts From the Remarks of Capt. O. C. Scellato

Speaking for the Police of my own area and for Policemen of America who are trying to enforce the laws of our nation we see in the White Fleet, something which would appeal to young people, something which is constructive and which would keep them occupied in positive and helpful programs. Developing youth requires inspiration as well as developing nations. Therefore, I would strongly urge the establishment of a nationwide White Fleet program, which I feel would be as helpful to our own youth as it would be helpful to others.

Excerpts From Remarks of Mr. Harry Drew

As President of Norfolk's MACE Club (Military and Civilian Emissaries), I would like for the Congress to know that the White Fleet concept has the unanimous support of our club. We have taken a vote and we are 100% for the concept. Coming from Norfolk, home of the world's largest naval base, and realizing the potential of floating our technology to the world's potential market places with the same skill we float our weapons systems, we feel the potential for improving our relationships with the emerging nations is limited only by our imagination and that we should pursue the establishment of the White Fleet as a matter of high priority.

Mr. EDMONDSON. Mr. Speaker, I make a similar request with respect to the presentations which were made on October 11 by several other dedicated Americans, Mr. Hugh Kellum of Norfolk, Va.; Mr. Henry Santiago, of the Office of Navy Material, here in Washington; and an inventor and manufacturer from Norfolk, Va., Mr. V. L. Ott.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Excerpt From Hugh Kellum's Report

I first heard of the White Fleet in late June of 1967. Since I had some military experience in World War II and experience in national affairs since that time, this idea appealed to me from several standpoints.

First, ships were something to capture the imagination and public interest.

Second, with *my* background as a Quaker, it was obviously a force to wage peace and it was something to prevent and correct those conditions which lead to war.

Third, the idea was easy for me to understand. Since I am what I consider to be an average citizen, I thought this idea would appeal to people in my status.

Fourth, *if* the United States is to regain and hold world leadership, this White Fleet offers one of the prime answers to both our domestic problem and our international relations. I have, first of all, an interest in my country and a deep sense of the inheritance from my forbears. I want to perpetuate their ideals.

Captain Frank Manson said we could start in the Tidewater Area with a small research ship, a laboratory experiment where the environment would be comparable to conditions we might find in Central or South America or Asia or Africa. We have in the Tidewater Area everything from dismal swamp land to Tangier Island and one early self governing Indian tribe of Virginia—the Mattapony and Pamonkey Indians who are direct descendants of Powhatan and Pocahontas. We have numerous under developed areas in the Tidewater Areas where we can test out the concept of the White Fleet and the tools, methods, environment, responses and our own imagination and ingenuity in meeting these local challenges.

How can we better prove to the world our leadership than by cleaning our own house first? As Lincoln so well stated, "A house divided cannot stand." It is, I say, most fitting to start here and now the White Fleet concept.

Excerpt From Henry Santiago's Report

The Navy becomes the logical *first choice* for the management and support of this fleet. There is one other reason for selecting the U.S. Navy. It along with the Coast Guard represent the finest in our Sea going community. For those elements where the Navy has no capability, selected volunteers can be recruited, similar to the procedures used by A.I.D., in fact it can be exactly the same as the AID procedures. Additional volunteers can be recruited for those elements where the Navy's expertise is presently (or projected to be) spread thin, with the Navy providing only the nucleus.

Specifically what are the Navy's resources which will or could support the elements involved.

Ships & Operating Personnel—Presently the Navy has more than 500 ships in Mothball. Among these are LST types. These ships are preferred because they are small amphibious types requiring relatively small crews. In the event the ships in mothball cannot be released the Navy may be able to identify other ships belonging to itself or to another activity which could be made available.

For operating personnel, the Navy Community has over 560,000 reservists as well as a large complement of retired personnel in addition to the more than 700,000 active duty personnel.

Sea Bee Teams—At present the Navy has a group of Sea Bee Technical Assistance Teams (STATS) in operation. These teams consist of one officer and 12 men who operate at the village level. Their purpose is to teach the villagers to help themselves and to assist these villagers in building or accomplishing something that would otherwise be beyond their capability. The teams are set up and trained by the Navy but they are sponsored and receive support services from the Agency for International Development.

Medical, Public Health & Veterinary Teams. The Navy's Medical Community is large and well established. Because of the Vietnam War it may not be possible for the Navy to fully staff the team required, however perhaps only a nucleus of one officer and some enlisted corpsmen can be assigned. The Veterinary teams will have to come from another community since the Navy has no community of this type.

Other. The Navy's knowledge in almost all aspects of the Sea is apparent, traditional and well developed. Thus it would be capable of supporting a myriad of needs in this general area.

Support Establishment. The Navy's support establishment consists of over 400,000 civilians as well as special or limited duty Navy personnel.

There is no obvious second choice, however, since it would be desirable to have as the "lead" an activity knowledgeable of the sea and in the use of ships as well as having the tradition of leadership and discipline (in addition to possessing the support capability) the *second choice* would, in the author's view, be the U.S. Coast Guard. The ships could, if possible, be obtained from the Navy's mothballed fleet and reactivated with the Coast Guard providing the operating personnel, or the nucleus of these people (and personnel for the other elements where it is able), and coordinating the services provided by the other communities.

Excerpt From V. L. Ott's Report

I have been on the Mattapony Reservation and I have talked to Chief Custalow and I know of his many needs and the needs of his tribe.

This Chief is looking for an honest livelihood. This situation is also true of many peoples of many other nations.

When people such as the Mattapony tribe have had very little opportunity for education, their only salvation is working with their hands.

The following vocational skills are part of a program which will be offered to the Mattapony tribe. They will select the proper skills and trades which will help to fill their needs and put them on the road to recovery. Weaving, sewing, painting, ceramics, wood carving, working with shells, metal and wood making up jewelry are skills which will be offered to Chief Custalow by the White Fleet, prototype ship which is being designed as a vocational school ship. We provide the techniques and methods. They provide the creativity. It is my thought that one of the greatest things which should be taught, is the raising of vegetables for food, and that is using God's plan.

Mr. EDMONDSON. Mr. Speaker, I do not have any personal doubt about the fact that if it were possible for every Member of this body to spend about 15 minutes in a personal discussion either with Capt. Frank Manson or any of these other dedicated men who have been working on this proposal for many, many months, we would very speedily adopt the legislation necessary to put this Congress on record in support of this concept and to provide what funds are necessary to get it moving.

Mr. ANDERSON of Tennessee. Mr. Speaker, I commend the distinguished gentleman from Oklahoma and want to join with him and associate myself with his remarks. I have known of his long interest and his excellent contributions toward the White Fleet concept.

As many of my colleagues know, I have spent a number of years in the military service and was fortunate to be assigned the command of the first nuclear submarine, the U.S.S. *Nautilus*.

Little did I realize the potential of this nuclear submarine until I was actually able to operate in new and interesting environments, in the tropics, under arctic ice packs, beneath large carrier task forces, in support of landing operations. Each new environment offered new challenges and new opportunities and taught us new lessons.

Now it seems to me with the White Fleet idea we have the same opportunities as those men of centuries past who started experimenting with the warship as a means of protecting the existing civilization against destruction.

Today, mankind faces a number of enemies. We face political and ideological enemies, but the central enemy of all mankind is poverty and those relatives of poverty—illiteracy, starvation, disease and lack of a means of self-support.

The White Fleet of 1967 is in the position of the first war fleets in recorded history. Much work lies ahead in refining the technical means of training men to train themselves. Ships of the White Fleet will need much experimentation and research to refine the means of communicating and motivating those who are flattened by the burdens brought on by ages of impoverishment.

But the time is at hand to begin. It is time for our Federal Government, our State and local governments, and our private industries to join hands in developing ships to help solve man's problems.

I know from my experience in the Navy that the ship can be a marvelous instrument of organization and achievement. There is no limit to what such a fleet could do in times of great emergency and on a continuing basis in the developing regions. This is something to which we should give our thoughts and resources.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I would like to ask unanimous consent at this time that any Member wishing to do so may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I yield to my good friend and colleague from New York [Mr. HALPERN], who is the author of H.R. 12509.

Mr. HALPERN. Mr. Speaker, I welcome this opportunity to call to the attention of my colleagues one of the most commendable concepts of international relationships which has ever been broached in this body. The distinguished gentleman from Oklahoma [Mr. EDMONDSON], who I heartily commend for his leadership to achieve this concept, has perceptively pointed out not only the idealistic worth of the Great White Fleet, but the undeniable practicality of the project.

When the concept of the Peace Corps was first presented by the late President Kennedy, there were those who said that "Yes, it sounds like a fine idea, but it will never work." I think it is safe to say that these nay-sayers have been proved wrong.

I feel not the slightest hesitation in saying that the Great White Fleet, if implemented, will prove to be one of the most innovative, yet practical projects advanced by this country.

The idea was first conceived in 1959 by Navy Cmdr. Frank Manson, and was then widely acclaimed. His vision was of a fleet of ships, each one equipped to provide both training and service in a specific area of concentration. One might be a medical and public health facility; another an electrical power and construction center. These ships would be free to roam the world, carrying out concrete, specific, and immediately useful programs in areas with limited overland and air access.

Since the idea was first advanced in Congress, there has been general agreement that something of this scope should be tried, but, for whatever reasons, nothing concrete has been done. I feel strongly, as does my colleague from Oklahoma, that we can no longer afford to allow this imaginative project to remain unimplemented and unproductive.

This is not a starry-eyed proposal, but a viable, practical attempt by a great and caring nation to alleviate some of the social and economic ills of our less-fortunate neighbors in this world.

The method, I feel, is more than attractive. Not only aid and care will be provided, but training and education, the sine qua non for the development of heretofore underdeveloped countries.

Further, the resources, both material and nonmaterial, for the effective implementation of this project are immediately at hand. Former ships of war, now swaying at decaying anchorages, can easily be refitted to provide life, rather than death, construction rather than destruction. The spirit and willingness of volunteers to work in such projects as this has been amply shown not only in essentially private efforts, such as the ship *Hope*, but in Government efforts such as the Peace Corps.

Mr. Speaker, the resources are at hand, the people to utilize those resources are more than evident, all that is needed is the will and the vision on our part to put this country's intelligence, commonsense, and sense of dedication to work toward the realization of an effective, viable, and practical way of bringing modern medical care, education, technology, and productivity to those who so desperately need them.

Mr. EDMONDSON. Mr. Speaker, I thank my distinguished colleague, the gentleman from New York [Mr. HALPERN] for the eloquent remarks which he has made in support of this program and for the constant manner in which he has campaigned for and spoken from the very first for this proposal. I earnestly hope that the day may not be too far distant when we shall have hearings before the appropriate committee of the House of Representatives and in the other body on this legislation.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 6, 1967.
Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: May I repeat to you what I have often expressed, and that is my warm appreciation for the opportunity you gave to me to serve on the Select Committee on Small Business of the House of Representatives.

This has been a most rewarding experience. Because I will be leaving the Congress shortly, I herewith tender my resignation from that Committee, effective immediately.

With warm regards, I am,
Sincerely,
ABRAHAM J. MULTER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT OF MEMBER TO THE SELECT COMMITTEE ON SMALL BUSINESS

The SPEAKER. Pursuant to the provisions of House Resolution 53, 90th Congress, the Chair appoints as a member of the Select Committee To Conduct Studies and Investigations of the Problems of Small Business, the gentleman from New York [Mr. ADDABBO] to fill the existing vacancy thereon.

THE ECONOMIC PROGRAM: TIME FOR A NEW START

The SPEAKER. Under previous order of the House the gentleman from Wisconsin [Mr. REUSS] is recognized for 40 minutes.

Mr. REUSS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. REUSS. Mr. Speaker, the announcement by the majority leader just a few moments ago of the schedule for the remainder of the year reinforces what I have already felt, that the proposal for a surcharge tax bill in 1967 will not come to fruition.

Originally, it was to go into effect, for both individuals and corporations, on July 1. It was set forth in last January's state of the Union message, but no hearings were held on the proposal. A second attempt was made on August 3, 1967, when the President raised the proposed surtax to 10 percent and would have deferred the effective date for individuals until October 1, 1967. In September, the Ways and Means Committee declined to consider the matter further. A third attempt has been made within the last few weeks, following the British devaluation. Once again, the Ways and Means Committee refused to act.

Congress in general, and the chairman of the House Committee on Ways and Means in particular, are being criticized for this refusal. I propose this afternoon to review the economics of the year 1967, to ask whether monolithic insistence on the tax surcharge proposal has in fact been wise, and to inquire whether a different economic approach by the administration would not have been much more in accord with the economic needs of a nation dedicated—Vietnam or no—to a program of full employment without inflation.

To eliminate the suspense, Mr. Speaker—I believe that a different approach was in fact called for. But I take the floor not to pour coals of fire upon the administration, but to urge a rethinking by the administration in the weeks ahead while it prepares the major proposals which will be forthcoming in January in the state of the Union message, the budget message, and the Economic Report.

I believe that there is an economic program available to the Administration which can actually make contact with economic problems that confront us. If the administration will present such a program vigorously to the Congress, I believe that the Congress will respond. And if the Congress fails to respond, the administration will then have a valid economic issue which it can take to the voters in the 1968 election.

Let us first look at the three main characteristics of the economy in 1967:

A HUGE DEFICIT

First. A huge budget deficit looms, its exact size depending upon whose estimate is taken, and on what budgetary format is used. One does not have to be a doctrinaire budget-balancer to be alarmed at a deficit of this size at this stage of the economic game. A huge budget deficit adds unconscionably to the interest burden which future taxpayers are asked to pay. More immediately, borrowing by the Treasury to meet such a deficit inevitably tightens money and raises interest rates to an undesirable level, with most harmful consequences to homebuilding, small business, and State and local government borrowing.

A LESS THAN FULL EMPLOYMENT ECONOMY

Second. The economy still has some slack in it. Unemployment has risen to 4.3 percent of the work force, and only 84 percent of our industrial capacity is being used, compared to 91 percent a year ago. Increasing unemployment falls hardest on marginal groups in our society such as Negroes and teenagers. If an across-the-board tax increase is enacted, it will inevitably slow demand, retard economic growth, and cause more people to be thrown out of work, particularly Negroes and teenagers.

WORRISOME PRICE INCREASES

Third. Selective price increases are pushing up the cost of living at a rate in excess of 3 percent a year—too high both in terms of equity at home and our balance of payments abroad. Clearly, with our current unemployment and our current rate of industrial capacity usage, these price increases are not the result of present demand-pull inflation on an overall basis.

In the administered price cost-push industries—such as steel and automobiles, excessive wage and price increases have come about less because of excessive demand than because of inadequate demand: lowered corporate profits, themselves the result of inadequate overall demand, have induced management to raise prices in order to make up for lowered profits. In the increasingly large service sector of the economy, particularly in medical care, prices tend to outstrip productivity because of lack of attention to the supply side; we simply do not have an adequate program of Federal aid to medical schools, for instance, and the resulting shortage of physicians raises the price of medical care.

A third sector of the economy showing unnecessary price increases is in those industries, largely defense and space, where there is an excessive demand created by the Government itself.

Confronted by this 1967 economic scenario—a huge deficit, a less than full-employment economy, and worrisome selective price increases—what would have been, and what could now be, a sensible program to reduce the deficit and/or moderate price increases, with a minimum diminution of the demand needed to keep the economy moving forward? I have been suggesting all through 1967, and I suggest again, a four-point program directed at this end.

1. PLUGGING TAX LOOPHOLES

Point No. 1. A loophole-plugging tax program that should raise as speedily as possible $4 to $5 billion a year, with a minimum impact on the necessary overall level of demand. H.R. 13490, introduced last October 12 as the Tax Reform Act of 1967 for myself, Mr. REES, Mr. COHELAN, Mr. WILLIAM D. FORD, Mr. DOW, and Mr. MEEDS, would plug or substantially diminish 10 major leaks in our present tax system, and would yield to the Treasury $4 to $5 billion annually in lost revenues. The bill, which is described in full in the CONGRESSIONAL RECORD of October 12, would plug the following loopholes with the following potential revenue gains:

Title II: Taxing capital gains untaxed at death—savings, $2.5 billion.

Title III: Eliminating the unlimited charitable deduction—savings, $50 million.

Title IV: Eliminating special tax treatment for stock options—savings $100 million.

Title V: Eliminating the $100 dividend exclusion—savings, $200 million.

Title VI: Eliminating the benefits derived from multiple corporations—savings $150 million.

Title VII: Removing the tax exemption on municipal industrial development bonds—savings, $50 million.

Title VIII: Reducing the mineral depletion allowance from 27½ to 15 percent on oil and from 23 to 15 percent on 41 other minerals—savings, $800 million.

Title IX: Establishing the same rate for gift and estate taxes—savings, $100 million.

Title X: Eliminating payment of estate taxes by the redemption of Government bonds at par—savings $50 million.

Title XI: Eliminating accelerated depreciation on speculative real estate—savings, $100 million.

IT WOULD INCREASE EQUITY

H.R. 13490 has two purposes: to increase equity in our Federal tax system, and to raise additional revenues in a manner that is least disruptive to the demand needed to take a full-employment product off the market.

The need for increased equity was well described by Chairman WILBUR MILLS of the House Ways and Means Committee in the November 23, 1959, issue of Life magazine:

> [T]he laws are full of special provisions through which a shrewd or lucky taxpayer can often escape paying anywhere near his full share . . . If we have a tax system riddled with preferential benefits and falling on only a part of our economy, the heavy tax burden on those that must carry more than their share will limit our whole national program. As I see it, a fair and equitable tax system is not only desirable for itself but well may be an element in our national survival.

AND RAISE REVENUE WITHOUT FRACTURING DEMAND

What about the impact of a loophole-plugging measure on demand?

The administration's across-the-board tax increase would raise revenues only at the price of removing from the demand side of the equation funds which would otherwise be spent by consumers on goods and services, or by investors in new productive plant and equipment. The moneys returned to the Treasury by plugging tax loopholes, on the other hand, would very largely be moneys which now rest in the pockets of tax avoiders and contribute neither to adequate consumption nor to real investment. In large part, they go to less desirable uses, such as bidding up the price of already inflated real estate, contributing to activity in the stock market, or leaving the country in speculative foreign investment in companies, industrial equipment, or commodities, including gold.

There is considerable reason to suspect, for example, that much of the recent gold flurry in London, Paris, and Zurich was fueled by American flight capital that came into being in the first place because of our leaky, loophole-ridden tax system.

We would need to plug these tax loopholes as speedily as possible even were the budget deficit a great deal smaller than it is. The aim of the new economics is to produce full employment and adequate economic growth, stable purchasing power, and a roughly balanced budget all at the same time. But this requires that our after-tax income distribution be such as to maintain enough demand to take the country's full employment production off the market.

MALDISTRIBUTION OF INCOME IMPAIRS DEMAND

Increasingly, our income distribution system tends to favor the high-bracket taxpayer, who cannot find adequate opportunities for profitable capital investment and who thus tends to save a larger part of his income, as against the low-bracket taxpayer, who tends to spend what he gets. Thus the Government must either deficit-spend to make up for the portion of the income stream which never gets spent by reason of this maldistribution of income, or see the economy progressively become more stagnant.

A large part of the shortfall in demand, as I have indicated, comes about because our tax system is so shot through with these loopholes. To make matters worse, Federal tax reductions in the last 15 years have been heavily weighted in favor of the high-bracket taxpayer, as against the low-bracket taxpayer. These include the revisions in the general tax rate and the more liberalized treatment of depreciation of 1954, the accelerated depreciation and investment tax credit of 1962, and the tax revisions and reductions of 1964.

Moreover, the successive increases in the social security payroll tax took large bites out of the pockets of lower income people, who would otherwise have been spending that money. And meanwhile, regressive State and local property and sales taxes were taking an ever larger bite out of the same pockets. Only the excise tax decreases of 1965, and the provision of the 1964 act dividing the first $2,000 income bracket into four steps with much lower rates, did much to promote consumption among lower income groups.

Joseph Pechman and John G. Gurley of the Brookings Institution have carefully documented the effect of our jerry-built tax system in increasing the share of income retained by corporations, at the expense of lower-income individuals.

THE RELATIVE TAX BURDEN OF CORPORATIONS DECLINES

Federal corporate income taxes as a percentage of profits before taxes, plus capital consumption allowances, fell from 33 percent in 1954 to about 26 percent in 1965. The reduction in taxes paid by corporations at 1966 levels of profits and investment as a result of these measures was around $6.5 billion, and $8 billion if effects of depletion allowances are included. These generous depreciation allowances and the investment tax credit have boosted the rate of return on 10-year assets from 10 percent to 12.5—a jump of 25 percent.

Inflation has not only pared the growth in real spendable wage incomes. In the case of wealthy individuals, reported income is only a small part of their total income, which also includes changes in the value of their assets. These capital gains, to a large extent, escape taxation altogether. According to Federal Reserve studies, the distribution of wealth is far more unequal than the distribution of income. In 1962, the top 10 percent of consumer units, ranked by income, received 30 percent of total income and owned 45 percent of total wealth. The top 5 percent received 20 percent of total income and owned 38 percent of total wealth.

Among consumer units having incomes of $100,000 and over, 93 percent had a net worth of at least half a million dollars, and 37 percent had a net worth of at least $1 million. It is quite obvious that some inflation, say, of 5 percent in a year, improves their position relative to the consumer unit at the midpoint of the wealth distribution, having a net worth of $6,721.

Meanwhile, the distribution of income appears to be shifting away from consumer spending-oriented wage income toward savings-oriented corporation income. According to the Joint Economic Committee staff, employee compensation as a percentage of gross corporate product fell from 65.1 percent in 1961 to 62.9 percent in 1965; corporate profits after tax increased from 7.4 percent to 9.6 percent in 1965; corporate cash flow—capital consumption plus profits after income taxes—increased from 16.6 percent to 19.1 percent during this same period.

In manufacturing, the index of corporate profits after tax per unit of output rose from 88 to 118—1957–59 equals 100—from 1961 to 1965; and the index of capital consumption allowance per unit of output rose from 104 to 111. The profit rate after taxes for manufacturing corporations was 5.9 percent of sales in the second quarter of 1966, which was the highest since the fourth quarter of 1950. As a percent of stockholders' equity, after tax profits amounted to 14.7 percent—also the highest rate since the fourth quarter of 1950.

HIGHER INTEREST RATES DISTORT INCOME SHARES

There has also been a precipitous rise in interest rates. For example, the yields on U.S. Government bonds and notes of from 3 to 5 years maturities have risen from an average of 3.6 percent in 1961 to approximately 5.8 percent in November 1967. These higher interest rates have had important redistributive effects in themselves. But, in addition, the credit crunch of 1966 caused a drastic decline in construction activity, the impact of which fell most heavily on lower income groups.

Unemployment in construction is concentrated among the relatively unskilled and the nonwhite worker; and the shortage in housing is felt most severely by the lower income groups. Any deceleration in the rate of formation of new houses forestalls the turnover process which enables lower income groups to move into better housing.

TIME TO SUBMIT A LOOPHOLE PACKAGE

The administration is not going to get a loophole-plugging package from Congress unless it asks for one, and vigorously works for it. Each of the special interests which profits by a particular loophole has its votaries in Congress, who will presumably fight to the end to protect that particular loophole. But if the administration will summon the overall national interest, I am by no means sure that Congress could resist a loophole-plugging package, even though the package might tread on a few toes.

For many years I and other Members have been urging the plugging of loopholes. This year, in 1967, with the horrendous budget deficit facing us, the time seemed ripe. Last February 3, when the Joint Economic Committee was considering the President's 1967 Economic Report, I asked Secretary of the Treasury Fowler:

> Representative Reuss. The Economic Report mentions some scandalous loopholes in interest exemption of high-bracket taxpayers, and there are a lot more, such as abuses of capital gains, that aren't even mentioned. Why not send up a good loophole-plugging program that raises $3 to $5 billion, and let Congress take the onus?
>
> Secretary Fowler. Congressman Reuss, you will have an opportunity to deal with some of these problems, because in the President's Economic Message, he said that there will be a second tax measure which would come forward . . .
>
> Representative Reuss. I would say that the long day's battle on loophole-plugging is not going to begin until the Administration sends up its loophole-plugging package, and there is enough in the collected works of (Assistant Secretary of the Treasury) Stanley Surrey, sitting behind you, to get together a great package.
>
> Secretary Fowler. I have him very busy on lots of things, but you will have your package, Congressman Reuss.

Today, with the year's end approaching, I continue to await the administration's tax-plugging package.

2. SELECTIVE EXPENDITURE CUTS

Point No. 2. The budget deficit should be diminished not only on the revenue side, by a loophole-plugging measure, but on the expenditure side, with cuts particularly in those areas where the Government itself contributes to inflationary price increases—areas such as defense, space, and unnecessary projects such as the supersonic transport plane.

Neither the administration nor the Congress deserves any medals for its approach to budget cutting. Both have been long on generalized pleas for cutting down on spending programs, but short on the specifics of what programs are supposed to be cut. The fiscal 1969 budget to be presented next month offers a new opportunity.

I hope that the administration will provide adequate sums for the great priorities of domestic need—housing, welfare, antipollution, aid to cities. Let the cuts be centered in those areas which are already inflated by excessive Federal demands on scarce scientific and engineering manpower, such as the areas I have just mentioned. This would represent a sensible reorientation of values. If the Congress wishes to buck such a budget, it will have to take the blame for it.

3. WAGE-PRICE GUIDEPOSTS

Point No. 3. A third sadness of the economics of 1967 has been the administration's jettisoning the wage-price guideposts. During the period 1961 to 1966, the wage-price guideposts, however haphazard their administration, contributed greatly to our excellent record of price stability. Wage-price guideposts are no substitute for sound fiscal and monetary policies, but they are a necessary adjunct to them.

This year's report by the Joint Economic Committee recommended not only maintaining the wage-price guideposts, but broadening the chances of their public acceptance by bringing in labor and management for both their formulation and their administration. As a matter of equity, some part of the increase in the Consumer Price Index should be added to the increase in productivity, on a short-run basis.

The Joint Economic Committee also recommended that the executive branch, through a new agency, "be authorized to hold factfinding hearings and make recommendations concerning wage-price behavior in the public interest."

Meaningful wage-price guideposts are particularly useful to combat the kind of price increases that we are now experiencing—price increases not due to overall demand, but to cost-push, particularly in the administered price industries. They need to be accompanied, as I have suggested, by action by the Federal Government to cut its expenditures in those areas where the Federal Government is itself causing the inflationary demand. Wage-price guideposts need to be accompanied, too, by specific action by the Federal Government on the supply side, particularly in the services where prices are rising. I am thinking here of adequate Federal programs to increase the number of physicians, dentists, nurses, and medical technicians, and expanded manpower training programs designed to increase entrance into the service fields, such as TV and auto repairmen.

4. STANDBY GENERAL TAX INCREASE

Point No. 4. As I have said, the administration's across-the-board tax increase proposal is the wrong medicine at a time like 1967. It would simply retard growth and employment, without very meaningfully coming to grips with the kinds of price increases that we in fact have. But I recognize the possibility that in the future the economy may in fact heat up to the point where a classic demand-pull inflation is in fact upon us. This could occur from—God forbid—escalation of the war in Vietnam, from a change in consumer buying practices in favor of less saving and more buying, or from causes which may not occur to us now but could come into being with astonishing rapidity.

If this happens, an across-the-board tax increase such as the administration has been proposing all through 1967 would finally make sense. I want to do everything possible to make sure that such a tax increase can be put into effect promptly, without waiting for months while Congress debates the witty diversities of a particular general tax increase. Accordingly, I repeat the recommendation made last March in this year's report of the Joint Economic Committee by Representative Bolling and myself:

> We therefore recommend that the Ways and Means Committee in the House and the Finance Committee in the Senate proceed at once to consider, and report to the respective Houses for enactment, legislation providing for a tax increase along the lines recommended by the Administration. But to satisfy those alarmed by recent bearish economic reports, it should follow the path recommended last year by our Subcommittee on Fiscal Policy, that the tax increase should go into effect *only* after a congressional joint resolution is passed.

Indeed, in view of the lateness of the hour, and the excessive burden on monetary policy, a temporary general tax increase, to be repealed or adjusted downward as soon as a loophole-plugging bill can be passed, should be seriously considered.

What I have been saying, then, is that a rational response to the economic situation which confronts us is not an immediate, across-the-board tax increase, but a combination of a tax loophole-plugging program, selective budgetary cuts, reinvigorated wage-price guideposts, and a standby general tax increase.

DO WE NEED THE TAX INCREASE TO PROTECT THE DOLLAR?

But we need to ask whether the recent excitement in the world of international money may have changed this, and made an immediate across-the-board tax increase suddenly more wise and desirable than was the case a month or two ago. The international money flareup was marked by the devaluation of the pound sterling; by the gold speculation in London, Paris, and Zurich; and by the anvil chorus of the European central bankers chanting that an across-the-board tax increase now was imperative.

None of these reasons, in my judgment, is persuasive.

The devaluation of sterling produced a healthier international money situation, not a more precarious one. Prior to the devaluation, there was a real danger of a flight from pounds into dollars, and of the dollar getting into the hands of foreign central bankers who would forthwith have demanded gold for their dollars. The British devaluation, by averting this danger thus improved the position of the dollar.

The gold speculation, now subsided for the time being, was caused not by the failure of the U.S. Congress to pass a tax increase, but by residual suspicions on the part of the speculators that the United States might be contemplating an increase in the price of gold. President Johnson's firm statement that the speculators were due for a disappointment helped restore calm. We could make our commitment not to increase the price of gold even more credible by removing the remnants of the archaic gold cover on the dollar, which now immobilizes more than $10 billion of our approximately $12.9 billion gold holdings.

My bill, H.R. 6428, to remove the gold cover was introduced last March 1. It should have been passed months ago. With administration support, it should be, and could be, passed immediately.

As for the demands of foreign central bankers that we pass an across-the-board tax increase to humor them, it is enough to say that they have frequently been wrong. They were wrong when they successfully advocated deflationary policies in the United States in the late 1950's, with the result that we enjoyed both a stagnating economy and an inflationary price increase at one and the same time. They were wrong when they successfully urged deflationary policies upon the British labor Government 3 years ago. The British stagnated, but without the desired reduction of prices. In the end, it took a devaluation of the pound for Britain to achieve a better foreign trade position.

Indeed, one can argue that an across-the-board U.S. tax increase now could hurt the international position of the United States. For U.S. firms to compete internationally, and thus improve our balance of payments on trade, requires expanded investment in new productive techniques and new products for foreign markets. If anything, the stability of the dollar requires that we consider specific export tax incentives, the direct opposite of the administration's tax increase proposal.

If 1967 will go down in economic history as the year that the locusts have eaten, 1968 is another year. A new economic program may not be popular with the tax avoiders who so ardently resist loophole-plugging, with the defense and space contractors who by hoarding scientific manpower are contributing to inflation, or with the elements of both management and labor who oppose meaningful wage-price guideposts.

But it would, I think, be popular with the great majority of Americans who believe in the national goal of full employment without inflation, and who recognize sensible programs to that end when they see them. If we play it right, 1968 can be a year to be proud of.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. LONG of Maryland. Would not the gentleman agree that even if we plug the tax loopholes to the extent that the gentleman from Wisconsin mentioned, of producing $4 billion to $5 billion a year, that this would leave very large sectors of the economy, the very large income recipients, relatively undertaxed in comparison with the vast number of middle-class people?

Mr. REUSS. Yes; I certainly would.

I thank the distinguished gentleman from Maryland, who lends such luster to our debates here and who has had such a fine career in economics before becoming a Member of the House, for the point that he is making, that quite apart from these loopholes which should be plugged, our income distribution system in recent years has shown a tendency to redistribute income away from wage earners and moderate-income taxpayers to those at the upper end of the scale. This has a tendency to skew income distribution in such a fashion as to make it doubtful that the spending power in any one economic period is sufficient to take off the market that which has been produced in that period.

I, who believe deeply in the private enterprise system, am most anxious to prove that Karl Marx was wrong, and that capitalism does not carry within itself the seeds of its destruction. But that makes it much more imperative that we review our income distribution system to see whether our total taxing system indeed brings about a system of distribution which results in enough spending power and enough real investment to make sure that we do not stagnate, but that we keep going forward.

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I will yield to the gentleman.

But first may I say, I am very pleased this afternoon to have two of the really first-rate economic thinkers in the House of Representatives here this afternoon, the gentleman from Maryland, with whom I have just had a colloquy, and now the gentleman from Ohio who is also a distinguished professional economist. I want particularly to congratulate the gentleman from Ohio on the scholarly, thoughtful and ably delivered address which he made earlier this week on this same problem of taxation, and the problem of where our economy is going.

Mr. Speaker, I now yield to the gentleman.

Mr. WHALEN. I thank the gentleman.

I wonder if I might rephrase what the gentleman has just stated with respect to the need for more equity in the tax system?

As I understand it, it is your belief that if an across-the-board tax increase as proposed by the administration is adopted its effect would be, especially among the middle and lower income brackets, to take away money that otherwise would be spent. Whereas, if greater equity is put into our tax system along the lines that you have suggested, it would affect only those in the higher income brackets whose additional income is not spent but is rather saved?

Mr. REUSS. That is precisely the point. A tax increase whose impact is largely on the moderate income taxpayer is going to sop up consumer spending power and real investing power which would otherwise come into being.

On the other hand, if you generate your revenues—and we are all willing to stipulate that we need to generate revenues—if you generate your revenues by reaching into enclaves and pockets where there are tax loopholes, you, by and large, are tapping money which, had it not been tapped by the tax collector, would not have been spent either for consumer goods or for real investment in plant and equipment.

I am not suggesting that this money, metaphorically speaking, stays in the mattress. What I am suggesting is that a large part of it goes into bidding up the price of real estate, bidding up the price of equities on the stock market, and into speculative investment abroad, including speculative investment just a couple of weeks ago in gold on the London-Paris-Zurich markets. There is strong reason to believe that part of that mad money was money which stayed in the pocket of some tax-avoider and thus was able to do his country a great deal of potential harm overseas.

So I think it is very important that our future tax system—and I hope we will get to it next year—will be one that leaves the maximum amount of real, effective demand in the economy consistent with getting the maximum amount of revenues into the Treasury.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Would the gentleman share my view that the unfair feature of our tax structure is that the great masses of people, the great majority of people, earn their money by working for employers and must pay the tax bill the Government presents to them; whereas the well-to-do, the person who is rich enough, can choose the way in which he gets his income, and he can so manipulate the way in which he gets his income that he can almost get out of taxes altogether, if he so desires?

Would the gentleman also agree with me in my reservation to the proposed increase in the surtax that if we go ahead and raise this tax—and I think there are perhaps many reasons why we ought to—we nevertheless take away all pressure to overhaul our tax system, and the tax system as it is now, with all its anomalies, will simply go on and on?

Mr. REUSS. The gentleman has made two extremely valid points: First, it is entirely true that tax avoidance is something which the high-bracket taxpayer especially benefits by. For example, in the last year for which we have figures, in 1965, there were several hundreds of Americans who made a before-tax income of more than $1 million a year. They were not just millionaires. They made more than $1 million. Of that number, 28 have such skillful lawyers that they were able to avoid all Federal taxation altogether. They did not pay a penny of income tax. That, from the standpoint of equity, certainly does not sit well on the workingman or the small businessman or, for that matter, the widow, who by and large is taxed on every penny of income which comes into the household.

The second point the gentleman made is equally well taken. I would be the first to admit that tax reform is not readily come by. But I would be very certain that if we put another bracket of taxation on the average taxpayer, the pressure to find new revenues would vanish. I do not think we would ever get tax reform.

So the first plank in what seems to me a sensible package in our economic platform for next month and next year is a meaningful and prompt program of plugging those loopholes and making more equitable the entire Federal income tax structure.

The second point is what I call selective expenditure cuts. Perhaps if the 435

Members of this body were given a sheet of paper and told to list their expenditure-cut preferences, no two would come out exactly the same. And I certainly do not want to press mine on my colleagues as the ones that should be made. But my own preferences are that those expenditure cuts not come out of the great areas of national domestic need—housing, welfare, antipollution, aid to cities.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, on the matter of wage-price guidelines, would the gentleman agree that since the Government is such a large purchaser, the biggest purchaser in the land, that the Government can pursue more than merely moral exhortation in this matter of wage-price guidelines? It can, in its purchasing power, put some real muscle into their establishment and enforcement.

Mr. REUSS. Indeed it can, and in a perfectly proper, dignified, and democratic manner. I am not thinking of midnight telephone calls or investigations by police agencies. I am thinking, as the gentleman from Maryland is, of meaningful action in the Government's enormous role as the biggest purchasing agent in the land.

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. WHALEN. First I would like to compliment the gentleman for his fine remarks, and for what I believe is a very incisive investigation and exploration of what I consider to be one of the principal domestic issues confronting our country today. I believe more light certainly should be shed upon he question of the proposed tax increase.

I wonder if I might summarize the gentleman's views as I interpreted them, and then perhaps ask the gentleman either to agree or disagree with the summary.

First, it seems to me the gentleman did agree with the views which I expressed on the House floor on December 4, that a tax increase, the proposed 10-percent surcharge, is undesirable and not needed at this time.

Mr. REUSS. I entirely agree. It would increase the 4.3 percent unemployment and would cause further underuse of capacity, and it would not meaningfully come to grips with the various kinds of price increases which unfortunately we are now experiencing.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Has the gentleman from Wisconsin shared my experience? I have done as much reading and analysis of this problem as I could. Has the gentleman been able to find any assurance anywhere that if we were to put through this tax increase, either late this year or early next year, it would prevent inflation in 1968?

Mr. REUSS. No, I have not been able to find such an assurance.

I fear that next year, no matter what happens, we are likely to have a price creep on the order of 3 or even 4 percent. Partly that will be reaping the whirlwind which started a year or two ago.

I do not believe that an across-the-board meat-ax tax increase is a proper tool to combat the price increases which I regretfully see on the horizon.

Mr. LONG of Maryland. Is it not true that the argument that a tax increase would check inflation is based on what economists have always called "other things equal"? If everything else remained the same and we raised taxes, it would have an anti-inflationary effect.

But is it not true the very impact of a tax increase would be to change all of these other things that we hope would remain equal? In other words, instead of getting expenditure cuts, they would not take place. Instead of closing tax loopholes, they would not be closed. Instead of doing what we can to eliminate an enormous range of bureaucratic inefficiency, especially in the Defense Department, these inefficiencies would continue, because no one would have the powerful incentive to stop them. So the real impact would be very largely dissipated in very large numbers of policies which would be continued and which would take place and even be carried on a little further than otherwise, and the pressures for inflation would move merrily on.

Mr. REUSS. I agree with everything that the gentleman from Maryland has said. I do not agree with some things that the gentleman has not said but which some other observers have said; namely, that the across-the-board tax increase proposed would be absolutely valueless in the first instance in dampening price increases. There are those who say it will automaticaly be passed on in costs and thus not make any meaningful contact with prices. It is unnecessary to buy such an extreme criticism of the tax increase in order to share the very real and I think soundly based observations of the gentleman from Maryland.

Now I yield again to the gentleman from Ohio.

Mr. WHALEN. Mr. Speaker, I think the gentleman from Maryland made a very important point. The principal argument we hear in support of the proposed increase is that it is necessary to thwart inflation. As the gentleman from Maryland pointed out, and as I mentioned on the floor on December 4, I think we have to recognize that we are going to have inflation in 1968 whether we have a 10- or a 20-percent surcharge. So I think it is important to recognize this and not accept carte blanche the argument that we need a tax increase every time the cost of living increases.

I have one other point to raise with the gentleman from Wisconsin in terms of my summation of your speech. This gets to the second question, which perhaps is really apart from the first issue; namely, whether or not we need a 10-percent surcharge. This is the need for tax reform.

I think the gentleman stated the case very ably. Also, if I interpret your remarks correctly, while tax reform will raise perhaps $4 billion or $5 billion in additional revenue, these $4 billion or $5 billion in additional taxes will not have the depressant effect which an across-the-board surcharge would have if put on the books at this time.

If the gentleman will yield for one question further, I would appreciate your elaborating a little further on your last point; namely, the idea of a standby general tax increase.

Mr. REUSS. Yes. I will be glad to. Perhaps it seemed to the gentleman somewhat inconsistent with my rejection of an across-the-board tax increase now. I would think that the gentleman from Ohio and the gentleman from Maryland and myself would all agree, that if the country is actually faced at any particular time with a real demand-pull inflation, that is, too much money chasing too few goods, an across-the-board tax increase is precisely the medicine needed to get rid of that inflationary pull. What I am saying is, as I see the situation ahead, it could be volatile.

Perhaps the situation which the administration has been telling us is here now, but which I do not think is here now, could come into being later, sometime in 1968. If it comes, it might come very fast. Now it is an important value of our income tax withholding system that an income tax bite can take effect very fast, and sterilize income and prevent its being spent.

However, I would want to be sure the Congress could act with proper speed.

Mr. Speaker, I remind myself of the fact that it took some 6 months, from January to June—and I am not blaming anyone in particular—to do a simple thing like restoring the investment-tax credit earlier this year. I would not feel entirely comfortable if we bypassed the future problem of demand inflation and put it to one side.

In other words, I would like to have the Nation and the Members of the two congressional bodies given the opportunity to consider a general tax increase with its effective date postponed, and I would like to have it debated upon the floors of the respective bodies.

Mr. Speaker, I would like to pass a prototype tax increase to take effect, if at all, only if the Congress finds that there is a full inflationary trend upon us. But I do not favor a general tax increase to take effect at present.

Mr. WHALEN. Mr. Speaker, will the gentleman yield further?

Mr. REUSS. I yield further to the distinguished gentleman.

Mr. WHALEN. This would not then give the President the authority to invoke the tax as has been proposed in previous years?

Mr. REUSS. I will state to the distinguished gentleman that President Kennedy made such a recommendation. To put it mildly, it was not favorably received here on Capitol Hill.

I do not think it is a realistic political subject in our day and generation. But I think that we can obtain the advantage of flexibility by some such device as I am suggesting. I thus add it to my package, because I want whoever listens to me to know that I am not debonair about the dangers of demand-pull inflation.

Mr. WHALEN. I wish to state, if the

gentleman will yield further, that I agree with the gentleman's analysis that it is possible that we might experience this demand-pull inflation.

As the gentleman suggested, first of all, there is the possibility of expanding our expenditures in Vietnam; and, second, the people may revert to their former rate of savings, which according to the Department of Commerce, would inject $8 billion into the economy. Certainly, we should be prepared for this possibility, although it does not exist at the present time.

Further, in my opinion, the gentleman from Wisconsin does have a very interesting proposal. However, I would like to reserve my decision upon it until further study.

Mr. REUSS. I thank the distinguished gentleman for his contribution.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the distinguished gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, the gentleman's idea of a standby tax increase bears a resemblance to the statement which I believe was made by the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS]—or, perhaps this is merely a rumor—to the effect that the gentleman was proposing a tax increase to go into effect if Congress were to cut spending by a certain stipulated amount.

Mr. REUSS. My suggestion is somewhat different, in that the appropriate trigger for an actual tax increase would be the state of the economy, and whether we had handled unemployment sufficiently so that we were pretty close to effective full employment, and whether we had increased our use of industrial capacity so that we were near the 91 percent use of industrial capacity which we enjoyed a year ago.

Mr. Speaker, I do not like to link the effective date of a tax increase to any particular expenditure cuts, even though, as I have indicated, wise expenditure cuts are essential. There is no direct relationship between the two.

Mr. LONG of Maryland. Mr. Speaker, if the gentleman will yield further, I think in justice to one's statement of thought in this entire question, we, perhaps, ought to differentiate between the cost-push and demand-pull type of inflation, and recognize the fact that it is possible to bring about a cost-push type of inflation by taking money away through taxes. Certainly, this is possible.

Further, it is my opinion that one point which bothers a great many of us is the fact that in order to counteract a cost-push inflation by reducing the purchasing power through taxation, one probably would have to reduce the purchasing power so much as thereby to increase unemployment. It would be necessary to keep that level of unemployment at a point socially and politically acceptable as a means of viewing the cost-push problem.

I believe that is why so many of us are disturbed over trying to deal with cost-push inflation pressures by this taxation device. Would the gentleman agree with that general idea?

Mr. REUSS. I completely agree. One of the reasons why I envy the gentleman from Maryland and the gentleman from Ohio their life work in economics is that I believe, as we try to walk the tightrope of full employment without inflation, one has to mass all his weapons pretty carefully. Any 3-year-old can check cost-push inflation by causing a depression. That does not take any great genius. It does take some nice work with the various valves and gadgets so that we can come as close as we can to full employment, and to do so with a reasonably stable price level. To do that, I believe we have to do all we can against cost-push inflation.

Mr. Speaker, I yield back the balance of my time.

REPORT ON CONFERENCE OF INTERGOVERNMENTAL COMMITTEE ON EUROPEAN MIGRATION

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House, the gentleman from Illinois [Mr. McCLORY] is recognized for 15 minutes.

Mr. McCLORY. Mr. Speaker, it was my privilege to attend the recent Conference of the Intergovernmental Committee for European Migration—ICEM—from November 13 to 17 held in Geneva, Switzerland. This organization, founded in 1951, has provided continuing and useful service to our Nation and the more than 30 other member nations during the period since its establishment. The scope of ICEM operations can be more fully grasped when it is considered that more than 685,000 European refugees and escapees have been received and resettled through the ICEM program. At the present time, approximately 30,000 refugees per year benefit from the ICEM program.

The impact of mass migration of refugees—such as was encountered following the Hungarian Revolution of 1956, when 180,000 persons migrated from Hungary—has subsided. However, the movement of refugees and migrants from the nations of Eastern Europe continues to be a major problem and responsibility of the free world.

The ICEM conference was also attended by my colleague, the gentleman from Minnesota [Mr. MACGREGOR] who in addition had occasion to visit and study refugee problems in the Mideast about which he will report independently to the House membership.

The Geneva session was also attended by Senator EDWARD M. KENNEDY of Massachusetts, chairman of the Subcommittee on Refugees and Escapees, who delivered a brief speech at the committee session on Monday, November 13.

The Judiciary Committee, which has primary responsibility in the areas of migrants and refugees, has been following the development of this organization and has supported the activities of ICEM since its inception. The inability of the House Judiciary Committee chairman, the gentleman from New York [Mr. CELLER] to attend was noted at the Geneva session and disappointment was expressed because of his absence.

The position of the United States was ably represented at this meeting by our Ambassador to the United Nations operations in Geneva, Mr. Roger Tubby, and Mr. Elmer Falk, Director of the Office of Refugee and Migration Affairs of the State Department, as well as by other representatives in the area concerned with immigration and refugee problems; namely, Mr. DeWitt Marshall, District Director of U.S. Immigration from Frankfurt, Germany, Mr. Henry Falcher, District Director of Immigration from Rome, and others. Mr. MacGregor and I were assisted by Mr. M. James Cline and Mr. Don Benn of the Judiciary Committee staff. The analysis and careful coverage of the work of the ICEM as contained in the report of the House Judiciary Committee—Report No. 578—is evidenced by the fact that the Executive Director relied generously upon it in presenting his own report to the conference.

The Executive Director of ICEM, Mr. B. Haveman, of the Netherlands, announced his forthcoming resignation and intended retirement. This announcement generated a great deal of discussion regarding future activities of ICEM and raised the question of securing a successor at an early date to the present Director. Mr. Walter Besterman, the able and experienced Deputy Director of ICEM, appears to have the support and confidence of many representatives of the member states.

A great deal of time at the session was also devoted to the subject of the finances. It appears that even though ICEM has been receiving reduced contributions from the United States it has endeavored to carry on its full functions with diminished revenues. The delegates developed a revised budget and plan for expenditure which provided for a further reduction in the administrative personnel of the organization and authorized a transfer of funds from the migration loan fund and from the refugee loan fund, both of which have balances which may be devoted to operational expenses during the succeeding year. In addition, it will be necessary for the various member nations to increase their contributions by a total of approximately $350,000.

Support for the revised budget plan appeared to be consistent with the sound policy of living within existing revenues and establishing both a top limit on expenditures and a schedule of priorities.

While this was my first introduction to ICEM and its activities, I was impressed initially by the scope of ICEM operations and its relationship with such other international bodies concerned with refugee and migration problems as the United Nations, the Council of Europe, the United Nations High Commissioner for Refugees, as well as nongovernmental organizations such as the International Council of Voluntary Agencies, the International Catholic Migration Commission, the International Rescue Committee, and the World Council of Churches.

It is important that the Members of the House should be aware of the significant contribution to our national welfare and interest made by ICEM and to contemplate both the difficulties and the added expenses which would be encountered if ICEM activities were to be discontinued.

I noted, for instance, that a large percentage of the refugees who now turn from the Communist East to the free world West are both skilled and educated. They abandon their former homes with a fervent desire to progress in the freer atmosphere of the West. Their talents are in great demand in many of the Latin American nations, as well as in Australia. To the extent that we are able to provide technical and educational assistance through this multination refugee program, the pressures for unilateral financial and technical assistance can be reduced. This is particularly so in Latin America.

It is my expectation that the House Committee on the Judiciary will prepare a detailed report on this year's session of the Intergovernmental Committee on European Migration which will be available later for distribution to all the Members of the House.

In addition, I would like to comment on one further aspect of my experience; namely, my visit to the ICEM refugee center in Latina, Italy. My visit included conferences with Mr. James Wagner of the Divsion of Immigration at our U.S. Embassy in Rome and Mr. Charles Rogers, director of ICEM activities in Italy. Both of these gentlemen accompanied me on my inspection tour of the Latina center. Some 800 refugees, mainly from Yugoslavia, were being processed at the Latina Refugee Center at the time of my visit. It is my understanding that a total of some 3,000 will have received assistance at Latina in the course of 1967.

Here, the refugees are interviewed by representatives of countries to which they may desire to emigrate and receive some language training in preparation for their intended environment.

The Italian Government makes an independent contribution and assumes a major responsibility for many aspects of the work at this refugee center. This is probably a responsibility which the Italian Government could not very easily renounce, since the refugees cross from Yugoslavia to Italy and require humane and compassionate treatment such as no nation could very well withhold. In addition, a large percentage of the refugees at the present time have suffered religious discrimination and seek the support which they find available in Italy and the Western World.

It was my feeling that the language instruction program at Latina was not adequate and that many of the refugees were merely receiving a type of institutional care while awaiting resettlement in the United States, Australia, Latin America, or elsewhere. There also seemed to me to be opportunities for utilizing more fully the time and talents of the refugees in supporting the operations of the center, including the improvement of its appearance and the accommodations available there. Such observations, however, should not be interpreted as criticisms since as I have indicated, a substantial contribution to the Latina refugee center and its activities is from the Italian Government itself and the ICEM role is limited both in financial support and in overall management.

In considering the work carried on at Latina—which is duplicated in other ICEM refugee centers in Austria, and elsewhere—it is well to keep in mind that if established and operated by our Nation independently the expense would probably be so great as to be virtually prohibitive.

Refugees with education and skills are sought and sorely needed in Latin America and other developing nations. However, it appears that too few migrate to the places where they are most needed. While ICEM policy appears to be to permit migration to countries where refugees desire to move, the most serious consideration should be given to encouraging resettlement of refugees in areas where they are most needed. The economic gap between the developing nations appears to be widening and ways and means must be found for narrowing this gap. Certainly, our Nation's participation in the work of ICEM can contribute to this end. Above all, we must reflect patiently and deeply on the continuing movement of peoples from one nation to another. This movement, while it may take on aspects in the future which are unlike any which have been experienced in the past, seems bound to continue in the years ahead. The usefulness of ICEM in serving our national, as well as the great international needs, is self-evident.

Mr. Speaker, I commend to all of my colleagues a careful review and appraisal of the ICEM organization and its activities.

Mr. Speaker, in addition to the foregoing statement, I have a complete file of reports and proceedings of the Geneva conference, as well as the transcription of my daily summary which I prepared during the conference and notes and other memorandums, which I would be happy to make available to any of the Members who wish to inquire in further depth concerning the current status and programs of ICEM.

BUILDING BRIDGES OR DIGGING GRAVES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, there is a saying, familiar to Communists, that should be familiar to all of us. It should be familiar to us lest it become not just a Communist cliche, but the obituary notice of the Western World.

The saying is this: That when the day comes to hang the capitalist world, the capitalists themselves will sell the hangman the rope.

Today, in the most respected reaches of our business world, in the most profound utterances of trade associations, in the debates of legislators, in the editorial columns of respected newspapers, there is precisely such a proposal being made.

We are moving, every day, toward the sale of the rope with which communism may hang us.

We are moving in this direction every time that we or a friend or an associate or a Congressman discusses seriously, or seriously proposes trading with the bloody-handed and bandit-headed regime of Red China.

Nearly a half century of tragic history has taught us the horrible consequences of bolstering, with our industry, the predatory planning of aggressor nations.

Nearly a half century of historic tragedies has taught us the terrible and inevitable payment that free societies can expect from tyrannies with which they trade.

Nearly a half century of the most evident history in this area has taught us that we cannot expect and, indeed, would not deserve another half century of the luxury of learning this lesson anew if we ignore it now.

Those who propose trade with Red China usually do so on the basis of two supposedly overpowering arguments. I will admit that they are overpowering—overpowering in their ability to withstand the attack of fact and commonsense.

The first argument is that trade with or aid to Communist nations builds bridges over which mutual understanding, trust, and eventually, peace may travel. The other is that if we do not sell to the Communists, others will, and that all we would be doing would be to pass up some very rich markets for the sake of political warfare or ideology.

One of the most dramatic answers to the bridgebuilding arguments can be found on any business day in virtually any working harbor of the Communist empire. Let me cite just one example. I read a dispatch from Stettin, Poland, as published in a Hamburg newspaper. Here is what it said:

> Weapons of the Polish armed forces are being shipped from the Stettin harbor in ever increasing quantities to . . . North Vietnamese harbors. Only freighters sailing under eastern bloc flags are being used for the passage. . . . The situation in the harbor of Stettin is characteristic of the results of the U.S.A. aid program to the communist regimes in Warsaw.
>
> While on one side of the Stettin harbor American wheat is being unloaded from freighters, on the other side of the same harbor weapons are loaded which are being used against American soldiers. There is agreement only in the issuance of credit: The Poles receive the wheat on credit and they in turn ship their weapons to North Vietnam on credit.[1]

There, in the most stark and understandable terms, is a picture of one bridge that our trade with communism has built; a bridge over which daily pours the commerce of war and destruction and on which, because it is so jammed with weapons, there is no room at all for peace, understanding, or trust.

There is, sadly, only room on those bridges for illusions at our end and the worst sort of Communist exploitation at the other end.

The second argument, of "why not, if we do not others will," is far less open to obvious lessons. Sadly, it involves a definition gap that shows four signs of being closed.

The definition is of the word "trade" itself. No one, I assure you, is more in favor of free trade as a civilizing agent than I am. No one holds more firmly than I the principle that capitalism and the free trade that inevitably it engenders is a force that can, over the years, do more than any other to keep the peace.

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[1] *Die Welt*, Hamburg, 1 October, 1966.

Capitalist nations, as history emphatically teaches us, are far too busy seeking power over their environment, over wresting the wealth that lies stored in the world and minds of men, far too busy with business itself, ever to embark on the wasteful, profitless adventure of aggression.

Yet, for all of that, I oppose trade with Red China in principle, in pragmatics, and in profit. Trade with Communist nations is not, to get to the nub of the argument, is not free trade in any sense of the word. It is not trade among free traders. It is not trade for trade's sake. It is part of Communist conflict planning—nothing more and absolutely nothing less.[2]

Let us look at just one fact, as overpowering in its stark lesson as the shipments of Communist arms was in the other example that I cited.

The fact is that we have yet to hear of the advocate of trade with Red China who is willing to enter such trade arrangements without—and mark this well—without elaborate assurances and insurance, even subsidies, from the U.S. Government.

In that fact alone we can clearly see the unarguable truth that even the most passionate advocates of trade with Red China are unwilling to seek that trade on a straight commercial basis and on straight commercial terms. No. They know as surely as we do that trade with Red China would not be commercial, but that it would be nine-tenths political. They know that communism and commerce are as alien as Leninism and love of peace.

Despite this, at the very top of our business community, and most notably in at least one of our largest business organizations, there is continued pressure for this Red trade which is no trade at all.[3]

Passing over that fact, however, these advocates of trade with Red China fall quickly back on the argument that others will trade if they do not—regardless of the nature of that trade.

Examine that argument closely. Is it that they fear the loss of real profits? Well, if this is so, why do they couple their pleas with pleas also for Government insurance, Government subsidies, and fantastically long-term credit arrangements which in normal commerce would negate all hope of regular profits? The reason is a nightmare of wrongway reasoning.[4]

What such advocates say, in actual effect, is that they want this trade with Red China simply as an excuse for Government supports which will help to make practical the opening of a market which otherwise would remain useless by strict business standards.

As to the eagerness of others to open that market if they do not—the argument is questionable. Other businessmen in the free world do not seem absolutely optimistic about the worth of trade with Red China.

They have seen more closely than we, perhaps, what dealing with Red China actually means. The British, for example, long have maintained diplomatic relations with Red China. For their pains they have got little more than constant abuse of their diplomats. As to trade, it should first be asked what Red China has to offer that is so immensely attractive.

They have such exotic and famed exports, of course, as hog bristles. But is the free world teetering because of a lack of them?

The one product they definitely do not have with which to engage in this trade, of which so many seem so fond, is cash. Their hard currency situation is, to put it mildly, miserable, and if there is neither product nor profit in trade—why trade.

Look at Red China's gross national product as an indicator of the sort of mercantile midget upon whom some of our merchants are lavishing such extravagant attention. It now stands at something less than a per capita rate of $95. By comparison, ours is $3,020, and even Cambodia's is $120. I mention the per capita rate particularly because, despite the fact of Red China's incredible population of some 750,000,000 persons, the productivity of that population is less than impressive.[5]

But even beyond the economic statistics of the dealing that is proposed, what is the long-range prospect of trade with Red China, the long-range impact on the security of all the other markets of the world and, indeed, of the world itself.

Let me emphasize that I do not ask this question as a matter purely of morality, political ideology, or patriotism. I ask it simply as a businessman should ask it—in terms of the continuation of a free market in which we may deal.

Red China today is deeply divided by several basic problems. One is the political turmoil, the power struggles, which show every sign of keeping the country on the edge of chaos for years to come The other is how to support the wide-ranging revolutionary, or, I should say, subversive activities upon which Red China has embarked, particularly in the so-called underdeveloped nations. Finally, there is the difficulty of supporting a tremendously expensive nuclear weapons program in the midst of an economy which is itself, overall, fairly primitive and decidely underdeveloped. All of this, in turn, is wrapped in the stark and simple question of how to feed a population which already has far overreached the agricultural production of the country.[6]

In short, Red China is a nation split between the grinding demands of simply keeping fed and the most rarified demands of nuclear weaponry.

Just look at the alternative outcomes of this tension.

Suppose that Red China remains isolated, as she now is, without a substantial influx of U.S. trade.

For one thing, her technological base will be stunted. Red China depends almost absolutely on Western technology for what industrial base she now enjoys and, particularly, for the base under her nuclear developments. Without Soviet equipment and technicians, as a matter of fact, this nuclear development still would be a paper dragon rather than a real and present danger. With Soviet aid in this area supposedly ended, therefore, Red China must depend upon the very nations she is sworn to destroy for the continued know-how with which to destroy them.

It will not do, either, to argue that trade could be maintained in such a way and with such good as to not strengthen the destructive capacity of Red China. There are no such goods.

The thimble that enables a housewife to sew more comfortably does not end there in its impact. It relieves steel demands elsewhere in the economy. It frees metal that may jacket a bullet, for instance.

The food that may feed a schoolteacher enables also the feeding of a soldier. The cloth that makes a dress frees other cloth to be used for battledress. The electronic tube that is traded just to power a record player relieves another tube to be used in a radar station. And so it goes. There is no possible way to trade with any nation in such a way that the goods traded do not, if only by relieving production facilities, enhance that nation's ability to wage war if war is that nation's will and way.

It is true, of course, that she might draw upon the trade of other nations for the plant and technology that she so badly needs. It also is true, however, that the greatest ready reserve of such plant and know-how in the entire world is right here in the United States. Trade with other nations would pose far greater problems for the Chinese than a sudden, supreme opening of American genius to be exploited by the men in Peking.

In particular, the United States represents virtually the only mass supplier of foodstuffs, and in this area it is not true to say that if we do not deal with the Red Chinese others will. Food is short in the world today. In Red China it is short to the point of famine. Again, the granaries of the United States represent the only truly massive ready reserve.[7]

Let us suppose that along with cutting Red China off from American supplies of food, technology, and plant and equipment—not to mention the consumer goods with which to quell the restlessness of a rebellious population—let us suppose that American diplomacy made it perfectly clear to our friends and enemies alike that we do not regard trade with Red China as free trade in any sense, that we regard it instead as merely tactical maneuvering in communism's plans for aggression.

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[2] Aleksey M. Rumyantsev, Mirovaya ekonomika i mezhdunarodnyye otnosheniya Moscow, January, 1966.

[3] U.S. Chamber of Commerce, committee reports, 1966–67.

[4] Barron's, 16 January, 1967.

[5] The Asian World Magazine, February, 1967.

[6] An Economic Profile of Mainland China, Joint Economic Committee, U.S. Congress, 5 March 1967.

[7] World Food Budget, 1970; U.S.D.A., Foreign Economic Report No. 19.

There was a time, and not far back at that, when it was quickly accepted by many nations that trade with Red China simply supports aggression. That time was when we were at war in Korea. It was possible, then, to join many nations together in an embargo against Red China. Yet, today, Red China is engaged in an act of aggression no less surely, even if a bit less blatantly, than in Korea. Every reason behind the embargo of Red China during the war in Korea applies now during the war in Vietnam. And it is no excuse to say that our allies, today, do not share that view as enthusiastically as they did during the Korean war. It is no excuse, simply because we are talking first and foremost about U.S. trade with Red China. Surely this Nation should recognize that every reason which applied in Korea applies in Vietnam.

I cannot believe that it is beyond the reach of our persuasive powers, both economic and political, not to mention moral, to convince first one and then others of our allies, or even our enemies who receive aid or trade, that Red China is beyond the pale.

Surely it should not be difficult to convince our friends in Latin America that Red China represents a direct threat. Just recently the Mexican Government uncovered a massive Red Chinese operation, inside Mexico, to support and foster revolutionary activities against the Government there.

In our sister Republic of the Philippines there are reports of increased Red Chinese activity in support of Communist guerrillas there.

Africa abounds with instances of Red Chinese support of the most violent actions.

European statesmen have long been aware of Red China's looming threat. But against American indifference what have they to go by except an uneasy desire to steer a sort of neutral course, waiting to see which way the wind of American policy shifts this week or next.

If, instead of vacillation, both in Government and by industry leaders, the United States offered a clear call to face the facts of Red Chinese aggression, there is surely some hope that the response would not only be forthcoming, but forthcoming gratefully.

Already we have a precedent that is so obvious that it pains most Americans to see it wasted. We have the precedent of Red Chinese support of the war against us in Vietnam. It should not be beyond our consideration at all simply to cut all ties of trade and aid to any nation which continues to trade with Red China while she kills our men in Vietnam.

Oh, yes, there would be grumbling. But can anyone seriously believe that there are many nations who would prefer to deal with Red China rather than with the United States? If there are, they should be accorded the privilege.

At any rate, consider more of the alternative of tightening rather than loosening trade with Red China.

Would it, as some say, end any chance we have of improving relations with Red China? Would trade, in short, tend to mellow the Red Chinese leaders?

Let me ask these questions in return. Did trade with Hitler mellow nazism? Did trade with Mussolini mellow fascism? Did trade with the warlords of an imperialist Japan prevent Pearl Harbor?

The answers are so obvious that it continually amazes me that serious men would speak of dealing with Red China on the basis of hopes which they never suggested when dealing with other totalitarian and aggressive powers. On the contrary, trade with the leaders of Red China would reinforce, not weaken, their dedication to aggression, simply because it would reinforce their own positions of strength at home amid times of shortages and strife. Also, an increase of trade on our part would set in motion a spiral of relations with Red China in which our allies could be expected to join, thus destroying whatever solidarity against the bandit regime in Peking there might now be.

At present, Red China sacrifices virtually every other segment of her economy to her adventure in nuclear weaponry. With no Western supplies to make the shortfalls in her neglected sectors of the economy, the cost of the nuclear program would fall more heavily every day upon the shoulders of the long-suffering masses of China. Shortages would grind down to completely empty shelves. Hunger would grind down to widespread famine. A static standard of living would grind down to virtually a cave culture. Every single pain and sore of political discount would become a major wound, festering into revolts and resistance.

Overseas subversive activities would steadily be eroded by the weakening of the base depended upon to support them. The nuclear threat which now hangs like a sword over our heads would, at the very least, be blunted. How could it be otherwise in a starved and parched economy, walled off from the Western transfusions its sickness so clearly requires.[8]

The rule of thumb which such an action would follow is one that might well become a marching order of any sensible resistance to communism, any resistance which envisions bringing communism to terms with reality short of war.

The rule is this: Communist regimes should be made fully to pay the price of being Communist. As simple as it sounds, it has complex and significant meanings. To best appreciate it, look at the situation as it now stands. Communism, rather than paying the price that communism should pay, has been saved and served at every turn by the generosity or the greed of non-Communists. There is not a Communist regime on earth that has shown the skill to beat, torture, or exhort true technical innovation out of their captive peoples. They have all had to have outside help.

The whole of Soviet industry rolls on Western technology. Soviet purchases from the free world have characteristically been of pilot plants which they can copy. They have never joined the international copyright conventions so that such industrial theft has been easy.

As study after study has shown, this has all meant that the entire Communist world has been able to hold itself together mainly with bonds forged in free world factories.[9]

The captive nations of Eastern Europe, which have so often outstripped the productivity of the Soviet, have similarly done so on the remaining technical capital left in their unhappy lands from pre-Soviet times.

In one area where the Communists of many lands have particularly insisted on hewing to their ideological lines—the area of agriculture—we can see the failures most vividly. The Soviet Union remains a nation where some half of the population is chained to the land, and even so cannot feed the other half properly. Capitalist nations have long since freed their people from such grinding toil and find that very small percentages of the population, working with modern tools and technology, can more than adequately feed the rest of the population.[10]

And what has enabled the collective farms of communism to continue their food folly? Obviously, it has been the shipments of food from free market areas.

Under our rule of thumb, we would insist that a regime that so mismanages its affairs, and so restricts its people, pay the full price of its ideological insanity. In the case of communism, the first installment would be hunger, pure and simple. Communism cannot feed its people or its captives. Why should we?

Industrially, the picture is roughly the same. And if communism cannot adequately clothe its captives or its citizens, why should we? If communism cannot build factories for its future, why should we?

There is an answer one often hears. There are those who say that it would be cruel to let the subjects of Communist regimes suffer hardships just because of the shortcomings of their leaders. Examine that very closely before its emotional appeal sweeps you away.

Is it truly more cruel to refuse to support a tyranny than to feed and equip it? Would the people of Hungary, Poland, Czechoslovakia, even Russia or Red China, truly be better off if we continue to support the tyrants over them? Or would they be better off, in the very near future as well as the long run, if we weaken the hold that the tyrants have over them simply by weakening the chains and the tools which those tyrants use?

Would it have been better to have supported Hitler all along, rather than have any of those he had enslaved suffer?

Is it better to force a declining standard of living on aggressor nations now, or is it better to wait until they are strong and then have all of us suffer in the flames of war?

Is it better for us to bleed slowly to death in Vietnam than to bring the war closer to the civilian population of the north?

Such questions are questions which should be answered in logic, not in the haste of shortsighted emotionalism.

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[8] Economic Profile, op cit.

[9] Werner Keller, *East Minus West Equals Zero*; G. P. Putnam's Sons, 1962.

[10] Economic Profile, op cit.

And precisely such questions need to be answered in regard to Red China. Is it truly better to support her, to trade with her, to try and leach some illusory profits from her—and then face in the future a Red China armed to the teeth with modern weapons sweated out of an economy that would have failed without us—to face a Red China whose leaders have said they are perfectly willing to lose 400 million persons as long as from the loss they could assure the destruction of America?

In answering those questions we need to look very closely at the other of the alternatives mentioned in regard to trade with Red China.

Let us suppose, in considering this alternative, that trade barriers are lowered and that commerce with communism on the mainland of China becomes a matter of business as usual.

In the very first place, there would be at least one immediate domestic impact. The rank and file of American taxpayers would be expected to put up, in one indirect way or another, the added money that would be needed to insure those who are so eager to deal with Red China—but eager only so long as they can get Government assistance.

Also, there would have to be adequate financing of the extremely long-range credit arrangements that all Communist nations demand as one price of their dealing in the market place. Often, these terms run to five and 10 times as long as normal commercial credit.

Is that a sign of honest and open trade? Hardly. It is just another sure sign of the political nature of this so called trading which more often than not simply turns out to be aiding.[11]

Red China, also, would feel immediate domestic impacts. The hardships that might have to be endured to divert food and weapons to Vietnam would immediately be alleviated. The regime could use this breathing spell either to reinforce its domestic policies or to sharply increase its supplies to North Vietnam.

Should they pick the latter course, one wonders how an American businessman would work it into his annual report; how he would explain to his stockholders that the sales chart was moving up thanks to an arrangement which, as surely as a fuse setting off dynamite, would kill the sons and husbands of those very same stockholders.

Internationally, of course, the trade arrangement should have a dramatic effect also. Red Chinese efforts to subvert Latin American nations, for example, could move ahead far faster with home-front pressures relieved by American trade.

Red China's often repeated political warning that she would seek one, two, three, or a dozen Vietnams with which to bleed America around the world, would thus be made more possible by American shipments to the enemy.[12]

How many Americans would die in this trade? How much is an American life worth on a balance sheet? How much American blood is required to keep someone's books theoretically in the black?

Would trade mellow the Red Chinese? Did it mellow Japan's warlords when we sent them scrap iron? Did it mellow Hitler when Chamberlain offered him an olive branch? Does a dictatorship ever mellow when its hold is made more firm by outside help? Has one ever? The answer is a brutal no.

Internally, of course, trade with Red China would have profound effect. Red Chinese planners could carefully allocate resources to what they regarded as the highest priority items, making up with U.S. goods shortages in other areas. Under such a plan, it is fairly safe to assume—and fairly dangerous to assume otherwise—that the top priority would be nuclear development.

The major portion of what engineering skill Red China can muster could be diverted to weapons development. Plans for other production could be bought wholesale from the United States, then copied in whatever quantity needed.

There are those who immediately shout that we would send them no war goods. Of course not. We would simply send them the goods and equipment that would free all of their own productive energy for war.

There are those who say that Red China simply could not afford all of that, and that the market would be limited to simpler goods and less of them. But what is there that Red China could not afford if the credit terms are right? What is the limit to the number of contracts she would sign if the date of payment could be deferred say 5 or even 10 years?

By what stretch of a Pollyanna imagination can anyone suggest that given ample technical support from the United States that Red China could not write her own ticket on payments or on politics in the next decade?

In all such arguments we are simply being asked to bolster, to back, to build up the one power on this earth of which there is not the slightest vestige of doubt that it seeks ultimately the destruction of the United States, and that it regards war, even nuclear war, as a perfectly reasonable way of achieving that goal.

No matter how you rationalize it, we are being asked to sell Red China the rope with which to hang us.

Let me review the alternatives:

First. To add to, rather than relieve, the pressures now working against the Communist conquerors of the mainland of China; to hasten the downfall of the aggressive regime now in power over 750,000,000 human beings.

Second. To support the tyrants in Peking, to make it possible for them to divert their energies more to the production of subversion and weapons, and to permit them long-term credits with which to do it.

Let every politician or businessman who seeks trade with Red China be frank that he is choosing the second alternative. And let us be equally frank in telling him that we do not agree that this illusory trade should be paid for not only with our taxes but ultimately with our lives.

Let us make it clear to every politician who seeks our votes that we do not intend to send men to Congress so that they may support Red China; that we do not intend to give our votes to the digging of our own graves.

Let us make it clear, where appropriate, also, that we do not intend to give our votes to the board of directors who would buy a moment's illusion of profit with the risk of a lifetime's terror under the threat of a Western-supported Red China; and let us make it clear also that we do not intend to give our dues payments to organizations whose search for novelty leads to the support of trade with a regime that today represents the actual spearhead of Communist aggression around the world.

There is no honest and open, cash-on-the-barrelhead trade that America should reject.

But there is no subsidized, politically motivated trade with Communists that we should ever accept. We do not profit from such trade. Rather, we could well perish from it.

Remember, the noose tightening around us, if some had their way, would be stamped "Made in the U.S.A."

For my money—that is the worst deal in the world. And it could be our last.

PRIMITIVO GARCIA

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. BOLLING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BOLLING. Mr. Speaker, I wish to call attention of my colleagues in the U.S. Congress to an act of heroism that deserves our deepest respect and the widest possible circulation. A 23-year-old man, Primitivo Garcia, is dead as a result of his efforts to fight off hoodlum purse snatchers who had knocked down his pregnant teacher, Mrs. Margaret Kindermann. The tragic event occurred at night and on the street just after Primitivo and his brother, Alfredo, left a school building where they had been attending night-school class in English language instruction.

Seldom in my experience has there been such a response in Kansas City as there has been to this terrible occurrence. I have conveyed my personal respects and sympathy to the Garcia family, but want to share this episode with you. A promising young man is dead and our community is doubtlessly deprived of a solid and involved and conscientious individual. The best tribute to Primitivo Garcia would be that all of us provide the moral and financial support needed by the Kansas City Police Department under its able chief, Clarence M. Kelley, to make certain our streets are safe. No society is secure unless the most basic necessity is fulfilled—that residents can walk the streets of their community without fear and in complete security.

In this connection, the story can best be told by the eloquent proclamation issued by the board of directors of the Junior Chamber of Commerce of Kansas City, Mo., and an article published in the Kansas City Star in its November

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[11] Barron's, op cit.

[12] Associated Press, 19 May, 1967.

16, 1967, edition after the shooting but before young Garcia died. They are as follows:

[From the Kansas City Star, Nov. 16, 1967]

A Bullet for His Involvement

Americans are criticized for not getting involved in unpleasant things that do not endanger them directly.

A young man from Chihuahua, Mexico, who would like to become a U.S. citizen, did not display this trait last night.

Primitivo Garcia, 23 years old, was leaving Westport high school after attending an English course when he saw a group of youth knock down the young woman who was his teacher.

He became involved. He pulled one youth away from Mrs. Margaret Kindermann, and engaged the youth in a fight.

Today, Garcia was in poor condition at the General hospital after surgeons removed a bullet from his abdomen.

Mrs. Kindemann, who is expecting a child in March, was back teaching her fifth grade class at Kensington elementary school.

And three youths, two 17 years old and one 18 years old, were being held by police, after witnesses identified them from police mug shots.

They are Bruce W. Scott, 17, of 3801 College avenue, John E. Dowden, 18, of 3625 Benton boulevard, and his brother, James Dowden, 17, of 3325 Benton boulevard.

Primitivo and his brother, Alfredo Garcia, had been attending English classes at the night sessions at Westport since October 1. It is the first step toward naturalization.

The young men are two of 10 children of Mrs. Gregoria Garcia. Eight of the children have migrated to Kansas City from Chihuahua during the last 11 years. Their father, who operated a grocery store in Chihuahua, died about five years ago.

Mrs. Garcia, Primitivo, Alfredo, and a younger sister, Irene, came to Kansas City about three years ago. They live in a modest but immaculate frame house at 2738 Holly street.

Alfredo, who was with his brother last night, said it seemed natural that Primitivo should dash to the aid of Mrs. Kindermann.

Mrs. Kindermann said she was standing in front of the Oak street entrance to the school waiting for her brother to pick her up when two boys jerked her purse from her. After being tossed around, the purse landed across the street.

There were plenty of people around, so I crossed the street and started to pick it up," Mrs. Kindermann said.

"I wasn't afraid because I saw two friends of mine (the Garcia brothers). They didn't say anything. It was like they were there to say 'We are here, Mrs. Kindermann, don't be afraid.' So, I wasn't afraid.

"Then I realized it was a gang of boys, not just two boys. And they knocked me down.

"When they knocked me down, they probably didn't know I was pregnant. I started to get up and said, 'I don't want to get hurt, I'm pregnant,'" Mrs. Kindermann remembered.

She said she was able to get up and one of the youths in the group handed her her purse.

By this time, Primitivo was pulling at one of the boys.

Alfredo said his brother had said nothing. He just reacted.

Alfredo said he had tried to restrain his brother, but Primitivo would not be restrained. Alfredo said his brother could not tolerate seeing Mrs. Kindermann knocked down.

After she had started away, Alfredo said, the action was refocused between the group of youths and his brother.

"I had thought, 'well that's all over,' and started across the street," Mrs. Kindermann remembered. "Then I heard one threaten something about a gun and I turned around and I saw a boy shoot."

She said she didn't realize Primitivo had been shot at first.

"I thought they were just trying to scare us," she said.

"I was walking away thinking, 'I must thank them for helping when they come to school next Monday.' And then Primitivo came staggering up to me.

"All of a sudden, he forgot all the English I had taught him. And so did Alfredo," she said.

She left Alfredo with his brother, ran in the school and called the police.

She said the Garcia youths are good students.

"They have been doing a nice job, they are very interested in learning English," she said. "They seem very enthusiastic."

[From the Kansas City Star, Oct. 27, 1967]

Condition of Garcia Youth Now Critical

Primitivo Garcia, the youth who was shot November 15, while trying to help his teacher who was being molested by several youths, was reported in critical condition today at St. Mary's hospital.

Garcia was transferred to St. Mary's Saturday from the General hospital, where he had been listed in fair condition. At St. Mary's, however, he was listed in serious condition, and a spokesman said the difference in listings reflected a difference in terminology between the two hospitals.

Today a hospital spokesman said the reason for the worsening of Garcia's condition involved many technical terms which, Garcia's doctor felt, the layman would not understand, and no explanation regarding Garcia's condition would be released.

In a letter signed by James W. Benjamin, president of the Kansas City Bar association, Garcia has been cited for his courage and willingness "to become involved."

"Perhaps the spirit which you have evidenced . . . will encourage others to be willing to be 'involved' in more than a passive way as good citizens and brothers toward their neighbors," the letter said.

Homer M. Ballard, vice-president of the People's bank, said that, as of this morning, the fund for Garcia totaled $10,161.

On November 29, 1967, at a special meeting of the Board of Directors of the Junior Chamber of Commerce of Kansas City, Mo., called for the purpose of making this Proclamation, the following was adopted:

"Resolved, that Friday, December 1, 1967, should be proclaimed Primitivo Garcia Day, and that this day should be used to publicize and exemplify this courageous young man's actions.

"Resolved further, that the Junior Chamber of Commerce is honored and proud to bestow on Mr. Primitive Garcia posthumously our Outstanding Citizen Award, and that it be proclaimed that Mr. Garcia be cited for his valor and bravery, and that he did show and conduct himself in a manner truly in keeping with the concept of Americanism, even though he was not yet a citizen of this country.

"Finally, let it be proclaimed that the Junior Chamber of Commerce is proud of this young man, and that we wish to have him cited locally, nationally and in his mother country for his valor and bravery.

"Board of Directors,
"Junior Chamber of Commerce."

SUPPORT FOR H.R. 14228—TO AMEND THE ANADROMOUS FISH CONSERVATION ACT OF 1965

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. William D. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to express my strong support for H.R. 14228, which would amend the Anadromous Fish Conservation Act of 1965 to encourage joint research and development projects by any two or more States in a lake basin.

I am one of 11 cosponsors of this important legislation, which was introduced by my good friend and colleague, the gentleman from Michigan, Congressman John Dingell, chairman of the Fisheries and Wildlife Subcommittee of the House Merchant Marine and Fisheries Committee.

Anadromous fishes, of course, are those that ascend rivers from seas or lakes for breeding purposes. An outstanding example of the potential importance of these fish is found in the recent case of Coho salmon in Lake Michigan. These fish were introduced into Lake Michigan primarily to help solve the alewife problem, but they have become a tremendous asset to the entire region.

The Coho salmon have adapted remarkably well to Lake Michigan, and have become a leading attraction for both commercial and sports fishermen. The tourist industry has experienced a great boom as a result. The value of these benefits cannot be measured in dollars, but it obviously would far outweigh the cost involved.

H.R. 14288 would authorize the Secretary of the Interior to increase the Federal contribution for joint research and development programs from 50 percent to a maximum of 75 percent. It would also increase the overall authorization from $25 to $30 million, and boost the maximum contribution for a single State from $1 million to $1.5 million.

Mr. Speaker, I heartily recommend this legislation to the attention of my colleagues.

AGE DISCRIMINATION IN EMPLOYMENT

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. William D. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to express my extreme gratification at the passage yesterday of H.R. 13054, the Age Discrimination in Employment Act of 1967.

This is a long-overdue piece of legislation that will strike hard at one of the most serious problems facing our Nation—that of the over-40 age group which is so often the victim of unemployment. Although the United States today has one of the lowest unemployment rates in history, there is still a consistent average of some 850,000 persons aged 45 and over who are unemployed.

Of the billion dollars paid out each year in unemployment insurance, more than three quarters of it goes to persons aged 45 and over. These persons constitute 27 percent of all the unemployed, and 40 percent of the long-term unemployed.

The Age Discrimination in Employment Act of 1967 will enable the Secretary of Labor to launch a massive education and information program that will reduce the very real barriers to the employment of persons between the ages of 45 and 60. It also will make it illegal for employers, labor unions, or employment agencies to discriminate against workers in this age group.

Mr. Speaker, this legislation will protect the rights of some 40 million Americans, aged 45 and over, who face the possibility of losing their jobs through automation or other reasons beyond their control, and then would be confronted with the barrier of age discrimination in trying to find new employment.

I think that this body has taken a great step forward in the battle to insure lives of security and dignity for all Americans.

OUR CONTINUING COMMITMENT IN THE HOME HEMISPHERE

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROYBAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROYBAL. Mr. Speaker, on November 30, Mr. Covey T. Oliver, Assistant Secretary of State for Inter-American Affairs, and U.S. Coordinator of the Alliance for Progress, delivered a most enlightening and informative address to the Pan American Society of the United States—a sort of 5-month progress report on his stewardship over what he calls "our continuing commitment in the home hemisphere."

In estimating the importance of this commitment, Secretary Oliver asks us to keep in mind that:

> This hemisphere is our home. This is where we live, and ultimately, it is here we must judge our own actions, and it is here we will be judged by others.

As an up-to-date analysis of our progress, as well as the distance we still have to go, to achieve the worthwhile objectives of the Alliance for Progress, I include this excellent speech in the RECORD:

OUR CONTINUING COMMITMENT IN THE HOME HEMISPHERE

(Address by Covey T. Oliver, Assistant Secretary of State for Inter-American Affairs and U.S. Coordinator, Alliance for Progress, at the Pan American Society of the United States, Inc., New York, N.Y., November 30, 1967)

Our nation is nearing the end of a year marked by a singularly intense stocktaking—of measuring our physical and moral resources against a multitude of national and international demands.

This survey has, at times, been painful—marked by a fear that perhaps we are not up to our myriad commitments. Some say we cannot continue to dissipate our energies on a number of fronts but must retrench and focus our attention on those problems of a demonstrably immediate nature. Some contend that our international commitments outside of Viet Nam should be curtailed or postponed until that conflict is ended or until we have solved the immense problems of our own cities and our own poor. President Johnson recently pointed out that there can be no absolute answer as to which claim on our resources should take priority, but that each man must make his own assessment and accept the responsibility for the consequences of his decision.

Tonight I would like to review with you what our commitment is in Latin America and how I believe this understanding fits into the broad spectrum of commitments—to ourselves and to other nations of the world.

In size and grandeur of concept, the task the United States and the other members of the Organization of American States have set for themselves under the Alliance for Progress has rarely, if ever, been equaled in history. But magnitude and nobility do not, by themselves, necessarily justify the expenditure of resources that may be required to finish the task. We in the United States must continually ask ourselves. What are we trying to do in the Home Hemisphere? Have our past efforts paid off? Is further effort justified when there are other urgent demands?

I will tell you what I believe are the answers to these questions. You, of course, must judge for yourselves. I would only ask that you keep in mind as you hear other arguments regarding what we can or should be doing, that this hemisphere is our home. This is where we live, and ultimately it is here we must judge our own actions and it is here we will be judged by others.

Just what *is* our commitment in Latin America?

Our present commitment was formalized in Punta del Este in 1961 and reaffirmed and strengthened by the American Presidents gathered in the same city last April. In the words of the Alliance Charter signed in 1961, we and our Latin American neighbors have pledged:

". . . to enlist the full energies of the peoples and governments of the American republics in a great cooperative effort to accelerate the economic and social development of the participating countries of Latin America, so that they may achieve maximum levels of well-being, with equal opportunities for all, in democratic societies adapted to their own needs and desires."

This is indeed a grand concept. Some would say it is too grand—that it promises more than can be delivered. I contend that, at the time this commitment was undertaken, it was barely enough to overcome the despair and distrust that had been bred into millions of Latin Americans by generations of neglect.

On the other hand, others reading the words of new hope for the hemisphere recalled the great success of our first massive development effort—the Marshall Plan—and thought of finishing the job in Latin America in a decade. But, by the time the American Presidents met in Punta del Este last April, all of us had taken better measure of the problems we faced. I am sure that each President himself had, at some time, been a little awed as the full extent and intricacies of the problems became apparent. It was no doubt to moments like these President Johnson was referring when he quoted to his colleagues from Ecclesiastes that "he who increaseth wisdom, increaseth sorrow."

But Presidents are, by force of office if not by natural temperament, a singularly positive breed, and it was not the disappointments and moments of doubt that characterized their mood. Instead, they reviewed the first phrase of the Alliance—the time of building institutions and defining courses of action—and affirmed that the right way to development had been found. Willingly, they shouldered even greater development burdens on behalf of their peoples and, in their final declaration pledged:

". . . to give vigorous impetus to the Alliance for Progress and to emphasize its multilateral character, with a view to encouraging balanced development of the region *at a pace substantially faster than attained thus far* . . ."

The role of the United States in this redoubled effort was delineated in the Presidents' Action Program: We assured the Latin American leaders that we would:

Support with increased resources their own increased efforts in education and agriculture;

Help them build the multinational infrastructure projects that would knit the vast region together;

Back up their concerted efforts to realize their dream of a Latin American Common Market; and

Harness our science and technology to the whole range of their development programs.

Our role, then, is one of support—and rightly so. I cannot emphasize too strongly that Phase II of the Alliance for Progress will be carried out *by* Latin America. It was largely they who outlined the Summit Action Program. It is they who drew up the timetable for economic integration. And it is they who will have to exert the major effort to see that the promise of Punta del Este 1967 is brought to fruition. While the theme of the Alliance is hemispheric cooperation, the final product of our efforts will be uniquely Latin and "other" American. The societies which they are building must function according to the needs and aspirations of their peoples. It follows that some, not all, of the experience of the United States can be applied to the task. Some, not all, of our knowledge and power is needed; it might not even be welcomed. The identification of which experience and what knowledge and how much power we should offer is one of our major continuing studies. We have learned much in our first years of working together; we still have a long way to go. In a way, we are working together to build a diverse hemisphere, and I believe this is as it must be. Diversity within our own country helped make us the strong nation we are. The same quality within our hemisphere should present no problem.

There, in brief, are the bounds of our formal commitment in Latin America—a commitment, we must remember, which grew naturally out of geographical incidence, a common heritage of liberty, and our own realization that the continued well-being of the United States depends on the well-being of our neighbors. Now what does all this cost, and can we continue to support any program at all in view of our other commitments?

Since the inception of the Alliance in 1961, this country has allocated for Alliance use each year about $1.1 billion or a total of more than $7 billion. Before leaving for the Summit meeting, President Johnson recommended to Congress an expanded assistance program to provide an additional $300 million annually for the next five years. This additional money would be used to back up our assurances of support for increased Latin American development efforts. Now 1.1 or 1.5 billion dollars a year is a lot of money, and I do not wish to denigrate what any one of those dollars means to the U.S. taxpayer who earned it. I think, however, that when we come to measure our nation's responsibilities against its resources, a broader perspective is called for.

Our Gross National Product is now approaching $800 billion every year. Our projected program of increased assistance to Latin America of $1.5 billion would have amounted to less than two-tenths of one per cent of our national wealth. The funds authorized by the Congress this year represent even less. And when we recall that over 80 per cent of our assistance to the Home Hemisphere in 1967 was loaned—not granted—it is clear we are not depriving ourselves by our current efforts. In fact, it is estimated that our current annual assistance to developing countries in the region amounts to less than one-sixth of what we as a nation will spend on gifts to ourselves this Christmas. With this in mind, it is hard to call up the picture of Uncle Sam as munificent donor to the hemisphere.

The total annual GNP for Latin America as a whole is now approximately one-ninth of our own. We continue to develop from this broad base at a rate almost twice as fast as Latin America's. In other words, the gap between the economic well-being in this country and in Latin America continues to widen. Unless we counter this by helping Latin America to build up its capacity to use and benefit from its resources, this nation will soon be the only rich country in a neighborhood of desperately poor. We rejected this course of inaction in 1961 when we joined with Latin America in drawing up the Alliance for Progress.

Nevertheless, we as taxpayers have a right to demand that the dollars we do make available are spent wisely. Let us look at what Latin America did during Phase I of the Alliance—how they used $7 billion.

During the first five years of the Alliance, and in spite of an increase in population of approximately three per cent annually, seven of the nineteen Latin American members of the Alliance averaged better than the target growth rate established by the Charter of Punta del Este: 2.5 per cent annual increase in per capita GNP. Exports from Latin America in 1966 were 35 per cent above the 1961 level, and imports increased by 23 per cent during the same period. In an effort to improve Latin America's trade prospects, the United States is currently working with other developed countries to draw up a generalized system of temporary preferences for products from all developing countries. Trade among the members of the Latin American Free Trade Association in 1966 was 125 per cent above the trade level in 1961. In the Central American Common Market, which got on its feet since the Alliance started, intro-regional trade mushroomed from $32 million in 1960 to an astonishing and highly encouraging $186 million in 1966. This growth gives us an indication of the incalculable value of economic integration—a glimpse of what we can expect as the Latin American Common Market becomes fully operational by 1985.

These are some of the signs of long-term economic development. What was accomplished in the same period to provide direct assistance to the people? Since 1961: 746,000 agricultural credit loans have been disbursed, primarily to small farmers; 24,000 classrooms were constructed; 130,000 teachers received training; and 13 million textbooks were distributed.

Roughly 75 per cent of this work was done from 1964 to 1967. This reflects an increasing ability on the part of the Latin American countries to utilize properly funds for projects that directly improve the standard of living.

Those are just a few indications of progress that readily lend themselves to statistical measurement. The most important effects the Alliance has had—increased understanding and good will, and growing political stability—are more difficult to gauge. Nevertheless, it is evident that the countries of Latin America—historically dependent on the *coup* as a solution to difficult problems—are becoming increasingly aware of the value of constitutional change and democratic procedures. This, despite the social strains brought about by basic changes in economic structures, despite the large rural migration to urban areas, and despite the demands of an exploding population.

Since early 1966, twelve countries of the hemisphere have held successful elections, three of which replaced nonconstitutional regimes with constitutional governments. There has been no unconstitutional change of government in Latin America for the past eighteen months. Guyana and Barbados have joined the hemispheric family of democratic nations and Trinidad-Tobago and Barbados became the first new members of our inter-American system since the Charter of the OAS was signed in 1948. In 1967 the present democratically elected government of Guatemala celebrated its first anniversary in office despite serious threats from both the right and the left. Paraguay recently adopted a new constitution which was drafted with the participation of all major opposition groups.

And the Administration of President Balaguer has given the Dominican Republic the longest period of constitutional government in forty years. This breathing space has enabled that country to begin the arduous task of solving its basic economic difficulties, and a good start has been made. By any measure, the tremendous achievement of the Dominican people against heavy odds must stand as a shining example of what can be accomplished when dedicated leadership, supported by appropriate assistance from other members of the Alliance, resolutely sets out to bring democratic order and economic stability out of chaos.

The foregoing, I believe, presents a true picture of the progress we have made under the Alliance. To be sure, we have not begun to solve all our problems. Cuba, for example, remains an outcast that has seen its pretentions to Latin American leadership dissipate even faster than its purported economic gains. How best to meet the continuing threat of Cuba is only one of the many problems that remain. Yet the overall progress has been unmistakable, and it gives us reason for optimism.

If our progress in Latin American is so evident, why is it that some responsible observers still do not seem to be convinced that we should now support an expanded development program in Latin America? As I said, the answer to this question is extremely complex and includes many factors outside the area of my responsibility. Some of the criticisms directed against our present program are within my purview, however, and I would like to address myself to two which are often heard: one is the accusation that the United States is contributing to a Latin American "arms race", and the other that our programs emphasize economic development and the reform of public institutions to the detriment of our efforts to improve the social well-being of the people.

First, the so-called arms race.

Let me outline some of the reasons for our present military assistance policy in Latin America:

1. We accept the fact that the responsibility for the defense of any free and independent nation ultimately rests with those chosen by the country to insure its continued existence. This responsibility cannot be relegated, least of all to nationals of another country.

2. We and the majority of Latin Americans agree that the greatest threat to continued political stability in the hemisphere at this time is posed by internal disorder and subversion. Accordingly, our military assistance to the region is directed toward helping each country assure domestic tranquility during a time of massive structural change and to counter the activities of alien or alien-supported insurgents. Our programs are also designed to allow for the incorporation of the defense establishment in the development effort during periods of relative peace.

3. The defense needs will vary from country to country and from time to time, but any country with a defense establishment will have to keep its military equipment operational through expenditures for maintenance and replacement. We support efforts by developing countries to keep these expenditures at a minimum consistent with the relative demands of development and defense.

Within these limits, I believe that our military assistance program has been a success. Today, Latin America spends less on defense than any other area of the world except Africa south of the Sahara. During a period of increased attempts by Cuba and Cuban-supported elements to subvert a number of countries in the region, defense expenditures have actually decreased.

In 1947, military expenditures in Latin America accounted for 23.5 per cent of total government expenditures. This dropped to 12.7 per cent—almost halved—by 1966. During the same period, defense budgets as a percentage of GNP dropped from 3 to 1.8 per cent. Even more germane when considering the so-called arms race is the fact that only about one-tenth of these relatively small defense budgets is spent for military hardware—the rest going for salaries, maintenance, allowances, and other recurrent expenditures. The defense establishment also provides training to many who might otherwise never have learned to read and write or acquired a skill useful to them in civilian life. Furthermore, it must be remembered that a significant portion of money labeled for defense is spent in the civilian sector for such things as road building and other projects in the civic action programs undertaken by the military.

I think we can all agree that these figures add little meat to the spectre of Latin American countries rushing headlong into debilitating and unnecessary military expansion.

Within this context, let us consider the question of modern military aircraft sales to Latin America.

As is evident from the budget figures I have quoted, these countries have spent comparatively little in recent years to re-equip their air forces. This postponement was in line with the desires of all Alliance members to preserve the maximum resources for use in development efforts. Now the military aircraft in some countries are more than ten years old and are increasingly difficult and expensive to maintain. Technological advances in the field have left them with aircraft for which spare parts are no longer manufactured. Available replacements are, of course, more advanced than the planes they now fly.

Several South American countries have been considering for several years what military aircraft to purchase. They have held discussions with us and others. One possible replacement, the Northrop F–5, made in the U.S. meets the internal security and counterinsurgency needs of smaller countries. Alternative designs, without exception, are far more advanced and far more expensive. There are some who urge that we refuse to cooperate in assisting Latin American countries meet what these countries regard as their minimum requirement. Some urge that we not have anything to do with the matter, because if we do offer a moderate alternative, we would not be exerting our maximum influence against diversion of scarce resources from total development.

The question, however, is not susceptible to any simple solution. We are often faced with unhappy options. We can suggest a rule of reason, but we cannot dictate the defense requirements of another country. If we refuse to cooperate, the countries concerned may decide that their replacement needs require that they buy an alternative aircraft, perhaps in Western Europe, at an even higher cost to their development efforts. Introduction of such sophisticated aircraft into the region could well escalate arms spending to a new and much higher level. It could also force the purchase of aircraft with performance characteristics Latin America agrees it does not need just to obtain the more limited performance it believes it requires. These are just the developments we wish to avoid.

We will continue to review this problem and as the Secretary has explained to members of the Congress, we shall well and faithfully execute the legislative requirement that we ensure that aid recipient countries do not significantly sacrifice economic and social development through unnecessary military expenditures.

Furthermore, we welcome recent initiatives by Chile and Colombia to define realistic limits to arms modernization that would be acceptable to all Latin American countries.

Development, as the President has pointed out, is not yet a fully mastered body of knowledge. Perhaps it is a field in which we will never be able to do everything by doctrine. In the Home Hemisphere we are working and learning together. We have come a long way—especially considering certain historical and psychological aspects of hemispheric relations—we have come an amazingly long way in dealing with each other, as if the traditional privacy of national internal affairs did not exist. But there are limits to this approach. These are fixed by human and national dignity, a requirement of modesty since no one nation has all the right answers, and an honest identification and then suppression of what Mr. Justice Holmes might have called our continued tendency to play God.

A second criticism holds that we and our Alliance partners are so busy with economic manipulations that we ignore the real goal of the Alliance which is to bring a better life to each person in the hemisphere. This is also fallacious. The decision made by the Latin Americans to work together for rapid development is itself a reflection of considerable growth in political and social consciousness. The impressive national plans drawn up by the countries of this hemisphere presuppose acceptance of the concept that social conditions must be bettered. But in order to improve social conditions, practically the whole range of national institutions must be reformed and new institutions established. Loans to small farmers cannot be disbursed unless some mechanism is set up to do so; houses cannot be built until the builders, the savers, the investors, and the buyers are all harnessed in a coordinated effort; new hospitals cannot be lit and new factories that offer increased employment cannot function without more power stations to generate the necessary electricity; and no farmer will ever be convinced that he should produce more if the existing transportation system means that the results of his extra effort will rot on his front step. The full effect of slowly growing infrastructure projects may not be immediately apparent to the millions who wait. But without them, an assistance program twice its present size would have no lasting effect. Let there be no mistake, we in the Alliance are working for people.

These are among the reasons why I am disturbed by recent attempts to ignore our continuing commitment to Latin America on the grounds that we cannot afford to meet it at this time or that Latin America does not deserve our extra effort. I cannot believe these attempts reflect the majority opinion in our country. Coming as they do at a time when we and our neighbors are expecting greater achievements, when the groundwork for rapid advancement has been laid, when the first fruits of our common efforts are beginning to ripen, these efforts to retrench strike a serious blow at the very keystone of our hemispheric relations—the Alliance for Progress. Already, many of my Latin American colleagues have expressed their concern that the United States may be turning its eyes away from Latin America, or that this country is returning to the outmoded paths of paternalism and protectionism.

When I accepted my appointment as Assistant Secretary, I told many of my friends that I approached the assignment with wary optimism. After five months on the job and after confronting some of the problems of the office, I can say that I am more challenged than ever but no less optimistic. This nation is not perfect, but I firmly believe it is great. I also believe that this greatness rises from basic idealism and willingness to help our neighbor. I do not believe this country will abandon this precept—especially as regards the people of our Home Hemisphere. I, for one, will do all I can to speak out, to counter misinformation and temporary lapses in fortitude as long as may be necessary to complete the task of building a new hemisphere composed of nations that have at last achieved ". . . the maximum levels of well-being with equal opportunities for all, in democratic societies adapted to their own needs and desires."

THE HALPERN HAND

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Corman] may extend his remarks at this point in the Record and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CORMAN. Mr. Speaker, it is always a pleasure to salute a colleague "on the other side of the aisle," especially when one of his many talents gives his friends and associates a great deal of enjoyment.

The November 21 issue of the Roll Call carries a wonderful article about our distinguished colleague from New York, Sy Halpern, and his accomplishments in the art form. He is not only an expert caricaturist, but obviously, an excellent portrait artist.

I am particularly pleased to insert below the text of the Roll Call article, entitled "The Halpern Hand," a most fitting title. Unfortunately, the examples of the Congressman's art appearing in the Roll Call cannot be reproduced here, but I would suggest that it is well worth the effort to find a copy of the November 21 Roll Call. The photographs of the portraits of the attractive Mrs. Halpern, of Congressmen Halleck and Arends, and of Speaker McCormack, suggest that a look at the originals would be an inspiring experience.

The article follows:

The Halpern Hand—Sy Halpern Combines Creative Mind and Artistic Hand To Portray His Fellow Solons on Canvas

(By Diana Schmidt)

Caruso did some of the most rib-tickling caricatures of his day, and still managed to sing quite a bit of opera. Rep. Sy Halpern (NY), a caricaturist of equal fame, has nudged more than a few funny-bones, and still managed to accomplish quite a bit in the field of politics.

The talented artist-legislator recalls that he first began to sketch in elementary school, where he would copy pictures of Washington, Lincoln, and other awe-inspiring notables in the margins of his history book. The knack persisted, and in high school the young sketcher became art editor of the school paper.

By now, young Seymour Halpern was making himself known to the world at large. Pursuing his other hobby, autograph collecting, he made a sketch of P. C. Wren, the celebrated English author of "Beau Geste," and sent it to him. Wren responded with enthusiastic praise, and offered to sponsor a Halpern painting in an art show to be held at the Authors Club in London. The 16-year-old artist submitted "the typical American girl," which won first prize. Another project of this period was a life sketch of Helen Keller, who signed the sketch after posing for the youth at her Forest Hills home.

Graduating from school, young Halpern landed a job drawing cartoons for the Long Island Daily Press. Soon the paper began sending him to political and civic functions, to interview and sketch leading personalities. As he began to get his feet wet in political waters, the future Congressman also began to branch out into artistic independence. He wrote to prominent people, requesting interviews for sketches. They posed, or he would send sketches for autographs. Mahatma Gandhi didn't answer Halpern's letters at first, but eventually the correspondence grew to 22 letters. He couldn't break the ice with George Bernard Shaw until he sent a caricature, slyly making Shaw appear rather devilish. GBS responded with, "Have I deserved this?"

In the meantime, Halpern sought no formal instruction in the field of art. He read books on art—everything from do-it-yourself to heavy theory, practising what he read. Or, if he wasn't "hitting it," he would attend occasional classes at the Brooklyn Museum of Art for "little pointers" in color and application. During his newspaper career he worked mostly with pen and ink and lithograph crayon, but since then has worked mainly in the media of oil and pastel on canvas.

Rep. Halpern has become by now one of the most sought-after artists on Capitol Hill. Most of his work has been portraits, more meaningful, he believes, than "a group of apples on a table." His most recent painting is an oil portrait of Speaker John McCormack, begun eight months ago and presented in final form two weeks ago. The Speaker sat four times for the portrait during Congressional recesses throughout the year.

Other political figures whom the Congressman has painted include former President Eisenhower, House Republican Whip Les Arends, former Minority Leader Charles Halleck, and Thomas Dewey as governor of New York. When Rep. John Taber (NY) retired as a senior Congressman, Rep. Halpern presented him with a portrait on behalf of his Congressional colleagues. Currently, the Congressman is at work on a portrait of Minority Leader Gerald Ford and one of the family of Rep. Catherine May (Wash.).

Rep. Halpern estimates that he spends 30 to 40 hours of actual working time on a portrait, spread out over long periods of time, as he ekes out "an hour here, and two there." The portrait of Congresswoman May and her family has been in the making for over a year, and the Congressman notes that he has spent "hours on Ford's chin." He paints at his home in New York, and also at his Washington residence, where large windows admit ample light for the purpose. It is impossible to paint at night, however, since electric light distorts color. So he sometimes takes advantage of the dark hours to make preliminary sketches on canvas.

Painting provides excellent release from the tensions of a busy Congressman's duties. "Painting puts things in their proper perspective," comments Rep. Halpern. "When I am isolated with my work, nothing matters but a nose, or eyelashes, or the catchlight in an eye."

The Congressman has never painted commercially. Though he continues to insist he is only an amateur, his work invariably impresses the critics. When he was a state senator, his paintings were exhibited at various times at Grand Central Galleries, the New York City Golden Jubilee, the Gertz Art Show, the Queens Botanical Gardens, and Riverside Museum. Rep. Halpern never tries to sell his work, but has painted portraits to serve as grand prizes in charity raffles. As state senator he used to paint the winners of Cerebral Palsy raffles. During one TV charity talkathon, a donation of as much as $3500 was offered in exchange for a Halpern portrait.

"I like to express myself to people I like and who I know would like a painting," says Rep. Halpern. The delight of the recipient is sufficient recompense to the artist. He just wishes he had time to do many more portraits.

FAILURE OF THE FCC TO ACT IS COSTLY TO THE PUBLIC INTEREST

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DINGELL. Mr. Speaker, for quite some time now, I and many other Members of the House have been trying to get some action by the FCC to resolve the plight of the small businessman, the police, and other users of two-way radio who are desperately in need of an adequate amount of frequency spectrum in order to be able to effectively use their two-way radios.

A year and a half ago my Subcommittee on the Activities of the Regulatory Agencies, of the Small Business Committee, heard the testimony of numerous small businessmen about the almost unbelievable congestion on their radio channels which has resulted from the failure of the FCC to update its allocation of the frequency spectrum.

This problem of congestion due to an inadequate allocation of frequency spectrum which the small businessmen face is also a problem for the police and other users of two-way radio. In view of the emphasis placed by the President and by the Congress on the need for safer streets and better law enforcement, I think it is important that we be aware of how critical is the need for additional frequency spectrum by all of the users of two-way radio.

As far back as November 1965, the police commissioner of New York City wrote the FCC:

> Our need for additional frequencies is most urgent, and our entire program for improved law enforcement is dependent upon obtaining additional radio frequencies.

Pursuant to my request for information, I have just recently been advised by the chiefs of police of many cities that this is still a critical problem due to a lack of action by the FCC. For example, Newark, N.J., has only two frequencies for the use of its approximately 300 radio-equipped police vehicles and only one frequency for its 125 walkie-talkies. This means that all of the instructions from headquarters to as many as 150 vehicles must go out on one message channel and, at the same time, the men in those 150 vehicles may be waiting in line to reach headquarters with equally as vital information. One message each way to each vehicle would mean 300 messages in 60 minutes.

The Newark Police Department says that it needs twice as many frequency channels as it has to maintain an effective police communication system and it cites a number of instances where the lack of available frequencies prevented its men from carrying out their assigned duties. For example, police dispatchers have been delayed in giving out assignments and the assignments have backed up. Field personnel frequently could not come in with important messages. Administrative command personnel were hampered in getting on the air to direct or control the movement or deployment of personnel or revise tactical operations. Field personnel in the outer periphery of the city were unable to hear if the messages were being transmitted for want of mobile relay facilities. Time was lost because simultaneous transmission and receiving was not possible. Immediate contact with other law enforcement or local agencies was hindered by use of telephone and lack of an intersystem radio network.

The Newark police chief also said:

> The allocation of radio frequencies is a serious problem to law enforcement because of the lack of available frequencies.
>
> In our own case, even during normal operations, we are seriously handicapped because of the lack of available frequencies. It was a serious problem during the recent disturbance in our City and the solution to this problem is a reallocation of the frequencies, particularly to those larger cities who have considerable mobile equipment in the field.

Look at Chicago's problem. According to its superintendent of police, it has only 29 frequencies on which to dispatch approximately 1,800 vehicles and keep in contact with outside agencies. He also reports that the Chicago Police Department is engaged in a development program involving personal radios. The program is based upon having a radio in the police car to receive messages from policemen with personal radios and relay them with greater power to headquarters. To accomplish this will require 13 more frequencies. He also states that his department feels that it should plan for four-frequency radios for the field forces instead of the present two-frequency radios and that this will require additional frequencies. Then he points out:

> There is also the necessity for information flow to the beat patrolmen. It seems self-defeating to have the National Crime Information Center, the Law Enforcement Teletype System and our own computer files and then not be able to give the information received via these devices to the beat patrolmen because of lack of available transmission time.

No wonder he concludes:

> As you can see, the Chicago Police Department, as many other departments, has a frequency problem and law enforcement can be seriously hampered by lack of adequate facilities.

A letter from the police chief of Los Angeles is so significant that I include it in the RECORD as part of my remarks at this point:

> CITY OF LOS ANGELES, CALIF.,
> *August 23, 1967.*
>
> Hon. JOHN D. DINGELL,
> *House of Representatives,*
> *Washington, D.C.:*
>
> Your letter of August 15 makes inquiry regarding whether or not "the Los Angeles Police Department has had sufficient radio spectrum space available to meet normal needs, as well as emergency needs." Succinctly, our answer is "No."
>
> The Los Angeles Police Department has been plagued with radio frequency shortage problems over the past decade. The situation has become ever-more-acute since the Watts Riots in August of 1965.
>
> That riotous period required total utilization of the Police Department's radio communications system and clearly demonstrated that additional message capacity was essential to the public safety of the City of Los Angeles.
>
> As one specific example of how the radio frequency shortage has adversely affected operations of the Los Angeles Police Department and the community it serves, consider our lack of a much needed "City-wide emergency frequency."
>
> Since the Watts Riots, it has been apparent that we have had a critical and immediate need for one frequency to be used as a City-wide emergency frequency. Many hundreds of hours of staff and technical time were spent in developing Police Department plans leading to optimization of the police radio system. Next, the City of Los Angeles authorized an expenditure of several hundreds of thousands of dollars to purchase new multi-frequency radios for all patrol cars. These multi-frequency radios have now been designed, purchased and installed. Each patrol unit now has a radio with immediate ability to switch between four frequencies: divisional frequency, City-wide emergency frequency, Tactical frequency one, and Tactical frequency two.
>
> However, despite repeated studies and a frequency-sharing request to the Federal Communications Commission, *the Los Angeles Police Department still has not been able to activate its planned City-wide emergency frequently because of a lack of a frequency* which can be assigned to that use.
>
> In 1966 correspondence with Congressman Corman, Chief Thad Brown of the Los Angeles Police Department stated: "The plight of the police service in having an insufficient portion of the radio spectrum allotted to their essential public-service use is known to various staff members of the Federal Communications Commission. Several studies have been made; others are in progress—but the difficulty lies in the fact that relief is needed now.
>
> "Most certainly, law enforcement—and the Los Angeles Police Department in particular—would be appreciative of any efforts you might expend towards making available a more reasonable portion of the radio spectrum for essential law enforcement and public safety radio communications."
>
> Chief Brown has been succeeded by Thomas Reddin as Chief of the Los Angeles Police Department. Chief Reddin would like to further emphasize the above remarks, by stating that the lack of radio frequencies for critical public-safety service has become acute, and that any efforts which members of Congress might assert in solving the problem would be a service to America's public-safety agencies as well as the communities they protect and serve.
>
> THOMAS REDDIN,
> *Chief of Police.*
> NOEL A. MCQUOWN,
> *Deputy Chief.*

How much more emphatic can the problem be made than Chief McQuown's statement in reply to an inquiry as to whether or not the Los Angeles Police Department has had sufficient radio spectrum space available to meet normal needs, as well as emergency needs. He wrote:

> Succinctly, our answer is "no."
>
> The Los Angeles Police Department has been plagued with radio frequency shortage problems over the past decade. The situation has become ever-more-acute since the Watts riots in August of 1966.

At the other end of the country, the chief of police of Paterson, N.J., said:

> I am concerned with . . . the fact that apparently no remedy is in the foreseeable future that may correct the present conditions caused by lack of frequencies. To answer your questions, we do not have sufficient radio frequencies to meet our normal needs. It is a fact that lack of radio space is a problem, and inadequate contact with our Police forces and other helpful forces. This did hinder our efforts during the civil disturbances which befell our city recently.

The chief of police of Passaic, N.J., has written me:

> We are indeed dismayed with the Police Radio Service and the fact that evidently no plans have been formulated to correct the problems caused by the lack of frequencies. In reply to your inquiries, in our opinion, there are not enough frequencies available to us for our needs to be met.
>
> Since there is a lack of radio space, the result is insufficient communications with our forces, police and other. We felt that this reduced our efficiency at the time of disturbances during the past summer.

The commissioner of public safety of Mount Vernon, N.Y., which is just outside New York City, wrote:

> During our recent disturbances during July, our one frequency was a specific example of various instances where a shortage of radio space hampered our men in the efficient performance of their duty and delayed or prevented prompt and effective response to emergency and instantaneous disbursement of personnel to the constantly changing target and high hazard areas.

Two years after its original plea to the FCC for additional frequencies, the police commissioner of New York City reported to me that the problem still had not been solved. He said:

> The New York City Police Department has been faced with a serious shortage of radio channels for some time and has been hampered in its functions not only during periods of disorders but in its daily operations.
>
> In the New York Metropolitan area all of the radio channels allocated to the police services are saturated and this has been confirmed by a recent Federal Communications Commission study. In order to obtain some relief it was necessary for us to apply for a waiver of the F.C.C. rules to permit us the use of 10 additional frequencies which are allocated to the Forestry-Conservation Services. The Commission granted our request and we are now in the process of activating these sorely needed channels. We have been operating with only 8 radio frequencies for our fleet of over 2200 police vehicles, as well as 15 launches and 5 helicopters . . . During peak periods in order to reduce the backlog in our radio dispatch room, it frequently was necessary to operate on a one-way basis with the cars calling in their reports by telephone instead of by radio. No doubt the 10 additional radio channels will help to alleviate this situation but we still will be operating an excessive number of units per channel.
>
> We also feel that every officer including the foot patrolman should be equipped with a miniature two-way radio in order to maintain essential and immediate communication at all times. This is particularly important during periods of civil disorders or other emergency situations. We have at present 550 of the personal-type radios in use operating on six 15 kc. split frequencies. We have budgeted for an additional 1,700 of these units. Obviously, there will be a need for more radio channels and repeater systems to accommodate this needed coverage.
>
> With regard to particular problems during disorders, it was necessary to operate numerous mobile and portable radios in the Brooklyn area on the same radio channel as other units operating in the Harlem area. This created problems of mutual interference and limited communications.
>
> As you know the Federal Communications Commission has under study the feasibility of shared use of VHF-TV channels and the possibility of reallocating some of the UHF-TV channels to other services such as Public Safety. We feel that in major metropolitan areas, the latter course of action is one logical solution inasmuch as hundreds of additional radio channels are required, not only for present systems but to implement new systems and new concepts which are being developed to assist law enforcement in its fight against increasing crime and lawlessness.
>
> We are anxiously awaiting the F.C.C. decisions with regard to providing additional radio spectrum to the police services and as soon as more channels are allocated we intend to apply for many more frequencies. Additional frequencies also will be required to change from a simplex to a duplex mode of operation which will enable us to take advantage of such new techniques as mobile teleprinters and computerized dispatch of police vehicles. New York City has earmarked considerable funds for the modernization and improvement of its communications facilities and one of the major limitations is the critical shortage of radio channels.

Note that he said:

> Hundreds of additional radio channels are required—

Not just the 20 pairs provided by the splitting of the channels in the 450 megacycle band.

In Washington, D.C., according to the Chief of Police, even the incident of a group of disorderly juveniles who threw missiles through store windows caused the following result:

> For several hours during this episode, the radio channel of operation for the affected area was taxed to its full capacity. The radio frequency shortage in the metropolitan area has been recognized for the past five years, especially in the radio frequencies allocated to public safety.

He went on to point out that in order to expand its communications system to provide centralized radio communication with all the patrolmen and to take care of the increase in mobile units for the next 7 years, his department needed four additional radio frequencies and there were no police frequencies available in the area for his department to use.

Even the city of Cambridge, Md., is sorely troubled by too many radio users on the same channel and its chief of police advised the FCC recently:

> For the past two or three months our radio transmissions are being blocked out by a radio belonging to the Prince Georges County Police located at Seat Pleasant, Maryland. Their call letters are KGC749 on same frequency as our department 154.95. During the recent riot trouble we had here in Cambridge, Maryland it was very difficult to keep or get in touch with our cars and men by radio due to the interference from station KGC749.
>
> I have also been in touch with the City Police Easton, Maryland and the Garden State Parkway Police, New Jersey who is on the same frequency 154.95 and who is also having trouble with their transmission being blocked by the station KGC749.

The police chief of Arlington County, Va., has said in a letter:

> I am writing this letter to you in response to a plea for additional frequency space to help the present communications problem confronting us, and alleviate future frequency congestion that could curtail our responsibilities dealing with public safety.
>
> As our police department grows, it is apparent that the present allocation of radio space will not be sufficient for future police operations in this Metropolitan area. Also we have already felt the need for the allocation of more frequency space to our community.
>
> In order to combat crime in our everyday work, and allow effective response to emergencies, such as controlling violence which has beset our major urban areas, it is imperative that radio communications are instantly available to each and everyone of our men. Insufficient radio spectrum to do this job headlines the police radio communications problems.

I also received a very fine statement of the problem from the chief of police of Ecorse, Mich.:

> During the recent civil disorders in the Detroit Metropolitan Area, we were confronted with many new problems. However, I believe the biggest problem of all was the lack of proper communications. We found that even though we received assistance from surrounding police departments in the way of manpower and cars, we were hampered by lack of communications with these same men and cars. I would like to point out that we did make good use of the telephone and portable radio but this was expensive, very inconvenient, and time consuming—time being of the utmost importance in this type of situation. A delay in relaying a message could mean the loss of life or property.
>
> * * * * *
>
> I believe that the only solution to this problem is to have the Federal Communications Commission set aside more radio spectrum for all law enforcement agencies.

Similarly, the inspector of police in Flint, Mich., advised me:

> Your letter of August 15, 1967, came at a very opportune time as we, Command Officers of the Flint Police Department, believe that more radio space must be made available for Police Agencies. We have been considering a request to the Federal Communications Commission for additional frequency assignment to handle normal operations which have increased rapidly in the last several years. With the completion of L.E.I.N. (Law Enforcement Information Network) and the National Crime Information Center, additional radio traffic is anticipated.

This is not a problem limited to New York, Washington, Chicago, Los Angeles, and other big city areas, however. The need, in the near future, for additional frequency spectrum is also reported by the chief of police in Tucson, Ariz.:

> We just recently received authorization for two additional radio frequencies, giving us a total of four. These four frequencies will carry us for approximately two to three

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There was no objection.

Mr. DINGELL. Mr. Speaker, for quite some time now, I and many other Members of the House have been trying to get some action by the FCC to resolve the plight of the small businessman, the police, and other users of two-way radio who are desperately in need of an adequate amount of frequency spectrum in order to be able to effectively use their two-way radios.

A year and a half ago my Subcommittee on the Activities of the Regulatory Agencies, of the Small Business Committee, heard the testimony of numerous small businessmen about the almost unbelievable congestion on their radio channels which has resulted from the failure of the FCC to update its allocation of the frequency spectrum.

This problem of congestion due to an inadequate allocation of frequency spectrum which the small businessmen face is also a problem for the police and other users of two-way radio. In view of the emphasis placed by the President and by the Congress on the need for safer streets and better law enforcement, I think it is important that we be aware of how critical is the need for additional frequency spectrum by all of the users of two-way radio.

As far back as November 1965, the police commissioner of New York City wrote the FCC:

> Our need for additional frequencies is most urgent, and our entire program for improved law enforcement is dependent upon obtaining additional radio frequencies.

Pursuant to my request for information, I have just recently been advised by the chiefs of police of many cities that this is still a critical problem due to a lack of action by the FCC. For example, Newark, N.J., has only two frequencies for the use of its approximately 300 radio-equipped police vehicles and only one frequency for its 125 walkie-talkies. This means that all of the instructions from headquarters to as many as 150 vehicles must go out on one message channel and, at the same time, the men in those 150 vehicles may be waiting in line to reach headquarters with equally as vital information. One message each way to each vehicle would mean 300 messages in 60 minutes.

The Newark Police Department says that it needs twice as many frequency channels as it has to maintain an effective police communication system and it cites a number of instances where the lack of available frequencies prevented its men from carrying out their assigned duties. For example, police dispatchers have been delayed in giving out assignments and the assignments have backed up. Field personnel frequently could not come in with important messages. Administrative command personnel were hampered in getting on the air to direct or control the movement or deployment of personnel or revise tactical operations. Field personnel in the outer periphery of the city were unable to hear if the messages were being transmitted for want of mobile relay facilities. Time was lost because simultaneous transmission and receiving was not possible. Immediate contact with other law enforcement or local agencies was hindered by use of telephone and lack of an intersystem radio network.

The Newark police chief also said:

> The allocation of radio frequencies is a serious problem to law enforcement because of the lack of available frequencies.
>
> In our own case, even during normal operations, we are seriously handicapped because of the lack of available frequencies. It was a serious problem during the recent disturbance in our City and the solution to this problem is a reallocation of the frequencies, particularly to those larger cities who have considerable mobile equipment in the field.

Look at Chicago's problem. According to its superintendent of police, it has only 29 frequencies on which to dispatch approximately 1,800 vehicles and keep in contact with outside agencies. He also reports that the Chicago Police Department is engaged in a development program involving personal radios. The program is based upon having a radio in the police car to receive messages from policemen with personal radios and relay them with greater power to headquarters. To accomplish this will require 13 more frequencies. He also states that his department feels that it should plan for four-frequency radios for the field forces instead of the present two-frequency radios and that this will require additional frequencies. Then he points out:

> There is also the necessity for information flow to the beat patrolmen. It seems self-defeating to have the National Crime Information Center, the Law Enforcement Teletype System and our own computer files and then not be able to give the information received via these devices to the beat patrolmen because of lack of available transmission time.

No wonder he concludes:

> As you can see, the Chicago Police Department, as many other departments, has a frequency problem and law enforcement can be seriously hampered by lack of adequate facilities.

A letter from the police chief of Los Angeles is so significant that I include it in the RECORD as part of my remarks at this point:

CITY OF LOS ANGELES, CALIF.,
August 23, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.:

Your letter of August 15 makes inquiry regarding whether or not "the Los Angeles Police Department has had sufficient radio spectrum space available to meet normal needs, as well as emergency needs." Succinctly, our answer is "No."

The Los Angeles Police Department has been plagued with radio frequency shortage problems over the past decade. The situation has become ever-more-acute since the Watts Riots in August of 1965.

That riotous period required total utilization of the Police Department's radio communications system and clearly demonstrated that additional message capacity was essential to the public safety of the City of Los Angeles.

As one specific example of how the radio frequency shortage has adversely affected operations of the Los Angeles Police Department and the community it serves, consider our lack of a much needed "City-wide emergency frequency."

Since the Watts Riots, it has been apparent that we have had a critical and immediate need for one frequency to be used as a City-wide emergency frequency. Many hundreds of hours of staff and technical time were spent in developing Police Department plans leading to optimization of the police radio system. Next, the City of Los Angeles authorized an expenditure of several hundreds of thousands of dollars to purchase new multi-frequency radios for all patrol cars. These multi-frequency radios have now been designed, purchased and installed. Each patrol unit now has a radio with immediate ability to switch between four frequencies: divisional frequency, City-wide emergency frequency, Tactical frequency one, and Tactical frequency two.

However, despite repeated studies and a frequency-sharing request to the Federal Communications Commission, *the Los Angeles Police Department still has not been able to activate its planned City-wide emergency frequently because of a lack of a frequency* which can be assigned to that use.

In 1966 correspondence with Congressman Corman, Chief Thad Brown of the Los Angeles Police Department stated: "The plight of the police service in having an insufficient portion of the radio spectrum allotted to their essential public-service use is known to various staff members of the Federal Communications Commission. Several studies have been made; others are in progress—but the difficulty lies in the fact that relief is needed now.

"Most certainly, law enforcement—and the Los Angeles Police Department in particular—would be appreciative of any efforts you might expend towards making available a more reasonable portion of the radio spectrum for essential law enforcement and public safety radio communications."

Chief Brown has been succeeded by Thomas Reddin as Chief of the Los Angeles Police Department. Chief Reddin would like to further emphasize the above remarks, by stating that the lack of radio frequencies for critical public-safety service has become acute, and that any efforts which members of Congress might assert in solving the problem would be a service to America's public-safety agencies as well as the communities they protect and serve.

THOMAS REDDIN,
Chief of Police.
NOEL A. MCQUOWN,
Deputy Chief.

How much more emphatic can the problem be made than Chief McQuown's statement in reply to an inquiry as to whether or not the Los Angeles Police Department has had sufficient radio spectrum space available to meet normal needs, as well as emergency needs. He wrote:

> Succinctly, our answer is "no."
>
> The Los Angeles Police Department has been plagued with radio frequency shortage problems over the past decade. The situation has become ever-more-acute since the Watts riots in August of 1966.

At the other end of the country, the chief of police of Paterson, N.J., said:

> I am concerned with . . . the fact that apparently no remedy is in the foreseeable future that may correct the present conditions caused by lack of frequencies. To answer your questions, we do not have sufficient radio frequencies to meet our normal needs. It is a fact that lack of radio space is a problem, and inadequate contact with our Police forces and other helpful forces. This did hinder our efforts during the civil disturbances which befell our city recently.

The chief of police of Passaic, N.J., has written me:

> We are indeed dismayed with the Police Radio Service and the fact that evidently no plans have been formulated to correct the problems caused by the lack of frequencies. In reply to your inquiries, in our opinion, there are not enough frequencies available to us for our needs to be met.
>
> Since there is a lack of radio space, the result is insufficient communications with our forces, police and other. We felt that this reduced our efficiency at the time of disturbances during the past summer.

The commissioner of public safety of Mount Vernon, N.Y., which is just outside New York City, wrote:

> During our recent disturbances during July, our one frequency was a specific example of various instances where a shortage of radio space hampered our men in the efficient performance of their duty and delayed or prevented prompt and effective response to emergency and instantaneous disbursement of personnel to the constantly changing target and high hazard areas.

Two years after its original plea to the FCC for additional frequencies, the police commissioner of New York City reported to me that the problem still had not been solved. He said:

> The New York City Police Department has been faced with a serious shortage of radio channels for some time and has been hampered in its functions not only during periods of disorders but in its daily operations.
>
> In the New York Metropolitan area all of the radio channels allocated to the police services are saturated and this has been confirmed by a recent Federal Communications Commission study. In order to obtain some relief it was necessary for us to apply for a waiver of the F.C.C. rules to permit us the use of 10 additional frequencies which are allocated to the Forestry-Conservation Services. The Commission granted our request and we are now in the process of activating these sorely needed channels. We have been operating with only 8 radio frequencies for our fleet of over 2200 police vehicles, as well as 15 launches and 5 helicopters . . . During peak periods in order to reduce the backlog in our radio dispatch room, it frequently was necessary to operate on a one-way basis with the cars calling in their reports by telephone instead of by radio. No doubt the 10 additional radio channels will help to alleviate this situation but we still will be operating an excessive number of units per channel.
>
> We also feel that every officer including the foot patrolman should be equipped with a miniature two-way radio in order to maintain essential and immediate communication at all times. This is particularly important during periods of civil disorders or other emergency situations. We have at present 550 of the personal-type radios in use operating on six 15 kc. split frequencies. We have budgeted for an additional 1,700 of these units. Obviously, there will be a need for more radio channels and repeater systems to accommodate this needed coverage.
>
> With regard to particular problems during disorders, it was necessary to operate numerous mobile and portable radios in the Brooklyn area on the same radio channel as other units operating in the Harlem area. This created problems of mutual interference and limited communications.
>
> As you know the Federal Communications Commission has under study the feasibility of shared use of VHF–TV channels and the possibility of reallocating some of the UHF–TV channels to other services such as Public Safety. We feel that in major metropolitan areas, the latter course of action is one logical solution inasmuch as hundreds of additional radio channels are required, not only for present systems but to implement new systems and new concepts which are being developed to assist law enforcement in its fight against increasing crime and lawlessness.
>
> We are anxiously awaiting the F.C.C. decisions with regard to providing additional radio spectrum to the police services and as soon as more channels are allocated we intend to apply for many more frequencies. Additional frequencies also will be required to change from a simplex to a duplex mode of operation which will enable us to take advantage of such new techniques as mobile teleprinters and computerized dispatch of police vehicles. New York City has earmarked considerable funds for the modernization and improvement of its communications facilities and one of the major limitations is the critical shortage of radio channels.

Note that he said:

> Hundreds of additional radio channels are required—

Not just the 20 pairs provided by the splitting of the channels in the 450 megacycle band.

In Washington, D.C., according to the Chief of Police, even the incident of a group of disorderly juveniles who threw missiles through store windows caused the following result:

> For several hours during this episode, the radio channel of operation for the affected area was taxed to its full capacity. The radio frequency shortage in the metropolitan area has been recognized for the past five years, especially in the radio frequencies allocated to public safety.

He went on to point out that in order to expand its communications system to provide centralized radio communication with all the patrolmen and to take care of the increase in mobile units for the next 7 years, his department needed four additional radio frequencies and there were no police frequencies available in the area for his department to use.

Even the city of Cambridge, Md., is sorely troubled by too many radio users on the same channel and its chief of police advised the FCC recently:

> For the past two or three months our radio transmissions are being blocked out by a radio belonging to the Prince Georges County Police located at Seat Pleasant, Maryland. Their call letters are KGC749 on same frequency as our department 154.95. During the recent riot trouble we had here in Cambridge, Maryland it was very difficult to keep or get in touch with our cars and men by radio due to the interference from station KGC749.
>
> I have also been in touch with the City Police Easton, Maryland and the Garden State Parkway Police, New Jersey who is on the same frequency 154.95 and who is also having trouble with their transmission being blocked by the station KGC749.

The police chief of Arlington County, Va., has said in a letter:

> I am writing this letter to you in response to a plea for additional frequency space to help the present communications problem confronting us, and alleviate future frequency congestion that could curtail our responsibilities dealing with public safety.
>
> As our police department grows, it is apparent that the present allocation of radio space will not be sufficient for future police operations in this Metropolitan area. Also we have already felt the need for the allocation of more frequency space to our community.
>
> In order to combat crime in our everyday work, and allow effective response to emergencies, such as controlling violence which has beset our major urban areas, it is imperative that radio communications are instantly available to each and everyone of our men. Insufficient radio spectrum to do this job headlines the police radio communications problems.

I also received a very fine statement of the problem from the chief of police of Ecorse, Mich.:

> During the recent civil disorders in the Detroit Metropolitan Area, we were confronted with many new problems. However, I believe the biggest problem of all was the lack of proper communications. We found that even though we received assistance from surrounding police departments in the way of manpower and cars, we were hampered by lack of communications with these same men and cars. I would like to point out that we did make good use of the telephone and portable radio but this was expensive, very inconvenient, and time consuming—time being of the utmost importance in this type of situation. A delay in relaying a message could mean the loss of life or property.
>
> * * * * *
>
> I believe that the only solution to this problem is to have the Federal Communications Commission set aside more radio spectrum for all law enforcement agencies.

Similarly, the inspector of police in Flint, Mich., advised me:

> Your letter of August 15, 1967, came at a very opportune time as we, Command Officers of the Flint Police Department, believe that more radio space must be made available for Police Agencies. We have been considering a request to the Federal Communications Commission for additional frequency assignment to handle normal operations which have increased rapidly in the last several years. With the completion of L.E.I.N. (Law Enforcement Information Network) and the National Crime Information Center, additional radio traffic is anticipated.

This is not a problem limited to New York, Washington, Chicago, Los Angeles, and other big city areas, however. The need, in the near future, for additional frequency spectrum is also reported by the chief of police in Tucson, Ariz.:

> We just recently received authorization for two additional radio frequencies, giving us a total of four. These four frequencies will carry us for approximately two to three

> years, at which time we will have to increase our frequencies, due to the growth of the community and the services we must render. I might add that the securing of these two additional frequencies was only accomplished after a great deal of extremely hard work on the part of the city's Communication Superintendent. In obtaining these frequencies we were also informed that the future was quite bleak of obtaining additional frequencies for our needs.
>
> If law enforcement agencies are to render the instantaneous services necessary to the constituents we must have sufficient radio spectrum space set aside so that future expansion will not be restricted.

Note particularly his statement that the frequencies which they have just obtained will only carry them for approximately 2 or 3 years at which time they would have to increase their frequencies due to the growth of the community and the services that they must render, and they have been advised that the future was quite bleak for obtaining these frequencies.

The chief of police of Houston, Tex., has said:

> Degradation of our radio communications, due to the lack of compatable frequencies, coupled with the close geographical reassignment of frequencies, cause serious interference problems. During recent acts of violence in our city, interference from five other cities was noted, some of which were as far away as two hundred miles. Radio communications assisted materially in containing the violence, however, the above mentioned communications problems could have severely handicapped our efforts had this violence been allowed to get out of hand.
>
> The situation that confronts us in the police communications field can be summarized very simply. The effectiveness of police work is directly dependent upon the communications backbone available to the department and officials involved. If we have a good system, the likelihood of public interest being protected is increased. As population grows in our area, as automobile usage, criminal activities and so forth continue to grow, demands on our police officials and on their radio systems will continue to increase, and their jobs will be increasingly difficult. There are already serious frequency shortages in the police field. In the Houston area we are already having trouble finding compatible frequencies for our police needs. It is essential, therefore, that we be concerned at this time with these radio needs, not only in terms of present, but over the next decade.

A memorandum from the police department of Cleveland, Ohio, reports that they were unable to obtain FCC permission to construct and use a public emergency radio call box which was to be erected on the highway at locations far removed from the police telephone cable and used to transmit emergency messages.

The interference situation is the same in Youngstown, Ohio, according to its chief of police:

> Our present radio spectrum is not sufficient as we are receiving interference from Pittsburgh, Penna., which is located 70 miles from our city. We also receive interference at our base station from the local radio and television stations.
>
> We plan to install a new radio system in the department which will include more channels to increase our mobile units. Therefore, we will require more radio space for the new system?

The chief of police of Greensboro, N.C., reports:

> At the present time, we are trying to find two clear channels on which we could install a command net operation in a mobile repeat fashion. This type system would enable us to set up a temporary command post at most any location and be able to communicate with all personnel within the area which have radios on the specific channel. However, due to the congestion and shortage of frequencies in the land mobile service and specifically in the Police-Public Safety Radio Service frequencies allocation, we have been unable to obtain a recommendation from the coordinator for the police frequency of North Carolina.

The rapid increase in police communications and the resulting need for additional frequency spectrum is factually stated by the Minneapolis superintendent of police:

> With calls for police service going up rapidly in Minneapolis from 130,000 in 1964, 141,000 in 1965 and 157,000 in 1966 we will have to expand from our present two nets to three and later to four. This will take additional frequencies and space on the spectrum.

From the chief of police of Kalamazoo, Mich., I have received the following comment of concern:

> We are concerned with the radio frequencies allocation as a whole.
>
> At the present time we share our local channel with the City of Pontiac, Michigan and with all the suburban police departments in the Chicago and Cook County, Illinois. This situation creates considerable interference problems to our own local radio traffic.

The chief of police of Phoenix, Ariz., reports that—

> The Phoenix Police Department was fortunate to obtain 5 radio frequencies in 1964, the last in the area that were compatible with multi-frequency operation.
>
> * * * * *
>
> With the normal growth of Phoenix, additional frequencies will be needed within the next 3 to 4 years for voice communication. In the near future, teletype printers in police cars and automatic car locaters will require additional radio spectrum.
>
> * * * * *
>
> I feel that the Public Safety needs more radio space now and that Phoenix must have additional frequencies in the near futre.

William A. Johnson, the superintendent of police for the city of Grand Rapids has written me:

> Our own Grand Rapids Fire Department has a simplex frequency for City operation which at times during "skip" is badly "cluttered" by traffic from the City of Chicago Police Department, a heavy user. The result is the maintaining of a poor watch by the Fire Dispatchers with the attendent danger of missed calls. The Grand Rapids Fire Department also serves all outlying departments on a second frequency which is badly overloaded, particularly by the large number of users in the immediate area. Some years ago Mr. Edwin Denstaedt of Detroit, the frequency co-ordinator for Fire, advised our radio engineer that there were not enough frequencies available to allow the splitting of this outlying system.

And from Sioux City, Iowa, the chief of police has expressed his concern about the frequency spectrum shortage as follows:

> I would like to take this opportunity to express my growing concern about the channel crowing of the Public Safety radio frequencies. We share our frequency with the cities of Pipestone, Minnesota; LaVerne, Minnesota; New Ulm, Minnesota; and Davenport, Iowa, and should a mass civil disturbance occur in Sioux City, this outside traffic could easily disrupt our communications network here and render it ineffective. This has occurred during routine daily work, but I can foresee serious problems if we urgently needed to utilize our radio and were unable to do so because of foreign interference. My department relies on the radio system and without it, I feel that law enforcement deteriorates badly.
>
> I, for one, would like to see some relief from the frequency congestion that exists.

Mr. Speaker, at the conclusion of my remarks, the full text of the various letters which I have received from departments of police throughout the country with regard to this problem will be inserted in the RECORD.

All these problems of congestion resulting from a failure of the FCC to allocate an adequate amount of frequency spectrum to the users of land mobile radio were summed up by the FCC in its last annual report. In that report, at page 48, it admitted that—

> The condition is not unlike that of a main highway on a summer weekend, so overcrowded with vehicles that traffic has come to a standstill.

The adverse effects on the public interest of bringing this type of radio communication to a standstill are enormous. It is significant that in its report to the House, the Select Committee on Small Business said at page 171:

> It is recommended that the Federal Communications Commission undertake, at once, such action as may be necessary to allocate additional radio frequency spectrum to small business and other users of land mobile radio.

The President's Crime Commission, after a thorough study of the problem, recommended, at page 254 of its report, entitled "The Challenge of Crime in a Free Society," that—

> The FCC should develop plans for allocating portions of the TV spectrum to police use.
>
> Communications must be maintained with foot patrolmen and with police officers who have left their cars. Police officials are unanimous in their desire for small portable radios so that patrolmen can call for assistance in an emergency and so that supervisors can maintain closer contact with those they supervise and make more effective use of the entire police force.

Yet we have no action by the FCC, except studies and more studies, to bring these recommendations of the Congress and the President's Crime Commission into reality. I, and other Members of the Congress, have continued to press the FCC on this matter at every opportunity. When the FCC appeared before the Committee on Interstate and Foreign Commerce, of which I am a member, in the spring of this year, a number of the appeals from the public for action by the FCC were made a part of the hearing record, and the Chairman of the Commission admitted that—

> There is a pressing need for the provision of more channel capacity and more channels for a mobile service.

The FCC has studied the problem. The Congress and Presidential commissions have studied the problem and made similar recommendations for action by the

FCC. How much more does it take to move the FCC to action?

Have we created an instrument of Government which is unresponsive to the needs of the people and to their elected officials even when it admits the path it must take? If that is the case—and I hope it is not—it is my prediction that the FCC will face some searching questions when it appears before the various committees of the Congress early next year.

If we are to be faithful to the people of this country, to their needs and their problems, we must find a means of providing the frequency spectrum which the police and other users of land mobile radio so desperately need. We would be remiss in our duty if 6 months from now we could receive the same type of letters from police chiefs and testimony from small businessmen concerning this problem which we have received in the past.

I want to assure the Commission that I intend to pursue this matter and I believe that I speak for a great many of the Members of the Congress who have also become concerned about the failure of the Commission to carry out its obligation to the public interest in this area.

Only last week, the long-awaited report of the Advisory Committee for the Land Mobile Radio Services was issued and presented to the Federal Communications Commission.

The digest of the report closed its conclusions with the following language:

> Therefore, the Advisory Committee concludes that if the public is to continue to receive the benefits, services and efficiencies provided to it by all areas of the land mobile services—which can only be so provided—benefits, services and efficiencies which are indeed in the public interest, convenience and necessity—additional frequency spectrum must be allocated for this use.

The Committee Chairman was Commissioner Kenneth A. Cox. In his letter of transmittal, he closed by pointing out that—

> The Advisory Committee's work is now finished, and the next step is up to the Commission.

Mr. Speaker, I would have only one word to add to Mr. Cox's succinct conclusion. That word is "now," and I would have the members of the FCC know that the word is heavily underscored.

The letters referred to follow:

CITY OF GRAND RAPIDS, MICH.,
August 21, 1967.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: Through our membership in the Associated Public Safety Communications Officers (APCO), we are fully aware of the frequency congestion in the Land Mobile radio services and the studies such as those of the Land Mobile Advisory Committee (LMAC) and other efforts that are being put forth by NABERS (Business), and APCO's proposed Project No. 3, a study of frequency congestion in the Chicago area with a grant from the Office of Law Enforcement Assistance of the Department of Justice.

While we do not experience any appreciable amount of interference from other stations on our police radio system, it is primarily because we operate duplex (separate base and mobile frequencies) which allows our dispatchers to monitor their cars on a channel which is limited to mobiles only, thus avoiding competition with other high powered base stations. Such duplex operation does limit our effectiveness by preventing communications between mobile units, which is a lesser problem than operating simplex (all on one frequency) and putting up with the resulting interference.

However, there is more and more talk of the FCC instituting a system of "open occupancy" rather than the "block system" of frequency assignments that has prevailed for years. This probably would eliminate the protection we presently enjoy with our duplex system.

Through our centralized Radio Service Bureau, we service numerous other Public Safety and Public Works radio systems that have been beset with severe interference problems. Recently our forty car Grand Rapids Water and Light radio system went to considerable expense to change frequency to escape the interference from Milwaukee Power and Light and the Detroit Underground. The constant chatter of these big users frayed the nerves of the monitoring personnel to the point that it became necessary to change. In addition, emergency calls had to wait their turn or were being blanked out. Some time ago the City of Wyoming Police Department (a Grand Rapids suburb) found it necessary to change frequency at considerable expense to escape interference from the City of Woodstock, Illinois. Such frequency changing is a gamble at best, with the possibility of another large user being assigned the same frequency at any time.

Our own Grand Rapids Fire Department has a simplex frequency for City operation which at times during "skip" is badly "cluttered" by traffic from the City of Chicago Police Department, a heavy user. The result is the maintaining of a poor watch by the Fire Dispatchers, with the attendant danger of missed calls. The Grand Rapids Fire Department also serves all outlying departments on a second frequency which is badly overloaded, particularly by the large number of users in the immediate area. Some years ago Mr. Edwin Denstaedt of Detroit, the frequency co-ordinator for Fire, advised our radio engineer that there were not enough frequencies available to allow the splitting of this outlying system. Today the F.C.C. and our frequency co-ordinating committees are advocating combining of small departments in an area and the use of a single frequency; all because of the frequency shortage, we presume.

We are unable to give you any specific examples of failure of communications due to frequency congestion during the recent riots in Grand Rapids. Of course, many transmissions had to wait their turn and it would have helped to have been able to operate car to car on a "clear channel" simplex frequency.

In weighing our situation in the Grand Rapids area, consideration should be given to the fact that we are quite far removed from densely populated areas such as New York, Philadelphia, Wayne County, Chicago and Los Angeles.

We appreciate your letter and this opportunity to contribute our bit to this pressing problem.

Sincerely,

WM. A. JOHNSON,
Superintendent of Police.

CITY OF TUCSON, ARIZ.,
September 1, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In your letter of 15 August you requested information concerning radio frequency allocation and problems associated with same, especially those associated with civil disturbances. I would like to first point out that the reported civil disturbance in our community was nowhere near the magnitude reported by the electronic and printed press. It was a minor disturbance and required little more than routine police attention.

At the present time we feel that we have sufficient radio frequencies available to us. We just recently received authorization for two additional radio frequencies, giving us a total of four. These four frequencies will carry us for approximately two to three years, at which time we will have to increase our frequencies, due to the growth of the community and the services we must render. I might add that the securing of these two additional frequencies was only accomplished after a great deal of extremely hard work on the part of the city's Communication Superintendent. In obtaining these frequencies we were also informed that the future was quite bleak of obtaining additional frequencies for our needs.

If law enforcement agencies are to render the instantaneous services necessary to the constituents we must have sufficient radio spectrum space set aside so that future expansion will not be restricted.

I trust the above will be of assistance to you, and if we can be of further assistance do not hesitate to call upon us.

Sincerely yours,

BARNARD L. GARMIRE,
Chief of Police.

POLICE DEPARTMENT,
Sioux City, Iowa, September 26, 1967.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you very much for your recent letter expressing concern regarding the civil disturbances that have taken place in many of our nations' cities.

We have been fortunate in the Sioux City area and have not yet been plagued with a problem of this type. I am wondering if your letter should have been sent to Waterloo, Iowa, because I do know that a problem did occur in that city this summer.

I would like to take this opportunity to express my growing concern about the channel crowding of the Public Safety radio frequencies. We share our frequency with the cities of Pipestone, Minnesota; La Verne, Minnesota; New Ulm, Minnesota; and Davenport, Iowa, and should a mass civil disturbance occur in Sioux City, this outside traffic could easily disrupt our communications network here and render it ineffective. This has occurred during routine daily work, but I can foresee serious problems if we urgently needed to utilize our radio and were unable to do so because of foreign interference. My department relies on the radio system and without it, I feel that law enforcement deteriorates badly.

I, for one, would like to see some relief from the frequency congestion that now exists.

Thanking you for any assistance you may give us in this matter, I remain,

Sincerely yours,

JAMES O'KEEFE,
Chief of Police.

CITY OF PHOENIX, ARIZ.,
September 25, 1967.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: The Phoenix Police Department was fortunate to obtain 5 radio frequencies in 1964, the last in the area that were compatible with multi-frequency operation. These 5 frequencies have been adequate for our needs to date and were sufficient to handle our recent civil disturbance.

With the normal growth of Phoenix, additional frequencies will be needed within the next 3 to 4 years for voice communication. In the near future, teletype printers in police cars and automatic car locators will require additional radio spectrum.

There are no unused VHF police frequencies left in the Salt River Valley; therefore, any expansion in Phoenix, Scottsdale, Mesa, Tempe or Glendale will require UHF equipment at considerable extra cost, including two sets of equipment in many cars (1 on UHF and 1 VHF).

During the past four years, the Phoenix Police Department has had a problem with interference from the Special Emergency Service. One instance: Doctors' Directory was read by and understood as "policeman needs help—urgently." Another instance, a local ambulance company's transmission was read on police frequency as "officer hurt—needs help urgently." On both occasions, considerable police manpower was diverted until situations were checked out and clarified. We have had considerable interference from Doctors' Directory and have desensitized our own system to some extent to prevent this type problem.

I feel that the Public Safety Service needs more radio space now and that Phoenix must have additional frequencies in the near future.

I also feel that legislation or FCC regulations to prevent unauthorized monitoring of police frequencies is necessary. Present FCC regulations are not adequate in this area. Phoenix has had instances of burglars, wrecker drivers, ambulance services, as well as news services, monitoring police calls and causing or increasing the police problem as a result of this monitoring.

Very truly yours,

PAUL E. BLUBAUM,
Police Chief.

POLICE DEPARTMENT,
New York, N.Y., September 15, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in reply to your letter of August 15, 1967 requesting information concerning our situation with reference to police radio channels.

We have been aware of your active interest in this very serious problem and appreciate your efforts in behalf of law enforcement communications. I am sure that your discussions with the Federal Communications Commission have helped to make that agency aware of the urgent need for remedial measures.

The New York City Police Department has been faced with a serious shortage of radio channels for some time and has been hampered in its functions not only during periods of disorders but in its daily operations.

In the New York metropolitan area all of the radio channels allocated to the police services are saturated and this has been confirmed by a recent Federal Communications Commission study. In order to obtain some relief it was necessary for us to apply for a waiver of the F.C.C. rules to permit us the use of 10 additional frequencies which are allocated to the Forestry-Conservation Services. The Commission granted our request and we are now in the process of activating these sorely needed channels. We have been operating with only 8 radio frequencies for our fleet of over 2200 police vehicles, as well as 15 launches and 5 helicopters. We found that some of our base stations were clocking as much as 10 hours of daily transmission time and assuming approximately equal air time for the mobiles, some of our channels were in use as much as 20 hours a day. During peak periods in order to reduce the backlog in our radio dispatch room, it frequently was necessary to operate on a one-way basis with the cars calling in their reports by telephone instead of by radio. No doubt the 10 additional radio channels will help to alleviate this situation but we still will be operating an excessive number of units per channel.

We also feel that every officer including the foot patrolman should be equipped with a miniature two-way radio in order to maintain essential and immediate communication at all times. This is particularly important during periods of civil disorders or other emergency situations. We have at present 550 of the personal-type radios in use operating on six 15 kc. split frequencies. We have budgeted for an additional 1,700 of these units. Obviously, there will be a need for more radio channels and repeater systems to accommodate this needed coverage.

With regard to particular problems during disorders, it was necessary to operate numerous mobile and portable radios in the Brooklyn area on the same radio channel as other units operating in the Harlem area. This created problems of mutual interference and limited communications.

As you know the Federal Communications Commission has under study the feasibility of shared use of VHF–TV channels and the possibility of reallocating some of the UHF–TV channels to other services such has Public Safety. We feel that in major metropolitan areas, the latter course of action is one logical solution inasmuch as hundreds of additional radio channels are required, not only for present systems but to implement new systems and new concepts which are being developed to assist law enforcement in its fight against increasing crime and lawlessness.

We are anxiously awaiting the F.C.C. decisions with regard to providing additional radio spectrum to the police services and as soon as more channels are allocated we intend to apply for many more frequencies. Additional frequencies also will be required to change from a simplex to a duplex mode of operation which will enable us to take advantage of such new techniques as mobile teleprinters and computerized dispatch of police vehicles. New York City has earmarked considerable funds for the modernization and improvement of its communications facilities and one of the major limitations is the critical shortage of radio channels.

I wish to express my appreciation to you for your interest in this problem and I sincerely hope that an early solution will be found.

Sincerely,

H. R. LEARY,
Police Commissioner.

DEPARTMENT OF POLICE,
Ecorse, Mich., October 4, 1967.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Regulatory and Enforcement Agencies, House of Representatives, Washington, D.C.

DEAR JOHN: This is in response to your letter of September 15, 1967, expressing your concern over the shortage of radio spectrum for local law enforcement agencies and how such shortage is hampering their operations.

During the recent civil disorders in the Detroit Metropolitan Area, we were confronted with many new problems. However, I believe the biggest problem of all was the lack of proper communications. We found that even though we received assistance from surrounding police departments in the way of manpower and cars, we were hampered by lack of communications with these same men and cars. I would like to point out that we did make good use of the telephone and portable radio but this was expensive, very inconvenient, and time consuming—time being of the utmost importance in this type of situation. A delay in relaying a message could mean the loss of life or property.

I might explain how we made use of the portable radio and how much easier it would have been to have had an assigned frequency which all base stations and police cars could monitor. During the recent emergency, any message that our base station would transmit could be received only by our own police cars and six other assisting police department cars. This meant that only a minority of the assisting cars were receiving the messages. We were able to overcome this problem to a small degree by using our portable radios, tied into our frequency, in the police cars equipped with radios but not on our frequency. (Example: Cars of the Wayne County Sheriff, Michigan State Police, Livonia Police, etc.—these cars were all equipped with radios but were not on our base station frequency and therefore, we had to place one of our portable radios in one of their cars so that they could receive our base station broadcasts. In turn, they used their own radio to relay our base station messages to their other cars assisting in the area.)

Our base station did have radio contact with the Detroit Police Department through "B" Channel on our base station radio only. Any messages received from the Detroit Police Department on our base station "B" Channel would have to be re-broadcast to our police cars, as well as the assisting cars of other departments which were on the same frequency or equipped with portables.

The cars from other departments which were not on our frequency or not equipped with one of our portable radios, were of little use to us, other than patrol. We were unable to give them assignments and if they encountered a situation where they needed assistance or had to report the location of a fire, they would have to rely on the public telephone or find a fire box.

I believe that the only solution to this problem is to have the Federal Communications Commission set aside more radio spectrum for all law enforcement agencies. It must be set up so that all agencies are able to receive and transmit on the same frequency. I would suggest calling it the Detroit Metropolitan Area Spectrum (DMA), the Michigan Spectrum (MICH), or the United States Law Enforcement Spectrum (USLE).

I hope this gives you an idea, John, as to our problems. If I can be of further assistance, please let me know.

Respectfully yours,

CONNIE.

ARLINGTON COUNTY, VA.,
POLICE DEPARTMENT,
Arlington, Va., October 9, 1967.

Congressman JOHN D. DINGELL,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am writing this letter to you in response to a plea for additional frequency space to help the present communications problems confronting us, and alleviate future frequency congestion that could curtail our responsibilities dealing with public safety.

As our police department grows, it is apparent that the present allocation of radio space will not be sufficient for future police operations in this Metropolitan area. Also we have already felt the need for the allocation of more frequency space to our community.

In order to combat crime in our everyday work, and allow effective response to emergencies, such as controlling violence which has beset our major urban areas, it is imperative that radio communications are instantly available to each and everyone of our men. Insufficient radio spectrum to do this job headlines the police radio communications problems. We respectfully request you, as Chairman of the House Small Business Subcommittee on Regulatory and Enforcement Agencies, to contact us by letter or in person to further assist you in gathering more information.

Yours truly,

Maj. WILLIAM G. FAWVER,
Chief of Police.

CITY OF NEWARK, N.J.,
September 6, 1967.

Mr. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The following information has been prepared in response to your request of August 22nd, 1967:

We presently have authorization for two (2) frequencies, and a third one for limited use without a base station. We have approximately 300 vehicles that are radio-equipped, and 125 walkie-talkies.

Communication with other police agencies is either via telephone, teletype, or telegram if long distance and not urgent.

We feel that six (6) frequencies are necessary to maintain an effective system for this department. Four (4) channels within 625 KC of each other for mobile equipment and two (2) channels within 625KC of each other for walkie-talkie equipment.

Specific instances where the lack of available frequencies has prevented our men from carrying out their assigned duties are:

1. Newark Riots.
2. Slaying of Patrolman Gutekunz.
3. Visits of V.I.P'S, e.g. President Johnson and President Kennedy, to Newark.
4. The large fire in the Central Ward. (whole block on fire)
5. Severe weather conditions e.g. snow storms.
6. Radio Cars in a chase.

During these incidents at peak workload periods:

1. Dispatchers were delayed in giving out assignments by vying to get "On the Air." Assignments backed-up.
2. Non-emergency assignments were disrupted or delayed and non-essential messages dispensed with.
3. Field personnel frequently could not "Come in" with important information or messages.
4. Administrative Command personnel were hampered in getting "On the Air" to direct or control the movement and deployment of personnel or revise tactical operations.
5. Field personnel on the outer periphery of the City "Cut Out" transmissions in progress. They were unable to hear the other person "On the Air" for want of mobile relay facilities.
6. Time was lost because simultaneous transmissions and receiving was not possible with existing facilities.
7. Immediate contact with local enforcement or City Agencies was hindered by using a telephone for lack of an inter-system radio network.
8. Demands for transmission time by the increased number of mobile units, operating on the same frequency interfered with communications.
9. Much "Air Time" was taken up with repetitions of information already transmitted on "Record Checks" and "Stolen Cars." Other authorized vehicles interfered with transmissions.

Very truly yours,

OLIVER KELLY,
Chief of Police.

CITY OF FLINT, MICH.,
DEPARTMENT OF PUBLIC SAFETY,
September 5, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR SIR: Your letter of August 15, 1967, came at a very opportune time as we, Command Officers of the Flint Police Department, believe that more radio space must be made available for Police Agencies. We have been considering a request to the Federal Communications Commission for additional frequency assignment to handle normal operations which have increased rapidly in the last several years. With the completion of L.E.I.N. (Law Enforcement Information Network) and the National Crime Information Center, additional radio traffic is anticipated.

During the recent disorder in this City, with only one transmitting frequency at Headquarters, some delay in transmission was experienced. Three additional employees, all officers, were assigned to the Communications Division. Their assignment was to segregate telephone calls to determine their importance and aid in dispatching of patrol cars. At the time of the Disturbance, this Department had approximately 110 radio cars in operation, each having two-way communication. Further, having only one transmitter, hindered surveillance work to a degree, especially if the car being followed became involved with heavy auto traffic. This surveillance work is vitally important in time of disturbance as it aids the Police Department in checking on leaders, potential troublemakers, and out of town people entering the City, to aid in the disturbance.

Communications between the Flint Police Department and the Flint Fire Department was a direct telephone line previously installed. When the Fire Department received a fire call their operator would contact the Police Dispatcher who would send a Patrol car to check first, to determine if there was a fire and secondly, to assure the fire trucks could get in and out of the area. The patrol car would relay the true information to the Radio Dispatcher who would in turn call the Fire Department.

Communications between the Flint Police Department and the Michigan National Guard was mainly with Liaison Officers at respective headquarters and the telephone was utilized to exchange information. It should be noted that the National Guard was not deployed in Flint during the time of Civil Disorder. Had this Organization been utilized, a police car with two (2) way communication would have been assigned to that Headquarters.

The Michigan State Police were deployed at this time and to overcome the communications problem between this Organization and the Flint Police Department, a transmitter on the State Police frequency was installed in our Communications Division and a State Police employee operated same.

The Citizens Band Operators were also utilized. A mobile receiver and transmitter being set up in the Communications Division. Units of this Organization acted as permanent observation points on the perimeter of the City and reported their observations. They also set up other fixed posts, i.e., Naval Reserve Center, etc.

Thus, we of the Flint Police Department, are desirous of obtaining two (2) additional frequencies for our base transmitter to aid in our normal everyday operation and have a reserve frequency for critical time. Any aid that you may extend toward this goal will be highly appreciated.

Sincerely,

ROBERT J. SMITH,
Inspector of Police.

CITY OF MOUNT VERNON, N.Y.,
September 14, 1967.

Re your letter dated August 15, 1967, referring to radio space.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Regulatory and Enforcement Agencies, Washington, D.C.

DEAR MR. DINGELL: Thank you for your concern as to adequate Radio Space to meet every contingency.

Our City of Mount Vernon, N.Y. has a population of 76,010 (1960 census) in four square miles, with 27% negro population in 1965. We are separated only by a boundary line from New York City. We have two New York City subways that stop at the city line, also two railroads, three parkways and one state route that pass through Mount Vernon.

We have just installed a new 80 watt General Electric Radio System to replace our old 50 watt system in 28 Police Department vehicles and our base station at Police Headquarters on *one frequency* 155.37 M.C.

We presently have six portable transmitters and receivers for our foot patrolmen and will select a proposal on bids for ten more portables on September 19, 1967.

During our recent disturbances during July, our one frequency was a specific example of various instances where a shortage of radio space hampered our men in the efficient performance of their duty and delayed or prevented prompt and effective response to emergency and instantaneous disbursement of personnel to the constantly changing target and high hazard areas.

It is also difficult in using one channel to have confidential communication by our Detective Bureau and superior officers, whereas an adjacent channel, not open to the uniform force and the public, would be of great value.

Presently tow truck operators, criminals and others listen in on our one channel. We suspected that during the civil disturbance that our messages were being monitored.

I therefore feel that as a police force in a thickly populated metropolitan area that an adjacent channel would be of great value.

Thank you for your inquiry and interest in our radio problems.

Very truly yours,

GEORGE F. KUMMERLE,
Commissioner of Public Safety.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
August 29, 1967.

Hon. JOHN D. DINGELL,
16th District, Michigan,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Reference is made to your letter of inquiry dated August 15, 1967, pertaining to the availability of frequency space for land mobile radio, especially for police forces of our metropolitan area.

As you know our city has not encountered a civil disturbance of any magnitude that could be classified as a riot. We did have a group of disorderly juveniles throw missiles through a number of show windows in store fronts in the early morning hours of August 1, 1967. This episode was met by deploying available manpower in the area affected and resulted in the arrest of eleven juveniles and twenty-one young adults.

For several hours during this episode, the radio channel of operation for the affected area was taxed to its full capacity. The radio frequency shortage in the metropolitan area has been recognized for the past five years, especially in the radio frequencies allocated to public safety. During this time two additional frequencies have been assigned to provide three channels to service our mobile units.

At present our department is in the process of expanding its communication system to provide centralized radio communication with all foot patrolmen and to meet the increase in mobile units for the next seven years. To provide for this improved service we found our department needed four (4) additional radio frequencies in the 150 Mhz band.

Finding no police frequencies available in this area we petitioned the Federal Communications Commission for a waiver to use three (3) Forestry Conservation and one (1) State Police Radio Frequency. This waiver was granted the department by the Federal Communications Commission on August 9, 1967. However, the Forestry Conservation users from the States of Maryland, Virginia and West Virginia have filed protests with the Commission on the assignment of these radio frequencies for our use. It is expected that this appeal will be adjudicated by the Federal Communications Commission within the next thirty (30) days.

From the result of specific professional study of the matter it is felt that with the four additional radio frequencies requested our department will have adequate radio coverage to service its contemplated expansion and improvement of communications for the protection of the public and the suppression of crime.

With kind regards, I am,

Sincerely yours,

JOHN B. LAYTON,
Chief of Police.

CITY OF LOS ANGELES, CALIF.,
August 23, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.:

Your letter of August 15 makes inquiry regarding whether or not "the Los Angeles Police Department has had sufficient radio spectrum space available to meet normal needs, as well as emergency needs." Succinctly, our answer is "No."

The Los Angeles Police Department has been plagued with radio frequency shortage problems over the past decade. The situation has become ever-more-acute since the Watts Riots in August of 1965.

That riotous period required total utilization of the Police Department's radio communications system and clearly demonstrated that additional message capacity was essential to the public safety of the City of Los Angeles.

As one specific example of how the radio frequency shortage has adversely affected operations of the Los Angeles Police Department and the community it serves, consider our lack of a much needed "City-wide emergency frequency."

Since the Watts Riots, it has been apparent that we have had a critical and immediate need for one frequency to be used as a City-wide emergency frequency. Many hundreds of hours of staff and technical time were spent in developing Police Department plans leading to optimization of the police radio system. Next, the City of Los Angeles authorized an expenditure of several hundreds of thousands of dollars to purchase new multi-frequency radios for all patrol cars. These multi-frequency radios have now been designed, purchased and installed. Each patrol unit now has a radio with immediate ability to switch between four frequencies: divisional frequency, City-wide emergency frequency, Tactical frequency one, and Tactical frequency two.

However, despite repeated studies and a frequency-sharing request to the Federal Communications Commission, *the Los Angeles Police Department still has not been able to activate its planned Citywide emergency frequency because of a lack of a frequency* which can be assigned to that use.

In 1966 correspondence with Congressman Corman, Chief Thad Brown of the Los Angeles Police Department stated: "The plight of the police service in having an insufficient portion of the radio spectrum allotted to their essential public-service use is known to various staff members of the Federal Communications Commission. Several studies have been made; others are in progress—but the difficulty lies in the fact that relief is needed now.

"Most certainly, law enforcement—and the Los Angeles Police Department in particular—would be appreciative of any efforts you might expend towards making available a more reasonable portion of the radio spectrum for essential law enforcement and public safety radio communications."

Chief Brown has been succeeded by Thomas Reddin as Chief of the Los Angeles Police Department. Chief Reddin would like to further emphasize the above remarks, by stating that the lack of radio frequencies for critical public-safety service has become acute, and that any efforts which members of Congress might assert in solving the problem would be a service to America's public-safety agencies as well as the communities they protect and serve.

THOMAS REDDIN,
Chief of Police.
By NOEL A. McQUOWN,
Deputy Chief,
Commander, Technical Services Bureau.

CITY OF NEWARK, N.J.,
August 17, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In reply to your letter of August 15th, 1967, as indicated in your letter, the allocation of radio frequencies is a serious problem to law enforcement because of the lack of available frequencies.

In our own case, even during normal operations, we are seriously handicapped because of the lack of available frequencies. It was a serious problem during the recent disturbance in our City and the solution to this problem is a reallocation of the frequencies, particularly to those larger cities who have considerable mobile equipment in the field.

Sincerely yours,

OLIVER KELLY,
Chief of Police.

CITY OF CHICAGO, ILL.,
September 1, 1967.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I read your letter with interest. It is gratifying to see a member of Congress concern himself with a problem that can only increase with the urbanization of our country and with the development of more sophisticated and complex electronic devices used in the war on crime.

To help you understand our situation I will give you a brief description of the Chicago Police System. At the present time, Chicago operates its communication system in a duplex mode using a total of twenty-nine frequencies: sixteen zone, eight city-wide, three car-to-car, one motorcycle and one point-to-point. Zone and city-wide frequencies are base transmit 450 mc. and base receive 150 mc. We dispatch to approximately 1,800 vehicles and keep in contact with outside agencies via these frequencies.

During normal operations these frequencies are not often overloaded. However, in civil disturbance situations we have experienced times when it becomes extremely difficult to maintain communications between headquarters and field units and vice versa. The few times when this occurred were in August, 1965; June 12 to 19, 1966; and July 12 to 21, 1966. As yet this year we have not experienced an extended overload period.

At the present time we are engaged in a development program involving personal radios. Our concept is based upon the use of the personal radio transmitting to the mobile radio (in the beat car) and mobile radio repeating this signal at greater power to the department base station. To accomplish this, thirteen link frequencies will be needed (we are licensed for nine) and if we are to provide the flexibility we have with our present system, thirteen more will be required to accomplish the necessary switching.

We also are concerned with the possibility of two or more large disturbances occurring at the same time and feel that we should be planning for four-frequency radios for field forces (we now have two-frequency capability) and the addition of city-wide frequencies five and six. This would require four more frequencies—two in the 450 mc. range and two in the 150 mc. range. You can see that if we pursue this approach we will need seventeen new frequencies.

There is also the necessity for information flow to the beat patrolmen. It seems self-defeating to have the National Crime Information Center, the Law Enforcement Teletype System and our own computer files and then not be able to give the information received via these devices to the beat patrolmen because of lack of available transmission time.

As you can see, the Chicago Police Department, as many other departments, has a frequency problem and law enforcement can be seriously hampered by lack of adequate facilities.

I appreciate the opportunity to provide our assistance in this matter and feel that relief can be provided through Congressional interest and action.

Sincerely,

JAMES B. CONLISK, Jr.,
Superintendent of Police.

CITY OF PASSAIC, N.J.,
September 14, 1967.

Congressman JOHN D. DINGELL,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your letter dated August 15, 1967 about frequency space availability for land mobile radio with respect to police departments.

We are indeed dismayed with the Police Radio Service and the fact that evidently no plans have been formulated to correct the problems caused by the lack of frequencies. In reply to your inquiries, in our opinion, there are not enough frequencies available to us for our needs to be met.

Since there is a lack of radio space, the result is insufficient communications with our forces, police and other. We felt that this reduced our efficiency at the times of disturbances during the past summer. I might add there was no way to distinguish routine matters from critical problems which created confusion in our department. If we had had an adjacent channel frequency we could have had a two-frequency operation which would have been a great help to us. However, this problem is still with us.

It is also possible for citizens to obtain police radio receivers whereby confidential police matters can become common knowledge. If in some way the unauthorized possession of such a receiver could become a Federal violation, the amount of "eavesdropping" would be considerably reduced. Needless to say, this would make it easier for law enforcement agencies to carry out their duties. Also, all too frequently Public Safety FCC applications and grantings with the frequency applied for are published regularly and this information is therefore easily obtained by anyone.

We appreciate your taking a stand on this matter and hope that your efforts will produce some new regulations regarding the control and assignment of Police frequencies.

Very truly yours,

JOHN F. CAMPBELL,
Chief of Police.

CITY OF PATERSON, N.J.,
September 12, 1967.

Congressman JOHN D. DINGELL,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I respectfully acknowledge receipt of your letter of 8-15-67 concerning the availability of frequency space for Land Mobile Radio in all of its uses.

I am concerned with the Police Radio Service and the fact that apparently no remedy is in the foreseeable future that may correct the present conditions caused by lack of frequencies. To answer your questions, we do not have sufficient radio frequencies to meet our normal needs. It is a fact that lack of radio space is a problem, and inadequate contact with our Police forces and other helpful forces. This did hinder our efforts during the civil disturbances which befell our city recently. We were unable to separate the major problems from routine problems. As a result, a bottleneck was created. A suitable adjacent channel frequency enabling us to have two-frequency operation would have been a tremendous help. This problem still exists.

The fact that radio receivers utilizing Police frequencies are so easily available is a major problem. If it were possible for this to be a Federal violation possibly requiring a registration and a license, we would at least know where they are located in most cases. I would therefore recommend a veil of secrecy be placed upon Public Safety FCC applications and grantings and that frequencies not be published for public dissemination.

I wish to thank you for your interest in this matter and am hopeful that some good will come of your efforts. If I can be of further service, please do not hestitate contacting me.

Respectfully,

John T. O'Brien,
Chief of Police.

City of Houston, Tex.,
August 29, 1967.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Sir: Your letter of August 15, 1967, in which you express concern about the availability of frequency space for land mobile radio in all of its uses, but most especially for the police forces in the metropolitan areas, has been reviewed.

Degradation of our radio communications, due to the lack of compatible frequencies, coupled with the close geographical reassignment of frequencies, cause serious interference problems. During recent acts of violence in our city, interference from five other cities was noted, some of which were as far away as two hundred miles. Radio communications assisted materially in containing the violence, however, the above mentioned communications problems could have severely handicapped our efforts had this violence been allowed to get out of hand.

The situation that confronts us in the police communications field can be summarized very simply. The effectiveness of police work is directly dependent upon the communications backbone available to the department and officials involved. If we have a good system, the likelihood of public interest being protected is increased. As population grows in our area, as automobile usage, criminal activities and so forth continue to grow, demands on our police officials and on their radio systems will continue to increase, and their jobs will be increasingly difficult. There are already serious frequency shortages in the police field. In the Houston area we are already having trouble finding compatible frequencies for our police needs. It is essential, therefore, that we be concerned at this time with these radio needs, not only in terms of present, but over the next decade.

The Federal Communications Commission should review the frequency situation in detail and develop all pertinent information so that we will know with some assurance just what the frequency requirements are now, what they will be in the future, and how they will be met. This is essential and consistent with the requirements of the law that the Commission allocate frequencies in the public interest and encourage greater use of radio to protect life and property.

Your interest in our needs for more radio frequency space is greatly appreciated and I trust that this information will be of some benefit to you.

Sincerely,

H. B. Short,
Chief of Police.

City of Greensboro, N.C.,
August 23, 1967.

Hon. John D. Dingell,
Member of Congress,
Washington, D.C.

Dear Sir: In response to your letter of August 15, 1967, I appreciate your concern for the congestion of the radio spectrum, particularly in the area of land mobile service. I have noted in several publications that you and your Committee have asked probing questions of the Federal Communications Commission and I hope you will continue your efforts in this direction until some relief is granted by the Federal Communications Commission.

You asked if we had any specific occasion where a lack of frequencies prevented adequate contact with our police officers or other law enforcement groups within the City. Perhaps it should be pointed out that even though we have had civil disturbances, they have not been of the magnitude of those in Detroit, Newark, and other areas; consequently, we have not had the problem of coordinating with the National Guard, Army, etc. However, we feel that if such a problem presented itself, we would need to have additional communication capabilities in order to properly carry out our objectives.

At the present time, we are trying to find two clear channels on which we could install a command net operation in a mobile repeat fashion. This type system would enable us to set up a temporary command post at most any location and be able to communicate with all personnel within the area which have radios on the specific channel. However, due to the congestion and shortage of frequencies in the land mobile service and specifically in the Police-Public Safety Radio Service frequencies allocation, we have been unable to obtain a recommendation from the coordinator for the police frequency of North Carolina.

We are aware of the Committee which has been set up within the Federal Communications Commission's staff to look into the possibilities of reallocating frequencies now assigned to UHF TV to land mobile service. We feel that this is one solution to the problem and certainly should be pursued diligently. It is further our feeling that communications in the police service is of greater importance than those of the entertainment area and, consequently, should be given priority in considering the reallocation of radio frequencies.

We have recently contacted our Congressman, Horace Kornegay, requesting his support along these lines. We will be glad to give further assistance if any is needed in this area.

Sincerely,

Paul B. Calhoun,
Chief of Police.

City of Minneapolis, Minn.,
August 22, 1967.

Representative John D. Dingell,
Chairman, Subcommittee on Regulatory and Enforcement Agencies, Washington, D.C.

Dear Chairman Dingell: Our Minneapolis metropolitan area and Hennepin County has 39 separate law enforcement bodies most with frequencies of their own and their own radio set-up. These frequencies are scattered over the bands making it difficult or impossible to have one overall emergency net that all jurisdictions can receive and broadcast. I feel adjustments and expansion of band are necessary to give us proper radio coverage.

While communications didn't cause us any real problems during our civil disturbance this was because our disturbance was confined to a small area and only involved Minneapolis Police and Fire and later on Minnesota National Guard. I feel that communications would be a problem if our disturbance had been spread out and involved very many jurisdictions in the County.

With calls for police service going up rapidly in Minneapolis from 130,000 in 1964, 141,000 in 1965 and 157,000 in 1966 we will have to expand from our present two nets to three and later to four. This will take additional frequencies and space on the spectrum.

I hope this information will be helpful to you and your committee.

Sincerely,

Calvin F. Hawkinson,
Superintendent of Police.

City of Cambridge, Md.,
August 16, 1967.

Congressman John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Congressman Dingell: In reply to your letter of August 15, 1967, I submit the following information and enclose a letter which I sent to the Federal Communications Commission.

The only problem that we had in connection with our radios was the constant interference from the Prince Georges County Police at Seat Pleasant, Maryland. When they transmit they block our transmissions completely and it was very difficult for us to keep in contact with our cars and men during the riot trouble. As you can see from the enclosed letter that we are not the only station with the same problem. The Easton Police Dept. have been in touch with the FCC on the matter for we have had the problem for two or three months, but so far the FCC has done nothing about it.

I would appreciate it if you could do something about this problem that we have with the Prince Georges County Police radio. I thank you for your letter and I hope you'll be able to do something on our problem.

Yours truly,

Brice G. Kinnamon,
Chief of Police.

Kalamazoo Police Department,
Kalamazoo, Mich., August 31, 1967.

Representative John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Sir: In reply to your inquiry of August 15, 1967 as to problems in communications during our recent civil disturbance.

No difficulties were encountered by this department as far as lack of communications which in any way hindered us in quelling our disturbance.

We are concerned with the radio frequence allocation as a whole.

At the present time we share our local channel with the City of Pontiac, Michigan and with all the suburban police departments in the Chicago and Cook County, Illinois area. This situation creates considerable interference problems to our own local radio traffic. This interference is often related to weather and atmospheric conditions but due to increased radio traffic on the interferring stations, the conditions are aggravated and there are times we have difficulty in receiving our own local units.

This is further aggravated when small departments and villages with only a few miles to patrol are licensed for output of 500 watts when good engineering practices indicates 50 watts of power is more than adequate.

After consultation with our departments radio engineer we would like to make the following recommendations.

1. That the problem of frequency allocation be reviewed and more channels be made available in the 150 MC–160 MC area.

2. That the problem of frequency alloca-

tion be determined on a regional instead of national basis. This would take into account the difference in radio communication problems in various areas of the nation.

3. That the television broadcasting industry be required to show cause why 82 channels allocated across the nation should not be drastically reduced.

4. That the FCC take cognizance of the fact that on the basis of the narrow band technical standards now in effect, it is possible to open up 400 additional police on public safety or business channels on each TV channel vacated.

5. That Business Radio service, special industrial radio, VHF marine radio, forestry products and all other commercial users of radio be moved out of the 150–160 MC band to channels acquired from TV channels. That the 150–160 MC band be made available only to police and public safety units and local government radio service.

If any of the above recommendations can be brought about I am sure a marked improvement will be made for police communications.

Sincerely yours,

DEAN A. FOX,
Chief of Police.
Lt. HAROLD LIGMAN,
Commander, Service Division.

CITY OF WOODHAVEN, MICH.,
August 1, 1967.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Due to the recent racial disturbance in the City of Detroit the past week, I would like to relay my thoughts to you on ways that may benefit all concerned in case of any future emergency which may arise at any time and in any community.

First, the lack of communications was an apparent factor in the past incident in Detroit. I believe there should have been direct communication not only to the Police Departments involved but to all Police Departments in the Tri-County area.

In the past incident in Detroit all the Police Departments in the Wayne County area were asked to send their available men to River Rouge as an outbreak was expected there. Our Department sent no men because of lack of communication to our Department. The request being sent out through the Wayne County teletype system of which our Department does not have. Whether other Departments lack this teletype machine I do not know.

The curfew hours, the closing of gasoline stations, etc., were not standardized as should have been, also one community not knowing what the neighboring community was doing.

Therefore, I propose that a Tri-County system be set up and all Police Departments to have a teletype machine with headquarters to be in Detroit which is the largest city and also is centralized. Any emergency arising in any community to be teletyped to all Police Departments from the command station and to comply with any and all orders. The Departments which cannot afford the teletype machines should be helped by State and Federal Grants.

Secondly, and most important, all Tri-County Police Departments to be on a standardized radio communication system.

The set up to be as follows:

1. An emergency frequency for all Police Departments to tune in on when ordered.

2. A State Police frequency, to be tuned in by Local Departments.

3. A County frequency, to be tuned in on by Local Departments.

4. Local frequency, as is now being used by the Departments.

The command post in Detroit to have authority to direct any or all Police Departments to switch to the emergency frequency or the State or County frequency as is needed. As an example, a community with four Police vehicles could be ordered to have two or three vehicles to switch to the emergency frequency for standby orders and the other vehicle or vehicles to remain on their local frequency to continue the patrol of their community.

Due to the high cost of the added frequencys to the present radio systems of the communities, the monies to be allocated by State and Federal Grants.

I cannot stress too strongly the need for direct communications to all Police Departments for the safety and welfare of others.

I hereby request to you Mr. Dingell to call a meeting of all area Police Chiefs and other High Government Officials to try to solve or keep to a minimum any other such emergency such as we have just witnessed.

Very truly yours,

GUST ZOUYRAS,
Chief of Police.

VOYAGEURS NATIONAL PARK

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert in the body of the CONGRESSIONAL RECORD an article appearing in the Minneapolis Tribune of November 5, 1967, pointing to the dangers to our national forests of the precedent being pushed in California, and elsewhere, for the exchange of national forest lands to timber companies in exchange for holdings within a proposed national park.

At this time the peril arises in connection with a Voyageurs National Park.

National parks, if they are to be procured and set aside as national treasures, should not be purchased by the dissipation of anything as precious as the national forest lands. To many people of the Nation, these lands are fully as valuable, and often more so, than the national parks to be purchased.

The article follows:

LEVANDER SEEN SETTING CONDITIONS FOR VOYAGEURS PARK

(By John Heritage)

Sources close to Republican Gov. Harold LeVander believe that he may soon give conditional support to the proposed Voyageurs National Park on the Kabetogama Peninsula.

The conditions, however, may be so tough that they could produce a stalemate, the sources believe.

One of the conditions LeVander reportedly is considering is that federal land ownership in Minnesota not be increased to create the park.

Since a national park would increase federal ownership, the only way this stipulation could be met is if the other federal agencies in the state—probably the U.S. Forest Service—were to release some of their lands.

The Forest Service would probably oppose such a move, as would some major conservation groups. And it could prove to be a point of deadlock.

LeVander will be urged to impose a "no federal land increase" provision by some state officials and by northern Minnesota timber companies which oppose a park at Kabetogama.

On the other hand, some LeVander officials favor a park at Kabetogama, east of International Falls, Minn., as do several other Minnesota groups and economic interests, and these sources will urge him not to take a position that may stymie the National Park Service proposal.

A provision for relinquishing other federal lands to offset the gains made by establishing a park is contained in a bill passed last week by the U.S. Senate to create a redwood national park in California.

In the redwood measure, one of the hottest issues before Congress, U.S. Forest Service lands in California would be given to timber companies which in turn would give up their lands within the proposed park.

Eight conservation groups, backed by the Forest Service, believe the trade provision is a dangerous precedent, and they reportedly plan to fight it if and when the bill is brought before the House next year. They believe the trade amounts to "robbing Peter to pay Paul."

The trade provision in the redwood bill was a condition made by California's Republican governor, Ronald Reagan.

LeVander's support is key to establishing a national park in Minnesota.

A number of state administrative, and possibly legislative, moves would have to be made to clear the way for the park.

Federal-state land exchanges, which may be needed to bring the peninsula under federal ownership, would have to be approved by the Land Exchange Commission, made up of LeVander, Atty. Gen. Douglas Head and State Auditor Stafford King.

Sale of any state-owned lands to the National Park Service would also have to be approved by the commission. State trust fund lands, some of which are on the peninsula, can be sold only at public auction.

And there are other policies, regulations and state laws that would touch on creation of the park.

According to a recent Minnesota Department of Conservation report, a National Park Service official said that if a land exchange proves impossible, the Park Service might agree to let Boise Cascade Corp., an Idaho-based timber firm with large holdings on the peninsula phase out its timber operations there, for perhaps up to 50 years. The Park Service would gradually acquire the lands that had been harvested.

Boise Cascade, which owns 49,000 of the proposed park's 107,000 acres, opposes the park there. Acquiring its lands, either through private, state and federal exchanges or by purchase, would be necessary.

In imposing the "no federal increase" condition, LeVander might ask the federal government to give up lands in the Superior or the Chippewa National Forests in northern Minnesota administered by the U.S. Forest Service or other Forest Service or U.S. Bureau of Land Management (BLM) holdings.

John Wernham, supervisor of the Superior National Forest, said Friday he would be opposed to such a land release, which might involve 100,000 or more acres.

LeVander will hold a special meeting on the park issue in the Virginia, Minn., area Nov. 28.

Significantly, he is confining the meeting to a discussion of the National Park Service proposal—the Kabetogama Peninsula site. Opponents of Kabetogama are pushing several other sites.

THE JOHNSON ADMINISTRATION TAKES AN IMPORTANT STEP IN BEHALF OF PROGRESS FOR THE AMERICAN CITY

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ALBERT. Mr. Speaker, the White House today announced the creation of an Institute for Urban Development that can provide important new progress for the American city.

This Institute will explore new ideas and technology, new methods and techniques for modernizing urban areas and finding new solutions to some very old urban problems.

The President has asked a group of distinguished Americans to help form this Institute. They are:

Mr. Irwin Miller, chairman of the board of Cummins Engine; Mr. Arjay Miller, president of the Ford Motor Co.; Mr. McGeorge Bundy, president of the Ford Foundation; Mr. Kermit Gordon, president of the Brookings Institute; Mr. Richard Neustadt, director of the Kennedy Institute of Politics at Harvard; and Mr. Cyrus Vance.

This Institute will bring together a wide variety of disciplines—architects, administrators, builders, city planners, engineers, sociologists, and others, to provide evaluation and direction of the Nation's urban problems and existing programs.

There is no question about the need for such an institute. And I believe that its formulation may be one of the more important developments for urban progress created by this administration.

I congratulate President Johnson for conceiving this Institute. I am certain that millions of American city dwellers will be watching its progress with extreme hope and interest.

LYNDON B. JOHNSON: CHAMPION FOR AMERICA'S HEALTH

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PEPPER. Mr. Speaker, President Johnson signed into law this week the 31st—and one of the most significant—health measures in his 4 years in office—the Partnership for Health Act. This record makes President Johnson the Nation's greatest champion for a healthier America.

The Partnership for Health Act joins the efforts of Federal, State, and local governments in three comprehensive programs to rid America of the sickness which robs so many of a normal life.

States and communities are freed from restrictions of health grants and allowed to provide the health services they themselves deem most urgent.

The new bill also provides strict standards for clinical laboratories, to insure the elimination of erroneous laboratory results.

Last, this act provides for a 3-year effort to fight rat infestation in our Nation's slums. This is a signal victory for the Johnson administration, for only a few months ago a rat control bill was laughed out of Congress. As the President noted, the partnership for health bill shows that the American people have not taken the rat control problem lightly.

This bill is a triumph for creative federalism. It is a victory for the American people, for the strength of a nation can be measured in the health care its citizens receive—and President Johnson and two Democratic-led Congresses have raised the health care of America to its highest level in history.

Under unanimous consent I insert into the Record the President's remarks made upon signing into law the partnership for health bill:

Remarks of the President at Signing Ceremonies of the Partnership for Health Legislation

Mr. Vice President, Secretary Gardner, Chairman Staggers, members of Congress, ladies and gentlemen:

As President there is nothing that I enjoy more than coming here to the East Room and signing health bills.

First, I think it is somewhat of a recommendation and a compliment to the Congress for having passed them. Having spent so many years in Congress, I look for every opportunity I can, in good conscience, to compliment them.

This is the second health bill that I have signed this week. That makes me very proud and I think this is something that will make the American people very happy.

This is the 31st health bill that I have signed in the last four years. I think that is of some significance because it shows what we are thinking about in this country and it shows what we are doing about it.

The bill that we will sign shortly is a little different than some of the others that we have had. Its purpose is not to create a new program, but to try to consolidate some old ones. It gives our States and it gives our communities new power to mount a total war against sickness and against disease—and they need that power.

Some two years ago a noted medical researcher said: "The human body comes in only two shapes and three colors. I don't expect there will be any changes . . ."

But even if the human body is quite limited in both shape and color, the human body has also unlimited capacity for affliction. As medical science has discovered more and more of the new ways to cure the body's ills, the Federal Government has responded with more and more health programs, as the number of these measures has indicated—each with a pinpointed target, each valid and each valuable for its own purpose. But the result, after dozens and dozens of health bills enacted in a relatively short period—more health bills have been enacted in the last four years than all the preceding years of our Government put together—the result has been a programmatic and bureaucratic night mare that we frankly must face up to.

In this Partnership for Health measure, we begin to try to cure some of this red tape. We begin to try to free the Public Health Service from the burden of paperwork so it can fight a more important battle, the battle against disease.

This bill contains a three-part strategy to help them fight that battle against diseases:

First, it offers assistance to States and communities to develop broad-based plans for health. We give them that obligation and responsibility and call upon them to do their planning.

Second, as quickly as these plans are ready, it provides Federal funds to help carry out these local plans.

Third, it establishes a national program for research and development in health services. Even as we discover new ways to cure disease, we are testing better ways to bring these cures to the people.

So the bill contains two proposals:

It opens the way to strict Federal and State standards for clinical laboratories. It will help to eliminate the patient of the needless anguish of tests he has had to undergo that might be faulty. We do know from recent studies that as many as one out of four tests performed by some laboratories have been wrong tests.

This bill also deals with a subject that you have heard about and read about and some people have laughed about—the subject of rats.

Throughout history rats have been the prime delivery system for our filth and the worst diseases that human beings have. To little children in the slums rats have really been the Public Enemy No. 1.

Some important people—I am told—thought it was a joke when we sent up the Rat Control Bill a few months earlier. Some joked about it.

The bill we sign today shows that American people are not laughing about it. And it shows that the Congress and the country were listening.

Now it is the turn of State and community leaders to listen. Now it is time for the health officers to show that by this partnership we mean business.

This is the second consumer bill that I have signed this year. We still have ten to go, Truth-in-lending, Pipeline Safety, Flammable Fabrics and Wholesome Meat.

I had some encouraging words a few moments ago about that.

This Wholesome Meat Bill can relieve every American family from the fear that every frankfurter and hamburger they give their children could be rancid or have something wrong with it.

So, I thank the Congress for what you have brought me to sign and I invite you to give me other work to do.

THE FLORIDA LEGAL SERVICES

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PEPPER. Mr. Speaker, as the House-Senate conferees conclude their deliberation and finalized the Economic Opportunity Amendments of 1967, I would like to call my colleagues' attention to the enthusiastic endorsement of the legal services rendered under that act by the president of the Florida bar. Mr. William P. Simmons, Jr., is a highly respected attorney in my State of Florida and has long worked, energetically to provide legal assistance to all those who are in need.

Mr. Speaker, I offer Mr. Simmons' letter concerning the Florida Legal Services for insertion at this point in the Congressional Record for all those who read and are concerned with the welfare of this Nation's citizens:

The Florida Bar,
Miami, Fla., November 28, 1967.

Re: Florida Legal Services, Inc.

Hon. Claude Pepper,
House of Representatives Office Building,
Washington, D.C.

Dear Claude: I appreciated your letter commending the Florida Bar for setting up this corporation to coordinate and encourage legal aid on a statewide basis. I agree that we have made a great step forward and we have been given assurance that an OEO grant can be made to our new corporation, provided, of course, that federal funds are available.

I know that you have supported the appropriations to continue the funding of the poverty program and I commend you for it. We are especially anxious that funds be available for legal aid because the legal aid part of the poverty program has been the subject of practically no criticism but on the other hand a great deal of commendation. We desperately need to continue the federal funds for legal aid.

With kind regards, I am,

Sincerely yours,

Wm. P. Simmons, Jr.

CARDINAL SHEHAN'S PRAYER AT INAUGURATION OF MAYOR D'ALESANDRO OF BALTIMORE

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Friedel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, inasmuch as we all are in need of inspiration and spiritual guidance, I would like to share with my colleagues in the Congress the prayer delivered by His Eminence Lawrence Cardinal Shehan yesterday at the inauguration of Thomas D'Alesandro III as mayor of the city of Baltimore.

Baltimore is the largest city south of the Mason-Dixon line, the second largest port, and according to the 1960 census, the sixth largest city in the country. It, therefore, is a matter of national interest when that great metropolis—a center of commerce, manufacturing, the healing arts and sciences, and culture—installs a new head of its local government.

It so happens that when Cardinal Shehan was Archbishop of the Diocese of Baltimore, he also delivered the invocation during the inaugural of the present mayor's father, Thomas D'Alesandro, Jr., in May 1947, a former Representative from Maryland. I am sure many of us well remember this distinguished man who served so ably in this Chamber from January 3, 1939, until his resignation on May 16, 1947, to become mayor.

His Eminence Lawrence Cardinal Shehan, a prince of the Roman Catholic Church, on December 5, 1967, made the following prayer:

PRAYER FOR THE INAUGURATION OF MAYOR THOMAS D'ALESANDRO III

We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgments are decreed, assist with Thy holy spirit of counsel and fortitude all those to whom has been entrusted the civil government of the people of this country.

We pray for the President of these United States, that his administration may be conducted in righteousness and be eminently useful to Thy people over whom he presides.

Let the light of divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government.

We pray for the Governor of this State, for the members of the Assembly, and all other officers who are appointed to guard our political freedom and welfare. We ask the guidance of the Holy Spirit for the members of our Constitutional Convention, upon whose labors the future welfare of our State so vitally depends.

We pray especially for Thy servant Thomas, whom the people of this City have elected to preside over and to rule them as their Mayor. As he assumes the heavy burden of this office, may Thy divine guidance enable him to lead his people forward in the ways of justice and charity so that they and he may merit from Thee, Almighty Father, true and abiding peace and abounding prosperity. Amen.

CALIFORNIA'S VAST INVESTMENT IN WATER RESOURCE DEVELOPMENT

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hanna] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HANNA. Mr. Speaker, the Washington Evening Star printed a fine editorial in its November 27 edition, entitled "The Atom on Bolsa Island," the text of which I wish to place in the Record. The reference is to a notable event which took place about a fortnight ago in Newport Beach, Calif., a contract signing ceremony that the urgency of congressional duties prevented me from attending.

The principals involved are the Department of the Interior, the Atomic Energy Commission, the Metropolitan Water District of Southern California, Los Angeles Department of Water & Power, San Diego Gas & Electric Co., and Southern California Edison Co. These California public and private organizations are partners now with the two Federal agencies in the construction and operation of the world's first and largest nuclear desalination and powerplant. This dual-purpose facility, with an ultimate capacity of 150 million gallons of pure water, and 1.8 million kilowatts of electricity, will be situated on Bolsa Island, a manmade, 43-acre site off the coastline of Huntington Beach.

This prototype installation possesses, as the Star points out, "enormous promise for all mankind," but I would like to bring to the attention of our colleagues the fact that this project represents just one facet of California's vast, continuing program of water resource development.

The investment of $126 million by MWD in the Bolsa Island plant is just the latest example of the willingness of Californians to put up important money of their own in the search for new water supplies. Many, many more millions have been expended or earmarked for water reclamation and water conservation projects.

In fact, in no comparable region of the world is more money spent on more projects to conserve water and salvage waste water than in the southern California counties that are dependent on the rapidly diminishing Colorado River for their water supplies.

A quick review of some of the projects in and around Orange County will give you an indication of the magnitude of the entire program. Studies are well along on a proposed treatment plant to be located in the northern part of Orange County which will be designed to reclaim 10 million gallons per day of domestic waste water for recharge of the Santa Ana River basin. By 1990, expansion to a capacity of 70 million gallons per day is contemplated. As this water salvage program develops, estimated cost of the rectified water is expected to drop from the starting figure of $30 per acre-foot to $18 in 1975 and to $12 in 1990.

Existing plants of smaller size already reclaim water to irrigate landscaping at a retirement community and at San Clemente, in addition to supplying lakes at Moulton Niguel, and to help crops grow at the Orange County Honor Farm. At El Toro, waste water is treated for reuse at the Marine Base there and at the Industrial Farm. At Perris and at Huntington Beach, also, waste water now is being processed for safe reuse.

Near Laguna, the Aerojet-General Co.'s testing of reverse osmosis processes to demineralize saline and brackish water are in progress.

All told, there are more than 60 reclamation plants in southern California and they are salvaging more than 350,000 acre-feet of waste water a year.

Although engineers recognize the importance of water reclamation, they also recognize that the amount of water which can be reclaimed in southern California can not possibly represent a quantity large enough to solve the Southwest problem of deficiency. As future development of the Colorado River occurs, California's allotment will be limited to 4,400,000 acre-feet annually instead of the 5,100,000 acre-feet yearly which now is used. This cutback will occur because other States are not yet able to divert their shares of Colorado River water. The quantity of water which might be reclaimed in southern California would not even replace the impending loss of 700,000 acre-feet. Much more water will be needed to keep the Southwest economy viable.

Because of engineering, economic, legal, and political problems, it is extremely difficult to predict at this time how much of the need could be supplied on a dependable basis. The same holds true for weather modification, which also is still in the experimental stage. Estimates of their true economic potential are not as yet known. Therefore, it is unfair to sell these programs as panaceas for all air-water problems. They are not, and to build up confidence that they will be that major factor in solving our problems until we have had the benefit of more study is only indulging in self-delusion.

California is pursuing every conceivable measure possible to achieve maximum use of her precious water supplies. However, our efforts must continue to concentrate on new sources of water if we want to meet the demands and needs of the area. The Bolsa Island project is a major advance, but still only a step in a continuing search.

The Star article follows:

The Atom on Bolsa Island

There is enormous promise for all mankind in the contract the Atomic Energy Commission and the Interior Department executed the other day with the Metropolitan Water District of Southern California.

Under the contract, the Federal government will provide technical assistance and a contribution of $72 million to the building and operation of the world's first and largest nuclear-fueled desalting and electric power plant. California and the participating private utility companies will supply the balance of the nearly $500 million investment involved.

In an age of exploding population, when our own and every other country faces sharply rising demands for power and water, the significance of this enterprise can hardly be exaggerated. When it becomes fully operational on Bolsa Island—a man-made 43-acre site 40 miles south of Los Angeles—it will do two revolutionary things on an economically feasible basis: (1) It will desalt and make drinkable 150 million gallons of sea water every day—enough for a city the size of San Francisco; and (2) it will generate 1.8 million kilowatts of electricity—enough for the needs of a metropolitan area the size of Washington's.

This plant, moreover, will be only the prototype, the forerunner, the Model T version of comparable but much greater projects combining desalinization and electrical generation for the production of food and other goods vital to man and his society. AEC Chairman Seaborg, in a little-noticed address last month in Warsaw, Poland, had many arresting things to say about the prospective developments. One of the examples he cited is based on a still-unpublished study at Oak Ridge National Laboratory. It envisions the creation of nuclear-powered "agro-industrial complexes" in both advanced and underdeveloped nations. In Seaborg's words, the "near-term possibility" is that just one such complex—producing 1 million kilowatts and desalting 400 million gallons of water a day—could do the following:

"It could support the daily production of 2,000 tons of ammonia and 360 tons of phosphorus. The food factory in this plant would consist of 200,000 acres irrigated and fertilized by the nuclear plant. On the basis of growing a single high-yield crop . . . this complex could produce more than 1 billion pounds of grain annually—enough to feed about 2.5 million people at a level of 2,400 calories per day. In addition, it could export enough fertilizer to other agricultural areas . . . to cultivate 10 million more acres."

If not one but many plants of this sort become a reality in the decades ahead, the world will have a weapon to combat the Malthusian nightmare that some experts fear is even now in the making. Bolsa Island serves as a bright reminder of the atom's marvelously beneficent potentials for peoples everywhere.

THE COPPER STRIKE

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the vast bulk of copper production and some of our zinc and lead mines have been shut down since July 15. It is a strike which is just a few days short of being 6 months old. Yet there is little knowledge of this strike across the country and by and large you would be scarcely able to find anyone who knows about it. But what is worse is that there has yet to be any real bargaining between the parties involved—and the Department of Labor advises me that there does not seem to be any immediate hope of bargaining.

The history of mining is turbulent, and the history of western mining is especially so. Any student of history knows that in the mines of western America there were hard and bitter and sometimes bloody battles over union organization. And even today the unions representing copper workers and management representing the great copper producers have bitter antagonisms. It is almost as if the industrial warfare of the 1930's is still continuing in this basic industry.

The issues at stake in this strike are many. The workers are demanding higher wages—which surely is a negotiable point. They are also demanding greater benefits—which surely is a point which can also be bargained over. Finally, the unions are demanding companywide bargaining; it is this which apparently management is unwilling to even talk about. Assuredly companywide bargaining has met with fierce resistance in the electrical industry and in every other industry where it has been sought. But still this would seem to be the crux of the crisis in the copper industry. Whether this is the source of the problem I do not know, but it seems to be the reason why management is not talking with the unions today.

While this strike goes on there is suffering and hardship among the striking workers. A good many mines are in out of the way places, and I do not know how families survive without work in such places. Yet despite the hardship imposed on them, these workers seem quite willing to undergo it in order to achieve their goals.

While collective bargaining has broken down in this strike—never in fact ever started—our supply of copper continues to dwindle. The situation for some companies which need copper will soon be critical, and may already be for a few. But despite this threat there seems to be no hope for progress in this dispute until and unless there is some drastic change on one side or the other.

The companies involved in this strike disclaim all responsibility for its length and bitterness. I doubt that this is true. The unions claim for their part that the companies are wholly at fault. This may or may not be true. But whoever is at fault and whatever the reason it is incomprehensible to me that this strike can continue much longer.

I hope, Mr. Speaker, that the parties in the copper dispute will bargain, and bargain honestly, at the earliest opportunity. The hardship and suffering has gone on long enough; I hope that management will abandon its intransigence and at least come to the bargaining table.

CONGRESSMAN ANNUNZIO URGES EARLY ENACTMENT OF LEGISLATION TO DEDICATE WESTON ATOM SMASHER FOR DR. ENRICO FERMI

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on July 25, 1967, I introduced H.R. 11726 to provide that the nuclear accelerator to be constructed at Weston, Ill., be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi.

I am happy to note that on December 2, 1967, the 25th anniversary of the first nuclear chain reaction, President Johnson announced in a closed circuit television speech beamed by satellite to scientists observing this anniversary, that he would like "to see the new Weston atom smasher dedicated for Enrico Fermi, the late scientist who guided the world into the atomic age 25 years ago."

It was Dr. Fermi, Italian Nobel Prize winner, who headed the two teams working around the clock to build the first nuclear pile. On December 2, 1942, at precisely 3:25 p.m. under the west stands of Stagg Field at the University of Chicago, Dr. Fermi and his team of scientists achieved for the first time a controlled nuclear fission chain reaction. This great event ushered in the atomic age.

I am delighted to learn that the President shares my feelings in this matter, and I shall appreciate the help and assistance of my colleagues on both sides of the aisle to enact H.R. 11726 into law without further delay. Few men, if any, have played a greater role than Enrico Fermi in the harnessing of nuclear energy for both war and peace, and he is truly deserving of this recognition.

It is my pleasure to insert at this point in the Record an article which appeared in the December 3 edition of the Chicago Tribune covering President Johnson's closed circuit television address with reference to Dr. Enrico Fermi, and also an article which appeared in the December 1 edition of the Christian Science Monitor regarding the 25th anniversary of the first nuclear chain reaction. The articles follow:

[From the Chicago Tribune, Dec. 3, 1967]

Asks an Open Door Onsite Inspection—Speaks by TV to Scientists

(By Ronald Kotulak)

President Lyndon B. Johnson said yesterday that the United States is willing to open up all of its nuclear facilities, except those used for military weapons, for international inspection in a major step to reduce the risk of a nuclear war.

In a closed circuit television speech beamed by satellite to scientists observing the 25th anniversary of the first nuclear reaction, on the University of Chicago campus, Johnson said that the United States is willing to take such a step if other countries would do the same.

A MEMORIAL TO FERMI

Johnson also announced that he would like to see the new Weston atom smasher dedicated for Enrico Fermi, the late scientist who guided the world into the atomic age 25 years ago.

Johnson said that the giant 200 billion electron volt proton accelerator, which is now called the National Accelerator Laboratory will keep America in the forefront of nuclear research. Construction on the accelerator is expected to start next summer.

HEAR ITALIAN PRESIDENT

The ceremonies at the university's Mandel hall marked the history-making experiment Dec. 2, 1942, when a group of scientists led by Fermi achieved the first controlled, self-sustaining nuclear chain reaction, under the west stands of Stagg field.

Johnson's address from Washington was televised to Chicago by way of the Comsat communications satellite.

The satellite also carried a live television speech from Giuseppi Saragat, president of Italy, who praised Johnson's offer of open inspection of nuclear facilities. Saragat spoke from Rome.

He said that if all men of "good will" respond in a like manner then the great peaceful uses of nuclear energy can be realized without the fear of an atomic holocaust.

Johnson said that the experiment harnessing the power of the atom gave man, for the first time, all of the potential energy he could possibly use.

MUST DISPEL WAR PALL

Altho the atom was first employed in the world's most destructive weapon, it is also the key to the golden age of mankind, Johnson told his audience, which included most of the members of the Fermi team.

But the pall of a nuclear war hangs over the world, and it is up to man to take every possible step to dispel this dark cloud, Johnson said.

"We can either remake life on earth or we can end it forever," he said.

The world now needs a treaty to ban the spread of nuclear weapons to nations that now do not possess them, he said.

Every day, the chance becomes greater that smaller nations will acquire material for atomic bombs because of the spread of nuclear reactors, Johnson said.

A small diversion of the nuclear fuel can be used for weapons, he explained.

SEEK OTHERS TO AGREE

"The American people have made their own desire crystal clear. When the Senate voted unanimously to support an effective nonproliferation [of atomic weapons] treaty.

"We are now engaged in a major effort to achieve such a treaty in a form that is acceptable to all nations," Johnson said.

America is trying hard to assure everyone that the benefits of the treaty would be shared by all nations, both large and small, he explained.

The safeguards of such a treaty would in no way interfere with the peaceful uses of atomic energy, he added.

NO SAFEGUARDS ASKED

"I want to make it clear to all the world that we in the United States are not asking any countries to accept safeguards that we are unwilling to accept for ourselves.

"I am today announcing that when such safeguards are applied over the field, the United States will permit the International Atomic Energy agency to apply its safeguards to all nuclear activities in the United States, excluding only those that have direct application to security protection.

Johnson said that the inspection would include private nuclear reactors as well as nonmilitary nuclear facilities operated by the government.

"We wish to conduct ourselves so that future generations will not look back on Dec. 2, 1942, to despair but as the beginning of the brightest and most inspiring chapter in the long history of man," Johnson said.

In his speech, Saragat said Italy wanted to pay homage to the United States for opening its doors to Fermi and others who fled persecution in Italy and Germany during World War II periods.

Dr. Glenn T. Seaborg, chairman of the atomic energy commission, said that a nonproliferation treaty is necessary before nuclear reactor programs can be expanded to underdeveloped countries.

The treaty, Dr. Seaborg said, would assure small nations that their neighbors would not secretly acquire atomic bombs nor use reactors to make their own weapons.

Sigvard Eklund, director general of the International Atomic Energy agency, which is located in Vienna, said that if the nonproliferation treaty is not signed by the middle of next year there is little likelihood it would ever become effective.

"A failure to sign a treaty may bring the atom as a repellant to the fore and initiate an atomic armament race," Ecklund warned.

"Our world will not become a safe place to live in thru such an action, but may be brought much closer to that holocaust every one of us wants to avoid," he said.

[From the Christian Science Monitor, Dec. 1, 1967]

DECEMBER 2, 1942: THE DAY TOMORROW BEGAN

(Twenty-five years ago, physicists at the University of Chicago achieved man's first nuclear chain reaction. Here is an account of the momentous day that opened the Atomic Age.)

(By Neal Stanford)

WASHINGTON.—"What's going on, Doctor? Something happen in there?"

Dec. 2, 1942, was a cold snowy day in Chicago, and it was particularly bleak and windy around 5 p.m. under the west stands of Stagg Field at the University of Chicago.

A group of heavily overcoated men filed out from the west stands led by Dr. Enrico Fermi, the Italian physicist, and including Canadian Walter Zinn, the Hungarians Leo Szilard and Eugene Wigner, the Americans Arthur Compton, Norman Hilberry, Herbert Anderson, and a dozen or more others.

They nodded to the guard then hurried on. Incidentally, the guard never did learn, until years later, just what had happened that day on that old squash-rackets court under Stagg Field's west stands. For until the war ended it was top secret.

What happened on that cold Wednesday in 1942 altered the course of civilization. For it was on that day, at precisely 3:25 p.m., that Fermi and his team of scientists for the first time achieved a controlled nuclear-fission chain reaction. That event ushered in the Atomic Age.

This energy was first employed for war. The first experimental bomb was exploded July 16, 1945, at Alamogordo, N.M. Three weeks later a sister bomb was dropped on Hiroshima and three days after that another on Nagasaki.

PEACEFUL USES

After the war more sophisticated reactors were built, thus channeling the enormous energy of the atom into peaceful pursuits—the generation of electricity, propulsion of ships and rockets, testing of materials, medical research.

The Atomic Energy Commission has aptly called Dec. 2, 1942, "the day tomorrow began." On Dec. 1 and 2 this year the University of Chicago is staging a 25th-anniversary observance of the first nuclear chain reaction.

Today the government has the personal recollections of a dozen or so of the 42 scientists who spent that historic day under the west stands at Stagg Field.

There is also the record on which was traced the neutron intensity within the first pile, showing when it went "critical."

And there are volumes of correspondence, including that famous letter Albert Einstein sent President Roosevelt. In it Einstein, speaking for the scientists working on nuclear fission, notified the President of what was in prospect, described the possible destructiveness of an atomic bomb, and warned him that Nazi Germany was working desperately to develop such a weapon.

As the experiment at Stagg Field became directly tied to the development of the atomic bomb, security and secrecy became an obsession.

There was in fact a time in the spring of 1942 when concern for security was so tight that Fermi and his colleagues didn't dare meet in their offices. They gathered quietly and informally under what came to be called "the council tree," out in front of Eckhart Hall on the university campus.

HIS WIFE DIDN'T KNOW

The emphasis on secrecy was so strong that all during the experiment Mrs. Laura Fermi, the wife of the chief of the project, had no idea what was going on. She writes in her memoirs of those days:

"Enrico walked to work every morning, not to the physics building but to the 'Met Lab,' the Metallurgical Laboratory. The only single secret about it he told me was that there were no metallurgists at the Metallurgical Laboratory—and I wasn't even to divulge that!"

On the evening of Dec. 2, 1942, Mrs. Fermi gave a party for the "metallurgists" working on her husband's project. As each came in, stamping his feet, shaking the snow from his shoulders, she writes: "They shook Enrico's hand and said the one word, 'Congratulations.' When I asked some of them why, they would only smile and say, 'Ask your husband,' or 'Your hubsand's a smart guy,' or, 'Don't worry you'll find out sometime. "

It was 2½ years later that Mrs. Fermi finally learned just what her husband had done under those west stands at Stagg Stadium.

"One evening," she writes, "shortly after the end of the war in Japan, Enrico brought home a mimeographed paperbound volume.

" 'It may interest you to see the Smyth Report,' he said. [That was the first official declassified information on atomic energy.] Halfway through I found the reason for the congratulations at that party: the first chain reaction achieved under Enrico's direction."

MANY NATIONALITIES INVOLVED

Few Americans are aware of how much the United States owes to Italy and Germany, as well as many other countries, for contributing to creation of the first atomic pile.

There was Dr. Fermi, Italian Nobel Prize winner, who after picking up his award in Sweden came to the United States, condemned by his Italian Fascist government for failing to give the Fascist salute in accepting his award. It was Dr. Fermi who headed the two teams of scientists, physicists, and engineers working around the clock to build the first nuclear pile. They constructed 30 different models before finding the design and size they wanted.

There was Lise Meitner, who had fled Nazi Germany and was working with Niels Bohr in Copenhagen, on the breaking up of the uranium atom.

There was, of course, Albert Einstein who in 1905 with his equation ($E=MC^2$—energy equals mass times the velocity of light [C] squared) opened the door to the concept of energy release, and finally found a haven at the Institute for Advanced Studies at Princeton, N.J.

There was the Canadian-born Walter Zinn and Lee Szilard, a Hungarian, with their work on the number of neutrons emitted by fissioning uranium.

It was the young Glenn Seaborg, future Nobel Prize winner and today chairman of the Atomic Energy Commission, who at Berkeley, Calif., using a cyclotron, produced a submicroscopic speck of an entirely new element, plutonium.

MASSIVE TEAM FORMED

Thus the scientists joined statesmen and military leaders in a "chain-reaction" effort: the achievement of uranium fission to produce plutonium to make a bomb to end the war.

Much of the theoretical and experimental work on nuclear fission was being done at Columbia University and at Princeton. But when Dr. Arthur H. Compton of Chicago University was placed in charge of the uranium project in 1941, the work moved to Chicago and the "Metallurgical Laboratory," now called the Argonne National Laboratory.

Dr. Fermi, in his memoirs of that memorable day in 1942, defines a chain reaction thus:

"An atomic chain reaction may be compared to the burning of a rubbish pile from spontaneous combustion. In such a fire, minute parts of the pile start to burn and in turn ignite other tiny fragments. When sufficient numbers of these fractional parts are heated to the kindling point, the entire heap bursts into flame."

This was the process they were working to perform under the stands of Stagg Stadium.

The experimenters used uranium for their "rubbish pile," because of two properties possessed by this element in its natural state:

First, a uranium atom can be split—fissioned. Second, when it fissions, it releases more energy than was required to split it. Furthermore, there is also a release of particles (neutrons) from the atom's nucleus.

Free neutrons from outer space are continually bombarding the earth. If one of these strikes the nucleus of a uranium atom at the proper velocity, it will split that nucleus—releasing energy and more neutrons. If some of these can be induced to strike the nuclei of other uranium atoms, more energy and more neutrons will be released. And so on. Hence, the term "chain reaction."

But in 1942, this was still unproved theory. It had to be proved. The Chicago experimenters calculated that if they could assemble enough uranium in one place, they could keep a chain reaction of atomic fission going.

One problem was how to slow the velocity of the flying neutrons to the point where they could collide effectively with surrounding atomic nuclei.

GRAPHITE BRICKS USED

It was Dr. Fermi and Mr. Szilard who came up with a "neutron brake": Graphite, they found, would effectively slow the particles.

In essence they took a four-inch-square bar of dirty, slippery carbon (graphite); cut the bar into bricks; drilled holes in them; filled the holes with uranium; and then built the bricks into a pile. The result: a "graphite cake" filled with "uranium raisins."

But there was another problem: The researchers couldn't be certain—without actually trying it—that when the total number of "uranium raisins" got large enough (reached "critical mass"), then the number of escaping neutrons might not also be large enough to trigger an uncontrollable, runaway chain reaction of fission. In short they could have an atomic explosion on their hands.

To prevent this, a set of control rods was inserted into the "cake." These rods were made of materials (including cadmium) which would not merely slow down the neutrons but completely absorb them. With the rods in, no neutron interaction could occur. As they were slowly withdrawn, more and more fission would be permitted to take place.

Geiger counters (which register radioactive emissions) would measure the number of escaping neutrons and thus indicate when a chain reaction was taking place.

Two other control rods were installed as safety devices. One was linked to the Geiger counters. If, as the main rod was being withdrawn, the Geiger count reached a certain point, the safety rod would be automatically shoved into the pile to halt neutron interaction.

The second safety rod could be slammed home manually.

On the other hand, efficiency was also a consideration. The hydrogen and oxygen atoms of the air within the pile might absorb so many neutrons that there wouldn't be enough left to produce the desired chain reaction in the uranium.

Accordingly it was decided to encase the pile in a square-shaped cloth balloon, from which the neutron-capturing air could be pumped out.

At first the people at Goodyear Tire & Rubber Company thought the order for a square balloon was a joke. It wasn't until years later that they found out what the balloon they built was for.

It was hung around the pile with one side left open, to be closed if needed. But the scientists' concern proved groundless, and it never had to be used.

BUILT UP BY LAYERS

The pile was constructed brick by brick: first a layer of "uranium raisin" bricks, then a layer of solid graphite bricks. As the pile grew, the men became increasingly concerned over safety. They began to worry that the pile might be nearing "critical mass," or size—too many "raisins."

Following are parts of Fermi's account of the momentous event on Dec. 2, 1942, when the 57th layer of bricks was added:

"Finally the day came. We gathered on a balcony about 10 feet above the floor. Below us was George Weil, whose duty it was to handle the last control rod that was holding the reaction in check.

"Every precaution had been taken against an accident. There were three sets of control rods in the pile. One set was automatic. Another consisted of a heavily weighted emergency safety held by a rope. Walter Zinn was holding the rope ready to release it at the least sign of trouble. The last rod left in the pile, which acted as starter, accelerator, and brake for the reaction, was the one handled by Weil.

"Since the experiment had never been tried before a 'liquid control squad' stood ready to flood the pile with cadmium salt solution in case the control rods failed."

The drama and tension of the scene mounted perceptibly.

"Finally," the Fermi account continues, "it was time to start withdrawing the main control rod. The [Geiger] counters clicked rapidly. Then a loud clap. The [automatic] control rod slammed home. The safety point had been set too low."

At this point Fermi called time out for lunch. They reassembled at 2 p.m. and reset the safety point a little higher. At 2:30 they again began gradually pulling out the main control rod.

At 2:50 it came out another foot.

At 3:20 it was moved another six inches.

Then at 3:25 Fermi said, "Pull it out another foot. This will be it." The click of the counters speeded up to a steady brrrr!

Fermi's face broke into a smile and he said suddenly: "The reaction is self-sustaining!"

For 28 minutes these 42 scientists watched enthralled as the world's first nuclear reactor operated.

"O.K., zip in," called Fermi.

At 3:53 p.m. it was all over.

It was while these scientists were filing out of the stands at Stagg Stadium that Compton got on the long-distance telephone to Dr. James B. Conant of Harvard, who was anxiously awaiting word:

Said Compton cryptically: "The Italian navigator has landed in the new world."

"How were the natives?" asked Dr. Conant.

"Very friendly," was the reply.

And thus dawned the atomic age which Chicago University and the Atomic Energy Commission are celebrating Dec. 1–2 with speeches and the unveiling of a piece of sculpture by Henry Moore for the occasion.

Ultimately, when the atomic bomb was built, its fuel was not uranium but plutonium, a byproduct of the uranium-fission process and a much more "explosive" (fissionable) element.

In fact, there was no danger of an atomic explosion on that December afternoon in 1942. Had the danger point been exceeded, the pile would have disintegrated before it could have sustained a runaway chain reaction. But at that time atomic physics was a strange new field filled with unknowns.

Actually it can be said that the atomic age had been dawning for some time, with a long series of discoveries and experiments. But this actual production and control of nuclear power, Dec. 2, 1942, is probably as good as any date on which to date the atomic age—or what the AEC calls "the day tomorrow began."

MILESTONES

1942—First controlled nuclear fission chain reaction.

1945—First nuclear detonation, Trinity, at Alamogordo, N.M. First atomic bombs dropped on Hiroshima and Nagasaki.

1952—First thermonuclear (fusion) experimental device detonated.

1954—Nautilus, first nuclear-powered submarine, commissioned.

1955—Electricity from experimental reactor at National Reactor Testing Station in Idaho, lighted town of Arco for about an hour.

1956—World's first full-scale atomic power plant at Calder Hall, England, switched into national electricity grid.

1962—Project Sedan, first nuclear cratering experiment at Nevada test site, a 100-kiloton explosion forming a crater 1,280 feet in diameter and 320 feet deep.

1966—Congress authorized dual-purpose nuclear desalting and power plant off coast of California, eventually costing $500 million.

1967—AEC announced nuclear power expansion—by 1980, 34 percent of all American generating capacity to be nuclear.

IN PRAISE OF HEADSTART

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. OLSEN. Mr. Speaker, the Montana Standard recently published excellent stories about two of the major programs of the Office of Economic Opportunity, Headstart and the Job Corps. Writing with tremendous compassion and style, Frank Quinn and Bill Parks have captured the essence of the great good produced by these antipoverty programs. Their stories are most informative, and I commend them to the attention of my colleagues.

Mr. Speaker, the Headstart program at the Sacred Heart School on East Park is, as Frank Quinn says, "an answer to a community call to help children who are innocent victims of less advantageous environments." And he gives us a poignant example:

> Meet Becky! When she first attended Head Start in September, instructors felt she might be mentally retarded because she seldom spoke, even to answer questions, tests proved otherwise. Last week, playing "Farmer in the Dell" Becky's voice rang out loud and clear above all the others. She had found herself.

This example has been repeated in tens of thousands of instances around the country, wherever Headstart is at work. This marvelous program must be continued with the strong support of the Congress.

Bill Parks' story on the Job Corps is equally encouraging. Bill and his wife invited two Anaconda Center Job Corps enrollees, Carl Triplett and Harrison Washington, to join them for Thanksgiving dinner. His report of their hopes and feelings about the Job Corps reveals that the Anaconda Center is living up to its mission. Corpsman Washington reports:

> The center has just about everything a man needs. It sure has been a big help to me.

As Bill Parks recounts, these young men are determined to prepare themselves for meaningful employment after graduation from the Job Corps:

> They gave the impression that the Job Corps is not just another chance for high school dropouts and the underprivileged—it is possibly their only chance.

Mr. Speaker, the two programs described in the articles which follow are a vital part of this Nation's objective to prepare our disadvantaged youthful population for an eventual full and independent life. The best way to win the war on poverty is certainly to reach youth, and to the extent that the antipoverty program provides youngsters with the good health, motivation, education, and skills to succeed in a world which would otherwise be denied them, it has my unqualified support.

The above-mentioned articles follow:

[From the Montana Standard, Nov. 26, 1967]

HEADSTART—A HAND UP, NOT A HANDOUT

(By Frank Quinn)

The Sacred Heart School on East Park, which for more than half a century gave many of Butte's business, professional, clerical, industrial and labor leaders their start, was abandoned this fall as an elementary school.

But the building is now the center of another educational program, a government financed project, in which preschool boys and girls are getting a head start.

There are 100 children in this Head Start project. The eight-month program will end in May. The current project, the third in Head Start circles here, was funded for $103,855 by the Office of Economic Opportunity. Two prior programs here were eight weeks duration each. The local in-kind funding for the present project is $16,503 for a $120,503 total.

Coming from low-income families, the children forming the school enrollment are sponsored by the Butte-Silver Bow Anti-Poverty Council, receiving benefits of a children development program. The program is a vital component of broad efforts to attack the roots and sources of problems of such children.

These children, all of whom will enter school next fall, will have been given the chance they need, the chance of keeping pace with more fortunate first graders. In some instances, the chances of such children adjusting to the new and challenging environment of school has been dangerously thin.

Meet Becky! When she first attended Head Start in September, instructors felt she might be mentally retarded because she seldom spoke, even to answer questions. Tests proved otherwise. Last week, playing "Farmer in the Dell" Becky's voice rang out loud and clear above all others. She had found herself.

A conference with Becky's parents also helped. It appeared that if she spoke at home, no one listened; if she was spoken to, it was a brief command, sometimes a rebuke. The adults she knew were too preoccupied with the daily grind of existence to offer much cheer or encouragement.

Then there is Eddie, almost 6, who knew nothing about things other children take for granted—a visit to Columbia Gardens, the pictures in a fairy tale and the comforting smile of a concerned adult. Eddie is the proud boy who constructed the Halloween mask pictured on this page.

The response to Head Start has captured the imagination and enthusiasm of the community. This is one OEO program that has met with almost universal approval. Head Start has been described as a hand up, not a handout, to boys and girls who need a lift. It is an answer to a community call to help children who are innocent victims of less advantageous environments.

Also important from a community standpoint is the fact there are numerous volunteers, men and women and high school boys and girls serving without pay. Most are parents of child enrollees. At least 95 per cent of the children enrolled are eligible under family income standards.

The OEO guidelines for participation range from $1,600 to $7,800 a year for a family of 13. Many of the children in the Butte program come from families ranging from 4 to 10.

Understanding is what many of the children in the Head Start program require. The director is Sister Mary Ann Lanahan, BVM, and one of the most understanding persons you'll ever meet.

Sister Mary Ann is a native of Chicago and after her novitate in Dubuque, Ia., took her BA degree in education in Mundelein College, Chicago. She has been with the program for three years. Other personnel in the school include five teachers, five teachers' aides, a nurse and the volunteer workers.

Sister Mary Ann, telling of the reaction of the children to the program said: "Hesitant looks and full-fledged tears have been replaced by happy faces and cheery 'good morning, Sister,' greetings. These children are learning a new independence and joy in a feeling of belonging, of riding the school bus, of joining in art and play activities and of learning to listen and to share. With such progress over the eight-month period, these boys and girls will be both eager and ready to begin school next fall."

The program is not all classroom activities and field trips. It has cooperation of doctors, dentists, psychologists, nurses and social workers.

Medical and dental examinations are available. Immunization is given if needed. Some of the children had not received immunization against measles, polio or other diseases.

Working with the parents, the staff provides instruction in economics and in learning how to purchase food wisely and how to improve the care of their children.

Classes are from 10 to 1:30. There are periods for socializing, snacks, art crafts, rhythm activities, teachers' reading, outdoor play, acting out fairy tales and field trips. Visits are made to the fire department headquarters, to the Gardens—when the weather permitted—and to other interest spots.

What do the boys and girls look forward to most? That's easy. They wait for snack time and lunch. Snacks include milk or cocoa, orange juice and cookies. For lunch, a typical meal provides a hot meat plate, buttered cabbage, bread, butter, pudding and milk. Weight gains are notable.

For the health and physical abilities portion of the project, school and county nurses lend aid in checking the children and, if needed, the children are referred to physicians, dentists or optometrist.

[From the Montana Standard, Nov. 26, 1967]

THANKSGIVING AWAY FROM HOME—TWO JOB CORPSMEN CAME FOR DINNER

Thanksgiving Day, this reporter and his wife had as dinner guests two Job Corpsmen, and I think we all came out of it with more than a stomach full of turkey.

In the Nov. 20 issue of The Montana Standard, under the heading, "Like to share Thanksgiving?" were two phone numbers to call to invite Job Corpsmen from the Anaconda center into your home for the traditional feast. Corpsmen are often thousands of miles from their families on Thanksgiving and Christmas.

Icy roads from an overnight snow lengthened travel time from Butte to Anaconda. This reporter was over an hour late when he picked up Corpsmen Harrison Washington, 20, and Carl Triplett, 16. Both were stylishly dressed with "spitshined" black shoes that winked the sun's reflection as they tip-toed through the new snow.

"This is the gym here," Washington said as I turned around in a driveway. "We play basketball and volleyball and box there, whenever we're not going to school or working."

Over 200 Job Corpsmen are housed in four new-looking dormitories at the Anaconda center. Corpsmen study math and reading one week while receiving work training on alternate weeks.

"Here's the school," Washington said, as we passed a red building that could pass for a scaled-down model of any modern high school in the country. "There's the dispensary. That's where I work. I'm learning to be a hospital attendant."

The car drifted slightly as we wormed our way out of the scenic hills around the Job Corps camp and headed toward Butte.

Washington, tall and slender, is the more talkative of the two. Triplett, shy and unassuming, had been at the Anaconda center less than two weeks. Washington had been at Anaconda almost two months, and is assistant leader in D Wing, Dorm 2.

"Way I see it, a man's got to have some papers—diploma of some kind, when he goes to get a job in this world," Washington said.

Talk during the ride to Butte centered around Triplett's and Washington's enthusiasm for the Job Corps. They gave the impression that the Job Corps is not just another chance for high school dropouts and the underprivileged—it is possibly their only chance.

"I'm going to learn me several trades," Washington said. "As soon as I get a certificate in one field, I'm going to try for another. The more things you know, the better chance you have of getting a job."

The corpsmen talked of going on to the Urban Center program after the Job Corps. Washington plans to take up bricklaying after his study of hospital work. Triplett is taking up carpentry.

There are 12 Urban Centers in U.S. cities. A Corpsman has to attain a certain level of classroom proficiency to move on to an Urban Center.

We were greeted at this reporter's home by the aroma of the traditional Thanksgiving dinner cooking—turkey (16 pounds), mincemeat pie, yams, rolls, etc.

"I'm counting on you fellows to eat lots of turkey," I said. "You've got to save me from all those turkey sandwiches."

"Don't worry," was the response.

Triplett asked to play my weathered guitar which was standing in the living room corner. He tuned it in some obscure way and began playing a funky brand of blues. His beat was flawless and he seemed to know a hundred blues melodies. He'd play one and say, "Heard that one?" I'd shake my head.

Finally he thumped out:

Dum - dum - dum - dum - DUM - dum-dum-dum-Bat Maaaaannn . . . .

That one I knew.

Triplett is self-taught on the guitar and says he has been playing for about three years.

"I just got a guitar and started thumping it," he said.

Washington is from Charleston, N.C., while Triplett says he lived three years in Chicago, but is from Mississippi.

Both are from large families—Washington has seven brothers and three sisters, while Triplett has six sisters and four brothers.

Washington says he quit school in the ninth grade to support his mother and three younger children. Two of the three have graduated from high school, and the third, a niece, is in her junior year.

"They got more than I got," Washington said. "Now I'm going to try and get something for myself."

After he quit school, Washington says he worked in a hospital, as a mason, and at various odd jobs.

Triplett says he picked oranges in Florida before joining the Job Corps. "I dropped out once before, but this time I'm going to stick it out," he says.

Thanksgiving dinner was eaten to recorded blues guitar music and punctuated by laughter at this reporter's fumbling with an unfamiliar camera self-timer.

After-dinner talk concerned football on TV ("There goes Hayes again") politics and the Vietnam war.

Washington, who will be old enough to vote in the next presidential election, says he would vote for Martin Luther King if he runs, or maybe LBJ. He says he feels the war is taking a lot of money that could be used for things like the Job Corps.

"Just a bunch of people killing each other—that's all it amounts to," he said. "But I guess someone's got to do it. I've got a brother who's leaving for Vietnam on Dec. 26. If we don't stop them Viet Cong over there, we'll be fighting them over here. But then, I guess everyone has a different way of thinking."

After more talk, football and a session with this reporter's "slot-car" set, it was time for the corpsmen to return to Anaconda.

We toured Butte briefly before heading for the Smelter City.

"We came up here to play "flag football once," Washington said. "I got a medal for playing football and two certificates so far—one for attendance and one for achievement. After I got appointed assistant leader I got a $5 raise—I'll be making about $20 every two weeks."

The corpsmen are paid about $15 every two weeks to start. Another $25 is put in the bank for them every month, and $25 is sent home. If the corpsman is the major supporter of his family, $50 is sent home. Most corpsmen are between 16 and 18. Top age limit is 21. Courses in mechanics, welding, carpentry, brick laying, cement work and cooking are offered at the Anaconda center.

"The center has just about everything a man needs," Washington said. "It sure has been a big help to me."

About 50 corpsmen spent Thanksgiving with families in Butte, Anaconda, Great Falls and Helena. The rest had dinner at the center and went into Anaconda for recreation.

SECOND-CLASS ADVERTISING INSERTS

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. OLSEN. Mr. Speaker, the Senate members of the conference committee on the postal rate and pay bill recently insisted that the provision to charge first-, third-, or fourth-class rates for advertising inserts in second-class publications be removed from the bill.

I want to bring to the attention of my colleagues the fact that in one recent edition of the Reader's Digest the lack of this provision cost the Post Office Department $408,000 in lost postage on an eight-page advertising supplement for the Pharmaceutical Manufacturers Association.

Reader's Digest actually paid approximately $14,700 in postage at the low second-class rate for this supplement. If Reader's Digest had been obliged to pay the very minimum bulk third-class rate for this advertising supplement it would have cost the Digest and their client $423,000.

Please remember the Reader's Digest has a supplement almost every issue and is issued 12 times annually. Some of these supplements are much bigger than that of the Pharmaceutical Manufacturers Association, running as many as 36 pages. The tremendous loss in postage may not be so bad on the surface, but I also wish to call your specific attention to the fact that Reader's Digest was recently told by the general counsel of the Post Office Department that it violated U.S. postal rules in its handling of this supplemental advertisement which was "inconsistent with the spirit and intent of postal laws and regulations."

In order that you will better understand the background on this, I include an article from the Washington Post, dated December 6, 1967, in the RECORD, as follows:

READER'S DIGEST TOLD IT VIOLATED U.S. POSTAL RULES

(By Morton Mintz)

The Post Office Department has told the Reader's Digest that its handling of an advertisement "was inconsistent with the spirit and intent" of postal laws and regulations.

The ad, which appeared in the November issue, was bought by the Pharmaceutical Manufacturers Association. It was an 8-page pull-out section consisting of four unsigned articles in Digest editorial format supporting the PMA position on brand-name prescribing and drug prices.

The Department's criticism of the Digest was made by general counsel Timothy J. May in a letter on Monday to Hobart Lewis, president and executive editor of the Digest.

The letter noted that the PMA section was labeled "Special Advertising Section" only on its cover page. But there "is no indication on the remaining seven pages that it was paid advertising material," May said.

Postal laws and regulations impose special requirements on publications that enjoy low-rate, second-class mailing privileges, May said.

He pointed to one such requirement—that paid editoral or reading matter "shall be plainly marked 'advertisement' by the publisher." The maximum penalty for non-compliance is a $500 fine.

May told the Digest that Department attorneys have "consistently ruled that in the case of multiple pages of paid editorial or reading matter each page should be marked with the word 'advertisement' and that just showing 'all advertisement' or 'advertising section' or words of like import on the first page is not deemed sufficient . . ."

Sen. Gaylord Nelson (D-Wis.), chairman of a Senate subcommittee that has been investigating drug prices, has called the PMA pull-out a "calculated deception." He complained to the Department and was told by May yesterday that the PMA ad "is believed to be a violation . . ."

A Department spokesman said, however, that the Digest would not be prosecuted, because the failure of existing regulations to require an "advertisement" label on every page of a multi-page ad put the Department in a weak legal position.

At a subcommittee hearing on Nov. 16, Nelson also protested the deletion of the single "Special Advertising Section" label from 1 million reprints the PMA ordered for distribution. At the Senator's request this is being investigated by the Federal Trade Commission as a possible deceptive practice.

The FTC said in a statement last week that ads in any print media that "have the appearance of news or feature" articles should not be undertaken. The statement was in the works before the Digest episode.

CITY HALL AND SCHOOL BOARD: THE NEED FOR DIALOG

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I include herewith an address I delivered at a model cities workshop sponsored by the National League of Cities and the U.S. Office of Education at the University of Maryland on December 1, 1967:

CITY HALL AND SCHOOL BOARD: THE NEED FOR DIALOG

(An address by Congressman JOHN BRADEMAS, at a model cities workshop sponsored by the National League of Cities and the U.S. Office of Education, University of Maryland, December 1, 1967)

The introduction to a book published in this country over 75 years ago read: ". . . What shall we do with our great cities? What will our great cities do with us? These are the problems that concern every thoughtful American.

"For the question involved in these two questions does not concern the city alone. The whole country is affected, if indeed its character and history are not determined by the condition of its great cities . . ."

If it is true that the character and history of the whole country are determined by the condition of our cities—as I believe it is—then the outlook for America may not be altogether bright.

For we have been rediscovering the American city in the last few years and for many of us, the experience has not been a happy one.

For many Americans, the city is the symbol of light and learning, of art and music, of ticker tape parades and foreign restaurants, of complexity and fascination.

But for many other Americans, the city is a jungle—of racial strife, slum housing, third-rate schools, of hopelessness and despair.

Our task, I believe—yours as mayors, municipal officials, school board members and school administrators—and mine as a Congressman concerned with these matters, is to work to revitalize our cities and thereby our country, to make them the centers and generators of the best, not the worst, in American life.

And in my view, the role of education—your schools and universities—in that process of revitalization is crucial.

So I am glad to be with you today and to have the opportunity to discuss with you the crisis in our urban schools from the perspective of a member of the Committee of the House of Representatives—the Education and Labor Committee—with chief responsibility for writing education legislation.

I want here to salute both the U.S. Office of Education and the National League of Cities on having organized this Model Cities Workshop. In doing so, you have recognized the importance of bringing together both city and school officials.

For city halls and school boards must get better acquainted with each other, or a major purpose of the Model Cities program will be completely frustrated and the task of radically improving city schools severely hampered.

I shall not here trace the pathogenesis of city problems. You better than I know the painful need for more money, better trained personnel, additional facilities.

I want rather to talk to you about the problems of education in our cities as viewed by one Member of Congress, to touch on some of the issues in the relationship between the schools and the cities, and to comment on the role of Congress in respect of this relationship.

CONGRESS AND THE CITIES

It has been only within the past several years that Congress has shown signs of recognizing the seriousness of the urban crisis. Since 1964 Congress has authorized a number of programs aimed at providing at least some measure of relief for our beleaguered cities. They include, for instance, such landmark legislation as the Model Cities Act, the Elementary and Secondary Education Act, the Teacher Corps, rent supplements, Title I of the High Education Act, several key civil rights acts, amendments to the Housing Act, the Economic Opportunity Act and, more recently, legislation to help meet the problems of air, water and solid waste pollution.

I would not for a moment suggest that the appropriations for any of these programs has been adequate to meet the need. On the contrary, in some cases—for example, rent supplements and the Teacher Corps—Congressional appropriations have been so low as to be almost shameful. No matter how promising the legislation, its impact, if starved for appropriations, will be greatly lessened.

This afternoon I want to discuss several broad problem areas that bear directly on the future of urban education, more precisely, on elementary and secondary education in the inner cities of America.

My list is certainly not intended to be all-inclusive. Another caveat: most of these public policy questions are interrelated and to some degree overlapping. Nevertheless, for present purposes they can be viewed as distinguishable problems.

RACIAL IMBALANCE AND QUALITY EDUCATION

1. The first policy area affecting urban education is the perplexing and highly charged issue of the relationship between racial imbalance and quality of education. The question is: does school integration or do compensatory education programs constitute the most effective approach to achieving equal opportunity in education?

You have had the opportunity this morning to listen to no less an authority than Dr. James S. Coleman, so I shall not venture deeply into this question.

As you know, there are educators and civil rights leaders on both sides of this issue, and the end of the controversy is not in sight. At the U.S. Civil Rights Commission conference on "Equal Educational Opportunity in America's Cities" two weeks ago, integration versus compensation became the major topic of debate, and both points of view were effectively presented. Indeed, the contending positions on each side are backed by formidable statistics and impressive expertise. I would suggest, however, that spokesman for the two sides may be withdrawing into hardened positions and closing out middle ground alternatives.

Bayard Rustin, in his address at that conference, made a plea for reason when he said, "We have got to stop the debate over whether you're for integration or quality. You're for quality first, and for that degree of integration which is consistent with it. We want children who can read, write, and do arithmetic."

I don't think it is yet proved with any certainty what degree of integration is in fact required to achieve quality education, nor do we know, in the absence of integration, how much quality can be achieved by means of compensatory programs such as Title I of ESEA. We simply do not have the hard data to show one way or another, with irrefutable evidence, the extent to which substantial compensatory programs can make real differences on a nation-wide scale in the quality of schooling for disadvantaged children.

Whatever proves to be the best approach to assure quality education, we must recognize that *de facto* segregation is not going to disappear of its own accord. Across the country, almost 80 percent of white first-graders attend schools that are from 90 to 100 percent white. The sad corollary is that more than 65 percent of our Negro first grade pupils are isolated in schools which are at least 90 percent Negro.

SCHOOL SEGREGATION ON THE RISE

Moreover, in many of our largest cities including a number which you represent today, the degree of classroom segregation is actually on the rise.

Or consider another facet of the problem, the cumulative effects of deprivation. The report prepared by Dr. Coleman for the Office of Education showed that Negroes in the sixth grade of metropolitan cities of the Northeast lag 1.6 years in academic achievement behind whites from the same areas. By grade 9, the gap widens to 2.4 years, and at grade 12, the Negro student is fully 3.3 years behind his white counterpart. None of us, I think, would be tempted to call that equal education.

I am sure that Dr. Coleman would be the first to agree that his study has been used by many people to prove many different cases. However, I consider one of his findings extremely significant: ". . . if a minority pupil from a home without much educational strength is put with schoolmates with strong educational backgrounds, his achievement is likely to increase."

In light of this evidence, will Congress act to help overcome persisting racial imbalance? Frankly, there is little sympathy in Congress—at least this present Congress—to venture into this thorniest of political thickets.

We need only look at one often-proposed approach to the problem, busing. As evidenced by the express prohibition found in Title IV of the Civil Rights Act, there is a strong feeling in Congress against busing children for the specific purpose of overcoming racial imbalance. Furthermore, the sanctity of the neighborhood school is still such that even transportation of students incidental to an educational program is suspect to many of my colleagues.

So right now major attempts to overcome the debilitating effects of racial imbalance based on neighborhood residential patterns will have to be undertaken by local officials without much Federal assistance. Only indirectly, perhaps through legislation authorizing Federal funds for educational parks or other metropolitan educational centers, is Congress likely to assume much responsibility for eliminating *de facto* segregation. Having laid aside the stick, whether Congress will choose to dangle the carrot remains to be seen.

MONEY FOR EDUCATION

2. The next problem is as simple to state as it is difficult to find: money.

During the current school year, an estimated $32 billion will be spent on public elementary and secondary education. Although the Federal contribution is enormous compared to Federal help merely five years ago, still only 8.1 percent of the support for elementary and secondary education comes from Federal sources. The lion's share, 54.1 percent of the total, comes from local funds, and 37.8 percent from State funds.

Meanwhile, urban school buildings decay, city teachers are grossly underpaid and per pupil expenditures in inner city schools, while on the rise, are at present woefully inadequate.

Despite the urgent need for more school funds, revamping local tax and other revenue sources is obviously not a job for Congress.

Congress could, of course, embark on a policy of general aid to education. Indeed, some important conditions are more amenable to such legislation now than they were during, say, the Kennedy Presidency. For example, both school authorities and the public are less fearful that federal dollars mean federal control. For another, State departments of education, partly through resources provided by Title V of the Elementary and Secondary Education Act, appear to be making some progress. Perhaps when Congress feels that state education departments become responsive to big city school needs, Congress will be more likely to adopt a block grant or general aid approach.

Meanwhile, I see no groundswell of support for a general aid effort, either among members of the Education and Labor Committee or among my colleagues not serving on the Committee.

On a balance, then, it is not likely that Federal funds will be available for elementary and secondary schools in greatly increased amounts in the near future, especially as long as Viet Nam persists.

Congress can, however, ease the burden on local school districts through providing Federal assistance, on a categorical basis, for identified educational problem areas. Title I of the Elementary and Secondary Education Act, through the operation of its formula based on grants to school districts with concentrations of children from low-income families, attempts to do just that. Title III, authorizing innovative and supplementary centers, offers another means for local educators to utilize Federal funds in solving some of their knottiest problems.

Yet Federal assistance will remain supplementary to State and local efforts and therefore much of your success in the cities will depend on a reshaping of antiquated and insufficient State and local sources of revenue for public education.

TEACHERS FOR INNER CITY SCHOOLS

3. Let us now consider a third perplexing problem, providing teachers for inner city schools.

Our urban areas need more teachers, better trained teachers, and teachers specially equipped to deal with the problems of the ghetto. More than 5 percent of the teaching force in our schools—approximately 90,500 full-time teachers—do not meet the certification standards of their states. On opening day last year, New York City had to mobilize a 500-man substitute teacher force for full-time duty.

America's urban ghettos suffer the worst teacher shortages; the teachers there are often the most poorly-trained in the school system. Part of the blame must fall on seniority arrangements which permit veteran teachers to choose the schools in which they will serve. This local policy almost invariably has the effect of transferring the most experienced teachers away from those schools and those students that most desperately need them.

And a survey conducted early this year for *Grade Teacher* magazine underscores this shameful weakness in our schools of not winning enough good teachers to the slums. Only 13% of today's graduating teachers said they would definitely accept a position in a slum school.

In the main, teacher-training curricula are based on the assumption that graduates will teach in white, middle-class suburban schools. Teacher education in America does not give nearly enough attention to the special requirements of the center-city child, the child whose readiness for education is impaired by family background. Just as the university curriculum fails adequately to equip the prospective ghetto teacher, so will that teacher in turn fail the children he hopes to teach.

THE TEACHER CORPS

Congress is attempting to help here some. We have recognized that a dialogue between urban schools and teacher-training institutions is essential if our teachers are to be adequately prepared for the challenges of urban education. Two years ago, Congress established the Teacher Corps in an attempt to stimulate such a dialogue. The Teacher Corps legislation recognizes that teaching in low-income areas requires special training, special skills, and special dedication.

The Teacher Corps has had a stormy life in Congress, and it is no credit to us that Congress allowed it only $13.5 million for the current year, a savage slash from the Administration's original request of $36 Million. As President Johnson said, "The Teacher Corps has been put on a starvation diet."

Ironically, I have heard almost no criticism emanating from the schools to which Corpsmen were bringing new ideas and new enthusiasm. On the contrary, teachers and administrators of these schools, including two junior high schools in my own home town of South Bend, Indiana have been highly vocal in their support for the program.

I should here note that Congress last summer passed the Education Professions Development Act, which draws together programs with great potential importance in the field of teacher training. The new law extends and modifies the experienced and prospective teacher fellowship programs originally contained in the Higher Education Act, and adds new programs for the training of other educational personnel at all levels. In addition, the Act establishes a new program of grants to States to enable them to support local efforts to attract qualified teachers into shortage areas.

Another way in which Congress could act here is to provide significant sums of money to supplement teachers' salaries either directly, that is, by means of a salary bill or less directly, through general aid. Neither approach, however, is likely to be forthcoming in the near future.

"NEW CAREERS" FOR GHETTOS SIGNIFICANT

Let me here mention one other measure. In 1966 Congress amended the Economic Opportunity Act to authorize programs aimed at training ghetto residents for what have been termed "subprofessional" jobs in fields such as education, health services and law enforcement. These amendments, sponsored by my very able colleague, Congressman **James Scheuer** of New York, embody the "New Careers" concept that for several years has been advocated by various social scientists. The aim is to create new job opportunities for the poor by separating out those aspects of professional jobs which are routine and can be performed with a minimum of training by inexperienced men and women in need of employment.

Although little money has yet been allocated to implement this innovative program, it is now being administered by the Department of Labor on a small scale. So far the program has demonstrated a great potential not only for providing the poor with jobs, but also for helping our schools in a number of ways: by involving parents in the operation of the schools and by relieving the professional teachers in the schools of their non-professional tasks, thereby permitting more individual attention for the children.

MORE RESEARCH ON EDUCATION

4. A fourth acute need confronting urban education, and, indeed, all education, is our need for more learning about learning.

Despite innumerable studies of the nature of the learning process, in the final analysis we know far too little about it—about motivation, cognition, the skills necessary for conceptualization—all highly elusive subjects. We still don't know, for instance, the answer to the superficially simple question of the best way to teach first graders how to read.

Research and dissemination activities, although the prime responsibility of universities and other institutions, have been a Congressional concern since the passage of the Cooperative Research Act in 1954. More recently, Congress has launched other promising programs, including clearinghouses in a variety of fields across the country by ERIC, the Educational Research Information Center of the Office of Education. Also supported by Federal funds are regional laboratories, such as the Center for Urban Education in New York City, which concentrate on the educational problems of a region, covering several counties or even including several States.

Yet despite this new intensity of Congressional interest in educational research, we invest far too little in basic or developmental research in education. Although our nation as a whole invests about 3 percent of its gross national product in research and development, we set aside no more than two-fifths of 1 percent of our national expenditures in education for R and D. This phenomenon can be stated another way: this country spends, proportionately, twenty times as much on health research and sixty times as much on defense research as we do on research in education.

What will Congress likely contribute here in the months ahead?

I believe that more learning about the learning process will flow from several activities. First, we will probably see more Congressional insistence on closer evaluation in order to determine the effectiveness of Federal urban-oriented programs such as Headstart and Title I of ESEA.

Second, I believe that Congress will soon recognize that our support of research in education is inadequate both in absolute terms and as compared to federally-subsidized research in other areas.

The main burden, though, in uncovering the secrets of learning will continue to rest with our universities.

REVITALIZATION OF THE ENTIRE CITY

5. I pass now to a fifth point, that of revitalization of the urban environment. As this Model Cities Workshop demonstrates, the problems of urban education go far beyond teacher training or school facilities or racial composition. If our cities are to remain viable places to live and if the urban child is genuinely to be educated, large scale remaking of our entire cities is essential. And this remaking on a comprehensive scale is, of course, what the Model Cities program is all about. This notion is far broader than the traditional concept of urban renewal which has acquired the unattractive reputation of ignoring human values.

The Coleman Report is very instructive at this point. It offers impressive evidence that student achievement is more closely linked to the child's home background than to such school characteristics as teachers' salaries, laboratories, libraries and classroom size. The fundamentally important variable thus emerging is the spectrum of educational and economic resources available to the student at home.

The implications here are plain. If we seriously intend to "do something" about urban education, we will have to provide the wherewithal to revitalize entirely the dismal ghettoes of urban America.

Only through a concerted, and expensive, across-the-board attack—on the problems of housing, health and employment as well as education—can we begin to provide an environment in which the city child has a chance to escape from the grim fate which otherwise awaits him.

In recent years, Congress has showed that it is aware of the multi-faceted nature of the urban crisis, and we have passed exciting and hopeful legislation, including the Model Cities Act and the Economic Opportunity Act. Yet, as I have already said, the amount of money Congress has appropriated for a racial, not to say, revolutionary, change in the urban development has been tragically little.

What lies ahead?

If we take the present Congress as a benchmark, the outlook is gloomy for innovation legislation to help the cities in the next few years. Much obviously depends upon the cause of the Viet Nam war, upon next year's Presidential and Congressional elections, and on the extent to which the American people prove willing to support programs that will make possible a genuine renaissance of the American city. The question is open, and if you invite me back a year from now to your next conference, I can give you a more authoritative answer.

MORE DIALOG AND COOPERATION BETWEEN SCHOOL AND CITY OFFICIALS

6. Finally, I come to what is perhaps the most vital issue of all for a conference like yours so far as urban education is concerned.

I speak of the critical importance of establishing workable linkages between the people who run our cities and the people who run our schools.

It seems to me clear that our city school systems should not seek shelter from the political leadership of the community but support. The distinguished President of Teachers College, Columbia University, John H. Fischer, made the same point here in Washington only last month in an address that should be required reading for all of us, "Urban Schools for an Open Society".

Said Dr. Fischer: "The tradition of separation that has so long dominated public school policy and administration has become anachronistic. The mechanisms initially designed to protect the schools from partisan or corrupt political influence, however necessary they once were, now tend to isolate the schools from other agencies and to insulate them from normal political processes."

Let me quote President Fischer still further, for what he says is, I think you will agree, directly relevant to the concept of the Model Cities program:

"In the city, as in the nation, every important undertaking today has its educational aspect. Many projects have no future at all unless they can count on effective schools. An intricate network of relationships ties the families of every community to its economic, cultural, political and social institutions. With virtually all of these agencies and many of the families, the school is connected in mutual dependence. Yet among school boards, administrators and university people, there are many who still think that these connections call for no more than routine courtesies, prudent "public relations," and a vigilant watch against any sign of encroachment on the school's traditional prerogatives."

Their words are echoed in a similar plea which Commissioner of Education Harold Howe made to schoolmen last summer:

"Educators must start paying attention to some matters we have neglected in the past: to tax policy, to site selection, to the multiple use of land and buildings. We should, now and then, forget about computer-assisted instruction and team-teaching and nongraded classes and dream a little bit, not about what kind of city *school* we want, but about what kind of *city* we want."

But if these sermons to educators are in order, you mayors and city councilmen require admonition, too. I must cite John Fischer, for more eloquently than any figure except Commissioner Howe, he has put his finger on the urgent requirement of dialogue and cooperation between the office of the mayor and the office of the school superintendent:

"Urban planning that does not now include educational planning is not unrealistic it is irresponsible. Such planning must moreover go far beyond a perfunctory review by the planning body of the size and location of new school sites. It must confront questions of curriculum, attendance patterns, teacher supply, financial support; in brief, the whole complex interrelationship between the development of schools and the total development of the city. The need for such planning is crucial and so is the manner in which it is done. Not only the central planning agency, but the school authorities, other public and private agencies, and the municipal and state governments must accept jointly the responsibility for projecting goals and setting timetables, and they must also share the responsibility for seeing that commitments are met."

CITY AND SCHOOL OFFICIALS TOO OFTEN ISOLATED FROM EACH OTHER

For isolation of city officials from school officials is far too often the pattern of urban education in America. Yet urban schools cannot possibly make the dramatic improvement they must have unless their progress is linked directly to the betterment of the cities.

A major approach of the Model Cities program of course is to involve all of the institutions of the city—public and private—government, business, education, labor and the social agencies—in planning and carrying out programs aimed at progress on every front—jobs, housing, health and education.

But without increasing dialogue and cooperation between mayors and school superintendents, between city councilmen and school principals, the battle to educate the urban child will never be won.

For example, the toughest dilemma facing our schools today is providing equal opportunity for minority children, and the schools are not likely to find the answer to this problem without the help of skillful and intelligent political leadership in the cities.

At the same time, urban schools are feeling increasing pressures, not only from racial minorities, but also from better organized teachers and better organized parent groups. I should think that, given these pressures, schoolmen would not flee but would embrace the help of elected political leaders and their appointees.

I here recall what another distinguished leader in American education, Commissioner Howe's predecessor, Francis Keppel, once said:

"Education is too important to be left to the educators."

Mr. Keppel is right and that is why I urge more conversation and cooperation between school leaders and political leaders.

And that, too, is why I would paraphrase Mr. Keppel to say that our cities are too important to be left to city hall.

We require, if we are effectively to attack the many problems of the cities, the involvement of every sector of community life with every other sector.

And this, to reiterate, is what the Model Cities program is all about.

THE MODEL FOR THE MODEL CITIES PROGRAM

Let me conclude.

I started with the premise that the depth of our national crisis in urban education makes it absolutely imperative that we reassess, reorganize and radically expand our efforts to educate the children of urban America.

The only alternative to revolutionary improvement of our city schools is the continuing disaster of still another generation of children bred in the slums and ill-prepared to lead productive lives in our not-so-open society.

I have touched upon six policy areas which directly affect our capacity to achieve this desperately needed improvement in urban education—and I have given you an assessment of the extent to which Congress is likely to contribute to that regeneration. My predictions have not been especially hopeful, but I have tried to indicate some encouraging signs.

In the final analysis, of course, whether Congress acts to meet these needs will depend upon the mood of the country. And you, as leaders of cities and of school systems can help shape that mood—in two ways.

First, you can help persuade the citizens of your respective cities of the urgency of the urban school dilemma—and the importance of their supporting effective action in Congress to meet it.

Second, you can dramatize your own awareness of the depth of the crisis of our city schools by acting swiftly and actively to demonstrate that the political leaders of your cities and the leaders of your schools are working closely together.

You can, in short, show yourselves to be the model for the Model Cities Program.

LOC NINH EMERGING AS SIGNIFCANT FIGHT

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Murphy] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, it is not unnatural that our U.S. news media devote the greatest part of their coverage of the struggle in Vietnam to the activities of our U.S. forces there. Of course, we all want to know what our boys are doing.

It seems, though, perhaps because of this emphasis, that we forget that the war in Vietnam is very much the South Vietnamese' own war against Communist aggression. It is their war, and they are fighting it well. But, it seems to me all too little is written about them. I would, therefore, like to call the attention of the Members of this House, and of all Americans, to an excellent article on the recent battle of Loc Ninh which appeared in the Washington Evening Star of November 21. Orr Kelly, its author, who has obviously carefully studied the reports from Loc Ninh, points out:

> What is now clear from reports reaching the Pentagon is that a division of the much-maligned Army of the Republic of Viet-Nam (ARVN) fought superbly while their Viet Cong and North Vietnamese Army opponents fought bravely but were handicapped by almost incredibly bad leadership.

At the end of his detailed, day-by-day account of the battle, Mr. Kelly points out that, whatever the enemy's purposes were at Loc Ninh, they failed at them.

> The one thing that they did help demonstrate—

The article concludes—

> is that a run-of-the-mill ARVN division, not one of the best nor one of the very worst, was able to do almost everything right and win a major battle.

Mr. Speaker, I insert the Washington Star article in the Record at this point:

Stand-Up Battle: Loc Ninh Emerging As Significant Fight

(By Orr Kelly)

The battle of Loc Ninh, fought during 10 bloody days at the end of October and the beginning of November, is beginning to emerge as one of the two most significant engagements of the Vietnam war.

It may be months before the full importance of the battle becomes known. It may not all become clear until long after the war when military historians have a chance to interview participants on both sides.

What is now clear from reports reaching the Pentagon is that a division of the much-maligned Army of the Republic of Vietnam (ARVN) fought superbly while their Viet Cong and North Vietnamese Army opponents fought bravely but were handicapped by almost incredibly bad leadership.

In the past, in battles involving the ARVN, the VC and the NVA, the opposite has been almost invariably true.

What is not yet clear about the the battle of Loc Ninh is how it may fit into a broad new enemy strategy.

Since the battle of the Ia Drang Valley—the most significant battle of the war—in October and November of 1966, when the VC and NVA tried to slug it out with the American 1st Air Cavalry Division in the Central Highlands, the enemy strategy has been to hit and run, trying to inflict damage and then get away before overwhelming American firepower can be brought into play.

But at Loc Ninh, the NVA fought a standup battle. When their first assaults were repulsed, they kept throwing in more men, even though it must have become apparent the ARVN and the United States were rapidly putting superior forces into the battle zone.

This is precisely what American military leaders have been wishing for years that the enemy would do: come out and fight rather than hiding far back in the jungles.

In this sense, Loc Ninh may have been a fluke.

ORDERS FROM HANOI

A number of American military leaders have concluded that the commander on the other side received orders from Hanoi to take Loc Ninh to detract from the inauguration of the new government in Saigon and that he persisted in trying to carry out his orders, blindly and stupidly, even after he should have realized he could not win.

But it was only a few days after relative quiet had come to Loc Ninh that a new battle erupted at Dak To, far to the north in the Central Highlands. There, again, the enemy forces stood and fought—and they are still fighting as this is written.

Are Loc Ninh and Dak To part of a new strategy evolved by Gen. Vo Nguyen Giap, the victor at Dien Bien Phu? If so, what can it possibly hope to achieve?

These are the questions American military leaders are now trying to answer and one of the most important areas where they are looking for answers is at Loc Ninh.

The town of Loc Ninh lies about 75 miles due north of Saigon on the east side of Highway 13, the main road north from Saigon into Cambodia.

DOTTED WITH PLANTATIONS

The land is gently rolling at an elevation of 500 to 600 feet. From the air, the area can be seen to be covered for mile after mile with the dense green of rubber trees, dotted here and there by the tile roofs, the swimming pools and the gardens of the French plantation owners. Some of the homes are well maintained, others have fallen into disrepair because of the war.

Loc Ninh lies in the lower quarter of a rectangle formed by a rubber plantation. The rectangle is 8 miles from north to south and 5 miles across.

The Cambodian border forms a rough arc at that point so that the border is about 9 miles from Loc Ninh to both the north and west. The eastern corner of War Zone C, long a VC stronghold, is about 15 miles to the southwest.

The first sign of trouble came shortly after midnight on the morning of October 27, when the 88th NVA regiment hit the command post of the 3d Battalion, 9th Regiment of the 5th ARVN Division. The attackers, some 800 to 1,000 men, outnumbered the defenders by about 4-to-1. But after three assaults, their attack was broken and they were driven off by the ARVN.

This battle took place just to the south of Song Be, 27 miles east of Loc Ninh. Because of the distance, it may not have been directly related to the subsequent attack at Loc Ninh, but it also may have been a diversionary assault because it was the 5th ARVN Division that bore the brunt of the early fighting at Loc Ninh.

BATTLE OF LOC NINH

The battle of Loc Ninh itself began at 1:15 a.m. Oct. 29.

In the district command post in the town, there were two regional force companies and a regional force platoon and two American advisers. Just to the south of the town, across Highway 13 from the airstrip, was a Special Forces camp containing three companies of Civilian Irregular Defense Group (CIDG) soldiers and six U.S. Special Forces advisers. The defenders totalled about 600 men—only eight of them Americans.

The main strength of the first attack by the 273rd Main Force VC Regiment was thrown against the district command post in the town after a heavy attack with mortar and rocket fire.

By 2:20 a.m., the attackers had penetrated the northern half of the command post, forcing the defenders to pull back into the southern half of the compound. Capt. Tran Minh Cong, the district chief, called in all strikes and called for artillery fire on his own position keeping the enemy at bay until daylight.

Gen. Pham Quoc Thuan, commander of the ARVN 5th Division, requested helicopters (a U.S. division commander would have ordered up his own helicopters) and moved two companies into the fight. He arrived at the scene of the battle himself shortly after daylight.

REINFORCEMENTS ARRIVE

By 9 a.m., the two companies originally in the compound had been reinforced by four additional companies—two from the Special Forces camp and two brought in by helicopter. By 1:05 p.m., they had cleared the area of enemy elements.

By day's end, two U.S. infantry companies of the 1st Division and two U.S. artillery batteries had set up a fire support base at the airstrip, a U.S. infantry battalion had taken up a blocking position between Loc Ninh and the border to the west and an ARVN infantry battalion had moved in around the district command post.

The first day ended with a clear victory for the ARVN. And by that time, the enemy commander should have realized that his failure to commit more troops to the initial attack—and his failure to take the airstrip first—had probably cost him whatever chance he may have had to overrun Loc Ninh.

Oct. 30 was relatively quiet, with a few brushes with the enemy and a few rounds of enemy mortar fire. The buildup in ARVN and U.S. forces is indicated by the fact that there were 611 rounds of artillery fired on Oct. 29 while the number rose to 2,326 the next day.

The following day, Tuesday, was only 50 minutes old when heavy mortar and small arms fire began hitting both the command post in the town and the Special Forces compound near the airstrip.

The enemy commander had upped the ante throwing in both the 272nd and 273rd VC Regiments—both of them filled out with large numbers of NVA soldiers from the north.

TWO DAYS TOO LATE

The first assault was directed at the airstrip. It was 2 days too late.

U.S. artillerymen at the south end of the strip lowered their barrels and fired high explosive ammunition along the runway into the attacking forces and kept it up for more than 2 hours.

At 4:50 a.m., the attackers hit the compound at the north end of the airstrip with fire from 75-mm. recoilless rifles and .50-caliber machine guns.

At 5:05 a.m., they hit the command post in the town from the west, north and south, with the main attack coming, as it had 2 days before, from the north. Within 25 minutes, they made five separate ground attacks, but each was repulsed.

By 7 a.m., the enemy had been cleared from the areas around both the command post and the Special Forces camp near the airstrip.

Nov. 1 was relatively quiet. During the day, 525 tons of supplies and fortification material was brought in by air—emphasizing once again the failure of the enemy to take the airstrip—and the defenders worked at rebuilding their bunkers.

On Nov. 2 the enemy came back, scattering his forces with attacks on all of the ARVN and U.S. bases. They were beaten off by 6 a.m. and during the day two battalions of the U.S. 1st Infantry Division made helicopter assaults to the northeast and northwest of Loc Ninh, trying to prevent the enemy from retreating back across the Cambodian border.

CASUALTIES TELL STORY

In terms of resources expended and enemy casualties, this was the most significant day of the battle. There were 107 tactical air sorties, one B–52 strike and 3,964 rounds of artillery fired. The casualties for the day were officially reported as 7 of the friendly forces killed and 36 wounded, compared with 296 enemy dead.

On Nov. 3, United States units swept through the areas surrounding Loc Ninh while additional ARVN reinforcements were moved in. By this time, the U.S. and ARVN intelligence officers had been able to identify the 273d VC Regiment, at least one battalion of the 272d VC Regiment and elements of the 141st and 165th NVA Regiments.

This would indicate that the enemy commander had available in the area, at the time he opened the battle, from 5,000 to 6,000 men—outnumbering the defenders 10-to-1. But he never concentrated his forces sufficiently to make their full weight felt.

The battle then tapered off, with U.S. and ARVN units conducting search-and-destroy operations around Loc Ninh, with only one significant contact with an unknown size enemy force on Nov. 7.

Later that day, the reinforcements began to pull out of the area and the battle of Loc Ninh was considered over at 6 a.m. Nov. 8.

During the 10-day battle, 452 close air support sorties and eight B52 strikes were flown, 30,125 rounds of artillery were fired and 852 enemy were known killed, compared with 50 of the friendly forces killed and 234 wounded.

If the enemy commanders had hoped to achieve a propaganda victory, they failed. If they had hoped to inflict crippling losses on the ARVN and U.S. forces, they failed. If they were trying out a new strategy, that, too, appears to have failed.

The one thing they did help demonstrate, ironically, is that a run-of-the-mill ARVN division, not one of the very best nor one of the very worst, was able to do almost everything right and win a major battle.

FAVORABLE TAX ACTION WILL RESTORE CONFIDENCE AND ORDER IN MARKETS

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FRASER. Mr. Speaker, Joseph R. Slevin, a journalist with many years experience covering economic affairs, has written a timely and informative column on the need for tax action by Congress to help restore calm and confidence in the Nation's financial markets.

In a syndicated column published in the November 28 issue of the Minneapolis Star, Mr. Slevin wrote that inflationary sentiment has broken loose in the wake of the Ways and Means Committee's September decision to lay aside the President's surcharge request.

> A belated endorsement of the tax increase now would quiet things down again.

Mr. Slevin said.

> Psychology is a powerful force in the economic affairs of the Nation. Decisions to buy, sell, or to change a price are importantly influenced by expectations about the future.
>
> Ways and Means Committee approval of the President's proposals would be a clear signal that the long, costly tax bill deadlock is nearing an end and that the Government will use its powerful fiscal weapons to help curb the inflationary boom.

Mr. Speaker, I believe Mr. Slevin's views may be of interest to our colleagues and with unanimous consent I am inserting his column into the RECORD at this point:

[From the Minneapolis Star, Nov. 28, 1967]

INSIDE THE ECONOMY

(By Joseph R. Slevin)

WASHINGTON, D.C.—Favorable action by the House Ways and Means Committee on President Johnson's multi-billion-dollar tax and spending package will help calm the nation's market places.

Inflationary sentiment broke loose in the wake of the committee's September decision to pigeonhole the President's surtax request. A belated indorsement of the tax increase now would quiet things down again.

"I don't care whether the final congressional vote comes in December or January or even February," an astute government economist declared. "If ways and means finally decides to act responsibly, there will be a less inflationary mood from that moment on."

Psychology is a powerful force in the economic affairs of the nation. Decisions to buy, to sell or to change a price are importantly influenced by expectations about the future.

Ways and means committee approval of the President's proposals would be a clear signal that the long, costly tax bill deadlock is nearing an end and that the government will use its powerful fiscal weapons to help curb the inflationary boom.

The change will be evident in the markets for raw materials and in the markets for manufactured goods, too.

Businessmen will be less quick to post higher prices. Many prices will go up, but they will rise less than they would if a full-blown inflationary mood still dominated.

Company officials make pricing decisions with one eye on their customers, and they will be less confident that their customers will be willing to pay sharply higher prices.

Labor-management attitudes will change for the better, too.

Unions will be less insistent on outsize wage hikes. Management negotiators will put up greater resistance to union demands if their companies are less certain that they will be able to pass along increased wage costs in higher prices.

Business inventory policies will be affected along with business decisions to order new capital goods. Company officers will buy more cautiously if they do not feel they have to protect their firms against a threat of accelerating price increases.

Even the stock market is likely to be helped by a favorable ways and means vote. Market participants grumble about the impact of a stiffer corporate profits tax, but all the recent evidence is that they have even less affection for the alternative prospect of tight money and steadily climbing interest rates.

Both the stock and bond markets gave unexpectedly strong performance during the first few days after Britain devalued the pound. It is plain that both got a lift from ways and means committee Chairman Wilbur D. Mills' announcement that the group would meet this week to take another look at the surtax.

Corporations had been piling into the bond market to borrow money while the borrowing was good. Their huge, anticipatory offerings had helped push interest rates to the new peaks that they reached this fall.

But the tax-spending package could chop some 10 billion from the government's big deficit-financing requirements and would give corporate treasurers and other borrowers important assurances that loan funds will be available to meet 1968 needs.

Ways and means acceptance of the Johnson proposals thus would change the bond-market psychology, just as it would alter price, wage and stock-market expectations.

PROJECT HEADSTART

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Culver] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CULVER. Mr. Speaker, project Headstart is perhaps the most popularly recognized success of the economic opportunity program. In large part, that success is due to the active involvement of concerned citizens, parents, and students in its imaginative and effective operation.

This past month, the Junior League of Cedar Rapids, Iowa, undertook an examination of the Linn County Headstart program, to learn more about it and the role which the league might play.

Serving as a basis for that discussion were articles which appeared in the November issue of the organization's monthly publication, Leaguely Speaking, by Mrs. Thomas Hyde, a member of the Headstart advisory board, and her 14-year-old daughter Denise, who was a classroom volunteer last summer.

Mr. Speaker, these excellent articles provide most interesting and useful insights into one local program of demonstrated success, I commend them to my colleagues and, under unanimous consent, I am inserting them at this point in the Record:

Happiness Is: The Hope of Headstart

(By Mrs. Thomas Hyde)

Poverty can be heard and seen almost any day on any TV news broadcast. It isn't quite so easy to look at in reality. The aroma is everywhere—and it is a compound of fear and hate, hope and despair, dirt streets and lack of garbage cans.

There is one significant factor that differentiates modern man from primitive man and that is collective concern . . . the ability that one human being or group of human beings has to care about each other. Headstart is the delineation of collective concern.

This is the third summer there has been a Headstart program in Linn County, and each year the program has grown within itself. This growth is mainly attributed to local citizens having collective concern and involving themselves either as volunteer workers or advisors.

This year 287 children from families within the guidelines of the Office of Economic Opportunity (OEO) were in the Headstart program. The standards of family income determined who was eligible to participate. For a family of four the standards call for income no higher than $3,000 a year. For a family of five income must not exceed $3,500, and so on.

Identifying the poverty family children was no easy task. Neighborhood opportunity centers, the county social welfare department and the school system all helped in this process. This year, however, a new and effective means was also used. The United Church Women, including the Jewish, Catholic and Orthodox women, supplied volunteers who canvassed the county one Sunday in May. The combination of all these methods meant that nearly every eligible child was offered the opportunity to attend one of the 19 Headstart centers in Linn County.

The objectives of Headstart are to prepare the children both mentally and physically for their school experience. The program is really much more. Total family involvement is the real goal. A unique method of reaching for this goal while helping to coordinate the program, was the use of Family Coordinators. This program was the outgrowth of a volunteer Homemaker service initiated in 1965. Each Headstart center was supplied with a family coordinator. These were usually college students in the field of psychology or social work, or graduate social workers. Their goals were establishing communication with the families of Headstart youngsters, encouraging them to keep their children in class (this meant sometimes sending a volunteer to pick them up), and organizing parent education programs to involve the adults in Headstart. Attendance at weekly parent meetings doubled this last summer. The majority of their work was done within the individual homes on a person to person basis.

Another innovation this year was in the field of nutrition. In other years children were sent each day by bus to cafeteria-style lunch centers. This year all the food was prepared in a central kitchen at Tyler School and distributed by truck to all the centers. All food was served family-style at tables seating one adult and five children. This enabled the children to achieve a social experience unavailable to the majority of them. At the same time some ate their only decent meal of the day. One little girl in Marion cried every morning around 10 for no apparent reason until it was discovered she was hungry. From then on she ate two complete meals every noon. Some of the children would take home any leftovers in order to feed brothers or sisters who were hungry. Many children didn't know how to use forks, spoons and plates. One child put all his food in a glass and tried to drink it as that was the only way he had ever had food. Some children never had sat down to eat—they didn't know you could or should. For several children it was the only food they could ever remember not having prepared for themselves. This is poverty of the spirit as well as the pocketbook.

Educationally, everything the children do is a learning experience and socialization plays a large part. The classroom is not designed to be educational in the strictest sense of the word, but in the broad concept that every hour of every day should be enriching. Development of language skills and muscular coordination are always objectives. The development that is a result of environmental and social factors must be drastically upgraded in order that kindergarten may be an educational experience, not a frustration and depressant.

This poverty of the spirit, which is part and parcel of most economic poverty, is battled in a most natural and spontaneous manner by an amazing corps of youthful volunteers. This year there were close to 200 volunteer workers in various areas of the program. Each classroom had a staff consisting of a teacher, a teacher's aide and three to six volunteers. As there were no more than 15 children in each classroom, this made the ratio one staff to three children or less. The great majority of these volunteers were committed teenagers. These are the people who really know what Headstart is all about. They loved the unloved, washed the unclean, fed the hungry and taught the deprived, but mainly these young people, in their enthusiasm and innocence, battled the poverty of the spirit. It is hard to recruit adults as classroom volunteers in Headstart. Today's young people seem to have the openness of spirit to meet head on the Four Horsemen of the Apocalypse—poverty, pestilence, war and death. They know how important it is to hold a Headstart child in their arms with love. This is true collective concern.

These teachers' aides (one to each classroom) were hired from families who were within the OEO guidelines for poverty. The majority were mothers of children in the Headstart program. Not only did this supplement their income, it also taught them about children, their own and others, and goals to seek.

The health program also was geared to be a learning situation. Clinics were set up on four Wednesday afternoons at Mercy Hospital. Each child received a complete physical examination, hearing and eye tests and immunizations. In addition they were given a tour of the pediatric ward of the hospital, and they were entertained in between sections of the examination. All the children were given follow-up care for any medical problems that were discovered. Dental examinations were given each child and here, also, the funds were available for follow-up care.

(By Denise Hyde)

Jesse often came to school without any shoes. The shoes he did wear were his brother's. Victoria was given a bottle of pop, but instead of drinking it, she took it home for her family to see. Joseph liked to bring his sisters to school so they would be able to eat a good meal, and maybe even be able to ride on an elevator. Mary didn't have enough to eat, so we sent some food home with her. A little boy named Alan loved to fight. His vocabulary included words that make me blush. He never smiled; I don't think he knew how. He must be taught. Doors must open for him and others. They must be given an equal opportunity.

Who opened the doors? A wonderful program called Project Headstart.

This summer I worked at Tyler School as a classroom volunteer. I tried to help the children develop language skills and muscular coordination. I encouraged their socialization with others. To put it plainly, my goal was to make them happy and to give them a little love.

My tools were the "Three A's": attention, affection and achievement. My medicine was accepting the child for what he was, not what he could be.

Our class made many field trips. We visited the airport, Ce-Mar Acres, a hatchery, a farm (did you know animals were bigger than they looked in our story books?) and different kinds of stores. We went swimming, fishing, and on a bus trip, among others. These enriched and improved the child's basic concepts.

Headstart in Linn County is administered by the County Board of Education which hires a project director. The project director is directly responsible for the daily operation of the program. An advisory committee is set up consisting of professional educators and welfare people, concerned citizens and participating poor.

One board member, Keith Moreland, principal of Tyler school, said he can walk into any kindergarten room in his school and pick out each child who has attended Headstart. The difference is dramatic!

The mere receipt of money from the Federal Government into the community does not mean an effective program. There is but one way to assure maximum use of the money. The community must show collective concern. It must become committed and involved. Each community must tailor each government program to fit its individual needs. The government requires community involvement, but *required* involvement is not good enough. Only personal commitment and involvement can create meaningful programs. It is the responsibility of individuals in each community to see that these programs don't just function in the community, but that they achieve their highest goals.

Every day we had family style lunches. This taught manners and responsibility. The children set the tables and helped themselves to the food. Afterwards, they washed hands and brushed teeth.

Stories and finger plays helped coordination and taught various things, besides being fun.

It was very easy to teach many things, for they loved to imitate. Whatever their teachers did, they would try to repeat. This is why many parents should also be taught. The children take their traits and pattern many habits after them.

All in all Project Headstart is wonderful. It gave me a chance to do something I love—helping others not as privileged as myself. Next year I hope to be one of the first to volunteer.

Happiness is helping a child get a head start.

WHY ARE WE IN VIETNAM?

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GIBBONS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. GIBBONS. Mr. Speaker, there have been many opinions expressed in the past few weeks as to just why we, as a nation, are in Vietnam. Mr. Robert Christopher, a senior editor of Newsweek magazine has produced a penetrating, balanced, and immensely readable article in the issue dated November 27, 1967. I commend to the attention of this House and the American people this view of "Why Are We in Vietnam?"

WHY ARE WE IN VIETNAM?

(By Robert Christopher)

Over the past few weeks, it has been my misfortune to spend virtually all my waking hours talking or thinking about Vietnam. I have discussed the war with some of the most eminent and articulate of the critics of the U.S. involvement. I have discussed it, too, with many of the men responsible for shaping U.S. policy in Vietnam over the past seven years. The purpose of this exercise was to try to determine what, if any, vital U.S. interests are at stake in Vietnam. To that end, I concentrated on three questions: (1) why did the U.S. become involved in Vietnam in the first place; (2) do those reasons still hold good; (3) if not, why are we still there?

Of all the members of the Administration with whom I talked, no two gave precisely the same explanation for our original involvement in Vietnam nor for the escalation of the war. But without exception, they all agreed that, even if every one of the decisions which led to the present state of affairs in Vietnam were wrong, there remains one compelling reason why the U.S. cannot now afford to accept defeat there.

That reason, as they see it, is this: the U.S. Government has made so great a commitment in South Vietnam, both in words and in military effort, that failure to achieve our stated objectives there would gravely damage the U.S. position all around the world. It would, more precisely, cast doubt upon the believability of U.S. guarantees and the constancy of U.S. purpose in the eyes of both our allies and our enemies. And this, in turn, would make the world a far less secure place for Americans to live in.

This argument is given particularly lucid expression by Secretary of Defense Robert McNamara. Says McNamara: "If we failed to fulfill our treaty commitments in Vietnam, there would, I am convinced, be profound repercussions internationally. I do not mean that all the 40-odd security treaties which we have with other nations would become worthless scraps of paper overnight. But over a period of years there would, I believe, be a series of adverse shifts in our relationships with other nations, including some with which we have no formal treaty ties. These shifts would in part reflect a shifting of world power balances, but in part they would also reflect uncertainty about U.S. reactions."

This, of course, is not a proposition that greatly impresses critics of U.S. policy in Vietnam. In the eyes of many doves, the "credibility thesis" is merely the latest in a series of shifting—and sometimes mutually contradictory—rationalizations of Administration policy in Vietnam. "Listening to Dean Rusk," Minnesota's Sen. Eugene McCarthy told me, "is like listening to an accordion concert; you start out with the melody and gradually you get all the chords and variations . . . The Administration has consistently escalated its objectives in Vietnam to match the escalation of the war."

In a sense, however, it would be unhealthy if the Administration's explanations of our presence in Vietnam had *not* changed in emphasis. It does not seem unreasonable to assume that when a war vastly increases in magnitude, the stakes involved also change. When critics complain that the Administration cannot have it both ways—that it cannot first escalate the war and then proclaim that its significance far transcends the fate of Vietnam—their sense of grievance is understandable. But their logic is not necessarily sound.

THE BASIC QUESTION

Yet that, in essence, is the position taken by most of those who oppose our present course in Vietnam. Their answer to the credibility argument is simply to deny that it is true. But a simple denial will not do. Surely, the possibility that defeat or quasi-defeat in Vietnam could seriously weaken the entire U.S. international position is critical enough to the nation's future to warrant careful examination of such evidence as is available.

By questioning the widest possible range of experts on foreign affairs, I have tried to make such an examination here in the United States. And while I was doing this, NEWSWEEK correspondents in 32 other countries were making similar investigations on the spot. Wherever possible, they confined their questioning to politicians and diplomats—the men likely to shape the policies of their countries in the years ahead. In every case, the basic question was posed in the same terms: how do you think your country would react if the U.S. were to seek a settlement in Vietnam on terms that would permit a Communist take-over in Saigon or the absorption of South Vietnam by North Vietnam?

In general, Newsweek's correspondents found that while there was relatively little foreign support for the U.S. involvement in Vietnam, there was even less meaningful support for a U.S. retreat. In all their interviews, in fact, they failed to come up with a single instance of any concrete benefit to U.S. interests that would result from a withdrawal from Vietnam. Their specific findings:

Africa: In Morocco, Tunisia and the Republic of South Africa, a retreat from Vietnam would seriously affect confidence in the U.S., but in Black Africa it would make little difference. "U.S. withdrawal from Vietnam without a saving grace would be almost as hard on my government as on the White House," said one North African diplomat. And a South African official predicted that "if America did withdraw, my country would tend to drift toward neutralism, fearing an increased Communist presence in the Indian Ocean." The prevailing attitude of the Black African governments, on the other hand, was reflected by a senior Kenyan official who frankly declared: "Whether or not America withdraws from Vietnam is not our concern. Our future relations with the U.S. will be governed by other factors."

Latin America: The effects here could be serious, but probably would not be fully apparent for some years. The extent to which Latin American governments would lose confidence in the U.S. is suggested by the fact that most of them flatly refuse to believe that Washington will ever accept an unfavorable settlement in Vietnam. "The U.S.," says an official of the Argentine Foreign Ministry, "is in the same position as any boss. He can't afford to be weak because he will lose the respect of his underlings." What concerns students of Latin America most, however, is the likelihood that a U.S. setback in Vietnam would revive the flagging morale of the hemisphere's Castroite revolutionaries and so increase their strength that a Latin American "war of national liberation" would become a real possibility within a decade. Such a war might well lead to a nuclear confrontation since the Russians, who are currently soft-pedaling revolution in Latin America, would be under great pressure to change their tune if the Vietnamese were to demonstrate that the U.S. can be humbled by guerrillas.

Western Europe: Disengagement from Vietnam would almost surely lead to some further erosion of U.S. influence in Europe, but just how much is hard to measure. The majority of Continental politicians insist that they would still have faith in U.S. guarantees to their countries. But in many cases, their assurances ring hollow. "The very people now crying for an American withdrawal," predicted a spokesman for the West German Foreign Office, "would complain afterward at the unreliability of U.S. commitments."

That seems virtually inevitable—and was, in fact, tacitly admitted by a senior French official. "America is too strong," he said, echoing a favorite thesis of General de Gaulle. "It would be a good thing for her to suffer a setback." In a different way, Berlin's Mayor Klaus Schutz was equally candid. Said he: "It would take a lot of explaining to make clear to people the difference between U.S. commitments in Vietnam and in West Berlin."

The Middle East: In the Middle East, the consequences of a U.S. reverse in Vietnam would be felt hard—and fast. Israel and such pro-Western states as Jordan and Saudi Arabia would be weakened, while Iran and Turkey would be driven to reconsider their dependence on the U.S.

Israel, whose own survival ultimately depends on U.S. support, is all for negotiated peace in Vietnam—but not a sellout of the South Vietnamese. "If the U.S. simply reneged on its commitments in Vietnam," says a confidant of Prime Minister Eshkol, "this would cause a great deal of anxiety and rethinking in connection with our defense posture." What that means, in the eyes of many Mideast experts, is that Israel would give consideration to starting its own nuclear weapons program. And such a move would not be totally unjustified in view of the probable Arab reaction. "If you pulled out of Vietnam," said one Arab ambassador, "there would be an automatic tendency on our part to expect a disengagement from Israel, and the Arab line would harden."

The first of the non-Arab Moslem states of the Middle East to be affected would probably be Turkey. U.S. withdrawal from Vietnam, said an aide to Turkish Premier Suleyman Demirel, would be taken as a sign of a return to isolationism and "could weaken Turkish ties with the U.S. and NATO." And such a reaction in Turkey, coupled with the probable reaction in Pakistan and India, would in time affect Iran's posture. One possible result: a replacement of Iran's present U.S. military mission by Russian officers.

India and Pakistan: Though they will not say so openly, their deep fear of China leads most Indian officials to favor U.S. withdrawal from Vietnam only after the survival of an independent, non-Communist South Vietnam has been assured. "Anything else," one influential Indian says, "would cause an irreparable loss of credibility to the U.S." It might also ultimately cause India to reconsider its "firm" decision not to manufacture nuclear weapons. As for Pakistan, many diplomatic observers believe that in the event of a U.S. defeat in Vietnam, the Pakistani Government might well oust the U.S. Air Force from its Peshawar base—a prime source of intelligence about the U.S.S.R.

Asia: Throughout Southeast Asia, a Communist take-over of South Vietnam would immediately shift the balance of power in favor of China. In Japan and South Korea, the immediate effects would be less drastic, but the long-range consequences might be even more ominous. And in Australia and New Zealand, fears of a wholesale U.S. withdrawal from the Pacific would be aroused.

Part of what disengagement from Vietnam would mean to U.S. allies in Southeast Asia was spelled out for NEWSWEEK by President Marcos of the Philippines. "We would no longer look to America for the kind of mutual defense alliance on which small countries like the Philippines depend for security and survival," he said. "We should perhaps be faced with no other alternative than . . . a strict policy of neutrality and accommodation to Communist intentions."

With the exception of Cambodia's Prince Norodom Sihanouk, virtually every other national leader in non-Communist Asia shares Marcos's fears in some degree. The specter of Chinese dominance of Southeast Asia has led Japan's Prime Minister Sato, Singapore's Prime Minister Lee Kuan Yew and Malaysia's Prime Minister Tunku Abdul Rahman to risk their domestic political fortunes by publicly expressing support for the U.S. position in Vietnam. Even in Indonesia, which is primarily preoccupied with its own economic problems, an army newspaper recently expressed the belief that if the U.S. were to follow Walter Lippmann's prescription and withdraw its Pacific power to Australia "the greatest part of Southeast Asia would probably fall into Communist clutches."

Quite clearly, the average citizen in many Asian countries would applaud almost any settlement in Vietnam. But that applause would likely be short-lived if the settlement produced a Communist South Vietnam. Former Ambassador to Japan Edwin Reischauer believes that a U.S. retreat from Vietnam would at first please most Japanese but later "would strongly increase Japanese worries about the nuclear umbrella we hold over them. . . . This would tend to push them toward neutralism—which would further weaken their faith in U.S. nuclear protection and, in the long run, might lead them to decide that they needed their own nuclear weapons."

To me, both my own investigations and those of Newsweek's correspondents abroad amply bear out the Administration's contention that U.S. credibility is at stake in Vietnam. But it must be added that, whatever they say in public, the members of the Administration to whom I have talked emphasize in private that they do not believe a U.S. defeat in Vietnam would be an apocalyptic disaster. Most of them do not believe that there would be great immediate risk of overt Chinese military conquests in Southeast Asia—a view shared by such academic experts on China as Columbia's A. Doak Barnett and Harvard's John Fairbank. Rather, they feel that China would be in a position to overawe her Asian neighbors diplomatically and that Chinese-supported subversion in Burma, Thailand, the Philippines and Malaysia would sharply increase. This, in time, would almost surely overturn some Asian governments. (Singapore's Lee Kuan Yew has reportedly said that if the U.S. leaves Vietnam, he will either have to leave his country or die fighting the Communists.) And it would certainly destroy one of the great U.S. achievements of recent years: the creation of a climate of stability in Asia which has permitted the emergence of prosperous and relatively acceptable societies in such countries as Korea, Malaysia, Thailand and even Taiwan.

Similarly, most Administration officials do not believe a U.S. failure in Vietnam would inspire the Russians to quick, new probes—say, in Berlin. But they do share the view of a European diplomat in Moscow who says: "The next time it came to the crunch, the Soviets would remember that you lack staying power and would act more boldly." Expanding on this theme, Zbigniew Brzezinski, one of the leading American students of Soviet affairs, predicts: "What would seem attractive to the Russians—and what they would seek—would be opportunities to maintain a sustained but limited level of violence elsewhere in the world. And that, of course, is the definition of a 'war of national liberation'."

What the precise consequences of the new Soviet and Chinese boldness would be, no one in the Administration is prepared to say flatly. Presumably, not all the disasters conceivable would happen nor would the situation necessarily be completely irreversible. But how, Administration spokesmen ask, do you justify taking such a gamble with the U.S. position in the world?

CHANGING TUNES

To this, critics of the Administration, insofar as they concede that there would be any consequences at all, offer several answers. Some of them, including Edmund Stillman of Hudson Institute, argue that the costs of disengagement could be minimized if the U.S. now changed tunes and began to proclaim that nothing is really at stake in South Vietnam but the fate of a single, rather unpromising society. Hans Morgenthau of the University of Chicago offers a variation on this: he believes that if President Johnson were to say that all the United States was ever fighting for was South Vietnam's right of self-determination and that this was fully achieved in the recent South Vietnamese elections, the Administration could then disengage to the applause of the American electorate and of the whole world. But I have yet to talk with a single practical politician who believes that it is that easy to pull the wool over the eyes of the American people—and I see no reason to assume that the statesmen of the world would be any easier to deceive than American voters.

Some doves, of course, argue that the consequences of disengagement from Vietnam would, on balance, actually be good. To prove their case, they most often cite the French withdrawal from Algeria engineered by General de Gaulle and the consequent upsurge in French prestige. But to this, American officials make an effective if cold-eyed rejoinder: France could afford to accept defeat in Algeria because she is no longer a major power and the survival of numerous other nations is not dependent upon the credibility of her pledges and her military might.

Perhaps the strongest argument made by opponents of our present policy in Vietnam is that, whatever the price of failure there, it cannot equal the price we are now paying in blood, treasure, domestic discord and international obloquy. But it seems to me blindly optimistic to assume that an unfavorable settlement in Vietnam would restore domestic tranquility. What form the U.S. reaction to defeat would take is impossible to predict. It might be a witch-hunt reminiscent of the McCarthy era; it might, as many foreigners fear, be a resurgence of isolationism under new guises; it might ultimately even express itself in a fit of aggressiveness designed to show the world that, despite Vietnam, we were still a power to be reckoned with. In any case, I do not think it would be pretty—and neither do most of the eminent Americans with whom I have talked in the past weeks.

BALANCE OF POWER

As for the notion that the U.S. could regain its international image as a benevolent power by magnanimously conceding that it had made a mistake in Vietnam, that is doubtless partly true. But many foreign critics of the U.S. openly admit that they would simply go on belaboring this country on other grounds. And public applause overseas, however gratifying, scarcely seems worth the risk inherent in accepting defeat—which is, in essence, a diminution of U.S. capacity to influence the course of world affairs.

The prospect of a decline in U.S. influence obviously does not worry the increasing number of Americans who appear to be opposed to all war and who regard balance of power as an evil concept. But as Richard

Rovere conceded in The New Yorker recently, balance of power is what foreign policy is about. Peace is not the natural state of man and does not keep itself; it has to be enforced—and currently it is being enforced by the U.S. and the Soviet Union. If the U.S. opts out, it will leave the task of determining the world order to those who have no cause to love us. I do not suggest that this would mean the immediate downfall of the Republic. What I do think it would mean has been vividly expressed by Zbigniew Brzezinski. "If the U.S. withdraws from Vietnam," he says, "it will find itself in the years ahead in the position of a millionaire living in a small town that seethes with potential riots and whose inhabitants are united only by their dislike for the millionaire."

Of the thousands of statements on Vietnam to which I have been exposed, none has impressed me more than one made by John Fairbank. "When you make a mistake before history," he told me last week, "you have to pay for it." Somewhat uncertainly, I have come to share his assumption that the U.S. made a mistake by becoming so deeply involved in Vietnam. I say somewhat uncertainly because the chain of causality runs so far back and involves so many decisions which seemed perfectly sensible at the time that I am not convinced that things could have happened any differently. Still, it is hard not to agree with the general who recently told a visitor to the Pentagon: "If anybody could have foreseen the present situation four years ago, I do not for a moment think we would be in Vietnam in force now."

But we *are* there. And, mistaken or not, this war, like all wars, must be paid for. The question is not how we can finish the war off without great cost; it is how can we finish it off at the least cost. And, as of now, it seems to me that the cost of fighting the war is far smaller than the long-range costs we would incur by a retreat.

HAS REPRESENTATIVE BRINKLEY CHANGED TO CONGRESS CONSERVATIVE?

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. STUCKEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. STUCKEY. Mr. Speaker, several months ago I noticed an article by Art Pine in the Atlanta Constitution which carried the headline, "Has Representative BRINKLEY Changed to Congress Conservative?" Proving the consistency of my fellow freshman Democratic colleague, this story about JACK BRINKLEY is just as current today. He lives up to his campaign slogan which is reproduced on a plaque in his office, "I promise to remember who I am, where I'm from and who sent me."

I first became impressed with Representative BRINKLEY's integrity and personal responsibility when we were classmates at the University of Georgia. Because of adjoining congressional districts, we have mutual interests in issues affecting our constituents and I would like for the article to which I refer to become a part of this CONGRESSIONAL RECORD.

HAS REPRESENTATIVE BRINKLEY CHANGED TO CONGRESS CONSERVATIVE?

WASHINGTON.—Back when he was still a state legislator from Muscogee County, sandy-haired Jack Brinkley was usually linked with a small group of moderates in the Georgia House.

But somewhere along the road to the U.S. Capitol, the new Third District congressman seems to have made a sharp turn to the right.

His voting record so far in the 90th Congress makes the 37-year-old Columbus attorney one of the most conservative members of the 10-man Georgia delegation.

"I don't think I've changed a bit," Brinkley says. "It just looks that way because Congress is a lot more liberal than the Georgia General Assembly."

That may be, but in the past six months the west Georgia congressman has voted against the food stamp, teacher corps, rent supplemental, model cities and debt-ceiling bills.

In fact, on all but one major issue so far, his votes have been identical to those of his GOP predecessor, Howard (Bo) Callaway. (Brinkley supported the school aid bill.)

The apparent irony doesn't seem to bother him, however.

"I think Bo tried to reflect the views of the district," Brinkley says, "the same ones the Democrats have held for years."

It is these views—or rather his dogged adherence to them—that already have marked Brinkley as a strong-minded independent more likely to go for principle than for compromise.

Despite two months of congressional arm-twisting the Columbus conservative twice voted against the debt-ceiling measure—one of only two Georgia Democrats to do so.

House leaders claimed the measure was needed to enable the U.S. to meet its obligations, but Brinkley insisted he wouldn't budge until the President promised to cut spending.

"I'm convinced he would have if we defeated it again," Brinkley said after the measure finally passed. But a senior Georgian described his vote as "irresponsible."

STRONG WORDS

Another time, when the House brushed aside heavy administration pressure to defeat the rent supplement bill, the Third District freshman took the floor to warn:

"Mr. Speaker, the vote shows that many of us will not be 'driven' anywhere by the majority leadership or the minority leadership." They were strong words for a house newcomer.

Underneath all his fierce-sounding ideals, however, Jack Brinkley probably is the most soft-spoken member of the Georgia delegation.

"He's a country-boy at heart," says one observer who knows him well, "and that affects almost everything Jack does."

SLOW DECISIONS

In day-to-day contacts, Brinkley remains as shy and boyishly polite as he was in the Georgia General Assembly, is so modest he uses "we" rather than say "I" to describe his doings.

Conditioned to the early-bird habits he acquired in the Air Force, the lanky Georgian is at his office by 6 a.m.—at least four hours before most congressmen—and stays until 7 p.m.

Never one to rush a decision, Brinkley dwells painstakingly and ponderously on his officework, has been known to "study" over a simple postal appointment for several weeks.

On the House Science and Astronautics Committee, where he is third from the bottom on a 31-member panel, the Georgian is considered a quiet, studious type who takes his job seriously.

Brinkley's committee attendance has been near-perfect, but he rarely asks questions or engages in debate, partly because the subject-matter is so complex it takes months to learn it.

On the space science and applications subcommittee, the congressman just couldn't resist the chance to okay a $5 billion U.S. space budget—his only vote for "big" federal spending.

In the House chamber, where he has made some nine or 10 floor speeches, Brinkley has kept his remarks brief and to the point.

Few have been more than one minute long. "It's best to get up, speak up and shut up," he says. "That's what we always try to do."

In the past six months, the Columbus congressman has urged "total war" in Vietnam, castigated flag-burners, criticized foreign-aid policies and called for more cuts in spending.

He's introduced seven bills and resolutions, all—as is typical of freshmen—modifications or token endorsements of measures offered by senior colleagues.

They include bills to readjust wage-board salaries, reclassify some post office jobs. Entice industry to stay in small cities, restrict dairy imports, set up a committee to keep tabs on federal spending, maintain U.S. rights in Panama, and bring someone else's anti-riot bill to a vote.

Traveling back home to the district an average of once every two weeks, Brinkley maintains a moderate pace of speech-making and public appearances.

Besides the Third's historical district office in Columbus, he has set up part-time offices in Americus and Warner-Robins—to show the rural areas they're not left out.

Mindful that the Third elected the state's first modern-day Republican 2½ years ago, Brinkley has kept in close contact with local officials.

Ironically, it could lead to some change in his voting record:

After Brinkley voted against the liberal-tagged food stamp program last spring, local officials in poverty-ridden Pulaski and Houston counties wrote him, "I don't think you understand it."

Though still opposed to the concept, Brinkley promised to look into the program more fully, and vote for it next time "if the people want me to."

At this early stage, the statement may not sound like much. But it could be the only political compromise Jack Brinkley makes in the 90th Congress.

SALUTE TO HON. MICHAEL J. KIRWAN

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BOGGS. Mr. Speaker, I would like to take this opportunity to salute my friend of many years, the distinguished gentleman from Ohio [Mr. KIRWAN] who celebrated his 81st birthday on December 2.

Mr. Speaker, MIKE KIRWAN has been an inspiration to us all during the 30 years he has served in Congress. He has proved to all of us, indeed he has proved to all America, that a man does not have to have material wealth to become great in his own time. He has also proved that a man dedicated to doing right can overcome his critics and go on to make magnificent contributions to building a greater America.

Yet, through all his years and achievements, MIKE KIRWAN has remained his same humble self, dedicated to public service and improving the face of the country he loves. The late Speaker Sam Rayburn, often said that "service" is the most beautiful word in the English language and Mike Kirwan is certainly the embodiment of that saying.

Just the other day in a meeting with Mike, he mentioned to us that he had to leave to be with his wife at their home in Ohio. He mentioned offhandedly that they still lived in the same house that they had lived in when he came to Congress. This is indicative of his unpretentiousness.

Millions of Americans have benefited from the wisdom of Mike Kirwan and his dedication to building America, conserving its resources and developing its water potentials. Generations to come will be better off because of his vision as chairman of the Public Works Subcommittee of the House Appropriations Committee.

I only hope they will appreciate what Mike Kirwan has done for them. I do.

AMENDMENT OF LABOR MANAGEMENT RELATIONS ACT

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Thompson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I have today introduced legislation that could add a new dimension to the collective-bargaining process. It proposes an amendment of section 302 of the Labor Management Relations Act to permit employer contributions to jointly administered trust funds established to provide educational scholarships for employees and their dependents, or to provide day-care centers for children of employees. I am pleased that 13 of my colleagues, both Democratic and Republican, will cosponsor the bill.

Unfortunately, too many Americans get their only impression of labor-management relations from the publicity given strikes. Obviously, it would be impossible for newspapers and television to cover the thousands of instances in which management and labor representatives quietly negotiate contracts which benefit employer and employee alike. It is these success stories—not the occasional strike—by which the collective-bargaining process should be judged.

It is estimated that there are more than 130,000 labor agreements in force now governing the working conditions of more than 20 million employees. Moreover, since 1964 the percentage of man-hours lost to strikes has averaged less than one-half of 1 percent. In short, the collective-bargaining process is a potent force in the orderly settlement of management-labor problems.

In recent years collective bargaining has moved beyond the basic contractual subjects of wages, hours, and working conditions. Many industries have introduced into their negotiations subjects ranging from subsidized employee lunches to employee stock purchase plans. Legislation permitting establishment of trust funds for scholarships for employee children and establishment of child care centers follows in this tradition of creativity.

Higher education in our society is no longer a luxury. Many working parents believe a college education is essential to insure meaningful lives for their children. But the cost of attending college is constantly increasing. Therefore, sending children to colleges inevitably imposes a harsh burden upon middle- and low-income parents. Educational trust funds established and sustained by employer and employee contributions would do much to ease this burden, and could make college educations financially possible for many young people.

Mothers who must work to help meet family obligations will certainly benefit from jointly sponsored day-care centers to which they can safely entrust their children. There are a number of industries, notably textiles and electronics, which depend heavily upon women employees for their labor force. Many industries may find it in their interest to contribute to day-care centers.

I hope this legislation will commend itself to the great majority of my colleagues. It will bring the wealth and energy of the private sector of our economy to bear upon two major areas of need. In addition to helping with these two problems, it is possible that joint sponsorship by management and labor of educational trust funds and day-care centers will stimulate exploration of other areas in which similar cooperation could yield significant rewards.

AMENDMENT OF LABOR MANAGEMENT RELATIONS ACT

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. Hathaway] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HATHAWAY. Mr. Speaker, I would like to commend the distinguished Representative from New Jersey for introducing this legislation today and I am pleased to be a cosponsor. This legislation recognizes two important facts and problems of our society.

The first is the increasing need and cost of higher education. Congress has responded to this problem by passing, in recent years, a series of education legislation. In our society, however, any successful attack on a national problem must have the support and cooperation of business. Business is too large and too important to be ignored. Labor and management will be able to commit some of the resources of business to help solve this national educational problem.

The second fact of our society that this bill recognizes is that the working mother is not the exception but the rule. While for a particular mother, working may be temporary, collectively it is permanent. I believe that Congress has been very slow to respond to this fundamental change in the working habits of American mothers. We must provide new institutions between the home and the job. We must recognize that part-time and temporary employment is for the country a permanent fact. Therefore, I am happy to support this bill as a step in the right direction.

THE IMPROVED PROFESSIONAL SCHOOLS OF SOCIAL WELFARE

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Cohelan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COHELAN. Mr. Speaker, in the more than 400 pages of the social security amendments that have passed both the House and the Senate is a substantial accomplishment that has passed virtually unnoticed by the public and perhaps even by many concerned academics.

This accomplishment is contained in section 401 of the social security amendments, which authorizes $5 million in each of the next 5 years for grants to develop, improve, and expand undergraduate and graduate programs of professional social welfare training.

This program is a small portion of a very large and significant piece of legislation, but this small portion is vastly significant to the success of all of the social welfare programs which exist today and which may come to exist in the future. This significance stems from the simple truth that we are facing a critical shortage of professional social workers. This small program is designed to get us on the road to meeting the manpower demands of the social welfare needs of the 1970's. This program is not the solution all by itself, nor is it yet large enough—but still it is a major contribution.

The field of social welfare and the profession of social work have been faced with a critical shortage of qualified manpower for a very long time, certainly since World War II. Rapid population growth, the influx of educationally and culturally disadvantaged people into the cities, the growing complexity of life in large urban centers, the persistence of pockets of poverty in bypassed rural areas—all have contributed to the growing demand for social services and the growing demand for personnel to administer them.

Legislation creating or expanding programs of social welfare and community renewal has been enacted by Congress in every session during the past decade, as well as by most State legislatures. Private endeavors in the field of social welfare have multiplied. The gap between needed and available manpower for these new and expanding social services had widened so dangerously that it now has become a matter for action at the Federal level. Modern social legislation, to achieve its purpose, needs programs manned by competent and dedicated personnel, including social workers. They are the links between the person, the group, the community in need of services, and the legislation that establishes the service and the specific conditions that regulate its application.

In the manpower report that President Johnson submitted to Congress in April 1967,[1] employment requirements in professional and technical occupations were predicted to reach nearly 13 million by 1975.

Manpower needs are expected to rise in practically every profession, though much faster in some fields than in others; social welfare is one of four identified in the report as critical.

Recent projections prepared in the Department of Health, Education, and Welfare indicate that for all social welfare programs, public and private, 537,000 persons will be needed by 1973 for the provision of social services. The total includes 167,000 social workers with a master's degree from a graduate professional school of social work; 142,000 social workers with a bachelor's degree who have had undergraduate education in social work; and 227,000 social work assistants and technicians with community college associate degrees or vocational high school education.

According to the same projections, services in public welfare departments to families and children will absorb 185,000 of the total and all other public and private programs will require the remaining 351,000. At present the United States has approximately 46,000 social workers with graduate professional education. If enrollment in the graduate schools continues at the present rate, it is estimated that by 1973 the number will rise to 69,000 leaving a gap of more than 98,000 that it will be imperative to fill.

Despite the magnitude of the problem represented by these figures, it is not beyond our capacity to meet the established goals within the next 10 years if we put our minds, our wills and our dollars to the task. The manpower report to the President, referred to earlier, predicts that the supply of college-educated personnel will probably be in balance with the demand in professional and related occupations over the next decade as a whole. It is estimated that by 1975 the number of earned degrees at the bachelors' level will have risen to 902,000 annually. If approximately 5 percent of these young people were recruited to and educated for technical and professional competence in the provision of social services the need would be met, and we would be out of the woods in terms of the manpower problem in social welfare.

What it will take is action along two fronts.

First, it will require of social work educators and social welfare administrators a tremendous investment in energy and competence to recruit and train the necessary numbers of people. Administrators must adjust to the professional manpower available their methods of delivering services and find new ways of using technical and supporting personnel to extend the professional's range of effectiveness.

Action in this area is already being taken. Public welfare departments are separating their income payment functions from the social service functions so that the valuable time of social work personnel is not occupied with verifying needs and actually providing the financial assistance, just as community health centers are making good use of supporting personnel of very modest education in the development of their service programs.

The schools of social work are committed to expansion and development in order to triple their enrollment as soon as resources are available to support the expansion. Undergraduate colleges are interested in developing a major in social work to prepare students either for direct entry into practice or for graduate social work education. Here again, additional faculty and investment in curriculum development by 1973 are necessary. It would be possible to have an undergraduate major in social work in every major institution in the country and in smaller colleges as well, particularly in areas where social workers are in very short supply.

What is needed to accomplish these purposes is support, which leads to the second front for action—massive Federal support for the development and expansion of social work education in all its aspects, including building, faculty, curriculum, and student stipends, particularly at the graduate level.

The Department of Health, Education, and Welfare estimates the cost of producing the social workers and supporting personnel required to reach the total of 537,000 by 1973 at $35,550,000, of which 50 percent would be directed to workers with a bachelor's degree and 50 percent to those with graduate degrees. The total does not include construction costs for the development of new schools of social work or the expansion of existing schools. It is anticipated that those costs will average about $5,000 for each student to be accommodated in the institution. The cost of constructing a school of social work to accommodate 200 students on this basis would be approximately $1,000,000.

The Nation must weight the costs of major investment in manpower development for social welfare against the costs of the manpower shortage.

The national social goals of American society that are emerging in the second half of the 20th century encompass an aspiration to extend the benefits of democracy, technology, and culture to every man; a hope to eliminate poverty and ignorance wherever they are found; and an effort to make needed health services, educational opportunities, and social services available to all throughout the Nation.

The absolute prerequisite if we are to attain those goals to which the Nation and the Congress have committed us is the manpower that will connect the person to the service, through which the service flows, and only through which it can become effective.

Mr. Speaker, in the Social Security Amendments of 1967 we have shown that we recognize this need and that we will do what is necessary to meet it.

SECRETARY McNAMARA'S 7 YEARS OF DEDICATED SERVICE

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Price] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, I wish to congratulate Secretary of Defense McNamara on his appointment to the presidency of the World Bank and to commend him for the dedicated fashion in which he carried out his enormous duties over the last 7 years.

Few Presidents have had a Cabinet officer whose brilliance, loyalty, and dedication to duty have contributed so much to their country.

Although he has served as Secretary of Defense for longer than any of his famous predecessors, we will remember his productivity, not his longevity, in office.

As chief of history's most powerful and awesome military machine, he has revolutionized our Nation's defenses.

He has shifted our Armed Forces from an outdated concept of massive retaliation to a flexible posture of armed might. He has armed our forces with maximum power at minimum cost. And he has inspired the closest intraservice coordination in our Nation's history.

But most of all, Americans will remember Robert S. McNamara as the man whose loyalty to President and Nation, courage in the face of challenge, and brilliance in service to country, have helped keep America the bastion of freedom and citadel of liberty.

A grateful Nation salutes his service and wishes him well in his new position.

WELFARE'S SECOND GENERATION

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'Hara] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, there has been in the past considerable debate over what I call the "myth of perpetuation" in regards to welfare programs. This myth holds that once a person begins taking welfare, he will be content to live in a state of "secure poverty" the rest of his life, jobless, forever on the dole.

However, recent studies indicate that the stereotype of a typical welfare recipient as a healthy, potential wage earner who refuses to work because he prefers a monthly unemployment check, is a false one.

The fact is that employable males are only a small percentage of those receiving welfare. The typical welfare recipient is very young or very old, a mother with children, or a man or woman who is physically handicapped and unable to work. Of those who are physically capable of working, the evidence indicates that many—educationally handicapped, without salable skills—want jobs, if somebody would only hire them. I have twice cited in the Record the experience of business and industry in Detroit, where firms made jobs readily available for hard-core unemployed. The recruiters were mobbed with applicants.

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[1] *Manpower Report of the President* (House Document No. 116, 90th Congress, first session), Washington, U.S. Government Printing Office, 1967.

There is an extension of the myth of perpetuation. Its exponents say that granting welfare to a family will result in a generation of "welfare children" who will grow into adulthood living on welfare, and know no other life. Thus they will be content to continue the family tradition of dependence on the dole. This sounds logical, but is it correct?

There has come to my attention facts to indicate that just the opposite may be true.

The Macomb Daily in my home county in Michigan recently published an editorial, "In Our Opinion 'Welfare Kids' Cast off Bonds."

The editorial asks:

> What's happening to the second generation of welfare recipients? Are "welfare children" growing up to be "welfare adults"?

The editorial cites a survey in Mecklenburg County, N.C.

Of 456 children in 100 families receiving aid to families with dependent children, only 1.9 percent were on public relief as second generation welfare recipients.

Forty-four percent have graduated from high school, 17 percent have gone on to college.

By all indicators, the "welfare children" in Mecklenburg County do not fit the pattern embodied in this theory of perpetuation.

It is true that experience elsewhere may be different. But it is heartening to see, as the Macomb Daily observes:

> In one county, at least, it has paid to treat human beings as human beings.

And that:

> Welfare children will grow up to prefer independence and responsibility.

I remind my colleagues of President Kennedy's cogent observation that:

> The great enemy of the truth is very often not the lie—deliberate, contrived, and dishonest, but the myth—persistent, persuasive and unrealistic. Too often we hold fast to the cliches of our forebears. We subject all fact to a prefabricated set of interpretations. We enjoy the comfort of opinion without the discomfort of thought.

I place the editorial, "'Welfare Kids' Cast Off Bonds," from the Macomb Daily, in the Record at this point:

"Welfare Kids" Cast Off Bonds

What's happening to the "second generation of welfare recipients"?

Are "welfare children" growing up to be "welfare adults?"

Not in Mecklenburg County, North Carolina.

(Mecklenburg's county seat is Charlotte, the state's biggest city with its population of more than 200,000. The area is heavily industrialized.)

The Mecklenburg County Welfare Department has completed a study of 100 families receiving Aid to Families with Dependent Children (AFDC) in January, 1955.

What has happened to the 456 children in those families?

Only 1.9 per cent of those children who are now adults are on public relief as "second generation" welfare dependents.

44 per cent have graduated from high school, and 17 per cent of these have gone on to college.

Half of those who have reached maturity are married and living with their spouses.

71 per cent are now able-bodied adults in the labor market, and only 10 per cent are unemployed.

7 per cent are professional workers (mostly teachers or nurses).

9.7 per cent are clerical workers.

1.9 per cent are officials, managers or proprietors of businesses.

This record is all the more encouraging in view of the family backgrounds of the children.

33 of the families were on welfare because the father had deserted the family.

25 families involved unwed mothers.

19 had disabled fathers.

16 had deceased fathers.

7 had fathers in jail.

Perhaps Mecklenburg County isn't a typical case and doesn't accurately reflect the national welfare picture.

But it does indicate that in one county, at least, it has paid to treat human beings as human beings and to have had faith that welfare children will grow up to prefer independence and responsibility to living on the dole.

TIMELY OBSERVATIONS

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Staggers] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. STAGGERS. Mr. Speaker, my very good friend, Bill Hart, of Morgantown, W. Va., and most points north, south, east and west, has been in the newspaper business for a good many years, I refuse to say how many. A few months ago he voluntarily classified himself as "retired," or at least "semiretired," a condition which the datelines on the column he still contributes to various newspapers seems to deny. An astute observer of the current scene, and a sound and just appraiser of day-to-day developments, his column invariably touches the public imagination. It is my pleasure to share one of those columns with you, especially since it notes with approval the attitude of a neighboring State which West Virginia, and indeed most of the Nation, is proud to accept:

GI's: Jackson Would Be Proud of You

(By Bill Hart)

Chancellorsville, Va.—We have come here where a famed West Virginian "Stonewall" Jackson, immortalized with his life "A Cause" in which he believed . . . we are here for several reasons . . . Third Flight and Pocahontas have a slight equity in some ground in this famed country west and slightly south of Washington, and to see some country that is little changed from those historic days of more than a century ago when we were indeed testing whether our nation under God was to survive—just as it seems to some of us such a crisis exists today . . . if our long trek around the country has counted for anything save a good lesson in geography it surely must be: Americans everywhere realize law and order is facing their most serious challenge and the man who convinces them he can and will preserve law and order is their boy.

Talking with natives and "temporary natives" in this area you get a mixture of land promotion and solutions of all problems by merely "sweeping them under the rug of rustic Virginia" . . . in Culpeper, a few miles away, or in most any of the towns nearby, there are visible signs of the great wealth made in Pittsburgh, Cleveland, New York and Washington . . . for this is in some respects even more desirable as a place to relax than Warrenton or Leesburg, miles to the north, where Arthur Godfrey hangs out between shows and over which hundreds of Morgantown people have flown in recent months.

Perhaps, the Virginians overdo it, but you can hardly turn around without running into something involving Jackson or Lee or the Wilderness Campaign . . . we shall have to ask Dr. Chitwood or Dr. Summers who won that campaign because, surely, we Yankees did a little better than the markers tell tourists . . . but here, as we talked with people, we said the "Wah Between the States" and not once did we make the error of talking about the Civil War . . . and, after you stop kidding about it, maybe they have something here all could use—pride in our heritage . . . maybe the reason we have hoodlums is that they have no pride in anything or haven't been taught to have pride?

Another reflection: We have been asking ourselves from coast to coast why we have yet to find a place where highways are worse than West Virginia's? . . . it is true, of course, we have seen highways only from the air or like riding 60 miles from Austin to Ft. Hood and about 60 miles from Washington here, but there is a standing joke among travellers we do not like . . . it goes something like this: the pilot loses his way . . . he wakes a passenger and asks his help to find out where he is . . . the passenger looks out the window of the plane and says: "We're over West Virginia" . . . the pilot asks how he knows . . . the passenger says, "It's the only place I know where there are no roads." There is, unfortunately, more truth than poetry in that crack.

It was raining, it seems to rain or snow wherever we go—like the other day in Northern New Mexico—six inches of snow—and then sleet as we broke out of the Rockies and saw no sun until the Gulf was reached near Houston—but the clouds here kept most of their sorrow to themselves for a short time—and, if you are like us, you wish to get a second grab at history—real history because at such places as Chancellorsville you are reminded of people who had character and purpose and were ready to give up soft living in defense of what they really believed.

And in Stonewall Jackson's day, as in this day, most of us like to "play it cozy," to "not stick out our neck," "let the other fellow be the hero" . . . but, as we walk from the marker where Jackson was mortally wounded, we think that he and others—Blue and Gray who fell here—would be proud of the heroism of so many of our young people in Vietnam . . . to them, like the kids from Boston or Charleston, S.C., who did what they should have done more than a century ago, we are sure the spirit of Stonewall Jackson salutes them . . . and, for those in Vietnam who may read this, we'd like to report we know Stonewall Jackson would have been proud to have you in his command!

SENIOR CITIZENS TO PICKET READER'S DIGEST

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SCHEUER. Mr. Speaker, I direct the attention of my colleagues to an event scheduled to take place next Monday, December 11, in 10 cities across this Nation.

At 11 o'clock in the morning thousands of senior citizens plan to picket the offices of the Reader's Digest, coast to coast. The phenomenon of America's senior generation organizing a protest against a magazine which enjoys the largest circulation in America is significant; even more impressive is the reason for their protest.

The October 1967 issue of the Digest contained an article to the effect that the social security system of the United States is in trouble, and implied that not all present and future beneficiaries will be able to collect the benefits due them under the law.

This article was labeled by Under Secretary Wilbur J. Cohen of the U.S. Department of Health, Education, and Welfare as "a great disservice to millions of social security beneficiaries and to millions who are counting on social security benefits in the future." Under Secretary Cohen went on to give a detailed, point-by-point refutation of the article.

The social security laws of America are sound legislation, based on long-established and sound fiscal policy and firm understanding of the human condition. Congressman MILLS and Congressman BYRNES of Wisconsin have both repudiated suggestions in the article that they question the soundness of the social security program.

Part of the philosophy underlying the social security laws is that it is the responsibility of the American people to provide support for her older citizens—citizens who in their younger and more vigorous days have done so much to shape and strengthen America—and who have prepared themselves for retirement through the payment of insurance under the Social Security Act.

Recognizing this responsibility, Congress acted responsibly and passed the legislation.

Congressmen MILLS and BYRNES of Wisconsin, distinguished Members of this Chamber, have acted responsibly and repudiated the article.

Secretary Cohen has acted responsibly and refuted the article.

The senior citizens who became concerned by the article are acting responsibly in organizing a peaceful protest to the article.

It seems that the only irresponsible issue at hand is the article itself, in print, and duplicated 15 million times over.

The responsible thing for a responsible publication to do would be to print a clarification, retraction, or erratum on its article as a gesture toward healing the wounds it has caused among our senior citizens.

COMMISSION TO SEEK COPPER STRIKE SOLUTION

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include charts and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. OLSEN. Mr. Speaker, recently I joined with my good friends and colleagues from Montana, Senators MIKE MANSFIELD and LEE METCALF, in urging President Johnson to appoint a Special Board of Inquiry to look into the 21-week-long copper strike which is causing a severe hardship to many of the residents of my district, the First District of Montana.

Efforts have been made to bring the strike to an end. The National Labor Mediation Board and the Department of Labor have worked hard, and all of us who hope for a settlement appreciate their efforts. I have spent several days during the last few months in Montana and in Washington attempting to find solutions to the areas of disagreement. Senators MANSFIELD and METCALF, as well, have done everything they could to bring a settlement.

Yet today the strike is not ended, and officials on both sides are now resigned to the possibility of the strike lasting several more months. The economy of our State has already suffered heavily as a result of the dispute and I believe we must continue our efforts to bring labor and management together for fruitful negotiations around the bargaining table.

For this reason, I have written to the President urging the appointment of the special board of inquiry. I include my letter to the President and a summary of the statistics which I sent to the President in the RECORD at this time. These statistics support my belief that there is no justification for invoking the Taft-Hartley law at this time:

DECEMBER 1, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the copper strike which is having a devastating effect on much of my District is now in its 21st week. Those of us who have had a hand in attempts to find a solution are convinced that serious negotiations are not occurring. Both sides are talking of the possibility of a strike which could last several more months.

I agree with my colleagues, Senators Mike Mansfield and Lee Metcalf, that we cannot impose the Taft-Hartley Act at this time, and I am enclosing a compilation of statistics which will support this view. I have also sent this material to Senators Mansfield and Metcalf.

In the first place, the dispute is not having an effect upon the total economy or security of this country.

Secondly, you will note that copper stockpiles and cooper product stockpiles have not diminished to the level of December, 1965. Further, I have been advised by the Department of Defense that it is now making purchases of copper at a rate of 6,000 short tons per month and there is an availability of 35,000 short tons per month.

I submit there is not a sufficient impact upon the economy or upon our security or defense to warrant invoking of the Taft-Hartley provisions.

Yet I believe we have not exhausted the options the government has to enhance the possibility of achieving a solution. I realize the National Labor Mediation Board and the Department of Labor have worked wth dedication to encourage mediation and those of us who have remained close to the situation are certainly grateful.

However, because these efforts have been fruitless, I want to join with Senators Mansfield and Metcalf in urging that you appoint a Special Board of Inquiry to look into this dispute. I believe such a board could be helpful in bringing the two sides together for serious negotiations. And, if such an effort does not result in an agreement, I would hope it would result in additional recommendations to you which could lead to a settlement.

I join with my colleagues from Montana in requesting your serious consideration of this request.

With great appreciation, I remain,
Respectfully yours,
ARNOLD OLSEN.

The tables sent to the President indicated:

I

Inventories of refined copper at refiners, brass mills and copper wire rod mills rose from approximately 150,000 short tons in December 1965, to almost 300,000 tons in June 1967. This is almost a doubling of the copper inventories.

II

The statistics on the U.S. imports of copper indicate an increase of over 50 percent of imports during the year 1966 with a leveling off during the first half of 1967.

III

The statistics on inventories at the brass and copper wire mills likewise show an increase from about 550,000 short tons to over 800,000 short tons in the period from January 1, 1966, to June 30, 1967, an approximate 40-percent increase. There was a dropoff in the third quarter of this year of some hundred thousand tons but this still leaves a very substantial quantity on hand.

IV

The statistics of the copper producing and fabricating industries, as issued by the United States Copper Association, show a very steady climb in stocks from less than 500,000 short tons on December 31, 1964 to over 700,000 short tons on June 30, 1967. During the third quarter of this year which, of course, coincided with the period of the strike the stocks did drop approximately 150,000 short tons but this still left them considerably above the December 31, 1964, level. The statistics show that the great bulk—at least 80 percent—of these stocks is in the hands of the fabricators.

The tables referred to follow:

TABLE I.—CONSUMPTION, STOCKS, SALES, AND SALES POSITION OF THE COPPER PRODUCING AND FABRICATING INDUSTRIES AS REPORTED BY THE UNITED STATES COPPER ASSOCIATION

[Copper content in tons of 2,000 lb.]

[Col. 1—copper content of fabricators' shipments to consumers of finished or semifabricated materials produced from purchased refinery shapes but excluding refinery shapes resulting from toll treatment of purchased scrap; col. 2—stocks of refined shapes and cathodes, the sale of which is controlled by Copper Institute members; col. 3—stocks held by nonconsumers and at commodity exchange warehouses, etc.; col. 4—fabricators stocks consist of refined shapes; material in process, in finished form, and in scrap; col. 6—sales of refinery products booked by copper-producing industry during reported period; col. 7—sales booked by fabricators during reported period stated in terms of additional copper required; col. 8—same as col. 4; col. 9—fabricators unfilled purchase contracts are equivalent to unfilled sales contracts reported by the Copper Institute; col. 11—working stocks represent estimated tonnage of copper that is required for normal operations; col. 12—fabricators unfilled sales contracts stated in terms of additional copper required.]

	Net consumption by fabricators	Refined stocks, end of period				Sales		Fabricators sales position					
		Copper industry	Nonconsumers	Fabricators	Total	Copper industry	Fabricators	Stocks	Unfilled purchase contracts	Total supplies	Less working stocks	Less unfilled sales contracts	Available for sale or deficit
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1953	1,375,869	86,413	1,232	380,881	468,526	1,381,688	1,271,178	380,881	25,022	405,903	309,664	170,917	−74,679
Jan. 1, 1954	----------	84,932	1,232	380,881	467,045	----------	----------	----------	----------	----------	----------	----------	----------
1954	1,231,840	40,307	2,523	360,526	403,356	1,223,971	1,197,504	360,526	58,125	418,651	304,619	136,581	−22,549
1955	1,418,241	53,407	2,534	389,974	445,915	1,491,573	1,574,924	389,974	139,094	529,068	314,145	293,264	−78,341
1956	1,416,378	115,774	1,666	437,187	554,627	1,435,924	1,306,948	437,187	117,601	554,788	336,217	183,834	34,737
1957	1,282,329	177,171	3,281	430,171	610,623	1,229,732	1,237,126	430,171	75,627	505,798	347,465	138,631	19,702
1958	1,166,129	57,657	19,593	446,358	523,608	1,200,089	1,205,367	446,358	90,401	536,759	326,438	177,869	32,452
Jan. 1, 1959	----------	57,657	19,593	452,102	529,352	----------	----------	452,102	90,401	542,503	338,938	168,113	35,452
1959	1,347,526	40,236	23,588	414,757	478,581	1,279,015	1,379,527	414,757	130,324	545,081	340,349	202,775	1,957
1960	1,237,469	131,741	7,531	456,094	595,366	1,190,121	1,160,954	456,094	75,222	531,316	370,055	126,260	35,001
1961	1,420,377	63,542	16,213	461,252	541,007	1,423,682	1,438,461	461,252	89,745	550,997	361,286	144,344	45,367
1962	1,518,963	104,836	11,114	465,592	581,542	1,481,708	1,512,708	465,592	81,297	546,889	385,239	138,089	23,561
1963	1,569,078	70,640	5,978	474,875	551,493	1,582,215	1,594,547	474,875	100,357	575,232	382,692	163,558	28,982
Dec. 31, 1964	1,727,263	42,376	3,213	429,989	475,578	1,676,407	1,789,071	429,989	107,244	537,233	381,677	225,366	−69,810
Dec. 31, 1965	[1] 1,822,520	49,854	10,957	462,519	523,330	1,742,850	1,885,835	462,519	129,349	591,868	395,396	288,681	−92,209
Jan. 1, 1966	----------	49,854	10,957	453,090	513,901	----------	----------	453,090	129,349	582,439	395,396	279,252	−92,209
January 1966	[1] 211,551	53,119	10,708	448,535	512,362	138,404	214,957	448,535	126,984	575,519	407,040	282,658	−114,179
February	[1] 179,838	63,715	8,205	465,848	537,768	143,137	240,197	465,848	128,681	594,529	400,688	343,017	−149,176
March	[1] 206,684	66,567	6,658	458,245	531,470	156,540	217,558	458,245	128,204	586,449	401,950	353,891	−169,392
April	[1] 192,377	54,508	4,964	448,322	507,794	146,190	194,144	448,322	128,112	576,434	399,906	355,658	−179,130
May	[1] 168,966	53,016	4,266	446,235	503,517	156,463	168,699	446,235	131,839	578,074	405,559	355,391	−182,876
June	[1] 223,539	56,811	1,935	460,848	519,594	148,259	235,859	460,848	130,762	591,610	400,295	367,711	−176,396
July	[1] 128,094	52,200	4,459	507,689	564,348	142,038	125,489	507,689	134,127	641,816	418,826	365,106	−142,116
August	[1] 175,847	44,850	5,806	531,224	581,880	162,236	208,984	531,224	143,706	674,930	421,106	398,243	−144,419
September	[1] 166,226	52,504	6,850	525,908	585,262	138,255	157,212	525,908	137,988	663,896	414,031	389,229	−139,364
October	[1] 181,971	40,997	6,708	526,200	573,905	157,532	172,987	526,200	132,196	658,396	411,647	380,245	−133,496
November	[1] 160,177	52,876	6,254	533,227	592,357	147,016	142,201	533,227	124,966	658,193	404,085	362,269	−108,161
December	[1] 139,058	56,079	9,628	558,599	624,306	167,889	138,348	558,599	134,732	693,331	407,345	361,559	−75,573
Dec. 31, 1966, total	[1] 2,134,328	56,079	9,628	558,599	624,306	1,803,959	2,216,635	558,599	134,732	693,331	407,345	361,559	−75,573
Jan. 30, 1967	----------	57,617	8,333	641,082	707,033	----------	----------	----------	----------	----------	----------	----------	----------
Sept. 30, 1967	----------	48,368	17,248	540,711	606,327	----------	----------	----------	----------	----------	----------	----------	----------
Oct. 31, 1967	----------	47,238	17,724	502,685	567,647	----------	----------	----------	----------	----------	----------	----------	----------

[1] Includes production resulting from the release of GSA stocks, for commercial use and for account of Bureau of the Mint. Actual delivery of tonnage included may be delayed beyond period in which it has been recorded. Starting May 1966, deliveries of GSA tonnages to fabricators are included during each month as reported by producers.

TABLE II.—P. 7 OF "COPPER," QUARTERLY REPORT OF BDSA, DEPARTMENT OF COMMERCE—BRASS MILL AND COPPER WIRE MILL PRODUCTS: INVENTORIES AND RELATED DATA, 1965–67

[In millions of pounds]

Item	2d quarter, 1967			Inventories, July 31, 1967	1st quarter, 1967			Inventories, Dec. 31, 1966	Inventories, Sept. 30, 1967
	Receipts	Consumption or sales [1]	Inventories, end of quarter		Receipts	Consumption or sales [1]	Inventories, end of quarter		
Total	----------	----------	(2)	(2)	----------	----------	(2)	(2)	----------
Selected industrial sectors, total	(3)	(3)	1,618.0	(3)	(3)	(3)	1,578.1	1,404.4	[4] 1,438.0
Brass mill shapes			875.3				897.3	775.3	----------
Wire mill shapes			742.7				680.8	629.1	----------
Consumers:									
Manufacturers, total (brass and wire mill products)	717.9	747.4	539.5	511.1	783.5	746.4	568.9	531.8	[4] 490.9
By major industry group:									
Machinery, except electrical (SIC major group 35)	95.2	103.6	81.9	77.9	112.1	100.2	90.2	78.3	----------
Electrical machinery (SIC major group 36)	256.7	267.6	198.0	190.0	279.3	273.8	208.9	203.4	----------
Transportation equipment (SIC major group 37)	66.2	69.9	66.0	62.7	83.3	70.0	69.7	56.4	----------
All other copper mill shape consuming industries (SIC major groups 34, 38, 39, and 19)	299.8	306.3	193.6	180.5	308.8	302.4	200.1	193.7	----------
By shape:									
Brass mill shapes, total	524.2	540.1	401.2	378.0	561.8	532.9	417.0	388.1	----------
Sheet, strip, and plate	242.1	246.7	192.3	180.6	250.2	233.3	196.9	180.0	----------
Rod and nonelectrical wire	185.0	195.0	115.6	109.1	199.4	198.4	125.5	124.5	----------
Pipe and tube	97.1	98.4	98.3	88.3	112.2	101.2	94.6	83.6	----------
Wire for electrical conduction [5]	193.7	207.3	138.3	133.1	221.7	213.5	151.9	143.7	----------
Electric power utilities, investor owned [5]	32.9	30.2	81.7	(3)	30.6	24.5	79.0	72.9	74
Wholesale distributors, total	434.8	430.6	443.1	(3)	486.2	413.5	438.9	366.2	[6] 400
Brass mill shapes, total	198.8	213.5	244.2		235.1	186.5	258.9	210.3	
Sheet, strip, and plate	32.0	34.6	46.6		38.1	27.8	49.2	38.9	
Rod and nonelectrical wire	39.4	42.8	63.2		57.1	41.4	66.6	50.9	
Pipe and tube	127.4	136.1	134.4		139.9	117.3	143.1	120.5	
Wire for electrical conduction [5]	236.0	217.1	198.9		251.1	227.0	180.0	155.9	
	Shipments [7]		Inventories,[8] end of quarter		Shipments [7]		Inventories,[8] end of quarter		
Brass and wire mills of primary producers, total	1,325.9		553.7	474.9	1,422.9		491.3	[8] 433.5	[4] 473.2
Brass mills (SIC 3351 pt.)	637.8		229.9	199.0	768.6		221.4	[8] 176.9	----------
Wire mills (SIC 3357 pt. [5]	652.1		323.8	275.9	654.3		269.9	[8] 256.6	----------

[1] Represents consumption of mill shapes by consumers and sales of mill shapes by wholesale distributors.

[2] Because of the lack of data for certain copper consuming industries such as construction, communication, and utilities, the total inventories held by U.S. industries are not available.

[3] Not applicable.

[4] Estimate.

[5] Data represent copper content of both bare wire and insulated wire and cable.

[6] Estimate as of Nov. 27.

[7] These data are not strictly comparable to those in tables S–1 and S–2.

[8] Excludes work in process.

Source: Current industrial reports series M–33K, U.S. Department of Commerce.

TRUTH IN LENDING

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Tiernan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TIERNAN. Mr. Speaker, if there is one precept that stands before all others in our democracy, it is that this Government exists to serve and protect the welfare and legitimate interests of the greatest number of citizens possible. As Thomas Bentham once phrased it and I quote:

> Legislation should provide the greatest good to the greatest number.

If there is any area of legislation before this body today which meets this criterion of service to the greatest number of citizens, it is truth in lending and consumer credit protection.

We have become a nation of consumers buying on credit. It would be next to impossible to find a significant number of adults who do not purchase consumer goods on credit. Since 1945, consumer credit purchases have grown at a rate 4½ times that of the gross national product. Yet, I would venture to state that no normal and common transaction is less understood by the individual consumer than the cost of credit he uses when he makes a purchase. He is faced with confusing, complicated and even deceptive practices when he buys on the installation plan.

I am most anxious to see a truth-in-lending measure pass this Congress. The Senate has passed S. 5. It has been said of this bill by the most influential newspaper in my district that while it is "weaker than its predecessors, enough remains to insure millions of American consumers a clearer picture of the financial obligation to which they are committing themselves when they buy on credit or contract for a loan." I submit that it is not enough that millions of Americans have just a clearer picture. We must attempt to insure that all American consumers have the clearest picture and understanding possible. S. 5 and H.R. 11601 do not give us this picture because they exempt revolving credit from disclosure.

In my examination of this problem, I have discovered some alarming facts. Total consumer or personal debt stands at almost $320 billion—just a few billion less than the national debt—but interest payments on personal debts are at least double the interest in the national debt. A recent study showed that interest rates available in one community ranged from 5.5 to 192.5 percent. If consumers understood credit charges, the pressures of honest competition would prohibit such a range.

Another study using 800 families as a sample, showed that on the average, these people thought they were paying 8.3-percent interest on their debts. However, they were actually paying 23.2 percent. Not only were these families paying interest far in excess of their realization, they also were paying more income tax than was required of them. They could have made legitimate income tax deductions based upon interest charges of 23.2 percent rather than the erroneous 8.3-percent interest estimate.

I am pleased that H.R. 11601 includes among its provisions interest disclosures of first mortgage on homes, the advertising of credit and a National Commission on Consumer Finance.

My chief disagreement with H.R. 11601 is its exemption of the so-called revolving credit account from disclosure of an annual percentage rate. A very large amount of consumer credit purchasing is carried on through the medium of the revolving credit account, and this area is, perhaps, less free from deception in the selling of credit than most other forms of lending.

A majority of revolving accounts carry a true interest rate of about 12 to 18 percent per year. Buyers, however, are led to believe that they pay about 18-percent interest. What buyers do not know and what lenders do not tell them is that the consumers pay 18 times the number of months the credit account is opened.

In testimony before the committee during hearings on truth in lending, merchants complained that it is difficult to compute and state a true interest rate for revolving credit because of variable balances and time periods. This task may be difficult but it is not impossible, and in justice to the American consumer, a formula to ascertain the true interest on revolving credit must be devised.

The exemptions from revolving credit disclosures favor the large chains such as Sears, Montgomery Ward, J. C. Penney, and the like. These firms already enjoy a favored position because of their great size and tremendous ability to buy in large quantities. We should keep in mind that the very purpose of the revolving credit account method is to keep the consumers account considerably active—to keep him buying on credit. If merchants find this method of operation so profitable—as it obviously is—they can afford the trouble of disclosing the true interest charges.

I feel that any truth-in-lending legislation issued from this Congress must protect and inform consumers who use revolving credit. Such legislation will enable the consumer not only to shop intelligently for credit, it will also allow him to ascertain the true tax deductions for interest paid to which he is entitled.

The Senate bill constitutes an unwarranted and unjust concession to lenders. The time for the House to come to the defense of the beleaguered American consumer is now. We must rectify these serious and inequitable omissions in order that we will be able to call this a meaningful truth-in-lending measure.

PRAYER FOR CHILDREN

Mr. GALIFIANAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Rosenthal] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, the following prayer, composed by Cardinal Spellman in 1944, speaks quietly and clearly of his best human and religious qualities. The world, the country, and New York made him because we needed him. We will now feel our loss.

Prayer for Children

(By Francis Joseph Cardinal Spellman, 1889–67)

Somewhere—the place it matters not—somewhere
I saw a child, hungry and thin of face—
Eyes in whose pools life's joys no longer stirred,
Lips that were dead to laughter's eager kiss,
Yet parted fiercely to a crust of bread.

FRANCE, ALSO, COULD HAVE AN OUTFLOW OF GOLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Rostenkowski] is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, it was not so many years ago that I, upon the invasion of North Africa by the Allied Forces, heard President Roosevelt's voice, in a speech to the French, saying, "mes amis." I wonder what he would be calling the French today, in the light of what France has done in the last few days.

Starting with the First World War, this country has gone out of its way to help France. In 1917, it sent the AEF and many pieces of equipment to help stop the forces of the Kaiser. It assisted financially in the amount of $4,089,689,588.

In World War II, France quickly capitulated to Nazi Germany, leaving the field of honor and the defense of free Europe to Great Britain. The English Lion was then a formidible adversary. Songs of the day, such as "The Last Time I Saw Paris," were the rallying cry for the invasion to liberate France and the other subjugated lands.

This country and Great Britain, principally, combined for the successful invasion of Normandy on May 1, 1944, and did, in fact, liberate Paris on August 26, 1944. The cost in men and supplies to this country was great.

In terms of dollar value, the supplies and services furnished by the United States to the French Army, Air Force, and Navy have been estimated at about $1,527,000,000, $457,000,000, and $310,000,000 respectively, for a grant total of $2,294,000,000.

In addition to this, the United States furnished the French civilian economy up until V–J Day, supplies representing another $548,000,000. For the period from November 11, 1941, to September 2, 1945—V–J Day—the total French military and civilian lend-lease account amounted to $2,842,000,000. For all this assistance, it was agreed, on May 28, 1946, to settle France's debt to the United States as to World War II for the sum of $420,000,000. France agreed to pay this amount with interest at 2 percent beginning July 1, 1951.

Following World War II, on June 5, 1947, Gen. George C. Marshall suggested that the European countries, their economies wrecked by the war, draw up a program "to place Europe on its feet economically," and promised American support. In response to this suggestion, Great Britain and France arranged for a meeting of their ministers in Paris to discuss ways in which Europe could take the initiative in formulating such a program. Toward the end of 1947, Congress passed a $522 million program of interim aid to France, Italy, and Austria. In April of the following year, President Truman signed the Foreign Assistance Act of 1948 which laid the foundation for a 4-year European recovery program. Before the Marshall plan program was 2 years old, this country had poured out $10 billion in grants. This assistance was credited with having increased industrial production in the stricken countries by 20 percent above the prewar level, restored agriculture to approximately its prewar level, brought inflation under control, provided better than a sustaining diet for the people, raised wages, improved living conditions, preserved democratic institutions, strengthened individual freedom, and stemmed the rising tide of communism.

France was conspicuously included in the participating countries and was helped back to her present position. And so, when one views the mean position and the insulting insolence of De Gaulle in the framework of this kind of friendship to France over the years, there is a striking similarity to the parable of the unmerciful servant—Matthew 18: 23–35. It will be recalled in that passage, a servant owed the master a large sum of money which he could not repay. The master could have had him thrown into jail, but instead, forgave him. When the shoe was on the other foot, this same servant not only would not forgive a fellow servant from a debt owed to him, but he had the man given over to the torturers until he should pay. When the master heard of this, he did justice by also handing the unmerciful servant over to the torturers until he also should pay.

When Britain, in 1963, desired entrance into the Common Market, it was De Gaulle who singlehandedly kept her out. On the eve of the pound's devaluation, it was De Gaulle who refused to participate in an International Monetary Fund loan to Britain. It was De Gaulle who pulled out of the international gold pool, the function of which was to protect the integrity of the dollar. France's participation in this was to be 9 percent, an added burden the United States was forced to pick up. It is now De Gaulle who gleefully talks of the devaluation of the dollar and the return to the gold standard of the 1930's.

De Gaulle, in a press conference of November 27, 1967, called for an end to the American takeover by the exporting of its inflated dollars. He also, unbelievably, sits in judgment on the deficits in the balance of payments of both Britain and the United States.

I feel that the time has come when France, our old friend of yesteryear, and its illustrious spokesman, De Gaulle, have convalesced to such a degree that they now have a surplus in gold of over $5 billion. Since, like the unmerciful servant, they have shown themselves unworthy of any further mercy, I think that country capable of paying the bill she has owed for so long.

To tally up that score, from World War I there is a principal outstanding of $3,863,650,009 plus overdue interest in the sum of $2,986,942,551, for a total World War I bill of $6,850,592,551.

For World War II, the principal outstanding is $298,540,933. The total bill comes to $7,149,133,484 which, as I understand it, is only a little more than France's gold surplus.

I would further suggest that we have ways in which to enforce collection, if we would, and our thirst for French wine is not so great nor our desire for French automobiles so desperate that we cannot do without them.

Therefore, let France and De Gaulle know that if they will wage an economic war on France's old friend and ally, the United States, they had better get ready for an outflow of gold from the shores of France's overly long subsidized land.

WINNING A WAR BY CEASE-FIRE IN ASIA—COMMUNIST TRUCE TACTICS NOW IN OPEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, it is important that we recognize Communist tactics and strategy in winning a war by cease-fire. Communist strategy was clearly demonstrated in China and Korea. We must be alert that their strategy does not repeat itself in Vietnam.

On the last occasion of a cease-fire or truce in Vietnam we agreed to a temporary cease-fire on humanitarian grounds to enable the Vietnamese people to enjoy a respite or a relief from the fighting during their New Year's holidays.

Needless to say, our decision to agree to the truce was also based on a desire to demonstrate to the Communists of Hanoi our willingness to ultimately seek an end of the fighting in Vietnam, providing an honorable peace could be assured the Vietnamese people.

Apparently our good intentions were not rewarded, for under the cloak of this cease-fire, the enemy moved more troops to the forward areas, and generally improved its military position as a result of the truce.

This view was confirmed by the President's remarks of February 13, when he stated publicly that—

> It had been our hope that the truce periods connected with Christmas, New Year and Tet (the Vietnamese Lunar New Year) might lead to some abatement of hostilities and to moves toward peace.
>
> Unfortunately, the only response we have had from the Hanoi government was to use the periods for major resupply efforts of their troops in South Vietnam.

Before we leap headlong into peace negotiations with the enemy in Vietnam, probably it will best be for us to take a hard look at the enemy's intentions in violating cease-fire agreements. Because, their practice of violating a formal cease-fire agreement might well weaken our position at the conference table while discussing peace.

To better understand their intentions in Vietnam it might be helpful to first review their record of cease-fire violations in China and Korea. In those countries the evidence shows that whenever a truce was called: First, it was at the instigation of the Communists; and, second, their violations of the truce or cease-fire led to military advantages which contributed to their ultimate victory.

In China in 1946, there was a 10-month truce between the Chinese Communists and the National Government. The purpose was to stop all fighting between the two, and halt all further troop movements; with one exception, that the National Government troops could move into Manchuria for the purpose of restoring sovereignty over the area after the Japanese occupation. In addition, American truce inspection teams were organized to see that the truce would be obeyed. During the 10 months when the truce was in effect, the Communists committed 91 major violations. Through these violations they were able to, first, occupy and control Manchuria, the heartland of East Asia; and, second, cut the main north-south rail routes enabling them to establish a corridor from west to east in North China. The destruction of these transportation routes split the Nationalist forces into isolated commands and rendered them powerless to launch coordinated offensive action.

It may seem strange that the Communists were able to violate their pledged word 91 times during this period of 10 months without effective hindrance from the American truce inspections teams. The Communists showed open contempt for their efforts. One American truce inspection team in Manchuria was met with Communist gunfire. Another, sent to stop a Communist attack in North China, was tricked into leaving the area, while the Communists resumed their attack, and captured their objective. Thus, the prestige of the truce inspection teams dwindled steadily. One American official was quoted as saying:

> There have been so many violations I could not count them.

In looking back at the China story, it is easy to realize why peace talks were never concluded. They broke down because the Communists, through their preconceived cease-fire violations, had won the strategic military decisions necessary to assure them final victory.

Specifically, 43 of the 91 major violations enabled the Communists to deploy units through mountain passes into Manchuria; cut communication or transportation routes there; establish areas of occupation; receive the new arms and equipment from the Japanese who surrendered them at the conclusion of World War II; and, effectively prevent the Nationalists from entering Manchuria to maintain their sovereignty there. Similarly, the balance of the 48 major violations in North China resulted in the disruption of the main north-south rail routes; enabled the Communists to establish a west-to-east corridor or base of operations. This effectively prevented further Nationalist efforts to consolidate themselves in North China and reduced them to separated or isolated commands, which thereafter were unable to render assistance to each other for any possible offensive operations. The critical military issues of the war were resolved in favor of the Communists when they were able to neutralize and control Manchuria and North China, after that, it was just a question of time before they became the dominant force in China.

Next, in Korea the truce talks, for one thing, covered an alltime record of 2 years, during which time the enemy violations caused fighting to break out with great violence. Our casualties, which numbered approximately 90,000 before the truce talks, rose to about 140,000 by the time the armistice was signed.

From the beginning of the truce talks in Korea it became clear that the Communists were determined to exploit the truce talks for maximum propaganda advantage and to wear down the U.S. negotiators by ceaseless minor issues, as well as by military actions far from the truce tent. The net result was that by the time the armistice was signed, the Communists had deployed additional air force units into North Korea, and large stocks of military supplies to create a greater military capability. Up to this day there has been no actual peace agreement in Korea. Forces continue to remain in Korea to maintain the status quo of the armistice.

Now we come to the present situation in Vietnam. The background to our position there commenced in April 1954 when nine Western and Asian countries signed what was known as the Geneva accords to end the 8-year-old colonial war that France had been fighting in the area. Primarily, the Geneva Convention established the 17th parallel, dividing Communist North Vietnam from South Vietnam, and since that time we have been trying to protect the territorial integrity of the Republic of Vietnam, south of the 17th parallel. Since 1954, fighting has erupted from time to time, whereby at present we have military forces numbering about 500,000 men engaged in a military conflict against enemy forces controlled by Hanoi. Here the enemy seeks ultimate control over all of South Vietnam, utilizing forces from North Vietnam as well as guerrilla-type forces already established south of the 17th parallel.

To summarize, the enemy truce violation intentions: In China, it was to disrupt lines of communication or transportation and deny them to the Nationalists. In Korea, the distinguishing feature was to create as many casualties as possible among us over as long a period as possible; and at the same time create a buildup of their forces. In Vietnam it is the enemy's method of using a cease-fire to create a buildup and resupply of their forces in Vietnam.

The fluid battle situation in Vietnam, which involves the Communist buildup in Haiphong, the usage of the Ho Chi Minh trail, the Cambodian sanctuary, and guerrilla warfare in South Vietnam, otherwise known as search-and-destroy pattern of warfare, and the experiences in China and Korea lead inescapably to the conclusion that a secure truce in Vietnam could be based only on the most stringent terms and controls. In other words, until the aggressor can give assurances of wanting peace, without breaking their pledge of violating a cease-fire or a truce, every caution should be used to avoid historical precedents which have served their purpose of ultimate victory.

At present the enemy states that the price for a constructive truce, to discuss the end of hostilities in Vietnam would include: First, our stopping the bombing of North Vietnam; second, withdrawal of our troops from Vietnam; and, third, recognition of the Communist Vietcong in a new government in South Vietnam.

Obviously, our Government cannot accept these conditions without complete abandonment of our policy, which is to stop aggression that affects all of Southeast Asia. Therefore, our Government sees no alternative but to continue military actions until the enemy abandons some of these conditions and demonstrates a more realistic and sincere desire to end the hostilities.

In this connection, it is suggested that we: First, develop actions through the United Nations to prevent Laos and Cambodia from allowing their territory being used by Hanoi as routes of passage for their troops into Vietnam, south of the 17th parallel; second, constantly reiterate or repeat through our international information media that Hanoi's three conditions are untenable if the United States is to remain as an effective force in Southeast Asia in defense of freedom; and, third, impose a time limit or deadline on every subject discussed during a cease-fire to avoid needless exploitation of a truce by the enemy, such as in Korea.

With all the problems both at home and abroad weighing heavily on the shoulders of our President, he is to be highly commended and extolled for his patient and persistent efforts to arrive at an honorable solution to the conflict in Vietnam. He is faced with an implacable foe. I strongly urge that we give him our full support. Let us not forget those who have paid the supreme sacrifice, and salute our great legions which are acquitting themselves with unprecedented valor.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. ALBERT), for today, December 6, on account of official business.

Mr. SNYDER (at the request of Mr. GERALD R. FORD), for December 11 through December 13, 1967, on account of official business in the Fourth Kentucky Congressional District.

Mr. FOUNTAIN (at the request of Mr. ALBERT), for an indefinite period, on account of his attendance at the 22d General Assembly of the United Nations as an official member of the U.S. delegation to the U.N.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. REUSS, for 40 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. MCCLORY, for 15 minutes, today.

Mr. SAYLOR, for 1 hour, tomorrow, Thursday, December 7; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. GALIFIANAKIS) to revise and extend their remarks and include extraneous matter:)

Mr. ROSTENKOWSKI, for 10 minutes, today.

Mr. FEIGHAN, for 30 minutes, today.

Mr. ASHMORE, for 60 minutes, December 11.

Mr. RIVERS, for 60 minutes, December 13.

Mr. CHAMBERLAIN (at the request of Mr. HUNT), for 30 minutes, on December 7; and to revise and extend his remarks and include extraneous matter.

Mr. HALPERN (at the request of Mr. HUNT), for 5 minutes, December 7; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. SCHERLE.

Mr. MARTIN.

Mr. SPRINGER.

Mr. HANSEN of Idaho.

(The following Members (at the request of Mr. GALIFIANAKIS) and to include extraneous matter:)

Mr. NIX.

Mr. FASCELL in two instances.

Mr. FRIEDEL.

Mr. KEE.

Mrs. SULLIVAN in two instances.

Mr. IRWIN.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 809. An act for the relief of Dr. Youssef (Joseph) Selim Hasbani;

S. 1410. An act for the relief of Tran Van Nguyen.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 480. An act to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes;

H.R. 10805. An act to extend the life of the Civil Rights Commission; and

H.R. 12638. An act to authorize the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2154. An act to provide long-term leasing for the Gila River Indian Reservation;

H.R. 2275. An act for the relief of Dr. Ricardo Vallejo Samala and to provide for congressional redistricting;

H.R. 2730. An act authorizing the Administrator of Veterans' Affairs to convey certain property to Temple Junior College, Temple, Tex.;

H.R. 2828. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribes of Kansas and Nebraska and of Oklahoma in Indian Claims Commission dockets Nos. 138 and 79, and for other purposes;

H.R. 4920. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona; and

H.R. 4983. An act to disclaim any right, title, or interest by the United States in certain lands in the State of Arizona.

ADJOURNMENT

Mr. GALIFIANAKIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.), the House adjourned until tomorrow, December 7, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1262. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the proceedings of the annual meeting of the Judicial Conference of the United States, held in Washington, D.C., September 21 and 22, 1967, pursuant to the provisions of section 331, title 28, United States Code (H. Doc. No. 194); to the Committee on the Judiciary, and ordered to be printed.

1263. A letter from the Chief Justice, Supreme Court of the United States, transmitting the Rules of Appellate Procedure and the attached amendments to the Rules of Civil Procedure for the U.S. district courts and to the Rules of Criminal Procedure for the U.S. district courts, adopted by the Supreme Court, pursuant to the provisions of 28 U.S.C., 2072 and 2075 and 18 U.S.C. 3771 and 3772 (H. Doc. No. 195); to the Committee on the Judiciary and ordered to be printed.

1264. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July to September 1967, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1265. A letter from the Secretary of Labor, transmitting a report pertaining to premium payments for overtime, pursuant to the provisions of section 603 of the 1966 amendments to the Fair Labor Standards Act of 1938, as amended; to the Committee on Education and Labor.

1266. A letter from the Comptroller General of the United States, transmitting a report of need for improvement in the system for managing nonexpendable equipment, Department of the Air Force; to the Committee on Government Operations.

1267. A letter from the Comptroller General of the United States, transmitting a report of examination of financial statements of Government Printing Office, fiscal year 1966; to the Committee on Government Operations.

1268. A letter from the Assistant Secretary of the Interior, transmitting a report of determinations on deferments of 1968 construction payments due the United States from the Cameron County Water Control and Improvement District No. 1; and the La Feria Water Control and Improvement District, Cameron County No. 3, parts of the lower Rio Grande Valley rehabilitation project in Texas, pursuant to the provisions of Public Law 86-308; to the Committee on Interior and Insular Affairs.

1269. A letter from the Executive Director, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of September 30, 1967, pursuant to the provisions of Public Law 82-554; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 8696. A bill to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies; with amendment (Rept. No. 997). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee of conference. H.R. 12144. An act to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes (Rept. No. 998). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLENBACK:

H.R. 14293. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 14294. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 14295. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. EDMONDSON (by request):

H.R. 14296. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. GRIFFITHS:

H.R. 14297. A bill to amend the Civil Rights Act of 1957 to extend the duties of the Civil Rights Commission; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 14298. A bill to permit the State of Washington to use certain donated land for the promotion of public health, education, and recreation; to the Committee on Interior and Insular Affairs.

By Mrs. KELLY:

H.R. 14299. A bill to amend the Federal Food, Drug, and Cosmetic Act to prescribe penalties for the possession of LSD and other hallucinogenic drugs by unauthorized persons; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 14300. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 14301. A bill to amend title II of the Social Security Act to reduce from 60 to 50 the age at which a woman otherwise qualified may become entitled to widow's insurance benefits; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself, Mr. Bingham, Mr. Conyers, Mr. Diggs, Mr. Edwards of California, Mr. Farbstein, Mr. Jacobs, Mr. Kupferman, Mr. Reid of New York, Mr. Ryan, and Mr. Thompson of New Jersey):

H.R. 14302. A bill to facilitate the transaction of certain business incident to the representation of a congressional district in the House of Representatives when vacancies occur in such representation, and for other purposes; to the Committee on House Administration.

By Mr. STUBBLEFIELD:

H.R. 14303. A bill to require applicants for permits to parade in the District of Columbia or on property of the United States to post a bond to cover certain costs of such parade; to the Committee on Public Works.

By Mr. TALCOTT (for himself and Mr. Railsback):

H.R. 14304. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 14305. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14306. A bill to amend the Internal Revenue Code of 1954 to permit an employer corporation to establish a plan under which its employees may purchase and hold stock in such corporation; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 14307. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOLAND:

H.R. 14308. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the

United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONYERS:

H.R. 14309. A bill to establish the Federal Reinsurance Corporation to assure the availability of casualty insurance in areas which may present unusual risks of riots or civil disturbances; to the Committee on Banking and Currency.

By Mr. DOWNING (by request):

H.R. 14310. A bill to amend the Migratory Bird Treaty Act to prohibit the baiting of waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HORTON:

H.R. 14311. A bill to extend the benefits of the Civil Service Retirement Act Amendments of 1966, with respect to termination of widow's and widower's annuities upon remarriage, to certain widows and widowers of persons retired or otherwise separated prior to July 18, 1966; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER:

H.R. 14312. A bill to establish a commission to study the organization and management of the executive branch of the Government, and to recommend changes necessary or desirable in the interest of governmental efficiency and economy; to the Committee on Government Operations.

H.R. 14313. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. THOMPSON of New Jersey (for himself, Mr. Holland, Mr. Brademas, Mr. O'Hara of Michigan, Mr. Carey, Mr. Hawkins, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Reid of New York, Mr. Dellenback, and Mr. Steiger of Wisconsin):

H.R. 14314. A bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school-age dependents of employees; to the Committee on Education and Labor.

By Mr. GALLAGHER:

H.J. Res. 951. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 952. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. NIX:

H. Con. Res. 593. Concurrent resolution expressing the sense of the Congress that the United States should take appropriate action to insure the security and safety of the country and people of Israel; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 14315. A bill for the relief of Mary Roberts McFeely; to the Committee on the Judiciary.

H.R. 14316. A bill for the relief of Casimiro Marchese; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 14317. A bill for the relief of Amalia Morales; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 14318. A bill for the relief of Miss Keiko Nakamura; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 14319. A bill for the relief of Salpy Tchalekian; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 14320. A bill for the relief of Belur S. Bhagavan, his wife, Leelavathi, and his child, Minni; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 14321. A bill for the relief of Hui Wai Kay; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 14322. A bill for the relief of Miriam Mischel; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 14323. A bill for the relief of Mrs. Elise C. Gill; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 14324. A bill for the relief of Dr. Pedro Baudilio Napoles (Fernandez); to the Committee on the Judiciary.

H.R. 14325. A bill for the relief of Edward J. Reese, Jr.; to the Committee on the Judiciary.

By Mr. REES:

H.R. 14326. A bill for the relief of Mr. and Mrs. Alfonso Cediel and their minor child, Liliana; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 14327. A bill for the relief of Arie Aviv (also known as Arie Abrimovich); to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 14328. A bill for the relief of Pamela Heavey; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

214. Mr. SNYDER presented a petition of Richard L. Walker of St. Matthews, Ky., chairman of the Friends of Rhodesian Independence, relative to reconsidering our policy toward the independence of the Republic of Rhodesia, which was referred to the Committee on Foreign Affairs.

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SENATE

Wednesday, December 6, 1967

The Senate met at 12 meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of grace and God of glory, trusting only in Thy mercy would we seek Thy face. We are but frail children of dust. As for every one of us swift to its close ebbs out life's little day, so teach us to number our days that we may apply our hearts unto wisdom.

In a confused day, keep our minds clear and clean and uncluttered by prejudice. In a darkened day, when so many lights have gone out, give us the sight and the insight of the pure in heart that we may see God and the godlike everywhere. In a clamorous day, filled with angry accents of hatred and suspicion, give us ears to hear the voices that speak of justice and freedom and world understanding. In a mad day, grant us sanity of mind in our outlook and a glad and buoyant hope that sends a shining ray far down the future's broadening way.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 5, 1967, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A Message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 294) for the relief of Elroy C. Navarro, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate.

H.R. 4961. An act for the relief of Donald E. Crichton;

H.R. 6659. An act for the relief of Dr. Pedro Augusto Ruiz y Cue;

H.R. 7909. An act for the relief of Manufacturers Hanover Trust Co., of New York, N.Y.;

H.R. 8096. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 8391. An act for the relief of Adel Lessert Bellmard, Clement Lessert, Josephine Gonvil Pappan, Julie Gonvil Pappan, Pelagie Gonvil Franceour de Aubri, Victore Gonvil Pappan, Marie Gonvil, Lafleche Gonvil, Louis Lavanture, Elizabeth Carbonau, Vertifelle Pierre Carbonau, Louis Joncas, Basin Joncas, James Joncas, Elizabeth Datcherute, Joseph Butler, William Roger, Joseph Cote, four children of Cicili Compare and Joseph James, or the heirs of any who may be deceased;

H.R. 10003. An act for the relief of John M. Stevens;

H.R. 10199. An act for the relief of Lloyd W. Corbisier;

H.R. 11166. An act for the relief of Earl S. Haldeman, Jr.;

H.R. 11276. An act to authorize appropriations to carry out the Adult Education Act of 1966 for 2 additional years, and for other purposes; and

H.R. 11959. An act for the relief of Robert E. Nesbitt.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 809. An act for the relief of Dr. Youssef (Joseph) Selim Hasbani;

S. 1410. An act for the relief of Tran Van Nguyen;

H.R. 480. An act to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes;

H.R. 10805. An act to extend the life of the Civil Rights Commission; and

H.R. 12638. An act to authorize the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the Territory of Guam.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4961. An act for the relief of Donald E. Crichton;

H.R. 6659. An act for the relief of Dr. Pedro Augusto Ruiz y Cue;

H.R. 7909. An act for the relief of Manufacturers Hanover Trust Co., of New York, N.Y.;

H.R. 8096. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 8391. An act for the relief of Adel Lessert Bellmard, Clement Lessert, Josephine Gonvil Pappan, Julie Gonvil Pappan, Pelagie Gonvil Franceour de Aubri, Victore Gonvil Pappan, Marie Gonvil, Lafleche Gonvil, Louis Laventure, Elizabeth Carbonau Vertifelle, Pierre Carbonau, Louis Joncas, Basin Joncas, James Joncas, Elizabeth Datcherute, Joseph Butler, William Roger, Joseph Cote, four children of Cicili Compare and Joseph James, or the heirs of any who may be deceased;

H.R. 10003. An act for the relief of John M. Stevens;

H.R. 10199. An act for the relief of Lloyd W. Corbisier;

H.R. 11166. An act for the relief of Earl S. Haldeman, Jr.;

H.R. 11959. An act for the relief of Robert E. Nesbitt; to the Committee on the Judiciary; and

H.R. 11276. An act to authorize appropriations to carry out the Adult Education Act of 1966 for 2 additional years, and for other purposes; to the Committee on Labor and Public Welfare.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 815 and the succeeding measures in sequence.

The PRESIDING OFFICER (Mr. Nelson in the chair). Without objection, it is so ordered.

INVESTIGATIONS BY THE BUREAU OF RECLAMATION

The Senate proceeded to consider the bill (S. 286) to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 6, after the word "projects", insert "including units or divisions of the Missouri River Basin project requiring amendatory authorization under terms of Public Law 88–442 (78 Stat. 446) after the effective date of this Act"; on page 2, line 2, after the word "be", strike out "nonreimbursable, except for" and insert "nonreimbursable: *Provided*, That, except as provided in item (1) above, this Act shall not apply to"; and at the beginning of line 9, strike out "July 1, 1962." and insert "January 1, 1967."; so as to make the bill read:

S. 286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all costs heretofore or hereafter incurred from funds appropriated to the Bureau of Reclamation and costs transferred to it for (1) investigations and surveys of potential projects, divisions of projects, including units or divisions of the Missouri River Basin project requiring amendatory authorization under terms of Public Law 88–442 (78 Stat. 446) after the effective date of this Act, or rehabilitation and betterment and water conservation requirements of existing projects; (2) studies relating to the comprehensive plan of development of the Missouri River Basin; and (3) general engineering and research studies shall be nonreimbursable: *Provided*, That, except as provided in item (1) above, this Act shall not apply to costs incurred in connection with projects or divisions of projects and rehabilitation and betterment work authorized prior to the effective date of this Act.

SEC. 2. The provisions of this Act shall take effect on January 1, 1967.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 830), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF MEASURE

The purpose of S. 286 is to make the policies of the Bureau of Reclamation, Department of the Interior, with respect to the reimbursability of costs of investigations uniform and consistent within the Bureau itself and with other agencies of the Federal Government.

At present, costs of investigations of a general, areawide, or basinwide nature that are not attributable to specific projects, are not reimbursable. On the other hand, all investigation costs attributable to specific projects must be reimbursed and are charged to the beneficiaries of the particular project. This in itself is undesirable administrative inconsistency.

The Bureau of Reclamation is the only Federal agency with responsibilities for water resource development that is required by law to charge the cost of such preauthorization studies as a reimbursable item. The costs of all such investigations undertaken by the Corps of Engineers are nonreimbursable.

Similarly, the Department of Agriculture, in developing plans for watershed improvement and in providing financial assistance in carrying out those plans, considers investigation costs as a part of the Federal participation in the program. These costs are not charged to project beneficiaries. So, too, the Department of Health, Education, and Welfare carries out extensive investigations of water quality and pollution control that are properly treated as a Federal expense.

COMMITTEE AMENDMENTS

The Missouri River Basin project presents special circumstances and problems. The project was authorized by the Flood Control Acts of 1944 and 1946. Since that time project investigations of the basin plan and specific units have been financed from construction and rehabilitation appropriations. These costs are thus subject to repayment. Public Law 88–442 (78 Stat. 446), in effect, deauthorized all unconstructed units of the Missouri River Basin project that had not been built, requiring new authorizations for future construction of the project units. New feasibility reports are, therefore, now required for all units not yet under construction. Thus, the committee believes that in the interest of equity the investigations previously made with construction and rehabilitation funds should now be made nonreimbursable under terms of this bill for those units now requiring reauthorization.

Accordingly, the committee amended the measure by adding, after the word "projects", on page 1, line 6: "including units or divisions of the Missouri River Basin Project requiring amendatory authorization under terms of Public Law 88–442 (78 Stat. 446) after the effective date of this act,."

After the word "nonreimbursable" on line 10, the following proviso was added: "*Provided*, That, except as provided in item (1) above, this act shall not apply to."

In line 11, the words "except for" were stricken.

COMMITTEE RECOMMENDATION

Since the Federal reclamation program requires the highest degree of reimbursement, it is ironic that it is the one program in which preauthorization investigation costs are not considered a Federal contribution. In order to eliminate this inequity and to bring a greater degree of uniformity among all Federal water resource development programs, the committee strongly recommends the enactment of S. 286. This bill is based in very substantial part on S. 46, 88th Congress, also sponsored by Senator Anderson, which passed the Senate on August 28, 1963.

LANDS IN TRUST FOR THE PAWNEE INDIAN TRIBE OF OKLAHOMA

The Senate proceeded to consider the bill (H.R. 5910) to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 7, after the word "hereby", strike out "declared to be held by the United States in trust for the benefit of" and insert "conveyed to"; on page 3, line 2, after the word "Baptist", strike out "Convention;" and insert "Convention."; after line 2, strike out:

(c) The surface of 20 acres; more or less, but not the minerals therein, located in the northeast quarter section 32 conveyed to the city of Pawnee, and more particularly described in quitclaim deed dated May 31, 1957, recorded in book 2, page 610 of the Pawnee County, Oklahoma, records;

(d) The surface of 20 acres, more or less, but not the minerals therein, located in the southeast quarter and southeast quarter southwest quarter section 32, conveyed to the city of Pawnee, and more particularly described in quitclaim deed dated July 15, 1960, recorded in book 4, page 377 of the Pawnee County, Oklahoma, records.

And, on page 3, after line 16, strike out:

Sec. 2. If at any time title to the surface of the land referred to in paragraphs (c) and (d) of section 1 of this Act reverts to the United States in accordance with the provisions of the Act of June 4, 1953 (67 Stat. 41), as amended (25 U.S.C. 293a), the title shall be held in trust for the Pawnee Tribe of Oklahoma.

Sec. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

And, in lieu thereof, insert:

Sec. 2. The title of the Pawnee Indian Tribe to the land conveyed pursuant to this Act shall be subject to no exemption from taxation or restriction on use, management, or disposition because of Indian ownership.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 831), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 5910, as amended, is to convey certain lands (including minerals) and the improvements thereon embraced in the Pawnee School and Agency Reserve, together with certain cemetery sites, to the Pawnee Indian Tribe of Oklahoma.

NEED

In 1892 an agreement was negotiated with the Pawnee Tribe of Oklahoma for the cession to the United States of all reservation lands in Oklahoma which had been set aside for the Pawnee Tribe by the act of April 10, 1876 (19 Stat. 28). Thereafter, part of the reservation lands were allotted among the members of the tribe and approximately 800 acres were reserved for school and agency purposes. In addition, four 10-acre cemetery sites were reserved and the United States agreed to pay $1.25 per acre for all reservation lands remaining as surplus after allotment. This agreement was then ratified by the act of March 3, 1893 (27 Stat. 612).

Subsequently the United States conveyed portions of the reserve lands to the city of Pawnee and the Home Mission Board of the Southern Baptist Convention.

Two conflicting decisions by the U.S. Court of Claims have cast a cloud on the title to the reserved lands and raised a question of whether or not title to these lands is to be held in trust by the United States for the Pawnee Tribe of Oklahoma. A decision by the Court of Claims in 1920 (56 Ct. Cl. 1) held that the lands reserved for school and agency purposes continued as tribal property and therefore the tribe was entitled to compensation for only 45 acres of the lands so reserved.

Thereafter, the U.S. Court of Claims upheld the opinion of the Indian Claims Commission dated July 14, 1950 (docket No. 10) which held that title to the lands reserved for school and agency purposes passed to the United States at the time of the cession, *Pawnee Indian Tribe of Oklahoma v. United States* (109 F. Supp. 860).

The former Indian school and the agency office are no longer used; however, the tribe has its tribal community center and meeting hall located on the reserved lands and all tribal activities and social functions take place there.

The reserved lands are no longer needed by the Federal Government for school and agency purposes. The tribe now uses the lands under a year-to-year revocable permit from the Bureau of Indian Affairs pursuant to a plan of operation presented by the Pawnee Tribe. The tribe proposes to develop the lands in accordance with the plan of operation; however, economic development is prevented because of the conflicting annunciation as to how title to these lands is held. Industry proposals are rejected because the tribe does not have title to the building sites and improvements. The tribal housing authority has found that a commitment for public housing units is not possible until the tribe owns the housing sites. Agricultural development and improvement of the land is not economically feasible under a year-to-year revocable permit.

The total present estimated value of the lands and improvements conveyed by the bill is about $300,000.

The 5.46 acres of land on which the Public Health Service hospital is located will continue to be used by the Federal Government to serve the needs of the Indian tribes.

AMENDMENTS

The Subcommittee on Indian Affairs held two hearings on H.R. 5910 and a companion bill, S. 1171, introduced by Senators Harris and Monroney. As a result of the hearings and the recommendation of the Budget Bureau in its report, the committee has adopted language providing for the outright conveyance of the subject lands and improvements to the Pawnees rather than retaining the land in a trust status. The competency of the tribe to conduct its own affairs has been demonstrated for many years. The committee is of the opinion that these Indians can bring about the orderly development of the property which will result in a substantial income to the tribe.

As amended, H.R. 5910 will convey 726 acres of surplus Federal property, together with minerals and the buildings and other improvements situated thereon. The bill provides that the title conveyed to the tribe shall not be subject to any exemption from taxation or restriction on use, management, or disposition by reason of its Indian ownership.

The committee has deleted subsections (c) and (d) of section 1 and all of section 2 of the bill because the acreage involved is being used by the city of Pawnee, Oka., for certain public purposes, and the possibility of the property reverting to the Federal Government and then to the tribe, as the bill would provide, is very remote. It is the committee's belief that if such reversion should occur, Congress could make provision for conveying those lands to the Indians at that time.

The committee has eliminated the provision in the bill, as passed by the House, for a possible setoff by the Indian Claims Commission of the value of the property with which the bill is concerned for the reason that the Pawnees have no claims pending before the Commission.

The title of the bill has been amended to reflect the outright conveyance of the property to the Pawnees.

COST

The enactment of H.R. 5910 requires no expenditure of Federal funds.

The title was amended, so as to read: "An act to convey certain lands to the Pawnee Indian Tribe of Oklahoma."

CORREGIDOR-BATAAN MEMORIAL COMMISSION

The Senate proceeded to consider the bill (H.R. 3399) to amend section 2 of Public Law 88–240 to extend the termination date for the Corregidor-Bataan Memorial Commission which had been reported from the Committee on Foreign Relations, with an amendment, strike out all after the enacting clause and insert:

That all authority, functions, and duties conferred upon the Corregidor Bataan Memorial Commission by the Act entitled "An Act to create a Commission to be known as the Corregidor Bataan Memorial Commission", approved August 31, 1953 (67 Stat. 366; 36 U.S.C. 426), are hereby transferred to the American Battle Monuments Commission, established under the Act of March 4, 1923 (42 Stat. 1509; 36 U.S.C. 121), and such authority, functions, and duties shall be assumed by and be the sole responsibility of the American Battle Monuments Commission from and after the date of enactment of this Act.

Sec. 2. All assets, liabilities, contracts, property, records, and personnel of the Corregidor Bataan Memorial Commission, prior to the expiration of such Commission, and any unexpended appropriations, allocations, and other funds available to such Commission (prior to its expiration), are hereby transferred to the American Battle Monuments Commission.

Sec. 3. The authority, functions, and duties transferred under the first section of this Act shall terminate upon completion of the construction authorized by the Act entitled "An Act to create a Commission to be known as the Corregidor Bataan Memorial Commission", approved August 31, 1953 (67 Stat. 366; 36 U.S.C. 426), or on June 30, 1969, whichever shall first occur.

Sec. 4. The provisions of section 3 of the Act of March 4, 1923 (42 Stat. 1509; 36 U.S.C. 121a), shall not apply in the case of any memorial constructed under the authority transferred by the first section of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 832), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 3399, as proposed to be amended by the committee amendment, is to transfer the authority, functions, and duties of the Corregidor-Bataan Memorial Commission to the American Battle Monuments Commission, together with its assets, liabilities, contracts, property, records, personnel, unexpended appropriations, and allocations.

BACKGROUND AND COMMITTEE RECOMMENDATIONS

The Corregidor-Bataan Memorial Commission was established by Congress in 1953 for the purpose of developing a suitable memorial for the Philippine and American soldiers who lost their lives at Corregidor. Over the years the basic act has been amended for various reasons, among others to provide that the memorial commemorate all Philippine and American citizens who lost their lives anywhere in the Pacific area during World War II. The last amendments adopted by Congress to the basic act were in 1963 (Public Law 240, 88th Cong.). At that time $1,500,000 was authorized to be appropriated for the memorial and termination of the Commission was set at May 6, 1967, or completion of its work, whichever occurred first. When it developed that construction of the memorial would not be completed before May 6, 1967, legislation was introduced and passed by the House and the Senate to extend the termination date of the Corregidor-Bataan Memorial Commission to November 6, 1968. The vote by which the Senate passed H.R. 3399 was reconsidered by the Senate on July 13 and the bill was recommitted to the Committee on Foreign Relations.

Upon further consideration, the committee, on November 30, voted to recommend, in lieu of an extension of authority of the Corregidor-Bataan Memorial Commission, a transfer of all its authority and functions to the American Battle Monuments Commission, an established, permanent organization among whose functions it is to design, construct, and maintain American military cemeteries and memorials located outside the United States and its possessions. Upon that Commission's recommendation, the termination date for these authorities have been set at June 30, 1969.

The title was amended, so as to read: "An act to transfer to the American Battle Monuments Commission all the authority, functions, and duties heretofore conferred upon the Corregidor Bataan Memorial Commission."

SALE OF LANDS BY THE SECRETARY OF THE INTERIOR

The Senate proceeded to consider the bill (S. 1058) to authorize the Secretary of the Interior to sell lands embraced in certain terminated entries, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 6, after line 9, insert a new section, as follows:

SEC. 7. Notwithstanding any provision of this Act to the contrary, the Secretary may, prior to the issuance of patent, vacate any sale held pursuant to this Act if he finds that the land, or any portion thereof, included in the sale is needed for Federal program requirements.

So as to make the bill read:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of this Act—

(a) The word "entry" means or includes (1) a right to acquire title to public lands upon compliance with improvement requirements which may include, but are not limited to, irrigation and cultivation of the lands; (2) an application erroneously allowed embracing withdrawn lands; (3) any uncanceled allowed application even though not in good standing; or (4) any claim to withdrawn land in Alaska based upon settlement, use or occupancy, and purportedly initiated under the public land laws.

(b) The word "entryman" includes, in addition to its usual meaning, qualified assignees where the public land law under which the entry was made authorizes the leasing or assignment thereof.

(c) The term "value added to the land by the entryman or his predecessors in interest" means the increase in market value of the land due to work performed, or improvements made, by such entryman or his predecessors in interest.

(d) The term "good faith" means honest intent and does not necessarily relate to the degree of compliance with statutory or regulatory requirements. With respect to withdrawn land, the term "good faith" also means the exercise of diligent inquiry and efforts leading to a reasonable inference that the land was open and available for appropriation under the particular public law invoked.

(e) The word "Secretary" means the Secretary of the Interior.

SEC. 2. Where the Secretary determines with reference to any pending entry made under the public land laws, other than the mining laws, whether made before or after the effective date of this Act, that—

(a) the entryman has in good faith made an attempt to comply with the law;

(b) there is no reasonable prospect that such entryman will be able to comply with the law to the extent necessary to earn title to the entered land;

(c) the land is proper for disposition under this Act, considering such factors as, but not limited to, Federal program requirements, sound land use and conservation principles and effective management of the public lands; and

(d) in the case of withdrawn land, there has been demonstrated by substantial, positive, and compelling evidence that diligent inquiry was made by the claimant showing that the land in the entry was open and available for appropriation under the particular public land law invoked;

the Secretary is authorized to sell at public auction all or part of the land included in the entry for not less than its current fair market value. No land shall be offered for sale until after termination of the entry and after reasonable public notice. The entryman shall have a preference right to purchase the land by meeting the high bid within ten days after the date of the auction, or such further period as the Secretary may allow.

SEC. 3. (a) The determination of fair market value shall be made by the Secretary through appraisal which shall not include improvements which can be removed without substantial damage to the land; if the improvements cannot be so removed their value shall be separately appraised and added to the appraised value of the land.

(b) If the entryman acquires the land pursuant to the sale, the Secretary shall grant him a reduction in the purchase price for the value, as determined by the Secretary as of the date of the bidding, added to the land by the entryman or his predecessors in interest if such value was included in the appraised price of the land.

(c) If a party other than the entryman acquires the land pursuant to the sale, the Secretary shall compensate the entryman from the purchase price for the value, as determined by the Secretary as of the date of the bidding, added to the land by the entryman or his predecessors in interest if such value was included in the appraised price of the land. The determinations by the Secretary under this subsection and subsection (b) shall be final and not subject to review.

(d) If a party other than the entryman acquires the land pursuant to the sale, the entryman, with the consent of the Secretary, may remove or sell to the party acquiring the land the improvements which (1) were made by the entryman or his predecessors in interest; (2) can be removed without substantial injury to the land; and (3) were not included in the appraised price of the land.

SEC. 4. Where the land has been withdrawn in aid of a function of a Federal department or agency, or of a State, county, municipality, water district, or other local subdivision or agency, the Secretary may dispose of such land only with the consent of the head of the governmental unit concerned and under such terms and conditions as such head may deem necessary.

SEC. 5. Any patent issued under this Act shall contain a reservation to the United States of (a) any of the following-named minerals for which the land is deemed by the Secretary of the Interior to be valuable or prospectively valuable as of the date of issuance of patent: coal, native asphalt, solid and semisolid bitumen, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), oil, gas, oil shale, phosphate, sodium, and potassium, and for lands in the States of Louisiana and New Mexico sulfur also; and (b) the right of the United States, its lessees, permittees, or licensees to prospect for, mine, and remove them under applicable provisions of law.

SEC. 6. At least ninety days prior to the sale of any land under this Act, the Secretary shall notify the head of the governing body of the political subdivision or other instrumentality of the State having jurisdiction over comprehensive planning and zoning in the area within which the land is located or, in the absence of such political subdivision or instrumentality, the Governor of the State, in order to afford the appropriate body a reasonable opportunity to take such action as may be necessary to assure that the conveyance of the land, and the provisions thereof, will be consonant with local planning and development needs. If no such action is taken, no disposal of the land shall be made under this Act unless the Secretary determines that such disposal is reasonably consonant with State and local land use and development needs.

SEC. 7. Notwithstanding any provision of this Act to the contrary, the Secretary may, prior to the issuance of patent, vacate any sale held pursuant to this Act if he finds that the land, or any portion thereof, included in the sale is needed for Federal program requirements.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 833), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Objective of the bill is to mitigate hardship encountered by public land claimants. The bill provides an equitable approach in certain situations where the existing relief laws would not be applicable. For example, from time to time situations arise where entrymen under the homestead or other land laws, lessees under the Small Tract Act, and other persons in good faith expend considerable sums of money in making improvements on public lands, but for one reason or another fail to qualify for patent under the law.

BACKGROUND

Under existing public land practices, an entryman who has placed valuable improvements on his entry is permitted to remove those improvements when the entry is terminated. Where a person has placed improvements on the public lands and the lands are disposed of to another party, the Department of Interior has taken steps to assure that the other person acquiring the land will reimburse the owner of the improvements for the reasonable value thereof which are left on the land and which are of value to the person acquiring the land. However, an entryman whose entry fails and who has expended money in disking, harrowing, and so forth, thus improving the land, is without recourse. S. 1058 affords relief to him and to others who have expended funds on entries in vain efforts to acquire title thereto.

PROVISIONS

The bill, S. 1058, provides that the Secretary of the Interior may sell at public auction any or all of the land in a terminated entry, made other than under the U.S. mining laws, where he finds that (1) the entryman has made a bona fide effort to meet the requirements of the law to earn patent; (2) there is no reasonable prospect that he will be able to do so; and (3) the land is proper for disposal under the bill, considering such factors as, but not limited to, Federal program requirements, sound land use and conservation principles, and effective management of the public lands. Such sale could be held only after adequate public notice.

If the former entryman becomes a purchaser, he would be entitled to buy the land at his bid price less any value added to the land by the entryman or his predecessors in interest. The entryman would have a preference right to buy the land by meeting the high bid. Any patent issued under the bill would reserve to the United States those minerals which are leasable under the Mineral Leasing Act, for which the Secretary deemed the land to be valuable or prospectively valuable on the date of the issuance of the patent.

AMENDMENT

The committee adopted an amendment recommended by the Interior Department. It would take care of a situation where land might be sold pursuant to the act, but prior to issuance of patent, Federal program requirements might be discovered. The authority to vacate such sale is provided by the following new section:

Sec. 7. Notwithstanding any provision to the contrary, the Secretary may, prior to the issuance of patent, vacate any sale held pursuant to this Act if he finds that the land, or any portion thereof, included in the sale is needed for Federal program requirements."

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee favorably reports S. 1058, and urges its enactment.

LEASE OF LANDS FOR GRAZING IN ALASKA

The Senate proceeded to consider the bill (S. 1059) to amend the act relating to the leasing of lands in Alaska for grazing in order to make certain improvements in such act which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, after line 16, strike out:

Sec. 7. (a) All leases shall be made by the Secretary for a term of fifty-five years except where the Secretary determines the land may be required for other than grazing purposes prior to the termination of such term; or where the applicant desires a shorter term, and in such cases leases may be made for a shorter term.

And, in lieu thereof, insert:

Sec. 7. (a) A lease may be made for such term as the Secretary deems reasonable, but not to exceed fifty-five years, taking into consideration all factors that are relevant to the exercise of the grazing privileges conferred.

And, on page 3, line 5, after the word "may", strike out "renew" and insert "negotiate for renewal of"; after line 16 strike out:

Sec. 4. Such Act of March 4, 1927, is further amended by inserting at the end thereof a new section as follows:

"SALE OF LAND

"Sec. 17. If the Secretary determines that any land leased pursuant to this Act is not needed for Federal Government purposes, he may upon the termination of such lease sell such land at public auction to the highest bidder except that in any case in which the lessee under such lease is not such highest bidder such lessee shall first be given the opportunity to purchase such land for the amount of such bid. Such sale may be made subject to such conditions and reservations as the Secretary determines are in the public interest."

So as to make the bill read:

S. 1059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon", approved March 4, 1927 (44 Stat. 1452), is amended to read as follows:

"NOTICE OF ESTABLISHMENT AND ALTERATION OF GRAZING RIGHTS

"Sec. 5. Before establishing or altering a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the district proposed to be established or altered is located, a notice describing the boundaries of the proposed district or the proposed alteration, announcing the date on which he proposes to establish such district or make such alteration and the location and date of hearings required under this section. No such alteration shall be made until after public hearings are held with respect to such alteration in each such judicial division after the publishing of such notice."

Sec. 2. (a) Subsection (a) of section 7 of such Act of March 4, 1927, is amended to read as follows:

"Sec. 7. (a) A lease may be made for such term as the Secretary deems reasonable, but not to exceed fifty-five years, taking into consideration all factors that are relevant to the exercise of the grazing privileges conferred."

(b) Such section 7 is further amended by inserting at the end thereof a new subsection as follows:

"(d) Each lease shall provide that the lessee may negotiate for renewal of such lease, subject to the provisions of this Act, at any time during the final five years of the term of such lease."

Sec. 3. Section 14 of such Act of March 4, 1927, is amended by inserting "(a)" after "Sec. 14" and by inserting at the end of such section a new subsection as follows:

"(b) The Secretary shall take no action which will adversely affect rights under any lease pursuant to this Act until notifying the holder of such lease that such action is proposed and giving such holder an opportunity for a hearing."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 834), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

Objective of the bill, S. 1059, is to encourage and assist in the development of the livestock industry in Alaska. It authorizes a longer term of grazing leases to attract long term financing up to 55 years in place of 20 years.

BACKGROUND

Alaskan livestock ranchers are presently operating under trying conditions peculiar to pioneering a remote and undeveloped country. Although the industry in Alaska dates back to Russian colonial days, it has developed very slowly because of expensive transportation in some areas, the lack of any transportation in others, the high cost of supplemental feeding in the winter, the remoteness of location, the lack of slaughtering and marketing facilities, and, in some areas, the losses to predators. However, since the recent construction of a slaughterhouse on Kodiak Island and the improvement in transportation which has occurred since the introduction of the Alaska State ferry system and related land carrier transportation, ranching in Alaska is becoming economically profitable and a promising area for investment. Grazing land in the moist, grassy climate of the Aleutian chain and in the agricultural regions of the Kenai Peninsula represent a very important resource which it is in the interest of the Nation to develop.

NEED

The committee believes a longer term for grazing leases is necessary to attract long term financing. While there are presently only a few livestock growers in Alaska, some incentive is needed to begin operations and for the industry to expand. Longer term leases would improve chances for long term financing and the amortization of substantial capital investments.

AMENDMENTS

The committee adopted amendments recommended by the Department of Interior to make the 55-year lease term discretionary, changing the "right" to renew to the right to negotiate for renewal, and eliminating section 4, which would have authorized the sale of land leased under the act when no longer needed for Federal purposes.

Although the Department of the Interior said it would have no objection if the bill were amended as above, the Bureau of the Budget and the Office of the Attorney General recommended deferring amending the act pending the report of the Public Land Law Review Commission. The committee believes encouragement of the Alaskan livestock industry to be of greater priority, particularly in view of legislation now pending in the Congress to extend the Public Land Law Review Commission reporting date, and recommends that S. 1059 receive favorable and early action.

SURFACING OF ACCESS ROAD IN PUTNAM COUNTY, FLA.

The Senate proceeded to consider the bill (S. 1017) to authorize the Secretary of the Army to pay for the cost of surfacing one and eight-tenths miles of a certain access road in Putnam County, Fla., which had been reported from the Committee on Armed Services with an amendment on page 1, line 5, after the word "necessary," insert "presently estimated at $43,000"; so as to make the bill read:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to pay Putnam County, Florida, such amount as the Secretary determines necessary, presently estimated at $43,000, to cover the cost of hard surfacing approximately one and eight-tenths miles of access road between State Road 19 and Rodeheaver Boys' Ranch located south of Palatka, Florida, the construction of such road having been made necessary when the former access road to the Rodeheaver Boys' Ranch was permanently cut off as the result of the construction of the Saint Johns lock of the cross-Florida barge canal, a Federal project carried out by the Corps of Engineers, United States Army. The Secretary shall not pay any of the expenses incurred by such county in connection with the subgrading of such access road.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 835), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 1017 is to authorize the Secretary of the Army to pay Putnam County, Fla., the cost of the hard surfacing approximately 1.8 miles of access roads between State Road 19 and Rodeheaver Boys' Ranch located south of Palatka, Fla.

The construction of the new access road was made necessary because the former access road to the Rodeheaver Boys' Ranch will be permanently cut off as a result of the construction of the St. Johns lock of the Cross-Florida Barge Canal.

GENERAL STATEMENT

The Cross-Florida Barge Canal was authorized by Public Law 675, 77th Congress, and provides for construction of a high-level lock barge canal from the St. Johns River to the Gulf of Mexico. The project will have a depth of 12 feet and a minimum bottom width of 150 feet with five locks, each 84-feet wide and 600-feet long, two earth dams, and necessary highway and railroad crossings. Length of the project is about 107 miles, extending from the St. Johns River at Palatka to deep water in the Gulf of Mexico near Yankeetown. Construction of the project was initiated in 1964.

The Rodeheaver Boys' Ranch is a privately endowed institution organized for the purpose of caring for destitute homeless boys. It is operated by a board of directors of 30 men, 10 of whom are elected each year for a 3-year term. The ranch was founded in 1951 by the late Homer Rodeheaver, a Methodist evangelical singer. He donated 800 acres of land on the St. Johns River, 10 miles south of Palatka for the location and home for the boys' ranch. The capacity of the ranch is 40 boys and since it was founded, boys from 21 States have been admitted to the home.

Access to the Rodeheaver Boys' Ranch is presently by means of a county road which passes over the Cross-Florida Barge Canal in the vicinity of the St. Johns lock site. The land on which the road is situated was originally owned by the Canal Authority of the State of Florida, the local sponsoring interest for the canal project. This land has now been deeded to the Federal Government by the canal authority for construction of the St. Johns lock of the canal.

At the time the road was constructed by Putnam County it obtained a revocable easement from the canal authority to cross the land owned by that agency. Because of the nature of the interest held by the county, it had no compensable property interest which would entitle it to compensation for its loss of the road, and the Federal Government is not able to pay for the cost of providing a substitute road as part of its legal obligation to provide substitute facilities.

In order to assist the county in providing access to the Rodeheaver Boys' Ranch the Canal Authority of the State of Florida granted an easement to the county for a relocated road. This easement parallels the canal alinement along its south bank, extending a distance of about $1\frac{1}{10}$ miles from State road No. 19 to its intersection with the remaining portion of the original access road. The Corps of Engineers has made available spoil material from the canal excavation for construction of a road embankment. This embankment has been completed, but remains unpaved.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will result in a cost to the Federal Government of an estimated $43,000.

AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT

The Senate proceeded to consider the bill (H.R. 9063) to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes which had been reported from the Committee on Foreign Relations, with amendments on page 2, line 22, after "(1)" strike out "If" and insert "if"; on page 3, line 5, after the word "estates" strike out the period; on page 5, after line 14, insert:

(b) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on August 9, 1955, which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to subsection (a) of this section or under section 202 of the War Claims Act of 1948, as amended, or to persons whose claims have been denied by the Commission for reasons other than that they were not filed within the time prescribed by section 306.

On page 6, at the beginning of line 5, strike out "(b)" and insert "(c)"; at the beginning of line 18, strike out "(c)" and insert "(d)"; in line 22, after the word "under" strike out "subsection" and insert "subsections" and in the same line, after "(b)" insert "and (c)"; on page 7, at the beginning of line 3, strike out "(d)" and insert "(e)"; in line 4, after the word "to", strike out "subsection" and insert "subsections"; and in the same line, after "(b)", insert "and (c)"; at the beginning of line 10, strike out "(e)" and insert "(f)"; in line 12, after the word "and", strike out "(d)" and insert "(e)"; on page 8, line 25, strike out "subsection" and insert "subsections" and in the same after "(b)", insert "and (c)"; on page 9, after the word "and", strike out "subsection" and insert "subsections"; and in line 6, after "(b)", insert "and (c)".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 836), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MAIN PURPOSE OF BILL

H.R. 9063 is similar to certain provisions in more comprehensive bills requested by the administration and passed by the Senate during previous Congresses. Its main purpose is to provide for the disposition of funds received under the terms of claims settlement agreements concluded with the Governments of Bulgaria, Rumania, and Yugoslavia, and to reopen the Italian claims program in order to pay claims of American nationals not previously compensable. In addition, the bill contains several housekeeping provisions which the Foreign Claims Settlement Commission feels are desirable on the basis of past experience.

BACKGROUND OF CLAIMS PROGRAMS COVERED BY H.R. 9063

Set forth below are statistics and background information regarding the various claims programs covered by the pending bill.

1. Yugoslav claims program

Statutory authority: Title I of the International Claims Settlement Act of 1949 (Public Law 81–455, approved March 10, 1950).

Type of claims: Nationalization or other taking.

Dates of taking or loss: 1939 to 1948.

Filing period: June 30 to December 30, 1951.

Number of claims: 1,556.

Amount asserted: $149,344,249.70.

Number of awards: 876.

Amount of awards: $18,817,904.89.

Amount of fund: $17,000,000.

Amount paid on awards: Approximately 91 percent.

Program completed: December 31, 1954.

Background.—Historically, the first post-World War II lump-sum claims settlement agreement entered into by the United States was that with Yugoslavia which was signed on July 19, 1948. Under its terms, Yugoslavia agreed to pay the United States $17 million as full settlement and discharge of all claims of U.S. nationals "on account of the nationalization and other taking by Yugoslavia of property and of rights and interests in and with respect to property," which occurred between September 1, 1939, and the date of the agreement. In return the United States agreed to release approximately $47 million in blocked assets (including $42 million in gold bullion) being held by the Federal Reserve Bank of New York. The agreement also defined "nationals" and provided for the establishment of an agency by the United States to adjudicate claims (International Claims Commission). Yugoslavia was allowed to file briefs as amicus curiae, and the determinations of the adjudicating agency with respect to the validity and the amounts of claims were to be "final and binding." The funds were to be distributed in accordance with methods adopted by the United States, and if any excess remained it was to be returned to Yugoslavia.

The Commission completed the processing of claims under this program on December 31, 1954. However, the actual distribution of awards by the Treasury Department was held in abeyance because of litigation until March 31, 1956, when the U.S. Court of Appeals (District of Columbia) held that the Commission's decisions on the validity and amounts of claims were final and conclusive and not subject to judicial review.

Another claims agreement with Yugoslavia was signed on November 5, 1964. (See appendix.) The claims covered by the agreement arose out of nationalization and other taking by Yugoslavia of property of American nationals subsequent to July 19, 1948, the date of the first claims agreement with Yugoslavia. Pursuant to the terms of the 1964 agreement. Yugoslavia is to pay the sum of $3,500,000 in five annual installments of $700,000 each, beginning on January 1, 1966. Thus for, $1,400,000 has been received.

At the time the 1964 agreement was signed there was an exchange of notes in which Yugoslavia indicated it intended to compensate persons who were not U.S. nationals when their property was taken. It is understood that these individuals will be required to file their claims with the local government in Yugoslavia where their property was located at the time it was nationalized or otherwise taken.

2. Bulgarian and Rumanian Claims Programs

Background.—Pursuant to the authority contained in Executive Order 8389, issued on April 10, 1940, the United States blocked the assets of the Governments and nationals of Rumania (on October 1, 1940) and Bulgaria (on March 4, 1941). After World War II, in the peace treaties of February 10, 1947, these Governments undertook to restore American-owned property in their respective countries or else provide compensation to the extent of two-thirds of the war damage suffered by such property. These undertakings were not honored; nor were American owners compensated for property which was nationalized or otherwise taken subsequent to the date of the treaties.

Under the terms of the peace treaties, it was provided that assets in the United States belonging to Bulgaria and Rumania or their nationals might be seized and liquidated and the proceeds used to satisfy the claims of American citizens against those Governments. Accordingly, title II of the International Claims Settlement Act of 1949 (approved Aug. 9, 1955) was enacted to authorize the vesting of assets in the United States owned by Bulgaria and Rumania and their nationals, other than natural persons. The exclusion of the latter category follows the American principle that the property of private individuals should not be used for the payment of debts arising out of acts of foreign governments. However, the proceeds from the liquidation of the other vested assets were transferred to special funds in the Treasury and used to pay compensation to qualified American claimants against the Governments of Bulgaria and Rumania.

Title III of the International Claims Settlement Act of 1949, also approved on August 9, 1955, contains certain administrative and general provisions relating to the Bulgarian and Rumanian claims programs. Additional information regarding these programs, both of which were completed on August 9, 1959, is set forth below.

BULGARIA

Statutory authority: Title III of the International Claims Settlement Act of 1949 (Public Law 89-285, approved August 9, 1955).

Type of claims: Nationalization and war damage.

Dates of taking or loss: War damage, 1939–45; nationalization, 1945–55.

Filing period: September 30, 1955, to October 1, 1956.

Number of claims: 391.

Amount asserted: $25,455,927.

Number of awards: 217.

Amount of awards: Principal, $4,684,187; interest, $1,887,638.

Amount of fund: $2,613,325.

Amount paid on awards: Approximately 50 percent.

Program completed: August 9, 1959.

On July 2, 1963, the United States entered into an agreement whereby Bulgaria agreed to pay an additional $400,000 (which was paid in two equal installments of $200,000 each on July 1, 1964, and July 1, 1965) as final settlement of total U.S. claims against the Government of Bulgaria.

RUMANIA

Statutory authority: Title III of the International Claims Settlement Act of 1949 (Public Law 84–285, approved Aug. 9, 1955).

Type of claims: Nationalization and war damage.

Dates of taking or loss: War damage, 1939–45; nationalization, 1945–55.

Filing period: September 30, 1955, to October 1, 1956.

Number of claims: 1,073.

Amount asserted: $259,742,036.

Number of awards: 498.

Amount of awards: Principal, $60,011,348; interest, $24,717,943.

Amount of fund: $20,057,346.

Amount paid on awards: Approximately 30 percent.

Program completed: August 9, 1959.

Under the terms of an agreement dated March 30, 1960, Rumania agreed to pay the United States an additional $2.5 million (payable in five installments of $500,000 each beginning July 1, 1960) as final settlement of total claims against Rumania. All of the money due pursuant to this agreement has been received by the U.S. Treasury.

3. Italian claims program

Statutory authority: Title III of the International Claims Settlement Act 1949 (Public Law 84–285, approved Aug. 9, 1955, and Public Law 85–604, approved Aug. 8, 1958).

Type of claims: War damage.

Date of loss: 1939 to 1947.

Filing period: September 30, 1955, to October 1, 1956.

Number of claims: 2,246.

Amount asserted: $27,412,985.

Number of awards: 482.

Amount of awards: Principal, $2,730,146; interest, $929,165.

Amount of fund: $5,000,000.

Amount paid on awards: 100 percent.

Program completed: May 31, 1960.

Background.—The Italian claims fund consisted of $5 million which was paid to the United States by Italy in accordance with the terms of the Lombardo Agreement of August 14, 1947. This agreement resulted from negotiation for the return of approximately $60 million of Italian assets which had been vested or blocked by the United States during World War II.

The purpose of the money in the Italian claims fund was, in general, to compensate claimants for losses relating to property located outside of Italy and attributable to Italian military action (e.g., losses on the high seas, in Greece, Yugoslavia, and other areas in which Italy engaged in military action), and certain personal injury and similar nonproperty losses which arose in Italy. Claims for losses relating to property located in Italy itself were provided for in the Italian Peace Treaty of September 15, 1947.

The money in the Italian claims fund was sufficient to pay all eligible claimants 100 cents on the dollar, and after the program was completed on May 31, 1960, there remained an unobligated balance of $1,088,623.53. Since the Lombardo Agreement did not contain a reverter clause, this balance was retained by the United States, and, ordinarily, would be deposited in the miscellaneous receipts account of the Treasury. Pursuant to the provisions of H.R. 9063, however, the Italian claims program will be reopened and extended to cover certain claims not previously compensable, and any balance remaining will be transferred to the War Claims Fund established by the War Claims Act of 1948, as amended.

RULE OF LAW REGARDING ELIGIBILITY OF CLAIMANTS

In adjudicating claims under the above program, the Foreign Claims Settlement Commission is directed to apply, with respect to claims under title I, the "provisions of the applicable claims agreement" and the "applicable principles of international law, justice, and equity," and with respect to claims under titles III and IV, "applicable substantive law, including international law." In this connection, one of the principles adopted by the Commission deals with the eligibility requirements of a natural person to file a valid claim against another government. The Commission has adhered to the familiar rule of international law that, in order to be eligible to receive an award under the programs over which it has jurisdiction the claimant must show that his claim was owned by a national or nationals of the United States (not necessarily the same national or nationals) from the time it arose until the date of filing with the Commission.

It should be noted that this principle was consistently followed by the Committee on Foreign Relations in reporting legislation establishing the claims funds mentioned above. The only time the committee deviated from this principle was in 1958, when it approved an amendment relating to the Italian claims fund. The justification for making an exception in that case is explained in the following excerpts from the committee report (S. Rept. No. 1794, 85th Cong., 2d sess.):

"The committee has added a new section to S. 3557 which has the effect of modifying section 304 of the International Claims Settlement Act, as regards claimants against the Italian Claims Fund. As the committee has already noted, the existing practice in claims legislation, and one which the committee endorses, limits claims to those based upon American ownership of a property at the time of loss and continuously thereafter until the time of the filing of the claim. This practice is essential if those who clearly have first claim, as far as the United States is concerned, to the limited funds available are to be compensated for their losses. Further, it should be noted in this connection that the claims of Americans who became citizens after their loss occurred usually are still valid against the responsible foreign government.

"However, a special situation has arisen as regards the Italian Claims Funds. In this instance, under the Lombardo Agreement the Italian Government made a lump-sum settlement with the United States Government for the outstanding claims of American citizens. It now appears that the Italian fund will be more than adequate to reimburse all claimants 100 cents on the dollar for losses of property which was American-owned at the time of loss and continuously thereafter.

"At the same time, however, there are some Americans who were not citizens at the time of loss of their property, and, hence, in accordance with the general practice are not eligible to file valid claims against the Italian Claims Fund. But these citizens are also estopped from pressing their claims against Italy because of the terms of the Lombardo Agreement. They are, in short, left at the present time without legal remedy.

"In these circumstances, the committee has made provision for their claims to be considered as against the Italian Claims Fund, only, however, if after all valid claimants against Italy who were citizens at the time of loss have been fully reimbursed, some money remains in this fund. There is no cost involved in this procedure to the United States. Nor does the procedure do violence to the priority of right which as a matter of general practice should be maintained for those who were citizens at the time of loss."

COMMITTEE ACTION AND RECOMMENDATION

The Committee on Foreign Relations considered H.R. 9063 in executive session on November 30, 1967, and ordered it reported favorably with amendments. At that time, the committee received testimony in support of the bill from Mr. Edward D. Re, the Chairman of the Foreign Claims Settlement Commission. His statement is reproduced in the appendix to this report. In this connection, however, the committee wishes to point out that a public hearing on a similar bill (S. 1935) was held during the 89th Congress (on August 5, 1965).

The main committee amendment restores one provision of H.R. 9063 which was proposed by the administration but rejected by the House. That provision would require the Foreign Claims Settlement Commission to receive and determine the validity and amounts of claims of persons who were American nationals on August 9, 1955 (which arose out of the war with Italy from June 10, 1940, to September 15, 1947), and with respect to which provision was not made in the treaty of peace with Italy.

The effect of this provision is simple—it would permit certain individuals who failed to file their claims during the periods specified to do so after H.R. 9063 becomes law. It does not, however, have the effect of creating a new class of claimants or extending further the eligibility requirements which are prescribed by international law.

As was pointed out previously, the Government of Yugoslavia has already made payments amounting to $1,400,000 pursuant to the terms of a claims settlement agreement signed on November 5, 1964. In addition, under the terms of claims settlement agreements concluded with Bulgaria (on July 2, 1963) and Rumania (on March 30, 1960), those countries have completed payments in the amounts of $400,000 and $2,500,000, respectively. H.R. 9063 will permit the Foreign Claims Settlement Commission to proceed with the orderly administration of these programs at no cost to the U.S. Government, since provision is made for a 5-percent deduction from each claims fund to cover administrative costs. It is recommended, therefore, that the Senate approve it without delay.

KINGS RIVER WATER ASSOCIATION

The Senate proceeded to consider the bill (S. 2402) to provide for credit to the Kings River Water Association and others from excess payments for the years 1954 and 1955 which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 3, after the word "Interior", strike out "is authorized to" and insert "shall"; on page 2, line 1, after the word "amount", strike out "not to exceed $1,098,579.92" and insert "of $1,098,597.92"; and at the beginning of line 5, insert "Such amount shall be credited to the total repayment obligation and not to the annual installments thereof"; so as to make the bill read:

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall credit outstanding obligations of all members of the Kings River Water Association incurred pursuant to the master agreement among the members and the association and the United States dated December 30, 1963, and the Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, Kings River Water District and Tulare Lake Canal Company pursuant to agreements dated December 23, 1963, in a total amount of $1,098,597.92 representing excess payments over their share of the operation and maintenance charges of Pine Flat Reservoir, Kings River, California, during the years 1954 and 1955. Such amount shall be credited to the total repayment obligation and not to the annual installments thereof.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 837), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

Purpose of S. 2402 is to give the Secretary of the Interior authority to do equity to a group of citizens who were overcharged for water conservation storage. The Secretary, with the backing of the Comptroller General, asserts that he does not have such authority under existing law.

Specifically, the bill directs the Secretary to credit outstanding obligations of all members of the Kings River Water Association incurred pursuant to the master agreement among the members and the association and the United States dated December 30, 1963, and the Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, Kings River Water District, and Tulare Lake Canal Co. pursuant to agreements dated December 23, 1963, in a total amount of $1,098,597.92, representing excess payments over their share of the operation and maintenance charges of Pine Flat Reservoir, Kings River, Calif., during the years 1954 and 1955.

BACKGROUND OF PROPOSED LEGISLATION

The Pine Flat project was authorized substantially in accordance with House Document 630, 76th Congress, third session, and the repayment obligations for conservation storage use was directed to be determined between the War Department, the Bureau of Reclamation, and the local organizations (Flood Control Act of 1944, sec. 10, Public Law 534, 78th Cong., second Sess.; 58 Stat. 887).

Later, in House Document 136, 80th Congress, first session (the report of the Secretary of War made in compliance with the provisions of the War Department Civil Appropriations Act of 1947), the final recommendation, which was concurred in by the Secretary of the Interior, was that the cost to irrigation should be set at an amount "not to exceed $14,250,000." The members of the Kings River Water Association, the "local organizations" referred to in section 10 of the Flood Control Act of 1944, subsequently agreed to the total repayment obligation in that maximum sum.

An interim storage use contract was entered into on February 4, 1954, between the Bureau of Reclamation and the association. The interim contract provided for the storage and release of water at an arbitrary rate of $1.50 per acre-foot of water during the 1953–54 runoff season and by its terms expired on December 31, 1954. Since a permanent repayment contract had not yet been executed, the term of the interim use contract was extended on December 31, 1954, for another year. The amount of $1,098,597.92 represents payments made by the district during 1954 and 1955 which were in excess of the operation and maintenance costs for those years.

The interim contracts for 1956 and later years contained a provision for a credit of excess payments for those years against the repayment obligation of Kings River in the event of execution of a final contract. Since at least June 1955, the Kings River Water Association has asserted vigorously that it should receive credit for the 1954–55 excess payments as well.

Permanent contracts were entered into in December 1963. Whatever rights Kings River had relative to the 1954–55 payments were preserved by provisions included in the permanent contracts which contain the language: "but nothing herein contained shall be deemed or construed to prejudice any right or rights of the contractor and other members of the Kings River Water Association, or of said Kings River Water Association, or of the Kings River Conservation District, and the right is reserved to seek credit for payments made to the United States pursuant to said contract No. 14–06–200–2365 and amendments thereto, during the years 1954 and 1955, through and by means of an appropriate act of Congress, or in any other manner."

CONSERVATION STORAGE CONTRACTS AUTHORIZED

The committee believes that section 10 of the Flood Control Act of 1944 is applicable with respect to the issue. The section provides:

"That the Secretary of War shall make arrangements for payment to the United States by the State or other responsible agency, either in lump sum or annual installments, for conservation storage when used."

Pursuant to directives contained in the War Department Civil Appropriations Act of 1947, the total repayment obligation on Kings River was fixed at an amount not to exceed $14,250,000. The Secretary of the Interior was not "delivering water" and, in fact, did not even have a project. The Kings River people owned the water and the Corps of Engineers constructed and operated dam and reservoir. The Department of the Interior was merely the contracting agency for the United States; and the interim contract was not for the sale or delivery of water, but instead was for the use of conservation storage space. Regardless of whether reclamation law does apply to Kings River—an issue on which the committee is taking no position at this time—the authority to contract is specifically derived from section 10 of the Flood Control Act of 1944, and the interim contract was merely a part of the contract arrangements whereby the United States would ultimately recover the repayment obligation which previously had been fixed pursuant to congressional directive.

The Secretary of the Interior has determined that there is no authority of law which permits him to give credit for the years 1954 and 1955 for payments in excess of actual operation and maintenance costs. The record shows clearly that prior to the execution of the interim contracts in question, the Department of the Army and the Department of the Interior had agreed that the irrigation allocation chargeable to the water users should not exceed $14,250,000. Without the credit provided for in this bill, the water users would be required to repay not the agreed sum of $14,250,000 but an amount of $15,348,597.92. This was not contemplated by either the Government or the water users and would be an unjust enrichment to the United States.

By the passage of this bill, the Secretary of the Interior will be directed to make the credits which equity demands. There will be no expenditure of Government funds nor a refund to the water users but merely a credit on the books of the Department of the Interior so that with the eventual payment of the repayment obligation, there will not be an overpayment by the several water districts of the Kings River Water Association.

THE COMMITTEE AMENDMENTS

The committee adopted the amendments to S. 2402 recommended by the Department of the Interior. They are explained in the text of Interior's report, which is set forth in full below.

COST

As stated above, no appropriation of Federal funds is authorized nor contemplated by S. 2402. There will not even be a refund of the 13-year-old overcharges. Rather, the adjustment will be made by bookkeeping credits.

INDUSTRIAL SAFETY IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 11638) to amend title II of the Act of September 9, 1918, relating to industrial safety in the District of Columbia which had been reported from the Committee on the District of Columbia, with amendments, on page 2, after line 6, strike out:

> (3) Section 6 of such title (D.C. Code, sec. 36–436) is amended by striking out ": *Provided, however,* That the Board" and inserting in lieu thereof the following: ". Any decision of the Board denying a variation from any such rule or regulation may be made only after the Board has afforded the employer requesting such variation a reasonable opportunity for a public hearing. Such decision shall be subject to review by the District of Columbia Court of Appeals under section 11–742 of title 11 of the District of Columbia Code. The Board".

And, in lieu thereof, insert:

> (3) Section 6 of such title (D.C. Code, sec. 36–436) is amended to read as follows: "The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty, and notwithstanding such variance that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation which shall be open to public inspection."

On page 3, line 15, after the word "days.", insert "No forfeiture of collateral shall be permitted in any case involving a death at a place of employment or the loss of any member of the body, including loss of eyesight, or an injury which prevents an employee from pursuing his employment for a period of at least five days."; and on page 4, after line 6, strike out:

> (11) decisions of the Minimum Wage and Industrial Safety Board made under section 36–436 denying a request for a variation from a rule or regulation of that Board.

And, in lieu thereof, insert:

> (11) decisions of the Minimum Wage and Industrial Safety Board pursuant to section 36–436.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 838), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 11638 is to provide for a more general application of the rules and regulations of the safety code of the District of Columbia for the protection of employees in places of employment.

Industrial safety provisions of existing law were added to the minimum wage act by the act of October 14, 1941 (55 Stat. 738; D.C. Code 36–431, et seq.). Following this enactment, the law was construed to apply safety standards in places of employment in the District of Columbia except in the Federal and the District of Columbia Government establishments. The act was interpreted to give the Industrial Safety Board the power to establish reasonable standards of safety for the protection of life and health of employees, to conduct inspections and investigations, to enforce reasonable standards, and to cite employers for any violations of provisions of the act or for violation of rules and regulations.

From the date of enactment until 1964, the provisions of the act were interpreted as applying generally to places of private employment in the District of Columbia. However, in 1964 the Corporation Counsel of the District of Columbia rendered an opinion which limited the application of the provisions of the act to the regulation of safety conditions in "industrial" places of employment, such as manufacturing plants and building construction.

The amendments proposed in H.R. 11638 are designed to restore the general application of safety rules and regulations and the jurisdiction of the Industrial Safety Board to enforce the safety code generally in places of private employment in the District of Columbia.

LIMITATIONS OF THE PRESENT LAW

Because of the interpretation placed on existing law by the Corporation Counsel in 1964, the great majority of employees in the District do not receive the benefit of the reasonable rules and regulations relating to safety in their places of employment. It is estimated that only approximately 16 percent of all such privately employed persons are now covered by provisions of the Industrial Safety Act. More than 100,000 employees engaged in employment in hotels, restaurants, retail establishments and in offices are now excluded from any coverage or protection under the safety code.

PROVISIONS OF THE BILL AND COMMITTEE AMENDMENTS

The bill, H.R. 11638, amends the existing law by striking out the term "industrial" in the definitions carried in the present law so as to make the provisions of the act apply generally to all usual places of private employment. The bill also provides that safety standards, rules, and regulations apply without limitation to changes in the permanent or temporary features of places of employment. This is necessary, since buildings which may have been altered or may have had additions or which may have only temporary provisions made for use by employees should be covered by the act. Employees located in such circumstances should receive equal safety protection.

The bill also amends the provisions of existing law relating to applications filed by an employer for a variation from a provision of the safety code rules and regulations. In the application of the safety code, the Industrial Safety Board regulations may be such as to indicate a violation of the regulations in the strict sense of the safety code. Occasionally, such strict application actually accomplishes little or nothing insofar as employee safety is concerned and may work a substantial hardship upon the employer. In such situation, the Board, on application from the employer, may grant a variance relieving the employer from strict application of the rules and regulations.

When the Board receives such an application from an employer, the Board has the discretion to hold a hearing if it so desires. However, the employer is not entitled, as a matter of right, to any hearing before the Board for the purpose of presenting his case. As passed by the House of Representatives, the bill provides that in the event an application for variance is made by an employer, and before the Board denies such application, it must hold a public hearing at which the employer may present his case. In the event of an adverse decision by the Board, the employer may appeal the decision of the Board to the District of Columbia Court of Appeals.

As amended by the committee, the bill permits the Board to grant variances when it finds that the protection of the rule or regulation involved will continue to be provided. The amended bill provides that when such an application for variance is filed the Board may grant a hearing open to the public upon the request of the applicant or other interested party, or on its own initiative. The committee amendment is intended to afford not only employers, but employees, employee representatives, and others who may be affected by the requested variance an opportunity to be heard should the Board grant a hearing.

The committee understands that the number of variances applied for by employers is relatively limited and believes that such provision for a public hearing would not place any undue burden upon the Board.

Also, as passed by the House, the bill's provision for court review of Board orders respecting requested variances relates only to orders denying an application. As amended by the committee, a Board order granting a variance would be appealable as well.

The bill provides for increased penalties for violation of the safety code regulations. Under present law, the penalties provided for violation are a fine of not more than $300 or imprisonment not exceeding 90 days. Under the bill the penalties for violation would be increased to a fine of not less than $100 nor more than $1,000 or by imprisonment of not more than 90 days.

In addition, as amended by the committee, the bill prohibits the forfeiture of collateral when a violation of the Board's safety regulations has been charged and the case involves a death at a place of employment or the loss of any member of the body, including loss of eyesight, or an injury which prevents an employee from pursuing his employment for a period of at least 5 days.

HEARING

The Subcommittee on Public Health, Education, Welfare, and Safety held a hearing March 10, 1967, on S. 1168, a bill closely similar in purpose to H.R. 11638. The Greater Washington Central Labor Council, the Retail Store Employees Union, and the Hotel & Restaurant Employees & Bartenders International Union expressed support for the legislation.

The favorable recommendations of the Board of Commissioners of the District of Columbia were presented to the committee by the Office of the Corporation Counsel. The Director of Industrial Safety of the District of Columbia, and the Deputy Director of the Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor, testified in support of the legislation.

MEDICAL ASSISTANCE FOR THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 10964) to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment, strike out all after the enacting clause and insert:

That (a) the Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") may submit under title XIX of the Social Security Act to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") a plan for medical assistance (and any modifications of such plan) to enable the District of Columbia to receive Federal financial assistance under such title for a medical assistance program established by the Commissioner under such plan.

(b) (1) Notwithstanding any other provision of law, the Commissioner may take such action as may be necessary to submit such plan to the Secretary and to establish and carry out such medical assistance program, except that in prescribing the standards for determining eligibility for and the extent of medical assistance under the District of Columbia's plan for medical assistance, the Commissioner may not (except to the extent required by title XIX of the Social Security Act)—

(A) prescribe maximum income levels for recipients of medical assistance under such plan which exceed (i) the title XIX maximum income levels if such levels are in effect, or (ii) the Commissioner's maximum income levels for the local medical assistance program if there are no title XIX maximum income levels in effect; or

(B) prescribe criteria which would permit an individual or family to be eligible for such assistance if such individual or family would be ineligible, solely by reason of his or its resources, for medical assistance both under the plan of the State of Maryland approved under title XIX of the Social Security Act and under the plan of the State of Virginia approved under such title.

(2) For purposes of subparagraph (A) of paragraph (1) of this subsection—

(A) the term "title XIX maximum income levels" means any maximum income levels which may be specified by title XIX of the Social Security Act for recipients of medical assistance under State plans approved under that title;

(B) the term "the Commissioner's maximum income levels for the local medical assistance program" means the maximum income levels prescribed for recipients of medical assistance under the District of Columbia's medical assistance program in effect in the fiscal year ending June 30, 1967; and

(C) during any of the first four calendar quarters in which medical assistance is provided under such plan there shall be deemed to be no title XIX maximum income levels in effect during such quarter are higher than the Commissioner's maximum income levels for the local medical assistance program.

SEC. 2. The Commissioner may enter into an agreement (and any modifications of such agreement) with the Secretary under section 1843 of the Social Security Act pursuant to which (1) eligible individuals (as defined in section 1836 of the Social Security Act) who are eligible to receive medical assistance under the District of Columbia's plan for medical assistance approved under title XIX of the Social Security Act will be enrolled in the supplementary medical insurance program established under part B of title XVIII of the Social Security Act, and (2) provisions will be made for payment of the monthly premiums of such individuals for such program.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 839), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 10964 is to authorize the government of the District of Columbia to take such action as may be necessary or required to furnish medical assistance to eligible residents of the District of Columbia under the medicaid program established by title XIX of the Social Security Act, as added by the Social Security Amendments of 1965 (79 Stat. 286; Public Law 89–97), and to permit publicly owned District of Columbia hospitals and other medical facilities to provide health and medical care and services to eligible aged individuals under the hospital insurance benefits program and supplementary medical insurance benefits program established by title XVIII of such act. Such programs would be conducted in the District within the limits set forth in the bill, pursuant to regulations issued and policy and procedural guidelines established by the Secretary of Health, Education, and Welfare.

In brief, this bill permits the District of Columbia to participate, as do the States, in the nationwide medicaid program.

The Subcommittee on Public Health, Education, Welfare, and Safety conducted a public hearing on H.R. 10964 and S. 1424 on September 20, 1967.

BACKGROUND

The Social Security Amendments of 1965 (approved July 30, 1965, Public Law 89–97; 79 Stat. 286) contain health legislation which has a very significant impact on the District of Columbia government and particularly upon its Department of Public Health. The law makes it possible to greatly broaden the scope and to improve the quality of the health and medical services which are available to individuals in the District, particularly to those persons whose ability to obtain adequate medical care is impeded by the inadequacy of their finances.

Specifically, the District of Columbia will be entitled under an approved program to Federal reimbursement of 50 percent of the cost of medical and health services to persons who come within the eligibility provisions of title XIX of the Social Security Act, as amended.

Since the enactment in 1965 of these amendments to the Social Security Act, 33 States and three territories have enacted legislation and adopted medical assistance plans to implement title XIX of that act in their jurisdictions. These States and territories are the following:

*California
*Connecticut
Delaware
†Georgia
Guam
Hawaii
†Idaho
*Illinois
*Iowa
*Kansas
*Kentucky
†Louisiana
†Maine
Maryland
*Massachusetts
*Michigan
Minnesota
†Montana
Nebraska
†New Mexico
*New York
North Dakota
†Ohio
Oklahoma
*Pennsylvania
*Rhode Island
†South Dakota
†Texas
Utah
†Vermont
Washington
†West Virginia
*Wisconsin
†Wyoming
Puerto Rico
*Virgin Islands

The 13 States above marked with an asterisk have established income eligibility levels higher than the $3,360 (for a family of four) level for the District of Columbia. All the remainder established lower levels. The 12 States marked with a "†" do not include the "medically needy" and thus limit their participation to cash assistance recipients.

NEED FOR THE LEGISLATION

At public hearings conducted on September 20, 1967, your committee was advised that the medical assistance program as presently operated by the District of Columbia Department of Public Health for the people of the District of Columbia, although quite extensive, has long left much to be desired in both the efficacy and the economy of its operation.

A spokesman for the Health Department testified that although some 161,000 persons in the District are eligible for medical care at public expense under the Department's existing programs, a total potential population of nearly 260,000 must be cared for at the District's expense if and when they require medical care, with some 100,000 of these being treated only as "medical emergencies."

Most such emergency patients are brought to District of Columbia General Hospital for treatment and care. These "medical emergencies" at best have only marginal ability to finance their own medical expense. While they are above the established income level, the vast majority of them actually cannot afford to pay for the medical services they receive. Moreover, because of the fact that their illnesses are not treated until they become emergencies, their hospital stays are longer and more expensive than the average, and many of these persons find their way to the welfare rolls either during or after their illness. Furthermore, this places a heavy burden on the facilities of District of Columbia General Hospital.

This highly unsatisfactory situation may be remedied in part, your committee believes, by the enactment of H.R. 10964, which would establish a system of Federal reimbursement under which patients may go to the private physicians of their own choice for care, and the Health Department will then pay the bill according to a previously negotiated rate.

SCOPE AND REIMBURSEMENT ESTIMATES

It is estimated that under the provisions of this bill, approximately 179,200 persons in the District of Columbia will be eligible under the District's medical assistance programs, of whom some 105,600 will be covered by Federal title XIX reimbursement. Of this total of 179,200 persons eligible, 61,300 will be under the age of 21, 91,100 aged 21 through 64, and the remainder of 26,800 will be 65 years of age or older. The Health Department informed your committee that they estimate a continuing necessity to provide "emergency" medical care to a total additional target population of some 79,200 persons.

The total District of Columbia medical assistance program for 1968 is estimated to cost $33.5 million, of which $2.2 million is reimbursed from Federal funds, leaving a net cost to the city of $31.3 million. Under the title XIX program, if the District of Columbia's medical assistance program financial eligibility levels are maintained at approximately their present level, it is estimated that the Federal reimbursement will be approximately $8.6 million annually, or about one-fifth of the total cost.

Your committee is also advised that emergency care, which the Deaprtment must continue to provide to persons not financially eligible under the proposed title XIX program, but unable to finance their care, will cost an additional $6 million. This cost must be borne by District funds and is not subject to title XIX reimbursement.

As indicated above, some adjustments to the existing income eligibility levels may be required in order to obtain approval of a title XIX program from the Department of Health, Education, and Welfare. The committee was advised by the District of Columbia, Department of Public Health that the exact income level figures acceptable to the Department of Health, Education, and Welfare are not certain, but that a preliminary examination by the Health Department indicates there may be no essential change in either the total number of persons in the eligible population or in the program cost as a result of these adjustments.

AMENDMENT

The committee amended H.R. 10964 to comply with Reorganization Plan No. 3 of 1967, which abolished the Board of Commissioners of the District of Columbia, and transferred its functions to the single Commissioner and District of Columbia Council created under the reorganization plan. The committee intends that there be no substantive change in the bill that passed the House as a result of the amendment, which is wholly technical in nature but was required to clarify the reorganization changes in the District of Columbia government.

CONCLUSION

It is the opinion of your committee that the enactment of this proposed legislation, designed to bring the District of Columbia into the nationwide Federal health reimbursement program under title XIX of the Social Security Act, as amended, is in the best interests of all the citizens of the District of Columbia. Your committee recommends prompt enactment of this legislation.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Lt. Gen. William W. Momyer (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of general, which was referred to the Committee on Armed Services.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report of Antideficiency Act Violations

A letter from the Acting Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a report of Antideficiency Act violations by the Federal Aviation Administration (with an accompanying report); to the Committee on Appropriations.

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms, for July-September 1967 (with an accompanying report); to the Committee on Banking and Currency.

Statistics of Privately Owned Electric Utilities in the United States, 1966

A letter from the Acting Chairman, Federal Power Commission, transmitting, for the information of the Senate, the Statistics of Privately Owned Electric Utilities in the United States, dated 1966 (with an accompanying document); to the Committee on Commerce.

The 24th Semiannual Report of the Foreign Claims Settlement Commission

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting, pursuant to law, the 24th Semiannual Report, dated June 30, 1966 (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of Government Printing Office, fiscal year 1966, dated December 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for improvement in the system for managing nonexpendable equipment, Department of the Air Force, dated December 1967 (with an accompanying report); to the Committee on Government Operations.

William Langer Jewel Bearing Plant, Rolla, N. Dak.

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to provide for the operation of the William Langer Jewel Bearing Plant at Rolla, N. Dak., and for other purposes (with an accompanying paper); to the Committee on Government Operations.

Lower Rio Grande Valley Rehabilitation Project, Texas

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, determinations on deferments of 1968 construction payments due the United States from the Cameron County Water Control and Improvement District No. 1, the Donna Irrigation District, Hidalgo County No. 1 and the La Feria Water Control and Improvement District, Cameron County No. 3; to the Committee on Interior and Insular Affairs.

Report of the Proceeding of the Judicial Conference of the United States

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report of the proceedings of the annual meeting of the Judicial Conference of the United States, dated September 21 and 22, 1967 (with an accompanying report); to the Committee on the Judiciary.

Report of Judicial Conference of United States

A letter from the Chief Justice of the United States, Supreme Court of the United States, transmitting, pursuant to law, the Rules of Appellate Procedure, the amendments to the Rules of Civil Procedure for the U.S. District Courts, the Rules of Criminal Procedure for the U.S. District Courts which have been adopted by the Supreme Court, and the Report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying paper); to the Committee on the Judiciary.

Report of Premium Payments for Overtime

A letter from the Secretary of Labor, transmitting, pursuant to law, the report pertaining to premium payments for overtime (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Anaheim City Council, Anaheim, Calif., relating to Federal tax sharing; to the Committee on Finance.

A resolution adopted by the city council of Carpinteria, Calif., relating to off-shore oil development; to the Committee on Interior and Insular Affairs.

The petition of John Yonely, of Joliet, Ill., praying for the enactment of legislation to make public highways available for the exclusive use of bus and truck companies; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2018. A bill for the relief of Wong Wah Sin (Rept. No. 845);

S. 2132. A bill for the relief of Dr. Robert L. Cespedes (Rept. No. 846);

S. 2149. A bill for the relief of Dr. Jose J. Guijarro (Rept. No. 847);

S. 2249. A bill for the relief of Dr. Mario G. Mendez (Rept. No. 848);

S. 2380. A bill for the relief of Dr. Juan Jose Villa-Campos (Rept. No. 849);

S. 2403. A bill for the relief of Dr. Teobaldo Curevo-Castillo (Rept. No. 850);

S. 2404. A bill for the relief of Dr. Heriberto Jose Hernandez-Suarez (Rept. No. 852);

S. 2477. A bill for the relief of Dr. Fang Luke Chiu (Rept. No. 853);

S. 2488. A bill for the relief of Dr. Raul Agustin Pereira-Valdes (Rept. No. 854);

S. 2492. A bill for the relief of Leonardo E. Arteaga (Rept. No. 855);

S. 2495. A bill for the relief of Dr. Jesus Ortiz Ricote (Rept. No. 856);

H.R. 1592. An act for the relief of Dr. Rene Jose Triay (Rept. No. 857);

H.R. 2138. An act to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes (Rept. No. 858);

H.R. 3032. An act for the relief of Mrs. Karen Wood Davila (Rept. No. 859);

H.R. 3516. An act for the relief of Andres Mauricio Candela, M.D. (Rept. No. 860);

H.R. 3525. An act for the relief of Israel Mizrahy, M.D. (Rept. No. 861);

H.R. 3528. An act for the relief of Isaac Chervony, M.D. (Rept. No. 862);

H.R. 3866. An act for the relief of Dr. Edwardo Enrique Ramos (Rept. No. 863);

H.R. 4974. An act for the relief of Dr. Manuel A. Turbat (Rept. No. 864);

H.R. 5186. An act for the relief of Dr. Armando Cobelo (Rept. No. 865);

H.R. 5187. An act for the relief of Dr. Hector Alfredo E. Planas-Pina (Rept. No. 866);

H.R. 6088. An act for the relief of Dr. Manuel Jose Coto (Rept. No. 867);

H.R. 6096. An act for the relief of Mrs. Inge Hemmersbach Hilton (Rept. No. 868);

H.R. 6670. An act for the relief of Dr. Virgilio A. Ganganelli Valle (Rept. No. 869);

H.R. 6766. An act for the relief of Dr. Raul Gustavo Fors Docal (Rept. No. 870);

H.R. 7890. An act for the relief of Dr. Josefina Quintos Marcelo (Rept. No. 871);

H.R. 7896. An act for the relief of Dr. Jose A. Rico Fernandez (Rept. No. 872);

H.R. 7898. An act for the relief of Dr. Nemesio Vazquez Fernandez (Rept. No. 873);

H.R. 8256. An act for the relief of Dr. Hermes Q. Cuervo (Rept. No. 874);

H.R. 8258. An act for the relief of Jorge Gabriel Lazcano, M.D. (Rept. No. 875);

H.R. 8407. An act for the relief of Dr. Raquel Maria Cruz-Flores (Rept. No. 876);

H.R. 8738. An act for the relief of Guillermo Ramon Palacio Sela (Rept. No. 877); and

H.R. 9081. An act for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya (Rept. No. 878).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2318. A bill for the relief of Kelley Michelle Auerbach (Rept. No. 851);

S. 2489. A bill for the relief of Dr. Jesus Jose Eduardo Garcia (Rept. No. 879);

H.R. 3031. An act for the relief of Mr. and Mrs. Christos Photinos-Svoronos (Rept. No. 880);

H.R. 5575. An act for the relief of Panagiotis Paulus (Rept. No. 881);

H.R. 6326. An act for the relief of Chrisanthe Savas Karatapanis (Rept. No. 882); and

H.R. 8476. An act to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski (Rept. No. 883).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 265. A bill for the relief of Manuel de Benito Supnet (Rept. No. 884); and

S. 2118. A bill for the relief of Dr. Joseph E. Stapleton (Rept. No. 885).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 1052. A bill for the relief of Nicholas S. Cvetan, U.S. Air Force (retired) (Rept. No. 840);

S. 2104. A bill for the relief of Irva G. Franger (Rept. No. 842);

H.R. 1537. An act for the relief of Thomas M. Scanlon (Rept. No. 892);

H.R. 1894. An act for the relief of Our Lady of Pillar Catholic Church in Santa Ana, Calif. (Rept. No. 893);

H.R. 3889. An act for the relief of Standard Meat Co. (Rept. No. 843);

H.R. 5853. An act for the relief of Raymond E. Grail (Rept. No. 844);

H.R. 6004. An act for the relief of Swiff-Train Co. (Rept. No. 894);

H.R. 9574. An act for the relief of Joseph J. Wojcik (Rept. No. 904);

H.R. 10449. An act for the relief of Camille Anita Dobson (Rept. No. 903); and

H.R. 12912. An act to give the consent of Congress to the State of Ohio to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the acts of November 1, 1965 (79 Stat. 1157), and November 2, 1966 (80 Stat. 1156) (Rept. No. 902).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 1212. A bill for the relief of John L. Dean (Rept. No. 901);

H.R. 2454. An act for the relief of the children of Mrs. Doris E. Warren (Rept. No. 896); and

H.R. 8338. An act to create a new division for the Western District of Texas, and for other purposes (Rept. No. 895).

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 172. A bill for the relief of Mrs. Daisy G. Merritt (Rept. No. 899);

S. 909. A bill for the relief of Paul L. Margaret, and Josephine Kirsteatter (Rept. No. 900); and

S. 2287. A bill for the relief of the town of Bremen, Ind. (Rept. No. 897).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment.

H.R. 1670. An act for the relief of Dr. George H. Edler (Rept. No. 889); and

H.R. 2152. An act to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts (Rept. No. 898).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. Con. Res. 43. A concurrent resolution to officially recognize the 150th anniversary of the admission of the State of Illinois to the Union (Rept. No. 890).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

S. 1843. A bill to establish rights for individuals in their relations with Indian tribes, and for other purposes (Rept. No. 841).

By Mr. TYDINGS, from the Committee on the Judiciary, with an amendment:

S. 989. A bill to provide improved judicial machinery for the selection of Federal juries, and for other purposes (Rept. No. 891).

Mr. MORSE subsequently said: Mr. President, I ask unanimous consent that the report filed earlier today by the Senator from Maryland [Mr. TYDINGS] on S. 989 be printed, together with the individual views of Senators ERVIN and HRUSKA.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service, with amendments:

H.R. 1411. An act to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes (Rept. No. 886).

By Mr. TYDINGS, from the Committee on the District of Columbia, with amendments:

S. 1247. A bill to authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes (Rept. No. 887).

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

S. 1999. A bill to amend title II of the District of Columbia Public Education Act (Rept. No. 888).

ADDITIONAL FUNDS TO STUDY MATTERS RELATING TO THE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES—REPORT OF A COMMITTEE

Mr. KENNEDY of Massachusetts, from the Committee on the Judiciary, reported the following original resolution (S. Res. 193); which was referred to the Committee on Rules and Administration:

S. RES. 193

Resolved, That S. Res. 38, Ninetieth Congress, agreed to February 17, 1967 (authorizing the Committee on the Judiciary to study any and all matters relating to the problems created by the flow of refugees and escapees), is hereby amended on page 2, line 19, by striking out "$90,000" and inserting in lieu thereof "$105,400".

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

One hundred and sixty-eight postmaster nominations.

By Mr. EASTLAND, from the Committee on the Judiciary:

Francisco R. Santos, of Guam, to be U.S. marshal for the district of Guam;

LaVern R. Dilweg, of Wisconsin, to be a member of the Foreign Claims Settlement Commission of the United States; and

Eugene G. Hulett, of Oregon, to be U.S. marshal for the District of Oregon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 2721. A bill to amend section 2 of the act of February 11, 1903, relating to appeals in certain antitrust actions, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN:

S. 2722. A bill to maintain farm income, to stabilize prices and assure adequate supplies of extra-long staple cotton for the 1968 and succeeding crops, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. HART:

S. 2723. A bill for the relief of Roger J. M. Beauchamp;

S. 2724. A bill for the relief of Peter Rudolf Gross; and

S. 2725. A bill for the relief of Pornthip Nutayothin McClenney; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. HAYDEN):

S. 2726. A bill to assist in the protection of the consumer by requiring full disclosure of the terms and conditions of guarantees; and by creating an Advisory Council on Guarantees, Warranties, and Servicing to conduct further study of the problems arising in securing adequate performance under these guarantees and under customary service contracts; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN (for himself and Mr. MAGNUSON):

S. 2727. A bill to promote higher standards of quality control in the manufacture of motor vehicles; to provide for the establishment by the Secretary of Commerce of standards for new motor vehicle warranties and for motor vehicle dealer franchise agreements; to prescribe effective remedies for breach of such warranties and agreements; and for other purposes; and

S. 2728. A bill to require manufacturers of new household appliances distributed in interstate commerce or affecting interstate commerce to provide, in compliance with standards prescribed by the Secretary of

Commerce, warranties effective to protect consumers from deception and unfair trade practices; to provide means for the enforcement of such warranties; and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Hayden when he introduced the above bills, which appear under a separate heading.)

By Mr. NELSON:

S. 2729. A bill for the relief of Hong Kam Pang and Fat Hing Hui; and

S. 2730. A bill for the relief of Serafina Patti; to the Committee on the Judiciary.

By Mr. DODD:

S. 2731. A bill for the relief of Basin Rowland Duncan; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2732. A bill for the relief of Vincenzo Vitale; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2733. A bill for the relief of Dr. Angel Solar to the Committee on the Judiciary.

By Mr. FONG:

S. 2734. A bill for the relief of Mariano A. Visitacion; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2735. A bill for the relief of Domenico Di Leonardo;

S. 2736. A bill for the relief of Antonino Gagliano;

S. 2737. A bill for the relief of Agostino Maggiore;

S. 2738. A bill for the relief of Mario Girardi; and

S. 2739. A bill for the relief of Antonio Di Leonardo; to the Committee on the Judiciary.

By Mr. KENNEDY of New York:

S. 2740. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the ground of insanity; to the Committee on the Judiciary.

S. 2741. A bill to amend title 24, District of Columbia Code, to provide for the commitment of certain individuals acquitted of offenses in the District of Columbia solely on the ground of insanity; to the Committee on the District of Columbia.

(See the remarks of Mr. Kennedy of New York when he introduced the above bills, which appear under a separate heading.)

RESOLUTION

ADDITIONAL FUNDS TO STUDY MATTERS RELATING TO THE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES

Mr. KENNEDY of Massachusetts, from the Committee on the Judiciary, reported an original resolution (S. Res. 193) to provide additional funds to study any and all matters relating to the problems created by the flow of refugees and escapees, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Kennedy of Massachusetts, which appears under the heading "Reports of Committee.")

PROPOSED AMENDMENT OF ACT RELATING TO APPEALS IN CERTAIN ANTITRUST ACTIONS

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill dealing with the expedition of judicial matters.

The Expediting Act (15 U.S.C. 29) provides for direct appeals from the district courts to the U.S. Supreme Court in civil antitrust cases brought by the Government.

On numerous occasions in the last 2 or 3 years, the Supreme Court Justices, both in opinions and in out-of-court statements, have called for amendment of the law to provide that these appeals should go to the circuit courts of appeal as do other matters, principally because reviewing the voluminous records of those cases is unnecessarily time consuming for the Supreme Court.

The section on antitrust law of the American Bar Association has over a period of time been discussing with the Attorney General and the Assistant Attorney General in charge of the Antitrust Division proposals to accelerate court action by means of amending the existing law and have made some excellent suggestions and have recommended a proposal substantially in the form of that which I now introduce.

I believe this measure will be a useful tool in the constant effort to reduce the heavy caseload on our already overburdened Supreme Court. It would permit a more efficient utilization of already existing intermediate court procedures and would, I believe, satisfy the requirements of the Government, individual litigants, and the judiciary, and would be in the public interest.

In order that this bill receive wide attention, I ask unanimous consent that it be printed in the Record and be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2721) to amend section 2 of the act of February 11, 1903, relating to appeals in certain antitrust actions, and for other purposes, introduced by Mr. Dirksen, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2, of the Act of February 11, 1903 (32 Stat. 823, as amended; 15 U.S.C. 29, 49 U.S.C. 45), commonly known as the Expediting Act, is amended to read as follows:

"Sec. 2. (a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under any of said Acts in which the United States is the complainant and equitable relief is sought, appeal may be taken only to the court of appeals. Appeals from final judgments entered in such actions shall be so taken pursuant to section 1291 of title 28 of the United States Code. Appeals from interlocutory orders entered in such actions shall be so taken pursuant to sections 1292 (a)(1) and 1292 (b) of title 28 of the United States Code. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254 (1) of title 28 of the United States Code.

"(b) In any such action an appeal from a final judgment or an interlocutory order of a three-judge district court designated pursuant to the first section of this Act (15 U.S.C. 28, 49 U.S.C. 44) shall lie directly to the Supreme Court in accordance with section 1253 of title 28 of the United States Code.

"(c) In any such action before a district court other than such a three-judge district court an appeal from the final judgment of the district court shall lie directly to the Supreme Court if (1) the district court, upon application of a party or upon its own motion, certifies that immediate review by the Supreme Court is appropriate in the interest of justice, or (2) the Attorney General certifies that in his opinion immediate review of the action, or of a particular question of law therein, by the Supreme Court is of general public importance in the administration of justice.

"(d) Any such certificate made by the Attorney General or by the district court upon its own motion, and any application for such a certificate made by any party to the district court, shall be filed in the district court within seventy days after the entry of final judgment by the district court. Any application made by a party to the district court for such a certificate shall be deemed to have been denied unless such application is granted within eighty days after the entry of such final judgment.

"(e) When a direct appeal is taken upon a certification made under subsection (c), the Supreme Court may (1) allow the appeal and require the record of proceedings before the district court to be transmitted to the Supreme Court for decision of the entire matter in controversy, or (2) dismiss the appeal and remand the action to the district court with binding instructions for the disposition thereof. Subject to such instructions in any action so remanded, an appeal from the judgment of the district court may be taken to the court of appeals as provided by section 1291 of title 28 of the United States Code. The time allowed for such appeal shall run from the date of entry of the order of the Supreme Court remanding the action to the district court."

Sec. 2. The amendment made by this Act shall not apply to any action in which a notice of appeal to the Supreme Court has been filed on or before the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823, as amended; 15 U.S.C. 29, 49 U.S.C. 45), which were in effect on the day preceding the date of enactment of this Act.

THE GUARANTEE DISCLOSURE AND PRODUCT SERVICING ACT

Mr. MAGNUSON. Mr. President, I introduce, on behalf of myself and the senior Senator from Arizona [Mr. Hayden], for appropriate reference, the proposed Guarantee Disclosure and Product Servicing Act of 1968. This bill, the last of six consumer proposals which I pledged last January to introduce in this session of Congress, is designed to deal with two related consumer problems which have generated angry and profound consumer dissatisfaction—the incomplete, misleading, or confusing disclosure of the terms and conditions of guarantees; and the inadequate servicing of manufactured products, both under guarantee agreements and under customary service contracts.

That there are problems with guarantees, warranties, and product servicing seems to be beyond question. For the Commerce Committee, like many individual Members of Congress, receives a steady flow of mail complaining first, that a recently purchased product is defective and would not be repaired or replaced by the manufacturer; second, that certain defects or failures in a product have not been repaired, despite frequent visits to the repair shop; third, that the prices charged for minor repairs are exorbitant; fourth, that significant parts of a product's mechanism were not covered by the guarantee, but this was not clear at the time of sale; and, fifth, that disputes with the manufacturer as to the coverage of the guarantee and the allocation of costs under it always seem to be resolved by the manufacturer in his own favor. In some of these cases, to be sure, there may be an equally persuasive contrary point of view, but the volume of mail in itself clearly indicates that there is widespread consumer discontent both with the quality of much of today's merchandise and with the manufacturer's unwillingness to repair properly. Briefly, I would like to expand upon some of these complaints.

Far too often, as I pointed out last January when first proposing to introduce this legislation, the purchaser of a product first discovers limitations on its guarantee when he seeks performance under it. Only then does he find out that the guarantee covers parts but not the labor; that he cannot take the product to the dealer for repair but must ship it to the factory, bearing the mailing cost himself; that every component part of the product comes within the guarantee except the very part which does not work; or that the guarantor does not guarantee that the product will be repaired or replaced but only that he will make an effort to repair it.

But the complaints do not end here. Even where a dealer agrees to honor a guarantee or to repair, at the customer's expense, a certain defect, difficulties have often merely just begun. The case of the Fairfax County, Va., man who returned his luxury priced new automobile to the dealer 38 times in his unsuccessful quest for the repair of a leak which left the driver soaked in rain, sleet, or snow is admittedly extreme, but symptomatic. Too frequently there is a seemingly endless succession of return trips to a dealer to obtain the repair or adjustment which should have been performed properly on the first visit. To complicate repair problems further, product models are changed with such rapidity that products only 2 or 3 years old have become obsolete, and replacement parts can apparently be found only in museums.

Even when a product is properly repaired, many complain that the prices charged to correct apparently minor defects are exorbitant. In such cases, there is no way for the technologically unsophisticated consumer to judge the honesty of the diagnosis or to assess the competence of the workmanship or the quality of the replacement parts. On top of all this, of course, is the dissatisfied consumer's tremendous frustration at frequently running into a seemingly endless hierarchy of bureaucratic officials who disclaim any authority to resolve his problem and then politely pass the buck along.

The bill I introduce today is designed to establish procedures, to become effective nearly immediately, for insuring the fair and full disclosure of guarantee and warranty terms. These provisions are contained in title I, which establishes requirements for the manner in which the terms of the guarantee are to be disclosed to the consumer. Thus, under its provisions, a seller will be required to mention, among other things, the parts which are covered, the duration of the coverage, and the type of damage which the buyer is protected against. In addition, however, the seller must also disclose the costs which the purchaser must bear under the agreement, and he must identify the parts and types of damage which are not covered by its provisions. Finally, this title, of the bill will authorize the Federal Trade Commission to develop shorthand descriptions of the various types of guarantees, and it will require that this abbreviated description appear as the title of the guarantee agreement and as an accompaniment to all guarantee advertising.

Title II of this bill represents an effort to come to grips with the broader and more perplexing problem of insuring the adequacy of product servicing. It does so by establishing an Advisory Council on Guarantees, Warranties, and Servicing which will be empowered to "conduct a comprehensive study and investigation of the adequacy of performance under guarantees, the methods of resolving disputes relating to the adequacy of such performance, the extent of the difficulty in securing competent servicing of mechanical and electrical products under warranties and guarantees as well as under customary service agreements, and the difficulties encountered in obtaining relief for inadequate performance under guarantees and under customary service agreements." This Council will submit to Congress its conclusions relating to these central problems as well as to such collateral issues as the sufficiency of the manufacturer's payments to its dealers for performing warranty work and the difficulty in attracting skilled and competent mechanics and repairmen.

Most important, of course, will be the Council's recommendations for positive action—for voluntary industry and Government programs, and for such corrective legislation as may prove necessary. In formulating these recommendations, we naturally would expect the Council to review thoroughly the existing common and statutory law relating to warranties of merchantability and fitness and their waiver; and to consider existing proposals which would protect the consumer from defective products, insure competent servicing, or fairly and expeditiously settle his warranty grievances. Such proposals include suggestions that a manufacturer be held strictly liable for any defect which appears in the merchandise within a specified period of time after the sale, regardless of contrary contractual provisions; that all mechanics and other skilled servicemen be licensed after rigorous testing; that a system for arbitration of disputes under warranty agreements, similar to that suggested by Senator HAYDEN in the bill he is introducing today, be established; and that schemes for industry self-policing, which range from the appointment of an ombudsman within each industry to investigate and settle complaints to the establishment of a formalized and effective complaint settling procedure by each company of industry, be greatly expanded. Certainly there seems to be no dearth of constructive suggestions, and the current FTC study on automobile warranties should produce more. Ultimately, however, it will be the Council's own responsibility, after carefully analyzing the problems, to develop its own recommendations as to the most desirable course for legislative action.

I regret that this bill, by itself, cannot provide answers to all the problems which arise in discussions about the adequacy of product servicing. Yet, I feel it is a significant first step. Clarifying the disclosure of the terms and conditions of guarantees will help to alert the consumer to its shortcomings at the time of his purchase. Studying and weighing various measures to insure more adequate product servicing and more equitable and economical settlement of disputes will help to induce meaningfully voluntary programs, and, where necessary, to produce strong and effective legislation.

Because of the great importance of getting this study underway immediately, we shall plan to hold hearings on this bill in the Commerce Committee early next year. At that time, however, we shall also consider Senator HAYDEN's proposals, which I have cosponsored, for should we find that they can provide workable and acceptable solutions to some of these guarantee problems, there will be no reason to delay their adoption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2726) to assist in the protection of the consumer by requiring full disclosure of the terms and conditions of guarantees; and by creating an Advisory Council on Guarantees, Warranties, and Servicing to conduct further study of the problems arising in securing adequate performance under these guarantees and under customary service contracts; introduced by Mr. MAGNUSON (for himself and Mr. HAYDEN), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby declares that it is the purpose of this Act to insure that a consumer will receive a complete and clear disclosure of the terms and conditions of any guarantee on merchandise sold at retail and of any guarantee on services rendered; and to establish an Advisory Council on Guarantees, Warranties, and Servicing to conduct a study and to make recommendations with respect to the problems arising in securing adequate performance under these guarantees and under customary service contracts.

TITLE I—GUARANTEE DISCLOSURE

SEC. 101. This title may be cited as the "Guarantee Disclosure and Product Servicing Act of 1968".

SEC. 102. As used in this title—

(1) "Commission" means the Federal Trade Commission.

(2) "Guarantee" means—

(A) With respect to merchandise, a statement or representation made by a manufacturer or retailer of merchandise, whether or not the term "guarantee" or "warranty" is actually used, to the effect that such manufacturer will correct, without cost to a purchaser or upon specified terms, any damage to or defects in the merchandise at or after the time of delivery of possession of such merchandise to the purchaser thereof; and

(B) With respect to services, a statement or representation made by a person engaged in business in rendering services, whether or not the term "guarantee" or "warranty" is actually used, to the effect that such person will correct, without cost to a purchaser or upon specified terms, any deficiency in the quality or effectiveness of the services at or after the time of rendition of the services.

(3) "Guarantor" means a person who gives or has given a guarantee with respect to merchandise or services.

(4) "Interstate commerce" means commerce within the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or between any place in a State and any place in another State, or between places in the same State through another State.

(5) "Merchandise" means any motor vehicle, machine, appliance, device, article, product, or commodity which is distributed by any means for ultimate purchase and use or consumption by individuals within any State.

(6) "Person" means an individual and any partnership, corporation, association, or other legal entity.

(7) "Purchaser" means the first buyer of any merchandise or services to whom a guarantee is given or has been given with respect to such merchandise or services, and any other person who is entitled by the terms of such guarantee to enforce against the guarantor the obligation of such guarantee.

(8) "Service affecting interstate commerce" means any service of any kind which is rendered (A) within the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, or American Samoa, or (B) within any other State through the use in whole or in part of any facility for interstate commerce, any instrumentality of interstate commerce, or any article, product, commodity, or material which is, has been, or may be distributed in interstate commerce.

(9) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

DISCLOSURE OF TERMS AND CONDITIONS

SEC. 103. (a) No person shall introduce or deliver for introduction into interstate commerce any merchandise with respect to which any guarantee is made by such person, or sell any merchandise made in whole or in part of any item which has been shipped in interstate commerce with respect to which any guarantee is made by such person, unless that person clearly and conspicuously discloses on the merchandise or on a tag attached to the merchandise—

(1) The name and address of the person making such guarantee;

(2) Where applicable, the name and address of any persons, or the identification of any class of persons, other than the person named in paragraph (1), authorized to carry out the guarantee: *Provided,* That the guarantee shall then explicitly state which party has the ultimate responsibility for performance under the guarantee; and

(3) A detailed statement of the terms and conditions of the guarantee which shall include, where applicable, but is not limited to, a description of—

(A) The part or parts of the merchandise which are covered by the guarantee;

(B) The nature of the damage and defects which are covered by the guarantee;

(C) The duration of the guarantee;

(D) The person or persons to whom the guarantee is extended;

(E) The conditions, if any, which the person claiming under the guarantee must fulfill before the guarantor will perform his obligations under the guarantee: *Provided,* That if a purchaser must indicate to the guarantor, within a stated time after the purchase, that he desires to have his purchase covered by the guarantee, then the guarantor shall include a stamped and properly addressed post card which contains a clear and conspicuous disclosure of such condition for this purpose;

(F) What costs, if any, must be borne by the person claiming under the guarantee;

(G) The time at which, and the manner in which, the guarantor will perform his obligations under the guarantee; and

(H) What parts and types of damage and defects are not covered by the guarantee.

(b) Each person who renders any service affecting interstate commerce with respect to which any guarantee is made by such person shall, upon the completion of the performance of that service, deliver to the purchaser thereof a written instrument which clearly and conspicuously discloses—

(1) The name and address of the person making such guarantee;

(2) Where applicable, the name and address of any persons, or the identification of any class of persons, other than the person named in paragraph (1), authorized to carry out the guarantee: *Provided,* That the guarantee shall then explicitly state which party has the ultimate responsibility for performance under the guarantee; and

(3) The nature of the service rendered, the time and place at which that service was rendered, and the identity of the purchaser of that service; and

(4) A detailed statement of the terms and conditions of the guarantee, which shall include but is not limited to, a description of—

(A) The object sought to be attained through the performance of such service;

(B) The nature of each deficiency in the service which is covered by the guarantee;

(C) The duration of the guarantee;

(D) The person or persons to whom the guarantee is extended;

(E) The conditions, if any, which the person claiming under the guarantee must fulfill before the guarantor will perform his obligations under the guarantee; *Provided,* That if a purchaser must indicate to the guarantor, within a stated time after the performance of the services, that he desires to have the performance covered by the guarantee, then the guarantor shall deliver to the purchaser a stamped and properly addressed post card which contains a clear and conspicuous disclosure of such condition for this purpose;

(F) What costs, if any, must be borne by the person claiming under the guarantee;

(G) The time at which, and the manner in which, the guarantor will perform his obligations under the guarantee; and

(H) What deficiencies in the service are not covered by the guarantee.

ABBREVIATED DESCRIPTION AND RULEMAKING

SEC. 104. (a) The Commission shall by rulemaking proceeding develop a simple and clear system of describing and classifying the different types of guarantees. This abbreviated description of the scope of the guarantee shall appear, along with the duration of the guarantee, as the title of every document setting forth the information required by section 103, and shall be in larger and bolder type than the detailed disclosure of the terms and conditions of such guarantee.

(b) The Commission is authorized to prescribe such additional rules and regulations as may be necessary or proper in carrying out the provisions of section 103 of this Act. Such rules and regulations may include, but are not limited to, a description of the methods to be used to assure that the information required by section 103 will be clearly disclosed to the purchaser in a manner which will not mislead him as to the terms and conditions of the guarantee.

DISCLOSURE REQUIRED IN ADVERTISING

SEC. 105. (a) No person shall state or otherwise represent in any advertisement in interstate commerce or affecting interstate commerce that any merchandise or service is guaranteed unless that person also discloses—

(1) The abbreviated description of the scope of the guarantee as provided in section 104 of this Act;

(2) The duration of the guarantee; and

(3) The name of the person making such guarantee: *Provided,* That any person whose advertisement offers to sell such guaranteed merchandise or service through the mails shall disclose in the advertisement the complete terms and conditions of such guarantee, as required by sections 103 and 104.

(b) For the purposes of this section, the term "advertisement in interstate commerce" includes, but is not limited to—

(1) the advertising of merchandise or services through any means or instrumentality of interstate commerce;

(2) the advertising of any merchandise which is made in whole or in part of any item which has been distributed in interstate commerce; and

(3) the advertising of any service affecting interstate commerce.

PERFORMANCE

SEC. 106. (a) No person shall make any guarantee as to any merchandise which has been or will be introduced into interstate commerce or which is made in whole or in part of any item which has been distributed in interstate commerce, or as to any service affecting interstate commerce, if he knows or has reason to believe that the person, or any substantial number of the persons, authorized to carry out the guarantee do not have adequate facilities or materials to carry out the guarantee or will not in fact normally carry out the guarantee according to its terms.

(b) No person shall use the terms "guarantee" or "warranty" in conjunction with the sale or offering for sale of any merchandise which has been or will be introduced into interstate commerce or which is made in whole or in part of any item which has been shipped in interstate commerce, or of any service affecting interstate commerce, if the terms and conditions of such guarantee so limit its scope or application as to deceive a reasonable and prudent prospective purchaser as to the extent of its coverage.

ENFORCEMENT

SEC. 107. (a) The Commission is authorized and directed to prevent any person from violating the provisions of this title or rules or regulations issued pursuant to this title. Any violation of such provisions, rules, or regulations shall be deemed to be a violation of section 5 (a) of the Federal Trade Commission Act (15 U.S.C. 45 (a)).

(b) Whenever the Commission has reason to believe that a person has violated or is about to violate the provisions of sections 103, 104, or 105 of this title, and that it would be in the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court in review, or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the United States court of any territory, for the district or territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing, a temporary injunction or restraining order shall be granted without bond.

PENALTIES

SEC. 108. (a) Whoever willfully violates a provision of this title shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation. Such penalty may be recovered in a civil action brought by the Attorney General at the request of the Commission in a district court of the United States. Nothing contained in this subsection shall bar the recovery under section 5 (1) of the Federal Trade Commission Act (15 U.S.C. 45 (1)) of a penalty for the violation of a cease and desist order of the Commission.

(b) Whoever willfully removes, alters, or renders illegible any information placed upon merchandise, or any tag attached to merchandise, in compliance with section 103 of this Act before such merchandise is delivered to the actual custody of the purchaser of such merchandise shall be fined not more than $5,000, or imprisoned not more than six months, or both. Such removal, alteration, or rendering illegible with respect to each article of merchandise shall constitute a separate offense.

EFFECTIVE DATE

SEC. 109. The provisions of this title shall take effect on July 1, 1969.

TITLE II—ADVISORY COUNCIL ON GUARANTEES, WARRANTIES, AND SERVICING

SEC. 201. (a) There is hereby established an Advisory Council on Guarantees, Warranties, and Servicing (hereinafter referred to as the "Council").

(b) The Council shall be composed of five members appointed by the President from among persons who are specially qualified to serve on such Council by virtue of their education, training, or experience.

(c) Any vacancy on the Council shall not affect its powers.

(d) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

(e) Three members of the Council shall constitute a quorum.

DUTIES OF THE COUNCIL

SEC. 202. (a) The Council shall conduct a comprehensive study and investigation of the adequacy of performance under guarantees made with respect to merchandise and services, the methods of resolving disputes relating to the adequacy of such performance, the extent of the difficulty in securing competent servicing of mechanical and electrical products under warranties and guarantees as well as under customary service agreements, and the difficulties encountered in obtaining relief for inadequate performance under guarantees and under customary service agreements.

(b) The Council may transmit to the President and to the Congress such interim reports as it deems advisable, and shall transmit its final report with recommendations to the President and to the Congress not later than two years from the date of approval of this Act. Such final report shall contain a detailed statement of the findings and conclusions of the Council together with its recommendations for such legislation or voluntary programs as it deems appropriate.

POWERS OF THE COUNCIL

SEC. 203. (a) The Council, or any two members thereof as authorized by the Council, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. The Council shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data. In connection therewith the Council is authorized by majority vote—

(1) To require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Council may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Council may determine;

(2) To administer oaths;

(3) To require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) In the case of disobedience to a subpoena or order issued under this subsection, to invoke the aid of any district court of the United States in requiring compliance with such subpoena or order;

(5) In any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Council and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under paragraphs (3) and (4) of this subsection; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpoena or order of the Council issued under subsection (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Council is authorized to request directly from any department, agency, or independent instrumentality of the Federal Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, or independent instrumentality is authorized to cooperate with the Council and, to the extent permitted by law, to furnish such information to the Council upon request made by the Chairman or Vice Chairman when acting as Chairman.

(d) The Council is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, and the preparation of reports, and for other activities necessary to the discharge of its duties.

(e) When the Council finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Council or its staff: *Provided*, That the Council shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Council is authorized to delegate any of its functions to individual members of the Council or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

COMPENSATION OF MEMBERS OF THE COUNCIL

SEC. 204. Each member of the Council shall receive compensation at the rate of $100 for each day such member is engaged upon work of the Council and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 205. (a) The Council is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of an Executive Director, and the Executive Director, with the approval of the Council, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Council, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Council, is authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(c) The head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Council under this Act.

(d) Financial and administrative services (including those related to budgeting and accounting, financial, reporting, personnel, and procurement) shall be provided for the Council by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Administrator of the General Services. Regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Administrator for the administrative control of funds shall apply to appropriations of the Council, but the Council shall not be required to prescribe such regulations.

(e) Ninety days after submission of its final report, as provided in section 202(b), the Council shall cease to exist.

AUTHORIZATION

SEC. 206. There are authorized to be appropriated to the Council such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this title.

CONSUMER WARRANTY LEGISLATION

Mr. HAYDEN. Mr. President, I introduce, on behalf of myself and the senior Senator from Washington [Mr. MAGNUSON], two bills concerning consumer warranty legislation.

In the past year my office has been receiving numerous complaints from new-car buyers and automobile dealers in Arizona. The chief complaint has been that it is virtually impossible for the consumer to enforce the provisions of his automobile warranty against the manufacturer. The dealers complain that the automobile manufacturers will not furnish them with parts nor will they reimburse them for work done under the warranty and, therefore, it becomes economically disastrous for the dealer to make all the repairs that the consumer usually finds necessary to put his new car in operating shape.

The other major problem involved here is the interpretation of the provisions in the new-car warranties. Consumers and dealers interpret them one way and the manufacturer interprets them another—usually to his benefit. This problem has been brought to light by articles in Consumer Reports, the Wall Street Journal, the Washington Star and is now under serious study by the Federal Trade Commission.

In 1966, Congress established the National Traffic and Motor Vehicle Safety Act. As a result of this act, a period from September 1966 to May 31, 1967, 2,214,925 motor vehicles have been reported to the National Highway Safety Bureau, according to the American Automobile Association, because of safety defects. In addition, thousands of motor vehicles produced in this country have what is considered inconvenient defects—that is, cigarette lighter does not work, the upholstery is poorly done in the car, the carpeting is not put down right, the speedometer is not at a correct angle. The major problem here is what recourse does the new-car buyer have to get the dealer or the manufacturer to correct the so-called inconvenient defects. In general, the only recourse he has is to enforce the provisions of this warranty. However, since there is a problem in interpreting it this usually entails hiring a lawyer and going to court. The chances of the average new-car buyer succeeding are extremely slim because of the high cost of litigation and also the length of the litigation. Therefore, we have prepared this legislation.

It sets up automobile warranty standards, both for the manufacturer and for the franchised dealer. The standards will be set by the Secretary of Commerce after consultation with the Federal Trade Commission relative to accepted advertising practices. The standards the Secretary shall set include provisions whereby the manufacturer may not release himself of liability by contracting it away.

We provide under the warranty claim section a method by which a new car buyer who has a warranty may request arbitration and, if he is successful, have this claim docketed in a Federal Court and, therefore, legally enforceable against the manufacturer at little or no cost to the consumer.

The bill also provides certain franchise standards. These standards prohibit any manufacturer from authorizing a franchise unless he makes the dealer his agent for service of process in case of legal action and reimburses him at a fair market value for the work he does on cars that have damages or defects that will be covered by the warranty.

The bill also requires both the manufacturer and the dealer to keep records relative to all the defects, damages—whether they be legal claims or monetary claims—relative to that make or model of car.

Mr. President, the warranty problem is not restricted to the automobile industry alone. The consumer often encounters the same frustrating experiences when he purchases new household and electrical applicances. And I am introducing legislation which would require quality control standards in the household appliance industry and which would provide a means for the customer to enforce his warranty claims for various appliances like stoves, refrigerators, and radios.

These bills, in conjunction with Senator MAGNUSON's advisory council proposal, represent a comprehensive effort to put some quality in the quantitative theory of production.

I ask unanimous consent that the text of the two bills be printed in the RECORD at the conclusion of these remarks, along with three articles, one from Consumer Reports and two from the Wall Street Journal, which deal with the subject of warranties.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and articles will be printed in the RECORD.

The bills, introduced by Mr. HAYDEN (for himself and Mr. MAGNUSON), were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2727. A bill to promote higher standards of quality control in the manufacture of motor vehicles; to provide for the establishment by the Secretary of Commerce of standards for new motor vehicle warranties and for motor vehicle dealer franchise agreements; to prescribe effective remedies for breach of such warranties and agreements; and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into sections according to the following table of contents, may be cited as the "Federal Motor Vehicle Warranty Act."

TABLE OF CONTENTS

Sec. 2. Motor vehicle factory inspection.
Sec. 3. Warranty and franchise requirements.
Sec. 4. Warranty standards.
Sec. 5. Warranty claims.
Sec. 6. Franchise standards.
Sec. 7. Franchise claims.
Sec. 8. Records and reports.
Sec. 9. Enforcement.
Sec. 10. Penalties.
Sec. 11. Definitions.
Sec. 12. Effective dates.

MOTOR VEHICLE FACTORY INSPECTION

SEC. 2. (a) Under such regulations as the Secretary of Commerce shall prescribe, one or more qualified representatives of the Department of Commerce shall conduct at least once in each calendar year without advance notice a comprehensive inspection of each factory, assembly plant, or other facility operated or maintained within any State by any manufacturer for the manufacturing or assembling of new motor vehicles for distribution in or affecting interstate commerce, or any component of such motor vehicles, to examine and evaluate—

(1) the quality of materials, components, manufacturing or assembling practices, and workmanship used or applied within such facility for the manufacturing or assembling of such motor vehicles or components;

(2) the effectiveness of quality control measures and procedures in effect within such facility with respect to the manufacturing or assembling of such motor vehicles or components;

(3) the extent to which and the effectiveness with which components produced or supplied by persons other than such manufacturer are inspected or tested for defects before use within such facility for the manufacturing or assembling of such motor vehicles;

(4) the extent to which and the effectiveness with which completed new motor vehicles manufactured or assembled in such facility are inspected or tested for defects before distribution in or affecting interstate commerce; and

(5) the extent to which and the effectiveness with which defects in such new motor vehicles detected by such inspection or testing are corrected before such new motor vehicles are distributed in or affecting interstate commerce.

(b) Upon the completion of each such inspection of each such facility, the representatives of the Department of Commerce who conducted such inspection shall transmit to the Secretary a full and complete written report, prepared in such manner and form as the Secretary shall prescribe, containing a detailed statement of the findings and conclusions made by such representatives upon such inspection and their recommendations with respect to measures to be taken for the improvement in quality of motor vehicles or components manufactured or assembled in such facility. If any such representative of the Department does not concur in the findings, conclusions, or recommendations contained in such report, such representative shall prepare a written statement of his comments thereon, and such statement shall be annexed to such report and shall be made a part thereof.

(c) Upon receipt of any such report with respect to any such facility operated or maintained by any manufacturer containing recommendations for the improvement in quality of motor vehicles or components thereof manufactured or assembled in such facility, the Secretary shall transmit promptly to such manufacturer a written statement of such recommendations. Not less than two months or more than six months after the transmission of any such statement to any manufacturer, the Secretary shall cause the facility named therein to be reinspected without advance notice in compliance with the provisions of subsections (a) and (b).

(d) To carry into effect the provisions of this section, officers and employees of the Department of Commerce duly designated by the Secretary, upon the presentation of appropriate credentials to the individual then exercising principal executive or administrative control over any such facility, shall be entitled, at any time at which such facility is engaged in operation or open for the transaction of business, to enter such facility and to conduct such inspection of (1) the components or other materials contained in such facility and (2) the operations, records, and products of such facility as may be required for that purpose. Information obtained in the course of any such inspection by any officer or employee of the Department of Commerce with respect to (1) the cost of materials or components used in such facility, (2) the costs of production of motor vehicles or components thereof manufactured or assembled in such facility, and (3) proprietary or trade secrets of the manufacturer engaged in the operation or maintenance of such facility shall be treated as confidential information, and shall not be disclosed to any other person who is not included within a class of officers or employees of the Department of Commerce which has been determined by the Secretary to require such information for the performance of official duties imposed upon them under this Act.

WARRANTY AND FRANCHISE REQUIREMENTS

SEC. 3. (a) No manufacturer may manufacture or assemble for distribution in or affecting interstate commerce, or distribute or cause to be distributed in or affecting interstate commerce, any new motor vehicle of any make unless such manufacturer gives in writing to the first purchaser of each motor vehicle of that make within any State a warranty with respect to such motor vehicle which complies with standards prescribed by the Secretary under this Act which are then in effect.

(b) No manufacturer may enter into any franchise with any dealer for the retail sale of new motor vehicles of any make within any State unless such franchise complies with standards prescribed by the Secretary under this Act which are then in effect.

(c) The Secretary shall prescribe, by rules adopted by him in conformity with the provisions of section 553, title 5, United States Code, after consultation with the Commission, standards for—

(1) warranties given by manufacturers to the first purchasers within any State of new motor vehicles manufactured, assembled, or distributed by such manufacturers; and

(2) franchises entered into by manufacturers for the retail sale of new motor vehicles by dealers within any State.

WARRANTY STANDARDS

SEC. 4. (a) Warranty standards prescribed by the Secretary under this Act shall require that each warranty given by a manufacturer with respect to any new motor vehicle—

(1) Include terms which state the name and address of the warrantor, impose upon the warrantor legally enforceable liability for the performance of the terms of such warranty, and identify the persons or classes of persons who are entitled as warrantees to enforce the obligation of such warranty;

(2) Include affirmative provisions by which such motor vehicle is warranted to comply with the requirements of all motor vehicle safety standards imposed by or pursuant to laws of the United States and of the State and the political subdivision thereof in which possession of such motor vehicle is transferred to the first purchaser;

(3) Include affirmative provisions by which (A) such motor vehicle is warranted to be free from damage and defects at the time of the delivery of possession thereof to the first purchaser thereof, and (B) any defect in such motor vehicle which is made the subject of a claim against the warrantor within twelve months after the time of transfer of possession thereof to such purchaser shall be presumed in the absence of substantial proof to the contrary to have existed in such motor vehicle at that time;

(4) Include affirmative provisions by which the warrantor undertakes to reimburse a warrantee for all expenses reasonably incurred by such warrantee for or incident to service rendered, by a person other than a dealer engaged in business pursuant to a franchise entered into by the warrantor, for the correction of defects in such motor vehicle which are subject to the warranty whenever (A) the correction of any such defect is immediately required for safety or to render such motor vehicle operative at any place or time at which the services of such a dealer are not readily available to the warrantee, or (B) no dealer engaged in business pursuant to a franchise entered into by the warrantor, in the immediate vicinity of the place at which such service is required by the warrantee, is able to provide such service within a reasonable period of time, as such period is determined by rules which the Secretary shall prescribe;

(5) Specify with particularity the nature, extent, duration, conditions, and exceptions of any additional warranty given by the warrantor with respect to such motor vehicle;

(6) Specify with particularity the nature and the extent of each remedy made available by the warrantor to a warrantee for the correction of damage to or defects in such motor vehicle subject to such warranty;

(7) Provide for the assertion of warranty claims and demands by warrantees in writing upon printed forms prepared by the warrantor, and made readily available to all warrantees at the place of business of each dealer engaged in business under a franchise entered into by the warrantor, in conformity with rules prescribed by the Secretary;

(8) Include effective provision for the adjustment and settlement, by arbitration conducted upon written demand made by a warrantee in conformity with the provisions of title 9, United States Code, and with rules prescribed by the Secretary, of any dispute arising from any claim made against the warrantor for the correction under such warranty of any alleged damage to or defect in any such motor vehicle; and

(9) Include such other provisions as the Secretary shall determine from time to time after consultation with the Commission to be required (A) to protect warrantees fully and effectively from deception and unfair trade practices by manufacturers and by dealers engaged in the retail sale of new motor vehicles under franchises, and (B) to protect manufacturers from fraudulent and unconscionable warranty claims.

(b) No warranty given by any manufacturer may include any provision by which the warrantor is relieved, or which purports to relieve the warrantor, of any obligation—

(1) To correct fully at the expense of the warrantor any damage to or defect in any new motor vehicle which exists at the time of the transfer of possession thereof to the first purchaser;

(2) With respect to any tire or other component which (A) has been furnished or supplied to the manufacturer by any other person, and (B) is a part of, installed in, or attached to a motor vehicle at the time of transfer of possession thereof to the first purchaser;

(3) With respect to any article of equipment or accessory distributed or furnished by the manufacturer which is installed in or attached to a motor vehicle after the transfer of possession thereof to the first purchaser;

(4) Arising under the law of any State with respect to any implied warranty of merchantability or fitness for a particular use; or

(5) With respect to the death of or personal injury to any person, or the loss of or damage to any property of any person, resulting proximately from any damage to or defect in any motor vehicle which is subject to the terms of a warranty given by the manufacturer to the first purchaser of such motor vehicle.

WARRANTY CLAIMS

SEC. 5. (a) In conformity with the provisions of section 553, title 5, United States Code, the Secretary after consultation with the Commission shall prescribe rules for (1) the submission to warrantors of claims made upon warranties, (2) the making of demands upon warrantors for the arbitration of such claims, and (3) the adjustment and settlement of such claims by arbitration. Such rules for the arbitration of such claims shall include effective provision for (1) the inspection and evaluation of any motor vehicle as to which any such claim is made by an impartial motor vehicle analysis or diagnosis organization which is qualified to determine whether any alleged damage to or defect in any motor vehicle exists or existed and the nature and extent of any action required for the satisfactory correction of any such damage or defect which is determined to be present, and (2) the entry of judgment in a district court of the United States upon any award made by such arbitration. Any award made in favor of a prevailing claimant in any such arbitration shall include provision for the granting to the claimant of appropriate relief and for the payment by the warrantor to the claimant of a sum equal to the aggregate amount of all expenses reasonably incurred by the claimant incident to the assertion and prosecution of his claim.

(b) In any proceeding instituted by a warrantee under title 9, United States Code, against a warrantor for the confirmation and enforcement of an arbitration award made pursuant to this Act a prevailing plaintiffs shall be entitled to recover from the warrantor (in addition to any recovery or relief granted for compliance with the arbitration award) a sum equal to the aggregate amount of the costs and expenses (including attorney's fees) determined by the court to have been reasonably incurred by the plaintiff for or in connection with the institution and prosecution of such proceeding. In any such proceeding in which it is shown by a prevailing plaintiff that the warrantor has failed to comply fully with the terms of such award within 30 days after the date on which such award was made in favor of the plaintiff, the plaintiff also shall be entitled to recover from the warrantor an indemnity in such amount, not less than $100 or more than $1,000, as the court shall determine to be proper unless the defendant shows by substantial evidence just cause for such failure.

(c) Nothing contained in this Act, or in any rules prescribed by the Secretary thereunder, shall bar the institution by any warrantee of any legal action in any court of competent jurisdiction of any State for the assertion of any claim against any warrantor arising from any defect in any motor vehicle.

FRANCHISE STANDARDS

SEC. 6. (a) Franchise standards prescribed by the Secretary under this Act shall require that each franchise entered into by a manufacturer with a dealer for the retail sale by such dealer of new motor vehicles of any make within any State include—

(1) Provisions by which such dealer is designated as the agent of the manufacturer for (A) the giving to the first purchaser of each new motor vehicle at the time of delivery of possession of such motor vehicle to such purchaser of a warranty which is in full compliance with warranty standards prescribed under this Act, (B) the performance of any inspection of any motor vehicle of that make to which any warrantee is entitled by the terms of a warranty given by the manufacturer with respect to such motor vehicle, (C) the correction of any damage to or defect in any motor vehicle of that make to which any warrantee is entitled by the terms of a warranty given by the manufacturer with respect to such motor vehicle, (D) the furnishing, upon request of any warrantee, of printed forms for the assertion against the manufacturer of warranty claims and the making of demands for the arbitration of such claims, (E) the acceptance on behalf of the manufacturer of any warranty claim made against, or any demand for the arbitration of any such claim made to, the manufacturer with respect to any motor vehicle of that make, and (F) the service of process in any legal action instituted in any court against the manufacturer upon any claim arising from any alleged damage to or defect in any motor vehicle of that make;

(2) Provisions by which the manufacturer is obligated to reimburse such dealer for all service rendered by such dealer in the inspection of each new motor vehicle of that make and the correction, before the time of delivery thereof by such dealer to the first purchaser, of all damage to and defects in such motor vehicle determined by such dealer to exist before such time;

(3) Provisions by which the manufacturer is obligated to reimburse such dealer for all service rendered by such dealer for the correction of any damage to or defect in any motor vehicle of that make which any warrantee is entitled to obtain without cost under the terms of a warranty given by the manufacturer;

(4) Provisions by which the manufacturer is obligated to make payment to such dealer for all service of the kinds described in paragraph (2) and paragraph (3) rendered by such dealer (A) at a time not later than the last day of the month next follow-

ing the month in which such dealer transmits to the manufacturer written request for reimbursement for such service, and (B) in an amount equal to the aggregate amount which such dealer would receive for like service rendered to retail customers who are not entitled by the terms of a warranty to obtain such service without cost;

(5) Provisions by which the manufacturer is obligated to make reasonable reimbursement to such dealer, in accordance with rules which the Secretary shall prescribe after consultation with the Commission, for all administrative and other expenses incurred by such dealer in (A) the reception and transmission to the manufacturer of claims made upon warranties given by the manufacturer and demands made for the arbitration of such claims, (B) the preparation and maintenance of records and the making of reports with respect to such claims, and (C) the furnishing of evidence in or in connection with the arbitration of, or the trial of legal actions arising from, such claims;

(6) Provisions by which the manufacturer is obligated to make available promptly to each such dealer all repair parts and components required by such dealer for the prompt and satisfactory repair of all motor vehicles of such make which have been manufactured or assembled by the manufacturer within the preceding period of five model years;

(7) Provisions by which the manufacturer is obligated to provide such dealer without cost such technical analysis services beyond the capacity or competence of such dealer as such dealer may require for the identification and correction of defects in all motor vehicles of such make which are subject to warranty given by the manufacturer;

(8) Effective provision for the adjustment and settlement, by arbitration conducted upon written demand made by such dealer in conformity with the provisions of title 9, United States Code, and with rules prescribed by the Secretary, of any dispute arising from any claim made by such dealer against the manufacturer for any reimbursement or service pursuant to the terms of such franchise; and

(9) Such other provision as the Secretary shall determine from time to time after consultation with the Commission to be required (A) to protect such dealers from unfair trade practices by the manufacturer, and (B) to protect manufacturers from fraudulent and unconscionable franchise claims.

(b) No franchise entered into by a manufacturer may include any provision by which any dealer is obligated to assume any liability, other than liability as the agent of the manufacturer pursuant to the terms of a warranty given by the manufacturer, for the correction of damage to or defects in any new motor vehicle, or in any article of equipment or accessory for any motor vehicle which has been distributed or furnished to the dealer by manufacturer, existing at the time of delivery of such new motor vehicle, or such article of equipment or accessory, to such dealer.

FRANCHISE CLAIMS

SEC. 7. (a) In conformity with the provisions of section 553, title 5, United States Code, the Secretary after consultation with the Commission shall prescribe rules for (1) the making of demands by dealers for the arbitration of claims of such dealers against manufacturers arising from franchise terms, and (2) the adjustment and settlement of such claims by arbitration. Such rules shall conform as nearly as may be practicable to rules prescribed by the Secretary under section 5 with respect to the arbitration of warranty claims.

(b) In any proceeding instituted by a dealer under title 9, United States Code, against a manufacturer for the confirmation and enforcement of an arbitration award made pursuant to this Act, a prevailing plaintiff shall be entitled to the recovery from such manufacturer of costs, expenses, and an indemnity in conformity with the provisions of section 5(b) relating to warranty claims.

(c) Nothing contained in this Act, or in any rules prescribed by the Secretary thereunder, shall bar the institution by a dealer of any legal action in any court of competent jurisdiction for the assertion of any claim against manufacturer.

RECORDS AND REPORTS

SEC. 8. (a) Each manufacturer, and each dealer engaged in the retail sale of new motor vehicles under a franchise entered into by such manufacturer, shall prepare, compile, and maintain at its principal place of business for such period of time as the Secretary shall specify such records as the Secretary after consultation with the Commission shall prescribe with respect to—

(1) Warranties given and franchises entered into by such manufacturer;

(2) Claims made in writing against such manufacturer upon such warranties and such franchises;

(3) Demands made upon the manufacturer for the arbitration of such claims;

(4) Legal actions instituted in prosecution of such claims;

(5) Action taken by such manufacturer and by such dealer with respect to each such claim and demand;

(6) The time, place, manner, and terms of settlement of each such claim; and

(7) The written acknowledgment of satisfactory settlement executed by the claimant in the case of each such claim which has been so settled.

(b) Upon demand made by any duly designated officer or employee of the Department of Commerce or the Commission during business hours of any business day, each manufacturer and each such dealer shall grant to such officer or employee access to all such records to inspect, analyze the contents of, and make copies of any of the papers contained in or constituting a part of such records.

(c) Under such regulations as the Secretary shall prescribe from time to time after consultation with the Commission, each manufacturer shall transmit to the Secretary in January of each year a report which shall include full, complete, and accurate information, prepared in such manner and form as the Secretary shall prescribe, as to—

(1) The number of warranties given by such manufacturer during the preceding calendar year;

(2) The number of written claims made during that year against such manufacturer under warranties given at any time by such manufacturer;

(3) The nature of each category of alleged damage or defects which were the subject of such warranty claims, and the number of such claims so made with respect to each such category;

(4) The number of written claims made during that year against such manufacturer under franchises entered into at any time by such manufacturer, the nature of each category of such claims, and the number of claims so made with respect to each such category;

(5) The number of such warranty claims, and the number of such franchise claims, of each such category received by such manufacturer during that year which were settled during that year, and the nature and manner of disposition of such claims;

(6) The total number, and the number of each such category, of such warranty claims and of such franchise claims received by such manufacturer during that year which were not settled during that year, and the reasons for failure of settlement of claims of each such category;

(7) The total number, and the number of each such category, of such warranty claims and of such franchise claims received by such manufacturer during all preceding years which were not settled during the calendar year for which the report is made, and the reasons for failure of settlement of claims of each such category; and

(8) Such other matters as the Secretary shall determine to be required for the evaluation of the compliance by such manufacturer with the requirements of this Act and with the terms of warranties given and franchises entered into by such manufacturer at any time.

(d) A copy of each report received by the Secretary from each manufacturer under this section shall be placed in a file which shall be established within the Department of Commerce. The Secretary shall prepare an appropriate index to that file to facilitate the identification of and access to all such reports filed by each manufacturer. Under such regulations as the Secretary shall prescribe, reports contained in that file and the index thereto shall be available for inspection by members of the public during business hours of the Department of Commerce. Upon receipt of each such report, the Secretary shall prepare and transmit promptly to the Commission a copy thereof.

(e) On on before April 1 of each year, the Secretary shall transmit to the Congress and to the Commission a report which shall contain—

(1) A summary of the information contained in reports made to the Secretary by each manufacturer under this section with respect to the preceding calendar year;

(2) An evaluation by the Secretary of the extent to which compliance with (A) the requirements of this Act, (B) the requirements of standards prescribed under this Act, and (C) the terms of warranties given and franchises entered into pursuant to such standards, has been achieved; and

(3) The recommendations of the Secretary for such additional legislation as he may deem necessary or desirable, after consultation with the Commission, to obtain (A) effective compliance in good faith by manufacturers and dealers with such requirements and terms, (B) the establishment and maintenance by manufacturers of manufacturing practices and quality control procedures effective to reduce substantially the amount of damage to and the number of defects occurring in new motor vehicles at the time of delivery of possession to the first purchasers thereof, and (C) provision for the rendition of prompt and effective service to warrantees for the correction of damages to or defects in motor vehicles subject to warranty.

ENFORCEMENT

SEC. 9. (a) It shall be a violation of paragraph (1) of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) for any manufacturer—

(1) To fail to give to the first purchaser of each new motor vehicle manufactured or distributed by such manufacturer, at the time of transfer of possession of such motor vehicle to such purchaser, a warranty which complies in all respects with warranty standards in effect at that time pursuant to the provisions of this Act;

(2) To enter into any franchise with any person at any time unless such franchise complies in all respects with franchise standards in effect at that time pursuant to the provisions of this Act; or

(3) To decline or fail to fulfill any obligation to any warrantee or dealer imposed upon such manufacturer by the terms of any such warranty or franchise.

(b) It shall be a violation of paragraph (1) of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) for any dealer engaged under a franchise in the retail sale of new motor vehicles to decline or fail to fulfill any obligation to any warrantee imposed upon such dealer by or pursuant to this Act or by the terms of such franchise unless such dealer shows by substantial evidence that for reasons beyond the control of such dealer fulfillment of that obligation was not possible.

PENALTIES

SEC. 10. (a) In any action under section 5 of the Federal Trade Commission Act for the recovery from any manufacturer of any civil penalty for the violation of a final cease-and-desist order of the Commission entered pursuant to section 9(a) of this Act, each violation of that order with respect to each item of damage to and each defect in each motor vehicle shall be a separate violation without regard to the day on which such violation occurred.

(b) Whoever, being a person who is obligated by this Act, by any rule or regulation prescribed or promulgated under this Act, by any provision of a franchise, or by any requirement imposed by a manufacturer or dealer upon any officer, employee, or agent of such manufacturer or dealer, to prepare, compile, or maintain any record in compliance with section 8(a) of this Act, willfully fails to comply with such obligation, or willfully fails to accord access to such record in compliance with section 8(b) of this Act, shall be fined not more than $10,000, or imprisoned not more than five years or both.

(c) Whoever, being a person who is obligated by this Act, or by any requirement imposed by a manufacturer upon any officer, employee, or agent of such manufacturer, to make any report under section 8(c) of this Act—

(1) Willfully fails to file such report within the period of time prescribed by section 8(c) of this Act;

(2) Files any such report containing any information which is false or misleading, with knowledge or with reason to believe that such information is false or misleading; or

(3) Files any such report from which there has been omitted any information required by this Act, or by any rule or regulation promulgated under this Act, to be contained therein, with intent to conceal such information,

shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(d) Whoever, being an officer, employee, or agent of any manufacturer, willfully (1) denies to any officer or employee of the Department of Commerce duly designated by the Secretary to conduct any inspection pursuant to section 2 of this Act access to any facility of such manufacturer, to any components or other materials contained in any such facility, or to any operations, records, or products of any such facility, or (2) by any means obstructs or impedes any such officer or employee of the Department of Commerce in the conduct of any such inspection with intent to conceal any fact, circumstance, or matter relevant to the conduct of such inspection, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e) Any person who has been designated under rules prescribed by the Secretary to serve as an arbitrator of any claim made under a warranty or franchise shall be deemed for the purposes of such service to be a public official within the meaning of section 201, title 18, United States Code.

DEFINITIONS

SEC. 11. As used in this Act—

(1) The term "motor vehicle" means a vehicle driven or drawn by mechanical power manufactured primarily for use in the transportation of passengers or property on public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(2) The term "new motor vehicle" means a motor vehicle the possession of which has not been transferred to the first purchaser thereof.

(3) The term "make", when used with respect to a motor vehicle, means the principal brand or trade name under which such motor vehicle is distributed for sale at retail.

(4) The term "model", when used with respect to a motor vehicle, means each subsidiary brand, trade name, and designation by year or otherwise under which a particular category of motor vehicles of any make is distributed for sale at retail.

(5) The term "manufacturer" means a person engaged in the business of (A) manufacturing or assembling new motor vehicles for distribution in or affecting interstate commerce, (B) distributing in or affecting interstate commerce to dealers for retail sale, pursuant to franchises entered into by such person with such dealers, new motor vehicles manufactured or assembled within any State by any other person, or (C) importing new motor vehicles for resale.

(6) The term "dealer" means a person engaged in business in the retail sale of new motor vehicles distributed in, or the distribution of which affects, interstate commerce.

(7) The term "franchise" means one or more contracts, agreements, or understandings entered into by a manufacturer with another person by which such manufacturer undertakes to furnish to such other person, and such other person undertakes to act as a dealer for the retail sale of, new motor vehicles manufactured, assembled, or distributed by such manufacturer.

(8) The term "first purchaser", when used with respect to a motor vehicle, means the first person (other than a manufacturer, a dealer, or any other person engaged in business in the purchase of motor vehicles for resale) to whom possession thereof is transferred by or pursuant to the terms of a sale at retail or a contract for sale at retail.

(9) The term "person" means an individual, and any partnership, corporation, association, or other legal entity.

(10) The term "warranty" means an assumption by a manufacturer of liability to correct without cost to a warrantee damage to or defects in a motor vehicle at or after the time of delivery of possession of such motor vehicle to the first purchaser thereof.

(11) The term "warrantor" means a manufacturer who gives or has given a warranty with respect to a new motor vehicle.

(12) The term "warrantee" means the first purchaser of any new motor vehicle to whom a warranty is given or has been given with respect to such motor vehicle, and any other person who is entitled by the terms of such warranty to enforce against the warrantor the obligation of such warranty.

(13) The term "defect", when used with respect to a motor vehicle of any make and model, means (A) any defect in material, workmanship, assembly, adjustment, or performance of such motor vehicle or any component thereof, and (B) any failure of such motor vehicle or any component thereof to conform to standards or specifications therefor adopted by the manufacturer thereof, and (C) any failure of such standards or specifications to comply with any applicable requirement of any statute of the United States or any regulation or standard duly promulgated under any such statute for the design, construction, assembly, adjustment, or performance of new motor vehicles of that make and model.

(14) The term "component", when used with respect to a motor vehicle, means any component, part, or equipment of, and any accessory installed in or attached to, such motor vehicle.

(15) The term "service rendered", when used with respect to damage to or a defect in a motor vehicle, means all labor actually performed and all materials actually furnished at any time for the successful correction of that damage or defect.

(16) The term "Secretary" means the Secretary of Commerce.

(17) The term "Commission" means the Federal Trade Commission.

(18)) The term "interstate commerce" means commerce within the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or between any place in a State and any place in another State, or between places in the same State through another State.

(19) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

EFFECTIVE DATES

SEC. 12. (a) Warranty standards and franchise standards prescribed by the Secretary under this Act shall take effect on such date not later than one year after the date of enactment of this Act, as the Secretary shall prescribe.

(b) Except as provided by subsection (a), this Act shall take effect on the first day of the seventh month beginning after the date of enactment of this Act.

S. 2728. A bill to require manufacturers of new household appliances distributed in interstate commerce or affecting interstate commerce to provide, in compliance with standards prescribed by the Secretary of Commerce, warranties effective to protect consumers from deception and unfair trade practices; to provide means for the enforcement of such warranties:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into sections according to the following table of contents, may be cited as the "Federal Household Appliance Warranty Act."

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WARRANTY REQUIREMENTS

SEC. 2. (a) No appliance manufacturer may at any time distribute or cause to be distributed in interstate commecre or affecting interstate commerce any new household appliance, or directly or indirectly transfer or cause to be transferred at any time to a first retail purchaser the possession of any new household appliance which has been transported or distributed in interstate commerce or affecting interstate commerce, unless there is affixed to such new household appliance or enclosed in the package in which such new household appliance is enclosed—

(1) A printed warranty given by such appliance manufacturer with respect to such new household appliance which complies with standards prescribed by the Secretary under this Act which are in effect at that time;

(2) A printed purchase notice prepared in such manner and form as the Secretary shall prescribe which bears a serial number which distinguishes that notice from all other similar notices furnished by such manufacturer;

(3) A printed claim notice prepared in such manner and form as the Secretary shall prescribe which bears a serial number identical to the serial number shown upon the

purchase notice affixed to or enclosed with such household appliance; and

(4) A printed summary statement of the rights and remedies conferred upon a warrantee by such warranty and by this Act, prepared in such manner and form as the Secretary shall prescribe, which shall include (A) advice to the warrantee to obtain from the retail dealer who furnished such household appliance a receipt or other instrument evidencing the sale or transfer of such household appliance to him and the retail sale price thereof and to retain possession of that receipt or instrument, (B) advice to the warrantee to transmit all communications to the manufacturer relating to such warranty by certified mail with return receipt of delivery, and (C) such other advice to the warrantee as the Secretary shall determine to be advisable to enable warrantees to exercise effectively such rights and remedies.

(b) After consultation with the Commission, the Secretary shall prescribe, in conformity with section 553, title 5, United States Code, (1) rules establishing standards pursuant to this Act for warranties given by appliance manufacturers, and (2) such other rules relating to such warranties as the Secretary is required to prescribe under this Act.

WARRANTY STANDARDS

SEC. 3. (a) Warranty standards prescribed by the Secretary under this Act shall require that each warranty given by an appliance manufacturer with respect to any new household appliance of any category shall include—

(1) Terms which state the name and address of the warrantor; identify the class or classes of persons, if any, who are obligated by contract or otherwise to fulfill the obligations of such warranty; and identify the class or classes of persons who are entitled as warrantees to enforce the obligation of such warranty;

(2) Affirmative provisions by which such household appliance is warranted, subject to exceptions made pursuant to paragraph (3) and paragraph (4), to (A) be free from damage and defects at the time of the delivery of possession thereof to the first retail purchaser thereof, and (B) remain free from defects for such period of time thereafter (not less than six months) as the Secretary shall have prescribed by rule for household appliance of that category;

(3) Provisions which except from the obligation of the warrantor under the warranty the obligation to correct any damage to or defect in any household appliance (A) proximately caused in the transportation thereof from the place of business of a retail dealer to the residence of the first retail purchaser thereof, or in the installation thereof in a dwelling, by the willful act or negligence of any person other than the appliance manufacturer, a retail dealer who is a party to a franchise entered into by the appliance manufacturer, or a person performing any such service under a contract or agreement entered into by the appliance manufactuer or such a retail dealer, or (B) resulting proximately from substantial abuse thereof by any person in use;

(4) Such provisions as the Secretary shall determine, with the concurrence of the Commission, to be required to protect appliance manufacturers from fraudulent and unconscionable warranty claims;

(5) Affirmative provisions under which any damage to or defect in such household appliance which is made the subject of a claim against the warrantor within six months after the time of transfer of possession thereof to the first retail purchaser thereof shall be presumed, in the absence of substantial proof to the contrary offered by the warrantor, to be a damage or a defect which the appliance manufacturer is obligated under the warranty to correct;

(6) Affirmative provisions by which the warrantor undertakes upon demand made by a warantee within the effective period of the warranty to correct without cost of any kind to the warrantee, within such period of time (not exceeding thirty days) as the Secretary shall prescribe for household appliances of that category, by the repair or replacement of such household appliance, all (A) damage to such household appliance which existed at the time of the transfer of possession thereof to the first purchaser thereof, and (B) all defects in such household appliance which may occur or become manifest within the effective period of the warranty, and which are not expressly excepted from the obligation of the warranty pursuant to paragraph (3) or paragraph (4) of this subsection;

(7) Provisions which specify with particularity the nature, extent, duration, conditions, and exceptions of any additional warranty given by the warrrantor with respect to such household appliance;

(8) Provisions for the adjustment and settlement upon written demand made by a warrantee, by arbitration conducted at a place in reasonably close proximity to the residence of the warrantee in conformity with the provisions of title 9, United States Code, and with rules which shall be prescribed by the Secretary, of any dispute arising from any claim made against the warrantor for the correction under such warranty of any alleged damage to or defect in any such household appliance; and

(9) Such other provisions as the Secretary shall determine from time to time after consultation with the Commission to be required to protect warrantees fully and effectively from deception and unfair trade practices by appliance manufacturers.

(b) No warranty given by any appliance manufacturer may include any provision by which the warrantor is relieved, or which purports to relieve the warrantor, of any obligation—

(1) To correct fully at the expense of the warrantor (A) any damage to or defect in any new household appliance which exists at the time of the transfer of possession thereof to the first purchaser, or (B) any damage to or defect in such household appliance which occurs or becomes manifest during the effective period of the warranty and which is not expressly excepted from the obligation of the warranty pursuant to paragraph (3) or paragraph (4) of subsection (a) of this section;

(2) With respect to any component part of a household appliance which (A) has been furnished or supplied to the appliance manufacturer by any other person, and (B) is installed in or attached to such household appliance at the time of transfer of possession thereof to the first retail purchaser;

(3) Arising under the law of any State with respect to any implied warranty of merchantability or fitness for a particular use; or

(4) With respect to the death of or personal injury to any person, or the loss of or damage to any property of any person, resulting proximately from any damage to or defect in any household appliance which is subject to the terms of a warranty given pursuant to this Act.

WARRANTY CLAIMS

SEC. 4. (a) Within seven days after the receipt by an appliance manufacturer of a claim notice from a warrantee alleging the existence of damage to or defects in a household appliance of any category with respect to which a purchase notice has been transmitted to the appliance manufacturer, and which is alleged to be subject to a warranty given by such manufacturer, such manufacturer by written reply to the warrantee, prepared in such form as the Secretary shall prescribe, shall—

(1) State whether or not such appliance manufacturer agrees that on the date of mailing of such claim notice such warranty was in effect with respect to such household appliance;

(2) If such appliance manufacturer agrees that such warranty was in effect with respect to such household appliance on that date, inform the warrantee of the name and address of one or more service facilities or service representatives reasonably accessible to the warrantee who are authorized at the expense of the appliance manufacturer to inspect such appliance and to make any correction of any damage to or defect in such household appliance to which the warrantee is entitled under the warranty;

(3) Transmit to the warrantee an arbitration demand form upon which there shall have been placed the serial number appearing upon the claim notice received by the appliance manufacturer from the warrantee for use by the warrantee in the event that (A) the appliance manufacturer denies that such warranty was in effect with respect to such household appliance on the date of mailing of such claim notice, or (B) the claim shall not have been adjusted and settled to the satisfaction of the warrantee within the period prescribed by the Secretary for household appliances of that category; and

(4) Inform the warrantee of the name and address of the person engaged in business or residing within the State in which the warrantee resides, at the place nearest to the place of residence of the warrantee, who has been designated as the agent of the warrantor for the purpose of accepting service of legal process.

(b) Whenever an appliance manufacturer who has received from a warrantee a claim notice as to a household appliance of any category which is alleged to be subject to a warranty given by such manufacturer (1) denies that such warranty was in effect with respect to such household appliance on the date of mailing of such notice, or (2) fails to adjust and settle that claim to the satisfaction of the warrantee within the period prescribed by the Secretary for the adjustment and settlement of warranty claims as to household appliances of that category, the warrantee may demand the arbitration of his claim by transmitting to the appliance manufacturer an arbitration demand form executed in substantial compliance with the instructions appearing thereon. Within seven days after receipt of any such demand, the appliance manufacturer shall take action effective to provide for the arbitration of such claim, in conformity with rules prescribed by the Secretary, at a place in close proximity to the residence of the warrantee. All expenses incident to such arbitration shall be paid by the appliance manufacturer, except that in any case in which it is determined by such arbitration that the claim was asserted in bad faith and that such claim was wholly without merit the claimant shall be required to reimburse the appliance manufacturer for all expenses so incurred. If upon such arbitration an award is made in favor of the warrantee, the appliance manufacturer shall comply fully with the terms of such award within fifteen days after the making of that award.

(c) Rules prescribed by the Secretary for the arbitration of warranty claims made with respect to household appliances of any category shall include effective provision for the examination and evaluation of any such household appliance which is the subject of a claim by an impartial person who is qualified by training and experience to determine whether the alleged damage or defects do in fact exist, the probable cause of all damage and defects which are found to exist, and the nature and extent of any action which is required for the satisfactory correction thereof.

(d) Whenever an appliance manufacturer

who has received from a warrantee a purchase notice and a claim notice with respect to a household appliance of any category which is alleged by such claim notice to be subject to a warranty given by the manufacturer, and such appliance manufacturer—

(1) Fails to reply to such claim notice within the time prescribed by this section in full conformity with the requirement of this section and with rules prescribed thereunder by the Secretary; or

(2) Having made timely reply to such claim notice in compliance with this section and such rules, after receipt from such warrantee of a demand for the arbitration of the claim of the warrantee fails to take in response to that demand all action required by this section and by rules prescribed thereunder by the Secretary within the time prescribed by this section; or

(3) Having so taken such action for arbitration, fails to comply with the terms of an arbitration award made in favor of the warrantee upon that claim within the time prescribed by this section.

such warrantee shall be entitled, notwithstanding any provision of title 9, United States Code, to recover from such appliance manufacturer, in a civil action instituted by the warrantee in any court of competent jurisdiction of the United States or of any State, a sum equal to (A) the retail purchase price paid or agreed to be paid for such household appliance by the first retail purchaser thereof, or (B) in any case in which such household appliance was furnished to the first retail purchaser thereof in exchange for or in the redemption of trading stamps or other tokens of value, the highest retail price for the purchase of a substantially identical household appliance manufactured, produced, assembled, or distributed by the defendant appliance manufacturer which was in effect at the time of the acquisition of such household appliance by the first retail purchaser in the vicinity of the place at which such household appliance was acquired by such first retail purchaser. A judgment entered in favor of the plaintiff in any such action may be conditioned, in the discretion of the court, upon the transfer by the plaintiff to the defendant of all right, title and interest of the plaintiff in and to the household appliance which was the subject of such action, but any such condition shall include terms effective to save the plaintiff harmless from any liability, expense, or damage arising from or incident to such transfer or to the removal of such household appliance from the residence of the plaintiff.

(e) Whenever judgment in favor of the plaintiff is entered in any action instituted pursuant to subsection (d), the plaintiff shall be entitled by such judgment to recover from the defendant, in addition to the judgment awarded under subsection (d), a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) determined by the court to have been reasonably incurred by the plaintiff for or in connection with the institution and prosecution of such action, including any proceedings for the review of any determination made therein. In any such action in which it is shown by a prevailing plaintiff that the defendant has failed for more than 90 days to comply fully with any obligation imposed upon such defendant by or pursuant to subsection (a) or subsection (b) of this section, the plaintiff also shall be entitled to recover from the defendant an indemnity in such amount, not less than $100 or more than $1,000, as the court shall determine to be proper unless the defendant shows by substantial evidence just cause for such failure.

(f) Nothing contained in this Act, or in any rules prescribed by the Secretary thereunder, shall bar the institution by any warrantee of any legal action in any court of competent jurisdiction of any State for the assertion of any claim made under the law of such State against any warrantor arising from any damage to or defect in any household appliance, except that no such action may be so instituted for the correction of any such damage or defect if the warrantee has made a demand under this Act for the arbitration of his claim for the correction thereof.

APPLIANCE MANUFACTURERS' REPRESENTATIVES

SEC. 5. (a) Within each State in which any household appliances of any category manufactured, assembled, produced, or distributed by an appliance manufacturer subject to the provisions of this Act are sold at retail or have been sold at retail within five calendar years, such appliance manufacturer shall—

(1) Establish service facilities or service representatives, or service facilities and service representatives, pursuant to rules which the Secretary shall prescribe; and

(2) Designate pursuant to rules which the Secretary shall prescribe one or more persons who are engaged in business or reside in such State to serve as agents of such manufacturer for the purpose of accepting service of legal process within that State.

(b) No appliance manufacturer subject to the provisions of this Act may enter into any franchise with any retail dealer for the retail sale of any new household appliances of any category within any State unless such franchise includes provisions under which such retail dealer undertakes to serve as the service representative of such appliance manufacturer with respect to such household appliances and as the agent of such appliance manufacturer for the purpose of accepting service of legal process within that State for all purposes.

(c) Rules prescribed by the Secretary under subsection (a) shall include provisions for the determination of the number and geographical distribution of each of the categories of representatives described in that subsection which each appliance manufacturer shall be required to establish or designate. To the greatest practicable extent, such rules shall provide for all retail purchasers of household appliances subject to warranty effective and reasonably convenient access to one or more representatives of each such category so established or designated by each appliance manufacturer.

(d) Contracts and agreements entered into by appliance manufacturers for the establishment of service representatives shall conform to rules which the Secretary shall prescribe after consultation with the Commission, in conformity with section 553, title 5, United States Code, to carry into effect the standards required by section 6 of this Act.

SERVICE REPRESENTATIVE CONTRACT STANDARDS

SEC. 6. (a) Standards prescribed by the Secretary under this Act for service representative contracts and agreements shall require that each such contract and agreement entered into by an appliance manufacturer on and after the effective date of this Act, and each such contract or agreement the term or duration of which is extended on or after that date, include—

(1) Provisions by which the appliance manufacturer is obligated to reimburse the service representative for all service rendered by such service representative for any inspection of, or the correction of any damage to or defects in, any household appliance manufactured, assembled, produced, or distributed by such appliance manufacturer to which any warrantee is entitled by the terms of a warranty given by such appliance manufacturer;

(2) Provisions by which the appliance manufacturer is obligated to make reasonable reimbursement to such service representative, in accordance with rules which the Secretary shall prescribe, for all administrative and other expenses incurred by such service representative in the furnishing of evidence in or in connection with the arbitration of, or the trial of legal actions arising from, warranty claims made against the appliance manufacturer upon warranties given by such manufacturer;

(3) Provisions by which the appliance manufacturer is obligated to make payment to such service representative for all service and expenses of the kinds described in paragraph (1) and paragraph (2) rendered for such appliance manufacturer by such service representative (A) at a time not later than the last day of the month next following the month in which such service representative transmits to the manufacturer written request for reimbursement for such service, and (B) in an amount equal to the aggregate amount which such service representative would receive for like service rendered to retail customers who are not entitled by the terms of a warranty to obtain such service without cost;

(4) Provisions by which the appliance manufacturer is obligated to make available promptly to each such service representative all repair parts and components required by such service representative for the prompt and satisfactory correction of all damage to and defects in household appliances of any category which have been manufactured or assembled by the manufacturer within the preceding period of 5 years;

(5) Provisions by which the appliance manufacturer is obligated to provide promptly to such service representative without cost such technical manuals and other technical information, and such technical analysis service beyond the capacity or competence of such service representative, as such service representative may require for the identification and correction of damage to and defects in all household appliances of any category with respect to which such service representative is obligated to render warranty service;

(6) Provisions for the adjustment and settlement upon written demand made by such service representative, by arbitration conducted in conformity with the provisions of title 9, United States Code, and with rules prescribed by the Secretary, of any dispute arising from any claim made by such service representative against the appliance manufacturer for any reimbursement or service pursuant to the terms of such contract or agreement; and

(7) Such other provisions as the Secretary shall determine from time to time after consultation with the Commission to be required to protect such service representatives from unfair trade practices by the appliance manufacturer.

(b) No such contract or agreement entered into by an appliance manufacturer may include any provision by which any service representative is obligated to assume any liability, other than liability as the agent of the appliance manufacturer pursuant to the terms of a warranty given by the appliance manufacturer, for the correction of any damage to or defects in any household appliance which are not proximately caused by any wrongful act or omission of such service representative.

SERVICE REPRESENTATIVE CLAIMS

SEC. 7. (a) In conformity with the provisions of section 553, title 5, United States Code, the Secretary after consultation with the Commission shall prescribe rules for (1) the making of demands by service representatives for the arbitration of claims of such service representatives against appliance manufacturers arising from the terms of service representative contracts and agreements, and (2) the adjustment and settlement of such claims by arbitration. Such rules shall conform as nearly as may be practicable to rules prescribed by the Secretary under this Act with respect to the arbitration of warranty claims.

(b) Whenever an appliance manufacturer

who has received from a service representative a demand for the arbitration of a claim asserted by such service representative against such manufacturer under the terms of a service representative contract or agreement, and such appliance manufacturer—

(1) Fails to take in response to that demand all action required by such rules within the time prescribed by such rules; or

(2) Having so taken such action for arbitration, fails to comply with the terms of an arbitration award made in favor of the service representative within the time prescribed by such rules,

such service representative shall be entitled, notwithstanding any provision of title 9, United States Code, to recover from such manufacturer, in a civil action instituted by the service representative upon such claim in any court of competent jurisdiction of the United States or of any State, such sum as such court shall determine to be just and proper.

(c) Whenever judgment in favor of the plaintiff is entered in any action instituted pursuant to subsection (b), the plaintiff shall be entitled by such judgment to recover from the defendant, in addition to the judgment awarded under subsection (b), a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) determined by the court to have been reasonably incurred by the plaintiff for or in connection with the institution and prosecution of such action, including any proceedings for the review of the determination made therein. In any such action in which it is shown by a prevailing plaintiff that the defendant has failed for more than 90 days to comply fully with any obligation imposed upon the defendant by rules prescribed under subsection (a) of this section, the plaintiff also shall be entitled to recover from the defendant an indemnity in such amount, not less than $100 or more than $1,000, as the court shall determine to be proper unless the defendant shows by substantial evidence just cause for such failure.

(d) Nothing contained in this Act, or in any rules prescribed by the Secretary thereunder, shall bar the institution by any service representative of any legal action in any court of competent jurisdiction of any State for the assertion of any claim made under the law of such State against any appliance manufacturer arising rrom the terms of a service representative contract or agreement, except that no such action may be so instituted upon any claim based upon any such contract or agreement if the service representative has made a demand for the arbitration of the same claim pursuant to the provisions of this section and rules prescribed thereunder.

RECORDS AND REPORTS

SEC. 8. (a) Each appliance manufacturer subject to the provisions of this Act shall prepare, compile, and maintain at its principal place of business such records as the Secretary after consultation with the Commission shall prescribe with respect to—

(1) Warranties given and service representative contracts and agreements entered into or extended by such manufacturer;

(2) Claims made against such manufacturer upon such warranties and upon such contracts and agreements;

(3) Demands made upon the manufacturer for the arbitration of such claims;

(4) Legal actions instituted in prosecution of such claims;

(5) Action taken by such appliance manufacturer with respect to each such claim and demand; and

(6) The time, manner, and terms of ultimate settlement of each such claim.

(b) Upon demand made by any duly authorized officer or employee of the Department of Commerce or the Commission during business hours of any business day, each appliance manufacturer shall grant to such officer or employee access to all such records to inspect, evaluate the contents of, and make copies of any of the papers contained in or constituting a part of such records.

(c) Under such regulations as the Secretary shall prescribe from time to time after consultation with the Commission, each appliance manufacturer shall transmit to the Secretary and to the Commission in January of each year a report which shall include full, complete, and accurate information, prepared in such manner and form as the Secretary shall prescribe after consultation with the Commission, as to—

(1) The number of purchase notices received by such manufacturer during the preceding calendar year with respect to each category of household appliances;

(2) The number of defect claim notices received by such appliance manufacturer during that year with respect to each category of household appliances;

(3) The nature of each category of alleged damage or defects which were the subject of such warranty claims with respect to each category of household appliances;

(4) The number of claims made against such appliance manufacturer during that year under service representative contracts and agreement entered into or extended at any time by such appliance manufacturer and the nature of each category of such claims;

(5) The number of such warranty claims, and the number of such claims under service representative contracts and agreements, of each such category received by such appliance manufacturer during that year which were settled during that year, and the nature and manner of disposition of such claims;

(6) The total number, and the number of each such category, of such warranty claims and of such claims under service representative contracts and agreements received by such appliance manufacturer during that year which were not settled during that year, and the reasons for failure of settlement of claims of each such category;

(7) The total number, and the number of each such category, of such warranty claims and of such claims under service representative contracts and agreements received by such appliance manufacturer during all preceding years which were not settled during the calendar year for which the report is made, and the reasons for failure of settlement of claims of each such category; and

(8) Such other matters as the Secretary shall determine after consultation with the Commission to be required for the evaluation of the extent of the compliance by such appliance manufacturer with the requirements of this Act and with the terms of warranties given and service representative contracts and agreements entered into or extended by such appliance manufacturer at any time.

(d) A copy of each report received by the Secretary from each appliance manufacturer under this section shall be placed in a file which shall be established within the Department of Commerce. The Secretary shall prepare an appropriate index to that file to facilitate the identification of and access to all such reports filed by each manufacturer. Under such regulations as the Secretary shall prescribe, reports contained in that file and the index thereto shall be available for inspection by members of the public during business hours of the Department of Commerce.

(e) On or before April 1 of each year, the Secretary shall transmit to the Congress and to the Commission a report which shall contain—

(1) A summary of the information contained in reports made to the Secretary by all appliance manufacturers under this section with respect to the preceding calendar year;

(2) An evaluation by the Secretary of the extent to which compliance with (A) the requirements of this Act, (B) the requirements of standards prescribed under this Act, and (C) the terms of warranties given and service representative contracts and agreements entered into or extended pursuant to such standards, has been achieved; and

(3) The recommendations of the Secretary for such additional legislation as he may deem necessary or desirable, after consultation with the Commission, to obtain (A) effective compliance in good faith by appliance manufacturers with such requirements and terms, (B) the establishment and maintenance by appliance manufacturers of manufacturing practices and quality control procedures effective to reduce substantially the amount of damage to and the number of defects occurring in new household appliances, and (C) provision for the rendition of prompt and effective service to warrantees for the correction of damage to or defects in household appliances subject to warranty.

ENFORCEMENT

SEC. 9. (a) It shall be a violation of paragraph (1) of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) for any appliance manufacturer subject to the provisions of this Act—

(1) To fail to comply with any requirement imposed upon such appliance manufacturer by or pursuant to this Act or to violate any prohibition contained in this Act; or

(2) Wrongfully to decline or fail to fulfill any obligation to any warrantee or service representative imposed upon such appliance manufacturer by or pursuant to this Act or by the terms of any warranty given or service representative contract or agreement entered into pursuant to the requirements of this Act.

(b) It shall be a violation of paragraph (1) of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) for any retail dealer engaged under a franchise in the retail sale of new household appliances to decline or fail to fulfill any obligation to any warrantee imposed upon such retail dealer by or pursuant to this Act or by the terms of such franchise unless such dealer shows by substantial evidence that for reasons beyond the control of such retail dealer fulfillment of that obligation was not possible.

PENALTIES

SEC. 10. (a) In any action under section 5 of the Federal Trade Commission Act for the recovery from any appliance manufacturer of any civil penalty for the violation of a final cease and desist order of the Commission entered pursuant to section 9(a) of this Act, each day of the continuance of the violation of each separate provision of that order shall be deemed to be a separate offense.

(b) Whoever, being (1) an appliance manufacturer subject to the provisions of this Act, (2) an officer, employee, or agent of such an appliance manufacturer who is charged by such appliance manufacturer with a duty to comply with any requirement imposed upon such appliance manufacturer by or pursuant to section 2(a) of this Act, (3) a person obligated by contract or agreement entered into with such an appliance manufacturer to comply on behalf of such appliance manufacturer with any such requirement, or (4) an officer, employee, or agent of any such person who is charged by such person with a duty to discharge such obligation of such person, willfully fails to affix to any new household appliance, or to enclose in the package in which any new household appliance is enclosed, any item required by that section to be affixed to such new household appliance, or enclosed in such package, before such new household appliance is delivered to any other person for distribution in or affecting interstate commerce, or for the transfer of possession thereof to the first purchaser thereof, shall be fined not more than $1,000, or imprisoned not more than one year, or both. Each violation of this subsection with respect to each new household appliance of any category shall be deemed to be a separate offense.

(c) Whoever willfully—

(1) Removes from any new household appliance, or from the package in which any new household appliance is enclosed, any item which is required by or pursuant to section 2(a) of this Act to be affixed to such new household appliance, or to be enclosed in such package; or

(2) Alters, defaces, or by any means renders illegible the printed matter appearing upon any such item,

before the transfer of actual possession of such new household appliance to the first purchaser thereof shall be fined not more than $1,000, or imprisoned not more than one year, or both. Each violation of this subsection with respect to each new household appliance shall be deemed to be a separate offense.

(d) Whoever, being a person who is obligated by this Act, by any rule or regulation prescribed under this Act, or by any requirement imposed by an appliance manufacturer upon any officer, employee, or agent of such appliance manufacturer, to prepare, compile or maintain any record in compliance with section 8(a) of this Act, willfully fails to comply with such obligation, or willfully fails to accord access to such record in compliance with section 8(b) of this Act, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e) Whoever, being a person who is obligated by this Act, or by any requirement imposed by an appliance manufacturer upon any officer, employee, or agent of such appliance manufacturer, to make any report under section 8(c) of this Act—

(1) Willfully fails to file such report within the period of time prescribed by section 8(c) of this Act;

(2) Files any such report containing any information which is false or misleading, with knowledge or with reason to believe that such information is false or misleading; or

(3) Files any such report from which there has been omitted any information required by this Act, or by any rule or regulation promulgated under this Act, to be contained therein, with intent to conceal such information,

shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(f) Any person who has been designated under rules prescribed by the Secretary to serve as an arbitrator of any claim made pursuant to this Act shall be deemed for the purposes of such service to be a public official within the meaning of section 201, title 18, United States Code.

DEFINITIONS

SEC. 11. As used in this Act—

(a) The term "Secretary" means the Secretary of Commerce.

(b) The term "Commission" means the Federal Trade Commission.

(c) The term "interstate commerce" means commerce within the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or between any place in a State and any place in another State, or between places in the same State through another State.

(d) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(e) The term "household appliance" means any article, product, machine, or device included within the following categories which is manufactured, produced, or assembled primarily for use as a fixture in private residences or for househlod or family use, and which is operated by, or in operation consumes, electrical energy, gas, gasoline, or any other petroleum product:

(1) Stoves, ranges, and ovens, separately or in combination;

(2) Food and beverage refrigerators and freezers, separately or in combination;

(3) Dish washers;

(4) Water heaters (except portable heaters);

(5) Garbage disposing devices and garbage or trash incinerating devices;

(6) Furnaces, heating elements, and other devices (except portable devices) intended for the heating of private residences;

(7) Central and unit air conditioning machines and devices;

(8) Clothes washing and clothes drying machines, separately or in combination;

(9) Vacuum cleaners and vacuum cleaning systems;

(10) Humidifying and dehumidifying machines and devices;

(11) Fans (other than portable fans having a blade diameter not exceeding 10 inches) and ventilating devices and systems;

(12) Radio sets and receivers (except radio sets and receivers operated exclusively by battery power), radio tuners, radio amplifiers, television sets, and phonographs or phonograph record players, separately or in combination;

(13) Lawn mowers, leaf collectors, cultivators, tractors, and other machines or devices designed primarily for use in the care of residential lawns or in residential gardening;

(14) Snow removal machines and devices designed primarily for use upon residential sidewalks or driveways;

(15) Tools other than those designed exclusively for industrial use; and

(16) Any other category of power-operated articles, products, machines, and devices which the Secretary shall determine from time to time after notice and opportunity for hearing (A) to be in common use as fixtures in private residences, or in common household or family use, and (B) to have an average price per unit which equals or exceeds $100 when purchased at retail by individuals for household or family use.

(f) The term "new household appliance" means a household appliance the possession of which has not been transferred to the first retail purchaser thereof.

(g) The term "appliance manufacturer" means—

(1) In the case of an imported household appliance, the importer thereof;

(2) In the case of a domestic household appliance which, when distributed at retail, bears the mark of an appliance distributor who did not manufacture, assemble, or produce such household appliance, such appliance distributor;

(3) In the case of any other domestic household appliance which, when distributed at retail, bears the mark of the person who manufactured, assembled, or produced such household appliance, the person who manufactured, assembled, or produced such household appliance; and

(4) In the case of a domestic household appliance which, when distributed at retail, does not bear the mark of any person, the retail dealer who transfers possession of such household appliance to the first retail purchaser thereof.

(h) The term "appliance distributor" means a person engaged in business in one or more States in the distribution of household appliances at any level of distribution.

(i) The term "domestic household appliance" means a household appliance manufactured, assembled, or produced by a person engaged in business in one or more States.

(j) The term "imported household appliance" means a household appliance manufactured, assembled, or produced by a person who is not engaged in business in any State.

(k) The term "mark," when used with respect to any person, means a proprietary trade mark, trade name, brand name, or other identifying commercial designation for household appliances of any category which is the property of such person or which is used by such person under license or other authorization received from the owner of such proprietary trade mark, trade name, brand name, or other identifying commercial designation.

(l) The term "retail dealer" means a person engaged in business in one or more States in (1) the retail sale of new household appliances of any category, or (2) the furnishing of any such new household appliances in exchange for or in the redemption of trading stamps or any other tokens of value which have been issued by retail merchants in connection with the sale to consumers of merchandise or commodities of any kind.

(m) The term "franchise" means one or more contracts or agreements entered into by an appliance manufacturer with another person by which such appliance manufacturer undertakes to furnish to such other person, and such other person undertakes to act pursuant to policies or under conditions determined or to be determined in whole or in part by such appliance manufacturer as a retail dealer for the retail sale of, any category of new household appliances manufactured, assembled, produced, or distributed by such appliance manufacturer.

(n) The term "first retail purchaser", when used with respect to a household appliance, means the first person (other than an appliance manufacturer or an appliance distributor) to whom possession thereof is transferred (1) by or pursuant to the terms of a sale at retail or a contract or agreement for sale at retail, or (2) in exchange for or in the redemption of trading stamps or any other tokens of value which have been issued by retail merchants in connection with the sale to consumers of merchandise or commodities of any kind.

(o) The term "person" means an individual, and any partnership, corporation, association, or other legal entity.

(p) The term "warranty", when used with respect to a household appliance, means an instrument by which an appliance manufacturer assumes legally enforceable liability to correct without cost to a warrantee damage to or defects in a household appliance manufactured, assembled, produced, or distributed by such appliance manufacturer at or after the time of the transfer of possession of such household appliance to the first retail purchaser thereof.

(q) The term "warrantor" means an appliance manufacturer who gives or has given a warranty with respect to a new household appliance.

(r) The term "warrantee" means the first retail purchaser of any new household appliance to whom a warranty is given or has been given with respect to such household appliance, and any other person who is entitled by the terms of such warranty to enforce against the warrantor the obligation of such warranty.

(s) The term "defect", when used with respect to a household appliance, means—

(1) Any defect in material, workmanship, assembly, adjustment, or performance of such household appliance;

(2) Any failure of such household appliance of any category to conform to standards or specifications therefor which shall have been adopted by the appliance manufacturer; and

(3) Any failure of such standards or specifications to comply with any applicable requirement of any statute of the United States or of any State, or any regulation or standard

duly promulgated under any such statute, relating to the safety of new household appliances of that category in use.

(t) The term "service facility", when used with respect to an appliance manufacturer, means a facility operated by such appliance manufacturer for the performance of obligations of such appliance manufacturer under the terms of warranties given by such appliance manufacturer with respect to household appliances of one or more categories.

(u) The term "service representative", when used with respect to an appliance manufacturer, means a person who undertakes or has undertaken, by contract or agreement entered into with such appliance manufacturer, to perform at the expense of such manufacturer any inspection of, or correction of damage to or defects in, one or more categories of household appliances manufactured, assembled, produced, or distributed by such appliance manufacturer under the terms of warranties given by such appliance manufacturer.

(v) The term "service rendered", when used with respect to damage to or a defect in a household appliance, means all labor actually performed and all materials actually furnished at any time for the successful correction of that damage or defect.

(w) The term "package", when used in relation to any household appliance, means any container or wrapping of any kind in which such household appliance is enclosed for use in the display thereof to prospective retail purchasers or in the delivery thereof to the first retail purchaser thereof.

(x) The term "purchase notice", when used in relation to any household appliance, means a printed business reply post card bearing on one side the name and address of the manufacturer of such household appliance, and on the other side an identification of such household appliance by category and model or other identifying description and appropriate blank spaces for the insertion of information as to—

(1) The name and address of the first retail purchaser of such household appliance;

(2) The date of the transfer of possession thereof to such purchaser; and

(3) The name and address of the retail dealer from which such household appliance was acquired by such purchaser.

(y) The term "claim notice", when used in relation to any household appliance, means a printed business reply post card bearing on one side the name and address of the manufacturer of such household appliance, and on the other side an identification of such household appliance by category and model or other identifying description and appropriate blank spaces for the insertion of information as to the (1) name and address of the claimant, and (2) nature of damage to and defects in such household appliance with respect to which claim may be asserted by such claimant.

(z) The term "arbitration demand form", when used in relation to any warranty claim based upon any alleged damage to or defects in any household appliance, means a printed business reply post card bearing on one side the name and address of the manufacturer of such household appliance, and on the other side such matter, blank spaces, and instructions for use as the Secretary shall prescribe as an appropriate form for use in the assertion by warrantees of demands for the arbitration of warranty claims.

EFFECTIVE DATE

SEC. 12. This Act shall take effect on such date, not earlier than six months or later than one year after the date of enactment of this Act, as the Secretary shall prescribe, except that at any time after the date of enactment thereof the Secretary may prescribe pursuant to the provision of this Act rules which shall take effect on the effective date of this Act.

The articles, presented by Mr. HAYDEN are as follows:

[From the Wall Street Journal, Apr. 25, 1967]

WARRANTY WOES: NEW AUTO GUARANTEES TOUCH OFF COMPLAINTS FROM OWNERS, DEALERS—MOTORISTS GRUMBLE AT DELAYS—CAR SELLERS CALL MAKERS' REPAIR PAYMENTS TOO LOW—DETROIT'S ANSWER TO CRITICS

(By Tim Metz)

Pity Bill Wampler of Wichita, Kans.

A few days after he received delivery of his new 1966 Mustang late last year, its gears began locking intermittently. The car wouldn't move unless he set the gears right by jiggling the manual gear shift. They locked once in traffic, and his car was hit from the rear by another car. Shortly after that, the Mustang's roof upholstery fell over Bill's head while he was doing 65 miles an hour on a highway. He barely managed to avert a crash.

Bill got the gear repairs paid for by his Ford warranty only after several trips to his dealer and a test drive of the car by a Ford factory representative (fortunately, the gears stuck with the Ford man behind the wheel). The dealer agreed to make only temporary repairs on the roof upholstery, claiming it was loosened by the accident and wasn't Ford's fault.

Bill, a 21-year-old aircraft worker, vows he'll never own another Ford.

Bill's problems with his car are extreme, of course. But the sort of battle he had to wage to get it repaired under his warranty is becoming more and more frequent these days. Indeed, the long-term new car warranty, which auto makers hailed as the solution to motorists' repair bill woes, is turning into a frustrating and sometimes costly headache for new car owners and dealers alike.

LONGER WAITS

The crush of warranty work that has accompanied the longer and broader warranties is resulting in longer waits for service and more hassles over what is covered and what isn't. The problem is accentuated by some dealers' claims that car makers aren't fully compensating them for repairs done under warranties. The auto makers deny such is the case, but in a number of instances dealers insist they are being forced to try to boost shop revenues by talking customers into repairs that are not covered by warranties and that even the dealers themselves concede are sometimes of questionable necessity.

The big jump in warranty disputes came this year when Ford Motor Co., General Motors Corp. and American Motors Corp. joined Chrysler Corp. in offering five-year or 50,000-mile warranties on defective "power train" parts—including the engine, transmission, differential and rear wheels. Chrysler adopted this "5 or 50" warranty in 1963. As recently as 1960, all new cars carried warranties good for only three months or 4,000 miles.

Instead of being grateful for this boon, however, motorists are complaining. Consumers Union, an organization that tests and evaluates consumer products, says a recent survey showed that 25% of new car owners "reported they failed to get proper repairs under warranty."

"LEMON LETTERS"

Some car owners are turning to Washington for help. The National Traffic Safety Agency has received "floods of complaints on every conceivable aspect of car warranties," says William Haddon Jr., administrator. Since last summer, over 500 car owners have sent complaints to a new Senate subcommittee on consumer problems, headed by Sen. Warren Magnuson. "We've gotten so many we've had to establish a special 'lemon letter' section in our files," says an aide to the committee.

The Federal Trade Commission has launched a broad inquiry into Detroit's warranty practices and has asked car makers to provide extensive information on the number of claims they have received, how much mechanics are paid for warranty work and how many claims are rejected. Public hearings could follow.

Auto makers and dealers are quick to point out that many—perhaps most—of the complaints they get are from owners who haven't read their warranties and are demanding payment for repairs not covered. Companies won't pick up the bill for parts that fail due to wear or misuse, for example, and owners must keep their warranties in effect by having various parts serviced regularly during the year and having this service work certified by their dealers.

SIGNING A STATEMENT

A few car dealers go to some lengths to make sure their customers understand warranty provisions. In Cleveland, Ford dealer Chuck Kane makes car buyers read their warranty thoroughly before they accept delivery and asks them to sign a statement that they understand it. Mr. Kane also urges new car buyers to inspect their vehicles carefully before driving them home.

Yet some dealers contend that auto makers' advertising leads many buyers to consider this kind of caution unnecessary. The ads cause "the customer to believe he'll never have to pay for service as long as he owns the car," asserts Dawson Taylor, who sells Chevrolets in Detroit. He estimates that the regular servicing required to keep a warranty in force costs owners about $75 a year.

Sometimes it's the dealers who apparently don't fully understand warranty provisions. Richard Mulholland, a Tampa, Fla., lawyer, says he recently had some problems with the radio on his new 1967 Chevy Caprice. Non-power-train parts on General Motors' cars are covered by a two-year or 24,000-mile warranty, but Mr. Mulholland says that when he took his car to his dealer to be fixed, the service man claimed the radio wasn't covered by the warranty.

Mr. Mulholland took his case to the dealer's manager, who agreed to make the repairs. But after several repair attempts the radio still didn't work properly, and Mr. Mulholland threatened the dealer and GM with a law suit before the radio was replaced.

Dealers reply that they can't be blamed for being hesitant to tackle a lot of warranty-paid repairs. They contend that if they accept a repair job and the factory doesn't approve it—though this doesn't happen frequently—the cost comes out of their own pocket. Moreover, many of them assert that Detroit is a slow payer when it comes to reimbursing them for warranty repair expenses and that when the reimbursement comes it often isn't as large as an individual customer would pay for the same work.

Auto makers reimburse dealers for warranty work under schedules geared to the labor rate in the dealer's market area. The resulting payments vary widely from region to region. A small town Pennsylvania dealer says he gets $4.50 an hour from the factory; a San Francisco dealer gets $11 an hour.

WARRANTIES' EXPANDING ROLE

Before warranties started growing more extensive, practically none of dealers' service business was warranty work paid by Detroit. In 1966, however, warranty repairs accounted for 13% of all service work in U.S. car dealerships, according to the National Automobile Dealers Association. And one Ford official estimates that such work will make up fully half the average dealer's service business within a few years—directly as a result of the industry's jump to the "5 or 50" warranties.

With warranty work growing so rapidly and with warranty payment schedules sometimes short of what dealers consider adequate, some dealers concede they are pressing customers harder to agree to repairs not covered by warranties. "We're looking over the warranty customer's car harder than ever to find other work that needs to be done," says a Dodge dealer in Colorado. He asserts that Chrysler pays him 50 cents an hour less for labor than individual customers pay.

Says a Milwaukee dealer: "We can hit a warranty customer for a $15 wheel balancing and aligning job easy, even if he has only 1,000 miles on his car."

Other dealers say they make up for warranty repair costs not paid by the auto makers simply by billing the customer for them. This applies mainly in cases where the dealer didn't sell the car to the customer, even though warranties are supposed to be good at any authorized dealer of an auto company.

DEALER'S EXPLANATION

One Dodge dealer in California explains it this way: "About once a week someone will show up in our shop in a new car with the engine sputtering. The remedy is to change a carburetor part. Chrysler will pay us only $7.50 an hour for the work and will allow only nine-tenths of an hour to fix it. But the repair takes my mechanic two hours. At our retail labor rate (of $8.50 an hour) that's a $17 job.

"Unless I sold the car, I'll charge the guy the $10.25 difference between what Chrysler pays and our own rate. I'm not going to take a loss for somebody else's customer."

In Detroit, such practices are declared to be "isolated cases." Moreover, manufacturers claim that most dealer gripes about labor costs are groundless.

Company reimbursement to dealers "usually will coincide with the dealer's retail rate to customers," says James Roche, president of GM. Robert C. Graham, Ford service research and operations manager, puts it more bluntly. "The dealers' use of the term 'retail labor rate' has no reference to the real world," he says. "Very few dealers have even the slightest idea of what their labor costs really are." Mr. Graham also thinks tighter regulation by dealers of their mechanics' work schedules would help resolve many labor cost complaints.

EXPANDING SERVICE FACILITIES

Auto makers have moved to reduce warranty complaints. Ford and GM say they recently started reimbursing dealers faster. Companies are pushing dealers to expand their service facilites to handle the extra warranty work and have joined dealers in the search for more and better mechanics.

Ford has computers at work to keep an accurate service history of each car it builds. Chrysler is preparing a similar system to begin operating this fall. The systems are supposed to help prevent claims frauds, such as the sort that occur when customers turn back their odometers to qualify for warranty work, and also to make sure that customers get the warranty work to which they are entitled. The companies say that in a few recent cases dealers' failure to honor warranty claims properly has been a factor in franchise cancellations.

What remains to be seen, however, is whether the long-term warranties will result in any appreciable savings to motorists. The companies unanimously say they will. Obviously, every dollar they pay for repairs under a warranty is a dollar saved for a car owner.

Yet auto men also agree that this year's longer warranties were a factor in raising new car list prices by $56 to $69 a model above those of 1966. "Warranties are a significant factor in the pricing of cars," says an official of one major maker. "A part, but not all, of the warranty cost was built into the price of the 1967 models and will be again for 1968."

Some dealers say they, too, are pushing for higher prices to offset warranty costs. Sam Sottile, vice president of L. I. Tompkins Inc., a Pawling, N.Y., dealer in Chevys, Pontiacs and Cadillacs, says his firm is trying to add $80 to $90 to the price of each car it sells to cover "extra paper work and warranty administration expenses."

[From Consumer Reports, April 1967]

Warranties: The Promise and the Reality

If we judged new cars only on how well they were put together, we would rate most of the 1967 models so far tested Not Acceptable. Nearly all 26 of them were delivered "partly assembled," as one of our road-testers puts it. Almost all the defects we've uncovered so far can be traced to inexcusable lapses in factory design or assembly, often compounded by equally inexcusable oversights on the part of the dealers who "prepared" the cars for delivery.

Work left undone on the assembly line or at the dealer's shop is papered over with promises in the warranty—promises made in the name of the manufacturer and the dealer. Indeed, the new-car warranty is sometimes an inverse indicator of quality control. When a maufacturer starts "liberalizing" that warranty, watch out. Faced with a choice of tightening inspection procedures or extending the terms of warranty, Detroit tends to choose the latter course as the one yielding more immediate profit.

This year may be a case in point. All four major U.S. car makers have extended the general warranty to 24 months or 24,000 miles, whichever comes first, and boosted the warranty on the power train, steering system, and suspension system to five years or 50,000 miles.

We have published a list of defects found in our test cars in each issue of the Reports since January, when the first test results on 1967 cars appeared. By rough measure, this year's cars arrived in worse shape than any previous batch—and recent previous batches were not exactly the pride of Detroit.

The slapdash assembly of CU's test cars isn't the only recent evidence of quality-control backsliding in the face of grandoise promises. The response of new-car owners who filled in our two most recent Annual Questionnaires confirms the dismal trend. Asked whether their new cars were delivered in satisfactory condition, 26% of the respondents in 1965 said they were not. In 1966, the level of dissatisfaction rose to 33%.

Thus, a large percentage of car buyers seem to have reason to test the promises in the warranty. Back they will go to the dealer with a list of defects discovered not after four years or two years or one year, but within a month, a week, or a day of when they took possession.

What sort of satisfaction can they expect? None too good, our Annual Questionnaire returns suggest. Of respondents who said last year that their new cars had come with defects, 25% reported that they failed to get proper repairs under warranty.

After surveying the car market as last year's models went on sale, *The Wall Street Journal* reported that "A growing number of customers . . . find the red carpet laid out for them by dealer salesmen is yanked out from under their feet after their cars have been delivered—and found wanting." And a harried car seller wrote in the "Dealer Forum" of *Automotive News*:

"I asked my general manager how many cars we could deliver a day if we prepared them as we would like to prepare them. 'One,' he said. But we have to deliver six or seven a day. And you should see the condition in which we receive cars from the factory. The factory at one time fitted car doors. Now they just hang the doors on the car and let the dealer do the fitting. And no matter how hard we try, we just can't get our warranty costs out of the factory. We have to try to get it out of our margin on new cars. . . . It's a shame what we do to the buyers at times. . . ."

It's a shame, all right, and it may also be a breech of warranty. Manufacturers and dealers alike seem to feel that they can honor that contract or not as their own interests dictate—or even as a way to reward or punish their customers. If you keep coming back with rattles, leaks, and squeaks, you become known as a "homing pigeon." The nickname is not meant as a compliment.

The dealers have their problems, no doubt about it. The factory probably won't reimburse them for the labor and overhead costs of tracking down an elusive defect. Here's how an *Automotive News* survey describes the dealer's position, and his attitude toward complainers:

"Suppose a customer drives in with a complaint about his new car. A quick check shows that the factory will never pay for correcting it and the customer is most unlikely to pay. How much will the typical dealer spend to make this customer happy? Dealers surveyed . . . were asked for their views on this question. A dealer in Texas came up with an answer which is almost as good as any: 'Absolutely no way to answer this.' The dealer went on to explain that he wouldn't spend a thing on the man who was a price shopper when he bought the car and lives outside of the dealer's area. The local price shopper would get 'very little.' However, this dealer will spend 'quite a bit' on the long-time, repeat customer and an almost-unlimited amount on a major fleet customer.

"A dealer in Indiana answered this way: 'Depends on how nice (or ugly) he was when we traded with him'."

When a dealer does try to honor a warranty, he runs the risk of being overruled by the factory and left holding the bill. A case in point concerns the distributor shaft in the 1967 *Plymouth Belvedere II* sedan we tested. Its performance did not meet Chrysler Corp. specifications: The shaft wobbled excessively, throwing off the ignition timing and engine firing. The defect showed up on our laboratory scope. An ordinary driver probably wouldn't have noticed it until cylinder began to knock.

Having no replacement distributor assembly in stock, the dealer took one from another new car. The second distributor shaft exhibited a similar defect. When the dealer telephone the *Plymouth* zone service manager for permission to order the part under warranty, he was told that the warranty did not cover this $36 item. A member of CU's auto test staff then called the service manager himself and was told the same story. Only after the CU representative read the warranty over the phone did the service manager back down. Whether he would have given ground to a less persistent buyer, we can't say.

THE PARTS SHORTAGE

Parts shortages often make a mockery of warranties, too, especially during the first few months of a new model year. The main fusible link in the electrical system burned out on our *Plymouth Fury III* test wagon, immobilizing the car completely. Local dealers were at a loss to replace it—they couldn't find the fuse at any dealer or parts depot in the area. One of them placed an order with the factory, but two months later no fuse had yet arrived. Other parts that had to be special-ordered for our test cars included an accelerator pedal for the *Ambassador*; body parts for the *Chevrolet Caprice* station wagon; a hood latch and striker and a speedometer head for the *Chrysler Newport*.

Our *Buick Special* test car was among those called back when the manufacturer discovered a safety defect in its collapsible steering column. It was several weeks after the recall was announced in the newspapers when our dealer notified us to bring in the car; until then, he said, no replacement steering columns had been sent to him. Apparently he was not the only one with the problem. *Automotive News* surveyed dealers along the Florida Gold Coast and reported on January 30: "Practically every General Motors dealer was being embarrassed by customers coming in because of the publicity that has been released about the steering gear fix. The dealers said they have no parts to correct this item, nor have they been shipped parts . . . [for] the new cars they have in stock."

Across the country this winter, dealers were being swamped with service and repair orders. It was difficult to get an appointment with some of them, and cars sometimes were stranded in back shops for days and weeks. Huge sales volume in the past few years no doubt has contributed to the overload. So has the fact that auto makers have reduced the number of dealerships. General Motors had about 17,000 dealers in 1955 but only about 13,500 in 1967. Ford, in the midst of the 1964-to-1966 splurge in car buying, cut its dealerships by about 5%.

The surviving dealers must live with a severe shortage of competent mechanics—another factor that makes life difficult for car owners. Aircraft, defense, and space industries outbid auto dealers for the local talent in some areas. The American Motors dealer who sold us our *Ambassador* was down to one mechanic; and the car, which had an unconscionably long list of defects, stayed in his shop two and three weeks at a stretch.

The service crisis has been building up for several years, and nowhere are its implications better understood than in the auto makers' headquarters. Yet when sales began tailing off from record levels last April, the first gimmick Detroit's sales departments came up with was a new set of warranties that promised free service for a longer period. Once again, the battle of reliability was to be fought in advertising media instead of in the factory.

With the 1967 models about due, General Motors, Ford, and American Motors announced that they would match Chrysler Motors' five-year or 50,000-mile coverage of the power train. Since those companies already covered the rest of the vehicle with a 24-month or 24,000-mile warranty, against Chrysler's 12-12 general coverage, they could brag that their extended warranties would be superior to Chrysler's. Not for long. Chrysler promptly adopted the 24-24 general warranty, then raised the bet by adding suspension and steering systems to its 5-50 coverage. The rest of the field then matched Chrysler. "Warranty is the Name of the (Ad) Game in Detroit," ran a headline in *Advertising Age*.

The newest escalation accomplished one thing for sure: It focused attention on what *Automotive News* describes as "the angry sore of factory-dealer relationship regarding warranties." The Federal Trade Commission, often called on to quiet internecine warfare in the business community, opened an investigation. It had reason to believe, it said, that some industry members "may have failed to inform the purchasing public of the conditions, terms, and provisions of motor vehicle guarantees and warranties and may have failed to perform in accordance with the conditions, terms and provisions."

WHOM DOES THE WARRANTY PROTECT?

If the warranty is chiefly a sales tool, it is also a legal safeguard for the manufacturer and his franchised dealers—not for the consumer. An *Automotive News* reporter put it in a nutshell: "When you hear the warranty jingle on television, every qualification sounds like a promise."

The attorneys who write new-car warranties to the specifications of the sales department are experts in the law of sales and product liability. They make sure that the warranty takes fullest advantage of state laws modeled on the Uniform Commercial Code—a code drafted with a minimum of concern for consumer interests.

In keeping with the Uniform Commercial Code, every new car comes labeled with words to this effect: "This warranty is the only warranty applicable . . . and is expressly in lieu of any warranties otherwise implied by law; including, but not limited to, *implied warranties of merchantability* or *fitness for a particular use*." Note well the words that we have italicized. They are lifted right out of the Code. What it means, the manufacturers will one day argue in court, is that if your car turned out to be a lemon, you took the risk with your eyes wide open. It does not mean that you can buy a new car with "peace of mind," as Detroit would have you believe.

"You will have even more peace of mind and satisfaction from your new *Buick* if you thoroughly understand the protective features of the New Vehicle Warranty," says a General Motors owner's manual. But every word in the warranty, no matter how generous it may sound, is really an attempt to limit the manufacturer's responsibility.

The most generous-sounding part of the warranty covers power train parts—engine, transmission, differential, etc.—for five years or 50,000 miles. Yet a General Motors executive told *Business Week* several years ago that, with proper maintenance, those components should easily endure for 100,000 miles. The GM warranty, like all others, then enumerates dozens of parts as excluded from 5–50 coverage, including the radiator, carburetor and fuel pump, fan, engine mounts, starter, generator and brake system—reasonable enough, since those parts are known to wear with ordinary use. Some of the excluded parts come under the 24,000-mile warranty. But a few apparently are not warranted at all.

For example, the minute you drive your new car away from the showroom, the warranty covering brake and clutch linings, spark plugs and ignition points, filters, crankcase ventilation valve, and wiper blades becomes ambiguous. The same is true of engine timing adjustments, wheel alignment and balancing, brake adjustments, and headlight alignment. The dealer may or may not concede that he failed to attend to any defect in these areas in originally preparing the car for delivery. The cars we test almost always come to us with one or more maladjustments or misalignments.

As one lawyer pointed out recently in the *Michigan Law Review*, few consumers are in any position to bargain over warranties, even those covering such necessities as an automobile. They must accept a warranty "purportedly limited to repairing or replacing defective parts. . . . Traditionally, such limitation provisions have been [held] valid; for example, a plaintiff whose automobile has been destroyed by a fire caused by a defective part was regularly denied recovery because the manufacturer's liability had been limited to replacement of defective parts. . . ."

Everything conspires against the car owner who discovers that his new car is a lemon. But the law does not stand still. A few years ago, in the landmark case of Henningsen v. Bloomfield Motors, Inc., the New Jersey Supreme Court decided that an auto maker could not disclaim liability for personal injuries caused by defective parts. Other courts have since followed that same doctrine. If a plaintiff can prove that a factory defect led to his injury and that faulty driving was not a factor, the warranty may not shield the manufacturer. But these may be difficult things for a car owner to prove.

And those unfortunates whose loss from a thoroughly unsatisfactory car has been strictly economic will have even tougher going in the courts. Here the expressed new-car warranty has usually proved an effective shield for the manufacturer. Of course, consumers buy their cars from dealers, not from manufacturers, and the dealer can, if he is willing, agree to sell a car under implied warranty instead of under the manufacturer's expressed warranty. But very few dealers are likely to do that.

One dealer who did sell a car under implied warranty a few years ago lived to regret it. The buyer, John Alan Appleman of Urbana, Ill., was an attorney well versed in product liability law. After almost everything conceivable had gone wrong with his new car, a 1959 *Lincoln Premier*, Appleman sued the dealer, Fabert Motors, for the purchase price. Elwood Fabert, the proprietor, was an honest businessman. He admitted in court to the car's multiple defects and to his acceptance of implied warranty as a condition of sale. The Appellate Court of Illinois upheld a jury award of $6200 to Appleman. Fabert's supplier, the Ford Motor Co., refused to reimburse him for one penny of his loss.

Practically all car owners will have to live as best they can with the manufacturer's expressed warranty. Taken at its carefully chosen word, it does promise repair or replacement for parts or materials covered by warranty if they are defective, if workmanship is at fault, or if they fail "in normal use" within the warranty period. But it's the dealer who decides what caused the defect. (The buyer may appeal the dealer's decision to the manufacturer, for whatever good that will do him.)

THE DEALERS ARE TRYING

Perhaps some comfort is to be taken from a trend indicated by recent CU Annual Questionnaire returns. Even though the incidence of defects in new cars bought by respondents rose in 1966, fewer respondents blamed the dealer for failure to make repairs. Of those whose new cars were not properly corrected by dealers, only 15% said that the dealer was uncooperative, a big improvement from the 30% who blamed the dealer as recently as 1963. And dealers told only 12% of the 1966 group that the defect was not covered by warranty; in 1963, 18.5% heard that excuse. Still, try as they would, the dealers were unable to make proper repairs to about one car out of four.

Things being what they are, the best hope is to search out a dealer who will at least try harder than some of his competitors, even if his initial selling price for the car isn't the lowest in town. Unless you've already had satisfactory experience with a dealer, you'll probably have to lean on the experience of friends. But if you can spare an hour or two around 8 A.M. or 5 P.M. on a weekday, you might stop by the dealer's service department and listen to the dialogue between the man at the desk and the people bringing in or calling for their cars. Ask a few customers how they feel they are being treated.

Having bought a car, study the owner's manual and, particularly, the maintenance instructions and warranty information. Lubrication and oil-change intervals have been lengthened greatly in the last few years. Don't let a dealer or mechanic talk you into more frequent servicing. Follow the warranty procedures scrupulously. For example, if servicing is done by your own mechanic, you must get the dealer to certify that it has been done.

Keep complete records and receipts of all servicing, all returns to the dealer for work under the warranty, and any correspondence with the manufacturer of his representatives. If you must go to court for satisfaction, every scrap of evidence may count.

And some consumers do get satisfaction that way. Take the case of C. P. Pryor of Fairfax County, Va. His 1965 *Chrysler Imperial* came with a serious rain leak. After 38 sessions with the dealer, it still leaked. So he went to court. Chrysler's line of defense, according to the *Washington Post*, was "that their warranty required them only to make repair efforts, not to replace the car or to guarantee the repairs would be satisfactory." The jury voted Mr. Pryor $2800 in damages, which Chrysler paid without appeal.

It is painfully evident, however, that individual consumers cannot cope adequately with the present level of defects in new cars under the warranty situation as it now exists. What's needed is a fundamental change within the industry, and it has to start in Detroit.

The first need is a revamping of the factory finishing and inspection of autos. If dealers' mechanics weren't tied up with the final step in assembling and adjusting the cars, they would have more time to devote to the inescapable breakdowns under warranty.

The industry also needs to reevaluate dealers' payment allowances for work under warranty. So long as a dealer knows he won't get full reimbursement for work needed by a customer's car, he is going to be reluctant to do it.

And there needs to be an immediate change in the policies that put nearly all available parts in the early months of a model year at the disposal of the assembly line, instead of feeding the service centers' supply channels.

If Detroit can't or won't bring about such reforms voluntarily, we think the FTC should institute a few charges of false advertising against car makers who make much of long-term warranties they know cannot be reasonably serviced.

[From the Wall Street Journal, July 24, 1967]

Life on the Line: A Week Spent Building Cars Gives an Insight Into Industry's Problems—Production Pace Is Grueling for a Newcomer—Quality Control Is a Big Headache—"Leave Your Brains at Home"

(By Roger Rapoport)

Wixom, Mich.—The Ford Motor Co. auto assembly line here is an impressive sight. Bare frames are put on a slowly moving conveyor. Wheels, engines, seats, body sections and hundreds of other components are added along the way. At the end of the quarter-mile, 90-minute trip, finished cars are driven off to be inspected and shipped to dealers.

It takes some 275 workers to put the cars together on the Wixom line. To hear a guide at Ford's big River Rouge plant, a popular tourist stop in nearby Dearborn, tell it, life on the line is a snap. "Each worker on an assembly line has one little job to do," he says. "It's simple. Anyone could learn it in two minutes."

That's bunk.

Working on the line is grueling and frustrating, and while it may be repetitive, it's not simple. I learned how tough it can be by working for six days at Ford's Wixom plant, which assembles Thunderbirds and Lincoln Continentals.

I learned first-hand why 250,000 auto workers are unhappy about working conditions. Ford calls Wixom the "most progressive automobile assembly plant on the North American continent." Facilities at the 10-year-old plant here are indeed better than those at many of the 46 other auto assembly plants scattered around the country. Wixon is clean and well-lighted by auto industry standards. It boasts adequate rest rooms, plenty of drinking fountains and an air-conditioned cafeteria. Even so, working conditions are less than ideal.

PROBLEMS OF QUALITY

I also learned why quality control is a major problem for the industry and why so many Americans complain about poor workmanship in the cars they buy. I saw one blue fender installed on a white car and saw the steering column fall off another newly built car. Wixom's repair area, nearly the size of a football field, usually had a line-up of 500 cars waiting to have steering adjusted, scratches painted, brakes repaired and other faults fixed—but not all defects are caught before cars leave the plant. The four auto companies have recalled from customers more than a million 1967 model cars since last September because of suspected manufacturing defects.

Ford didn't know I was a reporter. Along with a handful of other young men, I was hired as a summer replacement, and to the personnel department I was simply Social Security number 362–44–9616. The foreman on the line knew me as "9616" for short.

Names aren't necessary on the line. The conveyor moves at ⅙ of a mile an hour, and while that may not sound terribly fast, it doesn't leave much time for conversation. Also, the cacophony of bells, whistles, buzzers, hammers, whining pneumatic wrenches and clanking, rumbling machinery drowns out voices, so most communicating is done by arm waving and hand gestures.

Only two of the dozens of men I worked beside at various points on the line ever learned my name, and I knew only the first names of two workmen. One was Clyde, a husky Negro who had been an assembler for about a year. My first day on the job, a foreman assigned Clyde to teach me the ropes at one work station.

LESSONS FROM CLYDE

Clyde, a 220-pound six-footer, showed me how to bolt the car body to the chassis in three places. It was fairly easy for me, a 160-pound six-footer. He showed me how to lean inside the trunk, tighten two bolts and make an electrical connection. I managed that task, too. He showed me how to maneuver a big V-8 engine dangling overhead down into a car's engine compartment. By this time, I considered myself fairly versatile.

Then Clyde showed me how to scramble from one car to the next, putting chassis and trunk bolts in the first two cars and helping with the engine in the third—all in less than five minutes. When I tried it, I got stuck in the trunk of one car, missed the chassis bolts on the next and was too late to help install the engine on the third car.

Gradually, I became more proficient. But I didn't last long at any job. As a temporary worker, I was assigned to fill in for absent workmen at five different work stations at various times during my six days on the line. Except for Clyde, the men who showed me the jobs weren't very good teachers. One workman demonstrated the way to attach clamps to heater hoses. but he didn't mention that the clamps have tops and bottoms. A foreman caught my error after I had installed a dozen clamps upside down.

LEARNING FROM EXPERIENCE

Nobody told me to put on steering wheels that match the color of the dashboard—I figured that out myself. But I made some mistakes because nobody warned me that tinted glass makes it difficult to distinguish the color of the dash by looking through the windshield. I installed some blue steering wheels on cars with aqua dashboards and mismatched a black wheel with a gray dashboard.

An experienced worker told me that a color-blind assembler recently installed the wrong color vent plates under the windshield wipers on cars for two hours before a foreman spotted the error and assigned the man to another job.

I wasn't checked for color blindness when I was hired. Rapid turnover and a major expansion at Wixom made getting a job easy, even though the plant was heading for a temporary shutdown to make the annual model changeover. I passed a three-hour physical exam and an 11-minute written test. (Sample questions: "Which of the following doesn't belong? spade, queen, king, ace; oak, maple, leaf, elm.") There was no interview. I was issued a free pair of safety glasses, given a five-minute lecture on safety and plant safety rules, and told to report to work.

Along with some 2,700 other employes on the third work turn, I arrived at the sprawling, suburban Detroit plant shortly after 3 p.m. and punched the time clock. Most of the men on the line were between 20 and 35 years old. Most wore sport shirts and slacks or green coveralls. About a third were Negroes.

The windowless assembly line area inside the two-story plant reminded me of a tunnel. Down the middle ran the assembly line. Overhead were fluorescent lights and conveyors carrying engines, fenders and other components. Tall racks and bins full of auto parts lined the sides. A narrow slit trench for underbody installations stretched the length of the line.

At 3:30 p.m., the conveyor began moving, and work started on the assembly line. For the next three hours—until a relief man shouted at me to take a 20-minute break while he replaced me—I rarely spoke or was spoken to.

For a while, I concentrated hard to get each job done within the 90 seconds the moving car was in front of my work station without dropping the five-pound pneumatic wrench on my foot. Every third car on the line was a Continental, and required a slight variation from Thunderbird installation procedures.

Nevertheless, each task soon became a mind-deadening routine, and my thoughts turned to everything but cars. ("You just leave your brains at home and work out of habit," one experienced worker later advised me.) Sometimes, after many minutes of bending over and zeroing in on a moving target, I would step back, and the line would appear to be stationary, while everything else seemed to be moving.

BEND, STRETCH, ACHE

I'm in fairly good physical shape, but I ached all over after each day's work on the line. At one station, I had to bend down into the engine compartment to bolt on the steering column. To install carpeting, I sat on the door frame with one foot dragging and drilled holes, then stretched out on my side under the instrument panel to fasten the carpet to the floor. Attaching steering wheels meant stretching through the open car window to stick the wheel on the column and bolt it down.

Nobody seemed to take any particular pride in his work. Some workers considered some of the parts shoddy. The kick-pads that I installed under instrument panels, for example, were made of relatively brittle plastic and sometimes broke off during installation. One workman told me that "over 400 of them broke off one month last winter."

One day when I was helping two men bolt steering columns in place, the columns on a dozen cars were mounted improperly by someone up the line, so we couldn't bolt them down and men further down the line couldn't attach the steering wheels. Such chain-reactions often result from a single slip-up, and regularly snarl the precision of the computer-controlled assembly line.

CATCHING DEFECTS

It was Clyde who first told me what to do if I made or discovered a mistake. "Get the next car and don't worry," he said. "They'll catch that one further down the line." When I spotted the white Thunderbird wearing a blue fender, another worker explained: "They'll paint over it in the repair shop. It's easier to catch it there than it is on the line."

About 10 repairmen stationed at various points along the way catch and fix some minor defects right on the assembly line. But it's up to the 15 or 20 inspectors along the line to check each car thoroughly and route those with improperly installed parts into the plant's 100-man repair shop. One inspector was an inexperienced college student. Some regular inspectors seemed far from dedicated.

I saw one standing with his eyes closed. When a workman pointed out a faulty engine, the inspector tagged the defect, then closed his eyes again. Once I spotted a loose steering wheel and told an inspector. He said he had just checked that wheel and "found it tight," but he double-checked and admitted, "You were right—it was loose."

I saw a loose steering column fall off a Thunderbird when an inspector checked it. Later he told me that before lunch he had "only missed marking up three loose steering columns, which is pretty good since 80% of them were going through loose yesterday." Another inspector further down the line spotted the three loose columns.

An inspector who had five things to check on each car told me: "There isn't nearly enough time to do all the inspections. I'm supposed to check shock absorbers. But I haven't had a chance to look at one in a month." Another inspector jokingly said he inspects a car trunk just closely enough "to make sure there's no dead foreman in there."

A "SLOW" PACE

Because Wixom builds luxury cars priced to sell from $4,600 to over $7,300, the assembly line moves at what, for the auto industry, is considered a slow production pace of about 40 cars an hour. Some other luxury cars are built at a faster rate. General Motors Corp.'s Cadillac assembly lines rolls out 50 cars an hour, and Chrysler Corp. builds about 55 Chryslers and Imperials an hour. Lower priced cars such as Fords, Chevrolets and Plymouths usually come off the line at a rate of up to 65 cars an hour.

That can seem like breakneck speed to a weary worker on the assembly line. The speed of the line, in fact, has been a major cause of half a dozen local strikes by United Auto Workers Union members at other auto assembly plants in the past few years.

Even Wixom's pace seemed fast to me. When my 20-minute break started at 6:30 each night, I staggered to the pop-machine to buy a cold drink. Then I looked for someplace to sit and rest. There aren't many places to sit in the plant. My favorite spot was atop a cart loaded with big white laundry sacks full of dirty coveralls, a place where I could stretch out.

Sometimes a few workers would talk and joke during their breaks. Foremen and other supervisors were the butt of many jokes—particularly one balding supervisor who was referred to as "Khrushchev." But the assemblers actually got along well with the foremen, who worked hard themselves and generally were patient and polite when correcting workmen's mistakes. Supervisors insisted on informality. When I called one "sir," he quickly told me: "That isn't necessary around here."

SCRAMBLE FOR LUNCH

After my relief period, I spent another hour and 10 minutes on the line. Then, at 7:30 p.m., the conveyors stopped, and the scramble for lunch started. There wasn't time to wash the grease off my hands or pull the slivers of glass fiber insulation out of my arms before eating.

Usually lunch periods were staggered, but sometimes the day's production schedule was arranged so that all 2,700 workers in the plant ate at the same time. The first day that happened, I cut in near the front of the long line outside the air-conditioned company cafeteria. It took 15 minutes, half my lunch period, to reach the counter, pick up iced tea, milk, soup, roast beef, Jell-O, pie and pay the cashier $1.50. I ate in 11 minutes.

That left two minutes to go to the bathroom and another two minutes to get back to my place on the line. I had indigestion for an hour after lunch. Some workers had to wait 25 minutes to get served that day. I don't know how, or if, they ate ard got back to work in five minutes.

Many workmen brought sack lunches and sat on stock racks or in cars on the line eating sandwiches. Eating in the cars was against plant rules. Nevertheless, when I was installing carpets, I frequently had to throw out lunch sacks, cigaret butts and coffee cups along with the usual assortment of screws, fuses and bolts before laying a carpet. I picked an empty beer can out of a car, too—even though another plant rule prohibits drinking alcohol.

Safety rules frequently were violated, too. I saw foremen running and assemblers jumping across the assembly line trench, both supposedly forbidden. Occasionally there was horseplay on the line. But I didn't see any accidents. Indeed, when I was there, Wixom had gone two million man-hours without an accident.

JOKES AND CONCERTS

Ennui set in during the second half of the work turn. To break the monotony, some workers played practical jokes, like detaching the air hose from an assembler's pneumatic wrench. Others performed timpani concerts on plant ventilation ducts with rubber mallets. They hooted and whistled whenever women office employes ventured into the production area.

My second relief break began at 10 p.m. and lasted 16 minutes. (In the UAW's contract negotiations with Ford and the three other auto companies, the union is demanding two 30-minute paid relief breaks daily for assemblers. Auto workers aren't paid during their half hour lunch periods.) There was less bantering among workers during the second break. Some of them talked of quitting. One man groused about "too much pressure" and said: "When I was working in an auto parts plant, I could meet my quota in four hours and then goof off, but here there's no rest."

When the quitting whistle blew at midnight, smiles returned to most workers' faces. They washed up quickly and headed for the parking lot. I drove straight home and went to bed. But some of the men went out moonlighting. One young guy making about $3.30 an hour at Wixom worked several hours as a night pressman for a small morning newspaper. Another, earning about $3.50 an hour, went home and slept for five hours, then put in eight hours doing maintenance work at a nearby golf course. "I made $11,000 last year," he told me.

After the final whistle blew on my last work turn before the plant closed for model changeover, Clyde kidded me at the water cooler. "You should feel ashamed of yourself, taking all that good Ford money after the way you worked," he said.

Hiring me might not have been one of Ford's better ideas, but I think I earned my $110 take-home pay. Ford apparently thought so, too. The foreman told me to report for work again when Wixom resumes production next week.

But I don't intend to go back to the plant—except perhaps to pick up my pay check. Ford wouldn't mail it to me. "We've got 6,000 guys who would like to have their checks mailed to them," a personnel man told me. "What makes you think you're any different?"

CONFINEMENT AND TREATMENT OF CERTAIN MENTALLY ILL PERSONS

Mr. KENNEDY of New York. Mr. President, I introduce, for appropriate reference, a modified version of a bill which I offered at the last session of Congress, to provide for the confinement and treatment of certain mentally ill persons who cannot get the care they need.

I refer to persons acquitted by reason of insanity of a Federal charge, whose continuing illness makes them dangerous to themselves or others. Present law makes no provision for their confinement; such a person must be discharged by the Federal court. He receives treatment—and the rest of us receive protection—only if some State chooses to bring a completely new proceeding asking for his hospitalization. This bill would close this loophole by making treatment available on the initiative of Federal officials.

At the same time, Mr. President, I also introduce, for appropriate reference, a bill to substitute a similar provision for the present statute governing criminal commitment in the District of Columbia. The present law, hastily enacted as a response to the celebrated Durham decision in the Court of Appeals for the District, is deficient in procedural protections for a person threatened with commitment. The wave of alarm which greeted Durham has receded, but it has left us with a statute that does not reflect adequate consideration of the complex questions of law and policy raised by these commitments.

When I introduced the first of these proposals in the 89th Congress (S. 3689), I sent copies of it to a wide variety of people whose advice I thought would strengthen it. I was gratified and impressed by the many thoughtful replies I received. I was also pleased by the enthusiastic support that the bill received—from lawyers, psychiatrists and members of other professions concerned with the difficult problem addressed by the bill. A number of the recommendations I received have been incorporated in the revised draft which I now submit for consideration and, I hope, speedy passage by the Congress.

Mr. President, the criminal law has traditionally excused persons whose offenses were not willful but the result of mental illness. An acquittal "by reason of insanity" expresses a judgment that it is unfair to punish people who are not responsible for their action. But we know that some sort of control and treatment of such people is often necessary, for their own good and for the protection of society.

The bills which I introduce today would create a procedure for commitment and treatment of those who are federally absolved of criminal responsibility for their actions and amend the existing procedure in the District of Columbia. The major importance of this problem, in my judgment, is not a matter of numbers, although anyone acquitted could, of course, create danger to the public. But even in jurisdictions which have adopted more enlightened tests of criminal responsibility, the rate of acquittal on the ground of insanity runs to only 2 to 3 percent of all criminal defendants each year. The basic point is that each of those acquitted on the ground of insanity may need care and treatment. It was for this reason that Judge Kaufman, speaking for the Second Circuit in the case of the United States against Freeman, called on Congress to "explore its power to authorize commitment of those acquitted on grounds of insanity." My bills would authorize that commitment, and thereby provide the care and treatment that is the implied promise of an enlightened test of criminal responsibility. And in doing so they will provide a model code to guide any State which is considering action in this area.

Mr. President, these bills are based on three existing statutes:

First, the District of Columbia statute which provides for the mandatory commitment of persons acquitted on the ground of insanity in the District—District of Columbia Code, sections 24–301 (d) and (e);

Second, the District of Columbia Hospitalization of the Mentally Ill Act, recently enacted to modernize the law governing the civil commitment of the mentally ill in the District—District of Columbia Code, section 21–501 and the following—and

Third, the Federal statutes (18 U.S.C. 4247 and 4248) which govern the disposition of persons who are insane or incompetent at the time they complete a Federal criminal sentence.

I shall explain the extent of my reliance upon and conscious divergence from each of these three statutes as I proceed to explain the provisions of my bills.

The first bill would add a new section 4249 to title 18 of the United States Code. The bill for the District contains the same substantive provisions, although it is numbered differently in order to be consistent with the District of Columbia Code.

Subsection (a) of the first bill provides that any person acquitted on the grounds of insanity in the Federal courts is to be held thereafter for up to 30 days for a psychiatric examination and a hearing on commitment for care and treatment, unless the court determines that there is no basis for believing that he is mentally ill in a dangerous way. In the earlier version of this legislation, this period was 60 days. But many experts urged that this was unduly long.

The acquitted person is to be held in "a suitable hospital or other treatment facility designated by the court." The Surgeon General is authorized by the first bill to contract with States and municipalities for the confinement of such persons in their hospitals. The phrase "suitable hospital or treatment facility" is used throughout both bills. Besides implying a right to treatment, it is intended to suggest that a person acquitted on the ground of insanity is under no circumstances to be confined in a jail-like institution.

The bills recognize the possibility that the defendant can provide for his own care in a private facility. This was not expressly permitted in the earlier version of the bill. But so long as the Surgeon General approves the choice, the question of where the person is treated can be left to his family. The essential thing is that he be treated.

Subsection (a) also provides the procedure for the psychiatric examination. There are to be two qualified psychiatrists, and the acquitted person is to be informed that he may pick one of them. The language on the latter point is based on comparable provisions in the District of Columbia Hospitalization of the Mentally Ill Act. The psychiatrists are to report their conclusions, promptly, so that the entire process can be completed within 30 days of the defendant's commitment. The bills specifically direct that their findings and conclusions be accompanied by a full statement of their reasoning in support thereof. The court will need to know all the facts which the psychiatrists have considered relevant about the acquitted person and all the reasoning of the psychiatrists in arriving at their findings and conclusions—hence the specificity of the bills on that point.

Subsection (b) governs the hearing which is to occur once the psychiatric reports are filed.

Although the acquittal on the grounds of insanity is, in my judgment, a sufficient basis for holding the acquitted person for a psychiatric examination, there will be some instances in which commitment for any longer period is unwarranted insofar as the acquitted person is concerned and unneeded insofar as protection of the public is concerned. A hearing is necessary to discover these cases.

Subsection (b) requires that the acquitted person be represented by counsel at the hearing. The District of Columbia Hospitalization of the Mentally Ill Act contains this safeguard, and in my judgment, it is necessary to insure a thorough airing of the issues.

This procedure differs markedly from that presently followed in the District of Columbia, where the defendant is automatically committed after acquittal. There is no hearing on the defendant's present dangerousness, no post-acquittal examinaiton of the defendant by competent psychiatrists. I think the present law unjustifiably burdens the defendant's choice to assert an insanity defense. I think it also raises serious questions of due process by permitting a deprivation of liberty—however well-intentioned—based on a weak inference about the defendant's present sanity. For it mandates commitment on the sole ground that the jury had a reasonable doubt about the defendant's sanity when the offense was committed—at times months or perhaps years in the past.

In preparing the version of the legislation which I submitted last session, I therefore did not follow the District's statute. Many of the people with whom I subsequently discussed my bill then urged me to take the further step of extending the protections in my bill to defendants tried in the courts of the District. In particular, the District of Columbia Bar Association's Committee on Mental Health forcefully expressed the view that there is no basis for denying to this group of defendants the rights created by my bill—and especially this initial hearing on present dangerousness, the assistance of counsel in all proceedings, and an express right to receive treatment after commitment.

The acquittal on the ground of insanity is the basis for the 30-day detention after acquittal. Beyond that, I do not believe the proceedings should really be much different from the usual civil commitment proceeding. The bills, therefore, contain the procedural safeguards which I have described, and provide further that the United States shall have the burden of proving by a preponderance of evidence that the acquitted person should be institutionalized.

The standard which governs the court's determination under subsection (b) is twofold. To be committed for treatment, the acquitted person must be both mentally ill and, because of his illness, must constitute a danger either to himself, or others.

My bills, like the District of Columbia Hospitalization of the Mentally Ill Act, speak of "mental illness" rather than "insanity," mental ilness being defined in the act to mean "a psychosis or other disease which substantially impairs the mental health of a person." I believe mental illness will be an easier and more realistic concept for courts, juries, and psychiatrists to deal with under this bill.

The part of the standard requiring a finding that one person would be dangerous to himself or others if released represents a major change from the bill I offered last session. That draft reflected my doubts about the constitutionality of Federal hospitalization in the absence of proof that the mentally ill person was dangerous to specifically Federal interests. However, the requirement of such proof created many problems. Perhaps the most serious was that if the person were shown to be dangerous merely to himself or others, a complex and cumbersome procedure for turning him over to the officers of a State had to be invoked. And if a proper State could not be identified, or if a State's officers delayed in taking charge, the person would have to be released—not treated, not confined. Also the requirement would necessitate testimony in terms unfamiliar to the courts and to psychiatric witnesses.

Of course, these inconveniences would be tolerable if the Constitution clearly required them. But many of the experts with whom I corresponded expressed confidence that a comprehensive plan of Federal criminal commitment would be constitutional. An eminent professor of law stated flatly that he did not "think the Supreme Court will ever hold the Federal Government powerless to hold or treat Federal accused who ought to go to hospitals rather than prisons." The District of Columbia Bar Association's Committee on Mental Health concurred; in their report, to which I have already referred, they argued that "once an individual is tried in a Federal court, the interests of the United States are sufficient to provide for treatment." The committee felt that the defendant's past interference with Federal interests—even though it could not be punished as a crime—gives the Federal Government power to dispose of him as the needs of his case dictate.

While I would urge the committee reviewing the first bill to consider the constitutional question carefully, I am sufficiently persuaded by these arguments to adopt the familiar standard for commitment—whether the defendant's release would be dangerous to himself or—others—in the bill applicable to Federal courts outside the District. Of course, there can be no question that that standard may constitutionally be employed in the District.

The requirement in the last sentence of subsection (b) that a person confined under these bills "shall receive medical and psychiatric care and treatment" is based upon the language in section 21-562 of the District of Columbia Code, which is the part of the District of Columbia Hospitalization of the Mentally Ill Act that expressly creates a right to care and treatment. The bills therefore contemplate that the adequacy of the treatment will be relevant in later inquiries as to whether his commitment for treatment should be continued.

Subsection (c) provides that anyone committed to the custody of the Surgeon General or the Director of Public Health under these bills will be released when he is no longer mentally ill, or when, even though he is still mentally ill, he is no longer dangerous. The release, under the bill, can be either unconditional or conditional—that is, under supervision—as the circumstances warrant.

Subsection (d) provides that the superintendent of the hospital, or other treatment facility where the acquitted person is confined, may at any time certify to the court that the person should be either unconditionally released or conditionally released under supervision. The court can simply do as the superintendent of the treatment facility recommends or it can hold a hearing. If the United States objects, the court must hold a hearing. At any such hearing, the confined person has a right to counsel and a right to call a psychiatrist on his behalf. The United States is given the burden of proving by a preponderance of the evidence that the confined person's continued hospitalization is warranted.

Subsection (e) directs that the superintendent of the treatment facility file a report not less frequently than every 6 months about the confined person's mental condition. If the report amounts to one of the recommendations contemplated in subsection (d), the bill then provides that the provisions of subsection (d) will come into play. If the report is less than a recommendation for a conditional release or an unconditional release or transfer, subsection (e) provides that the court shall have the confined person's lawyer go interview him, or if he has no lawyer, shall direct a qualified psychiatrist or psychologist to interview him.

Subsection (e) then provides for further action by the court based upon the advice it receives from counsel and upon its own examination of the superintendent's periodic report. Finally, subsection (e) provides that where the periodic report is submitted at a time when the acquitted person has been institutionalized for a period equivalent to the maximum sentence that he could have received, he will receive a hearing as a matter of right on the question of his continued confinement. And he is also entitled to a hearing as a matter of right on that question at least every 2 years, if one has not been held under the provisions of subsections (d) or (e).

Finally, the bill applicable to the District repeals the present provision requiring the acquitted person to pay the costs of his confinement. Recent decisions by a prestigious State supreme court and by the Supreme Court of the United States question provisions such as this on constitutional grounds. Since the detention of these people is in large measure for the protection of the public, the public ought to bear the cost of it. Here again, we would be setting a model for the States.

Mr. President, these are carefully drawn bills in an area where legislation is needed. They will protect the public and at the same time bring medical treatment to persons who need it. Their guarantees of procedural due process, both at the time of commitment and in connection with release proceedings, are not only fair in themselves, but will also assure that the assertion of the insanity defense will not be improperly discouraged Congress must act to provide the commitment for care and treatment that is the answer in this type of case. I ask unanimous consent, Mr. President, that the full text of the bills be printed in the RECORD at the close of my remarks, so that other Senators may have the chance to examine them in full.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. KENNEDY of New York, were received, read twice by their titles, appropriately referred, and ordered to be printed in the RECORD, as follows:

S. 2740. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the ground of insanity; to the Committee on the Judiciary:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 313, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4249 Commitment of certain individuals acquitted of offenses against the United States on the ground of insanity

"(a) Whenever any person charged with an offense against the United States is acquitted solely on the ground that he was insane at the time of its commission, the fact shall be set forth by the jury in their verdict, and the trial court in which the proceedings which resulted in his acquittal were conducted shall order such person to be committed for a period of not to exceed thirty days, except for good cause shown, to a suitable hospital or other treatment facility designated by the court, during which time he shall be examined to determine his mental condition, and the court shall hold a hearing thereon as described in (b) below; except that, if the court determines, on the basis of the record of the trial or other available evidence or data, that such person is not mentally ill to the extent that his release would constitute a danger to himself or others, the court may order his immediate release. Upon such commitment, the court shall cause such person to be examined as to his mental condition by two qualified psychiatrists. Such psychiatrists shall be designated by the court, except that the person to be examined shall be informed that he has the right to select one of the two psychiatrists to be so designated. The participation of such a psychiatrist shall be at the expense of the allegedly mentally ill person, unless he is indigent, in which case the Surgeon General shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to participate in the examination in his behalf. The psychiatrists so designated shall promptly examine the person and file their reports with the court setting forth their findings and supportive reasoning with respect to such examination, including their conclusions and supportive reasoning as to whether such person is mentally ill, and whether, because of such illness, his release would constitute a danger to himself or others. During the period of his commitment for an examination under this subsection, such person shall also, upon giving his written consent, receive medical and psychiatric care and treatment.

"(b) Upon receipt of the reports referred to in subsection (a) of this section, the court shall promptly schedule a hearing to determine whether the person with respect to whom such reports were filed is mentally ill, and whether, because of such illness, his release would constitute a danger to himself or others. The alleged mentally ill person shall be represented by council at that hearing, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. The court shall cause a written notice of the time and place of the hearing to be served personally upon the person with respect to whom the report was made and his attorney. The court shall determine the person's mental condition on the basis of the reports of the psychiatrists, and on such further evidence in addition to the report as the court requires. At such hearing, the examining psychiatrists may be called as witnesses, and be available for further questioning by the court and cross examination by such person or on behalf of the Government. The court may, in its discretion, call any other witness for the acquitted person, except that the court shall call any witnesses requested by the parties. If, after the hearing, the court shall determine, on the basis of a preponderance of the evidence, that the person is mentally ill, and that, because of such illness, his release would constitute a danger to himself or to others, the court shall commit the person so acquitted to the custody of the Surgeon General or his authorized representative, who shall confine such person in a suitable hospital or other treatment facility where he shall receive medical and psychiatric care and treatment; except that, if the court determines on the basis of the record of the trial or other available evidence or data that such person is in a condition to be conditionally released, the court may order his release under such conditions as it may require. The court, may, with the consent of the Surgeon General, approve a private hospital chosen by the person to be treated or his family as a suitable treatment facility; but a person committed to such a private hospital shall not be released except as provided hereinafter.

"(c) Whenever a person shall be committed to the custody of the Surgeon General or his representative for confinement by him pursuant to subsection (b) of this section, such person's commitment shall run until he is no longer mentally ill, or if mentally ill, is no longer mentally ill to the extent that he is dangerous to himself or others.

"(d) Where any person has been confined by the Surgeon General in a hospital or other treatment facility pursuant to subsection (b) of this section and the superintendent of any such hospital or the head of any such treatment facility certificates that, in his opinion, such person is entitled to his unconditional release from such hospital or treatment facility in accordance with the provisions of subsection (c) and such certificate is filed with the clerk of the court in which the person was tried, and a copy thereof served on the United States Attorney, such certificate shall be sufficient to authorize the court to order the unconditional release of the person so confined at the expiration of fifteen days from the time such certificate was filed and served as above; but the court may, or upon objection of the United States shall, after due notice, hold a hearing at which evidence as to the mental condition of the person so confined may be submitted. Such person shall be represented by counsel at that hearing, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. Such person may call a qualified psychiatrist to examine him and testify in his behalf at the hearing. The participation of such psychiatrist will be at the confined person's expense, unless he is indigent, in which case the Surgeon General shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to testify in his behalf. In any such hearing, the United States shall have the burden of proving by a preponderance of the evidence that such person's continued confinement is warranted. The court shall weigh the evidence and, if the court finds that the person is no longer mentally ill to the extent that he is dangerous to himself or others, the court shall order such person unconditionally released from further confinement. If the court does not so find, the court shall order the continued confinement of such person in the hospital or other treatment facility to which he was previously committed. Where, in the judgment of the superintendent of such hospital or the head of any such treatment facility, a person confined by the Surgeon General or his representative pursuant to subsection (b) of this section is not in such condition as to warrant his unconditional release or transfer, but is in a condition to be conditionally released under supervision, and such certificate is filed and served as hereinabove provided, such certificate shall be sufficient to authorize the court to order the release of such person under such conditions as the court shall see fit at the expiration of fifteen days from the time such certificate is filed and served pursuant to this section. The provisions as to hearing prior to unconditional release or transfer shall also apply to conditional releases, and, if, after a hearing and weighing the evidence, the court shall find that the condition of such person warrants his conditional release, the court shall order his release under such conditions as the court shall see fit, or, if the court does not so find, the court shall order the continued confinement of such person in the hospital or other facility to which he was previously committed.

"(e) The superintendent of any hospital or the head of any treatment facility in which any person is confined by the Surgeon General or his representative pursuant to subsection (b) of this section shall, upon the expiration of 90 days following such commitment, and not less frequently than every six months thereafter during confinement of any such person, submit to the court a written report with respect to the mental condition of such person, together with the recommendations of such superintendent or head concerning the continued confinement of such person. Upon the receipt thereof, the court shall examine it to see if it is substantially the same as a certificate under subsection (d), in which case such report and recommendations shall be deemed to be a certificate within the purview of subsection (d) and the provisions of that subsection shall be applicable. If it is not, the court shall order the confined person's counsel to interview him, or if the confined person does not have counsel, shall direct a psychologist or psychiatrist appointed as an officer of the court for this purpose to interview him. Counselor or such officer shall on the basis of such interview, recommend to the court whether he believes such person's further confinement is warranted under the standard set forth in subsection (c). Based on this recommendation and on its own examination of the periodic report and recommendation, the court may order (1) such person's unconditional or conditional release, (2) the continued confinement of such person in the hospital or other treatment facility to which he was previously committed, or (3) a hearing at which evidence as to the mental condition of the person so confined may be submitted. The court, upon objection of the United States to any such proposed order of release or transfer under clause (1) of this subsection, shall, after due notice, hold a hearing at which evidence as to the mental condition of the person so confined may be submitted. In any case in which the court intends to order the continued confinement of such person under clause (2) of this subsection, the court shall, at the request of such person and prior to entering such order, hold such a hearing if, at the time of the submission of the periodic report with respect to such person, his period of confinement pursuant to subsection (b) of this section has exceeded the maximum period to which he could have been sentenced upon conviction of the count or counts contained in the indictment charging him with the offense or offenses of which he was acquitted by reason of insanity. Notwithstanding any other provision of this section, in any case in which the court intends to enter an order continuing the confinement pursuant to clause (2) of a person with respect to whom a periodic report has been submitted, the court shall, at the request of such person and prior to entering such order, hold a hearing at which evidence as to the mental condition of such person may be submitted, if, for the two-year period immediately prior to the submission of such report, such person was confined for such period pursuant to subsection (b) and did not, during such period, have a hearing under this section with respect to his mental condition. Such person shall be represented by counsel at any such hearing and may call a qualified psychiatrist to examine him and testify in his behalf. The participation of such psychiatrist will be at the confined person's expense, unless he is indigent, in which case the Surgeon General shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to testify in his behalf. In any such hearing the United States shall have the burden of proving by a preponderance of the evidence that such person's continued confinement is warranted. The court shall weigh the evidence and, if the court finds that the person is no longer mentally ill to the extent that he is dangerous to himself or others, the court shall order such persons unconditionally released from further confinement or conditionally released. If the court does not so find, the court shall order the continued confinement of such person in the hospital or other treatment facility to which he was previously committed.

"(f) The Surgeon General is authorized to contract with hospitals or other treatment facilities maintained by states, subdivisions thereof or private groups for the confinement of persons committed under this section. Such contracts may provide for reasonable compensation for such facilities, and must provide that the facility will comply with the requirement of this section that such persons receive medical and psychiatric care and treatment, and that the Surgeon General or his designate may inspect the facility for such compliance.

"(g) Nothing contained in this section shall preclude a person committed under the authority of subsection (b) of this section from establishing his eligibility for release by a writ of habeas corpus. The Surgeon General or his authorized representative shall have authority at any time to transfer a person committed to his custody under this section to the proper authorities of the State (including the District of Columbia), territory, or possession of such person's residence.

"(h) Whenever counsel or other officer of the court is appointed in accordance with the provisions of this section, he shall be awarded compensation by the court for his services in an amount which accords with section 3006A(d) of this title. The compensation shall be charged against the estate of the individual for whom the counsel was appointed, or, if such individual is indigent, against funds appropriated under section 3006A(h) of this title. Whenever a psychiatrist is obtained to participate in the examination of an indigent person in accordance with the provisions of this section, he shall be awarded compensation for his services in an amount which accords with section 3006A(e) of this title. Such compensation shall be charged against funds appropriated under section 3006(A)(h) of this title.

"(i) The provisions of this section, except to the extent otherwise specifically provided therein, shall not be applicable to the District of Columbia."

(b) The chapter analysis of chapter 313, title 18, United States Code, is amended by adding at the end thereof the following new item:

"4249. Commitment of certain individuals acquitted of offenses against the United States on the ground of insanity."

S. 2741. A bill to amend title 24, District of Columbia Code, to provide for the commitment of certain individuals acquitted of offenses in the District of Columbia solely on the ground of insanity; to the Committee on the District of Columbia:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (c)–(h), section 301, title 24 of the District of Columbia Code is repealed and the following new subsections substituted therefor:

"(c) When any person tried upon an indictment or information for an offense, or tried in the juvenile court of the District of Columbia for an offense, is acquitted solely on the ground that he was insane at the time of its commission, that fact shall be set forth by the jury in their verdict and the trial court in which the proceedings which resulted in his acquittal were conducted shall order such person to be committed for a period of not to exceed thirty days except for good cause shown to a suitable hospital or other treatment facility designated by the court, during which time he shall be examined to determine his mental condition, and the court shall hold a hearing thereon as described in (d) below; except that, if the court determines, on the basis of the record of the trial or other available evidence or data, that such person is not mentally ill to the extent that his release would constitute a danger to himself or others, the court shall cause such person to be examined as to his mental condition by two qualified psychiatrists. Such psychiatrists shall be designated by the court, except that the person to be examined shall be informed that he has the right to select one of the two psychiatrists to be so designated. The participation of such a psychiatrist shall be at the expense of the allegedly mentally ill person, unless he is indigent, in which case the Director of Public Health shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to participate in the examination in his behalf. The psychiatrists so designated shall promptly examine the person and file their reports with the court setting forth their findings and supportive reasoning with respect to such examination, including their conclusions and supportive reasoning as to whether such person is mentally ill, and wether, because of such illness, his release would constitute a danger to himself or others. During the period of his commitment for an examination under this subsection, such person shall also, upon giving his written consent, receive medical and psychiatric care and treatment.

"(d) Upon receipt of the reports referred to in subsection (c) of this section, the court shall promptly schedule a hearing to determine whether the person with respect to whom such reports were filed is mentally ill, and whether, because of such illness, his release would constitute a danger to himself or others. The alleged mentally ill person shall be represented by counsel at that hearing, and if he fails or refused to obtain counsel, the court shall appoint counsel to represent him. The court shall cause a written notice of the time and place of the hearing to be served personally upon the person with respect to whom the report was made and his attorney. The court shall determine the person's mental condition on the basis of the reports of the psychiatrists, and on such further evidence in addition to the report as the court requires. At such hearing, the examining psychiatrists may be called as witnesses, and be available for further questioning by the court and cross examination by such person or on behalf of the Government. The court may, in its discretion, call any other witness for the acquitted person, except that the court shall call any witnesses requested by the parties. If, after the hearing, the court shall determine, on the basis of a preponderance of the evidence, that the person is mentally ill, and that, because of such illness, his release would constitute a danger to himself or to others, the court shall commit the person so acquitted to the custody of the Director of Public Health or his authorized representative, who shall confine such person in a suitable hospital or other treatment facility where he shall receive medical and psychiatric care and treatment; except that, if the court determines on the basis of the record of the trial or other available evidence or data that such person is in a condition to be conditionally released, the court may order his release under such conditions as it may require. The court, may, with the consent of the Director of Public Health, approve a private hospital chosen by the person to be treated or his family as a suitable treatment facility; but a person committed to such a private hospital shall not be released except as provided hereinafter.

"(e) Whenever a person shall be committed to the custody of the Director of Public Health or his representative for confinement by him pursuant to subsection (d) of this section, such person's commitment shall run until he is no longer mentally ill, or if mentally ill, is no longer mentally ill to the extent that he is dangerous to himself or others.

"(f) Where any person has been confined by the Director of Public Health in a hospital or other treatment facility pursuant to subsection (d) of this section and the superintendent of any such hospital or the head of any such treatment facility certificates that, in his opinion, such person is entitled to his unconditional release from such hospital or treatment facility in accordance with the provisions of subsection (e), and such certificate is filed with the clerk of the court in which the person was tried, and a copy thereof served on the United States Attorney or the Corporation Counsel of the District of Columbia, whichever office prosecuted the person, such certificate shall be sufficient to authorize the court to order the unconditional release of the person so confined at the expiration of fifteen days from the time such certificate was filed and served as above; but the court may, or upon objection of the United States or the District of Columbia shall, after due notice, hold a hearing at which evidence as to the mental condition of the person so confined may be submitted. Such person shall be represented by counsel at that hearing, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. Such person may call a qualified psychiatrist to examine him and testify in his behalf at the hearing. The participation of such psychiatrist will be at the confined person's expense, unless he is indigent, in which case the Director of Public Health shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to testify in his behalf. In any such hearing, the Government shall have the burden of proving by a preponderance of the evidence that such person's continued confinement is warranted. The court shall weigh the evidence and, if the court finds that the person is no longer mentally ill to the extent that he is dangerous to himself or others, the court shall order such person unconditionally released from further confinement. If the court does not so find, the court shall order the continued confinement of such person in the hospital or other treatment facility to which he was previously committed. Where, in the judgment of the superintendent of such hospital or the head of any such treatment facility, a person confined by the Director of Public Health or his representative pursuant to subsection (d) of this section is not in such condition as to warrant his unconditional release, but is in a condition to be conditionally released under supervision, and such certificate is filed and served as hereinabove provided, such certificate shall be sufficient to authorize the court to order the release of such person under such conditions as the court shall see fit at the expiration of fifteen days from the time such certificate is filed and served pursuant to this section. The provisions as to hearing prior to unconditional release or transfer shall also apply to conditional releases, and, if, after a hearing and weighing the evidence, the court shall find that the conditions of such person warrants his conditional release, the court shall order his release under such conditions as the court shall see fit, or, if the court does not find, the court shall order the continued confinement of such person in the hospital or other facility to which he was previously committed.

"(g) The superintendent of any hospital or the head of any treatment facility in which any person is confined by the Director of Public Health or his representative pursuant to subsection (d) of this section shall, upon the expiration of 90 days following such commitment, and not less frequently than every six months thereafter during confinement of any such person, submit to the court a written report with respect to the mental condition of such person, together with the recommendations of such superintendent or head concerning the continued confinement of such person. Upon the receipt thereof, the court shall examine it to see if it is substantially the same as a certificate under subsection (f), in which case such report and recommendations shall be deemed to be a certificate within the purview of subsection (f) and the provisions of that subsection shall be applicable. If it is not, the court shall order the confined person's counsel to interview him, or if the confined person does not have counsel, shall direct a psychologist or psychiatrist appointed as an officer of the court for this purpose to interview him. Counselor or such officer shall on the basis of such interview, recommend to the court whether he believes such person's further confinement is warranted under the standard set forth in subsection (e) based on this recommendation and on its own examination of the periodic report and recommendation, the court may order (1) such person's unconditional or conditional release, (2) the continued confinement of such person in the hospital or other treatment facility to which he was previously committed, or (3) a hearing at which evidence as to the mental condition of the person so confined may be submitted. The court, upon objection of the United States or the District of Columbia to any such proposed order of release under clause (1) of this subsection, shall, after due notice, hold a hearing at which evidence as to the mental condition of the person so confined may be submitted. In any case in which the court intends to order the continued confinement of such person under clause (2) of this subsection, the court shall, at the request of such person and prior to entering such order, hold such a hearing if, at the time of the submission of the periodic report with respect to such person, his period of confinement pursuant to subsection (d) of this section has exceeded the maximum period to which he could have been sentenced upon conviction of the court or counts contained in the indictment charging him with the offense or offenses of which he was acquitted by reason of insanity. Notwithstanding any other provision of this section, in any case in which the court intends to enter an order continuing the confinement pursuant to clause (2) of a person with respect to whom a periodic report has been submitted, the court shall, at the request of such person and prior to entering such order hold a hearing at which evidence as to the mental condition of such person may be submitted, if, for the two-year period immediately prior to the submission of such report, such person was confined for such period pursuant to subsection (d) and did not, during such period, have a hearing under this section with respect to his mental condition. Such person shall be represented by counsel at any such hearing and may call a qualified psychiatrist to examine him and testify in his behalf. The participation of such psychiatrist will be at the confined person's expense, unless he is indigent, in which case the Director of Public Health shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to testify in his behalf. In any such hearing the Government shall have the burden of proving by a preponderance of the evidence that such person's continued confinement is warranted. The court shall weigh the evidence and, if the court finds that the person is no longer mentally ill to the extent that he is dangerous to himself or others, the court shall order such persons unconditionally released from further confinement or conditionally released. If the court does not so find, the court shall order the continued confinement of such person in the hospital or other treatment facility to which he was previously committed.

"(h) Nothing contained in this section shall preclude a person committed under the authority of subsection (d) of this section from establishing his eligibility for release by a writ of habeas corpus."

(b) The chapter analysis of section 301, title 24, District of Columbia Code is repealed, and the following analysis substituted therefor:

"24-301. Commitment of persons of unsound mind to the District of Columbia General Hospital—Certification to the court—Examination after acquittal by jury on grounds of insanity—Hearing upon confinement of person so acquitted—Duration of confinement—Procedure for release—Periodic reports on confined person—Writ of habeas corpus."

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION BILL, 1968—AMENDMENT

AMENDMENT NO. 491

Mr. CHURCH. Mr. President, I submit an amendment, intended to be proposed by me, to the appropriation bill for foreign assistance, H.R. 13893, which I understand will soon be before the Senate. I would ask at this time that the amendment be printed and lie on the table, to be available for calling up at the appropriate time.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. CHURCH. Mr. President, in connection with the amendment let me say a few words of explanation.

This amendment would restore the appropriation for international organizations and programs to the full amount of the authorization—that is, to $141,000,000, an increase of $11,000,000 over the committee bill.

The contribution to international organizations and multilateral programs is the worst place to cut foreign aid. For several years, the Senate has encouraged, indeed prodded the administration to make greater use of multilateral agencies in carrying out the foreign aid program. Some progress—but not nearly enough—has been made in this direction. If the action of the Appropriations Committee is allowed to stand, we will have taken a backward step.

The principal item in this appropriation, amounting to more than half the total, is $75 million for the U.S. contribution to the United Nations development program. This program combines the U.N. technical assistance program and the U.N. Special Fund, which was an American idea in the first place and which we should certainly continue to support. The U.S. contribution is on a matching basis and amounts to no more than 40 percent of the total.

I might say that other countries have been encouraged to increase their appropriations, which now amount to 60 percent of the total. Very important progress has been made in that direction in past years. All the countries are meeting their commitments. If the committee bill stands, it will be the first time the United States has failed to meet its own commitment, and will have a serious effect upon the program.

The contributions of other countries have been increasing at a rate such that even $75 million may not be sufficient to provide a U.S. contribution of 40 percent this year. Yet any reduction of the magnitude proposed by the Appropriations Committee would almost certainly have to be applied in major part to the U.N. development program.

Aside from the U.N. development program, the only other items in this appropriation amounting to more than $10 million are for the Indus Basin Development Fund, $25.5 million; the U.N. Relief and Works Agency in the Middle East, $13.3 million; and the U.N. Children's Fund, $12 million.

The Appropriations Committee report—page 7—expresses the desire that none of the reduction be applied to the Children's Fund. But does the committee really want to cut the Indus Basin Development Fund, which, under the expert administration of the World Bank, is remaking the face of India and Pakistan? Does it really want to cut the programs for Palestine refugees at this time of tension in the Middle East?

There are a great many other places where this bill could be cut by $11 million, or even several times $11 million, with benefit to our foreign policy generally as well as to the Treasury. But cuts should not be made in the appropriation for international organizations and multilateral programs.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967—AMENDMENTS

AMENDMENTS NOS. 492 AND 493

Mr. THURMOND submitted two amendments, intended to be proposed by him, to the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes, which were ordered to lie on the table and to be printed.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, December 6, 1967, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 320. An act to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of North Carolina in order that such land may be used in connection with a proposed water supply lake, and for other purposes;

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966;

S. 814. An act to establish the National Park Foundation;

S. 1003. An act to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics;

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes;

S. 2195. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S. 2565. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 2644. An act to amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, as amended;

S.J. Res. 35. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

S.J. Res. 101. Joint resolution amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GRIFFIN:

Statement by him relating to control of the predatory sea lamprey in the Great Lakes.

DEATH OF PRESIDENT OSCAR GESTIDO OF URUGUAY

Mr. MORSE. Mr. President, I was shocked and saddened this morning to learn of the sudden death, from a heart attack, of President Oscar Gestido of Uruguay.

President Gestido, who had a long and brilliant record of service to his country, was elected just a year ago when Uruguayans voted to abandon their experiment with a plural executive and to return to a single President. Since taking office in March, he had waged a valiant campaign to solve Uruguay's monetary problems and to bring inflation under control.

Shortly after President Gestido's death, Vice President Jorge Pacheco Areco took the oath of office as President, in accordance with Uruguay's constitutional processes. President Pacheco has been a strong supporter of the Gestido policies and can be expected to continue them.

As chairman of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations, I am sure I speak for all Members in extending our condolences to the people of Uruguay on the loss of their leader, at the same time that we wish their new leader success in the difficult days that lie ahead.

The change of government in Uruguay, coming as it has under such tragic circumstances, has once again demonstrated the strong devotion of the Uruguayan people to peaceful, orderly political processes.

GEORGE MEANY ENDORSES PRESIDENT JOHNSON IN 1968

Mr. MORSE. Mr. President, George Meany, respected leader of the AFL–CIO, has given his enthusiastic endorsement to President Johnson in the 1968 presidential election.

Support of the labor movement for Democratic Presidents is not new—but has become a time-honored tradition—for the labor movement and the Democratic Party have been closely allied for over 30 years. It is an intellectual, political, and social alliance nourished by constant achievements for the labor movement and the Nation.

For three decades, Democratic Presidents have championed labor's cause. President Johnson and his Democratic predecessors have fought and won for the workers of America the right to organize and bargain collectively, improved minimum wage laws, and pushed back "right-to-work" movements in the large industrial States. They have brought about great changes in pension and retirement benefits for railroad workers and workers in other industries. They have extended the American dream of economic freedom, a decent standard of living, and the right to exercise powers of self-government, to every American worker.

Since President Johnson became President the average weekly wage of factory workers has risen $15 a week, over nine million additional workers have been brought under minimum wage protection, six million workers have found gainful employment, and millions of others have been brought under free collective bargaining.

With the solid support of the members of the AFL–CIO and their national leaders, I think labor will demonstrate again at the ballot boxes in November 1968 their preference for a continued Democratic administration.

LANDLORDS HAVE LEGITIMATE BEEFS, TOO

Mr. BYRD of West Virginia. Mr. President, it was most distressing to me this past summer to read and hear many of the excuses and apologies trotted out to explain the rioting which tore apart many of our major cities. Most often utilized, perhaps, was the argument that if people live in slums and ghettos long enough they can be expected one day to break out under the strain and go on a rampage, looting, burning, and shooting anything in their path.

Following the riots, I stated that slums do not need to exist and that they are caused by the "slummy" people who kick holes in the walls, rip out the plumbing, and throw garbage down the stairs, instead of placing it in the garbage can.

Mr. President, in today's Washington Post, William Raspberry tells the plight of many so-called slum landlords in what he describes as an appeal for fairplay. Raspberry cites the cases of the landlords who go to considerable expense making repairs only to find the work destroyed in short order. Raspberry cites the hypothetical case of a landlord who attempts to bring his property up to inspection standards and who has a carpenter put in a new screen door. The next day the landlord hires a painter to paint the door, but the workman arrives to find the new screen kicked out during the night. The result is that the landlord is in violation of the housing code which requires screening.

Then, there is the case of the landlord who installs a new furnace only to find a few months later that a gaping hole has somehow been knocked through the furnace's side.

I wish to quote a few paragraphs from Mr. Raspberry's column:

> Every major owner of low-income property in Washington can match these stories and supply worse ones: windows repeatedly broken, soda bottles down the toilet, holes punched through plaster walls.

Mr. President, many people in this country who do not riot do not have inside toilets into which to throw soda bottles. They do not have running water in their homes. They have outside toilets.

I continue to read from Mr. Raspberry's column:

> Such damage, whether its source is maliciousness or carelessness, leaves the landlord in violation. His only relief is in eviction of the tenant, and even that can consume a good deal of time and money in Landlord and Tenant Court, often with the rent going unpaid during litigation.
>
> Certainly the landlord ought to be responsible for providing sound, decent housing. But equally certain is the fact that much of the deterioration of housing in the slums is due to tenant abuse, not to landlord negligence.

Mr. President, I could not agree more with the perceptive statements which this Negro newspaperman has made on this matter. My only regret is that more people do not present fairly and factually both sides of the subject. As Mr. Raspberry points out in the final paragraph of his excellent column:

> Obviously other things could be done. All I'm suggesting is that we be a bit less rash in pointing the accusing finger. There is more than enough blame to go around; this is a call for a more equitable distribution.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Mr. Raspberry.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LANDLORDS HAVE LEGITIMATE BEEFS, TOO

(By William Raspberry)

This column has often prosecuted the case for the low-income family constrained to live in near subhuman conditions in this city's slums.

Comes now the case for the defense. Or, to put it another way, an appeal for fair play.

Exhibit A could be the case of the landlord who, as part of his effort to bring his property up to code standards, had a carpenter put in new screen doors. The painter he sent out the next morning to paint them found the screening had been kicked out. Result: the landlord was in violation of Housing Code which requires screens.

Or take the landlord who installed a new furnace only to find a few months later that a gaping hole had somehow been knocked through the furnace's cast-iron side, leaving the furnace useless and the landlord in violation of the Housing Code.

Every major owner of low-income property in Washington can match these stories and supply worse ones: windows repeatedly broken, soda bottles down the toilet, holes punched through plaster walls.

Such damage, whether its source is maliciousness or carelessness, leaves the landlord in violation. His only relief is in eviction of the tenant, and even that can consume a good deal of time and money in Landlord and Tenant Court, often with the rent going unpaid during litigation.

Certainly the landlord ought to be responsible for providing sound, decent housing. But equally certain is the fact that much of the deterioration of housing in the slums is due to tenant abuse, not to landlord negligence.

When that happens, it is grossly unfair to blame the landlord.

One suggested remedy is that a landlord be required to bring his property into code compliance before renting it. Subsequent violations then should be charged to the landlord if they result either from structural defects or from normal wear and tear. If the damage is caused by tenants, then hold the tenants financially and perhaps even criminally responsible. (Lists of what constitute landlord or tenant violations could be drawn up as guidelines.)

While some property destruction results from pure malice, a good deal of it is the result of ignorance. An extreme example is the case of the tenants of a Capitol Hill row house who kept breaking out the basement windows. It turned out that the landlord had neglected to tell them how the thermostat worked, and the only way they could get the furnace to come on was to lower the temperature in the furnace room by breaking out the windows.

A second suggestion, then, is that someone (perhaps some of the city's poverty warriors could spare the time) set up a program of teaching slum residents how to care for their homes and how to make simple repairs. Such supplies as tools and paint could be made available without charge, with the landlord sharing the cost.

The final suggestion is for a review of the tax laws that can penalize a landlord for improving his property. The current laws don't always make sense. For example, the landlord who replaces a bathtub now, a washbasin next month and a commode in February is considered to be making *repairs*, a step that leaves his tax rate unaffected.

But let him rip out the bathroom fixtures and replace them all at once (the economical way to do it) and he is "guilty" of making *improvements*, and up go the taxes. Patching a roof a dozen times a year comes under the category of repairs; replacing the roof is an improvement.

Why can't it be deemed in the public interest to offer tax advantages—perhaps abatement for a few years, perhaps a reduction in the tax rate, perhaps mere assurance that the tax rate will not increase for a certain period—to landlords who improve their slum holdings? If there were definite incentives for landlords to maintain and improve their property; every body would benefit.

Obviously other things could be done. All I'm suggesting is that we be a bit less rash in pointing the accusing finger. There is more than enough blame to go around; this is a call for a more equitable distribution.

ADDRESS BY DR. THOMAS L. HARRIS ON JUVENILE DELINQUENCY

Mr. BYRD of West Virginia. Mr. President, in view of the alarming increase in juvenile delinquency and the pressing national problem that it presents, it behooves us, I think, to take note of every successful device and every successful method that can be employed to combat it.

I have just received a copy of remarks made by Thomas L. Harris, M.D., before the recent meeting of the Committee on Crime and Delinquency in New York City. Dr. Harris is a resident of Parkersburg, W. Va., where he has been a driving force in efforts in that city to control delinquency and crime.

In his remarks he called attention to the fact that two agencies, the Boys' Club of America and Moral Re-Armament, commonly known as Sing-Out, have proved effective in Parkersburg in dealing with these problems.

I believe Members of this body and of the House of Representatives will be impressed, as I was impressed, by the excellent results being accomplished in Parkersburg.

I ask unanimous consent that the text of the remarks made by Dr. Harris be inserted in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY DR. THOMAS L. HARRIS, BEFORE THE EMERGENCY COMMITTEE ON CRIME AND DELINQUENCY IN NEW YORK CITY

Mr. Chairman: I would be remiss to my own conscience if I did not express my thoughts as relates to crime and delinquency, as I understand this meeting is for a communication of thoughts on a most serious problem.

I have listened with rapt attention to the addresses of His Excellency, Governor Rockefeller; to the distinguished Senator from Arkansas, Senator McClellan; to the distinguished Senator Brooks from Massachusetts; to His Honor, Judge Edwards of the United States Court of Appeals; to His Honor, the Attorney General of the United States, Mr. Ramsey Clark; to Mr. Richardson, the Attorney General of Massachusetts; to Professor Vorenberg of Harvard Law College and to Professor Blakey of Notre Dame Law College; to Mr. Woll, General Counsel of A. F. & L. and C. I. O.; to Carl Loeb, President of the National Council on Crime and Delinquency; and other distinguished speakers. Mr. Chairman, these gentlemen have spoken of treating and combatting crime and juvenile delinquency in all of its phases, their previous experiences, and future plans and recommendations. But, I have not heard any expressions relative to the prevention of crime.

Mr. Chairman, I have been in the field of medicine for fifty-five years. In the early years I read and listened to all types of treatment for contagious diseases and infectious diseases which were the scourge of our Nation, as is crime today. Pest houses and contagious hospitals were in every city. Epidemics of contagious diseases were common throughout the United States and especially in the large cities. Schools had to be closed; industries were closed; cities, in certain areas, had to be quarantined. Work on the Panama Canal was stopped for one year on account of an epidemic of yellow fever.

Finding the cause of certain infectious diseases, and by vaccinating young children against the numerous contagious diseases such as yellow fever, small pox, typhoid fever, scarlet fever, diphtheria, tetanus, whooping cough and polio, all have been practically eradicated. You do not see quarantine signs on doors that were common thirty years ago. Contagious hospitals have been closed. Pest houses have been torn down or burned down.

I would like to call your attention to the fact that in 1952, poliomyelitis, or infantile paralysis as it is commonly known, claimed 57,870 people. In 1963, only 431 cases were reported. In 1965, only four cases were reported. Typhoid fever was responsible for one in every fifty deaths. Now, typhoid fever is practically eradicated. Occasionally you have a few sporadic cases reported. Smallpox—not a death in fifteen years. Scarlet fever—only nineteen cases reported in 1965. Diphtheria—not a death in the past five years. If the rate of whooping cough in 1943 had continued to the present, we would have 1,500,000 instead of only 40,000 reported cases in 1965.

Through medical research and the resourcefulness of our research-minded pharmaceutical companies in developing vaccines and antibiotics, the scourge of contagious diseases has been eliminated.

The figures given in the several addresses at this meeting indicate that crime has cost the United States government and state governments approximately twenty-seven billion dollars in 1966. During that same time, private industry, for protection against crime, has spent about one-and-a-half billion dollars. (Wall Street Journal, 11/13)

Mr. Chairman, preventive medicine has eliminated contagious diseases. Why not attempt to prevent crime by reducing juvenile vandalism and delinquency at its origin?

Senaor McClellan, in his knowledgeable address said, and I quote: "No civilized society can withstand such an assault on its moral structure. We must find and apply effective remedies to crime in order for our society to survive."

The Senator made four points that this Committee might consider in its study of the problems of riots and civil unrest.

Number One, and I quote: "There is a lack of proper instruction in the home and in the schools concerning the respect of law authorities and the rights of others. We must find and apply effective remedies for crime." It has been shown that 50% of all crimes are committed by teen-agers.

Mr. Chairman, we have two operating National agencies in Parkersburg, West Virginia, that have proven their effectiveness in controlling crime and delinquency, namely the Boys' Club of America, and Moral Rearmament, generally called "Sing-Out." In three years of operation of these two agencies, juvenile vandalism and delinquency have reduced, and I quote Chief of Police Lazell: "Better than 50%, to the point that it is not a serious problem." Judge Whaley of the Intermediate Court, and I quote: "I have not sent a boy to the reform school this year. We will always have some. The numbers vary in different years. However, this year we have committed six girls."

We have a Boys' Club of 485 disadvantaged boys from six to sixteen years of age, a Moral Rearmament "Sing-Out" group of ninety boys and girls, ages twelve to eighteen. Statistics show that these two organizations have done an outstanding job in proving their worth in our community. I wish to quote a statement made to me by Mr. Matsui of the Matsui Foundation in Japan: "In 1962, 80% of our school children had Communistic tendencies. Now we have less than 50% and still reducing. This was accomplished by establishing "Sing-Out" groups in all of our high schools."

In our governmental agencies we have a Neighborhood Facilities Program, administered at the local level by Community Action where their program is the uplifting of disadvantaged families. Where "there is a lack of instruction" and the great source of crime. (Senator McClellan)

Mr. Chairman, may I call your attention to the fact that in 1967, Congress appropriated only twenty-four million dollars for this program. It is through this program that moneys can be obtained to share the construction of Boys' Clubs with swimming pools and recreational areas. When the teenage group of boys have some place for recreation in the daytime, and some place to go at night, they are not on the street corners and alleys, which is the source of crime and delinquency.

In my humble opinion, Mr. Chairman, this is the place to use preventative tactics to fight or prevent crime. The disadvantaged boy is not born a bad boy—he is made that way by home environment and by the street corners and alleys.

It is a sound business investment when you spend money to prevent crime and lawlessness. Make taxpayers, instead of tax recipients!

TRIBUTE TO VELMA WRIGHT IRONS

Mr. SPARKMAN. Mr. President, it is always inspiring to see one take a leading part in the good things of life—the things that really count.

A few days ago there died in Birmingham, Ala., a lady who had spent her life in community, church, and civic leadership. Velma Wright Irons founded the first sight-saving class in the public schools of Alabama. She cultivated the highest talents from the less fortunate children and gave them a sense of dedication and purpose in life. She was singled out for the highest honor bestowed on a classroom teacher by Freedom Foundation at Valley Forge, Pa., in receiving the classroom teacher's Freedom Foundation Medal in May 1964.

Elected to Who's Who in American Women and Who's Who in American Education, she was a noted leader in the field of education.

Velma Wright Irons was much more than a school teacher. She stood for the highest ideals in life and she instilled in all who surrounded her, a genuine desire to strive until the heights of their talents had been found. Her daily lessons were her actions rather than her words. Many of her students were inspired by her life to become lawyers, physicians, teachers, and ministers.

I think it is very noteworthy to mention that the present Miss Alabama, Miss Becky Alford, of Birmingham, was one of Mrs. Irons' students.

In the formative years, countless numbers were touched by her life and she kindled in her students the secret of success in the adventure of life—lofty ideals, dedication to principle, and toil and sacrifice to obtain those goals. Her life is an inspiration to us all. Her breadth of service included more than her profession as a teacher—the family, community, a university, church, and civic affairs.

In an age of declining morals, America salutes this woman for her ideals, her courage and dedication to principle, and her toil and sacrifice for her school, community, and Nation. She stood for the harder right instead of the easier wrong. America greatly needs more dedicated citizens like Velma Wright Irons.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article which was published in the Birmingham News of November 24, 1967.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. GEORGE IRONS, CITY TEACHER, DIES

Mrs. George V. Irons Sr., 316 Gran Ave., a leader in educational circles here many years, died Thursday in a local hospital.

Funeral will be at 2 p.m. Saturday at Johns-Ridout's Southside. Burial will be in Elmwood Cemetery.

A native of Wedowee, Mrs. Irons was a graduate of the University of Alabama and had been active in school, church, and civic affairs many years.

Mrs. Irons, a teacher in the Birmingham public school system nearly 20 years, was twice nominated in Alabama's Favorite Teacher contest. She was a runnerup in 1952.

She founded the first sight-saving class in Jefferson County.

She was a member of the Birmingham PTA Council, Birmingham Beautification Board, National Education Association, Alabama Education Association, Classroom Teachers Association, Kappa Delta Epsilon, and Altrusa Club.

Mrs. Irons was a former vice president of the American Association of University Women and was a former president of the Faculty Wives Club at Samford University. She was a member of the Southside Baptist and Ruhama Baptist Church, where she taught Sunday School more than 10 years. She also was a member of United Daughters of the Confederacy.

CONFERENCE ON POSTAL RATES AND FEDERAL SALARIES

Mr. BYRD of Virginia. Mr. President, the Washington Post this morning published an interesting article by Jerry Kluttz.

Mr. Kluttz is an able and experienced reporter specializing in matters affecting Government employees. This morning's report deals with the Senate-House conferees' disagreement on several matters in the Federal pay bill which was passed by the Senate recently.

Apparently the conferees have become deadlocked over two items. One item concerns third-class postal rates and the other item concerns the establishment of a Presidential Commission to set the salaries of the Members of Congress along with the salaries of other high officials in the executive branch of Government.

The Johnson administration has thrown its support behind the House proposal to set up a Commission which, every 4 years, beginning next year, would recommend salary adjustments for the executive branch, for the Supreme Court Justices, and for Congress.

When the bill came before the Senate, it carried that provision establishing such a Presidential Commission. On November 6, I introduced an amendment on the floor to knock it out and asked that it be referred to the appropriate committee, which was the Committee on Post Office and Civil Service. On November 9, the committee did knock out that provision. When the Senate passed the legislation at a later date, it was passed without that provision.

At the present time, the Senate conferees are battling hard to prevent the reinsertion of such a provision.

The Senator from Oklahoma [Mr. MONRONEY], chairman of the conferees, stated, as reported by Mr. Kluttz in his article today, that there was overwhelming sentiment in the Senate against such back-door salary increases.

I commend the distinguished Senator from Oklahoma [Mr. MONRONEY], and the other conferees—the Senator from Texas [Mr. YARBOROUGH], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Kansas [Mr. CARLSON], and the Senator from Hawaii [Mr. FONG]—for the strong fight they are making in this regard.

It would be tragic if Congress were to turn over to a Presidential commission the right to set the salaries of the legislative and judicial branches—and in the executive branch, for that matter, of Cabinet officers and other high officials.

That is the responsibility of Congress.

It would also give the President additional power over the legislative branch which, to my mind, would be tragic.

Another aspect which I think is bad is that it would permit the increasing of salaries of Congressmen without the Congressmen themselves voting on them.

I know that the American people want their Congressmen to be adequately paid, but when their salaries are raised the people want them to be raised by a recorded vote, so that the people of this country can know just what the situation is and that everything will be open and aboveboard.

That is what the Senator from Oklahoma [Mr. MONRONEY] and his fellow conferees are fighting for, and I rose today merely to commend them and to say that so far as I am concerned, I stand wholeheartedly behind them.

INCREASE OF FEDERAL SHIP MORTGAGE INSURANCE AVAILABLE IN THE CASE OF CERTAIN OCEANGOING TUGS AND BARGES

Mr. BARTLETT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2247.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2247) to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges, which was, strike out all after the enacting clause and insert:

> That the fourth sentence of section 509 of the Merchant Marine Act, 1936 (46 U.S.C. 1159), is amended by inserting immediately before the words "the applicant" the following: "or in the case of an oceangoing tug of more than two thousand five hundred horsepower or oceangoing barge of more than two thousand five hundred gross tons,".

Mr. BARTLETT. Mr. President, I move that the Senate agree to the House amendments, which merely clarify the intent of the bill as passed by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

NO. 2 FUEL OIL SITUATION

Mr. JAVITS. Mr. President, for some time now, I have watched with close attention the No. 2 home heating fuel oil situation in New York and on the east coast. As this fuel is used by millions of New Yorkers as home heating fuel during the winter, I have been in close touch with the fuel oil distributors in New York, with Secretary of Defense McNamara, and with Secretary of Interior Stuart Udall.

On September 20 I wrote to Secretary McNamara requesting that he release U.S.-flag tankers needed to transport No. 2 fuel oil from the U.S. gulf area to the east coast. In the Department's reply of September 29, I was informed that four DOD-chartered U.S.-flag vessels were released to commercial trade in September and five additional vessels were to be released on November 15.

On November 8, I wrote Secretary Udall requesting that he furnish me with a detailed report on the adequacy of stocks of No. 2 fuel oil on the east coast, on the current price situation, and the relationship of import controls to the existing supply situation. I also urged Secretary Udall that the Federal Government do all within its power to insure that adequate supplies of No. 2 heating fuel oil are available to east coast consumers during the coming winter at the most reasonable cost.

In his reply, which I received yesterday, Assistant Secretary of the Interior Cordell Moore informed me that inventories as of November 10 had risen to almost 81 million barrels, the highest level for comparable date in the history of the fuel distribution industry and almost 2½ million barrels or 3 percent higher than the same date last year. He confirmed the earlier statement made by the Department of Defense that the tanker situation had substantially eased with the return of U.S.-flag vessels under military charter to gulf coast-east coast service. He also informed me that production runs are at an unusually high level, distillate fuel production running as high as 28 percent per crude barrel in some periods.

He reports that retail prices of this fuel in September—the latest month for which statistics are available from the Bureau of Labor Statistics—were up 0.9 cent per gallon in New York as compared to a year ago, a very serious increase of roughly 5 percent. Apparently, increased transportation costs contributed to this price rise. However, Secretary Moore indicates that with the improved supply picture, discounting of wholesale prices is now taking place.

One of the questions that has been raised is whether or not relaxation of import controls at this time could further improve the supply situation. According to the Interior Department, heating oil supplies are much tighter outside the United States where the Middle East crisis and the closure of the Suez Canal had a more serious impact. Price rises have been four or five times higher in large European markets than in New York, for example. The situation is reportedly extremely tight in the Caribbean producing areas, raising the question whether heating oil imports could be substantially increased on an immediate and temporary basis. As further evidence of the tight supply situation abroad, Assistant Secretary Moore informs me that one of the companies which received 60 percent of the total allocation by the Oil Import Appeals Board recently informed the Board that it would not be able to obtain supplies before the end of the year and requested that it be allowed to carry over its unused tickets into next year.

Unlike No. 6 fuel oil, most of which is imported into the United States from abroad, 98 percent of the east coast supplies come from U.S. refineries with imports accounting for not more than 2 percent of consumption.

Judging from the information supplied to me in this letter by Secretary Cordell Moore, I believe the No. 2 fuel oil situation is in reasonably good shape and should be allowed to remain as is for the moment. I remain seriously concerned about the higher retail prices of this fuel and will therefore continue to keep a close watch on this situation.

On November 15 I wrote Chairman SMATHERS of the Small Business Committee of which I am ranking minority member informing him that a problem may exist regarding No. 2 fuel supplies which the Committee should look into. On November 21 Senator SMATHERS replied to me indicating that the committee will inquire with the Secretary of the Interior regarding the current and future situation of No. 2 fuel oil supplies on the east coast and that he will decide on the necessity for hearings should Secretary Udall's reply warrant it.

I ask unanimous consent that my exchange of correspondence with Secretary McNamara, Secretary Udall, and Chairman SMATHERS be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 20, 1967.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR SECRETARY MCNAMARA: There is a tight supply situation developing on the East Coast that could result in sizable price increases to consumers of #2 Fuel Oil (household heating fuel). Since this product is used by millions of householders in New York and in other states on the East Coast, the added burden in the cost of living would be widespread.

I am informed that the main reason for this shortage is insufficient supply of U.S. flag tankers. The prime source of supply of #2 Fuel Oil is in the U.S. Gulf area and the movement up to the East Coast is intercoastal trade and therefore U.S. flag vessels must be used.

Due to increased national security requirements in connection with the war in Viet Nam, the return of much procurement of fuel to domestic sources to lessen the dollar outflow and to improve our balance of payments, and more recently due to the Middle East crisis, the Department of Defense chartered every available U.S. flag vessel earlier this year. While some of the above factors still are in effect, with the availability of petroleum products in the Persian Gulf now returned to normal, I urge you to release U.S. flag vessels to be used in the East Coast trade. This move will not only continue to keep these vessels in operation and assist our domestic producers and marketers, but it will also very materially help the East Coast consumer by relieving the critical supply position that currently exists.

Other moves to bring relief to the East Coast may be necessary, such as the easing of oil import quotas, especially if we have an unusually hard winter, but meanwhile you could very materially help relieve the present crisis.

With best regards,
Sincerely,

JACOB K. JAVITS.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 29, 1967.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to your letter to Secretary McNamara of September 20, 1967, in which you requested the Department of Defense to release U.S. flag vessels for use in the East Coast trade.

We are aware of the supply situation on the East Coast and have had discussions with the Department of the Interior on this subject, including the possibility of our releasing additional U.S. flag vessels.

The Department of the Interior has advised us recently however, that the No. 2 fuel oil situation on the East Coast is improving. Factors contributing to the improvement are: (1) an increase in distillate fuel oil stocks on the East Coast; (2) the recent relaxation on No. 4 fuel oil imports; (3) the opening of the Trans-Arabian pipeline on September 15, 1967; (4) the decisions of the Oil Imports Appeals Board on 27 September 1967 granting import quotas to several East Coast No. 2 fuel oil suppliers; and (5) the recent return to the commercial trade of four DoD chartered U.S. flag vessels, with five more scheduled for return by November 15, 1967.

Despite the fact that the Department of Defense is also finding it difficult to meet tanker requirements under present conditions and the fact that we also are governed by public laws (Title 10, US Code, Sec. 2631 and Title 46, US Code, Sec. 1241(b)) on the use of U.S. flag vessels, everything possible will be done to assist the Department of the Interior and other governmental agencies to avoid a critical heating oil shortage on the East Coast.

Sincerely,

PAUL H. RILEY,
Deputy Assistant Secretary of Defense (Supply and Service).

NOVEMBER 8, 1967.

Hon. STEWART L. UDALL,
Secretary, U.S. Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: There has been much discussion in and out of the press as to whether or not a supply emergency exists on the East Coast of Number 2 fuel oil and what are the pertinent facts concerning this issue. As you are so well aware, this matter vitally concerns both our national security and the interests of millions of household consumers of this product. I know that last month the Oil Imports Appeals Board rendered affirmative decisions on several applications for import allocations for this year and that the Department of Defense—in a step which I strongly urged on Secretary McNamara in late September—has recently returned four DOD chartered U.S.-flag vessels to the commercial trade and that five more are scheduled for return by November 15, 1967, to relieve the shortage of tankers on the East Coast. I believe, however, the Federal Government must go beyond these actions and do all within its power to ensure that adequate supplies of Number 2 heating fuel at the most reasonable effective cost are available to East Coast consumers during the coming winter and the years ahead.

In this regard I would appreciate answers to the following questions:

1. What are the facts regarding the price of Number 2 fuel oil to the consumer this year and the previous year? What are the reasons for the rise in its retail price to the consumer this year as compared to last year? How much have ocean transportation costs risen in this period? To what degree has this contributed to higher prices?

2. What is the cause of the current tight supply situation on the East Coast? (a) the Middle East crisis; (b) Department of Defense transfer of procurement to U.S. from foreign countries; (c) conversion of Number 2 fuel oil consumption from other fuels for reasons of air pollution; (d) tight controls on importation of Number 2 fuel oil; (e) conversion to production of other products by domestic refineries due to hydrocracking and other refinery techniques; (f) any other reasons.

3. Could the current tight supply situation be substantially relieved by the immediate and temporary leasing of restrictions on Number 2 fuel oil imports? Is there Number 2 fuel oil now available outside the U.S. for shipment during this winter season—from Venezuela? from elsewhere in the Caribbean area?

4. Will the allocations given out by the Oil Imports Appeals Board all be lifted and delivered in 1967, and if not, why not?

5. How serious will be the impact on our balance of payments in any significant relaxation of import controls on Number 2 fuel oil?

6. What percentage (also volume) of total East Coast requirements of this product is supplied from refineries located in the U.S. and its territories?

7. If controls are lifted on Number 2 fuel oil what will be the impact on these refineries?

With best wishes,
Sincerely,

JACOB K. JAVITS.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 4, 1967.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The questions regarding the supply of No. 2 fuel oil in your letter of November 8 have received our closest attention. As you know we have been concerned about the East Coast heating oil supply and inventory situation since last summer and are continuing to watch the situation closely.

There is enclosed a copy of our latest review of the supply/demand and price picture on distillate fuel oil, with particular reference to the New York-New England region. As of November 10, inventories on hand to begin the heating season in District I had risen to almost 81 million barrels, the highest level for a comparable date in the history of the fuel distribution industry, and are almost 2½ million barrels or 3% higher than the same date last year. Stocks in place on the East Coast have risen by 34 million barrels in the past three and a half months, as compared to a 26 million barrel build-up in the same period of 1966. This favorable turn has, we think, demonstrated the capacity of domestic refiners to produce and transport heating oil when the market demands it.

The heaviest deficiency in inventory build-up occurred in June and July with the result that stocks in late July were over 5 million barrels short of the previous year's level. This was due largely to the Middle East crisis. The closure of the Suez Canal and an almost complete shutdown on supplies to Western Europe resulted in diversion of tanker capacity which might otherwise have been used to rebuild District I inventories. Inability to move that particular product during that period temporarily discouraged production of distillate fuels in Gulf Coast refineries. It also appears that the crisis stimulated movement of inventories into secondary (distributors) storage which is unreported. Both the transportation and production pictures changed radically in September and October. The tanker situation has substantially eased with the return of U.S. flag vessels under military charter to Gulf Coast-East Coast service. As you know, the Interior Department had discussions with the Defense Department about this starting in August. Recently, expanded capacity of Colonial Pipeline has been made available to supplement East Coast supply lines. A much larger portion of the crude barrel has been allocated to distillate fuel production, running as high as 28% in some periods. As a result of these recent developments we tend to be optimistic with regard to the coming heating season.

More specific answers to your questions are as follows:

1. Retail prices of No. 2 distillate fuel oil in September (the latest month for which statistics are available from the Bureau of Labor Statistics) were up about 0.7¢/gal. in Boston and 0.9¢/gal. in New York over a year ago. This is an increase of roughly 5%. The disruptions caused by the Middle East crisis in supply of crude and availability of tankers probably were the most significant contributors to the price rise. Recently with the improved supply picture, we have received some reports of discounting of wholesale prices.

2. The seasonal nature of heating oil demand in the Northeast requires reliance on a high initial inventory which is gradually drawn down to supplement supply shipments during the heating period. Stocks are normally at their peak in November, hit their lowest point about April, and then begin to build systematically for the next season. This pattern was disrupted earlier this year. First, there was an abnormal drawn-down of inventories that carried into the month of May, caused by an unusually cold late spring. Before the resulting deficit could be corrected, hostilities broke out in the Middle East with results that effected petroleum supplies and tankers worldwide. It should be emphasized, however, that there was no actual shortage of fuel oil in the Northeast at any time. The minimum inventory level in District I never fell below 29 million barrels, the usual minimum figure reached each spring. In January this might have been serious; in March or April, it was not. This picture has steadily improved since the summer period and East Coast distillate fuel oil inventories have risen to all time record highs by mid-November.

3. Heating oil supplies are reported to be much tighter outside the U.S. where the Middle East crisis and the closure of the Suez Canal had a more serious impact. Sharply higher heating oil prices of as much as 4¢/gal. are reported in certain large European markets. Major heating oil suppliers in the Caribbean are making every effort to supply increased quantities to Europe to meet expected winter demand. In view of this situation, it is questionable that heating oil imports could be substantially increased on an immediate and temporary basis, and any such diversion of available supplies to the U.S. might cause shortages in Europe.

4. The petitioners who were granted No. 2 fuel oil quotas by the Oil Import Appeals Board indicated to the Board that they would be able to obtain the product during the remainder of 1967. Of the three special allocations granted for importing distillate fuel oil, one company accounting for almost 60 percent of the total allocation notified the Oil Import Appeals Board that it would not be able to obtain supply before the end of the year, and requested that it be allowed to carry over its unused tickets into next year.

5. The U.S. market for No. 2 fuel oil is supplied almost entirely from domestic sources with only about 1.6% being imported. Therefore, any significant relaxation of import controls on this product would have an adverse effect on our balance of payments.

6. In 1966 over 98% of East Coast supplies of distillate fuel oil came from U.S. refineries. Local refineries provided 364,000 B/D, Gulf Coast shipments were 712,000 B/D, Puerto Rico supplied 13,000 B/D, and imports were 21,000 B/D. Imports of this product have never been over 2% of consumption.

7. If controls are lifted on No. 2 distillate fuel oil, imports would increase to the level permitted and U.S. refinery production and crude run would decrease by a like amount. The end result would be to export refinery capacity and thereby become partially dependent on foreign refineries for some petroleum products.

If there is any additional information you wish, we will be pleased to supply it. You may be assured that we will continue to keep this matter under surveillance as we have since the outbreak of the Middle East crisis.

Sincerely yours,

CORDELL MOORE,
Assistant Secretary of the Interior.

Enclosure.

DISTILLATE FUEL OIL

Distillate fuel oil is marketed as two main products; namely, diesel fuel and distillate heating oil. There are several grades of distillate heating oil but No. 2 oil accounts for about 85% of total sales. The U.S. demand for these products is shown below:

	1966 U.S. demand (thousand barrels per day)	Average growth rate 1962–66 (percent)
Diesel fuel	775	5.8
Distillate heating oil	1,443	1.0
Total distillate fuel oil	2,218	2.6

Total U.S. distillate fuel oil sales in 1966 were 2,218,000 B/D, with distillate heating oil accounting for 65% of the total. Total demand has been growing by 2.6%/yr., but the fastest growth is in the diesel fuel oil segment. Distillate heating oil demand is only growing by 1.0%/yr. This slow growth is largely due to the inroads made in the home heating markets by natural gas and electricity. These general trends are expected to continue.

Distillate fuel oil is clearly the second most important product of the domestic refining industry as indicated below:

1966 refinery yields of major products

	Percent
Motor fuel	44.6
Distillate fuel oil	22.8
Residual fuel oil	7.4
Jet fuel	6.2
Asphalt	3.8
Kerosene	3.0
Coke	2.6
Lubricants	1.9
Other products	7.7

The refinery yields of distillate fuel oil increased from about 19.0% of crude run in 1950 to a high of 24.1% in 1963. (See Table I). This yield has dropped slightly in recent years because the demand for other refinery products has been growing faster than the demand for distillate fuel oil. Most forecasts indicate that distillate fuel oil demand will continue to grow slower than demand for other refinery products, so that still lower distillate yields will probably be required to meet market demand in the future. The recent development of hydrocracking technology together with catalytic cracking should allow sufficient flexibility to change refinery yields in response to this changing market requirement.

TYPICAL REFINERY OPERATIONS

In general refinery products fall into four main groups: (1) gasoline and lighter products; (2) residual products like residual fuel oil and asphalt; (3) specialty products like lubricating oils and (4) middle distillates. Middle distillates, as the name implies, are the products produced from the middle boiling range portion of the crude barrel and include kerosene, jet fuel, diesel fuel oil and distillate heating oil. These products have overlapping boiling ranges and to some extent may be produced from common blending stocks.

Jet fuel and kerosene are normally blended entirely from virgin streams produced directly from the crude distillation units. On the other hand, the diesel and distillate heating oil (No. 2 oil) contain large amounts of cycle stock from the catalytic cracking units. In a typical catalytic cracking unit about one-fourth of the feed is not converted into gasoline or lighter products and remains in the middle distillate boiling range. This material, commonly referred to as cycle stock, is blended into distillate heating oil and diesel oil.

Distillate heating oil production in a refinery can be increased without changing crude run by (1) increasing the yield of cycle stock from the cat cracking units or (2) by reducing the cat cracking feed rate and blending the virgin feed directly into heating oil. For example, East Coast refinery yields of distillate fuel oil will vary between 23–28% depending on product demand. In addition, refinery crude runs can be increased to meet higher product demand. These steps offer the refinery considerable flexibility in changing refinery yields to meet product demand.

PLANNING FOR SEASONAL DEMAND

U.S. domestic demand for distillate fuel oil follows a strong seasonal pattern. Winter month demand is typically 3 million B/D—double the summer month demand of some 1.5 million B/D. This changing demand is met both by changing refinery production in response to demand and by seasonal additions to or withdrawal from storage. For example, 75% of peak winter U.S. demand is supplied from current refinery production including imports, and 25% from a draw-down of inventory.

The optimum balance between the refinery production schedules and inventories to cover a given level of demand is determined through economic studies by each supplier. These studies are complicated by the unpredictable nature of the weather. For example, distillate fuel oil demand in Districts I–IV is increased by about 35,000 barrels if temperatures decrease by 1° F for one day. If temperatures are 1° F cooler for the entire winter then demand increases by 35,000 B/D.

Studies on weather variability and other factors show that a refiner can cover demand in some 65 out of 100 years by protecting for a demand some 6–7% above normal. By protecting for a demand 12–14% above normal some 98 out of 100 years will be covered. To a large extent this customer protection is provided by the refinery flexibility to substantially increase distillate fuel oil yields rather than by carrying inventories which would be greatly excessive for a normal year.

SUPPLY AND DEMAND IN DISTRICT I

There are three principal sources of distillate fuel oil for District I (East Coast States). In 1966 refineries in the District provided one-third of the total supply of 1,100,000 barrels daily, 37% came from District III (Gulf Coast) by tanker, 27% from District III by pipeline, and only about 3% was imported. Output from local refineries has been fairly stable during the last five years while receipts from District III have grown slowly in line with demand. The principal change has been in the mode of transportation, by way of sharply increasing shipments via pipeline following completion of the Colonial Pipeline from Texas to New York in 1964, with a decline of tanker shipments. (See Table II).

Output of local refineries is higher in winter than in summer, but peak month receipts from the Gulf Coast in winter are nearly double the lowest summer month. This demonstrates the large degree of flexibility to move the product when circumstances require. (See Table III).

Deliveries of distillate fuel oil to consumers in District I has grown erratically over the last five years at an average annual rate of 3.5 percent. However, deliveries to heating customers has grown more slowly, 1.9%. Although the figure for heating has not been corrected for temperature variations, these can be assumed to have about evened-out over a period of this length. (See Table IV).

Sales of distillate fuel oil in District I are concentrated in the Middle Atlantic (N.Y., N.J., and Penn.) area which accounts for slightly more than half of total use on the East Coast, with the New England and South Atlantic areas sharing the remainder about equally. (See Table V).

PRICES FOR DISTILLATE FUEL OIL—DISTRICT I AND GULF COAST

Published prices for distillate fuel oil, as for other petroleum products, are those posted by Platts Oilgram Price Service at the wholesale level and by the Bureau of Labor Statistics at retail. While these wholesale prices do not always reflect the actual price at which transactions are made because of unknown discounts, or occasionally premiums, they are representative for indicating trends.

Between 1960 and 1966 the annual average retail price for No. 2 heating oil in New York City rose 1.49 cents per gallon to 16.32 cents. Most of this increase, 1.04 cents, was in the margin between the selling price at terminals in New York and the delivered price to consumers. The major element in this margin is delivery costs in which labor (truck drivers) is a large factor. Wage rates in the motor freight industry—probably representative for all trucking—rose almost 30 percent from 1960 to 1966. In addition, growing traffic congestion in metropolitan areas has reduced the number of deliveries per day that a truck can make, thus adding to costs. Price trends in Boston are similar to those in New York.

Preliminary data for the first ten months of 1967 indicate continuation of the upward price trends. Details of these prices are shown on attached Tables VI and VII. The wholesale price index for distillate fuel oil in the U.S., with 1957–59 equalling 100, was 103.4 compared to 106.5 for all commodities excluding farm and food products in September 1967.

THE TANKER RATES

The upward movement of tanker rates generated by the closing of the Suez Canal also has contributed to the increase in prices in New York. However, most Gulf Coast to East Coast movement is made in vessels owned by oil companies, or those on long-term charter, with only about 10–20 percent going on "spot" charter. Thus, with the Gulf Coast price for No. 2 fuel oil up 1.04 cents per gallon, and the "spot" charter up 1.03 cents, the New York terminal price is up only 1.06 cents.

[In cents per gallon]

	August distillate fuel oil prices		
	1966	1967	Difference
Gulf coast wholesale	8.59	9.63	1.04
Spot tanker charter, gulf to New York	1.13	2.16	1.03
New York terminals	9.74	10.8	1.06

THE 1967 INVENTORY POSITION

Table VIII shows inventories of distillate fuel oil in the U.S. by PAD Districts. At the end of April stocks were above the 1966 level. However, by June stocks had declined some 4.6 million barrels below 1966 and this deficit increased to almost 8 million barrels in July, about 5.6% below 1966. District I (East Coast states) accounted for 5 million barrels of this difference in July. Since July the inventory picture has steadily improved. Latest figures for the week ending October 27 show that total stocks had climbed to 181.4 million barrels and were only 2.4 million barrels below 1966—a difference of about 1.3%. District I inventories actually moved ahead of 1966 levels by 0.7 million barrels.

OFFICE OF OIL AND GAS.

TABLE I.—U.S. DISTILLATE FUEL OIL DATA

Year	Refinery production		Domestic demand (millions of barrels)	Imports (millions of barrels)	Exports (millions of barrels)	End of year stocks (millions of barrels)
	Millions of barrels	Percent on crude				
1950	399	19.0	395	3	13	72
1955	603	22.1	581	4	25	111
1960	667	22.6	685	13	10	138
1961	697	23.3	694	17	7	152
1962	720	23.5	732	12	8	145
1963	765	24.1	747	9	15	157
1964	742	23.0	750	12	5	156
1965	765	23.2	776	13	4	155
1966	786	22.8	797	14	5	154

TABLE II.—SUPPLY AND DEMAND FOR DISTILLATE FUEL OIL—DISTRICT I

[In thousands of barrels per day]

	1966	1965	1964	1963	1962	1961
Refinery production	364	344	356	380	356	366
Receipts:						
District II: Pipeline	1			1	2	1
District III:						
Pipeline	297	231	125	66	46	44
Tanker	408	454	528	593	536	518
Barge	3	3	3	3	3	3
District V: Tanker	3	3	3	6	10	6
Total receipts	712	691	659	669	597	572
Imports	34	31	29	21	27	43
Total supply	1,110	1,066	1,044	1,070	980	981
Stock change	+1	−14	+18	+22	−31	+29
Total demand	1,109	1,080	1,026	1,048	1,011	952
Shipped to district II	16	12	11	9	9	9
Local demand	1,093	1,068	1,015	1,039	1,002	943
Stocks, end of year	63,800	63,400	68,300	61,800	53,800	65,200

TABLE III.—SUPPLY AND DEMAND FOR DISTILLATE FUEL OIL—DISTRICT I

[In thousands of barrels per day unless otherwise noted]

	January	February	March	April	May	June	July	August	September	October	November	December
1965												
Refinery production	360	345	326	333	304	308	338	358	362	352	323	341
Receipts:												
District II: Pipeline	5	1					5	7		11	14	
District III:												
Pipeline	250	229	183	139	136	164	178	213	246	248	279	365
Tanker	589	546	457	450	407	323	367	363	359	432	423	494
Barge	3	3	4	3	3	2	3	3	3	4	3	3
District V: Tanker	5	10				6				7	3	
Total receipts	852	789	644	592	566	495	553	586	608	702	722	862
Imports	34	28	36	24	36	11	26	45	29	38	27	33
Total supply	1,246	1,162	1,006	949	906	814	917	989	999	1,093	1,072	1,236
Stock change	−411	−508	−364	−62	+233	+241	+438	+244	+257	+225	−128	−362
Total demand	1,657	1,670	1,370	1,011	673	573	479	745	742	868	1,200	1,598
Shipped to district II	8	6	8	10	13	17	5	10	15	20	13	15
Local demand	1,649	1,664	1,362	1,001	660	556	474	735	727	848	1,187	1,583
Stocks end of month (thousands of barrels)	55,527	41,298	30,002	28,137	35,373	42,614	56,204	63,778	71,503	78,468	74,620	63,413

TABLE III.—SUPPLY AND DEMAND FOR DISTILLATE FUEL OIL—DISTRICT I—Continued

[In thousands of barrels per day unless otherwise noted]

	January	February	March	April	May	June	July	August	September	October	November	Decembe.
1966												
Refinery production	374	363	336	331	356	337	355	401	406	360	354	383
Receipts:												
District II: Pipeline	1	1	1	1	--------	--------	--------	1	--------	1	--------	1
District III:												
Pipeline	407	342	235	183	216	219	231	287	317	303	377	443
Tanker	631	595	482	390	371	371	295	333	305	320	385	424
Barge	3	3	3	2	3	3	3	3	1	3	2	6
District V: Tanker	5	12	--------	--------	--------	4	--------	6	6	5	--------	4
Total receipts	1,047	953	721	576	590	597	529	630	629	632	764	878
Imports	27	10	19	46	35	54	32	30	35	43	27	47
Total supply	1,448	1,352	1,076	963	981	988	916	1,061	1,070	1,036	1,145	1,308
Stock change	−314	−469	−244	−112	+163	+256	+358	+321	+380	+159	−140	−376
Total demand	1,762	1,821	1,320	1,065	818	732	558	740	790	876	1,285	1,684
Shipped to district II	17	13	16	16	14	15	11	10	17	16	19	20
Local demand	1,745	1,808	1,304	1,049	804	717	547	730	773	860	1,266	1,664
Stocks end of month (thousands of barrels)	53,674	40,535	32,956	29,585	34,644	42,322	53,435	63,387	74,794	79,713	75,498	63,834
1967												
Refinery production	352	372	400	368	365	359	--------	--------	--------	--------	--------	--------
Receipts:												
District II: Pipeline	--------	1	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
District III:												
Pipeline	434	465	396	301	315	338	--------	--------	--------	--------	--------	--------
Tanker	462	443	429	368	293	237	--------	--------	--------	--------	--------	--------
Barge	3	5	4	2	4	3	--------	--------	--------	--------	--------	--------
District V: Tanker	3	2	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
Total receipts	902	916	829	671	612	578	--------	--------	--------	--------	--------	--------
Imports	33	29	83	44	41	40	--------	--------	--------	--------	--------	--------
Total supply	1,287	1,317	1,312	1,083	1,018	977	--------	--------	--------	--------	--------	--------
Stock change	−289	−489	−386	+78	+18	+194	--------	--------	--------	--------	--------	--------
Total demand	1,576	1,806	1,698	1,010	1,000	783	--------	--------	--------	--------	--------	--------
Shipped to district II	19	20	16	14	13	18	--------	--------	--------	--------	--------	--------
Local demand	1,557	1,786	1,682	996	987	765	--------	--------	--------	--------	--------	--------
Stocks end of month (thousands of barrels)	54,886	41,183	29,221	31,418	31,966	37,798	--------	--------	--------	--------	--------	--------

TABLE IV. —SHIPMENTS OF DISTILLATE FUEL OILS—DISTRICT I

[In thousands of barrels per day]

	1966	1965	1964	1963	1962	1961
Heating	834	848	789	821	814	762
Industrial	53	52	33	39	36	32
Oil company	6	7	7	6	5	5
Utilities	4	4	4	4	5	4
Railroads	64	61	61	60	58	60
Vessels	12	11	14	13	16	16
Military	20	16	17	16	15	16
Diesel, highway	83	71	66	57	39	33
Diesel, other	24	23	17	20	21	18
Miscellaneous	33	25	12	12	11	9
District I	1,133	1,118	1,020	1,048	1,020	955

TABLE V.—SALES OF DISTILLATE FUEL OIL BY STATES AND USES, 1966—DISTRICT I

[In barrels per day]

	Heating	Industrial	Oil companies	Utilities	Railroads	Vessels	Military	Diesel		Miscellaneous	Total
								Highway	Other		
Connecticut	47,690	2,208	88	71	1,249	96	515	2,830	926	238	55,911
Maine	19,581	559	66	307	696	132	2,063	729	468	162	24,763
Massachusetts	126,707	3,627	96	907	1,693	1,274	1,414	3,022	715	989	140,444
New Hampshire	15,230	189	--------	--------	27	--------	8	901	197	85	16,637
Rhode Island	15,937	332	19	99	74	101	685	501	255	153	18,156
Vermont	11,847	564	14	14	159	16	5	353	151	96	13,219
New England	236,992	7,479	283	1,398	3,898	1,619	4,690	8,336	2,712	1,723	269,130
New York	236,595	11,548	690	433	10,784	2,795	2,756	10,378	2,255	3,485	281,719
New Jersey	122,901	5,036	258	101	4,688	2,641	2,874	12,784	1,740	3,479	156,502
Pennsylvania	100,673	8,644	3,934	219	12,025	515	1,192	12,871	3,186	6,058	149,317
Middle Atlantic	460,169	25,228	4,882	753	27,497	5,951	6,822	36,033	7,181	13,022	587,538
Delaware	7,211	422	19	142	184	74	99	441	312	359	9,263
District of Columbia	6,452	14	14	233	211	--------	795	1,145	181	515	9,560
Florida	11,751	5,425	184	1,071	6,630	1,614	1,266	4,690	2,868	3,348	38,847
Georgia	4,345	4,156	58	--------	5,625	192	756	6,551	3,258	2,619	27,560
Missouri	31,556	1,721	214	353	4,677	584	1,488	4,740	1,877	2,151	49,361
North Carolina	31,934	3,400	178	58	6,049	208	1,279	6,162	1,984	5,923	57,175
South Carolina	10,268	1,299	63	--------	1,277	96	918	2,153	915	932	17,921
Virginia	31,022	2,989	104	137	6,734	863	2,110	10,447	2,027	1,934	58,367
West Virginia	2,222	1,055	38	--------	1,134	1,249	16	2,137	671	181	8,703
South Atlantic	136,761	20,481	872	1,994	32,521	4,880	8,727	38,466	14,093	17,962	276,757
Total, district I	833,922	53,188	6,037	4,145	63,916	12,450	20,239	82,835	23,986	32,707	1,133,425
United States	1,295,282	129,063	28,726	9,896	244,121	45,595	44,666	223,332	148,658	49,055	2,218,394

TABLE VI.—PRICES FOR DISTILLATE FUEL OIL—GULF COAST AND NEW YORK

[In cents per gallon]

	Gulf coast cargoes	New York cargoes	New York terminals	Retail
1957	9.99	(1)	11.30	(1)
1958	9.12	(1)	9.84	14.60
1959	9.24	(1)	10.15	(1)
1960	8.61	8.86	9.54	14.83
1961	9.17	9.58	10.39	15.71
1962	8.61	9.01	10.13	15.39
1963	8.76	9.13	9.80	15.97
1964	8.13	8.68	9.22	15.52
1965	8.57	9.07	9.52	15.88
1966	8.74	9.51	9.99	16.32
1965				
January	8.61	9.13	9.65	15.92
February	8.63	9.13	9.65	15.92
March	8.56	9.04	9.55	15.92
April	8.50	8.83	9.20	15.90
May	8.50	8.83	9.20	15.90
June	8.50	8.83	9.20	15.47
July	8.50	8.83	9.20	15.56
August	8.60	8.96	9.45	15.67
September	8.63	9.08	9.46	15.67
October	8.63	9.33	9.80	16.08
November	8.63	9.33	9.80	16.19
December	8.63	9.57	10.12	16.39
1966				
January	8.64	9.63	10.20	16.48
February	8.75	9.63	10.20	16.48
March	8.75	9.63	10.20	16.46
April	8.68	9.35	9.74	16.46
May	8.53	9.33	9.70	16.41
June	8.50	9.33	9.70	16.02
July	8.50	9.33	9.70	16.02
August	8.59	9.42	9.74	16.02
September	8.85	9.58	10.00	16.01
October	9.00	9.58	10.00	16.30
November	9.00	9.58	10.29	16.41
December	9.00	9.75	10.35	16.76
1967				
January	9.17	----------	10.50	16.76
February	9.53	----------	10.50	16.86
March	9.63	----------	10.50	16.86
April	9.63	----------	10.50	16.86
May	9.63	----------	10.50	16.85
June	9.63	----------	10.50	16.85
July	9.63	----------	10.73	16.87
August	9.68	----------	10.80	16.90
September	9.68	----------	10.80	16.93
October	9.68	----------	10.80	----------

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[1] Not available.

TABLE VII.—PRICES FOR DISTILLATE FUEL OIL—GULF COAST AND BOSTON

[In cents per gallon]

	Gulf coast cargoes	Boston cargoes	Boston terminals	Retail
1957	9.99	(1)	11.41	(1)
1958	9.12	(1)	9.94	14.40
1959	9.24	(1)	10.11	(1)
1960	8.61	8.96	9.43	14.74
1961	9.17	9.68	10.26	15.94
1962	8.61	9.11	10.12	15.38
1963	8.76	9.25	9.74	15.90
1964	8.13	8.78	9.32	15.77
1965	8.57	9.17	9.65	16.19
1966	8.74	9.61	10.13	16.91
1965				
January	8.61	9.23	9.90	16.28
February	8.63	9.23	9.90	16.28
March	8.56	9.14	9.73	15.96
April	8.50	8.93	9.30	15.90
May	8.50	8.93	9.30	15.90
June	8.50	8.93	9.30	15.90
July	8.50	8.93	9.30	15.90
August	8.60	9.06	9.44	15.90
September	8.63	9.18	9.56	15.90
October	8.63	9.43	9.90	16.65
November	8.63	9.43	9.90	16.78
December	8.63	9.67	10.22	16.90
1966				
January	8.64	9.73	10.30	16.90
February	8.75	9.73	10.30	16.90
March	8.75	9.73	10.30	16.90
April	8.68	9.45	9.93	16.90
May	8.53	9.43	9.90	16.90
June	8.50	9.43	9.90	16.84
July	8.50	9.43	9.90	16.84
August	8.59	9.52	9.98	16.84
September	8.85	9.68	10.10	16.84
October	9.00	9.68	10.10	16.84
November	9.00	9.68	10.39	16.90
December	9.10	9.85	10.45	17.35
1967				
January	9.17	--------------	10.63	17.35
February	9.53	--------------	10.63	17.43
March	9.63	--------------	10.63	17.50
April	9.63	--------------	10.63	17.50
May	9.63	--------------	10.63	17.50
June	9.63	--------------	10.63	17.07
July	9.63	--------------	10.94	17.27
August	9.68	--------------	11.00	17.41
September	9.68	--------------	11.00	17.56
October	9.68	--------------	11.00	---------

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[1] Not available.

TABLE VIII.—STOCKS OF DISTILLATE FUEL OIL

[In thousands of barrels]

	District I	District II	District III	District IV	Districts I to IV	District V	United States
Dec. 31, 1966	63,834	43,963	29,806	3,174	140,777	13,319	154,096
Dec. 31, 1965	63,413	44,572	29,078	2,906	139,969	15,438	155,407
Difference	+421	−609	+728	+268	+808	−2,119	−1,311
Jan. 31, 1967	54,886	37,401	23,307	2,906	118,500	12,778	131,278
Jan. 31, 1966	53,674	36,083	23,194	2,779	115,730	14,311	130,041
Difference	+1,212	+1,318	+113	+127	+2,770	−1,533	+1,237
Feb. 28	41,183	30,666	18,158	2,652	92,659	12,017	104,676
Feb. 28, 1966	40,535	30,868	16,580	2,490	90,473	13,569	104,042
Difference	+648	−202	+1,578	+162	+2,186	−1,552	+634
Mar. 31, 1967	29,221	27,163	17,491	2,670	76,545	10,504	87,049
Mar. 31, 1966	32,956	29,510	15,906	2,473	80,845	11,916	92,761
Difference	−3,735	−2,347	+1,585	+197	−4,300	−1,412	−5,712
Apr. 30, 1967	31,418	28,873	18,491	2,443	81,225	11,572	92,797
Apr. 30, 1966	29,585	28,666	19,042	2,407	79,700	11,304	91,004
Difference	−1,833	−207	−551	+36	+1,525	+268	+1,793
May 31, 1967	31,966	29,319	21,497	2,553	85,335	11,023	96,358
May 31, 1966	34,644	31,352	21,546	2,493	90,035	12,478	102,513
Difference	−2,678	−2,033	−49	+60	−4,700	−1,455	−6,155
June 30, 1967	37,798	34,564	25,789	2,641	100,792	12,256	113,048
June 30, 1966	42,322	36,850	22,545	2,762	104,479	13,175	117,654
Difference	−4,524	−2,286	+3,244	−121	−3,687	−919	−4,606
July 28, 1967	46,970	41,104	27,761	2,994	118,829	12,773	131,602
July 29, 1966	51,975	42,836	27,491	3,055	125,357	14,056	139,413
Difference	−5,005	−1,732	+270	−61	−6,528	−1,283	−7,811
Sept. 1, 1967	60,552	47,969	28,919	3,228	140,668	13,251	153,919
Sept. 2, 1966	63,749	48,917	30,584	3,352	146,602	14,373	160,975
Difference	−3,197	−948	−1,665	−124	−5,934	−1,122	−7,056
Sept. 29, 1967	70,238	52,616	31,537	3,319	157,710	13,426	171,136
Sept. 30, 1966	74,729	53,043	32,350	3,543	163,665	14,227	177,892
Difference	−4,491	−427	−813	−224	−5,955	−801	−6,756
Oct. 27, 1967	78,409	54,737	32,179	2,783	168,108	13,307	181,415
Oct. 28, 1966	77,739	55,210	34,180	3,420	170,549	13,261	183,810
Difference	+670	−473	−2,001	−337	−2,441	+46	−2,395

Source: Bureau of Mines through June, API Weekly data thereafter.

NOVEMBER 15, 1967.

HON. GEORGE A. SMATHERS,
Chairman, Select Committee on Small Business, Old Senate Office Building, Washington, D.C.

DEAR GEORGE: As you may know, during recent weeks the question has arisen regarding the possible shortage and the rising cost this winter of Number 2 fuel oil on the East Coast.

This fuel oil is consumed as heating fuel by millions of consumers on the East Coast and should a shortage develop this winter, it could cause severe hardship for a great number of consumers in this area. Inasmuch as a difference of opinion has arisen between the Department of Interior and some distributors of this fuel oil on the one hand and a number of major distributors on the other hand regarding present and future supplies of this fuel, I believe an immediate investigation should be undertaken by the Small Business Committee.

Among the factors that should be considered are the current and prospective price situation, the adequacy of stocks and tankers, the relationship of imports to the domestic production, current and prospective refinery production of Number 2 fuel oil, the future availability of this fuel from domestic sources, and the Interior Department's import control program for this fuel. I am certain that the interested parties concerned—the domestic refineries, distributors, the Interior Department—could be counted upon to cooperate in such hearings.

In view of the urgency of this matter I would appreciate hearing from you on this at the earliest opportunity.

With best regards,
Sincerely,

JACOB K. JAVITS.

U.S. SENATE,
SELECT COMMITTEE ON SMALL BUSINESS,
Washington, D.C., November 21, 1967.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: This will acknowledge your letter of November 15, concerning the situation on the East Coast relating to Number 2 fuel oil.

I can understand the feeling of urgency in this matter, particularly since the weather is getting colder and the heart of the heating season is rapidly approaching.

In an effort to be of assistance, I am asking the Secretary of the Interior to advise me, with all possible promptness, as to the current and future status of Number 2 oil supplies on the East Coast and their view of the impact of these trends on smaller businesses.

As soon as the Secretary's report reaches me, I will be in touch with you in order to determine what further steps appear to be desirable.

For the present, with best wishes,
Sincerely yours,

GEORGE A. SMATHERS,
Chairman.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

BENEFICIARIES OF GENERIC PRESCRIPTIONS ARE NOT SECOND-CLASS CITIZENS

Mr. HART. Mr. President, as I listened to the heated debate, on November 22 on the amendment offered to the social security bill by the able majority whip, the Senator from Louisiana [Mr. LONG], to provide for the purchase of welfare program prescription drugs on a generic name basis, I had the impression I was watching the remake of a 6-year-old movie.

The dialog had not changed—only the actors were different.

It has been more than 6 years now since the 1961 drug industry investigation by the Senate Antitrust and Monopoly Subcommittee showed conclusively that generic drugs are as safe as brand name drugs.

The only difference then, and the only difference now, is the price.

I had assumed the generic-brand name controversy was resolved with the conclusion of the 1961 antitrust hearings and the 1962 Drug Act.

However, it seems that we need to rehash the evidence produced during those 1961 hearings to prove, hopefully once and for all, that generics are safe, reliable, and considerably less expensive than brand names.

I was astounded to hear one Senator say Senator LONG's amendment would mean "second-class drugs for first-class citizens."

Mr. President, the facts in the issue are clear.

Generic name drugs are used at all of the Veterans' Administration hospitals; generic name drugs are purchased by the Defense Supply Agency; the 45,000-member American Pharmaceutical Association recently threw its support behind the use of generic prescriptions in Government-supported programs.

Most telling, though, is the fact that those opposing the use of generic names have not produced proof that brand-name drugs are any safer or more reliable than generics.

For long years now, the law in some localities and the practice in others has insured that people on welfare be furnished drugs prescribed by generic terminology.

Also, for an even longer period of time, generic prescriptions have been used at all U.S. military hospitals. When anyone goes to one of these institutions—whether he is the President of the United States or a Member of Congress or a wounded soldier—he will be treated with generic-name drugs.

However, when we try to broaden the practice by providing for purchase of social security program prescription drugs on a generic-name basis, we are accused of "using second-class drugs on first-class citizens."

Either generic prescriptions are safe for everyone, rich and poor, young and old alike, or they are good for no one. Evidence has proved they are good for everyone.

I had hoped it would not be necessary to rehash the results of the 1961 antitrust investigation. But, in the light of some of the arguments presented in this chamber, I feel an obligation to present again evidence that generics are reliable as brand names.

In 1961, the antitrust subcommittee heard testimony from Mr. O. K. Grettenberger, then director of drugs and drugstores for the State of Michigan.

Mr. Grettenberger, basing his testimony on 11 years experience as director of drugs in Michigan, said at that time:

> In the many samples taken for analytical findings, I have found no supposedly small company representing their labels to be anything other than what was stated thereon.

He continued:

> I am afraid that the pharmaceutical industry has overly frightened the pharmacists by implying that everything that is not a brand name is of a poor quality.

Another witness at the hearings was Dr. Walter Modell, professor of pharmacology and therapeutics at Cornell Medical University in New York City. He testified that he uses nonproprietary or generic names for drugs in teaching.

The generic name is a concise description of the drug's chemical formula.

Dr. Modell said:

> Only when a name conveys meaning does it lend itself to instructive communication . . . as a general rule, only by using them (generic names) can one communicate meaningfully about drugs and instruct students on the nature of the drugs and their effects on the human body.

He continued:

> The same problem in nomenclature thus also relates to the practice of medicine. If a physician wants to know at all times what he is prescribing, he will, perforce, use only nonproprietary names.

Dr. Modell also said it is impossible, even for the expert, to know all the brand names which have been created for the same drug.

> It is possible in a discussion between two specialists in the same field for neither to know that each is talking about the same drug—

He said.

Another telling point from the 1961 antitrust hearing was the fact that both small and large drug houses, those using generic names and those using brand names, purchase, to a considerable extent, their drugs from the same drug sources.

Testimony showed that more than half of the leading drug companies actually produce, at most, one out of three of the products they sell.

The remainder are bought for the most part from other large companies which also sell the same product by its generic name.

Thus, Mr. President, there can be no doubt that we have the same drug made by one company and sold under different names for different prices.

The consumer is paying for a name.

Let me cite a few examples of the difference a name can make in the drug industry. These examples were given during the 1961 hearings.

A common sedative like reserpine, for example, is sold under the generic name and also under various brand names like Serpasil by the CIBA Pharmaceutical Co.; Sandril by Eli Lilly & Co. and Rau-Sed by Squibb.

A druggist can buy reserpine generically for as little as 75 cents a thousand tablets. But, the same drug under the brand name Serpasil costs the druggist $39.50 a thousand.

Triple sulfate tablets are sold wholesale generically for as little as a penny each. When sold under brand names, these same tablets cost as much as 10 cents each.

Why has this two-price system continued?

One reason can be found in the 1961 and 1967 arguments of officials for large pharmaceutical companies. Those spokesmen cite research costs and quality control measures for the price differential.

They also claim generic producers do not subject their drugs to the rigid clinical tests of brand names, and therefore are not as reliable.

Perhaps these brand name spokesmen had a wobbly leg to stand on in 1961, before the passage of the more stringent 1962 Drug Act. However, since 1962, the props have been knocked out under the position of those people. Yet they persist with the same arguments.

The Food and Drug Administration, under the 1962 Drug Act, is empowered to inspect all drug plants and also is empowered to establish control over the manufacturing processes in them.

This amendment was added as a result of the 1961 antitrust hearings and makes even less persuasive the opposition to generics.

The act also requires all drug plants to be registered with the FDA and inspected at least once every 2 years.

Finally, on imported drugs, the FDA can either inspect the foreign plants, make batch tests on imports, or do both.

Is there perfection in the manufacture of drugs?

No. Human beings manufacture drugs, and there are mistakes made in the manufacture of both generic and brand name products.

However, a very recent analysis of prescription drugs from 1962 to 1965 shows that nearly half of the drugs recalled from pharmacies as substandard or improperly labeled involved products from the largest and best-known companies.

This analysis is contained in the "Handbook of Prescription Drugs," by Dr. Richard Burack of the Harvard Medical School.

Further evidence about generic drugs was presented in an editorial published in the September 22 Washington Post, which discusses a statement circulated among drug industry leaders. The statement asserts that the price differentials between generic and brand name products cannot be justified by costs or other considerations.

The statement was written by George S. Squibb, grandson of the founder of E. R. Squibb & Sons and a former vice president of the company.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Pricing Drugs," published in the Washington Post of September 22, 1967, and an editorial entitled "Defection of Squibb Co. Executive Marks Break in Drug Price Hassle," published in the Muskegon, Mich., Chronicle of October 16, 1967.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 1967]

PRICING DRUGS

The protracted debate over the pricing of brand-name drugs may be taking a new turn with the appearance of a paper by George S. Squibb entitled "Drug Prices—The Achilles Heel of the Pharmaceutical Industry." Critics have for long asserted that the price differentials between brand-name and generic drugs cannot be justified by costs or other considerations. But when the same charges are cogently leveled by the grandson of the founder of E. R. Squibb & Sons, one of the oldest and most respected names in the industry, they take on new force.

The wide differentials between the prices of brand-name and generic drugs are well illustrated by reserpine, a drug frequently prescribed for the control of high blood pressure. Consumers on the average pay 82 per cent more for the most popular brand name—"Serpasil"—than they do for the product sold under the generic name of reserpine. (Such differentials persist, not because drug industry executives are selfish, but because of the high cost of obtaining reliable information about substitutes for brand-name products. The busy prescribing physician may not be aware of the availability of generic name products at lower prices, and if he is aware of them, he may have doubts about the purity or the uniformity of their potency. So rather than incur the costs of a search for reliable information, he prescribes the higher priced, brand-name product.)

But as Mr. Squibb persuasively demonstrates, the price differentials between brand-names and generics, and the high returns on capital that consequently accrue to the brand-name manufacturers, cannot for long endure. (The trend is toward the greater participation of public and quasi-public institutions in the provision of medical services and the consequent reducton in the cost of obtaining reliable information about substitutes for brand-name drugs. Hospital purchasing agents make it their business to test generics for reliability and purchase them in huge quantities. And as that practice continues—smaller purchasers, such as group medical practitioners, will adopt similar practices.)

The other threat to existence of the price differentials is political. Congress is justifiably concerned about the rising costs of Medicare and other publicly financed health programs, and there is a move afoot to confine all Government purchases to generic names. Such a step, in our view, would be unfortunate. It is true, as Mr. Squibb asserts, that the higher prices for brand-name drugs cannot be justified by the extra costs of advertising, distribution and scientific research. But confining Government purchases to generics alone could well undermine the urge to innovate, on which progress in the drug industry rests.

An alternative to a system of bureaucratic controls is more vigorous price competition. The brand-name manufacturers, rather than attempting to ignore competition from the generics, should attempt to meet it with timely price reductions. In the process the price differentials will not entirely disappear—and they should not. But with narrower differentials and profit rates that provide a more reasonable compensation for superior quality and research initiative the drug industry would cease to be a target for political attacks.

[From the Muskegon (Mich.) Chronicle Editorial, Oct. 16, 1967]

DEFECTION OF SQUIBB CO. EXECUTIVE MARKS BREAK IN DRUG PRICE HASSLE

We have commented several times in the past on the growing accumulation of evidence that prescription drugs are consistently overpriced by the pharmaceutical industry.

The Senate Monopoly subcommittee, of which Michigan Sen. Philip A. Hart is a member, has held a number of productive hearings aimed at answering a central question: Why should the public pay more for a brand-name drug when the identical compound can be bought more cheaply under its basic chemical, or generic, name?

The question of why identical drugs should sell for sharply divergent prices was first raised several years ago by the Kefauver Committee, which reported it felt the level of drug prices could be cut sharply if physicians used generic names in writing their prescriptions.

The drug industry with the backing of many physicians has been very vocal in opposition, contending that the generally higher-priced brand name drugs are more reliable, and that the smaller drug firms can't match the major companies in terms of research, equipment and quality control, and hence often turn out an inferior product.

Dr. Richard Burack, of the Harvard Medical School, a specialist in internal medicine and pharmacology, says that these contentions are generally without merit, adding that "there is no good reason to believe that brand name drugs are necessarily more reliable than generics as to quality, purity and potency."

In his recently published Handbook of Prescription Drugs he reported that nearly half the drugs recalled from pharmacies between 1962 and 1965 as substandard or improperly labeled involved products of the largest and best-known drug companies. His study was well documented.

As an example of the price divergencies he noted, widely prescribed Penicillin G is sold to druggists by one major company at a price of $6.62 per 100, while the same drug, meeting the identical U.S. government standards of purity and potency, is available from one much smaller firm for 92 cents, and from 15 other companies for less than $2.

The drug industry has not been successful in refuting the impressive evidence of overpricing, and it is encouraging to note that some of the charges made by Senate subcommittee witnesses have been supported, in effect, by an executive of a major drug company.

George S. Squibb, former vice president for the E. R. Squibb & Sons drug firm, recently distributed among industry leaders a 30-page statement in which he warned that high drug prices "cannot be justified satisfactorily."

He flatly rejected the industry's pet argument that research expenses are the cause of high prices (as we noted in an earlier editorial, the brand-name firms spend many times the total of their research outlay on product advertising), and called upon drug makers to reduce their prices and profits voluntarily or face the prospect of government legislation.

Mr. Squibb's candor in repudiating the industry's stand, and in labeling its propaganda line as false, is both courageous and commendable. We believe there is a very real prospect of consumer protection legislation in this field, and the pharmaceutical industry would be well-advised to heed his advice.

Mr. HART. Mr. President, it is clear that the generic-brand name controversy should have been settled 6 years ago when we in the Antitrust Subcommittee studied the issue in great detail.

The brand name arguments did not hold any water then, and they do not hold any water now.

Generic drugs are just as good as those with brand names—the only difference is the price. That is why I have urged, and continue to urge, my constituents to ask their physicians to prescribe generically whenever possible.

TULSA A MODEL CITY

Mr. HARRIS. Mr. President, Tulsa is proud and happy to have been named a model city. Typical of the very sincere, very rational enthusiasm which greeted the announcement are the editorial comments of the Tulsa Daily World and the Tulsa Tribune. Both of these fine newspapers express the desire of the community that the model cities grant will help make Tulsa a better home for her citizens.

I ask unanimous consent to have printed in the RECORD an editorial entitled "Tulsa a Model City," published in the Tulsa, Okla., Daily World of November 18, 1967, and an editorial entitled "Two Cheers," published in the Tulsa Tribune of November 17, 1967.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Tulsa Daily World,
Nov. 18, 1967]

TULSA A MODEL CITY

Tulsa's selection as one of the 63 American cities to receive "Model City" planning grants sets up a splendid opportunity to renovate and revitalize a large and deteriorating area of the Northside.

We consider Tulsa fortunate indeed to be among those selected. But good fortune carries only so far.

What we accomplish, and how long we remain qualified for Model City preferential aid, is dependent almost entirely upon how competent we are to plan and develop wisely. As the only Oklahoma municipality to qualify under the $300 million program, we are under intense pressure to make it work.

In general, the application of the Model City concept will be centered in an area bounded by the Osage County Line, on the West, Yale Avenue, on the East, Third Street in the downtown area, on the South, and Apache Avenue and 36th Street North, on the North.

Tulsa's problem is to evolve a plan, out of a $119,000 grant to be forthcoming, that will revitalize the area in a pattern having no association with the War on Poverty or other welfare programs. The Model City program has been described as one intended to deal with *physical* improvements—renovation, recreation and the general revitalization of entire commercial and residential areas.

It is our thought that in approaching the task, Tulsa's planners should evolve a program best designed to improve economic and living conditions for the 40,000 residents living in the area. This would mean avoiding so-called "frills" that provide little in the way of economic uplift.

As one City Commissioner has commented, "we've got to hit the nail on the head." The implication that the program, already having been described as a "boondoggle" by its opponents, will succeed if the funds provided for it are utilized in practical and meaningful fashion.

U.S. Sen. MIKE MONRONEY, who performed yeoman effort for Tulsa's Model City Plan emphasizes this point:

"Tulsans have a go go go spirit that is making their community one of the fastest growing and most livable in the nation. Here is a program designed to fit Tulsa's aims. The opportunity should be seized upon."

So it should.

[From the Tulsa Tribune, Nov. 17, 1967]

TWO CHEERS

We offer two hearty cheers on the news that Tulsa has been chosen by Uncle Sam to become one of 63 "model cities."

This is good news. It reflects great credit on the scores of Tulsa citizens who helped prepare Tulsa's application. And it means that Tulsa now has a great opportunity to tackle comprehensively the problems on the northside of this city—and to do so before they grow to the dimensions that have choked the larger cities of the U.S.

We reserve the third cheer, for a couple of reasons:

First, it should be plainly understood that the award announced yesterday is simply a "planning grant." The bulldozers are not going to move in tomorrow. As a matter of fact, making a model city is not so much a matter of bulldozers as of building the quality of life. That implies the whole range of social, educational, health and rehabilitational effort, of which new bricks and mortar represent only a part. The effort will come progressively, as Congress finds the money.

Second, we reserve the third cheer to see how this effort works out. The model cities program has vast potential not only for good but also for great bureaucratic confusion and blighted hope.

If this program is to prove its worth in Tulsa, the coordinated efforts of a great many people from all parts of the city will be needed. We hope that effort is forthcoming, because it is vital.

OKLAHOMA TRADES COUNCIL SEEKS TO ENLIST DISADVANTAGED YOUTH IN APPRENTICE PROGRAMS

Mr. HARRIS. Mr. President, recently I learned that the Southwestern Oklahoma Building & Construction Trades Council of the AFL–CIO has entered into a contract with the U.S. Department of Labor to actively seek out minority youth and assist them toward admission to apprentice programs in Oklahoma. I congratulate the council and L. P. Williams, business manager, for this very progressive and greatly needed undertaking. I am pleased that J. J. Caldwell, former secretary of the Oklahoma State AFL–CIO, and Cecil Williams, State director of NAACP, will be director and codirector of the project. Their dedication and insights will, I am confident, make this a successful program.

Believing that other Members of the Senate will want to know of this outstanding project, Mr. President, I ask unanimous consent that a copy of a press release dated November 16, 1967, outlining the details of the contract, be printed in the RECORD at this point.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[Press release]

OKLAHOMA CITY, November 16, 1967.—Southwestern Oklahoma Building and Construction Trades Council of the AFL–CIO today signed a contract with the Federal Department of Labor (Bureau of Apprentice Training) to actively seek out qualified minority youth and assist them towards admittance to apprentice programs in Oklahoma. This contract signing at a special meeting of the advisory council of the Apprentice Information for Disadvantaged Youth (AID) climaxes four months of work by the Southwestern Trades Council headed by L. P. Williams. The contract will be for one year and will amount to more than $41,000. The Southwestern Trades Council represents 52 trade unions in the southwestern part of Oklahoma covering 55 counties.

The program will give aid to those young men who have fulfilled certain basic educational requirements, high school or equivalent, who have been unable to find satisfactory employment in the building trades industry. The youths will be instructed in job dustry. The youths will be instructed in job application, dress, attitude and indoctrination in fundamentals of apprenticeship training on the job.

The director of the AID project is Jess Caldwell, former secretary of Oklahoma State AFL–CIO with Cecil Williams, state director of the NAACP serving as co-director.

The Equal Employment Opportunity Commission has been very active in the preparation of the project, giving excellent co-operation in all phases of development. They have done everything possible to bring about the establishment of the program in Oklahoma City.

The project will help to develop apprenticeship job openings within the construction industry and will promote the employment of more apprentices. The Council will recruit and offer support to minority youths so they may fill the apprenticeship openings.

During the past year all apprenticeship programs have been revised and their standards brought in accord with the new nondiscrimination laws established nationally. Qualified minorities who have applied and have been accepted into current programs show that many barriers have been hurdled to the minority individual. However, current figures indicate that not enough minority individuals are seeking entry into apprentice programs and they are not able to take advantage of the new opportunities. This project will actively search for qualified applicants for the various building and construction trades apprentice programs.

In addition to seeking out the individuals, the program will aid and assist those selected individuals in staying in the apprenticeship programs once they are selected.

The AID Council is made up of a broad cross-section of community leaders, representing minority groups, employers, unions, schools and joint apprenticeship committees and government.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRANCIS CARDINAL SPELLMAN

Mr. DODD. Mr. President, the death of Francis Cardinal Spellman has saddened the world.

The passing of this great priest of God weighs heavily upon us and leaves us with a sense of real loss.

Cardinal Spellman fought vigorously

for the many causes in which he believed, and believed fervently.

He was a determined man, a man of the highest ideals, but perhaps to an even greater degree, he was a man of generosity and of charity.

He was a great shepherd of the Archdiocese of New York. In his almost 30 years at the helm of this archdiocese he raised it out of its debt-ridden condition and developed it into the splendid and flourishing archdiocese that it is today.

Cardinal Spellman was a man of international standing whose advice was carefully regarded and whose character and ability were respected by political and spiritual leaders the world over.

It will be difficult for any of us to forget his many Christmas trips to visit our fighting men in Korea and more recently in Vietnam. It was characteristic of the Cardinal to ignore his own comfort and health and personal safety in order to be of service to others. The men he visited in these war-torn countries will surely never forget him.

He was a great Christian and a great American.

His memory will remain a source of inspiration for all of us.

Edwin Markham's description of the death of Abraham Lincoln seems particularly appropriate here.

And when he fell in whirlwind, he went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

DEVALUATION OF POUND NO BASIS FOR U.S. TAX HIKE

Mr. PROXMIRE. Mr. President, there has been some tendency by both the administration and some newspaper commentators to overreact to the British devaluation. This is not to say that the British devaluation should not have been a warning to us and have been the basis for deepening our concern about the soundness of the dollar.

But it was never a sound basis for deflating the American economy or even passing the President's tax increase.

The Milwaukee Journal, in a balanced and thoughtful editorial, recently put the devaluation problem and the tax increase proposal in about the right perspective.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No Rush on Tax Boost

Congressional jitters caused by British devaluation and the gold rush abroad gave President Johnson a chance to revive his 10% surtax proposal—but only briefly. The house ways and means committee, after two days of hearings, buried the bill for this session.

For the good of the free world as well as the nation, warned administration spokesmen, a display of fiscal discipline was needed to defend the dollar against the weakening effect of inflation. They offered a compromise plan linking a tax increase with sweeping spending cuts—something tax holdouts in congress have demanded.

However, there was a tendency to overdramatize the crisis and oversell the cure. Doubtless the dollar, linchpin of world trade, is under new strain. Because we have spent and lent more money abroad than we have earned, we have a chronic balance of payments deficit that nibbles at confidence in the dollar. The Vietnam war has resulted in an especially heavy outflow of dollars. Now a new surge of domestic inflation threatens to make our exports less competitive; this could worsen the deficit and further harm trust. However, it is vital to keep one point clear. The Yankee dollar, unlike the battered British pound, is backed by a fundamentally robust economy. We need to narrow our payments deficit, but to imply that we are close to stumbling over the devaluation cliff is nonsense.

As for the surtax, it is true that inflation must be controlled and that many economists think higher taxes and lower spending can maintain economic growth without excessive price increases. Yet, while the economic data seem to be favoring the president, there is a respectable body of opinion that fears a tax boost would either (1) stagnate the economy or (2) intensify inflation by driving up costs and, eventually, prices.

Thus, there was good reason to hold hearings in the house on the compromise tax plan and consider expert testimony. However, the international monetary crisis is not so acute and the domestic economic evidence is not so clear that swift action is imperative. There is still time to ponder.

SENATOR MONDALE CONGRATULATES THE NATIONAL GRANGE ON ITS 100TH BIRTHDAY

Mr. MONDALE. Mr. President, 1967, marks the 100th anniversary of our Nation's oldest farm organization, the National Grange. I desire to express my personal good wishes and congratulations to all members of the Grange, in Minnesota and throughout the Nation, on this happy centennial occasion.

Organized during one of the most difficult and trying periods of American history, the Grange has distinguished itself over the years by encouraging self-reliance and self-discipline. Ever since its founding a century ago, the Grange has proposed and supported policies which have contributed a large measure of the progress we enjoy today in agricultural productivity and technology as well as in the quality of life in rural America.

Two factors, in my judgment, are responsible for the continued popularity of the organization and for its widespread influence. The first of these is the composition of the organization itself—predominantly family farm operators who have made and are making a strong, determined fight for the movement and the maintenance of family-sized farming enterprises. The second is the organization's emphasis on self-reliance.

The challenges facing our rural communities are as great today as they have been during the past 100 years. Rural America is undergoing a dramatic transformation. Its population, traditionally thought of as largely farm people, is now nearly four-fifths nonfarm. It is estimated that by 1980 only one rural resident in seven or eight may live on a farm.

Unless we can expand jobs along with other opportunities for good living in rural areas, the heavy exodus from the countryside in recent years will continue unabated. It is imperative that our Nation undertake the kind of planning that will provide opportunities for our citizens to become productive in whatever environment they may find themselves.

Now as in years past the Grange continues to strive for agricultural and rural programs which will make it possible for rural residents and farmers to share more fully and equitably in our overall national prosperity. The dedication of the Grange to the difficult task of building a better rural America during the last 100 years offers considerable assurance, I believe, that we may count in the future on the availability of the leadership which is required to deal effectively with deep-rooted problems.

CHURCH STUDY FINDS STRIKES ESSENTIAL TO BARGAINING, JUSTICE

Mr. WILLIAMS of New Jersey. Mr. President, a panel of distinguished educators, clergymen, and mediators named by the National Council of Churches recently issued a report on a 2-year study of labor-management relations. This report reaffirms the right of workers to strike and questions both the justice and effectiveness of compulsory arbitration. As a member of the Subcommittee on Labor of the Committee on Labor and Public Welfare, I am extremely cognizant of the dangers of curtailing the right to strike and of compulsory arbitration. In fact, just this year we had a case in point involving the railway labor dispute. I opposed at that time, and still oppose, compulsory arbitration. The findings of this panel further substantiate and buttress my own conclusions.

Since there is widespread interest in these issues in both public and private debate, I ask unanimous consent that excerpts of the panel's report which were published in the AFL–CIO News be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Dignity and Equity: Church Study Finds Strikes Essential To Bargaining, Justice

(Excerpted from "The Right to Strike and the General Welfare," a study document prepared by a special committee appointed by the Committee on the Church and Economic Life, Division of Christian Life and Mission, National Council of Churches. The Study is not an official statement of attitudes or policies of the National Council of Churches)

Unless and until effective substitute measures for achieving justice and freedom are provided, the right to strike must be recognized as essential. Without the right to strike (or its effective equivalent), the worker is not equal in bargaining power, and collective bargaining becomes a sham where all the power is on the employer's side of the table.

Those who would curtail or eliminate the right to strike must first supply an adequate and effective substitute, an alternative which makes the parties essentially equal in bargaining power and which preserves and protects the freedom of the bargaining process.

The individual who is a slave has little or no influence over the conditions of his employment. He is deprived of the freedom to leave a job and seek other employment no matter how intolerable the conditions. One of the first rights a free society guarantees to its citizens is that of quitting a job and seeking other employment.

For certain individuals working within the large organizations of an industrialized society this simple freedom to quit is sufficient. Highly trained persons such as engineers, technicians, managers, tool-and-die makers may be endowed by their skills with effective bargaining power over against their employers.

For most workers, however, the simple freedom to quit does not ordinarily provide effective bargaining power vis-à-vis the employer. The economic power in the hands of management is formidable: the power to pay wages and the power to cease paying wages by laying off or firing.

Only if workers have economic power of somewhat the same order of magnitude—namely the power collectively to withhold their labor from their employer and thus to bring his operation to a standstill—can management be compelled to listen seriously to its employes at the bargaining table.

Looked at in a somewhat different light, the right to strike is simply the right of any person entering into a contract to decline to sell until he has an agreeable contract with the buyer as to the terms under which he will sell. In a contract negotiation, the workers are acting collectively to seek a satisfactory agreement with management defining the terms under which they will sell their time and labor. Until a mutually satisfactory contract has been agreed upon the workers are under no obligation to contribute their labor, and have the right to uphold it.

It should further be noted that the right to strike has historically been one of the first casualties wherever totalitarian political regimes have come to power.

In sum, the right of collective bargaining, with its ultimate weapon of the strike, has proved to be a significant means of achieving social justice for workers. By placing in the hands of workers sufficient power to counterbalance the power of management, collective bargaining has made possible three basic achievements:

A measure of equity for workers in the economic benefits of production;

Enhancement of the freedom and dignity of workers through protection against arbitrary procedures and exploitation on the part of management;

The expansion of democracy into the economic order through giving workers a voice in some of the policies and decisions of the company, particularly those which most directly affect their lives.

Strikes can be the medium through which significant social advances are introduced into society. For example, a forty-day strike in the steel industry in 1949 resulted in an agreement which included a noncontributory pension plan for workers. Since that time such pension plans have been widely adopted throughout the economy and have proved to be of great value for the nation. They have provided increased security and dignity to countless older citizens, and have strengthened the entire economy by contributing to stable purchasing power.

A common public reaction is to lay the blame for every strike at the doorstep of the union, since it is the union that actually takes the decisive action calling a strike into being. But it should be kept in mind that for every union decision to strike there has been a prior management decision to say "No" to union demands. All too frequently the management decision is not reviewed as critically by the public as is the union decision to strike in assessing the blame for any particular work stoppage.

MAYOR THEODORE McKELDIN: A GREAT MARYLANDER, A GREAT AMERICAN

Mr. TYDINGS. Mr. President, this week ends the career of one of Maryland's and America's truly great public servants. Theodore McKeldin, of Baltimore, twice mayor of Baltimore and twice Governor of the State of Maryland.

A confidant of Presidents, a dynamic and vigorous leader, fiercely devoted to the cause of individual freedom and the disadvantaged, Ted McKeldin's record as a Maryland public servant extends over nearly three decades. He four times achieved the nearly incredible feat of election to Maryland's top offices as a Republican in a State which is 3 to 1 Democratic.

I have considered it a pleasure and an honor to work with Mayor McKeldin for the city of Baltimore. The Baltimore Sun of Sunday, November 24, published an article about the mayor, entitled "He Sings at Breakfast," which describes some facets of the man and his career. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

He Sings at Breakfast—Outgoing Mayor McKeldin: An Enigma in a Homburg

(By James D. Dilts)

"Three thousand East Baltimore street, Brother Pulley," said the most popular Republican vote getter the State of Maryland has ever produced. "Baltimore and Potomah, Baltimore and PoTOmah," he said, savoring the pronunciation. Then the onetime boy orator from South Baltimore who rose to become Mayor in the Forties, Governor for two terms in the Fifties and Mayor again in the Sixties, dug down in his brief case and pulled out the day's schedule. And as he rode through the early-morning streets of the city on one of his last trips as Mayor, Theodore Roosevelt McKeldin began to read.

"Ten o'clock, the Board of Estimates. Twelve noon, present an honorary citizen's certificate. . . . I'm busier now than I ever was. Ask Pulley. On Saturday I addressed a convention of the blind. It's a difficult group to talk to, the blind. What do you say to the blind?" The Mayor leaned back in the seat and wondered aloud what you say to the blind.

" 'I was unhappy when I saw a man who had no shoes until I saw a man who had no feet'; he intoned, eyes raised. Abruptly they fell. "Would I see a man who had no feet? And would it make me happy? It seems to me it would depress me. That's the trouble with those cliches—they sound all right at first."

"He gave a great speech yesterday. The Five Nations. He was in real good shape. Ever since he got back from Vietnam he's been goin'," said James Pulley, the Mayor's chauffeur, after he drove up in the Cadillac limousine and parked in front of the Mayor's house at 7:30 A.M. "His honor's not up yet. I can tell," Pulley announced expertly as he made a survey of the front of the house.

McKeldin is the third mayor Pulley has worked for in his sixteen years as a city chauffeur. "Don't put my name in," he said, "I like to stay in the background of politics. It used to be fun—I didn't think a job could be so easy—now it's work."

Except on mornings like this when the Mayor had an early appointment, Pulley leaves the Mayor's house at 103 Goodale road in Homeland between 8 and 8.30 to arrive at City Hall at 9. Occasionally the Mayor enlivens the trip with a speech. "Yeah, sometimes I hear 'em before anybody else does," said Pulley in a manner that left some doubt as to whether he considered it one of the benefits of the job.

"The five nations," the Mayor was saying. "I gave that speech at Forest Park High School. The five nations—uh," he said, warming up his vocal chords in earnest and beginning to round off the final consonants with that Lawrence Welk flourish.

"Collaboration. The ability to work together. Your friends will be my friends. Determination. It's no use to make friends if you can't see it through." He told his Robert the Bruce story: "Six times he tried and failed and the seventh time he succeeded. Resignation," he continued. "You can't sell 'em all. Resignation—uh. Imagination. The one that separates the sheep from the goats. Painters. I line up about five of 'em. An average man, he sees a can of paint and a brush, that's all he sees. Imagination. And coronation. You've finally made it.

"I've given that speech so many times I don't know it any more. I used to do a lot of high schools. I caught 'em young when they didn't know any better—then they'd vote for me later on."

The car pulled up and the Mayor got out in front of a funeral home. The son of a city employee, a Marine killed in action in Vietnam, was to be buried that morning. The Mayor went in, knelt by the side of the casket and came back out to stand on the corner.

The Mayor went back in for the service and when he returned he was visibly subdued. "Twenty years of age," he said. "Gunshot wound. That's a senseless war we're in. I hope the President finds some way to get out of that mess. Brother Pulley, let's go over to my house."

Pulley drove to the old Friends Meeting House on Fayette street which is being restored under McKeldin's auspices. The Mayor jumped out and accosted several Negro workers who were mixing plaster in front of the building. "Good morning, Mayor," they said.

"Work fast, my brothers, work hard," cried the Mayor. "Finish this job before I get out of office." (The Mayor addresses Negroes and Jews almost invariably as "my brother.") After a fast look inside at the half-completed restoration of what he said was the oldest church building in the city, he confronted them again. "You know in Europe the workers who built the cathedrals had to go to mass and confession to prove they were holy." The plaster mixing stopped momentarily. "I know you're holy." Backslap, ribjab, smiles, renewed mixing. "Okay, Mayor."

Back downtown, the Mayor headed for the hotel diagonally across the street from City Hall for some breakfast. He ordered, brushed off a favor seeker with "Speak to one of my secretaries," and as he sat down at the table to await his plate of eggs and toast, sang a chorus of "All Through the Night."

"Who's that singing?" demanded a waitress, peering over the counter. "Oh," she said.

"For a long time I figured Teddy McKeldin for nothing but a clown—well, confound it, he is," said Gerald W. Johnson, a former Sunpapers editorial writer, one of the editors of the New Republic and a onetime McKeldin speech writer. "But underneath he's sincere in trying to establish better race relations in Baltimore. He's been at it for 30 years and the results showed up this summer. So his great achievement is purely negative. This was a target city. Well, they didn't realize what a fire extinguisher McKeldin is.

"There's no doubt in my mind that his influence on the State has been extremely salutary. McKeldin has a good record as governor. But he's been handicapped, or helped, as governor and as mayor, by a legislative body of the opposition party. So whatever he gets through, he gets double credit for.

"He's a practical idealist. Philosophically, he's an eclectic. If he sees an idea, he uses it, he doesn't care where it comes from. That's what made him exasperating to old-style conservative politicians.

"Of course there's been great bitterness in the Republican party because McKeldin has never tried to build it up. The only thing he could do is win an election occasionally. He couldn't build up the party if they didn't get in back of him and they never have. If a man proves he can win, Maryland Repub-

licans drop him instantly. But since I've been in Maryland—40 years—they have never had a figure of his size."

He first came to the attention of Maryland Republicans exactly 40 years ago the Mayor said after the Board of Estimates meeting as he sat in his City Hall office with its leather settees, huge mirrors and ornate chandeliers. (Its florintine Nineteenth Century style was described by a City Hall reporter as "Victorian brothel.")

McKeldin had decided he wanted to campaign for William F. Broening, a Republican candidate for mayor in 1927. "I went down to see them at City Hall. I told them I wanted to make some speeches, you know, speak in halls. They said, 'You have to have a reputation to speak in halls. You can have the back of a truck.'

"Well, I went out and got on the truck. It was painted red, white and blue. They said 'Who are you?' I said I wanted to speak for Broening, Bell and Tome. The man pointed across the street. There was a garbage truck over there. He said, 'You can go on that.' You see, you had to be known in those days.

"Anyway I stayed on the truck and we went down to Fayette street. A guy came up with a trumpet and blew it. About eight or nine people gathered around, and I started my speech. I did all right."

Broening was elected and made McKeldin his executive secretary. "I learned more from that man than from any other man on earth," said the Mayor.

The Broening experience, in fact, may have given McKeldin his prime political appeal, one that has enabled him to win as a Republican in a heavily Democratic state and in a city where registered Democrats outnumber Republicans five to one: don't run against a young "fresh" Democrat. If you're unexpectedly faced with one, make sure there's a fight in the Democratic ranks. There usually is anyway, a situation McKeldin has used to his advantage almost since he first started running in 1939.

"He has minority appeal. He puts together a weird combination of poor Negroes and wealthy whites. His strength among voters is the fact that he's always been able to stand as a liberal Republican against machine politicians," said Robert Loevy, who covered City Hall as a reporter and is now assistant professor of political science at Goucher College. Dr. Loevy, who predicted McKeldin's win in 1963, examined in his doctoral dissertation the effects of Democratic factionalism on several McKeldin campaigns.

He writes: "In 1927, William F. Broening elected himself the first GOP mayor of Baltimore since 1895 by uniting the descendants of 'Sonny' Mahon against Kellyite candidate Willie Curran. (Mahon and Frank Kelly were rival Democratic bosses in the Twenties.) In 1943, McKeldin reenacted Broening's victory by getting Jack Pollack (the near-legendary Democratic boss of Baltimore's Fourth district) on his side in a showdown battle with incumbent Mayor Howard Jackson."

McKeldin won by 20,000 votes, the biggest majority ever given a Republican in Baltimore. He won again seven years later in the race for governor running against William Preston Lane and the sales tax. He received 94,000 votes, the biggest majority ever given a gubernatorial candidate of either party up to then. "I was not elected, Mr. Lane was defeated and Mr. Lane was not defeated, the sales tax was defeated," said the Mayor. (Once in office, McKeldin not only didn't repeal the sales tax, as he'd said he would during the campaign, but increased it to 3 per cent. "I made a mistake, originally," he said later.)

In 1954, running against the former president of the University of Maryland, Dr. H. C. Byrd, McKeldin was reelected. The issue was school integration; McKeldin was in favor of a moderate but progressive integration program. He won by 60,000 votes.

Altogether, McKeldin has run eight times and won four. He's only missed two races, that for mayor in 1947 and the one for Governor in 1962. He explained, "I was defeated for governor in 1946 and I was in no mood to run for mayor in 1947." Of 1962, the Mayor said simply, "It was not my turn."

The following year, however, it was. Yet his last race which, he says, was also his toughest (he won by just 4,600 votes) seems to contradict the theory. McKeldin's opponent four years ago was Philip Goodman, a young non-incumbent and for once the Democrats presented a solidly united front.

But McKeldin's practiced eye spotted cracks in the facade. "Some of the people who were for Phil in the faction, I could sense weren't enthusiastically for Phil. So I got some assurances that I would get support from them. Quietly. And I got that support. I don't want to identify them."

Despite his talent for winning, the Mayor's relationship with the State Republican party, especially the conservative wing, has remained almost as chilly as the reception he got in 1927 when he went to City Hall to offer his services as a speech maker. In 1964, he left the Republicans altogether in a dispute with the Goldwater segment and endorsed Johnson.

Why, then, is he a Republican? The Mayor's voice rose sonorously. "I'm a Republican because my grandfather was, who came from Scotland and saw people enslaved because they had faces that were not his color. He enlisted in the Union Army, was killed at the battle of the Monocacy in Frederick county, Maryland, fighting under General Lew Wallace of Ben Hur fame out of Indiana, and is buried at Antietam. That made my father a Republican and I'm his son and it made me a Republican.

"I remember making that statement in a forum in a big synagogue in Worcester, Mass., and they laughed. They said is that a good enough reason to be a Republican because your grandfather and your father were? I said if I were not so closely identified with Jewish causes I wouldn't give you this answer because it might be misunderstood. But I said it is as good as the answer your fathers gave when they were slaves in Babylon and the book says they stood by the waters of Babylon and cried out 'If I shall forget the old Jerusalem, let my right hand lose her cunning.' And if I should forget the sacrifices my fathers made for me, may mine also lose her cunning."

To what effect has McKeldin used his office? Some observers feel the high point of his career was his first term as governor when he overhauled antiquated budgetary procedures and continued Governor Lane's program of road and facilities construction. And in 1952, he became a national figure when he nominated Eisenhower at the Republican National Convention. He fulfilled speaking engagements all over the country, many of them to sell bonds for Israel. (He still travels to foreign countries regularly; his last trip abroad was to Vietnam in September as one of the election judges.)

Yet a number of people feel that this term as mayor, especially this summer when he helped stop the city from burning, probably equals anything that went before. This summer may, in fact, turn out to have been his crowning achievement.

He got a crash job program started and vowed to visit all 28 Community Action Agency neighborhood centers in an effort to cool things off. He did. On the way the Mayor promised to renew his efforts to get funds for a city-wide war on rats and to back a bill whereby rent would be placed in escrow until landlords made repairs. (He has already backed the busing of school children from the ghetto to better schools throughout the city.) C.O.R.E.'s Floyd McKissick, for one, at Newark's black power conference, credited Baltimore's open-minded political leaders for their part in preventing a Newark-style rebellion here.

"He kept his cool beautifully," said *Peter Marudas. Marudas is a former Evening Sun reporter who several months ago became the Mayor's administrative assistant.*

"My impression is the Mayor has to deal with the overview and the major problems. He doesn't have time to get involved with the details. Even if he chose to be obsessed with administration, he couldn't do it. In the 1940's the city's budget was $76,000,000. Now it's over $400,000,000. Take civil rights. Who was even making promises in the Forties? Now you have to have a task force."

"My first term was nothing compared to this," Mayor McKeldin was saying. "I just had a chief engineer, a water engineer, a highway engineer, a comparatively small welfare department. The chief engineer used to run the whole department of public works for me and the city solicitor, Simon Sobeloff, he ran all the other departments. (Judge Sobeloff, an old friend of the Mayor's, was appointed United States solicitor general in the Fifties by then President Eisenhower upon McKeldin's recommendation; he is now a United States Circuit Court judge.)

But now the thing is so complicated, with the money that we get from Washington and the State and so many investigations and inquiries. People talk to me about bills I never heard of that have been introduced. It's not possible to be on top of the job now. We've got two or three people here and a corporation of about $500,000,000.

"The Mayor's office is completely inadequate to cope with what's going on. The management of the great municipalities is more complicated and more distressing than ever. I think it's a greater challenge to be mayor than to be governor. So far as the challenge is concerned it's equally as great, I think, to be mayor as it is to be President. Here's where the masses are, here's where the uneducated are coming in. Here's where you have the marches and the riots. And properly so in my opinion if people are not given the necessities of life."

The Mayor has gotten a number of programs which reflect his progressive philosophy through the Democratic City Council: the rent supplement and self-help housing programs and the reorganization of the public works department were some of the more controversial ones.

In early 1964, at the beginning of his term, he made a unique appearance before the Council to urge the enactment of a civil rights program. The Council passed it although the open housing section was deleted and the public accommodations provision was narrowed. Twice since then McKeldin has introduced open housing legislation; twice the City Council has defeated it.

"He has a peculiar mode of operation as a Mayor," said Tommy D'Alesandro, president of the City Council. "I've watched other mayors—Jackson, my father, Grady. He'll originate legislation and pass it up to us and take a hands-off attitude. I don't think dealing with the Council is one of his strong points."

My record with the Council is excellent," the Mayor continued. "You can only do what's possible in this business. On open housing we tried to bribe—legitimately bribe with jobs—and we couldn't get it through. Nobody has been more involved with the City Council than I have—that's where Mr. Adelson comes in."

M. William Adelson, a Phi Beta Kappa graduate from Washington and Lee and valedictorian of his law school class at Duke, has been associated with the Mayor since the Thirties. He is McKeldin's "backroom man."

("They love each other, they hate each other," says a close observer. "McKeldin plays the noble leader responsive to the wishes of the people. Bill Adelson leads the shock forces on the front line. Whatever needs to be done down in the nitty-gritty of politics, he'll work out the problems. He has the intellect and force to deal with the system. McKeldin could not exist without men who can come to grips with the system. His answer is 'See Bill.' ")

"He was my political adviser at Annapolis," said the Mayor. "You have to have somebody handle the details of things. You can't expect people to do favors for you or vote for something they don't particularly want if you're not going to take care of some of the people in their precincts who need jobs.

"And while I was Mayor he would talk with the members of the City Council and they would talk with him. I'm not much on patronage—it's not my field—whether you should give this one a job or that one a job. He would give me some recommendation," said the Mayor.

"I don't advise the Mayor on anything," said Bill Adelson. "I've told people I have neither the time nor the money to be involved in political affairs. I talk to him on occasion about things here and there that are of interest to city government. My interest isn't politics but people. What jobs? You know I wrote the open housing ordinance the Mayor introduced in 1963. Then we started counting votes. I was asked to participate in a meeting with the various councilmen to try to reconcile their differences. The meeting started at 8 A.M. at my house and lasted until 2 or 3 the next morning. I had as many as twenty people sitting in on the discussion. The thing bogged down with the councilmen in the Third district. You've got certain districts; they'd never vote for it. They could burn down City Hall, they'd never vote for it.

"People have the impression when we open the door in the morning there's a bucket of money out there. Well, I open the door every morning," sighed Adelson, puffing a cloud of cigar smoke at the ceiling, "and you know something—I've never seen one of those buckets."

The Mayor, a large figure in a gray topcoat and a wide-brimmed homburg, moved up the steps of City Hall and as he passed swiftly down the hall toward his office, a man fell in step beside him. He was carrying a small plaque to which a tiny rack of antlers had been attached with a couple of screws. "Hello, Max," said the Mayor.

As they reached the door, Max said something to the effect that "Now they say I have to let colored in my place." The Mayor fumbled for his key and something to say. Max presented his plaque. "I love you, Mr. Mayor," he said.

"Max is from Romania," said the Mayor.

He went inside. He put the plaque on top of a cabinet that held other plaques and photographs and the accumulated debris of four years in office. "Max loves me," said the Mayor to his secretary as he passed into his office.

"My enthusiasm has waned. There are a number of things. One is his disregard for economy. He's setting a poor example in his own office. The expenses have doubled in three years, while in my office I've been removing employees that weren't needed," said Hyman Pressman, city comptroller.

"Secondly, I'm disappointed in the many acts of favoritism in giving out engineering consultant contracts without competitive bidding. I wanted a review board to process consultants in the field and make recommendations. The best I could get was a board to approve recommendations. It accomplished little.

"The third element that disturbs me is that he threw obstacles in my path in the many efforts I made not only in economy but for the better working of city government. It became obvious to me that he would oppose my ideas just because I proposed them.

It was early afternoon and the Mayor was conferring with his department heads prior to a meeting with the Carroll county commissioners who, they knew, were going to ask to take 3,000,000 gallons of water a day from a city reservoir. The city officials agreed they could afford to sell that amount of water but if the request went up to 10,000,000 gallons next year, it would cut into the city's supply. They decided to give the commissioners what they wanted.

The commissioners filed in. "How many?" said the Mayor, cutting short the preliminaries.

"Mr. Mayor," said the spokesman, "we'd like to take about 3,000,000 gallons out of that little old reservoir up there."

"Man, you want to empty that thing, don't you," exclaimed the Mayor, rearing back in his chair in mock alarm.

There followed a technical discussion of pumping capacities between the county engineer and Bernard L. Werner, the city's director of public works. After some more pleasantries, the Mayor said, "Let us study the proposal," and the commissioners left.

"Bernie," said the Mayor when they'd gone, "I was afraid you were going to give everything away."

"Whaddaya mean," said Werner, "there wasn't any problem."

"I know, but I didn't want them to know that."

"The militants came in this summer and said they wanted jobs," said John Woodruff, city hall reporter for The Sun.

"The Mayor said, 'Give me a couple of weeks.'

"They said, 'We need these jobs now.'

"He said, 'How many?'

" 'Two hundred and fifty,' they said.

" 'I'll have 350 tomorrow morning. Get the people in here.'

"He's smart. He gave them the opportunity to pound the desk. He knew he had the jobs. They've had unskilled city jobs they haven't been able to fill in years. They haven't had to run to get that many people. They didn't have time to riot.

"Somebody said on one of these visits to the neighborhood poverty centers he ought to go into an acting career when he gets out of office. I said, 'What do you think he's concluding?' "

The last of the poverty tours started in front of City Hall in mid afternoon, the Mayor's limousine leading a caravan of cars of newsmen and representatives of city departments. In the library of the first center, in a public housing project, the Mayor told the story of how he went to work at 14 after finishing grammar school but later attended night school and finally got a law degree from the University of Maryland. Persevere he was saying and you can rise to the top.

At the second center, also in a project, a group of women representing the resident councils said they wanted a crossing light, a littered alley cleaned, more police protection. The department representatives took the information down.

At the third center, on East Baltimore street, a man standing out on the sidewalk watched the procession enter and said "I didn't look for the Mayor to be down here." Inside a woman was saying, "I live in Lafayette-Douglas Homes. Why can't I get a larger refrigerator? They say you can't unless you have eleven children."

"Why don't you?" said the Mayor.

"Well, if I could support eleven children I wouldn't be in public housing," the woman stammered.

"Don't you believe in family planning?" someone asked the Mayor.

"No," he said. "If I did I wouldn't be here. I was number ten."

The Mayor, who was born November 20, 1900, was the tenth of eleven children of a Scotch-Irish stonemason and policeman, an immigrant from Belfast. His mother came from Germany. The lack of a high school education prevented him from becoming a preacher, his first ambition. (He is a Methodist but attends the Episcopal church.) But along with his night school courses he took some public speaking lessons from Dale Carnegie who was then touring the country. McKeldin later taught the course himself. When he was 24 he married the former Honolulu Claire Manzer. They have a son, Theodore R. McKeldin, Jr., an assistant United States attorney and a daughter, Clara Ziegler, both of whom are married. There are two grandchildren.

"Why aren't you running?" a man wanted to know.

"I'm 67," McKeldin said, "and the Democrat who's running against me, Tommy, is 39. And I was just convinced that 67 could not beat 39. I profited by that myself. In 1943 when I ran against Howard Jackson, I was 41 and he was 60 some. He'd been Mayor for 16 years. So they didn't vote for me they voted against Howard Jackson to give a young man a chance. It worked well in my favor and it would work well against me. I just couldn't win. I didn't want to end my career with a smashing defeat. And if I were defeated it might be seen as the defeat of my championing of minority groups and that would be bad for us."

Something else that might have affected the Mayor's decision was lack of campaign money.

("Democracy is the most dangerous form of government," the Mayor had said, then explained cryptically, "people run out on you, things can change overnight.")

Most people seem to feel he's run his last race and the experts are ready to retire him to a number of careers. Gerald Johnson thinks he would make an excellent executive for the inner harbor project. Professor Loevy at Goucher believes he would be an effective Ambassador to Israel ("provided they got a good second-in-command to run the office"). Others feel he will take the job of good-will ambassador for the Port of Baltimore. President Johnson has considered him for four positions, all of which the Mayor has turned down because he says he doesn't want to leave Baltimore.

"Swan song? Maybe your premise is wrong. So long as he has life in his body he will always be a candidate—consciously or unconsciously," said Samuel A. Culotta, a special assistant to McKeldin during his first term as Governor.

"I think this summer put a terrific strain on him. I'd like to see him take a rest for six months. He gets revived. Then I'll bet he'll want to go for the Senate."

"He's still a very restless soul," said old friend Simon Sobeloff.

DRUG HEARINGS

Mr. DODD. Mr. President, during the past month, Dr. James L. Goddard, Commissioner of the Food and Drug Administration, has become the subject of a national controversy with regard to Federal Government policy on the burgeoning problem of the use of marihuana.

I submit that it is not Dr. Goddard who should be the storm center of this unfortunate controversy. It is the Congress of the United States.

It is Congress which has the grave responsibility of enacting, and reexamining, and recodifying, and updating the laws of this land.

As a result of the fact that Congress has neglected to appreciate the obsolescence of existent laws concerning marihuana, this controversy has been permitted to develop.

Dr. Goddard has become the storm center of this controversy only because, like other administrative and judicial officials, he has been compelled, by congressional inaction, to search for a course of administrative controls which only the Congress can provide.

More than 2 years ago, I tried to alert Senators to the necessity, even then, of recodifying and updating the marihuana laws. But there was no response.

As a consequence, a vacuum was created into which moved college professors and even students who sought to fill that vacuum by the establishment of their own "code" of conduct. This, in turn, soon filtered down from university campuses to high school playgrounds where marihuana smoking became accepted as the "not-so-bad 'in-thing' to do."

The alarming increase in the usage of marihuana by even younger people has been compounded by the alarming increase in rationalization therefore by adults who should know better, especially such so-called thought leaders as college professors and secondary school teachers.

Incredibly enough, some of these very same "thought leaders" justify that which, at first seems to be their strange attitude of permissiveness toward drug use by the young with widely publicized boasts that they, themselves, have used these drugs for a great number of years.

It is, therefore no great wonder that, today, the Nation is confronted with such facts as these:

Marihuana used by an increasing number of young people of all social-economic levels of the national society.

Arrests of juvenile marihuana users in California up 181 percent during the first half of 1967.

Marihuana used by a reportedly large percentage of soldiers, sailors, and marines serving in Vietnam.

If we had no more facts than these three—though, indeed, we have many more—would these not be sufficient to move the Congress from the very inertia which has contributed to the creation of these same facts?

I, for one, do not intend to permit the continuation of this inertia and the intensification of these tragic facts and their resultant cost to the national health and welfare.

As chairman of the Senate Subcommittee on Juvenile Delinquency, I have scheduled hearings for early next year for the purpose of developing a badly needed new legislative policy toward Federal control of dangerous drugs.

Quite naturally, we shall take testimony on the three startling facts which I have set forth, and on myriad facts equally startling. In order, however, to attempt to understand the awful enigma of the teenage drug user we shall search for answers to the following questions:

What are the long and the short range medical effects of drug use?

How do young people become drug users?

To what extent do criminal conviction and penal sentence serve as an antidote for drug abuse?

Should there be strict penalties for LSD possession?

Which Federal agency is best equipped to cope with the marihuana problem?

Mr. President, if to anyone, these questions were not in themselves a dramatic indication of the necessity for full inquiry, I would call the attention of such a person to the following fact:

We are now in the simply absurd position wherein a young person can face a prison sentence of up to 40 years for conviction of possession or sale of marihuana. Yet, for the possession of the infinitely more harmful drug, LSD, a young person cannot even be arrested.

Quite obviously, justice and commonsense demand that the Congress move. I intend that the Congress shall begin to do so with our forthcoming hearings.

INTERAGENCY COOPERATION AIDS LOW-INCOME IN WISCONSIN

Mr. PROXMIRE. Mr. President, there are many examples of State and Federal agency cooperative programs to help low-income people to live better. I invite attention to one in Racine County, Wis., which, in my opinion, is unusually successful. It is yielding the kind of lasting results envisioned by Members of this body as we have approved funds for low-income programs.

This program in Racine County is being operated by the Cooperative Extension Service of the U.S. Department of Agriculture and the Department of Public Health. It is a two-phase training program for mothers receiving aid to dependent children.

During the first year, 107 women were graduated from the first phase. Ten of them have found employment and are off welfare rolls. Forty are enrolled in training designed to develop skills which will lead to employment as nurses' aides, clerical aides, institutional cooks, and productive machine operators. Sixty-seven are continuing in a series of classes organized around clothing selection and construction, cooking low-cost meals, child development, consumer education, and self-development.

All the women have learned new respect for donated foods. Twenty-five percent had not used the foods prior to the classes and are now taking advantage of them to feed their families better. Twenty percent of the women who had been buying nearly all their baked goods are baking at home, using donated foods.

Twenty-five learned to make clothing for their families and nearly all have been able to buy a sewing machine. The buying of sewing machines probably resulted from what the women learned about money management in the classes. Prior to the classes, one-fourth of the women did not keep any type of spending record.

This is just one of many programs the Federal Extension Service is cooperating in or conducting to meet the specialized needs of low-income people in my State of Wisconsin and throughout the country.

THE NEW ECONOMICS

Mr. MONDALE. Mr. President, recently, a most perceptive memorandum by Mr. William Biggs came to my attention.

Mr. Biggs is a former chairman of the board of the Bank of New York and is presently chairman of the investment research department of that bank. He is one of the most respected bankers and economists in the field of finance today. He has served in recent years as chairman of the board of the Brookings Institute. What he has to say regarding the "new economics" is most incisive.

In view of the great interest in fiscal matters now evident in Congress and the country, I ask unanimous consent that the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

GONE WITH THE WIND?

(By William R. Biggs, the Bank of New York investment research department, October 16, 1967)

Perhaps one of the most discouraging elements in the present situation is the fact that the New Economics, which was launched with such hope in the early 60's, and had such success for a number of years, is in such mortal danger. This danger arises from the willingness of politicians and the people to accept fiscal expansion measures, such as tax cuts, in times when the economy and its growth are lagging, and their unwillingness to approve measures of restraint when such action is obviously called for to prevent overheating of the economy and inflationary price rises. In this connection it should be noted that a recently reported Harris poll gave the following statistical summary of what the public is willing to support:

MEASURES TO CURB INFLATION

	Favor	Oppose	Not sure
Pass 10-percent surcharge on taxes (percent)	15	78	7
Reinstate tight money	20	56	24
Pass small tax rise	21	67	12
Put in system of price-wage controls	43	38	19
Reduce Federal spending	73	12	15

Source: From the Washington Post, Oct. 16, 1967.

NEW ECONOMICS CONCEPTS

	Agree	Disagree	Not sure
Tax cuts can give people more money to spend thus maintaining prosperity in slow times (percent)	59	23	18
Through spending, changing interest rates and taxation the Government can stabilize the economy	49	19	32
A little continuing inflation is a cheap price to pay to maintain prosperity and full employment	49	24	27
One way to control inflation is to cut down consumer spending by raising taxes	22	59	19

Source: From the Washington Post, Oct. 16, 1967.

In view of the public's attitude it is not hard to understand why the Administration and Congress are reluctant to implement the New Economics on the restrictive side. Who was it that said, "A people get the government they deserve"?

Price and wage controls are unlikely to be adopted before election since their popularity is usually restricted to the period before they are adopted!! However, selective credit and capital controls designed to reduce the flow of capital in some directions, (such as for export, for securities, or for takeovers) and increase it in others, (such as for building) might even be expected.

Everybody is in favor of reduced government spending as long as they are not personally hurt by the reduction. Desirable as a substantial cut would be, most of the talk about it in Washington is quite hypocritical. Non-political, well informed observers believe that a "real" cut of $2 to $3 billion on an annual basis is the very most that could be practically realized because of built-in programs, fixed commitments, vested interests and political sacred cows. Then comes the question, from what level is the cut being made? For instance, after the House increased the pay raise to Federal employees over the amount suggested by the Administration, its Appropriation Committee now approves a cut in the number of employees—and calls it a spending cut.

It should be recognized that even if the Administration's tax bill should be passed, there still would not be evidence that the political and implementation side of the New Economics can have practical application. A basic principle of the New Economics is that the Federal budget (national income accounts) should generally be in balance at a time of high employment (or in surplus at a time of overheating). Instead of that we have the highest deficit in the history of this budget. The following quotation from the September Review of the Federal Reserve Bank of St. Louis is pertinent:

"The high-employment budget, a measure of the impact of fiscal actions, showed about an $8 billion deficit in the year ending mid-1967, compared with a near balance in the corresponding period a year earlier. The high-employment budget, which adjusts the national income accounts budget for the effect of varying economic activity on tax receipts and on unemployment insurance disbursements, had shown an average surplus of about $11 billion from 1960 to mid-1965."

"The proposed 10 per cent surcharge, when effective, would reduce the deficit in the high-employment budget by about a $10 billion annual rate. The stimulus from budget actions would then be dampened, but assuming probable increases in spending, deficits of about $5 billion in the high-employment budget might still be expected in early 1968. This would be less expansionary than in the first half of 1967, but about $13 billion more stimulative than in 1963 through 1965."

As things stand at the moment, it certainly looks as if, not only will there be no increase in taxes applicable to the 1967 calendar year, and no significant cuts in 1968 fiscal year spending, but that any tax bill finally adopted will raise substantially less money than requested by the President (which amount, in itself, was obviously quite inadequate to correct the deficit). It might be well to stress at this time, however, the first few words of the last sentence which were "as things stand now". The importance of having some amount of higher taxes effective in 1967 and early in 1968 was so great that the elimination of this possibility, in itself, could bring about the credit problems which it was hoped a tax bill would make easier of solution. Thus it is possible that the severity of the credit problems *could* bring a change of heart on the tax bill in the Congress.

Earlier memoranda this year have stressed the fact that a capital shortage—and especially a fixed interest capital shortage—in the Western World was a very serious *long-term* possibility because of the pressure on prices of a high rate of growth and full employment policies, plus the tremendous capital requirements of the new technology. No one expected, however, that a crisis would come so soon and it need not have come so soon had there been greater and more prompt fiscal action.

In view of the possibility that there may have been some over-borrowing by industry this year, because of the 1966 experience, there may be some hope of a temporary slow-down in capital demands once a tax bill is passed and some sense of balance is restored. However, recent experience in the movement of wages and prices, the expansion in the money supply, and the size of the Federal deficit at a time of high employment are all elements causing the anxiety that the rate of inflation (as measured by the GNP price deflator) may rise to 4% or above. This compares with an inflation rate of 1½ to 2% in the first five years of this decade, and a rise of less then 3% since the beginning of 1965.

A rise in the rate of inflation would put all the more pressure on the capital markets through increasing the need for capital and, as far as the fixed interest capital market is concerned, reducing the attractiveness of bonds to all types of investors.

It is obvious that for some time our economy has been forced to do too much too quickly without our being willing to pay for it. Now it would appear as if we are coming close to the time when we shall have to make some choices as to what we are going to do and face up to, and pay, the cost. Either we will consciously make this choice or the choice will be made for us by the price mechanism of inflation.

Not only the "New Economics" but the soundness of our economy and our currency will be in peril if our politicians and the public are only willing to use the tools of expansion and never face up to the necessity of using measures of restraint when overheating and inflation are the obvious threats. An increasing and high rate of inflation, would be a seriously adverse development bringing, as it would, new problems for our cities, our capital markets, our balance of payments and our economy as a whole. Finally, if a real crisis and credit shortage develops in the next few months, the well-founded expectations for a strong economy throughout 1968 might also be "Gone with the Wind".

CONGRATULATIONS TO STATION KATZ, ST. LOUIS, MO.

Mr. LONG of Missouri. Mr. President, daily in the Senate we grapple with some of the most urgent problems facing our Nation. I know every Senator agrees that our answers to these problems could never work without the dedication and cooperation of private enterprise.

I am proud to report to the Senate today about a Missouri radio station which is doing a tremendous job of helping the citizens of St. Louis. In doing so, this station is assurance to every Senator that our work for more jobs, better education, and adequate housing is being supported on the local level.

Radio station KATZ is today a part of our Nation's answer to unemployment. Five times a day, 5 days a week, KATZ broadcasts job opportunities for local citizens. They started the ball rolling by sending a thousand letters to St. Louis area firms inviting them to report on job openings. These job openings are broadcast free of charge. Station Manager Mark Olds wrote me recently, reporting:

> The response has been very gratifying, and we have a growing file of letters from companies that have fulfilled their job needs via the KATZ Job Opportunities Program. We intend to keep this needed service indefinitely.

On November 4, this year, KATZ was honored with a special award from the St. Louis Association of Colored Women's Clubs. At the meeting attended by over 1,200 women, a citation was read commending KATZ for the seventh year of the KATZ educational assistance fund. This fund, which is supported entirely by KATZ and runs into thousands of dollars each year, has enabled hundreds of children to attend school.

In addition, money has been made available to help hundreds of St. Louis area youngsters to attend summer camp each year. Feeling that education ranks with employment as a fundamental need of the Negro community, KATZ is continuing its efforts with these youngsters. In 1968 KATZ will open a new drive in the field of housing, another vital need in our low-income communities.

Mr. President, I know I speak for many Senators here today when I extend our sincere congratulations to radio station KATZ and its fine staff for the excellent service they are performing for their listening audience. KATZ is an example of private enterprise, concerned and dedicated to working for the citizens.

The citizens of St. Louis are fortunate. The Nation is fortunate that members of our broadcast industry are investing their talents and skills to the betterment of mankind.

THE BIG THICKET STORY, TOLD BY PRESIDENT OF THICKETEERS, DEMPSIE HENLEY, TRAVELS ACROSS TEXAS

Mr. YARBOROUGH. Mr. President, recently a new book appeared, written about the Big Thicket in Texas, by one of this day's most outstanding Thicketeers, Mayor Dempsie Henley, of Liberty, Tex., president of the Big Thicket Association. Professing himself to be "no writer," Mayor Henley gives his story so much life and feeling, through his own deep attachment to the Thicket, that the words are forgotten and the story emerges once one starts reading. For this is an engrossing and exciting book, written about the fight to save one of our country's unique areas, in the face of powerful opposition, and just as powerful indifference.

Mayor Henley has won my lasting esteem for his work. In my contact with him, working to pass the Big Thicket National Park bill, S. 4, now pending in the Senate, I have come to have great respect for his abilities. Now he appears in a new role, writing his first book, a tale as interesting as it is true. His success is marked in the words of a recent reviewer, Associated Press writer Robert E. Ford, in the Amarillo News-Globe, that "Henley is a superb storyteller."

In this feature article, Mr. Ford notes:

> It would seem at first glance that everyone could subscribe to the belief that the nation should preserve segments of its wilderness heritage when it is as exotic as the Big Thicket. But not so.

This is the astonishing fact which encounters conservationists and conservationist legislators every day, but one which never ceases to amaze me. It is one which is well portrayed in Mayor

Henley's "The Big Thicket Story," which I recommend to all.

Mr. President, I ask unanimous consent that the review entitled "Big Thicket Lore," published in the Amarillo News-Globe of November 26, 1967, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Big Thicket Lore

(By Robert E. Ford)

(The Big Thicket Story, By Dempsie Henley (Texian Press, $6.95).)

The Big Thicket of East Texas is a mysterious place. Many hair raising stories are told about it but perhaps the best were known only to a few and carefully kept secret.

It is a vast area of ancient, gigantic trees, impenetrable shubbery and dangerous terrain. It contains extensive wildlife, some the last of its kind.

It is inhabited in the interior by families who grub out an existence with difficulty but without complaint. And at times it has been the refuge of rough and lawless characters.

Once the Big Thicket was composed of 3.5 million acres. Now it is only 300,000 acres and a great many persons believe it is time to halt the creeping destruction and preserve it as a wilderness area.

One of these is Dempsie Henley, mayor of Lufkin and president of the Big Thicket Association. He is the author of a new book, "The Big Thicket Story."

It would seem at first glance that everyone could subscribe to the belief that the nation should preserve segments of its wilderness heritage when it as exotic as the Big Thicket.

But not so. And one of the most fascinating elements of the book is the fight the association still is waging to preserve all the thicket it can until the state and federal governments can step in and protect the area.

The opposition, Henley recounts comes from certain timber interests, developers, oil and pipeline companies, some individual owners of small acreage and even the Soil and Conservation Service.

Some of this opposition seems almost accidental in the normal pursuit of a company's business. But there have been instances of pretty obvious bad dealing. And deliberate sabotage has been found, such as the careful poisoning of a 1,000-year-old magnolia and the killing of one or two known flocks of rare birds.

Henley is a superb story teller. He gets his story across without belaboring the subject. And mingled with the day-to-day reports of efforts to preserve the wilderness are legendary stories about the thicket and the people who inhabit it.

The association is sympathetic to the businesses which have an interest in the thicket. And it is obvious that no government or association will purchase 300,000 acres of valuable timber and leave it idle.

Thus the association is seeking to preserve five portions of the thicket in what Henley calls a "string of pearls" concept. This would give future generations a picture of what the Big Thicket once was. A headquarters area would form a sixth part.

One of these areas would be the Alabama-Coushatta Indian Reservation, close to Henley's heart for he is chairman of the Texas Commission for Indian Affairs. Tourist trade would help the Indians and help in preservation, for the Indians have destroyed none of their reservation.

But the association's efforts are a race for time. Henley says the Big Thicket is disappearing a rate of 50 acres daily.

PRESIDENT'S QUICK MOVES AVERT FIGHTING IN CYPRUS

Mr. LONG of Missouri. Mr. President, not enough can be said in praise of President Johnson's prompt actions which led to a peaceful course in the Cyprus dispute.

By quickly dispatching to the scene Cyrus R. Vance, the President sent one of our Nation's most brilliant public servants who served the cause of peace with courage and determination.

As the St. Louis Globe-Democrat said in an editorial:

> It was a tough, grueling assignment but Mr. Vance performed magnificently.

I think we would all agree on this assessment. For it was no easy task to convince the Greeks, Cypriots, and Turks that the only peaceful course lay in removing troops from this troubled island.

The settlement of this dispute is a major accomplishment of the Johnson administration. President Johnson and Cyrus Vance have brought the Nation great credit. Their accomplishmest should be a matter of pride shared by all Americans.

I ask unanimous consent that the excellent editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Well Done, Mr. Vance

United States special envoy Cyrus R. Vance's marathon mediation of the Greece-Turkey war threat over Cyprus brought himself and his country great credit.

Vance, who was sent to the crisis scene early by President Johnson, carried the brunt of the tense, ominous situation.

At one time Turkey was on the brink of sending an invasion armada against Cyprus. Had this occurred and the two NATO partners, Greece and Turkey, become involved in a full-scale war, it might have written finis to NATO which already is badly shattered by President De Gaulle's pullout.

But trouble shooter Vance convinced the Greeks and the Cypriots, as well as the Turks, that the only peaceful course lay in removing troops from Cyprus. It was a tough, grueling assignment but Mr. Vance performed magnificently.

AMBASSADOR JOHN A. GRONOUSKI: PRESIDENT JOHNSON'S BRIDGE BUILDER IN POLAND

Mr. PROXMIRE. Mr. President, when the history of the Johnson administration is written, I am confident that the President will receive high marks for the quality of men and women he has appointed to fill the key jobs in the executive branch.

One such man is John A. Gronouski, President Johnson's envoy to Poland. A Ph. D. in economics, a former Wisconsin State Tax Commissioner, and U.S. Postmaster General, Ambassador Gronouski was sent to Warsaw 2 years ago to implement the President's historic bridge building program between the United States and the nations of Eastern Europe.

As the Milwaukee Journal pointed out recently, Mr. Gronouski has been remarkably effective—not only as our envoy to Poland, but as our principal point of contact with Red China.

> He has a solid background in politics—

The paper notes—

> great energy, toughness and adaptability.

I ask unanimous consent that the Journal's excellent news feature on Ambassador Gronouski be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Milwaukee Journal, Nov. 29, 1967]

Gronouski Welds China Link

(By John N. Reddin)

Warsaw, Poland.—When John A. Gronouski sits at the big wooden table in the old hunting lodge called Myslewiski and looks across the identical table facing him at Wang Kuwo-chuan, the Communist Chinese ambassador to Poland, it is almost as it used to be when he faced the Wisconsin senate finance committee or sat with the president's cabinet in the White House.

Gronouski, the United States ambassador to Poland, hasn't changed his habits. He tamps at, repeatedly lights and puffs at his pipe. Ashes have a way of falling down his coat front. Only protocol keeps him from putting his feet on the table itself.

He never misses a word said. He is never lost for a direct and pragmatic answer. In diplomacy, as in state and national government, he always does his homework.

HAS CHINESE CONTACT

At the moment, Gronouski is one of the few western officials who talks more or less regularly to the Chinese about world issues instead of trading insults and ideological nonsense.

He is the latest American spokesman in a colloquy that has gone on since 1954—for four years in Geneva and since then in Poland.

Myslewiski is in beautiful Lassienki park in Warsaw, long a haunt of lovers, strollers and people walking children and dogs. In a chestnut woods, the Polish government provides the facilities for the meetings, complete with mineral water, tea and biscuits. That and police protection outside.

Inside at the two big tables are only four men from each side—the ambassadors and an interpreter, secretary and adviser for each.

What do they talk about? Neither will say. One of the natural rules is that no agenda will be announced and no disclosure of the discussions made.

That rule was broken only once by the Chinese because of what both sides later agreed, for protocol reasons if no other, was a misunderstanding.

What purpose does it all serve? Basically, Gronouski says it enables each country to tell the other in plain, unmistakable words what its current position is on mutual problems. It is important, Gronouski feels, not just to hear the statement of the Chinese, but to get a feel of the "nuances."

SELDOM GETS ANGRY

Inevitably there are arguments, though fewer now than in the past because polemics don't interest Gronouski much. He doesn't believe in showing anger unless there is no alternative.

It has been some months since there has been a meeting. Ambassador Wang is in Peking.

Unlike state and federal government meetings Gronouski has taken part in, the meetings with the Chinese, he says, aren't "very buddy-buddy." The ambassadors don't bother to shake hands when they meet or leave. They often exchange a few remarks—"chit-chat," Gronouski calls it—before and after meeting. But there is little personal in it. And there is no socializing.

"I would enjoy a drink or dinner with the ambassador to try to get to know him better," Gronouski says, "But so far, that hasn't been possible."

What is Wang like? Gronouski has described him this way:

"He is a very articulate man who gives the impression of hewing closely to his instructions. He is also quite formal, perhaps in keeping with Chinese traditions or custom. But, in any event, we haven't developed a buddy system."

Has anything ever come from their discussions? Gronouski says that in the early days they resulted in the freeing of some American prisoners in the hands of the Chinese as a result of the Korean war.

CHANNELS OPEN

And now? "Well," Gronouski says, "it is mainly that our two governments are talking to each other at a high level—my adviser, for instance, comes in here from Washington a day or so before any meeting. We work together. I know what our government thinks and wants to say and I say it. The presumption is that Ambassador Wang does the same thing.

"So we are getting the points across to each other that our respective governments think important. That in itself is of great value. And nobody can guess when there might be an important breakthrough of one sort or another—the important thing is to keep the channels open."

Gronouski refuses to discuss it, but some time ago in Washington it was admitted that early this year he played the major role in Vietnam discussions instituted through the Polish government and ended after the resumption of American bombing last spring.

HAS SOLID BACKGROUND

There is hope here that such discussions might be reinstituted in time. Gronouski is in a unique position. He has a solid background in politics, great energy, toughness and adaptability.

His educational background includes graduate studies in international finance and government. He may lack formal diplomatic experience, but diplomats here, American and foreign, praise his warmth, his down to earth approach and his eagerness to talk about anything to anybody.

"He is a man I can talk to, and with whom I enjoy spending an evening," an Egyptian diplomat, whose country has no diplomatic relations with the United States now, said. "He is a great human being."

PRAISED BY AIDE

"I never served under a man like this before—so informal, so considerate, so blunt and pragmatic," an American aide said. "It's refreshing, and it keeps us on our toes."

One of Gronouski's great advantages is that he doesn't have to follow strict diplomatic protocol because his lines to Washington, and even to the White House, are direct. His experience in government has taught him how to use them to the best advantage.

Day to day, of course, Gronouski is concerned with Polish-American relations and works hard at it. His Polish improves constantly, as do his contacts.

He is a frequent visitor to other east European nations, serving as a sort of roving ambassador to learn from colleagues. He is a strong advocate of President Johnson's program to "build bridges" through trade.

CONCERNED OVER CHINA

But now, with six meetings with the Chinese under his belt, he keeps coming back to that problem. He said:

"It is terribly important that the United States have some contact, some linkage with Communist China. It is important to have a channel to express our own point of view and hear their point of view.

"Our meetings are a forum where we can pry into each other's positions. If either says something of importance it can be pursued—or either side can catch the other up if need be. Both sides have a place to talk. Somewhere along the line something may happen in face to face discussion that could break the dam—could lead someplace."

Everyone, including Communist diplomats, keeps asking Gronouski what the Chinese are saying. But, says Gronouski, pulling on his pipe, "it's confidential."

FEDERAL LAND BANK GOLDEN ANNIVERSARY MEDAL CITATION TO SENATOR HOLLAND

Mr. JORDAN of North Carolina. Mr. President, last year Congress passed Senate Joint Resolution 153, now Public Law 89–679, authorizing the Secretary of the Treasury to furnish the Federal land bank system medals with suitable emblems, devices and inscriptions commemorating the 50th anniversary of the establishment of the Federal land bank system, initially established to enable the American farmer to obtain capital for productive purposes, at low rates and for long terms on the security of his farm.

Mr. President, on December 5, 1967, Federal Land Bank officials presented the distinguished senior Senator from Florida, SPESSARD L. HOLLAND, with one of these medals for his contribution to the progress of the citrus industry in Florida and to agriculture throughout the Nation. Appropriately, two Floridians, Mr. Lorin T. Bice, of Haines City, Fla., vice chairman of the Federal Farm Credit Board; and Mr. J. R. Graves, of Wabasso, Fla., director at large of the Farm Credit Banks, of Columbia, S.C., were among the officials presenting the award.

Mr. President, I shall not endeavor to enumerate the accomplishments of the able Senator in the betterment of the agriculture community, a vital segment of the American economy. We are all well aware of them. Suffice it to say that as a result of his efforts the agriculture community has continued to improve and there is no doubt that its interests will continue to be protected in the Committee on Agriculture and Forestry, of which he is the ranking member, and in the Committee on Appropriations where he is chairman of the Subcommittee on Agriculture Appropriations.

Mr. President, I ask unanimous consent that the citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

FEDERAL LAND BANK GOLDEN ANNIVERSARY MEDAL CITATION TO SENATOR SPESSARD LINDSEY HOLLAND

The Honorable Spessard L. Holland, United States Senator from Florida, has contributed much to the progress of the citrus industry of Florida and to agriculture throughout the nation.

A native of Bartow, Florida, the Senator holds many degrees both earned and honorary, from many institutions of higher learning which recognize his many accomplishments. His early career included distinguished service as an Army officer in World War I, teaching and as an attorney which provided the excellent background for his many years of most fruitful public service.

As a judge, member of the Florida State Senate, and as Governor of the State of Florida, Senator Holland rendered outstanding service to all of the people of that great state.

Since 1946, Senator Holland has served for 21 years with distinction as United States Senator from Florida. He holds membership on many important Senate committees including Agriculture and Forestry, Aeronautical and Space Sciences, Appropriations, and the joint Senate-House Committee on Reduction of Nonessential Federal Expenditures.

Through his knowledge, understanding and leadership, as a member of the Senate and the various Senate committees, Senator Holland has rendered a particularly outstanding contribution to the progress of American Agriculture.

The twelve Federal Land Banks of the nation take pleasure in recognizing these splendid contributions to the progress of American Agriculture and present their 50th Anniversary National Medal, struck by the United States Mint, as directed by Congress, to a great leader, loyal friend, and supporter—Senator Spessard Lindsey Holland.

LAS VEGAS: SPORTS AND CONVENTION CENTER

Mr. CANNON. Mr. President, Las Vegas, the fastest growing city in the United States, is being recognized throughout the Nation as the sports and convention capital of the country.

Both of these features were underscored recently at the Sahara Invitational Golf Tournament, which has firmly established itself as one of the major sports attractions in the United States.

This year's tournament, hosted by the Sahara Hotel and coordinated by John Romero, was seen by millions in a national telecast by Sports Network, Inc.

An outstanding feature of the telecast was a special introduction on the final day outlining the growth of Las Vegas as a convention center.

The millions of viewers saw not only the famous Las Vegas Strip—3 miles of luxurious resort hotels, almost all of which have excellent convention facilities—but the magnificent Las Vegas Convention Center whose facilities attracted 235 conventions during 1966. Viewers also saw that efforts to attract conventions is never-ending in Las Vegas. In this connection, the network noted that the largest resort hotel convention facility in the United States presently is under construction.

Las Vegas is host to more than 20 million guests each year because of its entertainment, year-round sports, perpetual sunshine, excellent transportation, and convention attractions. There is no doubt that Las Vegas' sports events and convention facilities, like the growth of the city, will remain No. 1.

NATION OFFERS TRIBUTE TO JOHN NANCE GARNER

Mr. YARBOROUGH. Mr. President, the people of Texas knew and loved John Nance Garner for 98 years, and it was a great loss for the whole State when this great man died on November 7, 1967. He should have lived a century, and more. He is the kind of man who comes along so seldom that we want to keep him around for a long, long time.

In the few weeks since his death, Texans, indeed, all Americans, have been trying to put into words what John Nance Garner meant to them and to the Nation which he served so long and so well. I have collected some of these tributes.

To these tributes, I add: No man ever doubted that he had a friend in John Nance Garner, if Garner liked him. And no man ever doubted that he had a worthy opponent in John Nance Garner, if Garner was against him. He was a great source of encouragement to me in some of my most difficult campaigns, and his portrait, which hangs in my Austin, Tex., office remains a source of encouragement. I treasured his friendship. Although his death came just shy of his 100th birthday, he had become a legend in his own time, and will not soon be forgotten by any of us.

Yesterday, Mr. President, I recommended to Postmaster General Lawrence O'Brien that a special postage stamp be issued on November 22, 1968, the centennial of John Nance Garner's birth, to honor John Nance Garner.

Mr. President, I ask unanimous consent that the following articles of tribute to John Nance Garner be inserted at this point in the Record: "Uvalde Neighbors Mourn Garner," Dallas Times Herald, November 8, 1967; "'Cactus Jack' Garner Is Dead," Dallas Morning News, November 8, 1967; "'Cactus Jack' Dead at 98," Amarillo Daily News, November 8, 1967; "Created Own District," San Antonio Light, November 8, 1967; "No Lace on Tongue," San Antonio Light, November 8, 1967; "Garner Knocked V–P Job," Dallas Morning News, November 8, 1967; "Ex-Official Didn't Object To Name 'Old Man Garner'," Dallas Morning News, November 8, 1967; "Garner Came West To Die, But Lived," and "Ex-Vice-President Noted for His Colorful Speech," Dallas Morning News, November 8, 1967; "Tributes To Garner Paid in Washington," Dallas Morning News, November 8, 1967; "Garner Created District for Self," and "Time John L. Lost Temper Recalled," Dallas Morning News, November 8, 1967; "Crusty Cactus Jack Gets Final Tribute," Houston Chronicle, November 9, 1967; "John N. Garner," editorial from the San Antonio Light, November 8, 1967; "John N. Garner," editorial from the Dallas Times Herald; "Cactus Jack Won't Be Duplicated," editorial from the Houston Chronicle, November 8, 1967; "John Nance Garner," editorial from the Dallas Morning News, November 9, 1967; "Requiem for an Old-Time Democrat Who Helped Father a 'Radical' Idea," editorial from the Independent of Anderson, S.C., November 10, 1967; "'Cactus Jack' Robust Individualist," editorial from the Evening Star, Washington, D.C., November 16, 1967

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Dallas Times Herald, Nov. 8, 1967]

Uvalde Neighbors Mourn Garner

Uvalde, Tex.—Friends and neighbors paid last respects today to Former Vice President Nance Garner, who left Washington in 1941 swearing he would never cross the Potomac River again—and never did.

Garner died early Tuesday, just 15 days short of his 99th birthday.

"Cactus Jack," as he was known during most of his 46 years as an elected official in Austin and Washington, lay in state at a Uvalde funeral home. Simple services are set for Thursday afternoon.

Garner, with a bright red carnation in his coat lapel, lay in an open steel gray color casket of copper. In death his shaggy white eyebrows bristled as prominently as a quarter century ago when he became the only person to walk directly from one side of the nation's capitol as speaker of the House to the other side as vice president.

Hundreds who knew him as a Texas legislator, as a congressman for 30 years, and as vice president under Franklin D. Roosevelt from 1932 to 1940, sent condolences.

"Few have given so long a time and fewer still have used their years to such advantage." President Lyndon B. Johnson said in Washington.

"He enjoyed the respect of all Americans as the spokesman for the rugged and practical individualism that played such an important role in the building and growth of this nation," former President Harry S. Truman said at Independence, Mo.

Garner, who had been looking forward to his 99th birthday Nov. 22 and then to a 100th birthday, died quietly without apparent pain following a coronary occlusion.

"It was just old age," said Don Large, 24, who had been one of Garner's paid companions for almost four years. Large will be one of 10 pallbearers.

"He had a wonderful life. This was the best way to go, said Tully Garner, 71, his son.

[From the Dallas Morning News, Nov. 8, 1967]

"Cactus Jack" Garner Is Dead

(By Garth Jones)

Uvalde, Tex.—John Nance Garner, who rose from humble origins in rural Texas to the nation's highest power councils, died quietly and painlessly Tuesday. He was 98.

The former vice-president, who was fond of referring to himself as a "little old Democrat," came within one year and two weeks of his goal of living to be 100.

His last words were those of love for a friend.

Garner, widely known as "Cactus Jack," was vice-president for the first two terms of Franklin D. Roosevelt's administration. He broke with Roosevelt over the third-term issue and left Washington in 1941, vowing never to cross the Potomac River again. He never did.

Death came eight hours after a coronary occlusion in the bedroom of a frame house built for servants. He had lived in it since turning his big brick home into a museum memorializing his wife, Ettie, who died 20 years ago.

Beside his hospital-type bed were his doctor, Sterling Fly; his only child, Tully; a granddaughter, Mrs. John Curry of Amarillo, and, holding the dying man's hand, his paid companion, Don Large, 24, of Uvalde.

People in this town 50 miles from the Rio Grande in Southwest Texas were preparing for an annual celebration, the birthday Nov. 22 of the man they called Uvalde's No. 1 citizen. Now the stunned citizens are making plans for the funeral Thursday.

Tully, his son, said that a few days ago Garner had asked:

"After I'm 99, how many more months until I get to be 100?"

At his last birthday, he told assembled reporters and well-wishers: "When you're 98, you've got to be feeling either real good or real bad. I'm feeling real good. I've just got two years to go to make 100—it should be easy."

Born in a log cabin in Red River County, he studied for a year at Vanderbilt University—his ancestors were Tennesseans—returned to Texas, ran for Clarksville city attorney and lost. He moved to Uvalde, 500 miles to the southwest.

In his successful campaign for county judge, he met Miss Ettie Rheiner. She was his wife when he started the first of his two terms in the Texas Legislature in 1898.

The young lawmaker championed some remarkable losing causes. He introduced a bill to divide Texas into five states so as to give the area 10 senators.

And he earned his nickname by nominating the cactus bloom, not the bluebonnet, as the state flower.

He entered Congress in 1903 and stayed so popular in his district he was consistently re-elected without making a campaign speech for 25 years. He came to preside over both houses.

As minority leader, he told a biographer: "I began to try to free myself of all hatred and envy of my fellow man . . . to go to bed at night without a heart filled with such things."

Large, his companion, in a trembling voice, said an hour after Garner died: "This morning he told me he loved me. I reciprocated. He was the greatest."

The labor leader John L. Lewis called Garner a "labor-baiting, poker-playing, whiskey-drinking, evil old man."

Garner often described himself as "just a little old Democrat." Roosevelt called him "Mr. Common Sense."

Tuesday, former President Harry Truman called him "the spokesman for the rugged and practical individualism that played such an important role in the building and growth of the nation."

President Johnson also sent a statement of tribute, but his office said he probably could not attend the funeral services at 3 p.m. Thursday at Frazar Funeral Chapel here.

Garner was not a church member, but his son Tully is an Episcopalian. The rector of St. Philip's Episcopal Church, Rev. Romilly Timmins, will officiate at the funeral.

[From the Amarillo Daily News, Nov. 8, 1967]

"Cactus Jack" Dead at 98

Uvalde, Tex.—John Nance Garner, who rose from humble origins in rural Texas to the nation's highest power councils, died quietly and painlessly Tuesday. He was 98.

The former vice president, who was fond of referring to himself as a "little old Democrat," came within one year and two weeks of his goal of living to be 100.

His last words were those of love for a friend.

Garner, widely known as "Cactus Jack," was vice president for the first two terms of Franklin D. Roosevelt's administration. He broke with Roosevelt over the third term issue and left Washington in 1941, vowing never to cross the Potomac River again. He never did.

Death came eight hours after a coronary occlusion, in the bedroom of a frame house built for servants. He had lived in it since turning his big brick home into a museum memorializing his wife, Ettie, who died 20 years ago.

Beside his hospital-type bed were his doctor, Sterling Fly; his only child, Tully; a granddaughter, Mrs. John Curry of Amarillo; and, holding the dying man's hand, his paid companion, Don Large, 24, of Uvalde.

People in this town 50 miles from the Rio Grande in Southwest Texas were preparing for an annual celebration, the birthday Nov. 22 of the man they called Uvalde's No. 1 citizen. Now the stunned citizens are making plans for the funeral Thursday.

Tully, his son, said that a few days ago Garner had asked: "After I'm 99, how many more months until I get to be 100?"

At his last birthday, he told assembled reporters and wellwishers: "When you're 98, you've got to be feeling either real good or real bad. I'm feeling real good. I've just got two years to go to make 100—it should be easy."

Born in a log cabin in Red River County, he studied for a year at Vanderbilt University—his ancestors were Tennesseans—returned to Texas, ran for Clarksville city attorney and lost. He moved to Uvalde, 500 miles to the southwest.

In his successful campaign for county judge, he met Miss Ettie Rheiner. She was his wife when he started the first of his two terms in the Texas Legislature in 1898.

The young lawmaker championed some remarkable losing causes. He introduced a bill to divide Texas into five states so as to give the area 10 senators.

And he earned his nickname by nominating the cactus bloom, not the bluebonnet, as the state flower.

He entered Congress in 1903 and stayed so popular in his district he was consistently reelected without making a campaign speech for 52 years. He came to preside over both houses.

As minority leader, he told a biographer: "I began to try to free myself of all hatred and envy of my fellow men . . . to go to bed at night without a heart filled with such things."

Large, his companion, in a trembling voice, said an hour after Garner died: "This morning he told me he loved me. He reciprocated. He was the greatest."

The late labor leader John L. Lewis called Garner a "labor-baiting, poker-playing, whisky-drinking evil old man."

Garner often described himself as "just a little old Democrat." Roosevelt called him "Mr. Common Sense."

Tuesday, former President Harry S. Truman called him "the spokesman for the rugged and practical individualism that played such an important role in the building and growth of the nation."

President Johnson also sent a statement of tribute, but his office said he probably could not attend the funeral services at 3 p.m. at Frazar Funeral Chapel here.

Garner was not a church member but his son Tully is an Episcopalian. The rector of St. Philips Episcopal Church, Rev. Romilly Timmins, will officiate at the funeral.

[From the San Antonio Light, Nov. 8, 1967]

Hat Trademark—Created Own District

Austin.—John Nance Garner's stay in Austin was brief—but to the point.

He came as a representative from 1898 to 1902. In those four years he acquired two things to be identified with him all his life: A district which sent him again and again to Congress, and a type of hat that became an integral part of his personality.

The district was admittedly his own idea. The hat was his wife's idea. Noticing one day the unbecoming effect of a derby rocking on his ears, she went out and bought the young new legislator a new hat.

"This will look better than the other," she said quietly.

Garner discarded the derby and stuck to the soft felt variety ever after.

Early in Garner's life, the ambition to be a statesman was "burning upon him like the Texas sun on a prairie dog village."

He knew there was only one quick stepladder to big time politics in the nation's Capitol—that was a congressional district including his own county.

Cactus Jack knew what to do. He got himself elected to the legislature. For two years he laid low; then in 1900 he began to blossom out with his plan. The newly taken census helped him. He proceeded to carve out of the state a new district including Uvalde County. Then he went before the House. He showed them the census which indicated the population of Texas had increased to such an extent the state was entitled to more representatives.

In Congress, he frankly told them he had "created a district" for himself. He hoped they would stand by him.

The House listened, considered, and adjourned without taking any action. But that night Garner took action. He began the rounds of all hotel rooms and private homes. By morning he had 81 out of 131 members of the House pledged to his support and on the dotted line. His redistricting report was adopted.

The next thing was to win the Democratic nomination and get elected.

Garner was not the only man in the new 15th Texas District who had his heart set on going to Congress. J. Dibrell of Seguin, who had been a state senator several years, announced his candidacy alongside of Garner in the newspaper.

They began a tooth and toenail campaign. Where Garner went, also went Dibrell. They staged debates so heated that whole towns are reported to have shut up shop and turned out to listen.

"There was," reported one newspaper, "blood, hair and the ground tore up."

Garner proposed a remedy for the trust evil, took a stand against imperialism, declared for the irrigation of the Rio Grande Valley, denounced both the doctrine of free raw material and Republican reciprocity and endorsed the Panama Canal project.

His platform made him the hero of the hour. Dibrell withdrew as a candidate. Garner was nominated by acclamation.

He was on his way to Washington, backed by a district he had created by himself and which was his to "have and to hold."

[From the San Antonio Light, Nov. 8, 1967]

"Cactus Jack": No Lace on Tongue

(By James Marlow)

Washington.—John Nance Garner didn't wear lace on his tongue when he wanted to get to the point. But some people, who missed the point, wished he sounded more like Henry Wadsworth Longfellow than like Cactus Jack.

It was about 1934 and Garner, who died yesterday at 98, was vice president. I was a reporter then on a New Orleans newspaper. The night Garner arrived in town was a quiet one and it was late, around 10:30.

The city editor called me over and told me: "See what you can get out of Vice President Garner. He just got in from Washington. He's on his way home to Texas. He's probably over at the Texas and Pacific station."

SENT PHOTOGRAPHER

He sent a photographer along, too. We went to the T&P depot. There was a train getting ready to leave for Texas. The gateman was still letting a few straggling passengers through.

I asked him: "Did the vice president go through here yet?"

"How would I know?" the gateman said. "We got about 10 of them. I don't know one from the other."

"I didn't know there were that many," I said. "I must have been misinformed. I thought we only had one vice president."

The gateman said: "What vice president are you talking about?"

I said: "The vice president of the United States."

"Oh, I don't know," the gateman said. "He may have gone through. I don't know him. I thought you were talking about the T&P vice presidents. Go on through and go through the train and look for him."

NOT MUCH HOPE

The photographer and I got on the train. We didn't have much hope. The train was a long row of sleepers. And so far as I could see in that last car where we were all the berths were made up and all the curtains were drawn.

I told the photographer to go up front and start with the first car and work his way back. I told him to call out for the vice president and if he found him to come back and get me.

I started with the last car. With those curtains drawn, I didn't know whether anyone was still awake. It was the same in the second car, and in the third.

I walked through, calling out "Vice President Garner" and "Mr. Garner." No good in that last car. No good in the second. But halfway through the third a voice behind a curtain in a lower berth said, "Who wants him?"

It wasn't a gentle voice. It was kind of gritty. But I answered: "I do." The voice said: "Who are you?" I told him I was a newspaper reporter. The voice said: "Whaddya want?" I said: "I want to see you."

"ABOUT WHAT?"

The voice said: "About what?" I said: "Get some clothes on and come on out. I want to talk to you."

The vice president of the United States, whom I still hadn't seen, said: "Hell, no. I ain't agonna git out of bed for nobody."

That finished that. I found the photographer and we went back to the office.

I wrote the story, pretty much like this one, at least in the details about the conversation. I didn't think it was much of a story, except for that last part: "Hell, no, I ain't agonna git out of bed for nobody."

But the managing editor, who died a few years ago, thought that was no way to have a vice president talking. So he changed it and when the paper came out it had Garner saying:

"No, indeed, I am not going to get out of bed for anyone."

[From the Dallas Morning News, Nov. 8, 1967]

Garner Knocked V-P Job

(By Alden Whitman)

The homely spoken Texan who was the 32nd vice-president of the United States was never fully happy in the eight years he spent in that exalted office, from 1933 to 1941. More accustomed to the congressional committee room and the small gatherings of influential legislators, he frequently said that he was just "a spare tire of the government" in the first two terms of President Franklin D. Roosevelt's New Deal.

"Worse damfool mistake I ever made was letting myself be elected vice-president of the United States," he remarked after he had left office. "Should have stuck with my old chores as Speaker of the House. I gave up the second most important job in the government for one that didn't amount to a hill of beans."

Although Garner disparaged his job, he was nonetheless one of the most influential men on Capitol Hill in the first years of the New Deal. Having been in the House of Representatives since 1903 and a member of its powerful Ways and Means Committee for many years, he was practiced, as few legislators were, in the intricate and offstage business of getting bills through Congress.

As Presiding Officer of the Senate and as Roosevelt's designated "Mr. Common Sense," Garner put his unexcelled political knowledge to work in obtaining passage of New Deal legislation. He was more conservative than his President and he did not wholeheartedly approve of much of the legislation he promoted, yet personal friendship with Roosevelt (they played poker together) and party loyalty persuaded him to help gather the necessary votes and to direct legislative strategy.

However, after the election of 1936, Garner found himself increasingly out of joint with Roosevelt. Their political differences came to head over the president's controversial proposal for enlarging the Supreme Court to obtain judicial approval of New Deal statutes. The vice-president was against the plan, and although the two men remained on friendly terms after the proposal fell by the wayside for lack of congressional support, Garner was dropped from the circle of White House intimates and from the list of those who lunched with the President at his desk.

Although he became a millionaire from business interests in Texas, he lived simply and had a wide reputation as a tightwad, which he did nothing to dispel.

Apart from baseball, pecan-growing and farming (he raised fowl), Garner's chief avocation was poker. He was so adept at the game that his winnings in some sessions of Congress exceeded his pay of $10,000 a year.

A product of the rugged frontier, John Nance Garner was born Nov. 22, 1868, in a mud-chinked cabin near Detroit, Texas. His father, John Nance Garner 3D, had been a Confederate cavalry trooper who had migrated to Texas from Tennessee.

The boy's education was so sketchy that he had trouble keeping up with his classmates when he went to Vanderbilt University. Returning home, he read law with a lawer in Clarksville, was admitted to the bar at the age of 22, moved to Uvalde, near the Mexican border, and joined a law firm that eventually became Clark, Fuller & Garner.

When he acquired a newspaper, the Uvalde Leader, as part of a legal fee, he made his name known and was elected county judge of Uvalde County.

From county judge, Garner moved to the Texas Legislature, in 1898. And on to Congress in the election of 1902.

Over the years Garner formed friendships with men who exerted great influence in national affairs—Joseph T. Robinson of Arkansas, Carter Glass of Virginia, Sam Rayburn of Texas, George W. Norris of Nebraska, Andrew W. Volstead of Minnesota and William Randolph Hearst, the publisher.

Garner, a party stalwart except in international affairs (he did not want the United States to become entangled abroad), moved into the national spotlight in 1928, when he was elected House minority leader.

In December, 1931, the Republican majority had disappeared, owing to deaths, including that of Speaker Longworth, and Garner was elected speaker by three votes.

The following year, when Roosevelt was nominated for president on the fourth ballot for the first time, Garner was chosen as his running mate.

[From the Dallas Morning News, Nov. 8, 1967]

When He Was in 90's Ex-Official Didn't Object To Name "Old Man Garner"

(By Frank X. Tolbert)

One of the more endearing things I can say about my friend John Nance Garner, who died Tuesday, was that the former vice-president of the United States didn't object to being called "Old Man Garner" to his face. Not in recent years, anyway.

Garner was one of the natural wonders of this nation. Almost every time I was in Uvalde, most recently in August, I stopped to talk with this delightful man. And once when I was there I was startled when one of his servants referred to him as "Old Man Garner" in his presence, good-naturedly, of course.

I asked Garner why he tolerated this as we sat on his lawn in Uvalde, under the shade of great pecan trees, which shelter some of his favorite creatures, white-wing doves.

"I am Old Man Garner," he replied. "I'm in my 90s. So I can't take it ill when I am so addressed. I damned sure would have been sore a few years back, though, if someone called me Old Man Garner."

Long ago, the labor leader, John L. Lewis, described Speaker of the House Garner as a "labor-baiting, poker-playing, whiskey-drinking, evil old man."

"Old John L. was wrong on one count," Garner told me. "When he said that I was damned sure not an old man. I was only 70 or 71."

One of the most memorable of my visits to Garner's home was on a Saturday in July when he was nearing his 90th birthday and had not yet given up whiskey drinking. (Contrary to press service assertions, Garner did not give up smoking cigars at 90. He was puffing on strong, black Mexican cigars the last time I saw him this summer.)

Before the well-remembered visit when Garner was near to his 90th birthday, I knocked on the door of his small frame house. At first there was no answer. Then Garner bawled: "Come on in. The door ain't locked."

He was watching a baseball game on television between the Pittsburgh Pirates and the Dodgers. He recognized me and said:

"If you came to ask me questions about politics you picked the wrong day. This is my day to watch baseball on television. Sit down and keep quiet until the game is over. Saturday during baseball season is MY DAY. I don't do nothing but watch baseball and talk about it."

Garner was in a rocking chair about 6 feet from the television set. His belt buckle was loosened and he had comfortable congressional gaiters on his feet. He was wearing khaki shirt and breeches and a printer-style eyeshade was above his frosty, flowing eyebrows.

He was puffing a black cigar. There were several other cigars in reserve on a table by his chair. His Latin housekeeper was cooking something which smelled like enchiladas.

He became impatient when I was slow in taking a chair.

"Sit! I'm interested in this now. The Pirates are in town (he meant they were at bat). We can talk when they change sides."

Garner was getting a bad reception (this was before Uvalde got a TV cable) of the baseball game. A Dodger pitcher named Don Drysdale was in double exposure and it looked as if there were a light snowfall in Pittsburgh on that July afternoon.

I said: "Mr. Garner, would you like for me to tune your set and try to get rid of some of that snow and the double exposures?"

"That's good enough picture for me," he replied. "Mess with it if you must, but you durned sure better not make me miss out on any of this."

I decided to leave the television set strictly alone.

At the end of an inning I commented on the decor of the room, which included some interesting bottles of 20-year-old bourbon.

Mr. Garner caught the hint about the whiskey.

"Ain't that time," he said. "Besides, you came in a car, didn't you. Can't serve no whiskey to car drivers."

He saved a lot of whiskey with that rule.

I stayed by the television set with the happy old man for a few more innings. When I left, pitcher Drysdale was back on the mound in double exposure and snow seemed to be falling gently on the Pittsburgh diamond.

One of Garner's favorite endeavors was kissing women who came to visit him on the lawn of his Uvalde home.

Once when I was sitting in the sun with him a bevy of young girls approached. And the old man snuffed out the cigar he was smoking, wrapped the stub in a handkerchief and stored it in the upper pocket of his coat.

After the girls had been kissed and chatted a while with Garner and had left, he removed the cigar stub from his pocket and found that what was left of the cigar had been crushed.

"Damn it! That's what I get for playing kissing bug," he said.

[From the Dallas Morning News, Nov. 8, 1967]

Many "Blows for Liberty"—Garner Came West To Die, but Lived

(Editor's Note.—Clarence J. La Roche, a veteran San Antonio News reporter, became friends with John Nance Garner in 20 years of covering the former vice-president. La Roche visited Garner several times each year and the two spent many hours "striking blows for liberty" together.)

(By Clarence J. La Roche)

Uvalde, Tex.—John Nance Garner came west to die, but it was three quarters of a century before he did.

He was born in Blossom Prairie, Red River County, in North Texas, Nov. 22, 1868, and 24 years later was told by a doctor he had tuberculosis and to head for the dry country.

"I came here Jan. 9, 1893, with $125 in my pocket, to die," Garner remembered in later years.

He didn't die. He thrived, and his devotion to the country that returned him to health also was responsible for a nickname that remained with him throughout his life and dripped with western flavor—Cactus Jack.

"The only paper I sent up while in the Texas Legislature," he once told a reporter, "contained my suggestion of a state flower.

"Everyone was making a suggestion, so I thought of the cactus bloom and suggested it," Garner said. From that time on, he was Cactus Jack.

A despiser of prohibition, Garner enjoyed "striking blows for liberty," as he called his Washington office gathering where he and pals retired to toss down a few bourbon shots.

Years later, this prompted labor leader John L. Lewis, who was feuding with Garner, to refer to the vice president as that "labor-baiting whiskey drinking, poker playing, evil old man."

In later years, in retirement here, he would greet friends and newspapermen with the invitation to "strike a blow for liberty." After he quit drinking in 1958, he would wave male callers in the direction of the bourbon.

"I quit drinking Oct. 6, 1958, and quit smoking Oct. 8, 1958, after indulging in both for 70 years," he told a newspaperman in 1960. "I haven't touched either since I quit."

About the time he gave up drinking, Garner also dropped other favorite pastimes: hunting and fishing.

"I used to row a boat, but don't anymore," he said. "This old heart gets to pumping and someday it's going to stop.

"I want to live as long as I can."

Garner went to Washington while a Roosevelt was president and he left when a Roosevelt was president.

He first served with President Theodore Roosevelt and finished with Franklin D. Roosevelt.

His was a long trail from Blossom Prairie to Uvalde to Washington and back to Uvalde.

[From the Dallas Morning News, Nov. 8, 1967]

Ex-Vice President Noted for His Colorful Speech

Uvalde, Tex.—Cactus Jack Garner was noted for his salty speech.

Some "Garnerisms":

"I'm not a manana man" in 1952 when he donated his Uvalde estate to the city and moved into a smaller, adjacent home.

"Just put me down on the lazy, no-account list"—in 1954 when he sold his stock and retired as a director of the First State Bank of Uvalde.

"Going to the White House would be like going to jail for four years"—summing up the presidency.

"I am vice-president of the United States. You'd better stick around a while—you might pick up some new ideas"—on being introduced to a circus clown.

"There are two kinds of liars I'd call tolerable. That's the hunting kind and the fishing kind."

"When I entered Congress the autocratic leaders of the party thought I was just another cow thief from Texas."

"Every time one of these Yankees gets a ham, I'm going to do my best to get a hog"—on federal appropriations.

"I am a soldier and my duty is to follow where the commander leads. I accept the rules of war laid down in the platform"—on accepting renomination in 1936 as vice-president.

[From the Dallas Morning News, Nov. 8, 1967]

Tributes to Garner Paid in Washington

(By Karen Klinefelter)

Washington.—President Johnson Tuesday led Washington officialdom from both sides of the political aisle in mourning the death of Former Vice-President and House Speaker John Nance Garner of Uvalde.

Flags at the Capitol where he served for some 30 years as a Texas congressman flew at half mast and members of Congress paid tribute to the leader who vowed a quarter of a century ago never to return here.

Garner, known as "Cactus Jack," left Washington and Franklin D. Roosevelt's administration in 1941 after breaking with Roosevelt over the third-term issue. He remained true to his pledge never to set foot here again.

The President said that the nation joins the people "of his beloved Uvalde in mourning the loss of one whose determination and joy of life were an inspiration to so many generations of Americans."

Noting that Garner would have been 99 years old in only 15 days, the President said, "Few are given so long a time, and fewer still have used their years to such advantage. Few men in history had more experience in government nor more respect from his colleagues during his long career in public service."

White House Press Secretary George Christian said that Washington commitments would probably prevent the President from attending the funeral.

There is expected to be a sizable delegation of Texans in Washington heading for Texas for the funeral, however.

During a day punctuated with eulogies, veteran congressmen who served with Garner here noted the Texan's legislative abilities and his saltiness that brightened Washington.

House Speaker John McCormack, D-Mass., called Garner "not only an outstanding legislator, but a great American."

And Rep. Wright Patman of Texarkana, who served four years with Garner before the latter was elected as Roosevelt's vice-president, told fellow congressmen that Garner "was a warm personality who brightened Washington for so many years.

"Those of us who had contact with him cannot forget his great sense of humor and his willingness to consult with and guide the freshmen members of Congress. Americans lost a great man, a great statesman and a wonderful human being."

Rep. George Mahon of Lubbock paid tribute to Garner's "legislative finesse, his down-to-earth ideas of government and his homespun philosophy."

Garner's death was announced in the house by Rep. O. C. Fisher of San Angelo, Garner's congressman.

Fisher noted Garner's devotion to the House and quoted the former speaker as saying, "When I switched from speaker to vice-president, it was the only demotion I ever had."

The San Angelo congressman also recalled that Garner "belonged to the old school of rugged individualists who believed in the principal of balancing the ledger on Saturday night. He was the straight-forward common-sense type of individual who was an accomplished student of politics and a leading influence for the cause of good government."

Sen. Ralph Yarborough, who said that Garner was his counselor and advisor over the years, stated that Garner "symbolized frankness and the direct approach—there was never any doubt about where he stood. John Nance Garner was free of guile, as direct and true as the frontier which produced him."

Sen. John Tower said he was shocked about Garner's death, for he visited with him only two weeks ago and they joked about plans for Garner's 99th birthday Nov. 22.

"We in Texas had come to regard Mr. Garner as virtually indestructible . . . it is the measure of this man that in his later years his interests turned to his native country and especially to the growth and success of its education system, particularly Uvalde Junior College."

One congressman whose 44 years in congress included service with Garner, Rep. Emanuel Celler, D-N.Y., called Garner "a picturesque political figure . . . a wise and wary speaker, a faithful vice-president . . . and an excellent raconteur."

Celler recalled that Garner once told him, "I'll live to be 100 if it kills me."

[From the Dallas Morning News, Nov. 8, 1967]

Garner Created District for Self

AUSTIN.—John Nance Garner's stay in Austin was brief but to the point.

He came as a representative from 1898 to 1902. In those four years he acquired two things to be identified with him all his life: a district which sent him again and again to Congress, and a type of hat that became an integral part of his personality.

The district was admittedly his own idea. The hat was his wife's idea. Noticing one day the unbecoming effect of a derby rocking on his ears, she went out and bought the young new legislator a new hat.

"This will look better than the other," she said quietly.

Garner discarded the derby and stuck to the soft felt variety ever after.

Early in Garner's life, the ambition to be a statesman was "burning upon him like the Texas sun on a prairie dog village."

He knew there was only one quick stepladder to big time politics in the nation's Capitol—that was a congressional district including his own county.

Cactus Jack knew what to do. He got himself elected to the Legislature. For two years he laid low: then in 1900 he was ready to blossom out with his plan. The newly taken census helped him. He proceeded to carve out of the state a new district including Uvalde County. Then he went before the House. He showed them the census which indicated the population of Texas had increased to such an extent the state was entitled to more representatives.

He frankly told them he had "created a district" for himself. He hoped they would stand by him.

The House listened, considered, and adjourned without taking any action. But that night Garner took action. He began the rounds of all hotel rooms and private homes. By morning he had 81 out of 131 members of the House pledged to his support and on the dotted line. His redistricting report was adopted.

The next thing was to win the Democratic nomination and get elected.

Garner was not the only man in the new 15th Texas District who had his heart set on going to Congress. J. Dibrell of Seguin, who had been a state senator several years, announced his candidacy alongside of Garner in the newspaper.

They began a tooth and toenail campaign. Where Garner went, also went Dibrell. They staged debates so heated that whole towns are reported to have shut up shop and turned out to listen.

"There was," reported one newspaper, "blood, hair and the ground tore up."

Garner proposed a remedy for the trust evil, took a stand against imperialism, declared for the irrigation of the Rio Grande Valley, denounced both the doctrine of free raw material and Republican reciprocity and endorsed the Panama Canal project.

His platform made him the hero of the hour. Dibrell withdrew as a candidate. Garner was nominated by acclamation.

He was on his way to Washington, backed by a district he had created by himself and which was his to "have and to hold."

[From the Dallas Morning News, Nov. 8, 1967]

Time John L. Lost Temper Recalled

UVALDE, TEX.—Two major incidents surrounding John Nance (Cactus Jack) Garner still are fresh in the minds of political observers nearly three decades later.

One is Garner's break with President Franklin D. Roosevelt. The other is the time John L. Lewis lost his temper.

That and the love Texas had for the crusty statesman.

The John L. Lewis incident came during a House Labor Committee meeting. Lewis claimed Vice-President Garner was the leader of opposition to changes in the Wages and Hours Law which Lewis wanted.

At one point, the United Mine Workers' president flailed out and called Garner a "labor baiting, whiskey drinking, poker playing, evil old man." That remark was probably quoted more than anything Lewis ever said.

Conservatives everywhere considered that the attack added luster to Garner, in that it was Lewis who said it.

Although Garner never publicly sought to counter the statement, his friends pointed out that a man who went to bed each night at 9 p.m. could do very little drinking or poker playing.

Garner called friends together in his office at the end of the daily congressional sessions for what he called a convention of the Board of Education.

He poured a drink for everyone at 5 p.m., another at 5:30 and another at 6, and then capped the bottle. He said that was all a man should drink.

Years later, Garner said, "I think what he (Lewis) said did me as much good as harm."

Garner ran twice for president. The first time, he turned his votes over to Roosevelt and accepted the No. 2 spot on the ballot. It was a stroke of political genius—to combine on one ticket the intellectual, liberal Roosevelt and the conservative, practical banker-rancher.

The first great break between the two came over sit-down strikes, a technique of the Committee for Industrial Organization whereby workers struck plants by sitting down inside them, sometimes for weeks.

To Garner this was illegally taking possession of property and he became incensed that Roosevelt did nothing about it.

He again clashed with Roosevelt when the New Dealer wanted to pack the Supreme Court, which had invalidated many of Roosevelt's New Deal programs.

The real break came, however, when Roosevelt decided to run for a third term.

Said Garner, "A president in his third and successive term may not be a dictator but he is the first cousin or half-brother of one and he will perform like one."

Garner came to Texas after the break but returned for the inauguration of 1941. In the meantime, he announced he would accept a presidential nomination in 1940 and immediately hopped in a car to go deer hunting for four days. But nothing could be done about winning the nomination against Roosevelt's high popularity.

The vice president left Washington after the 1941 inauguration and never returned to the capital.

[From the Houston Chronicle, Nov. 9, 1967]

Friends Gather for Farewell to Generous Garner

(By Bo Byers)

UVALDE.—John Nance Garner, as vice-president, once asked President Franklin D. Roosevelt "do you want it with the bark off or the bark on?"

The president didn't understand. Garner explained that in Texas the phrase "with the bark off" meant the plain truth without any adornment.

Today, as friends and admirers gathered to pay final tribute at Garner's funeral, they talked "with the bark off" and the plain truth seemed to be this: Garner was a crusty direct talking, generous man whom the people of Uvalde loved and honored—as much for his simplicity of manner and independent judgment as for the high office and great wealth he attained.

The funeral ceremony, a simple one as Garner wished, was scheduled for 3 p.m. at Frazar Funeral Home.

No eulogy was planned by the Rev. Romilly Timmins, but the 11 a.m. memorial ceremony at Uvalde High School brought tributes particularly for Garner's contributions to education.

Speakers were Dolph Briscoe Jr., rancher, banker and former state representative, and President Wayne Matthews of Southwest Texas Junior College, to which Garner donated nearly $1 million over the past nine years.

"I'd think there would never be another one like him," Briscoe said of Garner.

"He was a great statesman, and his life of public service was dedicated to the preservation of the highest traditions of our American democracy."

"CUT RIGHT THROUGH"

Briscoe recalled Garner as a man who could "cut right through it when he said something."

Matthews read a tribute on behalf of the junior college, expressing appreciation for Garner's philanthropies.

"His generous gifts in scholarships and buildings to this college was a farsighted investment that will live on in the youth of this area, state and nation," Matthews said.

"More than this, the Honorable John Nance Garner bequeathed to us and to this nation a rugged individualism based on integrity, love of his fellow man and common sense.

"We honor the memory of our friend, John Nance Garner, and pledge to hold high those principles by which he lived to help make America great."

BANK STOCK

Garner's contributions to the college included stock in eleven banks throughout the state, $175,000 in cash gifts, and $25,000, matched by an equal amount from his son, Tull Garner, for a scholarship fund in memory of Garner's wife, Ettie Rheiner Garner.

Garner said on the occasion of a $25,000 presentation, May 17, 1961, "everything I have was obtained in this area, and I want to give it back where it came from."

He was a multimillionaire, owning more than 50,000 acres of ranchland, which he leased for operation by others. He owned a major part of Uvalde's business district and other rental properties. He helped organize the First State Bank of Uvalde in 1907, later became its majority stockholder, which role he maintained until he retired from the bank in 1952.

NOT OSTENTATIOUS

Few outsiders would have guessed Garner was a man of wealth. His favorite garb for many years after he left Washington and the vice-presidency in 1941, was a khaki shirt and khaki trousers. His habits were simple, he rose at 6 a.m. and went to bed promptly at 9 p.m. through most of his life. Until his strength declined about six years ago, he loved to sit out in the sun, shelling pecans that fell from the trees on his property. He would give a favored visitor a bag of shelled pecans to take home to the wife.

There was little advance indication today that many persons of high position would attend the funeral for this man who lived almost to age 99. (His birthdate was Nov. 22, 1868.)

HOPE FOR PRESIDENT

Despite word that President Johnson would be unable to come, there was expectation among many that the President might change plans.

U.S. Sen. Ralph Yarborough was reported en route to Uvalde.

Whether Gov. Connally would be present was not known. Texas House Speaker Ben Barnes was expected, as were several congressmen.

Public schools and the junior college were dismissed at noon.

Most business houses were to close in the afternoon.

Steady drizzle, bringing three inches of rainfall the past two days, accentuated the solemn atmosphere of Uvalde as people came, a few at a time, to pay final respects to the city's No. 1 citizen as he lay in state.

Approximately 300 had signed the visitor's register by early Thursday.

[From the San Antonio Light, Nov. 8, 1967]

JOHN N. GARNER

He fell short of the century mark that had seemed within his reach, but John Garner had seen enough history to satisfy any man and, at that age, death comes as a reward instead of a penalty.

He was born during the administration of Andrew Johnson. When he died, the President again was named Johnson. In all, Mr. Garner lived under more than half the Presidents who have served the United States in its entire history.

He was born before the golden spike was driven in Utah to celebrate the junction of railroads that spanned the continent. And by the time of his death, passenger trains in many parts of Texas had become scarcer than space vehicles.

John Garner, like so many public figures, was different in reality from the image that politics had given him and to which his own candor and honesty had unwittingly contributed.

The important clues to his character were far removed from the salty language or the personal habits which made colorful "copy." The real Garner was the Vice President who was loyal to the man for whom he had been king-maker, but who put the welfare of his country above personal allegiance.

John Garner might have occupied the White House himself, if he had not left Washington in protest against a third term for Roosevelt.

His self-sacrifice was the act of a true patriot.

[From the Dallas Times Herald, Nov. 8, 1967]

JOHN N. GARNER

Had he allowed pragmatism to prevail over principle, John Nance Garner might have become the first Texan to accede to the presidency through the route of succession. But Cactus Jack Garner, after two terms as Franklin Roosevelt's vice president, broke with his chief over the issue of the third term and arbitrarily retired himself from politics—a little more than four years before FDR died in office and Vice President Harry Truman became president.

The decision to retire, which fate assigned greater significance later, was typical of salty, earthy and straightforward John Nance Garner. He preferred self-ordained obscurity to compromise on a vital issue. Thus he became the political patriarch of Texas Democrats, sitting under the trees and receiving friends, both local citizens and nationally famous politicians, in an atmosphere of rustic conviviality.

Garner brought distinction to his native state as the first Texan to achieve such high national office, and he served with quiet loyalty during difficult depression years. The concept of the vice presidency has changed dramatically in the quarter century since he left the office—and Garner viewed it narrowly even for his day. He had the distinction of being the only vice president not to make a single formal speech while in office (an idea that boggles the mind today)—but here again he hewed solidly to his view that the best vice president should be a loyal shadow to his boss.

One of the rare instances when the colorful Garner did not manage to invoke his stout will on events was on the matter of longevity. He had long vowed to live to be 100, but fate again intervened when he was a few days shy of his 99th birthday. Nevertheless, his remarkable tenure on earth provided a fitting climax for a life of public service matched by a strong sense of personal honesty and duty. He is sure to be toasted by admirers of rugged individualism whenever bourbon glasses are raised to "strike a blow for liberty."

[From the Houston (Tex.) Chronicle, Nov. 8, 1967]

"CACTUS JACK" WON'T BE DUPLICATED

American politics will probably never again see a man quite like John Nance Garner, for "Cactus Jack" was the product of an era in our nation's history which no longer exists. He was the embodiment of what we have come to call the frontier spirit, and there is much in that which is good. Salty, colorful, honest, practical, plainspoken, love of courtesy, ruggedly individualistic. These were the qualities which made Garner great.

In this jet age it is hard to conceive of a vice-president who, during two terms in office, never made a public address. He served under President Franklin Roosevelt, and Garner explained simply that the President, not he, was the nation's spokesman.

Garner spent 46 years in formal service. He served longer in Congress, then as vice-president, than virtually any of his contemporaries. He was an expert in tariffs and taxations. But when he decided to quit in protest to Roosevelt's third term, he vowed never to return to Washington. He kept that vow, living out the rest of his life in active but quiet retirement in Uvalde.

John L. Lewis once called Garner "a labor-baiting, poker-playing, whisky-drinking, evil old man." There was truth to the description, except that it's hard to see Garner as evil. A tough fighter for the things he believed in, yes. Evil? No.

Garner was born just a few years after the Civil War ended. He first went to Congress in 1903 when the nation had a population of 77 million and federal expenditures amounted to less than a billion dollars a year. During the long, important years which followed, he helped guide this nation's future.

For a man not given to public speechmaking, Garner's wise comments about life and politics were widely quoted. He once said that if school teachers spent the first five minutes of every day teaching the value of character and honesty and truthfulness as the basis of character, there wouldn't be any juvenile delinquency.

On the occasion of his 90th birthday, he broke a six-year lapse in speech-making to say: "I love everybody . . . I haven't any hatred in my heart."

Texas and the nation revered John Nance Garner not only for what he achieved in life, but also for the qualities of character and unadorned virtues which he represented.

[From the Dallas Morning News, Nov. 9, 1967]

JOHN NANCE GARNER

Political skill carried John Nance Garner from a Texas log cabin to the second-highest office Americans can bestow. But when politics conflicted with principles which the vice-president held dear, he chose to return to his pecan-shaded acres at Uvalde, never again to participate actively in politics.

This story will be told many times as final rites are held for Garner. More than a quarter-century of self-imposed exile has dimmed the details in the memories of most Americans. We can be sure, though that the man who was called "Mr. Democrat" will have earned a place in history by being, first of all, "Mr. American."

A good soldier who obeyed the orders of

his chief, Franklin D. Roosevelt, Garner watched with growing dismay the policies which FDR advocated. Vice-President Garner believed in fiscal soundness. He felt that it was wrong to attempt to pack the Supreme Court. He opposed recognition of Soviet Russia. He was alarmed by labor's sit-down strikes and the failure of the president to stop them.

Finally, Garner feared the consequences when Roosevelt's ambition caused him to run for a third term. His fears were voiced in these words, "A president in his third and successive term may not be a dictator, but he is the first cousin or half-brother to one and will perform like one." So he chose not to be a third-term vice-president and became to many Americans the symbol of firm commitment to basic beliefs of his democracy.

Bitterly opposed by some, feared by many whose schemes he fought and usually defeated, Garner was loved by far more Americans who admired his strength in behalf of those fundamentals which he and they believed to be basic. He ably represented his district and state and served his country long and well.

[From the Anderson (S.C.) Independent, Nov. 10, 1967]

REQUIEM FOR AN OLD-TIME DEMOCRAT WHO HELPED FATHER A "RADICAL" IDEA

Yesterday in Uvalde, Tex., they laid to rest John Nance Garner, former Vice-President of the United States who played a leading role in the late President Franklin Roosevelt's first two New Deal terms.

Death came to the rugged old Texan at age 98. He died a little less than 27 years after he left Washington in January, 1941, vowing never to cross the Potomac again.

"Cactus Jack," as the pundits like to call him, broke with Roosevelt when the latter decided to seek his unprecedented third term. True to his word as always, Garner never crossed the Potomac again.

His break with Roosevelt over the third term issue served, as the years passed, to obscure the fact that John Nance Garner was in the 1920's the leader of the "radical" wing of the Democratic Party.

He was a constant thorn in the Hamiltonian hide of Andrew W. Mellon, the multi-millionaire who served as Secretary of the Treasury through the Republican administrations of Harding, Coolidge and Hoover.

Garner, as a Democratic wheel in the House, and Mellon had been on collision course for several years. The collision occurred when the House took up the Revenue Act of 1924.

Mellon drafted the act in true Hamiltonian fashion, the basis being that when the rich prosper the poor eventually enjoy "their proper proportion" of the rich's prosperity—the "trickle down" theory still favored by the curators of bedrock Republican philosophy.

Garner, who was born in a log cabin in rugged rural Texas of parents whose roots were in Jacksonian Tennessee where Jeffersonian principles prevailed, took the view that the wealth of the country should be more evenly distributed.

Why, he asked should taxes be less for those already rich and more for those who are poor?

He had taken the same position when the income tax principle was incorporated in the Constitution in 1913, but the wealthy were in the political saddle and successfully kept the dampers on the Garner idea of a graduated tax.

Mellon's Revenue Act of 1924 proposed postwar tax cuts ranging from 25 per cent in lowest brackets up to 39 per cent in higher brackets. Garner proposed a 60 per cent cut in lower brackets, ranging down to 11 per cent in the highest brackets.

Republicans called the Garner plan "socialistic" and predicted disaster. After a two-week debate, with Garner leading the fight on the House floor his plan was adopted by a vote of 221 to 196 in a Republican-controlled House.

In years to follow, Wall Street denounced him as a "demagogue" and Wall Street interests, especially the utilities, poured money into his Texas district in several unsuccessful efforts to defeat him.

On the other side of the coin, organized labor also hated Garner. The late John L. Lewis, United Mine Workers tycoon, once called him a "labor-baiting, whiskey-drinking, poker-playing, evil old man."

Whiskey drinking he was (he quit at age 90 with his eye on living to be 100) and poker-playing he was (he is reputed to have won $15,000 off colleagues—including well-heeled Republicans—during one session of Congress) but evil he wasn't, and he had high respect for the laboring man but none for swivel-chair unioneers.

Even though he never returned to Washington after 1941, John Nance Garner's work in Congress—especially his "radical" income tax ideas—have directly influenced the stability and prosperity of the nation.

He was a last link between post-Reconstruction America and the present and one of the shapers of a nation's destiny whose name looms large in the history of his times.

[From the Evening Star, Nov. 16, 1967]

"CACTUS JACK" ROBUST INDIVIDUALIST

(By Ralph McGill)

Once upon the time, L. W. (Chip) Robert, then assistant chairman of the Democratic National Committee, encountered me in a Capitol corridor in Washington and asked: "Would you care to go down and strike a blow for liberty with Jack Garner?"

It was the Vice President's pleasure and custom to have old friends and closer cronies in the calm of late afternoon, to sit around and talk and have, if they wished, as most did, a drink or so of sour mash bourbon whisky.

Indeed, it was this custom along with others, that later led the Puritan Welshman, John Llewellyn Lewis, to speak angrily of the vice president as a mean old card-playing, whisky-drinking, evil man. It was a part of the times that "Cactus Jack" took this as a great compliment and thanked the Welshman for so nicely describing him. Garner was not, of course, a mean old man. He was, however, a cantankerous, opinionated one.

On the afternoon when I was present with his friends striking a blow for liberty, he was a genial, thin man with a pleasant gift for story telling and for gusty, loud laughter. His language was salty and plain. It was interesting even then to look at him and know that his life touched some of the pioneer history of Texas. He and Sam Rayburn and President Lyndon Johnson all had family roots deep in the Lone Star State. Like Rayburn and the President, he served a long apprenticeship. He was a congressman for 30 years. He was the only man in our history to walk from the House, where he was speaker, to the Senate to preside there as vice president.

Garner was an individualist. His political career reveals it. He was basically a conservative, but he could, and did, make common cause with many of the reforms of the New Deal, which shook the conservative structure of the nation. The "establishment" could not really fight back, since the policies of the financial markets and international trade, plus the folly of high tariffs, had destroyed the conservative power.

Garner, for example, was one of those who strongly supported legislation that would give the Congress more power over industry and that would redefine the Commerce Department's power to include everything that affected the stream of commerce.

Garner was approached by financially powerful men who asked him to intercede and try to soften the new regulations applied to holding companies. These companies had contributed some of the more unconscionable stories of reckless use and loss of the public's invested money that came to light after the crash that began in late 1929.

"They have brought it on themselves," the vice president replied. "They cannot be permitted to go on as they were."

Jack Garner was, in the context of 1932, relatively liberal and sensible on the race issue. It was this fact which, in part at least, led Franklin D. Roosevelt to select him as his running mate in 1932.

In that campaign leading Republicans, including a number of holy men, divines, attacked Roosevelt for communism. Joseph Kennedy, whose son later was to become President of the United States, and Jack Garner were among men of position who forthrightly struck back at such idiocies. ("You might as well suspect atheism in a cathedral as communism in . . . Hyde Park.") At other times Garner used his wit and prestige to denounce the business leadership that had developed such an unreasoning, violent hatred for Roosevelt.

Garner left Washington in 1941. He said he had had enough of politics and public life. He would go back to Texas and stay there until he died.

POLITICAL EQUALITY OF WOMEN ENRICHES AMERICAN NATIONAL LIFE

Mr. PROXMIRE. Mr. President, one of the more important recent developments in our country has been the emergence of women from second-class citizens to full participants in our national life. At the time of the founding of our country, many fine and noble statements were made about the unalienable rights of man. And our forefathers worked hard to secure these rights. But too often, women were left out. Too often they had the status of servants not citizens. Women could not vote, and, of course, they could not hold public office. It is less than 50 years since the 19th amendment to our Constitution giving women the vote was ratified.

But the women of the Nation, once freed from their subservient role, have made a substantial and lasting contribution to our national life. We are a stronger nation today because we have finally agreed that women have the same rights as men. The United States is a far better country for its decision to unshackle women and grant them full political equality.

Mr. President, the history of our own country dramatically shows the need for the ratification of the Convention on the Political Rights of Women. History clearly indicates that it is only recently in even the most advanced nations that women have been given equal rights with men. This means that rights for women is a relatively new phenomenon and needs all the help it can get to become firmly established not only in our own Nation but also in the world at large.

But an even more convincing argument for the ratification of this convention is the condition of women in many countries. Each one of us is aware of the wretched conditions under which many of the women of the world exist.

Women in this country were once

treated as servants, women in many countries today are treated as slaves, often they are sold as such. Even more women have no right to vote or hold public office.

But I do not wish to criticize other nations. Indeed, many have a better record in the international struggle for political equality of women than we do. India is a prime example. Here is a country which has ratified this convention and which has really striven to give women their rights. What makes this so amazing is that for centuries women in Indian society had few if any rights. Other nations who have just recently gained their independence have striven to guarantee women their full political rights. For many countries, fighting centuries-old traditions, this is a difficult task. They look for encouragement and example to the U.N. and the Convention on the Political Rights of Women. But when they look at this convention, they do not find the name of the United States.

The Senate needs to set an example for these new nations and to help secure the position of the rights of women. This we can do by the very simple means of ratifying the Convention on the Political Rights of Women.

MODEL CITIES

Mr. DODD. Mr. President, it was with enthusiasm that we supported, and voted for, the model cities program.

It was with happiness that we learned that 63 areas had been selected to share in the $11 million in planning grants which Congress had appropriated for the program for the current fiscal year.

It was with particular gratification that I learned that, among these cities, were the three largest cities in the State of Connecticut—Bridgeport, Hartford, and New Haven.

It is as much on the basis of fact as on the basis of pride that we can promise that, judged by their own performances in this vital war on slums, no cities offer greater promise than these that the funds will be used judiciously and with dispatch.

In prideful keeping with Connecticut's rugged, pioneering spirit of self-help, all three of these cities have already won many important battles in this war.

These Federal grants will do much to enable them to move more rapidly toward the goal of total victory over the enemy that is the slums; the enemy which, too long, has been permitted to breed the great problems which, today, strike massive blows at the very foundation of this Nation.

Hartford will use its grant for a plan to convert, from slum to model, two neighborhoods: One in the South Arsenal-Clay Hill area, the other in the Charter Oak-South Green region. Together these areas include 22,000 human beings and 465 acres of ground.

New Haven will use its grant for a plan to convert, from slum to model, the Hill neighborhood. This area includes 22,000 human beings and 6 percent of the New Haven land area.

Bridgeport will use its grant for a plan to convert, from slum to model, a 227-acre tract in which live, under generally substandard conditions, 10,100 human beings. This is a pathetic area bounded on three sides by water, on the fourth by a railroad, with the poor land's use heavily industrial along two boundaries, and a depressing intermixture of commercial and residential in the rest.

We congratulate Mayor Hugh Curran, of Bridgeport; Mayor Richard Lee, of New Haven; and the former mayor of Hartford, George Kinsella, for the outstanding, foresighted work which they have put forth to qualify their cities for these valuable grants designed to plan for the improvement of our Nation, our State, and our people, through improvement of the conditions in the cities in which they live.

We assure Mayor Frederick Palomba and the people of Waterbury that we share their disappointment that their city was not included in this first planning grant. We promise them that we shall continue to do everything in our power to assist them in any way that we can, in an effort to help Waterbury receive a share of the next such grant.

We assure our distinguished colleagues in the Senate that, even as we have herein expressed our understandable interest in efforts by Connecticut's cities to eliminate the slums and enrich the people, we remain interested in the similar efforts of the cities of their great States as well.

As we see it, Mr. President, this really is a matter of, "as goes one city, one State of this vast Union, so goes that Union."

This, then, as we see it, is a team effort, and we continue proud to be a member of that team.

It has been in that spirit that we have worked and voted with our distinguished colleagues in connection with this Model Cities Act which is now beginning to bear fruition. It has been in that spirit that we have also worked with them in the interest of their cities and their people in our capacity as chairman of the Subcommittee on Juvenile Delinquency. In that subcommittee we have devoted intensive efforts for the study and investigation of the causes of the problems of the cities and of the terrible results of those problems. We have sought to find remedies for those problems and prevent their results in the days to come.

It was against the vital background of much ascertained from the subcommittee's findings that we supported and voted for the model cities program. We did so in confidence that it did much to address the essentiality of rapid, determined progress toward the building of "model citizens" via the building of model cities.

In this troubled area in which we find so much cause for concern about juvenile delinquency and crime, these cities and these model cities grants offer our brightest rays of hope for diminution of both of these evils.

For that, I find cause to be particularly grateful.

THE SECURITY OF SOCIAL SECURITY

Mr. McGOVERN. Mr. President, if the experiences of other Senators in the past few weeks have been similar to mine, I am sure every Member of this body is thoroughly acquainted with the article "How Secure Is Your Social Security?" that appeared in the October issue of Reader's Digest. I have received dozens of letters from older Americans expressing great concern over the possibility that their social security payments are about to end because the system is on the brink of bankruptcy.

The publishers of the magazine may be gratified to hear this indication of the extent of their readership. I should think, however, that they would instead feel a great deal of regret for having lent credence to the cause of so much needless worry among the millions of people who are now drawing social security benefits or who will draw them in the future.

So far as I know, the author of the article, Mr. Charles Stevenson, can boast of no qualifications as an expert on annuities or on the social security system. He may have begun his cursory investigation with conclusions already firmly in mind. He has compiled a series of innuendos and falsehoods about the security of the trust fund, the rights of recipients, and the opinions of qualified authorities in order to support his case. As a consequence, his findings and his recommendations are erroneous. He suggests a "blue-ribbon commission" to study the system, for example, in apparent ignorance of the fact that since 1956 the social security law itself has provided for studies by advisory councils composed of independent experts in the field.

There is a clear and definite need for a continued close watch by the press over Government programs and policies. Criticism is an absolute necessity in a democratic system. But Mr. Stevenson's method of reporting serves no constructive purpose.

Because of the great concern that did exist in my State over the article, I have done the best I could in recent weeks to set the record straight through radio broadcasts and public statements. I am pleased that the Sioux Falls Argus-Leader, South Dakota's largest daily newspaper, joined in the effort to allay the fears of citizens in my State through an excellent editorial which was reprinted in a number of other newspapers. I ask unanimous consent that the editorial and my press release of November 13 on the subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (S. Dak.) Argus-Leader]

WISE STATEMENT ON SOCIAL SECURITY

Sen. George McGovern of South Dakota was well advised in his sharp criticism of a recent article in Reader's Digest about Social Security.

"After a careful review," said McGovern, "I have concluded that as far as Social Security is concerned, the Reader's Digest doesn't know what it is talking about."

The Digest article contended that the Social Security system was unsound and that younger persons now making payments wouldn't receive returns commensurate with their cost.

Careful actuarial surveys discount both charges. The resource behind Social Security is that of the bonds of the government—a resource similar to that behind much of the resources of countless private annuity and insurance companies as well as banks and trust companies.

The other phase of the charge—that of returns to the participants—is similarly misleading. Objective surveys reveal that the individual will receive a protection substantially worth while and better than that available from other sources.

What is disturbing about the Reader's Digest article is that it arouses uncertainty where none should exist. McGovern performs a useful service in discounting the accuracy of the Digest's contentions. It may be added that the U.S. News and World Report recently printed an exhaustive review completely in harmony with the McGovern statement.

Press Release of Senator George McGovern, of South Dakota, November 13, 1967

Mitchell.—Senator George McGovern said today that an article on Social Security in the October issue of Reader's Digest is "false from beginning to end."

"After a careful review, I have concluded that as far as Social Security is concerned the Reader's Digest doesn't know what it is talking about," McGovern said.

The Reader's Digest article contended that the social security system is unsound because it has not protected its reserves and is throwing them into the Treasury's general fund.

These contentions are "simply not true," the Senator said.

"I can assure my fellow South Dakotans that the Social Security system is soundly financed and that both present and future beneficiaries of Social Security will get the full measure of benefits provided in the Social Security law," McGovern said.

One of the authorities upon which he relied was Representative John Byrnes of the House Ways and Means Committee, who the article said is profoundly alarmed about the basic design and fiscal integrity of the social security program. The truth is that Congressman Byrnes, the ranking Republican on the Ways and Means Committee, is a co-sponsor of the Social Security increase bill that is presently before the Congress. During House debate on the bill he said, "Everyone paying taxes today can do so with the knowledge that he is participating in a sound program of social insurance which will provide commensurate benefits in the event of his death or disability."

Social Security has been repeatedly and intensively studied to determine its financial soundness since it first became a law in 1935. In addition, to at least four independent councils of experts, the Congress has scrutinized the program carefully each time extensions or modifications have been proposed. We are doing so right now, and all the evidence points to the conclusion that it is wholly sound and completely secure," McGovern said.

"The Reader's Digest article contended that social security puts a 'squeeze on the young'. This is not true. Young people now contributing to social security will get insurance protection worth 20 to 25 percent more than they will pay into the program. This is the case now and the same will be true under the proposals now pending before Congress," McGovern said.

"In evaluating social security, it should be kept in mind that it not only provides retirement income but also survivors and disability insurance. For example, if a man earning $550 a month with a wife and two children were to die at age 35, his family could receive $56,000 in survivors benefits. If the man were to become disabled at age 35, he would draw $59,000 in disability insurance."

"Social security is a sound and worthwhile investment for the young and old," McGovern said.

OKLAHOMA'S SUPERIOR FOOTBALL PLAYERS

Mr. MONRONEY. Mr. President, I had intended to let the matter rest until after New Year's Day, but the daily newspapers keep reminding me of the superiority of Oklahoma football players.

Therefore, I invite the Senate's attention again to a fine young man who has done great service and earned much respect for his team, his university, and his State.

The "lineman of the year" was named yesterday by United Press International, and the overwhelming choice was Granville Liggins, of the University of Oklahoma.

Senators will recall that last week Mr. Liggins—"Granny," as he is called by his teammates—was selected All-American by all the major polls, and now his selection as lineman of the year demonstrates just how great an All-American football hero he is.

Mr. Liggins is an Oklahoma product. He was graduated from Booker T. Washington High School, in Tulsa, and is the first Tulsan to be named to the first team in the major All-American selections.

In addition to being outstanding on the football field, this young Oklahoman has distinguished himself on the wrestling mat. Last year he won the Big Eight Conference's heavyweight championship.

I invite Senators who have not had the chance to see Mr. Liggins or the Oklahoma Sooners in action this year to watch the Orange Bowl game on New Year's, when Oklahoma overhauls Tennessee.

Mr. President, I ask unanimous consent that an article entitled "UPI Picks Liggins Lineman of Year," published in the Washington Evening Star of December 5, 1967, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oklahoma Senior: UPI Picks Liggins Lineman of Year

New York.—Granville (Nose Guard) Liggins of Oklahoma has a computer-like mind that can read offensive patterns in the tick of a split second and destroy the big play.

For this phenomenal ability that elevated Oklahoma to the Big Eight title and a berth in the Orange Bowl, Liggins was named Monday the United Press International Lineman of the Year for 1967. He drew 38 votes from a panel of sportswriters and sportscasters.

Liggins is a 21-year-old senior who weighs 220 pounds and stands an inch under 6 feet. His fantastic mobility previously earned him a berth as a middle guard on the UPI All-America team and brought praise from both the Oklahoma coaching staff and rival Big Eight mentors.

Liggins' latest achievement was announced after Oklahoma beat Oklahoma State for a 9–1 record and helped Sooner Coach Chuck Fairbanks enjoy instant success in his rookie season.

Bob Johnson, a Tennessee center, was runner-up to Liggins in the Lineman of the Year balloting with 23 votes. Defensive tackle Kevin Hardy of Notre Dame, out for part of the season with an injury, received 19 votes from the selectors.

Offensive tackle Ron Yary of Southern California was fourth with 17 and a fifth-place tie at 12 existed between middle guard Wayne Meylan of Nebraska and defensive end Ted Hendricks of Miami (Fla.).

"Liggins has been a completely outstanding player for us all season," Fairbanks said of his prized charge. "He's a leader in his own way."

From a frightened weakling to a lineman who plays "nose to nose" with the opposing forwards so he can knife through with quick thrusts, Liggins emerged as one of the outstanding college football players in the nation this year.

"I wish I had 10 more like him," muses Pat James, Oklahoma's defensive coach. "He's the best at doing what we ask him to do I've ever seen."

Liggins' next appearance will be against Tennessee in Miami's Orange Bowl New Year's night.

TRIBUTE TO BOB BYRNES, DISTINGUISHED JOURNALIST OF THE HARTFORD COURANT

Mr. DODD. Mr. President, when the next session of the Congress rolls around in January, we shall be without the excellent services of Bob Byrnes, Washington correspondent for the Hartford Courant.

Bob Byrnes has had a full and rewarding 50-year career as a journalist. He has covered Washington activities for the Hartford Courant for 24 years. Before that, he was a political, editorial, and legislative reporter for the Courant at its home office.

Bob's journalistic roots are deep, indeed. His career began in 1917 when, as a 17-year-old Trinity College student, he was appointed campus correspondent for the Hartford Times.

Throughout Connecticut and Washington, Bob Byrnes has a reputation as an unusually fair, objective, and responsible newsman. In pursuing a story he never leaves a stone unturned. Frequently he can be found working late in his National Press Building office.

Everyone in the country who knows Bob Byrnes knows that he is an honest reporter, highly intelligent, and a man whom all of us love. We shall miss him very much in Washington. He is not a spectacular man, but he is diligent and honest, and I wish to pay tribute to him on the floor of the Senate today.

I have known and worked with Bob Byrnes since my days in the House. I am happy to wish him well in the semiretirement that he plans for himself. Like his many friends in Congress, I shall not forget him.

GOVERNOR ROMNEY ANALYZES THE PROBLEMS OF THE UNDERDEVELOPED NATIONS AND THE CHALLENGES TO AMERICAN FOREIGN POLICY

Mr. PEARSON. Mr. President, this morning Gov. George Romney delivered a major address at Kansas State University in Manhattan, Kans., as a part of that university's distinguished Alf Landon lecture series.

The subject of Mr. Romney's comments was the problems of the underdeveloped nations and an assessment of America's role in assisting in resolving these problems.

Mr. Romney opened his address with the following statement:

> One of the greatest international challenges facing us today is the huge difference in living standards between the rich, industrialized northern nations and the poor, underdeveloped southern peoples.

I endorse that view because I think there is little question that the great and growing gap between the rich and poor nations of the world will constitute the greatest threat to international peace and security in the years ahead. If progress is not soon made in narrowing that gap, present international problems will be magnified many times over.

Mr. Romney points out that our foreign aid program is in need of major overhaul, but he also wisely emphasizes that continued American foreign aid will be necessary in the future. He also emphasizes the vital importance of international trade between the rich and poor nations. For if the rich nations were to close their doors to the products of underdeveloped nations, the economic blow to the poor nations would be disastrous.

In discussing this problem of how the rich-poor gap is to be narrowed, Mr. Romney puts particular emphasis on the necessity of involving the initiative and the resources of the private sectors in both the underdeveloped and industrialized nations alike. And he concludes his remarks with a series of worthwhile recommendations as to how this goal might be accomplished.

Mr. President, I invite the attention of Senators to these most worthwhile comments by Mr. Romney and ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GOV. GEORGE ROMNEY, LANDON LECTURE, KANSAS STATE UNIVERSITY, MANHATTAN, KANS., DECEMBER 6, 1967

One of the greatest international challenges facing us today is the huge difference in living standards between the rich, industrialized northern nations and the poor, underdeveloped southern peoples.

Barbara Ward has written: "The gap between the rich and the poor has become inevitably the most tragic and urgent problem of our day."

The "development gap", as it is called, is widening. The "have" nations have failed to adequately commit their vision, their will, and their resources to the task, and the "have not" peoples are losing ground.

Most Americans perceive neither the proportions of this problem nor the dangers it presents to our own interests. What we take for granted in our own society preempts our consciousness of human deprivation elsewhere. Our natural confidence about the future obscures awareness of how fragile it is. In this sense, we are isolating and alienating ourselves from the rest of the world as it really is.

In my talk today, I first want to take a quick look at the development problem—in terms of its size and national interest, and in terms of what needs to be done about it.

Then, in more detail, I will discuss U.S. aid, trade and private resources policies as they relate to development and suggest certain courses of action in these areas.

What are the dimensions of the development challenge?

The per capita gross national product of the United States is $3,240, its population 200 million. Mainland China's per capita gross national product is $85, its population 700 million. The per capita gross national product of West Germany is $1,620 and of Nigeria $80—both have a population of around 60 million. Japan and Indonesia are at roughly the same population level, but Japan is nine times better in productivity. Canada has one quarter the population and almost ten times the per citizen productive capacity of Brazil.

By the end of this century, on the present basis, the per capita income of Americans will have risen by thirty times as much as the increase in most underdeveloped countries.

The world's population may jump to well over six billion by the end of this century, with nearly five billion living in the world's impoverished regions. The annual birth rate per 1,000 people in the industrialized nations is 20. But in those countries which are already unable to feed their populations adequately it is 40 per thousand.

Underdevelopment is a single word that sums up illiteracy, poverty, hunger, disease, human misery. It breeds violence and anarchy. It presents a vacuum.

Underdevelopment is a greater danger than Communist aggression. The Communists exploit underdevelopment to spread their power and influence. They have carefully prepared for this by spreading the falsehood that the prosperity of the "have" nations resulted from their exploitation of the "have not" nations. Furthermore, they have erected a barrier to effective development by misleading "have not" nations into believing imperialism through private economic investment is as threatening to their independence as imperialism through political domination.

We must successfully attack the basic economic development problems now, or face more Vietnams later. And the dollar cost of the investment for peace is nowhere near the dollar cost for war.

If we remain an affluent island surrounded by a sea of poverty, our whole way of life will be threatened.

If the lot of the deprived peoples does not improve, and if their hopes for a better life wither, widespread violence directly affecting life in the United States would be increased.

If we—and I include our industrialized colleagues on this continent, in Europe, and the few in Asia—become the exclusive rich minority we will be dangerously vulnerable to the massive majority of the poor.

Because, generally speaking, the color line matches the division between the rich nations and the poor nations the possibilities are frighteningly explosive.

This huge underdeveloped majority would have practically nothing to lose in the struggle.

Development is necessary for peace and peace is necessary for development. Turmoil defeats progress—abroad, as well as at home. Violence perpetuates human misery by discouraging the systematic organization of resources needed to raise living standards.

But fear of instability should not be an excuse to maintain the status quo, nor can or should the revolution of rising expectations be suppressed because of the danger of disorder. It is critical that change occur, radical change, and quickly. But supporting change does not mean fomenting violence. We must guide change into constructive rather than destructive channels.

The national self-interest of America is directly, irrevocably dependent on international development. Underdevelopment represents not only threat but opportunity.

As former Treasury Secretary C. Douglas Dillon said, "It is not missiles that have made neighbors of distant countries. It is the trading system of the modern world. . . . Today's less developed nations are tomorrow's richest economic and political asset."

The continental growth of private economies depends on the expansion of international trade and markets. Prospering nations make better customers and markets than poor ones. And among prospering nations political and social problems generally have a better chance of being resolved before they develop into military problems.

From an investment and enterprise standpoint, development of the underdeveloped can be more profitable than investing in activities in areas already developed.

Here then is opportunity.

What can be done about underdevelopment?

At present, our national response is characterized by lower levels of foreign economic assistance, heightened threats of protectionism, and insignificant private enterprise involvement in the business of development.

There is a general failure of vision, will and leadership.

The total gross national product of all the industrial nations is currently $1.5 trillion per year. Only 1 percent of that in economic aid—public and private—to the underdeveloped nations would amount to $15 billion annually. That would be double the present level.

The flow of long-term capital from the haves to the have nots has remained about the same since 1961 despite a rise in national income of the richer nations.

There is no question that the industrialized nations can afford to meet the current growth needs of the developing nations without hurting themselves—in fact they can benefit themselves. In the case of the United States, our gross national product for 200 million people has increased by more than $100 billion since 1960, as compared with less than $35 billion for the more than 2 billion people in the less-developed world.

We are slipping—the gap is growing—the danger is increasing.

We must find a way to avert this potential disaster for the world. We must concentrate new energies to use the tremendous wealth and technological expertise of the affluent Northern nations to help develop the poverty-stricken southern peoples.

Bringing sustained growth out of stagnation is a plodding process at best.

It can't happen overnight. It must be conceived in terms of a generation of sustained effort.

This is no Marshall Plan exercise, to rebuild highly sophisticated industrial economies. The underdeveloped nations are starting from scratch. They face economic handicaps not found by the now developed nations during their development.

Most "have not" nations have no political tradition and little sense of nationhood. They have little base to build on, no institutional infrastructure, no large body of educated or trained manpower.

We cannot succeed if we act alone. We must be the leader largely through example.

We must not be arbitrary or impatient in our approach to the problem. Nor can we be exclusive or paternalistic. The cooperative resources of the industrialized nations should be committed to the task in a coordinated manner, and the recipient nations must effectively marshall their own resources and pull their own share from the beginning. Otherwise, there is no chance of success.

Progress-sharing partnerships between the affluent industrial countries and the underdeveloped areas should be a paramount objective of American foreign policy. This demands changes in our aid, trade and private resource policies, and needs a broad program of international cooperation.

The U.S. has not been responsive enough concerning measures to improve the terms of trade of the poorer nations. The industrial countries generally must be willing to allow the underdeveloped nations to strengthen their earnings from commercial exports.

Private enterprise embodies the very genius of the American economy and carries the contagious germ of freedom. The underdeveloped world must be exposed to the dynamic private enterprise systems of the Northern hemisphere, and a substantial inflow of private investment must be made available.

Even under the most optimistic predictions on trade reform and private resource inflow, it is unlikely that the underdeveloped nations can achieve their development goals without more foreign aid.

The foreign aid program has few friends. It has no political constituency in the United States. It has made some bad errors. It has been wasteful. It has not shown quick or certain progress. Many nations that have received our aid appear ungrateful, and worse still, even oppose our position on major international issues.

Sometimes our aid appears to shore up dictators. At other times it fills the pockets of corrupt politicians. Our military assistance and arms sales sometimes seem to encourage recipient countries to war against one another.

It is easy to criticize our aid program. It needs reshaping and continuing vigilant examination. But it is very difficult to administer an aid program in this interdependent but anti-cooperative world of today. Even so, there are some "success" stories, such as Taiwan, Israel, and South Korea. There has been isolated progress.

And it is difficult to argue that government aid is not needed, given the development needs only it can fulfill, given the effect it can have on improving the environment for the inflow of private capital, and given the important ways in which it can complement the desirable effect of trade in development progress.

I believe that the private sector must supply the bulk of the resources needed to assist the underdeveloped countries in their growth. But I also believe that our foreign aid levels have been cut below the amounts required for the necessary input of public funds in meeting the development challenge.

As a percentage of our gross national product, American foreign aid has plummeted to a level about one-half that maintained during the last years of the Eisenhower Administration. The development loans requested by the Administration for the current fiscal year amount to only 78 percent of the $975 million appropriated in 1963.

The current Administration has shown little real leadership in international development, and the foreign aid program shows it. The complaints from the White House on Congressional cuts have usually come after the fact.

In competing with other budget priorities, foreign economic assistance gets lip service and little else. Thus it is unduly vulnerable to Congressional attack; and unreasonably becomes the butt of other frustrations. Overseas, it is looked upon as uncertain and undependable.

In 1957, John Foster Dulles testified for the establishment of the Development Loan Fund, stressing that it would be devoted to "the capital needed to create the economic environment in which private initiative can come into play." The next year, he supported the principle of development loans, technical assistance, and self-help as key parts of the mutual security program, asking: "Are we so poor that we cannot afford to pay for peace and security and to continue to cultivate in the world those concepts of national independence and human liberty for which our nation was founded?"

Public monies help to improve the climate, build the institutions, and train technicians necessary to permit private enterprise to function effectively. A private investor looks for a stable governmental system committed to private enterprise, an equitable tax structure, for a reasonable system of export controls, for an educational system that can produce skilled manpower, for an adequate and reasonably cheap power supply, for a reliable transportation system, and for wider markets. The aid program, directly and indirectly, can help provide these assets.

Government aid has other programs which encourage private investment in the underdeveloped areas. Among the most important are the Investment Survey, Investment Insurance, and Investment Loan programs. The extended risk guarantee program is particularly valuable, and Congress should authorize a higher ceiling on guarantees outstanding than now exists to help get it really moving.

Technical assistance in the foreign aid program is essential for development. Capital alone can't do the job if you don't have trained men to manage your projects. New machinery will gather rust if the people are starving and don't know how to raise or procure sufficient food to feed themselves. Our foreign aid program offers technical training in a host of fields and fights the war on hunger by encouraging both local food production and family planning efforts.

The U.S. foreign aid program channels money into international institutions such as the World Bank and various multilateral arrangements.

It encourages cooperative and coordinated development assistance from other industrialized nations through multilateral organizations such as the Organization for Economic Cooperation and Development and its Development Advisory Committee.

Our foreign aid program needs reform, such as in the arms supply and sales field. It needs even more stress on certain basic principles, such as self-help, political development, and selective assistance to those nations most able and willing to make progress.

It must not be relied on too much. There are many problems and limitations in government-to-government aid; there is much that it should not and more that it cannot do.

I believe that we must put more stress on trade and private investment than on aid. But we need aid. One is not a substitute for another. All are closely inter-related; each can be complementary and catalytic.

The importance of trade policies and patterns to the development opportunity has been tragically under-rated.

The consumeristic private enterprise principles which our society has so effectively vitalized must be applied throughout the interdependent world.

The continued support of international trade and the liberalization of existing trade restrictions must be pursued with a dedicaton and a vigor which has been sadly lacking, particularly in the present Administration.

The Kennedy Round of tariff negotiations achieved agreements affecting about $40 billion in world trade. We gave tariff cuts on $7.5 to $8 billion of our industrial and agricultural imports, and obtained tariff reductions on about the same amount of U.S. exports.

This was progress. Our general experience shows that reduced tariff barriers bring about increased export earnings. Trade restrictionism has been tried and found to be a failure.

But the Kennedy Round didn't really address the development challenge, and the Administration's position in the trade field as it pertains more directly to the poorer nations is uncertain and uncommitted.

The underdeveloped countries do not export many manufactured goods. Their raw material exports grow very slowly, whereas the demand for imported manufactured and industrial goods grows very quickly. There is a trade imbalance. In this situation, they lack the resources necessary to import the good required to bring them to a satisfactory rate of development.

So it is vital for underdeveloped nations to trade more if they are to develop. And it is vital for the international community to create a trade environment that would foster rather than frustrate the growth of developing countries.

This is the basic aim of the United Nations Conference on Trade and Development, which meets again in New Delhi, India, in February. UNCTAD, as it is called, recommended in 1963 that the industrial countries extend general tariff preferences to imports from the underdeveloped countries in order to create markets for their manufactured exports and to bring about gradually the diminution of the obstacles hindering the entry of these exports to the industrial countries.

This move would improve the deteriorating terms of trade of the underdeveloped nations that I have mentioned. Allowing the poor nations to export more would enable them to import more, thus adjusting their trade imbalance and allowing them to get investment capital and capital equipment—crucially needed to achieve growth and stimulate development.

This is a serious proposition, requiring careful study and consideration. In my view, given the priorities of the development challenge, America should support it. Instead, we have lacked the resolve.

At the 1963 UNCTAD session, the U.S. opposed the proposal. I hope that our Delegation to the next UNCTAD meeting will carry instructions allowing it to strongly support the general preference for the poorer nations in concert with a similar position by the other industrialized nations, as recently recommended by the OECD.

Extension of preferences by the U.S. to the underdeveloped nations would provide positive incentive to develop export trade. Preferences appear to be almost indispensible to the U.S. objective of increasing international trade and integrating the underdeveloped countries with the free economies of the North.

Recently, a huge upsurge of protectionist activity in the Congress—a retrogression into narrow economic nationalism—has raised the fears of many traders at home and abroad and cast new doubts on the basic underpinnings of our international economic relationships.

The new deadly serious protectionist drive could affect 80% of our dutiable imports.

At one point pending quota bills in Congress would have resulted in the drastic cutting back or cutting out of U.S. imports conservatively valued at $3.6 billion.

Now, the only answer to all this can be retaliation. According to the international system of trade rules under which we operate—the General Agreement on Tariffs and Trade—for every restriction we impose on imports, an equivalent restriction on our exports abroad can be imposed by other countries on U.S. industry.

And retaliation to trade protectionism can also take the form of investment protectionism. If we want to sell, we must buy. When we try to insulate some sector of our industry from international competition, some U.S. business must in turn pay for it. And our overall, long-term trade position is hurt.

Retaliation to threatened protectionist moves could affect nearly one-third of our exports which face duties overseas. In addition, the quotas recommended would result in higher prices for U.S. consumers, worsen our critical balance of payments position, and increase Government controls over our own economy.

The real problem is to correct the inflationary forces that are making us non-competitive and to encourage the forces that keep us ahead in productivity and technology.

The selfishness and short-sightedness of the protectionist movement is always beneath the surface. But I submit that a lack of dedication to the principles of international private enterprise and a lack of follow-up to the Kennedy Round achievements by the Johnson Administration actually encouraged this latest spate of restrictive threats.

The present Administration even at this date has failed to present a bill to the Congress which would fill crucial gaps in our national trade policy. This legislation is needed, among other things, to restore the U.S. Government's unused negotiating authority which ran out on June 30th, leaving us without the power to negotiate even minor tariff adjustments.

The new legislation must also liberalize the criteria for adjustment assistance under the 1962 Trade Expansion Act, which have proved in practice to be too tight and rigid for companies or industries in trouble.

This unworkability of the adjustment help theoretically available to U.S. firms and workers injured by imports resulting from tariff concessions became clear many months ago. But nothing has been done by the Administration to remedy the situation.

This inaction provided stimulus to the new protectionist wave. The Administration is tardy and unresolved in its trade policy and accordingly has courted confusion and reaction.

The greatest lack in the development effort today is the astounding absence of substantial participation by the private portion of our economy. Without the tremendous capital resources, the unparalleled know-how and the aggressive spirit of private enterprise, there is no possibility that the development gap can be effectively narrowed.

The present low rate of American investment represents a crippling failure of our own response to the development challenge. The private flow has been decreasing both in terms of gross national product and overall investment by the other northern industrialized nations. The total accumulated American private capital in the less developed countries today is only about $15 billion, over half of which is in extractive industries like mining and petroleum.

Given the great need of the poor nations for capital, the limitations on the amount and the efficacy of public funds, and the free enterprise traditions of this country, government aid should be a supplement to private involvement. At present the public commitment of funds is over four times the private commitment. The ratio is the opposite of what it should be. This is strange testimony to our own faith in private development.

What can be done about this private enterprise gap?

Ways must be found to diminish risk of loss and enhance the prospect of profit for the investor in the underdeveloped areas. Government policies should be revised to offer incentives to greater private involvement.

Governments must cooperate on efforts to improve the private enterprise climate in the underdeveloped countries to attract both foreign and domestic investment.

Private business must perceive its own interest in broader and longer-range terms. The ultimate threat and opportunity must be clearly understood and accepted as a basis for action.

The ingenuity of private enterprise must be devoted to applying the principles of progress-sharing and partnership in relations with foreign peoples, to put an end to fears of international economic imperialism and exploitation.

Private investment abroad must be viewed not just as a migration of capital but as a transfer of skills, know-how, and techniques. The whole infrastructure of the private sector—management, sales, research and development, production—must be injected into the process.

Universities, foundations, and voluntary organizations must be brought into participation in the international development challenge on a more intensive and less peripheral scale than at present.

Representatives of business, finance and industry from the various richer nations should consult and collaborate on private investments in the poorer countries.

There are instances of good recommendations and good innovations in the area of private resource participation abroad. Let me give some examples:

The Report of the Advisory Committee on Private Enterprise in Foreign Aid, submitted in 1965, and headed by Arthur K. Watson, Chairman of the IBM World Trade Corporation, contained some helpful suggestions, many of which have been put into practice.

Among other proposals, the Waston Committee recommended amendments in the tax law so that losses suffered by American-owned subsidiaries in developing countries could be offset against profits earned elsewhere. It also recommended the less-cautious use of the Agency for International Development's extended risk guarantee program, the subsidization of technical assistance to institutions in the developing countries, and the expansion of AID's staff of private professionals in Washington and the field. It suggested that development be given priority over immediate balance of payments considerations and that special attention be given to the role of agriculture in less-developed countries.

In activities abroad, U.S. firms have shown increasing interest in basic economic development projects, in joint venture arrangements which help to foster the concept of partnership, and in local management and transfer to majority ownership.

The World Bank is investigating a multilateral investment guarantee formula which would expand the concept of risk-reducing insurance on investments to a shared arrangement involving the participation of the recipient government. I have suggested an International Partnership Investment Insurance plan which would provide a multilateral pool of private funds allowing a radical expansion of the insurance principle.

Obstacle-free international trade bridges on a company-to-company or industry-to-industry basis have been constructed, such as in the agricultural implement and automotive industries of the United States and Canada.

The ADELA Investment Company—a multinational private investment group representing over 130 banks and industrial corporations of Canada, Western Europe, the U.S. and Japan—is hard at work mobilizing equity capital, know-how, and services for promising local, development-oriented enterprises in Latin America.

These ideas and activities are heartening, but they should be vastly expanded and multiplied. Others should be encouraged.

In the Executive Branch—I would recommend: reforms in the aid program and liberalization of Southern trade, as I have indicated; greater diplomatic efforts to create better climates for private investment and more co-participation of industrialized nations in the development effort; increased tax incentives for foreign investment in the underdeveloped areas; beefing-up of existing investment guarantee program; the enlargement at home and at posts abroad of the excellent activities of AID's office of Private Resources; and stronger cross-governmental authority and action on policies affecting the less-developed areas such as the politics-ridden, bureaucracy-mired War on Hunger.

In the Congress, I would recommend the establishment of a Joint Congressional Committee on Private Initiative in International Development. Such an agency could enable the Congress to play a stronger and less parochial role in supporting the involvement of private enterprise in meeting the worldwide challenge, and would lend more prestige to the effort as a whole.

In the private sector itself, I would recommend the establishment of an International Development Coalition made up of representatives of business, finance and industry, who would make continuing studies and recommendations to the private organizations on the one hand and to the Federal Government on the other concerning the best methods of private international investment and enterprise, and the best policies to facilitate such involvement.

THIRD-CLASS BULK MAIL RATE

Mr. McGEE. Mr. President, the Senate, as well as the Committee on Post Office and Civil Service, has given careful and prolonged attention to the matter of postal rate increases and postal and civil service wage increases. However, it has come to my attention that an unprecedented amount of lobbying pressure has been brought to bear upon the conferees now adjusting the differences between the House and the Senate over H.R. 7977.

My plea this afternoon is to the Senate conferees to hold firm on the Senate-passed recommendations for third-class bulk mail; namely, 4 cents minimum piece rate.

As we considered postal rates in the Post Office and Civil Service Committee, it was always my feeling that the third-class junk mailers had the best deal in America going for them. It borders on the ludicrous that at this late hour we should even consider dropping back the rates of third-class junk-mail users. Indeed, the fairest, the most equitable, the most germane debate that we could now be engaged in is not over whether the rates for third-class junk mailers should be less than 4 cents, but that the rates should be more.

When this body was discussing third-class rates, it was my conviction that the rate for junk mailers should be at least 4.2 cents and I supported this with an amendment to that effect. In discussions with Senators regarding that amendment, I was assured that we would be able to get at least the 4-cent rate. If those assurances come to naught, I can assure the Senate that from this point on it shall be my No. 1 priority to establish equitable and rational rates for junk mailers, and not at the 4.2 level either, but above and beyond that level.

I can further assure the Senate that such a position is not a lonesome one. In the past 3 weeks I have had more angry mail from home about junk mailers and the virtually free ride they have perpetuated for so many years than I have received on any other single issue now before Congress.

First-class mailers in unprecedented numbers in Wyoming have indicated to me their generous willingness to accept first-class increases provided that the rest of the classes carry their fair share as well. Anything less than 4 is parasitic.

Those mailers who gain their livelihood trading in lists of addresses or the mere designation "occupant" in cities all over the country, with very little capital investment in their operations, understandably are squealing now that the Senate has decided it is time for them to get off the gravy train. After all, junk mailers, for the most part, are using the U.S. Post Office as a capital asset from which they reap easy rewards.

The U.S. Post Office is designed to serve millions of Americans who wish to communicate with one another. It is hardly designed to provide booty for junk mailers. And certainly the Post Office and its problems, as well as the actions of this body, were not meant to be the object of frantic lobbyists.

Bulk-rate third-class mail has been the most rapidly growing of all major mail services. From 1947 to 1966 its volume increased more than 250 percent, compared to 80 percent for all other mail. Even from 1953 to 1966, when most rate increases were effective, bulk mail rose 73 percent.

There is no doubt that low postage rates have contributed to the extraordinary growth of direct mail. There is also abundant evidence that past rate increases have not disadvantaged either the direct mail industry or the users of that advertising service. The National Association of Letter Carriers stated in its January issue of the Postal Record:

> If there were no third-class mail, the Post Office Department could eliminate about one-quarter of its clerical employees and about one-fifth of its letter carriers.

That number of employees costs the Post Office $780 million annually. In contrast, the total revenue from third-class mail is only $682 million. Thus, we have a loss of $100 million in this category alone. There is no sane reason why junk mailers cannot help to pick up at least a part of this tab.

Not only is the case for at least a 4-cent rate overwhelming on the grounds that junk mail causes an unnecessary load for overburdened carriers and the thin patience of householders with pesty junk mail, but if the Senate conferees succumb to the blandishments, not to mention the rather crude threats already alluded to by the Senator from Oklahoma [Mr. Monroney], we will be placed in the position of having to find other moneys to pay for the wage increases incorporated in H.R. 7977. Or worse yet, we will have to face squarely a reduction in the recommendations of the Senate for wage increases in the postal and civil service. The case for the wage increases which we approved here is so strong and so compelling that we should all shudder at any move which threatens those wage increases. If for that reason alone, we must object to any lessening of the rates for junk mailers.

The current effort of junk mailers to try to stampede the House-Senate conferees into what is basically an unfair posture and special interest protection ought to be resisted with the coldest shoulder we have.

I repeat, Mr. President, my conviction that if the House-Senate conference fails on this crucial issue, the No. 1 business of the Senate should be to set a much greater rate than 4 cents for junk mail.

CONFERENCE ON CURRENT PROBLEMS IN COLLEGE ADMINISTRATION AT ST. JOSEPH COLLEGE, EMMITSBURG, MD.

Mr. **TYDINGS**. Mr. President, recently, the faculty of St. Joseph College, at Emmitsburg, Md., conducted a 1-week conference on current problems in college administration. The conference was attended by specialists from a dozen educational institutions in various parts of the country.

This is one of the first times a small college, confronted with the multifold problems existing in the administration of non-State-endowed colleges, has attempted to bring together specialists in all fields of college administration for the purpose of attempting to formulate a program to improve the operation of small colleges.

I believe that the conclusions reached at that conference will be of interest to the Senate. I ask unanimous consent that a memorandum summarizing this conference be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Conference on Current Problems in College Administration, St. Joseph College, Emmitsburg, Md.

The small private liberal arts college for women faces awesome challenges today in its struggle to survive, to keep from being engulfed in the crosscurrents of American higher education. If, in addition, the college claims a church-relationship, its chances for assistance through a fair share of public funds are considerably diminished by a society ever-conscious of its Constitutional rights. Convinced, however, that their cause is a valid one, the administrators of these institutions bring to the educational forum the pioneer spirit, foresight, and convictions of their founders. Their dedication to the ideal in higher education, character education, is their strength in adversity—an example that all might emulate.

Saint Joseph College at Emmitsburg, Maryland, is such an institution. Since its founding as an academy by Elizabeth Ann Seton in 1809, and since the revision of its charter by the Maryland Legislature in 1902 to grant collegiate degrees, it has evolved as an exemplary educational institution for America's young women. For more than 150 years, its pattern of growth and development has been typical of many of our women's liberal arts colleges. The multi-faceted academic and administrative problems confronting all American colleges in the past decade, however, has forced it to take stock of its resources.

In 1962 Saint Joseph's launched a ten-year Master Plan of Development. It included curricula and plant expansion for a projected optimum enrollment of 1,000 students (a 40% increase) by 1972.

To administer the expanding program, the College has had to increase its administrative staff at a rate not conducive to gradual absorption into the mainstream of academic life. Consequently a lack of continuity and integration became apparent in administrative policies and operational procedures. Within the past three years five new administrative positions have been created: Vice President, Director of College Relations, Director of Admissions (formerly a combined post as Registrar), Director of Institutional Research, and Financial Aid Officer. During the same period two other persons assumed top administrative posts. The administrators, though resourceful and capable, come from varied backgrounds and experiences related to, but not specifically in, the area of college administration. It was felt that an in-service program, designed specifically for the administrators, could contribute considerably to stimulating their continued growth and cooperative efforts. The need for the staff to step outside and view itself under the guidance of specialists seemed urgent at this stage of development.

In June of 1967 the College was awarded a federal grant as a developing institution under Title III of the Higher Education Act of 1965 (Public Law 89–329). Under the grant, the School of Education of the Catholic University of America provided consultative services to the College by conducting a ten-day Conference on Current Problems in College Administration for the College's staff.

The purposes of the conference were:

1. to improve the effectiveness and efficiency of the administrative services of the College;

2. to identify the principal areas toward which the College should direct future efforts for improvement;

3. to place the administrative staff in contact with outstanding scholars and research persons in the various administrative areas; and

4. to evaluate the total long-range development plan of the College.

Dr. Frank B. Pesci, Visiting Associate Professor of Higher Education at Catholic University, was appointed by the University to direct the conference and coordinate the sessions which were conducted from October 16 through 27 on the Emmitsburg campus.

Sister Rosemary Pfaff, D.C., President of the College, and members of the administrative staff selected ten areas of interest and concern to be explored during the conference. Ten educators, nationally known for their competences in higher education, were invited to address the administration and faculty. Walton of the Hopkins, Gould of U.S.C., Mayhew of Stanford, Hungate of Columbia; Conley of Sacred Heart University, Cutler of the University of Michigan, Lee of the University of Chicago, Stecklein of the University of Minnesota, Donovan of Marquette, and Stickler of Florida State—as one observer remarked, "The Brain Trust of the Academic World."

Dr. John Walton, Chairman, Department of Education, the Johns Hopkins University, discussed College Government; Dr. John W. Gould, Associate Professor of Business Communications, University of Southern California, explored the role of the Academic Deanship; Dr. Lewis B. Mayhew, Professor of Education, Stanford University, advised on Curriculum Analysis; Dr. Thad L. Hungate, Professor Emeritus of Higher Education, Teachers College, Columbia University, brought more than three decades of experience in college finance to his topic on Business Management; Dr. William H. Conley, President, Sacred Heart University in Bridgeport, the first American layman to head a diocesan university, explored the inter-relationships of the college's constituencies in a discussion on College Relations. The opening session of the second week's conferences was led by Dr. Richard L. Cutler, Vice President for Student Affairs at the University of Michigan. Dr. Cutler spoke on Student Personnel. Succeeding conferences featured Gilbert L. Lee, Jr., Vice President for Business and Finance, University of Chicago, on Budget Preparation and Control; Dr. John E. Stecklein, Director of Institutional Research, University of Minnesota, on Institutional Research; Dr. George P. Donovan, Chairman, Department of Education, Marquette University, on Departmental Head Responsibilities; and Dr. W. Hugh Stickler, Head, Department of Higher Education, Florida State University, on Long Range Planning.

The conference consultants received before their arrival on campus a description of the College and an institutional analysis of its strengths and weaknesses in the area of the participant's specialization. Each consultant spent a full day at the College working with individual administrators and their staffs and presented a critique of the sessions at an evaluation seminar in the evening. At the conclusion of the conference, Dr. Pesci assisted the administrators with the information supplied in the critiques to evaluate their most urgent administrative problems and to formulate plans for further study and effort.

Elizabeth Seton's successors, the Daughters of Charity of St. Vincent dePaul, and an equal number of lay faculty and administrators at Saint Joseph College, through a critical self-study, are making a significant contribution toward the solution of the problems of small liberal arts colleges for women. Meanwhile, with refreshing dedication, imagination, creativeness, and hard work, they are firming the objectives of Saint Joseph College to develop well-educated, independent, mature and responsible young women.

INSTITUTE FOR URBAN DEVELOPMENT

Mr. SPARKMAN. Mr. President, today the President announced that he has asked a distinguished group of Americans to help him to help the Nation meet the challenges of our urban society. He stated that he is establishing an Institute of Urban Development which will bring together experts in a variety of social, scientific, and economic disciplines.

The Institute, funded initially through the Department of Housing and Urban Development, may develop related research centers around the country as aids to local and State institutes in developing policies and programs to meet urban problems.

I am glad to know this of the Institute for Urban Development. I welcome it. The line between urban and rural problems has almost vanished. One section of S. 2700, which has been reported by the Banking and Currency Committee, provides for comprehensive regional planning for urban and rural development, and would thereby further accomplish this. The Government needs an organization such as this into which it can channel research and other planning projects related to housing, economic development, pollution, transportation, education, and the question of urban-rural balance.

If this Institute is helpful in avoiding future problems in urban development, the cost of its urban research will be money saved.

I believe that President Johnson's efforts to improve the physical and cultural environment of the cities and towns of America are working. The results are beginning to be seen.

I trust that Congress will give this Institute its close attention and help as it moves forward under its distinguished leadership—Mr. Irwin Miller, chairman of the board of Cummins Engine; Mr. Arjay Miller, president of Ford Motor Co.; Mr. McGeorge Bundy, president of the Ford Foundation; Mr. Kermit Gordon, president of the Brookings Institute; Mr. Richard Neustadt, director of the Kennedy Institute of Politics, Harvard University; and Mr. Cyrus Vance, New York attorney.

ADDRESS BY SENATOR PERCY BEFORE COMMUNITY RENEWAL SOCIETY, CHICAGO, ILL.

Mr. PERCY. Mr. President, last week I had the privilege of speaking before the Community Renewal Society in Chicago. I ask unanimous consent that my remarks be printed in the RECORD. I believe the work and the potential of this remarkable organization deserves the attention of us all.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Toward Responsible Freedom

(Address by Senator CHARLES H. PERCY, Republican, of Illinois, at the annual meeting of the Community Renewal Society, Chicago, Ill., November 27, 1967)

Some time ago I read a speech by a man who for many years has battled for a rebirth of individual responsibility and human dignity for the inhabitants of America's slums.

It was a disturbing speech, and a prophetic one. For this man said new things about poverty and the slums and the people who are imprisoned in them—things which flew in the face of the standard wisdom of the day.

"Using our present strategy"—the war on poverty—he said, all the money in the world will not eliminate slums and poverty in America. Why? Because, in his words, "our present strategy does not enlist the energies of the people most concerned—the people of the slums."

"Our present course," he said, "depends on serving people instead of demanding that people help themselves; it does things *for* people instead of *with* them; . . . it offers them opportunities instead of handing them responsibilities."

He said that the principal and decisive role in fighting poverty must be assumed by poor people themselves.

He said the poor had to be entrusted with the responsibility and funds for managing their own affairs—not that they *ought* to be so entrusted, but that they *had* to be so entrusted if the goal was to be achieved.

He said progress centers, clinics, and mental health centers in the slums will not do the job, for they make slum people more dependent on outsiders, and the culture of dependency more entrenched.

He said, too, that the people of the slums, among whom he had lived and worked for over two decades, did not want lives of more rewarding dependency; what they wanted was a piece of the action, a chance for gain or profit through individual and corporate enterprise—in short, the same chance to play their part in the American system that others had enjoyed before them.

He said the nongovernmental part of our society—our private citizens, business, organizations, unions, churches—*they* were the ones who must take the initiative, not the government.

And his concluding observation, in that speech given one year ago, was this:

"I propose an alliance of the conservatism in all of us and what is held to be the radicalism of the slums, but is really the same as conservatism. Both "isms" are committed to the same ideas—individual freedom, local initiative, and responsibility."

Contrast those observations with the doctrine espoused by many who consider themselves in the forefront of the great war on poverty.

They said the poor needed better treatment.

They said that society should spend more to provide that better treatment. They said that government, particularly the Federal government, should lead the way.

They said that the existing welfare agencies weren't really reaching the poorest people, and that new organizations were needed to help the poor gain the benefits to which they were entitled.

But what they did not say was that the greatest need of the poor was to be entrusted with the responsibility and resources for reshaping their whole environment and for controlling their own destiny as human beings. That was held to be a foolish and romantic notion.

I recount this confrontation of ideas tonight because it is triply relevant to our present theme.

First, the man whose speech I have quoted is Don Benedict, the Executive Director of the Community Renewal Society.

Second, the events of the past year have time and again confirmed the soundness of his views.

Third, the philosophy he has so ably set forth today forms the basis of an exciting and vital new program, Toward Responsible Freedom.

Consider for a moment the semantic implications of the changing of the name of the former Chicago City Missionary Society to the Community Renewal Society.

Webster defines "missionary" to be a person "commissioned by a religious organization to propagate its faith or carry on humanitarian work."

In this definition, I think, are three important meanings.

The missionary is commissioned by a religious organization.

His misson is the propagation of his faith; he comes not to learn and understand, but to impart and exhort.

And he carries on "humanitarian work"—that is, he dispenses charity to the needy.

Far be it for me to disparage the work of the thousands of missionaries who have devoted their lives to self-sacrificing service. I am suggesting only that the new name of Community Renewal Society reflects a conscious awareness of the need to reorient the traditional link between the fortunate and the unfortunate. It reflects the transmutation of philanthropy and charity into a dynamic new relationship, with infinitely more promise for bringing self-respect and human dignity to those who today are mired in smoldering despair amid the jungle of the slums.

No longer is the Society a religious organization in the traditional sense. It continues to draw its major support from church sources. Its ranks are liberally sprinkled with men of the cloth. But the Society under its new organization is truly an ecumenical enterprise, because it seeks to bring together a new urban coalition to face squarely the crisis of our cities.

For instead of drawing its support and leadership solely from within the church organizations of the Chicago area, the Society is reaching out to tap the great resources of private enterprise, of labor unions, of civic organizations, of our colleges and universities, and perhaps most important, of the men and women of our neighborhood organizations striving for a better life.

Nor is the Society a vehicle for propagating the faith. It does not exist to tell poor people what is good for them, or to dictate recipes for progress that may seem self-evident to the middle-class fifth generation Anglo Saxon American.

Instead, the Society aims now to help people build their own faith, and to discover their own values in the course of working toward the fulfillment of their lives. It exists to help people pursue their own goals, not to superimpose upon them the preconceived goals of others.

And while the efforts of the Society in promoting Responsible Freedom can certainly be classed as "humanitarian work," absent is the traditional connotation of channeling benefits to the underprivileged. In its place is the most truly humanitarian and religious emphasis—helping people to realize their own inherent God-given capacity to be human in the best and fullest sense of that word. The Society's job is not to upholster the poorhouse, but to make it obsolete.

The choice of the new name is similarly significant in its implications.

For the focus of the Society will be on developing "community." It seeks to develop a shared quest of shared values by men and women working together. It seeks to create a meaningful group whose potential is greater than the sum of its parts. And it seeks a "renewal"—not merely in the sense that urban renewal replaces old buildings with new and usually the people too—but in a sense of rebirth, of unleashing the human spirit to achieve its innate potential.

I know of no more exciting undertaking in America today.

I had been a Senator less than a month when Don Benedict and other leaders of the Society came to my office in Washington to tell me what they wanted to do. I was impressed by their wisdom, their vision and the sincerity of their purpose. I pledged my personal support. I asked my staff to work with them to help design Toward Responsible Freedom. I called civic leaders in Chicago to ask their support for the Community Renewal Society's developing program. I brought the Society's message to the attention of my colleagues in the Senate, both on the Floor and in the hearing room.

I cannot of course assume responsibility for the staff, the publications or even the detailed programs of the society, but I am here today because I wholeheartedly believe in the fundamental rightness of the concepts underlying Toward Responsible Freedom; I am here because I believe in the vast potential a program of this type has for improving the lives and opportunities for thousands of Chicagoans, and ultimately perhaps for millions of families all across America; I am here because I have faith in the men I personally know who have conceived this venture, and the men and women of Chicago's slums who, through it, will for the first time gain the power to create genuine communities of their own, where human life is a more rewarding experience, not just a daily ordeal.

I believe these things; and I ask all of you here tonight to join me in pledging renewed support to something that is right and sound and urgent.

Perhaps some of you know that, I sponsored a bill early this year called the National Home Ownership Foundation Act. I was joined by 39 other Senators and 112 members of the House who introduced similar legislation under the leadership of Rep. Wm. Widnall of N.J.

The purpose of that bill was to create a private sector device for channeling mortgage capital into the slums and declining urban and rural areas of our nation so that the poor but motivated people of those areas might have the chance to own a home or apartment of their own.

Another purpose was to provide an incentive to the creation or strengthening of local community-based organizations and corporations to sponsor home ownership programs for their members. Under the bill, these local sponsoring organizations would be able to obtain mortgage financing for home ownership, whether on a single family, cooperative, or condominium basis. In the process of preparing poor families to achieve the stable income and knowhow to become home owners, the community organization would have to arrange for or sponsor the programs to those ends. In short, the bill encouraged community organizations to develop and implement comprehensive programs for rebuilding—renewing—their own environment the way they themselves saw fit.

For those whose financial resources were initially unequal to the demands of home ownership, the government would pay part of the costs of the monthly payment to the mortgagee; later, if the home owner's income rose to middle income levels, this amount of assistance would be reduced and eventually eliminated. Thereafter the home owner, as his income increased, would pay back the earlier government investment in him into a revolving fund to help others climbing up the same path.

In its emphasis on self-help, strong neighborhood organization, private sector leadership, and ownership of housing by the people themselves, the National Home Ownership Foundation Act was identical to the principles of Toward Responsible Freedom.

At the same time I sponsored and supported two other bills complementary to the Home Ownership bill. One was Senator Ribicoff's Neighborhood Corporations Assistance Act, which would have provided pump-priming administrative funding for local community organizations based on the full and democratic participation of the people of the neighborhood. The other, which I introduced, was a bill to expand presently authorized Federal-State training programs to permit the training of neighborhood people to administer housing and community development programs for community corporations and similar organizations.

In late July the Housing and Urban Affairs Subcommittee of the Senate Banking and Currency Committee met to consider these and some 33 other bills referred to it. The able chairman of the Subcommittee, Senator John Sparkman, assigned three of the scheduled ten days of hearings to me, for the testimony of witnesses of my own choosing.

Now those of you who are familiar with the clientele of the Congressional Banking and Currency Committees know which groups are likely to appear to testify. There are the National Association of Home Builders, and the National Association of Real Estate Boards, and the American Bankers Association. There are the National Housing Conference, the National Association of Housing and Redevelopment Officials, the AFL CIO and the Chamber of Commerce.

And as I looked over this imposing list of organizations waiting to testify, I asked myself, "Where are the people? Where are the voices of those for whose benefit many of these bills were introduced?"

And so, during the three days of hearings allotted to me, there appeared before the Housing and Urban Affairs Subcommittee of the United States Senate a series of witnesses different from those usually seen in that oak paneled meeting room.

There was Juan Diaz, who came to voice the deepest feelings of the Spanish-speaking Americans of Chicago.

There was Dr. Nathan Wright, Jr., who chaired the Black Power Conference in Newark last summer.

There was Cleo Blackburn, who, in the face of ridicule from the experts, proved that self-help home ownership could work in an Indianapolis slum.

There was Reverend Ralph Henry, speaking for the people of Chicago's West Side organization, fighting to replace violence with hope in a slum the bankers and realtors and home builders long ago forgot.

There was young Jan Dykman, whose pioneering work in the Mullanphy Street slum of St. Louis set an example for the nation. With him came Mrs. Arnice Straughter, a welfare mother turned community organizer, who spoke from her heart on what poor people could do if only given the chance.

There were Cora Walker and Florynce Kennedy, from Harlem, two dedicated women lawyers who had the courage to fight apathy and bureaucracy and corruption to improve the lot of their people.

There was Garson Meyer from Rochester, who upon retirement as Vice President of Eastman Kodak devoted his prestige and managerial talent to helping poor families of Rochester achieve home ownership and economic security.

And there was the eloquent voice of your own Don Benedict, outlining Toward Responsible Freedom and its potential for freeing the people of Chicago's slums from the chains of poverty, dependence, and desperation.

I will venture to say that rarely have the members of the Senate Housing and Urban Affairs Subcommittee had an equivalent chance to learn, not just from the trade organizations and the interest groups, but from *people*, deeply personally effected by our proceedings.

Now an omnibus housing and urban development act has been reported to the floor of the Senate.

Included in the Act is a National Home Ownership Foundation, with a mandate to provide technical assistance and knowhow to neighborhood organizations conducting comprehensive home ownership programs—provisions which were coupled with the lending authority in the bill I originally introduced.

The Subcommittee members agreed to include in the Foundation section a provision that if the Foundation found that the devices for financing home ownership continued to be inadequate for the purpose, the Foundation could come back to Congress and ask that the original lending authority asked for be reinserted in the legislation.

It is not all I sought, but I strongly support the bill now before the Senate. I hope I am wrong in my pessimism about the potential accomplishments of the FHA in bringing private financing into slums. But if I am right, this bill wisely provides the framework upon which a yet stronger institution can be built in the future, should Congress see the need to further strengthen it.

I am glad to advise you that the provisions to expand training for neighborhood project administrators was accepted, and will hopefully become law in the near future. For the first time this year, too, the Congress voted to appropriate funds for this three year old program, so I am looking for swift implementing action in this area.

This bill does not by anyone's standards constitute a panacea for solving the problems of our urban ghettos. I am convinced though, that it is a significant step in the right direction.

I am convinced, too, that meaningful programs will result only from broadly and imaginatively conceived efforts. I know of none more potentially deserving than the Toward Responsible Freedom program unveiled here tonight.

Let me conclude my remarks by suggesting to you a number of ways in which we must boldly move forward.

First, we must work together to spread the philosophy that underlies Toward Responsible Freedom. As Don Benedict pointed out in his speech of last November, what we do *not* need is a more pleasant way of dispensing welfare. What we *do* need is a tremendously increased emphasis on the empowerment of lower income people for their own self-realization and, through aided self-help, for the effective control of their community and its environment.

Second, we must work to create a working alliance between conservatives and the people of the ghettos. For, in truth, they are saying the same things, but each in language only slightly comprehensible to the other. I am convinced that if the way could be found to convert the language of the Country Club into the language of Kedzie and Roosevelt Road, and vice versa, conservatives and militant slum dwellers alike would realize their common interests and begin to work together for their common goals: individual liberty, equal opportunity, self-reliance, independence, local initiative and responsibility. This is emphatically *not* the language of many who have for years served as the self-anointed interpreters for the urban poor.

This reminds me of a passage I read in a recent book. It read:

"No current government programs, however, are realistically geared to empowering the ghetto masses to grow into self sufficiency through self-directed growth and creative change. Men and women—as well as children—come to hate the hand which too long feeds them. The radio news services carried not long ago a tragicomic story of an appeal by a group of Negro poor for loans from several foreign countries on the grounds that they wanted help to help themselves and that in America they could only get a dole. People want to maintain their self-respect. When that is lost, little else of enduring value seems to remain."

Now that sounds to me like the voice of responsible conservatism. It is the voice of the Chairman of last summer's Black Power Conference, Dr. Nathan Wright, Jr. in his book, "Black Power and Urban Unrest."

Third, we must work to revise the War on Poverty to better equip it to achieve its goals along the lines of the philosophy discussed here tonight. I supported expanded job opportunity and certain other poverty bills in the Senate this year, but in doing so I could not refrain from observing that if the war on poverty had been created for a genuine empowerment of poor people to shape their own future, it might well have escaped much of the rising tide of criticism and failure now engulfing it.

Fourth, private enterprise must be mobilized. Its strength and resources must be used to develop the slums and to help poor people climb the ladder to economic security and enhanced self-respect. In the past two years alone tremendous steps have been taken. Carson Pirie Scott's Double E program was a pioneer in job training for high school dropouts. The Kate Maremont Foundation, working together with the Lawndale Union to end slums, has an exciting new program to rehabilitate apartments and sell them to slum families as condominium units. The interest of several Chicago-based unions in encouraging neighborhood organization is also important. And many in our colleges have long been personally involved in the problems of their fellow men, and the churches of Chicago have long been in the forefront of funding indigenous community organizations.

The National Home Ownership Foundation Act is one attempt to encourage further mobilization of private funds and expertise in community development activities. The Human Investment Act, which would provide employment and job training by private industry—an approach which received the endorsement both of conservative members of Congress and such leaders as Dr. Martin Luther King and Bayard Rustin—should be enacted. Senator Javits' proposals for a Domestic Development Bank and an Economic Opportunity Corporation, which I co-sponsored, deserve serious consideration. So does Senator Robert Kennedy's bill for tax incentives for slum employment. Common to all of these proposals is the philosophy of government as the agent of reinforcement and guarantee, with the private enterprise system providing the energy, initiative, and leadership.

Fifth, we must work to strengthen neighborhood organizations. We need to support their activities for the betterment of their members and neighborhoods.

Sixth, much remains to be done to restore the ownership of urban neighborhoods to neighborhood people. The home ownership bill now before the Senate moves in that direction. It deals with residential housing—single family, cooperative, and condominium. We must go beyond the ownership of housing to dramatically expand neighborhood ownership of business enterprise, in retailing and manufacturing and the service trades. This means new training for entrepreneurship, and loans on easy terms to those wishing to go into business in their own neighborhoods. It also means community corporations should be organized to supervise cooperative production, marketing, and financing, paralleling a system practiced for years in many of the rural areas of this country.

Seventh, we must find ways to encourage the growth of financial institutions owned by the people of the neighborhoods they serve. Dr. Andrew Brimmer, a member of the Board of Governors of the Federal Reserve System, recently pointed out that with the rising average real income of the Negro, the giant white-owned banks, savings and loans, and insurance companies were beginning to move into a market hitherto reserved for black-owned financial institutions. This highly efficient competition could have the effect, too, of destroying the smaller, less secure black-owned institutions so vital to the development of economic advancement and community leadership in Negro areas of our cities.

Dr. Brimmer's suggestion, which I endorse, was to create a new correspondent relation between ghetto institutions and the larger institutions in the same functional areas; thus, a big life insurance company might work with a black-owned savings and loan association or a bank owned by Spanish-speaking stockholders to service home loans in the neighborhoods of those institutions, rather than trying to perform those tasks itself. One provision of the National Home Ownership Foundation Act is a step in the right direction; it requires the Foundation to deposit its funds in savings institutions which are actively working to advance better housing in ghetto neighborhoods. This principle could and should be expanded upon to strengthen those institutions.

Eighth, we need to take a long new look at the organization of our educational systems. Mayor Lindsay recently received the report of an eminent citizens' committee charged with that task. It recommended that the gigantic New York City school system be decentralized into community school board areas, and that local parents should play an active role in their supervision and direction. Like other steps which devolve the responsibility for their own affairs upon neighborhood people themselves, school decentralization deserves immediate attention here in Chicago as well as in other cities across the nation.

Ninth, we need to develop new and imaginative ways of harnessing the talent and enthusiasm of our young people of the slums in efforts to improve their communities and their own opportunities. Mobilization for Youth in New York City has successfully sponsored a luncheonette, organized and managed by teenagers and dropouts, many of whom were written off as hopeless cases by the local authorities. There are youth organizations in Chicago who have this kind of potential. It is an asset that America cannot afford to leave untapped.

Tenth, we need to build better relations between our law enforcement agencies and the people of the slums. Too often the policeman, who should be the ally of the oppressed, appears to ghetto people as their enemy. The Chicago police force, through its community relations workshops, has moved to meet this problem, but there is more to be done. Without confidence in the police, the very fabric of our society is endangered. Better training and remuneration for dedicated policemen will help, but above all must come a deeper understanding on the parts both of police officers and of neighborhood leaders of all ages and races.

Eleventh, last, but far from least of my areas for action is that of putting an end once and for all to racial and religious discrimination in every form. No American can hold his head high until the last vestiges of this evil have been eradicated by the concerted action of people like those in this room tonight. Discrimination must end—in jobs, in accommodations, in housing, in the courts, and in every area of American life. With this principle there can be no compromise.

I do not know the precise shape our efforts for community development in the slums will take in the years ahead. The points I have made here this evening are in some cases only tentative. Perhaps even more important and useful ways of looking at these problems will soon emerge.

But we can not wait for them when the present needs are so great. By studying the experience of the past, we can work to shape the future. That, in fact, is the fundamental premise of a responsible conservatism. As we learn, we must retain the courage to change our course, to abandon our mistaken ventures, and to proceed boldly ahead along the path that appears more likely to lead us to our goals.

Toward Responsible Freedom, launched here tonight, is a program whose final phases cannot yet be envisioned. Undoubtedly much will be learned along the way, and many adjustments made accordingly.

But I am proud to be here tonight with the Community Renewal Society to launch this far-sighted endeavor.

I am proud that my city of Chicago has the caliber of people and the loftiness of vision to provide such impressive support to this undertaking.

And I am proud, in anticipation, of the men and women who, though today imprisoned in our slums, will tomorrow, with our help but through their own efforts, rise to the achievement of their own potential as self-reliant human beings and creative citizens of the greater Chicago of tomorrow.

THE PRESIDENT AND THE MORAL JUSTIFICATION FOR VIETNAM

Mr. SPARKMAN. Mr. President, in a recent editorial, the Birmingham News skillfully discussed the current controversy over the morality of America's position in Vietnam.

The News points out that all war is immoral and irrational. But the United States did not start this war and the United States does not choose to continue this war.

The Communists are to blame on both counts.

> We feel—

The News declared—

> that the Administration, by fighting a restrained war at this time, is embarked on a sane course to save us from the very thermonuclear war which the peace advocates accuse the Administration of dragging us toward.

And challenging the views of peaceniks and so-called dissenting Democrats, the News says:

> We would rather see (their) funds and energies spent in an effort to persuade Hanoi to accept some of the peace offers so that meaningful talks toward a settlement could be underway.

The Birmingham News answers the question of morality in Vietnam by posing questions of its own:

> Have not large numbers of innocent people been slain by North Vietnamese soldiers and Viet Cong terrorists? Would not these slayings be continued on an incomparably larger scale without the American presence? How many civilian lives would be lost tomorrow if the United States would evacuate today?

Mr. President, I submit that these are the most relevant questions to ask when discussing the problem of morality and Vietnam.

I agree with the Birmingham News that it would be immoral for the United States not to be there.

And I think the majority of Americans share this view.

PRESIDENT JOHNSON IMPROVES HEALTH CARE OF ALL AMERICANS

Mr. MONDALE. Mr. President, President Johnson has signed into law the important Partnership for Health Act, marking the 31st health bill passed under his leadership in 4 years.

The Partnership for Health Act mobilizes the energies of all levels of government in an all-out war against disease by providing Federal funds for health services which States and communities deem vital; by enlisting the resources of the Nation in a total effort to control and eliminate rat infestation; and by setting strict standards of practice for clinical laboratories, to insure careful, correct examinations.

During the Johnson years, more health bills have been enacted than during any period in our history.

President Johnson and two Democratic-led Congresses have established comprehensive health services for over 900,000 members of poor families, and special health care for an additional 1,000,000 low-income children and youth, provided health care for the aged through medicare, expanded mental retardation and community mental health centers for the mentally retarded and disturbed, and strengthened immunization programs for our children.

A nation can be only as strong as the health of her people. While much remains to be done before we can be satisfied with the quality of American health care, great progress has been made.

I am proud of the health record written under the Johnson administration, and so is a healthier Nation.

I ask unanimous consent that the President's remarks upon signing the partnership for health bill be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of the President at Signing Ceremonies of the Partnership for Health Legislation, December 5, 1967

Mr. Vice President, Secretary Gardner, Chairman Staggers, members of Congress, ladies and gentlemen:

As President there is nothing that I enjoy more than coming here to the East Room and signing health bills.

First, I think it is somewhat of a recommendation and a compliment to the Congress for having passed them. Having spent so many years in Congress, I look for every opportunity I can, in good conscience, to compliment them.

This is the second health bill that I have signed this week. That makes me very proud and I think this is something that will make the American people very happy.

This is the 31st health bill that I have signed in the last four years. I think that is of some significance because it shows what we are thinking about in this country and it shows what we are doing about it.

The bill that we will sign shortly is a little different than some of the others that we have had. Its purpose is not to create a new program, but to try to consolidate some old ones. It gives our States and it gives our communities new power to mount a total war against sickness and against disease—and they need that power.

Some two years ago a noted medical researcher said: "The human body comes in only two shapes and three colors. I don't expect there will be any changes . . ."

But even if the human body is quite limited in both shape and color, the human body has also unlimited capacity for affliction. As medical science has discovered more and more of the new ways to cure the body's ills, the Federal Government has responded with more and more health programs, as the number of these measures has indicated—each with a pinpointed target, each valid and each valuable for its own purpose. But the result, after dozens and dozens of health bills enacted in a relatively short period—more health bills have been enacted in the last four years than all the preceding years of our Government put together—the result has been a programmatic and bureaucratic nightmare that we frankly must face up to.

In this Partnership for Health measure, we begin to try to cure some of this red tape. We begin to try to free the Public Health Service from the burden of paperwork so it can fight a more important battle, the battle against disease.

This bill contains a three-part strategy to help them fight that battle against diseases:

First, it offers assistance to States and communities to develop broad-based plans for health. We give them that obligation and responsibility and call upon them to do their planning.

Second, as quickly as these plans are ready it provides Federal funds to help carry out these local plans.

Third, it establishes a national program for research and development in health services. Even as we discover new ways to cure disease, we are testing better ways to bring these cures to the people.

So the bill contains two proposals:

It opens the way to strict Federal and State standards for clinical laboratories. It will help to eliminate the patient of the needless anguish of tests he has had to undergo that might be faulty. We do know from recent studies that as many as one out of four tests performed by some laboratories have been wrong tests.

This bill also deals with a subject that you have heard about and read about and some people have laughed about—the subject of rats.

Throughout history rats have been the prime delivery system for our filth and the worst diseases that human beings have. To little children in the slums rats have really been the Public Enemy No. 1.

Some important people—I am told—thought it was a joke when we sent up the Rat Control Bill a few months earlier. Some joked about it.

The bill we sign today shows that American people are not laughing about it. And it shows that the Congress and the country were listening.

Now it is the turn of State and community leaders to listen. Now it is time for the health officers to show that by this partnership we mean business.

This is the second consumer bill that I have signed this year. We still have ten to go, Truth-in-lending, Pipeline Safety, Flammable Fabrics and Wholesome Meat.

I had some encouraging words a few moments ago about that.

This Wholesome Meat Bill can relieve every American family from the fear that every frankfurter and hamburger they give their children could be rancid or have something wrong with it.

So, I thank the Congress for what you have brought me to sign and I invite you to give me other work to do.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 7819.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF CYRUS R. VANCE

Mr. BYRD of West Virginia. Mr. President, this morning's Washington Post contains an editorial entitled "Well Done." The editorial remarks on the highly commendable work that has been performed by Cyrus R. Vance in his efforts to secure some peaceful resolution of the problem that has confronted the Middle East in recent days; namely, the controversy between Turkey and Greece over Cyprus. The editorial states that many persons played important roles in this situation. I quote from the editorial:

> But it was Mr. Vance, who left his job as Deputy Secretary of Defense earlier this year to rest an ailing back, who carried the big burden. It was his readings of the temper and intentions of the conflicting parties that were crucial to the shaky understanding that was reached. He was thrown into the crisis with no particular expertise to help him and little time to do his homework. Yet he came quickly to the heart of it: Turkey was in no mood for half-baked solutions; if no major concessions were forthcoming from Greece, the Turks were ready for war. The necessary concessions were worked out, all around, though it remains to be seen just how reasonable President Makarios of Cyprus is going to be.

I take great pride in calling the editorial to the attention of the Senate. I take pride in the work of Mr. Vance. He is an able public servant. He has rendered a notable service not only to his country but also to the world by acting to preserve peace in the Middle East.

If I may be a bit parochial for a moment, I take a special pride in Mr. Vance's accomplishments because he is a native West Virginian. I am glad to see his work recognized by the Washington Post, a very great newspaper.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELL DONE

Cyrus R. Vance is back from the war that almost was between Turkey and Greece and it is in very large part his doing that there has not been a war. It was a near thing, by all accounts, and the danger will not completely die away until some sort of permanent Cyprus settlement is reached. But the sparks of a potentially bloody conflict have been stamped out, at least for now.

Others from President Johnson on down, played important roles, and considerable credit is due to Ambassador Goldberg at the United Nations, who worked tirelessly, almost around the clock, as coordinator of the American peace-keeping effort with those of the U.N. and its members. But it was Mr. Vance, who left his job as Deputy Secretary of Defense earlier this year to rest an ailing back, who carried the big burden. It was his readings of the temper and intentions of the conflicting parties that were crucial to the shaky understanding that was reached. He was thrown into the crisis with no particular expertise to help him and little time to do his homework. Yet he came quickly to the heart of it: Turkey was in no mood for half-baked solutions; if no major concessions were forthcoming from Greece, the Turks were ready for war. The necessary concessions were worked out, all around, though it remains to be seen just how reasonable President Makarios of Cyprus is going to be.

In any case, the threat of war between two NATO partners—with all that this would mean—has been put off once more. History warns us not to expect that the threat may not recur another day. But this does not subtract from Mr. Vance's job well done. This is his second major contribution to the country since his "retirement" early this year; during the summer he answered the President's call to help damp down the rioting in Detroit. He deserves the country's thanks.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

AMENDMENTS NO. 489

Mr. LAUSCHE. Mr. President, I call up my amendments No. 489.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with, and that they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 489) are as follows:

On page 55, beginning with line 16, strike out all through the period in line 19 and insert in lieu thereof the following: "and $500,000,000 for the fiscal year ending June 30, 1968, and for each of the three succeeding fiscal years.".

On page 84, line 3, beginning after the colon strike out all through line 7 and insert in lieu thereof the following: " 'and $65,000,000 for the fiscal year ending June 30, 1968, and each of the three succeeding fiscal years,'.".

On page 88, line 16, beginning with "$20,000,000" strike out all through line 18 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 98, line 13, beginning with "$8,000,000" strike out all through line 16 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years."

On page 104, line 1, beginning with "$3,000,000" strike out all through line 4 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 109, beginning with line 14, strike out all through line 17 and insert in lieu thereof the following:

(e) Section 4 of such Act is amended by striking out "$5,000,000" and all through the remainder of such section and inserting in lieu thereof the following: "and $8,000,000 annually for each succeeding fiscal year thereafter.".

On page 111, line 9, beginning with "$3,500,000" strike out all through line 13 and insert in lieu thereof the following: "and not to exceed $3,500,000 for the fiscal year ending June 30, 1968, and each of the three succeeding fiscal years'.".

On page 131, line 8, beginning with "$150,000,000" strike out all through line 12 and insert in lieu thereof the following: "and $150,000,000 for the fiscal year ending June 30, 1968, and for each of the three succeeding fiscal years'.".

On page 131, line 20, beginning with "$150,000,000" strike out all through line 24 and insert in lieu thereof the following: "and $150,000,000 for the fiscal year ending June 30, 1968, and for each of the three succeeding fiscal years'."

On page 137, line 7, beginning with the quotation marks strike out all through line 11 and insert in lieu thereof the following: "all after 'June 30, 1968,' and inserting in lieu thereof the following: 'and for each of the three succeeding fiscal years, for the purposes of this title'.".

On page 140, beginning with line 7, strike out all through line 9 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 150, line 1, beginning with the semicolon strike out all to but not including the period in line 4.

The PRESIDING OFFICER. Does the Senator from Ohio wish to have his amendments considered en bloc?

Mr. LAUSCHE. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, the bill pending before the Senate covers authorizations for 4 years. The authorization for fiscal year 1968 is not questioned at all by my amendments. My amendments do challenge, however, the authorizations for fiscal years 1969, 1970, and 1971.

Considering the bill that is before the Senate, and considering the already completed and executed legislation dealing with fiscal year 1968, the committee's bill envisions expenditure of the following amounts:

For fiscal year 1968, $3,965 million.
For fiscal year 1969, $4,141 million.
For fiscal year 1970, $4,711 million.
For fiscal year 1971, $5,056 million.

My amendment, if adopted, would fix the amount of the authorization for fiscal year 1968, $3,900 million, as the authorization for each of the fiscal years 1969, 1970, and 1971. In other words, the maximum authorized expenditure, under my amendments, would be the figure of $3,900 million, as already authorized for 1968, multiplied by 4. I have figures in a file which will be brought to me in a few minutes illustrating the difference between the total expenditure under my amendments and the amount provided in the committee bill.

My present recollection, not having the memorandum before me, is that under my amendments, the authorized expenditures for the 4-year period would be approximately $2.5 billion less than as recommended by the committee.

The question may be asked, why do I suggest cutting the authorizations for the years 1969, 1970, and 1971? I should like, at this time, to point out the facts upon which I have predicated my amendments.

I wish to establish, and I believe I can, that the amounts which I recommend are ample to provide a program adequate to achieve the objectives of the most friendly minded toward more extensive participation of the Federal Government in the educational programs of this country.

To understand the facts upon which I predicate my conclusion that the authorizations for the 3 years should be cut, I direct the attention of Senators to the situation that prevailed in fiscal year 1967, which ended at midnight June 30, 1967. The authorization for the program for fiscal year 1967, which is gone and past, was $2,300 million. The amount appropriated under the authorization for fiscal year 1967 was $1,800 million or, in other words, $500 million less than the amount authorized.

I specifically and emphatically call to the attention of my fellow Senators the fact that for fiscal year 1967, there was appropriated but $1.8 billion. We now move from 1967 to 1968. The increase in authorized expenditures from fiscal year 1967 to fiscal year 1968, which is now in progress, is clearly evident from the fact that we have authorized for 1968, in round figures, $4 billion. The authorization for fiscal 1968, the current fiscal year, is 100 percent more than the amount of the appropriation for 1967. For fiscal year 1967, as I have stated, there was appropriated $1.8 billion. For the present fiscal year, we authorized $4 billion and we have appropriated $2 billion. The authorization is twice the amount of the appropriation.

I now move to the fiscal year 1969. For the fiscal year 1969 the bill pending before the Senate recommends $4,500 million, although we appropriated only $2 billion for the fiscal year 1968.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MILLER. Mr. President, does the Senator from Ohio have the figure for the budget request?

Mr. LAUSCHE. I do not have that figure before me. However, it will be made available at a later date. Perhaps the staff members can provide it. I am building my case upon the fact that we are multiplying and multiplying the authorizations when there is no need for doing so.

Mr. MILLER. I think that the Senator from Ohio is doing an excellent job of it. However, I think it would be helpful to have the whole picture before us.

Mr. LAUSCHE. Mr. President, I will present that information separately, and build the case logically now as I contemplate it.

The Senate bill recommends that $4.5 billion be authorized. The House of Representatives authorized $4.1 billion. The amount of the committee recommendation is 150 percent more than the amount spent in 1967. In the course of a 2-year period we are asked to increase the authorization by that much.

I now move to the fiscal year 1970. The committee bill recommends $4,711,000,000 for the year 1970. Only $2,000,000,000 was appropriated for the 1968 fiscal year, the present fiscal year. But the recommendation of the Senate committee is that $4,711,000,000 be authorized in spite of the fact that only $2,000,000,000 was appropriated for 1968. We are being asked to authorize two and one-fourth times as much for 1970 as the appropriation for 1968.

Mr. President, I have so far covered 1968, 1969, and 1970. I now move to the fourth year of the authorizations contained in the pending bill.

The committee recommendation for authorization for the fourth year is $5 billion. We appropriated $1,800 million for 1967. It is now suggested that we authorize $5 billion for 3 years later. That is almost three times the amount appropriated for 1967.

If my amendment is agreed to, it will provide for an authorization in the amount contained in the 1968 authorization. That amount is $3,900 million. The same amount, $3,900 million, will be authorized for each of the succeeding years, 1969, 1970, and 1971.

I submit to the Senate that with the stringent financial conditions which confront our country, we ought not to continue to expand the ability to spend by means of increased authorizations. There ought to be a halt to this procedure. There should especially be a halt because the latitude of authorization over the amount actually appropriated in past years is so great as to demonstrate that we need no further increase in authorization.

It might be argued that the mere authorization of a certain amount of money does not mean that that amount will be appropriated. My reply to that argument is that excessive authorizations constitute an inducement for excessive appropriations.

I think the Senate ought to have something to say about this procedure and act as a body upon both the authorization and the appropriation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. BYRD of West Virginia. Mr. President, in view of the fact that the Senate will vote at 2 o'clock under the unanimous-consent agreement, will the Senator yield, with the understanding that immediately following the vote on the convention, the distinguished senior Senator from Ohio will be recognized so that he might continue with the presentation of his amendment?

That would allow us to put in a very brief quorum call before the vote.

Mr. LAUSCHE. I am very glad to do that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Ohio [Mr. LAUSCHE] be recognized immediately following the vote on the convention and the return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Senate, under the unanimous-consent agreement entered yesterday, will now go into executive session to vote on the resolution of ratification to Executive K, 90th Congress.

PROTOCOL FOR THE FURTHER PROLONGATION OF THE INTERNATIONAL SUGAR AGREEMENT

The Senate, as in Committee of the Whole, resumed the consideration of the treaty (Ex. K, 90th Cong., first sess.), the Protocol for the Further Prolongation of the International Sugar Agreement of 1958, done at London, November 14, 1966.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Maine [Mr. MUSKIE], and the Senator from Georgia [Mr. RUSSELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Oregon [Mr. HATFIELD], the Senator from Idaho [Mr. JORDAN], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would vote "yea."

The yeas and nays resulted—yeas 84, nays 0, as follows:

[No. 374 Ex.]

YEAS—84

Aiken
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—16

Allott
Cooper
Ellender
Fulbright
Hatfield
Hollings
Inouye
Jordan, Idaho
McCarthy
Moss
Muskie
Prouty
Ribicoff
Russell
Scott
Tower

The **PRESIDING OFFICER.** Two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the ratification of the protocol.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Under the order previously entered the Chair recognizes the Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Ohio may proceed.

Mr. LAUSCHE. Mr. President, while there is a goodly number of Senators in the Chamber I believe I can rather quickly give to them an understanding of what my amendment would do.

First, my amendment would not at all affect the authorization for the fiscal year we are now in. The fiscal year 1968 would remain exactly as it is. However, the amendment would reduce the authorizations for 1969, 1970, and 1971. For the fiscal year 1967, which is completed and over, Congress authorized $2.3 billion. There was appropriated $1.815 billion. The fiscal year 1968 appropriations have already been completed. The appropriations have already been made. My amendment would not affect 1968 at all.

For 1968 there has been authorized $4 billion; there has been appropriated $2 billion. The authorization is 100 percent more than the appropriation. I propose to continue the 1968 program dollar-for-dollar through 1969, 1970, and 1971. My amendment would cut the proposed authorizations for the years 1969, 1970, and 1971.

If the Senate or the Congress should feel that the authorizations for those 3 years should be increased, we would be able to do so in 1969, 1970, or 1971, in whichever year we might choose.

Now the query may be presented: How much would my amendment reduce the total authorizations that will possibly be made? My amendment, if adopted, would reduce the authorizations by $2.4 billion covering 1969, 1970, and 1971. The authorization for 1968 would remain unchanged.

I do not see the Senator from Oregon in the Chamber. Possibly he just stepped out, but I want to inform him——

Mr. MORSE. I heard every word.

Mr. LAUSCHE. I thank the Senator. I want him to hear this because it is significant. The committee amendment proposes a $3,000 level of income on the basis of which the children of families earning less than $3,000 may be counted for special Federal aid. My amendment would not affect at all the authorizations to finance that program.

Mr. MORSE. Will the Senator from Ohio yield at that point?

Mr. LAUSCHE. I yield.

Mr. MORSE. That is present law. We are not proposing anything different. That is what present law is.

Mr. LAUSCHE. Yes. But I was apprehensive that the Senator from Oregon might think the amendment precluded authorization of moneys to finance that program. The House version does preclude its financing.

The amendment would allow appropriations for whatever amounts were needed to finance that change in the eligibility formula for families below what are called the standard incomes.

That, in substance, is my amendment, Mr. President. Its motivation is that we are in a period of fiscal stringency. The President is crying out for a 10-percent surtax. Others are asking not only for a surtax, but also a decrease in the expenditure of moneys.

I submit that the purpose of serving the blind, the handicapped, and those otherwise physically incapacitated is an excellent objective; but under the moneys authorized by the 1968 program of $3,900 million which is 2.1 percent more than we spent in 1967, I submit that all of these laudable objectives can be carried into effect.

My amendment would permit the authorization, as I said, of $4 billion for 1968; $2 billion has been appropriated, one-half of what has been authorized. For 1971, the last year of the authorization as set forth in the bill, the committee recommends an authorization of $5 billion, 2½ times more than has been appropriated for this year.

I submit most respectfully that there is no need for that kind of income in the authorization.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. HOLLAND. Do I correctly understand that what the Senator is seeking to do is to cut each of the authorizations for the 3 years which follow 1968 as contained in the bill?

Mr. LAUSCHE. That is correct.

Mr. HOLLAND. What is the total amount of the cuts for the 3 years that the amendment of the Senator from Ohio, if adopted, would effect?

Mr. LAUSCHE. A total of $2,400 million.

Mr. HOLLAND. For the 3 years together?

Mr. LAUSCHE. For the 3 years—1968 is the last year, after which the cuts would be made in 1969, 1970, and 1971. The total amount of the cuts for those 3 years under the 1968 authorization would be $2,400 million.

Mr. HOLLAND. If the Senator from Ohio would allow me to say so, I appreciate the fact that he is offering this amendment and I hope that it will be adopted.

So that the Senate may have the background against which the Senate is operating at this time, I should like the RECORD to show that at this very moment, in conference between the Senate and the other body, we are endeavoring to cut the appropriation already made for this year by an additional substantial percentage.

We have been notified by the President that if we do not cut controllable appropriations he proposes to do so.

We feel—at least I feel—that it would be much better for Congress to do it itself and have a fixed level which the Nation, every agency of Government, and the world can regard as a level which can be accomplished during fiscal 1968. It seems so completely unreasonable for us to be asked at this same time, when we are in financial stringency and when the appropriation committees have never been willing to appropriate anything like the existing authorization for this program, to be asked in the Senate and in the other body to increase heavily an authorization for the next 3 years. This does not seem to me to be a reasonable or defensible course of action. It would indicate, in advance, that we do not propose to effect economies when I think that all of us are committed to effectuate economies.

I therefore hope that the amendment of the Senator from Ohio will prevail. It will put the Senate in a much stronger position and in a much more defensible position than it would be placed in if it adopted a bill with a very large increase in authorizations for the 3 years affected by the Senator's amendment.

I thank the Senator from Ohio for yielding to me.

Mr. BYRD of Virginia. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. BYRD of Virginia. I feel that the Senator from Ohio has taken a courageous position today, particularly in view of the fact that he comes up for reelection next year. All of us know that it is a lot more popular to advocate spending than it is to put a brake on some of the spending that is going on in Washington.

I feel that the facts the Senator from Ohio has pointed out should be made available to the people of our Nation. Here is what they are. During the current fiscal year, 1968, the appropriations for the programs under the pending legislation total $2 billion. The authorizations proposed now in the pending legislation are, for the next fiscal year, 1969, $4.5 billion. For the fiscal year 1970, they are $4.8 billion, in round numbers. And for the fiscal year 1971, $5.1 billion.

What the Senator from Ohio proposes is that the current authorization of $3.965 billion be the authorization for the years 1969, 1970, and 1971. This figure of $3.965 billion is almost exactly twice the appropriation for the current fiscal year.

Mr. President, it seems to me that the new authorization figures which are presented to the Senate by the committee are unreasonable. It seems to me they are clearly unreasonable. What the Senator from Ohio wants to do, and what his amendment does, is to hold the authorizations for the next 3 years at the same figure that is authorized for this year; namely, $3,965 billion, which is almost exactly double the amount of money which has been appropriated for this fiscal year.

I commend the Senator from Ohio on the position he has taken. I shall be glad to support his amendment.

Mr. LAUSCHE. Mr. President, the Senator from Virginia emphasizes a very important aspect of the issue that is before us. He pointed out that, while we authorized the expenditure of $3.965 billion for this fiscal year, the Appropriations Committee appropriated $2 billion. So there is a latitude of $1.965 billion under the existing authorization with which to expend the moneys used to help the blind, the handicapped children, the disabled adults, adults who need education, bilingual education, and so forth.

If the Appropriations Committee wants to increase the amounts granted in 1969, it will have, under my amendment, a latitude of $1.9 billion.

Under the authorization recommended by the committee, it would have a latitude of $2.5 billion for 1969, $2.8 billion for 1970, and $3.1 billion for 1971.

My contention is that it is not necessary. Mr. President, if I thought that the authorization was not adequate to fully and reasonably implement every one of the programs contemplated by the great jump that was made in Federal aid to education between 1967 and 1968, I would be the first one to oppose any cut in the authorization. Ample moneys are authorized—2½ times more for next year than has been appropriated this year.

Why do I offer this amendment? I stated my reasons yesterday, in part. Every day the newspapers are reporting the problem of the increased cost of living. Every day the newspapers are reporting the outflow of gold from the United States into foreign countries. We have $13 billion worth of gold, $11 billion of which is tied to the support of our paper currency issued by the Federal Reserve banks. Two billion dollars in gold is available to meet $30 billion in potential, immediate demands for payment in gold that can be made by the foreign creditors of the United States.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LAUSCHE. Yes, I yield.

Mr. HOLLAND. I am glad the Senator is emphasizing and accentuating and reaccentuating this point. The Senator from Virginia [Mr. BYRD] has done the same thing.

From another point of view, let me place this in the record. The Senator from Florida has the responsibility of serving on the Appropriations Committee. He is standing by the able Senator who heads important activities of that committee, and near the able chairman of that committee. They will both remember that the Senator from Florida has repeatedly taken the position that in fixing amounts for appropriation we should stay close to the authorizations and that it looks awfully bad for the Senate one day to authorize a program, as we have done in some cases for foreign aid, and the very next day have the Appropriations Committee report in a bill one-half million, let us say, less than the authorization made the day before.

The trouble is that the authorizing committees have just been too generous in many cases in their recommendations. That is certainly the case here. The history of the past in this program shows that conclusively.

The distinguished Senator from Ohio has just shown that the appropriation for this year is just a little over half of the authorization for this year. The Senator from Florida has already said the conference committee meeting on this subject is seriously considering a further cut out of the $2 billion. If it were applied, a cut of 10 percent would be a cut of $200 million out of the $2 billion in the appropriation.

Mr. LAUSCHE. Is that bill in conference?

Mr. HOLLAND. This is in the matter of the conference on the continuing resolution. The House, the Senator will recall, put in certain amendments reducing expenditures for 1968 on their version of the continuing resolution, and that brings up this matter.

It seems to me it would be much more realistic, that it would appeal much more to the commonsense of the people, if the Senate tried to keep these authorizations at a reasonable level and then get the appropriations up to the authorizations. That is the way the Senator from Florida feels about it. He is always disturbed when he finds these authorizations much higher in level than the Senate, when it gets down to appropriating the money, will agree to.

I simply hope that the Senate will listen to the able argument of the Senator from Ohio and the Senator from Virginia, and will make such reductions in these authorizations as will put this bill in a more realistic frame as we face the future.

I thank the Senator for yielding.

Mr. LAUSCHE. I thank the Senator from Florida very sincerely for the expressions he has made. I did not know that the appropriation measure dealing with this program is in conference.

Mr. HOLLAND. No, Mr. President; perhaps I have not made it clear.

The continuing resolution which is in conference contains two amendments placed on it by the other body, which in effect would cut very heavily expenditures for 1968. We are trying to reach some common ground with the House conferees.

The present matter being very seriously considered by the conference committee involves a 10-percent cut on controllable appropriations for this year, and that would include a $200 million cut out of this $2 billion appropriation.

I simply call attention to that fact, that while we are pulling in that direction in an effort to attain fiscal responsibility and some sense of balance as between our income and our outgo, as between our revenues and our expenditures, we are asked here, on the floor of the Senate, to step up authorizations to a level which we know we will never reach.

It is that practice to which I am objecting, as vigorously as I know how.

Mr. PASTORE. Mr. President, will the Senator from Ohio yield for a question?

Mr. LAUSCHE. I yield.

Mr. PASTORE. I am very much interested to know—and if the Senator from Ohio cannot answer the question, I suppose the Senator from Oregon will—how do these authorization figures compare with the bill passed by the House of Representatives?

Mr. LAUSCHE. The bill passed by the House of Representatives for 1969 is for $4.1 billion. The recommended figure we have before us is $4.5 billion-plus, or $365 million more than the House has recommended.

I do not have the House authorizations for 1970 and 1971 in the tabulation that has been given to me. But for 1969——

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MORSE. That is because they did not extend it to the other years. It is not included in their bill. They did not extend it.

Mr. LAUSCHE. That, I would suggest, indicates that the House of Representatives feels that we should wait until 1970 and 1971 before we begin authorizing, to see what our financial position will be.

Mr. MORSE. But it does not act for the Senate committee.

Mr. LAUSCHE. That is right. But why did not the House authorize for 1970 and 1971?

Mr. MORSE. I cannot testify to that.

Mr. LAUSCHE. I can answer that.

Mr. MORSE. I am glad the Senator can. I cannot.

Mr. LAUSCHE. It is just plain reasoning. They feel that with the pursestrings tight, we should not plunge into 1970 and 1971 until we know where we stand financially.

Mr. MORSE. I am perfectly willing to have the Senator from Ohio say that, but I suggest he had better wait until we come out of conference.

Mr. LAUSCHE. Are we not in deep disagreement with the House of Representatives on the matter of the formula for impoverished children?

Mr. MORSE. I am not at all worried about coming out of conference with a very satisfactory bill.

Mr. LAUSCHE. But we are in disagreement. They have written into their bill that the old formula on impoverished children qualifying for special aid and the amounts that are given to schools shall not be effective until Congress funds the program.

Our bill says whether it is funded or not funded, the formula shall remain in effect; and my amendment would not change that. My amendment would permit the type of funding of the program which would say that a school district shall ascertain how many families there are within that district having incomes of $3,000 or less, determine how many children are in those families, and then provide a special bonus to help those poor school districts operate.

Mr. President, in conclusion, I feel deeply that the amounts proposed in my amendments—$3,965 million for 1968, and the same amount for each of the next 3 years—are adequate to meet whatever appropriations the committee will make, reasonably consistent with the problem that we are trying to solve.

I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. Mr. President, will the Senator withhold that request?

Mr. BYRD of West Virginia. I withdraw my request.

Mr. MORSE. Mr. President, I shall not speak at great length in answer to the arguments of the Senator from Ohio and the Senator from Virginia, but I do wish to record my opposition to their proposal.

On the desk of each Senator are 12 volumes of hearings of our committee—a total of more than 3,000 pages. I am not sure that all my fellow Senators know the general format of our Education Subcommittee hearings. A scanning of the record of the hearings will bear our what I now say, however—that by and large, we conduct seminar hearings, in which we bring in a panel of recognized authorities and experts on the subject matter to be handled at that point of our hearings. They conduct a seminar for us. We are the students. We participate in the examination.

I wish to say that we are very proud of the information that we bring to the Senate each year in support of our recommendations, because it is never necessary for me to make an argument outside of the record. When I present a point of view to the Senate in support of a recommendation, I can always turn to the record to find the authority that I, in fact, am cribbing on, so to speak. I am using their arguments.

Mr. President, we have carried out the obligation of a legislative committee. That obligation is to conduct hearings on the proposals submitted to us by the administration. By and large, these 3,000 pages deal with the administration's bill, subject, may I say, to some modifications and some additions to it. But I can say that without exception, Mr. President, the administration was fully notified with respect to any changes that we made; and I can say also that we gave to the administration first the notice, and then the opportunity to come before us and testify on any proposed change, or to submit memorandum, if they preferred, on any proposed changes. That is what we have done this year, without exception.

Mr. President, I am not saying that the administration authorizes me to say that it accepts every change that we have made.

The administration has not opposed anything after full notice and opportunity to present a point of view in respect to these proposals have been given.

Mr. President, I do not question at all the convictions of the Senator from Virginia and the Senator from Ohio. I am only sorry that the Senator from Ohio [Mr. Lausche] is not present. However, I will tell him what I say. He knows what I am going to say, anyway.

Mr. President, the Senator from Ohio and the Senator from Virginia come to the floor of the Senate and, in a matter of a few hours, decide that they will set aside the factual material contained in these 3,000 pages, the supporting evidence for the recommendations for the Senate legislative committee on education, and rather arbitrarily say: "We are going to keep the authorization at the figure that it is this year."

If that is not a meat-ax approach to an authorization bill, I do not know how we could have a meat-ax approach. There are so many things that require additional appropriations that it would take me a long time to go through each of these volumes and point out the case that has been made for each program I have mentioned.

However, before I cite a few, I point out that this is a bipartisan bill.

I point out that the pending authorization bill was voted for by everyone that voted. And all of the members of the subcommittee and the full committee voted except one member who was absent. So, it is a unanimous report of the committee members, save one.

To give an example of how bipartisan it is, the Senator from Colorado [Mr. Dominick] proposed, for example, a project that required an additional $50 million to be placed in the bill for special incentive grants to poorer States that make an extra effort.

We have had incentive programs before us in the past. The chairman of the subcommittee has always supported the concept. We need an incentive to the States. Some may be considered to have deficient educational systems because of a lack of natural resources and wealth.

Many of those States are sacrificing a great deal in raising the money to support their schools. So, what the Dominick amendment did was add $50 million to the pending bill as an incentive inducement to these and other States to make even a greater sacrifice.

I wonder if the Senator from Ohio and the Senator from Virginia would oppose that recommendation if they were members of the committee and heard the evidence we heard.

Mr. President, the Senator from California [Mr. Murphy] was on the floor of the Senate a moment ago. He proposed an additional program—and I am merely citing some of our new programs—that would cost $30 million. That program would help schools to correct dropout problems.

I wonder if the Senator from Ohio and the Senator from Virginia want to question the committee in regard to whether we should have a special problem in respect to school dropouts? Can they deny all the evidence in the volumes on the desks as to what it costs us economically in losses to each State because of dropouts?

Can we take the position that we will not have any change for 3 years? Are we going to ignore the situation for 3 years?

I think my committee is to be highly commended because by the year 1971 under the authorization and recommendations that my committee proposes for 1971, we will have finally reached the equivalent for education of the present appropriation of more than $5 billion to put a man on the moon. That shows how conservative my committee is fiscally.

I am much more interested in putting dropouts back in school than I am in putting men on the moon. I am much more interested in carrying out the obligation I talked about in the course of the debate yesterday afternoon to the little boys and girls of this country of seeing to it that we do not deny to any little boy or girl the opportunity and the right to develop to the maximum extent possible the intellectual potential of that boy or girl irrespective of the color of his or her skin.

That is what we are proposing by way of an authorization bill. That is the obligation we owe the Senate—to bring to the Senate an authorized program that, on the basis of the evidence submitted to us, meets those standards and needs that ought to be met, and that we cannot justify not meeting.

That is what the pending authorization bill is all about.

It is true that an authorization bill is not an appropriation bill. It is true that an appropriation committee takes into consideration entirely different criteria from the criteria that a legislative committee has to consider. However, as I listened to some of the arguments in the course of this debate, apparently there are some—and I am sorry that some of them seem to be on the Appropriations Committee, that seem to think an appropriations committee should act as an authorization committee as well as an appropriations committee.

That has been a growing trend in the Senate for some years. And the senior Senator from Oregon has protested it time and time again, and does so again.

We must keep the functions of legislative and appropriations committees completely separate. The Appropriations Committee is not authorized by the Senate to set up and apply the criteria used by a legislative committee.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, the Appropriations Committee has the authority of the Senate to decide, in view of the total fiscal problems of our country, how much of the authorization amounts in the various bills it feels from the standpoint of fiscal policy it should approve.

I am not quarreling with its jurisdiction. However, I certainly rise to defend the important jurisdiction of a legislative committee. The discussion that I heard within the last 10 minutes about the difference between authorizations and the amounts finally appropriated and the belief that the amounts contained in authorization bills should be close to the amounts contained in appropriations bills is just irrelevant to the task before the Senate at the present time. This legislative committee of mine should not be controlled by the potential action of an appropriations committee in future.

The Senate and the people of this country are entitled to have this legislative committee bring before the Senate the work that these 12 volumes represent.

As to what the legislative program of this country should be legislatively speaking in order to meet the educational responsibilities of the Federal Government, I hope we hear no more in the debate on this amendment about the legislative committee trimming its authorizations to various speculations and projects as to what an appropriations committee will do. If my committee does that, we become a dishonest committee intellectually. We become a committee then that is playing cheap, expedient politics with the school boys and girls of this country. And I can speak for a unanimous committee when I tell you that not a man on that committee will so stultify himself. I am proud to stand here as a spokesman for a united committee, in presenting to the Senate this afternoon an authorization bill in respect to what the educational needs of this country are and what Congress should authorize, what the Senate should authorize, if the funds can be made available for the appropriations.

But here are two duties that I most respectfully say the Senator from Ohio, the Senator from Virginia, and the Senator from Florida—in his argument a few moments ago—seek to intermingle and intermix and therefore destroy the identity and the purpose of an authorization bill.

Mr. President, these volumes speak for themselves. I welcome any Senator to rise at any time and tell me whether or not the committee has failed to carry out its authorization duties as we have brought to the Senate what the facts show are the educational needs of the boys and girls of this Republic.

Mr. President, I speak kindly, and I speak most respectfully, and I do not speak critically in any personal sense. But I think of the weeks that my committee has wrestled with the many programs that are involved in these 12 volumes, with the documentation—unanswerable, so far as the evidence is concerned—and then I come to the floor of the Senate and hear my two good friends, the Senator from Ohio and the Senator from Virginia, in effect, so far as my judgment is concerned, just sweep those 12 volumes aside, without talking about a single volume and pointing out a single program in which they believe the evidence does not support the findings of the committee. Irrespective of the programs that were discussed in the evidence of our hearings, how can we dogmatically say the authorizations shall never be more for the next 3 years than for this year. If that is not a meat-ax approach, I do not know what a meat-ax approach is.

Let me call this situation to the attention of the Senator from Ohio, the Senator from Virginia, and the Senator from Florida, or any other Senator who shares the point of view that we should automatically and dogmatically fix an authorization for the next 3 years at the level of the present authorization, irrespective of what the evidence in these 12 volumes shows to be the needs of the boys and girls of this Republic in the next 3 years. Let me cite a project.

I was shocked. I did not realize that we have this many little boys and girls in the country who are both deaf and blind. Those poor, little human beings do not have much of a chance in life. If they happen to be a tragic child of a wealthy family, they have a better chance. But if they are out of the ghettos or if they are out of a poverty stricken home—and I will not go into any discussion of the various causes of why they are deaf and blind; I will just limit myself to discussing those children as they are—they have little hope of proper education.

You see, I have held to the point of view that the Government of the United States must never be allowed to become impersonal in its relationship to the citizens of this country; for if you are going to have a free society of self-government by the people of that society, you must at all times translate into legislation great moral and humanitarian principles and policies. Oh, yes, you can talk about holding authorizations to the level of this year for the next 3 years. But if you do, you will have to forget about the many little boys and girls who are both deaf and blind.

Let me point out what the record shows as to the miracles that are taking place in our educational processes, in bringing to these children some educational light, some happiness, some facility and ability to understand what is going on around them, even though they cannot see and hear. Do you want to deny it to them?

"Oh," you say, "Mr. Senator, you're just picking a special case." I am not picking a special case. If necessary, I can speak on the floor of the Senate for 10 hours, discussing project after project in these 12 volumes, which we, the people, are doing nothing about today, but about which our moral obligations dictate to us, as a people, we should do something. Yet, we get an argument on the floor of the Senate that adds up, in fact, to a penny wise-pound foolish argument—an argument that we are going to put the dollar sign above humanity and above doing what we know we should do.

We bend the knee on Sunday and express our spiritual beliefs. Well, I happen to believe that we should practice those spiritual beliefs 24 hours a day, 7 days a week.

I am speaking now about a great moral issue that we owe the boys and girls of this country, with regard to passing the authorization this afternoon that should be passed, in order to have the blueprint as to what a free people should do in carrying out our obligation to the greatest wealth we have; namely, the potential brainpower of the youth of the Republic.

Well, let me tell you what we are doing. We listened. We had the seminar. We heard the experts. They told us what relief and aid can be brought to those little boys and girls who are both deaf and blind, and we adopted the minimum figure to get such a program started. And what is the minimum figure?

Mr. President, to carry out that humanitarian obligation we must build centers to provide services to take care of these little boys and girls who are both deaf and blind. For the first year there is provided $1 million for planning; for the second year it goes up to $3 million; then $7 million; and then $9 million.

Let me hear the voice of some Senator, any Senator, who wants to say to the American people that he was justified in voting for an appropriation, not an authorization, but an appropriation for more than $5 billion this year to support our NASA program to put a man on the moon, who does not think he should vote $1 million to start planning for some institutes to put a great many hundreds of little boys and girls who are both deaf and blind in a training program. I know it is a tough challenge. I know that no one can answer it or meet it.

Mr. President, all you can do is brush that challenge under the rug, as the Senator from Ohio and the Senator from Virginia apparently are willing to do when they want to gut this bill with an amendment that would hold authorizations at the present level, which means you cannot carry out the improvements that the experts testified are needed if we as a free people are going to meet the educational needs of the boys and girls of this country.

If anyone wishes to challenge my stand by suggesting that I cite other examples, I shall, but I think I have made my point with respect to the kinds of programs. We have programs here for the handicapped. We have an entire group of programs.

I shall now turn to the next point I wish to make in answering my two friends. I want to say that when you talk about cutting back on Federal funds, what you are doing is saying to the States, "You are going to have to raise more money in the States."

If one listens to the Senator from Ohio and the Senator from Virginia, does he think that if there is a cutback on these Federal funds, the taxes are not going to have to be raised for these services elsewhere? The whole idea of Federal aid is to aid the States, which are already overburdened with aggressive taxation policies at the State level so that funds may be raised to supplement the support given our schools at the State level.

Every Senator knows that the property tax in State after State is already at the saturation point for money that can be raised to support the schools. School bond issue after school bond issue is being defeated at the local level across the country because of the already saturated tax burden. We have sought to come to the assistance of these States which are facing such a great tax burden.

In effect, the Senator from Ohio and the Senator from Virginia are saying that the Federal Government should not come to their assistance as recommended by this committee. The issue is whether or not the evidence in the hearing volumes supports the committee. I challenge the Senator from Ohio and the Senator from Virginia to pick up a single volume and point out to me what project is not supported by the preponderance of the evidence in our hearings.

Mr. President, I am sorry if I call upon them to meet the tests of a courtroom, but they want a verdict out of the Senate this afternoon without the discussion of the evidence. Therefore, I am challenging them to come to the floor of the Senate and cite the evidence.

Mr. President, we have a situation in which we have a choice. If this is not done at the Federal level, there is a choice of raising more money at the State level. Let Senators who believe in that go home and tell their States that, for you have a duty to tell your States that. Let them go home and tell their States that. The other choice is to deny to these boys and girls at the State level the services they should have, because the money is either raised at the State level, or it is raised at the Federal level, or there is denied to them educational training.

Mr. President, I close by saying again today what I said yesterday. For every dollar you think you are saving in educational authorization and appropriation, the American people will lose a minimum of $4 to $6 because of the cost that the failure to supply that education will cost Republic.

Mr. President, I rest my case. I am ready to vote.

Mr. LAUSCHE and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, have the yeas and nays been ordered?

Mr. BYRD of West Virginia. The yeas and nays have been ordered.

Mr. LAUSCHE. Let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. LAUSCHE]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr RIBICOFF] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Maine [Mr. MUSKIE], the Senator from Georgia [Mr. RUSSELL], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Oklahoma [Mr. HARRIS]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Oklahoma would vote "nay."

On this vote, the Senator from Louisiana [Mr ELLENDER] is paired with the Senator from Michigan [Mr. HART]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Michigan would vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Hawaii [Mr. INOUYE]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Hawaii would vote "nay."

On this vote, the Senator from Connecticut [Mr. RIBICOFF] is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting, the Senator from Connecticut would vote "nay," and the Senator from Georgia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kenutcky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Oregon [Mr. HATFIELD], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Idaho would vote "nay."

The result was announced—yeas 27, nays 54, as follows:

[No. 375 Leg.]

YEAS—27

Baker
Bennett
Byrd, Va.
Cotton
Curtis
Dirksen
Eastland
Fannin
Hansen
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Lausche
Long, La.
McClellan
Miller
Morton
Mundt
Smathers
Sparkman
Spong
Stennis
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—54

Aiken
Anderson
Bartlett
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Dodd
Dominick
Fong
Gore
Griffin
Gruening
Hartke
Hayden
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Monroney
Montoya
Morse
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Smith
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—19

Allott
Cooper
Ellender
Ervin
Fulbright
Harris
Hart
Hatfield
Hollings
Inouye
Jordan, Idaho
Moss
Muskie
Prouty
Ribicoff
Russell
Scott
Talmadge
Tower

So Mr. LAUSCHE's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was defeated.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. STENNIS. Mr. President, there is at the desk an amendment for the consideration of the Senate proposed by the Senator from Georgia [Mr. RUSSELL]. I propose now to discuss that amendment, giving the substance of its meaning, covering what it does not do as well as what it does do, with the expectation, of course, that at some future time the amendment will be called up for action.

Mr. President, the amendment to which I refer is in printed form. It is amendment No. 480 and was submitted on November 29 by the Senator from Georgia.

There has been an editorial in the Washington Post about this amendment. The editorial writer was misinformed or not informed about its contents.

Let me say in the beginning that this amendment does not affect in any way the substance of the Civil Rights Act of 1964. It does not touch any of the substance of that act in any way. The amendment does not make any change in the guidelines that are used for schools to qualify under the present law.

This amendment does not destroy in any way the main powers and prerogatives of the Education Office of the Department of Health, Education, and Welfare. It does not change any of the basic powers. It merely limits procedure by the Department in one instance.

Again, as to what the amendment does not require, it does not require the Department of Health, Education, and Welfare to present to the school districts that are trying to comply with the guidelines a bill of particulars as to what they they will have to do to comply. I shall refer to that part later. It has a bearing on the whole picture, but this amendment does not affect the Department of Health, Education, and Welfare nor require it to give a bill of particulars to district X or school district Y as to what they will have to do to become qualified. This amendment, then, relates to procedure only, and is a limitation on the Secretary of Health, Education, and Welfare in one respect. It merely provides that the final cutoff of those funds for any school district shall not be made after the school session has started.

That is all the amendment does and that is all it says. It is designed solely to meet the situation where a school district has made its plans, contracted with its teachers and bus carriers, the staff, and whomever else they have to employ, and the time for that school to start has come in the scholastic year 1967 or 1968, for illustration, and it is already in motion and in progress. Then the hand of HEW would be stayed, under the Russell amendment, in this particular: "You shall not cut funds off during that continuing school year."

That is all the amendment does. I am presenting it now to get the facts in the RECORD so that, I hope, every Senator who could not be here will have a chance to read them in the RECORD or have a staff member present them to him.

The Senator from Oregon has been very understanding of this problem. I do not say he is agreeable to the amendment in its final form, but he has been very understanding of the problem. Being a man of compassion, I think he wants to do something about it. I wish that emphasized now, because I do not want anything I say hereafter to have a personal tinge in it for him or anyone else.

The Senator yesterday said that he could just carry this bill over until next January. That was when we were talking about the busing amendment. I knew he did not say that as a threat, and I am not saying this as a threat, either. But I am not in a hurry about this thing. Those of us who are concerned for the welfare of our people so affected know that this is to protect them, the colored children and the white children; and I am not in any hurry. It can go over until January; that will be all right. It will be no calamity, because this authorization does not affect the current, running school year.

I propose, in my small way, to work on this thing until I feel I have gotten the facts to every single Member of this body, one way or another gotten across to them the substance of the system and why and how it operates the way it does. Then whatever judgment my fellow Senators pass on the matter I will accept, for my part.

But, as I say, we have time now. We have been here 11 months, I think, today, since Congress convened and we certainly have little more to consider concerning this problem that is stated here.

I shall try to picture to you a little board of trustees, with a lot of children, a lot of problems, and a little money. They are summoned here, for a hearing in Washington, about their children. I managed to get some of these hearings held in Mississippi, so as to cut down the expense; but they still have got to go out and hire a lawyer, bring him along with them, and bring the superintendent, and some of them have to come, and they have to stay a few days, and go to all that expense; they come up here and do the best they can in presenting their matter, with all their problems.

I have been present at some of those hearings. Of these examiners, I have no complaint. They are high-type men, trying to do a good job, I think. Many of those in HEW and the Office of Education are educators primarily, and they try to do a good job—at least most of them. Some of them, it seems to me, do not; but most of them do.

But their orders come from somewhere. There could be no other explanation for a policy like this. These trustees come up here and they ask, "What must we do in order to comply?"

Mr. President, no military secret, no machination of the CIA, is more secretly kept than is the secret that is the bosom of somebody in the White House, or HEW, or the Department of Justice or somewhere, as to what they must do to comply.

I know what I am talking about on this matter. I have talked to too many trustees, superintendents, and lawyers whom I have known for more than 25 years, and know to be trustworthy, honest, and honorable men; and they have told me that that has been their experience. Over and over again we hear that report from them; and I know my facts on that. That is what has happened. No one will tell them what they must do. I will prove this by the record when I go into it more extensively.

But the Russell amendment does not try to make them tell them what they must do. It just goes to the point I am making. These trustees start out by meeting the requirements under what they call the freedom-of-choice system.

I hope Senators will listen to this; I know they are interested.

These little trustees started out under the freedom-of-choice requirements of HEW, and opened the doors to everybody, let all the children come in, allowing them to go to school where they pleased.

That was the requirement, and the trustees agreed to it generally, by and large, and they received the money.

But when they came back the next year, they were told, "No, that is not enough." HEW had applied another requirement. They were told, "Freedom of choice may be the law now, but if it does not produce the amount of integration we think it should, then we are going to put additional requirements on you."

That is when they started flirting with the idea of balance. But I mention this to emphasize the uncertainty of these little people—and I say "little" with all deference to them; they are little in means and resources.

There was born the doctrine of affirmative acts, and that was later—I hasten to say later—approved, and I think wrongly approved, by the Circuit Court of Appeals for the Fifth Circuit, sitting at New Orleans. That is the circuit court of appeals doctrine under which the Department of Justice operates now, and tells HEW, "Here is your authority." HEW and the Department of Justice still have freedom of choice. They can choose whatever circuit court of appeals they want to, and use it to make these trustees follow.

The fifth circuit decision is favorable to their interpretation, so they are told to follow that, and ignore the circuit that has jurisdiction over Tennessee and those States northward, and ignore another circuit, the location of which I have momentarily forgotten, the latter two having held exactly the contrary, and reached a different conclusion, that would not require any affirmative action by the trustees. They said that was not the law. I shall develop that, giving volume, page, and reference numbers, later. Not today, but later.

One of those cases was appealed to the Supreme Court of the United States; but, in spite of those conflicts, they said, "Certiorari denied," and refused to pass on it.

So these people, now on the other side of the table from our little trustees, have the freedom of choice as to what circuit court of appeals they may apply to.

But, returning again to this freedom of choice matter, I have here excerpts from a hearing held here in Washington concerning compliance, involving the West Tallahatchie County District, dated February 8, 1967. The district was represented by Representative JAMIE L. WHITTEN, a longtime Member of the House of Representatives, who went down there and represented his home county district.

The witness is Dr. Lloyd Henderson, Chief, Education Branch, Office of Civil Rights, HEW. I read this, just to show that what I have said about not knowing what the guidelines were is correct:

> The hearing resulted in a decision adverse to the district. The excerpts following illustrate the failure of HEW to furnish the school districts specific instructions as to what they must do to be considered in compliance with the Civil Rights Act.

The Russell amendment does not change that; but this is background, and shows what these trustees are up against:

> Question (Mr. Whitten). Have you, or has the Commissioner, issued any directives telling school districts what they should do?
>
> Answer. Mr. Congressman, the Commission has offered, to my knowledge, no directives. It has issued guide lines, which are policies to carry out the desegregation of schools, procedures they should follow—well, those that—

There was an interruption—

> Mr. WHITTEN. I believe you went to Mississippi for the purpose of assisting, and I believe you have regularly stated that you didn't carry any package down there as to what they should do to conform, but you checked the bet to them to offer some proposal on their part. That is the way you have approached this and other cases. You say this doesn't conform. Now tell us what you will do. Isn't that correct? Is that a fair description?
>
> Answer (the Witness). In a sense that is correct.
>
> Question (Mr. Whitten). I will ask you, then, why—you say you want to help these boards and you are in charge of the guidelines. You wrote them. And you claim you want to help them. Now tell us why you haven't spelled out what they could do to conform.
>
> Answer (the Witness). Well, Mr. Commissioner, I don't see my job as going into the State of Mississippi to the school district of West Tallahatchie as the Commissioner's agent in a sense, I suppose, and saying "you must do this. You must do this to comply."
>
> I go into a school and discuss various possibilities with them, and it is always left to the decision of the school board to decide what they will do.

But there are other questions and answers contained in the transcript, if anyone wants to see them. I have identified where this material can be found. The hearing was on February 8, 1967.

That statement is made in response to the assertion made here the other day by the Senator from Oregon, through the HEW, that someone would suggest that the representatives of HEW not tell them in writing what they had to do.

In the cases of which I talk—and this case is typical—these people are left in circumstances in which they do not know what to do. They are not given an exact formula or guideline, and they are not given a bill of particulars.

A man who is sued in the lowest court in any State for an amount of only $5 can call on the court for a bill of particulars. And if the court orders that to be done, then as far as it can be made available, it will have to be supplied by the other party or the case will be dismissed. Still, in a vital, sensitive matter such as this, time after time these people are given answers like this.

I know the people that are involved in the matter. I have been dealing with them. They come by my office. My staff members have gone down there with some of these people. And they have heard the same words spoken, not merely once, but many times.

I have a letter from our friend and colleague, the distinguished senior Senator from Georgia [Mr. RUSSELL].

I ask unanimous consent that the letter from the senior Senator from Georgia under date of November 22, 1967, be printed at this point in the RECORD, together with the reply from the Department of Health, Education, and Welfare.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., November 22, 1967.
Hon. JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I regret that I was not in the office when you came by earlier today and I also regret that it was impossible for me to attend the hearing by Senator Morse's Education Subcommittee yesterday at which you and Mr. Libassi testified on the school guidelines.

Charles Campbell, of my staff, was in attendance at the session of the Subcommittee and I was very interested when he told me that you and Mr. Libassi indicated HEW's willingness to provide in writing the specific requirements for the various school systems to achieve compliance.

I am attaching hereto my file on the Fayette County, Georgia, case for your consideration. I believe you will find, if you examine these letters, that there is not only considerable confusion but a lack of specific requirements for Superintendent Bowers to take to his local Board. In accordance with the statements, which I understand that you and Mr. Libassi made yesterday for the Education Subcommittee, I will appreciate your advising me of the specific minimum necessary corrective action for this school system to take in order to come into compliance. I would appreciate having this information as quickly as it is convenient and practical for you to assemble it.

I will also appreciate your returning to me the enclosed correspondence when it has served its purpose.

With best wishes, I am,
Sincerely,
RICHARD B. RUSSELL.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.
Hon. RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RUSSELL: This is in reply to your note of October 12 concerning correspondence between this Office and the Fayette County school system in Georgia. I apologize for this late reply, but an additional letter was about to be written on this matter and I decided to await its completion and give you the latest information.

On July 13, 1967, a conference took place between representatives of the Office for Civil Rights and the school system. Mrs. Ruby Martin, Director of Operations in our Office, was at that meeting and informed school officials that the Department is encouraging districts to develop desegregation plans which will complete the process of eliminating the dual school system by the opening of schools in 1969 if at all possible. Mrs. Martin further informed the school officials that if such a plan were developed the Office would not be concerned with percentages and numbers of transfers for the 1967–68 school term. It was also recognized that for a variety of reasons some districts find they cannot develop these long-range plans and, if this were the case in Fayette County, the district would be required to meet current guideline expectations.

The statements made by Mrs. Martin accurately reflect the policy of the Department and were further discussed with the school Superintendent in two telephone conversations and in a letter written this past November 6. It is my understanding that it is not the numbers or percentages of transfers that pose the problem for Fayette County, but rather the long-range plan to eliminate the dual school system. I have enclosed a copy of the plan submitted by the school system.

In all of our discussions with the Superintendent and the Board, we have emphasized that a two or three year plan must provide for substantial progress toward abolishing the dual school system in each of the years considered necessary to complete the process. Thus, in Fayette County for 1968–69 we would expect the system to develop a plan which would result in substantial faculty and student desegregation in September 1968.

As you can see, for the 1968–69 school year the district proposes to continue to use substantially the same procedure as is currently in use, supplemented by the possible transfer of classes for a certain period if freedom of choice does not bring about increased numbers of transfer. This plan contains no description of what classes would be transferred, how many students and teachers would be involved, and what schools would be affected if free choice does not result in substantially eliminating the dual school system in 1968–69. Based on past experience it is unlikely that freedom of choice will result in substantial desegregation in this county.

The plans for 1969–70, the year the district proposes to end the dual school system, do not provide us with any concrete information as to how the dual school system will be ended at that time. Furthermore, it appears that current construction plans in the district will have the effect of maintaining segregated facilities rather than eliminating them. It is our understanding that the system has approved plans for the consolidation of several all-white or formerly white elementary schools which may have the effect of reinforcing segregation rather than eliminating the dual structure.

Dr. Lloyd Henderson, Chief of our Education Branch, and a representative of the Georgia State Department of Education met with the school Superintendent in a further effort to obtain a desegregation plan which would set forth the specific steps the district would take, including alternative steps where appropriate, that would result in a unitary school system.

We are most anxious to work with school systems to assist them in resolving their compliance problems. A number of systems in Georgia have developed long-range plans that will result in unitary systems in two years. These plans are specific and detail what the system will do and a timetable for doing it. We had hoped to arrive at this kind of arrangement with Fayette County.

I trust this information is useful to you. If I can be of further assistance, please do not hesitate to call on me.

Sincerely,
PETER LIBASSI,
Director, Office for Civil Rights.

Mr. STENNIS. Mr. President, the second paragraph of the letter reads:

> Charles Campbell, of my staff, was in attendance at the session of the Subcommittee and I was very interested when he told me that you and Mr. Libassi indicated HEW's willingness to provide in writing the specific requirements for the various school systems to achieve compliance.

This was not a hearing before an examiner. It was a hearing before the subcommittee of the senior Senator from Oregon.

The Senator from Georgia states further in his letter:

> I am attaching hereto my file on the Fayette County, Georgia, case for your consideration. I believe you will find, if you examine these letters, that there is not only considerable confusion but a lack of specific requirements for Superintendent Bowers to take to his local Board. In accordance with the statements, which I understand that you and Mr. Libassi made yesterday for the Education Subcommittee, I will appreciate your advising me of the specific minimum necessary corrective action for this school system to take in order to come into compliance. I would appreciate having this information as quickly as it is convenient and practical for you to assemble it.

I do not want to be severe. However, the first time I ever heard of anyone being given any direction and requirement to come in was at a congressional hearing and not a hearing on the case itself.

Mr. Campbell of the staff of the senior Senator from Georgia heard this statement. The Senator from Georgia wrote this letter on the 22d of November. There has been no answer to that point as yet. A letter did come to the Senator from Georgia under date of November 28. However, it did not cover that point.

The letters might have crossed in the mail. However, the point raised by the Senator from Georgia has not been answered as yet.

The thing has been put in issue by the Russell amendment. It was further put in issue by a case—not this case from Georgia—when the people involved received a notice the other day that even though school had started, on December 9, just 3 days from now, their funds would be cut off. They would receive no more money.

It does not make any difference how long we have held the case or how many teachers we have employed or how many debts have been incurred or how many children have to be taken care of. The money will be cut off.

The Russell amendment merely says: "Stay your hand. If you don't tell them before school starts, you can't tell them during that school session." That is all we are asking for.

I have mentioned those things to cover the background.

We have a little school district. It is not told what it must do. The representatives must go home and wait and wait. The school session starts, and everything is running. Then this meat ax and cutoff order comes. That is what we are trying to prevent, and that is all.

I do not believe that HEW will stop this practice until they receive a mandate from Congress saying that they must stop it.

There was a small hearing. The Senator from Oregon was telling, of course, what he had been told. However, the things that they explained to him in connection with these cases have just not happened.

I have another illustration here. And I emphasize that I knew the people I was dealing with. This concerns Forest Municipal Separate School District. That is in Scott County, Miss.

My informant is the superintendent of that school system. I have known him for 30 years. He is an honest, upright, Christian gentleman. He is one of the finest school superintendents in our State. He is a man whom anyone would believe in any matter.

This case is almost typical of seven districts in my State that received notice on November 8 that after December 9—and the reason for the 30-day notice was because it was provided in the law the last time that there had to be 30 days notice to these people—the funds would be cut off.

This is the way the case developed. On August 24, 1966, the school was sent a letter by the Department of Health, Education, and Welfare, notifying them that they were being put on a deferred status. The effect of the letter was to prevent the school from making any new application for Federal assistance. However, it did not interrupt any assistance the school was already receiving.

On November 2, 1966, the school was sent a notice giving them an opportunity for hearing to determine their status with respect to compliance before the Federal assistance would be terminated.

On December 27, 1966, the parties agreed to delay the hearing and continue the deferral unit until not later than March 1, 1967, so that the hearings could be held in Jackson, Miss., rather than Washington.

I do not remember asking that this particular hearing be held in Mississippi. However, I did ask that some hearings be held in Mississippi with respect to other school districts. That is all I asked. I did not ask for any favor. I just asked for this on the basis of saving expense for these people.

There was a notice in the paper that the hearings were going to be held in Jackson. I think some additional school districts requested that their hearings be held at Jackson. Four or five of those requests were granted.

The hearing had to be continued or deferred there in order to take care of the hearing in Jackson. In the absence of such an agreement, HEW would have been required to grant an immediate hearing in order to comply with the Fountain amendment, which became law on November 3, 1966, requiring a hearing within 60 days after the school had been placed on deferred status.

So they had the agreement that there would be a deferral of the time, and that was permissible under the law, in order to have those hearings close to home.

On February 27, hearings commenced in Jackson, and they were concluded on March 3, 1967. The parties again agreed to examine the decision and continue the deferral until not later than May 3, 1967. That was deferral for the reasons given, and the blanket statement that none had been deferred except at the request, and so forth, just does not hold water for the remainder of the time.

That was February 27. March passed and April passed. On May 2, the hearing examiner ruled against the school district. August 4 arrived. Now, in here somewhere is a fact that I do not have in my memorandum but which I learned later. The hearing examiner inadvertently ran over a couple of days, and that was prohibited by the Fountain amendment. It was not intended by the examiner or by HEW. In order to remedy that error, they put this school back on the eligible list May 2. May passed, June passed, July passed, and August 4 arrived. Commissioner Howe concurred in the examiner's decision and submitted the case to Secretary Gardner for review.

November 9 arrived. August, September, and October had passed, and of course the schools had been operating approximately 3 months. On November 9, without any further notice or information, Secretary Gardner approved the cutoff of funds and transmitted the order to the congressional committees for the 30-day period required by the Civil Rights Act; and on December 9, the order terminating all assistance will become effective.

This is a case in which it was continued in order to meet the requirements of the law and for the examiner to have time. But all that time was up back in May of 1967. May passed, June passed, and July passed, and on August 4 they heard it again. Who would not have made contracts with the teachers? Who would not have made contracts with the bus operators and the staff and with respect to everything else that goes into running a school in a small city? Why, common sense required them to make these contracts and to do everything else. No other word, but here comes the cutoff.

That is the reason for the Russell amendment. For whatever reason you have, if it is delayed, delayed, and delayed until after school starts, then it will have to be delayed for the remainder of the year. That is all we are asking. That is why we feel that we are honorbound to stand here, under every circumstance, and not let Congress pass on everything else we have in 11 months and then say we do not have time for these little people.

There are seven or eight other cases in Mississippi, two or three of which are almost on all fours with the one I have mentioned. Here are some others. These are all to be cut off on December 9. According to my records, four other cases are similar to the one I have just stated in detail.

Another case with which I am familiar involves the Chippewa County schools. As I understand the record, in that situation there was nothing irregular about the timing by the examiner. And I emphasize that the examiner's error was an honest error, and it was forgiven. There is no question about the facts there.

The trustees in these school districts are beset with this problem, and I will not go into the details of it. I say to our friends outside our area of the country that you have not had any calls from your trustees about this problem. No one has complained to you. They have not been mistreated. Why? Because HEW has not said "turkey" to them, has not checked on them, has not done anything. They say they are going to—always going to, sometime next year, next year. That is why you are not familiar with these things.

I do not raise the sectionalism flag; you know that. But they raise it when they act as though they think this law applies only to our States down there.

You know and they know that there is de facto segregation in major parts of the country, and nothing has been done about it, except in one case, in the city of Chicago. As a result of conditions found there, the then Commissioner of Education ordered a cutoff—I do not know exactly the date. However, you heard from Mayor Daley. I use this as an illustration. You heard from Mayor Daley, of Chicago, immediately. Someone at the White House took the matter under advisement, and that is the last we heard of it. That was about 2 years ago.

I know that a year ago, in conference on the HEW bill, I asked HEW—and I have no grievance with them. I do not ask any favors and they do not give any, and that is the way I want it. I have been on the Appropriations Committee a long time. In the presence of the Senator from Alabama and the Senator from Georgia [Mr. RUSSELL], in discussing the hospital guidelines, we brought up the school guidelines outside our area of the country, and we were assured something was going to be done about it. Nothing has been done about it.

So if you want to put a time limitation on the Russell amendment and just say it shall apply until they get this matter in application nationwide, all right. But I bring up this matter to impress upon you that Members of the Senate outside the South do not really know this problem because you never have had it, and you have not had it because they have not been into your State, except Mr. Keppler, when he was Commissioner of Education. He went into the matter, and his hand was stayed. We are not asking you to stay the hand, except under the circumstances I mention.

Mr. President, I have a statement which—I am frank about it—was in large part prepared by the Senator from Georgia [Mr. RUSSELL], directed to this amendment, and I shall read it. I believe every Member of this body is interested in what he has to say about any problem, anywhere:

> The purpose and provisions of this amendment, are relatively simple. It would require the Department of Health, Education, and Welfare to terminate or refuse to grant indicated federal financial assistance before the beginning of the school year if a school system is determined not to be in compliance with Title VI of the Civil Rights Act of 1964. The purpose of so amending the legislation now before us is to prevent the Secretary of H.E.W. from holding an order to terminate federal funds for a school system for an unreasonable time, as he has done in an alarming number of cases, before transmitting this final order to cut off funds to the appropriate Congressional Committee before which it must lie for thirty days before becoming effective.
>
> In a number of cases, the Secretary has received a cut off order in June or July and intentionally held it until after the school year started so that the cut off would be effective during the school year after activities financed by Federal funds are already underway.

Mr. President, here again I wish to interpolate. I do not know why the Commissioner held this matter on his desk for 90 days and then passed it to the Secretary, and he held it for 90 days. I do not know why that happened. There was no reason that I know about. I am trying to find out. It was not necessary as I see it and the law did not require it.

Mr. President, I ask unanimous consent that a chart showing the time of notice for hearing, hearing, initial decisions, final decisions and approval and transmittal by the Secretary for every school system which has had a final order against it sent to the congressional committee be incorporated in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCHOOL DISTRICTS WHOSE ELIGIBILITY FOR EDUCATION GRANTS HAS BEEN TERMINATED UNDER TITLE VI, CIVIL RIGHTS ACT OF 1964 (INCLUDES INFORMATION ON DATES VARIOUS STAGES OF PROCEEDINGS WERE REACHED)

CR No.	School district	Notice	Hearing	Initial decision	Final decision	Secretary approval [1]	Returned to compliance (VP—voluntary plan for desegregation; CO—court order)
	Bibb County Board of Education, Alabama	Sept. 15, 1965	Oct. 18, 1965	Jan. 25, 1966	Mar. 24, 1966	May 13, 1966	CO.[2]
4	Tarrant City Board of Education, Alabama	do	do	do	do	do	CO.[2]
43	Tensas Parish School Board, Louisiana	Sept. 13, 1965	Oct. 20, 1965	Jan. 19, 1966	do	do	
44	Union Parish School Board, Louisiana	do	do	do	do	do	CO, Sept. 21, 1967.
45	Vermillion Parish School Board, Louisiana	do	do	do	do	do	CO, Nov. 18, 1966.
49	West Carroll Parish School Board, Louisiana	do	do	do	do	do	
50	Winn Parish School Board, Louisiana	do	do	do	do	do	CO, Sept. 13, 1967.
51	Amite County Board of Education, Mississippi	do	Oct. 26, 1965	Feb. 4, 1966	do	do	CO, Oct. 8, 1966.
3	Copiah County Board of Education, Mississippi	do	do	do	do	do	
67	Sunflower County Board of Education, Mississippi	do	do	Jan. 31, 1966	do	do	CO, Sept. 28, 1966.
69	Warren County Board of Education, Mississippi	do	do	do	do	do	
70	Wilkinson County Board of Education, Mississippi	do	do	do	do	do	CO, Jan. 9, 1967.
19	Avoyelles Parish School Board, Louisiana	do	Oct. 20, 1965	Mar. 2, 1966	Apr. 27, 1966	May 27, 1966	CO, June 27, 1967.
22	Cameron Parish School Board, Louisiana	Sept. 14, 1965	do	Mar. 7, 1966	do	do	
23	Catahoula Parish School Board, Louisiana	do	do	Feb. 25, 1966	Apr. 26, 1966	do	
26	De Soto Parish School Board, Louisiana	do	do	Feb. 18, 1966	Apr. 14, 1966	do	
27	East Carroll Parish School Board, Louisiana	Sept. 13, 1965	do	Mar. 7, 1966	Apr. 27, 1966	do	CO, June 30, 1967.
28	Franklin Parish School Board, Louisiana	do	do	do	do	do	
29	Grant Parish School Board, Louisiana	do	do	Feb. 18, 1966	Apr. 14, 1966	do	
31	La Salle Parish School Board, Louisiana	do	do	Feb. 9, 1966	do	do	CO, Oct. 25, 1966.
32	Lincoln Parish School Board, Louisiana	Sept. 14, 1965	do	Feb. 26, 1966	Apr. 26, 1966	do	CO, Do.
54	Covington County Board of Education, Mississippi	do	Oct. 26, 1965	Mar. 18, 1966	May 9, 1966	June 9, 1966	CO, Feb. 2, 1967.
58	Hazelhurst Municipal Separate School District, Mississippi	Sept. 13, 1965	do	do	do	do	
62	Le Flore County Board, of Education, Mississippi	do	do	do	do	do	CO, Oct. 25, 1966.
65	Noxubee County Board of Education, Mississippi	do	do	do	do	do	CO, Oct. 24, 1967.
14	Glascock County Board of Education, Georgia	Oct. 15, 1965	Nov. 1, 1965	Mar. 29, 1966	May 24, 1966	July 1, 1966	
16	Toombs County Board of Education, Georgia	do	do	Feb. 23, 1966	Apr. 26, 1966	do	
20	Bienville Parish School Board, Louisiana	Sept. 14, 1965	Oct. 20, 1965	Mar. 29, 1966	May 24, 1966	do	CO, Oct. 25, 1966.
21	Caldwell Parish School Board, Louisiana	do	do	do	do	do	
60	Humphreys County Board of Education, Mississippi	do	Oct. 26, 1965	do	do	do	CO, Aug. 16, 1966.
9	Indianola Municipal Separate School District, Mississippi	May 12, 1966			June 23, 1966	July 15, 1966	CO, Dec. 23, 1966.
34	Morehouse Parish School Board, Louisiana	Sept. 14, 1965	Oct. 20, 1965	Feb. 9, 1966	June 7, 1966	Aug. 12, 1966	
35	Ouachita Parish School Board, Louisiana	do	do	do	do	do	
37	Red River Parish School Board, Louisiana	Sept. 13, 1965	do	Feb. 11, 1966	do	do	
38	Richland Parish School Board, Louisiana	do	do	do	do	do	CO, Oct. 25, 1967.
39	Sabine Parish School Board, Louisiana	do	do	do	do	do	
40	St. Bernard Parish School Board, Louisiana	do	do	Jan. 25, 1966	do	do	CO, Mar. 7, 1967.
57	Grenada Municipal Separate School District, Mississippi	do	Oct. 26, 1965	Apr. 11, 1966	June 13, 1966	do	CO, Dec. 21, 1966.
61	Jefferson County Board of Education, Mississippi	do	do	Mar. 29, 1966	do	do	
5	Bright Star School District, Arkansas	Sept. 15, 1965	Jan. 24, 1966 Oct. 19, 1965	June 3, 1966	Aug. 19, 1966	Dec. 1, 1966	
8	Hazen School District, Arkansas	Sept. 13, 1965	do	June 10, 1966	Aug. 18, 1966	do	
9	Humnoke School District, Arkansas	do	do	June 21, 1966	Aug. 19, 1966	do	CO, Mar. 24, 1967.
10	Junction City schools, Arkansas	Sept. 10, 1965	do	July 8, 1966	Sept. 8, 1966	do	
71	Cameron School District No. 2, South Carolina	Sept. 13, 1965	Oct. 29, 1965	July 18, 1966	do	do	
80	Hinds County School District, Mississippi	Feb. 17, 1966			Aug. 19, 1966	do	
	Seminole County Board of Education, Georgia	June 8, 1966			Oct. 21, 1966	Dec. 30, 1966	
204	West Jasper Consolidated School District, Mississippi	June 14, 1966			do	do	
215	Randolph County Board of Education, Georgia	July 8, 1966			do	do	
216	Terrell County Board of Education, Georgia	do			do	do	
219	Tunica County Board of Education, Mississippi	July. 7, 1966			do	do	
226	Marvell School District No. 22 of Phillips County, Ark	Aug. 4, 1966			do	do	CO, Jan. 18, 1967.
99	Camden County Board of Education, Georgia	June 14, 1966			do	Mar. 28, 1967	
	Yazoo Municipal School District, Mississippi	July 8, 1966			do	do	
225	Fordyce School District No. 39 of Dallas County, Ark	Aug. 5, 1966			do	do	
229	Holly Bluff Line School District, Mississippi	Aug. 4, 1966			Jan. 4, 1967	Mar. 27, 1967	
36	Plaquemines Parish School Board, Louisanna	Sept. 14, 1965	Oct. 20, 1965	Feb. 9, 1966	Feb. 21, 1967	Apr. 7, 1967	
73	Conecuh County Board of Education, Alabama	Feb. 18, 1966	May 9, 1966	Sept. 22, 1966	Nov. 8, 1966	do	CO.[2]
74	Attala City Board of Education, Alabama	Feb. 17, 1966			Oct. 21, 1966	do	CO.[2]
	Jasper City Board of Education, Alabama	do	May 9, 1966	Aug. 3, 1966	do	do	CO.[2]
94	Marion City Board of Education, Alabama	June 15, 1966	Oct. 26, 1966	Nov. 21, 1966	Feb. 8, 1967	do	CO.[2]
211	Houston County Board of Education, Alabama	July 8, 1966	Dec. 1, 1966	Dec. 27, 1966	Feb. 13, 1967	do	CO.[2]
239	Talladega City schools, Alabama	Sept. 6, 1966	Dec. 20, 1966	Jan. 25, 1967	Mar. 15, 1967	do	CO.[2]
240	Holly Springs Municipal Separate School District, Mississippi	Aug. 22, 1966			Jan. 26, 1967	do	
241	Chambers County Board of Education, Alabama	Sept. 3, 1966	Dec. 21, 1966	Jan. 25, 1967	Mar. 15, 1967	do	CO.[2]
250	Brewton City Board of Education, Alabama	Nov. 28, 1966	Dec. 27, 1966	do	do	do	CO.[2]
252	Coosa County Board of Education, Alabama	Dec. 2, 1966	do	do	do	do	VP, June 26, 1967.
254	Geneva County Board of Education, Alabama	Nov. 28, 1966	do	do	do	do	CO.[2]
255	Greene County Board of Education, Alabama	Dec. 2, 1966	Dec. 30, 1966	Jan. 18, 1967	do	do	CO.[2]
256	Henry County Board of Education, Alabama	Nov. 30, 1966	Dec. 27, 1966	Jan. 25, 1967	do	do	VP, June 27, 1967.
264	Tallassee City Board of Education, Alabama	Dec. 1, 1966	Dec. 28, 1966	Jan. 19, 1967	Mar. 6, 1967	do	VP, June 20, 1967.
269	Ben Hill County Board of Education, Georgia	do			Feb. 13, 1967	do	CO, June 28, 1967.
276	Johnson County Board of Education, Georgia	Dec. 10, 1966			Feb. 21, 1967	do	
286	Assumption Parish School Board, Louisiana	Dec. 1, 1966			Feb. 13, 1967	do	
287	St. Charles Parish School Board, Louisiana	Dec. 2, 1966			do	do	CO, Sept. 22, 1967.

See footnote at end of table.

SCHOOL DISTRICTS WHOSE ELIGIBILITY FOR EDUCATION GRANTS HAS BEEN TERMINATED UNDER TITLE VI, CIVIL RIGHTS ACT OF 1964 (INCLUDES INFORMATION ON DATES VARIOUS STAGES OF PROCEEDINGS WERE REACHED)—Continued

CR No.	School district	Notice	Hearing	Initial decision	Final decision	Secretary approval [1]	Returned to compliance (VP—voluntary plan for desegregation; CO—court order)
291	Rankin County school system, Mississippi	Nov. 28, 1966			Jan. 23, 1967	Apr. 7, 1967	
306	Echols County Board of Education, Georgia	Nov. 30, 1966			Feb. 13, 1967	do	
93	Marengo County Board of Education, Alabama	June 13, 1966	Jan. 25, 1967	Feb. 16, 1967	Apr. 14, 1967	May 31, 1967	CO.[2]
95	Thomasville City Board of Education, Alabama	June 7, 1966	Jan. 23, 1967	Feb. 20, 1967	do	do	CO.[2]
201	Sumter County Board of Education, Georgia	June 14, 1966	Sept. 14, 1966	Dec. 2, 1966	Mar. 21, 1967	do	
213	Washington County Board of Education, Alabama	July 19, 1966	Feb. 14, 1967	Mar. 8, 1967	Apr. 21, 1967	do	VP, June 30, 1967.
217	Baldwyn Municipal Separate School District, Mississippi	July 9, 1966		Dec. 21, 1966	Apr. 24, 1967	do	
248	Vidalia City Board of Education, Georgia	Sept. 29, 1966	Dec. 5, 1966	Jan. 23, 1967	Mar. 6, 1967	do	
327	Richton Municipal Separate School District, Mississippi	Nov. 30, 1966	Jan. 31, 1967	Mar. 1, 1967	Apr. 21, 1967	do	
262	Russell County Board of Education, Alabama	Dec. 5, 1966	Dec. 28, 1966	Jan. 27, 1967	Mar. 15, 1967	do	CO.[2]
372	Elmore County Board of Education, Alabama	Dec. 10, 1966	Dec. 30, 1966	Jan. 26, 1967	do	do	CO.[2]
96	Collins School District No. 2, Arkansas	June 9, 1966	Mar. 9, 1967	Mar. 21, 1967	Apr. 28, 1967	June 14, 1967	
242	Chilton County Board of Education, Alabama	Aug. 17, 1966	Jan. 10, 1967	Mar. 2, 1967	May 1, 1967	do	CO.[2]
243	Clarke County Board of Education, Alabama	Aug. 29, 1966	Dec. 14, 1966	Jan. 25, 1967	May 11, 1967	do	CO.[2]
257	Lannett City Board of Education, Alabama	Nov. 29, 1966	Dec. 27, 1966	do	May 8, 1967	do	CO.[2]
274	Early County Board of Education, Georgia	Dec. 2, 1966	Feb. 16, 1967	Mar. 9, 1967	Apr. 26, 1967	do	
325	Pontotoc County Board of Education, Mississippi	Nov. 29, 1966	Dec. 29, 1966	Mar. 16, 1967	May 2, 1967	do	
212	Shelby County Board of Education, Alabama	July 7, 1966	Dec. 19, 1966	Jan. 25, 1967	May 18, 1967	June 19, 1967	Co.[2]
261	Pickens County Board of Education, Alabama	Nov. 29, 1966	Dec. 28, 1966	Jan. 17, 1967	May 22, 1967	do	Co.[2]
282	Screven County Board of Education, Georgia	Dec. 6, 1966	Feb. 9, 1967	Mar. 17, 1967	May 17, 1967	do	
301	Lawson School District No. 71 of Union County, Ark	Dec. 5, 1966	Jan. 23, 1967	do	May 18, 1967	do	
358	Southampton County schools, Virginia	Jan. 10, 1967	Feb. 20, 1967	Apr. 10, 1967	May 23, 1967	do	
359	County School Board of Sussex County, Va	Dec. 5, 1966	do	Apr. 12, 1967	do	do	
224	Stamps Special School District of Lafayette County, Ark	Aug. 4, 1966			June 5, 1967	July 27, 1967	
267	Atkinson County Board of Education, Georgia	Nov. 29, 1966	Mar. 28, 1967	Apr. 20, 1967	June 14, 1967	do	
270	Brooks County Board of Education, Georgia	Dec. 2, 1966	Mar. 22, 1967	Apr. 26, 1967	do	do	
295	Northumberland County School Board, Virginia	Nov. 28, 1966	Feb. 16, 1967	do	do	do	
326	Poplarville Special Municipal School District, Mississippi	do	Mar. 20, 1967	Apr. 7, 1967	May 26, 1967	do	
355	Charlotte County public schools, Virginia	do	Feb. 21, 1967	Apr. 26, 1967	June 15, 1967	do	
356	County School Board of Essex County, Va	Dec. 3, 1966	Mar. 16, 1967	do	June 14, 1967	do	
218	Leland Consolidated School District, Mississippi	July 7, 1966	Feb. 20, 1967	Mar. 22, 1967	June 12, 1967	Sept. 15, 1967	
283	Tattnall County Board of Education, Georgia	Dec. 2, 1966	Mar. 20, 1967	May 11, 1967	July 13, 1967	do	
289	Lawrence County school system, Mississippi	Nov. 28, 1966	Mar. 15, 1967	May 1, 1967	June 15, 1967	do	
308	Jones County Board of Education, Georgia	Dec. 5, 1966	Feb. 20, 1967	June 7, 1967	July 26, 1967	do	
309	Lamar County Board of Education, Georgia	do	Jan. 23, 1967	Mar. 17, 1967	June 29, 1969	do	
353	Marion County School District No. 3, South Carolina	do	May 9, 1967	June 8, 1967	July 19, 1967	do	
388	Walthall County schools, Mississippi	Feb. 4, 1967	Apr. 20, 1967	May 15, 1967	June 29, 1967	do	
411	Dooly County schools, Georgia	Feb. 20, 1967	May 8, 1967	June 8, 1967	July 19, 1967	do	
214	Effingham County public schools, Georgia	July 9, 1966	Mar. 22, 1967	May 5, 1967	June 20, 1967	Nov. 9, 1967	
266	Appling County Board of Education, Georgia	Dec. 1, 1966	Apr. 17, 1967	May 12, 1967	Aug. 9, 1967	do	
271	Burke County Board of Education, Georgia	Dec. 2, 1966	Feb. 20, 1967	May 15, 1967	Aug. 4, 1967	do	
292	West Tallahatchie School District, Mississippi	Nov. 12, 1966	Feb. 8, 1967	Apr. 3, 1967	June 12, 1967	do	
307	Jenkins County schools, Georgia	Dec. 1, 1966	Feb. 20, 1967	May 25, 1967	Aug. 16, 1967	do	
312	Stewart County Board of Education, Georgia	Dec. 7, 1966	May 16, 1967	June 13, 1967	July 28, 1967	do	
316	Forest Municipal Separate School District, Mississippi	Nov. 29, 1966	Mar. 3, 1967	May 2, 1967	Aug. 4, 1967	do	
318	Lincoln County Board of Education, Mississippi	do	do	do	do	do	
322	Oakland Consolidated School District, Mississippi	do	Mar. 4, 1967	do	do	do	
323	Oktibbeha County Board of Education, Mississippi	Nov. 28, 1966	Mar. 22, 1967	Apr. 27, 1967	June 23, 1967	do	
329	Smith County Board of Education, Mississippi	Nov. 30, 1966	Feb. 27, 1967	May 2, 1967	Aug. 4, 1967	do	
330	Stone County Board of Education, Mississippi	Nov. 27, 1966	Mar. 1, 1967	do	do	do	
357	County School Board of Mecklenberg, Va	Dec. 5, 1966	Feb. 21, 1967	Apr. 27, 1967	June 19, 1967	do	
365	Webster County Board of Education, Mississippi	Nov. 25, 1966	Feb. 27, 1967	May 2, 1967	Aug. 4, 1967	do	
379	Pontotoc Municipal Separate School District, Mississippi	Feb. 1, 1967	Apr. 18, 1967	May 25, 1967	July 13, 1967	do	
441	Elaine School District No. 30, Arkansas	Mar. 24, 1967			Aug. 4, 1957	do	
463	Buford City Board of Education, Georgia	Apr. 7, 1967	May 23, 1967	June 22, 1967	do	do	

Note: The absence of a date for hearing or initial decision indicates that the school district waived hearing and consequently a final decision was made without an intervening initial decision. In one instance (CR 217, approved by the Secretary on May 31, 1967), the school district submitted its case by brief. Thus there was no hearing but the hearing examiner entered an initial decision.

The time intervals between actions are influenced by a number of factors including continuances occasioned by indications that the school district might take action to comply voluntarily and the necessity that decisions be made personally by the Commissioner of Education and the Secretary.

[1] All of these orders have provided that the termination would be effective 30 days after the filing of a report with the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor. Such reports were filed on the date of the Secretary's approval, except the filing date was Apr. 10, 1967, for the orders approved on Apr. 7, 1967.

[2] Reference to note 2 in the column headed "Returned to Compliance" indicates that payments were resumed to a school district as a result of a plan submitted pursuant to the Mar. 22 and July 28, 1967, decrees of the U.S. District Court for the Middle District of Alabama, eastern division, in "Lee, et al. v. Macon County Board of Education, et al."

Mr. STENNIS. Mr. President, I shall continue to read from the statement of the distinguished Senator from Georgia [Mr. RUSSELL]:

This document, Mr. President, was submitted to the Senate Education Subcommittee by the Department of H.E.W.

I would like to call to the attention of my colleagues two facts which I believe this information from H.E.W. conveys. First, I invite your attention to the rather pronounced trend of the Secretary holding more and more of these orders until after the school year starts as time goes on. For example, last year there were few, if any, cases where the Secretary had a final decision of the hearing examiner approved by the Commissioner of Education which he received before school started and held for several months prior to transmittal. On the other hand, I invite your attention to pages 8 and 9 of this chart where there are at least eleven instances in which the Secretary has held an order until after the 1967 school year began so as to produce the maximum chaos and confusion for the school system. Consider the case of the Leland Consolidated School District in Mississippi. There, the final decision of the hearing examiner was made on June 12th, but the Secretary did not transmit the termination order to Congress until September 15th so that funds were not terminated until October 15th, one and a half months after the school year started. Of course, by October 15th a school system has already planned and implemented activities financed by federal funds all of which are cut off during the school year simply because the Secretary did not perform his responsibilities in a timely fashion.

Mr. President, I wish to say here with emphasis that if the Russell amendment becomes law, it may cut off districts in Mississippi 30 days, 60 days, or 90 days earlier than they would otherwise have been cut off, but that is all right. That would be fair. They would know where they are and they would have a part of that gnawing uncertainty relieved and taken from their bosoms. They still would not have formulas from HEW in their particular cases, but they would at least know they are starting school and that the rug would not be jerked out from under them in the middle of the session.

Come what may, we want the benefits that flow from the amendment, and if there are added burdens, we are ready to accept those.

(At this point, Mr. CANNON assumed the chair.)

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. MURPHY. I have been handed an editorial from the Atlanta Constitution dated December 2, 1967, in which I read that the distinguished Senator from Georgia [Mr. RUSSELL] has improved the situation merely by introducing the amendment. The editorial further states that HEW promises it would look over the plans in the schools in question and give them a verdict by June of each year. If the school plan were approved in June, HEW would commit itself not to cut off that school's funds during the coming year.

My question is: Is this not approximately what the distinguished Senator hopes to achieve by the amendment?

Mr. STENNIS. The practical application of that would help a little; yes. However, in the practical application, it is only the matters that they approve at that time that they promise to give that notice. They still want to reserve rights to pass on other parts of it later. The trustees would still be in the dark if they are found in noncompliance.

I hope the Senator understands that these programs have many facets. There are many different items. One gets involved in old programs and new programs. We do not think any efforts that HEW has made so far give us a clear right to stand on.

Mr. MURPHY. In other words, the Senator would hope to achieve the purpose in actual writing in the bill so that there could be no misunderstanding.

Mr. STENNIS. The Senator is correct.

Mr. MURPHY. And so that in the future it would not be left up to the judgment, the kindness, or disposition of some future Secretary of Education or other appointed officer, and that there would be no misunderstanding as to the desire, design, and language that the Senate and the House of Representatives wish to have made a part of the bill.

Mr. STENNIS. The Senator has expressed the matter well. That is what we want. That does not mean that we are not willing to take the word of Mr. Gardner or Mr. Libassi.

I shall tell the Senator another fact. We know that sometimes in the night decisions are made and orders are given that, "Hereafter you will do so and so." It comes like a blight. These men do not know what to do, frankly.

Mr. MURPHY. I am aware of that happening in many instances during my experience as a Member of this body. I opposed this strongly.

If I had the eloquence of the Senator from Mississippi I would join him in this matter. For instance, we have taken great cognizance of the fact in setting up conditions for the school year in connection with funding that the time must be provided in advance so that the school system might work out its plans.

I am very sympathetic to the position of the Senator. I also agree that insofar as we are able we should write exact language that cannot be misunderstood that expresses the desire, will, and design of the lawmaking body, so that it cannot be left up to some referee or, as the Senator has said, "somebody in the night" who changes the concept that the Senate had in mind.

Mr. STENNIS. I thank the Senator. He has expressed the matter with great clarity, knowledge and understanding. There is no one who tries harder to get to the bottom of the real problem and there is no man of finer compassion and understanding than the Senator from California. I appreciate the Senator staying here and listening to the problem. If the Senator sees fit to say something further on the floor of the Senate or otherwise inform our colleagues, it would be genuinely appreciated.

In a matter of this kind there are two or three strikes on us to start with. We are planning for the people who are trying to make this system go and keep the schools going. I do not speak for anyone else in this matter. We are not challenging the Civil Rights Act of 1964. After the fight in connection with that bill from this identical spot, when it became law I immediately issued a statement to the people of Mississippi when the President signed the bill and I said that it would have to be obeyed.

However, here is this broad discretionary power of guidelines that was granted, and with all good intentions of many persons, but these illustrations show that we need some help, and put it in the form of a positive, definite law with a mandate on which I am sure the Senate is capable of making a judgment.

Mr. MURPHY. With a "shall" instead of a "may."

Mr. STENNIS. I thank the Senator from California very much.

Now, Mr. President, returning to the remarks of the Senator from Georgia, who is a man of great caution and moderation when he makes statements on the floor of the Senate, I read further:

> However, there are other examples, Mr. President, which are even worse and more irresponsibily disruptive. For instance, I call attention to the case of Stewart County, Georgia. There, the notice for hearing was issued on December 7, 1966 and the hearing was held on May 16, 1967. The initial decision, adverse to the school board, was rendered on June 13, 1967. On July 28, 1967, that decision was approved but the order terminating funds was not transmitted to the Congressional Committee until November 9, 1967—almost three and a half months later and several months into the school year.

Mr. President, this is just one of many cases where they lie there because the school year has started, and so forth. It might be said that Secretary Gardner could not get around to all of them. There is money in the bill, and many friends of HEW—I know, I am on that committee—there is fine personnel, well-trained, experienced and educated—plenty of them. They are just running over. They are available to do this work for them.

Of course, the Secretary cannot go personally and examine every report. No fine administrator—as he is—would or can, of course. But time is running out. They know when school begins. They know the school problems. There is some kind of hand holding these things up. We do not know exactly where it is. We have presented this to everyone that has any authority and power about it as to the whole problem. That is why we are driven here to ask the Senate to help us.

Continuing with the Senator's remarks:

> It will become effective on December 9, 1967, after it has laid before the appropriate Congressional committees for thirty days as required by law. When school started in September of this year in Stewart County, Mr. President, the system had a Title I project in the amount of $159,605 approved. This project covers ten areas of activities from school lunch and school social work to the providing of eye glasses and other health aids to children from low income families, primarily Negro families. The Georgia State Department of Education advises that over forty people are employed in this program which will lose all $159,605 of those federal monies on December 9, 1967.
>
> Mr. President, I could submit other equally illustrative cases from the tables I incorporated into the RECORD earlier, such as the county school system of Mecklenberg, Virginia, where the order was held by Secretary Gardner from June 19th of this year until November 9th, or Burke County, Georgia, where it was almost six months between the hearing examiner's decision in May and the transmittal by Secretary Gardner on November 9th. On December 9th, this school system will lose $460,128 in a program which employs 56 people, primarily for the benefit of low income Negro children.

Mr. President, I wish Senators could find time to come into the Chamber and listen to these remarks. I wish those who oppose this amendment, with their strong attacks on it, would come into the Chamber and listen to the hard facts of life. They certainly will attack the amendment. They will raise the racial issue.

The orders have already come down on this floor, "Don't let them put over any amendments. Kill all amendments." Those are the orders.

I am not talking about the Senator from Oregon [Mr. MORSE], but HEW says, "No amendments." The Department of Justice says, "No amendments." The White House says, "No amendments."

I challenge them to come here and listen to the facts. I challenge them to try to attack the facts.

How long are we going to put up with the tommyrot here that someone in the South, some school trustee, is trying to do something mean to some little Negro child. It is just not so. If they would come into the Chamber and listen to the facts, they will find that it is not so. If they want to know the facts, let them come in here and listen.

I do not wish to embarrass anyone, but empty chairs cannot vote.

I say this with great respect, that I cannot agree to end limitation on debate until I believe that in some way, somehow, we can get the facts to those who will have to vote on the matter.

Continuing to read from the remarks of the Senator from Georgia:

> I could go on, Mr. President, but I will not transgress further on the Senate's time with reference to this particular point. There can be no doubt, however, but that a very real problem exists in many schools in the South today because on-going programs are disrupted during the school year unnecessarily. The Department of HEW has proved this point beyond the shadow of a doubt with its own evidence submitted to the Senate Subcommittee chaired by the distinguishetd senior senator from Oregon.
>
> Having clearly documented the problem that exists, I would like now to turn to the way in which the pending amendment can alleviate this situation.
>
> Let me say first, Mr. President, that this is a very modest amendment. It does not deprive HEW of the power to terminate federal funds to any school system found not to be in compliance with the so-called school guidelines. Neither need it result in any system in non-compliance receiving one penny of federal funds to which it is not legally entitled as determined by HEW. It only says one thing to the Department—if School System X is not entitled to federal funds because of non-compliance with your requirements under Title VI of the Civil Rights Act of 1964, then you must have a termination order issue before the school year starts and before programs with federal funds are com-

> menced so as to minimize the disruption and confusion while the school year is underway.

Certainly, that is a modest, mild statement of the half terror that is caused to the trustees in the reduction of the services that go to the children.

I add my own words here, that the Department is the one which has the sole power to initiate the hearings and proceed along with them under the least possible guidance. They are the ones that can start the matter any time, have them heard, and have them terminated in the lapse of time before school starts. Just cut out all these delays—that is all they have to do. But if, for any reason, time should run a little and school starts, it is no earthshaking calamity for a school to get money for another year even though it may be cut off later. It is not a disservice to honorable administration. They are letting these other schools in the country that might not qualify under the guidelines get the money, when they have not looked into any of them—except Chicago.

Now, I continue with the quotation:

> At present, the freedom of choices are offered in a trial period starting in January for the coming school year which begins in September. Therefore, under the terms of this amendment, H.E.W. has all Spring and Summer to judge how much a system says it will do, discuss and negotiate any problems that appear, cite for a hearing if necessary, and complete the process of termination for those systems adjudged to be in non-compliance before school starts in September. There is only one way in which a school system under this amendment could receive funds to which it is not entitled: that is, if H.E.W. is so derelict as to not initiate proceedings in a timely fashion. Their past record indicates no lack of zeal in citing our schools for hearings and I can see no reason why it would happen after this amendment is adopted. Of course, they could be derelict under the present set up also but, as I have already pointed out, they have been overly zealous if anything.
>
> Mr. President, I was amused, though not in the least surprised, by the intensity with which some of the so-called civil rights groups have denounced this amendment. I have come to expect this from these self-seeking extremists. They would oppose any amendment on this question offered by a Senator from South of the Mason-Dixon line, regardless of its provisions or merits. The reason, Mr. President, is because they are not in the least interested in education or even in equality of educational opportunities. It does not bother them that many Negro children in some of the school systems I discussed earlier will be deprived of eye glasses and other health aids after having been promised them in an on-going program after the beginning of the school year. Paradoxically, Mr. President, it is this same irresponsible group that encourages riots and disturbances because they say the Congress is failing to meet the rising tide of expectations by those in poverty—in other words, failing to deliver things they feel they have been promised. I am utterly amazed that people who are supposed to have good sense are apparently taken in by this irresponsible extremism.
>
> In truth, this amendment would only do one thing—assure every school system operating under a freedom of choice plan, or any plan, that if federal funds are not terminated before the school year begins, they will flow uninterrupted for the duration of that school year. Mr. President, that is all this amendment seeks to do—nothing more and nothing less. Therefore, if this amendment is accepted, school activities partly financed with federal funds will not be reduced or terminated after they have already been started. This will result in obvious certainty in planning and operation of the school systems.

Mr. President, I wish someone would let the Senator from Oregon [Mr. MORSE] know that I would appreciate his coming in if he can. Would some staff member come here and help me on that matter?

I continue with the quotation:

> Mr. President, I am frankly somewhat surprised that the Senate Education Subcommittee apparently will not accept this amendment without a Floor vote in view of the obvious importance that Senator Morse and his colleagues place on the necessity and desirability of adequate planning before the school year begins and smooth implementation of those plans during the period of the school term. I call the Senate's attention to Title IV of the pending legislation. On pages 132 to 135 of H.R. 7819 there are a number of provisions related to adequate leadtime planning and early Congressional action on authorizations and appropriations. I particularly call the Senate's attention to Page 45 of the Committee Report accompanying this bill and I quote:
>
> "Perhaps no other aspect of the Elementary and Secondary Education Act of 1965, as amended, has disturbed the educational atuhorities in the states and communities more than the lead funding of programs authorized by the law. . . . The Congressional appropriations cycle is, of course, governed by the dates the budget estimates are received by the Congress in January. The hearings process, Committee action and Floor action in the House of Representatives have traditionally preceded Floor action in the Senate. Few, if any, of the regular appropriations bills in recent years have been signed by the President prior to July 1st. If school districts must plan to fund activities authorized under educational legislation only after the appropriations bill has been signed by the President, many vital activities of local school districts are compressed.
>
> "When these activities, which are vital to the implementation of programs are compressed, however, significant problems result. Planning of high quality programs becomes impossible; recruitment and employment of teachers and specialists needed to achieve the best results from new programs is difficult in the middle of an on-going school year—often, auxiliary personnel are hired on the basis of availability rather than experience and ability; and, finally, community pressure for full utilization of funds, often in a quarter of the time which would ordinarily be required, results in expenditures for low priority school needs—funds are used for more of the same, antiquated approaches to critical educational problems.
>
> "As a result of these critical situations, public expectations and enthusiasm for federally assisted programs remain unfulfilled and considerably dampened."
>
> Mr. President, if it is important to make these changes recommended by my colleagues on the Committee to improve preschool planning and implementation during the school year, how much more important is it to give the school systems operating under freedom of choice plans the minimum assurance that after planning and implementation of programs, they will not be disrupted during the school year because of a compliance determination that could and should have been made earlier. That is all this amendment will do and it will accomplish this significant objective without impairing H.E.W.'s efforts in any meaningful way.
>
> Mr. President, in summation, let me say that this amendment will by no means solve all of the problems facing our schools operating under freedom of choice plans—as I said before, it is a very modest amendment.
>
> When Title VI of the Civil Rights Act of 1964 was being debated here in the Senate, most of its opponents were from the South. We were assured at that time that the provisions of Title VI and all regulations adopted pursuant thereto would be applied equally in all parts of the country—I remember particularly the rather emphatic assurances given by the distinguished senior Senator from Rhode Island, Senator Pastore. Yet, over three years after the adoption of this supposedly national act as the law of the land and even in the face of the Civil Rights Commission's documentation of extensive racial segregation in Northern schools, this Administration—or this Executive Department—has not turned its hands to even so much as negotiate with Northern school districts.
>
> When I consider this sad state of affairs, Mr. President, it is not difficult to understand why the power and influence of the Congress, and especially of the Senate, are slowly becoming lodged in other agencies of government in both domestic and foreign affairs because of such Congressional indifference to an executive abuse. Every member of this body ought to be ashamed over the viciously discriminatory manner in which H.E.W. has been permitted to administer this supposedly anti-discriminatory statute.
>
> The pending amendment will not solve these fundamental problems but, if the Senate cannot adopt this modest measure of justice in view of the stated importance which both the Administration and the Senate Committee profess to ascribe to planning and orderly implementation of programs of federal financial assistance, then any discussion of equal protection of the law for our people is a sham and a farce.
>
> Mr. President, I hope and still have enough confidence in the majority of the members of the United States Senate to believe that, under these circumstances, the pending amendment will be approved.

Mr. President, this closes the words of the Senator from Georgia. May I just add this slight comment? I meant every word that I said a minute ago, and I know what I am talking about, because I have reliable information from fellow Members of this body that a semiukase has gone out from the Department of Justice, from the HEW, from the White House, from all high authority, to this Senate, "Don't pass any amendment."

I know that is the order. That is the atmosphere in which this bill is being heard.

As for me, I defy them. I do not ask other Senators to defy them, but I ask them to consider the matter on the merits. Read the speech of the Senator from Georgia before voting on this measure.

I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, do I understand the Senator correctly to say that he places his integrity on the table in the statement which he makes, that an order has gone out that there shall be no deviation from the bill that has come before the Senate?

Mr. STENNIS. No; I did not say I place it on the table. I said that is the grapevine. That is the atmosphere in which this bill is being considered. "Do not pass any amendments; do not allow any amendments to go on the bill." That is what they want, no amendments.

I stake my integrity on the facts as I have reported them with reference to these particular school cases.

I thank the Senator from Ohio, and again I thank the Senator from Oregon for his attention to these problems. I think I know how he feels. He will argue against some of these points, I am sure; but I hope he can reconsider the matter.

I say to the Senator, do not read what I said; read what the senior Senator from Georgia said here in his prepared speech. I think there is light in it. The Senator from Oregon has wrestled with these problems all these years, but he has just heard, largely one side—that of HEW.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I just came in at the end of the distinguished Senator's remarks, and unfortunately I heard only the conclusion of the statement of the Senator from Georgia which the Senator from Mississippi read.

I believe the Senator stated, in effect, that orders had gone down that there would be no amendments to this bill under any circumstances.

I think it should be pointed out that there has been one amendment to the bill already agreed to; and as far as I know, no orders have come from the White House, the Department of Health, Education, and Welfare, or any one or any agency, to the effect that this bill was so sacrosanct it could not be tampered with, and had to be passed as is.

I say that to make the record straight, as far as I am concerned.

Mr. STENNIS. I thank the Senator from Montana for his remarks, and I am sure that the Senator is stating the exact truth as far as his experience goes. But I have felt a different wind blow.

Several Senators addressed the Chair.

Mr. STENNIS. I yield first to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Oregon will be delighted to hear that after the sort of painful defeat I suffered—a vote of 54 to 27 on my amendment—I was told by a fellow Senator that I was blitzed.

Mr. MORSE. They misinformed the Senator from Ohio.

Does the Senator from Mississippi yield to me?

Mr. STENNIS. Yes, I am happy to yield.

Mr. MORSE. I do not want him to yield the floor yet.

Mr. LAUSCHE. I was blitzed. I have had enough experience to know.

Mr. MORSE. No, the Senator was just outvoted.

Mr. LAUSCHE. From experience in adjudicating facts, I know when I am outvoted on the basis of merit, and I know when I am blitzed on the basis of fear of the elections in 1968.

Mr. MANSFIELD. Mr. President, I think that the Senator from Ohio is off base in making a statement to that effect, because I know of no Senator in this body, and most especially the Senator from Ohio, who votes out of fear from any source. If they do, they ought to go home.

Mr. LAUSCHE. I agree with the Senator.

Mr. MORSE. May I proceed?

Mr. STENNIS. I yield to the Senator from Oregon, gladly.

Mr. MORSE. Mr. President, I did not have the privilege of hearing the Senator from Mississippi in his entirety. As he knows, I told him when I left the Chamber that a meeting had been called in the office of the majority leader to talk with counsel of the committee, the majority leader, the Senator from West Virginia [Mr. BYRD], and Mr. Libassi of the Department, who has the responsibility of handling civil rights matters.

Mr. STENNIS. If I may respond to that, I fully understand the pressure the Senator is under, and the majority leader as well; but I am still very regretful that the Senator could not be here to hear the words of the Senator from Georgia, and I am sure he will read and consider each and every word he says.

Mr. MORSE. I pledge that I will not only read it, but I also, as the manager of the bill, assure the Senate that I will not be blocked by the leadership when I say we are not going to go further with the matter until tomorrow, as far as this particular subject matter is concerned, other than what I wish to say now, if I may.

Mr. STENNIS. Let me make clear that I made no reference here to the leadership of the Senate giving out an order for no amendments. The very opposite would be true as to the Senator from Montana. I named them; I said the Department of Justice, the White House, and HEW had sent word down here, unmistakably, as I honestly believe, based on reliable information, to oppose all amendments; and that is whom I referred to, and named them a minute ago.

Mr. MANSFIELD. Mr. President, if I may interrupt there, I wish to say that as far as the President is concerned—and I think I can speak with authenticity—he has never indicated to the leadership at any time, in any manner, any feeling on his part that they should intervene in what the committee is doing on the floor, or what the Senate is doing as a whole, not only on this bill but on any bill before the Senate this year.

Mr. STENNIS. I accept the Senator's statement fully, of course. I did not say the President. I said the White House, and I meant it.

Mr. MORSE. I want the RECORD to show—and I think the Senator from Mississippi knows this is always true—and I want the Senate to know that the Senator from Oregon, as manager of this bill, speaks only for himself in regard to anything that he has said in this debate thus far, or will say.

Now, I wish to say that the purpose of the meeting in Senator MANSFIELD's office was to consider what, if any, suggestions for amendments on the subject matter of the Russell amendment we could propose. I want the Senator from Mississippi to know that the Senator from Oregon will propose an amendment as soon as we get it drafted. I think it will accomplish everything that the Senator from Georgia has a right to expect to have accomplished. I am not saying that he will approve of it, but that I think it is an amendment that will do justice to the school districts with which he is concerned. It will not do what the Senator from Oregon warned against yesterday.

I say again what I said then: Speaking hypothetically, if we get to a point in this debate where the Senator from Oregon would have to support an amendment which, in his opinion, would scuttle any part of the Civil Rights Act, or the decision of 1954, or have the effect of doing it in regard to the 14th amendment, then I would rather have no bill. That is my view. Everybody knows that is my view. I would rather, under those circumstances, have no bill and let the people of the country react as to why they do not have a bill.

But I believe as Senators—the Senator from Mississippi from the South, and other Senators from the North, the East, the West, and the Middle West—we must do everything we can to resolve our differences over this bill, consonant with the Civil Rights Act, the Supreme Court decision of 1954, and the 14th amendment.

That is what I am going to keep on trying to do.

The Senator from Mississippi knows that we have had conferences. I have had conferences with the Senator from Georgia. I have had conferences with the Senator from North Carolina [Mr. ERVIN]. I have had conferences with the Senator from Mississippi.

We have never had the time to go into the matter in detail, but I still want to go into it in detail. I have said that I am going to try to work out a legislative history that will meet the legitimate objections of those Senators who have been objecting to the administrative practices of the Department of Health, Education, and Welfare. I have tried to do that. I am going to make some legislative history before we get through with the subject matter that the Senator from Mississippi and other Senators have raised. It will be very helpful.

I say again that I will go along with having an amendment, if the Senators want to have something written into the law. An amendment which will write our legislative intent into the law regarding the protection of individual school districts.

I just finished a conference with the distinguished majority leader in his office.

I want to make it clear that I think the same protection has to be afforded in northern States as in southern States. I said in that conference in the office of the majority leader that I can cite what I think are some wrongs in respect to the perpetuation of de facto segregation in the North which, in my judgment, are just as bad as segregation in the South. They are special cases about which there is no doubt that school superintendents drag their heels and seek to prevent the implementation of the civil rights law that is the law of the land.

What would the Senator think of me, as the manager of the bill, if, in order to get a bill, I would accept what I honestly believe to be an amendment that would, in effect, violate the civil rights law and the U.S. Supreme Court decision? I am not going to do it.

If we have—and I am sure we do—a common meeting ground with sincere men trying to right wrongs in the administration of the law of the land, I yield to no one in my desire to right those wrongs.

That is why I say to the Senator from Mississippi that between now and the time we meet tomorrow I am going to have in specific form and language a proposed amendment to the Russell amendment that I think will be fair and proper. And if anyone does not want to accept that amendment, then I would say that I do not think he wants to carry out the objectives I have just outlined. However, that is my opinion.

I am also going to make legislative history. I am going to read a letter from the Secretary of Health, Education, and Welfare in making legislative history that I think will carry out what the Atlanta Constitution has said in an editorial opposing the Russell amendment in its present form, but commending him because he has offered it. They think, and I agree, that a service has been rendered in raising the issue.

I have not read the record of what has been said. However, if the record gives the impression that the President of the United States has issued me orders, as the manager of the bill, it is not true. If the record gives the impression, based upon an understanding that the White House has issued me instructions in regard to amendments, that is not true.

I have not talked to the Department of Justice. I have talked to the advisers in the White House.

The Senator from Mississippi knows that the manager of every bill which is a part of the legislative progam of the administration talks to the White House. I have talked time and time again to representatives of HEW. However, I assure the Senator from Mississippi that no one is directing or dictating my course of action.

I am reaching my independent judgment on each issue.

I am sure that the amendment I shall offer tomorrow is an amendment that would not be written by the Department of Health, Education, and Welfare. That does not make any difference to me. I do not know whether the advisers in the White House would approve of it. That does not make any difference to me, either.

Mr. STENNIS. I am sure that is correct.

Mr. MORSE. I am going to do what I believe is right. I will do my best to persuade them between now and the time I offer that amendment. However, I am speaking in the blind and in the dark, because I have not had the advantage of reading everything the Senator from Mississippi has said. It will be read before I come to the floor of the Senate tomorrow. And the Senator and I will have a conversation about it before either of us comes to the floor tomorrow.

Mr. STENNIS. Mr. President, I assure the Senator that I said nothing about him in any way other than a complimentary way.

Mr. MORSE. I agree that the Senator would not.

Mr. STENNIS. I stand on exactly what I said. And I was directing my remarks at the so-called civil rights part of the bill, not these money amendments. I do not know that anyone knew about the amendment of the Senator from Ohio. I refer to the amendment about busing and the amendment that the Senator from Georgia had offered, and the Fountain amendment in the so-called field of civil rights. I think they are using these billions of dollars to put on a civil rights program.

I subscribe to the law of 1964, and I made a public statement to the effect that it was the law of the land, even though I opposed it.

I was calling on Senators to exercise their own responsibility as men, which I believe they are, to consider this matter on its merits.

I named Mr. Libassi. The fact that I did not name others does not exclude others. I feel that I know Mr. Libassi's intentions are fine. He is an educator, and he wants to do the right thing.

I have not had the privilege of knowing him personally.

I am not imputing bad intentions to anyone, but I know the atmosphere in which this is being considered.

Mr. MORSE. Mr. President, I address myself to the majority leader. I understand that the Senator from Massachusetts [Mr. BROOKE] wants to make a brief statement on the subject matter the Senator from Mississippi has been talking about.

I understand that the Senator from New Mexico [Mr. MONTOYA] and the Senator from Minnesota [Mr. MONDALE] want to bring up the conference report on the meat inspection bill.

As far as I am concerned, we have work to do along the lines I have just discussed, and I would suggest that, after the Senator from Massachusetts gets through, or anybody else who wants to talk about the bill, it be understood that we take no further action on the bill tonight, but go over to, I hope, a reasonably early hour tomorrow.

Mr. STENNIS. Mr. President, I say to the Senator from Oregon that I know he confers with members of the White House staff and with the HEW staff. And he ought to do so. That is part of the procedure. I do so myself.

The Senator does not have to explain anything to me.

I do not want to continue to keep the floor at this time.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. THURMOND. Mr. President, I think the distinguished Senator from Mississippi has explained this amendment in a very simple way.

The Senator from Oregon was not present on the floor at the time. That is the reason I thought I would ask a question.

I believe that the Senator from Mississippi made it plain that all that the Russell amendment would do would be to simply direct that HEW would make a decision on what funds any school district is entitled to prior to the date of the opening of the school and would not cut off funds after that time.

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. They will, in other words, consider the application of any school district and make a decision prior to the opening of the school.

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. It does not affect the guidelines. It does not attempt to affect the Civil Rights Act of 1964 or any other provision of law. It merely says to HEW, in order that the trustees may know just what funds they will get from the Federal Government for the coming school year, we are going to make the decision now instead of waiting until school has opened. Am I correct?

Mr. STENNIS. The Senator is correct. And that is all it means.

A situation may arise in which, for some reason not their fault, they will not have time to do it. But the little harm—if it can be called harm—of letting that district get a year's money is nothing compared with terminating these funds right and left among dozens of them in midsession.

Mr. THURMOND. In South Carolina the legislature meets in the spring of each year, and they make the appropriations for schools in the various counties at that session. Then, when school opens in September or in the fall, each school district knows exactly what funds to expect from the State, and then they know exactly what funds they will have to raise themselves in order to run these schools and to pay the teachers a certain salary. So they can plan for the year's work.

I understand that the purpose of the Russell amendment is to enable the trustees to become acquainted with what Federal funds they will be able to get for the coming school year.

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. And after the school year has begun, the decision will have been made and no funds will be cut off later, so that some rural district or some other district might have to levy a large number of mills for what the Federal Government has withdrawn.

Mr. STENNIS. The Senator is correct, and I thank him for bringing it out so clearly. That is the purpose, and the only purpose.

EDUCATING MIGRANT CHILDREN

Mr. WILLIAMS of New Jersey. Mr. President, one of the most important milestones of the Great Society is the Elementary and Secondary Education Act of 1965.

I wish to congratulate the distinguished senior Senator from Oregon [Mr. MORSE] on his relentless leadership in this legislation. He is comprehensive in his scope, perceptive in knowing the educational needs of the 20th century, and indefatigable in pressing for these much needed reforms. I am privileged to work with him on his subcommittee. His able staff assistant, Mr. Charles Lee, also deserves high praise for his efficiency, vast knowledge, and sensitivity to the problems of education.

Mr. President, a report card for elementary and secondary education would show passing grades for innovations, attention to our disadvantaged youngsters, research, and the like. But, no passing mark for the special attention to the needs of our most educationally deprived children—the sons and daughters of migrant farmworkers.

In a day when education is discussed as a panacea, the best we have offered these children is less than a minimal education.

As a result of our concern in the committee for this failing grade, which has characterized most of our educational institutions until recently, we have instructed the Department of Health, Education, and Welfare to look into this matter for us. To emphasize this concern, the committee in its report said:

> It is the sense of the committee that the Department of Health, Education, and Welfare create a special high level position to pool the resources available, to encourage the development of programs of a multicounty and multi-State nature and to interest colleges and other groups in initiating research programs specifically designed to meet the needs of transients in education and educationally related matters on a continuing basis. The Department is expected to prepare a comprehensive report to be transmitted to the Committee within a year. The report should describe the progress made and a projection of future plans, together with an evaluation of the over-all effectiveness of the continuing projects.

Mr. President, I ask unanimous consent that this section of the report, dealing with the education of migratory children, be printed in the RECORD.

There being no objection, the excerpts from the report (Rept. No. 726) were ordered to be printed in the RECORD, as follows:

EDUCATION OF MIGRATORY CHILDREN

Last year, the Elementary and Secondary Education Act was amended to include special provisions for migrant children in title I. They were being bypassed by regular educational services because of the nature of their parents' employment which necessarily interrupted the education of their children. The provisions of this amendment authorized Federal grants to the States for educational assistance and construction of school facilities for migrant children within the framework of our regular school systems. Funds are available for the construction of school facilities, the hiring of extra teachers, the purchase of textbooks and for summer-school programs in home-based States and along the migrant stream for the education of these children.

The committee is concerned about a recent progress report that calls the educational program for migrant children, "comprehensive in scope," "innovative in nature," and "progressing at a rapid and satisfactory rate."

This is true of title I. The first year of operation under the "Special Programs for Educationally Deprived Children," as amended to include migratory children, has been highly successful from the viewpoint of State participation and the types of programs developed. At the close of business on June 30, 1967, the last day a project could be submitted for approval from fiscal year 1967 funds, 134 projects had been received in the U.S. Office of Education. These projects encumbered 98 percent of the total fiscal year 1967 allotment of $9,737,847 and planned to serve 112,996 children. Forty-four States submitted projects for approval.

Reports on title III do not reveal any significant effort in this area. Certainly, the socioeconomic factors applicable to the migrant worker as well as the educational inadequacies of the migrant children present a real opportunity for the innovator. Yet, there are only two grants designed to bring title III services to migrant children. No new statutory authority is needed to serve these children.

Further, title V has only one interstate project.

It is obvious that we need massive educational opportunities tailored to meet the needs of the migrant. Orientation centers, bilingual teaching, effective and comprehensive dissemination plans, portable classrooms, migrant education teaching teams, workable administrative procedures for records, migrant-oriented learning aides, accurate testing tools, interstate planning and implementation are needed.

Programs such as those mentioned, if they are to reach the needs of the migrants, must necessarily traverse State lines to include a continuing program from the home base across the many States of the migrant stream. Even though funds under title III must necessarily go directly to the local education agency, groups of local educational agencies may combine for interstate programs. Funds under title V go directly to the individual States. Therefore, although there is no provision which requires multi-State programs, there is adequate authority for States to combine their title V efforts for migrant children. The States are expected to do so. Furthermore, under the Cooperative Research Act, it is possible that programs of this nature can be developed, but none have been thus far.

The committee does not expect any further delay, or even a "satisfactory rate" of progress. A concentrated effort to bring these more than 200,000 migrant children up to minimum standards of education is needed.

It is the sense of the committee that the Department of Health, Education, and Welfare create a special high level position to pool the resources available, to encourage the development of programs of a multicounty and multi-State nature and to interest colleges and other groups in initiating research programs specifically designed to meet the needs of transients in education and educationally related matters on a continuing basis. The Department is expected to prepare a comprehensive report to be transmitted to the committee within a year. The report should describe the progress made and a projection of future plans, together with an evaluation of the overall effectiveness of the continuing projects.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12144) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6111) to provide for the establishment of a Federal Judicial Center.

The message further announced that the House agreed to the amendments of the Senate to the amendment of the House to the bill (S. 830) to prohibit age discrimination in employment.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12121) to amend the act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

The message notified the Senate that Mr. BURTON of Utah has been appointed as a conferee at the conference on the bill (S. 889) to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California, vice Mr. REINECKE, excused.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR TOWER TOMORROW

Mr. MANSFIELD. Mr. President, there will be no period for the transaction of morning business tomorrow. I therefore ask unanimous consent that the distinguished Senator from Wisconsin [Mr. PROXMIRE] be recognized for up to 15 minutes at the conclusion of the prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Following the remarks of the Senator from Wisconsin, I ask unanimous consent that the distinguished Senator from Texas [Mr. TOWER] be recognized for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEEL PRICE INCREASE

Mr. HART. Mr. President, very briefly, I have just been advised that a third steel price increase has been announced.

Plant capacity in steel in this country is still operating at about 75 percent. We have been importuned in this Congress to throw up some quotas to protect the domestic steel industry. We have been told about import pressure and competition. Now, we learn about the third increase domestically. First it was cold rolled steel, hot rolled steel, and now galvanized.

Each one of these companies, I suspect, has a substantially different cost basis, but the increases are all the same—$5 a ton, $2.50 a ton, or whatever it is.

When an announcement is made by one company that a price increase is being made, the newspapers do not speculate about who is going to cut prices to get more business. The speculation is, How soon will everybody go up to meet the competition? That is the kind of competition which exists in the steel industry in this country, I sense from reading the press.

This lockstep pressuring has been characteristically increasing in a number of these highly concentrated industries. It is my belief that the existing antitrust laws do reach and may well be applicable to such situations like this.

Mr. President, I ask that the Department of Justice undertake what is admittedly a very difficult study, but a study that is of enormous importance. We spend much time talking about inflation. I would hope that the Department of Justice and the Attorney General will now sit down and say what kind of competition exists in the steel business. Certainly we would want some answer on that before we talk about increasing further the cost of steel to the users of steel in this country by increasing tariffs or applying any duties.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HRUSKA. Not too long ago there was a statement by a high official in the Department of Agriculture that the net farm income of this Nation was going to be 10 percent less in 1967 than it was in 1966. 1966 was not a banner year. He went on to state that the gross income of farmers for 1968 would be a billion dollars more next year than this year, but the net income would be the same as this year, or possibly a little less.

Obviously, the difference for the increase of a billion dollars is taken up by the forces we refer to as inflation.

I am wondering if it would be in order for the Department of Justice to investigate why it is that that increase has happened in the cost of the farmers doing business, because that apparently is a part of the entire system. It is a pattern, a part of which was referred to by the Senator from Michigan, in respect to the increasing cost of living, which is another way of saying inflation. Would it not be in order to try to probe that part of it to find out why the farming population of this Nation is subjected to this cost-price squeeze?

Mr. HART. If, indeed, it is a "cost-price squeeze" in the steel industry. Let us find out what the factors are that operate in the one dozen or so producers of steel, as distinguished from the factors in regard to the hundreds of thousands of farmers in this country that cause this pattern to persist, when one fellow operating at less than capacity announces an increase of $5 more.

Everybody waits for the shoe to drop. How soon will everybody move up to meet that competition? That is not the textbook concept of competition in the marketplace. They can do all they wish with respect to other aspects of the economy, but my request is that they zero in on this situation along with any others they wish to look at.

I believe the American public is due an objective analysis. I do not expect the steel company public relations people to insist other than that this is necessary to maintain operating margins in response to increasing cost. Let the public have a public agency responsible for the enforcement of the antitrust laws make its judgment.

Mr. HRUSKA. The only suggestion I have to make is: Why draw the line in that regard? It is not too long ago that a big automobile manufacturer was able to negotiate a settlement in a labor dispute, the bulk of which had to do with the wage structure. Now, we are waiting for a second and a third shoe to fall in that regard.

Why exclude other matters from scrutiny in connection with the inquiry of the Senator from Michigan, who speaks with respect to the steel industry. Why departmentalize this economy of ours and say, "Here is something that is a good whipping boy from all appearances. Let us lash him hard." Why not turn to other facets which are just as important but studiously avoided under all appearances?

Mr. HART. They cannot investigate, inquire into and analyze every price structure in this country.

We do not finance a Department of Justice adequately to do that kind of job. They have to start someplace.

I suggest there is no segment of our economy which more directly affects the price of consumer goods across the country than steel. In my book, they can start there and do a good job.

Mr. HRUSKA. Unless it be heavy Government spending and Government deficits. This body refused, by a vote of 54 to 27, to act on amendments of the Senator from Ohio which would have taken concrete steps to hold down spending, which is the largest cause of increased prices.

Perhaps we should indulge in a little self-introspection so that we get matters in the proper perspective.

Mr. HART. I thank the Senator from Nebraska. I think the Senator answered his suggestion that this is the consequence of our action. We make our judgment as to the prudence of our spending. In my opinion, many of the bookkeeping approaches to Goverment spending are penny wise and pound foolish. I agree there is waste. But this is up to us to correct.

I ask that the Department of Justice make a thorough investigation and analysis of pricing factors in steel. This is not to make them a whipping boy but to acknowledge an economic fact of life. When steel goes up $5 a ton it is felt in radios, kitchenware, automobiles, and everything that the farmer gets. If someone has a more obvious item about which he is concerned, he could suggest that to the Department of Justice. I suggest steel.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination reported earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The assistant legislative clerk read the nomination of LaVern R. Dilweg, of Wisconsin, to be a member of the Foreign Claims Settlement Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. BROOKE. Mr. President, the Senate is engaged today in debating forward-looking and carefully formulated legislation which represents a commitment by the Government of the United States to quality education for all of the Nation's citizens. Passage of these provisions will expand, improve, and finance educational programs where the need is greatest. It will permit more comprehensive and sophisticated educational planning and experimentation. It will establish necessary priorities with respect to the allocation of Federal educational assistance funds. It demonstrates that Congress is prepared to back up America's oft-expressed concern with a high standard of education with sensible programs and with sufficient funds.

But because there is so much promise in the bill which the Committee on Labor and Public Welfare has brought to the Senate floor, it is doubly important that we not permit arbitrary and regressive amendments to be attached to it. The amendment to H.R. 7819, which the Senator from Mississippi discusses on the floor today, represents a compromise both with the Constitution and with commonsense. It goes beyond even the provisions of the so-called Fountain amendment which was added to the bill by the House of Representatives, but wisely deleted by our own Committee on Labor and Public Welfare. It must be defeated if it is called up on the floor of the Senate.

Whatever may be the purpose of this amendment, there can be no doubt that the effect of it is to obstruct the efforts of the Department of Health, Education, and Welfare to enforce the equal opportunity provisions of title VI of the Civil Rights Act of 1964. The wording of the amendment is very clear to this effect. It provides that in no case in which a local educational agency has filed an application for financial assistance for a given fiscal year, or in which it is to receive financial assistance under an existing agreement reached pursuant to this act or any statute amended by this act, may the Secretary of Health, Education, and Welfare terminate or refuse to grant such assistance after the beginning in any fiscal year of such agency's school year under the authority of title VI of the Civil Rights Act of 1964.

The result would be the complete emasculation of the funds termination process set forth in section 602 of title VI. Once the school year commenced, a given school district would be able to adopt the most wildly discriminatory and unconstitutional administrative procedures without fear of loss of Federal funds previously awarded for use at that time.

What is even more extraordinary is that once the school year had begun, the Secretary would be compelled to act favorably upon an application for new grants for the same year despite the existence of obvious violations by the applying school administrators of both the U.S. Constitution and Federal statutes. I cannot believe that the Senate is about to authorize a procedure under which a school district which is clearly in violation of title VI can nevertheless extract additional financial assistance from the U.S. Government for new programs to be administered on a discriminatory basis while the Department of Health, Education, and Welfare is forced to sit by and provide the requested funds without a murmur.

This questionable approach would effect a radical change in the procedures for enforcement of title VI which are presently authorized and which have been administered by the Department flexibly and successfully. As presently written, and as left untouched by the Senate Committee on Labor and Public Welfare, section 182 of the Elementary and Secondary Education Amendments of 1966 permits the Department to defer approval of applications for new grants for a period not to exceed 60 days after the district in question has been notified that it may not be complying with the requirements of title VI. If a hearing is completed within that 60-day period, the hearing examiner is allowed an additional 30 days to prepare his findings. If a decision has not been made within the total of the 90 days I have referred to, the Department must by law act upon the application.

The Honorable John W. Gardner, Secretary of Health, Education, and Welfare, has testified before the Subcommittee on Education of the Commitee on Labor and Public Welfare that his Department has for the most part attempted to secure voluntary compliance with the provisions of title VI without resort to the weapon of termination of Federal funds.

Approximately 150 cases have arisen in which hearings were instituted under section 182 during the past 2 years. In only three of these did the hearing examiner find that the district in question was actually complying with the 1964 Civil Rights Act and that deferral of action upon the application for Federal grants had been improper. In two of the three, the finding of compliance was based upon actions taken by the local educational agencies after they appeared before the hearing examiner.

Obviously, the present system is being fairly administered. It represents a reasonable attempt by the Congress to guarantee that Federal grants will not support administration of educational systems which violates the U.S. Constitution. The 90-day deferral period protects the funds of the taxpayer without imposing too onerous a burden upon the school district which is affected. Ordinarily there is no reason for changing a system which has worked well. In the present case, the conclusion is unmistakable that the proponents of change view the proposed amendment as a subtle way to obstruct progress in desegregating many of the country's public school systems.

Mr. President, this is hardly the time for the United States to falter in the area of school desegregation. Thirteen years after the U.S. Supreme Court's historic Brown decision, the U.S. Office of Education is compelled to state that the majority of the Nation's students still attend segregated schools. Sixty-five percent of first-grade Negro children attend schools which are at least 90 percent Negro. Eighty percent of first-grade white children attend schools which are at least 90 percent white. The percentages are even higher in the South. And these figures are reflected throughout the educational spectrum.

Education in the United States tends to reinforce the very negative social factors which it is the object of education to eliminate. The problem of segregation in education must be met, not evaded. And one logical way to meet it is to use the fiscal power of the Government of the United States.

Mr. President, the purpose of the Fountain amendment, to which I referred earlier, was to prohibit the Secretary of Health, Education, and Welfare from deferring action upon an application for Federal funds on the basis of an alleged violation of title VI without resort to the cumbersome and time-consuming funds termination process set forth in that title. This amendment was opposed by the Secretary; by the Commissioner of Education; by the League of Women Voters; by the AFL–CIO; by the National Leadership Conference.

The present amendment will be even more damaging to the cause of quality education for all of the Nation's people. It will be opposed by all who believe that the Federal Government must put its money where the principles and guarantees of the Constitution and of Federal laws are respected. By its action upon this amendment, the Senate will demonstrate whether it is serious in its commitment to the protection of the constitutional rights and liberties of all citizens. The public awaits the answer. I urge my colleagues to reject such an amendment if it is called up on the floor.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. BROOKE. I yield.

Mr. MORSE. I want to commend the Senator for his statement. If the amendment were to be called up in the form in which it has already been discussed, I would join the Senator completely.

I hope that tomorrow, when we may have either an amendment modified, or an amendment to the amendment that I think would make the amendment as modified acceptable, I am going to make it a point to see the Senator personally tomorrow, as soon as we get it drafted, and explain to him, get his views, and hope to get his support, if he shares my views that it would make an acceptable amendment.

Mr. BROOKE. I am grateful to the Senator from Oregon. I shall be very pleased to see him tomorrow morning after the amendment has been drafted.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I have at the desk an amendment to the pending measure amendment No. 488. I do not plan to call it up at the present time. I do wish to say, however, that it has nothing to do with States rights, it has nothing to do with civil rights, it has nothing to do with integration, and it has nothing to do with segregation. However, the language which it seeks to delete has very far-reaching implications. I ask unanimous consent that the text of the language to be deleted be printed in the RECORD at this point in my remarks.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

> (b) In the event that no appropriation for the purpose of making payments pursuant to title I of the Elementary and Secondary Education Act of 1965 is made prior to the 15th day in May immediately preceding the beginning of any fiscal year, the Commissioner may execute grant agreements for grants pursuant to such title for such fiscal year. Such grant agreements shall be obligations of the United States. The amounts of such grant agreements shall be determined on the basis of an appropriation for the purposes of such title equal to the amount appropriated for such purposes prior to the 15th day in May for the fiscal year in which such day occurs.

Mr. BYRD of Virginia. Mr. President, the measure now before us provides that in the event Congress does not appropriate funds under this act in subsequent years, the Commissioner of Education can, regardless, obligate, in the name of the Government of the United States, grants to the various States in an amount equal to the appropriation of the previous year.

The language I seek to delete says that we do not need an appropriation bill, that the Commissioner of Education can, on his own initiative, without any appropriation from Congress, obligate our Government to the extent—I cannot recall the exact figure, but in this bill it would mean some $2 billion, in round figures, for subsequent years.

Mr. President, it seems to me that this is one of the most far reaching pieces of legislation that has come before the Senate in the 2 years I have served in this body. I cannot conceive that the Senate would adopt this language. I cannot conceive that Congress would adopt this language.

Not many weeks ago, 15 or 18 or 20 Senators took to the floor of the Senate, including and led by, I believe, the distinguished, able, and splendid majority leader, together with the Senator from Arkansas and the Senator from Oregon, to say that Congress has given too much power to the Chief Executive, has given too much power to the executive branch of the Government. I concur in that thought. They were speaking mainly—I joined them that day—about foreign policy. I concur that we have given too much power to the executive branch with regard to the handling of foreign affairs. It is time we get back some of that power.

The pending measure seeks to give to the executive branch of the Government additional power with respect to handling the Nation's finances, putting billions of dollars into the hands of nonelected officials, money that has not even been appropriated.

Section 9 of article I of the Constitution reads:

> No Money shall be drawn from the Treasury, but in Consequence of Appropriation made by Law.

I submit that the proposal submitted by the Senate committee in section 405 (b), page 135 of the pending measure, would grant a power to an official in the executive branch of the Government which that official should not have and no other official should have.

Under the Constitution, the Members of Congress—the Representatives of the people—are the only ones who have the power to appropriate money which has been taken from the taxpayers of our Nation.

The purpose of my amendment is to delete that language. I do not plan to call up the amendment today. I probably will call it up tomorrow. But I did wish to make these few remarks tonight.

I thank the Senator from Mississippi for yielding.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Ohio.

Mr. LAUSCHE. Does the amendment of the Senator from Virginia contemplate striking the material appearing on page 135 of the bill and identified as lines 6 to 17, inclusive?

Mr. BYRD of Virginia. The Senator is correct. It refers to the language which appears on page 135 of the bill, beginning at line 6 and extending through line 17.

Mr. LAUSCHE. That language gives to the Commissioner of Education the power to enter into agreements and to make them binding obligations upon the United States, whether or not there has been appropriate legislation passed.

Mr. BYRD of Virginia. The Senator is correct.

Mr. LAUSCHE. The Senator from Virginia takes the position that such broad power should not be given to any member of the Government, thus eliminating the requirement that no money shall be spent except as duly appropriated by Congress?

Mr. BYRD of Virginia. The Senator is exactly correct in his interpretation.

Mr. LAUSCHE. I thank the Senator.

WHOLESOME MEAT ACT—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I call up a privileged matter.

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12144) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today.)

Mr. HOLLAND. Mr. President, the report was signed by all conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair is advised that the report is signed by all of the Senate conferees.

Mr. HOLLAND. My understanding is that the report is signed by all Senate conferees and that all but two of the House conferees signed the report.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. President, I ask unanimous consent for the immediate consideration of this conference report.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Mr. President, the Senate and House conferees on the meat inspection bill reached an amicable agreement yesterday which I feel provides for the type of inspection service most of us envisioned when the bill was being debated in the Senate last week.

Essentially, the Senate bill differed from the House-passed measure in seven major instances:

First. The Senate bill included a subsection requiring annual reports on the administration of the imported meat provisions of the act. This is the Hruska amendment. I am glad to say that the House conferees accepted this with an amendment clarifying and simplifying reporting requirements related to the handling of imported meat and meat products.

I see on the floor the distinguished Senator from Nebraska [Mr. HRUSKA]. I understand he agreed to and participated in the drafting of the modified wording.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Nebraska.

Mr. HRUSKA. The amendments made to the amendment of the Senator from Nebraska were discussed both with the manager of the bill, the Senator from New Mexico, and also the Senator from Minnesota. I believe the changes made are very beneficial and point up the amendment so it will be much more effective for the intended purpose.

Mr. HOLLAND. I thank the Senator. That was my understanding. I am glad to have it confirmed.

Second. The Senate measure continued a provision in present law which gives the Secretary of Agriculture authority to exempt certain retail butchers and retail dealers from the application of full Federal meat inspection. On this amendment the House was adamant and the Senate conferees had to recede. The provision was deleted from the conference substitute. In this regard I have a letter from Mr. Mehren, Assistant Secretary of Agriculture, which shows in detail that the existing practice was being phased out anyway.

I present that letter and ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 5, 1967.

Hon. SPESSARD HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: The Department has been requested to furnish a statement of its policy on the application of the authority for retail exemption certificates under the legislation now being considered by the Conference Committee on H.R. 12144. I have outlined below the policy we would follow.

1. The exercise of authority for retail exemption certificates is now discretionary with the Secretary.

2. All such plants operating under exemptions currently must meet all sanitary requirements.

3. As a matter of Department policy, the Meat Inspection Division is not granting any further exemptions under this authority.

4. Further, the number of plants now operating under exemption is gradually being reduced with the eventual goal to eliminate these exemptions.

5. The same standards are applied to all holders of certificates. In view of the foregoing, the Department would not contemplate the application of exemptions to intrastate plants.

Sincerely yours,

GEORGE L. MEHREN,
Assistant Secretary.

Mr. HOLLAND. Therefore, I feel that the loss of this amendment means little.

Third. The Senate amendment deleted a provision in the House-passed bill which would have permitted the Secretary of Agriculture to grant exemptions in the District of Columbia and unorganized territories from the application of the act. The House conferees receded with an amendment which denies exemptions in the District of

Columbia, but permits exemptions in unorganized territories.

Under the conference bill Federal inspection will prevail in the District of Columbia.

Fourth. The Senate amendment substituted the term "at least equal" in lieu of the term "comparable" to describe the standards which States must meet in order to qualify for Federal assistance under the act. The House conferees receded on this provision.

This means that the State statutes, in order to be approved by the Secretary of Agriculture, must be held by him to be at least equal to the requirements of Federal standards.

Fifth. The Senate amendment included a provision requiring that the appropriate State law specifically permit access by the Secretary of Agriculture in order for such law to be considered at least equal to the requirements of title II of the Federal Meat Inspection Act. The House receded on this provision also.

Sixth. The Senate amendment provided for the extension of Federal inspection to all intrastate operations under three circumstances: First, upon request of a Governor who waived the application of State law in order to permit immediate Federal inspection; second, upon a finding that the State has not, within a prescribed period of time—no later than 3 years from the date of enactment of this legislation—developed an inspection system at least equal to the Federal system; and, third, if the Secretary finds any plant is distributing adulterated products dangerous to the public health. The House conferees accepted the second and third instances, but refused to accept the provision which would have permitted the Governor of a State to waive the waiting period and request Federal inspection immediately.

Seventh. The Senate amendment required more detailed reports concerning the operation and administration of the act to be submitted annually to the Committee on Agriculture of the House and the Committee on Agriculture and Forestry of the Senate. The House conferees agreed to accept this provision.

There was some discussion within the conference concerning the application of Federal standards regarding plant construction and other structural requirements. In order to clarify the position of the Department of Agriculture we requested an explanatory letter, which I now offer for the RECORD, and which I ask unanimous consent to have included in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 5, 1967.

HON. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: This letter is written in response to your request made at the meeting of the conference on H.R. 12144 for information regarding plant construction requirements in connection with the Federal Meat Inspection Program.

The eligibility of an establishment for inspection under the Federal Meat Inspection Program is based upon a combined evaluation of the operating procedures used by the establishment and the building construction and physical facilities rather than upon a separate evaluation of these factors. As a result of many requests a guide to plant construction and equipment has been put together for use by industry operators, architects, engineers, and other Government officials (foreign and domestic) interested in the sanitary handling of products within an establishment. The guide is a collection of recommended minimum standards. However, a great variety of arrangements, building materials, and equipment have been considered acceptable so long as they lend themselves to the production under sanitary conditions of clean wholesome product.

The only mandatory construction requirements are set forth in general terms in the regulations. These requirements relate directly to maintenance of sanitary conditions for the production of wholesome meat. For example, "The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned."

The Secretary has responsibility under the statutory authority to insure that meat and meat food products are produced under sanitary conditions which will result in the production of wholesome food. Therefore, the only building construction or equipment requirements mandatorily prescribed under or contemplated by the statute are such as are necessary to insure sanitary conditions in the light of operating procedures which are to be used in the establishment.

Sincerely yours,

RODNEY LEONARD,
Deputy Assistant Secretary.

Mr. HOLLAND. Mr. President, I feel that we have a good bill before us; one that will provide consumers with assurance that all meat will be wholesome and clean. And further, one that will not wreak havoc on the industry, but will benefit livestock producers and conscientious meatpackers and processors.

In closing, I want to congratulate the distinguished Senator from New Mexico [Mr. MONTOYA] and the distinguished Senator from Minnesota [Mr. MONDALE.] Both of them were active in the presentation of this legislation, especially the Senator from New Mexico, who presented the act, and the modifying amendments were presented by the two Senators, as I have mentioned.

In effect, the conference measure brings out largely unaffected the Montoya-Mondale Act, and I congratulate them upon that fact.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, I want to commend the Senator from Florida not only for his great help in the committee but also for his great help in chairing the conference into a final resolve on the issues which confronted us.

I also want to pay tribute to the members of the House committee who came into the conference with a determination to get meat inspection improved for the American consumer.

There was no opposition to the concept of meat inspection as embodied either in the House or Senate bill. There was a little diversion of opinion as to the approaches that were involved in both bills.

I want to say also that the Senator from Minnesota, as we neared the finish line, contributed greatly to formulation of the final piece of legislation. He was also a great help in the conference. The bill that has emerged from this conference, I am sure, will assure to the American consumer a dual inspection system which, in my opinion, is an improvement upon the Federal system which we have and upon which we have had to rely.

Under the concept as embodied in the finished product here, the consumer emerges as victor. I think this piece of legislation more than any other in recent years has demonstrated that if the American taxpayer, whether he be clothed under an umbrella as a consumer or whether he be otherwise, exercises his right of petition and has himself heard, as he was heard by the Congress of the United States, the Congress will respond, as the Congress has responded in this battle for better consumer legislation.

I think it is a tribute to the American Congress that it has stood by almost overwhelmingly to try to protect the American consumer, to bring him a facility which will insure improved standards for health and the production of food which is vitally necessary for the promotion of the health of the human being.

So in closing, I wish to commend all those people who had a part in this legislation; and I thank all Members of Congress who supported the measure for responding so warmly and so responsibly to the clamor of the American consumers in enacting this measure.

Mr. President, we are now at the threshold of success in insuring adequate and proper meat inspection on behalf of all American consumers. Evils exist, and ample evidence has been presented that we all run the risk of being exposed to them and their consequences. It is plain for all to see that the public health can be placed in jeopardy by unwholesome meat and meat products.

The evidence has been examined by the Congress and the public. A legitimate and growing demand has been heard for the correction of these evils. The marketplace must be clean, and we have at hand the means with which to provide for the cleansing.

There is no reason on earth why this situation should continue unchanged. An aroused public will not allow it. A responsible meat industry will not tolerate it. An aware and responsive Congress will not suffer it.

The conference report that we have before us delineates the fairest and most effective series of steps.

A Federal-State relationship is maintained that closes the loopholes without infringing significantly upon the responsibilities and agencies of the respective States.

The consumer interest is foremost, and closing the existing loopholes in meat inspection, and providing for the quick action that must be taken in case of clear danger to the public health constitute required procedures to effectuate this objection. The unscrupulous operator can be taken in tow and his nefarious activities inhibited.

The meat inspection programs of the respective States are offered the Federal aid they would require in order to strengthen their meat inspection programs.

Mr. President, I think it is imperative that we establish here the intent of the Congress on two important matters in enacting this legislation. First of all, the Congress has provided that the Federal share of the funds to be used to finance this program will come from general appropriations. It is anticipated that the States, because of our provision that they provide for programs "at least equal to" those of the Federal Government, will likewise provide for the cost of their share through appropriations out of general revenue funds. It is not the intent of Congress that user taxes be used for financing of meat inspection programs under this act, either on the Federal or State levels.

Secondly, Mr. President, at the present time only federally inspected plants are able to bid on meat contracts for Federal institutions. It is certainly the intent of the authors of this legislation before us that where a State has enacted and is enforcing a State meat inspection program meeting requirements "at least equal to" Federal requirements, that the plant subject to such State meat inspection program be entitled to bid on all meat contracts for Federal institutions. It is only reasonable and equitable that once these plants are subjected to and made to comply with standards at least equal to those of federally inspected plants, there is no reason to not allow them to bid on such contracts.

I believe that the intent of the legislation is quite clear in this respect. I just wanted to point this out so there can be no mistake about it. I ask unanimous consent to have printed at this point in the Record a letter from Congressman Samuel S. Stratton, 35th District, New York, enclosing a letter from Mr. Owen M. Begley, counsel to the New York State Meat Packers Association, raising this very question. My comments here today are meant to eliminate any doubt that may still remain on this matter.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., November 27, 1967.
Hon. Joseph M. Montoya,
U.S. Senate, Washington, D.C.

Dear Joe: Following up our phone conversation of the other day, I am enclosing a letter from former State Senator Owen M. Begley of Schenectady, New York, who is counsel to the New York State Meat Packers Association.

Senator Begley makes the point that if the new meat inspection legislation which you and Congressman Purcell are sponsoring is enacted, individual states will be required to bring their inspection procedures into line with Federal meat inspection procedures. When an individual state's program wins Federal approval, Senator Begley says, it would seem to make sense to give meat packers whose plants are regularly inspected by such an approved state system the same privilege of bidding on meat contracts for Federal institutions that is now reserved exclusively for those plants subject to Federal inspection.

You indicated to me that it was your belief that under the legislation which you have sponsored this result would be automatic, that no amendment to the legislation would be required to achieve the result which Senator Begley recommends.

In that case, I believe it would be most helpful to the New York State Meat Packers Association if this particular point could be made in the Record as part of the legislative history on your bill. I am sure too that Senator Begley would have no objection if his letter were used as a basis for making this point in the legislative history.

I appreciate your help on this matter, and know that its clarification by yourself as author of the Senate legislation will be of great benefit to meat packers in New York State as well as elsewhere.

Sincerely yours,
Samuel S. Stratton.

Begley, Moynihan & Shaw,
Schenectady, N.Y., November 15, 1967.
Congressman Samuel Stratton,
House of Representatives Building,
Washington, D.C.

Dear Sam: As you know, I am counsel to the New York State Meat Packers Association, which is composed of companies engaged in every phase of the meat industry in our State. This organization has been a strong supporter of adequate meat inspection, having worked to bring about the state inspection program and the passage of the Purcell Act.

At the present time, the State inspection program (which applies only to the areas outside New York City) compares favorably with the Federal program and both cooperate in bringing about better conditions in the industry. The Purcell Act will, we believe, increase this cooperation and make the requirements of both programs almost identical.

There is a problem which those who are under the State inspection are faced with. Although Federally inspected plants are permitted to participate in bidding for meat products used by State agencies, New York State inspected plants are precluded from bidding on meat products needed for Federal agencies, such as the armed forces and government hospitals.

Since the Purcell Act would, if passed, bring about a review and approval of State programs before granting participation in Federal monies, it would seem only fair to grant to the States, whose programs were approved, the right to participate in bidding on Federal contracts for meat supplies. Such widening of the field of eligible bidders would, we believe, be beneficial to both the Federal government and the industries in States whose inspection programs are approved under the Purcell Act.

If you concur with these views, would you be good enough to attempt to have the Purcell Act amended to bring companies, which are under Federally approved State inspection, into the category of those which can bid on United States agency contracts.

I know the members of our organization will appreciate whatever help you can give in this matter.

Sincerely,
Owen M. Begley.

Mr. MONTOYA. Mr. President, this is an eminently acceptable conference report embodying an effective, fair and strong piece of legislation. It will operate in the public interest rather than to the public detriment. It is my belief that this bill, as reported, will operate in the most effective manner.

Our choices are quite clear. Above all, it is obvious that our consumers cannot and will not wait. The public interest requires this measure and the public safety demands it.

Not to act now would be against that public interest. Consumer protection is a matter we must address ourselves to without delay. The American consumer is organizing as never before. Consumer protection as a cause is looming ever larger on the national horizon.

Our educated citizenry are increasingly aware of the evils being perpetrated against them, and resent it. An aroused Congress acting affirmatively is what they expect and should have.

That ever-growing group of aroused and active consumers are hoping we will not disappoint them. They ask for a meat inspection act such as the one we now have before us. I for one do not believe they are asking for too much.

American consumers have the right to expect the finest, wholesome meat and meat products when they go to shop. We can guarantee this to them by voting affirmatively and swiftly for this conference report.

The time is past for quibbling and splitting of economic and social hairs. Let us act now in the finest tradition of protecting the public interest.

Mr. HOLLAND. I thank the Senator for his kind comments with reference to the Senator from Florida.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I am grateful to the Senator from Florida for permitting me to make a few brief comments about the wholesome Meat Act, the conference report on which we are about to adopt and send on its way to the President of the United States.

I am grateful to the Senator from Florida, moreover, for his skillful and seasoned leadership as chairman of the conference committee. It was a pleasure to work with him on this controversial, yet terribly important matter.

Mr. President, when Congress first addressed itself some 4 months ago to the question of the slaughtering and processing of meat in this country, it became clear that bad meat was good business. It was possible for both the unscrupulous and, regrettably, even those who were conscientious but under heavy competitive pressure, to escape the high standards of the Federal inspection system, and gain a virtually decisive competitive advantage over their federally inspected counterparts. Bad meat was driving good meat out of business.

As a result, approximately 2,000 plants in this country were under Federal inspection, and some 15,000 plants under nonexistent or poorly enforced State inspection. We saw a growing pattern of major packing houses establishing wholly owned intrastate subsidiaries in order to take advantage of this competitive situation.

Some 25 percent of all processed meat and 15 percent of all raw meat was in intrastate commerce. More than 10 million head of cattle were slaughtered, which together with processed meat totaled some 13 to 14 billion pounds of meat outside of the Federal inspection system—enough to feed 50 million people.

What were the competitive advantages?

First, diseased and substandard meat could be received, slaughtered, and processed in intrastate plants.

Second, wholesome meat could be processed and slaughtered under unsanitary conditions, with all the cost savings that could be effected thereby.

Third, meat could be stuffed full of cheap additives such as water, cereals, pig hides, and the rest. Occasions have been reported in which 30 to 40 percent of a ham was in fact water, and the consumer was the loser.

Finally, these State plants could avoid the honest labeling requirements of Federal regulation.

That was the condition 4 months ago. This evening, we are about to pass an act which, in my opinion, constitutes one of the most remarkable victories for the American consumer in recent history. For in those 4 months, we have walked the long road from virtually nothing, to the point where we are passing a very strong bill. This bill has several fundamental features which will, within 2 and at the latest 3 years, assure that all meat slaughtered and processed for the consumption of Americans will be wholesome, free from undue additives, and sold in packages that will be required to clearly and honestly state the nature of the contents therein contained.

This was the Montoya amendment. To that we added a standard that State regulation must be at least equal to Federal regulation—no weasel words, no loopholes that would permit a standard less than that which fully accomplishes our objective.

Next, to avoid lawsuits, but more importantly to make certain that Federal inspectors had complete access to the information they needed to fulfill their responsibilities under the act, we clearly spelled out their right to go into State plants, inspect those plants, review relevant records, and take appropriate samples.

Next we required, under this legislation, detailed annual public reports to Congress. While this is not the time to report fully on the significance of that provision, it could well be the most important provision in the act. Because I am convinced now more than ever that an informed public is an irresistible political force in our country. Without information, they cannot demand their just rights before Congress or any other forum. If anything accounts for the miracle of the passage of this act, it is that within these 4 months, the American public has been fully advised of the condition of slaughtering and meat processing in this country. The basis for that information has been the public disclosure of detailed reports, not initially made public, but which have now been made public, of investigations conducted by the Department of Agriculture in 1962 and again in 1967.

In addition, we have deleted the exemption for the District of Columbia. We have imposed the same regulations upon foreign meat as upon domestic meat, and we have accepted an important provision which permits the Secretary of Agriculture to impose Federal regulation on an intrastate plant producing meat which endangers the public health.

In addition to this, we have incorporated many other fine features in the House measure as it came to us.

So in 4 months, we have gone from no bill to a bill which is a model of consumer protection legislation—a model, I might add, which shows due deference to our federal system, and shows an understanding of the practical problems of the industry.

Moreover, I think this shows something that is more clear today than it was some months ago, and that is that the consumer movement, if it understands the issue, is one of the most irresistible political forces in our Nation; and I hope we will not forget it.

I pay tribute to the communications media, which fearlessly and courageously reported the facts to the American public, particularly Nick Kotz of the Des Moines Register and Tribune. I commend those selfless private citizens who wrote courageously and creatively in this field. I would name Ralph Nader as one of those. I am proud, as a lawyer, that we have some people's lawyers, who seek no profit, but who, guided only by the motive of public service, are digging out the facts, and leading such unblemished lives that they can stand up as examples of the finest of our profession.

I am reminded, when I think of Ralph Nader, of that time many years ago when Louis Brandeis appeared in the famous New York-New Haven case, and the judge, surprised to see him there without an apparent client, asked him, "Whom do you represent?"

Brandeis replied, "Your Honor, I am the lawyer for the people."

We ought to have more lawyers who are lawyers for the people; and I commend Ralph Nader here in the strongest possible terms.

I commend the leadership from the executive branch. President Johnson provided genuine leadership, and we are witnessing new vitality and new strength in the office of his adviser on consumer affairs. That is an office that I think should have been created years ago. Betty Furness performed magnificently on this issue, as she has on so many others.

But none of this would have been possible without leadership here in Congress, and I would begin and end, in addition to mentioning such fine leadership in the House of Representatives as that of Representative SMITH and Representative FOLEY, by commending the person who, I think more than anyone else, is responsible for this measure—a person who has contributed selflessly and creatively to the cause of the American consumer. I refer, of course, to the distinguished Senator from New Mexico [Mr. MONTOYA].

We knew the Senator was a gifted lawyer. We knew he was a gifted legislator. But his courage and devotion to the public interest is without peer on the question of consumer protection or any other issue.

I commend the American Meat Institute, which I think regretted initially that this legislation had to be adopted, but which finally understood that the American consumer comes first. It then had the courage to stand up and shift its position and support us here.

I have always thought there is an identity of interest on the part of a consumer and an honest and ethical businessman.

I commend the American Meat Institute because, although its action was late, nevertheless the American Meat Institute stood up and did its duty as an example of responsible business leadership.

I would like to commend Mr. Gray, the president of Hormel Co., in my State, who I believe serves as chairman of the American Meat Institute, who spoke out early and effectively on behalf of this legislation.

I also strongly commend the effective and able support of organized labor—in particular, the Amalgamated Meatcutters and Butcher Workmen, and the United Packinghouse Workers, who worked long hours and provided able counsel to us.

In closing, I have a very rare document, a letter from a meatpacking company in favor of strong meat inspection. It is the only one I know of in existence.

I ask unanimous consent that this letter from Mr. Dudley Smith of the Elliott Packing Co., of Duluth, Minn., under date of November 13, 1967, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ELLIOTT PACKING CO.,
Duluth, Minn., November 13, 1967.

HON. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I want you to know that I support the position you have taken with respect to the Meat Inspection Bills. Although the industry, in general, has supported the Purcell Bill, it is my personal opinion that this bill will not be effective in taking care of the inspection problems that should be corrected. I think your bill will be a lot more effective than the Purcell Bill and I hope you can muster enough support to pass it.

In the event that your bill cannot be passed, I think the Purcell Bill, with the Montoya Amendment, is a big improvement over the original bill. However, I still think your bill is the one that the country needs.

Sincerely yours,

DUDLEY SMITH.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator for his statement about the Senator from Florida.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I commend the distinguished chairman of the Senate conferees, the Senator from Florida [Mr. HOLLAND], who has once again demonstrated his abiding faith in the consumers of this Nation.

I give special credit to the distinguished Senator from New Mexico [Mr. MONTOYA], who, on the basis of his initiative and leadership, was largely responsible for the enactment of this fine and strong bill that we have before us.

I commend the distinguished Senator from Minnesota [Mr. MONDALE], who joined on a partnership basis with the Senator from New Mexico, so that together they were able to bring forth the legislative proposal which will be signed into law soon and will be of inestimable benefit to the American consumer and to the American meatpacker, as well.

I say all hail to the Montoya-Mondale bill. I commend them both for their initiative and courage in acting against pressures. I commend them for the leadership they have both shown in this most important and much needed and long overdue bill.

Mr. HOLLAND. Mr. President, I thank the distinguished majority leader.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, I thank the majority leader for his fine, kind words. I thank my good friend, the Senator from Minnesota [Mr. MONDALE], for what he has said about my humble part in working together with other Members on this legislation.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the distinguished Senator from Iowa, a valuable member of the conference and of the Senate Committee on Agriculture and Forestry, who made a distinct contribution to this particular act.

Mr. MILLER. Mr. President, I thank my colleague, the Senator from Florida.

I should like to say a few things about the action which has been taken.

First, I think it has been a very bright day for the American consumer when the American consumer realizes that the action taken on the bill was taken with the unanimous action of the Senate Committee on Agriculture and Forestry.

I think that in turn is attributable in great measure to the distinguished Senator from New Mexico who made painstaking efforts to come up with a workable and acceptable bill.

I thank my colleagues on the conference committee for indicating that they would stand firm with me with respect to my amendment relating to retail exemption certificates.

As the Senator from Florida has pointed out, we received a letter from the Department of Agriculture indicating that the Secretary would, if we continued his discretion, as my amendment provided, begin to phase out the retail exemption certificates. There are approximately 500 of these retail exemption certificate holders. And I would have to tell them that retention or deletion of my amendment would not make much difference in the long run.

It was only discretionary authority granted to the Secretary which was being continued by that amendment, and the Secretary has stated, as indicated in the letter which the Senator from Florida has had printed in the RECORD, that he is going to phase out these retail exemption certificates.

There has come to my attention some concern with respect to the portion of the bill added by the Senate, which reads:

> That, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated meat or meat food products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate Advisory Committee provided by section 301 of the Act of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of titles I and IV of the Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act.

I do not know where this has come from, but there has been a misimpression conveyed that the act provides for the taking over by the Secretary of Agriculture of plants. And the misapprehension or rumor that has been spread never points out that the language makes the determination of the Secretary dependent upon clear evidence that the determination by the Secretary is not to be superficial.

I am sure that all of us intend that the determination be based upon clear evidence, and that there is no intention to have the Secretary of Agriculture willy-nilly start to close down or take over plants. The language makes it very clear that he is not to do that.

Furthermore, while concern has been expressed that the bill does not provide for any judicial review, nevertheless the United States Code, title V, section 702—this is the Administrative Procedure Act updated—provides:

> A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

Section 704 provides as follows:

> Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review.

I must say that I believe adequate protection is afforded persons who may have expressed concern about the powers granted to the Secretary of Agriculture.

I think we all agree that we have now written a tight, workable bill. I suggest, however, that the 2 years which we have allowed the States in order to bring their standards and enforcement procedures up to a proper level will be needed to meet not only money problems, but manpower problems, as well. It will take time to recruit and to train inspectors to implement the law—not only inspectors for the States, but also inspectors for the Federal Government.

The Senator from Florida indicated yesterday a policy which I am sure the Senate and the House will go along with, namely, of seeing to it that adequate funds are appropriated for this purpose—at least, so far as the Federal level is concerned.

I also suggest that while we have emphasized in the bill that our first concern for the American consumer is wholesomeness, cleanliness, and sanitation, the American consumer also is entitled to efficiently and economically produced meat and meat products. This is something to which I hope the Secretary of Agriculture will pay very careful attention, in addition to enforcing the standards set forth in the act.

I would hope that because of the far-reaching scope of the act and the essentiality that there be good industry cooperation in implementing the act, the Secretary will see fit to appoint an advisory committee consisting of State officials and representatives of the industry who can advise and consult with respect to the regulations and the implementation. Unless there is cooperation by the Federal, State, and local governments and the industry, the objectives of the act will not be attained—at least, they will not be attained as soon as they might otherwise be attained.

Finally, Mr. President, I have been much concerned in recent years over the increasing amount of meat imports. I believe that the committee and especially the Senator from New Mexico are to be commended for seeing that the American consumer will receive protection from meat imports from other countries equal to that of our own domestically produced meat. It is not good for domestic producers, who are paying the taxes, to be undercut by foreign competition, which does not have to meet equal standards and equal enforcement of those standards. This act is very tough on that point.

So I believe that we have done a good job all around; and I wish to thank my colleague, the Senator from Florida, for his cooperation and for the opportunity he has given me to say a few words on this matter.

Mr. HOLLAND. I thank the Senator from Iowa for his kind comment with reference to the Senator from Florida and other members of the committee.

I am glad to yield to the distinguished Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I take the floor as the Senate approaches final action on a bill which will be marked as one of the greatest forward steps since the passage of the original Pure Food and Drug Act, to voice my deep appreciation to the distinguished senior Senator from Florida for his excellent leadership, for his great ability, and for the vast understanding he has shown in this bill. He has done so on dozens of bills brought to the Senate and floor managed to successful passage.

It seems we are enacting today something that is more important than "sterling" on our silver as a hallmark of quality. Because of the great efforts of the senior Senator from Florida—joined by the junior Senator from New Mexico [Mr. MONTOYA], the junior Senator from Minnesota [Mr. MONDALE], and the junior Senator from Iowa [Mr. MILLER]—the passage of this measure will go down in history as a red-letter day, indicating the Senate's concern about the health of the people of America, the great cattle industry of America, and the housewives of America, who are today more conscious than ever of the guarantee of purity, sanitation, and quality of the meat they buy in the grocery store. They are used to buying brand names for their quality, but heretofore they have had to guess in the meat market, unless they bought from large stores, what quality the meat would be and under what conditions—whether sanitary or unsanitary—the meat was processed.

Today we are writing a Magna Carta for the housewives to know what they buy in their corner grocery store. We are writing a bill that will be hailed as a great forward step. I am impressed by the fact that while there are only 2,000 interstate plants in the country, which slaughter 75 percent of the meat and process 85 percent, we have still left in the unknown quantity—the x in the equation—the 10 million cattle that are slaughtered each year by intrastate packers and the 50 million people who purchase this meat.

It is a mark of great credit that we are meeting this vast need. In closing the loophole in the sanitation of State-licensed and State-inspected plants we assure that States' rights will prevail up to standards which people have the right to expect when buying a pound of meat, a roast beef, a ham, a pork chop or a lamb chop in their grocery store, or when they buy a steak or other food in a restaurant. They will know that this meat, in 99 percent of the cases, will have been slaughtered under sanitary conditions and was not subject to terrible unsanitary conditions—broken-down toilets, overflowing on the floor; hair being ground up in hamburger or sausage; diseased cows slaughtered, with the diseased portion trimmed out and the remainder sent to the market unidentified as to quality, and unidentified, in more important measure, as to the lack of quality.

So I believe this is a great forward step. Considering the cost of our Federal-State meat inspection of $47 million, this will cost us only $4.5 million, as the proper State aid is given. This is a partnership. The 3-year period that the conferees have given—I believe wisely—to the States to meet these Federal standards will bring about a most-needed reform.

I am glad that the American Meat Association has endorsed this bill, because this group has been foremost in guaranteeing the housewives, the consumers, an opportunity to identify the clean from the unclean, the pure from the impure, the noncontaminated from the contaminated.

The Farmers' Union, which comprises most of the farmers within my State, has endorsed this measure, has it not?

Mr. MONTOYA. That is correct.

Mr. MONRONEY. Also, the National Farmers' Association. The cattle of Oklahoma will rank almost with wheat in income-producing operations.

I do not believe any cattlemen's organization—although there are many and they are most alert to the effects of any legislation upon the cattle industry—has appeared to oppose this bill. Did any of them appear?

Mr. MONTOYA. No, they did not. There was a question as to whether they would support the Purcell bill or the Montoya bill, but eventually they all supported the Montoya bill.

Mr. MONRONEY. I was happy to be a cosponsor of the Montoya bill, and this is one of the reasons why I choose to speak. The bill has been improved by the committee and by the able generalship of the senior Senator from Florida, so that the measure passed the Senate by a vote of 89 to 2. The entire Republican membership of the Senate voted for it unanimously, and only two of the Democrats voted against it. This is a recordbreaking endorsement.

This is a recordbreaking endorsement. The bill comes back from conference in even better shape than when passed by the overwhelming Senate vote.

This near unanimous decision of the Senate shows there will be many benefits derived. This measure will be beneficial not only to the small, independent packers but it will be of assistance with those who are carriers.

Those who are greedy, who maintain unsanitary conditions, and who process this meat under conditions which are unhealthy to the consumer are only a very minor percentage of the small, independent packers who will be affected.

This bill will benefit the cattle industry because the price stockmen will receive for meat from large intrastate sales will be greater. There will be better processed meat for the consumers of this country.

Does the senior Senator from Florida know of any violation of States' rights in giving 50 percent of the cost of improving and paying for State inspection? Is there a violation of the concept of States' rights? The senior Senator from Florida has been one of the great warriors for States rights throughout his long and distinguished career.

Mr. HOLLAND. Mr. President, if the Senator will yield on that point, I am still a scrapper for States rights and I always will be.

Unfortunately, there are 21 States which had only voluntary inspection of meats, or no system at all. The 29 States which acted are not to blame for the situation that brought about the necessity for this act.

I must say—as to the time given in the bill to the States which have not lived up to their responsibility—because with States rights this is State responsibility—3 years should permit every one of them to come up with a good program. I hope they do because I would much prefer to see States live up to their responsibilities in this matter. If they do not and when they do not there is only one power that can act effectively, and that is the National Government. And that would be done under this act.

Mr. MONRONEY. I thank the distinguished Senator. The State of Oklahoma has just begun. We have moved and we now have a State inspection system which is in its infancy. We have not had money to employ necessary State inspectors as yet to run the program. This bill will help State inspection and allow tightening of standards for packers and cattlemen. This measure gives the small businessman a distinct advantage he otherwise would not have had.

Mr. HOLLAND. I thank the Senator for his eloquent remarks. I rarely receive such praise. I want to be mighty enough to say that I do not merit it. The real performance here has been given by the Senator from New Mexico [Mr. MONTOYA] and the Senator from Minnesota [Mr. MONDALE]. The Senator from Florida simply wielded the gavel in the conference and had a most agreeable experience in that there were no vital differences and we had no trouble reporting the conference bill. It was a pleasure to provide chairmanship for the conference. That was the entire function the Senator from Florida performed except he did approve the bill, supported it in committee and on the floor, and was glad to be the chairman of such a conference.

Mr. MONRONEY. I thank the Senator. I am very proud to have been a cosponsor with the Senator from New Mexico [Mr. MONTOYA] on this far-reaching legislation which the distinguished Senator from Florida has improved by the extra year. I am pleased this matter of paramount importance on high standards for meat in this country will become law.

I congratulate all who have been associated with the matter. Those who are in the cattle industry or processing industries will be the greatest beneficiaries. I intend to press the Small Business Administration to see that loans are made available to small, independent packers so they may bring their plants up to standards for sanitation and improve facilities. I know of no more important reason for which loans could be made. Oklahoma does want to live up to the standards and now it will better be able to do so.

I thank the Senator for yielding. I apologize for the time I have taken and the lateness of the hour, but before final action I wanted answers to these questions.

Mr. HOLLAND. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. MORSE. Mr. President, in the interest of saving time, although I have a few comments to make, different from those of the Senator from Oklahoma, I wish to associate myself with every word spoken by the Senator from Oklahoma. I am proud to be one of the cosponsors of the Montoya bill. I wish to join in paying my very highest respects and deep gratitude to the senior Senator from Florida [Mr. HOLLAND], the Senator from New Mexico [Mr. MONTOYA], the Senator from Minnesota [Mr. MONDALE], the Senator from Iowa [Mr. MILLER], and others who have worked so hard to bring to us this conference report at this time.

Because of my years of great interest in the livestock industry I am a witness to some qualifications in regard to the need for this bill. I join the Senator from Minnesota [Mr. MONDALE] in his commendations of Mr. Ralph Nader as the people's counsel in this case, for I think he has been of great assistance to our committee and he has been of great assistance to the Congress in focusing attention upon the public interest that is involved in necessitating the passage of this legislation.

Mr. President, the failure on the part of some of the States to clean their slaughterhouses has done great damage to the meat producing industry in this country. I do not need to tell Senators how true that is because they know in recent weeks as they have sat around the dining tables of their friends—although I have not attended very many dinners since this bill became a matter of public interest—there was not some time during the evening when there was not a discussion of the matter. As Senators know, the most powerful lobby in the country is the housewife. They know what housewives have been saying and are still saying about the shock so many of them suffered when the information got out that they could not be sure of the quality of the meat they have been buying. I heard many of them saying, "I will never buy another pound of meat without a U.S. inspection stamp on it."

I think that no one is to blame for that but the so-called intrastate plants. They have not carried out their obligation to the public. I want to say in one sense, speaking for the moment as a lawyer from the standpoint of legal technicalities and rules, but in a broader sense no one has any State right to sell unclean, unsanitary, and diseased meat, but it happens.

Mr. President, my own eyes have seen in various parts of the country animals slaughtered that should have been killed and buried. I know of instances in which cattle were offered at a sales lot, in which meat was subsequently to go to Federal inspection was offered, and the sales company would not even put it on the block. What happened to it? Those animals were put into a truck and sent to an intrastate plant. They were slaughtered and the meat got on the dining tables of people in that area. If there ever was a case of walking out on a moral obligation on the part of those businessmen responsible for operating that kind of plant, Mr. President, you name it. I think that is about as bad as it can get.

Thus, I do not recognize the intrastate argument which those on the committee have had to deal with for a while. They had some people who made technical and literal legal arguments on its behalf. But I want to say that when I go into State X, Y, or Z, there is no intrastate right within that State to serve meat in a hotel or on any other table that does not meet Federal standards.

Therefore, I think we should face the fact—as was pointed out by the clear implication in what the Senator from Florida [Mr. HOLLAND] said a moment ago—that the Federal Government does have the right to step in and protect the health of the American people.

We are living in a mobile society. The early concept of so-called intrastate rights developed in our legal system when there was not much mobility. But, serving meat in a hotel or a home to a visitor from outside the State, in my judgment, really washes off the legal blackboard, so to speak, the claim that they should be protected in doing that on the basis of a States rights argument.

The Senator from Iowa [Mr. MILLER] made comment about imported meat. There is a problem there, too. At the present time, there is prevailing in England probably the worst, contagious bovine epidemic in the history of the British Isles. I do not know what the facts are. I do know the allegations, and on the basis of those allegations, the British Government has acted.

The allegation is that some diseased meat came in through importation. As a result, England has cut off the importation of meat from a good many parts of the world.

I understand it is also true that meat from carcasses of foot and mouth diseased animals is a threat to human health.

Now I want to talk for a moment about the economic consequences of what would happen if we were subjected to the kind of loss to which England is now being subjected, if the allegation is true that diseased meat from another country was shipped into England which caused the hoof and mouth epidemic now sweeping the British Isles.

It is not only the economic aspect of the problem, but also the health aspect that must be considered. We have been talking about cattle, but there is also the shocking failure to carry out the moral obligation in some intrastate plants, where I know of instances in which diseased chickens coming down the track were rejected by U.S. inspectors, were taken out of some of the small killing plants and moved not so many miles away into an intrastate plant and processed.

There is no doubt that housewives have every reason to express the fears they have to us around the dining tables of our friends, in whose homes we have been having dinner in recent weeks. The situation must be cleaned up.

I want to highly commend the Senators I have already mentioned, but I also wish to commend the administration for the support it has given the program. I commend also Congress as a whole for what the Senator from Oklahoma said in effect was the passage of legislation on this subject which could very well be compared to the original pure food and drug law.

Mr. HART. Mr. President, I realize that the hour is late and that nothing I could say would be other than repetition. But, being present in he Chamber as the conference report is about to be adopted, I would feel uncomfortable if I did not rise to thank most especially the Senator from Minnesota [Mr. MONDALE] and the Senator from New Mexico [Mr. MONTOYA] for their great interest in this subject.

The consumer is America's most powerful lobby. But, it needs a leader. It is a power group which can be easily diverted, easily split, and easily confused. It needs a MONTOYA and a MONDALE—yes, it also needs a Ralph Nader.

As a cosponsor of the bill, I am delighted to say, on the eve of its enactment, that I hope next we will turn our attention to the fish bill which I have introduced and which is before the commerce committee. I am no longer required to eat fish once a week, but I happen to enjoy it.

I still believe that fish and fish products are not adequately supervised.

Mr. MONTOYA. Mr. President, I want to thank the Senator from Oregon for his very kind words, and also to express my appreciation to the Senator from Oklahoma, who had to leave, and also to the Senator from Michigan—the three cosponsors of the Montoya bill. Certainly, their names mean a lot on legislation in the Senate. They have been most helpful. The Senator from Oklahoma was in constant communication with me as we deliberated in committee and outside committee on the bill.

The Senator from Oregon has been a stanch defender of the consumer. I have known of his great reputation in this respect since I came to Congress.

Equally, the Senator from Michigan has good credentials on that score. It is certainly a pleasure to have all three as cosponsors of the bill.

Mr. CARLSON. Mr. President, as we consider the conference report, I want to stress the importance of meatpacking in my own State of Kansas. The members of the conference are entitled to much credit for their effort in improving meat inspection.

Meatpacking, already one of the leading industries in Kansas, will become even more important to the State's economy in the future.

Three factors which point to an even larger meatpacking industry in the State are first, greater importance of livestock; second, the trend toward slaughtering nearer the source of supply; and, third, continued emphasis on development of off-farm businesses.

Later figures are not available, but in 1963—the year of the last census of manufacturers—meatpacking was the third most important industry in the State, as measured by the value added by manufacturing. Aircraft manufacturing and petroleum refining ranked first and second, respectively.

Dollarwise, the importance of meatpacking is indicated by these figures: $516 million worth of meat produced and $440 million paid for raw materials. Total payroll in 1963 was $54.2 million. The industry employed 8,070 employes, or 7.1 percent of all manufacturing work force in the State and contributed 5.2 percent of the State's total value added by manufacturing.

Prior to the early 1950's, slaughter exceeded livestock production in Kansas. This trend has been reversed since then, particularly in slaughter of cattle and calves. Increased livestock production has been the big reason for this shift.

Figures on per capita production and consumption bear out the fact that Kansas is a net exporter of processed meat. In 1965 per capita production in Kansas was: Beef, 381 pounds; pork, 1,308 pounds; lamb and mutton, 8.2 pounds. Data are not regularly published on per capita consumption by State.

A recent study, however, reported Kansas per capita beef consumption at 132 pounds, considerably higher than U.S. average estimated at 106 pounds for 1967. Average 1965 per capita consumption for the United States was 58.7 pounds of pork and 3.7 pounds of lamb and mutton.

Assuming these figures are representative of consumption in the State, then plants in Kansas slaughtered and processed more than twice as much pork, lamb, and mutton as was consumed in the State.

Studies show an excellent basis for increasing livestock production in the State. Kansas-grown feed has generally exceeded livestock requirements. With even greater production anticipated in the future, adequate feed will be available to substantially increase swine and cattle feeding. Kansas packers, already in a good competitive position to expand beef and pork shipments to the Western and Southwestern States, will see their position improve as the population increases in these areas.

Mr. HOLLAND. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. MONTOYA. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

EXTENSION OF CERTAIN NAVAL LOANS AND A NEW LOAN

Mr. STENNIS. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 6167.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STENNIS. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mrs. SMITH, and Mr. THURMOND conferees on the part of the Senate.

EXPORTING LOGS TO JAPAN FROM THE PACIFIC NORTHWEST

Mr. MORSE. Mr. President, one other matter on which I shall detain the Senate for only a very short time.

I have sent to the Press Gallery today a statement which bears on the subject matter of the exporting of logs to Japan.

It so happens that the Senator from Washington [Mr. MAGNUSON] and I have been working hard in recent weeks on the very serious problem which has developed in the Pacific Northwest as a result of the exportation of large quantities of logs to Japan.

This exportation has resulted, in effect, in the exportation of thousands of American jobs to Japan. These logs are raw materials out of which lumber products are made. There is no doubt that the exportation of these logs has provided some new jobs for our longshoremen, seamen, and stevedoring companies and the many people who work in ports.

I want to make it clear that we seek to work out a program with the State Department, Department of the Interior, and Department of Agriculture, in negotiations that are about to take place with representatives from Japan, that will strike a fair balance in respect to the economic interests of all segments of the economy of the Pacific Northwest.

I want to say, to the great credit of the stevedoring companies and longshore unions and other groups in the Pacific Northwest whose livelihood comes from the operation of the ports, that they recognize the need for striking that balance.

They are not advocating unchecked, unrestricted shipment of logs in whatever quantities the Japanese want to buy them. They have been cooperating with us in trying to work out a program with the Government that will give protection to the lumber industry of the Pacific Northwest.

The Forest Service and Bureau of Land Management assured members of Congress yesterday first, that they understand the urgency of the log export situation; second, that they recognize they have a responsibility to protect local communities dependent upon their timber; and, third, that they can act under existing law to carry out that responsibility.

I deeply appreciate the complete cooperation among Senator HATFIELD, Representatives GREEN, WYATT, DELLENBACH, and ULLMAN, as we, as a united Oregon delegation, have pressed for a Government program that would give protection to the lumber economy of our State.

We have said for a long time that we felt the U.S. Forest Service and the Bureau of Land Management had authority within existing law to issue whatever rules and regulations and administrative orders were necessary to give to the lumber communities of our State the protection in Federal timber sales to which they are entitled.

To the great credit of the representatives of the two agencies, in the conference held with us yesterday afternoon, they recognized that they have authority to act in a manner that will carry out their responsibility.

That is real progress, because until yesterday, they had tended to point to all the policing troubles that would be involved in export limitations on public timber sales, rather than talking about the powers they had to curb the exports.

Our next problem will come tomorrow when members of the Oregon and Washington delegations meet with the State Department negotiators who will talk to Japanese negotiators in Washington, D.C., starting December 11. The industry has not recommended a strong position for us to take in the talks, other than to impress Japan with the distress of the industry. But it is meaningless to complain to Japan and wait for Japan to suggest a remedy.

Therefore, I shall urge the State Department not only to explain the problem, but specifically to seek agreement with Japan that the Japanese Government will take more U.S. lumber products and fewer logs.

One of the unfortunate things about this controversy is that Japan really has a cartel operating in this field. Japan has restrictions on the importation of finished lumber in Japan. They really have a two-market system over there. An American producer of lumber must sell to the cartel. No matter what the U.S. price is the cartel markets it at the same price it fixes for its own lumber. There is no price competition from U.S. imports into Japan.

If Japan wants to act in good faith with us for an agreement that will involve the shipment of a certain quantity of logs, she ought to be willing to enter into, as part of that agreement, an understanding that she will take a much larger quantity of finished lumber into Japan.

It has been my position from the very beginning that the high prices she bids for our logs are possible only because she shelters her domestic market from our competition in lumber products. Our first objective should be to break down this Japanese trade barrier, and there seems to be much support for that position on the part now of the Federal timber agencies.

A larger supply of lumber should bring down their own prices enough to bring down what they can bid on our logs. But in any case, we should seek to export the lumber rather than the logs.

I want to thank the spokesmen for the Forest Service and the Department of the Interior for the understanding of this problem that they made clear to us yesterday. They made us aware of their determination to be of assistance to the people of the Pacific Northwest in the protection of their economic interests in the field of the lumber operations of the Pacific Northwest.

I feel that with a specific proposal of this kind, we will be more likely to get results. We are in a position now to show that the problem is so serious that, if Japan does not agree to that kind of shift in her purchases, the U.S. Government will act to protect its timber resource.

Therefore, if we cannot get some relief in regard to the great damage that is being done to the economy of the Pacific Northwest because of the purchasing raids of Government logs—that is, logs taken off the Federal forests—and an agreement between the U.S. State Department and the Government of Japan, the senior Senator from Oregon will convene, not later than January 15, his subcommittee of the Small Business Committee of the U.S. Senate, at which hearings representatives of the U.S. Government will be requested to appear to explain their policies and subject themselves to the examination of the committee. On the basis of the record made, I will then recommend—if it becomes necessary, which I hope it will not—necessary legislation to give to the people of the Pacific Northwest the protection which they are entitled to receive from their Government in respect to the timber resources of the Pacific Northwest.

The State Department will be invited first, because they have the main job of seeking a voluntary arrangement with Japan of the kind I have described. If that falls through, then we have no choice but to deal directly with the problem through legislation long on the books designed to assure a timber supply to domestic mills, and more legislation, if necessary.

I know the administration is fearful of "making waves" in our relations with Japan. It is anxious to maintain at least lipservice from Japan for the Vietnam war. But here is an industry already crippled from the war. If we really are doing Japan such a favor by fighting in Vietnam, we should be insisting that she refrain from economic policies that further damage an industry already weakened by the economic impact of the war.

Japan is already profiteering from the expenditures we make there to supply our troops. Here is one small place where Japan could make an accommodation. She could buy our lumber instead of our logs, and the State Department should press her to do so.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 39 minutes p.m.) the Senate took a recess until tomorrow, Thursday, December 7, 1967, at 10 a.m.

NOMINATION

Executive nomination received by the Senate December 6, 1967:

IN THE AIR FORCE

Lt. Gen. William W. Momyer, FR1964 (major general, Regular Air Force), U.S. Air Force to be assigned to positions of importance and responsibility designated by the President in the grade of general, under the provisions of section 8066, title 10 of the United States Code.

CONFIRMATION

Executive nomination confirmed by the Senate December 6, 1967:

FOREIGN CLAIMS SETTLEMENT COMMISSION

LaVern R. Dilweg, of Wisconsin, to be a member of the Foreign Claims Settlement Commission of the United States for the term of 3 years from October 22, 1967.

EXTENSIONS OF REMARKS

Support for Concurrent Resolution

EXTENSION OF REMARKS

OF

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. NIX. Mr. Speaker, the case for the preservation of the nation of Israel is based on the proposition that Israel has existed as a nation for 20 years, and for all of that time, including the present time, its Arab neighbors have had a policy of extermination against Israel. This means that there can never be a meaningful dialog in the Middle East leading to peace until the Arab nations recognize the right of Israel to exist.

No man can compromise his right to live and remain fully a man, and the same is true of nations. A mood of savage belligerency has resulted in three wars.

What is all of this to us? The Soviet Union has successfully fished in the troubled waters of the Middle East and has established its navy as a Mediterranean power through this last conflict, even though its agents, the Arab nations, have suffered a third disaster. The Soviets have resupplied the Arabs with a quantity of arms equal to the loss of arms the Arabs suffered in the desert war of 1967. They are taking aim at us through Israel. The Arabs and the Israelis need peace, but the Soviets want war and it may well be that we will have war. Because of the game that the Communists are playing in the Middle East, it is apparent that a third world war based on miscalculation by the Soviets and their Arab satellites is a serious possibility.

Does anyone in this body believe that if the Egyptians and Syrians had won the war of June 1967, that the Middle East would not be one vast Soviet satellite? The result has been a happy one because Israel was victorious. Since our need, the needs of the Arab poor, and the hope of Israel is peace, it seems to me that it is necessary to prevent the miscalculation by the Soviets and their agents that may lead to world war III. I believe the President of the United States should declare unequivocally that the United States will preserve Israel behind her own borders. The first step toward peace can then be taken, and that is the admission by the Arab States that Israel has the right to exist as a nation. The Arabs may find it expedient to do so, if they know that there is no hope of destroying Israel. I believe, therefore, that the Congress of the United States should go on record with a request that we make our position clear. We are already on the side of Israel in this matter. It only remains for us to make it clear. It is my hope that the House will support my position by passing this resolution.

President Johnson Brings Government to the People

EXTENSION OF REMARKS

OF

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. FRIEDEL. Mr. Speaker, President Johnson's effort, launched 2 years ago, to bring the Government to the people has paid another dividend with the announcement that the experimental one-stop Federal information centers in Atlanta and Kansas City will soon open in five other American cities.

These information centers offer improved service to citizens doing business with the Federal Government—at little or no additional cost to the Government—by making it possible for the public to come to one place for complete information about all Federal services. The pioneering experimental centers have helped over 5,000 citizens a month promptly secure the services they needed.

At the same time, President Johnson has seen to it that the American public benefits from expanded Federal office hours, simplified forms, and publication of information in foreign languages to help non-English speaking Americans learn about their Government's services.

A democracy is only as strong as its people's trust in their government. By bringing the streamlined services of the Federal Government to the hometowns of millions of Americans the Johnson administration has rewarded this sacred trust.

The Johnson administration has put democracy into action for a grateful people.

Hon. Foy D. Kohler

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. FASCELL. Mr. Speaker, it is with great regret that I note the resignation of the Honorable Foy D. Kohler as Deputy Under Secretary of State for Political Affairs. I must admit, however, that I am delighted that he has made the decision to come to Miami as a full professor at the University of Miami's Center for Advanced International Studies.

Secretary Kohler has served as Under Secretary for just over a year. In this capacity he has worked closely with the Department of Defense and the Central Intelligence Agency. He has been particularly interested in the impact of science upon foreign policy, and this, together with his expertise in the field of United States-Soviet relations led him to the problem of the United States-Soviet nuclear missile race.

His distinguished career as a State Department official includes service in the demanding post as Ambassador to Moscow. His service there spanned the 1962 Cuban missile crisis.

Mr. Kohler has long been recognized as an expert on American-Soviet relations, and I know his expertise in this field will be an outstanding contribution to the University of Miami Faculty.

Mr. Speaker, I congratulate Secretary Kohler on an outstanding career as a U.S. diplomat, and extend a warm welcome to him from Miami.

Sea Lamprey Control Program Vital to Michigan

EXTENSION OF REMARKS

OF

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, December 6, 1967

Mr. GRIFFIN. Mr. President, the effort to control the predatory sea lamprey is of great importance to all the Great Lakes States, particularly to Michigan. I ask unanimous consent that a statement I made recently on this subject be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR ROBERT P. GRIFFIN

Every year a little known and relatively modest item in the Department of State appropriations bill comes up for Congressional approval.

Although it may be obscure to most people, the annual budget of the Great Lakes Fishery Commission is of vital concern to conservationists and sportsmen in Michigan.

Since 1957, this Commission has administered the sea lamprey control program, which is largely responsible for the re-emergence of high-value fish in the Great Lakes, including Coho salmon, trout and whitefish.

Sea lamprey—as every fisherman knows—are predatory parasites which feed on high quality fish. They had all but eliminated the high value fish from the Great Lakes prior to the Commission's control operations which were first initiated in Lake Superior.

The Commission's initial control measure against the lamprey consisted of using mechanical and electrical barriers in lamprey spawning streams. But this method proved largely ineffective, mainly because of power failures and high water levels during the spring, which permitted lamprey to bypass the barriers and migrate to the Lakes.

Scientists then developed a selective chemical which kills lamprey larvae without injuring other fish life. By 1963, the Commission had treated all infested streams in Lake Superior with the special chemical.

At Lake Michigan, treatment of 99 infested streams was completed in the fall of 1966. A reduced lamprey population in Lake Michigan already is evidenced by a dramatic increase in the whitefish catch and the low incidence of lamprey scars on whitefish.

Michigan is just beginning to reap impressive economic and recreational benefits from the Commission's long-range program. Remarkable strides have been taken thus far to rehabilitate fishery in the Great Lakes. And we can expect further progress if the Commission, a joint U.S.-Canadian venture, is permitted to continue its valuable program.

Earlier this year the program was seriously threatened when the Appropriations Committee of the U.S. House of Representatives suddenly cut the Commission's relatively modest budget by a flat $100,000.00. Those familiar with the program, the investment and the results, correctly branded this as a "pennywise and pound-foolish" economy move.

Fortunately, a coalition of Great Lakes Senators and Congressmen quickly went to work on a concerted drive to restore the needed funds. On Oct. 11, the Senate voted to approve the State Department appropriations bill with the full amount of the Commission's budget intact.

A sharp reduction in the Commission's budget would have jeopardized all the hard-won gains of the past decade. For example, it would have brought a halt to operations at Lake Huron. And, if Lake Huron's streams are not treated, lamprey would migrate from there in increasing numbers to the other Great Lakes.

Moreover, without adequate resources, the Commission might be required to postpone scheduled re-treatment of Lake Michigan and Lake Superior streams. Unless these waters are re-treated at regular intervals, chemical applications of the past several years could eventually turn into wasted effort.

Inspection stations have revealed a dramatic downturn in the quantity of sea lamprey in the Great Lakes, as a result of the Commission's endeavors. As recently as Oct. 6, readings at Lake Superior showed that the population of lamprey is down nearly 94 per cent since control measures were first implemented.

Michiganders have a vital stake in the continuance of this highly significant program. To preserve the advances already made, and to bring the sea lamprey under control, the program of the Great Lakes Fishery Commission deserves the full support of the people of Michigan.

President Gestido, of Uruguay

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. FASCELL. Mr. Speaker, it is with deep regret that I learned of the sudden death of the able President of the Republic of Uruguay, Oscar D. Gestido, who has been chief executive of his country since last March 1. On that date President Gestido became Uruguay's first permanent chief executive in 15 years. His inauguration marked the end of an experiment with a rotating presidential system. It may be recalled that in his inaugural address he said some well-chosen words:

> There is no magic formula to make things well, only mental honesty, hard work and routine and meticulous planning for the future.

President Gestido had an outstanding record in the military service, as a top government administrative official, and for too short a time, as leader of his country. He visited the United States in the late 1940's as a general in the air force in which he served with distinction for many years. Upon retirement from the air force a decade ago, he held a number of top-level positions in Uruguay's Government, including director of the state railways, and as a member of the National Council of Government.

As President he was host to President Johnson and other leaders of Latin American countries at the summit conference held in Punta del Este last April.

Uruguay loses an able leader; the United States loses a good friend; the Republics of Latin America lose an illustrious ally, in the untimely death of this distinguished citizen of Uruguay. I know that the sympathy of the American people goes to the people of Uruguay at this sad time.

Yearend Report

EXTENSION OF REMARKS

OF

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. MARTIN. Mr. Speaker, it is my custom to make a yearend report to my constituents at the close of each session of the Congress.

Below is my annual report:

YEAREND REPORT

The First Session of the 90th Congress has been one of the longest in history. Through December 8 the House had been in session 183 days and it took over 34,000 pages in the CONGRESSIONAL RECORD to record the proceedings of both the House and Senate. Members of the House introduced 14,239 bills with approximately 100 public bills enacted into law.

The First Session of the 90th Congress has seen the power of the Legislative Branch of the government restored. The House, particularly, has refused to go along with the President's recommendations and many programs have been rewritten and cut back—example: the House trimmed the Foreign Aid, or foreign giveaway, one billion dollars below the President's request. The House also refused to act on the President's request for a tax increase until the Executive Branch had made substantial cuts in the cost of government. The Congress has made cuts of $4 billion below the President's budget.

The end of the year finds our country facing many serious problems:

1. The war in Vietnam, in which we have over half a million American troops committed with casualties since January 1, 1961, of both killed and wounded American boys, now totaling over 107,000. Secretary of Defense McNamara, one year ago, announced that draft calls in 1967 would be greatly decreased and indicated that an end to the war was in sight. Now he has reversed his position and announced that draft calls in 1968 would be considerably increased to take care of future build-ups in Viet Nam and to provide for the rotation of troops.

2. Riots are expected to continue in the summer of 1968, at a pace even greater than in 1967, accompanied by looting and destruction of property.

3. The dollar is under severe attack from abroad and our supply of gold is being claimed by foreign countries, particularly France. We should *demand* that France repay nearly $6 billion in World War I debts. The Congress will probably be asked to repeal the law which requires us to keep on hand approximately $10 billion in gold to back up our Federal Reserve notes.

4. Inflation—The cost of living will continue to rise at a rapid rate, due in part to

the fact that our government continues to spend a great deal more than it takes in. The Administration is rationalizing the need for a tax increase when stating that it is needed to hold down the rise in the cost of living.

5. Agriculture—Unless Secretary of Agriculture Freeman reverses his present policies, both corn and wheat prices will remain at ruinously low levels. Secretary Freeman should resign. The President continues to oppose any legislation to restrict the importation of beef.

Nebraska—I have been able to get legislation passed this year which would be of great benefit to Nebraska. Authorization was secured on the Mid-State Reclamation Project after 20 years. I was able, also, to get not only authorization for the construction of the 345 kv power line from Fort Thompson, South Dakota to Grand Island, but to get approximately $7½ million appropriated so that work could begin on this line. This will alleviate a very serious power shortage which currently exists in Nebraska. I have introduced legislation to declare a one year moratorium on the discontinuance of passenger trains and the Railway Post Office while the Department of Transportation makes a complete study of the problems involved.

Over 15,000 letters have been received in my office from residents of the Third District and we have assisted in hundreds of cases in regard to the problems of those serving in the armed forces. Many other problems have been presented to us in regard to securing Federal funds under various and sundry programs. Our office staff of five people have been kept busy throughout the year and we have tried to serve you in an efficient manner.

To all of you I extend greetings for the holiday season and wish for you a prosperous and peaceful new year.

Mr. Secretary, If This Is Prosperity, I Would Hate To See a Depression

EXTENSION OF REMARKS

OF

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. SPRINGER. Mr. Speaker, I have just returned from a 4-day trip over the agricultural areas of my district.

Although things have been tough for agriculture in past years, I have never seen anything like it in my 17 years in the Congress. With farm debt and production costs hitting recordbreaking highs and farm prices continuing to go down, it is no wonder the American farmer is up in arms over low farm prices and concerned about what the future will bring.

Feeling his pocketbook become lighter by the month, the farmer knows full well he is being shortchanged—as the farm parity ratio continues its plunge to a new low. To illustrate; the Illinois parity ratio, which relates prices paid to prices received, dropped to 68. This is a drop of 7 points since October 1966. And this is the lowest figure since parity was first formulated in 1937.

Prices farmers must pay now to stay in business keep climbing mainly because of the inflationary prices kept in motion by the Government's mounting debt. At the same time, prices they receive continually keep dropping. A part of these declines can be traced to dumping and other Government policies which keep the supply-demand force in the marketplace from operating fairly.

Total farm debt last year went up 10 percent—an average nationally of over $1,200 increased indebtedness per farmer. The number of farmers operating in the United States in 1966 dropped 4 percent from the previous year and the Department of Agriculture now predicts 82,000 more farmers will be wiped out in 1967. Obviously, the farmer is alarmed and with good reason.

Lack of income equity between farmer and nonfarmer is an undeniable fact. While estimated annual personal income for city employed sources rose 8 percent in the last year, estimated annual personal income for farmers dropped 16 percent—as reported recently in the April 1967 issue of Economic Indicators prepared by the President's Council of Economic Advisers.

Obviously, present Federal programs for corn and wheat are not working to the advantage of Illinois farmers. Mr. Speaker, I quote from a letter which I have received on November 25, 1967, from a farmer in my congressional district which reads as follows and gives the plight in fair expression of the farmer in my congressional district:

> I am ready to testify before the Agriculture Committee—or any other. I just sold the corn from my small acreage at 92 cents per bushel. With the moisture dock, etc., it will be down to the 70's (cents) and this won't include shelling and fertilizer and taxes. If this is prosperity, I would dread seeing a depression. Mr. Freeman should retire to the farm and view the Great Society from that angle!

I do not know whether or not it is a hopeful sign, but at least we did get someone in the Department of Agriculture to admit that the American farmer is in trouble. Rex F. Daly, Chairman of the Department's Outlook and Situation Board, told a recent Washington conference that farmers would not be any better off financially next year than they are this year, and that they probably will be worse off in comparison with the rest of the economy.

Robert Bergland, midwest director for the Agricultural Stabilization and Conservation Service, said a few days ago that in the present state, this year's corn crop probably means bankruptcy for a sizable number of midwest farmers. He is further quoted as follows:

> Farmer-owners probably can withstand the squeeze, but the tenant farmer who has tooled up with high-price machinery and no substantial financial backlog is in real trouble.

Here is one place where the Secretary of Agriculture could do something by suggesting emergency support loans for wet corn which would give the farmer an opportunity to dry the corn and to sell it next year when prices are expected to be better. There are now 700 million bushels of high-moisture corn in Illinois alone which are in distress and ought to be eligible for loan and storage. If forced to sell now, for many of these farmers the economic impact is a disaster.

Farmers in my district know for more than a dozen years that I have been an advocate of no partisan politics insofar as agriculture is concerned. I have been willing to cooperate with anybody, Democrat or Republican, who would help us better the agriculture situation.

I introduced, along with Mr. POAGE—Democrat of Texas—the present chairman of the House Agriculture Committee, the Surplus Agriculture Development Act of 1954—commonly known as Public Law 480.

Under this law we have exported billions of dollars worth of surplus agriculture products overseas. There was the perfect example of cooperation between parties in getting something done to help the farmer.

I am deeply troubled that the present Secretary shows no signs of coming up with any legislation or administrative assistance on his own part which would alleviate the desperate plight that midwestern farmers are experiencing at this time.

Many of us have heard through the years that the present Secretary of Agriculture claims that his administration has made the farmer prosperous. Mr. Secretary, if this is prosperity, I would hate to see a depression.

To Improve Accuracy of Agriculture's Statistical Reports: H.R. 14251

EXTENSION OF REMARKS

OF

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. SCHERLE. Mr. Speaker, farmers from every State of the Union are complaining because of the financial damage done to them by erroneous crop and livestock estimates issued from the U.S. Department of Agriculture. While many demand the elimination of Government estimates, a more realistic approach would be to improve the existing program.

BACKGROUND

The U.S. Department of Agriculture has been collecting and disseminating data on agriculture since its beginning in 1862. However, these statistics have not always been accurate, and when substantial errors arise, the results can be disastrous for the farmer.

Last year, for example, the Agriculture Department understated demand and overstated carryover in forecasts for four major commodities. The mistake in each of these cases depressed prices received in the prime selling period of the particular crop, resulting in a loss of income to farmers. There are reliable congressional estimates that $300 million was lost from corn revenue, $400 million from soybean revenue, $180 million from wheat revenue, and $25 million from grain sorghum revenue. That is nearly a billion dollars, a substantial percentage of farm income.

In addition, the Department "lost" 5 million turkeys. This situation had a price-inflating effect on the 1966 turkey market, and these inflated prices contributed to overproduction and depressed prices in 1967.

In March of this year, we were informed that the figures published by the Department of Agriculture underestimated cattle population by 2,305,000. Upward revision of the statistics depressed prices received by farmers.

The need to improve the estimating process is well illustrated by the fluctuations which have occurred in the 1967 corn crop estimates which were published in July, August, September, and October of this year. In the State of Iowa, the per-acre estimate has dropped from 89 to 83, or 6 bushels per acre, representing 65.7 million bushels; in Illinois the estimate in this same period has risen 13 bushels per acre, or 144 million bushels; and Nebraska estimates, which in July were 55 bushels per acre, had gone to 72 by October—a difference of 17 bushels—with a total production change of nearly 73 million bushels between those two dates.

The effect of such variations is obvious. A record production forecast results in depressed prices. Any portion of that yield which does not materialize represents a loss to the farmer in the form of lower prices during the entire period involved. The initial 1967 corn crop estimates released on July 10 of this year caused an immediat drop of from 20 to 25 cents a bushel in the corn price.

The cost of the crop and livestock estimating portions of this program have risen from $7,470,000 in 1961 to $12,658,000 in fiscal 1967. If we are going to spend that kind of money, we deserve a better product.

Crop-production estimates are important to agriculture. While periodic errors in these statistics produce demands for elimination of Government estimating altogether, it seems clear that in this day and age an improved system is better than none at all.

Crop reports of one kind or another are helpful in many respects. They help curb price fluctuations by eliminating uncertainty of supply; they place farmers and organized dealers on equal footing—assist in making store-or-sell decisions, and those regarding future expansion or curtailment of acres; they anticipate deficit and surplus production areas—thus helping distribution pattern; they provide a key to agricultural income, enabling others to anticipate demand for manufactured products; they give financial institutions guidance on lending policies; they are essential to enactment of proper agricultural legislation; they provide the Nation with the necessary information on the availability of food; and so on.

CHANGE IN EXISTING LAW PROPOSED

The basic authority for the procedure presently used by the Crop Reporting Board through its Statistical Reporting Service to collect and evaluate statistical data is found in paragraph 329, section 1, chapter 6, of title I of the official regulations of the U.S. Department of Agriculture. The applicable regulation follows:

> Collection of Information—For use in preparing the official estimates of the Department, information relating to agriculture shall be gathered through the Washington and field offices of the Service, *as far as practicable, from practical farmers*, as provided in 7 U.S.C. 411a; . . .

The U.S. Department of Agriculture issues crop estimates on the 10th of each month during the growing season. The estimates are based on information from about 90,000 farmers. The typical State mailing list includes about 2,500 participants. Farmers file reports with State crop reporting boards, where they are tabulated, summarized, and mailed to the Crop Reporting Board in Washington. Here, the information from each State is evaluated and the results are published.

This system needs oversight at the county level, to help avoid the effects of irregular responses from the farmer participants. With this in mind, we are proposing to write into the procedure a requirement that the opinions of county extension agents be considered in the evaluation of the figures collected within their respective counties. Who would know a county better than the extension director?

This change would be accomplished by the enactment of H.R. 14251, set forth below:

H.R. 14251

A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 4, 1909 (35 Stat. 1053) is amended by deleting the comma immediately after the words "which shall be gathered as far as practicable from practical farmers" and inserting "and from county extension agents engaged in cooperative agricultural extension work,".

Success in Samoa

EXTENSION OF REMARKS

OF

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. HANSEN of Idaho. Mr. Speaker, Congressman FRANK T. Bow, ranking minority member of the House Committee on Appropriations, recently commented on the activities of H. Rex Lee, a native of Idaho and a former resident of my congressional district.

The tribute made by Congressman Bow is well deserved, and I join with Mr. Bow and others in recognizing the outstanding achievements attained and the devoted services provided by Rex Lee. I respectfully include Mr. Bow's comments, as follows:

WASHINGTON.—Downstairs the House was debating the foreign aid appropriations bill, with member after member denouncing and criticizing what must be the least popular government activity. In my Capitol office on the floor above I was visiting with a man who may be able to change all of that, if anyone can.

H. Rex Lee went to American Samoa as its governor in 1961 with instructions to make ready for the first meeting on American soil of the Southern Pacific Commission. He thought he would be in Pago Pago one year. His job was to build an auditorium, a hotel and generally clean up what the Reader's Digest six weeks before had called "America's Shame of the South Seas."

He stayed six years and before he left there was another Digest article entitled "America's Showplace of the South Seas."

I had known Rex Lee as the able Assistant Commissioner of the Bureau of Indian Affairs and had confidence in him, as did other members of our Appropriations Committee, when he came to us six years ago for emergency appropriations to tackle not only the preparation for the conference but the educational and other problems of the islands.

He outlined for us an educational television system he had designed which would permit a few highly skilled teachers to give instruction in every classroom via TV, to be followed by study under the native teachers, most of whom were eighth graders. We gave him the money. Textbooks and study plans were developed. The system is a tremendous success today. Most of the islanders now speak English. Every family benefits from the TV system.

Lee built a 9,000-foot air strip and the finest hotel in the South Seas. He insisted that the Samoans participate. They formed a development corporation, including virtually every family. They own and operate the hotel, a new canning plant, a public works compound, all sharing in the profit. A second hotel is planned as tourism develops.

Under Lee's guidance the powers of the governor have been gradually transferred to an elected legislature. Electricity has been extended throughout the territory, new roads constructed and a medical facility built that is among the most modern in the world.

Through it all he insisted that we keep Samoa for the Samoans, preserving the best of their culture while they developed new ideas.

Lee has now been appointed assistant administrator of AID, our foreign aid agency. It seems almost impossible to correct all of the deficiencies of that program, but if anyone can do it, I think it may be H. Rex Lee.

B'nai B'rith Women Oppose the Two Weakening Committee Amendments to the Truth-in-Lending Legislation

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mrs. SULLIVAN. Mr. Speaker, I am delighted to have the support of the executive board of B'nai B'rith Women for H.R. 11601, the Consumer Credit Protection Act, and particularly for my efforts to keep out of the final legislation two very serious committee amendments which would conceal, rather than force disclosure of, the comparative costs of certain types of credit.

These loophole amendments are:

First. The revolving credit exemption.

under which the big retailers and others using computerized open-end credit systems could express the percentage rate of their finance charges on a monthly or other periodic basis, rather than on the annual rate basis required for all other types of consumer credit; and

Second. The $10 exemption, under which all firms offering consumer credit would not have to give any percentage rate whatsoever on a transaction in which the credit charge—not the total amount of the transaction, but the credit charge only—is not more than $10. This would exempt loans or purchases up to about $110, which would cover the bulk of consumer credit transactions.

OBJECTIVES ARE THE CONCEALMENT OF HIGH CREDIT RATES

The hearings of the Subcommittee on Consumer Affairs on H.R. 11601 are replete with self-serving arguments from firms in the credit business that these special exemptions are dictated by all sorts of unique or persuasive reasons, but the fact of the matter is that they both have as their true objectives the concealment of the actual rates charged for credit.

Thus, the department stores and others using revolving credit are determined not to have to admit to their customers that the 1½ percent a month most of them charge on bills which run longer than a specified grace period comes out to an annual rate of 18 percent, which sounds to most consumers to be monstrously high. Yet the same rate, expressed as a monthly rate of 1½ percent, sounds very low to most purchasers.

And on the $10 exemption, we were told that this was intended to help small business avoid some additional bookkeeping or paperwork, but neither the Small Business Administration nor the Department of Commerce thought such an exemption was necessary to help small business, and the main and most enthusiastic support for the exemption came not from small business but from very big businesses. In fact, the bankers freely acknowledged that without this exemption, they would have to admit to their customers that on certain very short term loans, the annual interest or finance rate ran to 120 percent, compared to a credit union's 12 percent.

RESOLUTION OF B'NAI B'RITH WOMEN EXECUTIVE BOARD

Mr. Speaker, under unanimous consent, I submit as part of my remarks the resolution on truth in lending adopted by the executive board of B'nai B'rith Women last month, and sent to me by Mrs. Arthur G. Rosenbluth, president, pointing out that with these weakening amendments adopted in the Committee on Banking and Currency, H.R. 11601 "loses its major thrust and thereby becomes inadequate."

The resolution referred to is as follows:

RESOLUTION: TRUTH IN LENDING

B'nai B'rith Women reaffirms its support for H.R. 11601—The Truth in Lending Act.

We further call upon the House to restore the important provisions on revolving credit removed by the House Banking and Currency Committee and to delete the Senate exemptions for credit transactions on which the finance charge is less than $10.00. Without these important changes, the bill loses its major thrust and thereby becomes inadequate.

B'nai B'rith Women's Executive Board authorizes its International President to communicate to the leaders of the House and the Chairman and members of the House Banking and Currency Committee its deep interest in and approval of this bill minus the weakening amendments.

Senator Kennedy's Speech Praising President Johnson Should Delight All Democrats

EXTENSION OF REMARKS

OF

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. IRWIN. Mr. Speaker, I have been somewhat tardy in my reading lately, but I have managed to catch up with a speech by Senator ROBERT F. KENNEDY, of New York, in which he stanchly praises President Johnson.

The speech was given by the Senator last June 3 at the Democratic State Committee dinner at the Americana Hotel in New York City.

I subscribe wholeheartedly to the New York Senator's lavish comments about the President and I am sure all Democrats will be equally delighted to learn that Mr. KENNEDY has such high regard for our Chief Executive.

Senator KENNEDY rightly says in his speech that President Johnson "is the head of our Nation and of our party, our Commander in Chief and our chief diplomat, our Chief Executive and our chief spokesman, and the chief repository of our hopes and our fears, our advice and our consent, our complaints, and, yes, our prayers."

Under unanimous consent, I place Senator KENNEDY's speech in the RECORD:

REMARKS OF HON. ROBERT F. KENNEDY, U.S. SENATOR FROM THE STATE OF NEW YORK, AT DEMOCRATIC STATE COMMITTEE DINNER, AT THE AMERICANA HOTEL, NEW YORK CITY, JUNE 3, 1967

Senator KENNEDY. Mr. President, Mrs. Johnson, Mr. Vice President, Miss Johnson—Lynda Bird, ladies and gentlemen: I have just returned from England. I had hoped to have the opportunity to introduce President Johnson to you, my fellow New Yorkers. As you remember, just three years ago he was kind enough to come up and introduce me to you, so I wanted to return the favor, and I looked forward to doing so.

If I may take a few minutes of your time, I would like to say some of the things that I had hoped to say prior to the time that he spoke.

Webster defines greatness as largeness in size, being much above the average in magnitude, intensity and importance. That definition could have been written for the man who just spoke to you, and which I had hoped to have the honor to introduce.

The height of his aim, the breadth of his achievements, the record of his past, and the promises of his future, all these bespeak the largeness of size, that magnitude of effort, that intensity of devotion, and that importance of accomplishment. He came to lead this nation at a time of uncertainty and danger, pouring out his own strength to renew the strength and the purpose of all of the people of this nation, and of the nation itself.

Since that day he has borne the burdens few other men have ever borne in the history of the world, without hope or desire or thought to escape them. He has sought consensus, but he has never shrunk from controversy. He has gained huge popularity, but he has never failed to spend it in the pursuit of his beliefs or the interest of his country. He has led us to build schools and clinics and homes and hospitals, to clean the water, and to clear the air, to rebuild the city and to recapture the beauty of the countryside, to educate children and to heal the sick and comfort the oppressed on a scale unmatched in our history. This is what this country has done under the leadership of President Johnson.

In 1964 he won the greatest popular victory in modern times, and with our help he will do so again in 1968. With our help, he will have by his side the best Vice President since his predecessor, Hubert Humphrey.

He is the head of our nation and of our party, our Commander-in-Chief and our chief diplomat, our Chief Executive and our chief spokesman, and the chief repository of our hopes and our fears, our advice and our consent, our complaints, and, yes, our prayers. I am very proud that we have in our midst President Lyndon Johnson, President of the United States.

Federal Aid for Law Enforcement Agencies

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mr. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include next week's public service radio and television newscast, "The Kee Report." The subject discussed in this report is Federal aid to law enforcement agencies. The report follows:

This is Jim Kee—bringing you the Kee Report.

Several months ago, the House of Representatives, by an overwhelming vote, passed a bill providing substantial Federal aid for local law enforcement agencies.

The primary purpose of this measure was to help local police in their struggle against the current crime wave, which has now become a national scandal. The deadly toll of serious crime moves upward, year after year, and the latest increase reported by the Federal Bureau of Investigation is a frightening 20 percent.

The measure passed by the House authorized 50 millions of dollars to train police officers in the latest methods of crime prevention, crime detection, and crime suppression. To this, the House added another 25 millions of dollars to improve riot control in our larger cities.

This program is urgently needed and I wish I could report to you that it was promptly enacted into law. Unfortunately, the bill is still pending in the United States Senate.

The most serious domestic problem in our country is the breakdown of the normal processes of law and order. This situation is both alarming and humiliating to the vast majority of American citizens who respect the law and take pride in their country.

There are two aspects of this problem which are especially disturbing. One is the wave of rioting and killing which swept over some of our larger cities last summer. These shocking affairs were excused by some on the plea that they are justified by slum conditions. This excuse is false. Every minority has the right of protest against social injustice. No minority has the right to express this protest in theft, arson, and murder.

In their efforts to suppress last summer's rioting, many policemen were badly injured and some were killed. Yet, there is a tendency in some communities to put the police on trial, instead of the criminals. There is an old English comedy tune which says the policeman's lot is not a happy one. In the United States, the policeman's lot is becoming downright unbearable.

The first duty of Government is to ensure the public safety. The police are trying to do this. It is about time we gave them all support possible.

There is another displeasing side to the current law enforcement problem. The use of physical violence to express dissent is being defended and encouraged by those who like to style themselves intellectuals.

The most flagrant example of this was the assault on the Pentagon last October. The ones who defended that contemptible performance like to claim that many participants were innocent protestors who disliked violence. That happens to be a falsehood. This assault upon the Pentagon was to dishonor, ridicule, and shame the United States before all the world. They went there to disgrace their country, and they did.

I think we all like to see those television westerns in which the sheriff protects the innocent man from the angry mob. Recently, that happened in New York City. Dean Rusk is a decent man, trying to do one of the world's toughest jobs. Yet, he had to be shielded by the New York Police, while outside, thousands of thugs and mobsters viciously tried to deny his freedom of speech. This was the peak performance to date of the new left intellectuals.

Thank you for listening.

A Status Report From the Atomic Energy Commission on the Use of Radiation in Processing Foods for the Military, and on Plans for Possible Commercial Sales of Irradiated Foods to Civilians

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1967

Mrs. SULLIVAN. Mr. Speaker, it is impossible for us to keep up daily with all of the issues in which we become interested as Members of Congress. Sometimes an obscure reference in the Federal Register or in one of the hundreds of other publications, official and nonofficial, which cross our desks, reminds us to try to look into a situation at the first opportunity, but the opportunity often escapes us for some time.

Thus, in the Federal Register of August 15, I noticed a routine announcement from the Food and Drug Administration that the Atomic Energy Commission had withdrawn a petition for issuance under the Food Additives Act of a regulation to provide for the safe use of gamma radiation from cobalt 60 or cesium 137 sources in the irradiation of fresh strawberries for the control of microbial spoilage.

August 15 was when I was in the midst of 2 weeks of hearings on H.R. 11601, the Consumer Credit Protection Act, in my Subcommittee on Consumers Affairs of the House Committee on Banking and Currency. I do not know how much attention, if any, was paid to the announcement by FDA at that time, but I did not see any news reports on the matter, and later, when I had a chance to think further about it, I directed a letter to Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, as follows:

NOVEMBER 15, 1967.

DR. GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: I believe that the Atomic Energy Commission had applied to the Food and Drug Administration in May, 1966 for the issuance of a regulation to provide for the safe use of radiation on fresh strawberries, for the control of microbial spoilage, but that your agency subsequently withdrew the petition. This appeared in the *Federal Register* of August 15, 1967.

I am curious to know why the A.E.C. withdrew its petition. What has been the experience with irradiation of food? I believe that no food sold commercially is irradiated but that the Armed Services purchase some food of this nature.

Sincerely yours,
LEONOR K. SULLIVAN,
Mrs. John B. Sullivan,
Member of Congress.

IMPORTANCE OF JIM DELANEY'S WORK ON FOOD ADDITIVES ACT

Mr. Speaker, I was concerned over the safety to consumers of foods treated with irradiated elements we have been taught to fear as highly dangerous. Under the circumstances, we should all be grateful for the passage in 1958 of the Food Additives Act which established the machinery under which adequate testing must take place to assure the safety of a food additive before it can be used commercially. Our colleague from New York, the Honorable JAMES J. DELANEY, had more to do with the passage of that legislation than any other individual in the Nation, and I was proud to serve as his assistant in the legislative battle.

REPLY FROM DR. GLENN T. SEABORG

I have now received a very interesting report from Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, explaining why the petition for regulations dealing with the radiation of strawberries has been withdrawn so that the decision on this matter can be based on a 2-year test rather than a 90-day test. I am sure all of us support the idea of extended testing on so important a health matter, and I congratulate the Food and Drug Administration for requiring longer testing. Extending the shelf life of strawberries 3 to 5 days is certainly not worth unnecessary risks to human life.

The Members will, I am sure, be interested in Dr. Seaborg's further information in his letter to me about the use of irradiated foods for the military, and the plans for building a pilot plant to process meat. Since no irradiated foods are sold commercially—but some irradiated foods like bacon, wheat flour and potatoes may now be sold for unlimited public consumption, it is important, I believe, that we all have a better understanding of methods used and the relative safety or danger in the use of such foods.

Under unanimous consent, I submit the letter from Dr. Seaborg, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., December 4, 1967.

Hon. LEONOR K. SULLIVAN,
House of Representatives.

DEAR MRS. SULLIVAN: This is with reference to your letter of November 15, 1967, concerning our withdrawal of a petition before the Food and Drug Administration (FDA) for approval of irradiated processed strawberries. At the same time a petition involving the irradiation of oranges was also withdrawn. These withdrawals, which were by mutual consent, were made in order to supplement the petitions with additional feeding and shipping data.

The strawberry petition, submitted in May 1966, was based on data from 90-day (subacute) animal feeding studies. The petition was also supported by previously reported wholesomeness studies on other irradiated fruits. The FDA determined after submission of the petition that certain radiation processed foods, including strawberries, should be subjected to comprehensive two-year tests.

The Commission has initiated a contract with a commercial research group for carrying out a two-year three-species animal feeding study on irradiated strawberries. The purpose of the study is to provide the requested additional data on the wholesomeness and safety of the irradiated berries in support of the petition seeking FDA approval for public consumption.

Since December 1963 when the petition for oranges was submitted jointly with the Department of Defense, the Commission's continuing research program on radiation preservation of foods has developed additional data not incorporated in the original orange petition. The AEC plans to incorporate into a new orange petition the results of shipping studies now underway on radiation processed oranges.

Plans for a 90-day animal feeding study by AEC on radiation processed papayas and mangoes are also being modified to accommodate FDA requirements for two-year feeding studies. No petition for FDA approval for papayas and mangoes has yet been filed, however. Papayas will be processed with radiation for insect disinfestation and shelf-life extension and mangoes for insect disinfestation to expand the marketing areas for these tropical products.

Radiation processing of strawberries has been found to provide a 3–5 day extension of the shelf-life of the berries. The process, U.S. Department of Agriculture and AEC tests show, will reduce spoilage rate in shipment to five per cent instead of the normal 25 per cent.

The Armed Services have purchased certain irradiated foods for large scale troop feeding tests. To date 30,000 pounds of shelf stable (sterilized) bacon, 130,000 pounds of wheat flour treated for disinfestation and 400,000 pounds of potatoes treated for sprout inhibition have been procured. The Armed Services have reported a high degree of acceptability of these products. These three foods have been cleared by the FDA for unlimited public consumption.

There has been no commercial production of irradiated foods for the civilian market to date. Recently the AEC, the Department of Defense and the Department of Commerce, acting in concert, have selected Irradiated Foods, Inc., (IRRADCO) of Allentown, Pennsylvania, to design, build and operate, with Government cooperation, a pilot processing plant with a capacity of three million pounds per year, for the preservation of meat by irradiation. It is the expressed intent of the Army to purchase 300,000 pounds of irradiated, sterilized meat per year from this source. Additional production will be used by the interested food industry. The plant will be constructed within two years after approval of an Army sponsored ham petition, presently being considered by the FDA.

I trust the above is responsive to your inquiry. Please let me know if you desire any further information.

Cordially,

GLENN T. SEABORG,
Chairman.

SENATE

THURSDAY, DECEMBER 7, 1967

(Legislative day of Wednesday, December 6, 1967)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all mercy, bowing at this altar of Thy sustaining grace, we come vividly conscious that we need not turn back to bygone centuries to hear Thy voice, as if Thou dost speak to men no longer in the living present. Give us receptive ears to hear Thy imperial call above the noise of crashing human systems.

In these days so filled with destiny, grant that those who here speak to the Nation and for the Republic may be so true to their high calling as servants of the common good that radiant joy may transfigure duty.

Harken to the prayers of our hearts as in our highest moments we forget ourselves and think of Thee.

Let us put into the fugitive fragments of every day such qualities of work as shall make us unashamed when the day is over and all the days are done. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, December 6, 1967, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia, the Committee on Aeronautical and Space Sciences, and the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield 5 minutes to the distinguished Senator from Oklahoma [Mr. MONRONEY], without losing my right to the floor and without having my own 15 minutes reduced.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

ESTABLISHMENT AND MAINTENANCE OF RESERVE STOCKS OF AGRICULTURE COMMODITIES

Mr. MONRONEY. Mr. President, man's most basic need is an adequate supply of food. Neither disease nor war has inflicted a fraction of the casualties brought to mankind by hunger, starvation, and famine. The Bible tells us that civilization's future hung in the balance during the "7 years of plenty and the 7 years of famine."

History's lesson seems clear. Domestic or world drought, other natural disaster, or military emergency could disrupt our own food distribution system. Yet—while we stockpile metals and other strategic materials—we still do not possess a security reserve of agricultural commodities.

Perhaps this is because we are used to thinking in terms of "farm surplus." But dependence on overproduction and Government purchases of market-glutting surpluses at price support levels, is rapidly becoming obsolete. Fortunately for the American farmer, the mountainous surpluses of the 1950's have been largely eliminated.

Now we must face up to another problem—the technique of supply management. Acreage allotments must be established each year at a level which will insure adequate supplies for domestic consumption and our growing export demand but which will not overburden the market. The farmer cannot be asked to pay the penalty of lower prices for meeting these supply requirements.

To me, the answer is a simple one. We need a security reserve of major agricultural commodities.

A reserve would protect the Nation in time of national disaster.

A reserve would protect the American consumer from unanticipated scarcity.

A reserve would help the American farmer in the most important way I know—by giving him a better, fairer price for the crops he grows.

Many of these objectives were included in Representative PURCELL's bill which was considered this fall by the House Subcommittee on Livestock and Feed Grains. As a representative in the Senate of a wheat-producing State, I was extremely disappointed when the subcommittee failed to report the bill. But this battle has just begun.

I am a cosponsor of S. 2617, the reserve bill introduced by Senator McGOVERN. I am delighted that hearings have been scheduled for next week on this proposal. However, after reviewing the legislative reports submitted by the Department of Agriculture on S. 2617 and on S. 2233, introduced by Senator McCARTHY, I believe that further refinement of the strategic reserve concept may be needed. Accordingly, I am introducing a new bill today so that it may also be considered in these hearings.

I am pleased to say that I understand that the distinguished Senator from South Dakota [Mr. McGOVERN], the principal sponsor of the original bill, intends to join me, as does Representative PURCELL, who will introduce the bill when the House convenes again on Monday.

S. 2617, which I cosponsored, would establish producer owned and controlled emergency reserves of wheat, feed grain, soybeans, rice, cotton, and flaxseed. It has many excellent features. The Department of Agriculture's report indicates the danger, however, that the very farmers who are cooperating with the Government by storing this needed reserve would have their hands tied to such a degree that they would be unable, on their own initiative, to take advantage of price increases during the marketing year. The Department report also indicates that serious administrative difficulties would be encountered in executing agreements with farmers for a limited reserve supply and in termination of agreements when the supply is at a level which would require the release of a part of the reserve commodities.

I am also concerned that S. 2617 would apply only to the 1967–68 marketing year which is already well along. Half the wheat and perhaps one-third of all feed grains are already marketed or under price support.

The Purcell bill and S. 2233 had the desired objective of establishing and maintaining reserve stocks of agricultural commodities for national security, public protection, and for meeting international commitments. The Department of Agriculture reports, however, that the CCC resale provisions with respect to exports in S. 2233 could cause a serious loss of export markets, especially markets for winter wheat and feed grains served from the west coast.

After discussing the provisions of S. 2617 with farm leaders in my State of Oklahoma, studying the report on this bill, and reviewing the hearings on the Purcell bill in the other body, I have drafted a new bill which, I believe, will achieve the key objectives we seek.

My new security reserve bill combines the most desirable features of the Purcell bill and the Senate bills.

This bill is a simple one. It is designed to isolate a sizable amount of grain and soybeans from the market until prices are far above support levels. It would protect producers against disastrous market prices in years when production exceeds our needs. It would protect consumers against excessively high prices in years of short supply by requiring CCC stocks to be offered when prices reach the applicable parity levels.

The bill would also reaffirm the policy

of Congress regarding maximum producer control of reserve stocks—an outstanding feature of the McGovern bill. Farmers must have a strong hand in the management of any reserve. One important way to do this is through maximum use of the present loan and reseal programs. Under present loan and reseal programs, farmers do retain the control of the reserve, and at the same time have full freedom to market any time they desire. The Government pays the cost of storage on all resealed grain, thus making the program Government-financed, but fully farmer controlled. My bill restates this policy.

This bill provides also that in any marketing year, when Commodity Credit Corporation—CCC—stocks fall below 20 percent of the estimated domestic and export consumption of wheat, 15 percent in the case of feed grains, and 6 percent in the case of soybeans, the Commodity Credit Corporation may purchase such quantities of each of these commodities at such times and places as will effect the orderly establishment and maintenance of reserve stocks of the commodities. Present CCC stocks of wheat are only 8 percent of a year's needs. CCC stocks of feed grains and soybeans are, respectively, 6 and 1 percent of needs. Thus, CCC would have authority to purchase all three commodities at this time. Purchases would be made at prevailing market prices but not at prices in excess of 115 percent of the price support loan rate for the commodity at the time of purchase—plus reasonable carrying charges.

This bill would further provide that whenever during the marketing year the Secretary determines that the carryover in the United States will be less than 350 million bushels for wheat, 25 million tons for feed grains, and 35 million bushels for soybeans, the minimum CCC resale price for unrestricted domestic use or for redemption for payment-in-kind certificates shall not be less than 100 percent of parity less the current cost of wheat marketing certificates charged to processors for wheat, and the price support payment rate in the case of feed grains.

Mr. President, I do not say that this bill is the only solution to an adequate security reserve. But I believe it is a sound solution. Like the McGovern bill, it emphasizes the policy of producer control of stocks under existing programs. Like the Purcell bill, it permits excess stocks to be drawn off the market and insulated from it. Under no circumstances could the reserve be resold at less than parity. I hope the Committee on Agriculture will give serious consideration to this proposal at its hearings next week.

It is the farmer who has suffered from the lack of a consistent reserve policy. Oklahoma wheat farmers deserve a better price for their wheat, and all farmers should receive a fair return for their crops. I believe this bill can be an important step forward in reaching that goal.

Mr. President, this bill embodies, I am confident, what the growers want for their protection, and it would be an effort to prevent any famine or shortage from driving up the wheat prices to a disastrous extent where bread prices would have to be raised, despite the cost of the wheat that would go into the bread.

Mr. President, I ask unanimous consent that the bill be received and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2743) to provide for the establishment and maintenance of reserve stocks of agricultural commodities by producers and the Commodity Credit Corporation for national security, public protection, meeting international commitments, and for other purposes, introduced by Mr. MONRONEY (for himself and Mr. McGOVERN), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly without losing his right to the floor?

Mr. PROXMIRE. I yield.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, will the Senator yield to me for 1 minute?

Mr. PROXMIRE. I yield to the Senator from Kansas.

WHEAT LOSS PAYMENTS TO KANSAS FARMERS

Mr. CARLSON. Mr. President, it is gratifying to me to learn that in recent weeks nearly 7,000 Kansas farmers have been paid nearly $5½ million in 1967 wheat loss payments by the Federal Crop Insurance Corporation—a U.S. Department of Agriculture agency which Congress established 29 years ago.

It is a terrible thing when farmers suffer weather damage to their crops, and it is particularly bad when they recover nothing at all and lose their production costs. It is heartening, in such catastrophies, when many farmers can receive insurance payments approximately equal to their crop investment. The $5½ million these 7,000 Kansas farmers have received not only softens the financial blow of crop failure for them but it also helps bolster the economy of their farm communities where banks, merchants, and dealers in farm supplies depend on the business that comes to them from farm families.

One of Kansas' excellent publications, the Kansas Farmer, published recently a short account of how the FCIC is paying Kansas farmers a record total in wheat loss payments this year, and I would like to quote from this article as follows:

> The Federal Crop Insurance Corporation reports it has almost completed payments of nearly $5½ million to Kansas farmers for losses suffered on the 1967 wheat crop.
>
> State Director Russell Bowling said the insured loss is the largest paid in Kansas since FCIC wheat insurance was introduced in 1939. Nearly 7,000 farmers shared in the payments which averaged $787 per insured unit.
>
> Actual payments of $5,469,000 are about twice as much as anticipated earlier in the year. The preliminary estimate announced in June was $2.9 million, but the rains came and the weeds grew preventing many farmers from making a complete harvest. Initial damage to the crop was due mostly to extended drouth and insects.
>
> The nearest FCIC has ever come to reaching this year's total in wheat loss payments was in 1940 when payments reached $4.7 million. Since that time payments have topped $3 million only twice. This was in 1953 and again in 1955.
>
> Since 1939, FCIC has paid a grand total of $44.3 million to Kansas wheat farmers for losses sustained due to weather and other causes.
>
> Bowling says that drouth has caused more than 40 percent of the cumulative loss with freeze and winterkill second at nearly 20 percent. Wind has been the third largest loss cause at almost 12 percent.

FED SHOULD STOP INFLATING MONEY SUPPLY

Mr. PROXMIRE. Mr. President, there is serious danger of our overreacting to the devaluation of the pound. If we do overreact, we will harm our economy.

The devaluation is a harsh necessity for England. It will mean a lower standard of living for the people of England as the price of a more competitive export position. Britain was not selling enough in the world markets to finance its imports. The ensuing deficit put a drain on their reserves, and to protect themselves from further depletion, they devalued the pound.

There is very little parallel between their situation and ours. We have a very favorable export balance, thanks to the richness of our resources and the great productivity of our industry. Our balance-of-payments problem stems from other causes.

We are paying $30 billion a year for the war in Vietnam. We provide foreign aid in the form of troops in Europe as well as military and financial assistance to underdeveloped nations. Our industry invests in other countries billions of dollars more each year. American tourists spend enormous amounts of dollars abroad.

It is these activities, all conducted simultaneously, that create the deficit in our balance of payments. But our ability to conduct these activities is in itself a sign of the great strength of this Nation. No other nation could approach our ability to finance such an array of international activities.

It is also clear that each of these immense expenditures abroad can be limited and, if necessary, sharply limited.

DOLLAR WILL NOT BE DEVALUED

There is no, I emphasize no, need to devalue the dollar.

It is most important to keep this in mind. If we try to deflate our economy by increased taxes in order to meet some vague international challenge to the dollar, it will be self-defeating. Our strength lies in growth and high employment, not recession. Already we are operating far below our full production capacity, as I have stated many times on this floor. We do not need an economic bloodletting.

General deflation is not the answer either to devaluation of the pound or to an impending shortage of credit in this country—the so-called crunch. So far as the international situation is concerned, there is a float of short-term funds that moves rapidly between world capital markets, and I see little point to our indulging in a competitive race for funds, particularly at Britain's expense. These funds are too volatile to depend on and, furthermore, are often induced by our own banks in "pulling in" dollars from European branches.

FED'S INFLATIONARY POLICIES

There can be no denying that the Government of this country has been engaging in monetary policies that have already been inflationary and are likely to be much more so later. This is because of the excessively easy money policy followed by the Federal Reserve System. The Fed has been buying Government securities so fast that during much of this year, it was pouring money into the economy at a highly inflationary 9 percent to 10 percent rate. This has been true for the past year.

Only Federal Reserve Board Chairman William McChesney Martin could get away with the highly inflationary open market policy the FRB has been following for more than a year. Any chairman but Martin would have been denounced long ago for feeding inflationary flames. But Martin's policies have been so solidly conservative for so long that he can get away with it. For much of this year the Fed has been buying Federal securities at such a rate that it has been pouring money into the economy at a phenomenal 9- to 10-percent rate. The rise in demand deposits and currency has exceeded all records. Under the circumstances the wonder is that prices have not risen faster than they have. At any rate, the Fed is building a dangerous potential source of inflation. The multibillion-dollar increment to the Nation's money supply is likely to inflate prices for a long time to come.

Of course this rapid-fire monetary expansion did make it easier to provide funds for the housing market without relying on available tools that would have permitted money to be channeled to homebuilding, while at the same time holding down the pumping up of bank reserves.

The Fed is continuing this super easy money policy. It is high time the policy was slowed down.

Now that it is clear that taxes are not going to be increased this year and very possibly not next year, the Fed may be willing to take a new, hard look at the inflationary impact of their current policy; at the same time, they should avoid repeating the sharp constriction of last summer when they put on the brakes so fast they went through the floor of the car.

UPCOMING DEMAND FOR MONEY

What do the monetary authorities face today? What are the demands? So far as the private industry sector is concerned, there is little sign of a vigorous upsurge in private investment at the present time. Forecasts indicate that, at the most, there will be an increase in 1968 over 1967 of some $7 billion in capital investment, divided between inventory buildup and plant and equipment expenditure. This is modest for an economy the size of ours. Moreover, in view of the present low level of capacity operation of the private economy, it may turn out to be less.

There is another development, however, that poses a problem: the desire of corporations to increase their liquidity. Last year, many companies found that in the face of a credit drought, their own liquidity decreased. Since that time, there has been a noticeable increase in the preference for liquidity. And this, of course, has added to the demands on the credit market. It remains to be seen to what extent corporations will try to achieve further liquidity and thus aggravate the credit squeeze. Certainly a reasonable assurance that a credit crunch will be avoided will serve to diminish the liquidity urge, particularly with interest rates so high.

Another sector that warrants special attention is residential construction. While it has been rising since the badly recessed levels of last summer—and I should say badly depressed levels of last summer—a further rise may be jeopardized by the higher interest rates and the prospects of greater limitations in the supply of credit. Because housing is so necessary to our social and economic development, it must not be allowed to bear the full brunt of any credit tightness. Public policy must assure adequate funds for the housing market for the coming year.

Finally, there are the Federal Government's own requirements. In the last fiscal year, the Federal demands on the private credit market were negative. By that I mean that the Federal Government overall contributed approximately $6 billion to the supply of credit. This figure has been given by the Treasury Department.

When we turn to fiscal 1968 there is, of course, a sharp reversal. When we take into account the deficit along with participation certificates and agency securities, and then subtract the purchases of Government investment accounts and the Federal Reserve, the total demand on the market will probably amount to something in the neighborhood of $15 billion. My figure is based on the assumption that there will be no tax increase, and that the administrative budget deficit in 1968, according to the administration's latest estimates, will be about $24 billion.

SUPPLY OF FUNDS INCREASED

Now, what about the supply side? Last year, the supply came to about $65 billion. This year, total supply should of course be higher. Our whole economy is growing and, in addition, the rate of savings is higher, which is one reason for the sharp rise in time deposits. Supply should be about $75 billion—a total increase of $10 billion and possibly more, depending upon bank credit expansion. But, when we consider this against Federal demands of approximately $15 billion, the source of the credit squeeze fears is clear. At the same time, there is no real basis for the dire predictions arising in some quarters.

TAX INCREASE WRONG

As I have pointed out many times, a tax increase is just the wrong medicine in this situation, and actually could be counterproductive; that is, it could reduce revenues rather than increase them. It is important to point out that a tax increase will have the obverse effect of the 1964 tax cut. The basic argument then was that by cutting taxes, we would stimulate the private economy, thus increasing the tax base, and ultimately we would collect more in revenues even at the lower rates. A tax increase would, of course, work in reverse. By slowing down the private sector, we would lower incomes and production, possibly to the extent that total Federal revenues would not be much above the revenues produced by the present rates. In economic jargon, this repressive effect of a tax increase is measured by the so-called negative multiplier.

When Budget Director Schultze appeared before the Joint Economic Committee in August, he indicated that this negative feedback had already been figured into the administration's revenue estimates. But the administration has also predicted a much stronger economic performance than has materialized, and consequently they may be seriously understating the negative impact of a tax increase which could, in effect, reduce overall revenues. Mr. Schultze stipulated and agreed to that possibility.

The excess of possible credit demand over the possible supply gives rise to disturbing fears that we shall again experience a repetition of last year's situation when housing and small business were squeezed out of the financial market. With a hastily put together system of interest rate ceilings on various credit intermediaries, we muddled through those difficult days.

Now the postdevaluation action of the Fed in boosting the discount rate from 4 to 4½ percent is construed by some as an indication that we are about to repeat last year's experience. However, I do not think that the discount action, in itself, is such a portent. I fervently hope that the Fed has no intention of repeating last year's action, when it sharply and suddenly reversed from a very easy money policy to an extremely tight one—which is not what I am advising. I am advising that we slow it down, not reverse it. Actually, the increase in the discount rate is not at all out of line with the high rates that prevail generally.

MONETARY POLICY REQUIREMENTS

In any case, the major requirement of monetary policy is, first, to slow down our monetary expansion while, second, avoiding too sharp an application of the monetary brakes. Wise and moderate monetary policies can, I believe, avert a repetition of last year's credit crunch. But before getting to that, let us examine the interest rate picture and the effects of devaluing the pound. The market yield on 3-month Treasury bills averaged 4.63 percent in the 3 days ended November 15, over a full percentage point higher than the rate in early June. Interest rates on bankers' acceptances, prime commercial paper, and negotiable certificates of deposit have also risen similarly.

Yields on longer term bonds are well above their 1966 highs and have been moving higher almost steadily since early this year. Interest rates on long-term Government bonds averaged 5.53 percent for the 3 days ended November 15, while the rates on outstanding highest grade corporate bonds averaged 6.09 percent.

Yields on intermediate-term securities have been higher since mid-June than on either short- or long-term obligations. The same relationship existed throughout the period of rising interest rates in the spring and summer of 1966. The implications of this condition may be that the market expects short-term yields to rise in the future, but subsequently to return to a lower level.

Private demand deposits, the major component of the money stock, averaged $140.5 billion in the 4 weeks ended November 8, up at a 9-percent annual rate in the 9 months since late January. That is what I mean when I say Fed has been inflating our money supply at a record rate.

The money stock, measured by demand deposits plus currency in the hands of the public, averaged $180.4 billion in the 4 weeks ended November 8. This measure of money has risen at a 9-percent annual rate in the most recent 6 months.

EXCESS GROWTH OF MONEY SUPPLY

Money has grown at a rapid rate since early this year, but the growth rate has not been steady. From January to April, money rose at a 5.8-percent annual rate, then accelerated to a 12.6-percent rate from April to July, and has slowed to a 5.3-percent rate since July. The accelerated rate of growth during the summer resulted mainly from a temporary reduction in Treasury balances at commercial banks, while the decelerated rate since August reflects the subsequent rebuilding of these accounts.

What about the effects of the devaluation? There has recently been a very substantial increase in the obligations of head offices of U.S. banks to their foreign branches, and in the past week or so, there has been a very big movement out of sterling which will probably be reflected in a sizable increase of foreign dollar holdings during November. This latter movement is likely to be quite short termed; after the devaluation the trading balances that are customarily held in sterling will no doubt return to sterling. As for the former, the major pressure has been the relatively high interest rate pattern in the United States which has exerted a suction effect not only on sterling but also on European markets. In this regard, the rise in the British bank rate to 8 percent is probably a temporary emergency extreme measure, to be unwound within the next month or so, perhaps to about 6 percent, another factor that argues against any undue alarm.

MODERATE GROWTH CALLED FOR

What then is the appropriate policy for management of the money supply? Last summer the Federal Reserve stopped the growth of the money supply completely after increasing it at a brisk rate the preceding year, and it was this sudden reversal that aggravated the difficulties. At the outset, I must admit that questions of proper management of the money supply are complicated by basic disagreements among the foremost monetary economists of our country. The traditional view is that action by the Federal Reserve to increase the Nation's money supply—checking accounts and currency—tends to reduce interest rates. This is the old law of supply and demand. If supply increases, the price should go down; if more money becomes available, the price charged borrowers should drop. But, as indicated above, our money supply has been increasing at a 9-percent rate so far this year; yet, in spite of this very high rate of increase, interest rates are higher than they have ever been in this century.

A new school of thought has an interpretation of monetary effects that differs sharply from the traditional one. It is their view that substantial increases in the money supply tend to boost interest rates through inducing an inflationary psychology. With money increasing, the argument goes, people expect continued boom and with it, rising prices. Therefore, they are more willing to borrow, even in the face of rising rates.

I see much validity in this latter view and am persuaded that, in our long-term policy, our monetary authorities should follow a policy of steadily increasing the money supply at a moderate rate, in this way avoiding the disruptive effects of too rapid a rate of increase or of wide swings. The rate of increase should be consistent with the projected rate of growth, somewhere in the vicinity of 4 percent a year. And sudden changes in supply should be avoided. They give rise to instabilities and uncertainties. This is the appropriate policy for the long run. The present rate of increase in the money supply is about 5 percent and I would hope that the Fed will trim this down to the 3- to 4-percent rate and hold it there as a longrun policy.

Now, let us take a look at the credit crunch that many people fear will occur this spring. While recognizing that forecasting is difficult, the figures which I presented earlier indicate that there could be a discrepancy between the supply of credit and demand amounting to some $15 billion. I emphasize that it could be less. If the Federal Reserve avoids constrictive action and permits the money supply to expand at a moderate rate, this will help some, though admittedly not enough to do the job. Second, the fact that we are now operating at about 82 percent of our industrial capacity hardly suggests that corporations will hurry to increase their plant and equipment investment or, for that matter, to build up inventories. So demand here could be a lot lower.

Finally, there is some prospect that the Federal Government may be able to reduce its expenditures, which, as I have urged repeatedly, is a far wiser course of action than the proposed tax increase.

TIME TO PLAN FOR CREDIT TIGHTNESS

In spite of these mitigating possibilities, however, it would be imprudent to delay planning now to get over the rapids of very tight credit with a minimum of dislocation. We must be prepared to protect the housing industry so as to avoid the devastating depletion of funds that afflicted it last summer. In this connection, the savings and loan institutions must be protected against loss of funds due to the superior ability of commercial banks to compete for scarce funds. Our regulatory authorities are better able to cope with such a threat by reason of the flexibility that Congress gave them in 1966 when they were authorized to set limits on the interest rates that the savings and loans and the banks may pay. Obviously, it is in the public interest to set the differentials so as to offset any debilitation of the savings and loans.

Second, the Federal Reserve, under legislation enacted in last year's crisis, is now empowered to buy home loan bank bonds in its open market operations. This permits it to move funds directly from its system into the mortgage market if that sector is threatened with a credit drought.

There is some comfort in recognizing that the thrift institutions are in much better financial condition today than they were in the last money pinch. By the end of September, the savings and loan industry had reduced its debt to the home loan banks from $7.2 billion a year earlier to $4.1 billion, and had built up reserves of cash and Government securities totaling $12.1 billion, or $2 billion more than a year before.

We must keep in mind that this is no time for meat-ax techniques. Let us remember that tight money could trigger off a recession and in any case, it will slow our growth and increase unemployment. Likewise, a tax increase would have the same effect as I have pointed out repeatedly. Our efforts must take the form of, first, a rational limitation on use of credit for the period of the shortage and to the extent necessary; second, adequate protection for the vulnerable housing market and its credit suppliers; and third, sensible wage-price policies.

Mr. President, as chairman of the Joint Economic Committee, I am very much concerned about these problems, as are my fellow committee members, and I assure Senators that we shall continue to follow closely the operation of our economy. I intend to share my observations with my colleagues from time to time. If ever there was a time for vigilance on economic matters, it is the present.

L. B. J. SPEECH ON WAGE-PRICE RESTRAINT MAY BE MOST SIGNIFICANT ECONOMIC SPEECH OF YEAR

Mr. PROXMIRE. Mr. President, I am delighted with the very significant speech made by President Johnson yesterday before the business council. It may rank as one of the most significant economic pronouncements of the President this year, for two reasons:

In the first place, the President, for the first time in many months, delivered an economic speech in which he did not put virtually exclusive emphasis on the tax increase as the solution to all our economic ills. I think the President has backed away from his tax increase—although I am sure he will not admit it.

Second, the President came down very hard on the real basis for threatening inflation; namely, the wage-price spiral.

The President said:

> If strong labor unions insist on a high wage rise twice the nationwide increase in output per man-hour—even where there is no real labor shortage—we are bound to have rising prices.
>
> If members of an industry attempt to raise prices and profit margins—even when they clearly have excess capacity—we are bound to have rising prices.

Unfortunately, Mr. President, the administration at the beginning of the year felt it necessary to abandon wage-price guidelines that have succeeded in keeping wage increases so well within productivity increases for 4 years—1962 to 1966—that wage costs in manufacturing have been stable in America—the best record of wage cost stability, incidentally, of any nation in the industrial world. But this year those guidelines were dropped. It would have been a tough and challenging problem to maintain them because price rises in 1966 exceeded the 3.2-percent guideline.

Now it appears that the President may be on the verge of returning to them at least in some form.

Mr. President, this may be excellent news for the economy. There is no evidence—I repeat no evidence—that we face a demand inflation. We are operating far below capacity. Consider that we were at 91 percent of capacity a year ago, 87½ percent in the first quarter of this year, 85 percent in the second, 83.7 percent in the third, and now we are below that. Unemployment has risen very sharply in the past 2 months and stood at 4.3 percent last month, far above the Joint Economic Committee's 3.5 percent target figure for this year.

Under these circumstances, wage-price restraint—in this cost push inflationary situation—not a tax increase, is the clear answer.

Mr. President I ask unanimous consent that the speech by President Johnson calling on business and labor to hold the wage-price line to be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Text of the President's Appeal To Hold the Wage-Price Line

WASHINGTON, December 6.—Following is the text of remarks by the President tonight before the Business Council:

If we wanted to celebrate the triumphs of our economy tonight, we would have cause enough.

We are now in the 82nd month of the American economic miracle. This sustained prosperity is unparalleled in our history.

But it is not celebration which summons us.

We are here, rather, to look at the other side of the ledger—to assess some of the challenges that now threaten our prosperity.

INTERNATIONAL MONETARY PROBLEMS

America's role in world trade and finance is crucial to our prosperity and that of all free nations.

World trade has quadrupled since World War II. We have helped to create that trade—and we have shared fully in its benefits.

In the world network of trade, America's role is doubly important. Our dollar stands at its center—the medium of exchange for most international transactions.

The recent devaluation of the British pound—with the tremors of uncertainty it stirred—makes it even more imperative that we maintain confidence in the dollar.

In the wake of devaluation, we witnessed a remarkable display of international financial cooperation. A speculative attack on the system was decisively repelled.

It was repelled because we stood firmly behind our pledge—which I reaffirm today—to convert the dollar to gold at $35 an ounce.

It was repelled because the leading governments of the western world joined with us in that successful defense, at a relatively small cost in reserves.

But we cannot rest on this victory. We must look ahead. As world trade expands, so must the liquidity required to finance it. That liquidity need not rest on the uncertainties of gold production, consumption and speculation. Nor can its supply be the responsibility of any one country.

So, even as we reaffirm our pledge to keep our dollar strong—and every ounce of our gold stock stands behind that pledge—we must look beyond gold.

We will press the case for other reserves which can strengthen the international monetary system of tomorrow.

We are joined with other nations in this venture.

Already we have laid out a blueprint. The agreement reached at the International Monetary Fund meeting in Rio is a first important step. It points the way to the creation of supplementary reserves backed by the full faith and credit of the participating nations.

BALANCE OF PAYMENTS

A healthy balance of payments is essential to a sound dollar.

After a decade of deficits, our balance of payments problem still challenges the best efforts of Government and business.

In recent years we have made some very real progress. But we find some of that progress offset by the cost of our defense efforts in Southeast Asia and by events surrounding the devaluation of the pound.

This calls for special effort—by both Government and business—to press even harder for progress.

Our investments in defense and foreign aid are vital to the security of every American. But, for our part in Government, we are reducing to the barest minimum the drain of these essential activities on our balance of payments.

Business, too, has responded to the challenge.

In the voluntary balance of payments program, we have seen one of the finest examples of cooperative effort with Government. Many firms have helped to reduce the deficit. They have borrowed funds overseas to finance foreign investments rather than borrow here and export our dollar abroad. Others have chosen to defer or scale down their investments.

We ask for even greater voluntary cooperation in 1968.

Before your dollars flow abroad to another industrial nation, ask yourself: Is this for an essential project? If it is, why can't you finance it overseas?

I know that borrowing overseas may cost an extra point or so in interest. But it is a necessary investment. It will strengthen the economy in which we all have a share.

EXPANDING OUR EXPORTS

The best way to strengthen our balance of payments is to expand our exports.

We used to talk of the world market in terms of billions of dollars—and more recently hundreds of billions. Now the economists tell us those measures no longer suffice.

The size of the economy outside the United States today exceeds $1-trillion.

American business has only begun to fight for this market.

I hope you will take this message back to the board rooms of America: Get going on exports.

We in Government have helped you to promote and finance your sales to other markets abroad. We hope to do even more in the future.

But I ask business to remember this: Trade must be a two-way street. Trade must be a fair and competitive race.

You cannot win this race confined by the quotas or high tariff walls the protectionists demand. Those walls have always been barriers to profits. You will win the race with time-tested American business methods—efficiency, better products, lower costs and prices.

Even though we know that a key to balance of payments is to export more, we also know this:

If our prices rise faster than those of our overseas competitors, our exports will suffer and our imports will grow.

A growing export surplus demands that we maintain a higher degree of price stability than our competitors. We have done that over the past seven years.

The responsibility of business and labor the challenge to business and labor is no less compelling than the challenge to Government.

We know that wage and price changes are inevitable—and desirable—in a free enterprise system.

But those changes must be restrained by a recognition of the fundamental national interest in maintaining a stable level of over-all prices.

If strong labor unions insist on a high wage rise twice the nationwide increase in output per man-hour—even where there is no real labor shortage—we are bound to have rising prices.

If members of an industry attempt to raise prices and profit margins—even when they clearly have excess capacity—we are bound to have rising prices.

Nobody benefits from a wages-price spiral. Labor knows that it does not. You know that business does not. And surely the American people do not.

Yet business says it is labor's responsibility to break the spiral, and labor says it is yours.

I say it is everyone's responsibility.

It is the responsibility of Government, of labor, and of business.

I intend to urge labor to restrain its demands for excessive wage increases.

I am urging business tonight to refrain from avoidable price increases, and to intensify its competitive efforts.

To both I say: It is your economy—your jobs and profits we need to protect. It is your dollar whose strength we must maintain.

For the first time, America is fighting for freedom abroad without resorting to wage and price controls at home.

Voluntary restraint has made involuntary curbs unnecessary.

This is the way it should be done.

This is the way it can be done—if business and labor meet their responsibilities.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas [Mr. TOWER] is now recognized for 30 minutes.

Mr. TOWER. I thank the Chair. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor, and without the time being charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, if it is agreeable to the Senator from Texas [Mr. TOWER], that the Senator from Ohio [Mr. YOUNG] be recognized not to exceed 5 minutes, and that the 5 minutes not be charged against the time allowed to the distinguished Senator from Texas under the order of yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. I thank the Senator from Texas for his courtesy.

RUINOUS TRADE POLICY

Mr. YOUNG of Ohio. Mr. President, in 1930 Congress enacted a high protective tariff law known as the Smoot-Hawley Act. This built a tariff wall around our Nation barring imports that could be sold at reasonable prices to American consumers. The great depression of the Hoover administration resulted. Products of American industry and farms were not purchased abroad. Then factories shut down. Fourteen million worthy and industrious men and women walked city streets jobless. They could no longer buy the food products of American farms nor did they have money to patronize restaurants or buy products for sale in stores.

Prices of corn, wheat, and all farm products plunged to alltime lows. Farmers could not sell their produce for prices sufficient to enable them to pay their taxes or interest on their mortgages. They gathered on courthouse steps in Ohio and other States threatening judges and trying to stop the orderly foreclosure processes of the law. As a result some banks became insolvent and then banks in 48 States were closed by presidential decree seeking to stem the overwhelming tide of financial panic. There were soup kitchens and breadlines in Cleveland of my State and in many other cities throughout the Nation. The entire financial structure of our country collapsed. People were hungry. Veterans sold apples on street corners.

Now again, there is a resurgence of protectionism on Capitol Hill. Legislative proposals are pending in the Congress seeking to ring our country with a high protectionist tariff wall by fixing restrictive import quotas. As if the Vietnam war had not engendered sufficient ill will toward the United States among the chief of state in Europe and Asia there are now attempts to stifle world trade which will increase the enmity toward us of practically every nation in the world and furthermore prove injurious to the economy of our neighbor nations in Central and South America.

The former chairman of the U.S. delegation to the Kennedy round negotiations seeking to remove international trade barriers and provide a healthy relationship among nations the world over stated that in a tariff game of raise and retaliate we are the ones most vulnerable. Nations, like people, do not fight with their customers if they wish to stay in business. When we raise tariff barriers, we hurt ourselves. In 1966 our export surplus was nearly $4 billion above the total of our imports from other nations. This year the excess of exports over our imports will exceed that amount. If we slap on quotas and bar products of other nations, they will retaliate. American farmers and industrialists will suffer.

We should legislate against unfair trade practices by other nations and take appropriate action against Japan and a few other nations guilty of such practices. However, we should always remember that fewer quotas and trade barriers mean greater prosperity. Some seem to forget we sell more abroad than we buy.

Obviously, fixing restrictive quotas might temporarily benefit some industrialists in Ohio and other States and some workers and might possibly temporarily benefit some farmers and producers throughout the Nation, but in the long run such restrictions resulting in a high tariff wall around our country would be ruinous. The experience wrought by the Smoot-Hawley Act was bitter indeed. There is a saying, of which Benjamin Franklin, I believe was the author. "Experience keeps a dear school but fools learn in no other." Very definitely, I will vote against the establishment of quotas.

REPORT BY SENATOR TOWER ON VISIT TO SOUTHEAST ASIA

Mr. TOWER. Mr. President, I have just returned from my fourth trip in 2 years to Southeast Asia for the Committee on Armed Services. I have talked with both the press and many Senators about the trip, and I will file with the committee a detailed, classified report on it. But I shall make just a few public remarks here today for two important reasons:

First, because I was considerably impressed by the improvement of the allied position in Vietnam, both in military operations and in civic action, as compared with our position on my last trip early this year.

Second, because I am considerably unimpressed to find on my return home a few Senators speaking with the voice of a "new isolationism."

Let me summarize first what I have seen recently in Southeast Asia in visiting South Vietnam, Laos, Thailand, and Indonesia, and Japan.

I find that although the process of achieving our objectives in Southeast Asia is slow and painful, there is measurable progress being made. We are winning in South Vietnam. To pursue our current advantage to a successful conclusion, to guarantee a peaceful future for Asia, we the American people, and we who are set on governance over the American people, must be possessed of patience and continued resolve.

The only place we can lose this war now is in Washington.

We have decisively won every main-force engagement we have fought in South Vietnam in the last year. The enemy is taking a tremendous beating. He is suffering an unacceptable casualty ratio.

The intensified bombing of North Vietnam through recent liberalization of target selection has had its effect. I was among those most concerned in recent months over the gradualism policy of restricting our efforts Most of those restrictions now have been removed, I am happy to report. Suspension of our bombing effort for any significant period of time would prolong the war and cost the lives of more American and allied troops.

I am hopeful that there will not be a big hue and cry in this country for any moratoriums during Christmas, New Year's, or the so-called Tet, the Chinese New Year, because if there are moratoriums, they will cost American lives. As a matter of fact, the loss of life during the siege of Con Thien was the result of the moratorium during the last Tet period. It cost the lives of many American and Vietnamese boys.

I still think it necessary and helpful to close the Port of Haiphong. It is not so critical as it once was; it is, however, a large port, through which supplies flow into Vietnam.

There is growing evidence of North Vietnamese Army manpower problems. Some of their troops are now younger and less well trained. The Vietcong are having increasing recruiting difficulties. Some Vietcong units are replacing their losses with North Vietnamese personnel. In some instances it is difficult to distinguish between a Vietcong main force and a North Vietnamese division.

As for South Vietnam itself, the fighting quality of the Army of the Republic of Vietnam—the ARVN, as it is called—has markedly improved. The interest of the Government of South Vietnam in civic action and revolutionary development continues to grow. I was able to talk with both President Thieu and Vice President Ky. They both are vitally interested in social and economic development. They already have engaged in postwar economic planning and I believe, have correct objectives in mind. In other words, they do not want big, basic industry. They are trying to improve their agricultural facilities, which have a tremendous potential.

There is growing confidence on the part of the South Vietnamese people in their central government and a growing sense of nationality. The recent elections have had a salubrious effect on the political stability of the country and on the determination of its military forces. In addition, there is growing resentment by the people of Vietcong terrorism and extortion.

We have recently read and heard about a tragic example of Vietcong terrorism when the Vietcong, with flamethrowers and other weapons, annihilated Vietnamese cities, indiscriminately and wantonly killing women and children. Unfortunately, many persons who complain about our Vietnamese policy, and who say that we are inhumane and immoral, have not been heard to raise their voices in shock and horror over the inhumanity of the Vietcong.

As evidence of the progress that has been made in Vietnam by the allies in the last year, I am able to offer the following statistics, all of them representing a comparison of the situation in the third-quarter of last year—1966—with the third-quarter of this year—1967.

Last year free world military manpower in Vietnam numbered some 340,000. Now it is about 540,000.

Last year the military manpower of the Government of South Vietnam was averaging 690,000. Now it is about 720,000.

Last year Vietcong and North Vietnamese military manpower in South Vietnam ran about 285,000. Now it is around 240,000.

Last year Vietcong and North Vietnamese battle deaths were running some 5,100 monthly. Now the figure is more than 6,800. The "kill ratio" is 5 to 1 in our favor by actual body count.

Last year some 30 of the 163 Vietcong and North Vietnamese maneuver battalions in the south were not combat effective. Now about 75 of them are not combat effective.

Last year the enemy was losing 1,400 weapons a month. This year, he is losing more than 2,500 a month.

Last year the chieu hoi—open arms—program was attracting 1,100 enemy deserters monthly. Now the figure averages more than 1,500. Just today we learn that an entire Vietcong platoon has come over en bloc.

Last year the enemy controlled nearly 20 percent of the south's population. Now it controls some 13 percent. During the same period the proportion of population controlled by the Government of South Vietnam has increased from 55 percent to more than 65 percent.

Last year some 4,100 hamlets had been secured against the enemy. Now there are more than 4,600.

Last year there were about 100 revolutionary development cadre teams at work on pacification projects. Now there are more than 500.

Last year there were about 50 airfields available for combat and supply operations. Now there are nearly 70.

Last year our forces were able to search about 1,700 junks daily. Now they search more than 3,100 daily.

Last year there were less than 15 deep-draft port facilities for our use. Now there are more than 30.

Last year road transport within South Vietnam carried some 700,000 short tons of cargo monthly. Now the monthly cargo runs more than 1.2 million short tons. Port-handling capability has increased in a similar range.

There has been a striking improvement in free world military manpower in Vietnam, and a decline in the North Vietnamese manpower. There are very significant figures relative to casualties and defections from the other side to our side.

In that connection, I note that a whole platoon of Vietcong defected only the other day. This is significant, not merely because one platoon has defected, but because when units of the enemy begin to defect in such numbers at one time, it shows the stress and strain that is being put upon him. I think the drain on his resources and the decline of his manpower are good harbingers.

These are important and impressive figures, Mr. President. They indicate that we are making substantial progress in the war and civic development efforts.

In view of this measurable progress, and in view of my own observations in the combat zone, I find it somewhat disheartening to return home and hear how some misinformed and mistaken American spokesmen are explaining the situation in Asia.

I understand that at least one Senator has been particularly critical of the army of our ally, South Vietnam, indicating that the Army of South Vietnam has virtually pulled out of the war and has not been present or useful in such critical areas as the DMZ and Dak To.

I can only wish that the Senator had been with me at Dak To on Thanksgiving Day, when our forces secured Hill 875. I was there, and I can assure the Senate that units of the Army of South Vietnam were very much in the thick of the Dak To fighting and that they distinguished themselves in that action.

A couple of their airborne units distinguished themselves with valor in that action. As a matter of fact, some American officers told me that the South Vietnamese units covered themselves with glory. They spoke specifically about the valor and professionalism of ARVN units at Dak To.

I can also assure the Senate that U.S. Marine officers are very much aware of the presence of South Vietnamese units holding their flank at the DMZ. And, I believe I know our Marine officers and General Westmoreland well enough to know that the Marines' flank would not be entrusted to other than a topnotch unit. This is, by the way, the 1st ARVN Division, which is now considered to be one of the finest ARVN units in Vietnam. There are, of course, some ARVN units that are not up to snuff, so to speak, that are relatively weak; but there are a number that are very effective. As a whole, ARVN is steadily improving, and many of its units are excellent.

It is a fact that in the first 25 days of November, during the heaviest fighting in the central highlands around Dak To, the Army of the Republic of Vietnam suffered fatal casualties totaling some 230 more than those of U.S. forces. The ARVN army is very much in this war, and it is steadily improving even in the face of wartime demands. To attack it falsely is to treat an ally as an enemy.

I was also surprised when I returned, Mr. President, to see that one of my colleagues—the same Senator—now regards the effort in Vietnam as immoral because the President has pointed out that the effort is not just to help the South Vietnamese but is in our own national interest. Just how it is immoral for a nation to confront aggression to help itself as well as to help its allies escapes me.

It occurs to me that we can serve the national interests of the people of Vietnam, we can serve the interests of the free world, and we can serve the national interests of the United States of America all at the same time; and this seems to me achieving the greatest good for the greatest number. I see nothing immoral in that.

Frankly, matters of American national interest are, I think, the only factors which can justify the size of the effort we are making in Vietnam. These are the matters which always have most concerned me—the need for our country to keep its defense perimeters as far from our own shores and as close to the enemy's shores as possible; and the constant guarantee that a treaty entered into by the United States will be honored by the United States; and beyond that, not just treaties, but even commitments which have not been reduced to writing with the formality of treaties.

We want a peace lesson to be learned by the Asian Communists today, in this small country, just as it was learned by the Russians in Europe and Latin America. By standing firm today, we are, I believe, avoiding a bigger battle later at greater cost closer to home. By standing firm today we are doing all we can do to guarantee peace for the world's future.

Vietnam cannot be divorced from the long-term, main-event struggle against communism. This confrontation with the Reds has been going on throughout the 20 years since the end of World War II. Vietnam is but another episode in a drama that previously involved Berlin, Iran, Turkey, Greece, Italy, Malaysia, the Philippines, Korea, Cuba, Lebanon, and the Dominican Republic.

The United States is not at fault in this battle. The United States has not attacked across sovereign boundaries. The United States did not blockade Berlin nor build up a wall, nor crush Hungarian freedom. The United States did not subjugate the Cuban people; or send guerrilla terrorists into Venezuela, Colombia, and the Dominican Republic. The United States did not break the Geneva Accords by terrorist attacks in Laos and South Vietnam. Hanoi did that.

We have not violated the sovereignty of the historically independent country of Thailand by trying to foment a war within the boundaries of that country from outside, as Peking and Hanoi seek to do today.

America has been on the right side of these events. Communism has been in the wrong. It is communism which continues to endanger world peace and world order. It is America which defends world order and strives for world peace.

Now, Mr. President, the matter of morality deserves further attention.

Military force as such is neither morally right nor morally wrong. It is the uses to which it is put—the times, the places, the amount, and the purposes—which determine the moral or immoral use of force. Failure to use military force in the proper time and place, and for the proper purpose, can be disastrous and immoral.

There is involved in Vietnam, beside the American national interest, a transcendent moral ethic—the right of mankind to determine its own destiny within its own ethical and religious convictions. Our objective in Vietnam is to permit the South Vietnamese to determine their own destiny.

It is clear to me that the war in Vietnam is no simple civil conflict. Its roots are traceable in history. Its mainspring, its tactics, and even its language are familiar to all who have studied communism. It is an attempt by North Vietnam to impose an unwanted rule on a sovereign nation, an attempt clearly nourished by massive support from Red China, the Soviet Union, and other Communist nations throughout the world. And I can assure the Senate that the Vietcong take their orders from Hanoi.

In a word, what we see in Vietnam is aggression.

It is a fact that brutality and wanton terrorism are deliberate tools of the Communists in Vietnam, as they have been elsewhere in the world. It is no surprise when the most talented members of a village are threatened, beaten, kidnaped, or forced to serve the enemy. It is deliberate when the enemy destroys schools and hospitals. It is intentional when he attacks the heart of cities, and when he destroys villages, as he so recently did.

We are only now discovering the extent of this week's Vietcong terrorist flamethrower attack which has cost the lives of some 120 innocent civilian South Vietnamese.

Knowing these things, I find it difficult to understand the convoluted logic which leads some to condemn this Nation for "immorality" and to defend terrorism as a heroic struggle.

I am also disturbed, Mr. President, by the comments of some persons in recent days to the effect that the United States is not an Asian power and that the United States should not interject itself into matters affecting the far Pacific.

I might note here that Russia is not a Latin power, either, Mr. President, nor is China an African power.

Those who proclaim the "new isolationism" do not properly read the lessons of American history. They are wishful thinkers who would have us ignore the facts of international life and return to a world of the past which exists only in their own troubled minds. They would have us reject the admonition of Adlai Stevenson who always cautioned dreamers to be realists, saying, "We have to begin where we are."

Those who seek an isolationist America run counter to the historic decisions and direction fashioned here in this very Senate which backed the Marshall plan, the NATO and SEATO Treaties, the United Nations Charter, and the responsible extension of U.S. aid and assistance to other nations both for humanitarian and national-security purposes.

There can be no question but that the United States has a place to fill in the Pacific and work to do there. If there ever was any doubt about that it was laid to rest when our great States of Hawaii and Alaska joined the Union.

One has only to go to Asia to find that the United States has great influence there. Indeed, I find that throughout free Asia it is the United States—not Communist China—to which national leaders look for guidance, assistance, and hope.

It is not without significance that the nations fighting beside us in Vietnam are free Asian nations—Australia, Thailand, New Zealand, Korea, and the Philippines. They understand which way lies freedom and which way lies subjugation.

India once thought she could get along with Red China; now she looks apprehensively at the Chinese troops along her mountain borders. Indonesia tried to work with Red China, paid a tremendously heavy price and has now moved to reclaim control of her own destiny. Burma, Thailand, Malaya, and even Cambodia have found out how Red China uses and abuses those who are weak and willing.

Prime Minister Lee Kuan Yew, of Singapore, has cautioned the United States to stand firmly by our commitments and to remember that Southeast Asia needs strong friends so that it can maintain its independence. Prime Minister Sato, of Japan, and his foreign minister, Takeo Miki, have openly stated that the United States should not suspend the bombing of North Vietnam without guarantees that the North would respond by opening productive peace talks. Indonesian officials assured me that they understand and appreciate U.S. efforts to make a free Asia possible.

The advocates of "new isolationism" reject the wisdom not only of this Senate but of every President in modern times. Presidents Roosevelt, Truman, and Eisenhower understood how closely American security was bound to the entire world's economy and society. President Kennedy did not envision his New Frontier as stopping short only in the Western Hemisphere.

Indeed, it is clear to students of national security that the mineral reserves upon which the American economic strength has been built cannot be furnished by the Western Hemisphere alone. There is no possible way modern America can make herself self-sufficient in mineral resources; there is no way she can make even her own hemisphere self-sufficient. There is no way she can perfectly insulate her dollar from the world market.

The United States is in and of the world. The national interest of the United States is international. Our leadership role is inescapable and the vast majority of Americans do not want to escape it but rather to meet it. We cannot fulfill a meaningful destiny as an affluent but passive witness to great principles in contest.

It is our Nation's highest moral calling to help create in this world a climate in which freedom and self-determination may flourish. In Southeast Asia today we defend not only our unselfish, international, moral obligation but also our selfish, national security interests.

There is no peace in the surrender of principle, or in turning away as aggression triumphs.

There is no honor in vacating solemn commitments.

There is no morality in tolerating brutality.

And, there is no security in isolation.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I have listened with great interest to the remarks of the distinguished Senator from Texas. I associate myself largely with his remarks.

I visited Southeast Asia last month for the third time in 2 years and was in that area about 2 weeks before the distinguished Senator from Texas arrived there.

I must say that I completely agree with the Senator's outline of the progress that is being made in Southeast Asia. We are winning the battle there on the military and on the economic and on the redevelopment fronts. The enemy has not won a major battle in a year, as the Senator has said.

I was very impressed recently by General Westmoreland's visit, which incidentally occurred while I was in Southeast Asia. However, I have read the remarks the general made in a number of public appearances, particularly those in which he divided the operations in Southeast Asia into four phases and indicated that the second phase would be complete this year.

I would like to extract some material from some portions of his report in which he said that in phase 3, in this year, 1968, we intend to do the following: "To help the Vietnamese Armed Forces to continue improving their effectiveness."

I must say that their effectiveness has very materially improved over the past 2 years. And, as the distinguished Senator from Texas has said, the Vietnamese military forces have distinguished themselves in many battles in recent days, and these are the battles that are not heard about in our press in this country. I think that is indeed very unfortunate.

General Westmoreland went on to say:

> We are going to see that technical advice and training is furnished so that improvement of the professional competence of the Vietnamese officers may take place.

That has already been accomplished.

He said further that in addition to the South Vietnamese forces and regional forces we are going to use the free world forces to destroy the foe while we achieve territorial security.

I must say that the free world forces are today doing just that.

I visited the famous Korean White Horse Division and saw their operations. They are competent troops. They can stand at the side of the American military at any time and any place.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. TOWER. I appreciate the Senator bringing up the point of the Korean troops. I think there is an interesting analogy there.

When we first went into Korea, we found some of the same things wrong with the Korean Army that we have found wrong with the South Vietnamese Army. However, the quality of the Korean Army has today been vastly improved by virtue of American training. I think the situation is analogous. Does the Senator agree?

Mr. CANNON. I think the situation with respect to the South Vietnamese troops today is about what it was when the Korean war was concluded. There was a lack of trained leadership. There was a lack in the Korean military force of the opportunity for promotion.

This situation is largely being corrected today in the South Vietnamese troops. There is an opportunity to engage in training programs. There is an increased opportunity for men out of the rank to achieve leadership positions.

General Westmoreland gave the figure—I do not see it here at the moment, but perhaps I can supply it later—as to the number of South Vietnamese troops that have had an opportunity to be upgraded to the officers corps; 2,200 in 1966.

He has likewise pointed out that we are this year going to turn a larger share of the front lines and the DMZ defense over to the South Vietnamese Army. And they did do an excellent job at Con Thien and in supporting the Marines at Dak To.

We are going to help the South Vietnamese Government single out and destroy the shadow VC government. And the infrastructure is being attacked all over the country very vigorously not only by our troops, but also by the free world troops and the South Vietnamese forces.

Thailand is proceeding to help by way of adding troops with the sending of an additional division into South Vietnam to give us assistance there from a troop standpoint.

General Westmoreland outlined phase 4, the final phase. And I have great hopes myself that we will see a large portion of phase 4 come into fruition during calendar year 1968.

I also associate myself with the distinguished Senator from Texas when he says that he found much concern over the fact that this war could be lost only here in Washington. Time and time again I have had some of our leaders in South Vietnam, our military leaders, say to me: "We are not worried about winning the war over here. We are concerned about whether you are losing the war back in Washington, back home."

This was the very deep concern that was expressed to me by our military leaders.

As the Senator from Texas has said, most of the bombing restrictions have now been lifted in the north. This is a matter where the Senator and I differed with the administration in their conduct of the war up to the time of the Preparedness Subcommittee hearings which commenced last August. However, since that time, most of the bombing restrictions have been lifted.

Perhaps the one major difference between some members of the committee and the administration is the failure to blockade or mine the Port of Haiphong. I personally advocated this procedure 2 years ago. However, I am not prepared to say that I think it is necessary at this time. I think that the isolation of Haiphong that has taken place with the present bombing policies is substantially achieving that result. I would say therefore, from the standpoint of targeting, that I do not think there is too much difference of opinion at the present moment.

I found, as the Senator from Texas stated, an increasing and growing confidence in the South Vietnamese Government. I visited with President Thieu and Minister Loc. And the goals they have set and announced—and that they intend to work toward—I think will do much toward improving the stability of the government in that country and gaining an increased confidence of their own people for a good and fair and democratic government, as we see it. And, mind you, they look at democracy from a somewhat different point of view than we do. However, I think it is very significant that in their presidential elections this year, their percentage of votes in that election was much higher than was the case in our own presidential elections. Also, in their elections for the Senate and the House of Representatives, in their representative form of government, the percentage of registered voters who voted was much higher than it was in our own country. I think this is a very significant step forward.

I also associate myself with the remarks of the distinguished Senator from Texas, in that we cannot proceed on the basis of an isolationist policy today if we are going to attempt to combat communism, unless we are willing to just stick our heads in the sand and let communism go wherever and whenever it desires.

I commend the Senator for his fine statement today. I wish more Senators were in the Chamber to hear it. I hope that some of them will read his remarks, because he certainly has had the opportunity to view the situation firsthand and to see physically the progress that has been made over a period of years, as I have.

Many of the places I visited on my last trip I was unable to visit 2 years ago, because those areas were not secured. They were not even beginning to become secured. Yet, today, the roads can be traversed in these areas, and the waters can be traversed without paying taxes to the VC, and the people are beginning to have confidence in being able to build up their opportunity to farm, to get their products to the market, and to achieve an increased income and to improve their standard of living.

I thank the distinguished Senator from Texas for yielding to me.

Mr. TOWER. I thank the distinguished Senator from Nevada for his kind remarks. I know that he is one of the Senate's outstanding experts and authorities on the situation in Southeast Asia today. I appreciate his supplementary remarks.

I certainly appreciate his calling the attention of the Senate to a fact I overlooked, with respect to our involvement in upgrading and training of the regional and popular forces. This will enable them to take over some of the jobs we have been doing, some of the jobs the regular Vietnamese Army is doing, to the extent that it will hasten the time when we can complete our offensive military operation and secure the country.

With respect to our presence in Southeast Asia, I should like to add that the nations around the perimeter of Red China are glad we are there. We are providing a shield behind which they can proceed with their own social, economic, and political development. They are glad we are there. Our presence guarantees that they can proceed to achieve the goals that have long since been reached by the Western World.

GERMANS SAY FAITH IN DOLLAR IS TIED TO PAYMENTS BALANCE

Mr. SYMINGTON. Mr. President, the French are no longer the only Europeans notifying the United States that it should take prompt steps to reduce substantially its 19-year continuing unfavorable balance of payments.

West German officials have been working with the United States in effort to help this country with its payments difficulties, far different from the actions of General de Gaulle, because for a long time the latter has been working to undermine the dollar and aggravate our deficit.

This week, however, the Director of the German Central Bank stated frankly that as long as American deficits continue, "American statements about maintaining the gold parity of the dollar and the full convertibility of the dollar are not going to be credible."

Those who argue that the U.S. balance-of-payments deficits result primarily from the adverse actions of the surplus countries, and who assert that we have taken all possible measures to correct this deficit without any help from those countries, will be interested in the following facts from an article with a Frankfurt dateline in the Washington Post of yesterday.

First. The German Bundesbank—Central Bank—has already invested billions in support of the present dollar gold parity at $35 an ounce.

Second. On November 26, German officials announced that, if necessary, they would use their own gold stocks to maintain this parity.

Third. Earlier this year, the Bundesbank lowered its discount rate to 3 percent—an action which indirectly encourages an outflow of capital to the United States.

Fourth. This lower discount rate makes money more available in Germany for purchase of U.S. imports. Those imports are expected to increase further next year.

The Germans assert, however, that there is a limit to such "friendliness"; that the United States can no longer dodge more realistic considerations of how to reduce its continuing deficit; also, that this should include measures to halt the "increasing inflation" in this country, which is reducing our competitiveness in world markets, and undermining confidence in the dollar.

This additional evidence of apprehension from another and more friendly central banker in Europe, is but another reason for a review of our financial policies in their relation to foreign policy, our offshore military establishments, and our "international trade."

I ask unanimous consent that the article in question, "Germans Say Faith in Dollar Is Tied to Payments Balance," be printed at this point in the RECORD.

I also ask unanimous consent that three typically clear and concise articles on the problems incident to currency devaluation, by Miss Sylvia Porter, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 6, 1967]

GERMANS SAY FAITH IN DOLLAR IS TIED TO PAYMENTS BALANCE

(By Dan Morgan)

FRANKFURT, December 5.—The conviction is growing in West German financial circles that the American balance of payments problem must be dealt with now, rather than later, to restore complete European confidence in the dollar.

The feeling persists despite pledges made here by the Central Bank of Governors of six European countries Nov. 26 to use their own gold stocks, if necessary, to hold the dollar-gold parity at $35 an ounce.

If anything, the Frankfurt meeting has left an aftermath of concern in top banking circles that the fight is only beginning and that unless the United States takes steps to reduce its deficit, its political position in Europe will be weakened.

The appeal for European help made by Under Secretary of State Eugene Rostow to an OECD meeting in Paris Nov. 30 has had little response here.

URGES LOWER RATES

Rostow urged the Europeans to lower their rates, buy more American goods, invest in the United States, and help pay American overseas troop costs. But particularly in Germany, none of these measures are seen as the key to restoring economic faith in the dollar.

Here, the belief exists that it is the United States' turn to show it is ready to act on the deficit problem, to convince gold speculators that the gold drain will be stopped.

This could be done by suppressing excess demand at home through higher interest rates and higher taxes, and perhaps by curbing the outflow of capital, at least until the war in Vietnam ceases to drain off huge dollar batches into Asia.

Among those expressing concern are bankers who feel the American economy, and its currency, are healthy and that the dollar should be defended vigorously.

EMMINGER INTERVIEW

For instance, in an interview this week Dr. Otmar Emminger, Director of the West German Bundesbank (the Central Bank), said that as long as American deficits continue, "American statements about maintaining the gold parity of the dollar and the full convertibility of the dollar are not going to be credible."

He said that "the alleged weakness of the dollar due to the payments deficit has played into the hands of gold speculators and foes of the dollar as a reserve currency, and is slowly becoming a factor of political weakness."

There was little doubt "foes" referred to France, whose tactics in encouraging a wave of gold buying after the English pound devaluation have been viewed here as nefarious but politically brilliant.

France wants a rise in gold prices and devaluation of the dollar. The Bundesbank, however, has invested billions in support of the present gold parity. West Germany has long been a key member of the gold pool of industrialized countries.

BASIC SOUNDNESS

American officials are much more relaxed about the threat of a long strain on the dollar.

They claim, with support from such leading German bankers as Hermann J. Abs of the Deutsche Bank, that the U.S. economy is basically sound, and that much of the financing of American investment in Europe has been raised here, rather than paid for by capital from the United States.

But in West Germany there has been some editorial and political agreement with the thesis of President de Gaulle that the huge American investments here would not have been possible if the U.S. Government had not permitted the payments deficit to be run up.

In a speech to the West German Bundestag (Parliament) recently Klaus Dieter Arndt, under secretary of economics, indicated qualified acceptance of the idea that "European currency, particularly the Deutsche mark, is undervalued in relation to the dollar, so that an incentive exists to European investment (by Americans)."

West Germany authorities note that they have already taken some of the measures urged by Rostow in Paris, in addition to supporting the dollar in the gold pool.

Earlier this year the Bundesbank lowered the discount rate in four steps to 3 per cent, indirectly encouraging the outflow of capital to the United States, and making more money available locally for investment and purchase of American imports.

INTEREST PREDICTION

The Bundesbank is also predicting a rise of 8 to 12 per cent in West German imports next year, a hefty boost for American exports which should in return produce a gain on the payments ledger.

American officials, backed by Economics Minister Karl Schiller who has warmly "welcomed" American investment, do not see any controls in the cards.

But there is some feeling that such a drastic measure might be better than a continued gold drain.

In the meantime there is concern about the psychological impact on Europeans of the talk of $30 to $35 billion American government deficit this year.

The Frankfurt "aid the dollar" pledge, it is felt, stemmed for the time being the gold demand and frantic switching out of dollars that followed the English pound devaluation.

But there is nothing to prevent a new crisis from arising, Frankfurt banking circles insist. Realists here are now concerned that the payments problem will be left untouched until after the 1968 presidential elections.

[From the Washington Evening Star, Dec. 4, 1967]

YOUR MONEY'S WORTH: DEVALUATION EXPLAINED—I

(By Sylvia Porter)

French President Charles De Gaulle has spelled it out loud and clear. He resents the U.S. dollar because it is a symbol of United States superiority. His aim is to topple U.S. currency from its position as pivot of the modern international monetary system and return to gold as the medium by which nations settle debts.

He will attempt to drain American gold and will encourage other U.S. creditors to do the same. He hopes for a 50 per cent devaluation of the dollar. He is indifferent to the chaos and possible worldwide trade depression that might follow.

While De Gaulle masked his mischievous message in majestic language, that is what he said at his recent news conference.

What is devaluation of the dollar and why is it discussed? In this week's columns, I'll offer some answers to these complex questions.

Q. What is devaluation?

A. The dictionary definition of devaluation is "to diminish the value of something."

When the British pound was devalued on Nov. 18, its value was diminished in terms of the U.S. dollar from $2.80 to $2.40. The value of the dollar and of the currencies of all other major trading nations remained unchanged. Theoretically, therefore, Britain has gained a significant trade advantage, for exports will be cheaper (will be sold at $2.40 a pound instead of $2.80) and imports will be more expensive (will buy only $2.40 a pound instead of $2.80.)

The position of the dollar is far different. The dollar's value is measured against gold because the United States stands ready to convert dollars held by qualified foreign creditors into gold at $35 an ounce on demand. Thus, the dollar is considered as good as gold and is used by nations to settle debts. It is the great "reserve currency" supporting the modern monetary system.

We would devalue the dollar by raising the price at which the Government would buy gold from or sell gold to any qualified foreign government or bank or international organization.

The price of gold has been frozen at $35 an ounce since we last devalued in 1934, 33 years ago. Suppose we did what France's monetary expert, Jacques Rueff, wants us to do and doubled the price at which we would buy and sell gold to $70.

That would mean the gold value of the dollar would be 1/70 of an ounce instead of 1/35. The dollar would have been devalued in terms of gold by 50 per cent.

Q. What would other nations do then?

A. They would announce similar devaluations of their currencies against the dollar. They could not do otherwise, for a 50 per cent devaluation would theoretically cut the cost of our exports in half and give us an intolerable trade advantage in world markets.

The net result would be a move by the world to new currency values but the relationships between the currencies would remain the same, and that's a crucial point.

The only immediate price change would be that for gold. The value of the gold hoards of metal-owning nations would double. As an illustration, if the dollar were devalued this week, our $12 billion-plus of gold would have a dollar value of $24 billion; France's $5.2 billion of gold would be valued at $10.4 billion. Primary winners would be the gold-producing countries: South Africa, Russia, Canada.

[From the Washington Evening Star, Dec. 5, 1967]

YOUR MONEY'S WORTH: DEVALUATION EXPLAINED—II

(By Sylvia Porter)

"The entire world looks to America now," said President Johnson to a cabinet meeting after the British devalued the pound on Nov. 18. "We are the bellwether. Our economic strength and the soundness of our dollar must never be doubted."

Proud words indeed, and the President backed them up with an even prouder public pledge to the world: "I reaffirm unquivocally the commitment of the United States to buy and sell gold at the existing price of $35 an ounce" (which means of course, a pledge not to devalue the dollar.)

But the fact is that some foreign governments are beginning to doubt the soundness of the dollar. The fact is the dollar is in a weak position; and this is so even though the rush to turn dollars into gold which followed the British devaluation has subsided. The fact is that we are vulnerable to attack and we would be foolish if we pretend that we aren't. To continue the explanations.

Q. Why is the Soundness of The Dollar in Question?

A. Because for years, we have spent more abroad than we have earned abroad. As a result, foreign governments and central banks have built up enormous dollar claims against our gold reserves. In 1965, in response to rising worries then about the dollar's soundness, we made a stern promise to foreign creditors that we would balance international financial accounts. But we have failed to do so.

Once again in 1967, we will run a big deficit in the balance of payments. It well may be $2.5–$3 billion, as a result of Vietnam spending, our overseas tourist spree, continuing investments abroad by U.S. corporations and military and economic aid programs. And this, comes on top of a long string of annual deficits.

What underpins the dollar is the fact that exports are so much greater than imports. In the midst of last week's nervousness, the Commerce Department reported the October trade surplus dwindled to the lowest since early 1965. Our trade surplus is now at an annual rate of about $4.4 billion, big but not as big as we anticipated.

Q. How Much Do We Owe to Foreigners Against Gold?

A. As of now, qualified foreign creditors of the U.S. have $28 billion in dollar claims for which they could, legally, demand gold.

As of today, our gold reserve is only $1 billion-plus, down from $22.7 billion in 1950.

Q. Are We Bankrupt Then?

A. Of course not. But the reason this can be said so confidently is that our foreign creditors are willing to hold our dollars and not to exercise their right to demand gold in exchange. They have faith in our money and would rather hold dollars on which they can earn interest than gold on which they could earn nothing and which would cost them money to store.

The key word is "faith." If our creditors lost that and staged a run on the dollar as the creditors of Britain staged a run on the pound, we could be drained of every ounce of gold and still not have enough.

Q. How Could Devaluation be Managed?

A. In theory, it could be done only by an act of Congress and the President couldn't even propose devaluation unless Congress first gave him authority to do so. This is written into the Bretton Woods Agreement Act.

But in reality, what probably would happen if the United States were pushed into a corner is that the President would declare a national emergency and then under the 1917 Trading With the Enemy Act, the President could do just about anything.

[From the Washington Evening Star, Dec. 6, 1967]

YOUR MONEY'S WORTH—DEVALUATION EXPLAINED—III

(By Sylvia Porter)

In dismissing the possibility of devaluation of the dollar, the favorite word of most commentators is "unthinkable." In discussing the threat in private, the favorite word of most experts is "catastrophic."

But in view of the rush to convert dollars into gold after British devaluation of the pound Nov. 18 and in view of the vindictive attack on the dollar by French President Charles de Gaulle, a sound attitude might be to "think the 'unthinkable' so we know what we are trying to avoid and appraise the 'catastrophic' so we can mobilize the weapons to avert it."

Herewith an analysis.

Q. What would devaluation mean at the start?

A. Probably very little that you would notice—and the reason is that if we doubled the price at which we buy and sell gold to $70 an ounce and thus devalued the dollar in terms of gold by half, other nations would follow quickly and similarly devalue their currencies against the dollar.

As a result, we all would be right back where we were. Only the price of gold would have been significantly changed.

CERTAIN SHOCK

Of course, the shock of a devaluation of the dollar—the pivot of the world's monetary system—might send stock prices into a tailspin. But the shock also could send stock prices whirling upward because investors would be anticipating a runaway inflation.

There could be a national paralysis built on fear and befuddlement but again it's futile to try to translate this into specific immediate price-wage-interest rate-credit changes. As for the appearance of the dollar in your pocket, it wouldn't change a bit.

Q. What would devaluation mean over the long-term?

A. Here we get to the heart of the matter and to the reason for such words as "unthinkable" and "catastrophic."

First, the dollar is the one great reserve currency of the world. Our paper money is trusted as a supplement to gold in the reserves of nations, it is used as a medium for settlement of debts between nations, it finances an enormous portion of the trade of the west.

Second, there has been and is a shortage of gold to finance trade. The whole world's holdings of monetary gold come to only $42 billion, a fraction of what is needed to support a vast and growing international trade. Of this total, 64 per cent or $27.3 billion is held by seven nations alone (our holdings come to $12 billion-plus.)

BACKGROUND CITED

Now against this background, consider the impact of an overnight 50 per cent slash in the dollar's value in gold terms.

Not only might the blow of a 50 per cent cut in the value of their dollar assets bring activity to a standstill in many nations. It surely also would make them unwilling to continue accepting the dollar as a reserve.

The world monetary system which was created at Bretton Woods in 1944 and which has worked so magnificantly in fueling world trade prosperity since then would be dead. The world would be left with no key currency for use as a supplement to gold in international trade.

The result would be a contraction of trade and fantastic trade distortions as nations went back to gold alone. The result would be depression leaping from nation to nation.

The result in a matter of months, if not weeks, would be bankruptcies, massive joblessness, social-economic chaos, a retreat to the financial barbarism which preceded World War II.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The BILL CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business, so that I may make a motion to reconsider H.R. 9063. This matter has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL CLAIMS

Mr. MORSE. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which H.R. 9063 was passed yesterday, together with the third reading.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9063) to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

Mr. MORSE. I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The first sentence of subsection (c), of section 207, title II, is amended to read as follows:

> (c) The sole relief and remedy of any person having any claim to any property vested pursuant to section 202(a), except a person claiming under section 216, shall be that provided by the terms of subsection (a) or (b) of this section, and in the event of the liquidation by sale or otherwise of such property, shall be limited to and enforced against the net proceeds received therefrom and held by the designee of the President.

Title II is amended by adding at the end thereof the following new section:

> SEC. 216 (a) Notwithstanding any other provision of this Act or any provision of the Trading With the Enemy Act, as amended, any person—(1) who was formerly a national of Bulgaria, Hungary, or Rumania, and (2) who, as a consequence of any law, decree, or regulation of the nation of which he was a national discriminating against political, racial or religious groups, at no time between Decemebr 7, 1941, and the time when such law, decree, or regulation was abrogated enjoyed full rights of citizenship under the law of such nation, shall be eligible hereunder to receive the return of his interest in property which was vested under section 202(a) hereof or under the Trading With the Enemy Act, as amended, as the property of a corporation organized under the laws of Bulgaria, Hungary or Rumania if 25 per centum or more of the outstanding capital stock of such corporation was owned at the date of vesting by such persons and nationals of countries other than Bulgaria, Hungary, Rumania, Germany, or Japan, or if such corporation was subjected after December 7, 1941, under the laws of its country, to special wartime measures directed against it because of the enemy character of some or all of its stockholders; and no certificate by the Department of State as provided under section 207(c) hereof shall be required for such persons.
>
> (b) An interest in property vested under

the Trading With the Enemy Act, as amended, as the property of a corporation organized under the laws of Bulgaria, Hungary, or Rumania shall be subject to return under subsection (a) of this section only if a notice of claim for the return of any such interest has been timely filed under the provisions of section 33 of that Act, provided that application may be made therefore within six months after the date of enactment hereof. In the event such interest has been liquidated and the net proceeds thereof transferred to the Bulgarian Claims Fund, Hungarian Claims Fund, or Rumanian Claims Fund, the net proceeds of any other interest representing vested property held in the United States Treasury may be used for the purpose of making the return hereunder.

(c) Determinations by the designee of the President or any other officer or agency with respect to claims under this section, including the allowance or disallowance thereof, shall be final and shall not be subject to review by any court.

Mr. MORSE. Mr. President, I wish to make two points. This matter was discussed by the Committee on Foreign Relations this morning, and I was authorized to come to the floor of the Senate and to make the request I am now making.

Yesterday, a parliamentary problem was presented to the Senator from Oregon which caused me to ask permission to follow this course of action. As all Senators know, I was involved very deeply yesterday on the education bill, and I was not aware that this bill was going to come up on the unanimous-consent calendar call. I thought that it would be brought up by motion. The leadership had no knowledge of that. Had I been here, I would have objected to the bill—at least for the time necessary for my amendment to be considered.

The amendment I have offered has been passed by the Senate twice. The amendment really was offered at the request of the State Department, in the first instance.

I ask unanimous consent to have printed in the Record at this point the concluding comments of the 1965 Senate report on this amendment; also, a statement giving the history of the amendment, the action of the Committee on Foreign Relations in the past, and the action of the Senate on the same.

There being no objection, the material was ordered to be printed in the Record, as follows:

CONCLUDING COMMENTS

As far as can be determined, S. 2064, would affect four stockholders or their heirs of one substantial seized property, the Chinion Chemical & Pharmaceutical Works, Ltd., a Hungarian firm. Based on the percentage of the stockownership of the prospective claimants (none of whom is a U.S. citizen), approximately $120,000 is involved. The assets of the corporation were liquidated by the Office of Alien Property and the net proceeds were deposited in the Hungarian claims fund in the Treasury. Subsequently, pro rata payments were made to American citizens who had claims against the Government of Hungary.

The claimants dealt with here are not and never have been American citizens. They were persecuted by enemy governments, and the proceeds of their property should never have been paid into the Hungarian claims fund in the first place, but rather should have been returned to them. If their property had not been in the form of stock this would have been done.

S. 2064 simply rectifies this wrong. It fits into the framework of general U.S. international policies with respect to the blocking and vesting of the property of persecutees or of nonenemy nationals. These policies support the principle that the private property of Allied nationals or the victims of enemy persecution shall not be indiscriminately seized for reparations or similar purposes. The United States has upheld this principle as regards Americans or other nonenemy property interests abroad and at home. The effect of S. 2064 will be to bring the practice with respect to the rights of persecutees in vested property in this country into line with the position which the United States has traditionally taken.

As it pointed out above, under existing law there are differences in treatment as between persons having certain interests in assets which were vested under the Trading With the Enemy Act and persons having similar interests in assets which were vested under title II of the International Claims Settlement Act. The committee does not believe there is any legal or equitable justification for the application of a double standard in cases of this nature. It recommends, therefore, that S. 2064 be passed by the Senate.

History of the Amendment

The Senate in 1960 approved S. 2634, reported favorably by the Foreign Relations Committee through its chairman with Report No. 1419 of the 86th Congress. The bill was favored by the Administration, but the House took no action, the bill not having been considered by its Foreign Affairs Committee.

Again in 1965 the Senate approved this legislation, after a report from the Foreign Relations Committee presented by Senator Sparkman (Report No. 684, 89th Congress), and again no action was taken by the House.

Now the House has passed a bill, H.R. 9063, dealing with the same legislation—the International Claims Settlement Act of 1949, as amended—and there seems no reason why this non-controversial bill favored by the State Department as eliminating an inequity which had been overlooked in drafting the original legislation, should not be added to H.R. 9063, as to which it is entirely germane. This will eliminate the necessity of further consideration by the Foreign Relations Committee a third time, since that Committee has recommended passage twice. Both that Committee and the House Committee heard testimony on this subject, including the support of the State Department, and there was no testimony in opposition whatever.

As the Committee report in the last Congress stated, this legislation fits into the framework of general U.S. international policies that the private property of Allied nationals or the victims of enemy persecution shall not be indiscriminately seized for reparations or similar purposes, and eliminates a double standard inadvertently written into law and requiring correction.

Last year, the Assistant Legal Adviser of the State Department, Mr. Ely Maurer, said the following of the matter:

"In the view of the Department, the bill would eliminate certain inequities in the present law by permitting the return to persecutees and nonenemy nationals of their proportionate share in the vested assets of corporations of Bulgaria, Hungary, and Rumania in which they hold interests.

"The Department's attitude toward this bill corresponds with the attitude set forth by the Department on a similar bill, S. 2634, which was proposed in 1960."

This, too, I may say, was my bill. To continue quoting from Mr. Maurer: "At that time the Department stated that an amendment to the International Claims Settlement Act along the lines of the bill would promote the fair and effective administration of the act.

"The need for the bill arises from the following: Under Section 32(a) (2) (C) and (D) of the Trading With the Enemy Act, vested property may be returned to individuals who were persecutees of former enemy countries. In short, these individuals are to be treated as nonenemies. However, the Trading With the Enemy Act does not provide for the return to such persecutees or to nonenemy nationals of their proportionate share in the vested assets of enemy corporations in which they have an interest.

"On the other hand, under section 207(c) of Title II of the Act, persons who are nonenemy nationals may obtain return of their proportionate share of assets of corporations of Bulgaria, Hungary, or Rumania vested under title II of the International Claims Settlement Act, if 25 percent or more of the outstanding stock was owned at the date of vesting by such persons.

"However, section 207(c) makes no similar provision in the case of stock of such corporations owned by persecutees, or in the case of assets vested under the Trading with the Enemy Act. There would appear to be no valid reason for making a distinction between nonenemy nationals and persecutees since both categories are considered as having nonenemy character; nor for making a distinction between vested assets under the Trading With the Enemy Act and vested assets under title II of the International Claims Settlement Act. It is to effectuate fair treatment in these two respects that the legislation is needed."

I hope the time is at hand when we can have this legislation, for it is an old principle that justice delayed is justice denied, and it has been denied a long time.

Mr. MORSE. This matter involves four persons in regard to the Hungarian claims. As the State Department points out, their assets were put in the Hungarian claim fund by error.

The Senator from Iowa [Mr. Hickenlooper], who has been handling the matter on the other side of the aisle, agreed, when this was explained to him this morning, that I should follow the course of action I now suggest.

In the last report of the Committee on Foreign Relations there was contained this language which I shall now read for the Record:

As far as can be determined S. 2064—

Which was the number of the bill at that time—

would affect four stockholders or their heirs of one substantial seized property, the Chinion Chemical & Pharmaceutical Works, Ltd., a Hungarian firm. Based on the percentage of the stockownership of the prospective claimants (none of whom is a U.S. citizen), approximately $120,000 is involved. The assets of the corporation were liquidated by the Office of Alien Property and the net proceeds were deposited in the Hungarian claims fund in the Treasury. Subsequently, pro rata payments were made to American citizens who had claims against the Government of Hungary.

The claimants dealt with here are not and never have been American citizens. They were persecuted by enemy governments, and the proceeds of their property should never have been paid into the Hungarian claims fund in the first place, but rather should have been returned to them—

That is the point which the State Department stresses in connection with this case. The original error was that these funds should never have been paid into the Hungarian claims fund in the first place—

if their property had not been in the form of stock this would have been done.

S. 2064 simply rectifies this wrong. It fits into the framework of general U.S. international policies with respect to the blocking and vesting of the property of persecutees or of nonenemy nationals. These policies support the principle that the private property of Allied nationals or the victims of enemy persecution shall not be indiscriminately seized for reparations or similar purposes. The United States has upheld this principle as regards Americans or other nonenemy property interests abroad and at home. The effect of S. 2064 will be to bring the practice with respect to the rights of persecutees in vested property in this country into line with the position which the United States has traditionally taken.

As it pointed out above, under existing law there are differences in treatment as between persons having certain interests in assets which were vested under the Trading With the Enemy Act and persons having similar interests in assets which were vested under title II of the International Claims Settlement Act. The committee does not believe there is any legal or equitable justification for the application of a double standard in cases of this nature. It recommends, therefore, that S. 2064 be passed by the Senate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. As amended in accordance with the proposal of the senior Senator from Oregon, would the bill make it clear that those people who have been unqualified to make the claims will not now be qualified by the language of the bill to seek remuneration?

Mr. MORSE. I make that a part of the legislative history. That is true.

Mr. AIKEN. There seems to be some difference of interpretation of the Senate bill as passed yesterday. I am sorry to say I was not here either. However, will this clarify it?

Mr. MORSE. My amendment in no way affects or relates to claims dealt with in H.R. 9063.

Mr. AIKEN. And it would not qualify those who would otherwise be unqualified?

Mr. MORSE. The Senator is correct.

Mr. AIKEN. Except in those four cases.

Mr. MORSE. That is the legislative history, and in those cases they were not unqualified; the proceeds of their property got into the wrong fund and the State Department wishes to correct that error.

Mr. AIKEN. There seemed to be some fear on the part of some people that the Senate bill would have qualified large numbers of people, who would not otherwise have been entitled to do so, to make claims for settlement.

Mr. MORSE. The State Department knows of only four individuals or their heirs, to whom my amendment applies. At least, there were four some 20 or so years ago when I first took an interest in their problem, and I am frank to say I do not know what has become of them.

Their problem is that the law already states their entitlement to a claim but neglects to make available a source from which to pay it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. The information which the Senator from Vermont seeks is now in the RECORD and it indicates the intent of Congress; and the answer to the question of the Senator from Vermont is in the affirmative.

Mr. AIKEN. It was my purpose to ascertain, and I now understand from the reply of the Senator from Oregon, that the Senate does not intend to qualify large numbers of people for foreign claims.

Mr. MORSE. Not at all.

Mr. AIKEN. It would not qualify people who would not otherwise be qualified.

Mr. MORSE. It would apply to these four Hungarian claims.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I thank the Senator from Vermont [Mr. AIKEN], the Senator from Montana [Mr. MANSFIELD], and the Senator from Iowa [Mr. HICKENLOOPER] for the approval and support which has been given me in committee this morning to follow this course of action.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Virginia [Mr. BYRD] is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without losing his right to the floor?

Mr. BYRD of Virginia. I yield.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar and that all of the nominations be considered en bloc, with the exception of Calendar No. 1566, which I ask be recommitted to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider executive business.

POSTMASTERS

The assistant legislative clerk read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask that the nominations of postmasters be considered en bloc, with the exception of Calendar No. 1566, which I have heretofore requested be recommitted to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Without objection, the nominations of postmasters, with the exception of Calendar No. 1566, are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nomination in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the Department of Justice be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Department of Justice are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Winston E. Arnow, of Florida, to be U.S. district judge for the northern district of Florida;

Harry Pregerson, of California, to be U.S. distirct judge for the central district of California;

Gerhard A. Gesell, of the District of Columbia, to be U.S. district judge for the District of Columbia; and

Clyde O. Martz, of Colorado, to be Assistant Attorney General.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. BYRD of Virginia. Mr. President, this is the fourth day in a row—Monday, Tuesday, Wednesday, and Thursday—that I have risen to discuss one section of the pending legislation, namely, H.R. 7819. I refer to page 135, section (b), lines 6 through 17.

Mr. President, at this point I ask unanimous consent that the text of these lines 6 through 17 be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> (b) In the event that no appropriation for the purpose of making payments pursuant to title I of the Elementary and Secondary Education Act of 1965 is made prior to the 15th day in May immediately preceding the beginning of any fiscal year, the Commissioner may execute grant agreements for grants pursuant to such title for such fiscal year. Such grant agreements shall be obligations of the United States. The amounts of such grant agreements shall be determined on the basis of an appropriation for the purposes of such title equal to the amount appropriated for such purposes prior to the 15th day in May for the fiscal year in which such day occurs.

Mr. BYRD of Virginia. Mr. President, I have been deeply concerned about this proposal which has been recommended, unanimously I understand, by the subcommittee of which the distinguished senior Senator from Oregon is chairman.

I have been deeply concerned about this provision because this accentuates a trend in Government in recent years which I think is very unwholesome. The proposal, as it comes before the Senate, would permit a department of the executive branch to obligate the U.S. Government for funds which have not been appropriated by the Congress of the United States.

The Senator from Virginia is not a lawyer, but it appears to me that this is clearly an unconstitutional provision because the Constitution provides that the Congress shall appropriate before money is spent.

The distinguished senior Senator from Oregon is one of the great constitutional lawyers of our Nation. If he says that this is constitutional I accept his statement as to its constitutionality. However, I will not accept anyone's viewpoint in regard to the wrongness of this provision.

I am clearly convinced that if the Congress should pass this proposal that it would lead to greater domination by the executive branch of Government. It will lead to less control by Congress of taxpayers' funds. In this respect I think it is important to mention that there is only one place our Government can obtain the funds to run the Government and that is from the pockets of individual citizens. The bulk of this money comes from the lower income groups and the middle-income groups.

Mr. President, I have presented an amendment. It is a very simple amendment and it consists of only one line. It is amendment No. 488. It would delete lines 6 through 17 on page 135 of the bill.

So far as I am concerned, I am prepared to vote on it at any time deemed desirable by those who take a contrary view.

One thing I hope will not be done is to mix it up with any controversy over a civil rights amendment or amendments, or in any controversy over the racial question.

My amendment has nothing to do with the racial question. It has nothing to do with civil rights. It has nothing to do with States rights.

I should like to ask that my amendment be voted on before we get into any emotional matters concerning any aspects of civil rights.

Mr. President, if the Senator from Oregon were present—which unfortunately at this moment he is not—I should like to query him as to when he would like to bring up the amendment. I have read press reports that some southern Senators have been stalling in regard to the bill. Being a southern Senator, I suppose I could be included in that category.

Mr. MORSE. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. MORSE. I want to testify that there has been no stalling on the part of southern Senators, northern Senators, or anyone else connected with this bill. As the Senator in charge of the bill, I stand before the Senate today to thank whom the Senator refers to as southern Senators. We have been in many conferences together, trying to do our job and to work out an acceptable compromise on the Russell amendment. I am glad to say that we are making great progress.

Mr. BYRD of Virginia. That is certainly good news.

Mr. MORSE. I would be less than appreciative if I did not publicly thank the Senator from Virginia [Mr. Byrd] for his complete cooperation with the Senator in charge of the bill. Also the Senator from Mississippi [Mr. Stennis]—and the Senator from Georgia [Mr. Russell] before he left—although I understand that he may be back today; and also the Senator from South Carolina [Mr. Thurmond]. These men have all worked with me. They know how difficult this assignment is. We have been trying to find a middle ground which will protect the principle and at the same time render justice.

Mr. BYRD of Virginia. I thank the Senator from Oregon. That is exactly the view I have held. I know of no justification for the assertions which have been made that there has been stalling on the part of some southern Senators in regard to this legislation.

What I was getting around to saying was that because those charges have been made in the press, I want it made clear that I am prepared to vote on my amendment at any time. I am ready to vote on it now, 2 hours from now, or 3 hours from now. But, there is one thing I do not want to happen to it. I do not want it to be confused, or mixed up, or come after any amendments dealing with racial or civil rights matters.

In that connection, I should like to ask the Senator from Oregon whether it might not be well to bring up the amendment today and dispose of it before we get into controversial amendments, one of which, I understand, will be offered by the Senator from Georgia [Mr. Russell] and another by the Senator from Oregon [Mr. Morse].

Mr. MORSE. Let me say to the Senator from Virginia that I think we will be in a position to take up his amendment some time during the afternoon. I want first to confer with him about it. I think that here is an amendment which, with perhaps some modification, or perhaps none at all, we may find ourselves in a position to accept.

It relates to another part of the bill which I have not had an opportunity to talk about. I am having counsel prepare me a memorandum on the subject. As soon as I receive it, I shall talk to the Senator about it.

Mr. BYRD of Virginia. Let me ask the Senator from Oregon this: Would it be satisfactory to him for my amendment to be called up prior to the time we go into any of the so-called civil rights amendments?

Mr. MORSE. Yes.

Mr. BYRD of Virginia. I feel certain that the Senator from Oregon would not want this legislation to pass as it was reported by the committee. I cannot conceive that Congress would pass this legislation. It seems to me it is one of the most far-reaching pieces of legislation yet presented to Congress. The more I think about this proposal, the more concerned I am about it. It has kept me awake for 3 nights now, and I do not like to be kept awake for 3 nights. I should like to get it out of the bill. I shall be glad to confer with the Senator from Oregon and try to arrange a time to meet him, if that is his wish.

Mr. MORSE. We will have the discussion. As the Senator knows, this particular section of the bill is what is known in the committee as the Prouty amendment, which we accepted; but that does not mean it is not subject to modification.

It was created as a result of the testimony given by school people all over the country of their need for some forward funding, so that they would be able to plan for a year ahead. I shall give the Senator all the facts later today as to why we adopted the Prouty amendment in its present form, but I want to say that it does not mean we shall insist it stay in that form in the bill. I think that we can very well work out some language which will meet the needs of the school boards and which will also remove the objection of the Senator from Virginia. I share the basic principle of his objection.

Mr. BYRD of Virginia. I thank the Senator from Oregon. I should like to be helpful to the school boards, but I am more concerned about protecting what I consider to be a vital principle of government; namely, that only Congress can appropriate or spend the taxpayers' money.

I thank the Senator from Oregon.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DODD TOMORROW

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that at the conclusion of the prayer and the reading of the Journal on tomorrow, the distinguished Senator from Connecticut [Mr. DODD] be recognized for up to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 376 Leg.]

Aiken
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Clark
Cotton
Ervin
Fong
Griffin
Hill
Hruska
Kuchel
Lausche
Long, Mo.
Mansfield
McGee
McGovern
Metcalf
Miller
Monroney
Montoya
Morse
Nelson
Pell
Randolph
Sparkman
Thurmond
Yarborough

Mr. BYRD of Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Maryland [Mr. TYDINGS], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. KENNEDY], the Senator from Georgia [Mr. RUSSELL], the Senator from Maryland [Mr. BREWSTER], and the Senator from Idaho [Mr. CHURCH] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Kansas [Mr. PEARSON] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from New York [Mr. JAVITS], is absent to attend the funeral of Francis Cardinal Spellman.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Brooke
Burdick
Cannon
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Fannin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Holland
Jackson
Jordan, N.C.
Kennedy, Mass.
Long, La.
McCarthy
McClellan
McIntyre
Mondale
Morton
Mundt
Murphy
Muskie
Pastore
Percy
Proxmire
Smathers
Smith
Spong
Stennis
Symington
Talmadge
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

AMENDMENT OF FOOD AND AGRICULTURE ACT OF 1965

Mr. HOLLAND. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2126.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2126 to amend the Food and Agriculture Act of 1965 which was, strike out all after the enacting clause and insert:

> That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

Mr. HOLLAND. Mr. President, the amendment is purely a change of words from one line to another. It is a good change.

I move that the Senate now concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 487

Mr. HARTKE. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD, is as follows:

> On page 136, between lines 22 and 23, insert the following new section:
>
> "EXPANSION OF PROGRAM
>
> "SEC. 503. (a) Section 303(c) of the Adult Education Act of 1966 is amended by adding at the end thereof the following new sentence: 'Such education may include citizenship training, parent education, and consumer education.'
>
> "(b) Effective after June 30, 1968, section 305(a) of such Act is amended by striking out 'who have completed not more than five grades of school (or have not achieved an equivalent level of education)' and inserting in lieu thereof 'who do not have a certificate of graduation from a school providing secondary education (or its equivalent)'."
>
> On page 136, line 24, strike out "SEC. 503" and insert in lieu thereof "SEC. 504".
>
> On page 137, line 6, strike out "504" and insert in lieu thereof "505".
>
> On page 137, line 9, strike out "$70,000,000" and insert in lieu thereof "$90,000,000".
>
> On page 137, line 10, strike out "$80,000,000" and insert in lieu thereof "$100,000,000".
>
> On page 137, line 11, strike out "$90,000,000" and insert in lieu thereof "$110,000,000".

Mr. HARTKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. Is there any limitation on time?

The PRESIDING OFFICER. There is no limitation on time.

Mr. HARTKE. Mr. President, I have called up my amendment to improve the provisions of H.R. 7819 with respect to title III of the 1966 Elementary and Secondary Education Amendments, the Adult Education Act of 1966.

The amendment I offer is based on my bill S. 1995, on which it was my privilege to testify before the education subcommittee on August 9. It encompasses the portion of that bill which would first, expand the definition of adult education to include citizenship training, parent education, and consumer education as permissive in the curriculum; second, strike out the limitation to those who have completed no more than five grades of school and replace it with provision to include those who have not graduated from high school or received an equivalency certificate; and, third, in order to enable the public schools, or the nonprofit agencies specified in the committee bill, to conduct a program reaching into the dropout group above the fifth grade level, the amendment authorizes an additional $20 million for each of the fiscal years 1969, 1970, and 1971, raising the totals for those years to $90 million, $100 million, and $110 million respectively. There is no additional money authorization for fiscal 1968, which would remain at the committee figure of $60 million.

Mr. President, I am proud of the fact that the Adult Education Act of 1966 was derived from my bill in the 89th Congress, S. 3012. It was a great forward step when for the first time we moved to authorization of Federal support to adult education programs through the public schools designed to go beyond the idea of basic adult education. Part of that forward step was the placing of both adult education as defined in the act and basic adult education, formerly in the Office of Economic Opportunity, under the Office of Education.

But it was only a first step. It is for that reason that I submitted S. 1995 this year, and I am grateful to the committee for the consideration it was given in hearings. I am pleased with the forward steps they have taken in presenting to us the changes they have incorporated in the present bill. Those changes are outlined on pages 46 to 48 of the committee report. They include greater equity for all the States through the new basic allotment provision, the inclusion of private nonprofit agencies for special projects reimbursable by the State agency, a 100-percent Federal share for the Pacific Trust Territory, extension of the program for 3 years, and an increase in authorizations.

While these are desirable changes, they do not go to the heart of the problem of adult educational deficiencies. It is fine and necessary to remedy the basic illiteracy of those who have never gone to school and who are not even able to read and write—a shameful 3 million in this country; or of the 11 million who have the equivalent of less than 6 years of schooling. But the adult who has not completed high school finds that most of the doors to further vocational and civic effectiveness remain closed to him. Possession of the high school diploma is increasingly a basic requirement for securing employment, for advancement on the job, for enrollment in job retraining, for admission to institutes of higher education, and for increased personal and cultural status with fellow workers and members of his family.

The purpose of the Adult Education Act as set forth in my original bill, S. 3012, was stated as "to encourage and expand educational programs for adults who have not completed secondary school or otherwise achieved an equivalent level of education." But as enacted, the purpose as stated is "to encourage and expand basic educational programs for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training," and so on.

The amendment now offered is an attempt to once more return to the concept of assistance through adult education in the public schools not merely to the very most educationally deprived but to all who have not completed high school. As I envision it, we should be mounting a massive attack on all educational deficiencies below the high school graduation level, opening up opportunity for those who at any time became dropouts before securing such an attainment. This is not to minimize the need for special concentration, in words from section 305(a) of the present law, upon "adults who have completed not more than five grades of school." But these are not the only educationally disadvantaged in today's America, where full opportunity for high school level achievement needs to be offered the person over 18 who wants to make up for an earlier lack. The change I propose, therefore, would replace the portion I have cited—the fifth-grade standard—by expansion to all who have not completed secondary education. In short, what is proposed is the continuation of what we have started—the upgrading of our sights and our program to create opportunity and encouragement for all elementary and secondary school dropouts.

Mr. President, there are some 60 million people in the United States who have not completed a high school education. Yet there are very few evening or adult high schools where dropouts in adult life can earn a high school diploma. I am informed that Ohio, for example, with 3½ million persons over 18 who have not completed high school—and Ohio is fairly typical—has only 12 chartered adult public high schools where such a person can earn a high school diploma. Even these are not under any State plan, as the Adult Education Act would provide, but entirely at the option of the local school district—and for those who attend, tuition is almost universally involved.

Federal educational efforts to date have been geared almost entirely to the vocational training of the unemployed and the teaching of functional illiterates. Of the hundreds of bills passed by Congress relating to education, none to this date enables a high school dropout to complete his high school education. Here, as I said last year, is the one remaining void in our efforts, which otherwise extend from Operation Headstart for the pre-schooler to support postgraduate college education in a variety of fields from science to veterinary medicine.

But while we are concentrating much effort on those who are actually in school, or who are about to begin, once a youth has dropped out society tends to write him off as having had his chance and therefore he is condemned to the limited opportunities open because of his limited education. Today, more than ever before, there is a general realization that failure to complete high school is a great handicap. Between 1953 and 1963, jobs filled by high school graduates increased by 30 percent—but at the same time jobs for those with only an eighth-grade education decreased by 25 percent. Many of those affected, many of those who have dropped out in the past, now realize their error. But they have no recourse. They are out. They are penalized for their lack, without the opportunity to make it up.

Yet it can be done. In order to do it, however, on a general scale, we cannot rely on initiative from the local school system, already so hard pressed and bulging at the seams as the school-age population exerts its pressures. There is need for funds, for specific adult education divisions in public school systems far beyond those existing, for opportunities which many of these people would gladly seize if they were available.

As I pointed out last year, in an Office of Education study it was found that only 4,480 school systems out of 15,200 offered any type of adult education program. Yet the city of Los Angeles illustrates what can be done. There—and the figure is doubtless higher now—in 1964 the school system operated 27 adult schools with 100 branches, and the enrollment was 66,000. In Indianapolis the Arsenal Technical High School, working with the State educational office, provides instructors and conducts programs in four manufacturing companies, with the classes held in the plant before or after shifts. Western Electric, for example, held a cap-and-gown graduation for its in-plant high school this year in which the graduates marched through the plant to the applause of fellow workers at their machines. Thirty-six received diplomas.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly so that we may ask for the yeas and nays on the amendment?

Mr. HARTKE. I am glad to yield.

YEAS AND NAYS ORDERED

Mr. BYRD of West Virginia. Mr. President, I request the yeas and nays on the pending amendment.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. The Chair requests that the Senator from Indiana suspend momentarily so that the Presiding Officer may request order in the Senate.

The Senate will be in order.

The Senator from Indiana may proceed.

Mr. HARTKE. Mr. President, I visited the Western Electric plant and I had an opportunity to witness classes in session. It was quite an experience. Before a man can be employed at this plant he must have a high school diploma or its equivalent.

Here we have an excellent example of a corporation working in conjunction with the public school system to provide high school graduates. However, this is going to phase out because in the future they will not have an opportunity to be considered for employment, let alone complete high school.

Among many such persons there is an eagerness to learn but no opportunity in most parts of the country. In a climate of acceptance of such a return to the classroom in adult education, there could be a vast upgrading. With educational qualification so universally tied to job opportunity, as with the educational advances made through the GI bill at the college level, the cost of the education would certainly be recouped through greater earnings and subsequent higher tax return on them.

So far, most of the effort by the Federal Government to deal with the high school dropout has been to try to encourage his return to day high schools. But they are already overcrowded, the dropout is seldom really welcome nor at home in that situation, and the approach simply does not work. We can no longer in our society afford to shirk responsibility, to say to the dropout, "That's just too bad. You made a mistake but we have no means of helping you rectify it." The school of experience is rarely a satisfactory substitute for the missed educational opportunity.

We have made a start with the Adult Education Act of 1966. We have established a principle, but we have not scratched the surface of the need. We need to enlist the active participation of school systems for a concentrated attack at the point of greatest unmet need, the adult who has not completed high school. I hope that we may do so through the adoption of the amendment I propose.

That the Founding Fathers regarded education as an indispensable component of the democratic process, there can be no question. In a letter to a friend in 1820 Jefferson wrote:

> I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education.

Madison, the architect of the Constitution, expressed a similar viewpoint in 1822 when he observed that—

> A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or both.

This point needs no extensive laboring. Henry Steele Commager, a contemporary analyst of the American scene, sums it up rather well. Says Commager:

> The first and most urgent task of education was to provide an enlightened citizenry in order that self-government might work.

As we look about us today the record of American education in the achievement of its assigned objective, namely, the creation of an enlightened citizenry, leaves something to be desired. Our record of participation in the processes of democracy is the lowest of any of the major free nations of the world. Over the past 50 years, about 60 percent of our eligible electorate have exercised the right to vote in our general elections. From J. Edgar Hoover on down to the policeman on the beat we get the unanimous verdict that crime on the streets is increasing. We have over 22 million adults who do not have the equivalent of an eighth grade education, with over half of our adult population lacking high school diplomas. Our inability to solve our domestic problems cries out in the headlines of our daily press.

Today there is as great a need for universal free higher education as there was for free universal secondary education when we made the change to the public high school system.

We have made a start in that direction in a variety of ways. In spite of the higher costs to the students, we have—both through our general economic strides forward and through specific development of student financial aids—made it possible for more and more young people to secure the education needed for today's world.

Even so, when all is done to bring higher education to the last able boy and girl, there is and will be the need for continuing adult education. The lightning pace of our times, the accelerating obsolescence of knowledge the impact of science and technology; these are the baffling dimensions of our times to which even those of us who live today find difficulty in making adjustment. But adjust we must, or perish. This is the demanding imperative of a dynamic society. Today's education must be tailored to meet the needs of a world that moves in swift transition from our yesterdays to our tomorrows. Our todays afford but a fleeting glimpse of that narrowing sliver of light we call the foreseeable future.

Our educational philosophy must be revamped and revitalized to include the adult. It is the adult who sculps the visage of the world which swirls about us, not the child. Throughout our history we have fostered a curious contradiction in our education; we have educated the child, who could not participate in the affairs of democracy while we denied continuing education to his parents who were charged with making the decisions which shaped our national destiny. To cope with the awesome social problems that now confront us, we must arm the adult with facts and information that relate to the living moment. The world of tomorrow cannot be built upon the obsolescent learning obtained in yesterday's classroom. Robert M. Hutchins capsuled the challenge of today's education in a more facetious vein when he observed that—

> We can no longer wait for the "rising" generation to rise.

Engagement in politics is but another name for the responsibility which invests with every American citizen in the moment of his birth. To discharge this responsibility with wisdom and purpose requires the assistance of educational guidance and training. The need for this education exists as long as the responsibility of citizenship endures. Obviously, the responsibility is coterminous with life itself.

To what other agency in our society does the individual have a better right to go for this assistance than to his public school, the one institution that he supports with his taxes and, more importantly, the one institution that was set up for this very purpose.

I believe in adult education. I believe that the continuing education of the American adult will soon be recognized as equally important as the education of the child. It was this conviction that prompted me to sponsor the Adult Education Act of 1966, which transferred the adult basic education program from the Office of Economic Opportunity to the U.S. Office of Education.

This was probably the most significant legislative victory that public school adult education has ever achieved for it made adult education an official member of the education family in Washington. The present amendment to the Education Act will provide a curriculum encompassing the 12th-grade level of instruction.

Education is a force of infinite power but its influence for good or evil is determined by the society it represents. It can either free or enslave the minds of men. Our education must be related to the sweep and substance of the democratic process.

Our task is clear: We must create a citizenry that is more socially conscious and politically wise than ever before. The converging currents of our time demand a new relationship between education and society. We must produce a generation of adults that have the will and the ability to translate the democratic concept into their daily lives. The need is urgent. This amendment will help solve that need.

Mr. President, let me say, in substance, that what we do with the amendment is very important. A fifth-grade education or its equivalent is no longer good enough, because of the way our society is moving along. The least that we can do is to provide an opportunity for the high school dropout, or whatever other reason it may be, and say to him, "We will upgrade American society from the fifth grade to the 12th-grade level." I certainly think that is not asking too much.

Mr. President, I urge adoption of my amendment.

Mr. MORSE. Mr. President, the Subcommittee on Education has given careful consideration to the proposal made by the Senator from Indiana [Mr. HARTKE] in connection with our markup of the Elementary and Secondary Education Amendments of 1967.

The amendment which Senator HARTKE is now proposing, has, as I understand it, the same purpose as the bill he introduced earlier in this session—to extend support for adult education to cover high school equivalency programs.

Our committee is in total sympathy with the purpose of the Senator's amendment. I believe that the time is coming when the concept of adult education will be broadened to include not only basic education to enable persons to function in our society—but to make available the equivalent of a high school education to all adults who failed to complete high school as youths. I wish that we could move toward that goal in this years legislation.

But, frankly, your committee was faced with a tight budgetary situation on all education programs. As the Senate well knows, title I of the Elementary and Secondary Education Act is funded at less than half of the authorization which your committee feels would be needed if we were to meet the educational needs of deprived children in this Nation.

It therefore would be unfair and raise unrealistic expectations to extend the coverage of adult education programs beyond any hope of funding such programs.

Mr. President, I do not think we should mislead those who need adult education when we do not have enough funds to take care of the adult education programs already authorized. It will not only mislead the people to whom the extension would apply but will also create very serious problems in regard to title I, as I have just pointed out.

I will say to the Senator from Indiana that we considered the bill he introduced not only this year but also last year, and we accepted that part of the Senator's bill last year which provided for the adult basic education program. We included that as title III of the Elementary and Secondary Education Amendments of 1966. Senator HARTKE's bill went further to provide high school equivalency programs last year, as it does this year.

The adult basic education authorities are in the law. I want to say to the Senator from Indiana, and from the floor of the Senate this morning to his constituents in Indiana, that this is a great contribution he has made to existing education legislation. However, I do not believe in shadowboxing. I do not believe in raising false hopes. I do not believe in adopting something as a matter of form when we cannot put into practice as a matter of substance the goal the Senator from Indiana has in mind.

Let me say to him that we will reach that goal of adult education and we will reach it, in committee, through a Hartke amendment, but at the appropriate time.

I say further to the Senator from Indiana that when we have an opportunity really to implement a broader adult education program, over and above the present basic Hartke adult education program, the chairman of the committee will do it through the Senator from Indiana.

Mr. HARTKE. Mr. President, it is difficult for me in any way to disagree with the distinguished chairman of the Education Subcommittee because of the outstanding work he has performed, as well as his dedication in the field of education. No man stands as his superior in regard to his advocacy of upgrading American society in that field.

I want first to say to the Senator, we have been told we can have guns and butter. Well, we can have either guns or butter or we cannot have either guns or butter. Frankly, I do not even consider this butter. I consider it to be the staff of life.

Here is a boy who has dropped out of high school. Let us assume he goes into the service and when he comes out he realizes he must have a high school diploma, but he is now 25 or 26 years of age. To expect him to go back to high school and associate with boys and girls in the age group of 14 to 16 is not realistic. He has no place to go. American society turns its back on him. This is not butter for him. It is the staff of life. It is his bread. Yet, if he wants to go to the Western Electric Co., in Indianapolis, Ind., where they have a wonderful program of adult education, that is fine; but when they ask him for his high school diploma, and he must tell them he does not have one, he will not get in.

What do we tell these young men?

What is the answer of America today?

The cost of the war in Vietnam is approximately $4 million an hour. My amendment, which would provide for $20 million, is the equivalent of the cost of the war in Vietnam for 5 hours. The $20 million in my amendment would not take effect until 1969—not even fiscal year 1963. If we cannot provide that comparatively small sum of money, then I think that somewhere along the line our priorities are certainly out of order. I think it is high time we recognize that there are other societies in the world which do insist on giving opportunities to their young men and women for adult education besides America. We do not stand as a peer in the field of education any more.

Mr. MORSE. Let me make these replies to the Senator from Indiana, because he has quite a package of them which he has just presented to me. I do not think we are going to get guns and butter. As the Senator from Indiana knows, I am opposed to any denial of funds for carrying out the needed domestic programs of this country. He has heard me talk about them ad infinitum. I say this only in passing, but I happen to think that everything we need to keep the domestic economy strong we should not only authorize the funds for but should also appropriate the funds for.

I think we can do that, to support the strongest defense weapons we have, so far as the security of this country is concerned. But the Senator knows we are not going to get the funds. I think that to seek to authorize funds for an expanded program—and it is the program of adult basic education which the Senator is responsible for having in the law today—is to take on some of the characteristics, from my standpoint, of misleading many people, and raising a lot of false hopes. I think what we have got to see done is to implement the present, basic Hartke adult education program in existing law.

Mr. HARTKE. I grant the Senator that.

Mr. MORSE. The Senator from Indiana wants to come along now with a very fine goal and expand it even further. We discussed this in great detail in committee. I want to say that the Senator from Oregon, the Senator in charge of the bill, in committee, argued for the Hartke amendment up to the point where I ran into this stone wall in the committee, overwhelmingly. I only want to say that, on both sides of that table, the censensus of opinion was, "VANCE HARTKE has a good amendment, but we can't do anything about it this year, because we can't even get the funds we need for programs that we have already put into the law."

I would be less than honest if I did not say, also, that it was pointed out in that discussion that, important as we think adult education is, our first concern is with those who are still in the elementary and secondary schools. Adult education, prioritywise, has to be placed below those needs.

I spoke yesterday of some of the special programs, as I opposed Senator LAUSCHE and Senator BYRD, of Virginia, in their seeking to cut substantial education programs by limiting the bill for the next 2 years to the authorizations provided for this year.

I talked about some of the projects that we would not have if we accepted those amendments. We spent some time, as the Senator knows, on the new institutes proposed for children who are born deaf and blind. We must have a handicapped children's program. We must have the ghetto school program.

So, prioritywise, the committee is saying to the Senator that, "desirable as your program is, we cannot take it now." That is what I am saying in the rest of my statement.

Next may I say to the Senator from Indiana that I think the contribution he has already made to adult education, which we cannot fully implement yet, ought to cause him to agree with the committee to postpone any further action until we get out of the mess we are in foreign policywise.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HARTKE. I understand what happens to the chairman of a committee and that he has to abide by the wishes of his committee. I am fully cognizant of it. I know and every Senator knows how these things go. I have seen it happen. I have seen it happen in the social security program, when attempts were made to cut back on the needs of society. But we have to answer the question whether we can have guns and butter or whether we cannot have them both.

We cannot say to the people that we can fight the war and do what we need at home, and then not do it. Let everyone go on record on it. If anyone says we cannot provide the funds, that is all right with me, but I do not want to tell my people that I did not try. I think we ought to try. If the administration does not want to use those funds, let them make the decison as to where they are going to spend the money. But I do not want myself characterized throughout the Nation as being one of those individuals who says he does not want to take care of the necessary upbuilding of society here at home. I think this needs to be shown.

Many boys coming out of the service will not have high school diplomas. They are going to be denied jobs, not because they are not good men, not because they did not serve their country or risk their lives and, in some cases, had been injured, but because they do not have a high school diploma. This is the sine qua non for jobs in most industrial plants in this Nation.

All I am saying to this body is that if we cannot afford in fiscal 1969 the equivalent of 5 hours of the war in Vietnam, then somebody had better examine where we are going as a nation. I think these things should be clarified. I think it is time to clarify them. Frankly, if we cannot afford guns and butter, someone has to make that decision; but if we can afford guns and butter, let us give them the staff of life so they can provide for themselves and their own families.

Mr. MORSE. Mr. President, I want to make this comment in dealing with the Senator's argument. The administration has made clear that it is not going to give the country what it needs so far as the butter part is concerned. The other becomes a matter of time schedule. There are many other things left out of the bill that we should put in the bill, because we have got to make them our educational objectives for this country in the next few years ahead.

We went as far as we thought we could go to justify the authorization amount, as I showed on the floor of the Senate. That amount was very ably attacked by the Senator from Virginia [Mr. BYRD] and the Senator from Ohio [Mr. LAUSCHE], and the number of votes on the rollcall in support of their position was 27 votes. That is a substantial vote in the Senate of the United States. I think the vote yesterday showed how wise the committee was that we picked just about the right authorization limit that we could pick and sustain the bill.

If I accepted the Senator's amendment this morning, let me say there are a good many other programs I would like to seek to add to the bill, which would increase the authorization many millions of dollars. Our point was that one could not justify that at this time in view of the fact that we are in the war and it does have a fiscal effect. I wish we were not in it. I do not think we had any right to get into it. I do not think we have any right to stay in it on the basis of the policy under which we are in it. But that is beside the point or the job the manager of the bill has at this time.

The other point I want to make is that there are many people who need adult education who are going to have to have legislation to get that adult education. The Senator from Indiana twice referred to the GI's. They do not need it. The example the Senator used when he talked about the GI's is a bad example, because the GI will be protected under the GI bill.

Mr. HARTKE. Where will he go?

Mr. MORSE. The Senator talked about Westinghouse, General Electric, and others with their adult education programs. A GI can get the finances under the GI bill to carry on under the adult education bill.

Mr. HARTKE. Assuming the GI gets money, where does the boy who has been in the service, who is 26 years of age, go to get a high school education? Does he go back into the public high school and associate with 13-, 14-, and 15-year-olds? Where is he going to go?

Mr. MORSE. He can go to the many extension programs of colleges and universities particularly junior and community colleges that offer this kind of training program to help bring to that GI the training he needs for the equivalent of a high school education. We are not hurting the GI by not accepting the Hartke amendment. We are hurting the non-GIs, whom I also want to help to get a training program. The funds under the GI bill make possible development of programs, but not in connection with this bill.

Mr. HARTKE. I understand that. I am not confused on that bill. I understand money is provided to take care of a GI's financial obligations as far as his educational needs are concerned. But the mere fact that he is given money and told to go and get an education does not mean he will be able to get one. Is he to go into school and associate with 13-, 14-, and 15-year-old boys? The Senator from Ohio is on the floor. It was mentioned that in his State there are 12 institutions which offer adult education in the whole State of Ohio. That is no reflection on that State. It is typical. So where are these boys going? To those 12 schools? Colleges do not offer high school equivalent education.

Mr. MORSE. There are plenty of places for them to get an education if they want to pay the tuition bill. The GI bills will get the money for them. Strong as I am for the Senator's amendment, I am not so sure the program that will be worked out for the GI will be better outside the Senator's amendment than inside of it.

Mr. HARTKE. I know the Senator is as concerned as I am, but the fact still remains that, as far as the returning GI is concerned, he cannot go to night classes. There are no places for him. There are no facilities open to these boys for night classes. Unless we provide for them, those boys are not going to have them. Over half of the adult population, 60 million, do not have high school diplomas or the equivalent.

Mr. MORSE. If we accepted the Senator's amendment that GI would not have any place to go, either.

The acceptance of the amendment would not implement the amendment. Let us face the fact, as my committee faced it. The Senator will not have the funds; he will have to use his GI funds for the program I have talked about, in any event.

I do not think we ought to put something on paper to raise false hopes at this time. We know we are not likely to get the money; therefore, why should we put this amendment in the bill, and put the chairman of the committee in the position where the next fellow will be able to say, "You took HARTKE's amendment; why don't you take mine?" and the next in line can say, "You took HARTKE's amendment and A's amendment, why not take mine?"

What we ought to do, in the exercise of sound judgment, I believe, is seek maximum justification. That is what the committee has done. We can be reversed by the Senate. We hope we will not be, for we think we have a bill here that lays a good foundation on which to build when we come in next year, the year after, and the year after that. That is why I am not willing to accept the amendment.

Mr. HARTKE. I am not asking the Senator to accept the amendment. I just want the Senate to know I am doing everything I can to win the amendment, even to the point, perhaps, of embarrassing the Senator from Oregon.

I think this amendment establishes a principle that this Nation should no longer ignore: That a fifth-grade education for Americans is simply not enough. I would hate to have to face my constituents and say, "The best we can provide for most of the adult population of America is a fifth-grade education." When we have provided funds for everything from Headstart all the way through the graduate schools in our colleges, it is tragic indeed when we cannot provide a decent opportunity for those who are already adults.

Mr. President, I am willing to take a chance on funding for my amendment. If Congress does not want to appropriate this $20 million, then I think we will have cleared the air and established the point that we cannot fight the war abroad and continue to build the Great Society here at home. I think the air needs to be cleared. To those people who want to cut back on domestic programs, I say this is one program where I think they would be cutting back on the future of America.

Mr. MORSE. I think the air is already crystal clear as far as the policy of this administration is concerned. It does not have any intention, at the present time, of fighting this war and at the same time funding the domestic programs that ought to be funded. It is even talking about taking $7.5 billion out of an already too limited $22 billion domestic program, when they have a $75 billion defense program, with but $22 billion of that particular budget connected with Vietnam.

That shows what their policy is. That is why I have been speaking against the administration. But this morning I intend to limit myself to the education bill.

I would not want to take the Senator's amendment to conference, because I expect to have trouble enough in conference sustaining the amounts we have already proposed to be authorized under the bill.

Speaking for a substantial majority of my committee, I believe I have made it clear that we seek the goal the Senator from Indiana seeks, but we recognize that this is not the year to take further steps toward it. We took a major step last year when we accepted the Senator's amendment to last year's bill on basic adult education. We have not yet been able to fund that program. We intend to urge its funding.

I close this part of my answer to the Senator from Indiana by saying I want the legislative history to be perfectly clear, however, that failure to adopt the Hartke amendment will not in any way handicap returning GI's from obtaining funds to make it possible for them to go where they need to go, where the services are available, to advance, in night classes or special day classes their adult education.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. In just a moment.

Senator HARTKE's amendment goes further toward providing high school equivalency programs than what he proposed last year.

I yield to the Senator from Ohio.

Mr. LAUSCHE. I wonder whether it is possible to develop, through discussion between myself and the Senator from Oregon, the status of educational facilities now available in the Labor Department, the Department of Health, Education, and Welfare, and under the GI bill and such other programs as we already have.

Mr. MORSE. And in community colleges and technical institutions all over this country. I would love to take the Senator to my State, and show him what is being done in adult education programs, in night class after night class, for adults who do not have a high school education.

Mr. LAUSCHE. Does the Department of Labor have any program that provides help for adults in preparing themselves for particular vocations? My recollection is that it does.

Mr. MORSE. They have broad programs. Not only do they have broad programs of some long standing, but they have new programs.

For example, there flashes through my mind the amount of money that has just been made available by the Department of Labor in the District of Columbia for the so-called Pride program.

The Pride program is a literacy program and a job training program, and carries out exactly what the Senator from Indiana has in mind in regard to a general education program across the country.

I would have to admit that these opportunities are spotty, but they exist.

Mr. LAUSCHE. The Department of Labor has programs.

Mr. MORSE. And Poverty has programs.

Mr. LAUSCHE. Yes. The Office of Economic Opportunity has programs for dropouts, on which we are spending at least $7,500 a year to train each dropout. That is program No. 2.

Mr. MORSE. The Job Corps program.

Mr. LAUSCHE. Yes. Now, the GI bill of rights has been a very constructive program.

Mr. MORSE. It is not changed by our failure to agree to the Hartke amendment.

Mr. LAUSCHE. Yes. It is in existence.

Mr. MORSE. That is right.

Mr. LAUSCHE. Countless numbers of veterans of World War II and the Korean involvement procured educations which have fixed them firmly in our economy and our social structure, as a result of the GI bill of rights.

But let us take a look at whether or not there are available institutions to which the GI can go. One of my problems as Governor, after World War II, was watching the many institutions that developed to provide education for the GI, and to make certain that the GI and the Federal Government were not mulcted.

Mr. MORSE. Were not cheated.

Mr. LAUSCHE. That is right.

Mr. MORSE. Those overnight educational institutions that sprang up, which were pretty much on paper rather than really educational institutions, we had to watch. But accreditation machinery has helped to regularize the situation.

Mr. LAUSCHE. Under this program as it is now pending before us, I understand that there is $70 million provided for 1969, $80 million for 1970, and $90 million for 1971. Am I correct in that understanding?

Mr. MORSE. I do not have the figures in my head, but whatever the record shows.

Mr. LAUSCHE. The amendment of the Senator from Indiana would raise the amount by $20 million?

Mr. HARTKE. For fiscal year 1969. Nothing in 1968.

Mr. LAUSCHE. The amendment says, "On page 137, strike out $70 million."

Mr. HARTKE. Yes; but that deals with the authorization for fiscal 1969.

Mr. LAUSCHE. That is right.

Mr. HARTKE. And $80 million for 1970.

Mr. LAUSCHE. But the Senator's amendment does cover 3 years.

Mr. HARTKE. That is right.

Mr. LAUSCHE. So there is a program here, but the difference, as I understand it, is that the Senator from Indiana wants to raise the appropriations by $20 million a year for 1969, 1970, and 1971, and also change the formula under which the money is spent.

The Hartke formula, as it has heretofore existed, says that the money shall be used to train students who have completed not more than five grades of school; but the proposal the Senator now makes is that it be used to train adults who have less than a high school education.

Mr. HARTKE. Mr. President, the Senator's statement is a little incorrect. The amendment does provide for an additional $20 million in the 3 fiscal years—1969, 1970, and 1971.

The Senator is correct in his understanding about the present education law. It provides for an educational opportunity to be offered to those who have a fifth-grade education level or less. And it would upgrade those people and provide an opportunity for further education to any person with less than a 12th-grade education or a high school diploma or its equivalent, so that he might participate in the program.

The pending amendment would upgrade the standards of adult education from the fifth grade to the high school level.

Mr. MORSE. Mr. President, we had hoped that the funds available for educational programs would enable us to broaden the adult education program, perhaps this year. But I need not tell the Senate that funds are so limited that we are not able to do all we would like to do to meet the Nation's educational needs.

While the appropriations authorization for the present fiscal year is $60 million, only $40.5 million has been appropriated.

Thus, the requests from the States for support of existing programs for basic adult education—for reading, writing, and arithmetic to cope with functional illiteracy—are about four times the appropriations now available.

The minimal literacy needs must be met before we move on to the full equivalent of a high school education.

I say to the Senator from Indiana, therefore, that I do not think we should dilute the adult basic education programs by trying to spread the limited Federal support available too far when funds are not yet available to meet programs we authorized last year.

The adult basic education program of 1966 was the program of the Senator from Indiana. It is a great contribution which the Senator from Indiana has made to our educational legislation now on the books. His program strengthens adult basic education.

The House this past Monday passed an extension of the adult basic education program which did not authorize any increase in the appropriations for adult education. The House bill is basically a simple extension of the adult basic education program.

I am sure that both in the House and in the Senate there will be prompt consideration for extending adult education programs to the high school level in the future when there is a realistic prospect of funding them adequately.

I assure the Senator from Indiana—as I already have in my remarks—that I will support him in his commendable efforts to expand the coverage of adult education at such time, which I hope will be in the very near future.

Next year in my committee I shall give further consideration—because additional programs will be proposed—to an amendment submitted by the Senator. However, as for today, I hope that the Senate will reject the amendment of the Senator from Indiana.

I think it is what I call a false-hope amendment. It is an amendment that would, in all probability, have to be rejected in conference if it were added to the bill.

Furthermore, agreement to the pending amendment would make my problem in conference much more difficult. I think it is an amendment which obviously would have to be rejected in conference.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRIFFIN. Mr. President, I associate myself generally with the remarks of the Senator from Oregon and commend him for his high degree of responsibility in this matter.

It is not easy to oppose a program as appealing on the surface as is the amendment offered by the Senator from Indiana. However, I think the Senator from Oregon exactly right.

One of our big problems today involves the adequate funding of the many programs already on the books. We are having a difficult time doing that and, because we are not adequately funding and operating many of the programs on the books today, we find a good deal of discontent and unrest in the cities. Hopes have been raised too high already because of the limited funds that are available.

I remember the consideration of the adult education matter when I was a Member of the House. While I do not have all of the facts and statistics at my fingertips, I recall that we were aware of the fact that community colleges do, in large part, serve the concern of the Senator from Indiana, although I would be the first to admit that they probably do not do an adequate job.

We were concerned in the House at the time about the fact that adults who did not have primary education in grades from one to five had no place to go. An urgent need existed among this group.

I believe we ought to adequately fund and expand the community junior colleges around the country.

I know that the Senator from Oregon has been interested in that field, as I have been over the years. Those institutions can perform this function. I do not think we have to set up a new or different program. We need to more adequately fund the programs already in existence.

Mr. MORSE. I agree with the Senator from Michigan. And I thank him very much.

Mr. HARTKE. Mr. President, will the Senator from Oregon yield so that I might ask a question of the Senator from Michigan?

Mr. MORSE. I yield to the Senator from Indiana.

Mr. HARTKE. Mr. President, how can the Senator from Michigan say that he is basically in favor of community college facilities and hopes that they will continue to provide adult educational facilities when the very purpose of the community colleges is to provide further education for those who have completed high school?

Mr. GRIFFIN. Mr. President, I take issue with the Senator from Indiana.

Many students in community junior colleges are not working toward a degree. There are many programs that do not require a high school diploma for one to enter a community college. This is the very purpose of many community colleges—to serve that need as well as the need of those who want to take the first 2 years of college.

Mr. HARTKE. How many junior colleges will admit people with an eighth-grade education or less?

Mr. GRIFFIN. I cannot say for certain. However, I know that in my State we have junior colleges doing this all the time in their extension programs.

Mr. HARTKE. They are taking those with less than an eighth-grade education?

Mr. MORSE. The night courses in many of these junior colleges are literacy courses. People are being taught to read and write so that we can prepare them for job training.

The adult education program in connection with the community colleges in this country is spreading at a very rapid rate.

Mr. President, I suggest the absence of a quorum which I will withdraw shortly. I do this to give notice that the Senate is about to vote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. Ellender], the Senator from Tennessee [Mr. Gore], the Senator from South Carolina [Mr. Hollings], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Magnuson], the Senator from Wyoming [Mr. McGee], the Senator from Utah [Mr. Moss], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Maryland [Mr. Tydings] are absent on official business.

I also announce that the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], and the Senator from Georgia [Mr. Russell] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. Ellender], the Senator from Arkansas [Mr. Fulbright], the Senator from Georgia [Mr. Russell], the Senator from Hawaii [Mr. Inouye], the Senator from Oklahoma [Mr. Harris], and the Senator from New York [Mr. Kennedy] would each vote "nay."

On this vote, the Senator from Maryland [Mr. Brewster] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Maryland would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] and the Senator from Idaho [Mr. Jordan] are absent on official business.

The Senator from Kansas [Mr. Pearson] and the Senator from Pennsylvania [Mr. Scott] are necessarily absent.

The Senator from Vermont [Mr. Prouty] is absent because of illness.

The Senator from New York [Mr. Javits] is absent to attend the funeral of Francis Cardinal Spellman.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Idaho [Mr. Jordan], the Senator from Kansas [Mr. Pearson], and the Senator from Pennsylvania [Mr. Scott] would each vote "nay."

The result was announced—yeas 12, nays 66, as follows:

[No. 377 Leg.]

YEAS—12

Bayh
Byrd, W. Va.
Gruening
Hart
Hartke
Mansfield
McGovern
Metcalf
Mondale
Nelson
Yarborough
Young, Ohio

NAYS—66

Aiken
Anderson
Baker
Bartlett
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Hansen
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Kennedy, Mass.
Kuchel
Lausche
Long, Mo.
Long, La.
McClellan
McIntyre
Miller
Monroney
Montoya
Morse
Morton
Mundt
Murphy
Muskie
Pastore
Pell
Percy
Proxmire
Randolph
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—22

Allott
Brewster
Church
Ellender
Fulbright
Gore
Harris
Hollings
Inouye
Javits
Jordan, Idaho
Kennedy, N.Y.
Magnuson
McCarthy
McGee
Moss
Pearson
Prouty
Ribicoff
Russell
Scott
Tydings

So Mr. Hartke's amendment was rejected.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIGIOUS LIBERTY

Mr. ERVIN. Mr. President, let us consider the first amendment, which was designed to make Americans spiritually free.

If we are to understand the first amendment, we must recur to history. This is so because we cannot understand the institutions and laws of today unless we understand the historical events out of which they arise.

As we recur to history, we will do well to remember that a nation which ignores the lessons history teaches is doomed to repeat the tragic mistakes of the past. Let us pray that America may not do this in respect to church and state relationships.

The most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way.

As one of America's wisest jurists of all time, the late Chief Justice Walter P. Stacy, of the Supreme Court of North Carolina, declared in the opinion he wrote in *State* v. *Beal* (199 N.C. 278):

> For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth. It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut.

The Founding Fathers who wrote the Constitution of the United States were acutely aware of these truths.

They saw with the eyes of history the throwing of Christians to the lions in the Colosseum at Rome; the bloody Crusades of the Christians against the Saracens for possession of the shrines hallowed by the footsteps of the Prince of Peace; the use by the Papacy of the dungeon and the rack to coerce conformity and of the fiery fagot to exterminate heresy; the unspeakable cruelties of the Spanish Inquisition; the slaughter of the Waldenses in the Alpine Valleys of Italy; the hanging and jailing by Protestant kings of English Catholics for abiding with the faith of their fathers; the hanging and jailing by a Catholic queen of English Protestants for reading English Scriptures and saying Protestant prayers; the hunting down and slaying of the Covenanters upon the crags and moors of Scotland; the killing of half the people of Germany in the Thirty Years' War between Catholics and Protestants; the massacre of the Huguenots of France;

the pogroms and persecutions of the Jews in many lands; the banishing of Baptists and the execution, jailing, and branding of Quakers by Puritan Massachusetts; and the hundreds of other atrocities committed in the name of religion.

The Founding Fathers knew, moreover, that even during their own lifetime those who did not conform to the doctrines and practices of the churches established by law in the places where they lived, such as Scotch-Irish Presbyterians in Ulster, Catholics in England and Ireland, and dissenters in various American colonies, had been barred from civil and military offices because of their faiths, had been compelled to pay tithes for the propagation of religious opinions they disbelieved, and had had their marriages annulled and their children adjudged illegitimate for daring to speak their marriage vows before ministers of their own faiths, rather than before clergymen of the established churches.

The Founding Fathers were determined that none of these tragic historical events should be repeated in the nation they were creating.

To this end they inserted two provisions in the Constitution of the United States.

The first of these provisions appears in article VI and declares that—

> No religious test shall ever be required as a qualification to any office or public trust in the United States.

The second appears in the first amendment, and states that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

What did the Founding Fathers intend to do when they embodied these words in the first amendment? The answer to this question becomes clear when we consider the events which preceded the writing of the first amendment.

At the time of the settlement of the Thirteen Original Colonies, every nation in Western Europe and the British Isles had what were known as established churches. These churches were established by law, and the law compelled all persons, including those who dissented from their religious beliefs, to attend their services. The law furthermore required all persons to pay taxes for the construction of church buildings and the support of the clergy of the established churches.

An overwhelming number of the colonists who came from Europe to America came primarily to secure religious liberty and freedom from taxation for the support of established churches. Unfortunately, when they came to America, they found that in many of the colonies predominant groups had set up established churches here, and that in consequence they were compelled, in such colonies, to pay taxes for the support of churches whose religious doctrines they disbelieved.

There is more than a modicum of historical truth in the statement of Artemus Ward to the effect that:

> The Puritans nobly fled from a land of despotism to a land of freedom, where they could not only enjoy their own religion, but could prevent everybody else from enjoying his.

The colonies of Virginia, North Carolina, South Carolina, Georgia, and Maryland had established churches, and the Anglican Church was the favorite under their laws.

In the colonies of Massachusetts, Connecticut, and New Hampshire, the Congregational Church was established by law.

In the colony of New York, the Dutch Reformed and Anglican Churches, in turn, were established by law.

The people of these colonies were compelled by law to pay taxes for the support of these established churches, and in some cases to attend their services.

The dissenters rebelled against these requirements. They believed it tyrannical for government to attempt to regulate by law the relationship between the individual and his God. Moreover, as they pondered the words of verses 15 to 22 of the 22d chapter of Matthew, "Render, therefore, unto Caesar the things which are Caesar's, and unto God the things that are God's," they also concluded that in addition to being tyrannical, the attempt to regulate religion by law was sinful.

So they demanded the separation of church and state. As they envisaged it, the separation of church and state required these things:

First. The abolition of religious tests for public office.

Second. The recognition of the right of all men to worship God according to their own consciences.

Third. The disestablishment of financial and legal support of religion by government.

During the revolutionary and early national periods, nonchurch members and even some adherents of the churches established by law, who had come to believe in religious freedom, joined the dissenters in their demand that church and state be separated and kept separate in the newly independent nation.

The separation of church and state presented no problems in Rhode Island, where Baptists led by Roger Williams had settled under a royal charter granting complete religious freedom to all, or in Delaware, New Jersey, and Pennsylvania, where establishment never acquired a foothold.

When their revolt against England converted the 13 original colonies into self-governing States, Rhode Island retained separation under its original charter, and Delaware, New Jersey, and Pennsylvania did so under constitutions adopted in 1776. North Carolina, New York, Georgia, and Virginia granted the right of freedom of worship to all and disestablished all religion within their borders before the drafting of the first amendment, and South Carolina did likewise before the amendment was ratified.

As a consequence, the only States maintaining any financial and legal relationship to religion at the time the first amendment became a part of the Constitution were Maryland, Connecticut, New Hampshire, and Massachusetts. The last of these States to dissolve such relationship was Massachusetts, which did so in 1833.

The first amendment was originally designed to apply to the Federal Government only, and it was not until 1940 the Supreme Court held in Cantwell against Connecticut, 310 U.S. 296, that the 14th amendment had made it applicable to the States. Nevertheless history makes it clear that the fight for separation of church and state in the original States and the fight to place the first amendment in the Constitution were integral parts of the same movement. For this reason, history illuminates the meaning of the first amendment.

The first amendment contains a freedom of religion clause which declares that "Congress shall make no law—prohibiting the free exercise" of religion, and an establishment clause which provides that "Congress shall make no law respecting an establishment of religion."

History joins language in revealing that the freedom of religion clause was framed to strip Government of all power to interfere with the religious beliefs of any individual or group.

During recent times those who seek to justify the use of tax moneys to finance religious activities have advanced the theory that the establishment clause forbids Congress to create a single established church, but permits Congress to appropriate on an impartial basis tax moneys for the use of all religious institutions which it may deem to be respectable.

This theory is incompatible with history, which shows exactly what James Madison meant when he insisted on writing into the first amendment the words "an establishment of religion."

In 1776, Virginia, acting as an independent commonwealth, adopted a new constitution. As a delegate to the convention which drafted this constitution and as a member of the legislature of 1776 which met after its adoption, James Madison displayed much interest in religious matters.

He was able to persuade the legislature to provide that no dissenters should be compelled to pay any taxes to the established church of Virginia, the Anglican Church, which had been established in 1629. Moreover, he secured the passage of a law which suspended for the time being the requirement that even members of the Anglican Church should pay taxes for its support.

But the legislature of 1776 expressly postponed for future decision the most crucial question confronting Virginians at that time: Whether general taxes should be levied for the support of all the denominations which the controlling element in Virginia deemed to be respectable denominations.

This question arose in the Virginia Legislature of 1779, and a bitter controversy ensued between those who advocated a bill introduced by James Henry and those who supported Thomas Jefferson's bill for religious freedom.

The Henry bill undertook to establish, by law, virtually all of the Christian churches as the established churches of Virginia, and to lay taxes for the support of all of them on an impartial basis. It is significant that in this bill references to an establishment of religion appear at a number of points, in contexts which clearly show that James Henry and the others of his day understood the term "an establishment of religion" to mean an official connection between the State and one or more churches, whereby the State recognized such church or churches and provided for taxation for its or their support.

Thomas Jefferson's bill for religious freedom was one of the great documents which preceded the Constitution. It laid down three propositions: First, that there should be no religious qualification for public office; second, that it is sinful and tyrannical to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves; and third, that no man should be compelled to frequent or support any religious worship, place, or ministry whatsoever.

The opposing forces in the Virginia Legislature of 1779 were so nearly equal in power that it was impossible to secure the enactment of either of these bills.

The contest was renewed in the legislature of 1784 when James Madison introduced Thomas Jefferson's bill for religious freedom and Patrick Henry sponsored a new bill entitled, "A bill establishing a provision for teachers of the Christian religion."

There was an acrimonious contest between James Madison and Patrick Henry and their respective followers in the Virginia Legislature of 1784. The legislature was on the verge of passing the bill sponsored by Patrick Henry, which would have recognized the legal interest of the State in virtually all the Christian churches then functioning in Virginia, and which would have imposed taxes on all Virginians for the support of such churches. But Madison, at the last moment, was able to persuade the Legislature of Virginia to put off the final vote on the bill sponsored by Patrick Henry until the next session of the legislature, which was scheduled for November 1785.

Between that time and the time when the legislature next met James Madison made one of the greatest of all appeals for religious freedom. It was called the memorial and remonstrance against religious assessments. The memorial of James Madison is crucial in determining what the Founding Fathers meant when they yielded to the insistence of James Madison and wrote in the first amendment the provision that Congress shall make no law respecting an establishment of religion.

On a number of occasions in his remonstrance, which was a protest against the bill sponsored by Patrick Henry to levy taxes for the support of virtually all Christian churches in Virginia, James Madison used the word "establishment" in contexts which showed that in his mind "an establishment of religion" meant an official relationship between the State and one church or many or all churches and the imposition of taxation for the support of one church or many churches or all churches.

I make the assertion without fear of successful contradiction that no man can read James Madison's remonstrance without coming to the conclusion that what James Madison and the other men of his generation had in mind when they wrote the first amendment was that there should be no official relationship of any character between Government and any church, or many churches, or all churches, and no levying of taxes for the support of any church, or many churches, or all churches or any institutions conducted by any of them.

Madison caused his remonstrance to be widely distributed throughout the State of Virginia. As a result of his remonstrance, when the members of the legislature which was scheduled to convene in November 1785 were elected, those who supported Madison in his fight for religious freedom were in an overwhelming majority. They enacted into law Jefferson's bill for religious freedom. We cannot overmagnify the importance which Thomas Jefferson and James Madison attributed to Jefferson's statute for religious freedom or their demand that people should not be compelled by law to support in an official manner or by taxes any religious institutions.

I believe the clearest proof of the transcendent importance which Thomas Jefferson attributed to that statute is shown by the epitaph on the gravestone which he is said to have written himself.

As one ascends the hill which leads to Jefferson's home at Monticello, he passes the burial ground of members of the Jefferson family. He passes the spot where the mortal remains of Thomas Jefferson rest in the tongueless silence of the dreamless dust. On the gravestone of Thomas Jefferson is the epitaph which speaks with as much eloquence as Jefferson used in writing the Declaration of Independence or the Statute of Virginia for Religious Freedom. The statement is as follows:

> Here was buried Thomas Jefferson, author of the Declaration of American Independence; of the Statute of Virginia for Religious Liberty; and father of the University of Virginia.

At the time that Jefferson decided that those were the words which he wished to have engraved on the stone which marks his last resting place, he had been a member of the Legislature of Virginia; he had been Governor of the State of Virginia; he had represented Virginia in the Continental Congress; he had served as American Minister to France; he had officiated as Secretary of State in George Washington's cabinet; he had been Vice President of the United States under John Adams; and he had been twice elected to the highest office within the gift of the American people—the Presidency itself.

Thomas Jefferson was not concerned that he should be remembered for the high offices which he had filled, but he was concerned that he should be remembered as the author of the Virginia Statute for Religious Freedom, one of the greatest documents ever penned by man. It lays down the proposition that it is sinful and tyrannical to compel a man to make contributions of money for the propagation of opinions that he disbelieves.

After the drafting of the Constitution of the United States, many Americans were dissatisfied with it because it did not contain any bill of rights, and particularly because it did not contain any provision which would guarantee religious freedom beyond the provision which merely specified that no religious qualifications should ever be required as a test for holding public office in our Nation. When New York, New Hampshire, and Virginia ratified the Constitution, they adopted resolutions which insisted that the Constitution should be amended by incorporating in it a guarantee of religious freedom and a guarantee of freedom from taxation for the support of religious institutions.

My own State of North Carolina and the State of Rhode Island both postponed ratifying the Constitution, and their conventions stated in substance that they would not ratify the Constitution unless it were amended so as to provide for a total disestablishment of religion.

As a result of the demands of these five States, and the demands of thousands of Americans throughout the other Original States, the Constitution was amended in this respect. It was amended at the instigation of James Madison, who was elected to serve in Congress from the State of Virginia in the first Congress which met under the Constitution. As soon as this Congress convened, he began his great fight to have the first amendment written into the Constitution.

I wish I had sufficient time to detail the fight which occurred in Congress on this point. There were some who wished to maintain some vestige of religious support by Government, and some who merely wished to put in the restriction that there should be no single established church. But Madison insisted at all times that the first amendment should embody in it the provision that Congress should pass no law respecting an establishment of religion or prohibiting the free exercise of religion.

James Madison triumphed after much effort. On September 23, 1789, Madison made a report to the House of Representatives concerning the action of the conference committee of the Senate and House, which had been appointed to reconcile varying views as to the language of the first amendment. This conference committee agreed with Madison and recommended the words which now are incorporated in the first amendment.

So we can say that James Madison, whom historians call the father of the Constitution, was responsible for the phrasing of the first amendment. The meaning of the words of the first amendment that "Congress shall make no law respecting an establishment of religion" is clear. By those words, James Madison and his contemporaries intended to prohibit the Government from establishing any official relation between Government and religion and to prevent the Government from using tax moneys to support or assist in the support of any religious institutions of any character whatsoever.

As Justice Black said in *Everson* v. *Board of Education*, 330 U.S. 1:

> The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to

> tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

I have attempted to set out as clearly as possible the conviction of James Madison and his contemporaries that there should be no establishment or religion, and the meaning which they attributed to the words "establishment of religion." Those words clearly implied to them that there should be no official relationship between Government and any religious organization and no support of any religious organization by tax moneys.

It is interesting to note that the Supreme Court of the United States has consistently adhered to this meaning of this term, "an establishment of religion," when it has dealt with cases involving the first amendment.

I wish to read some excerpts from opinions of the Supreme Court dealing with this question. Justice Jackson declared in the Everson case:

> This freedom (i.e., religious freedom) was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the States' hands out of religion, but to keep religion's hands off the State, and above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse.

Justice Rutledge declared in the Everson case:

> Not simply an established church, but any law respecting an establishment of religion is forbidden * * *. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion.

Justice Black, writing the majority opinion in *McCollum* v. *Board of Education,* 333 U.S. 203, said:

> For the First Amendment rests upon the premise that both religion and Government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the Everson case, the First Amendment has erected a wall between church and state which must be kept high and impregnable.

Justice Frankfurter asserted this in the McCollum case:

> The great American principle of eternal separation—Elihu Root's phrase bears repetition—is one of the vital reliances of our constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.
>
> We renew our conviction that we have staked the very existence of our country of the faith that complete separation between the state and religion is best for the State and best for religion.

Justice Douglas said in *Zorach* v. *Clauson,* 343 U.S. 306:

> There cannot be the slightest doubt that the First Amendment reflects the philosophy that church and state should be separated. And so far as interference with the free exercise of religion and an establishment of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception; the prohibition is absolute.

Justice Douglas also declared in his concurring opinion in *Abington School District* v. *Schempp,* 374 U.S. 203, 229:

> But the Establishment Clause is not limited to precluding the State itself from conducting religious exercises. It also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. * * *
>
> The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the Establishment Clause. Budgets for one activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.

So much for the statements of Justices of the Supreme Court of the United States in respect to the objective of the establishment clause of the first amendment. The greatest declaration as to the overall meaning of the provision of the first amendment denying to Congress the power to make any laws respecting an establishment of religion is that contained in the majority opinion written by Justice Black in the Everson case. This is what he said:

> The establishment of religion clause of the First Amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.

If any provision of the Constitution can be rightly said to be more precious than the others, it is the provision of the first amendment which undertakes to separate church and state by keeping Government's hands out of religion and by denying to any and all religious denominations any advantage from getting control of public policy or the public purse.

This is so because the history of nations makes this truth manfest: When religion controls government, political liberty dies; and when government controls religion, religious liberty perishes.

In the nature of things, the first amendment is not self-executing. If it is to accomplish its purpose and keep America spiritually free, it must be respected and enforced by all legislators, all executive officers, and all judges, Federal and State, who are bound by oath or affirmation to support the first amendment as well as the other provisions of the Constitution.

It is somewhat ironic that the first amendment, which was originally applicable to the Federal Government only, can be successfully invoked to prevent the use of State tax moneys for religious purposes, whereas doubt exists whether it can be invoked at all to question the constitutionality of the use of Federal tax moneys for like purposes.

The doubt arises out of the 1923 ruling of the Supreme Court in *Frothingham* v. *Mellon,* 262 U.S. 447, where the Court held that an individual taxpaying citizen cannot appeal "to the preventive powers of a court of equity" to enjoin Federal executive officers from disbursing Federal moneys to the States for maternal benefits program to a congressionally authorized program because his interest in the moneys of the Treasury "is comparatively minute and indeterminable."

I entertain substantial doubt concerning the validity of the doubt arising out of the Frothingham case. Be this as it may, I am confident that Congress has power to confer express jurisdiction on the Federal courts to try actions which challenge on first amendment grounds the disbursement of Federal tax moneys, and have proposed judicial review bills to that effect in the 88th, 89th, and 90th Congresses.

My last judicial review bill, which was cosponsored by Senators CLARK, COOPER, FONG, HOLLAND, MORSE, SMATHERS, and YARBOROUGH, and which was most carefully drawn, passed the Senate by voice vote on April 11, 1967, and has been reposing since that time in the House Judiciary Committee, which thus far has taken no action in respect to it.

The need for judicial review of the constitutionality under the first amendment of the disbursement of Federal tax moneys cannot be ignored by any man who believes the first amendment ought to be a living principle of government rather than a scrap of dead parchment.

This is true because every year billions of dollars of Federal tax moneys are disbursed under a multitude of educational and welfare programs to virtually innumerable public and private institutions and organizations, including many private institutions and organizations owned, controlled, or operated by religious groups.

Under the first amendment, all Federal taxpayers have the basic right "to be free of taxation to support a transgression of the constitutional command that the authorities 'shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'" As an incident of this right, they are entitled, moreover, to know whether any of the disbursements of Federal tax moneys being made under educational or welfare programs to institutions or organizations owned, controlled, or operated by religious groups violate their basic right.

The basic constitutional right of Federal taxpayers to be exempt from taxation for religious purposes will remain dormant for want of procedure for its enforcement until the Supreme Court clarifies its ruling in the Frothingham case or Congress enacts an adequate judicial review law.

Hope that the Supreme Court would shed light on the subject substantially diminished on November 14, 1966, when the Court refused to review the decision of the Maryland Court of Appeals in the Horace Mann League against the Board of Public Works of Maryland case, which adjudged unconstitutional under the first amendment State construction grants to three religiously controlled colleges. Incidentally, these State construction grants were similar to Federal grants made to the same colleges under Federal programs for the assistance of institutions of higher learning.

For these reasons, it is probable that the basic right conferred upon Federal taxpayers by the first amendment will remain in abeyance and Congress will continue to appropriate Federal tax moneys for educational and welfare purposes in constitutional darkness rather than constitutional light until its Members face up to a fundamental national issue and manifest their respect for the first amendment by enacting a judicial review bill for its enforcement.

Senators and Representatives now have an immediate opportunity to face up to this fundamental issue and enact an adequate judicial review law without further delay.

This is true because on December 1, 1967, the Senate by a unanimous vote of 71 yeas adopted my amendment adding the provisions of the judicial review bill to H.R. 7819, the Elementary and Secondary Education Act Amendments of 1967.

If the conference committee recommends the retention of my amendment in H.R. 7819 and the Senate and House adopt such recommendation, Congress will enact adequate procedures for challenging on first amendment grounds the disbursement of Federal tax moneys and thus manifest a conviction that the first amendment is to be a living principle of Government and not a scrap of dead parchment.

I close with the prayer that all concerned will act accordingly.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> On page 109, line 21, insert the following after "amended": "(1) by striking out 'and' before '$14,000,000'; (2) by inserting ', and $18,000,000 for the fiscal year ending June 30, 1970' after 'June 30, 1969'; and (3)".

Mr. YARBOROUGH. Mr. President, the amendment which I propose would extend the research provisions under section 302(a) of title III of the Mental Retardation Act of 1963. All this amendment would do is extend the provisions for 1 year, 1970, and authorize $18 million for these research purposes.

I will only add that this is the mental retardation bill which the President signed into law yesterday. When the bill passed the Senate, this provision I am proposing was approved by this body, but it was omitted in conference. I am only asking that the Senate reenact this provision.

Mr. President, the money authorized by section 302(a) would be appropriated to conduct research, surveys, and demonstration projects related to the educational needs of the mentally retarded and other handicapped children. Through these funds better tools and methods can be devised for teaching the 5 million children in America who are now receiving special educational services and training, and hopefully we will begin to reach those children who need but are not now receiving special education.

Throughout the Mental Retardation Amendments of 1967, just this week signed into law, research and teacher training go hand in hand. Without a pool of knowledge constantly renewed by research, teacher training would quickly stagnate, and tomorrow's mentally retarded children would be taught by yesterday's procedures and equipment.

The mental retardation amendments extended the authorization for teacher training appropriations through 1970, but the authorization for research appropriations through 1970 failed to survive the conference committee. The former program is dependent on the latter, so I am seeking here merely to bring research into line with teacher training. This extension of research funds will further encourage the development of comprehensive programs aimed at providing teachers with the most effective procedures, materials, and curriculums for educating handicapped children.

I ask that the chairman of the committee accept the amendment.

Mr. MORSE. Mr. President, the manager of the bill accepts the amendment, and will take it to conference.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOMINICK. Frankly, I did not hear the amendment—it was so short. I would like to find out what it is about before the Senate acts.

Mr. YARBOROUGH. Mr. President, the amendment extends the research provisions under section 302(a) of title III of the Mental Retardation Act of 1963. All this amendment would do is extend the provisions for 1 year, 1970, and authorize $18 million for research purposes.

I will only add that this is the mental retardation bill which the President signed into law yesterday. When the bill passed the Senate, the provision I am proposing was approved by this body, but was omitted in conference. I am only asking that the Senate reenact this provision.

All I am asking—and this has been cleared with the chairman today—is that the Senate reenact the provision, to extend it for 1 year and authorize research funds of $18 million.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

ABM: THE HIGH COST OF LIVING

Mr. DODD. Mr. President, there is no single matter that demands closer attention than the issue of building an anti-ballistic-missile system designed to protect our cities and our citizens against the threat of a Soviet thermonuclear strike.

The administration has now committed itself to the establishment of a limited anti-ballistic-missile system that would be adequate to protect us against attack by Red China over the coming decade, and to protect us as well against the possibility of an accidental missile launching. But, whichever way we may lean at the moment, all of us, I am certain, are asking ourselves whether this much protection is really enough.

I wish to call to the attention of my colleagues an exceptionally penetrating article on this subject that was published in the October issue of United States Naval Institute Proceedings, entitled "ABM: The High Cost of Living." The article was written by Lt. Douglas M. Johnston, USN, a veteran of nuclear submarine service.

Lieutenant Johnston points out that, while we have been debating the issue, the Soviet Union has been pushing full steam ahead in the development of an ABM system of its own. Not content with this, they have been "striving for parity in total deliverable megatonnage and in numbers of missiles."

Lieutenant Johnston takes issue with those strategists who hold that nuclear parity would tend to make peace more secure. Let me quote what he says on this point:

> Assuming that an offensive nuclear parity were achieved and that Soviet strategists remained reluctant to institute a surprise first strike owing to possible overwhelming retaliatory devastation, the projected condition of parity would render the strategic balance hypersensitive to technological breakthroughs and surprise tactics. A political aggressive power such as the Soviet Union could readily de-stabilize the balance by concentrating its resources on a particularly promising new technology and achieving unquestionable supremacy therein. They would, through this temporary advantage, acquire a position that would be ripe for political exploitation. Deployment of a moderately effective ABM defense system would fall into such a category.

Lieutenant Johnston goes on to argue that a Soviet missile defense would have political implications that far outweigh its military implications.

> A missile defense—

He says—

> would prove to be uniquely suitable as an agent for bluff, since the bluff could not be disproved short of major war.

In reply to the argument that the establishment of an antiballistic missile defense system in this country would result in a further escalation of nuclear arms and make peace more precarious, Lieutenant Johnston points out that Soviet experts have defended their antimissile system on the grounds that such weapons are purely defensive and that "the creation of an effective antimissile defense system by a country which is a potential target for aggression merely serves to increase the deterrent effect, and so help to avert aggression."

Mr. Johnston also believes that an ABM system would strengthen NATO because "with a missile defense system of her own, the United States would be more willing than ever to come to the defense of Europe."

Mr. Johnston does not minimize the cost of an ABM system. But he asks whether its critics have counted the possible cost of not having one.

It has been estimated—

He says—

> that a massive Soviet ICBM surprise attack against the United States in 1970 without ABM protection would result in approximately 149 million fatalities out of a population of 210 million. With an 18- to 24-billion-dollar ABM system deployed, fatalities would be reduced to approximately 71 million, roughly half of the U.S. industrial capacity and retaliatory missile force would survive, and trillions of dollars worth of property would be saved.

I ask unanimous consent to have printed in the Record the complete text of Lieutenant Johnston's article. I earnestly hope that my colleagues will find the time to give it the careful reading it merits.

There being no objection, the article was ordered to be printed in the Record, as follows:

ABM: The High Cost of Living

(Mankind's most basic, and most frequently threatened, right—the right to live—is menaced today as never before. A defensive system against enemy nuclear missiles will be enormously expensive and it will not bar our doors completely; but it will raise the price of admission.)

(By Lt. Douglas M. Johnston, Jr., U.S. Navy)

It is a widely recognized fact that the United States presently holds the upper hand in the realm of strategic weapons systems, both qualitatively and quantitatively. The U.S. arsenal is programmed to include 1,000 Minutemen ICBMs and 54 Titan II ICBMs by the end of 1968. In addition, the entire U.S. Polaris submarine force of 41 submarines and 656 missiles will soon be operational. Of these submarine-launched missiles, 208 will be type A2 missiles and 448 will be the greater range type A3. This is not to mention the proposed conversion of the Polaris force to accommodate the more accurate and more powerful Poseidon missile in the near future. Overwhelming as this offensive capability may seem, the United States at this time has virtually no defensive protection whatsoever to contend with a lesser but equally significant Soviet capability or to contend with a probable forthcoming Chinese threat. The United States must instead rely solely on the deterrent effect of a seemingly overwhelming offensive retaliatory capability. Although it cannot be denied that there is something to be said for a balance of terror, such a balance presupposes that all sides concerned will act in a rational, predictable manner. The fallacy in this argument has been aptly pointed out by Arthur I. Waskow:

> In the real world, frightened by unprecedented catastrophe in the offing . . . men and nations may not react in any rationally predictable way. What is likely to happen at the height of an extreme and vital international crisis?

At such a moment, when deterrence is most needed, there is some evidence that deterrence disappears. As is generally recognized, deterrence exists in the minds of the major policy makers of the nations deterred. There is evidence that under conditions of extreme and growing tension, the major decision makers in every great power become unable to pay attention to the warnings, the threats, the deterrents of their potential enemies.

This was readily illustrated in the summer of 1914 when the Allies and Central Powers mobilized their full strength in an attempt to deter one another from going to war. Each side subsequently became so obsessed with its own capabilities that it ultimately ignored the threat of retaliation.

Since the United States holds a decided advantage in strategic offensive capability, it would seem logical that efforts should be made toward closing the presently "wide-open" defensive door. No enemy vehicle or weapon of any sort should be permitted to have a "free ride." An open ICBM defense could very well prove to be the Achilles' heel in any future conflict. The United States must seek to achieve a posture of balance between its offensive and defensive capabilities—not an offensive balance based on the presupposition that a historically deceitful enemy is going to act in a rational manner, but a balance that is both real and effective.

Scientific progress in the field of ABM research has reached the point where deployment would be very feasible. In recent testimony given by Defense Secretary Robert S. McNamara, before the Bomber Subcommittee of the House Armed Services Committee, it was indicated that there had been a major breakthrough in missile defense technology in 1965. New long-range "exo-atmospheric" interceptor missiles would now render practicable an "area" defense, as opposed to a "point" defense.

When dealing with feasibility, it becomes necessary to consider cost. It is not possible to determine the value of a human life; but it would seem logical when one is considering the possible loss of millions of lives against a 24-billion-dollar appropriation in a country where the gross national product exceeds 725 billion dollars, that the cost would prove to be more than commensurate with the gain.

Although the United States presently enjoys a superior capability in the field of strategic deterrence, there is evidence that the gap is gradually diminishing. It is obvious that the Soviet Union should want to close such a gap, and it would seem that the optimum strategy to be pursued in such a case would be for the Soviet government to persuade the U.S. government to continue postponing the building of ballistic missile defenses in return for similar Soviet restraint. Then it would be free to increase its offensive arsenal while the U.S. essentially maintained a *status quo*. It would appear that a course of action similar to this is being pursued by the Soviet Union; with one catch—there is no evidence of Soviet restraint in any field. Not only do the Russians appear to be striving for parity in total deliverable megatonnage, but also in total numbers as well. The fact that Soviet missiles carry more powerful warheads than U.S. ICBMs tends to work towards parity in itself. In addition, the U.S.S.R. presently has more than 300 missiles with at least another 300 programmed for completion by 1968 while the United States will have a total of 1,054 by the end of 1967 with no further increase programmed in defense planning for the next five years.

Some strategists advocate that nuclear parity would be conducive to promoting peace. Assuming that the Soviet Union retains its present outward rational composure, there is still much to be considered in the realm of launching the first strike in any possible showdown where "core interests" of either side are involved. Regardless of the measures of retaliation that would ensue under a previous condition of parity, the advantage would definitely lie with whichever side launched the first strike. Although there exists a column entitled "U.S. first strike" in an American defense table of U.S. vs. U.S.S.R. war outcomes, it is a well established fact that Americans are a temporizing people. This was made apparent when the United States failed to take action in light of the pre-Pearl Harbor evidence provided by decoding Japanese messages and by the House Committee on Un-American Activities report concerning Japanese espionage. The present military posture of the United States serves to decry such an observation in the eyes of many people, but the fact still remains that the United States is basically a non-aggressive nation. Russia, on the contrary, is well known for its aggressive policies. Poland, Finland, and Japanese Manchuria were all victims of Soviet sneak attacks. Furthermore, Captain Nikolai Artamanov, a Soviet naval officer, testified before the House Committee on Un-American Activities that since February of 1955, Soviet strategy had been based upon the doctrine of surprise nuclear attack.

Assuming that an offensive nuclear parity were achieved and that Soviet strategists remained reluctant to institute a surprise first strike owing to possible overwhelming retaliatory devastation, the projected condition of parity would render the strategic balance hypersensitive to technological breakthroughs and surprise tactics. A politically aggressive power such as the Soviet Union could readily de-stabilize the balance by concentrating its resources on a particularly promising new technology and achieving unquestionable supremacy therein. They would, through this temporary advantage, acquire a position that would be ripe for political exploitation. Deployment of a moderately effective ABM defense system would fall into such a category. An undertaking of this nature would undoubtedly yield a military and political advantage that would last for a significant length of time. Evidence presently exists to the effect that the Soviet Union is in fact embarked upon such a course. This fact coupled with the rate of progress that the Communist Chinese are making in the nuclear field render it imperative that the United States take immediate positive steps toward deployment of an effective ABM system.

Whereas the United States generally does not use strategic strength to intimidate other countries, the Soviet Union has constantly indulged in widespread use of strategic threats in support of offensive foreign policy objectives. These strategic threats have varied in intensity and degree depending upon the situation, but have generally been expressed in terms of "possible ultimate consequence" as opposed to "certain and immediate consequence." In pursuing a general policy of bluff, the Soviet Union has repeatedly invoked an image of thermonuclear war in pursuit of its political interests. Since the United States has gained a definite strategic advantage through deployment of Polaris submarines and through elimination of doubts concerning any alleged "missile gap," the Soviet Union has not been so prone to employ the strategic threat as a matter of routine. The quantitative gap existing between U.S. and Soviet intercontinental strike forces is presently large enough to alleviate Soviet assertions of strategic superiority based on numbers of missiles—at least for the immediate future. The Soviet Union has, however, recently claimed strategic parity, based not upon numbers, but upon sufficiency of the existing force and its qualitative superiority. Although this might prove to be a semi-effective ploy in nullifying the quantitative advantage of an opposing force, it is highly doubtful that it could ever be made the basis for a claim to strategic superiority.

A more promising approach to achieving a superior strategic posture would, as previously mentioned, lie in the development of an effective missile defense system. A significant breakthrough in this area would reduce the requirement for offensive quantitative superiority. In addition, enemy ICBMs, that had previously been invulnerable to pre-launch attack, would become vulnerable to an ABM defense once they were airborne.

The military value of a sizeable Soviet missile defense would probably be far outweighed by its associated political value. This would particularly hold true if the United States had nothing of a comparable nature to show for itself. In such a case, it would undoubtedly prove to be a much easier task for the Soviet Union to convince the world that it had developed and deployed a relatively invulnerable ABM system than it would be for the United States to refute the claim of invulnerability on the grounds of superior offensive weapons employing exotic penetration aids. A missile defense would prove to be uniquely suitable as an agent for bluff, since the bluff could not be disproven short of a major war. Indeed, it is not inconceivable that dummy ABM installations might very well be used in this regard. The Soviet Union, with its system of rigid internal secrecy, could readily exploit such a bluff to the maximum extent possible. Well versed in the art, the Soviet Union has often successfully exploited new weapons in a psychological sphere. The most spectacular example of this tactic in recent times took place in 1957 when the Soviets capitalized upon their launching of the first Sputnik to create false impressions of an overwhelming ICBM capability. This subsequently created in the minds of the West illusions of a missile gap. In reality, any gap that might have existed consisted of a Soviet lag in missile strength. The Soviet Union has consistently exaggerated its military strength through displaying prototypes of new weapons in conjunction with a corresponding show of strength so as to create the impression that the weapons in question were available in large numbers. The effectiveness of such bluffs has been all too well illustrated in the fact that the alleged missile gap frightened the United States into building an ICBM force which was not only much greater than that of the Soviet Union, but also much greater than that necessary for deterrence purposes, whether dealing with Russia, or China, or both simultaneously. Herein lies the danger of the Soviet tactic of bluff. It works too well! With a far superior economy, the United States is able to respond to such bluffs in an overwhelming manner, and after a short while, the Soviet Union finds itself in an even weaker position. It might be argued that this phenomenon should work against similar U.S. deployment of an ABM system; but it should be noted that Soviet statements in this area have been both cautious and subdued in tone. This restraint, in all probability, reflects a Soviet awareness of the exaggerated American response which might possibly ensue. For the Soviet Union to capitalize upon an ABM capability, it would obviously be far wiser to effect a large scale deployment prior to showing its hand fully. Convincing preliminary advertisements in this instance could result in either a massive U.S. counter deployment of missile defense or a massive increase in offensive capability. In either case, the Russians, with a very limited ABM capability, would suffer a greater disadvantage than would be the case were it to refrain from bluff until deployment was fully effected. Once an ABM system were deployed, the element of bluff could be introduced either in the realm of numbers or effectiveness. The Soviet Union's ability to bluff is an advantage that the United States does not enjoy. Congress and the press preclude such a possibility.

The historically defensive-oriented military posture of the Soviet Union renders it not only improbable but unlikely that the U.S.S.R. would for any reason short of general disarmament refrain from pursuing an active program of ballistic missile defense. In fact, failure of the Soviets to pursue a defensive program of this nature would represent a disturbance of notable magnitude in the internal *status quo*. The traditional Russian strategy of attrition and endurance was successfully employed against Napoleon in 1812 and Hitler in 1942. Although the Soviets attribute the effectiveness of this strategy to the superior will power and discipline of the Russian people, there can be little doubt that geography and climate have contributed to its success in no small measure. Out of this background of attrition and endurance has evolved a "long-war" doctrine in which the Soviets envision a possible future nuclear war as running parallel in many respects to previous wars, differing only in severity. As described in *Soviet Military Strategy*, edited by Marshal Vasili Danilovich Sokolovsky in 1963, Soviet military leaders conceive of such a war as consisting of a beginning in which a devastating nuclear exchange takes place but in which this exchange neither destroys the Soviet Union nor ends the war. Subsequent to the staggering losses incurred in the first exchange, it is postulated that the war would drag out into a long and very messy affair in which both sides would continue the fight to the best of their abilities with whatever means they might have left at their disposal. It is at this point that the strategy of attrition and endurance would work on the Soviet's behalf and ultimately result in triumph for the Soviet Union.

For advocates of "long-war" doctrine, the appeal of defensive weapons would obviously be very great. As the quality of the opposing offense is degraded, the effectiveness of the defense becomes more pronounced. It is not to be denied that missile defense installations would also suffer a certain degree of degradation subsequent to the initial exchange; but from the standpoint of fewer numbers of incoming missiles and ensuing sporadic deliveries, it is probable that the defensive problem would be easier to contend with as time goes on. It would also hold true that missile defense personnel would, through virtue of experience, undoubtedly improve their techniques by the time a long war had progressed to its latter stages. It can be seen from this reasoning that, with the Russians holding the view that deterrence ultimately rests upon their capacity and determination to drag out any war into a long struggle of attrition in which traditional defensive strategies could be successfully employed, there exists no incompatibility between such a concept and deployment of a ballistic missile defense system. Although much of what Marshal Sokolovsky has to say is flavored with typical propaganda, it does indicate that a significant faction within the Soviet hierarchy believes in a long-war concept, is basically defensively oriented, recognizes the political implications inherent in an effective missile defense system, and intends to pursue to completion an ABM program.

The present downward trend in rate of growth of the Soviet economy might seemingly indicate a tendency to abstain from embarking upon something so costly as a missile defense program, but it is interesting to note that in spite of its semi-waning economy, the Soviet Union has never hesitated to pursue sophisticated defense programs. Extensive space-oriented outlays serve to illustrate this point.

Although there is always the aspect of sensationalism to contend with in news media, there apparently exists substantial evidence that the Soviet Union has deployed at least a partial ABM defense system. The following excerpts from the New York *Times* serve to verify.

July 24, 1964: The Soviet Union has long had what is believed to be the world's first operational site for an antiballistic missile system near Leningrad. Within the last eight months, a second site, presumably similar to the first, has been identified near Moscow.

April 29, 1966: Questioned by newsmen about reports of Soviet deployment of an antiballistic missile system around Leningrad and Stalingrad, Pentagon officials said that they assumed that the Russians were doing so. There were indications, they said, that the Russians had previously begun such development and had then run into problems and had stopped. Now, they said, according to Soviet reports, work has been resumed.

July 14, 1966: Still another factor regarded as potentially serious is what appears to be the beginning of an extensive deployment—in a belt across the Western Soviet Union—of an antiballistic missile defense system.

Additional verification was provided in January of this year when a statement made by Secretary McNamara to the Senate Armed Services Committee and the Senate Subcommittee on Defense Appropriations was made public:

"Significant changes have occurred during the last year in our projections of Soviet strategic forces . . . more positive evidence of a deployment of an antiballistic-missile defense system around Moscow . . . knowing what we do about past Soviet predilections for defense systems, we must, for the time being, plan our forces on the assumption that they will have deployed some sort of an ABM system around their major cities by the early 1970s."

It has been made clear that the existence of a missile defense system in the Soviet Union would necessarily prove to be of grave concern to the United States. Indeed, it would represent a technological end run in which the United States stands to forfeit all that it has achieved in the area of strategic superiority.

Emergence of China as the world's fifth nuclear power has resulted in widespread concern and has posed new and serious problems for the United States. Coupled with the commonly accepted bellicose nature of Communist China, it comprises a threat to world peace. This threat does not stem from the size and capabilities of present Chinese nuclear strike forces, but rather from the political and psychological implications associated with even a token capability.

Although the present state of the art in Chinese nuclear endeavors does not at this time constitute much of a threat to the United States, it is only a matter of time before it will. Secretary McNamara recently testified before the Joint Congressional Committee on Atomic Energy to the effect that the Chinese Communist threat was growing at a much greater rate than he had originally expected. That this is true is readily apparent from two statements which he made within a year and a half of one another. In May of 1964, he noted that Communist China was not likely to become a first-class military power for "many, many years." This he held to be true based upon serious agricultural and economic problems and a deficiency of spare parts for airplanes. In an address to the Ministers of 15 NATO nations in December of 1965, McNamara urged U.S. Western European Allies to start worrying about the threat posed by Communist China's nuclear strength. He then offered some prospects for the future in the area of Chinese capabilities: operational medium-range ballistic missiles with nuclear warheads as early as 1967; deployment of several launchers for medium-range ballistic missiles by 1968 or 1969, with possibly several dozen by 1976; and deployment of ICBMs capable of hitting Europe or the United States in 1975.

Assuming that the Chinese do develop a nominal force of 50 ICBMs by 1975 that are comparable in size, thrust, and technical characteristics to first-generation Soviet

ICBMs (ten-megaton yield, 8,000-mile range), an attack against the United States could result in 40 million casualties. It has been estimated that deployment of an ABM defense centered around our 50 largest cities could reduce the number of casualties to less than ten million. This estimate assumes an 80 per cent effectiveness against small numbers of incoming missiles and is quite naturally a function of many variables such as missile reliability, targeting doctrine, and ABM deployment.

Although the United States currently has a large and powerful nuclear force around the borders of Communist China, this is not, in itself, very comforting, particularly in light of the fact that some top U.S. military strategists believe the present Communist leaders to be "fanatics and suicidally aggressive." If there is any validity to such an analysis, the United States will probably be susceptible to some form of nuclear blackmail from China in the not too distant future. An offensive deterrence could lose all significance when dealing with a fanatically belligerent China. That the Chinese are determined to continue their pursuits in the nuclear field was indicated in an interview in October 1963, between Vice Premier Chen Yi and a group of Japanese newspapermen in which Chen Yi stated that Premier Khrushchev had once said that the manufacture of atomic weapons would cost so much money that China might not have any money left with which to make trousers. China, Chen Yi concluded, would have to manufacture the weapons with or without trousers. The recent Chinese test firing of a nuclear armed medium range missile and explosion of a thermonuclear device lends credence to such testimony.

A critical factor in the nuclear timetable of China is the prevailing state of Sino-Soviet relations. It is possible that a cementing of the Sino-Soviet alliance could result—at the price of Russian nuclear aid to China. In this event, the Chinese timetable would be advanced quite significantly and Chinese missiles could become as advanced as Soviet missiles in a relatively short period of time. This being the case, the United States would then be forced to contend with both a sophisticated Chinese and Russian threat.

On the other hand, should the Sino-Soviet relationship continue to deteriorate, a Chinese long-range, nuclear strike force could prove to pose itself as being of equal menace to both the United States and the Soviet Union. Such a circumstance would obviously work to the benefit of the United States, since it would dilute effectively the concentrations of forces of two potential aggressors. The proximity of these Communist giants would render each more of a threat to the other than the United States would present to either. The nuclear capabilities of both would necessarily be designed in part to deter one another. If, indeed, Sino-Soviet border clashes similar to those which occurred in the early 1960s continue to develop, a situation such as that described above could very conceivably come to pass.

Inasmuch as missiles have come to represent a standard status symbol whereby one nation can intimidate another, it is doubtful that the existence of an effective U.S. missile defense system would deter China from pursuing an active missile program. It could, however, conceivably vector Chinese efforts into IRBM channels since China would be forced to face the question of whether or not the cost of an ICBM program would prove to be commensurate with the gain.

In the light of the present internal upheaval in China, it is difficult to anticipate the future direction of Sino-Soviet relations or the future direction of Chinese nuclear exploitation, but the United States must be prepared for any line of development. Deployment of a missile defense system undoubtedly would constitute the best possible course of preparation.

A question which arises out of the issue of missile defense is what European reaction would be to American deployment. The prevailing opinion is that the reaction would be unfavorable, that Europe would feel left out and defenseless to missile attack. Demands inevitably would be forthcoming for similar European defenses. Compliance with such demands would in all probability be cost prohibitive to the United States. Furthermore, deployment of such a system in allied countries would raise the issue of control of the nuclear warheads: whether such control would be retained by the United States or relinquished to the ally concerned. This is a significant issue in light of present beliefs that the most stable international condition is one in which nuclear proliferation is kept to an absolute minimum. Whether or not the United States would be willing to provide missile defenses for Europe should not make any difference in European reaction. It would seem apparent that, with a missile defense system of her own, the United States would be more willing than ever to come to the defense of Europe. An ABM capability would render such a gesture a much lesser sacrifice.

A similar situation is inevitably going to develop in Asia when China acquires the capability of attacking the United States. Asian allies will begin to question whether the United States will consider the defense of Japan or Burma to be worth the risk of thermonuclear holocaust. The problem for American foreign policy will be the same for Asia as it will be for Europe: how to maintain the morale of allied nations and their willingness to oppose Communist expansion. The United States will have to convince her allies that all commitments will be honored in spite of possible consequences. A significant effort in this direction was made by Defense Secretary McNamara in a recent military posture statement made before the House Armed Services Committee:

> First, in order to preclude any possibility of miscalculation by others, I want to reiterate that, althought the United States would itself suffer severely in the event of a general nuclear war, we are fully committed to the defense of our allies.
>
> Second, we do not view damage limitation as a question of concern only to the United States. Our offensive forces cover strategic enemy capabilities to inflict damage on our allies in Europe just as they cover enemy threats to the continental United States.

Until such a time as either a "freeze" or a general disarmament can be effected in a sincere, gentlemanly manner, the choice of discontinuing the arms race does not appear to be open to the United States—only a choice in the method of conducting it. It is generally acknowledged that there are certain implicit risks associated with a continuation of the arms race, and it is on this account that most objections to U.S. deployment of a missile defense system are raised. The primary objection finds its substance in the contention that an ABM program would constitute a needless waste of vast sums of money and could only result in setting in motion another "upward spiral" in the arms race; all this at a time when a Soviet-American *detente* may be developing. The desire to contain the arms competition is based on a belief that any continuation will provide the United States with very little opportunity to increase its security. In line with this thinking, it is felt that ABM batteries do not help to contain the competition but merely represents another dimension in which to compete. This prevailing fear of adding impetus to the arms race can be assailed on several accounts.

It is widely recognized that intense political pressure exists in both the United States and the Soviet Union to duplicate one another. It is possibly because of this that many American spokesmen assume that Soviet reaction to U.S. deployment of ABMs would necessarily be the same as U.S. reaction to similar Soviet deployment. American reaction to even an inadequate Soviet missile defense system could best be summed up in the words of President John F. Kennedy, who said they would have "appeared to have surpassed us," or General Maxwell Taylor, who said they would have won a "technological triumph" and provided the United States with a "cold war defeat," or Hanson Baldwin, who stated that it might result in a "ripple of fear" and create subsequent pressure for appeasement. Although such reaction is essentially justifiable, there is little reason to believe that a similar Soviet reaction would take place if the situation were reversed. On the contrary, there is ample reason to believe that the defensively oriented Soviets would think of ABM deployment as the logical thing to do. As the authoritative London Institute for Strategic Studies has pointed out, "a Soviet phobia about air defense has led to 'major investments in defensive systems' throughout the postwar period." Indeed, it is interesting to note the viewpoint expressed by General N. Talensky in which he derides the West on the grounds that it was only after convincing evidence came into existence concerning successful Soviet efforts in the field of missile defense, that the West began to voice fears that missile defense would undermine the existing nuclear balance. He advocates that anti-missile systems are purely defensive weapons in every respect and only go into action after an act of aggression has commenced. He further states that "the creation of an effective antimissile defense system by a country which is a potential target for aggression merely serves to increase the deterrent effect and so helps to avert aggression." In addition, he points out the increased stability inherent in a mutual deterrence based upon both offensive and defensive capabilities, where any partial shifts in the qualitative or quantitative balance of either element tend to be "correspondingly compensated and equalized." In other words, General Talensky indicates that ABM does not pose a threat to world peace, but rather instead serves to deter an aggressor from attempting a first-strike attack. If this reflects the general Soviet attitude and there is no reason to believe that it does not, then Soviet reaction to an American ABM program probably would be much milder than similar U.S. reaction to the reverse situation. It is possible, but not very probable, that the arms race would "spiral upward." In light of this, it is not inconceivable that mutual deployment of missile defense systems by Russia and the United States could result in a new strategic balance wherein the total number of casualties involved on either side in a nuclear exchange would be significantly less than that which would be incurred under the existing arrangement—yet still great enough to accomplish the goal of deterrence. So long as defense remains less efficient than attack, and so long as both super powers are engaged in improving their defenses, they are unlikely to change their assessments of one another's capabilities or intentions. In this regard, skeleton deployment could only act to strengthen the present Soviet-American balance by minimizing the possibility of a general war resulting from either accidental or unauthorized firings.

If it were possible to reach some sort of an agreement between Russia and the United States involving a freeze on ABM, it would be difficult to feel secure under such an arrangement. Duplicity has been a historical trademark of previous Soviet transactions. In fact, the record can best be described as a tabulation of broken promises. It may be argued that this record was established by the "old school," that the Soviet regime of today does not adhere to the same line of deceit. As recently as 1961, evidence of Soviet Machiavellian inclinations exploded on the world scene in the form of a 57-megaton bomb, in violation of a moratorium existing between Russia and the United States to the effect that no further nuclear testing was to be conducted in the atmosphere by either side. In the hearings conducted prior to the signing of the Nuclear Test Ban Treaty in 1963, Secretary of Defense McNamara pointed out that the Soviets would honor the treaty only so long as it served their best interest to do so.

Although this dubious record should not deter efforts to negotiate with the Soviets in the area of arms control, it would be prudent for U.S. negotiators to keep it in mind as they do undertake such endeavors.

In addition to providing protection against the present Soviet threat and a future Chinese threat, an ABM defense system would also protect against any small, unauthorized or accidental attacks. Some feel that the probability of an accidental firing is "virtually zero" but the consequences of just one such firing render it imperative that the possibility be both considered and provided for.

Whereas the Soviet Union has historically pursued a generally defensive military program, the United States has consistently thought more in terms of offense, adhering to the age-old maxim that the best defense is a good offense. In line with this, a "short-war" doctrine has evolved among American strategists with regard to thermonuclear war. This doctrine visualizes the end result of such a war as being determined by the outcome of the initial attacks. Following the initial exchanges, the Soviet Union will either be so completely destroyed that no further organized military resistance will be possible or the threat of further destruction will persuade surviving Soviet leaders to accept American terms of peace. Although this concept may be logical in its inception, history has proven it to be dangerous in its conclusions. The short-war strategies of Germany failed disastrously in both world wars. Whether or not the American concept should be "short war" or "long war" in nature is irrelevant. What matters is the fact that if a war of this nature ever did take place, millions of American lives would be forfeited—lives that otherwise could have been saved through pursuit of an ABM program. Although present programs yield relatively invulnerable force structure and an unequivocal ability to deliver weapons, they also yield an extremely vulnerable population.

Another of the factors to be considered in the field of missile defense is the potential expense involved. Calculations have been made in this area by Pentagon officials, based upon estimates of what Soviet capabilities will be during the 1970s. A missile defense system that could cope with this projected threat would cost approximately 24 billion dollars over a five-year period and would cost another billion dollars per year for manning and maintenance. "It has been estimated that a massive Soviet ICBM surprise attack against the United States in 1970 without ABM protection would result in approximately 149 million fatalities out of a population of 210 million. With an 18 to 24-billion-dollar ABM system deployed, fatalities would be reduced to approximately 71 million, roughly half of the U.S. industrial capacity and retaliatory missile force would survive, and trillions of dollars worth of property would be saved."

With the present U.S. strategic weapons budget in excess of 25 billion dollars and the war in Vietnam resulting in a continual drain on the economy, an expensive missile defense system lends itself to a state of continual deferment. Unlike offensive missiles, ABM does not offer a rationale for cutting back on other weapons systems (such as bombers or infantry). For this reason, a relatively cheap skeleton deployment of ABM holds even greater appeal at this time. Such a deployment would be effective against a primitive Chinese threat and any accidental or unauthorized firings. In addition, it would have the capability of being expanded upon at will to provide effective protection against the Soviet threat. The cost of deployment of such a system has been estimated to be 10.6 billion dollars.

Yet another aspect to be considered in pursuit of ABM is the defense shelter program that should supplement it to render it effective. Without civil defense shelters, it is postulated that 30 per cent more lives would be lost. This holds true because incoming missiles could be targeted for undefended areas and thereby achieve through fallout what would have otherwise had to be achieved through blast and heat effects. It has been estimated that a five-year systems cost for protection of the entire population would run approximately five billion dollars. It is probable that something less than a full shelter program may be appropriate in a light "damage-limiting" posture designed against small unsophisticated attacks. Although it would not be cost-prohibitive in either case, Congress has consistently refused to appropriate more than token sums for shelter programs. Since Congress has indicated that it would support ABM, missile defense enthusiasts believe that Congress will be more inclined to support a shelter program once ABM production and deployment is authorized, since it would then constitute only a small addition to a large commitment already made.

Although shelters may prolong the lives of survivors, additional thought must be given to their continued survival. There are many critical aspects to be considered in this area. For instance, the destruction of forests by fire or radiation could lead to catastrophic flooding of urban areas following heavy rains. If birds, which are particularly sensitive to radiation, are destroyed, insects could multiply at catastrophic rates thereby devastating the surviving crops and food supply. The possible results of nuclear devastation are too numerous to explore thoroughly, but it is important to consider them in terms of how they could be mitigated through deployment of a missile defense system.

Since ABM would require that missiles with nuclear warheads be maintained in a fully ready condition, there exists some anxiety that the American public would be reluctant to live in close proximity to missile defense installations. Recently Tempo, the "think factory" division of General Electric, interviewed 1,400 supposedly well-informed adults with regard to their reactions to ABM. One in ten said that they would move away from a protected city. The majority of these said they would move out of fear of an accidental explosion, but many were more concerned about television reception interference that would be caused by adjacent radar installations. Two thirds of this "well-informed" group believed that the United States already had a missile defense system and that this system was comparable in reliability to existing bomber defense. Here again, are signs of public apathy that could prove dangerous. Where the "right to live" is involved, Americans cannot afford to be complacent. Recent Defense Department figures might serve to dispel some of the indifference. Based upon a 20-billion-dollar version of ABM coupled with a five-billion-dollar shelter program, it was calculated that the cost per life saved would be $350.00.

The contention that deployment of an ABM system would destablize the nuclear balance and would impart an "upward spiral" to the arms race is valid only if the nation building it has displayed a willingness to indulge in nuclear blackmail. A good indication of a nation's aggressive intentions is the type of missile force that it develops. The aggressor would build a large force of first-strike missiles (missiles not sufficiently protected by hardened silos to qualify as retaliatory weapons) armed with high-yield warheads (30–100 megatons). The Soviets are presently pursuing such a course and indications exist that they are deploying a missile defense system as well. The United States, on the other hand, possesses a retaliatory missile force (hardened silos and low-yield war-heads), and deployment of ABM in this case could only be construed as a defensive gesture.

Continued pursuit of increasing an already more-than-adequate offensive capability can only make starker the balance of terror. Furthermore, how can the United States legitimately convince itself beyond all doubt that Soviet missile defenses can be penetrated? Intelligence information is not foolproof, and a gamble of this nature could prove disastrous. Rather than emphasizing the offensive threat, it would be far better to mitigate the possible effects of war by encouraging defensive measures. Only ABM shows any prospect of neutralizing the offenses and providing the American public with some security in this area. A defensive system may not bar the door completely, but it will certainly raise the price of admission. If deployed in time, it may even preclude Chinese admission altogether through discouraging their efforts in ICBM endeavors. It would also serve to dispel some of the anxiety of Western allies with respect to American willingness to come to their defense in a nuclear showdown, since there would be less risk involved in so doing.

The issue of missile defense deployment has been subjected to such extensive debate that the form has changed several times during the course of the dialogue. The dialogue itself has just recently entered a new phase wherein the United States and the Soviet Union are negotiating in an effort to reach an understanding with respect to mutual restraint in the area of ABM deployment. Since the Soviets have in initial discussions indicated that they might consider participation in an ABM moratorium only so long as such a step is linked to a ceiling on the production of offensive weapons," an area in which the United States holds a commanding superiority, it seems doubtful that any short-term agreement on ABM can be arranged unless it is the prelude to a much broader program of arms limitation—a program which has in the past foundered upon the rock of inspection and control. The Soviet Union is unlikely to agree to any arrangement which serves to prolong its position of strategic inferiority any longer than is absolutely necessary. That the issue is being critically examined is commendable, but developments in the Soviet Union and Communist China render it imperative that the debate be drawn to a close and a decision be reached as soon as possible. This becomes all the more imperative when it is realized that while the U.S. is busily engaged in negotiations, the Soviet Union is continuing with its ABM deployment. Also deserving of attention is the fact that some very real intangibles exist with regard to estimating the lead times for deployment of a Chinese ICBM capability.

Unless a satisfactory comprehensive arms control arrangement can be effected in the near future, the United States will have to decide in favor of missile defense deployment in order to protect the most sacred right of the American people—the right to live. Deployment would not constitute a case of letting nervousness outrun the danger or a case of panicky reaction to Soviet deployment. It would, on its own merits, be in the best interest of the United States. Not only could it make the difference between war and peace from the standpoint of deterrence, but in its damage-limiting capacity, it could also make the difference between the end of our national existence and our survival as a nation. To over-estimate the enemy could prove expensive; to underestimate him could prove fatal.

LIBERALISM AND MODERATION

Mr. DODD. Mr. President, there are extremist liberals as well as extremist conservatives. Both believe that only they have true faith and that those who do not accept in toto their various viewpoints on social problems and foreign affairs are heretics to be vilified and shunned. Both fail to understand that in a civilized society, an essential requirement for stability and progress is that reasonable men of varying viewpoints must not exaggerate their differences with those of other viewpoints to the point where cooperation in seeking common goals becomes impossible.

Dr. Daniel P. Moynihan, the noted MIT urban expert, has, until now, been considered a liberal's liberal. But at the recent convention of Americans for Democratic Action, he delivered an address castigating the extremist views of some of his fellow liberals, appealing for cooperation between liberals and conservatives.

Dr. Moynihan offered three basic propositions:

> 1. Liberals must see more clearly that their essential interest is in the stability of the social order; and given the present threats to that stability, they must seek out and make much more effective alliances with political conservatives who share their interest and recognize that unyielding rigidity is just as great a threat to continuity of the social order as an anarchic desire for change.
>
> 2. Liberals must divest themselves of the notion that the nation—and especially the cities of the nation—can be run from agencies in Washington.
>
> 3. Liberals must somehow overcome the curious condescension that takes the form of defending and explaining away anything, however outrageous, which Negroes, individually or collectively, might do.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of Mr. Moynihan's statement as reprinted by the New Leader of October 9.

THE POLITICS OF STABILITY

(By Daniel P. Moynihan)

President Johnson is said to be fond of relating the experience of an out-of-work school teacher who applied for a position in a small town on the Texas plains at the very depths of the depression. After a series of questions, one puckered old rancher on the school board looked at the applicant and asked, "Do you teach that the world is round or flat?" Finding no clues in the faces of the other board members, the teacher swallowed hard and allowed he could teach it either way.

That is the position of just about anyone who would assay the state of the American republic at this moment from that middling vantage point known generally as liberalism. Two views are possible: On the one hand, it may be argued that the nation is entering a period of political instability from which it will not emerge intact; on the other, that we have entered a troubled time and will not only survive, but will emerge from it wiser and having demonstrated anew the deep sources of stability in American life.

I cannot imagine what would constitute irrefutable evidence for either stand, and I assume that persons adopt one or the other according to their personal taste and condition. The apocalyptic view has many supporters, of course, most notably those of the newly emergent Left who foresee a period of Right-wing oppression and excess, followed by the triumph of a new ideology—a conviction that will seem absurd to anyone who has ever visited East Berlin. The more sanguine view commends itself to those who would like to believe it true. This includes, almost without exception, any liberal who has shared considerably in the "rewards" of American life, and who can look forward to continued sharing on, if anything, more favorable terms.

The alternatives, then, are to agree with Andrew Kopkind that this past summer the war abroad and the revolution at home contrived to "murder liberalism in its official robes" (with few mourners), or to conclude that although we are in a lot of trouble, we can think and work (and pray) our way out of it. It is worth stressing that no one whose views we have learned to trust over the years would offer us a happier option than the latter, which means that if we do not think well enough, or work hard enough, or if our prayers are not answered, we can bring this republic to ruin.

Certainly things have not turned out as we had every reason to think they would. Walter Lippmann, with merciless clarity, has argued that the unexampled mandate of the 1964 election was "to be quiet and uninvolved abroad and to repair, reform and reconstruct at home." Fate took another direction, and has exacted a double price: not only troubles abroad, but disasters at home because of—or seemingly because of—the troubles abroad. Tom Wicker has stated the matter plainly, as is his failing. "The war," he wrote at the end of last August, "has blunted and all but destroyed the hopeful beginnings of the Great Society. It has produced the gravest American political disunity in a century, and it has aggravated the profound discontent with America of the postwar generations."

The violence abroad and the violence at home—regardless of political persuasion, all agree that these are the problems, and they are somehow interconnected, and that in combination they have the potential for polarizing, then fracturing, American society. But the situation is especially embarrassing for American liberals, because it is largely they who have been in office and presided over the onset both of the war in Vietnam and the violence in American cities. Neither may be our fault, yet in a world not overmuch given to nice distinctions in such matters, they most surely must be judged our doing.

The Vietnam war was thought up and is being manged by the men John F. Kennedy brought to Washington to conduct American foreign and defense policy. They are persons of immutable conviction on almost all matters we would consider central to liberal belief, as well as men of personal honor and the highest intellectual attainment. Other liberals also helped to persuade the American public that it was entirely right to be setting out on the course which has led us to the present point of being waist deep in the big muddy. It is this knowledge, this complicity if you will, that requires many of us to practice restraint where others may exercise all their powers of invective and contempt. The plain fact is that if these men got us into the current predicament, who are *we* to say we would have done better?

This is more the case with respect to the violence at home. The summer of 1967 came in the aftermath of one of the most extraordinary periods of liberal legislation, liberal electoral victories, and the liberal dominance of the media of public opinion that we have ever experienced. The period was, moreover, accompanied by the greatest economic expansion in human history. And to top it all, some of the worst violence occurred in Detroit, a city with one of the most liberal and successful administrations in the nation; a city in which the social and economic position of the Negro was generally agreed to be far and away the best in the nation. Who are we, then, to be pointing fingers?

The question is addressed as much to the future as to the past, for the probabilities are that the present situation will persist for some time. By this I mean that President Johnson will almost certainly be re-elected in 1968 and that, with some modifications, the national government will remain in the hands of the same kinds of liberals who have been much in evidence for the last seven years. The war in Asia is likely to go on many years, too, although possibly in different forms. Most importantly, the violence in our cities, tensions between racial and ethnic groups, is just as likely to continue and if anything get worse (as indeed the war could get worse). But our responses will have to be sufficiently different from those of the immediate past to suggest that we are aware of some of our apparent shortcomings.

What, as someone once said, is to be done? I offer three propositions.

1. Liberals must see more clearly that their essential interest is in the stability of the social order; and given the present threats to that stability, they must seek out and make much more effective alliances with political conservatives who share their interest and recognize that unyielding rigidity is just as great a threat to continuity of the social order as an anarchic desire for change.

For too long we have been prisoners of the rhetoric that Republicans do not know or care about the social problems of the nation. This is not only a falsehood, but as any New York Democrat can testify, it is seen by the electorate to be a falsehood. In New York City two years ago, Mayor Lindsay was elected because he was the most liberal of the three candidates. Last year, Governor Rockefeller was re-elected for precisely the same reason. The hooting at the callous indifference of Republicans toward human needs recently reached considerable levels in the rumpus over the rat bill. I don't doubt they deserved what they got in that uproar. The argument can nonetheless be made that we would have more to show for it all if somewhere along the line the Democrats had taken at face value the statement of Congressman Melvin R. Laird (R.-Wis.) that he was in favor of "massive" Federal aid to city governments, but not through the techniques of proliferating grant-in-aid programs which he and many like him thought to be an ineffective form of administration.

Interestingly, in the area of foreign affairs the idea that Republican Congressmen and Senators are supporters of a moderate course is more readily accepted. It is time the idea became familiar in domestic matters. It is pleasant to hear the New Left declare that the white liberal is the true enemy because he keeps the present system going by limiting its excesses, yet the truth is that the informed conservatives deserve the greatest credit for performing this function—the Robert Tafts of the nation—and at the present juncture they are needed.

2. Liberals must divest themselves of the notion that the nation—and especially the cities of the nation—can be run from agencies in Washington.

Potomac fever became a liberal disease under the New Deal and it has turned out not only to be catching but congenital, having somehow worked into the gene structure itself. The syndrome derives from one correct fact that is irrelevant, and two theories that are wrong.

It is certainly a fact that strolling across Lafayette Park to endorse or to veto a public works program is much more agreeable than having to go through the misery of persuading 50 state Legislatures. But this has to do with the personal comfort of middle-aged liberals, not with the quality of government action, and in a time of some trouble comfort cannot be the sole consideration.

The first theory is that the national government and national politics are the primary sources of liberal social innovation, particularly with respect to problems of urbanization and industrialization. I do not believe history will support this notion, for the cities and to a lesser extent the state governments have been the source of the preponderance of social programs in the 20th century—mostly the cities and states in the North, of course. Probably the most important reason for this is that until recently these were the areas where such problems first appeared, and where the wealth and intellect—and political will—existed to experiment with solutions.

There is another reason which we tend to be reluctant to talk about, but whose discussion is perhaps admissible in a time of trouble. In the spectrum of regional politics, the South has for a century been the most social and politically conservative part of the nation. In the spectrum of American religious groups, American Protestants have fairly consistently been more conservative than American Catholics, and Catholics in turn more so than American Jews. It happens that Washington is, for practical purposes, a Southern Protestant city which combines both these pervasive conservative tendencies—or at least has done so in the past. In an odd combination of historical events, the cities of the North have been dominated by Catholic votes and Jewish intellect, and the result very simply has been a much greater level of liberal political innovation. If this potential has not been much in evidence of late, it is mostly, I believe, because we have allowed state and local governments to get into such fiscal straits that they have no resources left for innovation. But the impulse and potential remain there rather than in Washington.

The second theory I have labelled false is that you can run the nation from Washington. I don't believe you can, at least not with respect to the kind of social change liberals generally seek to bring about. In the field of legislating social attitudes and practices, it is pretty clear that the old-time Tories had a point when they said you can't change human nature—for good or for ill—with a bill-signing ceremony in the Rose Garden. I would note that 20 years ago the Taft-Hartley Act outlawed the closed shop, and that today the closed shop is probably more completely in effect in our building trade unions than ever in history.

The record of social innovation through various public programs is equally unreassuring, largely because the American system of public administration has turned out not to be very good at that sort of thing. Richard Rovere recently noted that "the new Federal agencies set up to deal with the distress of the cities—the Office of Economic Opportunity, the Department of Housing and Urban Development, and the Department of Transportation—have turned in generally disappointing performances." Not because of their leadership, which has often been brilliant, but because of the resources available, and particularly the bureaucracy available. Rovere continues: "In the new agencies, for example, almost everyone feels that there is no greater hindrance to the war on poverty and no greater force for the perpetuation of slums than the public-welfare system administered by, and providing a *raison d'être* for, a huge, entrenched, and complacent sub-bureaucracy in H.E.W." Think of the dreams that had to die before that sentence could be written! But it happens to be true.

"How one wishes," Nathan Glazer writes in a forthcoming article, "for the open field of the New Deal, which was not littered with the carcasses of half successful and hardly successful programs, each in the hands of a hardening bureaucracy." But the pattern persists: the bright idea, the new agency, the White House swearing in of the first agency head, the shaky beginning, the departure 18 months later of the first head, replacement by his deputy, the gradual slipping out of sight, a Budget Bureau reorganization, a name change, a new head, this time from the civil service, and slowly obscurity covers all. Who among us today could state with certainty exactly what did become of the Area Redevelopment Administration, that early, shining creation of the New Frontier?

But the biggest problem of running the nation from Washington is that the real business of Washington in our age is pretty much to run the world. That thought may not give any of us great pleasure, but my impression is that it is a fact and we had better learn to live with it. Martin Luther King Jr., and many other liberals, are no doubt correct in holding that the war in Vietnam has stalemated government efforts on behalf of Negroes at home, but they are wrong, I would think, in their proposed solution: The government should get out of Vietnam. As far as I can see, an American national government in this age will always give priority to foreign affairs. A system has to be developed, therefore, under which domestic programs go forward regardless of what international crisis is preoccupying Washington at a given moment. This, in effect, means decentralizing the initiative and the resources for such programs.

3. Liberals must somehow overcome the curious condescension that takes the form of defending and explaining away anything, however outrageous, which Negroes individually or collectively, might do.

Over the course of the summer it became clear that there are two distinct, though related, groups in the Negro community. One is the vast Negro underclass that has somehow grown up in our Northern cities; a disorganized, angry, hurt group of persons easily given to self-destructive violence. Alongside it is a group of radical, nihilistic youth, not themselves members of this underclass, but identifying with it, able to communicate with it, and determined to use it as an instrument of violent, apocalyptic confrontation with a white society they have decided is irredeemably militaristic and racist. I do not believe we have yet realized the depth and intensity of this second group's feelings, nor the extent to which it has succeeded in politicizing the always existing forment of the urban masses—persuading them both of the inevitability and the desirability of a nihilistic solution. All the signs declare that the violence is not ended. Worse still, a new set of signs tells us something that is painful, even hateful to have to hear: We must prepare for the onset of terrorism. Indeed, it may already have begun. How widespread and how successful remains to be seen, but the probability is so great that ignoring it would be an act of irresponsibility or of cowardice.

For liberals, this poses a special problem that derives in a sense from our own decencies. Trying to be kind, trying to be helpful, we somehow have got into the habit of denying the realities of the life-circumstances of the lower class, and this has curiously paralyzed our ability to do anything to change these realities. Typically, we have blamed ourselves for the shortcomings of the poor—and left it at that. A terrifying example was the response in ultra-liberal quarters to the findings of James S. Coleman in his massive report on *Equality of Educational Opportunity*. Coleman, a distinguished social scientist, concluded that the disastrously low level of educational achievement on the part of most Negro youth was the result not nearly so much of the quality of their schools, as of their own family background and that of their classmates at school. With the hand of the Federal bureaucracy barely concealed, Coleman was labelled a racist by people who went on their way deploring conditions in slum schools and blaming Lyndon Johnson or John Lindsay; they were not disturbed by the thought that they might be wrong, or that the politics of stability might involve something more hardheaded than the untroubled indulgence of sado-masochistic fantasy.

The point is a simple one: There is nothing whatever to be done to change the minds of the Negro nihilists and their white associates, who have been so much in evidence of late. Their course is set. The only option for the nation is to deprive them of the Negro underclass which is the source of their present strength. This means facing up to some of the realities of life in that class that liberals have been notoriously unwilling to acknowledge, so much so that I would not be surprised if it developed that this fact itself was an element in the rage that roared through the streets of America this past summer.

The situation of the Negro masses today is startlingly like that of Yank, the quintessential, apolitical proletarian stoker in one of Eugene O'Neill's plays. Determined to make the world of the first-class passengers recognize his existence, he makes his way to Fifth Avenue and the 50s and begins jostling top-hatted gentlemen and insulting bejeweled, befurred ladies. He elicits only politeness, which, actually is a refusal to acknowledge that he is as he knows himself to be. He is driven mad by "I beg your pardons," finally turns violent, and in the end is destroyed.

The time for confronting the realities of black and white has come in America. It will not be pretty. More is the reason that liberals, rather than avoiding or explaining away that reality, should be the ones to work hardest at moving the nation in sane directions. Such words come easy; the effort itself will go against most of our tendencies. But we would do well to remember similar times of crisis in the past when our failure to lead gave the direction of events to others whose purpose was more to destroy than to build. If the politics of stability are to come to anything, they must be translated into programs.

In foreign affairs, surely, this involves the recognition that getting out of Vietnam is not just a matter of summoning the will, but also of finding a way. It is time to acknowledge that the prestige and the credibility of the Armed Forces is involved and is entitled to consideration, as is the self-regard of the tens of thousands of American youths who perform honorably and well in those jungles because they were asked or told to do so by their government. The task of liberals is to make it politically worthwhile and possible for the administration to disengage. This requires that we continue to work within the party system, and to make clear that we do in fact love peace more than we love the Vietcong. It also requires us to be unrelenting in our exposure of what the war really is doing to the Vietnamese people, and of the future obligations which we incur with every day of its prolongation. In this respect, it seems to me that Senator Edward Kennedy's inquiry into civilian casualties is a model of informed and effective liberal action.

In domestic affairs, we have got to become a great deal more rigorous in the assessment not only of the reality of problems, but of the nature of proposed solutions. We have to pay attention to what it is we are good at, and to work from strength. In particular, we must attend to what the Federal government is good. On examination, this becomes fairly clear. The Federal government is good at collecting revenues, and rather bad at disbursing services. Therefore, we should use the Federal fisc as an instrument for redistributing income between different levels of government, different regions and different classes. If state and local governments are to assume effective roles as innovative and creative agents, they simply must begin to receive a share of Federal revenues on a permanent, ongoing basis. Let us be frank: The original, determining opposition to this proposition in Washington has come from liberals, not conservatives, and we should be ashamed of ourselves.

At stake is not just the viability of municipal governments, but also the sense of urban populations controlling their own destinies. Fifty years of social reform has pretty well destroyed the bases of working class politics in this country. It is not at all funny to note that having broken the power of the bosses, destroyed their control over city jobs and cleaned up the police force to boot, we find the Federal government pouring millions into what Bayard Rustin has termed a "bedlam" of community action programs to overcome the sense of powerlessness among the urban poor, while private donations are sought to enable mayors to hire proletarians who could never pass civil service examinations, and the Justice Department laments the fact that organized crime rather than the police seems to control the streets. The next irony in the history of the Negro in America will be that having acquired a majority of the votes in a number of major American cities, he will find direction of city affairs has been transferred to Washington. Unless we start now to reverse that trend.

Finally, it is also reasonably clear that we must begin getting private business involved in domestic programs in a much more systematic, purposeful manner. Making money is one thing Americans are good at, and the corporation is their favorite device for doing so. What aerospace corporations have done for getting us to the moon, urban housing corporations can do for the slums. All that is necessary, one fears, is to let enough men make enough money out of doing so. It is encouraging to note how much ferment there seems to be in this direction at this time; hopefully, the liberal community will support the effort to involve private business rather than oppose it.

The politics of stability are not at first exciting. It is only when we come to see how very probably our national life is tied to them that they acquire a sudden interest.

PROGRESS IN GUYANA

Mr. DODD. Mr. President, I wish to call to the attention of my colleagues a recent article in the Washington Daily News written by the distinguished columnist and expert on hemispheric affairs, Virginia Prewett.

The article deals with the situation in Guyana, the South American country which won its independence from Great Britain 3 years ago—under conditions of labor turmoil and race warfare that almost seemed to preclude the possibility of progress. But under the leadership of Prime Minister Forbes Burnham, a near miracle of economic and social and political progress has been achieved.

Today—

Says Miss Prewett—

> civic peace has been reestablished, and the country's gross national product is growing at the rate of 8% per year, one of the highest rates in the world . . . For the whole country, a new program of industrial development offering tax and other incentives on Puerto Rico's "boot strap" pattern is under way.

Miss Prewett also makes the point that there have been relatively few strikes under the Burnham regime and that the Burnham government is successfully pursuing a policy of racial conciliation between the East Indians and the Negroes, the two major segments of Guyana's population.

I agree with Miss Prewett that the story of Guyana's success is not as well known as it should be. For me, the news is particularly gratifying because of my long interest in the area. I recall that in the summer of 1961 I took the floor of the Senate several times to warn against the danger that the election of a government under the leadership of Cheddi Jagan would turn the country over to communism. I pointed out that the international Communist movement was doing everything to assure the victory of Jagan, while we at that time were doing little or nothing to encourage and assist the opposition, under the leadership of Forbes Burnham. Among other things I protested against the moral and political support which we gave Jagan by arranging to have him received at the White House. For all of this, I was severely criticized by certain newspapers.

Jagan's government was a minority government, with less than 43 percent of the popular vote. It is a matter for gratification that the British Government, before granting independence, arranged for a constitution calling for proportional representation. With the moral and political support of Britain and the United States, the anti-Communist forces scored an impressive victory in the election that followed, and thus laid the groundwork for the heartening success story described by Miss Prewett in her column.

I ask unanimous consent to have printed in the Record the text of Miss Prewett's article, as well as the text of the statement which I made on the floor of the Senate on August 31, 1961.

There being no objection, the article and statement were ordered to be printed in the Record, as follows:

[From the Congressional Record, Aug. 31, 1961]

British Guiana—Beachhead for International Communism

Mr. Dodd. Mr. President, on July 17 I warned the Senate that Dr. Cheddi Jagan and his Communist-dominated People's Progressive Party would probably win in the British Guiana elections scheduled for August 21, that such a victory would give the Kremlin its first beachhead on the South American continent, and that a combination of Castro and Jagan would bring us to the brink of catastrophe throughout Latin America.

I pointed out that whereas the international Communist movement was doing everything to insure the victory of Jagan, we were doing nothing, not even through the broadcasting facilities available to us, to place the true facts about the Jagan movement before the people of British Guiana and to encourage and assist the opposition.

Since the triumph of Jagan in the election of last week, some questions have been raised on the floor of the Senate and in the American press about the propriety and political wisdom of describing Dr. Jagan as a Communist and treating him as one.

It has been stated that the surest way to push Guiana into the Communist orbit would be to describe the newly elected government as Communist, without any proof. Thus the New York Times of August 23 commented editorially:

"Dr. Jagan has been labeled by some high American officials and some Senators as a Communist, or the equivalent of one. If this were to prove the official U.S. Government attitude, Dr. Jagan and his government would certainly be in the communistic camp alongside of Cuba very soon. If British Guiana is handed by the United States with some understanding, sophistication, and sympathy, there is every reason to hope it will become a desirable member of the inter-American system."

Mr. President, I do not believe one should make the charge of communism lightly. It is a very serious charge, and falsely made it is true that it can alienate people.

But must one have a Communist Party membership card or a whole batch of Communist Party membership cards before one describes a man as Communist or a movement as Communist dominated? This kind of proof, as everyone knows, or should know by this time, is virtually impossible to obtain.

It is, however, important to know who is a Communist and who is not a Communist, because if we are not able to make this central distinction, we can have no foreign policy worthy of the name. In making this determination, I believe we must be fastidious in gathering our evidence; but once the evidence is in, we must apply certain elementary rules of common sense.

If an animal looks like a duck, walks like a duck, swims like a duck, and quacks like a duck and, lives habitually with ducks, I believe that every rational person would be prepared to agree that the animal in question is a duck.

Cheddi Jagan talks like a Communist. He behaves like a Communist. He has played a leading role in Communist front organizations. He has consorted with international Communist leaders. He has distributed official Communist literature. He has sided with the Kremlin in every conflict of policy with the free world. He has hailed Communist victories in Cuba and in China and has himself been hailed and supported by the Communist propaganda apparatus. Yet, in the face of this record, there are still people who insist on believing that perhaps Jagan is not a Communist, perhaps he is just a European-style social democrat or an agrarian reformer.

To those who now state that there is no proof, or ask that we wait until the proof is in, I say that the proof has been in for a long time.

I recommend to all of those who have any doubts about the Communist affiliation of Cheddi Jagan and Communist domination of his movement, that they read the white paper published by the British Government in October 1953, after it had been compelled to suspend the constitution and depose the first government of which Cheddi Jagan was the head. I also urge them to read the report of the British Guiana Constitutional Commission in 1954. I urge them to examine the personal record of Cheddi Jagan, of his wife, Janet, who has been described as the director of the Communist terrorist apparatus in British Guiana, and of his chief lieutenants.

If they take the pains to do so, I am sure we shall hear no more pleas that we wait "until the proof is in."

Let me quote some of the most relevant items from the British white paper and from the report of the British Guiana Constitutional Commission.

In paragraph 101, the report of the British Guiana Constitutional Commission stated:

"On the evidence as a whole, we have no doubt that there was a very powerful Communist influence within the P.P.P.—"

That is Jagan's party—

"At the time of the elections at least six of the party's most prominent leaders—specifically Dr. Jagan (leader of the legislative group), Mrs. Jagan (general secretary and editor of Thunder), Mr. Sydney King (assistant secretary), Mr. Rory Westmaas (junior vice chairman), Mr. B. H. Benn (executive committee member and secretary of the Pioneer Youth League) and Mr. Martin Carter (executive committee member)—accepted unreservedly the 'classical' Communist doctrines of Marx and Lenin: were enthusiastic supporters of the policies and practices of modern Communist movements; and were contemptuous of European social democratic parties, including the British Labour Party."

This report was issued, under a British Labor Government, and with the scrupulous regard for the facts that is characteristic of British investigatory procedures.

And yet, in the face of that, the New York Times editorial to which I referred quoted Jagan as stating that his movement is dedicated to "the ideal of socialism." "Pending evidence to the contrary," said the New York Times, "the United States has everything to gain by taking Dr. Jagan's pronouncements at their face value."

Mr. President, it is difficult to understand how such a position could be taken in the face of the investigation and the conclusion and the report by the British commission.

The British white paper of 1953 devoted a substantial section to the ties of the People's Progressive Party with international Communist organizations. I now quote several paragraphs:

"Leaders of the party have been closely associated with international Communist organizations for many years. Mrs. Jagan was a member of the Young Communist League in the United States before 1943 and Mr. R. Westmaas frequently attended Communist meetings in Great Britain before returning to British Guiana in November 1952. At least 10 members of the party have made trips behind the Iron Curtain during the past 2 years and these trips have increased in frequency since the party came into power. Such party members who visited the United Kingdom had frequent contacts with Communists here.

"In official broadcasts Ministers gave evidence of their attachment to Communist ideas, Dr. Jagan announced he believed that socialism having replaced capitalism would 'itself evolve into the higher Communist stage of society.' In an official broadcast the Minister for Education said his intention was to remove churches from their present participation in the educational system of the country and to revise the curriculum and textbooks of schools 'to give them the true Guianese Socialist and realistic outlook.'

"The party and, in particular, Mr. R. Westmaas, one of its vice presidents, have promoted the formation of a Communist political youth organization, the Pioneer Youth League, affiliated to the Communist-controlled World Federation of Democratic Youth (WFDY) and World Peace Council (WPC). All Ministers have been present at one time or another at league meetings where propaganda of the WFDY and WPC was distributed. On August 16, 1953, a Youth Congress, to which oversea delegates were invited by the Minister for Works, was held to coincide with the Communist World Youth Festival at Bucharest."

The British white paper charged, among other things, that "the PPP Ministers insisted on the removal of the ban on the entry of certain well-known West Indian Communists into British Guiana," that "they introduced a bill to repeal the Undesirable Publications Ordinance, thus removing the power of the Governor in Council to exclude subversive literature," that they had attempted to oust established, non-Communist trade unions by legislative action, that Communist literature had been brought into the country by Dr. Jagan and had been seized by customs, that the PPP had attempted to gain control of the public service and had "encouraged junior officers to act as informers," that they had undermined the loyalty of the police, and had planned to organize a so-called people's police. Dr. Jagan was quoted as saying on May 3, 1953: "Comrades, in the past, when we asked for bread, we were given bullets, and those who fired at workers were honored by the masters. But when the PPP gets into power, the same bullets which were fired upon the poor people will be fired on our oppressors. We shall organize a police force; it will be known as the people's police."

The white paper pointed out that the organ of the People's Progressive Party had followed the lead of the Communist-controlled Warsaw Peace Congress of November 1950.

It pointed out that Dr. Jagan in the summer of 1951 had attended "The Third World Festival of Youth and Students for Peace" and had at that time broadcast an attack on British imperialism over radio Prague.

It pointed out that in 1951, Dr. Jagan attended the general council meeting of the Communist-controlled World Federation of Trade Unions, and had called upon this instrument of Communist subversion to establish a special colonial department, to assist trade unions in colonial countries.

It pointed out that when the police raided PPP headquarters, they found photographic documents and captions supporting the charges that the Americans had waged bacteriological warfare in Korea.

It charged that there was a well-developed cell system organized by the People's Progressive Party, with a "hard core of some 400 to 500 members who are ready to do violence."

The complete Communist domination of the People's Progressive Party was exposed and denounced by one of the few prominent non-Communist leaders of the party, Mr. Forbes Burnham, who broke with Jagan in 1955 and formed his own party, the People's National Congress.

The report of the British Guiana Constitutional Commission published a list of representative literature distributed by the People's Progressive Party. Let me read a few of these edifying titles:

"The Right of Nations to Self-Determination," by V. I. Lenin.

"Patriotism and Internationalism," by S. Titarenko.

"The Labor Movement in Great Britain," issued by the British Communist Party.

"They Were Killed Because They Were Negroes," published by the West Indies Committee of the British Communist Party."

Mr. President, Cheddi Jagan has remained a faithful minion of the world Communist conspiracy to this day. Within the past year, he has hailed Castro as a "liberator" and has been hailed by Castro. He has banned the distribution in British Guiana of a USIA publication entitled "What Can a Man Believe?" contrasting life in free countries with the life in totalitarian countries. Jagan's Minister of National Resources, the Honorable H. B. Benn, stated only a few months ago, "It is easier to stop tomorrow than to stop communism."

Mr. President, I could go on and on with this recital of the record. But surely in the light of the record I have already presented, no reasonable person could doubt that Cheddi Jagan and Janet Jagan and their Ministers are Communists, that their movement is Communist dominated, that it does take its orders from the Kremlin.

It has been argued that if we truly believe in the principle of self-determination, we could not in good faith have intervened in any way in the British Guiana elections; that if the British Guiana people want a Jagan government they are entitled to have a Jagan government.

But I say that it is not self-determination when the Jagan movement campaigns with the unlimited financial means of the world Communist movement at its disposal, while the opposition parties are refused contributions by British and American concerns doing business in British Guiana, for fear that this would antagonize Cheddi Jagan.

It is not self-determination when Moscow, Peiping, and Havana inundate British Guiana with propaganda favorable to Jagan, while the Voice of America and BBC do nothing to expose the true nature of the Jagan movement or the true nature of communism, or to give support and encouragement to the opposition.

It is not self-determination when the World Bank, with American approval weights the election in Jagan's favor by granting him a loan of $1¼ million just before the election thus enabling Jagan to pretend to his people that he knows how to deal with the Americans and that the American Government is prepared to support him. This, in my opinion, is a scandal that cries out for explanation.

It is not self-determination when the Jagan party deceives the people of British Guiana by concealing its Communist identity from them and parades, as Castro did, in the guise of a reform and independence movement.

It is not self-determination when the people of any country vote for reform and democracy, but get, instead, a Communist dictatorship from which there is no way of extricating themselves. On the contrary, such fraud constitutes a flagrant perversion of the right of self-determination which all men who believe in freedom shoud expose, rather than defend.

The Washington Post, in an optimistic editorial, appealed against any attempt to interfere with the right of the British Guiana people to self-determination, and held forth the hope that after they had had experience with the Jagan regime, the people of British Guiana would take back their endorsement at the polls, just as the people of Kerala voted the Communists out of office. Whether this optimistic parallel holds any water depends in the final analysis on our British allies and on ourselves.

Kerala was never an independent state. It was a state in the sense that Connecticut is a State. Even under an elected Communist government, it remained constitutionally subordinate to the State of India, without the power to levy armies or other powers reserved to sovereign governments. Even then, before the Communists could be voted out of power, it was necessary for New Delhi to impose martial law in Kerala and put an end to the excesses with which the Communists had been terrorizing the population.

Within 2 years, if Britain does not intervene, British Guiana is scheduled to become fully independent. Meanwhile, at least theoretically, Britain reserves the right to intervene in an emergency.

Will Britain use this right if Jagan proceeds to Castroize British Guiana, to set up a one-party dictatorship, to confiscate foreign enterprises, and to create a people's police and a people's militia as instruments of control?

Will it use this right if there is evidence, as I fear there will be, that British Guiana under Jagan is being used for the infiltration and subversion of Brazil, Colombia, Venezuela, Dutch Guiana, and other Latin American countries?

Mr. President, the United States and Great Britain must accept the fact that the Caribbean area has become a major theater of Communist political and military operations; and we must make plans, in concert, to deal with this danger.

If we do not do so quickly, if we continue to drift and hope for the best, as we have done in regard to Cuba, then, as certainly as day follows night and defeat follows inaction and folly, we shall within the next several years, see the Caribbean Sea converted into a Communist lake, and communism triumphant through large parts of the Latin American mainland.

Mr. President, when one examines the record, there is no question that Jagan has been following the Communist line; and regardless of whether he is a card-carrying Communist or whether he is on a Communist membership list, there is no question that today he is as much a Communist as is any well-known Communist in the world.

This situation is very serious for us, and that is why I am discussing it.

What troubles me even more than these facts is the fact that the World Bank granted Jagan a loan of $1,250,000, I believe, only 6 weeks before the election in British Guiana.

Mr. President, what kind of intervention is that? The election was about to take place in British Guiana, and the facts about Jagan—including his clear record of communism—were known. Then, late in June, he came to Washington, and personally signed for a World Bank loan of $1,250,000, and the World Bank extended the loan. I know it will be said that the World Bank is an international organization. But the United States is a rather large stockholder in that organization.

Mr. LAUSCHE. To the extent of 33 percent.

Mr. DODD. Yes, to the extent of 33 percent. I say it will be rather hard to explain to the American people that an organization in which we have membership to the extent of 33 percent has loaned in excess of $1 million to one about whom, I say, there is no dispute of his affiliation, his dedication, and his devotion to the Communist conspiracy.

Some of our friends have said that the use of our radio facilities to tell the truth about Jagan would be intervention. I say it is the worst kind of intervention when, on the eve of the British Guiana election, in which there were two candidates, one of them was permitted to come to Washington and obtain a loan of in excess of $1 million, following which he returned to British Guiana and used that fact to his great personal advantage. As recently as 2 days ago I talked to several persons who were there during all that period; and they state, "When that happened, the jig was up. But you cannot tell us that he is not a Communist."

Nevertheless that World Bank loan was made; and shortly thereafter Jagan won the election in British Guiana by only a few votes.

This is one of the worst things that has ever happened; and someone should explain how it was allowed to take place at this critical hour.

I said to one official of the World Bank, "Did you talk about Jagan? Every banker I know considers that the most important element in connection with a loan is the character, the reputation, and the integrity of the one who applies for the loan; they are more important than his credit rating or his property holdings. The most important thing is to know what sort of man is applying for the loan. Did your bank ask those questions about Jagan? Did anyone tell you he is a Communist and has been running with Communists?"

He replied, "Yes, the question has been raised."

But I have not yet been able to find out what was said.

This situation must be absolutely terrifying to the American people. It must shock them to realize that such a thing was allowed to happen at this critical hour in world developments.

Mr. GRUENING. Mr. President, will the Senator from Connecticut yield?

The PRESIDING OFFICER (Mr. HICKEY in the chair). Does the Senator from Connecticut yield to the Senator from Alaska?

Mr. DODD. I am glad to yield.

Mr. GRUENING. Apart from the very effective points the Senator from Connecticut is making in regard to the character of this man, what explanation or justification is there for making such loans to colonies of another country which, under the new orientation of this administration, is supposed to be one of the contributors to our foreign aid program, before such colonies are even liberated? That has happened in several cases. How is it justified?

Mr. DODD. I do not know. I asked that question, too; but I have not yet been able to obtain an answer. I hope I do get one. If so, I shall be happy to report it to the Senate.

Incidentally, let me state that I was told that the application for the loan had been pending 2 years. So I asked, "Why was there such great haste, just 6 weeks before the election? If the application had been pending for 2 years, could not you have waited until the people of British Guiana had had a chance to reach their decision? Could not you have waited another 6 weeks?" But I did not get a very good answer to that question, either.

Mr. GRUENING. Mr. President, will the Senator from Connecticut yield further to me?

Mr. DODD. I am happy to yield.

Mr. GRUENING. I would say that those of us who support the principle of foreign aid—believing that some of it may be necessary in this crucial time in the world—are deeply concerned not merely about the maladministration that has characterized it, but also because of the fear that that maladministration will continue.

There has been a very firm declaration of purpose on the part of our President to change that. I certainly applaud that purpose. But to date there is no evidence, so far as I am aware, that that fine declaration of purpose is being carried out by any significant changes in key personnel.

I believe it would be most important for the Senator from Connecticut, who is a member of the Foreign Relations Committee, to pursue this matter and to ascertain who is responsible for making the loan to Jagan, and under what circumstances, and to ascertain whether officials of that type who are responsible for that action are to be retained in the proposed new and better setup. This will have a great bearing on whether we can have any confidence that the promised improvement of administration of foreign aid will actually occur.

I wish to say that I have the gravest fears that the promised improvement in administration will not take place, but that, despite the President's purpose, the same policies and performance which have been so disastrous in many parts of the world will continue. We all hope they will change, because if they do not change not only will the foreign-aid program be a failure and the money wasted, but it will be of actual help to the forces we are trying to defeat, the Communists. If the money goes to a few people at the top as so often hitherto, or to governments run by officials with Communist affiliations or sympathies, we will be helping the very forces we are trying to combat, and defeating our efforts in behalf of freedom and peace.

Mr. KEATING. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield to the Senator from New York.

Mr. KEATING. I congratulate the Senator from Connecticut for bringing this matter to the attention of the Senate. It is shocking that the International Bank would make such a loan on the eve of an election. As the Senator has said, it would not have been necessary for them, with their office here in Washington, to go to a British white paper. As the Senator knows, the Internal Security Subcommittee has taken evidence with regard to the situation in British Guiana in relation to its investigation into communism in the Caribbean.

While the testimony was not released, upon request it would have been made available, of course, to any official of the International Bank, or anyone else in Government who needed the information. They knew very well the testimony was being taken.

It gives great pause to those of us who feel, as I know the Senator from Connecticut does, that assistance to friendly nations is in the interest of our own country to see a thing like this happen, which undoubtedly had a definite influence on the election. There is no doubt about it. Whether or not the election would have been different without it, nobody can say; but it is regrettable in the extreme that the International Bank took the step at just this date. I am glad that the Senator from Connecticut has brought the matter to our attention.

Mr. DODD. I am grateful for the contribution of the Senator from New York.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the following documents: First, "British Guiana, Suspension of the Constitution," published by Her Majesty's Government; second, the following appendixes from the "Report of the British Guiana Constitutional Commission"—published by Her Majesty's Government: Appendix I—"Extracts From the PPP Periodical Thunder and From Speeches and Writings of PPP Leaders," Appendix II—"List of Communist Literature Distributed by the PPP," Appendix III—"Note on the Arson Plot"; third, article from the Daily Chronicle—Georgetown, British Guiana—September 30, 1960, headed "British Guiana Can Expect Anything Should PPP Lose Elections"; fourth, article from the Guiana Graphic—Georgetown, British Guiana—July 4, 1961, entitled "Benn Meant Every Word"; fifth, some sundry articles from the American press dealing with the British Guiana crisis of 1953–54.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 through 5.)

Mr. DODD. Mr. President, in concluding my remarks, I hope that what I have said has not in any way suggested an "I told you so" attitude. It is no solace at all to be proved right when our national security is at stake, and when the cost of being proved right runs so high. But we shall never survive the terrible trials that lie ahead of us unless we first of all expose to ourselves and find the explanations for all the blunders and errors—errors of commission and errors of omission—of which we have been guilty.

What I find particularly frightening about the situation in British Guiana is that we have been aware since 1953 that this was a political crisis area, where the Communists might conceivably come to power.

But we did nothing.

In the name of economy, we even withdrew a few labor attaches who, according to accounts, had been doing an effective job of counseling the anti-Communist trade unions.

Worse than this, as I have pointed out, we fortified Jagan's position by providing him with technical assistance and by approving the World Bank loan of $1¼ million, which was personally signed for by Jagan himself. I have been told by Americans who were in British Guiana at the time that, had we wanted to help Jagan win, we could have taken no more effective measure than the granting of this loan in the weeks immediately preceding the election. Indeed, when we consider that Jagan won by only two seats, I do not think it is too much to suggest that this loan made the difference between victory and defeat for the forces of communism in British Guiana.

Now, despite Jagan's record, despite the sorry experience with being nice to Castro and with aid to Tito and to Poland, we find that there is talk of keeping Jagan from going Communist by making bigger and better loans to him.

Mr. President, there is an alternative to folly; there is an alternative to inaction. I believe that the record of our tragic failure in British Guiana is still another argument for the establishment of a Freedom Academy where methods of combating communism can be studied and devised and where we train cold war experts for the side of freedom.

"EXHIBIT I—BRITISH GUIANA—SUSPENSION OF THE CONSTITUTION

"(Presented by the Secretary of State for the Colonies to Parliament by Command of Her Majesty, October 1953)

"I. Introduction

"1. The new Constitution introduced in British Guiana last April was based on a report (Col. No. 280) of an independent Commission (Sir John Waddington, Chairman, Professor V. T. Harlow and Dr. Rita Hinden, members). It conferred upon the people for the first time universal adult suffrage and provided for a bi-cameral Legislature with a Lower Chamber (House of Assembly) consisting of twenty-seven members, of whom twenty-four were elected, and an Upper Chamber (the State Council) consisting of nine members appointed by the Governor (two on the recommendation of the Ministers in the Lower Chamber). The Constitution provided for the appointment of six elected members of the House of Assembly as Ministers with departmental responsibility and gave them a majority of two in the Executive Council, the principal instrument of policy. The Governor was obliged (save in exceptional cases) to consult, and take the advice of, this Council.

"2. In the General Election at the end of April for thhe House of Assembly under the new Constitution the People's Progressive Party (P.P.P.) gained 51 percent of the votes, and 18 out of 24 seats. With this majority it secured the election of members of the Party to the six Ministerial posts filled from the House of Assembly.

"These Ministers were: Dr. C. B. Jagan (Minister for Agriculture), Mr. L. F. S. Burnham (Minister for Education), Mr. A. Chase (Minister for Labour), Mrs. S. King (Minister for Works), Dr. J. P. Lachhmansingh (Minister for Health), Mr. J. N. Singh (Minister for Local Government).

"Dr. Jagan was elected Leader of the House of Assembly and Mrs. Jagan, Deputy Speaker. Two further members of the P.P.P., Mr. Fingal and Mr. Robertson, were appointed to the State Council on the recommendation of the six Ministers.

"3. The People's Progressive Party, therefore, held six out of the ten places in the Executive Council. It also had a working majority in the House of Assembly, but not in the State Council. It would also have had a majority if the Governor had decided to call a Joint Session of the two Houses for any purpose.

"II. Activities of Ministers

"4. The conduct of Ministers showed no concern for the true welfare of the Colony and threatened its progress as an orderly state; it had seriously endangered the economic life of the country and had set it on the road to collapse. Examples of this conduct are:

"(i) Fomenting of strikes for political ends (pars. 15–18);

"(ii) Attempting to oust established trade unions by legislative action (par. 19);

"(iii) Removal of the ban on the entry of West Indian communists (par. 8);

"(iv) Introduction of a bill to repeal the Undesirable Publications Ordinance and the flooding of the territory with communist literature (paragraph 8);

"(v) Misuse of rights of appointment to Boards and Committees (paragraph 13);

"(vi) Spreading of racial hatred (paragraph 14);

"(vii) Plan to secularize Church schools and to re-write textbooks to give them a political bias (paragraph 36);

"(viii) Neglect of their administrative duties (paragraphs 22–23);

"(ix) Undermining of the loyalty of the Police (paragraphs 9–11);

"(x) Attempts to gain control of the Public Service (paragraph 12);

"(xi) Threats of violence (paragraphs 28–33);

"5. Each one of these acts judged separately was serious enough, and the cumulative effect was disastrous. Viewed in the light of the Communist connexions of Ministers, their aim was unmistakable.

"6. In the succeeding paragraphs the events of the period May-September 1953 are described roughly in chronological order.

"The loyal address and withdrawal of bans on entry of Communists and Communist literature

"7. At the first business session of the new House of Assembly held on 17th June the Party refused to move a loyal address to the Queen in response to Her Majesty's gracious message at the introduction of the new Constitution (though a loyal address was passed unanimously when moved by the Leader of the Opposition).

"8. At the same time and contrary to the general policy of other West Indian Governments, the P.P.P. Ministers insisted on the removal of the ban on the entry of certain well-known West Indian Communists into British Guiana. They introduced a bill to repeal the Undesirable Publications Ordinance, thus removing the power of the Governor in Council to exclude subversive literature. Communist literature brought in by Dr. Jagan in 1951 was seized by customs officials. The proposed bill sought to invalidate this seizure and was thus attempting to make these officials liable to legal proceedings for their official action. It has not yet passed into law, but meanwhile communist literature has been pouring into the country.

"Undermining of the loyalty of the police

"9. Ministers intended to organize a "Peoples' Police." On 3rd May, Dr. Jagan said, "Comrades, in the past when we asked for bread we were given bullets and those who fired at workers were honoured by the masters. But when the P.P.P. gets into power the same bullets which were fired on those poor people will be fired on our oppressors. We shall organise a Police Force; it will be known as the People's Police."

"10. Ministers in their speeches made clear their dissatisfaction that the existing police force was not under the control of P.P.P.; they encouraged dissatisfied policemen to take their complaints to party leaders and used the dissidents to spread discontent and disaffection.

"11. The Minister for Labour tried to interfere with the control of the police by the Chief Secretary. He informed the Chief Secretary that he proposed to issue a statement for the guidance of the police and requested the Chief Secretary to draw their attention to it. The following are extracts from the proposed statement: "It is nauseating to find that as soon as there is a labour dispute or stoppage of work—no matter how trivial or large—the police intervene. Any repetition of the past attitude and conduct by the police will meet with stern action on the part of the elected Ministers." In fact the police had not interfered in labour disputes; they only became involved in the exercise of their duty to maintain law and order. The Chief Secretary managed to prevail on the Minister to defer publication until the question had been further discussed, but on 23rd September the Minister asked that the Governor should be informed that he proposed to issue the substance of the statement after resumption of work in the sugar industry.

"Attempts to gain control of the public service

"12. It is fundamental, as it is in this country—and it is written into all colonial constitutions—that the public services should be free from all political influences. Accordingly under the constitution responsibility for the public service is reserved to the Governor who is advised on these matters by an independent Public Service Commission. Ministers, however, clearly showed that they resented this. For example, in a speech on July 26, Dr. Jagan said 'They have appointed a Civil Service Commission because they do not want us to have anything to do with the appointment of civil servants. We would like to have power to appoint our own people who would be able to do our work'. Ministers made clear their intention to abolish the Public Service Commission and to refuse to vote provision for it. They encouraged dissatisfied members of the Service to come direct to them for redress. They also encouraged junior officers to act as informers on departmental activities and have sought their views regarding the efficiency and conduct of their senior officers. The Minister of Works instructed the Director of Public Works that committees of workers should be set up in connexion with works projects. The functions of these committees were not to be confined to service conditions, but were to advise on the execution of the projects.

"Control over boards and committees

"13. Ministers' appointments to Statutory Boards and Committeees showed their determination to put these Committees under Party control without regard for members suitability and experience. They appointed 4 P.P.P. supporters, 3 of whom were primary schoolteachers, to the Education Committee while the representatives previously on the Committee of the denominational governing bodies which control 260 out of 277 primary schools in British Guiana were excluded. They also proposed to fill 5 out of 7 seats on the Transport Advisory Council by P.P.P. supporters. Two of these were junior members of the Transport and Harbours Department itself, and one was a tailor who earns his living by selling P.P.P. literature. Ministers pressed the Governor to transfer to them his powers to appoint members of other more important executive boards and committees so as to give them control over the local government board and such organizations as the Rice Marketing Board. Ministers ordered the manager of the Rice Marketing Board to disobey the instructions of the legally appointed Board using the threat that they (the Ministers) would shortly be appointing a new Board.

"Racial hatred

"14. The Ministers for Education and for Labour started an 'African and Colonial Affairs Committee' which declared support for the Mau Mau in Kenya and the communist terrorists in Malaya and specialised in vicious anti-British, anti-white propaganda.

"Labor unrest

"15. For many years a trade union called the Man Power Citizens' Association (M.P.C.A.) has represented the main body of sugar workers. It has negotiated a number of agreements with the Sugar-Producers' Association (S.P.A.) improving wages and setting up joint negotiating machinery. In 1945 Dr. Jagan, who had been 'Treasurer of this Union, having failed to gain control of it, broke away and later under his influence, a rival union, the Guiana Industrial Workers' Union (G.I.W.U.) was formed with Dr. J. P. Lachhmansingh (later Minister for Health) as President. This union set out to break the M.P.C.A. and the negotiating machinery between the M.P.C.A. and the S.P.A. After the Enmore riots of 16th June, 1948, in which a number of people were killed, a Commission of Inquiry into the Sugar Industry reported (Colonial No. 249) that the claim of the G.I.W.U. for recognition was premature and unwarranted and that the claims and complaints of the workers were amply represented by the already recognised unions.

"16. The G.I.W.U., however, sought to call general strikes in the sugar industry in the autumns of 1951 and 1952, to obtain recognition, but failed to secure any general support for its calls though strikes did occur on individual estates. In the official report of the Registrar of Trade Unions in British Guiana, the number of members of the G.I.W.U. on the 31st December, 1952, was given as 817, compared with 7,272 members of the M.P.C.A., of whom at least half were sugar workers.

"17. When the P.P.P. came into power it espoused the cause of the G.I.W.U. of which Dr. Lachhmansingh remained President although Minister for Health. Labour relations in the sugar industry have steadily deteriorated owing to direct interference by Ministers in minor matters which would previously have been settled through the existing joint consultative machinery. During this year there were 64 minor stoppages from May to September, compared with 3 up to May. In August the Minister for Labour approached the S.P.A. and pressed for the recognition of the G.I.W.U. The Association sent a conciliatory reply offering joint recognition with the M.P.C.A. A meeting of the Union was held on August 30 to consider this offer. The Minister for Health as President, and the Minister for Works (who held no official position in the Union) attended. The latter dominated the proceedings and insisted on the meeting calling a general strike in the Sugar Industry. The meeting agreed without considering the S.P.A.'s reply to their demand for recognition; and Mr. King, Dr. Lachhmansingh, Mrs. Jagan (that is, two Ministers and the Deputy Speaker) and other members of the Party toured the estates urging the workers to strike.

"18. The resulting strike eventually paralyzed the whole industry. Some days after it had started the Union represented that its object was to secure an improvement in wages and working conditions, although no previous approach had been made on the matter to the employers. Attempts were made to organize a general strike in sympathy in other industries and essential services. Some members of the Sawmill Workers' Union (President—Dr. Jagan) and the British Guiana Labour Union (President—the Minister for Education) responded. The President of the Transport Workers' Union, who was opposed to joining the strike, eventually agreed under pressure and intimidation to a 4-hour sympathy stoppage of work by his Union. Even this was only partially successful and there was little response from other Unions. The Minister for Health then ordered the sugar workers to return to work.

"Labor legislation

"19. Strikes having failed, the Minister for Health announced that the G.I.W.U. demand for recognition would be pursued by legislative action. A draft Labour Relations Ordinance was thereupon published requiring employers to recognize for purposes of negotiation any Union which obtained the support of 52 percent of the workers in an industry by ballot. Such legislation is contrary to policy and practice in British industry because it imposes an element of compulsion in a field where the principle of mutual consent, which is inherent in collective bargaining, can alone yield satisfactory results. It is claimed to be based on a United States law, but in fact reflects only one feature of a general code of industrial law in the United States which imposes restrictions and obligations not only upon employers, but also upon trade unions. At the same time the Minister of Labour moved to repeal the Trade Disputes (Essential Services) Ordinance 1942. The object of this Ordinance is to prevent sudden stoppages in services where there is likely to be an immediate and serious effect on the life and health of the community. Without such protection, the country could be deprived of water supplies, electricity, transport and drainage, and food supplies and public health endangered.

"20. On September 24, the day the strike ended, the House of Assembly met. Before the session began, large crowds had been instigated by the P.P.P. and G.I.W.U. leaders to assemble in the vicinity of the Legislative Chamber. While the police were attempting to control them the Minister for Works exhorted them to rush the building. It was soon packed with an unruly crowd and it was some time before sufficient order could be restored for the session to begin. The Minister for Labour then moved the suspension of Standing Orders so that the Labour Relations Bill could be taken without due notice through all its stages that day. The Speaker refused this request on the grounds that such action infringed the rights of the minority in the House, and that he could not permit a measure of such importance to the life of the community to be taken without notice. The Ministers present and other members of the P.P.P. then rose and left the Chamber. Pandemonium broke out amongst the large crowd in the Chamber, which invaded the floor of the House, and order could not be restored for some time. The Leader of the Opposition had to be given police protection on leaving the building. The Party at first threatened to boycott the House until the Speaker reversed his ruling and at a public meeting the Speaker was accused by the Ministers of partiality. Eventually, however, the Bill was debated for several days and passed. These incidents added to the already serious tension in Georgetown which was not relaxed until the arrival of the troops.

"21. The alarm generated amongst moderate opinion by these developments was reflected in a resolution recorded on the 21st September by the State Council, expressing its grave anxiety at the sugar strike and regretting that 'certain Ministers of the Crown in the Colony had been actively engaged in various parts of the country in promoting and sustaining this strike.' The resolution continued 'such action by these Ministers of the Crown is a grave danger to the Constitution, a direct threat to the peace and security of the ctizens of the Colony and the negation of good and responsible democratic government,' and it asked the Secretary of State 'after due enquiry to take such action as he may deem fit to ensure confidence in the Government and the proper and efficient working of the Constitution.'

"Ministerial negligence

"22. When the Ministers were dismissed large arrears of work were found in most of the offices; in the case of the Minister for Works, who was responsible for drainage and irrigation, important issues had been left undealt with for several months. The consequences of this neglect and of Ministers' actions are given in paragraphs 24–27.

"23. Ministers came into power at an important stage in the development of the country. Prospects were bright. An estimated total of £10 million overseas capital had been invested in the Colony over the preceding five years. Plans to bring large areas of land into production on the coast and to provide for the ever-growing population had been drawn up, involving large schemes for the drainage of land. Arrangements had been made to find the substantial sum of money required to meet the cost, partly from the Colony's allocation of £3½m. from United Kingdom funds for development. There were favourable markets for the two main agricultural products, namely sugar and rice, the former provided by the Commonwealth Sugar Agreement, 1951. The report of the International Bank Mission which visited British Guiana early this year was available in mid-July. This report provided an excellent blue-print for the future development of the Colony. Ministers made no attempt to take advantage of all these opportunities despite the efforts of the Governor who, as stated in his broadcast, pressed upon them on many occasions, ways and means of making progress in the economic field.

"*III. The economic consequences*

"24. Not only did Ministers neglect all these opportunities of pushing ahead with the development of the resources of the territory and thereby improving the standard of life of the inhabitants, but by their activities they undermined the confidence of the whole business community. Although the International Bank Mission concluded during its visit that the major part of the large sums required for development during the next 5 years could be raised locally, the Governor was recently advised that any attempt to raise a local loan would be unsuccessful. A survey by the Chamber of Commerce of principal business firms shows that turnover in wholesale and retail trades decreased by 9½ percent compared with the corresponding period in 1952. There is ample evidence that until private firms have more confidence in the future of the Colony they will make no further capital investments there. For example:

"(a) Kennametals International S.A. (Inc.) abandoned an exclusive permission to explore for columbite/tantalite on June 30;

"(b) The New York Alaska Gold Dredging Company abandoned an exclusive permission on September 3;

"(c) The Gulf Oil Corporation withdrew their application for an oil exploration license on August 27;

"(d) Panhandle Oil Canada Limited has abandoned further exploration pending its clarification of the political situation;

"(e) A building project by Ellis Associated Companies involving capital investment of $300,000 was abandoned as financial backers refused to continue negotiations with the then Government.

"25. Unemployment increased sharply in the building trade, because of a general reluctance to start new construction work. Local timber mills report decreases varying from 12 percent to 40 percent in the demand for lumber for the domestic building trade.

"26. At the end of 1952 Savings Bank deposits totalled approximately $16 million. The level of deposits fluctuated during the first weeks of the new Government, but a serious run started in August as is shown in the following table:

"Date	Deposits	Withdrawals	Net withdrawals
Aug. 19–31	$281,264	$604,605	$323,341
Sept. 1–15	369,029	1,371,485	1,002,456
Sept. 16–30	338,694	712,619	373,925
Total	988,987	2,688,709	1,699,722

"Note: Dollar (B.W.I.)=4s. 2d.

"After the arrival of the troops the rate of withdrawal significantly decreased.

"27. The numerous strikes and stoppages in the sugar industry which had taken place during the past 4 months owing to direct interference in labour relations on sugar estates by Ministers resulted in substantial losses in production of sugar and in wages earned by sugar workers.

"*IV. The danger of violence*

"28. The leaders of the P.P.P. had for some time made clear their preparedness to use force to gain their ends. For example—

"(i) On March 10 this year Dr. Jagan said: 'In Kenya the Africans are not only killing white men who took away their land, but are killing their own people who turn stooges and that should be done to stooges (here) who are fighting the cause of the Government and not the people.'

"(ii) The Minister for Education said in House of Assembly on September 11: 'The possibility of our present constitution being taken from us will be met by as much force as is necessary.' He also said at a public meeting on September 24: 'They say they are going to take away the constitution from us, but I would like them to know that when they attempt that, Her Gracious Majesty will not only hear of the explosion of the atomic bomb in the hinterlands of Australia, but she will hear of it in the mud land of British Guiana, for we intend to fight to the end. I would like not to disclose our plans for the intended action which we will take, but will keep it a secret until it becomes necessary to put it into operation.'

"29. Ministers' actions showed that their speeches were not mere rhetoric. One example of this was when the Minister for Works encouraged a mob to rush the legislature (see par. 20). The attempts to subvert the police force and to set up 'People's Police' can have had no other object (see pars. 9 and 10).

"30. It was established from reliable sources that, at meetings attended by Dr. Jagan, the Minister for Education, the Minister for Works, and Mrs. Jagan, a plan was made to set fire to business property and residences of prominent Europeans and Government officials. It was to be put into force if the Governor refused to declare a Joint Session to consider the Labour Relations Bill, or if action was taken to arrest any of the Ministers for sedition or if the Constitution was revoked. This information was supported by reports of unusual sales of petrol to individuals without cars who carried it away in cans or bottles.

"31. The P.P.P. has a well-developed cell system which enables contacts to be made and instructions issued, and there is reported to be a hard core of some 400–500 Party members, concentrated mainly in Georgetown, who are ready to do violence at the bidding of the leaders, particularly Mr. King.

"32. From September 1 to October 9, 660 applications for cover against riot and civil commotion to a value of $11,335,000 were received by three of the insurance companies operating in the colony from persons who have not previously sought such cover.

"33. On October 15, the Governor reported that 'There can be no doubt that the arrival of troops forestalled any plans for violent demonstrations with which any moves to take action against Ministers and the party, even the withdrawal of portfolios from one or more of the Ministers, would otherwise have been greeted.'

"V. People's progressive party leaders and communism

"Ties With International Communist Organizations

"34. Leaders of the Party have been closely associated with international communist organizations for many years. Mrs. Jagan was a member of the Young Communist League in the United States before 1943 and Mr. R. Westmaas frequently attended communist meetings in Great Britain before returning to British Guiana in November, 1952. At least ten members of the Party have made trips behind the 'Iron Curtain' during the past two years and these trips have increased in frequency since the Party came into power. Such Party members who visited the United Kingdom had frequent contacts with Communists here. Details of contacts between P.P.P. leaders and international communist front organisations are given in Appendix A. It will be seen that these have mainly been with the "World Federation of Trade Unions," an organization under communist control which has latterly devoted much attention to the incitement of strikes and agitation in Western democratic countries and their colonies. At its general Council meeting in November 1951, Dr. Jagan himself sought the formation of a Colonial Bureau of the W.F.T.U. P.P.P. leaders have made it clear that they were prepared to follow the lead of W.F.T.U. and to further the aims of international communism in British Guiana.

"Party Organization

"35. The P.P.P. evolved from a political discussion group organised by Dr. and Mrs. Jagan. Although the party had a following amongst labour leaders, it was firmly controlled from the outset by Mrs. Jagan as Secretary and Dr. Jagan as President. They used the Party to disseminate communist literature and to spread pro-Communist propaganda in its journal "Thunder." As already described the Jagans and their associates set out to capture the existing Trade Union movement or, where they failed, as with the sugar union, to set up rival unions in order to provide the labour wing to their political party. Mrs. Jagan, shortly after her election as Deputy Speaker of the House of Assembly, attended the Third World Congress of the Communist-dominated Women's International Democratic Federation (W.I.D.F.) and, on her return, she circulated a directive to Party members calling for organisation of small cells for recruitment and indoctrination and the selling of the party's paper and Communist literature.

"Communist Propaganda

"36. In official broadcasts Ministers gave evidence of their attachment to Communist ideas. Dr. Jagan announced he believed that socialism having replaced capitalism would 'itself evolve into the higher Communist stage of society.' In an official broadcast the Minister for Education said his intention was to remove Churches from their present participation in the educational system of the country and to revise the curriculum and textbooks of schools 'to give them the true Guianese Socialist and realistic outlook.'

"37. The Party and, in particular, Mr. R. Westmaas, one of its Vice-Presidents, have promoted the formation of a Communist political Youth Organization, the Pioneer Youth League, affiliated to the Communist controlled World Federation of Democratic Youth (W.F.D.Y.) and World Peace Council (W.P.C.). All Ministers have been present at one time or another at League meetings where propaganda of the W.F.D.Y. and W.P.C. was distributed. On August 16, 1953, a Youth Congress, to which overseas delegates were invited by the Minister for Works, was held to coincide with the Communist World Youth Festival at Bucharest.

"38. The Party sought to undermine the position and influence of the established Youth Movements, such as the Boy Scouts and Girl Guides, which are grouped in the Colony under a Youth Council. This Council refused to accept the membership of the League on the grounds that it was a political organization. The Minister for Local Government and Social Welfare proposed to the Governor that the Minister for Works should be made chairman of the Council.

"39. In May, Mrs. Jagan set up a Women's Progressive Organization which has applied for affiliation to the communist controlled W.I.D.F. A British Guiana Peace Committee, in which the Minister for Works, Mrs. Jagan and Mr. R. Westmaas have been active, has been spreading this type of communist 'peace' propaganda for some time and has taken its lead from the communist-run World Peace Council. Mr. Westmaas is responsible for running a bookshop which is the main centre for the dissemination of communist propaganda.

"40. In sum, Dr. and Mrs. Jagan, Mr. S. King and Mr. R. Westmaas especially have been in frequent contact with Communists and Communist front organizations abroad. They have shown by their speeches and writings that they are zealots in the cause of communism and have demonstrated by their actions that their objective is to impose a totalitarian control on the P.P.P., the Trade Unions, the police force, the youth organisations and the State itself. All the Ministers have supported the extremists, have shown that they were prepared to be guided by them and cannot, therefore, evade responsibility for what has occurred.

"41. The Soviet Communist leaders issue periodical directives in the Cominform Journal concerning the national liberation movement in colonial and dependent countries. Communists are charged with the duty of securing control of these movements in order to establish satellite 'Peoples' Democracies.' The technique by which communist parties have seized power in all other parts of the world is significantly standardized. In those countries a highly disciplined party machine used propaganda, indoctrination of the young, infiltration of the police and the public service, penetration of all forms of social organization, fomenting of class hatred and the creation of economic chaos by strikes to achieve its ends. Step by step this is the pattern followed by the P.P.P. in British Guiana.

"VI. Action by Her Majesty's Government

"42. It became clear by the end of September that British Guiana was facing a rapid deterioration in the efficiency of its administration, in its economy and in its security. This deterioration threatened not only public order, but the very livelihood of the people. The Governor's reserve powers were certainly never intended to deal with a situation of this kind, so that effective action could not be taken within the terms of the Constitution to remedy matters. After consultation with the Governor Her Majesty's Government was driven reluctantly to the conclusion that the only course was to take steps to suspend the Constitution. To have waited until further deterioration in the situation had brought loss of life would have been a betrayal of Her Majesty's Government's responsibilities.

"43. Her Majesty's Government realised the gravity of this step. Some Ministers had threatened violence and tension was great. They and other extremists might have used this occasion for stirring up disorder. Her Majesty's Government accordingly decided to transfer to British Guiana the troops which were stationed in Jamaica and British Honduras to support the security forces and to ensure the maintenance of order. In the event the action taken by Her Majesty's Government was greeted with widespread relief in the Colony and there were no incidents beyond the general strike which the P.P.P. Ministers are attempting to organise. In the West Indies the unofficial members of several Executive Councils and Committees have supported Her Majesty's Government's action. Strong criticisms of the P.P.P. by leaders of the two principal political parties in Jamaica have been published in the Press.

"44. Pending the making of the Order in Council to suspend the Constitution P.P.P. Ministers were deprived of responsibility for departments and steps were taken to amend the Constitution so that the Governor, in exercising his powers under the Constitution, was no longer obliged to act on the advice of Executive Council. This was the effect of the British Guiana (Constitution) (Amendment) Order in Council, 1953, made on 4th October, 1953, and of the Additional Instructions, amending the Royal Instructions to the Governor of April 1, 1953 signed by The Queen on the same day. The Governor was also given emergency powers at the same time under the British Guiana (Emergency) Order in Council, 1953. The texts of Her Majesty's Government's announcement and the Governor's broadcast of 9th October are given in Appendices B and C. As stated in the announcement a Commission will be sent out to British Guiana to enquire into the events which have led to this check in the political advance of the Colony and to make recommendations for a revised Constitution.

"Appendix A—Contacts between P.P.P. leaders and international Communist front organizations 1950–1953

"In November 1950, Keith Carter from British Guiana was present at the Second World Peace Congress held in Warsaw under the auspices of the Communist World Peace Council. In February 1951, 'Thunder,' the organ of the People's Progressive Party, included an article entitled 'Long Live Peace,' which followed the lead of the Communist controlled Warsaw Peace Congress of November, 1950, in calling for the abolition of atomic, bacteriological, and other methods of mass destruction. Towards the end of 1951 a British Guiana Peace Committee was set up, and was dominated by P.P.P. supporters.

"In the summer of 1951, Dr. Jagan, the leader of the People's Progressive Party, visited Europe, primarily to attend the IIIrd "World Festival of Youth and Students for Peace" which was held in Berlin in August 1951. It was also attended by thirteen other British Guianese residents at that time in the United Kingdom, including Mr. R. Westmaas, who on his return to British Guiana became a prominent member of the P.P.P. On August 20, Prague Radio in its English transmission broadcast a recorded speech made by Dr. Jagan in which he denounced British imperialism for allegedly exploiting the manpower and plundering the resources of British Guiana.

"In November 1951, Dr. Jagan attended the General Council meeting of the Communist-controlled World Federation of Trade Unions[1] (W.F.T.U.) in the Soviet sector of Berlin, as an observer. During the course of his speech there he made a suggestion that to assist trade unions in colonial territories the W.F.T.U. should set up a Colonial Department. This suggestion was reiterated by a Trinidad observer present, and later a recommendation incorporating this proposal was approved by the General Council meeting. A further recommendation approved was to the effect that the W.F.T.U. should send delegates to colonial territories in order to strengthen its links with these territories.

"Meanwhile, in Vienna the staff of the W.F.T.U. Secretariat had been augmented by the arrival there from the U.S.A. of Mr. Ferdinand C. Smith, a Jamaican by birth. Mr. Smith had lived in the U.S.A. for over 30 years and was well known there for his Communist activities amongst maritime workers; he left the U.S.A. in anticipation of the execution of a deportation order in force against him. He became an Assistant Secretary in the W.F.T.U. Secretariat in charge of American, Canadian and Caribbean affairs, and later was nominated as head of the W.F.T.U. Colonial Department.

"In the spring of 1952, presumably in fulfilment of the W.F.T.U. General Council recommendation referred to earlier, Mr. Smith in company with Mr. W. Strachan, a Jamaican Communist resident in London, travelled to the West Indies. They visited Jamaica and Trinidad but were refused permission to visit British Guiana; this decision was later the subject of a bitter attack by Dr. Jagan in the Legislative Assembly. Both Mr. Smith and Mr. Strachan returned to Europe in June 1952, but a month later Mr. Smith sailed from the United Kingdom for Jamaica, where he remained until March of this year. In March he led delegates from the Caribbean at an International Conference on Social Security held in Vienna under the W.F.T.U. auspices; he travelled to Jamaica once more in April to continue his activities there on behalf of the W.F.T.U.

"After his debut at the Berlin Council, Dr. Jagan and his more extreme colleagues in the P.P.P. began to take a prominent part in W.F.T.U. activity. The W.F.T.U. Bulletin of January 16–31, 1952, contained a long article by him on the Trade Union 'struggle' in British Guiana in which he attacked the 'sham constitution' given to the Colony and demanded 'real independence.' The W.F.T.U. Bulletin of March 1–15, 1953, contained an article in extreme terms by Mrs. Jagan on 'Civil Liberties in British Guiana'.

"In the late summer of 1952, the Pioneer Youth League of British Guiana came into being as the Youth Movement of the P.P.P. It was accepted as an affiliate of the Communist controlled World Federation of Democratic Youth (W.F.D.Y.)[2] at a Council meeting held in Prague in February, 1953, and attended by Mr. S. King, Assistant Secretary of the P.P.P., and lately Minister of Communications.

"In October, 1952, Dr. Jagan was present at a meeting in Barbados called by Mr. Richard Hart, Secretary of the Caribbean Labour Congress, and attended by other Communist sympathisers from Trinidad, St. Vincent and Barbados itself. Mr. F. C. Smith intended to be present at this meeting also, at which it is believed that plans to further W.F.T.U. influence in the Caribbean area were discussed, but in the event he was not allowed to enter Barbados.

"In December, 1952, Mr. S. King, Assistant Secretary of the P.P.P., travelled to Vienna to attend the so-called Congress of Peoples for Peace, held under the auspices of the World Peace Council. He was elected to the Presidium. Later Mr. King visited Budapest where he is reported to have made a statement alleging that 90 percent of the youth of British Guiana were unemployed, and that the schoolchildren were half starved. He also went to Prague where he attended the W.F.D.Y. Council meeting mentioned above. On his return on 5th March, 1953, he brought back with him a large suitcase full of Communist propaganda, pamphlets and correspondence with Communist contacts in Eastern Europe and England.

"In May 1953, a body known as the Women's Progressive Organisation was formed at a meeting held in Georgetown by Mrs. Jagan, and a decision taken to apply for affiliation to the Communist controlled Women's International Democratic Federation[3] (headquarters—Soviet sector of Berlin). Immediately afterwards Mrs. Jagan left for Copenhagen to attend the Third World Congress of Women organised by the W.I.D.F. Mrs. Jagan was elected to the Congress Presidium. In a speech she said 'We need guidance and help. * * * We in the colonial world are tied economically and politically like the slaves of old. * * * Our people turn their eyes to the great socialist countries which have been moving forward with great rapidity and success. Help us to win freedom for all the oppressed colonial peoples of the world.' Mrs. Jagan visited Rumania after the congress.

"In June 1953, Mr. R. Westmaas, vice president of the P.P.P., attended a session of the World Peace Council in Budapest, during the course of which Dr. Jagan and Mr. E. Huntley (a P.P.P. member) were elected members of the W.P.C. Mr. Westmaas stayed in Europe to attend the Third World Youth Congress and the Fourth World Youth Festival, both events being held in Bucharest in late July and early August under the auspices of the World Federation of Democratic Youth. Mr. Westmaas was joined by two delegates from British Guiana selected by the Pioneer Youth League, Mr. Martin Carter (an assistant secretary of the P.P.P.) and Mr. Ramkarran (a P.P.P. member).

"Three members of the P.P.P., Mr. Jackson (President of the Federation of Unions of Government Employees), Mr. Blackman (Secretary of Saw Mill Workers' Union) and Mr. Ramkarran (a member of the House of Assembly) were at the Third Congress of W.F.T.U. which opened on 10th October, 1953, in Vienna. The Secretary-General, M. Saillant, said in his opening speech that the main task of the W.F.T.U. was to develop the workers struggle 'as much against colonial exploitation as for the strengthening of the social laws won in the course of previous struggles. That is why we need to stimulate, develop and guide everywhere the combative spirit.' Mr. Ramkarran said at the Congress 'In this (sugar) strike movement the organisations affiliated with the so-called International Confederation of Free Trade Unions stabbed the workers in the back' (presumably because they refused to take part in a political general strike). Mr. Blackman spoke of British Guiana being hidden behind 'the blood bespattered curtain of British terrorism' and 'said we will fight with as much determination even against odds as the Malayan patriots and the people of Kenya. We who have lived in slavery look with pride and admiration at the achievements of the Soviet Union, the successes of People's China and the People's Democracies in such a short space of time. Steel us to go forward with greater courage.' He appealed to the W.F.T.U. for help. Mr. Jackson was elected to the Presidium. Observers from Jamaica, St. Vincent and Trinidad attended this function together with Mr. F. C. Smith.

"Papers seized in recent police raids on party premises show that the P.P.P. leaders were in constant communication with W.F.T.U. and other international communist bodies in Europe as well as individual Communists in the United Kingdom. The following are examples:

"1. Letter from Jean Lafitte of the W.P.C. enclosing photographic documents and captions concerning bacteriological warfare in Korea and China;

"2. Letter from the Committee for Friendship and Cultural Relations with Foreign Countries, Sofia, Bulgaria, dated June 4, 1953, sending material and photographs on the life of Dimitrov;

"3. Two letters dated April 17 and August 25, 1953, from the W.F.T.U. Publications Limited to Mr. Huntley (a member of P.P.P.), acknowledging notes on sugar workers and newspaper reproductions;

"[1] At the time of its Berlin Council meeting the W.F.T.U. had been for nearly three years under Communist control. Its primary task, as defined at its Milan Congress in 1949 by the Soviet Trade Union leader V. V. Kuznetsov was to 'expose the warmongers and their agents in the labour movement,' a task which 'in the colonial and dependent countries' was to be 'combined with the call for a struggle for national liberation and independence'. Kuznetsov insisted that the W.F.T.U. should work to 'secure the affiliation of new members especially trade union centers in colonial and dependent countries' and that its executive bodies should 'establish close contact with the trade unions of those countries.' The promise of 'systematic help for trade unions in the colonial and dependent countries' was repeated at the meeting of the W.F.T.U. Executive Committee in Budapest in May 1950, which also instructed the W.F.T.U. Secretariat to extend the distribution of W.F.T.U. material to Asia, Africa and Latin America, and to assist trade unions of those countries in starting and developing a trade union press.

"[2] The W.F.D.Y. is a Communist-controlled organisation which has close links with the W.F.T.U. It has always shown a close interest in colonial problems. Thus, its Executive Council reported at its Second Congress in Budapest in September 1949: 'The imperialists' preparations for war have been stepped up. * * * Everything is being put into motion in order to drown in blood the irresistible movement of the colonial peoples for national liberation.'

"[3] The Communist-controlled Women's International Democratic Federation has also shown a close interest in colonial problems in accordance with the accepted Communist line. A resolution passed at its Asian Conference at Peking in 1949 declared: 'The W.I.D.F. leads women of all the imperialist countries in their struggle against their governments for the immediate termination of the colonial wars and armed intervention in Vietnam, Indonesia, Malaya, Burma, and the southern part of Korea.' "

"4. Declaration from the World Peace Council in Budapest, June 1953, attended by Mr. Westmaas;

"5. Letter to Mr. Huntley's wife, forwarding proceedings of Third World Congress of Women in Copenhagen, June 1953;

"6. Letter to the Pioneer Youth League from Jacques Denis, General Secretary, W.F.D.Y., Bucharest, acknowledging receipt of names of four delegates and two observers elected to attend the World Youth Congress.

"There is abundant information available to indicate quite clearly that since initial contacts were made in 1950–51 there has been a steady strengthening of the ties between the P.P.P. under the leadership of Mr. and Mrs. Jagan, Mr. Westmaas and Mr. King and the foremost international communist front organisations. There is little doubt that the attendance by P.P.P. leaders at international meetings organised by these movements has given considerable impetus to the activities of the P.P.P. and the trade union and youth organisations under its control. The increased attention paid by W.F.T.U. to Colonial affairs in recent years, suggested by Dr. Jagan himself, indicates the clear intention of Soviet communism to spread disaffection throughout the Colonial Empire by exploiting labour troubles and in other ways, while the presence of Mr. F. Smith in the West Indies shows that that part of the world and British Guiana in particular has been singled out for a concentrated attack.

"Appendix B—Statement by Her Majesty's Government of October 9, 1953

"1. Her Majesty's Government have decided that the Constitution of British Guiana must be suspended to prevent Communist subversion of the Government and a dangerous crisis both in public order and in economic affairs. The necessary Order-in-Council will shortly be laid before Parliament and an independent Commission of Enquiry appointed to report on what has happened and to recommend a revised constitution. The faction in power have shown by their acts and their speeches that they are prepared to go to any lengths including violence to turn British Guiana into a Communist state. The Governor has therefore been given emergency powers and has removed the portfolios of the Party Ministers. Armed forces have been landed to support the police and to prevent any public disorder which might be fomented by Communist supporters. These measures are being announced to the people of British Guiana in a broadcast by the Governor.

"2. Her Majesty's Government are quite satisfied that the elected ministers and the Party were completely under the control of a Communist clique. There is no doubt whatever that Dr. Jagan, Mrs. Jagan, Rory Westmaas, and Sidney King, to name the ringleaders, are closely associated with international Communist organizations such as the World Federation of Trade Unions, the World Federation of Democratic Youth, the World Peace Council and the Women's International Democratic Federation. It is well known that these organizations are used for indoctrinating supporters in all parts of the world and as a cloak for concerting Communist plans. From the actions and public statements of these extremists it is clear that their objective was to turn British Guiana into a totalitarian state subordinate to Moscow and a dangerous platform for extending Communist influence in the Western hemisphere.

"3. Ministers have used their official positions in the Trade Unions and their influence as Ministers to provoke and encourage a stoppage of work in the sugar industry for political purposes, without regard to the real interests of the workers. They deliberately spread the stoppage of work to other industries, including the services essential to the life of the community, which it was their duty as Ministers to protect. They then attempted to gain their political ends in the Trade Unions by legislation and to set aside the rules of the House to get this passed at once. They incited large and unruly crowds to attend meetings of the House of Assembly, seeking to intimidate the opposition members with threats and abuse.

"4. They have conducted an assiduous campaign to undermine the loyalty and discipline of the Police Force and have proposed to establish what they term People's Police.

"5. They have persistently intruded into the sphere of the public service in an attempt to subject it to their political control: as part of this campaign they have attacked the Public Service Commission set up to ensure the freedom of the public service from political interference and pressure and have announced their intention to abolish it.

"6. Ministers have promoted the formation of a communist political Youth Organisation, the Pioneer Youth League, and have sought to undermine the position and influence of the established Youth Movements, such as the Boy Scouts and Girl Guides. The Minister of Education has announced his intention to remove Churches from their present participation in the educational system of the country and to revise the curriculum and textbooks of schools with the evident objective of indoctrinating the children of the country with their political views.

"7. Ministers have sponsored a British Guiana branch of the communist-inspired Peace Committee. Both personally and through their agents they have engaged in the dissemination of communist subversive propaganda and initiated and directed subversive activities. They have set up a Committee which supports communist terrorists in Malaya and deliberately foments racial hatred.

"8. In these and other directions Ministers have deliberately used their powers, not to further the interests of the whole community, but to pervert the constitution and secure totalitarian control over all aspects of the social, cultural and economic life of British Guiana. Among other things they are seeking to turn the workers of British Guiana and their unions into the political tool of an extremist clique.

"9. These events have already done serious harm. Moderate opinion in the territory is alarmed at the turn events have taken, as was marked by the recent resolution passed by the State Council. There can be no doubt that in the present circumstances no business will undertake further capital development in the territory nor is there any hope of bringing in the technical assistance from abroad that is so badly needed for economic development. This could only lead, and lead soon, to mass unemployment.

"10. It has become clear to Her Majesty's Government that the Ministers have no intention of making the constitution work, that on the contrary their sole object is to seize control of the whole life of the territory and to run it on totalitarian lines. They have clearly shown that they are prepared to use violence and to plunge the state into economic and social chaos to achieve their ends. Their next attempt to demonstrate their power might have been disastrous to the territory.

"11. These are the reasons why steps were taken to vest in the Governor full control of the Government of the Colony and the necessary emergency powers to ensure law and order. As soon as the necessary legal steps can be taken the present Constitution will be suspended and an interim government set up with which the Guianese will be fully associated.

"12. The Commission of Enquiry will be set up in due course by the Secretary of State to enquire into the events in British Guiana which have led to this check in the political advance of the Colony and to make recommendations for a revised Constitution.

"13. The damage which this Communist plot has done to the economic and social life of the community must be repaired as quickly as possible. The Governor will take vigorous steps forthwith to restore the economic position of the country, to ensure the rapid development of its resources and to accelerate the improvement in housing and other social services.

"14. The Governor is announcing that he will hasten to carry out the recommendations of the International Bank report which has been available in the territory for some time and which is to be published shortly. The Bank's recommendation to set up a British Guiana Credit Corporation which will provide credits for agriculture, industry, forestry, fisheries and rural and urban housing will be carried out as soon as possible. In this and other ways it is hoped that the social and economic progress of the territory will be resumed.

"15. This action in British Guiana is not because of any change in the policy of Her Majesty's Government of encouraging political advance, reaffirmed by the Secretary of State when he took Office: the action has been taken to meet the danger which hangs over the Colony and is designed solely to protect the life and liberty of the people of British Guiana.

"Appendix C—Broadcast by Sir Alfred Savage, K.C.M.G., Governor of British Guiana, on October 9, 1953

"The official statement which has just been read to you will be published in the Gazette and Press but I am arranging for it to be distributed today with this speech to as many parts of the Colony as possible. Recent events may have come as a surprise and perhaps a relief to many of you. But it was inevitable, as I shall explain, and now each one of you has a duty to your country to perform at this time with loyalty and forbearance.

"2. My first duty is to maintain law and order and I call upon the Police and the Volunteer Force to carry out faithfully the tasks assigned to them.

"I know that attempts have been made in recent months to undermine your loyalty to the Crown and by intimidation and other methods to seduce you from the high traditions of the Forces to which you belong. I know the strain which this has put upon you but I rely on each one of you to do your duty without fear or favour and to obey your superior officers implicitly as you have done at all times in the past and in particular during the recent strike in the sugar industry. At this moment the Navy and Army are here in sufficient force to cope with any emergency that may arise and the forces are widely distributed throughout the country. They will be used to support you if their assistance is needed to protect life and property. In order to preserve public order I may have, much as I regret it, to use certain emergency powers. It is the duty of every person to assist the forces of law and order and to maintain the peace. As a precautionary measure, meetings have been banned and checks on road traffic have been instituted but I hope in general there will be as little interruption as possible in the normal life of the country. The inter-colonial cricket match with Trinidad will begin this morning and will continue, provided the crowds disperse quickly to their homes after the match.

"3. Most of you listening can answer the question 'Why has this been necessary?' It is because over recent months there has been a planned and continuous programme of strengthening links with communist countries with a view to making British Guiana a servile state where people are compelled, under intimidation, to give up those freedoms which we all cherish. You must have seen the reports of visits of an increasing number of people to iron curtain countries. What good were they bringing or sending back to British Guiana? Pamphlets and propaganda to teach us the Russian way of life. I do not believe the large majority of you want it.

"4. Let me take you back to the 14th April when my wife and I arrived in this country and we pledged ourselves to your service. Since then we have endeavoured to meet as many of you as possible—at public meetings of welcome, in your homes and in your places of work—to learn at first hand of your problems and to see whether our experience elsewhere could be of assistance to you. Almost my first words on arrival were to speak of industrial relations—to plead for a better understanding between labour and capital, for without it there could be no substantial development. I pressed for conditions to be established which would encourage the investment of capital for development, to provide more employment and therefore improved standards of living. But what has happened? Confidence has been recklessly thrown away. I entered on my task here with sincerity and enthusiasm. I believed and still believe that much can be done in the next few years to encourage the economic development of the country so that as many of you as possible who are unemployed or under-employed could be given work and so improve your standards of living. I and my officials have done our utmost to make this constitution work. I have done everything I could to meet the wishes of the Ministers elected by the House of Assembly and to induce them by goodwill, by tact, by patience and by tolerance to carry out their responsibilities. The experience and advice of the whole public service was at their disposal and as you know I made no use of my reserved powers to prevent them acting as they wished. I have pressed on them at every opportunity, collectively and individually, ways, and means of making progress in the economic field but with few exceptions most of their time has been spent in building up a political dictatorship, even stating that they are prepared to use violence to obtain their ends.

"Individual Ministers have told me privately that they disagreed with some of the actions of their colleagues but as collectively they have presented a united front in all their actions. I am forced to treat them all for the present as equally responsible and I have withdrawn all their portfolios today and they will cease to be in charge of the departments and subjects which I assigned to them in May.

"5. So much could have been done but so little was attempted in the social and economic field. We have had probably more visits of industrialists in the last six months than in many years before. There appeared to be a growing opportunity for development of this great country but the words and actions of the Ministers and of certain of their supporters have created doubts as to their real intentions and the outside world has lost confidence and the good name of British Guiana has become suspect.

"And it is not only outside of this country that confidence has been lost. Many of the small depositors in our own Post Office Savings Bank have had their fears. Since 19th August over $2,000,000 has been withdrawn in excess of deposits, mainly by the people with small savings. If the people of this country have not faith in their own Government, how can we expect people overseas to risk their money here? And so as a first step towards restoring confidence I ask those of you who have withdrawn your savings to put them back in the Bank. I give you my word that nothing will be done to prejudice the security of your savings.

"6. Next I want to speak individually to the sugar workers. During the recent strike it was impossible constitutionally for me to speak to you. You know how I was attacked for not answering the call for my intervention and it was suggetsed that I took no interest in the workers. That was untrue. Ten days after the strike began some Ministers suggested that I should intervene and I agreed to do so provided that both parties would accept my decision. Dr. Lachhmansingh refused my offer. The sugar strike was deliberately engineered by certain of the Ministers and others to secure domination of the industry for political and not trade union purposes. What good reason was there to cause all of you and your families to suffer as you have done?

"Do you remember my visits to the estates some weeks ago when my wife and I met many of you and I undertook to do all I could to help, particularly on the question of housing and land which so many of you pressed on me? Shortly after my return to Georgetown I had informal meetings with representatives of certain companies and put some suggestions to them. Had it not been for the recent strike I believe arrangements would have been made by now to provide more money for loans for more houses. Many of you spoke to me about more land being made available in sugar areas and the development of peasant farming. Again I discussed these matters with certain companies and I found them sympathetic. If it had not been for the strike I know some progress would have been made in this respect. However, I shall now resume the discussions on these matters and trust that in the near future I shall be able to make an announcement on this question. But I do urge on you the necessity for you to continue your work and to ensure that this crop is reaped with no further delay. If you fail in this, it can only mean further suffering to you and your families.

"7. To the trade unionists of this country I would say, you have a great responsibility and opportunity to restore confidence in this country. In the months that lie ahead your words and actions will be closely watched overseas. On you will depend to a large extent whether the industrialists who are interested in the development of the resources of this country will feel that if they come here they will be given a fair deal by you as well as by the Government. I watched with anxiety your reaction to the political pressure for a sympathy strike and I was glad to see that with certain exceptions you resisted the demand in spite of political intimidation.

"8. And now a few words to the Civil Service. You, too, have I know been subjected to severe strain and anxiety during the past months and I am very conscious of the loyalty and patience with which the majority of you have resisted political pressure and have remained true to the high traditions of the Service. I am confident I can rely on your continued loyalty in the tasks of reconstruction which lie ahead.

"9. And to every man and woman in this Colony let me say that this constitutional set-back which British Guiana has suffered and the precautions which it has been necessary to take to ensure law and order need not and should not be allowed to dislocate our normal life. I call upon you all to assist me by remaining calm and carrying out your normal duties. I have the right to demand your co-operation. If you give it freely, the sooner will it be possible to turn our energies to the constructive tasks of development and social improvement which have lain neglected during the last five months and to move forward once more along the path of progress.

"10. For a short time the Government will be carried on under the present Constitution as modified by amending Instruments which have been made and it is intended as soon as circumstances permit, to provide for the appointment of an Interim Government with which Guianese will be fully associated. As you have heard a Commission of Inquiry will be set up to make recommendations regarding the new Constitution. Meantime, provided that normal work and business continues I intend to introduce as soon as possible the economic measures which could and should have been carried out by the late Government and to accelerate the implementation of the Internationl Bank Report. I shall set up as soon as possible a British Guiana Credit Corporation and a provisional Economic Council with a Development Committee in each county of this country. I do not promise you the moon but I will see that the different economic proposals which you pressed on me during my tours of the country will now be sympathetically examined and as far as is practicable will be implemented.

"11. Finally, I realise that I have a very heavy task in front of me and with the deepest sincerity and goodwill I appeal to everyone of you whatever your politics, race or religion, to give me your full trust, your support and your prayers. With them I am certain it will be possible to recover the confidence of the people both here and overseas so that the last unhappy months may be forgotten and we shall all go forward with a happier and more prosperous British Guiana. God save the Queen."

"EXHIBIT 2

"Appendix I—Extracts from the PPP periodical Thunder and from speeches and writings of PPP leaders

"A—Extracts From Thunder

"The official organ of the People's Progressive Party is the monthly periodical Thunder. This periodical is edited by the General Secretary of the Party, Janet Jagan, and regularly carries articles by leading members of the PPP.

"The views on international affairs expressed in the periodical invariably follow those advanced by the propagandists of the Soviet Union and the Communist Parties of the world. Considerable space is devoted to adulation of the Soviet Union, other Soviet bloc countries, and China. On the other hand there is frequent vilification not only of 'capitalist' countries such as the United Kingdom, the United States, and France, but also of the Labor movements in these countries and of Communists such as Trotsky, Tito, and Beria who have incurred Moscow's displeasure. Considerable publicity is given to the activities and pronouncements of the Communist-controlled World Federation of Trade Unions, while the International Confederation of Free Trade Unions is referred to only as a subject for abuse. A similar distinction is made between Communist leaders and Communist-sponsored conferences and those of the democratic Socialist parties. The periodical's review column is devoted entirely to the praise of current Communist publications (which it is stated can be obtained from the PPP offices). Not one of the many books and pamphlets issued by the democratic Socialist parties and the free labor movements is even mentioned.

"The following extracts from articles and news items appearing in Thunder during the period January 1950 to December 1953 are representative of many similar statements appearing in the paper.

"The international situation

" 'The imperialists and their numberless lackeys fear the progressive people's forces of the world. But today the anti-imperialist and progressive forces are unprecedentedly strong. The Chinese People's Republic led by Mao-Tse-Tung is a shining beacon from the East sending hope to the oppressed colonial toilers of the world and lighting the way they must inevitably follow for "liberty, equality, fraternity," among men'—(Thunder, April 1950).

" 'The United States reject a planned economy. American capitalists also dread a peace which makes war equipment superfluous.' 'American economy is a war economy, as Russia's is a peace economy.' 'America's Marshall plan reestablishes capitalism on the basis of Wall Street monopoly, arresting reconstruction and crippling industrial development. The Marshall plan rebuilds the Nazi war machine.' 'Under the Atlantic Pact the U.S. supply the arms, Europe the cannon fodder for fighting Russia' (Thunder, May 1950, article 'War or Peace' by the Dean of Canterbury).

" 'The time has come for the British labor leaders to stop dancing to the tune played by America's war policy. Instead of fighting the Malayans, give them their freedom' (Thunder, April 1951).

" 'Human beings the world over are today threatened by a modern cannibal—American imperialism. Ever since 1914 when America was in the grip of economic depression, this cannibal has been living and thriving on war munition manufacturing and the rehabilitation of war damage in ravaged countries. Now, in our days even the rehabilitation of war-damaged areas cannot fill the maw of this gross imperialist parasite. Today American imperialism can only exist by creating war economy' (Thunder, May 1951).

" 'The People's Progressive Party has shown itself a staunch fighter for World Peace,' 'I ask you to support our appeal for the signing of a Pact of Peace between the Five Great Powers which demands an immediate ending of the Korean war, the banning of the atom bomb and chemical, radioactive and germ warfare, and the condemnation of the use of violence against peoples of Colonial Countries' (Thunder, January 1953, article 'A Message of Peace' by Rory Westmass, Secretary of the British Guiana Peace Committee, Vice President of the PPP).

"The war in Korea

" 'The present Government of South Korea, subservient to the policy of the American Government, is carrying out a policy which is maintaining the workers in the most terrible poverty and subjecting them to pitiless repression.'

" 'The regime in southern Korea is one of facist terror, where human rights are nonexistent: it is a daily threat to democracy and peace.' (Thunder, August, 1950, article 'Background to the war in Korea' from W.F.T.U. Bulletin.)

" 'The Americans are using germ warfare on the coloured Korean population just as they used the Atom Bomb on the coloured Japanese. . . . World democratic opinion is opposed to the war. Who in fact wants the war? The American bankers and makers of armaments have time and again hailed the war as 'good business' and 'the best thing that could have happened.' It is such circles in whose benefit the war in Korea is being waged' (Thunder, October 1952, article 'Not a Man for Korea,' by Sydney King, Assistant Secretary of the PPP).

"The war in Indochina

" 'Imperialist plot against Vietnam.'

"The prospect of complete victory for the Democratic Republic of Vietnam over the French interventionists is causing no little concern and alarm among the imperialists. Such a victory would undermine all the hopes of the imperialists to convert Indochina into a bridgehead for military adventures against the democratic movement in Asia, primarily against the Chinese Peoples' Republic" (Thunder, February 1950).

"British colonial policy

" 'To us here in British Guiana this book is very useful. It gives ample factual evidence of the American colonization of Britain, the Colonial Development and Welfare farce, of the new imperialism of the Labour Party, that so-called British Socialism with its callous rapacity for colonial plunder and its hangman methods of intimidating in Malaya and India.' (Thunder, October, 1951, reviewing R. Palme Dutt's book 'Britain's Crisis of Empire.' It may be noted that this book says, inter alia, 'The freedom of the colonial peoples will be won, and is today being won, not through petitions or prayers or good behaviour or maganimity of the rulers, but only through the strength of the national liberation movement, through the national revolution' (p. 140). This passage is quoted in 'Thunder's' review).

"The Soviet Union and other Soviet bloc countries

" In the Soviet Union people work for themselves and not for exploiters. This book comparing conditions in the United States with those in the U.S.S.R., says that during 1920–1938 "over 31 million farmers were unable to make a living and fled to the cities. During the same period almost 23 million unemployed left the cities to work on the farms." That is America. And these are only two groups of facts of the many that the author brings forward to prove that the Soviet State with its planned economy is superior to the anarchic economic of the capitalist countries like England and the United States. All conscious workers should read this book so that there will come more definitely in their action a knowledge of what is worth fighting for, and against what the progressive movements of the enslaved world are rebelling.' (Thunder', June, 1950, reviewing 'Social and State Structure of the U.S.S.R.,' by V. Karpinsky.)

"Guaranteed Employment.

"It is only in the Soviet Union and the New Democracies that the right of employment is guaranteed to the citizen (Thunder, October 1951).

"Message from Comrade Jagan.

"During my recent trip abroad I have been lucky to travel extensively both in the capitalist sector and the socialist sector of the world. A lot of propaganda and lies have been spread about the eastern People's Democracies—about forced labour, the denial of freedom of religion and what not. I have seen the people at work with my own eyes and on many occasions by myself and not led by my nose as we are made to believe. I have not seen any evidence of forced labour. Rather, everywhere there was enthusiasm and spiritedness. This was no doubt born of the knowledge that the government was their government, that the factories were their factories, that they were building a new and bright future for themselves. I did not witness the same enthusiastic spirit among the British working class.

"Having seen the horrors of war and the great enthusiasm with which the people of the Socialist sectors are building, I am fully convinced that these people really and sincerely want peace. Peace has meaning for them—for with peace, every day brings more improvements. I can hardly say the same for the capitalist countries. They are trying to solve their unemployment problems by putting workers in the army. They are increasing their profits by preparing for war. We are feeling the pinch of this policy by the ever-increasing rise in the cost of living. We are feeling it because we are not the masters of our own destiny. We will always be underfed, ill-clad, and ill-housed so long as we are tied hand and foot and allow ourselves to be delivered as booty to the imperialists. Let us resolve to make every effort to strengthen the PPP and to fight for self-government and the establishment in British Guiana of a People's Government (Thunder, December 1951).

"PPP mourns loss to mankind of J. V. Stalin.

"The Third Annual Congress of the PPP observed 2 minutes silence on the sad occasion of the death of J. V. Stalin, the leader of the Soviet people, the liberator of free Europe, and the acknowledged pathfinder of Peace Thunder, May 1953.

"On the other hand in the U.S.S.R., China, Hungary, in brief in the countries which are not bound with the chains of colonialism and imperialism the rights of women are guaranteed by their governments and written in the law (Thunder, June 1953, article 'Women and Peace,' by Jessica Huntley).

"Communism

" 'Today when the word "war" is heard over the radio and read in the papers innumerable times, the ideas of William Gallacher in the "Case for Communism" are of the utmost importance' (Thunder, September 1950).

" 'Question. Why do you sell books published by the Communist Party of Great Britain?

" 'Answer. We sell any books that are fair and just to (a) the working class, (b) the colonial people. It is not the fault of the PPP that, to all intents and purposes (it is a matter of history) the other parties believe in the colonial system' (Thunder, March 1952, 'What is the PPP?' by Sidney King).

" 'History has shown such personalities as Trotsky, Tito, Beria as profound opportunists. The workers must be militant, and expose them in their true colours. Long live the theory of scientific Socialism by Marx and Lenin' (Thunder, September 1953, article 'The Struggle in a Socialist Party' by H. I. Franklin).

"The free trade unions

" 'By their treacherous splitting activities in the world trade union movement and the trade union movements in Asian countries, the reactionary leaders of the A.F.L., C.I.O., and British Trade Union Congress are assisting in the realisation of the imperialist plans which aim to intensify the plunder of the working people.

" 'At the prompting of the employers and of their government, these same leaders, activated by fascist concepts, engineer the creation of so-called "trade unions" in order to dominate them and further the policy of the imperialists' (Thunder, January 1950, quoting from a resolution of the Trade Union Conference of Asian and Australian countries held under the auspices of the W.F.T.U.).

" 'The British T.U.C. which faithfully follows the lead of the Labour Government in colonial matters has laid aside £27,000 to be spent on the colonial trade unions for buying motor cars, typewriters, duplicating machines, and office supplies. Perhaps it is hoped that in this way the colonial unions will become loyal and turn aside from the business of liberating their countries' (Thunder, January 1951).

" 'Yellow International Attempts to Split African Labor Movement.'

" 'The Yellow Trade Union International calling itself the "International Confederation of Free Trade Unions" (I.C.F.T.U.) which is financed by the U.S. State Department, has called a so-called "African Labour Congress" this week in Duala, French Cameroons, in an attempt to extend its labour-splitting activities among the militant African proletariat in central and west Africa.' (Thunder, April 1951).

" 'Birds of a feather.

" 'Birds of a feather flock together and so the scab leaders of the ICTFU with the blessings of the pious American Negro-hating and British colonial-shooting Governments found followers in the West Indies. Messrs. Gomes, Solomon, C. P. Alexander (Trinidad), Thomas (Grenada), Critchlow (B.G.), have flocked together at a scab conference. Governor Rance, employee of the Government of Britain, repeated official Government blessings when he opened the conference. Nothing was said about the brutal treatment of the Grenada workers, about the ban on Gairy's movements. No sir. The ICFTU was not formed for that purpose. Divide the workers! Slander the Communists! Long live the British Colonial oppression. Rule Britannia (Freedom)' (Thunder, September 1951).

" 'Having failed to turn back the advance of the Caribbean masses by frontal attack, imperialism has now succeeded in introducing into our ranks an agent in the form of the so-called International Confederation of Free Trade Unions (ICFTU)' (Thunder, May 1953, quoting a May Day message issued by Richard Hart, Secretary of the Caribbean Labour Congress).

"The World Federation of Trade Unions

" 'W.F.T.U. 7th anniversary.

" 'The P.P.P. cabled the following greetings to the World Federation of Trade Unions on its 7th anniversary—"P.P.P. British Guiana sends fraternal greetings W.F.T.U. seventh anniversary in struggle for workers rights, peace and socialism"' (Thunder, November 1952).

"B—Extracts From Speeches and Writings of PPP Leaders

"The attitude of the PPP towards the Waddington Constitution has been illustrated in chapter 4 of this report by extracts from Party publications and speeches. The following extracts have been selected to show the attitudes of some of the leaders of the PPP toward communism as such:

" 'Those who know anything about economic theory know that communism, according to the definition of Marx, Engels, Lenin and Stalin, is only the advanced stage of socialism. * * * My idea was to show Members of this Council that in theory socialism and communism are the same. According to the people who wrote the textbooks, communism is merely a higher state of society than socialism. * * * I am not here to dispute what they have written.'

" 'When Communists refer to force they refer to what is known as the repressive force of society * * * the force of the state which makes the laws * * * to see that the former exploiters behave themselves, and if they do not, they are apprehended and tried in the People's Courts. * * * It is from that stage that Communism comes in. * * * Just as how in the schools of our country an attempt is made to have certain influences moulding the minds of the youth in order to preserve the status quo, the capitalist system, in the Socialist society the children of the exploiters and the exploited are sent to school where their minds are moulded.'

" 'As far as I am concerned, when the Government puts its ban on Communist publications I will import books which are written and printed by non-Communist organizations—books which propagate the same ideas. * * * If I am prevented from importing or reproducing literature then either I and others like myself would be forced to obtain it surreptitiously, which we do not want to do, or write the books ourselves. That can easily be done. * * * Therefore all the objects of the Government will be thwarted by those of us who want to spread Communist ideas.' (Speech by Dr. Jagan in the debate on the undesirable publications bill in the legislative council on February 27, 1953.)

" 'From the Socialist camp rings the echo of Stalin's reassuring pronouncement: "Export of revolution is nonsense. Every country, if it so desires, will carry out its own revolution, and if it does not so desire, there will be no revolution.'" ('Peace Shall Walk Among You,' by Mr. S. King).

" 'Only the candidates of the People's Progressive Party are sufficiently advanced politically to be able to put up a persistent battle against all forms of obstruction and veto which will be used against all constructive measures and to detect the tactics of the imperialists and expose them to the people. * * * Only a Party with our record of preparation; and of struggle on behalf of the working class and the masses is capable of making the necessary war. * * * On the lips of every loyal Guianese of every race and in the hearts of the oppressed, this name (Cheddi Jagan) has become a banner behind which tramp the revolutionary and progressive masses of our country—to battle and victory.'—(Foreword by Mr. S. King to 'Fight for Freedom—Waddington Constitution Exposed' published by Dr. Jagan).

" 'At this stage we are fighting for national independence which leads to socialism and communism. We will have to do like the people of Russia. They were once under the same oppression like us and now have their own independence for the past 35 years.' (Speech by Mr. S. M. Latchmansingh, P.P.P. member of the House of Assembly, to sugarworkers at Plantation Blairmont, May 1953.)

" 'Facism and imperialism are only words of the capitalist order, and as such we can put them in one camp for economic and other purposes. Communism and socialism are in the same camp, so that to all intents and purposes the world is divided into two camps—the Socialist or Communist camp, which is the people's camp, and the camp which today call itself the democratic camp, but which is really the capitalist camp. There is great division of opinion as to what is meant by democracy, but I do not want to go into a lengthy discourse on that.' (Speech by Dr. Jagan in the House of Assembly on July 24, 1953.)

" 'Capitalism proved itself more efficient than feudalism and slavery and so replaced them. So will the capitalist system in due course be changed into a higher and more efficient Socialist system. Likewise socialism itself will evolve into the higher Communist stage of society. * * * I am a great admirer of the Soviet Union, the people's China and the people's democracies.' (Speech by Dr. Jagan broadcast on radio Demerara on August 9, 1953.)

"Appendix II—List of Communist literature distributed by the PPP

"The following list is representative of Communist literature distributed by the PPP in British Guiana. Pamphlets and similar material were circulated at party meetings and at meetings of the British Guiana Peace Committee, the Pioneer Youth League and other such organizations. Toward the end of January 1953, the party leaders opened a bookshop and library in Regent Street, Georgetown, and this was extensively stocked with Communist propaganda publications.

"In February 1953 the old legislative council passed the undesirable publications (prohibition of importation) ordinance enabling the Governor-in-Council to make orders banning the entry into the colony of subversive literature. No orders were made during the period up to May 1953, when the PPP Ministers took office and they then introduced a bill to repeal the ordinance. This had not been enacted by the time the constitution was suspended and the ordinance has continued in force.

" 'Communism and Labour,' by Harry Pollitt.

" 'I Saw the Truth in Korea,' by Allan Willington, Daily Worker correspondent.

" 'The Colonies the Way Forward,' published by the British Communist Party.

" 'Social Insurance in the U.S.S.R.,' by Z. Mokhov.

" 'A Russian Looks at Reborn Europe,' by Boris Polevoy.

" 'The Right of Nations to Self-Determination,' by V. I. Lenin, published in the U.S.S.R.

" 'Soviet Music,' by Boris Yagolim, published in the U.K.

" 'New China New World,' by Arthur Clegg, published in the U.K.

" 'The Peaceful Co-Existence,' by S. Titarenko, published in the U.K.

" 'Lenin and Britain,' published in the U.K.

" 'Socialism and the Individual,' by M. D. Karmari, published in the U.S.S.R.

" 'The Deception of the People,' by V. I. Lenin, published in the U.K.

" 'The Soviet Union at the Fifth Session of U.N.O., 1950,' published in the U.K.

" 'Soviet Weekly,' 5th April, 1951, published in the U.K.

" 'Constitution of the Union of Soviet Socialist Republics,' published by Soviet News, 3, Rosary Gardens, London, S.W.7.

" 'Patriotism & Internationalism,' by S. Titarenko, published by Soviet News, 3, Rosary Gardens, London, S.W.7.

" 'The Labour Movement in Britain,' issued by the Communist Party and published by Farleigh Press, Beechwood Rise, Watford, Herts.

" 'Soviet Schools Today,' by Deanna Levin, published by Illustrated Periodicals, Ltd., London, S.E.1.

" 'They were killed because they were Negroes,' published by the West Indies Committee of the Communist Party, 16, King Street, London, W.C.

" 'Russia with our own Eyes,' by the British Workers' Delegation to U.S.S.R.—1950.

" 'The Educational Commentary on Current Affairs,' issued by the 'Daily Worker' and published by Educational Commentary, 75, Farringdon Road, London, E.C. 1.

" 'Bucharest Organ of the Information Bureau of the Communist and Workers' Parties—For a Lasting Peace and for a People's Democracy,' published at 56, Valeria Braniste, Bucharest.

" 'Constitution (Fundamental Law) of the Union of Soviet Socialist Republics,' published by Soviet News, 3, Rosary Gardens, London, S.W.7.

" 'New China News Agency'—4th May, 1951, published by Prague Office, 608, Na Marne, Prague XIX.

" 'For a Lasting Peace, for a People's Democracy,' published by the Information Bureau of the Communist and Workers' Parties, Bucharest, Rumania.

" 'Prague Newsletter'—5th July, 1951, published by Pragopress, Prague, Czechoslovakia.

"Pamphlets issued by the World Congress of the Defenders of the Peace:

" 'The Truth About Soviet Russia.'

" 'J. V. Stalin Answers "Pravda" Correspondent's Questions.'

" 'How Hungarian Children Live' (Sinder Simon).

" 'Statement of Foreign Ministry of the U.S.S.R. on North Atlantic Pact,' (Hr. Schilstad).

" 'Youth in Hungary,' by Athenaeum, published by Hungarian Bulletin.

" 'World Trade Union Movement,' by T. F. McWhinnie, published by WFTU Publications, Ltd.

" 'The American Aggressors Indicated,' by Louis Saillant, published by WFTU Publications, Ltd.

" 'Aid to Economically Backward Countries,' by Pavel Cherny-shev, published by Soviet News London.

" 'Federation and Self-Government Now or Colonialism and Slavery for Ever,' published by the Caribbean Labor Congress (London branch).

" 'Hungarian Production Results for 1951,' published by the Hungarian News and Information Service, 33, Pembridge Square, London, W2.

" 'Hungarian News and Information Service; Documents on Foreign Affairs,' published by Hungarian News and Information Service, 33, Pembridge Square, London, W2.

" 'Everyday Life in Hungary,' published by the Hungarian News and Information Service, London, W2.

" 'Terror in Kenya,' published by WFTU Publications, Ltd.

" 'Documents of Congress of the Peoples for Peace, Vienna, December 12–19, 1952.' published by Congress Secretariat.

" 'Egypt and the Sudan—The People on the March,' by Ahmed Taha Ahmed, published by WFTU, Ltd., London.

" 'The Progress of Man,' published by Young Communist League, 16, King Street, London, WC2.

"'To Every Woman Everywhere,' published by Women's International Democratic Federation, Berlin W8.

"'The Housing Crisis in Capitalist and Colonial Countries,' published by WFTU Publications, Ltd.

"'Fourth World Festival of Youth and Students for Peace and Friendship, August 2–16,' published by International Festival Committee, Bucharest.

"'Little Stalin Library No. 5 on the National Question,' by J. Stalin, published by Lawrence & Wishart, London.

"'Kenya—What are the Facts?" by P. Bolsover, published by the Communist Party, London.

"Appendix III—Note on the arson plot

"1. The British Government White Paper (Cmd. 8980) says in paragraph 30 that "it was established from reliable sources that * * * a plan was made to set fire to business property and residences of prominent Europeans and Government officials." The evidence on which this statement is based was not obtained until October 6, and it could not, therefore, have had any bearing upon the decision of Her Majesty's Government to suspend the constitution. We went into this matter as thoroughly as we could. Obviously our general witnesses knew nothing of any plan of this kind. The information upon which the paragraph in the White Paper is based came to the ears of the police from informers. We saw the police reports and we questioned the officers responsible for them. The value of these reports is, of course, no more than the reliability of the informers, and and we were not told, indeed we did not ask, who the informers were or if we could see them. But we have not the slightest doubt that information was conveyed to the police by informers whose information and the other third-hand information had always hitherto proved accurate. One was able to give second-hand formation and the other third-hand information of a meeting of several of the most prominent leaders of the PPP at the home of Dr. Jagan on the evening of October 5. They reported that the leaders had discussed the strong rumours that troops were on the way to British Guiana and that the constitution was to be suspended and had argued whether they should put into effect a plan for setting fire to certain properties that had already been devised for some such eventually. We also saw straightforward police reports and had direct evidence of prominent PPP officials being seen in the neighborhood of business premises at times when they would not normally have been expected to be there. Finally we had the evidence mentioned in the White Paper of unusual sales of petrol and kerosene in small quantities to persons who do not possess cars and who do not, as a general rule, use these spirits for heating or lighting. The comment of the PPP witnesses on this latter point was that all the people in Georgetown expected that there would be a strike at the electricity power station and were therefore buying petrol and kerosene for heating or lighting if the strike should take place. That may or may not be the explanation but there is no doubt of the fact that unusual sales of petrol and kerosene did take place.

"2. We have no reason to disbelieve the evidence of several persons who told us of telephone warnings they had received that their houses were 'on the list,' and we certainly believed the evidence of the Archbishop of the West Indies who described to us preparations which he had discovered to set fire to his house. How far these incidents were merely threats to intimidate and did not correspond with any real intention to act we cannot estimate; but they certainly corroborate the other evidence that the idea of fire raising was in the air.

"3. In our opinion the Governor and the police, and all others concerned who knew of the reports received by the police, would have been failing in their duty if they had not taken them seriously. The situation in the colony was very tense, and all responsible people were acutely aware of the acts of violence done recently during the course of the sugar strike. The argument put to us that no one would think of starting a fire in Georgetown itself because of the certainty that it would spread and cause a tremendous amount of damage in a city built mainly of wood is equally valid in our view as a reason which would compel the Governor to take serious account of any possibility of fire.

"EXHIBIT 3

"[From the Georgetown (British Guiana) South America Daily Chronicle, Sept. 30, 1960.]

"CHEDDI WOOS SUPPORT FROM INDIAN BUSINESSMEN—WITHOUT GUARANTEES—DR. JAGAN THREATENSS 'B. G. CAN EXPECT ANYTHING' SHOULD PEOPLE'S PROGRESSIVE PARTY LOSE ELECTIONS—DISSATISFIED GROUP, DARED TO GET HIM OUT OF POWER

"Dr. Cheddi Jagan, Minister of Trade and Industry and leader of the Majority Party, met a group of Indian businessmen on Wednesday night for a three-hour conference which he had arranged personally to encourage them to give him continued support at the forthcoming general elections.

"When asked consistently about guarantees of freedom, Dr. Jagan told them that he could only give them guarantees until such time as independence was granted, but refused to give any assurances after that time. In reply to questions from many quarters, he said that if they were not satisfied they could use all the means at their disposal to get him out of power.

"Faced with a barrage of searching questions from a man who had told him that the country's economy was going from bad to worse, Dr. Jagan admitted that he was definitely decided on pursuing a socialist policy and would borrow money from any source including Russia and Cuba, as soon as the country was independent and if he were returned to power.

"The threat

"He threatened that unless they were prepared to support him—and should he lose the elections—the country could expect anything since he would be pursuing a program not only in British Guinea but all over the world.

"The Indian businessmen suggested that since he had called them together to seek their continued support, they would like to have businessmen represented in the Party's Executive and the Legislative Council to ensure a sound economic policy and guarantee progress for the country. Dr. Jagan replied that he could not make such a promise.

"Development

"It was recommended that he should set up an Economic and Industrial Planning and Development Committee with statutory powers to plan a development and industrial program for the country, with the power to borrow money from all sources. He refused to commit himself to the proposal and treated it with indifference.

"After the lengthy discussion there was general disappointment among the businessmen over the failure to get definite safeguards from Dr. Jagan, who left without any assurances of support from the group as he had expected."

"EXHIBIT 4

"[From the Guiana Graphic, July 4, 1961]

"'IT'S EASIER TO STOP TOMORROW THAN TO STOP COMMUNISM'—BENN MEANT EVERY WORD

"Mr. Brindley Benn, chairman of the People's Progressive Party has told the people of Georgetown he meant every word when he said in the legislative council last year that it was easier to stop tomorrow than to stop communism.

"'I said so because I believed every word. It is not a case that I was speaking figuratively.'

"'There is no force on earth to stop the march of communism—the church, the bishops or parsons—it is the inevitable fulfillment of civilization,' he declared.

"Mr. Benn, Minister of Natural Resources in the Government, said party members will be instructed not to vote in constituencies where the PPP is not contesting.

"'Their call for unity with the People's National Congress was not a sign of weakness,' he said.

"'So far as we are concerned, we are going to win the elections, but a merger of the PPP and the PNC will bring about the death knell of the ugly specter of racialism that has reared its head in British Guiana,' he said.

"Dr. Fenton Ramsahoye, speaking at length, on the bill of rights in the new constitution, said it was not to be felt that such provisions were lacking in the past. They had already existed, but certain people had asked that they be included in the new constitution because of imaginary fears.

"Dr. Ramsahoye said that every man would have the right to choose his religion. A man's right to all the basic freedoms, he said, are in the bill of rights, so no one need fear that he would be left to the mercy of tyrants.

"Dealing with the history of British Guiana, the young lawyer charged that every obstacle was placed in the path of progress.

"He recalled that Dr. Marshall, the local government expert who came to British Guiana, had written in a memorandum:

"'Everything seems to conspire to impede progress. If it was not the civil servant, it was the man in some form of authority.

"'No one seems to want to cooperate for progress in an atmosphere of truth and dignity.'

"The people of British Guiana will have to get out of this frame of mind if they want to move forward, Dr. Ramsahoye declared.

"Dr. Charles Jacob, recently returned from Cuba, declared 'if communism means the abolition of illiteracy, the alleviation of unemployment and the destruction of human misery,' he wanted it.

"Speaking at length on Cuba, he said people outside the Republic were given wrong impressions. 'They should go there and see progress at its best.'

"Cuba is now the only truly democratic country in the Americas, according to Dr. Jacob."

"EXHIBIT 5

"[From the Sun Star, July 5, 1953]

"PERT AMERICAN BLOND AND SPOUSE BUILD RED ROLE

"(By Henry Bartley Lee)

"When an exotic blond of the Young Communist League married an East Indian student from British Guiana several years ago in Chicago, the shadow of communism stretched across the Western Hemisphere. Janet Rosenberg indoctrinated her husband, Cheddi Jagan, into the Communist Party.

"Both then went to British Guiana and organized the first Communist election victory outside the Iron Curtain.

"The party they used for a front, the People's Progressive Party, won substantial control of the Government last May in the first exercise of universal franchise in the country.

"Although British Guiana is still under British sovereignty, its new constitution grants local autonomy. Although a British responsibility, the colony on the northeast coast of South America is in the strategic backyard of the United States.

"Official alarm

"State Department officials, consequently, express alarm because conditions the Communists exploited exist throughout the British West Indies, stretching from the Bahamas, off Florida, to British Guiana.

"The Jagans exploited a situation charged with economic and social tension, induced by poverty, and racism, with impassioned dexterity. They dressed themselves in rags and agitated among hungry, ignorant workers. Where they could assemble a small audience, they would arouse them with customary Communist slogans—imperialism, colonialism, exploitation, and racism.

"Three cars the Jagans own were left at home. Cars and rags don't mix.

"Janet, described as pretty and comely, outdid her husband at times. She would bare her feet and work with the women in the fields. Her hairdo would be either East Indian or African, depending on which group she was propagandizing.

"Promising a nice home, a radio, and a car, the Jagans won support of two big labor groups. Exploiting racial tension, they unified erstwhile antagonistic East Indians and Negroes against the whites. About half the population are East Indian, a third Negro.

"Organization was improved after the Jagans and several lieutenants visited behind the Iron Curtain. Cheddi organized the youth after attending a Communist youth rally in East Berlin. Janet brought the first women into politics after attending a Communist peace congress. A young labor leader was sent to the University of Prague.

"The People's Progressive Party organ, Thunder, showered these groups with typical Communist propaganda. It carried dispatches from Peking and the Communist-controlled World Federation of Trade Unions, charging the United States with aggression and bacteriological warfare in Korea.

"With this strategy and the advantage of a divided opposition, the Jagan-led PPP won 18 of 24 elective seats in the legislative assembly. Cheddi, party chairman, became majority leader; Janet, party secretary, became deputy speaker. The victory was not a complete rout, however, because the highly disorganized opposition got almost half the popular vote.

"Great Britain cooperates with the majority party, explaining it prefers the party govern with responsibility in the legislature rather than agitate without responsibility underground.

"American default

"Meanwhile, we are losing the fight against international communism in this area by default. No American propagandist is in the entire British West Indies. Nor is there a labor attaché in the foreign service there to influence potentially powerful labor unions—now being infiltrated by Communists with funds and propaganda facilities that are apparently unlimited.

"The U.S. Consulate in British Guiana was effectively resisting Communist infiltration of the unions. Then the economy bloc in Congress closed the consulate last December.

" 'Workers cannot understand why the Communists have so much literature there and we have none,' Serafino Roumaldi, Inter-American representative of the American Federation of Labor, reported after a recent visit to British Guiana. 'Nor can they understand why they get no point 4 aid. Ironically, point 4 provides no funds for colonies like British Guiana.'

"Jamaican worries

"Prime Minister William Bustamante of Jamaica, an island of the British West Indies near the Panama Canal, recently warned of the increasing danger of communism in the Caribbean area. Bustamante, former New York waiter, reported 'a bold attempt to create a state of communism in Jamaica.'

"The West Indian political situation needs particular attention because power there is passing from whites to colored and Negro groups. Many of the latter two are unionized.

"It is significant, however, that communism may be making the greatest gains where it is receiving the least attention—right at our strategic backyard."

"[From the Evening Star, Oct. 10, 1953]

"GUIANA STAYS CALM AS BRITAIN REMOVES SIX ON RED CHARGES

"GEORGETOWN, BRITISH GUIANA, October 10.—With imperial troops and warships maintaining order at strategic points, British Guiana remained calm today despite London's ouster of six ministers on Communist charges and suspension of the colony's 6-month-old constitution.

"Washington backed up Britain, expressing grave concern over the threat to Western Hemispheric security from a possible coup in this South American colony by the 'international Communist conspiracy.' The State Department in Washington expressed gratification that the 'British Government is taking firm action to meet the situation.'

"Steps were taken officially to inform all Latin American governments of the U.S. stand.

"Five hundred troops of the Royal Welsh Fusiliers guarding government centers in Georgetown and rich sugar plantations on the surrounding plains reported no disturbances.

"Life appears normal

"Despite a state of emergency declared by the British Governor Sir Alfred Savage, life among the 450,000 residents of diverse races appeared to be following the normal course—except on the political front.

"Britain cracked down on the colony's government yesterday, charging that Chief Minister Cheddi Jagan and his five ousted associates were serving Moscow instead of Britain.

"The faction in power have shown they are prepared to go to any length, including violence, to turn British Guiana into a Communist state," the London government declared.

"The ousted Cabinet ministers, all members of the leftist People's Progressive Party, were accused of supporting Communist fronts, fomenting strikes and threatening the public welfare. They have been in office only 6 months.

"Investigation assured

"In announcing suspension of the constitution, Britain said a commission of inquiry would investigate the 'political advance of the colony' and make 'recommendations for a revised constitution.'

"Chief Minister Jagan and his American-born wife, the former Janet Rosenberg, said yesterday they were 'most unhappy about the whole situation.' Both have denied they are Communists. Chief Minister Jagan is an East Indian who once studied dentistry in Chicago. His wife, whom he met in Chicago, is executive secretary of the People's Progressive Party.

"The party, running on a leftist platform, won 18 of the 24 elected seats in the colony's House of Assembly last April in the first elections held under the new constitution.

"While the elected ministers have been deprived of governmental responsibility they technically retain office and will draw pay until the order suspending the constitution has been under consideration by the British Parliament for 40 days and is approved. Parliament will not convene for another 10 days."

"[From the New York Times, Nov. 6, 1953]

"LONDON, November 5.—The Government tonight submitted to Parliament an order creating an interim administration for British Guiana under close London supervision.

"The order also formally suspended the Guiana constitution with the ouster of the leftist government of the Progressive People's Party. Britain charged that the ministers were conspiring to set up South America's first Communist regime.

"The interim government will be composed of an executive council and a legislative council, but only one or two members of the executive council, to be nominated by the Governor, will have departmental duties.

"The British Labor Party has washed its hands of the Progressive People's Party and advised its local branches not to provide a platform for its spokesmen. Letters to all local branches said leaders of the Progressive People's Party pursued a Communist policy and created a situation which necessitated the movement of troops (to Guiana) to insure maintenance of law and order."

"[From the Sunday Star, Dec. 20, 1953]

"MRS. JAGAN ADMITS SHE LIKES RED RULE

"GEORGETOWN, BRITISH GUIANA, December 19.—Mrs. Janet Jagan, Chicago-born wife of ousted Premier Cheddi Jagan, admitted in court today that she was a firm admirer of the Soviet system of government.

"She added that she was also an admirer of the governments in Scandinavia, China, India, and other countries, but she denied ever belonging to the Communist Party, or the Young Communist League of America or ever attending meetings of young Communists while in the United States.

" 'I belong to no Communist Party,' she declared during cross-examination at her trial on charges of attending a public meeting near here last Sunday where she and nine other persons were arrested.

"Since the Progressive Peoples Party government was ousted October 9 by the British Government on the grounds that it was conspiring to set up a Communist state, British Guiana has been under a state of emergency. Public gatherings have been forbidden, Mrs. Jagan has been the reputed firebrand of her husband's party.

"Jagan is of East Indian Hindu origin and now is in India seeking support.

"Mrs. Jagan admitted she was the local correspondent of the London Daily Worker, a Communist newspaper, and added that she agreed with many Communist principles, 'especially the one that imperialism and colonialism are a decadent part of society and must come to a close.' "

"[From the Sunday Star, Feb. 7, 1954]

"RED ACTIVITY IN BRAZIL, GUIANA RAISES FEAR OF MALAYA-TYPE WAR

"(By Henry B. Lee)

"The specter of communism still hovers about British Guiana in South America. Before Britain suspended the colony's new self-governing constitution last fall, leaders of the majority party were alleged to be under direction of the Cominform. Out of power now, party remnants are apparently working through Latin American Communist movements and fomenting problems that could rock the inter-American system.

"One report has these remnants of the People's Progressive Party linking up with the outlawed, but still potent, Communist movement in Brazil. Although this report remains unsubstantiated, the British and Brazilian Governments at least suspect the two forces will attempt a link. Police chiefs of the two countries met at the border recently to set up a security check on Reds crossing the boundary. Those traveling from British Guiana to Brazil must now be certified as 'non-Communists.'

"The Prestes threat

"Even the prospect of such a link is threatening. It would unite a core of well-trained agitators under the leadership of colorful Luis Carlos Prestes, top international Communist figure. In another unsubstantiated report Prestes is said to be building an army of about 18,000 Communists in the inaccessible Amazon River area, adjacent to the British Guiana border.

"His tumultuous political career began in 1924 when he joined Getulio Vargas, now Brazil's President, in an unsuccessful rebellion. For 3 years afterward Prestes led a retreating army from southern Brazil to Bahia in the north, then down the Amazon to the Bolivian frontier. While eluding government troops, he fought 56 battles, set up several 'shadow' states and made treaties with hostile Indian tribes. This feat has been compared with the 'long march' of Mao Tse-tung in his rise to power in China.

"When President Vargas launched a successful revolution in 1930, Prestes returned to Brazil and worked with his old collaborator for a while. After moving more to the left, Prestes broke with Vargas and went to school in Moscow, where he became friendly with two fellow students—Mao Tse-tung and Ho Chi-minh.

"Returning to Brazil, the dapper engineer organized the first Communist Party there. He led a Communist rebellion in 1935 and received a 17-year prison sentence. But after 9 years he made a deal with President Vargas and was soon busy rebuilding his party and attending to his duties as executive committeeman of the Comintern.

"His party registered 600,000 votes and elected 14 deputies in 1945. After it got 800,000 votes, 14 deputies and 2 Senators in 1948, it also got outlawed. Prestes once again became a fugitive.

"Even as a fugitive, he remains a powerful force in Brazilian politics. He has helped defeat a proposed United States mutual assistance pact and prevented United States development of Brazil's much-needed oil. Recently he made an anti-United States drive the basis of his party's new program, trying to exploit the country's current wave of ultra-nationalism.

"Another Malaya?

"If Prestes has or should get British Guiana's Communist force under his wing, several questions would be raised. Will he direct a Communist drive in the tense, colonial Caribbean possessions? Will he start another Malaya and perhaps tie down several free world divisions in the Amazon jungles.

"There is no doubt about another course of action being taken by People's Progressive Party leaders in British Guiana. They are doing what the United States has feared—mobilizing Latin American sentiment by picturing this British move as a revival of the British colonialism that has so often stirred the Americas. This is an issue they can exploit among both Latin American Communists movements and reactionary governments. It is an issue by which they may drive a wedge between the United States and Britain or between the United States and its neighbors in the Americas.

Janet Jagan, Chicago-born wife of the deposed PPP majority leader, Cheddi Jagan, claims nine labor unions in Venezuela have launched a protest movement against the British action. When Richard Westmass, another PPP leader, was arrested recently, police found in his possession a coded message from Venezuela. More important, the Venezuelan Government complained openly to Britain about her treatment of PPP leaders in the colony.

"Venezuela is, of course, more interested in some British Guiana territory it thinks should be Venezuelan. This boundary dispute almost caused a war between the United States and Britain in the 1890s, before the United States brought pressure on Britain to arbitrate the dispute and then had to bring pressure on Venezuela to accept the arbitration award. Venezuela is still dissatisfied with the settlement.

"Janet, said to the driving force behind the P.P.P., also claims support from the 'women of Argentina.' Whoever these women are, it is no surprise that any force in Argentina will support anything that boosts that country's claim to the British-held Palkland Islands. The same can be said for Guatemala regarding the neighboring colony of British Honduras, claimed by all political factions in Guatemala.

"These issues explain why several Latin American governments will bring up to the British Guiana question at the Pan American Conference that begins in Caracas March 2. It may be very difficult for the United States to come away from the conference without straining its relations with either its British ally or some of the Latin American republics.

"Federation movement

"Another reaction to the British clampdown on Reds is the revival of a movement to federate the three Guianas—British, Dutch, and French—and form a republic. Many conservation and economic interests in the Guianas have supported this, desiring to move out of the sterling area and form close economic links with the United States. Proponents claim they have a 'continental destiny.'

"Britain, meanwhile, is trying to establish political and economic stability in its highly illiterate and poverty-stricken colony. Moderate forces, once dispersed and ineffective against the well-organized P.P.P., are now becoming united under the National Democratic Party. It is apt to play an important role in Britain's efforts to lead its colony back on the road to self-government and eventual independence. Britain's task is a formidable one, especially since its strategic and bauxite-rich colony has a part on the stage of contemporary world politics."

"[From the Washington (D.C.) Star, Aug. 22, 1954]

"WHAT HAPPENED WHEN REDS WENT UNDERGROUND IN GUIANA?

"(By Henry B. Lee)

"Last year Great Britain landed troops in its colony of British Guiana and expelled the first openly Communist-led government in the Western Hemisphere. Wherever the deposed Red leaders went—to jail, into the pulpit or underground—they have continued to cause trouble.

"Today communism still hovers menacingly above this steaming jungle of sugar plantations and bauxite mines on South America's northeast coast. A small band of Reds is showing how a well-disciplined cadre can harass a government and halt progress from the underground. These Communists may also be showing a pattern of behavior that can be expected when puppet governments in other countries fall.

"The Communist-led People's Progressive Party won substantial control of the colony's government early in 1953. This election was the first exercise of universal suffrage under a new constitution granting local autonomy. The party exploited nationalism, racialism, poverty and ignorance in a country that is one-half East Indian and one-third Negro.

"Led by Cominform

"The ranks of the party were said to be made up of non-Communists who wanted more food and less British in their country. They were docile followers of a hard core of Communist leaders apparently under orders of the Cominform in Bucharest.

"After the party governed irresponsibility for several months, Britain suspended the constitution, deposed the government and declared a state of emergency last October. Britain charged the party was planning a coup and the establishment of a Soviet satellite state.

"Now underground, the Reds have switched their tactics to suit the occasion. They have abandoned atheism and taken up religion, which gives them a ready-made audience for their propaganda. Other new tactics range from something like Mahatma Gandhi's 'civil disobedience' to outright terrorism.

"One Communist leader used his prison cell to organize a Communist group. Cheddi Jagan, 34-year-old dentist, former Northwestern University student, and deposed majority leader of the party, was preaching to fellow inmates at Sunday religious services. A sermon on the Commandment, 'Thou shalt not steal,' for instance, was turned into a tirade against capitalism.

"To prevent him from indoctrinating other inmates, he was placed in isolation.

"The continued presence of Red influence was indicated in charges pressed against the prison superintendent and his deputy. The government charged them with coddling Jagan by permitting him too many visits and altering his prison record.

"His wife Janet was arrested one day while addressing a large outdoor crowd. Janet, a pert blond from Chicago, who is said to be the master mind in the Guianese Communist movement, was wearing an Indian shawl and claimed she was conducting a Hindu religious ceremony. The judge said the religious trappings were an 'unholy farce' and fined her $140 for holding an illegal political meeting.

"Hunger strike

"Five party leaders staged a hunger strike when jailed at the outset of emergency rule last fall.

"That was about the time Jagan conferred with Communist leaders in India and returned to British Guiana with big plans for a civil disobedience drive. By that time, however, the party was being unmasked and was losing some of the mass support such a movement would require.

"The party still has retained the support of many fanatics who are being used in an increased terrorist drive. The government has announced three recent dynamite blasts, apparently from Communist sources. One of these blew the head off Queen Victoria's statue in the capital city of Georgetown.

"Mrs. Jagan was recently sentenced to pay an $85 fine or serve 3 months for illegally possessing a top-secret riot manual of the government police. The manual was described as a 'highly confidential document for the protection of life and property in the event of a riot.'

"This disclosure indicated the party may still have some of the police under its control.

"Security precautions have been increased in the wake of a rise in terrorist activities. A huge ring of electrically charged wire has been thrown up around the Governor General's residence. Security troops have been more heavily armed.

"Propaganda flows on

"Despite desperate efforts of the British to seal off the colony from Iron Curtain links, Communist propaganda continues to stream into the colony. Police recently arrested several Reds and seized large quantities of Communist propaganda in their possession. One publication was 'Culture in the Rumanian Peoples Republic—an Asset of Free People.'

"This continued communication link with the Iron Curtain raises speculation over whether the party is in contact with Luis Carlos Prestes, Brazilian fugitive and one of international communism's top agents. He has been reported organizing a Red army in remote Brazilian jungles about 60 miles from the Guiana border. There have been several unverified reports of meetings between the two groups.

"It is obvious that the Reds are resorting to carefully drafted plans to halt Britain's social and economic development of its Guiana colony—a long range program essential for political development there. But what the Communists' long range objectives are is difficult to determine."

[From the Daily News, Oct. 4, 1967]

Peace for Guyana

(By Virginia Prewett)

Guyana, a newly independent South American country spun off from the British Empire, up until three years ago was deep in racial strife, unemployment, labor turmoil and agitation for class and race warfare.

Today civic peace has been re-established and the country's gross national product is growing at the rate of 8 per cent a year—one of the highest rates in the world.

How this change came is worth study, for many of Guyana's problems plague other countries, large and small.

First, political peace began to return after Guyana voters in 1964 voted out the rabble-rousing, Marxist-lining Cheddi Jagan and voted in the Peoples National Congress Party, led by the present Premier, Forbes Burnham.

Jagan, who is of East Indian descent, as Premier encouraged communist-line revolutionary strikes in unions and industries dominated by Guyana's large East Indian population.

The first thing Burnham did was to discontinue this official backing for labor turmoil.

There have been a few strikes under Burnham, but they have been pinned to labor rather than political issues.

Forbes Burnham from the first emphasized something new for Guyana—a policy of conciliation between the East Indians and the Negroes who almost evenly share the population. Premier Burnham is himself a Negro.

"As a graphic example," says Sir John Carter, Guyana ambassador to Washington, "our government found that 70 per cent of the police force were Negroes. We've changed the ratio until today about 70 per cent are East Indian."

This policy alone disarmed many East Indians.

Next, Premier Burnham appointed an Ombudsman, making Guyana the first New World people to have an official, tho impartial, champion to hear their complaints.

Meanwhile, Premier Burnham makes frequent trips thru the rice-growing section which is 90 per cent dominated by East Indians, assuring them he means to be fair to them.

To achieve its present internal peace, the Burnham regime has made a great effort to rehabilitate the rice-producing industry, which had decayed under Jagan's policy of inciting revolutionary violence there.

New strains of rice have been introduced, and storage and credit facilities multiplied.

For the whole country, a new program of industrial development offering tax and other incentives on Puerto Rico's "bootstrap" pattern is under way. Tho Burnham's regime has reduced unemployment from 20 per cent to 16 per cent, Guyana faces a long struggle with this nightmare and with a 4 per cent annual, population increase.

On a recent visit here, Premier Burnham told me, "Our turmoil got a lot of notice, but now that we're at peace, and progressing, very few outside people ever hear of us."

The Guyana story deserves to be better known.

EDWARD CARLTON MORAN, JR., OF MAINE

Mr. GRUENING. Mr. President, earlier this year, a former Member of Congress, Edward Carlton Moran, Jr., died at his home in Rockland, Maine. He was a personal friend whom I had gotten to know well in the New Deal days when he was elected to the House of Representatives on the great tide which carried Franklin D. Roosevelt into the Presidency. Because of his outstanding characteristics of integrity, independence, courage, and progressive mindedness, I feel it desirable to express, even though belatedly, a well-deserved tribute. I have no doubt that those of his congressional colleagues who served with him at the time and those members of the Maine delegation now in Congress who knew him, will join in approval for any encomium that may be given to "Carl," as he was generally known.

He was a graduate of Bowdoin College of the class of 1917, and shortly after graduation enlisted in the Armed Forces of the United States for service in World War I. He became a first lieutenant in Battery A of the 77th Artillery of the Coast Artillery Corps and saw service overseas, actually serving from July 25, 1917, to March 14, 1919, one of the longest—if not the longest—enlistment of any man from his State.

Returning after the war to his home in Rockland to carry on the insurance business established by his father, he became active in Democratic State politics. He was a delegate to the Democratic State conventions from 1922 to 1936 and to the national conventions in 1928 and 1932. He was unsuccessful as a candidate for the governorship of Maine in 1928 and 1930, but in his second electoral race for the governorship sharply reduced his opponent's previous majority. Maine was still preponderantly Republican.

In Congress, where he served in the 73d and 74th Congresses, he supported New Deal policies but voted to override the Presidential veto to grant servicemen a bonus.

His main interest in Congress was in shipping legislation. He helped write the Merchant Marine Act of 1936 which he felt did more for American shipping than any other piece of legislation at the time. He chose not to run for reelection after his second term and was appointed a member of the U.S. Maritime Board. There he voted steadily in the minority—his greatest efforts being to improve the working conditions for seamen who, up to that time, had had wretched accommodations on their vessels. Moran was responsible for holding up the sailing of a luxury liner until its miserable accommodations for the seamen, crowded into the forecastle with inadequate sanitary facilities, were moved to other parts of the vessel and made both safe, sanitary, and comfortable.

As Maritime Commissioner his battles likewise were always for the public interest, the shipper, the shipping public, and he attributed his being not reappointed after his first 5-year term to the opposition of the owning shipping interests.

He was subsequently appointed Director of the Office of Price Administration in Maine and thereafter served as Second Assistant Secretary of Labor. Not being entirely satisfied with the treatment that labor was receiving from the administration, he resigned and returned to Maine to take care of the family insurance business in Rockland.

One incident in particular illustrated Carl's independence of thought and his devotion to American principles. Right after the war, a speaker by the name of Frederick J. Libby—also a Maine man—had secured various speaking engagements throughout the State in which he proposed to advocate general disarmament. He was a pacifist.

These lectures were opposed by members of local American Legion posts who managed to have Libby's engagements canceled. When Carl Moran heard about it, he was commander of the Winslow-Holbrook Post of the American Legion in Rockland. He called upon Libby to find out whether it was true that his fellow Legionnaires had been responsible for the cancellation of Libby's speaking engagements. When he found that was the case, he told Libby that he would hire the Farwell Opera House in Rockland and would preside at a public meeting so that freedom of speech would not be impaired. The meeting was held without difficulty. None of his comrade Legionnaires could challenge Carl's patriotism and the length and quality of his outstanding World War I record.

In the late twenties and early thirties, he played an important part in the battle against the Insull interests which had sought to take over the political and economic life of the State, and supported the existing State policies against the export of hydroelectric power which the Insull interests had sought to reverse. He was a brilliant and dynamic speaker. In 1928 he stampeded the Maine Democratic convention to support Governor Al Smith's nomination for the Presidency. He also had a keen sense of humor and lightened his speeches with wit.

He was devoted to his city and was responsible for getting it to adopt the council-city manager form of government.

Shortly after his death, the Rockland Courier Gazette paid a deserved tribute to him entitled "A Life of Outstanding Public Service." I ask unanimous consent that this editorial be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, I would say, in conclusion, that the State of Maine and the Nation were not only supremely well served by Carl Moran but he also left a legacy of dedicated, unselfish, and enlightened public service, of which his family and fellow citizens can be proud and, thereby, set a fine example for any and all elected officials to follow.

Inevitably, those who knew Carl Moran both admired and loved him, and miss him sorely now that he has gone. Our sympathies have gone out to his lovely wife, Irene, and to his son, Paul.

Exhibit 1

[From the Rockland (Maine) Courier-Gazette, July 15, 1967]

A Life of Outstanding Public Service

It has been generations since a native son of the Coastal Area attained the national prominence which came the way of Carl Moran. Though these accomplishments were well known to those in middle-age and beyond, the younger generation knew him as a Rockland insurance firm executive and genial elder citizen, who was a success in his own community. Unless an especial incident arose which brought to light Carl Moran's past they went their way pretty much unaware of it. He just did not go out of his way to publicize his past, but preferred to let the younger people know him as they met him. A two term congressman from the Second Maine District he was known for his ability and sharp mind on Capitol Hill. He was twice a candidate for governor of Maine and came close to breaking the opposition party's hold on the state house. He is remembered in the maritime world as the member of the Maritime Commission who brought the American seaman out of the dank forecastles of the ships and gained them comfortable living quarters. He started his campaign by holding up the sailing of a luxury liner from a West Coast port until seamen, quartered forward of the collision bulkhead, were moved to safe, dry accommodations. Not too long ago Carl chuckled over the incident and commented that he wasn't reappointed to the Commission due to his activity on behalf of the seamen, and the opposition of the shipowners. Of that he was most proud of all his accomplishments, we believe. He was twice called upon to serve in federal posts in later years, once as Maine director of the Office of Price Administration and again as Assistant Secretary of Labor. With all this behind him, the project of his life held closest to him perhaps was the writing of the Rockland city charter in 1945 and the institution of the council-manager form of government in 1946, and then the revision of the ordinances of the city the same year. That he did the job well is attested by the great number of cities which have copied Rockland's charter hardly without change. Carl Moran served his nation and hometown with distinction.

Mr. MUSKIE. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I am happy to yield to the Senator from Maine.

Mr. MUSKIE. I want to express my appreciation to the distinguished Senator from Alaska for his tribute to a distinguished son of Maine, former Representative Edward C. Moran, Jr., who died earlier this year. He was a friend to me and an inspiration as well. I know of his longstanding friendship with the Senator from Alaska.

When I was a young lawyer, after World War II, Carl Moran was a legend to me—as well as to all young Democrats in that strongly Republican State.

Fifteen years earlier, as the Senator has pointed out, he had twice run as a Democrat for Governor of Maine. It took genuine courage in those days, because Maine had been solidly Republican for many years. He lost those two campaigns, but his record of public service had just begun. The Senator from Alaska has given us many of the details of that record in Washington, that while serving on the House Appropriations Committee, he developed a deep interest in the merchant marine, and was anxious to see improvements in quarters for ships' crews, more economical overhaul programs, and a more modern maintenance program.

As a result, he wrote the Merchant Marine Act of 1936 which remains national policy today. At the completion of his second term, President Roosevelt appointed him to the Maritime Commission which was chaired by the Honorable Joseph P. Kennedy, father of our late President.

In 1940, his father died unexpectedly, and Carl Moran returned to his hometown of Rockland, Maine, to run the family insurance business. But he maintained his active interest in public service.

In 1942, he was named Maine State director of the Office of Price Administration.

Three years later, he was called to Washington for a "2 months' " job of reorganizing the Department of Labor. The project continued for more than 6 months, during which time he was appointed an Assistant Secretary of Labor. As such, he sat in on every Cabinet meeting, and was asked by President Truman to remain at his post. He resigned, however, when the reorganization task was completed, and returned to Rockland.

At home again, he applied his energies to local government, and was responsible for the approval of Rockland city manager-council charter in 1945. It was selected as a model charter for the rest of the country by the National Municipal League. He served later on the city council and was elected its chairman.

In 1956, it was my good fortune to be able to appoint Carl Moran to serve on a committee to study State public administration. He had served on a similar panel 25 years earlier.

I think this is an appropriate time to make another incident in his political life a matter of public record.

In 1954, when Maine Democrats were seeking to climb the ladder to party success once again, we pleaded with him, in March of that year, to be a candidate for Governor.

He gave it considerable attention because of our pleadings, but he finally rejected them. It was after that rejection that I finally became a candidate for Governor. Thus, I suppose I can say that I later became Governor of Maine, and subsequently a Senator, because of Carl Moran's rejection of the opportunity to be of public service to his State once again.

Less well known than his public record, but an interesting insight into the many facets of this talented man was his writing on genealogy. In 1942, he published a book, "The Bunker Family," and 20 years later published a second volume on the same line, which was his mother's side of the family.

My strongest impressions of Carl Moran are of his strong, quick mind; his warm sense of humor, and his personal commitment to improving the public welfare. His spirit was contagious, and all of us who had the good fortune to know and work with him were motivated by his drive. We took courage from his example, and we benefited from his wisdom and experience. So did his community, his State, and his Nation.

I again thank the distinguished Senator from Alaska for his tribute to this beloved son of Maine.

Mr. GRUENING. Mr. President, I am very grateful for the opportunity to join the distinguished junior Senator from Maine. I know the Senator joins in paying tribute to a great human being, whom we all miss, and whose departure is a great loss not only to his State but to the country.

I want to yield now to the distinguished senior Senator from Maine [Mrs. SMITH].

Mrs. SMITH. Mr. President, I want to thank the distinguished Senator from Alaska for yielding to me.

I wish to associate myself with the remarks of the Senator from Alaska [Mr. GRUENING] and the Senator from Maine [Mr. MUSKIE]. Former Representative Carl Moran was the predecessor of my late husband in representing the Second Congressional District of Maine.

He and Mrs. Moran were good friends of ours. Only recently I received a very kind letter from Mrs. Moran.

Carl Moran had many friends in Maine and he served with distinction not only in the House of Representatives but in other positions in the Federal Government.

Mr. GRUENING. Thank you, MARGARET, for that fine additional tribute. I think we all agree that, apart from his fine public service, Carl was a warmhearted human being, an outgoing and outgiving person, and a man of splendid personal characteristics. He was "good company." He had a great sense of humor, great wit, great perspicacity, and was a lovable person.

Mrs. SMITH. Thank you very much, Senator GRUENING. Carl Moran had great understanding of human beings and their needs, as well as the needs of the district he represents.

Mr. GRUENING. I thank the Senator very much.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering from a major disaster; and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 488

Mr. BYRD of Virginia. Mr. President, I call up my amendment No. 488 and ask the clerk to state it.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 135, delete lines 6 through 17.

The language proposed to be deleted is as follows:

> (b) In the event that no appropriation for the purpose of making payments pursuant to title I of the Elementary and Secondary Education Act of 1965 is made prior to the 15th day in May immediately preceding the beginning of any fiscal year, the Commissioner may execute grant agreements for grants pursuant to such title for such fiscal year. Such grant agreements shall be obligations of the United States. The amounts of such grant agreements shall be determined on the basis of an appropriation for the purposes of such title equal to the amount appropriated for such purposes prior to the 15th day in May for the fiscal year in which such day occurs.

Mr. BYRD of Virginia. Mr. President, this is the fourth day that I have discussed this part of the pending amendment. It is to page 135 of the bill, section (b), lines 6 through 17.

My amendment is a very brief one. It merely provides that lines 6 through 17 on page 135 shall be deleted from the bill. As I have said, this is the fourth day that I have discussed this matter. It is the sixth talk that I have made on the matter, because I think a very vital principle of government is involved.

The legislation which came to the Senate unanimously recommended by the subcommittee headed by the distinguished senior Senator from Oregon proposes that if the Congress does not act to appropriate funds for the Elementary and Secondary Education Act by the 15th of May of any year, then the Commissioner of Education shall have the right to obligate, on behalf of the U.S. Government, the amount of money which was included in the previous appropriation bill.

In other words, if this bill were adopted with the proposal intact, or, to state it another way, if my amendment did not carry, then the Congress of the United States would be surrendering, would be giving away, a constitutional responsibility that the only funds that a department may expend are those funds which have been appropriated by the duly elected representatives of the people of the United States.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. I think the Senator from Virginia makes a valid point here. As a matter of fact, he discussed it informally with me, because he was quite disturbed over this section. He talked about it at length. The point he made at that time, and which he is making today, is that this is the obvious responsibility of the Appropriations Committee as well as the Congress. If we get ourselves into a box at that time of the year, we can always act at that time of the year to see that the right thing is done. But, at this writing, to say they shall have authority to bind Congress on the previous year's appropriation is going too far, and I think it is a delegation of power that Congress should not make.

Mr. BYRD of Virginia. I thank the distinguished Senator from Rhode Island. I concur in the views he has expressed 100 percent. I am very pleased and grateful for the remarks he has made.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. MANSFIELD. Mr. President, it is my understanding that this section is not in the bill as it passed the House.

Mr. BYRD of Virginia. That is correct; at least that is my understanding.

Mr. MANSFIELD. It is my understanding also. Therefore, if it is accepted by the committee here—and I do not know as yet just what the chairman intends to do—it will mean that it will not be in the bill at all, and therefore not subject to conference, but would be knocked out completely?

Mr. BYRD of Virginia. That is correct.

Mr. MANSFIELD. I thank the Senator.

Mr. BYRD of Virginia. I thank the Senator from Montana.

Mr. President, there are certain fundamentals about which I feel very strongly. One is that there has been created an imbalance of power between the legislative branch and the executive branch. Either the President has assumed too much power, or Congress has voluntarily given him too much power. In any case, I think that the imbalance should be corrected. I think Congress should seek to take back power that has been given unnecessarily to the Chief Executive; and most certainly we must not take another step which would continue and augment that imbalance.

If this legislation should be enacted as reported by the Senator from Oregon, it would embark our Government on a new road—a new road leading to more and more power for the Chief Executive of our Nation, who in my judgment, though I have no quarrel with those who disagree, now has too much power; and the elected representatives of the people have given away some of the power that they were obligated to assume.

So I certainly hope that the Senate will not agree to the legislation as presented by the committee. I hope that the Senate will agree to eliminate this provision, as my amendment would do. As a matter of fact, I cannot conceive of Congress passing this legislation as it is now written unless each Senator simply wanted to say, "All right, Mr. President, you take charge of the purse strings. We do not want to be bothered with them."

I cannot conceive of Congress saying that, and I cannot conceive of the Senate saying that. As a matter of fact, I cannot conceive of the senior Senator from Oregon saying that.

So I believe this is one of the most far-reaching pieces of legislation that has ever been brought to this floor. It brings to mind a debate of historic significance which occurred here not long ago—I do not remember exactly when, but probably 7 or 8 weeks ago—in which Senator after Senator, 15 or 20 in all, took the floor to say that in their judgment the U.S. Senate had abrogated too much of its power to the Chief Executive, particularly in the field of foreign policy.

Certainly I agree with those speeches made that day. I cannot remember all the Senators who participated in that debate. I know the distinguished senior Senator from Oregon did, the distinguished Senator from Montana did, the distinguished Senator from Arkansas [Mr. FULBRIGHT] did, and many others. They were discussing at that time, or had in mind, not just the Gulf of Tonkin resolution, but other matters pertaining to foreign policy.

The Gulf of Tonkin resolution was agreed to, of course, with only two dissenting votes. The overwhelming majority of the Senators at that time felt it was a desirable thing to do. My impression is that if that vote were taken again, perhaps there would be more than two votes against it.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. One moment, please.

So while this may appear to be a desirable thing to do, and while there are some arguments in favor of it, I believe it destroys a principle; and when you destroy a principle, I submit you get in trouble in the long run.

I am happy to yield to the Senator from Oregon.

Mr. MORSE. I wish to say to the Senator from Virginia that, as manager of the bill, I am willing to accept the amendment. To make some legislative history in regard to it, I shall read a statement prepared by the Senator from Vermont [Mr. PROUTY]. This is his amendment, and I think he is entitled to have his statement read by the manager of the bill. I do so with great pleasure.

But I want the Senator from Virginia to know at this point that I agree with the constitutional principle he is defending, and that is the reason I shall accept the amendment.

Mr. BYRD of Virginia. I thank the Senator from Oregon. I am not a lawyer. As one able to read the English language, however, it appears to me that this provision is contrary to the Constitution. The Senator from Oregon is one of the most eminent of all the constitutional lawyers in our Nation. If he were to tell me that this is a constitutional provision, I would accept his statement.

But I am not putting the offer of my amendment entirely on a constitutional basis; really not at all on a constitutional basis, for that matter. I am putting it on the basis of a principle—that Congress must stop delegating, giving away, and surrendering power to the executive branch of the Government. If we must continue to do that, I begin to wonder why any of us would want to continue to serve in a body which has so little regard for its own responsibilities, its own rights, and its own prerogatives that it constantly seeks to give them to somebody else.

If the Senator from Oregon wishes to read into the RECORD any reports or statements, I shall be happy to yield to him for that purpose, with the understanding that I do not lose the floor.

Mr. MORSE. It will take me a little while, but I should like to do it.

Mr. BYRD of Virginia. The Senator may take as much time as he requires.

Mr. MORSE. Mr. President, I now speak on behalf of the very able and distinguished junior Senator from Vermont [Mr. Prouty], the ranking member of the minority on the Subcommittee on Education, and I speak also in my own behalf, because I feel that this legislative history should be made with respect to the Prouty amendment, which is the language which the Senator from Virginia seeks to strike from the bill; and I, as I have already announced, will accept in behalf of the committee, his amendment:

Mr. President, title IV of the bill before us addresses itself to what has been the most troublesome aspect of the Elementary and Secondary Education Act administration for local schoolmen; the problem of late funding and its concomitant insufficient planning time. I am sure that all of us have been made aware of the problem through the voluminous amount of constituent mail generated by the creation of the disparity between the Federal appropriations calendar and the academic calendar.

To solve this problem the Committee unanimously recommended that the Commissioner of Education be authorized to execute grant agreements for the next fiscal year in the event that Title I appropriations have not been made by May 15th of a given fiscal year.

The trigger date for the operation of the contract authority is May 15th of each year. If by that time in any year appropriations have not been made for Title I of the ESEA for the next succeeding fiscal year, then the Commissioner of Education would be authorized to obligate funds under the programs on the basis of the amount of money actually appropriated for the fiscal year then current.

I stress the fact that the basis of the contract authority is the money that was appropriated for the preceding year.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BYRD of Virginia. The money has been appropriated for the current fiscal year, but not for the following fiscal year.

Mr. MORSE. That is correct.

Such obligations would be made from appropriations for the next succeeding fiscal year when those appropriations become available—

That is the point the Senator from Virginia has just made:

This is the exact language that your Committee recommended last year except that the trigger date has been moved ahead from April 1st to May 15th. This was done in order to alleviate the fears of some and in the hope that May 15th would be more palatable than the April 1st date.

Since the Elementary and Secondary Education Act was enacted in 1965, the record shows that the school districts failed to receive the funds until the school year had progressed many months. The fiscal year 1967 appropriation for Title I of ESEA was contained in Public Law 89-697, which was signed on October 27, 1966—

The school year was well underway.

I continue to read:

It was late November before the Office of Education could inform each State of its estimated allocation. It was late February 1967 before the States learned their actual allocation of funds for use in the school year which was then six months old.

This sort of scheduling, of course, can only lead to chaos in planning, and the fiscal year 1967 instance was not a one of a kind happening. For here we are in December of a new school year, already three months after the first school bells have rung without a final decision on the authorizations or appropriations for ESEA programs.

Now some might say this proposal smacks of backdoor financing or even of fiscal irresponsibility. I cannot agree. I see it rather as a legitimate, if somewhat unorthodox, means of meeting a real emergency. We authorized each of the programs in question for three years. I am sure we will finance each program for each year of its authorization. I am fairly certain that the appropriations for these programs will not be cut radically from one fiscal year to the next. Consequently, I can see little likelihood that the obligation of funds for these programs prior to actual appropriations would lead to any fiscal embarrassment to the Federal Government.

Moreover, there are precedents for a proposal of this nature. P.L. 89-313, enacted just two years ago, added new sections to the Impacted Areas legislation. These new sections, sections 16 of P.L. 815 and section 7 of P.L. 874, have their own language authorizing appropriations but each section also has the following language:

"Pending such appropriation the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditures in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section. *Such appropriations to be reimbursed from the appropriations authorized by this subsection when made.*"

That is the in futuro clause of what is already on the statute books in respect to impacted-areas legislation. The Senator from Vermont [Mr. Prouty] dwells upon this existing legislation as legislative precedent in support of his amendment.

I continue to read:

Furthermore, the Commissioner of Indian Affairs is authorized under title 25, section 99 U.S.C. to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior. He can make such contracts for goods and supplies even though appropriations for the fiscal year have not been made.

The six leading education organizations, including the P.T.A., the National Education Association, the Council of Chief State School Officers, the American Association of School Administrators, the School Boards Association, and the National Association of State Boards of Education, included among their proposals for legislation before the 90th Congress a study of the need to reconcile the time lag between school planning and Federal funding. In his message of Februray 28, President Johnson proposed legislative measures to deal with this problem.

Since it takes time to project plans, secure needed personnel and to prepare adequately for the implementation of new programs, it would be my hope that the Senate would see fit to approve the legislation—

As recommended by the committee. The Senator from Vermont [Mr. Prouty] would be here and making this speech which I am making in his behalf, but as my colleagues in the Senate know—but the Record should show—he has been confined to the hospital for the past several days.

I have nothing but the most encouraging and favorable report to make about his recovery, and it is hoped that he will be released from the hospital sometime next week. However, he could not be here to make his statement.

I think it is due him that he have the statement read by the manager of the bill. I am honored to do it.

I have sitting next to me his legislative counsel for the subcommittee, one of the counsel's for the minority, to advise me as to anything further that I may need to say other than what is already in the Senator's prepared manuscript.

I continue to read:

Delayed funding of Title I programs is a serious problem, but a problem which would be largely removed, I believe, if the Senate Committee's recommendation should be adopted.

The only practical way to stimulate a genuine long range school assistance program is to have funds available on a steady basis over a period of years long enough to enable our cities and towns to plan their programs, secure their grants and the Commissioner of Education can be certain that the money will be available to enable them to carry through with their work.

It takes time to project plans, secure needed personnel and to prepare adequately for the implementation of new programs. I do not believe that our society can afford the waste and inefficiency that are the inevitable results of a clouded fiscal future. For until local schoolmen learn how much money will be available to them, they cannot plan wisely how to use that money. They cannot plan wisely for the use of their own State and local funds. They cannot make the necessary decisions on the allocation of physical facilities, on the assignment of teaching staffs, or on the employment of additional specialized personnel.

The inefficiency and waste resulting from delayed funding is a matter which the Des Moines Register on September 28, 1967 focused particular attention upon in an editorial entitled "Inviting Waste of U.S. School Aid," and I ask unanimous consent that the editorial be included at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Inviting Waste of U.S. School Aid

Iowa received $18.9 million of federal aid in 1965-66 to improve education for disadvantaged children. It spent about $15 million and returned the unspent $4 million. School districts couldn't, or didn't, devise, staff, and implement $18.9 million worth of special programs in the nine months allotted them by Congress.

This experience has become a matter of concern, because subsequent state sharing in this program—Title I of the 1965 Elementary and Secondary Education Act—appears to have been limited by this first year's experience.

Inability to use up all available aid for a particular program, however, is not unusual, since Congress habitually appropriates the money after the school year is half over. Iowa returned some of its first-year funds under the 1958 National Defense Education Act. It returned almost $1 million in vocational education funds provided by 1963 legislation before establishment of area schools permitted qualification for the full share this year.

For the second year of Title I programs Congress increased the numbers of disadvantaged children for which aid would be paid, but appropriated only $1 billion to cover commitments which would have totaled $1.4 billion if paid in full. So that no state would lose money under the new formulas, Congress guaranteed each state as much money in the second and third year as it received in the first year of the program. This factor and the reduced congressional appropriations held

Iowa to $15.4 million in 1966–67; it expects only $15.5 million for 1967–68. Congress has not yet appropriated 1967–68 funds.

Certain Iowa conditions made it difficult to use all the allotted Title I funds. The state allocates Title I funds according to the number of poverty-level children in each district, following approval of remedial reading and other special education programs.

In 1965, Iowa still had more than 400 rural districts operating no schools. Many of these were allocated funds—sharing was based on where the children lived, not where they attended school—but had no staff to formulate or carry out the special programs required. The 200 rural grade schools—about half of them one-teacher institutions—also generally failed to claim their share. Co-operative programs might have enabled these small schools to use their allocations effectively—had there been time to organize such programs.

All but seven of the state's high school districts submitted programs (all approved) for using $16.8 million, but almost $2 million of this was not spent. Some districts were unable in such a short time to find qualified teachers for the proposed classes. In addition to the $1 million left unclaimed by the rural grade school districts, another $1 million-plus was not claimed by the large districts. Re-allocation of such unused funds to other districts was not permitted during the first year but is permitted now.

Although one state has been reprimanded for approving the purchase of equipment for general use (rather than for special classes of the type required by Title I) in order to permit local districts to use their full allocations in that first year, widespread practices of this nature have not been brought to light.

We do not find Iowa's "lost $4 million" a matter for great concern. That sum, in the first year of Title I, was money school administrators could find no way to spend. In the second year, it was money—in effect—which Congress did not see fit to appropriate. In terms of the national welfare, this money is probably better spent in easing crushing school problems of major cities than it would be in adding a special class in a small rural school whose children receive more individual attention as a matter of course.

The Iowa experience does, however, serve to highlight the haste and indecision—and inevitable waste—which Congress causes with its annual delay of school aid appropriations. There is no justification for handling these billions in aid in a manner which practically forces local administrators to hurry up and waste. The other states with Title I encourages hasty action whatever the costs as a protection against future appropriation cuts.

Mr. MORSE. Mr. President, I continue to read:

Delayed funding of these education programs and especially projects under Title I is a serious problem indeed and has created an almost impossible situation. I have selected some typical reactions of schoolmen from across the country on this problem of funding, and I ask unanimous consent that this small sample of statements from representatives of the education community be printed in the RECORD.

There being no objection, the sample of statements was ordered to be printed in the RECORD, as follows:

PASCO SCHOOL DISTRICT NO. 1,
Pasco, Wash., April 18, 1967.

Mr. NORMAN WALSH,
Secretary, Associated Public School Systems,
New York City, N.Y.

DEAR MR. WALSH: We are returning with this letter your post card questionnaire on the proposed bill to be introduced in the U.S. Senate by Senator Winston Prouty to amend Section 207 of Title I of the Elementary and Secondary Education Act of 1965.

We urge passage of this amendment.

Enclosed is a copy of the letter we wrote the Honorable John N. Erlenborn, Committee on Education and Labor, U.S. House of Representatives under the date of April 12, 1967, urging passage of House Concurrent Resolution No. 89 which provides for early appropriation for federal aid to education programs.

This letter cites "chapter and verse" as to why we urge the relief in Representative Erlenborn and Senator Prouty's proposals.

Similar letters were mailed to members of the congressional delegation of the State of Washington.

We are writing Senator Prouty relating like information and expessing our gratitude for his understanding of need for the amendment he proposes.

Sincerely,
LEWIS J. FERRARI, Ph. D.,
Superintendent of Schools.

PASCO SCHOOL DISTRICT NO. 1,
Pasco, Wash., April 12, 1967.

Hon. JOHN N. ERLENBORN,
Committee on Education and Labor,
House of Representatives,
Washington, D.C.

DEAR SIR: In our experience, late funding is the most serious problem now affecting State-Federal relationships in education. We are pleased and encouraged to learn that there is now before Congress a resolution, identified as House Concurrent Resolution No. 89, which provides for early appropriation for federal aid to education programs.

An example of the urgent need of early appropriation is seen in circumstances affecting our 1966–67 application under Title I Public Law 89–10. Pasco's allotment was first set at $120,128 (the amount of our 1965–66 allotment). This was then cut 15 percent to a total of $102,194.

Authorization for this amount and approval of our 1966–67 Title I PL 89–10 application was not received by this district until December 30, 1966. By this time certain personnel we had expected to employ in several new areas of our Title I project were no longer available.

Purchase of equipment had to be postponed until final approval was received. As a result installation of a reading laboratory for use by economically and educationally handicapped children could not be made until late in February. These children had lost six months special training.

Another handicap is the uncertainty over funds, even after authorization has been issued. For instance, on March 24, 1967 we received word that reallotments of funds, according to a formula devised by the United States Department of Education, had again reduced our allotment, this time to $98,273.

Pasco School District, as is true of most other districts, operates on a tight budget with very little undistributed reserve. Few districts can absorb such cuts into their regular budgets. To meet this cut we had to eliminate a teacher-training workshop which we considered vital to implementing one phase of our Title I program.

We urge your support for House Concurrent Resolution #89 or any other legislation which would ensure early funding of projects under PL 89–10 or other federal acts.

Sincerely,
LEWIS J. FERRARI, Ph. D.,
Superintendent of Schools.

ASSOCIATED PUBLIC SCHOOL SYSTEMS,
New York, N.Y., April 21, 1967.

Hon. WINSTON L. PROUTY,
Washington, D.C.

DEAR SENATOR PROUTY: There is no question that the late release of Title I funds has played havoc with attempts by local school officials to plan and administer Title I programs. You can expect to hear an exchange of Title I horror stories at almost any gathering of school superintendents or board members. I've heard my share.

I am pleased that you asked for my comments and suggestions on the proposed bill. However, the views and experiences of the 220 school superintendents who are members of our association might be of greater interest to you. I am reporting to you, therefore, the views of our members as reported in a recent postcard poll. (Copy of correspondence enclosed).

Not all the members have had a chance to respond. However, we have heard from 128 school systems in 34 states. Every geographic area of the country is represented—New England, Middle Atlantic, South, Midwest, Southwest, Far West, and Northwest. The school systems range in size from hundreds of thousands of pupils to a few hundred pupils. For the most part, they are among the better organized and staffed schools in their respective states.

Seventy percent of the above school systems reported serious or impassable barriers to the successful implementation of Title I programs because of the late release of Title I funds. An additional twenty percent encountered moderate difficulties.

Ninety-six percent of the superintendents support the purpose of the proposed bill. However, thirty-six percent of those who support the bill felt that the May 15th date was too late. Of these, ninety percent indicated they could plan most effectively if the date were advanced to March 15. Among the reasons advanced for an earlier date were: (1) state laws which require school districts to either rehire their teachers or terminate their contracts by April 15; (2) the need to establish personnel requirements in sufficient time to recruit new employees in a tight labor market; and (3) time to purchase equipment for the program.

Finally, the members expressed their sincere gratitude for your efforts to remove this barrier to the successful implementation of Title I programs.

Sincerely yours,
NORMAN J. WALSH,
Executive Secretary.

ASSOCIATED PUBLIC SCHOOL SYSTEMS,
New York, N.Y.

To: APSS Superintendents.
From: Norman J. Walsh.
Re: Senator Prouty's proposed amendment to Title I of ESEA.

Senator Prouty, ranking minority leader of the Senate Education Subcommittee, has asked for my comments and suggestions on a proposed amendment to Title I of ESEA.

I would like to base my response to this important initiative on the comments and suggestions of the membership. I am, therefore, enclosing a copy of Senator Prouty's letter and the proposed amendment together with a return airmail postcard. Will you please indicate on the enclosed postcard your position on the proposed amendment and your suggestions for improving it. If you would like to respond at greater length, I'd be happy to have your thoughts via airmail.

1. The late release of Title I funds this year has created in my school system:

☐ An impassable barrier to the successful implementation of Title I programs.
☐ A serious barrier
☐ A minor problem
☐ A moderate problem
☐ No problem

2. The purpose of the proposed amendment:

☐ I support
☐ I do not support

3. The May 15th date is:

☐ acceptable
☐ too late

☐ a better date is: ———.
Other comments ———.
Signed ———.

U.S. Senate,
Committee on Labor and Public Welfare,
April 6, 1967.

Mr. Norman J. Walsh,
Secretary, Associated Public School Systems, New York, N.Y.

Dear Mr. Walsh: Because of your leadership in the educational community I am writing as the ranking minority member of the Senate Education Subcommittee. As you know, the Federal aid that was recently released to carry out Title I programs of the Elementary and Secondary Education Act has fallen far short of what school districts had counted on and for the most part had already spent, to carry out their programs. This situation presents a serious and in some cases, an impassable barrier to the successful implementation of the very programs we strove so long to enact.

Last year forseeing what would happen if Federal appropriations were not acted upon to meet local needs I sought to amend Title I of ESEA to authorize the Commissioner of Education to obligate payments in the event appropriations were not made prior to a certain date. The Senate Labor and Public Welfare Committee approved the amendment but regretfully the proposal met with objections on the Senate Floor.

So, to avoid the frustration and confusion that arose over this year's late allotments I plan to introduce a similar proposal during this session of the Congress. The bill is quite simple. The trigger date for its operation is May 15th of each year. If by that date in any year appropriations have not been made for the ESEA, the Commissioner of Education would be authorized to obligate funds under the program on the basis of the amounts actually appropriated for the fiscal year then current.

I believe that the bill represents a constructive and reasonable approach to a most serious problem. It would give local and state school administrators the opportunity to plan their programs, secure their grants from the Commissioner of Education and be certain that the money will be available when needed.

I have enclosed a copy of the proposed bill and I would appreciate any comments or suggestions which you might wish to make.

Sincerely,

Winston Prouty,
U.S. Senator.

S. —

A bill to amend title I of the Elementary and Secondary Education Act of 1965 in order to authorize the Commissioner of Education to obligate payments under such title in the event appropriations are not made prior to a certain date

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting at the end thereof a new subsection as follows:

"(d) In the event that no appropriation for the purpose of making payments pursuant to this title is made prior to the 15th day in May immediately preceding the beginning of any fiscal year for which appropriations for such purpose are authorized, the Commissioner may execute grant agreements for grants pursuant to this title for such fiscal year. Such grant agreements shall be obligations of the United States. The amounts of such grant agreements shall be determined on the basis of an appropriation for the purposes of this title equal to the amount appropriated for such purposes prior to such 15th day in May for the fiscal year in which such day occurs."

Huntingdon Area Schools,
Huntingdon, Pa., April 19, 1967.

Hon. Winston L. Prouty,
Senate Office Building,
Washington, D.C.

My Dear Senator Prouty: A copy of your letter dated April 6, 1967, addressed to Mr. Norman J. Walsh, Secretary, Associated Public School Systems, has been mailed to me requesting comments concerning problems in the administration of Title I ESEA funds. I would like to call your attention to the conditions to which educators in Pennsylvania are exposed in attempting to administer Title I funds.

Please refer to attached Reference No. 1. This is a copy of the letter from the Commonwealth of Pennsylvania, Department of Public Instruction, dated July 20, 1966, in which we were informed our tentative entitlement would be $140,843.49. This represented 85% of the funds we received the previous year. There was at this time some slight hope that a part of the 15% reduction might be available at a later date. Accordingly, the program already referred to in our letter to all congressmen and senators from Pennsylvania (a copy of which is enclosed) was planned and put into operation involving some 18 professional employees, all under contract.

As late as February 1, 1967, we were informed that a Summer School Program under Title I was approved in the amount of $7,987.00. Please refer to attached Reference No. 2.

On March 15, 1967, (attached Reference No. 3) this School was informed that the final allocation had been reduced to $113,185.14. This represents a reduction of $27,658.35 coming two months before the end of school. Even though parts of the program were curtailed at this late date, the School District will be spending approximately $20,000.00 which was not budgeted for fiscal year 1966–67.

It is my hope that you can appreciate the uncertainties of planning and administering Title I funds. School Boards and administrative personnel who have been opposed to accepting Federal aid to education can now with justification say, "I told you so." Accordingly, I would urge you in the interest of the boys and girls to continue to support legislation which will make final allocation available to the states prior to June 1 so that satisfactory budgeting may result.

Your Bill to amend Section 207 of Title I of the Elementary and Secondary Education Act of 1965 will do exactly what we in the public schools have long hoped for. You deserve and will receive complete support from all educators who are conscientiously concerned in the administration of ESEA Title I funds.

Respectfully yours,

Henry J. Stoudt,
Administrative Assistant.

Commonwealth of Pennsylvania,
Harrisburg, July 20, 1966.

Subject: Tentative 1966–67 Entitlements, Title I, Elementary and Secondary Education Act of 1965.

To: District Superintendents, Supervising Principals

Pending enactment of appropriation legislation for Title I of the Elementary and Secondary Education Act of 1965 (Educational Programs for Educationally Deprived Children), the Congress and the President have authorized the funding of the 1966–67 Title I program within certain limits.

Applying the formula established by the United States Office of Education, the tentative entitlement for your District is shown below.

You are authorized to prepare and submit projects not to exceed your tentative entitlement.

It is probable that when the 1966–67 appropriation legislation is enacted, *your entitlement will be slightly altered.* At that time, you will be advised of your *final* entitlement for the year, and you will receive guidance concerning project amendments.

Information concerning preparation and submission of project applications are contained in "Instructions For Completing FY 1967 Application Forms—Title I, Public Law 89–10", "Part I—Basic Data (OE 4304)", "Part II—Project Application (OE 4305)", "Certification of Local Educational Agencies For Cooperative Projects (OE 4305–1)", "Statement By Community Action Agency (OE 4305–2)", and 1965 Pennsylvania "Guidelines, Title I—Public Law 89–10".

District. Huntingdon Area S.D.
County: Huntingdon.
Entitlement: $140,843.49.

Sincerely yours,

J. R. Rackley.

Department of Public Instruction,
Harrisburg, Pa., February 1, 1967.

Re project title: Summer School.

Mr. Henry J. Stoudt,
Administrative Assistant,
Huntingdon Area School District,
Huntingdon, Pa.

Dear Sir: Your "Application for Federal Assistance for the Education of Children of Low Income Families", under Title I, Public Law 89–10 (The Elementary and Secondary Education Act of 1965), has been approved as of January 27, 1967 and has been assigned the permanent Federal Application Number 48–7396–31–023–02. Inquiries should refer to this number.

The maximum amount approved for this project is $7,987.00. The Comptroller of the Department of Public Instruction has been authorized to make payments based on quarterly estimates of requirements as reflected in your forms ESEA–I–5A and ESEA–I–5B when submitted for this project.

This approval is based on a preliminary review of the project. Upon completion of further detailed review we may advise you of recommendations of the Department for improvement or modification of the project.

Federal funds will not be used for payments of obligations incurred prior to the approval date indicated in the first paragraph. Any funds advanced and remaining unexpended at the close of the fiscal year must be repaid to the Commonwealth of Pennsylvania, Department of Public Instruction.

Your special attention is invited to the "Guidelines" and "Procedures for Implementing the Elementary and Secondary Education Act, Title I", and particularly the following sections of the Procedures:

ITEM AND SECTION

Construction, 115.4 and 116.21.
Title and Control Over Funds and Property, 116.20.
Retention of Records, 116.54.
Inventories, 116.55.
Audit and Reports, 116.23.
Commingling of Funds, 116.24(b).

Should you have questions concerning this project, or Title I of the Act, please feel free to call this office. Telephone: 717–787–7653.

Sincerely yours,

Herbert J. Edwards,
Coordinator, ESEA, Title I.

P.S.—A supply of fiscal forms has been mailed under separate cover.

Commonwealth of Pennsylvania, Department of Public Instruction, School Administrators' Memorandum 6, March 15, 1967

Subject: Title I, ESEA, Allocation.
To: Chief School Administrators.
From: J.R. Rackley, Superintendent of Public Instruction.

The enclosed card gives your district's *final*

1966–67 entitlement for programs designed to meet the special educational needs of educationally disadvantaged children as developed under Title I of the Elementary and Secondary Education Act.

Under separate cover you will receive copies of:

(1) *The Federal Register*, Volume 32, Number 27, which contains the revised regulations pursuant to Titles I, II, and III of the Elementary and Secondary Education Act of 1965.

(2) *A Part II* of the Project Application, (form OE 4305).

The *Federal Register* should become a part of your reference library since it is the source of many answers to basic questions regarding the Act.

Part II of the Project Application should be used to reflect the financial change from your tentative allocation received in July 1966, to the final allocation. Any major addition or deletion in your present program should be explained in detail as an addendum to the project application. Special attention should be given changes in items 4, 7, 8 and 11.

It is imperative that the *revised project application* be returned to the Title I office as quickly as possible.

Refer to: Coordinator, Division of Compensatory Education and Title I, ESEA.

Chief school administrators	Staff assistants	School board secretaries	Secondary principals	Elementary principals	State colleges and universities	Diocesan superintendents	DPI staff
8	....	....	....	....	....	....	8

Chiefs of special programs							Number of sheets in this release
Special education	Vocational education	Agriculture	Home economics	School milk and lunch	Highway safety	Instructional materials	
....	....	....	....	....	....	....	1

Entitlement information for the 1966–67 school year for the Huntingdon area school district, under title I of the Elementary-Secondary Education Act of 1965

5 to 17 age population	3, 664
Pupils 5 to 17 years of age in families with annual income under $2,000	504
1965 AFCD's	102
Foster home children	13
Total entitlement pupils	619
Percent entitlement pupils are of 5 to 17 age population	16. 89
Total entitlement	$113, 185. 14

PENNSYLVANIA DEPARTMENT OF PUBLIC INSTRUCTION.

HUNTINGDON AREA SCHOOLS,
Huntingdon, Pa., February 20, 1967.

Hon. WILLIAM A. BARRETT,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN BARRETT: We consider it our duty and our obligation to inform you of the tremendous impact that Federal aid to education has had upon the educational programs of the Huntingdon Area Schools in Huntingdon, Pennsylvania.

According to a recent survey conducted by the Industrial Development Department of the Pennsylvania Electric Company and the Council for Economic Development Organization (CEDO), it was found that 31.7% of the people in our County earn less than $3,000.00. The same survey revealed that 33⅓% of the people lived in what is classified as "dilapidated housing." In spite of these signs of poverty, Huntingdon County ranks fifth among all counties in Pennsylvania in local financial effort for the support of the schools. We were aware that much was being done for the education of our young people; but we were even more aware that much more had to be done if our children were to attain an education which would be an acceptable preparation for the future.

Public Law 89–10—The Elementary Secondary Education Act—made available $165,000.00 for the disadvantaged youth of our community. In the original allotment of 698 financially disadvantaged children, we found many frustrated children caused by inability to read, lack of culture in the home, lack of physical and dental care and also an inadequate diet. In our original grant of $165,000.00, we attacked these problems and believe that we are seeing remarkable results. Students in high school as a result of this program have an opportunity to go to a dentist for the first time in their life; physical impairments have been corrected; warm noon meals have been provided for those who previously had no lunch; and above all, the children who were reading below their grade level are now receiving remedial instructions from 11 specially trained reading instructors. It was revealed that 429 of these students improved their reading level one year and six months above the normal rate of growth as a result of the remedial reading program made possible through Public Law 89–10.

We are attempting to discover and care for those in dire need through the medium of an OEO sponsored Head Start program. Next year if Federal aid is continued we expect to provide following-through services for these same students. There are many other aspects of Federal aid to education which I have not mentioned for which we are deeply grateful.

I would urge you as a member of the 90th Congress to support enthusiastically legislation to continue and even expand the Federal aid. It is our firm belief that the greatest defense America can have is an educated citizenry.

The story I have related to you can be repeated by thousands of educators in our nation; and it is only through Federal aid that all people will have an equal opportunity to become educated to their full capacity to learn.

Respectfully yours,

E. RONALD HUBER,
Superintendent.

UNIVERSITY OF SOUTHERN CALIFORNIA,
Los Angeles, Calif., April 17, 1967.

Hon. WINSTON PROUTY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: Thank you very much for your letter of April 16th requesting my reaction to your proposal to change certain operations of the Elementary and Secondary Education Act.

I enthusiastically support the changes you are suggesting. As you know better than I do, the intricacies of the legislative process very often caused delays in appropriations for on-going programs. This is particularly difficult in the situation you suggest, namely where school districts or other educational units have to engage in advance planning. Your remedy, it seems to me, is most useful.

I would like, if I might, to suggest the general idea might have wider applicability. It has been my personal experience, working with federaly funded research and development contracts that sometimes these are set up on a three to five year basis, but appropriations are only available for one or two years. We then face the problem of possibly having to cut off a program in midstream that has taken years to develop and in which there is a good deal of government money invested. I realize that it would not be possible to present every government agency with a blank check. On the other hand, it might be possible to write clear specifications concerning on-going research and development projects which, in fact, have been carefully thought out and approved. I would have to assume that this does occur in the case of defense contracts because they are obviously on a long-term basis. It would seem to me, therefore, that such contracting procedures might be possible for programs dealing with health, education and welfare.

Again, thank you very much for taking the time to write me and if, in any way, I can help support this change I will be happy to do so.

Yours truly.

JAMES D. FINN,
Chairman, Department of Instructional Technology.

COUNCIL OF
CHIEF STATE SCHOOL OFFICERS,
Washington, D.C., April 17, 1967.

Hon. WINSTON PROUTY,
Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: I appreciate your recent letter telling of your proposed bill to avoid the frustration and confusion that arises in states and in local school districts over late actions by the Congress each year.

The idea of having a trigger date of May 15 for certainty is surely in accord with our ideas of what ought to be a minimum for the state education agencies and local educational agencies in regard to these questions that arise about timing in intergovernmental educational programs. My memorandum to Congressional committees of recent date, and other requests that have been made by numerous responsible state and local administrators, make your suggestion very welcome indeed.

Sincerely yours,

EDGAR FULLER,
Executive Secretary.

MIDDLE STATES ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS,
April 12, 1967.

Hon. WINSTON PROUTY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: Your letter to Mr. Elwood Kastner has been redirected to me for response since Mr. Kastner is no longer secretary of the Middle States Association.

I have read your bill and strongly approve. I am a superintendent of a large high school system and we do find ourselves caught in the dilemma which your bill seeks to overcome.

I wish you every success.

Sincerely,

WARREN M. DAVIS,
Secretary.

THE NATIONAL SOCIETY FOR CRIPPLED CHILDREN AND ADULTS,
Chicago, Ill., April 20, 1967.

Re: Amendment to Title I, Elementary and Secondary Education Act of 1965.

Hon. WINSTON PROUTY,
Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: Your letters to Mr. J. P. W. Brown, President, and to me, as Executive Director of the National Society for Crippled Children and Adults, were carefully considered in relation to the legislative policies under which we operate.

We recognize the seriousness of the local problems that may arise as a result of Congressional delays in making appropriations under Title I and appreciate your attempt to correct the situation. Our organization, however, is primarily concerned with physically handicapped persons and we therefore limit legislative activity to bills which directly focus upon the needs of this group. As a national organization we have a rich history in promoting special education at state and federal levels and continue to exert our influence in this area. We regret that at this time we are unable to take a position on the proposed bill as we believe our leadership can be best exercised on a selective basis.

Sincerely,

Sumner G. Whittier,
Executive Director.

Missouri School for the Deaf,
Fulton, Mo., April 19, 1967.

Hon. Winston Prouty,
U.S. Senate,
Washington, D.C.

Dear Senator Prouty: This letter is in support of your proposed amendment to Title I of the Elementary and Secondary Education Act of 1965. The proposed amendment would do much to avoid frustration and confusion and make it possible for school administrators to plan and activate urgently needed Title I projects.

The establishment of a trigger date, which would allow for authorization to obligate funds based on actual appropriated funds for the current fiscal year, would do much to insure the effectiveness of all planned activites under Title I projects. With no assurance that Title I funds will be made available by a specific date, it is virtually impossible to negotiate with and secure the services of instructional personnel. The amendment you propose would make possible the successful implementation of programs which are currently being crippled or, in some instances, deactivated, due to the lack of assurance as to when and if funds will be available.

I strongly support the amendment you suggest and sincerely feel that it will add a much needed functional dimension to Title I programs of the Elementary-Secondary Act.

Very sincerely,

Lloyd A. Harrison,
Superintendent.

Department of Public Instruction,
Madison, Wis., April 20, 1967.

Hon. Winston L. Prouty,
Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

Dear Senator Prouty: Your contact with me regarding a bill to assure a given level of financial support to federal programs under ESEA is truly appreciated. It is my hope that, whereas you mention Title I, you might also include Title II of the Act so that proper planning for the acquisition of instructional materials might be accomplished. The appropriation and subsequently changed regulations have pushed our program well past the middle of the fiscal year before we could be certain of level or mode of operation.

Early appropriations are, of course, most desirable but a continuation obligation would be helpful. Your bill would be a significant assist in making it possible to plan well for these important programs.

Sincerely,

C. W. Spangler,
Program Administrator, Title II.

Department of Education,
Montpelier, Vt., April 10, 1967.

Hon. Winston Prouty,
Senate Office Building,
Washington, D.C.

Dear Senator Prouty: I believe the bill to amend Title I of the Elementary and Secondary Education Act of 1965 authorizing Commissioners of Education to obligate payments in the event appropriations are not made prior to May 15th will be a great help.

Title I has been a great help to the children of Vermont. If a few of the fiscal knots can be untied in the financial rope, things will be even better.

Sincerely,

Richard A. Gibboney,
Commissioner of Education.

The National Association for Mental Health, Inc.,
New York, N.Y., May 4, 1967.

Hon. Winston Prouty,
U.S. Senate,
Washington, D.C.

Dear Senator Prouty: Mr. Philip E. Ryan, to whom you recently wrote, is no longer with this agency.

The bill which you plan to introduce amending Title I of the Elementary and Secondary Education Act to obligate payment in the event appropriations were not made by May 15th of each year, is one which this organization would support.

We agree that the bill represents a constructive and reasonable approach to the successful implementation of the Title I programs, and we, therefore, favor its enactment.

We deeply appreciate your giving us this opportunity to comment and we hope you will let us know if hearings on the bill are to be scheduled before the Senate Committee on Labor and Public Welfare so that we might submit a statement for the record.

Sincerely,

Michael E. Freelund,
Associate Director.

Association of Chief State School Audio-Visual Officers,
May 5, 1967.

Hon. Winston Prouty,
U.S. Senate,
Washington, D.C.

My Dear Senator Prouty: Thank you for thinking of me in connection with your suggested changes which would trigger federal payments on May 15 of each year, for Title I ESEA projects.

It is certainly this kind of improvement and refinement which is needed to make this legislation of the true potential it should be to all of our schools and school districts.

This particular problem is at least as pressing on Title III NDEA and other federally-funded programs, however, even though the amounts of money involved may be larger on Title I. Title III has suffered from this kind of delay every year since its inception.

Could your suggested change possibly be applied across the board to all such programs? It makes little sense to seek long-range planning, as is and should be done in all these areas, and then to put up with delays which obviate all the advantages to be gained by such planning, in the actual appropriation of funds.

I can speak from nearly seven years of close connection with the funding and approval of projects under Title III NDEA here in Oregon, and from the many contacts concerning federal funding, especially of AV projects, which come to my attention as Editor of Educational Screen & Audiovisual Guide, a leading journal in the educational field; and as Executive Secretary for the Association of Chief State School Audio-Visual Officers. This one point of delay in Congressional appropriation and of uncertainty as to federal amounts available probably does more harm to good programs than all other factors put together. It operates to discourage and defeat every level of administration involved in project planning and approval, and it places the cold, dead hand of unnecessary bureaucratic delay right on the controls of what should be an ongoing, dynamic and vital program plan with the very greatest potential for improvement and strengthening of instruction for all American schools.

I wish you well with your suggested changes, which would at least provide a standard operating level from which administrators could plan and take action, prior to final budgeting by Congress.

Sincerely yours,

Henry C. Ruark, Jr.
Executive Secretary.

The Florida State University,
Tallahassee, June 15, 1967.

Hon. Winston Prouty,
Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

Dear Senator Prouty: I am somewhat embarrassed to reply to your letter of April 6 at this late date. My only excuse is that we have been flooded with correspondence this Spring and it has been very difficult to catch up.

I was very much interested in reading the bill pertaining to amending Title I of the Elementary and Secondary Education Act. It is my considered opinion that something of this nature is required if we are to be able to continue operation using federal funds. It has been most difficult and often times embarrassing not to be able to make long range plans and to know that they can be carried out. Great difficulties are presented in the securing of qualified personnel and in recruiting them unless we have the type of assurance this amendment provides.

I appreciate your concern and interest and the fact that I have been informed by you.

Sincerely yours,

Ralph L. Witherspoon,
Head, Department of Elementary Education.

State of New Mexico,
Department of Education,
Santa Fe, May 5, 1967.

Hon. Winston Prouty,
U.S. Senate,
Washington, D.C.

Dear Senator Prouty: The State Board of Education of New Mexico has passed a resolution urging amendment of Section 207 of Title I of the Elementary and Secondary Act as follows:

"(d) In the event that no appropriation for the purpose of making payments pursuant to this title is made prior to the 1st day in May immediately preceding the beginning of any fiscal year for which appropriations for such purpose are authorized, the Commissioner may execute grant agreements for grants pursuant to this title for such fiscal year. Such grant agreements shall be obligations of the United States. The amounts of such grant agreements shall be determined on the basis of an appropriation for the purposes of this title equal to the amount appropriated for such purposes prior to such 1st day in May for the fiscal year in which such day occurs."

The members of the board are in agreement with your proposal to authorize the Commissioner of Education to obligate payments for Title I, ESEA, in the event appropriations were not made by Congress prior to a certain date in order to provide proper planning for the program. They did wish to move the date in your proposal from May 15 to May 1, as it was felt this time was needed for adequate planning.

The New Mexico Board asked me to send you a copy of the approved resolution with their best wishes.

Sincerely yours,
Leonard J. De Layo,
Superintendent of Public Instruction.

State of New Mexico,
Department of Education,
Santa Fe, April 20, 1967.
Mr. Norman J. Walsh,
Associated Public School Systems,
New York, N.Y.

Dear Mr. Walsh: Your letter to APSS Superintendents has been referred to me for a reply by Mr. Leonard De Layo, Superintendent of Public Instruction. This amendment was discussed at a meeting of the New Mexico State Board of Education and voted to support the amendment, *but*, with the request that the "trigger date" be changed to May 1, since the schools in the state close at the end of May. An earlier date would give the local educational agencies a better opportunity for planning.

Yours sincerely,
Mildred Fitzpatrick,
Chairman, Title I, ESEA Services Area.

Independent School
District No. 492,
Austin, Minn., April 18, 1967.
Mr. Norman J. Walsh,
Associated Public School Systems,
New York, N.Y.

Dear Mr. Walsh: Thank you for your letter and the copy of Senator Prouty's proposed amendment to Title I of ESEA.

Senator Prouty is moving in the right direction. The big problem is that he is not moving far enough. Instead of being May 15, the date at which the Commissioner should be able to execute agreements or grants should be no later than March 15 for the following year.

The year to which Senator Prouty refers created problems for school districts which were almost insurmountable. In Minnesota, the United States Congress, or Health, Education, and Welfare, cut back the funds which should have come to the states. The reason for the cutback was that we did not spend the entire amount the previous year because we insist on doing a good job of planning.

Certainly May 15 is considerably better than July 1, or October or November, as it has been in recent years. It would still be almost impossible to plan for the ensuing year as late as May 15. Our planning for the ensuing year is done in January or February.

I would suggest that you encourage Senator Prouty in his move and certainly encourage him to move the date to an earlier month.

Sincerely yours,
Irwin T. Mickelson,
Superintendent of Schools.

University of Florida,
Gainesville, May 29, 1967.
Hon. Winston Prouty,
U.S. Congress,
Washington, D.C.

Dear Senator Prouty: Thanks for your recent letter. I support you strongly in your efforts to get some stability in appropriations of ESEA. This is a most serious problem. The U.S. Office of Education and local school districts need to be able to make long-range plans. In fact, I hope that we can reach a point where there can be a leeway of a minimum of three years on financial commitments. It is only in this way that careful planning can be accomplished to the end that children and youth have enriched educational opportunities. Educators, at all levels, are becoming very frustrated over the problem of last-minute planning; and this is already having a serious, negative effect on creative and well-developed programs for children and youth.

I have called this problem to the attention of different members of the Congress and will continue in my efforts to support the idea expressed in your bill.

Cordially yours,
Robert O. Stripling,
Chairman, Department Personnel Services.

Conference of Executives of American
Schools for the Deaf,
Tucson, Ariz., April 25, 1967.
Hon. Winston Prouty,
Committee on Labor and Public Welfare,
Senate Office Building,
Washington, D.C.

Dear Senator Prouty: Your letter of April 6 to Dr. Hugo Schunhoff and a copy of his reply have been referred to me.

Your bill hits the weak spot in Title I of the Elementary and Secondary Act of 1965 which has caused school administrators so much consternation and has tended to defeat in part the very intent and purpose of Title I funds. To cite a specific example, we were not able to employ a badly needed psychologist until the school year was half over. Now this psychologist has gained specialized experience in working with the deaf and the blind but since we cannot assure her of a position next year she will have to seek other employment. If we are fortunate enough to employ another psychologist in mid-term next year we will have to repeat the training period. The cycle would then repeat itself. This instability results in providing services only part of the school year and causing constant turnover in personnel.

To assure qualified school personnel and to insure program continuity personnel must be contracted for in the spring prior to the school year. Hence your bill would correct this situation. I would agree with Dr. Schunhoff that an even earlier date than May 15 would be preferable if feasible.

I am sure I speak for the Conference of Executives of American Schools for the Deaf in heartily endorsing your bill.

Sincerely yours,
E. W. Tillinghast, *President.*

Harvard University,
Graduate School of Education,
Cambridge, Mass., April 15, 1967.
Hon. Winston Prouty,
U.S. Senate,
Washington, D.C.

Dear Senator Prouty: The proposal about which you have so thoughtfully written me under the date of the 6th provides a splendid solution to a significant educational problem.

Please know of my hearty support of your proposal to amend Title 1 of the Elementary and Secondary Act of 1965.

Sincerely,
Herold C. Hunt,
Eliot Professor of Education.

The University of New Mexico,
Albuquerque, April 14, 1967.
Hon. Winston L. Prouty,
New Senate Office Building,
Washington, D.C.

Dear Senator Prouty: The University of New Mexico, in cooperation with the Albuquerque Public Schools, has been operating a noncommercial television station, KNME TV, Channel 5, since 1957. The University strongly supports the use of the television medium for educational purposes and is presently cooperating with 40 school districts in the State of New Mexico by providing them in-school teleclass services. These in-school programs have proved to be most beneficial to the participating school districts. This service has been requested for 1967–68 by ten additional school districts in the State of New Mexico which are not now in our coverage area. Technical consultation and guidance is provided to the school districts of New Mexico by the University as a service to the State.

In addition to the in-school service programs under the auspices of The University of New Mexico, other institutions of higher learning and departments of state and local government have been presented in the public interest. These programs cover the areas of adult education, politics, social and economic problems, and adult entertainment not otherwise available to our area.

The University of New Mexico participated in the First and Second National Conference on the Long Range Financing of ETV Stations and it endorses the principles embodied in the Carnegie Report and the Bill entitled the "Public Television Act of 1967" (S. 1160 and H.R. 6736). Because of the University's interest in television for educational purposes and in the public interest, I respectfully request that, after you have had an opportunity to review the exhibits, you also endorse and support the "Public Television Act of 1967."

If you wish further exhibits from The University of New Mexico, I shall be happy to supply them.

Sincerely Yours,
Tom L. Popejoy,
President.

The Christian Science Monitor,
Boston, Mass., April 11, 1967.
Hon. Winston Prouty,
Committee on Labor and Public Welfare,
Washington, D.C.

Dear Mr. Prouty: This is an excellent bill and one much needed by public school officials to carry out their programs. Thank you for telling me about it. I have sent your letter to Miss Josephine Ripley in our Washington office as she handles education on the Hill.

Sincerely yours,
Cynthia Parsons,
Education Editor.

Institute for Development of
Educational Activities,
Los Angeles, Calif., April 19, 1967.
Hon. Winston Prouty,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

Dear Senator Prouty: Please excuse the delay in responding to your letter of April 6 regarding your proposed amendment to Title I of the Elementary and Secondary Education Act of 1965. I was out of town when it arrived—ironically, in Washington.

The problem which you identify extends beyond Title I. Funds allocated, whether to school districts or universities, are used in part for the employment of personnel. We are in a period of great personnel shortages in relation to demand, and projects often falter because of difficulties involved in being able to make definite commitments when Federal funds are involved. To get good persons in universities these days, we are forced to complete our recruitment procedures for any projects long before Federal appropriations usually are authorized. Project administrators either must endure the stress each year of a prolonged gamble or count on last-minute appointments, usually of an inferior variety.

The first and obviously difficult solution to the problem is to secure authorization of appropriations for a coming fiscal year months ahead of the present schedule. Obviously this is very difficult. The second alternative is the one you suggest: that is, establishing some date by which the Commissioner would be authorized to approve fiscal year funding for grants already agreed upon during the current or a previous year.

Since I am not familiar with the nature of the discussion on the Senate Floor, it is impossible for me to indicate how the wording of the amendment might be revised in order to secure greater acceptance. I would assume that a paramount objection is the amount of authority delegated to the Commissioner.

I appreciate your writing and I do hope my comments are of some use to you.

Sincerely yours,

JOHN I. GOODLAD,
Director, Research and Development Division.

AMERICAN INDUSTRIAL ARTS ASSOCIATION,
Washington, D.C., April 18, 1967.

Hon. WINSTON L. PROUTY,
Senate Office Building,
Washington, D.C.

DEAR SIR: The American Industrial Arts Association approves the content of your bill to allow the Commissioner of Education to obligate payments in the event appropriations were not made prior to May 15 of each year.

The Association shall make every effort to support this bill.

Sincerely yours,

HOWARD S. DECKER,
Executive Secretary.

TEXAS EDUCATION AGENCY,
Austin, Tex., April 17, 1967.

Senator WINSTON PROUTY,
Washington, D.C.

DEAR SENATOR PROUTY: Thank you for your letter of April 6 inviting me to comment on your proposed amendment for the Elementary and Secondary Education Act of 1965.

One of the frustrating and confusing parts of continued implementation of Title I of this Act is the fact that state departments of education and local school districts have not known the amount of funding for each ensuing year until very late in the school year. This not only makes for very poor planning, but also limits the creativity that might be developed in program improvement and expansion. I would certainly concur with you that your proposed amendment with the May 15 deadline each year would enable schools to do more realistic planning for their Title I monies. We would certainly strongly support you on this matter.

Another frustrating and confusing matter dealing with the Elementary and Secondary Education Act has been the amendment of Title VI as passed by Public Law 89-750. The Act carried a sizable funding figure; however, there has not been to date any appropriations to implement this Act. Maximum funding for Title VI is certainly needed for state departments of education to initiate, expand, and improve services for handicapped children. We would certainly encourage you to support this matter also.

If we may be of other service to you in any way, please feel free to call on us at any time.

Sincerely,

DON L. PARTRIDGE,
Director, Division of Special Education.

THE COUNCIL FOR EXCEPTIONAL CHILDREN,
Washington, D.C., April 18, 1967.

Hon. WINSTON PROUTY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: I have noted your Bill which would make the 15th day in May the effective date of a continuing resolution and feel that it presents a very desirable alternative to completing the Appropriations Bill prior to that time.

While I am sure there are many reasons why the Congress finds it difficult to complete the Appropriations Bill before an appropriation year begins, it is also very difficult for school personnel to plan school programs unless they know by May 15th what their resources are likely to be.

Either it would be appropriate to set up a continuation of the present year appropriations as you have indicated into the succeeding fiscal year with May 15th as the target date or else financing for school programs should become forward financing with the appropriation approved in September or October as has been the case recently being the one to be applied to the next year. I suppose this in effect would be practically the same.

Certainly your proposed resolution would bring more order to a presently difficult situation.

With best wishes,

Sincerely yours,

WILLIAM C. GEER,
Executive Secretary.

AMERICAN SPEECH AND HEARING ASSOCIATION,
Washington, D.C., April 19, 1967.

Hon. WINSTON PROUTY,
Committee on Labor and Public Welfare, Old Senate Office Building, Washington, D.C.

DEAR SENATOR PROUTY: The American Speech and Hearing Association would like to offer its complete support for your proposal to amend Section 207 of Title I of the Elementary and Secondary Education Act of 1965. There are, we are certain, several possible ways of coordinating the planning aspects with the date of appropriations and your proposal is indeed and excellent one. We would be pleased to cooperate in the support of your bill or any bill with a similar goal. The problem is serious and it demands a solution. We commend you on your efforts on behalf of the educational community.

Please let me know if you feel we, in this Association, may be of help.

Yours very truly,

KENNETH O. JOHNSON, Ph. D.,
Executive Secretary.

DEPARTMENT OF EDUCATION,
Lansing, Mich., May 4, 1967.

Hon. WINSTON PROUTY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR PROUTY: Your letter of April 6 to my colleague, Robert M. Winger, Director of Vocational Education, Michigan Department of Education, has been referred to me.

I most wholeheartedly concur with your efforts in the introduction of an amendment to Title I of the ESEA of 1965 which would authorize setting some kind of guaranteed floor in order that states could have some guarantee of minimal funds.

I would like to suggest that one step further be explored relative to your proposed bill; and that is that a floor be guaranteed not only at the state level but for local school districts. For the current fiscal year of 1967, as you know, school districts acted in good faith and submitted projects for approval based on the expectation of at least 85% of last year's allocations. This figure was one which was suggested by the U.S. Office of Education. As a result of ratable reductions in county maximum aggregates, some 35 counties in Michigan received a lesser grant than last year. Therefore, approximately 160 local school districts out of 700 have had to make some adjustment as a result of this year's reduced allocations. In many instances there will have to be cutbacks in either personnel, equipment, materials and other services. School districts in many instances are already operating at a deficit and this creates another hardship and does shake their faith in the ability of Congress to give an absolute minimal guarantee. Your bill would also provide sufficient lead time so that local districts can do sophisticated planning and designing of their projects based on a guaranteed minimal sum.

I welcome this opportunity to communicate the above viewpoint regarding your efforts in this matter.

Sincerely yours,

FERRIS N. CRAWFORD,
Associate Superintendent for Educational Services.

TIME,
New York, April 25, 1967.

Senator WINSTON PROUTY,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROUTY: Your bill authorizing the Commissioner of Education to obligate ESEA funds strikes me as an effective and necessary means to improve this program. I am sure it would eliminate much of the uncertainty and confusion now plaguing school administrators as they try to plan and operate Title I projects—and unless some of these problems are eased, the growing frustration could, it seems to me, endanger the survival of the whole ESEA concept.

I hope your bill passes.

Sincerely,

EDWARD MAGNUSON,
Associate Editor.

Mr. MORSE. Mr. President, the Senator from Vermont goes on to say in his manuscript:

> This documentation could be extended for a great number of pages. However, I am sure that all of us are aware of the problem that Title IV addresses itself to, and I believe that the Committee has recommended solving the problem in the best interest of American education.
>
> I am confident that the Committee has acted prudently and wisely in recommending this legislation and I believe that all of us have a responsibility to see to it that education funds are committed in time for the educators to plan and operate the authorized programs adequately and efficiently, and even more importantly to result in better programs for the disadvantaged.

Mr. President, I have notified the Senator from Vermont [Mr. PROUTY] that I am going to accept the amendment of the Senator from Virginia [Mr. BYRD].

I have agreed that the views of the Senator from Vermont, by way of legislative history, should be read into the RECORD, which I have done.

No one in the Senate is more conscious of the importance of our carrying out our constitutional responsibility than is the Senator from Vermont.

The Senator from Vermont is also well aware of the importance of our checking the delegating to the executive branch of the Government of unchecked executive power, which is the policy to which the Senator from Virginia has primarily addressed himself. It is a policy to which I have addressed myself many times on the floor of the Senate, and it is a policy with which I agree.

I want to say in explanation of the point of view of the Senator from Vermont that he took his language from the language already on the statute books in respect to the policy we have followed, particularly in connection with impacted areas legislation.

Mr. President, I can accept the amendment and do so enthusiastically because of the cooperation that we have received from the Appropriations Committee.

I see the Senator from Rhode Island [Mr. PASTORE] on the floor. He is a member of the Appropriations Committee.

I want the record to show that we do receive from Senator PASTORE and other members of the Appropriations Committee understanding cooperation in regard to the problem that confronts school authorities of this country in obtaining the assurance that they sorely need as to what they can count upon so far as money that is to be made available to them for carrying out their educational program is concerned.

I believe that other language in the bill, which is not subject to the objection that the Senator from Virginia has raised, does its best to make available at the earliest possible time some assurance upon which the schoolmen can rely that will cover the point. It is not involved in the amendment of the Senator from Virginia, because it does not have the objections that the language we are striking from the bill has.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. BYRD of Virginia. I am not familiar with what the Senator is referring to. I wonder whether he would point out where that language appears. I would be interested in looking at it.

Mr. MORSE. The language that precedes the language that the Senator's amendment would delete, on page 135.

Mr. BYRD of Virginia. The Senator has said that this language was sent up by the administration?

Mr. MORSE. Well, it was recommended by the administration at Senator PROUTY's insistence and was further refined and developed by the junior Senator from Vermont and myself. This refers to the duration of and authorization for programs. It starts on page 130, line 10, and continues to page 135, line 6. It is at that point that the Senator's amendment would strike the language. This language does not have the objections that the Senator has raised, but this language does seek to make legislative history. In effect, it urges us, in the Senate, to move as rapidly as possible in getting the authorizations.

Mr. BYRD of Virginia. Nothing in the language to which the Senator is referring would permit a department or the President or anyone else to spend money that has not been appropriated?

Mr. MORSE. Not one word. That is why I say it does not involve the objection that the Senator from Virginia has raised. But it does—and I believe should—give some assurance to the school people that we will do what we can to try to help them resolve this problem, which is very serious with them.

Mr. BYRD of Virginia. And encourages Congress to expedite its proceedings, which I believe is desirable.

Mr. MORSE. I agree. That is what the language seeks to do.

Mr. MANSFIELD. Once again, may I ask the chairman of the committee this question? If the amendment of the distinguished Senator from Virginia [Mr. BYRD] is adopted, the matter would be eliminated completely?

Mr. MORSE. There would be nothing in conference on the points involved, in the language that we are now striking.

Mr. BYRD of Virginia. Mr. President, I should like to make a few concluding remarks, and then I will put a question to the Senator from Oregon.

In this argument, the Senator mentioned that the committee brought in a similar proposal last year and that it was rejected. They have brought in the same proposal this year.

I express the hope that these 4 days of discussion on the floor this year—there was no discussion on the floor last year—will discourage the committee from bringing in such a proposal next year.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. MORSE. I say to the Senator from Virginia that I know what the learning process involves. I believe my committee will take note of what happened this year.

Mr. BYRD of Virginia. Mr. President, may I say to the distinguished senior Senator from Oregon that one reason why I have been so interested in this question is that last year I spent, I believe, 96 hours in the chair, and this year I have spent approximately 86 hours in the chair. The distinguished and able senior Senator from Oregon spoke during part of that time, and I like to hear him speak. I derive much benefit from his speeches. He emphasized my own deep belief that we have given too much authority to the chief executive and that we should keep that authority in Congress. His speeches have had much to do with the position I have taken in connection with this proposal.

Mr. MORSE. I appreciate the Senator's remarks. There is no question that we must stop delegating legislative powers to the executive branch of Government, no matter what semantics are used to couch the delegation, whether it is put in terms of ministerial function, which is the most common form, or some other language. We must reserve to ourselves and protect for ourselves the authorities set out in the Constitution.

Mr. BYRD of Virginia. I agree with the Senator from Oregon.

Mr. President, I believe that the sentiment in the Senate is overwhelming to delete this provision. I might say that I have not been idle during the past 4 days. Although I have not spoken with every Member of the Senate, I have spoken with enough Members of the Senate to know that the sentiment in the Senate will sustain my amendment.

So far as I am concerned, I am ready for a rollcall vote, but I do not ask for a rollcall vote. I leave up to the chairman of the committee and the other members of the committee, who put this provision in the bill and who will be affected by it, whether or not they desire a yea-and-nay vote on my amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. MANSFIELD. Mr. President, I would consider it a personal favor if the distinguished Senator did not ask for the yeas and nays, because I am looking forward to adjournment, if possible, next weekend. It is not at all certain. So far as I know, no one is opposed to the Senator's amendment. There is no possibility of it being brought up in conference, because it will not be in conference in either bill; and the Senator will have achieved the objective he has sought based on the principle he has espoused.

Mr. BYRD of Virginia. Mr. President, I preface my remarks by saying that I do not plan to ask for the yeas and nays. I am prepared for that. I believe I know what the outcome would be. But I desire to leave it up to the Senator from Oregon and the other members of the committee as to whether or not we have the yeas and nays.

Mr. MANSFIELD. The Senator is always prepared, may I say.

Mr. MORSE. I am going to take judicial notice that many of us would vote for the amendment. Therefore, it would be a waste of time to have a rollcall vote.

Mr. McGOVERN. Mr. President, as the author of a concurrent resolution calling for early appropriations for educational programs, I am most pleased by the provisions in title IV of H.R. 7819 authorizing advance appropriations. Section 403 authorizes funds to be included in the appropriation act for the fiscal year preceding the fiscal year for which they are available for obligation.

Since this language is permissive, I am equally in favor of the principle behind subsection (b) of section 405, which would allow the Commissioner to execute grant agreements, which shall be obligations of the United States, in the event that no appropriations for title I of the Elementary and Secondary Education Act of 1965 are made by May 15 in the year immediately preceding the fiscal year in which the funds will be available.

As noted by the committee report on the bill:

> Perhaps no other aspect of the Elementary and Secondary Education Act has disturbed the educational authorities in the States and communities more than the late funding of programs authorized by law.

My consultations with educational leaders in South Dakota supply ample testimony to that conclusion.

About 1 year ago I sponsored an Elementary and Secondary Education Act conference in Mitchell, S. Dak., which was attended by more than 200 school superintendents and educational officials. The most commonly voiced complaint at this meeting was over late funding.

President Johnson recognized the problem in his message to the Congress on education in February of this year, when he pointed out that—

> One condition which severely hampers educational planning is the Congressional schedule for authorizations and appropriations. When Congress enacts and funds programs near the end of a session, the Nation's schools and colleges must plan their programs without knowing what Federal resources will be available to them to meet their needs.

The school year ordinarily begins in September, and local educational agencies must usually begin making budgetary commitments in the preceding March or April. Contracts with teachers must often be signed in April. It is consequently essential that these agencies know by that time the amount of Federal funds they will be able to include in their budgets.

Last year the appropriation for ESFA was finally approved in November. This year we had a similar experience—the bill became law on November 8. Consequently, as many school superintendents in South Dakota have attested, sensible planning is rendered impossible. Those schools that underestimate their allocations in the budgeting process are unable to make the best possible use of the funds that are subsequently provided, and those that overestimate are forced to operate under deficits or to adjust their programs after the school year has begun.

It is somewhat unusual, although not without precedent, to allow an official of the executive branch to obligate the Government in advance of appropriations. In the absence of authority for year ahead funding and of strong indications that the authority will be used, I think this approach would nevertheless be justified in order to eliminate the emergency situation that has been developing annually in the Nation's school systems.

We have received such assurances from the Appropriations Committee during discussions on the amendment offered by Senator BYRD. I know members of the committee are fully aware of the problem and that they will do everything in their power—with the cooperation of administration officials—to overcome it. In that event, of course, the language stricken by amendment 448 will be unnecessary.

I regard section 405(a) as one of the most urgently important provisions of the bill, and I hope it will be included in the legislation that is finally adopted. In the belief that that will be the case, I have no objection to the amendment offered by the Senator from Virginia [Mr. BYRD].

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, that will dispose of the education bill, now pending, until either late tomorrow or Monday morning.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS ACT, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, the education bill, be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 792, H.R. 13893.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 13893) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, without losing my right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the calendar, beginning with Calendars Nos. 826, 827, 828, and 829, then proceeding to Calendar No. 838, then proceeding to Calendar No. 842, and the remainder of the calendar in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to state the items on the calendar, beginning with Calendar No. 826.

NICHOLAS S. CVETAN

The bill (S. 1052) for the relief of Nicholas S. Cvetan, U.S. Air Force (retired), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nicholas S. Cvetan, United States Air Force (retired), the sum of $2,556. The payment of such sum shall be in full satisfaction of all claims of the said Nicholas S. Cvetan against the United States for emergency cost-of-living allowances for the period May 9, 1965, through July 18, 1965, during which his dependents, pursuant to instructions of superior military authority, temporarily resided in Lima, Peru, until dependents of military personnel stationed at Santo Domingo, Dominican Republic, were authorized to return to the Dominican Republic, the said Nicholas S. Cvetan having had his dependents with him while he was on authorized leave and visiting Lima, Peru, at the time all dependents were ordered evacuated from Santo Domingo, Dominican Republic: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 84) explaining the purposes of the bill.

There being no objection, the excerpt as ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay to Nicholas S. Cvetan, U.S. Air Force (retired), the sum of $2,556 for an emergency cost-of-living allowance.

STATEMENT

The Department of the Air Force recommends the enactment of the bill.

In its favorable report to the committee on the bill, the Department of the Air Force sets forth the facts in the case and its recommendations as follows:

"The bill would authorize the Secretary of the Treasury to pay to T. Sgt. Nicholas S. Cvetan, U.S. Air Force (retired), $2,556. This amount represents Sergeant Cvetan's claim for emergency cost-of-living allowances for the period May 9, 1965, through July 18, 1965. During this period, his dependents temporarily resided in Lima, Peru, as instructed by superior military authority, until dependents of military personnel stationed in Santo Domingo, Dominican Republic, were authorized to return to that country. At the time dependents were evacuated from Santo Domingo, Sergeant Cvetan was on authorized leave and, with his dependents, visiting Lima, Peru.

"Sergeant Cvetan was retired from the Air Force April 30, 1966, after more than 20 years military service. From 1957 until his retirement, most of his service was with Air Force Missions in Peru, Argentina, and the Dominican Republic. Upon retirement, he was paid travel and transportation allowances from the Homestead Air Force Base to Lima, Peru. His retired pay account shows his current address is Lima, Peru.

From September 1964 until mid-February 1966, Sergeant Cvetan was assigned to the Military Assistance Advisory Group, Santo Domingo, Dominican Republic. On April 7, 1965, he was authorized 30 days leave to visit Lima, Peru, with his family. While he was on leave, a political crisis, on April 24, 1965, necessitated the evacuation of all dependents of military personnel from the Dominican Republic. Sergeant Cvetan immediately contacted his commander in Santo Domingo for instructions. He was instructed to complete his leave in Peru and then return to duty. He was also advised his dependents would not be permitted to return to Santo Domingo but should remain in Peru until the crisis was over.

Sergeant Cvetan returned to duty in Santo Domingo on May 9, 1965, and as instructed, left his dependents in Peru. Official orders were not issued directing that his dependents were to be evacuated to or were to remain in Peru during the crisis. Orders were issued providing dependents of all military personnel stationed in Santo Domingo were to be evacuated to Puerto Rico to await further transportation to the United States. On July 18, 1965, an order was issued permitting the return of dependents to the Dominican Republic. Sergeant Cvetan's family was then permitted to return to his duty station in Santo Domingo from Lima, Peru.

Public Law 899–26, effective February 1, 1965, authorizes payment of special allowances to dependents of members of the uniformed services if dependents are evacuated from an oversea danger area. This law specifically provides that allowances are payable to dependents ordered evacuated by competent authority from places outside the United States to places inside the United States. Regulations implementing this law provide that a per diem allowance will be paid from the day dependents begin travel from their place of residence and for a specified period after arrival in the United States. If dependents are temporarily absent from the member's duty station when the evacuation is ordered and are diverted to a "safe-haven" location, or are retained at such a location awaiting transportation to the United States, allowances are payable from the day travel begins. Payment of the allowances continues for a specified period after arrival in the United States.

"Sergeant Cvetan filed a claim for allowances for his dependents under Public Law 89–26. He claimed allowances, totaling, $2,556, for his wife and two minor children for 71 days. This was the period from May 9, 1965, the date his leave expired, through July 18, 1965, the date dependents of military personnel were authorized to return to Santo Domingo. The Air Force denied his claim because his dependents did not return to 'a place inside the United States' or proceed to or arrive in Puerto Rico, the designated 'safe-haven' en route to 'a place inside the United States.' As requested by Sergeant Cvetan, his claim was submitted to the Claims Division, General Accounting Office. On January 24, 1966, the General Accounting Office disallowed his claim. That office advised Sergeant Cvetan that in the absence of a showing that his dependents were evacuated to a place in the United States or to Puerto Rico and that the evacuation of his dependents had been ordered or approved by competent authority, pursuant to the provisions of Public Law 89–26, there was no basis for allowance of the claim.

"Sergeant Cvetan has exhausted his administrative remedies in this matter. His dependents were not subject to the evacuation orders, in that they were with him on leave in Lima, Peru, at the time of the crisis. When dependents were ordered evacuated from the Dominican Republic, no letter orders were issued to Mrs. Cvetan to remain in Lima, Peru, or to proceed to a safe-haven area or the United States. She had no alternative but to remain in Lima, Peru. It appears logical that Sergeant Cvetan was subjected to similar expenses as those members whose dependents were evacuated from the Dominican Republic. In addition, Air Force records indicate that Lima, Peru, is the home of Mrs. Cvetan's relatives. Evacuation to the United States could have been complicated by the fact that Mrs. Cvetan did not speak English and had no established residence in the United States to which she could go.

"In view of the special circumstances involved, Sergeant Cvetan's case merits special consideration and accordingly the Department of the Air Force recommends enactment of S. 1052.

"The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee."

The committee believes that the bill, as recommended by the Department of the Air Force, is meritorious and recommends it favorably.

IRVA G. FRANGER

The bill (S. 2104) for the relief of Irva G. Franger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Irva G. Franger of San Antonio, Texas, is hereby relieved of all liability for repayment to the United States of the sum of $668.90, representing overpayments of salary paid to her as a civilian employee of the Department of the Army at Fort Sam Houston, Texas, for the period July 30, 1963, through January 15, 1966, as the result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Irva G. Franger the sum of any amount received or withheld from her on account of the overpayment referred to in the first section of this Act. No part of any amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 842), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Irva G. Franger of liability for repayment to the United States the sum of $668.90, representing overpayments of salary.

STATEMENT

The Department of the Army, in its report to the committee on the bill, has advised that it does not oppose its enactment.

In its report, the Department of the Army sets forth the facts in the case and its recommendations as follows:

"Official records of the Department of the Army disclose that an audit conducted in January 1966 by the General Accounting Office revealed that Irva G. Franger had received net overpayments amounting to $668.90 due to an administrative error in the adjustment of her salary after the termination of a salary retention period. On July 30, 1961, Mrs. Franger was reduced from GS–5, at a salary of $5,335 per annum, to GS–4. Under section 507 of the Classification Act of 1949, as amended (5 U.S.C. 1107 (1958 ed.)), she was entitled to retain the salary of her higher grade for a period of 2 years following her reduction to a lower grade. On July 30, 1963, at the end of the 2-year salary retention period, Mrs. Franger was placed in step 10 of grade GS–4, which prior to the Classification Act Amendments of 1962 (76 Stat. 843, 5 U.S.C. 1113(b)) was a longevity step. This action was subsequently determined to be incorrect by the Comptroller General (43 Comp. Gen. 169, Aug. 20, 1963). She should have been placed in step 8 of grade GS–4 when her salary retention period terminated. She was overpaid for the period July 30, 1963, through January 15, 1966, the gross amount of $713.67, which was reduced to a net overpayment of $668.90 by a retirement adjustment of $44.77. The amount of $10 was withheld from Mrs. Franger's salary prior to suspension of collection action on this indebtedness by the General Accounting Office on March 27, 1966.

"Mrs. Franger received the overpayments in good faith and for services performed. The overpayments were caused by error on the part of administrative personnel. Mrs. Franger advises that it is necessary for her son to attend a special grade school and repayment of the debt would cause her financial hardship. In view of these equitable considerations, the Department of the Army is not opposed to the bill. It is noted, however, that this claimant is one of several listed in a more comprehensive bill, H.R. 10327."

The committee has in the past approved private legislation for relief in the case of an overpayment made through an administrative error and received in good faith by the recipient.

The committee believes that the bill is meritorious and recommends it favorably.

STANDARD MEAT CO.

The bill (H.R. 3889) for the relief of Standard Meat Co. was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 843), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the Standard Meat Co., of Fort Worth, Tex., the sum of $3,679.10 in settlement of its claims against the United States for expenses incurred and losses suffered as a result of the mislabeling by the Meat Inspection Division of the U.S. Department of Agriculture of a shipment of meat to Liverpool, England, in 1965.

STATEMENT

The Department of Agriculture recommends the enactment of the bill.

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"The Department of Agriculture in its report to the committee on the bill recommends that the bill be passed. The losses which are the subject of this bill resulted from the use of outmoded export stamps on a shipment of meat which was refused entry by British health authorities because of the incorrect stamp.

"The export stamp, MI Form 412–10, was revised in October 1961 to read 'Meat Inspection *Division*' in lieu of 'Meat Inspection *Service*.' A large number of the old forms remained in stock at some locations and continued in use after the new forms were available. On December 1, 1964, by Meat Inspection Division Memorandum 64–29 to Inspectors in Charge of Meat Inspection, instructions were issued to destroy remaining supplies of the old export stamps and to use the new stamps exclusively.

"On November 11, 1965, the veterinary meat inspector assigned to the Standard Meat Co., Paris, Tex., used the old export stamps on a shipment destined to the United Kingdom. The shipment consisted of 618 boxes of beef tongues and 188 boxes of beef kidneys. The inspector apparently overlooked the memorandum of December 1, 1964, and had not requisitioned a supply of the new export stamps. A correct export certificate was, however, issued for the shipment.

"The British Ministry of Agriculture recognizes the export stamp, MI Form 412–10 as revised in October 1961, and not the export certificate, MI Form 412–3, as the official export document accompanying shipments of U.S. meat and meat food products into the United Kingdom. The stamps are serially numbered and are applied to each outside container in the shipment. The serial numbers of the stamps are recorded on the export certificate.

"The shipment in question was refused entry by the Liverpool Port Health Authority on the technicality that the product was improperly certified for export to the United Kingdom. The Department made it clear to the Liverpool officials that in spite of the old export stamps the shipment could be fully identified by the export certificate and was eligible for export to the United Kingdom. Despite these assurances, the Liverpool officials would not approve the product for entry.

"The export merchant involved in this shipment was John Thallon & Co., Inc., 50 Broad Street, New York, N.Y. This firm purchased the beef tongues and beef kidneys from the Standard Meat Co. with the products certified for export to England. Thallon & Co. eventually sold the kidneys for pet food manufacture in England. The tongues were subsequently reexported to the Netherlands and sold for food purposes.

"The bill provides for a payment of $3,679.10 to the Standard Meat Co. In the last paragraph of the Agriculture report following a tabulation of figures, that Department noted that the amount claimed in the bill is approximately equal to the claim against the Standard Meat Co. by John Thallon & Co. The committee noted that the amount tabulated in the departmental report is $2.10 different than the amount stated in the bill. Further information supplied to the committee indicates that this difference results from a tabulation which omits the fractional amounts of a dollar. The actual losses suffered are as follows:

Beef kidneys	$1, 207. 22
Duty, storage, etc	633. 71
Beef tongues	574. 20
Storage, cartage, ocean shipment	1, 263 .97
Total	3, 679. 10

"The John Thallon & Co., referred to in the departmental report is one of the largest customers of the Standard Meat Co. When John Thallon & Co. sustained this loss, the Standard Meat Co. assumed the loss for the reason that the error occurred in Texas and did not press its claim for the full amount of the sum due in payments of the meat sold to John Thallon & Co. John Thallon & Co. had deducted the amount stated in the bill from the amount actually paid the Standard Meat Co. It is, therefore, clear that the amount provided in the bill is equitably due to the Standard Meat Co.

"In view of the facts outlined in this report and in the report of the Department of Agriculture, and the favorable recommendation of that Department, it is recommended that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

RAYMOND E. GRAIL

The bill (H.R. 5853) for the relief of Raymond E. Grail was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 844), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that in the administration of the annual leave account of Raymond E. Grail, of Moline, Ill., a civilian employee at the Rock Island Arsenal, Ill., there shall be added a separate account of 174 hours of annual leave, in full settlement of claims of Raymond E. Grail against the United States for compensation for the loss of such leave which was earned by him during the period beginning May 1961 and ending May 1966, inclusive, while employed at the Rock Island Arsenal, and which, through administrative error, was not credited to his leave account. The bill expressly provides that none of the leave granted by the act shall be settled by means of a cash payment in the event that Mr. Grail is separated from the Federal service for any reason.

STATEMENT

The Committee on the Judiciary of the House of Representatives in its favorable report said:

"The Department of the Army in its report to the committee on the bill verified the fact that the Government in failing to credit Mr. Grail for his military service caused him to forfeit 174 hours of annual leave. The Department of the Army stated it was not opposed to favorable consideration of the bill.

"Mr. Raymond E. Grail, of Moline, Ill., forfeited 174 hours of annual leave as an employee of the Rock Island Arsenal due to the fact that when he was employed by the arsenal in 1950, his leave earning category was established without crediting him with military service of 4 years and 5 months. As a result, he was credited with leave at the rate of 6 hours per pay period when in fact because of his military service, he was entitled to accrued leave at the rate of 8 hours per pay period beginning May 7, 1961. It was not until May 19, 1966, that he was advised of the administrative error and at the same time was told that the 30-day limitation upon annual leave accumulation barred any recognition of the leave he should have earned. As a result, he was required to forfeit 174 hours of leave which he actually had earned but could not be credited to him. There is no administrative remedy open to him and as noted by the Department of the Army, his only recourse is to appeal to the Congress for relief by legislation in the manner provided in this bill.

"The Department of the Army has noted that in previous cases the Congress has granted relief and concluded:

"'As the forfeiture results from an administrative error an enactment of this bill would be consistent with action of the 89th Congress, the Department of the Army is not opposed to the bill.'

"In view of the recommendation of the Department of the Army and the clear entitlement of Mr. Grail to the leave provided for by the bill, it is recommended that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

DR. FANG LUKE CHIU

The bill (S. 2477) for the relief of Dr. Fang Luke Chiu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Fang Luke Chiu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 12, 1955.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 853), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Fang Luke Chiu as of January 12, 1955, thus enabling him to file a petition for naturalization.

DR. RENE JOSE TRIAY

The bill (H.R. 1592) for the relief of Dr. Rene Jose Triay was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 857), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Rene Jose Triay as of February 10, 1961, thus enabling him to file a petition for naturalization.

BILL PASSED OVER

The bill (H.R. 2138) to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

MRS. KAREN WOOD DAVILA

The bill (H.R. 3032) for the relief of Mrs. Karen Wood Davila was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 859), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to transmit U.S. citizenship to her son.

ANDRES MAURICIO CANDELA

The bill (H.R. 3516) for the relief of Andres Mauricio Candela, M.D., was considered, ordered to a third reading, read the third time, and passed.

ISRAEL MIZRAHY

The bill (H.R. 3525) for the relief of Israel Mizrahy, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 861), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Israel Mizrahy as of October 28, 1960, thus enabling him to file a petition for naturalization.

BILL PASSED OVER

The bill (H.R. 3528) for the relief of Isaac Chervony, M.D., was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

DR. EDUARDO ENRIQUE RAMOS

The bill (H.R. 3866) for the relief of Dr. Eduardo Enrique Ramos was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 863), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Eduardo Enrique Ramos as of October 26, 1960, thus enabling him to file a petition for naturalization.

DR. MANUEL A. TURBAT

The bill (H.R. 4974) for the relief of Dr. Manuel A. Turbat was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 864), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Manuel A. Turbat as of July 10, 1961, thus enabling him to file a petition for naturalization.

DR. ARMANDO COBELO

The bill (H.R. 5186) for the relief of Dr. Armando Cobelo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 865), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Armando Cobelo as of June 12, 1961, thus enabling him to file a petition for naturalization.

DR. HECTOR ALFREDO E. PLANAS-PINA

The bill (H.R. 5187) for the relief of Dr. Hector Alfredo E. Planas-Pina was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 866), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Hector Alfredo E. Planas-Pina as of July 21, 1961, thus enabling him to file a petition for naturalization.

DR. MANUEL JOSE COTO

The bill (H.R. 6088) for the relief of Dr. Manuel Jose Coto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 867), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Manuel Jose Coto as of February 7, 1962, thus enabling him to file a petition for naturalization.

BILL PASSED OVER

The bill (H.R. 6096) for the relief of Mrs. Inge Hemmersbach Hilton was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

DR. VIRGILIO A. GANGANELLI VALLE

The bill (H.R. 6670) for the relief of Dr. Virgilio A. Ganganelli Valle was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 869), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Virgilio A. Ganganelli Valle as of April 9, 1962, thus enabling him to file a petition for naturalization.

DR. RAUL GUSTAVO FORS DOCAL

The bill (H.R. 6766) for the relief of Dr. Raul Gustavo Fors Docal was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 870), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Raul Gustavo Fors Docal as of September 10, 1961, thus enabling him to file a petition for naturalization.

DR. JOSEFINA QUINTOS MARCELO

The bill (H.R. 7890) for the relief of Dr. Josefina Quintos Marcelo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 871), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Josefina Quintos Marcelo as of September 30, 1957, thus enabling her to file a petition for naturalization.

DR. JOSE A. RICO FERNANDEZ

The bill (H.R. 7896) for the relief of Dr. Jose A. Rico Fernandez was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 872), explained the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jose A. Rico Fernandez as of August 26, 1961, thus enabling him to file a petition for naturalization.

DR. NEMESIO VAZQUEZ FERNANDEZ

The bill (H.R. 7898) for the relief of Dr. Nemesio Vazquez Fernandez was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 873), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Nemesio Vazquez Fernandez as of September 15, 1960, thus enabling him to file a petition for naturalization.

DR. HERMES Q. CUERVO

The bill (H.R. 8256) for the relief of Dr. Hermes Q. Cuervo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 874), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Hermes Q. Cuervo as of June 6, 1961, thus enabling him to file a petition for naturalization.

JORGE GABRIEL LAZCANO

The bill (H.R. 8258) for the relief of Jorge Gabriel Lazcano, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 875), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jorge Gabriel Lazcano as of April 17, 1962, thus enabling him to file a petition for naturalization.

DR. RAQUEL MARIA CRUZ-FLORES

The bill (H.R. 8407) for the relief of Dr. Raquel Maria Cruz-Flores was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 876), explaining the purposes oi the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Raquel Maria Cruz-Flores as of July 29, 1962, thus enabling her to file a petition for naturalization.

GUILLERMO RAMON PALACIO SELA

The bill (H.R. 8738) for the relief of Guillermo Ramon Palacio Sela was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 877), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Guillermo Ramon Palacio Sela as of May 24, 1961, thus enabling him to file a petition for naturalization.

DR. JOSEFINA ESTHER KOURI-BARRETO DE PELLEYA

The bill (H.R. 9081) for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 878), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Josefina Esther Kouri-Barreto de Pelleya as of April 14, 1961, thus enabling her to file a petition for naturalization.

Mr. MANSFIELD. Mr. President, I ask that the Senate now turn to the consideration of Calendar No. 867.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHRISANTHE SAVAS KARATAPANIS

The Senate proceeded to consider the bill (H.R. 6326) for the relief of Chrisanthe Savas Karatapanis which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "Act", insert a colon and *"Provided,* That no brothers or sisters of the said Chrisanthe Savas Karatapanis shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 872 and the other calendar numbers in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to state the items on the calendar beginning with Calendar No. 872.

DR. GEORGE H. ELDER

The bill (H.R. 1670) for the relief of Dr. George H. Elder was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1247) to authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1999) to amend title II of the District of Columbia Public Education Act was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

BUS TAXATION PRORATION AND RECIPROCITY

The bill (H.R. 12912) to give the consent of Congress to the State of Ohio to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the acts of November 1, 1965 (79 Stat. 1157), and November 2, 1966 (80 Stat. 1156), was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 902), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to give consent of Congress to the State of Ohio to become a party to the agreement relating to bus taxation proration and reciprocity.

STATEMENT

In its report on H.R. 12912, the Committee on the Judiciary of the House of Representatives sets forth the following:

"By title II, section 201, of Public Law 89-11, approved April 14, 1965, Congress gave its consent to the States of Maine, New Hampshire, Pennsylvania, Maryland, and New York, to enter into a certain agreement providing for bus taxation proration and reciprocity, and by section 203 Congress directed the Board of Commissioners of the District of Columbia to enter into it.

"Under this agreement, party States agree to prorate bus registration fees so that an owner of a fleet of buses may register the buses of that fleet in any compacting State by paying to that State total registration fees in an amount equal to that obtained by applying the proration of in-State fleet-miles divided by total fleet-miles, to the total fees that would otherwise be required for regular registration of all the vehicles in the compacting State.

"Public Law 89-11 requires the prior consent of Congress to the entry of additional States into the agreement. By Public Law 89-312, approved November 1, 1965, Congress consented to the entry of Connecticut, Rhode Island, and Vermont into the agreement, and by Public Law 89-727, approved November 2, 1966, Congress consented to the entry of Massachusetts into the agreement.

"As appears from the attached certified copy, the Legislature of Ohio has enacted legislation entering into the agreement. The committee knows no reason why Ohio should not participate in the agreement. As amended, H.R. 12912 contains the usual reservation of congressional power to alter, amend, or repeal the consent granted. Accordingly, the committee recommends that H.R. 12912 be enacted."

The committee, after consideration of the foregoing, concurs in the action of the House of Representatives and recommends that the bill, H.R. 12912, be considered favorably.

BILL PASSED OVER

The bill (H.R. 8338) to create a new division for the western district of Texas, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

MRS. DAISY G. MERRITT

The Senate proceeded to consider the bill (S. 172) for the relief of Mrs. Daisy G. Merritt which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the word "of", where it appears the second time, strike out "$552.00" and insert "$552.90" and in line 8, after the word "through", strike out "June 16, 1966" and insert "July 16, 1966"; so as to make the bill read:

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Daisy G. Merritt, of Rockledge, Florida, is hereby relieved of all liability for repayment to the United States of the sum of $552.90, representing overpayments of salary which she received as an employee of the United States Army Engineer District, Cape Canaveral, Florida, for the period from May 26, 1963, through July 16, 1966, incident to the erroneous determination of her salary rate upon her promotion from grade GS–5 to grade GS–6, effective May 26, 1963, the said Mrs. Daisy G. Merritt having been promoted to step 6 of grade GS–6, instead of step 5 of such grade, as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Mrs. Daisy G. Merritt the sum of any amounts received or withheld from her on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 899), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The purpose of the amendments is to effectuate the actuarial corrections recommended in the departmental report.

PURPOSE

The purpose of the bill, as amended, is to relieve Daisy G. Merritt from liability for repayment to the United States of $552.90, representing overpayments of her salary as a civilian employee of the Department of the Army from May 26, 1963, through July 16, 1966, as a result of an administrative error in her promotion on May 26, 1963, from GS–5, step 6, to GS–6, step 6, instead of to step 5 of the latter grade, and reimburse her for any amounts received or withheld from her on account of the overpayments.

STATEMENT

The Department of the Army has no objection to the bill, as amended.

The facts of the case as contained in the departmental report are as follows:

"Official records of the Department of the Army disclose that Mrs. Daisy G. Merritt received a promotion as a Department of the Army civilian employee effective May 26, 1963, from grade GS–5, step 6, with per annum pay of $5,365 to grade GS–6, step 6, with per annum pay of $5,885. Mrs. Merritt was erroneously placed in step 6. She should have been placed in step 5 because section 802(b) of the Classification Act of 1949, as amended (5 U.S.C. 1132(b), 1958 Ed.), provides:

"'(b) Any officer or employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than two step-increases of the grade from which he is promoted or transferred.'

"At the time of her promotion, grade 5, step 8 (two steps above the grade from which being promoted), carried a per annum rate of pay of $5,685 and the lowest step in grade 6 with a per annum rate of pay exceeding $5,685 was step 5 with a per annum pay rate of $5,715. Mrs. Merrit's pay was adjusted effective January 5, 1964, and July 5, 1964. She was promoted to grade GS–7 effective August 2, 1964, and her pay was adjusted effective October 10, 1965, and July 3, 1966. The error in placing her in grade 6, step 6, in 1963 was carried forward in her subsequent promotion and pay adjustments.

"On May 18, 1966, during an audit by the General Accounting Office, the errors and resulting overpayments to Mrs. Merritt were discovered and on August 17, 1966, the Department of the Army was formally notified by the General Accounting Office of these errors and resulting overpayments. The amount of overpayments from May 26, 1963, through June 4, 1966, as determined by the General Accounting Office, was $544.90. Mrs. Merritt was notified of the overpayment in June of 1966. Final adjustments of Mrs. Merritt's pay records was not made until July 23, 1966, and she received an additional overpayment in the amount of $8 for the period July 3, 1966, through July 16, 1966, which was collected by withholding on July 30, 1966. As of March 11, 1967, the Government has collected $80 by withholding $10 per pay period from Mrs. Merritt's pay.

"In view of the foregoing, it is recommended that the first page of the bill be amended—

"(a) by striking from line 5 the figure '552.00' and inserting in place thereof the figure of '552.90', and

"(b) by striking from line 8 the date of 'June 16, 1966', and inserting in place thereof the date 'July 16, 1966'.

"The Department of the Army generally does not oppose a bill of this nature when a civilian employee has received in good faith and for services rendered an erroneous payment in salary. The erroneous overpayment in this case resulted from the failure of administrative personnel of the Department to place Mrs. Merritt in the prescribed step-increase when her 1963 promotion was effected. The overpayments were received in good faith and through no fault of Mrs. Merritt. In a statement submitted to this Department, she explained that her husband died in April of 1966 and she is the sole support of herself and a minor son, that she also contributes to her mother's living expenses, and that the repayment of this debt would impose a severe hardship on her. In view of these equitable considerations, the Department of the Army has no objection to the bill if it is amended as suggested in this report.

"The cost of the bill, if amended as suggested and enacted, will be $552.90."

The committee believes the bill to be meritorious and recommends its favorable enactment, as amended.

PAUL L., MARGARET, AND JOSEPHINE KIRSTEATTER

The Senate proceeded to consider the bill (S. 909) for the relief of Paul L., Margaret, and Josephine Kirsteatter which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "of", strike out "$628.06, plus interest at 6 per centum per annum from May 25, 1962, the date of the filing of their respective claims" and insert "$628.11"; and on page 2, line 1, after the word "area" strike out "between January 1 and March 15, 1962" and insert "from January 9, 1963, through March 15, 1963"; so as to make the bill read:

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated to each of the following individuals of Healy Lake, Alaska, the sum of $628.11, in full settlement of their respective claims against the United States for damages to their fur business and the tools of that business as a result of Exercise Timberline held by the United States Army in the Healy Lake area from January 9, 1963, through March 15, 1963:

Paul L. Kirsteatter;
Margaret Kirsteatter;
Josephine Kirsteatter:

Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H.R. 2454) for the relief of the children of Mrs. Doris E. Warren was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 1537) for the relief of Thomas M. Scanlon was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN L. DEAN

The Senate proceeded to consider the bill (S. 1212) for the relief of John L. Dean which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 5, after the word "of", strike out "$1,052.64" and insert "$1,157.13"; so as to make the bill read:

S. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John L. Dean of Silver Spring, Maryland, is hereby relieved of all liability for repayment to the United States of the sum of $1,157.13, representing overpayment of lump-sum leave compensation which he received upon his retirement as an employee of the Bureau of the Census, Department of Commerce, as the result of administrative error in computing such compensation on the basis of the rate of his salary prior to his retirement, rather than on the basis of the reduced rate of salary he would have received if he had remained in the service until the expiration of the period of accumulated leave, the said John L. Dean having consulted the Bureau of the Census prior to his retirement and been erroneously advised that his lump-sum leave compensation would be computed on the basis of the higher rate of his salary. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John L. Dean, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any of these claims, and the same shall be unlawful, regardless of any contract to the contrary. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 901), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to relieve Mr. Dean, a former employee of the Bureau of the Census, from liability for repayment of $1,157.13, representing overpayment of lump-sum leave compensation paid to him upon his retirement.

STATEMENT

The facts of the case, contained in the Department of Commerce report on S. 704, a similar bill of the 89th Congress, are as follows:

"Mr. Dean who was then employed by the Bureau of the Census retired as of the close of business March 3, 1964. At the time of his retirement Mr. Dean was in grade GS–11 but was receiving, and had been receiving for 2 years, compensation at the first longevity step in grade GS–14, pursuant to the provisions of 5 U.S.C. 1107. Mr. Dean was paid $3,100.75 for 395 hours of accrued annual leave as a GS–14, at the rate of $16,315 per annum.

"The Comptroller General, in an unpublished decision, No. B–151640 of June 4, 1963, held that under the provisions of 5 U.S.C. 61b a computation such as that made in Mr. Dean's case was improper. That opinion held that a lump-sum leave payment must be at the rate that the employee would have received had he remained in the service.

"If Mr. Dean had retired 1 day later, when he would have been in a GS–11 pay status, there would have been no question but that his accumulated lump-sum leave payment would have been at the GS–11 rate. However, because he retired on the last day that he was eligible to receive pay at the GS–14 rate, his lump-sum accumulated leave payment was erroneously computed at that rate.

"Mr. Dean was informally advised, that under the provisions of 5 U.S.C. 1107 and 5 U.S.C. 61b the annual leave should have been compensated at the rate of $10,650 per annum (ninth step at GS–11) and that Mr. Dean had therefore received an overpayment of $1,052.64.

"On July 15, 1964, a letter was sent to Mr. Dean requesting repayment of $1,052.64. He was subsequently furnished a copy of the informal inquiry dated July 21, 1964, received by the Finance Branch, Bureau of Census, from the General Accounting Office, advising that an overpayment had been made in the amount of $1,052.64.

"The Bureau of the Census sent Mr. Dean two further letters on September 4, 1964, and October 9, 1964, requesting repayment. On November 20, 1964, Mr. Dean was advised by the Civil Service Commission that a setoff in his retirement pay in the amount of $1,052.64 would be made. A repayment is required under the provisions of 5 U.S.C. 46d. On November 25, 1964, the Department requested that the Civil Service Commission cancel the setoff because Mr. Dean on that date had agreed in writing to make repayment at the rate of $40 per month. No payment has been received and the matter has been placed in abeyance pending the disposition of S. 704.

"The Bureau has no documentary evidence that Mr. Dean was advised in regard to his lump-sum leave payment, neither can any Bureau personnel recall advising him. However, since Mr. Dean was paid at an erroneous rate, it can be presumed that if he had been advised, such advice would have been incorrect.

"It should be noted that by letter of October 8, 1965, to the Director of the Bureau of the Budget, the Acting Comptroller General advised that the amount of the overpayment was actually $1,157.13. A copy of this letter is attached. Accordingly, if S. 704 receives favorable consideration it should be amended by striking '$1,052.64' in line 5, page 1, and inserting in lieu thereof '$1,157.13'.

"Since an administrative error on the part of the Bureau of the Census resulted in the overpayment to Mr. Dean, the Department would have no objection to the enactment of S. 704, amended as suggested above, if the Congress determines that under the circumstances of the case Mr. Dean should be relieved of liability for repayment."

In agreement with the views of the department concerned, the committee recommends favorable enactment.

BREMEN, IND.

The Senate proceeded to consider the bill (S. 2287) for the relief of the town of Bremen, Ind., which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 3, after the word "That", strike out "the town of Bremen,"; so as to make the bill read:

S. 2287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marshall County, Indiana, is relieved of liability to the United States in the amount of $1,801.25, representing the amount of Federal civil defense matching funds advanced to the town of Bremen in July 1961, toward the cost of radio equipment purchased by it for civil defense purposes prior to the required approval of the project under which such equipment was purchased and prior to the date of availability of the applicable Federal appropriation. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the town of Bremen, Indiana, an amount equal to the aggregate of the amounts paid by it, or withheld from sums otherwise due it, on account of the liability to the United States referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of the county of Marshall, Indiana."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 897), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendments are to carry out the suggestion of the Department of the Army as set forth in this report and to change the title.

PURPOSE

The bill, as amended, provides that Marshall County, Ind., is relieved of liability to the United States in the amount of $1,801.25, representing the amount of Federal civil defense matching funds advanced to the town of Bremen in July 1961 toward the cost of radio equipment purchased by it for civil defense purposes prior to the required approval of the project under which such equipment was purchased and prior to the date of availability of the applicable Federal appropriation.

STATEMENT

The Department of the Army has no objection to the enactment of this legislation. The Department of the Army relates the following:

"Marshall County, Ind., on behalf of the town of Bremen, Ind., submitted a project application for financial assistance for the procurement of certain civil defense communications equipment. The application is dated September 9, 1960. The date of approval by the State is the same. The Office of Civil Defense (OCD) Regional Director approved the application for the Federal Government on January 19, 1961.

"Subsequently, the State requested and received an advance of funds in the amount of $2,235.50 for the Federal share of this procurement. Such advances are granted upon request only and prior to procurement under specified conditions as, for example, where the funds must be on hand at the time of procurement.

"It was ascertained subsequently that, in fact, Marshall County had issued a bid advertisement on March 14, 1960, and issued a purchase order for the equipment on April 15, 1960. This was prior to the date of approval of the project application and was in fiscal year 1960.

"The Comptroller General has ruled that project applications may not be approved where the procurement has occurred prior to the availability of the Federal appropriation sought to be charged (31 C.G. 308 B-106964 Jan. 17, 1952). Therefore, the funds available for fiscal year 1961, which was the only available appropriation, could not legally be used to contribute to the cost of this equipment.

"For this reason, OCD made demand for the return of the advance—$434.25 has been returned. The total amount due is $1,801.25.

"During 1960, the Congress amended the Federal Civil Defense Act to provide that retroactive financial contributions (many of them similar to this one) approved and made to the States prior to June 30, 1960, were ratified and affirmed (Public Law 87-390, 75 Stat. 820). This ratification, however, is not applicable to the instant case since the project application was not approved until January 1961.

"The communications equipment does meet a civil defense need. The only reason OCD has demanded return of the funds is because of the retroactive nature of the financial assistance. The Congress has in similar special cases in the past granted relief (see, for example, Public Law 87-241).

"The OCD contribution was made to Marshall County, Ind. If this bill is to be enacted, it is recommended that it be amended to grant relief to the county rather than to the town of Bremen.

"The fiscal effect of this bill, if enacted, will be to relieve Marshall County of liability for repayment to the United States in the amount of $1,801.25."

After a review of the foregoing, the committee concurs in the recommendations of the Department of the Army and recommends that the bill, S. 2287, be considered favorably.

ILLINOIS 150TH ANNIVERSARY

The concurrent resolution (S. Con. Res. 43) to officially recognize the 150th anniversary of the admission of the State of Illinois into the Union was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. Con. Res. 43

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby recognizes and commends the year-long celebration to be held in the State of Illinois, commencing in December 1967, and extending to the one hundred and fiftieth anniversary of the admission of the State of Illinois to the Union in December 1968; and be it further

Resolved, That the Congress of the United States extends its most cordial greetings and warmest congratulations to the citizens of the State of Illinois upon the occasion of the celebration of its sesquicentennial anniversary.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 890), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the concurrent resolution is to provide that the Congress of the United States recognizes and commends the yearlong celebration to be held in the State of Illinois, commencing in December 1967 and extending to the 150th anniversary of the admission of the State of Illinois to the Union in December 1968.

STATEMENT

The State of Illinois became a sovereign State of the Federal Union of States on December 3, 1818, as the 21st State of the Union.

To commemorate that event, the 150th anniversary of the admission of the State of Illinois to the Union, a yearlong celebration in the State of Illinois, will commence in December 1967 ending December 1968.

This concurrent resolution would recognize the 150th anniversary of the admission of the State of Illinois to the Union, and the Congress of the United States extends its most cordial greetings and warmest congratulations to the citizens of the State of Illinois upon the occasion of the celebration of its sesquicentennial anniversary.

Because the sesquicentennial of the State of Illinois will occur on December 3, 1968, it is appropriate to remember the events and the names that have contributed to the outstanding role which Illinois has played in the development of the United States—that we summon to mind the share which Illinois has contributed in forging this Nation—that we point with pride to the participation of Illinois in the drama which is American history and heritage.

Foremost among those to whom Illinois was home, Abraham Lincoln and Ulysses S. Grant gave meaning and permanence to the Federal Union—a platitude of history for which we can offer no adequate gratitude—either to Illinois or to the souls of those two patriots who lived a century ago.

Among those who helped make history in Illinois are writers like Eugene Field and Carl Sandburg; architects like Louis Sullivan and Frank Lloyd Wright; industrialists like Cyrus McCormick and George M. Pullman.

Agriculture and industry go hand in hand in Illinois. Large-scale farming was first made possible by the mechanical reapers built by Cyrus McCormick in Chicago in 1847. George M. Pullman built the first successful railroad sleeping car in Bloomington in 1859 thereby changing traditional concepts of travel. Illinois is today one of the largest rail centers and steel-producing States in the country. Atomic energy was born in Illinois, when scientists first controlled a nuclear chain reaction at the University of Chicago in 1942.

Nor has Illinois neglected education, which is essential to greatness. There are 50 accredited universities and colleges in Illinois; the State Historical Library in Springfield is justly renowned for its Lincoln collection, while the Chicago Natural History Museum is one of the world's leading scientific museums.

In politics, agriculture, industry, and education—Illinois has continually played a leading role since her creation as a State in 1818. The people of Illinois represent backgrounds as diverse as the State's history is rich in accomplishment. More than 7 percent of its people were born outside the United States, coming from Germany, Poland, Czechoslovakia, Greece, Ireland, Lithuania, Russia, and Sweden, among the most well represented.

Today we regard not only the achievement of the past but also the hope of the future. This land of the flatboat and pioneer wagon, steamship and modern railroad stands as both a sentimental landmark and a vital pace setter in the progress of the United States toward greatness. The land of George Rogers Clark is also the land of Ernest Hemingway, Arthur Goldberg, and Enrico Fermi. It is the land of Lincoln—of the restless river and sleepy sun; of the soaring skyline of a mighty metropolis and of the productive prairies teeming with life. It is a land whose history evokes, instead of nostalgia for the past, a vision rich with the promise of future accomplishment.

The committee is of the opinion that this concurrent resolution has a most meritorious purpose, and accordingly, recommends favorable consideration of Senate Concurrent Resolution 43, without amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendars Nos. 888 and 889.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMILLE ANITA DOBSON

The bill (H.R. 10449) for the relief of Camille Anita Dobson was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 903), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that in the administration of subchapter 3 of chapter 83 of title 5, of the United States Code, Camille Anita Dobson of Kansas City, Mo., is to be held and considered to be the adopted daughter of Armand Dobson, deceased, a former employee of the Post Office Department.

AMENDING THE DISABLED AMERICAN VETERANS INCORPORATION ACT

The bill (H.R. 2152) to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their records was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 898), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that the Disabled American Veterans annually transmit for audit by the Comptroller General of the United States a report of its proceedings, including a complete itemization of receipts and expenditures. The audit is to be performed on a reimbursable basis and the sums paid are to be covered into the Treasury of the United States as miscellaneous receipts.

STATEMENT

The Disabled American Veterans was established by the act of June 17, 1932 (47 Stat. 320), and is a private organization operated with private funds for the purpose of advancing the interests and betterment of wounded and disabled American veterans.

The audit of its accounts, and those of 47 other private corporations established under Federal law, is currently prescribed by Public Law 88-504, approved August 30, 1964 (78 Stat. 635).

The 1964 act provides that the accounts of certain private corporations, including the Disabled American Veterans, established under Federal law shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. It also provides that the report of each such independent audit shall be submitted to the Congress within 6 months following the close of the fiscal year for which the audit was made.

This bill would amend the original act incorporating the Disabled American Veterans, by providing that that organization transmit after the close of each of its fiscal years a report of its proceedings for the preceding fiscal year, including a full, complete, and itemized report of receipts and expenditures of whatever nature to the Comptroller General of the United States who shall audit such report. That organization will reimburse the Comptroller General for the expenses of auditing this report.

Of all the various congressionally chartered organizations engaged in veterans' service activities, only the Disabled American Veterans and the American National Red Cross have nationwide service programs financed and paid for by the national organizations. The Disabled American Veterans specific orientation is toward the disabled veteran and its service program is devoted exclusively to the welfare of disabled veterans. To carry out its purpose the Disabled American Veterans operates on a national rather than a State or departmental level having full-time nationally paid professional representatives stationed in every Veterans' Administration regional office to provide free service to the veterans of every State. This service is provided without regard to membership or affiliation. Its national program is similar to the American National Red Cross, which has the audit of its books by the Department of Defense. The Disabled American Veterans seek to have its audit performed by the Comptroller General of the United States. Because the Disabled American Veterans seeks its funds on a nationwide basis in order to sustain its program, it is necessary for that organization to register, pay filing fees, and comply with many divergent statutes, regulations, ordinances, and rules applicable to fundraising, both at the State and municipal level. The American Red Cross does not have to comply with those State and local regulations because it is exempted from the application of those regulations by virtue of the fact that its funds are audited by an agency of the Federal Government. An audit by the Comptroller General of its books would accord the same benefits to the Disabled American Veterans as presently held by the National American Red Cross.

The Comptroller General of the United States, in reporting on the merits of this proposal to the Committee on the Judiciary, questioned the advisability of extending the audit functions of the Comptroller General, an officer of the Federal Government, to private organizations even at their own request. The committee appreciates the concern of the Comptroller General but believes that because of the nationwide activities of the Disabled American Veterans and its unique situation as contrasted with other federally chartered corporations, it stands in the same position as the National Red Cross that the benefit of a Federal agency audit would greatly aid its program of service to veterans. The committee wishes to emphasize that favorable consideration of this legislation is not to be construed as a precedent for other federally chartered organizations to seek a Federal audit, because, as noted above, the Disabled American Veterans and the National Red Cross are the only two organizations performing such services paid for by national fundraising that is necessary for these two organizations to be federally audited. For these reasons the committee recommends that the bill, H.R. 2152, be favorably considered.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS ACT, 1968

The Senate resumed the consideration of the bill (H.R. 13893) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 13893, the Foreign Assistance and Related Agencies Appropriation Act of 1968.

Mr. PASTORE. Mr. President, will the Senator yield without losing his right to the floor?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I yield to the Senator from Massachusetts [Mr. KENNEDY].

RECENT DEVELOPMENTS CONCERNING THE MILITARY DRAFT

Mr. KENNEDY of Massachusetts. Mr. President, let me thank the senior Senator from Rhode Island for yielding to me. I shall be brief.

I wish to speak on a matter which is of great concern to many of us but which, I think, is of the greatest concern to the young people of this country—the draft. During the past few days this issue has been put into sharper focus by an interagency memorandum containing recommendations to the National Security Council pertaining to deferment of graduate students.

Mr. President, last June, some 6 months ago, 23 Members of this body voted against accepting the conference report extending and amending the draft law. I was one of those Senators. I cast my vote against the conference report because I considered it a step backward, at a time when the people of this country expected the Congress to take a step forward.

We had an unparalleled opportunity, last June, to modernize our World War II draft system, to make it reflect the dynamics of this modern age. Unfortunately, we did not use that opportunity. The Senate bill was an enlightened effort reflecting the hard work of the entire membership of the Committee on Armed Services, and particularly that of its distinguished chairman, the senior Senator from Georgia [Mr. RUSSELL].

But the House bill was arbitrary, punitive, and restrictive. In large part, it ignored the President's recommendations. In large part, it ignored the recommendations of the President's National Advisory Council on Selective Service. But it followed very closely the recommendations of an Advisory Panel appointed by the House Armed Services Committee.

The conference report follows the House bill very closely. This is, I think, a large part of the reason for the continuing public dissatisfaction with the operation of our draft laws.

For instead of reforms, we had harsh revisions. Instead of equality, we had arbitrary distinctions. And instead of modernization, we merely tinkered with a system designed 25 years ago.

I think there are many faults in the draft law now in effect. I think they are serious enough to merit reconsideration of the whole Military Selective Service Act by the Congress. Next session, I will introduce a comprehensive series of amendments to the act. These amendments will be designed to bring the draft laws more in line with both the version initially accepted by the Senate last June, and with the recommendations of the National Advisory Council on Selective Service.

I take the floor of the Senate today to raise a number of questions about the present administrative interpretation of the draft laws, rather than the laws themselves. I believe many of these interpretations are seriously in error. Some abridge certain constitutional guarantees. Some contravene the basic principles of democracy. Others are simply bad policy.

One of the most flagrant of these involves the directive sent on October 26 to all 4,100 local draft boards by the Selective Service System Director, Lewis B. Hershey. In that directive, General Hershey declared that those who engage in "illegal activity which interferes with recruiting" should be made immediately subject to the draft.

Only a tortured interpretation of the draft law could justify using induction as a punishment. Service in the Armed Forces is a privilege and an honor, as General Hershey has so often pointed out. If the October 26 directive is followed, then military service could be equated with a jail sentence.

If the activity which interferes with recruiting is found illegal through the judicial process, then the punishment authorized by a lawmaking body should be meted out. That is the purpose of criminal statutes. Under the October 26 directive, however, local draft boards might sit as both judge and jury to decide whether the interference was illegal. If it was illegal, then it would withdraw the deferment—tantamount, in these days of high draft calls, to immediate drafting.

Criminal statutes carry their own specified penalties. These do not include cancellation of deferment. Such cancellation would appear to violate the Constitution's due process guarantee.

Further, it would curtail the free exercise of the first amendment rights, particularly if no court of competent jurisdiction had condemned the activities.

This issue has been well settled by the Attorney General of the United States and by the Federal courts. The distinguished senior Senator from Michigan [Mr. HART] corresponded with the Department of Justice in 1965, and elicited the opinion that—

> If there is no transgression of law, then no sanctions can be imposed.
>
> If there is a transgression, then the sanctions which attach to it are all that should be applied.

The U.S. Court of Appeals for the Second Circuit handed down a decision in January 1967, reaffirming this stance.

For example, if the National Security Council decided to grant deferments, say, to engineering students, would it require that these young people thus deferred go into 2 years of teaching, or serve in the public interest in some other way? I think it is important that we know the answer; otherwise, we are extending a very special privilege to a group of young people at this most difficult time in the course of events in this country. I also want to know how to explain to the parents of a history student that because their boy chose to study American history, he is exposed to the draft and to the chance of being sent to Vietnam, while a boy who chose engineering enjoys an insulation from the draft.

General Hershey is reported to have said that he would not withdraw the October 26 directive even if the Department of Justice declared it unconstitutional. But he would withdraw it if ordered to do so by the President. I find this deeply disturbing. We are a government of laws, and not of men. Where a man with such a heavy responsibility as General Hershey indicates he will ignore the law, as interpreted by the Government's lawyers, then I find it not unusual that young people in this country indicate that they, too, choose to ignore the laws. I do not think General Hershey's reported words set a good example for the young men and women in this country.

For these reasons, I urge General Hershey to withdraw his October 26 directive. If he refuses to, or if he delays inordinately, then I hope that more rational minds can prevail upon him to do so.

A second troublesome area of interpretation involves graduate student deferments. Under the terms of the new law, all undergraduate students are given a deferment if they request it and are in good standing. The National Security Council is given the obligation to recommend graduate student deferments in certain fields of study. The Council is also directed to recommend occupational deferments if it determines them to be in the national interest.

This week, it has been reliably reported that the National Security Council has been asked to grant deferments to graduate students in the fields of mathematics, engineering, natural sciences, and health. Of the nearly 150,000 graduate students, half are in these four fields.

I want to know why the national interest demands deferring an engineering student, but not an American history student. The former may, upon completion of his studies, turn out to be a highway construction engineer, and the latter may become a schoolteacher. I think we in Congress are entitled to an explanation of just what aspect of the national interest demands this treatment.

I also want to know how we can be sure, if these recommendations are accepted, that the young men who elect deferable studies are not draft dodging, but are serious students.

There is another troublesome aspect of this possible graduate student deferment policy. When the Senate accepted the conference report, we were told that under the new law, it would no longer be possible to pyramid deferments, and thus to escape the draft altogether.

Experience is proving the contrary. Almost any college student can get a deferment. Then, if he chooses one of the deferable areas of study—engineering, mathematics, natural sciences, or health—his deferment is extended. When he finishes graduate school, if he chooses an occupation listed as critical or an activity listed as essential to the national interest, his deferment is once again extended.

In short, he has beaten the draft.

I recall the testimony given in hearings which I had the opportunity and the privilege of chairing, when Secretary of Labor Willard Wirtz spoke to this point. He is this country's manpower expert. When he testified on March 21, 1967, before our hearings on the draft, he said:

> There is little basis in the present or prospective manpower situation for any "occupational deferments" from military service.

Secretary Wirtz has the principal responsibility to make a determination whether there are critical or crucial needs in the manpower situation of our country. He stated categorically, in the spring of this year, that there was no need for this, and that neither were there any prospective manpower situations which required this.

Secretary Wirtz made this statement from a unique perspective: as a member of the Interagency Advisory Committee on Essential Activities and Critical Skills, as a manpower expert, and as the Secretary of Labor.

This serves to reinforce my belief that all graduate students should be exposed equally to the draft. If one group or another is to be insulated—such as students of medicine—then a separate draft system should be set up for these groups to insure that they do not escape the burdens, opportunities, and privileges of military service.

One other aspect of this proposed liberal deferment policy troubles me. Once we defer exposure to the draft of certain groups of young men, we raise a clamor to extend these categories to other groups. If a mathematics student is to be deferred, then why not a policeman? A fireman? Can policemen and firemen be said to be less important to the national interest during this time than one of those in the four categories I mentioned earlier?

I urge the National Security Council to reject the advice of the Interagency Committee. If it does not reject this advice, then I will demand that the National Security Council explain exactly what it is about the national interest which commands such unequal treatment. For in the draft, we are talking not about minor matters. Thirty percent of the Army enlisted personnel in Vietnam are draftees. That 30 percent did not volunteer—they were selected and inducted. If they were selected or inducted unfairly, then we have violated a cardinal principle of our democracy—equality. I have difficulty in determining what aspect of our national interest overrides this principle of equality.

A third general area of concern involves apprentices. Under the old draft law, registered apprentices were deferred only if they had 1,000 hours of training, and if they were in a critical skill, or 2,000 hours in noncritical skills. These hourly requirements have been eliminated—and this is an important, progressive step.

But the new draft law and regulations continue their discrimination against apprentices in other ways.

The new regulations require mandatory deferments for college students making satisfactory progress. But they say only that local boards may defer apprentices.

The regulations state also that all undergraduates who apply for deferments shall be deferred. But local boards can consider for deferment only those apprentices in trades listed essential or critical.

These regulations appear to be in flat contravention to the intent of Senate Report No. 209, accompanying the Senate version of the draft bill:

> If student deferments are to be continued, the Committee believes that apprentices should be permitted to qualify for deferment under conditions no more restrictive than those applicable to undergraduate college deferments.

They also appear to ignore the words of the Senate floor manager of the conference report, Senator RUSSELL, the distinguished chairman of the Armed Services Committee, who said:

> It is my understanding of the position of the Senate conferees that apprentices are entitled to exactly the same treatment (as college students).

This arbitrary downgrading of apprentices by the Selective Service System is an outrage. It is contrary to the intent of the Congress. It is an affront to young men learning that life's trade by working. It implies that apprentice training is inferior to academic pursuits.

Therefore, I hope that these three different areas which I have outlined very briefly, and which have been of great interest to many Members of this body, will be reviewed, and that we will have action by General Hershey in withdrawing the October 26 mandate.

I put this body on notice, and certainly the American people on notice, that what was intended by the Senate bill is not being achieved as it applies to apprentices; that the conference bill passed this past year is working to the great disadvantage of all young people; and that during the next few months we will see a growing disillusionment among our young people, instead of a satisfaction with a fairer system which requires all its young people to serve their country on an equal footing.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I noted with a great deal of interest the comments of the Senator from Massachusetts on the directive issued by General Hershey on

October 26. I concur in the views stated by the Senator from Massachusetts.

On November 11, in a speech in the city of Richmond, I stated the view that it is very unwise to use the draft and the military for punitive purposes.

I have a very high regard for General Hershey. I think he has rendered this Nation outstanding services over a period of 26, 27, or 28 years. I think he is a splendid individual, but I disagree with him on that directive.

Incidentally, I believe in the right of dissent. I think people should have a right to express their views, in appropriate ways, in regard to the affairs of their government; but those who violate the laws should be prosecuted under the laws, and the military draft should not be made a punitive measure.

I concur in that respect in the remarks made by the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. I thank the Senator for his comments.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to insert at this point in the RECORD the speech I made in Richmond on November 11 dealing with General Hershey's directive.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR HARRY F. BYRD, JR., OF VIRGINIA, BEFORE THE VIRGINIA ASSOCIATION OF PROFESSIONS IN RICHMOND, VA., NOVEMBER 11, 1967

There is a deep concern today about the lack of respect for our laws—not only as manifested in the rising crime rate, but also in the growing trend toward demonstrations and acts of civil disobedience.

Now I am one who strongly upholds the right of the American people to dissent from government policies and to engage in temperate debate and demonstrations. But when these demonstrations exceed the bounds of legitimate dissent, I believe that the violators should be made to pay for their unlawful acts.

Personally, I was appalled at some of the extremes of the demonstrators who participated in anti-war protests at the Pentagon and elsewhere around the country. Burning draft cards and the American flag and flying the banner of our enemy are to me disloyal acts. Interfering with the rights of others and destroying property are illegal acts, and people who engage in them should be prosecuted to the full extent of the law.

But I would caution against going too far in suppressing these kinds of demonstrations. General Hershey, the director of the Selective Service, a man who has given outstanding service to his country, has recommended to local draft boards that college students who physically interfere with military recruiting officers on campus be subject to immediate draft. I think this would be a mistake.

I agree with General Hershey that action should be taken against such demonstrators, but I think it would be far better to leave this matter to university authorities or, where appropriate, to local law enforcement officials.

I think it would be a mistake to make military service an alternative to a jail sentence or a fine. This would tend to degrade the Armed Services as an institution and would be a disservice to those millions of men who count it a patriotic honor to serve their country. Moreover, it could subvert the purposes for which the draft system was established. We must beware of making the draft an instrument for government control, which could be used to suppress dissenters in this country.

I might also point out that General Hershey's proposal would not apply to women demonstrators or to those men who are 4-F or otherwise ineligible for military service. Whatever action we take ought to apply equally to all involved no matter what their sex or station in life.

Mr. HART. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I am delighted to hear the Senator from Massachusetts again voice his concern, first, with respect to the draft bill, the conference report on which he and I voted against; and, second, alarm that General Hershey continues to demonstrate that he is a better military man than a constitutional lawyer.

It is not that the General has not been put on notice. I had an opinion from the Attorney General saying, in effect, that constitutional safeguards were being short-circuited by making the draft board the prosecutor, judge, and jury. That was more than a year ago. The general is at it again.

There can be tragic consequences. I brought one to the attention of the Senate several weeks ago. Shortly after receipt of General Hershey's thoughts for the day, a local draft board in Oklahoma terminated a student's deferment because he was a member of a Students For a Democratic Society—SDS.

He appealed. He was told that—

Information has been submitted to this office on which the local board members did not feel was justification for continued classification in class 2S. The local board did not feel that your activity as a member of the SDS is to the best interests of the U.S. Government.

I claim it is not up to a draft board to decide what groups are in the best interest of the Government, and then induct members of any of them.

I do not belong to SDS, but in my time I belonged to organizations that may have been no more popular. In my book, this kind of pronouncement by General Hershey encourages every draft board in this country to indicate that it is not in the national interest, for example, to be a member of the John Birch Society, the Sons of the American Revolution, the campus varsity club, or whatever one's most unfavored outfit is. This is outrageous. What becomes of one's right to free speech and association?

I have no doubt that the action of that draft board will be corrected when and if there is money to pursue an appeal in the courts.

A young American should not have to take that course, and Americans should not have to take time to apologize for it. I think the Senator from Massachusetts has spoken in a timely fashion. I am glad to join him.

On the matter of graduate student deferment, I would hope we could correct this. Indeed, the whole area of student deferments requires analysis and I know the Senator from Massachusetts will give us leadership in this area.

Mr. KENNEDY of Massachusetts. Mr. President, I thank the distinguished Senator from Michigan for his comments. He has certainly followed the operation of the directive of General Hershey very closely, and I think in so doing he has performed an extremely important service.

Mr. President, I direct the attention of the Senate to a report which came over the wire service just a short while ago. This concerns the American Association of Junior Colleges. The report reads as follows:

The American Association of Junior Colleges says the Selective Service System discriminates against nondegree business and technical school students by refusing them deferments.

It called on President Johnson yesterday to "take the necessary steps" to end a "discriminatory policy which places a Federal stamp of second-class citizenship" on some 500,000 students enrolled in junior colleges and business and technical colleges.

William Shannon, associate executive director of the organization, said in a statement that an August 9 ruling by selective service Chief Lewis B. Hershey does not permit students to be classified as "college students" if their academic program does not lead to a bachelor's degree.

Shannon said the ruling was "not justified by law" and was especially discriminatory against students from low-income areas.

Mr. President, here we see once again how the draft law is working so inequitably against students in junior colleges, business colleges, vocational schools, and apprentice training programs in this country at the present time. This is just one other example from among many.

I thank the Senator from Rhode Island for yielding to me.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS ACT, 1968

The Senate resumed the consideration of the bill (H.R. 13893) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

Mr. PASTORE. Mr. President, without yielding my right to the floor, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, the purpose of this is to lay the groundwork for a unanimous-consent request.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, the distinguished chairman of the committee in charge of the legislation, the Senator from Rhode Island [Mr. PASTORE], the distinguished ranking minority committee member, the Senator from Maine [Mrs. SMITH], and other Senators on both sides of the aisle, I ask unanimous consent that at the conclusion of the opening remarks by the distinguished Senators from Rhode Island [Mr. PASTORE] and Maine [Mrs. SMITH], there be a time limitation of 1 hour on each amendment and 2 hours on the bill, in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Rhode Island.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

The LEGISLATIVE CLERK. A bill (H.R. 13893) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

Mr. PASTORE. Mr. President, the foreign assistance appropriation bill for fiscal year 1968, a copy of which is before each Senator, together with the report of the Senate Committee on Appropriations, recommends total appropriations in the amount of $3,302,345,000, which is an increase of $527,334,000 over the House version of the bill, but $540,491,000 under the amount requested by the President and $191,023,500 under the total appropriations enacted in fiscal year 1967.

For economic assistance under title I of the bill, the committee recommends to the Senate a total of $2,209,389,000, which is $377,834,000 over the House bill but $421,031,000 under the budget request. For military assistance, $510 million is recommended—$145 million over the House allowance, but $110,100,000 under the amount requested in the President's budget. Therefore, under title I—which encompasses economic and military assistance to other nations—a total of $2,719,389,000 is recommended. This amount is $522,834,000 over the House-passed bill, but $531,131,000 under the budget estimates for fiscal year 1968, and $140,639,000 under the total amount recently authorized by Congress for this program.

The sums recommended for economic assistance are divided among the following different appropriation line items:

The first one, technical cooperation and development grants, for which the committee recommends $210 million, provides funds to train teachers, public health experts, agricultural specialists, and other personnel needed to support economic development in the emerging nations of Africa, in the Near East, and South Asia. In addition, funds furnished under this appropriation are employed to assist in planning and surveys of development programs and projects; pay freight charges on shipments of supplies by approved American nonprofit voluntary agencies; assist in the control and eradication of major diseases and other menaces to health; and finance research concerning problems of economic development. Furthermore, the technical cooperation and development grant program is basic to the war on hunger, particularly in those areas which increase food production. An increasing program under this head represents funds for family planning.

Senators will note that the committee has concurred in the House language inserted under this head, providing that "none of the appropriation shall be used to initiate any project or activity which has not been justified to the Congress," but has set forth its interpretation of the language—on page 4 of the report—as concerning those programs about which the proper committees have been "notified" and are not restricted to those described in the original presentation to the Congress.

The House bill also contained a provision intended to limit to $20 million the funds to be used for family planning activities. Because this language was not clear, the committee has rewritten the provision using the identical sum of $20 million as the ceiling for family planning activities.

In addition to the sum appropriated for this item, the committee has included language in the bill making available unobligated balances from fiscal year 1967 and estimated recoveries—for an additional $29,700,000 to finance programs hereunder.

For American schools and hospitals abroad, the committee is recommending $10,620,000, which is a reduction of $880,000 under the House bill and $3,280,000 under the budget estimate. This reduction is in construction funds for the American University of Beirut, Lebanon. The names and locations of the institutions, for which the budget for fiscal year 1968 contemplated obligations, are listed on page 5 of the report which is before you.

In addition, a total of $5,986,000 in foreign currencies excess to the normal requirements of the United States are authorized to be used for five institutions in Israel, also listed on page 5 of the report. This sum was included in the bill as it was referred to the Senate, and the Senate committee is recommending concurrence in the House action. The funds appropriated and the foreign currencies authorized hereunder will provide assistance to these institutions by strengthening their capacity to contribute to the economic and social development of the countries and regions in which they are located and also provide centers for the demonstration of American educational ideas and practices.

The next item is surveys of investment opportunities, for which the committee has recommended $2 million, the same as the budget estimate and $1 million over the House allowance. In addition, the committee has allowed $500,000 additional, consisting of $300,000 in unobligated funds and an estimated $200,000 in deobligations.

Mr. President, this is one of the most important programs in the bill, because it encourages the entrance of private capital into the foreign assistance field. Under this program, the Agency for International Development may enter into agreements to pay up to one-half of the cost of investment surveys undertaken by prospective U.S. investors. If the survey results in an investment, the investor must bear the full cost of it. On the other hand, if after a reasonable period of time the prospective investor decides that the project is not one which warrants the risk, the AID pays the agreed portion of the cost of the survey, takes title to it, and then makes it available to any other potential U.S. investor. This program has proved to be an effective instrument for the infusion of private investment capital in some of the underdeveloped countries.

For international organizations and programs, the committee recommends the sum of $130 million, $5 million more than the amount allowed by the House. For the information of Members, the organizations which are funded out of this appropriation are shown on page 7 of the report.

The committee has expressed its concern with the ever-mounting costs of these international organizations, both on the contribution level and percentagewise. In this connection, the committee feels very strongly that many of these United Nations programs should be brought in line in proportion to our main contribution, and that other nations should be called upon to assume a greater responsibility in accordance with their capacity to do so. Furthermore, the U.S. representatives at the United Nations have been directed, in the report, to advise the two Committees on Appropriations when the next budgets are prepared just what these budgets are and what our representatives have agreed to in the way of U.S. contributions to these organizations.

Special attention is called to the fact that in recommending a sum which is less than the budget estimate, the committee stated its desire that none of the reduction be applied to the United Nations Children's Fund. Also, the recommendation is made that future appropriations for each of the items under this head should be on an individual line item basis, so that any reductions made by the Congress may not be placed arbitrarily against the most important programs.

The next item in title I is supporting assistance, for which the committee has recommended an appropriation of $610 million, which is $50 million under the budget estimates and $10 million above the House allowance. This sum, together with an estimated carryover of $28,654,000, will fund a total program of $638,654,000 in fiscal year 1968, and compares with a budgeted total program of $745,350,000. In other words, the programs funded by the total committee allowance is $106,696,000 less than the program initially proposed in the budget estimate. This budgeted program included $550 million for Vietnam, and $195,350,000 for programs in Korea Laos, Thailand, Jordan, Congo, Dominican Republic, Haiti, and Panama.

Supporting assistance is economic aid which is employed to advance U.S. national security and foreign policy objectives in those situations where the basic economic conditions prevailing in certain underdeveloped countries make the strict criteria for developmental type of assistance inapplicable; and to build the defensive strength of less-developed nations threatened by Communist expansion. Most of the supporting assistance goes to countries where aid is needed to help establish their external and internal security, which must precede meaningful economic and social development. I think it is important to note that the amount of supporting assistance made available to the less-developed countries of the world has been diminishing over the years. Some 24 countries, which were recipients of this type aid in 1960, will not be recipients in fiscal year 1968 and, for the information of the Senate, those countries which have been removed from the list are cited on page 9 of the report.

The recommendation for the contingency fund is $10 million, the same as the House allowance, but $21 million under the budget estimate. However, the estimated carryover of $33,671,000 from 1967 funds will provide the contingency fund with a total of $43,671,000 for use in fiscal year 1968. These funds will enable the President to meet urgent assistance needs that are either unforeseen or cannot be accurately defined in advance.

Under the Alliance for Progress, which is the Latin American program, the committee recommends $100 million for technical cooperation and development grants. This is the same as the amount authorized, but $10 million under the budget estimate and $25 million more than the House allowance. I do not believe it is necessary to go into an explanation of this program since its objectives are the same as those described under the first item in this bill, technical cooperation and development grants, except that this program applies only to the countries of Latin America. Of interest, however, will be the summary presented on page 11 of the report.

For development loans, Alliance for Progress, the committee has increased the House bill by $108 million. In addition to this new obligational authority of $478 million, carryover funds from fiscal year 1967 in the amount of $45,612,000 will also be available for this category of aid, for a total development loan program of $523,612,000. Furthermore, as explained in the report, when this sum is added to the $300 million appropriated for the fund for special operations of the Inter-American Development Bank, there will be available for lending to Latin American countries a total of $823,612,000.

A new head has been included in the bill by the committee—Partners of the Alliance—which was authorized by section 252(b) of the Foreign Assistance Authorization Act of 1967—Public Law 90-137, signed November 14, 1967. The authorization provided $714,000 for grants to carry out programs and activities of the Partners of the Alliance, which is a channel through which civic clubs, business and professional groups, unions, and private individuals in the United States work directly with people in Latin America toward their economic and social betterment. In the words of the House Foreign Affairs Committee report:

> It is a practical means to combat the workings of communism in the hemisphere because it is a people-to-people approach.

The committee has recommended the full amount of the authorization, $714,000.

The next item funded under title I of the bill is the largest single item of economic assistance. It is the worldwide development loan program—excepting Latin America countries—and the committee is recommending $600 million. This is $200 million over the House allowance, but $35 million below the authorization amount. These dollar repayable loans are the major element of AID's development assistance programs and enable recipients to import U.S. goods and services essential to development which they cannot afford to buy with their own scarce foreign exchange or which they cannot finance from normal commercial sources. In addition, AID uses these loans to encourage self-help measures needed to strengthen the recipient countries' expanding economies. Project loan agreements specify that the recipient countries take self-help measures needed to assure success of the projects, and AID increasingly insists that certain reform precede the disbursement of funds, that borrowing governments provide matching funds or complementary facilities, and that the projects be operated in specified ways.

For administrative expenses of the Agency for International Development, the committee has recommended $54,800,000 and the carryover of $1.6 million, the House having denied this latter.

The committee concurs with the House in allowing $3,255,000 for administrative expenses, Department of State.

For the last item in title I of the bill—military assistance—the committee recommends the sum of $510 million. This is $145 million over the House allowance but $110,100,000 under the budget estimate. The committee recommendation is the amount authorized for this purpose in the Foreign Assistance Authorization Act of 1967, just recently enacted. The committee restored the full amount authorized because such a reduction as that made by the House, in the opinion of the committee, would seriously and adversely affect the present security objectives of the United States. Further explanation of this appropriation is contained on page 13 of the committee report.

I would also call your attention to a committee amendment to language in the House bill, relating to the purchase or acquisition of so-called sophisticated weapons systems by or for underdeveloped countries, with certain exceptions. The committee deleted the House language and inserted in lieu thereof the provision, very similar, which was included in the authorization act. The two versions—the House appropriation bill and the substituted language—are printed on page 15 of the report.

Mr. President, at this juncture I pause for a very personal expression of appreciation to a colleague. I point out that I have been in the Senate for 17 years. I have been associated with the Appropriations Committee for a long time. I have never had a more delightful and pleasurable time working on any complicated bill than I have on the foreign aid bill this year. This was only because I was assisted by the very distinguished lady, the senior Senator from Maine [Mrs. SMITH].

It was an experience of pride and satisfaction for me because we got along famously. She was very, very accommodating and very reasonable and very cooperative in every respect. I pay my compliments to her at this time. But this is the character of our gracious colleague. She is diligent in sharing the burdens—she is dignified in maintaining a position—she is a dedicated servant of all the people.

I merely add another paragraph of praise often heard on the Senate floor for our splendid associate—for her conduct and her courage—and, I must add, her competence in the complex and challenging task we have shared.

With respect to language amendments under general provisions, carried on pages 15–17 of the report, I would call to the attention of the Senate that the committee adopted the motion of Senator SMITH, the ranking Republican member for foreign assistance appropriations, which will have the effect of rescinding obligational authority in the amount of $199,071,521. It was developed during the course of the hearings that an estimated $303,168,673 was available in the foreign investment guarantee fund and, after this rescission, it is believed that the balance of approximately $104 million will be more than adequate to take care of any claims.

Mr. President, I am not going to discuss this matter further at the present time. Our distinguished colleague is more able to discuss the matter. She is more knowledgeable on the matter and can give us a more perfect explanation.

The committee included language which has been in the bill for many, many years appropriating unobligated balances and granting authority for the reobligation of deobligated funds. The effect of the committee language is to grant $31,339,137 in unobligated balances over the House bill and to provide approximately $48 million in funds which it is anticipated will be deobligated and which the committee amendment will permit to be reobligated.

Mr. President, I now turn to titles II and III of the bill.

The committee has approved the sum of $110 million for the Peace Corps, the same as for fiscal year 1967, but $5 million over the House bill and $8,700,000 under the amount requested in the budget. It was brought to the attention of the committee that the funds allowed by the House would not support the current program and also provide the number of 1968 trainees needed to replace volunteers terminating in fiscal 1969. The committee recommendation will provide for the continuation of the current program.

For the Army administration of the Ryukyu Islands—the Okinawa and adjacent islands—the committee recommends the $14,956,000 allowed by the House, which is also the sum requested in the budget.

For the Cuban refugee program, the committee recommendation is $49 million, plus the $4,500,000 of unobligated balances existing at the end of the last fiscal year.

At this point, I point out that I think

the Department of Health, Education, and Welfare has done a magnificent job in connection with the Cuban refugee program.

I point out that no member of our committee is more learned or more knowledgeable or more cooperative on this very essential program than is my distinguished colleague, the senior Senator from Florida [Mr. HOLLAND].

For the migration and refugee assistance program administered by the Department of State, the committee recommendation is $5 million. In making the reduction of $660,000 under the budgeted amount, the committee has directed the administration to review the entire program and to eliminate those activities which are no longer considered essential. The activities financed under this appropriation are listed on page 20 of the report.

The committee has recommended the budget estimates for investment in the Inter-American Development Bank and the subscription to the International Development Association, $300 million and $104 million, respectively, both of which are fully explained on pages 20–22 of the report. The committee has also concurred in the limitations on operating and administrative expenses of the Export-Import Bank requested in the budget. These limitations are, of course, subject to enactment into law of amendments to the Export-Import Bank Act of 1945, which are still pending in the House of Representatives.

Mr. President, there is one other matter: On November 28, the Congress adopted House Joint Resolution 936, which extends the authority of the continuing resolution until December 2. A provision in the foreign assistance appropriation bill, before you, will extend the continuing resolution to December 18 and will provide obligational authority to cover that period of time for the pay period beginning December 3 and ending on December 18.

Mr. President, with the permission of my distinguished colleague, the minority manager of the bill, I move at this time that we amend this section.

Mr. President, I move that the following amendment be substituted for the committee amendment which appears on page 23, line 21:

> SEC. 404. The joint resolution of November 28, 1967 (Public Law 90-162), is hereby amended by striking out "December 2, 1967" and inserting in lieu thereof "December 20, 1967."

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Chair rules that the committee amendments must be considered before this amendment can be considered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be regarded as original text for the purpose of amendment; provided that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments, agreed to en bloc, are as follows:

On page 2, line 5, after "212," strike out "$180,000,000" and insert "$210,000,000"; in line 7, after the word "activity", strike out "(except for family planning activities which shall not exceed $20,000,000)"; in line 9, after the word "Congress", insert a colon and "*Provided, however,* That no more than $20,000,000 shall be used for family planning."

On page 2, line 13, after "214(c)," strike out "$11,500,000" and insert "$10,620,000."

On page 2, at the beginning of line 23, strike out "Chason" and insert "Chasan".

On page 3, line 2, after "232," strike out "$1,000,000" and insert "$2,000,000".

On page 3, line 4, after "302(a)," strike out "$125,000,000" and insert "$130,000,000".

On page 3, line 15, after "402," strike out "$600,000,000" and insert "$610,000,000."

On page 3, line 17, after "$10,000,000", strike out the comma and "together with not to exceed $29,477,847 of the unobligated balance of the appropriation under this head for the fiscal year 1967." and insert "Unobligated balances as of June 30, 1967, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1968, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under 'Economic Assistance' are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided,* That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs."

On page 4, line 14, after the word "section", strike out "252," and insert "252(a),"; in line 15, after the amendment just above stated, strike out "$75,000,000" and insert $100,000,000."

On page 4, line 17, after the word "section", strike out "252" and insert "252(a),"; in the same line, after the amendment just above stated, strike out "$370,000,000" and insert "$478,000,000".

On page 4, after line 20, insert:

"Alliance for Progress, partners of the alliance: For expenses authorized by section 252(b), $714,000."

On page 4, line 24, after "202(a)," strike out "$400,000,000" and insert "$600,000,000".

On page 5, line 17, after "637(a)", strike out "$55,800,000" and insert "$54,800,000."

On page 6, line 5, after the word "States," strike out "$365,000,000", and insert "$510,000,000"; in line 8, after the word "States", strike out the colon and "*Provided further,* That none of the funds contained in this paragraph and none of the funds contained in the military assistance credit sales revolving fund shall be used to finance directly or indirectly the purchase or acquisition of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, by or for any underdeveloped country (as defined on page 142 of part 2 of the printed hearings of the House Committee on Appropriations on the fiscal year 1968 Foreign Assistance Appropriations) other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea:" and insert ": *Provided further,* That none of the funds appropriated in this paragraph (including funds used for the military assistance credit sales revolving fund) shall be used to finance directly or indirectly the purchase or acquisition of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, by or for any underdeveloped country, when the President finds that such funds or the recipient or purchasing country's own resources are being used for unnecessary military expenditures, to a degree which materially interferes with its development. In making such finding, the President shall take into account (1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes, and (2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment."

On page 9, after line 12, insert a new section, as follows:

"SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine."

On page 13, line 8, after the word "than" strike out "$5,000,000" and insert "$10,000,000".

On page 15, after line 11, strike out:

"SEC. 119. The President is directed to withhold economic asisstance in an amount equivalent to the amount spent by any underdeveloped country (as defined on page 142 of part 2 of the printed hearings of the House Committee on Appropriations on the fiscal year 1968 Foreign Assistance Appropriations) other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea for the purchase of sophisticated weapons systems such as missile systems and jet aircraft for military purposes from any country."

And, in lieu thereof, insert:

"SEC. 119. Hereafter, none of the funds obtained or authorized to be obtained from the sale of notes under authority of paragraph 111(c)(2) of the Economic Cooperation Act of 1948 or paragraph 413(b)(4)(F) of the Mutual Security Act of 1954 may be used for the purposes of discharging liabilities under any guaranties (exclusive of informational media guaranties) issued under sections 221(b) and 224 of the Foreign Assistance Act of 1961, sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, and section 111(b)(3) of the Economic Cooperation Act of 1948. Any portion of the funds in the reserve established pursuant to section 222(e) of the Foreign Assistance Act of 1961 which are attributable to the funds realized from the sale of notes specified in the preceding sentence shall be transferred to the general fund of the Treasury. The Secretary of the Treasury shall cancel all such notes and sums owing and unpaid thereon, including interest to date of cancellation."

On page 16, at the beginning of line 23, strike out "$105,000,000" and insert "$110,000,000".

On page 19, line 3, after "$49,000,000", insert a colon and "together with $4,500,000 of the unobligated balance of the appropriation under this head for the fiscal year 1967."

On page 19, line 18, after "3109;", strike out "$5,500,000" and insert "$5,000,000,".

On page 21, line 2, after the word "exceed", strike out "$2,550,000,000" and insert "$2,850,000,000".

On page 21, line 10, after the word "exceed", strike out "$9,000" and insert "$12,000".

On page 23, after line 20, insert a new section, as follows:

"SEC. 404. The joint resolution of October 5, 1967 (Public Law 90–102), is hereby amended by striking out 'December 2, 1967' and inserting in lieu thereof 'December 18, 1967'."

Mr. PASTORE. Now, Mr. President, I renew my request with respect to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Sec. 404. The joint resolution of November 28, 1967 (Public Law 90–162), is hereby amended by striking out "December 2, 1967" and inserting in lieu thereof "December 20, 1967."

The PRESIDING OFFICER. The Senator from Rhode Island moves the adoption of the amendment. Is there discussion of the amendment?

Without objection, the amendment is agreed to.

Mr. PASTORE. Mr. President, I am prepared to answer in detail any question that any Member of the Senate might have, and I will do this after our distinguished colleague, the Senator from Maine, has made her opening statement.

Mrs. SMITH. Mr. President, I want to thank the distinguished and able chairman of the committee, Senator Pastore, for his generous personal observations. The feeling is mutual. I want to express my gratitude to the chairman, Senator Pastore, for the very fair and excellent manner in which he carried out his assignment and duties in reporting this bill, and his thoughtfulness in including me, the ranking minority member on the subcommittee of the foreign assistance appropriation bill which handled H.R. 13893, in all deliberations. The chairman and I joined together after the hearings were completed, going over each and every item in the bill in an effort to arrive at equitable recommendations to the committee. The chairman has already discussed all the money and language items in the bill, so I shall not take the time of the Senate to expand in this area. While I am supporting the bill I feel it my duty to advise the Senate of my feelings with regard to the foreign assistance program.

The concept of foreign aid has changed drastically from the Marshall plan days when it was designed to achieve, and did achieve, prevention of communist takeover of economically weak countries of Western Europe—and from the days of aid to Greece and Turkey. Since World War II this country has paid out approximately $125 billion to help other countries. Today some of these countries which we gave such vital Marshall plan aid to have turned against us, whether it be in the form of the Common Market or the failure to support our fight against the spread of aggressive communism in Asia. It has even turned to the point of France waging an economic war against us in attempting to undermine the value of our dollar. France certainly was not attempting to undermine our dollar in World Wars I and II when the American taxpayer was pouring in money and men to save France from annihilation. Neither has France made any gesture to repay the debt of $6 billion plus which she owes the United States and which we have not demanded. Yes, Mr. President, France has quickly forgotten the financial support and manpower which the American people gave so willingly out of the goodness of their hearts.

This pattern raises serious questions as to whether foreign aid at this time is really appreciated and whether it is in the best interests of our country to continue this program at its present level. A prime example is India which opposes us repeatedly in the United Nations and supports Russia. It seems that our past aid has not won friends but rather enemies, at least in the economic sense, for what we have done for them. I read a news release in the newspaper not long ago entitled "Foreign Aid Unpopular in U.S.S.R., too." I should like to quote from this article, which appeared in the Washington Daily News, October 7, 1967:

> Russians are dissatisfied with their living standard, would like to see charity begin at home. So Kremlin boasts in propaganda broadcasts to underdeveloped countries about aid, but says little about this at home.
>
> When Premier Kosygin forgot himself at a press conference in this country and expanded on Russia's foreign aid, this was cut out of text of his remarks published in USSR.
>
> Best guess here is that Kremlin loans and grants abroad, from 1954 to 1965, totaled $5 billion, not counting funds to prop up Cuba and supply arms to Arab states.

I believe our own people are beginning to feel the same as the Russian people about our foreign aid program. It is certainly time to pause and wonder whether this apparently unappreciated foreign assistance program is justified, defendable, and in the best interests of our country when we are compelled because of limited resources to reduce programs which are vital to our own peoples, such as the antipoverty and public works programs. There are those who would characterize such pause as new isolationism, but I ask, has not the isolationism started from the other side first? From nations like France, whom we have saved twice in world wars and lifted from economic chaos with the Marshall plan? From nations like India, that bites the hand that has fed them? The threat is made that if we do not give aid to countries like India they will go Communist. Any country that receives aid because of such a threat can never be ultimately counted as a friend and ally when the chips are down. Perhaps it is best to call the threat and bluff and let Russia shoulder the burden and abuse which such aid brings.

So, Mr. President, there comes a time to take a stand for self-respect since there will be no international respect for our country unless we exhibit a national respect and refuse to buckle under these threats that unless we give foreign assistance the recipient nations will threaten to go Communist.

Mr. President, I hope that the funds recommended in the foreign assistance appropriation bill will be carefully handled by the Agency. Before funds are committed projects should be scrutinized and good judgment made in the allotment of these funds.

In closing, Mr. President, the chairman has already explained my amendment, which appears on page 15 of the bill, and unanimously approved by the Senate Committee on Appropriations, whereby approximately $200 million will be released to the Treasury, if adopted, from the Investment Guaranty Fund. I will only add that this amendment will do at least three things: First, release to the Treasury the sum of $199,071,521.50, set aside to take care of three Treasury notes which mature on July 1, 1982; second, reduce the total of unutilized reserve to $104,097,151.43, which should be ample to take care of any claims that might arise in view of the fact that all claims are secure by the full faith and credit of the U.S. Government; third, help to prevent any move by Agency at some future date from getting additional back-door financing out of another committee to be used on other programs.

Mr. President, I am sure Senators join me in expressing appreciation to our able colleague, the chairman [Mr. Pastore], for bringing to us a good bill, and I urge Senate approval of this bill.

Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER (Mr. Pell in the chair). The time is limited. Who yields time?

Mr. PASTORE. Mr. President, I yield whatever time the Senator from Florida requires, on the bill.

Mr. HOLLAND. Mr. President, I thank the Senator for yielding.

I wish to make a few comments about the provisions of the bill relating to the refugee program as it applies particularly to the refugees from Cuba.

I wish to express my appreciation to the manager of the bill and to his distinguished colleague, the Senator from Maine, for having placed back in the bill and having reappropriated the $4,500,000 which was left over from last year's appropriation. It may be needed this year; it may not. The fact that some money was left this year indicates that the Agency is not trying to spend everything that is appropriated to it.

I wish to say for the Record that this matter is moving much more smoothly than it has at times in the past. For example, all problems between the Federal agencies and the hospitals in the Miami area as to the payment for services rendered to the refugees have been straightened out. The hospital bill has been brought to current status, and, so far as I can now see, there is no probability of further misunderstanding in that regard.

Likewise, the largest item of expense for refugees, the matter of appropriations for education of the minor refugee children, particularly those from families which are without employment, has been straightened out and has been put on a current basis, which is acceptable to the school authorities of the county of Dade and to the Federal authorities as well as to the State of Florida, since the State pays a certain portion of the operating cost of the schools.

I am grateful for the recognition by the two distinguished Senators whom I have mentioned of the fact that this program has been thriftily handled, in that they have agreed, at my request, to the reappropriation of the $4,500,000 which was left over from last year, because it may be needed.

We do not see an end to this program

as yet. A large group of good people still want to get out of Cuba. Each weekday, air flights come into the airport at Miami, bearing people who are anxious to get away from Communist dominion.

Mr. President, I wish to say for the RECORD, and I am sure Senators will be glad to have this information, that many of these Cubans are proving to be real assets to our country, particularly the professional people, and among them especially doctors and dentists. They are filling the need we have in our country for a larger number of those highly trained people.

I also want to say that I express for them and for our State appreciation to the Congress for the fact that Congress is helping them by allowing them, by passing special bills, to count all of the time since they came in as refugees as time toward becoming citizens. Many of them are not able to take examinations to practice as doctors and dentists, in their own right, until they become citizens and can pass appropriate board examinations.

Mr. President, in the meantime these professional people are practicing under other doctors and dentists by the hundreds and they are rendering a splendid service. There is scarcely a hospital in our State which does not have on its staff some of these learned doctors and dentists who are doing a fine job for humanity. I could say the same thing, but not to the same degree, with respect to hospitals in many other parts of the Nation.

These refugees are by no means deadweight on our people. I think it is appropriate for the CONGRESSIONAL RECORD to show that fact and that their record and reputation is very fine for obeying the law and seeking, with all diligence, to learn our language and to have their youngsters get ahead in our schools, and to move ahead in college and university training on the part of those who are a little older.

Mr. President, I think our country has done a fine job in this regard, a job that is not only paying off in the way of serving thousands of people who need to be served, but also in serving the Nation. I am sure that it will so prove in the long run.

I wish to make one other point before I close, and that is with respect to the Export-Import Bank. I notice that the committee placed back in the bill the amount of the recommended appropriation for the Export-Import Bank which had been cut off in the other body. I am glad they have done that, because to my mind here is a very useful instrumentality.

I have but one objection to the way in which they have functioned and that is that sometimes they have been so eager to get things done, whether it be the rendition of services by Americans in foreign lands or furnishing machinery—and it is for such purposes the act was created—that they sometimes have stepped on the toes of some local industries hurtfully.

The Senate will recall that in this year we placed in the extended authorization bill for the Export-Import Bank language on this point requiring them as a matter of policy to take into greater consideration the impact, the hurtful impact, upon domestic business of loans they make. I am sure that the direction of the Congress will be observed.

I think that the two Senators who have charge of this bill have done a remarkably fine job and I think that fact is best illustrated by the fact that we have so few Senators here trying to amend the bill in this particular, that particular, or another. This is vastly different from our earlier experience.

I know of no single amendment to cut off anything in the bill. That is certainly at variance with what has taken place in earlier years in the consideration of this bill.

Mr. President, that means this bill has been given careful consideration by the Senators who had it before them and that it meets with the approval of the Senate generally, for which I warmly congratulate both Senators.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BYRD of Virginia. Mr. President, the Senator from Florida has mentioned the Export-Import Bank. Would the Senator from Rhode Island advise me exactly how that fits into this bill?

Mr. PASTORE. It has been carried in this appropriation bill for many years. The House committee places it in this bill when it introduced the bill.

Mr. BYRD of Virginia. I wish to ask the Senator this question. As the Senator will recall, on August 10, when the Export-Import Bank authorizing legislation was before the Senate, the Senate adopted an amendment by a vote of 56 to 26 that would have prevented use of tax funds to finance transactions of those nations trading with our enemy. The matter went to the House committee. The House committee sustained it by a vote of 17 to 14; it was cleared before the Rules Committee, and it is now on the floor of the House. This would not set that aside, would it?

Mr. PASTORE. It absolutely would not. The authorization bill as passed will be governing with reference to the problem that has been presented by the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator.

AMENDMENT NO. 491

Mr. CHURCH. Mr. President, I call up my amendment No. 491 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 3, line 4, strike out "$130,000,000" and insert "$141,000,000."

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS (FOREIGN ASSISTANCE ACT, SEC. 302(a))

EFFECT OF A REDUCTION IN THE FISCAL YEAR 1968 APPROPRIATIONS

Mr. CHURCH. Mr. President, the President's budget included a request for an authorization of $141 million for voluntary contributions to international organizations and programs in fiscal year 1968. The Senate authorization bill provided $140,483,000, while the House authorization bill allowed the full amount requested. The conferees agreed upon $141 million.

The appropriation requested for voluntary contributions in fiscal year 1968 was $140,980,000. The appropriation bill as passed by the House allowed $125 million. The appropriation bill reported out by the Senate Appropriations Committee provides $130 million.

A reduction of the appropriation below the amount originally requested would force a reversal of U.S. policy of offering to match other countries' contributions to programs in the U.N. family, usually at a 40-percent ratio, and would discourage efforts to persuade other governments to increase their contributions to international activities in the field of economic development, peacekeeping, and the stabilization of troubled areas.

About 85 percent of the recommended programs would be devoted to multilateral economic and social development. The major programs in this category are the U.N. development program, the U.N. Children's Fund, and the Indus Basin Development Fund. A reduction in our pledges to these activities would have the following adverse effects:

On the U.N. development program: It would be impossible to match at the 40-to-60 ratio the contributions of others to this program at a time when their pledges are significantly increasing. A reduction in our pledge would weaken the soundest and most effective instrument of technical assistance within the U.N. system and lend strength to irresponsible initiatives to proliferate U.N. development programs contrary to our interests.

On the U.N. Children's Fund: It would mean that the U.S. pledge would be reduced below the level of the last several years and would reverse our role of leadership in this worldwide humanitarian activity for improving the health and well-being of children and their mothers.

On the Indus Basin Development Fund: It would mean that the United States would not be able to meet its share this year of the costs of this major project for removing tensions between India and Pakistan and would cast doubt on the World Bank's ability to complete the construction program which is now scheduled to end in 1972.

The other 15 percent of the administration's estimate would be used for meeting the U.S. share of the cost of maintaining during the first 5 months of 1967 and then repatriating the U.N. Emergency Force, and of the activities of the U.N. Relief and Works Agency in caring for both the refugees of the 1948 conflict and the new refugees created by hostilities in the Middle East last June.

In view of adamant opposition by the U.S.S.R. and other states to the role of the U.N. as an effective peacekeeper, U.N. peacekeeping operations in recent years have been financed by the contributions of those countries which voluntarily support them. If the United States does not pay its share of the costs of the last phase of the U.N. Emergency Force, and of possible subsequent peacekeeping operations in the Middle East, the effect would be to hamper U.N. efforts to stabilize conditions in the area and to compound the financial problems of the United Nations.

If the United States were to reduce its contribution to UNRWA below the level of previous years, that organization would be forced to reduce its services to refugees, old and new, at a time when tension continues at a high level in the Middle East.

Mr. President, I ask unanimous consent to have printed in the Record a detailed analysis of the various U.N. programs to which the United States makes voluntary contributions, so that the full scope of the subject matter of the amendment may be understood.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

ANALYSIS OF U.N. PROGRAMS VOLUNTARILY CONTRIBUTED TO BY THE UNITED STATES

1. UNITED NATIONS DEVELOPMENT PROGRAM—UNDP

The UNDP, created on the initiative of the United States, is the core of all UN efforts to provide development assistance to its members. Under the firm leadership of Paul Hoffman it has become the largest and best run multilateral program of technical assistance and pre-investment. In recent years it has picked up growing support from developed countries, seven of which on a per capita basis contribute more than the United States. Between 1963 and 1967, Canada and Sweden more than doubled their contributions from $4.5 million to $9.9 million and $7.25 million to $15.5 million, respectively. Under pressure from UNDP the LDCs are providing up to 60% in counter-part for UNDP financed projects and programs. Requests for assistance far exceed available resources.

Any cut of the $75 million requested as a contribution for 1968 would have serious consequences:

1. It would make it impossible to match on the traditional 40% matching formula the contributions pledged by other countries for 1968. This would put a brake on our efforts to increase the contributions of other developed countries to aid programs.
2. It would sharply reduce the ability of UNDP to finance new projects in 1968 and thus increase the back-log of requests which deserve assistance.
3. It would discourage the LDCs in their self-help efforts, which are gaining momentum, since many of their priority projects cannot be undertaken without UNDP assistance.
4. It would seriously damage a system under which the United States has contributed $4 for every $6 contributed by other countries.
5. By weakening the soundest and most effective instrument of technical assistance within the UN system, it would lend strength to irresponsible initiatives of other nations to proliferate other development programs contrary to our interests.
6. Considering the extent to which the United States is identified with UNDP and its orderly growth and success, a reduction in our contribution at this time would affect adversely our standing throughout the UN system and among the developing countries.

2. UNITED NATIONS CHILDREN'S FUND

UNICEF is one of the most successful international humanitarian efforts the world has known and the United States is widely known as the leader in this effort. The U.S. Government and the American people have warmly and generously supported UNICEF's activities on behalf of the hundreds of millions of children in the world who suffer the burdens of hunger, disease and ignorance. Recently UNICEF has agreed to support programs in family planning as requested by Member Governments.

U.S. representatives to UNICEF and other UN bodies have consistently urged other governments to increase their contributions to UNICEF, and from 1962 to 1967, they have, in fact, increased their contributions by almost one third from $12.1 million in 1962 to an estimated $16 million in 1967. During these same years, the U.S. contribution has remained stationary at $12 million, except for 1967 when the U.S. Government made a special contribution of $1 million in honor of the award to UNICEF of the Nobel Peace Prize. A reduction in the U.S. contribution in 1968 below $12 million would represent the complete reversal of previous U.S. expressions of support for UNICEF. It would seriously compromise our continuing and successful efforts to exercise leadership in UNICEF's programs. Recently the President of the United States, in proclaiming October 31 as National UNICEF Day, said "I hope that the American people and the peoples of all countries will continue to support UNICEF to the limits of their abilities, both through their private efforts and through their governments." A reduction in the U.S. contribution to UNICEF in order to keep within the overall limitation of $125 million would not be in accord with the President's Proclamation. It could mean the lowest U.S. contribution to UNICEF since 1958.

3. INDUS BASIN DEVELOPMENT FUND

In 1960 and 1964, the U.S., World Bank, and seven other nations pledged $1.4 billion in foreign exchange and rupees to carry out a construction program which will equitably divide the waters of the Indus Basin between India and Pakistan. The program is settling an issue which has been a major source of tension in India-Pakistan relations. The U.S. pledged $416 million in grants and loans subject to the appropriation of funds by Congress. This amount represents 44% of the total foreign exchange committed. The World Bank administers the program and the U.S. and other donors agreed to make semi-annual payments to the Bank based on their estimates of payments due contractors each six months.

All nations, including India and Pakistan, have met their commitments thus far. The construction program, due to be completed by 1972, is on or ahead of schedule. A decision by the U.S., the largest donor, not to meet its pledge could have manifold repercussions.

It could encourage similar actions by other donors for whom the foreign exchange cost of the program is also a burden.

It could cast doubt on the World Bank's ability to complete the construction program and thus introduce a new element of uncertainty into India-Pakistan relations.

It could strain the U.S.'s relations with India and Pakistan and undermine our credibility in counselling the two nations to normalize relations.

4. UN TECHNICAL AND OPERATIONAL ASSISTANCE TO THE CONGO

The recommended fiscal year 1968 contribution of $3 million to this UN program is $500,000 less than our fiscal year 1967 obligation. The UN program is already on a phase-out schedule which calls for 300 technicians in 1967, 185 in 1968, and 100 in 1969. A reduction in the $3 million contribution would require an even more rapid cut-back in the UN program which would weaken the administrative capabilities of both the Congolese central and provincial governments.

A U.S. contribution at the planned level has become increasingly important in light of the significant decline in Belgian bilateral aid. Belgium already has decided to reduce its technical assistance program this year from 1,700 to 1,300 technicians, which include roughly 850 teachers and 450 advisory personnel. There is the possibility of a further reduction to 1,100 technicians.

5. WORLD FOOD PROGRAM

The World Food Program was proposed by the U.S. Government in 1961 as an effort to promote economic development through the use of foodstuffs. The Program's aim was to determine to what extent, and in what manner, food aid could be used multilaterally to stimulate economic and social development, to assist in pre-school and school feeding and to meet emergency needs.

The United States in 1966, subject to Congressional authorization, pledged the following on a matching basis for the Program's second two-year period (1966–68): 1) up to $92 million in agricultural commodities, 2) sufficient shipping services to transport the U.S. commodities, and 3) up to $6 million in cash for administrative and operational costs.

The U.S. paid $2 million for administrative costs for each of the years 1966 and 1967 as the first two installments on its three year pledge. In view of U.S. interest in promoting the growth of less developed countries through food aid, it is important that we be in a position to contribute our share of the 1968 costs of reviewing, supervising, and administering programs of assistance.

6. IAEA OPERATIONAL PROGRAM

The United States voluntary contribution to the International Atomic Energy Agency has remained almost stationary for the past six years at approximately $1,000,000 in cash and kind, while other members' contributions have been rising.

The political impact of a cutback in the U.S. voluntary contributions would be adverse to our long-term foreign policy goals. We are presently advocating a non-proliferation treaty whose safeguards provisions would be implemented by the IAEA and we have for many years vigorously supported the development of a strong and effective IAEA safeguards program. This program is paid for from the assessed budget by all IAEA member states, most of whom regard the Agency's technical assistance program as its most important function. We believe that any reduction in our support of the technical assistance program, while at the same time advocating an expansion of the Agency's policing powers, will have an adverse effect on our efforts to win the support of the developing countries for a strengthened IAEA safeguards system and a vital role for the IAEA in the implementation of a non-proliferation treaty.

7. U.N. EMERGENCY FORCE—UNEF

UNEF was withdrawn from its position along the U.A.R. border with Israel in May 1967. UN members must meet the costs incurred during the first five months of 1967, as well as the costs of rapid withdrawal, indemnification of UNEF troops killed during the hostilities, and replacement of equipment lost by national contingents.

In light of the continuing danger that a renewed outbreak of hostilities could occur in the Middle East, it is possible that the present relatively small U.N. peacekeeping operation there will have to be expanded or that a larger force will be established.

If the U.S. does not pay its share of the costs of the last phase of the UNEF and of possible subsequent peacekeeping operations in the Middle East, the effect would be to hamper UN efforts to stabilize conditions in the area and to compound the financial problems of the UN.

8. U.N. RELIEF AND WORKS AGENCY

Tensions in the Middle East remain high, and the threat of a renewal of widespread violence continues. The refugee problem aggravated by the June hostilities is a major factor contributing to the tensions, and any worsening in the condition of the refugees could lead to greater unrest which would contribute further to the unstable situation. UNRWA's task has been significantly increased as a result of the movement of refugees following the recent fighting, especially the large-scale evacuation of the West Bank of the Jordan River and the Gaza Strip. Because of the significant increase in the number of refugees, UNRWA estimates its CY 1968 budget at $45.8 million, $6.8 million more than CY 1967.

In the face of this grave situation it is hoped that total government contributions to UNRWA will be higher during the coming months than has been the case in the recent past. In light of the disproportionately high share of UNRWA costs that the United States has been bearing, we do not intend to propose any increase in our regular contribution. If contributions from others rise this will result in a reduction in our percentage share. However, for us to reduce our contribution when the need is greater than ever would seem particularly inappropriate. Such a move would appear to many to demonstrate a decreased U.S. interest in the plight of the refugees at a time when the problem is more serious than it has been for some years, and would in all likelihood exacerbate the difficulties inherent in the search for an overall peaceful settlement of Arab-Israeli issues.

9. U.N. INSTITUTE FOR TRAINING AND RESEARCH—UNITAR

The UN Institute for Training and Research (UNITAR) is endeavoring to improve the efficiency of the UN system by applying modern managerial and operational research concepts to its activities, clarifying the utility of the UN in peacekeeping and in economic and social development, and providing in-house training for UN staffs. Before UNITAR was established in 1965 this element was noticeably missing in UN operations. As an indication of the value others place upon UNITAR, total pledges to fund the Institute's activities, excluding the United States, are $3.5 million.

The proposed contribution of $500,000 for both the Institute's regular program and a group of fellowships honoring the late Ambassador Adlai E. Stevenson is the same amount contributed for fiscal year 1967. In view of the Institute's potential in serving important U.S. objectives in the field of peacekeeping research, in-house staff training, improved programing of UN activities and the application of modern U.S. managerial and operational technology to UN activities and finances, it would be undesirable to reduce this amount. A reduction would be intrepreted as faltering U.S. interest. It could adversely affect the amounts contributed by other governments and require a cut-back in the program.

10. U.N. SPECIAL PROGRAMS FOR SOUTH AFRICANS

The United States is interested in these UN programs as a means to assist the victims of *apartheid* and to demonstrate support for constructive measures in troubled Southern Africa, at a time when many are looking to the United States for leadership.

Most UN members believe the United States has a decisive influence on events in southern Africa and they have increasingly demanded that we take the lead on southern African issues. In fact, we cannot take the kinds of actions these states consider necessary, but we can demonstrate our concern through support of humanitarian programs such as the scholarship programs for South Africans and the UN Trust Fund for South Africa. About 45 countries have already contributed or pledged $1.2 million over the past three years. Of this amount, the United States donated $75,000 toward a pilot project—from fiscal year 1965 funds. Continued U.S. failure to give adequate financial support could weaken our broad foreign policy objectives in southern Africa and encourage a South African belief that the United States somehow supports South Africa's inhumane policies.

11. WHO—MEDICAL RESEARCH

In 1965 the U.S. joined the International Agency for Research on Cancer, established by the World Health Organization to accelerate efforts to discover means of controlling cancer through expanded international cooperation in cancer research. Membership in the Agency involves an annual contibution of $150,000 from each of its members. Thus far eight other countries, Australia, France, West Germany, Israel, Italy, Netherlands, the U.K. and the U.S.S.R. have joined.

If the U.S. is not able to make its annual contribution of $150,000, it will be forced to drop out of this activity just as it is beginnings to develop promising studies in the relationship between cancer incidence and various environmental factors.

12. SPECIAL CONTRIBUTIONS FOR VIETNAM

A reduction in funds for voluntary contributions will force the United States to reverse its growingly successful policy of seeking to expand programs of UN agencies in Vietnam by offering to finance new activities. Despite the difficulties in working out peace-time development projects in a war situation, UN-system assistance to Vietnam has increased from $695,000 in 1965 to $1,345,000 (estimated) for 1967.

In the fiscal year 1967 the United States offered to fund the expansion of a project administered by the Food and Agriculture Organization for exploring and developing the fisheries resources of the waters off the Vietnamese coasts and committed $706,000. A further contribution of $1.3 million to the project in the fiscal year 1968 is essential to its successful completion.

Other projects of assistance to Vietnam under consideration by Vietnam and UN agencies in such fields as technical education, child welfare and health would have to be curtailed if the proposed reduction in the appropriation is actually made. The momentum of our effort to involve the UN more closely and deeply in Vietnam would be lost.

Mr. CHURCH. Mr. President, finally, I should like to say to the Senator managing the bill, whose committee has done such an excellent job in implementing the foreign aid program very nearly to the limit Congress has authorized, that I am mindful and appreciative of the conscientious work his committee has done. In this particular area, however, I think it would be a great mistake if we were to reduce our contribution. Never before have we failed to meet our commitment in voluntary contributions to the U.N. Indeed, we have urged other countries to contribute increased amounts of money so that the general burden might be more equitably shared. We have had some success in that effort. I believe it would be a grave mistake now, in view of that success, to be the first country to fail to meet its own commitment. Therefore, I hope that the distinguished senior Senator from Rhode Island, who is in charge of the bill, could see fit to support the amendment. I hope also that the Senate will adopt it.

Mr. PASTORE. First, Mr. President, I ask unanimous consent to have printed in the RECORD a statement in the report beginning on page 6 under the title "International Organizations and Programs," ending with the explanations of the programs on page 8, just before "Supporting Assistance."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

1967 appropriation	$140,433,000
1968 budget estimate	140,980,000
House allowance	125,000,000
Committee recommendation	130,000,000

The committee recommends the sum of $130,000,000 for this item, which is $5,000,000 more than the amount allowed by the House. In addition, the unobligated balance of $4,231,154 under this head is continued available.

The programs to be funded out of this appropriation are shown below:

Voluntary contributions to international organizations and programs

	Fiscal year 1968, proposed
U.N. Development Program	$75,000,000
U.N. Children's Fund	12,000,000
Indus Basin Development Fund	25,500,000
U.N. technical and operational assistance to the Congo	3,000,000
U.N. Food and Agriculture Organization—World food program	2,000,000
Special contributions for Vietnam	2,000,000
International Atomic Energy Agency—Operational program	1,000,000
World Health Organization—Cancer research	150,000
U.N. Institute for Training and Research	500,000
U.N. programs for South Africans	150,000
U.N. Relief and Works Agency	[1] 13,300,000
U.N. peacekeeping operations: U.N. Emergency Force (Near East)	6,385,000
Total	140,985,000

[1] Total annual pledge, including agricultural commodities: fiscal year 1968, $22,200,000.

The committee is greatly concerned with the trend of ever-increasing budgets of international organizations. Year after year, the committee has expressed its concern over the mounting costs of these various international organizations, both on the contribution level and percentagewise. The committee strongly feels that many of these United Nations programs should be brought in line in proportion to our main contribution to the United Nations and that other nations should be called upon to assume a greater responsibility in accordance with their capacity to do so. The United States representatives at the United Nations are directed to advise the Committees on Appropriations of the Senate and House of Representatives when the next budgets are prepared what these budgets are and what our representatives have agreed to in the way of U.S. contributions to these organizations.

In recommending a sum which is less than the budget estimate, the committee desires that none of the reduction be applied to the United Nations Children's Fund. The executive branch did not furnish the committee with a breakdown of the reductions which they would make as a result of an overall total reduction made by the House of Representatives. The committee believes that in the future the appropriation for each of the items under this head should be on an individual line item basis so that when reductions are made by the Congress they will not be placed arbitrarily against the most important programs.

The committee has approved the sum of not to exceed $50,000 for United Nations programs for South Africans.

Historical, descriptive and financial data, and other pertinent information respecting the major international organizations and programs are discussed in more detail in the following narrative:

U.N. development program.—This program (UNDP) began on January 1, 1966, and combines two previously separate programs—the Expanded Program of Technical Assistance (EPTA) and the Special Fund.

The EPTA program primarily provides experts and training fellowships to expand the technical resources of the developing countries. The Special Fund concentrates on preinvestment programs designed to increase a developing country's productive capacity and help it establish a more favorable investment climate.

The United Nations Children's Fund.—This fund (UNICEF) helps governments devise programs of permanent benefit to children, provides needed supplies and equipment, and aids the training of national and local staffs to operate the programs.

The Indus Basin Development Fund.—This fund (IBDF), administered by the World Bank, is financing a 10-year program to construct works in Pakistan to replace waters allocated to India under the Indus Waters Treaty. The project, the largest earth-moving job ever undertaken, involves the construction of a dam, seven barges, and 430 miles of canals.

By participating in the IBDF, the United States is helping to provide arable land for over 50 million people in Pakistan and India, and at the same time to remove one of the principal sources of friction between the two countries.

The Indus program is now in its seventh year. Construction was estimated to be 75 percent complete by the end of 1966 and the last two major contracts were let in January 1967. Filling of the Mangla Dam Reservoir, largest of the Indus projects, began in February 1967.

The IBDF agreement provides that contributors make payments to the Fund upon semiannual call from the World Bank. Based on estimates of total payments which will be due contractors, the World Bank plans to call for $25.5 million in U.S. dollar grant contributions during fiscal 1968.

U.N. technical and operational assistance to the Congo.—Through the international recruitment and placement of personnel with the necessary skills and language competence, the U.N. technical and operational assistance program for the Congo (Kinshasa) helps meet the country's critical need for technical advisers and operational experts. The program serves the U.S. objective of strengthening a moderate central government's capabilities for maintaining internal security, political stability, and a reasonable rate of development.

U.N. Relief and Works Agency for Palestine Refugees.—This agency (UNRWA) helps meet the minimum food, shelter, health and educational needs of the Arab refugee population in Lebanon, Syria, Jordan, and the Gaza Strip.

U.N. peacekeeping operations.—The U.N. Emergency Force (UNEF), established in 1956, acts as a border patrol and buffer force on the armistice line and international frontier between Israel and the United Arab Republic. It serves a major U.N. and U.S. objective of helping keep the peace between the two states and contributing to stability in the area.

Mr. PASTORE. Mr. President, it is not a large amount, in proportion to the overall amount provided in the bill. I dare say that more time was devoted to this subject matter, in proportion, than other matters which appear in the bill. The reason why that is so is that we, too, were quite disturbed about the programs, not as to their merits—we all agree that all of them are worthwhile and that the United States should participate in them—but the fact still remains the committee felt that while our main contribution to the U.N. is about 33 percent it has been going up from time to time in some of these other programs.

The committee was somewhat wary as to whether our friends in the United Nations were making their proportionate contributions. That is what disturbed the committee. The House did cut it substantially. We added $5 million plus the fact that we added the language which would give them the unobligated balances of $4,231,154 which in fact is a restoration over the House bill of $9,231,154.

While I am not authorized by the committee to accept the Senator's amendment, I am one of those who believe in the programs. I am not going to resist it. As a matter of fact, I am going to support it. I have talked it over with the Senator from Maine [Mrs. Smith] and she agrees with me that we will have to watch very closely, in the future, the idea that we take the 33 percent one time, and then raise it to 40 percent. In other words, the complaint I make is that sometimes, I think, our negotiators have been a little more magnanimous than they should be.

Every time there is a little hiatus or a vacuum in the amount of the fund, America is always willing to fill in the gap. I think that sometimes we go a little too far. The point is that while this is an overall appropriation, we are suggesting from now on that each one of the programs be made a line item so that we can consider them separately, so that we do not have to make an overall meat axe cut.

I repeat, I have talked this over with the Senator from Florida [Mr. Holland], a member of the committee, and with the Senator from Maine [Mrs. Smith], and we are ready to vote on it.

Mr. CHURCH. I thank the Senator from Rhode Island very much.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. PASTORE. Mr. President, are there any further amendments at the desk?

The PRESIDING OFFICER. There are no further amendments at the desk at this time.

Mr. PASTORE. Mr. President, I respectfully suggest that we are ready for third reading.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. THURMOND. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from South Carolina such time as he may wish.

Mr. THURMOND. Mr. President, I want the Record to show that if it were possible to do so, I would support the military assistance part of the pending bill.

By providing military assistance to certain countries, we would be assisting them to stay free of communism. We would also prevent the necessity to send more men overseas.

If we can send dollars instead of soldiers for that purpose, I am sure it would meet with the approval of the American people.

I feel that military assistance is highly important, but, in view of the national debt which the United States has been carrying for years, especially in view of the tremendous deficit this year of somewhere around $30 billion, and in view of the burden upon the American people at this time fighting the war in Vietnam, I shall be unable to support the bill.

I want to make my position clear. I favor a military bill. If allowed to vote on that part of it, I would support it, but since it is going to be included within one vote, I shall be forced to vote against the bill.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mrs. SMITH. Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, will the Senator from Rhode Island yield, so that I may ask him one question?

Mr. PASTORE. I yield.

Mr. BYRD of Virginia. What was the amount of the Senate authorization?

Mr. PASTORE. Does the Senator mean the conference authorization, or the Senate authorization?

Mr. BYRD of Virginia. The authorization which the Senate adopted some weeks ago.

Mr. PASTORE. If the Senator will indulge me just one moment, I can get that figure for him.

The amount is $2,813,900,000 for title I.

Mr. BYRD of Virginia. That is the Senate authorization.

Mr. PASTORE. That was the Senate authorization. Title I of this bill provides $2.719 billion. This is under the Senate authorization.

Mr. KUCHEL. Mr. President, the distinguished senior Senator from New York [Mr. Javits] is not able to be here this afternoon, as he is attending the funeral of Cardinal Spellman, in New York. At his request, I ask unanimous consent that his statement on the foreign aid appropriation bill be printed in the Record prior to the vote on the passage of the bill.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Javits

I support this year's foreign aid bill, even though I believe it is grossly inadequate. I pray and hope that future generations will not say, to quote the Bible: "They have sown the wind and they shall reap the whirlwind."

This year's authorization bill has the distinction of being the lowest foreign aid bill in 20 years—$788 million below the President's request and $29 million below the smallest total ever appropriated in fiscal year 1956. Then on November 17 the House passed a foreign aid appropriation bill which was $478 million below the authorized level. The Senate Appropriations Committee's actions, which restore most of the House cuts, have been most responsible and the Committee is to be commended.

I fully understand the frustrations of many Members of Congress over their inability to exercise greater influence over the conduct of U.S. foreign policy, particularly regarding the war in Viet-Nam. I am also aware of overwhelming Congressional concern over the growing deficit in the Federal budget. I share this concern. I seriously question, however, whether the emasculation of our foreign aid program will materially contribute to either of these concerns of Congress.

Foreign aid, in its various forms and serving many and often complex objectives, has served this nation well. There has been occasional waste or error of judgement, but for a relatively modest sum, we have been able to contribute in a small way through this program to stability and progress in the developing regions of the world.

It would be the greatest folly for us to believe that we can continue to exist in peace in a world ravaged by hunger and poverty. The majority of the world lives on bare subsistence and envies us for the opulence in which our poor live, let alone those of us who are well off.

In a speech delivered before the American Society of Newspaper Editors in Montreal in May 1966, Secretary McNamara made a very good case of the close relationship between the incidence of de facto wars or violent conflicts and the economic status of the countries afflicted. He showed that while only 1 of 27 nations rated as rich by the World Bank has suffered a major internal upheaval in its own territory since 1958, among the 38 very poor nations not less than 32 have suffered significant conflicts—an average of 2 major outbreaks of violence per country in the eight-year period.

If we refuse to heed their request for development assistance in the years to come, let us not be surprised if developing nations turn increasingly to drastic and radical solutions to their development, including the nationalization of foreign investments, increased state intervention in their economic development and closer ties with the communist bloc. The pressure on the governments of less developed countries from their people for a better life is becoming irresistible.

Whether we like it or not foreign aid in one form or another is bound to remain an essential part of our foreign policy for decades to come. If we are to construct a stable world order, one of our biggest jobs is to give the developing nations a feeling that their greatest hope is with us and other democratic nations. We cannot do that unless we follow policies in the fields of aid, trade and private investment that demonstrate our concern for that two-thirds of humanity or two billion people who live in the developing areas of the world. These people are impatient and even if they are uneducated and cannot understand the ideological issues between democracy and communism, they are not going to wait to improve their lives until they do. The struggle is going to be determined, in my judgment, by economic competition and social justice in the next decade.

The things which reach the individual's mind and heart directly, even without education or experience in self-government, are the joys and excitements of individual freedom and individual dignity. Today we are not giving the people of the developing world the opportunity to see increased hope from us of such superior strength and decisive character as to win this struggle with another philosophy. Though communism may not offer a selection of automobiles ranging from the Mustang to the Lincoln, nonetheless, we must recognize its appeal to people who are in a relatively primitive economic state by helping to give them some basic security, some basic subsistence levels, some basic industrialization opportunities, and some basic assurance of getting above the level of starvation which has been their lot for centuries. We can do it infinitely better, of course, and with individual dignity preserved but we must demonstrate it, for the Communist thesis can be made to sound superficially more idealistic and more immediate in the selling to the audience we and they are trying to reach. So the competition is real, it is earnest and we must show a decisive superiority.

The situation facing developing nations is of desperate proportions. For one, their population is growing very rapidly—⅘ of the population growth in the world is occurring in the developing countries. Of the 60 million increase expected in 1967, 50 million will be in countries with per capita incomes of less than $250 per year. The developing nations cannot be faulted for not trying. Most of the financing for development—about ¾ according to the World Bank—comes from the developing countries themselves. This is as it should be. But what are the industrialized nations doing to help? Again according to the World Bank, the effective tariffs of the industrialized nations on imports from developing nations are commonly from 20 to 40%. This is double the average tariffs maintained by the industrialized nations today vis a vis each other. Between 1958 and 1966 the exports of industrialized nations have doubled. During the same period the exports of developing countries increased by less than ⅔ or 66%. They obtained little or nothing from the Kennedy Round.

An even greater indictment of the indifference of industrialized countries is best expressed by George Woods, President of the World Bank in a recent speech:

"Six years ago, the official net flow of financial resources from the industrialized countries reached a level of about $6 billion a year. Today, after five years of unprecedented prosperity in the donor countries, the figure is about the same. Of the $200 billion by which the production of the industrialized countries has grown in that interval, none of it has been put at the disposal of the developing countries through programs of assistance."

For many developing nations there is a heavy burden of interest and amortization payments on external debt which absorbs a large and rising proportion of gross aid receipts. According to the President's 1967 Economic Report, in 1960, debt service charges amounted to 13% of the official bilateral aid receipts of less developed countries; today the figure is 19%. India's debt service charges on government assistance for the period of the Third Five Year Plan amounted to 26% of its foreign aid. In Turkey, debt service during 1963–66 was more than half as large as gross foreign aid.

The developing countries today are faced with a situation therefore where their expectations for increased export opportunities are cloudy and the outlook for increased assistance from governmental or international organizations to disburse aid. Since 1960, these internatinal organizations—the World Bank, the International Development Association, the Inter-American Development Bank, the various UN organs and so forth—have tripled their net transfer resources to developing countries. Yet in 1966, all international organizations together spent only $2.1 billion.

There are those who oppose foreign aid on the grounds that it is wasted, that it is a give away, or that it has done little good. On closer examination a different picture emerges. Most nations, including the United States, tie their aid to procurement in their own countries, in effect providing a subsidy for their own industries. According to one estimate this tying process costs aid recipients $1 billion a year—as they are unable to procure goods and services at the most economical source. Many donor nations use aid to maintain their influence in areas where they once exercised colonial controls, as, for example, France in Africa. While Food for Peace (PL 480) has saved many people from dying from starvation it also saved our government millions of dollars a year which otherwise would have had to be spent on crop storage and price support operations.

The American commitment to aid developing countries must continue not for humanitarian reasons but for the hard, practical reason that in a favorable economic atmosphere, with a rising standard of living, political institutions in developing nations will be able to grow and will make possible the emergence of some sort of a stable international order.

I would like to call to the favorable attention of the Senate the suggestion made by George Woods, the extremely able and experienced President of the World Bank, in his Gabriel Silver Lectured Devoted to World Peace at Columbia University on April 13, 1967. In concluding his remarks he said:

"What is now necessary, it seems clear, is that industrialized countries should give joint consideration at the highest level to their policies of development finance. After 20 years of experience—and this includes many frustrations—the time has come, for a thorough examination of the objectives they are trying to achieve in their relationships with the developing world, of the importance of those objectives to their own national interests, and of the adequacy of the resources, the mechanisms and the techniques which are being employed to attain those objectives.

"The kind of examination I have in mind would engage cabinet ministers concerned with foreign policy and finance as well as those more directly concerned with assistance programs. It would seek to move the worldwide aid effort from its somewhat tenuous and uncertain posture to a well thought out and agreed upon place in the world scheme of international affairs."

I believe that in addition major steps must be taken to improve the trade position of developing countries. The President should be authorized by the Congress to put forward a significant trade proposal for the developing countries, particularly one calling for generalized trade preferences even if this would mean a modification of the most-favored-nation (MFN) principle; and even if the present economic value of such preferences to developing nations appears minimal to us, it does not to them. These preferences should be conditioned on similar action by other industrialized nations and should be extended for manufactured and semimanufactured articles as well. The United States should be ready with positive offers by the time the United Nations Conference on Trade and Development (UNCTAD) meets next February rather than to be put into the position of having to react to and to reject plans offered by the frustrated developing countries themselves.

The Kennedy Round resulted in little of major significance for developing nations. As members of UNCTAD convene they will consider the reluctance of the industrialized nations to help them within the GATT framework after 4 years of negotiations and are most likely to demand, with some justification, exactly the kind of solutions which are most repugnant to those who wish to see GATT principles continue to govern trade policy, such as area preferences, commodity agreements, and Government financed stabilization programs. While at any other time we may oppose assisting developing nations through such means, we may have no choice today. Traditional approaches are simply not working and there may be no other way out of the dilemma.

There is still time to consider ways to provide significant trade help to developing countries and I urge that this subcommittee hold hearings on this early next year prior to the UNCTAD conference.

Inasmuch as the outlook for substantially larger transfers of capital by the governments of industrialized countries is not very bright at the moment, it is also essential that new methods be found to induce private capital in industrialized nations to invest in productive enterprises in developing countries. One already successful method is the multinational private investment company formed in 1964 based on a project I chaired, by over 130 banks and other enterprises of Canada, Western Europe, the United States, and Japan—the ADELA Investment Company. There is no reason why this approach could not be repeated in Asia, in Africa, or ultimately in the Middle East.

Most importantly what is needed is total commitment on the part of the President to fight for an adequate foreign aid program and to educate the American people for the hard-headed necessity for U.S. participation in this process. I noted with great interest the hard hitting speech given on December 4th by William Gaud, Administrator of AID, before the Economic Club of Detroit, and I congratulate him for the courage and the frankness with which he spoke. I very much hope that what he said had the full support of the President and that the President himself will carry on in this vein in the coming months and years. As Mr. Gaud stated in his speech,

"Twenty years ago, when the United States ended the war, we did not enter the world in order to police it or to expand our influence, or even to play Santa Claus and give away our share. The new compactness of the world put us in the world and has kept us in it. There is no getting out. Our size and wealth endow us with a large role on this planet. We cannot hide from our own dimensions and power."

I fully share these sentiments and I urge Senators to give their full support to the U.S. commitment to aiding the developing nations of the world and to support aid funds required to meet it.

Mr. METCALF. Mr. President, the foreign assistance appropriations bill, H.R. 13893, recommends $130 million for aid to international organizations and programs, involving primarily United Nations activities such as the development program, the Children's Fund, and the Food and Agriculture Organization. When the unobligated balance remaining under this head is considered, this amounts to a reduction of some $7 million from the amount made available last year.

The bill contains no guidelines as to where this cut will fall, except for an expression in the report of a desire that none of it shall be applied to the United Nations Children's Fund. It seems likely, however, that the largest single item—the United Nations development program, accounting for $75 million of the total proposed for fiscal 1968—will be the primary target.

As many Senators know, the UNDP was created on the initiative of the United States, and it has drawn the support of many other nations to technical assistance and preinvestment projects that we might otherwise have undertaken on a unilateral basis. It is headed by a highly respected American businessman, Paul Hoffman, and under his direction its investments have been multiplied many times over in fruitful results. For example, 39 feasibility studies, costing a total of $47 million, have resulted in $1.9 billion in followup financing—much of it from private sources. In addition, training in technical skills, one of the greatest stimulants to economic progress, has been supplied to more than 300,000 men and women from low-income countries.

Mr. President, the American commitment to the United Nations and to peaceful development efforts abroad does not require restatement. I am greatly concerned by the fact that H.R. 13893 would weaken that commitment and could, in turn, cause other nations—who have been increasing their contributions—to follow suit. In fact, if we were to maintain our contributions at the 40-percent level of past years this bill would contain $80 million for the UNDP instead of $75 million. If all of the proposed reduction were to come from that effort our support would drop to only about 34 percent of that supplied by other countries.

The amount of increase required to fulfill authorizations under this head is slight—less than $7 million. But it would be an investment of great significance because it would encourage other countries to maintain or increase their efforts and because we can expect continued prudent use of the funds. I hope the Senate will approve the amendment offered by Senator CHURCH to appropriate the full amount authorized under section 302(a) of the Foreign Assistance Act.

Mr. McGOVERN. Mr. President, this country's foreign assistance program has often been characterized as having no constituency, and it is consequently a ready target in times—like the present—when we are seeking to cut every conceivable corner in the Federal budget.

In light of the tremendous cost of the war in Vietnam, exceeding 100,000 casualties and draining off some $30 billion from our national resources, however, it seems to me that all Americans should today be especially aware of the wisdom of our constructive investments in other parts of the world. Under the foreign assistance appropriation bill, H.R. 13893, as reported by the Committee on Appropriations, we would devote to peaceful development efforts only slightly more than 10 percent of the amount that presently seeks to bring military security to a single country of only 16 million people.

I think this comparison justifies the use of more of our resources—technical, financial, and agricultural—in programs to promote economic growth abroad as an alternative to military involvement. I recognize that the committee has been under intense pressure to hold down foreign aid spending, but I am particularly concerned by the fact that the bill still contains some $11 million less than authorized for voluntary contributions to international organizations and programs under section 302(a) of the Foreign Assistance Act.

The President requested $140,980,000 for this program for fiscal 1968. The appropriation bill as passed by the House allowed $125 million, and the Senate Appropriations Committee has recommended a $130 million figure. I hope the Senate will move the amount of funding up to full authorized levels.

This portion of the bill applies to our share of international efforts carried on primarily by the United Nations. The largest single item is the United Nations development program, and indications are that it will be required to undergo the most severe cuts if the pending amendment is not approved.

In its report, the committee has expressed its interest in seeing other nations assume a greater responsibility. That standard is being met where the United Nations development program is concerned. In recent years it has attracted growing support from developed countries, seven of which contribute more on a per capita basis than does the United States. In the past 4 years Canada and Sweden have more than doubled their respective contributions.

Moreover, the amount requested by the administration does represent a significant reduction in the ratio that has prevailed over the years between our contributions to this program and those of other countries. Our policy has been to match other countries' contributions at a 40-percent ratio—yet because of increases in their commitments a continuation of that policy would require $80 million in fiscal 1968 instead of the $75 million requested. It seems likely to me that a further reduction would discourage, rather than help, our efforts to achieve greater participation by other nations, and that a failure to add only $7 million to the appropriation could bring about a net reduction of many times that figure in the total program.

The cutback would also be multiplied in another manner, because the U.N. development program's contributions for technical assistance and preinvestment have been expanded manifold through other capital, much of it private, and through contributions from recipient countries.

The UNDP was created on the initiative of the United States. Under the able direction of a highly respected American businessman, Paul Hoffman, it has become the largest and best run multilateral split program of technical assistance and preinvestment. Both its past accomplishments and its prospects merit our continued support.

Similar considerations apply to the other programs operated under section 302(a) of the Foreign Assistance Act. I am pleased by the committee's statement of its intent that none of the cutback shall be applied to the United Nations Childrens Fund, although the House report contains no such guideline. Our contributions to this program have remained static at $12 million since 1962, while those of other countries have risen by one-third. Our leadership in UNICEF's activities on behalf of the hundreds of millions of children in the world who suffer the burdens of hunger, disease, and ignorance would be severely jeopardized by any cutback.

The Indus Basin Development Fund would receive $25.5 million under the administration's request. This fund, through pledges from the United States, the World Bank, and seven other nations, is carrying out a construction program to equitably divide the waters of the Indus Basin between India and Pakistan, and is settling an issue which has been a major source of tension between those two countries. A cutback in our commitment could result in similar actions by other donors, and could threaten the prospects for completion of the project, thereby introducing new uncertainties into India-Pakistan relations.

United Nations technical and operational assistance to the Congo is being phased out, and the fiscal 1968 request for U.S. participation represents a cutback of some $500,000 from last year. A further reduction could weaken the administrative capabilities of both central and provincial Congolese governments at a crucial moment, and could endanger the benefits already attained.

In view of the fundamental role that adequate nutrition must play in economic development it is especially important that we maintain our matching contributions to the world food program operated by the United Nations Food and Agriculture Organization. Our pledges for the program's second 2-year period, 1966–68, are for $92 million in agricultural commodities, sufficient shipping services to transport U.S. commodities, and up to $6 million in administrative and operational expenses. This appropriation measure would continue our annual $2 million annual payment for reviewing, supervising and administering these crucial programs of assistance.

The International Atomic Energy Agency would implement the safeguards of the nuclear nonproliferation treaty which our Nation is presently advocating. Any reduction in our $1 million contribution would serve as an obstacle to our efforts to halt the spread of nuclear weapons and to reduce the dangers of their use.

The budget requests for $13,300,000 for the U.N. Relief and Works Agency and $6,385,000 for the Emergency Force both have direct bearing on the volatile situation in the Middle East. The Relief and Work Agency's tasks have been greatly increased by the June hostilities, and any worsening in the condition of the refugees could bring greater unrest.

Nonetheless, the figure requested does not call for an increased commitment by the United States. We should at least maintain past levels in light of the heightened need. In view of the continuing danger of renewed hostilities in the Middle East, it is also highly important that we contribute our share of this relatively small but urgently necessary peacekeeping operation.

Each of these programs has the special attribute of involving other countries in efforts which directly benefit U.S. interests. Consequently the $11-million increase called for in the pending amendment represents a much larger total investment.

The need for a careful review of all expenditures is very immediate and very substantial. It is significant in this respect, however, that while various efforts to reduce the fiscal 1968 spending program both within the Congress and in the executive branch have spoken in terms of 10-percent reductions, this bill already represents a reduction of some 16 percent in foreign economic assistance. Moreover, we have every reason to believe that there will be at least some compromise in conference toward the House bill, which contains an overall reduction of 22 percent from the fiscal 1968 budget estimate.

The effect of this amendment upon the total amount would be miniscule. It would probably not even alter the percentage of the total cutback.

It would, however, have a highly significant impact on the strength of the voluntary agencies of the United Nations, on the willingness of other nations to maintain and increase their contributions to support these vital bodies, and on our collective efforts to achieve peaceful growth in other parts of the world.

Beyond these considerations, we must also think in terms of the massive support in the Senate last week for a resolution calling for United Nations Security Council consideration of the war in Vietnam. It seems to me that our attempts to achieve a United Nations appraisal of our involvement in Southeast Asia would be undermined by any degree of withdrawal from the peaceful development efforts and the peacekeeping operations conducted under United Nations auspices.

For these reasons, I strongly urge the adoption of the pending amendment.

Mr. **YARBOROUGH.** Mr. President, why should we appropriate from our Federal funds between $2 and $3 billion to help better the economic lot of peoples in underdeveloped lands? The answer to this question is obvious, and I believe it has been phrased best by the great economic scholar, Paul A. Samuelson, who wrote:

> For conscience's sake, we are impelled to help. In addition, history teaches us that men do not always starve quietly.

For too long, Mr. President, this Nation relied on the purely negative aspect of Samuelson's second rationale—that is, we justified our foreign aid expenditure merely as a form of insurance against hungry people turning to communism. Certainly such insurance is within the realm of and contributes to our national interest, but this strictly negative approach during the 1950's began to take on overtones of a "payoff," and widespread cynicism surrounded the program at home and abroad.

Foreign aid viewed merely as insurance against communism had the unfortunate result during this period of solidifying our interests in many areas of the world to reactionary regimes, which promised stability of governments at the price of freedom of peoples. Far too often, our foreign aid was used to pay that price.

It was not until the dawning of this decade that the aspiring people of the world found reason again to turn toward this Nation. In the speeches of John F. Kennedy, Democratic candidate for President, these people could perceive a change of motive in U.S. foreign aid policies—a change that promised genuine concern and enlightened action. On January 20, 1961, this change in policy was confirmed by the inaugural address of President Kennedy, who said:

> To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.
>
> To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty.

Here then, Mr. President, was the elevation of our foreign aid program to a new plateau. Under President Kennedy, and now under the concerned leadership of President Johnson, this country's foreign aid program has broken allegiance with governments, and forged a bond directly with peoples. Rather than attempting to frustrate the aspirations and expectations of the volatile "have-nots," our foreign aid program today attempts to lead the revolution of rising expectations through peaceful and constructive channels. There is no better way to combat any Communist expansion than to join hands with the freedom loving people of developing lands to eliminate through positive action the social and economic barriers impeding their progress. Our national security is now well served by a foreign aid program which seeks to fulfill—rather than to thwart—the aspirations of struggling peoples.

Change, even revolutionary change, is the one inevitable force in the international arena today. If we fail to lead that change, it is not impossible that we could be swamped by it. The finest investment that we can make—in terms of moral, economic, social, and political considerations—is in human beings. This is what H.R. 13893 is all about. With this investment of funds, literally millions of people around the world can begin to realize their worth as individuals and begin to achieve for themselves.

I have been especially pleased to serve on the Senate Appropriations Committee which considered this most important measure. Under the extremely capable leadership of the distingushed Senator from Rhode Island [Mr. PASTORE] the committee has developed and reported to the floor a bill that is vastly improved over the one which had come over from the House of Representatives. I commend Senator PASTORE for his diligent work, and I thank him for his kind and patient consideration of certain points that I raised during our development of this legislation.

Mr. President, I wish to comment briefly on only a few specific provisions of H.R. 13893. My first comment concerns the $134.2 million total appropriation, including a $4.2 million unobligated balance from last fiscal year, for U.S. contributions to international organizations and programs. Although this figure is some $6.7 million less than the amount requested by the President, it is $9.2 million more than that appropriated by the House.

Most importantly, however, is the reservation found in the Senate report concerning funds for UNICEF. The report states at page 7 that—

> In recommending a sum which is less than the budget estimate, the committee desires that none of the reduction be applied to the United Nations Children's Fund.

I am in fullest agreement with this statement, Mr. President. As a concerned friend and constituent recently wrote to me:

> A cut in the U.S. contribution would materially diminish the aid which is so necessary for the world's children.

If the desire of the committee is heeded, UNICEF will receive its full $12-million contribution from the United States in 1968. I am frankly opposed to cutting the U.S. contribution to any of these important organizations and programs, but least of all am I willing to allow a cut of UNICEF funds. I strongly concur in the language of the committee report, and urge that no reduction of UNICEF moneys, in fact, be made.

A second provision of major interest to me in the line item appropriation of $714,000 for expenses of the very important partners of the alliance program. This amount had been authorized, but the House Appropriations Committee had failed to include it in their appropriations bills.

Mr. President, this relatively meager appropriation of $714,000 is one of the most productive that we can make, and I was pleased to sponsor this line item in committee and work for its inclusion in this bill. I am gratified that the Senate committee accepted this provision, and I strongly urge that it be retained.

This expenditure, Mr. President, is used for transportation and minimal living expenses of private American citizens who volunteer their expertise, energies, and time to lend a helping hand directly to people of Latin America. In short, this money allows us to mobilize our most precious asset—the individual initiative of our citizens—to promote Latin American development through self-help projects, which are the keystone of the Alliance for Progress philosophy.

It is estimated that for every dollar spent for this outstanding program, there is a $17 return. Few of our national endeavors, either domestic or foreign, can match this performance. The real measure of this program, however, is not in terms of dollars, but in terms of human satisfaction and human development.

Without this appropriation for transportation only the wealthy could participate, and the grassroots involvement, on which the entire concept is founded, would collapse. Through the self-help projects made possible by this appropriation, any individual citizen or any group of citizens in America can contribute directly and significantly to the cause of friendship and human development in all the Americas.

I am also concerned, Mr. President, by certain other provisions of this bill. The Senate committee is recommending $600 million for development loans—a figure that is $200 million more than the amount approved by the House, but $174 million less than that requested by the executive branch and $35 million less than that authorized by us in the recent Foreign Assistance Authorization Act. These are loans to finance capital investment in developing countries. They finance irrigation works, private industrial facilities, fertilizer plants, powerplants, raw materials, equipment, and other goods and services which form the underpinning of national economic development. I am frankly disappointed that our appropriation for these vital loans could not be larger.

My disappointment is only heightened by the elimination of House-passed language that would have prohibited any of our military assistance money being used by underdeveloped countries, with certain stated exceptions, "to finance directly or indirectly the purchase or acquisition of sophisticated weapons systems."

From my perspective, Mr. President, it appears that the people of Latin America, Africa, and other emerging areas need less armaments and more development. There is no imminent military threat in, say, Bolivia, that requires the purchase of a high-speed jet or other sophisticated weapons system, but there is a clear and present economic and social threat to which a sophisticated response must be directed. I fear that the Senate language potentially sacrifices the real need to an imaginary need, and that the people of these developing areas will have their expectations further frustrated.

Finally, Mr. President, I am distressed that family planning programs have been specifically limited to a spending ceiling of $20 million. This positive program is one of the most important phases of our foreign aid endeavor, and it deserved priority funding. The authorization bill set aside $35 million to cope with the population crisis, but this proviso cuts that almost by half.

The last 8 years have seen food production fall behind population growth—most tragically in the less developed nations. Asia, Africa, and Latin America threaten to sink beneath the weight of their ever-expanding populations. Not only must we commit our resources and energies to the expansion of food production in these areas, but we must couple that effort with an enlightened policy of population control. Family planning efforts have shown remarkable success, and we should now seek to expand rather than to limit that effort.

Mr. KENNEDY of Massachusetts. Mr. President, I am pleased that the Appropriations Committee, under the leadership of the distinguished senior Senator from Rhode Island, has continued its support of programs in the Agency for International Development which assist U.S. private businesses, through loans and investment guarantees, to help underdeveloped countries attack very serious problems of food shortages—a major cause of social unrest and poverty.

I have often voiced my support of the foreign aid program. It is important to note, I think, the growing role which private enterprise is playing in this endeavor. In spite of the budgetary pressures for economy, I believe it would be shortsighted if the United States were tc draw back its commitment to enlist the aid of the U.S. business community in the war on hunger.

I would like to call the attention of my colleagues to two articles which appeared in the New York Times recently, and to a speech by Mr. Charles Cogliandro, president, Calabrian—Thailand—Co., Ltd. These articles underscore the urgency of sustaining the emerging partnership among AID, private business, and less-developed countries, in providing economic and political stability in building democratic institutions.

As I stated earlier this spring, I believe that we have just barely scratched the surface in enlisting private resources and technology in our foreign aid efforts. We cannot retreat from our commitment to world peace—we must seek all ways to expand our efforts to help stabilize the developing countries.

I am greatly encouraged by the success of Calabrian—Thailand—Co. I know that there are many other similar successes. But what we really need are many more projects like these, to make the necessary inroads to prevent new Vietnams from sprouting up throughout the free world.

As Dr. Harrison Brown, of the California Institute of Technology, stated:

> Major economic development of the poorer nations is the only way to cope with the problems . . . and this is absolutely hopeless unless the rich nations help in amounts much greater than are being given for this purpose now.

Another aspect of this U.S. effort involves a much stepped-up use of fish protein concentrate. Under the terms of an amendment I offered to the foreign aid bill last summer, AID will soon put out for bids a purchase of $1.5 million worth of fish protein concentrate for shipment to less developed countries. This is particularly important for countries such as South Vietnam, where the staple protein food is fish.

Once again I congratulate the Senator from Rhode Island for his outstanding leadership in bringing this bill to the Senate.

Mr. President, I ask unanimous consent that the two articles and the speech I have referred to be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 15, 1967]

FOOD EXPERTS SEE NEW VIETNAMS AS WANT RISES

(By Harold M. Schmeck, Jr.)

CLAYTON, Mo., November 14.—Situations like Vietnam could be popping up all over the world unless the United States moves wisely and fast, two experts on world food and population problems said here today.

The new Vietnam could rise from the social unrest that stems from hunger, the speakers told a meeting sponsored by the Council for the Advancement of Science Writing and by Washington University, St. Louis.

One of the them, Dr. Harrison Brown of California Institute of Technology, said that the world's food picture was sure to get worse before it gets better and would not even get better in the long run without massive technical assistance from the United States and other advanced nations.

Neither birth control measures nor direct agricultural aid to the hungry nations will suffice, Dr. Brown said.

Major economic development of the poorer nations is the only way to cope with the world problem, he said, and this is "absolutely hopeless" unless the rich nations help in amounts much greater than are being given for this purpose now.

Attempts to cope with the problem must be much more sustained and more comprehensive as well as much larger than at present, if disaster is to be avoided, he said.

The greatest need, Dr. Brown said, is for major increases in the quality and number of technically trained persons in the developing nations.

This is a matter that rests ultimately on education, he said, and may take a generation to achieve even if the advanced nations move quickly to aid the process. He declared himself pessimistic about the outcome.

But, Dr. Brown said, science and technology, if properly used, are fundamentally capable of coping with the world population and food problem and perhaps of bringing both under control within a generation or so.

The other speaker, Dr. Lester Brown of the Department of Agriculture, described both some bright and dark spots in the outlook.

Since the late 1930's North America has moved from a position of one of three major food exporting regions of the world to one of a near monopoly on exportable food supplies, he said.

Of the other two one-time leading exporters, the scientist said, one—Latin America—is today barely self sufficient, while the other—comprising Eastern Europe and the Soviet Union—has become a major importer of food.

Meanwhile, North American surpluses, largely from the United States, have prevented any major famine in the world since World War II. The scientists foresaw no such famine in the next 15 years, provided India remains stable politically and Communist China is able to cope with its huge problems.

PROMISING DEVELOPMENTS

New strains of wheat and rice, new methods of manufacturing fertilizer and using chemical additives to increase the food value of grains all are promising current developments, the scientists said.

The two Drs. Brown who spoke at the meeting here at the Colony Motel are unrelated.

Dr. Lester Brown said that none of the much-publicized unconventional means of developing new food sources could be brought to fruition in time to rescue the increasingly hungry world.

He listed among these unconventional methods the production of food from algae, plankton and other one-celled organisms; the manufacture of artificial food from petroleum, and the desalting of seawater on a large enough scale to make the deserts bloom.

All are possible in theory, he said, but they are unlikely to achieve large-scale feasibility soon enough to mitigate the present crisis.

Many millions of people will be added to the world's population within the next 15 years and four-fifths of these will be in nations already hungry, he said.

U.S. ACUMEN SPROUTS THAI CORN: COMMODITY TRADING CONCERN ATTEMPTS BOLD EFFORT

(By Peter Braestrup)

BANGKOK, THAILAND.—"If we did things the same way as the existing corn merchants, we would be run out of Thailand," said Charles Cogliandro. "As Americans, we have a certain political responsibility. We must upgrade farming here."

As founder-president of Manhattan's 21-year-old Calabrian Company, an international commodities trading firm, Mr. Cogliandro has become deeply involved in an orthodox $15-million project—providing long neglected Thai corn farmers with credit, low-cost fertilizer seed, rented tractors and American-style farming techniques and marketing.

Not unexpectedly, the Calabrian approach has stirred the enmity of rural Thai-Chinese grain merchants. The company's Thai corn buyers have been threatened and shot at. Calabrian's nine American agronomists carry pistols upcountry. But Cogliandro and company have won wide farmer support as well as the blessings of the Thai Government and the Agency for International Development, the United States agency that administers the foreign aid program.

Mr. Cogliandro, a soft-spoken 49-year-old Virginian, makes no claim to anything but enlightened self-interest: "We are going to get more corn out of it." And there is a healthy world market for high-quality corn.

On a small scale, Calabrian has been buying Thai corn and selling it abroad since 1962. In 10 years, the Thai corn crop has grown from nothing to 1.2 million metric tons a year—virtually without the use of fertilizer.

Little corn is used for food or fodder here—a condition Calabrian hopes to change. The chief market is Japan, which under a trade agreement takes 720,000 tons a year. But Calabrian is also developing other customers, notably Taiwan and Western Europe.

"We don't need a monopoly on Thai corn exports and we do not want it," said Irving Sverdlik, 48, senior managing director of the local subsidiary, Calabrian (Thailand) Company, Ltd.

"If we can boost production, we are helping everybody."

Calabrian really got started in Thailand when, at the request of A.I.D., it helped make a 1962 feasibility study of a proposed sugar refinery here. The refinery proposal proved unfeasible.

But Calabrian became the unofficial adviser on sugar to Field Marshall Thanom Kittkachorn's regime.

Thanks to Calabrian lobbying and State Department urging, Representative Harold Cooley, Democrat of North Carolina and chairman of the House Agriculture Committee, put Thailand on the United States sugar import-quota list. Grateful Thai authorities made Calabrian the exclusive agent for Thai sugar exports, which last year came to 20,000 tons.

But Mr. Cogliandro and his associates saw no way to increase Thai corn production and quality except by getting into the "agriculture substructure" themselves.

Despite growing prosperity in Bangkok, there had been little Government effort to raise crop yield and farmer income. Due to local price fixing and high duty, chemical fertilizer cost three times what it does in the United States. In any case, farmers were perpetually in debt to local merchants who advanced them money for seed tools and food to eat—at annual interest rates of up to 120 per cent—against the year's corn crop.

The merchants in turn sold the corn to middlemen who sold it to Bangkok traders for export. Quality control was negligible.

Calabrian has not changed all this yet, but it has made a dent. Its approach has been eased by a keen sense of Thai political realities.

General Praphas Charusthien, deputy Premier and Interior Minister, became a shareholder in Calabrian (Thailand) and rented his 800-acre country estate at Muak Lek to the company for use as a test farm. Another Thai shareholder is Chuchart Kanbhu, Deputy Minister of National Development and head of several local private companies.

There is no conflict of interest law in Thailand.

As a productive investor, Calabrian got Class A privileges—including five-year freedom from corporate taxes—under Thailand's investment-promotion plan. From A.I.D., Calabrian received on April 20 an "extended risk," guarantee of a $3-million bank loan by the Chemical Bank New York Trust Company as well as the active support of the A.I.D. mission here.

The company has put together a staff of 150 (including 23 Americans) despite Thailand's chronic shortage of reliable accountants and technicians willing to move upcountry.

PILOT PROJECT

Initial contacts with farmers began in late summer of 1966.

"We decided against any more feasibility studies," Mr. Sverdlik recalled. "We decided to go ahead with a pilot project assisting farmers and learn who we could trust."

It was a painfully illuminating education. In Lopburi and Saraburi provinces, North of Bangkok, Calabrian, Thai and American specialists explained the plan to several thousand Thai farmers. Farmer groups were asked to pick representatives to handle low-cost loans for fertilizer and seed.

This was done. But when Calabrian came to collect, it was found that many "farmer leaders" had absconded with funds repaid by their constituents. Most local Thai officials shrugged off complaints.

"We are still trying to recover about $75,000," said Mr. Sverdlik.

There have been other difficulties peculiar to underdeveloped countries. The inadequate Thai telephone system gives Calabrian no means of rapid communication with its upcountry operations; it is trying to get permission to use shortwave radio. But Thailand agriculture also had assets, few absentee landlords and thousands of Thai smallholders willing to accept new farm techniques if they raised their income.

NEW CREDIT PLAN

A new credit plan was developed. Calabrian signed a cooperative agreement with the Government's Bank for Agriculture and Agricultural Cooperatives.

Under the plan, Calabrian deposits interest-drawing funds as needed—up to $1-million—in the Thai bank to enable the bank to offer loans at one per cent monthly interest to company-approved Thai corn farmers. The farmer can use his line of credit to buy low-cost fertilizer seed and rent tractors from Calabrian.

In turn, it is hoped farmers will sell their corn at regular prices, pegged to the Chicago grain market, to Calabrian. So far, more than 15,000 farmers have turned up at village meetings to hear Calabrian and bank representatives explain the plan. Some 7,500 farmers cultivating 80,000 acres of corn already have signed up.

To help the farmers and collect corn, Calabrian has built 10 regional "rural development centers," each with shiny new silos, test plots, tractors and a team of Thai and American experts, in six provinces of the rich central plain. At Tha Rua, 100 miles north of here, a modern 65,000-ton capacity elevator started receiving upcountry corn shipments for storage, drying and grading prior to export.

Alert to the pyramid effect of modern agricultural operations, Calabrian has begun negotiations with a chemical fertilizer company and a Thai machinery company, both headed by Deputy Minister Churchart, for fertilizer and small imported tractors. Pioneer, an American seed and supply company, is mulling over the possibility of extending its broiler chicken hatcher system from Bangkok through Calabrian's upcountry stations.

A deepwater terminal for loading corn and other grain abroad ship outside Bangkok is also part of Calabrian's long-range planning as well as a vegetable oil extraction plant.

"We now know enough of the answers to adapt American farm methods to Thai agriculture," Mister Cogliandro said. And the farmers are selling their corn to the Americans, despite opposition from local traders. This year Calabrian will buy—and export—about 15 per cent of the nation's corn crop.

Address by Mr. Charles A. Cogliandro, Chairman of the Board, Calabrian (Thailand) Co., Ltd.

What we see here is much more than the main installation of a modern grain collection system. It is a symbol of Thai and U.S.A. friendship and cooperation. It is a symbol of progress for the Thai farmer for this system, made up of farm development stations, will become center of activity for this farmer and his opportunity to increase his standard of living. This facility is also a symbol of the agricultural development of this rich country.

The backbone of this operation is not the Thai Capital. It is not the U.S.A. Capital. It is the Thai farmer. The Thai farmer is intelligent, works hard, and is entitled to receive a fair share from his efforts. It is necessary that he does, for when he does, the agriculture of Thailand will prosper. Thus our thoughts must be and are on what can be done to improve the welfare of this farmer.

The fact that you see here a great installation before you is in itself a remarkable example of what can be accomplished by the spirt of cooperation between the Thai and U.S.A. people. Less than six months ago this location was a rice paddy. Today in addition to this installation there are ten smaller installations in nearby areas. These installations are here as a result of the wisdom and encouragement of many Thai officials. It is the result of many far sighted U.S.A. officials both here in Bangkok and in Washington. It is an example of U.S.A. technology, and Thai response and eagerness to follow the lead of that technology and to learn from it. Finally it is a result of the encouragement of the Thai farmers themselves.

In 1964, Calabrian operated its first installation at Pak Chong. Compared with this one it was very small, but it began to demonstrate to us the need of such a system for Thailand. It made us conscious of the dire need of the farmer, his capability as a farmer, and his desire to improve his crop. In 1965, the concept of this program, established from this experience, was written in the form of a report and submitted to officials in both the Thai and U.S.A. Governments. In 1966, the program was started. Now that these installations stand here, there are some who take credit for their existance. It is enough to say that perhaps more than anyone else it is the Thai farmer who should take the credit for it was he who clamored for an assistance program.

Today there is an organization to carry out the objective of the program. This organization is made up of approximately 22 Americans and 175 Thais. The company has many functions, new to Thailand. This is a commercial operation. It is private enterprise at its best. As a commercial operation it is here to collect grains and to sell them. As such it provides a market for the farmer. It provides a fair market. It provides him, furthermore, a market near his home. To perform this service trained managers of elevators, operators, mechanics, electricians, and many other skilled people are needed. These, at first, were performed by U.S.A. personnel who have spent their lifetime in their particular work. These U.S.A. people are here to train their Thai counterparters for it is these Thai Managers who will be here when the U.S.A. people have returned home.

The company provides technical assistance to the farmers. It teaches the technique proven successful in the U.S.A. The average yield of maize today in Thailand, for example, is about 300 kilo per rai. By implementing U.S.A. techniques we are trying to bring yields first to 600 kilo per rai, then to 1,000, then even much higher. To accomplish this many techniques have to be learned. Skilled people of Thailand using U.S.A. technology must carry out this work; agronomist in particular.

This process is taking place. In the early days of this operation the entire management consisted of U.S.A. personnel. Today the manager of each of our country stations is a Thai. In the North we have a Regional Director who is a Thai. Together these people are working day and night, as we are now in the middle of the harvest. The farmer himself is joining in this movement, as he too knows that he is entering a new era. This constant flow of trucks here today, unloading their grain, proves this fact.

While the activity goes on here, in our headquarters, detailed plans are being developed for the program which is to start in January. It is a gigantic job. It brings together the knowledge and abilities of this organization, banks, producers of farm equipment and supplies, and many industries allied to agriculture. The program is divided into two parts: To about 7,500 Thai farmers covering about 250,000 rais an advanced assistance program is being offered. This specific program is based upon the techniques used in the U.S.A. for raising maize. This assistance call for planting the maize in rows, using proper fertilizer and seed, and effecting proper control of weeds through cultivation and use of herbicides.

The other program will consist of assistance using the traditional methods of raising maize.

Our Farm Division has projected that by 1973—

(a) The land planted in maize will be 1,200,000 hectares.

(b) Maize production in Thailand will be 4,000,000 metric tons. This year the crop is expected to be near normal or in excess of 1,000,000 metric tons in spite of reports to the contrary.

(c) Fertilizer quantity used for maize will be about 340,000 metric tons. Virtually none is being used today.

(d) Fertilizer used in Thailand will be about 1,000,000 tons for all crops.

This company is providing the lead in reaching these projections. This company is dedicated to giving the Thai farmer an opportunity and facilities with which to become effective. He is being provided credit with which to pay for his requirements. The latest mechanical equipment is being provided so that he can grow his crops properly. Proper seed and fertilizer is being offered to him with instructions on proper use. A market is provided for him where he can dispose of his crop at fair market price. All of these things will be made possible through the joint efforts of the many specialized firms, brought together by this company.

This company furthermore is dedicated to bring cost of equipment and supplies within such price levels that it can be used by the Thai farmers economically. This country uses a little over 100,000 tons of fertilizers per year, yet it is one of the largest agricultural producing countries in the world. Why is this? It is because cost of fertilizer is much too high to be used economically. It is our duty, and we are doing so, to convince producers of fertilizers that it is in the interest of both the Thai farmer and themselves to lower prices considerably. Thus it is with tractors, and other goods used by the farmer.

This spirit has begun. We have no doubt that prices of farm equipment and supplies will be lower. It is already the case with tractors. The wider use of proper equipment will cause increased production of crops. The increased production will cause the farmer to increase his income particularly since he will be paying reasonable interest rates provided directly by his banks. As the farmer's income increases, he will begin to buy his own equipment, his own land, and will in turn provide a large market for the suppliers of the equipment and supplies he needs. As production of crops increase, associated industries will be established and greater portions of the basic crops will be utilized within the country itself.

There is a great economic future for this country. We feel this country is on the verge of a great economic development. Its people, we feel, are ready for this forward economic movement. We, in this company, are grateful that we are a part of it, and hope that through its efforts, operating as a private enterprise commercial organization will contribute its part to this development.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Mr. CASE. Mr. President, on behalf of the Senator from New York [Mr. Javits], who is unavoidably detained, I ask unanimous consent to have printed in the Record his statement on the bill in respect to the Intergovernmental Committee for European Migration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement of Senator Javits is as follows:

This bill contains a Senate allowance of $130 million for international organizations and programs, which compares with a House figure of $125 million and a budget request of $140,980,000.

As a member of the Appropriations Committee, I objected to this reduction and to the language in the report critical of increased spending on these programs. I am particularly concerned about programs aiding refugees and ask unanimous consent that an article appearing in the New York Times of December 3 concerning United Nations efforts in this area be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Refugees Pose a Worldwide Problem

"United Nations, N.Y., December 2.—They are without country, food, shelter or medicine. In Africa alone they number 800,000. There are 2.5 million just in the Middle East. And no one can even estimate the world total of refugees, except to put it in the millions.

"The United Nations High Commissioner for Refugees has the responsibility for 3.5 million.

"His office, which was established in 1951 to meet the needs of European refugees, has a mandate to protect people who are outside their country of origin but who do not wish to return for fear of persecution. Such refugees remain under the High Commissioner's protection until they acquire a new nationality or return home.

"The office does not provide help to refugees under other United Nations auspices, such as the 2.5 million Palestinian refugees, or people such as those in South Vietnam who are refugees within their own national boundaries.

"OFFICE IS IN GENEVA

"The burden of settling, repatriating and meeting emergency needs of the High Commissioners' refugees falls on Prince Sadruddin Aga Khan, who was appointed High Commissioner by the General Assembly in 1965.

"The Prince maintains his office in Geneva, with a staff of 300, fewer than half of whom go into the field. From there he stands ready to answer emergency requests from any government feeling the crush of a large influx of refugees. In recent years, according to the Prince, the bulk of refugee problems has shifted from Europe to Africa and Asia.

"He said Europe had nearly solved her refugees problem by assisting thousands to migrate to Australia, Canada, New Zealand and the United States. The problem of refugees in Europe is something everyone understands, he said, as when thousands of Hungarians sought new homes in 1956.

" 'But the solution for refugees in Africa is quite different,' he maintained. 'Where would you try to settle 800,000 Africans whose cultures, living standards and ties to the land are so very different?'

"Luckily the African continent is large, he said, and much of the land is unsettled, so a new approach, involves three phases.

"First, there is emergency aid. In Africa many countries of asylum are so poor that they are unable to feed their own populations adequately. Zambia, for example, with waves of refugees from the Congo, Rhodesia and Angola, has had to appeal for medicine, food, blankets and water.

"Once the basic needs of the refugees are met, often with the help of international voluntary organizations such as the League of Red Cross Societies and Catholic Relief Services, the second phase begins.

"The refugees are given the option of returning home or settling in newly cleared land donated by the country of asylum. The High Commissioner's Office helps to move the refugees from border areas, where they may cause friction, and helps them to begin farming to reach a level of self-sufficiency.

"The third stage is a program of regional development that aids refugee and local citizen. At this juncture the Office of the High Commissioner turns responsibility for the refugees over to others, the Prince said in an interview here this week. Development plans may be devised through agreements between the host country and another government, but most often one or more of the United Nations specialized agencies step in.

"For example, the United Nations Development Plan, the Food and Agriculture Organization and the International Labor Organization have joined in a development project in Burundi that will affect a fifth of the total land area. Both refugees and Burundi nationals will benefit.

"The reason for the increase in African refugees in recent years is threefold, the Prince said.

"The first basic cause is the struggle of people in many areas to become independent. Many people not involved in the struggle find themselves crushed between colonial administrations and liberation movements.

"Another cause is the friction that arises between rival tribal groups after independence.

"A third reason is civil war. 'Remember the Congo and you will know what I mean,' the Prince said.

"The Prince, in New York to make his annual report to the General Assembly, hopes to strengthen contacts with American charitable organizations to make Americans more aware of the refugee situation in Africa and Asia.

"Following are United Nations estimates of the numbers of refugees in various countries who are aided by the High Commissioner for Refugees:

"Australia	40,000
Austria	25,000
Belgium	47,000
Britain	170,000
Burundi	79,000
Cambodia	15,000
Cen. Afr. Rep.	31,500
Congo (Kingshasa)	350,000
Far East-Macao	80,000
Far East-Other	1,200
France	195,000
Greece	15,000
Hong Kong	1,250,000
India	45,000
Italy	15,000
Latin America	125,000
Middle East	7,000
Morocco	2,400
Nepal	7,000
Netherlands	9,000
Rwanda	3,000
Senegal	55,000
Spain	14,000
Switzerland	20,000
Tanzania	29,000
Togo	5,000
Tunisia	500
Turkey	2,000
Uganda	144,000
United States	510,000
West Germany	180,000
Zambia	1,000
Others	135,000
Total	3,550,000"

Mr. JAVITS. Another international organization which deserves our support is the Intergovernmental Commission on European Migration. Their selective migration program facilitates the movement of skilled migrants from Europe to Latin America. Major costs such as the educating and training of skilled technicians and professionals are borne by the European members of ICEM, and the receiving nations provide language training and placement services. This program, of relatively small cost to the United States, is of great benefit to the recipient nations and is a logical coordinate of our Latin American aid program. It is most regrettable that in this year of great budget pressures, our contribution has been reduced.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Louisiana [Mr. ELLENDER]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Georgia [Mr. RUSSELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Utah [Mr. MOSS] would each vote "yea."

On this vote, the Senator from Hawaii [Mr. INOUYE] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Kansas [Mr. PEARSON] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from New York [Mr. JAVITS] is absent to attend the funeral of Francis Cardinal Spellman.

The Senator from Delaware [Mr. BOGGS], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Kentucky [Mr. MORTON] are detained on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from Illinois [Mr. DIRKSEN], the Senator from New York [Mr. JAVITS], the Senator from Kansas [Mr. PEARSON], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Idaho would vote "nay."

The result was announced—yeas 56, nays 22, as follows:

[No. 378 Leg.]

YEAS—56

Aiken
Anderson
Baker
Bartlett
Bayh
Bennett
Brewster
Brooke
Cannon
Carlson
Case
Church
Clark
Cooper
Dominick
Fong
Fulbright
Gore
Griffin
Harris
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Jackson
Kennedy, Mass.
Kuchel
Long, Mo.
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Mundt
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Smathers
Smith
Sparkman
Spong
Symington
Tower
Williams, N.J.
Yarborough
Young, Ohio

NAYS—22

Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Eastland
Ervin
Fannin
Gruening
Hansen
Hartke
Hruska
Jordan, N.C.
McClellan
Morse
Murphy
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—22

Allott
Boggs
Dirksen
Dodd
Ellender
Hollings
Inouye
Javits
Jordan, Idaho
Kennedy, N.Y.
Lausche
Long, La.
Magnuson
Mansfield
Morton
Moss
Pearson
Prouty
Ribicoff
Russell
Scott
Tydings

So the bill (H.R. 13893) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Pastore, Mr. Hayden, Mr. McClellan, Mr. Magnuson, Mr. Holland, Mr. Monroney, Mrs. Smith, Mr. Young of North Dakota, and Mr. Mundt conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is always a distinct privilege and pleasure to be present when the senior Senator from Rhode Island [Mr. Pastore] manages such a highly important proposal as the foreign aid funding measure just adopted overwhelmingly by the Senate.

His presentation of this measure, like the many proposals he has steered to success over the years, was characterized by a deep and broad understanding of each item in the appropriation. His clear and highly persuasive advocacy made its swift and decisive adoption a certainty. Senator Pastore has again earned the deep and sincere gratitude of the Senate. It is richly deserved.

To the ranking minority member of the subcommittee, the distinguished senior Senator from Maine [Mrs. Smith] goes our equally high commendation. She graciously joined to support this appropriation measure with the same strong devotion and articulate advocacy that have distinguished her many outstanding achievements in this body.

The Senator from Idaho [Mr. Church] is to be singled out for his splendid contribution to the discussion and for offering and successfully urging an amendment designed to improve the bill.

Also, the Senator from Florida [Mr. Holland] added his clear and thoughtful views to the discussion and, as always, they were most welcome.

So again, to Senator Pastore, to Senator Smith, and to the others who assisted the efficient disposition of this measure, I offer my deep appreciation and the gratitude of the Senate as a whole.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR FULBRIGHT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the period of time previously ordered alloted to the distinguished Senator from Connecticut [Mr. Dodd] tomorrow, the distinguished Senator from Wisconsin [Mr. Proxmire] be recognized for not more than 15 minutes; and that following the Senator from Wisconsin, the distinguished Senator from Arkansas [Mr. Fulbright] be recognized for not more than 35 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Suspension of Deportation of Aliens—Withdrawal of Name

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Evald Ruudi from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on April 1, 1967; to the Committee on the Judiciary.

Admission Into The United States of Certain Alien Defectors

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain alien defectors (with accompanying papers); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, with amendments:

S. 51. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes (Rept. No. 905).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HATFIELD:

S. 2742. A bill for the relief of John Yun Chang Chen; to the Committee on the Judiciary.

By Mr. MONRONEY (for himself, Mr. Morse, and Mr. Harris):

S. 2743. A bill to provide for the establishment and maintenance of reserve stocks of agricultural commodities by producers and the Commodity Credit Corporation for national security, public protection, meeting international commitments, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Monroney when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE:

S. 2744. A bill to amend the tariff schedules of the United States to provide for the temporary free importation of certain motion picture films; to the Committee on Finance.

By Mr. HAYDEN (for himself, Mr. Allott, Mr. Anderson, Mr. Bennett, Mr. Dominick, Mr. Fannin, Mr. Montoya, and Mr. Moss):

S. 2745. A bill to provide for the observance of the centennial of the signing of the 1868 Treaty of Peace between the Navajo Indian Tribe and the United States; to the Committee on the Judiciary.

By Mr. McCLELLAN (by request):

S. 2746. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 2747. A bill for the relief of Mr. and Mrs. Joseph D. Hilbert; to the Committee on the Judiciary.

S. 2748. A bill to amend title XVIII of the Social Security Act to provide for the coverage, under the supplementary medical insurance benefits program established by part B of such title, of one routine physical checkup each year for individuals insured under such program; to the Committee on Finance.

(See the remarks of Mr. Dodd when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 2749. A bill to amend the Food, Drug, and Cosmetic Act to include a definition of "food supplement," and for other purposes; to the Committee on Labor and Public Welfare.

S. 2750. A bill to amend section 3432 of title 18, United States Code, to provide that a defendant charged with treason or other capital offense shall not be entitled before trial to a list of the names and addresses of any witnesses to be produced on the trial without the consent of such witnesses; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. Morse):

S. 2751. A bill to designate that Mount Jefferson Wilderness, Willamette, Deschutes, and Mt. Hood National Forest, in the State of Oregon; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Hatfield when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT:

S. 2752. A bill to convey the city of Kenai, Alaska, all interests of the United States in certain land located therein; to the Committee on Interior and Insular Affairs.

Mr. MONRONEY:

S. 2753. A bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

(See the remarks of Mr. Monroney when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

PERMISSION FOR CERTAIN EMPLOYEES OF THE COMMITTEE ON THE JUDICIARY TO TESTIFY IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 194) permitting certain employees of the Committee on the Judiciary to testify in the U.S. District Court for the District of Columbia, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. Eastland, which appears under a separate heading.)

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2746) to amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property and for other purposes, introduced by Mr. McClellan (by request), was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. McCLELLAN. Mr. President, this bill is introduced at the request of the Secretary of Commerce. The Secretary has indicated in his request to the President of the Senate that under section 402 of the Federal Property and Administrative Services Act of 1949, foreign excess property may not be sold without a condition forbidding its importation into the United States, unless the Secretary of Agriculture or the Secretary of Commerce, as appropriate, determines that importation would, first, relieve a domestic shortage; or, second, be beneficial to the economy of this country.

The proposed legislation would change the test by providing that property of foreign excess origin may not enter the United States, unless the Secretary of Agriculture—in the case of agricultural commodities—or the Secretary of Commerce, for other property, determines that entry of the type and quantity of property would not have a serious impact on the market for competitive products in this country.

It is contended that enactment of this bill will, first, substantially reduce the need for costly processing of individual applications for entry of excess property into the United States; second, strengthen the enforcement procedures by giving the Secretary of the Treasury authority to bar entry of property which does not meet the requirement of the statute; and, third, protect domestic industry and labor from possible adverse effects of imports of such excess property into the domestic market. It is also believed that enactment of this bill will increase the revenues realized by the United States from the sale of foreign excess property.

I ask unanimous consent that the letter dated November 29, 1967, to the President of the Senate from the Honorable A. B. Trowbridge, Secretary of Commerce, together with a statement of purpose and need, and a section-by-section analysis of the bill be printed in the RECORD at this point, as a part of my remarks.

There being no objection, the letter, statement of purpose and need, and section-by-section analysis of the bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., November 29, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are enclosed four copies of a draft bill "to amend the Federal Property and Administrative Services Act of 1949, as amended, relating to the disposal of foreign excess property and for other purposes," four copies of a statement of purpose and need, and a section-by-section analysis.

We are advised by the Bureau of the Budget that, from the standpoint of the Administration's program, there would be no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

Foreign excess property is property owned or controlled by an agency of the United States Government, not required for its needs but located in a foreign country. Under Section 402 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. Sec. 512), foreign excess property may not be sold without a condition forbidding its importation into the United States unless the Secretary of Agriculture or the Secretary of Commerce, as appropriate, determines affirmatively that importation would (1) relieve a domestic shortage or (2) otherwise be beneficial to the economy of this country.

Our proposal would amend this provision by reversing and altering the test. It would provide that property of foreign excess origin may not be entered into the United States unless the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods) or the Secretary of Commerce (in the case of any other property) determined that the entry of the type and quantity of property in question would not be likely to have a serious adverse impact on the market for competitive products in this country.

The recommended changes will largely eliminate the need for costly processing of individual applications to enter property of foreign excess origin into the United States. Under present law, extensive investigation is necessary to determine if a shortage exists or, alternatively, if the proposed entry would be beneficial to the economy of this country. Many of these applications involve items which are of little value or are of such a nature that importation of them would cause no adverse impact on domestic markets and thus do not justify the administrative attention that must be given to them.

The proposed changes in the law would strengthen measures for enforcing the law by providing specifically for the Secretary of the Treasury to bar the entry of property of foreign excess origin which does not meet the requirements of the statute. It would protect domestic industry and labor from the possible adverse effects of imports of such property into the domestic market. At the same time, the legislation would make it less burdensome to import property of foreign excess origin wihch would have no serious adverse effect on the domestic market. The bill should increase the revenues realized by the United States from foreign excess property sales in those cases where it is clear that there would be no bar on importation of particular types or classes of property of foreign excess origin into the United States.

SECTION-BY-SECTION ANALYSIS

Section 1 would entitle the bill the "Federal Property and Administrative Services Act Amendments of 1967."

Section 2 would amend Section 402 of the Federal Property and Administrative Services Act of 1949, as amended. Subsection (a) of Section 402, as revised, would continue in effect the present requirements and provisions governing the disposal of foreign excess property by officials of the United States Government. It would also provide that foreign excess property may not be sold without a condition describing the operation of the law as it would be amended and stating that the property disposed of is subject to this law. This notice provision should serve to assure that buyers of foreign excess property are fully aware of the fact that entry of such property into the United States may be permitted only in accordance with the revised provisions proposed in the bill and that criminal penalties will be incurred for violations.

Subsection (b) would substantially change the basis upon which property of foreign excess origin could be entered into the United States. While maintaining the division of responsibility between the Secretary of Agriculture and the Secretary of Commerce that is set forth in the present Section 402, the bill would require the Secretary of the Treasury to deny entry of the property unless he is advised by the appropriate Secretary, that the entry of such property is not likely to have a serious adverse impact on the United States domestic market for competitive products. Under present law, property of foreign excess origin may be imported only pursuant to a determination that such importation would relieve domestic shortages or otherwise be beneficial to the domestic economy.

Essentially, three types of determinations are contemplated under the proposed bill.

(1) With regard to certain types of property of foreign excess origin (e.g. property designed to military specifications and not generally available in the commercial market) determinations could provide for entry without limitation as to quantity. In those cases, importers would be required simply to provide adequate documentation to identify the articles being entered.

(2) Other determinations would be made in terms of the quantities of various types or classes of articles or component parts that would be entered under broad determinations rather than in terms of individual items submitted by particular importers. Thus, a determination could be made that for a given period of time, widgets could be entered to a total of 10,000 without such total entries being likely to have a serious adverse impact on the market for competitive products. When the 10,000 limit is reached, additional entries could be considered on the basis of individual applications.

(3) In still other cases, where the market conditions for competitive products are more sensitive, or where commodities have not been included in the above general actions, property of foreign excess origin would be considered for entry on the basis of individual applications. Where entry is deemed appropriate under the criteria of the bill, individual entry authorizations would be issued and referred to the Secretary of the Treasury.

It is contemplated that a "serious adverse impact" could be anticipated where entry of the property concerned would cause a significant decline in the domestic price for competitive products or unemployment or underemployment of workers engaged in the production or handling of competitive products in the United States.

The term "competitive products" is intended to refer products of equivalent grade, quality, capacity, or performance characteristics to the property covered by the determination.

Subsection (c) (i) would provide that the Secretary of the Treasury be advised of the authorizations made by the Secretaries of Agriculture and Commerce for the entry of property of foreign excess origin, and (c) (ii) that all determinations that are of general applicability be published in the Federal Register. Appropriate public announcement would be made of individual determinations (e.g., in summary form in monthly press releases as at present) but these would not be published in the Federal Register.

Subsection (d) would provide an exemption for temporary entry under bond for repair, reconditioning, reexportation and transit through the United States.

Subsection (e) would bring under the provisions of this bill property sold or disposed of pursuant to the Surplus Property Act of 1944, as amended.

Section 3 would provide a new Section 405, which would require that property of foreign excess origin be so identified on the entry documents. Failure to do so would subject the persons responsible to criminal penalties and forfeiture of the merchandise. This identification requirement would be the basic protective device, indicating to the Customs official that he is considering the entry of property of foreign excess origin.

Section 4 would define "property of foreign excess origin," as foreign excess property which has been sold by the United States, in order to make clear the scope of property covered by the bill.

Section 4 would also give the term "United States" in Sections 402 and 405 of the Federal Property and Administrative Services Act as amended by this bill, a geographic coverage coextensive with the Customs territory of the United States as set forth in the Tariff Schedules of the United States (19 U.S.C. 1202). It would not, therefore, include the Virgin Islands. We see no need to control the entry of property of foreign excess origin into the Virgin Islands. In recent years, there have been few, if any, entries of such property into the Virgin Islands. The entry into the United States of such property passing through the Virgin Islands would be subject to control under this Act.

Section 5 would clarify the authority of responsible agency heads to issue rules and regulations to carry out their responsibilities.

Section 6 would preserve the effectiveness of determinations or authorizations, governing the entry of specific lots of property of foreign excess origin, which were made prior to the effective date of this Act, where the property in question had not been entered.

Section 7 would make the Act effective 90 days after its enactment. This would provide ample time for notice to the trade and for the institution of appropriate enforcement procedures.

SUMMARY OF SUBSTANTIVE CHANGES PROPOSED TO BE MADE IN LAW BY DRAFT BILL RELATING TO ENTRY INTO THE UNITED STATES OF PROPERTY OF FOREIGN EXCESS ORIGIN

1. Under present law, property of foreign excess origin may be entered into the economy of the United States only pursuant to a determination that such entry would relieve domestic shortages or otherwise be beneficial to the economy of this country.

The draft bill would change this standard to permit entry where it would not be likely to have a serious adverse impact on the United States domestic market for competitive products.

2. The draft bill also significantly expands and clarifies the grant of authority necessary to administer the program effectively by:

(a) authorizing the Secretary of the Treasury to prohibit entry of unauthorized property; (b) authorizing rulings as to type and quantity of property permitted to be entered; (c) conferring on the head of any agency performing authorized functions, authority to prescribe the necessary rules and regulations; and (d) requiring that property of foreign excess origin be identified on all entry documents.

AMENDMENT TO MEDICARE PROVIDING FOR ANNUAL MEDICAL EXAMINATION

Mr. DODD. Mr. President, I introduce, for appropriate reference, an amendment to title XVIII of the Social Security Act, which is more commonly known as the Medicare Act.

The essential purpose of my amendment is to provide one complete physical checkup each year for all those who enjoy medicare coverage.

There is no single measure we could enact that would do more for the health of our Nation, and especially for its elderly citizens. In the decades to come it could save countless human lives and prevent untold human suffering.

As matters now stand, physical checkups are specifically excluded from the medicare program. I am not sure what the reasoning behind this was. Perhaps the thinking at the time was that the inclusion of physical checkups might lend itself to abuse and might greatly increase the cost of an already costly program. If this was the thinking, then it was completely erroneous.

It is true that a complete physical checkup may cost from $50 to $75. In fact, the cost is one reason why many people do not have checkups unless they are specifically instructed by their doctors to do so. For poor people, it goes without saying, the cost would be prohibitive if they have to pay out of their own pocket.

According to a recent article in Pageant magazine, regular medical examinations could save more than 90,000 Americans from dying of cancer every year, and could prevent the serious loss of vision and even blindness in 600,000 victims of glaucoma.

The Preventive Medicine Institute of New York says that:

> One out of every 7 deaths in the United States could be eliminated through preventive medicine.

It further states that approximately 50 percent of the presumably well adults examined by it are found to have a condition requiring medical attention. Among the more frequent disorders discovered in these presumably well adults are cancer, diabetes, glaucoma, hypertension, chest and lung disorders, cirrohisis of the liver, ulcers, and tuberculosis.

Even if my amendment were to add to the cost of the medicare program, I would still urge its enactment. But the fact is that periodic health examinations for our elderly citizens would in the long run save money. Indeed, a recent study conducted in industry covering people of working age, arrived at the conclusion that in the long run people who do not have annual examinations run up higher medical costs than those who do, and that the difference tends to exceed significantly the cost of a regular examination.

For example, cancer of the uterus, caught in an early stage, can frequently be cured at a cost of approximately $300. But if a woman waits until there are actual physical symptoms, the radical treatment then required may run as high as $12,000 with only a fighting chance that her life will be saved:

> In a study of 1,513 executives—

The Preventive Medicine Institute says—

> previously unrecognized diseases were found on first examination in 40%. About 63% of these conditions proved amenable to therapy, although half were of a type capable of causing death.

Because they realize that it is good economy and good business, hundreds of American corporations now pay for regular health examinations for their thousands of executives.

Just as periodic health examinations are good business for private enterprise, annual health examinations within the framework of medicare would be good business for the Nation.

Mr. President, I earnestly hope that Congress will act favorably in this coming session on the legislation I have today submitted.

The need is clear.

The advantages are unchallengeable.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2748) to amend title XVIII of the Social Security Act to provide for the coverage, under the supplementary medical insurance benefits program established by part B of such title, of one routine physical checkup each year for individuals insured under such program, introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(3) of the Social Security Act is amended (1) by inserting "(A)" immediately after "(3)", and (2) by inserting before the semicolon at the end thereof the following: ", and (B) physicians' services, diagnostic X-ray tests, diagnostic laboratory tests, and other diagnostic tests involved in complete physical check-ups, except that there shall not be included more than one such check-up for any individual in a 12-month period".

(b) Section 1862(a)(1) of such Act is amended by inserting before the semicolon the following: "(except physical check-ups provided for in section 1861(s)(3)(B))".

(c) Section 1862(a)(7) of such Act is amended by inserting after "check-ups" the following: "(other than physical check-ups provided for by section 1861(s)(3)(B))".

SEC. 2. The amendments made by the first section of this Act shall be effective with respect to services furnished for months after the month following the month in which this Act is enacted.

MOUNT JEFFERSON WILDERNESS

Mr. HATFIELD. Mr. President, almost any day of the week in this land of ours a man can pick up a newspaper and read about the thickets of problems which beset our fast-burgeoning cities—traffic snarls, air and water pollution, an almost total absence of trees and grass, to mention just a few. All of these kinds of problems are, of course, made by man. There are places left in the country, however, where none of these problems are manifest. These are the Nation's wilderness territories.

It is a special pleasure for me today to introduce in the Senate, therefore, a measure to create the Mount Jefferson Wilderness in Oregon. I introduce this bill on behalf of Senator MORSE and myself to change the status of the Mount Jefferson Primitive Area to the Mount Jefferson Wilderness, pursuant to the Wilderness Act of 1964.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2751) to designate that Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forest, in the State of Oregon, introduced by Mr. HATFIELD (for himself and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. HATFIELD. Mr. President, I say this is a special pleasure for me because when I served for 8 years as Governor of Oregon I was especially concerned with the preservation of the great natural resources of the Pacific Northwest and the best use of those resources. A part of those resources has been the 96,462 acres which make up the Mount Jefferson Primitive Area in the Cascade Mountains.

As a primitive area the Mount Jefferson area was a study area. As the new Mount Jefferson Wilderness the area will be closed off for all time in order to grow and to endure in its natural state. All mechanical contrivances will be barred forever. Trees, shrubs, flowers—all kinds of flora and fauna—will be born, will mature and will die in their natural state. Mankind will now be able to enjoy in perpetuity this grand mountain country; a wilderness forever free from depredation.

I want to advise my distinguished colleagues in the Senate that the Mount Jefferson Wilderness proposal enjoys the support of the President and the Department of Agriculture, and also of numerous public and private groups in Oregon, including the forest industry. The change from "primitive" area to "wilderness" area, furthermore, will not cost the taxpayers any money. But it will perpetuate a pristine territory which will give the citizens of our country a marvelous place to commune with nature. It will also provide a vast expanse of mountain country where men, women, and children may hike, fish, hunt, and camp.

The proposed Mount Jefferson Wilderness will be situated in the Willamette, Deschutes, and Mount Hood National Forests. These woods and mountains are about 60 miles east of Salem, Oreg.

I urge the Senate, on behalf of Senator MORSE and myself, to approve this bill to add the Mount Jefferson territory to the Nation's wilderness.

PROPOSED RANK OF MAJOR GENERAL FOR CHIEF OF DENTAL SERVICE OF THE AIR FORCE

Mr. MONRONEY. Mr. President, I introduce, for appropriate reference, a bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force.

At the present time, the Army, Navy, and U.S. Public Health Service are statutorily required to provide a rank of major general for their Chief of Dental Services. There is no provision in the law that establishes a statutory rank for the Chief of the Dental Service of the Air Force. The current occupant of that position, Gen. Lee M. Lightner, a distinguished career officer, holds the rank of brigadier general.

On November 2, 1967, the American Dental Association, in annual session in Washington, D.C., approved the following resolution:

> *Rank of Air Force Dental Chief:* The Reference Committee recommends that continued efforts be made to upgrade the position of the Air Force dental chief to major general. The committee concurs with the Council that the solution to this problem is to have the major general rank a statutory requirement for the Air Force dental chief as it is for the Army, Navy, and Public Health Service dental chiefs.

This bill will bring the Chief Dental Officer of the Air Force to a position of equality with the dental chiefs of the other branches and I urge its speedy enactment.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2753) to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Armed Services.

ADDITIONAL COSPONSOR OF BILLS

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at their next printing, the name of the Senator from Arkansas [Mr. McCLELLAN] be added as a cosponsor of my bills (S. 2714) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, in order to provide additional loan assistance under such act to farmers who have suffered production losses as the result of a natural disaster; and (S. 2717) directing the Secretary of Agriculture to make a study and investigation of ways and means to provide a more effective crop insurance program for farmers.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 7, 1967, he presented to the President of the United States the following enrolled bills:

S. 809. An act for the relief of Dr. Youssef (Joseph) Selim Hasbani; and

S. 1410. An act for the relief of Tran Van Nguyen.

THE THREATENED FUND CUT FOR SEA GRANT COLLEGE PROGRAM

Mr. PELL. Mr. President, the national sea grant program's chance to enhance the national welfare is being weakened in the current, necessary drive to cut expenses. This, I am afraid, is penny wise, pound foolish. The sea grant program is designed to speed America's ability to tap the sea's riches. I believe it is shortsighted to threaten this far-reaching investment now.

President Johnson stated to the Congress last March:

> We must implement the Sea Grant College and Program Act to strengthen oceanographic engineering, expand applied research, and improve technical information activities. . . .

Yet today the sea grant program is faced with a dangerous slowdown due to insufficient funds. I know this because, as the original author of the Sea Grant Act, I have continually followed its operations. Also, I have kept in close touch with the National Council for Marine Engineering and Resource Development under the able chairmanship of the Vice President. The Council is charged by statute with policy oversight of the program.

It is now doubtful whether a budget increase essential to sustain the program will be forthcoming for fiscal year 1969. This is unfortunate. The Federal Government has been generous with basic research grants in oceanography. The sea grant program gives our talented scientists and engineers the opening to harness this basic research for the United States. Their practical applications and sophisticated engineering techniques will allow us to exploit the oceans for economic growth and military security and to maintain our prestige among nations.

Our national oceanographic budget is over $460 million. The sea grant program, which is aimed at the practical translation of all oceanography, needs only $10 million to keep pace with its own growth. This is a program that will produce new businesses, new sources of food and materials, new jobs, and new cooperative action between the academic community, business and industry, and State governments.

The scientific and technological communities of the United States are ready for this program. I have learned that well-designed proposals are being submitted in rising numbers. In fact, at the present rate, the number of meritorious proposals will exceed available funds by a factor of nearly 10 to 1 during this fiscal year. Mr. President, this situation is not in the national interest.

There is further evidence of enthusiasm for the program: Several industries and State governments have offered to provide matching support and are already cooperating for better use of common talents, facilities, and resources toward State and National goals. Interdepartmental alliances, intercollegiate consortia, and interstate compacts have been formed in response to the program.

It has aroused the imagination of college deans and university presidents, industrial presidents and officials at all levels of State government. If the administration does not capitalize on this awakening of interest now, a great national opportunity will be defaulted. Future Federal efforts to restimulate enthusiasm will doubtless be regarded cynically and with suspicion.

Our Nation needs an adequate number of highly trained engineers and skilled technicians to make things work in the ocean. It takes many years to educate an engineer and long periods to train technicians. Owing to the lags due to the budget process, it will not be until 1972 before the first students trained under this act start to emerge from schools to perform useful work in the oceans.

Mr. President, this program is crucial to our entire marine science and technology development, which is in turn essential to our national security. I believe the Congress should indicate its concern on this matter to assure the survival of a vital plan for this Nation's mastery of the seas.

Finally, the benefit-cost ratio is clearly high. For a few millions investment in education, training and applied research this year, the United States may realize billions of dollars in the coming decade. With its many ramifications in such fields as mining, oil production, in-solution mineral extraction, recreation, law of the sea, and desalination, the sea grant program will help create the undersea side of the Great Society.

FRANCIS CARDINAL SPELLMAN

Mr. BENNETT. Mr. President, today men of good will throughout the Nation and the world witness with a deep sense of personal loss the funeral of a truly great man—Francis Cardinal Spellman.

Many of the world's notables have stopped to pay homage to this country's leading Roman Catholic churchman whose sudden death on Saturday sent a shock wave through the Christian world.

But the most telling measure of the edifying influence of Cardinal Spellman will never get into print because it is written only on the hearts of those he touched so deeply during his long service to his church and to all mankind.

Perhaps the most notable trait of the 78-year-old archbishop of New York was his utter disregard for personal welfare. His visits to servicemen around the globe have become a Christmas tradition, and one of America's finest symbols of a desire for "Peace on earth, good will toward men." No lonely soldier who has been comforted by Cardinal Spellman's presence at Christmastime will ever forget him.

This gifted man of God was unflinching in his devotion to liberty for all men, and was unafraid to commit himself to this end. Cardinal Spellman has long identified correctly the menace of communism and was vociferous in warning against it.

He was one of the finest that the opportunities of a free land and the hand of God could produce.

WISCONSIN PUBLISHER, JOHN LAVINE, NAMED ONE OF STATE'S "OUTSTANDING YOUNG MEN"

Mr. PROXMIRE. Mr. President, publishing a newspaper is a very special kind of public trust. To fulfill that trust responsibly and imaginatively requires an uncommon store of energy, intelligence, and "heart." All of these John M. Lavine has in the fullest measure. As publisher of the Chippewa Herald-Telegram and of the Portage Daily Register, John Lavine has made a brilliant contribution to the life of the two Wisconsin communities these papers serve.

As a public-spirited citizen, he has an imposing record of civic accomplishments. His nationally syndicated editorials contribute importantly to national debate of significant issues. Yet John Lavine is only 26 years old. He is a member of a dynamic new generation of leaders in this country—the "takeover generation"—and I am pleased to count him as one of my very good friends.

In view of his many accomplishments, it came as no surprise to learn that John Lavine has just been named by the Wisconsin Jaycees as one of the five outstanding men in Wisconsin.

I ask unanimous consent that the recent article in the Herald-Telegram describing John Lavine's most recent honor be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

John Lavin Selected by State Jaycees for Signal Honor: Herald-Telegram Publisher One of State's Top Five Young Men

For the second time in as many years, Chippewa Falls has furnished the Wisconsin Jaycees with one of "five outstanding young men in Wisconsin."

Last year, David Hancock, then president of Applied Research and Development Corporation, was named to the select list, and this week it was announced that John M. Lavine, publisher of the Chippewa Herald-Telegram and the Portage Daily Register, was chosen one of 1967's Five Outstanding Young Men for the state.

The state Jaycees annually pick five men from a list comprised of the names and qualifications of nominees from all over Wisconsin. Jaycee judges cut the list to a workable group of the most notable young men, and of these, five are selected as the state's most outstanding.

The FOYM program climaxes with an awards banquet at which the five young men are presented with honoring ceremony.

This year's banquet is slated for Fond du Lac on Saturday night, Dec. 2. Honored guests being Astronaut James Lovell and U.S. Jaycee President James Antell, scheduled to sit at the speakers' table.

Lavine's selection to the list of Five Outstanding Young Men, FOYM, was well-made, according to Chippewa Falls Jaycee officials who submittted his name and qualifications to the judges.

At 26, the young publisher has already carved his name deeply into the records of newspapering and public service. Generous with his time almost to a fault, Levine has thrown his personal weight and that of his newspapers into almost countless civic and fraternal projects, many times turning certain failure into outstanding success.

Lavine steeped in newspapering by a close association with his father, the late Max Lavine, got his feet wet with printer's ink early in life.

While attending Carlton College, Lavine received an assignment to the White House staff of the Murphy Newspapers (Morgan Murphy of Superior) and despite his tender age (he was only 21), he served as a correspondent in Mexico, covering the late President and Mrs. Kennedy's visit to that country in 1962.

Lavine also served as a Wall Street Journal interim reporter which also added greatly to his store of experience.

After attending graduate school at the University of Minnesota, Lavine—at 23—became publisher of the Herald-Telegram and Daily Register, and at the same time became the youngest publisher of two daily newspapers in the nation.

Presently, Lavine is the Executive Vice President and Treasurer of both the Chippewa and Register Publishing Companies which publish the two related newspapers.

At the age of 25, and after two years directing the operations of Chippewa Falls and Portage, Lavine took on the added work of authoring a daily editorial for King Features, the largest feature and editorial newspaper syndicate in the United States, and today enjoys the distinction of having his work read by an estimated 2,500,000 people. Approximately 250 newspapers across the country subscribe to the King Feature service.

As publisher of the two newspapers, Lavine is almost continually involved in the community affairs of the two cities.

The publisher's involvement in community action was highlighted in 1964 when he became campaign manager for the first Negro—a woman—to ever run for public office in the city of St. Paul, Minnesota.

Locally, Lavine has been exceedingly active in Rehabilitation, Inc., an organization which was formed to help alcoholics. In the words of the Rev. John Wreford, pastor of the First Methodist Church in Chippewa Falls, "John Lavine, through his personal efforts, has negotiated two large grants, for $25,000 and $37,000, to help construct 'WYNOT,' a center for the rehabilitation of alcoholics."

Lavine has also been extremely active in the Chippewa Foundation, and has aided that organization in raising over $100,000 to build an outdoor swimming pool.

In his religion, John Lavine is an instructor in religion at Temple Sholom in Eau Claire, where he is also an officer of the Temple, and of the local B'nai B'rith Lodge and is on the state Executive Committee of the Anti-Defamation League.

Lavine has used his early newspaper training to push himself ahead rapidly in his chosen field.

He is a member of Sigma Delta Chi, the National Journalistic Society; a member of the National Conference of Editorial Writers, and of the Inland Daily Press Association, and its cost and Revenue Committee which includes some 500 daily newspapers in the midwest.

Lavine has also served as a member of seminars on Vietnam and China, with the Council on Religion and International Affairs. He is a member of the American Newspaper Publishers Association and this year was elected to the Committee on Carrier Boys with that organization.

On the local level, Lavine saw the Chippewa Herald-Telegram judged first in the Inland's Local Government News Reporting contest in 1966, and receive first honorable mention in the same contest this year.

Under Lavine's direction, the Portage paper also became the first daily in the state to change from letterpress to offset operation.

The Rev. Wreford, asked to comment on Lavine's selection as one of the state's five outstanding young men, added this to his comments on the publisher's participation in the "WYNOT" project:

"I have worked with John on numerous occasions and on several projects, and can only say that he is enthusiastic, dedicated, and reliable."

"In addition," the Reverend declared, "Lavine has great leadership qualities, and a good imagination and a creative mind."

"In my estimation," he concluded, "he is a courageous and deep-thinking newspaper man."

Rev. Wreford's sentiments were echoed by leaders on state and national levels.

Senator William Proxmire, asked to comment from his Washington office, had this to say about John Lavine:

"In my judgment, Lavine has made a brilliant contribution, not only to the two Wisconsin communities in which his daily newspaper operate, but through his syndicated columns, to the entire nation."

Senator Gaylor Nelson added his opinion to that of the others, saying, "From Washington, to Madison, to his home town, this young man is writing an outstanding record that should reflect great credit on himself, and which should benefit our Wisconsin community from many years to come."

"I would," Senator Nelson stated, "like to add my enthusiastic second to this nomination to become one of Wisconsin's five outstanding young men."

Congressman Alvin O'Konski, upon hearing of Lavine's selection to the FYOM, had this to say:

"John is one of the finest men I know. I have watched with interest his activities in community affairs and know he has spearheaded many successful endeavors."

Eugene McGuckin, Jr., Duluth, a business and personal friend of Lavine, added these comments to the growing list of accolades for the publisher:

"At the Daily Press Association where I was in close contact with executives of more than 500 midwestern newspapers, I consider John Lavine unquestionably the top young executive of this group."

DECEMBER 7—A PROUD DAY FOR THE FIRST STATE

Mr. BOGGS. Mr. President, today is the 180th anniversary of the ratification by Delaware of the U.S. Constitution. In our State we annually mark December 7 as Delaware Day.

And because Delaware was the first State to ratify we have always proudly borne the title of the "First State."

Ratification was in our capital, Dover, and all 30 delegates to the convention, the deputies of the people of the Delaware State, as they were called, voted in favor of the Constitution.

Looking back upon it, one may think this was easy to do. It was not. The new constitution had given rise to controversy. There were many who fought it bitterly.

In this tense atmosphere, with the future of the Nation at stake, those 30 men in Dover deliberated and decided to break new ground. Their action began the ratification process which became successful when the ninth State voted to ratify.

As a son of the "First State," it gives me great pleasure to recall this historic action and to mention briefly to the Senate why December 7 is such a special day in Delaware. I might add that the import of that day in Delaware 180 years ago makes the day special for the Nation as well.

A DAIRY PLAN FOR THE NATION

Mr. McGOVERN. Mr. President, much has been said about the problems of America's dairy farmers. Sometimes it seems that there have been no real answers to the nagging problems which face dairy farmers.

One organization has laid out a carefully considered program for our dairy farmers. The National Milk Producers Federation, spokesman for dairymen in the Nation's Capital, at the Federation's 51st annual meeting November 12 to 16, 1967, laid out a positive plan of action for the dairy farm industry.

This plan was set down clearly and concisely in the annual report to the convention delegates by Federation Secretary E. M. Norton, one of the Nation's ablest and most respected agricultural spokesman.

He notes that the rapid rate of change in the dairy farm industry offers new challenges to dairy farmers. In his report he called for passage of the Dairy Import Act of 1967, and changes in the pricing system of milk. Mr. Norton also outlined activities of this organization during the past year.

E. M. Norton's annual report is important reading for anyone who wants to know how he can help our dairy industry.

I ask unanimous consent that the full text of Mr. Norton's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE 1967 ANNUAL REPORT

(By E. M. Norton, secretary, National Milk Producers Federation)

Over the years, farm writers and speakers have been saying that farmers have lost their political punch. But in 1967, farmers—and dairy farmers in particular—spoke in a loud, unified voice—and the voice was heard.

As we discussed dairy imports at the annual meeting last year, for example few observers foresaw that over half of the U.S. Senate and 198 members of the House of Representatives would introduce legislation to curb excessive dairy imports.

BEGINNING OF THE BATTLE

Our course was set to prove that dairy framers call the shots in their industry. If there is one thing we have learned, it is that we must utilize the political and organizational power to run our industry.

While many activities of the National Milk Producers Federation during the past year were important—and the more important ones will be discussed later—I am giving special emphasis to the import problem; because we haven't won this war yet, although we have won some important battles.

Just recently a leading American newspaper began filling its editorial pages with anti-import editorials. This is the same newspaper that did not even carry a story on the "Dairy Import Act of 1967" when it was introduced by a majority of the Senate. The paper made the mistake that we sometimes make in the dairy industry. That is, if you ignore the enemy, it will go away.

In the legislative field, we have worked on many issues other than import legislation. We worked for extension of and appropriations for the pesticide indemnity program, increased funds for the special milk and school lunch programs, expansion of dairy research, farm credit, disaster relief for dairy farmers, funds for mastitis control, investment credit, farm labor and many others.

However, the most important gain of the year was the closing of loopholes which allowed a flood of foreign dairy products to enter this country in outright circumvention of the present law and government regulations.

Following the passage of a positive resolution on imports by this group—the voting delegates of the National Milk Producers Federation—we immediately went to work to develop a program to limit dairy imports.

We visited Senator William Proxmire of Wisconsin. He said he would lead the fight in the Senate for legislation to regulate imports of milk and dairy products.

Next, on January 17, 1967, we published a brochure—"Invasion by Evasion"—which included the proposed "Dairy Import Act of 1967."

This brochure pinpointed the problem. For example, it stated that in 1966 total imports in milk equivalent on a fat basis were 2.8 billion pounds, nine times the amount authorized. And during 1967 the U.S. Department of Agriculture estimates that total imports will reach 4 billion pounds, most of which will be in evasion of quotas, and of which 2.8 billion pounds entered before the Presidential Proclamation was made effective on July 1.

IMPORT BILL INTRODUCED

The "Dairy Import Act of 1967" was introduced on January 24, 1967, by 40 Senators. This bill was later introduced and sponsored by 59 Senators and 198 Representatives. The bill—S. 612—is identical to the bill contained in our brochure, "Invasion by Evasion."

We urged all member associations of the Federation to contact their Senators and Representatives and request them to introduce the bill. The entire membership can be proud of its concentrated efforts in this.

In our efforts to regulate dairy imports, the Federation did not limit activities to legislation. We pleaded with the Secretary of Agriculture repeatedly to take action under Section 22 to curtail the flow of Colby cheese and butterfat-sugar mixtures.

But it was not until Congressional support grew that the Secretary was compelled to take some action.

On March 30, 1967, the Secretary of Agriculture submitted his recommendation to the President that action be taken under Section 22 to limit dairy product imports. On April 8, the President made his request to the Tariff Commission for an investigation and reports. On May 15, the two-and-a-half day hearing before the Tariff Commission was begun. Th eTariff Commission recommended that new import quotas be established at the level of the imports which entered in 1966. But this recommendation was set aside by the president. He issued a Presidential Proclamation setting quotas at the 1965 level, or about one-half the amount recommended by the Tariff Commission. This Proclamation can be changed anytime and won't do the job in the long run. Dairy farmers gained temporarily, but will have protection from unlimited dairy product imports only when permanent legislation is passed.

AGRICULTURAL FUNDING

An increasingly difficult task is the annual struggle to secure adequate appropriations for Federal programs which benefit dairy farmers.

Agriculture plays an increasingly important role in meeting present and future domestic and world problems, and it is essential that adequate funds be provided to maintain agricultural programs.

The members of the Federation must continue to lend their wholehearted support to the financing of the Commodity Credit Corporation Special Milk Program for Children, the School Lunch Program, the Food Stamp Plan, and the many other programs in which dairy farmers have an important interest.

SPECIAL MILK PROGRAM

In sharp contrast to the effort of the Administration to cripple the Special Milk Program for Children a year ago, the appropriations had clear sailing this year. The Bureau of the Budget requested $104 million to finance the Special Milk Program for the current year and it was provided by the Congress. In providing the funds for the current year, however, the money will be provided from Section 32 (import duties earmarked for agriculture). In providing funds in this manner, the Congress did indicate that in the future the financing of this program would be by direct appropriations, as requested by the Federation.

Funds for the School Lunch Program this year will be $227.8 million of which $45 million will be from Section 32 funds, as in past years.

The Special Milk Program for Children and the School Lunch Program represent two efforts of the Federation that have continued to receive the support of the American people and of the Congress.

Approximately three billion pounds of fresh fluid milk are used annually in these programs. The results are improved nutrition among school children and expanded markets for dairy farmers. The three billion pounds represent more than six percent of Class I sales for dairy farmers.

PESTICIDE INDEMNITY

The Pesticide Indemnity Payment Program was added, at the Federation's request, to the Economic Opportunity Act of 1964. Its purpose is to reimburse dairy farmers whose milk—through no fault of their own—was barred from commercial markets because it contained minute traces of chemicals which had been registered and recommended for use by the Federal government at the time of their use.

Dairy farmers in Mississippi, Nebraska, Wisconsin, and Texas received indemnity payments under the program during the fiscal year June 30, 1967, before the current program expired.

Since most of the offending chemicals build up and remain in the soil for several years, their presence in milk is a continuing possibility. Consequently, the Federation requested that the Indemnity Program be continued. The Federation declared that so long as a single dairy farmer could be penalized for following the recommendations of the Federal government, it would be inequitable to discontinue the program.

As a result of the Federation's efforts, the authority for the Pesticide Indemnity Payment Program has been extended through June 30, 1968. However, for the first time, the program was enacted as a separate piece of legislation and is no longer a part of the Economic Opportunity Act.

AGRICULTURAL FAIR PRACTICES LEGISLATION

Legislation relating to coercion and discrimination against farmers that join cooperatives was reintroduced in the 90th Congress.

Hearings were held before the Senate Committee on Agriculture and Forestry in May. The Federation appeared in support of the act as did also the Secretary of Agriculture and several other farm organizations. As was expected, opposition came primarily from proprietary processors who would stand to benefit from cheap prices for raw agricultural prices and who do not want farmers organized into effective bargaining units.

A compromise version of the bill was developed in the Senate Committee. The revised bill continues the prohibition against the use of coercion by processors to prevent farmers from joining cooperatives. It applies the same rule to the use of coercion to make a farmer join a cooperative. It further declares that handlers are free to select their suppliers and to deal directly with producers, provided they do not discriminate against producers who are members of a cooperative.

The compromise bill was reported by the Senate Committee and passed the Senate by unanimous vote.

Hearings before the House Agriculture Committee were held in September. The Federation again supported the legislation and agreed to go along with the compromise bill passed by the Senate. The Compromise bill was approved by the Committee by a vote of 28 to 5, with minor amendments.

REGULATORY ACTIVITIES

The Federation in a statement to the Interstate Commerce Commission opposed additional freight rate increases on agricultural commodities.

A statement in a proceeding before the Federal Aviation Administration opposed any weakening of regulations applicable to the dispensing of pesticides by airplanes. The Federation played an important part in getting the original regulations established.

PRICE SUPPORT AND FEDERAL ORDER ACTIVITIES

The Federation has been, and is a staunch supporter of the Agricultural Act of 1949 which authorizes the price support program and the Agricultural Marketing Agreement Act of 1937, as amended, which authorizes the Federal Milk Marketing Order Program. Both programs required constant attention during the past year in efforts to improve prices paid dairy farmers for milk throughout the United States.

The price support level, as many will recall, hovered around 75 percent of parity for many years during which milk production exceeded market requirements by a wide margin. Even as late as 1965 the Commodity Credit Corporation purchased dairy products representing 10.8 percent of all skim milk and 5.6 percent of all butterfat marketed by farmers, to bolster the farm price. Milk production, however, tapered off. There was an exodus of farmers from dairying to such an extent as to endanger the future supply of milk and dairy products for our growing urban population. The very stability and strength of the dairy industry was treatened. By 1966 the number of dairy farmers and the number of milk cows on farms were at the lowest point in the 20th century. The decline in numbers of farms milking cows, and in the number of cows, demonstrated clearly that the farm price was too low.

The Federation vigorously pursued a policy aimed at increasing the price support level to the maximum amount authorized by law. The current price support level of $4.00 per hundredweight is about 86 percent of parity. We are presently calling for an increase in the price support level to 90 percent of parity.

In an effort to stimulate consumption of butter, we are seeking amendment to the Agricultural Act of 1949 authorizing payments to butter plants as a means of making retail prices more attractive to consumers.

Member cooperatives singly and in groups made every effort to secure increases in prices for fluid milk through amendment to orders. The growing pressures, however, which require maintenance of a coordinated price structure and price alignment as between the several markets made it virtually impossible to secure timely revisions in Class I prices except through a nationwide effort.

Thus, the National Milk Producers Federation for the first time sought hearings on a nationwide basis and presented evidence in support of increases in fluid milk prices across the board. A series of amendments to Federal milk marketing orders were made effective December 1, 1966. A repeat performance was scheduled for early spring and on May 1, 1967 Class I prices were increased 20 cents per hundred weight in virtually all markets, seasonal adjustments in Class I differentials were removed and the basic formula for markets using the manufacturing milk price as a basis for establishing Class I prices was frozen at a minimum of $4.05. The twenty cents higher Class I prices and the freezing of the basic formula will be effective through April 1968.

Whether or not it will be necessary to adjust fluid milk prices through nationwide action in the future will depend on circumstances. Nevertheless, the cooperatives have shown conclusively that they can unite for action when necessary, and that the National Milk Producers Federation is a very useful vehicle for bringing about improvements in prices and regulatory procedures as well as through its legislative efforts.

LABOR—A PROBLEM FOR DAIRY FARMERS

As a result of high employment in industry and the drain on manpower to fill the needs of the military, dairy farmers are facing labor shortages and high wage rates.

Minimum wages and other labor regulations became applicable to farm workers in 1966. This year two bills came before Congress amending the National Labor Relations Act making its provisions applicable to agricultural workers. These bills would authorize unions to represent farm workers without requiring the union to show it represented a majority of the employees. Furthermore, if a union did represent a majority of farm employees, it would be an unfair labor practice for the farmers employing such labor to refuse to bargain with the union. These bills contain union shop provisions providing that a bargaining agreement could require, as a condition of employment, that all employees join the union.

The Federation opposed these measures on the grounds that unionization of farm workers would increase the cost of producing milk while there was little or no prospect for farm prices sufficiently high to provide the money. The Federation pointed out that passage of this legislation would be undesirable because of the effects that a labor dispute could have on milk production. Not only is milk a highly perishable product, produced irrespective of arguments between people, but the dairy animals require daily care and could suffer serious damage as a result of a labor dispute. The proposed changes in the National Labor Relations Act have not received the approval of Congress, but farmers will be required to take a more intense interest in labor legislation in the future.

IMITATION DAIRY PRODUCTS

Milk and dairy products have universal taste appeal and serve vital nutritional needs of consumers. Milk and dairy products, as reflected by the cash register, account for nearly one-fourth of all food sales. Government distribution programs, also, absorb large quantities of dairy products, notable examples being the School Lunch Program and the Special Milk Program for Children.

In view of the enviable position of milk and dairy products, it is little wonder that continuous efforts are made to imitate them and to capture our markets.

First came substitutes for butter. Next came filled evaporated milk, then frozen desserts. A great deal of research, time and money have been spent to find means of making imitation fluid milk.

The Federation has pressed hard for legislation preventing imitations from being sold on the good name of genuine dairy products. A result was the National Filled Act, enacted in 1923. There have been numerous laws, national and state, governing trade practices to insure that imitation products be sold on their own merit.

Dairy farmers know and understand that the dairy business will never be exempt from competition for substitute products. But it does insist that advantages favoring the imitation products be changed.

Imitation milk, filled milk, or beverages sold in semblance of and as replacements for fluid milk have been in development stage for many years. An imitation milk product first appeared on the market several years ago, but many in the dairy business did not foresee that imitation milk could not be made sufficiently palatable to threaten fluid milk markets.

During the past, promoters, of imitation milk introduced the product in several markets. The product for the most part, is not subject to the same sanitary regulations as fluid milk. Neither is it priced to handlers on a basis comparable with fresh fluid milk. Consequently, it is sold at prices substantially below fresh fluid milk.

If these products can invade the fluid milk market, unbridled from sanitary regulations fluid milk must meet and exempt from the price structure enforced in the sale of fluid milk, imitation milk sales are sure to increase.

The Federation has taken the position that any skim milk used in imitation products should be priced to the manufacturers on the same basis as skim milk in fluid whole milk. If successful in achieving this goal, about one-half the price gap between the imitation products and fresh fluid milk will be closed.

The Federation staff has been studying the problems of milk classification and pricing to meet the challenge of imitation milk, as well as to meet the challenges of low-fat beverages made from skim milk. It appears, perhaps the time has come to modernize our pricing system to reflect these marketing trends. This may mean abandonment of the so-called butterfat-skim milk method of accounting, and instead, price milk to handlers as a beverage without regard to its fat content.

DOD CUT DAIRY PURCHASES

The Department of Defense, in the guise of economy, is denying servicemen genuine dairy products. For many years troops were furnished unlimited quantities of fresh milk. The Department of Agriculture picked up the tab as an alternative to purchasing products made from the same milk under the price support program.

The troops and the Veterans' Administration absorbed approximately 600 million pounds of milk per year from the inception of the program through the 1964–65 fiscal year. During the same period of time the Defense Department received butter from the Department of Agriculture.

When USDA inventories slackened, however, the Department of Defense abruptly decreed that no more butter would be purchased for the Army and the Air Force. In September of 1966 vegetable and refined animal fats were substituted for butterfat in frozen desserts and in reconstituted imitation milk for overseas feeding.

The reduction in procurement of dairy products by the Department of Defense had the same effect as throwing additional dairy products on the market. Like unneeded imports of dairy products, these quantities served to depress the farm price.

The Federation could not sit idly by while government agencies were using their power to reduce farm prices. This practice, we pointed out to the Congress, was precisely the opposite of that intended by many legislative measures aimed at attainment of parity price levels for farmers.

Fourteen U.S. Senators, including six members of the Defense Appropriations Committee, voiced their protest to Secretary McNamara in a joint letter demanding the rescinding of the directive which cut the use of butterfat in favor of vegetable oils and animal fats. At the time of this writing, the Department of Defense has not changed its policy.

DOD MILK CONTRACTS

Contracts to supply Department of Defense establishments with milk after March 1, 1966, were made subject to renegotiation through special legislation. The authority for such renegotiation was supported by the Federation. It provided an opportunity for milk distributors, including cooperatives, to recoup losses sustained as a result of needed increases in prices paid farmers, made effective by government action. Following passage of the legislation, the Department of Defense prescribed regulations governing the renegotiation of contract prices.

OPEN MARKET PURCHASES

During the period 1952 until 1965, the Commodity Credit Corporation purchased substantial quantities of dairy products to support prices paid dairy farmers for milk. To minimize the effect of inventories on farm prices, and to make good use of dairy products acquired by the Commodity Credit Corporation, the Federation helped develop many domestic and foreign distribution programs.

Under these programs children and the underprivileged experienced improvement in their diets. In 1965, about 800 million pounds of nonfat dried milk, 200 million pounds of butter and 56 million pounds of cheese were used in distribution programs in the United States and throughout the world.

By 1965, it was evident that requirements for these programs could not always be supplied from inventories under the price support program.

It was reasoned that hungry mouths should be fed every day—not only when dairy farmers happen to produce surplus milk. Consequently, Section 709 was included in the Agricultural Act of 1965, authorizing the Secretary of Agriculture to purchase dairy products at market prices to meet the requirements of distribution programs, when there were insufficient stocks in the hands of the Commodity Credit Corporation.

This program, known as Section 709, provides the opportunity to prevent, to some degree, the substitution of other foods for dairy products when CCC inventories are low or nonexistent.

Through the use of Section 709, the Federation was instrumental in persuading the Department of Agriculture to purchase butter for the school lunch program in the fall of 1966, rather than to supply schools with substitute products or to curtail the donation of butter upon which the school system had come to rely.

The full use of Section 709 would assure agencies distributing dairy products of needed quantities. Its full use would improve the market price for dairy products and strengthen the farm price for milk.

ICC ATTACKS CO-OPS

When the motor carrier portion of the Interstate Commerce Act was passed in 1935, farmer spokesmen insisted that rates and routes in the agricultural field be left unregulated and subject to open competition. This Congress granted, with language broad enough to permit incidental backhauling of freight in the interest of the economical use of equipment. The agricultural exemption has resulted in lower rates and more flexible service to farmers.

In 1967, as in 1966, a new attack on the exemption was touched off by ICC and the organized truckers. In rebuttal, the Federation was able to show that the type of hauling done by farmer cooperatives—about which the Commission and the truckers were concerned—is only approximately .00027 of 1 percent of the total trucking operations of the country. Figures compiled by the Department of Agriculture for 1966 indicate that the volume of nonfarm backhauls attacked by the ICC is insignificant.

The Federation opposed the ICC bill in Senate hearings held in July. The bill has not been reported.

INVESTMENT CREDIT

The suspension of the seven percent tax credit allowed for investments in equipment which Congress imposed last year was terminated as of March 9, 1967. This means that the credit, including accelerated depreciation, is now in full effect.

When the suspension was enacted last year, the Federation supported an exemption, which Congress granted. The exemption permitted the use of the credit during the suspension period on $20,000.00 of equipment and permitted the use of accelerated depreciation on $50,000.00 of buildings acquired during the suspension period.

The exemption during the suspension period, and the restoration of the credit this year, are important to dairymen because changes in dairy farming are requiring substantial investments in new and improved equipment.

DAIRY RESEARCH PROGRAMS

An ever important factor in the successful production and marketing of milk and dairy products is a comprehensive program of research and development directed at improving farm production methods, nutrition, consumer and utilization research, and marketing and economic research. There is a definite imbalance in the funds available for dairy research as compared with the contribution that dairy farming makes to the agricultural economy. Because of this imbalance the Federation seeks improved coordination through a national dairy research center. While fairly good strides have been made at improving farm production efficiency, tremendously expanded nutrition, utilization, consumer use, and marketing research is essential.

Cooperative associations have assumed a greater responsibility for this necessary research. Nonetheless, it is essential that research activities be coordinated by a centralized Federal research program.

THE 3–A MILKING STANDARDS

Members of the Federation's 3–A Sanitary Standards Task Group have been successful this year in getting adopted a 3–A Accepted Practice for Milking Systems. These sorely needed guidelines will go far in providing a working tool for good milking management and in providing equipment which can be effectively cleaned with a minimum of labor.

A 3–A Sanitary Standard is developed by committees representing (1) the manufacturers and sellers of dairy equipment; (2) the regulatory officials under whose jurisdiction the equipment is installed and used, such as State and City sanitarians and the U.S. Public Health Service; and (3) the users of dairy equipment, such as our members.

A major benefit of the 3–A symbol is that it can save dairymen costly investments in equipment that is not suitable for milk production and processing. Also, uniform standards reduce manufacturing costs thereby reducing the cost to the user and assures him that the equipment is properly designed. Beyond these important factors is a point of overriding significance. In this program users have a set of published guidelines in which they have had a voice in developing.

Dairymen should insist that their equipment meets 3–A Sanitary Standards. This relieves the dairyman of responsibility of faulty sanitary design and places it where it belongs—with the manufacturer.

ABNORMAL MILK PROGRAM

In August the Federation sponsored a two-day meeting of scientists from the United States Department of Agriculture, United States Public Health Service, Food and Drug Administration, and our members, relative to the provisions of the United States Public Health Service Ordinance and Code for Grade A milk and the procedures adopted by the Interstate Milk Shippers Conference, all with reference to abnormal milk.

There was general agreement among the conferees that the procedures used are not sufficiently standardized so as to obtain, within reasonable tolerances, repeatable direct microscopic counts of leucocytes in milk. Also indicator tests which have been developed for use in determining high leucocyte counts have not been adequately related either to each other, or to any results obtainable using the direct microscopic count.

After this meeting it is felt that since there are gaps in knowledge regarding procedures and indicator tests, considerably more research is required before regulatory programs should be made operative which can result in the expenditure of loss of money on the part of dairy farmers.

MEMBERSHIP ASSISTANCE

For many years the Federation has made available to its members, special assistance from the staff. This help has been in Federal Order matters; plant surveys and recommendation of plant equipment; cost accounting and financial information, and management and director training.

Staff members are available at the member's expense. The member pays a per diem charge for the number of days worked plus travel expenses.

This program has a two-fold benefit. It helps the member and also helps to keep our staff informed and in touch with our members' operations.

PUBLIC RELATIONS

The Department of Information set printing records during 1967. In addition to sending out hundreds of releases, the Federation published the weekly newsletter, "News for Dairy Cooperatives," "The National Milk Pictorial," "Dairy Producer Highlights," "Invasion by Evasion," and various reports and brochures. The Federation also continued to sponsor the "Dairy Co-op Sweepstakes," a contest for publications of member organizations.

NMPF MEMBERSHIP GAINS

Although the number of cooperative associations is declining as a result of mergers, we have added twelve new members to the Federation roll since the last convention. The new members are headquartered in Indiana, Iowa, Massachusetts, Minnesota, Nebraska, New York, and West Virginia. Thus, cooperatives in all sections of the country continue to realize the need for a strong national organization to further their interests.

Several of the new members were formerly affiliated with the National Creameries Association. This group had worked closely with the Federation for many years. It concluded that the best interests of all dairy farmers would be served by joining hands with the National Milk Producers Federation. This joining of forces removed the one argument often heard on Capitol Hill that dairy farmers themselves could not agree on national policy.

The expressions of the two groups did not always coincide even though they were not markedly different in principle.

The membership of the Federation is representative of cooperatives supplying all markets, geographically as well as product-wise. With changes taking place in markets it no longer can even be hinted that there are differences in interests as between producers supplying milk for manufacturing as contrasted to milk used in fluid channels of trade. Neither are there sectional differences. The forces of competition in marketing apply equally to dairymen throughout the United States. They all gain from a sound dairy policy of their own making, and they all gain when legislation is enacted which reflects their own policy position.

DAIRY FARMERS IN A CHANGING INDUSTRY

The rate of change in the dairy industry has never been greater than at present.

At the close of World War II there was scarcely a farmer in the United States who did not have at least one cow. Milk or cream was being marketed from two million farms as late as 1950. The 1965 census of agriculture indicates that this number had been reduced in fifteen years to about 650,000. Half the milk today is produced on about 125,000 farms. While the number of farms and the number of cows have been decreasing, however, the average number of cows kept per farm, and the average production per cow has increased. Farms with 20 cows or less dropped 60 percent between 1959 and 1966. The number of farms with fifty or more cows increased 70 percent during the same period. Production of milk per cow increased 25 percent.

The productivity record of dairy farmers shows conclusively that they are adopting new technology and increasing efficiency at a rate that compares favorably with any industry in the United States, in or out of agriculture. If the fruits of increased productivity accrued solely to the benefit of dairy farmers, the dairy production industry would be in an enviable position. Unfortunately, most of the gains from increased productivity have gone to others. Consumers, by any measurement of value, are getting their milk and dairy products at bargain basement prices.

Change, which characterizes the dairy production industry, also is taking place in procurement, processing and in marketing.

The milk can has given way to the bulk tank. Procurement routes reach further from milk plants. Receiving stations are becoming a thing of the past.

Milk plants, like dairy farmers are becoming fewer in number, highly automated for large volume, and they are serving customers far beyond the confines of the communities they once served as local businesses.

Innovations in packing are changing the industry.

Perhaps, though, the most significant change taking place in the dairy industry is in the products themselves. Butterfat and solids-non-fat in milk delivered by farmers now go their separate ways and find themselves in a myriad of combinations and forms—many of which in no way resemble milk. The percentage of butterfat in homogenized milk has been reduced. Low fat modified milk products and skim milk sales are taking a larger share of the market. Imitations for milk are appearing on the grocery shelf. Sterile products are on the market. And derivatives of milk are merchandised in bakery products, meat products, diet foods, candy and in many other forms.

The changes taking place in the dairy industry present new challenges to dairy farmers, in marketing and pricing their product.

As a consequence, they are joining hands to meet the competitive forces of marketing over wide areas, and nationally. Cooperatives are increasing the scope of their operations. They are merging with neighboring cooperatives, federating to coordinate their efforts and they are working in harmony through the National Milk Producers Federation to improve the total effort on behalf of all dairymen.

OPEN HOUSING

Mr. HART. Mr. President, the city of Plymouth in my State of Michigan is currently considering an open housing ordinance, and I was pleased recently to read an editorial in the local newspaper endorsing the measure.

I think all of us are encouraged when local governments take steps to meet pressing local problems. I continue to believe very strongly that the answer to the national problem of discrimination in housing must be national action. It is because of this belief that I shall continue to support legislation at the national level. In the absence of a national fair housing law, however, it is good to know that there is some forward progress such as that in the city of Plymouth.

Mr. President, I ask unanimous consent that the editorial published in the November 12 edition of the Plymouth Mail and Observer be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Open Housing Is Just Matter of Keeping Two Promises

On Monday evening a new page will be etched into the history of the City of Plymouth.

It will be done in the auditorium at City Hall when the City Commission conducts a public hearing on the proposed open housing ordinance.

The legislation was drafted at the request of the Plymouth Ministerial Association, the Civil Rights Group and the Committee for Equal Opportunity. These groups together with the City Commission deserve real praise for clearing the way for a rational and thoughtful discussion of a subject that has been buried, evaded and misunderstood for far too long.

What is the open housing ordinance? What does it mean?

Stripped of its controversial and emotional trappings, it is nothing more than a means of fulfilling two promises which are inextricably locked into the blood of our country.

The first promise goes back nearly two centuries to the founding fathers of our nation. It has simply to do with a pledge that America shall be the land of the free for everyone—not free for some and partly free for others.

This country has grown great because that promise has substantially been kept.

We see no reason why America should now suddenly become known as "The Land Of The Free (In Everything Except Housing, Of Course.)"

The second promise led to that Civil War which tested whether the very union that was the United States would endure.

It was made by President Lincoln specifically to the Negro people of America: That slavery should be ended; that all citizens Negro and white, should be equal in the eyes of the law; and that no one should be deprived of his rightful place in every day living and the chance to enjoy the things that bring happiness to other folks just because of the color of his skin.

That includes living in a decent home of your choice.

The proposed open housing ordinance is very simple. It asks only that anyone (Negro, Jew, Pole, Italian, Irish—anyone) be given an equal chance to choose a place in which to live and raise a family.

There is some evidence that Negro citizens are now denied this right, while other citizens are not.

It is this that makes the issue of open housing an essentially moral matter. It seeks justice for all, not just some, and in so doing it strikes to the heart of the promises made by America to all her citizens.

Look at it this way.

If you were a Negro, would you want these promises that made America to be kept?

We think so.

L. B. J. COMMITTED ARTICULATE, AND EFFECTIVE

Mr. HART. Mr. President, even when there are no political motives, we humans can ignore the obvious. And when it serves a political purpose, we can so confuse and distort the facts that the obvious—the truth of the matter—is disputed, even denied.

One clear example relates to current criticism of President Johnson.

Critics of his Vietnam policy have charged him with failure to end the war in Vietnam; they say that he has not really tried; that U.S. peace overtures toward Hanoi are insincere.

But now, seemingly convinced of this unsupported theory, they have chosen to apply it at random—to areas of concern, like crime in the streets and civil rights.

Not only do they charge the President with insincerity and failure to end the Vietnam conflict; but in the same breath, these modern-day pinochios are also charging him with failure to deliver on his commitment to the civil rights cause at home.

In the 9 years I have been privileged to serve in the Senate, I have had the fullest opportunity to measure the sincerity and effectiveness of Presidents and congressional colleagues in this fight to advance equality.

No one in my contacts—and I repeat no one—has done more to advance this equality than President Johnson.

But my judgment, understandably, would be suspect. I am a white participant in the struggle for equal rights. I am a politician—and a member of the Senate Judiciary Committee, the springboard for all civil rights legislation. I am a Democrat, known to support administration policy.

I ask those who, for whatever reason, have any doubts about the unreserved commitment of President Johnson for equality in all areas of American life to read the article written by Roy Wilkins—respected spokesman for the National Association for the Advancement of Colored People. The article was published in the New York Post of Saturday, December 2, and in other newspapers across the country. Those who do not want to see or listen are beyond reach, but when Roy Wilkins says "the inescapable truth is that no President in history, with the possible exception of Abraham Lincoln, has done more for the generality of Negro citizens," those who have forgotten will be reminded just how effective President Johnson has been in the fight for equal rights.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L. B. J. AND THE NEGRO

(By Roy Wilkins)

Before the LBJ situation gets any bloodier and dirtier it might serve such logic as remains among the emotional partisans in the political arena to recapitulate, in part, the President's performance on civil rights for Negro citizens.

Regardless of one's opinion of the Johnson Administration's foreign policy, the inescapable truth is that no President in history, with the possible exception of Abraham Lincoln, has done more for the generality of Negro citizens.

Most students of race relations realize that the principal task is the building of a nonracial climate of opinion. Although our nation has been overtly and covertly racist since the first Africans were brought here as slaves in 1619, there has been a continuing unofficial citizens' effort since that date to combat the racist majority.

This majority, until very recent decades, had the official support of the U.S. Supreme Court, the Congress, the Presidency, organized religion, the press, the business community, public and private school systems, colleges and universities, local, state and national governments, 99 per cent of the legal machinery and, naturally, all law enforcement bodies, including the police.

One of these days, instead of civil rights books written from yesterday's headlines, someone will write the story of the magnificent courage of the Negro himself in this bricks-without-straw struggle. The chief goal was to get the race affirmatively included under the constitution guarantees affecting every citizen. The chief step toward this goal was to get a President of the U.S. to assert the rights of the Negro as a human being and as a citizen and to propose legislation to establish these as a national policy.

Lyndon B. Johnson, entering the White House nine years after the historic Brown decision of 1954, told a solemn joint session of the Congress on Nov. 27, 1963, that the civil rights bill must be enacted. If he had doodled as had the states on implementing the Brown affirmation of constitutional equality, we would have today no national policy in legislation. The Voting Rights Act followed in 1965.

It is a justifiable criticism to state that civil rights legislation has been enforced spottily, but the necessary role of the Presidency in the overall enterprise has not been shirked.

At a time when California had turned back the clock on fair housing with the notorious Proposition 14, LBJ was proposing a national housing law. Rebuffed by the Senate in 1966, he presented the same proposal to Congress in 1967. In contrast, JFK's advisers had been fearful of white opposition in the South and in Northern suburbs and had held up his executive housing order two years.

President Johnson's fair employment enforcement has not had a happy time, but he has never shrunk from the nettle, including the foot-dragging in the federal establishment.

With all its insufficiencies, imperfections and harassments, more hundreds of millions of dollars have gone into the anti-poverty program among Negroes than all the states have appropriated for this and related purposes in the past 30 years. The Johnson education acts have been vital to the Negro population.

Negro Americans, then, are a far piece from the June 1932 plea to a deaf Hoover, "Speak, Mr. President, speak!" That plaintive cry underscored the importance of a committed and articulate President as a weapon in shaping public opinion.

Lyndon B. Johnson has kept a pledge of nonracial opportunity and decency. Because this pledge is clearly understood in academic and intellectual circles as well as in the unreconstructed sections of the white South (and either belittled or combatted), it would be the irony of ironies if the black beneficiaries were to be confused by the appealing distortions of the professors and the sloganeers.

TRIBUTE TO THE LATE GERTRUDE DOHERTY

Mr. BREWSTER. Mr. President, America lost a great lady in October of this year—Gertrude Doherty, wife of our former Ambassador to Jamaica and president emeritus of the National Association of Letter Carriers, William C. Doherty.

Nothing I could say about Mrs. Doherty would compare with the tribute to her published in the December 1967, edition of the Postal Record.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERTRUDE DACEY DOHERTY, 1899–1967

Death finally won its victory over Gertrude Dacey Doherty on October 31, but only after a long and painful battle. After surviving for weeks against overwhelming odds, sustained only by her magnificent courage and the love of her family, the end came in Suburban Hospital, Bethesda, Maryland, just an hour or so before the dawn of All Saints' Day.

Gertrude Doherty was one of those rare souls, a universal Mother. She was a wonderful wife to President Emeritus William C. Doherty, and a glorious mother to her nine children. More than that, she was a substitute mother for thousands of letter carriers throughout the nation. And, at her requiem Mass the sanctuary of Our Lady of Lourdes Church was filled with priests who also claimed a share of her generous motherhood.

Bill Doherty, in his autobiography, "Mailman U.S.A.," has related how he met Gertrude. They were both telegraphers in Cincinnati and became acquainted through tapping out messages to each other during the slack periods. They were married on February 23, 1925. As Bill Doherty has written: "There never has been a moment of regret on either of our parts since the day we exchanged our vows and set up housekeeping on a salary of sixty-five cents an hour."

From that union came nine children, and 51 grandchildren.

The Church was thronged for the requiem high Mass, with dignitaries and friends from every walk of life and from every part of the country. Congressmen, diplomats, postal officials and former postal officials, labor leaders, N.A.L.C. national officers and former national officers, the Ladies Auxiliary, letter carriers and scores of others who had learned to love Bill and Gertrude Doherty through association in a variety of activities. Six letter carriers from Cincinnati, in uniform, served as honorary pall-bearers.

The eulogy was delivered by Father W. George Curlin, of Washington, one of the young men whom Gertrude helped along the arduous path to the priesthood. In a dramatic and very moving talk, he claimed kinship with this great lady who had bestowed upon him the warmth of her motherhood. "To her children," he said, "there is one magnificent consolation: your mother was a saint."

Besides President Emeritus Bill Doherty, the survivors include: William C., Jr. (administrator for the American Institute of Free Labor Development); John T. (labor attache at the U.S. Embassy in Lima, Peru); James F. (legislative representative, AFL-CIO); Joseph Patrick (executive assistant to the Assistant Postmaster General); Thomas A. (of Washington, D.C.); Margaret F. Rieger (of Bethesda, Maryland); Mary Seton Puglisi (of McLean, Virginia); Catherine Ellen Stewart (of Vienna, Virginia), and Gertrude Patricia Boswell (of St. Louis, Missouri).

In memory of Mrs. Gertrude Doherty several branches and individuals have made contributions to the William C. Doherty Scholarship Fund, the annual N.A.L.C. awards program which permits six children of letter carriers to receive a total of $2,000 over a four-year period. Contributors who have designated their contributions in memory of Mrs. Doherty are listed below. Additional listings will appear in subsequent issues of the Postal Record.

WAGING PEACE IN THE MEDITERRANEAN

Mr. McINTYRE. Mr. President, our national attention has been so long focused on what is happening in Vietnam that we tend to view the significance of other events with less concern than they deserve.

Such a recent event was the "almost war" between Greece and Turkey over Cyprus. It was a very near thing, and the Nation is fortunate that the President placed it in the proper perspective.

Knowing that both nations are members of NATO, and that armed conflict between them would have shattered the foundations of that organization, the administration took prompt and effective action on the diplomatic front.

Ambassador Goldberg was alerted to put the machinery of the United Nations into immediate use, and a representative was dispatched to the capitals of the nations involved.

The NATO organization promptly sent a mediator to the trouble zone.

The White House called on a most effective troubleshooter, Cyrus R. Vance, to calm things down.

I do not mean to minimize the splendid, effective work done by these men individually. They fully deserve the praise they have received. I note, however, that praise for the President's role in this dramatic effort has been conspicuously absent.

Certainly it is worthy of comment that the entire operation was conceived in, implemented by, and directed from the White House. The tremendous strength and prestige of the United States was placed by the President squarely behind the emissaries.

President Johnson is constantly criticized for waging war in Southeast Asia. Surely, it seems to me, he might be equally commended for successfully waging peace in the Mediterranean.

SLOW BUSINESS SPENDING CONTINUES TO DISAPPOINT FORECASTERS

Mr. PROXMIRE. Mr. President, Hobart Rowen points out in his column in this morning's Washington Post that business investment in plant and equipment, the great accelerator of the American economy and the factor that more than any other accounted for the great economic boom from 1964 through mid-1966, has slowed down even below conservative expectations during the current year.

Mr. Rowen reports that the business investment figures for the third quarter of this year would be at a rate of $60.9 billion or 2½ percent below previous expectations.

As Mr. Rowen writes:

> There would be a rise to $62.05 billion in the fourth quarter, to bring the total for the year as a whole to $61.48 billion a 1.4% increase over the $60.83 billion total of 1966.
>
> Three months ago the two Government agencies (Department of Commerce and Securities and Exchange Commission) predicted a $62 billion total for 1967 for a 2¼ percent gain. Earlier this year, the hope was for a 4 percent gain.
>
> It is this fading of expectations that cast doubt on the cheerier outlook set forth for 1968.

Mr. Rowen, who has been a firm and consistent supporter of the administration's tax increase proposal to slow the economic boom, then concludes this interesting column by quoting a key Government official as follows:

> A few weeks ago this survey would have been considered confirmation of expectations of a boom requiring a tax increase. But since then, other indicators, especially consumer spending have looked less vigorous. And I must say there is more evidence of slack in the economy than appeared before.

Mr. President, I ask unanimous consent that the article entitled "Economists Question Cheerier Prospects in Capital Spending" be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Economists Question Cheerier Prospects in Capital Spending

(By Hobart Rowen)

Business spending for new plant and equipment, after declining steadily this year, is now expected to show a gain in the fourth quarter and then rise sharply in the first quarter of 1968.

This was the forecast last night of the Department of Commerce and the Securities and Exchange Commission.

But well-informed economists suggested that the apparently bullish outlook be tempered with caution. They questioned, in the light of a shortfall recently in actual spending compared with expectations, whether the forecast would hold up.

In particular, there seemed to be no concrete reason for a sharp jump in expectations between the fourth quarter of this year and the first quarter of next.

The projected gain seems to be concentrated in two industries—public utilities and nonelectric machinery. Observers would have been happier if the improvement had been more diffuse, and spread over a longer period, rather than being concentrated in one quarterly period.

The figures showed that capital spending in the third quarter would be at a rate of $60.9 billion, or 2½ per cent below previous expectations.

There would be a rise to $62.05 billion in the fourth quarter, bringing the total for the year as a whole to $61.48 billion, a 1.4 per cent increase over the $60.63 billion total of 1966.

Three months ago, the two Government agencies predicted a $62 billion total for 1967 for a 2¼ per cent gain. Earlier this year, the hope was for a 4 per cent gain.

It is this fading of expectations that casts doubt on the cheerier outlook set forth for 1968. On the other hand, if capital outlays reach the $65.85 billion rate predicted for the second quarter of 1968, it would be fairly well in line with private forecasts.

That would be a 7 per cent increase from the second quarter of 1966. The McGraw survey indicates a 5 per cent rise, and guesses by the Lionel D. Edie Co. and the Rinfret-Boston Co. run around the 7 and 8 per cent levels.

One Government economist said of the survey: "It's rather peculiar, and we're surprised. But those are the figures, and that's what we have to put out."

Businessmen who participated in the survey were NOT asked to say whether they predicted their forecasts on the imposition of the proposed 10 per cent tax surcharge.

About two-thirds of the rise in spending from the middle of this year to the middle of next is accounted for by public utilities and non-electric machinery manufacturers.

Spending for new plant and equipment is considered to be one of the most significant and dynamic elements in the economy. As gain of 16.7 per cent from 1965 to 1966, was one of the key factors behind the boom last year.

By the same token, the very small increment of 1.4 per cent now shown for 1967 is one of the key elements explaining sluggishness, especially in the first half of the year.

A gain like the one predicted, presumably, could add to the inflationary pressures that some economists predict for 1968.

"A few weeks ago," said a key Government official, "this survey would have been considered confirmation of expectations confirmation of expectations of a boom requiring a tax increase. But since then, other indicators, especially consumer spending, have looked less vigorous.

"And, I must say, there is more evidence of slack in the economy than appeared before."

THE FAILINGS OF AMERICAN JOURNALISM

Mr. McGEE. Mr. President, the black and white characterizations drawn by some members of the press in their attempts to explain or analyze the recent announcement that Secretary of Defense McNamara is leaving the Pentagon post to become president of the World Bank illustrate one of the big failings of American journalism, as a distinguished journalist has observed.

I refer to Crosby S. Noyes of the Washington Evening Star, who wrote on Tuesday of the trade's compulsion to portray the event as a case of good guys versus bad guys and draw, depending upon the prejudices of individual writers, pictures of McNamara quitting or being fired because of fundamental differences with the President. All that is a bunch of poppycock refuted by the solid evidence of past and present performance, as is the overdrawn picture some have presented of a polarization of the "inner circle" in the administration around hawk and dove positions with regard to the war in Vietnam. Secretary McNamara and Secretary of State Rusk never have been the proponents of conflicting views on the war, as some would have us believe, writes Noyes.

Mr. President, I ask unanimous consent that Mr. Noyes' column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Evening Star, Dec. 5, 1967]

Morality-Playwrights' Caricature of McNamara

(By Crosby S. Noyes)

It is one of the failings of American journalism to reduce public figures to caricatures of themselves and politics itself to a kind of latter-day morality play in which good guys and bad guys contend with each other for the helm of the good ship Lollipop.

This tendency is particularly pronounced in times of confusion and stress. The less they know about an important event, the more given the instant-historians are to cast their interpretations in the stark blacks and whites of their own prejudices.

The recent flap over the impending departure of Robert S. McNamara from the Defense Department is an excellent case in point. Even now that the picture has come clearer, most of the comment reflects a dismal incomprehension of the people involved and of the decision-making dynamics of the Johnson administration.

With the first news of McNamara's nomination as president of the World Bank, the morality-playwrights swung into action. By a kind of grapevine consensus, the secretary of defense was almost universally tagged as a lonely dove in the administration hawk-cote. His departure (or dismissal, depending on the commentator) was assumed to involve a policy dispute over the war in Vietnam. It has been widely predicted that, once McNamara is gone, a major escalation of the war can be expected.

This utterly simplistic version of McNamara's role in the administration reflects no credit on the departing secretary or the administration as a whole. The picture of President Johnson being hauled one way or another by various "influences" surrounding him is simply ludicrous. And the notion that without McNamara's restraining hand the Joint Chiefs of Staff are going to run wild in Vietnam is the purest poppycock.

To begin with, characterization of McNamara as a confirmed dove hardly bears examination. There is, in fact, almost no one in Washington who knows the secretary's private feelings about the war. But quite certainly he has never opposed our basic objectives in Vietnam. And he has concurred in all of the major decisions made since 1960.

His primary area of concern, of course, has been the practicalities, rather than the politics, of the war. Where his judgment has conflicted with that of the military leaders or members of Congress, it has always been a question of the effectiveness of proposed military measures, weighed against the costs or risks involved.

In redesigning and modernizing the country's military establishment, McNamara has indeed, asserted the principle of civilian control more successfully than any of his predecessors. There have been many cases of public disagreement with the military chiefs—most recently over the issue of building an anti-ballistic missile defense system which McNamara opposes.

Yet in the actual conduct of the war in Vietnam there has been a good deal less disagreement than is popularly supposed. On the issue of bombing in North Vietnam, for instance, McNamara's much-cited testimony to Congress did not deal with the rightness or wrongness of the decision to bomb, but simply the effectiveness of the program.

In point of fact, the secretary has personally approved almost all the targets recommended by the Joint Chiefs. The exceptions—representing only about 15 percent of the suggested fixed targets—were ruled out as involving costs or risks out of proportion to the importance of the targets.

Yet if McNamara's relations with his military chiefs are somewhat distorted in the public mind, his role in the councils of the administration, as drawn of late, is positively grotesque.

Because it is not the secretary of defense who has been sheltering President Johnson from the encircling hawks. On the contrary, it is the President himself who has most consistently and stubbornly resisted appeals for more massive applications of military force in Vietnam. McNamara's own attitudes are far more a reflection of Johnson's than the cause of the President's basic conservatism.

The supposed polarization of the "inner circle" of the administration on the issue of Vietnam, furthermore, is little more than a popular myth. McNamara and Secretary of State Dean Rusk have never been the conflicting "influences" on administration policy that we are often led to believe.

Because Rusk has been handed the thankless job of public defender of administration policies in Vietnam, he has become, inevitably, a chief target of the doves. But to conclude from this that he is committed to a purely military solution or is insensitive to the political and diplomatic issues of the war is patent nonsense. And those who insist on peddling this nonsense contribute precious little to the public understanding.

UNITED STATES SHOULD RATIFY HUMAN RIGHTS CONVENTIONS NOW

Mr. PROXMIRE. Mr. President, the United States was an early advocate of international action to uphold the dignity of man. As a matter of fact, it was this leadership which led to two historic breakthroughs—the Genocide Convention and the Universal Declaration of Human Rights—adopted by the United Nations in 1948.

This country set the pace in the fight to protect human rights and now, through failure of this body to ratify the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, and the Political Rights of Women, we are lagging far behind.

President Woodrow Wilson once wrote:

> Only a person who is cognizant of the past can be a truly "practical" man, one able to free his mind from contemporary illusions and misconceptions and to select the path of safety and progress. He should also be a moral person, finding in the lessons of history pragmatic proofs of a Golden Rule, pointing toward individual human rights and responsible democracy as the goal posts of civilization.

President Wilson certainly was no stranger to the problems inherent in protecting human rights.

It was President Kennedy who declared:

> If we can make our country one of the great schools of civilization—then on that achievement will surely rest our claim to the ultimate gratitude of mankind . . . I am certain that, after the dust of centuries has passed over our cities, we will be remembered not for victories or defeats in battle or in politics, but for our contributions to the human spirit.

I strongly feel now is the time to be practical, as President Wilson declared, and strive to work toward becoming one of the "great schools of civilization." We can move in that direction by no longer ignoring the issues of our times and giving approval now to these treaties presented to the Senate years ago.

We must recognize both the interest and support in our country for these human rights conventions. The Nation should take the lead in developing an international awareness of human rights.

The Senate must act on these agreements quickly and favorably.

AID TO FAMILIES WITH DEPENDENT CHILDREN

Mr. HARRIS. Mr. President, while the conference on H.R. 12080, the social security bill, is meeting today, I wish to call attention to the continuing and growing favorable comment being made by knowing and concerned organizations about the welfare amendments adopted by the Senate, particularly the amendment making aid to families with dependent children mandatory in all the States for families headed by unemployed fathers.

Most recently I have received such a letter from Clark W. Blackburn, general director of the Family Service Association of America. In order to call it to the attention of Senators and the conferees, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAMILY SERVICE,
ASSOCIATION OF AMERICA,
New York, N.Y., November 30, 1967.

Senator FRED R. HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: On behalf of the Board and staff of Family Service Association of America and the representatives of our many Member Agencies throughout the country who have expressed their concern for families in need, I wish to thank you for your support of amendments improving H.R. 12080.

Family Service Association of America is particularly pleased to see that the amendment you sponsored making AFDC–UP mandatory was accepted by the Senate. We believe that this is a most important provision for the strengthening of family life among our neediest citizens. Lack of such assistance has proven to be destructive of marriages and has contributed to an increased number of deserting fathers, and doubtless to the numbers of illegitimate children needing public welfare.

Family Service Association of America is hopeful that the Senate position on H.R. 12080 will prevail in the final action so that the purpose of the legislation in support of strengthening family life and fostering child development will be maintained.

Sincerely yours,
CLARK W. BLACKBURN,
General Director.

THE RABIES SITUATION IN HAWAII

Mr. FONG. Mr. President, so far as the recorded history of Hawaii shows, Hawaii has been a land totally free of rabies. But more than 2 months ago one of the daily newspapers here in Washington, D.C., carried a wire story datelined from Honolulu reporting the incidence of a rabies outbreak on the island of Oahu.

The diagnosis had been made by the Army Medical Laboratory at Schofield Barracks. The incident touched off one of the most fearful scare situations that the island has ever known.

But now I am happy to report that after months of prolonged and exhaustive epidemiological studies, it has been determined that there was no rabies outbreak after all.

Col. William S. Gochenour, the deputy director of the Walter Reed Institute of Research who was sent to Hawaii to help in the investigation of the alleged rabies epidemic, said in Honolulu:

> Evidence that is currently accumulating in Mainland reference laboratories indicates that up to the present time, rabies has not been confirmed. . . .

It is interesting to note that at the height of the scare, more than 2,000 pets were put to sleep. A goodly number of residents underwent the painful antirabies inoculations. Nearly every day citizens reported discoveries of rabid animals. The reports reached alarming proportions, perhaps from frenzy.

As the community established action programs for the eradication of rodents and animals, there developed in time some serious questions as to whether the island really was faced with an epidemic of rabies.

This was so because in the interim there had been no reported cases of death of persons bitten by rabid animals, nor instances of persons stricken ill from animal attacks.

A full-scale and heated controversy on the question of whether a rabies outbreak existed or not engulfed the community. Medical laboratory technicians from the National Communicable Disease Center in Atlanta, Ga., were rushed in to help with the diagnosis of animal specimens.

The laboratory and research resources of Walter Reed in Washington also were enlisted. There then began a series of testing and examinations of animal specimens in Honolulu, at Walter Reed, and at the Communicable Disease Center.

Following these intensive investigations, the Army in Hawaii announced a few days ago that it could not confirm a rabies outbreak.

It said that all the animal specimens the Schofield laboratory examined—with one possible exception—have turned out to be negative. It said that one animal specimen, from the brain tissue of a cat that bit a 3-year-old girl, was confirmed as positive.

It was pointed out that this finding was inconclusive and further tests are continuing at Walter Reed.

The Army reported that all specimens submitted from Schofield to the Communicable Disease Center in Atlanta, with the exception of the cat, also proved negative. It emphasized:

> With the exception of the cat, not a single specimen from an allegedly rabid animal from Oahu has been found positive by presumptive or animal inoculations either by Walter Reed or in parallel testing by the Communicable Disease Center.

While tests are continuing on the positive finding, it is plain that thus far the evidence against an outbreak or an epidemic is overwhelming.

I report this conclusion, Mr. President, in the hope of allaying any fears that anyone here may have acquired as the result of the wire story that our beautiful State of Hawaii is stricken with a rabies affliction.

The community itself is satisfied that there has not been an outbreak. It is greatly relieved and thankful.

ANOTHER WAR HERO—UTAHAN FLIES BACK BY "INSTINCT"

Mr. BENNETT. Mr. President, there have been many heroes in the war in Vietnam, more than will ever be chronicled. But today, as we commemorate the 26th anniversary of the attack on Pearl Harbor, a recent feat by a young Utah pilot is well worth singling out as an example of the tenacity of our fighting men.

Lt. (jg.) Dennis Earl, of Mendon, a small northern Utah community, said that he was flying by instinct in successfully landing his A–4E Skyhawk on the deck of the aircraft carrier U.S.S. *Oriskany* after groundfire shattered both of his legs.

Although advised by a fellow pilot to dump his bomb load and "ditch" into the Gulf of Tonkin, Lieutenant Earl elected to blast a North Vietnamese road, then head for and land on the *Oriskany*, even though nearly unconscious from the excruciating pain in his legs.

I salute this courageous young American and invite Senators to read his own account of the ordeal, as contained in the Deseret News, Salt Lake City, of November 29. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> The Utah Navy pilot who landed his jet safely on an aircraft carrier after a Viet Cong bullet shattered both his legs said Wednesday he was "flying on instinct."
>
> Lt. (j.g.) Dennis Earl of Mendon, Cache County, told the story to the Deseret News via long distance phone from his bed in the Pensacola (Fla.) Naval Hospital.
>
> After being hit Lt. Earl blasted a road in North Vietnam before streaking back to the aircraft carrier Oriskany for treatment.
>
> He said four planes left Nov. 20 to bomb two bridges in North Vietnam. Other pilots got the bridges first, so Lt. Earl and his wingman, Lt. Cmdr. James Busey, headed for some barges.
>
> "I was flying along at about 4,000 feet when the bullet hit me," the Utahan recalled.
>
> "It was a kind of a fluke. The .50 caliber bullet hit my rudder pedal, split in two, and one piece hit my left foot and the other piece hit my right leg," he said, adding:
>
> "I'll bet it was some guy on the ground who'd been shooting in the air for two years and never hit anything until I flew into one of his bullets."
>
> A wounded pilot is beset with many agonizing problems and decisions.
>
> Cmdr. Busey saw the Utahan beating his fist on the cockpit in pain. Lt. Earl was advised to jettison his bombs.
>
> But Lt. Earl disregarded the pain and blood loss with a decision against wasting the bombs.
>
> He swooped down and blasted a North Vietnam road.
>
> "You cratered it up good!" called Cmdr. Busey on the radio, jubilantly. Then his voice took a more serious tone.
>
> "How you feel, Denny boy?" he said, anxiously. "Can you make it back to the ship, or do you want to eject and get picked up by Red Crown (a destroyer)?"
>
> "Just take me home," replied Lt. Earl.
>
> He meant he wanted to make a try to get back to the carrier.
>
> "I nearly fainted twice," Lt. Earl recalled.
>
> Cmdr. Busey, flying alongside, shouted encouragement on the radio.
>
> "C'mon, Denny boy, you're gonna make it! Stay awake, boy! Only five more minutes to go!"
>
> "That wasn't right and I knew it," said Lt. Earl. "I knew we were 20 minutes away from the ship, but I was happy to have him there talking to me like that."
>
> Cmdr. Busey gave him direction changes as Lt. Earl flew along, his left arm holding up that shattered right leg to minimize pain.
>
> Then the Oriskany came into view.
>
> "From that point on, I was just flying by instinct," recalled the Utahan.
>
> He could see that the fire crews were out and that emergency crews had rigged a heavy webbing barricade to stop his A4E Skyhawk from plunging off the deck into the Gulf of Tonkin.
>
> And, he could see a light on the carrier that pilots use to guide their descent, and he radioed Navy slang to the ship that told the crew he saw it.
>
> "I've got a meatball," he groaned.
>
> The jet bumped the flight deck, bouncing Lt. Earl's two wounded legs about the cockpit. It was the most painful part of the trip.
>
> Finally, the barricade stopped the bouncing.
>
> "A landing on an aircraft carrier is nothing but a controlled crash anyway," Lt. Earl cracked from his hospital bed.
>
> He said the last thing he remembered was pleading with the men who removed him from the plane to "give me something to put me to sleep."
>
> Lt. Earl said he felt that somebody besides Cmdr. Busey was with him on that flight.
>
> "I believe God was with me," he said.
>
> Flown to Pensacola only Tuesday, Lt. Earl said he has an extra special reason for being glad he's there.
>
> Her name is Miss Diane Coile, his pretty blonde fiancee. They met two years ago when he went to Florida to learn to fly.
>
> "We plan to be married when I'm walking again," he said. That could be about four months from now.
>
> Lt. Earl expects to be flying again in six months. His right shinbone is broken, along with bones in his left foot.
>
> He said he wants to return to Utah after New Year's, but that "the docs want me to stay off my feet for awhile, so I may not make it that soon."
>
> Lt. Earl is a son of Mr. and Mrs. Lemuel Earl of Mendon, Cache County.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

Mr. MANSFIELD. Mr. President, I announce for the information of the Senate that there will be no further votes today.

Mr. President, it is my understanding that the Elementary and Secondary Education Amendments Act was temporarily laid aside; so therefore it now again becomes the pending business automatically.

The **PRESIDING OFFICER.** The Senator is correct. The clerk will state the bill.

The BILL CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate tomorrow morning.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

IMPROVEMENT OF CERTAIN BENEFITS FOR EMPLOYEES WHO SERVE IN HIGH-RISK SITUATIONS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House on the bill (S. 1785), with the amendments of the House thereto.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 1785) to improve certain benefits for employees who serve in high-risk situations and for other purposes, which was, strike out all after the enacting clause and insert:

> That section 911 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136), is amended by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:
>
> "(11) the travel expenses of officers and employees of the Service for up to two round trips each year for purposes of family visitation in situations where the family of the officer or employee is prevented by official order from accompanying such officer or employee to, or has been ordered evacuated from, his

assigned post because of danger from hostile activity, except that, with respect to any such officer or employee whose dependents are located abroad, the Secretary may authorize such additional trips as he deems appropriate not to exceed the equivalent cost of two round trips of less than first class to the District of Columbia, and the travel expenses of officers or employees stationed abroad (or their dependents located abroad), for purposes of family visitation in emergency situations involving personal hardship: *Provided*, That the facilities of the Military Airlift Command shall be utilized whenever possible for travel authorized under this section."

SEC. 2. Immediately after section 943 of the Foreign Service Act of 1946, as amended, add the following new section:

"SEC. 944. Under such regulations as he may prescribe, the Secretary is authorized to provide medical services under part E of this title beyond the date of death or separation of an officer or employee."

SEC. 3. (a) Subchapter II of chapter 63 of title 5, United States Code (which relates to leave), is amended by adding at the end thereof the following new section:

"§ 6325. Absence resulting from hostile action abroad

"No leave shall be charged to the account of any officer or employee for absence, not to exceed one year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action: *Provided*, That the injury shall not have been due to vicious habits, intemperance, or willful misconduct on the part of the officer or employee."

(b) The analysis at the beginning of such subchapter is amended by adding the following item at the end thereof:

"6325. Absence resulting from hostile action abroad."

(c) The amendment made by subsection (a) of this section shall take effect as of the first day of the first pay period which began on or after January 1, 1965.

Mr. BYRD of West Virginia. Mr. President, I wish to make a brief explanation for the record of the House amendment. S. 1785 contains three provisions, two of which are related directly to civilian personnel who serve in Vietnam. The bill passed the Senate without objection on May 17. Last year, the executive branch, by regulation, initiated a special family maintenance allowance of up to $2,400 each year for reimbursement of travel, for family visitation purposes, by State Department, AID, and USIA personnel in Vietnam. The families of personnel assigned to Vietnam cannot accompany them and either remain in the United States or, as is often the case, settle temporarily in a city in the area, such as Bangkok or Manila. The General Accounting Office questioned the Department's authority to provide reimbursement for travel for family visits by State and USIA personnel. There is no question that authority in the Foreign Assistance Act covers such travel by AID employees, who are by far the largest group serving in Vietnam.

The purpose of section 1 of S. 1785 was to remove this doubt by providing specific authority for payment of limited travel expenses for family visitation in situations where the family is not allowed to accompany the employee. The Senate version allows reimbursement for two round trips each year. But the intent was that this limit applied to those whose families lived in the United States, not to those whose families remained within the area. It was not the intent of the Senate bill to take away travel benefits possible under the State Department regulations issued last year. The House has amended the bill to make it clear that limited travel expenses for State and USIA personnel whose families have settled temporarily in cities such as Bangkok, or Manila, can be reimbursed also as long as the total annual reimbursement does not exceed the cost of two round trips from Vietnam to Washington, at less than first-class fare. Thus, the House amendment is in the nature of a perfecting amendment, in order that the present family visitation arrangements can continue, which was the intent of the Senate bill.

Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

AUTHORIZATION FOR STAFF MEMBERS OF JUDICIARY COMMITTEE TO TESTIFY

Mr. EASTLAND. Mr. President, from the Committee on the Judiciary I report an original resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk proceeded to state the resolution.

Mr. EASTLAND. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with, and I will explain the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered, and the resolution will be printed in the RECORD.

The resolution (S. Res. 194) ordered to be printed in the RECORD, is as follows:

S. RES. 194

Resolved, Whereas in the case of Mississippi Freedom Democratic Party and National Conference for New Politics, plaintiffs, against James O. Eastland, J. G. Sourwine, Benjamin Mandel, et. al., defendants, Civil Action No. 2689–67, pending in the United States District Court for the District of Columbia, notices of depositions upon oral examination have been served upon Julien G. Sourwine, Chief Counsel to the Subcommittee on Internal Security of the Committee on the Judiciary, United States Senate, and Benjamin Mandel, former Director of Research of said Subcommittee (up to and including October 31, 1967) respectively directing each of them, in the language set forth below, to produce at the United States Court House, 3d Street and Constitution Ave., Washington, D.C., the following books, records, papers and documents:

"All correspondence, reports and other documents belonging to or formerly in the custody of plaintiffs, including but not limited to the material mentioned or alluded to by defendant Eastland in a speech on the floor of the United States Senate relating to plaintiffs and which is reported in the Congressional Record for September 22, 1967, presently under defendants' control, supervision or direction, or to which they have access."

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control of possession, but by its permission; be it further.

Resolved, That by the privilege of the Senate and by Rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate; be it further

Resolved, That Julien G. Sourwine and Benjamin Mandel, respectively Chief Counsel and former Director of Research of the Subcommittee on Internal Security of the Committee on the Judiciary, be authorized respectively to appear, responsive to the aforesaid notice, at such place and time as may be agreeable to the parties; but Julien G. Sourwine shall not take with him any papers or documents on file in his office or under his control or in his possession as Chief Counsel of the Subcommittee on Internal Security of the Committee on the Judiciary; be it further

Resolved, That Julien G. Sourwine, Chief Counsel to the Subcommittee on Internal Security of the Committee on the Judiciary, and Benjamin Mandel, formerly (up to and including October 31, 1967) Director of Research of the Subcommittee on Internal Security of the Committee on the Judiciary, respectively, in response to the aforementioned notice of deposition, may testify to any matter determined by the court to be material and relevant for the purposes of identification of any document or documents, provided said document or documents have previously been made available to the general public, but said Julien G. Sourwine and Benjamin Mandel, respectively, shall respectively decline to testify concerning any and all other matters of a confidential nature that may be based on his knowledge acquired by him in his official capacity either by reason of documents and papers appearing in the files of said Subcommittee or by virtue of conversations or communications with any person or persons, and said Julien G. Sourwine shall respectfully decline to testify concerning any confidential matter or matters within the privilege of the attorney-client relationship existing between said Julien G. Sourwine and the said Subcommittee or any of its members; be it further

Resolved, That a copy of this resolution be transmitted to the said court as a respectful answer to the aforementioned notice of deposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 194).

Mr. EASTLAND. Mr. President, the resolution authorizes two employees of the Subcommittee on Internal Security of the Judiciary Committee to testify in a suit in the District Court of the United States for the District of Columbia that has been brought against them.

Th resolution instructs them not to give any document that is in the custody of the Senate and not to give any information of a confidential nature, but to make available to the court whatever documents and information are public knowledge.

It is the normal resolution that the Senate passes in cases like this.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider four nominations which were reported earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations will be stated.

U.S. DISTRICT JUDGE

The assistant legislative clerk read the nominations of Winston E. Arnow, to be U.S. district judge for the northern district of Florida; Harry Pregerson, to be U.S. district judge for the central district of California; and Gerhard A. Gesell, to be U.S. district judge for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. KUCHEL. Mr. President, I am delighted to recommend to my colleagues the confirmation of the Honorable Harry Pregerson for membership on the Federal District Court for the District of Los Angeles.

When I first learned that the President was appointing Judge Pregerson to the court in my State, I inquired of his fellow judges in the Los Angeles municipal court system and among lawyers who practice in his court as well. Their unanimous opinion of him is unfailingly high, and I am glad to be present to join in the action of the Senate in confirming him.

I ask unanimous consent that these comments appear at the appropriate point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANT ATTORNEY GENERAL

The assistant legislative clerk read the nomination of Clyde O. Martz, to be Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TERROR IN THE STREETS—A RAPE VICTIM'S ORDEAL

Mr. BYRD of West Virginia. Mr. President, the Washington Post this morning carried a news story on its front page that ought to be read by every Member of Congress and every decent resident of the Nation's Capital with anger, with outrage, and with shame.

It is the article headlined "Street Horror: A Rape Victim's Ordeal." It describes the terrible experience of a Washington young woman at the hands of a savage gang of hoodlums.

Rape, Mr. President, is probably the most nauseating, the most revolting, the most savage, terrifying, and brutal of crimes. Its perpetrators are beneath the level of the beasts of the jungle.

Yet here, in this supposedly civilized Capital of the Nation and of the free world, 187 rapes have been reported this year. The number actually committed undoubtedly runs much higher, for many rape cases, the police say, are never reported. The traumatic experience for the victim, both during the attack and afterward, in having to relive it again in order to prosecute, to say nothing of the fear of pregnancy, disease, and even death to the victim is simply too much for a woman to endure.

The news story in the Post, in my opinion, gives, in one sentence, the reason why such a state of affairs has developed in this city that we would like to hold up as a model for the capitals of the world. Most rapes are committed here, the article quotes a police officer as saying, because the attackers are convinced they can get away with it. Street crimes in all categories are being committed in the District "with increasing ease and boldness," the article states.

Mr. President, even if I were not chairman of the Senate Appropriations Subcommittee on the District of Columbia, I would be deeply concerned by the growing terror in the streets of Washington. Each succeeding report on crime in the District is worse than the one before it. Where and when will it end?

One should be heartened by the fact that Mayor Washington has indicated his concern and intention to fight this growing crime wave in the District. But the task he faces can be overwhelming unless every public official and every concerned citizen determines now to give him the utmost support in dealing with what I consider to be the No. 1 priority in this city—the elimination of violence and terror from the streets. The rapists and the robbers, the purse snatchers and the killers, must be made to understand, by whatever means is necessary, that they cannot get away with such callous disregard for the law.

Washington, D.C., Mr. President, can never be a model city until it is first a safe city. It is vapid nonsense to talk about a model city until people can again walk the streets without fear.

I commend the Washington Post for publishing articles such as the one today, and I ask unanimous consent at this point that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

STREET HORROR: A RAPE VICTIM'S ORDEAL

(By Alfred E. Lewis and Carl Bernstein)

The lighting of cigarettes during a 2½-hour ordeal of a young victim of a mass rape provided police with a key clue that has led to the arrest of two suspects in the crime.

Police say the attack Nov. 15 was one of the most brutal gang rapes ever encountered here.

The glow from matches illuminated a "black power" mural that later helped the victim identify the basement scene of the assault as "The Powerhouse," headquarters for a "gang everybody in Mount Pleasant is scared of."

That description of the places comes from the Rev. William A. Wendt of St. Stephen and the Incarnation Church which operates "The Powerhouse," at 1813 Monroe st. nw.

Mr. Wendt said that he and a Recreation Department roving leader have used the basement as a center for the gang in an attempt to give the men a place to gather. It is not known whether members of the gang participated in the rape. Since the incident, the basement has been closed. The rest of the center is being used as an alcoholic clinic.

The victim told police she was forced to have intercourse 30 or more times with 15 to 20 men—how many is not certain. They beat her, blacked both her eyes and forced her to commit repeated acts of perversion.

As far as police are concerned, the crime was a typical gang rape, although more brutal than they have been accustomed to.

RACIAL ELEMENT DENIED

Police are especially disturbed that rapes, like other street crimes, are becoming offenses of opportunity, rather than matters of premeditation. Police say that one out of four rape cases involves more than one assailant.

The black power mural lent a bizarre racial aspect to the case. Police, however, insist that race as such was not an element. Racial elements in rape cases, they say are rare.

An overwhelming percentage of victims and attackers in Washington are Negro.

In this case, the assailants sought are Negro. The victim was white.

NEWLYWED VICTIM

The victim, a 21-year-old newlywed, was parking her car shortly after midnight around the corner from her house in the Mount Pleasant area.

She told police that three youths came along and banged on the windows and one said: "Come on out, we wanna have some fun."

She was frightened, she told detectives, and locked the car's doors. The youths left and walked up a nearby alley. As they left, one threw a bottle, hitting the car.

Police say that at this point the woman then should have driven away and gone to police to report the incident. Instead, she got out of the car, walked to the alley entrance and yelled at the youths:

"You'd better run!"

She then went back to her new car inspected the damage the bottle had done. Later, she told detectives, "I was more concerned about the car than I was about myself at the time."

DRAGGED INTO CELLAR

The frightened victim then began sobbing, she told police, and another youth came up and offered her assistance. She told police that he offered to take her to a telephone and stay with her until police arrived.

Instead, the youth led her by the arm to a stairway at 1813 Monroe, where four or five other youths grabbed her and dragged her into the darkened cellar.

The cellar was so dark, the victim said, that she could see nothing until her attackers—whose number she could only estimate—lit cigarettes as they waited their turns to rape her.

She said the glow of matches illuminated—on a wall—the slogan, "Kill or be Killed."

When they took the woman back to Mount Pleasant the next day, police identified the cellar as the "Powerhouse" quarters by the murals.

GAGGED WITH CLOTH

During the attack, a cloth was stuffed over her mouth and nose, she later told police, and her rings and watch were removed.

After about two hours, the youths helped her put her coat on and ordered her to start walking. She couldn't, she told police. One youth then helped her walk, led her blindfolded out of the cellar and across the street. Police say they now believe they took her to a nearby basement.

There four more youths forced her to submit, she said.

Finally, she was released and limped home. She was warned not to report what happened, or "we'll come and get you."

At home, her husband had already reported her disappearance to police, who took her in an ambulance to the Washington Hospital Center and then to D.C. General Hospital.

THREE YOUTHS SEIZED

At about 11:30 p.m. Tuesday, Sex Squad detectives arrested three youths in the case who were identified by the victim from photographs.

Police produced the photographs after interviewing dozens of residents of the neighborhood to determine "who hangs out" in the vicinity of the attack.

Some additional information was supplied by the Police Department's Tactical Squad, which has extensive contacts in the area.

One of the three youths arrested a 16-year-old, was released yesterday. Two others were charged with rape and ordered held without bond until a hearing Dec. 14 before a U.S. commissioner.

OTHER SUSPECTS SOUGHT

The two charged are Earl E. Ball Jr., 20, and his half-brother, Melvin A. Harper, 22, both of 3339 17th st. nw. Other suspects are still sought.

The detectives on the case say that although the savagery of the attack was unusual, the circumstances were not.

Capt. Vernie E. Tate, head of the Sex Squad, and Insp. Charles Burns, Tate's immediate superior, relate the problem to the increasing ease and boldness with which all street crimes are being committed here.

Some of these "opportunities" recently have involved offers of help from passersby.

In one recent rape, a group of girls running away from some pursuing youths were offered protection in a house. The girls took up the offer, and found that the man who volunteered the help admitted the pursuers into the house and all of them raped the girls.

In some cases in Southeast Washington, women drivers of stalled cars were offered assistance and wound up being raped by the men (or man) who offered help.

AVAILABLE VICTIMS

As in a purse-snatching, Police say, the victim in the Mount Pleasant rape was chosen solely because of her availability and a minimum of personal danger to her attackers from police, neighbors or traffic.

Detectives point out that although there has been a steady increase in the number of rapes reported here in recent years, they are convinced that the actual incidence of rape has not increased that quickly.

Tate and Burns attribute the statistical rise to an increased willingness on the part of rape victims to describe their attacks to police.

They say that increased reporting is the key to their maintaining a high level of solutions to rapes—more than 80 per cent of reported cases are solved here.

A decade ago, according to Sgt. Emory Minor and other detectives, a significant percentage of rape suspects showed evidence of being pathological sex offenders.

"OPPORTUNIST" RAPES

Now, Minor says, rapes usually are committed by "opportunist" offenders—those not motivated by overwhelming sex drives, but who simply take advantage of dark streets because they are convinced they can get away with attacking women.

Although the increased reporting has enabled police to maintain a high case solution rate, Minor feels that just as many rapes as are reported go unreported.

"It's often more of a psychological burden than a physical burden," said Burns. "It's a horrible experience for a woman." Often, he says, women do not want to undergo the trauma of telling police investigators and courts about what happened to them.

Detectives say that reports of previous rapes, attempted rapes and other sexual attacks provide the best clues to solving sex crimes.

"If a guy does it once and gets away with it," Minor says, "He's pretty likely to do it a second time.

"That's when we get him. And that's why the increased reporting helps, but we still need more."

Thus far this year, 167 rapes have been reported, according to Sex Squad statistics. They say that about 75 per cent of these cases have been solved.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, I understand that the Senator from California [Mr. KUCHEL] wishes to ask me a few questions about the education bill. Following that, I will make a statement as to the plans for tomorrow, so far as the manager of the bill is concerned; and then, if there are no amendments to be offered, so far as I am concerned, we will be ready to recess for the day.

Mr. KUCHEL. Mr. President, I surely do not wish to add to the burden of my friend and neighbor from the State of Oregon, the floor manager of the bill. Nevertheless, a problem has arisen of great importance to a number of the larger municipalities, not only in my State of California, but in others—for example, New York—as well.

Those who represent large metropolitan school districts hope that the Senate-House conferees might find it in the public interest to accommodate their differences regarding some of the provisions which are written into this excellent bill. I wish to refer to a letter recently received from the superintendent of schools of the Los Angeles City Board of Education and to read a few sentences of it, if I may. It is dated December 4 and addressed to me.

> DEAR SENATOR KUCHEL: With the passage of the Elementary and Secondary Education Act Amendments of 1967, H.R. 7819, it appears necessary for a conference committee to resolve the differences between the Senate and House versions of this bill, the most critical of which is the formula distribution of Title I. I should like to ask your assistance in advising members of the Conference Committee on the effects of the formulas upon the Los Angeles City School Districts and to urge that you recommend the adoption of the $2,000 income factor times one-half the State average for determining the entitlement to be maintained in this year's distribution of Title I funds.
>
> The Senate has acted to retain the $3,000 income factor for determining entitlement under Title I of the Act. Although the Senate version guarantees to county units the same entitlement as received and utilized in the prior year, I should like to indicate the effect that this decision and alternative decisions will have on the Elementary and Secondary Education Act's Title I program operated in the Los Angeles Unified School District.
>
> The District's program under Title I was developed in cooperation with many advisory agencies during the late spring and early summer of 1967, with a scheduled implementation date of September 1, 1967. Data available to the District during the planning of the program indicated that the entitlement base for the District would increase under any condition enacted by Congress as a result of a large increase in the number of eligible children under the Aid to Families With Dependent Children Program. This fact influenced the District to plan a program which would be operated at the same dollar level as the District's previous year's entitlement.
>
> A number of factors, including Districtwide salary increases requiring an additional $702,000 for personnel assigned to the District's Title I program for the 1967–68 fiscal year, increased costs for materials and equipment, and increased employee benefits, together with constantly increasing numbers of eligible children in the District, has forced the District into the position of either reducing services to children or reducing the number of children being served in the program.
>
> The Los Angeles Unified School District *will serve approximately the same number of children* this year in Title I as were served last year. However, the number of *services provided will be reduced and the number of activities will also be reduced*. The most visible reduction in the District's Title I program will be the *elimination of all summer activities* conducted under Title I. The decision to eliminate summer activities was made because the program for the regular school year had already begun and a reduction to the regular program would result in

a reduction of staff. This action was taken very reluctantly, since, in the opinion of the staff and in the minds of the communities and in the evidence of the evaluations, many of the most effective programs operated by the District were summer activities.

It is indeed unfortunate that school districts throughout the Nation have been forced into determining priorities that will have a deleterious effect on children. *I urge you to provide leadership in the Congress to retain the $2,000 income factor times one-half the State average of education* for determining entitlement until such time as full funding of Title I can be achieved.

Mr. President, I ask unanimous consent that the entire letter and its attached tables be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LOS ANGELES CITY BOARD OF EDUCATION,
LOS ANGELES, CALIF., *December 4, 1967*.
Hon. THOMAS H. KUCHEL,
U.S. Congress,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: With the passage of the Elementary and Secondary Education Act Amendments of 1967, H.R. 7819, it appears necessary for a conference committee to resolve the differences between the Senate and House versions of this bill, the most critical of which is the formula distribution of Title I. I should like to ask your assistance in advising members of the Conference Committee on the effects of the formulas upon the Los Angeles City School Districts and to urge that you recommend the adoption of the $2,000 income factor times one-half the State average for determining the entitlement to be maintained in this year's distribution of Title I funds.

The Senate has acted to retain the $3,000 income factor for determining entitlement under Title I of the Act. Although the Senate version guarantees to county units the same entitlement as received and utilized in the prior year, I should like to indicate the effect that this decision and alternative decisions will have on the Elementary and Secondary Education Act's Title I program operated in the Los Angeles Unified School District.

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A number of factors, including District-wide salary increases requiring an additional $702,000 for personnel assigned to the District's Title I program for the 1967–68 fiscal year, increased costs for materials and equipment, and increased employee benefits, together with constantly increasing numbers of eligible children in the District, has forced the District into the position of either reducing services to children or reducing the number of children being served in the program.

The Los Angeles Unified School District *will serve approximately the same number of children* this year in Title I as were served last year. However, the number of *services provided will be reduced and the number of activities will also be reduced*. The most visible reduction in the District's Title I program will be the *elimination of all summer activities* conducted under Title I. The decision to eliminate summer activities was made because the program for the regular school year had already begun and a reduction to the regular program would result in a reduction of staff. This action was taken very reluctantly, since, in the opinion of the staff and in the minds of the communities and in the evidence of the evaluations, many of the most effective programs operated by the District were summer activities.

It is indeed unfortunate that school districts throughout the Nation have been forced into determining priorities that will have a deleterious effect on children. *I urge you to provide leadership in the Congress to retain the $2,000 income factor times one-half the State average of education* for determining entitlement until such time as full funding of Title I can be achieved. This action will not require additional funds beyond those already determined by Congress as available for the Elementary and Secondary Education Act. However, it would allow for a consistency in the distribution of funds, designed to more adequately serve the needs of children and to eliminate the necessity for reducing services to eligible children anywhere in the Nation.

A series of explanatory tables, indicating the serious financial implications which will result if the current law is allowed to stand without modification until full appropriation of funds can be achieved, is enclosed.

I am sending to Washington, D.C. Messrs. Richard Lawrence, Richard Cooper, and Don Richardson of my staff, who will be available to you for any further assistance or clarification in matters discussed in this letter and accompanying materials. They plan to be in contact with you or you may reach them or leave a message at the Congressional Hotel in Washington, D.C., where they will be staying on December 6 and 7 (546–6611).

I urge your personal support and leadership on this very important measure affecting our schools. You may be sure of our deepest gratitude and appreciation.

Sincerely yours,
JACK P. CROWTHER,
Superintendent of Schools.

(Enclosures.)

LOS ANGELES CITY SCHOOL DISTRICTS

TABLE I.—TITLE I, ESEA, TYPICAL ALLOTMENTS TO LARGE CITY SCHOOL DISTRICTS [1]

Cities	1967 allocation	1967 after reallocation	H.R. 7819 [2]	Senate version ($3,000) [2]	Present law (Public Law 89–10) [2]
Los Angeles	$14,745,945	$14,745,945	$16,364,345	$15,684,785	$13,741,067
San Francisco	3,242,965	3,227,000	3,463,543	3,439,379	2,852,255
Washington, D.C.	5,642,037	5,642,037	5,642,037	6,311,232	5,642,037
Chicago	23,515,414	25,165,115	23,363,116	24,870,245	20,355,903
Baltimore	7,213,627	7,213,457	8,007,829	7,631,576	5,602,473
Detroit	10,199,141	11,221,537	10,881,972	10,910,357	9,513,647
St. Louis	4,363,337	4,605,187	4,392,985	4,666,355	3,912,199
New York City	70,874,805	69,790,350	75,599,083	75,439,537	65,403,817
Philadelphia	11,848,056	11,847,163	12,361,906	12,578,673	10,135,150

[1] Information from U.S. Office of Education to the "Great Cities Research Council."

[2] Formula for estimates: The ratio of the city allotments to the county allotments for fiscal year 1967 was applied to the fiscal year 1968 estimated county allotments for each of the above versions to arrive at the fiscal year 1968 city allotments.

TABLE II.—*Title I, ESEA allocation per pupil Los Angeles Unified School District*

Year:	*Allocation per pupil*
1965–66	$253.00
1966–67	219.86
1967–68	130.36

DECREASED FUNDING WITH GREATER IDENTIFIED NEEDS

Since implementing its first ESEA Title I program in February, 1966, the District has been faced with an ever-dwindling entitlement and an ever-increasing enrollment in the designated disadvantaged areas. The entitlement base for 1965–66 was 59,882. The 1966 amendments to the act increased the low income factor for determining entitlement to $3,000. This factor, together with the more recent AFDC count, increases the District's entitlement base of 112,882.

In 1965–66 the Los Angeles City Schools' entitlement under Title I was $15,130,385. It is estimated that for 1967–68 the District will receive an entitlement of $14,715,000. This is a decrease of 7.2% compared to an increase in entitlement base of 88.5%. This reduction in funds has forced the District to reduce the program each year since the beginning while the number of eligible children has increased. It is strongly urged the position taken in H.R. 7819 concerning entitlement and appropriations be adopted.

TABLE III.—ALLOCATION OF ENTITLEMENT FOR CALIFORNIA [1]

	Total allocation	LEA's [2] only (no State agency programs)	Los Angeles County (LEA's only)	Los Angeles City unified
Fiscal year 1967	$74,360,293	$71,558,472	$25,280,510	$14,745,945
Fiscal year 1968, estimated ($3,000 level) [3]	[4] 74,360,293	69,800,000	23,500,000	13,741,067
House version, estimated ($2,000 level) times ½ national average	88,300,000	82,400,000	28,000,000	16,564,345
Senate version, estimated ($3,000 with county floor)	[4] 74,360,243	69,800,000	[4] 25,280,510	15,684,785

[1] U.S. Office of Education, Bureau of Elementary and Secondary Education.

[2] Local educational agencies.

[3] Estimated under current law provisions.

[4] Floor.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the text of a letter of similar purport from the superintendent of public education, San Diego City Schools, San Diego, Calif., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAN DIEGO CITY SCHOOLS,
San Diego, Calif., November 29, 1967.
Hon. THOMAS H. KUCHEL,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR KUCHEL: You may remember that I communicated with you in October concerning proposed amendments to the Elementary and Secondary Education Act, and that I called your attention to the effect certain changes would have upon allocations for San Diego and the State of California.

In brief, the Elementary and Secondary Act of 1965 (P.L. 89–10) allocated funds to the states on the basis of one-half of the state's average expenditure per pupil, multiplied by the number of children of families earning less than $2,000, or of families on welfare. The 1966 amendments to ESEA, effective in 1968, changed the formula to family income of $3,000, and allowed states to use one-half of the national average expenditure per pupil. As I noted, if appropriations were not increased to provide for these changes, the proportion of Federal funds going to the 15 southern states would be increased and the amount remaining for California and 34 other states would be reduced.

I suggested that if the new formula was allowed to stand it would increase the revenue to states where education is less costly at the expense of urban areas where the costs of living and expenses of education are much higher. It is estimated that the $3,000 income formula would reduce California's allocation by at least $15 million and would reduce the allocation for San Diego by $342,779. When the reduction for San Diego is viewed in perspective of a tentative $1,769,184 allocation, it would mean a decrease equivalent to the services of 48 teachers.

I would, therefore, urge your immediate and full support of the amendment which provides for the low income factor of $2,000 and the allocation factor of one-half the state's per-pupil expenditure in the allocation of ESEA, Title I funds for the 1968 fiscal year. If such action is not taken before December 31, Federal funds for urban area school districts will be greatly reduced from last year's allocation.

May I again express my appreciation for the interest and assistance you have given to education in California and the Nation. We certainly appreciate all of your efforts in behalf of the welfare of our children.

Sincerely,

RALPH DAILARD,
Superintendent.

Mr. KUCHEL. Mr. President, I seek from the Senator from Oregon his own views as to how he and his Senate conferees intend to approach this serious problem for schools in large cities, such as Los Angeles, San Diego, and New York.

Mr. MORSE. Mr. President, I thank the Senator from California for raising this matter, so that we may make this legislative history. As the manager of the bill, I can give reasons why the amount of $3,000 instead of $2,000 is in the Senate bill.

First, as the Senator from California knows, when we deal with a formula governing the distribution of Federal funds, we are constantly confronted with a situation in which some areas will get more, if one formula is adopted, and some areas will get less. If another formula is adopted, the tables may be reversed. So in the legislative process, we often say that such a problem raises the question of whose ox is being gored.

My concern is to see to it that there is not unreasonable loss to any group, irrespective of the formula that is adopted. I say most respectfully—and I can say it as the manager of the bill—that I know the obligations of the Senator from California. He has a duty to do what he can to further the best interests of any city in his State that finds that the $3,000 formula works to its disadvantage.

However, may I say to the Senator, he has not heard yet, but he can take judicial notice of this, that some of the cities of his State can come off better with the $3,000 than with the $2,000. We have other criteria in the bill which the writer of the letter obviously was not aware of when the letter the Senator read was written, and, I assume, the other letter.

First, I wish to lay down the point that my committee had to decide which formula we thought would promote the best educational interests of the country as a whole. We think the $3,000 formula will do so for reasons I shall give shortly. At the last meeting of my committee, when we discussed the bill before coming to a final vote, the Senator from New York [Mr. JAVITS] raised exactly the same point the Senator from California raised this afternoon, and I made the record in the committee meeting that I am making now.

I would have the Senator remember that the $3,000 figure brings more children under coverage. To understand my committee one must understand we are doing everything we can to benefit the greatest number of children.

Now, to benefit the greatest number of children you sometimes will not provide as much money to a given school system per child as you would if you benefited a fewer number of children in that school district. Therefore, you have to weigh these differences of amount from that standpoint. You have to ask people who write to you, "How many children will be covered under the $3,000 figure and how many children will be covered under the $2,000 figure." More children will be covered under the $3,000 figure.

I suppose this is the controlling reason we sought the $3,000 figure. However, the Senator and I have been around here long enough to know that when one adopts a formula, he better see to it that he has taken a look at the effect of that formula upon the constituents of the various Senators in the Senate, because one cannot expect a Senator to sit here and vote against the best interests of his constituents if by way of an amendment he can protect them.

I wish to repeat again in this particular instance and point out this factor to the Senator from California. The Senator does not yet know the effect of the $3,000 formula figure on all cities and school systems in his State because he has not heard from those better off with the $3,000 figure than with the $2,000 figure.

This becomes more certainly true as the funds appropriated reach the authorization level. To the degree the program is underfunded you must take into account the effect of proration of the funds. What you have to do, if you take each school system, including Los Angeles, and San Diego, is to add to the present law a provision which is now in it and that is that no county will get less than it got last year.

So they are not going to lose the money as far as the total money is concerned. It is up to them to decide in many instances on administrative distribution of money within their school system. We think that is very important protection we have given to each Senator in the Senate. We are not taking any money away from them county by county, as far as the Senate bill is concerned.

Next, I wish to point out that except for this provision that no county will get less under the new bill than it got under the old bill, the $3,000 figure is the figure of the present law. We are not changing the present law. The House is. The Senate bill is the present law. That is the figure of $3,000 that is in the present law.

Now, I wish to next comment on how the formula works. You have the $3,000 figure, and then you have one-half of the national average per-student cost or one-half of the State average per-student cost, whichever is higher. In other words, it gives to a school district concerned this election of taking one-half of the national average per-student cost or one-half of the State average per-student cost, whichever is higher. That ups the amount for them over what it would be, in many instances, if we had only one criterion, as last year when there was only half the State average as a factor. When the two formulas are compared, in some instances, we would get some school districts which would lose and some which would gain. Our present formula giving an option to the States to use either one-half the State per-pupil cost or half the national average per-pupil cost works to the advantage of low income States. In this way, we give them a choice, which makes it possible for them to get the largest possible amount.

In the CONGRESSIONAL RECORD for December 1, 1967, there is printed table 11, a comparison of title I allocations for major cities under House and Senate bills—some 25 cities, I believe. I ask unanimous consent to have it printed in the RECORD once more because the table bears out what I have been explaining.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE XI.—COMPARISON OF TITLE I ALLOCATIONS FOR MAJOR CITIES UNDER HOUSE AND SENATE BILLS

	H.R. 7819	Public Law 89–10 ($3,000)	Senate version ($3,000)
Atlanta	$2,757,842	$3,674,535	$2,721,440
Baltimore	8,007,829	5,602,473	7,631,576
Birmingham	2,112,385	2,425,229	1,833,267
Boston	4,834,836	3,879,848	3,985,122
Buffalo	5,666,982	4,764,579	5,228,193
Chicago	23,363,116	20,355,903	24,870,245
Cincinnati	3,195,357	2,732,428	3,097,424
Cleveland	5,527,604	4,162,096	5,869,644
Dallas	2,440,948	3,163,593	2,683,553
Detroit	10,881,972	9,513,647	10,910,357
Houston	3,406,002	4,092,855	3,712,711
Kansas City, Mo	1,817,002	1,795,175	1,937,425
Los Angeles	16,364,345	13,741,067	15,684,785
Memphis	3,327,822	3,965,491	3,035,317
Miami (Dade County)	3,101,706	3,904,636	3,713,391
Milwaukee	2,732,004	2,271,705	2,822,107
Minneapolis	2,506,428	1,962,048	2,533,730
Nashville	1,667,894	2,189,551	1,536,942
Newark	5,141,482	4,093,157	4,977,926
New Orleans	3,956,567	4,701,736	3,703,247
New York City	75,599,083	65,403,817	75,439,537
Norfolk	2,572,257	2,251,099	2,108,228
Oakland	2,806,524	2,285,678	2,667,083
Omaha	870,557	775,342	798,437
Philadelphia	12,361,906	10,135,150	12,578,673
Pittsburgh	3,238,910	2,904,819	3,484,682
Portland, Oreg	1,644,210	1,388,586	1,735,043
St. Louis	4,392,985	3,912,199	4,666,355
St. Paul	1,327,164	1,011,141	1,218,415
San Diego	2,356,238	2,091,681	2,356,497
San Francisco	3,463,543	2,852,255	3,439,379
Seattle	1,471,606	1,340,921	1,652,349
Tampa (Hillsborough County)	1,889,634	2,387,459	2,262,939
Washington, D.C	5,642,037	5,642,037	6,311,232

Mr. MORSE. Mr. President, that is the formula and those are the criteria which are contained in the Senate bill in respect to the $3,000 figure, with the protection that no county will get less than it is getting this year, with the protection that we have half the national average per-student cost or half the State average per-pupil cost—depending upon which is higher. Note that the pending bill formula with county savings, is more beneficial to some communities than is either other approach.

That is what we want to take to conference, and that is the last point I wish to make. We want to hear what the House has to say in conference about their formula in comparison with our formula. The Senator from California is a seasoned conferee in the Senate on conference committee after conference committee, and he knows in conferences, after we exchange points of view, that we explain them and then we listen to an explanation of their points of view. We have to resolve the difficulties either by one side or the other receding or both sides adopting some modification of each respective position.

All I want to say to the Senator from California—and I speak on this for a unanimous committee—is that the Senator from New York was perfectly satisfied, when we got through with the explanation, to go to conference on it. In fairness to him, as he is the ranking Republican on the full committee, I think I quote him accurately when he said, "Well, Wayne, I will give it further study but I am willing now to go to the floor of the Senate with it. Unless some reason is given before a vote is taken on the floor of the Senate, I am willing to go to conference with you on it." He may, between now and the time we vote on the bill, express some view modifying what he advised us when he voted for it in committee. I do not think that he will because I believe he shares the point of view I have just expressed.

I hope that the Senator from California will find this explanation at least sufficiently satisfactory to him so that he will support us in going to conference. I think that once we start on the floor of the Senate, in considering the bill, to seek to modify the formula, then we get into a nose-counting situation as to whether individual Senators think the majority of school districts will be better off under one formula or another. Here, I say most respectfully, I think we have a fair bill. I think the county savings criteria is adequate protection. I would be misleading if I did not say to the Senator that there are some school superintendents in some school districts who would prefer the $2,000 figure, but there are many school superintendents who would cry to high heaven if we changed the $3,000 figure. We are asking only that the Senate evaluate our judgment and give them assurance that this matter was thoroughly weighed, considered, and discussed in committee. We think it is a fair judgment.

Mr. KUCHEL. Mr. President, that is a full and fair statement by my good friend from Oregon, the Senator in charge of the bill. I do not need to assure him that I shall vote to send the bill to conference.

I recognize also that we have 100 individuals here in the Senate and they look at some matters differently from others. We have experimented with the $3,000 figure for the past 2 years. The 1966 amendments to the ESEA adopted the $3,000 figure. I can surely understand the arguments that may very well be advanced to give each State the choice of the dollar amount, times the factor based on that very State's contribution or the national average. I can understand how it is necessary to find some ground in order to make progress. I know that the Senator from Oregon shares that hope. I only wish that we were in a position to appropriate additional moneys——

Mr. MORSE. So do I.

Mr. KUCHEL. To the program, for then it would be possible to bring to those at the bottom rung of the economic ladder in this country, and their children, that kind of opportunity which will help shape them into constructive citizens for their future benefit, as well as that of the Republic. But we do have to operate in a restricted sphere of appropriations.

Mr. President, I thank my good friend from Oregon. If, in the conference, the views pro and con between the figure of $2,000 which was replaced by the present $3,000 figure may be explored, as my able friend has said——

Mr. MORSE. I assure the Senator that they will be.

Mr. KUCHEL. Then let the Record show that I am gratified at the progress of the bill.

Mr. MORSE. I thank the Senator very much. I want to say in just a few words that the Senator has set out the basic tenets of my educational philosophy, if we could only get the funds to see to it that we are able to provide educational opportunities for those boys and girls at the lower rung of the economic ladder who come from poor families and who, I think, deserve much more help than they will get even under this bill; although, yesterday afternoon, I had to defend the bill for the amount it contained from sincere Senators who thought we had provided too much money in the present bill.

Mr. KUCHEL. I thank my friend from Oregon very much.

Mr. MORSE. Mr. President, I understand that the Senator from Nebraska [Mr. Hruska] has an amendment that he wishes to offer and which I think I am going to be able to accept.

Mr. HRUSKA. Mr. President, I have an amendment at the desk and ask for its consideration at this time.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. On page 87, between lines 6 and 7, insert the following:

> (c) The amendments made by subsections (a) and (b) shall be effective for fiscal years beginning after June 30, 1968.

Mr. HRUSKA. Mr. President, this amendment was prompted by the receipt in my office of a telegram from Floyd A. Miller, commissioner of education for the Nebraska Department of Education.

The text of the telegram is as follows:

> Two title five 505 (Section 505) projects Great Plains School District organization project and Midwest States Educational Information project in which Nebraska is vitally interested are being cut fifty percent. To do this in mid year and when project success is imminent but not yet achieved is most untimely and unjustifiable. Anything you can do to help will be much appreciated.
>
> Floyd A. Miller,
> *Commissioner of Education, Nebraska State Department of Education.*

Mr. President, upon receipt of that telegram, inquiry on the matter was made of the Senator in charge of the bill, the Senator from Oregon [Mr. Morse], and also the ranking Republican on that committee, the senior Senator from New York [Mr. Javits]. It developed, after the staff checked into the matter, that apparently this was an oversight due partially to the fact that the bill was not considered in this body prior to the end of fiscal year 1967.

Had the bill been considered and passed in the Senate prior to June 30 of this year, this situation would not have arisen, because the intent of the bill was, as I understand it, to make a cut from 15 percent to 5 percent at the end of a fiscal year and not in the middle of fiscal 1968.

I should like to ask the manager of the bill, the senior Senator from Oregon, if he has a statement to make on this amendment and if there is any question he would ask of the Senator from Nebraska.

Mr. MORSE. Mr. President, I have a statement to make at this time.

This amendment is designed to make the reduced set-aside for the Commissioner in title V of the ESEA effective for fiscal years beginning after the present fiscal year.

When the House of Representatives passed the elementary and secondary bill they deleted entirely the present set-aside under title V of 15 percent of the sums appropriated for special projects, particularly those of an interstate nature.

Thus, all of the title V funds under the House-passed bill would go to the States and there would therefore be none reserved for the Commissioner. The House-passed bill's provision was to take effect for the present fiscal year, but, of course, their action was taken in April. It is now well into fiscal year 1968, and any action we take on the Commissioner's set-aside should in all fairness be delayed until the next fiscal year—that is, fiscal year 1969.

Let me explain what the Senate committee is recommending with regard to this set-aside for the Commissioner of Education. We are reducing the Commissioner's set-aside from 15 percent of the sums appropriated to 5 percent. At the same time, in the 95 percent which goes to the State educational agency, Senator Javits' amendment was adopted, which called for the States to distribute at least 10 percent of each State's allocation to local educational agencies within the State for the same purposes as title V grants to the State educational agency.

The existing law does not expire until the end of this fiscal year. The Commissioner is continuing to carry out the special project authority under the law as it now stands as it is his responsibility to do. If the Senate committee's action in reducing the Commissioner's amount from 15 percent to 5 percent were to take effect immediately, projects that are now being supported under this special projects authority would have to be stopped immediately.

It seems that the best procedure would be to allow the continuation at the present rate until the end of this fiscal year before the new amendments we are recommending in this regard should take effect.

Therefore, with that explanation, I am glad to accept the amendment of the Senator from Nebraska.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HRUSKA. It is noted in the statement of the Senator, special consideration was given to projects of this kind that are interstate in character. I should like to make the observation that both projects referred to by Commissioner Floyd A. Miller are of that type.

Mr. MORSE. That is right; they are interstate.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I wish to thank the Senator from Oregon, as well as the Senator from New York [Mr. JAVITS], for their consideration of this particular item. While this particular matter originated in Nebraska, I am sure similar situations exist elsewhere.

Mr. MORSE. The Commissioner was very helpful. Will the Senator express to Commissioner Floyd A. Miller appreciation for the help he has been to the committee? The State Commissioner of Education in the Senator's State has been of great help. I am glad he was able to bring to our attention this problem, and I am glad that, in some spirit of reciprocity, we can be of some help to him.

Mr. HRUSKA. I thank the Senator.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I think I owe to the Senate and to the press, and through the press, the public, these comments. The members of the press have been urging that I make a statement as to what the procedural situation is in the Senate with regard to the education bill.

Mr. President, the manager of the bill is ready to consider the next amendment, but the next amendment is involved in negotiations that will go on for the next several hours, and I hope will be ready for action when we reconvene tomorrow morning. The majority leader has announced that the pending business will be the education bill tomorrow.

I sincerely hope we can dispose of this bill tomorrow. But all in the Senate know that the problem involves working out, if possible, a legislative history or an amendment dealing with the subject matter of the so-called Russell amendment.

In fact, Mr. President, so that it will make for greater clarity tomorrow and in order that it will be of help to those reading these remarks, I ask unanimous consent that the proposed Russell amendment be inserted in the RECORD at this point.

There being no objection, the amendment (No. 480) was ordered to be printed in the RECORD, as follows:

> On page 43, between lines 7 and 8, insert the following:
>
> "LIMITATION ON CERTAIN AUTHORITY TO TERMINATE OR REFUSE FINANCIAL ASSISTANCE
>
> "SEC. 3. Notwithstanding any other provision of law, in any case where a State or local educational agency has filed an application for financial assistance for any fiscal year or is to receive financial assistance under any existing agreement under the provisions of this Act or any Act amended by this Act, the Secretary of Health, Education, and Welfare shall not, after the beginning in any fiscal year of such agency's school year, terminate or refuse to grant such assistance under the authority of title VI of the Civil Rights Act of 1964."

Mr. MORSE. Mr. President, the Russell amendment, in its present form, is unacceptable to the manager of the bill and to the overwhelming majority of the members of the committee. It would result, I think, in such a slowdown in carrying out the enforcement policies called for in the law for bringing about steady progress in integration that we cannot accept the amendment.

I would have to leave it to the wisdom of the Senate, of course, to decide whether it wants to adopt an amendment which I think would be most unfortunate in its consequences. But I have said to my colleagues here in the Senate, with whom I have been working now for the last 3 days trying to find a common ground for understanding by way of acceptable compromise, that I am willing either to write into the legislation an acceptable amendment or to write into the debate legislative history based upon a letter from the Secretary of Health, Education, and Welfare giving assurances and guarantees as to changes in administrative policies which have given rise to this controversy.

I do not care which course is taken. But because I have not been able to talk, during the last 2 or 3 hours, with all the Senators who are vitally interested in obtaining some modification of the present procedures of the Department of Health, Education, and Welfare, I make this statement now so they will have it before them tomorrow morning.

I recommend that we follow the route of having the Secretary of Health, Education, and Welfare submit to this chairman a letter setting forth a procedure we can all agree upon, which the Department will follow in enforcing title VI.

My reason for recommending that procedure over writing administrative procedures to be followed by the Department into the law itself is twofold. First, it will provide for greater flexibility of administration. In my judgment, this will operate to the advantage of the school superintendent and the school authorities in the particular school district which the Department thinks must change some of its policies in order to come into compliance with the law.

It is important to keep the local school authorities in the most flexible position for negotiations with the Department in respect to compliance matters. As I said the other day when the Senators told me about dissatisfaction in some school districts, particularly in Southern States—though let me quickly say it is not limited to Southern States—I promised them I would get an answer from the Department on each individual case.

I received a statement of the facts from the Senator concerned. One complaint involved allegations that the Department dragged its heels and engaged in a slowdown procedure, following the 90-day period that is covered by the present time limitation on deferral.

I said to the Senator, "If that is true, we will get that stopped." Let me say here again, my committee, under direction of the Senate, is conducting a 2-year legislation oversight review of the Department of Health, Education, and Welfare in its administration of our education laws.

I say again, we could not have finer cooperation from Secretary Gardner than my committee has been receiving. In fact, as some of my fellow Senators said today when we were in conference with other officials of the Department of Health, Education, and Welfare, they have nothing but feelings of deep appreciation to the Department for its understanding of their problems and its complete cooperation with them in an endeavor to try to reach a resolution of those problems.

I think it is important to retain that flexibility and that is why I think my approach is preferable to writing the language into the law itself—though I am perfectly willing to go the legislative route. Whatever the Senators wish, I shall support. I owe it to them and to the Senate, because the Senate must understand what we accept. I believe one procedure is preferable to the other from the standpoint of the school districts involved as well as of the country as a whole.

Mr. President, when I took up with the Secretary of Health, Education, and Welfare the complaints of certain Senators to the effect that they had been advised by some of their constituents that the Department of Health, Education, and Welfare had been dragging on their procedures far beyond the statutory time limitations set forth in the law, the Secretary said he would go into each case and advise me as soon as he arrived at his findings.

He did so, and he said that as far as the cases submitted were concerned, they did go beyond the 90-day period, but at the request of the local school authorities concerned.

I then called for a conference with

the Secretary of Health, Education, and Welfare and his staff advisers in this field. I shall always be indebted to the Senator from North Carolina [Mr. ERVIN], who is present in the Chamber at the moment, who came to that conference to present the point of view of the complainants, if we may so designate them. I also had staff representatives of other Senators who sought to clear up what they considered to be some maladministration on the part of the Department in specific cases.

The Senator from North Carolina made a very good record in presenting the criticisms that these Senators have of the Department. The transcript is not public, but it is available to Senators who now wish to see it. I am sure that Senator ERVIN and others will make use of it in our discussion of this final major problem that remains for us to resolve before we can pass a bill.

As I say, the Senator from North Carolina and staff members of other Senators helped me immeasurably in making the record in our conference with Secretary Gardner.

I said the other day, and I say again, that I do not know how anyone could have been more cooperative than Secretary Gardner was then and has been on every other occasion.

There was another general complaint. That was where a school district which has been notified that, in the opinion of the compliance review staff of the Department, it is not in compliance could get written notice from the Department as to the aspects in which it is not in compliance and what must be done in order to come into compliance.

The case is not as clear as the case in which the Department allegedly had delayed beyond the statutory period. Here again, I think the record is perfectly clear that the local school authorities were advised that they were entitled to written information. As I recall, Secretary Gardner said the Department prefers to have local school authorities request suggestions, rather than to give them specific recommendations without request.

The Secretary then pointed out that there is no question about the fact that the compliance procedure manual calls for specific recommendations in cases where this is requested by the district. The record will show that I said I thought that is what should be offered.

The Secretary had no objection to that. I think we were very helpful in clearing up that particular matter. I have been reassured by Mr. Libassi, who is in charge of the Department's civil rights compliance program, that the Department will follow that course of action.

Mr. President, I come now to making a few suggestions which are highly tentative and which involve no commitment by me or by my committee. However, I think I ought to outline these proposals tonight as a sort of framework within which my committee would like to work out an understanding with the proponents of the Russell amendment, which, as I said before my friend, the Senator from North Carolina [Mr. ERVIN], came on the floor, we would not accept. The Senate might accept it, but the committee would not accept it in its present form.

We think it ought to be modified. It could be done either in language in the bill or in a letter from the Secretary of Health, Education, and Welfare.

It could provide somewhat in accordance with the following:

> That, notwithstanding any other provisions of the law, an order issued that title VI of the Civil Rights Act of 1964 to terminate or discontinue financial assistance made available to a State or local educational agency by this Act, or any Act amended by this Act, shall not with respect to any school become effective between September 1 and June 1 of the fiscal year unless (1) a written notification was mailed to such agency prior to March 1 of its preceding school year, informing it of alleged non-compliance under title VI and of the imminence of compliance proceedings if adequate corrective action is not taken.

Let us pause here. What I am suggesting is that every school district in which there is any title VI compliance problem, North or South—and I repeat again, as I did a few moments ago, that we have problems in Northern school districts—must be in compliance with title VI. And let me serve notice again on the Department in connection with the committee's oversight responsibilities that neither the chairman nor any other member of my committee is going to stand by and tolerate discriminatory enforcement of the law dependent upon the geographic area where a case arises.

I want the law enforced in any Northern State just as much as I do in any Southern State. And I have the pledge of the Secretary of Health, Education, and Welfare that this will be done. And it shall be.

The proposal I am suggesting gives the date of March 1 of each year—long before the beginning of the next school year.

By March 1, the Department would have to send written notice to the school superintendent that the compliance staff has found in school district X a situation in which, if not changed, the Department would have to find noncompliance and, if not changed, would have to order a hearing.

That certainly gives adequate time, in my opinion, for the school district and the Department of Health, Education, and Welfare to get together on compliance.

Let me also say at this point that when we consider the total number of school districts in the country involved in compliance cases, it is a very small number. We are dealing here with a situation that involves a small minority of the school districts.

My recollection is that Mr. Libassi said, "Senator, we're talking in the neighborhood of about 300 cases."

Furthermore, some other factors must be considered—namely, the number of hearing examiners available. The Department can handle only a certain number of cases, anyway, because of the limitation of personnel. As was pointed out in our conference the other day with Secretary Gardner, it is true that in the hearing examiners function, since under the Civil Service Commission classification, examiners are selected from the trial examiner roster of our Government—therefore, there is a degree of independence: and they have a special civil service standing. As Senator Ervin pointed out, they are working on those particular cases in conjunction with the Department of Health, Education, and Welfare.

I know something about the work of trial examiners, and I believe that the record is pretty clear that these civil servants, acting under their rights, growing out of the civil service laws, can be counted upon to be fair and judicial. I have high regard for them.

Also, as was brought out in our conference with Secretary Gardner the other day, of the 200 trial examiners' decisions, the Department was sustained in all except one—really three, but the other two were washed out on other grounds. In one instance, the Commissioner of Education reversed the trial examiner. If one goes through the entire process, he will find that these cases work out pretty well.

I believe, as I have said from the beginning of our discussion of this problem, that the time schedule is important. So my first point is that if a school superintendent does not have notice by March 1 that the Department is concerned about whether or not his school district is in compliance, if he gets a notice later, then the Department cannot take the money away from him during the school year beginning the next fall.

That is the first way in which he is protected. It is not the only way.

I wish to say to the Senators with whom I have been working, and who feel that they have to have something adopted either by way of an amendment to the bill or by way of a letter from the Secretary, that they should take due notice of the fact that if we follow this course of action, in which you put deadline dates into the procedure, you will in many instances shorten the period of time for negotiations. I am not so sure that it is not a good idea to shorten the time of negotiation.

Let me state it in reverse. I am sure that if we select the March 1 date all parties will make their negotiations the primary business in an endeavor to reach an agreement within a matter of 10 days or 2 weeks or, at most, a month. But that is not required in the law. That is up to them. I believe that will be one of the effects.

On the other hand, I believe I should say to Senators that they cannot expect the Department to accept these cutoff dates and then not say to the school superintendents involved, "We just have to get this settled in a very short but reasonable period of time."

I can imagine that in some instances Senators will hear from school superintendents who will say, "Well, we wanted more time for negotiations and they wouldn't give it to us." If you take this approach, the Department will not be able to give them all the time they want, because the inflexibility of the time schedule will forbid that.

Here again, as we say in so many other places in the law, the rule of reasonableness will have to apply. The question will be whether or not the department, under this time schedule, was reasonable in the period of time it was willing to allow for negotiations—and I am sure it will be.

This brings me, however, to the second cutoff date I should like to suggest: "a notice of opportunity for a hearing regarding such alleged noncompliance was mailed to such agency by certified or registered mail no later than September 1 of the school year in which the order is sought to be made effective."

In the conference in Senator MANSFIELD's office yesterday afternoon, I believe I said at one point, "Well, what about August 1?"

I was thinking about the fact that the school board may have appointed or hired teachers. But, of course, the teachers' contracts are subject to compliance with the law. I said that would give the teachers the month of August to get other jobs, if it were thought probable that noncompliance would be found and that school funds would be cut off during the next school term.

Counsel for the committee, and other Senators who were trying to work out a compromise, after giving the question further thought, said:

> If we take this approach, we would rather have September 1 than August 1, because that will allow more time to try to get the case settled.

The point is that by September 1, if all attempts to get the case settled have failed, the Department must, by certified or registered mail, notify the school that noncompliance exists and that the hearing will be held.

Next, I should like to point out, again, as a tentative suggestion, that—

> Subsection (a) of this section—

That is, the March 1 and September 1 cutoff dates—

> shall not apply in the case of any such order which contains a specific determination of:
>
> (1) interference with the exercise of choice in a manner inconsistent with such agency's free choice desegregation plan.

I understand that none of the proponents of an amendment to the bill have any objection to this language. They agree that it is fair.

> (2) denial to any student on the ground of race, color, or national origin, of full participation in the program and facilities of the school he attends;
>
> (3) failure to carry out one or more commitments which the local educational agency made in response to a notification by the Department of Health, Education, and Welfare of failure to comply with requirements under Title VI of the Civil Rights Act of 1964; or
>
> (4) refusal to provide material information or the provision of inaccurate information which is material to the compliance by such agency with requirements under Title VI.

Mr. President, I think an approach such as that would cover all the cases that I have heard discussed except those cases in which in all this time from March 1 to September 1 they have not been able to reach a settlement. This does not mean they have to wait until September 1. It may well be that in a good many of these instances within 30 days following March 1, the school superintendent might say, "I want a hearing. You are so dead wrong, in my opinion, that I want to go to a hearing." Of course, we have that situation. The hearing would be promptly scheduled.

Mr. President, I close by saying that this does mean, if these cutoff dates are followed, you get near September 1 and there is no compliance, and you schedule a hearing, then in those limited number of cases there will be a cutoff of the funds during the school year for that particular school district; but I point out that no one is to blame for that situation but the particular school district itself.

However, the other districts are entitled to the kind of time schedule which I have outlined. I am not wedded to those particular dates, and I am not wedded to the language I just read. I am wide open to other suggestions for compromise; but not to a compromise that results in maintaining what I consider to be the objectionable basic premise of the Russell amendment.

Mr. President, I wanted to make this statement tonight, to show my good faith and determination to find a way to resolve this difference. Several things can happen if we are not able to bring an agreement to the floor of the Senate. I think we must bring to the floor of the Senate an agreement. We owe it to the school districts of the country and the children of the country to resolve these differences, and I think we can.

However, let us assume for a moment that we cannot. I think we would make a great mistake if we let this bill go into the next session of Congress. I do not think we should do that. We are going to have greatly disappointed hundreds and hundreds of school superintendents in this country. They will not know what to plan for the future and they will not know when they will get authorizations for the school year starting in September. I think we have to find a common ground.

I think everyone will lose if we do not have a bill this year. It is true that the authorization of appropriations continue until June 30, 1968, so that it is not a case of the money not being available for this school year. But delay is going to create a lot of confusion and a lot of misunderstanding. I think it is going to stir up for every Senator, and I do not care what State he comes from, criticism from constitutent groups that will want to know, "Why in the world do you not get a school bill out of the Senate?"

Mr. President, lastly I want to say that in this school bill there are so many programs so sorely needed by the children of this country, the school superintendents of this country, the taxpayers, and the public generally, that as an old mediator may I say I would be at a loss to understand our inability to find a common ground, when we all know that a school bill has to be passed sooner or later; and I want to make it now rather than later, if we possibly can.

Mr. President, I have made this explanation only out of a desire to be of help to my colleagues so that when they meet tomorrow morning, as I understand they are going to meet, they will have something in the RECORD they can refer to when somebody asks the question, "What is Senator MORSE's position? This is the particular framework within which I think we should work out a solution.

Mr. ERVIN. Mr. President, would the Senator yield for an observation?

Mr. MORSE. I yield.

Mr. ERVIN. As one of the Senators who has been deeply concerned about this problem, I am very grateful to the distinguished senior Senator from Oregon for his efforts to find some solution.

As a result of the practice which has prevailed in some cases of cutting off school funds after the school term has begun, we have had a great deal of chaos in some school districts. The Senator from Oregon very readily recognized this as a problem which should be averted if any reasonable means of so doing can be devised.

I wish to say to the Senator that I appreciate far more than I can say the efforts he has made to bring this problem out into the open, and the conference he has arranged with the Secretary of Health, Education, and Welfare, and those charged with enforcing title VI of the Civil Rights Act of 1964 in respect to the schools.

He has gone more than the second mile in an effort to assist us in finding some solution for this problem. I wish to commend the fine attitude which he has exhibited to find some practical way in which due process can be afforded to these schools by providing hearings on charges or allegations of violations of title VI of the Civil Rights Act of 1964.

As Senators know, the distinguished Senator from Oregon is one of the great lawyers of this country, and I would say from my service in the Senate with him that, if he is wedded to one legal concept above all others, he is wedded to the fundamentals of due process.

I appreciate the fact that he has outlined these suggestions today. His actions give us an opportunity to study his suggestions.

As I understand the presentation, the original notice must be given by March 1 of each year with respect to any allegations of existing noncompliance. The parties would have an opportunity until September 1 to work it out by negotiations. If they feel they are not in violation, the school district concerned would have the privilege to call for a hearing at any time between the March 1 date and the September 1 date.

I wish to thank the Senator for his efforts to try to work out this difficult problem with us, and I express the hope that we may find a satisfactory solution within the nature of that suggestion made by the distinguished Senator from Oregon.

Mr. MORSE. I thank the Senator from North Carolina. As I have already pointed out, he has been very helpful to me.

I also want to thank the Senator from West Virginia [Mr. BYRD] who sat with us yesterday, and with the Senator from

Montana [Mr. MANSFIELD], and made one very important contribution after another. In fact, his cross-examination—I use that term, but it is questioning if we want to use another term—his questioning of the representatives of the Department always went right to the point. He was very helpful to me. As he knows, I sat there on several occasions and said to the Department spokesman, "I do not go along with you on that procedure. I think you should modify it." I did the same thing this morning. At the same time, I think I have kept faith with my committee, and that I have not sacrificed the intent and purpose of the Civil Rights Act itself.

I also want to thank our great majority leader. He has spent a long time on this problem trying to assist the Senator in charge of the bill in resolving it.

I want to thank the Senator from Mississippi [Mr. STENNIS] who has been most helpful in presenting his point of view in our negotiations for the past couple of days in the absence of the Senator from Georgia [Mr. RUSSELL].

Before the Senator from Georgia left the city, I conferred with him. I want to say that his whole attitude was, "See if we cannot work something out." I shall be very much interested in his response tomorrow.

The Senator from South Carolina [Mr. THURMOND] has also been very helpful in his discussions with us concerning his point of view. He has made clear at times that he thought the provision should be stronger than the Russell provision. On the other hand, he has made it clear that he is open minded about it and that he hopes that we can get something worked out.

Mr. President, I want to say these things tonight in order to speed up the process, if possible, tomorrow. I should like to get this bill out of the way tomorrow, if for no other reason than to lighten the burden of our distinguished majority leader who is doing his very best to get us out of here by the end of next week. It seems to me that we should be able to come to a judgment on the bill tomorrow. We have a conference ahead. We know that some of the conferences in the past 2 or 3 weeks have not been 1-day affairs. The one on this bill probably will not be a 1-day affair either. I think we should complete consideration of the bill tomorrow, and then go ahead to conference on Monday and try to complete this job, so that we can go home taking with us a school bill.

I say to the Senator from West Virginia [Mr. BYRD] that I am ready to recess the Senate unless he has other business.

Mr. BYRD of West Virginia. Mr. President, I want to express my gratitude to the distinguished senior Senator from Oregon [Mr. MORSE] for the efforts he has put forth consistently to try to find some resolution of this very thorny issue.

He has, indeed, kept faith with his committee. He has been true to its position. At the same time, I think he has recognized the problems of some of the other Senators who have been attempting to find some language to resolve the difficult situations which have, from time to time, obtained in their States. I think that the statement of the Senator from Oregon this evening will be helpful to those Senators in arriving at some judgment as to the position they may wish to take.

Mr. President, I have nothing further to say about the pending bill but I do wish to call up two other bills on the calendar and make a unanimous-consent request therefor, after which I shall adjourn the Senate.

RIGHTS FOR INDIVIDUALS IN THEIR RELATIONS WITH INDIAN TRIBES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order No. 825, Senate bill 1843.

The distinguished Senator from North Carolina [Mr. ERVIN], who is now in the Chamber, is interested in this bill.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 1843, to establish rights for individuals in their relations with Indian tribes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

TITLE I—RIGHTS OF INDIANS

DEFINITIONS

SEC. 101. For purposes of this title, the term—

(1) "Indian tribe" means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

(2) "powers of self-government" means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and

(3) "Indian court" means any Indian tribal court or court of Indian offense.

INDIAN RIGHTS

SEC. 102. No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(7) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

HABEAS CORPUS

SEC. 103. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.

EFFECTIVE DATE

SEC. 104. The provisions of this title shall take effect upon the expiration of one year following the date of its enactment.

TITLE II—MODEL CODE GOVERNING COURTS OF INDIAN OFFENSES

SEC. 201. The Secretary of the Interior is authorized and directed to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. Such code shall include provisions which will (1) assure that any individual being tried for an offense by a court of Indian offenses shall have the same rights, privileges, and immunities under the United States Constitution as would be guaranteed any citizen of the United States being tried in a Federal court for any similar offense, (2) assure that any individual being tried for an offense by a court of Indian offenses will be advised and made aware of his rights under the United States Constitution, and under any tribal constitution applicable to such individual, (3) establish proper qualifications for the office of judge of the court of Indian offenses, and (4) provide for the establishing of educational classes for the training of judges of courts of Indian offenses. In carrying out the provisions of this title, the Secretary of the Interior shall consult with the Indians, Indian tribes, and interested agencies of the United States.

SEC. 202. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

TITLE III—JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS

ASSUMPTION BY STATE

SEC. 301. (a) The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all of such offenses committed within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing, or the control, licensing, or regulation thereof.

ASSUMPTION BY STATE OF CIVIL JURISDICTION

SEC. 302. (a) The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

RETROCESSION OF JURISDICTION BY STATE

SEC. 303. (a) The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section 1162 of title 18 of the United States Code, section 1360 of title 28 of the United States Code, or section 7 of the Act of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

(b) Section 7 of the Act of August 15, 1953 (67 Stat. 588), is hereby repealed, but such repeal shall not affect any cession of jurisdiction made pursuant to such section prior to its repeal.

CONSENT TO AMEND STATE LAWS

SEC. 304. Notwithstanding the provisions of any enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil or criminal jurisdiction in accordance with the provisions of this title. The provisions of this title shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes, as the case may be.

ACTIONS NOT TO ABATE

SEC. 305. (a) No action or proceeding pending before any court or agency of the United States immediately prior to any cession of jurisdiction by the United States pursuant to this title shall abate by reason of that cession. For the purposes of any such action or proceeding, such cession shall take effect on the day following the date of final determination of such action or proceeding.

(b) No cession made by the United States under this title shall deprive any court of the United States of jurisdiction to hear, determine, render judgment, or impose sentence in any criminal action instituted against any person for any offense committed before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense. For the purposes of any such criminal action, such cession shall take effect on the day following the date of final determination of such action.

SPECIAL ELECTION

SEC. 306. State jurisdiction acquired pursuant to this title with respect to criminal offenses or civil causes of action, or with respect to both, shall be applicable in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose. The Secretary of the Interior shall call such special election under such rules and regulations as he may prescribe, when requested to do so by the tribal council or other governing body, or by 20 per centum of such enrolled adults.

TITLE IV—OFFENSES WITHIN INDIAN COUNTRY

AMENDMENT

SEC. 401. Section 1153 of title 18 of the United States Code is amended by inserting immediately after "weapon,", the following: "assault resulting in serious bodily injury,".

TITLE V—EMPLOYMENT OF LEGAL COUNSEL

APPROVAL

SEC. 501. Notwithstanding any other provision of law, if any application made by any Indian, Indian tribe, Indian council, or any band or group of Indians under any law requiring the approval of the Secretary of the Interior or the Commisioner of Indian Affairs of contracts or agreements relating to the employment of legal counsel (including the choice of counsel and the fixing of fees) by any such Indians, tribe, council, band, or group is neither granted nor denied within ninety days following the making of such application, such approval shall be deemed to have been granted.

TITLE VI—MATERIALS RELATING TO CONSTITUTIONAL RIGHTS OF INDIANS

SECRETARY OF INTERIOR TO PREPARE

SEC. 601. (a) In order that the constitutional rights of Indians might be fully protected, the Secretary of the Interior is authorized and directed to—

(1) have the document entitled "Indian Affairs, Laws and Treaties" (Senate Document Numbered 319, volumes 1 and 2, Fifty-eighth Congress) revised and extended to include all treaties, laws, Executive orders, and regulations relating to Indian affairs in force on September 1, 1967, and to have such revised document printed at the Government Printing Office;

(2) have revised and republished the treatise entitled "Federal Indian Law"; and

(3) have prepared, to the extent determined by the Secretary of the Interior to be feasible, an accurate compilation of the official opinions, published and unpublished, of the Solicitor of the Department of the Interior relating to Indian affairs rendered by the Solicitor prior to September 1, 1967, and to have such compilation printed as a Government publication at the Government Printing Office.

(b) With respect to the document entitled "Indian Affairs, Laws and Treaties" as revised and extended in accordance with paragraph (1) of subsection (a), and the compilation prepared in accordance with paragraph (3) of such subsection, the Secretary of the Interior shall take such action as may be necessary to keep such document and compilation current on an annual basis.

(c) There is authorized to be appropriated for carrying out the provisions of this title, with respect to the preparation but not including printing, such sum as may be necessary.

Mr. ERVIN. Mr. President, I introduced this bill with the cosponsorship of the distinguished Senator from Alaska [Mr. BARTLETT]; the distinguished Senator from Indiana [Mr. BAYH]; the distinguished Senator from North Dakota [Mr. BURDICK]; the distinguished Senator from Arizona [Mr. FANNIN]; the distinguished Senator from Hawaii [Mr. FONG]; the distinguished Senator from Oregon [Mr. HATFIELD]; the distinguished Senator from Nebraska [Mr. HRUSKA]; the distinguished Senator from South Dakota [Mr. MUNDT]; the distinguished Senator from South Carolina [Mr. THURMOND]; and the distinguished Senator from Maryland [Mr. TYDINGS].

Mr. President, I have been requested by the distinguished Senator from Connecticut [Mr. DODD] that he desires to be made a cosponsor of the bill, and I ask unanimous consent at this time that he be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, will the Senator from North Carolina please add my name to it also as a cosponsor.

Mr. ERVIN. Mr. President, I take great pleasure in asking unanimous consent that the name of the distinguished Senator from Oregon [Mr. MORSE] also be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, this bill is a pioneer bill in the sense that it represents the first effort on the part of Members of Congress to confer upon the American Indians the fundamental constitutional rights which belong by right to all Americans.

When the Subcommittee on Constitutional Rights began its study of this problem, most of its members were astounded to learn that under decisions of the courts, reservation Indians do not possess the same constitutional rights which are conferred upon all other Americans by the Bill of Rights and the Constitution.

The pending bill undertakes to confer such rights upon reservation Indians, who have languished long in a legal no-man's-land.

The bill also directs the Secretary of the Interior to prepare a model code to set forth the fundamental rights and to prescribe the procedures for Indian courts. In drawing up the code, the Secretary is directed to consult with Indians, Indian tribes, and interested agencies of the United States.

It also provides for the repeal of section 7 of Public Law 83–280 which allow States to acquire civil and criminal jurisdiction over reservations without the consent of the tribes in question. It would permit such jurisdiction to be acquired only with the consent of the Indian tribes concerned, as expressed in a referendum in which members of the tribe would be allowed to express their will in respect to the subject. The American Indians have fought for this measure for years.

This title also gives any State desiring to assume civil or criminal jurisdiction permission to remove any legal impediment in their laws or constitution. The bill would also meet certain other problems which have arisen, such as the problem of where a tribe seeks to employ legal counsel and the Department of the Interior delays action upon the contract of employment. Delays in approving contracts have existed for many months, in some cases, a year or more. It remedies this situation by declaring that the contract would become binding unless it is acted upon one way or the other by the Department of Interior within a period of 90 days after the contract is submitted to the Department of the Interior.

Another title also amends the statute regulating offenses within Indian territory which are subject to prosecution in the Federal courts by providing that there shall be included in the "Major Crimes Act" the offense of "assault resulting in serious bodily injury."

Another title directs the Secretary of the Interior to update and republish certain materials concerning Indians.

As I stated, this is a monumental bill, because it undertakes for the first time to confer upon the reservation Indian the same basic rights which all of us as Americans enjoy under the bill of rights. It is designed to make the Indian a first-class citizen.

I would like to add at this point that one of the Senators whose interest and whose energy are largely responsible for the bill's reaching its present state is the distinguished Senator from Nebraska [Mr. Hruska], who is on the floor of the Senate and who merits the thanks of all the Indian tribes, as well as all Americans who believe in fundamental freedoms. I thank him for the great service he has rendered in connection with this bill.

Mr. HRUSKA. Mr. President, the pending measure has been many years in the making. I imagine we could trace the origins of this bill to the time when the chairman of the Subcommittee on Constitutional Rights commenced hearings. A study of the area was first conducted, and hearings followed at a later time.

I must say I have seldom seen such a major piece of legislation which experienced such thorough, painstaking, and comprehensive preparation. There were extensive and voluminous hearings. Because of their nature, they had to be that way. They were conducted not only here in the Capital City but later in the field. They were conducted by questionnaires, and the legal research that went into these specific bills was introduced in the 89th Congress, and hearings were held. In the report, and as a result of investigations, the recommendations were made in a general way. Specific bills were reintroduced, and they resulted in S. 1843, which is now before the Senate.

Throughout all these proceedings and through all the developments of the legislation up to the point it now enjoys, the leadership, scholarship, diligence, patience, and persistence of the senior Senator from North Carolina were most outstanding.

During all the steps and stages, whether it was in the analysis or in the drafting of the language, the result was long needed and suitable action. Those actions and attributes on the part of the senior Senator from North Carolina were very evident. All of us know that his achievements in this body have been outstanding and have been many, but I know of no better tribute to his record as a legislator than to say that he is the father and creator of S. 1843.

My great regret is that I was not able to offer greater identification with the development of the bill; that I was not able to join more in the many efforts which he executed over the past 6 years in connection with the bill.

As the hearings developed and as the evidence and testimony were taken, I believe all of us who were students of the law were jarred and shocked by the conditions as far as constitutional rights for members of the Indian tribes were concerned. There was found to be unchecked and unlimited authority over many facets of Indian rights. There was a failure to conform to many of the elemental and traditional constitutional safeguards. The Constitution simply was not applicable.

For instance, there was no right of appeal at all, no right to a jury, no right to be represented by counsel—all of those are simple rights which we have just taken for granted. None of them was found to apply to the Indians.

In the six titles of the bill we have a very splendid document which will protect the rights of the American Indians in many ways and bring those rights up to date, which will reflect great credit on this Congress and, unfortunately, will reflect greatly upon the dereliction of some of our previous Congresses. However, we should look forward rather than lament the past in this regard.

I for one want to compliment the Senator from North Carolina most highly for the signal service he is rendering and has rendered in this instance. The senior Senator is well known for his efforts on behalf of "forgotten Americans."

Mr. BYRD of West Virginia. Mr. President, I want to congratulate the distinguished senior Senator from North Carolina [Mr. Ervin] and the distinguished senior Senator from Nebraska [Mr. Hruska] and the other cosponsors of this legislation on having taken action to bring justice, although belated, to the first Americans. I want to express my own personal thanks, and I believe the thanks of our citizenry, to those men who, through their efforts, have brought this bill to the Senate and have so ably presented it to the Senate for action.

I would like, if they are agreeable, to ask that my name be added as a cosponsor, so that, even though the bill will not be reprinted, at least in the Congressional Record my name will appear as a cosponsor of the legislation. I ask unanimous consent that that be done.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). Without objection, it is so ordered.

Will the distinguished senior Senator from North Carolina ask that the name of the Presiding Officer be added as a cosponsor?

Mr. ERVIN. Mr. President, I am honored to ask unanimous consent that the distinguished Senator from West Virginia [Mr. Byrd] and the distinguished Senator from Virginia [Mr. Byrd] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. ERVIN. Mr. President, I would also like the privilege of stating at this time that the members of the committee staff of the Subcommittee on Constitutional Rights have done yeoman service in the conduct of the hearings which resulted in this bill and in the formulation of the bill itself. I particularly would like to mention the names of those who deserve great praise for so doing: William A. Creech, former counsel of the subcommittee, who is now engaged in the practice of law; Mr. George Autry, now chief counsel of the Subcommittee on Constitutional Rights; Mr. Rufus Edmisten, who is the counsel of the Subcommittee on Constitutional Rights in charge of this landmark legislation; Lawrence Baskir, counsel of the Subcommittee on Constitutional Rights; and Marcia MacNaughton, professional staff member.

I would also like to mention Helen Scheirbeck, a former subcommittee staff member, who did a splendid job in the early stages of this legislation, and former subcommittee counsel, Houston Groom.

Without their great efforts this bill would not have been brought to its present stage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to establish rights for individuals in their relations with Indian tribes; to direct the Secretary of the Interior to recommend to the Congress a model code governing the administration of justice by courts of Indian offenses on Indian reservations; to protect the constitutional rights of certain individuals; and for other purposes."

Mr. ERVIN. Mr. President, I am very pleased that the U.S. Senate has passed S. 1843, as amended, which grants to the American Indian the rights that other Americans enjoy. Beginning in 1961, the Subcommittee on Constitutional Rights initiated a study of the legal status of the Indian and the problems he encounters when asserting constitutional rights in his relations with State, Federal, and tribal governments. This effort represented the first study that the Congress had ever attempted in this field, and the results were startling indeed. Subcommittee investigations showed that the American Indian lived in a legal no man's land—without full protection from either tribal, State, or Federal governmental organizations.

The subcommittee has conducted hearings in California, Arizona, New Mexico, Colorado, North and South Dakota, and Washington, D.C. We heard from individual Indians, tribal units, national associations representing Indians, tribal attorneys, Members of Congress, State officials, and representatives of the Department of the Interior. These hearings, and the voluminous record compiled by the subcommittee are evidence of the necessity for congressional action in an area too often forgotten by Congress.

This measure is a consolidation of five individual bills—S. 1843, S. 1844, S. 1845, S. 1846, S. 1847—and one joint resolution—Senate Joint Resolution 87—introduced on May 23, 1967. As originally introduced, these measures covered the six major areas in which the rights of Indians have been neglected for years. As amended, S. 1843 was the vehicle for combining the provisions of the six original measures. The bill the Senate has passed today is a milestone in the road to obtaining full rights for the American Indian.

TITLE I

The first title established the certain rights, giving the Indian citizen the basic rights and privileges in his relationship with his tribal government that every other American citizen now has in his relationship with his State, local and Federal Governments. More specifically, title I makes the Bill of Rights applicable to an Indian when he is charged with a crime by a tribal court.

The tribal governments have been considered by the courts as quasi-sovereign entities to whose actions the Bill of Rights, along with other constitutional provisions, do not apply. In many instances tribal governments have deprived Indians of the right to be represented by counsel, the right to be free from illegal search and seizure, the right to freedom of religion—rights that others take for granted.

Title I prohibits Indian tribes from:

First. Making or enforcing any law prohibiting the free exercise of religion, or abridging the freedom of speech, press or assembly, or the right of the people peaceably to assemble and to petition governmental units for a redress of grievances;

Second. Violating or abusing individual Indians in their person, home, or possession, and securing protection to individual Indians against abuses in the search and seizure of their persons, homes, and possessions;

Third. Subjecting any person for the same offense to be twice put in jeopardy;

Fourth. Compelling any person in any criminal case to be a witness against himself;

Fifth, taking any private property for a public use without just compensation;

Sixth, denying to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense at his own expense;

Seventh, requiring excessive bail or fines and inflicting cruel and unusual punishment. The penalty of a $500 fine or imprisonment for a term of 6 months or both would remain the maximum limitation as to punishment for any one offense;

Eighth, denying to any individual Indian within its jurisdiction equal protection of the laws or deprive any person of liberty or property without due process of law;

Ninth, passing any bill of attainder or ex post facto law; or

Tenth, denying to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Title I also provides that any Indian detained by order of a tribal court is entitled to the writ of habeas corpus in a court of the United States to test the legality of detention by the tribal court. In order to give Indian tribes an opportunity to adjust to this new system of jurisprudence, the provisions of title I will become effective 1 year after the date of enactment.

TITLE II

Title II is designed to compliment the provisions of title I. It directs the Secretary of the Interior to recommend to Congress a model code governing the administration of justice by courts of Indian offenses on Indian reservations. The present code, found in title 25 of the Code of Federal Regulations, part II, is outmoded, impractical, and fails to provide for adequate administration of justice. For example, under the existing code, the total number of challenges in selecting a jury, challenges for cause and preemptory challenges is three, and the fee for jury duty remains 50 cents a day. In carrying out the provisions of title II, the Secretary of the Interior is directed to consult with Indians, Indian tribes, and interested agencies of the United States.

TITLE III

Title III repeals December 7 Public Law 83–280, which permits States to assume criminal and civil jurisdiction over Indian tribes regardless of the wishes of the tribe.

In 1953, Public Law 83–280 (67 Stat. 588) conferred to certain States civil and criminal jurisdiction over Indian country. Tribes have been critical of Public Law 83–280 because it authorizes the unilateral application of State law to all tribes without their consent and regardless of their needs or special circumstances. Moreover, it appears that tribal laws were unnecessarily preempted and, as a consequence, tribal communities could not be governed effectively.

The Subcommittee on Constitutional Rights in its "Summary Report of Hearings and Investigations of the Constitutional Rights of the American Indian" arrived at the following conclusion concerning legislation to remedy Public Law 83–280:

> Indian governments do not, of course, bear full responsibilty for those denials of rights which have occurred or which in the future may occur. It appears, paradoxically, that the States have also erred, both by failing to prosecute offenses and by assuming civil and criminal jurisdiction when that assumption was clearly against the wishes of the Indian peoples affected. Concurrent jurisdiction by the United States in the first instance and a repeal of Public Law 280 or at least its modification to include tribal consent as a precondition of the State's assumption of jurisdiction, would seem to provide a suitable remedy.

Under this title, any State desiring to assume civil and criminal jurisdiction over an Indian tribe must obtain the consent of the affected tribe. The repeal of Public Law 280 has been a major goal of all Indian tribes since the enactment of this hasty legislation—legislation which prevented Indians from having any voice in how or by whom they were to be governed.

TITLE IV

The purpose of title IV is to add to the Major Crimes Act the offense of "assault resulting in serious bodily injury." This new crime would amend section 1153 of title 18 of the United States Code.

In 1885, Congress enacted the Major Crimes Act, which presently provides Federal courts with jurisdiction over the crimes of murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, assault with intent to commit rape, carnal knowledge, arson, burglary, robbery, embezzlement, and larceny committed by an Indian against another Indian or other person. The Federal courts have jurisdiction over these crimes where the States have not assumed criminal jurisdiction over Indian offenses. This title adds "assault resulting in serious bodily injury" to the Major Crimes Act. Since Indian courts cannot impose more than a 6-month sentence, the crime of aggravated assault should be prosecuted in a Federal court, where the punishment will be in proportion to the gravity of the offense.

TITLE V

The purpose of title V is to expedite the approval of contracts between Indian tribes or other groups of Indians and their legal counsel when such approval by the Secretary of the Interior or the Commissioner of Indian Affairs is required by law.

As a result of his guardianship powers, the Secretary of the Interior has been provided authority to approve contracts between Indian tribes and their attorneys. Despite efforts of the Department of the Interior in 1960 and 1962 to expedite approvals of tribal attorney contracts, administrative delay in approving such contracts is a continuing problem. Frequently these delays extend for over a year and consequently impose so severe a hardship upon tribes in need of counsel that they constitute a denial of due process of law.

This proposal provides that applications related to the employment of legal counsel made by Indian tribes and other Indian groups to the Secretary of the Interior or the Commissioner of Indian Affairs are deemed approved if neither approved nor denied within 90 days from the date of filing.

TITLE VI

Title VI authorizes and directs the Secretary of the Interior to revise and republish Senate document 319, 58th Congress, and the treatise entitled "Federal Indian Law." This section directs that an accurate compiliation of the official opinions of the Solicitor of the Department of the Interior be compiled and maintained on an annual basis, and that Senate document 319, containing treaties, laws, Executive orders, and regulations relating to Indian affairs be kept current on an annual basis. The section authorizes the necessary funds for carrying out the purposes of title VI.

The need for adequate and up-to-date research tools in the area of Indian affairs is pronounced. If our Indian citizens are to receive benefits in full measure from their own efforts, as well as from the activities of their attorneys and of scholars working on their behalf, full and easy access must be had to relevant documentary sources. Instances of out-of-print, out-of-date and out-of-circulation materials must be corrected.

The passage of this bill into law will not provide the final solution to the legal dilemma in which the American Indian finds himself. But it is a long step toward granting him his share in the American dream. The Congress and the States have long neglected the rights of an American who has not been able to amass powerful lobby groups, large sums of money, and vast numbers of political crusaders.

For most of us, the basic constitutional protections are taken for granted; however, for the American Indian, the words we prize so highly have had a hollow ring. He needs action, not silent sympathy or lengthy pronouncements of good intentions or pompous promises of assistance.

This legislation has been endorsed by the National Congress of American Indians, the American Civil Liberties Union, the American Indians Committee of the Daughters of the American Revolution, tribal attorneys and Indian tribes from every part of the Nation.

At this point in the RECORD, I request unanimous consent to insert a sampling of letters and telegrams from several Indian tribes, organizations, and individuals supporting this long overdue bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KINGMAN, ARIZ., *November 6, 1967.*

Senator SAM J. ERVIN Jr.,
Chairman, Senate Subcommittee on Constitutional Rights, Washington, D.C.:

The Hualapai Tribe has learned of your efforts to pass amendments to H.R. 2516 which amendments would protect the constitutional Rights of the American Indian and also carry out recommendations made by our tribe for many years regarding amendments to PL 280. We heartily endorse all portions of your amendments to HR 2516.

RUPERT PARKER,
Chairman, Hualapai Tribe.

SAN CARLOS, ARIZ., *November 6, 1967.*

Senator SAM J. ERVIN Jr.,
Chairman, Senate Sub-committee on Constitutional Rights, Senate Office Building, Washington, D.C.:

San Carlos Apache tribe wholeheartedly endorses your efforts to pass amendment to HR 2516 which amendment would protect the Constitution Rights of the American Indian and also carry our recommendations made by our tribe for many years to amend PL 280 so as to provide for Indian consent and possible piece meal taking over of civil and criminal jurisdiction on Indian Reservation not now covered under P.L. 280.

MARVIN MULL,
Chairman, San Carlos Tribe.

WASHINGTON, D.C., *November 3, 1967.*

Senator SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Senate Office Building, Washington, D.C.:

Our President Wendell Chino has informed me that the National Congress of American Indians representing some ninety major Indian tribes including Alaska native villagers are agreed all efforts will be made to support your amendments 429 and 430 to H.R. 2516 introduced as substitutes for the 1967 Civil Rights Bill on November 1, 1967. Our opposition to tactically repressive measures which would in effect deny the guarantee of certain rights to Indians and Indian tribes will be expressed in Washington and made doubly clear by our press statement early next week. Attached are resolutions aimed at redressing some of these problems passed at the 24th NCAI Convention in Portland, Oreg. last month. Please inform us urgently of future developments.

JOHN ELINDO,
Executive Director.

RESOLUTIONS

4. Public Law 280; whereas the National Congress of American Indians has since the enactment of Public Law 280 requested that the act be amended to provide that the consent of the tribal governing body be obtained before a State could assume civil and criminal jurisdiction on the reservation, and whereas, legislation in the past Congresses has been introduced to carry out the foregoing, now therefore be it resolved that NCAI, the convention assembled in Portland, Oreg. October 2 thru 6, 1967, that it respectfully request and urges the 90th Congress to amend Public Law 280 to provide that assumption of States of jurisdiction in civil criminal acts on Indian reservations shall only be after negotiation between the Indian tribe concerned and the State and consent given, and only to the extent, from time to time, as agreed upon by the Indian tribe and the State.

7. Law and order-request for model code whereas there is a pressing need for redefinition and clarification of the jurisdiction and procedure of the several courts concerned with Indian affairs and Indian persons; and whereas law and order code of many organized and unorganized Indian tribes are under revision and reconsideration or require such revision and consideration in the light of changing socio-economic, and security needs of said tribes, and whereas desirable uniformity and diversity of civil and criminal and legal procedure and substantive law affecting Indian tribes and persons can be arrived at only by and through the united consideration and deliberation of all persons and agencies concerned; now therefore be it resolved that NCAI, in convention assembled in Portland, Oreg., October 2 thru 6, 1967, that the secretary of the interior is hereby requested to draft a model law and order code and to consult with any and all appropriate Indian legal and judicial personnel and Members of Congress which he deems necessary to effectuate as far as practicable a workable and equitable uniform law and order code for Indian reservations that would assist Indian and State and Federal courts, both Indian and non-Indian law enforcement agencies, in the proper administration of law and order affecting Indians both on and off the reservation. Be it further resolved that before the code becomes effective on any reservation, the tribe involved consent to and approve the same.

METLAKATLA, ALASKA.

President WENDELL CHINO,
Washington, D.C.:

We are on record to fully support Senator Sam J. Ervin's Indian rights bill as an amendment to H.R. 2516 when the civil rights measure comes before the Senate. We especially want to amend law 280 to clear up jurisdiction on our tribal land.

JOHN W. SMITH,
Acting Mayor, Netlakatla Indian Community.

HAYWARD, WIS.

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, D.C.:

The Lac Court Orielles Band of Lake Superior Chippewa Indians strongly endorse and support Senator Ervin's Indian rights bill as an amendment to H.R. 2516.

JOSEPH R. TREPANIER,
Chairman, Lac Court Orielles Governing Board.

MACY, NEBR.

JOHN BELINDO,
Executive Director, National Congress of American Indians:

The Omaha Tribal Council has voted in full support of Senator Ervin's proposed amendments to HR2516. All congressional representatives from our State have been requested to give their support to these amendments by wire on this date.

ALFRED W. GILMAN,
Chairman, Omaha Tribal Council, Omaha Tribe of Nebraska, Macy, Nebraska.

HAYWARD, WIS.

Senator SAM ERVIN, Jr.,
U.S. Senator, Washington, D.C.:

The Lac Court Orielles Band of Lake Superior Chippewa Indians strongly endorse and support Senator Ervin's Indian rights bill as an amendment to H.R. 2516.

JOSEPHINE R. TREPANIER, Jr.,
Chairman.

MACY, NEBR.,
November 14, 1967.

Hon. SAM ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.:

The Omaha Tribal Council has voted unanimously in support of your proposed amendments to H.R. 2516. Congressional representatives from the State of Nebraska have also been requested to support your amendments on behalf of all Indian tribes in our State.

ALFRED W. GILMAN,
Chairman, Omaha Tribal Council, Omaha Tribe of Nebraska.

Hon. SAM J. ERVIN, Jr.,
Chairman, Senate Subcommittee on Constitutional Rights, U.S. Senate Building, Washington, D.C.:

Salt River Pima-Maricopa Tribe wholeheartedly endorses your efforts to pass amendments to H.R. 2516, which amendments would protect the constitutional rights of the American Indian and also carry out recommendations made by our tribe for many years to amend P.L. 280 so as to provide for Indian consent and possible piecemeal taking over of civil and criminal jurisdiction on Indian reservations not now covered under P.L. 280.

METLAKATLA, ALASKA.

Senator SAM J. ERVIN, Jr.,
U.S. Senate, Washington, D.C.:

We are on record to fully support your Indian rights bill as an amendment to H.R. 2516 when the civil rights measure comes before the Senate. We especially want to amend law 280 to clear up jurisdiction on our tribal land.

JOHN W. SMITH,
Acting Mayor, Metlakatla Indian Community.

MIAMI, OKLA.

Senator SAM J. ERVIN,
Senate Office Building,
Washington, D.C.:

Request favorable consideration of H.R. 2516 amendments.

ROBERT A. WHITEBIRD, Sr.,
Quapaw Tribal Business Committee.

WASHINGTON, D.C.,
November 3, 1967.

Re Indian civil rights bills—S. 1843 through S. 1847 and S.J. Res. No. 87 (215.21).

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I write this letter on behalf of my tribal clients in North Dakota, South Dakota, Montana and Wyoming in support of S. 1843 through S. 1847 and Senate Joint Resolution No. 87. The proposed legislation would fill a long-time need for the protection of the rights of individual American Indians on Indian reservations.

The administration of justice for Indians on Indian reservations is a Federal function. The protection of the lives and property of Indians on Indian reservations, and the enforcement of their rights as Indians and as humans, is as much a federal function as the protection of grass, timber, water, or soil of trust property, or the protection of the health of Indians, or the education of Indians. The history of Interior's appropriations discloses that it consistently seeks increased amounts to take care of "trust property", including irrigation, reclamation, timber and grazing. Those are assets used as much or more by non-Indians as by Indians. Property, not people, is Interior's forte. The administration of justice has always been shoved into obscure corners. Less than one per cent of the appropriations for the Bureau of Indian Affairs for the last ten years has been dedicated to "law and order."

The testimony before your Subcommittee disclosed this situation. It emphasized that remedial legislation is long overdue. The hearings underscored the failure of the Department of the Interior to take an affirmative interest in providing reservation Indians with an effective system of justice, a system that would afford Indians the protection to which every American is entitled, a system which would provide a true public forum in which their grievances could be exposed and objectively and judicially determined. Your bills, if enacted, would place legislative compulsion on the Department to fulfill the obligations Congress long has charged to the Department.

S. 1843 would provide individual Indians with protection against action by the tribal government. There is no such protection now.

S. 1844 calls on the Secretary of the Interior to recommend to Congress a model code to govern the administration of justice on Indian reservations. Such a model is needed. The tribes understand that they are free to accept or reject the model in whole or in part.

S. 1845 would permit State jurisdiction to be extended over Indians on Indian reservations with the consent of the tribe. This is a measure which Indian tribes have long sought.

S. 1846 and S. 1847 are relatively minor. S. 1846 would add "assault resulting in serious bodily injury" as one of the major crimes within the exclusive jurisdiction of the Federal courts. S. 1847 concerns approval of contracts between attorneys and Indian tribes. As to these two bills, my tribal clients have not expressed either support or objection.

Senate Joint Resolution No. 87 directs the Secretary of the Interior to update Kappler's "Indian Affairs, Laws and Treaties" and the handbook on "Federal Indian Law" and to prepare a compilation of the published and unpublished opinions of the Department relating to Indian affairs. The tribes, the bar, the courts and the Department itself have great need for such a work.

I sincerely hope that the bills are reported to the Senate and passed.

Kind personal regards,
Sincerely,

MARVIN J. SONOSKY.

HUALAPAI TRIBAL COUNCIL,
Peach Springs, Ariz., November 6, 1967.

Mr. JOHN BELINDO,
Executive Director, National Congress of American Indians, Washington, D.C.

DEAR MR. BELINDO: The Hualapai Tribal Council at regular session November 4, 1967, authorized the Chairman of the Hualapai Tribal Council to send by telegram the following message to Senator Sam J. Ervin, Jr., Chairman, Senate Subcommittee on Constitutional Rights. The telegrams were also sent to Senator Carl Hayden and Senator Paul Fannin.

Sincerely yours,

RUPERT PARKER,
Chairman, Hualapai Tribal Council.

HUALAPAI TRIBAL COUNCIL,
Peach Springs, Ariz., November 6, 1967.

Senator SAM J. ERVIN, Jr.,
Chairman, Senate Subcommittee on Constitutional Rights:

The Hualapai Tribe has learned of your efforts to pass amendments to H.R. 2516 which amendments would protect the Constitutional Rights of the American Indian and also carry out recommendations made by our tribe for many years regarding amendments to P.L. 280. We heartily endorse all portions of your amendments to H.R. 2516.

RUPERT PARKER,
Chairman, Hualapai Tribal Council.

MUSKOGEE, OKLA.,
November 7, 1967.

Hon. FRED R. HARRIS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HARRIS: Word has come to me that Senator Ervin is in need of help on his Indian Rights Bill as an Amendment to H.R. 2516 when that measure comes before the Senate. The Cherokee Nation has heartily endorsed the efforts of Senator Ervin and particularly the points covered by his Bill, and will, therefore, appreciate your earnest thoughts and able assistance to him in his magnificent effort.

Sincerely,

EARL BOYD PIERCE,
General Counsel for the Cherokee Nation.

WAPATO, WASH.,
November 20, 1967.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As I glance over the Federal Times recently, I note your Indian Rights Bill with great deal of interest.

I would appreciate a copy of this bill. It concurred with some of our convictions on American Indians and the record will be kept in our files for future reference.

In final, I wish to say this is certainly a forward looking piece of legislation for our first Americans and I salute you for your kind expressions and courage in culminating the development of this type of legislation.

Thank you in advance.

Very truly yours,

JOHN DEMONTINEY.

OGLALA SIOUX TRIBE,
Pine Ridge, S. Dak., November 14, 1967.

Senator SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I am attaching the resolution of the Oglala Sioux Tribal Council strongly supporting *Title IV* of Senator Sam Ervin's Amendments to *H.R. 2516*. I cannot overstate the importance of this issue in Indian affairs and the importance of the passage of Senator Ervin's amendment. The unilateral assumption of civil and criminal jurisdiction by the state, wiping out tribal jurisdiction without consent, is now possible under P.L. 280 and is thoroughly repugnant to the American system of government. This fact was recognized by President Eisenhower prior to his signing the bill, and Indian tribes have long sought to have it amended. Your support will be important to this vital issue and will be appreciated by Indian people throughout the country.

In regard to the changes proposed in other titles of the amendments, the tribe certainly is not in the position of opposing legal reform. We simply feel that, in detail, the tribes themselves should develop and adopt specific reforms and request specific programs designed to implement them rather than have the initiative and the procedures placed in the hands of the Department of the Interior and out of the hands of the people who are being governed by tribal law and will be governed by any new laws. It has long been an accepted fact that, laws and regulations promulgated by Congress and the Department of the Interior which are intended to cover the situations of all Indian tribes are breeding grounds for exceptions or awkward administration rather than the tools for a solution of problems.

It is the wish of the Oglala Sioux Tribe to be assisted with the tools for solving problems and the freedom to develop appropriate ways to use those tools. In my experience with Indian tribes across the country, this is the desire of most Indian people.

We are counting on your support for this important amendment. We hope that you will be able to see its value as we do.

Sincerely,

JOHNSON HOLY ROCK,
President, Oglala Sioux Tribe.

RESOLUTION

Whereas, the Indian tribes of America prior to the coming of Columbus had developed unique forms of society and government, respecting the sacred rights of man and providing for the full expression and development of the individual and the group;

Whereas, the Indian tribes of America have been struggling to adapt to a new period in history and to preserve their fundamental values by developing new forms of tribal government which are able to accommodate the demands of a new society;

Whereas, the Indian tribes of America are proud of their contribution to American society and culture, an important part of which is the effect of Indian forms of "government by the people" on the development of the Articles of Confederation and the U.S. Constitution;

Whereas, the Indian tribal government is able to progress and adapt in the most appropriate and far-reaching way when changes are developed from within and not forced from without, respecting the principles of self-determination, due process, and government with consent of the governed;

Now, therefore be it resolved,

(1) That the Oglala Sioux Tribe strongly supports *Title IV—Jurisdiction Over Criminal and Civil Actions of the AMENDMENTS Intended to be proposed by Mr. Ervin to H.R. 2516*, (Amdt. No. 430); which amendment is designed to provide for the gradual accommodation of tribal and state civil and

criminal jurisdiction, only with the consent of the tribe involved;

(2) That this amendment is being given full tribal support because it allows each individual tribe to work out its own relationship with the State on the basis and on a timetable suitable to the individual tribe; and that the tribe will encourage other legislation and other programs which similarly recognize that the only real progress is possible when the people have the opportunity to work out their own ways of meeting new situations, rather than submitting to the plans, goals, timetables, and priorities of others, and that the most effective and far-reaching legislation and resources will recognize this as a fact;

(3) That the President of the Oglala Sioux Tribe is hereby authorized to express this resolution of the Oglala Sioux Tribal Council to: (a) Senator Sam Ervin, Jr., Chairman, Subcommittee of Constitutional Rights, U.S. Senate; (b) Senators Karl Mundt and George McGovern of South Dakota; (c) The President of the United States and the Vice-President of the United States; (d) The National Congress of American Indians; and (e) all other interested parties;

(4) That all members of the Oglala Sioux Tribe are encouraged to express members constituting a quorum were present at a meeting duly called and held on November 9, 1967, at Pine Ridge, South Dakota; that the foregoing resolution was therefore adopted by an affirmative vote of 24 for; none against; that said resolution is in full force and effect unless by legal enactment of the Council it shall be amended or rescinded.

MILDRED YOUNG,
Secretary, Oglala Sioux Tribal Council.

Attest.

JOHNSON HOLY ROCK,
President, Oglala Sioux Tribal Council.

NATIONAL SOCIETY DAUGHTERS OF
THE AMERICAN REVOLUTION,
New Milford, N.J., November 7, 1967.

Senator SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you for the copy of bill H.R. 2516 which you so kindly sent to me on November 2nd. It is certainly disheartening to see so much laxness, indifference and out-right "finagling" by some of our elected and appointed officials. Therefore, it is most reassuring to have some one of your calibre not only stand up and be counted, but to actively fight and campaign for what he knows to be right.

Today everyone talks about the "plight" of the American negro as the biggest disgrace in this country today. Not so, but rather the conditions under which our First Americans, the minority with seniority, have to live. And because they have suffered in silence with dignity, rather than be the "barking dog which gets the bone", they have been both neglected and taken advantage of. With men in government such as yourself, they can really look to a brighter future.

With best wishes for your future endeavors, I am,

Sincerely yours,
RUTH MARTORELLI,
National Chairman American Indians Committee, NSDAR.

UNITED CHURCH BOARD FOR
HOMELAND MINISTRIES,
New York, N.Y., November 8, 1967.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: As administrator for Indian mission work of the United Church of Christ, I personally support the Senate Resolution 1843 which would establish rights for individuals with Indian tribes and for other purposes. This position does not represent a vote by the United Church, but the intent of your Bill carries out much of the spirit of our mission work.

Sincerely yours,
SERGE F. HUMMON.

NEW DISTRICT COURT DIVISION FOR WESTERN DISTRICT, TEXAS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 876, House bill 8338.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8338) to create a new division for the western district of Texas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 8, after the word "Midland.", insert "Court may be held, in the discretion of the court, in Odessa, when courtroom facilities are made available at no expense to the Government."; and after line 10, insert:

> (4) by deleting the word "six" in the first sentence of subsection (d) and inserting in lieu thereof the word "seven".

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. YARBOROUGH. Mr. President, I am very pleased at Senate passage of H.R. 8338, the bill creating a Midland-Odessa division of the Federal district court in the western district of Texas.

The bill would realine the present El Paso and Pecos divisions of the western district and would allow for Federal court to be held in Midland and Odessa. These cities have become major population centers since the previous divisions were made, and the new places of holding court are greatly needed to reduce the expense and inconvenience to litigants, lawyers, and witnesses.

The bill has been amended in the Senate at the suggestion of Congressmen GEORGE MAHON and O. C. FISHER to assure that court can be held in Odessa as well as Midland, when the court finds it advisable and no cost to the Government is incurred.

I am greatly pleased at passage of this measure to facilitate the administration of justice in west Texas and to recognize the importance of the rapid population growth in Midland and Odessa.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 895), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8338, as amended, is to create a new division of the U.S. District Court for the Western District of Texas, and to redefine the boundaries of the existing Pecos and El Paso divisions. The new division is to be known as the "Midland-Odessa" division and is to be authorized to sit at Midland, Tex., and, in the discretion of the court and under specified conditions, at Odessa, Tex.

STATEMENT

Population and litigation statistics demonstrate the inadequacies of present divisional boundaries in the U.S. District Court for the Western District of Texas. The El Paso division of that district presently comprises Brewster, Culberson, Hudspeth, and Presidio Counties, in addition to the county of El Paso. The greatest percentage of the El Paso division's heavy burden is generated in El Paso County proper.

The Pecos division of the district presently comprises Andrews, Crane, Ector, Jeff Davis, Loving, Martin, Midland, Pecos, Reeves, Upton, Ward, and Winkler Counties. During the 5-year period ending September 1965, approximately 64 percent of the civil cases, 39 percent of the criminal cases, and 72 percent of the bankruptcy cases litigated in the Pecos division were generated in Midland and Ector Counties. The combined population (1960 census) of these two contiguous counties amounts to more than 63 percent of the population of the counties constituting the Pecos division.

The principal municipalities of Midland County and Ector County are the city of Midland and the City of Odessa, respectively. These cities, approximately 20 miles apart, have a combined population of more than 160,000 persons and are the center of existing and projected industrial and population growth.

Odessa is 73 miles and Midland is 93 miles from Pecos, the seat of the Pecos division Federal court. The distances involved in travel to and from Pecos create great burdens for jury panels and members, parties, witnesses, and counsel, increase the costs of litigation, and often contribute to the delay of proceedings. Pecos does not have an airline terminal, and the court facilities there are reportedly inadequate to serve all of the division as presently constituted.

H.R. 8338, as amended, will effect the following redistribution of counties within the western district of Texas. The counties of Brewster, Culberson, Hudspeth, and Presidio, now constitutents of the El Paso division, will become elements of the Pecos division, leaving the County of El Paso as the sole constituent of the El Paso division. The counties of Andrews, Crane, Ector, Martin, Midland, and Upton, now constituents of the Pecos division, will make up the new Midland-Odessa division, leaving the counties of Pecos, Reeves, Ward, and Winkler, and the counties removed from the El Paso division, to constitute the Pecos Division.

Your committee believes that the proposed new division and the realinement of several counties within existing divisions will effect a reasonable and desirable solution to the geographical, demographical and administrative problems encountered in the administration of the U.S. district court for the western half of the western district of Texas.

The various provisions contained in H.R. 8338 have received the endorsement of bar associations, city councils, the Fifth Circuit Judicial Conference, the Fifth Circuit Judicial Council, the Judicial Conference of the United States, and the Department of Justice.

COMMITTEE MEETINGS ON DECEMBER 14 AND 15

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Special Subcommittee on Indian Education of the Committee on Labor and Public Welfare be authorized to meet during the sessions of the Senate on December 14 and 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 9 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned, until tomorrow, Friday, December 8, 1967, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7 (legislative day of December 6), 1967:

U.S. Marshals

Francisco R. Santos, of Guam, to be U.S. marshal for the district of Guam for the term of 4 years.

Eugene G. Hulett, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years.

Postmasters

ALABAMA

Malcolm D. Graham, Courtland.
Geraldine E. DeShields, Forest Home.
Edward R. Perkins, Guntersville.
Marrion Amason, Marbury.
Ann N. Green, Selma.
Gordon S. Greene, Woodward.

ALASKA

Edwin S. Lames, Galena.
Robert K. Wright, King Salmon.

ARIZONA

Helen A. Staton, Lake Havasu City.

ARKANSAS

William L. Stevens, Judsonia.

CALIFORNIA

Rowenah P. Harmon, Avery.
Ruby M. Planing, California Hot Springs.
Ronald B. Clark, Camp Meeker.
Donald R. Wilson, Farmersville.
James L. Weatherall, Guadalupe.
Tommy N. Neff, Imperial.
Carl Sidner, Montague.
Hugh W. Aber, Morongo Valley.
Louis V. Gannaway, Ridgecrest.

CONNECTICUT

Joseph A. Doyle, Ansonia.
Eleanor N. Elton, South Willington.

FLORIDA

Lois P. Giles, Durant.
Charles W. Young, Naples.

GEORGIA

Luther T. Tankersley, Jr., Evans.

IDAHO

Leroy P. Walters, Moyie Springs.
Wayne R. Guyer, Weiser.

ILLINOIS

John C. Lingle, Alto Pass.
William L. Tomlinson, Carthage.
Dale A. Rupprecht, Caseyville.
Elizabeth M. Klemt, Custer Park.
William J. McKenna, Glen Ellyn.
Robert F. Willms, Lake Forest.
Richard W. Tozer, Maroa.
Myrtle L. Hasenauer, Melvin.
Robert L. Seelbach, Morrisonville.
Joseph J. Short, Paxton.
Mary Lee C. Crnkovich, St. David.
Edward S. Sauber, Sycamore.
Adele D. Nelson, Watson.

INDIANA

Paul A. Maggard, Austin.
Wayne A. Kern, Bedford.
Ruby M. Sherrick, Beverly Shores.
Max Wolverton, Brazil.
Lynn E. Riggs, Carlisle.
Margaret E. Knoy, Freedom.
Vinita M. McCullough, Lewis.
Paul L. Kizer, Milford.
Libero A. Baldoni, Mishawaka.
George M. Myers, Montezuma.
Robert L. Kreutzer, Peru.
Helen L. Mitchell, Springville.

IOWA

Roger A. Mead, Correctionville.
Bobby D. Hough, Eddyville.
Robert S. Schreurs, Keota.
Margaret Buren, Leland.
Daniel J. Doyle, Neola.
Chester A. Ruth, Jr., Percival.
Gene L. Crane, Pleasantville.
Richard E. Avise, Rockwell.
Pearl M. Hailey, Shannon City.
M. Marguerite Gallery, Winterset.

KANSAS

Lonita A. Hillman, Hazelton.
Grant E. Nunn, Jr., Lincoln.
Charles O. Gelino, Morganville.

KENTUCKY

William T. Tillotson, Elizabethtown.
Thomas M. Brizendine, Franklin.
William C. Preston, Olive Hill.
Justice D. Wood, Williamstown.

LOUISIANA

June T. Magee, Keatchie.

MASSACHUSETTS

Lester A. Magnant, Webster.
Charles R. Hill, Winchester.

MICHIGAN

Ella M. Carley, Cooks.
Lawrence D. Dugan, Flat Rock.
John A. Mulligan, Plymouth.

MISSISSIPPI

Dora L. Simon, Cruger.
Edwin P. Connolly, Laurel.
James L. Harris, Jr., Macon.
Messena F. Jones, Vaughan.

MISSOURI

Eddie E. Buffington, Centralia.
Robert J. Eckstein, Clyde.
Deloris June Jackson, Delta.
Luther E. Brewer, Drexel.
Clarence M. Craig, Green Castle.
Richard D. Roberts, Lancaster.
Donald Joe Knight, Leasburg.
Donald S. Beeson, Perryville.

MONTANA

John R. McNamara, Helena.

NEBRASKA

Robert E. Koinzan, Davenport.
Violet V. Smith, Haigler.
Howard F. Baltensperger, Nebraska City.
Rex C. Heitman, Wallace.

NEW HAMPSHIRE

Albert L. Hankins, Contoocook.

NEW JERSEY

William F. Verhaegen, Caldwell.
Everitt J. Monahan, Morris Plains.

NEW YORK

Catherine C. Hallahan, Brasher Falls.
Louise A. Benjamin, Central Valley.
Harry W. Johnson, Jamestown.
Leon Korzeniewski, Morrisville.
John F. Fosina, New Rochelle.
Thomas F. Dady, New Woodstock.

NORTH CAROLINA

Theodore B. Gray, Buxton.
Melvin E. Allison, Etowah.
Elaine C. Osborne, Glade Valley.
William J. McCall, Penrose.
Hugh A. McKenzie, Shannon.
Robert E. Peele, Stokes.

NORTH DAKOTA

Leon L. Gilbraith, Crary.
Hilda M. Backfisch, Goldenvalley.
Berniece M. M. Maley, Verona.

OHIO

Norbert F. Langhals, Cloverdate.
John R. Carder, Continental.
Roger B. MacDonald, Defiance.
Gerald I. Borer, New Bavaria.
Louis R. Fagnano, New Middletown.
Eloise L. Moore, Savannah.

OKLAHOMA

Hubert W. Sanders, Custer.
Richard N. Krohn, Indiahoma.
Finis E. Copeland, Maud.
Frank S. Cundiff, Perkins.

OREGON

Robert W. Thompson, Glendale.
Clifford J. Driscoll, Grants Pass.
Clarence A. Williams, Jacksonville.
Mary E. Sinclair, Monroe.
Fred J. Hayes, Oakridge.
Robert F. Landers, Silverton.

PENNSYLVANIA

George E. Kintigh, Alverton.
Michael Arden, Bear Lake.
Lloyd N. McCray, Columbus.
Robert P. Doherty, Darby.
Domenic P. Ruggieri, Kennett Square.
R. Evelyn Miller, Mont Clare.
Harry E. Adams, New Cumberland.
Edward R. Kalavik, Phoenixville.
John J. McDonald, Jr., Vandergrift.

SOUTH CAROLINA

James W. Miller, Mauldin.
Charles E. Chasteen, Ware Shoals.

SOUTH DAKOTA

Charles G. Sanftner, Belvidere.
Edward C. Colvin, Philip.
Alice M. Schneider, Pukwana.
Constance A. Gillen, White Lake.

TENNESSEE

Albert M. Daniel, Bean Station.
James H. Wheeler, Bloomington Springs.
Vetta S. Garrigan, Woodland Mills.

TEXAS

Charley C. Davis, Jr., Helotes.
Bill R. Stanfield, Keene.
Louis C. Nordt, Missouri City.
Eugene C. Hrncir, Moulton.
Dorothy W. Vance, Orangefield.
Lula M. Swim, Roaring Springs.
Kenneth R. McWhorter, Rochester.
Don N. Sanderson, Tulia.

VERMONT

Helen T. LeGrow, Sharon.

VIRGINIA

George V. Utt, Cana.
Malcolm L. Garber, Fort Defiance.
Charles C. Bunting, Highland Springs.
Kenneth E. Legg, Middletown.
Hilda S. Earhart, Mount Solon.
Mercer V. Hogge, Jr., Yorktown.

WASHINGTON

Howard F. Martin, Camas.
Mildred M. Agnew, Rock Island.
Ralph O. Link, Snohomish.

WEST VIRGINIA

Helen R. Burnside, Hometown.

WISCONSIN

Duane A. Helland, Boyd.
Martin L. Kaster, Cuba City.
Warren M. Johnson, Drummond.
Leonard S. Ciezki, Greendale.

WYOMING

Harold H. Vestal, Powell.

ASSISTANT ATTORNEY GENERAL

Clyde O. Martz, of Colorado, to be Assistant Attorney General.

U.S. DISTRICT JUDGES

Winston E. Arnow, of Florida, to be U.S. district judge for the northern district of Florida.

Harry Pregerson, of California, to be U.S. district judge for the central district of California.

Gerhard A. Gesell, of the District of Columbia, to be U.S. district judge for the District of Columbia.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 7, 1967

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. ALBERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., December 7, 1967.

I hereby designate the Honorable CARL ALBERT to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The people who walked in darkness have seen a great light.—Isaiah 9: 2.

O God, most mighty and merciful, we come to Thee for insight and inspiration which Thou alone canst give to the human mind and heart. In this moment of prayer do Thou plant our feet on the higher ground of Thy spirit that we may find deliverance from thoughts that weaken us, from desires that worry us, and from a selfishness that closes the door to the needs of others.

Thou who didst cause light to shine out of darkness, shine Thou upon our way, that we may see the road we should take, and by Thy spirit be given strength to walk on it—fulfilling Thy will for us and for our Nation. Send us out into this day with the assurance that Thou art with us and by Thy grace may we be made adequate for every activity, equal to every experience, and more than a match for every mood.

Kindle in the hearts of our people a love for justice, an enthusiasm for good will and a joy in living that our Nation may turn from the low road of poverty and prejudice and take the high road that leads to the plains of peace and prosperity for all. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Bradley, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3399. An act to amend section 2 of Public Law 88-240 to extend the termination date for the Corregidor-Bataan Memorial Commission;

H.R. 5910. An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma;

H.R. 10964. An act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes; and

H.R. 11638. An act to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12144) entitled "An act to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6167) entitled "An act to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mrs. SMITH, and Mr. THURMOND to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 286. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable;

S. 1017. An act to authorize the Secretary of the Army to pay for the cost of surfacing $1\frac{8}{10}$ miles of a certain access road in Putnam County, Fla.;

S. 1058. An act to authorize the Secretary of the Interior to sell lands embraced in certain terminated entries, and for other purposes;

S. 1059. An act to amend the act relating to the leasing of lands in Alaska for grazing in order to make certain improvements in such act; and

S. 2402. An act to provide for credit to the Kings River Water Association and others for excess payments for the years 1954 and 1955.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman, the minority leader, as announced yesterday, we have no legislative program today. So far as we have it, the program for next week is as follows:

Monday we expect to have four conference reports:

House Joint Resolution 888, continuing appropriations, fiscal year 1968;

S. 2388, Economic Opportunity Amendments of 1967;

H.R. 7977, Postal Revenue and Federal Salary Act of 1967; and

H.R. 13510, Uniformed Services Pay Act of 1967.

Monday is District Day and there are three District bills:

H.R. 8581, to increase the price for reports of the U.S. Court of Appeals for District of Columbia Circuit;

H.R. 10337, to amend the District of Columbia Minimum Wage Act; and

H.R. 14330, to provide a program for the prevention and treatment of alcoholism in the District of Columbia.

For Tuesday and the balance of the week:

H.R. ——, supplemental appropriation bill, fiscal year 1968.

And the following conference reports:

H.R. 12080, Social Security Amendments of 1967;

H.R. 4765, tax treatment under Bank Holding Company Act of 1956;

H.R. 6167, to extend certain naval vessel loans; and

H.R. 10595, to prohibit sale of lotteries in banks.

Also, we expect to have the following resolutions from the Committee on House Administration.

House Resolution 959, to provide additional funds to Committee on Banking and Currency,

House Resolution 975, to provide additional funds to Committee on Banking and Currency; and

House Resolution 995, to increase the compensation of the expert transcribers to official reporters.

Bills and conference reports may not necessarily be called up in the order listed. Additional conference reports may be brought up at any time. Any further program will be announced later.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CERTAIN REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight, December 8, to file certain reports.

The SPEAKER pro tempore (Mr. NATCHER). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE RESOLUTION 888, CONTINUING APPROPRIATIONS, 1968, UNTIL MIDNIGHT TONIGHT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on House Joint Resolution 888, making continuing appropriations for the fiscal year 1968, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE UNITED NATIONS AND VIETNAM

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I have introduced a resolution calling on the President to once again exert every effort at having the Vietnam war considered by the United Nations Security Council.

This resolution is identical to one which received unanimous approval in the other body last week. It simply expresses the sense of the House of Representatives that the President of the United States consider taking the appropriate initiative through his representatives at the United Nations to assure that some action on the Vietnam conflict be brought before the Security Council for consideration.

The resolution does not offer a panacea. No one aware of present world realities could imagine that Security Council consideration of Vietnam will mean immediate cessation of hostilities in that war-torn country.

Nor is the resolution meant as implicit criticism of present administration policies. I am convinced that our national leaders are earnestly seeking all avenues to a solution in Vietnam.

It is my belief, however, that congressional approval of this proposal and its implementation by the administration through the U.S. representative in the United Nations would have a number of good effects.

First, it would demonstrate our Nation's continuing desire for peace in Vietnam.

The very fact that our Nation is willing to take the question before that international body, despite the opportunities for abuse which it gives our antagonists there, is vivid proof of the sincerity of our purpose.

You will recall, Mr. Speaker, that the United States in February of 1966 asked the Security Council to take up the Vietnam issue. It did so—but only after a close vote.

Then, we seemed to back off the question and no really meaningful discussion ever resulted.

While it is true that the majority of the Security Council are not eager to discuss Vietnam—and that any resolution acceptable to the United States may be vetoed by the U.S.S.R. or France—nevertheless we must continue to press the issue to demonstrate our never-ending search for a peaceful solution in Vietnam.

Second, the United Nations has dealt with every major world crisis since World War II with one exception—the war in Vietnam.

Because of this unwillingness to take responsibility, the United Nations has lost much of its authority and prestige in the eyes of the peoples of the world.

This is a dangerous trend. Despite its obvious shortcomings, the United Nations remains a hope for a peaceful world.

By considering the Vietnam question in an effective and meaningful way, the United Nations could go a long way toward restoring the reputation which now is declining.

Finally, I believe that the resolution and appropriate action by the administration could result in progress in solving the Vietnam issue.

Security Council consideration of Vietnam might do much to clarify the various positions of those both directly and indirectly involved in the conflict.

By bringing all interested parties together for face-to-face discussion of the issues, perhaps avenues of agreement might be found—avenues which might ultimately lead to a peaceful solution of the conflict.

Even minimal agreement among the members of the Security Council could be helpful. Hopefully it might be determined that the Geneva conference should be reconvened to handle the issue—or some other, new, international conference should be held to seek a solution.

In other words, if substantive agreement is out of the question in the Security Council, then perhaps some procedural agreement is possible.

Such possibilities and opportunities are envisaged in this resolution, Mr. Speaker.

It is my hope that the House can take up the measure in the immediate future—before adjournment—in order that House expression would serve as a further incentive for action in the current session of the Security Council of the United Nations.

THE HIDDEN PERILS IN OUR CALIFORNIA WATER PLAN—ARE WE BUILDING A WATER MONSTER?

Mr. WALDIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALDIE. Mr. Speaker, the area I represent in California has long been concerned relative to real and potential threats to our water supply. We depend on the great Sacramento-San Joaquin Rivers Delta to provide fresh water for our farms, homes, and industries. In recent years, that supply has been threatened by encroachment of others in our great State who are in need of water. Despite our efforts to fend off those who would deplete this limited source of water, we still face a variety of threats from a variety of sources to this irreplaceable resource.

Recently, Mr. Speaker, the "California Living" supplement to the great San Francisco Sunday Examiner & Chronicle, published a summary of this problem, and I believe it worthy to call to the Members' attention.

Particularly, Mr. Speaker, do I concur in that portion of the article that suggests two proposed Federal projects, the peripheral canal and the San Luis drain, pose severe and perhaps, insurmountable threats to the well-being of the area I represent.

Under leave to extend my remarks in the RECORD, I include the following article from the "California Living" supplement to the San Francisco Sunday Examiner & Chronicle:

THE HIDDEN PERILS IN OUR WATER PLAN

(By Jim Quint)

Sitting astride the Feather River above Oroville, the world's highest earth-filled dam at last is impounding the river's flow for one of the most ambitious water projects in the history of man. It will gather the rampant floodwaters which every year have poured wastefully into the sea, and carry them—via an enormous system of aqueducts, pumps, tunnels and reservoirs—to the water-hungry southern part of the state.

And at Tracy, a big new pumping station is ready to gush its first streams southward, first to San Joaquin Valley farmlands and then onward to the metropolitan Los Angeles area where countless more housing tracts will spring up out of what is now barren desert.

True, the giant is beset with financial difficulties. The $1.75 billion bond issue barely passed by the voters in 1960 has proved to be not enough; the state must find additional millions to meet a production schedule which promised the first water deliveries to some areas in 1968.

But there is little doubt the work will go on.

Not all the world will rejoice when it does, however. Especially not that part of the world around the vast, fertile Sacramento-San Joaquin River Delta, the eastern freshwater arm of San Francisco Bay from which the flows will be diverted.

For it has become alarmingly apparent that, unless steps are taken to prevent it, this great project will irreparably degrade the Delta, intolerably pollute San Francisco Bay, and destroy the great striped bass and salmon fishery.

To understand the picture, it is necessary to know the program of State Water Project development:

First Phase—Water from the Oroville and Shasta dam complexes will be released via the Sacramento River into the Delta which will act as a transit reservoir. The fresh water will pass through the Delta channels and be pumped out at Tracy into the big California Aqueduct.

Second Phase—The Peripheral Canal, so-called because it will skirt the eastern edge of the Delta when it is completed in the mid-1970s, will intercept the Sacramento River flow at Hood and carry it directly to the Tracy pumping station. When this phase is accomplished, almost no fresh water will enter the Delta from the Sacramento River system, including the Oroville and Shasta reservoirs, except that which is released by the engineers at certain points along the Peripheral Canal.

Other than these controlled releases, about the only source of non-ocean water for the Delta and the Bay will be the San Joaquin River, which already is heavily polluted with agriculture drainage and will become even more polluted as irrigation is extended as a result of the State Water Project.

Third Phase—The State and the U.S. Bureau of Reclamation plan to build jointly a master drain to carry agricultural wastes from along the San Joaquin Valley, as far as Bakersfield 288 miles south, and dump it into the Bay system near the Antioch Bridge.

Fourth Phase—Dams and reservoirs would be built on northern streams, including the Eel, Klamath, Smith and Mad Rivers which carry 40 percent of the state's entire fresh water supply. The Department of Water Resources and the Army Engineers have agreed to conduct preliminary planning for the first unit, the Dos Rios Reservoir on the Upper Eel. No timetable has been set. Financing for these northern dams was not included in the $1.75 billion bond issue of November 1960.

It is not the first phase, in which the Delta will be used as a fresh-water transit reservoir, that worries some Bay Area water agencies although Lt. Col. Frank C. Boerger, district engineer for the Army Corps of Engineers, has pointed out that with the rivers under control, "Less fresh water will flow, and this will tend to degrade the Delta environment through intrusion of salt water and, possibly, a higher concentration of pollutants, such as those from agricultural wastes."

But the second phase—the Peripheral Canal—is bitter opposed by western Delta people who believe it will permit so much salt water to invade the channels that about 70,000 acres of low-lying farmland will become unfit for high-quality crops. These critics insist that even substitute irrigation water, piped overland, will be unable to counteract underground seepage of salt into the crop root area.

These interests point out that there already is a problem of salinity in the channels in dry years, but they say farmers have been able to squeak through because periodic heavy flows of storm water cleanse the channels of salt and other pollutants. They fear that in the future these heavy flushing flows will be nonexistent.

The Department of Water Resources, which is committed to delivering 4.23 million acre-feet of impounded water per year to Southern California by 1990 and more than 7 million by 2020, insists that it intends to release enough fresh water from the Peripheral Canal to protect the Delta from salty sea water "within reasonable limits."

The problem is in defining the word *reasonable*. The department says that to give its western Delta critics what they say they need would require release, in addition to amounts now planned, of 1.3 million acre-feet of water per year worth $13.1 million to potential customers in the south.

But backing up the Delta interests is the Federal Water Pollution Control Administration of the U.S. Department of the Interior. The FWPCA insists that the State's program is insufficient to prevent dangerous degradation of the Delta and the Bay. State water officials contend that the standards insisted upon by the FWCPA are too high and would result in waste of fresh water into the sea. The state has appealed to the Department of the Interior to over-rule its own agency.

The U.S. Public Health Service warns that adverse effects of pesticides, herbicides, fertilizers and wastes from the San Joaquin River will be intensified by the Peripheral Canal. The Public Health Service calls for larger than the planned outflows to dilute these pollutants.

A Bay Conservation and Development Commission report on Bay pollution notes that Delta fresh-water flow will be reduced from the present average of 17.5 million acre-feet a year to about 2.5 million in a median year and a little more than 1 million in a dry year. The study says that fresh-water output is vital to the Bay because of the dilution, oxygen and flushing it provides.

"In the absence of good flushing, wastes use up most of the oxygen in the water, killing marine life and developing odors and sludge deposits . . . Pesticides become lethally concentrated, causing recurring quick fish-kills," the report says.

Other reports point out that salmon and striped bass, which live in the ocean but return to the fresh-water Delta to spawn, require strong flows of good-quality river water to survive.

The quality of river water will become many times worse in the third phase when the San Joaquin master drain, not yet under construction, starts spewing vast quantities of additional pollutants into the Bay system.

Meanwhile, agreement between State water planners and their Bay critics is unlikely because the State officials remain unconvinced a problem exists.

Once the export of water to Southern California begins, the demand for it will grow so rapidly it would be extremely difficult to cut down the rate of export in order to supply extra water to the Bay system if this should be found desirable.

And it cannot be assumed that Southern California voters, once they are getting Oroville water, will be willing to take on additional bond obligations to complete features of the State Water Project which might appear to be of primary benefit to the north.

So it appears obvious that consideration by the Legislature of emergency financing now should include financing for immediate development of the northern streams, which could supply plenty of water for all some years to come.

And it seems obvious also that before any water is exported, adequate or even more than adequate water quality standards should be set to protect the Delta and Bay on an interim basis. The standards could be modified later if this is found feasible in the light of three State and federal studies now underway.

State water officials are understandably reluctant to scale down, even temporarily, the planned volume of fresh-water export to Southern California which has the State voter majority and, since reapportionment, controls the Legislature.

But they may get some direction from the courts.

"Western Delta people intend to file suit—all kinds of suits—seeking adjudication of water rights," says State Sen. George Miller Jr. of Martinez. "The water project is legally only a subordinate user, entitled only to surplus water. What water is surplus? It may take the courts 10 years to decide who is entitled to what water under the State Water Project."

LEGALITY OF FRANCE'S WORLD WAR I DEBT TO THE UNITED STATES

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I am happy to see so many of my colleagues have taken up the gauntlet cast down by President de Gaulle. There are those who have questioned my demand that France pay its World War I debt to the United States. The legality of this debt has been challenged and I have gone to the Treasury Department for clarification.

As I have long maintained, the legality of this debt is indisputable. This can be the only official position of both France and the United States.

Our Treasury Department, which knows how to extract every loose penny from the American taxpayer, has not applied its amazing ability to the collection of the French billions. Instead the Treasury lamely offers spurious excuses for this noncollection.

I reject these spurious apologies for noncollection. I demand that the Treasury Department immediately institute collection proceedings against that great international debtor—the Republic of France.

Under leave to extend my remarks I include in the Record a letter in which the Treasury Department substantiates the legality of the $6.8 billion debt and yet begs the question:

Office of the
Secretary of the Treasury,
Washington, D.C.

Hon. Lester L. Wolff,
House of Representatives,
Washington, D.C.

Dear Mr. Wolff: This is in response to your telephone inquiry of November 29, requesting information on the indebtedness of the Government of France to the United States.

I am happy to enclose copies of two sets of tables showing the status of the outstanding obligations of the Government of France to the United States' Government as of June 30, 1967. The first set of tables lists those debts incurred since July 1, 1940, the second lists the debt arising out of World War I.

The French have an excellent record in regard to the repayment of their World War II and postwar obligations to the United States, France, which received credits totaling approximately $2.4 billion during this period, has not only been servicing its regularly scheduled payments but has made payments in advance of due dates of more than $880 million. These prepayments, together with the scheduled payments, have reduced French World War II and postwar obligations to roughly $300 million.

France made payments of principal and interest on its World War I debts up to June 15, 1931. After the expiration of the one-year moratorium in 1931–32, negotiated by President Hoover in an effort to mitigate the effect of World War I obligations on Europe's economic health, the French Chamber of Deputies on December 14, 1932, adopted a resolution which "deferred" the interest payment due the next day. The French have made no payments on interest or principal since the moratorium.

The World War I indebtedness of the Government of France due and unpaid as of June 30, 1967 was $5,077 million including $2,091 million of the principal sum and $2,986 million on interest arrearages. Unmatured principal was $1,773 million. The total obligation which might be said to have been outstanding on June 30, 1967, including both matured and unmatured principal and interest arrearages to that date, was $6,850 million.

While the countries which have large World War I obligations to the United States have never denied the juridical validity of their debts, there is a view widely accepted among them that the payment of these debts should be dependent on reparation payments by Germany. Resolution of the problem of governmental claims against Germany arising out of World War I was deferred "until a final general settlement of this matter" by the London Agreement of 1953, to which the United States is a party.

The Government of the United States has never recognized that there was any connection between the World War I obligations of those countries and their reparations claims on Germany. While the London Agreement would not prevent the United States from raising, on a bilateral basis, the question of payment of any of the debtor countries' World War I obligations (except in the case of Germany), it must be recognized that any effort on the part of the United States to collect these obligations would undoubtedly raise the problem of German World War I reparations. From the practical viewpoint, therefore, there does not seem to be any possibility of reaching an agreement on repayment in the absence of an over-all settlement of the World War I reparations problem, with its wide-ranging political ramifications.

Sincerely yours,

JOSEPH M. BOWMAN,
Assistant to the Secretary.

FPC APPROVES INCREASED ALLOCATION OF NATURAL GAS TO NEW YORK CITY

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, last January 30, 12 Members of Congress joined me in a formal request to the Chairman of the Federal Power Commission, strongly urging that the Commission "approve the use of substantially more natural gas for the production of power and heat in the New York-New Jersey metropolitan area."

The New York-New Jersey Air Pollution Abatement Conference of last January and research by the Department of Health, Education, and Welfare showed conclusively that high sulfur fuels such as coal and oil produce dangerous amounts of sulfur dioxide in the air over New York and New Jersey.

I am very pleased that on November 6 the Federal Power Commission granted permanent approval for the Transcontinental Gas Line Corp., to supply Consolidated Edison Co. of New York with 55,000 cubic feet of natural gas per day. According to the Federal Power Commission, replacement of coal or oil by this amount of natural gas will reduce Consolidated Edison's annual emissions of sulfur dioxide by 8 or 9 percent per year; and the total emissions in New York City by 4 percent.

In deciding to approve the increased use of natural gas, the Commissioners overruled the decision of the presiding examiner and the staff recommendation. The Commission stated:

> In our opinion, there is no question that the proposed increase in firm gas for Consolidated Edison Company is justified by the market and will result in savings to them. The proposal will additionally alleviate to some extent New York's serious air pollution problem.

Commissioner Charles R. Ross, in a concurring opinion, stated that the air pollution consideration was not merely an "additional factor" but "a relevant and necessary consideration." Commissioner Ross said:

> In my opinion the severity of the air pollution problem in New York City and the relationship of gas supplies towards alleviating that problem was a relevant and necessary consideration in my decision to grant this certificate.

Air pollution is indeed a relevant and necessary consideration. Consolidated Edison is New York City's largest single source of sulfur dioxide pollutants. It is a hopeful sign that Consolidated Edison has begun to take actions to alleviate this problem, and that the Federal Power Commission recognized the relevance of the air pollution factor and approved the sale of additional natural gas.

SPECIAL ORDER VACATED

Mr. SAYLOR. Mr. Speaker, yesterday I was granted unanimous consent to address the House under a special order after the completion of all business today. I ask unanimous consent that my special order be vacated.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CONTINUING SUPPORT TO NORTH VIETNAMESE COMMUNISTS BY SO-CALLED ALLIES

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I should like to compliment the gentleman from Michigan [Mr. CHAMBERLAIN] for again reminding us of the continuing support of the North Vietnamese Communists being rendered by our so-called allies, including the perfidious British.

These people, whom we have bailed out of trouble more times than I care to remember—and whose latest triumph is the bullying of tiny Rhodesia with, I might add, the approval and help of the Johnson administration—these people have sent five more shiploads of supplies to Hanoi to be used in killing American servicemen.

The total British shipping to our enemies so far this year now stands at 58 vessels.

Mr. Speaker, when are we going to wake up in this country and have the backbone to stop dealing with or supporting these treacherous "friends" as long as they continue to do business with our enemies?

HAWKERS OF HATE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, the overwhelming majority of the American people have consistently opposed lunatic extremism. Nevertheless, hate organizations are formed from time to time to carry out activities which are actually crude, and irresponsible attempts to solve some of our problems.

The National States Rights Party, referred to as "Hawkers of Hate," has been organized for the purpose of shipping minority groups they oppose out of the country. They also oppose virtually all our national leaders as well as our system of law and order. These extremists are not in touch with reality and I believe that they are doomed to failure.

The Tampa Tribune, has taken steps to insure the failure of the NSRP by describing the aims and objectives of the group in the December 3 edition of the paper. The article was carefully researched, and the authors, David Watson and Jack McClintock, have presented a comprehensive look at this hate organization. An accurately informed public is a sound way to stop the spread of extremism.

I urge all Members to read this important article. The full text follows:

HAWKERS OF HATE

(By David Watson and Jack McClintock)

The sky was a night blue and a few puffy clouds scooted across it and the moon was that pale yellow of the harvest time.

But the man didn't notice it at all.

His face changed color as he preached and told the people to be ready to kill in the name of God if that was the only way to stop the "niggers" and Jews. When the lights from the pickup truck in a pasture near Jacksonville were just right they hit him in the eyes and the light was reflected back and the whole thing was eerie.

It seemed unreal. But it wasn't. It was a rally of the National States Rights Party and the sermon was hate. At the microphone—The Rev. Connie Lynch, billed as "gospel minister and party spokesman."

His coat flapped open as he paced the back of the truck, gripping the "mike" and stabbing into the night to press a point for those who had come to hear. Under the coat he wore a bright red vest—fashioned from the battle flag of the Confederacy.

Those who listened were not many. Maybe there were 30. As the night wore on they tended to divide themselves off to the sides of the truck—those who were staging the rally on the one side, and those who came to hear what it was all about, on the other.

A hate organization? Depends on how you look at it, said Florida NSRP chief W. E. (Gene) Wilson of Jacksonville.

"If you mean hate the enemies of the Lord, yes, you could call it a hate organization. You newspapers are going to call it that anyway."

The Florida Legislative Investigating Committee, a group not noted for liberalism, didn't pussy foot at all in describing the NSRP.

"Hawkers of hate," it said.

In the case of the NSRP the "enemies of

the Lord" are Negroes, Jews and those who side with either against oppression, suppression or the right to live with all the rights and privileges of a white Christian American.

And the roster of enemies includes President Lyndon B. Johnson, his cabinet, the U.S. Supreme Court, National Council of Churches, Secretary of State Dean Rusk, U.N. Ambassador Arthur Goldberg and the Federal Bureau of Investigation at the fore.

This message was carried down the Florida peninsula in recent weeks by Lynch with stops in Duval County around Jacksonville, the Plant City-Turkey Creek area for Hillsborough County and southward along the Gold Coast to Broward and Dade counties.

"Hate, hate, hate the enemies of God and the white man," he preached. Behind him and off to the sides echoed shouts of "amen."

"Meet guns with guns, force with force," Lynch bellowed and leaned forward to search out the audience with his eyes. Behind him and off to the sides echoed the urge to "listen to that man."

As Lynch preached his sermon of hate and hammered for a "hanging" of national leaders, he sprinkled his appeal liberally with "hells" and "damns" as cusswords and it clashed with his title of "reverend."

For this Lynch offered no apology, he said, because the "niggers and the Jews" deserved crude language.

Someone placed a bottle of Coke on the flange of the truck bed because the preacher appeared to be going dry.

He never saw it. He paced and he talked and the cord to his microphone threatened to wrap around the bottle and spill it until somebody snatched it away. Lynch was in the middle of the NSRP party line and he refused to be stopped.

"Just think of it," he bellowed. "What kind of a world it would be—if you could wake up some morning—and there wouldn't be a single nigger left in the whole country. (Long pause) Just think of that," he demanded.

There was a big man staring up at Lynch as though hypnotized. He lifted his gaze even higher when Lynch stopped his harangue and shouted in tones of rapture:

"Lawdy, lawdy—no niggers!"

And Lynch grinned into the darkness.

It's the avowed purpose of the National States Rights Party to pack up Negroes and Jews, literally, and ship them out of the country. The NSRP wants to do it by trying in the world of politics what couldn't be done with the fear tactics of the old Ku Klux Klan.

Wilson concedes that some of the old, hard core militant membership of the Klan is in the makeup of the NSRP in Florida. Some of them think the Klan has gone soft, he said. They like the line of Lynch and NSRP vice chairman Jesse B. Stoner a lot better.

Stoner, a Georgia lawyer, founded the Stoner Anti-Jewish Party in 1946. It proposed making Judaism a legal offense punishable by death. Stoner ran for Congress in 1948 in Chattanooga and polled 500 of 30,000 votes.

Ray Stephens is part of NSRP in Duval County. He helped "warm up" the audience for Lynch. He looks the part of a shopkeeper and says he is chairman of "The Challengers."

A long, printed explanation of just who the Challengers are never quite gets around to saying who they are or what they want. But Stephens left no doubt about where he stands with the NSRP hate philosophy.

In his warmup speech he told those who would listen to get out their guns, oil them up, clean up their ammunition and test fire a round or two.

They'll need the guns for a face to face confrontation, he said, if Congress passes the Safe Streets Bill. He chose to call it the "national police force bill."

If the bill is passed, shouted Stephens, it will be unconstitutional and should be ignored. Support of police is unthinkable if they are protecting Negroes or civil rights activists, Lynch said.

This is the foundation for the clash they advocate.

A few minutes later Lynch passed the hat. As if he were truly at a camp meeting. Some ignored it. Others dropped in some change.

Lynch, of Savannah, free on $10,000 bond pending appeal of conviction and a two-year prison sentence in Maryland for inciting a riot, said the donations were his sole source of gasoline money on his speaking tour.

In "The Farther Shores of Politics," a study of extremism on both the right and left in America, Author George Thayer writes that the NSRP is bigger and more active than the late George Lincoln Rockwell's Nazi party.

For some years it lay dormant in Florida and Hillsborough County. Now, however, the organization labeled "hawkers of hate" is engaged in a bid for members and sympathizers and a hopeful start on the road to political power.

The timing is no puzzle. Presidential campaigns are on the horizon and some segments of the NSRP see in former Gov. George Wallace of Alabama a vehicle for furthering the NSRP by assigning to him some of their views and going along for the ride.

Early Wallace leaders in Florida flatly assert that while Wallace obviously wants all the votes he can get, he isn't buying the NSRP.

Four years ago there was a small NSRP chapter in Hillsborough under Dewey Taft. When Taft moved to Arkansas, the chapter disintegrated.

The new Hillsborough leader is Frank Lane Jr., a chunky man in his mid-30s, with a shock of wavy dark hair, employed by a bottling firm. Edward Parker, a car salesman, also is active here.

Lane says he is authorized by national headquarters (in Savannah) to start new chapters anywhere.

He said that in the last eight months he has founded a chapter in Dover, another in Mango of somewhat fewer than 25 members and another of undisclosed number in Brandon. The three communities are east of Tampa. Lane says he is also founding a chapter in Polk County and is ready to start one in Pinellas, where he has already chosen a leader, though he declines to name him.

In Broward County (Fort Lauderdale) there are either two or three chapters, depending on whom one believes. But the most active chapter has been that in Duval County (Jacksonville), under W. E. (Gene) Wilson, who also doubles as state chairman, or director.

Wilson, 42, is partner in a small Jacksonville business rebuilding electrical generators.

Members are secretive and evasive about numbers and names. They regard outsiders as potential enemies, as partisans of a "Jew Communist conspiracy."

"The Jew conspiracy wants to know our strength," Lynch asserts. "Would you tell your enemy your strength?"

Most of the evidence, however, suggests that the party's strength is not nearly so great as its leaders imply when they claim for it the status of "the largest third party" in the U.S.

Warren Folks of Jacksonville, former state NSRP leader ousted by Stoner in what Folks called "a stab in the back," said he would spot the organization no more than 200 members in Florida—if that.

Ku Klux Klansman Forrest J. Richardson of Jacksonsville snorted and said he would give NSRP no more than 60 hard core, working members throughout the state.

Stoner replaced Folks with Wilson, according to statements by both Folks and Wilson. State NSRP officials aren't elected. Reason, said Wilson, is that the rank and file might elect someone who didn't go all the way with NSRP policies.

Chapter officials may be elected, he said, but they are easily replaced.

Thayer, who studied the group for his book, says an estimate of some 600 activists and about 8,000 sympathizers throughout the country would be generous. This suggests that a claim of 200 to 300 for Florida also would be more than generous.

An informed law enforcement official in Tampa puts membership of the local chapter—he said he knows of only one—at no more than 26.

At a "national convention" held in Jacksonville in August, only about 100 persons attended. Leadership said they came from 19 states.

That the NSRP was organized by Ku Klux Klansmen or sympathizers was confirmed by Wilson, the state NSRP director.

Wilson has served as an exalted cyclops of a Duval County Klan Klavern. He also has stood trial, and was exonerated, on charges of bombing a Negro house during a school integration hassle. One of the group named in the conspiracy for violence pleaded guilty and was sentenced to seven years in a federal penitentiary.

Stoner has been a Klansman. So has Lynch. In Hillsborough County, the NSRP members who attend meetings in a building one night attend Klan meetings two nights later in the same buildings.

That the old line, hard-core Klan influence is there is not denied by NSRP leadership. But within the Klans themselves a schism has been created.

It well could herald a headon clash between those groups claiming to constitute the REAL Klan, whatever that might be.

While acknowledging an overlap of membership, Wilson denied there is any membership raiding done by his party.

"I just lay the facts before them (KKK members), he said, and they make their own choice."

The Klan, he said, is getting soft, although he said he didn't like to use the term openly.

"The Klan has no potential," he asserted. "The people are drifting toward the strongest point." He sought to cut the NSRP Klan distinction finely by describing NSRP as a political party and the KKK non-political.

With the NSRP entity proffered as political, Wilson said it did not advocate violence. On the other hand, it doesn't stand four square against it, either.

A Hillsborough law enforcement official said he believes NSRP members without exception to be Klansmen. At a recent Hillsborough rally "Wallace for President" matchbooks were handed out. On the reverse side were Klan symbols.

There is, however, a wide difference of opinion in Florida as to what constitutes a proper Klan, or offshoot of the old Knights of the Ku Klux Klan. In Florida, most Klansmen agree, the field of several organizations can be narrowed down to two of any size or influence.

Those are the United Klan of America, headed by Imperial Wizard Robert Shelton of Tuscaloosa, Ala., and the United Florida Ku Klux Klan, headed by Grand Dragon Jason E. Kersey of New Smyrna Beach.

While Shelton is active in office and frequently swings through Florida on speaking tours, Kersey has been ill and execution of authority has passed to others.

Among those in key positions is Gary Hogue of Plant City, seat of Central Florida and Hillsborough County's most active Klan units.

In Lake Wales, Polk County, John Paul Rogers heads the biggest unit in the area, and recently took it intact from Kersey's organization to that headed by Shelton.

Both Hogue and Rogers, however, declined to discuss details of the Klan split or shift in membership to NSRP. Kersey could not be reached for comment. Shelton, however, said he flatly opposes dual membership in the Klan and NSRP. It's like serving two masters, he said.

There is further evidence of a basic philosophical split in the Klan.

Florida Klan leader Fred Kuehner took note of the new image the Klan seeks to build—wearing of business suits, for instance, instead of point-headed sheets. Helps shake the terrorist idea.

This drive comes on the heels of militant action by the NSRP. Some Klansmen hold the NSRP to be little more than a Klan splinter group—in actual practice—attracting the more militant Klansman.

The NSRP has its own insignia, printed in the "Thunderbolt," its national organ. The insignia is a thunderbolt half encircled by a machine cog, half by a sheaf of wheat. On one side is a smoking factory, on the other, a farmer and tractor.

At rallies the NSRP banner is draped, and at first glance stands to be confused with the Confederate battle flag.

NSRP aims are simply stated. Elect the NSRP to power and ship Negroes and Jews out of the country. That's what Lynch will tell anyone who will listen. It's what the party publication tells anyone who cares to read it.

The party line says capture the legislatures first, where the state laws are made. Then go for local offices. National ones come later.

Candidates have been run in a few states. Wilson himself ran for the Florida legislature. They have been rejected.

The party ran candidates for president and vice president in 1964: John Kasper and Stoner, respectively. In the Arkansas, Tennessee and Montana primaries, they compiled 6,000 votes, fewer than they polled in a similar effort in 1960.

Stoner says the party will run candidates for the Florida legislature in the next primary in at least Duval, Hillsborough. Broward and Indian River counties. He won't identify the candidates, saying only that they will be "appointed" in January.

"Our ultimate objective," said Lane, "is to completely replace the leadership with white Christians, remove through legal and political means all leaders of dark races and all cross-breeds."

The party takes racial and ethnic bigotry and wraps it in the sanctified cloth of religion and anti-communism. NSRP publications are crammed with references to God and "whiteman" on one hand, and "the niggers, Jews and Communists" on the other.

Wilson gleefully refers to FBI agents as "nigger baby-sitters," and Stoner says one of the first official acts of the party when it takes over the government is "try 'em all (FBI men) and hang 'em for treason."

Despite all this, NSRP is not a lawfully constituted party in Florida, although Wilson contends it is elsewhere.

When an NSRP candidate wants to run for office in Florida, Wilson said, he runs as a Democrat. But his first campaign speech is likely to be a denunciation of both the Democrat and Republican parties as captives of something called the international conspiracy, and whose constituency is never quite identified.

The NSRP constitution and by-laws state that "any person of Asiatic, African or Jewish blood or ancestry can never be a member . . . and the same . . . applies to every white person who is married to such a person."

In practice, the membership seems to be primarily unskilled workers and farmers of little education, as the insignia suggests. Meetings and rallies are attended by men in shirtsleeves and overalls, by women in calico, by barefoot children.

Stoner is one of very few college-bred members. He is a lawyer originally from Chattanooga, where his family formerly owned the tourist attraction, Rock City. A former Ku Klux Klansmen, he specializes in defending Klansmen and other racists. He defended Wilson and others in the bombing case, and Lynch on the charges of inciting a roit.

It was Stoner who, with Edward R. Fields, founded the NSRP in 1958. It was the result of a merger of the Stone Anti-Jewish Party with Fields Christian Anti-Jewish Party. Fields is NSRP national director and editor of "The Thunderbolt."

Since then, according to Thayer, the NSRP has absorbed various local Klan organizations, including the U.S. Klans of Florida, and Dewey Taft's Conservative Party in Tampa. Taft became a local organizer for the NSRP. Oren Potito, leader of anti-Semitic groups in St. Petersburg, has been listed as a NSRP national organizer and has worked with members.

The party constitution is a document of 36 pages. It reveals, to some extent, what the party is for and what it is against.

Samples:

"The National States Rights Party is against communism in any and every form. Communism is Jewish!"

"Our Party believes in Anti-Semitism because it is a leading Christian virtue and an essential patriotic virtue. Anti-Jewism says that America belongs rightfully to us Americans, not to Jews. Jew-devils have no place in a White Christian nation."

"We are against the Jews, Communists, Negroes and their allies because they are our enemies. Also, we are against the United Nations, world government, foreign give-aways, political police, secret police, race-mixing and Jewish monopoly because they all endanger our White way of life."

This is the profile of an organization tagged by an official agency of the state as "Hawkers of Hate."

Granville Fisher, a University of Miami psychologist, says this kind of hatred usually is the result of frustrations in the hater's life. When people are frustrated, he suggests, they seek scapegoats to blame, innocent people upon whom to lay their burden of hatred. A look into history to find an example needn't be far nor deep.

IRRESPONSIBLE JOURNALISM

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, rarely, if ever, have I seen a more irresponsible piece of journalism than the article entitled "Could Washington Survive an Atomic Plant Blow-up?" appearing in a publication called the Washington Examiner, dated December 7–10, 1967. If this is a sample of Mr. Chalk's venture into the field of journalism, he ought to spend his time keeping his buses runing on schedule.

It is filled with so many inaccuracies and distortions and is so replete with a complete lack of understanding of what a nuclear powerplant actually is as to be nothing short of ridiculous sensationalism. Statements like—

> Atomic energy is a bomb. And that's all it may ever be . . . He (man) has been unable to safely bottle the atom for constructive purposes without blowing himself up—

Are totally false and fly in the face of the fact that today 16 nuclear powerplants are generating more than 2.8 million kilowatts of electrical energy. I am proud of the fact that one of the leading energy suppliers in my State of Illinois, the Commonwealth Edison Co., is one of the leaders in this field of furnishing nuclear power.

Mr. Speaker, the attempt to compare a civilian nuclear powerplant to an atomic bomb and to suggest that the reaction that takes place in the warhead of a nuclear weapon is even remotely like the reaction which produces electrical energy in a nuclear power reactor is so ridiculous as to be without any foundation in fact whatsoever.

The article refers to malfunctions in the Fermi plant at Detroit, Mich., in October of last year. The author of the article says:

> The Fermi workers were sitting inside a potential atomic bomb.

This is pure and unadulterated bunk and nonsense. Even if the entire reactor core had melted down, you would not have had a chain reaction of the type occurring in the warhead of a nuclear weapon take place. A nuclear powerplant is simply not an atomic bomb. There is no more validity in comparing the two than there would be comparing one of Mr. Chalk's buses with a Saturn rocket.

Mr. Speaker, this type of irresponsible scare journalism is intended only to serve the ends of a few misguided lobbyists of the like of Leo Goodman on whom the authors relied for all of the nonfacts contained in this article. Nuclear energy is here to stay, and it does represent a great boon to mankind together with the very real promise that inexhaustible supplies of low-cost energy can revolutionize mans' efforts to make this a better world.

BILL TO PROMOTE HIGHWAY SAFETY

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, today I have introduced a bill designed to close a major gap in highway safety. It requires that all trucks and buses under the jurisdiction of the Interstate Commerce Commission be equipped with recording instruments which provide a permanent record by chart of speed in miles per hour, distance traveled, nonoperating time of the vehicle, and the number and duration of stops with respect to time.

In my view, enactment of this bill will be a major step forward in reducing the heavy toll of accidents in which trucks and buses are involved.

In 1966, 52,000 people were killed on the Nation's highways. According to the National Safety Council's 1965–66 report covering 104 fleets operating 24,802 trucks, 10,852 of these trucks were involved in accidents. The NSC report covering intercity buses shows that of

30 fleets operating 7,842 buses 4,759 of these were involved in accidents.

The latest report of the U.S. Department of Transportation shows that in 1966, 13,575 accidents were reported involving trucks and passenger cars. This represented some 987 fatalities and more than $17 million in damages.

Further documenting the need for such a regulation, I call attention to statistics compiled by the Stanford Research Institute which showed that speed is recognized as the major factor in number and severity of accidents.

Experience gained from the required use of speed recording instruments by the State of New York and several foreign countries, and their voluntary use in other areas shows clearly that these devices promote speed control and therefore highway safety.

While the instruments themselves will not directly prevent accidents they will serve as a warning device to drivers and provide accurate records on a continuing basis for owners, drivers and law enforcement agencies. In addition, they will provide a reliable reference in the event of accidents.

APPOINT THE NEW SECRETARY OF DEFENSE NOW

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TALCOTT. Mr. Speaker, the Congress, as well as the Department of Defense, and the American public need to know quickly who will become the next Secretary of Defense.

The position is too important to be left in limbo. I am not being so presumptuous as to suggest any particular nominee for the position. We are fortunate in our country to have many highly qualified men who would accept willingly this grueling responsibility as a patriotic service and who would discharge the duties superbly.

If some political considerations, not related to defense, are put aside, a successor could be selected promptly. Certainly the dismissal or resignation of Secretary McNamara was not a sudden, spur-of-the-moment move. Certainly his successor must have been considered before Mr. McNamara's transfer to the World Bank was approved by all of the interested parties.

The new Secretary must be intimately familiar with the 1969 Department of Defense budget now being prepared by the administration. The preparation of the budget is one of the most important and crucial responsibilities of the Secretary of Defense. The fiscal year 1969 budget is the essence of the Department of Defense plans and operations for 1969. The Department of Defense budget is the largest in the Federal Government. The Defense budget affects every American, yes, even every inhabitant of our globe.

Because of our present fiscal crisis, which also affects directly and adversely every American citizen and most people of the world, the Department of Defense budget for fiscal year 1969 cannot be sacrosanct. The fiscal year 1969 budget of the Department of Defense needs more consideration, more attention, and more scrutiny than any other part of our Federal budget.

The man in charge of the Department ought to be thoroughly familiar with, and intimately involved in, the preparation of his departmental budget. Unless he is to be a simple "yes man" or figurehead, he must be given an opportunity for full participation in the preparation of his budget. If he is to be effective, he should not be forced by the tardiness of his appointment to accept cold another Secretary's budget.

Conversely, a lame duck Secretary should not be permitted to impose his views upon the new Secretary through the device of preparing the budget within which the new Secretary must work for 18 months or more.

The budget is fundamental, the very key, to all departmental action. The new Secretary should not be excluded if we are to expect satisfactory performance.

The necessity of the new Secretary being knowledgeable about his Department's budget is of special significance to the Committee on Appropriations. I can foresee the new Secretary appearing before the committees of the Congress and disclaiming sufficient knowledge to testify in a manner and to the degree necessary for the Armed Services and Appropriations Committees to ascertain the facts necessary to evaluate properly the budget requests. Such future frustration can be obviated easily by the immediate announcement of the new Secretary.

If the new Secretary could be appointed now, he could start to acquaint himself with the operation of the Department. And we could still utilize the services and knowledge of Secretary McNamara until he assumes his banking duties.

The obstacles and responsibilities of the new Secretary are too great to handicap him at the starting blocks.

DE GAULLE'S DANGEROUS FOREIGN POLICY

The **SPEAKER** pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Alabama [Mr. SELDEN] is recognized for 30 minutes.

Mr. SELDEN. Mr. Speaker, last week, for the 16th time in half as many years, the President of the French Republic shared his views of the international scene with the world press. He took the occasion to bar Britain once more from Europe; to intensify his attack on the international role of the dollar; to invite French-Canadians to form a sovereign state; and to distribute most of the blame for the Middle East crisis to Israel and the United States.

If any of us had any lingering doubts as to what General de Gaulle's independent foreign policy is all about, they should now be laid to rest. That policy is one of implacable hostility toward the United States; it is one of obstructionism in Atlantic and European affairs; it is one of cynically promoting distrust among neighbors and instability abroad when the interests of France seem to be served thereby.

In my view, French foreign policy is not just mischievous; it is increasingly destructive and even in some respects dangerous. It is time that we openly and frankly labeled it as such. And it is also time to shed any illusions that if we only altered our own policies in this or that respect, if we only admitted that we were wrong and the French were right in various past disputes, General de Gaulle would somehow change his nature and become more cooperative, or indeed change his views and participate in the building of a harmonious Atlantic community.

Mr. Speaker, like many of my colleagues, I have refrained until now from speaking out on this subject, and for what I think were good reasons. I respect and admire the French people; and I respect and admire the leadership General de Gaulle has provided them at difficult times during their history. By assuming power in 1958, he quite possibly saved France from a disastrous civil war while managing to bring the costly and tragic Algerian conflict to an end. Under his regime France has known an unprecedented period of political and economic stability. During the Berlin and Cuban missile crises, his government stood firmly by the side of the United States and the other Western Allies.

Hence like others, Mr. Speaker, I have been reluctant to conclude that General de Gaulle had definitely chosen a path of noncooperation and destructive dissent in alliance and world affairs. I have watched his actions in NATO and other forums with growing apprehension. But I have held my peace in the hope that quiet, patient diplomacy could smooth out some of the difficulties in Franco-American relations. I have listened to his nationalistic excesses with dismay, but I have thought that others could reply more effectively than ourselves.

The time has now come, however, for Americans to talk back and to talk back firmly and frankly. If we look at the record, it becomes perfectly clear where General de Gaulle stands and in what direction he intends to lead France. It is a mistake to think that we can afford to sit back and wait until he disappears from the scene and then all will be well. It is even more of a mistake to think that the damage he may do can be undone in the future. Lest others falter for the lack of our leadership, the first step toward effectively countering his policies is to make it crystal clear where we stand, and what we think.

In the recent past General de Gaulle has usually accompanied his most disquieting anouncements with the soothing words that France remains the ally of her allies and the friend of her friends. But judging by France's recent record of cooperation in any number of areas, I can only conclude that this is a strange ally, and a still stranger friend.

There is no need for me to review the

successive steps De Gaulle took between 1958 and 1966 to disengage France from military coperation in NATO. I think all of us continued to hope that with some good will on the part of France, and perhaps some greater flexibility and understanding on our part, France's grievances within the Alliance could be assuaged. That hope was shattered last year when France abruptly withdrew her ground forces from NATO command and ousted allied military headquarters and United States and other allied forces from French soil. The move from France and the building of new installations in other locations have cost the United States and other NATO countries hundred of millions of dollars. There is no certainty that French soil, French airspace, or French forces will be available to the Alliance in a time of tension or armed conflict. Military authorities are unanimous in concluding that NATO's military posture has been weakened, and that communications between NATO's northern and central sectors and NATO's southern sectors have become dangerously uncertain.

Is there not ample reason to ask, Mr. Speaker, what kind of ally it is that continues to accept the benefits of alliance while withdrawing from the military organization that makes that alliance effective? Are we going to agree to the proposition that an ally can accept or reject at whim the obligations that alliance imposes? For example, are we really going to welcome French participation in the building of an advance early warning and communications system that clearly benefits France, and at the same time acquiesce in the withdrawal of French air defense units that should be supporting that system for the benefit of all?

Last year General de Gaulle and various of his followers assured us that the Atlantic Alliance continued to be necessary. Last month we learned that Soviet paratroops and a high Soviet military official had visited French military installations as part of some ill-defined exchange program. Last week it was reported that the French Chief of Staff had written an article in which he discounted the value of alliances, and advocated the building of a French nuclear deterrent force capable of meeting a threat not just from the East but from any area of the world.

Need I remind my colleagues that at the same time the Soviet Union has increased its defense budget by 15 percent, that it has acknowledged the development of a fractional orbiting bombardment system, that it is building antimissile defenses around its major cities, that it has significantly increased its naval presence in the Mediterranean, that it is supporting the training and equipment of Warsaw Pact forces at levels that are not being matched by NATO forces? In these circumstances I think that we should ask ourselves whether the ultimate security of our country and the free world can rely even in small part on an uncertain, erratic ally.

Last year, Mr. Speaker, France expressed its disinterest in further participation in NATO's integrated military organization. This year France is resisting any reformulation and updating of the Alliance's political purposes. Indeed, it now seems likely that French objections will bring to nothing the so-called Harmel exercise—a study of NATO's future role and tasks initiated last year by Belgium's foreign minister. If France were a full-fledged participating member of the Alliance, her veto in such affairs would be acceptable. But France by her own choice is no longer a full-fledged participating member of the Alliance. And it seems more than likely that she will opt out completely within the next few years. I fail to see why, in these circumstances, we should continue to give France a veto over the future development of the Alliance and why we should continue to bow to the whims of General de Gaulle when it probably will not alter his policies by one iota and will leave us with no policy at all.

Mr. Speaker, we cannot force France to remain a loyal member of the North Atlantic Alliance. Nor can we, on this side of the Atlantic, force France or the other European countries to accept Britain as a member of the Common Market. We can, however, point clearly to the dangers inherent in the course General de Gaulle has chosen to follow. The fabric of European and Atlantic cooperation has been seriously strained by the assaults of General de Gaulle. Yet, continued and improved European and Atlantic ties remain vital to the security and stability of Western Europe and of the whole free world.

History notes—though General de Gaulle seems to forget—that American, British, and Canadian troops freed Europe of the Nazi yoke during World War II. They have remained only to insure that Soviet power would not expand into Western Europe. Now General de Gaulle, ignoring the lessons of 20th century history, is daring them to leave while Soviet power remains arrayed in full force in the heart of central Europe. The danger is that he just might succeed. The British have taken a firm and long-awaited step toward Europe. But there is surely a limit to how many times the British people will accept the humiliation of being told in the most arbitrary fashion that they are unworthy. Americans, by their sacrifice and commitment in the past half-century, have vowed a break with isolationist policies. But Americans also may tire of hearing the Gaullist line that they have no role to play in a European settlement and that the burdens they have carried and still bear on behalf of Europe are assumed only to preserve American influence in Europe.

Just suppose, Mr. Speaker, that we accept General de Gaulle's theory that Soviet intentions in Europe are and will remain all sweetness and light for the foreseeable future. Does French foreign policy in Europe thereby take on a more positive aspect? I think not. By loudly vaunting the virtues of independence, General de Gaulle has invited others to follow suit. By berating West Germans and other Europeans for their close ties with the United States, he has fostered a divisive tug-of-war between Atlantic and European loyalties. By arrogantly assuming that what is good for France is good for Europe, by acting as if the voice of De Gaulle were the voice of Europe, he has impeded that coordination of European policies that he pretends to seek. By headlong pursuit of close relations with the Soviet Union, he has aroused fears among Germans that some kind of tacit alliance is being formed against them.

One may sympathize with General de Gaulle's ultimate vision of a technologically advanced, strong, reunited, and peaceful Europe in the affairs of which neither the Soviet Union nor the United States has a dominant voice. But it is baffling to contemplate the building of such a Europe without Britain. And the danger should be faced squarely that, by impatiently forcing the pace of change, General de Gaulle is sowing seeds of discord and distrust that could reap bitter fruit indeed.

But perhaps I am being too harsh, Mr. Speaker. Perhaps there are some realms, some areas of the world where we can commend current French foreign policy. International monetary cooperation, for example? Or what about United Nations peacekeeping, or the work of the Eighteen Nation Disarmament Conference? Latin America? The Middle East perhaps, or Southeast Asia?

But what do we find but an empty chair for France at the Eighteen Nation Disarmament Conference in Geneva, still another empty chair for France in SEATO, and a still warm but empty chair for France in the London Gold Pool. If we look at the U.N., we find some unpaid assessments for U.N. peacekeeping activities. In the Middle East we discover that strict neutrality in word and deed really means a blatantly opportunistic stance. As in other areas of the world, General de Gaulle has acted on the cynical assumption that others would stand in the breach if need be while France pursued her own independent course of enlightened self-interest.

As chairman of the House Subcommittee on Inter-American Affairs, I am, of course, especially interested in the Gaullist intrusion into our hemisphere. In Latin America we can recall General de Gaulle's much publicized 1964 tour during which he predictably urged Latin Americans to seek their independence of the power to the north. But his success with his audiences was not overwhelming, and some leaders he visited reproved him for his friendly advice. More ominous, the French Government has not only taken no steps to cut off exports of such heavy equipment as earthmoving machinery, trucks, and sugar-processing machinery to Castro's Cuba, it has also provided government backing for credits to finance these exports. We can only conclude that the French Government is either oblivious to the farflung activities of Castro's guerrillas or looks not unfavorably on the mischief they cause and the diversion of resources from development to counterinsurgency efforts.

And what of Vietnam? Irony of ironies, one of the first steps in the prolonged agony of Vietnam was taken in 1945 when De Gaulle's provisional government moved to regain French control of Indochina. But today the French share in creating conditions that led to the present U.S. commitment in Southeast Asia is forgotten. Somehow General de Gaulle finds it equitable to fulminate against so-called U.S. aggression against North Vietnam, while omitting any reference to Vietcong terrorism and the efforts of North Vietnamese regulars in South Vietnam. General de Gaulle has called for the neutralization of Southeast Asia. But, typically, he has not told us whose power is going to create the conditions prerequisite to neutralization, and whose power is going to enforce that solution.

Mr. Speaker, the record I have reviewed is scarcely reassuring. But perhaps most disturbing of all is General de Gaulle's recently renewed attack on the dollar, and what I can only call his Canadian folly. I do not think that the dollar is going to fall under the blows of De Gaulle, or that the Canadian federation is about to break up as a result of his siren song to French Canadians. But in both instances De Gaulle's policies have assumed a new dimension of irresponsibility; in both instances the language used to condemn America as a grasping power is more categorical than ever; and in both instances there was and is a small but real danger of unleashing uncontrollable forces that would in one case severely disrupt the world economy, and in the other case bring tragedy and bloodshed to the peaceful and great nation that lies to our north.

The spectacle of the French chief of staff, who is ultrasensitive on the subject of the sovereign independence of his own country, urging the French Canadians to form an independent state and join a worldwide French crusade to roll back American power is quite simply preposterous.

I might add, Mr. Speaker, that many friends of France have ample reason to doubt whether De Gaulle has laid a firm foundation for stable democratic government in France when he departs from the scene. But most of them act on the assumption that this is a problem for the French people to solve and in which they should seek to have no say. Needless to say, the political problems of the sovereign state of Canada are ones for Canadians to solve and in which the French Government has no right to intervene. Nor is France's own record of political stability such as to warrant its president's gratuitously advising other nations regarding their governmental systems.

The same holds true, Mr. Speaker, for the monetary and fiscal policies followed by the United States and the measures adopted to remedy the U.S. balance-of-payments situation. These policies are certainly devised with an eye to their international effects and are the subject of discussion in appropriate international forums. But they are not matters in which General de Gaulle or his financial officials have any right to intervene. Yet, intervention is basically what they have been up to for a number of years. The French have refused to contemplate any major overhaul of the international monetary system until the U.S. deficit is removed. They have systematically converted their surplus dollars into gold to the tune of over $2 billion worth being moved not merely from one vault to another in the Federal Reserve Bank of New York but from New York to Paris.

What else is this but a bald attempt to pressure the U.S. Government into supporting some antediluvian ideas on the price of gold and the gold standard? Similarly, what else is the oft-repeated charge that the United States is exporting inflated dollars to Europe and following a deliberate policy of takeover in respect to European firms but an attempt to get the United States to adopt restrictive policies to alleviate what are basically French and European problems. Dollars do not flow to areas where they are not wanted and needed. If the French Government wants to keep dollars and U.S. firms out of France, it certainly has the means to do so. It would surely not be inappropriate to suggest to the present French Government that it concentrate on its own problems before it tries to put in order other people's fiscal houses.

Mr. Speaker, I have tried to say what has weighed heavily on my mind without rancor toward General de Gaulle. But it is difficult not to feel resentment when much of what is evil or disagreeable in the world is labeled of American origin and when the differences that are normal among friends and allies are purveyed for world consumption in terms of systematic hostility. More important, however, are the points I made in my opening remarks. I think that the time has come to discuss fully and frankly the dangers to the security of the free world that lie on the solitary path along which De Gaulle has chosen to lead the great nation of France. I think that such a discussion would serve to clarify and firm up our policies toward France in any number of forums. Above all, I think that such a discussion would clear the air of illusions that, if we somehow reformed our ways, according to General de Gaulle's edicts, he would reform his.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I am happy to yield to the gentleman from South Carolina, the chairman of the Armed Services Committee.

Mr. RIVERS. Mr. Speaker, I thank the gentleman for yielding.

I want to congratulate the distinguished gentleman from Alabama for a masterful compilation of facts and of logic against that man De Gaulle. General de Gaulle is the most ungrateful man since Judas Iscariot betrayed his Christ 2,000 years ago.

Mr. Speaker, I have proposed to the Armed Services Committee that we seriously bring to the attention of the House of Representatives that every single American soldier interred in that great ungrateful soil of France be brought home regardless of the cost. The Secretary of Defense has opposed this. I believe we should do this, and then let those gaping holes be a constant reminder to that nation—a nation whom we have snatched from the jaws of disaster in two World Wars—that they are no longer our friends, but our enemies.

This man De Gaulle is not our ally. He has declared war on this country. It is time we should declare war on him. The best way to do it, Mr. Speaker, is to hit him in his pocketbook and deny him this gold.

Moreover, Mr. Speaker, we should consider selling our wheat in the world market and in Europe below their cost. That is a way to bring this man De Gaulle to his knees.

Mr. Speaker, this man De Gaulle has gone to Vietnam and fought this country.

The gentleman in the well, Mr. SELDEN, is performing a great service. We should no longer turn our cheek to this man De Gaulle. There is an old saying back home where I come from, Mr. Speaker, that "there is no education in the second kick from a mule." This man De Gaulle has kicked us too many times, Mr. Speaker, and it is time for this Nation to start kicking back.

Again I thank the gentleman for yielding.

Mr. SELDEN. I thank my colleague the distinguished chairman of the Armed Services Committee, who is always forceful and to the point.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I carry no torch for President de Gaulle of France, but let me say that he does what he conceives to be in the best interests of France. I have wished many, many times that we in the United States had a head of the government who put the interests of the United States before those of some foreign governments.

I would further say to the gentleman from Alabama that, while we are discussing De Gaulle, we might well turn our attention to the perfidious British.

It has been suggested that this country declare a form of financial and economic war upon France. I say that we should take the same punitive action against the British. I do not know that France is running ships into Haiphong with supplies for the Communist North Vietnamese. I see no long line of ships from France in any of the listings out of the Defense Department or any other agency of this government indicating that the French are sending their ships into Haiphong. So I say that, while we are castigating the President of France, let us at the same time say to the British "Pay up your debts to this country." As long as the British continue to supply our enemies, let us wage economic and financial warfare evenhandedly and across the board.

Mr. SELDEN. While I do not condone British trade either with Vietnam or Cuba, I might say to the gentleman from Iowa that the French Government has taken no steps to cut off exports of heavy equipment such as earth-moving machinery, trucks and sugar-producing machinery, to Castro's Cuba. As a matter of fact, the French Government has even provided government backing for credit to finance these exports.

Mr. GROSS. Neither have the British cut off trade with Cuba.

Mr. SELDEN. Yes, the British also are still trading with Cuba.

Mr. GROSS. Yes.

Mr. SELDEN. Which I do not condone.

Mr. GROSS. I thank the gentleman for yielding.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I want to congratulate the distinguished gentleman from Alabama for this very, very important speech he has delivered here today and for the great service he has rendered not only to the United States but also to the cause of freedom throughout the world.

I agree with the gentleman that it is high time those of us in responsible positions in this Government ought to take public notice of the scandalous behavior of General de Gaulle.

In this Member's judgment, the last press conference he held clearly indicated to this Member that De Gaulle is a sick man. His attacks on the United States, his attacks on England, his attacks on Canada, his attacks on the efforts of England to become a member of the Common Market, his anti-Semitic outbursts all indicate that here is a man who has lost all sense of perspective and all sense of judgment.

He may think he can walk on water, but I do not think he can. I do not believe many other people think he can.

He may think he is indestructible, but I do not think he is indestructible.

A sad part of this whole era of De Gaulle's present drive to destroy the unity of the free world and his great threat to freedom, as the gentleman in the well quite properly pointed out, could be understood, perhaps, if he alone were doing these things, but the sad part of this whole episode is the ineffective opposition of responsible leaders of France, by sitting back idly and almost cowering under his irresponsible behavior.

While I do not want to inject myself into French politics as an American, among those who have contributed a great deal to the survival of France—a nation that was almost totally wiped off the map of the earth and could have been—this country and the American people made great sacrifices to preserve French independence, and it would seem to me that the French people, the French Parliament, the French press, have a responsibility. They cannot hide behind the towering De Gaulle and say, "We are helpless." They have the wherewithal to marshal the public opinion of the French Republic to show this demagog that he cannot get away with this indefinitely.

Where is the voice of the French people? Where is the voice of the French press? Where is the voice of the French Parliament? Where is the voice of the other leading spokesmen of France?

I say it is not enough for us just to stand here and say that De Gaulle is a sick man as we watch him on his reckless course to break up the unity of the free world.

I hope the French people are going to recognize the fact that, as one Member of this Chamber, I hold them just as responsible as this irresponsible leader of their country. If they want to take their place in the family of free and democratic nations then they as citizens have to assume the responsibility of making sure that De Gaulle realizes his nation is not behind him in this irresponsible course.

I might say that there is a flicker of hope, and perhaps a redeeming factor. I saw a report the other day which indicated public opinion polls are now beginning to reflect the disillusionment and complete contempt of a growing number of Frenchmen for this self-styled savior of the world. I hope that opportunity grows, and I hope that this man sooner than later is going to be isolated in his reckless mania to try to restructure the world into a pattern of his own grandiose thinking.

It is my hope that the message the gentleman delivered on this floor today is going to reach the French people, because in the final analysis they are going to be the final arbiters of his irresponsible conduct. I congratulate my colleague for the great contribution he made today.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I want to congratulate the gentleman for a masterful exposition of the facts on our De Gaulle problem. For a while some people said I was conducting a one-man war against De Gaulle. I am happy that I am no longer a "lone wolf."

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I am glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding and congratulate my colleague for bringing this important topic to the attention of this body. I find much with which to agree in the comments that he made. However, I have two questions. Is it really unnatural for any proud nation such as France to seek to have its own means of defense; namely, nuclear weapons? I raise that question in the light of the long-standing U.S. policy which has not only looked with disfavor upon the development of nuclear forces by France but which has actively resisted this development. That is my first question. I have a second question. The gentleman mentioned the close relationship between France and the Soviet Union. This second question that I seek to raise has to do with the relationship of the French and the Soviet Union, which I deplore greatly. However, I wonder if it is really unnatural to see this development in the light of the long-standing U.S. effort to work out a treaty with the Soviet Union to prevent the spread of nuclear weapons to any other nation which, in the eyes of Frenchmen, could well be directed against French interests. Here we are seeking a very intimate relationship with the Soviet Union which is essentially a bilateral deal. I am sure the gentleman from Alabama will agree with me that this will naturally cause some concern on the part of an ally like France.

Mr. SELDEN. I will be happy to respond to the gentleman. If he heard my entire statement, he knows that I made no criticism of French efforts to have a separate nuclear force. I did criticize them for being part of an alliance while, at the same time, doing a great deal to obstruct the alliance to which they are a party.

As far as preventing the spread of nuclear weapons is concerned, both the United States and Russia are anxious for France to be a party to any agreement that can be worked out. As a matter of fact, there is a chair provided for France at the Eighteen Nation Disarmament Conference in Geneva which France has chosen to leave vacant.

Mr. FINDLEY. I agree and I thank the gentleman for his contribution.

CONGRESSMAN CHAMBERLAIN URGES CLOSING MEKONG RIVER TO STOP CAMBODIAN "BACK-DOOR" AID TO VIETCONG

The SPEAKER pro tempore (Mr. HAGAN). Under a previous order of the House, the gentleman from Michigan [Mr. CHAMBERLAIN] is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, as one who has been deeply concerned for some time about the role of Cambodia in the struggle in Vietnam, I have been following very closely the barrage of recent press reports detailing various ways in which this self-proclaimed neutral country serves as a sanctuary and a "back door" source of supply for Communist troops.

These revelations serve only to confirm once again what has appeared both in public as well as classified intelligence reports for the past 2 years or more and have prompted my efforts to endeavor to focus attention on this very serious problem. It is my hope that this new, widespread interest in the press will now lead the administration to take more effective action to find some means to stop this aid and comfort to our enemy which is substantially helping to prolong the war.

Immediately upon my return from serving on a special House Armed Services Committee assignment to Vietnam in the spring of 1966, I expressed my conviction that something must be done to prod Cambodia to live up to its policy of "strict neutrality." On May 4, 1966, in remarks in the House citing report after report of the nature and extent of the use of Cambodia by Vietcong and North Vietnamese units, I specifically urged that steps be taken to insure that ships entering South Vietnam from the South China Sea and following the course of the Mekong River as it meanders through the delta area to the Cambodian capital port city of Phnom Penh did not carry goods destined to be of help in any way to the enemies of South Vietnam. It was inconceivable to me that this busy avenue of commerce right through the South Vietnam's "rice bowl of the world" could in effect be tolerated as an artery of supply for the Vietcong just as the Ho Chi Minh trail is used in the north.

Despite persistent reports to the contrary, I was repeatedly assured by the State Department as late as November 15, 1966, that the problem really was not a serious one and that everything that could and needed to be done to control this traffic was being done. Only 13 days later, on November 28, 1966, it was announced in Saigon that in order to stop the smuggling of guns and ammunition to the Vietcong, South Vietnamese gunboats were being deployed to escort all foreign ships traveling the Mekong River to reach Cambodia. Although this action was belated, it was an encouraging step for it admitted the existence of the problem that had theretofore been denied.

Still unanswered, however, was the question of doing something about the other forms of this "back door" aid. Consequently, I have continued to urge that the Mekong River be closed until such time as the Cambodian Chief of State, Prince Sihanouk, lives up to his claim of "strict neutrality." A substantial part of Cambodia's seaborne trade travels the Mekong. During 1965 a total of 410 ships used this route. In 1966 such arrivals at Phnom Penh numbered 309 and through the first 8 months of 1967 the figure stands at 210. The very volume of this traffic suggests its importance to Cambodia.

Closing the Mekong would undoubtedly put strong pressure on the Cambodian economy which, in view of its involvement in supplying large quantities of rice, among other things, to the Vietcong, is where persuasive action is particularly needed. Such a move, I believe, would be fully within the provisions of the treaty governing this international waterway, which provides that riparian states may take unilateral action to insure that river traffic does not threaten their general security. The open hostility of Cambodia toward the Saigon government would in itself justify such action.

Last June, Prince Sihanouk announced Cambodia's decision to recognize the National Liberation Front as the "sole and genuine representative of the South Vietnamese people in their heroic struggle against the U.S. invaders and their lackey;" that is, until such time as the North Vietnamese had succeeded in uniting the country under Hanoi's control. A correspondent for the Washington Evening Star reported last week that:

> The diplomatic missions of North Vietnam and the Viet Cong conceal machines for propaganda and infiltration aimed at turning Cambodia into a "third front" from which to fight the United States and Saigon government in South Vietnam.

Under these circumstances, there can be no serious question about the legality of closing the Mekong.

Nonetheless, it is apparently the policy of the State Department to do nothing because of the possibility of offending Sihanouk, on the assumption presumably that our inaction will somehow prompt him someday to return to the fold of the free world.

I seriously question, however, that it is wise to base our approach to this problem on this tenuous "prodigal son" assumption. It is frequently theorized that Sihanouk really may not know the extent to which his country is being used by the Vietcong. While, of course, he may not know where each and every VC encampment is, no knowledgeable person could possibly conclude that Sihanouk is as politically naive as some would have us believe. Based on such speculations our policy has not succeeded in changing the situation for the better in the last 2 years. No doubt Cambodia is faced by many difficulties, but so is South Vietnam. An allegedly neutral nation, which, through either acts of omission or commission, threatens the security of its neighbor should nonetheless be brought to account. Since January 1, 1966, over 13,000 Americans have been killed by an enemy which derives great and increasing advantages from Cambodian resources. In one battle alone recently at Dak To in which Communist troops entering South Vietnam from Cambodia were involved, the cost was 287 U.S. dead and 1,000 wounded. To anyone who continues to question the use of Cambodia by the enemy, I would simply cite a few of the many recent stories about the nature and extent of this backdoor aid. For instance Time magazine in its December 1, 1967, issue states in part:

> The Communists have dotted Cambodia's 600-mile frontier along South Viet Nam with dozens of jungle encampments, of which at least five are classified by U.S. intelligence as major bases (see map). The network, which stretches from the marshlands of the Mekong Delta into the bloodied hills of the Central Highlands, is believed to support six regiments of North Vietnamese regulars as well as innumerable Viet Cong guerrillas—a total of up to 20,000 men who are kept busy raiding and reconnoitering along the border. A key base is tucked away in Cambodia's "Parrott's Beak," just 40 miles west of Saigon, which also harbors one of the several jungle hospitals established by the Communists.
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> *Sihanouk Trail.* According to the detailed picture that emerges from boxloads of intelligence reports in Saigon, the camps are used as training centers, supply storehouses and marshaling points for such large-scale Communist operations as last month's attacks on Loc Ninh, which lies directly across from the two major bases, and the fighting at Dak To, which faces another base at the intersection with Laos.
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> Most of the heavy military aquipment for the Communist troops continues to come down the pipeline from the North through Laos, but the Communists manage to fill most of their food and clothing needs within Cambodia itself. Under a procurement system involving the Chinese embassy in Pnompenh, the Communists buy up to 100,000 tons of Cambodian rice a year. Until the Cambodian army cut itself into the lucrative trade recently in order to raise money for Sihanouk's pet welfare programs, it was handled almost exclusively by Cambodia's colony of Chinese merchants.

Associated Press reporters George McArthur and Horst Faas in a story appearing in the Washington Evening Star, November 20, tell that:

> A Vietcong camp showing signs of recent use was found on the border opposite War Zone C about 70 miles northwest of Saigon, It had been used for several months and could have been a staging area for Loc Ninh Battle only 9 miles away earlier this month.

William Beecher, writing in the New York Times of November 24, 1967, relates that:

> United States officials agree that while some rice is acquired by enemy troops in South Vietnam and a little is brought from North Vietnam, a substantial quantity is purchased in Cambodia for the use of North Vietnamese and Viet Cong units. There are intelligence reports that large supplies of rice are brought in Phnom Penh, the Cambodian Capital, and moved by Cambodian Army trucks toward the Vietnamese border.

Donald Kirk in a dispatch from Phnom Penh appearing in the Washington Evening Star, November 24, states:

> Highly informed sources here report the fishing village Ream on Cambodia's southern coast is the point at which arms are landed for shipment through Cambodia to Communist forces in South Vietnam.

In the December 11, 1967, issue of U.S. News & World Report, in an article entitled "Cambodia—Growing Base for Vietnam Reds" it is said:

> Americans and South Vietnamese killed and wounded in recent costly battles at Dak To and Loc Ninh had in effect, been fighting under a tight leash. The reason: Communists used bases inside "neutral" Cambodia to build up their forces for those battles, U.S. planes and artillery were banned from attacking the build-up points.
>
> When the tide of fighting turned against the Reds, they fled back to "safe sanctuaries" in Cambodia. Once across the border the Communist forces were immune from superior American firepower.

And a few paragraphs later in the same article:

> The Dak To campaign is just one example of how the Reds use the Cambodian "sanctuary" for immediate tactical advantage. It has other important uses as well. Rice grown in Cambodia ends up in the hands of Viet Cong and North Vietnamese units. The Cambodian Government openly sold 30,000 tons to the Viet Cong in 1966. Communist agents were able to buy at least that much, perhaps far more, on the open market.

Mr. Speaker, the problem of Cambodia is getting worse, not better. Our policy, for far too long, has danced to Sihanouk's tune, only to have him move closer and closer in support of the enemies of South Vietnam.

It may well be that the Cambodian Army, even if it wanted to, would be incapable of adequately policing its own borders. Even so, it is my view that a great deal more could be done, than is now being done. The U.S. proposal to finance a more extensive and effective surveillance of the Cambodia-South Vietnamese border and Cambodia's ports is, of course, desirable, but the composition of the International Control Commission makes it most doubtful that any such plans are likely to be implemented.

The enemy has carried the war into Cambodia. It has done so with Sihanouk's political and material support. Unhesitatingly he expresses "total solidarity" with the Vietcong and has repeatedly acknowledged aiding the Viet Minh and the Vietcong. Recently he is quoted as saying:

> We have made a verbal agreement with the Viet Cong concerning trade. The Viet Cong buy our rice, medicines and other goods and pay with dollars.

Only a few days ago Sihanouk is reported to have written the National Liberation Front Ambassador to Cambodia urging that "our brotherly solidarity must be further strengthened without interruption."

Mr. Speaker, it is clear beyond all reasonable doubt that Cambodia has given, and continues to give, substantial help to the Vietcong. No knowledgeable military official with whom I have talked, either while in Vietnam some 18 months ago or since, has expressed any doubt about it. Why then, I ask, do we not urge the Saigon Government to close the Mekong River at the Cambodian border? Since January 1965, South Vietnam has, in fact, refused to permit Communist-flag ships, or vessels coming from Communist ports, or carrying Communist goods, access to the Mekong and I hasten to point out that this action created no particular international difficulties, a fact which should conclusively answer the argument that South Vietnam has no legal basis for actions to control the use of the Mekong River within its boundaries. With the Cambodian economy making such a vital contribution to the Vietcong and the enemies of South Vietnam, why should South Vietnam continue to permit Cambodia-bound ships to sail some 150 miles right through its sovereign territory, and in addition require the diversion of its limited naval resources to provide escorts for this traffic to insure no contraband is discharged on the way.

It is currently reported that U.S. military commanders are recommending that Cambodia's other major seaport, Sihanoukville on the Gulf of Thailand, be quarantined to stop the flow of Communist weapons and ammunition to the Vietcong; and that a "hot pursuit" policy be adopted to allow them to cross the Cambodian border and destroy the enemy bases. These hard decisions may well have to be made. However, I would respectfully suggest that consideration first be given to closing the Mekong River to all Cambodian traffic. This can be accomplished quickly and easily without any loss of life and without any great risk of confrontation with any other power. Our message to Sihanouk would be received loud and clear. Furthermore, this action would immediately choke Cambodia's only other major seaport with vessels diverted from the Mekong thereby compelling the Cambodian Government to utilize its hard pressed port facilities for goods needed purely for legitimate domestic purposes. In sum, I believe the ultimate result should help immeasurably in the achievement of our objective to dry up Cambodia as a source of supply to the enemy, but without direct military action.

Our failure to insist that Sihanouk maintain a policy of genuine neutrality, has created conditions that have the grave potential of intensifying the war. The chances of a major expansion of the conflict into Cambodia have in fact increased, not decreased. This trend of events must be reversed. To delay action further only invites an even greater problem in the future. Sihanouk must be shown that his one-eyed neutralism will not be tolerated. To continue to base our policy on the slim hope that someday Sihanouk will decide that the Vietcong will lose the war, is self-defeating. We have failed to make it in Sihanouk's interest to stop aiding the enemy. I suggest again that the loss of this important outlet to the sea would be an appropriate and a wholly justified means for encouraging Sihanouk to establish a policy of "strict neutrality."

Mr. Speaker, we have recently had some encouraging reports from General Westmoreland about the progress of the conflict. However, it has been widely reported that he has expressed deep concern over the problem of Cambodia. It is apparent that our efforts to curb the flow of supplies from North Vietnam have forced the enemy to look more and more to Cambodia. While this war is different in many respects from any we have fought in the past, it is the same in at least one basic element. That is, without supplies, the enemy cannot continue to carry on the struggle. It is abundantly clear that if this war is to be shortened, this back-door aid to the enemy must be stopped. It is time our policy faced up to this fact and produced results.

Mr. Speaker, at this point in the RECORD I insert a table showing the level of free world shipping to Cambodia, through the first 8 months of 1967, according to Department of Defense information, together with several recent press accounts concerning Cambodia:

FREE WORLD SHIPS IN CAMBODIA, 1967

	Panamanian	United Kingdom [1]	French	Japanese	Cyprus	Singapore	Netherlands [2]	Indonesia	Spanish	Norwegian	Greek	Switzerland	Denmark	Italy	India	Pakistan	Liberian	Total
PHNOM PENH																		
January	10	1	5	6	------	------	------	------	------	------	------	------	------	------	------	------	------	22
February	5	------	5	8	------	------	2	------	------	------	------	------	------	------	------	------	------	20
March	11	------	5	6	1	------	------	------	------	------	------	------	------	------	------	------	------	23
April	14	------	------	7	------	3	------	------	------	------	------	------	------	------	------	------	------	24
May	10	1	4	8	------	2	------	1	------	------	------	------	------	------	------	------	------	26
June	16	------	5	8	------	6	------	------	------	------	------	------	------	------	------	------	------	35
July	15	1	4	10	------	5	------	------	------	------	------	------	------	------	------	------	------	35
August	8	1	4	9	------	3	1	------	------	------	------	------	------	------	------	------	------	26
Total	89	4	32	62	1	19	3	1	------	------	------	------	------	------	------	------	------	211
SIHANOUKVILLE																		
January	3	1	4	2	1	------	------	------	1	2	------	------	------	------	------	------	------	14
February	3	------	7	1	------	------	------	------	------	1	2	------	------	------	------	------	------	14
March	3	3	4	2	1	------	------	------	------	1	2	1	1	------	------	------	------	18
April	------	2	7	1	1	--	------	------	------	1	3	------	------	1	1	------	------	17
May	------	3	7	1	------	------	------	------	------	2	1	1	------	------	------	------	------	15
June	------	1	6	1	------	1	------	------	------	1	3	------	1	------	------	------	------	14
July	1	1	7	1	------	------	------	------	------	------	5	1	------	------	------	1	1	18
August	3	------	5	------	------	------	------	------	------	------	2	1	2	------	------	1	------	14
Total	13	11	47	9	3	1	------	------	1	8	18	4	4	1	1	2	1	124
Grand total	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	335

[1] British. [2] Dutch.

[From Time magazine, Dec. 1, 1967]

CAMBODIA: BUILDUP ON THE BORDER

Confronted by persistent allied military pressure, North Vietnamese infiltrators are finding their old south-bound routes to be increasingly hazardous traveling. The DMZ and the South China Sea coast have been virtually sealed off, and the Ho Chi Minh Trail's Laotian branch is being steadily pounded from the air. That leaves only Cambodia as a relatively bomb-free route into South Viet Nam. This kind of end run is hardly new to the Communists, who have often used Prince Norodom Sihanouk's neutral kingdom as a gateway and a sanctuary. But the rising intensity of the war is causing them to use Cambodia more and more as a launching pad and supply depot.

The Communists have dotted Cambodia's 600-mile frontier along South Viet Nam with dozens of jungle encampments, of which at least five are classified by U.S. intelligence as major bases (see map). The network, which stretches from the marshlands of the Mekong Delta into the bloodied hills of the Central Highlands, is believed to support six regiments of North Vietnamese regulars as well as innumerable Viet Cong guerrillas—a total of up to 20,000 men who are kept busy raiding and reconnoitering along the border. A key base is tucked away in Cambodia's "Parrot's Beak," just 40 miles west of Saigon, which also harbors one of the several jungle hospitals established by the Communists.

SIHANOUK TRAIL

According to the detailed picture that emerges from boxloads of intelligence reports in Saigon, the camps are used as training centers, supply storehouses and marshaling points for such large-scale Communist operations as last month's attacks on Loc Ninh, which lies directly across from two major bases, and the fighting at Dak To, which faces another base at the intersection with Laos.

Most of the heavy military equipment for the Communist troops continues to come down the pipeline from the North through Laos, but the Communists manage to fill much of their food and clothing needs within Cambodia itself. Under a procurement system involving the Chinese embassy in Pnompenh, the Communists buy up to 100,000 tons of Cambodian rice a year. Until the Cambodian army cut itself into the lucrative trade recently in order to raise money for Sihanouk's pet welfare programs, it was handled almost exclusively by Cambodia's colony of Chinese merchants.

DELICATE BALANCING

Other food, medicines and soft goods arrive by ship from North Viet Nam and China at Sihanoukville, Cambodia's oulet on the Gulf of Thailand. They are then trucked over the U.S.-built Friendship Highway to Pnompenh and sent to the border bases along routes that the American military has named the Sihanouk Trail. Occasionally, V.C. guerrillas buy surplus Chinese small arms from local Cambodian commanders, but this is strictly local enterprise by Sihanouk's low-paid officers.

On his recent visit to the U.S. General William Westmoreland expressed concern and anger at this enemy buildup just beyond the reach of his troops. There has even been some talk among the military of a Cuba-type "quarantine" of Sihanoukville. But the idea hardly pleases U.S. diplomats. However annoying they find Sihanouk's warm embrace of Hanoi's cause, they recognize that he is engaged in a delicate balancing act to keep his country out of the Communist grip. Even if he fully appreciated the magnitude of the infiltration—as he does not seem to—and were determined to kick the Communists out, his 30,000-man army could hardly cope with the North Vietnamese regulars.

U.S. officials hope that Sihanouk's neutrality may gradually become a little less Red-tinged. Occasionally they are encouraged by such actions as Sihanouk's recent forceful response to Peking's propagandizing in Cambodia; he closed down Red-lining newspapers and threatened to recall his ambassador. But Sihanouk has a way of dissipating good will quickly. Recently he has been mixing particularly virulent attacks on the U.S. ("neo-colonialist aggressor") with denials that the Communists are using Cambodia as a sanctuary. Last week, angered by the discovery of a Communist camp site inside Cambodia by three American newsman (Time, Nov. 24), Sihanouk declared that henceforth his borders would be sealed to all U.S. journalists.

[From the Washington Post, Nov. 20, 1967]

Camp in Cambodia Linked to Vietcong

(By George McArthur and Horst Faas)

On the Cambodian Border, November 19.—The carefully camouflaged Vietcong camp was hidden beneath lush jungle about four miles inside neutral Cambodia.

The signs were unmistakable, despite Cambodian denials, that countless numbers of men and tons of supplies had crossed this jungle site and gone on to the war in South Vietnam.

The camp's occupants, probably several hundred men from a major headquarters command group, had left but days before. Some had been in the area the previous night, as shown by fresh footprints after a heavy rain. One soldier had left a mosquito net, still rigged over a hammock.

From the camp and stretching toward the unmarked frontier with Vietnam was a heavily traveled military road. Monsoon rains had turned stretches of it into a bog. Engineers had laid down a covering of neatly trimmed logs capable of supporting heavy trucks. Tracks indicated many had passed that way.

The road crossed the border barely nine miles from the South Vietnamese town of Locninh, scene of a bitter battle this month. American commanders said the enemy chose this battlefield because of its nearness to the sanctuary of the border—a sanctuary denied by Cambodia's neutralist ruler, Prince Norodom Sihanouk. The Prince has recently qualified his position by saying his 34,000-man army could not possibly seal the 500-mile border.

Sihanouk has been informed of our discovery of the camp. His reaction has not been disclosed.

INVESTIGATION PROMISED

But Premier Son Sann said a Cambodian investigation will be made.

"It is impossible that the camp was used for any long period of time," the Premier said. "It was not a sanctuary."

He acknowledged that there had been some crossings of the frontier by Communist forces, but he said his government has always demanded withdrawal as soon as intrusions were discovered.

[UPI correspondent Ray F. Herndon, who was also among those who visited the camp, reported that he had "the distinct impression" that the Cambodian government did not know such a camp existed.]

Reporters visited the frontier at the invitation of Prince Sihanouk, who offered military escorts and ordered provincial officials to cooperate with Western newsmen.

AREA PINPOINTED

When we drove to the district capital of Mimot, about 15 miles from the frontier, and pointed out precisely where we wanted to go, no difficulties were raised.

The site we asked to visit, chosen on the basis of information from qualified sources, was a thin track branching off National Route 7 and barely shown even on detailed maps. From the paved highway which parellels the border north of War Zone C, the track was hardly noticeable, the entrance shrouded by trees.

On each side were signs warning against smoking, forest fires or the unauthorized cutting of timber. Walking down the twisting trail, there was nothing out of the ordinary save the unusual number of tire and cart tracks on a small dirt road that ostensibly led nowhere.

ROAD DISCOVERED

Then, a few hundred yards into the woods, the corduroy road of logs burst into view. To one side was a small camouflaged clearing surrounded by a drainage ditch.

The small military escort was embarrassed. A young lieutenant said perhaps the road was used by timberthieves. Another suggested it was built by the forestry department.

We asked to come back the next day, with a bigger military escort to go deeper into the jungle. The major in charge of our escort agreed, but his earlier friendliness was gone. Prince Sisawath, a cousin of Prince Norodom who was along, remarked somewhat bitterly: "I suppose you will write about the Sihanouk trail."

Next morning, when we started back to the jungle, the Prince was absent but there was a full escort including an army truck with a 20-mm cannon. This, it was explained was to protect us from possible attack by intruding American planes.

TRAIL TO CAMPSITE

Back in the jungle, a little path off the corduroy road led within half a mile to the Vietcong campsite. There was no mistaking the neat military order, the shelter, the little bamboo desks and tables.

Everything was camouflaged. Some shelters contained pens used by the Vietcong to keep pigs or chickens. Many bits of evidence, even a page from the camp's supply department, were found. A North Vietnamese medical supply bag had also been left behind.

Anyone who has seen similar camps in Vietnam itself could be certain this was a guerrilla camp. Its location indicates that the Vietcong regularly uses Cambodian Route 7, which runs east from the capital of Phnom Penh and roughly parallels the South Vietnamese border for about 40 miles above War Zone C, where much of the fighting in Vietnam has taken place in the past year.

One such camp, of course, does not prove the American contention that the Vietcong systematically violate the Cambodian frontier and use Cambodian territory as a sanctuary.

The Americans say, however, that such camps are numerous along the northern half of the 500-mile Cambodian-Vietnamese frontier.

[From the Evening Star, Nov. 20, 1967]

Red Camp Site in Cambodia Contradicts Royal Denials

(By George McArthur and Horst Faas)

Phnom Penh, Cambodia.—The discovery of a Viet Cong camp site four miles inside Cambodia has angered Prince Norodom Sihanouk and raised doubts about his past denials that Vietnamese Communist forces were given sanctuary in his country.

Cambodia's ruling prince reportedly regards the discovery by American newsmen as a fabrication and part of a campaign against him by the U.S. press.

The Viet Cong camp, showing signs of recent use, was found on the border opposite War Zone C, about 70 miles northwest of Saigon. It had been used for several months and could have been a staging area for the Loc Ninh battle, only nine miles away, earlier this month.

The prince, who contends the United States is the aggressor in Vietnam, reportedly told intimates the reports of the camp were part of a campaign inspired by the U.S. Command in Saigon to justify military operations against Cambodia.

RECORDS DISCOVERED

Evidence of Viet Cong occupancy found in the camp included military records written in Vietnamese, North Vietnamese medical supplies and similar items. Dated scraps of paper indicated the camp had been used for several months dating back to last February.

There were unmistakable signs that several hundred men, probably from a major headquarters command group, had used the camp. Occupants had left only a few days before.

From the camp a heavily traveled road went through the dense jungle to the frontier, crossing it nine miles from Loc Ninh. Logs had been put down to counteract the monsoon mud. Tracks indicated many heavy trucks had used it.

One embarrassed young lieutenant escorting the reporters said perhaps the road was used by timber thieves. Another suggested it was built by the forestry department.

BELIEVED IN GOOD FAITH

Reporters visited the frontier at the invitation of Sihanouk. Diplomats in Phnom Penh felt that despite his stated sympathies with the Viet Cong he did not believe the Communists were seriously using Cambodian territory as a staging area.

The prince did not qualify his invitation to the frontier. He offered military escorts and ordered provincial officials to cooperate with Western newsmen. They did.

When reporters drove to the district capital of Mimot, about 15 miles from the Vietnamese frontier, and pointed out precisely where they wanted to go, no difficulties were raised.

The district administrator, Oung Hong Cheng Hor, an affable 39-year-old career civil servant, laughed and said nothing would be found.

CHARGES OFTEN MADE

American officers have charged for years that the Viet Cong and the North Vietnamese use Cambodia as a sanctuary when the going gets too rough for them.

American authorities in Vietnam have pinpointed at least 20 permanent camp sites, many of them in a five-mile area adjoining the border where the Cambodian army does not patrol and has no significant posts.

Competent authorities say the Viet Cong operate just as clandestinely in Cambodia as they do in Vietnam. They select areas where they are unlikely to meet Cambodian soldiers, particularly the virtually uninhabited northeast where Cambodia, Laos and Vietnam come together.

BORDER SITE REPORTED

Impartial foreign sources in Phnom Penh have knowledge of Viet Cong forces in Cambodia. Many contend the number is far greater than anything suspected by Prince Sihanouk.

A fenced, well-guarded, maximum security camp is reported to have been installed long ago along the border in Mondulkiri Province opposite the lower reaches of the Vietnamese highlands.

Other bivouac and transit areas are reported in Mondulkiri and adjourning Ratnakiri provinces. A 400-bed hospital has been reported near the district town of Mimot, in Kampong Cham Province.

Sources in Phnom Penh who asked not to be identified also gave this information:

Along the border of Kampong Cham Province, where rubber plantations are frequent, about 20 percent of the workers are of Vietnamese origin and many are members of the Viet Cong. Workers disappear for several days and plantation managers suspect they duck across the border for short operations.

Some competent authorities in Phnom Penh contend that Sihanouk does not know the extent to which his territory is being used by the Viet Cong.

Others say the prince has intentionally ignored Viet Cong activity, particularly in the jungled northern provinces where his government has little control anyway.

In the southern provinces bordering Vietnam on the Mekong Delta, his orders to stop Viet Cong infiltrators have been relatively effective.

[From the Evening Star, Nov. 20, 1967]

U.S. Planes Feared—Cambodians Patrol Border With Caution

(By Donald Kirk)

Route 19, Near the Cambodian-South Vietnam Frontier.—The Cambodian army lieutenant stopped at a tumbled-down pile of logs and boards and raised his hand. "That's no-man's land," he said, pointing to the east. "We cannot go farther."

Half a mile away in a jugle clearing, trees painted white by the International Control Commission set up by the 1954 Geneva agreement mark the border between Cambodia and South Vietnam.

"We once had a permanent post here," said the lieutenant, sitting on the log remains of the old fortification. "But it was too difficult to supply. Now we just send patrols."

He added that even the patrols did not walk the last half mile to the frontier for fear of attacks by American planes.

As he spoke the sound of jets reverberated through the dense jungle. The planes, invisible through the bushes and towering trees, were apparently a mile or so away, well within South Vietnam.

But American pilots don't always observe the border so scrupulously.

AMERICAN LEAFLET

A sergeant picked up an American propaganda leaflet showing a B52 dropping bombs. The back of the pamphlet explained that the B52 raids were "necessary" to wipe out the Viet Cong.

The sergeant said he had never seen B52s near the Cambodian-Vietnam frontier, but cited five cases in the last month in which American reconnaissance planes and helicopters had attacked near O Yadao, the name of the last regularly manned Cambodian outpost, three miles inside the frontier.

He said one soldier was hurt in a rocket attack early this month and several civilians had been killed or wounded in a nearby village.

The flimsy thatched roof huts of O Yadao mark the last point toward which even jeeps can slog down Route 19, once an important French road to the Vietnam highland center of Pleiku, but now a potholed single lane closed to all but occasional military vehicles.

A dozen men commanded by a tall, craggy sergeant of Montagnard extraction are assigned to watch for both American planes and Viet Cong soldiers, whom the Americans are certain rely on Cambodia's eastern frontiers to regroup and rest after fighting in South Vietnam.

The sergeant, named Ek Sem, said his men occasionally fired a Chinese antiaircraft gun, placed in the middle of the encampment, but so far had not hit any of the planes.

DENIES SEEING VIET CONG

He denied having ever encountered any Viet Cong. "We go on patrols every day," he said. "We never see anything."

If he does, he said his orders are not to fire but simply to ask them to return across the frontier.

The provincial governor and army commander, Chhor-Sien, said only 2,000 soldiers were assigned to the entire province, which covers the northeast corner of Cambodia, a mountainous, dense jungle region.

Chhor-Sien said his men had not seen a single Communist soldier, either Vietnamese or Viet Cong, and confirmed the impression that American planes were of much greater concern.

At Pak Nhai, a company-sized outpost on Route 19 eight miles west of the border, he pointed to a small heap of shrapnel and tubing, souvenirs, he said, of an American rocket attack on July 30 in which a woman was killed in a village 100 yards away.

As he spoke, a Montagnard woman ran from the village to the post. She said an American rocket had killed her 5-year-old son two weeks ago. "I was with my family in my home," she told an interpreter, displaying a jagged scar on her left arm she said was caused when she was hit by shrapnel in the same attack.

Soldiers at the post said they saw American reconnaissance planes at least three times a day, but explained the planes only fired "two or three times a month."

The governor also claimed the Americans had dropped defoliating chemicals as far as 12 miles inside the Cambodian frontier, destroying about 1,000 square miles of rubber plantations and uncultivated forests.

"The Americans drop defoliants several times a month," he said. "But we have never seen Viet Cong there. The war across the border is none of our business."

PLANTERS REPORT REDS

French planters in the region, however, disputed the governor's contention that no Viet Cong cross the border. "It's clear that in hot fighting the Viet Cong move backward sometimes," said one plantation manager. "A year ago VC unit was pushed inside Cambodian territory and given 24 hours to leave. And it did."

He added that it was almost impossible for Cambodia's miniscule, ill-equipped forces in the province even to know of the existence of Communist camps in the rough, trackless hills.

"That would require very precise aerial observation," he said. "So the Cambodians don't bother them."

One planter claimed the Communist forces held medical facilities and supply posts in the hills, but did not think they could hide away an entire division, as the Americans have charged.

[From the Evening Star, Nov. 24, 1967]

Red Port Revealed—Cambodian Village Is Reported Used

(By Donald Kirk)

Phnom Penh, Cambodia.—Highly informed sources here report the fishing village of Ream on Cambodia's southern coast is the point at which arms are landed for shipment through Cambodia to Communist forces in South Vietnam.

These sources, including French planters who have lived and worked in this former French colony for most of their lives, say the arms are loaded into motorized fishing boats several miles off Ream and brought to the village, where Chinese merchants transfer the boxes to trucks for the trek to the Vietnam border.

The arms are shipped through Ream, which also has a small Cambodian naval installation, without the knowledge of Prince Norodom Sihanouk, in the opinion of these sources.

Sihanouk repeatedly has denied reports, based largely on American intelligence sources, that Communist arms move through Cambodia.

Sources here said the arms arrived just outside Cambodian waters on freighters from China and East European countries. The sources had no estimate of the amount of arms shipped through Ream but believed it was relatively small—mainly small arms and ammunition for use by the Viet Cong and not North Vietnamese troops.

The arms are believed sent to Vietnam's delta region. Observers believed the Communists sometimes preferred to ship through Ream to avoid the long trip from North to South Vietnam over the Ho Chi Minh trail through Laos.

Sources here had no information that the Communists shipped arms through Sihanoukville, as has been claimed.

In fact these sources believed the Communists might purposefully avoid Sihanoukville, named for Prince Sihanouk and envisioned by him as Cambodia's major prestige port, to prevent the possibility of an embarrassing discovery that might reduce his sympathy for the Communist struggle in Vietnam.

(The report of the use of Ream came almost simultaneously with one from Washington that U.S. officials are becoming concerned over the possibility that Sihanoukville would become a major port of entry for Communist war supplies. Should this happen, said Washington sources, some effort to quarantine Cambodia might be necessary.)

Ream, a one-street village lined with Chinese shops that have their backs leading to small piers, is some 15 miles from Sihanoukville at the end of a narrow dirt road.

In a brief visit to Ream, packing boxes and oil drums were seen beside the shops.

Several motorized fishing boats, ranging from 15 to approximately 60 feet long, were moored at the piers. Shopkeepers said they were all strictly fishing boats, and a look at several of them revealed nothing of suspicious nature on board.

At the end of the road, several guards were assigned to stop traffic at a gate opening on the naval installation. Half a dozen small naval ships, including landing craft, were docked at the base. Authorities denied entrance to the facility on the grounds that formal permission was needed.

Planters, with contacts among Chinese

merchants and Vietnamese fishermen living in Cambodia, say arms began moving through Ream only in the past couple of years. They also expressed the belief that arms were sometimes transferred from fishing boats to shore at other isolated points along the coast.

Sources here said the arms were shipped through Cambodia to a large extent in closed trucks whose drivers carried papers saying they were only loaded with rice for local use.

One source said these trucks sometimes traveled "with special military permission," indicating elements in the Cambodian army were working for the Viet Cong.

One key factor in moving the arms into Cambodia, according to the French planters, is Vietnamese employed on rubber plantations near the border. One source said the Vietnamese had dug tunnels at some points for moving goods out of sight of Cambodian soldiers and guards, who have orders to stop all such activity.

Although Sihanouk denies these and all other such claims, sources here confirmed that Frenchmen had unexpectedly spotted Communist troops on several occasions.

In Northeast Cambodia, a French school teacher took a wrong turn on a road and drove into a clearing which he described to acquaintances as "full of Viet Cong." The teacher, who taught geography in Phmon Penh, is said to have been turned over to Cambodian authorities and sent back to France.

In another incident, a chauffer driving a French diplomat to the border near the Vietnam highlands turned onto the "wrong road," said a source here, and encountered approximately 25 black-clad peasants, most of them bearing arms.

The chauffer, who was driving in a convoy sponsored by the government to prove there were no Viet Cong guerrillas in the area, realized he had made a mistake, turned back and rejoined the convoy on the main road.

Cambodian officials told the diplomat the black-clad men must have Cambodian militia, an explanation, said the source who repeated the story, that "convinced no one."

Despite such stories, Sihanouk claims no knowledge of the presence of Viet Cong or Communist troops here or the smuggling of arms—and also rice—across his borders to Vietnam.

He has, however, accused the Americans of sometimes "pushing the Viet Cong into Cambodia" during battles on the other side.

But the sources emphasized that Sihanouk himself was probably not aware of the extent of Vietnamese Communist activities.

[From the New York Times, Nov. 24, 1967]

Foe Said To Use Cambodian Port—Some U.S. Officers Weigh Sihanoukville Quarantine To Bar Vietcong Arms

(By William Beecher)

Washington, November 23.—Some American military leaders in Saigon and Washington are concerned about reports that major ammunition shipments are reaching North Vietnamese and Vietcong forces by sea through Cambodia. A staff study has been ordered on the value and implications of a quarantine of the Cambodian coastline.

Such a quarantine might involve stopping and searching Soviet, Chinese and other foreign-flag vessels.

Some civilian officials here suggest that if Saigon can produce persuasive evidence of arms shipments through the main Cambodian seaport, Sihanoukville, the evidence might be placed before Cambodia's Chief of State, Prince Norodom Sihanouk.

"SIHANOUK MAY NOT KNOW

"Sihanouk may not know the full extent of the North Vietnamese activities in his remote border areas, and wouldn't be able to do much with his 40,000-man army even if he wanted to," one official said.

"But he could very well control what moves through his port. And if military intelligence can come up with convincing proof of arms traffic, we think Sihanouk could make no reasonable excuse for not controlling it."

Gen. William C. Westmoreland, commander of American military forces in Vietnam, is represented as being disturbed about shipments through Cambodia. But he is not believed to have made any quarantine recommendations to President Johnson or other high Administration officials during his recent stay in Washington.

Most of the military concern arises from the ability demonstrated by the enemy, first at Locninh and now at Dakto, to stock up enough mortars, machine guns and ammunition for sustained operations. Both sites are close to the Cambodian border.

Military leaders say that most of four North Vietnamese regiments, approaching 10,000 men in strength, were preparing for battle in Cambodia last month. The officers estimate that 5,000 North Vietnamese, including many support troops, remain in Cambodia now.

Prince Sihanouk has repeatedly denied that the Vietcong and the North Vietnamese use his country as a sanctuary. He was reported to be angry earlier this week over the discovery of a recently abandoned Vietcong camp four miles inside Cambodia. The camp was found and photographed by correspondents of The Associated Press and United Press International.

Military and civilian authorities agree that most arms and ammunition for enemy forces in Vietnam moves by land from North Vietnam, over the complex of roads and paths in Laos known as the Ho Chi Minh Trail, and from these into South Vietnam, or into supply caches in southeastern Laos and northeastern Cambodia.

The officials also agree that while some rice is acquired by enemy troops in South Vietnam, and a little is brought from North Vietnam, a substantial quantity is purchased in Cambodia for use of North Vietnamese and Vietcong units.

There are intelligence reports that large supplies of rice are bought in Pnompenh, the Cambodian capital, and moved by Cambodian Army trucks toward the Vietnamese border to the northeast.

"There is a good deal of corruption within the Cambodian Army, and much of this activity could very well be unauthorized," one official said.

WESTMORELAND CITES PATROLS

At a news conference in the Pentagon on Tuesday, General Westmoreland said that with the extension of South Vietnamese Government control into the countryside and with the imposition of coastal patrols, the enemy had to turn to Cambodia and buy rice.

"A lot of Chinese merchants in Pnompenh, I suspect, have become rich because of this," he said.

There have been some intelligence reports that Chinese arms shipments, ostensibly destined for the Cambodian Army, have arrived in Sihanoukville and been carried over the Cambodian-American Friendship Highway, built with United States aid funds between Sihanoukville and Pnompenh. From there, according to the reports the goods have moved by road, river and canal to Vietcong or North Vietnamese troops.

Some Washington officials disparage this information as "low-level, low-confidence intelligence." Others insist that it is only a matter of time until conclusive evidence can be assembled on the reports of arms traffic.

One civilian official said there was no evidence of "knowing collusion" between Prince Sihanouk and those who might be aiding the North Vietnamese, whether in supplying rice or arms or in permitting them to operate from base camps along the Cambodian border.

The fact that Prince Sihanouk allowed the American news agency men, accompanied by Cambodian troops, to search for the enemy base camp on Cambodian soil is viewed here as support for the contention that he may not have realized the extent of Vietcong activity in the remote, jungle-covered border regions.

[From the Evening Star, Nov. 30, 1967]

Hanoi, NLF Bid To Incite Cambodia

(By Donald Kirk)

Phnom Penh.—The bland exteriors of the diplomatic missions of North Vietnam and the Viet Cong conceal machines for propaganda and infiltration aimed at turning Cambodia into a "third front" from which to fight the United States and Saigon government in South Vietnam.

Informed sources here report that the embassy of North Vietnam and the "representation" of the National Liberation Front, the official name for the Viet Cong, devote much of their time to developing a network of contacts, mainly among the country's 400,000 residents of Vietnamese ancestry, for shipping rice and other products from Cambodia to Vietnam.

Mastermind of the Viet Cong operation here is Nguyen Van Hieu, a member of the Central Committee of the National Liberation Front. Hieu, once regarded as roving foreign minister for the Front, negotiated with Cambodia a year ago for raising the Viet Cong's diplomatic position here to that of a "representation," just one step below full embassy status. He now heads the mission.

Hailed as an "intellectual patriot" by the Viet Cong press, Hieu is viewed in some quarters as one of the half dozen top men in the NLF. A former secondary school teacher and "journalist" who wrote propaganda articles against the Americans and their "puppets" in Saigon, he headed Viet Cong missions in Prague and East Berlin before coming here four months ago. His presence indicates the importance the Viet Cong attach to bringing "neutral" Cambodia firmly into the conflict on the Communist side.

NOT UNSUBTLE

But Hieu is not so unsubtle as to offend the Cambodian government, especially its sensitive chief of state, Prince Norodom Sihanouk, by overtly urging it to join the war.

His first move, in fact, was to work out a declaration of "respect and recognition" for Cambodia's frontiers that meant the Viet Cong, if they were to win, would abandon all the Saigon government's claim for disputed territory along the border.

Hieu, who lives in a three-story apartment building behind the modern stone and concrete villa of the NLF, also has abandoned his request for "special status" for the local Vietnamese, who cannot own property, must pay high taxes and are generally subject to prejudicial treatment reflecting the instinctive antipathy of Cambodians for Vietnamese.

Hieu reportedly was glad to compromise on both the border question and that of Vietnamese residents in return for Cambodia's support of the Front diplomatically—and hopefully militarily and economically as well.

Hieu's main partner here is Tran Buu Kiem, a member of the presidium of the Central Committee of the NLF and president of the Central Committee's Foreign Relations Commission.

Kiem participated in discussions that led to opening full-scale diplomatic relations between Cambodia and the Front and has a luxurious home here on a tree-shaded street in a fashionable residential section.

MINORITY FOCUS

Kiem, who spends much of his time in South Vietnam, is believed primarily concerned with the problem of mobilizing Cambodia's Vietnamese minority behind the Viet Cong.

In the past year he has enforced a system by which most Vietnamese here must contribute to the NLF cause, whether by donations or by ferrying or carrying bags of rice or even by digging tunnels linking Cambodia with South Vietnam.

"There is hardly a Vietnamese in the country who doesn't have some job to do for the Viet Cong," said one source. Since many of the Vietnamese here live on rivers as fishermen, they are particularly helpful in shipping rice by water.

And those employed on rubber plantations near the border are helpful in relaying the rice across the frontier and in helping Viet Cong units that hide here from the war.

A mainstay of support for Hieu and Kiem is the Liberation Press Agency, the Viet Cong propaganda machine, that has a separate office here in a villa on one of the city's main avenues.

Chief of the office is Pham Van Quang, one of the NLF's top propagandists, who turns out news bulletins in Vietnamese, Cambodian, Chinese and French, arranges for cultural presentations and spreads leaflets and magazines on the war among the local Vietnamese.

The appointment of Quang, like those of Hieu and Kiem, illustrates the importance the Viet Cong attach to Cambodia. While "covering" the war for the NLF in Vietnam, he reportedly wrote some of its most important statements and was wounded two times. Like Hieu, he served in Eastern Europe before his present assignment.

Since most of Cambodia's Vietnamese population is from South Vietnam, the activities of the NLF here appear sometimes to overshadow those of Hanoi. Some sources, in fact, suspect that North Vietnam is at odds with the Front over control of Cambodian operations despite the usual displays of unity.

North Vietnam, whose mission here was elevated from a "representation" to an "embassy" last year, desperately needs Cambodia's friendship so it can continue to filter some troops into Vietnam through the northeast Cambodian province of Rattanakiri.

Although Sihanouk violently denies such activities, observers believe he may have reached a tacit understanding not to bother the North Vietnam troops as long as they don't leave the dense jungle area that is far removed from Cambodian army outposts.

North Vietnam and the Viet Cong have persuaded the Prince of the rightness of their cause—a factor that is crucial in protecting the movement from Cambodia of rice as well as arms for the Viet Cong. The government theoretically prohibits this trade—and generally denies its existence—but has done little to stop it.

AN ULTIMATE STEP

The ultimate step for Communist Vietnam would be for Sihanouk completely to abandon his policy of neutrality, let Communist troops freely base here until the end of the war and give carte blanche for the legal sale and shipment of rice, arms and other products from Cambodia to the Viet Cong.

Some observers, noting the Prince's increasing anger over American rocket and machine gun attacks from planes flying inside his borders, believe he might be on the verge of such a decision.

If so, the entire Cambodian frontier could turn into a full-fledged "third front," said one source, referring to the interior of South Vietnam as the "first front" and the Demilitarized Zone between the two Vietnams as the "second front."

But Sihanouk would face strong opposition from some of his countrymen, who may be just as fearful of the Communist Vietnamese as they are of the Saigon regime and the Americans.

"It was almost a scandal here when the Prince recognized the NLF," said one official. "The feeling was, after he broke off relations with Saigon in 1963, that he should never go all the way and recognize the Viet Cong. But he thinks the Communists are sure to win, and he wants to be on the right side from the start."

[From the U.S. News & World Report, Dec. 11, 1967]

CAMBODIA—GROWING BASE FOR VIETNAM REDS

SAIGON.—Suddenly it is Cambodia that has become critically dangerous to American military commanders already locked in a bloody war against Communists in Vietnam.

Americans and South Vietnamese killed and wounded in recent, costly battles at Dak To and Loc Ninh had, in effect, been fighting under a tight leash.

The reason: Communists used bases inside "neutral" Cambodia to build up their forces for those battles. U.S. planes and artillery were banned from attacking the build-up points.

When the tide of fighting turned against the Reds, they fled back to "safe sanctuaries" in Cambodia. Once across the border, the Communist forces were immune from superior American firepower.

"HOT PURSUIT"?

Now U.S. commanders in the field are demanding a change in the rules.

The White House is being pressed for permission to attack the known, important Communist bases inside Cambodia.

If this is "politically unpalatable," Gen. William C. Westmoreland's command wants, at a minimum, the right of "hot pursuit." The Communist enemy would be chased all the way back to and beyond base camps hidden in the Cambodian jungle whenever they broke off contact inside Vietnam.

Adding weight to pleas from the field were comments in a television interview on November 28 by former President Dwight D. Eisenhower, who said:

"If you're chasing some people and they just step over into Cambodia or Laos, I wouldn't—it wouldn't bother me. I'd go at them as long as they'd come in there in the first place."

General Westmoreland and the American Ambassador to Vietnam, Ellsworth Bunker, raised the question of "hot pursuit" in November when they were in Washington while the struggle for Dak To was at its height.

STATE DEPARTMENT VIEW

American officials in Saigon say the discussions in Washington were "too sensitive" for public comment. But it is known the U.S. State Department strongly opposes any military operations across the Cambodian frontier.

Field commanders in Vietnam hope the Bunker-Westmoreland team extracted some concessions from the White House. They are not optimistic.

Concern over the increasingly vital role Cambodia plays in North Vietnam's war plans rose sharply when captured documents disclosed details of Hanoi's "winter-spring" campaign for 1967–68.

The plan calls for large-scale transportation of North Vietnamese troops by truck through Laos as far south as Cambodia.

From bases in those two countries, the Reds would launch more and bigger drives against American and South Vietnamese forces.

A U.S. intelligence analyst comments:

"The North Vietnamese are moving everything they've got down south as fast as they can. It's likely we will be in for big battles soon."

A documented study showing how Hanoi uses Cambodia to fight inside South Vietnam has been prepared by American officers in General Westmoreland's headquarters.

Most recent example was the campaign fought for control of the strategic hills around Dak To. The struggle there cost the U.S. 287 dead, 1,000 wounded.

Communist troops infiltrated the area from bases in Cambodia. After days of close-quarter fighting, the enemy had lost 1,641 confirmed dead. Estimates of additional dead and wounded carried away from the battlefield ranged from 1,000 to 1,500.

The survivors straggled across the border to two large hospitals set up by the North Vietnamese inside Cambodia. Both hospitals have modern surgical facilities, trained doctors and nurses.

Says a U.S. officer: "Their wounded, or most of them, will be back fighting us one of these days. It's a shame we cannot go in after them."

A "RICE BOWL"

The Dak To campaign is just one example of how the Reds use the Cambodian "sanctuary" for immediate tactical advantage. It has other important uses as well.

Rice grown in Cambodia ends up in the hands of Viet Cong and North Vietnamese units. The Cambodian Government openly sold 30,000 tons to the Viet Cong in 1966. Communist agents were able to buy at least that much, perhaps far more, on the open market.

From all accounts, shipments of Communist-bloc arms and ammunition into Cambodia are on the rise. Soviet, Polish, Chinese and Hong Kong-registered ships call in increasing numbers at Sihanoukville, Cambodia's principal seaport.

To speed up cargo handling, the port facilities are being expanded to five times the present capacity. French aid is going into construction of a railway line linking Sihanoukville and Pnompenh.

Although "hard" evidence of what the ships carry is not easily obtained, it is clear that Cambodia's small network of roads and large network of canals and riverways are rapidly becoming important supply routes.

Shallow-draft barges with steel hulls are being used to move cargoes from Sihanoukville to Ream, a nearby fishing village. Cargo is there transferred to motorized sampans that cruise along the canals interlacing the low, marshy border between Cambodia and Vietnam.

A small sampan intercepted recently three miles inside the Vietnamese side of the frontier was found to be loaded witn 100-mm. mortars.

OUT IN THE OPEN

The Reds seem to be moving arms more openly than before. An intelligence officer in Saigon says this:

"We have pretty good evidence that just recently a ship unloaded cargo that included mines, consigned to a civilian import firm in Sihanoukville. The mines weren't even camouflaged."

Drugs and other supplies needed for treatment of wounded pour in openly from Singapore. Purchasing agent there is the Singapore branch of Peking's Bank of China.

Chinese businessmen in Cambodia are purchasing and supply agents for other necessities. The telegraph office in Pnompenh, the capital, has a special section set aside to handle messages to and from Hanoi. Each day the area is jammed with Chinese merchants transacting business with North Vietnam.

Cambodians hire out as porters and boatmen to transport goods and weapons inside the country and across the border into Vietnam.

Some intelligence reports claim the Viet Cong have recruited a division of troops from among ethnic Vietnamese who are citizens of Cambodia.

LIFT FOR THE INFANTRY

Cambodia's contribution in food and facilities has become so large that Hanoi is able to use its trucks to transport troops into Laos and south to the Cambodian border. Until recently, trucks hauled supplies only. The infantrymen walked.

Some sources claim the volume of traffic from Southern Cambodia east and north to the battle areas inside Vietnam is bigger by far than the traffic from North Vietnam through Laos to the Cambodian border.

It is just now becoming clear what effect this increasing dependence on supply lines inside Cambodia is having on Communist strategy.

Hanoi has adopted what is called a "strategy of peripheral forces." Its major combat units are based just outside the frontiers of South Vietnam, are able to jump in and out of battle at will.

With divisions firmly anchored at the bases in Cambodia and Laos, as well as along the Demilitarized Zone separating North from South Vietnam, the captured documents calling for a "winter-spring offensive" take on new meaning.

That campaign, state the documents, is to consist of "large-scale, powerful and continuous attacks, conducted on all battlefields, to destroy as much U.S. and Vietnamese Army manpower resources as possible."

Knowing Hanoi's battle plan for the next six months, American officers are staring longer and harder at sanctuaries just across the Cambodian border.

A ranking U.S. commander says:

"There will certainly be more Dak Tos, and we will take heavy casualties. The enemy doesn't seem to mind losing a lot of men as long as he kills a lot of our men."

If the "green light" were to come from Washington, experts here say, the base camps in Cambodia could be cleaned out with a maximum of three U.S. divisions committed to the campaign.

There is little that Prince Sihanouk, Cambodia's ruler, could do other than complain. His Army of 35,000 men has had no combat experience. Its equipment, much of which is supplied by Red China and Russia, has been poorly maintained.

Yet, a direct attack by U.S. forces is ruled out at present as politically inexpedient. A distinct possibility, it is felt here in Saigon, is that "hot pursuit" will sooner or later be permitted.

Then, explains an American colonel, Communist troops fleeing into Cambodia will no longer be in line for a period of "wine, women and song." Instead, they will have to keep running.

WHY U.S. COMMANDERS WANT "HOT PURSUIT" INTO CAMBODIA

Problem: War supplies and weapons are pouring across "neutral" Cambodia in a growing stream, to help Red forces in South Vietnam. Freighters from Eastern Europe and Northern Asia unload at Cambodia's port of Sihanoukville. Supplies go by road to Pnompenh, move along the Mekong River and fan out to Communist troop bases along the border with South Vietnam. From those bases, Red troops cross into Vietnam to attack U.S. and South Vietnamese forces, then slip back into their Cambodian sanctuary to rest and refit.

Proposed solution: American commanders seek freedom to pursue Communist troops across the border into Cambodia and destroy them and their bases—instead of just returning Red fire defensively when it comes from that side of the border, as in the past. Also sought: Freedom to bomb Communist troops and supply convoys moving through the border area.

THE TRAGEDY OF PEARL HARBOR

The SPEAKER pro tempore (Mr. HAGAN). Under a previous order of the House, the gentleman from New York [Mr. HALPERN], is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, December 7, 1941, was a terrible tragedy for the United States, but it was a temporary tragedy. This day was a strategic success for Japan, but it was a temporary success. At approximately 7:55 a.m. on that fateful Sunday the first wave of 183 Japanese aircraft struck Pearl Harbor. At 8:40 a.m. the second wave of 180 aircraft struck. By 9:15 the attack was over, leaving in its wake over 2,000 dead, 188 destroyed planes, 18 sunk or seriously damaged ships, and a shocked America.

On December 8, 1941, President Roosevelt stated to Congress:

> Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddently and deliberately attacked by naval and air forces of the Empire of Japan.

The United States was plunged into the most terrible war in history—a war in which over 14½ million combatants of all nationalities died; a war in which entire empires came crashing down as tremendous forces that were unleashed irrevocably changed the very face of the globe.

We stand here today—26 years later—and are awed by the incredible changes we have witnessed, changes ranging from the birth of the United Nations to the birth of the atomic bomb. The forces that were unleashed on that Sunday in 1941 have led to this Nation's assumption of responsibility as a global power. Indeed, we can no longer speak of American or of world history without speaking of our Nation's foreign policy.

Pearl Harbor therefore serves as a historical touchstone against which we can measure the changes we have witnessed. Remembering and honoring those who died on that day, we must place their sacrifices in context and recognize that history offers no guarantees for the survival of any nation. The lesson of Pearl Harbor is that a tragedy need not be permanent, for a tragedy is ultimately judged as temporary or permanent only in retrospect. It was the people of this Nation who made this tragedy a temporary one.

SPECIAL ORDER VACATED

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that the special order heretofore granted to me be vacated.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

STRENGTHENING RURAL AMERICA

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, out in Kansas City today the junior Senator from the State of Kansas, JAMES B. PEARSON, appeared before the annual meeting of a group at Farmland Industries. The subject of his speech was entitled "Strengthening Rural America: A National Commitment."

The Senator chose a subject that is dear to the hearts of many of us in Congress who represent rural areas. I have frequently referred to this effort as rural redevelopment. The Senator speaks of it as rural revitalization. But by whatever name or description, the effort is the same and is directed toward arresting the movement of rural population to our large cities. The heart of the proposal is to stimulate the economy of the rural community to make available rural jobs which hopefully may be accomplished by a tax incentive designed to attract new job-creating industries into rural communities. The other items in the proposal include expansion of education opportunities in the rural areas; better credit to business firms developing in rural areas; better housing and recreation and more equitable geographical distribution of spending and procurement programs by the Federal Government.

I wish to commend the Senator from Kansas for his contribution and the junior Senator from Oklahoma [Mr. HARRIS] who has been associated in this effort. I have said many times there is not enough money in the world to solve all the problems of our cities if they continue to grow in size to the point where there can be no human solution. The best place to solve the problem of our cities is in the rural areas, which the Senator has so effectively proposed. It is my intention in the second session of the 90th Congress to join in this effort by proposing similar legislation.

It is a privilege to cause the remarks of the Senator to be inserted in the CONGRESSIONAL RECORD for the benefit of all of our colleagues whether from the rural or urban areas. All Members of Congress should consider well and carefully the proposal embodied in the Senator's remarks which, in my opinion, may well be the best solution to the nagging problems of both our cities and rural areas:

STRENGTHENING RURAL AMERICA: A NATIONAL COMMITMENT

(Address by Senator JAMES B. PEARSON before the annual meeting of the Farmland Industries, Kansas City, Mo., December 7, 1967)

First, let me say I welcome this opportunity to visit with you at this annual meeting of Farmland Industries and to discuss the hopes we share in, "Strengthening Rural America."

All of us take note that the subject of rural revitalization has received a considerable and growing amount of attention during the past year. Indeed, a national discussion of some magnitude is under way centering around the question of why we should and how we can stimulate the economic and social development of rural America. And a convenient and appropriate way to get into the subject matter of my comments here this morning is to ask the question, why is it that this debate has emerged in 1967?

There are several reasons, but I would mention two:

First, 1967 has been a bad year for farmers. Indeed, we are now in the midst of a major agricultural recession. Farm prices began to decline just about one year ago and many are now down to some of the lowest level in years. At the same time, costs have continued to rise. Thus, parity now stands at 73, the lowest since the 1930's. And net farm income will be 10 to 15 percent lower in 1968 than in 1967.

This current farm recession has a particularly bitter taste because it came hard on the heels of the brief upturn in 1966. The improvements in the farm economic picture in 1966 were fairly minor and certainly brief, but due to a combination of circumstances they served to create the impression among many that agriculture, at long last, might finally be on the road to economic stability. Thus, the farm picture of 1967 is made more dismal by its contrast to the more favorable trend in 1966.

But as all of you know better than I, 1966 was no great boom year. It only looked fairly good because the years before had been so bad. Thus, in a very real sense, 1967 marks the return to the normally depressed conditions which have plagued the American farmer for over a decade.

Rural America, and particularly rural-farm America, has been in trouble for a good many years. Therefore, one must look further for an explanation of this new national interest in the need or rural development.

Ironically, it is the great and dramatic troubles in the giant cities which have finally caused us to more clearly see the difficulties of the countryside and small towns.

The headlines of the past two or three years have made all of us painfully aware of the, "crisis of the cities," a crisis described in terms of festering slums, rising crime rate, disintegrating families, chronic unemployment, racial tension, congested streets, polluted air and contaminated water.

We have now begun to recognize that many of these problems can be traced to the overcrowding of people and excessive concentration of industry into a few great metropolitan centers. We are now beginning to realize that one of the most sensible and effective approaches to dealing with the crisis of the cities is to devise programs which will have the effect of slowing down the great rural to urban migration which continues to depopulate the countryside and small towns and to swell the population of our already overcrowded cities.

The long, hot urban summer of 1967 has proven to be something of a catalyst, and we have begun to accept the idea that as we attempt to deal with the crisis of the cities the challenge is not simply to make the cities more efficient and more livable for more and more people, but how to keep more and more people from crowding into them.

Increasingly we are coming to realize that the old assumption that the migration from the country to the city represents the first step up the ladder of economic opportuinty and social advancement simply isn't valid.

For in reality far too many of the rural poor have crowded into the deteriorated sections of the large cities where they have become entrapped by their own lack of skills and limited housing in ugly slum ghettos. What was to be their economic salvation became their prison, and ill-equipped to resist the depersonalizing forces of the city, their sense of personal and social responsibility is dulled. As the darkness of despair crowds out the light of hope they are demoralized and devoured by the contagion of their slum environment.

The rural exodus is not, of course, composed only of the poor and unskilled. It also includes the talented youth and the highly educated, and, to be sure, many of them find economic reward and respectable social status in the city. But the fact of their leaving means that the rural communities are being bled of their best human talent and most productive economic resources, in a cycle that continually feeds upon itself; the loss of people means a loss of local income and the gap between the actual tax base and the costs of public services is widened. Rural communities are already stretched to the limit to provide the public resources to educate their children, but after they have been educated the youth move to other areas because of a lack of local economic opportunity and social amenities.

But this in turn magnifies the problem because it is the talented and educated youth who could best provide the initiative and leadership to revitalize the community. Ironically, the rural areas are subsidizing the cities by the continuing export of their educated youth.

As a result of all this, hundreds of rural communities are now facing the prospect of virtual extinction. And when a rural community dies, the nation suffers an irretrievable loss.

Thus, we are beginning to see the whole question of our rural-urban balance in the new perspective. We are beginning to challenge some of the old beliefs and dogmas about economic growth and development, about the efficiency of economic and population concentration, and about the quality of human life in giant cities.

Americans have always been a little uneasy about massive urbanization but on the other hand we have tended to believe that economic and social forces which underlie this concentration of economic resources and people are not only inevitable, but also basically desirable over the long run.

However, confronted with the fact that seventy percent of our people are already squeezed onto one percent of the land and faced with monumental crises of the cities, we have finally begun to question whether the trends of the past several decades are, in fact, either inevitable or desirable.

When confronted with the fact that it takes $20,000 in tax dollars to make it possible to bring one more passenger car into New York City during rush hour traffic periods, one must necessarily question whether the public is being asked to pay too high a price for the maintenance of our giant metropolitan areas.

When a freight truck can average only about 6 miles per hour in moving from one side of the city to the other—the old horse drawn freight wagon could do better than that—we begin to realize that there is an awful lot of economic waste and inefficiency associated with doing business in a megalopolis.

When millions of city workers can't find jobs, we see more clearly how ridiculous it is not to do something that will make it possible for more people to stay where they are, rather than moving to the city where too many wind up on the public welfare roles.

When we contemplate the adverse effect that crowding, congestion and environmental hazards have on the quality of human life, we value more highly the living opportunities enjoyed in the countryside and small towns.

The task ahead then is, I think, rather clear; we must expand the number and the quality of opportunities of rural America so that those who choose to do so will have the freedom to remain where they are and not be forced to move to the already overcrowded and overburdened cities.

But while most of us will accept this as a most worthwhile goal, we will have difficulty translating it into a reality. This is due in part to the fact that we are going to be trying something we have never really tried to do before. This means that we are going to have to discard a good number of old notions and accept a number of new ways of looking at our environment. This will take time. And the national discussion which is now under way will continue for several years.

There are, however, several very clear needs and some obvious steps that must be taken, several of which I want to mention at this time.

First, in regard to the rural farm sector, we must rededicate ourselves to a fresh, new effort to strengthen the family farm. The present agricultural recession demands that we restudy the farm problem and consider new policy alternatives. And as we do so, we have got to focus our thinking more sharply and purposefully on the family farm unit. The promotion of the family farm system has always been the overarching goal of agriculture policy. But it seems to me that in our concern over prices and production we have somehow tended to lose sight of the family farm unit itself. Favorable farm prices are essential. But more than good prices is needed. This is proved by the fact that the decline in farms has continued more or less constantly since the early 1940's, during periods of high farm prices as well as during periods of depressed economic conditions.

There are those who say that the family farm is strong. But however much one plays around with definitions, the fact remains that in the past 25 years the number of farms in the United States has been reduced by half. And in Kansas between 1950 and 1961, for example, the number of farms dropped from 135,000 to 94,450, a decline of 32 percent. If this trend were to continue unchanged, there simply would be no more farms left in Kansas in just 30 years! Such a development, of course, is most unlikely, but it serves to illustrate if the family farm system is to be preserved, present trends will have to be dramatically altered.

Strengthening of the family farm, of course, has meaning not only for the farmer, but for the millions of people who live in the thousands of towns and cities whose economic well being is so closely related to the family farm economy.

But this is not enough. If we are to stimulate the economy of the total rural community, there are a number of steps that must be taken to expand the range of economic opportunities in our smaller towns and cities.

First, and most obvious, rural areas need more jobs. Unless we can actually begin to increase the number of jobs available in our rural comunities, nothing else that we can do will have any meaningful or lasting effect. In this connection, I would just like to briefly mention the Rural Job Development bill introduced by Senator Harris and myself in July of this year. This bill provides a series of tax incentives designed to attract new job-creating industries into rural communities. I am, of course, pleased to note that the bill has been extremely well received in the Congress and we have been most encouraged by the expression of support we have received from all around the country. I am most hopeful that we can get early and favorable action on this piece of legislation.

Second, we must expand educational opportunities in the rural areas, particularly those types of programs involving vocational-technical training. New industries can survive in rural communities only if they are able to count upon a skilled labor force.

Third, we need a better system of making credit available to business firms which are interested in developing a new enterprise in rural areas. The type of capital that is needed to finance new industries is often times simply not available outside the large metropolitan areas.

Fourth, we have got to substantially improve the quantity and quality of available housing. One of the first problems that smaller towns encounter in their efforts to attract new industry is a shortage of housing.

Fifth, the Federal Government must do a better job than it is now doing to achieve a more equitable geographical distribution in the spending and procurement programs. This is particularly important in regard to the awarding of research and development grants to the colleges and universities. The present pattern of distribution of funds actually tends to encourage the concentration of people, talent and economic resources in a relatively few areas. There is no reason whatsoever why more of these grants can't go to the small regional and community colleges. The strengthening of these institutions will have many indirect, but important, ramifications throughout the surrounding community.

As I have indicated, the task ahead is a difficult one and it is still unclear precisely where this growing national consensus on the need to achieve a more reasonable rural-urban balance will take us. But one very favorable consideration is the fact that these efforts will be well received by the people as a whole. Public opinion polls have consistently shown that the majority of America's 200 million people would prefer to live on farms or in small towns. Thus, I think it is clear that thousands of families who are now forced to move to the cities each year would choose to remain in their local communities if the opportunities there were such that they would look forward to years of economic stability and social opportunity.

To strengthen our rural communities will truly be a strengthening of the country as a whole. Therefore, the challenge ahead is not only imposing, but exciting and those of you assembled here today will play a vital and important role in this effort.

PROBLEMS ASSOCIATED WITH THE RECENT DEVALUATION OF THE BRITISH POUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HANNA] is recognized for 15 minutes.

Mr. HANNA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, I have taken the occasion for this special order today to discuss, in I hope some meaningful detail, the problems associated with the recent occurrence in Britain of the devaluation of the pound and the attendant activity relative to gold. These events, I believe have brought into perspective a real question; mainly, What is the economic strength of the United States? Where do we stand? What is the relationship of gold to the strength of the dollar?

In this regard, Mr. Speaker, let us first look at comparative inflation statistics. These statistics give us the first hint of the real circumstances in world finances. I should like to place in the RECORD at this point a table which will show the percentage of increase in the cost of living caused by inflation for the major industrialized countries of the world during the period 1960–66:

PERCENT INCREASE IN COST OF LIVING FOR MAJOR INDUSTRIALIZED COUNTRIES, 1960-66

Country	1960	1961	1962	1963	1964	1965	1966	Average, 1962-66	Average, 1960-66
Belgium	4.7	7.5	5.6	2.1	4.2	4.1	4.2	4.04	4.63
Canada	1.0	1.0	1.0	1.8	1.8	2.5	3.7	2.16	1.83
France	3.9	3.0	5.1	4.8	3.4	2.5	2.7	3.70	3.63
Germany	1.5	2.3	3.0	2.9	2.4	3.4	3.5	3.04	2.71
Italy	1.8	2.6	4.2	7.4	5.9	4.5	2.4	4.88	4.11
Japan	1.0	1.1	1.1	7.6	3.8	6.7	5.1	4.86	3.77
Netherlands	2.5	2.5	2.4	3.2	5.8	5.1	5.8	4.46	3.90
Sweden	3.3	2.4	4.7	3.0	3.5	5.0	6.4	4.52	4.04
Switzerland	1.9	1.9	4.5	3.4	3.1	3.4	4.8	3.84	3.29
United Kingdom	.8	3.3	4.8	2.0	3.3	4.8	3.9	3.76	3.27
United States	1.0	1.0	1.0	1.3	1.4	1.6	2.9	1.64	1.46

Source: OECD, Main Economic Indicators.

Mr. Speaker, this table shows us that during this period of time the United States had the smallest rate of inflation of any industrially advanced country. As a matter of fact, France, which has raised the serious question about the stability of this Nation's economy had three times as much inflation during this period of time as did the United States. Our average for each year was 1.46 while France averaged 3.63.

I believe this is important for the Members to keep in mind. It brings into perspective the real circumstances about the strength of this country's financial position.

When one compares the strength of the United States on a standard of what is happening in any other land one must come to this conclusion: ours may not be the strongest economy that could be, but it is the strongest economy that is, and it is the strongest economy that ever was. That should not be lost sight of by the people of our country, nor those responsible for the health of international finance.

The wealth of a nation has been, is, and will probably continue to be determined by that which is extracted from the land, and made desirable and useful by the technology, by the skills, and work of its people. The true wealth of a nation is really a summation of natural and human resources—in other words the application of a society's accumulated skills addressed to what is extracted from the land, thus increasing the original value of the natural resource.

Now, that is wealth.

When you understand this, then you can understand where gold stands in this particular picture.

Separate and apart from the machinations of the gold system which we created as human beings for our use—and we should not forget that gold's value depends on its use, gold is no different than anything else. Its value is determined by how much it costs to take it out of the ground, and how much it has been enhanced by human skill, and finally to the service it gives mankind in its new form. If you look at this matter in this way, I think you can follow me in what I am about to say.

It is true that there is less gold being created, being extracted from the land as a resource, than is required to carry on any system of trade. That is true. But the gold that is being extracted—what is happening to it? As small and as limited as it is, what is happening to the gold that we are extracting from the land?

Mr. Speaker, I have here a chart showing the new supply of gold in the world for the years 1960 to 1966. I would like to ask unanimous consent that it may be included at this point in the RECORD.

The chart is as follows:

GOLD—NEW SUPPLY AND USE, 1960–66

[In millions of dollars unless otherwise indicated]

	1960	1961	1962	1963	1964	1965	1966
Supply: Total newly available gold [1]	1,378	1,540	1,515	1,906	1,856	1,840	1,370
Of which, U.S. production:							
(a) Absolute amount	58.8	54.8	54.5	51.4	51.4	58.6	63.1
(b) In percentage	4.3	3.6	3.6	2.7	2.8	3.2	4.6
Demand:							
Additions to world monetary stock [2]	310	615	355	825	715	210	−40
Estimated industrial and artistic use [3]	375	380	390	390	520	560	[4] 650
(a) BIS	265	285	330	325	430	465	--------
(b) U.S. Bureau of Mint	110	95	60	65	90	95	--------
Estimated private hoarding [5]	695	545	770	690	620	1,070	760

[1] New production plus Russian sales less purchase by Mainland China.
[2] Data from IMF, "International Financial Statistics."
[3] Based on series published by BIS for 12 countries and by U.S. Bureau of the Mint for 29 countries not covered by the BIS series.
[4] Estimate.
[5] Residual.

Source: IMF Annual Report, 1967.

Mr. HANNA. Mr. Speaker, I should like to have my colleagues refer to this chart to see that the extraction of gold has been reducing in quantity in these last years. However, more than that is the question of where it is going. If you will look at the estimation of private hoarding, you will see that that is the largest single source of the acquisition of new gold. In fact, in 1965, there were $1,840 million of gold extracted; $1.07 billion was privately hoarded.

Why is that, and why should it be so? What is this great desire on the part of people to hold this gold which can serve mankind if it is utilized only in a practical way? I assure you in its artistic and commerce function there is an average of only about $350 million worth of gold required. The rest of it should be answering the need of a disciplinary standard for the exchange of worldly goods. But it is not there. It is not there. It is in private hands primarily in Europe, particularly France.

Now is the proper time in this statement to unfrock that base canard which is wrapped around the stance of the French vis-a-vis gold. The French position is based upon those very same private hoards of gold concentrated in Europe. The French position, and position of the gold speculators suggests to me that because the United States, with its great, strong economy, and its great, strong dollar which underwrites the price of gold at $35, the sweetest speculation system that was ever set forth by or for man has been created.

The man who wants to speculate in gold can go to a bank in Europe and borrow $35 in order to buy an ounce of gold. He has a small carrying charge for service or interest. It may cost him 80 cents to $1 to acquire from the bank the loan to get the $35 worth of gold. Just imagine the leverage that this gives the person who is going to speculate in gold.

If he has a few thousand dollars, he can buy literally millions of ounces of gold to carry on this speculation; speculation that is being underwritten by our guarantee; the speculation which is the very thing attacking the dollar.

Mr. Speaker, it is really a remarkable cycle; this situation which has the very strength of the dollar permitting a man to go to a bank and borrow on the strength of the dollar guarantee 100 percent of the cost of gold in a speculative market and then to find that this very same speculation is the thing attacking the dollar. Is that not remarkable?

So, Mr. Speaker, it appears to me that there is something wrong with the policy that we now have in terms of gold. For it is that very policy that is allowing people to attack the real strength of our country on an arbitrary, manufactured basis.

Mr. Speaker, let me suggest this: I suggest that certainly within the intelligence of men who created the standard in the first place, there ought to be some kind of policy which would remedy these farcical situations. Therefore, I am going to present to the House of Representatives a resolution directed to the Treasury to the effect that the United States will pay $35 an ounce for gold; gold extracted from the soil and is new gold, and that the United States second, will pay $35 an ounce for gold for legitimate transactions between nations which require additional gold for their reserves, but that the United States does not guarantee $35 an ounce to the speculators.

There will be no guarantee for speculation. We will support legitimate transactions of sale with our guaranteed base; but we will not guarantee speculative sales nor honor claims arising from such transactions.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HANNA. Of course I yield to the distinguished gentleman from Maryland [Mr. Long].

Mr. LONG of Maryland. Mr. Speaker, would the distinguished gentleman from California agree with me that the person who buys gold has a chance of making a killing but has practically nothing to lose, since the United States will always buy his gold back at $35 an ounce. Does this not distinguish gold speculation from other types of speculation? Would the gentleman agree that we really need to make the speculators look both ways, by presenting them with the chance of loss as well as of gain?

Mr. HANNA. The distinguished gentleman from Maryland [Mr. Long] is precisely correct. The gold market last week, as reported in the National Observer which carried an article therein and which I ask unanimous consent to be included in the Record at this point, had some $250 million in gold transactions in London.

The SPEAKER pro tempore (Mr. Hagan). Is there objection to the request of the gentleman from California?

There was no objection.

The article referred to follows:

[From the National Observer, Dec. 4, 1967]

Global Economics: Behind the Action in Gold

The gold market last week returned to near-normal conditions after its most hectic week in history. Some $250,000,000 of gold, about 120 times the weekly average, had changed hands at the London bullion market after Britain devalued its pound from $2.80 to $2.40.

Though the rush on gold has subsided, gold remains an important commodity. Here, in question-and-answer form, is a description of gold and the gold markets and why gold is important to the United States and the world.

Q. What nations are the leading producers of gold?

A. South Africa produces about 70 per cent of all the world's new gold. Most of the remaining 30 per cent comes from the Soviet Union, Canada, the United States, and Australia. This year South Africa is expected to mine some 41,000,000 ounces of gold. At the U.S.-set price of $35 an ounce, that comes to $1,435,000,000 of new gold.

Q. How much gold is there in the world?

A. It is estimated that if all the gold in the world were melted and formed into a cube, the cube would fit on a baseball diamond. Gold normally does not wear out. It is so indestructible that the golden mask of King Tut still gleams brightly in Cairo's Museum of Antiquities, unchanged from that distant time when the mask was placed on the mummy of the young Pharaoh in a hillside tomb near ancient Thebes.

Q. What is the status of gold mining in the United States?

A. In 1942 the U.S. War Production Board declared gold a nonessential metal and ordered all the nation's 2,000 gold mines to shut down. The industry has never recovered. The lucrative alluvial deposits had long since been worked out, forcing miners to dig ever deeper. Homestake Mining Co., of Lead, S.D., the only major gold mine to survive the wartime closure, used to average $1,000 of gold per ton of ore. Now, after a ton of ore is blasted, lifted, crushed, milled, amalgamated, treated with cyanide, precipitated, and refined, the yield is three-tenths of an ounce, or $10.50 worth. This year U.S. mines will produce about $50,000,000 of gold, one-third their prewar total.

Q. Where does the gold go after it is mined?

A. American gold is bought either by the Government or by legal industrial and artistic users. It has been illegal for Americans to own gold, except as jewelry or in coin collections, since the United States went off the gold standard in October 1933. Gold from other Free World mining centers is usually flown to cities that have such gold markets as the bullion exchange in London. By far the world's busiest gold market, the London bullion exchange, is located in a gloomy upper-story room of the financial district's House of Rothschild. Other principal gold markets are in Paris, Geneva, and Beirut.

Q. Who buys the gold on the London bullion exchange and other world markets?

A. The initial purchasers are usually either banks, speculators, or gold dealers. The eventual buyers, however, could be a respectable German businessman who wants to put a portion of his savings into something that he believes will not lose its value. He could be an oil-rich sheik from the Middle East, or a Hindu woman in India who carries the family wealth on her arms in the form of dozens of gold bracelets. He also could be a French peasant, by nature always suspicious of paper money, who prefers gold Napoleons to anything else.

Q. How does a gold market operate?

A. At the London bullion market, paper representing gold changes hands. The gold is sold in two ways. First, the House of Rothschild, as the representative of the Bank of England, acts as principal seller to keep the price at $35 an ounce. British reserves of gold, backed by U.S. reserves, are fed into the market to meet demand. Buyers are usually the central banks of other nations. Most of the gold trading, however, is done by telephone or outside the room at undisclosed prices. This trading meets the private demand for gold from industry, the arts, and hoarders. In recent years this demand has increased to absorb almost all of the new gold being produced.

Q. Why was there a rush on gold in the London Market?

A. When Britain devalued its pound, some countries and speculators believed that the United States would devalue the dollar. Therefore they bought gold with dollars. In a free market the price of gold would rise if demand exceeded supply. But because the United States has pledged that it will always buy or sell gold at $35 an ounce, the result of the run on gold was to further drain U.S. gold reserves.

Q. Why did the rush on gold end?

A. The United States did not devalue the dollar and pledged that it would not. Also, the Government secured the co-operation of what is called the "international gold pool" to help block the run on gold. This gold pool, formed in 1960, is made up of seven leading member nations of the International Monetary Fund. France used to be a member of the gold pool, but it dropped out last summer because it did not believe that the U.S. dollar should continue to be the bulwark of international trade. Thus France prefers to buy gold with the dollars it receives from exports, tourism, and so on.

Q. Why is gold important today?

A. The world effectively went off the gold standard when the United States guaranteed the price at $35 an ounce in January 1934. This in effect has made the U.S. dollar, rather than gold, the chief medium of international trade. Hence the world now operates on a gold-exchange system. As long as the world believes in the paper dollar, the system works.

Q. Does the United States face a shortage of gold?

A. Since World War II, U.S. gold reserves have dropped by $16 billion to a current level of $13 billion. This balance barely covers the required 25 per cent backing of U.S. currency now in circulation. U.S. reserves are

> dropping because of a continuing deficit in the nation's balance of payments. This deficit, which occurs when more dollars leave the United States than return to it, is caused mainly by private U.S. investments abroad and by Government foreign-aid expenditures. Some economists believe that the continuing deficit and the growing private demand for gold are endangering the entire gold exchange system.

Mr. HANNA. Mr. Speaker, transactions last week on the London gold market were 120 times higher than any other comparable week. Why? Because speculators bet that the United States will be forced in this unnatural process to devalue the dollar.

These speculators know what they want. And had they succeeded I will tell you what they would have gotten. They would have made a tremendous windfall; a windfall of such proportions that I would be ashamed if I in this Chamber did not raise my voice against it. I do not mind people receiving a profit based upon an enhancement enhancing a product by their labor and skill, or for providing a service that may lead to convenience.

However, I certainly do not think one can justify a windfall for speculators who have added nothing, but rather, have contributed to an attempted destruction of a system while at the same time capitalizing upon it.

Further, Mr. Speaker, what else would happen? If the United States is going to devalue the dollar, I ask you the question: devalue against what? I will tell you what would happen. Every other country would devalue upon a percentage scale so that they would be in exactly the same pecking order as they are now, and we would have accomplished only these things:

Tremendous disruptions in all trade, depression in many countries—perhaps including our own—and nobody would be helped except the gold speculators. What would be the sense in such a caper? I certainly cannot see any sense in it whatsoever, and I further charge that everybody would think that we had just plainly lost our minds if we were to allow ourselves to get into this kind of a situation.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. HANNA. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I want to say that I certainly agree with the gentleman that, if we deliberately and out of hand devalued the dollar, we would be taking it out of our own hides, first of all—and now, regrettably, I was not present on the floor when the gentleman started speaking. The gentleman, I trust, is not advocating that we leave what is left; that we go off of what is left of the gold standard at this time, is he?

Mr. HANNA. Let me explain to the gentleman what I do believe. I believe that gold at the present time operates as an acceptable reserve without question throughout the world, and must continue to fulfill its role. In addition to that, it does provide kind of a discipline that we can count on in the absence of a restrained position delineated by any other standard for all of the various countries of the world.

The mere fact that gold does do this, and that, if we can shake loose the gold that is now in the hands of the speculators, then I believe that is the thing that we must keep our eye on, and is the idea for gold that must be most clearly defined and delineated and protected. Any other position for gold should certainly be opposed, and we should use whatever good sense and intelligence we have to see that a system that we manufactured is not the very system that is going to be used against us.

The SPEAKER pro tempore (Mr. HAGAN). The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, without prejudice to any other special orders, I ask unanimous consent that the gentleman from California be allowed to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Iowa.

Mr. GROSS. I certainly believe the last statement the gentleman made with respect to gold is a fair statement. I would further ask the gentleman if he has any information other than that which we saw in the newspapers 3 or 4 days ago relating to a shipment of some $240 million worth of gold which was carried, apparently, by a U.S. Air Force plane, or planes, to London for storage; or the fact that the Secretary of the Treasury, when questioned by newspaper reporters, refused to say for what purpose the gold was being shipped, apparently gold bars, to London.

Does the gentleman have any information relating to this shipment of a day or two ago?

Mr. HANNA. In reply to the inquiry of the gentleman from Iowa, I will state that I do not have such information. I will say to the gentleman from Iowa that I do know this: that the reserve position of England on the devaluation of the pound left a deficit of about $750 million. This deficit would not be in England alone; but would be shared with England and those other people who were relying upon the pound sterling as part of their reserves, and that reserve position has to be picked up somewhere, and I would guess that it will be picked up through gold, and I would further guess that the United States would be one of the places where they would have to come to get this gold.

I will state further that what bothers me is the fact that at the same time we are protecting gold, that has no other use except to be in the hands of speculators and utilized by them in the hope that they are going to cash in on a compounding of the problems of Britain.

Mr. GROSS. Would the gentleman have any idea of how much we lost by way of deflation of the pound in relation to the credits we have extended to the British?

I wonder how many hundreds of millions of dollars we lost when the pound was devalued.

Mr. HANNA. I have given you the only figure I have up to now. I am trying to get those figures broken down. I have the figures that indicate about $750 million overall—and we have a part of that. Just exactly how much has not yet been determined but I will try to get the figures just as quickly as I can.

The SPEAKER pro tempore (Mr. HAGAN). The time of the gentleman has expired.

PROGRESS IN VIETNAM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, recently, the administration has made a particular effort to convince the American people that the war in Vietnam is showing marked progress. The trip home and the appearances of Ambassador Bunker and General Westmoreland were part of that strategy. The Vice President and Secretary of State often deny, with great emphasis, the suggestion that the military situation is stalemated. The American people being told again and again that progress will be made and victory assured if only they will be patient.

However, despite these enthusiastic representations, two recent articles from the New York Times deserve particular attention because they touch on larger questions of how progress can be measured in Vietnam.

On November 29, in an article filed in Washington by Hedrick Smith, the New York Times reported that American officials admit that North Vietnam "gained" from the battle of Dakto. General Westmoreland said, as the battle was apparently drawing to an end favorable to the United States, that Dakto represented "the beginning of a great defeat for the enemy." Defeat, of course, was to be measured by who controlled the hill, how many casualties were suffered on each side and so on. By these standards, American victory at Dakto might seem incontestable.

The New York Times, however, points out that such standards might themselves be misleading. While we now control hills 875, 1338, and 1416, these operations required the diversion of 15,000 troops from pacification efforts in the neighboring Provinces of Binh Dinh and Phuyen. One American official was quoted as having said:

> We have had to cancel the pacification operation in Anlao Valley. In terms of Hanoi's strategy this is a crashing success.

The important but implicit point of that remark is that Hanoi measures its progress by different standards than the administration's. They are willing to give up control of several hills in a major battle, if that battle seriously interrupts and impedes the larger pacification effort. Their view of the war, in other words, seems to be measured in terms of efforts to control population or maintain a state of continual tension in Vietnamese hamlets.

The New York Times also mentions, of less importance, the fact that the ratio of American to enemy troops in the recent battle of Dak To was not as favorable as it had been in earlier operations.

Finally, the New York Times reports that several officials in Washington acknowledge that we are fighting increasingly on terms set by our adversaries rather than ourselves.

> Last spring, we were free-wheeling. We were deciding where and when to fight, we were taking the initiative . . .

One official was reported as having said:

> Now we are reacting to their initiative and they are forcing us to shift our forces around. That is what the North Vietnamese said last summer that they would have to do this winter.

Dak To, Loc Ninh, and Con Thien are all operations which should be measured by realistic standards. And by such standards—standards which deal with pacification efforts, hamlet security, and ground initiative—the administration's claims of significant progress look dubious indeed.

Yesterday, meanwhile, the New York Times reporter in Saigon, Bernard Weinraub, filed a story dealing with an American mission private report which touches on yet another criterion of progress in Vietnam.

For some time, of course, it has been said that the battle in Vietnam must ultimately be a battle for the "hearts and minds" of the Vietnamese people. The American presence, it has been argued, can only succeed if it provides the opportunity for free expression of mind and full commitment of heart among our allies. Is our massive presence in Vietnam working against that goal? The document mentioned in the New York Times story of December 6 portrays American officials in the provinces as increasingly skeptical and worried about the effects of massive American presence on the people of Vietnam. The report declares that "many Vietnamese believe that Americans in Vietnam have been so dominant, especially in the direction of the war, that the very sovereignty of Vietnam is threatened." And Vietnamese sovereignty, of course, is the purtative goal of the American presence in the first place.

The report expresses "gloom" over what is called "a strange drift from reality regarding the U.S. role in Vietnam." What strikes U.S. officials in Vietnam as a drift from reality can also be seen as a drift to realism. I do not believe, let me say, as some Vietnamese are reported as thinking, that America is in Vietnam to test new weapons or to provide an outlet for surplus production. But these misconceptions are less meaningful than the basic skepticism from which they obviously derive and which they obviously express with emphasis. When Secretary Rusk states that the war is being fought in order to protect our own national interest, is it surprising that a Vietnamese legislator reportedly said, "Why should our young men be drafted to serve U.S. interests?" And when the United States increasingly takes control over many aspects of Vietnamese life in the name of Vietnamese sovereignty, is it any wonder that Vietnamese begin to resent rather than welcome our presence? And when, further, the Vietnamese Government surrenders military and political authority to the Americans by reason of lethargy or corruption, is it any wonder that Vietnamese citizens begin to doubt the justice and viability of the entire war?

All of these issues touch on the central, but the least easy to isolate, standard by which the course of the war should be measured. As long as the South Vietnamese feel no basic, overwhelming commitment to the war, and as long as their Government shows neither the will nor the capacity to pursue the struggle with singular energy, the Americans in Vietnam will be forced to take greater and greater control of the war and the institutional structure of South Vietnam in order to defend its own commitment in Vietnam. And thus, in turn, the Vietnamese grow bitter at American policy and presence in their country, further increasing tensions and alienating the population from an effort putatively carried out in its name. It is a vicious circle, a whirlpool which is gradually swallowing up the people of South Vietnam and the American policy in that country.

We seem to have forgotten that in September 1963, President John F. Kennedy said:

> In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisors, but they have to win it, the people of Vietnam.

Meanwhile, our adversaries continue to disrupt and to command the loyalty or subservience of contested hamlets. Meanwhile they continue to gain from the dissension and corruption and bitterness of those against whom they fight. Meanwhile, they continue to tie down American forces in conventional battles. And meanwhile, the South Vietnamese will erode.

I do not particularly welcome any of these developments. But I think it is absolutely foolish for honorable men not to face facts. I include two articles from the New York Times in the RECORD. And I recommend that their larger significance as well as their immediate meaning be contemplated by those who still view without significant reservation our current policy in Vietnam.

[From the New York Times, Nov. 29, 1967]

U.S. OFFICIALS SAY NORTH VIETNAM ALSO GAINED AT DAKTO: FIGHTING DREW OFF AMERICAN TROOPS FROM PACIFICATION

(By Hedrick Smith)

WASHINGTON, November 28.—Some American officials acknowledged today that North Vietnam, as well as the allied forces, had achieved some important gains from the fierce fighting that raged for three weeks in the Central Highlands around Dakto in South Vietnam.

Gen. William C. Westmoreland, the United States commander in South Vietnam, voiced the Johnson Administration's viewpoint when he said last Wednesday that the battles around Dakto marked "the beginning of a great defeat for the enemy."

The North Vietnam press agency asserted today that heavy losses had been inflicted on the allies. Some United States Government analysts, while disputing Hanoi's casualty figures, acknowledge that the North Vietnamese may have made some tactical gains in the Dakto fighting.

U.S. TROOPS DIVERTED

They explain that an assessment of the fighting depends on the differing objectives of the two sides, the competing strategies of the American command in Saigon and the North Vietnamese tacticians in Hanoi. It also depends, they add, on the psychological impact of such battles on the American public.

The allies have won terrain and inflicted heavy casualties on the enemy, but the North Vietnamese have diverted American troops from the vital program of pacification in the coastal valleys of central Vietnam and may also have taken, for the time being, the military initiative away from the Americans.

General Westmoreland, seeking to grind down the enemy's strength and morale in a war of attrition capitalizing on American firepower and mobility, aims to destroy or disable as many organized North Vietnamese and Vietcong combat units as possible.

Inflicting heavy casualties on the North Vietnamese and Vietcong has a cumulative effect, he believes. He told President Johnson that it had already begun to turn the course of the war in the allies' favor.

Exposed military bases like Dakto are seen by American commanders as magnets for drawing the otherwise elusive enemy into battle. Indeed, around Dakto, United States commanders have jumped at the chance to "lock horns," as they put, with some 6,000 to 7,000 North Vietnamese regulars.

Although no final battle summaries have been released American officials estimate that about 1,600 North Vietnamese were killed, compared with some 290 Americans killed and 1,000 wounded, plus more than 200 South Vietnamese casualties.

United States troops seized heavily fortified enemy positions on Hill 875 and Hill 1338 and South Vietnamese airborne troops took Hill 1416 from North Vietnamese troops entrenched on the heights around Dakto.

The allied forces have so far fended off an enemy threat against the district capital of Dakto, a military base that is said to be used for harassment of infiltration trails from Laos and Cambodia. They have also averted the destruction of any American battalions—one of the objectives assigned to the North Vietnamese regiments at Dakto, according to General Westmoreland.

But United States military commanders in the field, as well as civilian officials, acknowledge that the North Vietnamese have succeeded in drawing off sizable American forces from the vital task of pacifying coastal valleys in Binhdinh and Phuyen Provinces in central Vietnam.

In mid-October, there was one American battalion of about 700 men at Dakto. Now there are 14 American battalions and other units totaling 15,000 men, including most of the 173d Airborne Brigade from Phuyen Province and a brigade of the First Cavalry Division (Airmobile) from Binhdinh Province.

"We have had to cancel the pacification operation in Anlao Valley," one American civilian official said. "In terms of Hanoi's strategy, this is a crashing success."

United States troops found documents on the body of one North Vietnamese battalion officer ordering him to defend his position "to the last man." To some American analysts, this suggests that Hanoi was prepared to sacrifice some units for the broader objective of disrupting the pacification program, stretching American forces thin and demoralizing the American public by inflicting heavy casualties.

These analysts noted that while American casualties around Lakto were lighter than North Vietnamese casualties, the ratio was not as favorable in the Dakto region as in more conventional operations.

For example, officials report that one operation in Quangna and Quangtin Provinces—though less spectacular than Dakto—has resulted in about 2,000 enemy dead compared with about 200 American casualties. Nor has this operation, which started about Oct. 4, produced the bloody and potentially frustrating television reports for American viewers that have come out of the fighting at Dakto.

Beyond that, some officials in Washington see a shift in the over-all military situation in Vietnam since last spring. They note that the North Vietnamese took the initiative of starting the fighting at Conthien, near the demilitarized zone straddling the border between North and South Vietnam, in mid-September, and at Locninh, north of Saigon, late last month, and now again at Dakto.

"Last spring, we were freewheeling. We were deciding where and when to fight, we were taking the initiative with operations like Cedar Falls and Junction City," one American official said. "Now, we are reacting to their initiative and they are forcing us to shift our forces around. That is what the North Vietnamese said last summer that they would have to do this winter."

Which strategy is right—Hanoi's or Washington's? The test, United States officials believe, lies in whether the North Vietnamese can sustain their recent heavy casualties long enough to wear down American patience with the war. In the Administration's view, Hanoi's target is American public opinion.

[From the New York Times, Dec. 6, 1967]

U.S. Report Finds Gloom in Vietnam: Asserts Many in South Feel Americans Are Deliberately Prolonging the Conflict

(By Bernard Weinraub)

Saigon, South Vietnam, December 5.—A weekly report privately drafted and distributed within the United States mission in South Vietnam portrays American officials posted in the provinces as gloomy about the war and the mood of the South Vietnamese people.

The two-page document, which was distributed today, says that there has been "an increasing tempo of VC terrorism and propaganda and, in some circles at least, a strange drift from reality regarding the U.S. role in Vietnam."

The report says that numerous Vietnamese now feel that the United States is "deliberately prolonging" the war and that "many Vietnamese believe that Americans in Vietnam have been so dominant, especially in the direction of the war, that the very sovereignty of Vietnam is threatened."

ONE WEEK IS COVERED

The report headed "Provincial Attitudes," covers a one-week period, from Nov. 26 to Dec. 2. The document indicates, however, that American officials in the field were meeting long-range—and growing—problems with the South Vietnamese.

The report discussed the Vietnamese attitude toward Americans, the South Vietnamese Government and army and the Vietcong.

"The theme that recurred most often was the continuing rise in VC terrorism and propaganda," the report said. In most cases, the aftermath appeared to be a declining confidence in the South Vietnamese Government's defense capabilities.

The report says that this theme was especially prevalent in the III Corps area, the section of the country around Saigon, and the IV Corps area, the Mekong Delta.

On the propaganda front, the report says, Vietcong cadres "enter hamlets escorted by armed squads, scatter leaflets, indoctrinate the people or, in the more secure hamlets, operate a portable speaker at the edge of town"—usually with "upsetting" results for public morale.

The document, quoting the final paragraph of a report from the Mekong Delta, added: "Unless the [Government] of South Vietnam is able to demonstrate visibly and convincingly that it is truly dedicated to the interests of the people, republic [the Thieu Government] will have no more support than any of its predecessors."

While American officials in recent weeks have produced optimistic public statements on the war effort and pacification, they have not dealt with the mood and the attitudes of the Vietnamese people. Over the last few months, however, officials in Saigon have noted an anti-American mood, especially in the Saigon newspapers.

The document is marked for "limited distribution" at the United States mission but is not classified.

DRAFT LAW CRITICIZED

A main complaint of Vietnamese, the report says, is against a new mobilization law that lowers the draft age from 20 to 18 and tightens deferments. The document indicates that many Vietnamese feel that the draft measure was spurred by United States pressure.

In Saigon, the document notes, a member of the new House of Representatives was reported to have said that the measure had been designed to "calm American public opinion because the American people do not take kindly to the mobilization of Americans for combat in Vietnam."

The document adds: "Another legislator reportedly said, 'Why should our young men be drafted to serve U.S. interests?' "

Discussing what it termed the "strange drift from reality regarding the U.S. role in Vietnam," the report said that in the III Corps area a "group of 12 middle-aged citizens" felt the mobilization law had been enacted at "the behest of the Americans, whose real aim is 'the extermination of as many Vietnamese as possible.' "

"A GUINEA PIG"

One of the group was then quoted as having said: "Our country is a guinea pig for the testing of new U.S. and Russian weapons."

In the IV Corps area, the report says, there was "a rumor heard among the educated elite" that the United States was "deliberately prolonging [the war] in order to provide an outlet for its surplus production."

The document said that there had been vehement protests against the partial mobilization decree scheduled to take effect Jan. 1. The law orders more rigorous study of all types of deferments, including those for academic, religious and professional reasons. All specialists needed for military service, such as doctors and engineers, will be subject to the draft until they reach the age of 45.

"Although most youths do not want to join the army," the report says, "they want even less to join the VC—but the only reason given is the harder life of the VC."

The document adds that the possibility of mobilization "had provoked hopes that the war may soon end, but almost all [youths] see it as continuing indefinitely."

"The hope for peace, when expressed, often reflected a dim conception of external forces beyond one's control," the report says. "Thus from Binhthuan in II Corps it was reported that the people believe the Americans will send more troops to Vietnam next year to end the war sooner and help the campaign of President Johnson for re-election to the Presidency."

WRONG GUY FOR THE WRONG POST AT THE WRONG TIME?

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Hall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HALL. Mr. Speaker, the December 16 issue of Saturday Evening Post contains an article about Attorney General Ramsey Clark, written by Victor Navasky. The title of the article is the best definition I have yet seen about our present nonenforcer of the Nation's laws. The best thing that can be said about the article, once the reader is past the title, is that it provides an appropriate surrounding for one full-page ad and one very cute Post cartoon.

The reader will also learn that Ramsey Clark rides a bicycle, that he takes a shower following his RCAF calisthenics, occasionally works out with barbells, has an attractive wife who wears mod dresses and hums to herself, he drives a 1949 Oldsmobile convertible, wears a pair of red and blue Argyle anklets, occupies a back-room office on the fifth floor, rests his feet on the office wastebasket, likes to sip tea, holds the power of patronage over Federal judges and attorneys, attended fourth grade with Joseph Tydings, once got a job on a tramp steamer and saw the world, believes that "a good settlement is worth a lot more than a lawsuit"—who does not—has some occasional titillating phone conversations with Marvin Watson which usually begin with Clark saying "Hey" or "Howdy," munches potato chips—no brand named—by 8:30 a.m., comes home after a hard day's work at the office and is met by his wife who had remarked at breakfast that very day, "It's a good thing Ramsey's at Justice."

The article concludes with Ramsey and Georgia setting off into the fading sunset. Wherever they may be going, it certainly is not to battle crime as evidenced by mounting crime rates, rising disrespect for law and order, and loss of confidence in our judicial system to keep criminals in jail once the police are fortunate enough to get them there.

Since for all intents and purposes I have analyzed the most significant portions of the article, and in order to save the Government the cost of printing a full page in the Congressional Record I insert at this point in the Record the only worthwhile thing about the entire article, the title, the answer to which is obviously "Yes."

[From the Saturday Evening Post,
Dec. 16, 1967]

Wrong Guy for the Wrong Post at the Wrong Time?

(By Victor S. Navasky)

JOYEUX NOEL?

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I recently issued the following statement urging Americans to curtail purchases of French products when Christmas shopping in order to "cooperate" with President de Gaulle's complaint about the U.S. financial "invasion" of his country:

> We can co-operate with President DeGaulle in minimizing what he regards as an economic and financial "invasion" by the United States by avoiding purchase of French perfumes, wines, clothing, automobiles, and other products during the American Christmas shopping season.
>
> In his November 27 press conference, DeGaulle denounced the United States dollar and "the inflation which it exports to others." He criticized the alleged "take-over" of French companies by American investors. Americans, in this connection, were criticized for spending too many dollars in France. DeGaulle said this was an "abuse" of France.
>
> Americans have no desire to abuse or invade any foreign nation with our dollars. Let us save DeGaulle from the ominous spectre of our "inflated" dollars. This can be done during the yule-time season by not spending our dollars on French-made products. This would be a fine Christmas present for DeGaulle, dramatizing that we accord a serious, prompt, cooperative response to his words.
>
> We do not want to see DeGaulle so upset about the menace of what he terms "dollar domination". All those who want to ease this apprehension could re-arrange travel itineraries to avoid spending dollars in France. They could cancel reservations on Air France and French ships. They could decline to buy any product made in France.
>
> France is the nation that did more than any other to assist the United States in our earliest struggle for independence. Americans have in this century twice fought on French soil, side by side with brave Frenchmen, against a common foe. We think of our mutual cooperation when we see France's gift, the Statute of Liberty, upon entering New York harbor.
>
> Our differences are not with the French as a people. It is the harsh voice of the demagogue, DeGaulle, that we resent. We, like the French, are a proud people.
>
> Just as DeGaulle ignored the history of Franco-American amity, he betrayed the spirit of the World War Two resistance and the anti-Nazi crusade by disparaging the Jewish people and denouncing Israel. Indeed, DeGaulle has done incalculable harm to the security of France herself by weakening the unity of democracies. The withdrawal of France from NATO was followed by relentless Soviet exploitation—the thrust of Russian imperialism and militarism, hidden behind the robes of the Arabs. DeGaulle has done much through his policies to make possible the USSR's move into the Middle East and Mediterranean.
>
> Russia has yearned for power in the Mediterranean since the days of Peter the Great. DeGaulle's anti-Israelism has facilitated the Soviet-Arab conspiracy aimed at the isolation and destruction of Israel. The Russians are using Arab passions on the Israel Issue to gain power and influence. They are penetrating Syria, Egypt, Algeria, and other lands on the rim of the Mediterranean.
>
> DeGaulle has created a vacuum in the Mediterranean dangerous to free nations by making a virtue of his insistence that there was no merit in the solidarity of democracies. He has shown callous cynicism in misrepresenting French attitudes toward both America and Israel.
>
> It is not from the dollar nor from Americans or Jews that France needs to be "liberated". Frenchmen must decide whether their President is speaking in their name and in their benefit. Perhaps the hour is coming for the liberation of France from the excesses of her President.

I am pleased to note that there has been a response to my comments and insert as part of my remarks an article which appeared in the December 4 edition of Women's Wear Daily:

Joyeux Noel?

> There'll be none for those pesky French if Rep. Edward Derwinski (R., Ill.) has his way. Because De Gaulle wants to minimize "economic and financial invasion" by the U.S., he proposes U.S. consumers boycott French wares this Christmas season. Rep. Derwinski mentions French clothing, perfume, wines, and autos on his ban list. He also suggests canceling reservations on Air France and French ships. Result: "A fine Christmas present for De Gaulle, dramatizing that we accord a serious, prompt, cooperative response to his words."

FARMERS GRAIN AND SOYBEAN RESERVE ACT OF 1968

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. Kleppe] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced the Farmers Grain and Reserve Act of 1968. This bill is designed to lock up, in the hands of farmers, 300 million bushels of wheat, 500 million bushels of feed grains, and 75 million bushels of soybeans.

This legislation is aimed at strengthening farm prices by effectively insulating present surpluses from the marketplace. It provides that when farmers are called upon to make delivery of grains they hold in storage under the reserve program, the Secretary of Agriculture may not offer them for sale at less than 100 percent of parity.

Primarily, this plan is designed to meet major objections to the Purcell bill which was defeated in the Livestock and Grains Subcommittee of the House Agriculture Committee after extensive hearings. Many witnesses and a majority of the members of the subcommittee felt it did not provide adequate safeguards against dumping reserve stocks back into the market.

My bill is similar in some respects to one introduced earlier by several Senators, including George McGovern, of South Dakota, and Milton R. Young, of North Dakota. It would authorize the Secretary of Agriculture to enter into agreements with producers to place wheat, feed grains, and soybeans in store, under their control, until needed to meet free market shortages or emergency situations. Commodity Credit Corporation would pay storage charges. There would be no interest charge to farmers participating in the program.

Loans on the stored commodities would be at 115 percent of the present support rate. For wheat, this would be $1.44 per bushel; for corn, $1.21; for soybeans, $2.87.

There is a strict formula governing termination of the contracts. Should the carryover of wheat drop to 15 percent of annual requirements, feed grains to 10 percent or soybeans to 5 percent, the Secretary would be authorized to terminate enough of the emergency contracts to replenish the free market supply by 5 percent in the case of wheat and feed grains and 3 percent in the case of soybeans.

To illustrate: if annual requirements for wheat totaled 1.4 billion bushels and free stocks fell below 210 million, the Secretary could issue a 60-day call for termination of contracts on 70 million bushels in the reserve stocks. Producers would then commence paying interest and storage charges on the wheat which had been called. They would have the option of selling the wheat and repaying the loan or continuing to hold it at their own expense. They would have 1 year to sell and settle or deliver the collateral.

This time element would give producers additional bargaining power to achieve higher prices. The 100 percent of parity resale restriction, which is not included in the Senate bill, would prevent USDA from dumping any grains or soybeans which might be delivered by farmers.

Producers would have the option of terminating their contracts upon notice given not less than 60 days before the beginning of the new marketing year. Rotation of stocks in the reserve to maintain good condition is authorized.

The bill I have introduced calls for a 300 million-bushel wheat reserve, rather than the 200 million specified in the Senate legislation. My bill also contains a provision which would permit withdrawal of stocks to meet disasters and emergency situations both at home and abroad.

With net farm income down 10 percent from 1966 and with farm operating costs moving higher and higher, immediate action is needed to bolster farm prices. I am convinced that enactment of the Farmers Grain and Soybean Reserve Act of 1968 would give farmers not only immediate income assistance but new hope for the future.

MINNESOTA BUSINESSMEN FAVOR REDUCED SPENDING

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. NELSEN. Mr. Speaker, the Chamber of Commerce of the United States has polled member businessmen in my State of Minnesota on the subject of spending and taxes. According to the poll results provided by Mr. Don Goodall, chamber of commerce legislative action general manager, an overwhelming number of businessmen polled, favor a reduction in Federal spending for fiscal 1968. The results also indicate that only a handful would approve a tax increase without a comparable reduction in Federal spending. I include the appropriate poll results at this point in my remarks:

FINAL RESULTS, MINNESOTA OPINION POLL ON SPENDING AND TAXES, OCTOBER 11 TO NOVEMBER 6, 1967

PART A. GENERAL QUESTIONS ABOUT SPENDING AND TAXES

Total responses, Business and Congressional Action Committee members, 423.

1. Do you favor a reduction in Federal spending for Fiscal 1968?

Yes	405
No	5
No opinion	13

2. How much reduction in appropriations do you favor?

$2 to $4 billion	22
$5 to $7 billion	88
$8 to $10 billion	129
More than $10 billion	166

22. With regard to the proposed tax increase, which of the following most closely corresponds to your personal opinion?

For a tax increase, without qualification	22
For a tax increase, provided comparable reduction in spending	240
Against any tax increase	159
No opinion	2

23. If a tax increase is voted, what amount of surcharge should be applied?

1 to 3 percent	121
4 to 7 percent	159
8 to 10 percent	64
Over 10 percent	6
No opinion	73

24. Do you think the surcharge should be:

Same for corporations and individuals	297
More for corporations than individuals	81
No opinion	45

25. If there is a tax increase, do you feel it should be enacted:

For a 1-year period	241
For a 2-year period	57
For so long as U.S. efforts in Vietnam require higher revenues	92
No opinion	33

"GI'S LAMENT"

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. NELSEN. Mr. Speaker, there can be no question that the Americans most victimized and hurt by the present undisciplined excesses of a small minority are our U.S. fighting men in Vietnam, along with their families and friends here at home. Indicative of this is a poem submitted to me by an anguished parent whose son is presently serving in Vietnam. While the author of "GI's Lament" is unidentified, I agree with my constituent, Mr. Stanley Welsh, of Mankato, Minn., that it should be widely read and reflected upon. I inserted it in today's RECORD at this point in my remarks:

GI's LAMENT

Take a man, then put him alone,
Put him 12,000 miles away from home.
Empty his heart of all but blood,
Make him live in sweat and mud.
This is the life I have to live,
And why my soul to the devil I give.

You "Peace Boys" rant from your easy chairs,
But you don't know what it's like "over there."
You have a ball without near trying,
While over there your boys are dying.
You burn your draft cards, march at dawn,
Plant your signs on the White House lawn.

You all want to ban the bomb,
"There's no real war," you say, "in Viet Nam."
Use your drugs and have your fun,
And then refuse to lift a gun.
There's nothing else for you to do,
And I'm supposed to die for you.

I'll hate you till the day I die,
You made me hear my buddy cry.
I saw his arm, a bloody shred,
I heard them say, "This one is dead."
It's quite a price he had to pay,
Not to live another day.

He had the guts to fight and die,
He paid the price, but what did he buy?
He bought your life by losing his.
But who gives a damn what a soldier gives?
His wife does, and maybe, his son,
But they're about the only ones!

WASHINGTON TELLS THE FARMER AGAIN

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. NELSEN. Mr. Speaker, John Weber, editor and publisher of the Murray County Herald, Slayton, Minn., sees the new Labor Department order pertaining to farm youth employment as an unnecessary threat to useful, needed employment and unnecessary Federal interference with normal farm operations. So do I. I include Mr. Weber's editorial at this point in my remarks for the benefit of my colleagues:

WASHINGTON TELLS THE FARMER AGAIN

Under a 1966 congressional amendment to the Fair Labor Standards Act of 1938, Labor Secretary Willard Wirtz has authorized a new order regarding employment of youths under 16 years of age that not only can deny useful and wanted employment to youths but should scare the daylights out of farmers who permit such youths to have part-time farm employment.

From now on our local farmers may be prosecuted by the federal government for permitting a hired lad to engage in any one of 16 "hazardous" tasks on the farm. Among such tasks is that of driving a tractor having more than 20 horsepower!

The new order is being imposed by the Secretary of Labor because the death rate among farm people "is exceeded only by miners and construction workers" according to the National Safety Council. Why legislation seems necessary is difficult to understand since every farmer in our locality, at least, knows that he is liable to his employees for the employer's negligence. Under Minnesota law, the ceiling for wrongful death (negligence of the employer) is $35,000. And there is no legal ceiling on the farmer's negligence which results in injury other than death. Minnesota awards have gone as high as $150,000 for the life-long disability.

Since farmers are well aware of the consequences of their negligence, whether the employee be over or under 16 years of age, it is difficult to understand what advantage there can be in the new order by Secretary Wirtz. Our "bad-boy" thought for the day, however, is that the new order makes it necessary to add heaven knows how many inspectors to the federal payroll to see that the farmers of America make certain that no youth under 16 is hired for any one of 16 hazardous farm chores.

LSD CURBS NEEDED

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. NELSEN. Mr. Speaker, I have joined in sponsoring a measure to outlaw the possession or use of LSD without medical prescription. If there is not sufficient time to get action on the bill before Congress quits for the year, I am hopeful the Congress will give it highest priority treatment next year.

We owe it to our children to put this dangerous, little-understood drug off limits before it causes further tragedies. It has been associated with murders, suicides, birth malformation and all manner of mental aberrations. The sooner we act to control its improper use, the better off the public will be.

Mr. Speaker, current Federal law does not make it illegal for individuals to possess LSD for their personal consumption. My measure would rectify this situation by making it a crime to possess LSD or other hallucinogenic drugs without a licensed prescription.

I might add that quite a furor developed when Food and Drug Commissioner Goddard made statements seeming to minimize the dangers of marihuana recently. In the hearings on LSD conducted by our Interstate Committee, it became apparent Mr. Goddard had been misquoted out of context to a degree. He indicated, as we might suspect, that the use of less addictive drugs is often the first step toward habitual use of more devastating narcotics, such as heroin. Serious drug addiction then follows.

Obviously, the "turned off, turned out" people should "turn on and tune in" to the real danger of hopeless drug addiction which can flow from use of hallucinogenics.

NEW ENGLAND NEEDS A NATIONAL CEMETERY

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it is unfortunate that at the present time there is no national cemetery located anywhere in New England. The closest such cemetery, which is available and not fully occupied, is Arlington, Va. Obviously, this great distance, and the fact that space in Arlington is severely limited, makes it inconvenient, and often impossible, for New England veterans to be buried there.

The right to be buried in a national cemetery, which we grant to all veterans, is therefore being denied in many instances today by the lack of conveniently located facilities. We owe it to the veterans of New England and their families to establish a new cemetery, appropriately located in our region so that their loved ones will be able to pay proper tribute to their memories.

The United States will soon be obliged to expand its national cemetery system. Many of the present sites are already filled to capacity, and others are approaching the saturation point. Last January, I introduced the bill H.R. 3744, to establish a national cemetery somewhere in New England. I personally feel that Rindge, N.H., is an appropriate site, for it is there the famous Cathedral of the Pines is located. However, the question of the exact location of the cemetery is less important than having a national cemetery established somewhere in New England.

Mr. Speaker, I wish to place in the Record at this point an editorial which recently appeared in the Claremont Daily Eagle as further testimony that we New Englanders want and need a national cemetery. Hopefully, when the national cemetery system is next expanded, as soon it must be, New England veterans will not be again forgotten.

Need for More National Cemeteries

> Need for more burial lots for veterans in national cemeteries is becoming increasingly recognized. Well over a year ago Rep. James C. Cleveland of New London brought the question into the open by introducing legislation for a national cemetery in New England.
>
> At that time the New Hampshire congressman proposed its location at Rindge, New Hampshire, near the famous Cathedral of the Pines—an internationally recognized, completely non-denominational shrine dedicated to the memory of all war dead.
>
> "More important, however," he said, "is the question of locating a suitable national cemetery within reasonable distance of the families of deceased veterans. The right to be buried in a national cemetery . . . is, in fact, being denied by lack of facilities . . ."
>
> In November, 1967, the question has been raised again—this time by the American Legion in its monthly newsmagazine.
>
> Telling of introduction in Congress of a national cemetery bill at the Legion's request, the article cites the growing crisis stemming from lack of room in such cemeteries.
>
> Of the 98 cemeteries which it lists, only 69 have any available gravesites left; the rest are quite generally closed for new burial arrangements.
>
> And 22 states (New Hampshire among them) lack either any national cemetery or one with available grave space.
>
> "Even Arlington," the magazine says, "known largely because of its proximity to our nation's capital and the noteworthy and great who are buried there, is in a space jam. It will have to close around 1986 if space is not found.
>
> "Only development of an expansion area on the South Post of Fort Myer, along with an emergency set of restrictions limiting eligibility, have made it possible for Arlington to remain open even that long."
>
> And one of the largest—Long Island National Cemetery at Farmingdale, N.Y., with well over 120,000 interments now—will probably have to close by 1975, due to its proximity to the great New York metropolitan area.
>
> One of the Legion's goals, in the bill now before Congress, is to coordinate administration of the national cemetery system under a single department which would replace the present patchwork arrangement.
>
> As a corollary to this, it proposed a planned and orderly system, whose development could be gradual. The federal government has estimated the cost of such a system at around two billion dollars, projected to the year 2000.
>
> The government is quoted as saying that "further expansion of the national cemetery system would inevitably be both inequitable and extremely costly." It is said to suggest the payment of cash burial allowances as a substitute.
>
> Such money payments, the Legion insists, cannot supplant the privilege of burial in a place of honor in a national cemetery. Those who want to be buried there are motivated by reasons of honor and pride, not economy.
>
> We maintain now, as we did in July, 1966, that, whatever the course of the war in Vietnam, use of national cemeteries and demand for their facilities will continue to grow over the years.
>
> If the system expands, as it obviously must, New Hampshire and New England should not be ignored. K.D.W.

AN INDIVIDUALIST LOOKS AT RACIAL HATE

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, in the November issue of the Freeman, Miss Anne Wortham makes the point:

> Living as individuals would be far easier if white and black racists would take their groupism away from this world.

Miss Wortham's comments in this issue follows publication of her article "Individualism and Racism," in the January 1966 issue and come as a response to those who ask why, as a Negro, she does not subscribe to the black power, black racist, beat whitey doctrines, the doctrines of hatred so prevalent today.

Her answer is:

> I spent my growing years in the right environment and heard all the "right" dogma but I turned out to be the wrong product. Everyone wants to know why. Why? Because I am an individualist.

Her point is that if each person tended more to being an individual rather than in trying to fight against "those of us who love life" and who want to "live in peace," there would be no conflict.

Her solution to present trends which nurture hatred between people is that—

> You give it no sanction. You don't plead with a sniper—you don't give goods to a man who has just finished looting another man's property—you don't claim as "victims" those who stood by when trouble was brewing and did nothing, said nothing—you don't forgive the inexcusable . . . you don't deal with people who ask your help in the tone of a threat.

This is her solution for those who demand and intimidate and force—the Kings and the Carmichaels and the white racists who would deny individual men the right to live without subscribing to a particular brand of hatred.

Miss Wortham raises critical points, not the least of which is revealed in her own characterization that she was the "wrong product," instead of stating that she was one of the possible products of that particular environment.

I include her comment in the Record at this point:

Because I Am an Individualist

> Prior to and after having written the attached article, I have been swamped with questions from racists, liberals, and conservatives—Negroes, Whites, and Jews—Africans, Englishmen, and Israelis. Most of the questions boil down to this: "But what was so different about your environment that leads you to think as you do?"
>
> You see, I am a Negro. I was born and raised in the segregated town of Jackson, Tennessee. I attended college at that famous pillar of "Negro civil rights"—Tuskegee Institute in Alabama. I grew up in a segregated town; I worked as maid for white women; I was taught in college that I had to "catch up and beat *them*"; I have been discriminated against once in Washington, D.C. But . . . a Negro demonstrator once called me a traitor; some college classmates hinted that I was an "Uncle Tom"; a work supervisor called me a maverick; a white "liberal" I worked with accused me of committing treason against my race. In other words, I spent my growing years in the "right" environment and heard all the "right" dogma but I turned out to be the wrong product. Everyone wants to know why. Why? Because I am an individualist. It is as an individualist that I address myself to you.
>
> There are the Southern white racists, the Northern white "liberals," the militant Negro racists, and the moderate Negro racists. At one time or another depending on the circumstances, these groups are thought of by most in our country as being on opposite sides of the issue. This is a fallacy. There is another group of people in this country who stand in opposition to those who are opposed only in their means but who all have the same end in mind. What many fail to recognize is that the proponents of *Negro* civil rights, black power, and white or black supremacy are all on the same side of the issue. On the other side are people like me—the individualist—who have no need for group identification. These people, of all races and with varied backgrounds, do not sacrifice themselves to others and do not ask that others sacrifice their lives to them.

INDIVIDUAL RIGHTS OR COLLECTIVE WISHES

> Those of us who have not had to think in terms of race before are now being intimidated by a race of people who are demanding much more than a chance to live. With the help of their white cohorts, they have succeeded in jeopardizing the lives of us all by demanding that we sacrifice our individual rights to their collective wishes. Pushing Congress to implement the theory of "from each according to his ability, to each according to his need" is leading us all into collectivized slavery.
>
> Because I am a Negro, I would like to make public my thorough disgust for the stand so many have taken as speakers for Negroes. They may speak for Negro racists. But they do not speak for those individuals for whom being a Negro means no more and is as inconsequential as a thimble of water dropped into the ocean. Being a Jew, a white Christian, a Negro, or a Puerto Rican is by no means a satisfactory or realistic measure of man as far as individualists are concerned.

And living as individuals would be far easier if white and black racists would take their groupism away from this world, to another universe where man does not exist. For what they preach is anti-life, anti-man.

This summer, a well-known news commentator made the following observation: ". . . a formless, generalized hatred of white people is not easy to answer. It may be impossible. If anyone knows the answer I have not heard it."

THERE IS A SOLUTION

There is an answer. That answer is to give no sanction to and no excuses for hatred. This summer's rioting, looting, and sniping was an expression of hatred for life—which means, productivity—which means, responsibility—which means, choosing to think for oneself and acting on one's own volition. This summer's madness was just one more revelation of the fact that hatred for a responsible, productive, and rational life has been transformed into hatred for a group of people. Not all white men are responsible, productive, and rational persons; but many of them are, and many Negroes are, too. Yet, when some Negroes say "I hate Whitey," they are not speaking of particular men; they are speaking from emotions that reject the basic principles of human life. When they express their hate, they not only do harm to themselves but they make it difficult for those of us who love life to live in peace.

Why the hate? Why the escalation of that expression? It is simply that it is easier to have hatred that is *sanctioned by the hated* than to live in peace with one's neighbors. When one hates, one must negate something. In this case, many Negroes have negated their own self-interest as well as the individual rights of others. Hatred is a negative emotion and it begets only the negative. But if told he is justified in his hatred, a man possessed by that ugly emotion will not question his motives; instead, he will go full-force toward destroying what he hates—those who pleaded their "guilt," thereby giving him the "gun" he turns on them.

WITH JUSTICE FOR ALL

How do you deal with the brand of hatred we've experienced in the past months? You give it no sanction, no money, no food—*nothing*. You do it justice; you do not give it mercy. Mercy in the form of OEO projects, free food, clothing, housing, medicare, and Presidential Commissions is not the answer. A race of people is strangling this nation and they are doing so at the expense of the rights of others. When a man chooses to use force to obtain values, he is no longer to be dealt with as a man; he is to be dealt with as the brute he is. (By force, I mean anything from government welfare agencies that cannot operate except by forced taxation, to the use of bricks, clubs, and guns). You don't plead with a sniper—you don't *give* goods to a man who has just finished looting another man's property—you don't claim as "victims" those who stood by when trouble was brewing and did nothing, said nothing—you don't forgive the inexcusable—you don't give patient audience to your destroyer—you don't give your destroyer reason to count on your pity or your guilt—you don't deal with people who ask your help in the tone of a threat.

You don't pity; you grant justice. Pity offers an escape from reality; it is a blank check on and license to evil. We have ample proof that such pity and mercy are destructive. Justice is recognition of the fact that one must never seek or grant the unearned and undeserved, neither in matter nor in spirit. And the only justice that can be granted to those who demand the fruits of another man's effort is indifference. They must know, too, that once they initiate force on another man they relinquish their hold to *all* rights and will be dealt with accordingly.

The real victims of our state of affairs, however, are the individualists. As one among this group, I ask to be left alone and to be relieved of being forced by my government to pay for the evils of others. I have good reason to believe that I am not alone.

I thank you for reading what I have to say. It is my hope that you will join me in doing all you can to protect the rights of the individual from encroachment by groups and by government.

A FURTHER INQUIRY ON THE OTEPKA CASE

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, former President Woodrow Wilson, an astute scholar of Government, stated in his book, "Congressional Government."

> Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and shift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

Although some might not entirely agree with his appraisal of the nature of the congressional function, in the opinion of Wilson "the informing function of Congress should be preferred even to its legislative function."

Had it not been for one body of Congress, the Senate Internal Security Subcommittee, the subjects of laxity in security practices at the State Department and the dishonest devices to which certain State officials would resort to eliminate a recalcitrant fellow official, would still be to the country a matter of "embarrassing, crippling ignorance."

It is with the informing function of Congress in mind that I have dealt rather extensively with the Otepka case in the past. It is hoped that the approximately 49,000 copies of each issue of the Congressional Record which are dispatched on each legislative day have helped interested parties keep abreast of the Otepka case. As Wilson further stated:

> It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.

To date, an inquiry has been sent to State regarding the justification of classifying the lengthy transcript of the Otepka hearings. An answer is still to be received. In addition, an exchange of letters with the Justice Department has not as yet clarified the matter of possible perjury charges against two former State Department officials.

In my remarks in the Congressional Record of November 22 it was observed that the issue of the mutilation of documents, a violation of a Federal statute, has to date not been satisfactorily settled. It will be remembered that a number of the 13 charges brought against Otto Otepka alleged that he was responsible for the mutilation of certain documents but that he was not necessarily personally guilty of the actual mutilation.

At the outset of the hearings, these charges were dropped, leaving the identity of the actual perpetrators a mystery. Also in need of clarification is the matter of the destruction of potential evidence, the two reels of Otepka's taped conversation, which were requested for introduction into the hearings by Otepka's lawyer.

I am accordingly writing to the Secretary of State for additional information on these issues. The letter follows:

Hon. Dean Rusk,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: As you may recall, Mr. John Ordway's letters of Sept. 23 and November 14, 1963 detailing the original thirteen charges raised by the Department of State against Otto F. Otepka included charges to the effect that Mr. Otepka had "mutilated" official documents.

During a period of correspondence between the Department and Mr. Otepka's counsel, it became evident that the Department's allegations were significantly "clarified" and the Department eventually stated that it was merely alleging that Mr. Otepka was "responsible" for the "mutilation" of certain documents, but that he had not personally carried out the "mutilations."

In making these "clarifications" the Department has failed to answer requests of Mr. Otepka's counsel that the Department furnish information to him detailing the identity of the person or persons who committed the actual "mutilation."

In addition to myself, many other Members of Congress, the general public, and government employees in particular, are greatly disturbed by the issue of "mutilation" and it is therefore a subject which needs the earliest clarification by the Department to assure continued confidence in the personnel practices of the Department of State.

That the general public—and particularly government employees—are aware of the charges is evident from news items published, especially, in the *Government Employees Exchange*. Specifically, the May 31, 1967 issue correctly predicted that specifications regarding the "mutilation" of documents would be dropped by the Department at the outset of the hearing. This later happened. The *Exchange* also stated that one of the reasons for the decision to drop the charges was based on the fear that these persons, who might have been called before the hearing by Mr. Otepka's counsel, "have already indicated that they will reveal the identities of the 'top persons' in the Department of State who had instructed them to 'mutilate' the documents and to 'plant them' in Mr. Otepka's burn bags in such a way as to make it appear Mr. Otepka had carried out the 'mutilation.' "

I should appreciate your personal comments on this quotation from the *Exchange* in a letter to me identifying the person or persons who actually carried out the "mutilation."

I would also like to be advised of the date on which the Department of State first established the facts regarding the perpetrator or perpetrators of the "mutilation" and what disciplinary action has been taken. Also, have the facts been forwarded to the Justice Department for possible prosecution? If so, when?

Another subject which needs urgent clarification concerns the Department's alleged admission that the tapes of Mr. Otepka's telephone calls, which his counsel requested in connection with Mr. Otepka's hearing, were destroyed by "erasing."

Again, for clarification and to indicate the general knowledge of the matter I quote from the *Exchange*. This issue appeared July 12, 1967.

"The State Department, through Mr. Jaffe, had already earlier acknowledged for the record of the Otepka Hearings that the 'bugging' in fact had taken place. However, the source continued, the State Department, through Mr. Jaffe, had also insisted that it could not make the two reels of tape of the twelve 'bugged' conversations available because, according to the State Department, the reels had been erased by Clarence Jerome Schneider, a State Department security electronics specialist . . ."

In addition to having your comments on this second excerpt from the *Exchange*, I also believe it important to have your specific verification or denial of the above statement that the Department alleges that the "reels had been erased by Clarence Jerome Schneider." Has the Department established whether Mr. Schneider, in erasing the tapes, acted on his own authority and initiative or under authority or instruction of some other person in the Executive Branch of the Government. Also, are the Department's alleged claims in regard to the erasing of the tapes based on affidavits, depositions, statements or other documents *signed* by Mr. Schneider?

If such documents exist, that is, documents signed by Mr. Schneider regarding the erasing of the tapes, were they exclusively of his own composition or were texts, or portions of texts, prepared by other persons in the Executive Branch of the Federal Government and given to Mr. Schneider for signing or for inclusion in any document which he signed.

Finally, has the matter of the "bugging" of Mr. Otepka's telephone and room and of the erasing of the tapes been referred to the Department of Justice for prosecution? If it has, when was this done?

In a final attempt to be as clear as possible I will briefly list the questions I am asking.

1. Who are the persons (or person) actually responsible for the "mutilation" of documents?
2. On what date did the Department of State first establish the facts regarding the "mutilation" of documents?
3. What disciplinary action has been taken, concerning "mutilation" within the Department?
4. Have the facts of the "mutilation" been forwarded to the Justice Department for possible prosecution? And when?
5. What are your general comments on the quotations from the *Exchange*?
6. Does the State Department claim Mr. Schneider erased the tapes?
7. Did Mr. Schneider do this on his own or someone else's authority?
8. Whose authority was involved?
9. Are statements attributed to the Department of State concerning the erasing of the tapes based on statements, depositions or documents *signed* by Mr. Schneider?
10. Were statements signed by Mr. Schneider his own, or were they wholly, or in part, prepared by another person or persons and if so who is this person or persons?
11. Has the matter of the "bugging" and erasing of tapes been referred to the Justice Department for possible prosecution? When?

I would appreciate your earliest clarification of these points and answers to the questions which I have raised. I'm sure you will agree that to preserve the confidence of the public, and that of other government employees, in the personnel practices of the Department of State, answers must be made known.

Sincerely

John M. Ashbrook,
Member of Congress, 17th District of Ohio.

THE ENEMY IS MOSCOW

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, those educators, professors, politicians, and students who protest, on the basis of morality, the U.S. position of firmness in Vietnam should give some thought to the news item which appeared in various newspapers yesterday, December 6. The front page headline of the Washington Daily News of December 6 reads: "VC Kill 121 Tribesmen With Flamethrowers in War's Worst Atrocity."

It is indeed hard to explain why the Vietnam protestors ignore the record of brutality compiled by the Vietcong when they apply their standards of morality. Or why they will not come to grips with the Communist principle of terror which has been practiced over the past half decade, and which originated in Moscow. It is indeed the irony of ironies that the protestors have launched a moral offensive against the forces which have sacrificed most to counter aggression while, at the same time, remaining strangely silent about the source of this century's greatest threat to mankind, the Soviet Union and its comrades in other countries who follow the basic Communist goal of world domination.

I insert the article, "VC Massacre 121 Civilians" from the Washington Daily News, of December 6, in the Record at this point:

Flamethrower Attack on Villages: VC Massacre 121 Civilians

Saigon, December 6.—An official investigation disclosed that Viet Cong terrorists using a flamethrower killed 121 Montagnard men, women and children in the worst massacre of civilians in the Vietnam war, a U.S. spokesman said tonight.

He said another 47 tribesmen were hospitalized with burns after the Viet Cong set fire to some of the Thatched huts in the villages of Dak Son East and Dak Son West yesterday. The villages are 74 miles northeast of Saigon and 25 miles West of the Cambodian border.

The official report came from James Magee, an employe of the Joint U.S. Public Affairs Office who flew to the twin villages crammed with refugees of war following reports yesterday that 300 of the 2000 villagers had died. This figure was later scaled down by U.S. officials.

EARLY REPORT

An earlier report today said 47 were killed and 40 to 50 villagers burned in the attack carried out by a band of about 800 Viet Cong who charged into the villages with flamethrowers and hand grenades.

U.S. officials in Saigon said American helicopter gunners killed a regimental commander and 16 other North Vietnamese troops on a South Vietnam coastal hilltop. They said they believed the major was the highest ranking north Vietnamese officer slain in combat.

The helicopter gunships swarmed over the hill, spitting streams of fire in a 75-minute fight that ended when U.S. infantrymen swept over the summit 360 miles north of Saigon yesterday.

The GIs found five pounds of documents identifying the major, the spokesman said. The gunships apparently caught him by surprise. A U.S. official said no higher ranking North Vietnamese invader had been reported killed in action. "We don't recall any of higher rank," he said.

RED REGIMENT

A North Vietnamese regiment includes about 1200 men. Hanoi sends comparatively few such ranking officers into the South. The major was caught about 10 miles below Da Nang. Possibly he was planning a major attack when caught and killed.

In other developments, Air Force giant B–52s struck communist positions 12 miles north of South Vietnam and on the Cambodian border area today, spokesmen said. U.S. jets flew 89 missions thru clouds against military targets in North Vietnam's Southern Panhandle yesterday.

COUNT DOWN

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Zwach] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ZWACH. Mr. Speaker, the other day I received a telephone call from one of the county-seat towns in my Sixth Congressional District telling me that plans had been made to eliminate the second mail delivery in the downtown area. The businessmen and county officials were very much concerned over this action because the ink had scarcely dried on the legislation calling for an increase in postage rates and now they were going to get poorer service for that increased cost.

Now I have an editorial from one of my Sixth District newspapers telling of the slow mail service the newspaper subscribers are getting.

The paper in question is located in Benson, Minn. The people who are complaining of the poor delivery service live in Starbuck, 22 miles straight north of Benson on State Highway 29.

When the Benson newspaper is too late to be accepted at the Benson Post Office for out-of-town dispatching, copies are driven to Willmar, 32 miles away. The newspapers for Starbuck are then dispatched from Willmar to St. Cloud, 55 miles away, and from there to Starbuck, 71 miles, making a 158-mile trip to get 22 miles.

But now, the editor says, a new dispatching has been worked out. The newspapers now go from Willmar to Minneapolis, 93 miles, and then 116 miles back to Starbuck, a journey of 209 miles to cover the 22 miles between Benson and Starbuck.

This is hardly the type of service my constituents expect out of increased postage rates.

Mr. Speaker, I insert in the Congressional Record the story of this strange mail journey which appeared in the November 28 issue of the Swift County News, Benson, Minn.:

Count Down

When newspapers criticize government in business, they are immediately questioned about the subsidy they've been getting through their second class mailing permit. And, in the past, newspapers have been receiving a tremendous mailing break compared to other areas—with the exception of "junk".

However, newspaper mailing costs are escalating by leaps and bounds and are soon due to soar again. This is only right, but at the same time our service has been deteriorating to a ridiculous level.

Every night we don't get either paper to the post office before 6:30 p.m., we take all the area towns and rural routes to Willmar to make certain they will reach subscribers the next day. This jaunt is not only added expense, it's a pain in the backside.

Well, would you believe, every now and then the papers don't get out the next day anyway. Some trucker takes them past the post office, someone puts them on the wrong truck, and/or other mishaps too tricky for anyone but the post office to understand. For instance, Starbuck routes have been getting their Monitors a day late. We were told a long time ago if we had the Starbuck mail bag at Willmar before 10:30 p.m., the papers would go to St. Cloud and then to Starbuck. That sounds a bit out of the way, but it's a short distance compared to what really happens. After some complaining—due to Starbuckians not receiving their Monitors—we found that Starbuck papers go from Willmar, to a sorting station, or whatever, at the Minneapolis airport and then to Starbuck.

Yes, I'm gray and balding, too, for this and other reasons, but I should explain that local and area postmasters and post office employees have given us the best of cooperation and done everything possible to help move The Monitor and News to subscribers.

EGG ROLL TO PIZZA ON $63 MILLION

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. ZWACH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ZWACH. Mr. Speaker, when I look at all of the Government programs designed to protect people from knowing the feel of poverty, I wonder, sometimes, if we are in fact insulating new generations from the very stimuli they often need to cause them to make extraordinary contributions to the world.

As an example, I would like to cite Mr. Jeno Paulucci, of Duluth, Minn. When he was a lad, he said, his father worked for $4.20 a day for 13 hours work, 6 days a week. The young Jeno, himself, scavenged coal along railroad tracks and peddled homemade wine.

> Once I stood in a long, slow relief line awaiting handouts.

He recalled.

> I couldn't stomach myself doing this so I got out of the line and I never returned.

Mr. Paulucci started to raise beansprouts in the basement of his home as an extra income aid. He started to expand and in time, in the economically depressed area of northeastern Minnesota, became a major producer of Chinese foods.

Just recently, this organization, Chun King, was sold for a reported $63 million. And now Mr. Paulucci, not content to rest on his laurels, plans to start another food company, specializing in Italian foods.

Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD a news story which appeared in the November 13 issue of the New York Daily News about this outstanding individual, as follows:

EGG ROLL TO PIZZA ON $63 MILLION

(By Kenneth McKenna)

Jeno Paulucci's marketing talents were enough to turn a small Minnesota beansprout processor into a major producer of Chinese foods called Chun King. Last year, he was paid $63 million in cash for the company.

Now Paulucci, 48, is off on a new venture. He just changed the name of Northland Foods Inc., which he owns, into Jeno's Inc., through which he will sell such ethnic goodies as Jeno's pizza and Jeno's Italian foods.

Why does a man with $63 million get himself immersed in business once more? "We never thought he would stop working," an associate said, "He's a continuous guy. Once a year, he takes a fishing vacation, but even then he fishes 18 hours a day. You can't keep up with him."

Paulucci's energy and aggressiveness gained him a national reputation as the "chow mein king." But much of the credit for Chun King's spectacular success went to the amusing commercials created by Stan Freberg, the writer, comedian and advertising man.

FREBERG AND PIZZA

Freberg's wit also will be backing the first national advertising campaign for Jenos. One 60-second commercial will show a person chomping on a rival-brand pizza. "You've got BAD pizza," he will be told, in an obvious slap at odor commercials. Another has a buxom young lass in a television studio. She keeps trying to get the camera to dwell on her face but the cameraman is more interested in her figure.

Paulucci is betting a slew of ad dollars that the public will start chuckling and buying Jeno's line of foods and, perhaps, win him a second crown as "the pizza king."

Freberg faces a challenge in trying to match his Chun King commercial chatter that won several awards. Most people can still remember the scene in the elevator in which a salesman type is lecturing a captive audience on the virtues of Chinese foods. The audience, of course, turns out to to be Chinese.

Paulucci's experiences in his early life certainly accounts for his ambition.

In a speech to junior college students last summer, he talked about his father being paid $4.20 a day for 13 hours' work, six days a week. The future executive used to scavenge coals along railroad tracks and peddle homemade wine. "Once I stood in a long, slow relief line awaiting handouts," he recalled, "I couldn't stomach myself doing this. So I got out of the line and I never returned."

FRANCE SHOULD SETTLE HER OUTSTANDING DEBTS TO THE UNITED STATES

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MCCLORY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. McCLORY. Mr. Speaker, recent attacks upon the American dollar following devaluation of the British pound sterling suggest the advisability of countermeasures against France and some other nations on account of past-due indebtedness from World Wars I and II. The announced plan of Monsieur, le General de Gaulle to eliminate the dollar as a reserve currency and to try to reinstate the gold standard is more than mere effrontery and ingratitude. It indicates, instead, that le General chooses to ignore and, in a sense, repudiate France's just obligations to this Nation totalling more than $7 billion.

The World War I debt alone, including principal and simple interests totals more than $6,850,000,000. If the De Gaulle government would honor just this part of its legal obligation our balance-of-payments condition would show a sharp improvement and the continuing depletion of our gold supply would be reversed.

Each year, on June 15, the Treasury sends out statements to the French and other World War I debtor nations with no response except from tiny Finland which has met its payments regularly and without excuse or whimpering. The legality of this debt has been consistently recognized by the parties and there has been no occasion to seek relief in the International Court of Justice—if that were possible—because the validity and amount of the debt has never been questioned. The last time the French Government presented an excuse for nonpayment she pleaded a "inability" to pay and urged that the debt should be renegotiated—a procedure which has been followed twice since 1929.

Part of our Nation's difficulty is undoubtedly the even larger indebtedness of Great Britain, as well as smaller debts due from Italy, Belgium, and other allies and a number of other nations which are now in the Communist orbit.

The possibility that court action may not be feasible should not deter the Secretary of the Treasury from renewing in unequivocal language a demand for prompt and orderly settlement of the French and other allied indebtedness from World Wars I and II, as well as other past due grants and loans remaining unpaid. Repayment of the more than $7 billion owed by the French Government would total more than the tax surcharge which the administration is seeking to impose on the American people.

I urge Secretary of the Treasury Henry Fowler to take immediate action to compel payment or reasonable settlement of the World War I debt of the French Government to the United States.

At any rate, faced with a huge and virtually unmanageable deficit, the administration should seek not only to curb and reduce expenditures on nondefense programs, it should seek every other avenue for improving the American economy and the condition of the American dollar at home and abroad. Through a determined effort of the administration combined with public support, world opinion could be brought to bear upon the Government of France to face up to its responsibilities as a solvent nation to pay its just obligations including its outstanding debts to the United States.

U.S.-U.S.S.R. FISHERIES AGREEMENTS

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska [Mr. Pollock] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. POLLOCK. Mr. Speaker, today the United States and the Soviet Union begin discussions on two vital fisheries agreements due to expire shortly.

The first of these agreements, signed in December 1964, established certain areas on the high seas outside of our contiguous zone around Kodiak Island in which Russian bottom fishing with mobile trawl gear is prohibited during the months of July through October of each year. These measures were taken in order to minimize damage to American King crab pots and other gear by Soviet trawlers. This agreement is scheduled to expired Thursday, December 14.

The second agreement, negotiated last February, deals with a number of questions relating to Russian fishing off the coasts of Alaska, Washington, and Oregon, and includes questions relating to the 12-mile contiguous fisheries zone of the United States. The agreement also established certain areas on the high seas outside 12 miles where Soviet trawling would be prohibited. The agreement, which expires February 13, 1968, incorporates a commitment to meet prior to that time to review the provisions and decide on future arrangements.

The negotiations are of particular importance because of declining King crab catch and the disastrous 1967 fishing season in Alaska. American fishermen deserve protection in the fishing grounds off our own shores. I am hopeful that the new agreements will benefit the United States.

HAS RUSSIAN COMMUNISM SOFTENED?

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mrs. BOLTON. Mr. Speaker, we are constantly having it suggested to us that Russian communism has softened—that it is no longer cruel.

Frankly I cannot accept such thinking. Today my mail contained in the Republican National Congress Committee "Issue of the Day" a description of the new Berlin Wall as described in December 8 Time magazine.

Mr. Speaker, I insert this statement at this point in the Record:

Wall Indicts Reds

The December 8 *Time* magazine description of the Communists' new Berlin Wall is a chilling reminder of the brutality and desperation of the puppet government of East Germany. At a cost of millions, the Communists are building a new wall along the entire 99.5-mile border around West Berlin.

What does it take to keep people from deserting Communism for freedom? *Time* notes that Red boss Walter Ulbricht's new wall involves nine successive rows of obstacles in a 300-foot wide strip.

First, there are two five-foot high fences. One of them, at the slightest touch, sets off alarms. Just behind the fences is a dog run where 247 German shepherds prowl. Past the dog run are trip wires for signal flares.

Time, referring to the escapee, says: "By now, he is directly under the glaring searchlights and Russian-made machine guns of Ulbricht's 15,000 Grepos (Grenzpolizei or border guards). Each watchtower is manned by two sentries who are under orders to shoot to kill. In case of heavy firing from either East or West, the Grepos can retreat to 188 new concrete bunkers.

Past the towers is an asphalt road which enables armed cars to patrol the border area. Beyond this road is a plowed strip to show up footprints. Then comes a nine-foot deep "antifacist" tank ditch, which in reality has been made to stop vehicles from running the border in escape attempts. Then comes a 100-foot strip of lawn which is lighted by mercury vapor lamps. This is studdied in many areas with hidden six-inch spikes.

After this series of traps, the potential escapee comes to the wall itself. It is now higher, having been raised from its former nine-foot level to 15 feet. On top is a 15-inch pipe, which effectively prevents getting a handhold.

It takes all this to keep the citizens of the "people's paradise" from leaving their homeland. No better testimony to the Communist system could be built. The wall is a symbol of force and slavery. It is a grim reminder that Communism does not mellow—that its goal is enslavement of everyone it can force its form of government on.

Ironically, 499 of Ulbricht's hand-picked border guards have deserted their posts and fled to freedom. But, the wall will do its job—cut off escape for many and seal them into an unwanted, vicious tyranny that offers only subjugation and deprivation, and conspires to prevent their leaving.

MEDICARE PROGRAM THREATENED BY NURSING HOME ABUSES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. Cahill] is recognized for 15 minutes.

Mr. CAHILL. Mr. Speaker, several weeks ago, the National Advisory Commission on Health Manpower submitted a report to the President indicating that, despite vast expenditures of Federal funds, a dangerous "health crisis" exists in the United States. I would recommend that the Members carefully evaluate this report. Generally, it documents the inadequate capacity of hospital and medical care facilities throughout the Nation and a potentially tragic shortage of physicians, nurses, and allied health personnel.

While many of the specific conclusions expressed by this report are subject to question, the effect of the Commission's study is to present an urgent warning that the Congress must take immediate action to meet national health needs. As a preliminary measure, I would urge prompt enactment of H.R. 13096 which would reduce the shortage of nurses by providing needed financial assistance to hospital schools of nursing.

In the perspective of this urgent need for a comprehensive revision and expansion of Federal health programs, I should like to call the attention of the House to a situation which, in my judgment, presents a major threat to national health standards and the entire system of medicare.

During the past several months, I have received many complaints that private nursing homes are abusing medicare programs by submitting fraudulent claims for reimbursement. The results of my preliminary investigations lead me to believe that such abuses are widespread and require immediate congressional investigation.

Information brought to my attention indicates that, in some instances, unscrupulous nursing homes have falsified records of patient services, medical treatment, and nursing home costs in order to obtain excessive benefit payments from medicare. In other instances, patients are told that they are ineligible, for medicare benefits and are billed privately for care and treatment. The nursing homes, however, submit falsified records to medicare authorities thus receiving double payment. I am also advised that medicare patients are frequently victimized by nursing homes which require a substantial "security deposit" as a condition for admission. The deposit is, however, not returned when the patient is discharged, or in the event of his death.

Fraudulent obtention of medicare payments is a criminal offense under both the general fraud provisions of title 5 of the United States Code and the specific fraud provisions of the Social Security Act. Moreover, I am advised by officials in the Department of Health, Education, and Welfare that a cooperative agreement with the Department of Justice has been made which provides for the initiation of civil actions to recover benefit payments made to nursing homes through error.

However, since court action or prosecution must proceed on an individual case-by-case basis, it would seem that, in the absence of congressional action such abuses will continue. I have thus requested officials in HEW to provide me with a statement of the action which the Department is taking with respect to benefit payment frauds, and of the staff and personnel available to enforce present legislation. When this additional information is provided, I intend to critically evaluate it in order to prepare legislation that will equip both State and Federal law-enforcement authorities to forcefully deal with fraudulent medicare claims.

HUMPHREY'S TRIP TO AFRICA

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. FRASER. Mr. Speaker, an Associated Press story in this morning's Washington Post reported that Vice

President HUMPHREY will tour eight African nations late this month and early next month. The nations are Liberia, the Ivory Coast, Ghana, the Congo, Ethiopia, Somalia, Kenya, and Tunisia.

I am greatly encouraged by this announcement from the White House. Mr. HUMPHREY's trip will mark the first extensive tour of Africa by such a high-ranking U.S. official. It will signify emphatically, not only to the nations visited but to the rest of Africa, the desire of the U.S. Government to establish good will with the countries of Africa. It will be interpreted as a meaningful gesture of cooperation.

In our preoccupation with events in other parts of the world, Mr. Speaker, we sometimes fail to pay enough attention to the emerging nations of Africa. Yet every day we see evidence of the growing importance of these nations as new partners in the world community. Africa is no longer the "dark continent." And the Vice President's visit will help to bring even more light to United States-African affairs.

Mr. HUMPHREY, the best traveled Vice President in American history, recognizes the importance of Africa in today's world. The decision for him to make the African tour reflects credit on him personally and on the Johnson administration.

PRESIDENT JOHNSON'S NEW INSTITUTE FOR URBAN DEVELOPMENT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HELSTOSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, President Johnson made the very welcome announcement yesterday that he is forming a new Institute for Urban Development. This Institute would serve as an instrument in the great urban rebuilding program this administration has fostered.

The Institute is sorely needed, not only to help the Federal Government thread its way through a maze of national urban problems, but also to help State and local government meet the fiscal, administrative, and program responsibilities of our towns, cities, and hamlets.

I believe the Institute will attract the finest minds in government, science, planning, and research. The group which the President has selected to form the Institute represents some of the best leadership talent this Nation has.

I hope the entire Congress will throw its weight behind this program. It has been long overdue. The U.S. Government must support research and development projects related to the progress of our cities, just as it supports research and development for defense and for agriculture and for a host of other Government agencies.

On April 17, in the message on urban and rural poverty, the President gave special emphasis to research in the cities area. He requested a substantial appropriation for research and got one, and also requested an Assistant Secretary of Housing and Urban Development for Research which is still pending in Congress.

The President also said in that message that he wanted the Secretary of Housing and Urban Development, "to encourage the establishment of an Institute for Urban Development as a separate and distinct organization. Such an organization would look beyond our immediate problems and immediate concerns to future urban requirements and engage in basic inquiries as to how they may be satisfied."

The President has asked a group of Americans to come together and form the Institute. They are Irwin Miller, who is the chairman of the board of Cummins Engineering; Arjay Miller, the president of the Ford Motor Co. Kermit Gordon, president of the Brookings Institute; McGeorge Bundy, president of the Ford Foundation; Richard Neustadt, of Harvard; and Cyrus Vance, attorney in New York.

These men will define with precision the charter of the Institute. They will help get it incorporated as a not-for-profit corporation and they will help select a board of directors who will in turn select a president.

It will be an independent Institute. The objectives of creating the Institute are as follows:

First, to build a continuing analytical capability to study complex urban problems as a whole, including their relationship to Federal, State, and local institutions, organizations, policies, and programs.

Second, to get the necessary data and conduct long-range studies based on that data.

Third, to bring together a wide variety of disciplines, for example, architects, administrators, builders, physical scientists, economists, sociologists, city planners, and what have you, and focus those disciplines together on the urban problem.

Fourth, to provide an independent and objective base from which to review and evaluate the Nation's urban problems and the programs to meet those problems.

The specific location of the Institute has not been set. Initially, the Institute will be funded by HUD research money, but eventually it will develop a capability so that it can perform work for other Federal Departments such as HEW, Labor, Commerce, the Bureau of the Budget, and, ultimately as well, for the State and local governments.

The Institute would collect the most advanced technological information and evaluate its application in relation to buildings, pollution, transportation, all the congestion and the problems of the city; help develop cost benefit ratios for a variety of urban problems, housing, education, employment, transportation, help deal with the complex problem of determining and developing social indicators, help assess the most efficient long-range use of our resources, the proper mix of health, education, and job programs, housing programs, communications, water and sewerage, and transportation; help develop future strategies for metropolitan development and ghetto solutions.

I view this Urban Development Institute as the core of a nationwide operation, supported both by public and private funds. I see it as a place where city officials can come for statistics, for research, for blueprints and plans for the city of tomorrow. I see it as a place where the Federal Government can place problems and expect a series of alternative solutions.

In short, the President's idea for an Institute for Urban Development is a very welcome idea. The country needs such an organization. And the President deserves the credit for having proposed it.

PEARL HARBOR

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, today, December 7, 1967, marks the 26th anniversary of the surprise attack upon Pearl Harbor. As President Roosevelt then so aptly remarked, it was "a date which will live in infamy" in U.S. history.

The tragedy of that date can be simply told in the number of Americans killed—2,400. It bears witness to the destruction of over 14 million people of all nations, wounded or killed, during World War II.

But I believe on this date, 26 years later, it is of crucial importance for us to remember the change this event has brought to the United States and its position in world affairs. No longer can we ignore the problems of other nations. No longer can we be content to isolate ourselves from world event.

The world has changed much since 1941. The peoples of Africa and Asia have formed new nations and desire to be heard. Technological advances have made nations more interdependent. The destructive capacity of modern weapons has made it necessary for nations to seek solutions to problems short of war.

The preponderance of military and economic power held by the United States has thrust global responsibility on us. It requires that we, more than any other nation, be alert to every opportunity to ease tensions and to seek peaceful solutions to international crises.

As we pause to remember on this "date of infamy," let us remember the destruction that followed and the loved ones that were lost; but more importantly, let us use these memories to seek better understanding between nations and to build bridges of peace among the peoples of the world.

THE MIDDLE EAST, GENERAL DE GAULLE, AND WORLD PEACE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rostenkowski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, last Monday night I attended a State of Israel Bonds dinner in Chicago, where State Auditor Michael Howlett was presented an award for his tireless efforts in support of free men and free women all over the world.

The principal speaker of the evening was Senator Stuart Symington, of Missouri, who has been a close friend of Mike Howlett's for many years. The Senator talked about the Middle East, General de Gaulle, and world peace. He delivered what I consider to be one of his finest speeches and I concur with his views.

I am extending my remarks to include the text of the speech made by Senator Symington:

The Middle East, General de Gaulle, and World Peace

(Address by Senator Stuart Symington, at the State of Israel Bonds Dinner, Chicago, Ill., December 4, 1967)

It is a privilege to be with you here this evening, to join in your honoring a great public servant and a great American, Michael Howlett.

Mike and I have known each other for many years. To him, to his gracious wife Helen and to his fine children, all congratulations on the award being given him tonight by advocates of an effort which should be of deepest interest to free men and free women, all over this world.

In a way, for me this evening is an anniversary. Exactly ten years ago, here in Chicago, at a talk in honor of another friend, who, like Mike, has done so much for his city, State, and country, Colonel Jack Arvey, I warned of the growing danger to world peace as expressed in the person and ambitions of Gamal Abdel Nasser.

Whereupon a Chicago newspaper blistered me for criticizing that leader of the Arab world, asserting, as I remember it, that I was guilty of political hooliganism.

The publisher of said paper was my friend, so I arranged to meet the writer of the editorial, and predicted to him in his office that, unless checked, some day Nasser would show himself a menace to all those striving for peace in the world.

Little did I realize the degree of the menace he would be ten years later.

During these years, for reasons many of us in Washington have never been able to understand, as Nasser continued to criticize the policies and programs of the United States, he also continued to receive more foreign aid from this country.

Partially as a result of this aid, which totals over a billion dollars, Nasser was able to beg, borrow and buy the finest military ground and air forces ever known in the Middle East.

Last June, with but one exception, in all categories the military strength of Israel was but a fraction of that of Egypt and Syria and Iraq and Jordan. That exception was the desire to fight to the end for freedom.

Some of us have believed for a long time that when Colonel Nasser was ready he would strike. Fortunately, however, he announced well ahead of time his determination to drive every Israeli citizen into the sea.

Only a few weeks ago, when in the Middle East, I saw captured Arab battle instructions to kill every inhabitant—which would include every woman and child—in towns it was planned to capture.

In order to accomplish these ends, Nasser assembled in the Sinai and Gaza Strip, along with his superb Air Force, 90,000 ground troops and 900 tanks, the largest army ever known in that area.

How fortunate it was for the people of Israel that they had leaders who decided not to wait to be destroyed. Most of those leaders had already been through the crucible of persecution. They knew the fate of defeat; and so, backs to the wall, convinced of the justice of their cause, they struck back at this self-announced aggressor.

In exactly three hours the pilots of Israel destroyed Nasser's great Air Force. In five more days their military routed the armies of four countries.

Is it not strange, however, that this almost unprecedented victory has resulted in the position of Israel being more precarious than before?

That condition results from two causes. First, already the Soviet Union has rearmed most of the hostile Arab states to a strength roughly comparable to what they had last June. Second, General Charles de Gaulle, whose country previously has supplied Israel with its air defenses, has now decided to work against the political, military and economic interests of Israel just as for years he has been working against the interests of both Great Britain and the United States.

After receiving tens of millions of dollars profit from the sale of arms to Israel, and after becoming their sole source for combat planes, de Gaulle now refuses to deliver additional planes which Israel has already largely paid for. In addition, at his rigged news conference last Monday, the General declared to his people and the world that Israel bore the sole responsibility for aggression in the Mid-East war of last June.

What did General de Gaulle expect the people of this little nation to do—sit on their hands and wait for Nasser to fulfill his pledge to "wipe Israel off the face of the earth"?

Is it any wonder that such a careful and scholarly statesman as Foreign Minister Abba Eban told the French Ambassador to Israel that General de Gaulle's statements a week ago today were "a distortion of history and a grave insult"?

We American citizens here tonight cherish all freedoms, perhaps above all the freedom to search for the truth.

With that premise, it would appear in order to ask some questions.

Why has General de Gaulle, who apparently now rules France with the iron hand of a totalitarian, decided to adopt policies which, in effect, would leave Israel relatively unarmed before the rearmed Arab States?

Why did the General first demand that all United States forces leave his country, and then nail down his disbelief in collective security by removing all French forces from NATO?

What satisfaction did General de Gaulle receive from working so eagerly with those who have now brought down the British pound, and continuing his efforts to bring down the dollar; not only the dollar of the United States, but also the dollar of Canada?

Why does the General attempt to stir up French-Canadian dissension, to the point where that able and cautious Canadian, Prime Minister Lester Pearson, now characterizes de Gaulle as "shortsighted, wrong, discredited and dangerous"?

In summary, why does General de Gaulle so consistently sympathize with the problems of totalitarian nations at the same time he works against the interests of those free peoples who for generations have been the friends and allies of his country?

Various reasons have been advanced; but I do not know the answer—and I do not believe you do either.

We both do know, however, that in politics, in business, in battle, it is easier to be ruined by a renegade friend than by an enemy.

Militarily General de Gaulle has not only left the free world partnership; he spends his time deprecating it.

Politically, for years, the General has done his best to wreck our policies and programs. As but one example, whereas in the Eastern Mediterranean he now sympathizes with the policies of the Soviet-dominated Arab states, soon you will hear more of his additional activities in the Western Mediterranean, very dangerous to Western Europe and to our own country.

From an economic and financial standpoint, as the General piles up his gold hoard at the expense of his World War II Allies, he also is doing his best to undermine the integrity of the two world reserve currencies, the dollar and the pound.

Is it not time for people who cherish capitalism, and the advantages of our way of life, to take practical stock of these his actions?

Why should Americans continue to spend their money in his country as tourists, or drink his wine, or purchase his clothes?

Why should we continue to have so much interest in the products of his economy, when his primary interest in ours would appear to be a desire to cripple it?

Right or wrong, we are told that it is advisable for us to spend some $75 billion a year on our military forces so as to maintain freedom. Why should we support General de Gaulle's continuing attempts to tear down that freedom?

Now to some of the reasons in addition to Mike Howlett as to why we are gathered together here this evening.

There are three countries, and three countries only, which currently produce the modern sophisticated weaponry Israel needs to defend itself against further aggression. Those countries are the Soviet Union, France, and the United States.

The Soviets are now rearming the hostile Arab nations; and France refuses to even send Israel the equipment Israel has already largely paid for.

Let us ask ourselves one more question: In these times, is it to our interests to see the Middle East, with its traditions and its vast resources, including oil, fall to Soviet imperialism as a result of the latter's domination of the Arab nations?

During the early part of World War II, while his country was standing alone against totalitarian aggression, Winston Churchill pleaded, "Give us the tools and we'll finish the job."

The people of Israel don't ask for as much. They plead, "Sell us the tools and we'll maintain our freedom."

My remarks tonight are not made because of any special interest in Israel; rather because I believe the United States desperately needs allies who are determined to defend freedom, and who have expressed their willingness to fight for that freedom. Such allies can only contribute to the security and wellbeing of our children and their children; and that is mighty important to all of us.

FORBES MAGAZINE THROWS WEIGHT BEHIND PRESIDENT'S SURTAX

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MULTER. Mr. Speaker, Forbes magazine—widely respected by business and industry—has added its prestige to the fight to secure President Johnson's tax rise.

The President's surtax proposal can no longer remain a partisan political issue—for the economic health of our Nation and the American dollar are at stake.

Faced with a huge deficit from the Vietnam war, a devalued British pound, and forces bent on reducing our gold reserve, the American dollar faces a grave challenge.

If our dollar is weakened and the free world's economy thrown into chaos, we will have our inaction to blame. The need is clear. As Forbes states, increased "taxes can no longer be the subject of debate. They must be enacted."

No one likes higher taxes but we must act now or face a much more painful situation later. Even with the surtax, taxes will be lower than when President Johnson assumed office in 1963—yet so small a sacrifice can assure the good health of our economy.

The President has done his part by reducing all non-essential spending and offering to cut $4 billion off the expected deficit. We must now move swiftly to do our part to protect our economic well-being.

I commend to the attention of our colleagues the Forbes editorial supporting the President's surtax proposal:

FACT AND COMMENT: NO CHOICE LEFT

Now is the time for all good Americans to come to the aid of the dollar.

In fact, since the pound bit the dust, it's 'way past time.

The idea that only we among all nations can forever run vast dollar imbalances and ever-huger budget deficits always was asinine.

To continue doing so is no longer possible without threatening the dollar. To devalue the dollar would unthinkably complicate world trade and probably throw the Free World's economy into a tailspin.

For the insular—I have news for them: That rocking depression would include us because, like it or not, we *are* part of the world. Today there are enough claims outstanding abroad against our gold reserves to wipe 'em out. Granted, an all-out run is unlikely, despite Mr. de Gaulle's best efforts. But we are no longer free to go on piling up mountains of debt here and abroad.

New taxes can no longer be the subject of debate. They now must be enacted. Sizable cuts in federal spending can no longer be the subject of debate. They must be made—in fact and not just by accounting sleight of hand.

Having long prescribed tough measures for other nations in this position, we now must have a dose of the same medicine. Or suffer consequences that have plagued other nations, where their currency carried an imprint unrelated to its real value.

The sooner we face up to this fact, the less painful the cure will be.

STATEMENT OF PERSONAL FINANCIAL CONDITION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, the lack of an effective and enforceable code of ethics for Members of Congress has been of great concern to me since my first election to the House of Representatives. The disclosure of personal holdings would be essential to such a code. But, while Congress requires a public statement of holdings and income from other Government officials, it has continually refused to adopt a full disclosure rule for itself.

This self-exemption has spawned the unchecked spread of questionable practices, such as the raising of private "funds" for Members of Congress. In addition to the question of conflict of interest, this practice subverts the entire representational system. If one Member of Congress arranges for a private fund, ostensibly to be used to enhance the representation of the people of his State or district, he puts pressure on all other Members to do the same thing in order to provide the same service to their constituents. Furthermore, even if such a fund were openly administered, rather than concealed, as in the case of certain previous "slush funds," it is still a highly objectionable practice. The proper recourse is to resort to the traditional legislative process of asking Congress to appropriate such money as may be needed for representational purposes for all Members.

Mr. Speaker, following a practice I adopted in previous years, I am placing in the RECORD today my annual statement of personal financial condition. I believe that a public disclosure of finanes is needed to provide the public with information with which to assess whether their representative's personal holdings have affected the performance of his public trust. Members of Congress and holders of high elective office in general ought to make public disclosures as a matter of course, and I would hope that both bodies of Congress would adopt a standing rule providing for a periodic report of outside income and interests. If Congress, however, continues to exempt itself from the sort of disclosure requirements it has imposed on others in the Federal Government, it can only expect to be distrusted by the general public.

Mr. Speaker, my personal statement follows hereunder:

ROBERT W. KASTENMEIER, STATEMENT OF FINANCIAL CONDITION, NOVEMBER 30, 1967

Cash on account with the Sergeant at Arms bank, House of Representatives	$1,645.55
Securities	None
Residential real estate:	
House, Arlington, Va.:	
Purchase price	28,000.00
Less mortgage	17,083.00
Equity	10,917.00
Lot (cost less unsecured notes applied against purchase price	14,750.00
Household goods and miscellaneous personalty	4,800.00
Miscellaneous assets: Deposits with U.S. civil service retirement fund through Dec. 31, 1967, available only in accordance with applicable laws and regulations	16,674.64
Cash surrender value of life insurance policies:	
On the life of Robert W	None
On the life of Dorothy C	544.00
Automobiles:	
1963 Oldsmobile	1,100.00
1965 Chevrolet	1,200.00
Total	2,300.00
Total assets	51,631.19
Liabilities	None
Income for calendar year 1966, excluding congressional salary and expenses:	
Speaking honorariums and travel	73.35
Book royalties	1,018.32
Total	1,091.67

HISTORIC SPRINGFIELD ARMORY'S FINAL ISSUE OF NEWSPAPER, THE ARMORER, DETAILS NOBLE PAST

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BOLAND. Mr. Speaker, the final edition of the Springfield Armory newspaper, the Armorer, was published this autumn.

This historic installation, which was established in 1794 as the Nation's first arsenal by an act of Congress on the recommendation of President George Washington, is now being phased out and will be completely closed next April.

The Springfield Armory was ordered closed by the Secretary of Defense in November 1964, with the phase out period lasting until the spring of 1968. The Massachusetts congressional delegation fought the decision to close the armory, and, together with the Springfield Armory Technical Committee, presented arguments proving that the Pentagon's decision was a serious mistake.

Mr. Speaker, many of the arguments we used against the closing of the Springfield Armory, which was the Army's small arms weapons center for research, engineering development, and pilot line production, have been sustained by the M–16 rifle investigation report recently issued by the House Armed Services Committee.

The committee was critical in its M–16 report of sole-source procurement, labor problems and a strike at the producing plant, escalating costs of the weapon and profits realized by the sole-source producer. These were precisely the questions we raised against the closing of the armory. The Army has transferred its small arms research center from Springfield to the Rock Island Arsenal in Illinois, but is having difficulty in getting competent personnel to fill the positions required for such a function.

Meanwhile, as we pointed out in our

presentation to the Secretary of Defense nearly 3 years ago, the closing of the Springfield Armory is depriving the Nation and its taxpayers of one of the most effective means of exercising quality and cost control, and tests and evaluations of small arms, and small arms parts, and their production.

Mr. Speaker, our appeal to keep the Springfield Armory was turned down, and the installation will be closed next April. Nevertheless, the success of the Springfield Armory throughout the history of this Nation is best summed up in these words taken from the editorial of the final edition of the Armorer:

> The Springfield Armory left and will continue to leave an impact upon this nation. The phase of national defense to which it was intrusted was never postponed with a "manana" or "Tomorrow." All pertinent national defense problems were immediate and received immediate attention. History records that this prompt attention was effective.

The final edition of the Armorer reflects the 174-year history of the installation and the prominent role it has played in the progress of this Nation. It was prepared by editor Christopher L. Dvarecka, and honorary editors John McGowan, Frank English, Theodore Zolynski, Edward Julian, Robert Wynne, Lt. Walter H. Lynch III, Mrs. Mary C. Beard; photographic editors Frank Ledoux, Ernest Tsohonis, and editorial assistant Patricia Allen.

Emphasis was placed upon the historic aspects of the Springfield Armory, its pioneering efforts in the military weapons field, the resulting applications readily accepted by commercial industry, the people who generated and perpetuated the high traditions of reliability, skill, and craftsmanship, and the landmarks which will remain when the Springfield Armory is closed next April.

Mr. Speaker, the final edition of the Armorer represents more than a souvenir of the Springfield Armory. It is an issue highlighting the life and times of this Nation's first arsenal.

And, as editor Dvarecka pointed out, it is dedicated to the entire Springfield Armory family, military and civilian, both past and present, active as well as retired. I include with my remarks some of the pertinent articles and the complete editorial in the Armorer as a permanent historic record for posterity:

SPRINGFIELD ARMORY; 1794–1968

This is not an editorial in the usual sense of the word!

It's message is geared less to pointing up a problem than it is to highlighting the entire contents of this special issue. It is, however, pointed to Springfield Armory employees . . . both past and present. There is no need to add "future employees" since the future of this installation is a certainty.

Those who read this issue will note that it is a recording of constant accomplishments . . . by duty, by people and by mission.

The emphasis in all cases is upon the "firsts" initiated and completed by the Springfield Armory. It can be no other way since this installation was the first of its kind in this country and maintained that leadership to its days of final closure. Its leadership ran the gamut from muskets to rifles to aircraft armament.

If certain notes of pride can be detected in listing the chronology of accomplishments, this must be forgiven . . . not because it results from intentional bragging but because each of these accomplishments were the end product of the pride in which everyone in the Springfield Armory from 1794 to the present day viewed individual assignments and individual goals. The final result also ended in getting there first with the best and with the most.

The Springfield Armory accomplished its mission from the very beginning. The element of pride maintained this record to the very end. The end products of this installation saw service in every conflict in which this nation was engaged. Each of these conflicts in which Armory products saw service ended in victory. This alone qualified the existence of Springfield Armory in terms of success.

Praise came from all quarters . . . business, industry, civic, social and religious quarters. The praise was well earned . . . it conveyed the essence of the cooperation extended from the federal installation to all other elements of the American society.

The Springfield Armory left and will continue to leave an impact upon this nation. The phase of national defense to which it was intrusted was never postponed with a "Manana" or "tomorrow". All pertinent national defense problems were immediate and received immediate attention. History records that this prompt attention was effective.

Therefore . . . when you read the contents of this commemorative issue . . . read it with the view that only a very small portion of Springfield Armory history can be brought to your attention. The full and final story would take volumes of full-length books . . . books which only the future can bring into focus.

Until that time, it is only necessary to note that the history portrayed in this issue is a history in which each of you has participated.

ARMORY LEGEND DRAWS WORLD FAMOUS HERE

The star-studded history of the Springfield Armory was filled with moments of glory which contributed to the greatness of this nation!

There were names of prominent people, doing prominent deeds, in prominent positions within and outside the government whose fates touched upon the Springfield-based arsenal and who added to its luster of truly being the "first" in the keystone bastions which gave the United States of America the international reputation of being the "Arsenal of Democracy".

Such people as General George Washington and General Henry Knox started the trend of association with the present day Springfield Armory.

There were, among others, such luminaries as: David Ames, the first superintendent; Robert Orr, the first armorer, Thomas Dawes, who made the first purchases of land which became the Springfield Armory; Lt. Col. Roswell Lee, first military superintendent; Thomas Blanchard, designer; Major J. G. Benton, for whom the city's Benton Park and this installation's small arms museum are named; William R. "Billy" Bull, who as an Armory employee, outshot all marksmanship competitors to gain the world title; Erskine Allen, James Cranston, and Lucian Bruce who were connected with early development of small arms; Daniel Shays and Luke Day of Shays' Rebellion notoriety; General Shepard of Westfield who protected the Armory against Shays' men; the Marquis de Lafayette, Washington's close friend who visited here; and today a legend for his work in our field is the name of John C. Garand, the inventor of the M1 rifle which bears his name.

Some of the high points in the Armory's 174-year history are listed below in chronological order.

In 1777, manufacture of munitions in Springfield began on an organized scale in rented buildings; 1787, Shays' rebels launch attack on Armory to secure weapons; 1789, President Washington visits Springfield and inspects Armory works; and in 1794, Third Congress names Springfield as site of new national armory.

In 1807, the first permanent building in the quadrangle was erected (this former brick storehouse is used for the Officers' Club today); 1815, Lt. Col. Roswell appointed first military superintendent of the Armory; 1822, Thomas Blanchard, Armory worker, designs revolutionary machine for turning gun stocks, forerunner of all modern lathe machines; 1842, percussion-type weapon replaces old flintlock musket; 1843, Longfellow visits Armory and writes poem "The Arsenal at Springfield"; and in 1849 the floating staircase in Main Arsenal was constructed.

Also, in 1852, work began on picket fence that encloses Federal Square today (old cannons melted down to provide the iron); 1852, Springfield becomes a city and includes in its adopted city seal a view of the Armory Main Arsenal; 1853, First National Exhibition of Horses, sponsored by leading local citizens, held on Armory grounds; 1855, manufacture begins on first rifled bore type of military rifle; 1864, attempt made to blow up main arsenal with home-made bomb (plot laid to Confederate sympathizers); 1866, Introduction of breech-loading rifle.

Also, in 1871, Museum established by Col. J. G. Benton, commanding officer; 1892, adoption of bolt-action rifle; 1892, the National Armory at Springfield becomes the "Springfield Armory"; 1903, the year of the famed '03 Springfield rifle, which played major role in World War I campaigns; 1918, first publication of the plant magazine "The Armorer"; 1921, visit of Marshal Foch, famous military commander of World War I.

Also, in 1937, the first issue of semi-automatic rifle (Garand) made to U.S. troops; 1939, establishment of apprentice school; 1940, President Franklin D. Roosevelt tours facilities; 1942, Armory awarded the Army and Navy "E" citation for first time; 1943, employment reaches all-time peak of 14,000 (women warworkers comprise nearly 70% of work force in World War II); 1944, production hits enormous total of 122,000 rifles monthly; 1951, expansion of developmental and warehouse facilities leads to addition of land in East Springfield; 1954, visit of Maxwell Anderson, Pulitzer Prize-winning playwright; 1955, Springfield Armory becomes part of Army Ordnance Weapons command.

Also, in 1957, the M14 is adopted by U.S. Army as its new official shoulder arm weapon; 1957, Senator (later President) John F. Kennedy visits Armory; 1958, the M14 rifle wins "Springfield" name; 1962, S. A. Rifle and Pistol Club Range opens at Water Shops; 1962, Armory site of 1962 Army Research Conference; 1963, Armory designated as a national registered historic landmark; 1964, first "Employee-of-the-Month" award presented; 1964, Armory closing by April 1968 is announced on November 19th; 1965, Defense Secretary Robert S. McNamara visits Armory on March 17th; 1966, General Electric takes over portion of Federal Square section; 1967, Research and Engineering mission transfers to Rock Island, Illinois in June; and 1967, Springfield Technical Institute takes over four Armory buildings.

FOR THE HISTORY BUFF: SPRINGFIELD ARMORY 1794–1968

(EDITOR'S NOTE.—Since this is a commemorative issue, the following article is keyed to the April 1968 closure date.)

The Springfield Armory, until its phaseout the technical and scientific center for American military weapons ranging from pistols, rifles and machine guns to aircraft armament, this year observes its 174th anniversary.

Founded on April 2, 1794 by the Third Congress, the Springfield Armory can trace its history to the year 1777 when a "laboratory" and depot were established in rented buildings in what is now the downtown district of the City of Springfield.

Its historic role resulted in its designation on April 2, 1963 as a Registered National Historic Landmark.

From its very beginning, the Springfield Armory has been known primarily as the nation's center for the development and production of small arms weapons for ground use. Since 1963 emphasis at the Armory shifted heavily in the direction of research, development, engineering, procurement and pilot production of new armament systems for helicopters and fixed wing aircraft. Dynamic new talents in the scientific and support fields involved were added to the Armory to upgrade capabilities in this increasingly important aircraft armament mission area.

Springfield was chosen as the site of a National Armory primarily, because of the presence of a considerable number of skilled gunsmiths, blacksmiths and craftsmen.

The availability of such a great number of artisans prompted General Henry Knox, General George Washington's most experienced Artillery officer, to recommend Springfield as one of the sites for the location of a "laboratory". A few years later, the location was moved to higher ground known then as the "Training Field" and today as Armory Square. Here, barracks, shops and storehouses as well as a powder magazine were constructed. A powder mill—forerunner of the present Water Shops—was built at that location on the banks of the Mill River.

Following the Revolutionary War, all manufacture and repair work was stopped, but Springfield was retained as a storage depot for the New England area. Washington visited the city shortly after his inauguration in 1789 and, convinced of its potentialities, recommended the establishment of a National Armory here. His approval of the local area was adopted as a law by the Third Congress.

Since then, the Springfield Armory and the community of Springfield were mutually interdependent. The Armory attracted additional arms industries to the area, and the supply of competent gunsmiths in turn was an important factor in enabling the Armory to continue its activity.

Today, this installation is the only federal arsenal which can call itself an "Armory". The Springfield Armory was so designated from the very beginning and, because of its long historical association, the term has remained unchanged. However, the term has been coupled with "United States", "National", and since 1892 with "Springfield".

The first permanent building in Armory Square was a brick storehouse known as the West Arsenal (Bldg. 11). Built in 1807, it is still standing and today houses the Officers Club and conference halls. The Middle Arsenal (Bldg. 15), also on the State Street side of Armory Square, was built in 1830 and is now occupied by an engineering group. The Main Arsenal (Bldg. 13), which appears on the city Seal of Springfield, is located on the west side of the Armory quadrangle. Three plants were located on the Mill River in 1817. The present Water Shops built in 1902 are on the site of the former "Upper Mill".

Seven types of shoulder arms were produced at the Armory since 1794. They include: (1) flintlock; (2) percussion with smooth bore; (3) percussion with rifled bore; (4) breech-loading rifle; (5) bolt-action rifle; (6) semi-automatic; and (7) full automatic.

The French Charleville Musket Model 1763 served as the model for the first musket; a flintlock, manufactured at the Armory in 1795. This weapon is known as the United States Musket, Model 1795. The percussion type appeared about 1842; the first all-new rifle musket in 1855; and the first breech-loader in 1866. The first bolt-action rifle was introduced in 1892, and the world-famed Springfield Rifle came into being in 1903. After World War I, extensive development work was started on a semi-automatic rifle and the first Garand, designed by Springfield Armory's own John Garand, was first issued in 1937. Twenty years later, in 1957, the U.S. Army adopted a new automatic rifle—the Springfield-developed M14 rifle.

In 1795, with 40 people employed, 245 muskets were produced at Springfield Armory; in 1864, 276,000 rifles were produced. In World War I, the highest daily production was 1,500 with 5,381 employees on the payroll. During World War II, more than 4,000,000 Garands were produced with a peak work force of 14,000 people.

Springfield Armory became a part of the Army Weapons Command with Headquarters at Rock Island, Illinois, and furnished modern weapons to all elements of our Armed Forces. The Armory maintained facilities not only for the experimental development of rifles and automatic weapons as well as aircraft armament but also for pilot line production.

The Springfield Armory always stood ready with the blueprints for utilizing the nation's might in the event of an emergency.

ARMORY GREAT: JOHN C. GARAND

John C. Garand, internationally famous gun designer and "father" of the M1 rifle known to troops throughout the world as the "Garand" exercised his talents as a member of the Springfield Armory family.

Mr. Garand was born in 1887 at St. Remi, Province of Quebec, Canada moving to the United States in 1899 when he began employment as a bobbin operator in a cotton mill at Jewett City, Connecticut at the age of 12.

His mechanical ability was quickly evident and he was transferred to the machine shop.

His proven ability as an inventor brought him to Providence, Rhode Island where he entered the employ of a welding company there. His development of new tools and machines was recognized by Brown & Sharpe Co., and he thereupon entered employment in that firm's laboratories.

Shortly thereafter, Mr. Garand went to work at the Federal Screw Company, Providence, Rhode Island.

The beginning of World War I in 1914 saw Mr. Garand move his talents to New York City in a micrometer plant. He submitted his first weapons design to the U. S. Government in 1916 and was subsequently employed by the U. S. Bureau of Standards to develop a rifle which was later demonstrated at the U. S. Army War College and to the U. S. Ordnance Department. The efficacy of Mr. Garand's designs brought about interest by the U. S. Government in his work and resulted in his employment in 1919 at the Springfield (Massachusetts) Armory, the research and development center of military small arms for the United States.

Mr. Garand was assigned the mission of developing a semi-automatic rifle by Springfield Armory authorities. The net result was the adoption of the M1 rifle which later became known to troops as the M1 "Garand" rifle. Adoption date of the M1 for the U. S. Army was January 1936 and for the U. S. Marine Corps in 1940. The first production models of the weapon were delivered to troops in August 1937.

The new weapon increased the firepower of the individual soldier by five times over that of the Model 1903 predecessor.

The value of the M1 "Garand" rifle was proved during the days of World War II and the Korean conflict.

The era of the M1 "Garand" rifle began in January, 1936 when first adopted and continued through to May 1957 when it was superseded by the M14 rifle.

Mr. Garand currently lives in Springfield, Massachusetts.

TYPES OF SHOULDER ARMS DEVELOPED BY SPRINGFIELD ARMORY

[SB—Smooth bore: R—Rifled: TL—Tape lock: K-J—Krug-Jorgensen]

Model year	Arm	Caliber	Bore	Approximate length (inches)		
				Barrel	Stock	Total
	FLINTLOCK					
1799[1]	Musket	.69	SB	44.75	56.50	59.50
1807	Indian gun or carbine	.54	SB	33.75	45.75	48.25
1808	Musket	.69	SB	44.50	56.00	59.50
1812	do	.69	SB	42.00	54.00	57.50
1816	do	.69	SB	42.00	54.38	57.50
1830	Musket, Cadet (long)	.54	SB	40.50	43.00	55.75
1830	Musket, Cadet (short)	.54	SB	36.00	48.00	51.00
1835	Musket (1840)	.69	SB	42.69	55.00	57.75
1839	Musketoon (1840)	.69	SB	26.00	38.00	41.00
	PERCUSSION LOCK					
1841	Musket, Cadet	.57	SB	40.00	52.25	55.25
1841	Rifle	.54	R	33.00	43.00	48.80
1842	Musket	.69	SB	42.00	55.00	57.75
1847	Musketoons, Artillery, Cavalry	.69	SB	26.00	38.25	41.00
1847	Musketoons, Sappers	.69	SB	26.00	38.25	41.00
1851	Musket, Cadet	.57	SB	40.00	52.25	55.25
1855	Rifled carbine	.58	R	22.00	29.44	36.75
1855	Rifle-musket (Maynard) TL	.58	R	40.00	52.85	56.00
1855	Rifle (Maynard) TL	.58	R	33.00	44.00	49.30
1855	Pistol carbine (with stock) TL	.58	R	12.00	26.50	28.25
1858	Musket, Cadet TL	.58	R	38.00	50.00	53.00
1861	Rifle-musket	.58	R	40.00	52.50	56.00
1863	Rifle-musket (1st type)	.58	R	40.00	52.50	56.00
1863	Rifle-musket (2d type)	.58	R	40.00	52.50	56.00
	BREECH LOADER					
1865	Rifle (Allin alt.)	.58	R	40.00	52.20	56.00
1866	Rifle	.50	R	40.00	52.50	56.00
1866	Rifle, Cadet	.50	R	34.63	42.38	54.81
1868	Rifle	.50	R	32.63	48.75	52.00
1869	Rifle, Cadet	.50	R	29.50	48.75	51.88
1870	Rifle	.50	R	12.50	15.00	51.75
1870	Carbine	.50	R	21.75	29.88	41.38
1870	Rifle (Remington) (Navy)	.50	R	31.13	43.88	48.63
1870	Rifle (Remington) (Army)	.50	R	34.38	48.45	51.75
1871	Rifle (Ward-Burton)	.50	R	32.63	48.88	51.88
1871	Carbine (Ward-Burton)	.50	R	27.75	30.00	41.25
1873	Rifle	.45	R	32.38	48.70	51.92
1873	Rifle, Cadet	.45	R	29.50	45.75	48.92
1873	Carbine	.45	R	21.88	30.00	41.31
1875	Officers' rifle	.45	R	26.00	33.63	47.38
1879	Rifle	.45	R	32.38	48.63	51.75
1879	Rifle, Cadet	.45	R	29.50	44.75	48.75
1879	Carbine	.45	R	21.88	30.00	41.31
1882	Rifle (Chaffee-Reece)	.45	R	27.88	46.00	49.00
1834	Rifle	.45	R	32.38	48.63	51.75
1884	do	.45	R	32.38	48.70	51.92
1884	Rifle, Cadet	.45	R	29.50	44.75	48.75
1884	Carbine	.45	R	21.88	30.00	41.31
1889	Rifle	.45	R	32.38	48.63	51.75

See footnotes at end of table.

TYPES OF SHOULDER ARMS DEVELOPED BY SPRINGFIELD ARMORY—Continued

[SB—Smooth bore: R—Rifled: TL—Tape lock: K–J—Krug-Jorgensen]

Model year	Arm	Caliber	Bore	Approximate length (inches)		
				Barrel	Stock	Total
	BOLT ACTION MAGAZINE					
1892	Rifle (K–J)	.30	R	30.00	46.00	49.14
1896	Rifle	.30	R	30.00	46.05	48.90
1896	Carbine	.30	R	22.00	30.05	40.90
1898	Rifle	.30	R	30.00	46.06	49.19
1898	Carbine	.30	R	22.00	30.05	40.90
1899	do	.30	R	22.00	32.00	40.90
1903	Rifle	.30	R	23.50	41.50	43.50
1903	Rifle (alt. 1905)	.30	R	23.79	40.17	43.21
	BOLT ACTION MAGAZINE—Continued					
1903	Rifle	.22	R	23.79	40.17	43.21
1922	Rifle; M–1, M–2	.22	R	24.00	31.25	43.63
	SEMIAUTOMATIC MAGAZINE					
1936	Rifle, M–1, Garand	.30	R	22.00	29.75	43.00
	FULL AUTOMATIC MAGAZINE					
1957	Rifle, M–14	[2] 7.62	R	22.00	32.00	44.28

[1] Similar to the model of 1795 which was patterned after the "Charleville" model of 1763.

[2] Millimeters.

SUPERINTENDENTS AND COMMANDING OFFICERS SPRINGFIELD ARMORY, 1794–1968

Ames, David, Supt., from 1794 until October 31, 1802.

Morgan, Joseph, Supt., from November 1, 1802, until October 31, 1805.

Prescott, Benjamin, Supt., from November 1, 1805, until August 31, 1813.

Lechler, Henry, Supt., from September 1, 1813, until January 15, 1815.

Prescott, Banjamin, Supt., from January 16, 1815, until May 31, 1815.

Lee, Roswell, Lt. Col., Supt., from January 1, 1815, until August 25, 1833.

Talcott, George, Lt. Col., Ord. Dept., acting to October 31, 1833.

Robb, John, Supt., from November 1, 1833, until April 15, 1841.

Ripley, J. W., Maj., Ord. Dept., from April 16, 1841. until August 16, 1854.

*Whitney, James S., Gen., Supt., from October 19, 1854, until March 1, 1860.

Wright, I. H., Col., Supt., from June 27, 1860, until April 25, 1861.

Dwight, George, Capt., Supt., from April 25, 1861, until August 21, 1961.

Dyer, Alexander B., Capt., Ord. Dept., August 25, 1861, until October 27, 1864.

Laidley, T. T. S., Maj., Ord. Dept., from October 27, 1864, until May 14, 1866.

Benton, J. G., Maj., Ord. Dept., from June 14, 1866, until August 23, 1881.

Buffington, A. R., Lt. Col., Ord. Dept., from October 3, 1881, until February 2, 1892.

Mordecai, Alfred, Col., Ord. Dept., from February 2, 1892, until February 21, 1898.

Arnold, Isaac, Jr., Lt. Col., Ord. Dept., from February 21, 1898, until May 29, 1899.

Phipps, Frank H., Lt. Col., Ord. Dept., from June 5, 1899, until August 9, 1907.

Blunt, Stanhope E., Col., Ord. Dept., from August 9, 1907, until September 1, 1912.

Peirce, William S., Lt. Col., Ord. Dept., from September 1, 1912, until January 10, 1918.

Stewart, G. H., Lt. Col., Ord. Dept., acting to March 15, 1918.

Hoffer, Jay E., Col., Ord. Dept., from March 15, 1918, until September 16, 1918.

Hubbell, Lindley D., Lt. Col., Ord. Dept., from September 16, 1918, until April 14, 1920.

Ames, Thales L., Col., Ord. Dept., from April 15, 1920, until August 7, 1923.

McFarland, Earl, Maj., Ord. Dept., from August 8, 1923, until June 17, 1924.

Schull, H. W., Col., Ord. Dept., from June 18, 1924, until June 9, 1929.

Joyes, J. W., Col., Ord. Dept., from July 1, 1929, until December 31, 1933.

Smith, T. J., Lt. Col., Ord. Dept., from January 1, 1934, until February 1938.

Borden, Wm. A., Lt. Col., Ord. Dept., acting, from February 9, 1938, until September 12, 1938.

Stewart, G. H., Col., Ord. Dept., from September 13, 1938, until June 10, 1942.

McFarland, Earl, Col., Ord. Dept., from June 11, 1942, until July 31, 1943.

Woody, George A., Col., Ord. Dept., from August 1, 1943, until August 4, 1944.

Buck, Champlin F., Jr., Col., acting, from August 4, 1944, until October 7, 1944.

Ramsey, Norman F., Brig. Gen., from October 8, 1944, until November 16, 1945.

MacGregor, Stephen H., Col., Ord. Dept., from November 17, 1945, until August 9, 1947.

McMorrow, F. J., Lt. Col., Ord. Dept., acting, from August 10, 1947, until August 20, 1947.

Barroll, Morris K., Jr., Col., Ord. Dept., from August 21, 1947, until May 31, 1950.

McMorrow, F. J., Lt. Col., Ord. Dept., acting, from June 1, 1950, until June 30, 1950.

Guion, James L., Col., Ord. Dept., from July 1, 1950, until May 13, 1953.

Harlan, John F., Col., Ord. Corps, acting, from May 14, 1953, until July 31, 1953.

Crowe, W. J., Col., Ord. Corps, from August 1, 1953, until August 31, 1954.

Ludlam, D. G., Col., Ord. Corps, from September 1, 1954, until June 14, 1955.

Harlan, John F., Col., Ord. Corps, from June 14, 1955, until January 18, 1956.

Ludlam, D. G., Col., Ord. Corps, from January 18, 1956, until September 1958.

Harlbut, Oren E., Col., Ord. Corps, from September 1958, until September 1959.

Medinnis, C. L. P., Col., Ord. Corps, from September 1959, until June 1963.

Durrenberger, William J., Col., Ord. Corps, from July 1963, until September 20, 1965.

Sweeney, Arthur H., Jr., Col., Ord. Corps, from September 21, 1965, to date.

THE NATIONAL GRANGE—A CENTURY OF PROGRESS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BOLAND. Mr. Speaker, over the past hundred years the National Grange has earned the respect and admiration of the American people for its leadership in the improvement of the economic, social, and cultural aspects of rural living.

There is every reason to believe that this forward-looking organization remains strong and active after so many years because its service on behalf of our rural communities has given real meaning to the democratic process both in America and abroad.

This organization is a fine demonstration of democracy in action. Every member has the opportunity to help formulate the policies of the Grange from the local group to the national level. Members generally feel at home in the Grange because it embodies the unique flavor of rural living enjoyed by so many of our people.

Today, as in the years past, the Grange is still striving to promote agricultural programs that will make it possible for farmers to share equitably in our overall national prosperity. Its efforts on behalf of our rural communities act to strengthen democracy here at home and in other countries.

The individual promise that arises out of the family farm takes on added importance in these days of conflict between the creative ideals of the free world and the slave discipline of communism. The man who owns and operates a family sized farm in the United States stands as a symbol of hope to the landless peasants in the underdeveloped areas of the world.

Since its beginning a century ago, the Grange has provided inspired leadership in the development of public policies affecting rural people and programs resulting in benefits which have redounded to the credit of people throughout the Nation, both rural and urban.

The legislative accomplishments of the Grange have been many. Since 1867 it has been influential in development of programs to improve rural roads. More recently it has been a dominant force in supporting legislation providing for interstate highway programs now underway.

Grange leadership was effective in bringing about the enactment of legislation which resulted in the creation of the Federal Extension Service, vocational agricultural programs, and agricultural research.

The Grange led the fight that gave Cabinet status to the U.S. Department of Agriculture, and has been a leading supporter ever since.

Its leadership was influential in the initiation of rural free delivery, in the development of farmer cooperatives, and in legislation which created the Rural Electrification Administration and the rural telephone program.

Currently, as in years past, the Grange is a leading supporter of the national school lunch program, the special school milk program, and the food stamp program. Its support in food aid to needy has not been limited to our domestic areas. The Grange has supported in the past, and continues to support U.S. policy affecting assistance to other nations. It currently supports programs leading to the establishment of self-help programs for the improvement of the agricultural economies of the underdeveloped countries.

The dedication of the Grange to the task of building a better rural America during the past 100 years, offers continued assurance of the kind of leadership required to deal effectively with rural problems in the years ahead.

A LETTER OF APPRECIATION FROM THE CONGRESS OF THE UNITED STATES OF MEXICO

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Albert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ALBERT. Mr. Speaker, under unanimous consent, I include at this point in the Record a letter from the Congress of the United States of Mexico expressing its appreciation for the hospitality extended President Gustavo Diaz Ordaz, and a letter from the Speaker of the House in reply, as follows:

Mexico, D.F.,
November 14, 1967.

His Excellency, the President of the House of Representatives,
Congress of the United States of America, Washington, D.C.:

The Congress of the United States of Mexico makes evident its appreciation to the people of the United States of America and to its Honorable Congress, for the signs of affection and for the cordial hospitality with which President Gustavo Díaz Ordaz was received on his recent official visit to that country.

In a special manner it [Congress of Mexico] congratulates that Legislative Body [United States House of Representatives] on the liberty provided representatives of other friendly peoples to speak to that body and on the impartiality with which they are received.

Daniel Chowel Cázares,
President of the House of Representatives.
Lic. Florencio Barrera Fuentes,
President of the Senate.

The Speaker's Rooms,
U.S. House of Representatives,
Washington, D.C., December 7, 1967.

Hon. Daniel Chowel Cazares,
President of the Chamber of Deputies
Hon. Florencio Barrera Fuentes,
President of the Senate,
Mexico, D.F., Mexico

Gentlemen: On behalf of the United States Congress, and particularly of the House of Representatives, I wish to express our appreciation for your gracious letter of November 14th. We were pleased and honored that President Gustavo Diaz Ordaz could accept the invitation to address us. I know you are justifiably proud of the very able and forthright manner in which he represented Mexico.

It is my sincere belief that his visit to our capital, although brief, marked a new high in the cordial relations and mutual understanding between our two nations.

With high personal regards, I am,
Sincerely,
John W. McCormack,
Speaker of the House of Representatives.

DEPARTMENT OF JUSTICE SLOW TO RECOGNIZE CONGRESSIONAL INTENT IN CREATION OF THE OFFICE AND THE DEPARTMENT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Blanton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BLANTON. Mr. Speaker, the Office of the Attorney General of the United States was created by the First Congress, meeting in 1789. It was designed to serve not only the President and the executive branch, but to serve the legislative branch as well. Not until 1814 did the Attorney General become an actual Cabinet member, and not until 1870 did Congress establish a department for the Attorney General to direct.

The chief purposes of the Department of Justice under title 28, United States Code, section 503, are to provide means for the enforcement of the Federal laws, to furnish legal counsel in Federal cases, and to construe the laws under which other departments act. It conducts all suits in the Supreme Court of the United States, supervises the penal institutions of the United States, and investigates and detects violations against the Federal law.

I submit that the Department of Justice, under the Attorney General, has unfortunately been slow in recognizing the congressional intent in the creation of the Office and the Department itself. I can find no historical fact which establishes this Department as solely an agent of the executive branch, which is the present trend of the Department's activities.

By statute, by congressional intent, and by historical perspective, the office of the Attorney General and the Justice Department clearly has a duty to diligently work to see that violations of the Federal laws are met with swift reaction by the facilities and the legal brainpower of the Department. It has no authority from its creative statutes, nor from any congressional mandate, to choose which Federal laws it wishes to enforce, and which to disregard in its enforcement of violations thereof.

And while the Attorney General is appointed by the President, he occupies his position through the consent of one of the arms of the legislative branch. But more importantly, the Justice Department stands in a unique relation to Congress, since it is charged with the enforcement of the laws which Congress itself enacts. Historically and by necessity, the Justice Department should maintain a close rapport with Congress, for it is one of the most important Federal departments and it must make clear to the people that laws which Congress has passed should be abided by, and that when there are violations, the Government cannot, for the sake of an orderly society, turn its back on violations, nor can it selectively choose areas of emphasis.

I have become alarmed at a recent trend of the activities of the Justice Department. I am alarmed that the trend in the past decade has been to make a political football out of the office of the Attorney General, much in the same tradition as the Postmaster General's office. It is a bad precedent which has been developed, and is particularly alarming to members of Congress. Second, I am alarmed at the apparent philosophy which has developed in the Department of Justice which chooses areas of Congress-made laws to emphasize and to direct most of their skilled manpower and energies. All the laws are important, all are created for particular needs, and all should be enforced. But the most alarming trend, and one which is becoming quite clear regardless of any denials from the Department, is that it has developed the system of selective enforcement. In other words, the Department turns its back on the enforcement of some laws, apparently because, rightfully or wrongfully, it may feel that the Supreme Court of the United States will not enforce the law when it reaches that bench for review. This is not and has never been the duty of the Justice Department—that of second guessing the Supreme Court. The duty is clear, and is spelled out in the statutes. It must enforce the laws passed by Congress, and it has no authority, express or implied, to choose those it feels best.

I can almost swallow, however reluctant, the trend of the Justice Department in presupposing itself as a sole and exclusive agent of the executive branch. But I can not even tolerate the thought of the Justice Department utilizing this "selective enforcement" theory it apparently is engaged in.

I can point out some glaring examples of the use of this "selective enforcement" theory which the Department has put into practice.

First, the Selective Service Act calls for the punishment of those who would encourage others to evade the draft. Another provision calls for the punishment of those who willfully destroy their draft cards. Both provisions have been violated so many times in the past 2 years and so openly and flagrantly, that I need not document specific examples. The public demands an answer why the Government does not act. We Members of Congress read mail every day asking why such violations of the law are permitted. We are blamed for allowing this tolerance of lawbreaking. Yet it is the Justice Department who carries the burden of enforcing the law. Congress has the laws on the books.

Second, the demonstrations at the Pentagon, which cost the American taxpayers more than $1.06 million, were staged with the express and avowed purpose of closing down the Defense Department. Ample evidence has been documented showing that Communist elements and organizations not only participated in the demonstrations themselves, but likewise helped finance and organize the entire endeavor. Such activities clearly fall within the Sedition Act of 1917. Yet, have we had any indictments? Have we had any serious attempt to prosecute? And even more alarming, the Justice Department and the President, apparently in fear of promulgating another "McCarthy witchhunt," have refused to even announce that evidence has been compiled which show that subversive activities are involved in some of the demonstrations.

Third, I am one American who has become a bit weary of hearing about the escapades of black power agitator Stokely Carmichael. Yesterday in France he advocated the overthrow of the U.S. Government. His words were typical of the speeches he has made in Communist capitals throughout the world. He talks freely about forming groups advocating violence in the United States, and he has accomplished some of his goals in the riots last summer.

Clearly and openly, and self-admittedly for him, Carmichael's activities fall within a number of statutes which could punish his activities against our country. The State Department advises us that it will lift his passport when he returns to the United States. We all know how ineffective this is. It is not even a pat on the wrist, as people involved in questionable activities in the past have flagrantly violated the passport bans and continue traveling to Communist countries without any prosecution by the Justice Department.

The point of this entire dilemma is that we must ask ourselves whether the Government agency, charged by statute to enforce the laws, helps the national situation by its use of the "selective enforcement" policy. With a crime rate soaring in unprecedented heights, I think the general breakdown of respect for the law can in some way be traced to the lack of faith people have in law enforcement. When the U.S. Government itself refuses or is slow in enforcing the laws, can we expect crime to be abated? Can we expect the people to have faith in our Government when it simply will not function as it is dutybound to do so.

If the people of the United States are going to continue to be subjected to riots and general lawlessness, and their Government does little more than pay lipservice to doing something about it, then the end result is quite clear. We need more work from the Justice Department in actual enforcement of the laws than all the philosophical studies of crime can ever produce. We need less talk and more action, and it appears to me as if the Department of Justice and the Office of Attorney General has been woefully negligent in the latter.

HOPE FOR GREECE?

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Cohelan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COHELAN. Mr. Speaker, in this morning's New York Times is an editorial comment pointing up the prospect that democratic constitutional rule can be reinstituted in Greece—maybe in the next few weeks or months.

The new hope seen by the Times stems from the recently published statements by former conservative Premier Constantine Caramanlis. Mr. Caramanlis has said in statements, published remarkably in the Athens newspapers, that the members of the present military junta in Greece are "putschists" and "imbeciles" and do not even consider returning to democratic rule. Mr. Caramanlis' statement is not new in content, but it is from a new source and it has been published in the newspapers. And, the junta has responded in the most awkward and transparent fashion to the charges.

Mr. Speaker, I think that the time may be near when we can see a return to democracy in Greece. I believe that we in this country must remain alert and sensitive to this potential so that we may avoid strengthening the junta and may provide appropriate encouragements for the return to free and democratic principles.

I would like at this point to insert the New York Times comment in the Record:

Caramanlis Jolts the Junta

Constantine Caramanlis may have fused the forces necessary to throw the military junta out of power in Greece. The former Premier's call on the junta leaders to quit; his description of them as "putschists," and his charge that "it does not enter their minds to re-establish democracy" have now been printed by all Athens daily newspapers in a spectacular backdown by Col. Papadapoulos, Brigadier Patakos and company.

The fact that the newspapers also had to print the military regime's clumsy counterattack, linking the stand of the conservative Mr. Caramanlis with that of the Communists, is of little importance. What Mr. Caramanlis has done is to stiffen some important backbones in Athens and evidently drive a wedge between some civilian members of the Cabinet and the military rulers.

At a news conference in Paris Mr. Caramanlis exuded confidence that the "imbeciles," as he called the junta leaders, were already on the way out. He acted like a man who expected to be called home soon and charged by King Constantine with forming an interim civilian government to carry out reforms and write a new Constitution.

It is not yet clear how this can come about, but it might be accomplished with the help of officers still loyal to the King and with the support of all democratic forces in Greece.

Some civilian ministers who have been trying to keep the junta on a timetable for restoring constitutional government late next year are former lieutenants and close friends of Mr. Caramanlis. Former Premier George Papandreou, leader of the Center Union party, has reportedly offered to serve under Mr. Caramanlis in a coalition, despite their long-standing political enmity.

There are risks in Mr. Caramanlis' present course. His bold move will recall for some the saying that he was the best Premier but the worst politician Greece has had since World War II. But he clearly had concluded that to remain silent would constitute the greater danger. He has joined a distinguished list of Greeks who reject totally the claims that the coup last April was necessary to save the country from Communism and that the junta really intends to restore constitutional government.

Whether their remaining time in power be measured in days, weeks or months, the junta leaders will be haunted by the Caramanlis warning that the Greeks "will not permit the maintenance of dictatorship under any form whatever."

LE GRAND CHARLES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Cohelan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COHELAN. Mr. Speaker, in recent weeks the President of France, Monsieur Charles de Gaulle, has made several statements and taken several actions which have not only outraged international leaders and financiers, but have begun to seriously offend the American people.

I would like to insert in the Record at the conclusion of my remarks a press release issued recently in northern California by a former chairman of the Democratic State party and a former Republican national committeeman. In this release, these distinguished gentlemen propose that Americans stop buying French goods and postpone travel to France. No more Noilly Prat, no more cognac or champagne or burgundy and no more perfume for the ladies. Why? Because:

None of us want slavish gratitude for having liberated France and then saved it from communism by the Marshall plan and the expensive nuclear umbrella, but those who did—we Americans, the British, and the Canadians—do want and deserve something more than a vendetta to destroy us.

Mr. Speaker, if Le Grand Charles persists, more Americans will be saying, "Why not do as these two Californians suggest?" Why not?

Le Grand Charles

Two San Francisco attorneys, Roger Kent and Joseph Martin, Jr., Kent former Chairman of the Democratic State Party and of the Western States Democratic Conference, and Martin, former Republican National Committeeman from California, today called for a "massive boycott of French products and French travel" in retaliation for De Gaulle's announced attack on the dollar. The joint statement follows:

"We're as fed up with Charles De Gaulle and his France as most Americans, Britons and Canadians, and we have a recommendation for the American people.

"Providing De Gaulle with dollars is like buying ammunition for a homicidal lunatic. They are his weapon in his announced campaign to 'break the dollar.'

"Let's have a massive boycott of French products and French travel. We have serious doubts about the ethics of certain kinds of secondary boycotts, but none about the ethics or the practicality of the one we suggest. We urge that the American people deny him the means to injure us.

"None of us want slavish gratitude for having liberated France and then saved it from Communism by the Marshall Plan and the expensive nuclear umbrella but those who did—we Americans, the British and Canadians—do want and deserve something more than a vendetta to destroy us. De Gaulle boasts of forcing British devaluation and keeping them out of the common market. He is trying to incite a civil war in Canada.

"We urge all Americans to cease buying French products of every kind and urge them to postpone their trip to Paris until French leadership renounces De Gaulle's outrageous programs and we hope our equally aggrieved friends in Britain and Canada will join with us."

RECOMMENDATION THAT "AWARD FOR BRAVERY" BE GIVEN TO UNIVERSITY OF OKLAHOMA

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BLANTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BLANTON. Mr. Speaker, if there is such a thing in college football as an "award for bravery," I hereby recommend that it be given to the University of Oklahoma.

The Sooners have accepted a bid to the Orange Bowl in Miami, and they will be playing my alma mater, the University of Tennessee Volunteers.

Now everybody who follows college football knows that the University of Tennessee is the No. 1 football team in the Nation. I think, in view of this fact, that it takes raw courage for Oklahoma to accept an invitation to play the Vols before a national television audience.

And of course, when Tennessee plays in a bowl game, a hefty portion of our State's population usually attends. This means that followers of the Sooners will be very few in Miami, and they will not only have to endure the rugged playing of the Vols, but an overwhelming partisan crowd of Vol supporters at the game.

I want to express my sympathy to my esteemed colleagues from Oklahoma, for I am sure that they realize the outcome of this gridiron skirmish is predestined. I think when they take a look at the impressive record Tennessee has compiled this year, with the colorful and thrilling victories they have annexed in a very tough schedule, they can save the nail biting and just console themselves with the thought that at least they will have had the honor of having an Oklahoma football team on the same field with the mighty Volunteers.

Again, Mr. Speaker, I recommend that the Sooners be given recognition for outstanding courage and bravery for their acceptance of the challenge in Miami on New Year's Day. Since no doubt it will be a long trip home from Miami to Oklahoma for the Sooner football team, I am making arrangements to send them copies of the book "Profiles in Courage" to console them.

AN ADDRESS BY ORVILLE L. FREEMAN

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BLANTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BLANTON. Mr. Speaker, I wish to take this opportunity to call to the attention of my colleagues an address delivered by the Honorable Orville L. Freeman, Secretary of Agriculture, during the annual meeting of the Tennessee River Valley Association at the University of Tennesse, Knoxville, last Tuesday, December 5.

Secretary Freeman expounds a theme, which I have been emphasizing for some time—the necessity of revitalizing rural America to reverse the migration from farm to city which has contributed to our metropolitan slum, riot, and ghetto problems. I am in full agreement with the Secretary's efforts to industrialization of rural America and have enjoyed working closely with the Secretary and his Department.

The Secretary made some very instructive comments on means of combatting this situation through the resources of the U.S. Department of Agriculture. Under unanimous consent I include his remarks at this point in the RECORD:

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN, BEFORE THE ANNUAL MEETING OF THE TENNESSEE RIVER VALLEY ASSOCIATION, DEC. 5, 1967

A few weeks ago, following my appearance before the National Conference of City Planners in Washington, D.C., the *Baltimore Sun* ran an editorial titled: "Freeman's Magnificent Obsession." It said—and I quote, in part: "The Secretary of Agriculture is obsessed with the idea of developing alternatives to city living. Urban America could use more such obsession."

In the USDA pamphlet *Communities of Tomorrow*, I did my best to set this dream to words in this passage:

"Imagine, if you will, a time in the future when the American landscape is dotted with communities that include a blend of renewed small cities, new towns, and growing rural villages. Each is a cluster with its own jobs and industries, its own college or university, its own medical center, its own cultural, entertainment, and recreational centers, and with an agriculture fully sharing in the national prosperity.

"Imagine hundreds of such communities that would make it possible for 300 million Americans to live in less congestion than 200 million live today—that would enable urban centers to become free of smog and blight, free of overcrowding, with ample parkland within easy reach of all."

I suppose my dream of this nation building the kind of Town and Country USA that will offer a practical alternative to the stifling congestion of our cities could be termed something of an obsession, if, for no other reason, because I believe in it so deeply and I think it is so right.

In this respect, I suppose, I'm something like President Teddy Roosevelt's pet mongrel terrier. The President was very fond of the dog, but the little mutt had one fault—he had an obsession about fighting other dogs.

Every morning the President would let him out and a few hours later, the dog would invariably come back to the White House thoroughly whipped, very bloody and generally mauled.

The dog never gave up. But one day he turned up so badly chewed and beaten that the President was alarmed. He called his Secretary of Agriculture and asked whether the Department of Agriculture had a good vet on its staff. Roosevelt told the Secretary what had happened and about the dog's incurable proclivity for fighting,

The Secretary asked: "What's the matter with your dog, Mr. President, isn't he a good fighter?"

"Oh, he's a heckuva good fighter," the President replied, "it's just that he's a darn poor judge of other dogs."

Well, I've had my share of battles during my seven years as Secretary of Agriculture—I have the scars to prove it—and I have lost my share of them. But this is one I intend to win.

My confidence is based on the widespread and growing support that I am getting from every level of government, from industry and business and from great organizations like yours.

You people in the Tennessee River Valley Association are demonstrating the kind of new awareness and concern that is coming to the front all over rural America. And, I would emphasize, that the same awareness and concern is evident among big city mayors and urban organizations and planners whose stake in the rebuilding of rural areas is as great as it is for you who live there.

The blunt truth is: people everywhere are beginning to realize that finding a proper balance of space and people is crucial to the very survival of this nation as a place in which free men can live and work. How did we as a nation ever permit this critical impasse of too many people on too little space to develop to a stage where it is endangering the basic fabric of our society?

The answer is not a simple one but I shall try to sketch, in broad strokes, what I believe to be the underlying causes of the present rural-urban imbalance.

It goes back to 1917. I can assure you that I was not aware of it at the time, but about that year the American population became more urban than rural. For the first time, more people lived in the cities than in the country.

When this was confirmed by the Census of 1920, one American farmer produced enough food to feed eight persons; today he can feed almost 70. His productive capacity has increased by 25 percent in just the last seven years.

I will not bore you with details, but that technological revolution in agriculture, with its accompanying reduction in jobs in the countryside, spurred an exodus to the cities that has brought us to the point where 70 percent of the people in this nation occupy just over 1 percent of the land.

That leaves 30 percent on the vast remainder of our land area, a remainder of dwindling opportunity as agriculture's entrepreneurs and its hired hands—the commercial blood of small town America—become fewer. Farm jobs in Iowa, for example, were cut in half in 15 years, and the process continues.

Where can these displaced persons go? So far they have mostly gone to the big cities, and, as matters stand, they will continue to go there.

Small town America can't take them. It is losing the base for its mercantile and service function. A survey, again in the farm state of Iowa, showed that farm women drove an average of 33 miles to buy clothes. They went to the cities—small and large—because the home town merchant no longer could stock the selection they wanted.

This decline has contributed to the fact that for every 177 rural youngsters who reach working age today, there are only 100 jobs available in Countryside, U.S.A.

It means that the march to the cities continues at the rate of about 500,000 to 600,000 a year.

All too often, these migrants find no more opportunity in the city than in the country which they left, but they stay, adding to the congestion and to the problems of our cities—cities that are running, as one mayor put it, as fast as they can to stay as close behind their problems as possible.

So this is the challenge of today, of 1967: Decay in the countryside; congestion, pollution, tension, strife in the cities.

This challenge of 200 million Americans at odds with their environment is great enough—but implicit in the fact of 200 million of us today is the projection that in less than 33 years, in the year 2000, there will be 100 million more of us, 300 million Americans.

That means 100 million more living, breathing human beings—your sons and daughters and mine, and our grandchildren—

all entitled, as you and I, to pursue the American dream.

Ladies and Gentlemen, unless you and I and every other thinking American act now, that dream will be a nightmare.

It will be a nightmare because if the present trend continues, virtually all of those new Americans will be piled into urban areas covering 4 percent of the land, holding 81 percent of the people.

And that, my friends, will be congestion with a vengeance. It will mean pollution that suffocates and tension that kills.

I believe that we *can* achieve a proper balance of land and of people—what I call rural-urban balance—and I believe that we can do it by the year 2000.

But I have no illusions about the size of the problem.

Consider this: Despite the "pill," and despite family planning institutes and birth control clinics, the men, women and children in small town and farm America today will create by the year 2000 a minimum of 24 million human beings for whom there will be no place, no opportunity in rural America—*unless we act to put it there.*

It is clear to me that no government at any level can provide opportunity for 24 million persons—which is four times as many people as you now have in all of Tennessee and Alabama combined.

However, the Federal government can help. It does have resources you can use. State, county and local governments can help even more because they are closer to the people and the problem. But in the end, it is people and organizations of people like yours who share a common cause and common aspirations who must carry the major load of responsibility.

This, I am convinced, you are ready to do. You have the leadership, you have the desire, you have the people and your approach to the problem is right.

So I have come here today to discuss with you how the Federal government can cooperate with and assist you in attracting new industry and business, creating new jobs and generally improving the quality of living in the Tennessee Valley area.

Creating new permanent job opportunities in small rural towns and cities starts with attracting new business and industry.

Today, business management places great emphasis on three factors in making its decision for location in rural areas:

1. Availability of financial assistance
2. Availability of trained and usable manpower in a given area
3. The general livability of a town.

Never before has management been as interested in the health and welfare of their employees and in the human aspects of industrial location.

Edward M. Clark, president of the Southwestern Bell Telephone Company, has said:

"It doesn't do much good to have good working conditions within your plant if you don't have good conditions in which your employees exist at other hours."

In other words: "To attract, you must be attractive."

Along within an adequate industrial site and transportation facilities, you must offer a community that has good schools, good recreation facilities, adequate water and waste disposal systems, good looking homes and space for additional homes as you grow, and generally a good place to live in as well as work.

Recently, I was told about a town in Tennessee with a population of around 5,000. The town was told by one industrial prospect that it needed a hospital before any new plant would locate there. So the town built one. It also built a new gymnasium and a $40,000 auditorium and some extra housing. Still, no industry came in. Finally, an electronics company with a potential employment of 1,500 visited the town and was just on the point of signing up when the firm's executive asked: "And where's your golf course?" The town didn't have one and the firm located in Georgia.

Today, the U.S. Department of Agriculture is in a position to help every rural community in America to become more attractive to business and to people.

Let me cite just one example—Warren County, Tennessee.

We are very proud of what we were able to help achieve there. I have used the Warren County story with pictures and slides before Congressional committees and before dozens of groups as a prime example of what can be accomplished for a whole county—not just one community.

Warren County—like most rural counties in America—had been losing population. Its young people were leaving. Its small towns lacked water systems. Business was leaving Warren County—not coming in.

In March 1963, we made our first loan to build a water system in the town of Lower Collins. Since then we have made four additional loans within the county for a total of $1.4 million to establish five rural water systems and 133 miles of water lines serving nearly 7,000 people. In addition, through the efforts and cooperation of the Technical Action Panel, the county was able to secure more than $2 million in loan funds from the Department of Housing and Urban Development, to extend its water systems to more people.

Warren County now has a water line along every major highway in the county and along several of its secondary roads.

Four new industrial plants have been constructed within the county and a fifth large plant with 1,500 jobs is currently being negotiated.

Seventeen small businesses have been started.

Over 300 new rural homes costing $3.5 million have been built and nearly 500 houses have been remodeled. Home construction continues.

Nearly $1 million in community building improvements have been completed and the State of Tennessee has purchased a $500,000 tract within the county for a new park.

Today, Warren County is on the move.

And Warren County is no isolated case.

This year, with our loan and grant program for community facilities we expect to provide financial assistance to upwards of 1,200 rural communities to construct or improve water and waste disposal systems that will benefit a million rural people. Hopefully the level of activity in this program will continue to grow.

Our rural housing program is now operating at a loan level of nearly a half billion annually. That compares with only $95 million in 1962. This is the equivalent of nearly 50,000 new rural homes each year.

Our community facilities and rural housing program, in addition to upgrading the quality of living for millions of rural people each year is also providing some 75,000 man-years of on-site employment in rural areas every year.

We can make loans up to $4 million to local nonprofit associations to develop large scale outdoor recreation facilities and nearly 500 communities have done so since 1963. These facilities include golf courses, swimming pools, athletic fields, parks and campsites.

In addition, the Department of Agriculture has programs to develop small watershed projects to provide water reservoirs for industrial and consumer and recreation use. We have a loan program to assist low-income farmers and other rural residents to increase their family living incomes in farming and by financing small business and service enterprises. The ASCS has a Grassland program to enable rural communities to purchase land for parks and other recreational facilities.

The importance of these programs is being demonstrated every day all over the nation. I can assure you we do everything within our resources of authority, money and personnel to make them available to the people they are designed to help, with maximum efficiency.

Let me hasten to add, however, that we of the U.S. Department of Agriculture are the first to emphasize that rural areas and small rural communities need other programs and additional types of assistance to fully develop their potential.

Other Federal departments are making some of these programs and services available.

Rural areas need the manpower training programs now offered by the Department of Labor and the Office of Economic Opportunity.

One of the great problems of rural America—and particularly in the South—is its large, unskilled, poorly educated agricultural work force no longer needed to till the land. Machines and automation have largely replaced the need for unskilled labor. Therefore, in your plans for attracting new business and industry, it is vital that an adequately funded manpower training program be included.

Everywhere I have traveled in this country, there are plenty of jobs—but only for skilled labor. The untrained must become trained if you are to build good communities.

Rural areas also need adequate health and education facilities in order to create a complete and viable rural community. The Department of Health, Education, and Welfare can help provide such programs.

Rural communities also need the programs offered by the Department of Housing and Urban Development. Slum clearance and housing redevelopment is a small town as well as a big city program. When the programs of HUD are combined in rural areas with USDA's rural housing loan programs on a total community basis, exciting improvements take place.

But I submit, my friends, all the programs that your Federal and State governments can provide, plus all the good intentions you might have, will not create the attractive town and country alternative the nation needs—unless these programs are carried forward within a framework of multi-county comprehensive planning that makes it possible to know precisely what we are doing.

Too many of our cities have tolerated undisciplined growth without planning until some have reached a point of no return. A point, I might add, where many urbanologists now agree with Frank Lloyd Wright, who said it would be cheaper and better to destroy most of our cities than try to rebuild them.

This luxury—the luxury of nonplanning—neither rural America nor the nation can afford.

Fortunately, an increasing number of states and the Federal government are encouraging multi-county comprehensive planning. At the Federal level, the Economic Development Administration, HUD, and USDA all are pushing for better planning. In the USDA, Rural Renewal and Resource Conservation and Development Programs authorized in the Food and Agriculture Act of 1965 move strongly in that direction.

Many of you are aware that the Administration has recommended and Congress is considering some important changes in the "701" planning authority.

These changes would permit HUD to make matching funds available to State governments for comprehensive planning on a multi-country and even a regional basis.

In the meantime, as our authority and capacity to plan the most efficient use of our resources grows, we are moving ahead throughout the nation to bring Federal technical assistance and program support to Town and Country USA.

Too often in the past, Federal programs have stopped at the boundary lines of our cities simply because rural communities could not afford the trained staff of technical people needed to apply for these programs.

Today, the Department of Agriculture is trying to fill this program and technical assistance gap that has existed so long in rural America.

In a recent Executive Order, President Lyndon Johnson established the "outreach" function which provides a new and important dimension in his continuing efforts to revitalize rural America.

In that Executive Order, President Johnson directed the Secretary of Agriculture to make available the services of all the field offices and personnel of the USDA so the full thrust of other than USDA Federal programs would reach out into the countryside.

Serving as the "action team" for this outreach function are the state, district and local Technical Action Panels.

We now have some 3,000 such TAP's in all 50 states and Puerto Rico.

Many panels are keyed to multi-county development.

Panel members include representatives of USDA field agencies of which there are at least four in every rural county and other public officials in the education, employment, credit and health fields—state and Federal who can contribute to community development.

The Farmers Home Administration provides panel leadership and the county Extension agent is charged with providing educational and organizational assistance.

Through the TAP panel, leaders in every rural community now have on their doorstep public officials who are ready, willing and eager to help them to plan for the future and to gain ready access to applicable Federal programs.

Rural people now have only to call the office of any member of a technical action panel in their county to find out about government programs that deal with agriculture, housing, transportation, education and health facilities, recreation and cultural facilities, water resources, parks and forests, social rehabilitation, emergencies and disasters, loans to small business, and all the other programs which rural people can use.

Never before in history has such a body of community-building programs and such a system of technical assistance been available to rural areas.

This Technical Action Panel system is tailor-made for an organization such as yours blessed, as it is, with knowledgeable and competent leadership at all levels.

You who live in this great Tennessee Valley area have many things going for you that few other rural areas enjoy. You have your highly developed power and navigation resources from TVA. You have the unmatched natural beauty of your forests, streams and dam reservoirs. You still have valuable stores of natural resources underground. And, of course, you have progressive people.

With the proper kind of comprehensive forward planning you can build "communities of tomorrow" that will match the aspirations and hopes of your people providing jobs for young people and others who wish to stay, to return or to come. You can build the kind of livable, healthy and rewarding society and environment that no big city or metropolitan area can match.

To this end—I pledge you the fullest cooperation from this Administration as you plan and build.

Nobody feels more strongly about the revitalization of rural areas than do President Johnson and myself.

A year ago at Dallastown, Pennsylvania, President Johnson said:

"I want to see more factories located in rural areas.

"I want more workers to supplement their incomes by part-time farming.

"I want those who love the land to reap all the benefits of modern living.

"Not just sentiment demands that we do more to help our farms and rural communities—I think the welfare of this nation demands it."

I agree. So do you. That is why you are here.

I thank you for this opportunity to discuss with you my favorite obsession—for it is you, the people, who will truly make it a magnificent one—a magnificent Town and Country, USA.

Thank you.

PRESIDENT TAKES ANOTHER STEP TO AID OUR CITIES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Adams] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ADAMS. Mr. Speaker, President Johnson has taken another in a long series of steps to meet and solve urban problems, with the announcement that six prominent Americans will help form America's first Federal Institute for Urban Development.

This is a welcome addition to the administration's poverty, housing, model cities, ghetto job programs, all aimed at the same vital objective—to make our metropolitan areas safe, decent places to live and work.

The Institute will provide the information, talent, and ideas to make comprehensive urban planning a reality. It will blueprint the problems which face our cities, large and small, in the 20th century, and study the relationship of these problems to our institutions, the resources and programs. It will raise questions as well as present answers.

No longer will Government act without a knowledge of the broader aspects of an urban problem. No longer will agencies develop programs without noting their relationship to efforts at other levels of government.

Much remains to be done. But greater progress has been made in the Johnson years in solving our urban ills than at any time in our history. Problems forgotten by other Presidents have been brought to light by this President.

The President's Institute for Urban Development will hasten the day when we will point with pride to attractive, uncongested livable cities.

DOLLEY WAS A SWINGER

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Kornegay] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, next May will mark the 200th anniversary of the birth of one of our Nation's most charming and most beautiful First Ladies. I am today introducing a bill to provide for a commemorative postage stamp to be issued during 1968 in honor of Dolley Madison.

Dolley Madison, the wife of our fourth President, was born May 20, 1768, in the Guilford College settlement of what is now a part of Greensboro, N.C., about 2 miles from my own home.

Dolley Madison was a beauty and a charmer as were and are many of her successors in the White House. And, it was Dolley Madison who established a social pattern and tradition for First Ladies.

It is my great hope that the Congress will enact a special stamp commemorating Dolley Madison, not only to honor a charming social hostess, but one that also will honor many other First Ladies who have since added glamour and grace to the home of our Presidents.

To give additional insight to the nature and character of Dolley Madison, I am including an article by a noted North Carolina author, Ethel Stephens Arnett, which was published in Greensboro Business, a publication of the Greensboro Chamber of Commerce. The article follows:

[From the Greensboro Business, January 1967]

Dolley Was a Swinger

(By Ethel Stephens Arnett)

(Note.—The participation of O. Henry and Dolley Madison relatives in the Chamber's 89th Annual Meeting and other recent emphasis on these well known natives of the Greensboro area have aroused considerable member interest in them. So that readers of Greensboro Business may be better informed about these famous Nat Greenes, Ethel Stephens Arnett has prepared these special articles on them. Mrs. Arnett, wife of the late Alex Mathews Arnett, professor of history at Woman's College of the University of North Carolina, is author of "The History of Greensboro," published in 1955 under the Chamber's auspices.)

Dolley Madison, North Carolina's only First Lady of the United States, was the wife of President James Madison and beautiful hostess of the White House during his presidency from 1809 to 1817. Born on May 20, 1768, her family had been living since 1765, in the Guilford College settlement which is now within the corporate limits of the City of Greensboro.

When Dolley was about eleven months old, her Quaker parents, John and Mary Coles Payne, and her older brothers, Walter and William Temple, moved to Hanover County, Virginia, which had been their former home. During childhood she attended first an old-field school and later a Quaker school near-by, but her ambitious parents decided to move to Philadelphia where their children could receive better religious training. John Payne was violently opposed to slavery and as soon as Virginia laws permitted (1782) he gave his slaves their freedom and in 1783 moved his family to the City of Brotherly Love. It was here that Dolley's notable life actually began.

After a delightful period as a young lady she was married in 1790 to Quaker John Todd, Jr., a promising young lawyer of the city. To them were born two sons, John Payne Todd (1792) and William Temple Todd (1793).

In the summer of 1793 a yellow fever epidemic spread over Philadelphia and Dolley's husband and younger child became its victims.

With her young son Payne, Dolley remained in Philadelphia and was soon as popular as Widow Todd as she had been as Miss Payne. Among her many suitors was Congressman James Madison who was already being called "The Father of the United States Constitution." In his courtship he must have been as convincing as he had been in the Constitutional debates for, having first met Dolley in May, 1794, by September 15 she wrote to her lifelong friend Eliza Collins (Mrs. Richard B.) Lee that "in the course of this day I give my hand to the man who of all others I most admire."

Dolley first became a public figure when President Thomas Jefferson appointed James Madison Secretary of State in 1801. Both Jefferson and Vice-President Aaron Burr were widowers, therefore Dolley, as the wife of the Secretary of State who was next in line of precedence, became Jefferson's hostess and social leader in Washington, the nation's new capital. Undeveloped as it was, Dolley set a standard of manners and style which was highly applauded. Eastman Johnson who later did a portrait of her wrote: "She has much taste. She talks a great deal and in such quick, beautiful tones. So polished and elegant are her manners that it is a pleasure to be in her company."

When President Jefferson was succeeded by James Madison as fourth President of the United States, Dolley approved of concluding the inaugural celebrations with the nation's first Inaugural Ball. By this time she was so popular that she was almost pressed to death at the ball by those seeking a close glimpse of her. One eyewitness noted that "She looked like a queen . . . It would be *absolutely impossible* for any one to behave with more perfect propriety than she did."

The Madisons enjoyed living in the White House a few years, until social intercourse was embittered by party spirit. As soon as the next presidential election became a topic of conversation, President Madison "was assailed with all the violence of political animosity, and calumnies invented where facts were wanting," wrote Margaret Bayard (Mrs. Samuel H.) Smith. "Mrs. Madison, who felt every attack on her husband more keenly than any made on herself, (and such were not wanting), met these political assailants with a mildness, which disarmed their hostility of its individual rancor, and sometimes even converted political enemies into personal friends."

In the meantime, under the direction of Dolley and Benjamin H. Latrobe, Surveyor of Public Buildings, the new President's House was decorated and furnished (Jefferson had used his own furnishings), and for years it became Dolley's setting for numerous splendid occasions of both society and state.

All her efforts were lost, however, for the government buildings of Washington went up in flames at the hands of the British during the War of 1812. When it was known that the British were headed toward the Capital City, President Madison as Commander-in-Chief rode on horseback to consult with top military men about the critical situation. Fortunately for posterity, in this tragedy Dolley exhibited a stamina of real intellect and courage, for she remained in the White House, within the sound of cannon, until a few hours before the attack when she bravely rode away from the city with her husband's valuable papers, the Declaration of Independence, important state documents, and Gilbert Stuart's large portrait of George Washington. But for her intelligence and sense of history many of the country's founding records would have been captured or destroyed.

Returning in a few days to the ruins of the capital, the Madisons rented a house and set an example of gracious living amidst the ashes of the past. Though greatly saddened by the destruction of Washington, they bore their grief with fortitude. Then in February, 1815, the treaty of Ghent which ended the war was laid in President Madison's hand, and the city went wild with joy. Into the festive drawing room of the President's House citizens crowded without regard to political party. Old grudges were cast aside while some guests laughed, some cried, but all agreed that the celebration was tremendous. This rejoicing at freedom from battle spread over the country and it has been said that at that time Dolley Madison was the most popular person in the United States. Peace and good will obtained until Madison's term as President came to an end in 1817.

Thereafter at the Madison country estate Montpelier in Virginia, Dolley worked daily with her husband on his historic papers and entertained a constant flow of guests from various parts of the world. Madison never had a secretary at Montpelier, and Dolley became his eyes, his scribe, and his capable co-worker. Close observers have written that Madison "owed much to her intellectual companionship as well as to her ability in sustaining the outward dignity of his office."

Following Madison's death in 1836, Dolley within a few years returned to Washington to live. The one thing that greatly marred her happiness was the behavior of her only living child, John Payne Todd. As the years had passed he became more and more dissipated and eventually died a disgrace to himself and his family. Although Payne's activities were generally known, Dolley was as popular on her return to Washington as she had been as First Lady. She was invited to be at the forefront on all important occasions and had a seat in President John Tyler's carriage at all official affairs.

When Samuel F. B. Morse was demonstrating, in 1844, his new telegraphic invention in Washington, Dolley was invited to witness the significant event. After receiving from Baltimore the first historic message, "What hath God wrought," Morse asked Mrs. Madison if she would like to reply. She cheerfully dictated the first social message sent by telegraph: "Message from Mrs. Madison. She sends her love to Mrs. Wethered" (wife of a Congressman who had become Dolley's good friend). And when the cornerstone was laid for George Washington's Monument on July 4, 1848, Dolley, who had known the First President of the United States, was there. Indeed, she had known all the Presidents from George Washington to Zachary Taylor. In February, 1849, she walked with President James K. Polk throughout the White House at the President's Ball. And in July of that year she died at the age of eighty-one and is buried in the Madison family cemetery at Montpelier.

Before and since her day there have been wives and wives of Presidents of the United States, but none has eclipsed the fame of North Carolina's one and only First Lady, Dolley Madison.

SEDITION AND THE JUSTICE DEPARTMENT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the Justice Department apparently is unwilling to enforce the laws of the United States against sedition.

Yesterday the press reported that Stokely Carmichael will soon return to the United States. Columnists Drew Pearson and Jack Anderson report that the President feels Carmichael should be arrested, but that the Attorney General does not agree.

[From the Washington Post, Dec. 5, 1967]

L. B. J.-CLARK DIFFER ON HANDLING STOKELY

(By Drew Pearson and Jack Anderson)

An important undisclosed policy disagreement over Stokely Carmichael has developed between President Johnson and Attorney General Ramsey Clark.

Carmichael, the rootin, "tootin" advocate of Black Power, is reported about to sneak back into the United States. This poses the question: Should he be prosecuted for sedition?

Born in the West Indies, Carmichael came to the United States to obtain a college education and American citizenship, recently has been castigating the United States from the safety of various Communist capitals throughout the world.

In Cuba, while wined and dined by Fidel Castro, he called upon Negroes to rise up in revolt against the United States. Then he went to Hanoi, curried favor with Ho Chi Minh, again denounced the adopted country which had educated and befriended him.

More recently he turned up in Denmark, where he attended the mock trial of the United States for war crimes. Carmichael had bought an airline ticket in Tanzania, permitting stops in Rome and Paris, but didn't linger in either place. He went direct to Scandinavia to make a speech at Uppsala University in Stockholm.

SNCC headquarters in Atlanta is now expecting him to return. The report is that he'll try to sneak into the United States via Canada unannounced.

If and when this happens, the Justice Department will be faced with the question of whether to prosecute.

Carmichael appears to have clearly violated the 1917 Sedition Act, and President Johnson has argued that his prosecution would put other militants on notice that there is a limit to treasonous activities against the United States of America.

However, Attorney General Clark believes this would only make a martyr of Carmichael. A great majority of American Negroes are fed up with Carmichael's grandstanding, and Clark believes he will kill himself if he continues his seditious activity.

The dean of the Notre Dame Law School, Joseph O'Meara, is quoted in the December issue of the American Bar Journal as saying:

> I profoundly believe that no man should be discriminated against because of his color. I am equally convinced that no man should be protected by his color. As I see it, Carmichael is being protected by his color.

The article follows:

[From the Fort Lauderdale News, Dec. 1, 1967]

KING, CARMICHAEL DRAFT ACTIONS HIT

CHICAGO.—Dr. Martin Luther King Jr. and black power advocate Stokely Carmichael should be prosecuted for urging young men to become conscientious objectors, the dean of the University of Notre Dame Law School said yesterday.

"Such persons are doing a disservice to the cause of civil rights by seeking to link the civil rights movement with their efforts to persuade young men to avoid military service," Joseph O'Meara said in an article in the December issue of the American Bar Journal.

"Like any other malefactors they should be prosecuted," he said, "and that goes for anyone else—White or Black—who is urging young men to become conscientious objectors. . . ."

O'Meara made reference to a 1919 Supreme Court ruling upholding the conviction of Charles T. Schenk of New York, who was charged with distributing pamphlets intimating that conscription was despotism in its worst form. Schenk was convicted under the Espionage Act of 1917.

"I submit that Carmichael's language is more violent, more provocative, more likely to inflame young men against conscription and to defy the draft than the statements made by Schenk. . . ."

"I profoundly believe that no man should be discriminated against because of his color. I am equally convinced that no man should be protected by his color.

"As I see it, Carmichael is being protected by his color. This immunity, tacitly granted for that reason to a demagogue who is giving aid and comfort to the enemy, seems to me intolerable."

He said King, Carmichael and others had the right to protest, criticize and condemn U.S. activities in Southeast Asia, but not "to obstruct the war effort as by attempting to persuade young men to refuse to bear arms for their country."

Now we are informed that Martin Luther King is "planning to disrupt the Capitol," by massive civil disobedience. He has publicly announced a plan to recruit and train 3,000 people to come to Washington to stop the orderly processes of Government, not just for a short demonstration, but "until America responds" to his demands.

[From the Washington Post, Dec. 5, 1967]

KING OUTLINES PLANS FOR PROTESTS IN THE DISTRICT OF COLUMBIA

(By Jack Nelson)

ATLANTA, December 4.—Dr. Martin Luther King Jr., announced today that thousands of demonstrators will converge on Washington next spring and disrupt Federal activities until the Government "moves against poverty."

In disclosing details of his long-planned campaign of civil disobedience, Dr. King said if the Government fails to respond with meaningful social and economic reforms, "God only knows what we will face in terms of chaos."

He spoke somberly of the threat of continuing urban riots and called his campaign "a last desperate attempt" to get the nation to respond to nonviolent action.

Failure, he said, "may well mean that the curtain of doom will fall on American civilization—I do not believe we can live through another one or two summers like we had this year."

About 3000 persons from ten major cities and five rural areas will be recruited to form a nucleus of demonstrators that ultimately will grow to number "way up into the thousands," he said. He said the demonstrators probably will live in tents scattered about Washington.

The nucleus of demonstrators will be trained for three months in nonviolent discipline and will be prepared for jail or forceful oppression, Dr. King said. "I imagine the Army may try to run us out," he added.

The decision to begin the protest "about April 1" was made last week at Frogmore, S.C., at a staff meeting of Dr. King's Southern Christian Leadership Conference. The plan was first outlined Aug. 16.

Although Dr. King did not spell out the methods of protest, he indicated they would include sit-downs to block entrances of Federal buildings, including the Capitol.

Dr. King said that while the campaign is aimed primarily at domestic reforms, peace organizations have been asked to participate and seven or eight already have assured him they will. Dr. King has long contended that the issues of peace and domestic reforms are inseparable because he says money spent on the Vietnam war keeps the Government from making expenditures necessary to alleviate the plight of the poor.

Dr. King was asked about the candidacy of Sen. Eugene J. McCarthy (D-Minn.), who will oppose President Johnson in several Democratic primaries. He called the Senator "extremely able" but said he would not endorse a candidate. He spoke of McCarthy's "great concern for urban problems" and said he has "the wisdom to see the relation of social problems to the tragically unfortunate war in Vietnam."

Throughout the United States this week there is an antidraft protest, which, like the Pentagon protest, has been organized, financed, and directed in open violation of the laws of the United States.

All of these events indicate a pattern of sedition, and a pattern of inaction on the part of the Justice Department.

Strong action is required now. The civil rights of 200 million Americans are being violated by a small minority, and their minority status should not deprive the majority of their rights guaranteed by the Constitution. It is time the Justice Department realizes it has no choice in the matter of defending the Constitution and the laws of the United States.

THE DAY OF INFAMY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, today is December 7. On this day every American reflects on an event, one single event, the memory of which will endure as long as American history is written. It is recorded as "The Day of Infamy," and so it shall be remembered. For it was on this day, 26 years ago, that the U.S. Pacific Fleet was attacked at Pearl Harbor; 7:55, Sunday morning, December 7, 1941.

I do not feel that recounting the casualties, or naming the damaged and destroyed ships, is necessary to convey the meaning of this day to my colleagues and fellow countrymen. Nor do I feel it necessary to expound on the special sense of sadness and loss this day holds for many American families. But rather, let us consider only for this moment the great blow we felt as a Nation.

Years may turn enemies to friends, or even allies, but eons cannot change facts. It was Sunday morning, Mr. Speaker, when the enemy aircraft out of nowhere, with no apparent warning, no provocation, attacked the still-sleepy Pearl Harbor. Within minutes the sky was blotted out by smoke and flames. Within an hour, our Pacific defense forces were crippled. So devastating was the attack that had the enemy realized the extent of our losses, he would probably have successfully invaded and occupied our 49th State.

But what made this relatively small island Empire attack the United States? What enabled them to launch such a surprise attack, knowing that the result would be war with the United States? And, knowing this, why did they initiate the action?

Without turning to the history books, we can recall how, once initiated, trade and cultural exchange with the West enabled the Empire to initiate and adopt the industrial methods of the West. In a short period of time, using these methods for military production, the warlords were replaced by the fighting machine of World War II.

With the rapid industrialization of the Empire, new sources of resources were needed. Southeast Asia held these needed resources, but the Empire realized that the United States would not tolerate aggression in Southeast Asia. For this reason the U.S. Pacific forces had to be destroyed.

Yet, knowing that the United States would immediately declare war, why did the Empire carry out such a scheme? The answer is simple, Mr. Speaker: They thought they could win. Their sudden emergence as an industrialized and armed power had so clouded their vision with national pride that they could not realistically evaluate the many facets of U.S. power. There was no concept of banzai or kamikaze for Pearl Harbor; it was to be the first of a series of victories over the United States.

Pearl Harbor was a crushing blow to the United States, Mr. Speaker, but let us pray that the lesson in the day of infamy is not lost in the anguish of the memory of this day. Nor let us for one moment believe that man has matured in these 26 years to a point where he is above any such sneak attack on another nation.

On the contrary, Mr. Speaker, man has only reached the point where he realizes that the only hope of victory lies in the overwhelming destruction of his enemy's retaliatory capabilities, a complete and massive surprise attack.

Let us, on this day, be mindful of the history of the past. Let us recall that it was Western technology that created the destructive forces of our enemy. Let us recall that it was the scrap iron and steel that we traded with them that was hurled back at us at Pearl Harbor.

With this great lesson of the past in mind, Mr. Speaker, let us reconsider the increased trade and cultural exchange we are now urged to extend to the Communist bloc, whose sole purpose for existence is the destruction of our country and its way of life.

There is no universal law which says that there can be only one Pearl Harbor. Should we ever make it possible for there to be another, it will be because we in this Nation have not learned from history that "eternal vigilance is the sure basis to maintain our being as a nation in this day and age.

PEARL HARBOR

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, today is the anniversary of the attack on Pearl Harbor. I have been requested by Lt. Comdr. Roy C. Hoffman, U.S. Naval Reserve, retired, to include in the RECORD an inscription which appears on the Palm Beach County Courthouse, which expresses a true American sentiment worthy of sharing on this day:

> Sleep no more, American! Your nation is in a fight to the death. World Communism and Americanism are unalterably opposed. The lines of battle are sharply drawn. The forces of good stand arched against the forces of evil, the Godly face the Godless. And you—standing there—don't assume that you are safe and secure or that you can any longer avoid being involved in the struggle. Listen, hear the groan of your fellow man's oppression, hear the rattle of chains, as the enemy prepares to enslave you. You must understand the nature of the conflict, you must have the courage to face the challenge, and you must have the will and strength to survive. In Communism only material things have value or importance. Faith, hope, and love, these three, can lift you above the level of mere matter, can give you essence rather than mere existence. You, my friend, the Individual Citizen, are the heart and soul of the nation. Only you, and your backbone, can fulfill her destiny of leading all mankind out of the wilderness of communist emptiness and nothingness. Believe in yourself, believe in your country, and believe in God. Be a good American today, so that there may always be an America.

THE FARMER AND THE PEOPLE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HAMILTON. Mr. Speaker, the book of Ecclesiastes tells us there is a time for every purpose—a time to keep silence and a time to speak. Surely it is time to speak for the American farmer, a man who is being shortchanged by the country he has helped make prosperous.

THE FARMER IS UNHAPPY

It is time to speak for the farmer and to let the people know he is a most unhappy fellow.

He is unhappy about prices. When the surplus of crops was worked off, he thought prices would be better. They are not.

A year ago corn was $1.41 a bushel on the Chicago market. Today it is $1.12. A year ago wheat was $1.79 a bushel. Today it is $1.44.

He is unhappy about taxes. A farmer told me recently that in 1962 when soybeans were bringing $2.65 a bushel, he paid $852 in property taxes on 150 acres. Today with $2.62 beans, he is paying $2,400 in taxes. In his words, "Now you tell me how I'm supposed to make money."

He is unhappy because he senses disquieting facts about agriculture in 1967.

He knows that people are leaving the farms in large numbers—an average of 800,000 a year. Farmers, who once made up the majority of our population, today are only a small minority. In the last three decades, the farm population has dwindled from 32 million to 12 million people. The number of farmworkers in 1965 was 5.6 million—down almost 50 percent since 1940. People who have lived all their lives in farms have had to make painful adjustments to urban life.

He knows that young people are in the vanguard of that exodus from the farm. Today there is opportunity for only one farm boy in 10 to become a commercial farmer. And so, farmers are getting older. By 1970 half of the farmers in America will be 55 years of age or older.

He knows that the number of farms is declining. There were 3.5 million in 1964. Today there are 3.2 million.

THE FARMER MUST SHARE IN THE PROSPERITY OF THE NATION

It is time to speak for the farmer and tell the people he is not getting his fair share of the Nation's prosperity—a prosperity which he helped create. A broke, busted, and bankrupt farmer cannot continue to produce our present abundance. The simple fact is that he is not being adequately rewarded for his efforts.

In 1967, a year of record harvests, he finds himself in the middle of the old squeeze on profits—paying more for goods and services and receiving less for his produce.

The prices he pays for goods and services has risen dramatically—about 17 percent overall in the last decade. His feed was up 12 percent, wage rates went up 37 percent, farm machines up 27 percent, motor vehicles up 19 percent.

After all the farmer is human. He has a family to clothe, feed, educate and, to a reasonable extent, supply them with the finer things of life. He knows what is happening around him. He knows the economy is vigorous, strong, prosperous. He asks only for a fair share in that prosperity.

If the consumer is to continue to get abundant and fairly priced food, the farmer has to earn more. The American people cannot expect him to remain at the bottom of the economic scale.

THE IMPORTANCE OF THE FARMER

It is time to speak for the farmer and tell the American people how important he is—as a consumer and food producer at home and abroad.

As a consumer, he spends over $30 billion a year for such things as tractors, trucks, petroleum, food, and household furnishings. His productivity is the underpinning of a vigorous economy. Agriculture is the single most dynamic force in a dynamic American economy and the farmer is the most productive worker in a marvelously productive three-quarters of a trillion dollar economy.

He supplies us with abundant food at reasonable costs. In 1966, one U.S. farmer supplied food and fiber for 40 persons, and that compares with 23 persons only 10 years ago. Production per acre has doubled since 1930, and production per man hour has tripled since the end of World War II. He supplies this food at a remarkably small price. Food continues to take a smaller and smaller share of our income. In 1966, food expenditures as a percentage of income were 18.1 percent. In the first half of 1967 they were down to 17.8 percent.

That 5 percent of our population can produce so much is one of the truly incredible achievements of the 1960's. As much as anyone, and more than most, he is indispensable to the Nation. Without him the cities would crumble and deteriorate.

He is not only the farmer for this country, but he is the farmer for the world. His abundant production makes possible an ever growing foreign trade which is an important source of income for the Nation. From 1960 to 1966 farm exports grew nearly 50 percent and exports of U.S. farm products set a record $6.8 billion in fiscal 1967. The continuing sharp increase in world demand means other lands have a stake in his productivity. His productivity will enable us to fend off global catastrophe as the gap between population and food supply widens.

The point of all this is simply to say the American people owe the farmer a vote of thanks for a job well done; for his patience, for his responsible stewardship of the soil, for his work, dedication, ingenuity, and success in making Americans the best fed people in all the world.

SOME ENCOURAGING FACTS

As all farmers know, there are some encouraging facts, too. For all of its defects, public agricultural policy has, together with the individual farmer's initiative and ingenuity, increased farm efficiency steadily. The Nation has made great investments in its agricultural sector, and although the key to solve all the problems of rural America has not yet been found (especially for the smaller farmer bypassed by the technological progress), several developments give us a soundly based hope for achieving parity of income for the farmer.

FARM INCOME

Farm income has shown improvement. The average realized net income of all farms was $2,773 per farm in 1959, and increased to $5,029 in 1966. Last year net farm income climbed to $16.3 billion—40 percent higher than in 1960. Net income per farm went up 65 percent from 1960.

EXPORTS

Exports have risen dramatically, reaching an all time high of $6.8 billion in 1966. Feed grains have become our largest single dollar earner of any export item, agriculture or industrial. One out of every four crop land acres is exported and exports provide employment for one of eight farm workers. Growth in commercial farm exports between 1960 and 1966 was nearly 50 percent.

The importance of imports should not be overlooked, either. Ten percent of our total food supply comes from abroad and without food imports our diets would be more costly and less varied.

SURPLUSES

The huge surpluses which plagued us in the 1950's are all gone. They were reduced without depressing sharply farm income. Contrary to popular opinion, the prices in surplus commodities actually moved steadily up as we disposed of the surplus in Government storage over the past several years.

FAMILY FARMS

There are an increasing number of family farms graduating into the adequate size class in recent years. Since 1959, nearly 200,000 farm families have moved to gross sales of $10,000 or more a year. These families are gaining on city workers and approaching parity of income. The expanding sector of American agriculture is the 30 percent of farms with gross sales over $10,000. The contracting sector is the remaining 70 percent with sales of less than $10,000.

Family farms, however, account for 95 percent of all farms and 73 percent of all farm marketings. It is simply not correct to say that family farms are going out of existence. On the contrary, the adequate sized family farms are increasing in number. There is no indication large corporate farms will dominate American farming in the near future, although the family farm will, of course, get larger.

FARM ASSETS

Although farm debt has increased sharply, the value of farm assets has advanced even more rapidly. Farm assets today are more than six times as great as liabilities. In 1966 the total value of assets in agriculture was $256 billion and total liabilities were $41.6 billion. The debt burden is serious but the net financial position of the American farmer has improved.

With much talk of government interference in agriculture, it is surprising to learn that American agriculture is freer of controls and regulation than many would have us believe. Basic commodity programs are largely voluntary, and farmers have broad discretion in deciding to participate or not. Only rice, peanuts and tobacco have mandatory programs, and then only after the programs have a two-thirds favorable vote by the producer.

COMPLAINTS ABOUT AGRICULTURE

Even with the favorable trends in agriculture, the temptation just to complain and gripe about the farm situation is almost overwhelming. Such complaints bring lusty cheers from farmers and the average American, who is hopelessly frustrated by "the farm problem," and grasps for simple, inexpensive solutions to complex problems.

People really cannot be blamed for their reactions. They hear the complex vocabulary of agricultural policy with no understanding; words like commodity price supports, acreage allotments, cropland retirement, concessional sales, nonrecourse loans, parity and all of the other words of art in American agriculture. They observe the contradictions of agricultural policy, as when the Government helps pay the farmer to drain his land to increase production, then pays him again to divert acres to decrease production. They complain because commodity programs do not come cheaply, costing the Nation $51 billion from 1933 to 1966. Frustrated by the complexities of it all, they often angrily blame the politician for the "farm mess."

CHANGING AGRICULTURE

Periods of dramatic change are not easy to live through or to understand and, without doubt, U.S. agriculture is changing dramatically in response to the scientific and technological changes. Farms are larger and fewer, requiring fewer men to feed the Nation. In colonial days almost 90 percent of the population farmed; today it is less than 6.4 percent. In 1935 there were 6.8 million farms, and today only 3.2 million. With the productive efficiency of the big farm, the average farm has increased from 190 acres to 359 acres.

Perhaps these basic changes in the structure of American agriculture suggest that a major shift in farm policy is needed. Such a shift should draw a major distinction between policies directed toward commercial agriculture and those designed to aid poverty in rural areas. The two problems are clearly separate, and policies should be designed for each. This distinction should underlie any suggestions for ways in which agricultural policy may make the greatest possible contribution to the national welfare.

THE GOALS OF AMERICAN AGRICULTURE

There really is not too much disagreement on the goals for agriculture. The Nation seeks an abundant supply of good food and fiber, produced as efficiently as possible and selling for reasonable prices. The farmer seeks income for his labor and investment comparable with returns for persons with equal ability in nonfarm occupations. These goals should be achieved by democratic procedures and with maximum freedom for individual farmers within the limitations of farm programs and by maintaining an agriculture based on the family farm.

Beyond this, the human problems brought about by the enormous changes now taking place in American agriculture must be met by enhancing rural life with improved education and training, industrial development, and better health, welfare and recreational resources in rural areas.

Abroad, the Nation seeks to expand commercial exports and to provide the technical assistance to enable the developing countries to meet their food needs, furnishing, where necessary, food aid for emergencies within our capabilities and consistent with our desire to see the developing nations achieve balanced development.

TOWARD A SOLUTION

How can these worthy, elusive goals be achieved? I would not pretend to have all the answers—and some will say I have none of them—but I think I see the direction in which we should move and some of the positive steps we should take.

My preference is to move in the direction of a market-oriented economy, taking care to protect and improve the farmer's income by reducing surplus production capacity and, if necessary, making payments to the farmer to assure him adequate income.

Major efforts must be made by public and private sources to enhance the farmer's position in the marketplace and improve the operation of agricultural markets by marketing research, better information, collective bargaining, marketing agreements, and cooperative buying and selling.

In my view other positive steps should also be taken, including:

First. Establish a strategic reserve—A strategic reserve should be established including stocks of emergency food aid, but the reserve should be carefully insulated from the marketplace. These reserves will be used if needed, but they are not meant to be used in competition with sales by farmers.

Second. Enlarge world trade—Every effort must be continued and new efforts made to expand commercial exports and to enlarge markets for American farmers.

Third. Land modification—Adjustments of cropland to retirement and less intensive uses such as grazing, forestry, and recreation should be made. At a time when too much capacity is our problem, policy must be less directed to new farm capacity than in the past.

Fourth. Better opportunities for rural people—Better opportunities must be found and provided for rural people, including better education, health and recreation facilities, improved credit institutions, more jobs, more adequate housing, vocational training centers, increased investment in industrial development and, in general, an upgrading of the infrastructure of rural communities. Special concern must be shown for the financial needs of young farmers, making a start in agriculture.

Fifth. Economic and technical assistance—Economic and technical assistance to foreign countries should be made to increase their food production and population planning, always insisting on maximum self-help by the developing countries. Shortrun food aid within our capabilities must be provided for emergencies.

Perhaps as much as anything, the farmer needs the understanding of the American people. As they better understand his plight, they will be concerned and act to improve his position.

Like the Bible says, "It's time to speak, to let them know." It is time to speak for the farmer and to let the people know what he is doing for America, and what America must do for him.

H.R. 4765, INCOME TAX TREATMENT OF CERTAIN DISTRIBUTIONS PURSUANT TO THE BANK HOLDING COMPANY ACT OF 1956, AS AMENDED—CONFERENCE REPORT

Mr. MILLS submitted a conference report and statement on the bill (H.R. 4765) relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended.

S. 2388, ECONOMIC OPPORTUNITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. PERKINS submitted a conference report and statement on S. 2388, the Economic Opportunity Amendments of 1967.

H.R. 7977, TO ADJUST CERTAIN POSTAGE RATES AND RATES OF BASIC COMPENSATION IN THE FEDERAL GOVERNMENT—CONFERENCE REPORT

Mr. DULSKI submitted the following conference report and statement on the bill (H.R. 7977) to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 1013)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7977) to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Postal Revenue and Federal Salary Act of 1967'.

"TITLE I—POSTAL RATES

"FIRST-CLASS MAIL

"SEC. 101. (a) Sections 4252 and 4253 of title 39, United States Code, are amended to read as follows:

" '§ 4252. Size and weight limits

" 'The maximum size of first-class mail is one hundred inches in length and girth combined and the maximum weight is seventy pounds.

" '§ 4253. Postage rates on first-class mail

" '(a) Postage on first-class mail is computed separately on each letter or piece of mail. Except as otherwise provided in this section, the rate of postage on first-class mail weighing thirteen ounces or less is 6 cents for each ounce or fraction of an ounce.

" '(b) First-class mail weighing more than thirteen ounces shall be mailed at the rates of postage established by section 4303(d) of this title and shall be entitled to the most expeditious handling and transportation practicable.

" '(c) The rate of postage for each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card conforming to section 4251(c) of this title is 5 cents.

" '(d) The rate of postage on business reply mail is the regular rate prescribed in this section, together with an additional charge thereon of 2 cents for each piece weighing two ounces or less and 5 cents for each piece weighing more than two ounces. The postage and charge shall be collected on delivery.'.

"(b) Section 4251(a) of title 39, United States Code, is amended by striking out 'and (4)' and inserting in lieu thereof '(4) bills and statements of account, and (5)'.

"(c) Subsection (d) of section 4251 of title 39, United States Code, relating to the definition of drop letters, is repealed.

"(d) The table of contents of chapter 59 of title 39, United States Code, is amended by striking out—

" '4252. Weight limit.'

and inserting in lieu thereof—

" '4252. Size and weight limits.'.

"AIRMAIL

"SEC. 102. (a) Subsections (a) and (b) of section 4303 of title 39, United States Code, are amended to read as follows:

" '(a) Except as provided in section 4304 of this title and subsection (b) of this section, the rate of postage on domestic airmail weighing not more than 7 ounces is 10 cents for each ounce or fraction thereof.

" '(b) The rate of postage on each postal card and post card sent as domestic airmail is 8 cents.'.

"(b) Subsection (d) of section 4303 of title 39, United States Code, is amended—

"(1) by striking out paragraph (1) and inserting in lieu thereof the following:

" '(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

	" 'Zones					
	Local 1, 2, and 3	4	5	6	7	8
Not over 1 lb	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
Over 1 lb. but not over 1½ lbs	.98	1.02	1.07	1.14	1.18	1.24
Over 1½ lbs. but not over 2 lbs	1.16	1.23	1.34	1.47	1.55	1.68
Over 2 lbs. but not over 2½ lbs	1.40	1.48	1.62	1.79	1.91	2.08
Over 2½ lbs. but not over 3 lbs	1.64	1.73	1.90	2.11	2.27	2.48
Over 3 lbs. but not over 3½ lbs	1.88	1.98	2.18	2.43	2.63	2.88
Over 3½ lbs. but not over 4 lbs	2.12	2.23	2.46	2.75	2.99	3.28
Over 4 lbs. but not over 4½ lbs	2.36	2.48	2.74	3.07	3.35	3.68
Over 4½ lbs. but not over 5 lbs	2.60	2.73	3.02	3.39	3.71	4.08

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

" 'Zones	Rate
Local and zones 1, 2, and 3	$0.48
Zone 4	.50
Zone 5	.56
Zone 6	.64
Zone 7	.72
Zone 8	.80.';

"(2) by deleting paragraph (2); and

"(3) by striking out in paragraph (5), subparagraphs (B) and (C) and inserting in lieu thereof the following:

" '(B) second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office (i) in an overseas area designated by the President under section 4169 of this title or (ii) in an isolated, hardship or combat support area overseas, or where adequate surface transportation is not available; and

" '(C) parcels of any class of mail exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.'.

"(c) Section 4303(f) of title 39, United States Code, is amended by striking out 'the Virgin Islands or the Canal Zone' wherever appearing therein and inserting in lieu thereof 'or the Virgin Islands'.

"(d) Section 4301(2) of title 39, United States Code, is amended by striking out the word 'eight' and inserting in lieu thereof the figure '7'.

"SECOND-CLASS MAIL PREFERRED RATES

"SEC. 103. (a) Section 4358 of title 39, United States Code, is amended—

"(1) by striking out subsection (a) and inserting in lieu thereof the following:

" '(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	1.3	1.4	1.5
Minimum charge per piece	.2	.2	.2.';

"(2) by adding at the end thereof the following:

" '(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title of qualified nonprofit organizations, are as follows:

" '[In cents]

	" 'During calendar year 1968	During calendar year 1969	During calendar year 1970	During calendar year 1971	During calendar year 1972	During calendar year 1973 and thereafter
Rate per pound:						
Advertising portion:						
Zones 1 and 2	2.35	2.9	3.45	4.0	4.55	5.1
Zone 3	2.55	3.3	4.05	4.8	5.55	6.3
Zone 4	2.95	4.1	5.25	6.4	7.55	8.7
Zone 5	3.35	4.9	6.45	8.0	9.55	11.1
Zone 6	3.5	5.2	6.9	8.6	10.3	12.0
Zone 7	3.5	5.2	6.9	8.6	10.3	12.0
Zone 8	3.5	5.2	6.9	8.6	10.3	12.0
Nonadvertising portion	1.9	2.0	2.1	2.1	2.1	2.1
Minimum charge per piece	.13	1.5	.2	.2	.2	.2

" '(2) The postage on an issue of a publication referred to in paragraph (1), the advertising portion of which does not exceed 10 per centum of such issue, shall be computed without regard to the rates applicable to the advertising portion prescribed in such paragraph.

" '(e) The postage on classroom publications, mailed in accordance with section 4359 (a) of this title, is 60 per centum of the postage computed in accordance with section 4359(b) of this title.

" '(f) The postage shall be 4.2 cents per pound on the advertising portion of publications (1) which are mailed for delivery in zones 1 and 2 in accordance with section

4359(a) of this title, (2) which are devoted to promoting the science of agriculture, and (3) when the total number of copies of the publications furnished during any twelve-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose.

"'(g) In lieu of the minimum charge per piece prescribed by section 4359(b) of this title, the minimum charge per piece for publications (other than publications to which subsections (d) and (e) of this section are applicable), when fewer than five thousand copies are mailed outside the county of publication, is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter.

"'(h) The publisher of a classroom publication, of a publication referred to in subsection (f) of this section, or of a publication of a nonprofit organization, before being entitled to the rates for the publications, shall furnish such proof of qualifications as the Postmaster General prescribes.

"'(i) For the purposes of the application of this section with respect to each publication having original entry at an independent incorporated city, an incorporated city which is situated entirely within a county, or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous.

"'(j) As used in this section—

"'(1) "classroom publication" means a religious, educational, or scientific publication entered as second-class mail and designed specifically for use in classrooms or in religious instruction classes;

"'(2) "a publication of a qualified nonprofit organization" means a publication published by and in the interest of one of the following types of organizations or associations if it is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual: Religious, educational, scientific, philanthropic, agricultural, labor, veterans, fraternal, and associations of rural electric cooperatives, program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station, and not to exceed one publication published by the official highway or development agency of a State which meets all of the requirements of section 4354 and which contains no advertising;

"'(3) "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(3) by amending the section heading to read as follows:

"'§ 4358. Rates of postage; preferred'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

"'4358. Postage rates within county of publication.'

and inserting in lieu thereof—

"'4358. Rates of postage; preferred.'.

"SECOND-CLASS MAIL REGULAR RATES

"SEC. 104. (a) Section 4359 of title 39, United States Code, is amended—

"(1) by striking out subsections (b), (c), (d), and (e) and inserting in lieu thereof the following:

"'(b) Except as otherwise provided in this section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"'[In cents]

	"'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound:			
Advertising portion:			
Zones 1 and 2	4.6	4.9	5.2
Zone 3	5.7	6.0	6.4
Zone 4	7.8	8.3	8.8
Zone 5	9.9	10.5	11.1
Zone 6	12.0	12.8	13.6
Zone 7	12.8	13.7	14.5
Zone 8	15.0	16.0	17.0
Nonadvertising portion	3.0	3.2	3.4
Minimum charge per piece	1.1	1.2	1.3.

"'(c) For the purpose of this section and section 4358 of this title, the portion of a publication devoted to advertisements shall include all advertisements inserted in the publication and attached permanently thereto.

"'(d)(1) Publications mailed in accordance with subsection (a), upon request by the publisher or news agent, may be transported by air on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). The Postmaster General may authorize the transportation of publications by air pursuant to this subsection only when such transportation does not impede the transportation of airmail, air parcel post, or air transportation of first-class mail on a space-available basis.

"'(2) The Postmaster General shall prescribe from time to time charges to be collected for matter transported by air pursuant to this section. The charges—

"'(A) shall be in addition to the payment of lawfully required postage;

"'(B) may not be adjusted more frequently than once every two years; and

"'(C) when prescribed or adjusted, shall equal, as nearly as practicable, the amount by which the allocated cost incurred by the Department for the delivery of such matter by air is in excess of the allocated cost which would have been incurred by the Department had such matter been delivered by surface transportation, but the total of such charges and the lawfully required postage shall not be less than 4 cents per piece.

"'(e) As used in this section the term "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(2) by amending the section heading to read as follows:

"'§ 4359. Rates of postage; regular'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

"'4359. Postage rates beyond county of publication.'

and inserting in lieu thereof—

"'4359. Rates of postage; regular.'.

"(c) Subsection (b) of section 4365 of title 39, United States Code, is amended by striking out 'bills,'.

"(d) Section 4369(a)(4) of title 39, United States Code, is amended by striking out ': *Provided, however,* That trade publications serving the performing arts need only to furnish such information to the Postmaster General'.

"SECOND-CLASS TRANSIENT MAIL

"SEC. 105. Section 4362 of title 39, United States Code, is amended by striking out 'four cents' and inserting in lieu thereof '5 cents'.

"CONTROLLED CIRCULATION PUBLICATIONS

"SEC. 106. Section 4422 of title 39, United States Code, is amended to read as follows:

"'§ 4422. Rates of postage

"'The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:
are as follows:

"'[In cents]

	"'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	14.0	14.5	15.0
Minimum charge per piece	1.9	2.9	3.8'.

"THIRD-CLASS MAIL

"SEC. 107. (a) Subsections (a) and (b) of section 4452 of title 39, United States Code, are amended to read as follows:

"'(a) Except as otherwise provided in this section, the postage rates of third-class mail

"'Type of mailing	Rates		Unit
	Mailed during calendar year 1968	Mailed after June 30, 1969	
	Cents	Cents	
(1) Individual piece	6.0 2.0	6.0 2.0	First 2 ounces or fraction thereof. Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of—			
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	16.0	16.0	Each pound or fraction thereof.
(B) Other matter	22.0	22.0	Do.
(C) Minimum charge of	3.6	4.0	Per piece.

After June 30, 1969, in lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 3.8 cents on the first 250,000 pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2)(A), (B), and (C) of the above table.

"'(b) Matter mailed in bulk under subsection (e) by qualified nonprofit organizations is subject to a minimum charge for each piece equal to 40 per centum of the minimum charge per piece provided in the table under subsection (a), rounded off to the nearest one-tenth cent.'.

"(b) Subsection (b) of section 4451 of title 39, United States Code, relating to mailing certain bills and statements of account as third-class mail, is repealed.

"SPECIAL RATE FOURTH-CLASS MAIL

"SEC. 108. (a) Section 4554 of title 39, United States Code, is amended—

"(1) by amending so much of subsection (a) as precedes subparagraph (3) thereof to read as follows:

"'(a) Except as provided in subsection (b) of this section, the postage rate is 12 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—

“‘(1) books, including books issued to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books;

“‘(2) 16-millimeter or narrower width films, and catalogs of such films, except when sent to or from commercial theaters;’;

“(2) by striking out in subsection (b)(1) ‘4 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof’ and inserting in lieu thereof ‘5 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof’;

“(3) by inserting in subsection (b)(1)(B) ‘museums and herbaria,’ immediately following ‘public libraries,’;

“(4) in subsection (b)(2) by striking out ‘and’ at the end of clause (E); by striking out the period at the end of clause (F) and inserting in lieu thereof ‘; and’; and by adding at the end of such subsection the following new clause:

“‘(G) museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the education work and interests of museums and herbaria.’;

“(5) by inserting in subsection (c) ‘or narrower width’ immediately following ‘16-millimeter’, and ‘museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria,’ immediately following ‘sound recordings,’; and

“(6) by amending subsection (e) to read as follows:

“‘(e) Articles may be mailed under this section in quantities of one thousand or more in a single mailing, as defined by the Postmaster General only in the manner directed by him.’.

“(b) Subparagraph (6) of section 4554 (a) of title 39, United States Code, is amended by inserting ‘playscripts and’ immediately following ‘(6)’.

“(c) The section heading of section 4554 of title 39, United States Code, is amended to read—

“‘§ 4554. Books, films, and other materials; preferred rates’.

“(d) The table of contents of chapter 67 of title 39, United States Code, is amended by striking out—

“‘4554. Postage rates on books and films.’

and inserting in lieu thereof—

“‘4554. Books, films, and other materials; preferred rates.’.

“KEYS AND OTHER SMALL ARTICLES

“Sec. 109. Subsection (b) of section 4651 of title 39, United States Code, is amended by striking out ‘6 cents for each two ounces or fraction thereof’ and inserting in lieu thereof ‘14 cents for the first two ounces or fraction thereof, and 7 cents for each additional two ounces or fraction thereof,’.

“SPECIAL HANDLING SERVICE

“Sec. 110. Section 6008 of title 39, United States Code, is amended to read as follows:

“‘§ 6008. Special handling.

“‘Upon payment of a special handling fee, third-class mail and fourth-class mail are entitled to the most expeditious handling and transportation practicable, but such mail is not required to receive the same handling and transportation as airmail.’.

“SEPARATION BY MAILER OF SECOND-CLASS MAIL

“Sec. 111. Section 4363 of title 39, United States Code, is amended to read as follows:

“‘§ 4363. Separation by mailer of second-class mail.

“‘The Postmaster General may require publishers and news agents to separate, make up, and address second-class matter in such manner as he directs in accordance with a 5-digit ZIP code system.’.

“PRINTING ON SECOND-CLASS COVERS

“Sec. 112. Section 4365 of title 39, United States Code, is amended by adding a new subsection to read as follows:

“‘(d) In addition to other matter authorized by this section to be contained, enclosed, or inserted in second-class mail, there may be included, in accordance with uniform regulations which the Postmaster General shall prescribe, on the envelopes, wrappers, and other covers in which copies of publications are mailed, messages and notices of a civic or public-service nature, if no charge is made for the inclusion of such messages and notices on such envelopes, wrappers, and covers.’.

“ADDITIONAL ENTRY POINTS

“Sec. 113. Section 4358 of title 39, United States Code, is amended by adding at the end thereof a new subsection to read as follows:

“‘(k) The rates of postage prescribed by subsections (a) and (b) of this section shall apply only to mailings within the county in which the publications have original entry.’.

“MAIL MATTER FOR BLIND AND OTHER HANDICAPPED PERSONS

“Sec. 114. (a) Chapter 69 of title 39, United States Code, is amended by striking out sections 4653 and 4654 thereof and inserting in lieu thereof the following:

“‘§ 4653. Matter for blind and other handicapped persons

“‘(a) The matter described in subsection (b) (other than matter mailed under section 4654 of this title) may be mailed free of postage, if—

“‘(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

“‘(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

“‘(3) the matter may be opened by the Postmaster General for inspection;

“‘(4) the matter contains no advertising; and

“‘(5) the matter is mailed subject to size and weight limitations prescribed by the Postmaster General.

“‘(b) The free mailing privilege provided by subsection (a) is extended to—

“‘(1) reading matter and musical scores;

“‘(2) sound reproductions;

“‘(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

“‘(4) reproducers or parts thereof, for sound reproductions; and

“‘(5) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

“‘§ 4654. Unsealed letters sent by blind or physically handicapped persons

“‘Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 4653(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

“‘§ 4655. Markings

“‘All matter relating to blind or other handicapped persons mailed under section 4653, or section 4654, of this title, shall bear the words “Free Matter for the Blind or Handicapped”, or words to that effect specified by the Postmaster General, in the upper right-hand corner of the address area.’.

“(b) The table of contents of chapter 69 of title 39, United States Code, is amended by striking out—

“‘4653. Publications for the blind.

“‘4654. Reproducers and sound reproduction records for the blind.’

and inserting in lieu thereof—

“‘4653 Matter for blind and other handicapped persons.

“‘4654. Unsealed letters sent by blind or physically handicapped persons.

“‘4655. Markings.’.

“(c) Section 4451(d) of title 39, United States Code, is repealed.

“PERMISSIBLE ENCLOSURES FOR FOURTH-CLASS MAIL

“Sec. 115. Section 4555(a) of title 39, United States Code, is amended—

“(1) by striking out ‘and’ at the end of clause (9);

“(2) by striking out the period at the end of clause (10) and inserting in lieu thereof ‘; and’; and

“(3) by adding at the end thereof:

“‘(11) invoices, whether or not also serving as bills, if they relate solely to the matter with which they are mailed.’.

“REIMBURSEMENT OF THE POSTAL SERVICE OF THE CANAL ZONE

“Sec. 116. (a) Chapter 57 of title 39, United States Code, is amended by adding at the end thereof the following new section:

“‘§ 4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

“‘(a) For the purposes of sections 4169(a), 4303(d)(5), and 4560 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 705(d) of this title.

“‘(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.’.

“(b) The table of contents of chapter 57 of title 39, United States Code is amended by adding—

“‘4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.’

immediately below—

“‘4169. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.’.

“PARCEL AIRLIFT

“Sec. 117. (a) Chapter 67 of title 39, United States Code, is amended by adding at the end thereof the following new section:

“‘§ 4560. Air transportation of parcels mailed at or addressed to Armed Forces post offices

“‘Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding thirty pounds in weight and sixty inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 705(d) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), upon payment, in addition to the regular surface rate of postage, of a special fee to be prescribed by the Postmaster General for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.'.

"(b) The table of contents of such chapter 67 is amended by inserting at the end thereof—

"'4560. Air transportation of parcels mailed at or addressed to Armed Forces post offices.'.

"SOLICITATIONS IN GUISE OF BILLS OR STATEMENTS OF ACCOUNT

"SEC. 118. (a) Section 4001 of title 39, United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

"'(c) Matter otherwise legally acceptable in the mails which—

"'(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"'(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postmaster General shall prescribe—

"'(A) the following notice: "This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are not under obligation to make any payments on account of this offer unless you accept this offer."; or

"'(B) in lieu thereof, a notice to the same effect in words which the Postmaster General may prescribe.'.

"(b) The amendment made by this section shall become effective with respect to matter mailed on or after the ninetieth day following the effective date of this section.

"EFFECTIVE DATE

"SEC. 119. This title shall become effective on January 7, 1968.

"CONFORMING AMENDMENTS

"SEC. 120. (a)(1) Subparagraph (A) of section 2303(a)(1) of title 39, United States Code, is repealed.

"(2) Subparagraph (D) of such section is amended to read as follows:

"'(D) free postage on reading matter and other articles for the blind and other handicapped persons as provided by sections 4653 and 4654 of this title;'.

"(3) Subparagraph (I) is amended by striking out 'educational'.

"(b) Section 4552(c) of such title is amended—

"(1) by inserting 'and' after the semicolon at the end of paragraph (4);

"(2) by striking out '; and' at the end of paragraph (5) and inserting in lieu thereof a period; and

"(3) by striking out paragraph (6).

"EDUCATIONAL TELEVISION

"SEC. 121. Section 4355(a) of title 39, United States Code, is amended by striking out the period at the end of item (10) and inserting in lieu thereof a semicolon and the word 'or', and by adding after item (10) the following new item:

"'(11) program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.'.

"UNDELIVERED FIRST-CLASS MAIL

"SEC. 122. Subsection (a) of section 4106 of title 39, United States Code, is amended to read as follows:

"'(a) The Postmaster General shall notify the sender or addressee upon request by the sender or addressee, when mail is undelivered as addressed, of the reason for the nondelivery, and in the case of the notice to the sender, the new address of the addressee if known. The Postmaster General shall prescribe a uniform charge to be collected for the service performed pursuant to this subsection.'

"TITLE II—FEDERAL SALARY INCREASES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Federal Salary Act of 1967'.

"EMPLOYEES SUBJECT TO THE GENERAL SCHEDULES

"SEC. 202. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

" 'GENERAL SCHEDULE

" 'Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,776	$3,902	$4,028	$4,154	$4,280	$4,406	$4,532	$4,658	$4,784	$4,910
GS-2	4,108	4,245	4,382	4,519	4,656	4,793	4,930	5,067	5,204	5,341
GS-3	4,466	4,615	4,764	4,913	5,062	5,211	5,360	5,509	5,658	5,807
GS-4	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489
GS-5	5,565	5,751	5,937	6,123	6,309	6,495	6,681	6,867	7,053	7,239
GS-6	6,137	6,342	6,547	6,752	6,957	7,162	7,367	7,572	7,777	7,982
GS-7	6,734	6,959	7,184	7,409	7,634	7,859	8,084	8,309	8,534	8,759
GS-8	7,384	7,630	7,876	8,122	8,368	8,614	8,860	9,106	9,352	9,598
GS-9	8,054	8,323	8,592	8,861	9,130	9,399	9,668	9,937	10,206	10,475
GS-10	8,821	9,115	9,409	9,703	9,997	10,291	10,585	10,879	11,173	11,467
GS-11	9,657	9,979	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555
GS-12	11,461	11,843	12,225	12,607	12,989	13,371	13,753	14,135	14,517	14,899
GS-13	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
GS-14	15,841	16,369	16,897	17,425	17,953	18,481	19,009	19,537	20,065	20,593
GS-15	18,404	19,017	19,630	20,243	20,856	21,469	22,082	22,695	23,308	23,921
GS-16	20,982	21,681	22,380	23,079	23,778	24,477	25,176	25,875	26,574	------
GS-17	23,788	24,581	25,374	26,167	26,690	------	------	------	------	------
GS-18	27,055	------	------	------	------	------	------	------	------	------

"(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

"(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

"(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

"(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive (A) the maximum rate for his grade in the new schedule, or (B) his existing rate of basic pay increased by 4.5 per centum, rounded to the next highest dollar, if such existing rate as so increased is higher.

"(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

"(5) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, was promoted from one grade under the General Schedule contained in section 5332(a) of title 5, United States Code, to another such grade at a rate which is above the minimum rate thereof, his rate of basic pay shall be adjusted retroactively from the effective date of this section to the date on which he was so promoted, on the basis of the rate which he was receiving during the period from such effective date to the date of such promotion and, from the date of such promotion, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in the amendment made by subsection (a) of this section which corresponds numerically to the step of the grade of the General Schedule to which such officer or employee was promoted as in effect (without regard to this title) at the time of such promotion.

"(6) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, became subject to the General Schedule and his rate of basic pay was set above the minimum rate of the grade on the basis of a previously earned rate above such minimum rate, his rate of basic pay shall be adjusted retroactively to the date on which he became subject to the General Schedule on the basis of the rate of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the rate of the grade at which the pay of such officer or employee was set at the time he became subject to the General Schedule.

"LIMITATION ON NUMBERS OF CERTAIN POSTAL POSITIONS

"SEC. 203. Section 3301 of title 39, United States Code, is amended by striking out 'salary levels 19 and 20' and inserting in lieu thereof 'salary levels 20 and 21'.

"CHANGES IN KEY POSITIONS IN POSTAL FIELD SERVICE

"SEC. 204. (a) That part of chapter 45 of title 39, United States Code, under the heading 'POSITIONS' is amended by striking out section 3512 and inserting in lieu thereof the following new sections:

" '§ 3512. Positions in salary level 1

" 'Cleaner. (KP–51)

" '(1) Basic function.—Performs a variety of light cleaning and housekeeping tasks in connection with the custodial maintenance of a postal installation.

" '(2) Duties and responsibilities.—

" '(A) Sweeps, mops, dusts, washes, and otherwise performs light cleaning and housekeeping tasks to maintain offices, washrooms, lobbies, corridors, stairways, and other areas of the building in neat and orderly condition.

" '(B) Performs such duties as dusting, waxing, and polishing office furniture, sweeping and mopping floors, vacuuming rugs, emptying wastebaskets and trash, washing interior window and partition glass and fixtures which can be reached without use of ladders or scaffolding.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.

" '3512A. Positions in salary level 2

" 'Custodian. (KP–1)

" '(1) Basic function.—Performs manual laboring duties in connection with custody of an office or building.

" '(2) Duties and responsibilities.—

" '(A) Performs any combination of the following duties:

" '1. Moves furniture and equipment.

" '2. Uncrates and assembles furniture and fixtures, using bolts and screws for assembly.

" '3. Loads and unloads supplies and equipment.

" '4. Removes trash from work areas, lobbies, and washrooms.

" '5. Tends to lawns, shrubbery, and premises of the post office and cleans ice and snow from the sidewalks and driveways.

" '6. Stacks supplies in storage rooms and on shelves, and completes forms or records as required.

" '(B) May perform cleaning duties as assigned.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.'.

"(b) Each salary level number in the headings of section 3513 to 3531, inclusive, of title 39, United States Code, and each other numerical reference to such salary level number in any other provision of such title (including the table of contents of chapter 45) which is not otherwise increased by this title, is increased by 1.

"(c) Each employee in the postal field service on the date of enactment of this title, whose position is placed in salary level 2 of the Postal Field Service Schedule by reason of the enactment of this section and section 205(e)(1) of this title, shall remain in salary level 2 of such schedule so long as he remains in such position or occupies, without break in service of more than thirty days, a position of a comparable level of duties, responsibilities, and work requirements in such salary level. When the employee leaves any such position, the position shall be appropriately ranked in accordance with chapter 45 of title 39, United States Code.

"(d) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting—

" '3512A. Positions in salary level 2.'

immediately below—

" '3512. Positions in salary level 1.'.

"POSTAL FIELD SERVICE EMPLOYEES

"SEC. 205. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

" '(a) There are established basic compensation schedules for positions in the postal field service which shall be known as the Postal Field Service Schedules and for which the symbol shall be "PFS". Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedules.

" 'POSTAL FIELD SERVICE SCHEDULE I

" '[To be effective for the period beginning on the 1st day of the 1st pay period beginning on or after Oct. 1, 1967, and ending immediately before the effective date of Postal Field Service Schedule II set forth below]

" 'PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,118	$4,255	$4,392	$4,529	$4,666	$4,803	$4,940	$5,077	$5,214	$5,351	$5,488	$5,625
2	4,460	4,607	4,754	4,901	5,048	5,195	5,342	5,489	5,636	5,783	5,930	6,077
3	4,826	4,984	5,142	5,300	5,458	5,616	5,774	5,932	6,090	6,248	6,406	6,564
4	5,215	5,391	5,567	5,743	5,919	6,095	6,271	6,447	6,623	6,799	6,975	7,151
5	5,651	5,838	6,025	6,212	6,399	6,586	6,773	6,960	7,147	7,334	7,521	7,708
6	6,044	6,246	6,448	6,650	6,852	7,054	7,256	7,458	7,660	7,862	8,064	8,266
7	6,482	6,697	6,912	7,127	7,342	7,557	7,772	7,987	8,202	8,417	8,632	8,847
8	6,939	7,170	7,401	7,632	7,863	8,094	8,325	8,556	8,787	9,018	9,249	----------
9	7,515	7,764	8,013	8,262	8,511	8,760	9,009	9,258	9,507	9,756	----------	----------
10	8,128	8,398	8,668	8,938	9,208	9,478	9,748	10,018	10,288	10,558	----------	----------
11	8,846	9,146	9,446	9,746	10,046	10,346	10,646	10,946	11,246	11,546	----------	----------
12	9,775	10,109	10,443	10,777	11,111	11,445	11,779	12,113	12,447	12,781	----------	----------
13	10,815	11,183	11,551	11,919	12,287	12,655	13,023	13,391	13,759	14,127	----------	----------
14	11,951	12,364	12,777	13,190	13,603	14,016	14,429	14,842	15,255	15,668	----------	----------
15	13,173	13,631	14,089	14,547	15,005	15,463	15,921	16,379	16,837	17,295	----------	----------
16	14,564	15,066	15,568	16,070	16,572	17,074	17,576	18,078	18,580	19,082	----------	----------
17	16,090	16,650	17,210	17,770	18,330	18,890	19,450	20,010	20,570	21,130	----------	----------
18	17,803	18,425	19,047	19,669	20,291	20,913	21,535	22,157	22,779	23,401	----------	----------
19	19,642	20,294	20,946	21,598	22,250	22,902	23,554	24,206	24,858	25,510	----------	----------
20	21,758	22,484	23,210	23,936	24,662	25,388	26,114	26,840	----------	----------	----------	----------
21	24,126	24,932	25,738	26,544	26,960	----------	----------	----------	----------	----------	----------	----------

" 'POSTAL FIELD SERVICE SCHEDULE II

" '[To be effective on the first day of the first pay period beginning on or after July 1, 1968]

" 'PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,324	$4,468	$4,612	$4,756	$4,900	$5,044	$5,188	$5,332	$5,476	$5,620	$5,764	$5,908
2	4,687	4,841	4,995	5,149	5,303	5,457	5,611	5,765	5,919	6,073	6,227	6,381
3	5,068	5,234	5,400	5,566	5,732	5,898	6,064	6,230	6,396	6,562	6,728	6,894
4	5,476	5,661	5,846	6,031	6,216	6,401	6,586	6,771	6,956	7,141	7,326	7,511
5	5,938	6,134	6,330	6,526	6,722	6,918	7,114	7,310	7,506	7,702	7,898	8,094
6	6,348	6,560	6,772	6,984	7,196	7,408	7,620	7,832	8,044	8,256	8,468	8,680
7	6,807	7,033	7,259	7,485	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293
8	7,286	7,529	7,772	8,015	8,258	8,501	8,744	8,987	9,230	9,473	9,716	----------
9	7,891	8,153	8,415	8,677	8,939	9,201	9,463	9,725	9,987	10,249	----------	----------
10	8,535	8,819	9,103	9,387	9,671	9,955	10,239	10,523	10,807	11,091	----------	----------
11	9,289	9,604	9,919	10,234	10,549	10,864	11,179	11,494	11,809	12,124	----------	----------
12	10,264	10,615	10,966	11,317	11,668	12,019	12,370	12,721	13,072	13,423	----------	----------
13	11,356	11,743	12,130	12,517	12,904	13,291	13,687	14,065	14,452	14,839	----------	----------
14	12,549	12,983	13,417	13,851	14,285	14,719	15,153	15,587	16,021	16,455	----------	----------
15	13,832	14,313	14,794	15,275	15,756	16,237	16,718	17,199	17,680	18,161	----------	----------
16	15,293	15,820	16,347	16,874	17,401	17,928	18,455	18,982	19,509	20,036	----------	----------
17	16,895	17,483	18,071	18,659	19,247	19,835	20,423	21,011	21,599	22,187	----------	----------
18	18,695	19,348	20,001	20,654	21,307	21,960	22,613	23,266	23,919	24,572	----------	----------
19	20,625	21,310	21,995	22,680	23,365	24,050	24,735	25,420	26,105	26,790	----------	----------
20	22,848	23,610	24,372	25,134	25,896	26,658	27,420	27,800	----------	----------	----------	----------
21	25,333	26,179	27,025	27,871	27,900	----------	----------	----------	----------	----------	----------	----------

"(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

" '(a) There are established basic compensation schedules which shall be known as the Rural Carrier Schedules and for which the symbol shall be "RCS". Compensation shall be paid to rural carriers in accordance with such schedules.

" 'RURAL CARRIER SCHEDULE I

" '[To be effective for the period beginning on the first day of the first pay period beginning on or after October 1, 1967, and ending immediately before the effective date of Rural Carrier Schedule II set forth below]

	" 'Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,531	$2,658	$2,785	$2,912	$3,039	$3,166	$3,293	$3,420	$3,547	$3,674	$3,801	$3,928
For each mile up to 30 miles of route	94	96	98	100	102	104	106	108	110	112	114	116
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

" 'RURAL CARRIER SCHEDULE II

" '[To be effective on the first day of the first pay period beginning on or after July 1, 1968]

	" 'Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,668	$2,804	$2,940	$3,076	$3,212	$3,348	$3,484	$3,620	$3,756	$3,892	$4,028	$4,164
For each mile up to 30 miles of route	99	101	103	105	107	109	111	113	115	117	119	121
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25'.

"(c) Section 3544 of title 39, United States Code, is amended to read as follows:

" '3544. Compensation of postmasters at fourth-class offices

" '(a) The Postmaster General shall—

" '(1) rank each position of postmaster at a post office of the fourth class in salary level 6 of the Postal Field Service Schedule; and

" '(2) establish, and adjust from time to time, the annual rate of basic compensation, for each such position of postmaster so ranked, in an amount which bears the same ratio to the annual rate of basic compensation for full-time service in a position (other than postmaster at a post office of the fourth class) in the same step of salary level 6 of such schedule, as the average number of hours of service per day which the Postmaster General determines necessary to be performed by such postmaster to operate the post office, in the light of the postal needs of the patrons of the office, bears to the total number of hours per day of such full-time service.

Actions and determinations by the postmaster General under this subsection shall be final and conclusive until changed by him.

" '(b) A person who performs the duties of postmaster at a post office of the fourth class where there is a vacancy, or during the absence of the postmaster on sick or annual leave or leave without pay, shall be compensated at the rate of basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.

" '(c) When required by the Postmaster General, a postmaster at a fourth-class office shall, and any other postmaster in PFS level 6 when permitted by the Postmaster General may, furnish quarters, fixtures, and equipment for an office on an allowance basis. The allowance for this purpose shall be an amount equal to 15 per centum of the basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.'.

"(d) Each postmaster at a post office of the fourth class on the effective date of Postal Field Service Schedule I shall be placed in salary level 6 of the Postal Field Service Schedule at the lowest step which provides a rate, determined under section 3544(a) of title 39, United States Code, which is at least equal to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. If there is no such step in salary level 6, he is entitled to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. For the purposes of this subsection, basic compensation in effect immediately prior to the effective date of Postal Field Service Schedule I shall be determined after giving effect to any change in salary step or revenue units category which would have occurred on the effective date of this section without regard to the enactment of this title.

"(e) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule I shall be determined as follows:

"(1) Each employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position, placed in the next higher salary level, which he had attained immediately prior to such effective date.

"(2) Each employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

"(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

"(4) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) or (2) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 6 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(f) The advancement of any employee to a higher salary level of the Postal Field Service Schedule by reason of the enactment of this section shall not be deemed to be an equivalent increase within the meaning of section 3552(a) of title 39, United States Code.

"(g) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule II shall be determined as follows:

"(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this title, such changes shall be deemed to have occurred prior to conversion.

"(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 5 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(h) Each employee whose position, by reason of the enactment of this section, is placed in a level of the Postal Field Service Schedule shall be entitled, for purposes of section 3560 of title 39, United States Code, to credit for time served in the postal field service prior to the effective date of this section.

"(i) The table of contents of chapter 45 of title 39, United States Code, is amended by striking out—

" '3544. Fourth Class Office Schedule.'

and inserting in lieu thereof—

" '3544. Compensation of postmasters at fourth-class offices.'

"CONFORMING AMENDMENTS

"SEC. 206. (a) Section 3560(a) of title 39, United States Code, is amended by striking out '(3) revenue unit category, with respect to the Fourth Class Office Schedule.' and inserting in lieu thereof '(3) minimum hours of service with respect to postmasters in fourth-class post offices.'.

"(b) Section 3560(f) of title 39, United States Code, is amended by striking out '(1) reductions in class or revenue unit category of any post office, or' and inserting in lieu thereof '(1) reductions in class or revenue units of any post office or in the minimum hours of service for a fourth-class post office, or'.

"(c) Subsections (b) and (c) of section 3573 of title 39, United States Code, are amended by striking out 'level PFS–10' and 'level PFS–11', wherever appearing therein, and inserting in lieu thereof 'level PFS–11' and 'level PFS–12', respectively. Subsection (g) of section 3573 is amended by striking out 'PFS–17' and inserting 'PFS–18'.

"(d) Subsection (a) of section 3575 of title 39, United States Code, is amended by striking out 'level PFS–15' and inserting in lieu thereof 'level PFS–16'.

"(e) Any reference to a level of the Postal Field Service Schedule in any order, rule, regulation, or statute (other than title 39, United States Code) which is in effect on the effective date of this section shall be deemed to refer to the next higher level of the Postal Field Service Schedule.

"SPECIAL SALARY RATE RANGES

"SEC. 207. (a) Section 5303(a) of title 5, United States Code, is amended by striking out 'seventh pay rate' and inserting in lieu thereof 'maximum pay rate'.

"(b) Section 5303(d) of title 5, United States Code, is amended to read as follows:

" '(d) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (a) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.'.

"EMPLOYEES IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

"SEC. 208. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

" '§ 4107. Grades and pay scales

" '(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

" 'Section 4103 Schedule

" 'Assistant Chief Medical Director, $27,055.

" 'Medical Director, $23,788 minimum to $26,960 maximum.

" 'Director of Nursing Service, $18,404 minimum to $23,921 maximum.

" 'Director of Chaplain Service, $18,404 minimum to $23,921 maximum.

" ' Chief Pharmacist, $18,404 minimum to $23,921 maximum.

" 'Chief Dietitian, $18,404 minimum to $23,921 maximum.

" '(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

" 'Physicians and Dentist Schedule

" 'Director grade, $20,982 minimum to $26,574 maximum.

" 'Executive grade, $19,576 minimum to $25,444 maximum.

" 'Chief grade, $18,404 minimum to $23,921 maximum.

" 'Senior grade, $15,841 minimum to $20,593 maximum.

" 'Intermediate grade, $13,507 minimum to $17,557 maximum.

" 'Full grade, $11,461 minimum to $14,899 maximum.

" 'Associate grade, $9,657 minimum to $12,555 maximum.

" 'Nurse Schedule

" 'Assistant Director grade, $15,841 minimum to $20,593 maximum.

" 'Chief grade, $13,507 minimum to $17,557 maximum.

" 'Senior grade, $11,461 minimum to $14,899 maximum.

" 'Intermediate grade, $9,657 minimum to $12,555 maximum.

" 'Full grade, $8,054 minimum to $10,475 maximum.

" 'Associate grade, $7,033 minimum to $9,139 maximum.

" 'Junior grade, $6,137 minimum to $7,982 maximum.

" '(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

" '(c) Notwithstanding any other provision of law, the per annum salary rate for each individual serving as a director of a hospital, domiciliary, or center who is not a physician shall not be less than the salary rate which he would receive under this section if his service as a director of a hospital, domiciliary, or center had been service as a physician in the director grade. The position of the director of a hospital, domiciliary, or center shall not be subject to chapter 51 and subchapter III of chapter 53 of title 5.'.

"FOREIGN SERVICE OFFICERS; STAFF OFFICERS AND EMPLOYEES

"SEC. 209. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows: "The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

" 'Class 1	$24,944	$25,776	$27,055				
Class 2	20,280	20,956	21,632	$22,308	$22,984	$23,660	$24,336
Class 3	16,616	17,170	17,724	18,278	18,832	19,386	19,940
Class 4	13,507	13,957	14,407	14,857	15,307	15,757	16,207
Class 5	11,120	11,491	11,862	12,233	12,604	12,975	13,346
Class 6	9,267	9,576	9,885	10,194	10,503	10,812	11,121
Class 7	7,816	8,076	8,336	8,596	8,856	9,116	9,376
Class 8	6,734	6,959	7,184	7,409	7,634	7,859	8,084.'

"(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: "The per annum salaries of such staff officers and employees within each class shall be as follows:

" 'Class 1	$16,616	$17,170	$17,724	$18,278	$18,832	$19,386	$19,940	$20,494	$21,048	$21,602
Class 2	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
Class 3	11,120	11,491	11,862	12,233	12,604	12,975	13,346	13,717	14,088	14,459
Class 4	9,267	9,576	9,885	10,194	10,503	10,812	11,121	11,430	11,739	12,048
Class 5	8,351	8,629	8,907	9,185	9,463	9,741	10,019	10,297	10,575	10,853
Class 6	7,524	7,775	8,026	8,277	8,528	8,779	9,030	9,281	9,532	9,783
Class 7	6,905	7,135	7,365	7,595	7,825	8,055	8,285	8,515	8,745	8,975
Class 8	6,125	6,329	6,533	6,737	6,941	7,145	7,349	7,553	7,757	7,961
Class 9	5,575	5,761	5,947	6,133	6,319	6,505	6,691	6,877	7,063	7,249
Class 10	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489.'

"(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

"AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEE EMPLOYEES

"SEC. 210. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590 (b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"SALARY RATES FIXED BY ADMINISTRATIVE ACTION

"SEC. 211. (a) The rates of basic pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the effective date of section 202 of this title, by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this title are hereby authorized to be increased, effective on the effective date of section 202 of this title by amounts not to exceed the increases provided by this title for corresponding rates of pay in the appropriate schedule or scale of pay.

"(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

"IMPLEMENTATION OF SALARY COMPARABILITY POLICY IN 1968 AND 1969

"SEC. 212. In order to complete the implementation of the policy of the Congress set forth in paragraph (2) of section 5301 of title 5, United States Code, the President, after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, shall—

"(1) effective on the first day of the first pay period beginning on or after July 1, 1968, adjust the rates of basic pay, basic compensation, and salary, as in effect by reason of the enactment of the provisions of this title other than this section and sections 205, 210, 213, 214, 215, and 219—

"(A) by amounts equal, as nearly as may be practicable, to one-half of the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1967 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, or

"(B) by 3 per centum,

whichever is greater; and

"(2) effective on the first day of the first pay period beginning on or after July 1, 1969, adjust the rates he has established under subparagraph (1) of this section, and the rates established by Postal Field Service Schedule II, and Rural Carrier Schedule II (contained in the amendments made by subsections (a) and (b) of section 205), by amounts equal, as nearly as may be practicable, to the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1968 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code. Adjustments made by the President under this section shall have the force and effect of statute. The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e)), and 214 of this title, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made by the President under subparagraphs (1) and

(2) of this section, by the following authorities—

"(i) the President pro tempore of the Senate, with respect to the United States Senate;

"(ii) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

"(iii) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

"(iv) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(v) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute. Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

"JUDICIAL BRANCH EMPLOYEES

"SEC. 213. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(d) The first paragraph of section 603 of title 28, United States Code, relating to the compensation of the Director and the Deputy Director of the Administrative Office of the United States Courts, is amended to read as follows:

"The salary of the Director shall be the same as the salary of a district judge. The salary of the Deputy Director shall be in the same amount as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5.'.

"(e) Section 792(b) of title 28, United States Code, is amended by striking out '$26,000' and inserting in lieu thereof '$29,000'.

"LEGISLATIVE BRANCH EMPLOYEES

"SEC. 214. (a) Except as otherwise provided in this title, each officer or employee in or under the legislative branch of the Government, whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946, shall be paid additional compensation at the rate of 4.5 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

"(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased by reason of any other provision of this section, shall be increased by 4.5 per centum.

"(c) The rates of compensation of employees of the House of Representatives whose compensation is fixed by the House Employees Schedule under the House Employees Position Classification Act (78 Stat. 1079–1084; Public Law 88–652; 2 U.S.C. 291–303), including each employee subject to such Act whose compensation is fixed at a saved rate, are hereby increased by amounts equal, as nearly as may be practicable, to the increases provided by subsection (a) of this section.

"(d) Except as provided in the last sentence of section 218(a) of this title, the additional compensation provided by this section shall be considered a part of basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement.

"(e) The per annum rate of compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be the same as the per annum rate of compensation of the Legislative Counsel of the House of Representatives.

"(f) This section shall not apply with respect to the compensation of student congressional interns and the compensation of employees whose compensation is fixed by the House Wage Schedule under the House Employees Position Classification Act.

"(g) The annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate, and the annual rate of gross compensation of each telephone operator on the United States Capitol telephone exchange and each member of the Capitol Police whose compensation is disbursed by the Clerk of the House of Representatives, (1) is increased by 4.5 per centum, and (2) as so increased shall be adjusted, effective the first day of the month following the date of enactment of this Act, to the nearest multiple of $188.

"(h) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate, or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute or Senate resolution, such statutory provision or resolution shall be deemed to refer to the rate which an officer or employee subject to the provisions of subsection (g) receiving such rate immediately prior to the effective date of such subsection would be entitled (without regard to such statutory provision) to receive on and after such date. As used in this subsection and subsection (g), the term 'officer' does not include a Senator.

"(i) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective on the first day of the month following the date of enactment of this Act, to the lowest multiple of $188 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose rate of compensation is adjusted under this subsection shall receive an increase under subsection (g) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act. No increase shall be paid to any person under subsection (g) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Senator (other than the Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given. An increase under this subsection in the compensation of an employee in the office of a Senator for any period prior to the first day of the month following the date of enactment of this Act shall be made without regard to the clerk hire allowance of such Senator.

"(j) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, is amended by striking out '$180' and inserting in lieu thereof '$188'.

"(k) Section 105(d)(1) of such Act is amended by striking out the table and inserting in lieu thereof the following:

" '$199,280 if the population of his State is less than 3,000,000;

" '$212,440 if such population is 3,000,000 but less than 4,000,000;

" '223,720 if such population is 4,000,000 but less than 5,000,000;

" '$234,060 if such population is 5,000,000 but less than 7,000,000;

" '$245,340 if such population is 7,000,000 but less than 9,000,000;

" '$258,500 if such population is 9,000,000 but less than 10,000,000;

" '$271,660 if such population is 10,000,000 but less than 11,000,000;

" '$284,820 if such population is 11,000,000 but less than 12,000,000.

" '$297,980 if such population is 12,000,000 but less than 13,000,000;

" '$311,140 if such population is 13,000,000 but less than 15,000,000;

" '$324,300 if such population is 15,000,000 but less than 17,000,000;

" '$338,400 if such population is 17,000,000 or more.'

"(l) Section 105 of such Act is amended by striking out '$1,080', '$6,120', '$10,620', '$10,800', '$14,220', '$14,400', '$15,660', $15,840', '$18,180', $22,320', '$23,400', and '$24,480' wherever they appear in such section and inserting in lieu thereof '$1,128', $6,392', '$11,092', '$11,280', '$14,852', '$15,040', '$16,356', '$16,544', '$18,988', '$23,312', '$24,440', and '$25,568', respectively.

"(m) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 4.5 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (g) shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading 'SENATE' in the Second Deficiency Appropriations Act, 1948.

"(n) The first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60j), is amended by striking out '$540' and inserting in lieu thereof '$564'.

"(o) Section 5533(c) of title 5, United States Code, is amended to read as follows:

" '(c) (1) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if—

" '(A) the pay of one or more of the positions is fixed at a single gross per annum rate, and the aggregate gross pay from the positions exceeds $6,256 a year, or

" '(B) the pay of each such position is fixed at a basic rate plus additional compensation authorized by law, and the aggregate basic pay of the positions exceeds $2,000 a year.

" '(2) For the purpose of this subsection, 'gross pay' means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual, and, in the case of an individual receiving basic pay plus additional compensation provided by law, includes the aggregate amount received as basic and additional compensation, but does not include sums received as premium pay under subchapter V of this chapter.'.

"(p) The third paragraph under the heading 'Office of the Architect of the Capitol' and the subheading 'Salaries' in the Legislative Branch Appropriation Act, 1960 (73 Stat. 407), is amended by striking out '$7,700' and inserting in lieu thereof '$8,200'.

"INCREASES IN BASIC PAY RATES FOR LEVELS III, IV, AND V OF EXECUTIVE SCHEDULE

"SEC. 215. (a) Section 5314 of title 5, United States Code, relating to the basic pay rate for level III of the Executive Schedule, is amended by striking out '$28,500' and inserting in lieu thereof '$29,500'.

"(b) Section 5315 of title 5, United States Code, relating to the basic pay rate for level IV of the Executive Schedule, is amended by striking out '$27,000' and inserting in lieu thereof '$28,750'.

"(c) Section 5316 of title 5, United States Code, relating to the basic pay rate for level V of the Executive Schedule, is amended by striking out '$26,000' and inserting in lieu thereof '$28,000'.

"SALARY INCREASE LIMITATIONS

"SEC. 216. Except as provided in sections 213 (d) and (e), 214, 215, and 219, and subject to the operation of section 225 of this title, no rate of compensation shall be increased, by reason of the enactment of this title, to an amount in excess of the salary rate for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on or after the first day of the first pay period which begins on or after the date of enactment of this title.

"UNCONTROLLABLE OVERTIME DUTY

"SEC. 217. Section 5545(c) (2) of title 5, United States Code, is amended by striking out 'not in excess of 15 percent', and inserting in lieu thereof 'not less than 10 percent nor more than 25 percent,'.

"PAYMENT OF RETROACTIVE COMPENSATION

"SEC. 218. (a) Retroactive pay, compensation, or salary shall be paid by reason of this title only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this title, except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, for services rendered during such period, and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(b) For the purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

"SALARIES OF LEGISLATIVE OFFICIALS

"SEC. 219. Section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415) is amended as follows:

"(1) in subsection (b), by striking out '$23,500' and inserting in lieu thereof '$29,500';

"(2) in subsection (c), by striking out '$27,000' and inserting in lieu thereof '$28,750';

"(3) in subsection (d), by striking out '$25,500' and inserting in lieu thereof '$27,500'; and

"(4) in subsection (e), by striking out '$23,500' and inserting in lieu thereof '$25,000'.

"EFFECTIVE DATES

"SEC. 220. (a) Except as otherwise expressly provided, this title shall take effect as follows:

"(1) This section and sections 201, 207, 212, 218, 221, 224 (a) and (b) and 225 shall become effective on the date of enactment of this title.

"(2) Sections 202, 203, 204, 205, 206, 208, 209, 210, 211, 213 (except subsections (d) and (e)), 214 (except subsections (j), (k), (l), (n), and (o)), and 216 shall become effective as of the beginning of the first pay period which began on or after October 1, 1967.

"(3) Sections 213 (d) and (e), 214 (j), (k), (l), (n), and (o), 215, 217, 219, and 224(c) shall become effective at the beginning of the first pay period which begins on or after the date of enactment of this title.

"(4) Sections 222 and 223 shall become effective thirty days after the date of enactment of this title.

"(b) For the purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Federal employees—

"(1) all changes in rates of pay which result from the enactment of this title (except Postal Field Service Schedule II, Rural Carrier Schedule II, and sections 207, 212, 213 (d) and (e), 215, 219, and 225) shall be held and considered to become effective as of the date of such enactment; and

"(2) all changes in rates of pay which result from the enactment of section 212 of this title and which take effect retroactively from the date on which the adjustments thereof are actually ordered under such section, shall be held and considered to become effective on the date on which such adjustments are actually ordered.

"EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

"SEC. 221. (a) Chapter 31 of title 5, United States Code, is amended by adding at the end thereof the following new section:

" '§ 3110. Employment of relatives; restrictions

" '(a) For the purpose of this section—

" '(1) "agency" means—

" '(A) an Executive agency;

" '(B) an office, agency, or other establishment in the legislative branch;

" '(C) an office, agency, or other establishment in the judicial branch; and

" '(D) the government of the District of Columbia;

" '(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

" '(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

" '(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

" '(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

" '(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

" '(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible.'

"(b) The analysis of chapter 31 of title 5, United States Code, is amended by adding the following new item at the end thereof:

" '3110. Employment of relatives; restrictions.'.

"(c) The amendments made by this section do not apply to an appointment, employment, advancement, or promotion made or advocated by a public official of any individual who is a relative of the public official if, prior to the effective date of this section, the individual was appointed by the public official, or received an appointment advocated by the public official, and is serving under the appointment on such effective date.

"TRAVEL STATUS

"Sec. 222. (a) Section 5542(b)(2)(B) of title 5, United States Code, is amended to read as follows:

"'(B) the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(b) Section 3571 of title 39, United States Code, is amended by adding at the end thereof a new subsection as follows:

"'(e) Time spent in a travel status away from the official duty station of an employee is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(c) Subchapter II of chapter 57 of title 5, United States Code, is amended—

"(1) by adding at the end thereof the following new section:

"'§ 5733. Expeditious travel

"'The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.'; and

"(2) by inserting after item 5732 in the analysis of such subchapter the following new item:

"'5733. Expeditious travel.'.

"(d) Section 5544(a) of title 5, United States Code, is amended by inserting immediately at the end thereof the following new sentence: 'Time spent in a travel status away from the official duty station of an employee subject to this subsection is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"APPEALS FROM POSITION CLASSIFICATIONS OF WAGE BOARD EMPLOYEES

"Sec. 223. (a) Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"'§ 5345. Position classification appeals

"'On application, made in accordance with regulations prescribed by the Civil Service Commission, by an employee subject to section 5341(a) of this title for the review of the action of an employing agency in classifying his position for pay purposes, the Commission shall—

"'(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"'(2) decide whether the position has been properly classified; and

"'(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in classifying the position. The Commission shall certify to the agency concerned its action under paragraph (3) of this section. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.'.

"(b) The analysis of chapter 53 is amended by inserting the following new item after item 5344.

"'5345. Position classification appeals.'.

"MISCELLANEOUS PROVISIONS

"Sec. 224. (a) Section 4101(2)(B) of title 5, United States Code, is amended by striking out 'Coast and Geodetic Survey' and inserting in lieu thereof 'Environmental Science Services Administration'.

"(b) Section 8339(e)(2) of title 5, United States Code, is amended to read as follows:

"'(2) the greater of—

"'(A) the final basic pay of the Member; or

"'(B) the final basic pay of the appointive position of a former Member who elects to have his annuity computed or recomputed under section 8344(b)(1) of this title.'.

"(c) Section 1(b) of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), as amended, is amended by striking out '$65,000' and inserting in lieu thereof '$80,000', and by striking out the fourth sentence therein and inserting in lieu thereof the following: 'The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.'.

"COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

"Sec. 225. (a) Establishment of Commission.—There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the 'Commission').

"(b) Membership.—

"(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

"(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

"(B) two appointed by the President of the Senate;

"(C) two appointed by the Speaker of the House of Representatives; and

"(D) two appointed by the Chief Justice of the United States.

"(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

"(c) Personnel of Commission.—

"(1) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section—

"(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

"(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

"(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

"(d) Use of United States Mails by Commission.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(e) Administrative Support Services.—The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

"(f) Function.—The Commission shall conduct, in each of the respective fiscal years referred to in subsection (b) (2) and (3) of this section, a review of the rates of pay of—

"(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

"(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

"(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426); and

"(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Such review by the Commission shall be made for the purpose of determining and providing—

"(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

"(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

"(g) Report by Commission to the President.—The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than January 1 next following the close of the fiscal year in which the review is conducted by the Commission.

"(h) Recommendations of the President With Respect to Pay.—The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section. As used in this subsection, the term 'budget' means the budget referred to in section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11).

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—

"(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that, between the date of transmittal of such recommendations in the budget and the beginning of such first pay period—

"(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

"(C) both.

"(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

"(j) EFFECT OF RECOMMENDATIONS OF THE PRESIDENT ON EXISTING LAW AND PRIOR PRESIDENTIAL RECOMMENDATIONS.—The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in subsection (b) (2) and (3) of this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations), and

"(B) any prior recommendations of the President which take effect under this section.

"(k) PUBLICATION OF RECOMMENDATIONS OF THE PRESIDENT.—The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

"TITLE III—PROHIBITION OF PANDERING ADVERTISEMENTS

"SEC. 301. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end of such chapter the following new section:

" '§ 4009. Prohibition of pandering advertisements in the mails

" '(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postmaster General to refrain from further mailings of such materials to designated addresses thereof.

" '(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postmaster General shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

" '(c) The order of the Postmaster General shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Postmaster General shall also direct the sender and his agents or assigns to delete immediately the names of the designated addresses from all mailings lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

" '(d) Whenever the Postmaster General believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, he shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for his belief and request that any response thereto be filed in writing with the Postmaster General within fifteen days after the date of such service. If the Postmaster General, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, he is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

" '(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

" '(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

" '(g) Upon request of any addressee, the order of the Postmaster General shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

" '(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of part I of title 5, United States Code, shall not apply to any provisions of this section.

" '(i) For the purposes of this section—

" '(1) mail matter, directed to a specific address covered in the order of the Postmaster General, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postmaster General's order; and

" '(2) the term "children" includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.'.

"(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

" '4009. Prohibition of pandering advertisements in the mails.'.

"SEC. 302. The provisions of this title shall become effective on the one hundred and twentieth day after the date of enactment of this Act.

"TITLE IV—FEDERAL EMPLOYEES LIFE INSURANCE

"SEC. 401. Section 8704(a) of title 5, United States Code, is amended to read as follows:

" '(a) An employee eligible for insurance is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule, which schedule shall be automatically extended correspondingly by the amounts of increases in the annual rate of basic pay for positions at level II of the Executive Schedule under section 5313 of this title:

"If annual pay is—		The amount of group life insurance is—	The amount of group accidental death and dismemberment insurance is—
Greater than—	But not greater than—		
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
9,000	10,000	12,000	12,000
10,000	11,000	13,000	13,000
11,000	12,000	14,000	14,000
12,000	13,000	15,000	15,000
13,000	14,000	16,000	16,000
14,000	15,000	17,000	17,000
15,000	16,000	18,000	18,000
16,000	17,000	19,000	19,000
17,000	18,000	20,000	20,000
18,000	19,000	21,000	21,000
19,000	20,000	22,000	22,000
20,000	21,000	23,000	23,000
21,000	22,000	24,000	24,000
22,000	23,000	25,000	25,000
23,000	24,000	26,000	26,000
24,000	25,100	27,000	27,000
25,000	26,000	28,000	28,000
26,000	27,000	29,000	29,000
27,000	28,000	30,000	30,000
28,000	29,000	31,000	31,000
29,000	----------	32,000	32,000".

"SEC. 402. Section 8707 of title 5, United States Code, is amended to read as follows:

" '§ 8707. Employee deductions; withholding

" 'During each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, there shall be withheld from the pay of the employee his share of the cost of the group life insurance and accidental death and dismemberment insurance. The amount withheld shall be at the rate, adjusted to the nearest half-cent, of 66⅔ percent of the level cost of each $1,000 of insurance, as determined by the Commission.'.

"SEC. 403 Section 8708(a) of title 5, United States Code, is amended to read as follows:

" '(a) For each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, a sum equal to one-half the amount which is withheld from the pay of the employee under section 8707 of this title shall be contributed from the appropriation or fund which is used to pay him.'.

"SEC. 404. Chapter 87 of title 5, United States Code, is amended—

"(1) by adding the following new section:

" '§ 8714a. Optional insurance

" '(a) Under the conditions, directives, and terms specified in sections 8709–8712 of this title, the Civil Service Commission, without regard to section 5 of title 41, may purchase a policy which shall make available to each insured employee equal amounts of optional life insurance and accidental death and dismemberment insurance in addition to the amounts provided in section 8704(a) of this title.

" '(b) The optional life insurance and accidental death and dismemberment insurance shall be made available to each insured employee under such conditions as the Commission shall prescribe and in amounts approved by the Commission but not more than the greater of $10,000 or an amount which, when added to the amount provided in section 8704(a) of this title, makes the sum of his insurance equal to his annual pay.

"'(c) (1) The optional insurance on an employee stops on his separation from service, 12 months after discontinuance of his pay, or on his entry on active duty or active duty for training, as provided in sections 8706(a) and 8706(d) of this title.

"'(2) So much of the optional life insurance in force on an employee on the date he retires on an immediate annuity or becomes entitled to receive compensation for work injuries which has been in force for not less than—

"'(A) the full period or periods of service during which the optional insurance was available to him; or

"'(B) the 12 years of service immediately preceding his retirement or beginning date of entitlement to compensation for work injuries and during which the optional insurance was available to him;

whichever is shorter, may be continued—

"'(A) after retirement, under the same conditions (except with respect to cost but including reduction of the amount continued) as provided in section 8706(b) of this title; or

"'(B) while in receipt of compensation for work injuries under the same conditions (except with respect to cost) as provided in section 8706(c) of this title.

"'(d) During each period in which an employee has the optional insurance the full cost thereof shall be withheld from his pay. During each period in which an employee continues optional life insurance after retirement or while in receipt of compensation for work injuries, as provided in section 8706(b) or 8706(c) of this title, the full cost thereof shall be withheld from his annuity or compensation, except that, at the end of the calendar month in which he becomes 65 years of age, the optional life insurance shall be without cost to him. Amounts so withheld shall be deposited, used, and invested as provided in section 8714 of this title and shall be reported and accounted for separately from amounts withheld and contributed under sections 8707 and 8708 of this title.

"'(e) The cost of the optional insurance shall be determined from time to time by the Commission on the basis of such age groups as it considers appropriate.

"'(f) The amount of optional life, or life and accidental death, insurance in force on an employee at the date of his death shall be paid as provided in section 8705 of this title."; and

"(2) by inserting in the analysis of such chapter the following new item after item 8714:

"'8714a. Optional insurance.'.

"SEC. 405. (a) The amendments made by sections 401 to 403, inclusive, of this Act shall take effect on the first day of the first pay period which begins on or after the sixtieth day following the date of enactment. In the case of an employee who dies or retires during the period beginning on the date of enactment of this Act and prior to the effective date prescribed by this subsection, the amount of insurance shall be determined as if the amendments made by section 401 were in effect for such employee during such period.

"(b)(1) The amendments made by section 404 of this Act shall take effect on the first day of the first pay period which begins on or after the one hundred and eightieth day following the date of enactment, or on any earlier date that the Civil Service Commission may prescribe, which is at least sixty days after the date of enactment. In the case of an employee who dies during the period beginning on the date of enactment and ending on the effective date prescribed by or pursuant to this subsection, or during the sixty days immediately following such period if the Commission determines that he did not have a reasonable opportunity to elect the optional insurance made available by section 404, the insurance of such employee shall be determined as if the amendments made by section 404 had been in effect on the date of such death, and the employee had elected to receive the maximum amount of optional insurance available to him under such amendments. An employee who retires during the period beginning on the date of enactment and ending on the effective date prescribed by or pursuant to this subsection shall have an opportunity to elect the optional insurance made available by section 404.

"(2) In the case of an employee in the service on the effective date prescribed by or pursuant to this subsection, (i) the period during which such employee may elect to receive optional insurance under the amendment made by section 404 shall not expire prior to the sixtieth day after such effective date, and (ii) for the purpose of determining the amount of insurance to be continued after retirement, the period during which such optional insurance was available to such employee shall not be considered to have commenced prior to the expiration of sixty days following such effective date.

"(c) The amendments made by sections 401 to 404, inclusive, of this Act shall have no effect in the case of an employee who died, was finally separated, or retired prior to the date of enactment.

"SEC. 406. The Employees Life Insurance Fund is available without limitation for expenses incurred by the Civil Service Commission in carrying out section 404 of this Act.".

And the Senate agree to the same.

Thaddeus J. Dulski,
David N. Henderson,
Arnold Olsen,
Morris K. Udall,
Dominick V. Daniels,
Glenn Cunningham.
Managers on the Part of the House.

Mike Monroney,
Ralph W. Yarborough,
Jennings Randolph,
Frank Carlson,
Hiram L. Fong,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Hicks (at the request of Mr. Meeds), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 10 minutes, today.

Mr. Hanna, for 15 minutes, today.

Mr. Cahill (at the request of Mr. Hammerschmidt) for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hammerschmidt) and to include extraneous matter:)

Mr. Bow.

Mr. Langen.

(The following Members (at the request of Mr. Montgomery) and to include extraneous matter:)

Mr. Gathings.

Mr. Eckhardt.

Mr. Colmer in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 286. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

S. 1017. An act to authorize the Secretary of the Army to pay for the cost of surfacing $1\frac{8}{10}$ miles of a certain access road in Putnam County, Fla.; to the Committee on Public Works.

S. 1058. An act to authorize the Secretary of the Interior to sell lands embraced in certain terminated entries, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1059. An act to amend the act relating to the leasing of lands in Alaska for grazing in order to make certain improvements in such act; to the Committee on Interior and Insular Affairs.

S. 2402. An act to provide for credit in the Kings River Water Association and others for excess payments for the years 1954 and 1955; to the Committee on Interior and Insular Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did December 6, 1967, present to the President, for his approval bills of the House of the following titles:

H.R. 480. An act to amend the act of October 4, 1961, relating to the acquisition of wet lands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes;

H.R. 10805. An act to extend the life of the Civil Rights Commission; and

H.R. 12638. An act to authorize the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, December 11, 1967, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. Report on the United Nations and the issue of deep ocean resources (Rept. No. 999). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. H.R. 4765. An act relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended (Rept. No. 1010). Ordered to be printed.

Mr. MAHON: Committee of conference. House Joint Resolution 888. Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes (Rept. No. 1011). Ordered to be printed.

Mr. PERKINS: Committee of conference. S. 2388. An act to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes (Rept. No. 1012). Ordered to be printed.

Mr. DULSKI: Committee on conference. H.R. 7977. An act to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes (Rept. No. 1013). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 866. An act for the relief of Giuseppe Pacino Biancarosso (Rept. No. 1000). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 964. An act for the relief of Roberto Perdomo (Rept. No. 1001). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2153. An act for the relief of Dr. Jose Rafael Montalvoy Urrutibeascoa (Rept. No. 1002). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2206. An act for the relief of Dr. Jorge Rolando Guerra-Reyes (Rept. No. 1003). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2265. An act for the relief of Christopher Nicholas Rushton (Rept. No. 1004). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2119. An act for the relief of Dr. Octavio Suarez-Murias (Rept. No. 1005). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 2709. A bill for the relief of Suh Yoon Sup and Suh Ok Sun; with amendment (Rept. No. 1006). Referred to the Committe of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 4030. A bill for the relief of Yong Chin Sager; with amendment (Rept. No. 1007). Referred to the Committee of the Whole House.

Mr. MacGREGOR: Committee on the Judiciary. H.R. 11292. A bill for the relief of Jung Soo Doc; with amendment (Rept. No. 1008). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. House Resolution 981. Resolution opposing the granting of permanent residence in the United States to certain aliens; with amendment (Rept. No. 1009). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PURCELL:

H.R. 14329. A bill to provide for the establishment and maintenance of reserve stocks of agricultural commodities by producers and the Commodity Credit Corporation for national security, public protection, meeting international commitments, and for other purposes; to the Committee on Agriculture.

By Mr. HAGAN:

H.R. 14330. A bill to provide a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. COHELAN:

H.R. 14331. A bill to amend the Unemployment Tax Act to require State law coverage of certain employees of nonprofit organizations and of State hospitals and institutions of higher education; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 14332. A bill to prohibit the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14333. A bill to restrict the mailing of unsolicited credit cards; to the Committee on the Judiciary.

H.R. 14334. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never beeen married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 14335. A bill to amend title 18 of the United States Code to make the obstruction of interstate commerce by loan sharking a Federal offense, and to make the use of any facility in interstate commerce to promote loan sharking a Federal offense; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 14336. A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 14337. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans; to the Committee on Agriculture.

By Mr. KORNEGAY:

H.R. 14338. A bill to provide for the issuance of a special postage stamp in commemoration of the 200th anniversary of the birth of Dolley Payne Madison, wife of the fourth President of the United States; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS (for himself, Mr. Jones of Alabama, Mr. Bevill, Mr. Selden, Mr. Gathings, and Mr. Everett):

H.R. 14339. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, in order to provide additional loan assistance under such act to farmers who have suffered severe production losses as the result of a national disaster; to the Committee on Agriculture.

By Mr. TALCOTT:

H.R. 14340. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

By Mr. WALDIE (for himself and Mr. Burton of California):

H.R. 14341. A bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.R. 14342. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, in order to provide additional loan assistance under such act to farmers who have suffered severe production losses as the result of a national disaster and for other purposes; to the Committee on Agriculture.

By Mr. RANDALL:

H.R. 14343. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.J. Res. 953. Joint resolution to proclaim National Jewish Hospital Save Your Breath Month; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H. Res. 1001. Resolution to create a special Committee on Film Classification; to the Committee on Rules.

By Mr. ZABLOCKI:

H. Res. 1002. Resolution expressing the sense of the House seeking U.S. initiative to assure United Nations Security Council consideration of the Vietnam conflict; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 14344. A bill for the relief of Giuseppe Tarara; to the Committee on the Judiciary.

H.R. 14345. A bill for the relief of Giuseppe A. Cicoria; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 14346. A bill for the relief of Asuncion Casolino Berroya; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 14347. A bill for the relief of Vito Giannola, his wife Rosa Giannola and their son Salvatore Giannola; to the Committee on the Judiciary.

H.R. 14348. A bill for the relief of Matteo Lupo; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 14349. A bill for the relief of Gaspare Giacalona; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 14350. A bill for the relief of Giuseppe Cavallo; to the Committee on the Judiciary.

H.R. 14351. A bill for the relief of Antonio DiLauro; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 14352. A bill for the relief of Romeo P. Punzal; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 14353. A bill for the relief of Alicia Miyagui; to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 14354. A bill for the relief of Elmira B. Tanoy; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 14355. A bill for the relief of Ming-Yuan Feng; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Hungarians in Rumania

EXTENSION OF REMARKS

OF

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1967

Mr. LANGEN. Mr. Speaker, it is with pleasure that I am commending the fine speech by my distinguished colleague from New Jersey [Mr. PATTEN] on the prevailing conditions in Communist Rumania, with particular emphasis on the situation of the 1.75 million Hungarian minority in Transylvania.

During the last Congress many of my colleagues have raised this subject in speeches and in resolutions submitted to the Chair. We feel that despite the passage of time, the conditions under which the Rumanian people in general, and the Transylvanian Hungarians in particular, are forced to live are unbearable for any developed, freedom-loving people anywhere.

Today, it is fashionable to parrot the slogan of liberalization and nationalization of the formerly satellite regimes in Eastern Europe and to promote bridge-building. However, there is little evidence of such developments in fact in these countries. It is true that some of the most odious ways of persecution of the people and oppression of religious groups have abated somewhat in some of the Eastern European countries, but not, unfortunately, in Rumania.

It is also correct to state that Rumania is following a more nationalistic policy than in 1956, but any conclusions of a real rift between Moscow and Bucharest remain figments of wishful imagination. As Eugene Lyons, the senior editor of Reader's Digest, put it in his speech on November 7, 1967, at Seton Hall University, because of popular dislike the Rumanian Communists would even refuse independence from Moscow should it ever be offered to them, as Moscow is the ultimate guarantee of their existence.

Under such circumstances, the belief that Rumania can become an independent country where freedom will flourish at least to some extent remains the eternal pipedream of those who believe that communism will change its spots. The fate of the 1.75 million Hungarians in Transylvania offers further proof for our assertion. Bearers of a rich, 1,000-year-old culture, and the state nation in Transylvania during most of this millennium, the Hungarian minority now faces denationalization, political and religious repression that fails to abate, rather it heightens as a result of recent developments. Their fate should be a warning to us that permanent, peaceful coexistence with communism remains impossible and we should not cease to raise our voices against the denial of human and civil rights in Rumania, even though the chances of their heeding them might remain very small indeed.

The Farmer: A Vital Member of Our Society

EXTENSION OF REMARKS

OF

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1967

Mr. GATHINGS. Mr. Speaker, the Arkansas 1967 Farm Family of the Year was the Troyce Endsley family, of Bradley, Lafayette County. They received this distinction at the annual awards luncheon held on December 1 at Hotel Marion, which was sponsored by the Arkansas Power & Light Co., Arkansas Press Association, and State agricultural agencies. The Endsleys have a 4,000-acre farm on which they grow cotton, soybeans, alfalfa, and beef cattle. It was estimated that the farm produced 1,500 bales of cotton on 750 acres and an average of 36 bushels of soybeans per acre on 400 acres. When Mr. Endsley started farming in 1951 he was working as a laborer receiving about 25 cents an hour. Three years later he purchased a used tractor and rented 90 acres of cotton land. Through frugality and hard work additional land and rented acreage was obtained.

Mr. and Mrs. Endsley are the parents of five daughters: Betty, 16; Rethea, 14; Becky, 12; Pat, 9; and Beth, 3.

This was the 21st year that the Arkansas Power & Light Co., the Arkansas Press Association, and agricultural agencies of the State had fostered and promoted this program which recognized merit by families engaged in agriculture. The competition was rigid in the selection of farmers, first at the county level and next at the five district levels. The district winners were: Northeast, Thomas McDaniel, of Forrest City, St. Francis County; southwest, Troyce Endsley, of Bradley, Lafayette County; north central, M. E. Pelletier, of Damascus, Faulkner County; southeast, Earl Verser, Jr., of Eudora, Chicot County; and northwest, Joe Williams, of Van Buren, Crawford County.

I was invited to address the luncheon at the time the selection was made on December 1, but due to the heavy snowfall in the Washington area it was not possible to reach Little Rock in time for the luncheon meeting. The remarks that were prepared for delivery by me on that occasion are as follows:

THE FARMER: A VITAL MEMBER OF OUR SOCIETY

So many times the general public erroneously looks upon the farmer as a subsidy-hungry feeder at the public trough, and the feeling exists that the Department of Agriculture with its upkeep of the farmer is a lavish and extravagant operation. Oftentimes, the appropriation of funds for agriculture are viewed with scorn and contempt for being too costly, because of the mistaken idea that the Department and the funds required to run it are beneficial to the farmer and the farmer alone. In order to correct this unfortunate and misleading attitude, we must look at the facts.

A sizable part of the money spent by the Department of Agriculture is for the benefit of the consuming public. It goes to aid many people and businesses as well as the farmer. Let us review the following 1966 fiscal year expenditures for Agriculture so that we can understand where the money was used.

Public Law 480 funds that should be charged to foreign relations and defense, not the farmer:

Sales of agricultural commodities for currencies of the recipient foreign countries	$1,138,000,000
Sales of goods on credit	233,000,000
Donations abroad	413,000,000
Transfer of bartered goods to stockpile for defense purposes	26,000,000
Donations of dairy products to armed services	9,000,000
Total, foreign and defense	1,819,000,000

Other phases of food programs not rightfully charged to farming costs:

Domestic food distribution	$233,000,000
Food stamp program	69,000,000
School lunch (builds strong bodies in our young people)	197,000,000
Milk program (special plan to drink more milk)	97,000,000
Total for poor and needy	596,000,000

Investments that will be repaid:

Farmers Home and REA loans	$546,000,000

Benefits for the future of America—long-range programs for improvement of agricultural and natural resources:

Forestry (benefits everyone)	$351,000,000
Agriculture research (forestry)	221,000,000
Plant disease and pest control	73,000,000
Agriculture conservation program	252,000,000
Soil and water resource protection and development	224,000,000
Extension work	90,000,000
Inspection of commodities (meats)	79,000,000
Other kindred outlays and expenses	93,000,000
Total	1,383,000,000

Expenditures largely for the stabilization of farm income, but also of benefit to others such as storage concerns—warehousemen and river and rail transportation facilities:

CCC and price support programs including loans, purchase, storage, handling and transportation and administration expenses	$1,605,000,000

Agriculture expenditures help the farmer and at the same time the general consuming public, our school children and the needy or poor people. These funds go to our defense establishment and to build good will with our neighbors overseas. These appropriations build up our land and water resources for future generations. It has been estimated by Department of Agriculture sources that, during fiscal 1966, funds spent for programs that assisted and aided consumers, the general public and business concerns represented nearly two-thirds of the total expenditures made by the Department of Agriculture during that year. This story needs to be told and retold. It is worthy of repetition.

The people who supply the nation with the basic necessities of livelihood, food and fiber, need to be praised and encouraged, not denounced. The farmer receives only a small part of the consumer dollar spent for food. The price of a loaf of white bread in 1966 was 22.2 cents. How much of that price did the farmer receive? Only 3.7 cents for the wheat and other items that made up the loaf. The price of a business shirt made of cotton was an average of $4.38 in 1966. The farmer received 24 cents for the cotton or about five or six percent of the total retail price. Although the retail price of this shirt was 12 cents higher as compared to 1965, the farmer's price for the cotton was two cents less.

Farming is an expensive business, and more capital outlay is needed per farm worker than is required for a worker in industry. The average investment for one farm worker is $35,958 in comparison to $20,910 per factory worker.

Even though there are fewer people farming, the capital requirements to operate a farm have been rising appreciably. The average investment for each farm has gone up from $6,158 in 1940 to $16,979 in 1950. In 1966 the average capital outlay per farm $65,960, and the farmer is equally as entitled to a fair return on his investment as any businessman.

The number of farms has declined from 6,400,000 in 1940 to 3,300,000 in 1966. This reduction in the number of farmers by one-half in 25 years makes it necessary for the man still on the farm to do a much bigger job. You have but to visit a modern supermarket to determine whether the farmer has succeeded. American farmers by far outstrip farmers of any other country of the world in production. This is a fact of which every citizen in the United States should be proud and grateful. What it means is that while most people on this earth spend at least half and often more of their entire income for food. In this nation families spend only 18 per cent of their earnings for the highest type of a balanced diet of nutritious foods. It is a real blessing that our people are so well fed and healthy on such a small part of their income.

If our farmers still used the methods that were customary here in 1940, the cost of this nation's food and fiber today would be an additional 13 billion dollars a year, and each family would have to pay about $5.00 more per week for its market basket.

Only eight of every 100 wage earners work in agriculture in the United States. Since food is the most important commodity produced for mankind, this efficiency on the part of our farmers leaves the other 82 people available for producing goods and services for modern living. This makes it possible for us to have the highest standard of living ever known to man, because the other workers are free to manufacture television sets, refrigerators, washing machines, etc. They can operate banks, work in hospitals, sell insurance, build homes, serve utility companies, the news media and various other services, including the national defense.

The American farmer's contribution to our high standard of living has been provided under tremendous drawbacks or handicaps.

During 1966 the net income for farm labor, including management, averaged $1.60 per hour, but for the same period the average wage of industrial workers, excluding management, was $2.71 per hour. In the past 20 years, industrial workers' hourly earnings have increased 123 percent. During the same 20 years, farm prices went down 11 percent.

If you will look at the basic commodity prices of today and compare them with 1947 prices, any doubt you may have about these reductions will be removed. Cotton is selling for about 28 cents per pound by figuring in as a part of that price the subsidy paid by the government, and in 1947 cotton was selling for about 32 cents per pound. Corn, in 1967, was bringing $1.26 per bushel, but the 1947 price was $2.16. Wheat now averages $2.40 and that includes the value of the certificates instead of the $2.29 the farmer received in 1947.

Living in the United States are 200 million people who have to be fed, clothed and housed. In the underdeveloped areas in Asia, South America and Africa, the population explosion is resulting in food shortages, malnutrition, under-nutrition and hunger. These nations for many years will have to get supplemental food from other countries, although these people make less wages and cannot buy our products at the same prices paid in this country. Our farmers who receive $1.60 an hour for their work are finding it most difficult to buy all the machinery and chemicals they want to buy from industry that is paying $2.71 for labor.

The farmer is not asking preferential treatment, but he is entitled to fair play or reasonable returns on his investment of capital and labor. Without the assurance of a reasonable profit he may not be able to produce the increased requirements of commodities. This is why government assistance is necessary to our country's welfare. In reality it is more of a subsidy of the housewife and of the downtrodden than of the farmer. Let us do all that is possible in this nation to keep our farmlands fertile and prosperous. The farmer is a vital and essential member of our society.

Retirement of Merritt Crouch, of Alliance, Ohio

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1967

Mr. BOW. Mr. Speaker, it must be a very rewarding experience for a man to retire from active work, leaving behind a tangible monument to the success of his life's work. Few men are this fortunate. One of them is my very good friend, Merritt Crouch, of Alliance, Ohio, who retired October 31 after 41 years of service with agricultural cooperatives.

Merritt's monument is the United Cooperatives, Inc., an organization which moved into Alliance in 1939 when Merritt was asked to select a location for a new paint manufacturing plant. Later, general headquarters of United Cooperatives moved to Alliance and in 1943 he became its acting general manager. He retired this year from the position of executive vice president and general manager.

During his years of leadership the volume of business increased from approximately $4,000,000 to over $50,000,000. Anyone who does business with any cooperative is familiar with the Unico label and the reliable products manufactured and/or distributed by this agency.

Merritt Crouch has always had time for civic activities in addition to his life in business, and has been a leader in chamber of commerce affairs. Most recently he has been working on the establishment of legal aid services for the poor in Stark County. His interests are varied and his energies seem unlimited. Though retired, we expect Merritt Crouch to remain a dynamic force in the life of our county and State for many years to come.

High Taxes Result in Unbridled Spending

EXTENSION OF REMARKS

OF

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1967

Mr. COLMER. Mr. Speaker, the problem of Federal spending and taxes is very much on the minds of every Member of this House and is of great concern to the public generally.

As pertinent to our present problem, I submit the following excerpts from a speech made on March 19, 1952:

> Mr. COLMER. Mr. Speaker, I call up House Resolution 578 and ask for its immediate consideration.
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> Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and pending that, I yield myself 15 minutes at this time.
>
> Mr. Speaker, for the past two decades this splendid young Republic has been going through one crisis after another; some were real, others mere political creations advanced to perpetuate those in control of the government in power. Today we are faced with another crisis, a real crisis, a crisis that threatens to destroy the fiscal foundation of the Republic. We are on the brink of the precipice of national bankruptcy. More and more thoughtful citizens throughout the country are realizing and fully appreciating the dangers ahead if this unbridled governmental spending is permitted to continue.
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> Today we, the representatives of the people, are given an opportunity to apply the brakes and thus make a further contribution toward reversing the trend in extravagant governmental spending.
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> This rule makes in order the consideration of H.R. 7072, the annual independent offices appropriation bill, a bill appropriating funds for the next fiscal year for most of the Federal bureaus. The President, through his Budget Bureau, requested of the Congress a total of $2,085,097,390 for these bureaus. The Appropriations Committee, under the able leadership of its subcommittee chairman, the gentleman from Texas [Mr. THOMAS], has cut that request by a total of $700,048,695. In every case the committee has made substantial reductions excepting, of course, such items which are fixed and not susceptible to reduction.
>
> As one who has long been interested in this economy drive. I desire now to express, in the premises, on my own part and on the part of my coworkers, the gratitude of all economy-minded Members of this body for the committee's efforts. While further efforts will be made in the form of appropriate amendments to make even further economies, I apprehend that determined efforts will be made by those Members of the House

who consider themselves liberal minded to restore the reductions made by the committee in an effort to continue the spending spree. This effort must not prevail. The line must be held.

BALANCED BUDGET

Mr. Speaker, I have been alarmed for the past several years over the dismal picture presented of the country going deeper and deeper each year into the red while the Federal Government digs deeper and deeper into the pocket of the American taxpayers. More than a year ago a little band of southern Democrats, with the aid of others, in this body got together and agreed to accept the President's challenge to cut his budget. Last year we succeeded in trimming that budget several hundred million dollars. This year others have joined our group and the work continues. We have reason to believe that, with the addition of more and more converts to the cause, the budget can be balanced this year in spite of the $82,000,000,000 request of the President with the resultant $14,000,000,000 proposed deficit. If the economy line is held on this bill and the succeeding appropriation bills yet to come before us, there will be no necessity for any deficit. We can place ourselves on a pay-as-you-go basis. Therefore our immediate objective this year should be a balanced budget.

It is as obvious as the noonday sun that if we cannot balance the budget now, with an all-time high national income of cheap money together with an all-time high taxing program, the hope of ever balancing the Nation's budget is indeed dim. In fact, prudence suggests that under such conditions we should be retiring a part of our gargantuan debt and fortifying our fiscal condition for the eventual rainy day.

FANTASTIC GROWTH OF NATIONAL DEBT

Mr. Speaker, the growth of our national debt and the fantastic amount of taxes extracted from our people has caused me to do a little research. I thought it might be well to call the attention of the Congress and the country to some comparative figures of taxes and expenditures by our Federal Government at 25-year intervals over a period of the past 160 years of the country's history. The startling results are as follows:

Period	Total expenditures	Net receipts	Change in public debt
1789 to 1813	$219, 233, 000	$221, 816, 000	[1] $6, 024, 000. 00
1814 to 1838	534, 759, 000	644, 634, 000	−71, 053, 000. 00
1839 to 1863	2, 232, 812, 000	1, 130, 702, 000	1, 109, 339, 000. 00
1864 to 1888	8, 833, 181, 000	8, 881, 529, 000	264, 858, 000. 00
1889 to 1913	12, 701, 857, 000	12, 787, 468, 000	−191, 584, 000. 00
1914 to 1938	124, 883, 429, 000	89, 393, 932, 000	35, 971, 693, 000. 00
1939 to 1952 [2]	638, 131, 389, 000	419, 494, 298, 000	260, 193, 628, 740. 39

[1] 1790 to 1813.

[2] To Mar. 13, 1952.

To say that the figures are startling is an understatement. It is significant to note that in the first period of the country's existence, when the Jeffersonian principle that the people who are least governed are best governed was in full bloom, and prior to the growth of the doctrine of paternalism that the poor young striving Republic actually had a substantial balance of more than $6,000,000 in the Treasury. Compare that figure with the national debt of more than $260,000,000,000 today and one is compelled to question the oft-repeated statement that the country today is more prosperous than ever before in its history. Moreover, I desire to again call the attention of my colleagues to the fact that the Government is no different in its fiscal affairs from the individual or a corporation. The management of Government is a business matter. The fact that Government is big business makes no difference. And I repeat what I have often stated on the floor of this House, "There is a bottom to the Government's meal barrel as well as to the individual's or the corporation's."

INCONCEIVABLE DEBT

Mr. Speaker, we have been lulled into complacency so long by the so-called liberal thinkers and have been so accustomed to appropriating the taxpayers' money in denominations of billions that it is impossible to comprehend what a billion really is. Some mathematician, in an effort to comprehend a billion dollar figure, has come up with this startling illustration:

"If a person had started in business in the year A.D. 1 with a billion dollars capital, and if he had managed his business so poorly that he lost $1,000 each day, in 1952 he still would have enough capital left out of his original billion to continue in business, losing $1,000 a day, for almost an additional 800 years, or until the year 2739."

Now in order to attempt to get some conception of how long it will take us to retire the present national debt of over $260,000,000,000 let us assume that we are frugal and prudent and start retiring that debt at the rate of $500,000,000 a year; 520 years would be required to retire the debt.

Moreover, Mr. Speaker, if further emphasis is desired on our financial status one needs only to refer to the fact that it now requires more than $6,000,000,000 per annum in the form of interest to service this enormous debt. The Treasury has now asked for and we appropriated last week an increase of $300,000,000 to take care of the increased interest on that debt over last year. In other words, the interest alone on our national debt is costing the taxpayers now about one and one-half times as much as the total expenditures for 1 year of the Federal Government in the period of 1914–38.

DARK BUT NOT HOPELESS

Mr. Speaker, that, sir, is the fiscal condition of the greatest business in the world, the United States of America. It is an unpleasant picture. It cannot be passed off lightly with the explanation that we are in a global warfare against communism, another crisis. Neither can we comfort ourselves into further complacency by adding to that the fact that we have recently emerged victoriously from a global strife with Nazi Germany and totalitarian Japan. The fact is that the country has been victorious in other contests at arms and through other crises throughout its history without serious impairment of its financial structure. Those crises, prior to World War II and prior to the Soviet Russian menace, were serious too in their day. Can it be logically reasoned that the situation in this country for the past 6 years has been so grave as to require the extraction of more taxes from the American people than was taken from them in the first 156 years of the country's existence? I think not.

Permit me to again point out to my colleagues what I have repeatedly pointed out on the floor of this House during the past 6 years that so far as the masters of the Kremlin are concerned they want neither war nor peace. Their main purpose, in my humble judgment is to conquer this country, as they have conquered all others, by the simple procedure of bleeding us white in the destruction of our economy. They would accomplish this here as elsewhere through fear, infiltration, by prodding us into national bankruptcy, and taking over in the resultant confusion of chaos and hunger. No one realizes more than the Kremlin strategists that a hungry belly cares little about the type of government it lives under. In substantiation of this I call your attention to the well-known fact that more than 600,000,000 peoples have been drawn behind the iron curtain without the firing of a single gun by a Russian soldier.

CONGRESSIONAL RESPONSIBILITY

Mr. Speaker, the solution to our financial problem and the responsibility therefor are strictly up to the Congress. More than that it is up to this House to see that the dangerous trend is reversed. I need not remind you that the wise men who founded this Government provided that because we of the House must originate all taxes and appropriations we should be elected every 2 years. We cannot hide behind the Chief Executive or complain of the traditional policy of the other body to increase appropriations. Certainly, at best the responsibility is two fold, the President and the Congress. Furthermore, I should like to refresh your memories today by calling your attention to the fact that the people of America are tax conscious as never before. The income tax, originally designed and practiced as a soak-the-rich tax, has become so enlarged that it now digs into the pockets of the smallest business man, the white-collar workers, and the day laborer. The policy, under the Fair Deal program, of everybody "touching" the Federal Government has likewise developed into the policy of the Federal Government "touching" everybody. Even the humblest citizen now realizes that the Federal Government is no Santa Claus. In fact, we have reached the saturation point in taxation. With the tax rate as high as 90 percent in the upper brackets, the incentive for businessmen to make money scarcely exists, while the day laborer and the middle class find it difficult to live under the high rate of their own taxes.

Yes, Mr. Speaker, the people, the overburdened taxpayers of this country, are looking to us, as their representatives, to at least balance the budget. In fairness to those who founded this Republic and to the generations of future Americans yet unborn, we can do no less.

SOLUTION

Mr. Speaker, I fear that I have been boresome, and that I may even be charged with pessimism, in this long recital in an effort to emphasize the seriousness of the situation. It is serious. America is at the cross-roads in its fiscal policy. If we do not change that policy we will become a bankrupt people. If we destroy the faith and credit of the Government we lose everything, our economy, our standard of living, yes, even our cherished liberties.

If the Congress is to regain its constitutional control of the purse strings; if the budget is to be balanced; if we are ever to liquidate this enormous debt, I respectfully suggest and urge that the following formula be adopted:

First. Our legislative committees, as well as committees on appropriations, must cease reporting out bills except those which are absolutely essential to our economy and national defense.

Second. Every Member of this body must recognize that the objective of balancing the budget is his most important assignment.

Third. Sectionalism, partisan politics, responsiveness to highly organized minorities, must give way to the national need for a sound financial policy.

Fourth. Every dollar appropriated must be considered as carefully as if it were coming out of the pockets of the Members themselves, as indeed the Members' proportionate share is.

Fifth. Our congressional committees, particularly the appropriation committees, must be staffed with an adequate staff of experts equal in efficiency to the staffs of the various governmental agencies who appear before them seeking appropriations.

Sixth. The Congress and the country must recognize that financial solvency is as important as military might in preparing ourselves against any potential foreign aggressor, a fact which our military captains should be made to understand.

Seventh. Our foreign friends must be made to understand that there is a limit to the resources of America.

Eighth. The system of permitting the carry-over of unspent funds from the current fiscal year into the new year must be abandoned. A meticulous study of the 1,200 pages of the President's budget this year will show that the carry-over of unspent funds from the current fiscal year will exceed $60,000,000,000.

Ninth. The procurement of military requirements, which constitute more than 50 percent of our expenditures, must be placed in the hands of trained civilians who appreciate the value of the dollar.

Tenth. And finally, the citizens of the Republic, now conscious as never before of the burdens of taxation, must practice the doctrine of States' responsibility as well as States' rights. The practice of looking to Washington for Federal aid in civil responsibilities of their own must cease. They must realize that there is no State, county, or city whose financial statement is not sounder than that of the Federal Government.

Finally, Mr. Speaker and Members of the House, this budget can be balanced and must be balanced this year. Whatever it takes to balance it must be done. A $14,000,000,000 deficit under the President's budget recommendations is unthinkable. If this country, the last fortress and haven of a free people, is to survive our fiscal policy must be placed on a sound basis. The time is now. Next year may be too late. Now is the time to place the country above party.

In the name of the founding fathers who gave the country its birth, in the name of the untold thousands who have died to preserve it, in the name of free peoples everywhere, I beseech you to save the Nation from bankruptcy and thus perpetuate this, the most glorious form of free government ever conceived by the minds of men.

Spending and Taxes

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1967

Mr. COLMER. Mr. Speaker, today in the dying hours of the first session of the 90th Congress, the Congress, and more particularly the House division thereof, finds itself in a hassle with the President over the President's budget and our fiscal affairs generally. The House, even though belatedly, has apparently awakened to the true condition of the Treasury. This was brought about by the President's request for more taxes. Already faced with a national debt of $345.6 billion, the necessity for again lifting the ceiling on that debt, the doleful prospect of a $29 or $30 billion dollar deficit in the budget for the next fiscal year and ruinous inflation, it is obvious that we must get our fiscal affairs in order or lose our form of government to one of the modern isms flourishing in other parts of the world.

The second session of the 90th Congress should be dedicated to getting our fiscal house in order.

Mr. Speaker, with no desire to make self-serving statements, I do desire to again hoist the storm signals and again call upon the Congress and the President to take heed lest the avalanche engulf us. With this in mind, I extend my remarks by inserting in part the following remarks which I made on the floor February 23, 1966:

TAX ADJUSTMENT ACT OF 1966

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 736 and ask for its immediate consideration.

The Clerk read the resolution.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. COLMER] is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from California [Mr. SMITH] representing the minority, and pending that I yield myself such time as I may consume.

Mr. Speaker, if I may have the indulgence of the House for a very few minutes, I should like to discuss in those few minutes this new revenue bill. Permit me to say in the first instance that, like every Member of this House, I am opposed to raising taxes. There is only one thing that I am more opposed to as a Member of this House, and that is to this Government going deeper and deeper and deeper into debt every year.

Now, taxes are always burdensome and are ever increasingly becoming burdensome, but, as I indicated, we have to look at the long-range program and we have to weigh and evaluate the question of which is the worse evil, the raising of more revenue or the increasing of our national debt. Above all this, of course, is the ever-present and ever-increasing danger of ruinous inflation.

Mr. Speaker, this bill would change the method of collecting taxes, which the committee estimates would bring in considerable revenue. The other provision of the bill would not repeal but, rather reinstate or reauthorize the collection of certain excise taxes. It would reimpose these excise taxes, which were scheduled under the bill passed last year to expire and which would therefore under this bill add additional revenue.

Mr. Speaker, I was opposed to the repeal of these taxes on previous occasions on the same theory and on the same philosophy that I am now stating here; namely, that you have to have some semblance of fiscal responsibility. I just belong to that old-fashioned school that believes somewhere down the line there has to be a day of reckoning and that you just cannot keep on spending, spending, and spending, and keep adding and adding to the national debt. So I reluctantly take the unpopular position here of supporting this bill—no man in public life likes to take an unpopular position, particularly the one of raising the burdens of taxation—and I take this position upon that theory and upon that philosophy of fiscal responsibility.

Now, what is the situation here? We owe—and I have the most recent figures—a little matter of $320 billion. This is the figure that the Treasury comes up with. But if all the obligations of the Government were added it would be many times that figure. In fact, it would be in the astronomical figure of trillions. The interest on that acknowledged figure of $320 billion is $12.8 billion annually.

Now the proponents of the Great Society tell us that we have the greatest era of prosperity we have ever had in this Nation. I believe that is true. I do not believe there is any question about it. The Nation is enjoying unprecedented prosperity.

But, Mr. Speaker, I come back to the point that a large portion of that prosperity is the result of governmental spending, and that if the Government keeps accelerating the spending which we are now experiencing, we will have just that much more of this artificial prosperity.

However, somewhere—and I come back to my original point—down the line there has to be a day of reckoning.

Now, Mr. Speaker, another reason I go along with this tax bill is, to lessen the deficit that we are facing—is because of the retarding effect that it will have upon inflation.

Mr. Speaker, I have stood in the well of this House at least 20 times in the last 20 years and made the statement, that I feared inflation worse than I feared communism; that we were in more danger of destroying ourselves from within than we were from without.

Mr. Speaker, we have inflation today. Would anyone deny that? If you are not familiar with it, ask your wife about it when she goes shopping. It is increasing all the time. This will serve to place a little brake upon that evil of inflation.

So, Mr. Speaker, we are faced with a situation here where we have got to maintain some sense of responsibility on the domestic front.

Now, Mr. Speaker, I just happen again to be old-fashioned enough to believe that we can not have our pie and keep it too—or to put it conversely, we cannot have both butter and guns.

But yet I see no indication whatever upon the national horizon to cut down on this domestic spending. On the contrary, we are authorizing more and more and more new programs that are going to cause greater and greater and greater deficits, and further debase our currency and hasten that day of confrontation when we have to realize what is going on.

Would it not seem the prudent thing to do—would not private business or private enterprise or the private individual who has some sense of responsibility and prudence—would he not try, if he got into trouble on one side—would he not try to retrench on the other? Oh, but no, not the Government—not the Federal Government. We are going to continue both the domestic spending and the acceleration of the welfare state and at the same time furnish more and more of the sinews of warfare which come, incidentally, very expensively.

Mr. Speaker, I am very much concerned about the future of this country. I am very much concerned about the perpetuation of the Republic with its cherished institutions. I think it is time to stop, look, and listen a little bit and try to get back on an even keel.

Mr. Speaker, when my friend, the able gentleman from Arkansas—and there are very few in this House, if any, who are more able than he is—comes before the Committee on Rules again—which I anticipate before too long, and asks for another increase in the debt limit—and you remember we had two or three last year and we will probably have at least—I know we will have at least one more and possibly two or three more before this Congress is over—or certainly before this situation is solved—I am going to be against it.

As one Member of this House of Representatives, I am trying to call the attention of the American people to our financial situation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my distinguished friend, the gentleman from Iowa, who I might say is not responsible for our unfortunate debt situation.

Mr. GROSS. There is one figure that I

would like to add to the figures that the gentleman has given and that is the figure of $1,206 billion of public and private debt in this country as of December 31, 1965. That is an increase of between $88 billion and $89 billion over the figure for 1964. Somehow or other, as the gentleman has said, we have to stop spending. But like the gentleman, I see no evidence of it. Already in this session of Congress I have seen millions voted for Interama. I have seen more millions for a National Air Museum voted through Congress and the $1 billion Southeast Asian Development Bank went through as if the skids were greased. I see no evidence of anyone trying to cut back on spending. It is going to be hard for me to reconcile a vote for this bill here today in the light of the spending that has already been authorized for projects that could and should have been deferred.

Mr. Colmer. I thank the gentleman for his contribution. He usually makes a valuable contribution. I can understand how he will find it difficult to vote for this tax bill even as I have already stated I am finding it difficult to do so.

I express the hope that the administration and the Congress will act prudently and responsibly and curtail these new programs in the interest of giving the necessary support to the war effort and in the interest of fiscal responsibility.

A Great Public Servant

EXTENSION OF REMARKS

OF

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1967

Mr. ECKHARDT. Mr. Speaker, one of the great public servants in Houston and Harris County, Moses Leroy, was honored recently at a testimonial dinner. My distinguished colleague from Bexar County, Henry Gonzalez, was the principal speaker that evening and I was privileged to introduce him. Here is what he said about Moses Leroy:

Moses Leroy: A Touch of Greatness

(Address by Congressman Henry B. Gonzalez at testimonial dinner for Moses Leroy, December 2, 1967, Holiday Inn Motel, Houston, Tex.)

We generally seek our heroes in some pantheon. We seek statues of gods or demigods. We expect to hear of them in story and song. But while we seek heroes in pantheons we find them in the vineyards of society. These heroes are not well known and may be unknown altogether—but they are heroes nonetheless. Such men are men with a touch of greatness in them. Moses Leroy is a man with a touch of greatness.

This is a world afflicted with cynicism and sorrow. These are times when few pople admire anyone. And this is an age in which few men believe in anything. But the man we honor here is a man who has not merely beliefs. But passionate convictions. He is a man who knows what cynicism is but has not been corrupted by it. Moses Leroy is the rarest kind of man—he is a man that everyone can respect and admire. Such a man is worthy of praise. Such a man deserves our close examination—we can learn from him and profit by his example.

A man touched by greatness is different from other men—not in many ways, but in important ways. Ordinary men have certain beliefs, but they may often place other considerations ahead of those beliefs, an ordinary man may believe in civil rights, but he may not say much because he may be fearful of what others may think. He is afraid to believe with strength and passion, or he may simply not know how to act on his convictions, but a man who has a touch of greatness is different. He does not test the wind to see which way it is blowing before acting on his beliefs. He does not wait for an idea to be popular before committing himself to it, if he thinks it is right and sound. He does not hold back from a movement until it becomes popular or respectable, if he thinks it is right, he is not afraid to start a movement. Or start an argument if he thinks it is necessary, a man who has a touch of greatness has a sense of conviction. He is not merely a believer, but a passionate believer. And he is not afraid of his beliefs. More than that, such a man has the courage of his convictions. He acts on his beliefs and gathers allies to his cause. He is unafraid of the consequences his beliefs may have. If he needs to make someone unhappy in the cause, then he does it; if he makes enemies, then he does so without regret. A great man does not necessarily have joy in combat, verbal or otherwise, but then neither is he afraid of it.

If one of the marks of distinction is a capacity for belief and conviction, and the courage to stand for belief and act on it, then surely we can recognize this in Moses Leroy.

Moses LeRoy is in fact a man who believes in certain things. And he believes these things enough to have spent a good part of his life in working for their advancement; this man is not like most men. Most men dream of better things, a better world and a better life. But Moses LeRoy has put himself in the business of making dreams come true, for he is a doer as well as a dreamer.

It is hard for some people to believe in this year of grace 1967 that the NAACP was once considered radical or dangerous or even possibly subversive. I know that all of us here remember when that was the case. All of us remember the epithets thrown at the NAACP by demagogues too numerous to mention. There were laws designed to drive the organization underground by requiring this membership to be listed in public or police records. The same kind of laws that were used against the Communist Party were also directed against the NAACP. The object of these laws was of course to break up the organization, drive it underground and deprive it of any possible political or even moral effect.

The NAACP was an organization under attack, not in the too distant past. It was an organization that few white men—regardless of their conviction—would join. A great many Negroes would not join either because the organization was not quote "respectable" unquote or they feared the consequences of joining. A man could lose his job by becoming a known member of the NAACP. But from the first day that the NAACP existed in Texas, Moses Leroy was a member. For Moses Leroy believed in what the organization stood for. Being a man possessed of the courage of his convictions he did not wait until the organization had become popular or respected by the community at large. He joined as soon as he could and was one of those who *made* the NAACP a symbol of progress, courage and decency. Moses LeRoy has served on any number of boards and committees for the NAACP. He has been more than a member and more than an active member. He has been a pioneer and a leader. An inspiration and a voice. And he has been all of these things in times when it was not always easy. That is the mark of distinction in this man. He has followed the light of reason and stood firm for beliefs when it has been hard to do so. He is a man who has accepted the risks involved in being right before others are capable of seeing it, and has worked against long odds in openly advocating decency in a world often unwilling to grant it.

A great man is one who is not easily discouraged. He is not afraid of defeat, or of reversals, he is willing to work a lifetime to obtain what he believes in. He does not quit. He does not permit himself the luxury of defeat and does not withhold his energy during dark days. For he knows that only the long and hard fight gains ultimate victory. He is not afraid to lose, for he knows that defeat only comes to those who are afraid to try again or who see no use in continuing a losing effort. He is a man who knows that there is no need to fear anything but fear itself. He is a man who can be hurt by adversity, but who may never show it to anyone else. He has the capacity to absorb disappointment. But not let it become a part of him or dominate him, he may find a hopeful avenue closed, but will immediately seek a new one. He is a man who above all else believes in tomorrow rather than yesterday, for he knows that the good old days were never really good and in any case cannot be recalled. And he knows that hope lies ever ahead, and never behind.

Is Moses Leroy such a man as this? His whole lifetime is testimony that he is. Only Moses Leroy can tell us of his defeats, his disappointments, and his days of despair, all that we know is that he has not been affected by them and has not permitted himself the ease of becoming bitter or frustrated or cynical. He has never quit, never stopped, never flinched in the face of adversity. So we cannot tell how many times he has known failure, or how many times he has seen high hopes dashed on the shoals of bitter and painful disappointment. All we can tell is that he is still going strong, filled with pride and most of all filled with an endless hope. We know that in Moses Leroy there resides not bitterness for the past, not a yearning for the lost drop of youth, but a profound belief in tomorrow. And he is anxious to see dreams realized and is unafraid of tomorrow.

I think that a great man is a man of imagination. He can see further into the future perhaps than most of us. And he can most certainly see potential where most men see nothing at all. A great man foresees that in deserts there are potential gardens and that in hopeless situations there is opportunity. He is capable of thinking of victory while standing in the ruins of defeat. He can show a spark of mental vitality when everyone around him is filled with fatigue. And he can stimulate not only his own imagination but stoke the fires in others as well. He knows a good thing when he sees it, and recognizes a fine idea sooner than most. He cannot only dream, but can articulate his dreams in a way that others can understand and be inspired by them.

We have as our guest of honor just such a man. We have before us a man who is possessed of the kind of mind and imagination that most men can only hope for. All of us who have been privileged to know Moses Leroy have an envy of his imagination and wit. Anyone who knows this man can say honestly that his is the kind of imagination that could alone make him more than a common man. For he is a man who can see when all others may be blinded by despair, by defeat, by bitterness or unwillingness to try again, and he is a man who can make a dream seem worthy of attainment by others—he is a man who can and often does cause others to think high thoughts and see visions open up in distant places. His imagination is such that he can make things distant seem near, and can make a hard and difficult road seem easy and worthy of trying. Moses Leroy is also an honest man—honest with himself and others. He is not afraid to face the truth himself. More important he is unafraid to tell the truth to others. If it is true that segregated unions are wrong, Mr. Leroy has said so. If it is true that the railroad should integrate its facilities, this man has been unafraid to tell them so. In fact, a good part of Mr. Leroy's life has been devoted to making others realize that all men are entitled to equal rights and equal opportunities. This is the kind of honesty that goes beyond personal integrity—it is the kind of honesty that forces other men to be honest as well.

Democratic unionism for example is much more than a phrase to Moses Leroy. He not only believes in democratic unionism but demands it. He has worked long and hard—and fought—for not just Negro participation in union affairs—but meaningful participation. It was never enough for Moses Leroy to be handed a token. He has recognized that there is a difference between the mere symbols of life and substance. That there is a difference between symbolic participation and real participation and that a token is only a token and nothing more. So he has sought for more than the simple trappings of Negro participation in the labor movement. He has sought and gained real, honest and meaningful participation. Few of us know how hard he has worked for this one thing alone—but all of us know that it has been the work of a dedicated, patient and above all, determined man.

There is in all of this something that suggests yet another quality we would do well to recognize, and that is a kind of essential goodness.

This is a world afflicted with evil. Added to the evil we see about us in the form of disease and crime, poverty and war, is the constant shattering of illusions and dreams. I think that this century is marked more than any other time by the shattering of dreams, and the loss of innocence. We can no longer mask ugly truth from ourselves by use of pleasant dreams or sugary myths. And faced with this, many people retreat into a shell of self-isolation and unbelief. They refuse to have hope and refuse to believe in better things. Some protest against society and others just drop out to become flower children or hippies. Some become revolutionaries and some simply become blanks, ciphers in the human equation, but there are others who do not allow bitterness to enter their hearts, and who do not allow shattered dreams to fragment their own hope. These are people who are essentially good, who refuse to become unbelievers. These are people who care too much to feel sorry for themselves and who do not have the time to be lost in the world of frustration. They can be cursed and reviled, they can be hated and distrusted, but they can still permit themselves to have faith. They can still believe and work.

There is no reason for us to deny that a man like Moses Leroy faces every day undeserved hate. Gratuitous insult and clandestine hatred. He faces this no matter how good a man he is because he is Negro. But what makes this man distinguished is that while he faces all these adversities, he has not allowed them to overcome his fundamental belief in mankind. He has not retreated. He has refused to become a cynic. He has simply kept doing the things that have to be done. And you can only explain this behavior by the fact that he is a good man.

There are men in the world who are cunning, and there are men who are wise. It is the worst thing for the State when it mistakes cunning for wisdom, according to Sir Francis Bacon. I do not deny that Moses Leroy may be possessed of some degree of guile. Chances are that there are not many men around who are more cunning than he is. But he is more a wise man than a cunning one. And it is one of the marks of great men that they display wisdom. When all else about are losing their heads, the wise man keeps his own counsel. When some shout and cry, the wise man thinks a wise man is a man who keeps his cool, he is one who does not permit emotion to becloud judgment. He never loses sight of the important things or permits detail to obscure grand designs. If we survey the life of Moses Leroy and if we weight the decisions he has made in good times and bad we will see that he may have employed guile in his time but we will also know that he is a wise man.

You have to say too that Moses Leroy is a man with vigor. A person of great vitality and energy. He is not one to retire, though he claims that he will do so after tonight. And he is not one to rest when work remains to be done. Neither is he a man who does anything only part way. He was young enough to do a full day of hard and complex work. I doubt very much that he even knows what is on the television from one night to the next—I doubt that he has the time to watch TV. Less vital men, less energetic men, less ambitious men could not keep up with one like Moses Leroy.

I have an acquaintance with a wide number of people, but I can truly say that I have only a limited number of true friends. It takes someone unusual to be a friend. A friend is a man who is there in hard times. In bitter times. And most of all in lonely times. A friend is a man to whom friendship matters. A man who knows the meaning of devotion and is unafraid to be devoted. I remember bitter and lonely statewide campaigns in which I was running against hopeless odds. I was running for principle as much as anything else. There would be no campaign offices. There would be no workers. But here in Houston I could count on Moses Leroy being there, and doing all that he could—which is considerable. And for a hopeless campaign or two, we did pretty well—far better than anyone expected. But it would not have been possible without the help of men like Moses Leroy. He is a man who is a friend. I feel privileged to know him. And I feel indebted to him far more than I could every repay. I cannot even articulate the kind of feeling that I have for this man. All I can do is say that he was there when nobody else was. It takes a touch of greatness to do that.

Here is a man of forthrightness and a man of integrity. Here is a man of courage and honesty. Here is a man who has a vision of tomorrow that does not fear to work for it. Here is a man who has bigger dreams than most and as big a heart as any. And here is a man of humility as well.

President Franklin Roosevelt never asked for a great monument, though he built many of them—one for Jefferson and any number all across the land to any number of heroes great and small. All that President Roosevelt wanted to mark his memory was a piece of marble, about the size of his desk, with his name on it, today in Washington just outside the National Archives there is just a monument—so small that only a few people see it, a mark to the humility of a great man. Thomas Jefferson wanted no great monument either. This man, who was President of the United States, author of the Declaration of Independence, inventor, architect and statesman, as great a genius as any, had little desire to be remembered for most of his great deeds. So great a genius was Jefferson that when President Kennedy had a White House dinner with all the living Nobel laureates in the U.S.—poets, scientists, doctors and writers—he could say only in half jest that here was assembled under the White House roof the greatest collection of intellects since Thomas Jefferson dined alone. But when Jefferson died, he asked that his gravestone be marked only that here lies Thomas Jefferson, founder of the University of Virginia, author of the Declaration of Independence. And so it is, just a common gravestone in a simple family plot.

It is the mark of a great man that he does not seek monuments to himself. Moses Leroy has never asked for a monument. His monument is in his own lifetime and that is enough for him.

Finally we can discern a man of distinction by gauging the impact that he has had on others. Some of that impact Moses Leroy has had on others can be seen by the fact that we are here tonight to pay tribute and honor to him. But the real measure of his importance to his fellow man can never fully be known. Only he knows how many people owe something to Moses Leroy—and many people are indebted to him who have never met him and never will because he has made this a better world to live in—and for that all men are in his debt.

I am privileged to be here and honored to know this man. I am proud to call him my friend. Ladies and gentlemen. I give you Moses Leroy. . . .

SENATE

Friday, December 8, 1967

The Senate met at 9 a.m., and was called to order by the President pro tempore.

Rev. Ross W. Dye, minister, Church of Christ, Washington, D.C., offered the following prayer:

O God, the fountain of life in whom we live and move and have our being, in our hearts we cherish the thought that the prayers of the sincere supplicant come before Thee as sweet incense.

We rejoice that we can be workers together with the eternal God, given to purposes greater than ourselves and more lasting than our years.

In all of our endeavors, O Thou who dwellest in light supreme, may our hearts be pure and our actions circumscribed by faithful stewardship and high resolve.

As Thy servants who here act for America formulate their collective judgment on matters often more far reaching than we can comprehend, lead them to prize a good conscience and to seek the wisdom which comes from above.

As the mettle of our Nation is tested in the arena of world leadership and in the clash of ideas at home, make us worthy of the torch which we carry that we may leave a heritage to our children's children.

We ask it in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 7, 1967, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Under the previous order, the Senator from Connecticut [Mr. Dodd] is recognized.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Connecticut [Mr. DODD], I ask unanimous consent that I may proceed for 1 minute, and that his time allocation remains as already stated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.N. SECURITY COUNCIL SHOULD CONSIDER THE VIETNAM QUESTION

Mr. MANSFIELD. Mr. President, last week the Senate unanimously adopted a resolution urging that consideration be given to bringing up the Vietnamese question in the United Nations Security Council. Since that time, there have been relevations in the press to the effect that the NLF, over the past 2 months, had sought entry to the United Nations in New York, and to that end inquiries were made to the State Department as to whether or not they would be given visas for this and other purposes.

In one way or another, the matter was dropped. We now witness, once again, a sorry spectacle of who said what, who did what, who accepted or who refused in the corridors backstage at the United Nations.

There is no reason for this. There is no excuse for this.

In the regular procedures which are provided under the headquarters agreement with the United Nations, there is a simple way to find out whether the NLF will come to the Security Council, and whether we will admit them to the United States for that purpose. That is to move the question of Vietnam in a formal fashion before the United Nations Security Council, as was suggested in the Senate resolution. Then the NLF, or any other party to the Vietnam dispute, may be invited to appear and to discuss the matter. I think it is clear beyond any question that it will be the policy of this Government to issue them visas for that purpose.

THE VIETNAM DEBATE AND THE LAW OF DIMINISHING UNDERSTANDING

Mr. DODD. Mr. President, for almost 4 years now, there has been taking place a national debate on Vietnam policy.

Probably never before in the history of our Nation has any issue of foreign policy been debated with so much vigor and with such vehemence and over so long a period of time at every level of society.

With each passing month the clamor of this debate seems to grow in intensity while tempers on both sides become more strained.

During my recent illness I found myself pondering over the bitter division that has grown up around the subject of Vietnam.

I reread many of the speeches that had been made and many of the articles that had been written.

And the more I read and the more I pondered, the more disturbed I became over the increasingly intemperate quality of the debate and over the acerbity of the division.

I asked myself why it was that there should be such sharp differences, on an issue of such fundamental concern, between people who are, in general, of equal intelligence and integrity and good will. And it is in an effort to answer this question in part, that I prepared the statement I now present to you.

In the course of the unprecedented national debate on Vietnam policy, the charge has several times been made that the administration is seeking to stifle dissenting opinions on Vietnam.

I believe this charge is nothing short of ludicrous in the light of the continuing and sometimes vituperative dissent in Congress and in every other public sphere.

Among other things, dissenters have charged the President of the United States with lack of credibility, with deliberate deceit, with irresponsibility, with aggression, and even with genocide.

In the entire history of free nations, I am certain that there is no wartime precedent for the extravagant degree of freedom that the Johnson administration has accorded to dissenters and demonstrators.

In a sense, this freedom reflects the continuing growth of the democratic tradition, for no such unlimited and continuing tolerance was shown to dissenters during the War of Independence, or during the Civil War, or during World War I, or World War II.

During the Civil War, the Lincoln administration suppressed scores of newspapers, suspended habeas corpus, and imprisoned many thousands of dissenters and suspected dissenters without trial.

Lincoln made no apologies for these stringent measures. In reply to some people who had protested against the arrest of the Copperhead leader, Vallandingham, Lincoln said the following:

> He who dissuades one man from volunteering or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle . . . Must I shoot a . . . soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father or brother, or friend, into a public meeting, and there working upon his feelings, till he is persuaded to write to the soldier boy, that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that in such a case, to silence the agitator, and save the boy, is not only constitutional, but, withal, a great mercy.

I thank God that our own society is now so strong that we are not constrained to resort to the measures which characterized the Lincoln administration's handling of Civil War dissenters.

While there has been much talk about the stifling of criticism, I cannot recall a single instance where those who support our Vietnam policy have intervened to silence a critic of this policy or to prevent him from making his views heard.

On the other hand, Vietnam critics have intervened in the most shameful manner to prevent Secretary McNamara and Vice President HUMPHREY and Secretary of State Rusk from defending administration policy.

To the extent that totalitarian tactics have been used to stifle debate on Vietnam, they have been used exclusively by some of the more extreme opponents of our Vietnam policy.

The distinguished commentator, Eric Sevareid, himself a lifelong liberal, in a recent article in Look magazine, has this to say about the exaggerated actions and dual standards of some of the liberal critics of our Vietnam policy.

> The notion has taken hold of many that the manner and content of their dissent are sacred, whereas it is only the right of dissent that is sacred. Reactions of many dissenters reveal a touch of paranoia. When strong exception is taken to what they say by the President or by a General Westmoreland, the dissenters cry out immediately that free speech is about to be suppressed, and a reign of enforced silence is beginning.
>
> What is more disturbing is that a considerable number of liberal Left activists, including educated ones, are exhibiting exactly the spirit of the right-wing McCarthyites 15 years ago, which the liberal Left fought so passionately against in the name of our liberties.

Those who defend administration policies have been accused of stifling free speech when they say that the critics and demonstrators encourage the Vietcong to prolong the war, in the belief that they can win politically what they cannot win either on the battlefield or at the conference table.

However, the accuracy of this estimate can be supported to the hilt.

It is supported by the tremendous play which the Hanoi press and radio accord to every manifestation of opposition to the war. And it is supported, as well, by virtually every objective observer who has had contacts with North Vietnamese officials, or who has followed the North Vietnamese press and radio.

Addressing the North Vietnamese national assembly as early as April 1965, Premier Phan Van Dong, presented an optimistic estimate on the growth of antiwar sentiment in the United States. He said:

> What causes us to be moved and enthusiastic is that in recent months, in the United States itself, a movement has been developing widely to oppose the U.S. imperialists who are stepping up the war of aggression in South Vietnam and increasing their acts of war against North Vietnam. This movement includes a great number of American people from all walks of life—workers, youth, women, students, intellectuals, religious people, Congressmen, and journalists. The struggle forms have gradually become stronger and more abundant.

Here, too, I call the attention of my colleagues to an article, by Stefan R. Rosenfeld, which appeared in the Washington Post on May 28, 1965.

Mr. Rosenfeld was reporting on a meeting which he and Mr. Chalmers Roberts and Mr. J. R. Williams of the Post had with the Vietcong representative in Moscow. This is what he said:

> Flourishing a batch of American cartoons, signed advertisements, and speeches critical of American policy in Vietnam, the front's

> new representative in Moscow made clear his reliance on American public opinion rather than on military victory or negotiations, to compel American withdrawal.

In recent weeks there has been the statement of North Vietnam Defense Minister Giap, in which he said that he considered the growing opposition to the war in the United States "a valuable mark of sympathy" for Hanoi. Backing up Giap, the official organ of the North Vietnamese Communist Party, Nahn Dan, wrote:

> By coordinating actions on both fronts, in Vietnam and the United States, and stepping up the struggle against their common enemy, the Vietnamese and American peoples will unquestionably defeat the U.S. imperialist aggressors.
>
> The campaign in the U.S. for an end to Johnson's aggressive war in Vietnam has entered a stage of active resistance.

And if anyone considers the several statements I have quoted to be unrepresentative of the North Vietnamese attitude, I could quote hundreds more from the North Vietnamese press and radio and from statements made by North Vietnamese leaders to demonstrate how much attention they pay to every voice of dissent for the purpose of reassuring themselves of ultimate victory; and how openly they gloat over this dissent as the guarantor of this ultimate victory.

It is the privilege of every American who opposes our involvement in Vietnam to speak out.

But it is also the privilege of those who disagree with them to point out that their opposition may be prolonging the war instead of shortening it, and to appeal to them, in the interest of an earlier peace, to reconsider the wisdom of public opposition.

There would be no point, of course, in appealing to the Communists and Maoists and Trotskyists and other extremists who organized and gave leadership to the recent Pentagon demonstration.

They are the sworn enemies of everything we stand for.

But we should not write off the hundreds of thousands of American citizens who have been misled or who oppose the war for reasons they consider valid.

One could have more respect for those who talk about the stifling of dissent if they faced up frankly to the fact that their unrestrained criticism of our Vietnam commitment, and of the conduct of the war, and of President Johnson personally, does serve to encourage Hanoi to continue the war, and that it gnaws at the hearts of the American servicemen who are fighting under such difficult conditions.

Conceivably, these critics consider the dangers of silence or reticence to outweigh the dangers of public dissent.

But if this is the case, then they ought to say so frankly, instead of pretending that there is no danger in unrestrained public dissent, and that it does not in any way encourage Hanoi to prolong the war, or that their criticism does not serve to demoralize our fighting men.

Let them not pretend to ignorance of the encouragement Hanoi derives from every act of dissent in this country, for this is a point on which it should be impossible for intelligent men to be honestly ignorant.

THE LAW OF DIMINISHING UNDERSTANDING

The divisions in domestic and world opinion over the question of Vietnam point to the conclusion that, in the field of foreign affairs, human understanding is governed only in part by the factors of personal integrity and intellectual acumen and good will, and that it is governed to a far larger degree by the factors of geographic and intellectual proximity.

Indeed, the Vietnam experience strongly suggests the existence of a "law of diminishing understanding," a law which preordains, in an almost inexorable manner, that, in matters of foreign policy, and especially in crisis situations, the degree of understanding varies inversely to a person's geographic or intellectual distance from the problem.

In short, the greater the distance, the less the understanding. Conversely, the less the distance, the more understanding one finds.

Thousands of American academicians have signed statements protesting our Vietnam policy.

The number in itself is admittedly impressive.

But when the lists of signers are broken down according to their fields of professional competence, it develops that the overwhelming majority of the critics are, by professional training and personal experience, remote from the issues involved in Vietnam.

Last year Dr. Roger Swearingen, professor of international relations and director of the Research Institute on Communist Strategy and Propaganda at the University of Southern California, made an analysis of the 6,000 academicians listed as opposing the Vietnam war in several newspaper advertisements.

He found that the great majority of the signers were doctors of medicine and dentists, psychologists and obstetricians, philosophers and mathematicians, bacteriologists, biochemists, astronomers, and so on.

The critics came, as Dr. Swearingen stated, "from fields or specialties where no training, experience, knowledge, or perspective on foreign policy, communism, or Vietnam is either required or assumed. Conversely, the recognized U.S. scholars on foreign policy, the Soviet Union, Communist China, Southeast Asia, communism, and American security problems at the major U.S. centers are conspicuously absent from the roster of the critics."

As a proof of this conclusion, Professor Swearingen pointed out that among the 6,000 academicians and professionals who gave their names to the anti-Vietnam statement published in the New York Times for June 5, 1966, there were only four specialists in the field of international relations, nine economists, and 15 historians.

In Europe there is widespread opposition to our Vietnam policy among conservatives as well as liberals and socialists.

In the Far East, however, our commitment to the defense of South Vietnam has the strong support of the Governments of South Korea, Japan, Nationalist China, the Philippines, Thailand, Laos, Malaysia, Singapore, Australia, and New Zealand; and there is good reason for believing that it has the tacit support as well of the Governments of Indonesia, India, and Burma.

In his speech of September 29, President Johnson called the roll of free Asian governments that support our effort in Vietnam.

Because those who understand the Vietnam struggle best are the peoples who live on its periphery, I want to call this roll again, quoting from some of the many other statements that have been made by the leaders of these countries.

And the statements I shall quote are representative of hundreds of other statements made by the leaders of free Asia.

MALAYSIA

Malaysia, which had its own experience with Communist insurgency at the close of World War II, has supported our Vietnam effort unequivocally. Its popular and highly respected Prime Minister, Tunku Abdul Rahman, told me when I was in Malyasia, and has since said publicly, that if the United States fails to prevent a Communist takeover of Vietnam, "Malaysia is through and it will be the end of us all."

THE PHILIPPINES

The Philippines, which also had to deal with a Communist-led insurgency in the postwar period, has contributed a contingent to Vietnam despite the limited size of its armed forces and despite renewed Communist guerrilla activity. Explaining his stand, President Ferdinand Marcos told the American columnist Carl T. Rowan in June of this year:

> Without the American presence we'd all be in danger of wars of national liberation, if not outright attack. Most Asian leaders, privately or publicly, express the same belief.

From the very beginning President Park, of Korea, and the other Korean political leaders have had the clearest understanding of the implications of the Vietnam war for their own security. This was the one thing that emerged above all other things in the course of the lengthy conversations I had with President Park and his lieutenants in early 1945. Since then Korea has further underscored its understanding and support by committing 45,000 combat troops, a larger commitment, in terms of its population, than the present American commitment in Vietnam.

AUSTRALIA

Australia's Foreign Minister, Paul Hasluck, at the SEATO Conference in Bangkok in April 1967, had words of warm praise for the U.S. effort in Vietnam, and he criticized Western European nations for their general indifference to Asian security.

Prime Minister Holt, of Australia, on October 17, made an exceptionally eloquent statement to the Australian House of Representatives on the increase of Australian forces in Vietnam. Let me quote a few sentences that will convey the gist of the Australian Prime Minister's argument:

> It is in Vietnam that aggressive communist pressure—the greatest political danger in Asia today—is most severe and direct, and it is in this area that we must, for the time being, concentrate much of our defense effort and resources. . . .
>
> Let me repeat, in simple terms, why we are in Vietnam:
>
> We are there because we believe in the right of people to be free.
>
> We are there because we responded to an appeal for aid against aggression.
>
> We are there because security and stability in South East Asia are vital to our own security and stability.
>
> We are there because we want peace, not war, and independence, not serfdom, to be the lot of the peoples of Asia.
>
> We are there because we do not believe that our great Pacific partner, the United States, should stand alone for freedom.
>
> We will continue to be there while the aggression persists because, as a free and independent nation, we cannot honourably do otherwise.

NEW ZEALAND

The New Zealand Foreign Minister, Keith Holyoke, said that—

> Nothing is more essential to the maintenance of peace than a recognition that so-called wars of national "liberation" must be successfully challenged. . . . Vietnam is a small nation, New Zealand is much smaller. And we have a particular interest to protect the right of all nations, however small, to work out their future free from the threat of aggression and conquest.

Lee Kuan Yew, the Socialist Prime Minister of Singapore, was at first cautious in his public statements, although I found him firmly committed to the support of our Vietnam policy during the course of an evening's discussion in Singapore in early 1965. Since that time, Prime Minister Lee has become more outspoken. For example, at a seminar in Tokyo in late March of this year, Lee said:

> The stakes in Vietnam are very large. What is happening in Vietnam cannot be repeated. We cannot allow the same forces that have emasculated South Vietnam to emasculate the whole region.

He went on to say that, rather than having to contend with the continuing Communist threat to their national integrity, the former colonial countries of Southeast Asia "may very well prefer a permanent American military presence."

THAILAND

Thailand has been as solid and united in its support of the Vietnam war as any nation could possibly be. Their Foreign Minister, Thanat Khoman, who is generally recognized as one of the great statesmen of Asia, ardently defended our Vietnam policy in a speech before the U.N. General Assembly in early October. I want to quote several paragraphs from this altogether extraordinary speech:

> Let us smaller and weaker nations candidly face the facts and realize that the imminent dangers which may descend upon our nations are less likely to come from nuclear deployment—although that can never be ruled out—than from combinations of military and political ventures which their proponents euphemistically call "wars of national liberation," and which, for all intents and purposes, are hardly different from the one which Adolf Hitler launched against the Sudetenland nearly thirty years ago. Such undertakings nowadays may be more insidious but no less lethal to our free and healthy existence. . . .
>
> North Vietnam and its supporters in the communist world, as well as its Vietcong agents in South Vietnam, wanted the outside world to believe that the war of conquest they have been waging for many years against the small and independent country of South Vietnam is a genuine national uprising or, to use their current terminology, a "war of national liberation."
>
> This travesty of the truth has convinced neither the South Vietnamese people nor those who live near the scene of the crime and who are directly or otherwise suffering from its nefarious consequences. Only those who are farther away whose minds are less perceptive of the existing realities, and those who are always liberal with other people's freedom or are prompted by less than altruistic reasons, allow themselves to fall victims of this crude propaganda.
>
> But if questions as to what they think of the conflict in Vietnam are directed to those Asians who have their feet firmly on the ground and whose vision has not been clouded by the outlandish ideology of the frustrated author of "Das Kapital," they would reply in unison that it is in effect an old-styled colonial conquest with only a few renovated outward trimmings . . . .

LAOS

The small independent kingdom of Laos is headed by a Prime Minister, Souvanna Phouma, who not so many years ago was completely committed to collaboration with the Communists. Now, with more than half of his country overrun by the Communist Pathet Lao, strongly supported by North Vietnamese forces, Souvanna Phouma knows that there can be no collaboration with the Communists.

Souvanna Phouma is another Asian leader who used to avoid public statements of support for our Vietnam commitment, while in private conversations with visitors he made it clear that his support was unequivocal and total. This was still his posture when I met him in Laos in 1965. But now Souvanna Phouma, too, has become outspoken. During his recent visit to Washington he expressed his basic position in these terms, in response to President Johnson's toast:

> We have common interests. We are grateful that you have come, as you came to France in 1917–18, as you came to Europe in 1941.
>
> We are grateful that you came to Indo-China to help us survive. If it were not for your presence, Laos, indeed all of Southeast Asia, would fall under Communist influence. . . .
>
> If tomorrow South Vietnam became Communist, all that would be left for us to do would be simply for us to pack up and go.

JAPAN

As for Japan, Prime Minister Sato during his recent visit made it clear that his government supports our policy in Vietnam, and he also made it clear that he considered it unreasonable to call for a cessation of American bombing without some reciprocal action by Hanoi.

INDONESIA

Indonesia was once considered the most anti-American country in the Far East, after Red China.

But having saved themselves by a hair's breadth from an attempted Communist takeover, the Indonesian Government and the Indonesian people today display an increasing understanding of the stand we have taken in Vietnam and of its importance to their own security.

The influential Armed Forces Daily on October 24, for example, carried an editorial which called for a reevaluation of Indonesian policy toward Vietnam.

It said that the war was part of a global struggle against the international Communist movement, which was being met by the resistance of the Vietnamese patriots, struggling to defend their newly won independence against Communist domination.

And it concluded that Indonesia's national interest obliged it to keep the Communist danger as far as possible from its shores.

Commenting on Walter Lippmann's proposals that U.S. forces be withdrawn to Australia, the organ of the Djakarta area military command on November 1 said editorially:

> Regardless of one's views on the war, it is evident that U.S. forces in Vietnam are both a deterrent to communist attack and a shield against communist expansion in Southeast Asia. If U.S. forces are withdrawn to Australia, it would be very easy for the Chinese communists to continue their aggression and expansion to the south.

BURMA

Burma, too, after a period of courting Red China and excluding Western influence, has now turned militantly against Red China because of its continuing intervention in her domestic affairs. In the process, Burma has, not very surprisingly, reopened its lines of communication with the West.

The Burmese Prime Minister, General Ne Win, is another one of those former Asian neutralists who, while they have not publicly endorsed American policy in Vietnam, have abandoned their opposition to it and have given discrete indications that they now understand and approve.

There is every reason why Ne Win should understand. His government has for years now been striving to control a guerrilla-type Communist insurgency. That this insurgency is not of the home-grown variety was recently driven home by a public message from Peiping to the Burmese Communist leader, Thakin Than Tun. Let me quote this message, because it has a vital bearing on the situation in Vietnam and all Southeast Asia:

> The Chinese Communist Party and the Chinese people firmly support the people's revolutionary armed struggle led by the Communist Party of Burma. We regard such support as our proletarian internationalist duty.

INDIA

Even in India, where opposition to the Vietnam war was once very strong, there are increasing evidences of understanding.

Our common friend, former Senator Paul Douglas, in commenting on one of my statements on Vietnam, told the story of a conversation with an anti-American Indian nationalist.

He asked his anti-American friend how long India could maintain its freedom if the United States pulled out of Vietnam. And his friend replied, as though he had pondered the matter and had the answer ready made: "6 months."

More recently, one of India's most respected political scholars, Mr. K. K. Sinha, director of Calcutta's Political and Social Studies Institute, wrote an article captioned "Vietnam Is My Name." Addressing himself to the critics of the war and to those who take no stand, Mr. Sinha said:

> You cannot help being involved; you are involved, whether you like it or not. Your present indifference is a factor favoring one side in the battle. So don't imagine that by your silence you can escape.
>
> I have gone through much of the literature on Vietnam and more is coming out. One thing I am already convinced of and that is that this struggle is local as well as universal. Its final result will be crucial both for that small country—flapping like a small side-pocket for coins in the jacket of a continent—as well as for the continent and the world. Vietnam *is* a world issue indeed.

CAMBODIA

In Cambodia, too, despite its anti-American posture, there is strong reason for believing that Prince Norodom Sihanouk, who serves as Chief of State, is not really unhappy about the American presence in Southeast Asia. Having tried for a long time to appease the Chinese Communists, Sihanouk recently turned against them because of their underground activities in his country, and closed down Communist newspapers and arrested known Communist militants.

In his strangely twisted manner, Prince Sihanouk has stated the matter this way:

> The fact is that as long as the Americans are there, China cannot yet swallow Cambodia. And what prevents the Americans from swallowing Cambodia is precisely the fact that China is there.

In order to remain unswallowed, in short, Cambodia requires an American presence in Southeast Asia to offset the inescapable Red Chinese geographic presence.

The roll of Far Eastern nations which approve of our commitment to the freedom of South Vietnam, explicitly or implicitly, is therefore complete, with the solitary and ambivalent exception of Cambodia.

What all this adds up to is that isolationism, whether of the American or the European variety, is a disease bred by distance.

There are few isolationists on the front lines.

I believe that if, by some miracle, the British people could be transplanted to Australia and the Australian people take their place in Britain, and if the French with the people of New Zealand, the chances are that the Britishers and the Frenchmen in their new geographic environment would understand and support American policy in Vietnam in precisely the same manner that Australians and New Zealanders are supporting it today.

Conversely, it is probable that the Australians and the New Zealanders, once they were a third of a world removed from Southeast Asia, would in their turn be infected by the virus of isolationism and would display less sympathy than they do today for our Vietnam policy.

And if the Socialist Foreign Minister of Sweden, Torsten Nilsson, who has castigated our Vietnam policy in language so crude and abusive that it would do credit to Radio Peiping, could change positions with the Socialist Prime Minister of Singapore, Lee Kuan Yew, the chances are that the Swedish Foreign Minister would begin to talk like Lee Kuan Yew, while Lee Kuan Yew, in his new Nordic environment, might begin to talk like the Swedish Foreign Minister.

But, perhaps this statement is unjust to Lee Kuan Yew. From what I know of the man, I am disposed to believe that he is one of those rare individuals whose intelligence and understanding of world affairs would enable him to rise above the disadvantage of distance, so that even if he were Swedish Foreign Minister, he would still support our Vietnam policy.

The moral of all this is that the next time Mr. Torsten Nilsson goes into an anti-American temper tantrum, we should avoid being annoyed and simply put it down to the "law of diminishing understanding."

And if the British students who recently besieged Prime Minister Wilson could change places with the students of Indonesia, they would probably be demonstrating, as the Indonesian students are doing today, for more militant action against Red Chinese expansionism.

Similarly, I believe that if the thousands of dentists and doctors and anthropologists and astronomers and baby doctors and assorted academicians who have been signing protest statements against our Vietnam policy, could be exposed to 10 years of training in political science, with a specialized course on Southeast Asia thrown in, there would be far fewer academic participants in the anti-Vietnam agitation than there are today.

And there would be fewer protest demonstrations if the many decent young people who have been caught up in the anti-Vietnam agitation for misguided idealistic reasons, could be transported to Vietnam en masse and involved in the rural development program there.

Not only would the experience provide a constructive outlet for their pent-up idealism, but the firsthand contact with the Vietnamese people would teach them something about the enemy we are fighting and would inspire in them, or at least in the great majority of them, the same affection and understanding and dedication that it has in the many Americans who have had the advantage of such experience.

All of these proposals are admittedly outside the realm of possibility.

But I believe it is not asking too much to suggest that those in this country and in Europe who oppose our commitment in Vietnam should take time off from their arguing and demonstrating to ponder the implications of what I have called "the law of diminishing understanding."

They might ask themselves why it is that their attitude is not shared by any of the political leaders of the free nations of the western Pacific.

And they might ponder the significance, too, of the fact that their position is not accepted by the great majority of those scholars who, by training and experience, qualify as experts on Asia, or on communism, or on political affairs in general.

Once we accept the existence of the "law of diminishing understanding," it becomes easier to make allowance for the many sincere critics of our Vietnam policy, both in this country and abroad.

And there are other reasons why those of us who support our Vietnam commitment should make allowances for the critics rather than abusing them.

On top of the law of diminishing understanding, which would be operative in any case, public opinion in the free world has been further confused as a result of the efforts of the mightiest, the most diversified, and the most subtle propaganda apparatus the world has ever known.

How much this apparatus is spending on its anti-Vietnam agitation, no one can say for sure. From what is known about the size and cost of this apparatus, and from the fact that Vietnam is its main theme, an estimate of $500 million per year, worldwide, would probably not be excessive. It stands to reason that such an effort is bound to produce considerable public confusion in the free world.

Public understanding of our Vietnam position has been further discouraged by our own official failure to clearly designate the enemy as communism, and by the tendency that has been the intellectual vogue for some years now to soft-pedal criticism of Communist tyranny out of a mistaken deference to a mythical detente with the Soviet Union.

I shall have more to say on this latter point in my next statement.

But, all things considered, I find it nothing short of remarkable that there is not more confusion and that so many people do understand the nature and justice of our Vietnam commitment.

THE COST OF A VIETNAM DEFEAT

The critics of our Vietnam policy have made a major point of the cost of the Vietnam war.

No sensitive person could fail to lament the tragic cost in human life and the waste of resources which could, in a peaceful world, be put to much better use.

But there has been precious little thought, unfortunately, about the cost of defeat.

Let there be no mistake on this point: if we are defeated in Vietnam, or if we withdraw from Vietnam, or if the administration, under pressure from the opposition, were to negotiate a settlement that paved the way for an early Communist takeover, then it will mark the total eclipse of America as a great nation and the beginning of the end for the entire free world.

If it were not for the reality of American power, Soviet and Chinese communism would long ago have overrun all of Europe and Asia and Africa.

For our power has, in fact, served to guarantee the freedom of the neutralist nations as well as of those nations allied with us.

But freedom could not long survive if

the free nations, and the Communist nations, should ever conclude that American power is meaningless because American commitments are meaningless.

And what other conclusion could the free nations draw if, despite our repeated commitments to the freedom and security of South Vietnam, we should now abandon South Vietnam to a Communist takeover?

If we withdraw from Vietnam, I cannot conceive of a single Asian or European or any other country again accepting an assurance of protection from the United States or entering into an alliance with it.

Nor could they be blamed for this.

What I have said above is not idle speculation.

More than one distinguished Asian has warned us of precisely such consequences if we fail in Vietnam.

The one-time neutralist leader in Laos, Gen. Kong Le, who broke with the Communists when he discovered, as so many people did before him, that it was impossible to work with them, issued this warning not too long ago:

> Should you Americans find yourselves tired of the shooting, then I say don't just pull out of Laos as you did two years ago, or out of South Vietnam, as some of you want to do. Better that you pull out of the whole area at once—out of Thailand, out of Taiwan, and, with your British friends, out of Malaysia. Order the Seventh Fleet out of the South China Sea. If you are going to quit us, then the sooner the better. It will shorten our agony.

Earlier this year, Premier Lee Kuan Yew of Singapore warned us that the "credit worthiness" of the United States will be judged by Southeast Asians from now on "in the proximity of promise and performance," in other words, on whether we can make good on our commitment in Vietnam.

The well-known Filipino political commentator, Vincente Villamin, an elder statesman of the press who came to see me in Manila, wrote that the abandonment of Vietnam "would be an indelible blemish on America's honor. It would reduce America in the estimation of mankind to a dismal third-rate power, despite her wealth, her culture, and her nuclear arsenal. It would make every American ashamed of his Government and would make every individual American distrusted everywhere on earth."

Even Foreign Minister Thanat Khoman of Thailand, than whom we have had no stauncher friend in the Far East, has recently given expression to a gnawing fear that the United States may be too divided and too lacking in staying power to see the Vietnam war through to an honorable conclusion.

If we were now to abandon Vietnam, the ensuing eclipse of American prestige, and the resulting decay of our alliances and the impossibility of constructing new ones, would, in turn, encourage Peiping and Moscow to further step up the tempo of subversion and aggression throughout the world.

It would encourage the Communists to launch more "wars of national liberation" because of our manifest inability to cope with this kind of aggression.

It might very well confront us with the problem of a "hemispheric Vietnam," about which the Communist theoreticians in Havana and Peiping and Moscow have long been talking.

We might then be compelled to fight under far more disadvantageous circumstances and at much greater cost. Indeed, we would have to fight with our backs to the wall.

Instead of reducing our problems and saving the lives of American soldiers, the abandonment of Vietnam would increase our problems, would increase the possibility of local involvements in many parts of the world, and would increase the danger of all-out war.

THE MORALITY OF OUR VIETNAM COMMITMENT

I have couched my argument in terms of our national security because this is what concerns most of our citizens, and because, whether we like it or not, great nations generally act only when they feel their own national interest to be involved.

As history demonstrates only too eloquently, the interests of great nations have not always coincided with the rules of morality or with the interests of other nations.

It marks a significant advance in the development of our moral attitudes that we are prepared to face up to this fact frankly and that we are no longer bound by the absolutism of "my country, right or wrong."

Today, all right-thinking people want the assurance that their Government is not only acting in the national self-interest, but that it is acting morally as well.

I believe that we may all derive satisfaction from the fact that we now have reached a point in history where our national self-interest happens to coincide with moral law and with the interest of mankind at large.

Western imperialism is now dead.

But its place has been taken by a new, far more inhuman, far more ruthless form of imperialism: Communist imperialism.

And if it is in our national interest to help every nation, large or small, to preserve its independence and to defend itself against this new imperialism, this is an objective which manifestly coincides with right moral principles and with the interests of free nations throughout the world.

For those who like to found their opinions, as I do, on moral law rather than national self-interest, I say that, entirely apart from the fact that our own security is involved in Vietnam, there is a moral imperative which should compel men of good will to support our policy rather than oppose it.

If morality has to do with anything, it has to do with the defense of human life and human rights and the dignity of the individual.

And there is no regime in human history which has been more destructive of human rights and the dignity of the individual or more destructive of human life, than the Communist regimes in every country where communism has come to power.

Indeed, the Communist regimes in the Soviet Union and Red China have exacted a heavier toll in human life and human dignity than all of the wars of this century combined.

It has been calculated that the cost of communism in human life exceeds 80 million.

The cost in human suffering defies calculation.

To those who believe with Jefferson that it should be our duty to resist every form of tyranny over the mind of man, I say that it should be as much our duty to resist the expansion of the evil and murderous tyranny of communism as it was to resist the expansion of nazism.

What puzzles me is that so many people who understood the importance of opposing the expansion of nazism are completely blind to the parallel evils of communism. If the Nazis were stage managing a war of national liberation in South Vietnam, these critics would be shouting for all-out war to stop them. But since it is only the Communists and not the Nazis, these critics take the stand that it is none of our business.

WHERE SHALL WE DRAW THE LINE?

I come back to a point that I made in my first statement on Vietnam in February of 1965.

I take it for granted that no one in this Chamber and no loyal American takes the position that we should stand by passively while communism takes over the rest of the world.

I take it for granted that every intelligent person realizes that America could not long survive as a free nation in a world that was nearly or completely Communist.

I take it for granted that whatever position we have spoken for in the Vietnam debate, we are all agreed on the essential point that somewhere, somehow, we must draw the line against further Communist expansion.

The question that separates us, therefore, is not whether such a line should be drawn, but where such a line should be drawn.

I believe we have been right in drawing the line in Vietnam because, if this line falls, let us have no illusions about the difficulty of drawing a realistic line of defense anywhere in the Western Pacific.

And to those who say that we were wrong in drawing the line in Vietnam, I say that they have the moral obligation to tell the American people precisely where they propose to draw the line, to tell them precisely what countries they propose to abandon and what countries they propose to defend.

And they also have the obligation to explain to the American people why any nation should in the future accept our assurance of support if we now follow their advice and abandon the people in South Vietnam to communism.

They have an obligation, also, to explain why they believe that acceptance of defeat in Vietnam would make world peace more secure, rather than encouraging the Communists to embark on more wars of national liberation on the Vietnam model.

In short, we have heard their position in part.

I now propose that they present their

position in full so that we can know precisely where they stand.

The war in Vietnam has turned out to be more difficult, more protracted, more costly than most of us had imagined it would be.

I believe that there are certain things that we can do to hasten the conclusion of the battle, and I intend to address myself to this subject in a subsequent statement.

But however great the difficulties and whatever the costs, we cannot permit ourselves to falter, we cannot permit ourselves to abandon the struggle to which we are now committed.

To those who say that we cannot match the staying power of the Communists, I say that this is the worst kind of defeatism, and that if free men are not more than a match for Communists, then we might as well throw in the sponge now.

And to those pessimists who say that we cannot win the Vietnam war, I say that we can win the war and must win the war, and that our Armed Forces have the power and the ability and the courage to do so—if only we on the home front give them the support to which they are entitled.

And to those who deplore the futility of the Vietnam war, or speak about the condition of "stalemate," I say that they are looking at the Vietnam war too narrowly; and that, if they view it in its broader geographic and political context, if they view it as the "Southeast Asia war" rather than as the Vietnam war, they will see that truly remarkable progress has been achieved over the past several years.

Our resistance in Vietnam has frustrated the Communists and given heart to the anti-Communists in every Asian country.

Indonesia was saved from a Communist takeover by a hair's breadth. If the Communists had been able to win the support of another handful of senior officers, Indonesia would today be theirs. I do not think it is too much to claim that our resistance in Vietnam played a role in encouraging at least some of the loyalist officers to stand up against the Communist threat. And, in this sense, it probably made the marginal difference necessary to wrest victory from what briefly appeared to be total defeat.

Frustrated and deprived of the easy victories it had hoped for in Vietnam and Indonesia, the Maoist regime in Red China has been turned back upon itself, so that for some 2 years now it has been weakened and rent by internal conflict. This, too, is all to the good from the standpoint of the free world.

Perhaps most important, our firm stand in Vietnam, as Prime Minister Lee Kuan Yew of Singapore has pointed out, has given all the nations of the area the priceless gift of more time; more time in which to strengthen their economic and social and political structures and more time in which to build a strong and many-sided alliance of free nations.

In Vietnam itself, the progress may be slow and sometimes difficult to measure. But on the periphery of Vietnam, within the broader context of Southeast Asia, the successes already achieved by our policy have been nothing short of spectacular.

Let us not abandon this progress by giving in to frustration and impatience.

Let us not succumb to the intrinsically racist proposal that we abandon the Oriental peoples of Southeast Asia to the tender mercies of communism, and withdraw our forces to white Australia.

Let us not abandon a right moral cause simply because the cost of defending it runs high.

Let us face up to the hard, brutal fact that we are locked in worldwide conflict with forces that seek our total destruction as a nation and the destruction of everything we stand for.

Let us not beguile ourselves by regarding the war in Vietnam as a purely local conflict, but let us rather accord it its true stature and importance as a major battle, in a worldwide war, between the forces of freedom and the forces of slavery.

Let us be diligent in the quest for peace, but in this quest let us never lose sight of the guidelines of freedom and justice.

Let us not seek any easy way out, because there is no easy way out.

However great the difficulties, however long we may have to persist, let us never accept the humiliation of defeat and dishonor.

Let us rather bear ourselves like free men should bear themselves. Let us seek to emulate, at least in small degree, the courage and perseverance that our forebears displayed at Valley Forge, and which they have displayed at so many other critical periods in our history.

Let us never give in.

(The following colloquy, which occurred during the delivery of Mr. Dodd's address, was ordered to be printed in the Record at this point on request of Mr. Byrd of West Virginia and by unanimous consent.)

Mr. BYRD of West Virginia. Mr. President, I want to take a moment to commend the distinguished Senator from Connecticut on his very careful, reasoned, and logical speech. The statement the Senator is making reflects a great deal of thought. I feel that the Senator is rendering a valuable service to his country in taking the floor at this time to address the Senate on such an important subject.

I join him in cherishing and supporting the right of people to dissent. It is a constitutional right, one that should be taken for granted from the beginning, and one which should need no restatement. I do not think anyone questions the right to dissent, if that dissent is expressed in a reasonable and constructive fashion, and does not obstruct the functions of Government, or render damage to the Republic.

I think that the Senator is correct when he states that the manner and the form of the dissent which has recently appeared in some areas of the country has damaged the efforts of our President and our country to bring about a peaceful solution to the confrontation in South Vietnam.

I join with the Senator from Connecticut [Mr. Dodd] in expressing the belief that some of the demonstrations that have been conducted have given succor and comfort to the Communists and have encouraged them to prolong the war and thus lengthen the list of casualties of American boys.

I express appreciation again for the time the Senator has taken to present this very fine speech for the attention of his colleagues and the country. Several years ago, I served on the Committee on Foreign Affairs in the House of Representatives with the distinguished senior Senator from Connecticut. I believe that he has ample background and knowledge of the subject and that he has given very serious and prolonged study to this matter. Therefore, I consider that the judgment reflected in his speech, as to the effect of destructive dissent, is very sound.

Mr. DODD. Mr. President, I am extremely grateful to the distinguished Senator from West Virginia for his words. I wish I deserved them, but I have done my best. He is, of course, an outstanding Member of this body, and having his approval means a great deal to me. I am deeply grateful to him.

(This marks the end of the colloquy which occurred during the delivery of Mr. Dodd's address and was ordered to be printed in the Record at this point.)

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Fannin in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL SHALE AND MULTIPLE MINERALS DEVELOPMENT ACT OF 1967

Mr. PROXMIRE. Mr. President, on behalf of myself, the Senator from Oregon [Mr. Morse], the Senator from Maryland [Mr. Tydings], the Senator from Pennsylvania [Mr. Clark], the Senator from Montana [Mr. Metcalf] and the Senator from Ohio [Mr. Young], I rise to introduce, for appropriate reference, the Oil Shale and Multiple Minerals Development Act of 1967.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2754) to establish a Federal oil shale development program, and for other purposes, introduced by Mr. Proxmire (for himself, Mr. Morse, Mr. Tydings, Mr. Metcalf, Mr. Clark, and Mr. Young of Ohio) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. PROXMIRE. The basic thrust of this proposal is a sensible, thoroughgoing development of one of the most valuable natural resource jackpots in the world—the Green River formation oil-shale deposits in Colorado, Utah, and Wyoming. Four-fifths of these vast deposits are owned by the American people. Thus it is not only entirely appropriate, but a duty, for the Congress to speak out in behalf of the people by enacting legislation which will insure the development of this treasure trove to the benefit of all 200 million of our constituents, not a select few representing special interests.

What is the extent and value of this massive formation? The Department of the Interior has estimated that it contains 2 trillion barrels of recoverable oil in place. In the words of the Oil Shale Advisory Board:

> Shale yielding 25 gallons or more of oil per ton contains about 600 billion barrels of oil equivalent, and shale yielding 10 gallons or more per ton contains about 2 trillion barrels of oil equivalent.

If we consider all the oil, recoverable and nonrecoverable, contained in the Green River formation it adds up to an incredible 170 trillion barrels according to a Geological Survey estimate.

As for the value of recoverable shale oil, the experts put it at between $2.5 trillion and $5 trillion. This, mind you, is simply the price tag we can place on the Federal share of these lands. In effect, every man, woman, and child in the country has a cash interest in the proper development of this resource of between $12,500 and $25,000.

Oil shale is more plentiful than petroleum and natural gas in this country. These two commodities supply 73 percent of the Nation's total energy requirements. Yet oil shale is estimated to contain 70 times the Nation's proved crude petroleum reserves. Put another way oil shale reserves are equivalent to a 1,500-year supply of oil at our annual consumption rate of 3 billion barrels a year. Oil shale reserves are more than six times the world's proven recoverable conventional oil.

Intermixed with this immensely valuable oil shale bonanza are mineral deposits containing great amounts of aluminum and sodium. It is easy to overlook these commodities. But their value should be recognized in putting together a coordinated plan for the development of federally owned oil shale lands.

At the present time, the Government is proposing through the Department of the Interior to accelerate development of shale oil reserves through a leasing program. The Department issued draft regulations on May 7 that would lease up to 30,000 acres of the land owned by the people of the United States to oil companies who would be in a position to perform research and development work on economical means of extracting and processing oil shale. If the research and development paid off in a commercially feasible mining and processing method within 10 years, the Secretary of the Interior could extend leases for an additional 20 years for commercial production of shale oil.

I suspect that one of the principal factors motivating the Secretary of the Interior in his decision to issue these draft regulations was the presumed reluctance of the Congress to appropriate funds for Federal use in developing these shale oil lands. I base this reflection in part upon a letter from the Bureau of Land Management which I recently received stating:

> Among the factors to be taken into account is the willingness of the Congress to approve and finance an exclusively governmental research program.

This same letter goes on to say that—

> The private sector claims that the vast richness of the Government shale deters it from investing in private shale oil lands.

Yet I submit that a decision to release on a conditional basis 30,000 Federal acres out of the 3.7 million acres of rich Federal shale oil land in the Green River formation, or even out of the 770,000 acres in Colorado's Piceance Creek Basin, which contains 25-gallon shale in thicknesses of 15 feet or more, will hardly satisfy this objection. For the private sector presently owns outright, in fee simple, 300,000 acres of land in the Green River formation with a great deal of the land being under the ownership of major oil companies. For example, Standard Oil of California holds oil shale reserves of 7.8 billion barrels, Mobil Oil owns 3.6 billion barrels of oil shale reserves, and Union Oil Co. owns 5 billion barrels of reserves in 25 gallon per ton or better rim deposits. In addition, many major companies now have lease interests in shale oil. The Shell Oil Co. alone holds under lease from the State of Utah 8.2 billion barrels worth of oil shale land. Despite these extensive lease and fee holdings, private commercial production has been nil. Because of them we can expect private industry to place little importance on the availability of another 30,000 acres of Federal land.

But there is another, and more important, reason why the Federal Government should not put these lands up for lease. We simply do not have enough information to set terms and conditions for the handling of these precious Federal acres. We do not have any knowledge of what sort of return the people of the United States should be receiving for this incredibly valuable resource. There are too many questions and not nearly enough answers to proceed with a hastily devised development program.

For example, the royalty provisions included in the Department of the Interior's proposed leasing regulations have come under fire for encouraging oil companies to extract shale oil at an overly slow pace. The regulations provide for a sliding scale of royalties with royalty increases tied to profit jumps. The royalty rate would leap from 10 percent on that part of net income that is no more than 10 percent of investment to 50 percent on that part of net income which is more than 20 percent of investment. Many critics feels that the end result would be a great reluctance on the part of big oil lessees to increase profits by increasing production—thereby increasing royalties. Production, these critics say, can thus be expected to remain at low levels with a correspondingly low return to the Federal Government.

It is in an attempt to find answers to the many questions raised that I am introducing today the Oil Shale and Multiple Minerals Development Act of 1967. The bill would set up within the Department of the Interior an Office of Oil Shale and Multiple Minerals Development. It would assert congressional interest in the shale oil by requiring annual reports from the director of this office. It would create an Oil Shale Policy Advisory Committee composed of representatives of industry, the academic community, and the consumer to provide an independent review of the oil shale development program. And it would set up a mechanism for the solution of many of the problems, the answers to many of the questions, that have made it impossible for any Federal administrator, no matter how well intentioned, to devise a sensible scheme for private development of this resource.

First, there is the problem of the extent of the resource. Although the American people through their Government own 80 percent of the Green River formation it is impossible at the present time to assess the extent and value of its contents. The estimates of value and extent I gave earlier this morning are estimates and nothing more. In the case of the aluminum and sodium deposits our knowledge is close to nonexistent.

What we need, Mr. President, is more information on this vast and very rich deposit. My bill would require the Secretary of the Interior, through the office of Oil Shale and Multiple Minerals Development, to perform an inventory of the oil shale and intermixed minerals resources and their location, extent and value. The Secretary would make a report to the Congress and the President of his findings within 2 years after enactment of the bill.

A second serious problem is the extent to which minerals, such as dawsonite and nahcolite, intermixed with oil shale and containing large amounts of sodium and aluminum should be sacrificed in getting at and extracting oil shale.

My bill would require the Secretary of the Interior as part of the aforementioned survey to specify the areas where the problem of multiple minerals development exists. Criteria would also be developed by the Secretary and included in the report which could be used in determining whether a multiple minerals area should be developed for multiple minerals purposes, for oil shale purposes, for aluminum and sodium minerals purposes alone or should not be included in a development program. In determining these criteria the relative values of the intermixed minerals as well as the alternative worth of water supply and quality, recreation, preservation of fish and wildlife and the esthetic importance of the area would be taken into account.

This type of land use survey would provide a blueprint that could be followed in the final development of oil shale lands held by the Government. Lacking such a blueprint we would be proceeding completely in the dark without a proper regard to the rights all citizens have in this Federal land.

Oil shale processing, given the present state of the art, creates vast quantities of environment-polluting debris. A 50,000 barrel per day shale oil plant would have to dispose of about 60,000 to 70,000 tons of spent shale ash each day or over 20 million tons of ash per year. In fact spent shale occupies two-thirds more volume than the ore originally fed into the retort. One answer to this problem is the so-called in situ method of retorting the shale in place underground using atomic energy or some other similar energy source. In any event zeal for the development of this resource must be tempered by concern for the impact its extraction could have on the environment.

The Oil Shale and Multiple Minerals Development Act would take this problem into account in authorizing the Secretary of the Interior to undertake a research and development program utilizing, where necessary, contracts with private organizations. The Secretary would be specifically directed to relate such a program to the problems of water supply, water and air quality, fish and wildlife, soil conservation, recreational requirements, and proper land use.

The research and development program would also deal with such complex problems as devising a system of minerals extraction that would make it possible to mine oil shale mixed with aluminum and sodium bearing minerals without having to sacrifice any of the component commodities. In this way we could be sure that the public lands were not being destructively developed simply for oil shale purposes while a great quantity of valuable aluminum bearing rock went into the discard heap. It might be found that a process for the extraction of all three commodities was too costly to use except when dealing with extraordinarily rich intermixed lodes. On the other hand it might be possible to come up with a relatively inexpensive process. In any event this is a problem area that should be carefully looked at if we are to develop these public lands wisely.

This program would most emphatically not be tied to a commercial leasing provision, as the research and development portion of the Secretary's proposed leasing regulations are. As a consequence research contracts could be made, where appropriate, with small- or medium-sized research organizations that do not have the financial capacity or know-how to run a successful commercial operation but which may well have more innovative excellence than the giants of the oil industry in this rather specialized field.

As a corollary, small, independent, oil companies without the resources to take on the research burden required by the Secretary's recent regulations as a prelude to commercial development would, under the proposed legislation, have just as much of an opportunity to lease land as the industry's giants. There would be no need to demonstrate, as Secretary Udall's regulations require, "the applicant's financial capability to conduct, research and development." In fact the Oil Shale Act specifically makes the results of research and development performed under its authority available to the public. There is no doubt that this will encourage competition within the shale oil industry.

Much of the shale oil land presumably owned by the United States is the subject of disputed private claims. For example, 407,000 acres of land in Colorado alone was claimed through placer claims under an 1872 law prior to the withdrawal of all shale oil property from mineral location procedures in 1920. Yet this land has never been patented, that is, the claims have not been officially recognized by the Federal Government. However these claims may be patented through the courts. The Interior Department is presently attempting to clear title to this land in the name of the United States through court action.

In addition, mining claims were filed for dawsonite and other sodium minerals on 1.1 million acres of Federal oil shale land during 1966 before the Secretary of the Interior issued a stop order earlier this year. Much of this land was in the Piceance Basin in Colorado—the richest oil shale land the Government possesses. The Department is currently examining the validity of these 10,400 claims, filed by only 70 or so persons.

The Oil Shale and Multiple Minerals Act would call on the Secretary to accelerate administrative and legal steps to clear titles to this disputed acreage. This work would go on concurrently with the Secretary's land use survey as well as his research and development efforts. The bill would also make it crystal clear that no claim entries on Federal oil shale would be permitted.

The research and development program authorized by my legislation would be carried out over a 5-year period and would ultimately lead to the submission of Congress of plans for the construction, operation and maintenance of a full scale demonstration mining and processing facility.

The plans would provide for the transmission of shale oil resulting from this commercial pilot project by pipeline or other common carrier to market centers for sale to wholesale buyers, who would then refine the crude shale oil for their own uses.

The proposed legislation spells out the cost factors that are to be considered in pricing oil produced by a prototype pilot operation. The sale price of the shale oil would reimburse the Federal Government for its investment in plant and equipment, with interest, and bring in a reasonable return to the Federal Government for deposit in a specially earmarked oil shale fund. Of course any proposed plant would have to demonstrate a favorable benefit-cost ratio, as the bill indicates. Furthermore, the construction of such a plant would have to be specifically authorized by the Congress.

At the conclusion of this resource survey, title clearing, research, development, and pilot plant operation process but within 10 years at the most, the Secretary of the Interior would be in a position to undertake a private leasing program if he felt such a program was in the public interest. The Oil Shale and Multiple Minerals Act would instruct the Secretary to submit to the President and the Congress a plan providing for such a private leasing program if, indeed, it was felt to be desirable. The plan would include provisions that would insure competitive development of the resource, protect the environment, would result in low cost supplies of petroleum products for the American consumer, and provide an adequate return to the Federal Government.

The plan would specifically establish a system of allocating rentals and royalties from such leases to the involved States and the Federal Government. Under existing legislation 52.5 percent of receipts from a leasing operation would go to the Federal reclamation fund to be used strictly for the benefit of reclamation States, 37.5 percent would go to the three States of Colorado, Utah and Wyoming for general education and only 10 percent would go to the Federal Government for its own use.

When this legislation was passed into law there was no inkling that we would one day be dealing with a $5 trillion jackpot. Naturally the States containing oil shale deposits should receive substantial benefits from their exploitation. However, Congress should and must set a special formula for the allocation of the vast amounts that can be anticipated from the development of shale oil giving all due regard to the States in which the resource is located.

Funds accruing to the Federal Government from rentals and royalties are to be deposited in an oil shale revenue fund. Congress would be in a position to utilize the tens of billions of dollars that could well flow into this fund to retire the national debt, eliminate budget deficits and support vital public sector programs.

It is entirely possible that oil shale revenue could sharply reduce or eventually even eliminate the Federal debt. If, on the other hand, we decided to use part of the funds accruing to the fund to support various public sector programs high on our list of priorities, think of how many hospitals we could build, how many classrooms. Think of the amount of inexpensive urban housing we could provide with these oil shale dollars, or the number of job training programs that could be undertaken, or the number of underprivileged children that could be properly educated. Think of the amount of land we could set aside for conservation, and recreation land we could purchase with oil shale dollars.

The list is as long as our collective imaginations want to make it. And the ultimate beneficiary is the American people.

No doubt some segments of the oil industry will object that this legislation simply means a further delay in the development of an important source of energy at a time when known reserves of oil are falling. But in the words of a recent Wall Street Journal editorial:

> Allegedly expert opinion holds that the U.S. before long may not be able to meet its fuel needs with conventionally produced petroleum, and yet similar forecasts have been common for decades. Somehow or other the day of doom keeps receding farther and farther into the future.

In addition, the industry owns sufficient oil shale property to proceed with commercial production whenever it is considered economically feasible. After all, this shale oil is something that can serve this country for many decades, and 20 percent of it is already privately owned. The industry owns sufficient oil property to proceed with commercial production whenever economically feasible.

If the industry wishes to join with the Government to find answers to the many questions I have discussed that is all to the good. But we simply cannot afford to sacrifice the public trust by leasing Federal oil shale land until we have the answers to these questions.

The oil industry itself has recognized the lack of the type of information that is necessary for a wise development of this resource—the type of information the Oil Shale and Multiple Minerals Act would provide—by sponsoring, hand in hand with Government, a series of policy studies by the Denver Research Institute. The objective of these studies according to Charles H. Prien, head of the Chemical Division of the Institute, is to "aid in the formulation of equitable and workable future shale oil policies which are in the public interest."

The alternative, to quote the eminent economist, John Galbraith, who served on Secretary Udall's Oil Shale Advisory Committee is to lease oil shale land now, thus "offering a subsidy of unknown value for a development of unknown costs promising a return of unknown amount. This amounts to disbursing public property while wearing multiple blindfolds."

To sum up, Mr. President, the Oil Shale and Multiple Minerals Development Act of 1967 would seek to remove these "multiple blindfolds" before we lease any portion of the public's $2.5 to $5 trillion oil shale resource. It would do so by providing for:

First. The creation with the Department of the Interior of an Office of Oil Shale and Multiple Minerals Development reporting annually to Congress.

Second. The setting up of an Oil Shale Policy Advisory Committee composed of representatives of industry, the academic community, and the consumer to make an independent review of the development program.

Third. A survey by the Secretary of the Interior, through the proposed Oil Shale Office, of the location, extent, and value of oil shale and intermixed minerals containing sodium and aluminum, our information now being sketchy at best.

Fourth. The creation of a land-use blueprint on the survey to be used in determining where it would be advisable to sacrifice other valuable minerals found in the deposits in order to get at and extract oil shale, where it would be best to exploit the deposits for aluminum or sodium alone, where it would be best to aim for extraction of all the minerals together despite the cost, and, indeed, where it would be best to preserve the land in its natural state for conservation reasons.

Fifth. An accelerated program of administrative and legal steps to be taken by the Interior Secretary designed to speed up clearance of title to the disputed claims on a large portion of the public shale oil lands.

Sixth. A program of research and development aimed at developing less destructive extraction techniques and at solving, among other things, the problem posed by the vast quantities of environment-polluting debris which result from present methods of oil shale processing.

Seventh. Public availability of the results of R. & D. performed under authority of the Oil Shale Act thus making it possible for small, independent oil companies that cannot afford the R. & D. burden to compete for a share in development of this resource.

Eighth. Development of a plan, for submission to Congress within 5 years, for the construction, operation and maintenance of a full-scale demonstration mining and processing facility.

Ninth. Development of a plan within 10 years, providing for private leasing to insure competition, protect the environment, provide the consumer with low-cost petroleum products and the Federal Government with an adequate return. A leasing plan would be put forward only if it were determined to be in the public interest.

Tenth. The establishment of a system of allocating rentals and royalties from any leases among the States and the Federal Government.

This shale oil land is a great public resource. We are the servants of the people. We owe it to our State constituencies as well as to all Amtricans to see that the resource is developed wisely on their behalf. This is what my bill attempts to do. I sincerely hope that it will form the basis for a constructive attempt to reassert congressional authority over the development of a multitrillion treasure trove in which all our citizens have a part interest.

Mr. President, I ask unanimous consent that the Oil Shale and Multiple Minerals Development Act of 1967 be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be printed in the Record, as follows:

S. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Shale and Multiple Minerals Development Act of 1967".

Sec. 2. The Congress hereby finds and declares that the oil shale deposits contained in the Green River Formation of Colorado, Utah, and Wyoming contain the greatest known fossile fuel energy resource in the world, many times larger than total United States petroleum reserves and are of vital importance to the future economic well-being and security of the United States; that more than 80 per centum of such oil shale reserves are found on land owned in common by the people of the United States and administered by the Secretary of the Interior; that the Green River Formation also contains large and inadequately determined deposits of other valuable minerals, as well as substantial wildlife, scenic, and recreational resources; and that the forecast future United States demands on all petroleum products will, in years to come, exceed the capacity of domestic conventional petroleum resources to meet them and will place an undue dependence on foreign supplies which are more and more being called upon to meet the mounting requirements of other industrialized nations. The Congress further declares that it is its policy that there be carried out by the Secretary of the Interior, an orderly multiple-use program to develop economically competitive and feasible methods of extracting and processing oil shale and intermixed minerals; to foster the development of a competitive oil shale industry; to protect the affected development areas against damage to the environment; to foster an abundant future supply of liquid petroleum products to meet the nation's economic and national security requirements, and at low-cost to the consumer; to provide strong protections against private monopolizations; and to apportion and employ the revenues from any leasing program authorized by the Congress in such fashion as to enhance the general welfare.

Sec. 3. As used in this Act, the term—

(1) "oil shale" means sedimentary rock containing organic matter which yields substantial amounts of oil or gaseous products by destructive distillation. The term includes all the minerals which are components of the rock, but does not include—

(A) deposits of minerals which may be interbedded in the sedimentary rock series and which the Secretary determines can be mined (i) without removal of significant amounts of organic matter and (ii) without significant damage to oil shale beds;

(B) deposits subject to lease as oil and gas, asphaltic minerals, or coal.

(2) "Secretary" means the Secretary of the Interior.

Sec. 4. The Secretary is authorized from time to time to publish notices in the Federal Register designating areas of oil shale bearing lands and deposits comprising the Green River. Formation of Colorado, Utah, and Wyoming which shall be subject to development pursuant to this Act, but in no event shall the oil shale contained in any federally owned portion of such Formation be developed except in accordance with the provisions of this Act.

Sec. 5. (a) There is hereby established in the Department of the Interior an office to be known as the "Office of Oil Shale and Multiple Minerals Development", to be headed by a Director to be appointed by the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Director is authorized to appoint such officers and employees as he deems necessary in order to carry out the provisions of this Act. The Director is further authorized, with the approval of the Secretary, to utilize the services of such employees of the Department of the Interior as the Director may deem necessary or desirable to enable him to effectively carry out the provisions of this Act.

(c) The Director shall be responsible for carrying out the various aspects of the program authorized by this Act, including investigations, research and development, demonstration, and leasing. In carrying out his duties under this Act, the Director shall coordinate the oil shale activities of existing agencies of the Department of the Interior, and other affected Federal departments and agencies, and shall work with the several States and localities in which the oil shale and other intermixed minerals development areas are located, and with private corporations, associations, or individuals.

(d) The Director shall prepare an annual report on the operations of the Office of Oil Shale and Multiple Minerals Development for submittal by the Secretary to the Congress and the President. Such report shall include the recommendations of the Director as to improvement of the program, together with his recommendation for legislation which he determines necessary or desirable.

Sec. 6. (a) For purposes of this Act, the Secretary shall accelerate his administrative and legal steps to clear title to some 1.5 million acres of land in the Green River Formation, including patented and unpatented claims located under the Mining Act of May 10, 1876 (17 Stat. 91), and prior to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), mining claims located for sodium minerals in calendar year 1966, and sodium leasing applications pending on the date of the enactment of this Act. The Secretary shall submit a progress report to the Congress on his efforts under this section not later than one year following the date of the enactment of this Act.

(b) In carrying out his duties under this Act, the Secretary shall expand his January 1967 stop order on location of sodium claims in the area comprising the Green River Formation of Colorado, Utah, and Wyoming to stop all entry on lands within such area. Such order may be modified by the Secretary upon a finding, submitted to the Congress, that the use of such land for other purposes will not be inconsistent with the purposes of this Act. Any person locating claims for other minerals shall, notwithstanding any other provision of law, file the original claim with the Bureau of Land Management, with a copy to the recorder of the county in which the claim is located. Failure to so file shall be deemed a forfeiture of such claim. Any such claim filed with the Bureau of Land Management which is in violation of such stop order shall be deemed null and void.

SEC. 7. (a) As soon as feasible following the date of the enactment of this Act, the Secretary, acting through the Office of Oil-Shale and Multiple Minerals Development, shall perform a thorough inventory of the oil-shale and intermixed minerals resources and their location, extent, and value. Within the two-year period following the date of enactment of this Act, the Secretary shall make a report concerning his findings under this section to the Congress and the President. Such report shall contain a breakdown of the areas where the problem of multiple minerals development exists. With respect to each such area, the Secretary shall employ criteria which would determine whether such area should be developed for multiple-minerals purposes, for oil-shale purposes alone, for sodium minerals purposes alone, or should not be included in the development program set forth in this Act. The criteria shall be based on such factors as the extent and richness of the deposits of the intermixed oil shale and sodium minerals, the actual present values and present and future needs and supplies, the alternative values of water supply and quality, recreation, preservation of fish and wildlife, and esthetic resources.

SEC. 8. (a) The Secretary of the Interior shall undertake a research and development program, and may utilize contractual arrangements with private entities to:

(1) Develop a technology of mining and processing oil shale which will permit economically competitive petroleum products to be produced and phased into the energy complex of the United States.

(2) Develop a technically feasible and economically competitive technology of extracting of multiple minerals and their processing where they are intermixed in the same formation.

(3) Extend the Department of the Interior's patenting policies to any devices patented by any party carrying out any aspect of the Secretary's research and development program under contract-title retained by the United States, and provide access to use of such patents fully in the public domain.

(4) Relate such a research and development program to the problems of water supply, water and air quality, fish and wildlife, soil conservation, recreational and esthetic requirements, and proper land use in activities associated with full scale development of the resource.

(5) Determine the technical and economic feasibility of utilizing oil obtained from shale as an energy fuel for generation of electric power, including solution of any problems associated with air pollution.

(6) Determine the feasibility of trunk fuel pipelines from the fields to the market, in particular the desirability in the public interest of Government ownership, or of common carrier requirement without discrimination to potential users or consumers.

(7) Prepare comprehensive plans for the oil shale basins, considering all resources, and providing for orderly and systematic development of the Federal oil shale and related minerals.

(8) Prepare an oil shale development program which would develop all such resources in a manner consistent with the purposes of this Act.

(b) The program authorized by this section shall be carried on during the five-year period following the date of the enactment of this Act. The Secretary shall, during such period, file an annual report to the Congress and the President with respect to actions under this section. Upon the expiration of such five-year period, the Secretary shall submit a final report to the Congress and the President with respect to the program authorized by this section, including his recommendations for any legislation which might be necessary or desirable in connection therewith.

(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 9. Whenever the Secretary determines that he has achieved technically and economically feasible methods of mining, extracting, and processing oil shale, or intermixed minerals operations, the Secretary shall submit to the Congress plans for the construction, operation, and maintenance of a full scale, commercial size mining and processing facility or facilities. Such plan shall provide that shale oil produced by such operation shall be transmitted by pipeline or other common carrier to market centers for refinement by the wholesale buyer for his own uses. Such plan shall further provide that the Secretary shall sell such shale oil at the lowest possible rate consistent with return of the reimbursable Federal investment (with interest), plus a reasonable rate of return to the United States Government; that the interest rate shall be determined at the beginning of each fiscal year after start of construction by the Secretary of the Treasury on the basis of the average Treasury interest rate on its outstanding long-term marketable public obligations; that the Secretary shall give a preference to Federal departments and agencies, and private and cooperative associations without the necessary financial resources to undertake large-scale processing activities, in the purchase of such shale oil products; that each proposed plant shall demonstrate a positive cost-benefit ratio; that the plans, specifications, cost and operating data of such demonstration plans shall be made available, without costs, for use by all interested parties, and that the proceeds from the operation of any Federal commercial-type demonstration facility, over and above costs of construction, operation and maintenance, and interest, shall be deposited in the Treasury in a fund to be known as the "Oil Shale Revenue Fund". No such plant shall be constructed unless first approved by the Congress.

SEC. 10. At such time as the Secretary of the Interior determines that the various stages of clearing title, investigations, research, development, and demonstration have been carried out to the extent that the purposes of this Act have been achieved, or upon the expiration of ten years following the date of the enactment of this Act, whichever first occurs, the Secretary, if he determines that a private leasing program should be undertaken in connection with the disposition of oil shale resources under this Act, shall submit to the Congress and the President a plan providing for such a private leasing program. Such plan shall include, among others, provisions to encourage competition, prevent monopoly, assure compliance, advance technology, protect the environment, provide for adequate rentals, fees, and royalties, and promote low cost abundant supplies of oil shale for the benefit of consumers. Such plan shall further provide for an apportionment of rentals and royalties to be made to the States in which the oil-shale resources are located and to the United States and shall provide that the amount apportioned to the United States shall deposited in the Treasury in a fund to be known as the "Oil Shale Revenue Fund". If the Secretary determines against a private leasing program, he shall submit a report to the Congress containing his recommendations with respect to an alternative plan for disposing of oil-shale resources under this Act.

SEC. 11. The Secretary shall cooperate with States in which oil-shale resources are located and with merging localities built around oil-shale processing establishments by classifying, pursuant to the Act of September 19, 1964 (78 Stat. 986), land for disposal for municipal, recreational, roads and highway access lands, subject to meeting the criteria in such Act.

SEC. 12. (a) There is hereby established an Oil Shale Policy Advisory Committee, which shall be composed of eleven members, each appointed for a term of two years, by the Secretary as follows:

(1) Three members to be appointed who are representative of industry;

(2) Four members to be appointed who are representative of the academic community; and

(3) Four members to be appointed who are representative of the consumer.

(b) The Secretary shall designate one member to be Chairman. Any vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(c) Members of the Committee shall receive compensation at the rate of $100 a day when engaged in the actual performance of duties of the Committee, and shall be reimbursed for travel, subsistence, and other necessary expenses actually incurred by them in the performance of the duties of the Committee.

(d) The Committee shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) It shall be the duty of the Committee to review, from time to time, the Federal oil shale development program and report to the Congress and the President on or before January 31 of each year as to whether the policies of this Act with respect to establishing a competitive oil shale industry are being complied with.

SEC. 13. The Attorney General of the United States shall annually review the Federal oil shale development program authorized by this Act and report to the Congress and the President as to whether the policies of this Act with respect to establishing a competitive oil shale industry are being complied with.

SEC. 14. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HART. Mr. President, I want to compliment the senior Senator from Wisconsin for his introduction today of a bill to establish a Federal oil share development program. Once again he is in the forefront with regard to matters concerning the public interest.

The Senate Antitrust and Monopoly Subcommittee of which I am chairman conducted hearings earlier this year on the competitive aspects of oil shale development. The Senate Interior Committee also held hearings with respect to the Department of the Interior's proposed oil shale program.

As a result of these hearings, I, for one, was convinced that the proposed program by the Department of the Interior may have had the effect of aiding in the monopolization of the oil shale deposits by the major oil companies.

The Secretary of the Interior has since announced that a new study of the program is in process and should be completed in January 1968.

In the meantime the old program has been held in abeyance and not put into effect.

I have not cosponsored the bill introduced by the senior Senator from Wisconsin. It is not because I believe that this bill does not represent one very sound approach to the problem. However, as chairman of a subcommittee which has had an interest in this area, I requested the Secretary of the Interior to reconsider the Department's position on this matter. This is being done and I believe, therefore, that it would be premature for me to cosponsor legislation before this task is completed and we have had an opportunity to analyze the new program.

However, once again I want to compliment the senior Senator from Wisconsin for his interest in this most important subject.

BLIGHT OF DISCRIMINATION AGAINST POLITICAL RIGHTS OF WOMEN MUST BE ELIMINATED BY RATIFICATION

Mr. PROXMIRE. Mr. President, there has been no more oppressive and dehumanizing discrimination against any nationality or religious sect than that shown against the fight for equality of women.

In every phase of this Nation's development the blight of oppressive discrimination has been against women. It is a fact that women were given political rights in only half of the sovereign countries of the world when the United Nations Charter was formally signed.

Sad to say, the United States—where the equality of women in political matters was established by the Constitution—has so far failed to ratify the United Nations Convention on Political Rights of Women.

It was more than 4 years ago that President John Fitzgerald Kennedy sent this treaty to the Senate, seeking ratification. We ignored this assignment, preferring to remain mute on this vital issue of our time.

I point out the tremendously important contributions by women to this Nation. Women today serve as ambassadors, Members of Congress, as scientists—proving the value of the full equality of women.

It is my genuine hope that the Senate will ratify the Convention on the Political Rights of Women and join such countries as Japan, India, China, Nigeria, Lebanon, Thailand, Turkey, Pakistan, and the 46 other nations already listed as signatories to this treaty.

It is time for this Nation to address itself to these issues and demonstrate to mankind its disenchantment with all forms of discrimination.

We have a deep responsibility under our Constitution. It is our task to complement the President in the matter of this Nation's treatymaking process. Our system of checks and balances provides for two-thirds of the Senate to give its advice and consent to all treaties before the President can ratify them on behalf of this country.

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Chair recognizes the Senator from Arkansas.

THE CRISIS IN AMERICA'S ROLE IN INTERNATIONAL EDUCATIONAL PROGRAMS

Mr. FULBRIGHT. Mr. President, the pending resignation of Charles Frankel illustrates the crisis now facing America's role in international educational programs. An article in the New York Times of December 3, 1967, by Fred M. Hechinger points out some of the reasons why these programs suffer and why such a distinguished administrator as Dr. Frankel feels compelled to resign.

His feeling that the various American international cultural programs suffer from lack of support in both the legislative and executive branches should be serious cause for concern. I deeply regret the resignation of Dr. Frankel. It is but another indication of the tragic change in the direction of our policy in this period of our history. The way we appear to other peoples of the world presents a very melancholy picture.

Mr. President, I ask unanimous consent to have the article to which I have referred printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

(By Fred M. Hechinger)

"I'm not angry at anybody, and if I had to do the last two years over again, I'd do it—every bit of it," Dr. Charles Frankel said last week, two days after his resignation as Assistant Secretary of State for Educational and Cultural Affairs.

In a telephone interview from Honolulu, where he was attending a conference, he made no effort to deny that his resignation was a result of frustrations over a policy of turning plough shares into swords. Even before Vietnam, international education often was low man on the governmental totem pole. Now it is very nearly the forgotten man.

Dr. Frankel, who is a professor of philosophy on leave from Columbia University, is gentle, quietly articulate and not given to public gestures. But some of his friends insisted—he would neither confirm nor deny their view—that he was fed up trying to save international education from becoming a war casualty and had decided that the time had come for a dramatic gesture.

WAR CASUALTY

With an irony that underlined the chronic plight of international education the dramatic gesture, too, became a war casualty. By coincidence of timing it was overshadowed by the announcement of Defense Secretary Robert S. McNamara's impending departure. Defense again stole education's thunder.

But Dr. Frankel stressed that more is at stake than a war-created problem. He cited two basic questions:

(1) Is there realistic recognition, within the Government and in the intellectual community, of the importance of education in international terms?

(2) Is the management of America's international educational and cultural interests properly lodged in the State Department?

His answer to both questions was no.

He said the Government must find better ways of supporting the nation's educational and cultural involvement abroad. But he said he saw little immediate hope, without greater sophistication in Congress. At a recent hearing, he recalled, a Senator asked sharply: "International education, did you say? Haven't we had enough of this kind of thing?"

He had asked that education specialists be attached to American embassies where, after all, military, commercial and industrial interests are amply represented. The White House agreed, but Congress provided no funds.

The International Education Act of 1966, which was to give support to the worldwide aspects of education both at home and abroad, was passed, largely as a result of Dr. Frankel's efforts. It has never been funded.

"There is simply a recession of interest at this time, not only in the Government but even in the academic community," Dr. Frankel said. "It's partly Vietnam. It's partly because academics don't want to have anything to do with this Government, but it is also because they are tired of dealing with government in any form—with the red tape and the security clearances."

In the country at learge, he added, there is suspicion that Americans don't know what they are doing when "meddling" overseas.

"My feeling is that since we're going to be involved abroad anyway, we ought to make sure that we are doing it with a sound educational purpose," he said. "But my greatest interest in international education is the education of Americans—to build into American education an international dimension is a vital safeguard against a return to isolationism."

No added testimony is needed for the failure of the Bureau of Educational and Cultural Affairs within the State Department. Established in 1938 by Cordell Hull, largely to counteract Nazi cultural penetration of Latin America, it has always suffered from politicans' pressures to make education a para-defense weapon.

COMMUNICATIONS GAP

The importance of the bureau—and its potential as a non-political agency—was enhanced in 1946, with passage of the Fulbright Act which established the vital international exchange scholarships and fellowships.

In 1961 the post of Assistant Secretary was created, with the appointment of Philip H. Coombs. Shortly after his resignation one year later Mr. Coombs, in a personal report to Secretary of State Dean Rusk, said that low priorities for staff and funds and rigid administrative procedures severely hurt the department's educational activities. He noted "a serious communications gap" between the bureau and the State Department.

Before Dr. Frankel's appointment in 1965, the bureau was headed, first by Lucius D. Battle, a career foreign service officer, and later by Harry C. McPherson Jr., who had previously been Deputy Under Secretary of the Army and a staff assistant to Lyndon B. Johnson when he was Senate majority leader.

Today, the bureau has a staff of 384, about 25 below the 1965 total. It handles $50.3-million in funds in the current fiscal year, almost $6-million less than a year ago.

Among its major functions are administration of exchanges of graduate students, scholars, lecturers and other experts, arrangements of cultural and artistic presentations by Americans abroad and foreign groups, troupes and persons here, and supervision of the "leaders program" under which foreign public figures and young "comers" are brought to the United States and enabled to meet their counterparts in this country.

Location of most of these activities in the department which shapes foreign policy has long been under attack. Long before he became Secretary of Health, Education and Welfare, John W. Gardner suggested that a semi-autonomous agency, perhaps on the lines of the National Science Foundation, would be better.

Dr. Frankel himself, before he went to Washington, wrote in a book, "The Neglected Aspects of Foreign Affairs," that any actual or suspected link between international education and govermental propaganda is a grave disservice to academia.

Last week, he put the case more sharply. "The Government's international education actions are too precisely targeted," he said. "They aim at specific and quick return." Education and information, education and military aid, education and propaganda should be strictly separate, he warned.

He, too, saw the answer in a quasi-public agency. "The more you get the private sector involved, the better," he said. "We ought to get the Government out of the center of international education, but more strongly behind it."

What are the chances for reform?

INFERIORITY COMPLEX

"This is not the time for innovation," Dr. Frankel said. He recalled that when he took over the bureau two years ago there was a sense of action and optimism.

Other Washington observers are convinced that reform will not come from the State Department. One expert said that, although Dr. Frankel greatly improved the quality and morale of the bureau's top echelon, the rank and file has been around too long and is afflicted with a kingsized inferiority complex.

The same observer said: "The Department used to be interested, but now it's preoccupied with Vietnam. Education gets sympathy but no attention, and the Department doesn't like boatrockers anyway."

Another expert in both education and government agreed that no reforms are likely until after the 1968 elections. He said that even old supporters of international education in Congress at present fail to get excited about these problems.

One State Department watcher who has served in high campus and government posts urged a quick divorcement. "The international education bureau within State gets the last of everything and the first of the budget cuts," he said.

What emerges—dramatized by Dr. Frankel's departure (effective Dec. 31)—is that the need is not for a new assistant secretary but for a new Washington home for international education. Some observers say that things will become manageable after Vietnam. But past experience indicates that, even in the unlikely event that the State Department will ever be without a crisis, the marriage of international education and foreign policy is a poor-match.

NECESSITY TO DETERMINE THE RESULTS OF OUR BOMBING POLICY

Mr. FULBRIGHT. Mr. President, the December 3 Washington Post contained an article by George C. Wilson on the amount of bombs dropped on North and South Vietnam.

The article points out that since July 1965 the tonnage of bombs dropped in both parts of Vietnam amounts to:

One hundred pounds of explosive for every inhabitant of Vietnam;

Twelve tons of bombs for every square mile of territory in the North and South;

Double the tonnage of bombs dropped by the United States during the Korean war;

More than the tonnage dropped on Europe during World War II; and

Triple the tonnage dropped in the Pacific Theater in World War II.

Once this war is over, I hope that a high-level study will be made—similar to the strategic bombing survey after World War II—to determine the results, political, social, and military, from the bombing policy.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. BOMBING OF TWO VIETNAMS TOPS ITS WORLD WAR II DROP IN EUROPE

(By George C. Wilson)

The United States has now dropped more bombs on North and South Vietnam than it dumped on Europe during all of World War II.

Top Air Force leaders yesterday said they found this total "stupefying" but attributed it to the unique nature of the bombing in the Vietnam War.

They said the B–52s, which carry 30 tons of bombs each, pushed the total up as they bombed large areas of the countryside instead of trying for pinpoint precision like the fighter-bombers.

Unlike World War II when an armada of bombers could level a city, sometimes touching off a firestorm, Air Force leaders said the Vietnam bombing calls for picking away at the same targets over and over in populated areas.

Latest Pentagon figures show that heavy bombing in October and November pushed the Vietnam bombing tonnage over the American World War II total of 1,544,463 dropped in the European theater.

ONE HUNDRED PER PERSON

As of Nov. 15 the U.S. Air Force and Navy had dropped 1,630,500 tons of bombs on North and South Vietnam since July, 1965. This total comes out to:

About 100 pounds of explosive for every person living in North and South Vietnam.

Over 12 tons of bombs for every square mile of territory in both Vietnams.

Double the tonnage of bombs the U.S. dropped during the Korean War.

Triple the tonnage dropped by American planes in the Pacific Theater during World War II.

The U.S. dropped 635,000 tons of bombs during the Korean War and 502,781 tons in the Pacific Theater during World War II, according to Pentagon figures.

Slightly more than half—about 53 per cent—of the Vietnam War total landed in North Vietnam and the rest in South Vietnam.

ABOUT SAME SIZE

The two Vietnams are about the same size—63,344 square miles for the North and 66,263 square miles for the South. Each is about the size of the State of Washington.

Rough estimates credit North Vietnam with a population of 17 million people and South Vietnam with 16.2 million.

The Vietnam bombing campaign is easily the most concentrated American aerial bombardment—and the most controversial.

The new Pentagon bombing figures will intensify the controversy as air power critics ask what this staggering load of explosives has accomplished.

There are no public figures on how many civilians the bombing campaign has killed, but Pentagon officials stress that every target is hit with an eye to causing minimum civilian casualties.

TOTAL OF PLANES LOST

There are Pentagon figures on how many planes the Unted States has lost in this effort—1801 as of Nov. 30. Of this total, 828, planes were lost to accidents and other nonhostile causes.

Of the 973 planes lost to enemy fire, 758 were downed over North Vietnam. Figuring the cost of a modern jet at $2.5 million, this would make the dollar loss of the 973 planes close to $2.5 billion.

Air Force leaders contend the Vietnam bombing campaign has shown the need for different type of planes for limited war and the cost of giving an enemy time to build up an air defense.

FAVORS TWO TYPES

The Air Force would like to build two types of planes for limited war—a heavily armored attack plane to support troops on the ground and a highly maneuverable fighter to combat successors to the Mig 21.

Studies are already underway for both—the A–X (attack experimental) and Me FX (Fighter-experimental). How generously to fund these planes in the new budget is now being argued in the Pentagon.

Besides the new planes, Air Force leaders are pressing for money to develop a new generation of electronic guidance systems so airplanes can achieve "pickle barrel" accuracy with conventional bombs day or night.

U.S. REPORT FINDS GLOOM IN VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have a very perceptive article entitled "U.S. Report Finds Gloom in Vietnam," written by Bernard Weinraub, and published in the New York Times of December 6, 1967, printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. REPORT FINDS GLOOM IN VIETNAM—ASSERTS MANY IN SOUTH FEEL AMERICANS ARE DELIBERATELY PROLONGING THE CONFLICT

(By Bernard Weinraub)

SAIGON, SOUTH VIETNAM, December 5.—A weekly report privately drafted and distributed within the United States mission in South Vietnam portrays American officials posted in the provinces as gloomy about the war and the mood of the South Vietnamese people.

The two-page document, which was distributed today, says that there has been "an increasing tempo of VC terrorism and propaganda and, in some circles at least, a strange drift from reality regarding the U.S. role in Vietnam."

The report says that numerous Vietnamese now feel that the United States is "deliberately prolonging" the war and that "many Vietnamese believe that Americans in Vietnam have been so dominant, especially in the direction of the war, that the very sovereignty of Vietnam is threatened."

ONE WEEK IS COVERED

The report, headed "Provincial Attitudes," covers a one-week period, from Nov. 26 to Dec. 2. The document indicates, however, that American officials in the field were meeting long-range—and growing—problems with the South Vietnamese.

The report discussed the Vietnamese attitude toward Americans, the South Vietnamese Government and army and the Vietcong.

"The theme that recurred most often was the continuing rise in VC terrorism and propaganda," the report said. In most cases, the aftermath appeared to be a declining confidence in the South Vietnamese Government's defense capabilities.

The report says that this theme was especially prevalent in the III Corps area, the section of the country around Saigon, and the IV Corps area, the Mekong Delta.

On the propaganda front, the report says, Vietcong cadres "enter hamlets escorted by armed squads, scatter leaflets, indoctrinate the people or, in the more secure hamlets, operate a portable speaker at the edge of town"—usually with "upsetting" results for public morale.

The document, quoting the final paragraph of a report from the Mekong Delta, added: "Unless the [Government] of South Vietnam is able to demonstrate visibly and convincingly that it is truly dedicated to the interests of the people, republic [the Thieu Government] will have no more support than any of its predecessors."

While American officials in recent weeks have produced optimistic public statements on the war effort and pacification, they have not dealt with the mood and the attitudes of the Vietnamese people. Over the last few months, however, officials in Saigon have noted an anti-American mood, especially in the Saigon newspapers.

The document is marked for "limited distribution" at the United States mission but is not classified.

DRAFT LAW CRITICIZED

A main complaint of Vietnamese, the report says, is against a new mobilization law that lowers the draft age from 20 to 18 and tightens deferments. The document indicates that many Vietnamese feel that the draft measure was spurred by United States pressure.

In Saigon, the document notes, a member of the new House of Representatives was reported to have said that the measure had been designed to "calm American public opinion because the American people do not take kindly to the mobilization of Americans for combat in Vietnam."

The document adds: "Another legislator reportedly said, 'Why should our young men be drafted to serve U.S. interests?' "

Discussing what it termed the "strange drift from reality regarding the U.S. role in Vietnam," the report said that in the III Corps area a "group of 12 middle-aged citizens" felt the mobilization law had been enacted at "the behest of the Americans, whose real aim is 'the extermination of as many Vietnamese as possible.' "

"GUINEA PIG"

One of the group was then quoted as having said: "Our country is a guinea pig for the testing of new U.S. and Russian weapons."

In the IV Corps area, the report says, there was "a rumor heard among the educated elite" that the United States was "deliberately prolonging [the war] in order to provide an outlet for its surplus production."

The document said that there had been vehement protests against the partial mobilization decree scheduled to take effect Jan. 1. The law orders more rigorous study of all types of deferments, including those for academic, religious and professional reasons. All specialists needed for military service, such as doctors and engineers, will be subject to the draft until they reach the age of 45.

"Although most youths do not want to join the army," the report says, "they want even less to join the VC—but the only reason given is the harder life of the VC."

The documents adds that the possibility of mobilization "had provoked hopes that the war may soon end, but almost all [youths] see it as continuing indefinitely."

"The hope for peace, when expressed, often reflected a dim conception of external forces beyond one's control," the report says. "Thus, from Binhthuan in II Corps it was reported that the people believe the Americans will send more troops to Vietnam next year to end the war sooner and help the campaign of President Johnson for re-election to the Presidency."

THE ARMS SALES PROGRAM OF THE PENTAGON

Mr. FULBRIGHT. Mr. President, one of the staff writers of the Washington Star, a leading conservative newspaper of this city, recently wrote a most perceptive article on the arms sales program of the Pentagon. The article is published in the Progressive.

I believe the article is of great importance and is worthy of being printed in the RECORD.

I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PENTAGON'S MERCHANTS OF DEATH

(By George Sherman)

The latest installment of the bloody Arab-Israeli struggle has exploded many myths about the balance of power in the Middle East. But the myth which has taken the biggest pounding on Capitol Hill is that the United States, by carefully escalating and orchestrating arms shipments abroad against competition from the Soviet bloc, can maintain a peaceful balance of power in unstable regions of the world.

Last June American-supplied planes and tanks of Jordan fought American-supplied tanks and guns of Israel. The scenario ran about the same as that between Pakistan and India in 1965. Pakistan pitted American jet fighters and tanks, part of $1.5 billion military aid supplied Pakistan to contain Communist China, against American equipment sent India for the same purpose after the Chinese invasion in 1962. When both wars began the United States could do nothing but belatedly slap a temporary arms embargo on all belligerents and sort out ways to prevent a recurrence.

The result that followed the Mideast conflict has been a searching examination in Congress of American arms policy abroad. At least two subcommittees of the Senate Foreign Relations Committee and the House Banking and Currency Committee have revealed for the first time the export face of that military-industrial complex which President Eisenhower warned against in his celebrated farewell radio-television address to the nation in January 1961.

The massiveness of the arms supply program, much of it previously hidden from Congress, let alone the public, came as a shock to many of its members and to large segments of the American public. So much so, that both houses of Congress have moved in this year's foriegn aid bill to dismantle Pentagon machinery for easy long-term credit sales of arms abroad.

"The whole tone of this operation," said Senator J. William Fulbright, chairman of the Foreign Relations Committee, during the August debate, "has come to have a disturbing resemblance to a cheap easy credit jewelry store—fifty cents down and a dollar a week. The credit sales program has been converted into a kind of military [program] for the surplus disposal by the Pentagon and the American armaments industry. It is time to stop it."

The statistics turned up by his Committee tell the tale. According to the Department of Defense itself, the annual rate of U.S. arms purchased by the developing countries, mainly those in the Middle East and Pakistan and India, increased thirteen times over the five years from mid-1961 to June 20, 1966—from $34 million in fiscal year 1962 to $444 million in the 1966 fiscal year. That makes a cumulative total of $1.11 billion in arms sales to poorer countries, based again on the Pentagon estimate that they bought ten per cent of the overall $11.1 billion in worldwide American arms sales during these five years. The remaining ninety per cent went to industrialized allies—NATO partners and Japan, Australia and New Zealand.

James Reston, associate editor and Washington columnist of *The New York Times*, recently surveyed a longer period of U.S. arms sales and gifts and came up with this report:

"The facts are startling; from 1949 to June 1966 the U.S. Government alone (not counting the private arms salesmen) sold $16.1 billion in military arms to other countries and gave away a total of $30.2 billion. This $46.3 billion amounts, over the same period, to $4 billion more than all the economic grants and loans provided to other countries by the United States since the middle of 1948, including the spectacularly successful Marshall Plan."

The striking fact of the 1960's is the new concentration on arms sales, as opposed to arms give-aways. Between 1952 and 1962 the United States gave away $17 billion in military aid, and sold $5 billion in arms. Between 1962 and 1972 the proportion is being reversed. The Pentagon has sold or plans to sell at least $15 billion in arms and to give away $7 billion.

According to Senate testimony earlier this year by the late John T. McNaughton, Assistant Secretary of Defense in overall charge of the program, the total military grants and sales program of the United States now averages $3 billion a year—making the United States the largest supplier of arms in the world.

What this means in actual volume of arms exports is even more awe-inspiring. Pentagon statistics—quoted in *The New York Times* July 19—disclosed that in the past eighteen years Government exports of military goods included 16,630 aircraft, among them 8,300 jet fighter-bombers; thirty-eight destroyers; twenty-four submarines; 258 destroyer escorts; three aircraft carriers; 19,827 tanks and 3,055 other armored assault vehicles; 1.4 million carbines; 2.1 million rifles; 28,496 submachine guns; 71,174 machine guns and 30,668 mortars; 26,845 artillery pieces and recoilless guns of all types; 45,360 missiles, including 14,251 of the air-to-air heat-seeking type in use in Vietnam.

These staggering statistics reflect the degree to which Government has replaced private concerns as "merchants of death." To be sure, the individual entrepreneurs still exist—for example, the Merex Corporation in Bonn, Germany, Levy Brothers Auto Parts Company in Canada, and International Armament Corporation of London and Alexandria, Virginia. The last named is by far the largest.

The main channel for modern heavy equipment abroad flows directly through the Defense Department. The architect of the astounding growth of the arms sales program is Henry J. Kuss, Jr. His person is as imposing as his tongue-twisting title—Deputy Assistant Secretary of Defense for International Logistic Negotiations. Big, genial, self-confident, Kuss is the image of an efficient executive exuding pride in his business operations.

Kuss sharply denies suggestions that he is a "super-salesman" dedicated to foisting Pentagon surplus on European allies or underwriting arms races in the underdeveloped world. He lists the objectives of his operation as (1) bolstering the defensive strength of

American allies against the Communist military threat, (2) erecting common logistics systems for American alliances—the so-called "arms common market," (3) alleviating the American balance of payments problem. The third aim is naturally stressed more at home than abroad.

"Our Atlantic allies come to us, not vice versa," he said during an interview. "They know they can get major weapon systems at least thirty per cent cheaper here than if they produced them at home. Despite the talk of European integration, Europeans still resist the idea of pooling their small defense industries into one big common defense market."

Kuss insists that control machinery in the U.S. Government severely limits the number of requests he can fill world-wide. On March 31, he told a luncheon of the Aerospace Industries Association's International Committee that American arms sales meet only one-third of demand. And many of the approved sales, he claimed, are so handled as to restrain rather than foster local arms races.

A favorite Pentagon example of this is a jetfighter sale to Argentina. The Argentine airforce wanted to buy supersonic fighters, at $1.5 million each—a request Kuss refused in line with U.S. policy toward all Latin America. Instead he persuaded Argentina to take subsonic A–4B's—at a "bargain price" of $70,000 each. At the same time neighboring Chile—not always on friendly terms with Argentina—was negotiating with the British for supersonic Lightning fighters, at $2 million each. Because of the demands of the Vietnam war, the Pentagon had no A–4B's left to sell Chile as an "equalizer" with Argentina. So Kuss persuaded the British to sell Chile some Hawker Hunter fighters, the rough subsonic equivalent of the American A–4B's.

But the end of the story is still not in sight. To the dismay of the Pentagon, Peru—which has a bitter territorial dispute with Chile—subsequently turned down an American offer of fifteen subsonic F–86 Saberjets. At the moment Kuss's office is trying to discover how to prevent the politically powerful Peruvian air force from purchasing new supersonic Mirage fighter-bombers from the French. So today, only a year after Argentina "saved" on the subsonic bargain, Peru is facing the Pentagon with the same expensive escalation to the supersonic jet-round of the arms race in Latin America.

In public Kuss is not always the prophet of restraint. His pride in the success of his salesmanship often takes precedence over the limited aims it serves. He lives with symbols of the material gains he has brought the country in general and big industry in particular. On a table in his junior executive office at the Pentagon stands a set of gold scales—the heavy weight of the American balance of payments on one side, the lighter weight of "world-wide offset sales" on the other.

It is a reminder of the reason for Kuss's swift rise in the hierarchy. He has been a civil servant for twenty-three years. But in early 1961, under new Secretary of Defense Robert S. McNamara, he sponsored and organized the first revolutionary agreement with West Germany to offset U.S. costs of keeping American troops in Germany through German purchase of American military equipment for the new Bundeswehr. In six years these agreements have brought the United States $3 billion in sales to West Germany.

The idea soon became too attractive not to apply world-wide. The sales program was a natural outgrowth of the multi-billion dollar military grants program of the 1950's and growing Congressional pressure in the 1960's to stop giveaways and the outflow of gold. Sales of just three supersonic planes—the F–4 Phantom, the F–104 Starfighter and F–111—have brought the Treasury just under $3 billion.

The advantages to the American armaments industry are manifest. The one big deal last year with Britain for the purchase of 50 F–111's, F–4's, and C–130 Hercules Transports for $2.5 billion over twelve years netted remunerative contracts for General Dynamics, McDonnell, and Lockheed Aircraft—besides saving the British about $1 billion in research-and-development costs. In a speech in Los Angeles in the spring of 1966 Kuss estimated that his sales had yielded $1 billion in profits for American industry so far and 1.2 million man-years of employment spread throughout the country.

In these little gatherings Kuss is at his salesman's best. He often sounds like a baseball coach delivering pep talks to his lagging team. At a luncheon of the American Ordnance Association last year he held out the prospect of a $100 billion—"one hundred thousand million dollars," he underlined it—world arms market by 1971. Regretfully, he lamented, only twenty major American companies were competing.

On his reckoning, seventy percent of all ordnance companies were "Class C" leaguers waiting for the business to come to them rather than going out to find it. Only ten percent of eligible companies were in the "Class A League," taking advantage of Government expertise and credit systems to help them sell arms abroad.

This Kuss "helping mechanism" is a study in informal efficiency. He has sponsored a Defense-Industry Advisory Council Committee on Military Exports to keep private business abreast of opportunities. His own office staff of twenty-five civilians is divided into six teams which each cover separate foreign geographic areas. Out in the field these teams draw on Military Assistance Groups (MAG's) for information gained in daily contacts with foreign military establishments. Each of the three services also maintain central arms-sales offices in the Pentagon to backstop the Kuss operation.

Many long-term intangibles are offered as a powerful lure to buy American. Besides the obvious saving in research-and-development, the foreign government receives a guarantee for maintenance and spare parts for each piece of equipment it buys. In 1966 the Pentagon sold $80 million in these services throughout the world.

Training of foreign personnel in the use of modern military equipment is another American sales asset. During the past five years, for West Germany alone, the United States has trained 2,000 pilots, 16,000 technicians, and 3,000 Navy personnel. The overall Pentagon sales operation has been so successful—accounting for fifteen to twenty percent of all defense exports within the free world—that in June, 1965, British Prime Minister Harold Wilcon was moved to complain at a NATO foreign ministers meeting in London that "high pressure salesmanship of the Americans" had "unbalanced the situation" in the Atlantic Alliance.

But the greatest lure of all to the underdeveloped world, the one which Congress is now attacking, is easy credit. In 1957 the Defense Department requested and received from Congress the authority to set up a revolving credit fund to provide direct loans or to guarantee bank loans to deserving customers. Each year Congressional appropriations, plus repayments, expanded the fund. Today it stands at $384 million. Furthermore, in 1961 Congress approved a change whereby each dollar of the fund can underwrite four dollars in loan guarantees so that the $384 million in fact can support purchases of up to $1,536,000,000 in arms. The loans usually bear 3½ per cent interest (compared to 5½ per cent on conventional loans) and permit ten years to repay (compared to three years).

This year Congress wakened to the fact that the Pentagon is using the Export-Import Bank for many of these easy-credit loans to poorer nations. The device is the so-called "Country X" account, in which the Bank earmarks given amounts for Pentagon-arranged loans where repayment is guaranteed from the arms-sales credit account. Until Congressional investigators disclosed the identity of the recipient nations, the Export-Import Bank had not known—and said it did not wish to know—which foreign purchaser used which loan for what.

Administration witnesses have told Senate committees that since 1963 the Bank has lent $2.6 billion to developing foreign countries in this manner. In just the past two years the $591-million the Pentagon obtained from the Bank through the "Country X-accounts" was lent to fourteen countries for purchase of U.S. arms. Four are countries in the Middle East tinder-box: Iran, Saudi Arabia, Jordan, and Israel. Five are in Latin America: Brazil, Argentina, Peru, Chile, and Venezuela. Three are in Asia: Pakistan, India, and Malaysia. The others are Morocco and Taiwan.

The disclosure that the Export-Import Bank was so heavily involved in the arms traffic—more than one-third of its loan business goes for the purchase of U.S. military hardware by foreign nations—shocked many members of Congress. The bank has been shy about showing its martial side. Its annual report carries many words and pictures that tell a glowing story of its significant aid in the building of the economies of recipient countries—but not a word about its quiet assistance in the helping poor countries build military establishments.

The recent disclosure of this Export-Import Bank role resulted in Congressional clamor to stop the bank from turning into an "arms bank" and to get the Pentagon out of the "banking business." By a single vote the Senate in August voted to revoke the Pentagon's arms-sales credit fund and return its funds to the Treasury by December 31. The House of Representatives followed suit with an amendment to the foreign aid authorization bill ending Pentagon rights to give easy credit. Despite vigorous lobbying by the Administration, all the way up to the Joint Chiefs of Staffs, and pleas to leave the President flexibility in arms competition with the Soviet bloc, there is mounting Congressional sentiment against direct or indirect military aid to poor nations. The Senate also voted to put a new ceiling of $25 million a year on total grants and sales to all of Africa, and lowered from $85 million to $50 million an identical ceiling for Latin America.

The revelations regarding U.S. Government financing of arms exports to the poorer nations also drew wide criticism in the press. Kuss defended the policy in a letter replying to sharp editorial criticism in the *St. Louis Post-Dispatch*. In its rejoinder to Kuss, the *Post-Dispatch* made this comment:

"We do not find the defense convincing. Much of it seems to rest on the proposition that the Pentagon does not sell arms unless the client proves that he really wants them. That does not get to the heart of the matter at all. Narcotics addicts unquestionably want drugs very badly, but this would hardly justify the U.S. Government's setting itself up as a drug peddler."

Administration testimony on Capitol Hill has confirmed disturbing lapses in controlling the spread of surplus American-supplied equipment piling up abroad. In practice Kuss closely coordinates selling decisions with his opposite in the State Department, the Deputy Assistant Secretary of State for Politico-Military Affairs, and confers with a number of second-echelon officials.

But one gnawing problem now being pondered is what happens to all these weapons after they are sold, when they become obsolete and our industrialized allies come under heavy pressure to sell them in order to buy still more modern weapons. Such is the case with 5,000 M-47 tanks in Germany, which will be obsolete by 1972, and about 1,000 fighter-bombers in Europe. Arms bureaucrats live with the nightmare of preventing these weapons systems from filtering through to the underdeveloped world.

A case in point are the ninety Saberjets which suddenly turned up on Pakistani airfields last October and November. Here was a major embarrassment to the United States, as Kuss admitted before Senator Stuart Symington's subcommittee the following March. The Indian press loudly claimed violation of the total American arms embargo imposed on both India and Pakistan after the 1965 war.

But these old-style jets were neither sold nor manufactured by the United States. They belonged to Iran, which had just bought them from West Germany for $22 million, which in turn had bought 225 of them from Canada in 1957, which had been manufacturing them—under American license—since 1949. The purchasing officer for the Iranian army had made the deal with the Merex Corporation in Bonn, agent for the German government. German Luftwaffe pilots had flown the planes in lots of six to Iran. Kuss testified that they were then sent to Pakistan, "allegedly for repairs," and the Pentagon did not know how many were still there.

The Indian protests set off a diplomatic scramble. Under the licensing agreement between Canada and North American Aircraft Corporation in 1949, the U.S. Government had to approve all sales and re-sales of the Saberjets manufactured in Canada. This "end use agreement" is the main legal tool for insuring that weapons do not fall into unfriendly hands. In this case, the State Department queried the Canadians, who confronted the Germans about the violation of the contract. Though the Germans claimed ignorance of what Merex Corporation had done, and the U.S. Embassy officials spoke to the Shah of Iran, the Senate testimony makes clear that Iran—with German knowledge—had acted on behalf of its Pakistani ally to circumvent the American arms embargo. The present whereabouts of all the Saberjets is still a mystery.

Critics conclude that the steady proliferation of generation upon generation of lethal weapons can only accelerate this illicit traffic—whatever the good intentions of the Government about skillfully managing "balancing sales" to the underdeveloped world. They conclude that the time has come to put a brake on the all-out arms exports program, whether or not Soviet competitors follow suit.

Representative Henry Reuss of Wisconsin reflected the concern of many of his colleagues when he noted that as a result of the growing export business in arms, "we're supporting both sides of practically every arms race on the globe." And Senator Fulbright added: "I do not know what the answer is, but it seems to me the United States ought to be the one taking some initiative to try to stop the arms race. The most powerful nation has an obligation to take the risk in the first place."

CORRECTION OF AN ERROR IN THE FOREIGN RELATIONS COMMITTEE'S REPORT ON SENATE RESOLUTION 187

Mr. FULBRIGHT. Mr. President, there has been called to my attention by the distinguished former Senator from Utah, Arthur V. Watkins, an error in the Foreign Relations Committee's report on Senate Resolution 187. The report in its present form states that no voices of dissent were raised in Congress at the time of President Truman's decision to send armed forces to Korea in June 1950. In fact, Senator Watkins did question the President's constitutional authority to take the action that he took without consulting Congress. I ask unanimous consent to have inserted in the Record Senator Watkins' letter to me and my reply thereto. These letters make clear the mistake that was made in the committee's report and indicate how the report should have read.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Arlington, Va., *December 4, 1967.*

Hon. J. William Fulbright,
Chairman,
Senate Foreign Relations Committee,
Washington, D.C.

Dear Senator: Near the bottom of page 16 of the Foreign Relations Committee Report accompanying S. Res. 187, just issued, I call your attention to the following language: "Voices of dissent were raised in Congress but not at the time of Truman's action."

On the day of Truman's "action" Scott Lucas, Democratic Majority Leader, announced at the opening of the Senate session that President Truman had ordered our armed forces to support the South Koreans against North Korea. Senator Jim Kem of Missouri immediately protested Truman's action. I came into the Senate Chamber a few minutes later (Kem had just left the chamber) when Lucas was just finishing the announcement and I inquired about the matter and entered my protest. My protest was strong enough that one of my Democratic critics in Utah bought newspaper space to carry the message to the people of my State that "Watkins fiddles while the world burns." This article stirred up a lot of feeling against me.

In the close of my colloquy with Senator Lucas he asked me what I would do if I were the President. My answer was:

". . . I would have sent a message to the Congress of the United States setting forth the situation and asking for authority to go ahead and do whatever was necessary to protect the situation." (Cong. Record, June 27, 1950, pp. 9229–9232)

Had that course been followed there would have been a debate in Congress which could have covered all the necessary ground on either intervening or not intervening. I'm sure the debate would not have been one sided.

It seems to me that something should be done to clear up the error in the Committee Report. I am sure the Committee would not want to close the record with this glaring historical mistake standing unchallenged.

In closing, I know this must have been an oversight. I am certain it was not deliberate.

With kind regards, I am,
Sincerely,
Arthur V. Watkins.

U.S. Senate,
Committee on Foreign Relations,
Washington, D.C., December 8, 1967.

Hon. Arthur V. Watkins,
Arlington, Va.

Dear Senator: I wish to apologize for the error contained in the Committee's report on S. Res. 187 regarding President Truman's decision to send armed forces to Korea in June 1950. I have reread the pages from the Record which you cited and you are of course quite right in pointing out that you did indeed raise the question of the President's constitutional authority to intervene in Korea without consulting Congress.

The error was due to an omission of research on the part of the Committee staff. I have instructed the staff, in the event that the report is reprinted, to strike out the first sentence in the last paragraph on page 16, which now reads:

"Voices of dissent were raised in Congress, but not at the time of Truman's action."

And to insert in place thereof the following language:

"Scarcely a voice of dissent was raised in Congress at the time of Truman's action. Senator Watkins of Utah questioned the authority of the President to commit the country to war without consulting Congress, even in compliance with a recommendation of the United Nations Security Council, and said that, if he were President, he '. . . would have sent a message to the Congress of the United States setting forth the situation and asking for the authority to go ahead and do whatever was necessary to protect the situation.'"

I appreciate very much your calling this error to my attention. In order to further correct the record I intend to insert both your letter and your reply in the Congressional Record.

With every good wish,
Sincerely yours,
J. W. Fulbright,
Chairman.

Mr. FULBRIGHT. Mr. President, I deeply regret that mistake. It was clearly an inadvertence on the part of the staff in its research on what took place at the time referred to by former Senator Watkins. Senator Watkins has been one of the most careful and astute students of the Constitution and the proper relation between Congress and the executive who has ever served in this body.

ORDER FOR YEA-AND-NAY VOTE ON CONFERENCE REPORT ON FOREIGN AID APPROPRIATION BILL

Mr. SYMINGTON. Mr. President, I ask unanimous consent that when the conference report on the foreign aid appropriations bill comes back from the House, there be a yea-and-nay vote on the question of the adoption of the report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE WAR AND ITS EFFECTS—I

Mr. FULBRIGHT. Mr. President, as the long congressional session draws to a close, it seems appropriate to review some of the major events of the last year and their effects on the American people. Whatever else we might differ on, I think we will all agree that it has not been a happy year for Congress or for our country. The divisions among us are deep and the problems that beset us seem intractable. The center of our troubles is the war in Vietnam—a war which has isolated the United States from its friends abroad, disrupted our domestic affairs and divided the American people as no other issue of the 20th century has divided them. My remarks today comprise the first part of a two-part statement on the war and its principal effects, particularly its effects within our own country.

1. THE WAR

Recently, the St. Louis Cardinals demonstrated that they are a superior baseball team, but in the recent world series most Americans outside the St. Louis area itself rooted for the Boston Red Sox. Why was that? Was it because the Red Sox were better sports, or better players, or better looking? Certainly not; the Cardinals matched their rivals on all these counts and in the end they showed themselves to be the stronger team. Why then could they not match the Red Sox in popular affection? Because they had committed one of the worst crimes in Christendom—the crime of being top dog. Top dogs are not very popular as a rule, just because there are so few of them. The underdogs are a vast majority in the world, and when, now and then, one of their multitude soars to the top in a sport or in politics or some other highly visible pursuit, millions of other underdogs take heart, catching as by electric impulse the magic message: that could be me up there, at bat or on the pitcher's mound or in the high councils of power.

Our heritage reinforces our instincts; most of us have been raised on David and Goliath and by the time we reach adulthood we have been thoroughly indoctrinated—one might even say brainwashed—in the belief that every time a little guy knocks down a big guy it is reason for rejoicing. Few people stop to think about the merits of the case, about the possibility that the top dog may have reached the heights by diligent and honest labor, or that his cause may be virtuous and true, or—unthinkable thought—that the little guy might just possibly be venal, self-seeking, or otherwise unworthy.

That is what the Cardinals were up against. Like the Yankees before them they had committed the crime of succeeding too well. They were Goliath; the Red Sox were David. They were the wicked stepmother; the Red Sox were Cinderella. The Cardinals were King John, the wicked queen, and General Cornwallis; the Red Sox were Robin Hood, Snow White, and George Washington. Their success was won by skill and courage and luck against overwhelming odds. They won in the only way that millions of underdogs could ever imagine themselves winning; and when in the end they lost, as had been probable right from the start, it seemed nonetheless as though something impossible had happened. Goliath had beaten David; the Prince had eluded Cinderella; and a million hearts were broken.

The United States is not the St. Louis Cardinals; the Vietcong are not the Red Sox; and the war, God knows, is not a game. But there is something pertinent in the metaphor.

America is top dog in the world, and, although we may be convinced that we are good top dogs, most people around the world are convinced that there is no such thing. Because we are rich, we are perceived as voracious; because we are successful, we are perceived as arrogant; because we are strong, we are perceived as overbearing. These perceptions may be distorted and exaggerated, but they are not entirely false. Power does breed arrogance and it has bred enough in us to give some substance to the natural prejudices against us. Much to our puzzlement, people all over the world seem to discount our good intentions and to seize upon our hypocrisies, failures, and transgressions. They do this not because we are Americans, but because we are top dogs, and they fear our power. They are frightened by some of the ways in which we have used our power; they are frightened by the ways in which we might use it; and most of all, I suspect, they are frightened by the knowledge of their own inability to withstand our power should it ever be turned upon them. They are, so to speak, tenants in the world at our sufferance, and no amount of good will on our part can ever wholly dispel the anxiety bred by the feeling of helplessness.

What do these feelings about American power have to do with the war in Vietnam? They go far, I think, to explain why our war policy commands so little support in the world. Anxiety about America's great power predisposes people, even against their better judgment, to take satisfaction in our frustrations. The French, for example, who well understand the importance to themselves of America's weight in the world balance of power, nevertheless seem to derive some satisfaction from seeing half a million Americans fought to a stalemate by a rag-tag army of Asian guerrillas. Seeing the Americans cut down to size like that is balm for the wounds of Dienbienphu, salve for the pride that was lost in the days of the Marshall plan when France survived on American generosity. If our military failures in Vietnam have this effect on the French, as I believe they do, think what they must mean to the real underdogs of the world, to the hundreds of millions of Asians, Africans, and Latin Americans who can easily identify themselves with the Vietcong guerrillas but could never see themselves in the role of the lordly Americans. There may even be people in our own country who feel some sneaking respect for a resourceful enemy, an enemy who, in a curious and purely emotional way, may even remind them of the rag-tag American revolutionaries who humbled the mighty British Empire almost 200 years ago.

Such attitudes, it will be argued, are irrational and unfair, and so, in large measure, they are. People, it will be said, should be rational and should act on their interests, not their emotion, and so indeed they should. But they do not. I might be able to think up some good reasons why elephants should fly, but it would not be rewarding; elephants cannot fly, and there is nothing to be done about it. So it is with men; they ought to be cool and rational and detached but they are not. We are, to be sure, endowed with a certain capacity for reason, but it is not nearly great enough to dispel the human legacy of instinct and emotion. The most we can hope to do with our fragile tool of reason is to identify, restrain and make allowance for the feelings and instincts that shape so much of our lives.

That brings me to one of the most important of the many flaws in our war policy in Vietnam—its failure to take account of people's feelings and instincts, especially those pertaining to top dogs and underdogs. American policy asks people to believe things that they are deeply reluctant to believe. It asks them to believe that the world's most powerful nation is not only strong but is motivated by deeply benevolent and altruistic instincts, unrelated even to national interests. Even if that were true—and on occasion it probably has been true—nobody would believe it because nobody would want to believe it.

This is an extremely serious problem for the United States because the success of its stated policy in Vietnam ultimately depends less on winning for its own sake than persuading the world that American aims are indeed what American policymakers say they are. That is the case because the war, as often explained by the Secretary of State and by others in the administration, is said to be an exemplary war, one that will prove to the Communists, especially China, that wars of liberation cannot succeed, and prove to the rest of the world that America will not fail to honor its commitments, to whomever made and for whatever purpose. It is a war—so say our policymakers—to inspire confidence in the United States and prove certain points, and once these points are proven, it is said we will withdraw—within 6 months of a peace settlement, said President Johnson at Manila.

These being our stated aims, the success of our policy depends in great part upon whether people believe that our objectives are what we say they are. You cannot make an object lesson out of a war if people do not believe that is what you are trying to do; you cannot prove a point if people do not believe that you mean what you say.

Setting aside for a moment the question of whether American purposes are really what American policymakers say they are, it is apparent that much or most of the world believes that they are not. I do not think that very many people, least of all the Vietcong and the North Vietnamese, believe that we plan to withdraw from Vietnam as soon as arrangements for self-determination are made, arrangements which could result in the establishment of a Communist government. I do not think that very many people, least of all the Asians, Africans and Latin Americans for whose benefit the example is supposedly being set, really believe that, with virtually no help from the presumed beneficiaries, America has sacrificed more than 13,000 lives and spent $90 billion—thus far—simply to set their minds at rest about America's determination to come to their assistance should they ever be threatened with Communist attack or insurrection. Insofar as they do not believe us our war policy is a failure, neither setting the intended example nor proving the stated point.

Why do they not believe us? Largely, I believe, for the reasons already discussed. Resenting our power and feeling a natural affinity for a tenacious underdog, millions of people all over the world do not believe us because they do not want to believe us. Even people whose hard judgment may tell them that an American defeat would be damaging to their own interests may nonetheless take secret pleasure in seeing a Vietnamese

David seeming to cut the American Goliath down to size.

Prejudice is not the only basis of worldwide skepticism about American intentions. The war after all is not going well and, even if our sincerity were granted, our success could not be. Far from proving that wars of national liberation cannot succeed, all that we have proven so far is that, even with an army of half a million men and expenditures now approaching $30 billion a year, we are unable to suppress this particular war of national liberation. Far from demonstrating America's willingness and ability to save beleaguered governments from Communist insurgencies, all that we are demonstrating in Vietnam is America's willingness and ability to use its B–52's, its napalm and all the other ingenious weapons of "counterinsurgency" to turn a small country into a charnel house. Far from inspiring confidence and support for the United States, the war has so isolated us that, despite all our alliances and the tens of billions we have spent on foreign aid, we cannot, according to the administration, get nine out of 15 votes to put the Vietnam issue on the agenda of the United Nations Security Council. Far from demonstrating America's readiness to discharge all of its prodigal commitments around the world, the extravagance and cost of Vietnam are more likely to suggest to the world that the American people will be hesitant indeed before permitting their Government to plunge into another such costly adventure.

There are already signs of such a reaction. In the days before the June war in the Middle East, for example, strong and virtually unanimous sentiment was expressed in the Senate against any unilateral American military involvement in that part of the world. If America ever does withdraw into the neoisolationism of which our policymakers are so fearful, it will not be because of the influence of those of us who advocate selectivity in foreign commitments, it will be in reaction to the heedless interventionism of Vietnam.

Still another reason why some of our stated purposes are disbelieved is the simple fact of their implausibility and inconsistency. It is implausible to contend that we are defending a valiant democracy when everyone knows that the Saigon generals can inspire neither the loyalty of their people nor the fighting spirit of their sizable army. It is implausible to contend that an act of international aggression has taken place when it is clear that the war began as a civil war within one-half of a divided country abetted by the other half and did not become an international war until the United States intervened. It is implausible to argue, as the distinguished minority leader did some weeks ago, that, but for the war in Vietnam, the west coast of the United States would be exposed to attack, when the U.S. Navy and Air Force are virtually unchallenged over the entire Pacific Ocean.

Finally, it is implausible and inconsistent, on the one hand, to maintain that the United States seeks only to assure self-determination for the South Vietnamese people and will withdraw within 6 months of a peace settlement and, on the other hand, to assert that our real purpose is to protect a billion Asians from the power of a billion Chinese armed with nuclear weapons. If the latter is the American purpose, if the real enemy is not the Vietnamese guerrilla army but Asian communism with its headquarters in Peking, then we are likely to have to remain in Vietnam indefinitely, all the more so because most of the presumed beneficiaries of our intervention, including the three greatest nations among them—India, Japan, and Indonesia—show not the slightest inclination to take over even a small part of the military burden.

So implausible and so inconsistent are the statements about one principle or another that is supposed to be being vindicated in Vietnam that one comes to feel that what our policymakers are really trying to vindicate is their own judgment in having led us into this war in the first place. Even Ambassador Edwin O. Reischauer, an Asian expert and a temperate man who supports the current policy because he sees little prospect of a negotiated peace, recently expressed fundamental disagreement with the administration's rationale for the war.

> It seems highly probable—

Says Reischauer—

> that Ho's Communist-dominated regime, if it had been allowed by us to take over all Vietnam at the end of the war, would have moved to a position with relation to China not unlike that of Tito's Yugoslavia toward the Soviet Union. Wars—

He writes—

> sometimes seem justified by their end results, but this justification hardly applies to the Vietnam war. Even the most extravagantly optimistic outcome would still leave far greater losses than gains. It is doubtful—

He adds—

> that even a favorable outcome to the war would do much to deter Communist subversion in other less developed countries. Instead of being discouraged by our ultimate victory in Vietnam, would-be revolutionaries might be encouraged by the obvious pain of the war to the United States and the clear reluctance of the American people to get involved in further wars of this type. I have no doubt—

He concludes—

> that if those who determined American policy toward Vietnam had foreseen even dimly the costs and futilities of the war, they would have made different choices at several times in the past and thus avoided the present situation, with only trifling costs, if any, to American interests.[1]

In recent weeks, General Westmoreland and other administration spokesmen have been making optimistic statements about victory being in sight. This is not the first time that optimistic predictions have been made, but it is of course possible that this time they may be right, that Ho Chi Minh will surrender or die or the Vietcong will collapse or just fade into the jungle. Even in that event, it should not be supposed that the American commitment would be at an end; we would still be the sole military and economic support of a weak Saigon regime, at a cost of perhaps $10 billion or $15 billion a year. This of course would assume—as we cannot safely assume—that the Chinese and Russians would do nothing to prevent the collapse of the Vietcong or of North Vietnam. But even if these most optimistic prospects should be realized, grateful for peace though we would be, we would still have little to be proud of and a great deal to regret. We would still have fought an immoral and unnecessary war; we would still have passed up opportunities which, if taken when they arose, would have spared us and spared the Vietnamese the present ordeal, and done so, as Professor Reischauer says, "with only trifling costs, if any, to American interests."

For all these reasons, much of the world and an increasing number of our own people are deeply skeptical about the American purpose in Vietnam. Underlying the skepticism is deep disappointment, a feeling that America has betrayed its own past and its own promise—the promise of Roosevelt and the United Nations and of Wilson and the League but, most of all, the promise of the American Revolution, of free men building a society which would be an example for the world. Now the world sees that heritage being betrayed; it see a nation which seemed to represent something new and hopeful reverting instead to the vanity of past empires, each of which struggled for supremacy, each of which won and held it for a while, each of which finally faded or fell into historical oblivion.

We are in this respect a disappointment to the world but, far more important than that, a disappointment to ourselves. It is here at home that the traditional values were formed, here at home that the American promise was born, and it is here at home—in our schools and churches, in our cities and farms, in the hearts and minds of our people and their chosen leaders—that the American promise will finally be betrayed or resurrected.

THE DISSENTERS

Like delicate instruments which detect the sounds that escape the human ear or reveal the microscopic life that evades the human eye, the youth of a society have a special sensitivity to its health and morals. More acutely than their elders they demand authenticity in their country's values and integrity in its leadership. When they sense that these are lacking, they are disappointed and are likely to become cynical or apathetic; when they feel sure of the loss of authenticity and integrity, they are likely to become angry and alienated. There are many reasons for the current anger and alienation of so many of our young people, but the root cause is the war, which in the words of two Berkeley graduate students, "has soured the hopes of the early sixties and transformed a large segment of American student youth from idealistic supporters of the Government to bitter and disillusioned antagonists."—Simon R. Green and Judd L. Kahn, "The Effects of the War in Vietnam on American Students," pages 6–7.

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[1] "What Choice Do We Have in Vietnam?" Look magazine, September 19, 1967, p. 27.

It is a mistake to suppose that student disillusion and anger is confined to a handful of hippies and radicals of the new left. In December 1966, a group of student leaders from 100 colleges and universities wrote a letter to President Johnson expressing deep anxiety about the war and warning that, if the administration stayed on its present course, "the United States will find some of her most loyal and courageous young people choosing to go to jail rather than to bear their country's arms, while countless others condone or even utilize techniques for evading their legal obligations." In March 1967, 800 former Peace Corps volunteers wrote to President Johnson expressing their fear that the administration's Vietnam policy might result in a loss of enthusiasm for the Peace Corps—as indeed it seems to have, judging from the marked decline in the number of volunteer applicants. The letter went on to speak of the "erosion of trust in our Government which that policy is causing among Americans who, like us, want to believe in the high purpose and constructive world role of the United States."

I used to hope—and I have not yet entirely given up hope—that protest against this most divisive and unpopular war would be kept within institutional channels by making these channels available as forums of public discussion. It was in large part for this purpose that the Foreign Relations Committee began holding public hearings on the war in early 1966. It was my hope at the time that the dissent which was then taking the form of "teach-ins" and student rallies would be kept orderly and lawful by allowing it, along with all other pertinent viewpoints, to be expressed in a congressional committee.

That hope has not been realized and the reason why it has not now seems clear. Dissenters do not dissent for the mere pleasure of hearing themselves orate, or of being seen on television, or of enjoying the democratic right of free speech. They dissent because they wish to have an impact on events, because they wish to bring about changes in their Government's policies. Some of the more dogmatic, it is true, probably could not be satisfied with anything less than total compliance with their wishes, but most of us who regard this war as a tragic mistake would settle for a great deal less. We would settle for an honest and sustained effort to make a compromise peace through a new Geneva conference, or through direct discussions between the Saigon government and the Vietcong.

A year and a half ago, the dissenters seemed ready enough to have their views—as well as those of the administration—expressed before the Senate Foreign Relations Committee and by other orderly means. Now they are no longer satisfied because these means have been shown to be ineffective. Instead of demonstrating that a degree of change could be accomplished through traditional democratic processes, the hearings held before the Foreign Relations Committee have demonstrated—thus far—that the administration is as unreceptive to the views of Senators, experienced diplomats, and eminent scholars as it is to the views of the young firebrands of the new left.

Because the recent hearings before the Senate Foreign Relations Committee have not resulted in changes of Government policy, the dissent is becoming disorderly and, however much we may call upon the young dissenters to be temperate, however much the administration may try to distinguish between responsible dissent and what the President in his recent press conference called "storm trooper bullying," our pleas are unlikely to be persuasive as long as it is apparent that, no matter what the dissenters say, or how they say it, their views will be ignored.

In making the distinction between orderly dissent, of which it professes to approve, and disorderly dissent, of which we all disapprove, the administration seems unable to understand that it is the futility of the one that has given rise to the other. Even in expressing its willingness to hear the advice of its critics, the administration makes it clear that it has ignored that advice and will continue to ignore it. As the President said in his press conference on November 18:

> I can't say that these various proposals that range from a Senator to a county commissioner to a Mayor of a city have really changed General Westmoreland's plan much or Ambassador Bunker's proposals.

Nor has the administration done very much to foster or even permit the responsible dissent which it professes to "insist on" and "protect." The Secretary of State has not testified on the war in public session of the Foreign Relations Committee since January 28, 1966, and has repeatedly refused invitations to do so, despite the fact that it would give the administration as well as its critics the opportunity to explain their views to the American people. Closed meetings of the committee, which the Secretary says he prefers for reasons of security, are no substitute for public hearings. No one would expect the Secretary to reveal any military secrets in a public hearing, any more than he does in his press conferences and numerous public speeches. What we would expect is an accounting to the people of the administration's judgment and purposes under close questioning by the people's elected representatives. I can think of no more orderly and responsible way to conduct a democratic dialog. The unwillingness of the administration to participate in such a dialog is almost certainly a factor in the angry demonstrations which are taking place with increasing frequency.

A final point needs to be made about this matter of dissent. The administration seems to have the idea that we all ought to be grateful for its restraint in permitting us to express our views.

> We don't stop the publication of any papers. We don't fine anyone for something they say—

The President reminded the reporters at his press conference on November 17. For my part, I should like to make it clear that I am not the slightest bit grateful to the administration for my freedom of speech. That freedom is an inalienable right which the American people reserved to themselves when they established a constitutional government. It is not the people's freedom which is a gift from their Government but the Government's authority which is a gift from the people, a retractable trust to be discharged at their pleasure

When the Government abstains from suppressing dissent, it is doing nothing more than complying with one of the explicit conditions of its constitutional trust. That is not a thing for which gratitude is owed.

That, Mr. President, concludes the first half of my statement. Within the next week or so, I shall ask for the floor again in order to continue my review of the war's effects on American life. At that time I will comment on the growing military-industrial-academic complex, the mounting crisis of poverty, and the relationship of these problems to the central question involved in Vietnam, which is whether the United States is going to become a traditional world empire or will remain true to the traditional ideal of America as an example to the world.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may have 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I want to commend the distinguished chairman of the Foreign Relations Committee for the exceptionally fine address he has made this morning. Most of the words spoken on this floor are soon buried in the stillness of the CONGRESSIONAL RECORD and never reflected upon afterward, but I think that when the history of this period is written, the words spoken by the distinguished Senator from Arkansas will be savored and remembered.

No one has stated the case against this war in Vietnam with greater logic or effectiveness. When most of the rest of us are long forgotten, the Senator from Arkansas will be remembered respectfully by the people of this country.

Mr. FULBRIGHT. I appreciate very much the words of the Senator from Idaho, but I am quite certain that the contribution the Senator from Idaho has made to the debate on this most tragic involvement of our country will be as remembered as that of anyone in the Senate, because he has made a contribution both in his speeches and especially in the legislation which bears on this matter. I wish to express my appreciation for what he has done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the Subcommittee on Business and Commerce of the Committee on the District of Columbia be permitted to meet during th session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is the Senate still in the period designated for the transaction of routine morning business?

The PRESIDING OFFICER. The Senator is correct.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On December 5, 1967:

S. 1031. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

On December 6, 1967:

S. 706. An act to amend section 27 of the Shipping Act, 1916.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF NEGOTIATED CONTRACTS OF NATIONAL AERONAUTICAL AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautical and Space Administration, transmitting, pursuant to law, certain required information with respect to contracts negotiated by the National Aeronautics and Space Administration, for the period January 1, 1967, through June 30, 1967 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a review of Federal financial participation in administrative costs of public assistance programs in certain counties of California, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated December 6, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, potential economies and improvements in service through modernization of the Postal Field Service, Post Office Department, dated December 7, 1967 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 2

"CHAPTER______

"Assembly Joint Resolution No. 2—Relative to the Captain Charles M. Weber Memorial Foundation

"Whereas, The Captain Charles M. Weber Memorial Foundation, a nonprofit, educational, California corporation, has been associated for the past 20 years with the Legislature of the State of California in the field of conservation and planning; and

"Whereas, During the past 35 years, Charles M. Weber, a civil engineer, has been a leader in the movement to establish research, fact-finding, and planning procedures in national, state, and local government; and

"Whereas, A former Member of the California Legislature for 16 years, he has been authorized by the Legislature for the past 17 years to plan, advise and report to it in the field of conservation and planning; and

"Whereas, The Captain Charles M. Weber Memorial Foundation, under the leadership of President Charles M. Weber, has contributed substantial amounts of moneys and services to the State of California in connection with the preparation of various reports relative to a statewide, comprehensive plan for basin development and public works, particularly in the field of water resources and water pollution control; and

"Whereas, The State Senate, by the adoption of Senate Resolution No. 376 of the 1967 Regular Session, has again granted Charles M. Weber certain powers and duties in regard to such studies and has broadened the scope of these studies; and

"Whereas, The Captain Charles M. Weber Memorial Foundation is under the joint direction of F. Z. Pirkey, B.S., M.C.E., LL.D., Colonel of U.S. Corps of Engineers (Retired), and formerly in charge of research and development in the office of the Chief of Engineers, U.S. Army; John W. Greene, former Director of Public Relations, Office of Defense Mobilization, former consultant, California Department of Water Resources, director and general manager of research, public relations, financing and publicity, Weber Foundation; and Charles M. Weber, B.S., C.E., M.C.E.; and

"Whereas, The foundation, whose responsibilities are now rapidly expanding, has filed an application with the Office of Water Resources Research of the United States Department of the Interior for a substantial grant of funds to support the performance of such responsibilities; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to take such steps as may be necessary to ensure that the application of the Captain Charles M. Weber Memorial Foundation to the Office of Water Resources Research of the United States Department of the Interior for a grant of funds be given immediate consideration, and that such funds be granted as requested in order that the vitally important work of the foundation may be continued; and be it further

"Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of Representatives, Commonwealth of Pennsylvania; to the Committee on the Judiciary:

"HOUSE RESOLUTION NO. 135

"Resolved (the Senate concurring), That the General Assembly of Pennsylvania memorialize the Congress of the United States to support and enact into legislation a bill placing the observance and celebration of George Washington's Birthday, Memorial Day, Independence Day and Veterans' Day on Monday; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officer of each house of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. Res. 189. Resolution to authorize certain additional studies by the Committee on Public Works (Rept. No. 906); referred to the Committee on Rules and Administration.

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments (Rept. No. 908).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 2511. A bill to maintain and improve the income of producers of crude pine gum, to stabilize production of crude pine gum, and for other purposes (Rept. No. 907).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 10864. An act to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc., and for other purposes (Rept. No. 909).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 8376. An act to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y. (Rept. No. 911).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 11395. An act to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960 (Rept. No. 910).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

H.R. 10783. An act relating to crime and criminal procedure in the District of Columbia (Rept. No. 912).

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the report on H.R. 10783, reported earlier today by the Senator from Nevada [Mr. Bible] from the Committee on the District of Columbia, be printed, together with individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of an amendment to a convention was submitted, without reservation:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive M, 90th Congress, first session, an amendment to article 28 of the Convention of the Intergovernmental Maritime Consultative Organization (Ex. Rept. No. 20).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE (for himself, Mr. Morse, Mr. Tydings, Mr. Metcalf, Mr. Clark, and Mr. Young of Ohio):

S. 2754. A bill to establish a Federal oil shale development program, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Proxmire when he introduced the above bill, which appear under a separate heading.)

By Mr. PERCY:

S. 2755. A bill for the relief of Dr. Leon Zundel Resnekov, his wife, Carmella Resnekov, and their two children, Charles Dean, and Orna; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2756. A bill for the relief of Dr. Heldo Gomez and his wife, Olga Enrique Gomez; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2757. A bill for the relief of Cheung Kwai Leung; and

S. 2758. A bill for the relief of Siu King; to the Committee on the Judiciary.

SEABEE ROBERT SCHMIDT WRITES TO SANTA CLAUS

Mr. BYRD of West Virginia. Mr. President, I have had forwarded to me by Mr. Jim Comstock, editor of the West Virginia Hillbilly, a letter to Santa Claus from a Seabee on duty in Vietnam.

In the letter, Seabee Robert Schmidt, who lives in California, asks St. Nicholas for an anti-Vietnam demonstrator.

Schmidt, I feel, makes several noteworthy promises to Santa about how he would treat such a demonstrator. I quote just two paragraphs from the letter:

> I promise, Santa, to always let him have his own way for as long as he lives; of course, that won't be very long if he insists on saying the things he said in the United States.
>
> The next time one of our patrols is attacked by the Cong, I'll let him run to the front to tell them he loves them and wants to help them.

I think, Mr. President, that Seabee Schmidt, in his bitter humor, probably speaks the thoughts of many of our boys who are fighting for their lives in the steaming Southeast Asian jungles. I hope that the letter will have some meaning to some of the young persons who march through our streets protesting the war and who thus encourage the enemy to hold out against Seabee Schmidt and the other American boys who are fighting alongside him.

I ask unanimous consent that Seabee Schmidt's letter, which was reprinted in the Hillbilly and the Charlottesville, Va., Daily Progress, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letter to Santa

To the Editor:

The enclosed letter was recently published in the West Virginia Hillbilly and I think the readers of The Daily Progress will be interested in this letter to Santa from a Seabee in Vietnam.

Bob Garver.

Mrs. Vera Schmidt of 2713 Garrow Drive has received a letter from her son, Robert, a Seabee in Vietnam, who enclosed an additional letter for her inspection.

The special letter, written by Robert and some of his friends is for Santa Claus, and follows:

"Dear Santa: This Christmas I have decided to ask for only one present. Since there is no snow here in South Vietnam, you can't land, so just gift wrap it and I'm sure the postal department will take care of the delivery.

"Santa, can you imagine the joy on my face when I open your gift and find the one thing I want most in the world—an anti-Vietnam demonstrator.

"At least I'd have someone all mine, to share my exciting experiences with. I promise I'll take 'Special' care of him. I'll give him a haircut (they all seem to need one) but I can't promise to keep him clean, because baths are pretty scarce over here. Besides, dirt seems to be a prerequisite for protesters; he should feel right at home.

"I'll share my bed—and sometimes inedible food with him. I'll share the diseases, the intense heat and the impossible steaming jungle. I'll share the misery of trying to identify their mutilated and tortured bodies that the Cong leave behind.

"I'll let him sit beside me in my waterfilled foxholes—waist-deep in mud and Santa, I'll be warm with the joy of giving this Christmas present you were thoughtful enough to send me a little hell.

"I promise, Santa, to always let him have his own way for as long as he lives; of course that won't be long if he insists on saying the things he said in the States.

"The next time one of our patrols is attacked by the Cong, I'll let him run to the front to tell them he loves them and wants to help them.

"Santa, for New Years this year, I have decided to ask you for another present. Do you think you could perhaps send all my buddies a demonstrator for their very own?

"I am a resident of California when I am not in Vietnam."

HUMAN RIGHTS CONVENTION

Mr. DODD. Mr. President, the week of December 10 through December 17 has been proclaimed by the President as Human Rights Week, and the year of 1968 as Human Rights Year.

While the Senate this year ratified the Supplementary Slavery Convention, I remind Senators that the Genocide and Freedom of Association Conventions, sent to the Senate in 1949 by President Truman, and the Political Rights of Women and Forced Labor Conventions, sent to the Senate in 1963 by President Kennedy, have not yet been acted upon.

I am at a loss to understand why after all these years only one of these conventions has been ratified by the Senate. Our laws conform with the provisions of these conventions; therefore, ratification would not require any change in our domestic legislation.

On the eve of Human Rights Week, I should like to notify Senators that in the second session of the 90th Congress I plan to bring to the floor for Senate consideration the Political Rights of Women Convention and the Forced Labor Convention. In addition, I am hopeful that hearings can be held on the Genocide Convention. To quote President Johnson:

> American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.
>
> It is my continuing hope that the United States will ratify these Conventions. This would present the world with another testament to our Nation's abiding belief in the inherent dignity and worth of the individual person. It would speak again of the highest ideals of America.

Mr. President, I ask unanimous consent that a table showing the actions that have been taken by member countries of the United Nations be printed in the Record and that the President's proclamation concerning Human Rights Week and Human Rights Year also be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

	Genocide	Freedom of association	Slavery supplement	Political rights of women	Forced labor
Afghanistan	X	---	X	X	X
Albania	X	X	X	X	---
Algeria	X	X	X	---	---
Argentina	X	X	X	X	X
Australia	X	---	X	---	X
Austria	X	X	X	---	X
Barbados	---	X	---	---	X
Belgium	X	X	X	X	X
Bolivia	---	X	---	---	---
Botswana	---	X	---	---	X
Brazil	X	---	X	X	X
Bulgaria	X	X	X	X	---
Burma	X	X	---	---	---
Burundi	---	---	---	---	X
Byelorussia	X	X	X	X	---
Cambodia	X	---	X	---	---
Cameroon	---	X	---	---	X
Canada	X	---	X	X	X
Central African Republic	---	X	---	X	X
Ceylon	X	---	X	---	---
Chad	---	X	---	---	X
Chile	X	---	X	X	---
China	X	---	X	X	X
Colombia	X	---	---	---	X
Congo (Brazzaville)	---	X	---	X	---
Congo, Democratic Republic	X	X	---	---	---
Costa Rica	X	X	---	X	X
Cuba	X	X	X	X	X
Cyprus	---	X	X	---	X
Czechoslovakia	X	X	X	X	---
Dahomey	---	X	---	---	X
Denmark	X	X	X	X	X
Dominican Republic	---	X	X	X	X
Ecuador	X	---	X	X	X
El Salvador	X	---	---	---	X
Ethiopia	X	X	---	---	---
Federal Republic of Germany	X	X	X	---	X
Finland	X	X	X	X	X
France	X	X	X	X	---
Gabon	---	X	---	X	X
Gambia	---	---	---	---	---
Ghana	X	X	X	X	X
Greece	X	X	---	X	X
Guatemala	X	X	---	X	X
Guinea	---	X	---	---	X
Guyana	---	---	---	---	X
Haiti	X	---	X	X	X
Honduras	X	X	---	---	X
Hungary	X	X	X	X	---
Iceland	X	X	X	X	X
India	X	---	X	X	---
Indonesia	---	---	---	X	---
Iran	X	---	X	---	X
Iraq	X	---	X	---	X
Ireland	---	X	X	---	X
Israel	X	X	X	X	X
Italy	X	X	X	---	---
Ivory Coast	---	X	---	---	X
Jamaica	---	X	X	X	X
Japan	---	X	---	X	---
Jordan	X	---	X	---	X
Kenya	---	---	---	---	X
Kuwait	---	X	X	---	X
Laos	X	---	X	---	---
Lebanon	X	---	---	X	---
Lesotho	---	X	---	---	---
Liberia	X	X	---	---	X
Libya	---	---	---	---	X
Luxembourg	---	X	X	---	X
Madagascar	---	X	---	X	---
Malawi	---	---	X	X	---
Malaysia	---	---	X	---	X
Maldive Islands	---	---	---	---	---
Mali	---	X	---	---	X
Malta	---	X	X	---	X
Mauritania	---	X	---	---	---
Mexico	X	X	X	---	X
Monaco	X	---	---	---	---
Mongolia	X	---	---	X	---
Morocco	X	---	X	---	X
Nepal	---	---	X	X	---
Netherlands	X	X	X	---	X
New Zealand	---	---	X	---	---
Nicaragua	X	---	---	X	---
Niger	---	X	X	X	X
Nigeria	---	X	X	---	X
Norway	X	X	X	X	X
Pakistan	X	X	X	X	X
Panama	X	X	---	---	X
Paraguay	---	X	---	---	---
Peru	X	X	---	---	X
Philippines	X	X	X	X	X
Poland	X	X	X	X	X
Portugal	---	---	X	---	X
Republic of Korea	X	---	---	X	---
Republic of Vietnam	X	---	---	---	---
Romania	X	X	X	X	---
Rwanda	---	---	---	---	X
Saudi Arabia	X	---	---	---	---
Senegal	---	X	---	X	X
Sierra Leone	---	X	X	X	X
Singapore	---	---	---	---	X
Somalia	---	---	---	---	X
South Africa	---	---	---	---	---
Spain	---	---	---	---	---
Sudan	---	---	X	---	---
Sweden	X	X	X	X	X
Switzerland	---	---	X	---	X
Syria	X	X	X	---	X
Thailand	---	---	---	X	---
Togo	---	X	---	---	---
Trinidad and Tobago	---	X	X	X	X
Tunisia	X	X	X	---	X
Turkey	X	---	X	X	X
Uganda	---	---	X	---	X
Ukraine	X	X	X	X	---
U.S.S.R.	X	X	X	X	---
United Arab Republic	X	X	X	---	X
United Kingdom	---	X	X	X	X
United Republic of Tanzania	---	---	---	---	X
United States	---	---	X	---	---
Upper Volta	X	X	---	---	---
Uruguay	X	X	---	---	---
Venezuela	X	---	---	---	X
Yemen	---	---	---	---	---
Yugoslavia	X	X	X	X	---
Zambia	---	---	---	---	X
Total ratifications	71	74	70	55	78

A Proclamation by the President of the United States of America on the Human Rights Week and Human Rights Year

The year 1968 will mark the twentieth anniversary of the Universal Declaration of Human Rights by the United Nations—an historic document of freedom that expresses man's deepest beliefs about the rights that every human being is born with, and that no government is entitled to deny.

The United Nations has designed 1968 as International Human Rights Year. It has invited its members to intensify their domestic efforts to realize the aims of the Declaration.

Every American should remember, with pride and gratitude, that much of the leadership in the drafting and adoption of the Declaration came from a great American, Mrs. Eleanor Roosevelt. She was our first representative on the UN Commission on Human Rights.

Today, October 11, would have been her 83rd birthday. With the inspiration of her humanitarian concern still before us, I call the attention of our people to the Declaration she helped to author.

To Americans, the rights embodied in the Declaration are familiar, but to many other people, in other lands, they are rights never enjoyed and only recently even aspired to.

The adoption of the Declaration by the United Nations established a common standard of achievement for all peoples and all nations. These principles were incorporated into Human Rights Conventions, to be ratified by the individual nations.

American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.

It is my continuing hope that the United States Senate will ratify these conventions. This would present the world with another testament to our Nation's abiding belief in the inherent dignity and worth of the individual person. It would speak again of the highest ideals of America.

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, in honor of the ratification of the American Bill of Rights, December 15, 1791, and in honor of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights, December 10, 1948, do hereby proclaim the week of December 10 through 17, 1967, to be Human Rights Week and the year 1968 to be Human Rights Year. In so doing, I call upon all Americans and upon all Government agencies—federal, state and local—to use this occasion to deepen our commitment to the defense of human rights and to strengthen our efforts for their full and effective realization both among our own people and among all the peoples of the United Nations.

In witness whereof, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.

LYNDON B. JOHNSON.

SOUTHEAST ASIA: PROSPECTS FOR THE FUTURE

Mr. FONG. Mr. President, A. A. "Bud" Smyser, editor of the Honolulu Star-Bulletin, has just returned from the Far East and Southeast Asia from where he reported his firsthand observations to his readers in Hawaii. As the American state most closely identified with Asia, Hawaii and her people have always maintained close relations with and had a deep concern about events of that region of the world.

Mr. Smyser very ably undertook to serve the informational needs of the people of Hawaii concerning this area. He shared his findings and impressions in the form of letters to his readers. They were informative and perceptive, informal in style in order to give his readers a better understanding and appreciation of the current activities and mood in the vast and important region of the Pacific which he visited.

Mr. Smyser's final article, entitled "Southeast Asia: Dreams and Roads to Future," gives an excellent summary of the hopes, problems, positive factors, and possible answers to the complex problems with which Asia is faced. Mr. Smyser directed his inquiry toward "what can happen rather than what will happen" 20 or 30 years from now in that region.

Some of the problems that were discussed by the editor of the Star-Bulletin included Red China, the weak infrastructure in most of the Asian nations, the lack of adequate time to meet the rising expectations of the masses, the population explosion, racial and religious rivalries, border disputes, and the rural-urban schism.

Despite these obstacles to economic social, and political advancement and though the pitfalls to progress are many, Mr. Smyser feels that—

> Asian progress is indeed possible; in fact, long overdue.

He goes on to say:

> I thought I sensed in most nations a psychology of growing self-confidence, the psychology of breakthrough.

Mr. President, I commend the abovementioned article written by Mr. Smyser to Senators and ask unanimous consent that it be printed in the RECORD, together with a chart accompanying the article entitled "How the Nations Compare in Size and in Wealth."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA: DREAMS AND ROADS TO THE FUTURE

(By A. A. Smyser)

The vice-president of the United States of America thanked the pretty young Indonesian girl who had just danced for him and asked if she were married.

Yes. And did she have any children?

Yes, five, even though it is doubtful that she had yet reached her 20th birthday.

All over Asia populations are growing at tremendous rates. Women in many places seem like more than child-bearing machines.

After my own trip to 10 cities, children form one of the most vivid memories.

Togged and untogged. In school uniforms and out. Blocking traffic as they come from school. Being nursed on the back of a motorbike. Three sharing a bike with father. Huddling together under plastic sheets in the rain. Jumping for joy in ponds and puddles. Walking along paths between rice paddies.

Usually happy. Usually well fed. But living for the most part in homes poorer than the very poorest that Hawaii affords.

In some ways it was to learn about the children that I had gone to the Far East and Southeast Asia.

The foremost question I asked in each country as I made a familiarization tour was not "what is happening here today?" Rather I asked as many people as I could for their vision of the future. What can happen 10, 20 and 30 years from now in this area?

The emphasis was on what can happen rather than what will happen?

There is room for horrible pessimism as well as optimism.

The youngsters of today may be in the armies of tomorrow—raining bullets, rockets and nuclear bombs at each other.

International differences that seem petty today may be magnified tomorrow.

The stability we are fighting to win in Vietnam may be lost there or elsewhere.

But it was Takeshi Watanabe, president of the Asian Development Bank, who reminded me that "every successful man is an optimist" and the report that follows is the optimist's view of what can happen in this important part of the world.

Since Hawaii is to be an ever-closer neighbor of this area and since Hawaii can contribute in its own small way to the realization of the dreams of Asia, it behooves us to understand a bit about the problems and the possibilities, the aspirations and also the fears, of the Far East and Southeast Asia.

The last 10 years have been marked by the emergence in the area of aggressive communism. American doves may have trouble seeing the Communist threat. That trouble is no longer shared in the top echelons of government in Japan or Thailand or Laos or Malaysia or Singapore or Indonesia or Taiwan or South Vietnam or the Philippines.

Each has its personal reasons for recognizing the reality of the threat and for recognizing the American battle in South Vietnam as its battle.

The last 10 years also have been marked by a highly intensified world interest in this region of the world—and by this region's own emerging recognition of itself as a region.

Singapore and Malaysia, for example, used to look to London for guidance and support, while the Philippines looked to Washington.

Telephone and communication networks supported this artificial structure. Satellites in the sky will level it.

The emerging trend in Southeast Asia is for nations there to look more and more to each other. It is a trend the U.S. and other "have" nations welcome and are fostering.

HOPES

The hopes of Asia soar high.

Already one of the world's great industrial powers, Japan sees itself moving up to the level of living now enjoyed in the U.S.

Taiwan sees itself moving up in 10 or 15 years to the level of Japan today.

Even in flat-broke Indonesia, I heard expressions of hope that Indonesia can attain Taiwans' present level before too many years go by.

The pragmatic way in which aspirations are often expressed tends to underline what a U.S. general told me in Vietnam: "When I came here, I thought this was a political and social revolution. Now I think it's an economic one."

The goal of Asian nations, as I heard it expressed, is a better life. In many discussions, it somehow seemed less important that Red China's route to self-improvement has been a bloody one than that Red China's way has not worked.

When people spoke out about their own development problems the words that stood out were "stability" . . . "right policies" . . . "capital" . . . "good management."

PROBLEMS

The obstacles that stand in the way of progress are many and diverse. This survey includes neither India nor Communist China or that statement would have to be underlined by the roll of drums.

But even in the relatively rich nations of Southeast Asia or in Korea, or Hong Kong there is discouragement enough for any man.

China as a neighbor heads the list. A benign China would make everything easier. An aggressive, obstreperous one complicates all.

Climatic determinism figures in some thinking. Are the southern peoples too lethargic, too content with subsistence living to move actively in their own behalf? One friend answered that by pointing to peasants in Indonesian and Philippine rice fields who labor from dawn to dusk on their crops. Given incentives, the southerners can work as hard as northerners.

Infrastructure—meaning the trained people and organizational structure to provide political and social order—is a term much used in discussing Asian problems. One of the real problems is that political structures are weak and infrastructures thin throughout much of the area and most notably so in Vietnam and Indonesia.

Time is a factor. Will masses with rising expectations allow time for infrastructures to grow and strengthen, for governments to pursue and ripen wise policies?

Population control. It would be possible today if Oahu were flat to find standing room here for all the people of the world. In that light, population still seems manageable—but in some countries the expansion of food production and gross national product is running a losing race with the stork.

Rising nationalism—Will chauvinism cause short-sightedness and an emotional inability to act in the broader interest?

Racial rivalries—as between the Malays and Chinese in Singapore and Malaysia.

Religious rivalries—as between Buddhists and Catholics in Vietnam.

Border disputes—as between the Philippines and Borneo, or between Cambodia and its neighbors.

Rural-urban schisms—the feeling in many nations that city and country are separate worlds.

And so on: Under-employment that saps national strength as much as unemployment . . . over-education in some areas but under-education in most . . . lack of savings for investment . . . lack of trained managers.

Finding problems in Asia is no problem.

PLUS FACTORS

But Asia's millions of youngsters have some plus factors going for them, too, as they look to tomorrow.

Nations are referred to as take-off nations when they begin to generate enough savings and economic activity within their own structures to fuel their own further growth.

Taiwan, Singapore, Malaysia, Thailand, the Philippines and South Korea are considered to be at this point or near it.

Taiwan's formula resembles that of Japan and is considered something of a classic pattern. First it concentrated on feeding its people. Then it began to build up its foreign exchange. Then it built up its rural economy as a market for its industry, and then it built up the industries that would provide raw materials for other industries to process.

Taiwan was helped by the strongest concentration of imported brain-power of any developing nation except Israel and by some of the highest per capita aid given by the U.S. to any nation.

But the effect of these was mainly to speed progress (perhaps by 15 years, in one estimate) rather than to do anything that would have been impossible without such support.

Thailand is getting dividends from its Vietnam support in the form of a U.S.-financed half billion program to build a harbor and a road and airport network that will open up its interior.

South Vietnam will have more than $1.3 billion of U.S. construction in place after the war—more than it can use in peacetime—but with the finest network of airports and harbors in Southeast Asia from which to choose for peacetime development.

Both Thailand and Vietnam will have tens of thousands of people trained in construction and other skills that will have peacetime value.

The Asian nations also boast rich natural resources; people who have been proved in the test have both energy and talent; and soil and climate that, properly farmed and managed, can produce gigantic food surpluses.

Further, there are natural beauties and climatic advantage that offer a harvest of tourist dollars to most of the nations of the region if they choose to reach for them. "This area is a virtual Garden of Eden," exclaimed one American. He was talking about a coastal sector of Vietnam—but the same could be said of many places.

ANSWERS

Asian progress is indeed possible; in fact, long overdue.

How it will come remains to be seen but I looked in during my travels on a variety of organizations working to that end.

Here is what some of them are doing and how:

The operations control rooms of Malaysia—During Malaysia's 12-year "emergency" of fighting the Communists it maintained a war operations room in Kuala Lumpur where careful account was kept of all encounters with Communist insurgents and all intelligence was collated. Here the countermeasures were planned to meet the emergency.

Shortly before the ending of the "emergency" in 1960, the Deputy Prime Minister, Tun Abdul Razak, established district, state and federal development teams and ordered each to set up a development operations room similar to that used in the insurgency.

In these are brought together at one central point all information on all aspects of economic planning and—more importantly, in the view of U.S. Ambassador James D. Bell—the progress being made on every project in every field of activity.

Prose is limited. Charts and graphs quickly tell the story of progress or non-progress on hundreds of projects in 100 districts and sub-districts.

Periodic meetings are held at which these are reviewed by all the government departments concerned. Each official must justify the state of progress for each project for which he is responsible. Accountability is direct. Remedial action can also be direct. The deputy prime minister himself tends to drop in most often on those districts where progress is lagging—and has been known to order an official transferred within 24 hours.

"The message gets home," says Ambassador Bell, "Those who work on the Malaysian development program know that the road to promotion is through results and not through the production of a mass of reports, memos or other paper work."

Taiwan's joint Committee for Rural Reconstruction—A unique device for channeling U.S. AID dollars is the JCRR on Taiwan. Its members are named by the presidents of China and the U.S. with the Chinese always in the majority and holding the chairmanship, yet with the U.S. position protected by its ability to turn off the flow of dollars.

Through good management and a wise choice of commissioners it has attained remarkable results.

The East-West Center's vice chancellor, Dr. Baron Goto, who is familiar with most of Asia, considers JCRR to be the most successful U.S. AID effort. AID didn't try to run the show in Taiwan as it has in many countries, he suggests, and it delegated to JCRR full authority to develop workable programs for Taiwan instead of trying to impose them from the outside. (The Chinese chairman's view of JCRR was published on Page A–10 of the Star-Bulletin of Monday, Nov. 27.)

The International Rice Research Institute—This was discussed in some detail on page E–12 of the Star-Bulletin two days ago, Thursday, Nov. 30.

With Ford and Rockefeller Foundation money, it is doing for the tropical rice industry the kind of work done for Hawaiian sugar by the Experiment Station of the Hawaiian Sugar Planters Association. Its research station at Los Banos in the Philippines is developing new rice varieties, new machines and new methods.

Because it is moving into unexplored areas its initial results have been miraculous—a new variety that can double or even triple rice yields just because it is short and sturdy and doesn't fall over.

This by itself promises both economic improvement and spectacular gains in the hunger battle. The University of Hawaii will help train Americans in its discoveries.

U.S. aid—Regionalism is one of the bywords of U.S. foreign policy in Asia today. The U.S. hopes to help Asian nations solve their own problems.

Yet while we are spending multiple billions on the military effort in Vietnam our AID budget is only $700 million.

The first reaction of an American to such a comparison is one of dismay yet even this amount is one-third of the total gross national product of Vietnam and half of it goes for inflation fighting and currency stabilization. "We are trying to help people help themselves and that means funneling money through a narrow pipeline," explains a U.S. officer who doubts that his office could wisely use any further funds at present.

In Bangkok, a U.S. official explains that AID thinking goes to encouraging regionalism by such means as supporting an advanced engineering college for Southeast Asia in Bangkok, a graduate agricultural college at Los Banos in the Philippines (see above) an English teacher training college at Singapore, and science and mathematics advanced education at Penang, Malaysia.

It goes also to fostering, where possible, such multi-national projects as the Mekong River Development project, improved area communications and such transportation goals as an Asian Highway and Asia Railroad.

It also hopes to show that regionalism can overcome the problem of limited markets. Fertilizer, steel and textile industries, for instance, might be hard for any nation to sustain on its national base yet might be profitable in a regional market.

The Asian Development Bank—Only a year old, ADB embodies many hopes, engenders some fears and looms as a possible answer to several others.

Patterned after the World Bank, its advantage is that it is Asian-dominated and Asian-run.

Yet it admits members from all over the world and provides them a means of helping channel funds to Asia on a multi-national rather than a bi-lateral basis.

The U.S. and Japan are its biggest financial backers so far ($200 million each of a total subscription of $1.5 billion) but nearly 30 nations are contributing some degree of support, including 19 in the region which reaches from Afghanistan to Western Samoa.

Prior to making its first modest loans early next year, ADB has undertaken surveys in each regional member nation to assess which projects offer the greatest development potential.

It promises to use both the carrot and the stick in encouraging sound development projects but will back no project against the wishes of the host government. Headquarters are in Manila. The first president (for five years) is Takeshi Watanabe of Japan. His brother, Michael Satoshi Watanabe-Dauer, is professor of physics at the University of Hawaii.

ADB is seen as a means for non-area nations to channel support to Asia without moving into "Big Brother" positions—but it must tread lightly. Already, for example, its early and seemingly sound emphasis on agricultural projects has roused chauvinistic fears that the industrial nations could be using ADB to keep the developing nations from becoming competitors.

There is still a strong will in the developing nations for instant heavy industry and "show projects." This will was carried to the extreme by President Sukarno and his nation is now a disaster area, one of the poorest in the region despite its basic natural wealth. Indonesia has a steel mill that won't work, massive statues erected by Sukarno, a palace for Sukarno, a row of unfinished skyscrapers in Jakarta and some of Southeast Asia's most impoverished people.

The Committee for the Coordination of Investigations of the Lower Mekong Basin—From a desk in Bangkok, a wiry and bustling American named C. Hart Schaaf directs planning for a project that will be both larger and have much greater potential than the Tennessee Valley Authority.

It will benefit more than 50 million citizens of four nations—Thailand, Laos, Cambodia and South Vietnam.

It offers them irrigation potential, power, flood control and navigation possibilities, but it requires coordinated development by all four nations to realize its maximum potential. For that reason Schaaf speaks of it as a treasure chest with four locks that can only be fully opened when all four keys are inserted.

Despite wars and diplomatic differences, the project is moving ahead under United Nations auspices and Schaaf feels the funds to carry it through are in sight from the four member nations, 21 outside countries, 12 U.N. agencies and private business. It is slowed by the need to collect rainfall data and complete a gigantic map-making project on which engineering decisions will be based—as well as by the war at the lower end of the Mekong.

In all, at least 12 international agencies are concerned with Asia development problems.

Others not previously mentioned here include the Economic Commission for Asia and the Far East (ECAFE) and its sub-group, the Asian Highway Coordinating Committee or AHCC (both UN groups); the Southeast Asia Treaty Organization (SEATO); the Asian and Pacific Council (ASPAC); the Association of Southeast Asia (ASA); the Southeast Asia Ministers of Education Secretariat (SEAMES); the Southeast Asia Ministers of Transportation and Communications (SEATRANS); the Southeast Asia Ministers Conference on Economic Development (SEA DEV); the Southeast Asia Central Bankers and Planners Group (SEABP), and the Association for Southeast Asia Nations (ASEAN).

Memberships and activity vary but each group fills a purpose in building regional cooperation.

The pitfalls to progress are many.

The Asian nations need outside development help, yet aren't above resenting it. It used to be said that the trouble with the British was that they were "over-paid, oversexed and over here." Americans are susceptible to the same charge. Japanese help is needed yet World War II is not forgotten. Japanese businessmen are evident throughout Southeast Asia but not overconspicuous. "They stick mainly to the golf courses," one businessman in Singapore remarked. Resident Chinese tend to be resented as too vigorous competitors in local business. Australia would like to be considered as part of the area but racial feelings keep her on the fringe.

Yet Asia is coming alive. I thought I sensed in most nations a psychology of growing self-confidence, the psychology of "breakthrough."

The future for Asia's millions of children can be bright if the world's present generation can only be a little wise.

HOW THE NATIONS COMPARE IN SIZE AND WEALTH

Here is a comparison of national size and national wealth. The World Bank made it last year based on the best available estimates. The figures "must be taken with some reserve," the bank stresses, because of difficulties in obtaining, comparing and evaluating data. It offers them as rough indicators of gross per capita national product in U.S. dollars and of population.

Country	Population	GNP per capita
United States	192,120,000	$3,020
New Zealand	2,594,000	1,760
Australia	11,136,000	1,730
Japan	96,096,000	660
Singapore	1,820,000	460
Hong Kong	3,692,000	320
Malaysia	7,810,000	260
North Korea	12,000,000	210
Nationalist China	12,070,000	190
Philippines	31,270,000	140
Ceylon	10,965,000	130
South Korea	27,633,000	120
Cambodia	6,000,000	120
New Guinea and Papua	2,098,000	120
Thailand	29,700,000	110
South Vietnam	15,715,000	110
North Vietnam	18,000,000	100
Mainland China	738,000,000	95
India	471,624,000	90
Pakistan	111,700,000	90
Afghanistan	15,227,000	85
Nepal	9,900,000	70
Indonesia	103,100,000	70
Laos	2,470,000	60
Burma	24,299,000	60

Note: 1 point to remember in connection with the low per capita income figures for Asia is that a large portion of the population in many nations enjoys (entirely or in part) a subsistence economy that involves living off the land or the nearby ocean and produces no dollar figures to add to gross national product.

JOHN NANCE GARNER

Mr. TOWER. Mr. President, the death of former Vice President John Nance Garner at his home in Uvalde, Tex., just a few days ago, stirred people both in the Nation and around the world. I have received a memorable sonnet written by Mr. Amado M. Yuzon, of the Philippines, president of the United Poets Laureate International. I ask unanimous consent that this memoriam to the late Vice President be printed in the RECORD.

There being no objection, the sonnet was ordered to be printed in the RECORD, as follows:

SONNET: ON THE DEATH OF JOHN NANCE GARNER, OF TEXAS

(Leader of his people, former Vice President of the United States, died November 7, 1967, at the age of 98.)

(By Amado M. Yuzon)

He acted history and made it well
For Texas, for the U.S.A. and all;
In a worst, acute crisis that befell
And shook a nation to its base, how swell
Was he who could stand brave, protecting, tall!

For two terms' length he was with F.D.R.—
They thought, they moved, they saved a starving nation!
He climbed a long way to the peak from far,
But always shone his badge the lone, Lone Star,
As one for triumph, freedom and salvation.

By the exploits of its patriotic *greats*,
Lone Texas could have been a mighty state;
But Lo, united with the United States,
It has made great America more great!

PRESENTATION OF NEW SET OF MEASUREMENT STANDARDS TO NEW MEXICO

Mr. ANDERSON. Mr. President, today, December 8, 1967, the U.S. Department of Commerce will formally present a new set of measurement standards to the State of New Mexico. The presentation is part of a program to replace the measurement standards of all 50 States. New Mexico is the sixth State to receive a set.

It seems that the high sophistication of modern commerce and industry requires an accuracy and uniformity of measurement which we cannot always readily achieve with the measurement standards now used by the States. Some of these standards date back a hundred or more years. When we consider that the entire commerce of a State, both internally and externally, rests ultimately on the reliability of its measurement standards, we can see the importance of this ceremony on Friday.

We have a great confidence in our weights and measures system in this country. We do not buy a quart of milk and then run home and pour it into a measuring pitcher to see if it is indeed a quart. It is noteworthy that this smooth-running measurement system is a cooperative effort, with State and local officials taking care of the checking and enforcement and the Federal Government providing them with the technical backup they need. In a message to the 50th National Conference on Weights and Measures, President Johnson said:

> Weights and measures administration in the United States, as represented by the local, State, and Federal officials gathered here, is one of the finest examples of the creative Federal system we are trying to foster. It is an eloquent proof of the vitality and effectiveness we can achieve in any program when we utilize the full talents and capabilities of all levels of government. Through this constructive partnership, we maintain a uniformity of weights and measures, the language of trade and commerce, which has been and will continue to be a bulwark of our country's economic growth."

I think we all share those sentiments. We in New Mexico are proud of our part in this effort. For the information of Senators, I ask unanimous consent that the Department of Commerce announcement of the presentation ceremony be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

NEW MEXICO RECEIVES NEW WEIGHTS AND MEASURES AND STANDARDS

On Friday, December 8, New Mexico will become the sixth State to receive new weights and measures standards under a program to replace the standards of all 50 States.

Malcolm W. Jensen, Director of the Office of Weights and Measures of the U.S. Department of Commerce's National Bureau of Standards, will present one new set of weights and measures standards to New Mexico State officials in a ceremony at the University of New Mexico in University Park.

Many of the standards and instruments used by the States in weights and measures administration were provided by the Federal Government 100 years ago or more. The National Bureau of Standards is supervising replacement of the State standards to update and extend measurement competence throughout the Nation, as required by scientific and technological advances. Standards have previously been presented to Ohio, Illinois, Oregon, Utah, and California. Within the next few months sets will be presented to Connecticut, Delaware, Kentucky, and Tennessee.

It is expected that new standards and instruments will be provided to about 10 States per year until all State standards facilities have been modernized.

Each new set includes standards of mass (weight), length, and volume and necessary laboratory instruments, including high precision balances, all specially designed to meet State weights and measures requirements. Each set costs the Federal Government about $70,000, including calibration, installation, and training of laboratory personnel. The State contribution to the program, in the form of new or expanded laboratory facilities and better qualified personnel, will be considerably more than the Federal cost.

Measurement uniformity among the States began in 1836 when Congress authorized the Federal Government to supply each State with ". . . a complete set of weights and measures adopted as standards—to the end that a uniform standard of weights and measures may be established throughout the United States."

In the United States, the actual regulation of weighing and measuring equipment in commerce is retained largely by the States. The National Bureau of Standards is the principal technical resource for the States in this area.

THE ROLE OF NASA IN THE WAR

Mr. THURMOND. Mr. President, the last—the very last—thing that any American citizen, whether scientist, salesman, or newspaperman, would be expected to consider as something to expose would be technical research and development that can save the lives of American boys fighting in Vietnam. Surely, of all possible subjects to write about, and they are legion, this is no subject for exposure—for an exposé—in the manner in which a reporter might write about a trades organization that is engaging in contraband.

Yet, in the frenzy that has overtaken too many people in their anti-Vietnam war fervor, this is exactly what I am stunned to find being exposed.

Monday's Washington Post has seen fit to employ its initiative in digging up the information that NASA—the National Aeronautics and Space Administration—actually is engaged in research and development that can be—and to the newspaper's apparent shock—is being used on behalf of American forces in Vietnam. This information is presented as though a scandal were being exposed.

One might expect that if, for some reason that I cannot fathom, a story of this sort was to be dug up, the article would express gratification that the taxpayer's money was being used on behalf of the American people, and the tone of the article would show particular satisfaction that the persons helped are those fighting for us in the swamplands and jungles of Vietnam. The article in question purports to be shocked that NASA projects help our national objective.

The article was written in a supposedly objective vein, meaning that the viewpoint opposed to our interests was given equal weight with our own. This is a hackneyed device by which anti-U.S. propaganda is infiltrated into our own press. Moreover, the article reveals classified information. This bears all the earmarks of a story planted by someone who is seeking to destroy NASA's program. Under such circumstances, a young and inexperienced reporter becomes eager for a scoop at all costs, and an editor anxious to slant his news to editorial policy, becomes putty in the hands of knowledgeable propaganda manipulators.

The Washington Post story on December 4 was published under a three-column headline on page 1 and jumped to a seven-column headline on an inside page, for a total of 56 inches altogether. Its rationale could only have been that NASA may be doing something it ought not to be doing. It collapses with one, single quotation in the body of the article, a reference to "a section of the National Aeronautics and Space Act of 1958 that directs the agency to make available to defense organizations 'discoveries that have military value or significance.' "

This being so, and this being part of the directive under which NASA obligatorily operates, this Senator cannot understand why the article then goes off hemming and hawing on the subject, questioning whether this provision really refers to lifesaving assistance being developed for our fighting men in Vietnam. The authorization, it says, "is fuzzy." I cannot imagine what could be clearer than a direction to make "discoveries that have military value or significance" available to our defense organizations. Are our men fighting in Vietnam not engaged in a defense operation, or are we supposed to be accepting the red line that we, and not the Communists, are engaged in aggression? This is the only possible inference out of the subtleties of the article.

It then goes on to express a strange fear about "what Congress might say about the expenditures of NASA funds" for the purpose. As one Senator speaking for myself, while sure that his colleagues overwhelmingly share these sentiments, I am firmly of the conviction that anything that can be developed technically to save a single American life in Vietnam, especially by any individual or organization that is being paid by the American taxpayers, belongs freely to our soldiers in Vietnam. I cannot imagine their being deprived of it. Yet this is what the article seriously puts forward. There should be no question regarding our point of view on this matter, and I doubt if there is any serious question regarding it on this floor.

The article in effect subtly encourages so-called dissenters who actually are taking the side of the enemy, who are seeking to unilaterally disarm us, to make an issue out of this, too, and to try by legalistic hairsplitting to put an end to such research and technical aid as the facilities of NASA might make possible for our fighting men anywhere in the world.

If past experience with such seemingly objective reporting is any guidance, and of course it is, we now can expect a campaign to reinterpret the congressional authority given to NASA, with a view to choking off any benefit that our Vietnam forces might obtain from its work.

The article obviously is a patently calculated leak. The informed details it provides on NASA's research and technical work proves this. Described, for instance, are a number of militarily useful projects being developed by NASA, of extraordinary help to our fighting forces, as for instance:

> Quiet engines for the Pentagon. Not only does it devise and test small piston engines for planes, it is also developing helicopters that don't have that loud "chopper" noise warning of their approach.

And:

> A scissors-like sling, the stretcher is lowered to the ground and wrapped around a man in a way that he's made immobile. It is then raised upward—perfect for helicopter rescues in Vietnam jungles.

I am informed that the reporter contacted the Pentagon, and was plainly given the directive that forbids as classified even the discussion of any such Defense Department research projects. The same directive, of course, exists at NASA. I am told, too, that when he contacted the Pentagon, he already was in possession of practically all the classified material that went into the article.

Surely, if he was too inexperienced to realize it, his editors knew that the disclosure of such facts about what we are in the process of developing, or have just developed, for our fighting men, with the explicit description given in this article, can enable the enemy both to prepare countermeasures, and also to develop similarly advanced projects for the Communist forces. One has no right to take a chance on such matters.

If this is what some think is meant by being objective, I think that schools of journalism have their job cut out for them.

This is a shocking thing, that is not a matter of press freedom, or even of press license, but plain aid and comfort to the enemy, whatever the intent. This shameful incident should not be repeated. Publishers and editors should accept their responsibility to prevent such unobjective, anti-American news coverage, and to prevent, too, the violation of security classifications on subjects that involve adversely the preservation of the lives of American fighting men.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NASA's Role in War Grows

(By Thomas O'Toole)

When Philadelphia's Vertol Co. ran into long delays making rotor blades for Vietnam-bound Chinook helicopters, it called on two Alabama-based engineers to help speed things along.

Up flew the two men to Philadelphia, where they watched Vertol workers take 10 hours forming a steel rotor blade and another 16 hours hammering the dents out of it. Since this was a problem the engineers had faced and solved in working dents from aluminum fuel tanks, back they flew to Alabama with the job of trying out the fuel tank solution on helicopter blades.

What is unusual about all this is that the two engineers work for the National Aeronautics and Space Administration, whose direct involvement in jobs like the helicopter problem illustrates the growing role of the civilian space agency in the Vietnam war.

Both NASA and the Pentagon are reluctant to disclose the size of NASA's defense effort, but it's known that NASA's Office of Advanced Research and Technology is spending between $4 million and $5 million a year directing the efforts of 100 scientists and engineers to tasks vital to the Vietnam war.

The scope of these efforts is secret—though it's understood a whole range of defense projects is under the space agency wing.

One NASA team is know to have developed a new acoustic detector that locates mortars simply by measuring the slight ground vibrations they cause when fired. Still another group has devised a more steerable parachute to drop men and supplies into otherwise inaccessible jungle clearings.

A third team of NASA men is working on an aircraft engine so quiet that small tactical planes using it would be dropping bombs and firing machine guns at enemy troops before they ever heard the planes' approach.

NASA's authorization to do all this is fuzzy, at best. In their defense, NASA officials cite a section of the National Aeronautics and Space Act of 1958 that directs the agency to make available to defense organizations "discoveries that have military value or significance."

On the other hand, the same Act bars NASA from engaging in activities "peculiar to, or primarily associated with, the development of weapons system, military operations or the defense of the U.S., including the research and development necessary to make effective provision for the defense of the U.S."

While it willingly participates in defense research, NASA is nervous about its military role for several reasons.

With recognizable concern, it worries what Congress might say about the expenditure of NASA funds for defense purposes. Not only might some members of Congress consider such spending unauthorized—they might also question what the Pentagon does with the $70 billion it got for defense purposes this year.

NASA also worries about how other nations might react to the news that it is actively engaged in the Vietnam war effort.

Not only does NASA have contracts for joint research efforts with more than a dozen Nations, some of its most important tracking stations and communications outposts are located on land owned by other countries—most notably, Australia, Britain, Spain, the Malagasy Republic, South Africa, Peru, Chile and Ecuador.

NASA first got involved in Vietnam defense work almost two years ago, when the Pentagon became alarmed at the way the war was going.

In February of 1966, a team of top-level Pentagon officials came to NASA headquarters and conducted a comprehensive briefing on the technological troubles they had run up against in Vietnam.

Immediately after the briefing, NASA sent the word to its seven nationwide research centers that they might henceforth be asked to donate some of their time to defense work. It especially alerted three centers to this probability—the Jet Propulsion Laboratory in Pasadena, Calif., the Ames Research Center at Moffett Field, Calif., and the Langley Research Center in Hampton, Va.

At the same time, NASA set up a Washington based Ad Hoc Committee to coordinate all of what it called "limited war studies" through NASA's Office of Advanced Research and Technology, which is primarily engaged in research on aircraft noise and sonic boom, nuclear rocket engines, the X–15 and B–70 research aircraft.

On this committee NASA placed three men from three separate offices within the space agency—Maurice Raffensberger of the Office of Manned Space Flight, Clarence R. Morrison from the Office of Tracking and Data Acquisition and James O. Spriggs from the Office of Space Sciences and Applications.

To this committee NASA also brought Air Force Col. John M. Coulter to serve as executive secretary. It would be his job to dig out suggestions from NASA centers and forward them to the Defense Department researchers, particularly those at Wright-Patterson Air Force Base in Dayton, Ohio, and Aberdeen Proving Grounds in Aberdeen, Md.

To make sure its defense effort got off the ground. NASA took a third step. It ordered that anybody doing defense work coordinate through its Office of Defense Affairs. This office, headed by retired Navy Adm. W. Fred Boone, until then had been charged with getting the Air Force and Navy's cooperation during manned space shots—especially at liftoff (for tracking purposes) and touchdown (to recover the astronauts).

At first, NASA's defense efforts were largely hit-and-miss. Administrators in Washington would screen ideas from the field men, decide which had merit and forward those suggestions to the Pentagon.

More recently, it is understood, NASA's defense work has been a better directed and more fruitful effort.

What happens usually is that the Pentagon will come to NASA and tell it of a specific problem it has in fighting the war in Vietnam. The space agency then selects to "brainstorm" the problem until several possible solutions are worked out. These are tried out in NASA laboratories and the results sent on through NASA headquarters to the Pentagon, which takes over the project from there.

Just how many projects have gone through NASA to the Pentagon is secret. So, too, are the results of those projects and whether or not any of the more successful ones have found a use in Vietnam.

The brunt of NASA's war work goes on at three centers—JPL and Ames in California and Langley in Virginia. JPL gets a lot of the electronics work—it was a JPL team that came up with a new acoustic device to detect mortars.

Langley works on quiet engines for the Pentagon. Not only does it devise and test small piston engines for planes, it is also developing helicopters that don't have that loud "chopper" noise warning of their approach.

Langley also has been deep in steerable parachute work, a project that only recently was reassigned to the Army's Fort Eustis, Va., and Benning, Ga.

Besides the work done at JPL, Ames and Langley, NASA researchers everywhere are encouraged to contribute defense ideas.

While the scope of NASA's war work is wide, it evidently does not take in weapons. "We are not developing anything that shoots a bullet or a missile at somebody," insists a NASA official.

Indeed, some of NASA's "war work" might actually fall in the humane field.

Not long ago, a team of researchers at NASA's Michoud, La., plant devised a stretcher for men stuck or injured at the bottom of a Saturn fuel tank that works in such a way that the Army is thinking of using it in Vietnam.

A scissors-like sling, the stretcher is lowered to the ground and wrapped around a man in a way that he's made immobile. It is then raised upward—perfect for helicopter rescues in Vietnam jungles.

But whatever the nature of its war work, NASA feels fully justified in doing it.

"I don't think anybody is so naive," declares one NASA official, "that he might feel an agency spending $4 billion a year on technology shouldn't spend some of it trying to win a war we're fighting."

A DECADE OF PEACEFUL REVOLUTION: A SENATOR'S REFLECTION ON FEDERAL PARTICIPATION IN THE DRIVE FOR BETTER EDUCATION

Mr. ERVIN. Mr. President, the objective of education is the maximum development of the mind and spirit of man. Consequently, the educator does not perform his entire obligation to society by implanting in the minds of his students the fundamentals of knowledge, as important as that is. He must go further than this and endeavor to instill in them a desire to emulate Ulysses and "follow knowledge like a sinking start beyond the utmost bound of human thought." The educator achieves the greatest success in his calling when he inculcates in his student the abiding purpose to pursue learning as long as life lasts, and to be able to say this in modesty and in truth at sunset each day: I am wiser today than I was yesterday.

It was inevitable that I should have a profound concern for education. My paternal grandfather, who taught me to read and write before I was old enough to enter school, was a professional educator; my maternal grandfather was a crusader for the establishment of an adequate system of public education in my hometown; and my father, who always proclaimed that he wanted to give his children an education and then leave them the world in which to make a living, was the first chairman of the first board of trustees of the graded school system in my hometown. Years later I served in this same capacity, and in addition to so serving, was privileged to be for some time a trustee of the University of North Carolina and a trustee of Davidson College.

As a citizen, a school trustee, and a State legislator, I fought at all times for all measures reasonably designed to fulfill Charles Brantley Aycock's dream that every North Carolina boy and girl should have an opportunity to develop their highest potential educationally.

As legislative agent for North Carolina's classroom teachers some years ago, I worked to secure legislative approval of the South Piedmont plan, which increased the annual salaries of North Carolina schoolteachers by several millions of dollars.

As a Member of Congress, I have supported every legislative proposal reasonably designed to extend Federal aid to education without offending the provisions of the first amendment, and without depriving the States of their right to control the operation of their public schools.

I was invited to address the winter conference of the division of superintendents of the North Carolina Education Association at Durham, N.C., on Thursday of this week. This group is composed of those who supervise the conduct of North Carolina public schools. I prepared some remarks entitled "A Decade of Peaceful Revolution: A Senator's Reflection on Federal Participation in the Drive for Better Education" for delivery to this gathering. Unfortunately, however, the pendency before the Senate of the Elementary and Secondary Education Act Amendments of 1967 denied me the privilege of attending such gathering.

I ask unanimous consent that my remarks prepared for that occasion be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A DECADE OF PEACEFUL REVOLUTION: A SENATOR'S REFLECTION ON FEDERAL PARTICIPATION IN THE DRIVE FOR BETTER EDUCATION

I am truly honored to be here today with such a distinguished group to give you an account of my Senate stewardship in the area of education during the past several Congresses.

Under your direction are the systems which educate over one million boys and girls. As an elected representative of the people, I feel I have a special appreciation of the importance of your awesome responsibility because an educated electorate is absolutely necessary to the proper functioning of our government which derives all of its just powers from the consent of the governed.

I'm sure that in those few moments when you have an opportunity for thoughtful reflection you must look back over your years as educators and marvel at the vast changes which have taken place across the entire education spectrum. The growth in numbers alone is almost staggering. Curriculums have broadened considerably, and years ago who would have imagined such new and innovative teaching tools as computer-assisted instruction and closed circuit television?

Modern technology is certainly changing the face of education. So is the fact that people expect much more from the school today than they did a generation ago. Parents now expect the school to cover the field from driver education to vocational education to college preparation. Unfortunately, not every one is as sensitive to the great needs of our schools as you are. It costs more today to build the many classrooms we need, to equip those classrooms with the modern teaching materials they should have, and to train our teachers well. In your positions you are most aware that these needs seem to be outstripping our ability to meet them.

We in North Carolina can be proud of what might be called our "effort index." In 1965 our per capita State expenditures for all education placed us 18th out of the 50 States, and that's the highest of all the Southern States. In actual dollars and cents, however, our current expenditures per pupil are considerably lower than the national average. So in a sense we're trying harder but spending less.

However, the States' cost of education problems are much aggravated today by our systems of taxation. Unfortunately, the Federal government monopolizes the most productive sources of taxation and thus compels state and local governments to rely upon less productive sources for financing their essential functions. The Federal government's monopolization of the most productive source of taxation seriously handicaps many of our states in the operation of their public school systems.

From such propositions we arrive inevitably at the conclusion that the Federal Government must bear a greater share of the financial burden for education. And I sympathize with those who would reprimand the Congress for not doing enough for education and for not doing it fast enough. On the other hand there are inherent dangers in rash or hasty Congressional action and in the area of education there are many issues which must be debated and resolved before legislation can be enacted. You are aware, I am sure, that in the past issues were not always resolved and compromises were not always worked out. In those cases education bills failed to pass. But certainly it would be unfair to say that the legislative branch of the government was ineffective or that the Congress was insensitive to the education needs of the country. In my opinion it is far better that no bill be passed than one which is ill-conceived and ill-considered.

If you would allow me just a few moments to reflect upon some of the education legislation with which I have been confronted during my years in the Senate, I would like to share some of my thoughts on the subject with you. There were already limited forms of Federal assistance available to schools when I first entered the Senate in 1954, the year Congress passed a cooperative research program in education. Two years later legislation was enacted to make library services available to 38 million Americans in rural areas.

It was late in 1957, however, after the Russian space feat, that the drive for increased Federal aid to education achieved an unparalleled intensity. The American people were stunned at our failure to be first in space and this failure was immediately attributed to inadequate support of science and deficiencies in science education. Within a month after the Sputnik success President Eisenhower called for the early identification of potential scientists and engineers and for high quality education for them. And in January he sent a special message to Congress asserting the importance of education to the national defense.

This deep concern about the quality of our schools prompted the passage of the National Defense Education Act of 1958. The general objectives of the law, as you know, were to improve science, mathematics and foreign language teaching, provide better laboratory equipment, strengthen guidance and counseling services, and assist needy college students with loans. Although the National Defense Education Act initiated Federal participation on the largest scale yet in a rather broad area of education, I do not want you to think that there was no opposition whatsoever to the law. Indeed, in the Senate some of my colleagues were convinced that passage of the National Defense Education Act would be a disaster for the public school system. They were legitimately concerned about the effects which Federal aid to education would have on State and local initiative and about the control which the Federal government might exert over the schools.

However, the majority of the Congress, including myself, did not see that such threats were inherent in the legislation and felt that the needs of national defense and better science education were critical. The law was passed and signed by the President.

Following the passage of the National Defense Education Act of 1958 it became increasingly apparent that practically all levels of the educational administrative hierarchy were sorely in need of improvement and increased financial support. In 1963 President Kennedy proposed an omnibus education plan which covered the whole range of educational problems. Congress considered the various parts of this proposal individually, enacting some, rejecting others.

It was my honor to have co-sponsored one of the bills which did become law. The Vocational Education Act of 1963 was a necessary complement to previous vocational legislation. It authorizes assistance to the States for the further development of vocational education programs for persons of all ages, for the establishment of work-study programs, and for the construction of residential vocational schools. I think that this legislation was vital if we were to meet the educational and training needs of a great many people, and not just the young.

In 1963 attention was also focused upon the critical space shortages in our colleges and universities. Unless they could expand they could not accommodate but a small fraction of eligible students nor could they broaden their programs without additional facilities. A bill was introduced to authorize a program of loans and grants to public and private institutions for the construction of graduate and undergraduate academic facilities. This bill was eventually passed and became the Higher Education Facilities Act of 1963.

As much as I recognized and was most sympathetic towards the plight of colleges and universities and as much as I esteem higher education, I could not vote for that bill. It was one of those frustrating situations when you see a need, are presented with a possible solution and are prevented by principle from endorsing that solution. You've probably experienced the feeling many times. But in 1963 I opposed and in 1967 I oppose legislation which contravenes the first amendment of the United States Constitution. When we debated the Higher Education Facilities Act in the Senate, I stated that "In my judgment, the provisions of that bill, which permit the making of such grants and loans to universities and colleges which are owned, operated, or controlled by religious denominations, are in violation of the first amendment to the Constitution." At that time I proposed two amendments to the bill: One providing that grants and loans would not be made to universities and colleges which are controlled or operated by religious denominations, the other to make it certain that any taxpayer would have a right to have a judicial review of the constitutionality of any loan which the U.S. Commissioner of Education proposes to make. The first amendment was not passed by the Senate but the second was. Unfortunately it did not survive a House-Senate conference and in good conscience I could not vote for the Higher Education Facilities Act without the amendment.

The problem came up again 2 years later when, in 1965, we were confronted with proposed legislation of the very greatest importance. I am sure that you all are familiar with the provisions of the Elementary and Secondary Education Act so I will not enumerate them now. You must also be aware that private schools may participate under several titles of the law. These provisions were a matter of great concern for me and it was my feeling then as it is now, that until the Supreme Court decides on the constitutionality of such provisions Congress will not know whether it is legislating in constitutional light or in constitutional darkness. I think that the American taxpayer should have standing to test the constitutionality of a law which uses public funds for private schools. And so in 1965 Senator Cooper from Kentucky, Senator Stennis from Mississippi and I offered an amendment to give any taxpayer of the United States access to a Federal court to contest the question of the constitutionality of the aid which the bill would give to sectarian schools or to the students in sectarian schools.

In 1965 this Cooper-Stennis-Ervin amendment did not pass. In my mind, although the amendment would have been a most desirable feature of the bill, it was not an absolute necessity because a separate judicial review bill could be and later was introduced. Still, I had reservations about the Elementary and Secondary Education bill. There were sections of which I did not approve, the allocation formula in Title I, for example. And yet I heartily endorsed the major aims of the bill and I did think that the quality of public education, especially in low-income areas where the tax base was deficient, was a matter of top priority. Therefore, I voted in favor of the bill and I think that my remarks at that time might give you an insight into the difficult position in which I found myself. I said that "This is one of the situations in which I favor a part of the bill and am opposed to a part of the bill. On the whole, I think the good in the bill outweighs what I consider to be unfortunate provisions of the bill. For that reason, since I never expect to find a bill of major importance with which I fully agree, I expect to support this bill on final passage . . ."

Since the enactment of the Elementary and Secondary Education Act, I have been gratified by the expansion of the law to include handicapped children, Indian children and the children of migratory workers. Certainly if the law is to meet the needs of all educationally deprived children it must reach these. I was also pleased at the passage of the Adult Education Act, an amendment to the Elementary and Secondary Education Act to encourage programs of adult education and adult basic education.

But I am not yet satisfied that provisions of the law which provide Federal assistance to parochial schools do not violate the first amendment. I do find encouragement, however, in the unanimous adoption last Friday (December 1st) of my judicial review amendment to the 1967 Elementary and Secondary Education Act amendments. If the amendment survives a House-Senate conference, then I think that the issue of Federal aid to private schools may soon be decided by the Supreme Court. There is also promise of resolution of those constitutional issues in the agreement by the Supreme Court to hear oral arguments on a lower court's ruling that taxpayers lack the legal standing to take the Government to court over the expenditure of Federal money.

There are, of course, other problems arising from the Elementary and Secondary Education Act in addition to the question of judicial review. And, having asked you to view some legislative problems from my vantage point, I want you to know that I am also aware of some of your problems. From my discussions with a number of educators and school administrators I would say that the immediate impact of the Elementary and Secondary Education Act was like the opening of a flood gate—a flood gate of problems and prospects.

The late funding and the requirements of the programs have made unusual demands upon local and State school officials for innovative ideas and numerous State plans. This has used scarce personnel, and precious time. And the complaint has not been uncommon that available funds cannot be gotten to for the maze of "red tape." Well, your complaints have not gone unheeded either by your representatives nor by the U.S. Office of Education, and at long last the Office of Education is taking steps to cut some of that "red tape."

As you probably know, starting July of 1968, only one State plan, instead of three, need be presented to the Office of Education for all programs under Titles I and II of the Elementary and Secondary Education Act and Title III of the National Defense Education Act. It would permit a State to submit a single comprehensive statewide education plan including a summary of needs and proposed solutions and areas of needed Federal assistance. In turn, the Office of Education would study such a plan, determine what resources it can supply through Federal programs, and then would fund the programs on the basis of the one overall plan. This second innovation is an optimistic one but hopefully it will prove a workable approach, at least in some States. And hopefully too, both reforms will make your jobs more manageable.

There is one last reflection I would like to share with you this morning. Having taken some note of my difficulties when it comes to education legislation, and of yours when it comes to carrying out your responsibilities as school administrators, I would like to preface this reflection by referring to a recently completed study of the U.S. Office of Education. I am sure that you all received questionnaires as part of an 18 month study conducted by Representative Edith Green's Special Subcommittee on Education. Representative Green reports that most State and local school officials do not feel that Federal aid has not resulted in Federal control of education. Mrs. Green does suggest, however, that such aid deeply influences State and local school policy through such regulations as program guidelines, matching fund requirements and the like.

I suspect that there is some truth in this conclusion. And certainly no one is in a better position to assess it than each of you. Who is better qualified than you to advise to just what extent the Federal Government is overstepping its role as a "junior partner" in education?

I am aware that many people oppose Federal aid to education because they fear that Federal control of education is necessarily inseparable from Federal aid to education. However, history shows that the argument that Federal aid necessarily means Federal control has not been true in respect to Federal aid to education, which antedates the inauguration of George Washington as our first President. When the Continental Congress established the so-called Northwest Territory in 1787 in the area now embracing Ohio and adjacent states, it set aside certain public lands for school purposes in that Territory.

Recently the activities of the U.S. Office of Education in enforcing Title VI of the 1964 Civil Rights Act have caused me considerable worry over the future of the responsibility which state and local officials have traditionally exercised in the education of their young people. However, I have consistently voted for Federal aid to education because I realize the tremendous need for funds which our schools have. I am hopeful that with advice and guidance from groups such as yours, the Congress can develop aid legislation which is not federally controlled beyond insuring prudent use of funds.

This is my final reflection of education legislation and I will make it in the form of a request. You all know that only a small percentage of Senators and Congressmen serve on those committees which handle education legislation. And yet each of us must render judgment on education proposals. I would find your expertise invaluable in fulfilling my responsibilities.

The idea of a Federal Relations Committee which has recently been formed in the Division of Superintendents maintaining liaison with your Congressional delegation is an excellent one. All too often in considering legislation we have not had the benefit of enlightened and practical views from the affected individuals in North Carolina, and your committee by providing this service in the field of education will certainly enable us to serve the interests of the professional educator and North Carolina more effectively.

On this final note, may I congratulate you for your fine work on behalf of the children and schools of North Carolina and may I remind you that my office is always open to you.

THE HAMLET OF DAKSON—VIETCONG TERROR

Mr. **KENNEDY** of Massachusetts. Mr. President, the war in Vietnam has had a bloody and devastating effect on many of the people in the South Vietnamese countryside.

An example of just how brutal the war has become is graphically shown in the events of last Tuesday, involving the village of Dakson some 80 miles northeast of Saigon.

According to news reports, in the space of 1 hour the Vietcong brutalized and wreaked havoc among the people of that small hamlet in one of the most vicious attacks of the war—perhaps of any war.

It is clear that the wanton and murderous Vietcong attack on the village and people of Dakson was a carefully planned act of terror against one of the so-called new life hamlets.

Latest figures indicate that more than 100 civilians were killed, and close to 50 more were injured, many of them seriously.

The Vietcong has systematically used terrorism as a political weapon. Terror and force have continued to be merely another technique in the Communist so-called wars of national liberation.

It is for precisely this reason that I have been stressing over the past 2 years the great need for our country to show that we have a positive and humane attitude and policy toward the civilians of South Vietnam.

We are facing in that beleaguered nation a war for the allegiance of the people. Such allegiance can be won by showing a positive side, a concern for the health and welfare of the civilians; a desire to provide medical facilities and a showing of deep concern for the injured and the uprooted. So it is, I believe, all the more important, that we bring home the lessons of Dakson; that the raw and deliberate terror be met by efforts to make people and villages whole, or at least that real efforts be made to pick up the innocent victims of the war. We must continue to show a contrast between such terroristic techniques used by the Vietcong and our own actions and policies.

I hope, therefore, that our own efforts are even more than ever directed toward providing a counterbalance to the Vietcong terror; that hamlets such as Dakson can expect immediate and skilled medical support in times of need, and that new ways can be found to lessen the effect of Vietcong terror.

In the long run, our success in achieving the goals we have set forth for Vietnam may well depend on the importance and the priority placed upon our efforts to provide alternatives to Vietcong terror—alternatives based on concern and compassion for the people of South Vietnam.

FOREIGN AGRICULTURAL MARKETS

Mr. **LONG** of Missouri. Mr. President, if American farmers had only the U.S. market to supply, the constraints upon their production would be almost unbearable. Without the large foreign markets which this administration has actively and aggressively helped American farmers build, acres idled from production would be far greater than today. Farm income would be sharply reduced.

By working closely with American farm and trade groups in joint export promotion efforts and by constantly pressuring foreign governments to remove their barriers to trade, this administration has provided a stimulus to our foreign trade that has resulted in new export records, year after year.

Let me emphasize the extent of this accomplishment. In fiscal year 1960, our agricultural exports amounted to $4.5 billion. During the next 3 years they were raised to a level of $5 billion. During the next 2 years they were raised to $6 billion. And during the past 3 years, including this current fiscal year 1968, they are averaging $6.7 billion.

This means that during the 1960's alone, export markets for American farm products have been increased by 50 percent.

Today our rice growers are moving 67 percent of their production into foreign markets. Our producers of wheat, hides and skins, cotton, grain sorghums, and tallow are finding overseas markets for 45 to 54 percent of their sales. Our growers of corn, tobacco, and soybeans look to foreign customers to buy anywhere from 24 to 38 percent of what they sell.

Across the Nation, our farmers are now exporting the production from one out of every four and their harvested acres.

This has been no automatic accomplishment. It has taken foresight, imagination, and hard work by thousands of dedicated individuals in Government, in agriculture, and in trade and industry.

The efforts of those who have made the United States the greatest supplier to the world's market for farm products are to be commended.

Mr. President, I ask unanimous consent that an address delivered by Howard L. Worthington, Deputy Assistant Administrator for International Trade, Foreign Agricultural Service, U.S. Department of Agriculture be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A LOOK AHEAD AT AGRICULTURAL TRADE POLICY

(Talk by Howard L. Worthington, International Trade, at the Annual Agricultural Outlook Conference, Washington, D.C., November 13, 1967)

Trade policy in its broadest sense is the attitude a government takes toward imports into and exports from its territory, and the ways in which it influences this trade flow. Trade policies are generally spelled out in considerable detail in the laws and administrative regulations of particular countries and in less detail in trade agreements and treaties entered into with other countries or groups of countries. The most significant statement of trade policy in existence is the General Agreement on Tariffs and Trade.

I say most significant because the GATT is the most comprehensive trade agreement in existence, more than 74 countries adhere to it, including almost all the world's major trading countries, and because it embodies a philosophy of liberal trade based on the principles of efficiency, specialization and fair competition.

This instrument has guided most of world trade for the past 20 years. But for the past 5 years, at least, both the GATT and the principles on which it rests have come under increasing strain and have been subject to increasing criticism. In a paper to be given later on this program, Raymond Ioanes, one of our most knowledgeable trade policy practitioners says that today he sees more of a disposition of some countries to set aside conventional rules of international trade than ever before in his memory.

What I want to do now is to set out these conventional rules as they are found in the GATT, to identify the challenges they face and to talk briefly about afforts that will be made in the years ahead to reconcile the rules and the challenges. That will be our task for the next decade. The challenges are much too strong to be ignored.

THE GATT RULES

Physically the GATT comprises three sets of instruments:

A slim volume of general trade rules negotiated mostly over 20 years ago but reviewed and updated to some extent in 1954.

A massive set of lists of specific trade agreement concessions, mostly being agreements not to increase import duties above negotiated levels, negotiated in six rounds of tariff negotiation, the last of which was the Kennedy Round.

And a library of volumes and papers containing 20 years of commentary, interpretation and elaboration of the general rules.

In essence the GATT rules are simple and straightforward and in my judgment there are five of them. There are many exceptions, qualifications and explanations to these basic rules, of course, and the spelling out of these take up most of the volume. The five basic rules are these:

1. *Import and export duties are the only legitimate trade barrier consciously applied as a barrier*. This is the famous rule which outlaws the use of quantitative restrictions on imports.

There are exceptions to this sweeping rule, of course. Quantitative restrictions can be used in emergency situations and for balance of payments and national security reasons. They can also be used to protect farm price and income programs if the farm program itself puts controls on domestic production.

2. *Import duties can be reduced and eliminated, or bound against increase through negotiation*. This rule is the basis for the six general rounds of tariff negotiations we have been through including the Kennedy Round.

3. *Export subsidies should not be used to obtain more than a fair share of world trade.*

4. *All GATT member countries should be treated equally when measures are applied affecting exports or imports*. This is the Most-Favored-Nation clause which says that no one country should receive better treatment than another. Closely allied to it is the National Treatment Clause which says that imports allowed into the country should be treated fairly in relation to goods produced domestically, that is, domestic goods should not receive better treatment in regard to the application of internal regulations affecting their sale or use.

Exceptions to the MFN treatment rule are made for preference systems which existed at the time the GATT was drafted, such as the U.S.-Philippine preferences, and the Commonwealth system. These could be continued, although no *new* preferences were to be created in the systems.

The second, and major, exception to MFN was for preferences created when countries formed or joined customs unions and free trade areas. It was under this exception that the EEC, EFTA, LAFTA were formed.

5. *Price and income support programs should not be used to increase exports from, or reduce imports into the territory applying them*.

On this last and final principle I expect to get some argument. In recent years it has become quite common to hear that the GATT has no rules on farm support programs. The EEC particularly has taken that position, but it is not alone. I will admit that this rule is not as clearly spelled out as others and that not many GATT members have paid a great deal of attention to it, but the rule is there, and we in the U.S. have always recognized it.

These are the five major principles of the GATT. If you think about them for a moment, you will see the pattern they form. The import duty is to be the only legitimate barrier and it is to be gradually negotiated away. Exceptions are made where they must be, of course, but these are circumscribed. Trade is to flow to the maximum extent possible on an economic basis. It was a grand design for freer trade when drafted, and it still is.

Now as I've been talking, you have probably identified many of the challenges to these rules, of which I spoke earlier. But let's identify the major ones, and let me be clear. I am not seeking to identify temporary or even permanent departures from the rules. I am interested here only in major challenges to them.

Rules 1 and 2.—The import duty is the only legitimate barrier, and as a barrier it can be subject to trade agreements negotiation.

The major challenge here in my estimation is the variable levy increasingly used by the European Communities and others. Whether or not the variable levy in its particulars is consistent with the strict letter of the GATT, and reasonable men can differ on this point, it clearly does not fit the rule I see. The import duty constitutes a margin of protection. It permits price competition. If it is set at reasonable levels it can be surmounted, and because it is generally fixed for substantial periods of time it enables a seller to benefit from economies in production and it helps maintain stability in trade. Most importantly for trade agreement purposes, the import duty can be negotiated downward and bound against increase without changing the nature of the protection it gives. In such a circumstance only the degree of protection is changed.

The variable levy is quite different. It gives absolute price protection to the domestic producer by equalizing the import price with a predetermined domestic target price. It deprives exporters of any competitive price advantage they might develop. Variability, and thus instability, is its essence. And if the variable levy can be successfully negotiated and bound against increase we have not yet found out how. The EEC recognizes this. In the Kennedy Round they suggested several formulas for negotiating this system but none of these really fully dealt with the problems the levy creates, nor satisfied EEC suppliers that they were getting concessions of value. On the other hand, none of our proposals were acceptable to the EEC.

The EEC, of course, is not the only country to use variable levies. Nor did they originate the concept; and given the problems facing EEC Ministers in putting on a common basis the multitude of border controls the six member countries applied prior to union, some might find initial justification for turning to variable levies as a device. But given all that, the EEC is the world's major importer of agricultural products, and its use of the variable levy system on its present scale creates a trade policy challenge of major proportions.

Rule 3.—Export subsidies shall not be used to obtain more than a fair share of world trade.

Again export subsidies, other forms of export assistance and international disposal of surpluses are not new. We have only to think of our own programs to realize that. And the U.S. has used many forms of export assistance over the years. So have others. But I think it fair to say that until very recently, export assistance was given by most countries with an eye to maintaining established trade patterns. Certainly this was the case with the United States. We did not consciously seek more than our fair share of world trade. Our export assistance was, and still is, made with a close eye to the competitive situation in the world and we have always sought to avoid disrupting markets. Our subsidies are controlled and deliberate. Each price decision is carefully weighed before it is made. Our competitors will agree with me on this, I think.

As a part of its permanent program, however, the EEC has instituted an automatic export subsidy program designed to move its surplus products onto world markets without regard to established trade patterns or fair shares of world trade. EEC subsidies appear to be in use or contemplated for just about every agricultural product the EEC exports—grains, dairy products, meats, poultry, lard, tomato products, and so on. Faced with this competition, other suppliers are either reacting with subsidies of their own or are being driven out of markets. The countries who are targets for these subsidized imports find themselves pressed to apply protective devices such as quotas, countervailing duties or variable levies to protect their own producers. You all know of our problem with low cost butter entering this country in the form of Junex. We are forced to tighten our import controls. The U.K. has had to take similar action. Greece has reacted to subsidized EEC poultry exports to its markets by applying a variable levy. And so it goes.

Rule 4.—The Most-Favored-Nation—or no preference rule.

The challenge to this rule comes from two sides. First, the developing countries disagree sharply with the MFN concept. They believe strongly that their needs for economic development can only be met through preferential access to the markets of developed countries. While their concerns are principally with manufactured and semimanufactured goods, they do not exclude agricultural products from their plans.

Second, the growth of regionalism presents a major challenge to the rule. It is no secret that the growing network of association agreements between the EEC and other European and African states raises sharp concern on the part of many outside suppliers—particularly is this true for the developing countries who can by this means be denied access to European markets for their products.

Rule 5.—Farm price and income programs should not increase exports from, or decrease imports into the territory using them.

The challenge to this rule comes from many sides. It is, I think, the greatest challenge facing us in agriculture today. It would be a challenge even if the rule did not exist, and, as I've said, many will deny that it does exist at all. The EEC has. At the foundation of its negotiation proposal in the Kennedy Round was the premise that the GATT puts no restraints on internal support programs or policies. This is particularly serious since the EEC variable levy and export subsidy systems are linked directly to EEC internal support price objectives. As domestic prices increase—and they continue to increase—so do levies and subsidies. It was the recognition of this direct link between domestic policy and trade policy which led the EEC to propose the negotiation of domestic support systems and prices in the Kennedy Round. The idea of preventing high supports from increasing inefficient production was good. Specific EEC proposals, however, were not practical.

Again, let me be clear. Certainly, no one has seriously challenged another's support policy action as being inconsistent with GATT rules in the 20 years of GATT's existence.

But there have been reasons for this. Up until quite recently the prospect of self-sufficiency, or near self-sufficiency of production in important importing areas wasn't as threatening as it is now. Moreover, up until quite recently in most major markets, support systems were not tied directly to import controls or export subsidies. In the United Kingdom, for example, where deficiency payments are in wide use, until very recently imports of most agricultural products entered the country freely or over moderate duties. It was a commonly held theory that if the support system became too costly to the national treasury the support would be moderated. What happened, of course, was that on grains, when the system became too costly, the U.K. introduced a modified variable levy system designed to alleviate the cost by raising the price to the consumer. In Germany in earlier years a developing, and supported, poultry industry was protected by quotas. These were clearly inconsistent with the GATT and the suppliers at that time targeted in on the quotas, not the support.

Generally speaking, that was the pattern in major markets. Quotas, or duties, protecting the support were the main object of attention. The world, however, can no longer ignore support systems which increasingly encourage inefficient production.

I have set out the rules and the challenges to them. What is the outlook for reconciliation?

Frankly, it won't come easily. Countries are in no mood to give up the freedom of action they now have, or think they have, to do the things they think they must do. Before true reconciliation can take place all concerned have to be convinced that for their own good either the rules or the practices have to change. I don't think we've reached that point yet. Reconciliation is going to be a long and difficult process.

It is, however, a process which has started. The Kennedy Round did much to clear away some misconceptions on all sides. The U.S. and others went into the Kennedy Round expecting to bring the practices I have mentioned more closely in line with the rules we felt we should continue to stand by. The others to a considerable extent, I think, hoped to have the Kennedy Round reconcile the rules to their particular practices. Neither of these things happened. But the Kennedy Round got things well started. And the process is continuing.

Key GATT trade Ministers will get together in Geneva later this month to map out a program of action in agricultural trade policy. What they decide will have an important bearing on how the work continues.

Except for the problem of developing country preferences in the markets of developed countries, I do not expect any rewriting of the general rules. It seems more likely to me that the problems will be tackled on a commodity or commodity group basis, among the countries most concerned, and that solutions as they emerge will take the form of commodity arrangements. These would operate within the GATT framework, but the rules applied could differ greatly from the general rules which the GATT now sets out.

The drive of the developing countries to obtain preferential access to the markets of developed countries is a different problem. Here the challenge, put clearly by the developing countries, is to change the rule. UNCTAD has become the forum for this debate, and the debate is far along. If a satisfactory general preference scheme can be worked out and applied, the rule itself could be changed. Philosophical objections to change seem to have been overcome. The difficulty is in working out a scheme which can be applied with equal fairness of burden to each of the developed countries and with equal fairness of benefit to each of the developing countries. This has not yet been done. It is difficult to do.

In this connection agriculture will be a particular sticking point. A fundamental problem with general preferences in agriculture is bound to be the strong competition to the agriculture of the developed countries which they would develop. This problem leads me to expect that even in the area of preferences, at least in the agricultural sector, countries might seek solutions in relation to particular commodities, and not in a general rule change.

The Kennedy Round has given us an idea of what to expect in dealing with agriculture's policy changes on a product group basis. During the Kennedy Round special negotiating groups were set up for grains, for red meats, and for dairy products, and negotiations took place in these groups over an extended period. Only in grains was agreement reached, and even here the agreement was considerably less than we had sought initially.

In these groups we looked at all of the elements of support and protection afforded these products by the governments concerned. Duties, quotas, variable levies, support subsidies, none was excluded. We tried to determine where the protection really existed and how it would influence the outlook for production and trade in the years ahead. We tried to find formulas for bypassing the roadblocks that the particular instruments of protection posed.

Except for wheat, we were not successful in negotiating any agreement. In wheat we agreed on new international prices and on procedures for administering them. We agreed to have a Grains Council and an international secretariat pursue the work. We also established an international food aid program of 4.5 million tons. The problem of import protection and support remained almost entirely beyond our grasp, however.

Nevertheless, the work of each of the three groups was valuable. I am sure it will provide a foundation for our next try in these areas and I think it likely that the work of these groups will set a pattern for trying to deal with other commodities which are troublesome internationally. The EEC has in the past suggested the GATT countries consider problems on fats and oils, sugar and rice. We disagree on these, but find poultry and some fruits and vegetables a problem. Other countries have other problems they wish dealt with. Not all can be negotiated at one time. We will have to be selective.

As I look ahead at agricultural trade policy, I expect to see efforts in the following directions by the GATT countries.

There will be increased efforts to put specific, negotiated limits on certain support programs as production continues to increase.

There will be heightened interest in limiting or doing away with export subsidies and in negotiating international prices as a way out of the subsidy race.

International Food Aid programs will appear increasingly attractive as a means of enforcing price and removing surpluses.

Commodity councils, or committees, will be seen as a way of keeping in close touch with developments in support, protection and subsidy policies, and as a way of keeping a needed degree of flexibility in them.

And it goes without saying that there will be a continuing effort to limit the use of the variable levy and to moderate its trade effects.

Overall we can look forward to more rather than less international activity in agricultural trade policy.

ANOTHER ALTERNATIVE TO HELP END THE COPPER STRIKE

Mr. MONTOYA. Mr. President, my home State of New Mexico has been significantly affected by the copper strike, which has dragged on for so long. Human misery is severe now, and is growing. Many innocent people are bearing the brunt of the dispute. Its side effects move ever outward, like ripples in a pond after a rock has been thrown. Americans all over the Nation are beginning to feel the pinch as our copper stockpile shrinks and prices begin to rise. The copper miners themselves have been hurt since the first day. Employees in fabricating plants are beginning to be hard hit. It is also well to bear in mind the fact that when one worker is thrown out of work, his entire family suffers as a direct result. At this time of year the total picture that is being presented is especially heartrending.

The copper companies seem to have sufficient copper to last them for the immediate future. This seems to be the reason why they do not feel hard pressed to sit down at the bargaining table and discuss basic issues with the strikers.

There is no indication on the part of our Government that it intends to release copper from its stockpile. Nor is there any reason to believe that it intends to invoke the Taft-Hartley Act. To this last, I say an especial "Amen."

To invoke the act in this case, with its 80-day limitation, would be futile. If, after the 80 days, there was no solution, we would find ourselves in a worse situation than before.

I believe the letter dispatched by the distinguished Senators from Montana [Mr. MANSFIELD and Mr. METCALF] to the President, asking him to set up a special board, is a capital act of statesmanship and reasonableness.

By seeking to use a special board as an instrument for bringing the two sides together, we inject another choice into the equation facing both sides. It is another alternative that is nonexistent now.

Further, if the board does not bring about an ideal settlement, or is unable to bring the two sides together at all, then it can certainly delineate a series of recommendations that would be reasonably equitable to both unions and management.

This morning the union side indicated its acceptance of the principle of the special board. I applaud their reasonableness and willingness to attempt this manner of solution.

However, this morning has also seen a refusal on the part of one of the copper companies. Surely, this is strange behavior on the part of one of the parties to the dispute. I should like to remind the management of this company that we are not living in the gilded age, when business could act in so arbitrary a manner. There is no reason to refuse the good offices of such a board as has been suggested.

Mr. President, by no means am I downgrading the excellent, persistent, and devoted efforts of the Department of Labor and the National Labor Mediation Board. I simply believe that we must add another element to the labor-management equation facing us and affecting the Nation. This strike is hitting too hard at too many Americans, too many elements of our society and in too negative a fashion for us to ignore any possibility.

Personal efforts on the part of individual Senators and groups of Senators have been fruitless so far.

I advocate this form of government involvement because it is the mildest manner in which we can interject a new alternative. Further, it is not coercive on the face of it. As a longtime friend of the working man, I reject out of hand the idea of coercing laboring people.

I would much prefer to see labor and management sit down reasonably and work out a solution together. But this situation is rapidly getting out of hand. Suffering is increasing at a rate that cannot be contemplated with equanimity.

Therefore, I urge that the President act without any further delay.

WHERE WILL AMERICA'S 300 MILLION LIVE?

Mr. MUNDT. Mr. President, on November 20, the Census Bureau estimated that the population of the United States had reached 200 million. The Bureau has projected the future growth of our population and this country should hit the 300 million mark around the year 2000.

This fantastic growth rate whereby we increase by half again in approximately 32 years raises several serious questions. Along with feeding such a population, we must start giving some serious thought to where these additional 100 million people will settle. Will it be in our already overcrowded cities as has been the trend in the past, or will efforts be made to induce them to live elsewhere?

Next week a symposium on urban-rural balance will be held here in Washington. The symposium will, I hope, shed a little light on the problem of population and economic imbalance. It is also the first step toward an in-depth study of what can be done to attack the interrelated problems of declining rural areas and overcrowded cities. Such a study is envisioned in Senate Joint Resolution 64, which would establish a Commission on Balanced Economic Development. The joint resolution unanimously passed the Senate October 27 and is presently in the Committee on Interstate and Foreign Commerce of the House of Representatives. I hope that that committee, of which the able and distinguished Representative from West Virginia, Hon. Harley Staggers, is chairman, will hold hearings on the joint resolution as early as possible next year.

Mr. President, the passage of Senate Joint Resolution 64 generated additional comments by columnists and editorial writers. I ask unanimous consent that Willard Edwards' column, published in the November 7, 1967, Chicago Tribune, and editorials published in the Huntington, W. Va., Advertiser of November 10 and the Oil City, Pa., Derrick of November 15, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Chicago (Ill.) Tribune, Nov. 7, 1967]

Where Will America's 300 Million Live?

(By Willard Edwards)

Washington, November 6.—It's a crazy, mixed-up world, the senator said, when one government agency spends millions of dollars encouraging citizens to remain on small farms and another spends millions training them for jobs available only if they move to cities.

He cited other instances of conflict between federal bureaus, each devoted to its own interests, as government-sponsored programs have expanded by leaps and bounds in a vast hit-or-miss drive to overcome economic and social problems.

The department of defense awards a huge military contract to one region of the United States, offering the possibility of hundreds of new jobs. At the same time, the Economic Development administration opens a big project in the same area, teaching the unemployed a trade unrelated to the defense industry, offering employment only in another area of the United States where certain skills are scarce.

The Senate listened quietly as Sen. Karl E. Mundt [R., S.D.] continued outlining the absurdities of a patch-work system of welfare programs designed to relieve poverty, to decrease unemployment, to improve housing. All have a common and admirable goal—the improvement of society—but too often the bureaucrats in charge defeat this aim in a battle to surpass each other in expenditure of more than 50 billion dollars a year in taxpayers' dollars.

APPROVES NATIONAL COMMISSION

Mundt found it astounding that no attempt has ever been made to coordinate these programs into a national pattern that would systematically seek a social, economic, and population balance in all the 50 states.

His statement was so persuasive that the Senate unanimously approved his resolution for creation of a National Commission on Balanced Economic Development. The House is expected to add its indorsement. The commission will be directed to report within two years its recommendations for coordinated efforts at all levels of government and the enlistment of private enterprise in a mass attack on economic and social problems.

Another commission, headed by former President Hoover, performed prodigious labors after World War II when the nation was in the throes of shifting from a wartime economy to what was hoped would be a peaceful world. It sought to pull together the many fragmented activities of federal agencies and bring businesslike methods to bear upon the federal colossus.

NEED ORDER IN COSTLY PROGRAMS

Now, said Mundt, another crisis impended and another Hoover commission was needed to study and attempt to bring order out of a mushroom growth of enormously expanded and costly federal welfare programs, most of them concentrated on the social and economic problems of crowded cities.

He found it strange and disturbing that citizens in a fabulously rich country, with unexhausted resources, should be jammed into overpopulated areas while vast, unpopulated lands remained idle. Unchecked migration to big cities has resulted in a strangling congestion there, producing unemployment and lawlessness, while rural areas rot and die.

"The honeymoon is over," he said. "We can no longer afford the luxury of uninformed growth. From here on in, we must make the ultimate use of our resources and our land. We can't afford the luxury of 10 or 20 years for correction of our social and economic problems on a piecemeal basis. Time is running out."

A jaded and exhausted Congress was inclined to agree.

[From the Huntington (W. Va.) Advertiser, Nov. 10, 1967]

Improved Economic Balance Would Ease Many Problems

The compelling reasons for unanimous Senate approval of Joint Resolution 64 to establish a commission on balanced national economic development have been clearly set forth by Sen. Karl E. Mundt, R-S.D., its sponsor.

Even before Sen. Mundt's discussion of the measure preceding the vote, strong support had been indicated by the more than 20 cosponsors. The bipartisan nature of the support was evidenced by the almost equal division between Democrats and Republicans.

No doubt these senators who had previously voted for several separate measures to help solve the problems of crowded cities and depressed rural areas realized that progress had been unsatisfactory.

The resolution on balanced economic development presented what Sen. Mundt and the more than twoscore cosponsors hoped would open a new era of planned progress and combined efforts to bring a fairer share of the nation's riches to all the people.

As important as some of the separate programs are, Sen. Mundt said, "they, unfortunately, do not provide for coordination of their specific ends into a significant and systematic program for a national goal."

The present critical state of national development, he continued, "demands a sober, honest look at the causes of the social and economic illnesses besetting America."

It is necessary, he said, to consider the responsibility of local, state and federal governments along with that of "the private sector of our economy. . . ."

During the two years the commission would operate under the resolution, it would collect and analyze information on the factors influencing the geographic location of industry.

It would thus be expected to determine the factors that would be necessary to attract industries to rural areas and smaller communities as a means of bringing about a more balanced economy.

Sen. Mundt said he believed the commission's report would "serve both the legislative and executive branches of government in defining the nation's social and economic goals . . ."

Confusing efforts for aiding the people of Appalachia were offered as an example of the need of coordinating such federal programs.

The Appalachian Regional Commission, Sen. Mundt said, has spent large sums trying to find means of enabling the people to earn incomes that will induce them to stay on their small farms.

Another federal agency, he said, is trying to persuade the people to move into other communities affording better water supply, sewage disposal and health facilities.

This clearly indicates the need of coordinating programs for aiding depressed areas to avoid conflict or duplication of effort.

Such a unified approach can be most effective under a broad program that will take into account the related problems of declining rural areas and the multiplying needs of big cities.

This broad program is what sponsors hope to achieve through their resolution for balanced economic development. The need of this attack became apparent from the increasing rural and urban problems just as expanding activities of the Army, Navy and Air Force created the need of the Defense Department for overall control.

When the commission created under the resolution makes its recommendations, there will be need also for unified direction of efforts just as there is need for a single command of American and allied forces in Vietnam to work out strategy and order attacks that can accomplish the best results.

Sen. Mundt emphasized the widespread support for the resolution by citing editorial comments in The Washington Post, a newspaper in a big city, and in The Advertiser, which serves a community of smaller population.

Sen. Robert C. Byrd, D-W. Va., who was acting majority leader at the time, joined in the comment and became one of the cosponsors of the resolution.

The unanimous vote by which the measure was approved demonstrated the Senate's realization of the urgent need of planning and coordinating efforts for national development.

The recommendations of the commission could provide not only for a better balance in economic growth but for a practical attack upon the problem of extending civil rights alike to all Americans.

Creating new job opportunities in depressed rural areas would help disadvantaged groups to rise above the poverty level, improve their education, take a more active interest in public affairs and win respect to replace age-old prejudice.

This would greatly reduce the migration from rural to urban areas and eventually could open the way for bringing millions back from the depressing slums to the sunshine and pure air of the countryside.

The resulting better balance in population would help simplify the perplexing problems of the cities and would spread to many more people a rightful share in the best life ever lived.

Such a possibility should strongly influence the House of Representatives to overwhelming approval of the resolution.

[From the Oil City (Pa.) Derrick, Nov. 15, 1967]

Master Plan for America

One of the strange things about this country is that we continue to jam people in overpopulated areas while vast, unpopulated lands remain idle.

We are pouring millions of dollars in the cities to try to solve the problems created by high population densities. We tear down and rebuild, we experiment with solutions, we spend liberally trying to avoid crises. Yet the metropolitan areas get bigger, and the troubles bigger.

Unchecked migration to the big cities has resulted in a strangling congestion there, producing unemployment and lawlessness.

And while we pay dearly for the square yards of space in cities for widening roads, constructing parking lots, or erecting high-rise apartments, there are thousands of acres of lower-priced land in rural areas all over the country.

To work towards spreading out the population would seem to have many things in its favor. It should alleviate the pressures on the big cities. Less money would be wasted on piecemeal solutions.

Perhaps what we need is a master plan for the United States. We zone cities, why not zone the United States; then try to spread out economic development and population.

JEAN MONNET, ALSO OF FRANCE

Mr. JAVITS. Mr. President, as Senators may know, Jean Monnet, one of the architects of European economic unification, is in Washington briefly. While visiting our country, he has made several speeches reaffirming the fundamental relationships that tie Europe and the United States together and which are often obscured by our annoyance and concern over some of the statements or actions of President de Gaulle.

The presence of Jean Monnet in our midst during a time of trial for this Nation is most reassuring, and I am personally most grateful for his positive and clear-sighted statements on the U.S. relationships to Europe, on the need for the formation of larger regional entities in the world like the European Common Market, and on other urgent world problems.

I ask unanimous consent that James Reston's column about Jean Monnet, published in this morning's New York Times, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Washington: A Great Frenchman Comes to Town

(By James Reston)

Washington, December 7.—Many visitors come to Washington these days from overseas, but few with as cool and clear a mind or as steady an eye on the long future as Jean Monnet of France.

He always seems to show up here just when there is hurt in our hearts about France, and he always says the same thing, and it always sounds new because we tend to forget his quiet wisdom when he's gone.

I believe in America, he says. Vietnam is a passing phase, a tragic event in the long and difficult adjustment to new world conditions, but for all the present divisions and confusions, the slow movement toward interdependence among nations goes on.

THE FATAL SPIRIT

In Europe, he says, we have seen and suffered from the spirit of domination and nationalism. Over the centuries, one after another of the principal nations of Europe has tried to dominate the others. Each believed in its own superiority; each acted for a time in the illusion that superiority could be affirmed and maintained by force. Each in turn was defeated, and each failure grew more catastrophic as the weapons of war grew more powerful.

Monnet is not diverted from his simple themes by disappointment or even war. He did not lead the way toward the unification of Europe by concentrating on narrow immediate problems. The thing to do, he believes, is to change the conditions surrounding the problems; to work toward larger groupings of nations that can deal on more equal terms with the United States and the Soviet Union, and to avoid the spirit of domination, which is the curse of the age.

UNITE AND CONQUER

It must have been reassuring to President Johnson to listen to this compassionate man this week. Monnet looks back of Vietnam and beyond it, and sees in the longer reaches of American policy good reason for hope.

"Instead of following the old maxim of divide and rule," he said the other day in New York, "America, the world's most powerful nation, has not behaved as if it feared a rival but as if it sought a partner. . . . I have lived in your country long enough to know that what some people think is a will in America to dominate is really the desire for efficiency, which is quite another matter. If the United States wished to dominate, it would seek to maintain national divisions in Europe, whereas it supports European unity."

Yet Monnet, though confident of the future, is not happy about the present. He believes we get in trouble in the world because we have no clear objective and no adequate procedures for reaching policy decisions. He is not satisfied with the present form of consultation between sovereign nations, but believes the nations must work together, not to achieve their separate goals but to change the conditions which give rise to the problems.

"I am more than ever convinced," he says, "that world peace can be safeguarded only by the formation of larger entities in the world like the European Community, meeting and discussing problems inside common institutions, whether these problems be of political, defense or monetary policy."

THE MONNET PRINCIPLE

The guide of the future, as Monnet sees it, lies in applying to international life the lessons we have learned inside the democratic societies of the West. "Within national frontiers," he observes, "men long ago found and developed civilized ways of dealing with conflicts of interest; they no longer needed to defend themselves by force. Rules and institutions established equality of status; the poorer and weaker organized themselves to exert greater influence; the more powerful and the less-favored recognized their common interest. Human nature had not changed: it was human behavior that had been changed by common institutions under conditions providing at least a minimum of well-being. . . ."

NATIONALISM

His complaint is that across frontiers nations still behave as would individuals if there were no laws and no institutions, and his purpose now, as it has been for over forty years, is to work away slowly and steadily toward the application of this unifying and civilizing principle among nations.

In the narrow and tangled mood of Washington today, this vision of a larger purpose beyond Vietnam, even beyond American nationalism, has, as usual, impressed everybody who talked to Monnet. The number, alas, was not large. Congress hears the soldiers and the visiting shahs, but the philosophers and prophets it seldom hears, and it is philosophy and hopeful prophecy that the capital needs now more than almost anything else.

LOAN OF ADDITIONAL DESTROYER TO KOREA

Mr. CANNON. Mr. President, I am somewhat relieved that the House and Senate in conference today authorized for Korea, one of our best friends and stanchest allies, and currently our strongest supporter in the conflict in Vietnam, the loan of two additional destroyers. Korea's only destroyer is playing a critical role in thwarting the infiltration of North Korea agents from the sea. I have just returned from the Republic of Korea, and their records for the past year show numerous landings being made by infiltrators who come over the sealanes. The rate of incidents is up more than 10 times this year over last year. Very few landings occur on the coast that is being patrolled by their destroyer.

With a destroyer patrolling each coast simultaneously, there will be a significant increase in ability to intercept enemy agent boats.

The House and Senate are to be congratulated in passing this most important legislation.

MENTAL HEALTH AND MENTAL RETARDATION CENTER COMMUNITY SERVICE DEMONSTRATION PROJECT FOR BOULDER COUNTY, COLO.

Mr. DOMINICK. Mr. President, the Western States were built on a reputation for meeting and solving problems head on. In this day and age of chronic complainers and negative demonstrators, I am happy to report the upholding of that fine western tradition of do-it-yourself individualism by a group of Coloradans.

On Sunday, November 5, more than 2,000 citizens and college and high school students of Boulder, Colo., took to the streets in a drive to collect 3.5 million trading stamps to be exchanged for two buses for the use of retarded children and adults. Three hours and forty-five minutes later, over 6 million stamps had been collected from Boulder housewives.

It is a proud moment when a community can join with college and high school students to tackle a problem and achieve such an outstanding success.

An editorial published in the Boulder Daily Camera and a letter from the chairman of the Mental Health and Retardation Center in Boulder tell a strong story of a dynamic, active community. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BOULDER CITY-COUNTY
HEALTH DEPARTMENT,
Boulder, Colo., November 9, 1967.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: Thank you for your letter of October 26, 1967, and your interest in our project.

* * * * *

The following are three paragraphs of a letter that is being sent to all women's organizations in Boulder County to assist in conducting a final local campaign drive:

1. In three hours and forty five minutes on Sunday, November 5, 1967 a miracle was accomplished by 2,000 college students, high school students and citizens when over 6,000,000 Gold Bond trading stamps were collected from Boulder, Colorado housewives for the purpose of purchasing two passenger buses for the use of retarded children and adults of the Boulder County Sheltered Workshop and North Broadway School in Boulder.

2. In the interest of construction of a combined Mental Health and Mental Retardation Center in Boulder, over 50 women's organizations and individuals in Boulder City and Boulder County are being asked to continue this citizen's momentum by conducting a Christmas Holiday fund raising campaign asking family Christmas Holiday Contributions for the project in amounts from $15.00 to $1,000.00 which can be placed in 1967, 1968, and 1969.

3. A meeting of representatives of all women's organizations throughout the City and County of Boulder, members of the campaign organization, and board will be held at the Auditorium of the Health and Welfare Building, 3450 Broadway, Boulder, Colorado, 7:30 Monday evening, November 20, 1967. The purpose of the meeting will be to plan a final fund drive for this combined Mental Health and Mental Retardation Center. We need your organization's help to meet the goals of this National Demonstration Project. For your interest we are enclosing a campaign brochure and project summary sheet which further explains the project and its goals.

Enclosed are copies of local newspaper articles explaining the successful Gold Bond Trading Stamp Project recently conducted in Boulder, Colorado. I believe this is the first time in the United States that over 2,000 college students, high school students and citizens have rolled up their sleeves and worked together for such a worthy cause. I think it is about time that we have some National Publicity on the positive actions of college and high school students for a community project.

* * * * *

We need your help to make this unique project become the first of its kind in the United States a success, and thank you for anything you can do to help us.

Very truly yours,
CHARLES H. DOWDING, Jr., M.D., M.P.H.,
Vice President and Chairman, Foundation Committee, Fundraising Campaign, Mental Health and Mental Retardation Center, Inc.

[From the Boulder (Colo.) Daily Camera, Nov. 6, 1967]

OVER THE TOP

In three hours and 40 minutes Sunday, many more than the required 3.5 million Gold Bond Stamps were collected for the bus for the Boulder County Sheltered Workshop and North Broadway Center. Ruth Wood, director of the center, and Henry Werner, president of the Boulder County Mental Health Association, mark the scale. Officials estimate that more than 6 million stamps will be in the final count. Plans are to use the extra trading stamps for a smaller nine-passenger vehicle and perhaps other equipment. Hundreds of citizens, university students and high school students participated in the 1 p.m. to 5 p.m. drive. The drive was kicked off at a rally in the Arapahoe Shopping Center by Mayor Robert Knecht.

[From the Boulder (Colo.) Daily Camera, Nov. 6, 1967]

STUDENT LEADERS

Doug Ghertner, president of the University of Colorado Inter Fraternity Council, and Linda Valdez, president of the University's Panhellenic Council, assist at the tally board Sunday in the Harvest House after hundreds of students from various campus and city organizations took part in the "Walk for a Ride" bus drive. The students brought back more than four million Gold Bond stamps and Gift Star coupons to go toward the bus for the Boulder County Sheltered Workshop. The top stamp gathering groups were the Newman Center with 570,253; and Alpha Gamma Delta sorority, 348,041. The sororities gathered 2,342,807 stamps and the fraternities 1,379,851. Over 5,381,000 stamps were collected and counted in the four hour period Sunday with a final count expected to top 6 million.

[From the Boulder (Colo.) Daily Camera, Nov. 7, 1967]

PASTIN' AND COUNTIN'

For nearly 30 members of the Boulder High School Thespians Club Sunday afternoon was spent pasting and counting trading stamps at the Harvest House in the "Walk for a Ride" stamp drive. From left are Ellen Curtis, Bob Buchanan and Wayne Fulks, club president. The Thespians, along with several hundred other University student organization members, other students and Boulderites, collected about 6 million stamps for the Boulder County Sheltered Workshop and North Broadway Center. The stamp counting process was not completed even today, so good was the public's response to the drive. The goal was 3.5 million stamps for a 36-passenger bus, but the number collected will make possible other equipment as well.

[From the Boulder (Colo.) Daily Camera, Nov. 7, 1967]

HOW MIRACLES ARE MADE TO HAPPEN

It was like a shower of pennies from heaven. And the pot of gold at the end of the rainbow turned out to be two.

With a face value of only one-tenth of a cent each, Gold Bond trading stamps were swept up Sunday like leaves on the fenceline in an autumn breee. Hundreds of Boulder citizens, and University and high school students went through the city Sunday like a great human vacuum cleaner in an effort to glean three and a half million trading stamps from generous householders.

Object: to exchange the stamps for a 36-passenger bus to serve the Boulder County Sheltered Workshop and North Broadway Center. These facilities work with retarded children.

Result: almost twice as many trading stamps as hoped for—more than six million—enough to get the anticipated bus plus a smaller nine-passenger vehicle and perhaps other needed equipment too.

Anybody who doesn't believe in miracles will have to think again when he notes that the whole job was done in just three hours and 40 minutes.

Hippies and chronic protestors can wallow in their oddball philosophies, bemoaning the faults of society and doing nothing to cure them but make negative noises and show off in public.

What an inspiring contrast we see in the positive action of young people and others last Sunday. They saw a job that needed doing and instead of shaking their heads or their fists and clucking their tongues, they rolled up their sleeves.

That's the way the good society of America was built. And the way it will be perpetuated.

THANKS TO ALL

On behalf of the students, parents, staff, and board members may I take this opportunity to thank the people of Boulder for being so generous in helping with the "Walk for a Ride" appeal Sunday afternoon.

The students of the University of Colorado are to be congratulated for all their time and efforts, as well as the merchants who also contributed in so many ways. The drive for Gold Bond trading stamps for a Center bus went over the top.

Congratulations.

Mrs. RUTH M. WOOD,
Executive Director, Boulder County Sheltered Workshop and North Broadway School.

REVIEW OF THE BOOK, "MOUNTAIN OF GOLD," BY BETTY LEE SUNG

Mr. FONG. Mr. President, a book that very much needed to be written has just been published by the Macmillan Co. It is entitled "Mountain of Gold: The Story of the Chinese in America," and was written by Betty Lee Sung.

The author traces the history of the Chinese back to the days of the Gold Rush, when they first came to mine gold in the hills of California. Shortly afterward, they were recruited in large numbers to help open up the U.S. frontier.

Especially noteworthy among their many contributions to the building of the West was their role in the construction of the transcontinental railroad and its branch lines which welded this Nation into one.

But when their work was done, the Chinese found themselves unwanted, feared, and persecuted. The phrase, "Not a Chinaman's chance," was born of this period and culminated in the infamous Exclusion Acts which barred them from this country for more than 60 years and prevented them from becoming citizens.

Because of the tremendous influx of Chinese immigrants—200,000 from 1850 to 1880—following the discovery of gold in California, Congress enacted the first of the Chinese Exclusion Acts of 1882. The act suspended immigration of Chinese laborers to the United States for 10 years, although Chinese already in the country on November 17, 1880, were allowed to leave and reenter.

Two years later, the Chinese Exclusion Act of 1882 was tightened even further. Not only was the period of suspension of Chinese immigration extended another 10 years in the act of 1884; the stricture was made applicable to all Chinese, wherever their birth or whatever their national allegiance.

While the Chinese Exclusion Act of March 12, 1888, allowed entry of Chinese officials, teachers, students, merchants, and travelers for pleasure or curiosity, the legislation of October 1, 1888, took away from Chinese laborers the right of reentry into the United States, unless they had reentered before the date of the act.

These exclusion laws were extended again in 1892 and in 1902; in 1902 they were extended without limitation.

How the Chinese immigrants reacted to the indignities, the discrimination, and the injustices wreaked upon them is little-known but fascinating history and also provides a useful comparison with the experience of other minority groups.

More important than the book's historical account is the sociological study of the present-day American-Chinese communities. Such a study has been only rarely undertaken, and Mrs. Sung has done it well.

She analyzes the American-Chinese population in regard to total population, distribution by State, age, education, occupations, vital statistics, and some of the current attitudes of the Caucasian population toward them. There are chapters on Chinatowns, the impact of the Christian church on established religious patterns, the family and its adjustment to life in America, and the rapidly changing occupational undertakings of the Chinese people—from the hand laundries and restaurants in the 1800's to the professions to which many have turned as educational opportunities increased and in which many have made outstanding contributions in the arts, business, and science.

For example, Lin Yu Tang, Chinese philosopher and author; Dr. Chen Ning Yang and Dr. Tsung Dao Lee, who jointly won the Nobel Prize for Physics while engaged in research in the Princeton Institute of Advanced Studies.

"Mountain of Gold" has been well received in scholarly circles. Prof. Shirley Hopkinson, of San Jose State College, in California, recommended the book in the publication Library Journal for the general reading as well as for scholarly research. Publisher's Weekly called it "factual," "lively," "thoughtful," and "well written." Professor of History Herb Wood, at the State University of Washington found the book "absolutely delightful."

The book has also been favorably received by an understandably critical American-Chinese community. Kwang-Lien Lee, chairman of the national Lee Family Association, wrote:

> It is truly a scholarly piece of work. It will help the reading public understand the Chinese-Americans and the latter, their heritage.

Wei-Shien Yuin, editor of the Long Island Chinese Center Newsletter, expressed the sentiments of many Chinese-Americans when he said:

> It not only says what you might want to have said, but makes extremely interesting reading also.

The author, Betty Lee Sung, is a second-generation Chinese-American who writes from intimate knowledge of her own people. She has lived and studied in China and speaks three Chinese dialects. Much of the information for this book comes from firsthand observation and interviews with hundreds of people. It is a book that no outsider could have written.

Mrs. Sung's credentials are noteworthy and of a high order. She is an alumna of the University of Illinois and a member of Phi Beta Kappa. For 5 years she wrote a special feature for the "Voice of America" on the Chinese in the United States. She has held editorial jobs with Channel Press and Doubleday. She holds a masters degree of library science from Queens College of the City University of New York and now works as a librarian with the Queens Borough Public Library.

Mrs. Sung resides in Douglaston, N.Y. She is the mother of four children—two sons and two daughters.

I am delighted and pleased to call the attention of Senators to this very excellent book, and to commend it without qualification to all persons who may be interested in the story of one of America's minority groups.

SERMON ENTITLED "THE CHURCH AND PEACE MARCHERS," BY DR. JOHN R. STUCKEY

Mr. THURMOND. Mr. President, in recent weeks the attitude of certain clergymen toward U.S. involvement in Vietnam has been a matter of much controversy and public attention. There has been brought to my attention a sermon entitled "The Church and Peace Marchers," delivered by Dr. John R. Stuckey at the Capitol Hill Metropolitan Baptist Church on October 22 of this year. The sermon takes an entirely different approach in assessing, from a Christian viewpoint, U.S. involvement in Vietnam. The thought and the clear, lucid reasoning contained in the sermon make it one of the finest it has ever been my pleasure to read. Dr. Stuckey is to be highly commended for examining the war and its many domestic ramifications in such an excellent manner.

I ask unanimous consent that the sermon be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

THE CHURCH AND THE PEACE MARCHERS

(Sermon preached by Dr. John R. Stuckey, at the Capitol Hill Metropolitan Baptist Church, Sixth and A Streets N.E., Washington, D.C., October 2, 1967)

The church's role in the current war-peace conflict has been confused and confusing. The voices that have been most consistently heard have been those of the left. It seems imperative to me to make this attempt to articulate what I honestly and sincerely believe should be the role of the church with reference to the Viet Nam war in particular, war in general and, in a broader sweep, the draft.

This week-end 55,000 citizens of this wonderful land of ours have made the pilgrimage to Washington (or already live here) to march in protest against the draft and against our involvement in Viet Nam. A movement of this magnitude cannot and must not escape the judgment of the church. If it is right—we should join it. If it is wrong—we should speak out against it. The issue is that clear and simple to me. I did not join it. Therefore, I speak out against it.

WHAT DOES THE BIBLE SAY ABOUT WAR?

There are 247 times in the Bible when the word "war" is used—most of these times in reference to armed conflict between tribes or nations. Most of these are in the Old Testament, some in the New. Two things stand out in bold relief in a study of these passages.

First, God often commanded His people to engage in war—often fought with them—and frequently gave them victory. The Old Testament declares that "God is a man of war." Therefore, we cannot say that all war is all evil.

Second, the Old Testament in particular, but the New Testament to some degree, looks toward a time in history when peace shall reign and war shall be no more—"when nations shall beat their swords into plowshares and their spears into pruning hooks." But, that will pertain to the Messianic Kingdom—a Kingdom characterized by the rule of God in the lives of men and in the affairs of the world. It is to be a time when truth, righteousness, justice and mercy will flow naturally and abundantly from the hearts of all men. We do not now live in such a time as this.

These two principles added together indicate that we cannot solve the problem of war by a direct quote from Scripture. It must be answered on the basis of a realistic approach to the human situation as it is—not as we would like it to be. We do not live in a perfect world—therefore, the pacifist role cannot be sucessfully acted out. In reference to the coup in Greece and the United States' response to it a government spokesman commented this week, "It is not possible, the world is simply not made, so that we can have everything just as we want it." This is equally true with respect to Viet Nam and to war in general.

Peace must always be our working goal. But peace can only be fragmentarily achieved in our kind of world. One man finds peace in his work, but conflict in his home life. Another finds peace in his family relationships, but conflict in his social experiences. One nation will be at peace with one neighbor and at war with another, or at peace in one decade and at war in another, or at peace with all its neighbors, yet have internal strife. War is a simple fact of political and social realism. We must work to minimize it—we cannot eradicate it altogether. We certainly cannot wish it away, talk it to death, or demonstrate it into some kind of limbo of non-existence.

My personal reaction to the peace protesters is illustrated by the story out of the old West of the drunken cowboy who lassoed the locomotive. We might have to admire his ambitions, but we would be forced to question his wisdom and judgment.

In this current conflict of ideas the church finds its total inability to sit in theoretical judgment. We cannot quote from verse one of chapter one of book X of the Bible that war is wrong at all times and under all circumstances. We cannot even discover with total clarity those circumstances under which it might be the lesser of two evils. We are faced, therefore, with the necessity of judging this war, being fought under these conditions, in 1967. We will not find our answers in the past—we can only discover them in the present. This brings us to two questions as we try to identify our own response to the massive demonstrations of this past week.

WHO ARE THESE PEOPLE ANYWAY?

First, I believe we are justified in asking who are these people anyway? Perhaps this question and its answer is not essential to a definition of our own position—but I do feel that it is helpful to ask it. Vocal, loud, demonstrative and sometimes violent, they seem to fall into one of five categories.

First, some of them are cowards! Some simply do not have the courage to face the prospect of having to fight for their freedom. They are perfectly willing to enjoy the privileges of that freedom, but do not have the guts to defend it for themselves or to assure it to others. These are to be scorned! It requires no real courage to march—or to turn in a draft card. There is not one chance in one thousand that any action will be taken against such persons. In an interview Friday over a local station one young demonstrator was asked why he was burning his draft card. His flat answer was, "I don't want to go to Viet Nam!" When asked if he was not afraid he would be prosecuted his answer was, "They can't prosecute all of us."

Second, some of them are agitators, trouble-makers, in many cases, I am sure, Communists and Communist sympathizers who are dedicated to the destruction of America, the freedom which it enjoys and the hope for such freedom that it engenders in others. One of the leading organizers of this march has made two unauthorized trips to Hanoi where he has consulted with the North Vietnamese rulers and the leaders of the National Liberation Front in the South. Others are members of and leaders in Peking-oriented Communist organizations. In other cases, the anti-social types who, if they were not doing this, would be revolting in other equally unacceptable, anti-social ways. These are to be feared and opposed.

Third, the idealistic young—still immature enough that their actions are but reflections of someone else's thoughts. They are confused but determined in their stand and not open to reason. These are to be pitied. It is also imperative that they be led to see the results of their behavior.

Fourth, the thoughtless, the crowd-followers. Those out for a lark. Again, they are to be pitied, but also to be shown the dangers of the position to which they give the weight of their numbers. I am reminded by this group of the Candid Camera program I saw a couple of years ago. A small group of people were walking around in a circle carrying protest signs. As persons would stop to watch them, one of the group would go over and try to persuade the onlooker to join in the protest march. Many did—without ever being given the vaguest idea of what the protest was all about. One wonders how many thousands of such gullible persons are in Washington this week-end.

Fifth, there are those who are genuinely and by conviction opposed to the draft, to war, and/or to Viet Nam—persons who honestly and sincerely feel that this is their only way of expressing an effective opposition. They are very dedicated to this and think of themselves as saviours of the world. These persons must be heard, but somehow they too must be led to find a more responsible road to dissent.

WHAT ARE THE REAL ISSUES IN VIETNAM?

We come now to the real crux of the entire matter. What are the real issues in the war in Viet Nam? Are the issues such that the church can say, "While we deplore the necessity of war, we feel constrained to lend our support until the stated objectives can be honorably achieved?" I believe that they are, therefore, I believe that those who have marched on the Pentagon this week have done a serious disservice to our country and to the more than half-a-million men now engaged in the struggle in Viet Nam.

The first and overriding issue is Communism, with its designs of world conquest. In the minds of many responsible persons lies the assurance that behind the protests of this week lurk Communist designs. A United Press International survey indicated that the more responsible peace organizations in the country have refused to be involved in this march. A Washington area pastor has been quoted as saying that he is "deeply disturbed about some of the people who seem to be running the show."

There is no social and political issue of our time that is of greater concern to the church than is Communism. Communism is atheistic—not in a passive way, but in an aggressive, militant way. It is the right of any man in our free society to deny the existence of God—but it can be the right of no man in any society to deny to others the right to express their belief in God through worship and evangelism. The history of Communism at this point is well known and well documented. It permits only a limited number of churches in any given locale, and seriously restricts the activities of those. It prohibits families from teaching religion to children. It prohibits the teaching of the Bible to children in the ways so common to us, such as Sunday Schools. It imprisons, discriminates against, and often destroys Christians, and in particular Christian leaders. It uses every means and method at its command to destroy the idea of God from the face of the earth. It permits no opportunities for Christians to fulfill the commands of our Lord to "go into all the world and make disciples of all nations;" or to "go home and tell them what great things the Lord has done for you;" or to be "witnesses unto me."

Let us not forget that the central issue in Viet Nam is Communism—therefore, the central issue in these demonstrations is also Communism. In a speech made on October 17, at Fairfield University former Attorney General Katzenbach stated that our objective in Viet Nam is "to protect the independence of South Viet Nam from external interference and force. . . . It is not we or the South Vietnamese who are unwilling to coexist. It is the North Vietnamese who are unwilling. It is they who are relentless in their efforts to take over the government of their enemy." And we know all too well that such efforts are only preludes to the ultimate objective of taking over the government of the United States.

Many events of the past few weeks lead me to believe that we have allowed our defenses against the internal spread of Communism to relax to a point of potential danger to our nation. Apparently the Communist infiltration of our college and university campuses has succeeded even beyond the fondest hopes of the Communist party. There can be no other possible explanation it seems to me for incidents such as the protests against Dow Chemical recruiters at the University of Wisconsin, the protest against Navy recruiters at the Brooklyn College Campus, the protests at the University of Michigan because some professors there are engaged in research projects connected with the location of Communist guerrillas in Thailand, and other similar protests across our nation. No sensible and rational person believing in the principles of democracy would be so dedicated to the subversion of those very principles. It is nothing short of shameful that the highest representatives of our government, the salaried employees of our great industrial concerns, and the very finest representatives of our American patriots are impeded in their attempts to free access to college campuses and audiences. These same groups who demand for themselves free access to the halls of the Pentagon this week, have in the past few days attempted to deny to others free access to academic halls. How does one explain this? Either these persons are unbelievably bigoted, unbelievably stupid, Communists, Communist sympathizers or Communist dupes. I wait to be shown any other possible explanation.

Have the peace demonstrations this week actually served the cause of world Communism? Or, is this simply a red herring being drawn across the trail in an attempt to confuse the real issues and rally support for President Johnson's Viet Nam policies? Perhaps the best answer is one that comes from the North Vietnamese themselves. The Viet Cong have now activated a special committee to establish relations with "all progressive organizations and individuals in the United States" who are opposing the war. The stated purpose of the committee is "to unite and coordinate with the American people . . . in demanding that the U.S. government put an end to its aggressive war in Viet Nam." This special committee has already sent messages of support to two New York anti-war organizations: The National Mobilization Committee—which is the sponsoring group for this week's march on Washington—and the Student Mobilization Committee. It was also reported to have sent a message of congratulations to the protesters involved in the anti-draft demonstrations in Oakland, California this week.

The North Viet Nam Defence Minister, Vo Nguyen Giap, has described American opposition to the war as "valuable mark of sympathy and support." In a lengthy article in September, General Giap stated that they were counting on wearing us down and depending on a failure of will and determination on our part and on the part of our allies. He said that this was the strategy used against the French, and it was successful. American analysts interpret the formation of the just mentioned committee in Viet Nam as reflecting a growing belief in Hanoi that resistance to the conflict inside the United States is becoming significant. How can anyone doubt that events such as the one occurring in Washington this week advance the cause of Communism? How can anyone doubt that many of the organizers have exactly this goal in mind? How can anyone doubt that Christians and churches must align themselves in opposition—not because we approve of war, but primarily because Communism must be opposed. As Mr. Katzenbach has reminded us, "Significant to . . . the experience of all of us who lived through the period between World Wars I and II is the finding that armed aggression cannot be met simply by appeals to reason and virtue. Armed aggression is not deterred by rhetoric or wishful thinking."

A second very real issue in Viet Nam is the right of man to be free and of governments to be self-determining. It goes without saying that the church has an interest at this point. God dignified man by becoming man in Jesus Christ. God stamped man as priceless by the giving of His Son to save all men. No man has the right to enslave any other man. Jesus specifically said that we are to call no man master because we have only one Master—God.

Former White House aide Theodore C. Sorenson called this week for an "indefinite and unconditional" suspension of bombings in the North to "test Hanoi's sincerity and see how it will reciprocate." And yet as late as this past Thursday Hanoi called Secretary of State Dean Rusk's offer of a bombing pause in the North in return for peace talks to the war "sheer deception." He said that all U.S. proposals thus far have been rejected because of the failure of the U.S. to withdraw all of its troops from South Viet Nam. One wonders what "sincerity" there is to test on the part of the Viet Cong and the North Vietnamese? They are quite evidently sincere—that is, in their determination not to stop short of total conquest in South Viet Nam and total enslavement of the population of that country. Mr. Sorenson stated that our original goal in South Viet Nam was to make it "terror free." One wonders if it seems permissible now to abandon that goal and to subject the South Vietnamese people to a life of terror. Reliable statistics indicate that the Communist take-over in China cost the lives of more than 20,000,000 Chinese. It is doubtful that the cost in lives of the Bolshevik revolution in Russia, and some of the purges under Stalin will ever be known. They certainly run into the millions. The sufferings of the people in Hungary is too widely known even to need discussion. The oppression of East Berlin and the necessity of building a wall to keep the victims of Communism from fleeing is only underscored by the progress of West Berlin and free Germany.

I interpret the march in Washington as a march against the right of other men—the faceless men and women and children in South Viet Nam—to be free and self-determining. In spite of what the character assassinators may say to the contrary, I cannot believe that our government is run by a group of "war lovers" hungry for world domination. Quite the contrary. I suspect that President Johnson feels that he has more problems now than he can handle. He does not want the rest of the world's. The military has been accused of being a diabolical group of kill-crazy men. I think we need to remind ourselves that within our church are some professional military people. These men by and large are fathers and husbands, P.T.A. members, church workers, responsible citizens. Mr. McNamara has come under special fire. He is not right all of the time—but he has been given a job of gigantic proportions—to see to the defense of our country, to the liberty and freedom of future generations. He, too, is a man of the same feelings and emotions as the rest of us. I am not waving a flag for President Johnson—as a matter of fact, I think he could make better decisions in many areas if he would just ask me for advice first—but I do insist that he and these other men are responsible men. They may not always be right, but their conduct in this Viet Nam crisis has shown them to be men of courage and determination. Let us pray that they may keep their courage, and that they may find the resources to bring us through the crisis. I cannot believe the charge that these men are playing politics—buying votes, if you please—with the lives and shattered bodies of our men in Viet Nam and the tears and broken hearts of widows and mothers and dads in our country.

No, there is a much larger issue at stake here—the issue of man's freedom and dignity. This is an issue to which the church has addressed itself since its founding. It is my conviction that we cannot leave Viet Nam until the real aggressors there have withdrawn to leave the people of that small Southeast Asian country to determine their own lives and future. Withdrawal from Viet Nam on the Communist terms will not bring peace. It will at best bring a temporary halt to war. The Communist war machine will roll on. And somewhere it must be stopped or freedom will flee from the face of this earth. Getting out of Viet Nam is without question the goal of this administration. But getting out of Viet Nam now—under the conditions to which we would have to bow—would be nothing short of an invitation to international suicide. It would be to condemn a nation, and ultimately a world, to the kind of enslavement that is fatal to human dignity and decency.

A third issue in the Viet Nam war is the responsibility of our nation to other nations of the world. I am not one of those who believes that the United States is to be the world policeman—or the big brother to every other nation in the world. But I do know that to us "much has been given," and of us "much is being required." Under the provisions of the Geneva Accords of 1954 and the SEATO treaty we are committed to stop Communist aggression and protect the independence of South Viet Nam. In August of 1961, President Kennedy said, "The United States is determined that the Republic of Viet Nam shall not be lost to the Communists for lack of any support which the United States government can render."

Arthur Schlesinger wrote in *The General and the President*, with reference to the limited war in Korea: "The objective is not to destroy Communism everywhere, a goal which would involve an unlimited ideological crusade, or even to destroy the Soviet Union, a goal which would not be briefly attained without an atomic holocaust, the objective is to punish aggression by lowering the boom on individual experiments, in aggression. . . ." These same concepts pertain to our action in Viet Nam. We are there in response to a plea for help. We have a responsibility. We "are our brother's keeper."

There is a sense in which our own survival is an issue in the Viet Nam war. To rely too heavily on this for motivation is undoubtedly to be selfish. Yet there is an element of selfishness in virtually every act we perform. Psychologists often argue that there is no such thing as a totally unselfish act. There is an element of selfishness involved every morning in Washington as hundreds of thousands of persons tear themselves out of bed to go to work—when a mother cooks a meal for her family—when peace marchers demonstrate in our Nation's Capital. The element of selfishness is involved in our position on Viet Nam. To yield to the intransigent enemy here is to invite him a little closer to our own shore. But the higher issue is the well-being of our neighbors across the seas—the simple families of South Viet Nam, most of whom ask nothing more than to be able to farm their rice paddies and live out the years of their life in the simple experiences of labor and love and play.

There is one final issue I believe to be at stake in the demonstrations taking place this week. That is the issue of submission to governing authorities. There is a viable principle involved, I believe, of government by duly-elected authority, or government by demagogues. The first is the road to responsible progress and world stability to the extent these are possible. The other is the road to chaos, ruin and weakness in the face of those who would destroy us. A noted Protestant minister had an article in a leading magazine recently in which he outlines the reasons why he must break the law—essentially the reason is that *he* feels the law is not good. It has always been my feeling that the New Testament says to the Christian—if the law is not good, try to get the law changed. The darkest period in Old Testament history was when "Every man did that which was right in his own eyes." Our democratic processes provide ample channels to accomplish this.

We are admonished in Romans 13: "Let every soul be subject unto the higher powers. For there is no power but of God; the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation. For rulers are not a terror to good work, but to the evil. Wilt thou then not be afraid of the power? Do that which is good and thou shalt have praise of the same. For he is the minister of God to thee for good. But if thou do that which is evil, be afraid: for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake."

These are the issues we face and these are the issues that must decide our reaction to the war in Viet Nam, or anywhere else!

1. The Bible recognizes, it seems to me, that though unhappily, war may be the only really viable solution to some problems in the kind of world man has built for himself.

2. The second issue is facing aggressive Communism and defeating it. Christianity does not depend on our capitalistic economy and democratic form of government for either its existence or its validity—but the fate of Christianity in Russia, Poland, Hungary, Red China is all too well known.

3. The third issue involved is man's right to be free. This issue has implications much broader than the Vet Nam war, to be sure—but our position with reference to this war would in the light of it seem clear and simple. People are struggling to stay out of the trap of Communist enslavement. They have cried to us for help. We must give them our help.

4. We must lend the weight of our influence to the principle of government by law under duly elected persons—not the chaos and anarchy of non-government by mob protest under self-appointed demagogues. We have seen a demonstration this week of totalitarian, non-democracy across our land. We can thank God the results have been so minimal.

With these issues before us it would seem that the position of the Christian would be clear.

FEDERAL TRADE COMMISSION COMPLAINTS REGARDING RACIAL DISCRIMINATION IN HOUSING

Mr. KENNEDY of Massachusetts. Mr. President, the two complaints issued today by the Federal Trade Commission against operators of white-only apartment houses in the District of Columbia metropolitan area mark the start of what could be an important new direction in the national effort to erase the last vestiges of slavery in the United States. One hundred years ago Congress stated clearly that persons of every race had the same right to "purchase, lease, sell, hold, and convey" real estate. Yet still today that guarantee remains unfulfilled, not only for Negro-Americans, but also for Mexican-Americans, Chinese-Americans, Jewish-Americans, Catholic-Americans, and other Americans of particular races, religions, or national origins. No matter what status or character they have acquired during their lives, the accident of their parentage precludes them from buying or renting the home or apartment of their choice.

Perhaps the most unfortunate aspect of this national disgrace is its effect on the individual American when he confronts it. Imagine the embarrassment and anger of the Negro newlyweds who in response to a full-page ad for a suburban development travels 20 miles into the countryside only to be told that there are no homes available for a person of his color. Consider the chagrin and ire of the wife who telephones in response to an apartment ad, receives a brochure by mail, visits the apartment by herself, and then brings her husband to see it, only to find that his race, religion, or national origin disqualifies them from renting.

Mr. President, today's action by the FTC will surely relieve the Nation of much of this very human dimension of the problem. For it will end the deceit and fraud inherent in real estate advertising which appears to be an invitation to all Americans but in fact applies only to some.

However, the effect of the FTC action will be much broader. In many cities in the Nation the overt offering of housing on a discriminatory basis would violate State and local laws, ordinances, and regulations. Thus in these areas each housing developer, apartment house owner, and real estate agent will be given a very simple choice: If he wishes to continue to use advertising media which are in interstate commerce, he will not be able to practice racial or religious discrimination; and if he wishes to discriminate, he will not be able to use such media for his advertising.

The Chairman of the FTC expressed some doubt as to the administrative advisability of the Commission's entering the housing discrimination field. It is my firm belief that now that the Commission has put itself on the record on this issue, the result will be widespread voluntary compliance throughout the Nation. The real estate industry has been waiting for someone to take the initiative, and now that the FTC has done so, the industry will, I am confident, follow in good faith. In fact I would hope that those against whom these first two complaints have been filed will lead the way by negotiating a voluntary settlement with the Commission.

The Commission's task is the promotion of truth and the protection of the public. Today's announcement is a tribute to the Commission's dedication to this task, and the Commission is to be commended for its vision and foresight in addressing this most serious national problem.

Of course, if we are really to achieve equal opportunity in housing, we must have a comprehensive, nationwide legislative prohibition against the insidious practices of discrimination and segregation which now abound. Such legislation is now before two committees of the Senate. I cannot say with assurance that it will be enacted by the 90th Congress, but I can say that I will do what I can to see that every Member of Congress is called upon to state, through his vote, whether he thinks the time has come for Congress to meet its responsibility in this area.

I ask unanimous consent that one of the complaints issued today be printed in the RECORD. I note that my previous statement on the subject and the text of my recent correspondence with the Commission urging action regarding advertising of racially discriminatory housing appear at pages 35035 to 35038 of the CONGRESSIONAL RECORD for Tuesday, December 5, 1967.

There being no objection, the complaint was ordered to be printed in the RECORD, as follows:

[Docket No. 8751]

COMPLAINT BEFORE U.S. FEDERAL TRADE COMMISSION

In the matter of E. G. Reinsch, Inc., a corporation, and Emerson G. Reinsch, individually and as owner of apartment developments known as Dorchester Apartments and Dorchester Towers, and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments, and Dolores G. Reinsch, individually and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments, and Robert E. Latham and Henry S. Clay, Jr., individually and as trustees for an apartment development known as Quebec Apartments, and Lurein Corp., a corporation

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that E. G. Reinsch, Inc., a corporation; Emerson G. Reinsch, individually and as owner of apartment developments known as Dorchester Apartments and Dorchester Towers and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Dolores G. Reinsch, individually and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Robert E. Latham and Henry S. Clay, Jr., individually and as trustees for an apartment complex known as Quebec Apartments and Lurein Corporation, a corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

Paragraph one: E. G. Reinsch, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Virginia, with their principal office and place of business located at 129 South Irving Street, in the County of Arlington, State of Virginia.

Respondent Emerson G. Reinsch is now and for some time last past has been owner of apartment complexes known as Dorchester Apartments, 2040 Columbia Pike, Arlington, Virginia and Dorchester Towers, 2001 Columbia Pike, Arlington, Virginia and he and respondent Dolores G. Reinsch are now and for some time last past have been owners of apartment complexes known as Arlington Boulevard Apartments, 1500 North 16th Road, Arlington, Virginia and Oakland Apartments, 3710 Columbia Pike, Arlington, Virginia. Individual respondents Robert E. Latham and Henry S. Clay, Jr., are trustees for an apartment complex known as Quebec Apartments, 4010 Columbia Pike, Arlington, Virginia. Respondent Lurein Corporation, a corporation, is now and for some time last past has been owner of an apartment complex known as Westmont Garden Apartments, 3860 Columbia Pike, Arlington, Virginia. The business address of the aforesaid respondents is 2040 Columbia Pike, Arlington, Virginia.

Paragraph two: The individual respondents named herein as owners or trustees of the aforesaid apartment developments have ultimate responsibility for the management of the developments, including, but not limited to, the rental and advertising thereof. The management of the aforesaid property has been delegated by said owners to respondent E. G. Reinsch, Inc.

Respondent E. G. Reinsch, Inc. is now and for some time last past has been, engaged in the advertising, offering for rent, rental and general management of the aforesaid apartment complexes located in Arlington, Virginia.

Paragraph three: In the course and conduct of their business, respondents have caused rental advertisements for the aforesaid apartment complexes to be published in newspapers and other publications of interstate circulation including, but not limited to, The Washington Post and The Evening Star. Said respondents have performed various acts in commerce relating to the advertising of the aforesaid apartments, such as transmitting payments for published advertisements from their place of business in the State of Virginia to the District of Columbia, and maintain, and at all times mentioned herein have maintained, a substantial course of business in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Paragraph four: In the course and conduct of their aforesaid business, and for the purpose of inducing persons to apply for rental of their apartments, respondents now cause and have caused to be published in newspapers of interstate circulation certain advertisements of which the following is typical and illustrative, but not all inclusive thereof:

"Arl., Dorchester Tower Apts.—600-unit high rise and garden. Effics., 1. 2. 3. bedrms., 4 high speed elev., doorman, indiv. control air cond. View of Wash. Balcony. Garage. Dorchester Towers. JA 4–3900 Dorchester Apts., JA 7–0306, 2040 Columbia Pike."

Paragraph five: By and through the use of the above-quoted statements and representations, and others of similar import and meaning but not expressed herein, respondents represent, and have represented, directly or by implication, that such apartments are available for rental to the general public without restrictions or limitations as to race, color or national origin.

Paragraph Six: In truth and in fact, such apartments are not available for rental to the general public without restrictions or limitations as to race, color or national origin. Among such restrictions or limitations are that these apartments are not available for rental to applicants who are Negro.

Therefore, the statements and representations as set forth in Paragraphs Four and Five hereof were and are false, misleading and deceptive.

Paragraph Seven: The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the general public into the erroneous and mistaken belief that said statements and representations were and are true.

Paragraph Eight: The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and constituted and now constitute, unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission on this 30th day of November A.D., 1967, issues its complaint against said respondents.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint:

"It is ordered that respondents E. G. Reinsch, Inc., a corporation, and Emerson G. Reinsch, individually and as owner of apartment developments known as Dorchester Apartments and Dorchester Towers and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Dolores G. Reinsch individually and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Robert E. Latham and Henry S. Clay, Jr., individually and as trustees for an apartment development known as Quebec Apartments, and Lurein Corporation, a corporation, as owner of an apartment development known as Westmont Garden Apartments, in connection with the advertising for rental of any apartment, which advertising is disseminated in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Placing any advertisement which tends to convey the false impression that the advertised housing is available for rental to the general public without restrictions or limitations because of race, color or national origin."

In witness whereof, the Federal Trade Commission has caused this, its complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, D.C. this 30th day of November, 1967.

By the Commission.

JOSEPH W. SHEA,
Secretary.

OMBUDSMAN FOR THE DISTRICT

Mr. LONG of Missouri. Mr. President, this morning's Washington Post contains an article entitled "Ombudsman Proposal Left Up to the Mayor," written by

William Raspberry. According to Mr. Raspberry, the ombudsman is "the citizen's protection against official error, arbitrariness, negligence, and abuse of power."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OMBUDSMAN PROPOSAL IS LEFT UP TO THE MAYOR

(By William Raspberry)

If Washington is to get an ombudsman any time soon, it will be the result of action at the District Buiding, not on Capitol Hill.

A bill to give the city such an official—a redresser of wrongs and cutter of red tape—has been introduced by Sen. Edward V. Long (D-Mo.). But the bill, now pending before the Senate District Committee, has not yet been referred to a subcommittee; nor have hearings been scheduled.

Thus it is a virtual certainty that no action will be taken on the measure in this session or perhaps even in the next. This is not very surprising in light of the fact that there is very little support for it on the Hill. Sens. Robert F. Kennedy (D-N.Y.) and Philip A. Hart (D-Mich.) are co-sponsors with Sen. Long of the ombudsman bill, but there has been no major push for it.

Part of the reason could be that many members of Congress want to wait to see how the new District Government works out before making any additional changes. In addition, there is the feeling in some quarters that the government ought not pay people to fight the government—one of the criticisms being made against the war on poverty and its Neighborhood Legal Service in particular.

An ombudsman certainly would often find himself in the position of fighting the government. As it works in Sweden (where the idea originated) and as it is envisioned in Long's bill, the ombudsman would have the power to investigate grievances against the local government—for example, charges that actions by government officials are either unlawful, unreasonable, unfair or oppressive; that they are based on a mistake of law or fact, based on improper or irrelevant grounds, unaccompanied by an adequate statement of reasons or performed in an inefficient manner.

While it is virtually certain that Congress will not soon pass the measure, there appears to be no good reason why Mayor Washington cannot achieve the same end administratively.

Reorganization of the District government gives the Mayor-Commissioner no new powers, but he already has the power to investigate citizen complaints. To create the post of ombudsman, Washington would apparently just have to rejuggle some existing authority—for example that of the Human Relations Commission and the Complaint Review Board.

There is one catch: While the Mayor could appoint an ombudsman, he would need congressional approval to pay him, unless it involved nothing more than an intragovernmental transfer. Some supporters of the ombudsman idea, however, are convinced that some foundations could be persuaded to pick up the tab, at least for a pilot period.

And just what would an ombudsman do? The list is endless. He can, on the basis of citizen complaints, inspect jails and hospitals; review office procedures; check evictions, garbage collection and parking problems, investigate even such things as official arrogance, secrecy of delay.

He is, in short, the citizen's protection against official error, arbitrariness, negligence and abuse of power. (The Swedish ombudsman once had a judge suspended for two months for insulting a lawyer.)

It is worth noting that in Sweden, as in other jurisdictions where the ombudsman approach has been adopted, fully nine-tenths of the citizen complaints have been dismissed as unfounded. But even where there is no basis for action against the accused official, an explanation from the ombudsman of what happened does wonders for the aggrieved citizen's faith in his government. Often an explanation is all the complainant wants.

Although there is plenty for an ombudsman to do in the District of Columbia, and although Mayor Washington apparently has the power to appoint one, there has been no clear indication that the Mayor is really interested.

His reaction so far has been no stronger than to call the ombudsman approach "a good idea." (Who could call it a bad one?)

Perhaps, like some members of Congress, he prefers to wait to see how things work out under reorganization. Still one can hope that he will keep the ombudsman idea in the back of his mind.

But not too far back.

AN ANALYSIS OF MILITARY SOCIAL WELFARE PROBLEMS

Mr. JAVITS. Mr. President, many people in this country are aware in a vague and general way of the diverse welfare problems facing a very large number of families of Armed Forces personnel. On December 4, Mr. Moe Hoffman, Washington representative of the National Jewish Welfare Board, delivered a cogent and informative speech on this subject at the Army Community Service Conference held at the Pentagon.

Mr. Hoffman is a very experienced expert in this field, and he has made a systematic analysis of the major problems and factors involved. I think that all of us in this Chamber can profit from his speech. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF MILITARY SOCIAL WELFARE PROBLEMS

It is becoming increasingly evident that the military establishment is a human institution which can be reviewed in social terms.

Several social scientists, who have presented theories of civil-military relations, have alleged that military technology has largely run its course and that present developments lie in the social institutional sphere of military function. Morris Janowitz, in the introduction to the paperback edition of the New Military, stated that: "The pressure for modification of military strategy and tactics to meet the requirements of a changing world order are more likely to be met by institutional and professional innovations than by technological development."

Samuel P. Huntington, the author of "The Soldier and the State," wrote:

"The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security and a societal imperative dominant within the society. Military institutions which reflect only social values may be incapable of performing effectively their military function. On the other hand, it may be impossible to contain within society military institutions shaped purely by functional imperatives."

An article on the military in the 1960 edition of the Encyclopaedia Britannica emphasized that "since World War I, to traverse the long road of modern battle, the soldier required a spirit proved in the crucible of discipline."

The article continued with the following sentence: "But let there be no mistake; the soldier maintains this sentiment of discipline only in proportion as military commanders win this confidence by the care with which they surround his personal life."

While the quote ended there, I would like to add, "and that of his family as well," for that phrase poignantly underscores the presumption of my presentation.

When I was originally invited to speak to this group I was requested to be deliberately and sincerely candid. In the experiment to meet this charge, I adopted three guidelines: one, that I would be critical namely, that I would not be awed by the front-rank status of the military officers whom I would be addressing; two, that I would be subjective—calling the shots as I saw them, and believed them to exist; three, that I would be historical—in that I would use the past and the present to improve the future quality of services for the dependents of officers and enlisted personnel.

I have long identified military service as one of the salient areas within which individuals may be given an opportunity to contribute to society to the utmost of their capacities. Nevertheless, the 24 years that I have been affiliated with the armed services program of my organization, the National Jewish Welfare Board, has led me to recognize that a large military force creates problems for individuals in military service and their families, and that many of them need some assistance in meeting their personal and social problems. I support the belief that civilian communities should make provisions to see that normal community services are available to military dependents. That communities have not fully responded to this charge is one of the allegations I advance. The second allegation is that the military, itself, is inadequately assisting military personnel with their social welfare problems.

Historically, until World War II, the military community in the United States has been sharply segregated from civilian life. This isolation was motivated by the desire of the military profession to maintain its distinctiveness. During the early period of our country's history, the military was stationed in posts remote from existing civilian communities. This system of garrisoning troops not only represented traditional conformity but was motivated equally by basic economic considerations.

In the past 25 years technological and political changes have radically altered America's confused attitude toward military personnel. While the military establishment still exerts strong pressures toward institutional self-containment, it has recognized that it has a functional relationship to the civilian community. This is not to imply that this change is without its problems. In the main, the contacts between the two communities are ceremonial and social rather than professional and political. While the social isolation of the military has greatly diminished, the contacts with the civilian communities are still transistory and impermanent. This situation has produced individual and personal strains which necessitate understanding and resolution by military, by the civilian community and its social welfare agencies, and by national, state and local governments. The resources of each of these entities must be directed toward the maintenance of confirmed morale in the men and women who serve their country in our armed forces. Of equal importance is the provision of sound welfare family services for military dependents. The latter point has been underscored by Defense Secretary Robert S. McNamara, who said the following in his testimony before the House Committee on Armed Services, May 17, 1963:

"The necessary rigors inherent in the military life are hard enough on a family man without adding the burden of persistent personal hardships for his family."

Prior to World War II, the military, in this writer's opinion, was a closed system. As such, although properly structured, it seldom related to other groupings in the communities in which its installations were located. Each military commander strove to provide on-base recreational and other related services. The pressures which accompanied our country's entry into the Second World War compelled the military to seek community resources to supplement its welfare and recreational services to personnel and their families. With the system now open, we find the representatives of the military serving on many social welfare committees and in professional organizations, for example, Health and Welfare Councils, Community Hospitality Committees, United Givers Funds, etc. Local welfare agencies are increasingly requested to supplement military family services. A whole gamut of interrelated activities which necessitates community organization planning is taking place in many communities adjacent to military installations or used as leave areas.

Unfortunately, in many places health and welfare services for military families are not basically coherent or efficiently organized. The reasons are manifold.

(1) Many military families are usually mobile and do not meet residence requirements. Then again, while every state provides certain health and welfare services for residents, some extend these benefits to persons residing temporarily within their boundaries, but others restrict services to bona fide permanent residents.

(2) Local communities lack adequate resources to handle the heavy caseloads of their civilian residents.

(3) Many communities are not knowledgeable of the family services available to military personnel in military installations and fallaciously assume that "the military takes care of its own."

(4) Military personnel are not acquainted with community services, and many who are knowledgeable of them believe that servicemen are ineligible to receive these services.

(5) Many officers assigned the responsibility to administer or act as referral for these services are untrained for their jobs. To compound their ineffectiveness, they are usually assigned additional unrelated duties.

All of the foregoing reflects a need for family welfare services for military members and dependents. This view is not supported by the Department of Defense. A copy of a letter in my files signed by a Deputy Assistant Secretary of Defense in reply to an allegation regarding the inadequacy of social welfare programs for military personnel states, ". . . the Department of Defense believes that, in general, personnel living on or in the vicinity of military installations have available services which are considered greater than those provided by the majority of civilian communities."

In rebuttal, I quote from four sources. One, an article in the New York Times of June 11, 1964, states:

"The Air Force has about 5,000 enlisted men who must resort to public relief to help support their families, a survey showed today. . . .

"The survey also indicated that 70,000 airmen and 1,000 Air Force officers, mainly heads of families, were moonlighting—holding jobs to supplement their service incomes.

"The situation in the Army and the Navy was believed to be similar, though no figures are available."

The second is taken from the remarks of Congressman Gonzalez of Texas which appeared in the Congressional Record on January 11, 1965. The Congressman had introduced a bill, H.R. 1026, to increase the subsistence allowance of members of the uniformed services to $75 per month. He states:

"Its purpose is to improve the standard of living of the military man. Specifically, it would permit tens of thousands of men in the armed forces to purchase enough food each month so that they might have a nutritious diet."

Later, in his extended remarks, Congressman Gonzalez referred to an article which appeared in the Saturday Evening Post, written by a major who was compelled to resign his commission after 13 years as an officer. Again quoting Congressman Gonzalez.

"It is a tale of substandard housing, at outrageous costs to the military man, of low wages, and of the general frustrating conditions that prevail in the Armed Forces today."

He continued: "Why do we treat the military man as a second-class citizen? . . . It is strange indeed that a free and open society as ours would create a second-class citizenry and leave our national defenses to it. Such a course of action, in my opinion, is suicidal."

The third is taken from the October 3, 1967 Congressional Record and refers to a discussion between two Congressmen regarding the conference report on the Military Construction Authorization Bill for fiscal year 1968. The House authorized construction of 12,500 military houses, and the Senate cut it back to 10,409, which the House subsequently accepted. In discussing the conference report, Congressman Vanik remarked:

"Why shouldn't we defer this particular item until next year? I recognize that housing is needed, but if it can be deferred a year, it might carry us over through a critical period."

In response, Congressman Rivers, Chairman of the House Armed Services Committee said: ". . . every time we want to save some money, some would take it out of the hide of the military. The military can continue to live in trailers. They can continue to live in converted garages and they can continue to have to be subjected to unfriendly people in some community. . . ."

The fourth source is the July 12, 1967 Army Times, which reported that defense officials asked the Office of Economic Opportunity, the war on poverty headquarters, to relax its role so that low-ranking military families could get help. The Department of Defense specifically wanted enlisted men's families to benefit from Project Head Start which is a program to get pre-schoolers from *poor* families ready for kindergarten. Mrs. Betty Fogg, of Head Start headquarters in Washington, said that "a significant number" of military families are already taking part in the poverty program, and that in the San Diego area alone there were more than 500 military youngsters in Head Start. This was the second indication by OEO officials that military people had to call on "war on poverty" programs to keep financially afloat.

I am fully aware that the Army is most cognizant of some aspects of the personal needs of its servicemen. I am also familiar with the general purposes of several of the military benefit programs. I think it commendable that General Harold K. Johnson, the Army Chief of Staff, has recognized the need to maintain the Army as a humane organization whose leaders will be truly concerned about the welfare of their men and families. The Army Community Service program, established to provide information, assistance and guidance to members of the army community in meeting personal and family problems is a step forward in the effort to improve social functioning in the army community. But progress is much too slow.

As of March, 1967, there were 1,415,388 officers and enlisted men in the army. A sample survey of selected personnel characteristics, as of March 1967, indicated that of 113,675 officers, 71.9% (or 89,452) were married, and of 1,288,611 enlisted men, 36.1% (or 465,190) were married. The average family unit was indicated to be 3.42. There were, as of March, 1967, 1,342,230 dependents of married army personnel and approximately 52,000 collateral dependents of army male personnel without wife or children who must also be considered part of the military. The total number of dependents totalled 1,394,320. Thus, we can no longer accept the army complement as 1,415,338. The true figure, including dependents is 2,809,708. In the army (and this figure will become more significant when housing is discussed) 24.2% of the enlisted men E–1 through E–4 with less than 4 years of active military service total were married—a total of 66,190 families. These figures are of some concern. Let's look at some of them.

On May 17, 1963, Secretary of Defense Robert McNamara testified before the House Committee on Armed Services on the fiscal year 1964 Military Family Housing Program. He stated that "for the military man, as for any family man, decent housing for his wife and children is a major concern. While a military man, in keeping with his profession, must be willing to accept personal hardship, I do not think the Nation has the right to expect the same from his family." The Secretary continued:

"By the last count there are more than 32,000 eligible military families occupying government-owned substandard housing on post, and more than 106,000 families living in off-post substandard housing."

Today, approximately 665,000 military families, according to John Reed, Defense Department housing expert, live in non-government housing and 331,000 in government housing. The government has no control over the quality of non-government quarters. Testifying before the House Armed Services Committee on Military Construction Authorization for Year 1967, Mr. Reed was asked (page 9257) by the Chairman, Mr. Rivers, "How many substandard units of housing now are in the military? I want to get this for the record." Mr. Reed answered, "As of May 18, 1966, sir, there were 27,143 such units." It is my personal belief that the "27,143 units" refer only to government housing of which 32,000 existed in 1963. Hardly any gain has been made in eliminating substandard government housing. In regard to non-government housing occupied by military personnel, Mr. Reed personally informed me that they are relatively standard and that a survey revealed little, if any, substandard conditions.

I tried to determine the standards used by the Department of Defense to evaluate adequate housing. On page 9245 of the hearings in regard to military construction authorization for fiscal year 1967, I read the following:

"Mr. REED. . . . and our problem, sir, stems from several things in certain of these areas, . . . that some of the people would prefer to live in what we would all categorize as substandard housing for less money. Now, these people we are attempting to motivate into better housing, but we are estopped from ordering them into the housing, but as each of the base commanders who do have the problem are working with their people, we are doing the best we can.

"Congressman HARDY. The same people would stay right where they are even if you built public quarters, unless you assigned them to them.

"Mr. REED. But if the man indicates he is content with his quarters, be it a chicken coop or not, we will count him as adequately housed in the communal survey.

"Congressman HARDY. I'm delighted to know."

Until I read this dialogue I had always assumed that the standards for determining the quality of housing were related to three types of characteristics—(1) the structure in which the unit is located; (2) the facilities of the unit; and, (3) the environment (the neighborhood in general as well as the immediate surrounding vicinity). Apparently, the subjective desires of the inhabitant can now be substituted for these three widely accepted objective criteria.

Enlisted men E–1 through E–4 with less than 4 years of service are not eligible for government housing. According to the March 15, 1967 issue of Army Times, page 3, there were 310,122 of these families drawing Dependent's Assistance Act housing allowances. The new military pay bill will raise this housing allowance nearly 9% but the raise will be only an interim measure. Currently, for example, an E–3 with 3 dependents and less than 2 years of service makes $3,196 a year when his basic pay, quarters and subsistence are considered. The OEO "poverty base" for a family of 4 in a non-farm area was defined at $3,200 as of August 11, 1967.

He is typical of the families that are refused government housing. He is compelled to compete in the open market for housing with his more affluent colleagues. The Department of Defense alleges that its government housing program has been designed to retain and improve the retention ratio. It seems to me that for enlisted personnel a retention program process should be put into effect during the initial period of basic training and not when the serviceman had completed four years of service. The August 19, 1967 edition of the Journal of the Armed Forces reports that a special review of Defense officials of the morale, welfare and personnel service activities available to military personnel at our major bases reveals that while married officer personnel experience the least (not the word *"least"* not "little" or "no") difficulty in obtaining satisfactory housing for their families, exactly the opposite is true of married enlisted personnel. The majority of these personnel seek rental accommodations. Between 40% and 50% of the enlisted men surveyed said they were not satisfied in their present housing and that this adversely affects their home life, their job performance and their attitude toward re-enlistment. I could add to the list of housing problems but I had best go on to a second problem.

In 1965, a doctoral student, Fidelia Avella Masi, submitted a dissertation to the faculty of the National Catholic School of Social Service of the Catholic University of America titled, "Social Welfare Needs and Services in the Military." This research project identified 70 social welfare needs and services which appeared to have applicability to a military population.

Dr. Masi's list of services included among other needs, family planning, day care provision for children of working mothers, counselling (vocational, parent-child, etc.), homemaker services, foster home finding, services for unmarried mothers and fathers, protective services for children who may be neglected, etc. All the services were rated as "needed". Many persons who judged Dr. Masi's study indicated that while several of the services were needed, they were not being provided at all for the military. For example, treatment for childrn and teen-agers with social problems such as delinquency, dropouts, received the highest number of "needed" answers (95 out of 96), yet this service also received an indeterminate rating. The study clearly indicated that several services were being provided and staffed by untrained people when these services required professional personnel.

A question arises, "Are not the Red Cross and USO making available the needed services delineated in the Masi study?" Dr. Masi's study indicated that none of the 70 services were adequately provided by civilian agencies or quasi-official agencies. As one of her conclusions, Dr. Masi wrote:

"The need for these services is clear, and since neither civilian nor quasi-official agencies are providing them, and, based upon the military philosophy of 'caring for its own,' the particular implication for civilian agencies as well as for the Red Cross and USO is clear."

On November 14, I met with a USO committee comprised of the directors of the armed services committees of the six member agencies of USO. I shared with them the contents of this presentation and underscored Dr. Masi's reference to USO. While this USO committee was of the opinion that one study did not establish an indisputable fact, there was a consensus that the military and national USO should meet to discuss the whole spectrum of welfare needs for servicemen and their families. It is my best recollection that USO would respond to any initiative that the military would originate.

In sharing this phase of my presentation with a select group in the Pentagon, I was told that the individual and family problems of military personnel are the result of personality or family group disorders and that these causations should not be ascribed to the military. Pitirin A. Sorokin has provided us with the answer to this allegation. He stated: ". . . that so long as it exists and functions, any system incessantly generates consequences which are not the results of the external factors to the system, but the consequences of the existence of the system and of its activities. As such, they must be imputed to it, regardless of whether they are good or bad, desirable or not, intended or not, by the system."

In a letter to the Department of Defense sometime ago, I suggested, with the support of the Department of Health, Education, and Welfare, that the Department of Defense set up a social work division at the DOD level. The response that I received indicated that the social welfare needs of military personnel and their families were being adequately provided by the chaplaincy.

Traditionally, the military has held that the chaplain was the one to turn to with troubles. The Masi report states (page 197), "obviously the chaplain does not see himself in this role and rightly so. For those who contend that the chaplain is the one to take care of the problems of the military man and his family this finding would offer much disagreement."

In her study, which primarily was concerned with the Air Force, Dr. Masi included Army chaplains. She reported:

"The Army considers the chaplain's primary responsibility to be for the troops first, and any energies remaining could then be directed toward dependent personnel. Very frequently, the chaplain's primary responsibility consumes all his efforts and energy. Here is a real gap that I feel could be filled with a social worker. . . ."

What about medical services for military personnel? The Dependents Medical Care Act of 1956 opened the door to the new law which authorized an expanded program of civilian in-patient and out-patient care. The bill, the Uniformed Services Health Benefits Program, signed by the President on Sept. 30, 1966 has to be refined. The new medical program, since January 1, 1967, provided for institutional residential care in private nonprofit, public and state institutions and facilities for the seriously physically handicapped and moderately or severely mentally retarded wives and children of members of the uniformed services. Unfortunately, only 10% of these wives and children can be accommodated in public or private nonprofit institutions. Space is not available for 90% of the cases. There is need to support the proposal that dependents eligible for facility care be permitted accommodations in accredited private profit institutions. The law equally provides that servicemen pay an initial share of the monthly cost of this program. E–1s through E–5s must pay $25 a month. E–1s and E–5s, so I believe, should not be required to pay this amount. The salaries are barely adequate to pay the expenses of normal family living. In my personal opinion, individuals in every pay grade should be entitled to this service for their dependents without having to share in the cost.

Under the same bill, sponsors of dependents who use civilian outpatient care sources are required to pay a $50 deductible plus 20% of the expenses in excess of the deductible for each dependent who uses such sources. I believe that this requirement is valid where CONUS operations are concerned. However, in many overseas areas, military personnel and dependents in isolated areas are financially penalized because of circumstances beyond their control. For these individuals, the deductible and percentage payments should be waived. I wish to conclude this problem section of my presentation by mentioning the need to provide dental care for military dependents. Congress should be encouraged to pass a bill calling for care by civilian dentists.

What can be done to resolve many of the military social welfare problems?

I believe the Department of Defense should apprise Congress of the full dimensions of the social problems confronting military personnel. Congress, currently, looks only at the visible tip of the iceberg and is ignorant of the huge submerged mass. The tendence of Defense witnesses at Congressional hearings has been to project problems only in the dimensions of the amount of money being requested for a particular fiscal year. While the House has been more cooperative, the Senate is much less knowledgeable and has little sympathetic understanding of military social needs. Why does this situation exist? Congress does not get the facts it needs from the Department of Defense. In this connection, there was an interesting article in the Congressional Record of November 21, 1967, quoting Congressman Porter Hardy, who is chairman of a special subcommittee created by Representative Mendel Rivers to investigate the decision-making process under Secretary McNamara. Congressman Hardy said:

"The Congress is powerless to carry out its mandate and discharge its constitutional duties unless accurate, candid and timely information is provided by officials and officers of the defense establishment."

DOD has increasingly concentrated on the use of cost-benefit modes of analysis and has been less interested in the military as a human institution. To quote Morris Janowitz, "The military organization will have to continue to focus in the transformation of its bureaucratic authority from a rigid system of domination to a more flexible and humanistic type of authority . . ."

It was inevitable that the Department of the Army establish a Community Service Program that would provide information, assistance and guidance to members of its indigenous community. It was equally inevitable, since this program if successfully operated would also result in increased career satisfaction, that it be conducted and supervised by a military staff with social work training.

I would advise that the Army Community Service Program be administratively removed from the Office of the Surgeon General and set up as a distinct responsibility unit. In the Army, social workers were traditionally members of the psychiatric treatment team. In providing welfare services, I believe personnel should be treated as clients and not as patients.

If Mr. Janowitz' presumption is to become a reality, the Army will increasingly require the skill of the social worker. The Army should respond to the behavior signals of its personnel with the same degree of alacrity with which it is now responding to technological changes. By giving social work a separately functioning identity, interpretations of needs could be more directly related to Department policy makers without having to be channeled through another professional discipline whose prognoses and treatment skills are only relatively congruous. Then, again, by establishing this separate entity, the military's observation vis-a-vis social welfare needs will become sharper. For example, operational organizations such as the military choose not to observe more than they can process with given resources, and they selectively screen observations to fit organizational goals, strategy and tactics.

As to post commanders—they occupy the key position for the initiation of policy. The Armed Forces Journal of August 19, 1967 reports that the DOD has said that military commanders and their subordinates are not doing a good job of keeping on top of the family housing situation within their commands. If this is true, the failure is deplorable. You may ask why, if this is true, hasn't the Department rectified the situation. I do not know the answer. But I believe that post commanders can do a more effective job in ascertaining facts regarding the humane problems of their personnel and dependents if they will impress their subordinates that there is "no need to protect the old man." Only when these commanders are fully apprised of all salient problems can they adequately resolve the problems or recommend needed policy changes.

There are several subordinates who, on paper, have the responsibility to assist servicemen with their personal and family problems. Commanders should evaluate performance against job description. They should critically examine post programs designed to meet human needs and by the use of social indicators determine if these programs are competently conducted. It is also important that commanders check the efficiency of their intra-post communication system. Examples can frequently be cited of enlisted men and officers who have needlessly spent endless hours seeking assistance for family problems when existing programs could have been utilized. As of August 31, 1966, 43.9% of all male commissioned officers and warrant officers and only 19.7% of all enlisted men were aware of the existence of the Army Community Service Program. It is apparent that unit orientations and publications and post newspapers are not adequately alerting personnel as to existing programs.

As to the Army Community Service Program—despite its rapid growth and the excellent quality of its staff, it will not attain even moderate success if it persists in limiting itself to on-post resources. The Army Community Service Program will serve best if it acts as the coordinating link between post and community welfare resources. The Army Community Service social worker should interpret military needs to the adjacent community. He should encourage the establishment of a military-community service.

It seems to me that the Department of the Army tends to feel less sanguine about the Army Community Service Program than it ought to. May I say that if this program is not strengthened, if it is encouraged to die on the vine for lack of understanding and support, then all the Army's emphasis on recruitment, training, education and control will be weakened. In WAR AND PEACE, Leo Tolstoy wrote, "In warfare the force of armies is the product of the mass multiplied by something else, an unknown X." Tolstoy identified the "X" as "the spirit of the Army." Dr. Samuel A. Stauffer, who directed the World War II study on attitudes of military men, extended the definition and said that Tolstoy's "X" or "spirit" could be achieved only with the resolution of the serviceman's social and psychological problems. The Army Community Service Program can effectively do the social welfare job.

I was asked to make a blunt presentation. I agreed to do so for two reasons. The first is that I believed that the morale and the social well-being of military families will vastly contribute to our national security The second was my belief that by shaping a qualitative program the Army will give greater credence to Major General James G. Harbord's statement—"The greatest of all democracies is an Army."

OPPENHEIMER FUND MODELS ADVISORY FEES ON BANKING AND CURRENCY COMMITTEE MUTUAL FUND PROPOSALS

Mr. McINTYRE. Mr. President, sometimes in the heat of debate over important legislative proposals, when tempers are frayed and emotions running high, there is a tendency to think ill of the opposition. Still, every now and then, we must stop and realize that an industry which is opposing vitally needed legislation designed to protect members of the public is not entirely composed of obstructive members.

These comments arise from reading a story in the Wall Street Journal this week entitled "Oppenheimer Fund, Inc., Plans Advisory Fees Partially on Results." The article explains how the Oppenheimer Fund, which is a mutual fund, has proposed a unique method of computing its advisory fees based upon a performance of the fund compared with the performance of the Standard and Poor's Stock Price Index.

I feel that this is a particularly noteworthy event because I believe the first time that such a management-fee proposal appeared in print was this year in the form of a committee print of S. 1659, the SEC legislative proposals, printed by the Senate Committee on Banking and Currency. These proposals have not yet been enacted.

The Oppenheimer Fund has gone ahead on its own to cooperate with the SEC even before the proposals have been enacted. The Oppenheimer Fund should be commended for its willingness to discard the prejudices of its industry in favor of those management incentives desirable for the benefit of its own shareholders.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Dec. 5, 1967]

Oppenheimer Fund Inc., Plans Advisory Fees Partially on Results—Management Firm Would Get Bonus if Fund Outperforms Market, or Penalty if Not

New York.—Oppenheimer Fund Inc. proposed to its stockholders a new investment advisory fee schedule that would penalize its management company if the fund's results didn't outperform the general market and reward it if results did.

The "performance" provision of the new management fee to Oppenheimer Management Corp. plans to have the fee partially based on the investment results of the fund at the end of year compared over the same period with Standard & Poor's Stock Price Index of 500 stocks. Under this schedule the management company will be entitled to a "bonus" at the rate of 0.05% of average net assets for each percentage point by which the Oppenheimer Fund's performance exceeds that of the index, up to a maximum of 0.30% of net assets.

If the fund's performance is below the S&P 500 index, the management company will be penalized by having to refund to the fund at the rate of 0.05% of average net assets for each percentage point below the index, up to a maximum of 0.30% of net assets.

The Oppenheimer Fund will have a basic fee schedule computed daily on the fund's net asset value starting at 0.50% for the first $150 million and declining thereafter to 0.36% for the excess over $1.05 billion. The fund has currently about $140 million of assets.

The "bonus" provision based on performance will be applied in addition to the basic fee based on net asset value. Here's how the new schedule would apply to 1966 results: The Fund had a 0.6% increase in net asset value per share. The percentage change in the Standard & Poor's index was a decline of 13.1%. Thus the management company would get a $211,422 bonus in addition to its basic $352,371 fee based on 0.5% of net assets. During the first nine months of 1967 the net asset value of a share of the fund increased 29.7% while the index increased 19.6% in the nine months.

The Oppenheimer Fund currently has a performance-type fee schedule, but the currently used fee schedule hasn't a provision for penalizing results that don't measure up to general market performance. Under the present management agreement, last year Oppenheimer paid $703,340, substantially above the $563,793 total due under the new fee.

A number of smaller funds have management fee schedules containing penalties for below-average performance. But Oppenheimer is believed to be the largest fund thus far to propose a plan of this type. Industry sources said that a number of other larger mutual funds are studying a bonus-type proposal. The Securities and Exchange Commission in the special report that it made to Congress in December 1966 criticized an advisory fee formula that was directly tied to capital gains or appreciation.

The new fee schedule will be presented to stockholders at a special meeting Dec. 28. Stockholders will also be asked to approve a 3-for-1 stock split and to increase the fund's stock authorization to 50 million from 25 million currently. There are currently about 5 million shares of Oppenheimer Fund outstanding.

POSITIVE ACTION ON VIETNAM

Mr. DODD. Mr. President, while the headlines of our major newspapers feature story after story about anti-Vietnam protest demonstrations and anti-draft demonstrations, the many evidences that the great majority of the American people understand and support our Vietnam policy regrettably do not receive the attention they deserve.

Because of this, I wish to invite the attention of Senators to a recent article published in the Stamford Advocate, reporting on a Christmas drive at the University of Maryland in support of the Ton Sun Nhut Orphanage in South Vietnam. I ask unanimous consent that this item be printed in the Record. In doing so, I am proud to point out that one of the students responsible for the success of this drive is a Connecticut resident by the name of Jimmy Goldstein, the son of Mr. and Mrs. Daniel M. Goldstein, of 15 Lanark Road, Stamford.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Stamford Advocate, Nov. 29, 1967]

ON THE SQUARE WITH LEN MASSELL

Jimmy Goldstein, son of Mr. and Mrs. Daniel M. Goldstein of 15 Lanark Rd., a student at the University of Maryland has been doing some interesting things recently.

Home for the Thanksgiving holiday, Jimmy, a member of Sigma Pi Fraternity, Alpha Chi Chapter, told how his fraternity just completed a Christmas drive for an orphanage at Ton Sun Nhut, in South Vietnam.

The chapter started the drive at the instigation of one of the alumni brothers, who had just returned from South Vietnam, and had visited the orphanage. He was so impressed by the youngsters there, that on his return he asked his fraternity brothers if they would do something for these kids—unfortunate victims of the war.

The boys at Sigma Pi responded. They had signs printed for store windows in College Park, and started to contact all of the other fraternities and sororities, as well as the men's and women's dorms.

They ended up collecting 1,500 toys, countless bars of soap, non-perishable candy, and children's clothing. They spent one Saturday picking up these items, sorting and packing them. The following Sunday, they rushed the packages to an air base for speedy transportation to South Vietnam, and the orphanage.

They did this at a time when they could have been at a football game, or off doing whatever college kids do on a weekend off. Particularly interesting at this time is that this is a group that is not "protesting" anything, or having a time at "pot" parties.

WORLD EFFORTS IN HEALTH

Mr. NELSON. Mr. President, on November 6, 1967, Mrs. Frances Humphrey Howard delivered a speech at the University Hospital, Edmonton, Alberta, Canada, entitled "Our World Efforts in the Fields of Health, Nutrition, and Population."

Mrs. Howard, who is chief of the special projects and organization liaison branch, office of the war on hunger for the Agency for International Development, made a very thoughtful presentation which is worthy of being read by my colleagues.

I ask unanimous consent that it be inserted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, Mrs. Howard is a remarkable person. She is a career civil servant in the Agency for International Development of the Department of State. She is chief of liaison to nongovernmental organizations and special project branch in the office of the war on hunger. She provides continuing liaison with the U.S. nongovernmental organizations and through them works with the many international organizations that are accredited to the United Nations and the specialized agencies.

For the past 5 years she has served as liaison with U.S. voluntary agencies in foreign services such as CARE, Catholic Relief Service, the American Joint-Jewish Distribution Committee, Lutheran World Service, and so forth. She has been a U.S. representative for the Agency for International Development as well as a participant at international conferences, including the Pacific Conference on Urban Growth, at Hawaii, 1967; the United Nation's Food and Agriculture Organization seminar on "Young World Food and Development," at Des Moines, 1967; the Fifth Pan-American Conference of Social Welfare, at Lima, Peru, 1965; the International Conference of Social Work, in Athens, Greece, 1964; and the Asian seminar on "The Role of Asian Women in Economic and Social Development," at Manila, Philippine Islands, 1963. Because of Mrs. Howard's special interest in the Inter-American Commission of Women and the Voluntary Agencies in Latin America, she has been appointed to the International Advisory Council of the Sixth Pan American Conference and Congress of Social Welfare, to be held in Venezuela, March 1968.

During World War II, Mrs. Howard served under Eleanor Roosevelt in the Office of Civilian Defense. She has also served as consultant to the National Conference of the U.S. National Commission of UNESCO in 1955, and to the White House Conference on Foreign Aspects of U.S. National Security in 1958. In 1957, she organized the first United Nations Association's people-to-people tour to Europe. In 1958, as director of the AAUN in Maryland, she traveled to the Soviet Union, Jordan, Egypt, and East and West Germany.

A native of South Dakota, she holds a master's degree in sociology from George Washington University in Washington, D.C., and has done advanced work in international relations at Johns Hopkins University. She now serves on a part-time basis on the faculty of Maryland University's graduate school of social work, teaching seminars in international community development. In 1962–63, as a member of the graduate faculty, she taught at the University of North Carolina School of Social Work. In March 1966, Lane College, Jackson, Tenn., bestowed upon Mrs. Howard the honorary degree of doctor of humanities.

In 1960, she received the Business and Professional Women's National Business Week Award for her outstanding professional achievements and community service.

Mrs. Howard lives in North Arlington, Va., a suburb of Washington, D.C. She is the mother of two, William, 21, a senior at the University of Minnesota, and Anne, 18, now attending Boston University.

EXHIBIT 1

OUR WORLD EFFORTS IN THE FIELDS OF HEALTH, NUTRITION, AND POPULATION

(Lecture by Mrs. Frances Humphrey Howard, chief, special projects and organization liaison branch, office of the war on hunger, Agency for International Development)

It is a very special pleasure for me to be here today with such distinguished specialists in the field of medicine and health.

I have long had a great interest in international development and particularly in international health affairs and I am honored by this opportunity to speak to you.

Let me say at the outset that I am not fortunate enough to belong to the honored Hippocratic fraternity. But I was married to a physician—I am a widow now—and this circumstance has brought me very close to the medical profession. Moreover, as a social scientist, I feel a certain kinship to physicians and other health professionals.

Julian Huxley once said that, in his opinion, "the most vital task of the present age is to formulate a social basis for civilization, to dethrone economic ideals and replace them by human ones. . . To the biologist who is not afraid of being a humanist, the essence of human life is seen in social relationships".

I fully agree with Huxley. And so I venture to say that health is not an end in itself, that we do not live merely to be healthy. But good health will contribute to the good life and help the healthy human being create the good society.

My medical friends have often said to me that they profit much from sharing their experiences with social scientists. They asserted that such a close extra-curricular association contributes to better teaching, better research, better health protection for all.

Similarly, some doctors I know claim that their greatest teachers have been patients—such human beings have taught them more than the most elaborate colored plates in the most expensive textbooks.

What has brought us here together today is our common interest in one of the most important tasks which face us, namely international cooperation in health.

It is a task that is affected by such world problems as poverty and rising population rates, to be sure. These and other problems are inter-related. But the mood and spirit of our times spurs us on to meeting these problems head-on.

Much can be done now, and must be done now, with the tools we have—research knowledge, technical expertise, perfected and tested supplies and materials, trained manpower, and public administration experience.

Science is now placing its miracles at the disposal of medical and nutritional disciplines. A century ago, all but 20 of the elements found in nature were laboratory curiosities. Now all 92 are at work, and new ones are being synthesized in atomic reactors.

This is the kind of progress that science fiction writers have trouble keeping up with. And it is the kind of progress that has become inevitable and almost automatic in the United States, Canada and some advanced European countries. It has an energy, a momentum, a direction, a multiplier of its own.

Above all, we will need international cooperation. Without cooperation between nations we shall never achieve our highest ideals and goals—a free world, free from strife, free from hunger, poverty, and misery and free from disease.

The Vice President of the United States recently stated that, in his opinion, "health is one of the threads that weave the fabric of peace. There is no peace in a society racked by disease". A nation plagued by hunger and disease can be permanently robbed of its productivity and creativity.

You, the doctors, have long known this and have helped make it clear to us in government, in Canada, in the United States, and elsewhere in the world.

That is why we, in the United States, have made the campaign against pestilence, disease, malnutrition, and illiteracy one of the cornerstones of our foreign aid program.

In the last year's Foreign Aid Message to the Congress, President Johnson stated that "the incessant cycle of hunger, ignorance and disease is the common blight of the developing world. This vicious pattern can be broken. It must be broken if democracy is to survive".

Today, sixty percent of the people, including 70 percent of the pre-school children in the developing countries, are malnourished. Each year malnutrition is the major factor in the death of almost half of the children in the less-developed nations before they reach the age of six.

Of those who survive infancy, malnutrition produces mental and physical retardation in 10 to 25 percent. Infant mortality rate is five times that of the developed countries. Life expectancy is only 47 years of age, compared with 70 years of age in the developed countries. There is one doctor for every 4,300 people, compared with one doctor for every 800 in the developed nations.

Killing and crippling diseases are still widespread in many developing countries, where malaria, smallpox, cholera, rabies and other diseases are still to be brought under control.

The Agency for International Development of the Department of State increased its health programs by two-thirds in fiscal year 1967, totalling $178 million, to control and eradicate serious disease, overcome malnutrition, and assist with bringing population growth into better balance.

The President indicated four broad areas for emphasis in the health field in our international cooperative program.

He placed first the emphasis on development of health manpower resources.

Second, he placed increased emphasis in the field of nutrition with a focus on the preschool child.

A third area of emphasis relates to population growth rates.

The fourth broad area deals with increased emphasis on disease control.

In all these areas we are now working in concert with the countries involved and with other participating countries and international, official and private voluntary organizations.

We are fully cognizant that our contribution is and will be only supplemental to the efforts of each developing country itself. The real achievements will come not from this supplemental effort but from the dedication and statesmanlike contributions that will be made by leaders such as you in the various countries.

Development of health manpower resources programs are now being stepped up everywhere. The President's proposal that an International Career Service in Health within the Department of Health, Education and Welfare be created is now being implemented. Similarly, the proposal that Peace Corps recruitment to meet health manpower needs in the developing nations is now being carried out.

Two weeks ago, the Vice President of the United States backed proposals to offer young people an opportunity for four years of "national service" at home and abroad as a substitute for service in the Armed Forces.

"Certainly we should carefully consider proposals," the Vice President said, "to equate service in the Armed Forces with four years of national service, two of them in developing nations and two in needful parts of America."

"Today in Vietnam," he said, "there are thousands of young Americans with some medical training." These Army medics and Navy and Marine Corpsmen have earned the trust of any serviceman who has needed medical assistance.

"Would it not be a step forward," the Vice President asked, "if these men found it easier upon their return to civilian life . . . to continue to provide health care?"

The development of health manpower has been one of the strongest and most significant activities in United States-supported technical assistance programs.

Throughout the years these programs continue to have a high priority in the Agency for International Development and its predecessors.

The developing countries are sending a number of leaders or potential leaders in various professional disciplines to the United States for graduate or advanced study and to promote the training of the bulk of the manpower needed to provide the variety of services required within the countries themselves.

There have not only been between 300 and 400 A.I.D.-financed participants in health fields receiving specialized training in the United States every year, but support has been given to the development of medical, nursing, public health and other institutions in the developing countries.

There are, at present, quite a few A.I.D.-financed university-to-university relationships and a variety of others involving direct-hire A.I.D. advisors.

The creation of institutions for education and training would be to little avail if mechanisms for the effective utilization of personnel did not exist. To overcome some of the obstacles to placement of trained personnel, A.I.D. and predecessor agencies have given assistance to Ministries of Health to improve the organization, administration and financing of health services, community water supply systems and other program activities.

Turning to the problem of nutrition, especially as far as children are concerned, the Food for Peace and Food for Freedom programs administered by A.I.D. today reach 70 million children, 10 million under the age of five. The goal is to reach 150 million children annually by the end of the next five years.

A.I.D. is exploring new ways of getting enriched food supplements to preschool children, training professionals and technicians in nutritional health and in social services, and encouraging the growth of foods with required nutrients.

The Nutrition and Child Feeding Service, a unit within the Office of the War on Hunger, strives toward the qualitative improvement of the nutrition of children and mothers. Its focus is on specific nutritive gaps.

This A.I.D. administrative unit encourages development of food industries in developing countries, professional and lay education, and assists in the extension of food processing, preservation and conservation. It establishes relationships with the research, scientific and educational institutions and maintains continuing liaison with voluntary agencies.

The focus of this Service is getting food of the right kind and quantity into the stomachs of the malnourished people. The staff capability of this Service is increased almost threefold by interagency agreements with the Public Health Service and the U. S. Department of Agriculture.

In the field of disease control, the United States has been battling disease around the world on an intensified scale since World War II.

A.I.D. is now stepping up the time schedule in this continuing campaign, aiming at total elimination or permanent control of some of the world's most widespread killing and crippling diseases.

The Health Service of the Office of the War on Hunger is sponsoring programs of health manpower development, communicable disease control, extension of community water supply and sanitation services and other health protective programs.

Malaria control, for example, resulting from the combined efforts of our foreign aid, the World Health Organization, and dedicated people from your ranks, has changed the lives and brightened the prospects of millions of people in the underdeveloped world.

Hundreds of millions of people have been rescued from the debilitating effects of malaria. In 20 years, the annual incidence of new cases has been cut back from 350 million to less than 100 million.

One third of the people who live in malarious areas have been freed from the danger of transmission. In India, because of malaria control, more than one billion mandays have been added each year to the economy. In Latin America, malaria transmission has been effectively interrupted in 46 percent of the original malarious area. Another 38 percent is under the protection of active campaigns, and only 15 percent remain in the preparatory phase. We have altered the course of history. Look at the lives that have been saved and the pain that has been relieved.

The battle continues against other diseases—often with success, but also with disheartening defeats. There has been a sharp increase in the number of smallpox cases around the world this year. But the World Health Organization goal to eradicate the disease from the world within a decade remains unchanged. The health oragnization's authorities are confident mainly for two reasons, they can eradicate the disease:

First, is the increasing availability of the more easily handled freeze-dried vaccine. The world is now capable of producing enough of the vaccine to supply every country in need.

The other major development is the perfection of a new "jet gun", so-called, that propels vaccine at a high velocity to the precise depth of the skin needed to achieve the best results without using a needle.

As many as 1400 persons have been vaccinated in one hour in India with the easily portable gun. The problem seems to be to get the people being vaccinated to pass in front of the gun fast enough.

In some parts of the world, such as Latin America, yellow fever, tuberculosis, leprosy and diarrheal diseases are still serious medical problems.

The mortality rate from tuberculosis is about 23 per 100,000 population in middle-America and 30 per 100,000 in South America. This compares with 4.3 per 100,000 population in the United States and 3.5 per 100,000 in Canada.

Leprosy is a far greater problem in Latin America than is generally realized in North America. About 400,000 people suffer from the disease but only about 60 percent of the known cases are being treated.

Fortunately, leprosy is now considered in most countries as just another communicable disease; compulsory isolation of leprosy patients has disappeared and leprosariums are slowly being transformed into hospitals. Venezuela has done a particularly outstanding job in training personnel for leprosy control and providing rehabilitation services for leprosy patients.

In collaboration with the Pan American Health Organization, Venezuela has organized a training school to which physicians from throughout the Americas can go for training in the different aspects and procedures for leprosy control programs.

Outside the immediate U.S. Government machinery, there is a whole constellation of educational, research, and scientific and professional institutions and organizations that are also involved in the international food nutrition and health programs.

The land-grant colleges and universities through grants or contracts from A.I.D. are playing an important part. Schools of public health, medical schools and other university departments have been involved, some under contract or grant from A.I.D., others independently or through grants from foundations or other sources.

A number of foundations have been particularly concerned in the international food and nutrition and health fields and have provided substantial grants related one way or another to these sectors.

A large new area of participation is now evolving. This is the vast potential of the United States food industry complex. The Agency for International Development continues to encourage greater private participation in our assistance programs and the creation of a climate in the less developed countries that will promote a vigorous private sector.

The most significant private sector involved in A.I.D. programs related directly to health and sanitation projects have been by the chemical industry; the pharmaceutical industry; private engineering and construction firms involved in the design, construction and operation of urban water supply and sewerage systems.

The pharmaceutical industry in the United States, in Canada, and in Western Europe have made significant contributions to the health of people in the developing countries by the development and marketing of the important drugs and vaccines used throughout the world.

The chemical industry is closely allied with the pharmaceutical industry and many of today's therapeutic agents were developed from unrelated chemical discoveries. The recent development of the plastic intra-uterine device is an example of a development in private industry which made possible a significant medical advance.

The plastic intra-uterine device is now being used throughout the world. Without the plastic, there would be no intra-uterine device and little likelihood that developing countries would be carrying out effective family planning programs.

The Agency for International Development has a special office of Private Enterprise to inform businesses and industries of opportunities in developing countries, to serve as a focal point for information and coordinate A.I.D. activities with respect to private enterprise, and to assist the Agency for International Development in effectively utilizing the vast resoruces of private enterprise in its overseas programs.

The role of professional organizations has long been very significant, even though less tangible than private industry and the foundations.

Probably the most significant United States based professional society operating overseas is the Christian Medical Society. This group has more than 600 physician members serving in the developing countries and it maintains contact with hundreds of hospitals and dispensaries overseas. It annually sends more than $2 million worth of drugs, supplies and equipment to these institutions.

The American Medical Association has been gradually expanding its activities in the international field. It has sponsored several significant conferences on international health; it serves as a focal point for information for American physicians wishing to serve overseas; and it provides assistance to A.I.D. in the recruitment of physicians to serve abroad.

The Association of American Medical Colleges created an international division a few years ago under foundation grants and a contract with A.I.D. The Association has done work to stimulate the interest of medical schools in the United States in the needs and opportunities of medical education programs in the developing countries.

All the medical schools in the United States now have a liaison officer for international activities. A survey by the Association revealed that over 4,000 full-time faculty members are interested in overseas service. The Association has undertaken a variety of services for A.I.D., the most significant being a year-long study of medical education in the developing countries.

Significantly assisting in improving health and nutrition in the developing countries are the voluntary agencies. They are making an increasingly important contribution in such areas as food distribution, child feeding, disaster relief, disease control and rehabilitation in the developing countries.

Registered American voluntary agencies such as CARE, Catholic Relief, Church World Service and others, now have some 900 American representatives overseas and employ about 7,000 local personnel in the countries where they have programs.

A number of non-sectarian, medically orienated, technical assistance organizations have developed since the Second World War. Two of the most successful of these organizations have been Project HOPE and MEDICO.

The first overseas program of Project HOPE took a large hospital ship to Southeast Asia where a number of medical care and training programs were carried out. A long-term rehabilitation program has been continued in Vietnam. Since then, the HOPE ship has been in Peru, Ecuador and Guinea.

After the ship leaves, usually after 9 months or more, a long-term institutionally based program is continued.

MEDICO which began as an independent organization, now works through the administration framework of CARE. It has had orthopedic, ophthalmological and other medical care-taking teams in countries of the Far East, South and Southeast Asia, Middle East, North Africa, East Africa and Central America.

These projects range in size from small rural clinics to large city hospitals and they may include doctors, nurses, equipment and drugs. In 1965, MEDICO ministered to half a million sick and injured people.

Both MEDICO and HOPE have some salaried overseas staff, but the majority of the medical personnel working overseas are volunteers working without pay or for salaries far below their U.S.-earning capacity.

In all its efforts in the fields of health, nutrition, etc., A.I.D. maintains a continuing dialogue with international organizations such as the World Health Organization (WHO), the Pan-American Health Organization (PAHO), UNICEF and FAO. This is effected through individual conferences or organized and planned committee for seminar sessions.

Nutrition specialists, for example, work directly with their counterparts in these international organizations. These informal relationships are reinforced by an annual meeting of representatives of WHO, FAO, UNICEF and A.I.D. at which all programs of the respective agencies relating to nutrition are presented and discussed.

Our limited time does not permit us to discuss in detail the wonderful work done by the World Health Organization in helping build strong national health services in countries around the world; in working with other governments on programs to eradicate or control epidemic, endemic, and other widespread diseases; and in promoting activities for the improvement of nutrition, sanitation, and maternal and child health.

WHO also promotes and supports research; works for the standardization of nomenclature and international standards with respect to biologicals, pharmaceutical products, diagnostic tests, and food inspection; supports reference laboratories; furnishes direct advice and aid to governments in emergencies; and seeks to enlarge our knowledge of the relationships of health to social and economic development.

The World Health Organization has a staff of more than 2,500, including doctors, nurses, administrators, scientists, statisticians; interpreters and so forth. In 1966, WHO was participating in over 900 government health projects in 143 countries and territories.

The United States is a member of both WHO and PAHO. The United States not only makes a major financial contribution to these organizations but it participates actively in the policy-making through its delegation at the World Health Assembly.

As for the problem of population control, assistance is now offered under a new policy permitting United States funds to be spent for contraceptive material when *it is requested* for family-planning programs.

We trust that common sense will prevail and the world will finally find it possible to cope with the human tidal wave which is threatening humanity itself with catastrophe.

The problem is indeed baffling. My colleague in the Office of the War on Hunger of the Agency for International Development of the Department of State and I—from the very able Administrator, Herbert Waters, on down—have been spending long hours well into the night trying to find solutions to the various facets of the problem.

But I am an optimist. For a world society that is likely to have a man on the moon within the next three or four years, it should not be too difficult to devise ways to prevent people from starving on earth, or living in the shadow of disease, misery and despair.

Now I know, in the minds of some of you the thought is ever-present: What can I personally do to help in this world-wide effort to alleviate conditions and to make life more pleasant on this planet.

The need is great, and each and every one of us can do something to help. In my opinion, the best and most effective way for a doctor, a nurse or a medical technician to render services would be through the World Health Organization and the Pan American Organization, or through such private agencies as MEDICO-CARE, the HOPE project, or the Christian Medical Society. Their addresses may be found in any library reference section.

It is very encouraging indeed to realize that the spirit of compassion and genuine brotherhood is increasingly permeating the world atmosphere. And, with the eminent historian, Arnold Toynbee, I should like to say to you:

"Our age will be remembered not for its horrifying crimes or its astonishing inventions, but because it is the first generation since the dawn of history in which mankind dared to believe it practical to make the benefits of civilization available to the whole human race."

I thank you. You have been a wonderful audience.

THE RUSSIAN MEDITERRANEAN FLEET

Mr. SPONG. Mr. President, an editorial entitled "Russia in the Mediterranean," published in the Washington Star today, points to rapidly increasing naval activities in the Mediterranean. While, as observed in the editorial, the Russian Mediterranean fleet serves a historic ambition to dominate the Middle East, the buildup also gives additional proof that the center of attention in the cold war has shifted to the Middle East.

I agree with the editorial that the increased naval activity by the Russians calls for immediate adjustment by NATO.

Mr. President, I commend the editorial to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RUSSIA IN THE MEDITERRANEAN

The Assembly of the Western European Union has good reason for the concern it feels over the withdrawal of French naval forces from the command structure of the North Atlantic Treaty Organization. As stated at the assembly's current meeting in Paris, the withdrawal has weakened NATO's southern flank at a time when the Soviet Union is obviously intent upon building up a powerful fleet in the Mediterranean.

This force—designed, among other things, to serve Russia's historic ambition to dominate the Middle East—has been in the making for some time. Its development was given particular dramatization during the Arab-Israeli war in June, when Soviet warships moved through the Dardanelles Egypt. There can be little doubt that the Kremlin plans to add to it in a way that might in time counterbalance, if not outweigh, the United States Sixth Fleet and give the USSR a position of unprecedented strength in what used to be considered a Western lake.

The WEU Assembly—made up of parliamentarians from Britain and the six-nation Common Market—has received a report criticizing France and expressing fear that the Soviet naval growth constitutes a potential threat to sea lanes vital to the West. Although Charles de Gaulle's government may scoff at this—or may not particularly care—the danger is nonetheless real. Cairo says it will not grant base rights to Russia or any other power, but the statement falls far short of being a guarantee. On some not distant day, if Moscow presses hard enough, such rights may be forthcoming from Egypt. Further, again if Moscow presses hard enough, the leftist Algerian government may invite the USSR to move into the huge naval complex at Mers-el-Kebir after the French pull out early next year.

It may be, of course, that the Russians—having in mind world-wide propaganda considerations and the vulnerable nature of fixed bases in the nuclear age—may not really want to take over places like Mers-el-Kebir. It is clear, however, that they are anxious to become a formidable naval power in the Mediterranean. That is why their forces in that sea have increased over ten times since 1963. That is why—as pointed out by Harlan Cleveland, American Ambassador to NATO—their naval operating days there during the first six months of this year were 400 percent greater than for all of 1963, and why their submarine operating days have increased by something like 2,000 percent in the past four years.

Plainly enough, whatever it may do about bases, Russia is in the Mediterranean to stay, and NATO's military planning must be adjusted accordingly.

UNIVERSAL EDUCATIONAL OPPORTUNITY AT THE POSTSECONDARY LEVEL

Mr. YARBOROUGH. Mr. President, on September 12, 1967, I introduced on the floor of the Senate a universal educational opportunity bill in the form of an amendment to S. 1126, the Higher Education Amendments of 1967. My bill would declare as the intent of Congress that universal educational opportunity at the postsecondary level be made available through appropriate public assistance. The procedural section of this proposal would direct the Secretary of Health, Education, and Welfare to make a study, with the assistance of a Commission established for this purpose, to determine the alternative plans that are capable of satisfying the congressional intent.

The essence of my amendment is simply this: to insure that opportunity for education beyond the secondary level is not limited by financial barriers. In short—to borrow the language and spirit of a phrase used by the very eminent former Supreme Court Justice, Felix Frankfurter—

> The chance for higher education [would become] independent of the cash nexus.

This proposal is neither new nor radical. Its virtues are the same as those supported in 1847 by Townsend Harris, the distinguished educator and founder of the City College of New York, who made the following stand for universal educational opportunity:

> Open the doors to all—let the children of the rich and poor take their seats together and know of no distinction save that of industry, good conduct, and intellect.

In order that an individual may have the capacity to cope positively with a very complex world, and that he may have the acuity to exercise creative and productive citizenship, it is clear that advanced education will be as necessary tomorrow as a high school diploma is today. If the egalitarian values and democratic hopes which launched the noble American experiment in 1789 have any meaning within the context of a modern America it is that advanced educational opportunity must be made available to all without artificial restrictions of any kind—no more financial than racial or religious.

I am pleased to observe, Mr. President, that Mr. J. W. Anderson, an articulate journalist associated with the Washington Post, has also been giving some thought to this important matter of college financing. In a very perceptive article, which appeared in the Post last Tuesday, December 5, 1967. Mr. Anderson makes the point that—

> Free and universal higher education is, after all, a less radical idea today than free and universal high school education seemed at the turn of the century.

Mr. President, we must begin today to meet the educational needs of tomorrow's America. This task demands the attention of us all, and Mr. Anderson's thoughtful article helps to focus our attention on the urgent need for a national commitment to universal educational opportunity beyond the high school. I commend this article entitled "Costs of College: A Federal Issue" to my colleagues and ask unanimous consent that it be printed in the RECORD for their review.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 5, 1967]

COSTS OF COLLEGE: A FEDERAL ISSUE

(By J. W. Anderson)

The American colleges have now arrived at the point that the American high schools had reached by the middle 1920's. They are still mainly the possession of the upper middle classes, but only to a steadily diminishing degree. They are, in fact, rapidly being democratized. Four out of every 10 Americans of college age are now actually enrolled in college, just about the proportion that went to high school in 1925.

Local property taxes built the high schools, but financing the colleges is not going to be so simple. As a practical matter, the Federal Government is the only instrument strong enough to carry out the simultaneous expansion of both capacity and quality that is already rapidly accelerating. The only real issue now is the form that the next decade's Federal aid to higher education must take.

In 1956, there were 2.8 million college and university students. By 1966, there were 6 million. In 1956, the American colleges and universities cost $4.2 billion a year. By 1966, the cost had risen to $15 billion. That is to say, enrollments had doubled but costs had nearly quadrupled.

Currently a college education costs, on the national average, about $800 more each year per full-time student than the student pays in tuition and fees. The deficit now is running over $4 billion a year. Within five years, it will be nearly $8 billion.

Most of this deficit is now being met by the States through their university systems. But, to maintain their present share of the burden, the States would have to find more new money for university budgets in the next five years than they added in the last ten. And there are urgent signs, of course, that they will not.

The U.S. Office of Education is now taking a close look into the future of college financing. Joseph Froomkin, OE's assistant commissioner for program planning, has carried out a pioneer study of the unanswered questions.

The distribution of Federal aid to students is, first of all, a bit eccentric. Each graduate degree in the natural sciences costs, on the average, $7580 in Federal aid to students. But each graduate degree in education costs an average of $267 in Federal aid. In humanities, the average is $449; in social sciences, $1939; in engineering, $1657. Is advanced training in the sciences really worth five times as much to the country as in engineering, and 29 times as much as in education?

The same kind of unintentional oddity affects the Federal aid to college and university construction. The institutions in large metropolitan areas enroll 46 per cent of the students, but got only 22 per cent of the aid last year. The institutions out in the country enroll 25 per cent of the students, but got 54 per cent of the construction aid.

Careful administration is the remedy to this kind of inequity. But the main question raised by Froomkin is much harder to resolve. The number of college students from low-income families will largely depend upon public aid, and that will increasingly mean Federal aid. If the Federal Government encourages additional youngsters to go to college, Froomkin asks, does not the Federal Government have a responsibility to expand the colleges?

Almost half of the enrollment in the American colleges today comes from the top one-fourth of the economic ladder, with family incomes over $10,000. Fewer than 7 per cent come from the poorest one-fourth.

Froomkin then asked his computer what would happen if the Federal Government eliminated every financial impediment to attending college. With full scholarship aid to all who need and ask it, the computer replied, enrollment would rise to about 6.2 million full-time undergraduates by 1972, instead of the 5.1 million who could be expected to enroll without Federal aid.

The difference in enrollments is relatively modest because inadequate school preparation and lack of interest would remain powerful deterrents among the poorest youngsters, even aside from any financial pressure.

The other half of the aid issue is the deficit that the universities would bear for each of those 1.1 million additional undergraduates enrolled with Federal support.

Perhaps the best answer is also the simplest: Give Federal scholarships to the youngsters who need them, and flat Federal subsidy to the university for each of its students. Free and universal higher education is, after all, a less radical idea today than free and universal high school education seemed at the turn of the century.

SECOND HIGH CHURCHMAN VISITS LAS VEGAS

Mr. CANNON. Mr. President, last Friday evening, Hugh B. Brown, first counselor to David O. McKay, president of the Church of Jesus Christ of Latter-day Saints, spoke in Las Vegas.

Thousands of persons, many of whom were not members of the Latter-day Saints Church, but were vitally interested in the ecumenical spirit of our times, heard President Brown's address at the Las Vegas Convention Center.

President Brown is the second religious leader to visit Las Vegas in recent months. Earlier, the city was honored by a visit by the Most Reverend and Right Honorable Arthur Michael Ramsey, Archbishop of Canterbury, who participated in an ecumenical service.

Las Vegas has been singularly honored by the visits of such respected and outstanding spiritual leaders. The Las Vegas Review-Journal, in its December 5 editorial, commented on the significance of these visits and of the remarkable contributions of the Latter-day Saints Church to the city of Las Vegas. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Las Vegas Review-Journal, Dec 5, 1967]

Counselor Brown's Visit Honors Southern Nevada

The visit to Las Vegas by Hugh B. Brown Friday held great significance to Mormons and non-Mormons alike in southern Nevada. Brown is first counselor to David O. McKay, president of the Church of Jesus Christ of Latter-day Saints.

Because of failing health on the part of President McKay, much of the role of active leadership of the LDS church has fallen on Brown.

In many ways, Brown's visit can be compared to the recent sojourn in Las Vegas by the Archbishop of Canterbury. In both cases, there was new evidence that Las Vegas has become a major city deserving of visits by high church leaders, and that its image as a "sin city" is fading.

Brown is perhaps the highest official in the LDS church ever to visit southern Nevada.

The visit is doubly appropriate. It was Latter-day Saints who first toiled their way across the high country of southern Utah to settle on the site that later became Las Vegas. The first schools, first churches, first farms and first mines in southern Nevada were wrought by the sweat and sacrifice of Mormon pioneers.

Not only does Las Vegas owe a big piece of its heritage to the Latter-day Saints, even today Mormons represent a major portion of the community's business and civic leadership. Every Las Vegan should join with them in appreciation of the visit of Counselor Brown.

RECORD OF ACHIEVEMENT OF IRAN-AMERICA SOCIETY

Mr. ANDERSON. Mr. President, a notable event took place at the Freer Gallery of Art on October 26, 1967, under the joint auspices of the Iran-America Society and the Freer Gallery participating in a national salute to His Imperial Majesty Mohammad Reza Pahlavi, Shahanshah of Iran, and Her Imperial Majesty Shahbanou Farah of Iran. It was a double event because it was the birthday of His Imperial Majesty who has done so much to improve the standards of living and the way of life of a noble people and serve as a stabilizing force in the Persian Gulf as well as the coronation of these two great leaders.

I commend to the Senate the record of achievement of the Iran-America Society whose president, Ralph E. Becker, a distinguished international lawyer, is an old friend of mine.

This organization is only 3 years old and is exclusively dedicated to furthering the enduring friendship, mutually striving for better understanding and cultural ties, between the people of Iran and the United States. Its purpose is to foster among Americans and Iranians a greater knowledge of the arts, literature, science, social customs, and the economic and political patterns of the United States. So, it was befitting that this organization, with the cooperation of the State Department and the Ambassador of Iran, participate in a national salute with exhibits in 15 museums which included the Seattle Art Museum, Los Angeles County Museum, Detroit Institute of Arts, William Rockhill Nelson Gallery of Art, Kansas City, Mo., Cleveland Museum of Art, Cincinnati Art Museum, Philadelphia Museum of Art, University of Pennsylvania, Fogg Art Museum of Harvard University, Boston Museum of Fine Arts, Corning Museum of Glass, Corning, N.Y., the Walters Art Gallery, Baltimore, Md., Textile Museum of Washington, D.C., the Library of Congress, and the Freer Gallery of Art.

His Imperial Majesty, the Shah of Iran, has performed 26 years of noble stewardship and, as stated by our Vice President, the coronation is a fitting ceremony marking these 26 years which have also been years of momentous achievement in Iran.

Mr. President, I ask unanimous consent that the remarks of the Vice President of the United States, Hon. Hubert Humphrey; His Excellency, Hushang Ansary, Ambassador of Iran; and Ralph E. Becker, president of the Iran-America Society, be printed in the Record.

The moderator of this signal event was John Pope, director of the Freer Gallery of Art. The ceremonies included the presence of the U.S. Marine Band.

There being no objection, the items were ordered to be printed in the Record, as follows:

Remarks of Vice President Humphrey Marking Celebration of Shah of Iran at the Freer Gallery, Washington, D.C., October 26, 1967

Mr. Ambassador, Ladies and Gentlemen, Friends, it is most appropriate that we celebrate a great nation at this time and in this place.

Today in Tehran His Imperial Majesty, Mohammad Reza Pahlavi, is being formally crowned Shahanshah of the Iranian nation. It is a fitting ceremony for marking twenty-six years of stewardship which have also been years of momentous achievement in Iran.

It is a special pleasure for me to participate in this ceremony as I have only recently had the privilege of meeting with His Majesty here in Washington. The President and Mrs. Johnson were proud to have an opportunity to once again welcome such a stalwart friend and distinguished leader of a great and flourishing nation. We benefited from his wisdom and were stimulated by his forward looking statesmanship.

The Shahanshah had refused to be the crowned head of a poor nation. He takes today the symbol of his office in the certainty that Iran has made great progress in its social and economic life. He will join today too with the aspirations of Iran's women, symbolizing their full equality by placing a crown upon the head of the Empress Farah.

I can only speculate about the mainsprings of Iran's unique talent. Scholars have asserted that it derives from clear skies and a bracing climate. Others have noted Iran's flexible and beautiful language. It could be the vitality of a people whose religion has taught that simplicity is virtue and whose very old culture found its heaven in light and truth. Iran's artistry may owe even to the vicissitudes occasioned by a people's historic unwillingness to be absorbed by a larger power, or by transitory force.

I would like to recall how skillful leadership has, during a reign of just more than a quarter of a century, spurred the creation of a newly-constituted Iranian social and economic fabric.

Much of the history of this period has been one of courage and perseverance, steadfastness and determination.

Iran was not blessed with peace at the beginning of this reign early in World War II. Iran was divided and occupied, but Iran survived.

Neither were the early years of the Cold War easy ones. One fourth of the country was occupied by the Soviet Union. In a most difficult period, Iran persisted and those occupying troops were removed.

The following years were also not easy. The demands of modernization were sudden and appallingly difficult. Under the leadership of the Shah, Iran survived these crises, and new ways were found for the nation to direct its energies and control its vital resources so that it began to prosper.

Through all these years, Iran has concentrated on its internal needs and has played a constructive role in foreign affairs. Iran has not squandered its resources and energies on foreign adventures. It has realized that the true strength of any country comes from greatness within, but it has also steadfastly defended its independence and sovereignty so as to permit its internal development without outside interference.

Under the leadership of the man who is being crowned this day, Iran has taught all of us that the task of nation building and maintaining a great nation requires above all else persistent effort and an unwillingness to turn from difficult tasks.

Ladies and Gentlemen, the works of art that we are going to visit together are not mere artifacts, they are not the relics of a civilization that has flourished and disappeared. They are symbols of a still vibrant, living nation, and of its courageous leader.

This is our way of saluting the man who today is being crowned Shahanshah of Iran and of celebrating too the coronation of his gallant partner in leading Iran toward its goals of peace and security, the Empress Farah.

The people of America extend to the people of Iran our very best wishes for their continued progress and happiness.

His Imperial Majesty has our prayers and good wishes in this great hour of his coronation.

Statement by His Excellency Hushang Ansary, Ambassador of Iran at the Freer Art Gallery, October 26, 1967

Mr. Vice President, distinguished guests, permit me to express my sincere appreciation and gratitude for your presence here today. We are indeed grateful and deeply touched, Mr. Vice President, that you have taken time out from your important duties in order to join us on this auspicious occasion which underscores once again the deep bonds of friendship between our two nations. The people of Iran are indeed fortunate, Mr.

Vice President, to have in you a great and good friend.

The coronation in Iran is not merely a time of pomp and circumstance. It reaches back thousands of years in Persian history and touches the deepest roots of our traditions, our institutions and our national character. On this auspicious occasion it brings together the glorious past and bright future of Iran. It marks over a quarter of a century of self-sacrifice and unending devotion by the Shahanshah for the people of Iran, in its first stage to bring relief from internal chaos and establish order in external relations—and in its second session to revolutionize the entire social, economic and political structure of the country. It is a source of pride—pride with humility—for the people of Iran that on his coronation the Shahanshah has, not only their love, complete loyalty and deep gratitude, but also the recognition of the world as a force for peace, for justice, for liberty and equality. If I may express the lesson we proclaim in the coronation, it is this: That the Shahanshah has taught the people of Iran to demonstrate that a nation can bring together the technology and social purpose of the modern world with the wisdom and richness of its own experience. Iran has renewed the ancient truths in modern conditions, and it is for this that the Shahanshah will be remembered most in the long succession of Iran's kings. Thank you very much once again, Mr. Vice President, for this honor.

Remarks of Ralph E. Becker, President, Iran-American Society at the Freer Gallery, October 26, 1967

Mr. Vice President, Your Excellency the Ambassador of Iran, Distinguished Guests, Friends, Mr. Pope, it is a great honor that we in the United States are participating in a National Salute to His Imperial Majesty Mohammad Reza Pahlavi, Aryamehr, Shahanshah of Iran, and Her Imperial Majesty Empress Farah Pahlavi, Shahbanou of Iran on a very joyous occasion—the Coronation of two wonderful leaders. Today is also the birthday of His Imperial Majesty, who has done so much to improve the standards of living and the way of life of a noble people and serve as a stabilizing force in the Persian Gulf. We wish them good health, happiness and a long life together.

Iran has sent to this country many distinguished Ambassadors. However, this nation is unique in that it has sent a silent but effective second Ambassador in its great art objects which exist in practically every museum in this country. Its popularity is well known. A few years ago the collection "7,000 Years of Iranian Art" was received in this country and the exhibit broke attendance records in the museums in which it was shown, and was extended an additional year. In the Nation's Capital we have many examples of this great art—in the Freer Gallery, the Library of Congress, the Textile Museum and the National Gallery of Art. Iranian art is greatly appreciated as it always depicts serenity, sweetness and beauty of life in contrast to other arts that sometimes show anger, fear, torture and despair. Iranian art is inspiring and shows the true human values. It has a long life of over 7,000 years and recently, according to new archeological finds, perhaps 8,000 years.

Our organization, though only three years old, has a membership of over 500 and a distinguished Board of Directors. During observance of Coronation Week we have put together a very fine program to commemorate the Coronation with exhibitions in 15 museums participating in a National Salute from Seattle to Boston—Philadelphia to Los Angeles. It is highlighted by the ceremony today at this distinguished Gallery.

Before introducing the Speaker for this occasion I want to thank Mr. Pope, his staff, the Department of State—particularly Mr. Ted Eliot, Director of Iranian Affairs and Mr. Hollman, His Excellency the Ambassador of Iran, Hushang Ansary, and his staff and particularly his Public Affairs Officer, Kambiz Panah and the Directors of the 15 museums throughout this country.

When President Johnson was the Vice President he visited Iran and we hope Vice President Humphrey will, in due course, make a similar visit as a good omen for his future. It is a privilege to introduce the Vice President of the United States.

THE OTEPKA CASE

Mr. CURTIS. Mr. President, within the next few days Secretary of State Rusk will announce his decision in the celebrated case of Otto Otepka, a State Department official accused of improperly giving information to congressional committees.

The shocking details about the way this case has been handled, and particularly about the way the people's "right to know" was thwarted in its handling, are set forth in a report published by the Advancement of Freedom of Information Committee of Sigma Delta Chi, professional journalistic society.

It is my fervent hope, Mr. President, that the full report of the hearing examiner in the Otepka case will be made public, and that this report together with Secretary Rusk's decision will shed some much-needed light on the facts.

I want to call attention particularly to these points in the Sigma Delta Chi report:

First. The hearings were secret and the transcript has been kept secret thus far with no valid justification.

Second. A hearing officer was selected within the State Department, subject to all the pressures within the Department, instead of obtaining the services of an impartial outside examiner.

Third. There have been major conflicts in testimony and major omissions of official explanation as to the use of illegal eavesdropping and wiretapping in the collection of evidence to discredit Mr. Otepka, thereby to justify his ouster.

If the hearing examiner's report is not made public or if it and Mr. Rusk's decision either singularly or together do not present a clear picture of what happened, Mr. President, I feel that a full congressional investigation will be in order.

The functioning of Congress will be seriously hampered, and the will of the people thwarted, if officials of executive agencies are required to live in fear that they will lose their jobs or be demoted or punished in any way for giving information to Congress. Factual, accurate information from the executive branch is a cornerstone for much of the legislation which must be enacted for the Nation.

Mr. President, I ask unanimous consent to place in the Record at this point the portion of the Sigma Delta Chi report dealing with information in the Otepka case, as follows:

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The State Department has another such controversy on its hands. In the first two months after the FOI Act went into effect, State received about a dozen formal requests for specific documents and granted them all except three. All three refusals covered transcripts of hearings concerning Otto Otekpa, a department official accused of improperly leaking information to congressional committees. State classifies the transcripts as relating to internal personnel matters, a specific exemption under the law.

The State Department secrecy in this instance was an obvious effort to hide a record that is ambarrassing to Secretary of State Dean Rusk and other high officials. The only real justification for secrecy on personnel records is for the protection of the government employee. This could not be used in the Otepka case, for Otepka had asked that the hearings be public so he could get the full story of the "get Otepka" conspiracy before the public.

When the fallacy of the original justification for secrecy was pointed out, the State Department then claimed that it was justified in conducting secret hearings because national security was involved. In this instance it was pointed out that two documents used in the hearings as evidence carried a national security classification.

Under questioning, the State Department lawyer admitted that the two documents with a national security classification had already been published in full in the reports of the Senate Internal Security Subcommittee. Although this publication had taken place with State Department knowledge more than a year prior to the Otepka hearing, the State Department refused to change its position.

A study of this entire case makes it obvious that the State Department was misusing a claim of national security for purposes of hiding or obscuring the record. The record of this case discloses a disgraceful pattern of inaccurate and misleading testimony by high State Department officials. These officials gave inaccurate misleading testimony in connection with security cases. When Otepka gave testimony and produced records proving that superiors had lied under oath, the superiors used unauthorized eavesdropping and wiretapping as well as other police state methods to try to obtain grounds for firing Otepka.

High State Department officials denied they had engaged in eavesdropping and wiretapping when questioned under oath by a congressional committee, and they made the same denials to the press. Later, these officials were forced to admit that there had been the eavesdropping and wiretapping as part of a "get Otepka" move.

For the four years that this case has been pending before the State Department, the Department press office has engaged in a broad pattern of inaccurate and misleading statements to reporters and interested citizens in an effort to smear Otepka. That outrageous pattern of deception has continued at least through August 1967.

THEY HELPED TO MAKE THIS NATION GREAT

Mr. BYRD of West Virginia. Mr. President, an anniversary passed this week that should not go unnoticed. December 6 was the 60th anniversary of the worst coal mine disaster in the Nation's history, the tragedy that occurred at Monongah, Marion County, W. Va., on December 6, 1907, when 361 coal miners lost their lives in an explosion.

Great advances in mine safety have been made since then, I am thankful to say. Many other tragedies have occurred in the coal fields of West Virginia and other States where coal is produced, but none that left as many families bereaved as that at Monongah.

The Nation owes a great debt of gratitude to the men who have mined the coal that has powered our industrial progress. America's industrial might traces as much to its wealth of coal, and to the brawn and skill and courage of the men who have gone into the bowels of the earth to extract it, as to any other of the many factors that have made our country great.

It is fitting, I think, that we remember those who have given their lives in the hazardous undertakings that have contributed to giving this Nation its position of preeminence today.

An excellent article commemorating the tragedy at Monongah was published in the current issue of the weekly West Virginia Hillbilly, the unique newspaper published by Jim Comstock and Bronson McClung at Richwood, W. Va.

Mr. President, I ask unanimous consent that the article, written by Charles Carpenter, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Lest We Forget: 60 Years Ago 361 Died at Monongah

(By Charles Carpenter)

On a clear, cold morning, it was December 6th, 1907, six decades ago this week almost four hundred miners and other workers left their homes, went to the Monongah Mine, most of these passing into the mine for the day-time tour of duty.

The Monongah operation consisted of two large "workings" joined together by haulways, air shafts and otherwise; including electric cable tunnels, and walking passages. The two outside openings leading into the mine were nearly half a mile apart. One was at an elevation of sixty feet higher than the other, the difference in level being due to the coal seam dip at the place, which was a little in excess of such levels of the vein in general elsewhere.

At 10:28 A. M. on the fateful Friday of December, after the morning whistle had blown, and the horde of miners had gone into their working places, and had been at their tasks a couple of hours; the explosion let loose. It was with an unprecedented violence and magnitude, one which was never thought by anybody as being a possibility.

At the high portal a great mass of mine cars, trackage, coal, wooden props, bodies of horses and mules—and of men—came out through the drift mouth of the mine as if the mass had been shot out of a monster cannon. A large fanhouse at the portal outside of the opening of the upper portal was torn to pieces, three workmen in it killed.

This portal of the mine, built on the order of those at most big operations, was strongly constructed of cement and bricks, reinforced with railroad rails, old boiler tubes, steel cable wire, and such things. The portal was so built to prevent landslides coming down and doing damage, or blocking the entry.

The whole portal structure at the upper opening was torn apart as if a heavy charge of high explosives might have been planted right under it and set off.

The mine explosion was so terrific that a hole was blown in the side of the hill above the coal vein in one place a good distance from the openings, this letting daylight into the working "room" where this took place. This was where a "room" was close to the surface, the overlay of earth being only a few feet in thickness. But even with this fact in consideration it showed that it took an enormous explosion pressure to lift the hundreds of tons of earth, throw it aside, and bring a hole from the "room" to the outside.

If people at the time had known about the atom-bomb, and its vast force, the herculean mine blast at Monongah might have been likened to an underground atom-bomb explosion. The knowledge that there was such a thing as atom-bomb chain reaction was the time of a whole generation off.

Just after the explosion an intensely heated air current rushed outward from the mine headings in other words, the two openings. Because of this it was impossible for anyone to enter the mine. Going in was not practical until the fanning system was put back into working order, and the poisoned and heated air partly drawn out, and some fresh air forced in.

No one could have lived for more than a few minutes in the contaminated air that was issuing from the two entries for a while after the blast. This even on the surface outside the mine. Smoke was seen coming out of both portals, which indicated that fires must be burning inside at places. The fan at the lower opening was put back in working order in something less than an hour; but at the upper portal a whole new fanning outfit had to be brought in and installed, which could not be done in any short time. This was an all day and night job.

A few hours after the work was completed on the lower fanning system, a few rescue workers—miners from all the neighborhood mines had gathered to the number of several hundred, and offered their services as rescuers—were permitted to go into the lower opening. Some hours later a team of men were started into the upper drift mouth. At the time there were no gas masks around mines, and those entering had to go in with the risk of being overcome at any moment.

At the lower opening where there was a slope down into the mine, just before the explosion a coal "trip" had broken loose and run back down the slope, wrecking and completely blocking the passage. In the upper opening on a level, the rescue team entering it, found that it was almost impassable. This passage-way was strewn with twisted rails (mine rails were about one-third the size of the average standard railroad rails), mine cars, piles of coal, timber props, tools, parts of working machines; and tragically, with the bodies of men, besides those of horses and mules.

The mine's electrical wiring system which had taken power into the working places to run the cutting machines, and to propel the hauling motors, was blown to pieces. The comparatively few electric lights the mine had were totally gone. Strings of twisted electric wire were everywhere.

Only safety-lamps could be used along the passages in the first relief attempts, as open lights would have been too much of a risk at this stage. At the time battery lights were not in use. Miners wore lightweight caps with oil "cup" lights hanging on them in their daily work.

When rescue teams finally got back some distance along the haul-ways and into the rooms, no one was found to rescue, as it had been thought that there possibly would be. Every man found in the mine after the rescuers got to work was dead. One miner was come upon in a half closed off room with an open dinner pail by him; seemingly he had been getting ready to take a between-meal snack. Oddly the dinner pail was not upset. The man seemingly was killed by the sudden rush of toxic gas upon him. His face was burned.

Rescuers getting a little over a thousand feet back into the main headway, the one leading from the upper portal, came upon a wrecked "trip" of coal which had been moving outward in the direction of the portal. A portion of the cars were smashed. Coal from the "trip" was scattered deep along the haulway ahead of the "trip." The motorman's body had been driven into the mechanism of his traction-motor. The brakeman was found blown clear through a hundred feet ahead of the "trip".

In the working rooms horses and mules had been used to pull the loaded cars from the coal "face" to the haulways, where the traction motors were coupled to the cars to take them out of the mine. Not a horse or mule was left alive in all of the rooms, or anywhere in the entries.

Throughout the mine after the overhead, and in places on the coal vein face were small (some almost microscopic) deposits of coke, which came from the blast heat. As these were in many places agglomerated the indication was that at the time of their deposit they were extremely hot, so heated that they were momentarily in a semi-fluid condition.

It was the opinion of mining experts and metallurgists that these fragments of coked coal-bits travelled so fast at the moment of the explosion and in their nascent state that they did not have time to cool. It was believed that the two or three "after fires" following the blast were set by the swiftly drifting heat-charged fragments. Two chemists coming to the scene concurred with this belief, saying the fire settings necessarily came in this way.

Oddly five men came out of the mine through the hole that was blown through the "roof" where the overlay was not thick, which has been mentioned. Only a few minutes after the explosion four men crawled out through this vent. All the men were injured, one having lost an eye. These men had been in a "room" which had been blocked off by debris driven into the haulway near their working place, this blocking much weakening the force of the blast upon them. They saw the light coming through the blown out "toad hole", and were able to escape through it. In mining a surface break-through letting in daylight is designated as a "toad hole."

Just as these four men reached the surface they heard moans down in the blown-out hole, and a rescuer went down with a rope around his waist so that he could be pulled back in case he stopped calling back and was overcome by gas. This rescuer dragged up through the hole the fifth and last man coming from the mine alive. The man lived and worked many years in the mine afterwards. (It took six months to clear the mine and to re-equip it for full operation.)

An attempt was made early in the rescue work to get into the main spaces of the mine through the "toad hole" opening, but the mass of debris blown into the haulway leading to this space made this impossible. The passage was totally closed off.

In a couple of days the task of bringing bodies from all the working rooms and from along the entries got in motion.

In the week after the explosion two hundred and eighty-four bodies were buried in the two cemeteries of Monongah. The other dead were taken elsewhere for interment. The final official count of the fatalities was fixed at a total of 361.

It was never satisfactorily determined exactly what caused the explosion. The County Coroner's Jury handed down the verdict that it resulted from "either what is known as a blown-out shot or by the ignition and explosion of blasting powder in the mine."

The opinion of the County Coroner's Jury meant very little, or better than that, nothing.

Seconds before the blast took place, as has already been stated, a "trip" of mine cars loaded with coal broke loose at the top of the not-too-steep incline at the lower portal, running back into the mine wrecking at the bottom of the slope. In the belief of a number of mining experts this was what triggered the explosion; and there seems no doubt this was true. The dust explosion at this one point, perchance from an electric circuit short, or from a metal-striking spark, at once extended from there into the interior of the mine, this being all so close in time and so connected. The whole thing was in actuality a single blast.

Immediately after the Monongah disaster a wave of sympathy swept the country for the distressed families in the community—there being only a few homes where death had not visited. Within a few days a large fund was collected in eastern cities, and sent to give aid to those needing it; to help bury the dead.

Much of the Monongah population was foreign, some not being able to speak English; but this made no difference anywhere to those asked for help. In such time and in such a case, people do not ask from what country victims have come.

The majority of those losing their lives in the explosion were of southern European and Slavic extraction, and perchance the descendants of these inhabitants of the place at the time of the disaster developed a greater love for the American land and the people because of the things which were done to help them.

The population of Monongah today is still dominantingly of near foreign descent. You can see the European in many of the second and third generation descendants of the originally foreign-born dwellers. In some of the young women you can discern the girlish beauty which is noticeable among two or three of the golden-haired European racial stocks of today.

Three men were lifted from death as if by a hair; as though some strange dark angel appeared on the scene, looked about, and said: "Come with me."

Just before the explosion a miner found his cap lamp leaking oil, and in need of repair. Miners cannot work without some light, though they get accustomed to an almost stygian darkness; get used to working in an illumination that is meager to say the least. The miner with the defective "cap-hanging" lamp went out of the mine minutes before the explosion to get his "light" fixed.

In another room a "shovel man" was at work who the evening before had been somewhat under the influence of the old Demon Rum. Fingering around in his pocket, he found he had a quarter with him. He dropped his tools, and bummed a ride on a "trip" out of the mine to get himself one more drink of the beverage he had partaken of so freely the evening before. A saloon was not far from the mine mouth.

Another man forgot his plug of chewing tobacco when he went to work the morning of Monongah's terrible day. As he could not do without chewing tobacco, as many cannot do without cigarettes today, he ceased his labors, for a few minutes he probably thought, to go out of the mine and to the nearby store to purchase a plug of tobacco.

The three men had emerged from the heading less than five minutes before the herculean blast took place; the outburst which shook buildings a mile away, threw two horses down walking a good distance off from one of the mine portals, broke windows, and flung clouds of soot and grime for half a mile around.

One of the three men told of, although he had never been a man of religion and was a sort of scoffer, an hour or so after the disaster, got down on his knees in a throng of mourning and weeping men, women and children, fervently thanking the Almighty for sparing his life.

One of the last survivors of the five coming out of the mine through the "toad hole" after the explosion was Patrick McDonald, who was severely injured. He afterwards worked as a timekeeper for the coal company, passing away after reaching a ripe age, December 7th, 1958, the day after the anniversary of the explosion.

One of the men whose life was snuffed out in the Monongah explosion was Victor Davia. He lived with his wife Catherine, and their two children (one son still lives in Monongah) about a mile from the upper mine opening The day after the blast which took the life of her husband, Catherine Davia went to the mine tipple, gathered up a sack of coal and carried it home. She stacked the coal in her backyard.

The widow of Victor Davia did this coal-carrying every day until she became ill about three weeks before she died in 1936. The pile of coal in Catherine's backyard grew and grew, mounted and mounted, until it was higher than the house in which she lived.

The figure of the thin, not too-strong woman trudging homeward with her daily sack of coal was a familiar sight at Monongah for years. She refused aid offered to her in carrying her coal. She told everyone that it was because of the affection for her dead husband that she was transporting the coal and erecting her "monument", and it was her wish to do this work herself, without the aid of anyone.

Catherine was only seventeen when she married Victor Davia. She was just twenty-two when Victor lost his life in the disaster. Mrs. Davia was in her fifties when she died in 1936, but looked older.

Catherine Davia built her steadily mounting "monument" as she wanted to. She told one of her neighbors once that she wanted to "live" her monument as she erected it.

The pile of coal she carried reached from 300 to 350 tons, equaling almost seven railroad car loads. Efforts were made to buy the coal, but Catherine Davia refused all offers to purchase, as she had turned down aid in carrying the coal. After her passing the great mound of coal was given away and distributed to local institutions which could use the coal as fuel.

If anyone should happen to go on the errand to Monongah to see the little patch of ground upon which the massive pile of coal was heaped up in Catherine Davia's backyard, coal which she carried daily for twenty-nine years, during times when she was weak, day after day, through rain and snow, heat and cold, it would be well for such a visitor to tread lightly upon the soil of the place, for here was a second tragedy at Monongah originating in the love of a young woman for the man she had wed.

FRENCH AEROTRAIN CLAIMS WORLD RECORD

Mr. PELL. Mr. President, I wish to call to the attention of the Senate to an article from the New York Times of December 5 reporting that the so-called aerotrain has been clocked at world record speeds of at least 215 miles per hour in tests now being conducted in France.

This is a significant development because the aerotrain is a radical innovation in transportation and its performance is being watched with great interest. Its technological distinction lies in the fact that it is wheelless and rides on a cushion of air along a concrete track structure.

I have been interested in this unique development in connection with my long-standing concern for improved transportation in urban areas. Last fall, I had the good fortune to inspect the aerotrain project and took a test ride together with Mr. Lowell Bridwell, the distinguished administrator of the Federal Highway Administration. I came away with a great deal of respect for the project, which holds great promise, I believe, for providing highly efficient transportation over intermediate distances. In France, it is expected to transform the city of Orleans, into a suburb of Paris, even though the two cities are 70 miles apart.

Great credit in the development of this idea goes to the brilliant designer, Jean Bertin, and to Leon Kaplan, president of the aerotrain study group.

I ask unanimous consent that the article from the New York Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRENCH TRAIN RIDES ON CUSHION OF AIR AT 215 MILES PER HOUR

(By John L. Hess)

PARIS, December 4.—France's wheel-less "aerotrain" roared along its concrete rail at 233 miles an hour today—well, anyway 215—and its builders claimed a world record for track vehicles. In fact, to heighten both the glory and the confusion of the event, it is reliably reported that the sleek aluminum car has actually done 250 miles an hour in lonely sprints along its 4.2-mile track at Gometz-la-Ville, south of Paris. The test today, in the presence of three Cabinet Ministers and hundreds of newsmen, was to be ceremonial. But fog covered Gometz-la-Ville, and by the time it lifted, the Ministers and nearly all the newsmen were gone.

Then the helmeted crew went for the record anyhow in "Le Zinc," as they call the car. With a jet engine backed up by two rocket tubes, they made it easily.

Over the roar of the engines, the crew broadcast a reading that sounded like 375 kilometers an hour. The builders corrected that tonight to 345, based on ground measurements. But that equals 215 miles an hour, which is 20 miles faster than the record—also French—for a conventional locomotive.

Le Zinc is a half-size experimental model of the aerotrain designed by Jean Bertin. It rides on an air cushion a tenth of an inch thick along a concrete track that looks in cross-section like an inverted T. The fullscale model, driven by a turbopropeller, will carry 80 passengers up to 250 miles an hour. Mr. Bertin hopes to begin building it soon.

The car will be slowed by reversing the pitch of the propeller, stopped by brakes gripping the concrete rail. In emergency, the air cushion can be turned off, allowing the vehicle to scrape to a halt on wooden skids.

The purpose of today's demonstration was partly to show off French leadership in rail transport research and partly to arouse enthusiasm for the next big phase of Mr. Bertin's work.

Government contracts are about to be signed that will finance not only the fullscale aerotrain but also a 12.4 mile stretch of elevated track leading north from Orleans. Eventually, the promoters hope to extend the line all the way to Paris, about 70 miles, which the train would do in 25 minutes.

Spokesmen for Bertin & Cie. insist that the full-scale model will be perfectly soundproofed—an evident probelm for the noisy experimental Zinc. But they are not resting on the aerotrain alone.

TEST TRACK TO BE BUILT

The Government has approved the building of a two-mile test track at Gometz for an air-cushion vehicle, using a so-called linear induction motor. For this the French will be following research being done in the United States and Great Britain.

The center ridge of the track will have a rail that acts as one pole of the motor. A U-shaped fork suspended over the rail acts as the other pole.

The Aerotrain Company, which is supported by Government agencies and a number of private concerns, has directed its promotion toward the problem of high-speed interurban and suburban transportation, especially city-to-airport travel.

Meanwhile, the state railroad system has begun a big publicity program describing its efforts to speed and modernize its services. The system claims a world locomotive speed record of 195 miles an hour; it is building a pair of engines that it hopes will be able to top that.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 710, H.R. 7819, the unfinished business.

The PRESIDING OFFICER (Mr. SPONG in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR, PRESIDENTIAL RESPONSIBILITY, AND DISSENT

Mr. MONRONEY. Mr. President, 26 years ago, at almost this same hour, I sat in the Chamber of the House of Representatives, and cast a vote on the most crucial issue of the time—the declaration of war against Japan following the despicable and treacherous attack on Pearl Harbor of December 7.

I remember the shock that was present in America with our fleet in flames or sinking in Pearl Harbor, with our airplanes in ruins. But our men were undergoing—thank heaven for the foresight—the training that was so necessary to build up our strength to counter the dangers that we saw ahead not only on our own continent but also in a faraway continent. A few days later we declared war on Germany. And World War II was on.

A great deal of discussion and dissension, particularly through the period from October to Pearl Harbor Day preceded our entry into the war. I remember another day in the House of Representatives when Senator GORE and I and many of our colleagues in the Senate, who were then Members of the House of Representatives, cast votes on another critical issue—perhaps the most important that we have ever faced during our service here.

People were dissatisfied because a war was going on far away in the cockpit of Western civilization in Western Europe. Japan was allied in that war with Germany.

Entering that war would have necessitated our going far away from our shores to fight. Our troops had been called up and had been trained by that great leader, George C. Marshall, and by Members of Congress who foresaw the danger and who had enacted the Draft Act.

But the Draft Act was to expire in a very few days, near the end of October. Great dissatisfaction existed among those individuals who were draftable and were about to be called up; the furor over draft cards and local selective service boards. I remember the concern of the mothers and fathers, and of wives; people who saw no necessity for our country to interfere with their private lives and personal ambitions and to cause members of their families to spend so much time away from home preparing for a war that meant nothing to us—in their opinion.

There were a million men who had been called up and trained by leaders whom Gen. George C. Marshall had picked out when he was a brigadier general. In a little black book, General Marshall had written down the names of captains and majors, men like Captain Bradley and Major Eisenhower. The names in that little black book were very important to America. These men knew the Articles of War and the necessity for training, the hardships and the pain and suffering that would be necessary to make America strong.

This was all made possible because of the Burke-Wadsworth Act, the Draft Act which was to expire in October.

A movement had been started. I do not remember whether it was by beatniks of the time or by just plain good people who were misjudging the flames that were then lashing across Europe and, unknown to us, were also spreading across the world.

"Ohio" was the name of the movement. The movement was publicized in every military camp, the initials portrayed on billboards and placards. "Ohio" meant over the hill in October. That meant that the great Army that Gen. George C. Marshall was seeking so tediously and faithfully and excellently to bring together to afford a great protective shield of freedom for America and the world would be disbanded because some people thought that the tempo had risen to too great a height in America. Many Congressmen had become convinced that this sacrifice was unnecessary and that it was unnecessary for these men to be called up for training and caused to devote the greater part of their youth to military life. Before the rollcall on that occasion, that great man, Representative Wadsworth, pleaded for the extension of the Burke-Wadsworth Act. That act had not come from the War Department at that time. It had come from Congress. It had come from Representative Wadsworth, who had also been a Senator, and Senator Burke. They introduced that bill. The issue was whether to maintain this great force, the mightiest the world has ever seen.

Silence fell over the House Chamber as the roll was called.

So, we voted on whether we would discontinue the draft and end that period of great preparedness, unaware of the great need for strength that was about to ensue. Little did we know that on December 7 we would be stricken in the Pacific by a mighty, sneaky, despicable, and treacherous blow aimed at incapacitating us and thus rendering us unable to assist our great friends and allies battling for democracies already facing the greatest of trials and tribulations.

This was the time when Churchill said:

> We shall not flag or fail. We shall fight in France, we shall fight on the seas and oceans, we shall fight with growing confidence and growing strength in the air, we shall defend our land, whatever the cost may be, we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender.

As history will show, after the tally had been counted, we had voted to continue our great Army by a majority of one vote. I voted to extend the Draft Act because a country as great as ours cannot dare to overlook dangers that threaten it around the world.

World War II was not to hit our shores. However, for awhile, as of 26 years ago this morning, Americans were afraid that California would be bombed.

Japanese subs were reported sighted off the coast of California. There was fear that the Nisei—who proved to be most loyal to the Nation—would take over the western part of the State, or that an attack would be made on Alaska.

The shock wave did not occur in this country to the extent it might had we followed those who were complacent, those who I feel were shortsighted, who felt that they were making an unnecessary personal sacrifice of their lives by training for military strength.

I merely cite this, Mr. President, to

indicate that all strong Presidents have had great difficulty in times of grave danger to this Nation, whether it be on our own shores or far away, across the Atlantic or Pacific. Franklin Delano Roosevelt, the great Commander in Chief that he was, met that challenge with the speech he made in person for the declaration of war against Japan.

Now we find another strong President in the White House—farsighted, I believe—supported by many of us in the Senate, who sees the conflagration that is spreading on the largest and most populous continent, Asia; where smaller nations face the threat of being overrun by a crude totalitarian regime far more vicious than the Russian Communists ever dreamed of being. This whole continent with a billion and a half people could, within a very few months, at most, be subject to the great power of Red China, if today we did not hold the gateway in Vietnam, as our brave men are doing in company with the South Vietnamese, the South Koreans, and the troops from other nations.

I take this occasion to say that it is not unusual to find a difference of opinion when the war is far away or when the doubt and the worry are far away.

For that reason, I believe this is a significant day to recall—the event of 26 years ago this morning, when we declared war, after an attack on us and the destruction of our vital base at Pearl Harbor, and the loss of islands that were already under siege in the Pacific.

President Roosevelt faced this situation. He faced the difficulties, the pain, the dissatisfaction, and the picketing—and the burning of draft cards.

There was another time, another war when I received letters from the wives of men in the military, including even the brave and dedicated wives of the great 45th Division of the Oklahoma National Guard. In these letters, they asked that their husbands be sent home, and they wrote in protest against their husbands being sent to faraway Japan, to Hokkaido, in the northern islands. There we had a final training base for this great division of World War II, which had been reorganized, refitted, and staffed with many new soldiers and officers.

The protest against President Truman was equally great, and I almost despaired of my job in answering that vast pile of letters. It was most distressing to try to explain to them why their husbands should be stationed in far off Hokkaido, where the weather was cold and frigid, because of our participation in a war in the Pacific in which they felt we should have no part.

I remember that there was no declaration of war with respect to Korea. I remember the difficulties that President Truman had, and I remember the great speeches he made. I remember his great caution against spreading the war, and his restraint upon General MacArthur. I remember the great landings at Inchon with our marines, and I remember when they moved to slice through the forces of Red Communists. The Red North Vietnamese fully support the Red Vietcong today, by munitions and implements of war and with labor forces, much the same way the Chinese aided the North Koreans. Then, also, I heard, as did other Members of the Senate who remember that period, that this is not our war, that we should have no part of it.

This, President Truman insisted, was a method of keeping greater wars from occurring. I remember his restraint when he refused to bomb across the Yalu. I remember his worry when General MacArthur, I believe I can say, without the endorsement of the high command, fought to the Yalu, and the Red Chinese came with their millions of men and with their coolies bearing supplies. The supplies came down those trails at night, borne by the coolies who brought the munitions necessary for the Red Chinese forces and the North Korean forces to fight and to give our troops, brave and well equipped though they were, one of the hardest periods of fighting and the largest amount of casualties every experienced in a war of that size.

President Truman was faced with the problem of the growing casualty toll. The newspapers were not privileged at that time to print all the strategy of the war. We did not have television covering only the distressing side of the war and none of the other, because television was not at the frontline in those days; so its effect on morale was minor as compared with today, when the living dynamic action of television brings into our homes the suffering of the wounded. Obviously, television cannot cover the other side, because that is controlled by a totalitarian government.

But, again, dissatisfaction resulted. And a presidential campaign was waged, not over whether we should be in the war, or who got us in it, or were we fighting it in the right way, but as to what we were doing in the Pacific in the first place.

I recall even back to the time when President Woodrow Wilson called out the National Guard and the Reserves because of a man named Villa, a Mexican bandit, but in some way a sort of hero to the Mexican peons, as the Vietcong are heroes to many people in the villages of Vietnam. The raids across the border cost a great many lives, but the President did not declare war. Our marines landed at Vera Cruz; our troops remained mustered for a long period of time to guard the border; and Woodrow Wilson was criticized because there was not a declaration of war. He did not start or expand the war; he was trying to prevent a bigger war.

I am sure some of the historians in the Senate can recall incidents of the Spanish-American War, when the President then was accused of extraordinary activities not in keeping with our own best interests. At that time we liberated Cuba for what we believed to be the revolutionists who were fighting for freedom from Spain. As a result of that war, the Philippines came under our trusteeship. But we gave back to them their own government made them free. Now, as a result of America's interest in freedom around the world, they can control their personal activities, their lives, and their ideals, without foreign oppression and colonization.

So, Mr. President, there is ample evidence that in every war our people have been divided as to whether we should or should not be there, even during the darkest days of the Civil War. Thereover, the draft riots in New York, the difficulties that Lincoln experienced within his own Capital because it was not free of the southern adherents and was not free of the spying and the espionage and the other tragic things that happen even to the Capital City. If I recall my history correctly, Lincoln had to sit in the baggage car of the train as it went through the city of Baltimore, for fear of riots.

Mr. President, I remember a loss of life that was many times greater than any loss suffered in riots in New York and in our metropolitan areas, in protest against what was thought to be unnecessary military activity and against the drafting of men. I do not blame them for protesting against the draft because at that time one could buy his way out of a draft by paying for a stand-in.

Lincoln had his troubles then and now when his great shrine is desecrated by beatniks and hippies, and bearded persons burning draft cards, insulting marshals, defiling our shrines, and parading with Communist associates.

This is happening at the Lincoln shrine in our day and age—that very shrine where there is engraved those great words of the second inaugural address during the darker days of the presidency of Lincoln. Those words are in part:

> Let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. President, one can go back even further into our past to trials and tribulations of George Washington. In those days there were certain large cities in which he would dare not spend the night because they were overrun by Tories. Many first families of Virginia and Massachusetts opposed in the same way the raising of revolutionary armies and the sacrifices necessary to carry on the war that gave us the birth of independence.

Today we hear cries not dissimilar from those of the past, as we fight not only for South Vietnam and its 12 million people, but to hold a continent with one and a half billion people; we fight to preserve their right of self-choice of their form of government, their right to worship as they please, their right to work as they please, their right to walk erect in this world standing straight as God intended man to walk.

As tragic as it is—there have been more than 14,000 deaths there in 6 years—these men have not died in vain.

Some military men say they see a turning point in the war. General Bradley, one of the greatest of them all, recently went there, with Mrs. Bradley, not to stay in Saigon, but to visit troops in the swamps and jungles. Mrs. Bradley is a great lady. She interviewed almost every young GI she met. She had a tape recorder and she would get the names and addresses of American soldiers, and when she came back she looked up the families of many of these boys and she has written to others.

The other day she related that they were up quite near the front with one of these jungle detachments, visiting and listening to these men. General Bradley related that in his opinion it is the noncoms who really run the Army. He was the GI general. He asked them how the war is going, and one of them replied, "Well, General, 3 months ago in this same area if we had to go out, we had to go out in company strength. Today we go out in squad strength." Think that over. This is the word of one of the greatest generals of World War II, the GI general, talking to the GI's in the field, learning their reactions and believing these men know why they are there, that they know what they are fighting for, and they believe they are fighting in the right war, in the right place, and in the right time.

Mr. President, Mrs. Bradley talked to a mother of one of these boys on her return. This mother said, "Do you mean to tell me you shook hands with my son?" Mrs. Bradley said, "Indeed, I did. I talked to him and I shook hands with him." The mother of the GI said, "How did you dare go up there where there was such great danger?" Mrs. Bradley replied, "I dared to go there because I was safe because your son made it that way."

Mr. President, this is a confused time, but as we face these historic dates, December 7 and December 8, it is good to reflect on our history and realize that every President in wartime had difficult days.

People around the world have freedom, and liberty, and the right to determine their way of living because our boys went out, far away from our shores, when danger was threatening to such a degree that it would eventually come to the Western Hemisphere and involve us all if not in our homes, off our shores in the Caribbean, in Central America, and Latin America.

I think we have to be realistic, and I do not think that any amount of table pounding by opponents, arguing with the Secretary of State over television, is going to undermine the support of the American people of this war, because they feel we are the only power that can fight and prevent the takeover of the entire continent of Asia.

We have seen the result in Indonesia. We know about President Suharto and his clique of officers in the nation with the seventh largest population, and their effort to wrest domination and control from the Chinese Communists.

This is a byproduct of our determination, of President Johnson's determination, of President Kennedy's determination; to try to preserve the freedom of the South Vietnamese people, not just those for whom we immediately fight, but those who will be hopeless slaves of a totalitarian system if we pull out. I know there are reasons for differences. I know there are things that many who are not militarily trained might be suspicious of. The way we are fighting the war differs from any other.

However, Mr. President, I am willing to trust the great generals and military officers who come up through our Academies at West Point, Annapolis, and Colorado Springs, and the Marine Corps in Quantico. They know their business. I cannot second guess them from a Senate seat and I shall not do so. I intend, as I have in the past, to lend my support to a military action that I think is necessary. The Pacific is important. The Continent of Asia is important. The Philippine Islands are important. I think that the new governments of Asia struggling to find their way in democracy, with many problems, are important, because the world is shrinking. With the SST it will be but a few years before Australia is as close to the United States as Hawaii is; we will move England as near as Boston; and Rio de Janeiro will be as near as Mexico City; Capetown, Africa, will be as near as Newfoundland or London. With a shrinking world comes greater responsibility.

I am grateful for the fact that we have a strong President. The President has again demonstrated his understanding of our posture in the world, following the resignation of our great Secretary of Defense. After 7 arduous years of service of vital importance to our security and world security, Secretary McNamara will now go to the World Bank.

I am dismayed that some writers of the press would portray his leaving as a surrender to hawks when actually no such conclusion is justified. The departure of a great Secretary to a job he is entitled to and wanted does not support such fiction.

Mr. President, I was once a "legman," to use a newspaper term. I was never employed on the desk, as an editor, but I learned as a reporter that one had to find the facts, one had to do some reading and checking before he wrote anything worth a two-column headline. In some of the great newspapers in this Nation, some stories are written which do not have authority. Thus, I am ashamed of those in my profession who without any authority, except their crystal balls, write stories that discredit our Nation's leaders. That still seems to be the rule with some of our columnists with well-known bylines. No matter what their authority is, they get the stuff printed. I remember, as a legman, unless I was prepared to turn in a story I could authenticate, it would not be accepted. The managing editor would say, "Where is your data? Where is your information? Have you got a real lead you can depend on?"

So I say, with the beginning of a new year soon to come, I am hoping, as President Lincoln said in his second inaugural:

> Let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. HOLLAND. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. HOLLAND. I wish to express to the Senator from Oklahoma my very great appreciation for his eloquent, inspiring, and wholly patriotic address.

I wish that all Americans could have heard it. It would have helped them to have heard it.

Mr. MONRONEY. I thank the distinguished Senator from Florida for his most complimentary statement.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 493

Mr. THURMOND. Mr. President, I call up my amendment No. 493 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 87, beginning with line 14, strike out down through line 5 on page 97, as follows:

COMPREHENSIVE EDUCATIONAL PLANNING

SEC. 147. (a) Title V of the Elementary and Secondary Education Act of 1965 is further amended by adding "AND FOR STATEWIDE EDUCATIONAL PLANNING" to its heading and by inserting the following immediately below its heading:

"PART A—GRANTS FOR STRENGTHENING LEADERSHIP RESOURCES OF STATE EDUCATIONAL AGENCIES"

(b) Title V of such Act is further amended by striking out the words "this title" wherever they appear and inserting in lieu thereof "this part", and by adding at the end thereof the following new part:

"PART B—GRANTS FOR COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

"AUTHORIZATION

"SEC. 521. To the end of enhancing the capability of the several States to make effective progress, through comprehensive and continuing planning, toward the achievement of opportunities for high-quality education for all segments of the population throughout the State, the Commissioner is authorized to make, in accordance with the provisions of this part, comprehensive planning and evaluation grants to States that have submitted, and had approved by the Commissioner, an application pursuant to section 523, and special project grants, related to the purposes of this part, pursuant to section 524. For the purpose of making such grants, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1968, $20,000,000 for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years.

"APPORTIONMENT AMONG THE STATES

"SEC. 522. (a)(1) From the sums appropriated for carrying out this part for each fiscal year, 25 per centum shall be reserved for the purposes of section 524 and the remaining 75 per centum shall be available for grants to States under section 523.

"(2) The Commissioner shall apportion not in excess of 2 per centum of the amount available for grants under section 523 among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for carrying out the purposes of this part. The remainder of such amount shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

For purposes of the preceding sentence, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The amount apportioned under this section to any State for the fiscal year ending June 30, 1968, shall be available for obligation for grants pursuant to applications approved during that year and the succeeding fiscal year.

"(c) The amount of any State's apportionment for any fiscal year under paragraph (2) of subsection (a) which the Commissioner determines will not be required for grants to that State under section 523 during the period for which such apportionment is available may from time to time be reapportioned by the Commissioner to other States, according to their respective needs, as the Commissioner may determine. Any amount so reapportioned to a State from funds appropriated for any fiscal year shall be deemed to be a part of the amount apportioned to it under subsection (a) for that year.

"COMPREHENSIVE PLANNING GRANTS

"Sec. 523. (a)(1) Any State desiring to receive a grant or grants under this section from its apportionment under section 522 for any fiscal year shall designate or establish a single State agency or office (hereafter in this part referred to as the State educational planning agency) as the sole agency for carrying out or supervising the carrying out of a comprehensive statewide program of systematic planning and evaluation relating to education at all levels (including remedial education and retraining of adults), except that—

"(A) the field of higher education shall be included only if the State so elects and so provides in an application (or amended or supplemental application) under this section, and

"(B) in the event of such election the State may designate or establish a separate State agency (hereafter in this part referred to as the State higher education planning agency) for carrying out or supervising the carrying out of such planning and evaluation program with respect to higher education.

"(2) A grant to a State may be made under this section only upon approval of an application submitted to the Commissioner through the State educational planning agency, except that, with respect to States electing to include the field of higher education as provided in clause (A) of paragraph (1) of this subsection and designating or establishing a State higher education planning agency as provided in clause (B) of paragraph (1), the Commissioner, by or pursuant to regulation—

"(A) shall authorize the submission of a combined application which includes higher education (or an amended or supplemental application filed upon the making of such election) jointly through both of the State's planning agencies involved, or the submission of a separate application (or supplement) through the State's higher educational planning agency as to so much of the State's program as relates to planning and evaluation in the field of higher education, and

"(B) may provide for allocating, between the State's two planning agencies, the amount of any grant or grants under this section from the State's apportionment.

"(3) An applicant (or amendment or supplement thereto) under this section shall set forth, in such detail as the Commissioner deems necessary, the statewide program referred to in paragraph (1) (or, in the case of a separate application or amendment or supplement with respect to the field of higher education, so much of the statewide program as relates to that field), which shall include provision for—

"(A) setting statewide educational goals and establishing priorities among these goals:

"(B) developing through analyses alternative means of achieving these goals, taking into account the resources available and the educational effectiveness of each of the alternatives (including, in the case of higher education, the resources and plans of private institutions in the State bearing upon the State's goals and plans for public higher education);

"(C) planning new programs and improvements in existing programs based on the results of these analyses;

"(D) developing and strengthening the capabilities of the State to conduct, on a continuous basis, objective evaluations of the effectiveness of educational programs; and

"(E) developing and maintaining a permanent system for obtaining and collating significant information necessary to the assessment of progress toward the State's educational goals.

"(b) Applications (including amendments and supplements thereto) for grants under this section may be approved by the Commissioner only if the application—

"(1) has been submitted to the chief executive of the State for review and recommendations;

"(2) sets forth, if the State has elected to include the field of higher education and has designated or established a separate State higher education planning agency, such arrangements for coordination, between the State's educational planning program in that field and the remaining educational planning program submitted by the State, as will in the Commissioner's judgment be effective;

"(3) contains satisfactory assurance—

"(A) that the assistance provided under this section, together with other available resources, will be so used for the several purposes specified in subparagraphs (A) through (E) of paragraph (3) of subsection (a) of this section as to result in the maximum possible effective progress toward the achievement of a high level of competence with respect to each of them, and

"(B) that assistance under this part will, by the State planning agency involved, be used primarily in strengthening the capabilities of its own planning and evaluation staff or, to the extent that the program is to be carried out under the supervision of that agency by other agencies, the planning and evaluation staffs of such other agencies; but consistently with this objective part of the funds received under a grant under this section may be used, in appropriate circumstances, to employ consultants, or to enter into contracts for special projects with public or private agencies, institutions, or organizations having special competence in the areas of planning or evaluation;

"(4) makes adequate provision (consistent with such criteria as the Commissioner may prescribe) for using funds granted to the applicant under this section, other than funds granted for planning and evaluation in the field of higher education, (A) to make program planning and evaluation services available to local educational agencies, and (B) in the case of such agencies in areas (particularly metropolitan areas) with school populations sufficiently large to warrant their own planning or evaluation staffs, to assist such agencies (financially or through technical assistance, or both) to strengthen their planning and evaluation capabilities and to promote coordinated areawide planning for such areas;

"(5) provides for such methods of administration as are necessary for the proper and efficient operation of the program;

"(6) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid under this part to the State (including any such funds paid by the State to agencies, institutions, or organizations referred to in paragraph (4)(B) or paragraph (3) of this subsection); and

"(7) provides for making such reports, in such form and containing such information as the Commissioner may reasonably require (copies of which shall also be sent to the chief executive of the State), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(c) A grant made pursuant to an approval of an application under this section may be used to pay all or part of the cost of activities covered by the approved application and included in such grant, but excluding so much, if any, of such cost as is paid for from grants under part A.

"SPECIAL PROJECTS

"Sec. 524. (a) The sums reserved pursuant to section 522(a)(1) for the purposes of this section shall be used for grants for special projects in accordance with subsection (b) of this section.

"(b) The Commissioner is authorized to make grants to public or private nonprofit-agencies, institutions, or organizations, or to make contracts with public or private agencies, institutions, or organizations, for special projects related to the purposes of this part, to be conducted on an interstate, regional, or metropolitan area basis, including projects for such purposes as—

"(1) metropolitan planning in education in areas covering more than one State;

"(2) improvement and expansion in the educational planning of large cities within a State with due regard to the complexities of adequate metropolitan planning in such places;

"(3) comparative and cooperative studies agreed upon between States or metropolitan areas;

"(4) conferences to promote the purposes of this part and involving different States;

"(5) publications of general use to the planning of more effective and efficient educational services, and other activities for dissemination of information related to the purposes of this part.

"PAYMENTS

"Sec. 525. Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to make a unanimous-consent request to the effect that there be a 40-minute limitation on the pending amendment, and a 1-hour limitation on the following amendment to be offered by the distinguished Senator from South Carolina [Mr. Thurmond], the time on both amendments to be equally divided between the Senator from South Carolina and the Senator from Oregon [Mr. Morse], the Senator in charge of the bill.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. **THURMOND.** Mr. President, I yield myself such time as may be necessary.

The **PRESIDING OFFICER.** The Senator from South Carolina is recognized.

Mr. **THURMOND.** Mr. President, on November 28, 1967, I received a letter from the Council of Chief State School Officers, the first paragraph of which reads as follows:

> Dear Senator Thurmond: This is to urge you to enact HR 7819, with Title III as in the House version, and with new Part B of Title V removed in the Senate as it was in the House. These are the positions of this Council.

Mr. President, this council is composed of the State superintendents of education throughout the United States. I wish to say that in the two amendments I shall offer I am trying to carry out the wishes of the chief State school officers of the Nation.

The effect of this amendment to the Elementary and Secondary Education Act would be to eliminate in its entirety part B of title V of H.R. 7819 as reported by the Committee on Labor and Public Welfare. The version of this bill passed by the House of Representatives does not include part B of title V, and I believe the Senate should likewise delete this portion of the bill.

Part B authorizes $15 million to be used in grants to strengthen the statewide planning capabilities of the State departments of education. Seventy-five percent of the funds are to be used in grants to the State agencies, subject to the approval of the Commissioner of Education, and 25 percent of the funds in grants directly to public and nonprofit, private agencies, bypassing the State agencies.

In my judgment, this portion of this bill would not serve to strengthen statewide planning, as is the apparent intention, but would serve primarily to increase the influence of the Commissioner of Education in the development of long range educational goals, a task which should properly be the prerogative of the States. The recent inquiry from the Council of Chief State School Officers concerning the new part B produced the following response: Thirty-seven of the chief State school officers replied to a question asking their opinion on the Federal requirements of new part B. Only three favored these provisions. Thirty-three favored the current title V, and one had no opinion.

It is apparent to me that the individuals who are primarily responsible for planning the educational goals for our children in the States are concerned that the new part B is not a satisfactory approach. Let me read to you from the supplemental statement ESEA Amendments of 1967—S. 1125–H.R. 7819—of the Council of Chief State School Officers as requested by Chairman Wayne Morse, Senate Subcommittee on Education during testimony on behalf of the council July 26, 1967:

> Secretary Gardner devoted part of his statement before the Senate Subcommittee on Education to support of a proposed amendment to ESEA Title V designated as Part B. It was included in both S. 1125 and H.R. 7819 as originally introduced, but was eliminated in the version of H.R. 7819 now pending in the Senate.
>
> The chief state school officers have no differences of opinion concerning the needs for educational planning and evaluation. They understand the importance of these, and in their own way plan and evaluate far more than one would imply from Secretary Gardner's testimony. They can and do agree with many of the educational objectives and ideals expressed so well by the Secretary, but they differ on methods of achieving them. The methods prescribed in Part B would impose the most extreme federal controls over state and local educational agencies accepting federal funds that have been proposed by the U.S. Office of Education.
>
> Part B would authorize 15 million dollars of Title V funds to impose statewide and essentially nationwide uniformity in planning and evaluation as spelled out in detail in S. 1125. It would be administered by the U.S. Office of Education, and would enable that agency to narrow state and local freedom in education even further through enforceable regulations. The Office of Education would itself use 25% of the funds for special projects of its own, with authority to make grants to public and nonprofit agencies and to make contracts with public agencies or private institutions and organizations for authorized services.
>
> Part B would add nothing in terms of authorizations to the states to Section 503(a) of the current Title V law. The U.S. Commissioner can approve any State plan for the planning and evaluation of elementary and secondary education under Section 503 (a) that can be devised under the proposed new Part B. Even a statewide PPBC system based on a Pentagon prototype used to select war weapons could be installed by any state that judged it to be of value.
>
> We urgently request that the Senate concur with the Title V proposal pending before it in H.R. 7819. Title V has been extremely helpful to the state educational agencies in meeting their exceptional obligations for the administration of federal-state educational programs. Part B would detract from the major function of Title V, which is to strengthen State departments of education, by diverting funds to other purposes. The imposition of the federal controls of Part B and the new direct operations of the U.S. Office of Education with other public and with private agencies in this field would weaken rather than strengthen State departments of education.
>
> We hope the issues dealt with here will be considered in the broad perspective of the appropriate roles of the federal and state governments in education. There is nationwide concern about these issues, which have been dealt with in considerable detail by panels of chief state school officers in testimony before the Senate Subcommittee on Education.

In my judgment, these gentleman who compose the chief State school officers are wise in their opposition to these provisions. The apparent intend of the Department of Health, Education, and Welfare in recommending part B is twofold.

First, to attempt to standardize methods of evaluating the success of educational programs. Secretary Gardner apparently hopes to be able to measure these programs by developing so-called objective quantifications and mechanical evaluations for programs which can only be truly measured in terms which do not lend themselves to statistical analysis. Personal qualities and attributes which are important to the learning process, such as cooperation with others, friendliness, ethical practices, and good citizenship, cannot be reduced to statistics effectively.

The results of such evaluation would be misleading and of questionable value. The attempt to evaluate educational programs in such a manner might well adversely affect educators by encouraging them to structure their classroom activities in such a manner that they could be reduced to statistics. I believe this would be harmful to children who are in such programs.

There is also an intent not only to quantify this evaluation but also to standardize methods of evaluation among the different States. This is no more or less than an attempt to impose uniformity on a nationwide scale.

My next objection to this provision is one which has long been of great concern to me. I believe education should be under State and local control. I believe the setting of goals and methods of reaching them should be done on the State and local level, close to the people. It has recently come to my attention that the platforms of both major political parties have contained language expressing support for local control of education from 1944 through 1964. This is an important cornerstone in our constitutional structure.

Twenty-five percent of the money authorized in the new part B goes to the Commissioner to be used for grants directly to public or private nonprofit agencies. These agencies do not need to be in any way connected with the State departments of education, or even with local school districts. The plans and studies developing educational goals and devising means of achieving them would be completely bypassing the State and local governments.

These grants can be used by the Commissioner for private organizations to report on local district operations under the supervision of the Commissioner of Education rather than either the State departments of education or local school districts.

The grants which are made to the State agencies are subject to the most thorough scrutiny of the Commissioner of Education. If the Commissioner believes that certain methods suggested by an agency report are inadequate, he is empowered to make value judgments as to what alternatives the State should be choosing. If the plans, and the programs, and the policies submitted to the Commissioner for approval are not satisfactory, he can refuse to make the grant.

I believe the States should set educational goals, should plan ahead to meet educational problems before they arise; but I do not feel that it is necessary or desirable that the Federal Government through the Commissioner of Education be this closely associated with that planning. It will lessen the control of the people over education, and it will lessen the control of the elected officials over education. It will encourage uniformity in our educational process when diversity has been a strength. It will lessen the ability of the States to fit the solution to the problem where the problem is unique or different from those in other States. It will discourage planning by the States in those areas where the Commissioner has already made a prior grant to another agency.

For these reasons, Mr. President, I urge that this amendment be adopted and part B deleted from this bill.

I reserve the balance of my time.

Mr. President, how much time do I have left?

The **PRESIDING OFFICER**. The Senator from South Carolina has 8 minutes remaining.

Who yields time?

TITLE V–B—COMPREHENSIVE PLANNING

Mr. **MORSE**. Mr. President, I yield myself such time as I may need.

The amendment offered by the Senator from South Carolina would strike out the comprehensive planning program. The committee amendment would add a new part B to title V of the Elementary and Secondary Education Act of 1965. I consider the amendment essential as an integral part of a carefully planned bill.

We who have worked for preserving and strengthening the ability of the States to administer new programs in the most effective manner believe this proposal holds great promise for the future. Through title V–B funds the State would receive funds for educational planning; funds to develop the ability to assess their State educational needs and to develop programs based on those selfsame needs.

Now we all know that through the years, many of the State educational agencies have found their hands tied because of a lack of funds when it came to employing the necessary personnel to evaluate and assess ongoing State educational programs. We have often received requests from the States for funds to strengthen their staffs and to expand their employment level of planning assistants.

The committee comprehensive planning amendment authorizes grants to the States which would either designate or establish a single State agency to administer statewide planning and evaluation of education programs.

I want to make sure that my concern for the enactment of this committee proposal is understood. My concern rests on the promises inherent in this proposal not only for State educational agencies but also for local educational agencies. The criteria set forth for grant applications under this proposal includes assurances that the statewide planning agency will make its services available to the local educational agencies. State educational agencies must help the local school agencies plan and evaluate their on-going programs to determine the most effective means by which they may serve the people and the community in which they are located. Furthermore, in the case of large metropolitan school districts or crowded urban school systems, the comprehensive planning proposal authorizes either financial or technical assistance to any independent planning or evaluation staffs that these the large districts might have or might desire to establish.

This assistance could be used to strengthen the planning and evaluation capabilities of these independent staffs and to promote coordinated areawide educational planning.

The Senator from South Carolina proposes to do away with the comprehensive planning proposal. The Senator from South Carolina would argue that to help local educational agencies and to help State agencies to evaluate themselves and to lift themselves up by their own bootstraps to higher educational goals and the resultant better quality programs is a waste.

I say to you at this time, that any funds which will help the American educational system plan for the future, plan for the future service of school children, is certainly not a waste. Waste comes in when the local school officials and the State school officials are forced simply to react against developments such as population increases and bursts of knowledge coming from technological discoveries; waste occurs when temporary facilities and teachers have to be employed in stopgap emergency programs to fill educational needs which were in the making at least 5 years before the crisis occurred.

Waste occurs when a generation of young Americans miss the opportunity to get the best education available at any given time.

I will not support an amendment to tie the hands of State educational agencies and local educational agencies in assessing the educational programs of their States.

I will not support efforts to refuse funds for planning for the future of our schoolchildren and ultimately for the Nation. I urge the defeat of all efforts to strike out the comprehensive planning program, and therefore I shall strongly urge the defeat of the amendment of the Senator from South Carolina.

May I suggest that Senators turn to page 135 of the hearings. I wish to read the analysis of title V, the section to which this amendment pertains. I am going to put into the Record what the hearings show as the basis for the support; which the committee gave to comprehensive education planning funding. The insert starts on page 133 of the hearings, and runs over to "Part E," on page 135 of the hearings.

I ask unanimous consent that that part of the hearings be printed in the Record at this point.

There being no objection, the extract was ordered to be printed in the Record, as follows:

Subpart 2—Addition of New Part Relating to Planning Grants

SECTION 145. COMPREHENSIVE EDUCATIONAL PLANNING

This section would amend title V of the Elementary and Secondary Education Act of 1965 to make the existing sections of that title part A—headed "Grants for Strengthening Leadership Resources of State Educational Agencies"—and to add a new part B headed "Grants for Comprehensive Educational Planning and Evaluation."

Section 521 of the new part B would authorize the Commissioner of Education to make grants to the States for comprehensive planning evaluation programs in accordance with section 523 and special projects pursuant to section 524, to the end of enhancing the capability of the several States to make effective progress, through comprehensive and continuing planning, toward the achievement of opportunities for high quality education for all segments of the population throughout the State. Neither the local schools nor the States have the resources to extend local coordination of State and Federal aid and short-ranged planning to a long-range project of statewide planning and coordination. For this purpose, $15 million would be authorized for fiscal year 1968 and such sums as may be necessary for each of the next 4 fiscal years.

Section 522 of the new part would reserve 25 percent of the sums appropriated for carrying out this part for special projects under section 524. Of the remaining 75 percent, which would be available for grants to States under section 523, the Commissioner would apportion not in excess of 2 percent among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The remainder would be apportioned as follows: 40 percent would be apportioned among the States in equal amounts, and 60 percent would be apportioned among the States in proportion to their relative populations. This section would provide that a State's apportionment for fiscal year 1968 would be available for obligation through fiscal year 1969 and would provide that the Commissioner may reapportion to other States sums which he determines will not be required, during the period of their availability, for grants to the State to which they were originally apportioned.

Section 523(a) of the new part is designed to assist in developing statewide coordination in comprehensive planning so as to eliminate duplication and to attain maximum efficiency. The new section would provide that a State applying for a grant out of its apportionment under section 522 must designate or establish a single State agency for carrying out or supervising the carrying out of a comprehensive statewide program of systematic planning and evaluation relating to education at all levels (including remedial education and retraining of adults), except that the field of higher education would be included only if the State so elects, and that a separate State agency may, in that event, be designated or established for carrying out or supervising the carrying out of such planning and evaluation program with respect to higher education. If the State does include higher education and decides to make a separate State agency responsible for carrying out, or supervising the carrying out, of higher education planning, either combined or separate applications may be submitted from the two agencies, and the Commissioner could allocate a State's apportionment between the two planning agencies.

An application for a statewide program of planning and evaluation would include provision for setting and establishing priorities among educational goals for the State, developing through analyses alternative means of achieving these goals, taking into account the resources available and the educational effectiveness of each of the alternatives, planning new programs and improvements in existing programs based on the results of these analyses, developing and strengthening the capabilities of the State to conduct, on a continuous basis, objective evaluations of the effectiveness of educational programs, and developing and maintaining a permanent system for obtaining and collating significant information necessary to the assessment of progress toward the State's educational goals. (The application must contain satisfactory assurance that assistance under this section, together with other available resources, would be so used as to result in the maximum possible effective progress toward the achievement of a high level of competence with respect to each of these purposes.)

Section 523(b) of the new part would provide that the Commissioner may approve an application only if it has been submitted to the chief executive of the State for review and recommendations; if it has set forth arrangements, where the State has designated a separate State higher education planning agency, for coordination with the rest of the State's educational planning program; and if it does contain satisfactory assurance that the assistance provided under this section would be used primarily in strengthening the capabilities of the planning and evaluation staff of the State planning agency involved, or agencies carrying out parts of the program under the supervision of that agency. (Part of the funds would be used by the State's planning agency or agencies involved, to employ consultants or to enter into contracts for special projects with public or private agencies, institutions, or organizations having special competence in the areas of planning and evaluation.) The application would also make adequate provision for using funds (other than funds granted for higher education planning) to make program planning and evaluation services available to local educational agencies and, in the case of local educational agencies in areas, particularly metropolitan areas, with school populations sufficiently large to warrant their own planning or evaluation staffs, to assist (financially or through technical assistance) such agencies to strengthen their planning and evaluation capabilities and to promote coordinated areawide planning for such areas.

Section 524 would authorize the Commissioner of Education to make grants to public or private nonprofit agencies, institutions, or organizations, or to make contracts with public or private agencies, institutions, or organizations, for special projects related to the purposes of part B, to be conducted on an interstate, regional, or metropolitan area basis. Examples of such projects include educational planning in metropolitan areas covering more than one State or large cities within a State with due regard to the complexities of adequate metropolitan planning, comparative and cooperative studies agreed upon between States or metropolitan areas, conferences involving different States and publications of general use to the planning of more effective and efficient educational services and other activities for the dissemination of information related to the purposes of this part. This section is intended to make possible coordinated comprehensive planning in areas in which two or more States are involved yet in which no particular State has final responsibility. It would also enable States to develop regional comprehensive plans whenever they were so disposed.

Section 525 of this part would authorize payments in installments, and in advance or by way of reimbursement, with necessary adjustments.

If the evaluation and planning of education programs is to be effective, it must be carried out close to the people to be served by those programs. The American system of education is founded on the principle of State and local control. The responsibility for educational planning, therefore, rests at the State and local levels. State educational agencies now set standards for our schools and qualifications for our teachers. Local schools are directly responsible to local school boards. The best planning—that which will be most responsive to the needs of the persons to be served—must be carried out at the State and local levels.

If State and local educational agencies are to continue to carry out their present role in educational planning and if the administration of Federal educational programs is to reflect the intent of Congress, the Federal Government must share some of the burden placed on those agencies. This can be done by assisting them in developing comprehensive systems of planning and evaluation which will aid them in meeting educational goals at all levels of education, from preschool programs through postgraduate education.

Mr. MORSE. Mr. President, I shall read this one portion of it:

> If the evaluation and planning of education programs is to be effective, it must be carried out close to the people to be served by those programs. The American system of education is founded on the principle of State and local control. The responsibility for educational planning, therefore, rests at the State and local levels. State educational agencies now set standards for our schools and qualifications for our teachers. Local schools are directly responsible to local school boards. The best planning—that which will be most responsive to the needs of the persons to be served—must be carried out at the State and local levels.
>
> If State and local educational agencies are to continue to carry out their present role in educational planning and if the administration of Federal educational programs is to reflect the intent of Congress, the Federal Government must share some of the burden placed on those agencies. This can be done by assisting them in developing comprehensive systems of planning and evaluation which will aid them in meeting educational goals at all levels of education, from preschool programs through postgraduate education.

I say most respectfully, Mr. President, the argument that this part B of title V in some way interferes with States rights in the field of education just does not square with the facts. We went into this matter in great detail in our committee.

We would be providing money to be made available for educational planning. We would not dictate the nature of the planning. We seek to put the responsibility for originating proposals upon the State educational systems.

We have testimony in this record, Mr. President, from educator after educator, including superintendents of great metropolitan schools districts of this country, who point out that they must have some protection by way of assurance of funds to help plan to meet the special educational needs that exist in many of the metropolitan areas of this country. One meets within the States, in this context, a conflict between school districts in the more thinly populated areas and those in the more heavily populated areas but both could profit from this new source of categorical funding. But we are not telling the States what they have to do. We are saying, "In this planning program, we are going to provide funds for you to have available so you can assess and build up your own State educational systems."

Does any Senator deny that planning money is needed? I challenge him to name for me a State in which it is not needed. Take even the best States. Sometimes it is said that one of the very best States, as far as educational programs are concerned, is California; but I can take you into school district after school district in California where title V–B funds are sorely needed to provide planning assistance to school districts. They are the school districts in the State of California that will not have that assistance if we do not have title V–B.

Mr. President, this argument of so-called States rights at this point is a bugaboo argument. We are not seeking to dictate State educational policy. We are seeking to carry out what we see as a Federal responsibility of sharing with the States the cost of development of educational planning, so that they can help themselves.

Mr. President, I shall yield now to the Senator from New York [Mr. JAVITS]. We have 20 minutes on each side. The Senator is the ranking Republican member of the full Committee on Labor and Public Welfare and a valued colleague on the Education Subcommittee. He, together with the distinguished junior Senator from Vermont [Mr. PROUTY] have been my right bowers, may I say, in bringing educational legislation to the Senate. I have told Senators I bring in bipartisan bills. This is one. I yield now to the Republican leader on the full committee to present his point of view.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I should like to deal with the question from the very pragmatic point of view, but, before I do so, I should like to say to the Senator from Oregon that if anybody in this Chamber ever had any question about the validity of his title to being one of our more distinguished Members, the Senator certainly has laid such questions to rest in the last 8 days.

As ranking minority member of the full committee, I have always worked closely with the Senator from Oregon on educational bills. This time, during the last few days of floor debate, I was locked almost 100 percent in the antipoverty bill conference, with the Senator's consent and approval. He permitted me to divert my efforts to that matter almost exclusively. We will be considering that matter later, so the Senate will have an opportunity to judge whether it was worthwhile.

But the Senator from Oregon stood here like Leonidas at Thermopylae, throwing himself into the breach and dealing with the bill almost single-handedly; and I pay tribute to him.

Mr. President, when WAYNE MORSE has his own bill on the floor he is a very different WAYNE MORSE; he does not assume the freedom of action he normally cherishes so highly. He has an enormous sense of responsibility and trusteeship, and he demonstrates every facet of his skill as a Senator. He has demonstrated the deep integrity which has, time and time again, called forth spontaneously the admiration and applause of the Senate, as well it should.

On the merits, Mr. President, as I said, I shall deal with the planning question from a very pragmatic point of view. The Senator from Oregon has already made clear that planning is an essential tool for local areas, and why it does not conflict with the concept of States rights, with which I am in thorough agreement as it applies to education. We practice it ardently in New York, and I feel it is deeply incorporated in the pending bill.

The important point is to remember that planning in respect to education is not boondoggling, but is most essential.

Education, Mr. President, is based upon a very long leadtime—perhaps as long a leadtime as we think of in connection with the most highly sophisticated weaponry. Though this is a ghastly comparison, it is nonetheless valid, because in human engineering, education is one of the most complex problems we face.

We have to take account of changing employment patterns and the changing areas in which concentrations of children will require education. We have to take account of the galloping progress in the technology of education—for example, teaching machines, computers, educational television, and others. We have to take account of communications patterns. Later on, I shall be talking about the school bus situation as it relates to education.

It takes years, Mr. President, to train a teacher, not just academically, to give him a degree, but through experience in actually teaching children. Pedagogical methods often make sharp and spectacular advances, but those advances are not accidental. The new mathematics, for example, did not just happen. It was not introduced overnight. It took years of the most careful phased-in planning and gradual introduction to make it work.

Let us not forget that the public often can react violently if any educational change does not proceed according to plan and schedule. When it comes to matters affecting the education of their children, parents easily become hotheaded, and the most carefully laid plans are sometimes torn apart.

In education, Mr. President, because of the years of leadtime required, planning is the most essential ingredient other than the actual relationship between teacher and pupil and the actual housing of the schools and the teaching aids which are involved.

For all those reasons, Mr. President, if we really want, as I know we do, a truly balanced bill, covering the major aspects in the educational field, we should include this provision. I understand Senator Thurmond's deep sincerity on the question of States right and State powers, but I believe we should try to assure him—and if we cannot persuade him, I hope we can persuade at least a majority of Senators—that this has been very, very dear to us and that we have served the principle of States' rights and State authority in education with an almost religious fervor in our committee. I deeply believe that principle is carried out in this section of the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, on July 26, 1967, Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers, made a statement before Senator Morse's Subcommittee on Education in which he said this:

> The kind of federal compulsion proposed in the new Part B of Title V raises even more fundamental questions in education. There is grave doubt that such a system would be appropriate for education, in which the input from millions of pupils and teachers involves the quantifying of human characteristics that defy valid and meaningful objective mathematical measurements of this kind. Only isolated aspects of education can be quantified authentically in such terms. Major purposes and objectives of education are as remote from such mass measurements as are such important areas of human concern as beauty, ethics, morals, religion and personal attitudes. Even if authentic judgments of these matters could be made for 45 million pupils by 2 million teachers, the logistics of such an operation would substantially interfere with teaching in the schools.
>
> One may believe that the state and local educational agencies should do all they reasonably can toward comprehensive planning and evaluation and yet be convinced that the state agencies should remain free to develop those systems according to their own needs under the provisions of Title V as passed by the House, rather than by federal prescription as proposed by new Part B in S. 1125. We suggest that the U.S. Office of Education provide leadership services to the states in this field, but that prescriptive power coupled with enforcement through withholding federal funds or through other federal methods of control are highly undesirable.

That is a statement of Edgar Fuller, the executive secretary of the Council of Chief State School Officers of the Nation. This is a group which is composed of the State superintendents of education throughout the Nation.

It seems to me this is a very significant statement, and it should receive great consideration from Members of Congress.

Mr. President, in summary, the purpose of this amendment is to delete part B of title V. Part B appropriates $15,000,000 to be used by the Commissioner for grants first, 75 percent of the funds in grants to State Department of Education planning agencies; and, second, 25 percent in grants directly by the Commissioner to public or nonprofit private agencies for planning and evaluating local educational programs.

There are two main objections to this "new" part B:

First. The provision is intended to set up a uniform nationwide system of measuring the results of educational programs, which do not lend themselves to such statistical evaluation.

Second. The Federal Government, through the Commissioner of Education, increases its ability to control education through discretionary authority to approve or disapprove State planning grants, using his value judgments and through grants for planning and evaluation which could circumvent completely local and State agencies.

I shall not ask for the yeas and nays on the pending amendment. However, I shall ask for the yeas and nays on the second amendment.

The heads of the education departments of this Nation have asked for only two amendments here. It appears to me that what they have asked for is sound and that Congress should give great weight to their wishes in this matter.

Mr. President, unless the other side has something further to say, I am prepared to yield back the remainder of my time.

Mr. MORSE. Mr. President, I have only a brief reply.

Mr. THURMOND. Mr. President, I reserve the remainder of my time.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the Record the statement of Mr. Howe before our committee explaining the amendment from the standpoint of the Department of Education. That is to be found on page 976 and also on pages 2423 and 2429.

That statement sets forth the basis for the amendment.

There being no objection, the statement was ordered to be printed in the Record, as follows:

TITLE III—FEDERAL CONTROL

> There are those who express a fear of centralized control of the Nation's diverse educational system by pointing to the present administration of title III as an example of what they believe is encroaching Federal control.
>
> If this were the case, I, too, would share their fears. I cannot, however, accept these interpretations of a dramatic conflict—a conflict which is unfounded in fact and spurred on by rhetoric quite disproportionate to reality.

STRENGTHENING STATE LEADERSHIP ROLE

> The U.S. Office of Education and the State department of education share the same goal; that is, to assure every American youth the opportunity for the best education our human and financial resources can command. The U.S. Office of Education and the State departments of education, similarly, share another most important objective—they both seek to strengthen the State leadership role in the educational system.

LOCAL RESPONSIBILITY FOR EDUCATIONAL POLICY

> Historically, the State departments have been engaged in distributing State funds for education and in establishing certain educational standards, such as criteria for teacher certification and for high school graduation. The hiring of personnel, the development of programs, and the operation of schools have been carried out largely by local school officials who draw their authority from State legislative delegation of the responsibility for the schools. The major direction of education in the several States has, therefore, been determined by the policies of local school boards. Although this has proven to be a successful administrative arrangement, in view of the fact that the American system is rivaled by none, it has become increasingly apparent that the demands resulting from our changing society requires a more comprehensive approach to the administration of our educational system. There are programs that must be developed with statewide solutions to problems in mind. There are regional and national needs for which model programs must also be developed.
>
> As I have said in my earlier statement before this subcommittee, the Office of Education, at the direction of the Congress, provides funds to strengthen State educational leadership. The provisions of title V of the Elementary and Secondary Education Act which have been in operation for 2 years and the new proposal for comprehensive planning which is designed to contribute further Federal resources to the strengthening of State leadership both have this purpose. So do the administrative moneys set aside in a number of other programs for which the Office of Education is responsible.

* * * * *

SUMMARY

> In summary, let me say that I believe that the educators in this country at all levels

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are working toward a common goal—the development of the full intellectual capacity of each individual. The Office of Education certainly has no quarrel with the present system of education and its only interest is in strengthening the various elements—local, State, and Federal. I believe that there is a role for the Office; and it goes beyond the writing of checks—which is really a function of the Treasury Department. That role is changing and is certainly different from the role in 1867 when this Office was started. The role of the States and the local educational agencies is also different from that of 100 years ago.

I am not one who views change with alarm, and I expect that the roles of the several layers of government will continue to change in the future. Indeed, I take the view that, since change will occur anyway, we may as well seek to plan it rather than just let it happen to us. While I cannot predict the details of any future change, I am certain that the Office of Education will not become involved in the operation of educational programs—a role which is properly fulfilled by local and State educational agencies at present and one which should continue in the future.

EDUCATION AN OPEN SYSTEM

In essence, I hope that we can continue to develop a national perspective and not to view every change in the Office of Education's role as a threat or encroachment upon someone else's territory or prerogatives. Education is not a closed system in which new responsibilities and roles for one participant automatically reduce the role and status and responsibility of another. It is instead a wide-open and expanding system which calls for new roles to be played by new participants and for growing responsibility for all. The effect of Federal involvement in elementary and secondary education is to increase the capacity of State and local school boards to serve children. They have new alternatives and options because of what the Congress has done for education. Like anyone who has new options, they also have new problems, since Congress has called on them to face the difficult crises of the disadvantaged child by giving them the means to do so. We should not confuse the difficulties which schools face because of their new options with the mistaken notion of growing Federal control.

SECTION 505 COMMENT

The final issue that I would like to discuss with you today is the authorization for section 505 of the Elementary and Secondary Education Act and the administration proposal for comprehensive planning. As I have mentioned before, the various States widely endorse the section 505 concept as the means for providing the necessary authority for interstate project funding and for regional projects. Through the special projects and conferences approved to date, the willingness and desire of State education agencies to cross their territorial boundaries in pursuing solutions to pressing education problems has been unmistakably clear.

The special projects, funded on the basis of a 15-percent set-aside, have launched significant interstate approaches to common educational problems, including personnel administration; comprehensive planning; and urban education. Such projects will encourage the States to gain strength and to learn from each other rather than to exist in isolation.

COMPREHENSIVE PLANNING AMENDMENT

The comprehensive planning amendment is another vital proposal submitted to the Congress this year. There has never been a greater need for educational planning at all levels—local, State, and Federal. This amendment would enable States, local school districts, and metropolitan areas to strengthen their educational planning capabilities.

The comprehensive planning proposal would authorize $15 million, the major portion of which would be allotted to State educational planning agencies. Since the States have proved willing and able to tackle common educational problems under section 505, the new proposal for comprehensive planning includes a set-aside to authorize discretionary support for interstate groupings and interstate projects solely in the areas of planning.

REGIONAL ACTION

The comprehensive planning proposal could support projects on a regional basis similar to the following one funded under section 505:

A project to be administered by the New York State Department of Education will survey the 50 States to identify those interested in, and legally able to, participate in a reciprocity compact for teacher certification. The goal is to have States with appropriate statutory power come to an agreement on common standards for approving teacher education programs. This would establish a new basis for reciprocity whereby a teacher who graduated from any State-approved educational institution could be immediately certified in any one of the cooperating States.

We think that there is a great need for more projects similar to this one. It would be impossible for the States to encourage an increased number of such projects under the House version of title V which eliminates both section 505 and the proposal for comprehensive planning. This deletion of programs would require voluntary and simultaneous agreements and contracts between all participating States if they wish to continue similar projects—at best, a complicated and slow procedure.

Here again, I believe there is an important role for the U.S. Office of Education in utilizing scarce resources to the greatest advantage by application of a national perspective through a simple administrative mechanism. I would, therefore, encourage you to retain the present authority of section 505 and to adopt the comprehensive planning proposals included in S. 1125.

Thank you for the opportunity to reopen the discussion of amendments to the Elementary and Secondary Education Act of 1965. I will be happy to answer any questions that you may have.

Mr. MORSE. Mr. President, let me say, in part reply to the Senator from South Carolina that, of course, we can find some schoolmen—the testimony is in the RECORD—who would like to get funds with those funds being earmarked for planning. However, we have a responsibility as a Congress to see to it that Federal money is wisely spent, for such purposes as we feel to be in the national interest, so long as we do not dictate educational policy.

There is a basic difference between requiring what shall be taught and funding programs of determining what in the best judgment of the competent authority in the teaching profession needs to be taught.

There is a difference between the mandatory act and the optional or permissive act. What we say is that if a State wants to apply for funds for this purpose it should not be precluded from doing so.

The pending bill is full of authorizations for specific projects. When we authorize in the pending bill $1 million the first year, $3 million the second year, and $9 million before the authorization runs out, for institutes to help what I have said before are those most tragic little boys and girls in this country that are both blind and deaf, are we dictating State educational policy?

Mr. President, when we have another authority that seeks to strengthen vocational education in the States at the secondary and postsecondary schools levels, are we dictating State educational policy? Not at all. We are leaving the administration of those programs and projects to the States, but we are affording an opportunity to those States which wish to avail themselves of this source of funding for these purposes.

The Senator cites the testimony of one witness for one organization. Many witnesses testified at our hearings and pointed out that we are not going to give protection to the rural areas in which there has been no planning assistance to those school districts or to the metropolitan areas that I referred to earlier unless we have a comprehensive planning provision.

Fifteen million dollars is involved in the pending bill for authorization for the whole country for the first year.

The record is replete with testimony from school superintendents from some of the rural areas and from some of the metropolitan areas to the effect that they have to have some help in working out the planning program that this section of the bill seeks to provide.

We find on page 976 the testimony that we need this program in order to prevent the crippling in the big cities and the rural areas in the several States of their cooperative ability to meet their aggregate educational needs which call for planning at the State level.

The Federal Government does not do the planning for them. It provides the money for them to do the planning for themselves. That $15 million of the taxpayers' money must be devoted to the problems that we call educational planning, to help the State educational agencies raise their standards and provide greater assistance to the local school districts.

That is the thrust of the whole proposal.

Mr. President, we will be in conference. If we take this proposal out of the bill, we will not have anything in conference. Therefore, I hope the amendment will be rejected.

Mr. President, I ask unanimous consent that the excerpted material from the hearing record to which I have alluded be printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

III

The Congress recognized staffing shortages and other problems occasioned by the rapid growth in responsibility of State departments of education, when it included Title V in the Elementary and Secondary Education Act of 1965. This title authorized grants to State education agencies for projects, programs and activities designed to "make a significant contribution to strengthening the leadership resources . . . or . . . ability to participate in meeting the educational needs of the State." These grants have been used to plan, develop, improve and expand the capability of State educational agencies to identify educational problems and needs; to evaluate educational programs; to provide support or services for collecting, analyzing and reporting State and local educational data; to disseminate information relating to the overall status of education in the State; and to develop and provide leadership, administrative, or specialist services throughout the State.

During the first year, the States applied for funds to support 1,800 new positions—1,000 of them at the professional level—for their understaffed personnel structures. These new positions have begun to alleviate the personnel needs of State educational agencies.

In addition to the general provision, 15 percent of Title V funds are earmarked for special project grants. Under section 505, grants are made to "State educational agencies to pay part of the cost of experimental projects for developing State leadership or for the establishment of special services which . . . hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States."

Fifteen special projects and 10 special area workshop conferences were funded under the FY 1966 Section 505 allocation. Virtually all the States and territories were involved in varying combination in these special projects.

The States widely endorse the Section 505 concept as providing the necessary authority for utilization of their resources on an interstate basis. Through the special projects and conferences funded to date, the willingness and desire of State education agencies to cross their territorial boundaries in pursuing solutions to pressing education problems has been unmistakably clear.

The special projects have also launched significant interstate approaches to common educational problems, including personnel administration, comprehensive planning, educational information, school district organization, teacher education, information systems, curriculum reform, teacher certification, and urban education.

Indeed, those special projects which dealt with regional cooperative activities among the States were of such high caliber that they led to the proposal for the Comprehensive Planning program which has already been explained by Secretary Gardner.

The willingness of the States to tackle common educational problems indicated a readiness to assume the major role in comprehensive planning. The new proposal would authorize discretionary support for interstate groupings such as the Southern Regional Educational Board, the Compact of the Western States and the New England Board of Higher Education.

It could also support interstate projects similar to the following one funded under Section 505:

A three-year project, administered by Maryland, with Florida, Michigan, South Carolina, Utah, Washington, and West Virginia participating, on Statewide teacher education programs, is designed to strengthen the role of the State agencies in teacher preparation. Joint responsibility between local educational agencies and teacher education institutions will be developed and special emphasis will be given to laboratory experiences in elementary and secondary schools as a part of teacher training.

If States are to gain strength from each other rather than to exist in isolation, we need more projects like this. They will not be developed under the House version of Title V.

In addition, the administration version of Title V would authorize $15 million—most of which would go to State educational planning agencies—to help States aand local school districts strengthen, or initiate educational planning capabilities. Higher education planning could be included at the discretion of the State. A portion of the funds would be allotted at the discretion of the Commissioner to encourage metropolitan and regional planning. In the first year of Title V, States originally requested 25 percent of the funds and 27 percent of their personnel to work in the planning and evaluation areas. However, by the end of the fiscal year, the States had amended their applications to reduce the planning function to 19 percent of the funds and 20 percent of the positions.

For Fiscal Year 1967, the applications have reduced this function still further: less than 18 percent of the funds requested, and 14 percent of the positions budgeted are to be used for planning.

The State departments of education have not lost interest in planning. Far from it. Other concerns were more pressing. In order to secure funds authorized by some 15 pieces of new Federal legislation before the end of the fiscal year, they had to mount new programs immediately. There were other pressures as well. Local education agencies had urgent needs for the improvement of instruction. The State agency had to improve its general administrative capacity. Capacity to deal with the masses of educational data emanating from all sources had to be developed.

The growing responsibilities thrust on them by the growing Federal programs of aid to education require all their existing resources, and more. They cannot afford to plan. Yet, they cannot afford not to.

The House-passed bill would eliminate both this new proposal and Section 505 of ESEA, thereby, crippling the big cities, rural areas, and the several States in their cooperative ability to meet their aggregate educational needs.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the Senator apparently believes that my amendment——

Mr. MORSE. Mr. President, will the Senator yield while I ask for the yeas and nays on the pending amendment?

Mr. THURMOND. I was going to accept a voice vote.

Mr. MORSE. The manager of the bill wants a yea-and-nay vote.

Mr. THURMOND. I yield.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were not ordered.

CALL OF THE ROLL

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. I ask unanimous consent that the time not run against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. THURMOND. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll, and the following Senators answered to their names:

[No. 379 Leg.]

Aiken
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Clark
Cooper
Fannin
Harris
Hart
Hill
Javits
Kennedy, Mass.
Kuchel
Lausche
Mansfield
Metcalf
Montoya
Morse
Mundt
Pearson
Pell
Russell
Sparkman
Spong
Stennis
Symington
Thurmond
Williams, N.J.
Williams, Del.
Yarborough

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from Maine [Mr. MUSKIE], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Illinois [Mr. DIRKSEN], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from California [Mr. MURPHY] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent because of death in his family.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson
Baker
Bartlett
Bayh
Bible
Brewster
Burdick
Cannon
Church
Cotton
Curtis
Dodd
Dominick
Eastland
Ervin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Hartke
Hatfield
Hayden
Hickenlooper
Holland
Jackson
Jordan, N.C.
Kennedy, N.Y.
Long, Mo.
Long, La.
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Monroney
Morton
Nelson
Pastore
Percy
Proxmire
Randolph
Smathers
Smith
Talmadge
Tower
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina is recognized. How much time does the Senator yield to himself?

Mr. THURMOND. Mr. President, just 1 minute.

As I understand, the yeas and nays have not been ordered.

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Mr. MANSFIELD. The Senator is correct.

Mr. THURMOND. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would just remind Senators that the Chief State school officers in the Nation, the State superintendents of education, have asked for these two amendments. I have no particular interest in them, except I think they are good amendments.

This is what the educators want—not the politicians—and the people who administer the law. That is the reason I have offered them.

I have before me a letter explaining the amendments, and we have placed a copy of this letter on the desk of each Senator. This is what they want. I offered the amendments because they do want them.

Mr. MORSE. Mr. President, do I have 30 seconds remaining?

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, the Senator from South Carolina has cited the leader of one educational lobby. Great educators from the great metropolitan areas and many urban centers do not want the Senator's amendment.

The PRESIDING OFFICER. Is all time now yielded back?

Mr. THURMOND. Mr. President, I yield back the remainder of my time.

Mr. MORSE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to amendment No. 493 of the Senator from South Carolina [Mr. Thurmond].

The amendment was rejected.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. CLARK. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes. I move the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 11, 1967, pp. 35755–35772, Congressional Record.)

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to.

Mr. CLARK. Mr. President, in order that Senators may be notified——

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. CLARK (continuing). That the Senate is now considering this conference report, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, reserving the right to object, the Senator moved awfully fast.

The PRESIDING OFFICER. The Senator from Pennsylvania moved that the Senate take up the conference report.

Mr. JAVITS. Well, that is another matter, of course.

Mr. CLARK. I was moving not because I was in a hurry——

The PRESIDING OFFICER. The motion is not debatable.

Mr. JAVITS. Will the Senator from Pennsylvania yield to me further?

The PRESIDING OFFICER. The Senator from Pennsylvania requested a call for the quorum, and the clerk will call the roll.

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield for a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from Pennsylvania withhold his call for the quorum?

Mr. CLARK. Yes. I am glad to extend that courtesy to the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Let us understand the practice we are following. I do not say that I am going to oppose the conference report, but I should like to know what we are doing.

The Senator from Pennsylvania, I understand, has moved to take up the conference report.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And that motion is not debatable?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. The Chair stated that it was decided in the affirmative.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I do not object. I just wanted to be sure of the practice.

Mr. CLARK. Mr. President, I renew my request. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President—

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield momentarily so that I may ask for the yeas and nays, unless the Senator has something else in mind?

Mr. CLARK. Yes.

Mr. JAVITS. I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, the conference report on S. 2388 is at the desk.

The PRESIDING OFFICER. The Senate will please be in order. The Senator from Pennsylvania will suspend until the Senate is in order, so that the conference report may be considered.

Mr. CLARK. Mr. President, I ask that the Senate attachés either seat themselves or leave the Chamber.

The PRESIDING OFFICER. Senate attachés are requested to take their seats or leave the Chamber. The Senate will be in order before the Senator proceeds further.

Mr. YOUNG of Ohio. Mr. President, I note that some of the Senate attachés are still on their feet. They probably have nothing else to do. They are evidently in here only out of curiosity. I ask that they be ordered to leave the Chamber, or that they be seated in the rear of the Chamber and remain seated.

The PRESIDING OFFICER. The Senator's request is in order. Let there be order in the Senate. The Senator will not proceed until it is in order, so that the Senate can consider the conference report and Senators may be heard.

The Senator from Pennsylvania may proceed.

Mr. CLARK. Mr. President, there are 196 differences, most of them of some substance, between the poverty bill which passed the Senate and the poverty bill which passed the House.

Necessarily, the report which is now brought before this body is a compromise—as are all hotly contested conferences.

I believe that this is a good bill. There are many things in it I do not like. However, I have no hesitation in recommending its approval to the Senate, as do seven of my eight colleagues, all of the Democrats on the conference committee, and the Senator from California [Mr. Murphy] and the Senator from Vermont [Mr. Prouty] among the Republicans.

The major differences between the two bills were, first, with respect to the so-called Green amendment, on which the House insisted very vigorously. The amendment was and is most controversial. It provides authority for States and local governmental units to become community action agencies if they choose and are designated by the Director of the Office of Economic Opportunity to run the community action programs which are set forth in title II of the bill.

The Senate labored arduously to assure that there were strong and adequate bypass provisions related to the Green amendment under which, in the event the Director was dissatisfied with the manner in which the local government units or their designees were conducting the community action programs, they could be bypassed under certain conditions.

Another important difference between the two Houses was money. The House limited the amount for 1968 to $1.6 billion. We in the Senate went to conference with a 2-year bill. The House bill was a 1-year measure. We went to conference with an authorization for the first year of $2.258 billion, and for the second year of $2.4 billion.

The conference resolved that difference by accepting the 2-year bill. We were able to persuade our House colleagues, who will act on the bill Monday, to authorize $1.980 billion for the first year and $2.180 billion for the second year. I believe that resolution of the money question was, on the whole, favorable to the position of the Senate conferees.

The sums authorized may be substantially in excess of what the two Appropriations Committees will allow. However, the money authorized is not adequate to do an appropriate job. But with the war in Vietnam continuing at the present pace, it is, in my opinion, unrealistic to expect that we can get for a whole year of the poverty program as much as is being spent in 1 month in Vietnam. That is the condition which confronts us, and not a theory.

A third important difference between the two Houses dealt with the proposition that when a program is funded which requires a local contribution, that local contribution must be made, in part at least, in cash. The House provided it should; the Senate that it should not. I am glad to say the Senate prevailed in that regard, and what is included in the bill is provision that 80 percent of the funding is to be by the Federal Government and 20 percent of the funding by the localities, which may be in cash or in kind.

There are a great many other important matters which were in dispute between the two Houses but, in my opinion, they need not be explained to the Senate in detail at this time, although I am prepared to answer any questions which Senators may have with respect to them.

It is my understanding that the Senator from New York [Mr. JAVITS] desires to address the Chamber at some length with respect to the conference report, and I now yield the floor in order that he may do so.

Mr. JAVITS. Mr. President, I intend to suggest the absence of a quorum, so that we can notify Members of the Senate that I shall be addressing myself to what I consider to be some very critical difficulties with this report. As the Senator from Pennsylvania has said, I did not sign it. I did not sign it advisedly.

Mr. President, I shall now suggest the absence of a quorum. Before doing so, I urge the attachés to advise Senators who may be interested in the conference report that I intend to address myself to its merits. I do not know that I shall insist on a live quorum. Perhaps I shall. But I do think more Senators should be in attendance to hear what is taking place. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this is for me a very sad day. It is an especially sad day in view of the conclusion to which I have come that it would be counterproductive to seek to have the conference report recommitted or to seek to defeat it. That makes it especially unfortunate, as I think the report has within it a confession of bankruptcy in so critical and important an element of the antipoverty program as to make me weep for my country and its creativity.

Nonetheless, I am a responsible legislator, and as responsible legislators we have to keep our eye on the main point of helping the poor. So notwithstanding the deep feeling I have upon his subject, I have regretfully come to the conclusion that, rather than oppose, I must support the conference report in order to get something done and to get some stability into the program, which is now operating on literally a day-to-day basis. But that does not make it right. What is being done is completely wrong. However, the balance of practicality, to which I am myself yielding, makes it desirable to take the action we are taking. I am sure that Senators can understand, therefore, why there is this very clear lack of joy in my heart today.

The essence of the antipoverty program—what made it a gifted idea—was that not only would it give relief to the poor, it would also enable the poor to escape from endemic poverty by dint of their own efforts and responsibility. If not, it would be merely another welfare program. We have lots of welfare programs; and we shall have a big welfare bill before us next week. All it will do will be to deal with welfare programs—constructively, I hope, but nonetheless with a welfare program approach not involving any real participation by the poor.

This was a creative hope that by giving people personal dignity and responsibility, giving them training and opportunity not only to get a job but even to go into business for themselves, we could break the cycle of poverty.

But beyond everything else in respect to the program was the fact that the poor would acquire personal dignity and responsibility.

Indeed, the dominant concept of the antipoverty program was that the poor themselves would have the creative role in the development of the program; and, because this would be a program of self-help, they would profit far beyond the expenditure of moneys and the mechanical arrangements involved. They would be building themselves up to be people who could be entrusted with responsibility, and to feel that they were not just the poor—to wit, ostricized members of the community—but that they were creative human beings, who had the capacity for running a show to some extent themselves. This would bring about, in those to whom it happened, a pride and dignity in achievement which would serve as an example to all the others, and be one of the most important aspects of the antipoverty program.

Mr. President, with all respect to the Senator from Pennsylvania [Mr. CLARK] and to every other member of the conference who signed the report, that concept is now swept right out of the room, and there has been substituted for it the concept that, just as welfare is run by municipalities, so the antipoverty program is to be run by municipalities.

The form remains; that is, the poor are to be consulted, the poor are to have an advisory role, the poor are to have an administrative role, with one-third of every administering community action board is to be composed of the poor. All of that remains, Mr. President, but the substance is gone. I repeat: The form of mass participation by the poor remains, but the substance is gone. And the substance is gone, Mr. President, because any political subdivision that chooses to do so may become itself the policy-setting agency, the programing agency, and the allocator of the money.

Mr. President, we must realize that in the whole conduct of the program up to now only 41 out of 1,050 of these community action agencies are political subdivisions, but the overwhelming majority are not. And under the new bill, they all will be, or will all be capable of being. How many will be, of course, we do not know as yet. But in any case, the political subdivisions have the first call. And if there is a political subdivision that wants to be a community action agency, it must be made one. And this is all in the name of efficiency and accountability. That is what it is for. That is what the other body dug in its heels about on this very proposition.

A deal was made. Everybody knows that. And what I am saying is nothing that is necessarily to the discredit of anybody. A deal was made to get the votes for this program, and the votes had to be gotten from people who allegedly felt that they could not vote for it unless this were done.

A price was paid not only in the House, but also in the conference. It is as blunt and as naked as that. And the price is a price to the country. And all the good will in the world does not wipe it out.

In a very real sense, this is a test of me, not just of the conference. If I were simply an idealist, with no other considerations, I would fight this provision tooth and nail here and everywhere else in the country and make it a major public issue.

Mr. President, I believe that this effort is more important than that.

Instead, I am going to lend myself to try to make the program work even with this albatross around its neck.

Mr. President, the matter is by no means irremediable. If it becomes a shocking disgrace to the United States of America, as it easily could, with every city hall having a brandnew barrel of pork to use for patronage, and for buying votes, then as the Presiding Officer knows, and as I know, it will be dismantled.

Mr. President, what a sad thing that we must accept this in the last week of the session of Congress because in a most ill-advised way a deal was made in the other body which was honored in the conference. I am not imputing any fault to them. It is another philosophy, another point of view.

Because we are in the last week of the session of Congress and because the program in total is in grave danger, and if dismantled it may never be resurrected, we now have to take the measure as it is. That does not make it right. And it does not remove the danger.

It is sad that we may have to work

through a time of disgrace and tribulation with 30 million poor in the country in order to get some good out of the measure.

I hope and pray only one thing, that I am wrong and that they may be right, and that the city halls may administer this measure with a sense of decency, very much as it is being run today in terms of the participation by the poor.

This is possible. The pending bill does not say that they must use the money for patronage or for political purposes. Not at all. On the contrary, it says the opposite. However, it does not require that in terms of organization.

The law can be administered so as to be a shining credit to our whole country. We have had laws in effect before that have involved great risk of danger and inequity. And those laws have been well administered and have turned out to be a blessing to the country.

I can only hope and pray fervently that some of the things I will say and some of the material I will put in the RECORD will be proven to be wrong.

The fact that I am not signing the conference report may have some influence in that respect. I hope that others will join with me.

I am not by any means the only one who feels this way. I am sure that a majority of the Members of the Senate feel precisely as I do. But I am fairly sure that if I had moved to recommit the conference report with instructions to the conferees to insist upon the Senate version on this policymaking part of the bill, I would have perhaps received 10 votes since many would fear that a recommital would kill the program. That effort would have been completely counterproductive, because then it could have been argued—although it would have been untrue—that the Senate, too, has approved of this inequitous arrangement.

I hope that perhaps what I am doing this afternoon may have some meaning and some influence in the days ahead which will be so rough for the antipoverty program by spotlighting and discouraging the possible abuses.

Mr. President, to get down to the nuts and bolts, let me first say that before I start with my prepared text, I hold no criticism of the Senator from Pennsylvania [Mr. CLARK] or any other conferee.

We could not have had more honorable men or men of greater skill or devotion than my colleagues on the conference committee.

Nobody worked harder than did the Senator from Pennsylvania. He felt he had to get a bill. And I am not going to say anything about that. The Senator expressed himself on the matter very eloquently in conference.

Nobody sympathizes more with the chairman than do I, because I have had to take a lot of things during conferences. I have been in that position on many occasions, and I know how it feels to leave with that empty feeling in one's heart because you know that you have not gotten the result which you were sent there to accomplish.

The Senator from Pennsylvania fought with great skill. He got excellent results in many things.

But the fundamental cancer in this thing remains. This is the matter which we are discussing here today.

I think that the money item was fairly settled. I think that insofar as we could—being unwilling to break up the conference over the matter of the city hall or so-called Green amendment—we got some concessions.

Indeed, my chairman said at the press conference—and I hope he will not reiterate it here—that he thought we had not gotten concessions that were meaningful.

Although I am a member of the other party, I was the one who said that I thought we had gotten some meaningful concessions. Let me say again that the program could be run properly, even with this provision in the bill. However, the inclusion of this provision gives it the capability of being run so improperly that it must be shown to the country how improperly it could be run.

Every politician—and I use that word not in its best sense—can use this provision to his advantage. It is wide open and ready made to be ridden by them in their control of the program.

Control of the program is turned over to city hall. That is provided for in section 210(a) of the bill, which clearly says that a community action agency shall be the State or political subdivision itself or, at the option of the politicians, some other agency chosen by them. So, wherever the city hall wants to take over the poverty program, it can do so and has the ability to do so.

That is a major change from the present situation where the control over what group shall be the local agency is held by the Director of the OEO, and the initiative in organizing a program has most typically been taken by private citizens rather than by public officials.

Let me digress from my prepared remarks at this point to say there is a provision in the bill which requires that all agency boards be split one-third, one-third, one-third: one-third public officials, one-third the poor, one-third citizens of high caliber generally. I was always ready to accept that. When you get below that level, to the neighborhood boards, there we leave them free of the requirement of having one-third public officials—and I contended for that for very important reasons which relate to neighborhood forms of organization. I never had any objection to the House insisting that in the program and policy level, one-third of the board would be public officials. But they went far beyond that. Any political subdivision can be the community action agency itself, and when it is, that locks it in, and that is that.

As I said earlier, at the present time only 41 of 1,050 community action agencies are public bodies.

Under the new bill, the Director can refuse to designate a political subdivision as the official community action agency only under extremely restrictive requirements. He must find that the applicant does not have the "power," the "authority," or the "will" to perform the functions of a community action agency, or that it is not "capable" of doing so. Any city council, in my judgment, as I read this amendment, can probably give itself the power and authority to run such a program, if it does not have them already, and can take over its policy directions and programing. That is the essence of the basic, deep objection I have to what has been done.

Whenever a political subdivision takes over as the community action agency, the representatives of the poor and of other private groups are excluded from participation in the determination of policy.

Mr. President, let me emphasize that. When a political subdivision itself becomes the community action agency—which is completely, for practical purposes, within its power to do—the poor and other private groups are excluded from participating in the determination of policy. They can administer, but the policy is firmly in the hands of the political agency and its officials. Under the present act, policy at the local level is set by boards of which one-third are representatives of the poor.

Under the Green amendment, as accepted by the conferees, the board on which sit representatives of the poor as well as representatives of the community generally—business, industry, labor, religion, and welfare organizations—only "administers" the program. This board "participates in development and implementation" of programs but it is essentially advisory with respect to policy.

Let us understand that we fought this battle for days on end, uphill and down, and I stood very actively with my Senate colleagues in the fight; and we got nowhere.

The limitation of board power in respect of policy was deliberate on the part of the other body—at least, the majority Members of the other body—since the proponents of the Green amendment sought to make clear that where a city hall became the community action agency, its governing officials—to wit, the city council—could call the shots, without the poor participating in the actual decisionmaking process.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Can the Senator cite some practical examples of the application of the provisions he has just identified?

Mr. JAVITS. Exactly.

A community action agency, for example, must submit a program. Such a program covers the items in the fields of education, daycare, manpower training, provisions for the elderly, youth recreation, community workers—that is, people who might do work that is needed in the community which is not susceptible to private employment—helping in hospitals, and so forth. They would decide on a program including these elements, and they would stipulate what they sought for each in terms of the priorities and in terms of the total resources which would be made available to them.

That function now will be strictly in the hands of the politicians. They are required to consult with the public and the poor, but the decisionmaking power is in their hands. And that differs 180 degrees from the situation today. That is where everything starts. Beyond that, you may administer—you may have much of the responsibility in that regard; you might break down a particular type of program into different neighborhoods smaller units, and so forth. But the basic program—the priorities and the allocation of resources—is policymaking, and that is in the hands of the political people, if they choose to assert their power to take it.

One of the most troublesome aspects of the situation is that a good part of this antipoverty program has been so stimulating and exciting because it has been a sort of burr under the saddle of the public officials themselves. In many communities, for example—we saw it in the testimony, I believe, with respect to a city in the South, but it is quite typical—you had tremendous shantytowns right in the center of town. It was alleged that the reason for that was the failure to enforce the building code, and it would take some form of community action to stimulate the municipal officials to enforce it.

Community action can be engendered by citizens, in an orderly way, having a meeting, appointing a committee, and drawing up their grievances in an intelligent manner, or by sending a committee to the city hall to testify before the council.

Yet you can hardly conceive of public officials who would be so broadminded that they would countenance such activities criticizing of their own effort as part of the poverty program. You can be sure that any type of work of that type will be suffocated in such a setup. The people who are for this type of setup do not want such activity. They are against it. That is why they backed the Green amendment. And this suits them to a "t." But that does not necessarily suit the majority of us, and that is the essence of this argument.

Mr. President, the limited powers of the "community action board," which is the term used when a city hall is itself the policymaking agency, are made particularly apparent when you compare them with those of what is called the "governing board," the term used when the agency is not the political entity itself but is a group designated by the political subdivision. In that case, the "governing board" is given the power to "determine program policies." It is that catechism, to determine program policies, which accounts for the 180° difference I have described.

I have just stated that I have never felt that the proposition of having public officials compose one-third of such boards was objectionable at all. But I do object very strongly—though not enough to make me turn against the entire report, as I have explained—to turning this literally over to the political people and thus breaking its entire concept, the purity of its concept, which has been so promising for the poor. Indeed, in my judgment, it radically changes the present structure on the element of key psychological importance for the poor. It breaks a promise held out to the poor to have a voice in their own destiny. It will increase their alienation by showing that once again they are rejected by society generally; it will play into the hands of the extremists, who can say to them, "You see, we told you so, violent revolt is the only answer."

The next point is this. Let us assume that there is a city hall, or any political subdivision, that does not decide to take up its opportunity to become the dominant agency in respect of the antipoverty program. One would think that would free the other public and private organizations. Not at all, because under the bill as it is written, that political subdivision could come in and take over at any time at its option. Therefore, the threat hangs over the heads even of the private agencies that if they do not behave themselves, the politicans will move in and take over. Hence, it would operate under that threat that, "If you want to avoid being put out of business, you had better not ruffle the feathers at city hall."

And whether or not city hall should take over could undoubtedly become a hotly contested election issue in many communities.

The fourth point is that the new bill will be a nightmare to administer. We saw that in conference, and it is one of the things we tried hard to make our House colleagues see—but unhappily they did not. The Director will be faced with multiple applications or designations from overlapping political jurisdictions which may be controlled by different political jurisdictions which may be controlled by different political parties, for example, a Republican Governor and a Democratic mayor, or vice versa.

Moreover, any political subdivision can opt out of a program of which it is a part, but then a part of that subdivision could opt back into the larger program—for example, a county opts out of a statewide program, but a township in the county wants to participate in the State program. The Director would be faced with all of these conflicts. Finally, the bill most unwisely, I think, limits the size of the administering boards to 51. There are 60 programs throughout the country which have larger boards, many put together only after the most torturous negotiation. Why the House dug its heels in on the number 51, I do not know.

Now I come to the question of the bypass. That is the way in which the director may, notwithstanding the political control of the program, bypass the political agency concerned. In that regard, I think we won some concessions and I think they were meaningful concessions.

Again, I repeat that I hope our chairman will himself tend to recognize that as we get into this discussion, rather than to feel, as he did in the beginning, that we got no concessions.

But these concessions on the bypass are somewhat less important because they are based on the proposition that the director of OEO shall be a titan. It will take a man of titanic courage and job security to take on many mayors, city councils, and Governors, in such a frontal way as bypass their own plans and programs.

The grave doubt about the political ability of the director effectively to use this bypass, where he has it—and I shall give conditions where he may have it in some cases—is confirmed by the fact that under the present law the Director has overriden the veto by State Governors in only about 15 percent of the cases, or four out of 28 cases. That is a little less than 15 percent. He has been very reluctant to do even that, and that is without the added factor of the political subdivision itself being the community action agency.

The specific bypasses are these:

Under section 210(d), the director can bypass city hall only where the political subdivision has already been designated or where no relevant subdivision wishes either to become the community action agency or to designate one. Hence, even if he can possibly find under section 210(a) that the political subdivision does not have the power, authority, will, or capability to run a program, he cannot then appoint a group of his own choice since the section 210(d) bypass can only be used where a designated agency is already in place. Thus, wherever the city hall wants to be the community action agency, the director has no real alternative but to designate it.

Then, and only after a "reasonable opportunity" has passed, he can find that the political subdivision has "failed to submit a satisfactory plan" or "to carry out such plan in a satisfactory manner." That is a long haul and it will take a director who is a titan to deal with a political agency in that way.

Even if the city hall does fail to perform properly, and the administrator bypasses them, the politicians can later reapply to become the community action agency, and he must then go through the entire matter again.

Second, there is a provision in the bill which relates to bypassing the community action agency for limited-purpose or component programs. The director must first find that the objectives of the program he wishes to fund could not be "effectively achieved" by funding it through the community action agency. That again makes him confront the political people in a politically difficult way.

Finally, I deal with the very vexing issue of the effective date. It is claimed that the deferral of the effective date on which the Green amendment shall take effect represents a major concession to the views of the Senate, contrasted with the views of the House.

Mr. President, I do not think so at all. It is claimed that the effective date is deferred until February 1, 1969. I do not find any such comfort in the bill. The conference report states no existing program may be terminated before February 1, 1969, unless—and that is a big unless—a new agency has been designated and funded to take its place. This only means that the Green amendment will not produce interruptions in ongoing programs until February 1, 1969.

If city halls wish to, they are at liberty to take over beginning July 1, 1968, and that is less than 7 months away. Moreover, as the program periods of most community action agencies will have run out in 7 or 8 months, negotiations will have to begin almost immediately within each community, before new applications are submitted, to determine what group will be running the program in the future.

It is very interesting to me to find that this whole matter is dismissed in a few paragraphs in the report of the managers on the part of the House. I can understand why. This is their "baby." They have brought it through the conference. In my judgment, it is a sad survival indeed. Now they will not make too much talk about it, let me assure the Senate. They dismiss our "clarifying amendments," as they are euphemistically called. In the report, the House managers include the following sentence:

Mr. CLARK. Mr. President, will the Senator kindly tell us on what page that is?

Mr. JAVITS. Page 67. The sentence is:

> These clarifying amendments are not in any way intended to confer on the Director any authority to make subjective judgments respecting the qualifications of a community action agency.

It is my deep judgment that no director even on the rack would concede that he is making subjective judgments. He would be making objective judgments as a public official according to the letter and policy of the law which he is duty bound to enforce. We still have to—as I have just explained in considerable detail—look for the words of law in order to determine what is to happen.

I have taken pains today to explain the Green amendment, notwithstanding the fact, as I said when I began, that it would be fruitless and harmful to bring the matter to a vote in the Senate which might give a false impression of what the Senate's real view is on this particular matter and to move as the rules would properly permit me to move to recommit the conference report. The facts still remain undeniable on the merits of the situation. I felt it my duty to lay them out starkly and nakedly—as they should be—before the country.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COOPER. I am glad that I can hear the comprehensive statement of the senior Senator from New York, who has so much interest in the antipoverty program, and who has worked so hard and given such fine leadership in its behalf. I have followed the progress of the bill in the House and particularly the reports regarding the so-called Green amendment.

I am glad to see in the Chamber today a colleague of mine from the State of Kentucky, the distinguished chairman of the Committee on Labor in the House, Representative Carl D. Perkins, who has provided outstanding leadership in the other body for this bill.

I ask whether the Senator intends to address himself to the arguments which have been made for the amendments. The Senator has made an eloquent and moving plea for full participation of the poor in the program designed for their betterment on which I agree. He believes that the change in structure of the Community Action Committees will remove the poor, and the independent citizens from determination of policy, and I would say, to a degree its administration. But there are many—and I happen to be one of them—who have supported the poverty program from its inception in the Senate, and who have voted to continue to provide funds for it, not to see it whittled down, then broken down, and finally eliminated.

But many of us have wondered about its effectiveness, about the use of the money, not alone its waste—although that is an important element—but the ultimate question of whether the program will accomplish its purpose to lift our fellow citizens out of poverty and into full life and opportunity.

A second question is whether a political subdivision, on which responsibility can be fixed cannot more effectively operate the community action programs, with the participation of private citizens, and the poor—than the present agencies, which are responsible to no one.

These are questions, I remember, which were raised in debate in the Senate this year and in prior years. They have addressed themselves with great force to Members of the House and to some of us in the Senate.

I wonder if the Senator would respond to the argument as to the effectiveness of the program presently administered, and to the question of whether the fixing of responsibility upon political subdivisions as proposed in the conference report will not result in a more effective program.

Mr. CLARK. Before he does so, would the Senator from Kentucky yield to me?

Mr. COOPER. I yield.

Mr. CLARK. I should like to say to my good friend from Kentucky that I yield to no man in my enormous admiration for the distinguished Senator from New York.

Mr. COOPER. The Senator will have to yield to me a little bit because I have even greater admiration.

Mr. CLARK. Not only is the able Senator from New York a most astute Member of this body but throughout consideration of the poverty bill he was most helpful.

However, I think it important to point out that he was one of nine conferees and the only one who did not sign the conference report.

If the Senator from Kentucky is thinking in terms of making legislative history through colloquy with the Senator from New York, I am sure that, as a former judge and lawyer, he will understand that the conference report speaks for itself, and that the language in the bill speaks for itself. If anyone is going to make legislative history—and I doubt if anyone does—it should and will be the chairman of the Senate conferees on behalf of the eight Senate conferees, including the ranking minority member [Mr. Prouty], who signed the conference report and not one minority member who did not sign the report.

Mr. JAVITS. Well, Mr. President, after that very gracious statement [laughter] there is not too much that needs to be said, especially the way the conference report finally eventuated.

It seems to me that the Senator from Pennsylvania cannot be overly happy about the way this thing has worked out—perhaps somewhat for the same reasons I am not happy about it. Be that as it may, I do not understand that the Senator from Kentucky is seeking to make legislative history with me, although that is not necessarily out of the question, as I intend to vote for the conference report, as I was the senior Senator conferee present on the minority side throughout, and as I participated in every conceivable aspect and argument during the conference.

If I am as astute as the Senator from Pennsylvania thinks I am, perhaps the courts would have the idea that I had a pretty good idea as to the intention of the conferees if I answered the question directly.

I might tell the Senator directly that if I do, if I do answer the question as a lawyer, I will give it the best I have. That is the way I think I am looking at it, because I am not going to let the Senate down today.

In answer to the Senator from Kentucky, and not to make legislative history, I should like to say that I think there was some validity to the idea that the maximum participation of the poor had been pursued too far in some areas with the effect that we had to prop up the poor so that they could run a program which they were incapable of running. But maximum feasible participation of the poor was the concept of the program. This did not say that they should run it. It certainly did not say maximum participation of the politicians.

However, what has happened is exactly that. We have substituted for the maximum feasible participation of the poor the maximum participation of politicians.

Mr. President, under these circumstances, I would prefer the possible ineptitude of the poor, rather than the grave dangers of pork barreling and ineffectiveness which inure in having maximum participation of the politicians.

Again, I repeat, no one prays more fervently than I that the program be run—and it could be run that way, and I hope and pray it will, and I shall do everything I can to see that it does—that it be run with effective and maximum participation by the poor and without maximum participation by the politicians.

As I say, we may have gone overboard in some areas on that question, but in reversing the trend, we have been thrown into a totally new area which is far worse than anything before.

And now it will be difficult to correct any mistakes or faults in local programs. The agency can now deny funds; it can call the people into the office and shake them up; or can take up whatever other alternatives it has. But in the present bill, with mayors, county executives, boards of supervisors, and all the political apparatus which represents them in the Congress. The director would have a mountainous job to take on and correct faults in the program.

I look with dismay what is going to happen. I am deeply saddened and regret that the practical situation we face indicates that we have to let it happen before we are going to be able—and I use those words advisedly—to do anything about it. I hope and pray it does not happen, but it is going to have to happen before it is corrected. That is a sad price for the country to pay, and a sad price for the poor to pay.

I would like to comment on one or two aspects of the program. Then I shall again ask for a quorum call, and, hopefully, if there are any other Members present, I shall reserve the summing up of my argument for as many Members as possible, so I may state in their presence what I propose to do about it, which is critically important, in view of what I have said.

I now wish to refer to one other aspect of the bill that relates to small business. I have always considered small business to be critically important in the antipoverty program, because, again, like the maximum feasible participation of the poor, small business represents an opportunity of entrepreneurship and the building of responsibility and dignity on the part of the poor.

There are some among the poor who are able, by training and aptitude, to become small businessmen and go into business for themselves. It will be remembered that one of the most striking manifestations of the riots and violence of the last three summmers has been the fact that in Negro poverty areas, Negro businesses were spared. There was a certain pride among the poor themselves and in those who could go into business for themselves, whereas white establishments were objects of assault.

It is a terrible thing. It is insurrection. I am the first to condemn it and demand that it be punished and restrained. But it is a sociological fact which we cannot fail to notice.

Because we did notice it, we sought to encourage small business in the antipoverty program. The way we sought to encourage it is by financing development agencies which would go to the neighborhoods themselves and seek to develop small business opportunities and find entrepreneurs in the small business field, and then, not merely lend them money—which is one-third of the job, or even less—but to give them managerial assistance and technical assistance, training and guidance, on a continuing basis, in order to bring them along and see if these small businesses could be successful.

In New York's Harlem, for example, small business development centers, assisted by the Department of Commerce, were fantastically successful and useful. I personally visited a galaxy of small businesses which had been established with small loans of about $15,000. Where the right person had been picked by the United States public officials, where he was assisted with advice, training, and service, a measurable number of small businesses were founded that way.

Then along come our brethren in the House and decide that goes right out the window because, they say, this is small business and the Small Business Administration has to run it, and we are not going to tolerate any other placement of that function. Again, they dug in their heels upon that in a manner which one would really have to be there and see it to believe it, upon something that was not of dominant importance in the poverty program. The whole thing was going out the window because a Congressman who was not even on the conference said that unless he got this, "there ain't going to be no bill."

The Small Business Administration is essentially a white collar agency. One has to go downtown to it to get assistance for a small business. It is not geared to or made for the kind of effort and detail where management training services are 90 percent of the job, which is what is required in the slums and ghettos of America.

One of the administrators of the Small Business Administration himself testified they did not want the Small Business Development Center program. That, he said, would be "mixing gasoline with matches." But our colleagues in the House were dug in and insisted and they would not hear of anything else. So the Senate conferees capitulated again, on the ground that they wanted a bill that could be even remotely acceptable, and they felt this one would be.

The only thing we kept in the bill was a provision which I fought for and insisted on, and which my colleagues helped me to get, which gave the President the power to transfer these functions out of the Small Business Administration to the Department of Commerce, which is working in this area now, if the President felt that it would do the job better.

The point of the legislative history—may I say to the Senator from Pennsylvania [Mr. CLARK]—that I would like to make, as this was my amendment and was agreed to, is that I feel the President has that power to transfer immediately. In other words, as soon as the bill is signed, if he feels that a change ought to be made in that respect, in my judgment the bill gives him the authority to make it. He can make it at any time from the time the bill is signed.

I hope the President will use that power, and not see it as a dead letter on the books. As another element of legislative history I would like to add that we were assured by the SBA that it would continue the Small Business Development Center program if it got this authority.

Now, Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I think I have now adequately analyzed the disastrous way in which the Green or city hall amendment could work out.

Mr. President, we come now to what to do about it. Normally the city hall amendment would have created for me an insuperable obstacle to approval of the conference report on the antipoverty authorization because of its gravely damaging consequences.

But, these are not usual circumstances. We are at the end of the session. The program, the conduct of which is so vital to the tension-ridden areas of the country, is being operated on the most tenuous continuing basis, literally day to day. Indeed, we had a lapse of a few days during which people could not even be paid for their services.

So, the program could get hopelessly deadlocked now, as it has plenty of opponents. I would rather have a resolution continuing the present program which, at the present rate of funding, is about $1.8 billion a year in round figures, than the bill embodied in the conference report.

I think it is greatly to the credit of the conferees on the Republican side in the other body that, while some of them did not support the program in the House, they were willing to go along in the conference and on the House floor for a continuing resolution approach.

However, even a continuing resolution—and I have really checked this out very carefully—would have a 50–50 chance of getting snarled in the crosscurrents of this coming last week of the session. There are just too many who oppose the program altogether to justify this risk as far as the poor are concerned.

These reasons, in my judgment, must regrettably and deplorably be persuasive to all friends of the program, and rather than risk a vote which could give the impression that the Senate is for the city hall amendment—an amendment which never passed the Senate and which was not included in the Senate bill, and which prevailed in the conference only because of the absolutely irreconcilable insistence of the majority of the House conferees—I have decided on the following course.

I say again parenthetically, as I said when I began, Mr. President, that I have checked this out very thoroughly. It is very unlikely that I would have gotten more than 10 votes for a motion to recommit with instructions to turn down the Green, city hall amendment on the part of the Senate conferees.

It could then have been argued—and that would have been really disastrous—that the Senate had approved the Green amendment because it refused to instruct its conferees to hold out against it.

Rather than run that risk, which I know does not represent the view of a majority of the Senate, I have decided on the following course of action:

First, I shall join in asking the Senate to approve the conference report in a rollcall vote, which I have already called for, after laying out for the Senate and the country the grave perils involved in the program which are involved in the city hall amendment. I think I have done that quite thoroughly so far.

Second, I shall offer legislation next year on some key measure coming out of the Committee on Labor and Public Welfare, where I am the ranking minority member, to deal with the worst features of this provision, as I shall undoubtedly be a conferee on such legislation after it gets passed by the Senate and the committee. We will have a chance to retain the good part of what we are doing today.

Third, and more importantly, I shall do my utmost as a ranking minority member of the committee to see that in the exercise of our authority and legislative oversight, which is expressly provided for us by the Legislative Reorganization Act, we keep a close watch in our committee on what is happening under this amendment so that we will be in a position to act in a timely way to curb any excesses that may develop by appropriate legislation or by other action.

Also, at my request, the Director of the OEO, in an effort to give me some concept of the policy which they would pursue, has addressed a letter to the Senator from Pennsylvania [Mr. CLARK].

Mr. President, I read the letter:

DEAR SENATOR CLARK: Before the 1967 Economic Opportunity Amendments are signed into law—which I hope will be soon—I want to let you know how much we appreciate the consistent and constructive leadership role you and Senator Javits have played in the development of this legislation.

The national effort to combat poverty must be bipartisan, and the bipartisan support the program enjoys today is an important factor in our overall success. Your strong advocacy of a genuine effort to help the poor has been a tremendous source of encouragement.

While I understand the reservations expressed by some about certain provisions in the Conference bill, I am hopeful that they will not cause undue administrative or programmatic difficulties. Because of the concern expressed by some as to the impact of these provisions, we will supply an interim progress report to the Committee in the late summer or early fall on the operation of the amendments as they are implemented around the country.

We have always attempted to carry on our program in a manner consistent with the intention of the Congress and in a nonpartisan way. In the implementation of the new guidelines established by the Congress, we will continue that policy. Where a conflict develops with respect to the designation of a community action agency, I intend to seek a solution that is thoroughly nonpolitical and nonpartisan and which fully respects the role of the poor.

I believe that the Act permits, and, in fact, demands that our first program concern is substance, not form. Let me assure you again that partisan political considerations will not color our judgments in the implementation of the legislation.

Because of his strong interest and ranking position on the Committee, I am sending a copy of this letter to Senator Javits.

With best personal regards,

Sincerely,

SARGENT SHRIVER,
Director.

Mr. President, the pending bill also contains a report provision which was put in at my request, which is now contained in section 233(c), and reads as follows:

(c) The Director shall provide by contract for the conduct of an independent study and evaluation of the action taken under sections 210 and 211 of this Act and the effects thereof, with particular reference to (1) the exercise of their authorities under the provisions of title II of this act by States and political subdivisions, (2) the participation of residents of the areas and members of the groups served, public officials and others and (3) the administrative and program advantages and disadvantages, if any, encountered or foreseen in implementing such sections. He shall transmit such study and evaluation to the Congress before April 1, 1969.

The date of April 1, 1969, is based on the February 1, 1969, date in the bill, when all existing agencies must be phased out and replaced by the new agencies to be organized under this bill—or their successor agencies.

By this letter, in which Mr. Shriver agrees to give us a report in the late summer or early fall on the operation of the amendments, we are assured by the Director, as he is a man of good faith, of an interim report in general accord with the type of information sought by 233(c), around early August or early September next, which will again enable us to exercise some authority over this program after the Director himself has had experience in carrying it out.

I yield the floor.

Mr. CLARK. Mr. President, I should like to refer to a part of the bill as contained in the conference report of the two Houses. This is subsection 6 of section 222(a) of the bill, and has reference to "A program to be known as 'Emergency Food and Medical Services,' designed to provide, on a temporary, emergency basis, such basic foodstuffs and medical services as may be necessary to counteract condition of starvation or malnutrition among the poor."

Senators will recall that some months ago, on the initiative of the Senator from Mississippi [Mr. STENNIS] a bill which he introduced was reported by the Committee on Labor and Public Welfare, was passed unanimously by the Senate, and was sent to the House. That bill was a result of investigations in April into conditions of hunger and malnutrition in Mississippi which were made by the Subcommittee on Employment, Manpower, and Poverty, which I have the honor to chair.

We discovered widespread malnutrition and hunger not only in that State but also in many other places in the United States, including among the Eskimos in Alaska, the poor whites in Appalachia, and among Negroes in a number of States in the deep South and in urban areas in the North. The bill, which was passed by the Senate, called for an authorized appropriation of $25 million the first year and $50 million the second year, to be used to feed the hungry and to give them adequate medical services. The program was to be administered by the Department of Agriculture, the Public Health Service, and the Department of Health, Education, and Welfare. The bill was tabled in the House Agriculture Committee, despite the favorable votes of 7 Democrats, 2 of them from the State of Mississippi.

Representative QUIE, of Minnesota, a Republican and a member of the House conferees on the poverty bill, succeeded in having inserted in the poverty bill a provision somewhat similar to the Senate-passed Stennis bill. In conference, we adjusted the Quie amendment so as to incorporate the more important provisions of the Stennis bill, and it appears in the conference report, as part of the text of the act, on page 30.

I am most grateful to Senator STENNIS for the cooperation he gave the Senate subcommittee in pressing the Senate bill to enactment in this body. I am even more grateful to him for his valiant but unsuccessful efforts to get the House Agriculture Committee to report the Stennis bill. I am happy to say that he has advised me that he is in accord with the action taken by the conferees on the poverty bill in incorporating the major features of his bill into this measure. At his request, I ask unanimous consent that a letter written to him on December 8 by Sargent Shriver, the Director of the Office of Economic Opportunity, explaining what he intends to do to assure the effective operation of this program through the Department of Agriculture and the Department of Health, Education, and Welfare—even though the appropriation will go to him—be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., December 8, 1967.

Hon. JOHN STENNIS,
U.S. Senate, Washington, D.C.

DEAR SENATOR STENNIS: As you know, S. 2388, the proposed Economic Opportunity Amendments of 1967, was reported by the Conference Committee with a new § 222(a) (6) added to the Economic Opportunity Act. That provision authorizes a special program of "Emergency Food and Medical Services" to provide on a temporary emergency basis food and medical services to counteract conditions of starvation and malnutrition among the poor.

Since the purposes of this provision roughly parallel S. 2138 which you introduced earlier this year, I know you are interested in the plans for implementing it. Section 222(a)(6) provides that the Director of the Office of Economic Opportunity shall arrange to carry out his functions under that provision through the Departments of Agriculture and of Health, Education, and Welfare. Subject to other statutory limitations it is certainly my intention to insure that the new supplemental emergency services are provided in a manner which does not duplicate or dislocate the arrangements for distribution of food and medical assistance to the poor presently administered by those two Departments.

Beyond that, the views and cooperation of State and local agencies which administer welfare and health aid within the communities receiving § 222(a)(6) assistance will certainly be sought. Indeed, within the framework of the law and the pressures of the needs which led to this new provision, I hope and expect that in most communities those agencies will play a much more instrumental role than just providing consultation and cooperation.

As you realize, it is too early to give definitive answers on particulars. However, I intend to see that this program is pressed as energetically as any authorized under our new legislation. I trust you will call upon me any time that I can provide additional information as our plans develop.

Sincerely,

SARGENT SHRIVER,
Director.

Mr. CLARK. Mr. President, with respect to the remarks of my good friend, the Senator from New York, first, I am glad, indeed, that he will vote to approve the conference report. This means that the report will have the affirmative votes of nine of the Senate conferees. Although, to my deep regret, Senator Prouty is ill and cannot be present to cast his vote, he has signed the conference report.

Second, in my judgment, we have a good bill. It is not a perfect bill, but it is a good bill, well worthy of enactment. I regret that it was necessary to accept the Green amendment, but we had to if we wanted any bill at all. The House was determined that the basic provisions of the Green amendment remain in the final bill. We were, however, able to modify its provisions in conference.

I would like to say to my good friend, the Senator from New York [Mr. Javits], that I do not agree with him that the Green amendment is as bad as he has made it seem. In my judgment, there is nothing disastrous about it. Basically, what it does is give substantial but far from complete authority—authority which is subject to the application of criteria applied by the Director in determining whether to approve an application for designation as a community action agency—to States and units of local government to be, either directly or by designation of a public or private nonprofit agency, the community action for a community.

But a State local governmental unit can do that and operate a community action program only if it is approved by the Director as meeting all the criteria for designation of a community action agency and for operation of a community action program under the provisions of the act as we were able to change it in conference. Moreover, if it fails to submit a satisfactory plan for a program which meets the criteria of the act, or if the Director, having approved such a plan, finds that it fails to carry it out satisfactorily, then the Director can bypass the State or local governmental unit or its designee and designate and assist another public or private nonprofit agency as a community action agency.

(At this point, Mr. Byrd of Virginia assumed the chair.)

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. DOMINICK. I must say to the Senator that I hope to be able to be in the Chamber for the remainder of his discussion, but I shall only be here for a short time at the present time.

Mr. CLARK. I would say to the Senator from Colorado that I have made practically no talk at all. All of the talking has been done by the distinguished Senator from New York.

Mr. DOMINICK. I would like to ask several questions about the other provisions of the act.

Mr. CLARK. I shall be happy to answer them.

Mr. DOMINICK. Did the conference report provide any specific funding for the Headstart program?

Mr. CLARK. No.

Mr' DOMINICK. Did the conference report enlarge or decrease the amount of authorization for the Job Corps over what it has been in the past?

Mr. CLARK. It is the same as recommended by the President.

Mr. DOMINICK. Which is more than it was last year?

Mr. CLARK. It is $295 million this year and it was $211 million last year, although, because of a carryover from 1966, the actual expenditures last year were more than $300 million.

Mr. DOMINICK. I thank the Senator.

Mr. CLARK. Mr. President, I have no further comments to make at this time.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. I believe that if the Green amendment goes into effect, if it does, that it really would emasculate the poverty program. I have listened to the distinguished Senator from Pennsylvania as to the effect of the Green amendment, but it is too late to debate that at this time.

Mr. CLARK. Will the Senator yield so that I may make a brief response?

Mr. BROOKE. I yield.

Mr. CLARK. I wish to make clear that I am not a protagonist of the Green amendment. I fought it hard in conference but we had the choice of either taking it in principle, as we were able to modify it, or having no bill.

Mr. BROOKE. I understand, but I think the American people are entitled to know where support for the Green amendment came from and where the opposition came from.

I would ask the distinguished Senator from Pennsylvania or the distinguished Senator from New York to enlighten us as to where opposition to the Green amendment came from.

Mr. CLARK. I would say to my good friend from Massachusetts that I can think of no one more capable of answering the question of the Senator than his Republican colleague from New York.

Mr. BROOKE. I direct my question to the distinguished Senator from New York.

Mr. JAVITS. The protagonists of the Green amendment were the majority—the Democrats—among the House conferees.

I think the Senator is correct in stating that it should be brought out as to how this came to be. Other people have just as deep convictions as the Senator from Massachusetts and the Senator from New York, except their views may be just the other way around. In the final analysis we have to fight it out as we tried to do in this situation. I must say that I would have been much happier if the first time the bill was considered those who are of my party in the House had concocted a coalition of those for the measure so that this would not be necessary. I do not know whether it would or would not have made a difference, but when we got to conference, of course, it was too late. The dynamics of the matter were such that certain feelings had been engendered by the need for a majority to obtain passage in the House. There were certain commitments. They do not have to be sworn to in blood. They are men of honor, and when they take a position, they stick to it, and they did in this conference.

I have had much experience in these matters, and I have rarely seen a matter such as this in the way of a "dug in" conference.

I would say that unless the Senate conferees got up and walked out, which is what I wanted to do, there was not much more we could have done without running the risk that the program would go to smithereens. They were absolutely dug in on the other side and they would not have it any other way.

I am delighted to hear what the Senator from Pennsylvania said today, in contrast to what he said at his press conference, that the changes we made in the Green amendment were meaningful. I said so originally. These matters had to be fought for and gained with blood and infinite passion, so deeply deadlocked was the conference.

Mr. CLARK. Mr. President, will the Senator yield to me briefly?

Mr. BROOKE. I yield.

Mr. CLARK. I suggest to my good friend from Massachusetts that perhaps we should not make of the Green amendment more of a dragon than it really is. I would anticipate and hope that in the overwhelming majority of cases that the local governmental units and the States would designate the existing community action agency to continue as it has heretofore.

There are, to be sure, a number of areas where there has been a clash between what I believe to be the legitimate aspirations of the poor and units of local government. However, these areas are the exceptions, in my judgment, which prove the rule.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in a moment.

Again, I say that the Green amendment is not the way I would have had it, but I say that we may tend to overestimate the damage.

Mr. BROOKE. Does the Senator agree that the Green amendment will perhaps create more situations in more areas than presently exist?

Mr. CLARK. It may, but I am not sure. I can think of one or two. I do not want to name them because that would be invidious. But I do not think it will.

Mr. BROOKE. I thank the Senator.

Mr. JAVITS. Mr. President, I would like to be recognized.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I thank my colleague for his helpful intercession. One of the things that troubled me deeply is the fact that there does not seem to be a disposition on the part of the overwhelming majority of the Senate to have this out by turning down the report. I know. I have checked it out. There is no question about the statement. There was a substantial vote in the other body on the bill. That vote was 283 to 129. Indeed, many of those who are supposedly the most ardent friends of this particular amendment—to wit, the Representatives from southern States, voted against final passage. I thought that if we had made a major stand upon this, even to the extent of the danger of breaking up the whole thing, that we would have prevailed because of the margin and the cushion of the votes which existed in the House. With that margin, they did not need to keep so much of the Green amendment to pass the conference report. I know that some House conferees have said that in private. But certainly we did not find that reflected in the conference. There is no question about that. There was a deeply dug-in attitude there. The idea of getting a continuing resolution as an alternative to the Green amendment was supported by the minority.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, I am inclined very much to agree with the position being taken by the Senator from New York. I am also sympathetic to the position taken by the distinguished Senator from Massachusetts [Mr. BROOKE]. However, I think, here, we are confronted with a practical question so far as extension of the resolution is concerned.

As it now stands, we have gotten as far as December 2. If this conference broke up without some resolution on this very important program—the only one remaining program, the antipoverty program—I doubt very much, with the attitude which confronts us in the House, that we could have gotten another extension of the resolution. That means, for all practical purposes, that the whole antipoverty program might have just dissipated entirely. Of course, that would have wreaked havoc.

I quite agree that we would have been better off without the Green amendment but I think we should give it a try, for all practical purposes, and see how it works out. Here, at least, we do have the likelihood of keeping the whole organization together and taking it from this point on. I think we should watch it closely. It is regrettable that we could not have had it in the same fashion as we have had it up to now but, as I understand it, the House is adamant. There are some people there that could care less whether we pass an antipoverty program or not. The result would have been, the chances are we would have left here for Christmas without having passed any antipoverty legislation.

We have not had the appropriation request yet to come before the Senate. I understand that that will be one of my responsibilities. There is a lot of talk about adjourning next Friday. I hope that happens, but I am afraid that if we had a hiatus of a month and a half or 2 months without some tangible antipoverty program, even as bad as this may be—although I doubt very much that it is that bad—the fact still remains. So I think, for all practical purposes, we are a whole lot better off, and I think we should adopt the conference report.

Mr. JAVITS. I am very grateful to the Senator from Rhode Island. Let me say to him, because he may not have been in the Chamber when I spoke, that I know of no ally I would rather have on my side than the Senator from Rhode Island in the vigilance which is going to be required to see that this thing does not turn into an iniquitous pattern, or become a pork barrel, which it could easily become, remembering the capabilities inherent in the bill.

I hope and pray that does not happen. It does not have to happen. But, it will take vigilance and dedication on the part of people like the Senator from Rhode Island [Mr. PASTORE], who is in a much better position in a matter of this kind to help the country avoid the very real dangers which this amendment poses.

Mr. PASTORE. I thank the Senator from New York.

Mr. KENNEDY of Massachusetts. Mr. President, with today's vote, we can move one step closer to keeping the doors of opportunity open for many millions of poor Americans.

The poverty program is unlike other Federal assistance programs—it is aimed at helping poor Americans help themselves. This is the most important single aspect of the poverty program. It is one now adopted in other Federal programs, such as the work programs for welfare recipients, the neighborhood involvement in the model cities program, and various others.

There was widespread concern that the House-passed poverty bill would dilute this aspect of involvement, of the poor being given a role in determining what types of projects be established in their neighborhoods. We had a difficult time in conference seeing to it that this resident involvement and voice in program control was preserved. But I am satisfied that the bypass and other provisions we worked out in conference will assure the continued operation of local poverty programs, without creating undue disruption. I believe this in spite of charges to the contrary. Of course, if experience proves otherwise, then we have the authority to amend the legislation.

The amount authorized by this conference report is $1,980 million—$278 million less than the Senate bill but $380 million more than the House bill. This figure is a disappointment to the millions of Americans who see expansion of the poverty programs as an important way of reducing the causes of tension among our alienated poor. But even this amount is a victory, for there were many who despaired of getting any bill at all through the Congress this year.

There are a number of amendments to the existing law, which I introduced, about which I want to make specific mention at this point.

Section 215(b) requires each community action agency to encourage the establishment of housing development and service organizations, to focus on the housing needs of low-income persons. These organizations will provide technical, administrative, and financial assistance required to help those persons to utilize existing programs, and to enable sponsors to take advantage of existing mortgage insurance and housing assistance programs. While these corporations may themselves become sponsors of housing, under existing programs, under no circumstances are they authorized to insure mortgages or duplicate the long-term capital financing functions of programs administered by the specialized housing agencies. They will coordinate their efforts with other community action agency efforts.

Section 222(a)(4)(B) requires that comprehensive health services programs include programs to provide financial assistance to public or private agencies for projects designed to develop knowledge or enhance skills in the field of health services for the poor. These projects would encourage health professionals to direct their talents and energies toward providing health services for the poor. In carrying out this provision, the Director would be authorized to provide or arrange for training and study in the field of health services for the poor. Under this authority the Director could arrange for the payment of stipends and allowances for persons undergoing this training and for their dependents. The Director and the Secretary of Health, Education, and Welfare are directed to achieve effective coordination of programs and projects authorized under this provision with other related activities.

This section is an addition to the section authorizing neighborhood health centers, which I introduced last year and which is included in the Economic Opportunity Amendments of 1966.

Section 222(a)(8) provides for programs to identify and meet the needs of older, poor persons to be carried out as a special program. Under my amendment, this program would be known as Project Find, while under the House bill it would be known as Senior Opportunities and Services. The conference report accepts the House name for the program. The Senate bill intended the program to be for the benefit of persons over the age of 60, while the House amendment used 55 as the eligibility age. The conference report adopts the Senate age limit. Both my amendment and the House bill list the development of certain all-season centers as one of the areas of activities to be incuded in program. The House bill, unlike my amendment, requires that these centers be controlled by the older persons themselves. The House bill also provides that in administering this program, the Director must utilize to the maximum feasible extent the services of the Administration on Aging in accordance with agreements with the Secretary of Health, Education, and Welfare. The conference report adopts the language of the House bill on these two latter points.

In achieving coordination with the programs of the Administration on Aging in HEW, I would expect that the Director of OEO would seek to supplement services for seniors where the AOA has established centers which do not focus sufficiently on the poor. Further, where such services do not exist at all for poor seniors, then I would expect him to move aggressively to make sure they are made available. Action is needed, at this point, and I would hope it would not be postponed pending the outcome of interagency disputes.

The needs of the elderly poor have been set out at length in the subcommittee hearings, and I summarized them in a speech in the Senate on October 3. They are set out also in the Senate committee report. Further documentation is available in the volumes of hearings of the Special Committee on Aging.

I would reemphasize my hope that OEO move swiftly to implement this new program for our seniors.

There are a large number of other provisions in this conference report, designed to enhance the lives of our elderly poor, which I sponsored. They are intended to strengthen the role of the Assistant Director for the Elderly Poor, a position created under the terms of an amendment I introduced last year. We have not focused enough resources on or attention to our elderly poor—but now OEO has both the mandate and the machinery to do it.

Section 224 requires the Director to encourage the development of neighborhood centers designed to promote the effectiveness of needed services in fields particularly relevant to the needs of the poor, and so organized as to promote the maximum participation of neighborhood residents in center planning, policymaking, administration, and operation. Such centers would be responsive to such neighborhood needs, including counseling, referral, followthrough, and community development activities, as may be necessary or appropriate to best assure a system under which existing programs are extended to the most disadvantaged, are linked to one another, are responsive to the range of community, family, and individual problems, and are fully adapted to neighborhood needs and conditions.

There are two other matters I want to discuss specifically, at this point.

First, the legal services program. Section 222(a)(3) says, in part, that—

> No funds or personnel made available for such program . . . shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

But the statement of the managers on the part of the House, referring to this section says:

> It would prohibit the use of funds or personnel made available for this program for the defense of any person charged with crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director determines that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

From these two excerpts, there appears to be a conflict between the statutory language and the statement of the House managers. The statute permits legal services counsel to be made available to individuals charged with a crime, up through the indictment or information proceedings. The statement of the House managers would seem to prohibit use of legal services counsel by those charged with a crime. It is my recollection of the conferees' discussions of this matter, that legal services counsel were intended to be made available through the indictment or information proceedings. Thus, the statement of the House managers should not be read as restricting the statutory language.

Second, section 603 of the conference report concerning political activities. This section is a modification of section 246 of the House bill. As modified, the conferees intended section 603 only to preclude use of OEO funds themselves to support political activities. They did not intend it to restrict any recipient agency's activities which are not supported by OEO funds.

Mr. President, there are many other important provisions of this conference report—all of them aimed at keeping OEO going strongly forward in its efforts to help the poor help themselves.

I am glad to have had a part in the development of the report, for I consider its provisions crucial to help us meet the unmet needs of America's poor.

The chairman of the Subcommittee on Employment, Manpower, and Poverty, Senator Clark, deserves the highest praise for his diligence in seeing this bill through the authorization process. It is a stronger and better bill than it would have been without his efforts, and we all owe him a debt of gratitude.

Mr. COOPER. Mr. President, I rise to support the conference report on S. 2388, the Economic Opportunity Amendments of 1967.

I believe that the amendments agreed upon by the Senate-House conferees can make for an improved and more effective bill. I am pleased to note that three of the amendments that I proposed on the floor of the Senate, and which were adopted, have been retained in conference.

Because of criticisms I had received from constituents concerning certain aspects of the program in Kentucky, I introduced amendments to deal with these problems. It was my belief that these amendments would insure certain procedures and safeguards necessary to make the poverty program more effective and responsive to the efforts of our communities in assisting the poor.

The amendments that I offered which were retained in conference are as follows:

First, the present law provides that the assignment of VISTA volunteers shall be under such terms and conditions as the Director may determine but volunteers shall not be assigned to duties or work in any State without the consent of the Governor.

Where an assignment of volunteers has been consented to by the Governor and, at a subsequent time, he does not feel that the volunteers are carrying out their duties in the best interests of the program the present law does not specifically authorize the Governor to request the withdrawal of such volunteeers. I have been informed by the Office of Economic Opportunity that in the absence of explicit statutory authorization it is the policy of the agency to withdraw volunteers at any time at the request of the Governor. My amendment would write this policy into the bill so as to avoid any misunderstanding as to the individual responsibilities of the Governor and the Director.

My second amendment as modified by an amendment of Senator Byrd of West Virginia, requires that the Director of OEO employ the same procedures and information of all volunteer applicants in the VISTA programs as is required of those who are selected as representatives of VISTA. In securing its applicants to serve as volunteers in its programs VISTA uses application forms substantially the same as those used by the civil service. Where such applications reveal circumstances indicating criminal activities, subversive activities or other forms of misconduct, VISTA then refers the application to the FBI for further investigation and where the charges are substantiated the application is denied.

However, with respect to volunteers who are selected by other agencies funded by OEO, there are no similar procedures or requirements. For example, the Appalachian volunteers have received several million dollars from OEO, but as far as OEO is aware the Appalachian volunteers has no procedures to screen and select their applications, and the Director of OEO has no control over their selection or approval.

This amendment would make applicable to all categories of volunteers the same procedures so as to assure the selection of persons with proper qualifications and good character. At the same time, this amendment would authorize the Director to prescribe other qualifications for those volunteers selected from the poor and low-income residents of the area to be served who cannot meet the educational qualifications of the VISTA applicants.

A third amendment that I introduced and which the conferees accepted requires the Director to make arrangements under which State as well as local bar associations would be consulted and afforded an opportunity to submit comments and recommendations on the legal services projects before they are approved and funded. In addition the Senate bill contained a provision, not in the House bill, which requires the Director to seek the comments and recommendations of the State and local bar associations on the conduct and operation of a legal services program after that program had been approved and funded. I am pleased to note that this provision was retained in conference. It is important that State and local bar associations, after an initial OEO grant has been made, exercise a continuing review of the operations of these projects so as to make certain that they are carried out in the manner that they were originally proposed and that they are administered to meet the particular needs of the local community in keeping with the recommendations of bar association members.

Mr. President, I ask unanimous consent that the text of section 222(a)(3), followed by the comments on this provision contained in the conference report, be included in the Record at this point.

There being no objection, the text was ordered to be printed in the Record, as follows:

SECTION 222(A)(3)

(3) A "Legal Services" program to further the cause of justice among persons living in poverty by mobilizing the assistance of law-

yers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. The Director shall make arrangements under which the State bar association and the principal local bar associations in the community to be served by any proposed project authorized by this paragraph shall be consulted and afforded an adequate opportunity to submit, to the Director, comments and recommendations on the proposed project before such project is approved or funded, and to submit, to the Director, comments and recommendations on the operations of such project, if approved and funded. No funds or personnel made available for such program (whether conducted pursuant to this section or any other section in this part) shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

CONFERENCE REPORT COMMENTS

Both the Senate bill and the House amendment contain provisions relating to Legal Services programs. The Senate bill provides that these programs must further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. The comparable provision of the House amendment requires that legal services programs provide legal advice and legal representation to persons when they are unable to afford services of a private attorney, together with legal research and information as appropriate to mobilize the assistance of lawyers or legal institutions, or combinations thereof, in the furtherance of the cause of justice among persons living in poverty. On this difference the House recedes. The Senate bill requires the Director to make arrangements under which State and local bar associations would be consulted and afforded an opportunity to submit comments and recommendations on the project before it is approved and funded and to submit comments and recommendations on the operation of the project after it is approved and funded. The comparable provision of the House bill requires the Director to establish procedures to assure that the principal local bar association is afforded ample opportunity to submit comments and recommendations on the proposal before it is approved or funded. The conference report adopts the Senate language, but with the addition of the word "principal". The House amendment also contains a provision, which has no counterpart in the Senate bill, which provides that no funds or personnel made available for the legal services program under whatever provision of the act it is conducted, shall be utilized to organize or assist in organizing any unlawful demonstration or civil disturbance, or for the defense of any person charged with participating therein, or with the commission of a crime committed in the course thereof, if such person organized or assisted in organizing such demonstration or civil disturbance. The conference substitute contains a modification of this provision. As modified, it would prohibit the use of funds or personnel made available for this program for the defense of any person charged with crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director determines that adequate legal assistance will not be available for an indigent defendant unless such services are made available. The portion of this provision dealing with use of program funds and personnel to organize or assist in organizing unlawful demonstrations or civil disturbances is treated in the new section 613.

Mr. COOPER. Mr. President, a fourth amendment that I proposed, and which was adopted on the Senate floor, required that the chief elected official or officials of a community have the opportunity to serve on their community action board and if such official desired not to serve, to designate a person to serve in his place. In addition, the amendment specifically provided for membership on community action boards of representatives of business, labor, religious, or other major groups and interests in the community.

I am pleased to note that the conferees accepted the provision of the House bill which is more comprehensive and far reaching and requires that a community action agency must be a State or political subdivision of a State, or combination of political subdivisions, or a public or private nonprofit agency designated by the State or a political subdivision or combination thereof, so long as it has the power to enter into contracts with public or private nonprofit agencies and organizations to assist in fulfilling the purposes of the title, and is designated as a community action agency by the Director.

It is my belief that if community action programs are to be successful the support of all the community is necessary, not only its private citizens and organizations, but the governing officials of the community, as well. Further, it is not only appropriate but necessary to mobilize all local resources, including funds, and the abilities and capacities of the community's officials, and to fix responsibility on those who operate the programs. As one who has supported these programs, I want them to succeed.

In conclusion, Mr. President, I would like to pay my respects to the Senator from Pennsylvania [Mr. CLARK], the floor manager of the bill, the ranking minority member of the Senate Committee on Labor and Public Welfare [Mr. JAVITS], and other committee members whose efforts and hard work over a long period of time have made this legislation possible.

Mr. KENNEDY of New York. Mr. President, as we near the completion of Senate action on the poverty legislation, I would like to take this opportunity to congratulate the Senator from Pennsylvania [Mr. CLARK] and Bill Smith and Howard Hallman of his staff, on the truly remarkable job they have done throughout the year on this legislation.

Senator CLARK held hearings all over the country and his staff ably supervised the work of many consultants in evaluating the poverty program. They guided the bill through committee and through floor consideration with great skill.

But perhaps the finest work that Senator CLARK did was in presiding over the conference. It was a long and difficult conference, and Senator CLARK was patient and thoroughly committed to the Senate approach throughout. His diplomacy and leadership were critical in getting a bill that is as good as the one before us. The bill has its deficiencies, but it would be far less acceptable but for the work of Senator CLARK.

The work of Bill Smith and Howard Hallman on the conference was equally important. They prepared all of the material that the conferees needed and worked long hours on developing compromise positions that would be acceptable to the House and satisfactory to the poor people of our country. The Senator from Pennsylvania and his staff deserve the thanks of all of us today.

Mr. JAVITS. Mr. President, I am ready to vote.

Mr. CLARK. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on the adoption of the conference report. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS], are absent on official business.

I also announce that the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. MAGNUSON], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

On this vote, the Senator from Hawaii [Mr. INOUYE] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Utah [Mr. MOSS] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Illinois [Mr. DIRKSEN], the Senator from California [Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent because of death in his family.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from California [Mr. MURPHY] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from California would vote "yea," and the Senator from Utah would vote "nay."

The result was announced—yeas 62, nays 16, as follows:

[No. 380 Leg.]

YEAS—62

Aiken
Anderson
Baker
Bartlett
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Dodd
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Mansfield
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Mundt
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Smith
Spong
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—16

Byrd, Va.
Curtis
Dominick
Eastland
Ervin
Fannin
Hickenlooper
Hill
Holland
Jordan, N.C.
McClellan
Russell
Smathers
Sparkman
Thurmond
Williams, Del.

NOT VOTING—22

Allott
Bennett
Dirksen
Ellender
Hollings
Hruska
Inouye
Jordan, Idaho
Lausche
Long, La.
Magnuson
McCarthy
Moss
Murphy
Muskie
Prouty
Ribicoff
Scott
Stennis
Talmadge
Tower
Tydings

So the conference report was agreed to.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I again commend the distinguished Senator from Pennsylvania [Mr. CLARK] for the initiative and the effectiveness he has shown.

Mr. HOLLAND. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. In his handling of the poverty bill throughout the hearings, and during the consideration of the measure on the floor, Senator CLARK demonstrated outstanding skill and leadership. He exhibited those same qualities as the chairman of the conference, maintaining a high degree of fidelity to the intent of the Senate, and certainly indicating clearly and strongly again, his deep interest in the people of this country, his effective response to those who are in such dire need of help. His efforts deserve the high commendation of the Senate.

I wish also, at this time to extend my congratulations to the distinguished Senator from New York [Mr. JAVITS] and to the others who serve on the committee. The extensive hearings conducted here and in the field—in the cities and poverty areas; the long and arduous labors—in excess of 20 days in the conference, all served to produce, I think, an exceedingly good and sound bill for the interests of the poor people of this country. So, we have the committee members to thank. Their devoted efforts were certainly exemplary.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I just wanted to note that the Senator from Vermont [Mr. PROUTY] is the ranking minority member of the Employment and Manpower Subcommittee, which handled this bill. He gave it indefatigable attention, faithfully attended the hearings in the field, came to as much of the conference as he could, probably more than he should, and then had to go to the hospital for a checkup; and I think his name must be mentioned most favorably and graciously in this connection.

Mr. MANSFIELD. I concur wholeheartedly. I did not mention him because I knew he was in the hospital; but I, too, know where his heart and hope would have been had he been here.

Mr. CLARK. Mr. President, I thank the majority leader for his kind words. I should like the RECORD to show the great gratitude that I feel, personally, for the unfailing help, devotion to duty, and assistance which were given in pressing this bill through the Senate, and then in completing the conference agreement, by all of the members of the Subcommittee on Employment, Manpower, and Poverty. Their names should be mentioned: The two Senators KENNEDY, Senator RANDOLPH, Senator PELL, Senator NELSON, Senator JAVITS, Senator PROUTY, and Senator MURPHY. Without their assistance, we could never have put this bill, which is essentially bipartisan in its concept and its execution, through Congress.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Pennsylvania may proceed.

Mr. CLARK. I should also like to pay special tribute to the members of the staff of the Subcommittee on Manpower, Employment, and Poverty, who did an extraordinarily able job, without regard to working hours, in helping us on this matter, particularly Mr. William Smith and Mr. Howard Hallman, but also the staff members of individual Senators, including Mr. Petrocelli, Mr. Walinsky, and a number of others, who were of great help to us in bringing this bill to conclusion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I yiled.

Mr. JAVITS. I should like to join the Senator from Pensylvania in his tribute to the staff, and to pay special tribute to Mr. Smith and Mr. Petrocelli, who I think were the real stalwarts in this whole matter.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CLARK. I yield the floor.

Mr. PELL. I should like to join in paying tribute to the Senator from Pennsylvania for his remarkable patience, calmness, and good nature throughout these hearings, and also for his indefatigable effort in conducting as many hearings as he did, as shown by the stack of volumes on our desks.

STANDARDS OF CONDUCT

Mr. STENNIS. Mr. President, as the chairman of the Select Committee on Standards and Conduct, I wish to make a brief report to the Senate on the state of the committee's proposed recommendations to the Senate on standards of conduct by Members of the Senate, and by officers and employees of the Senate. The committee expects to put its recommendations into final form next week. In addition to the standards, the committee is still engaged in the preparation of a detailed report to accompany them. Because the current session of Congress is nearing an end, there is not sufficient time for the Senate to fully and properly consider our recommendations. We regret that circumstances beyond the control of the committee, which included other duties of the committee, made it impossible to complete these recommendations and report earlier in time for full consideration at this session.

The committee requests that the leadership set a time in January 1968 for consideration of the proposed standards which will be submitted as additions to the rules of the Senate.

It is not known now at what date we shall reassemble in January, and for that reason I did not request of the leadership a specific date, but I did discuss this with the leadership, and this suggestion is generally acceptable to them. So we will leave it on that basis.

As the recommended standards are not in final form at the moment and the committee's report has not been fully prepared, it would be premature to attempt to describe our proposals at this time. The committee has made a determined effort, for a period of over 2 years, to explore most of the ethical problems of conduct by Senators, and by officers and employees of the Senate, that have arisen in recent years, and to consider the various solutions that have been proposed both within and outside of the committee.

The subjects of our standards will include most of the items mentioned in my letter to Senators dated July 20, 1967, as well as other matters. I ask unanimous consent to have included in the RECORD at this point a copy of the letter just mentioned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Senate, Select Committee on
Standards and Conduct,
July 20, 1967.

U.S. Senate,
Washington, D.C.

Dear Senator: The Select Committee on Standards and Conduct is undertaking the preparation of standards of conduct for Members of the Senate, and officers or employees of the Senate. In view of the novelty and the varied views of such standards, the Committee would like to have your proposals or ideas for consideration.

Because little experience is available, the Committee has not yet finally defined the areas of activity which should be governed by standards. The following broad subjects are being considered by the Committee or have been advocated by others:

1. Outside professional, business, or financial activities of Senators.
2. Gifts to Senators, including testimonials.
3. Disclosure of income or assets by Senators.
4. Outside professional, business, or financial activities, or employment of staff members.

The itemization of these suggested subjects is not intended to preclude other areas that may properly be included in a code.

Certain areas, such as regulation of travel and limitations on campaign finances, are more clearly within the cognizance of other Committees of the Senate.

Your comments and suggestions will be appreciated and will be subject to careful examination by the Committee. Please address any reply to me at room 222 of the old Senate Office Building.

Sincerely yours,

John Stennis,
Chairman.

Mr. STENNIS. Mr. President, our recommendations, together with the report thereon, will be completed and released in time for study and analysis prior to consideration by the Senate.

OCEAN SPACE, THE UNITED NATIONS, AND THE SENATOR FROM RHODE ISLAND, MR. PELL

Mr. MANSFIELD. Mr. President, the ocean deeps constitute the last frontier of the globe. Until recent years this vast region was for the most part an unknown in the environment of man. Scientific and engineering techniques are now bringing it more and more within the reach of human exploration and utilization. By the same token, however, the region is also coming ever more fully into the range of chaotic exploitation and despoliation.

The manner in which ocean space is entered, probed and utilized will be of the greatest importance to the people of the world in the coming decades. On the basis of sensible international cooperation there exists in the region an immense potential for benefit for all. At the same time, there is an immense potential for damage to all, if the increasing contact with ocean space proceeds on the basis of random exploitation or shortsighted national rivalries.

In short, the need is apparent. The nations of the world have a common interest—as they had in connection with Antarctica and as they had in connection with outer space—in exploring the questions which are posed by the human penetration of the ocean deeps in order to try to come up with ground rules, so to speak, for human activity in that region.

The distinguished Senator from Rhode Island [Mr. Pell] has been among the first to recognize this problem. He has had a sustained interest in oceanography for many years. That interest, coupled with a long experience in international relations, has led him to introduce two Senate Resolutions 172 and 186 which are now before the Foreign Relations Committee. The resolutions have as their purpose the development of a sound national policy on ocean space and the encouragement of rational international practices in the management of the regions beneath the extraterritorial waters of the world, to the end that there will be peaceful access and constructive and cooperative use of these areas by all nations.

Senator Pell's pioneering efforts in the Senate are already reflected in U.S. policies and find a counterpart in the work of the U.S. mission at the United Nations. Ambassador Goldberg has urged the General Assembly to establish a Committee on the Oceans. By that medium, it is to be hoped that it will be possible for the world community to begin to face up to the questions which are posed by the expanding entry of man, in scientific and commercial pursuits, into ocean space. What is involved here is a range of problems which have to do with the preservation of peace and security, the conservation of immense resources, the avoidance of radiation and other forms of pollution and many other critical public questions.

Ambassador Goldberg recently suggested that there is a clear need to create "general standards and principles to guide states and their nationals in the exploration and use of the deep ocean floor." He went on to point out:

> All of our knowledge about the deep ocean floor and all of our technological skill in exploiting its resources could prove of little value if man's law-making faculty does not keep pace.

A U.N. Committee on the Oceans, as he has proposed, might well prove to be a most helpful instrument. I share with Senator Pell and many others the hope that Ambassador Goldberg will be successful in persuading the General Assembly to recognize the necessity for a new international initiative of this kind. It would be my further hope that the most careful consideration will be given to the resolutions which the Senator from Rhode Island [Mr. Pell] has introduced. The able and distinguished Senator has already made a great contribution to the Senate's and the Government's awareness of the new problems and potentialities of ocean space, and he will perform an outstanding service to the Nation if he will continue to give to the Senate and the executive branch the benefit of his leadership in these questions, particularly, as they interrelate with our foreign relations and the United Nations.

Mr. PELL. Mr. President, I thank the distinguished Senator from Montana for his immensely kind words. And I would like to add encouraging news from New York to what the distinguished Senator from Montana has just said.

Yesterday the Government of Belgium tabled a resolution before the General Assembly calling for an ad hoc committee to study the scope and various aspects of the seabeds. I understand that the resolution has already picked up 38 sponsors and no objections have been voiced as yet.

Thus, the necessary first action toward adoption of Ambassador Goldberg's proposed Committee on the Oceans appears close to achieving a consensus in the U.N.

I commend Ambassador Goldberg for his impending initial success on the way to the ultimate rule of law for ocean space.

Mr. President, I ask unanimous consent to have printed at this point in the Record a copy of the draft resolution on seabeds to which I have referred.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Belgium Draft Resolution on Seabeds Tabled December 7, 1967

The General Assembly, Having considered the item "examination of the question of reservation exclusively for peaceful purposes of the seabed and ocean floor, and subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and uses of their resources in the interests of mankind,"

Noting that developing technology is making the sea-bed and ocean floor, and subsoil thereof, accessible and exploitable for scientific, economic, military and other purposes,

Recognizing the common interest of mankind in the sea-bed and ocean floor which constitute the major portion of the area of this planet,

Recognizing further that exploration and use of the sea-bed and ocean floor, and subsoil thereof, as contemplated in the title of the item, should be conducted in accordance with the principles and purposes of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of all mankind,

Mindful of the provisions and practice of the Law of the Sea relating to this question,

Mindful further of the importance of preserving the sea-bed and the ocean floor, and subsoil thereof, as contemplated in the title of the item, from actions and uses which might be detrimental to the common interest of mankind,

Desiring to foster greater international cooperation and coordination in further peaceful exploration and use of the sea-bed and ocean floor, and subsoil thereof, as contemplated in the title of the item,

Recalling past and continuing valuable work carried out by competent organs of the United Nations, specialized agencies, IAEA and other intergovernmental organizations, on questions relating to this matter,

Recalling further that surveys are being prepared by the Secretary-General in response to General Assembly resolution 2172 (XXI) and ECOSOC resolution 1112 (XL),

1. *Decides* to establish an *ad hoc* committee on sea-beds representative of member States to study the scope and various aspects of this item;

2. *Requests* the *ad hoc* committee, in cooperation with the Secretary-General, to prepare for consideration by the General Assembly at its twenty-third session a study which would include:

(1) A survey of past and present activities of the United Nations, special agencies, IAEA and other intergovernmental bodies with regard to sea-bed and ocean floor, and

of existing international agreements concerning these areas;

(2) An account of scientific, technical, economic, legal and other aspects of this item;

(3) Indications regarding practical means to promote international cooperation in exploration, conservation and use of sea-bed and ocean floor and subsoil thereof, as contemplated in the title of the item, and of their resources, having regard to views expressed and suggestions put forward by member States during consideration of this item at the Twenty-Second Session of the General Assembly;

3. *Requests* the Secretary-General

(1) To transmit the text of this resolution to governments of all member States in order to seek their views on the subject;

(2) To transmit to *ad hoc* committee the records of the First Committee relating to discussion of this item;

(3) To render all appropriate assistance to the *ad hoc* committee, including submission thereto of results of studies being undertaken in pursuance of General Assembly resolution 2172 (XXI) and ECOSOC resolution 1112 (XL) and such documentation pertinent to this item as may be provided by UNESCO and its IOC, IMCO, FAO, WMO,WHO, IAEA, and other intergovernmental bodies;

4. *Invites* specialized agencies, IAEA, and other intergovernmental bodies to cooperate fully with the *ad hoc* committee in implementation of this resolution.

Mr. COTTON. Mr. President, I join in and am in complete sympathy with the expressions of the distinguished majority leader. I also join him in commending the distinguished Senator from Rhode Island [Mr. PELL] for his interest and activity in the matter of oceanography and the marine sciences.

I could not, however, let this moment pass without making sure that the RECORD also shows what has been done and is being done on our part—by our part, I mean our country and the Congress—in this matter, in addition to the very praiseworthy efforts of the distinguished Senator from Rhode Island [Mr. PELL].

I would mention that the distinguished Senator from Washington [Mr. MAGNUSON], as chairman of the Committee on Commerce, has for a period of years been extremely interested in the development of oceanography. It was through his kindness that I, as ranking minority member, was permitted to associate myself with him in sponsoring a bill to bring together, coordinate, and correlate the oceanographic and marine scientific activities in this country.

For a period of years these activities have been spread throughout various agencies and departments of the Government. The Coast Guard has performed its part. The Department of the Interior has had a finger in the pie. The Atomic Energy Commission has participated. And there has been a lack, not of activity, but of correlation.

As a result, empowered by the act which resulted from our bill, the President has created two commissions. The Senator from Washington and the Senator from New Hampshire serve on one of these commissions, representing the Senate, and two members of the House Committee on Interstate and Foreign Commerce also serve.

That Commission is doing its work at the present time, and its task force is engaged in a careful consideration of how best to develop the ocean bottom and its resources, with proper control and with fairness to all nations.

I think the distinguished Senator from Rhode Island has done well to present resolutions to the Senate urging the United Nations to lay the groundwork and plow the way. And the distinguished representative of this country in the United Nations has, as I understand it, responded favorably to that action.

I do want to say, however, that it must be remembered that the resources of the oceans are not only valuable from a scientific standpoint and from a standpoint of food, but they may also prove, and bid fair to prove, valuable in countless other ways.

There has already been evidence in the General Assembly of the United Nations of a disposition on the part of some of the small and struggling nations to obtain from the results of the development of the ocean bottom financial support for the United Nations and for their own development.

I think it would be well for this country to bear in mind that the older members of the United Nations are still financing that body, while being completely and overwhelmingly outvoted by the younger members, whose rights must be most carefully respected, but who do not have the capacity to finance the development of the ocean floor.

I think we should bear in mind that the interests of this Nation and other nations must be carefully preserved, although the United Nations may well be—and I do not for a moment say that it is not proper that it should be—the instrumentality for laying down ground rules. In this spirit, I introduced a resolution which was considered by the Committee on Foreign Relations at the same time the committee considered the two resolutions of the distinguished Senator from Rhode Island.

My resolution was simply to the effect that we must proceed with caution in this area and not in a headlong fashion. I, for one, would like to see the President's Commission make its recommendations and its suggestions for orderly and fair development of the resources of the ocean before we go too fast in permitting the United Nations to lay down rules of procedure.

My position is not contrary to that of the distinguished Senator from Rhode Island. I think he is rendering a fine service in pushing this project ahead and doing the groundwork. Indeed, with that slight reservation, I most certainly commend both the distinguished majority leader and the distinguished Senator from Rhode Island, and I join in the sentiments they have expressed.

Mr. PELL. Mr. President, I thank the Senator from New Hampshire for his kind words.

I also wish to express my gratitude for the help that the senior Senator from Washington has been in the entire development of my own ideas in oceanology. I particularly appreciate the willingness of the Senator from Washington to permit us to hold hearings on the sea grant college bill. Without his cooperation, we could not have got this new program through Congress.

The sea grant college program can prove to be as valuable for the United States and the world in obtaining food and mineral resources from the seas as was the Land Grant College Act of 1863 for American agriculture.

In connection with the subject at hand, the work that Senator MAGNUSON did in setting up the President's Commission, providing the legislative framework towards how best to set our country's course in oceanology, together with the assistance rendered by the Senator from New Hampshire, has been outstanding.

I agree that we must see what the results and the recommendations of that Commission are. On the subject of ocean space, I believe we have a very real responsibility to work for a reasonably solid international legal position that will not be behind the advances of technology. What concerns me is that we may find the methods of exploiting ocean space already upon us, without any real idea as to how to bring rule and proper procedures to this activity. Incidentally, I define ocean space as the sea, seabed, and subseabed beyond the territorial seas and continental shelves.

At this time, one sees two extremes of thought. One would turn over the entire resource of ocean space to the United Nations, and have its usufruct distributed to the poor countries. The other would be to retain it all for those nations which have the technological and defense abilities to exploit it; I do not believe that would be right for the long haul.

What I seek to do is to develop a middle view, a consensus of thought, between both these extremes which would provide for a proper, flexible, United Nations supervised licensing arrangement so that American industry can use to the full technology that is almost at hand.

I again thank the majority leader and the Senator from New Hampshire for their kind words.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield to me, so that I may call up the calendar?

Mr. THURMOND. I yield.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 830.

The PRESIDING OFFICER. Without objection, it is so ordered.

WONG WAH SIN

The bill (S. 2018) for the relief of Wong Wah Sin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (19) of the Immigration and Nationality Act, Wong Wah Sin may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 845), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has sought to procure a visa by misrepresenting a material fact in behalf of the son of a U.S. citizen.

DR. ROBERT L. CESPEDES

The bill (S. 2132) for the relief of Dr. Robert L. Cespedes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Robert L. Cespedes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 30, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 846), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Robert L. Cespedes as of October 30, 1960, thus enabling him to file a petition for naturalization.

DR. JOSE J. GUIJARRO

The bill (S. 2149) for the relief of Dr. Jose J. Guijarro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose J. Guijarro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 17, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 847), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jose J. Guijarro as of August 17, 1961, thus enabling him to file a petition for naturalization.

DR. MARIO G. MENDEZ

The bill (S. 2249) for the relief of Dr. Mario G. Mendez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mario G. Mendez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 16, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 848), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Mario G. Mendez as of March 16, 1962, thus enabling him to file a petition for naturalization.

KELLEY MICHELLE AUERBACK

The Senate proceeded to consider the bill (S. 2318) for the relief of Kelley Michelle Auerback which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Kelley Michelle Auerbach may be classified as a child within the meaning of section 101(b)(1)(F) of the said Act, upon approval of a petition filed in her behalf by Mrs. Kay J. Auerbach, a citizen of the United States, pursuant to section 204 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 851), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States, in an immediate relative status, of the adopted alien daughter of a U.S. citizen. The bill has been amended in accordance with established precedents.

DR. JUAN JOSE VILLA-CAMPOS

The bill (S. 2380) for the relief of Dr. Juan Jose Villa-Campos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Juan Jose Villa-Campos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 17, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 849), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Juan Jose Villa-Campos as of May 17, 1963, thus enabling him to file a petition for naturalization, after May 17, 1968.

DR. TEOBALDO CUERVO-CASTILLO

The bill (S. 2403) for the relief of Dr. Teobaldo Cuervo-Castillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Teobaldo Cuervo-Castillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 23, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 850), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. HERIBERTO JOSE HERNANDEZ-SUAREZ

The bill (S. 2404) for the relief of Dr. Heriberto Jose Hernandez-Suarez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Heriberto Jose Hernandez-Suarez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 3, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 852), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Heriberto Jose Hernandez-Suarez as of September 3, 1960, thus enabling him to file a petition for naturalization.

DR. RAUL AGUSTIN PEREIRA-VALDES

The bill (S. 2488) for the relief of Dr. Raul Agustin Pereira-Valdes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Raul Agustin Pereira-Valdes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 10, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 854), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

LEONARDO E. ARTEAGA

The bill (S. 2492) for the relief of Leonardo E. Arteaga was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Leonardo E. Arteaga shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 23, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 855), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JESUS ORTIZ RICOTE

The bill (S. 2495) for the relief of Dr. Jesus Ortiz Ricote was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2495

Be it enacted by the Senate and House of Rpresentatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jesus Ortiz Ricote shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 20, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 856), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

The bill (H.R. 2138) to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 858), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide that the period of residence abroad in the employ of certain U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests shall be considered as constructive residence and constructive physical presence in the United States for naturalization purposes.

STATEMENT

The general requirements for naturalization are in section 316(a) of the Immigration and Nationality Act, as amended. That section reads as follows:

"SEC. 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of that time, and who has resided within the State in which the petitioner filed the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States."

Section 316(b) provides that absence from the United States for a period of a year or more breaks the continuity of residence for naturalization.

There are employees of certain U.S. nonprofit organizations such as Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, who have been admitted to the United States for permanent residence but by virtue of their employment are necessarily regularly stationed abroad and thus are unable to satisfy the physical presence requirement and, in some cases, the residence requirement to be eligible for naturalization.

This bill will permit such employees to be absent from the United States for periods in excess of 1 year without breaking the continuity of the required 5-year period of continuous residence in the United States prescribed in section 316(a), and will waive the required 30 months of physical presence within that period and the required 6-month period of residence within a particular State, the loss of continuity of residence for remaining out of the United States for a year or more, thereby permitting the naturalization of the persons contemplated.

The persons who will be affected must have been admitted to the United States for permanent residence in accordance with all provisions of law, must have been continuously employed for a period of not less than 5 years after such admission for permanent residence, by the specified organizations, and with the exception of the residence and physical presence requirements, must satisfy all provisions of law relating to naturalization. This includes good moral character and attachment to the principles of the Constitution of the United States.

In hearings on this bill before the Immigration and Nationality Subcommittee of the Committee on the Judiciary of the House of Representatives, testimony was received from officials of the Department of Justice, the Department of State, Free Europe, Inc., and Radio Liberty Committee. The witnesses emphasized that only employees of specified organizations recognized by the Attorney General would be encompassed within the provisions of this legislation. It was developed that approximately 117 people would be eligible for the constructive residence and physical presence benefits.

The organizations which will presently qualify under the terms of this bill are Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, both of which perform highly useful research and analysis of developments in Eastern Europe and the Soviet Union, respectively. They conduct extensive radio broadcasting programs overseas in local languages which are heard by millions of people. This service substantially enlarges the amount of factual information available to inhabitants of these countries and affords them an opportunity to hear other than officially approved comment on public affairs from their own governments. There is no doubt that this penetration into countries ruled by Communist regimes promotes the interests of the United States.

Radio Free Europe, and Radio Liberty Committee could not achieve such effect without the assistance of employees who are emigres from the countries addressed. It is a paradox that some of these individuals who aspire to become U.S. citizens are, under existing law, unable to do so without giving up the work which constitutes a valuable service to the United States. The committee is confident that these two organizations, under the direction of distinguished Americans, are operating effectively and respectably.

The persons who will benefit by this bill formerly held positions of prominence and stature in their native countries. Many have suffered under communism. They have worked under American management and supervision, some for as long as 16 years. They are all idealistically motivated and are persons of proven ability and dedication to the best interests of the United States. It is only their employment outside of the United States which has prevented their naturalization as U.S. citizens. In order to continue their permanent residence status in the United States, they have secured reentry permits and have returned to the United States for short periods every 2 years.

Under existing provisions of the Immigration and Nationality Act, periods of residence abroad by certain employees of the U.S. Government, of American institutions of research, of American firms or corporations engaged in the development of foreign trade and commerce, and of certain public international organizations are recognized as constructive residence in the United States for naturalization purposes under specified conditions. Under the provisions of section 316 (b) of that act, a person who is engaged in such employment after having been lawfully admitted for permanent residence and who has resided and been physically present in the United States for an uninterrupted period of 1 year may preserve the continuity of his residence in the United States for naturalization purposes while residing abroad if he establishes to the satisfaction of the

Attorney General that his absence from the United States is required in connection with such employment. While such periods of residence abroad are recognized as constructive residence for naturalization purposes, it is only in the case of the employee of the U.S. Government that the periods of time spent abroad may also be recognized as constructive physical presence.

The minister, priest, missionary, brother, nun, or sister engaged in religious activities abroad obtains both constructive residence and constructive physical presence benefits for naturalization under section 330 of the Immigration and Nationality Act.

The spouse of a U.S. citizen employed by the U.S. Government, an American institution of research or an American firm or corporation engaged in the development of foreign trade, or who is performing ministerial or priestly functions or who is engaged as a missionary may be naturalized immediately following a lawful admission for permanent residence without any residence or physical presence whatsoever under the provisions of section 319(b) of the Immigration and Nationality Act, if the spouse is regularly stationed abroad in such activity.

ISAAC CHERVONY

The bill (H.R. 3528) for the relief of Isaac Chervony, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 862) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Isaac Chervony as of September 13, 1962, thus enabling him to file a petition for naturalization.

MRS. INGE HEMMERSBACH HILTON

The bill (H.R. 6096) for the relief of Mrs. Inge Hemmersbach Hilton was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 868), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Inge Hemmersbach Hilton. No quota charge is provided for in the bill, inasmuch as the beneficiary was previously lawfully admitted for permanent residence.

DR. JESUS JOSE EDUARDO GARCIA

The Senate proceeded to consider the bill (S. 2489) for the relief of Dr. Jesus Jose Eduardo Garcia which had been reported from the Committee on the Judiciary, with an amendment in line 6, after the word "of", strike out "September 15, 1962" and insert "September 14, 1962."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jesus Jose Eduardo Garcia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 14, 1962.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 879), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date upon which he entered the United States.

MR. AND MRS. CHRISTOS PHOTINOS-SVORONOS

The Senate proceeded to consider the bill (H.R. 3031) for the relief of Mr. and Mrs. Christos Photinos-Svoronos which had been reported from the Committee on the Judiciary, with an amendment in line 6, after the word "of", where it appears the second time, strike out "a petition" and insert "respective petitions".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 880), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the admission to the United States in an immediate relative status of the adoptive parents of a U.S. citizen. The bill has been amended in accordance with the suggestion of the Immigration and Naturalization Service and the Department of State.

PANAGIOTIS PAULUS

The Senate proceeded to consider the bill (H.R. 5575) for the relief of Panagiotis Paulus which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "Act", insert a colon and "*Provided,* That no brothers or sisters of the said Panagiotis Paulus shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 881), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the adjustment of status as an immediate relative of the alien adopted son of citizens of the United States. The bill has been amended in accordance with established precedents.

PFC. ALFRED SEVENSKI

The Senate proceeded to consider the bill (H.R. 8476) to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That Private First Class Alfred Sevenski, a native of Germany, who served honorably in the United States Army from May 11, 1964, until his death on November 5, 1966, shall be held and considered to have been a citizen of the United States at the time of his death.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 883), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski. The bill has been amended in accordance with established precedents.

MANUEL DE BENITO SUPNET

The Senate proceeded to consider the bill (S. 265) for the relief of Manuel de Benito Supnet which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 4, after the word "Manuel", strike out "de" and insert "Pe"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Manuel *Pe* Benito Supnet shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon the payment of the required visa fee. Upon the granting of permanent residence to such alien as provided in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 884), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Manuel Pe Benito Supnet as of the date of the enactment of this act. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The purpose of the amendment is to correct the spelling of the beneficiary's name.

The title was amended, so as to read: "A bill for the relief of Manuel Pe Benito Supnet."

DR. JOSEPH E. STAPLETON

The Senate proceeded to consider the bill (S. 2118) for the relief of Dr. Joseph E. Stapleton which had been reported from the Committee on the Judiciary, with amendments, in line 5, after the word "States", insert "for permanent residence as"; and in line 7, after the word "has", strike out "stayed" and insert "resided"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Joseph E. Stapleton shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 1, 1952, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 885), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Joseph E. Stapleton as of April 1, 1952, thus enabling him to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Immigration and Naturalization Service.

BILL PASSED OVER

The bill (H.R. 1411) to amend title 39, United States Code, with respect to the use of the mails to obtain money or property under false representation and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

DISTRICT OF COLUMBIA SPACE RENTAL ACT

The Senate proceeded to consider the bill (S. 1247) to authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—SHORT TITLE, STATEMENT OF FINDINGS, AND POLICY DEFINITIONS

SEC. 101. This Act may be cited as the "District of Columbia Public Space Rental Act".

SEC. 102. The Congress finds that there is demand in the District for the use of public space for private gain by the owners of property abutting such space, or by the operators of businesses on such property. The Congress further finds that much of the use that is presently being made of such space by such owners or operators, and much of the use that is proposed to be made thereof, would not be in derogation of the rights of the general public to use such space if a determination be made by the Commissioner that some or all of such space is not required for the use of the general public and may be made available for use, for business purposes, by or with the consent of the owners of the private property abutting such public space, subject to the payment of adequate compensation for the use of such public space, and subject to the discontinuance of such use to the extent that the Commissioner may later determine such space to be required for the use of the general public, including use by a public utility company. The Congress therefore declares that public space in the District which the Commissioner finds is not required for the use of the general public may be made available by him for use, for business purposes, by or with the consent of the owners of private property abutting such space, upon payment to the District of compensation for the use of such space, and on the condition that such use will be discontinued in whole or in part whenever the Commissioner determines that all or part of the public space is required for the use of the general public.

SEC. 103. As used in this Act, unless the context requires otherwise—

"Commissioner" means the Commissioner of the District or his designated agent.

"District" means the District of Columbia.

"Owner" means (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of property; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

"Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District.

"Property" means real property.

"Property line" means the line of demarcation between privately owned property fronting or abutting a street and the publicly owned property in the line of such street.

"Public space" means all the publicly owned property between the property lines on a street, as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

"Street" means a public highway as shown on the records of the District, whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.

"Vault" means a structure or an enclosure of space beneath the surface of the public space, including but not limited to tanks for petroleum products, except that the term "vault" shall not include public utility structures, pipelines, or tunnels constructed under the authority of subsection (d) of the Act approved December 20, 1944, as amended (D.C. Code, sec. 1–244(d)), or structures or facilities of the United States or the District of Columbia, or of any governmental entity or foreign government, or any structure or facility included in any lease agreement entered into by the Commissioner. If such structure or enclosure of space be divided approximately horizontally into two or more levels, the term "vault" as used in this Act shall be considered as applying to one such level only, and each such level shall be considered a separate vault within the meaning of this Act.

SEC. 104. Nothing contained in this Act shall be construed as requiring the Commissioner to assess and collect rent from the Government of the United States, the government of the District of Columbia, or any foreign government, for the use, in accordance with the provisions of titles II and III, of public space abutting property owned by any such government or governmental entity, nor shall any such government or governmental entity be subject to the payment of any rent required by this Act.

SEC. 105. Notwithstanding any other provisions of this Act, the Commissioner is authorized, in his judgment and pursuant to regulations adopted and promulgated by the District of Columbia Council, to permit the occupancy of public space for minor uses without requiring rental payments when the fixing and collection of rental charges would not be feasible.

TITLE II—RENTAL OF PUBLIC SPACE ON OR ABOVE THE SURFACE

SEC. 201. The District of Columbia Council is authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period: Provided, That nothing herein contained shall be construed as requiring the Council to require the payment of rent as a condition to the use of public space (1) in accordance with the provisions of regulations promulgated under the authority of the first paragraph under the caption "District of Columbia" of the Act approved March 3, 1891 (26 Stat. 868, as amended (D.C. Code, sec. 5–204; (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation: Provided further, That the proposed rental of public space within the area of the District of Columbia subject to the provisions of the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5–410 and 5–411), shall be submitted to the Commission of Fine Arts in accordance with the provisions of such Act of May 16, 1930. The regulations adopted by the District of Columbia Council shall provide that public space rented under the authority of this title shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use; that the Commissioner may require such space to be vacated upon demand by him and its use discontinued, with or without notice, and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Commissioner, the said Commissioner may remove from such space any property left thereon or therein by any person using such space under the authority of this title, at the risk and expense of the owner of the real property abutting such space.

Sec. 202. The District of Columbia Council shall by regulation provide for the payment of rent for the use of public space as authorized by this title. The annual rent for such space shall be a fair and equitable amount fixed by the Council from time to time in accordance with regulations adopted by it, generally establishing categories of use and providing that the rent for each category of use shall bear a reasonable relationship to the assessed value of the privately owned land abutting such space, depending on the nature of the category of use and the extent to which the public space may be utilized for such purpose, but in no event shall the annual rent for the public space so utilized be at a rate of less than 4 per centum per annum of the current assessed value of an equivalent area of the privately owned space immediately abutting the public space so utilized. Such rent shall be payable in advance for such periods as may be fixed by the Council. In the event the Commissioner requires any person using public space under the authority of this title to vacate all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid.

Sec. 203. The Commissioner is authorized, with respect to property subject to the requirements of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7–117), to allow the same use to be made of such property as, under the authority of this title, he allows to be made of the public space abutting such property. Any such use of such property shall be subject to the same conditions as are applicable to the use of the abutting public space, with the exception of the payment of rent.

TITLE III—RENTAL OF SUBSURFACE PUBLIC SPACE

Sec. 301. Section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 716), as amended (D.C. Code, sec. 7–901), is hereby repealed, and all permits for the use of public space issued under the authority of such Act are revoked as of the effective date of this title.

Sec. 302. The Commissioner is authorized to issue a permit for the use of a vault constructed prior to the effective date of this Act, or for the construction of a vault after such effective date, only to the owner of the real property abutting the public space in which such vault is or will be located. The issuance of each such permit shall be conditioned on the prior execution by such owner of an agreement acknowledging, for himself, his heirs and assigns, (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Commissioner may inspect such vault during regular business hours; (3) that the Commissioner may introduce or authorize the introduction into or through such vault with, right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Commissioner deems necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this Act. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner.

Sec. 303. The Commissioner is authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Commissioner.

Sec. 304. Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the District of Columbia Council for such vault, but such annual rent shall not be less than $10, and such rent shall be subject to collection from said owner in the manner prescribed by this title, regardless of whether any use is made of such vault, and regardless of the extent of any use: *Provided*, That no rent for any rental year for a vault shall be charged to the owner of abutting property if said owner, prior to July 1 of such year, has notified the Commissioner in writing that he has abandoned such vault and has performed such work as may be required by the District in connection with the sealing off or filling of such vault, or both.

Sec. 305. (a) The owner of property abutting public space in which any vault is located, as such owner may be recorded in the real estate assessment records of the District, shall pay the rent established in accordance with this title for such vault. Such rent shall be payable annually for the year commencing July 1 and ending the following June 30, and shall be payable in full prior to the beginning of such year. In the case of vaults constructed between July 1 and January 1 of any year, one-half of the annual rent for any such vault, shall be payable in full prior to the first of January immediately following the completion of such vault. In the case of vaults constructed between January 1 and July 1 of the succeeding year, no rent shall be charged for any vault completed within such period, but the owner of the property abutting the public space in which such vault is located shall, prior to the first of July immediately following the completion of any such vault, pay in full the annual rent for such vault, for the rental year commencing on such July 1. Interest at the rate of 1 per centum for each month or part thereof shall be charged in every case in which rent is not paid on or before the date on which any payment required by this section shall become due.

(b) In the event the Commissioner requires or allows any person using subsurface public space under the authority of this title to vacate, voluntarily or involuntarily, all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid: *Provided*, That the Commissioner may deduct from such prepayment any amount due the District in compensation for expenses to the District in connection with the use or abandonment of said space.

Sec. 306. (a) Whenever the Commissioner determines that any vault is unsafe or is not in use, or the space occupied by such vault is required for street improvements, or the construction or extension of sewers, water mains, other public works, or public utility facilities, the Commissioner is authorized to serve upon the owner of property abutting public space occupied by such vault an order requiring such owner to remove in whole or in part, reconstruct, repair, or close such vault by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner. The failure or refusal of any such owner to comply with such order of the Commissioner within the time specified in such order shall constitute a violation of this Act.

(b) In the event that any owner of property abutting an unused or unsafe vault fails to remove in whole or in part, reconstruct, repair, or close the same by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner within the time specified by him, the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and the said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the property of such owner for the purpose of performing such work as may be necessary in connection with the removal, reconstruction, repair, or closure of such vault, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District.

Sec. 307. Notwithstanding the provisions of the preceding section, whenever the Commissioner finds that any vault or vault opening is in such condition as to be imminently dangerous to persons or property, he shall immediately notify the owner, agent, or other person in charge of the private property abutting the public space in which such vault or vault opening is located, to cause such vault or vault opening to be made safe and secure. The person or persons so notified shall be allowed until 12 o'clock noon of the day following the service of such notice in which to commence making such vault or vault opening safe and secure: *Provided*, That in a case where the public safety requires immediate action the Commissioner may enter upon the private property abutting the public space in which such vault or vault opening is located, with such workmen and assistants as may be necessary, and cause such vault or vault opening to be made safe and secure. In any case in which the Commissioner performs any work under the authority of this section, the cost to the District of performing such work shall be charged against the private property abutting the public space in which such vault or vault opening is located, and shall be collected in the manner provided by section 308.

Sec. 308. (a) The Commissioner shall take such action as he in his discretion considers necessary or desirable to secure the payment to the District of rents due and payable on vaults; interest on late rental payments; the cost of any advertising required by this title; the cost to the District of sealing off, removing in whole or in part, filling, reconstructing, repairing, or closing a vault or vault opening, or performing any other service in connection therewith; and interest at the rate of 1 per centum per month or part thereof in every case in which payment to the District for the cost of performing work authorized by this title is not made within thirty days after a bill for such cost shall have been rendered.

(b) Charges authorized to be made by this title and not paid within ninety days after the close of the fiscal year in which such charges accrue shall be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, such tax to be collected as provided in this section. Such tax shall include, without limitation, rents due and payable on vaults, interest on late rental payments, costs for sealing off, removing in whole or in part, filling, repairing, reconstructing, or closing a vault or vault opening, interest on late payments of such costs, and any advertising required by this title. The tax authorized to be levied and collected under this section may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

SEC. 309. (a) The Commissioner is authorized to require that the use of a vault occupied or used under the authority of this Act shall be subject to the condition that the District shall have the right at any time to install or construct under, over, or through said vault any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction that the Commissioner may consider it necessary in the public interest to place in the space occupied by such vault, without compensation to the owner of the private property abutting the space in which such vault is located or to the person occupying or using such vault. Each person using or occupying a vault, upon notice from the Commissioner that a water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction is to be introduced in the space occupied by such vault, shall commence to move, and forthwith remove, if necessary, any boiler, pipe, wall, beam, machinery, or construction in or pertaining to said vault, or any fixture or other thing therein, without cost to the District, so as to leave a space clear and sufficient in the judgment of the Commissioner for the introduction and maintenance of any such underground construction or installation. The Commissioner is further authorized to require each applicant for a permit to construct a vault in public space, as a condition precedent to the issuance of the permit, to agree for himself and his heirs and assigns that the Commissioner shall have the right to enter upon the premises at any time for the inspection and proper maintenance or repair of any public underground construction or installation in such vault, and that in case there is any change in the street, roadway, or sidewalk above such vault, the vault shall be subject to a corresponding change, as directed by the Commissioner, without expense to the District of Columbia.

(b) In the event a person occupying or using a vault under the authority of this Act shall fail or refuse to perform or to permit the performance of any work required by the Commissioner under the authority of subsection (a), the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the private property abutting the public space in which such vault is located for the purpose of performing such work as may be necessary in connection with the construction or installation in such public space of any water pipe, gas pipe, sewer, conduit, other pipe, or other underground construction or installation that the Commissioner may consider it necessary or desirable to place in such space, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District. The cost to the District of performing such work, including, without limitation, the reasonable cost to the District of securing the court order authorized by this subsection and any advertising in connection therewith, shall be a charge which may be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, to be collected in the manner authorized by section 308.

SEC. 310. Nothing contained in this title shall be construed as authorizing the District of Columbia Council to impose a rental charge for the use of any vault abutting real property on which is located a single or two-family dwelling occupied solely for residential purposes, but any such vault shall otherwise be subject to the provisions of this title.

TITLE IV—REGULATIONS, INSURANCE, NOTICE, PENALTY, CREDITING OF RENTAL PAYMENTS, AUTHORIZATION OF APPROPRIATIONS, SEPARABILITY PROVISION, COORDINATION WITH SECTION 2 OF THE ACT OF MAY 31, 1900, AND EFFECTIVE DATES

SEC. 401. The District of Columbia Council after public hearing is authorized to make and promulgate regulations to carry out the purposes of this Act. The regulations initially adopted by the Council under the authority of this section to carry out the purposes of title III shall become effective on the effective date of such title, if, not less than ten days prior to such date, the Council has adopted such regulations and printed a notice of such adoption in a newspaper of general circulation in the District. Otherwise, the regulations adopted by the Council under the authority of this section shall become effective ten days after notice of their adoption has been printed in a newspaper of general circulation in the District.

SEC. 402. The Commissioner shall, in connection with authorizing the use of any public space under the authority of this Act, require the person authorized to use such space, prior to any such use, to secure a policy of public liability and property damage insurance providing for such minimum limits of liability as may be required by the Commissioner, such policy to include the District and its officers and employees as additional parties insured, and to be cancellable only after thirty days' written notice of such cancellation has been received by the Commissioner. No such use of public space shall be authorized or continued for any period unless such insurance is maintained in full force and effect during that period. Nothing herein contained shall be construed as requiring either the United States or the District to secure a policy of public liability and property damage insurance covering any use of public space by either of the said governments under the authority of this Act.

SEC. 403. (a) Any order or notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (1) when forwarded by certified mail to the last known address of the owner as recorded in the real estate assessment records of the District, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided,* That valid service upon the owner shall be deemed effected if such order or notice shall be refused by the owner and not delivered for that reason; or (2) when delivered to the person to be notified; or (3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (4) if no such residence or place of business can be found in the District by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said order or notice relates; or (5) if any such order or notice forwarded by certified mail be returned for reasons other than refusal, or if personal service of any such order or notice as hereinbefore provided, cannot be effected, then if published for one day each week for three consecutive weeks in a daily newspaper published in the District; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any order or notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of orders or notices on natural persons holding property in their own right; and orders or notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

(b) In case such order or notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

SEC. 404. Any person who shall violate any provision of this Act shall be punished by a fine not exceeding $300 or by imprisonment for not more than ten days. In addition, such regulations as may be adopted by the District of Columbia Council under the authority of this Act may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ten days for each and every day any public space is used or occupied in a manner or for a purpose specifically prohibited by the said regulations.

SEC. 405. Rent paid for the use of public space under the authority of this Act shall be deposited to the credit of such special funds or general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

SEC. 406. Appropriations to carry out the purposes of this Act are hereby authorized.

Sec. 407. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provisions, and to this end the provisions of this Act and the said regulations are separable.

Sec. 408. Nothing contained in this Act shall be construed to affect in any manner the provisions of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7–117), with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such Act, and to make use of the parking on any such street in accordance with the terms of the fourth proviso of such section 2, relating to the height of parking and the projection of buildings beyond the building line, the District's right-of-way through said parking for sewers and water mains free of cost, and the use of the parking by the District for the construction of sidewalks.

Sec. 409. Titles I and IV of this Act shall take effect on the date of approval of this Act. Title II shall take effect the first day of the first month which occurs more than thirty days after the District of Columbia Council has first adopted and promulgated regulations to carry out the purposes of such title. Title III shall take effect on the 1st day of July which occurs three months or more after the date of approval of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 887), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 1247, as amended by this committee, is to authorize the government of the District of Columbia to regulate the use of and to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia and to authorize the closing of unused or unsafe vaults under streets and the correction of dangerous condition of vaults in or vault openings in public space.

NEED FOR THE LEGISLATION

S. 1247 is needed to enable the District of Columbia government to fix reasonable rentals and establish regulations for the effective control of the use by private parties for gain of publicly owned spaces along, beneath, and over the streets within the District.

Many streets in the District of Columbia are used to their full capacity for the movement of vehicular and pedestrian traffic. On many streets, however, the movement of traffic does not require the full use of the street, and there has been a tendency on the part of operators of businesses along such streets to encroach on portions of the public right of way. This situation occurs with particular frequency on those streets where the sidewalk, or the sidewalk and parking, is of considerable width and in the streets in areas of the city primarily used for industrial purposes, where vehicular or pedestrian traffic is light and where there is no apparent demand for the use of the street by the general public. This situation has developed gradually to the point where, if it is discontinued, there would be considerable economic dislocation and inconvenience to the public. One example is that of automobile parking lots which provide offstreet parking for automobiles. These parking lots depend upon the use of public space for the movement of the automobiles parked on the lots, and for their storage, either for a short time or for a relatively long period of time. Access facilities available to the parking lot operator frequently make it mandatory for him to use public space for shifting vehicles. Parking lots are only one example of a practice which has been general throughout the District.

One solution to the problem would be to require that no use be made of public space for private gain. To enforce such a requirement would be difficult and require a large number of police. It is also questionable whether such a practice would be in the public interest. There is a demand in the District for the use of public space for private gain by the owners of private property abutting such space, or by the operators of businesses on such abutting property. There are areas in the streets which are not now, and may not in the foreseeable future, be required for use by the general public. The District government and the committee believe that until there is a need by the public for such space, there is no good reason why such street areas should not be made available to abutting property owners, upon payment of adequate compensation to the District, under regulations making it clear that the user would acquire no right, title, or interest in any space he may be permitted to use, and that such use may be terminated whenever the public interest requires. At present, because the District feels it is without legal authority to charge and collect rentals, there are some 896 units of space devoted to parking lot and car sales uses and 31 sidewalk cafes occupying public space rent free. S. 1247 will permit the District to establish reasonable rents and contemplates that the public will receive an equitable return for such profitable uses of its property.

Respecting space beneath the streets, in the act of September 1, 1916 (D.C. Code, sec. 7–901), the Congress recognized the desirability of allowing the District to make public space available for use by abutting property owners. A considerable amount of the space under the streets of the District, including the tree space, the sidewalks, and the parking (the area between the sidewalk and the building line) is occupied by "commercial vaults"; that is, vaults abutting other than one- and two-family dwellings. According to the District's records, there are 1,954 such vaults. During the fiscal year ending June 30, 1966, 922 vaults were used by the owner or occupants of the abutting property. Approximately 850 of the vaults are either not now used, are fuel tanks which are not covered by existing law, or are vaults with respect to which the owners of private property abutting public space in which such vaults are located are not required to pay rent.

The 1917 Appropriations Act (D.C. Code, sec. 7–901) authorizes and directs the assessment and collection of rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which is occupied or used in connection with the business of the users. Rentals charged for vault space in fiscal year 1966 total $76,317.

At present, the District collects or attempts to collect rent only from persons actually using or occupying the vaults. Under existing law the District is unable to take action with respect to a large number of commercial vaults since allegedly they are not used or occupied by the owners or occupants of abutting property. Also, unused vaults may constitute a danger to the public, but absent imminent danger, the committee is advised that existing law affords us adequate means for the District to take or require corrective action.

Consequently, the District government recommends enactment of S. 1247 because it will provide not only authority to assess rent against the users of vaults and other public space in the rights-of-way of the city, but also with authority to require the closing off or filling up of vaults which owners of abutting property may not desire to use, and to correct dangerous conditions arising from the existence of a vault or vault opening.

With respect to the manner in which the use of public space is to be controlled, particularly from the standpoint of insuring that its use will not be to the detriment of the public, the committee is advised that the District government contemplates adopting regulations somewhat similar to those adopted with respect to the use of space on streets which have been denominated as business streets, but adapted to take into consideration the needs of persons utilizing public space for business purposes, as authorized by the bill. The committee believes that, with the enactment of the bill, the local government will be in a much better position to require improvements in the appearance of public space used by persons in abutting private property, or the discontinuance of such use. The record before the committee indicates that one of the major problems in connection with controlling the use of public space is a shortage of manpower and a reluctance to require the discontinuance of a use which in many cases has became a necessary one. However, it is anticipated that some of the rental revenue from such use could be appropriated to employ personnel to police the uses made of public space, and to take appropriate action with respect to unauthorized uses.

It is difficult to estimate the income the District may derive from the rental of public space for commercial business if S. 1247 is enacted in view of the large number of imponderables, such as, for example, the availability of public space, the willingness of a potential user to pay a specified rent, and the variations in the assessed valuation of private property. So far as the subsurface public space is concerned, the District estimates potential annual rental revenue from vaults at $154,000. With respect to the surface and supersurface of public space, it is estimated the potential annual rental income would amount to $150,000 from parking lots, $31,000 from used car lots, and $27,000 from sidewalk cafes.

The title was amended, so as to read: "A bill to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes."

AMENDMENT OF THE DISTRICT OF COLUMBIA EDUCATION ACT

The Senate proceeded to consider the bill (S. 1999) to amend title II of the District of Columbia Public Education Act which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

"That the District of Columbia Public Education Act is amended by adding at the end thereof the following new title:

" 'TITLE IV—MISCELLANEOUS PROVISIONS

" 'Sec. 401. In the administration of the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two", approved August 30, 1890 (26 Stat. 417; 7 U.S.C. 321–326, 328); the tenth paragraph under the heading "Emergency Appropriations" of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight", approved March 4, 1907 (34 Stat. 1256, 1281; 7 U.S.C. 322); the Act of May 8, 1914 (38 Stat. 372; 7 U.S.C. 341–346, 347a, 348, 349); section 22 of the Act of June 29, 1935 (49 Stat. 436; 7 U.S.C. 329); the Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331); and the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621–1629), the Federal City College authorized by this Act shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301–305, 307, 308), and the term "State" as used in the aforementioned laws or provisions of laws shall include the District of Columbia.

" 'Sec. 402. (a) Section 22 of the Act of June 29, 1935 (49 Stat. 436; 7 U.S.C. 329), as amended, is amended by striking out "$7,650,000" and inserting in lieu thereof "$7,800,000", and by striking out "$4,300,000" and inserting in lieu thereof "$4,320,000".

" '(b) In lieu of extending to the District of Columbia those provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301–305, 307, 308), relating to donations of public lands or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the District of Columbia the sum of $7,241,706. Amounts appropriated under this subsection shall be held and considered to have been granted to the District of Columbia subject to those provisions of that Act applicable to the proceeds from the sale of land or land scrip.

" 'Sec. 403. There are hereby authorized to be appropriated such sums as may be necessary to extend the provisions of the Act of May 8, 1914 (38 Stat. 372; 7 U.S.C. 341–346, 347a, 348, 349), to the District of Columbia. Sums so appropriated shall be in addition to and not in substitution for, sums otherwise appropriated under such Act, or otherwise appropriated for agricultural extension work. Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Federal Extension Service, Department of Agriculture, for administrative, technical, and other services of the Department in carrying out the purposes of this section. The District of Columbia shall not be required to offset allotments authorized under this section.

" 'Sec. 404. The enactment of this title, shall, as respects the District of Columbia, be deemed to satisfy any requirement of State consent contained in any of the laws or provisions of law referred to in this title.

" 'Sec. 405. Except with respect to the provisions relating to the extension of the Act of May 8, 1914 (38 Stat. 372; 7 U.S.C. 341–346, 347a, 348, 349), to the District of Columbia, this title shall be effective with respect to appropriations with respect to fiscal years beginning after June 30, 1968. In the case of the provisions of the Act of May 8, 1914, so extended, such provisions shall take effect upon the date appropriations are made available for the purpose of carrying out such extension.' "

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the District of Columbia Public Education Act."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 888), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 1999 is to provide the citizens of the District of Columbia the services and benefits derived from a land-grant college. The bill would name The Federal City College as the land-grant college for the District of Columbia. The important provisions of S. 1999 that will carry out the objective of the bill are as follows:

The Federal City College would—

(1) Quality under the Morrill Act of 1890 for a $50,000 annual grant to be used for instruction in mechanic arts, home economics, youth and community development and environmental sciences, including instructor training, under the grant program administered by the Department of Health, Education, and Welfare.

(2) Participate under the Bankhead-Jones Act of 1935 with the 50 States and Puerto Rico in further grants made available annually through HEW for the support of land-grant colleges. The college would receive an equal share of an annual national grant of $7.8 million, or $150,000 and, on a population basis, a share of a further national grant of $4.3 million, or $20,000—for a total of $170,000 to support such instruction. So as not to dilute the present entitlement of the 50 States and Puerto Rico to endowment and support funds, section 402 authorizes additional appropriations for this purpose of $170,000 to take care of the District.

(3) Participate under the Smith-Lever Act in the Federal Extension Service program administered by the Department of Agriculture through the land-grant colleges by developing cooperative extension services including home economics and 4–H youth programs to people not residents in the college. Section 403 of the bill authorizes additional appropriations to extend the provisions of the extension program to the people of the District through the Federal City College. Four percent (4%) of the annual appropriation would be allotted the Department for administration.

(4) Qualify under the Agricultural Marketing Act for Department of Agriculture fund allotments for research, investigation, and experimentation in marketing, consumer education, food handling and packaging, etc.

(5) Receive through the District government, a capital grant of $7,241,706 as an endowment to be invested in bonds, the income to be used for support of the mechanic arts and agricultural programs of the college. The principal would be unimpairable, and if diminished would have to be restored by the District. This grant is in lieu of the land grants made to other colleges in earlier years under the first Morrill Act of 1862.

The committee has been advised that these programs will not involve any additional cost to the District of Columbia government.

BACKGROUND

The District of Columbia is the last remaining area in our Nation without the services of a land-grant college. This legislation would provide educational opportunities for citizens of the District of Columbia to study for careers in community services and to receive the benefits from cooperative extension programs.

The population of the District of Columbia is larger than 11 States of this Nation. Yet the people of the District of Columbia do not have their own land-grant college as do the 50 States and Puerto Rico. Young people looking toward careers in programs usually associated with land-grant colleges have had to apply for admission to States with land-grant universities. This has not been a satisfactory arrangement due to stringent students enrollment policies in the States and out-of-State tuition at land-grant colleges which are beyond the means of many potential college students in the District of Columbia.

In addition, the citizens of the District of Columbia have been denied cooperative extension programs that are connected with land-grant universities. Over the years, the Cooperative Extension Service has been increasing their services in home living, community improvement, and youth development in urban areas.

It became increasingly clear that the problems of providing educational opportunities for young people in certain disciplines associated with extension service, community services, environmental services, dietetics, home economics, as well as the problem of providing citizens of the District of Columbia with cooperative extension service called for the establishment of a land-grant college in the District. Since the Federal City College, established by Congress November 7, 1966 (Public Law 89–791), is now developing a curriculum for course offerings in September of 1968, it seemed right to name this college as the land-grant college for the District of Columbia. The Department of Health, Education, and Welfare, the Department of Agriculture, as well as the Bureau of the Budget favor this approach if these services are to be provided to the citizens of the District.

NECESSITY FOR THE LEGISLATION

The purpose of or need for a land-grant college was well defined by Eugene Davenport, dean emeritus, College of Agriculture, University of Illinois (in an address delivered to the Association of Land-Grant Colleges and Universities, November 16, 1931):

"First of all, a repository of the world's stock of knowledge so far as it is possible to bring it together in available form and so far as means are at hand, for the purpose.

"Second, it is a research institution, provided with specialists and equipment for adding to this stock of knowledge as widely as would be profitable in the development of the State and as fast as resources will permit.

"Third, it is a source of information on which any man may draw freely and at will.

"Fourth, it is a meeting place where specialists and citizens may discuss difficult problems and lay plans for the further development of the State.

"Fifth, it is a teaching institution because such a repository of knowledge and agency for the advancement of civilization is of necessity an ideal place for the education of young men and women who take preparation for life as a serious matter. The teaching service of such an institution will always, therefore, be a prominent part of its work, the student being the best means to the end of an ever-advancing civilization.

"Sixth, it maintains in many lives a cooperative extension service for technical assistance outside the campus."

Your committee feels that the District of Columbia, faced with all of the problems and demands shared by the States, should be granted equable means of resolution in the development of its land-grant college.

Funds to be made available are limited to instruction and instructional equipment and supplies in agriculture, mechanic arts, English, mathematics, natural and physical sciences, economic sciences, and special preparation of teachers (the funds may not be used for the purchase or preservation of buildings or the purchase of land). Fields of instruction which have particular importance in the evolving needs of the citizens of the District of Columbia would be added to the college curriculum.

In the Smith-Lever Act of 1914, Congress established the Extension Service which has been truly a cooperative organization in its mutually beneficial relationship with the

States, the land-grant universities, and the public. It would be difficult to overstate the spirit that has been fostered in the rural portions of America by services provided and stimulated by the Department of Agriculture with the voluntary participation of farmers and their families.

Since World War II, the Extension Service, in response to the demands of the people, has been expanding its programs into urban areas. The following quote from this report of the House Appropriations Committee on the fiscal year 1968 Agriculture appropriation bill is illustrative of this trend:

"In view of the many agencies of the Department and the entire Federal Government engaged in community development activities, the committee feels that the additional funds can be used most effectively in programs which work directly with the youth of this Nation. The wholesome effect of 4–H Club activities has been so beneficial to rural youth that additional efforts to bring 4–H programs to young people in the congested and deprived urban areas of the United States would make an invaluable contribution to the moral, spiritual, and economic strength of this Nation."

Many cities in America have called, in one way or another, upon the Cooperative Extension Service for its leadership in setting up programs of training in home counseling and in youth development, as well as in other areas of concern. Many mayors of problem-plagued cities have known how effective these programs can be in creating greater family stability, in providing supplementary educational programs, and in salvaging dropouts from school and society from the brink of delinquency and despair.

Work in nonrural areas

Many cities have made effective use of the Cooperative Extension Service—especially 4–H youth development and extension home economics programs. Few areas in the Nation can show greater real need for expert, trained leadership in child care, public health, home counseling, and youth development than the District of Columbia. In view of the many calls for increased services in the Federal City, it is only right and just for Congress to make available to District residents opportunities for self-help programs that are available to New Yorkers, Chicagoans, and residents of other cities.

Extension-guided home counseling services and youth development programs have been initiated in recent months to provide leadership in public housing projects in such cities as Providence, R.I.; Portland, Oreg.; Kansas City, Mo.; Hartford, Manchester, and New Haven, Conn.; Newark, N.J.; Buffalo, N.Y.; and Warren, Ohio. Similar self-help, learning-by-doing programs are urgently needed for the thousands of families in the District's public housing developments and in many other low-income neighborhoods. Each public service department of the District—the school system, the Recreation Department, the Public Health Department, or any other—would be substantially augmented by making Extension Service programs available to the District of Columbia.

Needs in Washington, D.C.

Your committee has been informed that about 96,000 youngsters between the ages of 9 and 19 in 49,000 families live in circumstances approaching abject poverty. This legislation would provide urgently needed supplemental assistance to youngsters and their families who are hopelessly caught up in impoverished circumstances by informational, educational, and vocational inadequacies.

Low-income people in Washington's congested areas

The family unit is considered to be the most important instrument in the process of developing the individual. Through this primary group the individual may acquire habits, ideals, attitudes, images, and examples which both stimulate and motivate him toward being a responsible citizen.

However, many families in congested areas of Washington have been unable to provide for their children the kind of home life which fosters good health and good citizenship. Often this is beyond their control and even beyond their understanding. Parents from many low-income groups are not familiar with adequate nutrition, good housekeeping standards, the care and development of children, and the need to foster sound values within the home. They presently lack skills in maintaining their homes, furnishings, and equipment.

In one census tract of 9,800 people, for example, 72 percent of all men and women over 25 lack high school education, and the rate of juvenile delinquency is highest for any area in the city. Statistics such as these only begin to tell the story of the District's economic and social problems.[1] High rates of poverty, disease, ignorance, and unemployment tend to occur simultaneously in many areas of the District.

Living in a blighted neighborhood has a corrosive effect upon the human spirit. All children raised in this kind of environment, however decent their own parents may be, are exposed to the examples of defeat and hopelessness of adults who have stopped caring, stopped trying. The constant contact with joblessness, poverty, ignorance, and ugliness destroys the innocence of the very young. It conditions their expectations, their view of themselves and what they can achieve.

The youth employment situation has serious dimensions in the District. For instance, most of the 6,000 young people registered with the District's Youth Offices of the U.S. Employment Service are without salable job qualifications.[2] More than 75 percent of them are high school dropouts. Jobs generally require a high school diploma and frequently require specialized training. Many of the youthful jobseekers have already come into contact with the law.

It has been found that a high proportion of the youth living in the District's crowded sections have poor attitudes, poor work habits, poor education, and deficiencies in the special skills needed for getting along in work situations. Many of the solutions of the complex problems of employability need long-run efforts. Most agencies concerned have specialized functions to perform, while the solutions need concerted efforts dealing with health, education, job orientation, and support.

The Cooperative Extension Service has demonstrated that it can fulfill a unique role of working with families and youth to help them raise their aspirations and make effective use of the services of the many specialized agencies. At the same time, the Extension Service would have collaborative and mutually beneficial relationships with schools, employment services, and other community agencies.

What the Cooperative Extension Service can do for families in the District

Extension has more than 50 years of experience which would be utilized to help families, including their youth, to improve their home situations, and manage their resources; to be productive in employment situations; and to develop values of good citizenship.

Extension is a "family-centered" program. One of the objectives is to reach adults and youth who do not take advantage of existing educational opportunities, and to motivate them to learn the skills, attitudes, and knowledge necessary for successful family living.

Extension aims to help disadvantaged families and youth learn to secure and use goods and services in such a way as to achieve the greatest satisfaction for all family members.

Children and adults would participate in learning experiences that would reinforce each other—information on nutrition, sanitation, and personal hygiene, for example. They would learn to use community resources of benefit to the family and would become involved in community organizations.

Homemakers would develop home management skills; good housekeeping practices; buymanship; care and use of foods, clothing, household furnishings, and equipment; as well as better child development and human relationships.

Husbands would become involved in the learning experiences Extension provides to homemakers and youth.

Families would develop a feeling of self-reliance and an appreciation for the benefits gained from using knowledge to improve family well-being. Eventually they would establish immediate and long-term goals which are compatible, practical, and attainable.

BILLS PASSED OVER

The bill (H.R. 2454) for the relief of the children of Mrs. Doris E. Warren was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 1537) for the relief of Thomas M. Scanlon was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

OUR LADY OF PILLAR CATHOLIC CHURCH

The bill (H.R. 1894) for the relief of Our Lady of Pillar Catholic Church in Santa Ana, Calif., was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 6004) for the relief of Swiff-Train Co. was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

JURY SELECTION

The Senate proceeded to consider the bill (S. 989) to provide improved judicial machinery for the selection of Federal juries, and for other purposes which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Jury Selection and Service Act of 1967".

SEC. 101. The caption, analysis, and sections 1861 through 1869 of chapter 121 of title 28, United States Code, are amended to read as follows:

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[1] Lucille Harrigan, "General Description of Washington, D.C.," first draft, Washington Center, June 28, 1967.

[2] Fred Z. Hetzel, "U.S. Employment Service for the District of Columbia, 15th Annual Conference of Metropolitan Issues."

"CHAPTER 121.—JURIES; TRIAL BY JURY

"Sec.
"1861. Declaration of policy.
"1862. Discrimination prohibited.
"1863. Plan for random jury selection.
"1864. Drawing of names from the master jury wheel; completion of juror qualification form.
"1865. Qualifications for jury service.
"1866. Selection and summoning of jury panels.
"1867. Challenging compliance with selection procedures.
"1868. Maintenance and inspection of records.
"1869. Definitions.
"1870. Challenges.
"1871. Fees.
"1872. Issues of fact in Supreme Court.
"1873. Admiralty and maritime cases.
"1874. Actions on bonds and specialties.

"§ 1861. Declaration of policy

"It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.

"§ 1862. Discrimination prohibited

"No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

"§ 1863. Plan for random jury selection

"(a) Each United States district court shall devise and place into operation a written plan for random selection of grand and petit jurors that shall be designed to achieve the objectives of sections 1861 and 1862 of this title, and that shall otherwise comply with the provisions of this title. The plan shall be placed into operation after approval by a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district whose plan is being reviewed or such other active district judge of that district as the chief judge of the district may designate. The panel shall examine the plan to ascertain that it complies with the provisions of this title. If the reviewing panel finds that the plan does not comply, the panel shall state the particulars in which the plan fails to comply and direct the district court to present within a reaonsable time an alternative plan remedying the defect or defects. Separate plans may be adopted for each division or combination of divisions within a judicial district. The district court may modify a plan at any time and it shall modify the plan when so directed by the reviewing panel. The district court shall promptly notify the panel, the Administrative Office of the United States Courts, and the Attorney General of the United States, of the initial adoption and future modifications of the plan by filing copies therewith. Each district court shall submit a report on the jury selection process within its jurisdiction to the Administrative Office of the United States Courts in such form and at such times as the Judicial Conference of the United States may specify. The Judicial Conference of the United States may, from time to time, adopt rules and regulations governing the provisions and the operation of the plans formulated under this title.

"(b) Among other things, such plan shall—

"(1) either establish a jury commission, or authorize the clerk of the court, to manage the jury selection process. If the plan establishes a jury commission, the district court shall appoint one citizen to serve with the clerk of the court as the jury commission: *Provided, however,* That the plan for the District of Columbia may establish a jury commission consisting of three citizens. The citizen jury commissioner shall not belong to the same political party as the clerk serving with him. The clerk or the jury commission, as the case may be, shall act under the supervision and control of the chief judge of the district court or such other judge of the district court as the plan may provide. Each jury commissioner shall, during his tenure in office, reside in the judicial district or division for which he is appointed. Each citizen jury commissioner shall receive compensation to be fixed by the district court plan at a rate not to exceed $50 per day for each day necessarily employed in the performance of his duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties. The Judicial Conference of the United States may establish standards for allowance of travel, subsistence, and other necessary expenses incurred by jury commissioners.

"(2) specify whether the names of prospective jurors shall be selected from the voter registration lists or the lists of actual voters of the political subdivisions within the district or division. The plan shall prescribe some other source or sources of names in addition to voter lists where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title. The plan may prescribe some other source or sources of names in lieu of voter lists but only where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title: *Provided, however,* That the plan for the District of Columbia may require the names of prospective jurors to be selected from the city directory rather than from voter lists, and that the plans for the districts of Puerto Rico and the Canal Zone may prescribe some other source or sources of names of prospective jurors in lieu of voter lists, the use of which shall be consistent with the policies declared and rights secured by section 1861 and 1862 of this title.

"(3) specify detailed procedures to be followed by the jury commission or clerk in selecting names from the sources specified in paragraph (2) of this subsection. These procedures shall be designed to ensure the random selection of a fair cross section of the persons residing in the community in the district or division wherein the court convenes. They shall ensure that names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division are placed in a master jury wheel; and shall ensure that each county, parish, or similar political subdivision within the district or division is substantially proportionally represented in the master jury wheel for that judicial district, division, or combination of divisions. For the purposes of determining proportional representation in the master jury wheel, either the number of actual voters at the last general election in each county, parish, or similar political subdivision, or the number of registered voters if registration of voters is uniformly required throughout the district or division, may be used.

"(4) provide for a master jury wheel (or a device similar in purpose and function) into which the names of those randomly selected shall be placed. The plan shall fix a minimum number of names to be placed initially in the master jury wheel, which shall be at least one-half of 1 per centum of the total number of persons on the lists used as a source of names for the district or division; but if this number of names is believed to be cumbersome and unnecessary, the plan may fix a smaller number of names to be placed in the master wheel, but in no event less than one thousand. The chief judge of the district court, or such other district court judge as the plan may provide, may order additional names to be placed in the master jury wheel from time to time as necessary. The plan shall provide for periodic emptying and refilling of the master jury wheel at specified times.

"(5) specify those groups of persons or occupational classes whose members shall, on individual request therefor, be excused from jury service. Such groups or classes shall be excused only if the district court finds, and the plan states, that jury service by such class or group would entail undue hardship or extreme inconvenience to the members thereof, and excuse of members thereof would not be inconsistent with sections 1861 and 1862 of this title.

"(6) specify those groups of persons or occupational classes whose members shall be barred from jury service on the ground that they are exempt. Such groups or classes shall be exempt only if the district court finds, and the plan states, that their exemption is in the public interest and would not be inconsistent with sections 1861 and 1862 of this title. The plan shall provide for exemption of the following persons: (i) members in active service in the Armed Forces of the United States; (ii) members of the fire or police departments of any State, district, territory, possession, or subdivision thereof; (iii) public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties.

"(7) fix the distance, either in miles or in travel time, from each place of holding court beyond which prospective jurors residing shall, on individual request therefor, be excused from jury service on the ground of undue hardship in traveling to the place where court is held.

"(8) fix the time when the names drawn from the qualified jury wheel shall be disclosed to parties and to the public. If the plan permits these names to be made public, it may nevertheless permit the chief judge of the district court, or such other district court judge as the plan may provide, to keep these names confidential in any case where the interests of justice so require.

"(9) specify the procedures to be followed by the clerk or jury commission in assigning persons whose names have been drawn from the qualified jury wheel to grand and petit jury panels.

"(c) The initial plan shall be devised by each district court and transmitted to the reviewing panel specified in subsection (a) of this section within one hundred and twenty days of the date of enactment of the Jury Selection and Service Act of 1967. The panel shall approve or direct the modification of each plan so submitted within sixty days thereafter. Each plan or modification made at the direction of the panel shall become effective after approval at such time thereafter as the panel directs, in no event to exceed ninety days from the date of approval. Modifications made at the instance of the district court under subsection (a) of this section shall be effective at such time thereafter as the district court directs, in no event to exceed ninety days from the date of modification.

"(d) State, local, and Federal officials having custody, possession, or control of voter registration lists, lists of actual voters, or other appropriate records shall make such lists and records available to the jury commission or clerks for inspection, reproduction, and copying at all reasonable times as the commission or clerk may deem necessary and proper for the performance of duties under this title. The district courts shall have jurisdiction upon application by the Attorney General of the United States to compel compliance with this subsection by appropriate process.

"§ 1864. Drawing of names from the master jury wheel; completion of juror qualification form

"(a) From time to time as directed by the district court, the clerk or a district judge shall publicly draw at random from the master jury wheel the names of as many persons as may be required for jury service. The clerk or jury commission shall prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except pursuant to the district court plan and to sections 1867 and 1868 of this title. The clerk or jury commission shall mail to every person whose name is drawn from the master wheel a juror qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the clerk or jury commission by mail within ten days. If the person is unable to fill out the form, another shall do it for him, and shall indicate that he has done so and the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk or jury commission shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the form to the clerk or jury commission within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the clerk or jury commission forthwith to appear before the clerk or jury commission to fill out a juror qualification form. A person summoned to appear because of failure to return a juror qualification form as instructed who personally appears and executes a juror qualification form before the clerk or jury commission shall, except where his prior failure to execute and mail such form was willful, be entitled to receive for such appearance the same fees and travel allowances paid to jurors under section 1871 of this title. At the time of his appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the jury commission or the clerk of the court, at which time, in such cases as if appears warranted, the person may be questioned, but only with regard to his responses to questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the chief judge or such district court judge as the plan may provide.

"(b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the district court forthwith to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance with the summons may be fined not more than $100 or imprisoned not more than three days, or both. Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may be fined not more than $100 or imprisoned not more than three days, or both.

"§ 1865. Qualifications for jury service

"(a) The chief judge of the district court, or such other district court judge as the plan may provide, on his initiative or upon recommendation of the clerk or jury commission, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service. The clerk shall enter such determination in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list.

"(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, shall deem any person qualified to serve on grand and petit juries in the district court unless he—

"(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

"(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

"(3) is unable to speak the English language;

"(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or

"(5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"§ 1866. Selection and summoning of jury panels

"(a) The jury commission, or in the absence thereof the clerk, shall maintain a qualified jury wheel and shall place in such wheel names of all persons drawn from the master jury wheel who are determined to be qualified as jurors and not exempt or excused pursuant to the district court plan. From time to time, the jury commission or the clerk shall publicly draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

"(b) When the court orders a grand or petit jury to be drawn the clerk or jury commission shall issue summonses for the required number of jurors and deliver them to the marshal for service.

"Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or business address.

"Such service shall be made by the marshal who shall attach to his return the addressee's receipt for the registered or certified summons where service is made by mail.

"(c) Except as provided in section 1865 of this title or in any jury selection plan provision adopted pursuant to paragraph (5), (6), or (7) of section 1863(b) of this title, no person or class of persons shall be disqualified, excluded, excused, or exempt from service as jurors: *Provided*, That any person summoned for jury service may be (1) excused by the court, upon a showing of undue hardship or extreme inconvenience, for such period as the court deems necessary, at the conclusion of which such person shall be summoned again for jury service under subsections (b) and (c) of this section, or (2) excluded by the court on the ground that such person may be unable to render impartial jury service or that his service as a juror would be likely to disrupt the proceedings, or (3) excluded upon preemptory challenge as provided by law, or (4) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown, or (5) excluded upon determination by the court that his service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (5) of this subsection unless the judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with sections 1861 and 1862 of this title. The number of persons excluded under clause (5) of this subsection shall not exceed one per centum of the number of persons who return executed juror qualification forms during the period, specified in the plan, between two consecutive fillings of the master jury wheel. The names of persons excluded under clause (5) of this subsection, together with detailed explanations for the exclusions, shall be forwarded immediately to the judicial council of the circuit, which shall have the power to make any appropriate order, prospective or retroactive, to redress any misapplication of clause (5) of this subsection, but otherwise exclusions effectuated under such clause shall not be subject to challenge under the provisions of this title. Any person excluded from a particular jury under clause (2), (3), or (4) of this subsection shall be eligible to sit on another jury if the basis for his initial exclusion would not be relevant to his ability to serve on such other jury.

"(d) Whenever a person is disqualified, excused, exempt, or excluded from jury service, the jury commission or clerk shall note in the space provided on his juror qualification form or on the juror's card drawn from the qualified jury wheel the specific reason therefor.

"(e) In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

"(f) When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the court may require the marshal to summon a sufficient number of petit jurors selected at random from the voter registration lists, lists of actual voters, or other lists specified in the plan, in a manner ordered by the court consistent with sections 1861 and 1862 of this title.

"(g) Any person summoned for jury service who fails to appear as directed shall be ordered by the district court to appear forthwith and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than $100 or imprisoned not more than three days, or both.

"§ 1867. Challenging compliance with selection procedures

"(a) In criminal cases, before the voir dire examination begins, or within seven days after the defendant discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the defendant may move to dismiss the indictment or stay the proceedings against him on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

"(b) In criminal cases, before the voir dire examination begins, or within seven days after the Attorney General of the United States discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the Attorney General may move to dismiss the indictment or stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

"(c) In civil cases, before the voir dire examination begins, or within seven days after the party discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, any party may move to stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the petit jury.

"(d) Upon motion filed under subsection (a), (b), or (c) of this section, containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with the provisions of this title, the moving party shall be entitled to present in support of such motion the testimony of the jury commission or clerk, if available, any relevant records and papers not public or otherwise available used by the jury commission or clerk, and any other relevant evidence. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the grand jury, and such failure is likely to be prejudicial to the moving party, the court shall stay the proceedings pending the selection of a grand jury in conformity with this title or dismiss the indictment, whichever is appropriate. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the petit jury, and such failure is likely to be prejudicial to the moving party, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title.

"(e) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime, the Attorney General of the United States or a party in a civil case may challenge any jury on the ground that such jury was not selected in conformity with the provisions of this title.

"(f) The contents of any records or papers used by the jury commission or clerk in connection with the jury selection process shall not be disclosed, except as may be necessary in the preparation or presentation of a motion under subsection (a), (b), or (c) of this section, until after the master jury wheel has been emptied and refilled pursuant to section 1863(b)(4) of this title and all persons selected to serve as jurors before the master wheel was emptied have completed such service. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of the motion. Any person who discloses the contents of any record or paper in violation of this subsection may be fined not more than $1,000 or imprisoned not more than one year, or both.

"§ 1868. Maintenance and inspection of records

"After the master jury wheel is emptied and refilled pursuant to section 1863(b)(4) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the jury commission or clerk before the master wheel was emptied shall be preserved in the custody of the clerk for four years or for such longer period as may be ordered by a court, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury.

"§ 1869. Definitions

"For purposes of this chapter—

"(a) 'clerk' and 'clerk of the court' shall mean the clerk of the district court of the United States or any authorized deputy clerk;

"(b) 'chief judge' shall mean the chief judge of any district court of the United States;

"(c) 'voter registration lists' shall mean the official records maintained by State or local election officials of persons registered to vote in either the most recent State or the most recent Federal general election, or, in the case of a State or political subdivision thereof that does not require registration as a prerequisite to voting, other official lists of persons qualified to vote in such election. The term shall also include the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such list have not been included on the official registration lists or other official lists maintained by the appropriate State or local officials. With respect to the districts of Guam and the Virgin Islands, 'voter registration lists' shall mean the official records maintained by territorial election officials of persons registered to vote in the most recent territorial general election;

"(d) 'lists of actual voters' shall mean the official lists of persons actually voting in either the most recent State or the most recent Federal general election;

"(e) 'division' shall mean: (1) one or more statutory divisions of a judicial district; or (2) in statutory divisions that contain more than one place of holding court, or in judicial districts where there are no statutory divisions, such counties, parishes, or similar political subdivisions surrounding the places where court is held as the district court plan shall determine: *Provided*, That each county, parish, or similar political subdivision shall be included in some such division.

"(f) 'district court of the United States', 'district court', and 'court' shall mean courts constituted under chapter 5 of title 28, United States Code, section 22 of the Organic Act of Guam, as amended (64 Stat. 389; 48 U.S.C. 1424), section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611), and section 1 of title 3, Canal Zone Code: *Provided*, That for purposes of sections 1861, 1862, 1866 (c) and (d), and 1867 of this chapter, these terms shall include the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia;

"(g) 'jury wheel' shall include any device or system similar in purpose or function, such as a properly programed electronic data processing system or device;

"(h) 'juror qualification form' shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, sex, education, race, occupation, length of residence within the judicial district, distance from residence to place of holding court, prior jury service, and citizenship of a potential juror, and whether he should be excused or exempted from jury service, has any physical or mental infirmity impairing his capacity to serve as a juror, is able to read, write, speak, and understand the English language, has pending against him any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty, and any other matter not inconsistent with the provisions of this title and required by the district court plan in the interests of the sound administration of justice. The form shall also elicit the sworn statement that his responses are true to the best of his knowledge. Notarization shall not be required. The form shall contain words clearly informing the person that the furnishing of any information with respect to his race, religion, or occupation is not a prerequisite to his qualification for jury service, and that such information need not be furnished if the person finds it objectionable to do so.

"(i) 'public officer' shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office."

FEES

SEC. 102. (a) Section 1871 of title 28, United States Code, is amended by substituting "$20" for "$10" and "$25" for "$14" in the second paragraph, "$16" for "$10" in the third paragraph, and "$20 for "$10" in the fourth paragraph, and by substituting in the third paragraph "10 cents per mile, plus the amount expended for tolls, for toll roads, and for toll bridges" for "10 cents per mile" in the two instances such language occurs, and by adding at the end of that section a new paragraph as follows:

"Grand and petit jurors in the district courts for the districts of Guam and the Canal Zone shall receive the same fees and allowances provided in this section for grand and petit jurors in other district courts of the United States."

(b) Section 1821 of title 28, United States Code, is amended by substituting "$20" for "$4", "10 cents" for "8 cents", and "$16" for "$8", and by adding at the end of that section a new paragraph as follows:

"Witnesses in the district courts for the districts of Canal Zone, Guam, and the Virgin Islands shall receive the same fees and allowances provided in this section for witnesses in other district courts of the United States."

AMENDMENT AND REPEAL

SEC. 103 (a) Sections 13–701, 11–2301 through 11–2305 except the last paragraph of section 11–2302), 11–2307 through 11–2312 of the District of Columbia Code, and section 2 of the Act entitled "And Act to increase the fee of jurors in condemnation proceedings instituted by the District of Columbia", approved July 30, 1951 (D.C. Code, sec. 7–213a), are repealed.

(b) Section 11–2306 of the District of Columbia Code is amended to read as follows:

"§ 11–2306. Manner of drawing

"(a) If the United States attorney for the District of Columbia certifies in writing to the chief judge of the district court, or, in his absence, to the presiding judge, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the chief judge, or, in his absence, the presiding judge, the additional grand jury shall serve until the end of the term in and for which it is drawn.

"(b) The jury commission for the United States District Court for the District of Columbia shall draw from the qualified jury wheel from time to time as may be required the names of persons to serve as jurors in the District of Columbia Court of General Sessions and the juvenile court of the District of Columbia, and such persons shall be assigned to jury panels in the Court of General Sessions and the juvenile court as those courts shall direct."

(c) Section 1608(j) of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7–318), is amended by deleting the following: "and five dollars per day for each juror for the services of each when actually employed".

(d) Section 16–1312 of the District of Columbia Code is amended by substituting "section 1865 of title 28, United States Code" for "Section 11–2301, and who, in addition, are owners of real property in the District" in subsection (a)(1), and by substituting "chapter 121 of title 28, United States Code" for "chapter 23 of title 11" in subsection (c).

(e) Section 16–1357 of the District of Columbia Code is amended by striking out the phrase "are real property owners in the District and".

(f) Section 213 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–1414), is amended by inserting the words "or wheel" immediately following the word "box" each time it appears therein.

(g) Section 44 of the Act of March 2, 1917, to provide a civil government for Puerto Rico (39 Stat. 966; 48 U.S.C. 867) and sections 471 and 472(b) of title 3, sections 452, 453, and 2562(a) of title 5, and sections 4093 through 4106 and 4108 through 4117 of title 6, Canal Zone Code, are repealed. Subsection (b) of section 2562 of title 5, Canal Zone Code, is redesignated as subsection (a) and amended by substituting "$10" for "$2" and "section 1821, title 28, United States Code" for "subsection (a) of this section". Subsections (c) and (d) of section 2562 of title 5, Canal Zone Code, are redesignated as subsections (b) and (c) thereof.

EFFECTIVE DATE

SEC. 104. This Act shall become effective two hundred and seventy days after the date of enactment: *Provided*, That this Act shall not apply in any case in which an indictment has been returned or petit jury empaneled prior to such effective date.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 891), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The amendment is in the nature of a substitute bill, the provisions of which are explained in the analysis of the legislation that follows in this report. The substitute bill differs from the original bill only in technical respects. The purpose and substantive provisions of the original bill remain essentially unchanged.

PURPOSE OF LEGISLATION

The purpose of S. 989 is to establish basic machinery for the selection of Federal grand and petit jurors in order to assure to all litigants that potential jurors will be selected at random from a cross section of the community and to all qualified citizens the opportunity to be considered for jury service. The bill would amend chapter 121 of title 28, United States Code, by striking out sections 1861 to 1869 and inserting in lieu thereof the new sections 1861 to 1869; would amend section 1871 of title 28, United States Code; and would amend section 1821 of title 28, United States Code.

The bill would repeal sections 13–701; 11–2301 to 11–2305 (except the last paragraph of sec. 11–2302), 11–2307 to 11–2312 and 7–213a of the District of Columbia Code. Except for the last paragraph of subsection (a), section 11–2306 of the District of Columbia Code would be repealed and a new subsection (b) would be added. The bill would also amend sections 7–318, 16–1312, 16–1357 and 22–1414 of the District of Columbia Code.

The legislation would also repeal section 44 of the act of March 2, 1917 (39 Stat. 966; 48 U.S.C. 867), and sections 471 and 472 (b) of title 3, sections 452, 453, and 2562 (a) of title 5, and sections 4093 and 4106, and sections 4108 to 4117 of title 6 of the Canal Zone Code.

Technical changes would be made in the heading of chapters 121 of title 28, United States Code, and in subsections (b), (c), and (d) of section 2562 of title 5 of the Canal Zone Code.

The need for legislation

A jury chosen from a representative community sample is a fundamental of our system of justice. Yet, ironically, little attention has been given to the methods of jury selection actually used in our Federal courts. Instead, this Nation has stated and restated its commitment to the goal of the representative jury without making any significant effort to insure that this goal is attained.

Only three times in the entire history of the Nation has Congress addressed itself in any important way to the subject of Federal jury selection. In the First Judiciary Act of 1789 Congress directed that Federal jurors be selected in accordance with State practices. As a result, a wide variety of practices developed in the Federal courts.

So the matter rested for over 150 years until Congress, in revising the Judicial Code in 1948, acted on a recommendation of the Judicial Conference of the United States and made a partially successful attempt to create independent Federal juror qualifications. The 1948 modification, however, failed to include any guidelines for the process of selecting the prospective jurors whose qualifications were to be tested. In 1957, Congress carried forward the 1948 change by creating fully independent Federal juror qualifications. But again uniformity was not achieved because these statutory standards were often treated as minimum qualification requirements to which each jury official added his own subjective notions of the characteristics a good juror should possess.

Thus, Congress has laid down certain qualifications for Federal jurors, but it has never specified the sources from which the names of prospective jurors should be obtained, the methods by which these names should be selected, or the bases upon which otherwise qualified jurors should be eliminated from jury service.

In the absence of statutory guidelines it is hardly surprising that the selection methods used in the Federal courts lack any semblance of uniformity. The responses to the subcommittee's questionnaire on existing practices demonstrate that at present the particular procedures used in jury selection in the various judicial districts are governed by no more than the vagaries of local custom and practice.[1] Because broad and cloudy powers have been delegated to the court clerk or jury commission without provision for adequate judicial supervision, even judges are often imperfectly aware of the procedures employed in their courts.[2]

The defect in existing practices, however, is not simply that they vary from district to district. Nor is it even that lines of administrative responsibility are often unclear. The defect that calls for congressional action is that the representational goal of jury selection is impaired when the methods used are haphazard or less than adequate to ensure fair selection from a fair sample.

The evidence that current selection procedures are failing to meet our expectations in that regard is now unmistakable. Repeated testimony at the subcommittee's hearings pointed to evidence of discrimination in selection that undermines the representative quality of juries.

Most Federal jurisdictions use the so-called "key man" system of selection by which "key men," thought to have extensive contacts throughout the community, supply the names of prospective jurors. On its face, that system seems susceptible to intentional discrimination in that it allows room for individual choice in the recommendation of names. But the negative effects of the system are not limited to discrimination brought about intentionally. As a number of judges testified, the fault of the system is that even when administered with the best of intentions, it tends to produce unrepresentative jury venires. Even if the key men do not deliberately seek to eliminate certain types of people from jury service, limitations upon the scope of their acquaintances bring about that result. Friends and acquaintances of the key men have a disproportionately greater chance of being selected. And even when a key man makes a special effort to broaden his contacts, the less prominent members of the community tend to be neglected. The impact of this discrimination may fall most heavily upon minority or low-income groups.

Accordingly, even though the judges who testified at the subcommittee's hearings acknowledged that the key man system is ordinarily administered in good faith, each judge urged the abolition of the system on the ground that unintentional abuse is all too likely.

The testimony of one judge from a district that currently employs a key man system is illustrative. The Honorable Joseph S. Lord III, of the eastern district of Pennsylvania, stated:

"I do not doubt that the key man method may result in juries which are fairly representative of the community of which they are part, both geographically and in terms of those infinitely more subtle characteristics vaguely referred to as political, social, ethnic, and economic background. However, the opportunities for unintentional abuse of the system are grave. * * * Even when the key men are so chosen that they do represent all segments of our pluralistic citizenry, there is no inherent guarantee that they themselves will recruit and recommend individual jurors who collectively embody the will of the community. Even more unlikely is it that the system can continue to function with evenhanded representative justice. For every time the community changes, in terms of the political outlook of its members, their economic and social status, their ethnic and cultural composition, and of course their geographical distribution, the perpetuation of the same key men works obvious impropriety. Yet how can court administrators and judges gauge subtle, nuanced changes in societal attitudes and find the appropriate key men to accompany these increasingly fluid developments."[3]

But the testimony of judges is not the only basis for concern. The actuality of unintentional discrimination was documented only recently in the case of *Rabinowitz* v. *United States*, 366 F. 2d 34 (1966). In that case, the operation of the key man system in one set of circumstances was condemned even though it was stipulated that the officials responsible for selection did not consciously engage in discriminatory practices. En banc, the U.S. Court of Appeals for the Fifth Circuit concluded that the key man system in question led to a jury list that did not represent a fair cross section of the community.

The key man system condemned in *Rabinowitz* led to the underrepresentation of Negroes on the jury lists, but the discriminatory impact of the system is by no means limited to racial discrimination. Another witness at the subcommittee's hearings, Prof. Edwin S. Mills, of the Johns Hopkins University, testified to discriminatory results along occupational lines. His statistical study of a key man system in the U.S. District Court for the District of Maryland from December 1958 to December 1961 documented dramatic underrepresentation of craftsmen, service workers, and laborers, as compared with the professional and managerial classes. Again, there was no evidence of intent to bring about the disparity. Professor Mills testified:

"It is almost humanly impossible to avoid biases of the kind * * * found when jurors are selected by the key man system. First, people known to prominent individuals or associated with almost any kind of organization will display an occupational bias. Second, it is well known among statisticians that any sampling procedure involving human discretion almost inevitably leads to biased results. No matter how conscientiously they try to choose randomly, human beings almost always choose biased samples."[4]

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[1] See hearings, "Federal Jury Selection," before the Subcommittee on Improvements in Judicial Machinery, Committee on the Judiciary, U.S. Senate, 90th Cong., first sess., app. II. Hereinafter cited as "Hearings, 'Federal Jury Selection.'"

[2] See H. Rept. No. 261, 89th Cong., first sess., at p. 2.

[3] Hearings, "Federal Jury Selection," at pp. 75–76.

Since the key man system in one form or another is employed in more than half of the Federal districts,[5] evidence that it undermines the goals of jury selection is enough to sound the call for reform. But taken together with the diversity of practices among the jurisdictions, and the uncertainty of district judges concerning their role in the jury selection process,[6] the case for reform is virtually unassailable.

Indeed, although some witnesses at the subcommittee's hearings testified that their selection process at home did not produce unrepresentative jury lists, no witness opposed the need for reform on a nationwide basis. Included among the groups supporting congressional action were the Judicial Conference of the United States, the Department of Justice, the American Trial Lawyers Association, the Leadership Conference on Civil Rights, the Federal Bar Association, the Committee on Federal Legislation of the Association of the Bar of the City of New York, the National Legal Aid and Defender Association, the National Association of Defense Counsel, and the National Association of Railroad Trial Counsel. In addition, law professors, private practitioners, and clerks of U.S. district courts all urged the Congress to recognize the need for national legislation and to act accordingly to meet that need.

Legislative history and background of S. 989

Early in the first session of the 90th Congress, on January 17, 1967, Senator Joseph D. Tydings, chairman of the subcommittee on Improvements in Judicial Machinery, announced that the subcommittee would hold wide-ranging and thoroughgoing hearings on the jury selection process in the Federal courts. To provide a focus for the inquiry, Senator Tydings introduced five bills representing a variety of approaches to reform—S. 383, S. 384, S. 385, S. 386, and S. 387. Although some of the proposals were inconsistent with others, all were presented in order that the subcommittee might consider a full spectrum of alternatives. On February 16, 1967, and March 20, 1967, two further bills were introduced. The first is the one reported, S. 989 drafted by the Committee on the Operation of the Jury System of the Judicial Conference of the United States and later approved by the Conference as a whole on March 30, 1967. The second, S. 1319, is substantially identical with the administration-sponsored title I of the civil rights bill of 1967.

Hearings on the seven bills were held on March 21, 22, and 29; April 11 and 12; May 2 and 16; June 6 and 28; and July 20. During these hearings the subcommittee received testimony in written or oral form from: The Honorable Ramsey Clark, Attorney General of the United States; Dale W. Broeder, Esq., formerly associated with the Chicago Jury Project; the Honorable Harrison L. Winter, U.S. Court of Appeals for the Fourth Circuit; the Honorable Joseph S. Lord III, U.S. District Court for the Eastern District of Pennsylvania; William L. Marbury, Esq., of Baltimore; Norman P. Ramsey, Esq., of Baltimore; William F. Walsh, chairman-elect of the American Bar Association's Section of Criminal Law; Profs. Harry Kalven, Jr., and Hans Zeisel, authors of "The American Jury"; Prof. Monroe H. Freedman, of the George Washington University Law School; Alexander Boskoff, Esq., of the Federal Bar Association; Prof. Edwin Mills, of Johns Hopkins University; Eastman Birkett, Esq., and Sheldon H. Elsen, Esq., of the Committee on Federal Legislation of the Association of the Bar of the City of New York; Leon RisCassi, Esq., and Theodore Koskoff, Esq., of the American Trial Lawyers Association; William Taylor, Esq., Staff Director of the U.S. Commission on Civil Rights; the Honorable Irving R. Kaufman, U.S. Court of Appeals for the Second Circuit, and chairman of the Committee on the Operation of the Jury System of the Judicial Conference of the United States; the Honorable Alexander Holtzoff, U.S. District Court for the District of Columbia; Joseph L. Rauh, Jr., Esq., of Washington, D.C.; Clarence Mitchell, Jr., Esq., legislative chairman of the Leadership Conference on Civil Rights; Gen. Charles Decker, of the National Legal Aid and Defender Association; Melvin Belli, Esq., of San Francisco; Lawrence Speiser, Esq., of the American Civil Liberties Union; J. Albert Woll, Esq., of the AFL–CIO; nine clerks of U.S. district courts; Frank Reifsnyder, Esq., of the American Bar Association; Robert Landis, Esq., of the National Association of Railroad Trial Counsel; Jack G. Day, Esq., of the National Association of Defense Lawyers in Criminal Cases; the Honorable J. Braxton Craven, U.S. Court of Appeals for the Fourth Circuit; and the Honorable Donald P. Lay, U.S. Court of Appeals for the Eighth Circuit.

At the conclusion of these hearings, the decision was reached to report out an amended version of S. 989—the bill approved by the Judicial Conference of the United States. Your committee believes that S. 989 is the measure that best combines the principle of random selection with the flexibility required to accommodate local conditions in 93 judicial districts. Most of the witnesses testifying lent support to this measure. And many testifying on behalf of the administration's measure, S. 1319, also stated the view that S. 989, a bill predicated upon the same principles, was a satisfactory alternative.

The reported bill also has the full support of the American Bar Association. The measure was considered at length by both the ABA's Section of Judicial Administration and its Section of Criminal Law. Both sections approved resolutions, without dissenting vote, urging enactment of S. 989. At the 1967 annual convention, the ABA's Board of Governors unanimously approved S. 989, and sent the proposal to the association's highest body, the House of Delegates. The House of Delegates, after a thorough discussion of the bill and the principles behind it, passed without substantial opposition a resolution that "approves and endorses S. 989."[7]

Additionally, S. 989 has a "legislative history" within the Judicial Conference that is worthy of note. A 26-year history preceded the Conference's sponsorship of the proposal. In 1941 a committee under the chairmanship of Judge John C. Knox, of the southern district of New York, undertook a comprehensive empirical investigation of existing practices as a background for proposed reforms. The committee analyzed responses to detailed questionnaires returned by all district judges, court clerks, jury commissioners, and 43 local bar associations. Its report led, 14 years later, to the adoption of uniform qualifications for Federal jurors in the Civil Rights Act of 1957.

But the Conference recognized that only a first step had been taken. In September 1957 it authorized the Institute of Judicial Administration in New York to update the Knox report. This study led to a new report approved by the Conference in 1960—"The Jury System in the Federal Courts," 26 F.R.D. 409. This report noted that despite the 1957 reforms difficulties remained in the selection process as a whole. The source of juror names remained unspecified and, in fact, names were still obtained from key men and unofficial lists. The 1960 report recommended that selection be conducted so that jurors would represent as high a degree of intelligence, morality, integrity, and commonsense as possible. The report concluded, however, that problems of jury selection ought not to be attacked with uniform national legislation.

But complaints continued to mount that jury selection was mismanaged in some districts. The Conference's initial response was to request U.S. attorneys to review selection procedures with the local clerk and jury commissioners. This request led to reports by the U.S. attorneys concerning particular substandard districts, and in each one of the chief judges of the relevant circuit and district were duly informed. In 1962, the Conference took a further step. A bill proposed by the Conference's Committee on the Operation of the Jury System was introduced as H.R. 3284 in the 88th Congress. It contained, among other things, machinery to root out systematic exclusion of particular classes of individuals from the jury panel, and provision for the use of questionnaires in selecting qualified jurors. No action was taken on this bill during the 88th Congress, but it was reintroduced in the 89th Congress as H.R. 5640, which was passed by the House. Interest in the subject of jury selection increased, and in 1966 this interest had reached the point that 34 jury bills were pending before the Congress.

The major proposal under consideration in 1966 was title I of the 1966 civil rights bill, introduced in the House as H.R. 14765 (passed by the House on August 9, 1966), and in the Senate as S. 3296. Title I of these bills is the predecessor of S. 1319 introduced this year. But the Judicial Conference did not have an opportunity to consider the measure, and that factor, together with serious problems of administrative feasibility, was widely cited as a major reason for the failure to enact the proposal.

The Conference responded quickly, however, to the controversy aroused by the attempt to legislate extensive jury selection reform. In August 1966, Chief Justice Earl Warren reactivated the Conference's Committee on the Operation of the Jury System, appointed Judge Irving R. Kaufman, of the Court of Appeals for the Second Circuit, as Chairman, and named eleven other members, one from each judicial circuit: The Honorable Robert A. Ainsworth, Jr.; the Honorable William H. Becker; the Honorable J. Spencer Bell;[8] the Honorable Edward C. Bratton; the Honorable Bernard M. Decker; the Honorable Howard T. Gignoux; the Honorable A. Leon Higginbotham; the Honorable Alexander Holtzoff; the Honorable William J. Jameson; the Honorable Sylvester J. Ryan; and the Honorable Frank W. Wilson.

The Kaufman Committee met first in September 1966 after its members had studied pending jury bills, congressional hearings, correspondence from judges, court clerks, jury commissioners, and U.S. attorneys, and a large volume of materials previously reported to the Conference. At the Committee's suggestion the Conference at its September 1966 meeting endorsed the principle of random selection to achieve representative juries, and approved the appointment of a subcommittee to study the details of legislation. The subcommittee, chaired by Chief Judge William H. Becker, formulated its views at a meeting in November 1966, and subsequently drafted a bill and a report that were submitted to the Kaufman Committee in January 1967.

In February 1967, the President sent to Congress the civil rights bill of 1967. In its major principles, title I of that bill did not differ from the Kaufman Committee's proposal or from the administration's 1966 proposal. But the Kaufman Committee chose to go forward with its own measure since it contained important differences in detail that were responsive in the main to changes suggested by district judges throughout the country.

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[4] Id., at pp. 211–212.

[5] Id., App. II.

[6] See H. Rept. No. 261, 89th Cong., first sess., at p. 2.

[7] See hearings, "Federal Jury Selection," p. 689a.

[8] Judge Bell died in March of 1967. He was succeeded by the Honorable J. Braxton Craven, Jr.

On February 16, 1967, Senator Tydings introduced the Kaufman Committee's proposal as S. 989. It was introduced prior to Judicial Conference consideration in order that it might be before the subcommittee at each of its hearings. Subsequently, the Judicial Conference approved the measure, disapproved all other pending bills, and gave Judge Kaufman authority to make technical changes for the Conference.

The foregoing history of the Judicial Conference's activity in the jury selection area reflects the care with which S. 989 was prepared. The proposed legislation has emerged only after 26 years of empirical study and deliberation by members of the Federal judiciary, who have kept up a continuing dialogue as well with those interested in jury selection in all sectors of the legal process.

GENERAL PRINCIPLES OF THE LEGISLATION

The bill embodies two important general principles: (1) random selection of juror names from the voter lists of the district or division in which court is held; and (2) determination of juror disqualifications, excuses, exemptions, and exclusions on the basis of objective criteria only. These principles provide the best method for obtaining jury lists that represent a cross section of the relevant community and for establishing an effective bulwark against impermissible forms of discrimination and arbitrariness.

Random selection from voter lists is not a new method. It has been used by a number of Federal district courts for some years, in part because it can easily be used to produce a large number of juror names. In many districts citizens have complained about the frequency with which they are called for jury service while others, equally qualified, are called infrequently or not at all. Random selection from voter lists should go far toward eliminating these complaints, both because anyone whose name appears on the voter lists has a chance of being selected equal to that of any other listed person, and because voter lists contain a number of names sufficiently large to insure that no one need be called for more than his fair share of jury duty.

The advantages of random selection from voter lists are not limited, however, to easing the clerks' task in obtaining a sufficient number of jurors or to allocating jury duty fairly among the citizenry. More important, random selection eliminates the key man system and ensures that jurors will be selected without regard to race, wealth, political affiliation, or any other impermissible criterion. It is for this reason that random selection traditionally has been the method used to select juror names from the qualified jury wheel. The bill simply extends this principle backward in time to encompass the method used to obtain the names placed in the qualified jury wheel. It thus virtually eliminates the possibility of impermissible discrimination and arbitrariness at all stages of the jury selection process, and thereby tends to ensure that the jury list will be drawn from a cross section of the community.[9]

The bill specifies that voter lists be used as the basic source of juror names. These lists provide the widest community cross section of any list readily available. Census data quickly become out of date and are not suitable. In the words of Attorney General Ramsey Clark presenting the administration's views:

"We looked at every type of list we could find. We looked at post office addresses, at Civil Service Commission lists, at Social Security lists, and we considered telephone books, and a city directory sort of list, and we couldn't find any list that would be across the country nearly as good as the voter list."[10]

Prof. Harry Kalven and Prof.-Statistician Hans Zeisel were among the many witnesses who agreed:

"Now which lists are under consideration? Telephone lists have the disadvantage that they have an economic bias. * * * City directories, to the extent to which they exist, are a good source, although they have the difficulty that they contain also non-U.S. citizens, and therefore have a lot of names which have to be screened out. * * * But the major argument against using city directories is that they are available only in very few cities. * * * When all is said and done, we believe that the voter registration list is by far the most desirable list as the foundation of the juror selection process. We don't mean necessarily that the voter list should be the only one. If it is found seriously deficient, as it might be in some areas, then by all means it should be supplemented by other lists, but I think from the point of view of the statistician who wants to obtain a representative cross section of the population, the voter list is by far the most desirable source."[11]

The bill requires that the voter lists be supplemented by other sources whenever they do not adequately reflect a cross section of the community. It also allows for substitution of other lists for the voter lists, but only in those rare instances in which the policies of the act require such substitution.

The voting list requirement, together with the provision for supplementation or substitution, is therefore the primary technique for implementing the cross sectional goal of this legislation. The bill uses the term "fair cross section of the community" in order to permit minor deviations from a fully accurate cross section. The voting list need not perfectly mirror the percentage structure of the community. But any substantial percentage deviations must be corrected by the use of supplemental sources. Your committee would leave the definition of "substantial" to the process of judicial decision.

If the voter lists are used and supplemented where necessary, and if the procedures outlined in the bill are otherwise rigorously followed, it is no departure from the standards of the legislation that the qualified jury wheel, the venire or array, or the jury itself, may not reflect a community cross section. The act guarantees only that the jury shall be "selected at random from a fair cross section of the community." It does not require that at any stage beyond the initial source list the selection process shall produce groups that accurately mirror community makeup. Thus, no challenge lies on that basis. In short, the act attempts to achieve its cross sectional aim by insuring that the basic source list is adequate in that regard and that no procedure is employed that would impermissibly diminish the likelihood that a cross section will be attained.[12]

In a sense the use of voter lists as the basic source of juror names discriminates against those who have the requisite qualifications for jury service but who do not

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[9] In the interest of theoretical accuracy, some qualifications should be added. Although the bill declares as its policy that litigants in the Federal courts "have the right to grand and petit juries selected at random," the selection system under the bill would not be entirely random. At various points in the process, candidates for jury service may be eliminated if they fall short of the requirements for service specifically enumerated in the bill. Moreover, preemptory challenges and challenges for cause are retained. All of these instances are, strictly speaking, exceptions to a purely random selection system. But the bill otherwise firmly establishes the principle of randomness by requiring the use of random techniques for arriving at the names of those who shall then be subject to the specified bases for elimination.

It is also true that, to the extent that the bill does provide for random selection, it does not insist upon randomness in the sense in which that term might be understood by statisticians. Many districts may seek the aid of statisticians in developing systems of selection that do meet the standards of that profession, and they are encouraged to do so. No doubt such systems enhance the likelihood of attaining the cross sectional goal of the bill. But for reasons of administrative feasibility your committee did not deem it necessary to require the use of random selection in the statistical sense. It is sufficient for the purpose of this legislation if the plan adopts some system of selection that affords no room for impermissible discrimination against individuals or groups.

Thus, for example, the plan may specify selection of every 76th name from the voter list, or every name at the bottom of a page in the list, or all the names on the list, even though in certain cases statisticians might not agree that truly random selection would be the result. Likewise, in drawing names from the mastet and qualified jury wheels some similar processes may be designated. **Under this definition of randomness, the plan may also permit courts to continue to use "rotation methods" or "jury pools" in assigning persons to grant and petit juries, provided that these methods, too, are free from any taint of impermissible discrimination against groups or individuals. See, e.g., the discussion of proposed sec. 1866, infra, at pp. 31–32.**

[10] **Hearings, "Federal Jury Selection," at p. 43.**

[11] Id., at p. 131.

[12] This textual comment is designed to resolve the doubts raised in a recent case. In footnote 8 of the opinion in *United States* v. *Telman* (Aug. 3, 1967) Crim. 25009, the U.S. District Court for the Northern District of Georgia speculated as follows:

"When there is no systematic exclusion and when the selection is made objectively and impartially, reason would dictate that all that is required has been done. However, when the conceptual standard of an adequate cross section is superimposed on a concurrent practical racial problem, the situation becomes blurred. There is reason to conclude that racial balance has become an *absolute* jury standard and prior permissive qualifications or sources become absolute if racial imbalance indirectly results. This pragmatic approach is demonstrated by such cases as *Labat* v. *Bennett*, 365 F. 2d (5th Cir. 1966); *Brooks* v. *Beto*, 366 F. 2d 1 (5th Cir. 1966); *Scott* v. *Walker*, 358 F. 2d 56 (5th Cir. 1966); and a host of cases exemplified by the listing in note 3 of *Billingsley* v. *Clayton*, 359 F. 2d 13 at 17 (5th Cir. 1966). When a bona fide system objectively administered happens to produce an imbalanced racial result, its legality is still somewhat subject to question. Until that question is finally resolved by the courts or new legislation, it would appear reasonable that a jury commissioner and clerk would be justified in securing sufficient questionnaires from know Negro electors until a sufficient number of such cognizable racial group in the community is adequately reflected on the qualified list. Certainly, to within the permissible variances indicated in *Swain* v. *Alabama*, 380 U.S. 202 (1964), and *Billingsley* v. *Clayton*, 359 F. 2d 13 (5th Cir. 1966). Otherwise, all interim trails would be open to this attack."

This bill makes clear that proportional racial representation is not required if the procedures of the bill are followed.

register or vote. This is not unfair, however, because anyone with minimal qualifications—qualifications that are relevant to jury service—can cause his name to be placed on the lists simply by registering or voting. No economic or social characteristics prevent one who wants to be considered for jury service from having his name placed in the pool from which jurors are selected.

The second principle—determination of disqualifications, excuses, exemptions and exclusions on the basis of objective criteria only—is designed to work with random selection to produce juries that represent the community fairly. In essence, this principle would prohibit the widespread current practice of imposing qualifications above and beyond those specified by Congress.

Many Federal district courts and officials administering jury selection treat the present statutory qualification requirements—citizenship, age, residence, literacy, health, and lawful behavior—as minimum standards to which may be added subjective notions of "good character, approved integrity, sound judgment and fair education." See, e.g., *United States* v. *Hunt*, 265 F. Supp. 178, 183 (W. D. Texas, 1967). In at least some instances, even though the jury selection officials were well intentioned, these additional qualification requirements have produced discriminatory results, especially in relation to the poor and other minorities. See e.g., *Rabinowitz* v. *United States*, 366 F. 2d 34 (5th Cir. 1966). Moreover, your committee does not believe that additional qualifications are necessary to obtain jurors with intelligence and good judgment sufficient to understand and render an appropriate verdict. Accordingly, the bill prohibits them. It should be noted, however, that the bill does not change the method of challenging jurors at voir dire. In particular, the bill leaves undisturbed the right of a litigant to exercise his peremptory challenges to eliminate jurors for purely subjective reasons.

There are some who do not agree with the bill's insistence upon objective qualification criteria. They would authorize the jury commission or the clerk to interview potential jurors in order to determine whether, for example, the ostensibly qualified juror is "so lacking in intelligence, information, probity, or common sense as to be unable to render satisfactory jury service." Advocates of such pretrial "subjective screening" contend that unless it is permitted, random selection of jurors, screened only for objective qualifications, will undermine the quality of jury performance.

All who are concerned with fair jury selection are concerned as well that juries be competent to perform the tasks assigned to them. As Senator Ervin, of North Carolina, has pointed out in summarizing the conclusion of the 1960 Judicial Conference Committee on the Operation of the Jury System, "the jury * * * has an awesome responsibility in American justice. It determines the fate of men—their property, their freedom, and sometimes their lives. To work well, indeed, to work justice, the jury must perform according to the premises that the law lays down."[13] To be able to do this the jury must be able to listen to the evidence and evaluate it sensibly, to comprehend the instructions given on the governing law, and to make its decisions wisely and honestly. Your committee has felt very strongly, therefore, that if juries are to perform satisfactorily, the quality of jurors must be maintained. For that reason, your committee has devoted considerable attention to ensuring the quality of jurors and thus has approved this bill only upon determining that it includes a number of provisions sufficient to attain high levels of juror competence.

These statutory safeguards against incompetence[14] constitute one reason for your committee's decision not to include a provision for subjective screening in the bill. But in addition, there is persuasive evidence that subjective interviews are neither useful nor required to secure competent juries. The case against subjective screening rests on three grounds: first, any feasible system of interviews would be inadequate at best in determining whether a potential juror has such quality as "probity" and "common sense"; second, the cost of the interviews would be high and the risks serious, and both would be excessive in relation to any possible benefits; and third, existing empirical evidence demonstrates no need for such screening.

If personal interviews were authorized, praticality would demand that they be short. In most metropolitan districts where large numbers of jurors are called, extensive interviews would burden court officials intolerably. Even with additional court personnel,[15] it is hard to conceive that the interviews could be longer than 20 or 30 minutes. Interviews so short cannot adequately test for many of the qualities most important for jury service; for example, attention span, memory, ability to evaluate character and credibility, capacity to distinguish the relevant from the irrelevant, willingness to follow instructions, impartiality, and range of general living experience.

And many of the qualities the interviewers would be asked to look for are, in the words of Judge Irving Kaufman testifying before the subcommittee, like "globules of mercury—impossible to grasp." For example, it is highly unlikely that all would agree on whether a given individual has commonsense, and it is even more unlikely that any such judgment could justifiably be grounded on a short interview. Hence, subjective screening is likely to distort the composition of the venire and thereby undermine the basic cross-sectional goal of the selection process. Significantly, in districts where subjective screening takes place now, the judges of the Judicial Conference Committee learned that a "prospective juror may be considered unfit for jury service because a clerk thinks his appearance is sloppy, or his [formal] education is deficient, or because he is not very articulate, or speaks with an accent, or appears nervous. * * *"[16] Impressions such as these are likely to form the basis for a stereotype of a "good juror" that will be used by interviewers to reject all who do not meet its narrow criteria. Thus, even if interviewers always act in good faith, they will tend to produce distorted juries that do not speak with the voice of the community.

In addition, the undefinable contours of subjective criteria provide opportunities for discrimination by the occasional official who acts in bad faith. To meet this possibility there ought to be a procedure for challenging the selection system on the ground that official discretion was exercised in bad faith. The availability of such a procedure would increase judicial burdens by requiring courts to evaluate allegations not only of procedural irregularity in the selection system, but also of bad faith. It would thereby frustrate one of the purposes of the statute—to limit and simplify the challenge process by restricting challenges to those based on procedural grounds.[17] Moreover, the vagueness of subjective standards is likely to be sufficient to cloak evil intent and thereby render effective review impossible.

Due to the virtually unreviewable discretion of the interviewers, the result of a subjective system must be confusion, uncertainty, and diversity in the qualifications for jury service. An occasional juror lacking in probity or commensense may in fact be weeded out, but only at the cost of others, fully qualified to serve, who have been deprived of the opportunity on a basis unrelated to their capacity to perform. Ultimately, then, subjective screening is both unlikely to enhance the competence of juries and quite likely to undermine their representational character.

It may yet be argued, however, that subjective screening ought to be authorized because, even if inefficient and inaccurate, it is the only process available to weed out those whose incapacity will not show up under objective tests. That argument might be persuasive if there were compelling evidence that in the absence of such screening our juries would be substantially infected with incompetent jurors.

Existing evidence, however, is quite to the contrary. The process of random selection from a broadly based list, coupled with disqualification on the basis of objective criteria only, is already operative in a substantial number of judicial districts. For example, such a selection process has been in use in the district of Nevada for approximately 40 years. There have been no substantial allegations of jury incompetence in the Federal courts of that State. Likewise, in a number of heavily populated judicial districts the experience has been the same.

In the eastern district of Michigan, encompassing Detroit, such a system has been in use in the U.S. district court for 10 to 15 years, without substantial complaint that juries do not perform at high levels. The following judicial districts also employ systems that do not differ significantly from the random-selection and objective-criteria principles of S. 989, although they may differ widely in the details of how these principles are administered: Alaska, the four California districts, the Canal Zone, Colorado, Delaware, the southern district of Florida, the middle and northern districts of Georgia, Hawaii, the northern and southern districts of Illinois, the eastern and western districts of Missouri,[18] Minnesota, Massachusetts, the eastern district of Louisiana, New Jersey, the eastern district of New York, North Dakota, the southern district of Ohio, the eastern district of Oklahoma, Puerto Rico, Rhode Island, Utah, the eastern district of Virginia, and the eastern district of Wisconsin.[19] The Judicial Conference of the United States and its Committee on the Operation of the Jury System concluded that there was no evidence of lower juror quality in districts whose processes of selection embody the principles of the proposed bill.

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[13] Ervin, Sam J., Jr., "Jury Reform Needs More Thought," 53 American Bar Association Journal 133, 134 (1967).

[14] See pp. —, infra.

[15] A number of court clerks responding to the subcommittee's questionnaire emphasized that any increase in the functions of their staffs would require additional manpower and additional appropriations for operating costs. At least seven districts would require several thousand interviews annually under a subjective screening system, and these are precisely the courts that already are most overburdened. See hearings "Federal Jury Selection," app. II.

[16] Id., at p. 255.

[17] See sec. 1867 of S. 989.

[18] The clerk of the U.S. District Court for the Western District of Missouri, commenting on that district's experience with its random selection system, stated:

"A review of the questionnaires returned to date makes it apparent that this is the best cross section, both from various sections of the communities and various economic levels, that has been available for jury wheels in the western district of Missouri. The response to the questionnaires has been much greater than in the past and the conclusion may be drawn that people who feel an obligation to register or to vote also feel a duty to respond to jury service." Second Report to the Court En Banc on Operation of New System of Random Selection of All Prospective Jurors from Registration and Voting Records, Feb. 24, 1967, reprinted in hearings, "Federal Jury Selection," at p. 652.

The Conference's conclusion is buttressed by the University of Chicago's jury project—the most comprehensive statistical study of the American jury system that has yet appeared. The results of that study have been published by Profs. Harry Kalven, Jr., and Hans Zeisel in their book "The American Jury," and were presented at subcommittee hearings.

The Chicago jury project investigated 3,576 criminal jury cases over a 12-year period.[20] By asking questions of each judge involved designed to compare the jury's verdict and performance with the judge's assessment of the case, the project demonstrated that juries, as they are presently selected, are competent to understand the cases put before them. The basic finding was that the jury and the judge agreed as to the outcome in 75 percent of the cases. That agreement is an index of jury competence, for if the jury fails to understand the case, it must be deciding a different case from the judge. And if it is deciding a different case, its agreement with the judge would be a matter of chance—a hypothesis that does not square with so high a percentage of agreement as 75 percent. Moreover, where disagreements did occur, only one judge cited the failure of the jury to understand the case as a reason for it.

In cases the judges regarded as "difficult" to comprehend, the project discovered that the juries came back to court with inquiries twice as often as in cases regarded as "easy." Hence jurors apparently perceived the "difficult" cases as "difficult" and the "easy" ones as "easy." Moreover, as might be expected, the percentage of disagreement between judge and jury increased in cases the judges regarded as "close" or difficult to decide. But disagreement did not increase in cases regarded as difficult to comprehend, although not "close." Again the juries appeared to have understood the difficult cases, since they differed with the judges as to the outcome largely in cases in which judges found room for disagreement by labeling them "close," whether "easy" or "difficult" to comprehend.

Professors Kalven and Zeisel testified at hearings held by the subcommittee that the results of the Chicago project were nearly uniform across the country. This finding is the basis for their conclusion that juries chosen without the aid of subjective screening are no less competent than juries selected after such screening. No statistical study has concluded otherwise. Thus, there is no convincing evidence that random selection plus objective criteria must be supplemented by subjective interviews in order to ensure competent juries. Indeed, the success of so many judicial districts using systems based entirely on random selection and objective criteria[21] virtually compels the opposite conclusion. In view of these highly persuasive and mutually reinforcing lines of evidence, your committee cannot conclude that subjective criteria and personal interviews are necessary to insure the competence of Federal juries. Accordingly, there is no justification for including in S. 989 any provision for subjective screening, the haphazard results of which would otherwise threaten the cross-sectional goal of the jury selection process and burden the administration of justice in the Federal courts.

As noted earlier, significant provisions are contained in S. 989 that substantially guarantee juror competence, and the existence of these provisions buttresses the conclusion that subjective screening is unnecessary. The initial line of defense against incompetence is the requirement that voter lists be used as the primary source of potential jurors. Voter lists contain an important built-in screening element in that they eliminate those individuals who are either unqualified to vote or insufficiently interested in the world about them to do so. But above and beyond that manifestation of interest in the affairs of citizenship stand the objective qualifications required by S. 989. A juror must be able to read, write, and understand the English language with a degree of proficiency sufficient to understand and fill out a juror qualification form. In case of doubt the potential juror may be required to fill out a second form in the presence of the clerk or jury commission. The candidate's performance at this point may then be reported to the court. The potential juror must also be able to speak the English language.

The proposed legislation disqualifies those incapable of rendering satisfactory jury service by reason of mental or physical infirmity. The bill also contains some guarantee of "probity" at least to the extent that persons are disqualified who have charges pending against them for, or have been convicted of, a crime punishable by imprisonment for more than 1 year. Moreover, the 1-year residence requirement assures some substantial nexus between a juror and the community whose sense of justice the jury as a whole is expected to reflect.

The foregoing screens will eliminate virtually all those who ought not to be allowed to serve on a jury—the illiterate, the feeble-minded, the insane, the decrepit, the infirm, the accused, and the criminal. But the bill gives the judges further powers to eliminate incompetents. Under provisions of proposed section 1866(c)(2) a district judge can exclude those summoned who "may be unable to render impartial jury service," or whose service "would disrupt the proceedings." And under 1866(c)(5) the judge can exclude those whose service he determines "would be likely to threaten the secrecy of the proceedings or otherwise adversely affect the integrity of jury deliberations."

The explicit conferral of these powers upon the judge is a feature of S. 989 that responds to an important need. As Senator Ervin pointed out at the subcommittee hearings, any bill would be deficient if it left a judge powerless to eliminate at least the most undesirable candidates who otherwise meet the statutory qualifications for service.[22]

No such power vacuum exists under the reported bill. The judge has power to exclude those whose impartiality is seriously in question and those who "would be likely to disrupt the proceedings." It is intended that "disrupt the proceedings" include only physical disruption of the proceedings. For example, the "community drunk" who would be likely to disturb orderly processes in the jury room can be excluded under this criterion. Other possible kinds of disruption are to be dealt with under section 1866(c)(5). A notorious underworld figure who has never been convicted and is currently free from any criminal charge could, under that section, be excluded from a grand jury if his service would be likely to "threaten the secrecy of the proceedings." And the hobo who cannot be trusted to appear each day in court might be excluded on the ground that his participation might "adversely affect the integrity of jury deliberations." Section 1866(c)(5) is thus designed to insure that the judge has power to eliminate the rare person who is technically "qualified" to serve but who is clearly unsuited for such service. Since it is contemplated that these instances will indeed be rare, exclusion under clause (5) is limited to one per centum of the number of persons who return executed juror qualification forms during the period between two consecutive fillings of the master jury wheel. This percentage limitation will also help to prevent abuse of the otherwise broadly phrased language of the clause.

The provisions for exclusion under these statutory criteria differ in important ways from a system of pretrial subjective screening. These provisions would authorize the exclusion of persons only in the unusual instances and, therefore, in contrast with pretrial subjective screening of every potential juror, they do not seriously threaten the representational goal of the selection process.

Finally, after the foregoing statutory screens have come into play, the proposed bill preserves the traditional right of the parties to challenge a juror for cause or to strike him peremptorily. The eagerness of at least one party to eliminate an unsuited juror cannot be discounted as an effective bulwark against all forms of juror incompetence.

It is possible, of course, that an unsuitable juror will occasionally slip by. But he slips by under present systems of selection and no system of subjective interviews could promise perfection in this regard. Indeed, as noted previously, subjective screening is destined not only to fall short of perfection, but to yield unwanted exclusions as well. Since there is also no empirical evidence that jury competence is dependent upon it, there is no reason to adopt a provision that is likely to impair other goals of the jury selection process.

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[19] The list in the text contains judicial districts employing systems that, without significant deviation, embody the major principles of S. 989: random selection from a broadly based list together with elimination of unsuitable candidates on the basis of objective criteria only. See Hearings, "Federal Jury Selection," app. II. In some of the districts enumerated, voter lists are not used, but for the purpose of assessing the impact of the principles embodied in S. 989 upon juror competence, this difference is not significant. In these instances the districts use a broadly based list or combination of lists—reflecting, in a manner approximating the voter list, a cross section of the community. Moreover, a number of districts do use voter lists as the source of potential jurors. Included among these are: the eastern and southern districts of Illinois, the northern and middle districts of Georgia, the western district of Missouri, Montana, New Jersey, the eastern and southern districts of New York, and the southern district of Ohio.

Finally, it should be noted that some districts have not been included in the list in the text even though they use jury selection systems quite like that embodied in S. 989. For example, in the district of Oregon, which uses objective criteria exclusively to eliminate unsuitable candidates, voter lists are used for 98 percent of the names initially selected. But the jury commission in the district of Oregon chooses the remaining 2 percent from various minority groups in order to assure representation of these groups on jury arrays and venires. Since this feature of the plan deviates from a strict system of random selection, the district of Oregon is not included in the list in the text.

[20] The Honorable Henry J. Friendly, of the U.S. Court of Appeals for the Second Circuit, took note of the thoroughness and high quality of the study in his review of "The American Jury":

"This is the sort of lawbook that appears once in a decade. * * * This volume has indeed been long in coming. But if the authors had written the book rapidly, they would not have written the book they have. A pioneering work like this needs time. Entirely new tools had to be engineered, tested and remodeled; data had to be collected, analyzed, and reanalyzed. * * * This is a book to be savored and reread, not one to be gulped at a single sitting. Brilliantly avoiding Prof. T. R. Powell's barb at the kind of research where 'counters don't think and thinkers don't count,' it shows how, in the hands of imaginative scholars and skillful writers, figures can enrich old insights and afford new ones." Friendly, Book Review, 33 U. Chi. L. Rev. 884 (1966).

[21] See supra, at p. —.

[22] See hearings, "Federal Jury Selection," at pp. 51–56.

Accordingly, your committee is convinced that S. 989 contains features that will eliminate virtually every candidate unsuited for service.

But the proposed legislation does not rest with the elimination of the unsuited. The bill also contains provisions that your committee believes will upgrade the competence of Federal juries.

Under the bill, each plan will specify groups whose members may be excused or exempt from service. Although individual hardship excuses will still be possible, the specification of the groups who may justifiably avoid jury service will make it more difficult for members of the community who do not fall within these groups to avoid service on spurious grounds. Many professional and business people now easily avoid service on the ground that they are "busy people." Some will still be able to obtain individual excuses when they are under genuine hardship. But the casual granting of excuses to these presumably more intelligent members of the community will no longer be possible. Enhanced jury performance, as well as an enhanced community cross section, will be the result.

Jury performance will be enhanced as well by closer approximation as the cross sectional goal under the bill. It must be remembered that the jury is designed not only to understand the case, but also to reflect the community's sense of justice in deciding it. As long as there are significant departures from the cross sectional goal, biased juries are the result—biased in the sense that they reflect a slanted view of the community they are supposed to represent.

Therefore, although your committee regards the identification of competent jurors as a fundamental goal of jury selection, it determined that a provision for subjective screening would not constitute wise legislation. In your committee's view, the reported bill contains provisions that fully ensure continuing high levels of performance from Federal juries without any serious risk that other important goals of the jury selection process will suffer.

This conclusion is amply supported by the record developed at subcommittee hearings. Of 36 witnesses only four favored some form of subjective screening and only one of the four favored vesting such discretionary power in the clerk or jury commission. The statement of Judge Joseph S. Lord III reflects the views of those who vigorously opposed any such subjectivity in the selection process:

"The simple fact of the matter is that if what we seek in jury selection is a fair representation of the whole community, it makes less than good sense to formulate—or indeed, to permit the formulation by others of—criteria which fall short of empirical certainty, when the tools with which to structure a virtually unassailable device for representative jury selection are already at hand." [23]

In his oral testimony Judge Lord added "that when you get into relative terms, like common sense, you are dealing with very, very dangerous language and with very, very dangerous standards. * * * If we are going to have a true random cross section and truly random selection, then I think the qualifications should not be dependent on such things, such intangibles, as probity, common sense, and so forth." [24]

Judge Lord's views were substantiated from the statistician's point of view by Prof. Edwin Mills, of Johns Hopkins University:

"In general, I believe that the dangers of such subjective criteria are great and that they should be permitted only when the need is clear and great." [25] And Professor Mills went on to conclude that existing empirical evidence demonstrated no such need.

The statement of Joseph L. Rauh, Jr., is also illustrative:

"The creation of additional tests concerning intelligence, integrity, morality, and common sense would negate the very principle of equality reflected in the phrase 'a jury of his peers.' * * * Worst of all, by creating a vague subjective test * * * the mechanical application of random sampling is defeated and the certainty of equality predicated on objective tests is totally lost." [26]

This testimony was endorsed by nearly 50 organizations representing a broad spectrum of American opinion, including: the National Association of Real Estate Brokers, Inc., the Improved Benevolent and Protective Order of Elks of the World, the Protestant Episcopal Church-Division of Christian Citizenship, the National Catholic Conference for Interracial Justice, the National Council of Jewish Women, the National Council of Negro Women, the National Newspaper Publishers Association, the American Newspaper Guild, the International Ladies' Garment Workers' Union of America and the United Automobile Workers of America.[27]

In the last analysis, however, the words of Attorney General Ramsey Clark state the case most forcefully:

I think we have intelligent jurors. I think we are a nation of intelligent people, and I think we can judge each other fairly without trying to make subjective judgments about who is wise, who is good, and who is truthful. * * * I would rest my case with the people." [28]

Section analysis

Section 101 is the body of the statute, amending sections 1861 through 1869 of title 28 of the United States Code.

The new section 1861 sets forth the policy underlying the legislation. It establishes, as the policy of the United States, that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a cross section of the community. No litigant has the right to a jury that itself mirrors the makeup of the community. On any single jury some groups may be over-represented and others under-represented. But the technique of random selection tends to ensure, according to the laws of probability, that distortion most often will be minor and will even out in the long run. If a given jury is not a perfect cross section of the community that situation is a product of the laws of chance, together with the permissible statutory grounds for elimination from service set forth in the act, and not of impermissible discrimination.

The new section 1861 also guarantees the right of qualified citizens to an opportunity to be "considered for service" under the procedures set forth. No citizen has the right to be selected or the right to serve. But each qualified citizen has an equal opportunity to cause his name to be among those from which random selection is made. Under this bill, a citizen may avail himself of that opportunity by registering to vote, or by voting. Moreover, in accord with section 1863(b)(2), voter lists will be supplemented by other sources of names if they do not reflect a community cross section.[29]

The new section 1862 implements the cross-sectional policy of section 1861 by expressly prohibiting discrimination in the Federal grand and petit jury selection process. It extends the present statutory ban on discrimination on the ground of race or color to discrimination on the ground of religion, sex, national origin or economic status.

The new section 1863 requires each judicial district or division to adopt a formal plan for random jury selection. The plan must be consistent with the policy objectives of the bill and also must contain a variety of provisions specified in this section. The plan must be approved by a reviewing panel comprised of the members of the appropriate judicial council and either the chief judge of the appropriate judicial district or some other active judge from that district appointed by the chief judge. Your committee believes that the addition of the reviewing process of a district judge from the district court whose plan is under review will insure that any special considerations underlying particular features of the district court's plan will be given adequate weight by the reviewing panel. The plan is also subject to rules and regulations adopted by the Judicial Conference of the United States. The reviewing panel is to examine the district court's plan not so much for its effectiveness—which is primarily the responsibility of the district court—but rather for compliance of the plan with the statutory requirements. It is not intended that the panel should be able to substitute its own plan for the district court's if the district court's plan complies with the statute.

There is abundant precedent for having circuit judges review the selection plan even though these same judges may later be required to hear an appeal testing the legality of the plan. For instance, the Supreme Court establishes the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, and the Supreme Court is also the ultimate arbiter of the validity of those rules. See, for example, *Sibbach* v. *Wilson & Co.*, 312 U.S. 1, wherein the Court considered the validity of Federal Rule of Civil Procedure 35. Likewise, the judicial council of the circuit, pursuant to section 332 of title 28, may make orders for the courts within the circuit, and may then sit as the arbiter of the validity of those orders. In fact, the approval provision in the proposed statute may only make crystal clear the scope of the power that the judicial councils pursuant to section 332 already have to modify or approve local plans, for that section provides that "each judicial council shall make all necessary orders for the effective and expeditious administration of the courts within its circuit." Presumably this authority embraces jury selection procedures as well as other matters of judicial administration and, but for the limitations of section 1863(a), might permit the judicial council to substitute its judgment for the district court's in choosing among several plans each of which complies with the statute. Finally, the involvement of the reviewing panels in the approval of jury selection plans may, by subjecting the plan to the deliberation of a second body, increase the likelihood that the plan will comply with the statutory provisions, and thereby reduce the likelihood of challenges.

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[23] See hearings, "Federal Jury Selection," at p. 77.

[24] Id., at pp. 80–81.

[25] Id., at p. 212.

[26] Id., at p. 290.

[27] Id., at pp. 291–292.

[28] Id., at p. 56.

[29] It is true that the bill also permits complete substitution of other lists for the voting list in certain cases. But these instances will be rare. And, in any event, substitution may take place only where necessary to further the policies of the act. Equal opportunity to be considered for service is a central policy that will have to be accommodated when such substitution is contemplated.

Although the plan adopted in each locality is subject to a number of requirements, the plan approach is designed to provide a significant measure of flexibility so that localities may adjust the administration of jury selection to their particular needs. This bill therefore eliminates, in large part, the rigidities that were the cause of much concern in last year's attempt at jury reform. As Judge Alexander Holtzoff noted in his statement before the subcommittee:

"I would like to say that S. 989, which is the measure carefully drawn by the Judicial Conference Committee, is a great improvement over the bill that was before you last year. The bill, S. 989, eliminates many of the ponderous and unworkable features of last year's bill." [30]

Mrs. Ruth LaFave, clerk of the U.S. Court for the Eastern District of Wisconsin, reached a similar conclusion in her statement:

"Not only does S. 989 overcome the technical objections voiced by the clerks in last year's hearings but it contains the following features which I believe add to its feasibility:

"(1) The provision for adoption of a plan for random selection by each district (patterned after the Criminal Justice Act) tailor-made to meet the needs of each district. * * *" [31]

Subsection (b) of section 1863 sets forth the general framework for each plan. Although certain features are mandatory, several choices are permitted. Under subsection (b)(1), each plan must designate an official to manage the selection process, but a jury commission is not required unless the plan chooses to establish one. But whether a clerk or commissioner manages the selection process, responsibility for supervision and control lies with the chief judge of the district or such other judge as the plan may provide. In locating ultimate responsibility in the hands of the district judge, this section adopts the principle of H.R. 5640, passed by the House in the first session of the 89th Congress. It hereby clearly resolves all doubt about the locus of final supervisory authority over the day-to-day operation of the selection system.

Special provision is made for the District of Columbia to retain its three-man jury commission.

Subsection (b)(2) contains the fundamental requirement that voter lists be used as the basic source of juror names. In accord with the theme of flexibility, each district plan may choose whether to use voter registration lists or lists of actual voters. These alternatives are offered because the preferred source, the registration lists, may not be up-to-date in some areas. Moreover, the bill recognizes that in some areas voter lists of all kinds may be insufficient to implement the policies of the act, by reason of local voting practices. Where that is true, the plan must prescribe other sources to supplement the voter lists. In some cases, voter lists may be so inadequate that they should be supplanted by other lists that will further the policies of the act. The bill states that such substitution should take place, but only in those rare instances in which it is necessary to do so.

Certain exceptions to the voter list requirement are established. Thus, the bill allows the District of Columbia plan to specify that the city directory may constitute the basic source from which the names of prospective jurors are to be drawn. Since in the District of Columbia there is voting only at Presidential elections, voters lists or voter registration lists would soon become out of date, especially in view of the mobility of the local population. Moreover, many persons who are inhabitants of the District of Columbia and who are otherwise eligible for jury service, do not vote in the District since they maintain a technical voting residence elsewhere. On the other hand, the city directory in the District of Columbia provides a comprehensive source of potential juror names. Judge Holtzoff of the district court in the District of Columbia stated in his testimony that "the city directory contains names of the entire population." He concluded that it "produces the best cross section" because it is the most comprehensive list there is.[32] Likewise, the plans for Puerto Rico and the Canal Zone may prescribe sources other than voter lists since these districts face special problems. In the Canal Zone there are no elections, and in Puerto Rico the voter lists would contain many names of persons not literate in English and therefore not qualified for jury service.

Subsection (b)(3) requires each plan to specify a procedure for random selection from the voter lists. These procedures will, therefore, vary from district to district in accord with local needs. Voter lists are kept in forms suitable for processing by computer in some of the larger districts, but most districts probably will have to rely on some method of manual selection analogous to picking, say, every 37th name on the lists. But each procedure must ensure that the names so selected are placed in a master jury wheel and that each political subdivision of a district or division is substantially proportionally represented in the master wheel.

Subsection (b)(4) of section 1863 provides for the master jury wheel and prescribes that each plan shall fix a minimum number of names to be placed in it initially. The formula for the minimum number has been reduced in this bill, in response to objections registered against versions of last year's jury reform proposals. Several clerks of court had objected to the requirement in last year's bill that the master jury wheel contain at least 1 percent of the total number of persons on the basic source list. This year's measure accommodates that objection by reducing the percentage requirement to one-half of 1 percent and by providing further that if this requirement is still too onerous the plan may fix a smaller number, but in no event less than 1,000. This section of S. 989 also eliminates another feature of last year's proposal to which objections were raised by many clerks. Last year's bill required a refilling of the master wheel at specified times. This bill requires only "periodic" emptying and refilling of the wheel at such times as each plan shall specify.

Local flexibility is the theme of subsections (b)(5) and (6) as well. Subsection (b)(5) permits each plan to identify occupational or other groups of persons whose members may request excuse from service. There must be a finding that service by such a group would entail "undue hardship or extreme inconvenience to the members thereof," and that excuse upon individual request would not be inconsistent with the basic policies of the bill. Such groups might include, among others, doctors, ministers, sole proprietors of businesses, and mothers with young children. Members of excused groups could serve if they desired to do so, but a request for an excuse must be granted. For example, a mother with young children might prefer to hire a babysitter in order to be free for jury duty, but if she chooses not to hire one her request for an excuse must be granted.

Subsection (b)(6) requires the plans to specify those groups whose members are exempt from jury service, i.e., who cannot serve even if they desire to do so. The plan must find that the exemption of such groups is "in the public interest" and would not be inconsistent with the basic policies of the bill. Each plan is required to exempt those groups presently exempted by statute: soldiers, policemen and firemen, and public officers.

Subsection (b)(7) permits local flexibility in excusing jurors because of the hardship involved in traveling long distances to the courthouse. Prospective jurors residing farther from the courthouse than a distance fixed in the local plan may individually request to be excused from service because of the travel hardship. This distance will be fixed in each plan in accordance with local conditions. The subsection makes clear that the excuse category based upon distance may state that distance either in terms of miles or travel time. This provision recognizes that, in certain States, persons residing hundreds of miles from the courthouse may be able to take advantage of modern transportation facilities whereas those residing relatively close to the court may encounter transportation conditions that would make their travel time substantially longer. In short, the bill allows each district to assess its own setting so as to ensure that people in certain groups are not burdened by geographical and transportation hardship.

Since names of prospective jurors will be selected from the voter lists of all political subdivisions within the district or division, persons living far from the courthouse will, in contrast to present practice, be afforded the opportunity to serve if they desire to do so, but a request for an excuse must be granted.

Subsection (b)(8) allows each district to provide a time for the disclosure of the names drawn from the qualified wheel. It thereby permits the present diversity of practice to continue. Some district courts keep juror names confidential for fear of jury tampering. Other district courts routinely publicize the names.

Subsection (b)(9) allows each plan to set up its own procedure for the assignment of qualified jurors to grand and petit jury panels. Thus "rotation" methods or jury "pools" or other devices may still be used.

Subsection (c) requires each district court to devise its plan and transmit it to the judicial council of the relevant circuit within 120 days after enactment. This should provide sufficient time for the district courts to devise plans that are in harmony with the requirements of this legislation, and since the effective date of the act is 270 days after enactment, the districts will have an additional 150 days in which to bring the approved plan into operation.

Subsection (d) requires the relevant officials to make the voter lists or other appropriate records available to the jury commissioner or clerk at reasonable times. It also confers upon the district courts jurisdiction to compel compliance upon application by the Attorney General.

The new section 1864 directs a public random drawing of as many names as necessary for jury service from the master wheel. These names are arranged alphabetically and a juror qualification form is mailed to each person. The recipient of the form is instructed to fill it out and return it by mail within 10 days. The bill also requires the returned form to be "sworn." Notarization is not to be required, but it is intended that the forms include provision for eliciting the sworn statement of the candidate that his responses are true to the best of his knowledge.

The provision for return by mail constitutes an improvement over versions of last year's bill that required an initial personal appearance to fill out the jury form in every instance. Under the bill, the clerk, commissioner, or court may require a potential juror to fill out a second form at the time of his appearance for jury service. This provision will be useful in resolving doubts about a juror's literacy. Moreover, although persons summoned for jury service who complete a second form are to be paid the usual juror's fees whether or not they ultimately qualify for service, the elimination of special personal appearances prior to the time for jury service will substantially reduce the cost of administering the selection process.

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[30] See hearings, at p. 281.

[31] Id., at p. 1252.

[32] Id., at pp. 284–285.

The provision with regard to filling out a second qualification form states that any person may be required to complete an additional form in the presence of the jury commission, the clerk, or the court, at which time, in such cases as it appears warranted, the person may be questioned but only with regard to his responses to the questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the judge for use by him in making the determinations required in section 1865(a). In adding to the original bill the sentences involved in the provision, it was not the intention of your committee to authorize the clerk or jury commission to carry on subjective interviews or to substitute the questioner's subjective judgment for facts that ascertain objectively whether the potential juror is qualified under the criteria of the bill. The change was only to make clear what was implicit in the original version of the bill—that the clerk or jury commission is to gather factual information that will assist the judge in making his own determinations under section 1865.

New section 1864 also contains a criminal penalty in subsection (b) imposing sanctions upon those who do not return an executed juror qualification form and ignore subsequent summonses to appear at the courthouse to fill out the form. A willful material misrepresentation on the qualification form also subjects a prospective juror to criminal penalties.

The duties imposed on the clerk or jury commissioner under subsection 1864(a) may, in accordance with the relevant plan, be performed by the clerk even if there is a jury commission; alternatively, some or all of these duties may be assigned by the plan to the jury commission. Thus this subsection of the bill carries out the general policy of providing a flexible mechanism for adjustment to local conditions.

The new sections 1865 and 1866 outline the selection process from the stage at which returned qualification forms are examined through the final designation of the jury. Central to each section is a careful articulation of the grounds upon which persons may be eliminated from jury service as: "disqualified," "exempt," "excused" or "excluded."

Section 1865 sets forth the grounds for eliminating a candidate prior to summoning him to court. In the language of the section, candidates may be eliminated at this stage only if they are "unqualified" to serve, or are "exempt" or "excused" under the district court plan. All candidates are "qualified" unless they are subject to the disqualifying criteria explicitly set forth in subsection 1865(b). But some are automatically barred if they fall within an "exemption" category described in the plan (e.g. policemen) and others may request to be "excused" if they are members of groups specified in the plan whose service is permissible, but not mandatory (e.g., the plan might provide for excuses, upon request, for all mothers with children under six). The section makes clear that exemptions and requests for excuses are to be determined by reference to the candidate's qualification form, and any other competent evidence—i.e., evidence which does not consist of subjective conclusions that would be contrary to the requirement of the Act that exemptions and excuses be determined only by reference to objective criteria.

At this pretrial stage a candidate may also be found "unqualified," but the bill would bring about important changes in the disqualification practices currently used in many districts. Under the new statute no criterion for disqualification can be added to those explicitly set forth in section 1865(a): age, length of residence within the district, illiteracy, physical or mental disability, and criminality.[33] Most importantly, section 1865(a) makes clear that for disqualifications, as is true for exemptions and excuses, subjective tests are prohibited. The bill designedly establishes only criteria that are considered to be directly and nondiscursively understandable. Thus, the disqualification criteria of section 1865(a) are purposely criteria that are capable of objective demonstration, in the sense that they are subject to proof by facts without any substantial possibility of distortion or interpretation of those facts by personal feelings or prejudices. Consequently, the bill contemplates a scheme whereby the only kind of evidence that can be used permissibly in making the determination of whether a potential juror is disqualified from service is competent evidence. Responses to the qualification form constitute the primary source of such evidence. But other competent evidence may also be used. The purpose of this restriction on the kind of evidence that may be used is to prevent a disqualification from being made on the basis of subjective considerations, such as the unsupported opinion of the clerk or other such evidence that is not verifiable independently of personal feelings. Thus, documentary evidence and testimony will be admissible as "competent evidence," although incompetent hearsay and non-expert opinion evidence will be excluded.

As introducted, S. 989 contained a section 1865(c) that reads as follows:

"Only objective criteria may be used to determine whether any person has satisfied any qualification for jury service or whether a basis exists for exempting or excusing any person for jury service."

This subsection was specifically designed to emphasize that subjective tests are no longer permissible. Your committee eliminated the subsection because it determined that the strict policy of objectivity is amply stated in subsection (a) by virtue of the provision limiting decisions to eliminate candidates to those based upon competent evidence. Subsection (c) was therefore redundant, and its elimination represents no departure whatever from the principle of objectivity set forth in the bill.

Section 1866 outlines the final stages of the selection process. The names of all candidates determined to be qualified under section 1865, and not exempt or excused pursuant to the district court plan, are placed in the "qualified jury wheel." As grand and petit jurors are needed, a pool of names is selected from that wheel, again at random. The bill does not require that the jury for an individual case be drawn at random directly from the qualified jury wheel. Instead, it permits procedures designed to utilize jurors more efficiently, such as jury "pools" and "rotation" systems. Subsection (b) provides for the service of summonses upon the persons so selected.

But section 1866 also recognizes that "qualified" candidates who are not within the categories of exemption and excuse set forth in plan may yet be eliminated under proper circumstances when they are summoned to court. For example, subsections (c)(3) and (c)(4) specifically preserve two traditional bases for elimination—elimination upon peremptory challenge and the challenge for cause. Candidates are to be eliminated pursuant to the procedures presently specified in section 1870 of title 28, and in Federal Rule of Civil Procedure 47 and Federal Rule of Criminal Procedure 24. In addition, other clauses of subsection (c) account for individual instances in which candidates, although technically "qualified," should not serve. Thus, clause (1) of subsection (c) enables the judge to grant to persons not included within the excuse categories set forth in the plan excuses for undue hardship or extreme inconvenience (e.g., grave illness in the family). These excuses may be granted for such period as the judge deems necessary. At the end of the period, the prospective juror shall be summoned again for jury service. When resummoned, such person may be reexcused if the hardship or inconvenience persists. This process of summons and excuse may be repeated as often as the judge determines that it is appropriate. When the cause for excuse finally ends, however, the person excused is to be summoned for service immediately without having his name reinserted in the qualified jury wheel.

Clause (2) of subsection (c) enables the court to "exclude" candidates qualified under the criteria of section 1865(b) who are nevertheless "unable to render impartial jury service" or who would be likely to physically "disrupt the proceedings." As noted earlier, these two grounds for elimination constitute an important line of defense against the plainly unsuitable juror who slips by the screening process prior to his appearance for service.[34]

Candidates eliminated under section 1866(c)(2)–(4) may sometimes be permitted to sit on other juries, *e.g.*, if they are excluded upon peremptory challenge. In other situations they may be prohibited from sitting on other juries, *e.g.*, if they are excluded because their service would be likely to physically disrupt the proceedings.

Clause (5) of section 1866(c) confers further power on the judge to exclude the unsuited from service. Those candidates whose service would be "likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations," may be excluded under this clause. Since the clause is designed to deal with the rare instances of the otherwise qualified juror who is nevertheless clearly unsuited for service, the bill includes certain protections against abuse of its purpose. First, the number of persons excluded under the clause may not exceed 1 percent of the number of persons who return executed juror qualification forms during a specified period. And further, the names of persons excluded under the clause together with detailed explanations for the exclusions must be forwarded immediately to the appropriate judicial

This provision was designed to ensure that the judge had an opportunity to check in court whether the qualification determinations made up to that point were valid. Your committee eliminated that provision because it was redundant. No change whatsoever in substance is intended. Section 1865(a) makes clear that a judge has the power "on his initiative" to make such determinations. Since that power is not limited by any time requirement, there is no reason to include a special provision in 1866 extending the power to cover proceedings in court.

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[33] With one exception, these criteria mirror the requirements for service enumerated in the present statute. The one exception is the disqualification of those against whom a charge is pending for a crime punishable by imprisonment for more than 1 year.

[34] See supra, at pp. ——. As introduced, S. 989 also included as another category within subsection (c) a provision that would have permitted the exclusion of a candidate "upon determination by the court upon challenge by a party or sua sponte that such person is unable for causes other than physical infirmities to fill out a juror qualification form or is otherwise not qualified for jury service pursuant to sections 1863, 1864, 1865, and 1866."

council, which is given power to redress any misapplication of the clause.

Subsection (d) requires that the jury commission or clerk make note in specified places of the reason for the disqualification, excuse, exemption, or exclusion of any person from jury service. This recording requirement constitutes an important means for checking on the operation of the selection system. Together with the requirement in section 1868 that record be kept for a specified period of time, this provision will enable future Congresses to learn from the experience that develops under the new jury reform legislation. Since this bill constitutes the first major attempt to organize Federal jury selection in a coherent manner, it is of the utmost importance that it include such devices for purposes of evaluating its effectiveness.

Subsection (e) limits the extent to which jury service can be required of a person. In any two-year period, no person can be required to serve as a petit juror for more than 30 days (except to complete service in a particular case), or to serve on more than one grand jury, or to serve on both a grand and petit jury. This provision is designed to distribute the "burden" of jury service and to enhance the representative quality of juries. Moreover, since jury service involves direct participation in the democratic process, as many citizens as possible ought to have the chance to serve.

Subsection (f) provides for the emergency needs of those courts in which there is an unanticipated shortage of petit jurors. In such a case the court may require the marshal to summon additional jurors selected at random from the prescribed lists in a manner consistent with the basic objectives of the bill.

Subsection (g) contains a criminal penalty provision imposing sanctions upon those who, without good cause, fail to appear when summoned for jury service.

The new section 1867 establishes the procedure for challenging compliance with the act in the selection of both grand and petit juries. The Attorney General and the defendant in criminal cases, and both parties in civil cases, are allowed to challenge the selection procedures. But the provisions of the bill are designed to reduce the possibility that such challenges will be used for dilatory purposes.

First, the bill sets time limitations upon the availability of challenges. Subsections (a), (b), and (c) specify that challenges must be offered before the voir dire begins. And if the challenging party discovered, or in the exercise of diligence could have discovered, the grounds for the challenge earlier, the challenging motion must be made within 7 days of that earlier date. For example, the statute requires that, where possible, the challenge to the grand jury be offered before empaneling of the grand jury. And with respect to grand or petit juries, a challenging party would be required to examine the list of prospective jurors if the district court plan provides for early publication of the names. Failure to make the challenge at the earliest possible time is fatal under the proposed law.

Second, other features of the bill will combine to reduce the dilatory potential of challenges by allowing for rapid disposition of such spurious claims as are raised. The specific and comprehensive nature of the provisions of the act and the local plan will assure that there are readily available standards against which the selection procedures may be measured. Thus, procedural regularity is the measure of the validity of the selection system. It is an appropriate measure since the bill sets up a largely mechanical process in which the role of human discretion is minimized. The bill does not guarantee that each venire or each jury will mirror the structure of the community. It guarantees only that appropriate selection procedures have been used. Moreover, challenges will lie only for substantial failure to comply with the statutory provisions. There is room for a doctrine of harmless error. For example, if the local plan should call for 2,000 names to be placed initially in the master wheel and only 1,990 names were used, the reviewing court could find such a departure harmless. The combination of specificity and the substantial failure to comply feature will mean that judges will have readily available standards against which they can measure the procedures actually used.[26]

Third, there is a provision that a challenge must disclose prejudice to the moving party arising from the alleged procedural deviation.

The final basic safeguard against the dilatory use of challenges is contained in section 1867(d). It requires that the challenge motion be accompanied by a sworn statement of facts which, if true, demonstrate a substantial failure to comply with the statutory guide. This threshold requirement to a successful challenge will make it possible for the judge to review a challenge motion and swiftly dispose of it if it fails, on its face, to state a case for which a remedy could be granted.

In addition to these features of the bill, your committee anticipates that since the local plan for selection will be a matter of public record, the secrecy that often presently surrounds selection procedures will be eliminated, thereby reducing the tendency to make challenges merely to find out what kind of a selection procedure has been used. And finally, since each plan is approved by appellate judges, it will be relatively easy for district judges to dispose of frivolous claims.

In aid of a motion challenging the selection procedure, subsection (d) of new section 1867 entitles the challenging party to present the testimony of the commissioner or clerk if these officials are available. Likewise, the challenging party may obtain relevant official records and papers which are not public or otherwise available.

Subsection (e) makes clear that the procedures prescribed in this section are the exclusive means for challenging compliance with the statute. Challenge procedures existing under other laws are left intact for purposes of asserting rights created by other laws and for enforcing constitutional rights, but such other procedures may not be used to challenge compliance with this statute. Your committee feels constrained to recognize that these alternatives for raising rights created by other statutes and for raising constitutional challenges are not affected by the Act. This recognition is particularly apt in light of recent Supreme Court decisions indicating that the manner in which constitutional rights may be raised cannot be narrowly prescribed. See, *e.g., Henry* v. *Mississippi,* 379 U.S. 443, 447 (1965); *Douglas* v. *Alabama,* 380 U.S. 415, 422 (1965). Subsection (f) defines limitations on the public disclosure of otherwise confidential documents that the section makes available to challenging parties.

The new section 1868 provides for the preservation and disclosure of jury selection records for at least four years after the master jury wheel is emptied and refilled and persons selected from that wheel have completed service.

The new section 1869 defines a variety of critical terms. Notably, subsection (c) includes within the definition of "voter registration lists" the list of eligible voters maintained by Federal examiners pursuant to the Voting Rights Act of 1965. The definitions of the terms "voter registration lists" and "lists of actual voters" in subsections (c) and (d) are restricted to apply to either the most recent State or the most recent Federal general election. Your committee intends that a general election be understood as one in which statewide voting takes place, even if the candidates do not represent all parts of the State. Thus, for example, regular elections for Members of the House of Representatives are "general" elections within the meaning of this bill. Accordingly, while the two subsections permit the plan to choose between State and Federal lists, they also insure that the list used will in any event not be more than 2 years old. In subsection (e) the definition of "division" has been expanded in the amended version of the bill in order to allow the adoption of separate plans for geographical areas smaller than a statutory division or, where the judicial district is not divided, smaller than the district itself, in those instances where the district court sits in more than one place in the division or district. Subsection (f), defining "district court of the United States" makes the bill applicable to Guam, the Virgin Islands, and the Canal Zone. Subsection (g) defines "jury wheel" so as to permit the use of computers in lieu of master and qualified jury wheels. Under subsection (h), questions may be asked on the qualification form that would elicit answers useful under the local plan, though not required by the bill, provided that they are not inconsistent with the provisions of the bill. Subsection (i) narrowly defines the term "public officer" so as to include only those persons whose government service is such that an interruption for jury service does not seem to be in furtherance of the public interest.

Section 102 of the bill increases juror fees and allowances. Subsection (a) would raise grand and petit juror fees from $10 to $20 for each day of service, and raise the limit on the per diem for service in excess of 30 days in one case from $14 to $25. The subsistence allowance is raised from $10 to $16 per day. The subsection also adds an allowance for tolls to the present travel allowance of 10 cents per mile. Finally, the subsection makes clear that grand and petit jurors in Guam and the Canal Zone shall receive the same fees and allowances as is provided for jurors in other district courts of the United States.

Subsection (b) raises witness fees from $4 to $20 for each day's attendance and raises the travel allowance from 8 cents to 10 cents per mile. The subsistence allowance for witnesses who are not Government employees is raised from $8 to $16 per day. The subsection also makes clear that witnesses in the Canal Zone, Guam, and the Virgin Islands are to be accorded the same fees and allowances as are provided for witnesses in other district courts of the United States.

The subcommittee hearings established a record of unanimous support for increases that would make jury and witness service less burdensome. To the extent that the burden is diminished, hardship excuses may decline with consequent enhancement of representative participation on juries. The testimony of William Walsh, chairman-elect of the American Bar Association's Section of Criminal Law, is illustrative:

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[26] Meeting the possibility of dilatory claims by creating a system conducive to rapid disposition of such claims, S. 989 is adopting the principle which lies behind the doctrine of res judicata. In the res judicata situation, when counsel raises a claim that has already been adjudicated, the courts are able to prevent delay by having a means of rapid disposition of the claim—citing the previous decision as res judicata. In the jury challenge system under S. 989, when counsel spuriously raises a challenge to the jury selection system, ready standards and a "substantial compliance" requirement provide a rapid disposition procedure serving the same function as citing the previous decision in the res judicata doctrine. Thus, when it is impossible to prevent claims which may be dilatory (as in the res judicata situation) or when it is undesirable to prevent claims which may sometimes be dilatory (as in the jury selection challenge situation), the reduction of the delay potential by providing for rapid disposition of the claims is the solution common to S. 989 and the doctrine of res judicata.

"It should not be a matter of financial sacrifice for a man to serve as a juror. Otherwise qualified jurors, whose salary would be affected by jury service, try to take advantage of other grounds for excuse from jury service when their real reason for requesting relief is economic hardship." [30]

Section 103 amends and repeals a variety of provisions in the United States Code and the codes of the District of Columbia and the Canal Zone in accord with the provisions of the bill. Notably, the property qualification for jurors in condemnation cases in the District of Columbia is repealed. The only difference of opinion within the Judicial Conference Committee was occasioned by this change. Judge Alexander Holtzoff registered a lone dissent on the issue.

Section 104 states the effective date of the bill—two hundred and seventy days after the date of enactment. It also contains a savings provision for cases in which an indictment has been returned or a petit jury empaneled prior to the effective date.

JOSEPH J. WOJCIK

The bill (H.R. 9574) for the relief of Joseph J. Wojcik was considered, ordered to a third reading, read the third time, and passed.

ROGUE RIVER BASIN PROJECT

The Senate proceeded to consider the bill (S. 51) to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes which has been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 15, after "Sec. 3.", strike out "The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Merlin division shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213)." and insert "The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife benefits in connection with the Merlin division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213)."; and on page 3, at the beginning of line 13, strike out "$16,515,000" and insert "$16,660,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of providing irrigation water for approximately nine thousand three hundred acres, flood control, area redevelopment, and providing recreation benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon. The principal works of the division shall consist of Sexton Dam and Reservoir, diversion and distribution facilities, and drainage facilities.

Sec. 2. Irrigation repayment contracts shall provide with respect to any contract unit, for repayment of the irrigation construction costs assigned for repayment to the irrigators over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

Sec. 3. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife benefits in connection with the Merlin division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 4. Before the works are transferred to an irrigation water user's organization for care, operation, and maintenance, the organization shall have agreed to operate them in such fashion, satisfactory to the Secretary, as to achieve the benefits to recreation on which the allocations of costs therfor are predicated, and to operate them in accordance with regulations prescribed by the Secretary of the Army to achieve the benefits to flood control on which the allocation of costs therefor is predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with the requirements to achieve such benefits.

Sec. 5. There is hereby authorized to be appropriated for construction of the works herein authorized the sum of $16,660,000 (October 1964 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the costs of construction as indicated by engineering costs indexes applicable to the type of construction involved therein. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

The amendents were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. GRUENING. Mr. President, this year the Senate has again proved, under the leadership of the distinguished Senator from Alabama [Mr. Hill] and the distinguished Senator from Oregon [Mr. Morse], that it intends to help provide the best education possible for young Americans.

Since the passage of the landmark Elementary and Secondary Education Act of 1965, the Subcommittee on Education of the Committee on Labor and Public Welfare has worked to refine the basic legislation, has added new programs to meet new needs, and in the best example of responsible legislative oversight, has done its best to make sure that the programs authorized by the law function efficiently and compassionately.

A number of provisions in the bill, H.R. 7819, as reported by the committee are of special interest and importance to Alaska.

For example, under title VI, which provides Federal assistance to educate the handicapped, an amendment I introduced and which the committee incorporated into the bill, would provide a minimum annual allotment of $100,000 annually to each State to support educational efforts for the handicapped.

The apportionment formula for section 503 of title V, which provides grants to the States to strengthen their educational agencies, would be changed so that more funds would be apportioned to the smaller, less populated States, which up to now have received a smaller share of funds than their need warrants.

Under title I of the Elementary and Secondary Education Act, H.R. 7819, as reported by the Committee on Labor and Public Welfare, would provide incentive grants to States whose educational efforts exceed the national average. Alaska ranks second in the Nation in terms of the percent of income spent on public school education. Should there be an appropriation for the full authorization of this section, Alaska would receive an incentive grant of $560,000.

The committee wisely has further expanded the disaster provisions of Public Law 89-313 to provide protection to schools in communities which may in the future suffer pinpoint disasters such as fire, flood, hurricane, earthquake, storm, or other catastrophe. The loan program would be invoked upon the certification of the Governor of the State that the so-called pinpoint disaster had occurred and that loan assistance is needed in addition to the available State and local funds, to meet the emergency.

If we approve H.R. 7819, we will authorize over the coming 4 years an additional $13 billion-plus for education. These programs will greatly strengthen America. As I have often expressed my view: Education and democracy are one and inseparable.

Our future lies in the young and the future of the young depends on how well they are educated today to meet the challenges of modern society.

We will explore many new worlds in the years ahead. Some of those worlds exist here on earth. If we are to do the job properly, we must make sure our educational tools are the finest available.

Thomas Jefferson wrote:

> If the condition of man is to be progressively ameliorated, as we fondly hope and believe, education is to be the chief instrument in effecting it.

AMENDMENT NO. 492

Mr. THURMOND. Mr. President, I call up my amendment No. 492.

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[30] See hearings, "Federal on Jury Selection," at p. 106.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 54, beginning with line 23, strike out all through line 17 on page 83 and insert in lieu thereof the following:

"SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966; $175,000,000 for the fiscal year ending June 30, 1967; $500,000,000 for the fiscal year ending June 30, 1968; $525,000,000 for the fiscal year ending June 30, 1969; $550,000,000 for the fiscal year ending June 30, 1970; and $575,000,000 for the fiscal year ending June 30, 1971.

"APPORTIONMENT AMONG STATES

"SEC. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall apportion the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, for the fiscal years ending June 30, 1968, and June 30, 1969, he shall apportion from such amount to (A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 301(b), the Commissioner shall apportion $200,000 to each State and shall apportion the remainder of such sums among the States as follows:

"(A) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for the period for which that amount is available shall be available for reapportionment from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount apportioned to it under subsection (a) for that year.

"USES OF FEDERAL FUNDS

"SEC. 303. Grants under this title may be used for—

"(a) planning for and taking other steps leading to the development of programs designed to provide supplementary educational activities and services described in paragraph (b), including pilot project designed to test the effectiveness of plans so developed; and

"(b) the establishment, maintenance, operation, and expansion of programs, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing supplementary educational services and activities such as—

"(1) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(2) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(3) developing and conducting exemplary educational programs, including dual-enrollment programs, for the purpose of stimulating the adoption of improved or new educational programs (including those programs described in section 503(4)) in the schools of the State;

"(4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions;

"(6) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(7) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and

"(8) other specially designed educational programs which meet the purposes of this title.

"STATE PLANS

"SEC. 304. (a) Any State which desires to receive grants under this title shall submit to the Commissioner, through its State educational agency a State plan which—

"(1) sets forth a program under which funds paid to the State from its allotment under section 302 will be expended solely for purposes described in section 303: *Provided,* That for the first fiscal year for which the plan is in effect it must provide that no local educational agency will receive less than the amount it could reasonably anticipate receiving had the Elementary and Secondary Education Amendments of 1967 not been enacted, as determined by the State educational agency after consultation with the Commissioner;

"(2) provides that the activities and services assisted under this title will be administered by or under the supervision of the applicant;

"(3) provides assurances that, in the case of programs for carrying out the purposes described in paragraph (b) of section 303, (A) the program will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served, and (B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the supplementary educational activities and services provided under the program are to meet, provision has been made for participation of such children;

"(4) sets forth criteria for achieving an equitable distribution of assistance under this title within the State which shall provide for consideration of (A) the size and population of the State, (B) the geographic distribution of the population within the State, (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in paragraph (b) of section 303, and their financial ability to provide those services and activities, and (D) the relative ability of particular local educational agencies within the State to provide those services and activities, and which shall also provide for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that no assistance will be provided under this title for the construction of necessary facilities until the State educational agency has received satisfactory assurances that (A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities, (B) that upon completion of the construction title to the facilities will be in a State or local educational agency, (C) that, in developing plans for such facilities, due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and (D) that the requirements of section 308 will be complied with;

"(6) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in paragraphs (a) and (b) of section 303, and in no case supplant such funds;

"(7) provides that assistance will be provided under this title to a local education agency for a program of supplementary educational services only if the State educational agency has received satisfactory assurances that in the planning of that program there has been, and in the establishing and carrying out of that program there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. For the purposes of this paragraph, the term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources;

"(8) provides assurance that every applicant whose application is denied will be given an opportunity for a hearing before the State educational agency;

"(9) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

"(10) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"PAYMENTS TO STATES

"Sec. 305. (a) From the amounts allotted to each State under section 302 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"RECOVERY OF PAYMENTS

"Sec. 306. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"LABOR STANDARDS

"Sec. 307. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"ADMINISTRATION OF STATE PLANS

"Sec. 308. (a) The Commissioner shall not finally disapprove any plan submitted under section 304, or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a program under a plan approved under this title, finds—

"(1) that the plan has been so changed that it no longer complies with the provisions of section 304(a), or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State educational agency that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"Sec. 309. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 304(a) or with his final action under section 308(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

EFFECTIVE DATE

Sec. 132. The amendment made by section 131 shall become effective June 30, 1968, except that with respect to any State the amendment shall become effective when it submits a State plan, as provided in such amendment, for the fiscal year ending June 30, 1968.

Mr. THURMOND. Mr. President, the junior Senator from South Carolina [Mr. Hollings] desires to be a cosponsor of this amendment. I ask unanimous consent that his name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. MANSFIELD. Mr. President, is there a time limitation on the pending amendment?

The PRESIDING OFFICER. There is a time limitation of 1 hour on the amendment, one-half hour to be controlled by the senior Senator from South Carolina [Mr. Thurmond] and one-half hour to be controlled by the senior Senator from Oregon [Mr. Morse].

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote—and it will be a yea-and-nay vote—take place at 11:10 a.m. on Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. That is agreeable to me, with that understanding.

Mr. MANSFIELD. Yes. I ask that all time be used up today in one form or another, that there be a time period from 11 a.m. until 11:10 a.m. on Monday next, the time to be equally divided between the senior Senator from South Carolina [Mr. Thurmond] and the senior Senator from Oregon [Mr. Morse], the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senator from Indiana [Mr. Hartke] and other Senators may be granted 12 minutes to discuss the social security conference report, and that that time not be charged against the time of the distinguished Senator from South Carolina on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I will be pleased to yield to the Senator from Oklahoma [Mr. Harris] so that he in turn may carry on such colloquy as he desires, with the understanding that the time shall not come out of my time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. HARTKE. Mr. President, I wish to speak briefly with respect to the conference report on the Social Security Amendments of 1967.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HARTKE. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, undoubtedly, this conference report is absolutely unsatisfactory as far as a majority of the people are concerned, although it is true there are some increases in social security benefits.

This bill basically is in two sections, one section dealing with social security benefits, and the other section dealing with welfare provisions.

If one examines the conference report it will be found that in each case, instead of extending the benefits, it has imposed severe restrictions for most of the unfortunate people in America.

Here we are trying to alleviate some of the difficulties of those who are less fortunate in this world, but the net effect of this conference report is to put into law items which have been rejected since 1930, creating a situation in the field of welfare where no longer are we helping those people who are unable to take care of themselves in an effort to eliminate the poor.

There are some increases in benefits but even in those instances the language is so worded and restrictive that the net effect is to increase benefits on social security, but taking them with the other hand out of welfare benefits. The benefits to those people are none whatsoever. The only thing the bill will do will be to make it necessary to increase real estate taxes in practically every State in the Union, and that is nothing to recommend it for passage.

We are trying to alert the Nation to the fact that this bill is absolutely one which should not at this moment be passed.

Mr. METCALF. Mr. President, will the Senator yield for 2 minutes?

Mr. HARTKE. I yield to the Senator from Montana for 2 minutes.

Mr. METCALF. Mr. President, it is very difficult to discuss the results of the conference today because all we have before us is a conference committee print entitled "Brief Description of Senate Amendments." This print was used by the conferees as a guide to assist them in their deliberations. Some of the description of the Senate amendments is completely misleading and some of it is absolutely untruthful. This morning a briefing was given to some of the staff people explaining some of the action taken by the conferees on the Senate amendments.

The bill provides for a 13-percent increase in social security benefits with a minimum primary insurance amount of $55. This is just one section of the bill that is completely unsatisfactory.

As far as that section is concerned, the Senator from Indiana wanted to make that amount $100 and permit it to increase substantially more. We voted on 20 percent and then 17½ percent in committee. Finally, we came down to approval of a 15-percent increase and a minimum of $70. That is the administration position.

If one goes through this bill he will find, as the Senator from Indiana pointed out, there are some minor increases, such as that, but many are a complete loss. For instance, there is the public assistance pass-along. The Senate committee amendment would have required the States, effective July 1, 1968, to adjust standards of need and maximum payment provisions to guarantee that recipients of old-age assistance, aid to the blind, and aid to the disabled would receive, on the average, an increase in total income equal to $7.50 a month. In 1965, we passed a similar provision, but the amount was $5 a month, and it was permissive rather than mandatory upon the States to apply that provision. The conferees have not only changed this year's Senate version, making the $7.50 increase in total income discretionary with the States, but have also said that as much of the 1965 increase of $5 as is presently in effect in the States must be subtracted from the $7.50 increase this year. The net effect of this is that the conferees are making an additional $2.50 available to recipients this year. There are numerous amendments such as that.

As the Senator from Indiana pointed out, we are returning to a philosophy that was abandoned in the thirties. We are returning to a philosophy we have repudiated for more than 30 years in the welfare program.

This is simply a notice that when we get the language of the amendments and analyze the conference report, we are going to go through and discuss this matter in greater detail. However, based on what little has been made available to us now, it is already clear that this is a most unsatisfactory solution to our welfare and social security problems, and it is a mere pittance that has been offered, and there is no adequate reason for us to adopt the conference report.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. HARTKE. I yield two minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, like the preceding two speakers, I serve as a member of the Committee on Finance, which reported what I thought, on the whole, was a landmark bill in the change of philosophy from the hopelessness of poverty to widened opportunity for self-sufficiency.

However, I am very much disturbed and depressed by the result of the conference between the House and the Senate on this bill. My depression is caused particularly by the actions of the conferees in receding from the Senate amendments, both those adopted in committee and those agreed to on the floor, having to do with welfare.

I have studied the results of the conference action, and I will have more to say on this in greater detail during the coming week. Suffice it to say now that primarily what the conference has done has been to eliminate or reduce the added incentives and opportunities for work and training which the Senate provided and yet retain all of the harsh, compulsory features which the House bill provided. I think the harsh effects of this bill outweigh its good effects.

I think the Senate should seriously consider putting off this bill, if we cannot get the House to agree to an additional conference at this session, until immediately after the first of the year. We can still, with rapid action after the first of the year, enact a bill in time to pay the increased social security benefits which are provided in the bill within the effective dates provided by the bill.

Mr. HARTKE. Mr. President, I now yield 2 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, when the Senate adopted the social security measure the other day, I joined many other Senators in the belief that we were heading toward a path of enlightenment and understanding, although the bill was not all we wanted it to be. Yet Congress was beginning to show greater understanding for the needs not only of those on social security but also the millions throughout the land who are on welfare and must depend upon us for hope and opportunity.

The conference report, as it comes back from the conference committee, is almost entirely the House bill. It is shorn of virtually every improved amendment which was added by the Senate. I think it is one of the most backward, repressive, medieval pieces of legislation we have seen in a long time. About the only thing it overlooks is revival of debtors' prisons.

As much as I think we must immediately improve benefits to socal security recipients, I think even there, the compromise in social security benefits was unfortunate. If the issue here were a question of Senate prestige, I would favor acceding. But, this is a very bad piece of legislation. It is bad news for social security recipients. It is bad news for those who believe in the hope and opportunity for the poor and the dispossessed of this country. It is bad news for the local communities throughout the country which, if they are committed enough to a sense of humanity, will have to increase their local real estate tax burden substantially.

And it is disastrous to the core cities throughout this country, already overburdened and overwhelmed by the enormous problems exploding in their faces every day.

Mr. President, as much as I hate to say so, I think the only responsible thing for the Senate to do is to reject the conference report.

Mr. HARTKE. Mr. President, now I yield 2 minutes to the Senator from New York [Mr. KENNEDY].

Mr. KENNEDY of New York. Mr. President, I join my colleagues in expressing the gravest reservations about the conference report on the social security bill. It seems to me, in studying the report, that no bill at all would be preferable to this legislation.

The social security benefits will be a sham for thousands of Americans because the increase will simply result in a corresponding reduction in their old-age payments. And, because the benefits are cut $2.2 billion from the level in the Senate bill without any decrease in payroll taxes, the bill has been turned into a back-door tax measure which will burden millions of American wage earners without providing benefits to their elderly fellow citizens in return.

The welfare provisions of the bill constitute a long step backward. Within the total discretion of the State welfare agency, mothers with preschool children and children in school can be forced to work if the State decides that despite these children, it would be more appropriate for the mother to work. If that is not a step backward to the 19th, 18th, and 17th centuries, I do not know what is. More families than ever will be torn apart by these welfare provisions. Young fathers who have never been able to find work for any period of time will be denied welfare for their families even in States that have the program for children of unemployed fathers. More fathers than ever may leave home in order that their families may obtain welfare aid.

And worst of all, the bill freezes the amount of Federal aid for children on welfare. The philosophy of this bill seems to be to punish people because they are poor. This bill seems to say to the poor person that we in the Government simply do not care what happens to him if he is unable to support himself. The philosophy of the bill is to say to a child who enters the world as the offspring of poor parents and happens to be excluded by the freeze that we do not care what happens to him, that he can starve insofar as the U.S. Government or Congress is concerned—that we will treat him as though he does not exist.

Mr. President, this is one of the most regressive pieces of legislation ever to emerge from a House-Senate conference. It is a disgrace to all Americans, and an affront to the elderly and the poor. I urge that the conference report be rejected when it comes before the Senate next week, and I urge all States to examine the bill most carefully to see what the implications are for them and for the people of the country.

The PRESIDING OFFICER. All time has now expired.

Mr. MORSE. Mr. President, I ask unanimous consent for an additional 10 minutes to discuss this matter.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] has the floor. Will he agree to that?

Mr. THURMOND. Mr. President, I discussed this with the Senator from Oklahoma [Mr. HARRIS] at some length and we agreed on 12 minutes. We have been in session all day working on the education bill, and we want to get back to it.

Mr. MORSE. Mr. President, I shall not press my request. I shall discuss this shocking, antidecency bill on my own time. We might as well forget about education if we are going to pass this kind of Social Security bill. However, I shall discuss it later on my own time.

Mr. THURMOND. Mr. President, I am glad to agree to additional time. I ask unanimous consent that 8 additional minutes may be allowed the Senator from Oregon. However, I believe that the Senator from Oklahoma [Mr. HARRIS] was keeping the time and that sufficient time would be permitted to the Senator from Massachusetts [Mr. KENNEDY] to be included in the previous 12 minutes. The Senator from Massachusetts came to me about getting some time. I am glad to yield 8 additional minutes, if that is so desired. That will make 20 minutes altogether.

Mr. HARRIS. Mr. President, the distinguished Senator from South Carolina has been extremely generous. In fact, he has been overly generous with his time. That would certainly be agreeable to me.

Mr. HARTKE. There is no question about it.

Mr. MORSE. I shall need only 2 minutes now. I can use the rest of my time to talk about education later on this afternoon.

Mr. THURMOND. Mr. President, I should like it to be thoroughly understood that the Senator from Massachusetts [Mr. KENNEDY] will get some of that time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for 8 additional minutes? The Chair hears none, and it is so ordered.

Who yields time?

Mr. HARRIS. Mr. President, I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. I thank the Senator from Oklahoma.

Mr. President, I want to say that the flag of the Great Society has just been lowered to half-mast. The Great Society program is on its death bed now, where it has been during most of this session of Congress. I would say it will not even meet a natural death because it is being murdered by legislation such as this.

I associate myself with every word the Senator from New York [Mr. KENNEDY] said when he talked about what we will be doing to the mothers under the conference report. In many parts of the country where the pre-New Deal philosophy still prevails, the sins of the mothers will be visited, apparently upon the children.

We could have a reactionary regime in a local community which would offer these mothers 25 cents an hour to clean out public toilets and if they were not willing to do that then they would be denied any welfare funds.

Look at what we are doing to the aged, by denying them the benefits they should have.

The Senator from New York [Mr. KENNEDY] and I have pending before the Senate our bill in which we recognize that the time is long past due when the minimum payment for social security should be $100 per month for our old people.

Mr. President, the conference report is a disgrace. If we are going to murder the Great Society program, we should do it painlessly and not have our old people and dependent children suffering the pain of the killing.

Mr. HARTKE. Mr. President, I want to make just one more brief statement. I hope the administration will look over the conference report carefully. I hope they will come forward with suggestions as to how to rectify some of the difficulties and suggest that the original bill which they recommended to Congress be given at least a token effort.

I yield back the remainder of my time and thank the Senator from South Carolina for being so gracious.

Mr. METCALF. Mr. President, will the Senator yield me half a minute before he yields back the time?

Mr. HARTKE. I yield.

Mr. METCALF. I, too, am grateful to the Senator from South Carolina.

Mr. President, there is a 13-percent increase in the conference bill. The Senate provision called for 15 percent. The House had called for 12½ percent. So it was made 13 percent. An increase was made in the minimum payments up to $55. Those increases, too, are inadequate. The amount is only a pittance in comparison with what really should be done for these people.

In addition to that, as has been repeatedly pointed out, the philosophy of the bill is a return to pre-New Deal days—in fact, it is a return to pre-Revolutionary days.

I hope everyone who is interested in and concerned over the welfare of the boys and girls and mothers of America will think about what has happened to the amendment offered by the Senator from New York. Everyone interested in the welfare of the poor people of of America should analyze these amendments.

As I have stated previously, the action taken by the conferees on the Senate amendments was summarized for some of our staff at a meeting today. None of us, as yet, have seen the actual language of the conference report. When I have seen the language of the report, I hope to be able to make a more thorough analysis. I served notice that, as soon as I am able to analyze the language of the conference sections, I am going to point out how detrimental, unfair, unjust, and inequitable a piece of legislation it is.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. KENNEDY of New York. Under the legislation, a mother of a child of 6 months, 1 year, 2 years, 3 years, or 4 years can be made to leave the home and work somewhere, in some area, for perhaps 25 or 30 cents an hour, going into a courthouse and cleaning the latrine there, or doing any kind of labor.

Mr. METCALF. Or sweeping garbage on the street; and only if the child is ill or incapacitated will the mother be permitted to stay home.

Mr. KENNEDY of New York. The ones who will suffer the most under this legislation will be the mothers and the children.

Mr. MONDALE. Mr. President, with reference to the most important Harris amendment, which related to added incentive payments under the work and training program, was that amendment retained in the conference report?

Mr. HARTKE. No.

Mr. KENNEDY of New York. No.

Mr. MONDALE. So there are many States in which the mothers and fathers will be required to stay apart, and the father will have to sneak in at night and be dishonest, if his children are to have clothing and food.

Mr. KENNEDY of New York. If the father stays at home and his children are legitimate, there are not going to be any payments under this bill in 28 States, and in the other 22 States the chance that he can get help is severely restricted by this bill.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providig programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] has the floor. How much time does he yield himself?

Mr. THURMOND. Mr. President, I yield myself 30 minutes.

The amendment which is now proposed to the Senate, designated as No. 492, is one which has been suggested by the Council of Chief State School Officers in the United States.

I have a letter from the Chief State School Officers which I shall place in the RECORD at the conclusion of my remarks, and also several other letters on this subject.

This amendment is designed to provide that 100 percent of the funds for the title III supplemental centers will go directly to the individual State departments of education. The State departments of education will then use them according to their own plans and according to the needs of the State as determined locally. This is the same provision contained in the bill as it was adopted by the House of Representatives. To my way of thinking, it makes no sense to provide funds under title V of the pending bill to strengthen State departments of education, and then in this title attempt to bypass the State agencies and deny them their normal functions.

There is no question in my mind that the decision for the application of title III funds can best be made at a level other than Washington. The very nature of the projects themselves suggests that only the State and local officials are competent to decide how to best improve the caliber of education by the use of supplemental services called for in title III. This position is supported in testimony received by the Subcommittee on Education of the Committee on Labor and Public Welfare from those who are in a position to know.

The three top professional education associations testified in favor of State administration of title III funds. These three organizations are the Council of Chief State School Officers, the National Education Association, and the National Association of State Boards of Education. These are the three organizations in the United States that are generally acknowledged as working more closely with the elementary and secondary schools than any other organizations.

I wish to read part of the testimony of Dr. Edgar Fuller, secretary of the Council of Chief State School Officers, as found on page 1107 of the committee hearings, part 3. He said:

> The current law sets up a direct federal-local track of administration in which it is possible to involve no more than a single local public school agency in each Title III regional center, leaving a system of such centers legally uncoordinated with a parallel state-local system of regional service centers. All appropriate federal services to local schools, we believe, should be supplied through state departments of education, or possibly from Title IV ESEA centers for research and research dissemination, unless the Title III supplementary centers can be coordinated fully with state services to local schools in the manner that HR 7819 makes practicable.
>
> We need not depend entirely on administrative theory and general policies to support our views, because there has also been some direct experience with informally arranged extra-legal state plans for administration of Title III. After all, approximately a dozen states voluntarily coordinated their local projects more or less on a statewide basis during the first two years of Title III operation, and the Office of Education agreed to respect and follow their decisions. These states have received high praise on this plan of operation from the U.S. Office of Education, which in a Memorandum of November 9, 1966 made the following evaluation and recommended increased state involvement in Title III.
>
> "II. STATE LEADERSHIP
>
> "An analysis of the first year of operation of PACE (Title III) reveals some very important facts. States in which the departments of education have taken the responsibility to organize for and give direction to Title III at the State level have submitted projects which (1) are of higher quality, (2) more exemplary and innovative in content and service, (3) significantly relate the State's assessment of educational needs of problems at the local level to solutions in the national, State, and local interest, and (4) have apparently made full and wise use of funds available to that State."
>
> Mr. Chairman, resistance of the controlling federal authorities to legally authorized Title III state plans for all states clearly indicates their desire for federal control of a system of regional and local supplementary centers parallel to those of the states. They refuse to implement in all states what the Office of Education proclaims as the most successful pattern for a dozen states. For them that claim that the other departments of education are not competent to administer Title III affairs is no less than a libel on a majority of the state agencies, many of which are as strong and competent as some of the favored few.

The testimony of the National Education Association before the Education Subcommittee specifically endorses the House passed version of title III. In his testimony before the subcommittee at page 1371 of part 4 of the hearings, John M. Lumley, the director of the Division of Federal Relations of the National Education Association said:

> In relation to Title III of ESEA, we believe that the House amendment placing control of this program in the state education agencies is essential and strongly urge that the Senate concur with the House on this matter.
>
> We have reviewed the arguments advanced by the distinguished Secretary of HEW for continuing federal control of Title III. But we believe that it is erroneous to presume that the employees of the Office of Education, on the advice of individuals they have selected, are more competent to decide which projects under Title III should be funded than are the specialists of state education departments.
>
> The decision as to which applications for Title III funds are approved is a totally subjective decision, regardless of whether it is made at the local, state or federal level. We honestly believe that state officials can look beyond the glossy facade of a proposal and judge its merits and appropriateness for the applicant district better than can the federal readers or those in the federal office who rely on their advice.

In her testimony before the subcommittee, Mrs. Bernice S. Frieder, president of the National Association of State Boards of Education, said that this organization "holds the view that Federal funds for public education should be channeled through State departments of education, and has affirmed this viewpoint by formal resolution. Therefore, we would urge your consideration of a change in the law to provide that title III funds be administered by State departments of education. They have demonstrated that they can do the job." The National Association of State Boards of Education wholeheartedly supports the principle of State administration of title III.

Mr. President, I am offering this amendment to restore the title III language of the House-passed version of H.R. 7819, with only one exception. The Senate authorization figures, rather than those contained in the House version, are in my amendment.

The purpose of title III dictates the need for State and local control of the administration of this title. I wish to call to the attention of my colleagues the purpose of title III grants as explained on page 35 of the document entitled "A Compendium of Federal Education Laws":

Title III funds are made available—

> For making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

On page 36 of the same document, under the heading "Uses of Federal Funds," is found the following:

> SEC. 303. Grants under this title may be used, in accordance with applications approved under section 304(b), for—
>
> (a) planning for and taking other steps leading to the development of programs designed to provide supplementary educational activities and services described in paragraph (b), including pilot projects designed to test the effectiveness of plans so developed; and
>
> (b) the establishment, maintenance, and operation of programs, including the lease or construction of necessary facilities and the

> acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing supplementary educational services and activities such as—
>
> (1) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;
>
> (2) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;
>
> (3) developing and conducting exemplary educational programs, including dual-enrollment programs, for the purpose of stimulating the adoption of improved or new educational programs (including those programs described in section 503(4)) in the schools of the State;
>
> (4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;
>
> (5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions;
>
> (6) developing, producing, and transmitting radio and television programs for classroom and other educational use;
>
> (7) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and
>
> (8) other specially designed educational programs which meet the purposes of this title.

Mr. President, the "Uses of Federal Funds," which I have read point out the uniquely local nature of the projects which can be funded under title III. If we are going to have effective programs at the elementary and secondary levels, there is one thing that is needed, and that is coordination. The State level of government is best able to judge the the kind of educational programs needed and is best able to coordinate these programs within the State. We must never reach the point where local and State education budgets will be prepared, without regard to the needs which exist, but with regard to what the Office of Education in Washington thinks needs to be done in order to qualify for Federal funds. I believe the nature of the projects to be funded under title III dictates the need for State administration of this program within the confines of the State plan.

Mr. President, there have been a number of statements made in opposition to direct grants to State departments of education. Arguments offered by the Commissioner of Education can be found on page 19 of the committee report. I believe that these arguments should be scrutinized here on the Senate floor and their shallowness will become apparent.

The first point made by the Commissioner of Education is as follows:

> Given the limited funds available for Title III and given the limited number of demonstrations which can be supported, a nationwide selection of projects based on independent judgment which seeks a common standard of excellence to meet the needs of the schools will do more to raise the quality of education than any other way of administering the program.

Mr. President, every one of my colleagues, I am sure, would agree that our goal is excellence in education; but to describe our goal in terms of a "common standard of excellence" is appalling. I shudder to think of "common standards" or "guidelines" on how to teach and what to teach emanating from Washington. To my way of thinking, the last thing we need in education is a set of common standards universally applied. The same standards do not have the same effect in an urban district that they would have in a rural district; nor do the same standards bring about the same result in a slow-learner's classroom and a classroom of accelerated pupils.

No common standard can be prescribed for all States that fits the educational needs of all, or of more than a few. State judgment of its own needs is much better in this area than Federal imposition of so-called uniform standards by the Office of Education.

The second point raised by the Commissioner of Education is:

> Nationwide selection avoids unnecessary duplication and conserves both human and financial resources.

The plan proposed by the Education Subcommittee, and not the House passed plan, will create unlimited duplication. The committee plan would allow a local school district to go through the State education agency, or in effect circumvent it, and apply to the Commissioner of Education for title III funds.

Mr. President, the chaotic conditions which would be created by the subcommittee plan are described very succinctly in a letter I received from Dr. Edgar Fuller, the executive secretary of the Council of Chief School Officers in which he said:

> ESEA Title III will be next to impossible to administer if enacted as proposed by the Senate Committee. Suitable statewide plans cannot be developed when two-thirds of the projects are federally selected and approved as to location and programs. Federally defined purposes can be met best through Title III supplementary services coordinated with services from state and local supplementary service centers existing or developing within regions of many states. A separate parallel system of federally financed and controlled centers would be wasteful and undesirable.

Mr. President, title III programs, which, of necessity, are local in nature, can best be administered through the State educational agency. The earliest possible change in this law will eliminate the proposed parallel system and prevent the wasting of funds so greatly needed by our schools.

The third objection raised by the Commissioner of Education is as follows:

> Many State educational agencies are not yet prepared to take over the administration of Title III.

Mr. President, this is an absurd generality which does not indicate the whole truth of the matter. A recent survey conducted by the Council of Chief State School Officers indicates that 41 of the 42 State officers who responded favor State administration of title III.

It is not a question of willingness of the State agencies or of the ability of the State to administer this program, but a question of the commissioner's desire to control this program and issue "common standards" from Washington. The States would properly administer the title III program if they were given the authority, and my amendment would give them this authority.

Some would say that, by the argument that State agencies are not prepared, they mean that many State educational agencies do not have the talent or enough manpower within their organization to administer this program.

Neither did the Office of Education have the staff necessary to administer the title III program when it was originally enacted. In fact, section 306 of the Elementary and Secondary Education Act of 1965 provided that "The Commissioner shall establish the Office of Education and Advisory Committee on Supplementary Educational Centers and Services, consisting of the Commissioner, who shall be chairman, and eight members appointed, without regard to civil service laws by the Commissioner with the approval of the Secretary."

The Office of Education has experienced a phenomenal growth in recent years. In 1955 the Office of Education had 555 employees and it was spending $165.9 million annually. In 1965—10 years later—the Office of Education had 3,198 employees and it spent $3.3 billion.

I am confident that the State education agencies could properly administer this title if given the chance to do so.

Mr. President, the next two arguments are again only vague generalities. They are:

> The proposed House amendments made no provisions for funding programs satisfying a uniquely national need—the educational needs of the big cities are a case in point.
>
> Under a State plan system at the present time, there would be a tendency in many States to favor the needs of rural districts over those of the large metropolitan areas.

The answer to both of these statements is that the commissioner need not approve a State plan which would not provide for the urban needs in the particular State. I would suggest that the States under the watchful eye of the commissioner are not in a position to ignore the needs of the big cities, nor would they wish to do this. To my way of thinking these arguments by the commissioner are invalid.

The last argument has extreme overtones of more centralization of power. It is:

> The Office of Education has the drawing power to attract some of the best talent in the country to help administer Title III.

Mr. President, if there is one thing we do not need, it is a mass exodus of educational experts from the States to the Office of Education. I suggest that not one of these six arguments offered by the commissioner of education is a valid reason for postponing the curtailment of Federal control of this program.

It is past time we quit giving lip service to State control of education and give the State agencies the authority needed to administer the essentially local programs called for in title III.

I would now like to read a supplemental statement by the Council of Chief State School Officers which was submitted to the Education Subcommittee at the request of the distinguished chairman, the senior Senator from Oregon [Mr. MORSE].

This statement should dispel any doubt any of my colleagues might still have about the need to provide for State administration of title III programs.

Mr. President, in summary, my amendment provides for State administration of title III rather than a federally controlled system which bypasses the State departments of education. The formula for the distribution of funds is the same as that approved by the Subcommittee on Education, and the authorization is identical. The amendment provides for a State plan which is to be approved by the commissioner. This amendment becomes effective on June 30, 1968, and is so worded that if a State wishes to send a plan during fiscal year 1968, it may do so. In other words the amendment is permissive in 1968 and mandatory in 1969.

I am convinced that this is a sound amendment. As I have stated, this is the manner in which this provision passed the House of Representatives, and this is the manner in which most of the chief State school officers throughout this Nation desire it to be.

These are the State superintendents of education throughout the United States. They have studied the amendments carefully. They have worked with the subcommittee. They have submitted a brief, and they have gone into this matter in great detail.

The chief school officers in the respective States of the Nation feel that this is the way it should be handled. They feel that we should have State administration of title III rather than Federal administration of title III.

Mr. President, I am confident that their position is sound. I am confident that the people of this Nation favor more State control of these Federal funds, and I am confident that if the Commissioner of Education is not satisfied with any plan, he will not approve such a plan.

The supplemental statement by the counsel of Chief State School Officers reads as follows:

SUPPLEMENTAL STATEMENT FOR THE RECORD OF THE SENATE HEARINGS ON S. 1125–H.R. 7819,[1] JULY 24–26, 1967

This statement has been prepared on behalf of the Council of Chief State School Officers at the suggestion of Chairman Wayne Morse of the Senate Subcommittee on Education during the July 26 hearing. It combines responses to his requests to provide answers to statements made by Secretary John W. Gardner and Commissioner Harold Howe before the Subcommittee on July 24–25 in the context of the so-called Miller Report, and to evaluate the portions of the Report dealing with federal-state differences about administration of Title III of the Elementary and Secondary Education Act of 1965.

THE MILLER REPORT

This Report is entitled *A Committee Print of Notes and Working Papers Concerning the Administration of Programs Authorized Under Title III of the Elementary and Secondary Education Act of 1965.* It was prepared for the Senate Subcommittee on Education under a project financed by the U.S. Office of Education. The Report deals with the beginnings of operations during the first year of Title III, "to analyze and appraise the proposals approved the first year; to look for 'gaps' between where selected areas seem to be going and where the approved projects are pointed; to study overall directions and developments of PACE; to view title III in the broader context of trends in American education; and to study interrelationships of PACE to the various ESEA titles and other programs."[2] The Report seems to reflect the educational strategy of the U.S. Office of Education and the Secretary of the Department of Health, Education, and Welfare, although not officially.

Section A covers the first six chapters of the Report. These 96 pages are an "overview" written by the director of this U.S. Office of Education project, Dr. Richard I. Miller of the University of Kentucky, who is personally responsible for its 25 recommendations. Section B contains 20 chapters dealing with special topics written by 20 carefully selected special consultants, with each consultant responsible for the content of his own chapter.

The Report is clearly and vigorously anti-state in its general tenor. Miller's recommendation 22, "Responsibility for direction and administration of Title III should remain in the OE", reflects this attitude and his principal concern in Section A. This also is the point most adamantly insisted upon in the testimony of Secretary Gardner and Commissioner Howe.

Dr. Norman D. Kurland, Director of the Center on Innovation in Education of the New York State Education Department, was the only consultant from a state department of education, and wrote the special chapter on "Roles of the State." His first recommendation for the states is, "Develop a State plan for the overall development and administration of Title III,"[3] but he refers to *recommendations* by the state and to *determinations* by the U.S. Office of Education, and not to a state plan in any legal sense. He asks why Title III should not be handled like ESEA Title I and Title II, where the states are authorized to make major decisions, His answer is that;

"There are States in which the State Agency is at present incapable of providing the kinds of leadership necessary to achieve the objectives of Title III. There are States in which large cities and minority groups would probably be treated unfairly were title III left solely in the hands of the States. Federal involvement thus acts as a counterweight to restrictive tendencies in some States. Only time will tell whether Federal influence can help raise the quality of education in those States. . . . Title III provides USOE with the opportunity to attend to the national needs in education. As long as this is tempered by State involvement in title III and by the preponderance of educational programming that is not dependent upon Federal funding, the specter of Federal domination of education need not be raised."[4]

This quotation states the theme both of the Report and of the Title III testimony of Secretary Gardner and Commissioner Howe in its strongest form. It exaggerates in failing to mention the power the Commissioner would have to disapprove Title III State plans under HR 7819, and in stating that such State plans would leave Title III "*solely* in the hands of the State." It is clearly a personal opinion because it is not in agreement with the position of the Board of Regents and the Commissioner of the State of New York, who favor a State plan for Title III with State authority to approve local projects. Their policy goes further toward the federal desires than most of the State agencies are willing to go by suggesting a temporary 15% "set aside" of federal funds for Office of Education approved projects ". . . to phase out present programs administered by that office."[5]

Unfortunately, with the State of New York able to implement a state plan on an extra-legal and advisory basis because of its size and influences, Kurland recommends that the federal government should set overall policies, provide the guidelines for local projects, and retain authority for their final approval in all states. This keeps the legal power entirely in federal hands. New York has found a way to live with this condition for the time being, but it remains a threat. Most states are less fortuntely situated and in a practical sense are more completely subject to Office of Education decisions. This condition violates sound policy in federal-state relationships in education because such discretionary federal power exercised or threatened on a direct federal-local basis is enough to insure federal interference and supervision of substantial aspects of education in local schools.

Federal purposes and plans for Title III call for the tough federal control strategy now evident. It is expressed in the Report as follows:

"Strategy is defined as a plan for achieving the priorities established for the program. *Every federally supported educational program should develop a national strategy.* The tax dollar is spent more wisely when resources are marshaled toward priorities that have gatekeeper status. Every federally sponsored program should force itself into the hard position of developing such a strategy. Title III has taken a leadership role in this development."[6] (italic is in original)

The federal effort under Title III is to keep all authority in the U.S. Office of Education and to accept only services from the states regarded as helpful and not a threat to federal legal control over the federal-local relationship. Commissioner Howe believes Title III "*is not* an attempt to undercut the general responsibility of the State educational agency for the State schools", but nevertheless *it is undercut*. We know of no one who makes the claims Commissioner Howe ascribes to opponents—that the present Title III will ". . . set up a system of federally run schools" or ". . . take over the responsibility for American education."[7] Title III under the pattern favored by the Secretary and the Commissioner will merely exercise "gatekeeper" controls over the local operators who run schools, using power to withhold federal funds and to approve alternative projects as vehicles for insuring that federal policies and program definitions must be followed in those schools. This would establish a federally controlled parallel system of local educational units, nominally operated by a local educational agency.

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[1] Submitted by Edgar Fuller, Executive Secretary, Council of Chief State School Officers.

[2] Directors Introduction, p. XIII.

[3] Report, p. 171.

[4] Report, p. 166–7.

[5] "Federal Legislation: Principles and Suggestions for Change". Title III, State Administration, mimeo, p. 5. The State Education Department, Albany, N.Y. March, 1967.

[6] Report, p. 75.

[7] Statement of July 25, mimeo, p. 4.

Readiness of the States to Administer State Plans for ESEA Title III

Commissioner Howe has asserted that ". . . many State educational agencies are simply not yet prepared to take over the administration of Title III."[8] Secretary Gardner has ". . . a serious question concerning the capacity of many of the states to assume responsibility for Title III at this time."[9] The Commissioner specifically supports these statements on the basis of the following quotation from the Report, but without reference to the last paragraph which gives some of the reasons for the situation:

"A questionnaire survey of personnel directing State title III programs discloses the following information about the position of title III coordinator, based upon returns from 47 States:

"(1) Ten States have full-time title coordinators; 37 do not. (See fig. No. 1 on p. 78 for a chronology of their appointments.)

"(2) Of the 37 States with part-time coordinators, eight give 50 percent of their time to PACE, and nine give 10 percent to it. (See fig. No. 2 following fig. No. 1.)

"(3) The large majority of title III coordinators (34) were recruited from within the State department, and particularly from the department of instruction, as compared to 14 from outside the State department. (See fig. No. 3 following fig. No. 2.)

"What generalizations can be made about title III State coordinators, considering the recognized diversity and variations in quality? Initially many States did not take PACE seriously because (a) funds were not allocated for its staffing and operation; (b) the program was essentially a Federal program and the States did not know their role in it; and (c) the open-ended nature of the title made for confusion as to where the title was going, if anywhere."[10]

During the months in 1965 covered by data in the Miller Report, the state educational agencies were completely engaged by the necessity of preparing for state approval of local projects under Title I, formulating state plans for Title II, furnishing assistance to local educational agencies in regard to these titles, compiling extensive baseline data for Title V which amounted to internal surveys of all the state departments of education, and seeking personnel for all these and other urgent functions that had to be performed immediately. First things had to come first, and the Office of Education was not ready for Title III programs. The states had no statutory role in Title III that required personnel, and Title III was emphasized in the U.S. Office of Education regional meetings as a matter not for immediate attention. In fact, the states were urged by the Office of Education to leave Title III for future action. There was also testimony from the panel representing the Council of Chief State School Officers on July 26, 1967 that the Title V Advisory Committee was told by Office of Education personnel that the state agencies should not use Title V funds for Title III purposes, but should use these funds for Title I, Title II and other purposes instead.

After a time, a few states began working on Title III on their own initiative, and for these the U.S. Office of Education approved Title V funds for Title III planning. Office of Education personnel also volunteered suggestions to a few other politically and educationally strategic states to develop such extra-legal state plans using Title V funds. It is important to know whether these state plans succeeded. According to the Office of Education, they excelled in every way, so the Office of Education has approved all or almost all of their recommendations.

The Council's testimony on July 26 included an official memorandum, dated November 9, 1966 and approved by Commissioner Howe, praising state leadership in Title III as follows:

"An analysis of the first year of operation of PACE (Title III) reveals some very important facts. States in which the departments of education have taken the responsibility to organize for and give direction to Title III at the State level have submitted projects which (1) are of higher quality, (2) more exemplary and innovative in content and service, (3) significantly relate the State's assessment of educational needs of problems at the local level to solutions in the national, State, and local interest, and (4) have apparently made full and wise use of funds available to that State."[11]

There are many state departments of education that are stronger and more competent to administer a Title III state plan than some of those thus favored by the Office of Education. The policy of the Office of Education is to retain tight federal control in all states, to "phase in" a few states from time to time on an extra-legal basis as they are brought into the federal fold, but finally to preserve federal control in all essential matters in all the states. It has insisted on this federal legal dominance, and has in some instances exercised it in overruling the state departments of education on Title III projects, even in the few states having extra-legal state plans.

Project Director Miller has not mentioned this obvious pattern of gradual and selective federal recruitment of states willing to develop State plans without State legal authority for project approval. He has expressed an opinion, however, that is anti-state and pro-federal in approach, as follows:

"A few States (California and New York, in particular) would do an admirable job if PACE was turned over to them, but the vast majority would fumble the ball in terms of professional leadership, political forces, and departmental pressures to swing title III aid toward title I type of aid or general aid. It may be that OE would want to turn over title III to two or three States on a pilot study basis, with the idea that the experiment would be carefully evaluated in 2 years to see whether it should be expanded, modified, or dropped."[12]

In our testimony of July 26 we dealt at length with the only statutory requirement of Title III in regard to State departments of education. This requires the local project applicant to send to the State agency, for review and recommendation, a copy of the project application it submits directly to Washington. The Office of Education has ignored or reversed hundreds of State recommendations, and any local project the Office of Education has for any reason at all considered highly desirable has been approved. The State agencies often have found this function an exercise in futility and embarrassing because of the exercise of federal authority at the local level contrary to State policies in education.

The Report makes it clear that Title III was intended by the unnamed and unpublicized Presidential Task Force that developed the Elementary and Secondary Education Act of 1965 to be a 100% federal program. Every effort has been and is being made to keep all final authority in federal hands. What Commissioner Howe testified Title III *is not* is in fact what it *is* and what it always has been, except for a few concessions that were forced upon its supporters as the legislation was enacted in 1965.

The Miller Report relates in some detail the background of the struggle to separate a federally controlled Title III from State education agencies. It makes clear how grudgingly any provisions for less than full federal control were incorporated in the final version. The Report's account of the "realpolitik" of ESEA and Title III clearly implies that any slight withdrawal from a completely federal Title III system was a serious mistake, justified only when necessary to save the legislation.[13]

COORDINATION WITH ESTABLISHED AND EMERGING INTERMEDIATE SERVICE UNITS

The Council's view is that Title II supplementary service centers, including their innovation aspects, should be coordinated with established and emerging State systems of intermediate supplementary centers. These were illustrated in the extensive explanations of such units in 11 states filed with the testimony of the Council's panel before the Senate Subcommittee on Education on July 26.

A separate federally financed and controlled system of Title III centers would be educationally and economically unjustified. As the eleven examples clearly indicate, there would be excessive overlapping and duplication between separate systems of State-local and Federal-local units. Their total contributions would be smaller in scope and less effective operating singly than they would be if operation were conducted from a coordinated center performing all the functions of both.

With the prohibition of commingling of federal and state funds and the continuation of original statutory purposes of Title III as found in HR 7819, the Title III programs can operate to benefit private school teachers and pupils and to carry out the other provisions and purposes of the law from coordinated centers as thoroughly and well as though they were operated in a separate federally controlled system.

FOLLOWING THE INTENTIONS OF CONGRESS

Commissioner Howe says that . . . "the way to bring about State administration of Title III is by phasing into it as States are ready—not by turning it over to States which would like the funds but are not ready to use them as Congress intends."[14] The "phasing" part of this is a method of moving from federal control in a few states with extra-legal acquiescence by the states to similar federal control in all the states. The question about the states following the intentions of Congress, however, raises the same question about the U.S. Office of Education. It is probable that the states would follow the intentions of Congress more closely under HR 7819 than they are being followed at the present time by the Office of Education.

The Title III statute provides for "supplementary educational centers and services". At the time the Report was written, the *Office of Education Manual* on Title III had administratively reversed the order in the law and changed it to "innovative and exemplary programs and educational service centers", dropping the idea of *supplementary* services. The Miller Report suggests changes further removed from the law by editorially renaming the "Educational Service Centers" of the *Manual* as "Centers for Educational Improvement". Dr. Miller also recommends authorization of federal Title III grants under $10,000 to be made directly to individual classroom teachers, confined to "innovative and creative projects" and to be applied for on a special and simplified form.[15] This would take federal supervision into the local classroom, and it may not be coincidental that new staff in USOE regional offices have recently been given authority to approve projects not exceeding $10,000. The present haste to send hundreds of federal officials to regional Office of Education agencies seems to be a part of a federal educational network in the states.

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[8] Testimony of July 25, p. 7, mimeo.

[9] Testimony of July 24, mimeo, p. 4.

[10] Report, p. 77.

[11] The entire Memorandum has been filed for the record of the Senate hearings.

[12] Report, p. 80.

[13] Report, p. 15–24, which has some factual errors and omissions. Compare the Title III portion of a report to the Council of Chief State School Officers made on November 11, 1965, which has been made part of the record of the current hearings.

[14] Testimony of July 25, mimeo, p. 13.

These plans would continue federal legal power to reject local or state definitions of Title III project priorities, and would exclude supplementary services unless they were federally defined as primarily innovative and exemplary. They would eliminate in practice the statutory emphasis on supplementary services and provide federal bases for expansion into additional fields of local education.

CHARGES OF BIAS AGAINST STATE EDUCATIONAL AGENCIES

In his Senate testimony, Commissioner Howe stated that, "under a State plan system at the present time, I believe there would be a tendency in many States to favor the needs of rural districts over those of the large metropolitan areas." [16] He cites "in support of this assertion," examples from ESEA Titles I and II.

Commissioner Howe states that allocations to Los Angeles are 19.4% of Title I funds for the entire State of California, allocations to Chicago are 51.1% of total Title I funds allocated in the State of Illinois, and that allocations to New York City are 59.3% of Title I funds for the entire State of New York. The Commissioner compares these distributions with those under Title II State plans, which sent 10%, 34.3%, and 24.1% of Title II funds to Los Angeles, Chicago and New York City respectively.

This is an unfair charge made without sufficient evidence, even for the three selected cities. State administration of both Title I and Title II is according to the provisions of the law, and variations are inevitable under the widely differing formulas and purposes of Title I and Title II. The State departments of education exercise the legal authority to approve local projects under both these titles, and have joined most local, state and national lay and professional associations in requesting similar State approval authority under Title III.[17] The smaller percentages of federal funds distributed to these three cities about which the Commissioner complains were made under Title II state plans approved by him.

Checking out the Commissioner's contention in regard to Chicago and the State Department of Public Instruction in Illinois, the facts about Title II are found to be as follows. The formula in the law authorizes funds for each state according to its relative number of elementary and secondary pupils enrolled in the public and private schools of the state. The state plan then provides for distribution of these funds under a formula that applies to every local educational agency in the state. Allocations of federal funds under the state plan among the local educational agencies of Illinois range from $1.40 to $1.90 per pupil, with Chicago receiving $1.80. Only four local agencies receive more per pupil than Chicago. There is, of course, further distribution according to relative need among the attendance units within the several local school agencies.

The Illinois State Department explains that the federal formula for Title I is based on the number of disadvantaged pupils in families having low income, while the state plan formula for Title II is based primarily on relative pupil need for school library resources, textbooks, and other instructional materials among and within the local educational agencies. Both Title I and Title II are administered impartially according to the requirements of the law and regulations. The differing percentages derive from different conditions and formulas, not from discrimination. The Commissioner's percentages contrasting receipts under various programs mean nothing when taken out of the context of their different statutory purposes, formulas, and varying conditions among and within the many local educational agencies where the programs are in operation.

We cannot agree that the state educational agencies would discriminate against large metropolitan areas under Title III. Policies of the Council and of individual state departments strongly favor increased state and federal funds to large metropolitan areas. We feel certain that the U.S. Commissioner would not approve a discriminatory state plan. We believe that any such discrimination against cities would be educationally and politically unlikely if not impossible under H.R. 7819.

IMPLEMENTATION OF FEDERAL STRATEGY IN EDUCATION

It is clear that the U.S. Office of Education must cultivate the administrators and boards of local educational agencies, and especially the leaders of the great city school systems, in their plans to establish and maintain a federal-local system of grants to local educational agencies under Title III. Federal educational contacts in local school districts through regional and sub-regional federal offices are increasing rapidly. Groups of state and local categorical aid administrators become guests in Washington and elsewhere. Federally generated personal recognition tends to make local and state educators disciples for the spread of federal influence and supervision. Previous federal grants, per diems and publicity about innovators do little to inhibit favorable responses to federal questionnaires asking local project directors whether their work is successful and whether they would like to continue to receive federal funds for the projects they administer.

Office of Education appointments under its "independent educator" classifications tend to recruit known supporters of Office of Education views and aspirations. Few dissenters on major issues of policy or Office of Education practices ever become parties to the evaluating and decision-making processes it administers.

Chairman Wayne Morse asked specifically that we comment on Commissioner Howe's testimony before the Senate Subcommittee on July 25 concerning the replies of 723 local Title III project directors to a questionnaire from the Miller project. The Commissioner's statement on that occasion was as follows:

"It is also important to reiterate Secretary Gardner's remarks that 723 project directors answering the Miller questionnaire indicated satisfaction with the administrative guidance of Title III. Furthermore, present administrative procedures appear to be working very well. There is over 95 percent agreement between State educational agencies and the Office of Education on final proposal acceptance." [18]

The remarks of Secretary Gardner to which reference was made included the following:

"One recent survey indicates that of 723 local Title III project directors, 90% explicitly favor the program as it now operates. Evidently, then, opposition to Title III, as it is presently operated, does not stem from those who know it best at the grass roots." [19]

The information in the Report does not on its face support the Secretary's statement. The questionnaire itself and the 723 returns would have to be analyzed to determine this.[20] One would suppose that more than 90 percent of the successful applicants would be satisfied, but that very few of the unsuccessful applicants would feel likewise.

The claim of Commissioner Howe that "there is over 95 percent agreement between State educational officials and the Office of Education on final proposal acceptance" takes us back to federal strategy on approval of local projects. This claim is of doubtful validity, as we shall see, but federal reversal of 5% of the key state recommendations is probably enough to indicate federal control over Title III in all states as desired.

The following is an explanatory memorandum on USOE reports of agreement:

MEMORANDUM

"JULY 3, 1967.

"To: Edgar Fuller, Executive Secretary, Council of Chief State School Officers.

"From: Lee E. Wickline, Chief, Innovative Centers Branch.

"Subject: Report of Agreement of State Education Agencies with USOE on Approval of Title III ESEA Projects.

"This report has been prepared for your information.

"Of the 4,429 applications for grants under provisions of Title III, P.L. 89–10, 1,910 had been approved as of June 15, 1967. Twenty-seven of these recommended for approval by USOE were not recommended for approval by State Departments of Education. However, after discussing these projects with State Coordinators, agreement was reached on 18 leaving only 9 projects approved by OE without concurrence of the State Departments.

"In the same period, State Departments of Education had initially recommended for approval 849 projects which were disapproved by USOE. Within this group, State Departments concurred with USOE on 840 of these projects after consultation with State Coordinators, leaving 9 upon which States were not in agreement with a decision to disapprove the applications.

"It should be noted that some State Departments recommend all projects applications for approval when applications are submitted."

The 849 projects rejected by the State educational agencies were reduced to 840 by Office of Education negotiations that were in fact meaningless. The euphemism used by the Office of Education in its reports to explain the concurrence of Title III State coordinators on "final proposed acceptance", as used by the Commissioner, is "through further clarifications, agreement was reached". The fact is that the State coordinators were in no position to prevail and actually had no choice but to agree. It is clear that the Office of Education exercises authority to stipulate that projects rejected by a State must nevertheless be included in its state regional plan even though it is one favored with informal arrangements. The Office of Education reports are misleading and indicate much more Federal-State agreement on the Office of Education approval of plans than really exists. Some states see no need to use staff time and make such hard choices among local school districts at all, when they know the Office of Education alone will make the decisions anyway.

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[15] Report, Section on "Supplementary Centers Versus Individual Projects", p. 82 et seq.

[16] Testimony of July 25, mimeo, p. 9.

[17] Including the American Association of School Administrators, Council of Chief State School Officers, National Association of State Boards of Education, National Congress of Parents and Teachers, National Education Association, National School Boards Association, in their joint request to the White House and the Office of Education on January 18, 1967.

[18] Comment at the hearing on July 25.

[19] Testimony of July 24, mimeo, p. 3.

[20] We recommend reading the material about the questionnaire on pages 53–71 of the Report, in order to form a personal opinion on this point.

FEDERAL AND STATE EDUCATIONAL PERSONNEL

Commissioner Howe says that not all the states" . . . have developed the capability for determining which projects shall be funded in a way to guarantee the levels of quality this program should demand."[21] The answer is that most states have not sought to do so, because they have not been asked to make decisions that really decide. If the States had the responsibility they would exercise it, and we believe better than does the Office of Education.

The Commissioner's position is that approvals of local projects can be made more effectively by the U.S. Office of Education than by each State educational agency. The stable of selected "independent experts and scholars" used on Office of Education panels to make recommendations on projects are usually strangers to the environments from which the projects have come. They work in a project selection process administered by the Office of Education staff. Whether expressed or implied, the staff's recommendations count heavily. These busy consultants who are specialists in their own fields cannot be expected to understand and evaluate the projects independently and carefully in terms of need for them in their own environments. An innovation in one place may already be outmoded in another; a local judgment of program priority that has been most successful and is still a priority for expansion after a trial run in a district can be ruled out in favor of sloganized guesses about what can be approved as an innovation. As Superintendent Minear said in his testimony of July 26, occasionally another chief state school officer is on one of these panels judging what a project should be in Oregon, and the Oregon superintendent is on a panel to approve a project in some distant state, but never in his own.

The U.S. Office of Education employs a considerable number of brilliant and wise educators. It also employs many paraprofessionals and novices in education, some of whom are in important positions. Services to state and local educational agencies have been deemphasized greatly and the current emphasis is on administration and control of grants. Employees of state departments of education are more informed about education in their states, are more often better prepared and experienced in education, and are at least equally competent. They are close enough to the people to be unable to perpetuate their mistakes. They will consider innovations proposed from the federal level on a service basis, whether federally financed or not. They desire to meet federally defined objectives without federal control of the details of local policy and administration.

Even assuming that the Office of Education has all the wisdom the Commissioner claims, it would still be undesirable to have this federal agency make final judgments on Title III local projects. Federal mistakes are too often irreversible, and Federally enforced uniformity attained through slogans and money and discretionary authority is too often a misfit at the local level, however wise the federal personnel may be.

Mr. President, from any standpoint this matter is considered, we feel confident that this is a sound amendment. It is hoped that my colleagues will study it carefully, and that when we vote on this matter Monday morning, they will reach the conclusion that we do desire and need, that is, State administration of title III, rather than Federal administration of it.

Mr. President, I withhold the remainder of my time.

Mr. JAVITS. Mr. President, if there is time remaining that the Senator from Oregon will not use, I would appreciate using a little of it for some purposes which I have in mind in connection with the bill. This seems to be a fairly quiet hour. I am sure that I could get unanimous consent, if the Senator does not wish to use all his time. I need not more than 15 minutes.

Mr. MORSE. Let me tell the Senator from New York the position in which the manager of the bill finds himself.

An arrangement has been entered into between the Senator from South Carolina and the majority leader, to which I agreed when it was presented to me, that the Senator from South Carolina would speak for not more than 30 minutes tonight in support of his amendment; that I would speak not more than 30 minutes tonight in opposition to his amendment; and that would leave 10 minutes on Monday—I should like the Parliamentarian to check me on this—5 minutes for the Senator from South Carolina and 5 minutes for the Senator from Oregon, and that we would vote at 11:10 a.m. on Monday.

The Senator from South Carolina has used his time. I, in fairness to the committee—the Senator from New York is the ranking minority member—must make the case against the amendment of the Senator from South Carolina tonight, because there can be no discussion on it Monday, except for the 5 minutes on each side.

I want the Senator from New York to know that I had not planned to use all my 30 minutes. I should like him to take some time, as the ranking minority member of the committee, to express his views in opposition to the amendment of the Senator from South Carolina.

I want the Senator from New York to know that he will have plenty of time after that to talk about any other matter he wishes to discuss, for I can assure him that the Senate will not adjourn until he finishes. If he would like to ask that this matter be laid aside temporarily while he takes his 15 minutes now, I believe the Senator from South Carolina will agree with me. My suggestion is that he permit me to make my case against the amendment of the Senator from South Carolina and that then the Senator from New York speak.

Mr. JAVITS. Mr. President, I have another complication, which is not mine, but of which I have been apprised. The Senator from Wisconsin [Mr. PROXMIRE] is standing in line to bring up a conference report on a bill which I was very much against.

As the Senator from Oregon is the manager of the bill on the floor, I will yield the floor and follow whatever he would like to do.

Mr. MORSE. I thank the Senator.

Mr. President, I have just explained to the Senate the parliamentary situation that confronts us with regard to the amendment of the Senator from South Carolina. When that agreement became known, we assured quick sales of airplane tickets for Senators involving themselves in other commitments, because the Senate of the United States is not a nonreading society. Because of the knowledge that the pros and cons of the amendment would be made tonight, for reading purposes between now and Monday morning, we are confronted with vacant seats.

It is perfectly all right with me, because I am willing to speak for the RECORD. I do not know what the situation of the Senator from Wisconsin is with respect to a conference report. He can take care of himself. However, I will take a few minutes to respond to my good friend, the Senator from South Carolina, in opposition to his amendment, so that the committee's point of view will be before the Senate when the time for voting arrives on Monday at 11:10.

Mr. President, the Senator from South Carolina, in his presentation in support of his amendment, adverted to the testimony of a number of educational organizations in support of the State grant-State plan program for title III. However, he did not point out to the Senate that at the time the testimony of each of those witnesses was given, they were testifying in opposition to the administration's proposal on title III, the administration's recommendations in this area, which were to the effect that the present act be left unchanged with regard to the mode of its administration in respect to title III. That is not the title III that is before the Senate. The Senator from South Carolina has not been talking about the title III in regard to which the witnesses he quoted were testifying.

The title III in the bill that we brought to the floor of the Senate is a greatly changed title III, for reasons that I shall point out before I complete my argument. So I wish to say, respectfully, that it is presumptuous of the Senator from South Carolina to assume that all the witnesses he cites would be in opposition to the title III that is in the bill that my committee brought to the Senate—although, may I say, I believe some of them would. I believe some of them would be in opposition to the title III in the bill if $1 were retained by the Federal Government in connection with this program. That does not surprise me in regard to some of the witnesses, because the chief witness he cited this afternoon sent wires in 1958 to Members of the Senate in complete opposition to the National Defense Education Act.

In fact, some of these witnesses we have heard in the past just have been against any form of Federal aid. I simply dismiss such witnesses. In my judgment, they are completely out of tune with the needs of education in this country.

The NEA was in opposition to the administration position on title III and so was the senior Senator from Oregon; and I will explain again, as I did the other day, in the debate with regard to another matter, what happened in my subcommittee that produced the title III that is in the bill.

Dr. John M. Lumley, assistant executive director of NEA, one of the most reliable witnesses we have had before our committee for many years—the committee has worked very closely with him—testified in opposition to a 100 percent Federal control of title III funds. However, he sent us a telegram yesterday which said:

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[21] Testimony of July 25, mimeo, p. 8.

> We share your view that it is imperative that the ESEA amendments of 1967 should be passed immediately. Assure enactment before the close of the first session of the 90th Congress. We applaud your great leadership and stand ready to assist in any way you desire.

I had a conference with Dr. Lumley the other day. I said, "I want you to know that the compromise we made in committee, I think, is a desirable compromise and that we should go to conference with it."

He made clear to me that he agreed that we should go to conference with this compromise, and I believe the record of testimony would be quite different if the compromise on title III had been in the original bill.

I quickly add however, that I am also sure that there are further changes in the Senate version of title III that the NEA would support. There are various areas such as those involving the percentages of the funds to be transferred in each year, and in the area of the mechanics of the State plan operation where there are some differences. But I stress that for the most part, such differences are those of degree and the rate at which the proposed changes are to take place.

On the other hand, I do not believe the chief lobbyist for the position of the Senator from South Carolina would have changed a word of his testimony. But, I believe he is so dead wrong on this matter, as he was on NDEA, that it would not change the position of the senior Senator from Oregon at all in urging the adoption of the compromise I am about to explain.

Mr. President, the Senate committee bill now before us took cognizance of the testimony we received. We have adopted a State grant-State plan format for title III, in what we believe to be a perfected form.

Therefore, I suggest in all fairness to my committee, in this respect, that we should not be subject to all the strictures that might be laid against the original administration position. That is really what, for the most part, the Senator from South Carolina has been talking about. He has been talking about the hearing record, and that was related to the administration position of no change in title III, and I have not brought the administration proposal to the Senate. I did not support the administration proposal on title III.

Rather, we brought a compromise title III program to the Senate. It is a program that at the end of 3 years will give us State direction of title III. We are going to need at least these 3 years to work out the transfer of program authority because as parts of the record the Senator from South Carolina did not quote, were parts of this record made by great educators of this country, and great administrators of education in this country in both rural and metropolitan districts. Some pointed out that if you give this type of carte blanche authority to some of the State departments of education in this country at this time you will be faced with educational regression in some areas, not with educational progression, because there are some State departments of education in this country which are not now prepared, not equipped, not fully qualified, and not adequately staffed to carry out the programs that are called for in title III of the bill.

We want to help them. That is what our committee wants to do. The best friends of these State agencies happen to be my committee and not some of the spokesmen for the groups the Senator quotes. Mr. President, the testimony reveals that some of the money could be wasted, and the testimony shows that some would adopt educational programs that could work to the great educational disadvantage of thousands and thousands of schoolchildren in the future. We have to build up those State departments of education and that is what we are seeking to do in part in the provisions we have brought here.

The Senator from South Carolina is offering an amendment saying he wants to turn title III over to the States. It is my aim also to give to the States the major responsibility for this program. I think the States should administer this program. The committee bill is designed to do just that at the end of 3 years.

We are not doing it all at once as the amendment offered by the Senator from South Carolina would. We are doing it in stages. As I have pointed out time and time again on this floor since we have been considering this bill, the committee bill is a bipartisan bill. There was not a dissenting voice when we reported the bill from committee. The committee title III amendment is a classic case in point of the kind of bipartisan efforts which characterize our committee. The Senator from New York [Mr. JAVITS], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. YARBOROUGH] contributed to this amendment.

The feature of this amendment which turns the operation of title III over to the States in stages was created by the Senator from New York [Mr. JAVITS]. It is unique. It is a fine example of his creative thinking. That feature alone is the basis upon which the minority and majority staff began to work in developing the title III compromise—a compromise between the present law and the House amendment.

I might say right here that I doubt we could have developed as viable a compromise if the Senator from New York had not started us off with this unique feature, the three stage shift to the States.

Our subcommittee was evenly divided on whether to retain present law.

Under the present law, 100 percent of the funds are administered by the Department of Health, Education, and Welfare. As chairman of the subcommittee, I cast the deciding vote because the committee ended up with a tie on a motion by one of the members of the committee to retain the 100-percent financing policy of the present administration. I voted against the administration's program. I was the only Democrat present who voted against it. That is nothing new for the senior Senator from Oregon. In my own honest judgment, when I think the Democrats are wrong, I vote against them. I wish I could find the Republicans to be right more often, but when I do I vote for them.

In this case I think the Republicans were right. Although they were Republicans as far as party affiliation was concerned, they were bipartisan insofar as educational responsibility was concerned. We did not accept the administration recommendation.

The Senator from South Carolina knows that we are going into conference and we need something to work with in conference.

Another member of the committee, this time one on the Republican side, moved to adopt the House proposal, the proposal of the Senator from South Carolina this afternoon. We defeated it in committee. The Senator from Oregon then offered the compromise.

What is the compromise? The compromise is that next year 33⅓ percent of the money be turned over to the State departments of education, the second year 50 percent will be turned over to the State departments of education, and the third year 66⅔ percent will be turned over to the State departments of education for funding certain services and educational programs of an innovative type.

I say to the Senate tonight that many of us believe this is as fast as some of the State departments of education can absorb the money and not waste it. That is as fast as the States can absorb the money while building up their State departments of education, to efficiently administer the Federal money.

Mr. President, I do not intend to sit here as the chairman of the Subcommittee on Education to vote taxpayers' money carelessly into State departments of education. When educational expert after educational expert has testified before us and said what I have said in the beginning of my address this afternoon, that some of them were not ready for it. Superintendents of the big city school and superintendents of some of the rural schools testified that in some States there is not an understanding yet on the part of some State departments of education as to what needs to be done in order to have a wise expenditure of funds.

Therefore, I offered my substitute. Mr. President, do you know what happened to it? It was unanimously voted for by every Democrat and every Republican on the committee. They recognized it was a fair and sensible adjustment of the differences within the committee and that it represented the kind of amendment we should try to have in the bill to take to the House.

Everybody here in the Senate who has ever been a conferee, and we all have been, knows what you do when there are differences between the Senate and the House. You work out the best compromise you can obtain. What would the Senator from South Carolina have us do?

Surrender and take nothing to conference, except the House provision. Let me say that the House has not had the benefit of the record of my committee. They made a record of their own.

But, Mr. President, the amendment I am offering is based upon this record—12 volumes of it, 3,000 pages of it, in the course of which, in extenso, there was a great deal of discussion in connection with title III of the bill.

Let me say to the Senate most respectfully that it should not let my committee down. It should not place this kind of handcuff on the committee. The Senate owes it to my committee, in view of the record—and there is no answer to the record—no discussion, really, pointed at the reasons why the amendment which I offered was unanimously adopted by the committee—and no record as to why we should not take that to conference, if we could work out a modification between my amendment and the House amendment.

What the Senator is overlooking is that my committee wants to work to the date when we can turn over the funds to the State departments of education, when we can be satisfied that on the record they are ready to spend the money efficiently and effectively.

That is the issue.

I am not going to let the Senate forget the point, when it comes to a vote on this matter come Monday next.

As I said the other day, there are some States not capable of carrying out the intent of Congress with regard to title III. I am not saying that is the case with all State departments of education. It is not true in the State department of education in my State. But I cannot vote for what I think is not a sound program in the national interest just because my State might be ready for another program and even though I am the chairman of this committee. My State can afford to wait for 3 years, even though, I think, if we gave them the full amount of the money now, they would do an efficient and effective job.

How impolitic it would be. How impossible it would be, just to pass an amendment on the basis of saying that States A, B, and C are ready and States X, Y, Z, and on are not ready. We have to have a uniform application there.

There is not a State department which is now ready to administer the program which is going to be injured in any way by my amendment. What are they going to do under the bill? They will submit a State plan. They have to submit a State plan. If the amendment of the Senator from South Carolina is adopted, they still have to submit a State plan. A good State department of education is going to submit a soundly conceived State plan and is not going to have any trouble getting it through. Others will, I am sure, achieve equivalent competence in time.

We certainly do not want to give the latter however full control over the distribution of the money and thus put them in the position where they say, "We have the money," so that we do not need to make improvements in our approach. Do not forget that we are trustees of the Federal taxpayers' money. We have a responsibility to fulfill.

As I pointed out the other day, each one of us has dual citizenship. We are citizens of our States and we are citizens of the Nation through the Federal Government. Our responsibilities on funds differ, depending on whether we are acting on the basis of our Federal responsibility. Title III funding is a Federal responsibility.

Mr. President, there are legitimate reasons which those who favor the present law have for not turning this program over to the States—and as I indicated a substantial part of our committee would prefer to stay with the present title III. As I said, there are some States that are not yet capable of carrying out the intent of Congress with regard to title III. I am not saying this is the case of all State departments of education. I am not saying this is the case with the majority of State departments of education. There are some fine State departments of education who could carry out the intent of Congress better than the Office of Education can.

I also pointed out the other day, when I was responding to questions of the Senator from Kansas [Mr. CARLSON] that we are not going to point fingers at particular States. We cannot do that. We must be practical. We cannot say to certain States, we want the State to run the program, and in other States, we will let the Federal Government run the program.

I would be the last to point my finger at any State. I do not think I am in a position where I should make a value judgment as to the quality of administration in the case of an individual State educational agency. But I do note that there is incontrovertible evidence that some States simply cannot carry out the intent of Congress. Our intent is to help American young people by giving them the best available educational opportunities. I want that intent carried out. I do not want a single boy or girl denied that opportunity because some agency cannot do the job.

The committee compromise is specifically designed to build a mechanism to carry out the intent of Congress. We can stand here and make speeches about what we want done, we can appropriate millions of dollars to do it, and we can tell the States what we would like to see done with the money; but, if we do not build an administrative mechanism capable of carrying out our intent, we will have acted in vain.

The administrative mechanism built into the committee compromise is the best we can do. We spent hours and hours on this mechanism. That mechanism has a single purpose—this is to hand the responsibility for this program over to the States in stages and, in doing so, give them the time to strengthen their capabilities for administering the Federal programs.

I want to point out that we have specifically authorized funds to be paid to the State educational agency to permit them to strengthen themselves. Sections 301(b), 303(b), and 307(b) provide for payments to the States for the administration of the State plans and to hire experts.

It is with this feature that the States can strengthen their capacity for the administration of Federal programs. Let me point out that the House passed bill—and the substantially identical amendment proposed by the Senator from South Carolina—contains no provision for making available funds for the State educational agency's administrative expenses in carrying out this responsibility which the Congress is giving them.

In 3 years I am positive that every State educational agency in the country could have the capacity to carry out the intent of Congress with regard to this program—and under the Senate committee's bill we could start this process promptly.

I would like to reiterate that I agree with the Senator that the Federal Government should stay out of the business of making educational policy. This should be done at the local level and the State level. That is the reason I am supporting this compromise. I see this compromise as a positive step on the part of Congress to insure continued local and State control of education.

Let me point out one other factor. Title III as it is in the reported bill is not the administration language. Testimony of the Commissioner and the Secretary was to the effect that there should be no changes in the present act. As I indicated earlier, this was persuasive testimony for many of my colleagues on the committee.

But I am a realist. With the House having taken the action that it has with respect to title III it is my judgment based upon parliamentary tactics that we would be in a stronger position to retain the essential innovative core programs of title III if we were to be in conference posture discussing issues uncomplicated by formal differences regarding administrative structure.

Let me illustrate. Had we brought this bill to the floor without an amendment to title III, the conference bill would have been, I am sure, some form of State grant-State plan program. Necessarily it would have been drafted in haste.

There is a strong possibility that under such pressures our work would have been lacking in many particulars. The House bill, for example, when it came over to us contained no language regarding the applications from the local educational agency for projects under the title. I believe it to be implicit but it certainly is not explicit. We have attempted to remedy this situation by making it perfectly clear that the underlying thrust of title III stems from the local educational agencies with their broadly representative community group involvements which are characteristic of the present program.

This is a strength for our schools and for our State educational agencies. Participation in planning programs which bring all viewpoints to bear insure widespread community acceptance. Sound programs of education can scarcely ignore the educational implication inherent in interracial cooperation, for example.

Mr. President, under our bill, do not forget that the programs have to originate at the local and State level, with no Federal dictation. We reserve control over the funds so that we can be certain, over the 3-year period, that we help the State departments of education to get themselves ready to take over not only the funding but also the preservation and protection of the educational needs of the various areas in their State.

We should not forget that we have existing commitments for funding of title III programs previously planned which must be honored. So that in any event a full 100-percent State control over title III money would have to be delayed.

It was about those needs that the superintendents, particularly in the metropolitan areas, and some of the superintendents in the rural areas, expressed great concern—yes, fear—as to what would happen to the educational programs of the States if we adopted, for example, such an amendment as the Senator from South Carolina proposes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I rest my case.

I ask unanimous consent that at this point in my remarks as evidence of the care devoted to the consideration of the compromise title III language in the bill, their appears a positive purpose on State advisory councils under title III which we used as a working paper in markup. I believe it to be a valuable indication of the intent of the committee in adopting the final version of this portion of the title.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

Position Paper on State Advisory Councils Under Title III

DUTIES OF STATE COUNCIL

Under the proposed amendment a State would create within its State educational agency a State advisory council whose functions would include—

(1) Advising the chief State school officer on the preparation of the State plan for administration of title III grant moneys transmitted to the State.

(2) Reviewing annually the State plan and upon the basis of the review recommending to the chief State school officer modifications or amendments to the State plan.

(3) Reviewing applications received and upon the basis of such review recommending to the chief State school officer the disposition to be made of the applications and maintaining records of applications received.

(4) Annually reviewing for the purposes of evaluation the approved plans and programs funded under the authority within the State, transmitting its report upon the evaluation of plans and programs to the chief State school officer and to the National Advisory Council, together with its recommendations, based upon its analysis of the operations of the program, for such changes as in its judgment it believes to be warranted in the basic statute, the State plan, and the State or the National procedures governing the title III area.

(5) Based upon its evaluation and review procedures, selecting among programs funded, those which, in its judgment, it believes to be of an exemplary character. Arranging through the chief State school officer for appropriate dissemination of such programs to bring them to the attention of local educational agencies within the State, and through the National Advisory Council, to the attention of local educational agencies throughout the United States.

ORGANIZATION OF STATE COUNCILS

The chief State school officer (unless otherwise determined by State law) would appoint to the council individuals who are broadly representative of the cultural and educational resources of the State and of the public interest in education for the purpose of obtaining from them advice and counsel upon the operation of the title III program within the State.

While no number is specified for the council's composition, as established within the State educational agency, it must contain persons representative of the elementary and secondary schools of the State, institutions of higher education within the State, professional organizations of teachers and school administrators within the State, and of organizations promoting the improvement of education within the State (such as AFL–CIO, PTA, League of Women Voters, etc.).

Additionally, each council must contain at least one individual representative of areas of professional competence in dealing with the educational needs of handicapped children.

Although the members of the council are to be representative of the cultural resources of the State, the proposed language provides that the appointing authority may, if it so chooses, appoint nonresidents of the State to the advisory council.

This provision could be particularly helpful to the chief State school officer of a sparsely settled or remote State to assure that he would have available advice of a professional nature, particularly for those projects or programs which are reserved under the proposed language for meeting the educational needs of handicapped children.

To assist the council in carrying out its responsibilities, a separate authority for funding of salaries and expenses of professional and clerical staff has been provided. The separate authorization for carrying out the detail of the council activity is parallel to the language with respect to the grant funds of title III which, in the House version, may not be comingled with State funds.

It is a method which could alleviate some of the difficulties that might be encountered in some States which may have limitations upon the uses for which State funds may be employed. Individuals recruited to perform the professional and clerical functions incident to the State advisory council operation are specifically exempted from Federal statutes relating to employment and compensation.

The State educational agency would establish for such employees such rates of compensation as it deemed appropriate.

APPLICATIONS PROCEDURE

Consistent with the philosophy embodied in title I of ESEA and under title III, the proposed language applications could be received only from a local educational agency or a group of such agencies.

An application although received from a local educational agency would, as at present, be planned, prepared and, if funded, carried out with the participation of persons broadly representative of the cultural and educational resources of the area to be served. The definition of the term "cultural and educational resources" is contained in section 304(a).

The application would be transmitted by the local educational agency to the State educational agency, The Chief State school officer upon receiving the application would direct it to the State advisory council and to such panels of experts in the particular area of the application as he designates for review. In coming to his decision upon the disposition to be made of the application, the chief State school officer would consider the recommendations from both (1) the State advisory council and (2) the panel of experts provided under section 304(b) (3).

The chief State school officer would not be bound to follow the recommendations provided to him if he deemed, after having considered the points raised, that the project, program, or center is consistent with the authority contained in title III and it is his judgment that the project is meritorious.

JUDICIAL REVIEW PROCEDURES

The proposed language, however, contains provisions (1) the usual language for obtaining judicial review of decisions made by the Commissioner and (2) added is language affording hearings and judicial review of the action of the State educational agency as invoked by the local educational agency. Such judicial review provisions cover (*a*) the Commissioner's approval of the State plan and modifications thereof and (*b*) the disposition by the State educational agency of applications.

Recommendations on applications from both the panel of experts and the State advisory council would be a part of the record which would be available to a court if the judicial review procedure were ever to be invoked. It is felt that this incorporates a protection into the State-plan, State-grant format. It is similar to the assurances given by matching grants that the Federal money will be used for the purposes for which it is intended. Extension of hearings and judicial review procedures to the local educational agency level, even if never called into operation, would require a prudent State educational agency to observe carefully the formal requirements in its State plan and in its procedures for processing applications.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina has time left on the amendment.

Mr. THURMOND. Mr. President, how much time have I?

The PRESIDING OFFICER. Five minutes.

Mr. THURMOND. As I understand, that is in addition to the 5 minutes that we will each have on Monday.

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Mr. President, are we operating under a limitation of time?

The PRESIDING OFFICER. Just on the amendment of the Senator from South Carolina.

Mr. RUSSELL. I have two conference reports, one of which is of very great importance, relating to pay increases for people in the armed services, that I had hoped to be able to complete this afternoon, in order that it may go to the House of Representatives on Monday and go to the White House along with the civilian pay increase.

I wonder if the Senator from South Carolina would be willing to permit me to ask unanimous consent to have a few minutes. I do not think it will take more than 5 minutes to handle both of them.

Mr. THURMOND. Mr. President, I have 5 minutes left of my time, but I ask unanimous consent that the distinguished Senator from Georgia be allowed to present these reports, after which I may respond to the distinguished Senator from Oregon.

Mr. RUSSELL. And that it not be charged against the Senator's time.

Mr. THURMOND. And that it not be charged against my time.

Mr. JAVITS. Mr. President, I shall not object, but I wonder if the Senator from South Carolina will do the same for me. I will ask unanimous consent that following Senator Russell's talk and following Senator Thurmond's talk I may have 5 minutes.

Mr. THURMOND. Mr. President, I have only 5 minutes. The reason I am yielding to the Senator from Georgia rather than to the Senator from New York is that the Senator from Georgia has official reports to present.

Mr. RUSSELL. This is a matter of the highest privilege under the rules of the Senate.

Mr. THURMOND. It was for that reason that I was yielding, and I would be glad to yield to the Senator from New York, but I have only 5 minutes.

INCREASE OF BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

Conference Report (H. Rept. No. 1017)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and agree to the same.

Amendment No. 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

On page 2 of the Senate engrossed amendments, line 12, strike out "September 30" and insert the following "October 1"; and the Senate agree to the same.

Amendment No. 15: That the House recede from its disagreement to the amendment of the Senate No. 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"Sec. 10. Chapter 7 of title 37, United States Code, is amended:

"(1) By inserting the following new section:

"'411a. Travel and transportation allowances: travel performed in connection with convalescent leave

"'(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 of this title.

"'(b) The allowances prescribed under this section may not be at rates more than the rates authorized under section 404(d) (1) of this title. Authorized travel under this section is performed in a duty status.'

"(2) By inserting the following new item in the analysis:

"'411a. Travel and transportation allowances: travel performed in connection with convalescent leave'."

And the Senate agree to the same.

Richard B. Russell,
John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Margaret Chase Smith,
Strom Thurmond,
Managers on the Part of the Senate.

L. Mendel Rivers,
Philip J. Philbin,
F. E. Hébert,
Melvin Price,
L. Arends,
Alvin E. O'Konski,
W. Bray,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I may say that the Senate amended the House bill in some 15 respects. The House accepted all of those amendments save one, and that had to do with providing for men returing from Vietnam a trip to their home of record at Government expense.

The Senate eliminated this provision. We had a compromise in conference on this matter. Under the conference language, convalesent leave at Government expense would be authorized from the place of medical treatment in the continental United States to an approved place and return. The convalesence must have been in connection with an injury or illness which occurred while the member was eligible for hostile fire pay.

In effect, the compromise language provides that a man who was injured or who became ill while in Vietnam, and who was sent to a medical facility in the United States, could receive a free roundtrip to his home at Government expense. This provision would no longer be applicable in the event hostile fire pay was terminated.

I hope the conference report will be agreed to.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MORSE. The Senator from Georgia is to be highly complimented for handling the military pay bill. As he knows, I have always supported him with regard to a military pay bill. I do not think we are paying our military personnel enough, even under this bill, but it is a great improvement over the present pay. I will always be counted in support of paying our men in the military services what they ought to be receiving. That is why I would even vote for more. I think that is particularly true when we have a lot of men in service in a war in which we ought not to have been involved in the first place. We cannot pay them too much. Therefore, I am very glad to support the conference report.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JAVITS. We had a very rapid vote when the bill was before the Senate—and we should have had, except some of us did not know full well in advance it was going to take place then. So I am glad to add this endorsement to the finality of action. I think action on increased pay for our military men is long overdue.

Mr. RUSSELL. I thank the Senator.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF CERTAIN NAVAL VESSEL LOANS—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

Conference Report (H. Rept. No. 1016)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, three destroyers (Act of July 18, 1958 (72 Stat. 376)); (2) Brazil, two destroyers and two submarines (Act of July 18, 1958 (72 Stat. 376)); (3) Chile, two submarines and two destroyers (Act of July 18, 1958 (72 Stat. 376)); (4) Colombia, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (5) Federal Republic of Germany, one destroyer (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (6) Greece, one submarine (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)), two destroyers (Act of October 4, 1961 (75 Stat. 815)); (7) Korea, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended), one destroyer and one destroyer escort (Act of October 4, 1961 (75 Stat. 815)); (8) Portugal, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (9) Spain, two destroyers (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)).

"Sec. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provisions of law, the President may lend two destroyers to the Government of Korea and one destroyer to the Republic of China, in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistics support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1969.

"Sec. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Any agreement for a new loan or for the extension of a loan executed pursuant to this Act shall be subject to the condition that the agreement will be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

"Sec. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

"Sec. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes."

And the Senate agree to the same.

Richard B. Russell,
John C. Stennis,
Stuart Symington,
Henry Jackson,
Margaret Chase Smith,
Strom Thurmond,
Managers on the Part of the Senate.

L. Mendel Rivers,
F. Edward Hébert,
Melvin Price,
O. C. Fisher,
Leslie Arends,
Alvin E. O'Konski,
Bob Wilson,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, this was a unanimous report of the conferees, but I understand the Senator from Ohio [Mr. Young] desires to be heard. I never like to take advantage of a Senator, so I am perfectly willing to have this conference report go over until Monday. I do not think it is comparable to the bill providing increased pay for members of the military services.

I assume, Mr. President, under the circumstances it would be appropriate for this conference report to go over until Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, in response to the distinguished Senator from Oregon, I want to say that the bill presently before the Senate is not the identical bill originally favored by the administration. It has not been my contention that it is. The statements I have quoted were made before the Education Subcommittee in favor of the House-passed version of title III. They are valid arguments in favor of State control of title III funds. These arguments are not diminished because of the committee compromise. The committee compromise is merely an attempt to postpone State control. It is an attempt to retain a degree of Federal control over title III funds.

No one can say that this is a southern amendment. No one can say that this is an amendment that is being offered to accomplish anything other than to do just what the State superintendents of education in this Nation favor doing.

I repeat that the Council of Chief State School Officers favors State control. They feel that the State departments of education in each State can better determine how they can coordinate their programs for these funds than can the administration in Washington.

These funds are for grants for supplementary educational centers and services such as adult education, vocational guidance, foreign languages, night classes, and radio and TV.

Does it not stand to reason that the State department of education in each State can best determine where these centers should be put? Why should the Secretary of Health, Education, and Welfare or the Commissioner of Education in Washington go to the State of Wyoming, South Carolina, Oregon, or any other State and make these determinations?

Why should not the local people in the States—through State departments of education—make these determinations? After all, these are the sort of matters that should be determined by the State and local officials, rather than officials in Washington.

There is no question as to how the National Education Association has stood. Some of those proposing Federal aid to education have boasted repeatedly about how the Council of Chiefs of State School Officers stood on this question. They were glad, then, to quote them. They have boasted about how the National Education Association has stood. But now, when the position of those associations is adverse, it seems they are not willing to give much credence to what they say.

The National Association of State Boards of Education is another important organization. These are the three big educational associations in the Nation. All three of them recommend that we provide State control of the funds under title III, and not Federal control. Listen again to what the National Education Association says:

> In relation to title III of ESEA, we believe that the House amendment placing control of this program in the State education agencies is essential, and strongly urge that the Senate concur with the House on this matter. We have reviewed the arguments advanced by the distinguished Secretary of Health, Education, and Wefare for continuing Federal control on title III, but we believe that it is erroneous to presume that the employees of the Office of Education, on the advice of individuals they have selected, are more competent to decide which projects under title III should be funded than are the specialists of State education departments.

Mr. President, it is perfectly clear. I think any fairminded person would reach the conclusion as to these funds that are going to the States for special purposes, as I mentioned, such as the centers for foreign languages and vocational guidance, night classes, and radio and TV that the people in the United States would know better how to coordinate such matters into an effective total program.

Under the Senate version, here is what could happen: Under the Senate plan, the State would have control of one-third of the funds, and they could set up their programs, and then have the Federal Government in control of the other two-thirds, and we could have a duplicate system or contradictory systems.

To me, the funds should be controlled by the State department of education in each State. It certainly makes more sense that one agency—and that should be the State department of education in each of the respective States—should control this matter, rather than letting the State control one-third of the funds and the National Government the other two-thirds.

The distinguished Senator feels the

States are not equipped to do it. Which States are not equipped to do it? He admits his own State of Oregon is equipped to do it, and says they will do it effectively and do it well. I am sure every Senator feels his own State would do the same thing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. Mr. President, I hope the Senate will give careful consideration to this matter, and that Senators will approve the amendment that has been offered to permit State control rather than Federal control.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, first a few brief remarks about the pending amendment. I should like to point out that there is a policy of gradualism involved in the Senate version, which I sponsored, and I shall vote to support it. There was conflicting testimony on this question before our committee. The cities, generally speaking, wanted 100 percent Federal control of title III, while the States, generally speaking, wanted 100 percent State control. Other witnesses, such as the Farmers Union and the National Catholic Welfare Conference, asked for percentages in between these two extremes.

The States won the battle in the House of Representatives, but here in the Senate committee we decided to adopt an approach which had, indeed, been suggested by the distinguished commissioner of education of the State of New York, Hon. James Allen. His words will be found at page 1520 of the hearing record. He said:

> Permit the States to assume direct administrative responsibility for, let us say, 75% to 85% of Title III funds under an approved State plan.

And so on. Then he added:

> Phase in the responsibility of the States for direct administration under an approved State plan.

In short, it was the phasing-in idea which appealed to us as being the most valuable and the most practical.

I point out also that among other provisions not in the House bill and the Thurmond amendment, our Senate provision has a 15-percent set-aside for the handicapped. I think that is an extremely valuable thing, and a matter on which the Senate should rightly be extremely solicitous. Other Senate provisions not in the amendment include funds to the States for title III administration, requirements for maintenance of effort, evaluation, and inclusion of reservation Indians not at BIA schools.

So, Mr. President, I think our committee provision is the more conservative view here in the Senate. I did not prevail in the committee, with the suggestions I had in mind. I sought to have adopted the greater percentages for State control sought by the commissioner of education of New York. The committee had contrary views on that score, and the matter was finally compromised. I believe the Senate version to be the more judicious one, in terms of approach, and I hope and, indeed, believe that the Senate view will prevail with respect to this amendment.

IMPACT OF PUBLIC HOUSING ON EDUCATION

Mr. President, if I may have the attention of the Senator from Oregon, I have a little amendment here which I think he will accept without any problem, which relates to a study called for by the bill on the impact of this particular statute on children living in public housing.

Section 111 of the bill provides that the study is to be produced by January 10. Obviously, the bill having been caught in the toils of the legislative process until this late date, that study could not be accomplished by the January due date. Therefore, the amendment seeks to substitute for January 10 the date May 15.

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and my amendment considered out of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from New York [Mr. JAVITS] proposes the following amendment:

> On page 53, lines 11 and 12, delete "January 10, 1968" and substitute therefor "May 15, 1968".

Mr. JAVITS. Mr. President, section 111 of H.R. 7819 directs the Secretary of Health, Education, and Welfare to study the burden imposed on a local educational agency by the presence of low-rent public housing within the school district boundaries. We are amending this provision to stipulate that the study report must be submitted to the Congress by May 15, 1968.

As part 5 of the hearings reveals, the subcommittee received extensive testimony from representatives of school boards throughout the Nation favoring an amendment to the impacted school aid program which would provide an annual payment to eligible local school districts having public housing units. The Education Subcommittee postponed detailed consideration of this proposal and elected to retain in the bill the House-passed provision calling for a study. The May 15 reporting date will enable us to take action next year early in the session should we deem it advisable.

In most of the cities and communities where public housing projects are primarily concentrated, nearly all of the local tax revenue is derived from the property tax. The crux of the problem confronting local school boards is that public housing units do not pay any local taxes.

While the Federal public housing statute provides for a nominal payment to the community in which the public housing units are located, which is equivalent to 10 percent of the shelter rent, this small token payment is normally paid directly to the city government as general revenue without any stipulation that it be used for education. However, in most areas, local education is financed from a designated education tax and not from the general revenues for local government. Thus, the local costs of educating more than 1.5 million public housing children are for the most part borne by the rest of the property taxpayers in the community who pay the education tax levies.

Illustrative of the difficulty experienced is the case of New York City where the 10-percent payment in lieu of taxes in the amount of $3.6 million is paid directly into the general fund of the city of New York. No allocation of these funds is made directly to the education budget which must expend about $76.1 million in providing the instructional program for approximately 63,400 children residing in public housing projects. The cost of educating these public housing children in New York City is borne by their local property taxpaying neighbors.

The continued financial burden of bearing the total local cost of educating the concentrations of public housing children, many of whom require special educational services, is a major factor for the financial crisis which is rapidly developing in the central city school systems.

The reasons advanced by the school board proponents for computing the entitlement by public housing unit instead of by eligible child are several: First, this method is more convenient for measuring exact costs and for estimating future costs; and, second, it has been the experience—in New York City, Philadelphia, Chicago, and Detroit, for example—that some parents, especially among the poor, are reluctant to fill out the necessary forms which would qualify the local school district for Public Law 874 assistance and therefore the school district is unable to receive funds for children for which it is entitled. This method of computation would obviate this difficulty.

About one-fourth of the public housing units are located within the 14 largest cities. The remainder are located within the boundaries of smaller cities and rural communities.

The problem therefore, is by no means confined to the large cities of the country.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORSE. Mr. President, as manager of the bill, I accept the amendment.

The Senator from New York has already stated the reason for the amendment. Let me restate it, as manager of the bill.

The bill, as originally drafted, provided for a report from the Department, on the low-rent public housing aspects of the bill, by January 10, 1968. Of course, that date was determined early this year. It is now December. We expected this bill to be through Congress months ago.

Obviously, the Department cannot get the report in by January 10, 1968; therefore, we have agreed in the committee to accept the date of May 15, 1968, as set forth in the Senator's amendment.

I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JAVITS. Now, Mr. President, I ask unanimous consent that consideration of the Thurmond amendment be resumed.

The **PRESIDING OFFICER.** It recurs automatically.

Mr. JAVITS. I thank the Chair. I just wanted to be sure the Senator was not prejudiced.

Mr. MORSE. Mr. President, will the Senator yield long enough for me to call up some technical, corrective amendments?

Mr. JAVITS. Surely.

Mr. MORSE. Mr. President, I ask unanimous consent that the pending amendment again be temporarily set aside.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MORSE. I address myself to the acting majority leader.

I have a group of technical amendments here which I send to the desk. Members of the committee on both sides completely agree that these amendments should be agreed to. They do not go to substantive matters; they involve such things as inserting a comma after the word "opportunity," and so on—the typical technical amendments.

I send them to the desk, and ask for their immediate consideration.

The **PRESIDING OFFICER.** The amendments will be stated. The legislative clerk read as follows:

On page 61, line 11, insert a comma after "opportunities".

On page 65, line 18, strike out the semicolon and insert in lieu thereof ", and".

On page 114, line 8, strike out "813" and insert in lieu thereof "815".

On page 119, line 22, strike out "(a)".

On page 132, line 8, strike out "Section" and insert in lieu thereof "Sections".

Mr. MORSE. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The **PRESIDING OFFICER.** Without objection, the amendments are considered and agreed to en bloc.

Mr. MORSE. Mr. President, I send to the desk another technical amendment. I did not include it in the group which has just been considered and agreed to because this amendment calls for a paragraph explanation. I wanted to have it considered separately from the other technical amendments.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

On page 50, line 8, strike out "such" and insert in lieu thereof "the preceding fiscal".

Mr. MORSE. Mr. President, the present language requires the grants to be made on the basis of data collected during the year of the grant. This is physically impossible because it will take 6 months to collect the data from the States and make the necessary computations.

The original proposal was by the Senator from Colorado [Mr. DOMINICK]. He has noticed the need for the technical change, and has given clearance and authorized me to request that this technical change be made.

I urge the adoption of the amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

The amendment was agreed to.

SCHOOL BUS SAFETY

Mr. JAVITS. Mr. President, on another aspect of the bill, I have great pride in calling to the attention of the Senate the fact that school bus safety is for the first time being considered in this bill.

Mr. President, school bus safety has become an increasingly pressing problem as some 17 million youngsters travel each day on more than 200,000 school buses. The number of school bus passengers has increased 40 percent between 1960 and 1965; the accident rate, however, has increased 75 percent.

School bus safety standards throughout the Nation are spotty, substandard, and lax. The president of the Physicians for Automotive Safety has said that in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also observed that known safety measures that can be taken to safeguard young people in school vehicles are largely being ignored at the local level.

The American Academy of Pediatrics also is concerned and has called for strict standards of safety on school buses. I ask that an article from the July 2 New York Times detailing the academy's concern be included at this point in my remarks.

The **PRESIDING OFFICER.** Without objection, the article is ordered to be printed in the RECORD, as follows:

DOCTORS SEEKING SAFER SCHOOLBUS—PEDIATRICIANS CITE 75-PERCENT RISE IN INJURIES IN 5 YEARS

(By Donald Janson)

EVANSTON, ILL., July 1.—The American Academy of Pediatrics, citing a 75 per cent increase in injuries to school bus passengers in five years, called today for strict standards of safety on buses.

The biweekly academy newsletter published here urged that pediatricians become acquainted with school bus safety standards in their areas and seek to upgrade them where laxity prevails.

The academy called for installation of seat belts for all passengers, elimination of interior protrusions, provisions for at least four emergency exits in each bus and drills in their use and a ban on pupils standing while a bus is in motion.

It noted that 3,700 students were injured in school bus accidents in 1965, a 75 per cent increase over the total for 1960.

Dr. Seymour Charles, Newark pediatrician who is president of the two-year-old Physicians for Automotive Safety, said in a telephone interview that all the recent attention to automobile safety had neglected to consider school buses.

STANDARDS SOUGHT

"The Federal Government should promulgate standards," he said. "We hope to get the American Medical Association and parent-teacher associations involved, too."

At the A.M.A. convention in Atlantic City last week, his group, which has a membership of 400 doctors, called a news conference to report results of a state-by-state survey it had just completed.

"We feel it is imperative," the New Jersey pediatrician said, "that responsibilities at the state and local levels for the proper regulation and conduct of school transportation be met. Our work over the past few months shows clearly that apathy, ignorance and inaction prevail in this vital safety area."

Dr. Charles listed these "deeply disturbing" findings:

Thirty-five states have no maximum age limit for drivers, four permit an age of 70 and all others 65.

Only 18 states forbid pupils to stand in moving buses. Twelve allow unlimited standing.

Most states lack adequate education and training for bus drivers. Of nine permitting a minimum driver age of 16, only four require classroom instruction, though the National Education Association recommends 20 hours of such instruction plus refresher courses.

Dr. Charles called on the Federal Government to determine whether buses now in use have proper braking systems, whether color uniformity should be required for school buses nationally for greater safety and whether pay scales are adequate to attract qualified drivers.

OTHER QUESTIONS

He suggested that the Government might also ask:

Should qualified women be sought as drivers to provide a higher-caliber pool?

Should retread tires be prohibited? No state does so now.

Are all schools educating children properly in bus riding and street crossing procedures?

Should presence of an adult on buses be required so the driver is free to drive without also looking after the children?

Is the driver teaching by example with good driving techniques?

Is he required to use a seat belt so he can retain control of the bus in an accident?

Is the configuration of the driver area a hazard for pupils standing or seated near him?

Dr. Charles urged that school buses be redesigned to alter rails, struts, and other protrusions "that are death traps in a collision."

Research recently completed by the Institute of Transportation and Traffic Engineering at the University of California, Los Angeles, shows a need for more emergency exits, use of belts and safer design of frame, cab and seats.

But, the physician asserted, "our school systems are very slow to catch up with the painstaking research and study of vehicles and highway safety that continues across the land."

Mr. JAVITS. Mr. President, concern is indicated elsewhere, also. The National Safety Council has urged that some testing and research is desirable on school bus design and safety practices. And the Department of Health, Education, and Welfare indicated to me that demonstration projects and study are needed in this area which has long been neglected.

Mr. President, bearing upon the same issue, I ask unanimous consent that there be printed at this point in the RECORD an excerpt from a speech made by Dr. Samuel Halpern, the distinguished Deputy Assistant Secretary for Legislation of the Department of Health, Education, and Welfare, specifically urging that this kind of activity be undertaken.

The **PRESIDING OFFICER.** Without objection, the excerpt is ordered to be printed in the RECORD, as follows:

Not every industry endeavor has to harness the great technological and scientific breakthroughs of our time. Indeed, I suspect that some of the most useful—and profitable—contributions which industry might make will be in the mundane service areas of American education.

Purely as an example, we know that each day well over 17 million children are transported to school, either at public expense or through parental contributions. Yet, how much attention has been given to the design of a truly *educational vehicle* for the movement of children to and from school? How much thought has been given to the utilization of the millions of hours per year that are spent by children on the road? How much study has been given to the problem of physical safety from the accidents which each year claim several thousand casualties among our children riding school buses? In short, what can be done to make the unglamorous and unheralded area of school transportation a safer, more meaningful, more effective, and more exciting part of the contemporary educational scene?

Mr. JAVITS. Mr. President, I also call attention to the attitude of the National Education Association through its National Commission on Safety Education, which, under date of December 6, 1967, advised me of the urgent need of this kind of work, including also the selection, instruction, and supervision of schoolbus drivers.

Mr. President, I ask unanimous consent that the letter to which I have referred, from Mr. Norman Key, executive secretary of that association, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., December 6, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: May we take this opportunity to give you our views regarding the proposed Title VI—Demonstration Projects and Study for School Bus Safety—of H.R. 7819. In our judgment, the study and demonstration projects called for in Title VI would mark an important milestone in a continuing endeavor to assure the highest possible degree of safety in the nation's school transportation service.

As you undoubtedly know, nearly 17,000,000 boys and girls reach school daily by riding in more than 200,000 school buses. The degree of safety achieved to date is largely due to the continuous concern on the part of school officials, transportation supervisors, and the drivers of school buses themselves. State education agencies and other branches of State government, too, play important roles in maintaining efficient pupil transportation programs. However, the laws and regulations on school bus transportation vary among the states, as do the procedures and practices in the daily operation of the buses. There is remarkable uniformity in the design and construction of school buses, achieved on a completely voluntary basis by State education agencies having worked in concert with industry engineers over more than 25 years. The enclosed *Minimum Standards for School Buses* resulted from the 1964 conference of educators and engineers. Recent information coming to our office indicates that, for some twenty selected items relating to bus construction (including braking systems, protection of the drive shaft, construction and location of fuel tank, lamps and signals) about 70% of the states have adopted the national recommendations. This, of course, leaves 30% of the states operating differently, in some cases with less safe provisions than are desirable.

In the matter of drivers—the people in whose hands rests the heavy responsibility for safely transporting so many children—many variations exist among the states in the qualifications required, as well as in the instruction provided. Here, too, the states have voluntarily developed guidelines to help them do a better job, as shown in the enclosed report entitled, *Selection, Instruction, and Supervision of School Bus Drivers.* But all of the states could profit greatly from the outcomes of the nationwide study proposed in Title VI, especially the demonstration projects that would be a part of the endeavor.

The impetus that would stem from the proposed study and investigation of standards for the safe operation of school buses would greatly advance the welfare of children in all the states. It is difficult to conceive of a better way to achieve needed improvement in this vital educational service than to authorize the Secretary of Health, Education, and Welfare to conduct such a study and investigation.

The states need the stimulation that would come from the leadership of the Secretary of Health, Education, and Welfare in this area of school bus transportation. His cooperation with the Secretary of Transportation would enhance many aspects of the proposed study, especially those having to do with performance standards for the vehicles used as school buses. But since the transportation of pupils—not only to and from school, but also as a means of extending the vistas of boys and girls through educational field trips by school bus—is such an integral part of the total education enterprise it seems especially fitting that the Secretary of Health, Education, and Welfare conduct the proposed study and report the results, together with his recommendations, to the Congress.

On behalf of this Commission of the National Education Association, and of the state officials with whom we have long worked in the field of school bus transportation, I strongly support Title VI of H.R. 7819. If our office can be of assistance at any time in connection with efforts to improve the safety of school bus operations, please call upon us.

Sincerely,

NORMAN KEY,
Executive Secretary.

Mr. JAVITS. Mr. President, it is for all of these reasons that I sponsored the provision in H.R. 7819, section 601 authorizing the Secretary of Health, Education, and Welfare, in cooperation with the Secretary of Transportation, "to conduct or to make grants, contracts, or other arrangements for, first, a study and investigation in order to determine minimum safety standards for the operation of schoolbuses; and, second, demonstration projects for the purposes of such study." In addition, the Secretary of Health, Education, and Welfare is required to report the results of this study by January 31, 1969, together with recommendations for any legislation he deems advisable for the establishment of minimum safety standards for schoolbuses.

I had consulted with the Senate Committee on Commerce and, at their suggestion, had revised my amendment to eliminate any possible conflict with that committee's jurisdiction or any overlap with authority already established under the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89-563. While the Department of Transportation has authorized a $52,000 6-month study on schoolbus safety practices to be undertaken by the National Committee on Safety Education of the NEA, there seems to be little other effort in this area.

As our suburban population increases, more and more children will be utilizing schoolbuses. Their safety should be our first consideration.

Mr. President, the provision in this bill will therefore be the first major really effective effort to see what we can do in a legislative way about schoolbus safety.

I know of no more eloquent statement as to the importance of this effort now being really inaugurated in a major way in the Federal Establishment than the letter to which I have referred from the National Commission on Safety Education, which is now made a part of the RECORD.

CHAIRMAN OF THE FIRST NATIONAL CITY BANK OF NEW YORK WARNS THAT THE "DOLLAR IS AT BAY"

Mr. JAVITS. Mr. President, I call the attention of the Senate to a most important address by the chairman of the First National City Bank of New York, George S. Moore, at the 72d annual meeting of the National Association of Manufacturers, in which he described his views, as the executive head of the third largest bank in the United States, on the critical danger which we face now with respect to the international monetary situation rising out of the raid on gold, the threat to the dollar, the devaluation of the British pound. He expressed the strong feeling that many of us have in mind that action—domestically and in the international sphere—is essential and eminently required at this time. He urges that those steps be taken in the interest of our Nation and of the economic health of the world, and be taken without delay.

I commend the reading of this address to all of my colleagues.

I ask unanimous consent to have printed in the RECORD an article from the New York Times this morning concerning this address as well as the full text of Mr. Moore's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article and the address were ordered to be printed in the RECORD, as follows:

MOORE WARNS THAT "DOLLAR IS AT BAY"—GOLD LOSS OFFSET BY RESERVE'S MOVES—BANK CHIEF TELLS NAM, UNITED STATES IS FINANCIALLY "OVEREXTENDED"

(By H. Erich Heinemann)

The head of one of the nation's largest banks warned yesterday that the United States is "overextended" financially, and that the "dollar is at bay."

George S. Moore, chairman of the First National City Bank told the 72d annual meeting of the National Association of Manufacturers that the "mere threat" that the Government might impose direct controls on the foreign-exchange market might lead to a devaluation of the dollar.

In an unusually blunt talk to the businessmen gathered at the Waldorf-Astoria Hotel here, Mr. Moore said that in the wake of the devaluation of the British pound "the link between gold and the dollar has been brought into question."

"For the first time in a generation," Mr. Moore added, "the international financial community has seriously had to contemplate the possibility of a change in gold parities—or even of a suspension of the guaranteed convertibility of dollars into gold."

THIRD LARGEST BANK

The First National City Bank is the third largest in the nation—behind the Bank of America and Chase Manhattan Bank—but it is generally considered to be largest in terms of international operations.

If the price of gold were increased, this would amount to a devaluation of the dollar.

Mr. Moore said that he was "firmly" against an increase in the present United States gold price of $35 an ounce, which is the peg in terms of which most other currency values in the world are determined. But he added that "with price and wage inflation accelerating at the present rate, it is unrealistic for anyone to say that the price of gold is never going to rise above the price fixed in 1933."

Mr. Moore stated that he was equally opposed to direct controls "such as a moratorium on all foreign investment for balance of payments reasons, or a capital issues committee to control credit allocation."

"The end of this road, of course," Mr. Moore added, "is foreign exchange control by the United States." It would be "impossible" for this country to follow this course "with any hope of success," he stressed.

Mr. Moore said that "I don't think that the resources of the speculators are enough to challenge those of the central banks, which have reaffirmed their determination to maintain the $35 gold price."

"This could change," he continued, "if the mass of domestic and foreign investors and holders of dollars should become frightened at the prospect of United States foreign exchange control. It would generate speculative movements [of money] far beyond the resources of all the authorities."

Mr. Moore said that there were three reasons "why we are in trouble." He listed them, stating that:

The Federal Government's budget is "virtually out of control." There is "no present evidence," he added, "that we are going to do as much as should be done to bring our budget back near balance."

The deficit in the United States international balance of payments "has reached the critical stage," with the prospect that the deficit would be $3-billion this year and "even greater" next year.

"Our price stability is threatened," in part at least because the Federal Reserve has been pursuing too easy a credit policy.

The way out of the impasse, Mr. Moore said, should include higher taxes, reduced Government spending and tighter money. "This would reduce the dimensions of our balance of payments problem," Mr. Moore added, "and slow down price inflation, which will otherwise make our balance of payments problem worse in the future."

And, as a "technical matter," he stated, the requirement for a 25 per cent gold reserve against United States currency should be removed. "Our goal should be fully available to protect the position of the dollar internationally, as we have repeatedly stated to be our policy," he emphasized.

The Dollar at Bay

(Remarks of George S. Moore, chairman, First National City Bank, at N. A. M. Congress of American Industry, December 7, 1967)

I will devote my remarks today to the international monetary and economic problems which are so much in the headlines. These problems are unquestionably the most serious we have faced for a long time.

The plain fact is that the United States is over-extended today. Commitments made and policies adopted in the immediate postwar period, when conditions were very different from what they are today, need to be reviewed. Adjustments in programs, responsibilities and priorities are needed—by us and by our allies.

The most critical problem is the dollar/gold problem. The dollar is at bay. Unfortunately, this hits us at a time when the Federal budget is nearly out of control and when our price and wage stability is threatened. Fortunately, however, the basic productivity of the country and our technological leadership and managerial competence were never greater. These assets give us the strength to find a solution.

December 7th is an appropriate date for a reassessment. The events of an earlier December 7th—in 1941—ended any illusion that the United States could remain uninvolved in world affairs. It marked the beginning of our inevitable role of leadership. When the war ended, the United States was the only large power that was economically and physically intact. It was the sole source of military and economic strength. We measured up to our responsibilities by extending the hand of friendship not only to allies but to former enemies. Together we rebuilt the free world.

We did a good job. The institutions created and leadership provided were generally successful. We came through the postwar period without the depression which usually follows wartime inflation and dislocation. Unprecedented growth and stability have followed.

Politically, the postwar settlements were less successful. So-called temporary arrangements left us with a divided Europe and with mighty barriers to East-West trade and investments. These barriers are gradually eroding but will remain for our lifetime. The aftermath of the war led also to the rise of a second great Communist power in the far East—China.

Many lose sight of the fact that the situation has changed dramatically since these early postwar years. The changes underlie the U.S. problem today.

In the 1940's, Europe was the chief arena of East-West conflict. Until the Marshall plan succeeded, there was danger that much of Western Europe would fall under the sway of governments dominated by Communists. The Soviet military threat became real, as Russia quickly rebuilt its economic and military power by acquiring nuclear capability. This kept NATO strong and painted over the political differences developing among the allies. As Europe recovered and the Soviet threat receded, however, resentment over the dominant U.S. role began to develop in Europe. European countries began to pursue their separate national interests. In retrospect, this might have been foreseen. Arrangements might have been made to share leadership more broadly and to distribute responsibility for the welfare and defense of the free world more equitably. Secretary Rusk suggested this adjustment in NATO only this past weekend.

But this has not yet occurred. Today, the United States still finds itself expected to carry the major responsibility for defending and financing the free world. We are expected to support freedom in Southeast Asia (and to defend Berlin again if necessary) in the interest of the free world's security—and pay the check in blood and money. At the same time, any of our friends enjoy the privilege of criticizing our actions. This understandably concerns many of us. It raises the question of reassessing responsibilities.

Other changes in the postwar period also make this necessary.

1. Most important among them are the Common Market and the rapid economic progress of its members, as well as Japan's remarkable economic expansion. When I was in the Soviet Union four years ago, then-Deputy Premier Mikoyan asked me why the United States supported the common market which, he said, was aimed at the destruction of American economic supremacy. I replied that we were not fearful. We believed that Europe would continue to be our best customer and would become strong enough to share our growing worldwide responsibilities. I still think I was right.

2. Twenty years ago the vast colonial empires of European powers were still virtually intact. Today they are almost all dismantled, with former colonies independent politically but, generally speaking, not viable economically. This represents progress toward freedom and self-determination. However, real political independence is not possible without economic solvency. We still have the problem of underdevelopment, with the major burden now falling on the United States.

3. These developments, and the political imbalances they have created, have shifted the arena of East-West conflict from Europe to Southeast Asia, Africa and the Middle East. The danger of armed conflict in Europe between the United States and its allies and the Soviet Union has diminished to the point that NATO no longer commands the support it did a decade ago. The super powers have learned the need for caution in the nuclear age and seem determined to limit any conflict that could possibly result in direct military confrontation. On the other hand, the nuclear stalemate does not rule out taking sides in local conflicts where the great powers do not confront each other directly, as in Vietnam and the Middle East.

4. Another major development is the fragmentation of the monolithic Communist bloc, with open hostility between the two largest Communist powers. I am sure the hostility is real, but whether it will prove to be an asset to the United States remains to be seen. I fear not. For example, Russia and China are both helping North Vietnam against us.

5. Still another development, and a negative one, is that the vision of a real Atlantic community, encompassing not only military and economic cooperation but also close political ties, is fading. NATO is losing its steam, as I have said. British membership in the Common Market, bringing other EFTA countries with her as members or associates, looks a good way off.

6. Finally, as a result of all these and other changes, there has been a marked shift in international monetary relationships, reflected in the redistribution of reserves. At the end of the war, the United States had very nearly all the free world's gold. The dollar was the only freely convertible currency. Today, we hold only 30 per cent of the free world's gold.

Despite the problems to which I have referred, the free world has worked together harmoniously in many areas. The foundations of economic cooperation laid down in the postwar years are still basically sound. Because of these ties, political differences have been toned down, contrary to the experience after the First World War. The successful conclusion of the Kennedy round in achieving further major reductions in barriers to trade in industrial goods, and the international monetary agreement signed in Rio de Janeiro in September are two recent examples.

I know you have considered the Kennedy round at this conference. As one of the organizers of the Emergency Committee for American Trade, let me repeat that our committee is strongly opposed to the protectionist proposals which have flooded the Congress. If enacted, these would nullify the Kennedy round gains and result in retaliation. The whole path of postwar expansion, trade and production would be reversed to the detriment of everyone, particularly the United States.

I do not want to brush the subject under the rug. I recognize the problems of an American manufacturer with a $5.00 an hour labor bill. But I think the answer lies in directions other than quotas. For some, liberalization of the adjustment provisions of the Trade Expansion Act will help. The dumping provisions can be strengthened. A further increase in capital expenditures would help some industries which have lagged technologically. For basic industries such as steel, voluntary restraints by other exporting countries, negotiated by our Government—as happened in the case of textiles—may be a practical short-term answer. There is an urgent need to restrain wage increases which exceed productivity gains and thereby worsen the competitive position of American industry.

The Rio agreement, providing for the creation of special drawing rights, is also evidence of the cooperative will of the major financial powers. However, the plan won't become operative for some time, and cannot be expected to provide any material relief for the United States' present balance of payments problems. Nor will it solve the long-range capital problems of the developing countries. It is, nevertheless, a constructive mechanism which, if used cautiously, can add to world liquidity and facilitate the settlement of deficits. In no respect does this agreement reduce the need for every government to continue to exercise financial and fiscal discipline.

This past week the major industrialized countries reached preliminary agreement supporting the proposal that they grant prompt non-reciprocal preferences for products of developing countries—a significant step many of us have been recommending.

In spite of these favorable developments, the devaluation of sterling points up the fact that the free world is moving at an accelerated pace towards a major test of the durability of its postwar monetary structure. The United States leadership is also being tested.

You have had ample reports at these meetings on the strength of our economy. You members of the NAM are the hard core of our tremendous productive capacity and have contributed importantly to the economic and social progress we have made. There is still much to be done about our unsolved urban problems, and we are still grouping for better incentive oriented answers to our welfare problems. But there is no question that in terms of production, technology and business leadership, U.S. economic power is at an all-time high.

Also, our international balance sheet in terms of total foreign assets and total foreign liabilities was never stronger. A net surplus of assets over liabilities of about $50 billion (not including our gold). Our payments problems, as we know, is one of timing and liquidity. We have too many short-term foreign liabilities, whereas our foreign assets are largely long-term investments. They are producing a steady increase in profits, which are helping our balance of payments more every year.

With this positive background, one might ask why we are in trouble and what the problem is. It is threefold.

1. Our budget is virtually out of control, largely because of Vietnam but also because of mushrooming non-defense programs. By trying to do too much today, we are running a defict somewhere between $20 and $30 billion in this year. There is no present evidence that we are going to do as much as should be done to bring our budget back near balance.

2. Our balance of payments problem, which has plagued us for a decade, has reached the critical stage. Even after window-dressing transactions of at least $1 billion, which convert short-term liabilities into long-term liabilities, our defict this year will be in the neighborhood of $3 billion on a liquidity basis—almost double last year's. And there is every prospect that next year's deficit will be even greater.

Some people have been harboring the hope that a new monetary system would be invented which would eliminate the necessity for us to make both ends meet. This never was possible, but the illusion persists. That, plus our unwillingness to do the things that are necessary, have brought us to this sad state. Here again, the Vietnam war has aggravated the problem, and is probably responsible for at least half of the anticipated payments deficit.

3. Our price stability is threatened. Because of the necessities of financing the budget deficit, the federal reserve has adopted easier money policies than it would otherwise have pursued. This has produced a rapid increase in our money supply, which along with excessive cost pressures, is responsible for doubling the rate of inflation, and has added to our payments deficit. The result is that we are now threatened with loss of our price stability, which underlies the strength of the dollar. It perils our savings tradition—the foundation of our capital formation—which is essential to our growth.

Three weeks ago, sterling was devalued. People asked, "if it could happen to sterling, why not also to the dollar?" In the exchange markets, the dollar was on the floor. Speculators bought gold in unprecedented amounts, expecting or hoping that the price would rise. When it became clear that the United States, with the support of the principal central banks in Europe, would not countenance a change in the gold price and would keep the London gold market supplied, the pressure subsided.

Yet the effect of the sterling crisis continues. The link between gold and the dollar has been brought into question. For the first time in a generation, the international financial community has seriously had to contemplate the possibility of a change in gold parities—or even of a suspension of the guaranteed convertibility of dollars into gold.

No one knows what the consequences would be. Would the delicate fabric of international confidence in currencies—and especially in the dollar—on which the present system depends, survive? I do not know. But it seems probable that when the dust had settled, we would find that the currency systems of the world had been dealt a serious blow. Until we can depend on governments to impose on their countries the discipline of necessary monetary and fiscal restraint to provide stability, or until nations are willing to transfer their wealth to support the economic needs of their neighbors, it seems to me that the world's economic system needs the discipline of gold. I am not saying this millenium of a gold-free international monetary system won't come. In fact, the evolution of the dollar exchange system as it now operates represents progress in that direction. The IMF itself, the U.S. swap system, the group loan arrangements to support sterling, and now the proposed special drawing rights all provide gold-free means of settling international balance of payments differences. But the millenium isn't here today.

Now, what are the alternatives and which should we choose?

1. I have stood firmly with those who oppose an increase in the price of gold now as being unnecessary and undesirable. I have repeatedly said that to do so would merely pour gasoline on the fires of inflation. On the other hand, I would be less than honest if I did not point out that when men fail to act effectively, events have a way of making decisions such as this for us. (With price and wage inflation accelerating at the present rate, it is unrealistic for anyone to say that the price of gold is never going to rise above the price fixed in 1933, when industrial wages were $1 an hour. On the other hand, the biggest gold dealer in London says that as a raw material for industrial and decorative purposes, instead of monetary purposes gold is worth about $8 an ounce. What we really have is a horserace. Will progress in international monetary cooperation give us a gold-free monetary system before inflation makes the present gold price impossibly obsolete.)

2. A second course of action, which I dislike equally, is the direct control route. I have also stood equally firm against this alternative. We have already gone down the road some way with our interest equalization taxes and the voluntary programs on credit and foreign investment. In the past weeks, responsible people have suggested additional types of controls, such as a moratorium on all foreign investment for balance-of-payments reasons, or a capital issues committee to control credit allocation. Others have proposed limits on financial institutions lending through quantitative ceilings. As we know, bills have been proposed in Congress for import quotas. Labor unions have proposed price control and businessmen have advocated wage restraints. Others have suggested a tax or restraints on U.S. tourism abroad. The end of this road, of course, is foreign exchange control by the United States. The New York Times has proposed this twice in its recent editorials.

In my opinion, it is impossible for the world's greatest economic power to follow the control road with any hope of success.

Controls have always had a perverse effect, and always will have. Controls such as those proposed will obviously create a slowdown in world expansion. The mere threat of exchange controls would accelerate the flight of money from the United States and hasten the day when the price of gold would have to be revalued. I don't think the resources of the speculators are enough to challenge those of the central banks, which have reaffirmed their determination to maintain the $35 gold price. This could change if the mass of domestic and foreign investors and holders of dollars should become frightened at the prospect of U.S. foreign exchange control. It would generate speculative movements beyond the resources of all the authorities. This fact alone should be a conclusive argument against the direct control route. No one questions the fact that business and financial institutions must respond to our national needs. They have done this effectively under the voluntary balance-of-payments guidelines. But they have a right to expect leadership and equal response by the Government itself.

3. The third alternative, therefore, and the one I strongly advocate, is to use fiscal and monetary discipline to rebuild confidence. Our strength is great and it is not too late if we act promptly and decisively. This must be done in a reasonably free market framework if it is to be successful and lasting.

To sum up, in the domestic area:

1. The fiscal impasse must be promptly resolved by higher taxes and reduced spending.

2. This will make it possible for the monetary authorities to apply a firmer policy and slow down the expansion of our money supply.

3. This would reduce the dimensions of our balance-of-payments problem and slow down price inflation, which will otherwise make our balance-of-payments problem worse in the future.

4. Above all, we must avoid the temptation of further direct controls.

5. A technical matter, which we should correct promptly, is the removal of the gold reverse requirement against Federal Reserve notes. Our gold should be fully available to protect the position of the dollar internationally, as we have repeatedly stated to be our policy.

In the international field:

1. We must not permit protectionism to undermine the gains of the Kennedy round and reverse the expansion of world trade and production.

2. We must press more effectively for broader sharing of our worldwide political and economic burdens by both Europe and Japan, or reassess our long-range role to bring it within our capabilities.

If we follow this course, the dollar will no longer be at bay.

PROHIBITION OF CERTAIN BANKS AND SAVINGS AND LOAN ASSOCIATIONS FROM FOSTERING OR PARTICIPATING IN GAMBLING ACTIVITIES—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, a conference committee between the Senate and the House on H.R. 10595, a bill to prohibit federally insured financial institutions from selling lottery tickets, met yesterday and agreed upon a bill.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 8, 9, 12, 13, and 16; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(d) Nothing contained in this section prohibits a national bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment Numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment Numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a State member bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment Numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment Numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a State nonmember insured bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment Numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment Numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits an insured institution from accepting funds from, or performing any lawful services for, a State operating a lottery, or an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
EDMUND S. MUSKIE,
WALLACE F. BENNETT,
BOURKE HICKENLOOPER,
Managers on the Part of the Senate.
WRIGHT PATMAN,
ABE MULTER,
LEONOR K. SULLIVAN,
HENRY REUSS,
THOMAS L. ASHLEY,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, the bill originally passed by the House would have prohibited federally insured financial institutions from selling lottery tickets directly to the public. In addition, the House bill specifically prohibited banks from redeeming, collecting, keeping any books or records with respect to lottery tickets or otherwise handling in any way lottery tickets.

The prohibition with regard to the redeeming, collecting, bookkeeping and recordkeeping activities was deleted from the House bill by the Senate bill. That is these functions were still permitted by the bill. In addition, the Senate bill specifically authorized insured financial institutions to first, distribute lottery tickets to duly authorized sales agents; second, receive from such sales agents the proceeds of their sales for subsequent transfer to the State lottery; and third, pay off the winners of State lotteries.

I believe the conference committee has worked out a reasonable compromise between these two versions of the bill. The conference committee recommends the Senate amendment authorizing the distribution of lottery tickets to sales agents, the acceptance of the proceeds, and the payment of awards, be deleted. The conferees felt such authorization might go beyond existing legally authorized banking services. In its place the conference committee recommends language which simply indicates that nothing in the act prohibits a bank from accepting or cashing checks or handling negotiable instruments or otherwise performing any lawful banking service on behalf of the State lottery.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I violently opposed this bill and voted against it and brought about a rollcall vote, and I still oppose it. I shall oppose the conference report, although we all know it is water over the dam.

I should like to ask the Senator a question about the meaning of this particular provision—that is, the intent of this change.

As I understand it, the conferees were seeking to prevent the authorization from making lawful what might otherwise be unlawful. If, under Federal law or State law—in the case of New York State, it would be the State law—the services which have been specified in the Senate bill were lawful, then the banks would be able to carry them on within that State. If in another State those specified services were unlawful, the banks would not be able to carry them on.

I ask the question of the Senator because it is rather axiomatic in the law that if you change something from specific to general, it will be assumed that the change means more than it perhaps actually means, unless it is very clear what the change was really intended to do.

So I repeat: As I understand it, what the conferees were seeking to do was to prevent the authorization itself from making something lawful which within a given State was unlawful, but they were not intending to make unlawful something which in a given State was perfectly lawful because of this change of the specific to the general.

Mr. PROXMIRE. The Senator from New York is absolutely correct. The banks can do anything authorized by law.

I should make it clear that the banks cannot sell lottery tickets at retail to the public.

Mr. JAVITS. Of course.

Mr. PROXMIRE. But they can do anything that is permitted by law, with that clear and specific exemption.

Mr. JAVITS. I thank the Senator.

Mr. PROXMIRE. In other words, the

intent of the recommendations of the conference committee is to permit banks and savings and loan associations to perform for lotteries any services presently authorized under law. Nothing in the legislative history should be construed otherwise.

The conference committee also recommends the House prohibitions with respect to the collection or redemption of lottery tickets be included in the bill. It was originally feared that such language could have been construed as prohibiting the acceptance of checks or deposits from lotteries. The Senate Banking Committee therefore deleted the two words from the bill. Since specific language is recommended by the conference committee which makes it clear that banks can provide check-cashing or other legally authorized services, such a restrictive interpretation is no longer possible. The conference committee therefore recommends the House position be agreed to.

The House agrees to the Senate amendment which deleted the prohibition with respect to performing bookkeeping or recordkeeping services. It is the intent of the conference committee that such services should not be prohibited to State lotteries to the extent that such services are otherwise authorized by law.

Mr. President, I believe the recommendations of the conference committee are reasonable recommendations and should be adopted by the Senate. As the final bill now stands, banks and savings and loan associations would be specifically prohibited from selling lottery tickets directly to the public. All other services presently authorized by law could be performed on behalf of the lottery. I am hopeful the Senate will concur in the recommendations of the conference committee and recommend the passage of H.R. 10595.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield

Mr. McINTYRE. Mr. President, first I should like to express my thanks and the thanks of the State of New Hampshire to the distinguished Senator from Wisconsin and the other Senate conferees who have maintained the spirit of the Senate amendments in conference.

I have a question about the significance of one of the changes made in conference, and I should like to direct a question to the manager of the bill, Senator PROXMIRE.

The bill as passed by the Senate would have permitted banks to "collect" lottery tickets. As reported by the conferees, the bill prohibits the collection of lottery tickets.

However, the conferees have added a new section which permits banks to perform "lawful banking services" for State-operated lotteries. This would seem to qualify the earlier prohibitions.

As the Senator knows, one of the lawful banking services traditionally provided by banks and trust companies is the provision of safe deposit and safekeeping facilities. In the State of New Hampshire, State employees are used to collect lottery tickets from sales agents. These tickets are then stored in a local bank and are ultimately transferred to a central bank. The banks themselves do not collect the tickets from purchasers, but simply store those tickets presented to them by State employees.

My question is: Will this practice remain lawful under the bill reported by the conference committee?

Mr. PROXMIRE. As I understand, the tickets would be stored, for example, in safe deposit boxes.

Mr. McINTYRE. Or similar repositories.

Mr. PROXMIRE. Certainly, I think that would be a function of the bank which would be legal and would be permissible under the bill as I interpret it.

Mr. McINTYRE. I am glad to hear the Senator from Wisconsin say that, because that was my impression yesterday, when I was present at the conference for a brief period of time—that this is what they wanted to do; that anything that was lawful for the banks to do, they could continue to do.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have the statement of the managers on the part of the House printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill prohibited national banks, State member banks, State nonmember insured banks, and insured savings and loan associations from selling, keeping any records or books for the State lottery or its agents or from redeeming, collecting, keeping any books or records with respect to or otherwise handling in any way lottery tickets or transactions associated with lottery tickets.

Under the amendments agreed to by the conferees, the prohibition against bookkeeping and recordkeeping was deleted, and a provision was added to make clear the intention not to prohibit the acceptance of deposits and the performance of other lawful banking services.

No inference is to be drawn of any legislative intention to grant banks or other financial institutions any authority which they would not possess in the absence of this legislation. As there are cases currently pending in the courts in which the legal power of national banks to engage in certain activities is at issue, neither the report filed herewith nor this statement is to be construed as evidence of any legislative intention to express approval or disapproval of the legality of any practice or activity carried on by financial institutions, other than that which is specifically prohibited under this legislation.

Mr. PROXMIRE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, as a reminder, the Senate will adjourn until 10 o'clock on Monday next; and, under the unanimous-consent request of the distinguished majority leader, which was agreed to by the Senate, the consideration of the Thurmond amendment will be resumed at 11 a.m., and the time between 11 and 11:10 will be evenly divided and controlled by the Senator from South Carolina [Mr. THURMOND] and the Senator from Oregon [Mr. MORSE]. The vote on the Thurmond amendment will occur at 11:10 a.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 47 minutes p.m.) the Senate adjourned until Monday, December 11, 1967, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 8, 1967:

THE JUDICIARY

George I. Cline, of Kentucky, to be U.S. attorney for the eastern district of Kentucky for the term of 4 years. (Reappointment.)

IN THE NAVY

Vice Adm. Bernard A. Clarey, U.S. Navy, to be Vice Chief of Naval Operations in the Department of the Navy under the provisions of title 10, United States Code, section 5085.

Having designated, under the provisions of title 10, United States Code, section 5231, Vice Adm. Bernard A. Clarey, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of admiral while so serving.

Adm. Charles D. Griffin, U.S. Navy, when retired, for appointment to the grade of admiral pursuant to title 10, United States Code, section 5233.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

June M. Turnipseed, of Mathews, Ala., in place of E. P. Gowan, removed.

CALIFORNIA

Floyd D. Ziegler, of Orangevale, Calif., in place of M. W. Bost, retired.

Donald Risso, San Bruno, Calif., in place of F. C. Fisher, deceased.

COLORADO

Ernest C. Rieder, of Johnstown, Colo., in place of C. L. Dunn, retired.

INDIANA

Anna P. Beeson, of Losantville, Ind., in place of L. B. Cory, retired.

KENTUCKY

Anna L. Justice, of Mouthcard, Ky., in place of Wade Williams, deceased.

LOUISIANA

William W. Pares, Jr., of Gretna, La., in place of W. G. Rhodes, retired.

MARYLAND

Francis E. Bost, of Lanham, Md., in place of G. S. Chapman, retired.

MASSACHUSETTS

Dorothea A. Miller, of Glendale, Mass., in place of H. A. Miller, retired.

MISSOURI

Robert E. Erwin, of Greentop, Mo., in place of K. W. Alexander, transferred.

NEW YORK

Adolph C. Bassanello, of Akron, N.Y., in place of E. C. Laughlin, retired.

George R. Sloane, of Bainbridge, N.Y., in place of W. L. Hitchcock, retired.

Leo J. Moran, of Oakdale, N.Y., in place of F. G. Van Emmerik, retired.

Margaret A. Kinney, of Sylvan Beach, N.Y., in place of R. M. Yahnke, declined.

OHIO

Virgil H. Fritz, of Port Clinton, Ohio, in place of V. C. Von Thron, retired.

OREGON

Leslie E. Packard, of Albany, Oreg., in place of T. O. Palmer, deceased.

TEXAS

Clarence J. Rehm, of Hallettsville, Tex., in place of S. S. Devall, retired.

WASHINGTON

Lloyd I. Larson, of Peshastin, Wash., in place of H. A. Smithson, Jr., resigned.

WISCONSIN

Reuben Vandenbush, of Oconto Falls, Wis., in place of E. W. Plain, retired.

Melvin C. Paulson, of Prairie Farm, Wis., in place of P. G. Pederson, retired.

CALIFORNIA

Geraldine M. Glassgow, of Butte City, Calif., in place of A. J. Clay, resigned.

William J. Ingle, of Wilmington, Calif., in place of B. T. Murphy, retired.

ILLINOIS

Loretta M. Cassidy, of La Moille, Ill., in place of Fern Conard, retired.

Edward W. Hanlon, of Libertyville, Ill., in place of R. A. Kennedy, deceased.

Robert W. Long, of New Berlin, Ill., in place of R. J. White, retired.

MAINE

Harlan E. Dustin, of Oakland, Maine, in place of S. C. Marshall, deceased.

MASSACHUSETTS

Edward F. King, of Ashburnham, Mass., in place of J. L. Mack, retired.

Jean A. Collins, of Sagamore Beach, Mass., in place of V. E. O'Toole, retired.

MICHIGAN

Timothy M. Sheridan, of Fairgrove, Mich., in place of B. C. Wright, retired.

NEW YORK

Russell L. DeWaters, of Elbridge, N.Y., in place of E. B. Wright, retired.

OHIO

Berl R. Weimer, of Rudolph, Ohio, in place of H. M. McGuire, retired.

PENNSYLVANIA

George R. Brindle, of Chambersburg, Pa., in place of H. W. Harrison, retired.

William J. Palkovits, of Northampton, Pa., in place of R. E. Bartholomew, retired.

SOUTH CAROLINA

Daniel L. Koth, of Beaufort, S.C., in place of S. M. Hollins, retired.

SOUTH DAKOTA

Donald W. Elliott, of Columbia, S. Dak., in place of N. A. Boatman, retired.

TENNESSEE

Charles H. Kreis, of Lancing, Tenn., in place of M. E. Pemberton, retired.

TEXAS

Margrette M. Alford, of May, Tex., in place of Geneva Michael, retired.

Charles C. Franklin, of Mount Pleasant, Tex., in place of J. H. Johnson, Jr., resigned.

WEST VIRGINIA

James R. Beavers, of Pineville, W. Va., in place of B. R. Hill, deceased.

WISCONSIN

James P. Hillyer, of Necedah, Wis., in place of W. H. Taft, retired.

Boyd Brown, of Rewey, Wis., in place of L. M. Gibbon, retired.

HOUSE OF REPRESENTATIVES

FRIDAY, DECEMBER 8, 1967

H.R. 6167—CONFERENCE REPORT

Pursuant to an order of the House on Wednesday, December 6, 1967, Mr. Rivers submitted a conference report and statement on the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes.

H.R. 13510—CONFERENCE REPORT

Pursuant to an order of the House on Wednesday, December 6, 1967, Mr. Rivers submitted a conference report and statement on the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes.

SENATE

MONDAY, DECEMBER 11, 1967

The Senate met at 10 a.m., and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

Msgr. William J. Awalt, pastor, St. Peter's Church, Washington, D.C., offered the following prayer:

O God, our Father, we thank You at the beginning of this new week for the opportunity of being of service to the people whom we represent. In so doing we are mindful that in serving them for Your sake we are serving You who through Your Son have identified yourself with even the least of the brethren.

While we ask Your blessing on our work, our petition is not so much that we ask You to bless what we decide as we ask Your guidance in our decisions. We ask You not so much to ratify what we have done as to guide us in the doing so that we can truly say "Thy will be done."

With gratitude we accept the freedom that You have given us to work out our destiny. With confidence in You we accept the responsibility that through the course of human events You have laid on our shoulders. Since You allow us to do so much for the human condition that has eternal repercussions, be with us in Your guidance and strength today and throughout our lives. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 11, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 8, 1967, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar to consider Calendars Nos. 894 and 895.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSIT DEVELOPMENT PROGRAM FOR THE DISTRICT OF COLUMBIA

The bill (H.R. 11395) to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 910), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to amend the National Capital Transportation Act of 1965 (79 Stat. 663), which authorized the National Capital Transportation Agency to provide for the establishment of the system of rail rapid transit lines and related facilities described in the Agency's report entitled "Rail Rapid Transit for the Nation's Capital, January 1965."

The bill would modify the physical system described in the Agency's 1965 report to authorize establishment of a subway rail rapid transit line through the Federal Triangle and southwest section of the District of Columbia to serve the burgeoning public and private building complex south of Independence Avenue, and deletion of the presently authorized Columbia Heights route in the north-central section of the District of Columbia.

BACKGROUND OF THE LEGISLATION

The National Capital Transportation Agency (hereinafter referred to as "NCTA") was established by the National Capital Transportation Act of 1960 (74 Stat. 537), which requires, in section 204(a), that the Agency shall prepare and may from time to time revise a transit development program for the transportation of persons within the National Capital region. Section 204(c) of the 1960 act provides that no part of the program may be carried out until expressly authorized by the Congress.

Pursuant to recommendations contained in the NCTA report of January 1965, entitled "Rail Rapid Transit for the Nation's Capital," Congress in the National Capital Transportation Act of 1965 (79 Stat. 663), authorized the prosecution of a transit development program for the National Capital region, consisting of a basic 25-mile system of rail rapid transit lines, stations, and related facilities.

The Washington Metropolitan Area Transit Authority (hereinafter referred to as "WMATA") succeeded to the functions of the National Capital Transportation Agency on October 1, 1967, pursuant to Public Law 89-774 (80 Stat. 1324), in which Congress granted its consent for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital region. The WMATA's functions include continuing the development of the facilities authorized by the act of 1965.

After the present program was approved on September 8, 1965, NCTA moved forward with the general engineering and architectural work on the authorized system. Its activities included a continuing evaluation of the system in terms of its ability to distribute passengers where they want to go downtown, its operating efficiency, and its revenue potential.

Congress has each year appropriated funds to the NCTA for its operations, including funds to permit the start of engineering and other work preliminary to actual construction.

Contracts have been negotiated with general engineering consultants and with architects to press ahead with the work to be done before detailed design and actual construction could be undertaken. A comprehensive program of soil testing to obtain information about subsurface conditions essential to subway design has been underway for more than a year.

NCTA recently announced it had completed, in a span of only 18 months, the aerial mapping, the baseline control surveys, and the general plans—with the definitive calculated alinements and profiles—for those routes scheduled for early construction. In addition, directive drawings, design criteria, and standard construction specifications are complete.

Also it announced its oils consultant had completed the current drilling program with respect to all elements of the system not involved in the proposed changes, and that subsurface conditions in Washington are acceptable for subway construction. Four hundred and forty test holes have been drilled, and a test pit deep beneath Lafayette Park was opened. The finding is that water conditions are acceptable, that generally an alluvial soil exists, and that in some parts of the city excellent rock will be of advantage during construction.

Since its assumption of responsibility for the program on October 1, 1967, WMATA has entered into two contracts for final design of sections of the authorized system not involved in the modifications recommended in the proposed legislation.

PROPOSED MODIFICATIONS REFLECT NEW TRAFFIC STUDIES

The modifications proposed by H.R. 11395 are the result of additional traffic studies and surveys covering the authorized system undertaken by NCTA. This further study resulted from concerns expressed in 1966 by the chairman and members of the House Appropriations Subcommittee on Interior and Related Agencies whether certain patronage estimates previously developed for the transit system were sufficiently current and whether adequately sophisticated techniques had been applied. The subcommittee requested further traffic studies by outside experts. As a result, under contract with NCTA, a comprehensive up-to-date traffic study of the authorized system has been conducted by a well-known firm of professional transportation engineers and planners experienced in highway, transit and city planning, and in traffic analysis and forecasting. The results of that study have been provided the committee, and are reflected in the NCTA report accompanying the present legislation entitled "Revised Transit Development Program for the Nation's Capital 1967."

THE RECOMMENDED MODIFICATIONS

Growth in Southwest Washington

The new traffic study shows that downtown traffic congestion in Washington would not be alleviated by the authorized system to the extent previously expected. The employment center in Southwest Washington proved to be a major generator of greatly increased rapid transit patronage. The study found that large numbers would ride the rail system to G Street NW. and then transfer to buses to complete their travel to the Southwest employment area. During the peak hour, at the 12th and G Street station, 70 buses would be required, and at Eighth and G Street 50 buses would be needed, to handle transfer traffic. The result would be more street traffic congestion downtown instead of less. Also, the division of transit fares between the rail system and the bus company would be greater than was anticipated by earlier studies and would reduce rail transit revenues.

Since the present basic rapid rail transit system was authorized in 1965, Southwest Washington between Capitol Hill and 12th Street SW. has been experiencing a dramatic change, and is fast becoming the major center of Federal employment in the District of Columbia.

This has been brought about by the extensive building program in Southwest Washington—a program that includes both Government buildings and private development which will include office buildings, stores, and a new hotel. In addition to the Federal departments and agencies already located there (the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Transportation, NASA, and others), the major new Government establishments in the area are the new Forrestal Building, which is expected to amount to a downtown version of the Pentagon, and the huge new headquarters of the Department of Housing and Urban Development. An extensive employment population explosion is already evident there, brought about by the establishment of the Department of Transportation whose employees now spill over into half dozen office buildings in Southwest occupied by NASA, HEW, and USIA. These are but a few of the Government agencies which will eventually be housed south of the Mall.

The present and projected employment figures for the Southwest Mall area illustrate the great change that is taking place there.

SOUTH MALL EMPLOYMENT

	Existing (1967)	Projected (1980)
Federal:		
Agriculture	9,700	11,000
Housing and Urban Development	----------	5,600
Health, Education, and Welfare	8,500	17,000
Department of Defense	----------	6,400
Department of Transportation	----------	9,000
Treasury	4,200	3,800
Smithsonian Institute	900	1,000
National Aeronautics and Space Administration	2,400	2,400
Miscellaneous and other	7,800	12,300
Total	33,500	68,500
Private	1,200	18,800
Total	35,000	87,000

Prior to 1965, planning for the basic subway system was predicated on employment estimates of the National Capital Planning Commission that in 1980 there would be 46,000 jobs located in the Southwest area. Since then, the forecast has changed radically. By 1971 an estimated 85,000 workers will be traveling to and from their employment in Southwest. The area's downtown daytime population will exceed the downtown populations in cities such as Seattle, Pittsburgh, and Baltimore.

Street traffic congestion is already severe in Southwest Washington, especially during rush hours. Much of the parking area that was available when the present basic system was authorized has disappeared. Street congestion is expected to be such a problem that in one report by traffic consultants the General Services Administration has been advised to delay a part of its public building program in Southwest until the subway rapid transit service is in operation within the area. The Advisory Committee on Federal Buildings in the National Capital region has unanimously endorsed the recommended Southwest alinement, and urges its construction as part of the basic system at the earliest possible date.

Modification No. 1—Southwest route

To meet the mass transit requirements of the Southwest employment area, both NCTA and its successor agency the WMATA recommend that the rapid rail system approved in the 1965 act be revised to include service to the area south of the Mall between Capitol Hill and 12th Street SW., as follows: by continuing the presently authorized Benning route in subway, from Pennsylvania Avenue and D Street SE., west beneath D Street to the vicinity of 12th Street SW., thence north along 12th Street to the vicinity of I Street NW., thence west along I Street NW., to a point where the line would connect with and become part of the already authorized Pentagon route. The new alinement would include stations in the vicinity of the Capitol, Fourth and D Streets SW., Seventh and D Street SW., 12th Street and Independence Avenue SW., at the Federal Triangle along 12th Street NW., and at 15th and I Streets NW.[1]

Modification No. 1 is not a new proposal. That Washington's Rail Rapid Transit System must include service to Southwest Washington has long been recognized. Such a rail rapid transit line—on a route alinement very similar to the present recommendation—was an integral part of the regional rapid rail transit system proposed in NCTA's November 1962 report to the President "Recommendations for Transportation in the National Capital Region." The Mass Transportation Survey report and plan published in 1959 by the National Capital Planning Commission and the National Capital Regional Planning Council also recommended rail rapid transit service to 12th Street and Independence Avenue SW.

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[1] For maps see NCTA report "Revised Transit Development Program for the Nation's Capital, 1967" at pages 14–15, infra.

Modification No. 2—deletion of Columbia Heights route

The presently authorized Columbia Heights route is a branch line extending from a junction with the Connecticut Avenue route at Columbia Road NW. into north-central Washington to Georgia and New Hampshire Avenues NW. The recent traffic study raises serious questions concerning the economic justification of the line. The traffic data collected show it to be the weakest route in the system—producing less than one-half the passenger volume originally forecasted. Estimates developed by the study show that the line will produce only 3,100 passengers in its peak hour, instead of the 6,700 predicted previously. This is far less than the projections for the other routes of the system. Peak-hour estimates for the Connecticut Avenue, Benning, and Silver Spring lines are 6,900, 17,000, and 19,000 respectively.

This disparity between the Columbia Heights branch and the other routes is even more marked in the 24-hour estimates as shown in the following table submitted to the committee.

TABLE 12-A.—ESTIMATED 1980 TOTAL, 24-HOUR MAXIMUM LOAD POINTS AND VOLUMES, AUTHORIZED SYSTEM

Route	Location	Peak hour volume			Total 24-hour volume[1]
		Inbound	Outbound	Total	
Downtown subway	Between Judiciary Sq. and 8th and G	31,900	6,500	38,400	225,000
B. & O., Silver Spring	Between Union Station and Judiciary Sq	19,000	3,200	22,200	126,300
Connecticut	Between Calvert and Florida	6,900	2,600	9,500	66,000
Columbia Heights	Between Belmont and Florida	3,100	700	3,900	25,700
Connecticut and Columbia Heights	Between Connecticut and 12th and G and K	9,100	8,700	17,800	109,800
Benning	Between Capitol and Judiciary Sq	17,100	4,800	21,800	128,200
Pentagon	Between 18th and H and 12th and G	8,400	10,500	18,900	113,800

[1] Inbound plus outbound.

Note: Figures may not total due to rounding.

According to WMATA, this volume of 3,100 peak-hour passengers from Columbia Heights does not justify rail rapid transit in that area and does not justify the expenditure of $56.5 million, the estimated construction cost of the line. The studies show that trains from Columbia Heights would carry very few passengers as compared with trains from Connecticut Avenue, Benning, Silver Spring, or from Virginia, and that actually many of the trains from Columbia Heights would be operating almost empty as compared with loaded trains from these other points.

In addition, the WMATA testified that there is another reason why the Columbia Heights branch line should not be built. In the Authority's view, the needs of north-central Washington, including the Shaw Urban Renewal Area, would be better and more efficiently served by the construction of an independent subway route extending into Maryland in the Seventh Street traffic corridor of the city. Such a route has been proposed as part of an expanded regional rail system. The committee was informed that to build the Columbia Heights line would be to foreclose this more desirable route.

During the hearing on the bill, held November 15, 1967, concern was voiced by residents of Columbia Heights and by representatives of a number of civic, citizen, and business organizations in that part of the city that deletion of this branch line would deny their area adequate transit service, aggravate the problems confronting low-income residents in getting to and from their work, and because the lack of a subway line might impair such citizens access to employment opportunities elsewhere, both in Washington and in Maryland and Virginia. Concern also exists because of a feeling in some quarters that the midcity route favored by the Transit Authority may not materialize.

These expressions of concern have been carefully considered. In the committee's view, however, the alinement selected for a major facility such as a subway route must be such that it will provide the most efficient possible service to the maximum number of people. Subways must be designed for trunk line service, not neighborhood service. While walk-on traffic from close by neighborhoods can be a meaningful factor, the bulk of the patronage needed to support such facilities must be delivered to the rail lines by feeder buses coordinated with the rail transit schedules. Washington's rail transit system, like systems elsewhere, anticipates that most of its patrons will ride buses a short distance to a rail station and transfer to the subway for rapid movement throughout the region.

Testimony before the committee by the Transit Authority and by Mr. Walter J. McCarter, the former Administrator of the NCTA—a recognized expert and longtime leader in the public transportation industry—was that the Columbia Heights section of the city can and should be served efficiently and economically by bus transit. Transfer to the subway would be available at Dupont Circle and on Connecticut Avenue above Rock Creek Park.

The Transit Authority is now in the process of formulating a plan calling for additions to the basic subway system. On October 20, 1967, the Authority approved, as part of its preliminary proposal for a regional system, an independent midcity line that would be located in the corridor of Seventh Street NW., to serve north-central Washington, and extending into Maryland. Public hearings on this and other aspects of the plan are to begin early in the new year. The judgment of the Authority's representative, expressed to the committee, is that this midcity line will be part of the approved regional system. Also, the committee understands that given the necessary approvals and funding construction would be possible concurrently with other elements of the basic system.

Since the proposed midcity subway will serve the transit needs of most of north-central Washington, and because its construction would be foreclosed if the Columbia Heights branch were built—a branch route which the record shows is not economically justifiable—the judgment of the committee is that the Columbia Heights route should be deleted from the authorized system.

At the same time, the committee wants to make clear its concern that deletion of the Columbia Heights branch leaves the subway system deficient in the service it will provide for the lower income segments of the population in the District. Action must be taken by the Transit Authority to obtain the approval and commencement of construction of an independent midcity subway route serving north-central Washington at the earliest possible time. The committee expects the Authority to take whatever steps are required to fill this need without delay, and hopes that construction of such a line will be approved and undertaken concurrently with other elements of the transit system.

FINANCING THE MODIFICATIONS

The NCTA report and the WMATA estimate that at current prices it will cost $98 million to construct the proposed Southwest addition. The cost of the Columbia Heights branch would be an estimated $56.5 million. Given deletion of Columbia Heights, the proposed changes will result in a net increase in the estimated cost of the basic subway amounting to $41.5 million.

According to the evidence presented to the committee, the operating costs of the modified system will not be significantly different from those of the presently authorized system. The recent traffic studies show that compared with the present system, in 1980, the modified system will attract an estimated 12,000 more riders than the authorized system during the peak hour, about 70,000 more riders daily, and some 22,300,000 riders annually.

The WMATA estimates that in 1980 the increased patronage on the modified system would produce additional net annual revenue—after operating costs and payment for feeder buses—of approximately $3.5 million. Applied to bond debt service expense and assuming an interest rate of 5½ percent per annum, such added annual revenue would be sufficient to fund $55 million of added capital costs over a 40-year period.

The Authority testified that this amount of additional revenue would more than cover the increase in capital costs which would result from the recommended modifications.

The total estimated capital cost of constructing the system originally authorized by Congress in 1965 was $431 million, exclusive of interest requirements, financed as follows:

Source of funds

[In millions]

Federal contribution	$100.0
District of Columbia contribution	50.0
Public sale of revenue bonds	281.0
Total	431.0
Estimated additional cost of modified system	41.5
Total cost (exclusive of escalation)	472.5

No additional Federal or District of Columbia funds are authorized by the bill. The 1965 act authorized only partial funding of the approved basic system—$100 million in Federal appropriations and $50 million of District of Columbia funds. That act, and the legislative history of the transit development program contemplates that the new Transit Authority will develop plans and arrangements to finance the balance of the cost of both the basic transit system and regional extensions of that system. Thus, a present approval of the route alinement proposed by this bill is consistent with the Congress' prior action respecting financial arrangements for the transit development program.

ENDORSEMENT OF PROPOSED REVISIONS

Before this proposed legislation was submitted to the Congress for consideration, the revised program was studied and approved by 21 governing, regulatory, and planning bodies and other organizations in the National Capital region—practically all the agencies affected.

This action was taken as required by section 204(d) of the National Capital Transportation Act of 1960, and the National Capital Transportation Agency transmitted a draft copy of the Revised Transit Development Program, 1967, report for review and comment to the various governing bodies, regulatory bodies, regional organizations, private transit companies and unions representing their employees, and others specified in that section of the act.

Following is a list of those endorsing the modified transit system:

Local governing bodies: District of Columbia Commissioners, Montgomery County (Md.) Council, Prince Georges County (Md.) Commissioners, Arlington County (Va.) Board, Fairfax County (Va.) Board of Supervisors, Loudoun County (Va.) Board of Supervisors, City of Alexandria (Va.) Mayor, Falls Church (Va.) City Council.

Regulatory body: Washington Metropolitan Area Transit Commission.

Planning bodies: Washington Metropolitan Area Transit Authority, Washington Suburban Transit Commission, Northern Virginia Transportation Commission, National Capital Planning Commission, Council of Government, Northern Virginia Regional Planning Commission, Maryland National Capital Park and Planning Commission, Federal City Council, National Capital Regional Transportation Planning Board.

Transit companies: D.C. Transit Systems, Inc.; Washington, Virginia and Maryland Coach Co., Inc.

Union: Amalgamated Transit Union (Local 689).

Further, the proposed modification to add the line to serve Southwest Washington has the strong support of two committees within the executive branch of the Government having clear interests and responsibilities on which the modifications bear significantly.

One of these, the Southwest Area Transportation Committee, consists of the Secretary of the Department of Transportation, the Secretary of the Department of Housing and Urban Development, the Administrator of General Services, and representatives of the Department of Defense, Department of the Treasury, the National Aeronautics and Space Agency, the Smithsonian Institution, and various official organizations having cognizance of planning, traffic movement, and related matters on behalf of the District of Columbia, and the Federal Government.

The other committee, the Advisory Committee on Federal Buildings in the National Capital Region, was created at the direction of the President early in 1966 and consists of the Administrator of General Services as Chairman; the Assistant Secretary of Defense (Administration); until October 1 the Administrator of the National Capital Transportation Agency; and until November 9, the Engineer Commissioner, District of Columbia Government.

That committee, charged with responsibility for developing and maintaining current and long-range plans for the provision of Federal office space in the National Capital region, and reporting its progress to the President, has noted the developing transportation problem in the Southwest. The committee unanimously adopted a resolution urging provision of rapid rail transit service to the Southwest area such as that proposed by H.R. 11395.

CONCLUSIONS

The addition of the proposed line to serve the Southwest area of Washington is fully supported. Certainly, the needs of the Federal Government alone in this area are such that this service should be provided as part of the basic subway system and at the earliest possible time.

The Columbia Heights branch of the presently authorized transit system is not economically justifiable and would foreclose the construction of an independent north-south midcity subway line that would more effectively serve the low income and other population of north-central Washington. The Columbia Heights branch should be deleted from the system in favor of prompt action by the Washington Metropolitan Area Transit Authority to obtain the approval and commencement of construction of such a midcity route.

The committee believes that the proposed modifications of the transit system proposed by H.R. 11395 have been fully justified and should be approved. The bill is commended to the Senate for enactment.

DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

The bill (H.R. 8376) to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 911), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

H.R. 8376 amends section 112(c) of title 28, United States Code, to authorize the U.S. District Court for the Eastern District of New York to sit at Mineola, as well as at Brooklyn, N.Y.

STATEMENT

The eastern district of New York comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk, and, concurrently with the southern district, the waters within the counties of Bronx and New York. Title 28, United States Code, section 112(c) provides that court for the eastern district of New York shall be held at Brooklyn.

The counties of Queens, Nassau, and Suffolk are located on Long Island. Queens County is relatively close to Brooklyn, but Nassau and Suffolk Counties stretch eastward along Long Island, maximum distance from Brooklyn being approximately 129 miles.

Nassau and Suffolk account for approximately one-third of the 6,625,672 persons living in the eastern district (1960 census), and the population of these two counties has increased approximately 120 percent since 1950. An estimated 40,000 business establishments are located within their boundaries.

The eastern district caseload has been the eighth largest in civil maters, and the fourth largest in criminal matters, in the Nation. Studies by bar associations and the clerk of the court have indicated that a substantial number of eastern district cases involve individual and corporate litigants resident within Nassau or Suffolk Counties. For such litigants, round-trip travel to Brooklyn over heavily congested arteries to and from New York City may require as much as 4 hours.

Mineola is situated in Nassau County, is approximately 30 miles from Brooklyn, and is already the situs of State and county courts. Your committee believes that the holding of court at Mineola will ease the burdens of jurors, witnesses, parties, and attorneys involved in cases originating in Nassau and Suffolk Counties. The additional place of holding court will not require increased expenditures by the Government, since court facilities at Mineola will be made available by the Nassau County Board of Supervisors at no cost to the United States. (See resolution of Nassau County Board of Supervisors, infra.)

H.R. 8376 has received the endorsement of the Judicial Conference of the United States, which considered alternate proposals to authorize the eastern District to sit at Huntington, Hauppauge and Mineola, Mineola and Riverhead, and specifically voted disapproval of each (see letter of W. E. Foley, Administrative Office of the U.S. Courts, infra). The Department of Justice deferred to the choice of the Judicial Conference (see letter of Warren Christopher, Deputy Attorney General, infra). The passage of H.R. 8376 is warmly supported by local bar associations and county and local government units.

DEAD END STRATEGY OF THE STREETS

Mr. MANSFIELD. Mr. President, over the past week, as in weeks prior to that, there have been demonstrations of protest directed against the policies of this Government in relation to the war in Vietnam. Some of these protesters have gone to extremes. First of all, I would call to their attention the fact that, under the first amendment to the Constitution, every American is guaranteed the right of free speech, the right to petition and the right to free assembly. I would point out also that that most precious right of all is guaranteed—the one enabling every protester to express emphatically what his views are—the right to the secret ballot.

It also should be kept in mind that the opponents should not be so opinionated or so angelic or so sacrosanct that they would not recognize the right of others to uphold the opposite point of view. It is imperative in our form of government that constructive attitudes be assumed by both sides or by all sides. It is imperative to understand that destruction must not be allowed and that, in any event, no license is granted under the Constitution.

It is well to remember, also, that those who take part in these demonstrations and choose to go to extremes create a difficult position for those who constructively, legitimately, and honestly believe in an honorable, negotiated settlement of the situation in Vietnam. These far-out demonstrations do little good for those who believe in constructive opposition and indeed, cause much harm. Most of the country responds negatively to the spectacle of demonstrations so palpably intended to paralyze rather than to persuade.

To those who deem themselves to be on the side of the angels I would say that you should not demand a double standard, that your irresponsible actions inflame opposition rather than invite support and sympathy. It is well to keep in mind the fact that the first amendment to the Constitution is not a one-way street.

Mr. President, I ask unanimous consent that an editorial which appeared in the New York Post of December 9 be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Post]

Dead-End Strategy of the Streets

In the newest anti-war demonstrations in this and other cities many young men and women have conscientiously risked their futures to voice their protest against what they regard as an unconscionable war. They deserve to be taken seriously. But as the week of "resistance" draws to an end, they must confront serious questions about the nature and relevance of this form of random rebellion. Those elders who encouraged and participated in the upheaval should be engaged in even more agonizing reappraisal.

The stated purpose of the demonstrations here was to obstruct and shut down the induction center on Whitehall Street. The plan failed, as any rational dissident must have known it would. Was this failure a "success" because it received national headlines and TV attention? From the viewpoint of that fragment of the protesters whose hearts belong to Hanoi, Peking and Moscow, there was probably some reason for satisfaction. They created at least a tiny miniature of guerrilla warfare in local streets and even required the President of the United States to assign a stand-in to a "decoy" car when he came to New York for Cardinal Spellman's funeral.

But for those who took part whose genuine objective is an honorable, negotiated peace, there could be little cause for rejoicing.

Apart from the practical tactical failure (recruiting proceeded as usual), there was a larger one—the alienation of many Americans whose doubts and anxieties about the war have steadily mounted.

Whether Dr. Spock and his younger cohorts like it or not, a basic fact of American life is that most of the country responds negatively to the spectacle of demonstrations so palpably designed to paralyze rather than to persuade. To attempt to block access to an induction center is no less lawless—no matter how different the moral values of the activists—than it was to seek to bar James Meredith from the Mississippi campus. When those who deem themselves on the side of the angels demand a double-standard, they inflame opposition rather than invite support and sympathy. When the movement for peace is depicted on TV screens throughout the nation as a futile army of disruption, only the hawks gain ground in the crucial battle for American opinion. The First Amendment is not a one-way street.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Mr. President, I heartily applaud the comments which the leader of the majority in the Senate has just made.

No one in the Chamber is more passionately devoted to free speech than the senior Senator from California, but the constitutional right of free speech is not a license to break the law.

There are those in this country, Mr. President, who are attempting to use their constitutional right of free speech as a ploy, as a facade, as a cover under which they break Federal law and State law. They do a terrible disservice to the right of dissent in this Nation.

The able Senator from Montana is eternally correct in what he has said.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HANSEN. Mr. President, I should like to add my congratulations to the distinguished majority leader for the comments he has just made.

Several weeks ago, when the march on the Pentagon was being planned, I had occasion to speak on the floor of the Senate about what I considered a clear need; and I made a clear call for the forces of the military to be employed, if necessary, in order to assure the integrity of the operations of the Pentagon. I believe the issue then—as the issue before us today seems to be—was not one of the right of free speech, but something far beyond that: the efforts of people who seek, under the guise of the license that they presume is written in the first amendment, to do things that were never at all contemplated.

I compliment the distinguished majority leader for calling attention to the difference between the right of free speech, on the one hand, and a license to commit unlawful acts, on the other.

Mr. MANSFIELD. I thank the distinguished Senator.

TRIBUTE TO THE AMERICAN PEOPLE BY THE PRESIDENT OF MEXICO

Mr. MANSFIELD. Mr. President, our closest neighbor, along with Canada, is the Republic of the United Mexican States, now under the leadership of one of this hemisphere's—if not one of the world's—outstanding chiefs of state, President Gustavo Diaz Ordaz.

Because of the extremely close relationship between Mexico and the United States, coupled with the very close personal friendship between President Lyndon B. Johnson and President Gustavo Diaz Ordaz, I was gratified, though not surprised, to note that the President of Mexico on December 1, 1967, the third anniversary of his administration, said in response to a question asked by a reporter at his press conference on that date:

> Our relations, I believe, are at their best. I do not say they cannot be improved because everything that is human can be perfected: we can and should, as members of the government and peoples of both countries, make greater and lasting efforts to improve our relations. They are at present, however, exceedingly cordial and based fundamentally on an absolute reciprocity of respect and show of friendship and truth. I believe that deceit has no ethical justification even between enemies, but between friends it is unpardonable. The language of friends is the language of truth.
>
> I have had the opportunity to speak to President Johnson on various problems, and I can tell you that I have always had magnificent results telling him the truth. While I am on the point, let me pay homage to a country which among its virtues knows how to listen to, not just to tolerate, the truth. It listens to it attentively, meditates on the truth which is presented to them and acts accordingly. You and I were witness to the way in which the Congress of the United States listened to our modest words of truth, not simply tolerating what we had to say, but giving cordial attention to what was said by outward signs of their assent. In this respect, Congress simply reflects one of the traditional virtues of the American people; that of knowing how to tell and how to listen to the truth.

This tribute to the American people, to the President of the United States, and to the U.S. Congress—which President Diaz Ordaz honored by addressing in joint session—is being brought to the attention of the Senate today as another indication of the depth of understanding between our two countries, an understanding based on equality, dignity, respect, and a deep appreciation of what each country means to the other in these troubled times.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Mr. President, speaking for the minority, I applaud with enthusiasm the comments which have been made by the leader of the majority in this Chamber.

I wish to recall again, with respect to our relations with our good neighbor, the courageous decision which the Republic of Mexico made a few days ago in announcing to the world that all of its gold bullion reserve would be put on the line and be made available for sale at $35 an ounce. That announcement by the Republic of Mexico was its answer of faith in the currency of its northern neighbor, and to the attack on the American dollar from one source across the seas.

Mr. President, I am proud of the excellent relations between these two good neighbors. The people of the United States have no better friends than the people of Mexico. And I agree with the distinguished chief executive of the Republic of Mexico that those relations may be made better and I want to work toward that end.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from California, the acting minority leader, who has himself had a very close relationship with the Republic of the United Mexican States, and who has been an outstanding friend of those Americans of Mexican descent who live in California; and they have made a significant contribution, as well.

Mr. KUCHEL. Indeed they have. I thank the distinguished Senator.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar under rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Public Works be permitted to meet during the session of the Senate today, and that the Committee on Finance be authorized to meet until 11 a.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 26, Executive M, 90th Congress, first session on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO ARTICLE 28 OF THE CONVENTION OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive M, 90th Congress, first session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive M, 90th Congress, first session, an amendment to article 28 of the Convention of the Intergovernmental Maritime Consultative Organization, which was read the second time as follows:

AMENDMENT TO ARTICLE 28 OF THE CONVENTION OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Resolution A. 70(IV) adopted on 28 September 1965

THE ASSEMBLY,

RECOGNIZING the need to increase the number of members of the Maritime Safety Committee and to modify their method of election,

CONSEQUENTLY HAVING ADOPTED, at the fourth regular session of the Assembly, an amendment, the text of which is contained in the Annex to this Resolution, to Article 28 of the Convention on the Inter-Governmental Maritime Consulative Organization.

DETERMINES, in accordance with the provisions of Article 52 of the Convention, that the amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention.

REQUESTS the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendment in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

INVITES the Member Governments to accept the adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

ANNEX

The existing text of Article 28 of the Convention is replaced by the following:

"The Maritime Safety Committee shall consist of sixteen members elected by the Assembly from members, Governments of those States having an important interest in maritime safety of which:

"(a) Eight members shall be elected from among the ten largest shipowning States.

"(b) Four members shall be elected in such manner as to ensure that, under this subparagraph, a State in each of the following areas is represented:

"I. Africa
"II. The Americas
"III. Asia and Oceania
"IV. Europe.

"(c) The remaining four members shall be elected from among States not otherwise represented on the Committee.

"For the purpose of this Article, States having an important interest in maritime safety shall include, for example, States interested in the supply of large numbers of crews or in the carriage of large numbers of berthed or unberthed passengers.

"Members of the Maritime Safety Committee shall be elected for a term of four years and shall be eligible for re-election."

Certified a true copy of Assembly Resolution A.70(IV) of 28 September 1965 and of its Annex.

E. C. V. GOAD,
Acting Secretary-General of the Intergovernmental Maritime Consultative Organization.
22 OCTOBER 1965.

Mr. MANSFIELD. Mr. President, the treaty now before the Senate for consideration was reported unanimously by the Committee on Foreign Relations.

Executive M of the 90th Congress, first session, contains a simple amendment to the convention of the Intergovernmental Maritime Consultative Organization known briefly as IMCO. The amendment increases the size of one of its important committees—the Maritime Safety Committee—from 14 to 16 members. At the same time, and more important to the United States, it changes the method of their election. Presently, eight of the 14 committee members are elected automatically from the eight most important maritime nations, which includes the United States, and the other six from other nations having an important interest in maritime safety. Under the amendment, of the 16 members, eight would be elected from the 10 most important maritime nations, four from geographic areas—that is one each from Africa, the Americas, Asia and Oceania, and Europe—and the last four from other nations having an important interest in maritime safety.

The significance of the amendment is that it makes possible, but highly unlikely, that the United States might someday not be elected to this important committee. For that principal reason, the United States delegation opposed the amendment at the IMCO Assembly in 1965 at which it was adopted. However, the overwhelming majority of IMCO members favored this enlargement because IMCO itself had grown and the increase was small by comparison and because they supported a certain degree of geographic representation.

IMCO amendments enter into force 12 months after two-thirds of the members have signified their acceptance of the amendment. This particular amendment will become effective on November 3, 1968.

The choice before the United States is essentially restricted to three courses: First, notification to IMCO that we do not accept the amendment, which would ultimately result in the United States ceasing to be a member, second, inaction, or third, favorable action.

The committee carefully considered these choices and agreed that favorable action should be recommended to the Senate. On the one hand, this matter is not so serious that terminating our participation in IMCO should be considered. If it should become serious, moreover, the IMCO convention contains provisions for withdrawing our membership. On the other hand, by approving what is favored by so many other IMCO members we may be able to advance some of our objectives in IMCO—continuing improvements in ship safety standards, oil pollution measures, and other IMCO projects important to the United States.

For these reasons, the Committee on Foreign Relations recommends that the Senate give its advice and consent to acceptance of the amendment.

Mr. President, I ask unanimous consent that excerpts from the report be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpts from the report are as follows:

PROVISIONS

This amendment to the Convention of the Intergovernmental Maritime Consultative Organization (IMCO) applies to article 28 which concerns the size and composition of the Maritime Safety Committee, IMCO's principal and most active technical committee.

As presently constituted, this Committee is composed of 14 members elected for 4-year terms as follows: eight from the largest shipowning nations (this automatically includes the United States) and the rest from those nations having an important interest in maritime safety, which is defined as including, for example, nations interested in supplying large numbers of crews or in the carrying of large numbers of passengers.

The present amendment would increase the size of the Maritime Safety Committee to 16 members and modify the method of election as follows: eight members to be elected from among the 10 largest shipowning states, four members from each of the following geographic areas—Africa, the Americas, Asia and Oceania, and Europe—and four members from nations not otherwise represented having an important interest in maritime safety.

The amendment will come into force 12 months after its acceptance by two-thirds of the members for all members except those who, before the amendment comes into force, make a declaration that they do not accept the amendment. As of the present, 44 members had signified their acceptance of the amendment and it will become effective November 3, 1968.

BACKGROUND

IMCO is a United Nations specialized agency, dealing on a consultative and advisory basis with technical matters having to do with shipping engaged in international trade, standards of maritime safety and navigation, removal of unnecessary governmental restrictions and discriminations affecting shipping, oil pollutions, etc. The original convention was signed in 1948, approved by the Senate in 1950, and entered into force in 1958. Sixty-five nations are currently members. The U.S. calendar year 1967 contribution is estimated at $93,185, or 11.39 percent of total contributions.

In 1966 the Senate approved an amendment to the IMCO Convention which enlarged the size of the IMCO Council from 16 to 18 members. In 1967, the Senate has approved two IMCO-negotiated instruments, a Maritime Facilitation Convention and amendments to the Safety of Life at Sea Convention. IMCO is now urgently involved in studying further oil pollution measures, as a result of the *Torrey Canyon* incident, which will be transmitted to the Senate when agreement is reached.

The present amendment was adopted by the IMCO Assembly on September 28, 1965, with the U.S. delegation at that time opposed. It was submitted to the Senate by the President on July 13, 1967, with the recommendation that the Senate give its advice and consent to its acceptance.

COMMITTEE ACTION AND RECOMMENDATION

On December 7, 1967, Mr. William K. Miller, Director of the Office of Maritime Affairs, accompanied by Mr. Knute Malmborg, Office of the Legal Adviser, both of the Department of State, testified before the committee in executive session in favor of the amendment. Mr. Miller's prepared statement is printed in the appendix. On December 8, the committee ordered the amendment favorably reported to the Senate.

It is to be noted that under the new method of selection, the United States is no longer automatically assured a seat on the Maritime Safety Committee. In the words of the witness this is "only almost sure." If the United States should not be elected as one of the eight largest shipowning nations, it would be eligible for election under either of the other two categories. Lastly, if U.S. participation in IMCO should cease to serve our national interest, the IMCO Convention contains provisions for withdrawal.

The amendment having been adopted by IMCO, the basic question for the United States is whether to reject it, whether to take no action, or whether to accept it. If the United States took negative action and (1) declared that it did not accept the amendment and (2) did not accept the amendment within a period of a year after it came into force, it would automatically cease to be a party to the IMCO Convention under the provisions of article 52. The amendment is not, in the opinion of the Department of State, of such nature as to warrant consideration of negative action, and the committee concurs.

The question therefore revolves on whether to take any action at all, since none is necessary to make the amendment binding on the United States on Nevember 3, 1968. Here again, the committee agrees with the executive branch that positive action is desirable on the grounds of goodwill. An overwhelmingly majority of IMCO members favored this amendment and for the United States to go along now might help promote its interests in various IMCO undertakings.

The committee therefore recommends that the Senate advise and consent to the acceptance of this amendment to the IMCO Convention.

The PRESIDING OFFICER. If there is no objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read.

The legislative clerk read as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to ratification of an amendment to article 28 of the Convention of the Intergovernmental Maritime Consultative Organization, which amendment was adopted by the Assembly of the Organization on September 28, 1965. (Executive M, ninetieth Congress, first session).

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending treaty take place immediately following the vote on the Thurmond amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED INDEMNIFICATION BY U.S. GOVERNMENT FOR LOSSES SUFFERED BY AMERICAN FISHERMEN IN INTERNATIONAL WATERS

Mr. LAUSCHE. Mr. President, on the calendar will soon be pending a bill which, if passed, will place the U.S. Government in a new field of subsidy. The bill about which I speak contemplates making the United States the guarantor against all losses that may be suffered by fishermen on the high seas when their ships are seized by foreign governments.

South American nations have at times seized fishing equipment operating in international waters off the Pacific coast. The ships have been seized, cargoes taken, and fines imposed.

The bill will provide that if and when such seizure is made, the taxpayers of the United States will indemnify the fishermen in an amount equal to 66 percent of their losses. The Commerce Committee recommended the adoption of the bill. The Foreign Relations Committee last Friday recommended rejection.

The amount of money involved is not significant. It is limited to an expenditure of not more than $150,000 a year, but the principle involved is of a grave nature. If we subsidize these fishermen against losses through wrongs committed on them by foreign governments, my query is: How will we avoid, in the end, adopting a law that will provide for the indemnification of every American business that is seized by a foreign nation?

My query would be, What about the businesses in Cuba? A foreign government seized those American investments without remuneration to the victims of the seizure. We do not provide for indemnifying for the loss of such investments in foreign countries.

Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. If the Government is to indemnify fishermen because the Government did not send battleships down there to stop the seizure, what about the victims of riots in Detroit, Rochester, and Cleveland? Does the Government become the guarantor against losses suffered by individuals whose rights are violated as a result, allegedly, of the Government's not providing adequate protection for them?

Countless numbers of claims have been made by American nationals against foreign governments for expropriation of property and other wrongs committed. We do not provide that the taxpayers shall guarantee these victims against losses.

It is a new field, and it is a dangerous field Mr. President. If and when the U.S. Government says that "We will protect every citizen against loss suffered by transgressions of foreign governments," we are substituting U.S. taxpayers for the responsible foreign governments.

Finally, I repeat, if we are going to subsidize the fishermen, what about the victims of the riot? What about the victim in Washington who was raped 21 times by a group of men? Are we to indemnify her? We ought to, if we are going to indemnify the fishermen.

What is there about the fishing industry that gives it this hallowed aura which entitles it to special treatment? It should not be given that special treatment.

I do not believe the bill has yet come to the Senate from the Foreign Relations Committee, but I have made my statement here so my colleagues will understand what is happening. Another field of subsidies. Another giveaway of the taxpayers' money. Another squandering of the taxpayers' money. All this without any justification whatsoever and contrary to every concept of what is the true obligation of the U.S. taxpayers to its nationals who are wronged by foreign governments.

ONE REASON WHY CRIME IS A NATIONWIDE PLAGUE

Mr. SPARKMAN. Mr. President, recently the distinguished Senator from Arkansas [Mr. McCLELLAN] made a very fine and impressive speech here on the Senate floor growing out of some of his work as chairman of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary. His speech had a great deal of substance in it and gave us cause to think of some of the matters he pointed out.

Following that speech, the Mobile Press Register had an editorial dealing with Senator McCLELLAN's speech and his speech before the National Council on Crime and Delinquency in New York City a few days before that.

I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks the very thoughtful editorial of the Mobile Press Register.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONE REASON WHY CRIME IS NATIONWIDE PLAGUE

In these days of rising crime and declining convictions of criminals, voices that warn of the dangers in this situation and emphasize the critical need for more effective law enforcement are not heard often enough.

The J. Edgar Hoovers, John L. McClellans and others who speak forthrightly on this problem are performing a public service that should be thoroughly appreciated by all Americans who recognize that the institution of law and order must be preserved if the nation is to be saved from unthinkable disaster.

Senator McClellan of Arkansas, chairman of the Senate Subcommittee on Criminal Laws and Procedures, told the National

Council on Crime and Delinquency in New York City the other day that "law enforcement is breaking down," and pointed to this evidence:

"The chances that an offender who commits a major crime will be apprehended, convicted and punished are much less today than ever before. Eighty-seven out of every 100 who commit major crimes that are reported manage to escape punishment and thus remain loose on society to repeat their nefarious deeds and depredations.

"Only about 13 per cent—about one out of eight—are tried, convicted and punished. And, for those who are punished, quite often the penalty imposed is not commensurate with the gravity of the crime committed.

"The prospect of apprehension, successful prosecution and conviction and just punishment of the lawbreaker is now so diminished and unlikely that this—the greatest deterrent to crime—has now become almost impotent and ineffective.

"The truth of the old adage that 'crime does not pay' is being refuted more and more every day. It is now an irrefutable fact that the pursuit of crime has become a profitable way of life for many professional criminals. And their marked success is attracting and seducing others."

Senator McClellan warned that this has become "a golden age for criminals who now rob, rape, murder and mug day and night with an intolerable degree of impunity." The record supports him in this warning. The conclusion is made inevitable by the "more than 3¼ million crimes committed in this country last year" and the low rate of conviction and punishment for major crimes.

Lawlessness has grown into a huge, alarming blot on the greatness of this nation. In Senator McClellan's words, "Unhappily, with all of our great affluence and greatness, crime abounds and flourishes throughout the land."

This grave misfortune has developed only recently. As Mr. McClellan put it, "This serious crime menace has not long existed. Its upsurge to such a dangerous level has occurred during the past decade or so."

Here, as pinpointed by the veteran senator from Arkansas, are some of the ugly facts in the "dangerous level" which the crime menace has reached:

(1) "Respect for law has greatly declined."

(2) "Disrespect and outright contempt for law enforcement officials are commonplace and are practiced not only by the confirmed criminal but also by large groups and segments of the population."

(3) "Duly constituted authority is openly flouted."

(4) "Rioting, burning, pillaging and plundering are occurring in many of our cities with alarming frequency."

(5) "Massive strikes, sit-in demonstrations, civil disobedience and turbulent disorder are advocated and engaged in as a means for achieving redress for alleged grievances."

(6) "Organized crime is spreading and becoming more subtle and entrenched."

It is possible to believe with good reason that the list of influences and factors contributing to this dangerous condition in America is long.

But which one—what single factor or influence—has done the most damage in giving rise to an atmosphere and attitude in which today's lawlessness and contempt for law thrive so menacingly?

How many thinking, serious-minded Americans, after unhurried, thorough deliberation, would answer that the most damage has come from irresponsible, reckless politics that has put nightmarishly large numbers of misfits into public office at various levels of government?

If this nation had been spared from the plague of irresponsible, reckless politics it has endured in the "past decade or so," crime and contempt for law would not be so rampant.

Whatever else this nation may need today, it urgently needs a nationwide uprising of public sentiment against that wretched brand of politics.

WISCONSIN HAWKISH ON VIETNAM, NEGATIVE ON TAX AND SPENDING INCREASES

Mr. PROXMIRE. Mr. President, I have just received the results of a very extensive poll which I had conducted in Wisconsin. I sent out a questionnaire to many thousands of people in my State, and the responses, frankly, in many respects surprised me.

They indicate an overwhelming dissatisfaction with the present U.S. policy on Vietnam. They oppose both a personal income tax hike and increased Federal spending, but they favor a boost in corporate income taxes.

I sent the questionnaire in November to a large cross-section of constituents asking their opinions on the most debated current national issues: Vietnam, taxes and Federal spending policies. More than 5,000 responded. Replies came from every county in the State.

If there has been a larger sampling in recent years of public opinion in Wisconsin on the big issues that confront the Nation, I have not heard of it. And for that reason I believe this poll has great significance. I am sending copies of the results to the President, to all leading presidential candidates and to all members of the Wisconsin congressional delegation.

The poll results show that a 3-to-1 majority of those responding would favor stepping up the military conflict if that is what our military experts said was required to end it rather than pulling out of Vietnam forthwith.

There is a close division on how we should go about getting a peace settlement. Some 42 percent would press for a clear-cut military victory and surrender of the Vietcong and North Vietnam. But 28 percent would push harder for negotiations even if that included a temporary unilateral cessation of all military action. And another 17 percent would pull out our forces permanently and let the chips fall where they may.

On other issues, the questionnaire results show that the respondents overwhelmingly favor—by 88 percent—reduction of the oil depletion allowance, the No. 1 loophole in our tax laws.

They emphatically favor reducing spending on foreign aid, on subsidies to aviation, on the space program and on public assistance. The overall response on spending policies shows that 77 percent oppose increasing Federal spending.

Mr. President, I ask unanimous consent that a table stating the questions in detail and showing the results of responses to each of the questions be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VIETNAM

1. How do you favor meeting the Vietnam military situation?

Rely more on military advice, including a sharp step-up in military action if the military experts advise it: 57 percent.

Follow the present policy, with or without limited modifications: 12 percent.

Reduce our forces, pull back into fortified positions, stop bombing and stop search-and-destroy operations: 13 percent.

Pull our forces out of Vietnam forthwith: 18 percent.

2. How do you favor meeting the Vietnam political situation?

Press for surrender from North Vietnam and the Viet Cong and a clear-cut victory: 42 percent.

Follow our present policy: 13 percent.

Press much harder for negotiations, including demanding U.N. action; reconvening the Geneva conference; unilaterally, but temporarily, stopping all military action to encourage negotiations: **28 percent.**

To insure an end to our part in the war, withdraw all our forces permanently and let North and South Vietnam negotiate or fight on: 17 percent.

TAX INCREASE

3. How would you vote on each of the following increases?

Federal personal income tax: Yes, 25 percent; no, 75 percent.

Federal corporation income tax: Yes, 70 percent; no, 30 percent.

Federal taxes on phones, gasoline, autos: Yes, 31 percent; no, 69 percent.

4. One means of providing additional revenue is through stricter enforcement of the federal tax laws. Do you favor a larger enforcement staff? Yes, 51 percent; no, 49 percent.

5. Do you favor increasing the tax on oil and gas wells by **reducing the depletion allowance? Yes, 88 percent; no, 12 percent.**

SPENDING INCREASE OR DECREASE

[In percent]

	Increase	Decrease	Remain the same
6. National defense	30	23	47
7. Public assistance	14	50	36
8. Antipoverty	26	48	26
9. Federal assistance to education	38	25	37
10. Health	35	18	47
11. Farm	23	35	42
12. Veterans' services and benefits	27	18	55
13. Foreign aid	4	81	15
14. Aid to aviation	12	55	33
15. Urban renewal	28	37	35
16. Public works	16	39	45
17. Space	15	51	34
Overall spending response	23	40	37

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. What poll is that?

Mr. PROXMIRE. This is a poll I conducted myself. I sent out a questionnaire on a sample basis throughout the State. It was not sent simply to constituents whose names were on my plates, or anything like that. We sent it out on a sample basis, in an effort to get as good a cross section as possible.

Mr. LAUSCHE. Was there a question as to whether we should pull out of South Vietnam?

Mr. PROXMIRE. That question was phrased as follows:

> **How do you favor meeting the Vietnam military situation?**
>
> **Rely more on military advice, including a sharp step-up in military action if the military experts advise it.**

Fifty-seven percent said "yes" to that proposition.

> Follow the present policy, with or without limited modifications.

Twelve percent said "yes" to that.

> Reduce our forces, pull back into fortified positions, stop bombing and stop search-and-destroy operations.

Thirteen percent said "yes."

> Pull our forces out of Vietnam forthwith.

Eighteen percent were in favor.

Mr. LAUSCHE. That next to the last proposition is the Gavin position?

Mr. PROXMIRE. That is correct.

Mr. LAUSCHE. How many voted for the Gavin position?

Mr. PROXMIRE. 13 percent.

Mr. LAUSCHE. I thank the Senator.

Mr. PROXMIRE. I thank the distinguished Senator from Ohio.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOKELY CARMICHAEL'S PASSPORT REVOKED

Mr. MOSS. Mr. President, this morning the wire services announced that Stokely Carmichael is on his way from Paris back to the United States, and reported on some of the activities of Mr. Carmichael in Paris.

As we all know, he has been in North Vietnam and in other parts of the world, making speeches and conducting himself in a manner which appears, to me at least, to be violative of the laws of our country. I was concerned about it to the extent that on the first day of December, I addressed a letter to the Honorable Ramsey Clark, Attorney General of the United States, raising that question with him.

I pointed out to the Attorney General that it would appear to me, under our criminal statutes, that the statements attributed to Mr. Carmichael might warrant prosecution under title 18 of the United States Code, section 2381, which involves treason; title 18 of the United States Code, section 2383, which involves rebellion and insurrection; and title 18 of the United States Code, section 2385, which involves the advocating of overthrow of Government. I also pointed out that there might be other provisions of the law concerning which Mr. Carmichael is in violation.

I asked the Attorney General for assurance that proper legal action would be taken promptly should Mr. Carmichael return to the United States.

On the 8th day of December 1967, I received a reply to my letter, signed by J. Walter Yeagley, Assistant Attorney General, saying that the Attorney General was aware of the situation, that a letter had been sent to the address of Mr. Carmichael, informing him that his U.S. passport had been revoked, and that the Attorney General's office awaited further developments.

Needless to say, I was greatly disappointed that no assurances were given that vigorous steps would be taken to prosecute any violation of the criminal law that may have occurred. It seems to me that revoking the passport of Mr. Stokely Carmichael is probably as feeble a wand as could be waved in his direction.

Why does a man want a U.S. passport when he is calling for the overthrow and the complete dissolution of the Government that issues such a passport?

I think this is a matter of real crisis and one to which we must address ourselves.

I do not think that I have ever been one that has been a shelter for the suppression of dissidence. I have always tried to defend the right of those who wish to express their grievances and who have differences of opinion. But it seems to me that when the statute books define acts as crimes and the facts seem to indicate that those crimes have been committed by an individual, we can no longer countenance the flouting of our law.

Mr. President, I ask unanimous consent that a copy of the letter that I addressed to the Attorney General on the 1st of December and the reply that I received from his office under date of the 8th of December 1967, be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 1, 1967.

Hon. RAMSEY CLARK,
Attorney General of the United States,
Washington, D.C.

MY DEAR ATTORNEY GENERAL: According to the news media, Stokely Carmichael plans to return to the United States in the near future. He describes this as a "return to hell." If and when he does return to this country the American public will demand an accounting for his actions around the world. For example, I am distressed to read that while in Hanoi, Mr. Carmichael, volunteered to prosecute, as war criminals, American pilots who have been captured by the Viet Cong.

It seems to me that this and other utterances and the conduct of Mr. Carmichael would be the subject to an extensive investigation to ascertain if action under our criminal statutes is indicated. Statements attributable to Mr. Carmichael might warrant prosecution under Title 18, United States Code, Sec. 2381—Treason; Title 18, United States Code, Sec. 2383—Rebellion and Insurrection; and Title 18, United States Code, Sec. 2385—Advocating Overthrow of Government. There may be other provisions of law which he has violated.

I would appreciate your assurance that proper legal action will be taken promptly should Mr. Carmichael return to the United States.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

DECEMBER 8, 1967.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have your letter of December 1, 1967 to the Attorney General regarding Stokely Carmichael.

We are currently investigating Carmichael's activities, including his travel abroad, to ascertain whether he has acted in violation of any Federal statute within our jurisdiction, including those referred to in your letter. In the event sufficient evidence is developed to establish a violation of Federal law, appropriate action will be undertaken.

In addition, you may be interested to know that the Department of State has advised that a letter was sent to the United States address appearing in Carmichael's passport application informing him that his United States passport has been revoked.

The Attorney General appreciates having the benefit of your views.

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

PEANUT ACREAGE ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 891, H.R. 11565.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11565) to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 908), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

This bill authorizes the Secretary of Agriculture during the 1968 and 1969 crop years to permit the sale, lease, or transfer of peanut acreage allotments, subject to the following conditions:

(1) Such transfer must not impair the peanut marketing quota or price support program;

(2) No transfer could be made to a farm in another county;

(3) Any transfer must be agreed to by holders of all liens on the transferring farm;

(4) No allotment could be sold from a farm which has purchased allotment during the three preceding years;

(5) Transfers must be recorded with, and determined lawful by, the county committee;

(6) The allotment must be adjusted if the normal yield to the farm to which it is transferred is more than 110 percent of that for the farm from which it is transferred;

(7) A farm which transfers its entire allotment shall not be eligible for a new farm allotment for 5 years;

(8) A lease may not exceed 5 years. Other transfers would be permanent;

(9) The Secretary may prescribe reasonable limits on resulting allotments;

(10) Not more than 50 acres shall be transferred by sale or lease to any farm;

(11) Rates of payment in any conservation reserve contract or similar agreement for the farm from which the allotment is transferred shall be subject to appropriate adjustment.

NEED FOR THE LEGISLATION

The legislation is necessary because at present first, there are many peanut acreage allotments too small to constitute an economic unit in view of rising costs of producing and harvesting peanuts. The Department of Agriculture reports that in 1964 (the last year for which complete calculations are available) more than one-fourth of all peanut allotments were 5 acres or less and more than one-half were 10 acres or less. This year the average size of established allotments is approximately 17.9 acres.

The fact that allotments were abandoned during World War II, in order to increase production, encouraged many new producers to enter into production of peanuts. When allotments were reestablished in 1949 the many newly established small and uneconomical allotments served to reduce the size of the allotments awarded the established producers.

Second, much greater mechanization in the production of peanuts involves the use of very expensive equipment, herbicides, and improved methods of cultivation. This simply means that the cost per acre of producing peanuts is going up. Therefore, in many cases, farmers need to increase their peanut acreage allotment in order to realize a reasonable return on their tremendous investment. However, the committee intends that the authority provided by subsection (g) shall be exercised with a view to meeting the problem of small, uneconomical size peanut operations rather than to facilitate the formation of units larger than required to meet the needs of the family farm.

Peanut acreage allotments were first established in 1941 by authority of the Agricultural Adjustment Act of 1938, as amended. The size of the allotments was based on a producer's production during the previous 3-year history of production on the farm.

These allotments remained in effect only until 1942 when they were abandoned in order to permit the increase in production demanded by our war effort. Production virtually doubled during this period. The reestablishment of peanut acreage allotments in 1949 brought in many producers who had only begun growing peanuts during the time when allotments had not been in effect. The entrance into the program of these producers created many small and inefficient allotments.

If the Secretary of Agriculture determines that it will not impair the effective operation of the peanut marketing quota or price-support program, H.R. 11565 would permit (for the 1968 and 1969 crop years) the owner or operator of a farm which has a peanut acreage allotment to sell or lease all or any portion of his allotment to any other owner or operator of a farm in the same county. It would also permit the owner of a farm with a peanut acreage allotment to transfer all or any part of the allotment to any other farm owned or controlled by him in the same county.

The committee feels that the provisions of the bill will guard adequately against any speculation or overproduction which might otherwise result from this new authority.

The enactment of this bill will enable many producers to acquire ample peanut acreage to grow peanuts on a more sound economic basis. It will also enable some producers to go out of peanut production in a manner in which both they and other producers who acquire the allotment will benefit.

In essence, this legislation will put peanut production in the hands of those who want to grow peanuts while at the same time it guards against any major geographical switch in peanut production which would undoubtedly be injurious to the economy of many countries.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of United States Prisoners," for the fiscal year 1968, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report of Office of Civil Defense

A letter from the Acting Director of Civil Defense, Department of the Army, Office of Civil Defense, reporting, pursuant to law, the report on property acquisitions of emergency supplies and equipment, for the quarter ended September 30, 1967; to the Committee on Armed Services.

Proposed Air National Guard Construction Projects

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, information with respect to certain construction projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

Proposed Restriction on Foreign Travel in Interest of U.S. Foreign Policy

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to promote the foreign policy of the United States by authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs, etc. (with an accompanying paper); to the Committee on Foreign Relations.

Report of Disposition of Foreign Excess Personal Property

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense relative to its disposition of foreign excess personal property located in areas outside of the United States, Puerto Rico and the Virgin Islands, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A resolution of the City Council of San Bruno, Calif., praying for the enactment of a tax-sharing program for local governments; to the Committee on Finance.

The petition of J. A. Robison, executive vice president Kahl Specialty Steel Co., Inc., of Greensboro, N.C., praying for the enactment of legislation to make public highways available for the exclusive use of bus and truck companies; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPONG, from the Committee on the District of Columbia, without amendment:

H.R. 5709. An act to amend the District of Columbia Teachers' Leave Act of 1949 to remove certain limitations, and for other purposes (Rept. No. 913); and

H.R. 8715. An act to amend the District of Columbia Alcoholic Beverage Control Act to limit the amount of wines, spirits, and beer that may be brought into the District of Columbia (Rept. No. 914).

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 12505. An act to provide that a District of Columbia public school teacher may retire on a full annuity at age 55 after 30 years of service or at age 60 after 20 years of service, and for other purposes (Rept. No. 915).

By Mr. LONG of Louisiana from the Committee on Finance, with amendments:

H.R. 1141. An act to permit duty-free treatment of limestone, when imported to be used in the manufacture of cement, pursuant to the Trade Expansion Act of 1962 (Rept. No. 916); and

H.R. 6058. An act to amend the Internal Revenue Code of 1954 to provide for rounding the amount of State and local taxes for purposes of computing tax on cigars (Rept. No. 918).

By Mr. MUSKIE, from the Committee on Public Works, without amendment:

S. 2760. A bill to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution of water by oil (Rept. No. 917).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Res. 155. A resolution to express the sense of the Senate concerning a means toward achieving a stable and durable peace in the Middle East (Rept. No. 920).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment, reported adversely:

S. 2269. A bill to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries (Rept. No. 919).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART:

S. 2759. A bill conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King; to the Committee on the Judiciary.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE (for himself, Mr. Baker, Mr. Bayh, Mr. Boggs, Mr. Burdick, Mr. Case, Mr. Clark, Mr. Cooper, Mr. Fong, Mr. Gruening, Mr. Hartke, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Kennedy of Massachusetts, Mr. Long of Missouri, Mr. McCarthy, Mr. Mondale, Mr. Montoya, Mr. Murphy, Mr. Nelson, Mr. Percy, Mr. Randolph, Mr. Spong, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of Ohio):

S. 2760. A bill to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution by oil; to the Committee on Public Works.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. BAKER:

S. 2761. A bill to permit black and white or color reproductions of U.S. and foreign postage stamps under certain circumstances, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Baker when he introduced the above bill, which appear under a separate heading.)

CONFERRING OF U.S. CITIZENSHIP POSTHUMOUSLY UPON S. SGT. IVAN CLAUS KING

Mr. HART. Mr. President, today I introduce a special bill to confer U.S. citizenship posthumously upon S. Sgt. Ivan Claus King, a former Michigan resident who was killed a few weeks ago in Vietnam.

Although I realize it is rare to request posthumous citizenship, Sergeant King's case is a rare one.

Born in East Germany in 1941, he fled to Czechoslovakia, Italy, and finally Formosa. He served 2 years in the Nationalist Chinese Army.

Finally, he entered the United States in 1964, 3 years after he filed a petition for U.S. citizenship.

He lived with his mother, Mrs. Ruth Markov, at Michigan's Kincheloe Air Force Base until he volunteered for duty in Vietnam in 1965.

He was killed October 2, 1967, during an enemy mortar attack. Just 2 months before his death he was awarded the Bronze Star for heroism.

Sergeant King would have been eligible for citizenship next May.

Mr. President, the least we can do for so gallant a man is confer on him the citizenship of the country for which he gave his life.

The tragedy is that he was unable to realize his dream of being an American citizen during his lifetime.

At this point in my remarks, I ask unanimous consent to have printed in the Record the bill conferring U.S. citizenship upon Sgt. Ivan Claus King.

In my opinion, Sergeant King deserves U.S. citizenship. He certainly has earned it. I introduce for appropriate reference the bill thus described.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2759) conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King, introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of title III of the Immigration and Nationality Act—

(1) Staff Sergeant Ivan Claus King, a member of the Armed Forces of the United States who was killed as a result of hostile ground action while serving in Vietnam, shall be held and considered to have been a naturalized citizen of the United States at the time of his death on October 2, 1967; and

(2) the Attorney General shall issue a certificate of naturalization posthumously to the said Staff Sergeant Ivan Claus King, dated October 2, 1967, and transmit a duplicate of such certificates to Mrs. Ruth Markov, the mother and closest surviving relative of the said Staff Sergeant Ivan Claus King.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Baker, Bayh, Boggs, Burdick, Case, Clark, Cooper, Fong, Gruening, Hartke, Inouye, Jackson, Javits, Jordan of Idaho, Kennedy of Massachusetts, Long of Missouri, McCarthy, Mondale, Montoya, Murphy, Nelson, Percy, Randolph, Spong, Tydings, Williams of New Jersey, and Young of Ohio, I introduce a bill which amends the Federal Water Pollution Control Act.

This bill includes S. 1341, to authorize comprehensive pilot programs in lake pollution prevention and control sponsored by Senators Mondale, Burdick, Clark, Hart, Hartke, Jackson, Kennedy of Massachusetts, Long of Missouri, McCarthy, Nelson, Proxmire, Tydings, and Williams of New Jersey; S. 1370 to provide for acid pollution control demonstration projects sponsored by Senators Randolph and Clark; S. 1591 sponsored by Senator Muskie and S. 1604 by Senator Clifford Case to amend the Oil Pollution Act of 1924.

The three subjects to which the new bill refers were derived from the abovementioned bills. The committee found, after determining that oil pollution should be made a part of the Federal Water Pollution Control Act, that all three bills could be combined as an omnibus water pollution bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2760) to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution by oil introduced by Mr. Muskie (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. NELSON. Mr. President, I am pleased to join with my distinguished colleague, Senator Muskie, as a cosponsor of this bill aimed at reducing the pollution of our lakes, at eliminating pollution from mines, and at strengthening our oil pollution laws. Senator Muskie is a distinguished leader in our fight to clean up our waters. This bill represents a significant step forward in that battle.

Senator Muskie and his committee are to be commended for putting together this important piece of legislation. Over the years, we have come to rely on this committee for progressive air and water pollution control legislation.

It is critically important that we strengthen our oil pollution laws, that we include shore and terminal facilities under those laws, beef up our law enforcement procedures imposing stiff penalties to control oil pollution. The inclusion of all of these provisions in this bill is very important, but we still have a way to go. If we are looking for the ultimate solution to this problem, we must also control the dumping of trash and sewage from ships and from the terminal facilities which service them.

Pollution by the wide variety of vessels and ships that ply our Nation's waters is one of the many serious but commonly overlooked natural resource problems. Historically, this type of pollution has been brushed off as only a small part of the problem and it has been argued that we must concern ourselves with the more pressing problems of municipal and industrial pollution.

We should have learned our lessons by now but we have not. We still assume, and it is a totally fallacious assumption, that our precious water can handle everything that we choose to dump in it. The facts are that it cannot, and this has been demonstrated many times in places such as Lake Erie, the southern tip of Lake Michigan, the Mississippi River around the Twin Cities, the Detroit River, and in countless other rivers, streams and lakes across this great land.

The rising tide of pollution forces us to act. We must attack pollution at its many sources and no source is so insignificant that we can afford to overlook it.

To get an idea of the vessel pollution problem, it is important to look at some figures. In 1966 there were an estimated 8 million recreational watercraft on all waterways in the United States. Last year 40 million people participated in recreational boating, making use of the waterways at least twice. It has been estimated that the average boater contributes about 1 pound of paper, cans and bottles and about one-half pound of garbage per day of active boating.

Of the total number of recreational watercraft, 1.3 million are equipped with toilet facilities. These boats discharge wastes into our waters equivalent to the untreated wastes from 170,000 people.

In addition to recreational watercraft, there are 152,000 commercial, fishing, foreign, and Federal watercraft operating in our waters. The combined waste discharges from these watercraft are equivalent to the untreated wastes from 330,000 people. It seems incredible to me that, for example, the U.S. Coast Guard which has the responsibility for enforcing existing ship pollution legislation operates 325 vessels wholly in U.S. waters and that of these 325 vessels only 100 are equipped with sewage treatment facilities. And further, the type of treatment facility on most of those boats is one that has some very serious disadvantages.

These are impressive figures, even though they can be made to seem small by comparing them with the fantastic quantities of pollution that are pouring into our waters from other sources. The fact is, pollution cannot be measured by national statistics alone. One cupful of disease causing bacteria dumped into a city's water supply would be a calamity, no matter how small it might be when compared with all the pollution occurring in America that day.

If oil dumped by freighters turns the sands of the Apostle Islands black; if shipboard wastes and sewage foul our Lake Michigan beaches; if wastes from yachts spread a foul smell over a choice Door County anchorage, of what possible significance is it to the people affected that New York City or Detroit or Minneapolis dumps much more sewage into the water than all these vessels combined?

In the past our efforts to enforce laws prohibiting pollution by vessels and ships have been hampered by a terribly cumbersome process and generally toothless and inconsistent laws. In the Clean Waters Restoration Act of 1966 administration of the Oil Pollution Act was transferred to the Secretary of the Interior, and the Coast Guard, Corps of Engineers, and other persons who work on our harbors and rivers were given authority to take action against violators. The only problem is that the words "grossly negligent" were added to the bill and all our efforts went down the drain as the addition of these words made the new law unenforceable.

We must strengthen our enforcement procedures and set up governmental machinery that can move quickly and decisively against polluters. Last year I received an eyewitness report of an oil spillage in Lake Superior. A check of the harbor revealed that only one ship was in the harbor at the time; this, coupled with the eyewitness report, was called to the attention of local authorities and the Coast Guard. The ship's captain denied discharging the oil and the Coast Guard said that without catching the ship in the act of dumping the oil they were helpless to do anything. This is absolutely inexcusable and we cannot continue to tolerate this kind of despoilation of our precious fresh water resources.

It seems to me a bit ridiculous to ask the States to establish and enforce strict water quality standards for their industries and municipalities while we continue to allow vessels using our lakes, rivers, and harbors to dump their trash and sewage overboard and to pump out their oily bilge into waters used for recreation and for public drinking water supplies.

Last year I received several complaints from people in Wisconsin about dumping of trash from car ferries which cross Lake Michigan. Two of the complaints were against the Chesapeake & Ohio Railroad which in response to a letter from me admitted dumping garbage and trash overboard from their railroad car ferries. I also called this matter to the attention of the Federal Water Pollution Control Administration and they, in turn, won assurances from the railroad that it would set up a system for disposal of refuse at shore terminals.

I received in April of this year a follow-up report on this incident and was informed that the railroad had arranged with a private contractor to pick up all the garbage and trash from their car ferries in the terminals which service them. Certainly, the C. & O. is to be commended for the steps they have taken, but their car ferries are still dumping their sewage in the lake.

There are some significant technological problems that have been encountered in the development of equipment to treat sewage on vessels. Some of the problems result from the lack of any standards or code governing the quality of the effluent discharged from various ships. There is need for legislation which would result in the establishment of standards applicable to the discharge of sewage from all classes of watercraft using our navigable waters.

There is a further problem in that most shore facilities and terminals lack the equipment necessary to remove and handle sewage, bilge, ballast, refuse and garbage from watercraft. This lack of satisfactory equipment has been used as an excuse by the boat operators. One of our tasks must be, therefore, the construction of the needed receiving facilities in our parks and harbors.

Testimony presented to the Senate Public Works Committee recently on amendments to the Oil Pollution Act of 1924 and an outstanding new book called "Wastes from Watercraft" by the Department of the Interior point up these issues and demonstrate overwhelmingly the need for new Federal legislation to modernize our antiquated ship pollution laws. This bill is a step in the right direction but by no means will it halt the pollution of our waters by the many boats which use them.

This year I introduced the Navigable Waters Pollution Control Act of 1967 which is a comprehensive attack on the whole problem of pollution of our navigable waters by ships. Under this measure, the Secretary of the Interior in consultation with the Secretary of Transportation would establish regulations for sewage treatment and equipment for vessels and ships and for the terminal facilities which serve them. These regulations would be developed in consultation with a technical committee appointed by the Secretary of the Interior and would be put into effect not later than January 1, 1971.

This bill also would extend and broaden the coverage of our oil pollution laws to include not only oil but all pollutants as well as all the sources of pollutants. I hope now that we will move ahead promptly and enact into law those additional provisions which are necessary to control pollution by watercraft.

For too many years we have allowed people to dump wastes from watercraft—something which we have not allowed them to do from their cars or house trailers. This is a problem that we have swept under the carpet for years but now it has grown to such proportions that we must face up to it. The time to act is now.

REPRODUCTIONS OF U.S. AND FOREIGN POSTAGE STAMPS

Mr. BAKER. Mr. President, I introduce, for appropriate reference, a bill to permit black and white or color reproduction of U.S. and foreign postage stamps under certain circumstances, and for other purposes.

The bill is virtually identical to H.R. 2622, introduced in the House of Representatives by the distinguished chairman of the Committee on Post Office and Civil Service of that body, Representative DULSKI, of New York. Mr. DULSKI has not only graciously permitted me to use his language but has provided me with a slight change in that language which was recommended to him by the Post Office Department. The Department endorses the bill in its amended form.

The purposes of this bill are quite simple, Mr. President. In order to protect against the possibility of the illegal use in the mails of stamp reproductions, Federal law has always forbidden the color reproduction of domestic postage, permitting its reproduction in black and white only. This poses a very real problem for this Nation's philatelists, or stamp collectors. U.S. stamps have always come out "second best" in stamp albums, philatelic publications, and promotional material. It is also true that students of philately have a real problem in trying to differentiate between the shades of color in many early U.S. stamps.

This bill, Mr. President, would permit the color illustration of U.S. postage stamps, provided that the reproductions are either larger or smaller than actual size, thereby effectively preventing any possible abuse of this new privilege.

While this may seem a small matter to some the bill would eliminate a considerable barrier to the full enjoyment of an avocation now practiced by a great many Americans. I am pleased to join with Representative DULSKI in this effort, and I am hopeful that the Senate will be able to take swift and affirmative action in its support.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2761) to permit black and white or color reproductions of U.S. and foreign postage stamps under certain circumstances, and for other purposes, introduced by Mr. BAKER was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF BILL

Mr. BAKER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky [Mr. COOPER] be added as a cosponsor of the bill (S. 1637) to amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

> George I. Cline, of Kentucky, to be U.S. attorney for the eastern district of Kentucky, for the term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, December 18, 1967, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING BY COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, I wish to announce that the Committee on Interior and Insular Affairs will hold a hearing on Thursday, December 14, on the nominations of Mr. John T. Vance, Mr. Richard W. Yarborough, and Mr. Jerome K. Kuykendall to be Commissioners of the Indian Claims Commission.

The committee will also consider at that time the nomination of Mr. Max N. Edwards to be Assistant Secretary of the Interior for Water Pollution Control.

The hearings are scheduled to begin at 9:30 a.m. in room 3110, New Senate Office Building.

A PLAN TO STOP THE GOLD DRAIN

Mr. BAKER. Mr. President, the December issue of the Reader's Digest includes an article by Dr. N. R. Danielian, president of the International Economic Policy Association, which is unusually topical. The article, entitled "A Plan To Stop the Gold Drain," did not specifically anticipate the devaluation of the pound and the frantic economic activity which has followed it. But it does speak concisely and coherently to a longstanding problem faced by the United States that has been forcefully brought into focus by the events of recent weeks, and that is, of course, the chronic deficit of international payments recorded by this country in all but one of the last 17 years.

Mr. Danielian is also editor of the respected book, "The U.S. Balance of Payments: An Appraisal of U.S. Economic Strategy." The current article was brought to my attention by Mr. Marshall Briley, senior vice president of Owens-Corning Fiberglas Corp., who is among the contributors to this book. Mr. Briley has been long acquainted with the economic intricacies of international trade, and I respect his views on this problem highly.

The author of the article expresses deep concern about recent policy of our Government in this critical area, a policy which he describes as no more than "applying Band-Aids to the balance-of-payments malady." He does not content himself with criticism; however, he goes on to identify five areas in which he feels that major policy changes could well be effected.

Mr. President, I commend this article to Senators. Whether we agree with Dr. Danielian's analysis and recommendations is not of prime importance. We are certainly agreed that this is a problem of great proportions and that it is getting worse rather than better. The article can, I think, prove stimulating and thought-provoking. I ask unanimous consent it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Plan To Stop the Gold Drain

(Our balance-of-payments problem has become a financial hemorrhage that is draining our economic strength. A distinguished international economist tells what must be done to stanch the flow.)

(By N. R. Danielian)

Newspapers carry gloomy reports about it, financiers lose sleep over it, politicians in Washington try to dismiss it. Nevertheless, it persists—indeed it worsens every day. It? A remote-sounding threat called the balance-of-payments problem. But it is far from remote. Unless we take steps to remedy it, and *soon*, untold Americans will suffer the consequences—right in their pocketbooks. We *can* solve the balance-of-payments mess. But it won't be easy, for we are in deep trouble.

In all but one of the last 17 years the United States has been spending more dollars abroad for imports, military expenditures, foreign aid, tourism and investments than it has taken in from exports, and earnings overseas on investments, royalties and services. The result is a balance-of-payments deficit, an underlying dollar loss which this year will climb to at least $4 billion—the highest level in ten years. Result: The U.S. gold supply is perilously low.

To Paris by the Ton. Many will recall the Depression-racked winter of 1933 when people lined up at banks to demand gold for their paper money. That same nightmarish run on gold has been taking place again—but with one major difference: while U.S. citizens can no longer own gold, foreign nations can. France's Charles de Gaulle was No. 1 in line at the Federal Reserve Bank of New York last year, cashing in his paper dollars for 45 tons of gold worth $50 million *every month*. Armored trucks load the heavy bars on ocean liners, and the gold winds up in the vaults of the Bank of France in Paris. Many other nations, too, have been carting off our gold with the result that since 1958 our gold reserves have shrunk from $23 billion to $13.1 billion.

But that isn't all. More than 100 nations have accumulated 30 billion in dollar claims most of which, through their central banks, they can redeem for U.S. gold. If they continue to demand as much of it as they have in recent years, our supply will soon vanish—or we will be forced to stop all gold sales. In either case, the consequence will be an economic and political debacle.

Without a plentiful supply of gold behind it, our paper currency would soon bring lower exchange rates and buy less in world markets. We'd have to pay more for our imports—copper, sugar, coffee, iron ore, oil. And for the American tourist, prices would rise on everything from hotel bills to souvenirs. Moreover, without a stable world-accepted currency to pay for troops and arms abroad, our military capability would be undermined. Our enemies might then be tempted to challenge us on other fronts besides Vietnam.

What we must do, obviously, is to spend less and earn more overseas. To accomplish this, and thus solve the balance-of-payments problem, our government leaders must take five fundamental steps:

1. Tighten the foreign-aid spigot. By Treasury Secretary Henry Fowler's own calculations, the $5-billion annual foreign-assistance program increases our international deficit by about $750 million a year—more than $2 million a day. These are dollars spent by the recipients outside the United States.

Another dollar-losing proposition is the Food for Peace program, under which we sell wheat, corn, cotton, even tobacco, for local currencies—Indian rupees, Brazilian cruzeiros—which we cannot turn into dollars.

Congress intended these local currency sales to help the hungry people of the world, not to be a substitute for commercial dollar transactions. But look at Egypt, which used to buy, commercially, substantial amounts of tallow from us to make soap and oleomargarine. In 1959 we began to supply that country with tallow under foreign aid (even as Nasser became increasingly belligerent toward us). Inevitably, our commercial sale of tallow to Egypt was quickly displaced by exchange of surplus tallow for unusable Egyptian currency. A single review by the watchdog U.S. General Accounting Office reveals a score of other countries in which we have kicked away $715 million worth of commercial sales, thanks to such foreign-aid substitutions.

Recently, Congress has achieved some success in restraining the State Department's overeager largess. But more reform is needed, particularly in curbing huge blank-check grants and in limiting aid to specific projects that require the purchase of U.S. equipment such as pumps, tractors and earthmovers; in selling more agricultural products for hard cash; and in concentrating on a few countries of strategic importance where *visible* results can be obtained through demonstrated self-help.

2. Corral loose loans. Financial institutions such as the International Development Association (IDA) must be brought under stricter discipline by the U.S. government. They are knocking gaping holes in our balance of payments by doling out hundreds of millions of dollars a year. IDA, the World Bank's "soft loan" window, lends at *no* interest with a final maturity of 50 years sums of $101 to $354 million, of which 40 percent is from the United States. Only a fraction of every U.S. dollar lent by IDA returns here to buy goods.

Because these "loans" are helpfully interest free, the U.S. government should insist that the money be spent here to finance specific aid projects. "Unless this program is cut down to size," warns Sen. Stuart Symington of Missouri, "we will have that much more difficulty in finding our way out of the quagmire of international deficits.

3. Trim military fat abroad. With billions pouring into the Vietnam war, it is imperative for our brass to pull in their belts. There are more than a million U.S. servicemen all over the world. This means a total out-of-pocket foreign-exchange cost of $3.6 billion a year—dollars which are often used to withdraw our gold. U.S. soldiers and their families are pumping $1.5 billion into the European economies alone. Can any of these Americans be safely brought home?

Former President Eisenhower declares: "I do not believe that today the common security requires an American ground strength the equivalent of the six divisions now present in Europe." He would reduce these forces to no more than two divisions with reinforcing artillery and a reconnaissance regiment. Forty-four members of the U.S. Senate, including Armed Services Committee Chairman Richard B. Russell, have echoed Eisenhower's view, introducing a resolution calling for a "substantial reduction of U.S. forces permanently stationed in Europe."

Recently Defense Secretary McNamara announced withdrawal of 35,000 U.S. troops from West Germany, but more should follow. Senator Russell makes sense when he says, "If the United States has one division of troops anywhere, we're not going to leave them there to be chopped up."

Our military presence in the Far East used to add $1.6 billion a year to our balance-of-payments deficit. Now the Vietnam war itself runs a staggering $24 billion a year, and not every nut and bolt can be shipped from home. So hundreds of millions are spent for war supplies in Japan, Taiwan, the Philippines and Australia, and the Far Eastern military expenditures now increase our balance-of-payments deficit by $2 billion a year. We should press these countries to spend the equivalent of our increased military expenditures on additional purchases in the United States of goods now bought elsewhere. That way we can reduce the impact of unfavorable balance of payments without limiting military capability.

4. *Expand our exports.* The time has come for tough bargaining in trade negotiations to spur commercial exports. Administration officials claim that our 1966 trade "surplus"—the difference between total exports and total imports of goods—was $3.7 billion. But nearly $3 billion of this comforting figure is a mirage. It represents exports paid for not by foreign buyers but by Washington.

For example, a jeep on the municipal pier in Toledo, Ohio, marked for Pakistan looks like good business. In truth, however, payment comes right out of the U.S. taxpayers' pockets and doesn't earn us a dime. How? Foreign aid bankrolls such sales by handing nations money to buy our goods, often displacing a potential cash sale.

The remainder of this $3.7 billion also vanishes into thin air if one is aware of what Sen. Everett Dirksen calls "seduction by statistics": our imports are made to appear smaller by omitting such charges as transportation and insurance from overseas to U.S. ports of entry.

Instead of engaging in such double-standard statistics, our government should be concentrating on reducing foreign-trade obstacles. For instance, the European common market has set up a protectionist agricultural policy. Tariffs on corn, barley, chickens and dairy products run from 40 to 75 percent. An American grain exporter can deliver wheat in Rotterdam for $1.80 a bushel, but he has to pay $1.09 duty, plus an extra surcharge of three cents a bushel, forcing his price above that of the local producer. And even if the price of U.S. wheat should be reduced by, say, 30 cents, the tariff would automatically go up the same amount.

Incredibly, U.S. trade negotiators have all too often accepted these obnoxious tariffs as non-negotiable! This "no-win" policy simply slams the door in the face of the American farmer and exporter.

5. *Avoid quickie solutions.* Since 1961 our policy makers in Washington have merely nibbled at the dollar-deficit problem with "quickie" solutions. For example: the government cut duty-free imports by tourists from $500 to $100 per trip while raising the valuation from wholesale to retail price. This has had insignificant effect on total tourist expenditures abroad, but it touched off bitter anti-American resentment among Europe's small tradesmen.

Other strange "remedies": a special federal tax on those who buy foreign securities. Thus, it is all right for a tourist to spend money at a nightclub in Paris, but unpatriotic to buy interest-bearing French securities! And the Department of Commerce is continually pressuring American businessmen to curtail their foreign investments in Europe, although income on private investments is one of the largest sources of earnings which help our balance of payments: since 1945 it has brought us a net income of $20 billion. Moreover, when a pharmaceutical or automobile plant is established in a foreign country, American machinery and raw materials are often sold to the plant, thus boosting our exports.

A glance at individual company reports dramatically tells how their overseas activities have helped our balance-of-payments position. From 1950 to 1965 Ford Motor Co. returned a *net* $3.3 billion to the United States. In ten years, Chrysler gave our balance of payments a $1-billion boost. International Telephone & Telegraph Corp. brought home $54 million in 1965 alone. Clearly, by putting roadblocks in the way of private investments which enhance our earning power abroad, the Administration is cutting off its nose to spite its face.

To Halt the Hemorrhage. What is needed above all is a change of attitude starting at the White House and extending deep into our federal bureaucracy. We must stop prescribing tranquilizers and Band-Aids to the balance-of-payments malady. The health of the dollar and its universal acceptance directly determine the projection of our power and influence all over the world. We must never forget that the declared intent and strategy of communism is the attrition of U.S. economic strength. The British Empire's decline began when it ceased to earn enough abroad from exports and investments. It can happen to us.

It is not my purpose to alarm, but to flash warning signals before we commit further economic blunders. From London to Frankfurt to Tokyo I have talked to scores of international bankers who understand the seriousness of the U.S. malady. "What you have is a severe dollar hemorrhage, and it could bleed you to death," one warned me.

Let's stop that hemorrhage now.

THE PRAYER AMENDMENT DELAY

Mr. PASTORE. Mr. President, on January 11 of this session, some twoscore Senators joined the distinguished Senator from Illinois [Mr. Dirksen], in sponsoring Senate Joint Resolution 1—a prayer amendment—which was referred to the Committee on the Judiciary.

The joint resolution has so far failed to reach the floor for the consideration of the full Senate so that the pros and cons might be heard and judgment made.

The proponents of the joint resolution are much concerned over the delay, and it does appear that the democratic process would be served by such open discussion.

The Reverend Robert G. Howes, associate professor of city and regional planning of the Catholic University of America and the Washington, D.C., representative of Citizens for Public Prayer, has made a statement on this point. I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Prayer Amendment Delay Continues To Challenge Democratic Process

(Statement by Rev. Robert G. Howes, associate professor of city and regional planning, Catholic University of America, Washington, D.C.; Washington, D.C. representative of Citizens for Public Prayer)

Once again, as this session of Congress nears its conclusion, no action has been taken on proposals for a prayer amendment. Despite repeated evidence of massive public support for such an amendment, and despite the fact that Senate Joint Resolution #1 bearing the signatures of more than forty Senators of both parties and many religious backgrounds has been before the Senate Constitutional Amendment Subcommittee for months, there is no indication that any action will be taken prior to adjournment. The tragedy of the situation takes on an even more serious dimension when it is recalled that now more than five years after the first Supreme Court decision banning prayer from our public schools not one normal floor vote in either house of Congress has been taken on even one of the hundreds of remedial bills which have been in session after session tossed in the hoppers.

Senate Joint Resolution 1 reads:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in non-denominational prayer."

Other proposals have read in similar language. Recognizing that the incubus of the two prayer decisions went much deeper than the moment of prayer in public schools alone, legislator after legislator has proposed a clarifying amendment to the Federal Constitution which would restore the original meaning of the First Amendment and in the process stop once and for all that creeping secularism which is so dangerously at the base of the Supreme Court prayer decisions. That the nation, in overwhelming numbers, supports such an amendment is incontrovertible. In the Fall of 1963, the Gallup Poll showed a three-to-one majority for amendment. Again and again Congressional polls of home districts have indicated more Americans united for amendment than in any other cause. Majorities have run generally between 70 and 85%. In October of 1964, the Harris Poll said that 80% of the American people favored a prayer amendment. In the Spring of 1967 the "Good Housekeeping" Poll came up with a figure of 82% for such an amendment. Recorded also for prayer are the legislatures of several States, the National Governors Conference, the National Conference of Mayors, the Veterans of Foreign Wars, the American Legion and the National Council of Catholic Youth. It is abundantly evident from this that efforts by opponents of public prayer, including incredibly certain so-called "religious leaders", have not been able to defeat the instinctive awareness on the part of the American people that the prayer decisions were very seriously wrong and that they represent extremely dangerous precedents. As Abraham Lincoln said once of the Dred Scott decision—so long as it occupies the judicial terrain, there is not room for the shadow of a starved pigeon to occupy the same terrain. So, too, as long as the two prayer decisions stand the whole interpretation of the First Amendment is fundamentally warped and every subsequent decision in which that interpretation is involved must be itself warped. It is already frighteningly clear from the use to which courts have put the prayer amendment precedents that far from being minimal those decisions are of major significance and will, unless checked, be widened.

As Washington, D.C., representative of Citizens for Public Prayer I am alternately enthused by the continuing support of Americans everywhere for religion in our public life and deeply troubled by the inaction of the Congress in this critical cause. What is at stake, to sum it up, is not only an important matter in itself but also in terms of the viability of the entire democratic process. If the will of a great majority of the American people cannot even reach the floor of either house of the Congress for more than five years, something is seriously wrong.

Once again, then, it would appear that the prayer amendment fight must be prospective rather than immediate. Once again we shall have to look ahead—to the next session of the Congress—for effective action. That this session will occur in an election year may help us to dramatize and develop the need for such action. Between now and the convening of the Congress in 1968 there is a great urgency for noise everywhere and continuously on the part of all those who are convinced, as we are, that the issue of a Peoples Amendment for Public Prayer remains one of the most critical issues before the conscience of the nation. No occasion must be lost to emphasize the issue, to drive it home in every convention as a matter of insistent resolution, to demand that all our representatives in Washington declare unequivocally for amendment. We can win next time around, but we can win only if those who believe in this reverent republic bring the same dedication and constant energy to our cause as the opponents of this resolution have brought to theirs.

MILWAUKEE JOURNAL PROPOSES RETURN TO WAGE-PRICE GUIDELINES

Mr. PROXMIRE. Mr. President, recently the Milwaukee Journal called for a return to the voluntary wage-price guidelines that served the Nation reasonably well from 1962 through 1966, and kept price rises consistently below 2 percent per year.

In a period when rising costs are rapidly pushing up prices, when inflation is largely a cost-push inflation, and wages as the prime and largest cost are principally responsible, the Journal's suggestion makes sense.

It is interesting that the Journal editorial preceded a speech by President Johnson last week in which he called on labor and industry for restraint to keep wages down to productivity increases, and prices level. This is a beginning, but what is needed is a specific figure, a definite guideline for wage increases. Without it, wages and prices are bound to continue to chase each other up. Inflation will be certain.

I ask unanimous consent that the Milwaukee Journal editoral be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME FOR NEW GUIDELINES

Substantial price increases in the steel industry and large wage boosts in the auto industry have quickened concern about inflation, but the White House is not saying much.

Part of the reason may be that no president, vexed by low popularity ratings, is eager to offend corporate and union giants when an election is less than a year away. This does not, however, answer the basic question: How *else* can the government, as guardian of the national interest, effectively discourage inflationary wage and price jumps?

Many argue that a tax increase is needed to soften the inflationary impact of a huge wartime budget deficit. Yet even if evidence conclusively supported the wisdom of this remedy (which is does not), congress has slammed the door on the president's surtax proposal for at least several months. Meanwhile, pressures build as more major labor contracts near expiration, and companies, as in the case of steel hike prices to capitalize on inventory buildups that occur in anticipation of possible strikes.

One possibility, mentioned Monday by William McChesney Martin, the federal reserve board chairman, is wage and price control for the duration of the Vietnam war. Under popular government, however, such clamps are no easier to apply than a tax increase. It can take months to work out the mechanics even if the general idea wins broad acceptance, which is unlikely. Further, controls do not respond well to business fluctuations. It is possible that the controls would be off when they should be on and then finally would be on when they should be off.

Voluntary wage-price guidelines are an alternative within easier reach of the president. Guidelines were in effect between 1962 and 1966 and, though deficient in several ways, they helped to keep wages and prices roughly in line with productivity (output per man-hour). By early 1967, however, White House defense of the guidelines had faltered badly under repeated battering, and currently no standards are apparent.

This void invites excesses. Limited as they may be, guidelines can guide. A new set and their vigorous application are needed immediately.

WITNESSES AT MILWAUKEE EXPORT HEARINGS URGE ADOPTION OF KIMBERLY REPORT, OTHER IMPROVEMENTS IN U.S. EXPORT PROGRAMS

Mr. NELSON. Mr. President, on December 1 and 2, the Select Committee on Small Business concluded the third in its series of export hearings in the St. Lawrence Seaway Port of Milwaukee, Wis.

Thirty leaders in fields of machinery, transportation, forestry, agriculture, labor, banking, and State and local government presented testimony to give the committee the benefit of their views.

I found the trade community of the seaway both knowledgeable and imaginative. There is thus an awareness of certain shortcomings in the conception and day-to-day operation of our Nation's trade programs.

As a result of the hearings, thoughtful—and it seems to me practical—suggestions were made which would improve our programs.

The United States faces serious balance of payments and gold flow problems. We cannot allow the situation to get much worse.

It was announced at the beginning of these hearings that, in view of the critical nature of these problems, committee would make the major findings and suggestions available to the executive branch without waiting for the publication of a formal report.

I have, therefore, forwarded to the Secretary of Commerce and other involved Federal departments and agencies, a number of recommendations which emerged from the Milwaukee hearings. I have requested a point-by-point critique, which will undoubtedly be helpful in the conduct of the committee's future hearings and in the formulation of its final report.

In my opinion, however, there is one matter deserving special attention; that is the report by the action committee on export promotion of the National Export Expansion Council. John R. Kimberly, president of Kimberly-Clark Corp. of Neenah, Wis., and the able chairman of the action committee, stated as a part of his submission of the document on February 10:

> This report represents an intensive study conducted over a period of months by a dedicated group of senior business executives who represent a wide range of skills and involvement in the business community and the world of international trade. I cannot emphasize too strongly the amount of thoughtful consideration and planning which has gone into the development of this report.

The central recommendation of the Kimberly report was that—

> It is now vital that we have a carefully coordinated highly-integrated and effective promotional campaign to give the United States of America its maximum share of world trade. . . . Adoption by Government of a long-term program, such as suggested by the Committee (a ten-year program), would provide business with assurance of our Government's commitment to provide stable, sustained and vigorous support for the business effort required to expand exports.

The report was revised as of April 5, 1967, and presented at the White House in May of this year.

The adoption of the long-term approach by the high-caliber action committee of the National Export Expansion Council is of particular interest to the Small Business Committee. It, too, has been emphasizing the desirability of 10-year export planning during the trade inquiries it has been holding over the past few years.

The testimony received on December 1 and 2, regarding this matter was pointed up by several witnesses. The president of the Chicago Board of Trade, Henry Hull Wilson, expressed the opinion that the support and encouragement provided to American exporters was not comparable to that furnished in many other nations.

In this context, Mr. Robert S. Stevenson, president of Allis-Chalmers, added:

> Planned action is essential, such as is indicated in the Kimberly Report.

A third witness, Mr. Howard Phillips of the Nordberg Manufacturing Co. and member of the action committee, also stressed the report's conclusion that a 10-year plan would go a long way toward reassuring small business of the Government's commitment to a sustained and vigorous trade expansion program.

It is my view that the Kimberly Report is an outstanding contribution to the Nation's efforts in the export field. Its status should be clarified, and its recommendations adopted and implemented.

I ask unanimous consent that several of the newspaper reports from the Milwaukee Sentinel and Milwaukee Journal, touching upon the highlights of the hearings, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Sentinel, Dec. 2, 1967]

UNITED STATES NEGLECTS EXPORTERS, TRADE EXECUTIVE TESTIFIES

The United States government gives less "concrete encouragement" to its export industries than any "other country in the world," Henry H. Wilson, president of the Chicago Board of Trade, testified here Friday.

Wilson and many other witnesses in a two day public hearing of international trade urged the federal government to initiate a long range promotional program to acquaint small business with export opportunities.

Sen. Nelson (D.-Wis.) served as chairman of the hearing, conducted by the senate committee on small business, at the federal building.

Present government programs to stimulate exporting "are intended to be beneficial, but in many respects they seem to be geared to serve big industry . . .," said Gene F. Kiela, manager of Curt C. Joa, Inc., Sheboygan Falls.

Kiela said his firm has developed its export trade on its own. "We have more or less suspended our efforts to promote anything through established federal agencies because we found working with them too complicated, to time consuming, too bureaucratic. . . ."

In a similar vein, Howard Phillips, vice-president of the international division of the Nordberg Manufacturing Co., made three recommendations to the committee.

He said any trade expansion program should "sharply reduce the red tape here and abroad, provide a flow of up to date trade information," and develop a long range plan for promotion.

Phillips said the Kimberly report, drawn up by a committee of the National Export Expansion council, "could well be adopted as the basis of a structure on which to build our nation's exporting future."

Headed by John R. Kimberly, chairman of the Kimberly-Clark Corp., Neenah, the report outlines a 10 year promotion plan "which would go a long way toward reassuring small business of the government's commitment to a sustained and vigorous trade expansion program," Phillips said.

Many witnesses emphasized the need to continue to work with foreign governments to lower restrictive tariffs and quotas.

"Our government can promote exports all they wish but unless export trade can be conducted without discriminatory barriers, it will not reach a significant level," said C. Ken Werth, vice-president of sales for the Fall River Canning Co., Fall River.

He represented the Wisconsin Canners and Freezers association at the hearing.

Wisconsin agriculture has an encouraging future in export trade, testified Truman F. Graf, professor of agricultural economics at the University of Wisconsin in Madison.

"Although we will certainly experience difficulties in selling dairy products abroad, overall prospects are very promising," he said. An expected population increase in Western Europe, greater world commercial demand for non fat dry milk and other factors will widen the market for dairy products, he said.

Wisconsin agricultural exports now contribute "over $30 million annually to a favorable (national) balance of trade and payments. Thus Wisconsin has a substantial stake in agricultural export trade," he said.

[From the Milwaukee Journal, Dec. 2, 1967]

AM Official Raps Barriers at U.S. Trade Hearing Here

Charles A. Watson, director of the automotive international division for American Motors, told the senate select committee on small business here Friday that trade barriers hindered the increased export of his company's cars.

Watson was a witness at the opening session of a two day public hearing on international trade. Sen. Gaylord Nelson (D-Wis.) served as chairman of the meeting, held in the federal building.

Business leaders from many Wisconsin and midwest communities were scheduled to appear. The hearings were the third in a series being conducted on each of the nation's major seacoasts. The Milwaukee hearings were especially concerned with international trade opportunities for Great Lakes states which export their products through the St. Lawrence seaway.

PRICE VARIATIONS

Watson pointed out that a Rambler American 440 four door sedan, which carries a "sticker" price here of $2,143, cost $4,327 in France, $6,535 in Japan, $4,090 in Venezuela and $6,430 in Finland.

"Let me hasten to add that these prices are not of our doing," Watson said. "They are the result of heavy duty imports, road taxes, horsepower taxes, use taxes, weight taxes and freight and handling charges.

"These barriers most certainly do nothing to increase our exports," he said.

Yet, Watson added, any foreign car can be landed in the United States for a total tax duty of 6.5%, and even that rate was scheduled to be reduced.

Watson said he did not advocate that the government legislate "retaliatory, punitive duties and taxes."

FAIR IS FAIR

"But the day must not be too far off when all major countries involved in foreign trade sit down and face the reality that fair is fair, and fair trade is fair trade . . . for all," Watson said. "It must be a two way street."

Despite high duties and tariffs, Watson told the hearing, American Motors had increased its international automobiles sales from 7,000 in 1957 to 59,000 in the 1967 fiscal year.

"The wholesale volume of our products sold outside the United States under American Motors' Rambler or Kelvinator brand names, or under license from American Motors, has risen from about $120 million in 1960 to $368 million in the just completed fiscal year," Watson said.

WAGES COOPERATION

He told the hearing that the United States could help increase exports by intensifying federal government programs to encourage small businesses to enter the international market place. In addition, Watson said, the government should, at the same time, work toward having other governments eliminate their artificial trade barriers.

Finally, Watson said, the government must make better known world trade possibilities to those interested in wanting to enter the export field.

John J. Benson, executive director of the Construction Industry Manufacturers Association of Milwaukee, said there were three basic considerations small business had to recognize, to find success in exporting:

First, small business must have products with market appeal in foreign countries.

Second, small business men must not use the export markets as simply a fill-in market, when their domestic efforts are lagging.

Third, the small business man must be aggressive and develop his foreign markets to their fullest potential.

Benson said small business men could not expect foreign business to be handed to them.

"They must seriously pursue it, and take the bad with the good until profitable operations are fully developed," he said.

Benson said that if the federal government were interested in attracting small businesses into foreign trade, it would have to offer some incentives. He named three:

A tax incentive in the form of a rebate, a credit or a refund.

A more liberal credit plan.

A continued improvement on the part of federal government agencies to provide aggressive and progressive activity in the foreign market.

Henry H. Wilson, president of the Chicago Board of Trade, told the hearing that the future rested with those who understood that "we live in a world market and are willing to fight effectively for a place in that market."

He added: "Many of us take the great strength of our domestic economy as a matter of course. Some imply that foreign trade—export or import—is a frill, some tasty frosting on the economic cake, which we can take or leave. This is simply not true."

Donald E. Wilkinson, assistant secretary of the Wisconsin department of agriculture, said the United States had no exclusive hold on the world markets.

SITTING ON SIDELINES

"The United States, and especially midwestern agricultural interests, as well as their respective agencies of government, must proceed with much greater aggressiveness, or the apathy that now exists in many areas will result in a well established world marketing system, with us sitting on the sidelines looking in," he said.

Among other things, he suggested that federal agencies expand their efforts to bring about a greater awareness of the opportunities available to midwestern agri-business firms.

Others who spoke were: Gilbert C. Rohde, president of the Wisconsin Farmers' Union; Glenn M. Anderson, general manager of the Wisconsin Association of Co-operatives; William C. Eckles, general manager of the Pure Milk Products Co-operative, Fond du Lac; William Wilson, general manager of the Fruit Growers cooperative, Sister Bay; C. Ken Worth, vice-president of Fall River Canning Co., Fall River, on behalf of the Wisconsin Canners and Freezers association; Robert J. Barr, professor of economics and chairman of the department, Marquette university; Truman F. Graf, professor of agricultural economics at the University of Wisconsin; Eric Schenker, professor of economics and associate dean of the college of letters and science at the University of Wisconsin—Milwaukee, and Leonard J. Goodsell, executive director of the Great Lakes commission.

SEAWAY ADVANTAGES

Schenker said Wisconsin could enlarge its role as an exporter by more use of the St. Lawrence seaway, which, he said, has not yet reached its full development. He said that since it was enlarged in 1959 the seaway had significantly influenced foreign trade and generally stimulated shipping at all Great Lakes ports.

"Despite their rapid growth rate, the Great Lakes ports are still shipping only a small percent of the manufactured exports of their hinterlands, and there is a vast untapped potential for expanded trade," Schenker said.

[From the Milwaukee Sentinel, Dec. 2, 1967]

Nelson Cites Trade Need

Wisconsin with the rest of the nation has a big stake in expanding our exports at an accelerated rate to trim the country's balance of payments deficit, Sen. Nelson (D-Wis.) told a luncheon group here Friday.

"While our exports grew by 4% in 1965 and by 10% in 1966, our imports climbed 14½% in 1965 and 20% in 1966," Nelson said. He spoke to a group of business leaders at the Pabst Blue Ribbon hall. He was the guest of James C. Windham, president of the brewing firm.

The nation's trade surplus last year fell by $1.5 billion to about $3.8 billion, the senator said. This was almost 50% below the peak surplus of 1964 and the lowest trade balance since 1959, he added. Authorities anticipate that the country's overall trade balance deficit will be substantially larger this year than the $1 billion of a year ago.

Sen. Nelson was in Milwaukee in connection with trade expansion hearings Friday and Saturday conducted by the senate small business committee. Nelson was chairman of the sessions.

Wisconsin has done a good job in export trade and now ranks tenth in the nation in the value of manufactured exports, the senator said. There is added opportunity for Wisconsin business, big and small, to further build its dollar exports, he said.

"Our purpose in conducting these hearings is to discuss both the opportunities and the problems which confront our businessmen in foreign markets," Nelson continued.

"We want to bring together the best ideas on how to profit from these opportunities, and we want particularly to know how the congress and the administrative agencies of our government can help business firms to benefit from these opportunities."

An area of concern, Nelson noted, is the fact that the United States compares unfavorably with other industrialized nations in terms of gross national product sold abroad. Recent figures show that other nations sold from three to six times as much of their production abroad as we did, he said.

One of the most fertile areas for stimulating export trade, and thus attempt to bring such business into balance with imports, lies in the field of small business, yet largely untapped, he said.

[From the Milwaukee Journal, Dec. 4, 1967]

Milwaukee: City Hears Benefits of Export Trade—Help at Hand

The challenge and the rewards of world trade were outlined last week for Wisconsin businessmen large, medium and small, at hearings held in Milwaukee by Sen. Nelson.

Stressing the challenge was Robert S. Stevenson, chairman of Allis-Chalmers. The United States in 1966 increased export sales to $29.4 billion for a gain of 11%, he said, but "most of the big trading nations, through equally vigorous efforts, registered better or comparable gains."

So the competition is stiffening, and devaluation of the British pound, making British exports cheaper, means that American businessmen will have to be all the more aggressive just to retain, let alone enlarge, their share of global markets.

The reward for the nimble world trader is written in Wisconsin trade figures. This is now the nation's 10th biggest state in value of manufactured exports. According to Nelson, more than 68,000 workers depend in some way on foreign trade for their jobs. About 400 Wisconsin companies, including 100 in the Milwaukee area, export everything from cheese and farm equipment to canned goods and reconditioned jukeboxes.

Too many small and medium sized Wisconsin companies still shy away from foreign trade, however, despite excellent harbor facilities at Milwaukee and direct access to the St. Lawrence seaway (six of the ten top export states border the Great Lakes). If hesitancy is due to a feared lack of corporate expertise, help is readily available. As Port Director Harry Brockel testified, a comprehensive range of 64 public and private port related services stands at the ready.

SMALL BUSINESS COMMITTEE REGIONAL HEARINGS DEVELOP EVIDENCE OF EXPORT TAX INEQUITIES

Mr. SMATHERS. Mr. President, as the Senator from Wisconsin [Mr. Nelson] has pointed out, the Select Committee on Small Business has been holding field hearings this year on building regional export industry over the next decade. The study was announced on February 1, after it appeared that the Nation's trade surplus for 1966 had declined to the lowest since 1959. As the months have gone by, the problems of trade, our balance of payments, international monetary and gold difficulties, and the related danger of domestic inflation have mounted, giving the committee's inquiry added significance.

In an effort to make a maximum and timely contribution to the solution of these problems, the committee has adopted the unusual procedure of making major suggestions available directly to the executive branch of the Government, in advance of our formal report. We hope that all in this field can thus get a headstart in working on the critical problems involved.

The second and third sessions of this study were recently concluded in Mobile, Ala., on November 10 and in Milwaukee, Wis., on December 1 and 2. The fourth and fifth sessions will be held in the Port of New York and in Miami on dates yet to be selected during 1968.

Of particular interest to me has been the testimony which the committee is receiving on the international tax problems. In Milwaukee, for instance, the Regional Export Expansion Council for Wisconsin recently sponsored a survey on tax incentives. A representative sampling of Wisconsin firms were asked whether various tax programs presently used by foreign nations would be of assistance in expanding their exports. The fact that 90 percent responded indicated the keen interest of St. Lawrence Seaway exporters in tax matters. The survey was headed by Mr. Kenneth B. Coan, who is director of international operations for Rex Chain Belt Corp.

During the course of the hearing, several industry and banking witnesses pointed out that the tax systems of other nations place American exporters at a considerable disadvantage. Additional weight is lent to their testimony in a recent newspaper column by John Chamberlain on nontariff trade barriers. This article itemizes no less than 10 different varieties of taxes confronting potential American exporters, and it is quite likely that this list is not exhaustive.

On October 24, in introducing a proposal to liberalize certain U.S. tax provisions relating to international operations, I expressed the committee's intention to examine the question of tax incentives and disincentives relating to exports in the Miami regional hearings. With the cooperation of industry, the Treasury, and the legal profession, we plan to explore this area, thoroughly and, hopefully, to develop some balanced legislation which will have the effect of affording practical benefits to small exporters and potential exporters, and will be consistent with international obligations and our domestic revenue requirements.

On several occasions during our inquiry, I have emphasized the committee's view that Congress and others should be thinking in terms of 10-year prospects. I feel that American exporters should at least be in a position of tax equality with their foreign competitors over the long haul, and our committee will do all it can to assure fairness in this field.

At this time, I would like to commend the business community of the Seaway region on their initiative in exploring the important relationship between taxation and exports and assure them that their testimony will be given thorough consideration by the committee. I also commend the Senator from Wisconsin [Mr. Nelson] for his active participation in this investigation and his able conduct of the proceedings in Milwaukee which elicited this material, as well as many other suggestions which seem to me to have considerable merit. Senator Nelson and I have agreed that the salient points should be summarized and forwarded directly to the cognizant executive agencies. In this way the committee can have the benefit of their comments in conducting its further hearings and formulating its final report, and we will be in an even better position to be of assistance to the business community of the Seaway and the Nation.

I ask unanimous consent that the tabulations from the Wisconsin tax survey, a newspaper article highlighting the Milwaukee testimony on this subject, and the article by Mr. Chamberlain be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Milwaukee Journal, Dec. 3, 1967]

Export Tax Benefits Urged for Business

A reduced tax on export profits and other tax benefits to encourage small businesses to develop foreign markets for their products were called for at the closing session Saturday of a two day hearing here on international trade.

John W. Heffernan, an assistant vice-president at Marshall & Ilsley bank, testifying before the senate select committee on small business, said foreign governments were giving tax benefits to their exporters.

The hearings in the federal building were the third in a series being conducted at major ports in an attempt to find ways to increase exports. The Milwaukee hearings were concerned with trade opportunities for Great Lakes states which export through the St. Lawrence seaway.

Heffernan told Sen. Nelson (D-Wis.), who chaired the hearings, that companies should receive special tax allowances for losses on foreign trade and that travel and promotional expenses involved in developing foreign markets should be given some consideration.

Heffernan also said that too much American foreign aid was on a country to country basis rather than between private industries.

LEADS TO CONTROL

This leads to greater control of the economy by the then existent government and an unwillingness on the part of private local capital to put itself at risk within that country," Heffernan said.

Foreign aid should meet long term needs, Heffernan said.

"Might it not be better to issue guarantees under which private United States interests would construct a fertilizer plant that will increase, say, wheat production, than to keep sending wheat ad infinitum?" Heffernan asked.

Robert N. Bee, vice-president of the international banking division of the First Wisconsin National bank, said the present world monetary situation required a more vigorous export promotional program.

BANKS CAN PLAY ROLE

"In facing the hard challenges of the future," Bee said, "we believe that banks, particularly inland banks of medium size like ours, can play a very large role in the new and more effective export promotion efforts which must be made."

In a statement read by an aide, Joseph H. McCann, Massena, N.Y., administrator of the St. Lawrence Seaway Development Corp., said that promotional efforts for the seaway had not been successful.

"I personally think that we have fallen down in selling the seaway," McCann said, "although there is greater activity today than there ever has been.

"There are, however, no unified promotion efforts on the lakes. There are some individual port activities, but individual lake ports do not have sufficient budgets to go it alone."

NEED COMBINED PROGRAM

McCann said that a combined promotional program was advisable, "but the spector of intralake competition makes that difficult to achieve."

Mayor Maier, in a statement read by Richard Cecil, assistant director of the city's department of economic development, asked for congressional support of research projects into ice control to lengthen the seaway shipping season.

The mayor noted that the dollar value of Wisconsin's foreign trade in 1966 was $628 million, 10th among all the states.

NEED WORLD MARKETS

"Our whole economy, statewide and in our industrial cities, thus depends on our success in reaching and serving world markets," Maier said.

Other witnesses Saturday included James Sauter, Superior's port director; John Varda, Madison, general manager of the Wisconsin Motor Carriers association; Henry Danuser, Fulton, Mo., president of the Farm and Industrial Equipment institute, and David Howe, director of the Milwaukee office of the department of commerce.

WISCONSIN REGIONAL EXPORT EXPANSION COUNCIL SURVEY ON TAX INCENTIVES

1. What is you annual export volume?

Under $10,000________________ ______
$10,000–$1,000,000 ________________ ______
Over $1,000,000________________ ______

2. What proportion of your business is in export?

Under 5%________________ ______
5%–10% ________________ ______
Over 10%________________ ______

3. To what geographical areas do you export?

Canada ________________ ______
Western Hemisphere (except Canada) ______
Europe ________________ ______
Africa ________________ ______
Australasia ________________ ______
Far East________________ ______

4. The following are export stimuli used by foreign competitors. Please indicate which of these methods, or which combination of methods would benefit you most in expanding your exports. Brief explanation.

a. Remission of direct taxes (lower tax rate on earnings from exports).

____

b. Overexpensing promotion costs (credit against earnings for market expansion efforts).

____

c. Accelerated depreciation allowances.

____

d. Deductions for special reserves (to guarantee export credits, for market research, etc.) Brief explanation.

____

e. Exemption from indirect and excise taxes. (Do you take advantage of current U.S. provisions for such rebates?)

____

f. Other methods you would recommend.

____

Company name and address________________

____

VARIOUS METHODS RECOMMENDED

1. Direct subsidy or tax rebate calculated on export sales volume.
2. More liberal treatment of subsidiary earnings subject to tax.
3. Accumulate export earnings in offshore corporation taxable only when remitted.
4. Expand Western Hemisphere Corporation tax rate reduction.
5. Favorable IRS attitude toward intercompany pricing.
6. Direct long term 100% financing at competitive rates.
7. Government underwrite finance and insurance of deferred items to permit financial institutions to lower charges.
8. Repeal 1962 law taxing foreign income at source.
9. Privately operated government sponsored discount operation.
10. Simplify U.S. tax regulations on foreign subsidiary income.

SUMMARY OF SURVEY ON TAX INCENTIVES

1. Nearly 90% response ratio—very high—indicates keen interest of exporters in this subject.
2. Majority—86%—of responders export over $1,000,000 annually (though exports constitute less than 10% of sales volume for 60% of the firms.)
3. Nearly every responding firm exports to all major world areas.
4. A large majority—75%—of the responders are in favor of some form of tax relief—such as remission of direct taxes on exported goods, or lower tax rate on earnings from exports.
5. A smaller proportion—⅓—are in favor of some form of deduction against earnings for tax purposes of expenses incurred for export market expansion and promotion.
6. Some other form of tax relief was mentioned by 16% as being desirable, half of those or 8% mentioned some form of tax deferment until foreign earnings were remitted.

[From the Washington Post, Dec. 8, 1967]

ASSORTED FOREIGN TRADE FEES AMOUNT TO PROTECTIVE TARIFFS

(By John Chamberlain)

Columnists, like other writers, sell their product in an unprotected market, so it is hardly strange that they should be free traders. I have always tended to look upon the protectionist as a man with a hand on my wallet, for if I can't command a subsidy for my words, why should I have to pay a tariff on the stuff I buy?

Since my personal bias is plain, the steel people have taken to chiding me, sending me material that puts the case for steel tariff or quota protection on a high patriotic plane. Steel imports, so an American Iron and Steel Institute study shows, "have come to be a major deficit factor in the U.S. balance of trade." What we have been doing is "exporting jobs" to steel workers in Japan and elsewhere.

The steel people are not the only ones complaining about the pressure of imports. At least 18 separate measures demanding import quotas of one sort or another have been referred to the Senate Finance Committee, and the drive is on to stiffen the border penalties on more than $12 billion out of our $26 billion in annual imports. The cotton producers insist on protection against cotton imports from Gamal Abdel Nasser's Egypt, the domestic oil men look upon Venezuela oil with a cold eye, and so it goes.

The trouble with the protectionist argument is that it tries to isolate a few strands from what, in the world of commerce, is a seamless web. We send machine tools, computers, construction machinery of all sorts, automobiles and electrical equipment abroad, all of which are at least partly made of steel produced right here in the United States. Quotas on certain imported steel categories might provoke reprisals that would diminish the steel industry's own stake-at-one-remove in our foreign trade. Moreover, there might be purely domestic repercussions for the steel industry: our farmers, with reprisal quotas slapped on agricultural exports, could not afford new steel tractors and plows out of diminished incomes.

Having made what may seem to be the chronic free trader's case against reversing the trade policy that resulted in the recent Kennedy Round of tariff reductions at Geneva, it is only fair to say that our trading partners in other countries are not exactly paragons of honor.

John Morrill, who has just stepped down as head of the National Electrical Manufacturers Association to return to Kearney-National, Inc., a company with a big stake in pushing a free trade world, supplies me with a list of the "non-tariff barriers affecting United States exports of electrical products." It is enough to make your hair curl.

For example, African countries discriminate against U.S. electrical products not only by quotas but by something called a "tax on the cost of freight value." Argentina imposes "customs surcharges" and "consular fees." Australia utilizes "code problems" to cut down on electrical imports, and charges a "primage rate." Brazil has a "consumption tax" and a "customs liquidation tax." Belgium chimes in with a "stamp tax," a "transmission tax," a "turnover tax," and a "wharfage fee." France insists on "license requirements." Japan charges a "commodity tax." Italy has an "unloading tax" and a "compensatory tax," and a co's contribution to trade restriction semantics is the "mercantile tax." Tunisia protects itself with a "national defense tax" and a "production tax." In Thailand there are "handling and landing fees."

And U.S. citizens who travel are well aware of the miscellaneous taxes added to the hotel bill.

Since none are called a tariff, each eludes consideration whenever the U.S. savants of the Kennedy Round meet to discuss their triumphs in persuading the "foreigner" to "reduce his tariff barriers." But, as Al Smith used to say, it's still baloney no matter how you slice it. Or, to paraphrase Gertrude Stein, a tax is a tax is a tax.

Our embattled business men have a right to ask an end to the hypocrisy in our reciprocal trade negotiations with other nations. In practical effect, a "wharfage fee" or a "tax on the cost of freight value" is just like an old-fashioned protective tariff.

REPORT OF PRESIDENT'S COMMISSION ON RURAL POVERTY EMPHASIZES NEED TO REEVALUATE OUR ATTACK ON POVERTY

Mr. PROXMIRE. Mr. President, the report of the President's Commission on Rural Poverty, released over the weekend, dramatically points up the need to reorient our programs to combat poverty. The Commission, which was highly critical of Federal programs directed at rural poverty, called the plight of the Nation's 14 million poor farm people a national disgrace. The Commission underscored the point that urban riots have their roots in considerable part in rural poverty, and called for a Federal commitment to rural change on a scale unprecedented as to both expenditure and intervention in local and State affairs.

The Commission's proposals are so sweeping and comprehensive that extensive discussion and study will be necessary before adoption by the Congress is likely. The present budgetary situation and our heavy military expenditures in Vietnam also preclude an increase in Federal antipoverty expenditures. At the same time, this gives the Congress an opportunity to study the Commission's proposals and to reexamine the focus and effect of current programs.

In this regard, the Commission's emphasis upon the connection between urban and rural poverty is particularly welcome. I believe this is an area which should receive considerable attention and study by the Congress. To this end, I again urge the Senate to take action on Senate Concurrent Resolution 33, which I submitted on behalf of myself and the Senator from South Dakota [Mr. MUNDT], calling upon the Joint Economic Committee to study the growth and movement of population as it affects the economic health of our Nation. Such a study would be invaluable in directing attention toward ways in which the Federal Government might effectively encourage more balanced industrial and economic growth to prevent the influx of the rural poor into our urban ghettos. To the extent that we can solve the problems of rural unemployment and poverty through private economy, we will be able to avoid the less desirable course of massive action by the Federal Government.

I invite the attention of the Senate to the editorials published in Monday's Washington Post and New York Times discussing the Commission's report. I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follow:

[From the Washington (D.C.) Post, Dec. 11, 1967]

Rural Poverty

The President's National Advisory Commission on Rural Poverty has made findings and recommendations so sweeping and comprehensive and exhaustive in character that its report is bound to figure in the formation of national policy for a generation.

Its disclosures on the nature of rural poverty will not surprise or amaze those who have heard the reports of Secretary of Agriculture Orville Freeman and others. The poverty of 14 million rural Americans is, as the Commission says, "a national disgrace." It is not the first to say that the urban riots of 1967 "had their roots in considerable part in rural poverty." The Commission rightly makes the point that "the more vocal and better organized urban poor gain most of the benefits of current anti-poverty programs."

The disparities between urban and rural life have become a matter of common knowledge: one in every eight urban persons is poor, one of every 15 suburban, one of every four rural persons. Thirty per cent of the people live in rural America, but 40 per cent of the poor. Three out of five rural white people are poor. There are three million illiterate rural adults. One out of 13 houses are unfit. The melancholy indices of rural calamity can be continued ad infinitum.

The Commission, in spite of its gloomy findings of fact is hopeful that something can be done and it wishes the country to adopt and put into effect a policy that would give to residents of rural America equal opportunity with those of other citizens. It has a program for providing full employment, adequate shelter, rural education, medical care, family planning, rural housing, better rural government and other answers to rural inadequacies.

In total, its recommendations would involve Federal commitment to rural change on a scale unprecedented as to both expenditure and intervention in local and state affairs. Some of its proposals tend toward complicating governmental arrangements that elsewhere it finds already too involved.

The Commission's appraisal of the Federal acreage crop adjustment programs acknowledge that they are not specifically "poverty" programs, but faults them for not having more effect on the poor. The crop adjustment programs have effects that permeate the life of many parts of rural America, maintaining commodity price levels that otherwise would descend to disaster levels, distributing direct benefits and sustaining the prosperity of the vast rural business of supplying and marketing farm commodities. These commodity programs may not deal with the rural poor—but they deal with a lot of people who would be poor without them and their significance and importance in relations to rural life should not be minimized.

To close the poverty gap by cash subsidies to the poor, the Commission estimates, would cost $12.5 billion—$5 billion for rural poor alone. It is an alternative the utter simplicity of which, in the form of income subsidies of one kind or another, in the end may strongly recommend itself as an alternative to the more involved social, economic and cultural programs the Commission proposes.

[From the New York Times, Dec. 11, 1967]

Cross-Country Poverty

The long-withheld report of President Johnson's advisory commission on rural poverty makes sickeningly clear the gulf between promise and performance in America's war on poverty. Riots in ghettos have ruled out any forgetfulness of the social cancer spawned by want in the big cities. Now the country has received a needed reminder that the problems of neglect are equally virulent in rural areas.

There is, of course, no dividing line between the two areas of need. Many of the most intractable of the evils that plague New York and other metropolitan centers stem from the uprooting of millions dispossessed by the technological revolution in farming and ill-equipped for harsh life in the slums.

It is not surprising that the chief recommendations of the report on rural poverty parallel those submitted two years ago by the President's National Commission on Technology, Automation and Economic Progress, a group much more oriented to urban problems.

Both reports call on the Federal Government to become "the employer of last resort" for workers who want jobs and cannot find them in any of the normal channels of private or public employment. Such a concept would implement the full-employment commitment the Government nominally undertook when Congress passed the Employment Act of 1946.

One effect of the summer explosions in the cities has been an alliance of industry, labor and municipal governments to overcome some of the job lag for the urban poor. Typical of such efforts in every big city is the $125,000 grant just made by Standard Oil of New Jersey to provide on-the-job training in Police Department civilian jobs for fifty youths recruited from New York's poverty areas.

Even an enormous multiplication in such civic teamwork will not remove the urgency of vastly expanded governmental activity in employment, education and housing, but it does exemplify a degree of community involvement that has little rural counterpart.

Resources in these districts are so inadequate that failure by Washington to initiate a really large-scale reappraisal of the nature and sufficiency of present programs dooms them to deepening squalor. The report dismisses many of the programs as "relics from an earlier era," calculated to aggravate economic inequities, not reduce them.

Saddest of all is the scant interest the White House has shown in the report. It apparently never would have been made public at all if the Government Printing Office had not routinely sent copies to 400 public libraries. The national concern essential to any serious attack on the monumental waste of human resources in farm areas and cities alike will never be aroused until the White House itself realigns its priorities.

NORTH CAROLINA SYMPHONY ORCHESTRA

Mr. ERVIN. Mr. President, not long ago one of America's great artists paid the people of North Carolina a high compliment when he said that his performances in North Carolina drew the largest, most appreciative audiences he had ever seen anywhere.

While Mr. Arthur Rubenstein's statement was most flattering, it was also true. North Carolina is noted for its cultural bent. The State's cities, colleges, and universities serve as hosts to innumerable American and foreign artists each year and take great pride in being able to attract the world's outstanding talent. However, North Carolina has a cultural undertaking that reflects not only the musical interest of North Carolinians, but their talent as well.

The North Carolina Symphony Orchestra, under the able leadership of its conductor, Dr. Benjamin Swalin, has brought credit to the State. The symphony has established a home base in Raleigh's Memorial Auditorium, and this development was the subject of a feature article in the Raleigh News and Observer on Sunday, December 3. The perceptive article, written by Bebe Moore, is worth the consideration of those who have an interest in cultural achievement.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Symphony Family Rejoices at Home

(By Bebe Moore)

The men sweeping floors and setting up chairs in Raleigh's Memorial Auditorium pay little attention to what is taking place on the stage. Now and then one of them drops a broom to the floor with a bang or sends up a screech dragging chairs. But the musicians on the stage don't seem to notice.

The members of the North Carolina Symphony Orchestra consider the opportunity to rehearse in Memorial Auditorium "a special privilege" says conductor Dr. Benjamin Swalin. This is the first time in Swalin's 22 years with the orchestra that it has had a home base for the season. Efforts are underway to make Raleigh the symphony's permanent home.

Mrs. Swalin, who plays harpsichord and celesta with the orchestra and has aided her husband tremendously in the development of the orchestra, says, "We've always lived in suitcases and had to move through an intensive schedule. It is good to have the players settled in and near Raleigh so we can have sufficient rehearsal time and move to concerts within driving distance and get back to our homes at night."

Most of the players agree that having a home base offers advantages. Many have brought their families to Raleigh with them. Their spouses have jobs here, and their children are enrolled in school.

"It's certainly a more normal way of life than being in a different town every night," says Lillian Stevens, a flute player who toured with the orchestra last year.

William Kirschke, assistant conductor and personnel director, says, "We hope being settled in Raleigh will cut down our turn-over." He points out that only 20 of this year's 60 players were with the orchestra last year.

"We want to develop a permanent, substantial orchestra," Krischke says. "When the same group can stay together, the results are better. They develop an ensemble."

An ensemble is what the members of the orchestra become under Swalin's or Kirschke's baton. In rehearsal, just as in a performance, music absorbs them and they play almost as one.

But the ensemble is made up of individuals, and each has a personal history steeped in music.

Kurt Bieler, the concertmaster, sometimes has a cigarette before rehearsal begins. He holds the cigarette in his bow hand, with an ease which suggests that the bow is an extension of his body.

A native of Cali, Colombia, Bieler began his violin study when he was seven and played his first concert solo at thirteen. He studied at the Conservatory of Cali. After graduation, he came to the United States in 1950 and studied at the Eastman School of

Music in Rochester, N.Y., and several other schools.

From the U.S., he went to the Vienna Academy in Vienna, Austria, then to the Chiggiana Academy at Siena, Italy, for specialized work. He returned to Cali, where he became concert-master with the orchestra there and taught advanced violin.

HE'S HAPPY HERE

Bieler came to the North Carolina Symphony this season as guest musician. He says, "I am most happy with the orchestra. All the members seem to be very fine musicians. I am proud to be a member of this orchestra."

The lovely brunette second violinist sitting just behind Bieler and to his left is his wife Isabel. The Bielers are among a number of married couples who play in the orchestra. Another couple are Winifred and Vincent Simonetti, who met while touring with the group last season and were married in August.

Winifred is a North Carolina native, from Lexington, and a graduate of Duke University. A piccolo player, she has played with the Winston-Salem Symphony, and she taught at the Brooklyn Conservatory this summer.

Vincent plays the tuba. He grew up in New Jersey and received his musical training at the Manhattan School of Music. He has toured widely in the United States.

Since piccolo is not in many scores, Winifred brings her knitting to rehearsals. "A piccolo player just doesn't have much to do," she says.

Another young wife who often finds time on her hands during rehearsal is harpist Elinor Kirschke. Elinor came to the orchestra last season, after marrying William Kirschke at Christmas. They met the summer before; they were both playing with the Santa Fe Opera Company.

William, better known as "Bill," is in his third season with the North Carolina Symphony. A graduate of Texas Christian University, he came here from Los Angeles as a violinist.

"I did a little conducting that first year," he explains, "and I was invited to return as assistant conductor." When the group splits into two orchestras to tour the eastern and western sections of the State in the spring, Bill takes the western group. Before the separate tours begin, he conducts certain works in concerts and often relieves Dr. Swalin at rehearsals.

When he commented on Dr. Swalin's good work recently, Kurt Bieler went on to say, "Kirschke is already a fine conductor, and he is of great assistance to Dr. Swalin. I admire the way they collaborate and cooperate for the betterment of the orchestra."

When he is not wielding the baton at rehearsal, Kirschke is still very much involved in what the orchestra is doing. He listens and watches—sometimes standing on the stage at Dr. Swalin's elbow or behind the third violins, sometimes sitting far out in the auditorium.

One day last week, two charming ladies were also sitting among the instrument cases left on the auditorium's red chairs. Joel and Lidia Adam, "almost twelve" and "six and a half" years old, weren't in school because they had just moved to Raleigh from New York. They had come to rehearsal with their daddy, bassoon player Jan Adam.

Adam brought his family to the United States from Poland just a year and a half ago, and his English is still hesitant. When he "runs out of words," he smiles broadly and turns for help to his daughters or to Mrs. Mary Piotrowski, a violinist also in her first season here who played with Adam in the Virginia State Symphony Orchestra last year.

Adam studied music for 12 years at Pozman in Poland, then played with the opera there until coming to America. Mrs. Adam is a nurse at Rex Hospital. She and the girls are pleased with Raleigh.

"I want to find a ballet school," Joel says. "I have begun to study, and I'd like to continue."

Jan Adam is part of the international flavor of the North Carolina Symphony Orchestra. Mrs. Swalin says, "Music is the international language, and our foreign musicians show this."

In addition to the Bielers from Columbia, the orchestra this season has visiting musicians from Canada, Australia, Germany, and Chile.

Miss Anita Williams, a petite cellist, has played on radio and television in her native Montreal. "I know my name sounds English," she says, "but my parents are of French descent." Her accent leaves little doubt of her origin.

Anita received her musical training in the United States and at Vincent d'Indy and the Conservatoire in Montreal. She has played with the Montreal Symphony and with the Canadian National Ballet Company.

"A musician who used to come here recommended the North Carolina orchestra to me," Anita relates. "So I wrote this summer, and here I am."

She finds the orchestra "a good group to work with. And I especially like the school concerts. It is a wonderful experience to see the children so entranced."

School concerts are an important part of the orchestra's work. They include introduction of the instruments to the students, as well as playing.

Anita says she would like to stay with the North Carolina Symphony another season. "The second year is always the best."

Tony Carolin from Melbourne, Australia, is in his second season here. He was here two years ago and returned after playing in Australia and England last year.

In addition to his duties as violinist, Tony serves the orchestra as stage manager. He is usually among the first to arrive at rehearsal and the last to leave when it's over. Having Raleigh as home base, he says, makes his job "a little easier."

He adds, "I think it's much better, anyway. You gotta have a home. But time will tell how it will work out."

Tony studied at Melbourne University, and was on the faculty there before he first came to the States.

Wolfgang Roth plans to teach when he returns home to Munich, Germany, next year. He is teaching violin groups at Josephus Daniels Junior High now, and hopes to teach private lessons while he is in Raleigh.

The handsome young German learned to play the violin in Munich, and has played with the Bach Orchestra there. He is not new to the United States, having traveled here three years ago. He says he likes Raleigh—"besides the laws that I can't drink beer on Sundays."

Though he is all business once rehearsal begins, Wolfgang sometimes shows the lighter side of his personality after he takes his place in the first chair of the second violin section, talking and laughing with the musicians near him until Bieler rises to have them tune.

On the other side of the stage, the first cellist shows the same good humor. This young man with long black hair and a well kept mustache is Rodolfo Fernandez.

Rodolfo is from Santiago, Chile, where he studied cello at the University of Chile. He has played with orchestras in Chile, Argentina, Brazil, and Uruguay. In the United States six years, he has played with the Atlanta Symphony and Philharmonic.

This is Rodolfo's first season with the North Carolina Symphony. He says, "I enjoy it very much."

Viola player Bob Hoffmann enjoys playing with the orchestra, too. He returned this year for his second season, after a 19-year absence. But his job as librarian, he says, "has its trials and tribulations."

As librarian, he is responsible for keeping the music in repair and for distributing it to the players and collecting it when they are through playing. Sometimes it seems that he is as much out of his chair as in it during a rehearsal.

Hoffman is from Boston, and studied music privately with members of the Boston Symphony before going to the New England Conservatory. He has played with the Houston and Dallas symphony orchestras and with orchestras in Florida and Virginia.

Percussionist Wilson Moorman's job appears easier than some of the musicians' at times. Wilson is primarily a timpanist, and since many scores call for little or no timpani he sometimes has nothing to do.

"There's just one other percussionist, though," Wilson says, "so I help him out with scores that call for a lot."

Wilson returned to North Carolina this fall after playing with the orchestra the last eight weeks of last year's 12-week season. He grew up in Newark, New Jersey. A Juilliard graduate, he has played with the Symphony of the New World in New York.

Bill Kirschke is obviously proud of the orchestra he helps lead. "These people," he says, "are truly professional musicians . . . Music pulls them together."

Music and an effective conductor.

Dr. Swalin demands as much from his musicians in rehearsal as he does in a concert. Dressed in the same kind of casual clothes the musicians are wearing—slacks and sweaters which contrast strongly with the dignified black they wear for concerts—he steps onto his small platform, raises his baton, and says, "All right."

The music begins.

Dr. Swalin may sit for a minute on the stool placed on the platform for him, but he stands through most of the rehearsal. Sometimes during a concentrated practice with a particular section, he takes several steps toward them.

He tells the musicians what he wants. "You started that crescendo early," he may say. Or, "You can get much more dramatic here."

And they give him what he wants.

INCREASED RUSSIAN NAVAL ACTIVITY IN THE MEDITERRANEAN

Mr. SPONG. Mr. President, on Friday I obtained unanimous consent to have printed in the RECORD an editorial published in the Washington Star which pointed to increasing Russian naval activity in the Mediterranean.

On Sunday, Mr. John I. Brooks, the Washington correspondent of the Norfolk-Portsmouth Virginian Pilot, discussed the history of the Russian buildup in the Mediterranean in a factual and thoughtful article. Mr. Brooks also reviewed some of the implications of Russia's new interest in the Middle East.

Mr. President, I commend the article to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RUSSIAN MIDDLE EAST NAVAL FORCE TRIPLED IN A YEAR

(By John I. Brooks)

After the Israeli destroyer Eilat was sunk by a Russian-built missile, the most publicized response was the shelling of an Egyptian refinery and tank farm near Port Suez four days later. Small wonder, for the pillar of fire and smoke from the burning oil was clearly visible at Port Said, about 90 miles away at the northern end of the Suez Canal.

Yet on the same day as the shelling there was a little-noted Egyptian counter, symbolic of new periods and tensions in the Mediterranean Sea and the nations along its coast.

The government at Cairo, in a statement disavowing any intention of "a new act of revenge," noted that three Russian men-of-war were on their way to Egypt for a "goodwill visit." When the Soviet ships showed up, there turned out to be about eight of them, mostly modern destroyer types.

Although these events took place during the October observance of the 50th anniversary of the Russian Revolution, when a goodwill visit would not have been inappropriate, the timing of the Egyptian announcement and the size of the Russian contingent suggest that "show of force" would be a more descriptive term for the appearance.

The use of a Russian missile against the Eilat, even though fired by Egyptians, and the destroyer visit a few days later are among recent developments which have seemed to indicate a Kremlin determination to maintain a significant naval presence in the sea which for two decades has been happy hunting waters for the U.S. 6th Fleet. Although Washington's Kremlin-watchers are not yet convinced that the current high level of Soviet naval force in the Mediterranean is permanent, it is undeniably there. The force is sufficiently large and varied to raise a legitimate question of appropriate American response.

Furthermore, both senior naval officers at the Pentagon and military-political affairs observers at the State Department point out that the Mediterranean is not the only area of increased Soviet naval activity. Brushes between American and Russian naval ships have occurred during U.S. Pacific Fleet maneuvers, and Soviet submarines are known to be ranging ever farther from the homeland in their patrols.

The Mediterranean, however, has been the scene of the most recent and intense Russian naval expansion. It furnishes concrete examples of the kind of fleet the Soviets are putting into the water.

On one day of November 1966, there were no more than a dozen Russian fleet units of all types in the Mediterranean. On the same day a year later, the total was 35. While the size of this force varies from week to week and from month to month, the year-apart figures are representative of the general force levels for the two periods.

During the past several years, the pattern of Russian naval activity in the Mediterranean has been seasonal, rising in the spring and falling in the autumn. This year the summer peak was at a record level, and there has been no appreciable decline in the fall. In all probability continuing Arab-Israeli tensions are responsible for this: The Soviets presumably feel that any sudden withdrawal now would embarrass their Arab friends. On the other hand, the Kremlin could become entranced with the possibilities of its new force and the publicity which has attended it. The days of the 12-ship fleet may be gone forever.

As a rule the Russians have about a half-dozen submarines under the sea and 12 to 15 sizeable combat ships on top of it, the rest of the Mediterranean fleet being made up of support ships and intelligence-gathering trawlers. By way of comparison, the United States usually has 20 to 25 major fleet units in the sea and a number of smaller ships.

Numbers do not tell the whole story. The American fleet includes two attack aircraft carriers and the Russians have no such ships. Yet conditions today obviously are much closer to balance than they were a year ago.

The U.S. Navy first ventured into the Mediterranean in 1801 to challenge the Tripolitan pirates but returned only occasionally during the ensuing years of British domination. It was not until after World War II that American interests, or more precisely the interests of the Western world, demanded a continuing U.S. force in the sea where naval warfare was born.

The 6th Fleet came into being in 1948, a month after proclamation of the Free State of Israel, and while Arab-Israeli tensions have remained a major reason for keeping an American force in the Mediterranean, there are others: The current flareup over Cyprus provides one example, and in addition there are the sometimes inflammatory quarrels among the Arabs themselves and the chronic instability of several North African and Near Eastern governments.

The Fleet's two really significant actions were the evacuation of civilians from Egypt and Israel during the Suez crisis of 1956 and the landing of Marines in Lebanon at the time of the threatened Nasserist coup there two years later. Basically, the fleet's functions are protection of the NATO flank and regional stabilization.

One may hope the Russians have in mind a goal of stabilization in establishing their own Mediterranean naval force, but one is also entitled to doubt it. To analyze the situation created by the presence of the new Soviet fleet, it is necessary to look at its makeup.

The two most interesting elements in Russia's Mediterranean fleet are destroyers and cruisers armed with missiles and a contingent of amphibious ships. The missiles obviously give the Soviets the capacity to fight surface and anti-air battles, and the amphibious ships just as obviously enable Russia to "land the marines" in good old American fashion.

Russian inclusion of anti-ship missiles in the batteries of several surface vessels is something of a puzzler. These missiles enable the Soviet fleet to fight surface engagements, but this is a form of warfare written off by many strategists as obsolete.

The Styx missile which sent the Eilat to the bottom was fired from a patrol boat in Port Said harbor, about 17 miles from its target. The Styx is probably the most primitive of the surface-to-surface missiles in the Russian arsenal, with a speed slower than that of jet aircraft, a warhead with an explosive force of about 1,000 pounds and a range of about 20 miles. Judging from its performance in October, its guidance system would appear to be accurate.

Retired Admiral Arleigh Burke recently drew a comparison between the Styx and the Regulus, an American missile developed during the Eisenhower administration but abandoned in 1958. The Regulus, however, was designed for a nuclear strike against short targets and was displaced by the Polaris now housed in U.S. fleet submarines on continuous patrol. The U.S. Navy never has had a missile whose primary mission was the destruction of enemy ships.

The Russians undoubtedly have more sophisticated missiles than the Styx in their inventory. Some are thought to have considerably more range and to incorporate fairly advanced guidance systems. Navy officials say, however, that all seem to be vulnerable to electronic jamming, and test shots against the old Regulus indicate that they would be downed by U.S. airborne missiles.

While the 6th Fleet has nothing comparable to Russian surface missilery, this causes no great concern in the Pentagon. Asked about the absence of surface missiles from the U.S. arsenal, Admiral Thomas H. Moorer, chief of naval operations, replied, "We have a pretty good surface-to-surface missile—it's called an airplane."

A case can indeed be made for the proposition that Russia's surface missile development is an effort to compensate for its lack of aircraft carriers. The Soviets are now completing one flattop and have another on the way, but these seem to be primarily helicopter carriers. Experienced U.S. naval air officers say the Russians are a decade away from being able to build, equip and operate effectively anything like America's fleet of 15 attack carriers.

The surface missile has some advantages over the gun, but is immensely more expensive to fire, and opposed to the plane in surface combat it offers only a bit less vulnerability to anti-aircraft fire and less risk of life because it has no pilot. More to the point, however, is the improbability of a Soviet-American surface battle in the Mediterranean, or anywhere else for that matter. Missiles fired by Soviet warships at American warships would be an engraved invitation to all-out war, and no strategist believes such a war is likely to begin at sea.

The Russians could use their surface missiles to shoot up merchant ships trying to supply a government they sought to strangle, or the tiny naval forces of nations along the Mediterranean littoral. But even if the Russians had such intentions, it would make no sense for them to have developed so elaborate and expensive a set of weapons systems to carry out a mission which the powerful Soviet submarine force could accomplish almost effortlessly. The Russian surface missile batteries actually seem to be one of those additions that most military forces make from time to time to increase their options. In effect they amount to little more than show-pieces.

Will the United States build sophisticated missiles to attack surface shipping? Since both America and the U.S.S.R. bend every effort to avoid direct confrontation, and the things are all but useless in any other situation, in all probability such missiles would add little to national or allied security. They would seem to stand small chance of passing a "cost effectiveness" test of the kind imposed by retiring Defense Secretary Robert S. McNamara.

Yet it is entirely possible that some kind of surface missile program will be launched by the Navy. This is not a function of strategic need but of what may be called the politics of weaponry, the inevitable pressure which builds up to force U.S. duplication of so many categories of military hardware created by the Russians (and, one may reasonably suppose, vice versa). The futility of opposing such pressure is well illustrated by the trampling of McNamara's coldly logical opposition to deployment of an antiballistic missile system. Critics of any administration find it easy to hurl charges of "gaps" in the nation's defense, and incumbents find it hard to defend the gaps whether or not they're really there.

Defense and State Department officials are more concerned about the implications of the Russian amphibious ships in the Mediterranean than about the surface missiles. No one really expects Russian troops to storm the beaches of the Mediterranean on a mission of naked conquest, but there are other possible patterns of aggression less removed from reality.

These patterns are not necessarily related to current Arab-Israeli hostility. In fact, recent history suggests that even if their Arab friends were in danger of yet another humiliation in a renewal of combat with Israel, the Russians would not land troops in support of Nasser and his allies. Only within its own satellite sphere has the Soviet Union risked direct application of force since World War II.

It is possible that the Kremlin might decide that the Middle East stakes were high enough, or that its prestige could not survive another smashing of the Arabs it has done so much to encourage. The adventure of a Russian landing is not to be ruled out altogether. Nevertheless, on balance, the picture of Soviet landing forces hitting the beach to bolster sagging Arab armies fails to convince.

More persuasive "scenarios" to borrow a

term dear to the Pentagon-endowed think tanks, can be written to show other dangers inherent in the Russian amphibious force.

For one thing, the very nature of these new vessels is interventionist. Missiles like the Styx, as the Eilat incident showed, can be sold, loaned or given to another nation for spectacular demonstrations; but Soviet landing ships are useless without Soviet marines, and any use of such forces would represent an alarming reversal of the non-involvement policy which has dominated Russian actions since 1945. Thus the mere fact that the amphibious ships are in the Mediterranean indicates that the Kremlin today is less concerned at least with the appearance of non-involvement than it has been in the past.

Largely through military assistance and some economic aid, Russia has taken the offensive in the Near East and North Africa, and if this trend continues to the point where a Socialist state is proclaimed along the Mediterranean Shore, or one or more of the coastal nations are reduced to client status, the dangers of a Soviet intervention will have been multiplied.

Russia has been slow to make military commitments, but when its assistance to a developing nation creates a dependency by that nation upon Moscow, a two-way process of influence is set into motion. A dependent nation acquires a degree of leverage upon its donor because of the big investment involved and the embarrassment the major power might suffer if the smaller nation were to crumble.

Thus the Russians might one day receive a cry for help from a beleaguered government in Egypt, Syria or perhaps even Algeria.

Needless to say, these principles and dangers apply in regions other than the Mediterranean. This is especially so in the light of the recent mushrooming of the Russian merchant fleet, a valuable instrument for the Kremlin in any campaign of economic aggression.

In a recently published analysis of the Soviet merchant marine, the U.S. Maritime Administration argues with some persuasiveness that this new civilian fleet is designed mainly to meet Russia's own commercial needs and that efforts to use it to fight rate wars, with the aim of subjugating foreign economies, would be self-defeating for the Kremlin. MarAd concedes, however, that the state-owned fleet "can be used as a political instrument for economic purposes and an economic instrument for political purposes."

Certainly the newly swollen merchant marine gives Russia increased opportunity to create client states. Naval strategists point out that it also provides the capability of supporting troops in wars far from the Russian homeland.

The amphibious force, however, represents a clearer and more present danger than the merchant marine. So long as no major Russian naval force was present in the Mediterranean, the Kremlin could afford to be deaf to an appeal for help when its friends got into trouble. "What can we do?" the Soviet government could justifiably ask.

The Russians still could decline to become involved, but with landing ships cruising the sea, this becomes a more difficult position to take. Some close students of Russian policy think that in this sense, the amphibious force may prove an embarrassment to Moscow, particularly since it would be hard to use the ruse of "volunteers" to cover intervention when the alleged volunteers would be marines who had been on patrol for just such a contingency.

Experienced observers in Washington do not believe Russia really is spoiling for a fight in the Mediterranean. They think the Russian naval force probably was originally created primarily to shore up the nation's maritime flanks—the Baltic coasts of East Germany and Poland and the Black Sea coasts of Romania and Bulgaria—possibly with some thought of increased capacity to compete more evenly with the Chinese and the West in such far places as Indonesia. They cannot deny the fact of Russian presence in the Mediterranean, but they link it chiefly with the Arab-Israeli situation.

These observers admit, however, that the side-by-side presence of numbers of Russian and American ships heightens the risk of an accidental involvement, some unforeseen incident which could trigger a chain of events with terrifying consequences.

The proper American response to the kind of threat embodied in the new Soviet landing ships must be as varied as the threat itself is ambiguous, U.S. officials believe. The purely military response consists of keeping a balanced naval force in the areas where American interests are involved, and Moorer said he thinks the far-flung possibilities of the trouble increase the advantages of nuclear power for the U.S. fleet.

Another, more basic response, lies in activities outside the Pentagon. American officials overseas must do everything possible to point out to the developing nations the dangers of dependency on the Soviet Union, or indeed on any single power. In this effort they will be helped by the spirit of neutralism, long a bete noire in Washington's ideological bestiary.

Russia's full intentions remain a mystery at this time and may not be wholly articulated in Moscow. The greatest significance of Russian naval development may be the implied acceptance of a limited war strategy, for the U.S.S.R. remained strapped to a policy of massive retaliation far longer than did the United States. In the sense that this augurs well for the continued existence of human civilization, it can only be encouraging.

But in the Mediterranean, whatever the Russians may intend, they have succeeded chiefly in making that part of the world far more dangerous than it was a few years ago.

SS "PRESIDENT VAN BUREN"—THE FASTEST FREIGHTER AFLOAT

Mr. BARTLETT. Mr. President, a new record, a record of which the entire American merchant marine and indeed all America can be proud, was set last week when the fastest freighter in the world, the SS *President Van Buren,* reached San Francisco from Yokohama in the elapsed time of 7 days, 15 hours, 6 minutes.

This bettered by more than 27 hours the best previous mark eastbound of 8 days, 18 hours, and 35 minutes, set by the Japanese merchantman *Italy Maru* on August 27 of this year.

The *President Van Buren* made a clean sweep of all existing records when she arrived at San Francisco the night of December 6.

She made the voyage of 4,678 miles at an average speed of 25.55 knots, 29.38 miles per hour. This establishes a clear fact—the *President Van Buren* is easily the fastest nonmilitary ship in the Pacific.

Her skipper, Capt. Wallace H. Holt, reported that the big 21,000-ton automated ocean greyhound has performed up to all expectations.

> We had some rough seas slow us down toward the end of the voyage, but the rest of the way was pretty smooth sailing. Under ideal conditions we would have averaged over 26 knots all the way—

He said.

> We had some intervals when we were doing 28 knots.

The Port of San Francisco is awarding a blue riband in recognition of the great record established by this new ship of the American President Lines. This will be the first such formal speed award in the Pacific. The riband is a large flag notched at the flying end with the words "Fastest Crossing Transpacific" emblazoned on it with the name of the ship and the seal of the Port of San Francisco.

Mr. President, I take particular pride in the SS *President Van Buren's* feat. I do so for three reasons. First, this is a demonstration that when the Merchant Marine Act of 1936 is appropriately implemented, the United States can turn out the finest merchant ships in the world.

Second, because the American President Lines had the gumption and foresight to provide for a new fleet of merchant liners, of which the SS *President Van Buren* is the first. This fine vessel now proudly bearing the Pacific speed record was built by Ingalls Shipbuilding Co., at Pascagoula, Miss.

Third, my reasons for glorying in this achievement are entirely personal, because the SS *President Van Buren* was christened by my wife, Vide, on January 7, 1967.

SENATOR NELSON'S SPLENDID FIGHT FOR LOWER MEDICINE PRICES

Mr. PROXMIRE. Mr. President, my colleague from Wisconsin [Mr. Nelson] has had a stormy but highly productive year as chairman of the Select Committee on Small Business Subcommittee that is investigating the drug industry.

His brilliant investigative work has called national attention to the unnecessary expense of medicine for American citizens. The results of his work are already reflected in lower bills for municipalities throughout the country which had been buying drugs on a brand name instead of on a generic basis. The Senate adopted an amendment to the social security bill this year that was largely an outgrowth of the Nelson investigation.

But Senator Nelson has suffered serious attacks from the drug industry, attacks that have not deterred him.

Recently the West Virginia Daily News praised Senator Nelson's fine work. I ask unanimous consent that the article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Bouquet to Nelson

> After six months of hard work and much criticism, the Nelson Committee, headed by Sen. Gaylord Nelson (D-Wis.), has scored outstanding achievements of its investigation of the drug industry.
>
> Though the committee has a great deal of further work to handle, its accomplishments to date should be noted, and praised.
>
> First, George Squibb, former vice president of a top drug firm, broke industry ranks with a 30-page memo which said high drug prices "cannot be justified satisfactorily."
>
> Second, two huge drugstore chains, with over 400 outlets, announced new policies designed to encourage doctors to use official or generic drug names in prescriptions, rather than higher priced trade names.

Third, five major drug company presidents admitted in testimony before the committee that Americans pay higher prices for their drugs than citizens of any other country—even when comparing identical drugs from a single manufacturer.

In his pointed remarks, to other members of the drug industry, Squibb said, "The Achilles heel of the pharmaceutical industry is high drug prices." He pointed out that trade-name drugs often cost six, 10, 20 times more than their generic competitors.

"It is not enough to say that trade-name drugs should be expected to cost more," Squibb said; "It is the size of this differential that seems to be inexplicable by any normal standards of accounting."

Striking down another popular drug industry claim, Squibb said, "The industry . . . cannot lay all of its higher prices to research expense. The drug industry has never refuted the late Senator Kefauver's findings that research costs of the 20 major drug companies represented only 6.4 per cent of the total sales dollar."

We commend Senator Nelson on his unstinting work in this area. The attacks that have been showered upon him have not been easy to uphold. Yet he has held steadfast and worked for what is obviously the good of the American citizen, and not of a small pressure group. And for this he is to be commended.

PRESIDENT CALLS ON BUSINESS COUNCIL TO MAKE NATION'S PROSPERITY PERSONAL CONCERN

Mr. WILLIAMS of New Jersey. Mr. President, at a speech before the Business Council this week, President Johnson called on the Nation's businessmen to refrain from avoidable price increases and to intensify their competitive efforts. He stated:

> If members of an industry attempt to raise prices and profit margins—even when they clearly have excess capacity—we are bound to have rising prices.

The President pointed out that for 82 straight months covering the period of both the Kennedy administration and his own, our country has known sustained prosperity. The American economy has never shown such strength and vitality.

But he warned the council that in the days ahead we should expect challenges which threaten our prosperity. Devaluation of the British pound, the gold reserve challenge, our chronic balance-of-payments problem, all present such challenges.

As serious a challenge is presented by the present clamor for high tariff walls. As a longstanding supporter of trade expansion, I was very happy to hear the President point out to the Nation's businessmen that international trade must be a two-way street. He said that this trade must present fair and competitive rates. I am in stanch agreement with the President when he stated:

> You cannot win this race confined by the quotas or high tariff walls the protectionists demand. Those walls have always been barriers to profits. You will win the race with time-tested American business methods—efficiency, better products, lower costs and prices.
>
> Even though we know that a key to balance of payments is to export more, we also know this: If our prices rise faster than those of our overseas competitors, our exports will suffer and our imports will grow.

The President made it abundantly clear that our country's continued prosperity is our personal concern; that if we all exercise reasonable prudence maybe we can continue with 82 more months of sustained prosperity.

Mr. President, I ask unanimous consent that the text of the President's remarks to the Business Council be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE BUSINESS COUNCIL, DECEMBER 6, 1967

If we wanted to celebrate the triumphs of our economy tonight, we would have cause enough.

We are now in the 82nd month of the American economic miracle. This sustained prosperity is unparalleled in our history.

But it is not celebration which summons us.

We are here, rather, to look at the other side of the ledger—to assess some of the challenges that now threaten our prosperity.

INTERNATIONAL MONETARY PROBLEMS

America's role in world trade and finance is crucial to our prosperity and that of all free nations.

World trade has quadrupled since World War II. We have helped to create that trade—and we have shared fully in its benefits.

In the world network of trade, America's role is doubly important. Our dollar stands at its center—the medium of exchange for most international transactions.

The recent devaluation of the British pound—with the tremors of uncertainty it stirred—makes it even more imperative that we maintain confidence in the dollar.

In the wake of devaluation, we witnessed a remarkable display of international financial cooperation. A speculative attack on the system was decisively repelled.

It was repelled because we stood firmly behind our pledge—which I reaffirm today—to convert the dollar to gold at $35 an ounce.

It was repelled because the leading governments of the western world joined with us in that successful defense, at a relatively small cost in reserves.

But we cannot rest on this victory. We must look ahead. As world trade expands, so must the liquidity required to finance it. That liquidity need not rest on the uncertainties of gold production, consumption and speculation. Nor can its supply be the responsibility of any one country.

So even as we reaffirm our pledge to keep our dollars strong—and every ounce of our gold stock stands behind that pledge—we must look beyond gold.

We will press the case for other reserves which can strengthen the international monetary system of tomorrow.

We are joined with other nations in this venture.

Already we have laid out a blueprint. The agreement reached at the International Monetary Fund meeting in Rio is a first important step. It points the way to the creation of supplementary reserves backed by the full faith and credit of the participating nations.

BALANCE OF PAYMENTS

A healthy balance of payments is essential to a sound dollar.

After a decade of deficits, our balance of payments problem still challenges the best efforts of government and business.

In recent years we have made some very real progress. But we find some of that progress offset by the cost of our defense efforts in Southeast Asia, and by events surrounding the devaluation of the pound.

This calls for special effort—by both government and business—to press even harder for progress.

Our investments in defense and foreign aid are vital to the security of every American. But, for our part in government, we are reducing to the barest minimum the drain of these essential activities on our balance of payments.

Business, too, has responded to the challenge.

In the voluntary balance of payments program, we have seen one of the finest examples of cooperative effort with government. Many firms have helped to reduce the deficit. They have borrowed funds overseas to finance foreign investments rather than borrow here and export our dollars abroad. Others have chosen to defer or scale down their investments.

We ask for even greater voluntary cooperation in 1968.

Before your dollars flow abroad to another industrial nation, ask yourself: Is this for an essential project? If it is, why can't you finance it overseas?

I know that borrowing overseas may cost an extra point or so in interest. But it is a necessary investment. It will strengthen the economy in which we all have a share.

EXPANDING OUR EXPORTS

The best way to strengthen our balance of payments is to expand our exports.

We used to talk of the world market in terms of billions of dollars—and more recently hundreds of billions. Now the economists tell us those measures no longer suffice.

The size of the economy outside the United States today exceeds $1 trillion.

American business has only begun to fight for this market.

I hope you will take this message back to the board rooms of America: Get going on exports.

We in government have helped you to promote and finance your sales to other markets abroad. We hope to do even more in the future.

But I ask business to remember this: Trade must be a two-way street. Trade must be a fair and competitive race.

You cannot win this race confined by the quotas or high tariff walls the protectionists demand. Those walls have always been barriers to profits. You will win the race with time-tested American business methods—efficiency, better products, lower costs and prices.

Even though we know that a key to balance of payments is to export more, we also know this:

If our prices rise faster than those of our overseas competitors, our exports will suffer and our imports will grow.

A growing export surplus demands that we maintain a higher degree of price stability than our competitors. We have done that over the past seven years.

THE RESPONSIBILITY OF BUSINESS AND LABOR

The challenge to business and labor is no less compelling than the challenge to government.

We know that wage and price changes are inevitable—and desirable—in a free enterprise system.

But those changes must be restrained by a recognition of the fundamental national interest in maintaining a stable level of over-all prices.

If strong labor unions insist on a wage rise twice the nationwide increase in output per man-hour—even where there is no real labor shortage—we are bound to have rising prices.

If members of an industry attempt to raise prices and profit margins—even when they clearly have excess capacity—we are bound to have rising prices.

Nobody benefits from a wage-price spiral. Labor knows that it does not. You know that business does not. And surely the American people do not.

Yet business says it is labor's responsibility to break the spiral, and labor says it is yours.

I say it is everyone's responsibility.

It is the responsibility of Government, of labor, and of business.

I intend to urge labor to restrain its demands for excessive wage increases.

I am urging business tonight to refrain from avoidable price increases, and to intensify its competitive efforts.

To both I say: It is your economy—your jobs and profits we need to protect. It is your dollar whose strength we must maintain.

For the first time, America is fighting for freedom abroad without resorting to wage and price controls at home.

Voluntary restraint has made involuntary curbs unnecessary.

This is the way it should be done.

This is the way it can be done—if business and labor meet their responsibilities.

PROJECT GASBUGGY

Mr. PASTORE. Mr. President, on Sunday, December 10, 1967, at 2:30 p.m., eastern standard time, an extraordinary event took place in New Mexico. A nuclear device of about 25 kilotons was detonated 4,000 feet below the surface of the ground in order to stimulate production and increase ultimate recovery of natural gas from deep within the earth.

The nuclear device was detonated as planned. It will, of course, take some time before the effectiveness of the shot in producing natural gas can be evaluated. Drilling must now be done to tap the underground region involved in this experiment.

This undertaking, called Project Gasbuggy, is a joint Government-industry venture to develop the peaceful atom. If it is successful it will pave the way for other nonmilitary uses of nuclear energy.

It is vital to U.S. interest—and to the whole world—that we concentrate our efforts on harnessing the atom for peace. Twenty-five years ago this month the first chain reaction was attained under the stadium at Stagg Field, Chicago, by Enrico Fermi. Since that time, as President Kennedy so eloquently put it:

> Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.

It is my hope that in the next quarter century the world will move away from the abyss of a nuclear holocaust toward reaping benefits from this great gift that God has given us.

I ask unanimous consent that an editorial published in today's New York Times, commenting on the Project Gasbuggy, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FORWARD WITH THE GASBUGGY

If the hopes of its sponsors are even partly realized, yesterday's nuclear explosion almost a mile underground in New Mexico will mark a major advance in the application of atomic energy for peaceful purposes. Theoretical considerations suggest that the explosion may have so altered the geological formation involved that large quantities of natural gas will be freed from its rocky abode and made available for use.

If this hypothesis proves correct, estimates indicate that the nation's resources of economically recoverable gas will be more than doubled. And, if nuclear explosions can aid the gas industry, the possibility opens that they will also prove useful for increasing the supply of recoverable oil and for aiding the mining industry generally.

More broadly, Project Gasbuggy pioneers the entire area of utilizing nuclear explosions constructively for human benefit. Until yesterday the peaceful atom has been for all practical purposes the nonexplosive atom, as it has been harnessed in existing nuclear power plants and in the incredibly varied medical and other employments of radioactive substances. But even at the beginning of the nuclear age a quarter-century ago, it was apparent that vast potentialities existed for using nuclear explosions as a sort of superdynamite to help build canals, harbors and the like.

A major technical problem in the way of all such uses, however, is that posed by the resulting radioactivity. This problem may bedevil even the use of gas liberated by yesterday's blast. At a symposium preceding Project Gasbuggy, one participant warned that pollution of the gas by radioactive tritium would require dilution of the fuel by uncontaminated gas. Unless a thoroughly "clean" nuclear explosive is developed, the problem of radioactive pollution of the atmosphere and of the earth moved would attend any use for surface construction tasks.

Nevertheless, the general assumption is that technical obstacles of this nature will be surmounted and that the future will see nuclear power used to move mountains, both literally and figuratively. It is precisely this conviction that explains the strenuous opposition some nonnuclear powers have exhibited in the Geneva disarmament negotiations to any nuclear nonproliferation treaty that might block their access to atomic explosives for nonmilitary purposes.

The ease with which a nuclear explosive can turn from benefactor to annihilator makes it imperative that a workable system be devised for insuring the availability of such explosives for genuinely peaceful use anywhere in the world without a spread of membership in the nuclear club.

THE NITROGEN FERTILIZER PLANT IN TUNIS, N.C.

Mr. ERVIN. Mr. President, it has come to my attention that of 13 new major facilities in which our Nation's farmer co-ops are currently investing, only one is located in a metropolitan area.

I think it is highly meaningful when the directors and management of farmer-owned enterprises elect to locate their new operations in rural America. It is meaningful because they, perhaps more than any other business group, know rural America. They know its people. They know its services. They know what they can expect from it in terms of labor and in terms of all the services they require when they build a processing plant or other facility in a rural community.

The 90th Congress has been concerned in a number of ways with programs that encourage a proper population balance between rural and urban areas. None of us wants to see our rural towns and smaller cities dry up for lack of job opportunities for the people there. We find it depressing to watch our people from rural areas pile into the big cities to lose their personal identity and their dignity—and reduce themselves to a statistic, to one of the thousands of unemployed.

That is why I think it significant every time a new plant goes up in a rural community. It creates jobs in the new plant and also more jobs in the new business it generates and the new transportation, utilities, and other services it requires.

These are some of the reasons why I am pleased to see that the community of Tunis in North Carolina has been selected as the site for a $32 million co-op nitrogen fertilizer production and storage complex.

This will be a regional facility serving farmers in a number of States. It will be a joint enterprise by co-ops with headquarters in four States, including North Carolina. I desire to commend the Senators from three neighboring States for having constituents who are exercising such sound business judgment by investing their share of the $32 million in North Carolina.

The co-op owners of the new plant will be FCX, Inc., of Raleigh, N.C.; Cotton Producers Association of Atlanta, Ga.; Tennessee Farmers Cooperative of Lavergne, Tenn.; and Southern States Cooperative of Richmond, Va. It will be operated by a subsidiary of Farmers Chemical Association of Chattanooga.

I am happy to see this consolidated action take shape in North Carolina. As I have mentioned, it will generate new business and jobs. And it will do more than that. It will turn out a farm production item within the geographic area where farmers are using the product.

The consolidated investment enables farmers themselves to own a multimillion dollar production facility for nitrogen—an essential in today's farming operations. It gives farmers control over the pricing of this crop production input.

Farmers this facility will serve—in North Carolina and in neighboring States—all will benefit.

I mentioned that 12 of 13 new co-op facilities are going up in rural communities across the Nation. The total number is over 40 major facilities that co-ops are constructing this year in nonmetropolitan areas.

That is from estimates by the Department of Agriculture's Farmer Cooperative Service which has worked with some of these co-ops in determining the feasibility of new facilities and selecting construction locations.

I would like to mention that this assistance has been at the direction of Congress. It has been the intent of Congress that research, studies, and technical help from the Department of Agriculture go further than production practices on the farm. Congress has directed the Department of Agriculture to provide assistance that helps farmers market their products and acquire supplies and services to operate their farm businesses.

Use of Farmer Cooperative Service findings and recommendations by these farmer co-ops in determining new facility needs and in selecting construction locations is an excellent example of progress in the fulfillment of legislative provisions.

I think it timely, Mr. President, to recognize the work of Farmer Cooperative Service in assisting our farmer associations.

ASSISTANCE OF DEPARTMENT OF AGRICULTURE PERSONNEL IN PASSAGE OF WHOLESOME MEAT ACT

Mr. MONDALE. Mr. President, in my remarks the other day before the acceptance on the conference report on the Wholesome Meat Act, I singled out some persons whom I believed to be especially important to that legislative victory.

My remarks were extemporaneous, and unfortunately I neglected to commend many persons in the Department of Agriculture who ably and fearlessly contributed to the success of this cause.

Rod Leonard, head of the Consumer Marketing Service; Mr. Charles W. Bucy, Assistant General Counsel for Marketing, Consumer Regulatory Laws, Research, and Operations; Dr. Robert K. Somers, Deputy Administrator of the Consumer and Marketing Service; and many others contributed effectively to this effort.

Without the 1962 and 1967 reports prepared by the Department of Agriculture, detailing the shocking conditions in some intrastate plants, this legislation could not have passed. Throughout this struggle, the Department was most effective, and I would not want this fact to go unnoticed.

IS GREAT BRITAIN IN NEED OF AMERICAN BEEF?

Mr. PEARSON. Mr. President, within the past few weeks the British livestock industry has been struck by dreaded hoof and mouth disease. Despite the great advances of modern veterinary medicine, this fearsomely contagious disease has no cure and the only known method of control is total quarantine and then slaughter of all cloven hoofed animals in the infected area.

At least 250,000 head of livestock in Great Britain have already been slaughtered. New outbreaks assure that this necessary slaughter will go much higher.

This is a severe blow to the British livestock industry and will likely have adverse effects throughout the consumer sector of the economy.

Mr. President, the loss here is greater than just the number of livestock slaughters, great as this may be, because one of the protective measures taken by the British Government is the imposition of an embargo on the importation of Argentine beef. In the past, Argentina supplied about 30 percent of all British beef imports.

In view of these circumstances, I wonder if the American beef industry—the producers, the packers, and the shippers—and the American Government have fully and adequately explored all the possible steps that might be taken to help supply Britain, in their time of need, with adequate quantities of American beef? It would certainly seem desirable that, given the large quantities and excellent quality of available American beef, we should make sure that all aspects of the situation are adequately and fully explored.

UNITED STATES MUST LEAD IN THE STRUGGLE FOR UNIVERSAL RIGHTS

Mr. PROXMIRE. Mr. President, etched into the base of the Statue of Liberty are the words:

> I lift my lamp beside the golden door.

I feel that these eight famous words symbolize the United States as a great land of opportunity. This simple sentence carries the thought that everyone who comes to this country will have the opportunity to make more of his or her life here than anywhere else.

The history of our Nation has been a long story of the continuing battle for human rights—the chance to live in a democracy.

We can be proud of our heritage of struggle against those traditional foes of human dignity—racial, religious and economic discrimination.

But we cannot allow ourselves the luxury of self-satisfaction for what we have been able to accomplish.

Our concern for the dignity of man heightens rather than diminishes our international responsibilities in the fight for human rights. We must not merely offer cooperation, but instead give active leadership to this struggle.

I see no better way than for the Senate and the Nation to resolve to meet that responsibility by ratifying now the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, and the Political Rights of Women.

THE RECONSTRUCTED TANKER AMERICAN TRADER

Mr. BREWSTER. Mr. President, the launching of an American-flag tanker is always an event of major economic significance, both for my own State and for the country.

On December 6, 1967, the American Trading & Production Corp., launched the reconstructed tanker, SS *American Trader*. The ship has been completely reconditioned—with a brandnew midbody and fore-body—at a cost of $5 million.

The SS *American Trader* is 27,500 deadweight tons, is equipped with gear turbines of 8,500 shaft horsepower, capable of 15½ knots, and is fitted throughout with the latest marine equipment—a perfect example of the sort of modern, efficient tanker produced in this country better than anywhere else in the world.

On the occasion of the launching, Mr. Frank J. Murphy, general manager of the Marine Division of American Trading & Production Corp., delivered a short address that serves as an apt reminder of the vigor of the American-flag tanker fleet. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY FRANK J. MURPHY, GENERAL MANAGER OF THE MARINE DIVISION OF AMERICAN TRADING & PRODUCTION CORP., ON DECEMBER 6, 1967, IN NEWPORT NEWS, VA., WHEN THE SEA TRIALS OF THE RECONSTRUCTED SS "AMERICAN TRADER" TOOK PLACE

Along with Newport News Shipbuilding & Dry Dock Co. American Trading & Production Corporation welcomes you to our celebration commemorating the debut, so to speak, of the New S. S. American Trader.

The event, naturally, is a major one in the history of the Marine Division of American Trading & Production Corporation. It represents the culmination of long planning and hard work. Behind a production of this nature—stand many, many, people . . . a large number of whom are here tonight . . . brokers, charterers, bankers, shipbuilders, lawyers, underwriters, merchant mariners representatives of classification societies and governmental regulatory agencies and many others. I am tempted to single out individuals by name in appreciation of their contributions, but rather than run the risk of overlooking someone, allow me to acknowledge a job well done by offering all who have participated and all who will participate in this venture. . . . our sincere thanks.

In the world of tankers today. . . . made up of outsizes from giant economy to super supers, The American Trader may appear relatively small in size. However, such super tankers—for the most part—are one grade crude oil carriers—too large for specialized trading and . . . because of size . . . not adaptable to the U.S. Flag Trades. It is our opinion (shared in by some others) that the ideal tanker size for flexibility in the American Flag Bulk Trades is between 25,000 and 30,000 Dead Weight Tons.

It is no coincidence, therefore, that The American Trader is about 27,500 Dead Weight Tons. She is equipped with gear turbine engines of 8,500 shaft horsepower, capable of 15½ knots, completely coated inside and out and can segregate and transport multiple grades of bulk products. . . . including Grade "A" petroleum products. The vessel's machinery and gear have undergone a thorough inspection and overhaul. . . . her rudder has been completely reconstructed. . . . a new stack has been fitted and she has been equipped with a new propeller and tailshaft. Crew quarters and messrooms have been refurbished and all accommodations air-conditioned. Other new equipment includes a modern radio console, new radar, new loran, new VHF and medium frequency radio telephones . . . even new crew washing machines, electric water coolers, refrigerators, a new 3-ton compressor for ship's reefer boxes and an electric galley range. Some of these items may not make the ship any safer or more seaworthy but they are essential to good morale and an efficient operation.

American Trading & Production Corporation has been at the forefront advocating an American Merchant Marine made up of ships which not only fly the flag of the United States and employ American seamen . . . and which are built in American shipyards by American labor. My principals . . . the Blaustein Family . . . are to be complimented for the support that they have given the Marine Division of the Company in the battle to retain American Flag privileges for American-built vessels operating solely under the U.S. Flag. American Trading & Production Corporation, obviously, has a great deal of faith in the future of such an American Merchant Marine.

In this respect . . . and as further evidence of this faith . . . I am pleased to announce that we are going to have Newport News Shipbuilding & Dry Dock Company deliver another 27,000 Dead Weight Ton tanker in the summer of 1969. With the Boyd Program presently laid to rest, I would hope that others would get into the same spirit and help the American Merchant Marine return to its rightful place among the fleets of the world.

NO PLACE IN PUBLIC DEBATE FOR LAWLESSNESS AND DISORDER

Mr. McGOVERN. Mr. President, I was presiding over the Senate earlier when the distinguished majority leader [Mr.

MANSFIELD] spoke. I share his concern over growing lawlessness and irresponsibility across the Nation.

Acts of lawlessness and disorder have no place in the discussion of American policy either at home or abroad. Americans have the right to disagree, but there is no legal or constitutional right to break the laws of the land.

I do not intend to surrender my freedom of conscience or my right to speak out against policies that I believe are hurting the Nation. But I have no sympathy for those who engage in irresponsible or lawless demonstrations. Such actions only make it harder for those of us who are trying to carry on a thoughtful reconsideration of public policy.

I believe in civil rights, but I detest civil disorder. It is imperative that we help the poor and the neglected, but it is equally imperative that we do whatever is necessary to end lawlessness and violence in this country.

I agree with former Vice President Nixon's recent statement that violence and lawlessness here at home are a greater threat to our security than is Vietnam.

PEACE CORPS

Mr. HATFIELD. Mr. President, the State of Oregon has always been a leading contributor to the Peace Corps, and at present more than 230 Peace Corpsmen from Oregon are serving abroad to improve the living conditions of men, women, and children in underdeveloped nations.

A significant view of what the Peace Corps has accomplished under the leadership of Peace Corps Director Jack Vaughn was summarized not long ago in the Sunday Oregonian. Because I know that Members of Congres share my interest in the Peace Corps, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEACE CORPS FIRES YOUNG AMBITIONS

(By Geoffrey Gould)

WASHINGTON.—Just outside the office of Peace Corps Chief Jack Hood Vaughn is a large stuffed crow, mounted on a wall plaque.

On a brass plate beneath the crow an inscription says "It is larger than a dove and smaller than a hawk. It is noisy. It is clever. It is resourceful. Most of all perhaps, it has a great capacity to learn and therefore it is a fitting Peace Corps symbol."

That is the way Sol Chafkin, a top idea man for Vaughn until he left the government last December, summed up what the Peace Corps meant to him. The image is idealistic but not maudlin or holier-than-thou, and it emphasizes the "can do" aspect of the Peace Corps.

That apparently is what the seven-year-old Peace Corps still means to thousands of college graduates who apply every year for two-year, low-paid, hard-work overseas assignments in underdeveloped countries.

WORK EXCITING

From top to bottom it is next to impossible to find anyone in the Peace Corps who has any doubts or reservations about what the outfit is doing. And Jack Vaughn is the most gung-ho of them all.

A wiry ex-boxer with a sandy mustache, the pipe-smoking Vaughn told a visitor he was well aware of the "swirling criticism" and the undercurrents of fear, anxiety and suspicion that seem to be abroad in the land, fed by the Vietnam war and racial disturbances.

"But we somehow are immune," he said. "There is nothing negative about us. It's pretty exciting for an old bureaucrat like me to be associated with the young swingers of our society."

The Corps passed the 30,000 mark in its past and present volunteers a month ago. There are about 15,000 abroad now and Vaughn expects 17,000 by next August.

Vaughn is convinced that the returning volunteers are bringing an imoprtant input to American society from their experience abroad, and he is sure that one day an ex-Peace Corpsman will be president of the United States.

One recent development bothers him—occasionally a volunteer will complete his training and go overseas only to be hauled back after a few months by his local draft board to go into the armed forces.

This has happened to 39 volunteers, mostly in the past year. "I think it is pretty bad," Vaughn says. "It is unrealistic and a terrible waste of taxpayers money . . . it is downright irresponsible."

"If you believe as I do," he adds, "that nothing we do overseas is as important as the work of the Peace Corps over the long pull, building bridges to other countries, then it seems inconsistent and very bad."

But he says "I can't do a damn thing about it." He points out that after Peace Corps service a young man would still be eligible for the draft, but still local draft boards grab them now and then while they are abroad.

MAN RETURNED

Vaughn says the volunteers are encouraged to speak out on their beliefs while they are serving in foreign countries. He acknowledged that one volunteer was brought back from Chile for actively campaigning against the American involvement in Vietnam, "but that was because he decided to make a cause out of it, with speeches and press releases and so on. He was spending all his time on it."

Peace Corps training now is aimed at making useful agriculturists out of the college graduates who volunteer. Teaching comes next and then community development and health care. This is a change in emphasis that has taken place in the year and a half since Vaughn took over the top job from Sargent Shriver.

The volunteers, he said, "can be trained in a narrow skill up to a very high level. In 14 weeks we can teach them all they need to know about sugar beets, for instance. When he gets abroad he knows more than the peasants, and knows how to get help when he needs it." Sugar beets are big in Iran.

"The surprising thing is they like it," he said. "You take a Princeton psychology major and teach him about poultry and he winds up being very intrigued."

Vaughn said there is no sign of any slackening of interest in the Peace Corps among the college generation.

"What they want is participation, what they want is independence, what they want is maximum responsibility," he said. "The Peace Corps can guarantee to give them that. As long as we can offer that, we'll have adequate numbers."

Responsibility is delegated to the overseas staff and the volunteers, he said. "We don't call any of the shots from here. I feel very strongly that we can't be responsive in Washington to the subtle and changing overseas needs. We have got to count on our people overseas."

THREE SERVE

Another recent development is the naming of female ex-volunteers as Corps country directors overseas for the first time. There are three of them now, including a former Miss California.

A huge organization chart on one end of Vaughn's office shows that nine of the current country directors, are ex-volunteers.

But the Peace Corps staff is being constantly raided by universities, foundations and business, Vaughn said, and one of the raiders is Sargent Shriver, who keeps trying to snare Vaughn's bright youngsters to work in his Office of Economic Opportunity (OEO).

Vaughn says he would like to hang on to his job about as long as Shriver did—five years, which is the limit for all Peace Corps personnel. This policy is designed to keep a constant turnover and new blood coming in.

"I feel so privileged, so really blessed by this opportunity," Vaughn says, and he means it. "I guess I've got the best job there is."

KENNEDY AND JOHNSON VIETNAM POLICIES IDENTICAL IN PURPOSE

Mr. McGEE. Mr. President, Philip Geyelin, of the Washington Post, has written a thoroughly documented and convincing article demonstrating the continuity of America's Vietnam policy during the 6 years of the Kennedy and Johnson Presidencies.

The Vietnam debate has been confused by false charges that the rationale of the war has shifted from defending Vietnam to containing China. Mr. Geyelin shows that Presidents Kennedy and Johnson continually stressed the fact that both containment of China and defense of Vietnam are logical reasons for our presence in Southeast Asia.

The preservation of South Vietnam's independence flows logically from a larger policy aimed at demonstrating to Communist China that the United States will not allow Communist wars of national liberation to undermine the security of free Asia.

President Kennedy stressed the dual nature of our policy on numerous occasions. For example, on September 9, 1963, he said emphatically that "China is so large" that "if South Vietnam went" it would "give the impression that the wave of the future in Southeast Asia was China and the Communists."

President Kennedy was as determined as President Johnson that South Vietnam's freedom be secured. In 1961, Kennedy said:

> The United States is determined that the Republic of Vietnam shall not be lost to the Communists for lack of any support which the United States can render.

President Johnson has repeatedly stated that the defense of South Vietnam bolsters all of Free Asia against Peking's insurgency. The President long ago made clear that the Vietnamese war is "guided by North Vietnam and it is spurred by Communist China." To let Vietnam fall would "shake the confidence of all Asia in the value of our American commitment."

Thus, as Mr. Geyelin concludes:

> The record is emphatic on one point: President Kennedy and President Johnson consistently gave the same rationale for Vietnam—that its right to self-determination must not be allowed to be foreclosed by force because of the importance such a Communist

victory would have to the larger Communist Chinese threat in Asia.

Our policy in Vietnam has been clear and consistent for 6 years. It is clear and consistent today.

I ask unanimous consent that Mr. Geyelin's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 10, 1967]

VIETNAM RATIONALE HASN'T SWITCHED

(By Philip Geyelin)

"The United States is determined that the Republic of Vietnam shall not be lost to the Communists for lack of any support which the United States can render."

So spoke President John F. Kennedy on Aug. 3, 1961, when only a few hundred Americans advisers were in Vietnam and the struggle was largely a Vietnamese affair.

Two years later, with thousands of American military advisers engaged in the fighting, President Kennedy spoke of the menace of a Communist China in the 1970s with "weak countries around it, 700 million people, a Stalinist internal regime, nuclear power and a government determined on war as a means of bringing about its ultimate success." He called all this "potentially a more dangerous situation than any we faced since the Second War."

ECHOED BY JOHNSON

If that comment on China sounds strikingly like Secretary of State Dean Rusk's recent and bitterly criticized forebodings about "one billion Chinese armed with nuclear weapons," the explanation seriously put forth by one official who served them both is that Rusk first heard the phrase from President Kennedy.

If President Kennedy's statement on Vietnam sounds like a statement President Johnson might well have made, this is because Mr. Johnson, in just about all his public utterances on Vietnam, has echoed, with a remarkable fidelity, pronouncements made by his predecessor.

In the words of Casey Stengel, you can look it up.

And it is worth looking up at a time when an already complex and crucial debate over Vietnam is confused and confounded still further by charges that the Johnson rationale for our war effort has "shifted," or "changed and switched," depending on whether the critic is Sen. J. William Fulbright or Sen. Robert Kennedy.

That our involvement in the war has changed, mightily, is obvious and it is well within reason to argue whether better handling might not have prevented greater United States participation. It is legitimately debatable whether we can accomplish anything within a reasonable time, or at all. It is quite permissible to ask whether current strategy is sensible, and even whether the policy underpinnings are sound.

PLENTY TO ARGUE ABOUT

There is more than enough to argue about. But constructive debate over performance or policy cannot even begin without some acceptance of what the policy underpinnings—and the mission in pursuit of that policy—really are.

Yet that is precisely the question raised by Sens. Kennedy and Fulbright; and with it comes the suggestion, echoed by others, that not only has President Johnson changed his own purpose but that President Kennedy would have done it all quite differently.

The argument that the Kennedy approach would have been more restrained rests on the late President's persistent emphasis on the limitations of American power to save nations where there is no popular will to be saved. By this reasoning, President Kennedy would have seen no practical purpose in allowing our effort to get so far out of proportion to the South Vietnamese effort.

But as Robert Kennedy is quick to concede, the only answer to the question of how President Kennedy would have handled Vietnam is that there never will be an answer.

When Hanoi was beginning to infiltrate main force units into the South and was moving confidently in for the kill in the decisive, not to say tragic, months of 1964, President Johnson was preoccupied by problems not of his own making which President Kennedy would not have had.

Mr. Johnson was the untested President of a nation in shock who saw an understandable necessity to consolidate his position by enacting a Great Society legislative program and getting elected in his own right before venturing any more than necessary into foreign policy.

Leaving aside what President Kennedy might have done, the point Robert Kennedy now makes is that our motives and objectives have changed, not only from what he knew them to be when he was in his brother's Administration, but from what he believed them to be when he was briefly serving President Johnson.

He contended in a recent television interview that the United States started out in South Vietnam with the sole purpose of helping the people "decide their own future" and that now we are fighting out of our own self interest "so that we don't have to fight in Thailand . . . (or) on the West Coast of the United States."

SHIFTING PURPOSES?

Senator Fulbright seems troubled by the notion that we might have more than one reason, simultaneously, for trying to save South Vietnam from Communist take-over—or that the salvation of South Vietnam might flow logically from a larger policy of containing China.

"The announced purposes," he said the other day, "it seems to me, in public statements, have been shifted. Sometimes the self-determination of South Vietnam is why we are there, to give them an opportunity for an election. At another time it is to the vital interest of this country in restraining Asian Communism. These don't seem to me to be consistent."

Perhaps the positions aren't consistent. Perhaps the emphasis has indeed shifted from time to time, as in 1964 when President Johnson was purposely playing down Vietnam, or recently when a bigger war has cried out for heavier stress on the broadest possible rationale. Perhaps also, as Secretary Rusk has conceded, our purposes are multiple and cannot "be summarized in a single phrase or catch word."

But the record is emphatic on one point: during the past six years, President Kennedy and President Johnson consistently gave the same rationale for Vietnam—that its right to self-determination must not be allowed to be foreclosed by force because of the importance such a Communist victory would have to the larger Communist Chinese threat in Asia.

President Kennedy was perhaps most explicit in a televised interview on Sept. 9, 1963. Asked if he had any reason to doubt the "domino theory"—that a defeat at the hands of the Communists in one key Asian country would cause others to topple—he replied:

"No, I believe it, I believe it. I think the struggle is close enough. China is so large, looms too high just beyond the frontiers, that if South Vietnam went, it would not only give an improved geographic position for a guerrilla assault on Malaya, but would also give the impression that the wave of the future in Southeast Asia was China and the Communists. So I believe it."

NO REASON TO REJOICE

On the general proposition of a continuing threat of Communist expansion, in the light of the developing Sino-Soviet split, he had declared earlier that year in his State of the Union message that a "dispute over how best to bury the free world is no grounds for Western rejoicing."

On another occasion, asked whether the United States should withdraw from Vietnam, he said "that would be a great mistake" and he explained: "We made this effort to defend Europe and now Europe is quite secure. We also have to participate—and may not like it—in the defense of Asia."

Toward the end of his life, Mr. Kennedy became increasingly outspoken about the weaknesses of the Diem regime in Saigon; this was at a time when the United States Government was leaning hard on the South Vietnamese for political, social and economic reforms. But he was at pains to call for "patience" and to dismiss the idea that the United States should "withdraw."

As for President Johnson, there is indeed some shift in emphasis: his first State of the Union message, in January, 1964, when political chaos threatened South Vietnam, mentioned the matter only in passing, and in the context of progress toward racial integration in our forces safeguarding our security overseas.

In his second State of the Union message, a year later, there were these phrases: "In Asia, communism wears a more aggressive face . . . our own security is tied to the peace of Asia . . . To ignore aggression now would only increase the danger of a much larger war."

In his celebrated Johns Hopkins speech in April, 1965, just after the beginning of the systematic bombing of North Vietnam, he spoke narrowly of a "promise to keep" to South Vietnam, but also advanced the broader argument "that to leave Vietnam to its fate would shake the confidence of all these people in the value of an American commitment and in the value of America's word." We have a responsibility to Asia, he said, "for the same reason that we have a responsibility for the defense of Europe."

On July 28, 1965, when a massive American troop build-up in Vietnam was announced, the President declared that the war "is guided by North Vietnam and it is spurred by Communist China." He spoke of the "grasping ambition" of Asian communism, and said "if we are driven from the field in Vietnam, then no nation can ever again have the same confidence in American promise, or in American protection."

NO NEW TALKING POINT

The record, in brief, does not encourage the argument that policy has changed or that the Johnson Administration has conjured up a Communist Chinese threat as some new talking point. The dimensions of the war have altered drastically, of course, and an argument can be had, though not to much immediate, practical profit, over who is responsible for that—Lyndon Johnson, or, just conceivably, Ho Chi Minh.

A more constructive argument can be had on questions of technique and strategy. Sen. Kennedy may well have a valid point in his contention that we have so mishandled execution of our commitments and pursuit of our policy—by vastly widening the war, by Americanizing it and by ravaging the countryside—that it is immoral, and perhaps self-defeating, to continue on our present course.

It is his opinion, apparently, that we are no longer responding to something the South Vietnamese want for themselves, though how this can be determined is difficult to see: the record does not reveal any greater public mandate for our intervention in President Kennedy's time than the mandate, such as it was, that elected President Thieu two months ago.

Finally, the literal record does not bear out the Kennedy claim that Mr. Johnson has departed from President Kennedy's strict insistence, in September, 1963, that "in the final analysis, it is the people and the government (of South Vietnam) itself who have to win or lose this struggle. All we can do is help . . ."

Said President Johnson, in his State of the Union message this year, in commenting on the basic pacification problem: "Our South Vietnamese allies are also being tested. They must provide real security to the people living in the countryside . . . Ambassador Lodge reports that South Vietnam is turning to this task with a new sense of urgency. We can help, but only they can win this part of the war."

WORTHY OF DEBATE

This doesn't answer Sen. Kennedy's complaint that we have taken over too much of the war—whatever our intent. And that, of course, is another question worthy of debate in 1968, along with just about any other aspect of President Johnson's conduct of Vietnam policy.

This debate will get nowhere, however, if the notion persists that the basic premise for our policy—whether right or wrong—is somehow different than it used to be. That our concern with Vietnam begins with our concern over Chinese Communist expansion, and that this premise has been widely and consistently accepted across a rather broad spectrum of presidential advisers during the last six years, is perhaps best illustrated by a paragraph from a memorandum on the world situation, dated Nov. 18, 1964, and privately circulated to Vice President Humphrey and other high officials of the government.

"The principal threat to world peace and Western security in the foreseeable future will almost certainly be Communist China. It is arrogant, aggressive, resourceful and resolute. It is already stronger militarily than any other state in Asia except the Soviet Union and its military strength, including its ability to make and deliver nuclear weapons, is likely to grow much faster than has been forecast. Politically its prestige among colored peoples as the most powerful and successful colored nation will prosper, and it will use that prestige and a disproportionate share of its resources to extend its influence and create maximum disorder in Asia and Africa."

The author of this paragraph was Adlai Stevenson.

THE INITIATIVE FOR PEACE

Mr. MORSE. Mr. President, St. Joseph magazine is the American Catholic Family magazine. I am proud to say that it is published by the Mount Angel Abbey, Inc., at St. Benedict, Oreg.

Its December issue has an editorial about Vietnam that deserves to be read by all who read the Congressional Record. It was written prior to Senate approval of the Mansfield resolution on submitting the Vietnam war to the United Nations. But its message remains appropriate.

I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bold Initiative for Peace

(Editorial by Albert Bauman, O.S.B.)

The American people are going through a period of agonizing reappraisal of the Vietnam War. More and more of them are looking for a way to end it. Not only is the war increasingly unpopular, the home front is less and less able to sustain the double effort: To fight a war abroad and meet growing needs at home.

Poverty and race are the burning issues back home. People are choosing up sides and opinions are hardening at a frightening pace. Unless the tension can be relieved, bitterness will continue to grow. People are getting angry. When they lose their tempers, reason is the first casualty. The angry mood must not be allowed to intensify. What to do? Who is to blame?

It is easy to blame President Johnson and his crew. Even if he is not guilty, he makes a convenient scapegoat. Whether he is guilty or not, he is about the only one on our side who can tone down the war in Vietnam and at the same time relax the growing tensions at home.

A way must be found to stop the fighting in Vietnam. Even the soldiers are beginning to ask questions. A courageous Episcopalian clergyman recently put it directly to the President sitting in front of him in a pew: Why? Please tell us in simple, straightforward language.

Despite the rising tide of doubt about the war, almost no one is proposing practical means of settling it. "Negotiation Now" signers have little to suggest beyond an armistice and a discussion about the possibilities of peace. This is great progress since it would bring the killing to a stop. But what comes after that? Will anyone show up for serious talks at the conference table? Hanoi is taking a tougher attitude this winter than a year ago.

There must be another way. As a matter of fact there are several, and we are not convinced that any of them has been realistically tried.

There is, for instance, an institution called the International Court of Justice. One hardly ever hears about this Court, even though it was set up to handle disputes between nations, but nobody puts much faith in the International Court.

The Court is the principal judicial organ of the United Nations. It consists of a bench of fifteen judges named by The Hague Tribunal. Ordinarily it sits at The Hague to render judgment on cases brought to it by nations who have a disagreement.

The judges of the Court are exceptionally well-qualified men from various nations, including the United States. Although nobody denies the judges' ability nor their honesty, the Court gets little business. While the Supreme Court of the United States processes nearly three thousand cases a year, the International Court has never had more than about four in one year. The reason is that sovereign nations are not prepared to submit their disputes to outside jurisdiction. Few nations are prepared to admit they may be on the wrong side in an argument with another nation. And they are not prepared to accept a judgment that goes against them.

There is a lot of talk about a world of law, a world government, a United Nations, but until there is a practical way for nations at loggerheads to solve their differences without resort to war, then the talk is just talk, nothing more. The machinery to solve international disputes is already in existence. Nations must begin to use it.

Occasionally the smaller nations appeal to the International Court to settle disputes: the United States has never submitted a case. The present "dispute" in Vietnam might be an excellent place to start. As far as we have noticed, no one has yet even begun to talk about such a possibility. Presenting our case to the International Court is a distinct option which should be considered.

All kinds of positive results could come from such an appeal even if the other side did not agree to go along with us and present their side of the case.

If the Court should accept the case we would have to be prepared to go along with its judgment. I believe that the people of the United States could be convinced to accept international arbitration of the war in Vietnam. Whichever way the decision is rendered we could gain. If the Court decides we are in the right, we can stay in Vietnam and do our best to carry on the war. If the Court says we should get out of Southeast Asia, we would be able to give up our commitments there with a good conscience. Even if the Court assesses damages of a few billion dollars it would be a cheap price to pay to end the drag on our finances and our manpower, and to bring the men back home.

As a propaganda weapon, an appeal to the International Court would be an immense achievement. World opinion would no longer be able to condemn the United States as a bully picking on a small country, or a colonialist nation looking for a base in Asia.

The other alternative for arriving at a peaceful settlement in Vietnam is similar to the one just outlined. The second one has the support of Senator Wayne Morse of Oregon. On September 11, Senator Morse submitted a resolution to the Senate. In substance he would ask President Johnson to request an emergency meeting of the United Nations Security Council to consider all aspects of the conflict in Vietnam and to act to end the conflict. In addition, Senator Morse wants the United States to pledge itself to carry out any decision of the Council, in accordance with article 25 of the UN charter.

This latter condition makes Washington officials wary of the Morse resolution. It has never been tried. It would set a precedent. It is against all custom. Who knows what it might lead to?

Since Americans are perhaps not ready to accept such a radical departure from accepted procedures, the Senate of the United States could be given the right to ratify any decision of the Security Council. This is a personal suggestion of this writer, not included in the Morse resolution.

These approaches to settlement of the Vietnam war are earnestly recommended to the consideration of the President. At this juncture in our history we need a bold initiative from him. The country is stalemated in a dangerous situation which is hampering normal development at home and bringing us closer and closer to a confrontation with a nation potentially one of the most powerful in the world.

RESOLUTIONS OF INTERNATIONAL WOODWORKERS OF AMERICA

Mr. MORSE. Mr. President, the International Woodworkers of America held their 25th constitutional convention in Portland, Oreg., September 11 to 15.

The resolutions adopted at the convention deserve the attention of readers of the Congressional Record, so I ask unanimous consent that they be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution No. 9—Privacy

(Convention action: Concurrence)

Whereas: The right to be let alone is a right most valued by civilized men; and

Whereas: Hidden microphones, tape recorders, personnel questionnaires, two-way mirrors, peepholes, cameras and spyglasses, private detectives, mail covers, all are added intrusions upon the privacy of each and every person; and

Whereas: Employers have used closed-circuit television to watch the production line of their employees and use lie detectors for personnel checkups; and

Whereas: Employers have used monitored telephone calls, movie cameras and electronic listening devices in union meetings, locker rooms and cafeterias; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America state our unalterable opposition to surveillance of workers, whether by electronic listening devices, wire tapping, closed circuit television, motion picture cameras, peepholes or any other of the ever-growing list of such devices; and

Be it finally resolved: That we call upon all segments of the trade-union movement to resist with their utmost vigor all of these encroachments upon human dignity and privacy.

(Submitted by the International Executive Board.)

Resolution 11—Organizing and the Law

(Convention action: Concurrence)

Whereas: The American policy of free collective bargaining under the National Labor Relations Act has been an effective working law for over thirty years; and

Whereas: The vast majority of employers and unions has complied with the law bringing peaceful and stable collective bargaining and the highest standards of wages and working conditions to American workers; and

Whereas: Many employers continue to flout the National Labor Relations Act and ignore the rights of their workers to organize and bargain collectively; and

Whereas: A particular problem arises regularly with some employers in that present National Labor Relations Board remedies for refusing to bargain in good faith amount to little more than a "slap on the wrist" in exchange for literally years of time in which the employer engages in groundless stalling of his legal obligation to bargain; and

Whereas: The National Labor Relations Board presently is considering the possibility of new remedies to make their defiance of the law and the rights of their employees more serious for these recalcitrant employers, and one of the cases included in this vital matter is Herman Wilson Lumber Company, involving the International Woodworkers of America, AFL–CIO, in Monticello, Arkansas; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America encourage the National Labor Relations Board to take all possible steps to develop more effective remedies for violation of the National Labor Relations Act, and particularly, to take the profit out of refusing to bargain in good faith as the law requires.

(Submitted by the International Executive Board.)

Resolution 2—Federal Safety Law for Lumber Industry

(Convention action: Concurrence)

Whereas: Until a Federal Safety Law was enacted, the Coal Mining Industry was one of the most hazardous in the United States; and

Whereas: The Lumber Industry is and has been for years also one of the most hazardous in the country; and

Whereas: Very few states, if any, have safety regulations that are strong enough to protect the workers in the Lumber Industry; now

Therefore be it resolved: That the officers of the International Woodworkers of America do everything within their means to get a Federal Safety Law enacted for the Lumber Industry.

(Submitted by IWA Local 3–245.)

J. A. Bramblett,
President.
R. H. Knudsen,
Business Agent.

Substitute Resolution 6—Strikebreakers

(Convention action: Concurrence)

Whereas: A number of provinces, states and cities in Canada and the United States have recognized the social and economic ills which accompany the use of professional strikebreakers by enacting legislation restricting their activities; and

Whereas: Professional strikebreakers interfere with the right of American workers to bargain collectively on wages and working conditions; and

Whereas: Legislation restricting the use of such strikebreakers is pending in several other states and municipalities; and

Whereas: Legal protection against these predators, who feast on industrial disputes and the jobs of others, is lacking precisely where it is most needed—in areas where unions are weakest and employers most hostile; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America call upon Congress and the Provincial Governments of Canada to enact a bill outlawing strikebreakers; and

Be it finally resolved: That copies of this resolution be sent to the AFL–CIO, CLC and Provincial Federations Convention.

(Submitted by the Legislative Committee.)

Les Miller,
Chairman.
Robert Perry,
Secretary.

Resolution 7—Domestic Housing

(Convention action: concurrence)

Whereas: More than 70% of our total population live in urban areas and by the end of this century there will be over 400 million Americans with 320 million living in urban centers; and

Whereas: Within the next decade we will need schools for 10 million more children; health facilities for 5 million more people over 65; at least 2 million more new homes a year; transportation for moving 200 million people a day, and more than 80 million automobiles; and

Whereas: The physical decay of our cities results in the minority races, the old and the poor being concentrated in humiliating, degrading and ugly city ghettos; and

Whereas: The problems are too immense for single, local governments to cope with; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record calling upon Congress to take the lead in planning with federal, state and local people a massive rebuilding program to rebuild the slums and ghettos, both urban and rural.

(Submitted by the International Executive Board.)

Resolution 8—Natural Resources

(Convention action: Concurrence as amended)

Whereas: Without water and air, man cannot exist. These are the fundamentals of his very existence, yet we pretend that fresh water and fresh air exist without any effort on our part; and

Whereas: Those of us who are here today must be responsible for those who will be here tomorrow for the air they breathe, water they drink, power they use, metals that they fabricate, oil that they burn, trees that they fell, soil that they till and the land on which they rest and play; now

Therefore be it resolved:

(a) We urge the creation of a department of natural resources to deal with soil conservation, forest conservation and air and water pollution.

(b) We urge that federal agencies be established to lead in the development of plans for a giant power system for the nation, including high voltage transmission lines; complete development of all feasible hydropower and encourage development of electric power from efficient coal fired steam plants and a continued development of electric power from atomic energy.

(c) We support broad multi-purpose resources development policies intended to include consideration of the importance of water supply, watershed control, pollution and flood control, navigation, extensive reforestation, sustained yield of forest lands, redevelopment of range lands, protection of fish and wildlife resources and protection of the quality of the air we breathe.

(d) We strongly urge legislation to protect the interests of all the people in the energy potential of the oil and shale reserves, and that rather than these oil shale reserves being put up to the highest bidder from private industry, they be developed by the federal government and the proceeds be used to further conservation work.

(Submitted by the International Executive Board.)

Resolution 9—Guaranteed Employment Act

(Convention action: Concurrence)

Whereas: Many reasons have been given for the serious riots occurring in U.S. cities; and

Whereas: The terrible living conditions in the nation's ghettos can be blamed for much of the unrest; and

Whereas: Employment for all who are able, willing and seeking work would make it possible to move to better housing; now

Therefore be it resolved: That we give full support to H.R. 12280, introduced by Rep. James G. O'Hara (D-Mich.) and Rep. Frank Thompson (D-N.J.) and 48 co-sponsors. Their resolution would provide Federal funds to train these unemployed in public service and private non-profit employment, such as hospital aides and education and recreation aides; and

Be it finally resolved: That all Representatives and Senators be requested to support this worthy legislation.

(Submitted by the International Executive Board.)

Resolution 10—Antiriot Bill

(Convention action: Concurrence)

Whereas: House Resolution 421 was introduced by anti-labor congressmen; and

Whereas: This bill is supposed to be directed at professional agitators who incite slum dwellers to riot; and

Whereas: The bill would cover anyone using the telephone or radio across state lines or personally crossing such lines to incite a riot; and

Whereas: A riot, as defined in the bill, is a public disturbance, involving acts of violence by assemblages of three or more persons; and

Whereas: Labor union officials could be charged with violation of this bill anytime they crossed state lines during a strike; and

Whereas: This bill has already passed the House by a heavy majority; now

Therefore be it resolved: This Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as being opposed to H.R. 421 as not being the answer to the causes of slum riots, and we further petition the Senate to defeat this bill when it comes before them.

(Submitted by the International Executive Board.)

Resolution 11—Education

(Convention action: Concurrence)

Whereas: A basic tenet for a democratic society is that every young person be assured the opportunity to realize his educational potential; and

Whereas: Access to our schools must not be dependent on economic status, sex or race; and

Whereas: These factors must not block any student from continuing his education or training for any occupation for which he can qualify; now

Therefore be it resolved: That Congress make available federal funds for school construction so as to enable the construction of at least 175,000 classrooms per year and also provide funds to raise teachers' salaries to at least an annual average of $8,000 per year as recommended by the American Federation of Teachers; and

Be it finally resolved: That Congress provide the necessary funds so that at least 14 years of school on a free public-school basis be guaranteed to every qualified student.

(Submitted by the International Executive Board.)

RESOLUTION 12—35-HOUR WORKWEEK IN THE UNITED STATES

(Convention action: Concurrence)

Whereas: The number of unemployed in the United States remains at an exceedingly high level of the total labor force; and

Whereas: The war on poverty, while having made excellent progress during recent months, cannot be expected to solve the unemployment problem by itself; and

Whereas: Automation continues its advances and destroys more jobs than it creates; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as demanding that the federal government of the United States establish by law a 35-hour work week.

(Submitted by the International Executive Board.)

RESOLUTION 14—$2 PER HOUR MINIMUM WAGE IN THE UNITED STATES

(Convention action: Concurrence)

Whereas: The cost of living continues to advance in the United States; and

Whereas: To maintain a family with only the necessities of life; and

Whereas: Industry profits are at the highest level in the history of manufacturing; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as demanding from the Federal Government of the United States the establishment by law of a $2.00 per hour minimum wage.

(Submitted by the International Executive Board.)

RESOLUTION 16—SOCIAL SECURITY

(Convention action: Concurrence as amended)

Whereas: Because of automation and other reasons, workers are being laid off not temporarily, but permanently; and

Whereas: It is almost impossible today for some workers, not only over 45 years of age, but even in their 30's to find new employment elsewhere; and

Whereas: Due to the population explosion, millions of young people are working short weeks, laid off or can find no jobs whatsoever; and

Whereas: Unemployment compensation is of no value to an older worker who has exhausted his credits, and is of no benefit at all to a young person who has no opportunity to accumulate credits; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as favoring a reduction in the retirement age under Social Security to age 60 and to increase the benefits to a minimum of $200.00 per month, plus an additional $100.00 for spouse, regardless of her age; and

Be it further resolved: That the Federal Income Tax Laws be revised so that anyone drawing Social Security be allowed to earn up to $2,400.00 per year without giving up his Social Security and that any Social Security payments be tax free; and

Be it finally resolved: Copies of this resolution be sent to our Senators and Representatives in Congress.

(Submitted by the International Executive Board.)

SUBSTITUTE RESOLUTION 17—INCOME TAX EXEMPTION (COVERS RESOLUTIONS 1 AND 3)

(Convention action: Concurrence)

Whereas: Six Hundred Dollars ($600) has been the allowable deduction for each dependent for Federal Income Tax purposes since 1948; and

Whereas: The cost of living has continued to rise until it is presently almost double what it was in 1948; and

Whereas: Most states recognize the inadequacy of the Six Hundred Dollar ($600) figure by allowing considerable more in their child-care welfare program which is tax free; and

Whereas: A serious inequity exists due to allowances, tax credits and loopholes which allow some individuals and corporations to avoid paying their fair share of taxes; now

Therefore be it resolved: That the International Woodworkers of America, AFL–CIO, and all members thereof, use all possible influence on our congressmen and senators to have the Six Hundred Dollar ($600) deduction raised to Twelve Hundred Dollars ($1200); and

Be if further resolved: That Congress should close some of the glaring loopholes in the income tax structure which benefits a favored few; and

Be it finally resolved: That copies of this resolution be submitted to all state bodies, regional councils, Senators and Representatives in Congress.

(Submitted by the Legislative Committee.)

LES MILLER,
Chairman.
ROBERT PERRY,
Secretary.

THE ESCALATION OF DISSENT

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent editorial entitled "The Escalation of Dissent," published in the October 27, 1967, issue of Commonweal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ESCALATION OF DISSENT

It was as inevitable as tomorrow's dawn that as the Administration pursued its escalation policies in Vietnam, with heart hardened and ears deafened to dissent at home, that dissenters, in turn, would escalate their protest. It is not a matter of dissenters' becoming vindictive, so much as it is their being pressed toward desperateness by the Administration's refusal to be touched emotionally or intellectually by arguments that its Vietnam policies are seriously mistaken, and, further, by the Administration's penchant to view dissent as an unhealthy manifestation of what happens when people think too much, read too much and insist on respect for their differing opinions. The escalation of dissent, hence, is a natural consequence both of the failure of the peace movement to achieve ends through ordinary political techniques, and of frustration that comes from being ignored or, on occasions when notice is taken, of being sneered at.

Recent weeks have seen two significant escalations of dissent, the two similar in nature but independent one of the other in origin as well as in the timing of their respective announcements. The first was the formation of an organization of professors, clergymen, writers, artists and professional people under the name Resist; the second was the statement directed by leading Catholic intellectuals at the Administration and the general Christian community. Both strike the note that the Vietnam war is constitutionally illegal and morally and legally unjustifiable; that young men who translate repugnance toward the war into refusal to serve in the war merit full support from individuals and churches; and that it is incumbent on citizens generally to develop forms of resistance to the war. In a word, the call is for civil disobedience.

The endorsers of the Resist declaration are familiar figures of dissent: Robert McAfee Brown, William Sloane Coffin, Dr. Benjamin Spock, Carl Oglesby and scores such. Their progression to civil disobedience is more predictable than it is surprising.

The statement of the Catholic intellectuals, on the other hand, is somewhat more significant, at least from a parochial point of view. It is not that their statement is better, or that the stature of the signers is greater or lesser than the Resist people. What gives the Catholic statement particular importance is that it carries the names of individuals who hitherto have not been widely identified with the dissent movement and who, at the same time, are some of the most responsible figures of Catholic intellectual life in America: Maisie Ward, John Cogley, Wallace Fowlie, Anne Fremantle, J. F. Powers, William Alfred, Sister Charles Borromeo, C.S.C., and two dozen more. When they unite behind sentiments such as the following Catholics as a body must ask themselves some hard, sobering questions:

"We believe that on its present terms the war in Vietnam is unjust. We believe that Christian young men who feel morally obliged to refuse service in it are correct. That their churches and fellow Christians must fully support this refusal. And that Christian citizens are morally obliged to actively search out ways to oppose this war, through personal action, political pressure and, if necessary, civil disobedience."

This is tough talk, but as the signers declare, "we may never have a more serious moral duty than to dissent from this war: it is much more serious than anything in our private moral lives. Christians have found ways of supporting every war that has ever come their way. If they support this one, then the Christian witness of peace means nothing at all."

The Catholic statement was drawn up by Wilfrid Sheed and Peter Steinfels, both editors of *Commonweal*, and Alice Mayhew, an editor with a New York publishing house. Their participation in the statement like that of the signers, is as individuals, not as representatives of an organization; the qualification is specific in their literature. But whereas some organizations might be anxious to seize on this "out" to disclaim some of the signers, *Commonweal* is not; the statement of the Catholic intellectuals is a logical projection of our own editorial positions. Accordingly, the signers have our support, both with regard to objectives and means.

The appeal of the Catholic intellectuals incidentally, is not a call to anarchy or blood letting. It is an appeal to each individual to determine in his own conscience and the circumstances of time and position the resistance that he might best adopt. The resistance envisioned is a passive disobedience in the tradition of Thoreau. This might take the form of withholding of taxes, counseling, aiding or abetting young men on avoidance of the draft (a federal offense punishable by up to five years in jail, or up to $10,000 in fines, or both), disruption tactics of various sorts. Such conduct might sound extreme to some, but as McAfee Brown writes in a recent issue of *Look*, the war is so wrong, and ways of registering concern about it have become so limited, that civil disobedience is the only course left. McAfee Brown regards this course as "honorable." So do others, in increasingly large numbers. There should be no wonder about it, least of all in Washington.

DISAGREEMENT WITH VIETNAM WAR POLICIES

Mr. MORSE. Mr. President, a constituent of mine, Mr. David King, who is professor of history at Oregon State University, in Corvallis, Oreg., has written me and several other Government officials about the war in Vietnam and the forms of disagreement available to those who oppose the war policy.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

November 14, 1967.

The President,
The White House,
Washington, D.C.
Hon. Thomas McCall,
Governor of Oregon,
Salem, Oreg.
The Editor,
The Barometer, O.S.U.,
Campus.
The Editor,
Gazette-Times,
Corvallis, Oreg.
The Editor,
The Oregonian,
Portland, Oreg.
The Editor,
Look Magazine,
New York, N.Y.

Dear Sirs: My letter concerns the war in Vietnam.

I believe that we should rapidly de-escalate, withdrawing first to coastal positions while making every effort to protect those who choose to withdraw with us. We should then negotiate, making clear not only our intention to disengage completely but also to accept a new government in which a high degree of communist influence would seem to be inevitable. Regarding the remainder of Asia, I would let our decision to become involved be dictated by local circumstances. I do not oppose giving military assistance to governments who represent their people and who are clearly being subjected to external aggression.

Thus far my protests against our Vietnam policy have been extremely moderate. I am, I believe, essentially a moderate, and it is my belief that only the arguments of moderates can have much effect in changing the course of the war. This statement, however, is not intended primarily to influence the body politic, but rather to define as precisely as possible my position at a time when I consider such a definition a moral requirement.

I am now convinced that our government has, however unwittingly, involved itself in the Far East in such a way that its actions can only be described as evil.

Civil disobedience is an issue beset with problems. I believe in the right of the representatives of the majority to make decisions binding upon the minority. This proposition must always be qualified. however, with the insistence that these decisions be reasonably just. Our own political tradition has recognized the right of disobedience to established authority from its inception and has more recently reconfirmed this position at the trials held at Nuremberg following the Second World War.

I wish here to proclaim that personally I cannot commit myself in support of our decisions taken with regard to Vietnam. If recalled from inactive military status, unless convinced that I was being called upon to help in an imminent withdrawal, I would not serve in a military capacity in Vietnam. Further, I wish to offer my help to others in avoiding serving in a military capacity in Vietnam. I shall continue to offer such help until I am convinced that our government has made remarkable policy changes. Such assistance will be given as a private citizen and not as a representative of my university.

I am aware that this statement may be found to be in violation of federal laws and also of an oath that I took to the State of Oregon in December, 1961.

Sincerely yours,

David B. King,
First Lt., U.S. Army Artillery, Inactive Reserve; Associate Professor, History, Oregon State University.

(Copies: President Jensen, Oregon State University; Dr. David Nicodemus, Dean of Faculty, Oregon State University; Dr. Gordon Gilkey, Dean of Humanities and Social Science; Dr. Thomas McClintock, Acting Chairman, History Department; Senator Wayne Morse, Washington, D.C.; Senator Mark Hatfield, Washington, D.C.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 710, H.R. 7819.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependent schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Pursuant to the previous order, the time between now and 11:10 a.m. will be equally divided between the Senator from South Carolina [Mr. Thurmond] and the Senator from Oregon [Mr. Morse].

Mr. THURMOND. Mr. President, I yield myself 4 minutes. I understand that each side has 5 minutes .

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Mr. President, because of the brief time that is allotted for the debate on this amendment, I shall only hit a few highlights which I believe the Senate should consider.

First, the purpose of this amendment is to allow distribution of title III funds for supplementary educational centers and services to be disbursed by the State departments of education. As the bill now stands, the Commissioner of Education would distribute two-thirds of the funds next year, one-half of the funds in fiscal year 1970, and one-third of the funds in 1971. I believe this formula merely postpones allowing States greater control over education in their States. It also tries to hold on to an element of Federal control regarding title III funds. It is important to the future of education that the States be given the freedom and the responsibility for carrying out educational programs in their States.

Second, I should like to point out that this amendment would not give the States carte blanche authority over these funds as has been stated. The Commissioner would still have the authority to approve a State plan before the States would be allowed to receive a title III grant.

Third, I believe it is important that the Senate be aware of the position taken by the leading educational organizations regarding this amendment. Let me quote again John M. Lumley, the director of the Division of Federal Relations of the National Education Association, in his testimony before the subcommittee:

> We have reviewed the arguments advanced by the distinguished Secretary of HEW for continuing federal control of Title III. But we believe that it is erroneous to presume that the employees of the Office of Education, on the advice of individuals they have selected, are more competent to decide which projects under Title III should be funded than are the specialists of state education departments.

Here is the statement of Mrs. Bernice S. Frieder, president of the National Association of State Boards of Education, who stated that—

> Her organization holds the view that Federal funds for public education should be channeled through State departments of education, and has affirmed this viewpoint by formal resoultion. Therefore, we would urge your consideration of a change in the law to provide that Title III funds be administered by State departments of education. They have demonstrated that they can do the job.

I should also like to quote Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers, in a letter dated November 28, 1967:

> ESEA Title III will be next to impossible to administer if enacted as proposed by the

> Senate Committee. Suitable state aid plans cannot be developed when two-thirds of the projects are federally selected and approved as to location and programs. Federally defined purposes can be met best through Title III supplementary services coordinated with services from state and local supplementary service centers existing or developing within regions of many states. A separate parallel system of federally financed and controlled centers would be wasteful and undesirable.

Furthermore, the steering committee of the education commission of the States on December 5, 1967, approved a resolution which would request the Federal Government to make bloc financial grants to the States instead of categorical aid.

Mr. President, for these reasons, I urge the Members of the Senate to pass this important amendment which seeks to aid, not control, education.

Mr. President, have I used 4 minutes?

The **PRESIDING OFFICER.** Yes. The Senator has 1 minute remaining.

Mr. MORSE. Mr. President, in reply to the Senator from South Carolina, may I say, first, that the Senator has not been talking about what is before the Senate. He has not been talking about the Morse compromise amendment which came to the Senate with the unanimous vote of my subcommittee, Republicans and Democrats alike. He has been talking about title III of the administration's bill. Title III of the administration's bill is not before the Senate. Before the Senate is the compromise under which 33⅓ percent will go to the State the first year, 50 percent the second year, and 66⅔ percent the third year.

I shall be brief in presenting this statement of my reasons as manager of the bill urging that the Senate uphold the committee and defeat the amendment proposed by the Senator from South Carolina.

My reasons for doing so are as follows:

Much of the criticism and the basis of the criticism advanced by the Senator is more properly directed to the act as it now stands rather than to the committee proposal. It is on this basis, then, that I shall contrast and compare the House language of title III versus the Senate committee language of title III.

Before pointing out the differences which, in my judgment, recommend the Senate bill language, I would like to say a word about the similarities. Both House and Senate versions of title III are cast in a State-grant-State-plan administrative framework. Both transfer effective control over the funds authorized under the title to the State agency. The way in which this is done and the timing under which it takes place differ. The House title, if enacted, could take effect in this current fiscal year. The Senate version proposes that the transfer start in the fiscal year beginning July 1 next.

In defense of my view that the starting date for the transfer of authorities in the Senate version is superior to that in the House version, I need only remind Senators that title III is an ongoing program. To change the rules of the game in the last 6 months of the fiscal year could create grave uncertainties. It would dash legitimate expectations and could produce a chaotic administration of the program.

The corollary to this argument is that under either House or Senate version State plans would have to be prepared. It is preferable and fairer both to the Department and to the State educational agency to allow leadtime for a change of this magnitude.

Secondly, in my view the Senate version is superior to the House version in that it expresses more precisely the congressional guidelines covering the uses to which the funds may be put and the fairness of the procedures to be following in arriving at decisions concerning the funding of applications.

An illustration of this point is section 304 which governs applications under the title. It is an applications section making it clear that the present program is being continued, whereby applications are received from a local or a group of local educational agencies upon the basis of plans they submit. We continue the requirement of existing law that, in the planning of programs or projects covered by the application, there will be participation of persons broadly representative of the cultural and educational resources of the areas to be served. The House version has no applications language.

My third point for emphasis is that under the Senate version provision can be made for an orderly transition which takes into account the fact that last year and the year before, on the basis of planning grants, commitments have been made to fund operationally for a period of 1, 2, or 3 years' time the programs and projects that have been approved.

This is, in part, the strongest argument for the compromise we reached, under which, in fiscal year 1969, one-third of the appropriation could be used by the States under the new method, whereby in fiscal year 1970 50 percent of the total would be available to the States, and in fiscal year 1971, why, this total would rise to 66⅔ percent of the total.

In passing, let me make it clear that in future extensions of the program a greater proportion of the money could go to the States under title III. But realistically, I think we should take cognizance of the fact that we will want always to have financing available for some projects of a national significance whose content would transcend the State-line boundary.

A final argument I would present is that through the provisions of section 305(c) the so-called selective veto provisions of the Senate bill, we have a mechanism which will insure that the innovative thrust of title III will be maintained.

We do not require those States which may not wish to fund in the field of innovation to do so. We are merely stating that it is the congressional intent that at least half of the funds for title III be utilized through one mechanism or another for this purpose. I would point out also that the section 305 provisions can be viewed as a "partial approval" authority which, if enacted, would be to the benefit of those States whose State plans are in substantial agreement with the provisions of the law but where some problems still remain. Under the Senate language, instead of having the entire allotment withheld, not more than one-half of the money could be withheld by the Commissioner, as an inducement for further change on the part of the States.

As I said during our hearings, I am disturbed that the Commissioner has under existing State-grant-State-plan programs with few exceptions, if any, the ability to prevent a program from being started in the State until every "T" is crossed and every "I" is dotted. At the same time the partial withholding does give to us in the Congress the assurance that there is substantial inducement for States to meet the criteria that we establish here in the Congress in the act we pass.

Your subcommittee, including the manager of the bill, favors having this program taken over by the States as soon as the States are ready. The testimony shows that many of them are not ready. Many are not prepared to do this at this time.

Another section of this bill would put funds into the State boards of education to build them up. They need to be built up in many States.

So I say that the compromise that we are proposing accomplishes, by the route of gradualism, the very principle that the Senator from South Carolina is talking about, but the committee is pointing out that many States are not ready.

Second, the witnesses cited by the Senator, such as Dr. Lumley, of the NEA, testified against the administration title III, not against the Morse title III.

Next, the Senator forgets to cite the testimony in the record of the superintendents of the metropolitan schools of this country from coast to coast. Let him cite one of them who wants the proposal he makes. He cannot do it. Of course, you can cite the representatives of the State boards of education. They would like to get every cent they can. But that is not the problem that confronts us, because the problem that confronts us is the great suffering, the great losses, and the great mistake that would be done with regard to the metropolitan areas and some rural areas, because there is testimony in the record of superintendents of rural schools who strongly advocate that we adopt the Morse title III, which is the committee title III.

Next, the probably most important, you have going programs all over this country, under existing law. Are you going to cut them off? Listen to what the school superintendents tell the committee would be the devastating effect upon them if you took the Thurmond amendment and brought to an end now the going educational programs under title III in State after State. The superintendent would say, "What am I going to do? I need this program for the next 2 years." They should be protected.

WAYNE MORSE assures the Senate, as the manager of this bill, that the title III before the Senate is the title III that will provide for an orderly, gradual approach for the takeover by the State boards of education when they are ready. But many of them are not now ready.

That is the testimony in the 12 volumes that are on Senator's desks.

Let me point out, in summary, that originally there were two points of view on our committee. One point of view was to go along with the present title III. That motion was offered. Present in the Chamber are two members of my subcommittee, the Senator from Wisconsin [Mr. Nelson] and the Senator from Rhode Island [Mr. Pell]. They will bear out what I now say. That vote failed for want of a majority, and the manager of the bill voted against those on my committee who wanted to continue the administration's program. I said, "It is not realistic. We ought to start a gradual approach, so that in 3 years we can get the State departments in a position to administer this program."

Then was offered the other extreme, a proposal to turn over all the money to the States, which is Senator Thurmond's proposal. I voted against it, and it was defeated.

I then offered the Morse compromise: One-third the first year goes to the States, 50 percent the second year, two-thirds the third year. Then the State departments will be built up so that they can administer the funds without any question about it. You will be protecting the metropolitan areas and the rural areas, and you will have a workable program. That proposal was carried unanimously. That is what is before the Senate at this time.

I urge the rejection of the Thurmond amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. THURMOND. Mr. President, this is a very simple amendment. The central issue is this: Shall the State departments of education in each State determine where the supplementary funds for special services and centers will go, or shall the HEW, in Washington, make that determination?

Again I would remind the Senate that the Council of Chief State School Officers favors the State departments of education distributing title III funds; the National Education Association favors the same; and the National Association of State Boards of Education also favors this method.

Mr. President, this is simply a question of whether the States are going to control this situation and distribute these funds or whether HEW in Washington will do it.

My good friend from Oregon has an amendment that provides that one portion be distributed by the States and another portion by the National Government. However, under that proposal there would be parallel systems and this would be very objectionable.

Mr. HOLLINGS. Mr. President, I wish to speak in support of the amendment offered by my colleague, the senior Senator from South Carolina [Mr. Thurmond], and myself.

I support this amendment because it steps forward positively in the direction of policymaking and planning at the State level. This is an authority the States should have and which they are demonstrating they can adequately handle.

I am confident that educators at the local level realize the tremendous importance of the prudent use of Federal funds for education and are determined to carry out the Congress' intentions in their application of this act.

My feelings in this regard are particularly applicable to title III of the Elementary and Secondary Education Act because it is this section which provides for statewide educational development programs and innovations which can best be determined by the educators in the several States. After all, who can better understand the educational needs of the individual States than those who confront these needs every day.

Mr. President, I want to say, too, that I intend to support the bill on final passage.

The results of provisions of the Elementary and Secondary Education Act have had a tremendous impact on education in my State.

While this is certainly true, it is true also that there is a great concern for the way in which the act is administered at times.

Although many of our educators find cooperative attitudes in the U.S. Office of Education, many others, as well as school board members and those interested in education have been the victims of arrogance and intolerance on the part of the Office of Education personnel.

I believe it is the job of Congress to be absolutely sure that this law is administered in the spirit intended by the Congress when the legislation was written and that State and local school officials are given every possible courtesy and cooperation.

In this regard, I was happy the committee included in the bill provisions which would assure the uniform application and enforcement throughout the 50 States of rules, regulations, and guidelines promulgated by HEW and a requirement that these rules, regulations, and guidelines and other orders issued by HEW contain citations of the legal authority on which they are based.

This would prevent the use of Federal funds for programs such as busing which is specifically prohibited by law.

I believe that if these provisions are enacted and specifically followed that the law can become more workable and fairly administered without favoritism to any section of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

Mr. MORSE. Mr. President, I ask unanimous consent that I be allowed to have a short quorum call before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. MORSE. I withhold the request for the quorum call briefly.

ORDER FOR YEAS AND NAYS ON EXECUTIVE M, 90TH CONGRESS, FIRST SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the treaty at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

ORDER FOR YEAS AND NAYS ON AMENDMENT NO. 492

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending Thurmond amendment.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from South Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from North Carolina [Mr. Ervin], the Senator from Indiana [Mr. Hartke], the Senator from Hawaii [Mr. Inouye], the Senator from Missouri [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Connecticut [Mr. Ribicoff], the Senator from Maryland [Mr. Tydings], and the Senator from New Jersey [Mr. Williams], are absent on official business.

I also announce that the Senator from Connecticut [Mr. Dodd], the Senator from Oklahoma [Mr. Harris], the Senator from Minnesota [Mr. McCarthy], and the Senator from Florida [Mr. Smathers], are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Louisiana [Mr. Ellender]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Louisiana would vote "yea."

On this vote, the Senator from North Carolina [Mr. Ervin] is paired with the Senator from Oklahoma [Mr. Harris]. If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Oklahoma would vote "nay."

On this vote, the Senator from Hawaii [Mr. Inouye] is paired with the Senator from Illinois [Mr. Percy]. If present and voting, the Senator from Hawaii would vote "nay" and the Senator from Illinois would vote "yea."

On this vote, the Senator from Washington [Mr. Magnuson] is paired with the Senator from Colorado [Mr. Allott]. If present and voting, the Senator from Washington would vote "nay" and the Senator from Colorado would vote "yea."

On this vote, the Senator from Connecticut [Mr. Ribicoff] is paired with the Senator from Florida [Mr. Smathers]. If present and voting, the Senator from Connecticut would vote "nay" and the Senator from Florida would vote "yea."

On this vote, the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Maryland would vote "nay" and the Senator from Colorado would vote "yea."

On this vote, the Senator from New Jersey [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Pennsylvania would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] is absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Illinois [Mr. DIRKSEN] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Texas [Mr. TOWER] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Utah would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Maryland would vote "nay."

On this vote, the Senator from Illinois [Mr. PERCY] is paired with the Senator from Hawaii [Mr. INOUYE]. If present and voting, the Senator from Illinois would vote "yea" and the Senator from Hawaii would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from New Jersey [Mr. WILLIAMS]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 35, nays 38, as follows:

[No. 381 Leg.]

YEAS—35

Baker
Bible
Boggs
Byrd, Va.
Carlson
Cooper
Curtis
Eastland
Fannin
Fong
Fulbright
Hansen
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Miller
Morton
Mundt
Murphy
Pearson
Russell
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.

NAYS—38

Anderson
Bartlett
Bayh
Brewster
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Gore
Gruening
Hart
Hatfield
Hayden
Jackson
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Symington
Yarborough
Young, Ohio

NOT VOTING—27

Aiken
Allott
Bennett
Clark
Cotton
Dirksen
Dodd
Dominick
Ellender
Ervin
Griffin
Harris
Hartke
Inouye
Javits
Long, Mo.
Magnuson
McCarthy
Percy
Prouty
Ribicoff
Scott
Smathers
Tower
Tydings
Williams, N.J.
Young, N. Dak.

So Mr. THURMOND's amendment was rejected.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I regret Senators were not in the Chamber to hear the entire debate on the foregoing amendment. For those who were not here, I want to make this statement because I am not sure all of them understood the issue.

The amendment would merely have allowed the State departments of education to distribute the funds. The funds would still have to be approved by the Department of Health, Education, and Welfare but would allow each State to make that determination instead of HEW, in the first instance.

Mr. President, this amendment will come up again in the future, because this problem is creating a great deal of irritation throughout the country—that is, that the Federal Government is exercising so much control over funds that the people back home across the Nation—not just in southern States—feel that they should have more control over their own educational processes.

The amendment would allow State departments of education in each State to make the distribution of the funds. The reason I am mentioning this now is that this question will recur and I should like Senators to acquaint themselves thoroughly with the situation, because I believe it is in accordance with good government and will promote education throughout the Nation.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO ARTICLE 28 OF THE CONVENTION OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered, the Senate will now proceed to vote on Executive M, 90th Congress, first session.

The question is on agreeing to the resolution of ratification of Executive M, 90th Congress, first session.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. HARRIS], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Oklahoma [Mr. HARRIS], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Colorado [Mr. ALLOTT], is absent on official business.

The Senator from Vermont [Mr. PROUTY], is absent because of illness.

The Senator from Illinois [Mr. DIRKSEN], is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 382 Ex.]

YEAS—75

Anderson
Baker
Bartlett
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Curtis
Eastland
Ervin
Fannin
Fong
Fulbright
Gore
Gruening
Hansen
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, La.
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—25

Aiken
Allott
Bennett
Clark
Cotton
Dirksen
Dodd
Dominick
Ellender
Griffin
Harris
Hartke
Inouye
Javits
Long, Mo.
Magnuson
McCarthy
Percy
Prouty
Ribicoff
Scott
Smathers
Tower
Tydings
Williams, N.J.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CIVIL RIGHTS PROTECTION AND CRIME CONTROL

Mr. CASE. Mr. President, 1967 is almost gone. In little more than 6 months summer 1968 will be upon us.

Will 1968 see a recurrence of the disorders and violence of 1967?

Of course all of us hope not. But hopes alone will not prevent a repetition. Not only understanding but action—some forward motion—is required in the interests of all our people, white and nonwhite.

There is, as the Civil Rights Commission pointed out, a time to listen and a time to act. The President's Commission on Civil Disorders, our own Senate Government Operations Committee, and in my own State of New Jersey, a committee appointed by the Governor, are all at work seeking a better understanding of the underlying causes of the turbulence of last summer and of better ways to handle riotous situations. But the fact that their conclusions and recommendations are not yet available does not foreclose action in matters where the facts are already well established and where the need is indisputable, I believe.

I refer to two bills, first, H.R. 2516, to provide more adequate protection to persons seeking to exercise lawfully rights guaranteed by the Constitution, and, second, the law assistance and crime control bill, otherwise known as the Safe Streets and Crime Control Act.

Action on these bills would be small but solid steps in the direction of providing more effective protection for the exercise of individual rights and, at the same time, more effective protection against lawlessness and violence, including the kind that last summer wracked our cities.

Obviously time is running out for this session. But it is also running out in terms of action to prepare against another outbreak of violence and destruction that can only harm our communities and make deeper a tragic rift in American life.

There have been threats of filibuster if the civil rights protection bill is taken up by the Senate, threats which evoked no apparent opposition from the leadership. It has made no move to take the bill from the calendar. The crime control bill has yet to be reported from committee, and each passing day makes prospects for action on it at this session more remote. Apparently, passage of the bill extending the Civil Rights Commission until 1973 will remain the Senate's sole contribution to resolution of the most pressing domestic problem of our time. But even as the life of the Commission is extended, the Commission warns in its most recent report:

> The response of Government to deprivation and discrimination has raised expectations, but has too often been characterized by an inadequate commitment of resources and by acquiescence in, or failure to deal effectively with, practices of segregation and confinement. In addition, the goals of social and economic legislation often have been thwarted by self-defeating rules and regulations.
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> * * * * *
>
> The failure of State, local and Federal governments to respond to the efforts of moderate Negro leaders is causing increasing numbers of Negroes to despair of moderate methods and of moderate leadership and to favor a separatist course.
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> * * * * *
>
> The problems of our cities and the people who live in them will not be resolved by a search for culprits or conspirators, or for solutions which do not cost money or effort. Nor can it justly be argued that remedies for the discrimination suffered by the millions of Americans who live in slum ghettos should be deferred on the ground that to do otherwise would be to reward violence. Violators of the law must be punished. But it would be a cruel paradox if after years of failing to reward patience or redress injustice, we were to use such violations by a few as an excuse for continued inaction on the problems which affect so many, and involve us all.
>
> The problems of race and poverty which we face today cannot be resolved unless their solutions are made the Nation's first priority. The Nation may continue to struggle with the problems which inevitably arise when we are divided into separate, unequal and alien groups—either torn by violence or coexisting in an uneasy peace purchased at the cost of repressive action. Or we can all together make the commitment which will redeem our promises and ideals by opening the doors of the ghetto so that Negroes and other minority groups can become full participants in American society, with a truly equal opportunity for all.

The situation will not stand still while the Senate does. The problems will not solve themselves. Nor do I suggest the bills that I have mentioned earlier will solve them. But action on them would at least provide an earnest of our concern, and evidence of the commitment, that I believe cannot be avoided, to make in the Commission's words solutions to the problems of race and poverty "the Nation's first priority."

EXTENSION OF CERTAIN NAVAL VESSEL LOANS—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, on Friday there was submitted to the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes.

Consideration of the matter was delayed until today, and I now ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

Conference Report (H. Rept. No. 1016)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, three destroyers (Act of July 18, 1958 (72 Stat. 376)); (2) Brazil, two destroyers and two submarines (Act of July 18, 1958 (72 Stat. 376)); (3) Chile, two submarines and two destroyers (Act of July 18, 1958 (72 Stat. 376)); (4) Colombia, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (5) Federal Republic of Germany, one destroyer (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (6) Greece, one submarine (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)), two destroyers (Act of October 4, 1961 (75 Stat. 815)); (7) Korea, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363) as amended), one destroyer and one destroyer escort (Act of October 4, 1961 (75 Stat. 815)); (8) Portugal, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (9) Spain, two destroyers (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)).

"Sec. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provisions of law, the President may lend two destroyers to the Government of Korea and one destroyer to the Republic of China, in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistics support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1969.

"SEC. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Any agreement for a new loan or for the extension of a loan executed pursuant to this Act shall be subject to the condition that the agreement will be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

"SEC. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

"SEC. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes."

And the Senate agree to the same.

RICHARD B. RUSSELL,
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY JACKSON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

L. MENDEL RIVERS,
F. EDWARD HÉBERT,
MELVIN PRICE,
O. C. FISHER,
LESLIE ARENDS,
ALVIN E. O'KONSKI,
BOB WILSON,
Managers on the Part of the House.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **YOUNG** of Ohio. Mr. President, since I had stated that I desired to make a few observations in connection with this bill, I am very grateful that the distinguished senior Senator from Georgia, the chairman of the Committee on Armed Services, agreed to hold this matter in abeyance until today, when I could be present.

When the bill was considered by the Committee on Armed Services, I took a dim view of it in the form it was in at that time. Frankly, the bill was carefully considered in the Committee on Armed Services, and mine was the lone voice raised in opposition to it. I cast a negative vote when the matter was voted upon in committee.

Today, however, the bill providing for extension of naval vessel loans to various countries, has passed the Senate, and as it comes back to us from the conference, it is a different bill in several respects. I considered it a bad bill when it was in the Committee on Armed Services and the action of the conferees has not improved it.

The conferees added two additional destroyers for loan to Korea. I do not make any strong objection to that. Korea is a satellite nation of ours. However, the report adds a new destroyer for Nationalist China. I do object to that.

Regarding Nationalist China, so-called, or Chiang Kai-shek's government of what we called Formosa years ago and what is termed Taiwan today, U.S. taxpayers have paid out to Chiang's regime more than $6 billion since World War II. In addition we have had on loan to Chiang's government some destroyers. This measure would add another. I am objecting to that.

Incidentally, Chiang Kai-shek's regime, in common with a number of other Asiatic countries, has done nothing whatever to assist us in our Vietnam involvement. As a matter of fact, the Foreign Minister of Chiang Kai-shek's government in Taiwan—which could not exist at all, except for our air power and the might of our 7th Fleet—stated in October of 1966 that "if the war situation requires it, and if Nationalist China is asked," his Government would then consider sending troops to South Vietnam to aid us.

Personally and frankly, I do not think his troops would help us one bit in Vietnam. We probably would not want them. Chiang's overage army of 600,000 parades beautifully, almost as well as Shriners do, and probably would fight about as well. The fact is, however, that the Chiang regime has given us no aid whatever.

I realize, Mr. President, that following World War II we had a surplus of warships and many of them were put in mothballs, as, I assume, probably many of these destroyers now on loan would [illegible] if we did not renew the loans. But I strongly object to lending destroyers to Central and South American Republics. If they use those destroyers at all, Mr. President, they will more than likely use them against each other, and not for the defense of the Western Hemisphere.

Mr. LAUSCHE. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order.

Mr. YOUNG of Ohio. Is seems to me it would be better policy for our Government to urge Latin American governments to spend their money to relieve the abject poverty of millions of their citizens and to provide schools and sanitation facilities for the impoverished masses of those nations. In every country in Latin America, without exception, there is tremendous poverty and high rates of illiteracy. Instead, we loan them destroyers and submarines which will cost them millions of dollars to maintain. For example, we now include in this conference report, the loan of a destroyer to Peru. Many of us have been in Peru. I have been there. It is a povertystricken little country. Many of the people there live in almost unimaginable poverty.

In addition, Peru seriously lacks public schools. Its illiteracy rate is high. This one destroyer, with the destroyer escort and submarines which they already have, will cost the Peruvian Government nearly $2 million per year in operating costs. The cost of maintaining these vessels could be very helpful indeed toward raising the standard of living of Peruvian citizens, and toward educating their children.

Then we have the loan of naval vessels to the Government of the Argentine Republic. It will be remembered that generals overthrew the duly elected Government of the Argentine Republic, the officials of which are now maintained as prisoners on an island. It will also be remembered that generals, by a midnight coup, overturned the duly elected Government of Brazil, which also receives ships under this bill.

Although I realize that the report will be adopted, I wish to be recorded as voting against acceptance of the conference report.

There is another reason for not adopting the conference report. That concerns the fact that the conferees accepted the House provision that the President may, in his discretion, extend such loans for an additional period of not more than 5 years. So, we are really in a way approving the renewal of these loans of our warships for possibly 10 years, and not for only 5 years.

When we continue to add to the number of warships that are loaned to Latin American countries we stimulate an arms rivalry in Latin America. It seems to me that we are misguiding these nations when we permit them to add equipment to their navies and engage in an armament race against each other.

In the bill there is also a provision for the loan of six destroyers to West Germany. West Germany is prospering now as never before. Instead of continuing the loan for 5 years with discretion vested in the President to renew it for another 5 years, it seems to me that our balance of payments would receive some help and our taxpayers would be given some relief if we would say to the West German Government: "Now is the time to make a purchase of these destroyers which you have on loan. We do not need them, but instead of loaning them to you, let us get an agreement from you to purchase them."

We also have some new loans involved in this measure, that, it seems to me, are somewhat questionable. We are, for example, loaning additional vessels to Greece. This action is being taken at a time when the colonels in the Greek Army have overturned the constitutional Government and imprisoned 6,000 political prisoners. Oh, yes, they have reduced that number to 3,000 at this time, but they continue to rule by decree. A Fascist government exists in Greece. Yet we are giving additional naval vessels to help that government.

Mr. President, suppose that a rag-tag

group, including some Communists, had overturned the constitutional Government of Greece, as these colonels have done, and were governing Greece today in the same manner as the colonels are governing it. In that event, officials of the State Department and the Defense Department would immediately take measures to oust the usurpers or at least threaten the new government. However, when the Fascists take over, we loan them additional warships.

It seems to me that in Greece, and also in South America, when militarists overturn a duly elected regime, we always immediately recognize and work with those Fascists.

In this loan matter, we are loaning ships to Spain, which is a dictatorship. We are loaning ships to Portugal, a dictatorship, at a time when Portugal is oppressing Angola and its other colonial possessions in Africa. Mr. President, those are some additional reasons why I think this is a bad bill.

It will be stated no doubt, and it is true, that we do not need any of these obsolete destroyers and submarines for our own Navy. If they were returned to us, we would not use them. They have been on loan for years. They have been changed so that we would not want them. However, by renewing some of these loans, we are supporting dictatorships and encouraging a Latin American arms race, which is costing those little Latin American countries millions of dollars which we should encourage them to spend on education.

I know that my voice of dissent will not defeat the conference report. But I feel better for having my vote recorded against it.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. MORSE. Mr. President, I do not agree with the last statement of the Senator from Ohio, that his voice of dissent will not defeat the conference report. However, I agree with his general thesis.

I associate myself with his opposition to the continuation of this loan policy. I think we need to completely reappraise our whole program of military aid.

This is a form of program that has existed for some time past. That is true. However, it is the continuation of a military loan program that, in my judgment, will continue to work to our disadvantage in Latin America because of the growing strains and stresses in Latin America by way of the disapproval of the people in that part of the hemisphere of the American military aid program.

I opposed the loan program in the Foreign Relations Committee. As chairman of the Subcommittee on Latin American Affairs, I have been seeking to get us to revise completely the military aid program in Latin America.

I am for military aid, but not for this kind. What in the world a destroyer or a submarine or any other fighting naval boat will do of value to help any Latin American country maintain internal order I have never been able to understand.

We all know that there is no danger of a war between two Latin American countries for several reasons. I mention two. We would not allow it, and the OAS would not allow it.

The difficulty is that this kind of military aid is really building up military classes in the various countries of Latin America that do not support freedom. They join in helping to keep freedom down. We need a different type of military aid—the type that we envision in connection with the determination on our part to assist Latin American countries to maintain internal order—machineguns, rifles, pistols, and helicopters, and help to them for those things that are necessary to maintain internal police forces. They can be military police forces.

What disturbs me is what I consider to be an overemphasis in our relationships with Latin America by way of military aid. The Senator from Ohio knows that I have opposed, for example, the sale—the word should be in quotation marks—of supersonic bombers to Peru, only to be followed with the sale of supersonic bombers to Brazil and Argentina and country after country. If anybody can tell me what a supersonic bomber flying over Peru can do to maintain internal order in Peru, I should like to hear the argument.

What it does is maintain, again, a military group that does not have a record in Peru—or in other countries, for that matter—of seeking to develop constitutionalism as we know it, of seeking to develop democratic political procedures as we know them.

Therefore, my quarrel, I say to the chairman of the conference committee, the chairman of the Senate Committee on Armed Services, is not a quarrel with the work of his committee. I just believe that we are moving along on the wrong major premise.

However, I say to the distinguished Senator from Georgia [Mr. RUSSELL] that, as a member of the Committee on Foreign Relations, I appreciate his complete cooperation, not only in this matter but also in many other instances. He agreed to have this matter go to the Committee on Foreign Relations for consideration after the Committee on Armed Services had heard it. In addition, the Senator from Georgia accepted some suggestions from the Foreign Relations Committee. The Senator from Georgia has been completely cooperative with the Foreign Relations Committee.

Our differences—those of us who have differences within the committee—are not differences with the Senator from Georgia. The differences simply represent a point of view that we hold—that we should change the major format of our military aid to Latin America. I have been heard to say that I will support the other kind of military aid and then I will support $3 for economic assistance and literacy assistance for every dollar that we save in a cutback on military aid.

I believe the Senator from Ohio has made a contribution to this debate for future reference. I am proud to associate myself with him.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Oregon.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ERVIN. Mr. President, I should like to express dissent to a portion of the comments of my good friend, the Senator from Ohio—and let me confess that I may have a conflict of interest in so doing.

I happen to be a member of the Shriners. The Senator from Ohio said that the troops of Chiang Kai-shek paraded and possibly would fight like the Shriners. I know nothing of how the men of Chiang Kai-shek parade or fight. But I do know that the Shriners are exceedingly handsome men, and when they parade, they parade in a most magnificent fashion. [Laughter.]

Furthermore, I know that, while Shriners are most benevolent men and are devoted to the cause of peace, when they do fight, they fight with great valor.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MORSE. As a fellow Shriner, I wish to say that I have always enjoyed the needling of the Senator from Ohio; and when the Senator from Ohio had that bit of fun with us, let me say that it is not related, after all, to the basic thesis that the Senator rose to defend. It is that thesis in which I join him, and we Shriners will have to take care of ourselves.

Mr. RUSSELL. Mr. President, in view of the comments that have been made, I deem it appropriate to make a brief statement on the policy that now applies to any new loans of naval vessels to nations throughout the world. Some 79, I believe, have been loaned, and five or six were transferred outright in years gone by.

Some 6 or 7 years ago, a bill came to the Senate Armed Services Committee, from the House committee, that proposed a loan of eight or 10 new vessels to Latin American countries. I have forgotten exactly what year that was, but Admiral Burke was Chief of Naval Operations at the time. I served notice at that time on the Department of Defense that the Senate Armed Services Committee would not approve of any new loans to the Latin American countries inasmuch as they were having great difficulty in supplying their share of the common effort that was then being generated to promote the economic well being of those states. Since that date, no new loans have been made to those nations.

The only new loans that are involved in this measure came to us from the House of Representatives, were eliminated by the Senate committee, but were restored in conference on the insistence of the House conferees. Two of those loans were to the Republic of Korea, and I must confess that I was hard put to vigorously oppose a loan of naval vessels to the Government of South Korea, in view of the cooperation that we have received from that state and its people in our present tragic difficulties in Vietnam. The Senate, therefore, finally receded in conference on those two ships and one to the Republic of China.

It is true that there was a time when Taiwan, or the Republic of China, was quite a heavy financial burden to the United States. But be it said to their eternal credit that several years ago they reached a stage where they informed this Government that they no longer needed any economic aid, and it has been many years since we have extended any economic aid to the Republic of China. That is one of the miracles I have observed in government in my time—that the Republic of China has been able to develop so rapidly, from an industrial and agricultural standpoint, that it has a favorable trade balance in that part of the world and is able to stand on its own feet.

No new ship loans will be made in the immediate future, until at least there is a change in policy of the committee over which I am honored to preside. But these other nations are receiving extensions of loans that have already been made.

We hear a great deal of complaint about the government of some of these countries—Spain, Greece, and others. Mr. President, we may not approve of the form of government that a number of countries around the world may have, but it is not our privilege or our prerogative to change their systems. We have declared in favor of self-determination throughout the world. For that reason we are in enough trouble now, without endeavoring to go all over the world and establish governments everywhere that are in accord with our views. Greece, whatever form of government it may have, is another important ally in NATO. That is particularly true at this time. Russia is making an undisguised and unabashed effort to take over naval supremacy in the Mediterranean. They have already secured domination of the southern shores of the Mediterranean. They have the use of very valuable bases at Alexandria and other ports of what we euphemistically call the United Arab Republic, which, of course, as we know, is a dictatorship, presided over by Nasser.

The Russians are making great progress in establishing a large fleet in the Mediterranean. Along the southern shores they have a relationship with Algeria, which has some fine seaports, that results in their having available to them now the former French naval bases at Philippeville, and others that I do not now recall.

I visited those ports in the Mediterranean during the fighting in World War II, just as we were preparing to go into Sicily.

The fact that Russia has the use of those ports and they can be denied to us makes our whole position tenuous, indeed. This is not the time to be kicking in the teeth even the military dictatorship in Greece by withdrawing ships which they have had for 5 to 10 years and which would be of little value to us.

The position of our fleet and our prestige in the Mediterranean is in great jeopardy now without taking steps to alienate the friends and allies we have left.

I would that we could persuade our friends in Latin America to accept our views and our protection militarily, either under the Monroe Doctrine or the Organization of American States, which appears to be much less offensive to the Latin American States. It is true that some of these nations, such as Peru, have economic difficulties, but the Peruvians have been negotiating with the Government of France for the purchase of a number of very expensive and high-performance jetplanes, such as the Mirage, one model of which the Israelis used with such telling effects in their recent struggle with the Arab world. I do not know of anything we can do about it.

We have tried to dissuade them from purchasing these planes. However, I do not favor sending a military mission there or anywhere else to prevent people from foolishly spending their money on armaments I think they do not need. I am in favor of trying to use reason, but further I am not willing to go. I do not think Congress should take punitive action, as is suggested here, to undertake to enforce its views on these states. I think it is wholly appropriate that we withhold economic aid or adopt different policies with respect to those countries on matters that might arise in the future. But to go back into the past and take away ships they have had for 10 years I think is going far in an effort to impose our will on other states.

Only three new ship loans are involved, two for Korea and one for the Republic of China. They would be rehabilitated out of the military assistance fund. All of the other vessels are a continuation of loans that have been made heretofore.

(At this point, Mr. MONDALE assumed the chair.)

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield; but first I might say that the amendment which the Senator from Ohio proposed relative to the use of any of these ships which interfere with the fishing operations of American fishermen at sea was approved by the House and is in the pending bill.

Mr. LAUSCHE. I am grateful for the inclusion in the bill of the amendment which I submitted to the Senate. That is the amendment in which it was provided that if any of these ships are used by the lendee country in the seizure of American fishing vessels while the vessels are operating in international waters, it shall constitute grounds for the immediate recall of the loaned ship.

Mr. RUSSELL. That, in essence, I understand was the purpose of the amendment.

Mr. LAUSCHE. It is my recollection of the testimony in the Committee on Foreign Relations that the lending of these World War II ships began in about the year 1953.

Mr. RUSSELL. I do not recall the year. If I had been asked, I would have said 1950, but I do not remember the specific year.

Mr. LAUSCHE. The conference report shows that many of them were loaned under acts passed in 1953 and some were loaned under acts passed at a later date.

Mr. RUSSELL. Some loans had been made before 1953, but after 1952 new legislative authority was required before ships of these classes could be loaned.

Mr. LAUSCHE. The testimony in the Committee on Foreign Relations indicated the period of the loan had expired, and the status reached was that the U.S. Government would have to demand the return of the ships or pass legislation authorizing their continued use by these foreign governments.

Mr. RUSSELL. Some of these loans have expired and the recipient countries were uncertain about the status. About one-half had expired, as I recall.

Mr. LAUSCHE. That would have meant that the country that received the loan of a destroyer in 1953 and used it for 14 years, unless we passed the legislation, would have been required to return the destroyer to the United States.

Mr. RUSSELL. I think that would have been the assumption. However, some of these ships have been left with these countries for a period of months, since the expiration of some of these agreements.

Mr. LAUSCHE. Am I correct that these are all World War II destroyers?

Mr. RUSSELL. Yes, they are World War II destroyers. They have a certain value. There are a number of World War II destroyers in operation all over the world. As a matter of fact, the Israel destroyer sunk by the deadly accurate short-range missile used by Egypt was a World War II destroyer. It was a British destroyer.

Mr. LAUSCHE. If we demand the return of these destroyers what use would we make of them?

Mr. RUSSELL. We have no immediate need. We have a number of these ships now in mothballs; some 120 destroyers are tied up and in mothballs; and it would really cost more to mothball these ships than they are worth at the present time. They have some value, but they are not the most modern ships on the seas.

For example, the Russians have an entirely new Navy. In fact, every ship in it has been built since World War II and since 1952.

Mr. LAUSCHE. Did the Senator from Georgia several years ago promote a policy on the cessation of the lending of the ships?

Mr. RUSSELL. Yes, indeed. I have forgotten the year, but late in the 1950's I served notice on the Department of Defense that the Armed Services Committee did not intend to approve any additional legislation providing for new loans of these ships.

There were a number of reasons. Some of them were suggested by the Senator from Ohio in his comment that the countries were simply not able to operate the destroyers. They would use for the operation of these ships money that was sorely needed for the advancement of the economy of their people and for the alleviation of their suffering. Since that date, the Department of Defense has been aware of the committee's position, and they are not suggesting additional loans.

Mr. LAUSCHE. There are two new loans.

Mr. RUSSELL. Yes; the Department of Defense did not suggest them.

Mr. LAUSCHE. Korea is helping us in South Vietnam.

Mr. RUSSELL. Korea is helping us

substantially. She has more than 45,000 men in South Vietnam. They have shown themselves to be tenacious, rugged fighters. Korean men have been killed. They are fighting alongside our men and are rendering substantial assistance in that very difficult campaign in South Vietnam. I do not think the American Armed Forces have ever been exposed to as difficult military action and military movements as they are in South Vietnam. In many cases, it is like an elephant chasing a flea.

Mr. LAUSCHE. I do not believe that the ship loaned to Taiwan was discussed in the Committee on Foreign Relations. Would the Senator from Georgia give his explanation of that loan?

Mr. RUSSELL. The Republic of China occupies a highly strategic position. In the event of an outbreak of hostilities, any destroyers in their hands could come into combat before ours of the 7th Fleet could possibly become engaged.

Mr. LAUSCHE. I thank the Senator from Georgia very much.

Mr. RUSSELL. Not at all.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 830. An act to prohibit age discrimination in employment;

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes;

S. 2126. An act to amend the Food and Agriculture Act of 1965;

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges;

H.R. 6111. An act to provide for the establishment of a Federal Judicial Center, and for other purposes; and

H.R. 12121. An act to amend the act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

FOOTBALL AND LEADERSHIP

Mr. KUCHEL. Mr. President, a recent Associated Press dispatch from New York City quoted the president of one of the Nation's largest universities, Dr. Frederick Lawson Hovde, of Purdue, as stating that college football breeds discipline and leadership. Indeed, he said that much of the credit for the courage of Americans must be given to team sports. Dr. Hovde added:

> I find no convincing evidence that leadership can be taught. It is something that can only be learned by facing successfully its demand on the individual's total capability.

Dr. Hovde, himself a football leader-player in 1927 and 1928, president of a university which very nearly won the leadership of its league in football this year, and winner of the National Football Foundation's 1967 Gold Medal, is absolutely right.

Mr. President, this year, as in several of the recent past, the link between football and leadership has particular relevance to my own State of California. Late last week, the Associated Press again emphasized what has been apparent this entire fall, when it named four Californians to its first All America team. Other All America and best player honors have gone to these same California college players, the most outstanding award being the Heisman Trophy for the best college football player of 1967. Mr. President, this is unusual wealth of human resource, even in a State noted as California is for its natural resources, and deserves, I think, the honor of brief exposure in this Chamber.

First, All America and Heisman Trophy winner Gary Beban of the University of California at Los Angeles has not only broken numerous records in a school which has boasted many good men in the past to set them, but he also set many of these records before this, his senior year. He was a star at the position where the burden falls heaviest in modern football, the quarterback slot, and he played that position as a runner as well as a passer and signal caller.

His specialty over his sophomore, junior, and senior years was the dramatic play, well calculated to break the heart and backbone of the opposition. It was nearly a foregone conclusion that he would win the Heisman Trophy this year, but that expectation detracts nothing from the high donor that it finally brought Gary Beban, UCLA, and Coach Tommy Prothro, when he did receive the trophy. It only proved that he was so clearly superior that its award to him seemed altogether natural. His playing and signal-calling demonstrated leadership qualities we hope for in a football player, and gave many hours of enjoyment to American football fans, especially those in my home State, and we are grateful. It is a further mark of the man that he has kept a sense of balance and has remembered more than one reason why he is in college: Gary Beban was one of 13 "scholar-athletes" honored by awards at a recent College Football Hall of Fame banquet and once was quoted as complaining that "professors ignore me because I am an athlete," a rare complaint to come from football players of a bygone era, but a sign of the times now.

If it is with State and regional pride that I single out Gary Beban for his Heisman Trophy award, it is with the very special added feeling reserved by an alumnus for his alma mater and her best men that I praise O. J. Simpson, who was named All America halfback and United Press International player of the year in his first season of play for the University of Southern California.

As we followed Coach John McKay's fine USC team to its No. 1 ranking this year, we watched many a would-be tackler try to follow Mr. Simpson in vain, as he used his phenomenal speed, his agility and his second and third efforts to gain yards against very strong opponents. A sprinter for the track team, O. J. Simpson was known as possibly the best and fastest runner in college football this year. But he has also been known to throw touchdown passes when the occasion demanded. He is a leader on a team that is leading the country right now.

It might be said of O. J. Simpson that he exhibits a rare facility for observing and threading the interstices of the opponents' defensive line, employing every artifice and demonstrating superlative equilibrium at the approach, rendering himself compact and thoroughly elusive at the moment of passage into the secondary, and then accelerating in his chosen direction with such a burst of velocity and seeming abandon at the faintest indication of an unobstructed field, that the antagonist is left, as it were, without recourse.

The added ingredient at USC is team balance, and such balance that Southern California offensive tackle Ron Yary won All America honors last year and this, as well as the 1967 Outland Trophy as the best interior lineman in the country. He was so dedicated to good performance that he was reported to have shed 20 pounds this year just to improve his speed, and losing weight is a sacrifice no lineman enjoys.

Rounding out the California All America contribution this year was Adrian Young, Irish-born linebacker who upset the American Irish of Notre Dame this year by intercepting four passes. Both Ron Yary and Adrian Young are business majors, which ought to say something for Southern California's economic climate in future years, if the same energy is applied outside the stadium as in it.

Football breeds leadership, and California this year is breeding leading football players. It augurs well for my State, and ultimately for the Nation.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the germaneness rule be waived for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOKELY CARMICHAEL SHOULD BE PROSECUTED

Mr. TALMADGE. Mr. President, for far too long now the American people have been shocked and sickened by rabble-rousing radicals who have gone about the country leaving a wake of racial hatred, civil disorders, and even bloody rioting.

We have seen abuse heaped upon the United States of America and all the authority of its Government. The enemy in Vietnam and Communists everywhere have been given aid and comfort. American citizens have been urged to revolt and take to the streets in guerrilla warfare. Large sections of some of our biggest cities have been put to the torch and laid to ruin.

And for just as long, we have been led to believe that all this was being perpetrated in the name of free speech.

And the American people have dutifully turned the other cheek.

I say no longer.

I submit that we do not have to helplessly stand by and witness the breakdown of law and order in America. We are in no way bound by the first amendment to countenance the creation of anarchy.

To the contrary, there are laws against

inciting to riot and urging people to take up arms against their Government. There are likewise penal restrictions against obstructing the war effort of the United States.

These laws should be enforced.

I believe the American people are tired of excuses and apologies. They want action and not just words.

From the time of his leadership of the Student Nonviolent Coordinating Committee—which is neither student nor nonviolent—Stokely Carmichael has been virtually the undisputed leader of the hate campaign being conducted all across this country. Rioting and bloodshed have followed his steps.

Judging from Carmichael's despicable diatribe, his sole purpose is to breed violence. In Alabama, he said, "To hell with the laws of the United States." In Washington, he called upon people to shoot policemen. In Atlanta, he urged people to join a "revolution" against white citizens, and to be out "beating heads." In New York, he harangued a crowd in this fashion:

> In Cleveland, they're building stores with no windows—all brick. I don't know what they think they'll accomplish. It just means we'll have to move from Molotov cocktails to dynamite.

In Louisville, he said:

> It's not a question of law and order. We have to build a revolution.

In Boston, he suggested bombing stores owned by white merchants and called for "armed resistance" to policemen.

One could go on and on with Carmichael's long and sorry spectacle.

If the Department of Justice has not been monitoring Carmichael's inflammatory speeches and considering them in the context of prevalent lawlessness and rioting, then it has been derelict in its duty.

If the Department of Justice can find no area for prosecution, then justice is, indeed, blind and I fear for the future safety and security of America.

Early last summer, Carmichael took it upon himself to become an emissary abroad of hate and destruction.

In Havana, where he consorted with Fidel Castro, Carmichael urged American Negroes to wage a Vietnam-style guerrilla war in this country. Just last week in Paris, Carmichael said he wanted to see U.S. defeat in Vietnam, and again he urged American Negroes to "develop a resistance movement that will disrupt the entire United States."

It is my understanding that Carmichael is on route back to the United States today, and that he is scheduled to arrive in New York City at approximately 3:40 this afternoon. If this news report is true, we must not settle for a mere lifting of his passport. The minute he sets foot on American soil, Carmichael should be served with a Federal warrant for his arrest and thereupon clapped into jail.

As I have stated, the law is more than adequate for dealing with Carmichael. He should be prosecuted for sedition, for advocating the violent overthrow of the U.S. Government, and for interfering with the war effort in Vietnam.

I would refer the Department of Justice to title 18 of the Criminal Code, section 2383, which outlaws rebellion or insurrection. It provides for the imprisonment of:

> Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto.

Section 2385 of title 18 makes it a Federal crime to advocate, abet, or advise overthrowing or destroying the U.S. Government or any political subdivision thereof by force or violence.

Moreover, section 2388 of title 18 makes it unlawful for anyone "to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States."

Carmichael should be brought before a bar of justice, tried by a jury of his peers, and made to answer for his criminal conduct.

He should be prosecuted under the same law that is laid down for the protection of all our citizens, white and Negro alike, and for the punishment of those who would destroy our lawful society.

I hope that the President will so direct the Department of Justice.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. BYRD of Virginia. First, Mr. President, I want to concur in the statements just made by the Senator from Georgia. It seems to me it would be an outrage if the Department of Justice did not bring Stokely Carmichael before a jury for prosecution as the Senator has recommended, in view of his actions and incitements against this country.

PROPOSED COMMUTER TAX

Mr. BYRD of Virginia. Mr. President, the proposal to tax Virginia and Maryland residents for the privilege of working in Washington has been raised by the Washington City Council. It has been suggested that a 1-percent withholding tax be levied on the gross earnings of all who work in the city. Such a tax, in my judgment, would be unjust and unfair.

The residents of Virginia and Maryland already pay part of the cost of operating the District of Columbia government. The Federal payment to the District of Columbia General Fund amounted to $64 million for fiscal year 1968—money which comes from general revenues collected from the taxpayers of Virginia and Maryland and all other States.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Yes; I am glad to yield.

Mr. BYRD of West Virginia. What was the amount of Federal grants-in-aid to Washington for this fiscal year?

Mr. BYRD of Virginia. That figure was not supplied to me.

Mr. BYRD of West Virginia. Would the Senator care to have that figure?

Mr. BYRD of Virginia. I would be pleased to.

Mr. BYRD of West Virginia. The estimated Federal grant in aid to Washington during fiscal 1968 is $173 million.

Mr. BYRD of Virginia. I am very pleased to have that information from the distinguished Senator from West Virginia, who has made such a detailed study of Washington's budget and who has done such an outstanding job in handling the District of Columbia Subcommittee over a long period of time. I again thank the Senator from West Virginia for informing us that in addition to the $64 million payment the amount of Federal grants to Washington for fiscal 1968 will amount to $173 million. There again, it is money which comes from the general taxpayers, including the residents of Virginia and of Maryland.

In addition to the money they pay through general taxes, residents of Virginia and Maryland who work in the District of Columbia also are liable to the general sales tax and other special District of Columbia taxes when they make any purchase in the city.

Under the proposal made by Mr. Hechinger, President of the City Council, only nonresidents of the District—principally those residing in Virginia and Maryland—would be forced to pay the new tax. Residents of the District would, in effect, be exempt from the tax by being able to deduct the proposed new charge from their District of Columbia income tax.

It is argued that District of Columbia residents already pay a city income tax and sales tax and should not be burdened by a further increase.

But they are the residents of the city and they receive the primary benefit from the city's government. Why should they not pay for those services, just as the people in my State pay for the services they receive from their State and local communities? Virginia also has both an income tax and a sales tax.

I would like to say a word about Mr. Hechinger. From all I can learn of him from mutual friends and from the press, he is a very able individual. I think the President made an excellent choice in appointing Mr. Hechinger to his present position. I think he is the type of man who is needed on the City Council in Washington.

As a matter of fact, by and large, I think all the President's appointments to the District of Columbia Government have been good.

I am well impressed with Mayor Washington and the way he has handled himself.

But despite my general attitude toward the Washington City Council, I feel that the suggestion—it has not been done in the form of a formal proposal yet, but a suggestion—that a tax be put on those, principally from Virginia and Maryland, who work in the city of Washington is an unjust and an unfair one. I would like to say at this time that I intend to fight this proposal with every resource at my command.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, before I suggest the absence of a quorum—for only a brief period of time—I should like to ask the staff to notify the following Senators that we are about to take up discussion of Secretary Gardner's letter to the chairman of the subcommittee dealing with commitments on the part of the Department with respect to procedures which would be followed by the Department in the future in respect to alleged noncompliance cases.

I ask the staff to notify Mr. THURMOND, Mr. JAVITS, Mr. PROUTY, Mr. MURPHY, Mr. FANNIN, and Mr. GRIFFIN.

In addition, I should like to have Mr. YARBOROUGH, Mr. RANDOLPH, Mr. PELL, Mr. WILLIAMS of New Jersey, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, and Mr. NELSON notified, because they are members of the committee who are very much interested in the subject matter. I see that the Senator from Pennsylvania [Mr. CLARK] is already here.

I want those Senators to have an opportunity to be present so that they may take note of certain commitments by the manager of the bill. They know that I shall make these commitments, because they are commitments I have already made in committee; but if they have any points of view to express on them, or any proposals for modification—and I do not think there will be any—I want them to have this notice in advance of our taking up the subject matter, so that they may have a chance to do so. I shall have more to say on the subject after the quorum call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I wish now to proceed to make legislative history on an issue that all Senators know has arisen in the Senate, but it really arose first long before the pending bill was brought to the floor of the Senate. That issue involves the procedures which have been used in the past by the Department of Health, Education, and Welfare in connection with its handling of noncompliance cases in those school districts which the Department has found to be out of compliance with title III of the Civil Rights Act of 1964.

Mr. President, this matter was discussed at the committee level; and as chairman of the subcommittee and manager of the bill, I informed the committee that I intended to make clear legislative history on this problem. I notified the Department of Health, Education, and Welfare at the time that I would seek to do so, and that I wanted to be advised as to their position in regard to their procedures.

In fact, Mr. President, before the informal conference, to which I have already alluded several times in the debate on this bill, with Secretary Gardner, the Senator from North Carolina [Mr. ERVIN], the manager of the bill, and representatives of other Senators' offices, I discussed this situation with representatives of the Department and with other Senators. I have already referred, for example, to an earlier conference in the office of the Senator from Montana [Mr. MANSFIELD], where we were ably assisted by the Senator from West Virginia [Mr. BYRD] and staff members.

What I am about to present to the Senate today is the result of exceedingly careful work on the part of all concerned. I would be less than appreciative if I did not express my deep thanks to the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], the Senator from West Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Alabama [Mr. HILL], and others for their presentation of their views on this subject, their understanding of my problems as manager of the bill, and their cooperation with me, without at any time, Mr. President, agreeing to anything which would in any way jeopardize, diminish, or injure the principles which those Senators have been supporting.

The last thing I wish to do would be to leave the impression in this RECORD that those Senators who have pointed out problems concerning them by way of criticism of the Department of Health, Education, and Welfare enforcement policies have compromised with me on anything where it could be said a compromise of principle was involved. They have not; and I want their constituents to know it.

I have simply gone to work, on behalf of my committee, to clarify some misunderstandings, and also to make perfectly clear to the Department of Health, Education, and Welfare that its title II compliance procedures would have to be fair to have my approval and my committee's approval, and that the procedures would have to be a matter of certainty.

One of the complaints has been that, in some instances, the school boards involved simply could not find out what they had to do in order to comply.

As I have said in several discussions with the Senator from North Carolina [Mr. ERVIN], no one would support more than would the senior Senator from Oregon the point of view expressed over and over again concerning the need for procedural due process.

I have always stood for that. I have always fought for it. I have in this case. I always will.

All I want to say for the evaluation of my colleagues is that I think I am bringing to the floor of the Senate today procedural understandings with the Department of Health, Education, and Welfare which guarantee procedural due process, for every school district in this country—North, South, East, and West. That is what we are entitled to.

I have made it perfectly clear to the Department that we are going to continue to press, under the surveillance program authorized by the Senate, to see to it that we are kept constantly informed with regard to procedural practices including the practices the Department commits itself to in a letter from the Secretary of Health, Education, and Welfare, which I am about to read.

The committee's surveillance program is in keeping with instructions of the majority leader last January which went to all Senate committees instructing them to oversee, the practices of departments, which have received appropriated funds from Congress, in order to make certain that they continue to carry out the intent of the legislation.

The majority leader was kind enough to say—and I paraphrase him—on the floor of the Senate some months ago that the letter my committee worked out could serve very well as a model for other committees to serve the same kind of notice on other departments of the Government in carrying out the surveillance program sought by the majority leader.

I wrote the letter, but I submitted it to my committee and got complete approval. Some suggestions were offered that made it even stronger and better. However, the letter was 99 percent the letter I had drafted in the first instance.

Also, I would be less than appreciative if I did not express, as I have in the debate heretofore, my thanks to Secretary Gardner for his cooperation with me and my committee as we have taken up with the Department the criticisms and the complaints of alleged mistakes or the adoption of undesirable policies or variances from legislative intent as spelled out in the legislative history of our past education bills.

In my judgment, Secretary Gardner is one of the most dedicated public servants in this administration. He is a man who is completely honest—intellectually honest throughout. He is a man who will not compromise principle in carrying out his trust.

Understandings can be reached in regard to this area of controversy without anyone being intellectually dishonest. I want the record to show, however, that Secretary Gardner has been most helpful to me and likewise to some of my associates, I am sure, that have worked with him in recent days as we have tried to iron out some differences with the Department. Mr. Peter Libassi, who is in charge of the civil rights compliance program of the Department of Health, Education, and Welfare, has likewise been exceedingly cooperative and helpful.

With that as general background, and calling attention for the record to the fact that a serious problem has existed, I now want to discuss what the Department has agreed to.

As has been said in the past—and it is

true, too—the making of legislative history which is satisfactory at the time it is made, does not always result in that legislative history being carried out. No one knows that better than I do. I have been called upon on various occasions during my years of handling education legislation to take a complaint, either from a colleague in the Senate or presented to me directly by school officials, in which it is alleged that by way of an administrative order or a regulation or a letter of instruction from the Department of Health, Education, and Welfare to a school district or to a college that there has been a variance with legislative intent.

I am proud to say on behalf of my committee that we have processed each and every such complaint. Perhaps it would be also proper to use the word "prosecute." We have prosecuted the complaints, too. However, here again we have had a record of complete cooperation when we have found the Department in error, and on occasion, we have found the Department in error and varying from legislative intent.

Therefore, when a Senator says on the floor of the Senate to the Senator from Oregon: "Well, we appreciate your trying to work out legislative intent, but we have learned from proceedings in the past that sometimes that is not carried out," I must say that that is true. However, that is part of the legislative process, too.

We make a legislative history, and if it is not carried out, then the responsibility of the committee is to see to it that any miscarriage in respect to legislative intent is rectified. That my committee has done. That we will continue to do.

However, in this instance, I want to say that I do not know of a single time in the handling of past education bills in which there has been the detailed discussion with the department on the presentation of bills of particulars setting forth specific complaints to the degree that has been involved in the particular matter which I am discussing now.

Mr. President, the legislative history we are going to make, in my judgment, will give to a Senator—and this is my view—every guarantee and every assurance he would have if the matter were written into the language of the law rather than into the legislative history. We can write it into the language of the law, but some of our problems with the Department have been over differences of opinion with respect to variances of which we thought the Department has been guilty in carrying out legislative intent which has been written into the law.

I want to say that the record we are going to make today in regard to legislative intent, I hope by way of legislative history, rather than by amendment to the bill—and I am going to say later in the discussion why I think it would be the best procedure to follow—will be a legislative history in such detail that no Secretary of the Department of Health, Education, and Welfare in the future can ever ignore the commitments of the Department to the Congress of the United States today.

Some have said that Secretary Gardner may not be there next year. That does not change the legislative history. That does not change the obligation of the Department of Health, Education, and Welfare to carry out the commitments which I will consider as binding upon the Department as anything that could be written into the bill.

With that preface, Mr. President, I wish to call attention to the fact, as we have done in preceding debates during the course of the handling of this bill, that we called upon the Secretary of Health, Education, and Welfare to submit to the chairman of the subcommittee a letter spelling out the procedures the Department will follow henceforth in the handling of compliance cases.

I outlined these procedures last Thursday night, as the Record will show, in a speech on the floor of the Senate, which resulted in a colloquy between the Senator from Oregon and the Senator from North Carolina [Mr. Ervin], in which I served notice on the Department that any letter they sent me, so far as I was concerned, as manager of the bill, would have to be within the framework of that speech.

In fact, I read then a rough draft of a series of paragraphs that I felt would have to be in any letter Secretary Gardner sent to me. I did that, Mr. President, because I wanted to put the responsibility on my own shoulders rather than upon the shoulders of any of those who have been raising cases in which they feel the Department has been following a procedure which cannot be reconciled with the criteria of procedural due process, as Senator Ervin has used the phrase—and I have agreed with him—throughout our discussion.

I am proud to say that the letter from the Secretary of Health, Education, and Welfare, which I am about to read, meets the requirements I laid down in the speech last Thursday night. I made that speech after many conferences with my colleagues in the Senate, because I believed that what I laid down in that speech were the minimal requirements the Secretary would have to meet. His letter meets all those criteria.

In addition, we met with the Under Secretary of Health, Education, and Welfare last Friday morning, and with Mr. Libassi, and with some of my colleagues in the Senate and their assistants. We discussed further some of the suggested language which we thought would be the minimal we would have to require from the Department. We reached tentative understandings—no commitments, but tentative understandings—in that conference.

All those understandings are in the letter I am about to read. In my judgment, this letter, setting forth the procedure the Department pledges to follow in handling noncompliance cases uniformly—in all areas of the country henceforth—does meet the criteria of procedural due process; and I believe it represents an understanding which will result in great help to the Department. This type of procedure will remove a basis for justifiable criticism of the Department's procedure.

So I would be less than appreciative if I did not say to the Department that I believe it has been exceedingly fair with the manager of the bill and with the Senate. The Department has outlined a procedure I now strongly recommend to the Senate, and I hope it will be approved by the Senate.

After I complete this discussion, I will be glad to accept any questions Senators may wish to ask me, or I will yield the floor so that they may make whatever statements they wish and subsequently ask me questions.

The letter, dated December 8, 1967, addressed to me, is as follows:

The Secretary of Health,
Education, and Welfare,
Washington, December 8, 1967.

Dear. Mr. Chairman: In response to questions raised during recent Senate debate regarding compliance procedures under Title VI of the Civil Rights Act, I wish to restate that we in the Department of Health, Education, and Welfare are concerned that these procedures operate with a minimum of difficulty for the orderly planning and operation of educational programs. As I recently testified before your Subcommittee, "We will try any new technique or procedure which will assist school districts genuinely attempting to develop school desegregation plans."

The Department scrupulously follows the hearing and review procedures required by the law and our Title VI Regulation, which afford the school district every opportunity to present its case. Where a hearing examiner or the reviewing authority has ordered the termination of funds and after all of the procedural safeguards have been observed, the order terminating funds takes effect thirty days after the filing of a report with the appropriate Committees of Congress.

The termination of Federal funds comes as a result of a process of negotiation and enforcement which now usually requires well over twelve months to complete. Nevertheless, to reduce uncertainty to the fullest extent possible, consistent with the objectives of the Civil Rights Act of 1964, we will adopt new general administrative procedures for the coming school year. Under these procedures, termination orders will not become effective between September 1 and June 1 of the school year unless *both* of the following conditions have been met:

1. A written communication was mailed to the school district prior to March 1 of its preceding school year informing it that our information indicates probable noncompliance with requirements under Title VI and of the imminence of compliance proceedings if adequate corrective action is not taken, *and*

2. A notice of opportunity for a hearing regarding alleged noncompliance was mailed to the school district by certified or registered mail no later than September 1 of the school year in which the order is sought to be made effective.

These procedures would not apply to an order of a hearing examiner or the reviewing authority which contains a specific determination that any one of the following issues was a substantial and material factor in the compliance proceeding: interference with or denial of the exercise of choice in a manner inconsistent with such agency's free choice desegregation plan, denial to any student on the ground of race, color, or national origin, of full participation in the program and facilities of the school he attends, failure to carry out one or more commitments which the local educational agency made in writing in response to a notification by the Department of Health, Education, and Welfare of failure to comply with requirements under

Title VI of the Civil Rights Act of 1964, or refusal to provide material information or the provision of inaccurate information which has a substantial bearing on the compliance of the school system.

Under these procedures 94 to 95 percent of the 4,600 school districts in the Southern and Border states, assuming their good faith, would have an absolute assurance by March 1, six months prior to the beginning of the next school year, that they would not lose Federal funds during that year. The remaining districts will have been advised at least six months in advance of the next school year of the alleged noncompliance and will have ample opportunity to correct that noncompliance prior to the opening of school.

In addition, under these procedures, the Department will come to a final enforcement decision prior to September 1 as to each school district which might be subject to a termination order during that school year by offering it an opportunity for a hearing.

Our experience has been that half of the school districts with whom we enter into negotiation to secure compliance do develop acceptable school desegregation plans and that half of the districts which are offered an opportunity for a hearing likewise come into compliance prior to the termination of Federal funds.

The Department makes every effort to secure voluntary compliance through negotiations before enforcement proceedings are initiated. The process of reaching agreement is not prescribed by a rigid set of rules but there are certain basic principles and mutual responsibilities which can and should be stated.

In the first instance it is the Department's responsibility based on the school district's reports and on-site field surveys to identify in writing the particular areas in which the current desegregation plan has proven ineffective or inadequate to accomplish the purpose of the Civil Rights Act. The Department will advise the school district of its responsibility to prepare and submit a modified desegregation plan which will prove effective in accomplishing the purposes of the Act. It is further the responsibility of the Department to offer the school district assistance and guidance which would be helpful in enabling the district to comply with the requirements of the law. In addition, the Department will inform any school district of our willingness to put recommended steps in writing at the request of school officials.

It is then the responsibility of the local school district, to prepare an effective desegregation plan which will carry out the clear mandate of the Civil Rights Act throughout the Nation. Once the school district has submitted its proposal, it is the responsibility of the Department to comment in writing and in detail setting forth any areas in which the plan is not satisfactory and any additional steps which must be taken if it is to meet the requirements under the law. If further negotiations are necessary, it is essential that such negotiations continue in good faith toward the development of an effective desegregation plan. At the conclusion of negotiations resulting in an effective plan, the Department will, if the school district wishes, advise the school district in writing that adoption of the plan is necessary to enable the school district to meet the requirements of the Civil Rights Act.

We are deeply aware of the importance of achieving school desegregation and the complexity of the problem. We are making every effort to administer the law equitably and in a fair-minded orderly way.

Sincerely,

JOHN W. GARDNER,
Secretary.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. Mr. President, the Senator from Oregon has given me an opportunity to read Secretary Gardner's letter. I have also heard the explanation which the able Senator from Oregon has made with respect to the background involved in this highly intricate and controversial matter.

I congratulate the Senator from Oregon for the hard work he has put into an earnest effort to solve the controversial problem which has confronted us because of the claim of some of our colleagues that arbitrary action by the Secretary has resulted in cutting off Federal funds without adequate attention to the requirement of the due process law.

I would hope very much that the initiative that the Senator has taken in connection with the letter which he induced the Secretary of Health, Education, and Welfare to write would put well on the way to solution the vexing problem raised not only by the Russell amendment but also by the Fannin amendment.

As a member of the subcommittee, I offer the Senator from Oregon my support for his effort to work out what I believe to be a fair compromise and I wish him success in his efforts.

Mr. MORSE. I thank the Senator for his comment. The distinguished Senator from Pennsylvania has been a great bulwark of strength to the manager of the bill throughout the committee hearings and time and time again on the floor of the Senate. The country owes him much for his leadership in helping us pass, since the first year of the Kennedy administration, the great body of legislation that has gone through the Senate.

Mr. CLARK. I thank the Senator.

Mr. MORSE. Mr. President, I dislike taking so much time, but I am sure the Senators will understand that I speak for my committee.

I have a further statement to make which I wish to make before I yield. It is a statement that I think will be helpful to all Members of the Senate with respect to the intention of the manager of the bill in respect to the Gardner letter.

Mr. President, the Senate of the United States is widely recognized as the world's greatest deliberative body. But it is more than merely a deliberative body; it is a body where reasonable men meet to represent the needs of their constituents, to seek what is best in the national interest, and to resolve their differences and enact legislation.

From the time I first learned, Mr. President, that serious complaints were being made with regard to HEW's title VI compliance program, I have assured my colleagues I was deeply disturbed about these charges; that I would seek and obtain a full explanation of the circumstances surrounding them; and, finally, that I would offer my colleagues a workable and fair solution to these problems.

Mr. President, under the terms of the new procedure which Secretary Gardner has ordered implemented, no school district may have its Federal funds cut off during a given school year unless two conditions have been met by the Department. These conditions are, first, a written notice is mailed prior to March 1, informing the district that it is probably not in compliance with title VI of the Civil Rights Act and that it faces the likelihood—unless corrective steps are taken—of the loss of Federal funds during the following school year; and, second, a notice of opportunity for a hearing is mailed to the district not later than September 1 of the school year in which termination will take effect if the Department's noncompliance allegations are upheld.

The only circumstances in which these two dates would not have to be observed would be situations in which a school board showed "bad faith" in meeting of obligations it had undertaken following negotiations with HEW:

First. Failure of the school district to live up to the promises of its free-choice plan for desegregation.

Second. Denial to students, because of race or national origin, of the right to participate in programs or activities of the school which they attend.

Third. Failure to meet commitments made to the Department in response to a notification of noncompliance with title VI.

Fourth. Refusal to provide information, or provision to the Department of inaccurate information which has a substantial bearing on the compliance of the school system.

I fully believe that these guarantees will provide the certainty upon which sound fiscal planning must be based. My colleagues have also stated that HEW compliance personnel have been unwilling on occasion, to state in writing exactly what it is that a school district must do in order to remain in compliance with title VI. At the informal hearing last month, to which I called Secretary Gardner, Mr. Libassi, the Director of the Office for Civil Rights at HEW, and several of Mr. Libassi's top aides, I was assured that HEW's procedural manual calls for the supplying of such information, explicitly indicating what is required, when such a letter is requested by the school district. Such letters have been sent to school districts, as I can tell my colleagues from personal knowledge.

I now call the attention of my colleagus to that part of Secretary Gardner's letter to me in which he once again assures me that this is and will continue to be the policy of the Department, and that departmental personnel will follow that policy. Secretary Gardner writes to me:

> Once the school district has submitted its proposal, it is the responsibility of the Department to comment in writing and in detail setting forth any areas in which the plan is not satisfactory and any additional steps which must be taken if it is to meet the requirements under the law. If further negotiations are necessary, it is essential that such negotiations continue in good faith toward the development of an effective desegregation plan. At the conclusion of negotiations resulting in an effective plan, the Department will, if the school district wishes, advise the school district in writing that adoption of the plan is necessary to enable the school district to meet the requirements of the Civil Rights Act.

Another question which has arisen in the deliberations of the last week, Mr. President, relates to whether compliance hearings may be held ahead of schedule upon request of the school district. Secretary Gardner has assured me that the Department will make every effort to accommodate such requests. Early scheduling of hearings would, of course, depend upon the availability of staff and examiners and adequate advance notice to all parties to permit necessary preparation for the hearing.

Finally, I have insisted that HEW move its cases promptly to hearings where negotiations have proven unproductive. Protracted periods of negotiation which hold no promise for success should be avoided. I have been assured that HEW will improve its procedures so as to avoid all unnecessary delays in implementing the requirements of the Civil Rights Act of 1964. In addition, I have asked, and been assured, that when school districts request early compliance hearings, the department will move to schedule such hearings expeditiously and on a priority basis.

Mr. President, let me say that any school district is entitled to that procedure, because there are cases in which the school district and HEW develop positions which are poles apart. Therefore, that school district is entitled to a hearing, because it has a juridical remedy to which it can resort after hearings, if there is a finding of noncompliance and a deferral of funds.

Mr. President, this is all I propose to say at this time by way of presenting, as lawyers say, my case in chief in support of the Gardner procedure.

I am going to yield the floor now so that any Senators who may wish to make statements can do so; or, if it develops they prefer merely to ask me some questions, I shall be glad to take the floor and answer them.

Mr. RUSSELL. Mr. President, the distinguished Senator from Oregon has made a fair and comprehensive statement with relation to the culmination of negotiations with the supporters of the amendment which I proposed, to prevent chaos and confusion in the middle of the school year, and with the officials of the Department of Health, Education, and Welfare.

For the past 3 or 4 days, I was unavoidably detained from the Senate while this matter was under discussion. I wish to express to the distinguished Senator from Mississippi [Mr. STENNIS] my profound appreciation, and my admiration, for the manner in which he handled this question. I think that the issue gained greatly because of the way that he handled it here on the floor of the Senate.

I was amazed to see the reception accorded my simple amendment, which was perhaps the fairest and easiest to understand provision of the entire complex bill, at the hands of the press.

Even the Washington Post printed a spoon-fed editorial and called it a wrecking device, when it was really proposed as a provision to promote education and avoid confusion and chaos in the administration of the bill.

I am aware of the fact that the Washington Post considers itself to be the mouthpiece—and properly so—for all the civil rights forces in this country. Someone sold them on the idea that this was a civil rights issue. However, nothing could be further from the truth. It was merely a procedural amendment in an effort to preserve the status of education in many of the smaller school systems throughout this land which already are underprivileged, until the conclusion at least of the school year.

Mr. President, I shall not go into any details of the discussion. I do wish to express my profound appreciation to the Senator from Oregon [Mr. MORSE] for the patience and understanding he has shown in dealing with the problem.

The Senator from Oregon and I stand poles apart on many questions, but I do wish to say that when it comes to the question of fairness of procedure and allowing every person and every unit in this Nation to have their day in court, the Senator from Oregon is a champion without parallel.

Without his understanding and assistance, no agreement could have possibly been arrived at on this question. He has a vast understanding—indeed, one which has amazed me at times—of the administration of the act in the areas where it has been applied.

It has not been applied in Oregon. As a matter of fact, it has not been applied in the 3 years that the law has been in existence anywhere other than in the South and a few counties in some of the border States.

But the Senator from Oregon, who has complete knowledge and understanding of the application of the act and, more than that, a deep and keen appreciation of the struggles which the local school trustees and the local county school superintendents have had to undergo to keep afloat, in this period of change, for the systems which have existed for a century in the Southern States.

I have already expressed my appreciation to the Senator from Mississippi [Mr. STENNIS]. I also wish to thank all members of the staff, including Mr. Charles Campbell of my staff, who showed a profound understanding of this question, which I really did not know he possessed.

Mr. President, in view of the fact that this letter has been secured and has been placed in the RECORD with the statement made by the Senator from Oregon, I do not intend to offer the amendment which I had printed and which lies at the desk.

There are several reasons for that. I always try to be frank. In the first place, I have no assurance whatever that the amendment will be agreed to. With the versatility which the Senator from Oregon has shown in handling this legislation, and in dealing with all the amendments which have been brought forward, it very likely would have fallen by the wayside, as have all the others which have been proposed and which did not meet with his approval.

In the second place, if the amendment had been approved by the Senate, it might well have been lost in conference.

In the third place, and more important, as long as it was purely a legislative matter, it was not completely binding upon the Department of Health, Education, and Welfare. I have seen other instances where this Department, as well as other agencies of the Government, have exhibited callous disregard for legislation, the provisions of which they did not approve, even if it had successfully traversed the whole parliamentary process, misconstruction by a department head of congressional intent would find some little individual or some little school board confronted with the vast power of the United States, and with a court already dedicated to supporting any finding, however bizarre it may be, which may come from the Department of Health, Education, and Welfare.

Now, Mr. President, having made that statement with respect to this situation, I want to make just a few observations on the general situation.

In some years gone by, I have supported Federal aid to education in the Senate.

I think it was in 1935 or 1936 when the Senate passed a bill that would provide what was in the nature of a Federal equalization fund to equalize educational opportunities throughout the country; to give the weaker, the poorer, the more downtrodden areas of this country some Federal assistance in order that the children who lived there might not be too greatly disadvantaged in the effort to prepare themselves for life in our very complex society.

I would like very much to support Federal aid to education now, if that legislation were to be applied upon a fair basis throughout this land, in every school district of the Nation.

There are some 23,000 school districts in this country. Heretofore, although the law has been on the books for 3 years, it has been applied in less than 4,600 of those 23,000 districts.

When the Civil Rights Act was pending here in the Senate, I fought it with every ounce of my strength, with every resource at my command. That legislation was pending here for some 93 days, until finally it had been made a great moral issue and all the ministers of the country were brought in and they told many Senators they would be compelled to denounce them from the pulpit and otherwise unless they voted for cloture. The bill was passed. Cloture was imposed. I was bound, gagged, and conquered. Tired as I was at the conclusion of that debate, I went home to my State and made a speech telling my people that I did not like that act; that I knew they did not like it; that it was going to cause a great deal of difficulties; but that now that it was upon our lawbooks, we would, as a law-abiding people, observe that act as long as it was the law and appeared on the lawbooks.

I am very proud indeed of the record that has been made in my State in meeting such a revolutionary change in conditions as was forced upon us by the passage of the Civil Rights Act of 1964. But, Mr. President, I say that 3 years is entirely too long for almost one-fourth of this country to have to accept second-class citizenship in the administration of a law; and that is what we have had to do. We have had representatives of the

Department of Health, Education, and Welfare, in the offices of our school boards, our county school superintendents, our State school superintendents, reviewing all of the resolutions, all of the reports—not only that, but going out and finding complainants—almost generating complaints—that would increase the burdens and difficulties of the local school boards that were confronted with this demand for a very revolutionary change in their methods.

There was one very timid movement outside the South. Someone in the Department, who was possessed, perhaps, of more conscience than good judgment, moved into the city of Chicago and looked into a situation there where there was almost 100 percent segregation in many schools, and he threatened to cut off the funds in those schools. That is the last thing that has been heard of that threat. Just as soon as a few phone calls could be made, the threat was vacated and Chicago, in common with the other great cities of this Nation today, is carrying on a form of segregation in her schools that would be denounced all over the country if it were done in the Southern States and would result in the denial of any form of Federal aid for our schools.

Mr. President, I do not intend to make a lengthy speech, and I shall not belabor this question now; but I will say that the Civil Rights Commission which, needless to say, has never been partial to the South, has shown extraordinary fairness in going into this question outside the South. In the report "Racial Isolation in the Public Schools," they bring forward illustration after illustration of segregated schools in the great cities of this land equal to any segregation in our part of the country—Chicago, Cincinnati, Syracuse, Cleveland. All of our friends here in the Congress sit back and sanctimoniously say, "Go into the South and eradicate this evil." Not yet have I heard one of them from one of these States where this condition exists have the courage or sense of fairness to say that the same treatment be accorded the schools in his own State.

I quote just one sentence from the Commission's report:

> Racial isolation in the schools is intense whether the cities are large or small, whether the proportion of Negro enrollment is large or small, whether they are located North or South.

That has been the condition here for 3 years, and we have seen, in our States, swarms of these inspectors and adjudicators and hearing examiners and evidence gatherers, but not one of them has set his foot in other States that we mentioned.

Mr. President, I am tired of it. I learned long ago not to expect fair treatment in this body when anyone cried "civil rights," because I knew when the act was published and applied, the effort made to apply it and enforce it would be made only in the Southern States. I never thought that was American policy. I have always thought it was contemptible and cowardly policy. And nothing has transpired that changes my opinion.

I will say that, in the conferences we had, the Senator from Oregon insisted that the Department undertake to apply this law in some sections other than in the Southern States; and I wish to commend him for his fairness. The Department said it intended to do just that. I shall await with interest to see what progress they make with this program outside the Southern States, and whether that alleged effort to enforce is inaugurated and prosecuted before November 1968.

As I said, Mr. President, I do not intend to make any long speech here today. I do resent—and resent it as deeply as it is possible for any human being to feel—the gross discrimination against my people and my section in the enforcement of this act. It has been political. It has been callously unfair. We have raised the question time and time again.

I remember about a year and a half ago when we had a long conference with the Secretary of Health, Education, and Welfare on some orders that had been issued with respect to hospitals that were receiving some Federal assistance. I raised the issue then. I said, "Mr. Secretary, do you ever propose to enforce this act anywhere other than in the Southern States?"

"Oh, yes," he said, "we are going to move right in there right away, and enforce it throughout the United States."

I think that has been at least 18 months ago, and not one finger has been lifted. That was after the Chicago incident, when that poor stray who thought the law ought to be enforced all over the Nation got out there and threatened to cut off the funds for doing exactly what we were doing in Southern States, and was forced to beat a hasty retreat and apologize for making any such suggestion to a school district in the city of Chicago. And nothing has been done about it outside the Southern States. It will be something in the nature of a miracle in the operation of government if anything happens after this debate.

The law has not only been abused in its administration as to sectionalism, but in my opinion, it has been abused in the method of enforcement; and there is no promise whatever that that will ever be rectified.

We were told, when title VI of the Civil Rights Act was passed, that all it was supposed to do was open the door of every school to every child in this country, without regard to his race, creed, or color—that is, it was to establish a freedom of choice.

But that has been abandoned now; and when hearings were held just recently, when the Senator from Oregon reopened this matter, the present Administrator testified that they do not really mean freedom of choice, unless it is the freedom of choice of Health, Education, and Welfare to apply the law as it sees fit.

Here is the evidence of that, brought out by Senator ERVIN's questions:

> Senator ERVIN. In other words, although the free-choice plan is satisfactory to the people, and although people of both races desire to go to separate schools, the policy is to compel them against their wishes to go to schools together?

This is the answer from the administrator of the program, Mr. F. Peter Libassi:

> Yes. The policy and the law in this area, I think, are very clear, and that is correct, Senator.

Further on Senator ERVIN said:

> Suppose it is not against their wishes. In other words, if there is freedom of choice, even in a genuine case, the department will not recognize a genuine freedom of choice unless it produces integration?

Mr. Libassi answered:

> That is right.

Mr. President, I think that is stretching the Civil Rights Act; and I think that is planting a seed of totalitarianism in this country. Where are the rights of free Americans, when we say, "Here is the right of freedom of choice," and a Government bureau comes in and says, "You can choose if you please, but we will overturn that choice and we will compel you to do our will, not yours"?

That, in a free country.

I say, Mr. President, that in the zeal that is being displayed in this matter, we are creating some very dangerous precedents in a free country, when we say a Government bureau can override the choice of both races as to what they shall do, and compel both to follow a policy which is contrary to their wishes.

It may sound all right to say, "Well, we are just doing that as to schools." But if we start there, where will it end? If the American people look on sanctimoniously and say, "Well, that is all right; it is just in the South they are doing that, it doesn't make much difference if they disregard the rights of those people down there," they can be sure that it will not be too long before there will be another situation, further down the road, that will threaten their rights; and in the end, it will topple this temple of freedom that has enabled this country to become the greatest this world has ever known.

Mr. STENNIS obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Mississippi yield very briefly, for a couple of minutes, so that I may respond to the Senator from Georgia?

Mr. STENNIS. I yield.

Mr. MORSE. Mr. President, I feel the RECORD should show this response. I believe it is owed to the RECORD, as well as to the Senator from Georgia.

I wish to say for the RECORD and to the Senator from Georgia that he has once again, as in connection with the conferences that we have held, in the speech we have just heard, demonstrated his statesmanship.

The Senator says that he and I differ on some issues. That is true. That is bound to be true in any parliamentary body. You agree with a man today and disagree with him tomorrow, on some issues on which you have honest differences of opinion which are irreconcilable.

I want the RECORD to show today that in my many years here, I have worked with no Senator who has excelled the Senator from Georgia in carrying out his responsibilities of statesmanship as the issues have dictated to him the courses of action that he should follow.

The Senator from Georgia and the Senator from Oregon have worked shoulder to shoulder time and time again in fighting for and seeking to guarantee due process in connection with legislation that has come before us. Even though we were on opposite sides on the final vote with regard to the legislative substance of that legislation, we were of one mind with regard to the procedural rights of the American people in respect to the administration of the legislation, once passed.

That is exactly where we stand today, shoulder to shoulder again, in trying to see to it that procedural injustices which have developed in connection with the administration of title VI of the education program are brought to an end; and I seek to do it by way of the legislative history that I so carefully set forth earlier this morning.

If my friend the Senator from Mississippi will permit me, I wish to make a two-page statement in support of a position the Senator from Georgia took in connection with the great need for uniformity of application of enforcement in connection with alleged noncompliance cases throughout the country.

I think that there is no answer to the argument of the Senator from Georgia that the enforcement policies in regard to noncompliance cases have been very much centered on the South. I am not saying that there has been no attempt on the part of the Department to require compliance in other areas of the country, because I am satisfied there has. But I am also satisfied, on the record that I have studied in connection with my trying to work out the procedure that is now before us, that certainly the Senator from Georgia has a basis for complaint when he points out that the enforcement seems to have been weighted against the South, to the advantage of noncompliers in other parts of the country.

As I say, Mr. President, criticism has been aimed at the Department of Health, Education, and Welfare for bias in enforcing the Civil Rights Act only against southern school districts. Whatever the history has been in the past—and I think there has been merit in the criticism that it has been overweighted toward enforcement in the South—I am happy to say that the Department assures me that in the future it will be enforcing title VI of the Civil Rights Act in an evenhanded fashion throughout the 50 States.

As the Senator from Georgia pointed out, in some of our conferences I have raised this point. I have made it perfectly clear to the Department that that will be part of the surveillance or watchdog procedure of my committee.

We shall be watching it very carefully. I have complete confidence that the Department has negotiated in good faith with the Senate committee, just as the Department has the right to expect school districts in any part of the country to negotiate with it in good faith in connection with compliance cases.

I say first that the bill which the Senate is now debating contains the so-called Green amendment as it passed the House of Representatives. And I pay my high commendation to Representative Green for the position she took in regard to this compliance issue requiring uniformity of application of compliance through the country. That was not easy to do. She was subject, as I expect to be, to some criticisms. For her insistence upon the uniform application of enforcement policies under any law in this country, and in this instance under the education law, to me, is the foundation of justice in this country. If there is not equal justice, then there is no justice. And Representative Green has been fighting for equal justice with respect to this issue. And I am proud to join her. And my colleagues on my committee know that it was the chairman of the subcommittee from the very first who insisted that the Green amendment be written into the bill that we were to bring to the floor of the Senate.

This matter will not be in conference, therefore, and will become the law of the land as soon as the bill is signed by the President.

Mr. President, I quote from section 2 on page 43, line 4, of H.R. 7819, which is now pending before the Senate:

> All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

That is our intent as expressed to the Department. That is our mandate, too; and that mandate raises the obligation of equality of enforcement under the law to be carried out by the Department.

I say again that I do not have the slightest doubt that our great dedicated Secretary of Health, Education, and Welfare, Mr. Gardner, will see that that is done.

Second, Senators may ask me how long it will take to implement this requirement for an evenhanded application of title VI. My answer is that within the last month—I happen to believe, due in part at least to the interest of my committee and the interest my colleagues have taken in our conference with the Department of Health, Education, and Welfare has been casual to a substantial degree in producing this effect—every school district in the North containing more than 3,000 students received a questionnaire from the Department of Health, Education, and Welfare, requesting information on which a preliminary determination can be based concerning compliance with title VI of the Civil Rights Act. These reports are about complete.

During January 1968, field representatives from HEW will begin making visits to school districts where the reports indicate compliance problems. In addition to that, Mr. President, I have been assured that the Department will not wait until all the reports are in, but will proceed to examine them as they are received and will move promptly, even before January 1, 1968, to investigate situations when the reports indicate the need to do so.

Third, I have also been told, Mr. President, that in the future compliance forms required from southern school superintendents will be identical with those required from northern school superintendents. In other words, the exact information will be requested from all school superintendents in all 50 States in order to carry out this mandate of the Congress that there shall be uniform enforcement of title VI of the Civil Rights Act of 1964 in all of the 50 States and all of the school districts therein.

CHICAGO SITUATION

Mr. President, I have heard a number of Senators talk about the "Chicago situation" and point out "what happened in Chicago."

Statements have been made to the effect that the Civil Rights Act is not enforced by HEW when politics is involved, and that HEW buckled under pressure when the Civil Rights Act was being enforced in Chicago.

These statements and their implications disturb me a great deal. The Civil Rights Act is the law of the land. It is the law of our Nation in all 50 States. It is a law that is to be enforced uniformly throughout the country.

I might point out that the bill reported by the committee contains a section which specifically required the uniform application of guidelines and directives regarding all education laws.

My concern about Chicago led me to do a bit of investigating on this point and I have requested from the Department information on just what happened in Chicago. I have been able to find out most, if not all, of the facts.

There were a number of complaints lodged with the Commissioner of Education which alleged that there were segregation and discrimination in the public schools in Chicago.

In August of 1965, HEW announced it would investigate those complaints. The Department requested that the State superintendent of schools in Illinois defer approval of applications for new Federal funds from the city of Chicago during the investigation. This was done in order to maintain the status quo until formal enforcement proceedings could be initiated if they made a finding of noncompliance with the Civil Rights Act. The procedures which the Department followed in defering action on applications from Chicago are no longer being used. They have been revised in line with the policies established by the Justice Department.

These are the same procedures which are used in the South. The same procedures are followed for deferral in both the North and South.

There was a great deal of controversy which followed the public announcement in Chicago. HEW was told to get the facts fast and come to some kind of agreement on compliance. As a result, the Chicago school system promised to come up with all the information required, and an agreement was reached upon the basis of information. The agreement was that the Chicago school board would be given a period of time in which it had to deal with certain specified problem areas.

When the agreement was reached, and not before that agreement was reached—and let me say the Chicago school board agreed to deal with its problem areas—the deferral action of HEW regarding the approval of Chicago applications was lifted.

After this agreement and during that specified time period, information was supplied by the city of Chicago and the Department staff completed its investigation. Based upon the information gathered by the Department and upon that provided by the city of Chicago, a factual report on the city of Chicago was issued in January 1967.

I ask unanimous consent that that report and covering letter be printed in the RECORD at the end of this statement on the Chicago problem.

That report identified practices in the city of Chicago which raised serious questions about compliance with the Civil Rights Act. In response to the Department's report and findings, the Chicago school system, which by this time was under the leadership of a new superintendent of schools, adopted a broad comprehensive desegregation program involving immediate steps to be taken and further steps to be taken in the future.

This type of program is the same type which the Department seeks from school districts in the South. It is no different. In other words, the Civil Rights Act, as it is being enforced by HEW as it is required to do by that act, is today requiring all school districts—North and South—to desegregate. The approach adopted in Chicago is being followed in many southern school districts and is the type which meets the requirements of the law. That is a program involving comprehensive plans with both immediate short-range and long-range steps for the elimination of segregation and is the type which meets the standards of the Civil Rights Act as enforced by HEW.

HEW is asking no more of southern school districts than it asked of and has received from the city of Chicago. I would like to point out that the procedures followed by the Department in 1965 to defer actions on Chicago applications for new funds have long since been abandoned by the Department both in the North and the South. In January 1966, the Attorney General directed all Federal departments and agencies to defer funds under rigid procedures and only when clear and substantial evidence of noncompliance had been gathered. HEW has followed the policy set forth by the Attorney General. Those policies were later modified by section 182 of the Elementary and Secondary Education Amendments of 1967 which embodies the compromise the conferees agreed to last October. And the Department is following those modified policies in detail.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., January 6, 1967.

Mr. JAMES F. REDMOND,
General Superintendent of Schools, Board of Education, Chicago, Ill.

DEAR MR. REDMOND: The enclosed document is a report of the findings of the United States Office of Education in regard to complaints received in the Office concerning practices related to the education of minority group children in the Chicago Public Schools.

In this report we identify a number of problems which the Chicago Board of Education should face, and we make a series of recommendations for action by the Board. For your convenience, we have enclosed at the end of the report a summary of these recommendations. I want to make it clear that these recommendations constitute our judgment of the solutions the Board should seek. Perhaps the Board will find alternative approaches which will result in solving the problems we have identified. It should feel free to do so.

Our report outlines serious conditions in the Chicago schools which, in our view, may involve violations of Title VI of the Civil Rights Act. We believe that the constructive way to proceed is to seek your cooperation in moving rapidly to correct the condtions outlined in the report. If that can be done, we will bring about by voluntary means the changes which enforcement procedures under Title VI might take much longer to produce.

Let me add that some of the data on which this report is based were collected by us or reported to us some months ago. Consequently, some of the information may be out of date. In addition, I am aware that you have been moving toward solutions to some of the issues raised in this report. To the extent that problems we have raised have already been solved, we want to recognize the progress Chicago has made, and we would be glad to receive reports from you on this progress at any time.

We ask that the Board provide a progress report on the resolution of these problems by April 1, 1967. If the Board wishes to adopt alternative measures rather than those recommended in our report, we would like to be informed as soon as such a decision is made.

Please advise me of any assistance I can provide in connection with this letter and its enclosure.

Sincerely yours,
HAROLD HOWE II,
U.S. Commissioner of Education.

REPORT ON OFFICE OF EDUCATION ANALYSIS OF CERTAIN ASPECTS OF CHICAGO PUBLIC SCHOOLS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

This is a statement of findings and recommendations by the U.S. Office of Education in its analysis of certain aspects of the Chicago Public Schools under Title VI of the Civil Rights Act of 1964. The report also contains recommendations for dealing with a number of other educational problems which have been identified during the investigation.

The Chicago Board of Education sent a report to the Office of Education on December 13, 1965, detailing the action taken in carrying out the assurances given in its agreement of October 5, 1965. Secretary Gardner replied in a letter of December 29 that the report, although it gave evidence of some progress, left other problems unresolved, and he requested that the Board direct the General Superintendent to cooperate with a staff team from this Office which he had assigned to travel to Chicago. This team and Assistant Commissioner David Seeley arrived in Chicago January 3, 1966. Mr. Seeley met with the Board and the General Superintendent, and members of the team stayed in Chicago several weeks and met with the General Superintendent and his staff on two occasions, in January and February. Finally, the team, augmented by several specialists, returned to Chicago at the end of June 1966, meeting with the General Superintendent and members of his staff over a three-day period.

Since January 1966, the staff has been studying official reports and other materials supplied by the General Superintendent. They have analyzed these data, including maps showing school attendance boundaries. This report contains our findings and conclusions reached as a result of this analysis and of the several points outlined above. In large part this report responds to complaints transmitted to the Office of Education from the Coordinating Council of Community Organizations on July 4, 1965, and supplemented on December 9, 1965. Its recommendations seek to alleviate some of the conditions mentioned in those complaints and judged to be of legitimate concern as the result of investigation.

This report concerns the three areas covered by assurances in the October 5, 1965, agreement; apprenticeship training programs, open enrollment for vocational and trade schools, and boundaries and student assignment policies. We have also included a section stating our findings regarding some aspects of the teacher assignment question. Other elements of the complaint are not here reported on.

I. APPRENTICESHIP TRAINING PROGRAMS

In his letter to the President of the Chicago Board of Education, dated December 29, 1965, Secretary Gardner stated that he considered Mayor Daley's city-wide program to increase apprenticeship training opportunities for minority youth in the building and construction trades to be an acceptable start in improving the access of all pupils to union apprenticeship programs at Washburne Trade School. These programs were covered by the October 5, 1965 agreement between President Whiston and Under Secretary Cohen. The result of this program based on very recent information indicates that it is beginning to produce some positive results in the manner intended. There can be further strengthening in the manner of operation so that it can become a more effective means for opening opportunity in the apprentice training programs operated by the Chicago public schools.

We have been informed that from December 1965 through December 1966 about 100 Negroes have been indentured in building and construction trades represented at Washburne Trade School. This is a considerable increase from the number of Negroes indentured in previous years.

According to the latest report, all trades represented at Washburne have indentured Negro apprentices. There has been a breakthrough in several unions that had not previously indentured any Negro apprentices, and the number of Negroes attending Washburne has increased during the past year. Clearly, there has been progress, but it should be considered only a start.

We are aware that there are many factors which make it difficult to increase the pace at which qualified minority youth can be indentured and enrolled in apprenticeship programs. Nevertheless, there is wide agreement among Federal and local officials acquainted with the Mayor's program that union, employer, and the public school participants can exert the kinds of efforts required to make it fully succeed.

We wish to call the Board's attention to an area which is specifically relevant to these problems and which our investigation has shown to be a source of considerable discontent among officials and citizens concerned with apprentice and training programs. This is the broad area of apprentice recruitment including the examination and selection procedures. For example, it is alleged that the dates of up-coming examinations are not announced in an open and timely fashion; that for some trades the examinations themselves are designed to impose unreasonable and artificial barriers to some potential candidates; that the availability of applications for examinations is restricted to preferred candidates; and that final selection from the list of eligible candidates is not in order of merit. No effective solution will be found unless some procedures can be developed for Negro and other disadvantaged youth which will substitute for the informal and traditional processes by which many are now apprenticed.

Whether or not these charges are valid, the frequency of their occurrence and the qualifications of those who make them in themselves constitute a serious problem. People *believe* that there is no use trying to get into certain unions. Under these circumstances the School Board should take special pains to make sure that the procedures for recruitment, examination and selection are above suspicion.

We are aware that members of the school system staff already attend some joint apprenticeship council meetings where final selection of apprentices is made. It would appear that the business of at least some of these meetings may be simply to formalize nomination of candidates already selected. One of our proposals, which follows, is aimed at developing a systematic method for observation of all stages in the indenturing process so that any preferential or subjective practices can be identified more readily.

In view of the mutual interest and responsibility of the Board and the U.S. Office of Education for dealing with the above problems, we propose:

1. A statement by the Board to the joint apprenticeship councils with trades represented in the Chicago public schools that the present number of Negroes admitted to apprenticeship programs is no more than a first step in creating opportunity in these programs.

2. A thorough review to determine within the shortest possible time how to carry out the Mayor's program more effectively. The review should include the following: (a) an analysis of the strengths and weaknesses in the implementation of the program so far, and (b) recommendations for improvements. We recommend that such a review explore not only the implementation of the Mayor's program, but also the various ways by which young men usually become apprenticed in various trades. The report should be submitted to the Board, the U.S. Office of Education and shared with the Mayor's office, so that we may determine whether the program can continue to furnish the basis for satisfaction by the Board of its commitment to resolve the problem of limited opportunities at the Washburne Trade School. These facts have been communicated to the Department of Labor which shares our concerns. The Department of Labor has agreed to undertake immediately a thorough review of this program.

3. Agreement by the Board, this Office and U.S. Department of Labor representatives, after the review, on the specific steps to carry out the program more effectively. This would include a timetable, made flexible to apply to the different circumstances of the respective trades, for increasing minority representation. The councils should be informed of their specific responsibilities and the Board should periodically review performance. If it finds that inadequate performance by any council is attainable to a failure to carry out its obligations under the program, including lack of cooperation with other parties to the program, the Board should invoke its resolution of July 14, 1965, and declare that trade ineligible to enter new apprenticeship classes in schools operated by the Chicago Board of Education.

4. So long as it is believed that preferential recruitment, examination and selection procedures operate, allegations of discrimination will continue which in themselves will dissuade Negro youth from making applications. In order to establish public confidence in the fairness of the admission procedures, a qualified and objective observer should attend all council activities which are relevant to the indenturing process.

5. The Board instuct its staff to develop a long-term program to help minority youth (a) know about apprenticeship opportunities, and (b) qualify for them. Such a program is needed to serve as a substitute for the family orientation, encouragement, coaching and help which, in effect, give preferred access to apprenticeship training to certain youth. We are aware that the school administration has already taken certain steps along the lines proposed here.

II. OPEN ENROLLMENT FOR VOCATIONAL AND TRADE SCHOOLS

In its report to the U.S. Office of Education submitted on December 13, 1965, the Board stated that (a) its staff was preparing a report regarding open enrollment in vocational schools and (b) the Board had reiterated its August 12, 1964 policy concerning city-wide, open enrollment in these schools. This is the extent, of the action taken by the Board with regard to Paragraph two of the October 5, 1965 agreement.

We propose that specialists from this Office meet with the Board or its representatives to discuss procedures already in effect and such additional ones as may be jointly agreed upon for making the city-wide, open enrollment policy effective. The information already received from the General Superintendent, and any additional data which might be found necessary, could serve as the starting point for our discussions.

III. BOUNDARIES AND STUDENT ASSIGNMENT POLICIES

As is well known in Chicago, the facts concerning student assignment in the Chicago public schools are that, by and large, Negro and white students go to separate schools. Data supplied by the Board of Education ("Teacher Observation Head Count" for October 8, 1965), show that during the 1965–66 school year 85.3 per cent of white elementary and secondary students attended white-segregated schools; that 87.8 per cent of Negro elementary and secondary students attended Negro-segregated schools; and that only 12.8 per cent of Chicago's elementary and secondary students in public schools attended intergrated schools.[1] The degree of separation in elementary schools alone is even more striking. According to our analysis, 87.9 per cent of white and 90.3 per cent of Negro elementary students were assigned to segregated schools during the past school year. The vast preponderance of the separation is related to separation in housing patterns.

This is not the first time that the extreme separation of children by race in the Chicago public schools has been reported, and there is every indication that the situation may get worse. Such separation impairs education and Board policies need to be responsive to that fact. A fruitful response to this question has always been a major problem.

In studying the data presently available to us we have been impressed with the complexity involved in sorting out the factors underlying the establishment of a particular boundary or group of boundaries, the choice of new school sites or the location of school branches. Based on the present stage of our study in this area, we do not say that the determination of the present school attendance boundaries was designed to promote racial segregation. However, it is our conclusion that it probably would not be possible to explain fully the selection and establishment of certain of the sites and boundaries which we have studied to date by factors which do not include race. Furthermore, it may be said without reservation that at the very least the effect of the way Chicago has implemented its neighborhood school policy has sometimes been to preserve segregation unnecessarily or to fail to reduce segregation when feasible.

On the basis of our analysis thus far, we share the conclusion reached by the Board's Advisory Panel on Integration of the Public Schools and other observers that by far the greater part of the segregation in Chicago's public schools results from residential segregation combined with the Board's neighborhood school policy.

We recommend that the Board engage competent specialists to assist them in preparing a plan appropriate to Chicago, drawing on the wide range of administrative remedies which have been adopted by other school districts to lessen segregated education and, indeed, to reverse trends of increasing segregation where possible. As the Board is aware, a number of different steps are being proposed to deal with this problem. But no particular action is alone sufficient for a metropolitan center. A combination of actions over time is needed; commitment in fact by school authorities to the goal of reducing segregation in education is fundamental.

The U.S. Office of Education will provide all possible assistance and support in this matter, but we reiterate on recommendation that specialist services are necessary to work on this problem.

IV. FACULTY ASSIGNMENT PATTERNS

In addition to the foregoing on questions covered by the October 5, 1965 agreement, some findings regarding teacher assignment by race and by type of certificate can also be presented at this time. Our analysis is based on interviews with school administrative officials, observation of the assignment process, and a head count of teachers by race conducted at our request.

Clear-cut patterns emerge from our analysis, showing that (1) Negro teachers are very heavily concentrated in the "Negro-segregated" schools, and (2) the proportion of temporarily certificated teachers assigned to Negro-segregated schools is significantly higher than at "white-segregated" schools. Our findings are substantially the same as reported in other studies.

According to our calculation, 89.8 per cent of Negro teachers are assigned to Negro-segregated schools. Negro faculty segregation is greater at the elementary level, 92.2 per cent, than in high schools where the figure is 79.7 per cent. We found that of the 259 white-segregated, regular elementary schools and branches, 222 had no Negro teachers; and of the 188 Negro-segregated, regular elementary schools and branches, 14 had no white teachers. All of the 15 Negro-segregated, general high schools and branches had some white teachers, but 23 of the 43 white-segregated, general high schools and branches had no Negro teachers. According to our analysis of information dated February 15, 1966, and received from the school administration, 20 of the 23 Negro principals of Chicago elementary and high schools were assigned to Negro-segregated schools. The same report showed that four Negroes were serving as superintendents of administrative districts; three of these four districts are predominantly Negro, while one is integrated.

We found that while 37.6 per cent of the teachers at Negro-segregated schools had temporary certificates, only 11.5 per cent of those at white-segregated schools held temporary certificates.

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[1] For the purpose of its analysis of the Chicago school system, the Office of Education adopted the definition of an "integrated" school used by the Chicago Board's Advisory Panel on Integration of the Public Schools, viz., only those schools with at least 10 per cent Negro and 10 per cent white students. Schools with over 90 per cent Negro students are considered Negro-segregated; those with white, or combined white and "other," enrollment of more than 90 per cent are considered white-segregated.

Only (1) regular elementary schools and their branches and (2) general high schools and their branches have been included in our statistical analyses of student assignment and of teacher assignment in section IV. The only exception to this rule is our exclusion from the general high school category of Lane Technical High School, Lindblom General and Technical High School, Tilden Technical and General High School, and Holden Branch of Tilden.

Summarizing, we note the following principal differences between the two types of certificates: (1) entry requirements for regularly certificated status are more rigorous, demanding written and oral examinations not required for temporary certification; (2) at the elementary level, fewer total professional course hours and fewer prescribed professional courses are required for temporary certification; (3) at the high school level, fewer courses in the teacher's field of specialization are required for temporary certification; (4) at both levels, supervised teaching experience is required for regular certification, but no similar requirement is specified for temporary certification. Finally, we note the school system's own policy of granting annual salary increases to regularly certificated teachers but not to those with temporary certificates.

We recognize that some extremely able teachers may hold temporary certificates. Nevertheless the policies of the Board itself indicate that, for the city as a whole, certification through examination, superior professional preparation, and greater experience are aimed to produce the quality of teachers it desires to attract and promote. All policies and procedures concerning teaching personnel indicate that regularly certified teachers are viewed as more qualified.

The above-reported finding on the uneven distribution of temporarily certificated teachers as between white and Negro-segregated schools is based on an official Board report. We have attempted to obtain from school officials data on other aspects of teacher qualifications and faculty assignment patterns, including years of experience and academic degrees held, the extent of teacher misassignment and teacher turnover, and the prevelance of classes without a teacher, regular or substitute. This data was recently received and is in the process of analysis. The complaints we have received and a number of Chicago citizens who have volunteered information to our investigating team have alleged that Negro students are being deprived of equal opportunity as a result of school practices in these areas. It can be noted that the findings of the Board's Advisory Panel on Integration of the Public Schools substantiate, for an earlier period, the allegation that less qualified teachers are being assigned to Negro schools. In its March 31, 1964 report, the Panel states (p. 18) that, based on sample data, it found that in comparisons of Negro with white schools, the former have smaller proportions both of teachers with at least five years of experience and teachers with Master's degrees. The report also states (p. 74) that the faculty turnover in Negro schools is "much higher." On the question of classes "uncovered" by either regularly assigned or substitute teachers, complaints we have received cite a survey conducted by the Chicago Teachers' Union in April 1965 which shows that the incidence of uncovered classes is much higher in Negro than in white schools. We note the same thing based on preliminary data and observation of records.

Certain comments must also be made on the cause and effect relationship between Chicago's teacher assignment policies on one hand, and the existing teacher assignment patterns on the other. On this critical issue the current assignment and transfer policies in combination with other factors have played a major role, if not the chief role, in bringing about and maintaining these patterns. The concentration of Negro teachers and the placement of teachers with inferior qualifications in Negro-segregated schools is the natural consequence that must be expected from the policies and practices now in effect.

A detailed discussion of the teacher assignment process is not possible here. We do not have complete data, and according to school officials, no complete description exists. Nevertheless, some comments on the process are in order.

The basic fact emerges from our analysis is that the school administration has exercised little authority in assigning staff at its own discretion, to spread the range of talents, age, experience, training, and specialization among its different schools. It appears that the Personnel Office, for example, has little responsibility to effectively staff a newly opened school, or to prevent or remedy the deterioration of a faculty in another. In Chicago, the more qualified teachers in rank order have first choice when assigned initially to fill most vacancies, by virtue of that rule that regularly certificated teachers have preference over substitute teachers in selecting positions from the list of schools with vacancies.

As regards the transfer policy, a similar commentary can be made, i.e. only the better qualified teachers (those with regular certification) are eligible to transfer under the policy. The less qualified teachers (temporarily certificated, or substitute teachers) do not have similar transfer rights. Moreover, the school administration exercised no control over the transfer process other than in requiring that transferees be qualified to teach the appropriate grade level and subject. Teachers choose the schools to which they transfer. This means that in processing a transfer of staff a range with respect to experience, training, age, etc. will normally not be taken into account in either the transferees' new or old school. According to the "Teacher's Handbooks," the one exception to this rule is the freeze on transfers to schools whose staffs consist 95 per cent or more of teachers with four or more years of experience.

To understand the practical effect of these policies, they must be viewed against the existence in Chicago of "desirable" and "less desirable" schools as seen by those considering assignment. This is especially relevant in a context where individual preference plays such an important part in determining teachers' assignments. In summary, we find that in Chicago, while the School Board controls the mechanics of the assignment process, it appears to have accepted little responsibility for the results of the process.

We wish to cite one of the conclusions from a report entitled "Equality of Educational Opportunity" released July 2, 1966 by this Office. The report, which summarizes the findings of a national survey conducted by this Office, underlines our concern and, we are sure, that of the Board for achieving equal opportunity in this vital area. The following is excerpted from p. 22 of the report: "The quality of teachers shows a stronger relationship to pupil achievement" than do variations in facilities or curriculums. "Furthermore, it is progressively greater at higher grades, indicating a cumulative impact of the qualities of teachers in a school on the pupils' achievement. Again, teacher quality is more important for minority pupil achievement than for that of the majority."

Four principal actions are needed to modify the faculty assignment patterns discussed above. The Board should:

(1) Assume much greater responsibility regarding teacher assignment.

(2) Increase the proportion of experienced teachers in disadvantaged schools. This could include limiting, more than is done under current Board policy, the transfer of experienced teachers to those schools already having a high proportion of experienced teachers.

(3) Define what are the characteristics as seen by teachers which distinguish "desirable" from "less desirable" schools. Once these factors have been identified, work toward equalizing those conditions susceptible of change. A broad program of special incentives, as recommended by the Board's Advisory Panel on Integration, for attracting teachers to the so-called problem schools should be considered.

(4) Emphasize to school staff and citizens alike that the Board is genuinely committed to solving any problems of inequality in staffing patterns which may be found in the city's schools. This is admittedly a difficult concept to define and administer, but nonetheless crucial. It would certainly include affirmative action along the lines of the three preceding recommendations. In the end, the Board's commitment to this goal could only be judged by the thoroughness with which it faced the problem, and its performance in taking effective action as called for by its findings.

In recognition of the complexity of the task and the need to take special local conditions into account we will not at this time attempt to define specific steps or procedures for eliminating the observed inequities between Negro-segregated and white-segregated schools. We do propose that the Board draw up its own plans, including timetables for implementation, for (1) achieving a reasonable spread in faculty qualifications among schools, and the elimination of other disparities found to exist with respect to faculty as between schools attended wholly or predominantly by white and Negro students, and (2) lessening concentrations of teachers and other professional staff members of one race at schools where all or a majority of students are of the same race. The Office of Education would be happy to furnish whatever assistance it can in drawing up these plans. The Board can also secure outside experts to help with drawing up the plans. We strongly urge that representatives of teacher groups in the system be included in the planning. Many teachers in the system have expressed their concern about the unequal educational opportunities in Chicago, and they must play an important role in solving the problem.

RECOMMENDATIONS ON CHICAGO (TAKEN FROM TEXT OF THE REPORT), JANUARY 1967

I. APPRENTICESHIP TRAINING PROGRAMS

1. A statement by the Board to the joint apprenticeship councils with trades represented in the Chicago public schools that the present number of Negroes admitted to apprenticeship programs is no more than a first step in creating opportunity in these programs.

2. A thorough review to determine within the shortest possible time how to carry out the Mayor's program more effectively. The review should include the following: (a) an analysis of the strengths and weaknesses in the implementation of the program so far, and (b) recommendations for improvements. We recommend that such a review explore not only the implementation of the Mayor's program, but also the various ways by which young men usually become apprenticed in various trades. The report should be submitted to the Board, U.S. Office of Education and shared with the Mayor's office, so that we may determine whether the program can continue to furnish the basis for satisfaction by the Board of its commitment to resolve the problem of limited opportunities at the Washburne Trade School. These facts have been communicated to the Department of Labor which shares our concerns. The Department of Labor has agreed to undertake immediately a thorough review of this program.

3. Agreement by the Board, this Office and U.S. Department of Labor representatives, after the review, on the specific steps to carry out the program more effectively. This would include a timetable, made flexible to apply to the different circumstances of the respective trades, for increasing minority representation. The councils should be informed of their specific responsibilities and the Board should periodically review performance. If it finds that inadequate performance by

any council is attributable to a failure to carry out its obligations under the program, including lack of cooperation with other parties to the program, the Board should invoke its resolution of July 14, 1965, and declare that trade ineligible to enter new apprenticeship classes in schools operated by the Chicago Board of Education.

4. So long as it is believed that preferential recruitment, examination and selection procedures operate, allegations of discrimination will continue which in themselves will dissuade Negro youth from making applications. In order to establish public confidence in the fairness of the admission procedures, a qualified and objective observer should attend all council activities which are relevant to the indenturing process.

5. The Board instruct its staff to develop a long-term program to help minority youth (a) know about apprenticeship opportunities, and (b) qualify for them. Such a program is needed to serve as a substitute for the family orientation, encouragement, coaching and help which, in effect, give preferred access to apprenticeship training to certain youth. We are aware that the school administration has already taken certain steps along the lines proposed here.

II. OPEN ENROLLMENT FOR VOCATIONAL AND TRADE SCHOOLS

We propose that specialists from this office meet with the Board or its representatives to discuss procedures already in effect and such additional ones as may be jointly agreed upon for making the city-wide, open enrollment policy effective. The information already received from the General Superintendent, and any additional data which might be found necessary, could serve as the starting point for our discussions.

III. BOUNDARIES AND STUDENT ASSIGNMENT POLICIES

We recommend that the Board engage competent specialists to assist them in preparing a plan appropriate to Chicago, drawing on the wide range of administrative remedies which have been adopted by other school districts to lessen segregated education and, indeed, to reverse trends of increasing segregation where possible. As the Board is aware, a number of different steps are being proposed to deal with this problem. But no particular action is alone sufficient for a metropolitan center. A combination of actions over time is needed; commitment in fact by school authorities to the goal of reducing segregation in education is fundamental.

IV. FACULTY ASSIGNMENT PATTERNS

1. Assume much greater responsibility regarding teacher assignment.

2. Increase the proportion of experienced teachers in disadvantaged schools. This could include limiting, more than is done under current Board policy, the transfer of experienced teachers to those schools already having a high proportion of experienced teachers.

3. Define what are the characteristics as seen by teachers which distinguish "desirable" from "less desirable" schools. Once these factors have been identified, work toward equalizing those conditions susceptible of change. A broad program of special incentives, as recommended by the Board's Advisory Panel on Integration, for attracting teachers to the so-called problem schools should be considered.

4. Emphasize to school staff and citizens alike that the Board is genuinely committed to solving any problems of inequality in staffing patterns which may be found in the city's schools.

Mr. MORSE. Mr. President, in further support of the need for this program of justice and uniform procedural enforcement, I ask unanimous consent that there be printed at this point in the RECORD an article entitled "Desegregation Drive—Schools in North, South Face U.S. Aid Cutoffs if Integration Lags," written by Jonathan Spivak, and published in this morning's Wall Street Journal.

The article deals with this problem, and I am very glad to have this article that bolsters the need for the very point that the Senator from Georgia [Mr. RUSSELL] and the Senator from Oregon are raising with regard to the uniformity of enforcement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DESEGREGATION DRIVE: SCHOOLS IN NORTH, SOUTH FACE U.S. AID CUTOFFS IF INTEGRATION LAGS—HEW AGENCY TO SHIFT FOCUS FROM RURAL DIXIE TO CITIES; POLITICAL FIREWORKS SEEN—MEMORIES OF PAST BACKDOWN

(By Jonathan Spivak)

WASHINGTON.—The Johnson Administration is expanding its controversial campaign to compel desegregation of Southern schools into a nationwide effort that is sure to stir even more political fireworks.

Instead of attacking school segregation mostly in small rural, Southern districts, John Gardner's Health, Education and Welfare Department now seeks to force action North as well as South, in big-city schools as well as small.

Next year this turn of the screw could bring the first major tests of Washington's willingness to shut off Federal financial aid to recalcitrant school districts in the North; up to now, there has been just one brief shutoff outside Dixie—in Chicago in 1965—and that ended quickly after a complaint to the White House by Mayor Richard Daley.

The underlying aim will be to achieve maximum mixing of white and Negro pupils through reorganization of entire school districts. So far, the HEW Department's desegregation efforts in the South have concentrated on the more limited objective of slowly swelling the numbers of Negro students attending integrated schools, through pupil transfers. But officials now contend this approach has become bogged down in meaningless quibbling over percentages and in protracted school-district stalling. Only about 18% of the South's Negro pupils now attend integrated schools.

AID CUTOFFS

Touching off the broadened campaign will be the announcement early next year of new national school desegregation policies. They will spell out the circumstances that would justify cutoff of Federal aid to schools in the North as well as the South.

Already a questionnaire has been dispatched to more than 2,000 major Northern and Western schoool districts to determine the extent of pupil and faculty segregation. Early next year HEW aides will pick about 100 districts in which the figures suggest discrimination; on-the-spot investigations will follow.

So far, under authority granted by the 1964 civil rights act, the HEW Department has limited its cutoffs to an estimated $25 million in annual aid going to 64 small Southern school districts, including Vidalia, Ga., Talladega, Ala., and Plaquemines Parish, La. But the trend could spread northward just as the 1968 elections approach. Political squalls would surely follow.

"I foresee a rather significant confrontation," says one HEW man. "You find Democratic mayors in most of the Northern cities, and they are going to be very hostile to civil rights compliance people. They'll complain right to the White House."

Even if further cut-offs do not come, the move northward could plunge HEW enforcers into a thicket of thorny education issues. Not the least is how to determine "deliberate discrimination" that would warrant aid cutoffs in the North. And where the HEW Department does detect such discrimination, it will demand remedies sure to be controversial; these could include busing pupils to overcome racial imbalance, building educational "parks" or "plazas" that would draw students from both white and Negro neighborhoods and redrawing school-district lines to promote integration.

A RISKY COURSE

With Congressional sentiment turning sour on aid to the Negro, many think the HEW Department would be far safer steering clear of such local involvement. Hostile reaction from otherwise liberal Northerners on the Hill could thwart the department's entire desegregation effort.

Even now, the Senate is wrestling over integration issues as it strives to clear a big school-aid bill. Not only have Southerners offered amendments designed to slow or block cutoff of the Federal aid to segregated schools, but Northern resistance to integration measures has become evident. While Senate Republican Leader Everett Dirksen of Illinois has dropped his school-bill amendment to bar use of Federal funds to pay for busing pupils to promote integration, he has hinted he may try tying it to another measure.

"The Northern problem is much more difficult, sophisticated and subtle, growing out of years of de facto (neighborhood) segregation," says a specialist at the Potomac Institute, a race-relations organization here. "I'm not sure they (HEW) or anyone else is ready to tackle it with the kinds of resources which will make a difference."

Nonetheless, HEW Secretary Gardner and his civil rights chieftain, F. Peter Libassi, seem convinced they can make substantial progress. Says Mr. Libassi: "We need intensive field work, we need to send staff in. We need in a very orderly and systematic way to put the elements (of a desegregation program) together that in the long run will make a significant difference in the lives of people."

HEW STRATEGY

Ironically enough, Congress itself originally called for uniform national application of the aid-cutoff provision; some members probably wanted to dissipate the department's endeavors and embroil it in enervating argument. This may indeed be the outcome. But HEW officials hope to avoid these dangers by careful planning.

Much of the department's expanding civil rights enforcement staff of 343 people will be thrown into the school fray; this concentration will postpone pursuit of racial discrimination problems in nursing homes and welfare agencies.

Rather than spread their attention over thousands of small, scattered school districts, each enrolling less than 3,000 students, HEW officials will focus on a few hundred large ones, both North and South; they note that 70% of the nation's students are enrolled in only 10% of the school districts. In the South, Fulton County (Atlanta), Ga., Raleigh, N.C., and Jackson, Miss., among others, are likely to get increased attention; Northern targets have not yet been selected.

Along with evidence of failure to desegregate, officials will apply a new basis for cutoff of Federal aid: A principle of "equal educational opportunity." Where practical obstacles limit desegregation possibilities, as in big Northern cities with large Negro concentrations, local school officials will be expected to allot similar shares of financial resources to predominately Negro schools and to predominately white schools. Some of the signs of inequality that HEW officials will watch for: Large class size, double sessions, serious overcrowding, high student-teacher ratios, less qualified teachers, fewer course offerings or smaller per-capita pupil expenditures.

No one of these factors will be conclusive; HEW aides expect exhaustive on-the-spot investigation will be essential to determine whether there's cause for cutting off aid.

As for any evidence of deliberate, planned segregation in Northern schools, HEW officials expect to shut off aid only if they find Attendance lines drawn to prevent school integration; pupil feeder patterns between elementary and junior high or between junior high and senior high schools adjusted to hinder integration; teacher assignments arranged to preserve white faculties in predominately white schools and Negro faculties in predominately Negro schools.

THE WHITE HOUSE ROLE

In the past, HEW officials have checked several dozen alleged school desegregation violations in the North, but no enforcement action has resulted, except for the brief cut-off of aid to Chicago schools. Thus, a key question is whether the department will back down should potent political pressures arise again. The White House's role will be crucial.

What seems clear is that the HEW Department has attempted more vigorously than any other agency to carry out the 1964 law's mandate to assure Negroes equal treatment under Federally aided programs. The department won desegregation of many Southern hospitals with the start of Medicare last year. But it has since largely ignored nursing homes, which also receive Medicare funds, and has failed to move against backsliding hospitals. Should the enforcers' school resolve now weaken, the aid cutoff provision might lose much of its power as a desegregation weapon.

Certainly the department's tougher tactics will encounter Southern resistance as well as Northern. Until recently, Federal officials allowed school districts to meet desegregation requirements by offering pupils the opportunity to transfer from predominately Negro to predominately white schools. But in many districts such "freedom of choice" arrangements produced little desegregation.

Last summer HEW civil rights specialists investigated 250 Southern districts where free choice had been found lagging. "We told them you should be in the business of eliminating the dual school system," declares Mrs. Ruby Martin, an HEW civil rights official. "We've stopped arguing about numbers and percentages."

REORGANIZATION PLANS

Dozens of these districts agreed to dispense with free choice and develop broad reorganization plans, eliminating the dual school system by the fall of 1969. In some instances, an extra year's delay was allowed. As one result, white pupils are being assigned to formerly all-Negro schools for the first time.

HEW officials are also beginning to push for faster desegregation in more than 300 Southern school districts that are under court orders to act and thus have been thought legally immune from aid cutoff. These districts, mostly in the larger cities, enroll half the students in the South. Among them are Charlotte, N.C.; Charleston, S.C.; Mobile, Birmingham and Montgomery, Ala., and Atlanta, Brunswick and Savannah, Ga. In most, the proportion of Negro students attending integrated schools is probably less than 5%.

Now HEW emissaries will begin double-checking the diligence of these school districts in applying court orders. If they find evidence of stalling, HEW officials will call on the Justice Department to reopen the court cases and seek tougher judicial standards. Or they might attempt to cut off Federal aid if they could find legal authority for doing so.

Mr. MORSE. Mr. President, I thank the Senator from Mississippi, and I shall not interrupt further.

Mr. STENNIS. Mr. President, I do not propose to detain the Senate long. I have expressed myself on some of these points during the debate on the Russell amendment and the Dirksen amendment.

I do think that we ought to make some comment specifically now on some of the points included in the letter that has been referred to.

Mr. President, I first most generously and sincerely thank my colleague, the Senator from Oregon [Mr. MORSE], for his long, hard, painstaking, and sincere work in connection with this problem and for the very vigorous position he has taken throughout these conferences on matters that I think will be helpful not only to the children of our area but also to the children of other areas and all school districts as a whole.

I take at full value every representation the Senator from Oregon made both on the floor and in the course of those conferences. I believe that he will back it up and that his surveillance will be helpful and effective.

I am not relying, though, Mr. President, on the legislative history statements made, so far as their being binding on the Department of Health, Education, and Welfare, because of the experiences which we have had on this and other subjects whereby the courts, the administration, and other bodies have swept legislative histories aside, it seems to me, even in close cases and ignored the statements made by the managers of bills on the floor. I do not charge bad faith. HEW, I think, has been overruled in the past and is likely to be overruled in future efforts by them.

I appreciate what the Senator from Oregon has done and for the position he has taken. I know that he will follow it up.

I indorse, too, everything that the distinguished Senator from Georgia [Mr. RUSSELL] has said in his fine analysis of the problem and the situation that exists. I think that perhaps the Russell amendment, by a close vote, would pass the Senate because the mere statement of facts evoked a response in the hearts and minds of a great many Senators who were not cognizant of what the real facts are. However, at the same time, its fate in conference would be highly uncertain. I think that a letter written directly by the Secretary of Health, Education, and Welfare containing a promise by the Department in its own words can be understood fully. And there is no room for any legal department or court to interpret it otherwise, and there is no room for much dictation.

Certainly, if the Department cannot keep its word—the language that it used and conceived in its own mind—there is no hope from any source.

Although I do not approve of the things the letter failed to do, and regret greatly that it did not go further, I believe it is some value. I believe, also, that much depends upon those who administer the program, as has been true in the past.

Some of the so-called subordinates who have dealt with my State have been outstanding and have possessed human compassion. They were professional educators. Others have been willful and arbitrary, even abusive; and those with high authority have overruled and conceived rules that have worked great hardship upon us.

I wish to thank Mr. Libassi for his frankness and his honest opinion about matters in the conferences we have held. I believe he is a man of fine purpose.

I want the Senate to know a little more about what I believe is a very great wrong that has been done to the children—I am thinking now of the children, white and colored—of the little school districts that have had their funds abruptly cut off in the middle of a session.

We have 11 of those districts in Mississippi, 10 in Georgia. I believe a total of 24 districts are involved whose funds were cut off effective Saturday of last week. In one of the districts in Mississippi, the examiner had passed on the matter back in May, and it lay on the desk of the Commissioner of Education for approximately 90 days. Then he upheld the examiner, and the matter lay on Mr. Gardner's desk approximately 90 days more, and he passed on it. Then the 30 days required by law elapsed, and the money was cut off last Saturday, as I have said.

Certainly, the school district thought there must be some reason why it was held up. The examiner had ruled against them. But 6 months had elapsed, and they had reason to believe that there must be some hope that the funds would be restored.

In one instance I wish to mention, through an error that was made by the examiner as to dates, the funds were temporarily restored. They should be restored to all districts under the policies agreed on during consideration of this bill. To restore these funds would show good faith and try to make up for error. As time goes on, there will be less chance to make shifts in the faculties or to make any changes. All the obligations remain outstanding. Permitting the hatchet to fall now on these little people is unfair, unjust, and unconscionable.

There has been talk about what the record shows, but consider all the other cases throughout the East and the North. I am not raising the sectional issue. I am just taking the word of the report of the U.S. Commission on Civil Rights. They say in their report for 1967—I do not know the date, but it is a very recent report—on page 7:

> The extent of racial isolation in Northern school systems does not differ markedly from that in the South. Racial isolation in the schools is intense, whether the cities are large or small, whether the proportion of Negro children is large or small, or whether they are located North or South.

All the districts in all those areas are continuing to receive their money. They have not been touched. They have not even been called upon to make an accounting. However, the little districts to which I have referred have had the hearing, and so forth; but time went on, and now, in the middle of the session, there is a demand that the law be followed to the letter, and the Secretary thinks he has to cut off their little funds in the middle of the session. I do not believe that the Senate or anyone else who is fair and impartial about the matter approves of such a practice.

It was rather tragic, Mr. President, to attend a serious conference with a Cabinet member, as I did 16 months ago, with the Senator from Georgia, who has already alluded to the same conference, and in the presence of the Senator from Alabama. The subject matter was hospital guidelines. The Senator from Georgia raised the question about the school guidelines, and Mr. Gardner promptly responded by saying:

> We're going to do something about that right away. We're going to move into it.

A very strong statement was made to him by the Senator from Georgia. The Secretary assured us that he was going to move into that matter right away.

Sixteen months later I attended a conference with HEW at which the same question was raised. Mr. Gardner was not present, but a gentleman representing HEW said:

> For 2 years, all of our effort has been directed against the South.

I have a pencil memorandum in my hand as to just what he said. The Federal programs have been directed against the South exclusively for the last 2 years. He said they did not make any effort to do anything else. But in the last 30 days, as the Senator from Oregon has said, they are going to require the schools elsewhere to make a report. They have sent out inquiries—not to all of them, but only to 2,000 of them out of many more thousands, and only to those with 3,000 or more pupils. They made a preliminary inquiry of "What are you doing about carrying out the Civil Rights Act of 1964 so far as schools are concerned?" and "What are you doing about the statements made in the Civil Rights Commission Report of 1967?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. RUSSELL. They are sending out letters for a written response in order to get some inkling of what they can do to afford them a basis for an investigation; but, at the same time, in a little county in my State, Stewart County—an agricultural county—on Saturday they withdrew the Federal aid from the schools and affected over 40 teachers. They have done this while they are just getting ready to start to look around elsewhere. They should go right back and give those people their money to let them finish the session.

Mr. STENNIS. I thank the Senator for his contribution to this debate, and we are of the same mind on this matter. Nothing about restoring funds was said in the letter; but now, after they say, in their own words, "We are adopting a new program and new procedures, even in the South," I believe the least they could do would be to restore the funds to the little districts to which they put the meat ax last Saturday.

I mean every word of this. I appreciate the attitude of some of these officials, but I know that this is partly a political program. It is directed toward the Deep South, and it is being carried out that way, and it is even reflected in the courts.

They have gotten decisions from circuit courts of appeal—which I shall refer to later—where other areas have refused to comply, and the Supreme Court has refused to grant certiorari. Lawyers know that certiorari is the method to decide conflicts between different circuit courts of appeal.

Mr. President, this matter is full of political dynamite. It does not make any difference how hard the Senator from Oregon tries, or how much Mr. Gardner may try to invade other areas of the country, I would bet the last cent I have that nothing is done before the November elections of 1968. I predict that not $1 will be cut off outside of our area of the country.

This letter refers to the fact that all of this is directed toward the southeastern section, or what they call border States. They do not attempt to put in the letter any firm commitment with respect to areas outside of the southeast, because that letter would have been an official notice to those areas that "after all, something might happen to you." They do not want to stir them up. That is my opinion.

Mr. President, I have lived with this matter for a long, long time, month after month after month. There are some people in different departments of the Government who think they can get by with anything in my State. Maybe they can, but they are going to have to go through some legislative blood to keep doing it. That is the pattern, and that is what we have to contend with. That is why I appreciate so much the words and the assurances of the Senator from Oregon. I know he means every word of it. I think that he will try hard, but he has a big hill to climb if they move to interfere in a large way with any of these highly populated cities and highly populated States between now and the next election.

All of the money we have appropriated here for personnel and everything else just to carry out the so-called guidelines has been used in one little area of the country. I do not wish to bring trouble to any area of the country but until they do enforce these guidelines outside the South, we are not going to be able to get votes to correct these wrongs.

The busing matter has reached into other areas of the country. Senators saw a close vote here on that issue the other day. More Senators know more about it. They are feeling it and their people are feeling it. We will have more political strength on this subject if they cut the bone and the muscle in trying to apply this in other areas of the country. That is the reason I continue pushing the matter. I do not raise sectionalism, and I do not try to raise the civil rights question. This is supposed to be an educational bill.

Think of the power that is involved. There is $14 billion in this one bill alone to be placed in the hands of a small group of men without guidelines. Mr. President, ask yourself what chance a little school district has in contending with those who have $14 billion to spend, with the Department of Justice to back them up with its legal department, and the FBI to investigate for them. The Department of Health, Education, and Welfare is able to bring its strength and far-reaching power, backed up by the White House. Senators need not doubt it—backed up by the White House where we have not been able to get anything else.

This will not end the matter. I do not want to be listed as having accepted the letter as the substitute for the Russell amendment, or the substitute for anything else.

The Russell amendment, I wish to state, had not a thing in the world to do with the substance of civil rights; it did not touch, topside or bottom, on anything except a mere procedural matter.

> Go under your own guidelines and have everything you want, but do not cut that money off once the school term started.

That is what it said and that is all it said.

Mr. President, I do not wish to detain the Senate, but there is another matter and this is quite serious, indeed. I have alluded to it and it needs to be said before the debate closes.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MORSE. I wish to comment on what the Senator said.

I assure the Senator of my support. The Senator, in effect, said he is not through with this matter, that he intends to continue to press for what he considers to be fair handling of disputed cases. I gave the Senator my assurance that I am not through with it either. I shall be working with him and other Senators on any specific case in which he feels there is a new variance with what a fair handling of the case would be.

I want him to know that I will be with him pressing the department for consideration. I will not be alone. My entire committee will be with me. We intend to do that very thing in carrying out our surveillance program.

Mr. STENNIS. That is going to be effective and of some help, but the Senator has a hard hill to climb, because it is in the heads of many people that it is only to apply to these areas of Alabama, Mississippi, Georgia, and a few other States in a small area of the country. After all, it will not help much, and there is not much that they can do about it. I welcome the Senator as a valuable and effective ally.

Mr. President, there is another phase I wish to discuss, and this is quite serious.

These guidelines have been before three circuit courts of appeals of this Nation. One of the decisions involved what I shall call the New Orleans Circuit Court. I am going to read a brief statement here covering those three circuit courts of appeals but, for the benefit of those who may have to leave the Chamber shortly, I will say that two of the three circuit courts of appeals decisions refused to follow the guidelines as set up with reference to schools. The New Orleans Circuit Court of Appeals did uphold those guidelines, lock, stock, and barrel. It is the one which says, in effect, that the affirmative duty of the trustees is to go out and bring about the integration, which is far beyond anything the Supreme Court ever said.

When those matters came before the Supreme Court of the United States, on what we call a writ of certiorari, the Court—and I say this with deference—should have intervened and adopted one rule, I thought, but they rejected it and refused to pass on it, so that you have not only schools in the southeastern part of the United States operating on different standards sent down by the Department of Health, Education, and Welfare, but you also have them operating under a different court rule as handed down by the Circuit Court of Appeals of New Orleans, and the Supreme Court of the United States will not do anything about it.

Therefore, we have two strikes against us on that front. I am going to review those cases.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ERVIN. As I understood it, there was a decision of the U.S. Circuit Court for my circuit, the fourth circuit, which upheld the freedom of choice doctrine.

Mr. STENNIS. Yes.

Mr. ERVIN. If I understood the commentator on the radio a moment ago, the Supreme Court today granted certiorari to review that decision and determine whether there was any place left in our law for the freedom of choice doctrine.

Mr. STENNIS. I am certainly glad to be informed of that by the Senator from North Carolina. I did not know that that ruling had come down today. Well, that is a step—that is one step. The Senator from Oregon [Mr. MORSE] might have filed a brief on that. I welcome it. I hope that he contributed on other fronts.

Mr. MORSE. If the Senator from Mississippi will yield, I am speaking facetiously now when I say that I was not party to it but I would be very glad at any time to support having that case tried. It should have been tried. I think it should be settled once and for all.

Mr. STENNIS. I know that was the position of the Senator from Oregon. Well, until that matter is passed on——

Mr. RUSSELL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. RUSSELL. Let me say that I do not share the enthusiasm of the Senator from Mississippi and the Senator from North Carolina in regard to Supreme Court decisions on this matter. He has much more confidence in that court than I have. On the basis of recent decisions, they have followed to the letter the briefs sent down there by the Department of Justice. They have taken their decisions right out of those briefs, apparently without doing any collateral work on the side and without regard to precedent, law, the Constitution or simple justice.

For my part, I am perfectly willing to avoid seeing any of these cases go up to the Supreme Court because I have no confidence whatever in the biased leanings of the court in matters of that kind.

Mr. ERVIN. During the 13 years I have been privileged to serve in this body with my good friend from Georgia, this is the first time I ever caught him in an error. He is in error when he infers that I have any enthusiasm about the Supreme Court's having anything to do with decisions on any question arising under the Constitution.

The Supreme Court was intended by our Founding Fathers to be independent of all political influences and to be subject to the Constitution alone. But the Supreme Court, as now constituted, has made itself independent of the Constitution.

Mr. RUSSELL. I thank the Senator from North Carolina for setting me right. From the decisions I have read emanating from that body, he has correctly described the Supreme Court at the present time.

Mr. STENNIS. Let me respond in a sentence or two. My complaint here was about one rule for those of us in the southeastern part of the country under that court ruling, and at least another ruling for the other parts of the country. I have slight doubt only as to how the Supreme Court is going to rule. I think that entertaining a case, and having this court decision from the New Orleans circuit, which I think was lobbied for to a degree—I could not prove that—it was lobbied for to a degree, in order to back up the Civil Rights Act of 1964. To have that as the final word, I do not approve.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. Mr. President, there will be ample time in the future for us to talk about the Supreme Court and other judges in various regions in this country as to their different attitudes toward the Civil Rights Act. Some of us have talked in the past and, I am sure, will have our say in the future, on this subject. I am one of those.

I rise at this time simply to say that it is most refreshing to me that a great Senator from another part of the country, other than the South, is doing a fearless thing in this particular matter, in recognizing the fact that much less than fair treatment has been given the southern school districts to which the Senator from Mississippi and the Senator from Georgia have addressed themselves, and has gone to the trouble, through a period of days of negotiations, to work out what appears to me, as now presented in the form of the letter from the Secretary of Health, Education, and Welfare, to offer much fairer treatment in the future for school districts in that part of the Nation which, in part, I represent.

I want to pay tribute to the Senator from Oregon [Mr. MORSE] for his sense of fairness, his sense of fearlessness, and his willingness to deal with the matter which others, more timid than he, have been unwilling to touch. It seems to me that is the outstanding thing about this particular matter. It is only fair that the school districts, if they are doing something wrong, should be notified a little ahead of time, to be given an opportunity to correct it. Then if they have not corrected it, by September 1, to be shown, through initiation of proceedings, then they must answer formally. It is only fair, that unless those proceedings have been gone through with, the school districts not be disturbed during the conduct of the regular term, because the welfare of the children who go to those schools, and the communities affected, is concerned in the very greatest degree.

I want to say that I am very grateful to my good friend from Oregon for his sense of fairness, for his fearlessness in this delicate and difficult matter which shows, in my opinion, that he is a very great Senator of the United States.

I thank the Senator from Mississippi for yielding to me.

Mr. MORSE. I want to thank the Senator from Florida. I want him to know that I appreciate very, very much his statement. I want the record to show that the Senator from Florida and the Senator from Oregon have discussed the procedural problems. As I said earlier today, the Senator from Florida has never yielded one bit in regard to the legislative substance of the problem ahead of us, so far as the compliance cases are concerned. But he and I have been of one mind, and he has been very helpful to me, as have other Senators whom I mentioned earlier, in trying to impress upon the Department of Health, Education, and Welfare that we are going to insist upon procedural due process. That is what is basic here. That is why I think the resolution of this matter, along the lines of the guarantees we have obtained from the Department, is going to be helpful to every school district in every part of the country. I want the record to show that the Senator from Florida played a very important part in helping us get those guarantees.

Mr. STENNIS. I appreciate the Senator's remarks, because I think the Senator from Oregon knows that he is not trying to do us any favors. He is acting through a sense of right, justice, and fairness.

Mr. HOLLAND. I thank the Senator from Mississippi once more for yielding to me. He has been most gracious.

Mr. STENNIS. I thank the Senator. Now, Mr. President, I shall be brief.

SCHOOL DISCRIMINATION IN REVERSE

Mr. President, during the debate which preceded the passage of the Civil Rights Act of 1964, a number of us expressed the fear and apprehension that the bill, if passed, would result in administrative and judicial interpretations and applications imposing onerous, harsh and heavyhanded principles of desegregation on the school systems of the Deep South and lighter and less onerous principles on school systems elsewhere. In other words, we foresaw the very clear probability that from the bill there would arise a double standard of application which would result in school discrimination in reverse.

Because of diverse opinions by different circuit courts of appeals, this unhappy and unconceivable situation has now become a grim reality. In the fifth circuit, which includes the States of Louisiana, Mississippi, Alabama, Georgia, and Florida, the harsh and mailed fist decision in *United States* v. *Jefferson County Board of Education*, 372 Fed. 2d 836, decided December 29, 1966, has resulted in extreme standards of desegregation which do not exist in other parts of the country. Indeed, as I shall point out, this decision is in conflict with the school desegregation holdings in at least two other circuits.

These are not the circuits mentioned by the Senator from North Carolina, because I have not included them in my work.

In the Jefferson County Board of Education decision to which I have referred, the court, in an opinion by Circuit Judge John Minor Wisdom, issued a broad and sweeping decree upholding the HEW guidelines in their entirety and directing that the school authorities take affirmative action to forcibly integrate and mix the schools, faculties, and facilities "lock, stock, and barrel."

That is their language, not mine. I have never heard language exactly like that in an opinion of a high court. A great deal of the rest of the opinion reads more like an argument. It is an argument rather than an opinion of the court, in my opinion.

The court said that the decree which it directed contemplated "continuing judicial evaluation of compliance by measuring the performance—not merely the promised performance—of school boards in carrying out their constitutional obligation 'to disestablish dual, racially segregated school systems and to achieve substantial integration within such systems.'"

The opinion further stated:

> The decree places responsibility on school authorities to take affirmative action to bring about a unitary, nonracial school system. * * * The Constitution requires public school systems to integrate students, faculties, facilities and activities.

The court even turned its back on the voluntary or permissive freedom of choice plans and said:

> In place of permissive freedom of choice there must be a mandatory annual free choice of schools by all students, both white and Negro.

A motion for a stay of execution and enforcement of the judgment in this case was denied by the Supreme Court on April 17, 1967—386 U.S., 1001—and certiorari was denied by the Court on October 9, 1967—36 U.S. Law Week, page 314.

Before discussing the cases from other circuits which make it clear that the school desegregation law in the fifth circuit is far more demanding and rigorous than in the rest of the Nation, I would say this: It is too late to argue the soundness of the decision in Brown against Board of Education. However, that case merely declared the constitutional right of Negro children to attend public schools of their own free choice without restraint by State action. In other words, it proscribed enforced segregation. The Jefferson County School Board case was the first to say that it was necessary that school authorities take direct and affirmative action to bring about actual integration of the races by forcibly mixing and integrating the schools without regard to other considerations or the will or wish of either race.

In conflict with the fifth circuit decision is *Dean* v. *Cincinnati Board of Education*, 369 Fed. Id. 55, decided December 6, 1966. This was a decision from the sixth circuit, which embraces the States of Michigan, Ohio, Kentucky, and Tennessee. A suit was brought in the district court to impair operation of allegedly de facto racially segregated public schools and for other relief. The sixth circuit court affirmed the order of the district court granting the defendant's motion for judgment at the close of plaintiff's case. It said:

> Appellants, however, argue that the state must take affirmative steps to balance the schools to counteract the variety of private pressures that now operate to restrict the range of choices presented to each school child. Such a theory of constitutional duty would destroy the well-settled principle that the Fourteenth Amendment governs only state action. Under such a theory, all action would be state action, either because the state itself had moved directly, or because some private person had acted and thereby created the supposed duty of the state to counteract any consequences.

The court then upheld the neighborhood school plan even though "a particular child may be attending a school composed of exclusively Negro pupils," saying:

> We read Brown as prohibiting only enforced segregation.

Certiorari was denied by the Supreme Court at the same time certiorari was denied in the Jefferson County case previously mentioned.

In *Clark* v. *Board of Education of Little Rock School District*, 374 Fed. Id. 569, decided March 31, 1967, the Eighth Circuit Court of Appeals, which embraces the States of North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Missouri, and Arkansas specifically declined to follow the HEW guideline and the fifth circuit's opinion in the Jefferson County case that all freedom of choice plans must include mandatory annual choice. The court said:

> Appellants have made no showing that this non-mandatory freedom of choice plan to laterally transfer schools has infringed their constitutional rights.

I recognize that many arguments on legal niceties could be made with respect to the cases I have mentioned. Nevertheless, it is clear that the practical effect and realistic impact of these decisions is that a much harsher and demanding law with reference to school desegregation exists in the fifth circuit—the Deep South—than in the sixth and eighth circuits. This is intolerable and unbearable and is not what the Congress intended in passing the Civil Rights Act of 1964. In this delicate matter involving constitutional rights there should be one rule of law equally applicable throughout the land.

Since the Supreme Court has not settled the law and eliminated the conflict, the Department of Health, Education, and Welfare should take prompt action to enforce its guidelines equally and uniformly throughout the Nation so that the rules applicable to one section will be equally applicable to all. I call upon them to do this without delay. School discrimination in reverse must be ended as soon as possible.

Just one word further and I have finished. I do not believe there is a sounder American institution than that of the community school. It is a source of learning, training, pride, and activity of all the people of the community from the time they reach 4 or 5 years of age up to grandmotherhood and grandfatherhood. I believe that more good has come from the community schools than from any other institution we have, by all means.

This plan, which one court has upheld and the other two have condemned, is a plan proposed by HEW to abolish the community school, the neighborhood school. Call it by whatever name you wish, they have the bit in their teeth and they are running, regardless of consequences, to abolish the community schools in order to carry out their guidelines.

When the community schools go—if they go—down the drain will go a great deal of that which has made America great. It is there that we get our early ideas, not only ideas of learning, but our early ideas of patriotism, our early ideas of things that have cemented us together as a great people who thus far have been strong in power. I do not believe we could take a more backward step concerning the soundness and security of our Nation than to effectively abolish the community schools.

I feel that I know something about what was in the minds of those mothers of New York City who, just last week, had their picture on the front page of the New York Times, marching, begging, and pleading that their little neighborhood school not be taken away from them and their children sent to other parts of the city, and children from other parts of the city brought in their place. Thank the Lord—it seems like a miracle, but within 2 days some kind of government order was issued that at least suspended the order against which those mothers were protesting.

Frankly, I think the sentiment for this kind of thing must come from the grassroots. I believe it will come. This is one instance where they have overshot the mark when they try to liquidate or destroy the neighborhood school. It is the beginning of a setback for them.

Again I thank the Senator from Oregon, and I want to pay a special tribute to Mr. Charles Cambell of Senator RUSSELL's staff who has assisted me during this debate, especially while Senator RUSSELL was away. Mr. Cambell was most helpful in the conferences, making arrangements for other meetings and in compiling information of a highly important nature. He is very able, and his long hours of work have made a special contribution to the entire effort here.

Mr. MORSE. Mr. President, I want the RECORD to show that I join Senator RUSSELL in thanking Senator STENNIS for his leadership last week, in the absence of Senator RUSSELL, in a whole series of conferences we had with the Department, with the Under Secretary of Health, Education, and Welfare, but who brought these messages from the Secretary himself, who was out of the city at the time of the conferences, addressing the AFL–CIO Convention.

What I want this RECORD to show is that if the Senator from Mississippi had not given me the help that he gave, and if I had not given the help to him to which he was entitled, we might not have established the point of urgency upon the Department; for the Senator from Mississippi and I made perfectly clear that this bill would be in jeopardy if we did not receive a clarification of procedure, so that we would have no doubt that we could rely upon procedural due process in the carrying out of compliance policies of the Department. That was the important thing, and we established it.

I want to say—now that it is all over—as far as our negotiations in those conferences are concerned, that the Senator from Mississippi helped me immeasurably by making clear, toward the end of each conference, that he was reserving judgment until he had the final letter. I wish to say I think that was very helpful in leaving no room for doubt in the minds of the Secretary and his associates that he and I and all those we spoke for—including the Senator from Georgia, the Senator from North Carolina, the Senator from South Carolina, the Senator from Florida, the Senator from Alabama, and all the rest who have been working with us on this problem—considered that the chips were down, and that we had to have a recognition that realized the urgency of this problem.

Having said that by way of thanks to the Senator from Mississippi, I also wish to say that the Department officials are to be equally highly commended for stepping up to the issue and being of the help they have been to us in bringing about what I think is a legislative history that will remove much of the problem we have had with them.

Mr. STENNIS. I thank the Senator from Oregon most sincerely. We could not have reached this end without his very strong support.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, one of North Carolina's ablest Representatives in Congress, Representative LAWRENCE H. FOUNTAIN, of the Second North Carolina District, persuaded the House to adopt an amendment which undertook to deal with this problem. That amendment was eliminated by the Senate committee; and, while I frankly favored the Fountain amendment, I found that the votes were not in sight to restore the Fountain amendment to the bill.

I commend the Senator from Georgia and the Senator from Mississippi on what they have said. I am compelled to say, however that they ignored Mark Twain's advice.

Mark Twain is reputed to have said:

> Truth is very precious; use it sparingly.

They did not use truth sparingly. They stated some facts which needed to be stated on the Senate floor, and needed to be heard by the Nation.

I spent most of my energy during the year 1964 opposing the Civil Rights Act of 1964. I was especially opposed to title VI. To me, title VI was and is exceedingly unwise in that, by vesting in the same Department the power to write regulations which have the force of law, the power to investigate alleged violations of title VI, the power to prefer charges of violations of title VI and, to a large extent, the power to make a judicial determination of the truth or falsity of those charges, title VI served to combine legislative power, executive power, and judicial power in one agency of the Government and, in so doing was, in my judgment, creating the very essence of tyranny.

I also opposed title VI on the ground that it represented perhaps the greatest concentration of power—and in many cases naked power—in the hands of the Federal Government in Washington. As I stated while title VI was under consideration, it provided that uncounted billions of dollars of Federal funds should be used to either bribe or browbeat local governments into an acceptance of what I declared at that time to be the undefined notions of Federal bureaucrats in respect to racial matters.

However, Congress approved title VI; and at the time title VI was before the Senate, the floor manager of the bill, now the distinguished Vice President of the United States, declared that the purpose of title VI and the purpose of the title which referred to the bringing of suits in school matters were to prevent discrimination, and not to compel integration.

The Department of Health, Education, and Welfare has taken a different view of the purpose of title VI and of the school title; and we are likely to have, in the days ahead, some further problems which will require a very high degree of statesmanship for their solution.

Unfortunately, after title VI became law, in all too many cases, the Department of Health, Education, and Welfare employed people who had the blind minds of crusaders—and who were without experience in the educational field and in the operation of hospitals for the treatment of the sick and injured—to enforce title VI according to the personal notions of the officials of the Department of Health, Education, and Welfare in the Southern States.

Those men, many of whom, as I have said, were blind crusaders for a cause, undertook to take charge of the operation of the schools and the operation of the hospitals in the Southern States. They caused a great deal of consternation, a great deal of confusion, and a great deal of chaos.

The Senator from Georgia is due the thanks of at least the Southern States, if not of the entire Nation, for proposing an amendment in an effort to deal with the problem of the chaos that is created where school funds were cut off after the beginning of the term. That always seemed to me a strange thing to do, because the deprivation that was caused by so doing fell upon the innocent children, who had nothing to do with the making of the policies of the schools involved.

So I commend the Senator from Georgia and the Senator from Mississippi for their great service in this matter, I also especially commend the Senator from Oregon. I have had a great deal of experience in legislative bodies, at the North Carolina level and, at the Federal level, in both the House of Representatives and the Senate, and I have never seen exhibited to a higher degree an understanding of the problem involved and a patience and willingness to go to any lengths to find a solution which would ameliorate the tragic situation caused where school funds are cut off after the beginning of a term.

I have frequently taken occasion to say that the distinguished senior Senator from Oregon is one of the great lawyers of this Nation. I think that I am perhaps a qualified judge in this field because I have spent the major portion of my life associating and contesting with lawyers.

I think that the present solution of the problems—which may not be a perfect solution—is a solution which in a great many of the cases will put an end to what has been causing most of the chaos under title VI in the field of public education in the Southern States.

The Senator from Oregon has found this solution not only because he is, in my book, the greatest advocate of public education in the Congress of the United States, but also because he is a great lawyer and, to him as a great lawyer, any administration of the law in an unequal manner is repugnant to the very essence of justice.

The Senator from Oregon recognizes that if any law is to be an instrument of justice, it must be a law which applies to all men or institutions in like manner under all circumstances, regardless of the geographical location of those men or institutions.

Furthermore, he recognizes the necessity in any system of justice of having what we call due process law and what Daniel Webster so well called the law of the land.

The Senator from Oregon recognizes that no justice can be done unless a person or an institution whose rights are to be affected has notice and an opportunity to be heard. As a result of the very patient and understanding work of the Senator in respect to this problem raised by the Fountain amendment and by the Russell amendment, we have here a pledge of the Secretary of Health, Education, and Welfare which operates as a guarantee that hereafter in these cases chaos is to be averted by settling these problems in virtually all cases before the beginning of the school term.

In the fine work which he has done in enabling the Senate to find a solution for a great, difficult, and trying problem, the distinguished Senator from Oregon has rendered a service for schoolchildren which it is impossible to overmagnify.

I express my appreciation to him for all that he has done in this connection.

Mr. MORSE. Mr. President, the Senator from North Carolina makes it very difficult for me to reply to his kind remarks, because I do not have to tell anyone in the Senate that when the Senator from North Carolina makes remarks they come out of a sincerity of heart and an honesty of mind that leaves no room for doubt concerning their motivation.

As one who taught constitutional doctrines in every course I taught when I was teaching in a law school, and, as one who, by a vote of the faculty of my law school, was assigned to teach an advanced course in constitutional law that we added to our curriculum under the label of legislation—but legislation taught from the standpoint of constitutional law—I say to the Senator from North Carolina that despite my long professional interest in the subject, the Senator from North Carolina has been one of the best teachers of constitutional law under whom I have ever sat. The brilliant record that the Senator from North Carolina has made in the Senate in the field of constitutional law causes us not only to admire his record but also to stand in awe of it time and time again.

As the Senator knows, I have worked with him on a series of proposals of his in the field of constitutional law and have learned much from him in connection with it. Earlier this year, I testified before his subcommittee on this whole subject matter of the obligation of the Congress to exercise to a greater degree its checking power under the Constitution in respect to the separation of powers doctrine.

I have worked with him in connection with our judicial review bill, which incidentally we have as an amendment to the pending legislation in the field of education.

Here we have a great Senator who, before he came here, was a supreme court justice in his State and who is one who has demonstrated by example the meaning of the principle that we are fighting for here today—the uniform application of constitutional guarantees and the insistence that there be uniformity of procedural due process in the administration of laws passed by Congress. Otherwise, there just would not be due process. We either do it for all, or we, in effect, break down the principle so that it cannot be relied upon in its application to any individual or group.

I wanted to say this, because I think the statement should be made for the RECORD as to this expert among us when it comes to this matter of insisting that when we come to evaluating legislation, as we are doing today, we ask ourselves as Senators the question: "Is this legislation, legislation that we can go back home and say to our constituents that we saw to it that, within the framework of constitutional guarantees on which they are entitled to protection in connection with each and every bill we act upon, they were protected."

I thank the Senator very much.

Mr. President, may I say very quickly, if the Senator from South Carolina will bear with me for a moment, that the Senator from Arizona has a brief statement he wishes to make. However, if the Senator from Arizona will bear with me for a moment, the senior Senator from Massachusetts has an amendment that my committee will accept and take to conference. As far as I know, it is the only other amendment that will be considered.

I should like to get it out of the way and have the Senator from Massachusetts explain it, and I will then read the very brief statement of acceptance of the amendment that was prepared in behalf of the committee.

Mr. President, if that is agreeable to the Senator from South Carolina and the Senator from Arizona, I yield to the Senator from Massachusetts.

Mr. ERVIN. Mr. President, before the Senator does that, I express my heartfelt thanks to the Senator from Oregon for his most gracious and kind remarks.

Mr. MORSE. The Senator is most kind. But what I have said is unanswerable.

Mr. KENNEDY of Massachusetts. Mr. President, I send to the desk an amendment and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> On page 54, after line 11, add the following new section:
>
> "SEC. 114. Section 212 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:
>
> " '(e) In its annual report to the President and the Congress to be made on January 31, 1969, the Council shall report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children.' "

Mr. KENNEDY of Massachusetts. Mr. President, this amendment to the pending bill is very simple. It would require the National Advisory Council on the Education of Disadvantaged Children to report to the President and to the Congress on which of the various types of compensatory education programs for disadvantaged children hold the highest promise for raising the educational attainment of these children.

I think that the National Advisory Council on the Education of Disadvantaged Children is a suitable group to undertake this effort. The Council was set up by title I of the Elementary and Secondary Education Act. It is charged with evaluating both title I's program of aid for education of low-income families and other Government and private programs aimed at the same result. Its 12 members are educators, attorneys, and public officials.

They are: C. Meredith Wilson, chairman, former president of the University of Minnesota, now director of the Center for Advanced Study in the Behavioral Sciences at Stanford University; Lewis Bruno, superintendent of public instruction, State of Washington; Dr. John F. Fischer, president, Teachers College, Columbia University; Edward B. Hanify, attorney, Ropes and Gray, Boston, Mass.; Frank E. Karelson, attorney, Karelson, Karelson, Lawrence & Nathan, New York; Mrs. Elizabeth D. Koontz, teacher, Salisbury, N.C.; Hon. Mildred Lillis, District Court of Appeals, Los Angeles; Dr. Sidney P. Marland, Jr., superintendent, Pittsburgh Public Schools; Victor Reuther, United Auto Workers; Joseph Rosen, division of education, University of Illinois; Hon. Terry Sanford, former Governor of North Carolina; Dr. Ralph W. Tyler, former director, Center for Advanced Study in the Behavioral Sciences, Stanford University.

These distinguished and experienced individuals, while appointed by the President are not full-time employees of the Government. They are objective. They do not have any particular institutional bias towards any specific program or agency. They represent varying disciplines. They are independent.

In short, I think they would be well-qualified to undertake the task set for them by my amendment. In actually doing the work, they would be able to draw upon the resources of the Department of Health, Education, and Welfare, should the President or the Secretary so direct.

More than 22,000 separate projects have been designed and approved under title I of the Elementary and Secondary Education Act, reaching 8.3 million educationally disadvantaged children in the 50 States and the territories. The annual cost of title I exceeds $1 billion. Untold numbers of significant projects also aimed at the disadvantaged have been undertaken with other public or private funds—as in OEO's tutorial programs, State and locally funded programs, or programs developed through community chest or united fund drives.

The examples of compensatory education programs are legion, because the need is great and it is recognized. And, because many people are anxious to help these children who start the long process of educating themselves with two strikes against them.

But we simply do not know which types of programs are doing a better job than others. Title I supports after-hours classes, voluntary open enrollment programs, communications skills projects, concentrated services classes, and community involvement efforts. All these bring marked improvements in the opportunities available to people from culturally deprived backgrounds.

But we must have some better way of measuring the impact of these programs upon students than we do now. As one example, standardized tests, now in common use, reflect certain assumptions about the cultural and educational backgrounds of those being tested. These assumptions are drawn upon the experiences of children from upper and middle-income families.

But poor children do not have books read to them. They do not go away in the summer. They do not eat three good meals a day. They do not wear shoes that fit. They are not visited by a doctor when they are sick. They do not have their own bedrooms—or their own beds.

These are the educationally disadvantaged children. These are the children compensatory education programs are designed for.

The concept of compensatory education is simple. A little education works a little good, the theory goes—but more education would work more good. Children who start school with two strikes against them must somehow compensate for their heritage of cultural depravity. More education—compensating for this heritage—can bring these children up to levels of their peers.

This principle is widely accepted. Programs of compensatory education are in wide, though limited, use. The use is limited because compensatory education is expensive—witness the $1 billion annual cost of title I. I have previously stated my intention to introduce, next session, a bill to authorize new forms of Federal assistance for programs of compensatory education. These new forms will raise the ability of school administrators to initiate compensatory education programs.

The amendment I offer today can provide State and local education officials with a measure of the successes of various types of compensatory education programs. The achievement of the more effective schools—MES—program in New York City, for example, is open to varying interpretations, depending upon the standards and measures used. The Coleman report has been criticized for its failure to measure achievement within school districts, as opposed to between different schools.

In short, we cannot know, by other than instinct, whether we are doing well or poorly in educating disadvantaged children, without accurate yardsticks. My amendment would provide educators with a yardstick, by requiring the council to assess the successes of various types of programs.

To preclude any misunderstanding of my own position on this matter of compensatory education, I want to quote briefly from a recent article by the author of the Coleman report, Prof. James S. Coleman:

> There are two separable goals involved in current discussions for reorganizing schools. *The aim of racial integration of our schools should be recognized as distinct from the aim of providing equal opportunity for educational performance.* To confound these two aims impedes the achievement of either.

This states it very well, I think. We must move ahead to meet the terms of the Civil Rights Act and to comply with the Supreme Court's decisions. But we must move ahead as well with programs to equalize opportunity. I believe compensatory education is our best hope to achieve this latter goal.

I hope the Senate will accept this amendment.

Mr. MORSE. Mr. President, the proposal of the distinguished Senator from Massachusetts, a member of the full committee, is one which I am sure will have the approval of the majority of the members of our committee. I know all of us believe that it is imperative that Congress receive accurate information upon the effectiveness of compensatory education programs as an aid to us in our own future deliberations on the thrust of the legislation.

That is the only thing to which the amendment pertains. It calls upon the agency to give us certain reports—really, part of the surveillance program in administering the laws we pass, which should be carried out, anyway.

It is for this reason that I am willing to take the matter to conference, in the hope that we can prove persuasive with our colleagues in the House as to the merits, for it is just as much in their interest as in ours to have the factual data upon which to base sound legislative policy concerning education.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

CRIME AND CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA

Mr. KENNEDY of Massachusetts. Mr. President, I again thank the Senator from Oregon for his assistance and cooperation. While I am here on the floor, I would like to take this opportunity to make available, through the Record, to the many Senators and others who have asked for it, the text of what has been called the "clean" version of the safe streets and crime control bill, as well as the individual views of Senator Hart and myself on the version reported out by the Criminal Laws Subcommittee.

There being no objection, the material was ordered to be printed in the Record, as follows:

A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Safe Streets and Crime Control Act of 1967.

DECLARATIONS AND PURPOSE

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this Act to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of general local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

TITLE I—PLANTING GRANTS

Sec. 101. It is the purpose of this title to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

Sec. 102. Subject to the provisions of section 414 of this Act, the Attorney General is authorized to make grants under this title to States, units of general local government, or combinations of such States or units for preparing, developing or revising law enforcement plans to carry out the purposes set forth in section 202 of this Act: *Provided, however,* That no unit of general local government or combination of such units shall be eligible for a grant under this title unless such unit or combination has a population of not less than fifty thousand persons.

Sec. 103. A Federal grant authorized under section 102 may be up to 90 per centum of the total cost of preparing, developing, or revising a law enforcement plan.

Sec. 104. The Attorney General may make grants authorized under section 102 upon application for the purposes described. Such application shall:

(a) Set forth programs and activities designed to carry out the purposes of section 202 of this Act; and

(b) Contain such information as the Attorney General may prescribe in accordance with section 402 of this Act.

TITLE II—GRANTS FOR LAW ENFORCEMENT PURPOSES

Sec. 201. It is the purpose of this title to authorize grants to States and units of general local government to improve and strengthen law enforcement.

Sec. 202. (a) Subject to the provisions of section 414 of this Act, the Attorney General is authorized to make grants under this title to States, units of general local government, or combinations of such States or units: *Provided, however,* That no unit of general local government or combination of such units shall be eligible for a grant under this title unless such unit or combination has a population of not less than fifty thousand persons.

(b) The Attorney General may make grants under subsection (a), pursuant to an application which is approved under section 204, for—

(1) public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, systems, equipment, facilities, and devices designed to improve and strengthen law enforcement and reduce crime in public and private places;

(2) the recruiting of law enforcement personnel and the training of personnel in law enforcement;

(3) the organization, education, and training of special law enforcement units to combat organized crime, including the recruiting and training of special investigative and prosecuting personnel and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

(4) the organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment;

(5) community relations, including public understanding of and cooperation with law enforcement agencies;

(6) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and community agencies; and

(7) construction of buildings or other physical facilities which will fulfill or implement the purposes of this section.

(c) The amount of any Federal grant made under this title may be up to 60 per centum of the cost of the program or project specified in the application for such grant. No Federal grant made under this title for the purpose of construction of buildings or other physical facilities shall exceed 50 per centum of the cost of construction of such buildings or other physical facilities: *Provided, however,* That the amount of a Federal grant made under paragraph (4) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant.

(d) Not more than one-third of any grant made under this title may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs.

Sec. 203. In making grants under this title, the Attorney General shall give high priority, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

Sec. 204. (a) The Attorney General is authorized to approve an application for a grant under this title only if the applicant has on file with the Attorney General a current law enforcement plan which conforms with the purposes and requirements of this title. Each such plan shall—

(1) unless it is not practicable to do so, encompass a State, unit of general local government, or combination of such States or units;

(2) incorporate innovations, advanced techniques and improved uses of proven techniques, and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) purposes for which Federal funds are sought (with specific reference to their sequence, timing, and costs); (E) organizational systems and administrative machinery for implementing the plan; (F) the direction, scope, and general types of improvements to be made in the future; and (G) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(3) provide for effective utilization of existing facilities and resources;

(4) provide for research and development;

(5) demonstrate the willingness of the applicant to assume the costs of improvements funded under this title after a reasonable period of Federal assistance;

(6) set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as to supplement and, to the extent practicable, increase the amount of funds that would in the absence of such Federal funds be made available for law enforcement;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds received under this title; and

(8) provide for the submission of such reports in such form and containing such information as the Attorney General may require.

(b) In implementing this section, the Attorney General shall—

(1) encourage State and local initiative in developing comprehensive law enforcement plans;

(2) encourage plans which encompass entire metropolitan areas;

(3) encourage plans which are related to and coordinate with other relevant State or local law enforcement plans and systems;

(4) encourage plans which deal with the problems and provide for the improvement of all law enforcement agencies in the area encompassed by the plans;

(5) encourage plans which provide for an appropriate balance between fund allocations for the several parts of the law enforcement systems covered by the plans; and

(6) encourage plans which explore the costs and benefits of alternative courses of action and promote efficiency and economy in management and operations.

Sec. 205. Notwithstanding the provisions of section 204 of this title, during the fiscal year ending June 30, 1968, the Attorney General is authorized to make grants for programs and projects dealing with the prevention, detection and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement.

TITLE III—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

Sec. 301. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this title as "Institute"). It shall be the purpose of the Institute to encourage training, education, research, and development to improve and strengthen law enforcement.

(b) The Institute shall be under the supervision of the Attorney General, and the Director of the Institute shall be the Associate Administrator of Law Enforcement Assistance.

Sec. 302. The Institute is authorized—

(a) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private nonprofit organizations to establish local and regional programs of training, education and other activities for the purpose of improving State and local law enforcement personnel or persons preparing for employment in law enforcement;

(b) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this Act, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement;

(c) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;

(d) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the relationship between correctional procedures and the successful rehabilitation of convicted offenders into society;

(e) to make recommendations for action which can be taken by Federal, State, and local governments, and by private persons and organizations to improve and strengthen law enforcement;

(f) to carry out, subject to such terms as the Institute may prescribe, programs of instructional assistance consisting of—

(1) research and education fellowships for the programs provided under this section; and

(2) special workshops for the presentation and dissemination of information resulting from research authorized by this title;

(g) to make, subject to such terms as the Institute may prescribe, payments to institutions of higher education for—

(1) loans, not exceeding $1,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Institute and leading to degrees or certificates in areas related to law enforcement or areas suitable for persons preparing for employment in law enforcement, with special consideration to law enforcement officers of States or units of local government on academic leave to earn such degrees or certificates: *Provided, however,* That subject to such terms as the Institute may prescribe, any such loan may be canceled in whole or in part for service as a full-time officer of any publicly funded law enforcement agency;

(2) fellowships, not exceeding $2,300 per academic year for any person, plus a reasonable allowance for dependents, for persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Institute and leading to degrees or certificates in areas related to law enforcement or areas suitable for persons preparing for employment in law enforcement; and

(3) tuition and fees, not exceeding $200 per academic quarter or $300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Institute and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement; and

(h) to carry out a program of collection and dissemination of information obtained by the Institute, other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement.

Sec. 303. The Institute is authorized to establish such laboratories and research or other facilities as may be necessary to carry out the programs described in section 302.

Sec. 304. The Institute shall make available, for the benefit of State and local law enforcement agencies and the public, information and publications concerning the results of programs conducted under this title and new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement.

Sec. 305. (a) The Director of the Federal Bureau of Investigation is authorized to—

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia to provide training for State and local law enforcement personnel;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

(3) assist in conducting, at the request of a State or unit of general local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of general local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the supervision of the Attorney General.

Sec. 306. A Federal grant authorized under this title may be up to 100 per centum of the total cost of each program or project for which such grant is made. The Attorney General shall require, wherever feasible, as a condition of approval of a grant under this title, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is made.

Sec. 307. (a) The Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided, however,* That—

(1) the Attorney General is authorized to award grants, enter into contracts, or obligate funds for the continuation of projects, in accordance with the provisions of the Law Enforcement Assistance Act of 1965, based upon applications received under that Act prior to the effective date of this Act;

(2) the Attorney General is authorized to obligate funds for the continuation for the remainder of the fiscal year 1968 of projects approved under the Law Enforcement Assistance Act of 1965 prior to the effective date of this Act to the extent that such approval provided for continuation.

(3) any grants awarded, contracts entered into, or funds obligated under this section with respect to projects approved in accordance with the provisions of the Law Enforcement Assistance Act of 1965, and all activities necessary or appropriate under subsection (b) of this section, may be carried out with funds previously appropriated and funds appropriated pursuant to this Act.

(b) The Attorney General shall study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. (a) There shall be in the Department of Justice an Administrator of Law Enforcement Assistance and an Associate Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate, whose function shall be to assist the Attorney General in the performance of his duties under this Act.

(b) Section 5315 of title 5, United States Code is amended by the addition of the following at the end thereof:

"(84) Administrator of Law Enforcement Assistance."

(c) Section 5316 of title 5, United States Code is amended by the addition of the following at the end thereof:

"(119) Associate Administrator of Law Enforcement Assistance."

Sec. 402. The Attorney General, after consultation with representatives of States and units of general local government, is authorized to prescribe such regulations as may be necessary or appropriate to carry out the purposes of this Act, including regulations which—

(a) provide that a grantee will from time to time, but not less often than annually, submit a report evaluating accomplishments and cost-effectiveness of activities funded under this Act; and

(b) establish criteria to achieve an equitable distribution of assistance under this Act among States and units of general local government.

Regulations under this Act shall be prescribed in accordance with the requirements for notice and hearing in subsections (b) and (c) of section 553 of title 5, United States Code.

Sec. 403. In carrying out his functions under this Act, the Attorney General, or, upon authorization of the Attorney General, any person employed by the Department of Justice, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States.

Sec. 404. (a) Whenever the Attorney General, after reasonable notice and opportunity for hearing to a grantee under this Act, finds that, with respect to any payments made under this Act, there is a substantial failure to comply with—

(1) the provisions of this Act;

(2) regulations promulgated by the Attorney General under this Act; or

(3) any plan or application required as a prerequisite to the receipt of a grant under this Act,

the Attorney General shall notify such grantee that further payments shall not be made (or in his discretion that further payments shall not be made for activities in which there is such failure) until there is no longer such failure. The findings and determinations of the Attorney General with respect thereto shall be final and conclusive, except as hereafter provided.

(b) If an applicant or grantee is dissatisfied with the Attorney General's final action under subsection (a) of this section, the applicant or grantee may, within sixty days after notice of the action, file with the United States court of appeals for the circuit in which the applicant or grantee is located a petition for review of the action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Attorney General. The Attorney General shall thereupon file in the court the record of the proceedings on which his action was based, as provided in section 2212 of title 28, United States Code. Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part, temporarily or permanently.

(c) The findings and determinations of the Attorney General, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Attorney General to take further evidence. The Attorney General may thereupon make new or modified findings and determinations and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings and determinations shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court affirming or setting aside in whole or in part any action of the Attorney General shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the action of the Attorney General.

Sec. 405. Unless otherwise specified in this Act, the Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1968, and the four succeeding fiscal years.

Sec. 406. (a) To insure that all Federal assistance to State and local programs for law enforcement is carried out in a cooordinated manner, the Attorney General is authorized—

(1) to cooperate with and use the available services, equipment, personnel, and facilities of any Federal department, agency, or instrumentality;

(2) to request such department, agency or instrumentality to supply data, statistics, program reports, and other materials; and

(3) to cooperate with such department, agency, or instrumentality in the establishment and use of services, equipment, personnel, and facilities of the Department of Justice.

(b) Each Federal department, agency, or instrumentality is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish services, equipment, personnel, facilities, data, and other materials to the Attorney General.

(c) Each Federal department, agency, or instrumentality engaged in administering programs related to law enforcement shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts, and the Attorney General shall undertake to coordinate such efforts.

Sec. 407. The Attorney General may arrange with and reimburse the head of any other Federal department, agency, or instrumentality for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act and authorize the redelegation of such powers.

Sec. 408. The Attorney General is authorized—

(a) to conduct evaluation studies of programs and activities assisted under this Act;

(b) to confer with and avail himself of the cooperation, services, records, and facilities of any public agency;

(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations or institutions in matters relating to law enforcement; and

(d) to collect, evaluate, publish and disseminate statistics and other information on the condition and progress of law enforcement in the several States.

Sec. 409. (a) Payments under this Act may be made in installments and in advance or by way of reimbursement as may be determined by the Attorney General.

(b) Not more than 15 per centum of the sums appropriated or allocated for any fiscal year to carry out the provisions of this Act may be used within any one State, except that this limitation shall not apply to grants made pursuant to title III of this Act.

Sec. 410. The Attorney General is authorized to appoint technical or other advisory committees to advise him with respect to the administration of this Act. A member of such committee not otherwise in the employ of the United States, while attending meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding $100 per diem, and while away from home or regular place of business he may be allowed travel expenses, including a per diem allowance, as authorized by subsection (b) of section 5703 of title 5, United States Code for an individual employed intermittently in the Government service as an expert or consultant.

Sec. 411. Nothing contained in this Act or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or unit of general local government.

Sec. 412. On or before August 31, 1968, and each year thereafter, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this Act during the preceding fiscal year.

Sec. 413. (a) For the purposes of carrying out this Act, there is hereby authorized to be appropriated the sum of $70,111,000 for the fiscal year ending June 30, 1968, and for each succeeding fiscal year such sums as the Congress may hereafter appropriate: *Provided, however,* That of the amount authorized for the fiscal year ending June 30, 1968, the sum of $20,000,000 shall be for the purposes of title I; the sum of $30,000,000 shall be for the purpose of title II, of which $15,000,000 shall be for the purposes of section 202(b)(4); and the sum of $20,111,000 shall be for the purposes of title III, of which $5,111,000 shall be for the purposes of section 305.

(b) Funds appropriated under this title for a fiscal year shall remain available for obligation in accordance with the provisions of this title until expended. The amount of any allocation which the Attorney General determines will not be required during the period for which it is available shall be available for reallocation by the Attorney General.

Sec. 414. (a) The Attorney General is authorized to make grants under title I or II of this Act to a unit of general local government or combination of such units only if the applicant certifies that it has submitted a copy of its application to the chief executive and, where appropriate, the State law enforcement agency of the State in which the unit or combination is located. The chief executive of the State and, where appropriate, the State law enforcement agency shall be given not more than sixty days from the date of receipt of the application to submit to the Attorney General in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government located in more than one State, the application shall be submitted to the chief executive and, where appropriate, the State law enforcement agency of each State in which the combination is located.

(b) Section 3334 of title 42, United States Code is amended by inserting "law enforcement facilities," immediately after "transportation facilities,".

SEC. 415. Each recipient of assistance under this Act shall keep such records as the Attorney General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Attorney General and the Comptroller General of the United States, or their duly authorized representatives, shall have access for purposes of audit and examination to any books, documents, papers, records, and other material of such recipient that are pertinent to assistance received under this Act.

TITLE V—DEFINITIONS

SEC. 501. As used in this Act—

(a) "Law enforcement" means all activities pertaining to the prevention and reduction of crime, the increase of respect for law and order, or the enforcement and administration of the criminal law, including, but not limited, to activities involving police, prosecution or defense of criminal cases, courts, probation, corrections, or parole.

(b) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any Territory or Possession of the United States.

(c) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(d) "Combination" as applied to States or units of general local government means any grouping or joining together of such States or units, including a grouping or joining together for the purpose only of preparing, developing, revising or implementing a law enforcement plan.

(e) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

(f) "Public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

(g) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(h) "State law enforcement agency" means an agency established pursuant to State law, or established by the chief executive of the State for the purpose of this Act or an existing agency so designated, which agency shall be broadly representative of law enforcement officials within the State.

(i) "Institution of higher education" means any institution of higher education as defined in section 103(b) of the National Defense Education Act of 1958, as amended (79 Stat. 1251; 20 U.S.C. 403(b)), subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

Amend the title so as to read: "A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement at all levels of government, and for other purposes."

INDIVIDUAL COMMENTS OF SENATORS HART AND KENNEDY ON SUBCOMMITTEE DRAFT OF PROPOSED COMMITTEE REPORT

Passage of the Safe Streets and Crime Control Act is one of the priority goals for the first session of the Ninetieth Congress. The proposed Act grows from the firm foundation of the two years of experience under the Law Enforcement Assistance Act of 1965 and from the extensive work of the President's Commission on Law Enforcement and Administration of Justice. It was designed to meet what is universally agreed to be the first need of the law enforcement and criminal justice system in the United States—an infusion of new financial resources to improve the manpower, equipment, methods, management and coordination of our police, courts, and corrections agencies, and to discover, design, and demonstrate new techniques for the prevention and control of crime. That is the way the bill was presented by the President; that is the way it was developed and passed by the House and sent to the Senate.

Now we are presented with something quite different, a so-called "omnibus" bill which raises a myriad of new issues and new problems in a measure which already contained enough sensitive issues to make its passage a matter of considerable difficulty. We now have new questions of civil rights, constitutional law, civil liberties, right to privacy, habeas corpus, right to counsel, novel administrative theories, and others. Many of them were raised only at the last minute and have had no consideration by anyone inside or outside the Subcommittee except their sponsors. Others raise very subtle and complex issues which need much more careful study and thought than they have received, or can receive in the context of a bill which concerns financing of new resources for law enforcement and criminal justice, and not the development of new rules of evidence and criminal procedure and new criminal statutes.

The simple fact is that the bill in its present form does not deserve passage. If we are serious about rapid passage of a bill to enhance the capabilities of the law enforcement and criminal justice system, then our responsibility is to return to a clean bill along the general lines of the President's proposal and the House-passed bill. One or another of us might like to see different kinds of "anti-crime" measures passed in addition to Safe Streets, but we should not let these desires interfere with what is surely recognized to be the central and most vital part of the federal anti-crime effort, the Safe Streets Bill. Every extra hour and day we spend on the bill in committee, on the floor, and in conference debating, deciding, and voting on issues which are really unnecessary to and independent of the bill itself, constitutes an unjustifiable delay of the kind of assistance the nation's law enforcement and criminal justice agencies urgently need, and the nation's people now deserve.

PHILIP A. HART.
EDWARD M. KENNEDY.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House disagreed to the amendments of the Senate to the bill (H.R. 13893) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. ROONEY of New York, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. MCFALL, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mrs. REID of Illinois, Mr. RIEGLE, and Mr. BOW were appointed managers on the part of the House at the conference.

U.S. CONTESTS STATE GASOLINE TAX FOR FEDERAL VEHICLES

Mr. EASTLAND. Mr. President, the Department of Justice has recently filed a test suit in Mississippi contesting the constitutionality of our statutes which impose a 7-cent gasoline tax for the construction and maintenance of highways.

This tax has been levied against the distributors of gasoline, and gasoline sold for use in Federal vehicles, with the exception of those operated by the armed services and certain vehicles that operate exclusively within a Federal enclave.

This suit against Mississippi is a direct challenge to the right of the States to impose gasoline taxes on gasoline used by Federal vehicles.

Since this applies to all States in the Union, I believe it would be advisable to insert into the RECORD for the information of all Senators, Congressmen, Governors, and other interested parties the bill of complaint and the stipulation of facts agreed to by both parties; and I ask unanimous consent that this be done.

There being no objection, the bill of complaint and stipulation of facts were ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the Southern District of Mississippi, Jackson Division—Civil Action No. 3922]

UNITED STATES OF AMERICA, PLAINTIFF *v.* WALTER M. HESTER, MOTOR VEHICLE COMPTROLLER OF THE STATE OF MISSISSIPPI, DEFENDANT

COMPLAINT

Plaintiff United States of America, by its attorney, Robert E. Hauberg, United States Attorney for the Southern District of Mississippi alleges:

1. Jurisdiction of this action is founded on (a) Title 28 U.S.C. Section 1345, this being a civil suit commenced by the United States and (b) Title 28 U.S.C. Section 1331, the amount in controversy exceeding ten thousand dollars ($10,000), exclusive of interest and costs and the suit arising under the Constitution and laws of the United States.

2. Defendant Walter M. Hester is and at all times here pertinent was the Motor Vehicle Comptroller charged by law with the administration of Title 40, Chapter 1, Mississippi Code Annotated (the Act) under which he imposed and collected and threatens to impose and collect the taxes herein sought to be refunded and enjoined.

3. Pursuant to Title 40, Chapter 1, Mississippi Code Annotated, defendant is presently collecting and has, in past years, collected taxes at the rate of seven (7¢) cents per gallon, with respect to gasoline sold to plaintiff United States of America.

4. The Act provided, prior to February 23, 1966, for a refund to municipalities of one (1¢) cent per gallon less than the tax actually paid on gasoline purchased by municipalities and used solely for municipal purposes. The tax imposed on gasoline purchase by municipalities and used solely for municipal purposes is seven (7¢) cents per gallon.

5. The Act has never provided for any refunds to the United States with respect to gasoline purchased by the Government and used solely for governmental purposes.

6. The Act, insofar as it provided for the refund of taxes to municipalities with respect to gasoline purchased by municipalities and used solely for municipal purposes, without providing for a similar refund to the United States with respect to gasoline purchased by the United States and used solely for governmental purposes, invidiously discriminated against the United States with the consequence that the Act, as applied to sales of gasoline to the United States, infringed the immunity from discriminatory taxation enjoyed by the United States under the Federal Constitution.

7. Upon information and belief, defendant made, prior to February 23, 1966, refunds to municipalities of one (1¢) cent per gallon less than the tax actually paid with respect to gasoline purchased by the municipalities and used solely for municipal purposes.

8. Defendant has not made and does not intend to make refunds to the United States with respect to gasoline purchased by the United States prior to February 23, 1966, which was used solely for governmental purposes.

9. In making refunds to municipalities but not to the United States, defendant has administered the Act in a manner which unconstitutionally discriminated against the United States and infringed the immunity from discriminatory taxation which it enjoys under the Federal Constitution.

10. By reason of said discriminatory administration of the Act, said taxes imposed thereunder prior to February 23, 1966, with respect to gasoline sold to the United States and used solely for governmental purposes have been imposed in violation of the Constitutions of the United States and the State of Mississippi.

11. Said taxes imposed and threatened to be imposed with respect to gasoline sold to the United States infringes the immunity from state and local taxation enjoyed by the United States under the Constitutions of the United States and the State of Mississippi, in that the legal incidence of said taxes has been and is upon the United States.

12. Plaintiff (a) has no adequate remedy at law in that, among other things, no interest on refunds of taxes, illegally collected under the Act is provided for by Mississippi law and (b) will suffer irreparable harm unless defendant is restrained, during pendency of this action and permanently thereafter, from levying, assessing and collecting taxes under the Act with respect to gasoline sold to the Government in that plaintiff will be put to the expense of multiple suits.

13. The relief prayed for herein requires this case to be heard by a court of three judges.

Wherefore, plaintiff prays judgment

1. Decreeing and adjudging that imposition of taxes under Title 40, Chapter 1, Mississippi Code Annotated, with respect to gasoline sold to the United States is prohibited by the Constitutions of the United States and the State of Mississippi; and

2. Restraining and enjoining defendant, and all persons acting under his authority, during the pendency of this action and permanently thereafter, from assessing or collecting any taxes under the Act with respect to gasoline sold to the United States; and

3. Directing defendant to pay to plaintiff an amount equal to all taxes paid up to the time of entry of judgment with respect to gasoline sold to the United States together with appropriate interest; and

4. Granting plaintiff such other and further relief as may be just and proper, including costs.

ROBERT E. HAUBERG,
U.S. Attorney.

[In the U.S. District Court for the Southern District of Mississippi, Jackson Division—Civil Action No. 3922]

UNITED STATES OF AMERICA, PLAINTIFF *v.* WALTER M. HESTER, MOTOR VEHICLE COMPTROLLER OF THE STATE OF MISSISSIPPI, DEFENDANT

STIPULATION OF FACTS

It is hereby stipulated and agreed by and between the parties hereto, by their respective attorneys, that the following shall be deemed true and correct statements of fact for the purposes of plaintiff's Motion for Partial Summary Judgment and any other motion, hearing, or trial herein, provided, however, that either party may introduce other admissible evidence not inconsistent with any facts stated herein.

(1) Defendant is the State of Mississippi acting by and through the Motor Vehicle Comptroller of the State of Mississippi who as such administers the provisions of Title 40, Chapter 1 of the Mississippi Code of 1942, as amended, hereinafter referred to as the Gasoline Excise Tax Act.

(2) Where appropriate, the word "defendant" as used herein includes the predecessors in office as Motor Vehicle Comptroller of the State of Mississippi.

(3) Excise taxes paid to defendant by distributors of gasoline, on deliveries made to agencies of the United States, agencies of the State of Mississippi and all other persons, firms and corporations and used for propelling motor vehicles on the public roads and highways, have been paid by distributors to defendant periodically since March, 1944. From the enactment of Chapter 226, Laws of Mississippi of 1944, effective February 23, 1944, until the enactment of Chapter 529, Laws of Mississippi of 1964 (Regular Session), effective July 1, 1964, all purchases of gasoline for use by the Armed Forces of the United States were exempt from Mississippi gasoline excise taxes.

(4) Where appropriate, references to sections of the Mississippi Code shall be construed as also embracing predecessor sections as qualified by all previous legislative amendments and enactments which have taken place practically at each session of the Mississippi Legislature.

(5) The Gasoline Excise Tax Act referred to herein and the subject of the injunction sought in this proceeding is Chapter 645 of the Laws of the State of Mississippi of 1966 adopted on the 23rd day of February, 1966, referenced as Code Sections 10013–01 to 10013–85, both inclusive, of the Mississippi Code of 1942, as amended. Under Section 10013–06, Mississippi Code of 1942, as amended, the State of Mississippi levies and collects 7¢ per gallon, as an excise tax.

(6) Plaintiff's claim for refunds includes taxes allegedly paid under the present Gasoline Excise Tax Act as well as under prior acts of the Mississippi Legislature. For the convenience of the Court a legislative history of the Gasoline Excise Tax Act is outlined in Exhibit "A" prepared by a clerk in the Motor Vehicle Comptroller's office and attached hereto. Conclusions or characterizations stated in Exhibit "A" do not necessarily reflect the opinions of both parties and are not intended to be binding on the Court or the parties and either party may refer to and rely on any of the provisions of any relevant Mississippi Laws whether or not mentioned in Exhibit "A" and may make any argument predicated thereon whether or not consistent with any conclusions or characterizations set forth in Exhibit "A".

(7) The following language is and has been consistently used in the Gasoline Excise Tax Act and its earlier versions:

". . . any person engaged in the business of distributor of gasoline, shall pay for the privilege of engaging in the business as an excise tax . . ."

(8) The Gasoline Excise Tax Act and its predecessors have been construed in or through various opinions of the Attorney General of the State of Mississippi, copies of which are attached hereto as Exhibit "B". Also included as part of Exhibit "B" is a copy of an opinion rendered by the Comptroller General of the United States dated March 6, 1942.

(9) The excise tax is calculated and determined on the basis of the number of gallons of gasoline received by the distributor less 2% allowance for spillage and evaporation, times the amount of the excise tax, which presently is 7¢ per gallon.

(10) The Mississippi Code does not and never has contained any provision authorizing refund to the United States, the State of Mississippi, or any County thereof, of any excise taxes paid by distributors with respect to gasoline purchased in Mississippi by any of the aforesaid governmental entities and used for propelling motor vehicles on the public roads and highways, even if such gasoline is or was used exclusively for governmental purposes. However, under the refund provisions of Sections 10013–11 and 10013–12 of the Gasoline Excise Tax Act refunds with respect to non-highway use on gasoline have been liberally allowed to all governmental agencies on the same basis, including all branches of the State Government and the Government of the United States. The Mississippi Code made provision for refund of gasoline excise taxes to municipalities during the period April 1, 1946 to February 23, 1966, as appears from paragraphs "14" and "17" *infra*, but made no provision for a tax exemption to municipalities during that time and does not now provide for a tax exemption for municipalities.

(11) In addition, all said agencies were permitted to use refund gasoline in their motor vehicles when unavoidably using the roads and highways of the State of Mississippi for the purpose of getting from private property to other private property or from federal enclaves to other federal enclaves. The amount of refund gasoline used on the roads and highways of the State of Missisipi on such occasions was de minimis.

(12) Funds realized from the excise tax on gasoline are now and have at all times here in question been used exclusively for the construction, reconstruction, maintenance and operation of public roads and highways of the Senate of Mississippi.

(13) The exemption granted to the Federal Government on gasoline purchases for use by its Armed Forces amounts to seven (7¢) cents per gallon. Refunds under Section 10013–11 of the Mississippi Code of 1942, as amended, amount to six (6¢) cents per gallon, or one cent (1¢) less than the amount of tax paid by the distributor.

(14) The Mississippi Legislature under the provisions of Senate Bill 92, Chapter 339 of the Laws of the State of Mississippi of 1946 and later enactments (former Section 10014–01, Mississippi Code of 1942, as amended) levied and imposed a tax of six cents (6¢) per gallon (later seven cents (7¢)) on municipalities for the privilege of importing, receiving, storing and distributing gasoline. Said act provided for a refund of five cents (5¢) (later six cents (6¢)) per gallon to municipalities on gasoline used exclusively for municipal purposes (first within the boundaries of said municipality and later within ten miles of the boundaries) upon claims duly and timely made. In the administration of said act and prior to making refunds to a municipality under the terms of said act, it was necessary for a municipality to file an information blank, claim for refund, and certificate for refund; copies of said forms are attached hereto marked Exhibit "C" and made a part hereof as though fully set out herein. Defendant policed, reviewed and frequently disallowed claims of municipalities when it determined that the gasoline was not used as require by Section

10014–01 or that there was failure to comply with the rules and regulations governing the administration of said act.

(15) Refunds have not been paid to any foreign government operating in the State of Mississippi, as reflected in the opinion of the Attorney General of the State of Mississippi, dated March 16, 1937.

(16) Municipalities failing to qualify under Section 10014–01, Mississippi Code of 1942, as amended, by obtaining a permit, certificate for refund and application, were not granted refunds on gasoline. Defendant has refunded to Mississippi municipalities, fully complying with the provisions of Section 10014–01, Mississippi Code of 1942, as amended, all but one cent (1¢) per gallon of excise taxes remitted by their distributors with respect to gasoline purchased by the municipalities and used in accordance with Section 10014–01 requirements between April 1, 1946, and February 23, 1966.

(17) Section 10014–01, Mississippi Code of 1942, as amended, was repealed effective February 23, 1966, and defendant has not and does not intend to make any refunds to Mississippi municipalities with respect to gasoline deliveries on or after February 23, 1966, for municipal use on the roads and highways of the State of Mississippi, or streets and alleys of the municipality.

(18) Defendant, in administering Section 10013–04, Mississippi Code of 1942, as amended, upon finding that a distributor is delinquent in reporting the gasoline excise tax on any gasoline received, regardless of how or to whom said gasoline may be ultimately distributed, calls on the distributor's bonding company for the amount of excise tax due the State. Should the distributor's bonding company be required to pay such tax it, in all probability, would cancel the distributor's bond, and thereupon, it would become the duty of the defendant to cancel distributor's permit.

(19) Refunds of gasoline excise taxes on gasoline used for non-highway purposes, including gasoline used for maritime, industrial, agricultural, and domestic purposes, have been made to State agencies and the United States Government on the same basis, at all times questioned herein.

(20) The refund laws (now Section 10013–16 and 10013–19) presently provide, and at all times here in question, provided certain periods of time within which claims are to be filed with the Comptroller.

(21) The United States Government has never filed a timely claim with the Comptroller certifying that the gasoline was used to propel motor vehicles in places other than on the highways of the State of Mississippi, which has not been processed and ultimately paid. There were no unpaid claims for gasoline purchased by the United States Government pending with the defendant until the institution of these proceedings.

(22) Section 10013–39, Mississippi Code of 1942, as amended, provides for an exemption to the United States Government on gasoline purchased for use by its Armed Forces in quantities of four thousand (4,000) gallons or more, upon claims duly and timely filed and certified to by the distributor and purchasing agent (copy of said certificate is attached hereto marked Exhibit "D" and made a part hereof). Said section also provides for an exemption to the Mississippi National Guard on any quantity of gasoline purchased. On September 20, 1966, the Attorney General of Missisippi in construing Section 10013–39, Mississippi Code of 1942, as amended, held that since sales to the Mississippi National Guard are completely exempt, the same exemption must be extended to the Armed Forces of the United States and the Comptroller is presently abiding by that opinion.

(23) Defendant now looks and at all times in question has looked to the distributor to remit to it gasoline excise taxes on all gasoline received by him. At no time does defendant look to the ultimate vendor or vendee of gasoline purchased in this State for a remission of the State excise taxes on gasoline.

(24) Defendent still collects and intends to collect excise taxes as heretofore from distributors on all their receipts of gasoline for delivery and use on the public highways of Mississippi.

(25) The amount here in controversy exceeds the sum of Ten Thousand Dollars ($10,000.00).

Dated: ————.

Robert E. Hauberg,
U.S. Attorney.
By: ——— ———.
Joe T. Patterson,
Attorney General of Mississippi.
By: ——— ———.

Mr. EASTLAND. I also ask unanimous consent to have printed in the Record a copy of a letter which Mr. Walter Hester, vehicle comptroller of Mississippi, has directed to the gasoline tax authorities of the 20 States named in the letter, advising them of the pendency of this test suit which so vitally affects them as well as the State of Mississippi.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Mississippi,
Motor Vehicle Comptroller,
Jackson, November 27, 1967.

In re United States of America v. Walter M. Hester, Motor Vehicle Comptroller, State of Mississippi, etc.

C.H. Lamb,
Commissioner, Division of Motor Vehicles,
Richmond, Va.

Dear Sir: The above styled law suit is presently pending in a three Judge Federal Court here in Jackson. The purpose of the United States Department of Justice legal action is to declare unconstitutional Mississippi's statute and the practice of collecting gasoline excise taxes by wholesale distributors for sales of gasoline to Agencies of the United States Government. Of course, our tax of seven cents per gallon is placed upon wholesale receipts of distributors and not or upon sales thereof, but the Department of Justice hopes to place the legal incidence upon the ultimate purchaser in order to render our statute unconstitutional. The law suit also asks the Court for a refund of such taxes collected from distributors in past years, if found unconstitutional.

Realizing that this is a very far reaching suit which potentially involves millions of dollars of gasoline taxes and knowing that your State has gasoline tax laws very similar to Mississippi, I am enclosing copies of pertinent legal documents concerning this matter.

United States Senator from Mississippi, James O. Eastland, has arranged for a conference for our attorneys and tax officials with Justice Department officials in order to possibly negotiate this serious matter. This conference is planned for 10:30 A.M., Tuesday, December 5, 1967, at the Justice Department with Mr. Weisl, Assistant Attorney General of the Civil Division of the Justice Department.

It was my thought that you might want to closely review the enclosed documents with your fiscal and legal staffs as an affirmative holding by this Federal Court might seriously effect tax collections in your own State. Further, your congressional delegation might be interested in learning of this law suit and its possible far reaching effects. Senator Eastland is very much interested in this matter and the detrimental effect on our highway program.

If you desire or need additional information in this regard, please advise and you will have our complete cooperation.

With kindest regards and best wishes, I am
Sincerely yours,
Walter M. Hester,
Motor Vehicle Comptroller.
Adlia Morgan,
Director of Petroleum Taxes.

Mr. EASTLAND. Mr. President, this is a very far-reaching question and, of course, is going to have its ramifications in Congress. The Federal Government by right should pay a gasoline tax on gasoline purchases used by Federal vehicles within the State in order to support the highway systems upon which they travel. For that reason, I believe all Senators should be advised of the situation which now confronts all States of the Union.

A news story in the Memphis Commercial Appeal, December 7, written by its Washington correspondent, Mr. Morris Cunningham, reveals the magnitude of the problem as well as some quotes from a spokesman from the Department of Justice, indicating the broad purposes of the suit:

> A Justice Department spokesman confirmed the broad, unprecedented scope of the suit.
>
> "We are alleging that the levying of any State gasoline tax against a Federal vehicle used in Federal business amounts to taxing the United States and that this is unlawful," the spokesman said.
>
> Since no State completely exempts the Federal Government from State gasoline taxes, the suit would affect all States.

A further quote from the same news item is as follows:

> A California man said it would cost California 200 million dollars a year. . . . The State of Washington has sent a tax man here. He says it would cost his State 200 million dollars a year.

A further quote is as follows:

> Since all 50 States follow the same practices, why was the suit filed in Mississippi?
>
> A Justice Department spokesman said he did not know.

Mr. President, the foregoing items are submitted for publication in the Record because of the importance of this issue which confronts the States.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teachers Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. FANNIN. Mr. President, I wish to commend the distinguished senior Senator from Oregon for his masterly handling of the elementary and secondary education bill. As floor manager of this measure, he has been cooperative, fair, and considerate of all his colleagues, whether they supported or opposed his position on the bill or the many amendments that were offered. His knowledge of the statutes in connection with educational programs served to speed this measure to a final conclusion.

Many provisions of the bill represent new approaches to educational attainments. The Bilingual Education Act is one example. The purpose of this new title is to provide a solution for the problems of those children who are educationally disadvantaged because of their inability to speak English. The distinguished floor manager of the bill helped materially in providing an opportunity for this action to be taken. These children, who number approximately 3 million of school age, are deprived of equal educational opportunity because of their limited communication skills.

This is evidenced by the fact that in the five Southwestern States which contain approximately 1½ million Spanish-speaking children of school age, the average years of school completed is 7.1 for Spanish surnamed, nine for nonwhite, and 12.1 for whites. There is a similar correlation between low-family incomes and the inability to speak English. For example, in the same five Southwestern States, 34.8 percent of the Spanish surnamed population are from families with incomes below $3,000, compared with 21 percent of the general population.

The solution to this problem lies in the ability of our local educational agencies with high concentrations of children of limited English-speaking ability to develop and operate bilingual programs of instruction. The proposed legislation should benefit greatly in accomplishing this objective.

Another benefit—and in this respect I wish to pay special thanks to the distinguished senior Senator from Oregon for his assistance in getting a program started to determine what can be done to assist our Indian children—is the amendment extending ESEA funding, under titles I, II, and III, for Indian children in BIA schools for another 2 years. This will do much to reach the most disadvantaged children in this country. The establishment of a special Subcommittee on Indian Education should bring to the attention of Congress, as well as the general public, the desperate plight of the Indian child. Their extreme educational deficiencies are not only caused by their economic poverty, which is more tragic than that found even in the city slums, but also results as much from their unique language and cultural alienation.

ESEA funding has made startling advances toward solving the complex problems of Indian education, and it will only be through further funding that these children can begin to get a fair shake.

Again, I pay tribute to the distinguished senior Senator from Oregon for his untiring work over the years on educational programs. His leadership and guidance in committee activities have been outstanding. His vision of innovative projects which he has assisted in formulating will benefit our schools and children now and in the years ahead.

Mr. MORSE. Mr. President, I wish to express my heartfelt thanks to the distinguished Senator from Arizona, who is a member of the Senate committee which has brought this bill to the Senate, for his complete cooperation with the manager of the bill as we have worked on the bill in committee and on the floor of the Senate.

Mr. President, I want the Record to show that this bill contains an entire series of contributions by the Senator from Arizona in its terms. Not only was the Senator from Arizona one of the sponsors, but he was also one of the ardent supporters of the bilingual education amendment that is in the bill.

It was the Senator from Arizona who first proposed to the Senator from Oregon the creation of a Subcommittee on Indian Education. I took that recommendation to the distinguished Senator from Alabama [Mr. Hill], who was the chairman of the full committee.

We went over the list to see who on the majority side was in line for the chairmanship of such committee and it was felt that it was the Senator from New York [Mr. Kennedy], as the Senator knows.

The Senator has been very helpful in getting that subcommittee appointed, and it has already brought forth results that are written into the bill, due in no small measure to the efforts of the Senator from Arizona.

In this bill we have tried to recognize the very problem about which the Senator has just spoken in connection with the improvement of education for the Indian children of this country.

The Senator is very kind to seek to give me the credit he did in his remarks, but the credit is not mine; it is to be shared by all Senators as members of the committee. I thank the Senator for his generosity.

Mr. FANNIN. Mr. President, without the cooperation of the distinguished senior Senator from Oregon I doubt that we would have a special Subcommittee on Indian Education. I express thanks because I feel that we can go forward with this work and that he will continue with his inspiration.

I thank the Senator.

Mr. MORSE. I thank the Senator from Arizona.

ABSENCE OF U.N. HEADQUARTERS SITE AGREEMENT

Mr. THURMOND. Mr. President, for the past week we have been hearing many reports about the desire of the Vietcong to come to the United Nations in New York to plead its case. Even though such a move is obviously not welcomed by the South Vietnamese Government, and even though such a move would be contrary to U.S. interests in Vietnam, the administration has seen fit to encourage the Vietcong desire, and has all but invited the Vietcong to come on American soil.

I doubt that the time has yet come when the cause for which we are fighting can be best served by negotiations. If such negotiations do come, then they ought to be conducted more properly with the overt aggressors, the Government of North Vietnam. The Vietcong have no standing whatsoever in South Vietnam. They are not recognized as a government by any nation, Communist or free. There are no tests whatsoever which would indicate that the Vietcong represent anybody except Hanoi. In short, the wisest position is that of the South Vietnamese Government; namely, that Vietcong defectors will be accepted as individual citizens, but that the puppet Vietcong apparatus will not be recognized as a legitimate political entity in any form.

When we begin to speak of negotiations with the Vietcong, we give credence and support to the myth that the Vietcong are conducting a "civil war" motivated by nationalism. It should be our national policy to undercut the status which propaganda has conferred upon the Vietcong. We should seek to block the Vietcong from exploiting the forums of public opinion, and the mechanisms that belong to legitimate government.

Therefore, I find our Government's policy shocking when it aids and assists the Vietcong to attain a place in world opinion. U.N. Ambassador Goldberg testified before the Senate Foreign Relations Committee on November 2 that the United States would "not stand in the way" of allowing the Vietcong to come to the U.N. Security Council under rule 39. In fact, he indicated that the United States would affirmatively vote to inscribe the matter on the calendar if necessary to get the required nine votes. In other words, we would actually join in the invitation to the Vietcong.

On December 5, Robert McCloskey, State Department press officer, clarified our policy even further. I quote from the verbatim transcript of the press briefing:

> In making clear that we, the United States, would not stand in the way of an invitation to the National Liberation Front under Rule 39, we of course took into account the questions of visas on this point. Our visa policy in this connection is governed by the Headquarters Agreement—that is, the United Nations Headquarters Agreement—under which, as the host nation, the United States does admit to the United Nations individuals who may be officially invited to take part in UN proceeding."
>
> Q. Does admit officials?
>
> A. This would apply to an invitation under Rule 39.
>
> Q. But if the Secretary-General wants to invite anybody to the Security Council meeting, does this Headquarters Agreement apply to such cases?
>
> A. If the Secretary-General wishes to——
>
> Q. Wishes to invite anybody, not for the Security Council meeting, can they obtain visas or not, because this is the kind of official invitation?
>
> A. Well, I had the language in part of the Headquarters Agreement, which I regret I didn't bring out with me; but under that I think the language is broad enough to include an official invitation to any part of the United Nations.

That is from the official transcript.

It makes the position of the U.S. Government quite clear. We would do nothing to stand in the way of the Vietcong appearing on American soil. In fact, the State Department position is that we are obliged by law to allow the Vietcong to come.

There is one serious weakness in the State Department position.

We are not obliged by law to issue visas to the Vietcong.

We are not obliged to do so by the headquarters site agreement.

The State Department position is based upon a misconception.

The headquarters site agreement does not exist.

For 20 years, the State Department and the United Nations have diligently promulgated the myth that an agreement exists between the United States and the United Nations, pursuant to law, governing the relationships arising out of the U.N.'s headquarters being located within the United States.

That agreement was never consummated.

The agreement never came to pass because the U.N. and the U.S. Congress were never able to agree on terms that would protect American immigration laws, particularly with regard to the issuance of visas to nondiplomatic U.N. visitors. In other words, the agreement was never consummated precisely because the parties to the cause were never able to agree on how to handle situations such as an invitation to the Vietcong to come upon American soil.

Ambassador Goldberg has now said that the Vietcong asked for a 1-year visa, with the possibility of an extension to two. For 2 years, representatives of the Vietcong would be upon American soil, creating propaganda, supplying fuel to demonstrations such as those which kept New York in turmoil all last week.

Such a situation is a threat to the internal security of the United States. For this reason, the Senate Internal Security Subcommittee has been conducting an intensive investigation into the status of the so-called U.N. headquarters site agreement. Today, the subcommittee is publishing its hearings, with extensive documentation offering conclusive evidence that the agreement was never consummated.

The situation is extremely complicated, and I have drawn up a chart, based upon the hearings, which shows the progress of the negotiations, and the actions taken under the law. Those who wish to read the actual documents may consult the Subcommittee hearings, but I ask unanimous consent that the chart of actions relating to the U.N. headquarters site agreement be printed in the RECORD at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF ACTIONS RELATING TO UNITED NATIONS HEADQUARTERS SITE AGREEMENT RESOLUTIONS (PUBLIC LAW 357, 80TH CONGRESS) PREPARED BY SENATOR STROM THURMOND (REPUBLICAN, SOUTH CAROLINA)

Date	Action	Documentation	Comment
Feb. 13, 1946	Draft site agreement adopted by General Assembly (Document A/67).	Resolution 22 (I) of General Assembly	New York site not yet selected.
Dec. 4	General Assembly authorizes negotiations to adapt A/67 to New York site.	Resolutions 99 (I); 100 (I)	A/67 assumed a rural site.
June 26, 1967	Draft agreement signed by George Marshall and Trygve Lie.		A "draft," not an agreement.
July 2	President Truman transmits June 26 draft to Congress, requesting a joint resolution.	See S. Rept. 522, 80th Cong., 1st sess.	
July 3	Senators Ives and Wagner submit S.J. Res. 144, 80th Cong., which is referred to Committee on Foreign Relations.	Daily Congressional Record, p. 8400	S.J. Res. 144 contains text of June 26 draft.
July 14	S.J. Res. 144 reported favorably, with amendment	Congressional Record, p. 8992, also S. Rept. 522, 80th Cong., 1st sess.	Added secs. 2, 3, 4, 5, 6 to S.J. Res. 144; sec. 6 reserves right to protect U.S. immigration laws.
July 17	S.J. Res. 144 approved by Senate, as amended	Congressional Record, p. 9299	Congressional Record prints text as approved (includes sec. 6).
July 18	S.J. Res. 144 referred to House Committee on Foreign Affairs.	Congressional Record, p. 9506	
July 25	S.J. Res. 144 reported favorably, with additional amendments.	Congressional Record, p. 10356	Further strengthens immigration reservation.
July 26, 1947	S.J. Res. 144 passed House under suspension of rules.	Congressional Record, pp. 10593–10597	Text in Congressional Record includes sec. 6 with expanded provisions.
Do	Senate agrees to House amendments	Congressional Record, pp. 10639–10642	Amendments reported by phrase, referring to slip copy of bill but complete text of preamble and secs. 2, 3, 4, 5, 6 omitted. Only draft of June 26 printed.
July 30	S.J. Res. 144 enrolled and presented to President for signing.		
August 4	State Department Legal Adviser sends copy of S.J. Res. 144 to U.N. Assistant Secretary General for Legal Department.	Appendix III of U.N. Document A/371 (Secretary General Report to 6th Committee Sept. 3).	Bill not yet law; no mention of amendments.
Do	Enrolled bill signed as Public Law 357 of 80th Cong. by Truman.	National Archives, Public Law 357. (Note: This is conclusive evidence of contents of Public Law 357).	Enrolled copy in Archives includes sec. 6 and other amendments. Printed slip copy of act also includes sec. 6.
Aug. 4 to Sept. 3	State Department presumably transmitted notice of Public Law 357 to U.N.	No record of action	
Aug. 27	U.N. Assistant Secretary General for Legal Department replies to State Department Legal Adviser.	App. III of U.N. Doc. A/371	Contains oblique reference to sec. 6.
Sept. 4	U.N. Secretary General reports Public Law 357 to 6th Committee of General Assembly; calls Committee's attention to sec. 6.	Doc. A/371; Summary Records of 6th Committee, Sept. 16 to Nov. 26, 2d sess., U.N. General Assembly, pp. 326–340.	Reported text includes all amendments, including sec. 6.
Oct. 17	Subcommittee on Privileges and Immunities reports to 6th Committee on Legal Questions of General Assembly.	Annex 11a of U.N. Document A/371.	Approves "this agreement" of June 26; no reference to Public Law 357 or amendments.
Oct. 29	6th Committee reports to U.N. General Assembly	Document A/427; vol. II, Official Records of Second session of General Assembly Plenary Meeting, Verbatim Record, Sept. 16 to Nov. 29, 1947, pp. 1519–1924.	Refers only to "the agreement" of June 26 draft; ignores report of Secretary General and references to Public Law 357.
Oct. 31	Resolution of General Assembly "approves the agreement signed on June 26 1947."	Resolution 169(ii) in "Resolutions Adopted On the Reports of the Sixth Committee." For "Agreement" see vol. II Official Records, etc., pp. 91–102.	Agreement annexed did not include amendments provided by Public Law 357.
Nov. 21	Exchange of notes: U.S. Ambassador Warren Austin accepts agreement "subject to Public Law 357." Secretary General Lie replies, authorizing "that agreement" * * * "signed * * * on 26 June."	Photostats of notes in State Department files	United States and U.N. each refer to different documents; therefore no agreement by 2 parties.

Note: Further confusion was perpetuated by (1) "1947 Yearbook of the United Nations," which referred to the agreement without mentioning the amendments of Public Law 357; (2) S. Doc. A-7, 83d Cong., 2d sess., "Review of the United Nations Charter," which reproduced the agreement of June 26 without the amendments; (3) S. Doc. 16, 87th Cong., 1st sess., "Legislation on Foreign Relations with Explanatory Notes," which reproduced the text of the agreement of June 26, the amendments (secs. 2–6), but omitted the preamble. These documents, of course, have no legal effect.

Mr. THURMOND. Mr. President, briefly, the situation is this.

On June 26, 1947, Secretary of State George Marshall and U.N. Secretary General Trygvie Lie signed a draft agreement on the headquarters site. The emphasis at this point is on draft. It could be no agreement until authorized under U.S. law, and accepted by the U.N. General Assembly.

President Truman sent the June 26 draft to Congress on July 2, and requested a joint resolution, which was introduced into the Senate the next day.

The Senate Committee on Foreign Relations amended the resolution, subjecting the draft text to a strong reservation designed to protect U.S. immigration laws. The Senate accepted the resolution, as amended.

The House further amended the resolution, making the language of the Senate reservation even stronger. The strengthened amendments were accepted by the Senate.

President Truman signed the resolution, consisting of the June 26 draft and five additional sections, into law on August 4, as Public Law 357. I have with me a photostat of the enrolled copy of Public Law 357 as it reposes in the National Archives, with President Truman's signature on the last page.

I hold it in my hand here.

As it happens, this is also the page which contains the internal security amendments. There can be no doubt that the only agreement authorized by Congress was one consisting of the June 26 draft text and five additional sections.

I think I should point out here that the situation is not the same as a unilateral reservation appended to an international treaty. This an actual change in the kind of agreement to be authorized, a change concurred in by both Houses of Congress before the agreement was authorized.

When the U.N. Secretary General reported the U.S. action to the appropriate committee of the General Assembly, he made specific mention of the congressional amendments.

Yet when this committee, the Committee on Legal Questions, reported the matter to the General Assembly, it completely ignored the congressional amendments. Its version of the text omitted both the text of the amendments, and any reference to their existence.

The agreement authorized by the General Assembly was the June 26 draft only. In other words, the agreement authorized by the General Assembly was not the agreement authorized by Congress. Legally speaking, there was no meeting of minds. They did not agree. The agreement did not even come into existence.

Nevertheless, there has been a concerted effort to imply that such an agreement did exist. The lack of agreement has been completely obscured. For example, I quote from the exchange of notes which supposedly brought the agreement into effect:

U.S. Representative to the U.N. Warren Austin, wrote the following:

> Excellency: Pursuant to instructions from my Government, I have the honor to inform you that the Government of the United States of America is prepared to apply the above-mentioned Headquarters Agreement subject to the provisions of Public Law 357.

In other words, the congressional precautions for internal security must apply.

The U.N. Secretary General, Trygvie Lie, replied in this fashion:

> Sir: I have honour to refer to the Resolution adopted by the General Assembly on 31 October 1947, . . . relative to the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, signed at Lake Success on 26 June 1947.
>
> By this resolution, the General Assembly . . . has approved the above-mentioned Agreement—The Resolution, consequently, has authorized me to bring *that Agreement* into force . . .

Thus the Secretary General referred only to the draft agreement of June 26, and no other. It was "that agreement" and no other. In short, the U.N. has completely ignored the basic legal requirement for coming to agreement; namely, that there be unanimous acceptance of all conditions imposed by both sides.

Without such mutual acceptance, no agreement can be legally binding. There is no Headquarters Site Agreement in force today. There is no legal requirement that we grant visas to the Vietcong, or to any other subversive elements which we wish to exclude from our soil.

In this new light, therefore, the U.S. policy of inviting the Vietcong to come to America is revealed as an entirely gratuitous action. We certainly have no moral requirement to invite our enemies within our gates, and we have no legal requirement.

At this point, therefore, it is up to the State Department to secure from the United Nations a specific acceptance of the conditions which were imposed by the Congress of the United States. The issue ought to be brought to a head, precisely upon the case of the Vietcong, hypothetical or not. It is intolerable for the United Nations to be occupying its present site within U.S. territory without the proper legal arrangements. If the State Department cannot make the United Nations submit to our conditions, then the United Nations itself should seek a site in another part of the world.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. THURMOND. Mr. President, I rise in opposition to the education bill now before the Senate. I wish, first, to express my appreciation to the distinguished Senator from Oregon [Mr. Morse] for all that he has done to try to make the bill acceptable.

There are two points of irritation, and they are severe points of irritation. There are, of course, always points of irritation wherever the Department of Health, Education, and Welfare has exercised power to control local educational processes.

The first serious point is the cutting off of Federal funds after schools have opened and contracts have been made with teachers for the school year.

Second, cutting off Federal funds for illegal and arbitrary reasons.

The distinguished Senator from Oregon has worked unceasingly to obtain some commitment from the Department of Health, Education, and Welfare, as I understand it, that it would abide by the civil rights law in this matter and not arbitrarily cut off funds simply for the purpose of bringing about forced integration.

As to the first point, I refer to the Wall Street Journal for today, Monday, December 11, 1967, which has a paragraph on page 1 reading:

> The Johnson Administration is expanding its controversial campaign to compel desegregation of Southern schools into a nationwide effort that is sure to stir even more political fireworks.
>
> Instead of attacking school segregation mostly in small rural, Southern districts, John Gardner's Health, Education, and Welfare Department now seeks to force action North as well as South, in big-city schools as well as small.
>
> Next year this turn of the screw could bring the first major tests of Washington's willingness to shut off Federal financial aid to recalcitrant school districts in the North; up to now, there has been just one brief shutoff outside Dixie—in Chicago in 1965—and that ended quickly after a complaint to the White House by Mayor Richard Daley.

Now on page 14 of the Wall Street Journal, in the same article, I read the following excerpt—and I want the Senate to hear this:

> In the past, HEW officials have checked several dozen alleged school desegregation violations in the North, but no enforcement action has resulted, except for the brief cutoff of aid to Chicago schools.

We know what happened to that, as I read just a moment ago from the article on page 1.

It is very difficult to understand why our Central Government would cut off aid to schools in the South when those who advocated and proposed Federal aid to education when the bill was under consideration stated that aid was needed worse in the South. If aid was needed worse in the South, why then is the Central Government cutting off aid to those schools and not cutting off aid to other parts of the country, even though, according to these proponents of Federal aid, there is discrimination in other parts of the country?

I am wondering whether the distinguished Senator from Oregon would have any particular comment to make at this point. I am sure he would feel there should be no distinction made between cutting off funds in one part of the country and cutting off funds in another.

Mr. MORSE. Replying to the Senator from South Carolina, earlier in the discussion today, when the Senator from South Carolina was not in the Chamber because he had already told me about the official business he had to transact, this matter came up during that time.

I inserted the full Wall Street Journal article in the Record this morning. I discussed the Wall Street Journal article. The Senator will find in the Record that I also discussed the point the Senator has now raised, pointing out that Senator Stennis, Senator Ervin, and I had raised this question with the Department of Health, Education, and Welfare; that letters had already gone out to northern school districts with a population of more than 3,000 students. These are questionnaire letters. We have the assurance that there is going to be no delay in enforcement of the Civil Rights Act in the northern schools.

I do not want to take longer, because, as the Senator knows, we are under pressure to get votes on this matter so our colleagues can leave shortly. I have covered this matter thoroughly. No one in the Senate, not even the Senator from South Carolina, is more determined than I am, in my surveillance capacity as chairman of the subcommittee, to hold the Department to enforcement equality under title VI, as far as violations of civil rights are concerned, with regard to all schools, North and South, East and West.

Mr. THURMOND. Mr. President, at this point, I ask unanimous consent that a statement prepared by me on the subject of the Fountain amendment be inserted in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Thurmond

Mr. President, the Fountain amendment which was deleted from H.R. 7819 as passed by the House read as follows:

"The Secretary of Health, Education, and Welfare, or his delegate, shall not defer action or order action deferred on any application by local educational agencies for funds authorized to be appropriated by this Act or by any Act amended by this Act on the basis of alleged noncompliance with the provisions of title VI of the Civil Rights Act of 1964 unless and until, as provided by section 602 of title VI, there has been an express finding on the record, after opportunity for a hearing, that such local educational agency has failed to comply with the provisions of title VI.

"When title VI of the Civil Rights Act of 1964 was being considered by Congress, many Members were sincerely and deeply concerned that administration officials might misuse it to arbitrarily and unjustifiably deny Federal funds to local governmental units which were not engaging in discriminatory practices. Congress recognized this concern by including specific provisions in title VI which were intended to prevent denial of Federal funds without due process of law."

Section 602 of title VI of the Civil Rights Act of 1964 reads as follows:

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report."

Congressman Fountain explained the need for his amendment on the floor of the House during the debate on H.R. 7819 on May 23, 1967. Congressman Fountain said that the procedural safeguards provided in section 602 of title VI have been disregarded by the Office of Education. Mr. President, at this time I wish to quote some of his discussion of this subject. Congressman Fountain said:

"At the time I offered my amendment last year, some school districts had been denied Federal funds for new programs for more than a year without any finding that they had engaged in discriminatory conduct and without any opportunity for a hearing. The Office of Education piously contended that it was not refusing to grant applications for funds submitted by the school districts involved, since that would admittedly violate the law, but was merely deferring action on their applications. An indefinite deferral of action on application, of course, had exactly the same effect as a refusal to grant the application. By using this transparent device to evade the procedural safeguards of title VI, the Office of Education set itself up as prosecutor, judge and jury and handed down a verdict of guilty without even giving the accused an opportunity to be heard.

"The amendment I offered last year was inended to make it unmistakeably clear that Federal officials—as well as local school officials—must obey the law and that the Office of Education could not terminate or refuse to grant Federal financial assistance without following the procedures specified in section 602 of title VI.

"My amendment was adopted by the House by a vote of 221 to 116, with the strong support of Members from all sections of the country."

Congressman Fountain went on to say, "Unfortunately, the amendment was weakened in conference. Instead of clearly outlawing any 'deferral' without a hearing, the revised amendment merely limited deferral action to not more than 60 days without a hearing, leaving the question of its legality to the courts. Because of parliamentary maneuvering, the House did not have an opportunity to vote to insist on the original form of the amendment.

"Because of the recent reassignment of responsibilities at the Department of Health, Education, and Welfare, the amendment I am offering today applies to the Secretary of Health, Education, and Welfare or his delegate rather than the Commissioner of Education. Except for this technical change, the language and the purpose of the amendment are exactly the same as the amendment which the House approved by an overwhelming vote last fall.

"This amendment is badly needed.

"Congress has made it very plain that it does not want Federal funds for educational programs denied to children anywhere in this country without due process of law. In fact, Congress has emphasized its concern in this respect by specifically providing that such funds may not be refused or denied until 30 days after a full written report of the circumstances and grounds for such action has been filed with the appropriate committees of Congress.

"Congress never enacted any law authorizing Federal officials to withhold funds for education through 'deferral' action. This is a device invented and used by officials of the executive branch of Government—without any sanction from Congress—to circumvent and evade the procedural safeguards of the law."

Congressman Fountain went on to say, "Through its action last year Congress attempted to impose some limitations of the arbitrary conduct of the Commissioner of Education. But serious and indefensible abuses have continued.

"Last year, while leaving the courts free to declare any deferral whatsoever illegal, Congress made it plain that it did not want any school district denied funds through deferral action to a maximum of 60 days was specifically declared to be effective for fiscal years beginning after June 30, 1966. Despite the clear intention of Congress, the Office of Education took the position that it could continue school districts in deferral status for 60 days after the enactment of the Elementary and Secondary Education Act Amendments, no matter how long they had previously been 'deferred' without a hearing. As a result, a large number of school districts which had already been kept in deferred status for as much as 18 months without a hearing were continued in that status for an additional 60 days without opportunity for a hearing.

"In addition to arbitrarily retaining all school districts in deferral status for 60 days after the enactment of last year's amendment, the Office of Education has clearly violated the law by failing to remove schools and institutions from its 'deferred' list even though they had been on that list for more than 60 days after the enactment of the amendment without opportunity for a hearing.

"To my own knowledge," Congressman Fountain continued, "at least 46 school districts were illegally kept in deferral status after the law required their removal. In many—perhaps most—instances, they were reinstated only after congressional inquiries disclosed what was happening.

"For example, $74,000 in funds needed for braille books and equipment for blind children at a State school in North Carolina were not released until late March—nearly 5 months after enactment of last year's amendment—although the school has been kept in deferral status for almost 2 years without a hearing. Repeated congressional inquiries were necessary before the Office of Education finally admitted that continued withholding of these funds was illegal.

"Whether because of disregard for the law or administrative incompetence—or both—the Office of Education has repeatedly violated the mandatory 60-day limitation on deferral without a hearing. In addition, the names of school districts arbitrarily placed on its 'deferral' list by the Office of Education are circulated to other Federal agencies have used the list to withhold funds without any regard whatsoever to the 60-day limitation on deferral action without a hearing."

Congressman Fountain continued by saying, "The Labor Department, for example, not only withheld new programs from school districts 'deferred' by the Office of Education, but immediately terminated guidance and testing programs which had been carried on for as long as 15 years. This action by the Department of Labor was clearly illegal, of course, but it was rescinded only because of congressional intervention.

"When Congress authorized denial of Federal funds under certain circumstances as a means of eliminating discrimination, it made it clear that it regarded this as a drastic procedure and one which should be carried out only under rigid procedural safeguards. In addition to specifying procedures to be used, Congress specifically declared that no refusal or termination of funds could become effective until 30 days after a full report concerning the situation had been made to Congress.

"Despite the clear intention of Congress, the Office of Education has been—and will continue, unless stopped—withholding funds without due process of law and without reporting to Congress."

In conclusion Congressman Fountain said, "It is essential that the House act to prevent any further damage because of the unwise, unfair and illegal 'deferral' policy of the Department of Health, Education, and Welfare. It is essential that we insist upon due process of law and clearly outlaw the arbitrary and unauthorized 'deferral' policy which is being used to circumvent the law."

Mr. President, as we well know, this amendment was adopted by the House and was deleted by the Senate Committee on Labor and Public Welfare.

Mr. THURMOND. Mr. President, many school officials and many schoolboard members, many hospital officials and many hospital board members, have been harassed—and I use that word "harassed" with extreme caution—by the coercion and compulsion exerted and attempted to be exerted by HEW.

It is my thinking that if those who favor Federal aid to education do not see that this law is fairly and justly administered, the American people are going to rise up and demand that it be repealed. And if it is not fairly and justly administered, it should be repealed.

Mr. President, it just does not make sense, if a school opens its doors to all students, without any compulsion, without any coercion, for the HEW to come in and demand that the school trustees and school officials order, direct, and compel a certain number of pupils of one race to go to another school, simply for the sole, social purpose of bringing about mixing of the races.

I do not believe that was the intent of the law when it was passed. The distinguished Senator from Oregon [Mr. MORSE] probably has done more work than any other Senator in the education field, and I believe he will agree that the purpose was to improve education, not to bring about enforced integration; to prevent discrimination in education, but not to bring about enforced integration.

Is that the Senator's interpretation?

Mr. MORSE. Mr. President, without getting into a legal argument, because it is now a juridical matter, it has already been announced today on the floor of the Senate that the Supreme Court today granted certiorari in the New Orleans case, and that brings up for determination by the Court the very point the Senator from South Carolina was pressing upon me, even before the debate on this matter. Therefore, I am perfectly willing to wait for the Supreme Court's decision.

Mr. THURMOND. I would like to quote from the Civil Rights Act of 1964 on the question of desegregation of public school education. This is section 401:

> As used in this title—
>
> (a) "Commissioner" means the Commissioner of Education.
>
> (b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

It seems to me that wording is just as clear as it can be that students cannot be assigned to public schools in order to overcome racial imbalance. That is what the law says. I know of no authority for HEW's pursuing the course which it has been, simply to bring about forced mixing.

Further, in the 1964 Civil Rights Act, section 407, headed "Suits by the Attorney General," we find this language:

> *Provided*, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

I am sure that any able lawyer—as the Senator from Oregon is—could interpret that but one way. I do not believe the Supreme Court could interpret it in any other way than just what the plain, simple words mean—that they cannot assign students simply to overcome racial imbalance and they cannot transport students simply to achieve a racial "balance."

That being clear, the HEW should stop, pause, and consider the actions which they have been pursuing and the course they have been following when they have attempted to cut off aid to a school because a school would not transfer or transport a certain number of students from one school to another in order to bring about racial balance.

Mr. President, I notice in the same Wall Street Journal article, on page 1, the following:

> And where the HEW Department does detect such discrimination, it will demand remedies sure to be controversial. These could include busing pupils to overcome racial imbalance . . .

That is in the article in today's Wall Street Journal. If they follow that course, they will run directly in the face of the 1964 Civil Rights Act. I believe the distinguished Senator from Oregon would agree with that.

Turning to page 14 of the article, reference to attempts that the HEW will use to proceed along some other lines causes me to be very concerned. I want to qoute that part of the article again:

> Along with evidence of failure to desegregate, officials will apply a new basis for cutoff of Federal aid: A principle of "Equal Educational Opportunity."

Then the article continues:

> Some of the signs of inequality that HEW officials will watch for: Large class size . . .

What authority has the HEW to cut off funds because, in their judgment, the class is too big? Is the HEW going to control the size of classes in all the schools of the Nation?

It mentions another: Double sessions. Is HEW going to deny funds to a school because it has double sessions?

Why, there may be a need for double sessions in some schools. In some schools, for instance, they obtain the greatest utilization from the buildings and facilities by holding double sessions, because it is more convenient to some students who, perhaps, are working part time. I am sure the Senator from Oregon can understand that a double session might be advisable in some cases, where some students work in the morning and wish to go to school in the afternoon, or vice versa.

Serious overcrowding. Well, now, of course serious overcrowding is objectionable. As a former school teacher and former school superintendent, I know the evils of it.

But is HEW to dictate just how many students constitute overcrowding, or is that to be left to the local school officials, who are more familiar with the situation and more competent to handle it?

High student-teacher ratios. Again, who is to determine the number of students per teacher? Is HEW to make that decision, or is that to be left to local school officials?

Highest qualified teachers. Is HEW to determine whether the teachers are qualified, or the board in each State that issues the teachers licenses to teach?

Just how far is HEW going in these matters? If they proceed along the lines that they are attempting to proceed now, and along the lines that I have mentioned here, they will have complete control of the schools. Mr. President. The school will be operated out of Washington.

I do not believe that is what the Senator from Oregon had in mind when he supported the first school bill several years ago. I think the Senator from Oregon felt that some school districts in the Nation needed help; he wanted to further education, and therefore he wanted to help those districts, but not to bring in Federal coercion.

Mr. President, I should be happy to hear from the Senator from Oregon in regard to some of these points.

Mr. MORSE. Mr. President, I shall be glad to repeat what I have previously stated. I have covered them several times.

I say to the Senator from South Carolina that the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], the Senator from North Carolina [Mr. ERVIN], the Senator from West Virginia [Mr. BYRD], and I have worked out a procedure here today which I think will be very helpful in solving the very problems the Senator raises.

In my capacity as manager of the bill, I shall hold the Department to the procedure that is agreed upon in the memorandum of understanding contained in the letter of the Secretary that has been submitted to the Senate today, and that the Senator from Georgia [Mr. RUSSELL], our leader in this matter, has determined to go along with.

Mr. THURMOND. Mr. President, I am glad to hear the Senator from Oregon again state—I have heard the discussion today except for a very brief period when I was called out of the Senate Chamber—that he intends to hold the Department of Health, Education, and

Welfare to the terms of the understanding.

We are relying on the Senator from Oregon, because he has done more than anyone else for HEW. We are relying on the Senator from Oregon to help to keep HEW in line. As I understand it, the Senator from Oregon will help to do that.

Mr. MORSE. I not only will help, I have pledged to do so.

Mr. THURMOND. I thank the Senator very much.

Mr. President, I repeat that the Civil Rights Act of 1964 prevents assignment of students to public schools in order to overcome racial imbalance, and it also prevents the transporting of students for the purpose of overcoming racial imbalance.

Those are the two sensitive points today that are causing irritation, not only in the South, but elsewhere. They are bound to cause irritation in the North or at any other point; and they should.

I believe that the local people ought to determine the assignment of students, and whether or not the children should be bused. I say this realizing that there can be no discrimination.

There is no discrimination in South Carolina. Any child can go to any school he wants to. I repeat, there is no discrimination; but we do feel that the heavy hand of the Federal Government has gone entirely too far in this matter, and we feel that HEW not only ought to, but must, change its policies; otherwise there will be a revolt in this country against the aid to education program.

Mr. President, I could talk at some length on this matter, but I wanted to emphasize those points because I feel they are most important.

I realize that this bill will pass the Senate. As I have stated, I cannot vote for it; but I wanted to raise these points, and I wanted the Senator from Oregon to hear them raised by more than one Senator. I want him to know it is done in all good faith, and not for the purpose of allowing discrimination, but for the purpose of benefiting the HEW operations, and for promoting education, since we have a Federal law on education.

Again I thank the distinguished Senator from Oregon for what he has done to work out this agreement. I feel that it will help on the first point, cutting off Federal funds after schools have opened and contracts are made with teachers for a school year, because it provides that termination orders will not become effective between September 1 and June 1 of the school year, unless certain conditions are met.

As to the second point, we are hoping that the Senator from Oregon and others interested in maintaining the Federal school law will also be active, and that is as to cutting off Federal funds for illegal and arbitrary reasons.

Mr. SPARKMAN. Mr. President, I merely wish to say that I am glad that the Senator from South Carolina has brought to the attention of the Senate this lead article in today's Wall Street Journal. I believe it will open the eyes of a great many people.

Mr. MORSE. I called attention to it this morning, and put it in the RECORD.

Mr. SPARKMAN. Good. I am glad the Senator did. I hope every Senator will read it, because I hope it will open the eyes of people to what may be expected—such matters, for instance, as forcing school districts to change their lines and remake their districts, which is certainly a matter for determination by the districts themselves.

Mr. MORSE. Mr. President, I suggest third reading.

The **PRESIDING OFFICER** (Mr. BYRD of Virginia in the chair). The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute as amended was agreed to.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BARTLETT. I will not detain the Senate long, but I think it is important that a legislative record be made relating to two matters.

There is in the bill an amendment, as I understand sponsored by the distinguished senior Senator from Texas [Mr. YARBOROUGH], providing for bilingual education programs. It is my understanding that this was offered and accepted principally in respect to the Spanish-speaking areas of the country. What I should like to learn from the manager of the bill, the Senator from Oregon, is whether that amendment is general in its application—whether, for example, moneys for that purpose could be used for bilingual education programs for native Alaskan children, that is, Eskimos, Indians, and Aleuts.

Mr. MORSE. I shall be happy to respond to the Senator's question, but before I respond, I want the RECORD to show that the Senator from Alaska [Mr. BARTLETT], in my opinion as chairman of the Subcommittee on Education, has never failed to give support to the committee on education legislation. He has been one of the great strengths of our committee as we have brought these education bills to the floor of the Senate; and I want to be sure that this inquiry he has made is answered to his satisfaction as far as legislative history is concerned, insofar as the facts will answer it.

This is my answer:

In response to the inquiry of the Senator from Alaska [Mr. BARTLETT] as to whether the program of bilingual education in the Senate-passed bill, title VII, would be available to support programs for Alaskan natives whose first language is a native dialect, let me state unequivocally that this program is available wherever there are substantial numbers of non-English speaking children.

The Senator from Texas [Mr. YARBOROUGH], presiding over an ad hoc subcommittee on bilingual education, did an excellent job of showing the great needs of children who learn one language at home and then are expected to function in an English-speaking society and economy.

The focus of those hearings was quite appropriately the Spanish-speaking area. I think we would agree that in the United States the greatest problem of language adjustment is related to the large Spanish-speaking population in the Southwest—arising out of a Mexican-American culture—and in some of our large cities where there are many Puerto Ricans. But of equal concern to the committee is the problem of Indian children in many places throughout the United States as well as Eskimos, Aleuts, and other Alaskan natives.

Good programs to assist these children would be eligible under title VII of our bill and I would like to support the Senator from Alaska in making legislative history to that effect.

Mr. BARTLETT. Mr. President, first, I thank the Senator from Oregon for his gracious words about me.

I shall say that my task has been simple on these education bills. I have always followed the lead and the guidance of the senior Senator from Oregon.

I am happy at the response he has made concerning this bilingual language program.

I have one further question to put to the distinguished manager of the bill.

Section 302 of title III provides for appropriations of not more than 3 percent of the total money appropriated for use in Puerto Rico, Guam, American Samoa, and other like areas, including Indian reservations. The language in reference to this provision is as follows:

> In addition, for each fiscal year ending prior to July 1, he (Commissioner of Education) shall allot from such amount to (a) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior.

As the Senator so well knows, we do not have Indian reservations in Alaska in the same sense as Indian reservations exist in the earlier States.

Does the language which I have quoted have equal application to the Indians, the Aleuts, and the Eskimos in Alaska?

Mr. MORSE. Mr. President, I am very glad to answer the inquiry for legislative history. However, first I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, the Senator from Alaska [Mr. BARTLETT] has raised a question regarding the set-aside for BIA schools which I would like to clarify for purposes of legislative history.

Under the Senate title III version, 3 percent of the sums appropriated would be available for the outlying areas as well as programs and projects "for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior."

This language is similar to that which is already contained in title I of the Elementary and Secondary Education Act, so I think it clear that the same answer would apply in both cases.

The question which the Senator from Alaska has asked is whether the reference to Department of Interior Schools serve Alaskan villages which are not actually in reservations at the present time. Let me make clear our intent that these Bureau of Indian Affairs schools are to be covered by this language. The situation in Alaska is somewhat unusual. While it is true that many of these areas are no longer Indian reservations in the sense in which we generally use that term, these areas are considered Indian lands for other purposes—for example, in the impacted-aid program.

It is also true that these schools do receive benefits under title I of the ESEA, which as I previously indicated, has very similar language to the language we are using in title III. I am assured that both the Office of Education and the BIA would interpret the word "reservations," in this context, to include these areas where Indian children live as Indian lands or reservations for the purposes of title III, as it does for the purposes of title I.

Mr. BARTLETT. Mr. President, the Senator has resolved all my doubts.

Mr. MORSE. Mr. President, it is appropriate at this time to draw to the attention of the Senate certain matters concerning the administration of the programs covered by the act and the basic statutes to which H.R. 7819 refers.

In my judgment, the actions this body is taking today with respect to title VI covering special education of the handicapped children taken in conjunction with our actions on other titles and in previous legislation, underline unmistakably the interest and concern of the committee that there be an expansion of services to this one group of children.

These are the children who are "educationally deprived" by virtue of a basically physiological fact over which neither they nor their parents have any control.

We are acting, we believe, in the highest traditions of the morality which underlies our system of government and in accordance with the ethical precepts of all the great religions of the world when we devote special care to these young citizens who have this claim to our attention.

Our goal is educational equality of opportunity for all children to the end that they may be enabled to develop their own potentials. So this is an area where dollar cost effectiveness alone ought not to be the final controlling criterion in the allocation of educational funds.

Within the group such concepts may have some validity. But I think I speak for my committee when I say we shall continue in our legislation and in our legislative oversight functions to assure ourselves that the needs of these children will not be overlooked.

My subcommittee has learned, for example, with respect to the Regional Educational Laboratories under title IV of ESEA under the authorities administered through the Michigan-Ohio Regional Educational Laboratory in Detroit that as of January 13, 1966, there were no specific programs for the handicapped nor were they specifically excluded from programs operated by that laboratory.

With respect to the Central Midwestern Regional Educational Laboratory, Inc., of St. Ann, Mo., as of January 30, 1967, that installation did not have a specific component in the area of handicapped children and youth and it does not have specific personnel on the staff assigned to one or more of the areas of exceptionality.

An inquiry of the Northwestern Regional Educational Research Laboratory revealed that as of December 1966 that laboratory in my own State, had no special program component in the area of handicapped children and youth.

A similar report was received from the Eastern Regional Institute for Education in Syracuse, N.Y., from which it was learned that as of December 1966 the program of that installation is not focusing on handicapped children.

I mention this because of the statement in the letter which reads:

> If it becomes paramount that the handicapped child is of high priority, this laboratory will devote its design and development activities to this priority.

The Rocky Mountain Educational Laboratory which serves Colorado, Utah, Idaho, Montana, Arizona, Kansas, and Wyoming and which is located in Salt Lake City, Utah, again as of December 1966 advised:

> We are enclosing a small brochure that outlines the current work of this laboratory. None of it is labeled or specifically designed exclusively for exceptional children, however, the Individualized Instruction and the New Media work both have components that could be construed as dealing with the areas you specifically inquired about.

The Upper Midwest Regional Educational Laboratory of St. Paul, Minn., as of that date said:

> At this time there is not a specific component or operation devoted to handicapped children and youth and there are no personnel on our staff assigned to specific areas of exceptionality.

The Central Atlantic Regional Educational Laboratory again as of December 1966 advised:

> At present we do not have a specific component devoted to handicapped children.

The pattern was repeated in comments from the Far West Laboratory for Educational Research and Development of Berkeley, Calif:

> There is no specific component of our operation devoted exclusively to the area of handicapped children and youth, nor is there any specific person on our staff assigned to one or more areas.

The letter goes on to say:

> A major concern of this program is to identify the various groups in our region who may be considered underprivileged with respect to educational advantages. However, in most cases we have viewed these groups in terms of minority groups rather than in terms of exceptional children.

I am glad to report that in New York City the Center for Urban Education did indicate that it has a very specific interest in special education and that it had research in eight areas of exceptionality in educational research. However, that was done in the period 1965–66. In September 1966 six of the eight research programs were discontinued to concentrate chiefly on general education issues in the urban region. Only two programs were being continued. One a preschool educational program for severely emotionally disturbed children and the other an evaluation of the occupational training center for older mentally retarded children.

Projects such as teacher preparation needs in the urban region—special education programs—were discontinued.

Research for Better Schools, Inc., of Philadelphia, Pa., advised that—

> At the present time we do not have a specific component of our operation devoted to handicapped children and youth nor do we have specific personnel on our staff assigned to one or more of the areas of exceptionality.

The Institute for Educational Innovation of Newton, Mass., followed the pattern. None of the staff of eight was assigned to any of the areas of exceptionality.

The same could be said of the Southeastern Education Laboratory at Atlanta, Ga., and the Midcontinent Regional Educational Laboratory at Kansas City, Mo.

This sorry catalog is concluded by the South Central Region Educational Laboratory at Little Rock, Ark., which indicated that it, too, had no specific component program in this area.

Regarding all this, Mr. President, I want to make it perfectly clear that what I have said and what I shall say is not in the slightest to be regarded as a reflection upon Dr. James Gallagher who heads the title VI bureau in the Office of Education. He is a dedicated educator in the area of special education. And I know that he and his staff are working very hard to realize the congressional intent of the provisions of legislation which have been enacted.

But I do think this is a matter which should be of concern to the Commissioner of Education in his operation of title IV ESEA authorities. I do not think as one Senator who helped to write the statutes that the record I have cited meets the intent that has been repeatedly expressed.

I therefore serve notice on the Office of Education that prior to the expiration of the second session of this Congress I hope to be in receipt of a report which will indicate that through steps now being taken or which have been taken subsequent to January 1 of this year the situation reflected in the material I have incorporated into the RECORD is being rectified. It is my hope that the report will contain indications of the degree to which the bureau administering title VI is being consulted by bureaus responsible for the operation of the regional laboratories and of the title III programs to assure that the educational needs of handicapped children are receiving a fair proportion of the funds available for educational research.

I would have the Commissioner take note that the 15-percent reservation in title III for innovative projects devoted to handicapped children is not an idle gesture nor an accidental gesture but reflected the very firmly held positions of the Senator from Vermont [Mr. PROUTY] and the Senator from Oregon, and it is a concern which is shared to an equal degree by each of our colleagues on both sides of the aisle. What I am saying is that this is a matter which in my judgment deserves careful attention at the highest policy levels of the Office of Education and the Department of Health, Education, and Welfare.

I am aware that through other legislative authorities some funds can be made available for the purposes of educational research in the various areas of handicapping. However, it is my view and one which is shared, I believe, that the magnitude of the problem demands a greater application of financial effort. This can only be achieved if the major research program in the field of education under the Office of Education can devote a proportion of its resources to this task.

Mr. President, I would like to have the cooperation of the Senate. We have had third reading. I would like to have the rollcall vote now because a great many of our colleagues are trying to catch a 4:30 plane to attend a very important meeting.

If anyone else has anything to say on the bill, I plead with him to do it after the rollcall vote, and what we have to say after the rollcall vote may be printed in the RECORD before the rollcall by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings occurred subsequently, and are printed at this point in RECORD under the above unanimous-consent agreement:)

Mr. MORSE. Mr. President, we had an understanding before the rollcall that those Senators who were so cooperative as to agree to withhold their remarks on the bill following third reading of the bill, would make their remarks after the vote and those remarks would be printed in the RECORD before the rollcall. I got unanimous consent for that. I am obligated to seek to have that done now. Our understanding is that the first person to whom I would yield would be the Senator from Ohio [Mr. LAUSCHE], but I understand that he suggests that I yield to the Senator from Florida.

The VICE PRESIDENT. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, I have just voted for the education bill which the Senate has passed. I have done so for two reasons. The first reason is that there was appended to the bill the amendment offered by the distinguished Senator from North Carolina [Mr. ERVIN] and others, unanimously adopted by the Senate, which assures a speedy court decision on the question of conflict between church and state that will be presented by this legislation.

I want to make clear that if that amendment is taken off of the bill in conference I shall vote against the bill when it comes back from conference.

Second, I am exceedingly grateful, as I have stated, to the Senator from Oregon and others for clearing up the matter which has been cleared up, in my judgment, by the letter from the Secretary of Health, Education, and Welfare which was placed in the RECORD today. This letter should prevent the preemptory withdrawal of funds from schools, particularly small, country schools, in the course of the school term, for infractions charged as having occurred well before the time of the beginning of the term. I think that makes the bill a great deal better.

I still have some reservations about the size of the bill and I am hoping that in conference our distinguished friend from Oregon and others may feel an economic urge to come down a little in the size of the authorization for 1969 and subsequent years. When we know that the appropriation level has been only about one-half of the authorization it seems inappropriate to jump the authorization in the substantial amount proposed in this bill.

Mr. President, for the reasons I have stated I have voted for the bill.

Mr. President, I make the following announcement for myself and at the request of the distinguished Senator from Arizona [Mr. HAYDEN], the chairman of the Committee on Appropriations, while all Senators are present.

It is expected, at the request of the Senator from Arizona, that I shall call up tomorrow or as soon as permitted by the action of the leadership, the conference report on House Joint Resolution 888, which is now being debated in the other body under a rule which should mean it will be disposed of there this afternoon without fail.

Mr. President, this is the measure under which there is a continuation of the date in the existing continuing resolution so as to take care of payrolls and other legitimate expenses through the end of the current session, and it includes provisions which call for large reductions in the fiscal 1968 obligations and expenditures. It is a very important bill which should give Congress an opportunity to show whether it means business in the matter of reduction of the expenses of Government.

I do hope that the leadership will clear this matter for consideration tomorrow, at which time the distinguished Senator from Arizona desires that it be called up.

I yield the floor.

Mr. LAUSCHE. Mr. President, I voted for the education bill with the amounts involved because I hoped that when it goes to conference, or when the appropriations are finally decided on, under the authorizations, that the amounts will be substantially cut down for the 3 years involved in the bill; namely, 1969, 1970, and 1971. For those years an expenditure of $16 billion has been authorized—in other words, $5,333,000,000 a year.

The authorization of $16 billion for 3 years is, in my opinion, extraordinarily large, having in mind that for fiscal year 1968, under which we are now operating, $2 billion was appropriated.

If we take the $2 billion appropriation for 1968 and translate it into 1969, 1970, and 1971, a period of 3 years, if there are no increases, the total amount appropriated would be $6 billion. In other words, we have authorized $16 billion when, if the appropriations for the year 1968 were carried over into 1969, 1970, and 1971, the appropriations would be $6 billion. That is $10 billion more authorized than the base from which I have given my calculation covering the year 1968.

To show further the great expenditure involved in the bill, in 1967, the fiscal year which ended last June 30, there was authorized $1.815 billion.

Why did I vote for the bill, in view of the statement I have just made?

I did so in the conviction that when the bill goes to conference, the conferees will reach some sort of adjustment so that it will be in a reasonable relationship to what we should spend.

Moreover, having in mind the judgment of the Appropriations Committee which, for 1968, appropriated only $2 billion, when it was authorized to appropriate $4 billion, I have faith that the Appropriations Committee will provide some relief. I know that the Senator from Oregon will urge appropriations up to the sum of $4.5 billion involved in the bill, but I have doubt as to whether he will be able to persuade the committee to follow his judgment.

Let me thank the Senator from Oregon very much for the courtesies which he has extended to me. I think the issues were very thoroughly presented on the problems which confronted us. Now I shall wait and see what will happen in the Appropriations Committee, and in the conference committee, with respect to the final amounts which will be allocated.

Mr. YARBOROUGH. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I have previously made a statement on this legislation, as to its bilingual features. But I want to pay tribute right now to the legislative ability of the Senator from Oregon.

The education bill is landmark legislation. There are eight volumes of hearings on the bill itself, and two additional volumes covering the bilingual provision. This is the first bilingual education bill in the history of the United States. The legislative knowledge and know-how of the Senator from Oregon has been combined in the bill to make it landmark legislation. It is a great tribute to one of the greatest legislators, I think, ever to sit in this body.

I have served with the Senator from Oregon on the Education Committee for 6 out of 8 years and have watched his leadership in the field of education.

Not many Senators remain in the Chamber at this moment, but I want to say to the Senator from Oregon that all of us express our great appreciation to the Senator for his great legislative ability and his diligence in working out the details of the bill. The record of the hearings bear witness to the fact that he was in attendance every day during those hearings. He attended every one of the hearings in the subcommittee, as well as all the executive sessions on the full Labor and Welfare Committee. Of course, we all know that he has stayed on the floor of this Chamber every day during the long debates on the bill. He has worked hard on every provision of it to make it a bill which would be acceptable to the Senate. The seven votes against it on final passage is proof of his ability.

This is a fine tribute to any man's legislative leadership. It is a well-deserved tribute to the Senator from Oregon to have brought forth a bill which has passed the Senate by a 10-to-1 margin—a bill which started out to be one of the most controversial pieces of legislation in the Senate. It is a bill which has been improved under his leadership and his power of conciliation and reconciliation in bringing together divergent points of view which have made for strong support of the bill. It will mean so much to future generations of Americans.

Once more, I want to thank the Senator from Oregon. As chairman of the Special Subcommittee on Bilingual Education, which was set up by his recommendation, and that of the Senator from Alabama [Mr. Hill], the chairman of the full Committee on Labor and Public Welfare, it has enabled us to pass this legislation in the Senate this year. Without his leadership and cooperation, the bilingual portion of the bill could not have been adopted. This is truly landmark legislation, along with many other titles in the measure.

Again I compliment the Senator from Oregon for his accomplishments on behalf of the American people in all the 50 States.

Mr. MORSE. Mr. President, I want to thank the Senator from Texas for his generous remarks which, really, should be distributed among all the members of the committee. This bill has been the hallmark, time and time again, of the legislative leadership rendered by the Senator from Texas as to the bilingual portion of the education bill. He has made a major contribution of leadership to the proceedings which brought forth the education bill. Let me say that when we deal with the handicapped section of it and start to enumerate the various sections of the bill, we recognize the legislative hallmarks of the Senator from Texas which are stamped on one section after another. He has been a great source of strength to me in the handling not only of this bill, but also of previous education bills.

One of the monuments to his legislative accomplishments during his brilliant service in the Senate will be in the field of education legislation.

I thank him very much for his cooperation.

Mr. MURPHY. Mr. President, I would like to join in the thoughts expressed so eloquently and ably by my colleague from Texas.

I have been asked by my colleagues on the Republican side of the aisle, who, unfortunately, cannot be present at this time, to express their complete appreciation and their thanks to the chairman of the subcommittee for his thoughtfulness, his consideration, and his fairness in the entire hearings conducted under this bill. They wanted me to assure the chairman of the subcommittee that in the conference they will do everything possible to see that the bill as passed by the Senate will come out of the conference. The Senator from Oregon has their assurance.

In my opinion, this is a most difficult bill. It could have turned into one of the most controversial and difficult subjects taken up by this body in this session. Thanks to the leadership's foresight and the legislative ability and tremendous endurance and patience of the chairman of the subcommittee, we have been able to obtain a comprehensive and forward looking bill that will make a great contribution to the educational needs of our children.

I compliment the chairman for his wonderful capacities.

Mr. MORSE. I thank the Senator from California. What I have said about other members of the committee applies equally to the Senator from California. The Senator knows of the amendments offered in committee that were accepted. The Senator was particularly farseeing in connection with other amendments relating to dropouts. It was his amendment that we adopted and that was sorely needed. If we had not had his support and the support of his colleagues on the minority side, with which I was glad to associate myself, because the amendment spoke for itself, we never would have had that amendment. It is also true of the Dominick amendment, which Senator Murphy joined in helping get adopted in the committee.

But the important service the Senator from California has rendered as a member of the committee is the support he always gave to me when I pleaded in the committee for the passage of a bipartisan bill. That is the only kind of education bill we should bring to the floor of the Senate. The Senator from California not only agreed but demonstrated time and time again his willingness to help me get out a bipartisan bill.

Let me state for the Record that does not mean that the Senator from California did not present and fight for amendments that were not accepted by the committee, but once they were defeated, the Senator from California joined with the chairman in working out a compromise. The best example I can cite is the assistance he was to me with regard to the title III section of the bill. When the committee was pretty well divided on two amendments that were offered and defeated, the Senator from California then joined the chairman in helping get through a compromise title III, which is the one that is now in the bill.

The offer the Senator made on behalf of the minority to be of assistance to me in conference was not needed at all, for I knew I would have that assistance; but, of course, it is gratifying to have the minority think well enough of the problems that lie ahead for the chairman to offer and advance their pledge that they are going into conference united as conferees to do the best they can to bring a good bill from conference.

Mr. COOPER. Mr. President, I support H.R. 7819, a bill to strengthen and improve programs of assistance for elementary and secondary education. Since I first came to the Senate, I have supported legislation to provide Federal aid in the field of education. In 1948, I was invited by Senator Taft to be one of the cosponsors of his bill providing Federal aid to elementary education which was the first bill in the field to pass either House of the Congress. I later served as chairman of the Subcommittee on Education and in that capacity, I helped develop and reported bills to the Senate providing for Federal assistance to education. I have continued to support these programs in subsequent years for, in my view, programs to improve educational opportunities of our young citizens will bring the greatest future benefits to our country.

The Senate has unanimously agreed to an amendment to H.R. 7819 proposed by Senator Ervin to provide procedures for the judicial interpretation of the establishment of the free exercise clause of the first amendment to the Constitution. I am pleased to be a cosponsor of this amendment, as I was when the Senate passed it as a separate bill, S. 3, on April 11 of this year. At that time I made the following statement on the floor setting forth my reasons for its adoption. I hope that the amendment will be accepted in conference:

> Mr. Cooper. Mr. President, I rise in support of S. 3, a bill to provide procedures for the establishment and free exercise clauses of the first amendment to the Constitution. I am glad to be a cosponsor of this bill and urge its passage by the Senate.
>
> The bill would establish a procedure where none exists today. It would enable the Supreme Court to review and determine the constitutionality of grants or loans made under certain acts of the Congress.
>
> In our consideration of this bill it may be helpful if I review briefly its legislative history.
>
> An amendment similar to the provisions of the bill before us today was proposed by the distinguished senior Senator from North Carolina [Mr. Ervin] and myself in 1963 to the Higher Education Facilities Act and was approved by the Senate. However, in conference with the House the amendment was deleted.
>
> When the Elementary and Secondary Education Act of 1965 was being debated on the floor of the Senate the senior Senator from North Carolina [Mr. Ervin] and I again offered an amendment to provide for judicial review to determine whether the grant and loan programs contemplated by the proposed legislation would be consistent with the first amendment to the Constitution. The floor manager of the bill, the distinguished Senator from Oregon [Mr. Morse], opposed the amendment on the grounds that its adoption at that time might jeopardize the passage of the bill and, further, that the purpose of the amendment would be better served through the enactment of general purpose legislation affecting all such acts. He stated his willingness to assist in obtaining such legislation.
>
> On June 7, 1965, the distinguished Senator from Oregon [Mr. Morse] introduced the bill S. 2097 to provide for the judicial review of the constitutionality of these grants and loans, and I was a cosponsor of this bill. On July 9, 1966, the Senate approved S. 2097 as amended by the committee, but no action was taken by the House before the Congress adjourned. The bill, S. 3, before us today is identical with the bill, S. 2097, which the Senate passed last year.
>
> This subject is a difficult one. I have supported, during my service in the Senate, many educational bills. In my first term in the Senate, I joined Senator Taft in the introduction of the bill to provide aid to public elementary and secondary schools—which the Senate passed in 1948. In 1954 I introduced a bill, which was reported by the Committee on Labor and Public Welfare, to provide funds for the construction of elementary and secondary schools; it was the

only such bill reported in the years between the Taft bill and the bill passed by the Senate in 1960. In 1958, I joined as a cosponsor of the National Defense Education Act. I believe that with one exception, I have supported every measure to strengthen the public school and higher education systems, including the Health Professions Educational Assistance Act in 1964. the landmark Elementary and Secondary Education Act and the Higher Education Act in 1965 and last year's amendments.

In discussing this question on the floor of the Senate on October 15, 1963, I stated:

"The issue of Federal aid to church schools is controversial. It stirs emotions and even bias and prejudice. I think it very important that the subject be discussed rationally and dispassionately, and that Congress undertake its responsibility to determine if the provision in the bill providing loan funds for the construction of academic facilitities for sectarian schools is prohibited by the first amendment to the Constitution. Congress has this responsibility and duty. Because of a peculiar legal situation, it is difficult for the issue to reach the Supreme Court and so have its constitutionality determined."

The need for the bill before us today arises from the fact that few cases interpreting the first amendment have been decided by the Supreme Court with respect to the power of the Congress or the States to provide aid or support to church schools. In my view there are three reasons for this situation.

In the first place, we should remember that it was not until some 24 years ago that the Supreme Court held that the 14th amendment made the first amendment to the Constitution applicable to the States and that under the first amendment the States had no more authority to enact legislation supporting a religious institution than does the Federal Government.

In the second place, few cases have been decided upon this important question as a result of the 1923 Supreme Court decision in the case of Frothingham against Mellon which held that a taxpayer could not question an appropriation made by Congress unless he was able to show a substantial interest, separate from that in his capacity as a taxpayer.

The principles underlying the need for this bill are well stated by the committee in its report at page 2:

"The bill is not intended to deal directly with the problem of the principle of separation of church and state nor with the constitutionality of any of the enumerated acts. It is designed, however, to remove any of the existing doubt as to the power of taxpayers, citizens, and institutions to obtain judicial review of the validity of Federal grants or loans under the provisions relating to religion in the first amendment."

Mr. President, I believe it both appropriate and fitting at this time to take the opportunity to commend the senior Senator from North Carolina [Mr. ERVIN], chairman of the Subcommittee on Constitutional Rights, and the senior Senator from Oregon [Mr. MORSE] for their tireless efforts, hard work and scholarly consideration over the years on this important and most difficult constitutional subject, which have produced the bill before us today.

Mr. HATFIELD. Mr. President, during consideration of the ESEA bill, I wish to draw the Senate's attention to the work of one of our colleagues who sits on the committee which reported out this measure.

As an extension of Senator PAUL FANNIN's responsibilities on the Senate Labor Committee which has handled all the education legislation of the past 3 years, he has produced, with encouragement and assistance of other Senators, a 15-minute, 16-millimeter color film on the subject of encouraging high school students to complete their education.

The film was produced by Hamilton Wright Associates and graciously underwritten by the American Telephone & Telegraph Co. There is, however, no visual credit given on the film itself to either the producer or the underwriter.

In planning for a high school assembly speaking tour on the subject of the dropout problem, after consultation with high school authorities, Senator FANNIN concluded that the most effective way of strongly influencing teen student audiences would be through the use of a film.

This film is a dramatic, highly theatrical piece, set to modern teenage music, with a single message—that education is the key that opens every door. It was produced specifically for use by Members of Congress before high school assemblies. The 15-minute length was purposely arrived at to permit the speaker, say, 5 minutes of introductory comments and similar closing remarks within a 25-minute format, again, developed with the assistance of high school people.

In this regard, Senator FANNIN also developed a speaker's kit containing recommended comments for use in conjunction with the film when showing it to high school audiences. To quote these comments:

> More than other generations, your generation will witness profound changes in the kind and quality of life, brought about in part by explosions in technology, in information and in communications. For the most part, the change will be a clear sign of progress—a tribute to an educational system that educates rather than indoctrinates. Many human and social problems will be overcome, major diseases will be conquered, and hopefully, men will learn to live together as brothers, the way the good Lord intended us to do.
>
> But for each problem that is overcome, a new and not necessarily related one will be created. That is the story of history. Each generation of mankind faces challenges that just a very few years before were undreamed of and certainly unknown. Each generation takes its place in a world not of its making, but which—because it is better educated than former generations—it has the power to change, to improve. And each generation must begin anew the search for the Utopian world that seems always to lie beyond its reach.
>
> Being intelligent young men and women, you recognized that education is the key to every door. Your teachers, from kindergarten through your senior year here, have done an excellent job of preparing you for the real world—the world that lies just beyond these doors. As a group, you are better educated than any students before you. And not only will that knowledge be helpful to you in the career of your choosing, but it will help you better to understand the nature of life—and to change it for the betterment of man.
>
> I wonder, however, whether you're aware of these dramatic changes going on all around you?
>
> And are you aware that whatever your ambitions or goals, you must have greater knowledge of more subjects than ever before?
>
> The opportunities in the decade ahead for businessmen, teachers, professional people, for artists, pilots, farmers, and technical workers are boundless.
>
> But, again, your success in life and in these careers is going to be the self-satisfaction that comes from innovation, implementation, communication, and understanding—all of which require education!
>
> The emphasis in the film is the material satisfaction you can expect from persevering in your education.
>
> But these material achievements, the car, the house, the boat, need not be ends in themselves. They can become the means, the steppingstones, for every type of personal satisfaction—freedom to travel, social work, whatever you want out of life.
>
> That diploma means tomorrow is today for all of you. And America is yours.
>
> America can be a generous parent. For America is natural resources, America is industry, America is rights and privileges, America is all of these. But it is also just one thing: People—people who can do what they wish if they have the ability and understanding and education.
>
> If you want a good job, a stimulating career, and understanding of what's happening around you, contentment and tranquillity, to be involved, to express yourself—what's the answer?
>
> Education.
>
> And the purpose of education is you.

Mr. President, because the need to motivate our high school students is so great today, I wanted to bring this practical work of one of our colleagues to the attention of this body.

Mr. SPONG. Mr. President, I have long felt that education is the single most important factor in enabling a person to share in the affluence of our Nation and to make rational choices for his life. The Elementary and Secondary Education Act, which first became law only 2 short years ago, has contributed greatly to expanded educational opportunities, and it has allowed us to focus on specific educational problems.

Title I, which is the heart of the Elementary Education Act, was designed to aid areas with large concentrations of low-income families. Aid for these areas has become more and more important because these are the areas which suffer most from the disparities among school districts. Especially because of the mobility of our population—between 1955 and 1960, 50.1 percent of Americans over 5 years of age moved—it is necessary to eliminate these disparities so that our schoolchildren of today may be able to compete no matter where they may choose to live and work tomorrow.

Aside from the aid for areas with concentrations of low-income families, all areas of the States have shared the special services and projects grants, aid for school library resources and funds to strengthen State departments of education.

In addition, the authorization for operation and construction of schools in impacted areas has been combined with the Elementary Education Act.

In my State of Virginia, these programs provided more than $55 million in school aid during fiscal 1967. More than 125 of the 137 Virginia school districts benefited from title I funds and about 50 received impacted areas aid.

The allotted funds represent a substantial amount. They do not, however, come close to approximating the bill authorization or formula entitlement, and there are indications that future appropriations will not approach the full authorization either. Originally, authorizations were designed to indicate the extent of need for a program to be carried out in its entirety. The appropriations measure then represented the amount which could be allotted within the budget limitations. Need in the field of education is certainly great. The differences between the authorization and appropriation for these programs had, however, become unrealistic as a guide to members of the Appropriations Committee. It had also become unrealistic in view of the tremendous debt projected for this fiscal year and the proposal for a surtax on incomes. In addition, these differences were somewhat misleading to school administrators in determining the amount of funds to be available. For these reasons, I supported an amendment to reduce authorizations for upcoming fiscal years to the fiscal 1967 authorization level. There were indications that such reductions would have little, if any, effect on the actual appropriations to be made in these years.

Certainly one of the virtues of the bill is that it seeks to expand local educational involvement in the determination of policy and that it permits localities to plan more readily and effectively. Under the Senate bill, the States, beginning in fiscal 1969, will be permitted to administer one-third of title III and in the succeeding years States will gain more control over this aspect of the program. An amendment, similar to the title III House provision, was offered to permit States to administer all of title III, according to approved State plans, beginning in fiscal 1968. I supported this amendment, which failed on a 35 to 38 rollcall vote.

The merits of the legislation are many. But there are also the problems, particularly in administration of the program. The workload and scope of responsibilities of the Office of Education has expanded rapidly in recent years. But this expansion is no excuse for the attitude and approach exhibited by so many staff members. All too often Office of Education personnel have been unappreciative of and ill-advised concerning local problems, as well as inconsiderate and tactless in their handling of situations. Too many times, they have been indefinite, indirect, and uncooperative with local officials, who often have not been specifically informed of the steps they could take to conform to Federal law and policy. In a field where there is so much to be done, where the long-range results of experiments and policy are still open to question and where the futures of our children are so involved, I think these attitudes and approaches are regrettable. I approve of the sections of the bill requiring the Office of Education to cite statutory authority for issuing guidelines and regulations and the section requiring the guidelines to be applied uniformly throughout the 50 States. I intend to watch closely the administration of these sections in the upcoming months to ensure that congressional intent is followed.

The problems we face in providing adequate education for our Nation are great. The challenge of constructive administration of the elementary and secondary education program is also great. But we will never overcome our problems unless we constantly work to develop the best educational methods and seek to provide the needed resources and services. I, therefore, support the elementary and secondary education and impacted areas program.

I would like to commend the able Senator from Oregon for his leadership in guiding this bill through the long debate on the Senate floor and for his sympathetic consideration of the many views expressed during Senate discussion of the Elementary and Secondary Education Amendments of 1967.

Mr. BYRD of Virginia. Although public education is primarily a State and local responsibility, I am willing to support reasonable appropriations for supplemental Federal programs.

After much thought, however, I reached the conclusion I could not support the pending authorization for two reasons:

One, I feel a 3-year authorization is unwise as it tends to make Federal administrators too independent of the wishes of our people; second, the spending authorization for each of the next 3 years is more than double; yes, more than double the amount being spent this year.

This huge authorization totaling $14 billion over 3 years, seems to me to be unreasonable, particularly since our Nation is facing a $20 billion deficit, our taxpayers a heavy tax increase, and all of our citizens severe inflation resulting from deficit financing.

The money to finance these vast spending programs can come from only one source, the pockets of our wage earners.

Mr. KENNEDY of Massachusetts. Mr. President, included among the committee amendments to the pending measure is the Bilingual Education Act, which I wish to single out for a brief comment. The amendment was introduced early this year as a separate bill, S. 428, by the distinguished senior Senator from Texas with several cosponsors, including myself.

Senator Yarborough deserves high tribute for his initiative and leadership in a significant area of public concern.

For the Bilingual Education Act will make a long overdue contribution toward the development of learning in our country.

The purpose of the amendment is to provide needed financial assistance to local educational agencies to initiate and carry out elementary and secondary school programs to meet the special needs of the more than 3 million schoolchildren, who are educationally disadvantaged because of their limited knowledge of the English language, or their total inability to speak it at all.

The amendment is geared specifically to assist schools having a high concentration of non-English-speaking children from families with incomes below $3,000 per year or receiving payments under a program of aid to families with dependent children.

As noted in the Senate Labor and Public Welfare Committee report on H.R. 7819, the Bilingual Education Act does not intend to prescribe the specific types of programs or projects that are needed to carry out its purposes. Such matters are left to the discretion and judgment of the local school districts in order to encourage flexible approaches to the special needs of non-English-speaking children, and to stimulate creative solutions for the particular problems of a given school.

Mr. President, the compelling urgency for greater emphasis in meeting the special educational needs of non-English-speaking schoolchildren is clearly demonstrated in the hearing record of the Special Subcommittee on Bilingual Education.

Of primary importance, however, is the simple fact of the close relationship between conditions of poverty, low educational achievements, and non-English-speaking ability. Employment opportunities, income levels, economic advancement—in fact, nearly all the aspects of personal and family well-being, and the health and progress of the Nation as a whole—are closely linked to education achievement and the ability of each citizen to communicate effectively with others. But our citizens who are severely disadvantaged because of language barriers are denied the opportunity to achieve their full potential through education and to participate fully and share in an affluent America.

In no segment of our society, perhaps, is this better illustrated than among our Spanish-speaking population. Of the more than 3 million non-English-speaking students scattered across the country, some 60 percent are Spanish speaking. Their educational disparity and underachievement, especially among the young people in the Mexican-American communities of the Southwest and Puerto Rican community of New York City, is a tragic commentary in the status of education in our Nation. It is one of the greater failures in our systems of learning. Morally and educationally, I do not believe we can afford to leave untapped this great reservoir of dormant talent.

Mr. President, as originally introduced, the Bilingual Education Act would have applied exclusively to Spanish-speaking students. Although I fully recognize that the major problems resulting from language barriers lay in the Spanish-speaking communities, I proposed broadening the bill to include all non-English-speaking students.

Because of my deep personal interest in general immigration matters—and the fact that some 40 percent of the population of the Commonwealth of Massachusetts is of foreign stock, largely from non-Spanish-speaking backgrounds—I am keenly aware of the difficulties confronting other language groups as well. Serious problems confront schools and non-English-speaking students in Massachusetts and elsewhere with a heavy concentration of recent Portuguese, French, Italian, Greek, Chinese and other immigrants. The growing number of immigrants from these various backgrounds, especially the striking increase in the number under 20 years of age, is compounding the problems.

A good example of this is the influx of foreign-born children into the schools of New Bedford, Mass. During the last school year, the influx averaged nine to 10 children weekly, and apparently continues at this pace. The day school for immigrants in Boston, which has very limited facilities for only a few hundred non-English speaking students, reports an enrollment increase of 100 for each of the last 2 years. Many others were turned away. These local examples are repeated throughout Massachusetts and across the country.

So I am extremely gratified that the Bilingual Education Act was amended in committee to include all non-English speaking children.

Mr. President, the act is a pioneering effort at the national level to attack an old problem. It is a forthright effort to break down the cultural ghettos within our society, but in so doing to strenghten, as well, the heritage and enrichment which the presence of many racial and ethnic groups bring to the life of our Nation as a whole. It is a creative effort to bring non-English speaking communities into the mainstream of our society, by helping to bridge the gap of their bicultural world.

And finally, the act broadens a central theme in American history—equally of opportunity. It stands with other legislation in educational development—and with legislation in civil rights, poverty, and health—to reaffirm once again our Nation's continuing pursuit of justice, equality, and freedom.

(This marks the end of the proceedings which occurred following the vote and which were ordered to be printed in the RECORD at this point prior to the vote.)

Mr. MORSE. Mr. President, I have already in the course of the debate indicated how indebted I am to the members of my committee both majority and minority who have worked with me in bringing this bill through the Senate.

I have emphasized that the committee bill carries in it the results of careful deliberation not only by my colleagues on the subcommittee but of our colleagues in other subcommittees of the Senate Committee on Labor and Public Welfare, particularly the Bilingual Education Subcommittee and, as I indicated earlier, the Subcommittee on Indian Education, and the Subcommittee on Migratory Labor.

But behind each of my colleagues who stood shoulder to shoulder with me are dedicated staff who provided an indispensible assistance to our Senate operations.

I therefore feel it only fitting to pay public tribute to the clerk of the committee, Mr. Stewart E. McClure, who in this very busy session of the Congress, enabled us to process our hearings and our executive sessions expeditiously.

Working with him was our committee editor, Mr. Steve Coffey and his very able associates from the Government Printing Office Mr. William Otley and Mr. Jack Sapp. Senators who have looked at our hearing record to which I have alluded many times in this debate can well appreciate the magnitude of the work of these craftsmen and so to them, and to our own Senate Printing Clerk, Tom Gay, I want to pay a very special tribute of thanks. They deserve it as do the Official Reporters of Debate and as does Dino Zagami who this time had a greater volume of statistical material to reproduce accurately than on any of our other education bills of recent memory.

I am greatly indebted to the council of the committee, Mr. John S. Forsythe and his associate on the minority side, Mr. Eugene Mittleman, for their work at all stages of the bill and particularly for their help to me here in these last few days on the floor. They are both highly competent professional associates.

In this category also are the professional staff members of both minority and majority who worked directly with the Education Subcommittee, Mr. Charles Lee, and Mr. Roy Millenson.

I particularly wish to commend Senator PROUTY for making available to us in working out our problems the helpful counsel of Mr. Art Dufresne. And I thank Senators DOMINICK and MURPHY for the help given by Mr. Clayton Johnson and Mr. Joseph Carter, their legislative assistants.

To the counsel of the other subcommittees, Messrs. Bob Harris, Gene Godley, Fred Blackwell, and Bill Smith, I express to them my appreciation for their understanding and for the cooperative way in which our mutual problems in scheduling were accommodated and for their contributions to the bill in full committee and on the floor. Their work and the work of their legislative assistant counterparts in the senatorial offices like John Black, Ezra Ziff, and Phil McGance is vital to our operations.

I should, however, place almost in the first rank the assistance provided by the floor staff of the Senate itself, as typified by Charles Ferris, general counsel of the Democratic policy committee, and by the associates of the legislative counsel of the Senate, Mr. Peter LeRoux and Mr. Blair Crownover. All there are lawyers' lawyers.

Work on a major bill, however, is not solely done by our own staff. We constantly need the work of and obtain information from the Department. Therefore, it is quite appropriate in congratulating Secretary Gardner and Under Secretary Wilbur Cohen on the basis they laid in our hearings for this bill, I commend to him the work of the Department staff, including Mr. F. Peter Libassi, of the Office of Civil Rights, and his associates, Mr. Warden, Mr. Yourman, and Mr. Berla. Further, the legal and legislative liaison at the departmental level under Dr. Ralph Huitt and his associate, Dr. Samuel Halperin, and under Mr. Theodore Ellenbogen of the Counsel's office, as could be expected, on the basis of their past performance, was smooth and efficient and helpful.

The detail and burden of the departmental assistance was carried on primarily by the Office of Education. I congratulate Commissioner Howe on the fine job done by the Office of Legislation under Dr. Alford, and in particular the services, beyond what would normally be expected, given by Mr. Richard Johnson, Mr. Richard Smith, and Miss Jan Pittman, as well as those who worked with them. Many times the lights burned beyond midnight in their offices.

The Office of Legislation did a superb job in obtaining from the operating divisions and bureaus of the Office of Education the factual material which underlie this bill. I particularly am indebted to the work of Dr. Ken Simon and Miss Frances Ryan, of the Statistical Division, whose county-by-county tables, I can affirm, were reviewed with appreciative care.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] is absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Iowa [Mr. HICKENLOOPER] is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Utah [Mr. BENNETT], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 71, nays 7, as follows:

[No. 383 Leg.]

YEAS—71

Anderson
Baker
Bartlett
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Curtis
Dirksen
Ervin
Fannin
Fong
Gore
Gruening
Hansen

Hart
Hatfield
Hayden
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney

Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Smathers
Smith
Spong
Symington
Talmadge
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—7

Byrd, Va.
Eastland
Hill

Russell
Sparkman

Stennis
Thurmond

NOT VOTING—22

Aiken
Allott
Bennett
Cotton
Dodd
Dominick
Ellender
Fulbright

Griffin
Harris
Hartke
Hickenlooper
Inouye
Javits
Magnuson
McCarthy

Percy
Prouty
Ribicoff
Scott
Tower
Tydings

So the bill (H.R. 7819) was passed.

The title was amended, so as to read: "An act to strengthen, improve, and extend programs of assistance for elementary and secondary education, and for other purposes."

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I ask unanimous consent that the bill be printed as passed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I rise to pay tribute to a man whose service to the Nation as a U.S. Senator has been unexcelled—as a teacher, as a lawyer, as a leader in the improvement of education at all levels throughout the Nation. The magnificent manner in which he directed the passage of this latest education bill tells only a small part of the story of the senior Senator from Oregon [Mr. Morse]. In this body he is referred to as "Mr. Education," an appellation that he earned many years ago with his efforts to improve the educational standards of this Nation; the intervening years have only strengthened the validity and appropriateness of that honored reference.

Wayne Morse was first elected to the U.S. Senate on November 7, 1944. Since that time he has worked tirelessly to achieve for all Americans the opportunity for an education—an opportunity now unmatched by that afforded in any other nation on earth. The Nation can thank Wayne Morse for realizing such an achievement. The standard of excellence in education of which this country can be so proud, shall stand in history as a monument to Wayne Morse.

In February of 1961 Senator Morse was elevated to the chairmanship of the Education Subcommittee of the Senate Committee on Labor and Public Welfare. As the head of that subcommittee he has not only led but has shaped, molded, and strengthened every major education bill which has since been enacted by the Congress. But going back further, Senator Morse has either sponsored, cosponsored, or supported in committee and on the floor every substantial education bill that has come before the Senate during his 24 years of service in this body. His advocacy of the tidelands oil for education measure in the 1950's, the breakthrough in 1958 which opened the way for the enactment of the National Defense Education Act, both bear witness to his consistent position of Federal support for all levels of education. In the Nation's priorities, education has no peer.

I want the Record to show the results of his work as chairman of the Education Subcommittee and I ask unanimous consent that a list of the major public laws enacted because of his strong support be incorporated in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

Public Law 88-204: The Higher Education Facilities Act of 1963.

Public Law 88-210: The Vocational Education Act of 1963. (NDEA extension and amendments carried as Part B of the Act. P.L. 815 and 874 included as Part C).

Public Law 88-269: The Library Services and Construction Act of 1964.

Public Law 88-665: The National Defense Education Act Amendments and Extension (1964) increased NDEA fellowships from 1500 to 7500).

Public Law 89-10: The Elementary and Secondary Education Act of 1965 (Title IV expanded Cooperative Research Act of 1954).

Public Law 89-287: The National Vocational Student Loan Assistance.

Public Law 89-313: The School Disaster Act.

Public Law 89-329: The Higher Education Act of 1965.

Public Law 89-698: The International Educational Act of 1966.

Public Law 90-35: The Educational Professions Development Act of 1967.

Public Law 90-82: Amending the College Work-Study Program (1967).

Mr. MANSFIELD. Mr. President, this list is only partly complete. Senator Morse strongly advocated the enactment of many other measures affecting education; the cold war GI bill, arts and humanities legislation, the educational benefits granted in the Economic Opportunity Act, the manpower and training programs, and health and migratory labor matters.

The record is truly outstanding; but it is easy to understand how the Senator from Oregon has compiled such an exemplary list of achievements. One need only observe just how ably he advocates a measure that gains his endorsement.

The passage today of the Elementary and Secondary Education Act amendments is a case in point. It amply demonstrates the effectiveness of his advocacy. I know as a personal matter the immense sacrifice Senator Morse has made in assuming the task of managing this bill at this particular time. He had many commitments, some of great importance. But every Senator who has served in the U.S. Senate with Wayne Morse will readily agree that Wayne Morse always puts his duty to his country—like his answer to his conscience—above all else.

In placing everything aside, he took the floor and steered the bill through the Senate obtaining overwhelming approval. As on all measures that he handles, his broad understanding of the provisions of the proposal, his clear and articulate presentation, assured its adoption.

I personally am deeply grateful to Senator Morse for this effort. The Senate is deeply grateful and I want him to know that he is and I am confident will continue to be "Mr. Education" in this body and throughout the land for many years.

Mr. MORSE. Mr. President, Senator Mansfield is more than my majority leader, he is that rarest of treasures, a biased friend. So I thank him for what he has just said, but in all honesty, I must again assure him that our efforts on this bill and its predecessors were, and are, a common effort of all of us who work together on the committee, and it is the product of the wise counsel on the Senate floor that the majority leader has given whenever he could be helpful to the legislation.

He has always justified the confidence we have placed in him. We are never disappointed in his understanding of our problems and his willingness to seek honorable solutions, often at a great inconvenience to his own schedules.

So it is only on the understanding that his tributes are for the work of all of us, including his own sterling contributions, that I accept what he has said.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader about the program for the balance of the day and tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader I make the following request:

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER (Mr. Spong in the chair). Without objection, it is so ordered. (This order was later modified to provide for the Senate to convene at 11 a.m. tomorrow.)

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is not anticipated there will be any further votes this afternoon. We will try to clear up the calendar.

ORDER FOR RECOGNITION OF MR. YOUNG OF OHIO TOMORROW

Mr. President, I ask unanimous consent that the distinguished Senator from

Ohio [Mr. Young] be permitted to speak for 20 minutes tomorrow after approval of the Journal.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, as far as the schedule for tomorrow is concerned, it is hoped to take up the conference report on postal pay rates. We wish to assure the distinguished Senator from Florida that we would like to take up the continuing resolution as well.

In addition, we hope to go forward with the conference report on the Bank Holding Company Act and perhaps to bring up the conference report on the San Rafael Wilderness tomorrow.

I might say that the distinguished Senator from Iowa [Mr. Miller] has indicated he intends to ask for the yeas and nays on the conference report on postal pay rates.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MILLER. Do I understand that the Senator is hopeful that the calendar to be cleared this afternoon would include the District of Columbia crime bill?

Mr. MANSFIELD. I hope so.

Mr. MILLER. I am not sure, but there is some possibility I might have an amendment in connection with that bill, and I might want a vote on it. I did not realize until a few moments ago that we might be taking that measure up. It may be that there will be no amendment offered, but I heard the Senator say there will be no further votes today.

Mr. MANSFIELD. The Senator is correct.

Mr. MILLER. If that happens, would there be an opportunity to have that bill taken up tomorrow?

Mr. MANSFIELD. I would hope that it would not discommode some Senators who will be here today but not tomorrow. That is a matter, of course, which each Senator must face up to. Some Senators will be missing. It is clear to both sides that this is one of those things where it will be taken up.

That is about it, let me say to the distinguished minority leader.

REFUSAL OF SECRETARY RUSK TO TESTIFY IN PUBLIC SESSION ON U.S. POLICIES IN SOUTHEAST ASIA

Mr. GORE. Mr. President, our distinguished Secretary of State, the Honorable Dean Rusk, has now communicated to the distinguished junior Senator from Arkansas [Mr. Fulbright], chairman of the Senate Foreign Relations Committee, his unwillingness to testify in public session on U.S. policies in Southeast Asia.

A few days ago I caused to be printed in the Congressional Record an exchange of several letters between the chairman of the committee and Secretary Rusk on this subject. I now ask that there be printed at this point in the Record a further communication by Senator Fulbright and the reply of Secretary Rusk.

There being no objection, the letters were ordered to be printed in the Record, as follows:

November 30, 1967.

Hon. Dean Rusk,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: The Committee on Foreign Relations today discussed its invitation to you to testify in public on United States policies in Southeast Asia.

While Members were not unanimous in believing that such an appearance by you at this time would be desirable, it is fair to note that most of those present felt that a public exchange of views would be most helpful sometime before adjournment. There was a strong feeling that it was proper to discuss these policies in the legislative environment, inasmuch as they are unavoidably a part of public consideration.

Sincerely yours,

J. W. Fulbright,
Chairman.

The Secretary of State,
Washington, December 8, 1967.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate.

Dear Mr. Chairman: I am replying to your letter of November 30, concerning the desirability of a public hearing with the Committee on Viet-Nam.

I wish to make it clear, Mr. Chairman, that I am always ready to consult with any appropriate committee of the Congress on Viet-Nam, or on other matters involving the foreign policy of the United States.

The question in this case is whether the hearing should be in open or in executive session.

Any thorough hearing on our involvement in Viet-Nam would necessarily deal with questions of military operations and war planning, as well as the most delicate relations with other governments. The Committee is entitled to know my views on these questions. But because of the extreme sensitivity of these matters, I am convinced that they should be fully discussed only in executive sessions of the Committee.

I would be glad to agree—as I have with all other Congressional committees where I have appeared to discuss matters of critical national importance and sensitivity—to the prompt release of all portions of my testimony that our security interests will permit.

As you know, Mr. Chairman, it has been the consistent policy of all previous Administrations to discuss matters of this kind in executive session, while an armed conflict is in progress. The single exception to this policy, which occurred early last year, does not in any way suggest that the consistent practice of the past should be abandoned.

To recapitulate, I am ready to come before the Committee in executive session whenever the Committee desires to discuss our policy in Viet-Nam with me. I am ready to respond fully to the Committee's questions. I am ready to agree to the release of those questions and answers that may be released without endangering our men in Viet-Nam, our security interests, or our diplomatic efforts to end this conflict—recognizing that our foes, as well as our friends, will carefully examine the record.

I hope that all the Members of the Committee will feel that my reply is sufficiently responsive. But as you point out, there are substantial differences of view on this matter among the Members of your committee, and I believe I would encounter significant disagreement whatever my reply.

I do hope that the Committee will understand the reasons for my view, even though not all of them may find it possible to agree with it.

Sincerely,

Dean Rusk.

Mr. GORE. Mr. President, though the Secretary did not specifically say so, I must conclude under all the circumstances, that in finally deciding upon this breakdown in public communication between the Senate Foreign Relations Committee, agency of the Senate in foreign policy matters, and himself, the agent of the President in such matters, the Secretary has acted upon orders of President Johnson.

This I must deplore because the issues involved could be more meaningfully examined in public testimony than in arm-waving, political speeches. I hope President Johnson will yet change his view because the road to unity lies in the direction of public understanding which can only come through public discussion and public examination of the issues. The President will find neither more unity in the country nor more trust of his leadership by either shunning public examination of his policies or by giving one-sided interpretations of both fact and history in the political arena. Public understanding of and unity on these vexatious issues simply cannot be had in the context of a bully stomping a little girl. The issues are simply not that simple.

The Secretary has suggested in his letter that a hearing on our involvement in Vietnam would deal with "questions of military operations and war planning." I would point out, Mr. President, that the committee asked Mr. Rusk, and I quote: "to testify in public on United States policies in Southeast Asia." Regrettably, too, the Secretary has chosen to make the request appear to apply directly to Vietnam and has chosen also to treat the committee's request as though it were an effort on the part of a congressional committee publicly to examine "military operations and war planning." This, as I have pointed out, is not the case, even though I would venture to recall that General Westmoreland has already given a speech on military strategy for the next 2 years to the National Press Club and there responded publicly to questions of reporters on this subject.

I believe that the Senate has a right to know and that the American people have a right to know whether administration policies are to take steps which further risk war with China, whether the administration is willing to accept a status of neutrality of Vietnam, whether this Nation is to destroy itself internally, and further to erode its poistion in world leadership in pursuit of policies upon which the members of the President's Cabinet have been unwilling to testify publicly for nearly 2 years.

Two years ago, Secretary Rusk appeared before the Senate Foreign Relations Committee in public testimony on our policies then prevailing in Southeast Asia. There was an overwhelmingly favorable response both because of the educational value of hearings and their contribution to the fruition of the democratic processes, but also because of the incisive nature of the examination of issues involved. Whether the policies today are different from those of 2 years ago, I do not know. At least we do know that they are stated quite differently.

Are our objectives the same now as then?

Are these goals realistic?

Are they attainable?

Is our national security truly involved?

Are we in fact in mortal peril, as Secretary Rusk has told us, in the happenings in Vietnam?

Is self-determination for the Vietnamese our goal, or is our own national security our goal?

Are our objectives consistent with the Geneva accords?

Is the security of all of Southeast Asia involved?

How do our policies affect relations between ourselves and the Soviet Union? With China? Those nations with each other?

These are questions on which the American people as well as their elected representatives are entitled to have definite answers.

It seems to me that the democratic process is dealt a serious blow by this breakdown in public communication between the executive and the legislative. It seriously affects the constitutional equation between the two coordinate branches of Government. As I have said, I hope that the President will alter his view before the Congress reconvenes in January.

In any event, I shall have more to say on the subject at that time.

FALSE REPRESENTATIONS IN THE MAILS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 871, H.R. 1411.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1411) to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, on page 3, after the quotation following line 9, insert a new section, as follows:

SEC. 3. Section 5108(a) of title 5, United States Code, is amended by striking out the figure "2,577" and inserting in lieu thereof the figure "2,706".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and to amend title 5, United States Code, to increase the total number of positions in GS–16, GS–17, and GS–18 to meet certain emergency needs within the executive branch."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 886), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to protect the public from false and misleading advertisements which purport to sell goods or property of substantial value, particularly in the fields of medical science and real estate, which in fact are worthless or grossly misrepresented.

The Subcommittee on Postal Affairs held hearings on a similar bill, S. 274, introduced by Senator Harrison A. Williams, Jr., after earlier hearings before the Special Committee on Aging indicated the substantial need for public protection from such schemes throughout the United States.

JUSTIFICATION

The civil postal fraud statute (39 U.S.C. 4005) protects a consumer from being victimized by false representations sent through the U.S. mail. It protects the consumer by authorizing the return of his mail containing remittances, generally in the form of checks or money orders, addressed to the unscrupulous promoter.

In order to establish a basis to issue a mail-stop order under the civil postal fraud statute, the Post Office Department is required to prove that—

(1) Advertising is being used by a promoter who seeks money or property through the mail;

(2) The advertising contains representations which are material and false as a matter of fact; and

(3) The false representations were made with intent to deceive.

Before issuing a mail-stop order, the Post Office Department gives an advertiser alleged to be violating the statute an opportunity to discontinue the objectionable representations and to return the mail he receives as a result of such representation. If he does not and a violation is established, the Postmaster General issues a mail-stop order requiring the postmaster at the promoter's post office of delivery to return to the sender any mail addressed to the promoter which contains remittances or relates to the objectionable representations.

The Post Office Department is not usually troubled with proving the use of the advertising or that the advertising contains representations which are material and false as a matter of fact. It is seriously hampered by the necessity of meeting the burden of proof as to intent. The courts consistently have held that the word "fraudulent" as used in the statute, requires a proof of intent (*Reilly* v. *Pinkus*, 338 U.S.C. 269).

The bill will eliminate the necessity for establishing the intent to deceive, which is wholly incompatible with the underlying purpose of the civil fraud statute—the protection of the public—the consumer—against the use of the mail to distribute false representations as a basis for obtaining money or property.

The Postmaster General's mail-stop order merely deprives an unscrupulous operator of the right to receive remittances through the mail which he has sought on the basis of false representations. His legal rights are fully protected. He receives the protection of the Administrative Procedure Act (5 U.S.C. 551) during the proceedings at the departmental level, and he is afforded an opportunity to discontinue the advertising which is alleged to contain false representations before the mail-stop order is issued. After the order is issued, he can go into the U.S. district court for relief from the order (28 U.S.C. 1339) and he can appeal all the way to the Supreme Court if he so desires.

Post Office Department files contain many examples of the need for this legislation so that some action can be taken when evidence of the intent to deceive is not available. In 1962, an investigation of the Lake Mead Land and Water Co. was started as the result of evidence that false advertising was being used by the promoters. A "favorite swimming hole" pictured in the advertising brochure was, in truth a cattle watering pond not even located on the promoters' property, also various springs and wells depicted in the literature were not located on the property. By the time a conviction was obtained in June 1965, 3,000 persons lost an estimated $1 million before the enterprise was stopped through conviction. The promoters continued to receive payments by mail up to the time of conviction.

Another example of false representation occurred in 1964, and involved the sale of 300 machines for $197.50 each. The investigation and trial showed that the machines were worthless and were not, as advertised, a cure for varicose veins, prostate difficulty, arthritis, ulcers, diabetes, failing heart, and bleeding piles. It was not possible to prove that the elderly promoter of the device knew that the device was worthless when he advertised it as a cure for the above-mentioned medical problems.

During the fiscal year 1967, postal inspectors completed 9,836 investigations on the basis of complaints or other indications of possible fraudulent activity. Evidence obtained in 737 cases indicated fraudulent intent so as to warrant referral to U.S. attorneys for consideration of prosecution under the criminal statutes. In 341, or 46 percent, of these cases, prosecution was not undertaken—scarcity of proof of actual and conscious intent representing the basic determining factor in many instances.

These cases involved false, but not necessarily fraudulent, claims based on the intent to deceive. They should have been dealt with under the civil statute which, if amended, could prevent the loss of vast sums of the consumer public's money.

Since 1962, 49 land fraud promotions have been stopped by successful criminal prosecutions, where the public loss is estimated as exceeding $50 million. What amounts of money are involved in false representation cases can only be estimated, but it is probable that it far exceeds the $50 million figure involving land frauds.

There is no question that if proof of falsity of advertising claims was a sufficient basis for a civil action under the United States Code, vast amounts of public money could be saved. If the situation continues as it is now no action of any kind can be taken in the vast majority of cases involving false advertising promotions through the U.S. mail which have, and will continue to victimize, the American public.

There are administrative statutes of the regulatory agencies operative against false advertising where intent is not an element of required proof, as well as criminal statutes. For example, the Food, Drug, and Cosmetic Act imposes criminal penalties for misbranding through deceptive packaging (21 U.S.C. 333). Neither intent to defraud nor awareness of violation need be proved for the imposition of criminal penalty under the deceptive packaging section of that act.

The Food and Drug Administration has authority to undertake seizure action where false labeling of a product is involved and the establishment of intent is not required.

The Securities Exchange Commission is also authorized to proceed against the use of a false stock prospectus without the burden of establishing intent (15 U.S.C. 77a and following), and the Air Pollution Act of 1924 (33 U.S.C. 431–437) provides for criminal action without establishing intent.

H.R. 1411 will rewrite the provisions of section 4005 of title 39, United States Code, relating to fraudulent and lottery matter, reenacting, with technical adjustments, most of the provisions of the existing law. There is only one major substantive change.

Subsection (a) of section 4005 now provides for the issuance of mail-stop orders when the Postmaster General finds that a person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of "false or fraudulent pretenses, representations, or promises."

This bill eliminates from the present statute the words "false or fraudulent pretenses, representations, or promises" and substitutes the words "false representations."

The bill also eliminates the requirement that the letters which are to be returned to the sender be marked "fraudulent" or, in the case of lotteries, as "lottery mail," and substitutes in lieu thereof a provision authorizing the Postmaster General to return the mail appropriately marked as in violation of these provisions. The bill does not make any other material changes in the existing law.

H.R. 1411 is intended to overcome one of the existing legal loopholes consistently used by unscrupulous promoters to defraud innocent victims through the U.S. mails. It will eliminate the present burden of proving that an unscrupulous promoter who used the U.S. mails to obtain money or property by means of false representations actually had the intent to deceive when he sent the false representation through the mail.

H.R. 1411 does not change and has no effect on the provisions of 39 U.S.C. 4005 relating to lotteries.

COST

There is no additional cost to the Post Office Department involved in this bill.

ADDITIONAL SUPERGRADE POSITIONS

The committee has amended the bill as referred to add a new section 3 and provide 129 additional positions at grade GS–16, GS–17, and GS–18 of the General Schedule to meet certain emergency needs of several executive branch agencies.

Public hearings were held on this subject before the full committee on December 5, 1967, at which time Civil Service Commission Chairman John W. Macy, Jr., testified as to the immediate needs of the executive branch for additional positions at the highest level of the career civil service.

In 1965, the Committee on Post Office and Civil Service favorably reported a bill increasing from 2,400 to 2,500 the number of supergrades under the jurisdiction of the Civil Service Commission. This was done in order to meet immediate needs of the executive branch, principally the Social Security Administration after the enactment of the medicare program.

In 1966, the House of Representatives, after extensive consideration of overall Government needs, passed the Senate-passed bill (S. 2393), increasing the total number allocated to the Commission from 2,400 to 2,700 and increasing by 156 positions the number of supergrades specifically allocated to agencies which under existing law have a supergrade quota. After conference, Congress approved Public Law 89–632, approving 177 positions for Civil Service Commission allocation and 123 positions outside of Civil Service Commission jurisdiction and control. The total number of supergrade positions now allocated by the Commission is 2,577. The committee had intended to undertake a thorough review of supergrade needs early in the first session of the 90th Congress, but did not do so because of the consideration of other important legislation.

Section 3 of H.R. 1411 increases this to a new total of 2,706 positions at the supergrade level.

The committee has considered the effect of certain new programs created by law in recent months and recommends that the Commissioners, in determining the distribution of these additional positions, should take into account the following:

The primary needs of the Department of Transportation are that of developing integrated transportation systems and conducting indepth studies of the overall transportation needs of the Nation. Secretary Boyd must be able to recruit and retain a staff capable of providing innovative leadership to the Department of approximately 100,000 civilian employees.

The major components of the Department, such as the Office of the Secretary, National Transportation Safety Board, Federal Railroad Administration, Federal Highway Administration, Federal Aviation Administration, U.S. Coast Guard, and the St. Lawrence Seaway, represent the activities of approximately 100,000 employees and a budget of $6 billion in programs requiring standards development as well as operational and enforcement endeavors. The bulk of the supergrade positions needed will fall in administration, policy development, standards development, and research.

There is a continuing need for additional supergrade allocation for the Department of Health, Education, and Welfare.

Growth of HEW programs can be measured in terms of administrative budget which has increased from $3.4 billion in 1960 to more than $12 billion in 1967. In terms of percentage of the President's administrative budget, the increase has been from 2.7 percent to more than 10 percent. In terms of legislation, there have been more than 70 major new pieces of legislation since 1961. One example is the medicare program which covers more than 19 million older people. Another example is the Office of Education appropriations which have grown from $600 million in 1962 to nearly $4 billion in 1967. Trust fund expenditures administered by HEW are up from $14.5 billion in 1962 to $29.7 billion in 1967; an increase of 105 percent. HEW has had six major pieces of new legislation enacted from October 1966 to the present time and six amendments to previous pieces of legislation which had significant impact on HEW programs. Examples are the following public laws:

Public Law	Description	Enacted
89–675	Clean Air Act Amendments of 1966	Oct. 15, 1966
89–709	Veterinary Medical Education Act of 1966	Nov. 2, 1966
89–749	Comprehensive Health Planning and Public Health Services Amendments of 1966	Nov. 3, 1966
89–751	Allied Health Professions Personnel Training Act of 1966	Do.
89–754	Narcotic Addict Rehabilitation Act of 1966	Nov. 8, 1966
90–31	Mental Health Amendments of 1967	June 24, 1967
90–42	Older Americans Act Amendments of 1967	July 1, 1967
90–99	Vocational Rehabilitation Amendments of 1967	Oct. 3, 1967
90–170	Mental retardation	Dec. 4, 1967

The committee also recommends careful consideration for the administrative needs of the Department of Housing and Urban Development.

Typical of the program growth which requires additional positions in GS–16, 17, and 18 for HUD are as follows: In the model cities programs, the supplemental grants have increased to over $200 million from their 1967 level of $11 million; the renewal assistance program has increased by over $100 million in 1968 over 1967 ($797 million to $905 million); the HUD program in technology and research has increased from less than a million to $10 million from 1967 to 1968; projected for fiscal year 1968 is an increase of 60,000 low- and moderate-income housing units over the fiscal year 1967 level; and an innovative "new-town, in-town" program has recently been initiated.

The increasing workload of the Bureau of Customs in the Treasury Department, made even more complex by such technological advances as larger passenger jets and the trend toward containerization, prompted a sweeping reorganization. The Bureau of Customs requires additional executive positions to provide more responsive and innovative leadership to this vital program.

The continuing growth of activities in the Bureau of Customs is demonstrated by the following: The volume of imports has increased from $16 billion in 1962 to $26 billion in 1967; customs collected $1.6 billion in revenues, duties, and other taxes in 1962 and $2.8 billion in 1967. To handle this large volume of imports, the Bureau of Customs processed 1.5 million formal entries in 1962, and 2.2 million in 1967.

A need exists for top-level personnel in the new Office of Law Enforcement and Criminal Justice, Department of Justice, to devise and apply new and more effective approaches in combating the criminal elements in our society. The concern of the Congress and the President for quick action on this front makes it imperative that imaginative leadership be brought to bear on these problems. Applying technological and scientific advances to the problems of crime and developing new techniques and programs in corrections, police programs and the courts all demand the best in executive ability.

The committee believes that the Commissioners should give very careful consideration to the needs of all other executive agencies, particularly those with new or substantially expanded programs, and with particular reference to the Department of Agriculture, the Post Office Department, the Veterans' Administration, and the Bureau of the Budget.

The committee had decided against approving a special authority for the government of the District of Columbia. Under existing allocation by the Civil Service Commission, the District has 30 positions in GS–16, GS–17, and GS–18. Chairman Macy requested an additional 20 positions and the establishment of a separate authority not subject to Commission allocation for the District government.

Because there were no hearings held on the needs of the District government and because the committee continues to be unanimously in favor of Commission allocation of all positions except those presently otherwise authorized by law, this provision has not been included. The total number of positions recommended by the committee includes 20 which the Commission may allocate to the District government if the District needs meets Commission standards.

Further consideration of supergrade needs of the executive branch and agencies now under special authority will be considered as early as possible in the next session of Congress.

LAND CONVEYANCE IN SALINE COUNTY, ARK.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 893, H.R. 10864.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10864) to authorize the Secretary of Agriculture to convey certain lands in

Saline County, Ark., to the Dierks Forests, Inc., and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, after line 21, insert a new section, as follows:

Sec. 4. Section 347(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(b)(1) The Secretary shall, not later than October 15 of each calendar year, proclaim the amount of the national marketing quota for the crop of cotton described in subsection (a) produced in the next succeeding calendar year in terms of the quantity of such cotton equal to the estimated domestic consumption plus exports for the marketing year which begins in such succeeding calendar year, less the estimated imports, plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks: *Provided,* That the Secretary may reduce the national marketing quota so determined for any crop for the purpose of reducing surplus stocks, but not below the minimum quota prescribed under paragraph (2) of this subsection.

"(2) The national marketing quota for any crop shall not be less than the amount of the import quota in effect on August 1, 1967, for the year beginning on such date for extra long staple cotton (one and three-eighths inches or more) in pounds converted to standard bales of five hundred pounds gross weight, established pursuant to section 22 of the Agricultural Adjustment Act (of 1933), as amended.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, the national marketing quota shall be the minimum quota under paragraph (2) of this subsection for each crop of such cotton for which the Secretary estimates that the carryover of American grown extra long staple cotton at the beginning of the marketing year for the crop for which the quota is proclaimed (excluding any such cotton in the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) will be more than 50 per centum of the estimated domestic consumption and exports of American grown extra long staple cotton for such marketing year: Provided, That the foregoing provisions of this sentence shall not apply for any crop for which the carryover so estimated is an amount equal to 50 per centum or less of the estimated domestic consumption and exports of American grown extra long staple cotton for the marketing year for such crop, and such provisions shall not apply to any crop following the first crop for which this proviso comes into operation.

"(4) The provisions of paragraph (1), (2), and (3) of this subsection shall apply to the 1969 and each succeeding crop of cotton described in subsection (a) of this section.

"(5) The Secretary shall adjust the national marketing quota for the 1968 crop of cotton described in subsection (a) so that such quota shall be not less than the number of bales required to provide a national acreage allotment for such crop of seventy-seven thousand three hundred acres. The Secretary shall allocate the additional acreage under this paragraph to States, counties and farms on a pro rata basis."

On page 5, after line 2, insert a new section, as follows:

Sec. 5. Section 101(f) of the Agricultural Act of 1949, as amended, is amended by striking out all of the first sentence following the words "except that", and substituting in lieu therefor the following: "notwithstanding any other provision of this Act, price support shall be made available to cooperators for the 1968 and each subsequent crop of extra long staple cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 50 per centum or more than 100 per centum in excess of the loan level established for Middling one-inch upland cotton of such crop at average location in the United States (except that such loan level for extra long staple cotton shall in no event be less than 35 cents per pound) and, in addition, through price-support payments at a rate which, together with the loan level established for such crop, shall be not less than 65 per centum or more than 90 per centum of the parity price for extra long staple cotton as of the month in which the payment rate provided for by this subsection is announced. Such payment with respect to any farm shall be made on the quantity of extra long staple cotton, determined in accordance with regulations prescribed by the Secretary, equal to either (1) for a farm on which the acreage planted to such cotton does not exceed an acreage determined by multiplying the farm acreage allotment by the price-support payment factor established by the Secretary for each crop, the actual production of such cotton on the farm, or (2) for a farm on which the acreage planted to such cotton exceeds an acreage determined by multiplying the farm acreage allotment by the price-support payment factor but does not exceed the farm acreage allotment, the actual production of such cotton on the farm attributable to the number of acres determined by multiplying the farm acreage allotment by such price-support payment factor. The Secretary shall establish the price-support payment factor for each such crop of extra long staple cotton by dividing the 1966 national acreage allotment for such cotton by the national acreage allotment proclaimed for such crop, except that such factor shall not be more than one. The Secretary shall provide for the sharing of price-support payments under this subsection among producers on a farm on the basis of their respective shares in the crop of extra long staple cotton produced on the farm, or the proceeds therefrom. The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall also apply to payments under this subsection. The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized in this subsection and to pay administrative expenses necessary in carrying out this subsection."

On page 7, after line 2, insert a new section, as follows:

Sec. 6. Section 347 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding the following new subsections at the end thereof to read as follows:

"(f) Notwithstanding any other provision of law, beginning with the 1968 crop of extra long staple cotton, the Secretary, if he determines that it will not impair the effective operation of the program involved, (1) may permit the owner and operator of any farm for which an extra long staple cotton acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm for transfer to such farm; (2) may permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him. No allotment shall be transferred under this subsection to a farm in another State or to a person for use in another State. The Secretary shall prescribe regulations for the administration of this subsection and may prescribe such terms and conditions as he deems necessary.

"(g) Notwithstanding any other provision of law, if the extra long staple cotton acreage allotment established for any farm for the 1968 and subsequent crops is greater than such allotment for the preceding crop, because of transfers under subsection (f) of this section or for any other reason, the soil conserving base established for the farm shall be reduced by the same number of acres that the allotment is increased for that year."

On page 8, after line 3, insert a new section, as follows:

Sec. 7. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section, effective August 1, 1968, the Commodity Credit Corporation shall make available during each marketing year for sale for unrestricted use at market prices at the time of sale, a quantity of American grown extra long staple cotton equal to the amount by which the production of such cotton in the calendar year in which such marketing year begins is less than the estimated requirements of American grown extra long staple cotton for domestic use and for export for such marketing year: *Provided,* That no sales shall be made at less than 115 per centum of the loan rate for extra long staple cotton under section 101(f) of this Act beginning with the marketing year for the first crop for which the national marketing quota for extra long staple cotton is not established under paragraph (3) of section 347(b) of the Agricultural Adjustment Act of 1938, as amended. The Secretary may make such estimates and adjustments therein at such times as he determines will best effectuate the provisions of the foregoing sentence and such quantities of cotton as are required to be sold under such sentence shall be offered for sale in an orderly manner and so as not to affect market prices unduly."

And on page 9, after line 2, insert a new section, as follows:

Sec. 8. Section 3 of Public Law 88–638 (78 Stat. 1038) is hereby repealed effective August 1, 1968.

Mr. JORDAN of North Carolina. Mr. President, the Food and Agriculture Act of 1965 provided for a one-price program for upland cotton. Under that act a maximum loan level for upland cotton was established at 90 percent of the estimated average world market price. That law, however, did not affect the support loan level for extra-long-staple cotton which remained at 60 to 75 percent of parity. As a result, the support loan for extra-long-staple cotton is out of line with that for upland cotton. The extra-long-staple cotton is moving into Commodity Credit Corporation stocks instead of to market and the acreage allotment for extra-long-staple cotton has been reduced from 112,500 acres in 1964 to 70,500 acres in 1968.

The committee amendments would correct this situation by bringing the price-support loan for extra-long-staple cotton down to a level commensurate with that for upland cotton. The committee amendment would first, provide a price-support loan for extra-long-staple cotton at 1½ to 2 times the support loan level for upland cotton, but in no event less than 35 cents per pound. As in the case of upland cotton, payments would be made to producers to bring the total support from 65 to 90 percent of parity. Price support payments for extra-long-staple cotton, however, would be limited to an acreage not in excess of the 1966 acreage allotment; second, increase the minimum national marketing quota to an amount equal to the current import quota, approximately 82,470 bales. Since the 1968 national acreage allotment has already been proclaimed, the bill would increase the 1963 allotment from 70,500 acres to 77,300 acres, the equivalent of 82,480 bales; third, permit Commodity Credit Corporation to sell at market prices a quantity of extra-long-staple cotton equal to the amount by which estimated production falls short of estimated requirements. This is comparable to a similar provision for upland cotton and should permit each type of cotton to move in the market at a proper price relationship to the other type of cotton; and, fourth, permit transfers of extra-long-staple cotton acreage allotments within a State.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 909), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF SECTIONS 1 THROUGH 3 OF THE BILL

Sections 1 through 3 of this bill authorize the Secretary of Agriculture to convey 5.28 acres of national forest land to Dierks Forests, Inc., upon condition that Dierks Forests, Inc. reconvey 40 acres to the United States. The 40-acre tract, which was conveyed to Dierks Forests as part of a 1959 land exchange, is subject to adverse claims by third parties and would not have been conveyed to Dierks Forests if it had been known to be subject to such claims. The Department of Agriculture has advised the committee informally that while precise appraisals of the two tracts have not been made, it has been determined that the value of the 40 acres to be conveyed to the Government is not less than the value of the 5.28 acres to be conveyed to Dierks Forests. The facts creating the need for this bill are set out in further detail in the attached favorable report of the Department of Agriculture.

EXPLANATION OF THE COMMITTEE AMENDMENT

The committee amendment, which would add sections 4 through 8 to the bill, deals with price support and acreage allotments for extra-long-staple cotton and is designed to restore the price of extra-long-staple cotton to a normal relationship with that for upland cotton.

The committee amendment would establish a compensatory payment program beginning with the 1968 crop of extra-long-staple cotton and would require mandatory national marketing quotas beginning with the 1969 crop of such cotton with a minimum quota not less than the amount of import quota in effect on August 1, 1967, for extra-long-staple cotton having a length of 1⅜ inches or more under section 22 of the Agricultural Adjustment Act (of 1933), as amended. The import quota in effect on August 1, 1967, for the 1967–68 marketing year is 39,590,773 pounds which converts to approximately 82,480 standard bales (500 pounds gross weight). The 1968 national marketing quota would be adjusted so as to provide a 1963 national acreage allotment of 77,300 acres. The increased acreage would be allocated to States, counties, and farms on a pro rata basis.

Price support would consist of loans and payments. The bill would provide a loan level at from 150 to 200 percent of the loan level for upland cotton, as set by the Secretary (but in no event less than 35 cents per pound). Based on a 1968 upland rate at 20.25 cents, the 1968 extra-long-staple cotton loan rate could range between 35 and 40.5 cents. A payment would be made to producers at a rate which, when added to the loan rate, would provide a total price support at not less than 65 percent of the parity price for extra-long-staple cotton. If, for example, the loan rate for 1968 crop extra-long-staple cotton were 40 cents, the payment rate would be 8.7 cents (based on an assumed parity price of 74.9 cents). Price-support payments would be made to producers on the quantity of extra-long-staple cotton actually produced on an acreage planted on the farm within the farm allotment. However, for any crop for which the national acreage allotment is larger than the 1963 national allotment of 81,400 acres, a national factor would be obtained by dividing such national allotment by the 1966 national allotment. This factor would be applied to each farm allotment and the production from the acreage thus obtained would be the maximum quantity on which payment could be made. For example, if the 1970 national allotment were 100,000 acres, the factor would be 0.814. A producer with a farm allotment of 100 acres could plant 81.4 acres and receive the price-support payment on the entire production of extra-long-staple cotton on the farm. If he elected to plant 90 acres instead of 81.4 acres, he would receive the price-support payment on a quantity of extra-long-staple cotton produced on the farm determined by multiplying the actual average production per acre for the farm by the factored farm allotment (farm allotment times the national factor). This method of determining the amount of payment would apply to any planted acreage above 81.4 acres and within the 100-acre farm allotment.

Transfers of extra-long-staple cotton farm allotments within the State could be authorized by the Secretary beginning with the 1968 crop. Such transfers could be by sale, lease, or by owner subject to terms and conditions prescribed by regulations of the Secretary.

A quantity of American-grown extra-long-staple cotton equal to the shortfall of such cotton (quantity by which domestic consumption and exports exceed production) would be available for purchase from CCC at current market prices until the carryover of American grown extra-long-staple cotton is reduced to the point that the national marketing quota exceeds the statutory minimum. Thereafter, no sales of CCC stocks could be made at less than 115 percent of the loan rate for extra-long-staple cotton. These respective price levels for CCC sales of extra-long-staple cotton would be applicable to sales of stockpile extra-long-staple cotton under the act of July 25, 1962 (76 Stat. 218).

Effective August 1, 1968, the provisions of section 3 of Public Law 88–638 relating to CCC export sales of extra-long-staple cotton would be repealed. Such repeal would include the repeal of the provision thereof which requires exclusion of Public Law 480 exports in determining extra-long-staple cotton national marketing quotas. In other words. such exports would be counted beginning with the 1969 quota determination.

BACKGROUND

Extra-long-staple cotton, which in the United States is grown mainly in west Texas (El Paso area), New Mexico, and Arizona, has had acreage allotment and price support programs in effect continuously since 1954. These programs are carried out independently of the upland cotton programs. With few exceptions farms which have extra-long-staple allotments also have upland allotments.

During the Korean and past wars extra-long-staple cotton was a strategic fiber needed for parachutes, sewing thread, etc. In recent years manmade fibers have largely supplanted extra-long-staple cotton insofar as military needs for such items are concerned. However, extra-long-staple cotton is now used in blends with manmade fibers for certain military apparel such as jackets and raincoats.

Over the years USDA and the Congress have dealt sympathetically with the extra-long-staple cotton producers for various reasons, some of which are (1) the Supima Association has carried out an aggressive promotional campaign with assessments of $3 per bale paid in by producer members and (2) the association several years ago requested and obtained legislation reducing the price support percentage of parity level substantially below that for upland cotton in order to price their cotton more competitively.

Extra-long-staple cotton produced in the United States competes directly with similar cotton imported from Peru, Egypt, and the Sudan. An import quota under section 22 limits imports to about 82,480 bales each marketing year. In 1965 extra-long-staple production in the United States was exactly equal to the volume of imports; in 1966 production was somewhat lower than the import quota; and for 1967 production is expected to be about 15 percent lower than the import quota.

Under a law passed in 1964 CCC has been selling some extra-long-staple cotton for export at about 10 cents per pound less than U.S. market prices. Most exports have been financed under title I of Public Law 480.

The loan rate for the 1966 crop (49.25 cents) and the 1967 crop (47 cents) causes unrealistically high market prices for the qualities of extra-long-staple cotton which compete with the longer staple lengths of upland cotton. In other words, the low loan levels authorized by the 1965 act for upland cotton have removed the desirable price relationship which previously existed in the United States between upland and extra-long-staple cotton.

It is the purpose of these amendments to correct the existing imbalance in price as between upland and extra-long-staple cotton.

EXTRA-LONG-STAPLE COTTON: ACREAGE ALLOTMENTS, 1958–68

State	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
Arizona	35,050	29,908	27,326	26,831	42,433	63,739	48,342	33,595	35,315	30,591	30,610
California	603	425	424	420	670	1,005	746	509	546	472	474
Florida	1,020	635	554	491	705	950	536	297	264	198	181
Georgia	124	116	132	112	157	217	159	113	117	98	97
New Mexico	16,194	14,003	12,478	12,455	19,681	29,725	22,405	15,627	16,402	14,249	14,264
Texas	27,829	24,196	22,243	21,893	34,455	51,600	39,133	27,304	28,679	24,846	24,851
Puerto Rico	2,466	1,539	1,619	1,538	2,192	2,644	1,179	313	77	46	23
Total	83,286	70,822	64,776	63,740	100.293	149,880	112,500	77,758	81,400	70,500	70,500

LONG-STAPLE (OTHER THAN UPLAND) COTTON: SUPPLY AND DISTRIBUTION, UNITED STATES, 1950 TO DATE[1]

[In thousands of bales][2]

Year beginning Aug. 1	Supply				Distribution		
	Carryover beginning of season	Production	Imports	Total	Consumption	Exports	Total
1950	65.0	62.2	121.2	248.4	[3] 152.4	(4)	152.4
1951	82.4	46.0	46.1	174.5	[3] 79.5	(4)	79.5
1952	48.3	93.5	132.5	274.3	[3] 103.1	(4)	103.1
1953	93.7	64.5	92.1	250.3	100.7	(4)	100.7
1954	158.4	40.9	98.4	297.7	111.6	0.4	112.0
1955	176.9	41.5	85.9	304.3	[3] 124.9	20.3	145.2
1956	129.8	49.1	93.1	272.0	[3] 112.2	57.9	170.1
1957	53.3	79.7	44.6	177.6	[3] 99.4	9.7	109.1
1958	121.7	81.9	85.5	289.1	[3] 109.1	23.5	132.6
1959	152.3	69.1	83.2	304.6	137.3	4.2	141.5
1960	154.4	66.0	85.7	306.1	[3] 148.1	7.4	155.4
1961	138.3	61.0	84.2	283.6	[3] 170.6	7.1	177.7
1962	[5] 90.4	109.8	82.1	282.3	[3] 160.6	2.7	163.3
1963	[5] 199.6	161.2	80.4	441.2	[3] 140.7	1.6	142.3
1964	[5] 253.2	116.7	82.7	452.6	152.3	21.2	173.5
1965	[5] 259.3	85.6	87.6	432.5	140.9	5.7	146.6
1966	[5] 288.5	71.2	76.7	436.4	134.9	12.9	147.8
1967 [6]	[5] 253.8	67.0	[7] 85.6	406.4			

[1] Includes American-Egyptian, Sea Island, and foreign-grown cotton. In some years prior to 1963, small amounts of foreign long-staple upland cotton are included.

[2] American-Egyptian and Sea Island in running bales, foreign in bales of 500 pounds.

[3] Adjusted to a cotton marketing year basis Aug. 1–July 31.

[4] Less than 50 bales.

[5] Foreign stockpile cotton included by the Bureau of the Census as of Aug. 1 was 7,168 bales in 1962, 61,168 bales in 1963, 24,474 bales in 1964, 18,307 bales in 1965, 12,500 bales in 1966, and 834 bales in 1967. In bond cotton is not included; 116,609 bales as of Aug. 1 in 1963, 60,297 in 1964, 38,022 in 1965, and 33,284 in 1966.

[6] Preliminary and estimated.

[7] Import quota.

SUMMARY OF COMMITTEE AMENDMENT

To dispose of surplus stocks accumulated in recent years and to increase domestic consumption of extra-long-staple cotton, the committee amendment would change existing law as follows:

(1) Reduce the loan level to about 35 to 40 cents per pound and make payments to producers (about 9 to 14 cents per pound) on cotton produced. The total price support thus provided for any crop would be not less than 65 percent of parity. Based on November 1967 parity of 74.9 cents, 65 percent of parity would be 48.7 cents per pound. With a market price at about the loan level a one-price system would be in effect for extra-long-staple cotton; that is, cotton would be available for domestic consumption or export at the same price. CCC sales for export at reduced prices would be discontinued.

(2) The national marketing quota for any year would be no smaller than the import quota now in effect for extra-long-staple cotton stapling 1⅜ inches and longer (about 82,480 standard bales). In order to dispose of surplus stocks the national marketing quota would not be established above the minimum level unless (*a*) carryover stocks of U.S. grown extra-long-staple cotton were reduced to 50 percent or less of estimated domestic consumption and exports of such cotton and (*b*) the formula under section 347(b) of the act resulted in a marketing quota above the minimum level.

(3) At lower market prices consumption of extra-long-staple cotton would probably increase and eventually the marketing quota would be established at a level higher than the import quota. However, this development would not increase the outlay for payments described in item 1 since the bill limits size of the acreage on which payments will be made to the 1966 national allotment (81,400 acres).

(4) The national allotment for 1968 is 70,500 acres. The minimum allotment provision described in item 2 would cause the 1968 allotment to be increased to 77,300 acres on the basis of the current national yield.

(5) A quantity of American grown extra-long-staple equal to the shortfall of such cotton (excess of domestic consumption and exports over production) would be made available for sale by CCC at current market prices.

(6) Farm allotments could be transferred from farm to farm within the State under regulations prescribed by the Secretary.

CONSTRUCTION OF NEW SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, on December 4, I wrote to Mayor-Commissioner Walter E. Washington urging that consideration be given to accelerating the updating of obsolete school buildings in the District of Columbia.

Since I became chairman of the Senate Appropriations Subcommittee on the District of Columbia in the first calendar quarter of 1961, a total of 66 elementary school projects have been initiated, 17 junior high school projects have been initiated, and 6 senior high school projects have been initiated. These capital outlay projects provide for an aggregate of 2,307 rooms, for which funds amounting to $126,777,692 have been appropriated.

In my letter to Mayor Washington, I stated that there are 48 obsolete buildings in use during fiscal year 1968 which are scheduled to be replaced and that 13 of these have been fully funded and 11 have been initially funded.

The estimated cost, above the fiscal year 1968 funding, to replace the obsolete facilities would be $52,190,000. The cost of modernizing elementary and junior high schools is estimated to be $23,905,000. The cost of providing facilities for increased membership over the next few years is estimated to be $31,756,000, and the cost of implementing the new board pupil-teacher ratios at all levels is estimated to be $99,814,000. The total funding needed to carry out this capital outlay program would be $207,665,000.

At the present time, the public school plant consists of a grand total of 245 buildings, of which one senior high school was erected before 1900, 33 elementary schools antedate 1900, and 37 classroom buildings were erected during the period 1900–1920. Some of these buildings, especially those erected in the 1900–1920 period, are capable of being modernized and would not necessarily need to be replaced. In any event, although we have gone a long way toward replacing obsolete buildings and modernizing our school plant, much remains to be done.

On December 8, I wrote again to Mr. Washington, after having had an opportunity to review his fiscal year 1969 budget proposals, and renewed my reference to the Board of Education's 6-year construction program which "requires completion of 97 projects at an estimated cost of about $207,665,000." I noted that the fiscal year 1969 portion of this construction program, which was requested by the District of Columbia Board of Education, was for 50 projects totaling $57,727,000, but that "only 28 projects and $38,659,000 were approved in the District's proposed fiscal year 1969 budget." I urged the Mayor that the deleted school requests be reconsidered, stating that I realized that the District is faced with many requests from all Departments. As I pointed out in my December 8 letter, the proposed fiscal year 1969 budget "delays the completion" of the projects in the Board of Education's 6-year public works program.

Mr. President, as I emphasized in my correspondence to Mr. Washington, I do not consider myself competent to make specific proposals for accelerating completion of the 6-year school construction program. Nonetheless, I strongly believe that all budget priorities should be reviewed most carefully to determine to what extent the school construction program can be completed even within less time than that which is contemplated in the Board of Education's 6-year program. Perhaps the school construction program could be completed in 4 years. How this can be done, of course, is a matter for the appropriate District government and school officials to determine, but I believe, Mr. President, that education should receive the highest possible priority, and I have said this many times publicly.

Nobody knows better than I the many demands that are made upon the limited revenues, but I believe that, with the proper study and emphasis, the way can be found to replace obsolete school facilities and modernize the school plant in the shortest possible time. In my opinion, this simply must be done, and I shall do everything within my power to assist in achieving that objective.

It is my firm belief that one of the basic causes of such problems as crime, burgeoning welfare caseloads, illegitimacy, and hard core unemployment is that too many of our citizens suffer from a serious lack of education. To the extent that we are able to expedite the achievement of a model school plant in the District of Columbia, we will be acting to reduce the incidence of other serious problems in this city a quarter of a century away.

In all candor I must say that I am disappointed with the proposed fiscal year 1969 budget, particularly insofar as it deals with the school construction program. I trust that action will be taken to rectify this disturbing shortcoming. It is not enough to say that there are other problems. It is only enough to say that schools are of the highest priority and the budget requests will be made to reflect this. It is not enough to say that the way is difficult; we must find the way.

I do not presume to speak for the Senate or for the other body. I do say, however, that only those school capital outlay projects which are included in the President's budget request stand any chance of being funded. Those projects that are omitted from the budget stand little, if any, prospects of being restored or included at the congressional committee level. Looking forward to the time when the President's budget will be formulated, I wish to emphasize the importance of emphasizing a strong school capital outlay program at the present stage of budgetary development.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point my letter of December 4, 1967, addressed to the Hon. Walter E. Washington, Mayor-Commissioner of the District of Columbia; my letter of December 8, 1967, to Mayor-Commissioner Washington; a table showing the 6-year public works schedule, fiscal year 1969–74 projects remaining to be accomplished by program; a table showing a comparison of the fiscal year 1969 Board of Education's request and the Mayor's budget with the total capital outlay program of the public schools; a table of the estimated cost above fiscal year 1968 funding to complete the public school's capital outlay programs; a table showing classroom buildings erected before 1900 by levels; a table showing classroom buildings erected between 1900 and 1920, by levels; a table listing the buildings in the District of Columbia public school plant; a table of 48 obsolete buildings in use during fiscal year 1968 which are scheduled to be replaced; and a table showing the capital outlay for projects initiated since March 31, 1961.

There being no objection the items requested were ordered to be printed in the RECORD, as follows:

DECEMBER 4, 1967.

Hon. WALTER E. WASHINGTON,
Mayor-Commissioner, District of Columbia, Washington, D.C.

DEAR MAYOR WASHINGTON: I became Chairman of the Senate Appropriations Subcommittee on the District of Columbia in the first calendar quarter of 1961. Since that time, a total of 66 elementary school projects have been initiated, 17 junior high school projects have been initiated, and 6 senior high school projects have been initiated. These capital outlay projects involve 1,414 rooms in the elementary schools, 687 rooms in the junior high schools, and 206 rooms in the senior high schools, making a total of 2,307 rooms, for which funds amounting to $126,777,692 have been appropriated.

There are 48 obsolete buildings in use during FY 1968 which are scheduled to be replaced. Of these, 13 have been fully funded, 11 have been initially funded in FY 1968, and 24 are programmed for replacement during the period FY 1969–FY 1974.

The estimated cost above the FY 1968 funding to replace the obsolete facilities would be $44,532,000 for the elementary schools and $7,658,000 for the junior high schools, making a total of $52,190,000.

My purpose in writing this letter is to urge that serious consideration be given to updating the schedule of replacement of these obsolete facilities. Considering the multiplicity of demands upon available funds, together with the many other problems involved in such a building program, I realize that any program for replacement of the remaining 24 buildings and the completion of the 11 initially funded buildings will require a period of some years. Nevertheless, I believe that every consideration should be given to reducing the FY 1969–FY 1974 period for such replacement to, at most, a three-year period. Perhaps it could be reduced to an even shorter period; on the other hand, all things considered, a three-year period may be in the realm of wishful thinking.

I have no doubt that careful study has been given to the program of replacement of obsolete buildings and that in the judgment of those who have planned the FY 1969–FY 1974 replacement schedule this was probably the best that could be hoped for in the light of the revenue picture, site selection problems, construction time, etc. Nonetheless, I would like to suggest that it may be worthwhile to at least review the schedule of replacement with a view to expediting that schedule. It is my belief, and I know you share that belief, that the Nation's Capital should have a model public school system, and it is my desire that the obsolete buildings within that school system be replaced at the earliest date. At the present time, the public school plant consists of a grand total of 245 buildings, of which one senior high school was erected before 1900, 33 elementary schools antedate 1900, and 37 classroom buildings were erected during the period 1900–1920. Some of these buildings, especially those erected in the 1900–1920 period, are capable of being modernized and would not necessarily need to be replaced. In any event, although we have gone a long way toward replacing obsolete buildings and modernizing our school plant, much remains to be done.

The cost of modernizing elementary and junior high facilities is estimated to be $23,905,000. The cost of providing facilities for increased membership over the next few years is estimated to be $31,756,000. The cost of implementing the new board pupil-teacher ratios at all levels is estimated to be $99,814,000. Thus, the estimated cost above FY 1968 funding to complete the public school capital outlay programs amounts to a grand total, including the funding needed to replace obsolete facilities mentioned above, of $207,665,000.

There is no question but that the money to meet all of the real and imagined needs of the District of Columbia will never be forthcoming, but I have consistently maintained that money spent in education returns the highest dividends. Appropriations for education today will help to diminish the cost of crime, welfare, unemployment, etc., a quarter of a century from now, to say the least. I, for one, want to continue to do everything in my power to see that every dollar, which can feasibly be expended for the education of our people, is provided.

Whether or not the public school capital outlay programs can be expedited beyond what is presently planned, I, of course, am not competent to say. I do, however, assure you of my utmost support in any effort to speed up the program if, in the judgment of your school and budget officials, it is possible and feasible to do so.

I commend you on your work, thus far, in your new and challenging and important assignment as Mayor-Commissioner of the District of Columbia.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

DECEMBER 8, 1967.

Hon. WALTER E. WASHINGTON,
Mayor-Commissioner, District of Columbia, Washington, D.C.

DEAR MAYOR WASHINGTON: On December 4, 1967, I wrote to you urging a review of the six-year public works program of the District Schools in order to expedite the replacement of obsolete school buildings. In my letter, I stated that, with regard to obsolete buildings, "24 are programmed for replacement during the period FY 1969–FY 1974," but I have since found that Lenox and Lenox Annex were on the list of 24 obsolete buildings in error, and should be deleted.

Since writing to you on December 4, I have had an opportunity to review your FY 1969 Budget proposals, and I have had some further thoughts on this matter which I wish to share with you.

The District Schools' Six-Year Construction Program requires completion of 97 projects at an estimated cost of about $207,665,000. The FY 1969 portion of this program, which was requested by the D.C. Board of Education, was for $57,727,000 for 50 projects. I note that only 28 projects and $38,659,000 were approved in the District's proposed FY 1969 Budget. I would strongly urge you to reconsider these school requests, and, after serving many years on the District's subcommittee, I fully realize that you face many requests from all departments. However, it is my firm belief that one of the basic causes of such problems as crime, welfare, and unemployment is that too many of our citizens suffer from a serious lack of education; therefore, the most effective remedy for many of these problems will come from improving educational opportunities.

For these reasons, I feel that every effort should be made to accelerate the completion of the projects in the Board of Education's Six-Year Public Works Program. The proposed FY 1969 Budget delays the completion of this program. Should not the emphasis be reversed? I wish this could be done.

I do not consider myself competent to make specific proposals for accelerating completion of this six-year school construction program. However, I would urge that you review all budget priorities most carefully to determine to what extent you can complete the school construction program within less time, in perhaps four years. How this can be done is a matter for the appropriate District Government and school officials to determine. Simply stated, my concern is that education receive the highest possible priority, consistent with your other urgent requests. I am convinced that, to the extent you can expedite achievement of a model public school system in the Nation's Capital, you will be reducing the incidence of these other serious problems of this city. I am sure you agree with me concerning this objective.

I will appreciate your careful consideration of this request. Again, may I commend you on your work, to date, in your new appointment.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

6-YEAR PUBLIC WORKS SCHEDULE FISCAL YEAR 1969-74 PROJECTS REMAINING TO BE ACCOMPLISHED BY PROGRAM

REQUESTED FISCAL YEAR IN PUBLIC WORKS PROGRAM OF BOARD OF EDUCATION

Program and project	Initial funding	Final funding	Estimated completion date
To replace obsolete facilities:			
A. Previous funded and in Mayor's budget:			
Morgan replacement	1968	1970	1971
Bruce-Monroe replacement	1968	1970	1971
Brookland replacement	1968	1970	1971
Benning replacement	1968	1969	1970
Orr replacement	1968	1969	1970
Gage-Eckington replacement	1968	1969	1970
B. Disallowed in Mayor's budget:			
Webb addition (Crummell replacement)	1969	1970	1971
Peabody-Madison-Hayes replacement	1969	1970	1971
Lovejoy-Edmonds replacement	1969	1970	1971
Merritt replacement	1969	1970	1971
Perry replacement	1970	1971	1972
Cleveland-Grimke replacement	1971	1972	1973
Slater-Langston-Morse replacement	1971	1972	1973
Simmons replacement	1971	1972	1973
Grant-Stevens replacement	1971	1972	1973
Hyde-Filmore-Jackson replacement	1971	1972	1973
Buchanan addition	1971	1972	1973
Shaw replacement	1967	1970	1971
To modernize facilities:			
A. Approved in Mayor's budget: Harrison	1968	1970	1971
B. Disallowed in Mayor's budget:			
Petworth	1969	1970	1971
Adams	1969	1969	1970
Kingsman	1969	1969	1970
Smothers	1969	1970	1971
Bundy	1969	1970	1971
Syphax	1969	1970	1971
Bowen	1969	1969	1970
To modernize facilities:			
Keene	1970	1971	1972
Park View	1970	1971	1972
Bancroft	1970	1970	1971
Burroughs	1971	1971	1972
Woodridge	1971	1972	1973
Logan	1970	1970	1971
Cook	1970	1971	1972
Mott	1970	1970	1971
Mann	1971	1971	1972
Key	1971	1971	1972
Stoddert	1971	1971	1972
Hardy	1971	1971	1972
Hearst	1971	1971	1972
Eaton	1971	1971	1972
Oyster	1971	1971	1972
Janney	1971	1972	1973
Lafayette	1971	1972	1973
Murch	1971	1972	1973
Macfarland Junior	1970	1971	1972
Kramer Junior	1972	1973	1974
To provide facilities for increased membership:			
A. Approved in Mayor's budget:			
New elementary school, Fort Stanton Park SE	1968	1969	1970
Moten addition No. 2	1969	1969	1970
New elementary school, Oxon Run Parkway SE	1969	1970	1971
New junior high, 53d and D Sts. SE	1968	1970	1971
To provide facilities for increased membership—Con.			
A. Approved in Mayor's budget—Continued			
New junior high, Oxon Run Parkway SE	1968	1970	1971
Anacostia Senior addition	1968	1969	1970
B. Disallowed in Mayor's budget:			
Jefferson alterations	1969	1969	1970
Roosevelt Senior addition	1969	1970	1971
New senior high, Camp Simms	1971	1972	1974
To implement new board ratios:			
A. Approved in Mayor's budget:			
West addition	1968	1969	1970
Morgan replacement addition	1969	1970	1971
Bruce-Monroe replacement addition	1969	1970	1971
Langdon addition	1968	1969	1970
New elementary school, 40th and Lane Pl. NE	1968	1969	1970
Carver addition	1968	1969	1970
New elementary school, 44th and Foote Sts. NE	1968	1969	1970
Burrville addition	1968	1969	1970
New Elementary school, Alabama Ave. and Congress St. SE	1968	1970	1971
New elementary school, 32d and Bangor Sts. SE	1968	1970	1971
Montgomery addition	1968	1969	1970
Lenox addition	1968	1969	1970
New elementary school, 54th and C Sts. SE	1969	1970	1971
Ross conversion	1969	1969	1970
B. Disallowed in Mayor's budget:			
Thomas addition No. 2	1969	1969	1970
New elementary school, 1700 block of W St. SE	1969	1971	1972
Walker-Jones addition	1969	1970	1971
New elementary school, 5th and Lebaum Sts. SE	1969	1970	1971
J. O. Wilson addition	1969	1970	1971
Brent addition	1969	1969	1970
Amidon addition	1969	1969	1970
Brightwood addition	1970	1971	1972
New elementary school, North Capitol and Tuckerman Sts. NW	1973	1974	1975
Wilson Building of DCTC conversion	1972	1973	1973
Young addition	1971	1972	1972
Maury addition	1971	1972	1972
New elementary school, 56th and Eads Sts. NE	1971	1973	1974
River terrace addition	1971	1971	1972
Giddings addition	1970	1971	1972
Takoma addition	1971	1971	1972
Garnet-Patterson Junior addition	1969	1970	1971
Gordon Junior addition	1970	1972	1973
New Junior high, 13th and Van Buren Sts. NW	1970	1971	1973
Banneker Junior addition	1970	1971	1972
Stuart Junior addition	1970	1971	1972
Evans Junior addition	1971	1972	1973
Woodson Junior addition	1970	1970	1971
New junior high, Camp Simms SE	1971	1972	1974
Woodson Senior addition	1969	1970	1971
Western Senior addition	1973	1974	1975
Coolidge High addition	1973	1974	1975
New senior high, Fort Lincoln site	1970	1972	1974

Source: Office of Buildings and Grounds, District of Columbia Public Schools.

COMPARISON OF THE FISCAL YEAR 1969 BOARD OF EDUCATION'S REQUEST AND THE MAYOR'S BUDGET WITH THE TOTAL CAPITAL OUTLAY PROGRAM OF THE PUBLIC SCHOOLS

	Total fiscal years 1969–74 program [1]		Board of Education's request		Mayor's budget	
	Number of projects	Estimated cost	Number of projects	Estimated cost	Number of projects	Estimated cost
To replace obsolete facilities:						
Elementary	[2] 17	$44,532,000	10	$14,552,000	6	$9,830,000
Junior high	1	7,658,000	1	7,658,000	1	7,658,000
Subtotal	18	52,190,000	11	22,210,000	7	17,488,000
To modernize facilities:						
Elementary	26	22,144,000	8	5,625,000	1	96,000
Junior high	2	1,761,000	------	----------	------	----------
Subtotal	28	23,905,000	8	5,625,000	1	96,000
To provide facilities for increased membership:						
Elementary	3	$6,204,000	3	$3,044,000	3	$3,044,000
Junior high	3	12,909,000	3	2,129,000	2	800,000
Senior high	3	12,643,000	2	1,625,000	1	1,225,000
Subtotal	9	31,756,000	8	6,798,000	6	5,069,000
To implement new Board ratios:						
Elementary	30	51,123,000	21	21,286,000	14	16,006,000
Junior high	8	34,071,000	1	1,624,000	------	----------
Senior high	4	14,620,000	1	184,000	------	----------
Subtotal	42	99,814,000	23	23,094,000	14	16,006,000
Total	97	207,665,000	50	57,727,000	[3] 28	38,659,000

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[1] Does not include projects for which construction was funded prior to fiscal year 1969.

[2] The projects in this program are distributed as follows: 6 projects received initial funding in fiscal year 1968, initial funding was requested in fiscal year 1969 for 4 projects, 2 are for underutilized buildings in areas 15 and 16, 4 are to replace buildings in the Shaw urban renewal area for which plans are indefinite, and 1 project part of an addition that is completely for the purpose of implementing Board ratios.

[3] 6 projects receive initial funding in the Mayor's budget. They include the Moten addition No. 2 and the new elementary at Oxon Run Parkway SE for increased membership and the Ross conversion, the new elementary at 54th and C Sts. SE, and the additions to the Morgan and Bruce-Monroe replacements for implementing Board ratios.

Estimated cost above fiscal year 1968 funding to complete the public school's capital outlay programs

To replace obsolete facilities:	
Elementary	$44,532,000
Junior high	7,658,000
Total	52,190,000
To modernize facilities:	
Elementary	22,144,000
Junior high	1,761,000
Total	23,905,000
To provide facilities for increased membership:	
Elementary	6,204,000
Junior high	12,909,000
Senior high	12,643,000
Total	31,756,000
To implement new board ratios:	
Elementary	51,123,000
Junior high	34,071,000
Senior high	14,620,000
Total	99,814,000
Grand total	207,665,000

Classroom buildings erected before 1900, by levels

Senior high schools and erection date:	
[2] Western	1898
Junior high schools, none.	
Vocational high schools, none.	
Elementary schools:	
[1] Stevens	1868
[1] Seaton	1871
[1] Sumner	1871
[1] Peabody	1880
[1] Grant	1882
[1] Benning	1883
[1] Brent	1883
[1] Morse	1883
[1] Blair	1884
[2] Maury	1886
[2] Giddings	1887
[1] Grimke	1887
[1] Jackson	1889
[1] Lenox	1889
[1] Madison	1889
[1] Monroe	1889
[2] Harrison	1890
[1] Perry	1890
[1] Slater	1890
[1] Brookland	1891
[1] Taylor	1891
[1] Morgan Annex	1891
[1] Fillmore	1892
[1] Pierce	1894
[1] Buchanan	1895
[1] Payne	1896
[1] Simmons	1896
[1] Hayes	1897
[1] Bruce	1898
[1] Congress Heights	1898
[1] Eckington	1898
[1] Takoma	1899
Total buildings	33

Classroom buildings erected 1900–1920 by levels

Senior high schools and erection date:	
Cardozo	1916
[2] Dunbar	1916
Junior high schools:	
[1] Shaw	1902
[2] Randall	1907
Vocational high schools:	
Bell	1910
Washington	1912

Classroom buildings erected 1900–1920 by levels—Continued

Elementary schools:	
[1] Orr	1900
Miner	1900
[1] Nichols Avenue	1901
[1] Lovejoy	1901
[1] Morgan	1901
[1] Syphax	1901
[1] Emery	1902
[1] Gage	1902
[1] Langston	1902
[2] Petworth	1902
[1] Edmonds	1903
[2] Wheatley	1903
[1] Ludlow	1904
[1] Blow	1906
[1] Hyde	1907
[2] Ketcham	1907
[1] Lenox Annex	1908
[2] Bryan	1909
[1] Carver	1909
[2] H. D. Cooke	1909
[2] Mott	1909
[2] Garfield	1910
[1] Thomson	1910
[2] Eaton	1911
[2] Burrville	1912
[1] Cleveland	1912
[1] Crummell	1912
Military Road	1912
[2] Randle Highlands	1912
[2] West	1912
[2] Park View	1916
Total buildings	37
Grand total buildings	69

[1] To be replaced.

[2] To be modernized.

Buildings—District of Columbia Public Schools

Name of building	*Number of buildings*
Administration building (Franklin) annexes to Franklin; 1411 K Street NW., 3242-A Pennsylvania Avenue SE.	1
Administration annexes (No. 1 (Ross) No. 4 (Webster)—girls junior-senior high school; No. 5 (Magruder); No. 6 (Malcolm Scates)—rented space; No. 7 (Phillips); No. 8 (Twining))	6
Storage and maintenance; warehouse center; harbor garage; warehouse (Carbery); maintenance shop (Dent)	4
District of Columbia Teachers College: Miner building; Wilson building	2
Senior high schools	11
Junior high schools	28
Vocational high schools	5
Phelps Annex (Greenhouse)	1
Elementary schools (main buildings)	132
Elementary school annexes: Benning, Birney, Crummell, Davis, Ketcham—not on same site, Lenox—not on same site, Morgan—not on same site, Powell—not on same site, Stanton	9
Elementary school demountables: Keene, Logan, Payne, Richardson, Shadd, Young	6
Elementary school relocatable:	
One-classroom buildings in the Anacostia area:	
Garfield	1
Green	2
Turner	2
McGogney	3
Moten	5
Stanton	5
Anacostia Naval Air Station (Congress Heights Annex)	8
Patterson	2
Draper	2
Congress Heights	2
Hendley	2
Randle Highlands	2
Total	36

Buildings—District of Columbia Public Schools—Continued

	Number of buildings
Total number of elementary school structures	183
Special schools: Americanization School (Wormley); Armstrong Adult Education Center; Military Road; Sharpe Health	4
Grand total	245

Forty-eight obsolete buildings in use during fiscal year 1968 which are scheduled to be replaced

Fully funded buildings, 13

School:	Age
Brent	84
Blair	83
Ludlow	63
Taylor	76
Blow	61
Pierce	73
Congress Heights	69
Emery	65
Nichols Avenue	66
Payne (original 8 rooms)	71
Seaton	96
Shaw Junior High School	65
Takoma	68

Initially funded buildings fiscal year 1968, 11

School:	Age
Benning	[1] 24
Benning annex	84
Brookland	76
Bruce	69
Monroe	78
Gage	63
Eckington	69
Harrison (original 8 rooms)	77
Morgan	66
Morgan annex (Henry Wilson)	76
Orr	67

Programmed for replacement fiscal year 1969 to fiscal year 1974, 24

School:	Age
Peabody	87
Madison	78
Hayes	70
Buchanan (original 8 rooms)	72
Cleveland	55
Crummell	55
Crummell annex	[1] 19
Fillmore	75
Hyde	60
Morse	84
Jackson	78
Grant	85
Stevens	99
Grimke (original 14 rooms)	80
Langston	65
Slater	77
Lenox (original 8 rooms)	78
Lenox Annex	59
Lovejoy	66
Edmonds	64
Merritt	[1] 23
Perry	77
Simmons	71
Sumner	[2] 96

[1] Temporary—War-time construction.

[2] Sumner is to be sold as part of the central administration rental agreement.

CAPITAL OUTLAY PROJECTS INITIATED SINCE MAR. 31, 1961
ELEMENTARY SCHOOLS

Name	Number of rooms	Appropriation
Completed:		
Woodridge addition	4	$228,000
Davis addition	17	711,000
Bancroft addition	9	421,154

CAPITAL OUTLAY PROJECTS INITIATED SINCE MAR. 31, 1961
ELEMENTARY SCHOOLS—Continued

Name	Number of rooms	Appropriation
Completed—Continued		
Meyer	34	$1,118,726
Garrison replacement	34	2,151,000
Harris	31	1,351,000
Bunker Hill addition	14	403,500
Green	26	1,028,000
Rudolph addition (2d)	6	212,312
Hendley addition	7	299,000
Green addition	8	210,000
Kimball addition	14	654,000
Raymond addition	17	820,000
Gibbs	34	1,866,000
McGogney	34	1,650,000
Webb addition	8	237,000
Slowe addition	16	945,100
Truesdell addition	16	1,329,600
Watkins addition	11	383,000
Wheatley addition	14	954,000
Thomas addition	15	815,400
Tyler addition	13	1,405,500
Subtotal for 22 projects	382	19,193,292
Under construction:		
Clark	26	2,758,000
Emery replacement	34	1,350,300
Savoy	34	2,118,000
Blair-Ludlow-Taylor replacement	34	2,530,500
Blow-Pierce replacement	34	2,537,000
Brent replacement	16	934,200
Subtotal for 6 projects	178	12,228,000
Not under construction:		
Nalle addition	13	700,000
Shadd addition	10	488,000
Seaton replacement	34	2,586,100
Sharpe health addition	7	829,000
Tubman	34	2,651,600
Weatherless	32	2,587,800
Beers addition	13	1,089,000
Congress Heights replacement	34	1,741,000
Ketcham addition	16	1,573,900
Shaed, Lincoln Rd., and Douglass NE	36	2,114,000
Leckie, Nichols Ave., and Chesapeake SE	36	1,968,000
Payne addition	14	1,369,400
Randle Highlands addition	10	905,000
Lee (school for severely mentally retarded)	20	1,696,000
Shepherd addition	7	594,500
Takoma replacement	27	1,743,000
West addition	14	721,000
Morgan replacement	35	1,410,000
Bruce-Monroe replacement	36	1,139,000
Harrison addition	4	625,000
Brookland replacement	34	245,000
Langdon addition	16	199,000
New school, 40th and Lane NE	20	141,000
Carver addition	13	403,000
Benning replacement	12	417,000
New school, 44th and Foote NE	29	704,000
Burrville addition	11	372,000
Birney addition	14	756,000
Turner addition	17	769,000
New school, Fort Stanton Park SE	37	160,000
Moten addition	12	761,000
New school, Alabama and Congress SE	51	401,000
New school, 32d and Bangor SE	51	501,000
Lenox addition	19	459,000
Orr replacement	33	1,411,000
Montgomery addition	19	828,000
Gage Eckington replacement	34	1,353,000
75 relocatable prekindergarten classrooms	(75)	2,212,500
Subtotal for 38 projects	854	40,623,800
Total for 66 elementary school projects	1,414	72,045,092

JUNIOR HIGH SCHOOLS

Name	Number of rooms	Appropriation
Completed:		
Eliot addition	23	$1,430,000
Evans	37	3,255,000
Hart addition	17	1,160,000
Hine replacement	34	2,918,000
Rabaut	62	4,167,000
Roper	63	4,187,000
Lincoln	63	5,170,500
Subtotal for 7 projects	299	22,287,500
Under construction:		
Hamilton	63	4,120,000
Johnson	63	4,451,800
Subtotal for 2 projects	126	8,571,800
Not under construction:		
Randall addition	(1)	$461,000
Browne addition	16	1,575,000
Deal addition	6	613,000
Shaw replacement	63	368,000
Taft addition	23	1,309,000
Garnet-Patterson addition	(2)	31,500
New school, 53d and D SE	68	1,074,000
New school, Oxon Run Parkway SE	86	421,000
Subtotal for 8 projects	262	5,852,600
Total for 17 junior high school projects	687	36,711,800

SENIOR HIGH SCHOOLS[3]

Name	Number of rooms	Appropriation
Not under construction:		
Woodson	76	$6,900,000
Ballou	53	2,895,000
Dunbar addition	46	6,548,800
Spingarn-Phelps Stadium	(4)	40,000
Woodrow Wilson addition	6	1,539,000
Anacostia addition	25	98,000
Total for 6 projects	206	18,020,800
Grand total for the 89 projects initiated since Mar. 31, 1961	2,307	126,777,692

[1] Double gym.
[2] Health suite and library.
[3] There are no senior high school projects under construction
[4] Seating 5,000.

Source: Office of Buildings and Grounds, District of Columbia Public Schools.

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial entitled "The City Budget," published in the Washington Post of Thursday, December 7, 1967.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CITY BUDGET

The budget which Mayor Washington has asked the City Council to approve does not provide the funds needed to meet a broad spectrum of human needs in this city and it ought to be substantially increased. No one would pretend—least of all the Mayor who is working basically with figures he inherited—that this budget makes any significant response to the longtime deficit in human needs accumulated over the past generation.

Of course, these needs involve more than money alone and that essential ingredient needs to be increased along with the capacity to spend it wisely and intelligently on the complex problems of this urban community. There is only $17 million for new programs in this budget. And even with inspired management, that is not enough to make a dent in an assortment of social and economic needs that have been accumulating for a hundred years. The financial deficit that would be produced by an attempt to meet all these needs might be alarming; but the human deficit that will be generated by not meeting some of them will be even more alarming.

The absolute figures of the budget are too conservative but that is not the most serious reproach. A more serious reproach is that the figures themselves reflect more of the same philosophy that has governed the administration of this city for decades. And it is that philosophy that the citizens of this community hoped would be changed by a new and different kind of city administration.

It is comforting to think that the new government will present next year a budget reflecting its own thinking and planning. And it is good to hope that that budget will be a fairer test of the imagination, ingenuity and daring of the new regime. Many will be willing to wait until then. The social problems of this city will not wait.

The City Council must weigh this matter very seriously and soberly. Does this budget reflect the crisis in this community? Does it respond to that crisis? Would any casual observer know that this is the budget of a city which has a school system that is in a state of collapse? Would they discover that this is the budget of a city whose police department is depressed and defeated by a rising tide of urban crime? Could anyone learn from this budget that it has been prepared for a city that has yet to begin to deal effectively with a veritable transformation of the economic level of is citizenry in the last 25 years?

The answer is certainly "no." And the City Council ought to change that answer by appropriate and courageous revision upward of all those items that have to do with the crisis in this city's economic, social and cultural affairs. And this, of course, will involve more tax revenue, too. There are just two kinds of municipal government, broadly speaking—the kind that when confronted with a community problem puts up the money to solve it and the kind that puts off the problem. The time is at hand to put up instead of put off.

CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask that the Senate turn to the consideration of Calendar No. 896, H.R. 10783. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (H.R. 10783) relating to crime and criminal procedure in the District of Columbia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia, with an amendment, strike out all after the enacting clause and insert:

TITLE I

SEC. 101. Section 397 of the Revised Statutes of the United States, relating to the District of Columbia (D.C. Code, sec. 4–140), is amended to read as follows:

"SEC. 397. (a) An officer or member of the Metropolitan Police force may arrest without a warrant and take into custody any person who commits, or threatens or attempts to commit, in the presence of, or within the view of, such officer or member any breach of the peace or offense directly prohibited by an Act of Congress or by any other law in force in the District.

"(b) An officer or member of the Metropolitan Police force may arrest a person without a warrant if he has probable cause to believe that such person (1) has committed any offense listed in subsection (c) of this section, and (2) unless immediately arrested, may not be apprehended, may cause injury to others or damage to property, or may tamper with, dispose of, or destroy evidence.

"(c) The offenses referred to in subsection (b) of this section are—

"(1) those offenses specified in the following sections of the Act of March 3, 1901: Section 806 (relating to assault) (D.C. Code, sec. 22–504), section 824 (relating to unlawful entry) (D.C. Code, sec. 22–3102), and section 829 (relating to receiving stolen goods) (D.C. Code, sec. 22–2205); and

"(2) attempts to commit the offenses specified in the following sections of the Act of March 3, 1901: Section 823 (relating to housebreaking) (D.C. Code, sec. 22–1801), section 826 (relating to grand larceny) (D.C. Code, sec. 22–2201), and section 826b (relating to unauthorized use of vehicles) (D.C. Code, sec. 22–2204)."

TITLE II

Sec. 201. Section 927 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 24–301), is amended by adding at the end thereof the following new subsections:

"(i) When a person has been ordered confined in a hospital for the mentally ill pursuant to this section and has escaped from such hospital, the court which ordered confinement shall, upon request of the Government, order the return of the escaped person to such hospital. The return order shall be effective throughout the United States. Any Federal judicial officer within whose jurisdiction the escaped person shall be found shall, upon receipt of the return order issued by the committing court, cause such person to be apprehended and delivered up for return to such hospital.

"(j) Insanity shall not be a defense in any criminal proceeding in the United States District Court for the District of Columbia or in the District of Columbia court of general sessions, unless the accused or his attorney in such proceeding, at the time the accused enters his plea of not guilty or within fifteen days thereafter or at such later time as the court may for good cause permit, files with the court and serves upon the prosecuting attorney written notice of his intention to rely on such defense."

TITLE III

Sec. 301. (a) Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed three hours immediately following his arrest. Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record.

(b) Any statement, admission, or confession made by an arrested person within three hours immediately following his arrest shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment.

TITLE IV

Sec. 401. Section 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–703), is amended to read as follows:

"Sec. 862. (a) Whoever corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer in any court in the District in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, or whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats of force, to obstruct, delay, or prevent the communication to an investigator of the District of Columbia government by any person of information relating to a violation of any criminal statute in effect in the District of Columbia, or injures any person or his property on account of the giving by such person or by any other person of such information to any such investigator in the course of the conduct of any criminal investigation, shall be fined not more than $1,000 or be imprisoned not more than three years, or both.

"(b) As used in this section, the term 'criminal investigation' means an investigation relating to a violation of any criminal statute in effect in the District of Columbia, and the term 'investigator' means an individual duly authorized by the Commissioner or his designated agent to conduct or engage in such an investigation."

TITLE V

Sec. 501. The definition of "crime of violence" contained in section 1 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22–3201), is amended by inserting immediately after "burglary," the following: "robbery,".

TITLE VI

Sec. 601. Section 803 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–501), is amended by inserting immediately after "for not" the following: "less than two years or".

Sec. 602. Section 823 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–1801), is amended to read as follows:

"Sec. 823. Burglary.—(a) Whoever shall, either in the nighttime or in the daytime, break and enter, or enter without breaking, any dwelling, or room used as a sleeping apartment in any building, with intent to break and carry away any part thereof, or any fixture or other thing attached to or connected thereto or to commit any criminal offense, shall, if any person is in any part of such dwelling or sleeping apartment at the time of such breaking and entering, or entering without breaking, be guilty of burglary in the first degree. Burglary in the first degree shall be punished by imprisonment for not less than five years nor more than thirty years.

"(b) Except as provided in subsection (a) of this section, whoever shall, either in the night or in the daytime, break and enter, or enter without breaking, any dwelling, bank, store, warehouse, shop, stable, or other building or any apartment or room, whether at the time occupied or not, or any steamboat, canalboat, vessel, or other watercraft, or railroad car or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade, with intent to break and carry away any part thereof or any fixture or other thing attached to or connected with the same, or to commit any criminal offense, shall be guilty of burglary in the second degree. Burglary in the second degree shall be punished by imprisonment for not less than two years nor more than fifteen years."

Sec. 603. Section 810 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–2901), is amended by striking out "six months" and inserting in lieu thereof "two years".

Sec. 604. Section 869e of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–1513), is amended by adding the following new subsection at the end thereof:

"(f) Nothing in this section shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager, coach, or professional player, or to any league, association, or conference for the purpose of encouraging such manager, coach, or player to a higher degree of skill, ability, or diligence in the performance of his duties."

Sec. 605. Section 2 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22–3202), is amended to read as follows:

"Sec. 2. If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, he may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate number of years up to life as determined by the court. If a person is convicted more than once of having committed a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, then, notwithstanding any other provision of law, the court shall not suspend his sentence or give him a probationary sentence."

Sec. 606. Section 872 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–2001), is amended to read as follows:

"Sec. 872. Obscenity.—(a) (1) It shall be unlawful in the District of Columbia for a person knowingly—

"(A) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide any obscene, indecent, or filthy writing, picture, sound recording, or other article or representation;

"(B) to present, direct, act in, or otherwise participate in the preparation or presentation of, any obscene, indecent, or filthy play, dance, motion picture, or other performance;

"(C) to pose for, model for, print, record, compose, edit, write, publish, or otherwise participate in preparing for publication, exhibition, or sale, any obscene, indecent, or filthy writing, picture, sound recording, or other article or representation;

"(D) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute or provide any article, thing, or device which is intended for or represented as being for indecent or immoral use;

"(E) to create, buy, procure, or possess any matter described in the preceding subparagraphs of this paragraph with intent to disseminate such matter in violation of this subsection;

"(F) to advertise or otherwise promote the sale of any matter described in the preceding subparagraphs of this paragraph; or

"(G) to advertise or otherwise promote the sale of material represented or held out by such person to be obscene.

"(2) (A) For purposes of subparagraph (E) of paragraph (1) of this subsection, the creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies or the possession of more than three copies, of obscene, indecent, or filthy material shall be prima facie evidence of an intent to disseminate such material in violation of this subsection.

"(B) For purposes of paragraph (1) of this subsection, the term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of, the character and content of any article, thing, device, performance, or representation described in paragraph (1) of this subsection which is reasonably susceptible of examination.

"(3) When any person is convicted of a violation of this subsection, the court in its judgment of conviction may, in addition to the penalty prescribed, order the confiscation and disposal of any materials described in paragraph (1), which were named in the charge against such person and which were found in the possession or under the control of such person at the time of his arrest.

"(b) (1) It shall be unlawful in the District of Columbia for any person knowingly—

"(A) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide, to a minor—

"(i) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, which depicts nudity, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors; or

"(ii) any book, magazine, or other printed matter however reproduced or sound recording, which depicts nudity, sexual conduct, or sado-masochistic abuse or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors; or

"(B) to exhibit to a minor, or to sell or provide to a minor an admission ticket to, or pass to, or to admit a minor to, premises whereon there is exhibited, a motion picture, show, or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

"(2) For purposes of paragraph (1) of this subsection:

(A) The term 'minor' means any person under the age of seventeen years.

"(B) The term 'nudity' includes the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(C) The term 'sexual conduct' includes acts of sodomy, masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

"(D) The term 'sexual excitement' includes the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"(E) The term 'sado-masochistic abuse' includes flagellation or torture by or upon a person clad in undergarments or a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(F) The term 'knowingly' means having a general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both of—

"(i) the character and content of any material described in paragraph (1) of this subsection which is reasonably susceptible of examination by the defendant; and

"(ii) the age of the minor.

"(c) It shall be an affirmative defense to a charge of violating subsection (a) or (b) of this section that the dissemination was to institutions or individuals having scientific, educational, or other special justification for possession of such material.

"(d) Nothing in this section shall apply to a license under the Communications Act of 1934 while engaged in activities regulated pursuant to such Act.

"(e) A person convicted of violating subsection (a) or (b) of this section shall for the first offense be fined not more than $3,000 or imprisoned not more than one year, or both. A person convicted of a second or subsequent offense under subsection (a) or (b) of this section shall be fined not less than $1,000 nor more than $5,000 or imprisoned not less than six months or more than three years, or both."

SEC. 607. Section 825a of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–3105), is amended by striking out "or by imprisonment not exceeding ten years." and inserting in lieu thereof the following: "and by imprisonment for not less than two years or more than ten years.".

SEC. 608. Whoever shall make or cause to be made to the Metropolitan Police force of the District of Columbia, or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within the District of Columbia, or a false or fictitious report of any other matter or occurence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such report to be false or fictitious; or who shall communicate or cause to be communicated to such Metropolitan Police force, or any officer or member thereof, any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such information to be false, shall be punished by a fine of not exceeding $300 or by imprisonment not exceeding thirty days.

TITLE VII

SEC. 701. Section 10 of the Act of March 3, 1933 (D.C. Code, sec. 23–610), is amended by inserting "(a)" immediately after "SEC. 10.", and by adding the following new subsections:

"(b) An officer or member of the Metropolitan Police force who, in accordance with section 397 of the Revised Statutes of the United States relating to the District of Columbia, arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring such person to appear before an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the District of Columbia Court of General Sessions.

"(c) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the District of Columbia Court of General Sessions may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

"(d) No citation may be issued under subsection (b) or (c) of this section unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

"(e) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than one year, or both. Prosecution under this subsection shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued."

SEC. 702. (a) Section 2 of the Act entitled "An Act to establish the District of Columbia Bail Agency, and for other purposes" approval July 26, 1966 (80 Stat. 327) is amended to read as follows:

"SEC. 2. There is hereby created for the District of Columbia the District of Columbia Bail Agency (hereinafter referred to as the 'agency') which shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan Police force issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made."

(b) (1) Section 4 of such Act is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting the following new subsection after subsection (c):

"(d) The agency, when requested by a member or officer of the Metropolitan Police force acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a)."

(2) The second sentence of subsection (f) of such section 4 (as so redesignated by paragraph (1) of this subsection) is amended by inserting ", including requiring the execution of a bail bond with sufficient solvent sureties," immediately after "such conditions".

TITLE VIII

SEC. 801. (a) Section 5024 of title 18, United States Code, is amended by striking out ", and to youth offenders convicted in the District of Columbia of offenses under any law of the United States not applicable exclusively to such District and to other youth offenders convicted in the District to the extent authorized under section 5025." and inserting in lieu thereof the following: "and in the District of Columbia."

(b) Section 5025 of such title is amended to read as follows:

"§ 5025. Applicability to the District of Columbia

"(a) The Commissioner of the District of Columbia is authorized to provide facilities and personnel for the treatment and rehabilitation of youth offenders convicted of violations of any law of the United States applicable exclusively to the District of Columbia or to contract with the Director of the Bureau of Prisons for their treatment and rehabilitation, the cost of which may be paid from the appropriation for the District of Columbia.

"(b) When facilities of the District of Columbia are utilized by the Attorney General for the treatment and rehabilitation of youth offenders convicted of violations of laws of the United States not applicable exclusively to the District of Columbia, the cost shall be paid from the 'Appropriation for Support of United States Prisoners'.

"(c) All youth offenders commited to institutions of the District of Columbia shall be under the supervision of the Commissioner of the District of Columbia, and he shall provide for their maintenance, treatment, rehabilitation, supervision, conditional release, and discharge in conformity with the objectives of this chapter."

(c) The table of sections of chapter 402 of such title is amended by striking out the item relating to section 5025 and inserting in lieu thereof the following:

"5025. Applicability to the District of Columbia."

SEC. 802. Section 4122 of title 18, United States Code, is amended—

(1) by inserting in subsection (d) "(1)" immediately after "(d)",

(2) by amending subsection (e) by striking out "(e)" and inserting in lieu thereof "(2)", and by striking out "subsection (d) of this section" and inserting in lieu thereof "paragraph (1) of this subsection", and

(3) by adding at the end the following new subsection:

"(e)(1) The provisions of this chapter shall apply to the industrial employment and training of prisoners confined in any penal or correctional institution under the direction of the Commissioner of the District of Columbia to the extent and under terms and conditions agreed upon by the Commissioner, the Attorney General, and the Board of Directors of Federal Prison Industries.

"(2) The Commissioner of the District of Columbia may, without exchange of funds, transfer to the Federal Prison Industries any property or equipment suitable for use in performing the functions and duties covered by an agreement entered into under subsection (e)(1) of this section.

"(3) Nothing in this chapter shall be construed to affect the provisions of the Act approved October 3, 1964 (D.C. Code, sections 24-451 et seq.), entitled 'An Act to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes.'"

SEC. 803. (a) Section 15-714(a) of the District of Columbia Code is amended to read as follows:

"(a) The fees and travel allowances to be paid any witness attending in a criminal case in the District of Columbia Court of General Sessions shall be the same as those paid to witnesses who attend before the United States District Court for the District of Columbia."

(b) Section 15-716 of the District of Columbia Code is amended by striking "not exceeding $500 at any one time,".

TITLE IX

SEC. 901. (a) A riot in the District of Columbia is a public disturbance involving an assemblage of five or more persons which by tumultuous and violent conduct or the threat thereof creates grave danger of damage or injury to property or persons.

(b) Whoever willfully engages in a riot in the District of Columbia shall be punished by imprisonment for not more than one year or a fine of not more than $1,000, or both.

(c) Whoever willfully incites or urges other persons to engage in a riot shall be punished by imprisonment for not more than one year or a fine of not more than $1,000, or both.

(d) If in the course and as a result of a riot a person suffers serious bodily harm or there is property damage in excess of $5,000, every person who willfully incited or urged others to engage in the riot shall be punished by imprisonment for not more than ten years or a fine of not more than $10,000, or both.

TITLE X

SEC. 1001. CREATION OF COMMISSION.—The Commission on Revision of the Criminal Laws of the District of Columbia is hereby established.

SEC. 1002. MEMBERSHIP OF COMMISSION.—The Commission shall be composed of eleven members, as follows:

(1) Two Members of the Senate appointed by the President of the Senate;

(2) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives;

(3) Four members appointed by the Commissioner of the District of Columbia one of whom the Commissioners shall designate as Chairman;

(4)(a) One circuit judge appointed by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit;

(b) One district judge appointed by the Chief Judge of the United States District Court for the District of Columbia; and

(c) One general sessions judge appointed by the Chief Judge of the District of Columbia Court of General Sessions.

SEC. 1003. FUNCTIONS OF THE COMMISSION.—The Commission shall make a full and complete review and study of the statutory and case law applicable in the District of Columbia for the purpose of formulating and recommending to the Congress a revised code of criminal law and procedure for the District of Columbia. The Commission shall include in its recommendations proposals for the repeal of unnecessary or undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice.

SEC. 1004. COMPENSATION OF MEMBERS OF THE COMMISSION.—(a) Members of Congress and members of the executive and judicial branches of the Federal or District of Columbia governments who are members of the Commission shall serve without compensation in addition to that received for their services in such other branch of government; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Members from private life shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 1005. ADVISORY COMMITTEE.—(a) The Commission shall have the power to appoint an advisory committee, the functions of which shall include advising, counseling, proffering to the Commission appropriate recommendations, and the performance of such other functions, not inconsistent with the purposes of this title, as may be assigned to it by the Commission.

(b) Members of the advisory committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensaation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

SEC. 1006. STAFF OF THE COMMISSION.—The Chairman of the Commission is authorized to appoint and fix the compensation of such personnel as he deems necessary to carry out the Commission's functions. He is also authorized to procure services to the same extent as is authorized for the executive departments by section 3109 of title 5, United States Code, at rates not to exceed $100 per diem for individuals.

SEC. 1007. COOPERATION BY DEPARTMENT AND AGENCIES.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this title; and each such department, agency, or instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

SEC. 1008. REPORT OF THE COMMISSION; TERMINATION.—The Commission shall submit interim reports to the Commissioner of the District of Columbia and the Congress at such times as the Commission may deem appropriate, and in any event within two years after the date of this enactment, and shall submit its final report within three years after the date of enactment. The Commission shall cease to exist sixty days after the date of the submission of its final report.

SEC. 1009. AUTHORIZED APPROPRIATION.—There is hereby authorized to be appropriated to the District of Columbia out of any money in the Treasury not otherwise appropriated such sum, not to exceed $150,000, as may be necessary to carry out the purposes of this title.

TITLE XI

SEC. 1101. Whoever, prior to the date of enactment of this Act, commits any act or engages in any conduct which constitutes an offense under provision of law amended by this Act, shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEC. 1102. If any provision of or any amendment made by this Act or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

Mr. BIBLE. Mr. President, the pending bill is the so-called omnibus crime bill for the District of Columbia. It is a bill that is not new to the Senate. The bill has been before us in various forms over the years. It was very thoroughly and exhaustively discussed on the floor of the Senate at the last session of Congress.

It is for that reason that I am not going to labor the argument this evening, but will simply highlight the main points of the bill.

Mr. METCALF. Mr. President, the Senator from Oregon [Mr. MORSE] had a minority report, and he wants to speak in opposition to the legislation.

Mr. BIBLE. I know of the views of the Senator from Oregon, and I am not going to be very long in my presentation. Certainly the Senator from Oregon can speak for himself.

Mr. MORSE. Mr. President, I know exactly the position of the chairman of my committee. I have great respect for him. He and I merely have a difference with regard to one section of the bill.

I have taken this position for years. I have to make a statement in the interest of my record and also in the interest of a good many people that have called me since the bill was reported.

The Senator from New York [Mr. KENNEDY] also signed the minority report. I do not see him present in the Chamber.

It would take me 20 minutes to make my statement.

Mr. BIBLE. In view of the present parliamentary situation, I could get the floor in my own right.

Mr. MANSFIELD. Either today or tomorrow.

Mr. BIBLE. Either today or tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent request and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the request.

The assistant legislative clerk read as follows:

Ordered, That at 11:20 a.m. on Tuesday, December 12, 1967, the Senate continue with the consideration of H.R. 10783, the so-called District of Columbia crime bill, and that the vote on final passage occur thereon not later than 12:20 p.m.: *Provided*, That if any amendment, motion, or appeal is pending at that time, the vote occur immediately thereon, to be followed immediately by third reading and the vote on final passage.

The PRESIDING OFFICER. Does the Senator from Montana also ask that rule XII be waived?

Mr. MANSFIELD. Yes, indeed, Mr. President. I make that request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1967

Mr. METCALF. Mr. President, it is no accident that I rise to talk today on the subject of the social security bill immediately after the passage of one of the most important educational bills that has ever been passed by the Senate.

The Senator from Oregon, who has furnished leadership in education, has brought to us a bill that is truly landmark legislation. But the education bill that we passed today will be of little avail if we adopt the philosophy incorporated in the social security conference report.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the New York Times on December 9.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOCIAL INSECURITY BILL

The conference version of the Social Security bill is a harsh assault on the welfare of tens of thousands of the country's poorest families. It also represents a callous retreat by the Federal Government from its responsibility for taking over from the hard-pressed cities and states a fuller share of the relief burden.

The excellent measure passed by the Senate has been hacked into a regressive carbon copy of the worst of the bill as dictated by Chairman Wilbur Mills of the House Ways and Means Committee and steamrollered through the House without change. Its only really forward-looking provisions are its expanded authorizations for child health, family planning and day care, and even these have been scaled down.

Typical of the bill's niggardly spirit is the floor of $55 fixed for monthly Social Security benefits, as against the $70 minimum recommended by the Senate. How any American is expected to live on $55 a month in this inflationary period, the conference report did not explain. The 15 per cent general increase in benefits the Senate had voted was chopped back to 13 per cent.

The public welfare provisions are calculated to strip those on the relief rolls of what dignity has been left to them by existing red-tape and investigatory procedures. The House won in its demand for a freeze on the raito of children from fatherless homes who could qualify for welfare—a provision that faces the states with the option of sterilizing mothers or letting children starve. A dozen other provisions embody similarly degrading rules.

Even the sections intended to encourage relief recipients to find jobs are made so barren as to be self-defeating. Thus, a Senate provision permitting those on welfare to keep the first $50 a month of outside earnings and half of everything over that has been cut to $30 and 30 per cent, a ratio so low it provides almost no incentive. A job-training allowance is cut from $20 a week to $30 a month.

On Medicaid the new reimbursement standards will vastly complicate the problems of states that are already finding it almost impossible to keep up with the cost of health services to the medically indigent. Everything about the bill moves away from a recognition that welfare is a national problem in which the primary financial responsibility must rest with Washington.

The only hope now left for anything remotely approaching an adequate measure lies in the announcement yesterday by a half-dozen Senators that they would fight the conference report. They deserve Administration support in opposing a bill that Senator Robert F. Kennedy rightly called "a disgrace to all Americans."

Mr. METCALF. I have been in Congress for 15 years. As a Member of the House of Representatives, I introduced legislation for education. If some of that legislation had passed in those days, some of the social security problems we have today would not be before us. However, if we adopt the philosophy that is inherent in the social security conference report that will be before us on Wednesday or Thursday of this week, it will make no difference what kind of education bills we pass, and it will make no difference what we do in various aspects of our domestic legislation, because we will have taken a step backward into another century.

Mr. President, as the present Presiding Officer knows, and as my colleagues know who have served in the House of Representatives and here, there are two areas in which the Senate occupies a different position than in most areas.

One is the area in which the Constitution provides that revenue bills must originate in the House of Representatives.

The other is the area of appropriations where, by long tradition and custom, we have said that the principal hearings will be held in the House of Representatives.

In those two areas, the Senate has a duty of appeal. I am told that downtown and over in the House Appropriations Committee the word is reclama, a word used to distinguish the duties we have in the Senate in the carrying on and discussing of general legislation which can be introduced either in the Senate or House, and the special type of appeal procedures. So, we do not go into all the basic propositions of legislation on appropriation bills or on revenue bills because of the special situation in which the Constitution says that revenue bills have to originate over in the House of Representatives.

So, the social security bill which originated in the House of Representatives came over to us, and our function here was to look at the bill and discuss the bill and hold hearings on it as an appeal procedure. Reclama is the word they use.

Everybody recognizes that a very bad bill came over from the House of Representatives, a bill that was bad in concept, a bill that destroyed our whole philosophy of welfare, a bill that the appeal procedure of the Senate should operate upon.

So, we held hearings. We had about 2,000 pages of hearings. We held hearings day after day, and the distinguished chairman of the committee did exactly the job that the Senate is supposed to do. He called people in to testify about the House bill, and they did testify about most of the provisions of the bill.

Largely, the amendments that were offered were offered as a result of those hearings on the special bill that originated in the House of Representatives.

We met for many days in executive session in the committee, and amendments were offered. Some of those amendments were adopted unanimously. Other amendments were voted upon on a party basis. Dozens of committee amendments, however, were adopted.

We then came to the floor of the Senate and discussed the social security legislation and the bill that the Senate had reported. Other amendments were adopted.

In a couple of days of conference, those hearing sessions, those thousands of pages of transcript, those debates in the committee, and the debates on the Senate floor, and the rollcall votes where we had adopted amendments by 2 to 1 and 3 to 1 were appealed. And the Senate abdicated and we went right back to the House bill, the bad bill that came over. We went right back to the bill that the appeal procedure had operated on.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, a telegram which I received today from Walter P. Reuther, president of the Industrial Union Department of the AFL–CIO.

There being no objection the telegram was ordered to be printed in the RECORD, as follows:

INDUSTRIAL UNION DEPARTMENT,
AFL–CIO,
December 11, 1967.

The conference report on the Social Security Bill is repugnant to human needs and dignity. Social security benefit levels are totally inadequate, and the work-training requirements imposed on mothers by the conference report are unconscionable.

The welfare benefit freeze will impose heavy tax burdens on local communities and adjustments in old age assistance and welfare standards may deprive the poorest of our retired citizens of any income increases at all.

On behalf of more than six million members of the Industrial Union Department, AFL–CIO, I urge you to vote against the social security conference report and subsequently to instruct conferees to insist on the provisions of the Senate bill.

WALTER P. REUTHER,
President.

Mr. METCALF. Mr. President, I wonder whether the Senate is going to be a coequal legislative body or whether we are going to relegate ourselves to the position of the House of Lords, so that we register our objections and we tell the House of Representatives that we do not agree with the measures they send to the Senate, but when we go to conference, we go back to the same measures.

After weeks of hearings, weeks of debate, weeks of discussion, we are asked to adopt this bad, evil House bill.

When the President of the United States sent up the bill, the Secretary of Health, Education, and Welfare said:

> What really matters is what happens to the families. A mother might appear to be a good candidate for work and training on several grounds. Yet, special circumstances might make it desirable for her to delay entrance into the program. If determinations are made according to rigid formulas inflexibly applied, if lack of imagination and foresight characterize action at the decision level, then the result can only be grief for the individuals and families involved, and defeat of the purposes of the program, which are to strengthen the family and move it toward independence.

Mr. President, as an example of what has happened, I wish to discuss one part of the bill, in the light of that declaration by the Secretary of Health, Education, and Welfare. Today, after I had been recognized, I had an opportunity to look over a statement that has been filed by the committee chairman on the conference report. The conference report is not yet before the Senate, and I have only had an opportunity to glance through the statement that will be presented to the Senate—a summary of the Social Security Amendments of 1967. Tomorrow or the day after tomorrow, I hope to discuss the various amendments in detail. But I wish to discuss a couple of the amendments today, to indicate what happened in conference.

One of the amendments relates to the so-called freeze on welfare. The House bill provided that the proportion of all children under age 21 who were receiving aid to families with dependent children in each State in January, 1967, on the basis of a parent being absent from the home, would not be exceeded for Federal participation after 1967. So that regardless of inflow and outflow of population, Federal participation for dependent children was limited to the Federal payment in 1967.

During the course of the debate on the education bill, I asked some questions about the migration of population. According to the President's manpower report of 1965, people who earn from $2,000 to $3,000 a year migrate from State to State at the percentage of 28 percent. People who earn $6,000 and more have a migration average, from one State to another, of approximately 13 percent. So it can be seen that the poorer people move from one State to another.

The amendment which freezes the amount of money to be paid to take care of dependent children on the basis of 1967 payments would operate against the poorer people, who have the lesser income. But it would operate against all who migrate from one State to another.

When the Committee on Finance held its hearings on this provision of the bill, overwhelming evidence was submitted against it.

Mr. President, I ask unanimous consent that a list of those persons who gave testimony on the freeze before the Finance Committee be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

The list is as follows:

	Hearing page
FAVOR PROVISION IN H.R. 12080	
Council of State Chambers of Commerce	1265
Puerto Rico Medical Association	1388
"OUR FIRST REACTION IS ONE OF CONCERN WITHOUT BEING SURE AS TO WHETHER THIS PROVISION SHOULD BE OPPOSED"	
Department of Health and Social Services, State of Wisconsin	A262
OPPOSE PROVISION IN H.R. 12080	
ADC Association of Lane County, Inc., Oregon	1794
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Alabama Department of Pensions and Security	A7
Allred, Zella D., Salt Lake City, Utah	A15
American Association of University Women, Michigan Division	A132
American Civil Liberties Union	1226
American Nurses Association	951
American Parents Committee	958
American Public Welfare Association	999
Arthritis Foundation, New York Chapter	A180
Association of State Maternal and Child Health and Crippled Children's Directors	A90
Board of Directors, Health and Welfare Council of Metropolitan St. Louis	A251
Brooke, Hon. Edward W., U.S. Senator	826
Burns, Hon. John A., Governor of Hawaii	A213
Burton, Hon. Phillip, Member of Congress	1537
California Rural Legal Assistance (if retained, should be based on numbers of families in poverty)	1926
Central Iowa Chapter, National Association of Social Workers	A78
Chafee, Hon. John H., Governor of Rhode Island	A283
Child Welfare League of America	1321
Citizens' Committee for Children of New York	2019
Cleveland Welfare Federation	A35
Colorado State Department of Public Welfare	A44
Community Council of Greater New York	1617
Community Service Society of New York	1517
Congressmen Bingham, Cohelan, Don Edwards, Fraser, Ottinger, Rosenthal, Ryan, Diggs, George Brown, Conyers, Farbstein, Hawkins, Kastenmeier, Resnick, Roybal, Dow, Scheuer, and Congresswoman Mink	A199
Council for Christian Social Action, United Church of Christ	----
Council of Jewish Federations and Welfare Funds, Federation of Jewish Philanthropies of New York	1611
Curtis, Hon. Kenneth M., Governor of Maine	A175
Delaware Department of Public Welfare	A68
Docking, Hon. Robert, Governor of Kansas	A111
Elman, Richard M., author, "The Poorhouse State. The American Way of Life on Public Assistance"	A244
Episcopal Action Group on Poverty	1733
Evans, Hon. Daniel J., Governor of Washington	A220
Family and Child Services of Washington, D.C	----
Family Service Association of Wyoming Valley	A105
Federation of Protestant Welfare Agencies	A38
Flint, Mich., Chapter of National Association of Social Work	----
Governor's Committee on Law Enforcement and Administration of Justice Subcommittee on Juvenile Delinquency, State of Massachusetts	A170
Green, William S., member, New York State Assembly	1307
Hawaii, State of	A123
Health and Welfare Council of Nassau County, Inc., Garden City, N.Y	A258
Health and Welfare Council of the National Capital Area	1487
Hearnes, Hon. Warren E., Governor of Missouri	A86
Hillcrest Children's Services, Dubuque, Iowa	A223
Hoff, Hon. Philip H., Governor of Vermont	A107
Hughes, Hon. Harold E., Governor of Iowa	A266
Illinois Public Aid Commission	A148
Iowa State Board of Social Welfare	A72
Javits, Hon. Jacob K., U.S. Senator	1397
Jewish Federation of Metropolitan Chicago	A104
Kennedy, Hon. Edward M., U.S. Senator	900
Kennedy, Hon. Robert F., U.S. Senator	775
Kerner, Hon. Otto, Governor of Illinois	A224
Lindsay, Hon. John V., Mayor, New York City	1123
Las Animas County Department of Public Welfare, Colo	A174
Los Angeles County Board of Supervisors	A24
Lutheran Family and Children's Services of St. Louis, Mo	A84
Maine Department of Health and Welfare	A211
Maine Department of Health and Welfare Advisory Committee, Citizens' Advisory Committee to the Bureau of Social Welfare, Executive Committee, Maine Conference on Social Welfare	----
Marlin, David H., Deputy Director, Law Reform, Neighborhood Legal Services Project, Washington, D.C	A268
Massachusetts General Court	A67
Medical Committee for Human Rights	A118
Moore, Hon. Dan, Governor of North Carolina	A85
National Association for the Advancement of Colored People	1259
National Association of Manufacturers	A161
National Association of Social Workers	930
National Committee for Day Care of Children	A178
National Consumers League	A121
National Council of Churches of Christ in the USA	1727
National Council on Illegitimacy	1476
National Council of Jewish Women	A227
National Council of Negro Women	1501
National Council of Senior Citizens	1069
National Governors' Conference	A261
National Farmers Union	1108
National Federation of Settlements and Neighborhood Centers	----
National Federation of Social Service Employees and Social Service Employees Union	1088
National PTA	A100
National Presbyterian Health and Welfare Association of the United Presbyterian Church in the USA	1739
National Urban League	A277
National Welfare Rights Organization	1463
Northeast Neighborhood Counseling Center, Kansas City, Kans	A33
Oregon chapter, National Association of Social Workers	A55
Oregon Social Welfare Association, Inc	1793
Pennsylvania Department of Public Welfare	A253
Physicians Forum	A241
Planned Parenthood—World Population	1495
Rhode Island Department of Social Welfare	A283
Rhodes, Hon. James A., Governor of Ohio	A14
Rockefeller, Hon. Nelson A., Governor of New York	A240
Shepard, Richard G	A198
Sparer, Edward V., teacher of law of public assistance, Yale Law School	1761
Texas State Department of Public Welfare	A200
Travelers Aid Society of Washington, D.C	A275
United Auto Workers	1637
U.S. Commission on Civil Rights	A183
Utah chapter, National Association of Social Workers	A188
Utah Division of Welfare	A106
Volpe, Hon. John A., Governor of Massachusetts	1153
Wisconsin Welfare Council	A105
Wyman, George K., commissioner, New York State Department of Social Services	1543

Mr. METCALF. Mr. President, the record shows that two witnesses testified in support of this freeze and approximately 150 witnesses either appeared personally or submitted testimony against it. Governors from every State in the Union—the Governor of the State represented by the present occupant of the chair—formally opposed this freeze. In the record is a report from the Governors' Conference objecting to it unanimously. In addition, individual Governors from 13 States opposed it. Senators, Representatives, members of the administration, and individuals representing organizations—all were convinced that this was bad legislation, that it was wrong. The only persons who testified in favor of the freeze were the Council of the State Chambers of Commerce and the Puerto Rico Medical Association.

As a result of that evidence and as a result of those hearings, the Senate eliminated that provision. We wrote into the law a provision that payment of welfare benefits would be continued in accordance with existing law. Now we are told, on this appeal procedure, that the testimony of the Governors, the Senators, the Representatives, and other interested individuals is to be taken for nothing. We are told that we will have to go back to the House bill.

What was the point of having all these people appear? What was the point of the debate on the floor and the discussion in the committee, if we are going to abdicate our responsibility to correct bad legislation?

I offered an amendment on the floor of the Senate with respect to disability. I use this as another example. So far as disability is concerned, we did not improve the law. We took a long step backward by adopting the House provision. So in committee, I offered an amendment that coincided with the accepted provisions of the law as it applies to disability in workmen's compensation law, veterans' disabilities, and so forth. I was told by members of the administration that the application of that amendment would cost a considerable amount of money. When we considered the bill on the floor of the Senate, I said:

> Let us just go back to existing law. Let us just continue the disability program as it exists at the present time.

On the floor of the Senate that amendment was adopted, on a yea-and-nay vote, by a margin of 2 to 1. It merely went back to existing law.

But in a couple of afternoons the conferees decided that that amendment and scores of others would not be considered or would not be agreed to.

A work-training incentive program is set up by the proposed legislation. All of us felt that some incentives should be provided for people to take training to learn other skills, especially persons whose skills have become outmoded by technological changes. So the Senate decided that in order to provide such an incentive in the bill such persons would be paid $20 a week over and above their welfare payments, in order to induce them to ride the buses to go to school and spend their time on the learning opportunities they were afforded. In the House, that amount was cut to $30 a month. Mr. President, that $30 a month is just a subsidy for O. Roy Chalk. That is about how much it will cost the people to ride the buses to and from their work-training programs and work-training classes.

Mr. President, how much incentive is a person going to have to get off of welfare and take a training course involving 6 hours, 7 hours, or 8 hours a day when all he gets now over and above his welfare is only bus fare back and forth?

I bring up these situations as examples. In the next day or so I will be more specific and analyze the bill in greater detail.

The bill does increase social security payments by 13 percent. The House figure was 12.5 percent. The Senate suggested that social security payments be increased by 15 percent. The so-called compromise, which was no compromise at all, but an abdication, was 13 percent. The bill increases the minimums from $44 to $55. That is a substantial increase for people who are getting minimum payments. The administration suggested that it be a minimum of $70, and that figure was in the Senate bill.

Many of us in the committee thought there should be a minimum of at least $100. There was a vote, and a substantial vote, in committee on the figure of $100.

However, Mr. President, in scores of pages in the bill the only benefits that are being held over our heads like a club are these two benefits of an increase of 13 percent for social security and an increase of minimums from $44 to $55.

Mr. President, tomorrow I am going to offer an amendment to one of the bills that was passed by the Committee on Finance today increasing social security in accordance with what is agreed to in the conference report: 13 percent and $55.

According to the Washington Star, in an Associated Press article, one of our conferees, who asked that his name not be used, said:

> We were told by the House to accept their provisions or there would be no bill.

Then he said during discussions of what would happen if the bill did not survive:

> We were told we could announce to the old people we had killed the bill which would raise their benefits 13 percent.

After this conference report was announced and the decision of the Senate to abdicate on every major proposition was announced, the Under Secretary of Health, Education, and Welfare said he did not like the bill very much but, as he told the American Public Welfare Association:

> New Congresses may always reconsider what past Congresses have done.

Mr. President, there are men in this Congress and there are men sitting in this Chamber who voted for the first social security legislation. I was a member of the Montana House of Representatives in 1937. I helped to enact the first social security legislation so that the Montana House of Representatives could comply and conform to the national legislation.

In all the years, Congress after Congress, and year after year since then, we have adopted a philosophy that there should be some dignity, even if people are poverty stricken; and we have adopted a philosophy that people should have an opportunity to eat and have a home; and that they should have a minimum of benefits. We have especially adopted a philosophy that children should grow up and have the care of their mother if it is at all possible.

This bill, after all these years—more than 30—and after all the Congresses which have voted upon social security legislation, has said that we will not permit the children to have the care of their mothers and that we can force the mother to go out and work in the streets. We can force her to take any job that is offered to her. We can make her take training and put her children in daytime nurseries.

The Senator from New York on the floor of the Senate offered an amendment which was overwhelmingly adopted that would have taken care of mothers and would have provided that mothers who are taking care of children in their homes would not have to abide by the work provisions of the bill. That measure was eliminated in conference.

Mr. President, this is a bill that goes back to the pre-Revolutionary idea that if you do not work you do not eat. I can remember back in the days of the depression when you did not have jobs, you did not have training, and you did not have the background necessary to get even the kinds of jobs that were offered.

We said that people should have the opportunity to continue to live on a dignified basis. All through the years since then we have adopted that philosophy. To my mind it was a good philosophy then, it is a good basic tenet today, and this is no time for the Assistant Secretary to say, "Well, new Congresses may reconsider what we do on this bill."

Mr. President, this bill does give some increased benefits to people who are receiving social security. However, what it does to families, what it does to mothers, and what it does to the boys and girls of America is so bad, and the basic legislation is so bad, that we can wait a month or so, and we do not have to wait that long if we adopt my suggestion. We can wait a little time to increase the payments to these other people and take care of our basic responsibilities.

I say to the people who think they will get the benefits of 13 percent, or a minimum of $55, that many of them are not going to get that, because there is a provision in the bill that the additional money obtained as social security payments, if one is on welfare, can be taken away from him.

Mr. President, just to point that up, I ask unanimous consent to have printed in the RECORD, which explains more eloquently than I can, two letters with attachments from my constituents, who present exactly the problems I am talking about.

There being no objection, the letters with attachments were ordered to be printed in the RECORD, as follows:

NOVEMBER 22, 1967.

Hon. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I am enclosing herewith a copy of a letter I have previously written to the State of Montana Department of Public Welfare together with a copy of the letter I received in reply, both of which are self-explanatory.

I am not the only person who is being hurt by these policies and I wonder if you are aware of the situation that exists. I know you will help us if there is anything possible that you can do.

I would appreciate it very much if you will see what can be done and let me know why the federal government requires this in face of the increased cost of living. I hope that you can see that the matter is corrected.

With best regards, I am,

Sincerely yours,

——— ———.

STATE OF MONTANA,
DEPARTMENT OF PUBLIC WELFARE,
Helena, Mont., November 14, 1967.

DEAR MR. ———: I have your letter of November 10 which concerns your income from Social Security Benefits. I certainly have a sympathetic understanding of your problem. At this time, however, there is nothing that this Department can do to help you keep both an increase in Benefits with no reduction in your old age assistance. This is a Federal regulation over which we have no authority.

It may be possible, with the anticipated 15% increase in Social Security, there will be no reduction in old age assistance grants, but, as before stated, this is completely within the jurisdiction of the Federal Government.

I am sorry that I cannot be of some help to you.

Sincerely yours,

W. J. FOUSE,
Administrator.

NOVEMBER 10, 1967.

STATE WELFARE COMMISSION,
State Capitol,
Helena, Mont.

Attention: Mr. Fouse, State Administrator.

DEAR MR. FOUSE: I am eighty-four years old and have been retired for a number of years. I draw Social Security benefits in the amount of $62.00 per month and welfare benefits in the amount of $48.00 per month, making a total of $110.00.

I live by myself and have an apartment which costs me $50.00 per month. It is furnished and this price includes all utilities. It is the cheapest apartment that I can find which is decent. It has a private bathroom and other apartments that are cheaper are not fit for a person to live in, as you can well imagine.

In the past, each time Social Security payments have been increased, my welfare check has been decreased in the same amount. I do not have enough to properly take care of myself at the present time. I am looking forward to the increase in Social Security benefits which apparently will soon come to pass and will apparently be about a 15% increase.

Would you please see that my welfare check is not reduced by the same amount as my Social Security check is increased? I don't think it is fair because the reason the Social Security benefits are increased is that the government recognizes that the cost of living has increased to the point where Social Security recipients just have to have more money in order to live. This increase would give me about $9.00 per month more and it is what I need in order to properly take care of myself.

I have talked to my welfare case worker here, Mrs. Wallin, and she has suggested that I write to you directly. I would appreciate very much hearing from you and will look forward to your being able to help me in the matter.

Sincerely yours,

——— ———.

AUGUST 18, 1967.

Re: House Bill 12080.
Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I have been disturbed about a number of sections of House Bill 12080, particularly that section which attempts to limit the number of children who would be eligible to receive ADC by establishing a quota of children for whom the Department of Public Welfare could receive Federal matching funds. This attempt to predetermine the need for this type of assistance does not take into acount economic conditions, automation, and employment conditions which we have no reason to doubt will continue to be fluid and changing at least in the forseeable future. As one of the many consequences of such a harsh action it is easy to forsee that families will be forced to separate for economic reasons only. Family breakdown is one of the greatest contributors to poverty in our Nation and such action seems to be deliberately placing our society in jeopardy.

This burden will not rest solely upon the poor. Migration pattern of the disadvantaged from the rural areas, particularly in the South, to the metropolitan areas is a well established trend. The awesome burden this has placed on the inner city has been recently demonstrated in Watts in 1965 and in the Detroits and Newarks of 1967. This burden and resulting problem can only be increased. A quota system for ADC will have the effect of providing the city with an ever-increasing number of families needing assistance and ever-diminishing resources in which to provide this assistance. Decreasing the amount of Federal support for a metropolitan area cannot be the answer to urban problems.

That section of House Bill 12080 which would require a plan of self-support for all unmarried and divorced, separated and deserted mothers fails to take into consideration that mothers on ADC are not necessarily poor mothers and that enforced separation from a single parent might be more damaging than separation from two adequate parents. What will become of the children of this new group of working mothers? The present scarcity of adequate day care facilities and other facilities for substiute child care will not be easily remedied. The majority of unmarried mothers who are currently recipients of ADC will without question require considerable training and perhaps much basic education before they will be employable in today's job market. One can not help but wonder where these training facilities will come from.

We are all concerned about the ever-increasing cycle of poverty and dependency in our nation. We are concerned about the deterioration of our cities but we must face the fact that we are in the midst of a great social revolution. Forcing that minority of the poor who are recipients of public welfare to bear the burden of our confusion and anger will not halt the changes going on in society in general. Children are important to us. If we lose sight of this fact we face the prospect of yet another generation who will disassociate themselves from responsible society. Depriving already deprived people will not produce the kind of self-sufficiency which is our desire for everyone.

Again we recognize that changes are needed, however, it would appear that a few sections in House Bill 12080 provides more problems than solutions.

Sincerely yours,

——— ———.

Mr. METCALF. Mr. President, tomorrow, and the next day, I shall speak in greater detail about the bill. This is a bad bill. It was recognized to be a bad bill when it came over from the House of Representatives. During the course of the hearings—2,000 pages of it—witness after witness came in and testified in opposition to the legislation. This is essentially the bill that passed the House. The bill should be voted down. We should have another opportunity to take care of the old, the poverty stricken, and the unfortunate of the people of America and give them the cost of living increase to which they are entitled, to give them the benefits of an affluent society which the majority of Americans now enjoy.

We must not take the first step backwards in 33 years of welfare and social security legislation.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order calling for the Senate to convene at 12 o'clock tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio [Mr. YOUNG] be recognized tomorrow morning, at the conclusion of the reading of the Journal, for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 24 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 12, 1967, at 11 a.m.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 11, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the peace of God rule in your hearts.—Colossians 3: 15.

O God, our Father, who art above us and yet within us, afar off yet very near, we pause in silence before Thee knowing that with Thee all of life glows with meaning and grows with purpose. Quiet the turmoil in our spirits: soothe the irritations in our hearts and in quietness and confidence may we open the inner doors of our being to Thee.

Speak to us through our consciences and help us to be more honest with ourselves and more friendly with others.

Speak to us through our wills and help us to choose the right way that the decisions made this day may make the days to come useful and joyful for all.

Speak to us through the needs of the world and help us to live in the confidence that justice can conquer injustice, peace can overcome war, and that love is stronger than hate.

So speak to us and to all our people that this advent season may bear witness to a new birth of Thy spirit in the hearts of men. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, December 7, 1967, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1592. An act for the relief of Dr. Rene Jose Triay;

H.R. 1670. An act for the relief of Dr. George H. Edler;

H.R. 1894. An act for the relief of Our Lady of Pillar Catholic Church in Santa Ana, Calif.;

H.R. 2138. An act to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes;

H.R. 2152. An act to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts;

H.R. 3032. An act for the relief of Mrs. Karen Wood Davila;

H.R. 3516. An act for the relief of Andres Mauricio Candela, M.D.;

H.R. 3525. An act for the relief of Israel Mizrahy, M.D.;

H.R. 3528. An act for the relief of Isaac Chervony, M.D.;

H.R. 3866. An act for the relief of Dr. Eduardo Enrique Ramos;

H.R. 3889. An act for the relief of the Standard Meat Co.;

H.R. 4974. An act for the relief of Dr. Manuel A. Turbat;

H.R. 5186. An act for the relief of Dr. Armando Cobelo;

H.R. 5187. An act for the relief of Dr. Hector Alfredo E. Planas-Pina;

H.R. 5853. An act for the relief of Raymond E. Grail;

H.R. 6088. An act for the relief of Dr. Manuel Jose Coto;

H.R. 6096. An act for the relief of Mrs. Inge Hemmersbach Hilton;

H.R. 6670. An act for the relief of Dr. Virgilio A. Ganganelli Valle;

H.R. 6766. An act for the relief of Dr. Raul Gustavo Fors Docal;

H.R. 7890. An act for the relief of Dr. Josefina Quintos Marcelo;

H.R. 7896. An act for the relief of Dr. José A. Rico Fernández;

H.R. 7898. An act for the relief of Dr. Nemesio Vazquez Fernandez;

H.R. 8256. An act for the relief of Dr. Hermes Q. Cuervo;

H.R. 8258. An act for the relief of Jorge Gabriel Lazcano, M.D.;

H.R. 8407. An act for the relief of Dr. Raquel Maria Cruz-Flores;

H.R. 8738. An act for the relief of Guillermo Ramon Palacio Sela;

H.R. 9081. An act for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya;

H.R. 9574. An act for the relief of Joseph J. Wojcik;

H.R. 10449. An act for the relief of Camille Anita Dobson;

H.R. 11395. An act to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960;

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment act of 1938, as amended, to authorize the transfer of peanut acreage allotments; and

H.R. 12912. An act to give the consent of Congress to the State of Ohio to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the acts of November 1, 1965 (79 Stat. 1157), and November 2, 1966 (80 Stat. 1156).

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3031, An act for the relief of Mr. and Mrs. Christos Photinos-Svoronos;

H.R. 5575. An act for the relief of Panagiotis Paulus;

H.R. 6326. An act for the relief of Chrisanthe Savas Karatapanis;

H.R. 8338. An act to create a new division for the Western district of Texas, and for other purposes;

H.R. 8476. An act to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski;

H.R. 9063. An act to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes; and

H.R. 13893. An act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13893) entitled "An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pastore, Mr. Hayden, Mr. McClellan, Mr. Magnuson, Mr. Holland, Mr. Monroney, Mrs. Smith, Mr. Young of North Dakota, and Mr. Mundt to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes; and

S. 2126. An act to amend the Food and Agriculture Act of 1965.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2388) entitled "An act to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs to authorize an Emergency Employment Act, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) entitled "An act to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) entitled "An act to increase the basic pay for members of the uniformed services, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) entitled "An act to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes."

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 51. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes;

S. 172. An act for the relief of Mrs. Daisy G. Merritt;

S. 265. An act for the relief of Manuel Pe Benito Supnet;

S. 909. An act for the relief of Paul L. Margaret, and Josephine Kirsteatter;

S. 989. An act to provide improved judicial machinery for the selection of Federal juries, and for other purposes;

S. 1052. An act for the relief of Nicholas S. Cvetan, U.S. Air Force (retired);

S. 1212. An act for the relief of John L. Dean;

S. 1247. An act to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes;

S. 1999. An act to amend the District of Columbia Public Education Act;

S. 2018. An act for the relief of Wong Wah Sin;

S. 2104. An act for the relief of Irva G. Franger;

S. 2118. An act for the relief of Dr. Joseph E. Stapleton;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2249. An act for the relief of Dr. Mario G. Mendez;

S. 2287. An act for the relief of the county of Marshall, Ind.;

S. 2318. An act for the relief of Kelley Michelle Auerbach;

S. 2380. An act for the relief of Dr. Juan Jose Villa-Campos;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2488. An act for the relief of Dr. Raul Agustin Pereira-Valdes;

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia;

S. 2492. An act for the relief of Leonardo E. Arteaga;

S. 2495. An act for the relief of Dr. Jesus Ortiz Ricote; and

S. Con. Res. 43. Concurrent resolution to officially recognize the 150th anniversary of the admission of the State of Illinois to the Union.

APPOINTMENT OF CONFEREES ON H.R. 13893, APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED AGENCIES, 1968

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13893) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, as I understand it the other body has added between $500 million and $600 million, well above a half billion dollars, to the so-called foreign aid bill as it left the House. I wonder if the gentleman from Louisiana would like to have the House instruct the conferees at this time to stay with the House position or await further developments?

Mr. PASSMAN. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. I am glad to yield to my friend from Louisiana.

Mr. PASSMAN. I do not feel it is necessary to instruct the House conferees at this time. The House conferees have had a very good record in the past of bringing back conference reports to the House that followed pretty much the same form in which the bills were passed by the House. I would hope the gentleman from Iowa would withdraw his reservation of objection now, and give the conferees an opportunity to go to conference, and at the proper time, if we are not able to hold the House position in substance, we may then come back and ask for instructions.

Mr. GROSS. I noted last week that the gold supply of this country has now dwindled to only a little more than $12 billion from a stock of gold that we had a few years ago of some $29 billion. It has been my hope that the foreign handout bill would be one place where we could practice economy and demonstrate to the American people that we recognize a very serious financial situation in this Nation.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, I can assure the gentleman we are going to take all those things into account when we go to conference. It will not be a quick and easy conference. I remember one year when we were in conference on Christmas Eve. Conceivably, that could happen again. We certainly are not going to go to this conference with the intentions of capitulating to the other body, that I can assure the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, in view of the gentleman's intention and assurance of upholding the position of the House, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. Passman, Rooney of New York, Mrs. Hansen of Washington, Messrs. Cohelan, Long of Maryland, McFall, Mahon, Shriver, Conte, Mrs. Reid of Illinois, and Messrs. Riegle and Bow.

PERMISSION TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A CONFERENCE REPORT ON H.R. 12080, SOCIAL SECURITY AMENDMENTS OF 1967

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House have until midnight tonight, December 11, 1967, to file a conference report on the bill, H.R. 12080, the Social Security Amendments of 1967.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. HALL. Mr. Speaker, reserving the right to object, would the distinguished chairman of the Committee on Ways and Means advise the House, in answer to the question that we have been customarily making at this juncture, if the conference has been completed and the report is printed and ready for filing?

Mr. MILLS. Yes. The conference was completed last Thursday sometime, around 8 or 8:30.

Mr. HALL. Mr. Speaker, I judged from the news media this was true. I am glad to hear it from the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ANNOUNCEMENT OF LEGISLATIVE PROGRAM FOR WEDNESDAY, DECEMBER 13, 1967

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, in view of the unanimous consent which was just obtained by the distinguished gentleman from Arkansas, and after consulting with him and other Members of the leadership, I desire to advise the House that the gentleman will plan to call up the conference report on the Social Security Act Amendments on Wednesday of this week.

PROHIBITING CERTAIN BANKS AND SAVINGS AND LOAN ASSOCIATIONS FROM FOSTERING OR PARTICIPATING IN GAMBLING ACTIVITIES—CONFERENCE REPORT

Mr. PATMAN submitted a conference report and statement on the bill (H.R. 10595), to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities.

GEORGE WASHINGTON UNIVERSITY NEEDS A NEW NAME

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, George Washington University needs a new name.

The Father of our Country, the first President of the United States, the hero of Valley Forge, and the epitome of patriotism in the darkest hours of the Republic, would resent the use of his name on a school whose president issues a directive suspending all military recruiting on the campus.

Bear in mind, Mr. Speaker, that the recruiters are not a part of the selective service. The recruiters seek volunteers only.

Perhaps Arnold-Carmichael University would be a better name. Surely Benedict and Stokely would be proud.

JUNK MAIL LOBBYING

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, we have seen many examples of lobbying in the Halls of Congress, but I believe no lobby has been as rough, ruthless, and cynical as those interests seeking lower rates for third-class mail.

Here is the latest example. A prominent citizen in my congressional district was offered by an intermediary a political war chest in excess of $100,000 to try and eliminate me from Congress in 1968. This potential candidate told me he was so sickened by the nature of the offer that he turned it down with the observation that he himself agreed that third-class mail should pay its way. The same interests then approached him again, stating that they did not care how he felt, because anybody would be better than the present Representative of the Fourth Congressional District of West Virginia, and they would do anything to get rid of the present Congressman.

Mr. Speaker, $100,000 is a lot of money in West Virginia. I personally doubt if anyone ever spent that much money in a congressional campaign in our State. We have heard many stories about direct-mail concerns claiming that higher third-class rates will throw them out of business.

If the junk mailers can afford to raise over $100,000 in order to launch a political campaign, surely they can afford to pay postage rates which are not subsidized by the taxpayers and mailers of first-class mail. This just shows the lengths they will go to try and buy a seat in Congress.

STOKELY CARMICHAEL RETURNS

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, I have been advised that Stokely Carmichael will arrive in New York this afternoon at 3:40 p.m. aboard flight 707 Air France.

At that time the U.S. Department of State will ask him for his passport, a mild slap on the knuckles, but under present law, it is about the only thing which can be done by the Passport Division.

I am however, hoping that the Justice Department will take appropriate action against Carmichael. He has been quoted as saying he is returning to assume the responsibility for his statements.

His statements, Mr. Speaker, make Stokely Carmichael guilty of sedition.

I have called, written, and pleaded with our Justice Department to take action against this seditious demagog. Justice has responded with an incredible amount of study.

However, the law on sedition is very clear. I have even had a treatise on the law on sedition, as provided by the Library of Congress, inserted into the CONGRESSIONAL RECORD more than 5 months ago for the edification of the Department of Justice.

Yet this morning, Justice responded to the announcement of Carmichael's return by saying it was studying the matter.

Historically, we say that justice is supposed to be blind. If action is not taken by the Justice Department today, I would say that Justice Department is blind to violations of the law.

THE STATE OF MISSISSIPPI, AGAIN A STATE OF THE UNITED STATES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, yesterday, December 10, was the 150th birthday of our State of Mississippi. On the 10th of December 1817, Mississippi became the 20th State to come into the Nation. We have served under the Spanish flag, the French flag, back to the Spanish flag, then the English flag, the flag of the United States, the Confederate flag, and back to the flag of the United States, where we will stay. Our first Governor was David Holmes and the State capital was located near Natchez.

We are celebrating this great occasion in various ways down in Mississippi. I commend the Governor and the sesquicentennial committee in their detailed plans for this celebration.

We have had a colorful 150 years in our State. I also feel the next 30 years, before the turn of the century, will be years of great economic benefit for our people and further improve the per capita income for Mississippians.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 11, 1967.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I have the honor of transmitting herewith a sealed envelope received by my office at 11:45 p.m., Friday, December 8, 1967, from the White House and said to contain H.R. 162, an Act to grant the masters of certain United States vessels a lien on those vessels for their wages and for certain disbursements, and a veto message thereon.

Respectfully yours,
W. PAT JENNINGS,
Clerk.

TO GRANT MASTERS OF CERTAIN U.S. VESSELS A LIEN ON VESSELS FOR THEIR WAGES AND FOR CERTAIN DISBURSEMENTS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 196)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning H.R. 162 without my approval.

This measure could seriously endanger private financing for ship construction.

It could lead to far greater Government subsidies for the merchant fleet—and place an undue and unnecessary financial burden on the American taxpayer.

It could also result in extended litigation.

In short, H.R. 162 is bad public policy.

The preferred ship mortgage is a useful and time-tested private financing device for building our merchant fleet. The holders of these mortgages are now secured creditors. Under existing law, their liens are paid immediately after those for seamen's wages, tort judgments, or other contract liens which attached prior to the preferred mortgage.

The mischief in H.R. 162 is this: It would—for the first time—give the highest priority lien to those who contract with the ship's master for ship supplies and other items. As a result, it places these suppliers and contractors in a superior position to the holders of preferred ship mortgages.

In substance, H.R. 162 could reduce the preferred mortgageholder virtually to the status of an unsecured creditor.

This could destroy the usefulness of the preferred ship mortgage as a means of privately financing merchant ship construction—a method which Congress itself authorized and approved in the Ship Mortgage Act of 1920.

Some portions of H.R. 162 are desirable. I believe it is wise to give the master of a vessel a lien for his wages that would have the same high priority as a seaman has for his. This affords the master greater protection for the fruits of his labor.

If the Congress enacts a bill so safeguarding the ship master's wages—without the offending provision I have discussed above—I would be happy to approve it.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *December 8, 1967.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. GARMATZ. Mr. Speaker, I move that the bill and message be referred to the Committee on Merchant Marine and Fisheries and ordered to be printed.

The motion was agreed to.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 428]

Annunzio
Ashbrook
Ashley
Bates
Bell
Bolling
Broomfield
Carter
Celler
Cowger
Dickinson
Dingell
Erlenborn
Fino
Fountain
Frelinghuysen
Fulton, Tenn.
Halleck
Hardy
Harrison
Harsha
Heckler, Mass.
Henderson
Herlong
Hosmer
King, N.Y.
Kornegay
Kuykendall
Lukens
McEwen
Martin
Mathias, Md.
Michel
Nichols
Resnick
St. Onge
Sikes
Snyder
Stratton
Watson
Willis
Wyatt

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 389 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as fellows:

CONFERENCE REPORT (H. REPT. No. 1012)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Economic Opportunity Amendments of 1967.'

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 (other than part C of title I of such Act), there is hereby authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of $1,980,000,000, of which, subject to the provisions of section 616 of such Act, the amounts appropriated or made available by appropriation Act shall not exceed $295,000,000 for the purpose of carrying out the provisions of part A of title I of such Act, $476,000,000 for the purpose of carrying out part B of title I, $60,000,000 for the purpose of carrying out part D of title I, $950,000,000 for the purpose of carrying out title II, $20,000,000 for the purpose of carrying out part A of title III $27,000,000 for the purpose of carrying out part B of title III, $10,000,000 for the purpose of carrying out section 406 of title IV, $70,000,000 for the purpose of carrying out part A of title V, $25,000,000 for the purpose of carrying out part B of title V, $16,000,000 for the purpose of carrying out title VI, and $31,000,000 for the purpose of carrying out title VIII, and there is authorized to be appropriated $2,180,000,000 for the fiscal year ending June 30, 1969.

"TITLE I—AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

"JOB CORPS AMENDMENTS

"SEC. 101. Part A of title I of the Economic Opportunity Act of 1964 is amended to read as follows:

" 'PART A—JOB CORPS

" 'STATEMENT OF PURPOSE

" 'SEC. 101. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and or nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of National, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

" 'ESTABLISHMENT OF THE JOB CORPS

" 'SEC. 102. There is hereby established within the Office of Economic Opportunity a 'Job Corps'.

" 'INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

" 'SEC. 103. To become an enrollee in the Job Corps, a young man or woman must be a person who—

" '(1) is a permanent resident of the United States who has attained age fourteen but not attained age twenty-two at the time of enrollment;

" '(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

" '(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

" '(4) is determined, after careful screening as provided for in sections 104 and 105, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

" '(5) meets such other standards for enrollment as the Director may prescribe (including special standards for the enrollment on a residential basis of 14 and 15 year olds) and agrees to comply with all applicable Job Corps rules and regulations.

" 'SCREENING AND SELECTION OF APPLICANTS—GENERAL PROVISIONS

" 'SEC. 104. (a) The Director shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

" '(1) the interviewing of each applicant for the purpose of—

" '(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

" '(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potental assignment; and

" '(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance.

" '(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

" '(b) The Director shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

" '(c) The Director shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such young in order to meet problems of wide geographic dispersion.

" 'SCREENING AND SELECTION—SPECIAL LIMITATIONS

" 'SEC. 105. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Director shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

" '(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Director and does not violate applicable laws or regulations, and if the Director has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

" 'ENROLLMENT AND ASSIGNMENT

" 'SEC. 106. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Director may authorize in special cases.

" '(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Universal Military Training and Service Act (50 U.S.C. App. 451 et seq.).

" '(c) Each enrollee (other than a native and citizen of Cuba described in section 609(3) of this Act or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

" '(d) After the Director has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Director, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

" '(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers, as described in section 107, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

" 'JOB CORPS CENTERS

" 'Sec. 107. (a) The Director may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential and/or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other services appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment.

" '(b) To the extent feasible, men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in programs described in part B of this title. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Director may specify.

" 'PROGRAM ACTIVITIES

" 'Sec. 108. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

" '(b) To the extent practicable, the Director may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

" '(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school; and the Director, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

" '(d) The Director shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

" 'ALLOWANCE AND SUPPORT

" 'Sec. 109. (a) The Director may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $35 per month during the first six months of an enrollee's participation in the program and not to exceed $50 per month thereafter, except that allowances in excess of $35 per month, but not exceeding $50 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration, and the Director is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

" '(b) The Director shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

" '(c) The Director may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Director. The Director may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Director deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

" '(d) Under such circumstances as the Director may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Director.

" 'STANDARDS OF CONDUCT

" 'Sec. 110. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

" '(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Director.

" 'COMMUNITY PARTICIPATION

" 'Sec. 111. The Director shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Director shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools, educational institutions, and agencies serving young people.

" 'COUNSELING AND JOB PLACEMENT

" 'Sec. 112. (a) The Director shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

" '(b) The Director shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Director shall utilize the United States Employment Service to the fullest extent possible.

" '(c) The Secretary of Labor shall make arrangements to determine the status and progress of terminees and to assure that their needs for further education, training, and counseling may be met.

" '(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor and the Office of Economic Opportunity.

" '(e) The Director shall, to the extent feasible in accordance with section 637(b) of this Act, arrange for the readjustment allowance provided for in section 109(c) of this Act, less any sums already paid pursuant to subsection (d) of that section, to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

" '(1) the number of former enrollees who have declined the offices' help in finding a job;

" '(2) the number who were successfully placed in jobs without further education or training;

" '(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

" '(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Director deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary of Labor. In the case of enrollees who are placed in jobs by the Director prior to the termination of their participation in the Job Corps, the Director shall maintain records providing pertinent placement and follow-up information.

" 'EVALUATION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

" 'SEC. 113. (a) The Director shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components, from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Director shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program. The results of such evaluation shall be published and shall be summarized in the report required by section 608.

" '(b) The Director may undertake or make grants or contracts for experimental, research, or demonstration projects directed to developing or testing ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Director may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in part B of this title, in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, including programs under part B of this title, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available to projects under this section to the extent they include the same or substantially similar activities. The Director may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall, either in the report required by section 608 or a separate annual document, report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

" '(c) In order to determine whether upgraded vocational education schools could eliminate or substantially reduce the school dropout problem, and to demonstrate how communities could make maximum utilization of existing educational and training facilities, the Director, in cooperation with the Commissioner of Education, shall enter into one or more agreements with State educational agencies to pay the cost of establishing and operating model community vocational education schools and skill centers. Such facilities shall be centrally located in an urban area having a high dropout rate, a large number of unemployed youths, and a need in the area for a combination vocational school and skill center. No such agreement shall be entered into unless it contains provisions designed to assure that—

" '(1) a job survey be made of the area;

" '(2) the training program of the school and skill center reflect the job market needs as projected by the survey;

" '(3) an advisory committee composed of representatives of business, labor, education, and community leaders be formed to follow the center's activities and to make periodic recommendations regarding its operation;

" '(4) arrangements have been worked out with schools in the area and the administrator of the skill center for maximum utilization of the center both during and after school hours; and

" '(5) such accounting and evaluation procedures as the Director and the Commissioner of Education deem necessary to carry out the purpose of this project will be provided.

" 'ADVISORY BOARDS AND COMMITTEES

" 'SEC. 114. The Director shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities. Nothing in this section shall be considered as limiting the functions of the National Advisory Council, established pursuant to section 605 of this Act, with respect to any matter or question involving the Job Corps; but this shall not prevent the establishment through or in cooperation with the National Advisory Council of one or more boards or committees under this section.

" 'PARTICIPATION OF THE STATES

" 'SEC. 115. (a) The Director shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

" '(b) The Director may enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

" '(c) No Job Corps center or other similar facility designed to carry out the purpose of this Act shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within 30 days of such submission.

" 'APPLICATION OF PROVISIONS OF FEDERAL LAW

" 'SEC. 116. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

" '(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

" '(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

"'(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

"'(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

"'(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

"'(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

"'(b) When the Director finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

"'(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Director for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

"'SPECIAL LIMITATIONS

"'SEC. 117. (a) The Director shall not use any funds made available to carry out this part for the fiscal year ending June 30, 1968, in a manner that will increase the residential capacity of Job Corps centers above forty-five thousand enrollees.

"'(b) The Director shall take necessary action to assure that on or before June 30, 1968, of the total number of Job Corps enrollees receiving training, at least 25 per centum shall be women. The Director shall immediately take steps to achieve an enrollment ratio of 50 per centum women enrollees in training in the Job Corps consistent with (1) efficiency and economy in the operation of the program, (2) sound administrative practice, and (3) the socioeconomic, educational, and training needs of the population to be served.

"'(c) The Director shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

"'(d) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

"'POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

"'SEC. 118. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

"'(b) No officer, employee, or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of the Federal Corrupt Practices Act, 1925.

"'(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Director with specific instructions as to discipline or dismissal or other corrective actions.'

"WORK AND TRAINING PROGRAMS

"SEC. 102. Part B of title I of the Economic Opportunity Act of 1964 is amended to read as follows:

"'PART B—WORK AND TRAINING FOR YOUTH AND ADULTS

"'STATEMENT OF PURPOSE

"'SEC. 120. The purpose of this part is to provide useful work and training opportunities, together with related services and assistance, that will assist low-income youths to continue or resume their education, and to help unemployed or low-income persons, both young and adult, to obtain and hold regular competitive employment, with maximum opportunities for local initiative in developing programs which respond to local needs and problems, and with emphasis upon a comprehensive approach which includes programs using both public and private resources to overcome the complex problems of the most severely disadvantaged in urban and rural areas having high concentrations or proportions of unemployment, underemployment, and low income.

"'COMMUNITY PROGRAM AREAS AND COMPREHENSIVE WORK AND TRAINING PROGRAMS

"'SEC. 121. (a) The Director shall designate or recognize community program areas for the purpose of planning and conducting comprehensive community work and training programs.

"'(b) For the purpose of this part, a community may be a city, county, multicity, or multicounty unit, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed for a comprehensive work and training program. The Director shall consult with the heads of other Federal agencies responsible for programs relating to community action, manpower services, physical and economic development, housing, education, health, and other community services to encourage the establishment of coterminous or complementary boundaries for planning purposes among those programs and comprehensive work and training programs assisted under this part.

"'(c) A comprehensive work and training program must seek to provide participants an unbroken sequence of services which will enable them to obtain and hold employment. It shall provide a systematic approach to planning and implementation including the linkage of relevant component programs authorized by this Act with one another and with other appropriate public and private programs and activities. It shall also provide for evaluation.

"'PRIME SPONSORS AND DELEGATE AGENCIES

"'SEC. 122. (a) For each community program area, the Director shall recognize a public or private nonprofit agency which shall serve as the prime sponsor to receive funds under section 123 (except as otherwise provided in section 123(c)). This agency must be capable of planning, administering, coordinating, and evaluating a comprehensive work and training program.

"'(b) The prime sponsor shall provide for participation of employers and labor organizations in the planning and conduct of the comprehensive work and training programs.

"'(c) The prime sponsor shall be encouraged to make use of public and private organizations as delegate agencies to carry out components of the comprehensive work and training program, including without limitation agencies governed with the participation of the poor and other residents of the neighborhoods or rural areas served, educational institutions, the public employment service, the public welfare agency, other health and welfare agencies, private training institutions, and other capable public and private organizations.

"'(d) The prime sponsor and delegate agencies shall provide for participation of residents of the area and members of the groups served in the planning, conduct, and evaluation of the comprehensive work and training program and its components. Such persons shall be provided maximum employment opportunity in the conduct of component programs, including opportunity for further occupational training and career advancement.

"'(e) The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

"'ELIGIBLE ACTIVITIES

"'SEC. 123. (a) The Director may provide financial assistance in urban and rural areas for comprehensive work and training programs or components of such programs, including the following:

"'(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

"'(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

"'(3) special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands;

"'(4) special programs which provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields including without limitation health, education, welfare, neighborhood redevelopment, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement;

" '(5) special programs which concentrate work and training resources in urban and rural areas having large concentrations or proportions of low-income, unemployed persons, and within those rural areas having substantial outmigration to urban areas, which are appropriately focused to assure that work and training opportunities are extended to the most severely disadvantaged persons who can reasonably be expected to benefit from such opportunities, and which are supported by specific commitments of cooperation from private and public employers;

" '(6) supportive and follow-up services to supplement work and training programs under this or other Acts including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs and in employment;

" '(7) employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged;

" '(8) programs to provide incentives to private employers, other than nonprofit organizations, to train or employ unemployed or low-income persons, including arrangements by direct contract, reimbursements to employers for a limited period when an employee might not be fully productive, payment for on-the-job counseling and other supportive services, payment of all or part of employer costs of sending recruiters into urban and rural areas of high concentrations or proportions of unemployed, or low-income persons, and payments to permit employers to provide employees resident in such areas with transportation to and from work or to reimburse such employees for such transportation: *Provided,* That in making such reimbursements to employers the Director shall assure that the wages paid any employee shall not be less than the minimum wage which would be applicable to employment under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to the employee and he was not exempt under section 13 thereof; and

" '(9) means of planning, administering, coordinating, and evaluating a comprehensive work and training program.

" '(b) Commencing July 1, 1968, all work and training component programs conducted in a community under this section shall be consolidated into the comprehensive work and training program and financial assistance for such components shall be provided to the prime sponsor unless the Director determines there is a good cause for providing an extension of time, except as otherwise provided by subsection (c). After that date, the work and training components of programs authorized by section 502 of this Act and by section 261 of part E of title II of the Manpower Development and Training Act of 1962 shall to the maximum extent feasible be linked to the comprehensive work and training program, including funding through the prime sponsor where appropriate.

" '(c) The Director may provide financial assistance to a public agency or private organization other than a prime sponsor to carry out one of more component programs described in subsection (a) when he determines, after soliciting and considering comments of the prime sponsor, if any, that such assistance would enhance program effectiveness or acceptance on the part of persons served and would serve the purposes of this part. In the case of programs under subsection (a)(1) of this section, financial assistance may be provided directly to local or State educational agencies pursuant to agreements between the Director and the Secretary of Labor providing for the operation of such programs under direct grants or contracts.

" 'SPECIAL CONDITIONS

" 'SEC. 124. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

" '(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

" '(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

" '(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

" '(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

" '(b) The Director shall terminate financial assistance for any program under this part in any case in which he determines that any person charged, in whole or part, with the responsibility for the administration of the program is a member of the Communist Party.

" '(c) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

" '(d) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

" '(e) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

" 'PROGRAM PARTICIPANTS

" 'SEC. 125. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

" '(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

" '(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

" 'ELDERLY

" 'SEC. 126. The Director shall provide that programs under this part shall be designed to deal with the incidence of long-term unemployment among persons fifty-five years and older. In the conduct of such programs, the Director shall encourage the employment of such persons as regular, part-time, and short-term staff in component programs.

" 'PILOT PROJECTS

" 'SEC. 127. (a) The Director may provide financial assistance to public or private organizations for pilot projects which are designed to develop new approaches to further the objectives of this part. Such projects may be conducted by public agencies or private organizations.

" '(b) The director shall undertake pilot projects designed to encourage the maximum participation of private employers, other than nonprofit organizations, in work and training programs under this part.

" '(c) Before the Director may approve a pilot project, he shall solicit and consider comments on such project from the prime sponsor, if any, in the community where the project will be undertaken.

" 'TECHNICAL ASSISTANCE AND TRAINING

" 'SEC. 128. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out work and training programs under this part and part D of this title. He shall give special consideration to the problems of rural areas.

" 'ROLE OF THE STATES

" 'SEC. 129. The Director may provide financial assistance to appropriate State agencies to—

" '(1) provide technical assistance and training, as authorized by section 128, with particular emphasis upon service to rural areas and for this purpose preference shall be given to the State agency which administers programs assisted by section 231;

" '(2) assist in coordinating State activities related to this part;

" '(3) operate work and training programs in communities which have not yet established an acceptable prime sponsor; and

" '(4) provide work and training opportunities on State projects and in State agencies: *Provided,* That these opportunities shall be made available to participants in community work and training programs.

" 'EQUITABLE DISTRIBUTION OF ASSISTANCE

" 'SEC. 130. Of the sums appropriated or allocated for any fiscal year for programs authorized under this title, the Director shall reserve not to exceed 20 per centum for the purpose of carrying out section 123(a)(5); but not more than 12½ per centum of the funds so reserved for any fiscal year shall be used within any one State. With respect to the remaining funds appropriated or allocated to carry out the provisions of section 128, the Director shall establish criteria, designed to achieve an equitable distribution of assistance among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels.

" 'LIMITATIONS ON FEDERAL ASSISTANCE

" 'SEC. 131. Federal financial assistance to any program or activity carried out pursuant to section 123 of this part shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Director may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. If in any fiscal year, a community provides non-Federal contributions under this part exceeding its requirements under this section, such excess may be used to meet its requirements for such contributions under section 225(c).

" 'PROGRAM DATA AND EVALUATION

" 'SEC. 132. (a) The Director shall provide for the development and implementation of a program data system consistent with similar data systems for other relevant Federal programs. Such data shall be published periodically.

" '(b) The Director shall provide for the continuing evaluation of the programs under this part, including their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for the delivery of services, and he shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs. This evaluation shall include comparisons with proper control groups composed of persons who have not participated in such programs, and shall seek to develop comparative data on the costs and benefits of work and training programs authorized by this Act and by other Acts, including the Manpower Development and Training Act of 1962. He may, for this purpose, contract for independent evaluations of such programs or individual projects. The results of such evaluations shall be included in the report required by section 608.

" '(c) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this part. Such standards shall be considered in deciding whether to renew or supplement financial assistance provided by sections 123, 128, and 129.' "

"SPECIAL IMPACT PROGRAMS

"SEC. 103. Part D of title I of the Economic Opportunity Act of 1964 is amended to read as follows:

" 'PART D—SPECIAL IMPACT PROGRAMS

" 'STATEMENT OF PURPOSE

" 'SEC. 150. The purpose of this part is to establish special programs which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban areas having especially large concentrations of low-income persons, and within those rural areas having substantial out-migration to eligible urban areas, and (2) are of sufficient size and scope to have an appreciable impact in such communities and neighborhoods in arresting tendencies toward dependency, chronic unemployment, and rising community tensions.

" 'ESTABLISHMENT OF PROGRAMS

" 'SEC. 151. The Director is authorized to provide financial assistance to public agencies or private organizations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size and scope to have an appreciable impact on the area served. Such programs may include—

" '(1) economic and business development programs, including programs which provide financial and other incentives to business to locate in or near the areas served so as to provide employment opportunities for residents of those areas, and programs such as those described in title IV of this Act for small businesses in or owned by residents of such areas;

" '(2) community development activities which create new training and employment opportunities and which contribute to an improved living environment; and

" '(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, and community development programs, including without limitation activities such as those described in part B of this title.

" 'REQUIREMENTS FOR FINANCIAL ASSISTANCE

" 'SEC. 152. (a) The Director shall not provide financial assistance for any program or component project under this part unless he determines that—

" '(1) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

" '(2) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses by residents of the area served;

" '(3) projects will be planned and carried out with the maximum participation of local businessmen by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

" '(4) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant plans for physical and human resources of the areas served;

" '(5) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

" '(6) preference will be given to the residents of the areas served in filling jobs and training opportunities; and

" '(7) training programs financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities or neighborhoods other than those for which programs are established under this part.

" '(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

" '(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

" '(d) Of the sums appropriated or allocated for any fiscal year for programs authorized under this title, the Director shall reserve not less than 7 per centum for the purpose of carrying out this part.

" 'APPLICATION OF OTHER FEDERAL RESOURCES

" 'SEC. 153. (a) The Secretary of Housing and Urban Development shall, in consultation with the Director, take all necessary steps under the authority granted to him under title I of the Housing Act of 1949 to assure that land for business location and expansion purposes is made available as may be necessary to carry out the purpose of this part.

" '(b) Areas selected for assistance under this part shall be deemed "redevelopment areas" within the meaning of section 401 of the Public Works and Economic Development Act of 1965 and shall qualify for assistance under the provisions of title II of that Act.

" '(c) The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

" 'EVALUATION

" 'SEC. 154. Each program for which payments are made under section 151 shall provide for a thorough evaluation of the effectiveness of the program in achieving the goals of this part. This evaluation shall be conducted by such public or private organizations as the Director may designate, and up to 100 per centum of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations or a summary of them, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608.

" 'FEDERAL SHARE OF PROGRAM COSTS

" 'SEC. 155. Federal grants to any program carried out pursuant to this part shall not exceed 90 per centum of the cost of such program, including costs of administration, unless the Director determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that assistance in excess of such percentage is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services: *Provided*, That where capital investment is required under a contract with a private organization (other than a nonprofit organization), the Federal share thereof shall not exceed 90 per centum of such capital investment and the non-Federal share shall be as defined above.'

"COMMUNITY ACTION AMENDMENTS

"SEC. 104. Title II of the Economic Opportunity Act of 1964 is amended to read as follows:

" 'TITLE II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

" 'STATEMENT OF PURPOSE

" 'SEC. 201. (a) This title provides for community action agencies and programs, prescribes the structure and describes the functions of community action agencies and authorizes financial assistance to community action programs and related projects and activities. Its basic purpose is to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Its specific purposes are to promote, as methods of achieving a better focusing of recources on the goal of individual and family self-sufficiency—

" '(1) the strengthening of community capabilities for planning and coordinating Federal, State, and other assistance related to the elimination of poverty, so that this assistance, through the efforts of local officials, organizations, and interested and affected citizens, can be made more responsive to local needs and conditions;

" '(2) the better organization of a range of services related to the needs of the poor, so that these services may be made more effective and efficient in helping families and individuals to overcome particular problems in a way that takes account of, and supports their progress in overcoming, related problems;

" '(3) the greater use, subject to adequate evaluation, of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources;

" '(4) the development and implementation of all programs and projects designed to serve the poor or low-income areas with the maximum feasible participation of residents of the areas and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries; and

" '(5) the broadening of the resource base of programs directed to the elimination of poverty, so as to secure, in addition to the services and assistance of public officials, private religious, charitable, and neighborhood organizations, and individual citizens, a more active role for business, labor, and professional groups able to provide employment opportunities or otherwise influence the quantity and quality of services of concern to the poor.

" '(b) It is further declared to be the purpose of this title and the policy of the Office of Economic Opportunity to provide for basic education, health care, vocational training, and employment opportunities in rural America to enable the poor living in rural areas to remain in such areas and become self-sufficient therein. It shall not be the purpose of this title or the policy of the Office of Economic Opportunity to encourage the rural poor to migrate to urban areas, inasmuch as it is the finding of Congress that continuation of such migration is frequently not in the best interests of the poor and tends to further congest the already overcrowded slums and ghettos of our Nation's cities.

" 'PART A—COMMUNITY ACTION AGENCIES AND PROGRAMS

" 'DESIGNATION OF COMMUNITY ACTION AGENCIES; COMMUNITY ACTION PROGRAMS

" 'SEC. 210. (a) A community action agency shall be a State or political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or a public or private nonprofit agency or organization which has been designated by a State or such a political subdivision or combination of such subdivisions, which—

" '(1) has the power and authority and will perform the functions set forth in section 212, including the power to enter into contracts with public and private nonprofit agencies and organizations to assist in fulfilling the purposes of this title, and

" '(2) is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action agency by the Director.

A community action program is a community based and operated program—

" '(1) which includes or is designed to include a sufficient number of projects or components to provide, in sum, a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;

" '(2) which has been developed, and which organizes and combines its component projects and activities, in a manner appropriate to carry out all the purposes of this title; and

" '(3) which conforms to such other supplementary criteria as the Director may prescribe consistent with the purposes and provisions of this title.

" '(b) Components of a community action program may be administered by the community action agency, where consistent with sound and efficient management and applicable law, or by other agencies. They may be projects eligible for assistance under this title, or projects assisted from other public or private sources; and they may be either specially designed to meet local needs, or designed pursuant to the eligibility standards of a State or Federal program providing assistance to a particular kind of activity which will help in meeting those needs.

" '(c) For the purpose of this title, a community may be a city, county, multicity, or multicounty unit, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed for a community action program. The Director shall consult with the heads of other Federal agencies responsible for programs relating to work and training programs, physical and economic development, housing, education, health, and other community services to encourage the establishment of coterminous or complementary boundaries for planning purposes among those programs and community action programs assisted under this title.

" '(d) The Director may designate and provide financial assistance to a public or private nonprofit agency as a community action agency in lieu of a community action agency designated under subsection (a) for activities of the kind described in this title where he determines (1) that the community action agency serving the community has failed, after having a reasonable opportunity to do so, to submit a satisfactory plan for a community action program which meets the criteria for approval set forth in this title, or to carry out such plan in a satisfactory manner, or (2) that neither the State nor any qualified political subdivision or combination of such subdivisions is willing to be designated as the community action agency for such community or to designate a public or private nonprofit agency or organization to be so designated by the Director.

" '(e) No political subdivision of a State shall be included in the community action program of a community action agency designated under section 210(a) if the elected or duly appointed governing officials of such political subdivision do not wish to be so included. Such political subdivision, and any public or private nonprofit organization or agency designated by it, shall be eligible for designation as a community action agency on the same basis as other political subdivisions and their designees.

" '(f) For the purposes of this title, a tribal government of an Indian reservation shall be deemed to be a political subdivision of a State.

" 'COMMUNITY ACTION AGENCIES AND BOARDS

" 'SEC. 211. (a) Each community action agency which is a State or a political subdivision of a State, or a combination of political subdivisions, shall administer its program through a community action board which shall meet the requirements of subsection (b). Each community action agency which is a public or private nonprofit agency or organization designated by a State or political subdivision of a State, or combination of political subdivisions, or is an agency designated by the Director under section 210(d), shall have a governing board which shall meet the requirements of subsection (b).

" '(b) Each board to which this subsection applies shall consist of not more than fifty-one members and shall be so constituted that (1) one-third of the members of the board are public officials, including the chief elected official or officials, or their representatives, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the board, (2) at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served, and (3) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community. Each member of the board selected to represent a specific geographic area within a community must reside in the area he represents. No person selected under clause (2) or (3) of this subsection as a member of a board shall serve on such board for more than three consecutive years, or more than a total of six years.

" '(c) Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, subject to regulations of the director which assure adequate opportunity for membership of elected public officials on such board, council, or agency. Each community action agency shall be encouraged to make use of neighborhood-based organizations composed of residents of the area or members of the groups served to assist such agency in the planning, conduct, and evaluation of components of the community action program.

" '(d) (1) The Director shall promulgate such standards or rules relating to the scheduling and notice of meetings, quorums (which shall be not less than 50 per centum of the total membership), procedures, establishment of committees, and similar matters as he may deem necessary to assure that boards which are subject to subsection (b) provide a continuing and effective mechanism for securing broad community involvement in programs assisted under this title and that all groups or elements represented on those boards have a full and fair opportunity to participate in decisions affecting those programs. Such standards or rules shall not preclude any such board from appointing an executive committee or similar group, which fairly reflects the composition of the board, to transact the board's business between its meetings. The quorum requirements for any such committee or group, which shall not be less than 50 percent of the membership, shall be established by the board.

" '(2) The Director shall require community action agencies to establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the community action board or governing board may petition for adequate representation.

" '(e) The powers of every community action agency governing board shall include the power to appoint persons to senior staff positions, to determine major personnel, fiscal, and program policies, to approve overall program plans and priorities, and to assure compliance with conditions of and approve proposals for financial assistance under this title.

" '(f) Each community action board referred to in the first sentence of subsection (a) shall—

" '(1) have a full opportunity to participate in the development and implementation of all programs and projects designed to serve the poor or low-income areas with maximum feasible participation of residents of the areas and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries;

" '(2) have at least one-third of its members chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served;

" '(3) be so established and organized that the poor and residents of the area concerned will be enabled to influence the character of programs affecting their interests and regularly participate in the planning and implementation of those programs; and

" '(4) be a continuing and effective mechanism for securing broad community involvement in the programs assisted under this title.

" 'SPECIFIC POWERS AND FUNCTIONS OF COMMUNITY ACTION AGENCIES

" 'SEC. 212. (a) In order to carry out its overall responsibility for planning, coordinating, evaluating, and administering a community action program, a community action agency must have authority under its charter or applicable law to receive and administer funds under this title, funds and contributions from private or local public sources which may be used in support of a community action program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit agency (as the case may be) organized in accordance with this part could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a community action program. A community action agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. This power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

" '(b) In exercising its powers and carrying out its overall responsibility for a community action program, a community action agency shall have, subject to the purposes of this title, at least the following functions:

" '(1) Planning systematically for and evaluating the program, including actions to develop information as to the problems and causes of poverty in the community, determine how much and how effectively assistance is being provided to deal with those problems and causes, and establish priorities among projects, activities and areas as needed for the best and most efficient use of resources.

" '(2) Encouraging agencies engaged in activities related to the community action program to plan for, secure and administer assistance available under this title or from other sources on a common or cooperative basis; providing planning or technical assistance to those agencies; and generally, in cooperation with community agencies and officials, undertaking actions to improve existing efforts to attack poverty, such as improving day-to-day communication, closing service gaps, focusing resources on the most needy, and providing additional opportunities to low-income individuals for regular employment or participation in the programs or activities for which those community agencies and officials are responsible.

" '(3) Initiating and sponsoring projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs, developing new approaches or new types of services that can be incorporated into other programs, and filling gaps pending the expansion or modification of those programs.

" '(4) Establishing effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests, providing for their regular participation in the implementation of those programs, and providing technical and other support needed to enable the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources.

" '(5) Joining with and encouraging business, labor, and other private groups and organizations to undertake, together with public officials and agencies, activities in support of the community action program which will result in the additional use of private resources and capabilities, with a view to such things as developng new employment opportunities, stimulating investment that will have a measurable impact in reducing poverty among residents of areas of concentrated poverty, and providing methods by which residents of those areas can work with private groups, firms, and institutions in seeking solutions to problems of common concern.

" 'ADMINISTRATIVE STANDARDS

" 'Sec. 213. (a) Each community action agency shall observe, and shall (as appropriate) require or encourage other agencies participating in a community action program to observe, standards of organization, management and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this title and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each community action agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each community action agency shall also provide for reasonable public access to information, including but not limited to public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. And each community action agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to establish specific standards governing salaries, salary increases, travel and per diem allowances and other employee benefits; to assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness; to guard against personal or financial conflicts of interests; and to define employee duties of advocacy on behalf of the poor in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.

" '(b) The Director shall prescribe rules or regulations to supplement subsection (a), which shall be binding on all agencies carrying on community action program activities with financial assistance under this title. He may, where appropriate, establish special or simplified requirements for smaller agencies or agencies operating in rural areas. These special requirements shall not, however, affect the applicability of rules governing conflicts of interest, use of position or authority for partisan or nonpartisan political purposes or participation in direct action, regardless of customary practices or rules among agencies in the community. The Director shall consult with the heads of other Federal agencies responsible for programs providing assistance to activities which may be included in community action programs for the purpose of securing maximum consistency between rules or regulations prescribed or followed by those agencies and those prescribed under this section.

" 'HOUSING DEVELOPMENT AND SERVICES ORGANIZATIONS

" 'Sec. 214. Each community action agency shall encourage the establishment of housing development and services organizations designed to focus on the housing needs of low-income families and individuals. Such organizations shall provide the technical, administrative, and financial assistance which is required to help low-income families and individuals more effectively to utilize existing programs, and which is required to enable nonprofit, cooperative, and public sponsors more effectively to take advantage of existing Federal, State, and local mortgage insurance and housing assistance programs. Where appropriate, such organizations may be nonprofit housing development corporations. Such corporations may themselves become sponsors of housing under existing programs of specialized housing agencies, but under no circumstances shall such corporations insure mortgages or duplicate the long-term capital financing functions of programs now administered by the specialized housing agencies. Housing development and service organizations shall coordinate their efforts with other community action agency efforts so that any programs undertaken under authority of this section shall be closely related to other community action programs.

" 'Part B—Financial Assistance to Community Action Programs and Related Activities

" 'GENERAL PROVISIONS FOR FINANCIAL ASSISTANCE

" 'Sec. 221. (a) The Director may provide financial assistance to community action agencies for the planning, conduct, administration and evaluation of community action programs and components. Those components may involve, without limitation, other activities and supporting facilities designed to assist participants including the elderly poor—

" '(1) to secure and retain meaningful employment;

" '(2) to attain an adequate education;

" '(3) to make better use of available income;

" '(4) to provide and maintain adequate housing and a suitable living environment;

" '(5) to undertake family planning, consistent with personal and family goals, religious and moral convictions;

" '(6) to obtain services for the prevention of narcotics addiction, alcoholism, and the rehabilitation of narcotic addicts and alcoholics;

" '(7) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;

" '(8) to remove obstacles and solve personal and family problems which block the achievement of self-sufficiency;

" '(9) to achieve greater participation in the affairs of the community; and

" '(10) to make more frequent and effective use of other programs related to the purposes of this title.

He may also provide financial assistance to other public or private nonprofit agencies to aid them in planning for the establishment of a community action agency.

" '(b) If the Director determines that a limited purpose project or program involving activities otherwise eligible under this section is needed to serve needs of low-income families and individuals in a community and no community action agency has been designated for that community pursuant to section 210, or where a community action agency gives its approval for such a program to be funded directly through a public or private nonprofit agency or organization, he may extend financial assistance for that project or program to a public or private nonprofit agency which he finds is capable of carrying out the project in an efficient and effective manner consistent with the purpose of this title.

" '(c) The Director shall prescribe necessary rules or regulations governing applications for assistance under this section to assure that every reasonable effort is made by each applicant to secure the views of local public officials and agencies in the community having a direct or substantial interest in the application and to resolve all issues of cooperation and possible duplication prior to its submission.

" '(d) After July 1, 1968, the Director shall require, as a condition of assistance, that each community action agency has adopted a systematic approach to the achievement of the purposes of this title and to the utilization of funds provided under this part. Such systematic approach shall encompass a planning and implementation process which seeks to identify the problems and causes of poverty in the community, seeks to mobilize and coordinate relevant public and private resources, establishes program priorities, links program components with one another and with other relevant programs, and provides for evaluation. The Director may, however, extend the time for such requirement to take into account the length of time a program has been in operation. He shall also take necessary steps to assure the participation of other Federal agencies in support of the development and implementation of plans under this subsection.

" '(e) In order to promote local responsibility and initiative, the Director shall not establish binding national priorities on funds authorized by this section, but he shall review each application for financial assistance on its merits. Before extending financial assistance to a new community action agency under this section, and in determining the amount of and conditions on which such assistance shall be extended, the Director shall consider the extent and nature of poverty in the community and the probable capacity of the agency to carry out an effective program. In reviewing or supplementing financial assistance to a previously existing community action agency, he shall consider the progress made in carrying on programs by such agency.

" 'SPECIAL PROGRAMS AND ASSISTANCE

" 'SEC. 222. (a) In order to stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities, the Director may develop and carry on special programs under this section. This authority shall be used only where the Director determines that the objectives sought could not be effectively achieved through the use of authorities under section 221, including assistance to components or projects based on models developed and promulgated by him. It shall also be used only with respect to programs which (A) involve activities which can be incorporated into or be closely coordinated with community action programs, (B) involve significant new combinations of resources or new and innovative approaches, or (C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of this title. Subject to such conditions as may be appropriate to assure effective and efficient administration, the Director may provide financial assistance to public or private nonprofit agencies to carry on local projects initiated under such special programs; but he shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs. with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact in promoting family and individual self-sufficiency. Programs under this section shall include those described in the following paragraphs:

" '(1) A program to be known as "Project Headstart" focused upon children who have not reached the age of compulsory school attendance which (A) will provide such comprehensive health, nutritional, education, social, and other services as the Director finds will aid the children to attain their full potential, and (B) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

" '(2) A program to be known as "Follow Through" focused primarily upon children in kindergarten or elementary school who were previously enrolled in Headstart or similar programs and designed to provide comprehensive services and parent participation activities as described in paragraph (1), which the Director finds will aid in the continued development of children to their full potential. Funds for such program shall be transferred directly from the Director to the Secretary of Health, Education, and Welfare. Financial assistance for such projects shall be provided by the Secretary on the basis of agreements reached with the Director directly to local educational agencies except as otherwise provided by such agreements.

" '(3) A "Legal Services" program to further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. The Director shall make arrangements under which the State bar association and the principal local bar associations in the community to be served by any proposed project authorized by this paragraph shall be consulted and afforded an adequate opportunity to submit, to the Director, comments and recommendations on the proposed project before such project is approved or funded, and to submit, to the Director, comments and recommendations on the operations of such project, if approved and funded. No funds or personnel made available for such program (whether conducted pursuant to this section or any other section in this part) shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

" '(4) A "Comprehensive Health Services" program which shall include—

" '(A) programs to aid in developing and carrying out comprehensive health services projects focused upon the needs of urban and rural areas having high concentrations or proportions of poverty and marked inadequacy of health services for the poor. These projects shall be designed—

" '(i) to make possible, with maximum feasibile use of existing agencies and resources, the provision of comprehensive health services, such as preventive medical, diagnostic, treatment, rehabilitation, family planning, narcotic addiction and alcoholism prevention and rehabilitation, mental health, dental, and followup services, together with necessary related facilities and services, except in rural areas where the lack of even elemental health services and personnel may require simpler, less comprehensive services to be established first; and

" '(ii) to assure that these services are made readily accessible to low-income residents of such areas, are furnished in a manner most responsive to their needs and with their participation and wherever possible are combined with, or included within, arrangements for providing employment, education, social, or other assistance needed by the families and individuals served: *Provided, however*, That such services may be made available on an emergency basis or pending a determination of eligibility to all residents of such areas.

Funds for financial assistance under this paragraph shall be allotted according to need, and capacity of applicants to make rapid and effective use of that assistance, and may be used, as necessary, to pay the full costs of projects. Before approving any project, the Director shall solicit and consider the comments and recommendations of the local medical associations in the area and shall consult with appropriate Federal, State, and local health agencies and take such steps as may be required to assure that the program will be carried on under competent professional supervision and that existing agencies providing related services are furnished all assistance needed to permit them to plan for participation in the program and for the necessary continuation of those related services; and

" '(B) programs to provide financial assistance to public or private agencies for projects designed to develop knowledge or enhance skills in the field of health services for the poor. Such projects shall encourage both prospective and practicing health professionals to direct their talents and energies toward providing health services for the poor. In carrying out the provisions of this paragraph, the Director is authorized to provide or arrange for training and study in the field of health services for the poor. Pursuant to regulations prescribed by him, the Director may arrange for the payment of stipends and allowances (including travel and subsistence expenses) for persons undergoing such training and study and for their dependents. The Director and the Secretary of Health, Education, and Welfare shall achieve effective coordination of programs and projects authorized under this section with other related activities.

" '(5) A program to be known as "Upward Bound" designed to generate skills and motivation necessary for success in education beyond high school among young people from low-income backgrounds and inadequate secondary school preparation. Projects must include arrangements to assure cooperation among one or more institutions of higher education and one or more secondary schools. They must include a curriculum designed to develop creative thinking, effective expression and attitudes toward learning needed for post-secondary educational success, necessary health services and such recreational and cultural and group activities as the Director determines may be appropriate. Financial assistance for such projects may be provided directly to institutions of higher learning, but the projects shall be closely coordinated with activities of community action agencies and activities carried on under the Higher Education Act of 1965.

" '(6) A program to be known as "Emergency Food and Medical Services" designed to provide on a temporary emergency basis such basic foodstuffs and medical services as may be necessary to counteract conditions of starvation or malnutrition among the poor. The Director shall arrange to carry out his functions through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare in a manner that will insure the availability of such foodstuffs and services through a community action agency where feasible, or other agencies or organizations if no such agency exists or is able to administer such foodstuffs and services to needy individuals. Each community action agency shall be encouraged to develop projects, such as the furnishing of information on nutrition, which will assist the poor to maintain an adequate and nutritious diet. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $25,000,000 for the fiscal year ending June 30, 1968, and not less than $50,000,000 for the fiscal year ending June 30, 1969, for the purpose of carrying out this paragraph.

" '(7) A "Family Planning" program to provide assistance and services to low-income persons in the field of voluntary family planning, including the provision of information, medical assistance, and supplies. The Director and the Secretary of Health, Education, and Welfare shall coordinate, and assure a full exchange of information concerning, family planning projects within their respective jurisdictions in order to assure the maximum availability of services and in order best to meet the varying needs of different communities. The Secretary of Health, Education, and Welfare shall make the services of Public Health Service officers available to the Director in carrying out this program.

" '(8) A program to be known as "Senior Opportunities and Services" designed to identify and meet the needs of older, poor persons above the age of 60 in one or more of the following areas: development and provision of new employment and volunteer services; effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, and recreational and other services; stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; modification of existing procedures, eligibility requirements and program structures to facilitate the greater use of, and participation in, public services by the older poor; development of all-season recreation and service centers controlled by older persons themselves; and such other activities and services as the Director may determine are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency. In administering this program the Director shall utilize to the maximum extent feasible the services of the Administration of Aging in accordance with agreements with the Secretary of Health, Education, and Welfare.

" '(b) Consistent with, and subject to, the provisions of sections 230 and 232 (a), (b), and (c), programs under this section may include related training, research, and technical assistance, and funds allocated for this purpose may be allotted and used in the manner otherwise provided under this title with respect to training, research, and technical assistance activities.

" 'RESIDENT EMPLOYMENT

" 'Sec. 223. In the conduct of all component programs under this part, residents of the area and members of the groups served shall be provided maximum employment opportunity, including opportunity for further occupational training and career advancement. The Director shall encourage the employment of persons fifty-five years and older as regular, part-time and short-term staff in component programs.

" 'NEIGHBORHOOD CENTERS

" 'Sec. 224. The Director shall encourage the development of neighborhood centers, designed to promote the effectiveness of needed services in such fields as health, education, manpower, consumer protection, child and economic development, housing, legal, recreation, and social services, and so organized (through a corporate or other appropriate framework) as to promote maximum participation of neighborhood residents in center planning, policymaking, administration, and operation. In addition to providing such services as may not otherwise be conveniently or readily available, such centers shall be responsive to such neighborhood needs, such as counseling, referral, follow-through, and community development activities, as may be necessary or appropriate to best assure a system under which existing programs are extended to the most disadvantaged, are linked to one another, are responsive and relevant to the range of community, family, and individual problems and are fully adapted to neighborhood needs and conditions.

" 'ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

" 'Sec. 225. (a) Of the sums which are appropriated or allocated for assistance in the development and implementation of community action programs pursuant to section 221, and for special program projects referred to in section 222(a), and which are not subject to any other provision governing allotment or distribution, the Director shall allot not more than 2 per centum among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs. He shall also reserve not more than 20 per centum of those sums for allotment in accordance with such criteria and procedures as he may prescribe. The remainder shall be allotted among the States, in accordance with the latest available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, (2) the average number of unemployed persons in each State as compared to all States, and (3) the relative number of related children living with families with incomes of less than $1,000 in each State as compared to all States. That part of any State's allotment which the Director determines will not be needed may be reallotted, at such dates during the fiscal year as the Director may fix, in proportion to the original allotments, but with appropriate adjustments to assure that any amount so made available to any State in excess of its needs is similarly reallotted among the other States.

" '(b) The Director may provide for the separate allotment of funds for any special program referred to in section 222(a). This allotment may be made in accordance with the criteria prescribed in subsection (a), or it may be made in accordance with other criteria which he determines will assure an equitable distribution of funds reflecting the relative incidence in each State of the needs or problems at which the program is directed, except that in no event may more than 12½ per centum of the funds for any one program be used in any one State.

" '(c) Unless otherwise provided in this part, financial assistance extended to a community action agency or other agency pursuant to sections 221 and 222(a), for the period ending June 30, 1967, shall not exceed 90 per centum of the approved cost of the assisted programs or activities, and thereafter shall not exceed 80 per centum of such costs. The Director may, however, approve assistance in excess of such percentages if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services. If in any fiscal year, a community provides non-Federal contributions under this title exceeding its requirements under this section, such excess may be used to meet its requirements for such contributions under section 131.

" '(d) No program shall be approved for assistance under sections 221 and 222(a) unless the Director satisfies himself (1) that the services to be provided under such program will be in addition to, and not in substitution for, services previously provided without Federal assistance, and (2) that funds or other resources devoted to programs designed to meet the needs of the poor within the community will not be diminished in order to provide any contributions required under subsection (c). The requirement imposed by the preceding sentence shall be subject to such regulations as the Director may adopt and promulgate establising objective criteria for determinations covering situations where a strict application of that requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes sought to be achieved.

" 'PART C—SUPPLEMENTAL PROGRAMS AND ACTIVITIES

" 'TECHNICAL ASSISTANCE AND TRAINING

" 'Sec. 230. The Director may provide, directly or through grants or other arrangements, (1) technical assistance to communities in developing, conducting, and administering programs under this title, and (2) training for specialized or other personnel which is needed in connection with those programs or which otherwise pertains to the purposes of this title. Upon request of an agency receiving financial assistance under this title, the Director may make special assignments of personnel to the agency to assist and advise it in the performance of functions related to the assisted activity; but no such special assignment shall be for a period of more than two years in the case of any agency.

" 'STATE AGENCY ASSISTANCE

" 'Sec. 231. (a) The Director may provide financial assistance to State agencies designated in accordance with State law, to enable those agencies—

" '(1) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title;

" '(2) to assist in coordinating State activities related to this title;

" '(3) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies in programs under this title; and

" '(4) to advise and assist the Director, the Economic Opportunity Council established by section 631 of the Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede State level coordination of programs related to ths title, and in developing methods or recommendations for overcoming those problems.

" '(b) In any grants or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the agencies designated pursuant to subsection (a), or which have been developed and will be carried on with the assistance of those agencies.

" '(c) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies pursuant to which they will act as agents of the United States for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this title.

" 'RESEARCH AND PILOT PROGRAMS

" 'Sec. 232. (a) The Director may contract or provide financial assistance for pilot or demonstration projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise in furthering the purposes of this title. He may also contract or provide financial assistance for research pertaining to the purposes of this title.

" '(b) The Director shall establish an overall plan to govern the approval of pilot or demonstration projects and the use of all research authority under this title. The plan shall set forth specific objectives to be achieved and priorities among such objectives. In formulating the plan, the Director shall consult with other Federal agencies for the purpose of minimizing duplication among similar activities or projects and determining whether the findings resulting from any research or pilot projects may be incorporated into one or more programs for which those agencies are responsible. As part of the annual report required by section 608, or in a separate annual report, the Director shall submit a description for each fiscal year of the current plan required by this section, of activities subject to the plan, and of the findings derived from those activities, together with a statement indicating the time and, to the extent feasible, the manner in which the benefits of those activities and findings are expected to be realized.

" '(c) Not more than 15 per centum of the sums appropriated or allocated in any fiscal year for this title shall be used for the purposes of this section. One-third of the sums so appropriated or allocated shall be available only for projects authorized under subsection (f) of this section.

" '(d) No pilot or demonstration project under this section shall be commenced in any city, county, or other major political subdivision, unless a plan setting forth such proposed pilot or demonstration project has been submitted to the appropriate community action agency, or, if there is no such agency, to the local governing officials of the political subdivision, and such plan has not been disapproved by the community action agency or governing body, as the case may be, within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this title.

" '(e) The Director shall develop and carry out pilot projects which (1) aid elderly persons to achieve greater self-sufficiency, (2) focus upon the problems of rural poverty, (3) are designed to develop new techniques and community-based efforts to prevent narcotics addiction or to rehabilitate narcotic addicts, or (4) are designed to encourage the participation of private organizations, other than nonprofit organizations, in programs under this title.

" '(f) The Director shall conduct, either directly or through grants or other arrangements, research and pilot projects designed to assure a more effective use of human and natural resources of rural America and to slow the migration from rural areas due to lack of economic opportunity, thereby reducing population pressures in urban centers. Such projects may be operated jointly or in cooperation with other federally assisted programs, particularly programs authorized under the Public Works and Economic Development Act of 1965, in the area to be served by the project.

" 'EVALUATION

" 'SEC. 233. (a) The Director shall provide for the continuing evaluation of programs under this title, including their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for the delivery of services and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs. He may, for this purpose, contract for independent evaluations of those programs or individual projects. He may require community action agencies to provide for independent evaluations, and where appropriate, he may also require a community action agency to establish an independent group or committee to provide evaluation and advisory services on either a short-term or continuing basis. He shall consult with other Federal agencies, or where appropriate with State agencies, in order to provide wherever feasible for jointly sponsored objective evaluation studies on a National or State basis. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs. The reports of studies undertaken under this section, together with the comments of the Director and other agencies, if any, shall be public records, and the results shall be summarized in the report required by section 608.

" '(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this title. Such standards shall be considered in deciding whether to renew or supplement financial assistance provided by sections 221, 222, 230, and 231.

" '(c) The Director shall provide by contract for the conduct of an independent study and evaluation of the action taken under sections 210 and 211 of this Act and the effects thereof, with particular reference to (1) the exercise of their authorities under the provisions of title II of this Act by States and political subdivisions, (2) the participation of residents of the areas and members of the groups served, public officials and others and (3) the administrative and program advantages and disadvantages, if any, encountered or foreseen in implementing such sections. He shall transmit such study and evaluation to the Congress before April 1, 1969.

" 'PART D—GENERAL AND TECHNICAL PROVISIONS

" 'ASSISTANT DIRECTORS FOR COMMUNITY ACTION

" 'SEC. 240. The Director shall appoint two assistant directors for the purpose of assisting the Director in the administration of the provisions of this title. One such assistant director, to be known as the Assistant Director for Community Action in Rural Areas, shall be responsible for assuring that funds allotted for assistance to programs or projects designed to assist the rural poor are so expended. The other assistant director, to be known as the Assistant Director for Community Action in Urban Areas, shall be responsible for assuring that funds allotted for assistance to programs or projects designed to assist the urban poor are so expended. Each assistant director shall have such additional responsibilities consistent with the foregoing responsibilities as the Director may hereafter assign.

" 'RURAL AREAS

" 'SEC. 241. (a) In exercising authority under this title, the Director shall take necessary steps to further the extension of benefits to residents of rural areas, consistent with the extent and severity of poverty among rural residents, and to encourage high levels of managerial and technical competence in programs undertaken in rural areas. These steps shall include, to the maximum extent practicable, (1) the development under section 222(a) of programs particularly responsive to special needs of rural areas; (2) the establishment, pursuant to section 232, of a program of research and pilot project activities specifically focused upon the problems of rural poverty; (3) the provision of technical assistance so as to afford a priority to agencies in rural communities and to aid those agencies, through such arrangements as may be appropriate, in securing assistance under Federal programs which are related to this title but which are not generally utilized in rural areas; and (4) the development of special or simplified procedures, forms, guidelines, model components, and model programs for use in rural areas.

" '(b) The Director shall establish criteria designed to achieve an equitable distribution of assistance under this title within the States between urban and rural areas. In developing such criteria, he shall consider the relative number in the States or areas therein of: (1) low-income families, particularly those with children; (2) unemployed persons; (3) persons receiving cash or other assistance on a needs basis from public agencies or private organizations; (4) school dropouts; (5) adults with less than an eighth-grade education; (6) persons rejected for military service; and (7) poor persons living in urban places compared to the number living in rural places as determined by the latest reports of the Bureau of the Census.

" '(c) Notwithstanding any other provision of this title, the Director is authorized to provide financial assistance in rural areas to public or private nonprofit agencies for any project for which assistance to community action agencies is authorized, if he determines that it is not feasible to establish a community action agency within a reasonable period of time. The assistance so granted shall be subject to such conditions as the Director deems appropriate to promote adherence to the purposes of this title and the early establishment of a community action agency in the area.

" '(d) The Director shall encourage the development of programs for the interchange of personnel, for the undertaking of common or related projects, and other methods of cooperation between urban and rural communities, with particular emphasis on fostering cooperation in situations where it may contribute to new employment opportunities, and between larger urban communities with concentrations of low-income persons and families and rural areas in which substantial numbers of those persons and families have recently resided.

" 'SUBMISSION OF PLANS TO GOVERNORS

" 'SEC. 242. In carrying out the provisions of this title, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this title. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of the approval of this Act.

" 'FISCAL RESPONSIBILITY AND AUDIT

" 'SEC. 243. (a) No funds shall be released to any agency receiving financial assistance under this title until it has submitted to the Director a statement certifying that the assisted agency and its delegate agencies (or subcontractors for performance of any major portion of the assisted program) have established an accounting system with internal controls adequate to safeguard their assets, check the accuracy and reliability of the accounting data, promote operating efficiency and encourage compliance with prescribed management policies and such additional fiscal responsibility and accounting requirements as the Director may establish. The statement may be furnished by a certified public accountant, a duly licensed public accountant or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency.

" '(b) Within three months after the effective date of a grant to or contract of assistance with an organization or agency, the Director shall make or cause to be made a preliminary audit survey to review and evaluate the adequacy of the accounting system and internal controls established thereunder to meet the standards set forth in the statement referred to in subsection (a). Promptly after the completion of the survey, the Director shall determine on the basis of findings and conclusions resulting from the survey whether the accounting systems and internal controls meet those standards and, if not, whether to suspend the grant or contract. In the event of suspension, the assisted agency shall be given not more than six months within which to establish the necessary systems and controls, and, in the event of failure to do so within such time period, the assistance shall be terminated by the Director.

" '(c) At least once annually the Director shall make or cause to be made an audit of each grant or contract of assistance under this title. Promptly after the completion of such audit, he shall determine on the basis of resulting findings and conclusions whether any of the costs of expenditures incurred shall be disallowed. In the event of disallowance, the Director may seek recovery of the sums involved by appropriate means, including court action or a commensurate increase in the required non-Federal share of the costs of any grant or contract with the same agency or organization which is then in effect or which is entered into within twelve months after the date of disallowance.

" '(d) The Director shall establish such other requirements and take such actions as he may deem necessary and appropriate to carry out the provisions of this section and to insure fiscal responsibility and accountability, and the effective and efficient handling of funds in connection with programs assisted under this title. These requirements and actions shall include (1) necessary action to assure that the rate of expenditure of any agency receiving financial assistance does not exceed the rate contemplated under its approved program; and (2) appropriate requirements to promote the continuity and coordination of all projects or components of programs receiving financial assistance under this title, including provision for the periodic reprogramming and supplementation of assistance previously provided.

" 'SPECIAL LIMITATIONS

" 'Sec. 244. The following special limitations shall apply, as indicated, to programs under this title.

" '(1) Financial assistance under this title may include funds to provide a reasonable allowance for attendance at meetings of any community action agency governing board, neighborhood council or committee, as appropriate to assure and encourage the maximum feasible participation of members of groups and residents of areas served in accordance with the purposes of this title, and to provide reimbursement of actual expenses connected with those meetings; but those funds (or matching non-Federal funds) may not be used to pay allowances in the case of any individual who is a Federal, State, or local government employee, or an employee of a community action agency, or for payment of an allowance to any individual for attendance at more than two meetings a month.

" '(2) The Director shall issue necessary rules or regulations to assure that no employee engaged in carrying out community action program activities receiving financial assistance under this title is compensated from funds so provided at a rate in excess of $15,000 per annum, and that any amount paid to such an employee at a rate in excess of $15,000 per annum shall not be considered in determining whether the non-Federal contributions requirements of section 225(c) have been complied with; the Director may, however, provide in those rules or regulations for exceptions covering cases (particularly in large metropolitan areas) where, because of the need for specialized or professional skills or prevailing local salary levels, application of the foregoing restriction would greatly impair program effectiveness or otherwise be inconsistent with the purposes sought to be achieved.

" '(3) No officer or employee of the Office of Economic Opportunity shall serve as member of a board, council, or committee of any agency serving as grantee, contractor, or delegate agency in connection with a program receiving financial assistance under this title; but this shall not prohibit an officer or employee from serving on a board, council, or committee which does not have any authority or powers in connection with a program assisted under this title.

" '(4) In granting financial assistance for projects or activities in the field of family planning, the Director shall assure that family planning services, including the dissemination of family planning information and medical assistance and supplies, are made available to all low-income individuals who meet the criteria for eligibility for assistance under this title which have been established by the assisted agency and who desire such information, assistance, or supplies. The Director shall require, in connection with any such financial assistance, that—

" '(A) no individual will be provided with any information, medical supervision, or supplies which that individual indicates are inconsistent with his or her moral, philosophical, or religious beliefs; and

" '(B) no individual will be provided with any medical supervision or supplies unless he or she has voluntarily requested such medical supervision or supplies.

The use of family planning services assisted under this title shall not be a prerequisite to the receipt of services from or participation in any other programs under this Act.

" '(5) No financial assistance shall be extended under this title to provide general aid to elementary or secondary education in any school or school system; but this shall not prohibit the provision of special, remedial, and other noncurricular educational assistance.

" '(6) In extending assistance under this title the Director shall give special consideration to programs which make maximum use of existing schools, community centers, settlement houses, and other facilities during times they are not in use for their primary purpose.

" '(7) No financial assistance shall be extended under this title in any case in which the Director determines that the costs of developing and administering all of the programs assisted under this title carried on by or under the supervision of any community action agency exceed 15 per centum of the total costs, including non-Federal contributions to such costs, of such programs. The Director, after consultation with the Director of the Bureau of the Budget, shall establish by regulation, criteria for determining (i) the costs of developing and administering such programs, and (ii) the total costs of such programs. In any case in which the Director determines that the cost of administering such programs does not exceed 15 per centum of such total costs but is, in his judgment, excessive, he shall forthwith require such community action agency to take such steps prescribed by him as will eliminate such excessive administrative cost, including the sharing by one or more such community action agencies of a common director and other administrative personnel. The Director may waive the limitation prescribed by this paragraph for specific periods of time not to exceed six months whenever he determines that such a waiver is necessary in order to carry out the purposes of this title.

" 'DURATION OF PROGRAM

" 'Sec. 245. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.'

"AMENDMENTS TO TITLE III—RURAL AREAS PROGRAMS

"Sec. 105. (a) Title III of the Economic Opportunity Act of 1964 is amended by (1) inserting immediately under the title heading a new part heading to read 'Part A—Rural Loan Program', and (2) striking out the heading immediately before section 302 and inserting in lieu thereof a new heading to read 'LOANS TO FAMILIES'.

"(b) Section 301 of such Act is amended to read as follows:

" 'STATEMENT OF PURPOSE

" 'Sec. 301. It is the purpose of this part to meet some of the special needs of low-income rural families by establishing a program of loans to assist in raising and maintaining their income and living standards.'

"(c) Section 302(a) of such Act is amended (1) by inserting the world 'principal' after the word 'aggregate', and (2) by inserting after 'families' the following: ', and, in the case of the elderly, will contribute to the improvement of their living or housing conditions'.

"(d) Section 606 of such Act is transferred from title VI thereof to the end of part A of title III, is redesignated as section 306, and amended by striking out 'titles III of this Act' in subsections (a) and (d) and inserting in lieu thereof 'this part'.

"(e) Part B of title III of such Act is amended to read as follows:

" 'Part B—Assistance for Migrant, and Other Seasonally Employed, Farmworkers and Their Families

" 'STATEMENT OF PURPOSE

" 'Sec. 311. The purpose of this part is to assist migrant and seasonal farmworkers and their families to improve their living conditions and develop skills necessary for a productive and self-sufficient life in an increasingly complex and technological society.

" 'FINANCIAL ASSISTANCE

" 'Sec. 312. (a) The Director may provide financial assistance to assist State and local agencies, private nonprofit institutions and cooperatives in developing and carrying out programs to fulfill the purpose of this part.

" '(b) Programs assisted under this part may include projects or activities—

" '(1) to meet the immediate needs of migrant and seasonal farmworkers and their families, such as day care for children, education, health services, improved housing and sanitation (including the provision and maintenance of emergency and temporary housing and sanitation facilities), legal advice and representation, and consumer training and counseling;

" '(2) to promote increased community acceptance of migrant and seasonal farmworkers and their families; and

" '(3) to equip unskilled migrant and seasonal farmworkers and members of their families as appropriate through education and training to meet the changing demands in agricultural employment brought about by technological advancement and to take advantage of opportunities available to improve their well-being and self-sufficiency by gaining regular or permanent employment or by participating in available Government training programs.

" 'LIMITATIONS ON ASSISTANCE

" 'Sec. 313. (a) Assistance shall not be extended under this part unless the Director determines that the applicant will maintain its prior level of effort in similar activities.

" '(b) The Director shall establish necessary procedures or requirements to assure that programs under this part are carried on in coordination with other programs or activities providing assistance to the persons and groups served.

" 'TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION

" 'Sec. 314. (a) The Director may provide directly or through grants, contracts, or other arrangements, such technical assistance or training of personnel as may be required to implement effectively the purposes of this title.

" '(b) The Director shall provide for necessary evaluation of projects under this title and may, through grants or contracts, secure independent evaluation for this purpose. The results of such evaluation shall be published and shall be summarized in the report required by section 608.'

"AMENDMENTS TO TITLE IV—EMPLOYMENT AND INVESTMENT INCENTIVES

"Sec. 106. (a) Section 401 of the Economic Opportunity Act of 1964 is amended by striking out 'enterprises;' and inserting in lieu thereof 'enterprises, with special attention to small business concerns (1) located in urban or rural areas with high proportions of unemployed or low-income individuals, or (2) owned by low-income individuals;'.

"(b) Section 402(a) of such Act is amended by—

"(1) striking out 'employment of the long-term unemployed' in the first sentence and inserting in lieu thereof 'the preservation or establishment of small business concerns located in urban or rural areas with high proportions of unemployed or low-income individuals or owned by low-income individuals';

"(2) striking out the period at the end of the next to last sentence and inserting, in lieu thereof, a colon; and

"(3) inserting immediately preceding the last sentence, 'Provided, however, That any management training program so approved must be of sufficient scope and duration to provide reasonable opportunity for the individuals served to develop entrepreneurial and managerial self-sufficiency.'

"(c) Section 402 of such Act is amended—

"(1) by inserting before the period at the end of subsection (a) the following: ', and shall seek to stimulate new private lending activities to such concerns through the use of the loan guaranties, participations in loans, and pooling arrangements authorized by this section';

"(2) by striking out the first subsection (b);

"(3) by adding at the end of the second subsection (b) the following: 'To insure an equitable distribution between urban and rural areas for loans between $3,500 and $25,000 made under this title, the Administrator is authorized to use the agencies and agreements and delegations developed under title III of the Act as he shall determine necessary.'; and

"(4) adding at the end thereof the following new subsection:

" '(c) The Administrator shall provide for the continuing evaluation of programs under this section, including full information on the location, income characteristics, and types of businesses and individuals assisted, and on new private lending activity stimulated, and the results of such evaluation together with recommendations shall be included in the report required by section 608."

"(d) Title IV of such Act is amended by—

"(1) renumbering section 405 to read '407' and inserting in such section 'and the Secretary of Commerce' immediately following the word 'Administration';

"(2) striking out section 404; and

"(3) inserting new sections 404, 405, 406 and 407 to read as follows:

" 'DISTRIBUTION OF FINANCIAL ASSISTANCE

" 'Sec. 404. The Administrator of the Small Business Administration shall take such steps as may be necessary to insure that, in any fiscal year, at least 50 per centum of the amounts loaned or guaranteed pursuant to this part are allotted to small business concerns located in urban areas identified by the Director, after consideration of any recommendations of the Administrator of the Small Business Administration, as having high concentrations of unemployed or low-income individuals or to small business concerns owned by low-income individuals. The Administrator of the Small Business Administration, after consideration of any recommendations of the Director, shall define the meaning of low income as it applies to owners of small business concerns eligible to be assisted under this part, and such definition need not correspond to the definition of low income as used elsewhere in this Act.

" 'LIMITATION ON FINANCIAL ASSISTANCE

" 'Sec. 405. No financial assistance shall be extended pursuant to this title where the Administrator of the Small Business Administration determines that the assistance will be used in relocating establishments from one area to another if such relocation would result in an increase in unemployment in the area of original location.

" 'TECHNICAL ASSISTANCE AND MANAGEMENT TRAINING

" 'Sec. 406. (a) The Administrator of the Small Business Administration is authorized to provide financial assistance to public or private organizations to pay all or part of the costs of projects designed to provide technical and management assistance to individuals or enterprises eligible for assistance under section 402, with special attention to small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals.

" '(b) Financial assistance under this section may be provided for projects, including without limitation—

" '(1) planning and research, including feasibility studies and market research;

" '(2) the identification and development of new business opportunities;

" '(3) the furnishing of centralized services with regard to public services and government programs, including programs authorized under section 402;

" '(4) the establishment and strengthening of business service agencies, including trade associations and cooperatives;

" '(5) the encouragement of the placement of subcontracts by major businesses with small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals, including the provisions of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns; and

" '(6) the furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served.

" '(c) The Administrator of the Small Business Administration shall give preference to projects which promote the ownership, participation in ownership, or management of small business concerns by residents of urban areas of high concentration of unemployed or low-income individuals, and to projects which are planned and carried out with the participation of local businessmen.

" '(d) To the extent feasible, services under this section shall be provided in a location which is easily accessible to the individuals and small business concerns served.

" '(e) The Administrator of the Small Business Administration shall, in carrying out programs under this section, consult with and take into consideration the views of the Secretary of Commerce with a view to coordinating activities and avoiding duplication of effort.

" '(f) The President may, if he determines that it is necessary to carry out the purposes of this part, transfer any of the functions under this section to the Secretary of Commerce.

" '(g) The Administrator of the Small Business Administration shall provide for an independent and continuing evaluation of programs under this section, including full information on and analysis of the character and impact of managerial assistance provided, the location, income characteristics and types of businesses and individuals assisted, and the extent to which private resources and skills have been involved in these programs. Such evaluation together with any recommendations as he deems advisable shall be included in the report required by section 608.

" 'GOVERNMENT CONTRACTS

" 'Sec. 407. (a) The Administrator of the Small Business Administration shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this title.

" '(b) The Administrator of the Small Business Administration shall provide for the continuing evaluation of programs under this section and the results of such evaluation together with recommendations shall be included in the report required by section 608.'

"DAY CARE PROJECTS

"Sec. 107. (a) Title V of the Economic Opportunity Act of 1964 is amended by adding the following new part at the end thereof:

" 'PART B—DAY CARE PROJECTS

" 'STATEMENT OF PURPOSE

" 'Sec. 521. The purpose of this part is to provide day care for children from families which need such assistance to become or remain self-sufficient or otherwise to obtain objectives related to the purposes of this Act, with particular emphasis upon enabling the parents or relatives of such children to choose to undertake or to continue basic education, vocational training, or gainful employment.

" 'FINANCIAL ASSISTANCE FOR DAY CARE PROJECTS

" 'Sec. 522 (a) The Director is authorized to provide financial assistance to appropriate public agencies and private organizations to pay not to exceed 90 per centum of the cost of planning, conducting, administering, and evaluating projects under which children from low-income families or from urban and rural areas with large concentrations or proportions of low-income persons may receive day care. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment and services. Such day care projects shall provide health, education, social, and such other supportive services as may be needed. Financial assistance under this section may be provided to employers, labor unions, or to joint employer-union organizations, for day care projects established at or in association with a place of employment or training where such projects are financed in major part through private funds. Project costs payable under this part may include costs of renovation and alteration of physical facilities. Financial assistance under this section may be provided in conjunction with or to supplement day care projects under the Social Security Act or other relevant statutes.

" '(b) The Director may require a family which is not a low-income family to make payment, in whole or in part, for the day care services provided under this program where the family's financial condition is, or becomes through employment or otherwise, such as to make such payment appropriate.

" '(c) The Director may provide, directly or through contracts or other arrangements, technical assistance and training necessary for the initiation or effective operation of programs under this part.

" '(d) The Director and the Secretary of Health, Education, and Welfare shall take all necessary steps to coordinate programs under their jurisdictions which provide day care, with a view to establishing, insofar as possible, a common set of program standards and regulations, and mechanisms for coordination at the State and local levels. In approving applications for assistance under this part, the Director shall take into consideration (1) the extent to which applicants show evidence of coordination and cooperation between their projects and other day care programs in the areas which they will serve, and (2) the extent to which unemployed or low-income individuals are to be employed, including individuals receiving or eligible to receive assistance under the Social Security Act.

" '(e) Each project to which payments are made hereunder shall provide for a thorough evaluation. This evaluation shall be conducted by such agency or independent public or private organization as the Director shall designate, with a view to determining, among other things, the extent to which the day care provided may have increased the employment of parents and relatives of the children served, the extent to which such day care may have reduced the costs of aid and services to such children, the extent to which such children have received health and educational benefits, and the extent to which the project has been coordinated with other day care activities in the area served. Up to 100 per centum of the costs of evaluation may be paid by the Director from funds appropriated for the purposes of carrying out this part, except that where such evaluation is carried on by the assisted agency itself, he may pay only 90 per centum of such costs. Such evaluations, together with a report on the program described in this part, shall be included in the report required by section 608.

" 'DURATION OF PROGRAMS

" 'SEC. 523. The Director shall carry out the programs provided for in this part during the fiscal year ending June 30 1968, and the two succeeding fiscal years.'

"(b) The heading of title V of the Economic Opportunity Act of 1964 is amended to read as follows:

" 'TITLE V—WORK EXPERIENCE, TRAINING, AND DAY CARE PROGRAMS'

"(c) Title V of such Act is further amended by inserting after the heading thereof the following:

" 'PART A—WORK EXPERIENCE AND TRAINING PROGRAMS'

"(d) Sections 501, 502, 503, 504, and 505 of such Act are amended by striking out 'this title' wherever it appears therein and inserting in lieu thereof 'this part'.

"AMENDMENTS TO TITLE VI—ADMINISTRATION AND COORDINATION

"SEC. 108. (a) Section 601(a) of the Economic Opportunity Act of 1964 is amended by striking out 'four' in the third sentence and inserting in lieu thereof 'five'.

"(b) Section 602(b) of such Act is amended by inserting '(1)' after '(b)', by inserting before 'compensate' the following: 'except that no individual may be employed under the authority of this subsection for more than 100 days in any fiscal year; (2)', and by striking out ', and' after 'travel time' and inserting in lieu thereof '; and (3)'.

"(c) Section 603(b) of such Act is amended to read as follows:

" '(b) Programs assisted under this Act shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.'

"(d) Section 604 of such Act is amended to read as follows:

" 'APPEALS, NOTICE AND HEARING

" 'SEC. 604. The Director shall prescribe procedures to assure that—

" '(1) special notice of and an opportunity for a timely and expeditious appeal to the Director is provided for an agency or organization which would like to serve as a delegate agency under title I–B or II and whose application to the prime sponsor or community action agency has been wholly or substantially rejected or has not been acted upon within a period of time deemed reasonable by the Director;

" '(2) financial assistance under titles I–B, II, and III–B shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor shall an application for refunding under sections 123, 221, 222, or 312 be denied, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

" '(3) financial assistance under titles I–B, II, and III–B shall not be terminated for failure to comply with applicable terms and conditions unless the recipient agency has been afforded reasonable notice and opportunity for a full and fair hearing.'

"(e) Part A of title VI of such Act is amended by inserting, after section 605, the following new section:

" 'ANNOUNCEMENT OF RESEARCH OR DEMONSTRATION CONTRACTS

" 'SEC. 606. (a) The Director or the head of any other Federal agency administering a program under this Act shall make a public announcement concerning:

" '(1) The title, purpose, intended completion date, identity of the contractor, and proposed cost of any contract with a private or non-Federal public agency or organization for any demonstration or research project; and

" '(2) The results, findings, data, or recommendations made or reported as a result of such activities.

" '(b) The public announcements required by subsection (a) shall be made within thirty days of entering into such contracts and thereafter within thirty days of the receipt of such results.

" '(c) It shall be the duty of the Comptroller General to assure that the requirements of this section are met, and he shall at once report to the Congress concerning any failure to comply with these requirements.'

"(f) Section 609 of such Act is amended to read as follows:

" 'DEFINITIONS

" 'SEC. 609. As used in this Act—

" '(1) the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands, and for purposes of title I and title II the meaning of "State" shall also include the Trust Territory of the Pacific Islands; except that when used in section 225 of this Act this term means only a State or the District of Columbia. The term "United States" when used in a geographical sense includes all those places named in the previous sentence, and all other places continental or insular, subject to the jurisdiction of the United States;

" '(2) the term "financial assistance" when used in titles I, II, III–B, IV, and V–B includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

" '(3) the term "permanent resident of the United States" when used in titles I–A and I–B shall include any native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act; and

" '(4) the term "Director" means the Director of the Office of Economic Opportunity.'

"(g) Section 610 of such Act is amended to read as follows:

" 'PROGRAMS FOR THE ELDERLY POOR

" 'SEC. 610. It is the intention of Congress that whenever feasible the special problems of the elderly poor shall be considered in the development, conduct, and administration of programs under this Act. The Director shall (1) carry out such investigations and studies, including consultations with appropriate agencies and organizations, as may be necessary to develop and carry out a plan for the participation of the elderly poor in programs under this Act, including programs providing employment opportunities, public service opportunities, education and other services and activities which assist the elderly poor to achieve self-sufficiency; (2) maintain a constant review of all programs under this Act to assure that the needs of the elderly poor are given adequate consideration; (3) initiate and maintain interagency liaison with all other appropriate Federal agencies to achieve a coordinated national approach to the needs of the elderly poor; and (4) determine and recommend to the President and the Congress such programs requiring additional authority and the necessary legislation to provide such authority. In exercising his responsibilities under this section, the Director shall cooperate with the Commissioner on Aging. The Director shall describe the ways in which this section has been implemented in the annual report required by section 608.'

"(h) Section 610–1(a) of such Act is amended (1) by striking out 'part A of title II' and inserting in lieu thereof 'title II', and (2) by inserting the words 'a substantial number of the' immediately before the word 'persons' the second and third time that word appears.

"(i) Section 611 of such Act is amended to read as follows:

" 'LIMITATION ON BENEFITS FOR THOSE VOLUNTARILY POOR

" 'SEC. 611. The Director shall take such action as may be necessary to assure that, in determining a person's eligibility for benefits under this Act on account of his poverty, such person will not be deemed to meet the poverty criteria if his lack of income results from his refusal, without good cause, to seek or accept employment commensurate with his health, age, education, and ability.'

"(j) Section 612 of such Act is amended to read as follows:

" 'JOINT FUNDING

" 'SEC. 612. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to a community action agency or other agency assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single local share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.'

"(k) Section 613 of such Act is amended to read as follows:

" 'LIMITATION WITH RESPECT TO CERTAIN UNLAWFUL ACTIVITIES

" 'SEC. 613. No individual employed or assigned by any community action agency or other agency assisted under this Act shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this Act by such community action agency or such other agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.'

"(l) Section 616 of such Act is amended to read as follows:

" 'TRANSFER OF FUNDS

" 'SEC. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum.'

"(m) Title VI of such Act is amended by—

"(1) adding the following new section after section 620:

" 'RESPONSIBILITY FOR FOLLOW THROUGH PROGRAMS

" 'SEC. 621. Pursuant to section 602(d), the Director shall delegate his functions under section 222(a)(2) to the Secretary of Health, Education, and Welfare, and such functions shall be carried out through the Office of Education of the Department of Health, Education, and Welfare.';

"(2) striking out the heading 'PART B—COORDINATION OF ANTIPOVERTY PROGRAMS' and

"(3) inserting at the end of such title a new part B to read as follows:

" 'PART B—COORDINATION

" 'STATEMENT OF PURPOSE

" 'SEC. 630. This part establishes an Economic Opportunity Council, provides for an information center, and prescribes certain duties and responsibilities. Its purpose is to promote better coordination among all programs related to this Act, with a view to making those programs more effective in reaching and serving the poor, assisting State and local agencies to adapt diverse Federal programs to varying local problems and conditions, stimulating new and more imaginative ways of combining complementary Federal resources in the solution of specific problems, and generally improving cooperation and communication among all levels of government, agencies, and institutions in matters related to the purposes of this Act.

" 'ECONOMIC OPPORTUNITY COUNCIL

" 'SEC. 631. (a) There is established, in the Executive Office of the President, the Economic Opportunity Council (hereinafter referred to as the "Council"), which shall be composed of the Director and the heads of such Federal departments and agencies, such Presidential assistants and such other officials of the Federal Government as the President may from time to time designate. The President shall designate one of the members of the Council to serve as chairman. Each member shall designate an alternate to sit in his stead in the event of his unavoidable absence.

" '(b) It shall be the responsibility of the Council to assist the President in—

" '(1) providing for the coordination of Federal programs and activities related to this Act;

" '(2) developing basic policies and setting priorities with respect to such programs and activities;

" '(3) resolving differences arising among Federal departments and agencies with respect to such programs and activities; and

" '(4) initiating and arranging for the carrying out of specific actions or projects designed to achieve the objectives of this Act.

" '(c) The President shall appoint an Executive Secretary of the Council. The Executive Secretary is authorized to appoint and fix the compensation of such personnel as may be necessary to assist him in the performance of his duties. Employees of other Federal departments and agencies may be detailed to the Council from time to time to provide temporary assistance.

" '(d) To the extent appropriate, a report of the activities of the Council shall be included in the annual report of the Director to the President and to the Congress, or in a separate report to the Congress.

" '(e) From the sums authorized and appropriated to carry out the provisions of this title, the President shall reserve such amounts as may be necessary to carry out the purposes of this section.

" 'RESPONSIBILITIES OF THE DIRECTOR

" 'SEC. 632. In addition to his other powers under this Act, and to assist the President in coordinating the antipoverty efforts of all Federal agencies, the Director shall—

" '(1) undertake special studies of specific coordination problems at the request of the President or the Council, or on his own initiative;

" '(2) carry on a continuing evaluation of all activities under this Act, and consult with interested agencies and groups, including State agencies described in section 231 of this Act and the National Advisory Council, with a view to identifying coordination problems that may warrant consideration by the Council or the President and, to the extent feasible or appropriate, initiate action for overcoming those problems, either through the Office of Economic Opportunity or in conjunction with other Federal, State, or local agencies; and

" '(3) prepare a five-year national poverty action plan showing estimates of Federal and other governmental expenditures, and, where feasible, the contributions of the private sector, needed to eliminate poverty in this country within alternative periods of time. Such plan shall include estimates of the funds necessary to finance all relevant programs authorized by this and other Acts, and any new programs which may be necessary to eliminate poverty in this country, and it shall include recommendations for such new programs. The plan shall be presented to the Congress and updated on an annual basis.

" 'COOPERATION OF FEDERAL AGENCIES

" 'SEC. 633. (a) Federal agencies administering programs related to this Act shall—

" '(1) cooperate with the Director and with the Council in carrying out their duties and responsibilities; and

" '(2) carry out their programs and exercise their functions so as to assist in carrying out the provisions and purposes of this Act, to the fullest extent permitted by other applicable law.

" '(b) The Council and the Director may call upon Federal agencies to supply statistical data, program reports, and other materials as they deem necessary to discharge their responsibilities under this Act.

" '(c) The President may direct that particular programs and functions, including the expenditure of funds, of Federal agencies shall be carried out, to the extent not inconsistent with other applicable law, in conjunction with or in support of programs authorized under this Act.

" 'COMBINATIONS AMONG PROJECTS AND PROGRAMS

" 'SEC. 634. In order to encourage efficiencies, close unnecessary service gaps, and generally promote more effective administration, the Director shall require, to the fullest extent feasible, that projects or programs assisted under this Act be carried on so as to supplement one another, or where appropriate other related programs or projects, and be included within or otherwise carried on in combination with community action programs. In the case of other programs related to this Act, the heads of the Federal agencies responsible for those programs shall, to the extent permitted by law, similarly provide assistance for projects and activities in a manner which encourages combinations with other related projects and activities where appropriate, and with community action programs. The Economic Opportunity Council shall, in carrying out its responsibilities under this part, make a continuing review of the operation of this section with a view to (1) determining particular groups of programs which, because of their objectives, or similarities in target groups or areas, are especially appropriate for combined or closely coordinated operation at the State or local level, and making recommendations accordingly to the President or appropriate Federal officials; (2) evaluating Federal agency procedures for carrying out this section, and developing or recommending additional or common procedures, as appropriate; and (3) determining whether, and to what extent, consolidations of Federal programs may be justified and making recommendations respecting such consolidations to the Director and the President.

" 'INFORMATION CENTER

" 'SEC. 635. (a) The Director shall establish and operate an information center for the purpose of insuring that maximum use is made of Federal programs related to this Act and that information concerning those programs and other relevant information is readily available to public officials and other interested persons. The Director shall collect, prepare, analyze, correlate, and distribute information as described above, either free of charge or by sale at cost (any funds so received to be deposited to the Director's account as an offset of that cost), and may make arrangements and pay for any printing and binding without regard to the provisions of any other law or regulations. In connection with operation of the center, the Director may carry on research or studies concerning the improvement of information systems in support of the purposes of this Act, the adequacy of existing data, ways in which data generated on the State and local level may be incorporated into Federal information systems, and methods by which data may be made more readily available to State and local officials or used to further coordination objectives.

" '(b) The Director shall publish and maintain on a current basis, a catalog of Federal programs relating to individual and community improvement. He may also make grants, from funds appropriated to carry out title II of this Act, to States and communities to establish information service centers for the collection, correlation, and distribution of information required to further the purposes of this Act.

" '(c) In order to assure that all appropriate officials are kept fully informed of programs related to this Act, and that maximum use is made of those programs, the Director shall establish procedures to assure prompt distribution to State and local agencies of all current information, including administrative rules, regulations, and guidelines, required by those agencies for the effective performance of their responsibilities.

" 'PROHIBITION

" 'SEC. 636. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

" 'SPECIAL RESPONSIBILITIES: TRAINING PROGRAMS

" 'SEC. 637. (a) It shall be the responsibility of the Director, the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the heads of all other departments and agencies concerned, acting through such procedures or mechanisms as the President may prescribe, to provide for, and take such steps as may be necessary and appropriate to implement, the effective coordination of all programs and activities within the executive branch of the Government relating to the training of individuals for the purpose of improving or restoring employability.

" '(b) The Secretary of Labor, pursuant to such agreements as may be necessary or appropriate (which may include arrangements for reimbursement), shall—

" '(1) be responsible for assuring that the Federal-State employment service provides and develops its capacity for providing maximum support for the programs described in subsection (a); and

" '(2) obtain from the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, and the head of any other Federal agency administering a training program, such employment information as will facilitate the placement of individuals being trained.

" 'DEFINITIONS

" 'SEC. 638. As used in this part, "programs related to this Act" and "coordination" shall include the programs and actions described in this section:

" '(1) "Programs related to this Act" include programs under this Act and all Federal or federally assisted programs which have objectives which are, in whole or substantial part, complementary to the purposes of this Act, or which provide resources which may be used in combination with resources under this Act to assist in achieving any of the purposes of this Act.

" '(2) "Coordination" includes, but is not limited to—

" '(A) actions to improve the common effectiveness of programs in reaching and serving the poor, such as actions: to extend services to new areas, provide them in a common place, or structure them so that they are more readily accepted or widely utilized; to eliminate procedures or requirements that may be inappropriate for or result in unnecessary hardship to disadvantaged persons with limited education or other special handicaps; to establish common eligibility standards among programs serving substantially similar groups or operating in the same areas; or to develop methods of operation or administration that will provide new employment incentives or opportunities for the poor;

" '(B) actions to promote better use at the State or local level of Federal assistance available under diverse programs, such as actions to establish procedures for cooperation among State or local agencies seeking assistance from different Federal sources with a view to eliminating unnecessary duplication and service gaps and promoting common or complementary priorities; or to modify or improve technical or administrative requirements imposed by different Federal agencies that may operate to increase unnecessarily the burdens of State or local agencies, minimize their opportunities for the imaginative use of Federal assistance, or discourage their cooperation with one another;

" '(C) actions to promote simplification and efficiencies through the joint or combined use of Federal resources, such as actions to develop new methods of processing requests for assistance or granting assistance that will enable Federal agencies more generally to use resources jointly in support of common objectives; to establish common priorities for purposes of program planning, research and demonstration activities; and to effect combinations among or redirect Federal programs or activities for the purpose of eliminating unnecessary duplication;

" '(D) actions to improve communication and general cooperation, such as actions to strengthen ties among regional offices of different Federal agencies and among such offices and other regional agencies or organizations; to develop and improve procedures by which Federal agencies may act together in promulgating or making available items of information, including information as to the availability and allocation of funds, which are closely related to one another for purposes of State or local planning and budgeting; or to develop procedures by which State and local agencies may be afforded new opportunities to participate in Federal policy decisions, including decisions on recommended legislation, affecting their capacity to operate efficiently and effectively.'

"AMENDMENT TO TITLE VII

"SEC. 109. Section 701(b) of the Economic Opportunity Act of 1964 is amended (1) by striking out 'July 1, 1965' and inserting in lieu thereof 'July 1, 1968', and (2) by adding at the end thereof the following: 'With respect to any period after June 30, 1969, subsection (a) shall not apply.'

"VOLUNTEER PRORGAMS

"SEC. 110. Title VIII of the Economic Opportunity Act of 1964 is amended to read as follows:

" 'TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

" 'VOLUNTEERS IN SERVICE TO AMERICA

" 'STATEMENT OF PURPOSE

" 'SEC. 801. This title provides for a program of full-time volunteer service, for programs of part-time or short-term community volunteer service, and for special volunteer programs, together with other powers and responsibilities designed to assist in the development and coordination of volunteer programs. Its purpose is to strengthen and supplement efforts to eliminate poverty by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive service as volunteers in part-time or short-term programs in their home or nearby communities, and as full-time volunteers serving in rural areas and urban communities, on Indian reservations, among migrant workers, in Job Corps centers, and in other agencies, institutions, and situations where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement.

" 'PART A—FULL-TIME VOLUNTEER PROGRAMS

" 'AUTHORITY TO ESTABLISH FULL-TIME PROGRAMS

" 'SEC. 810. (a) The Director may recruit, select, and train persons to serve in full-time volunteer programs, and upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work—

" '(1) in meeting the health, education, welfare, or related needs of Indians living on reservations, of migratory workers and their families, or of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands;

" '(2) in the care and rehabilitation of the mentally ill or mentally retarded under treatment at nonprofit mental health or mental retardation facilities; and

" '(3) in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act.

" '(b) The assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities; but volunteers under this part shall not be assigned to duties or work in any State without the consent of the Governor. The assignment of such a volunteer in any State shall be terminated by the Director when so requested by the Governor of such State not later than thirty days or at a time thereafter agreed upon by the Governor and Director after such request has been made by the Governor to the Director.

" 'TERMS OF SERVICE

" 'SEC. 811. (a) Volunteers under this part shall be required to make a full-time personal commitment to combating poverty. To the extent practicable, this shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their term of service, except for authorized periods of leave.

" '(b) Volunteers under this part shall be enrolled for one-year periods of service, excluding time devoted to training. The Director may, however, allow persons who are unable to make a full one-year commitment to enroll as volunteer associates for periods of service of not less than two months where he determines that this more limited service will effectively promote the purposes of this title.

" '(c) All volunteers under this part shall take and subscribe to an oath or affirmation in the form prescribed by section 106 of this Act, and the provisions of section 1001 of title 18, United States Code, shall be applicable with respect to that oath or affirmation.

" 'SUPPORT OF FULL-TIME VOLUNTEERS

" 'SEC. 812. (a) The Director may provide a stipend to volunteers under this part while they are in training and on assignment, but the stipend shall not exceed $50 per month during the volunteer's first year of service. He may provide a stipend not to exceed $75 per month in the case of persons who have served for at least one year and who, in accordance with standards prescribed by him, have been designated volunteer leaders on the basis of experience and special skills. The Director may also provide volunteers such living, travel (including travel to and from the place of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, or such other support, as he may deem necessary or appropriate for their needs.

" '(b) Stipends shall be payable only upon completion of a term of service; except that in extraordinary circumstances the Director may from time to time advance accrued stipend, or any portion thereof, to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

" '(c) The Director may provide or arrange for educational and vocational counseling of volunteers and recent volunteers to encourage them to use the skills and experience which they have derived from their training and service in the national interest, and particularly in combating poverty as members of the helping professions.

" 'Part B—Auxiliary and Special Volunteer Programs

" 'COMMUNITY SERVICE PROGRAMS

" 'Sec. 820. (a) The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for shorter periods of service than are required for enrollment under section 810, and in their home or nearby communities, in volunteer activities contributing to the elimination of poverty. Pursuant to appropriate plans, agreements, or arrangements the Director may provide financial, technical, or other assistance needed to carry on projects that are undertaken in connection with these programs. These projects may include, without limitation, activities designed (1) to encourage greater numbers of persons to participate, as volunteers, in local programs and projects assisted under this Act, with particular emphasis upon programs designed to aid youth or promote child development; (2) to encourage persons with needed managerial, professional, or technical skills to contribute those skills to programs for the development or betterment of urban and rural neighborhoods or areas having especially large concentrations or proportions of the poor, with particular emphasis upon helping residents of those neighborhoods or areas to develop the competence necessary to take advantage of public and private resources which would not otherwise be available or used for those programs; and (3) to assist existing national and local agencies relying upon or in need of volunteers to obtain volunteer services more readily, or to provide specialized short-term training, with particular emphasis on agencies serving the most seriously disadvantaged, operating in areas of the most concentrated poverty, or having similar critical needs.

" '(b) Persons serving as volunteers under this section shall receive no living allowance or stipend and only such other support or allowances as the Director determines, pursuant to regulations, are required because of unusual or special circumstances affecting the project.

" '(c) The services of any person, if otherwise allowable as a non-Federal contribution toward the cost of any program or project assisted under this or any other Federal Act, shall not be disallowed merely by reason of actions of the Director under this section in providing for or assisting in the recruitment, referral, or preservice training of such person.

" 'SPECIAL VOLUNTEER PROGRAMS

" 'Sec. 821. The Director is authorized to conduct, or provide by grant or contract for, special volunteer programs designed to stimulate and initiate improved methods of providing volunteer services and to encourage wider volunteer participation, in furtherance of the purposes of this title. Not to exceed 10 per centum of the sums appropriated or allocated from any appropriation to carry out this title for any fiscal year may be used for programs under this section.

" 'DEMONSTRATION PROJECTS TO HELP YOUNG ADULT CRIMINAL OFFENDERS

" 'Sec. 822. (a) The Director is authorized to conduct, or to make grants, contracts, or other arrangements for the conduct of demonstration projects in not more than four areas during the fiscal year ending June 30, 1968, and in not more than six areas during each of the two succeeding fiscal years, under which—

" '(1) volunteers under part A, and members of the Teacher Corps furnished pursuant to this section, provide criminal offenders aged sixteen through twenty-five with intensive education, training, and counseling for at least a six-month period prior to their release from confinement and for at least a six-month period thereafter;

" '(2) not more than one hundred such volunteers are employed pursuant to this section during the fiscal year ending June 30, 1968, and not more than one hundred and fifty such volunteers are so employed during each of the two succeeding fiscal years;

" '(3) the Commissioner of Education furnishes, on a reimbursable basis, for the purpose of this section, members of the Teacher Corps who have been recruited and trained by one or more institutions of higher education; and

" '(4) not more than forty such members are furnished pursuant to this section during the fiscal year ending June 30, 1968, and not more than sixty such members are so furnished during each of the two succeeding fiscal years.

" '(b) Members of the Teacher Corps enrolled for purposes of this section, who are not experienced teachers, shall be compensated at the rate of $75 per week plus $15 per week for each dependent. Such members who are experienced teachers shall be compensated at a rate to be fixed by the Commissioner of Education. Assignment of members of the Teacher Corps pursuant to this section shall be without regard to the provisions of section 513(c) of the Higher Education Act of 1965.

" 'Part C—General Provisions

" 'COORDINATION WITH OTHER PROGRAMS

" 'Sec. 831. The Director shall take necessary steps to coordinate volunteer programs authorized under this title with one another, with community action programs, and with other related Federal, State, local, and national programs. These steps shall include, to the extent feasible, actions to promote service by volunteers or former volunteers in the full-time programs authorized under part A in providing necessary support to programs under part B, and actions to encourage persons serving as part-time or short-term volunteers to make commitments under part A as regular or associate full-time volunteers. The Director shall also consult with the heads of other Federal, State, local and national agencies responsible for programs related to the purpose of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of part-time volunteers serving pursuant to this part.

" 'PARTICIPATION OF OLDER PERSONS

" 'Sec. 832. In carrying out this title, the Director shall take necessary steps, including the development of special projects where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under this title and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that they are served in proportion to their need.

" 'APPLICATION OF FEDERAL LAW

" 'Sec. 833. (a) Except as provided in subsection (b), volunteers under this title shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

" '(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1), (2), and (3) of this Act, except that for purposes of the computation described in 116(a)(2)(B) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS–7 under section 5332 of title 5, United States Code.

" 'SPECIAL LIMITATIONS

" 'Sec. 834. (a) The Director shall prescribe regulations to assure that service under this title is limited to activities which would not otherwise be performed and which will not result in the displacement of employed workers or impair existing contracts for service.

" '(b) All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

" '(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder shall request or receive any compensation for services of volunteers supervised by such agency or organization.

" '(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

" '(e) Persons serving as volunteers under this title shall provide such information concerning their qualifications, including their ability to perform their assigned tasks and their integrity, as the Director shall prescribe and shall be subject to such procedures, for selection and approval as the Director may require. The Director may fix such special procedures for the selection and approval of low-income residents of the area to be served by a program who wish to become volunteers as he determines will contribute to carrying out the purposes of this title.

" 'DURATION OF PROGRAM

" 'Sec. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.'

"TECHNICAL AMENDMENTS

"Sec. 111. (a) Sections 121, 122, 123, 124, and 125 of the Economic Opportunity Act of 1964 (and all references to such sections) are redesignated as 141, 142, 143, 144, and 145, respectively.

"(b) Section 141 of such Act (and all references to such section) is redesignated as 161.

"(c) Section 105 of title 3, United States Code, is amended by inserting after 'Executive Secretary of the National Aeronautics and Space Council,' the following: 'of the Executive Secretary of the Economic Opportunity Council,'.

"TITLE II—INVESTIGATION AND EVALUATION BY THE COMPTROLLER GENERAL

"INVESTIGATION

"Sec. 201. The Comptroller General of the United States (hereinafter in this title referred to as the Comptroller General) is authorized and directed to make an investigation in sufficient depth of programs and activities financed in whole or in part by funds authorized under section 2 of this Act, in order to determine—

"(1) the efficiency of the administration of such programs and activities by the Office of Economic Opportunity and by local public and private agencies carrying out such programs and activities; and

"(2) the extent to which such programs and activities achieve the objectives set forth in the relevant part or title of the Economic Opportunity Act of 1964 authorizing such programs or activities.

"REPORTS

"Sec. 202. The Comptroller General shall make such interim reports as he deems advisable and shall transmit his final report to the Congress not later than December 1, 1968. Such final report shall contain a detailed statement of his findings and conclusions together with such recommendations, including recommendations for additional legislation as he deems advisable.

"POWERS OF THE COMPTROLLER GENERAL

"Sec. 203. (a) The Comptroller General, or on the authorization of the Comptroller General, any officer of the General Accounting Office, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as he deems advisable. Any officer designated by the Comptroller General may administer oaths or affirmations to witnesses appearing before the Comptroller General or such designated officer.

"(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Comptroller General, upon request made by him, such information as he deems necessary to carry out his functions under this title.

"(c) The Comptroller General is authorized—

"(1) to appoint and fix the compensation of such staff personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and

"(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"(d) The Comptroller General is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of his duties under this title.

"AUTHORIZATION

"Sec. 204. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"TITLE III—CRIMINAL PROVISIONS

"Sec. 301. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Economic Opportunity Act of 1964 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to the Economic Opportunity Act of 1964, shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Economic Opportunity Act of 1964 induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"TITLE IV—EFFECTIVE DATE

"Sec. 401. The amendments made by this Act shall be in effect immediately upon its enactment, except as provided in this section. Until June 30, 1968, the provisions of section 202 of the Economic Opportunity Act of 1964 as in effect immediately prior to the enactment of this Act shall apply to community action agencies in existence and funded prior to the enactment of this Act, except that in any grant or funding agreement made with such an agency prior to June 30, 1968, adequate provision shall be made for transfer of functions, obligations, records, authority, and funds to any community action agency designated pursuant to sections 210 or 211 of the Economic Opportunity Act of 1964 as amended by this Act: *Provided, however,* That nothing in this Act shall require the termination before February 1, 1969 of an existing community action agency or any program assisted under the Economic Opportunity Act of 1964 prior to the designation of, and provision of financial assistance to, a community action agency or other agency established under sections 210 and 211 of the Economic Opportunity Act as amended by this Act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

Carl D. Perkins,
Edith Green,
Frank Thompson, Jr.
John H. Dent,
Roman Pucinski,
James G. O'Hara,
Carl Albert,
Sam M. Gibbons,
Managers on the Part of the House.

Joseph S. Clark,
Jennings Randolph,
Claiborne Pell,
Edward Kennedy,
Gaylord Nelson,
Robert Kennedy,
Winston L. Prouty,
George Murphy,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The first House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The accompanying conference report recommends a new text which would be a substitute for both the Senate bill and the House amendment. The other House amendment was to the title.

This statement describes the conference action with respect to the differences between the Senate bill and House amendments, except for minor, technical, and conforming changes.

AUTHORIZATION OF APPROPRIATIONS

The authorization of appropriations for the fiscal year 1968 in the Senate bill, the House amendment, and the conference substitute are set forth in the following table:

(In millions)

	Conference substitute	Conference reductions in Senate amounts	Senate bill	House amendment
Title I:				
Part A	$295		$295	
Part B	476		567	
Part D	60		105	
Total, title I	831	−$136	967	$667.5
Title II	950	−112	1,062	776.5
Title III:				
Part A	20		20	
Part B	27	−3	30	
Total, title III	47	−3	50	47
Sec. 406 of title IV	10	−15	25	
Title V:				
Part A	70		70	
Part B	25	−10	35	
Total, title V	95	−10	105	70
Title VI	16		16	14
Title VIII	31	−2	33	25
Total	1,980	−291	2,258	1,600

The House amendment did not authorize appropriations for the fiscal year 1969. The Senate bill authorizes $2,400,000,000 for that year. The conference substitute authorizes appropriations for the fiscal year 1969 in the amount of $2,180,000,000.

REVISION OF JOB CORPS PROVISIONS

Both the Senate bill and the House amendment completely rewrite part A of title I of the Economic Opportunity Act of 1964 (hereinafter referred to as "the Act") which contains the authority for the Job Corps program. Section references herein are to the sections of the new part A as they appear in the substitute recommended in the conference report.

Section 103.—Individuals Eligible for the Job Corps

The Senate bill provides that to be eligible for enrollment in the Job Corps, an individual must have reached age 16. The House amendment lowers this age limit to 14. The conference substitute adopts the House age limit, but with an amendment which requires prospective enrollees who are 14 or 15 years of age to meet such special standards as the Director may prescribe for their enrollment on a residential basis.

Section 104.—Screening and Selection of Applicants—General Provisions

The Senate bill provides that the rules for screening and selecting persons for enrollment in the Job Corps must include provisions for interviewing applicants. The House amendment is similar except that it seems to imply there should be only one interview. The House recedes.

Section 105.—Screening and Selection—Special Limitations

Both the Senate bill and House amendment place special restrictions on the enrollment of persons with a history of serious antisocial behavior. The House amendment permits the enrollment of such a person upon the finding of a professionally qualified person that his enrollment will not be inimical to the Job Corps and that the Job Corps will help him overcome his problem. The Senate recedes.

Section 106.—Enrollment and Assignment

The House amendment waives, in the case of permanent residents of the Trust Territory of the Pacific Islands, the requirement that enrollees take an oath of allegiance to the United States. The Senate recedes.

The Senate bill provides that each enrollee shall be assigned to the appropriate type center which (taking into account current vacancies and requirements for efficient program operation) is nearest his home. The House amendment requires the assignment of each enrollee to the appropriate type center nearest his home, but permits exceptions, on an individual basis, when there are overriding considerations. Assignments to remote centers is limited to cases where the action is necessary to provide equitable opportunities to enrollees from various geographical areas, to prevent delay, to meet the needs of the enrollee, or in the interest of efficiency and economy. The conference substitute accepts the House amendment, with a qualification that the requirement for assignment to the center nearest the enrollee's home refers to the nearest center which has a vacancy.

The Senate bill requires that at least 40 percent of the male enrollees in the Job Corps be assigned to conservation centers. The House amendment does not contain this provision. The House recedes.

Section 107.—Job Corps Centers

Under the Senate bill training in the Job Corps would be primarily on a residential basis. The House bill provides that the training will be provided in centers which are residential or nonresidential in character or which are conducted on a combined residential and nonresidential basis. The Senate recedes on this point.

The House amendment provides that the conservation centers of the Job Corps shall be known as "Civilian Conservation Centers." The Senate bill does not contain this provision. The Senate recedes.

The Senate bill provides that training centers shall be divided into men's training centers and women's training centers. The women's training centers are required to provide education, training, and other activities appropriate to the special needs and potentialities of young women. The House amendment contains no special provision dealing with the type of training to be provided in women's training centers. The Senate recedes.

Section 108.—Program Activities

The House amendment provides that the required program of an enrollee in the Job Corps shall aggregate at least 60 hours a week. The Senate bill does not contain this provision. The House recedes.

Section 109.—Allowance and Support

Both the Senate bill and the House amendment authorize the Director to pay personal allowances, as well as other allowances, to enrollees, but the House amendment does not specify the amounts thereof. The Senate bill limits an enrollee's personal allowances to $35 per month during the first 6 months of his enrollment and to $65 per month thereafter; however, he may be paid over $35 per month (but under $65) from the beginning if his enrollment is expected to be for less than 6 months. The Director may also pay allowances in greater amounts in unusual circumstances. The Senate bill requires the personal allowances to be graduated upward to provide encouragement to enrollees, and to be subject to reduction as a disciplinary measure. The conference substitute accepts the provisions of the Senate bill, but limits the maximum personal allowance to $50 a month.

Subsection (c) of section 109 of both versions deals with the payment of readjustment allowances to enrollees. The Senate bill makes the payments mandatory, while the House amendment makes such payments permissive. The Senate bill requires enrollees to have been in the Job Corps for 6 months before becoming entitled to a readjustment allowance, subject to certain exceptions, while the House version permits payment of such allowances to enrollees who have served 90 days. Under the House version, but not the Senate, readjustment allowances may be reduced as a penalty for misconduct. The Senate recedes to the House position on each of these matters.

Section 111.—Community Participation

The House amendment requires the establishment of community advisory councils to provide a mechanism for the joint discussion of problems common to the communtiy and to the Job Corps Center, and for planning programs of mutual interest. When possible, these advisory councils will be formed under the local community action agency. Youth participation is encouraged and, where feasible, youth councils may be established. The Director is required to establish rules and regulations and to take the necessary action to ensure that each Job Corps center is so operated as to achieve continuing coordination of its activities with the community activities. The conference substitute includes these provisions of the House amendment.

Section 113.—Evaluation; Experimental and Developmental Projects

The Senate bill provides for an evaluation of the relative costs and benefits resulting from the use of different types of program sponsors, including public agencies, universities, and private organizations. The House amendment adds boards of education to the list and substitutes "institutions of higher education" for "universities." The Senate recedes.

Section 114.—Advisory Boards and Committees

The House amendment requires the Director to make use of advisory committees or boards in connection with the operation of the Job Corps, and the Job Corps centers, where he determines that availability of outside advice on a regular basis would be of substantial benefit. This authority does not limit the functions of the National Advisory Council appointed under section 605. The Senate bill contains no comparable provision. It is included in the substitute agreed upon in conference.

Section 117.—Special Limitations

The Senate bill requires the Director to take the action necessary to assure that, by June 30, 1968, 25 percent of the Job Corps enrollees receiving training on a residential basis are women. The House amendment requires that by such date 25 percent of the total number of Job Corps enrollees shall be women. It also requires the Director to take steps immediately to achieve an enrollment ratio of 50 percent women in the Job Corps, consistent with efficiency and economy in program operation, sound administrative practice, and the socio-economic, education, and training needs of the population to be served. The Senate recedes.

The Senate bill limited the enrollee capacity of Job Corps centers to 45,000. The House amendment made the limitation applicable only to the residential capacity of Job Corps centers. The Senate recedes.

The Senate bill requires the Director to take action necessary to assure that, for any fiscal year, the direct operating costs of Job Corps centers which have been in operation for more than 9 months do not exceed $7,300 per enrollee. The House amendment places a similar limit for the fiscal year 1968, of $6,500 per residential enrollee and $2,500 per nonresidential enrollee. The conference substitute adopts the provisions of the Senate bill, except that the $7,300 per year limit is changed to $6,900 per year.

Section 118.—Political Discrimination and Political Activity

Both the Senate bill and the House amendment prohibits any Job Corps officer, employee, or enrollee from taking an active part in the political management or political campaigns. The House amendment states that the prohibition applies with respect to both partisan and nonpartisan political campaigns. It also extends the prohibition to the taking of an active part in voter registration drives. The House recedes in conformity with the conference agreement to place partisan and nonpartisan political activity and voter registration restrictions in title VI of the Act so as to extend their application to all programs, including the Job Corps.

WORK AND TRAINING PROGRAMS

Both the Senate bill and the House amendment completely rewrite part B of title I of the act. Section references are to the new part B.

Section 122.—Prime Sponsors and Delegate Agencies

The Senate bill requires that for each community program area, the prime sponsor to receive funds under this part shall be the community action agency unless the Director determines that an alternative prime sponsor is likely to have a greater capability in planning and implementing a comprehensive work and training program. The House amendment does not contain this provision. The Senate recedes.

Section 123.—Eligible Activities

The House amendment provides that concentrated work and training programs shall be carried on, not only in urban and rural areas having large concentrations or proportions of low income, unemployed persons, but also in those rural areas having substantial outmigration to urban areas. The Senate bill does not contain this provision. The Senate recedes.

Both the Senate bill and the House amendment provide for programs to provide incentives to private employers, other than nonprofit organizations, to train or employ unemployed or low income persons. Among the incentives permitted by the Senate bill are reimbursements to employers for a limited period when an employee might not be fully productive. Under the House amendment reimbursements are limited to reimbursements for unusual training costs for such a period. The House recedes; however, the conferees expect that appropriate regulations will be issued to safeguard against abuses of any of these incentive programs, including but not limited to safeguards against the use of such incentives by any employer in order to transfer any enterprise from one area to another and safeguards designed to prevent the incentives from being used as a subsidy for normal operations. The incentive program should, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants. It is not intended that these programs should provide assistance which would be supportive of firms or industries which have high rates of turnover of labor because of low wages, seasonality, or other factors, or which would lead to displacement of their currently employed work force by persons newly trained through these programs. Nor is it intended that the various incentive programs under this act lead to the disruption of an industry's existing patterns of competition or stimulate labor turnover by encouraging replacement of the existing work force by newly trained workers. It would not be in keeping with the purposes of this provision, as it is not in keeping with the purposes of the MDTA, to make available financial assistance or other incentives for work, training and related programs for industries which are highly mobile, labor intensive, and vigorously competitive on a national basis, which have high labor turnover, and in which the prior possession of a specific skill or training is not typically a prerequisite for employment. In order to prevent abuse it is expected that appropriate administrative steps shall be taken to assure that reimbursements paid to an employer under section 123(a)(8) should cover only such costs as are incurred because the particular worker or workers are not able to perform on the job in the manner the employer previously expected of his new hires for the same or a similar occupation.

Section 124.—Special Conditions

The House amendment prohibits financial assistance to any program unless the Director determines that no person charged, in whole or in part, with responsibility for its administration is, or has been, a member of the Communist Party. The Senate bill contains no similar provision. The conference substitute adopts a revision of the requirement which provides that the Director shall terminate financial assistance to a program under this part where he determines that any person charged, in whole or in part, with the responsibility for the administration of the program is a member of the Communist Party.

Section 125.—Program Participants

The House amendment would make persons who are permanent residents of the Trust Territory of the Pacific Islands eligible to participate in programs under this part. The Senate recedes.

SPECIAL IMPACT PROGRAMS

The Senate bill completely rewrites part D of title I of the act, relating to special impact programs. Under the House amendment the separate treatment of special impact programs is not continued. The substitute agreed upon in conference retains the provisions of the Senate bill with two changes. The following is a description of this provision of the Senate bill. Section references are to the provisions of the new part D as they appear in the conference report.

Section 150.—Statement of Purpose

This section provides that the purpose of part D is to establish special programs directed to the solution of critical problems existing in particular communities or neighborhoods within urban areas having especially large concentrations of low-income persons and rural areas having substantial outmigration to eligible urban areas and which are of sufficient size and scope to have an appreciable impact in such communities and neighborhoods in arresting tendencies toward dependency, chronic unemployment, and rising community tensions.

Section 151.—Establishment of Programs

Authorizes financial assistance to public or private agencies for programs which must be restricted in number so that each is of sufficient size and scope to have an appreciable impact on the areas served. Programs may include economic and business development programs including those which provide financial and other incentives to business to locate in or near the areas served so as to provide employment opportunities for residents of such areas, community development activities which create new training and employment activities and contribute to an improved living environment, and manpower training programs which support and complement economic, business, and community development programs, including activities described in part B of title I. This latter provision was not contained in the Senate bill.

Section 152.—Requirements for Financial Assistance

Subsection (a) requires that before providing financial assistance the Director determines that projects and facilities to the maximum feasible extent be located in the area served; that projects will promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted business by residents of the area served; that projects be planned and carried out with the maximum participation of local businessmen by their inclusion on programs, boards of directors, advisory councils, or other means; that the program be coordinated with local planning under this act, the Model Cities Act, and other relevant plans for physical and human resources; that the requirements of subsections 122(e) and 124(a) of the act are met; that preference be given to the residents of the areas served in filling jobs and training opportunities, and that training programs, where feasible, train for jobs outside the area for which the program was established.

Subsection (b) prohibits the extension of financial assistance to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

Subsection (c) provides that the level of financial assistance to areas served by the special impact program for related purposes under this act not be diminished in order to substitute funds authorized by part D.

Subsection (d) requires that the Director reserve not less than 7 percent of the funds appropriated or allocated for title I for the purpose of carrying out part D. The Senate bill provided for reserving not less than 8 percent.

Section 153.—Application of Other Federal Resources

Subsection (a) requires that the Secretary of Housing and Urban Development take steps under title I of the Housing Act of 1949 to assure the availability of land for business location and expansion.

Subsection (b) provides that assisted areas be deemed redevelopment areas within the meaning of section 401 of the Public Works and Economic Development Act of 1965 and that such areas qualify for assistance under the provisions of title II of that act.

Subsection (c) requires the Director to take steps to assure that contracts, subcontracts, and deposits made with Federal funds are placed in such a way as to further the purposes of part D.

Section 154.—Evaluation

This section requires a thorough evaluation of program effectiveness to be conducted by such public or private organizations as the Director may designate and permits the payment of up to 100 percent of the costs of such evaluation.

Section 155.—Federal Share of Program Costs

This section provides that Federal grants for programs not exceed 90 percent of the cost unless the Director determines that grants in excess of such percentage is required in furtherance of the purposes of part B. Non-Federal contributions may be in cash or in kind. Where capital investment is required under contract with a private profit-making organization the Federal share of such capital investment shall not exceed 90 percent of the cost.

REVISION OF COMMUNITY ACTION PROGRAM PROVISIONS

Both the Senate bill and the House amendmend completely rewrite title II of the act, which provides for community action programs. Section references herein are to the sections of the new title II as they appear in the substitute recommended in the conference report.

Section 201.—Statement of Purpose

Both the Senate bill and the House amendment contain a statement of purpose. The Senate provision is short, merely stating it to be the purpose of the title to assist communities in opening opportunities which enable low-income persons to achieve self-sufficiency. The comparable House provision is very detailed. It states the purpose of the title to be to provide for community action agencies and programs and to prescribe their structure and functions. It states that the basic purpose of the title is to stimulate a better focusing of all available resources upon the goal of enabling low-income families, and low-income individuals of all ages to obtain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. The House amendment then goes on to list a number of specific purposes for which the title is enacted. The section further declares it to be the purpose of the title and the policy of the Office of Economic Opportunity to provide for basic education, health care, vocational training, and employment opportunities in rural America to enable the poor who live there to remain in such areas and to become self-sufficient therein. It also states that it is not the policy of the title or the Office of Economic Opportunity to encourage rural poor to migrate to urban areas. The conference substitute adopts the provisions of the House amendment.

Part A—Community action agencies; community action programs

Section 210.—Designation of community action agencies; community action programs

The Senate bill requires the Director to encourage the formation of community action agencies, which may be either public or private nonprofit in character. However, in order to merit assistance, such an agency must be responsible, and must be capable of carrying on a community action program, and of mobilizing public resources, as well as available private resources. It will serve as a prime sponsor for financial assistance provided under the title. It must have adequate authority to administer the funds received by it, to transfer and delegate those funds to other agencies, and to contract with public or private organizations.

The House amendment contains provisions on this subject which differ in major respects from those contained in the Senate bill. Under the House amendment a community action agency must be a State or political subdivision of a State, or combination of political subdivisions, or a public or private nonprofit agency designated by the State or a political subdivision or combination thereof, so long as it has the power to enter into contracts with public or private nonprofit agencies and organizations to assist in fulfilling the purposes of the title, and is designated as a community action agency by the Director. The conference substitute adopts the provisions of the House amendment, with certain clarifying amendments. These clarifying amendments require the community action agency to have the power and authority to, and be one which will, perform all of the requirements imposed on community action agencies by section 212; and, also, it must be determined to be capable of planning, conducting, administering, and evaluating a community action program, and, also, it is currently designated as a community action agency by the Director. These clarifying amendments are not in any way intended to confer on the Director any authority to make subjective judgments respecting the qualifications of a community action agency.

The House amendment also describes a community action program. It is a community based and operated program which (1) will include a sufficient number of projects to provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community; (2) is developed and organized in a manner appropriate to carry out the purposes of the title; and (3) conforms to supplementary criteria prescribed by the Director.

Both the Senate bill and the House amendment define what is meant by "community" for purposes of community action programs.

These provisions are very similar except that the Senate bill requires the Director to consult with the heads of other Federal agencies responsible for work and training programs, physical and economic development, housing, education, health, and other community services to encourage the establishment of coterminus or complementary boundaries for planning purposes. The conference substitute, in subsection (c) of section 210, adopts the provisions of the Senate bill.

The House amendment authorizes the Director to provide financial assistance directly to public or private nonprofit agencies (as community action agencies) which are not community action agencies designated under subsection (a) where he determines that the community action agency serving the community had failed, after having a reasonable opportunity to do so, to submit a satisfactory plan for a community action program which meets the criteria for approval set forth in the title, or that neither the State nor any qualified political subdivision or subdivisions is willing to be designated as the community action agency or to designate a public or private nonprofit agency or organization to be so designated by the Director. The substitute agreed upon in conference adopts these provisions, but with two additions. The first is to require the Director, when he exercises the authority given in this subsection, to designate the public or private nonprofit agency as a community action agency, thus requiring it to meet the criteria in the bill applicable to community action agencies. The second is to permit the Director to exercise such authority where a community action agency serving a community has failed to carry out its plan in a satisfactory manner.

Subsection (e) of this section in the House amendment provides that a political subdivision cannot be included in the community action program of a State or of any political subdivision or subdivisions, if the elected or duly appointed governing officials thereof do not wish to be so included. It also provides that such political subdivision, and any public or private nonprofit organization or agency designated by it will be eligible for designation as a community action agency on the same basis as other political subdivisions and their designees. This provision is retained in the conference substitute. The conference committee expects that the Director will establish procedures which assure that appropriate political subdivisions have adequate prior notification of their inclusion in an application for an agency's designation as a community action agency.

Section 211.—Community Action Agencies and Boards

This section of the House amendment requires community action agencies which are States or political subdivisions of States to administer programs through a community action board and other community action agencies designated by States or political subdivisions to have a governing board. In each case, the House provided that the board be limited to 51 members and be constituted one-third public officials, at least one-third representatives of the poor and the remainder representatives of business, industry, labor, religious, welfare, education or other major groups and interests in the community. The Senate bill did not contain these elaborate requirements for composition of boards. The conference agreement follows the provision of the House amendment, except as specified herein.

The House amendment provides that public official membership on the board could be less than one-third of the board membership only where the number of public officials reasonably available for such service was less than one-third of the membership. The conference agreement clarifies this provision by changing the words "reasonably available for such service" to "reasonably available or willing to serve". The requirement in the House amendment that at least one-third of the members be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served has been retained, but it is the understanding of the conferees that this language is sufficiently broad to encompass a variety of procedures for selecting representatives of the poor in different types of communities and areas. These might include nominations and elections on a neighborhood or communitywide basis, use of neighborhood meetings to which the poor are especially invited, indirect selection of communitywide board representatives by area boards which are themselves chosen by neighborhood residents, or other democratic selection techniques that may be developed to meet local conditions.

The House amendment provides that where a community action agency places responsibility for policy determinations with respect to programs to be carried on in a particular geographic area in a subsidiary board, council, or similar agency, or where it places substantial reliance on the recommendations of such an agency in making policy determinations affecting particular areas, such subsidiary agency is required to meet the provisions of subsection (b) relating to the maximum number of members on the board and to representation on the board of the poor, public officials, and representatives of major groups and interests in the community. The conference substitute modifies this requirement to provide that where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within a community in a subsidiary agency its membership must be broadly representative of such area, subject to regulations of the Director which assure adequate opportunity for membership of elected public officials. Community action agencies are also encouraged to make use of neighborhood-based organizations composed of residents of the area or members of the groups served, to assist in the planning, conduct, and evaluation of components of the community action program.

The House amendment permits community action boards and community action governing boards to appoint executive committees or similar groups, and to prescribe their quorum requirements. The conference substitute adopts this provision, but with the restriction that a quorum may not be less than 50 percent of the membership of such committee or group. The conference substitute also adds to this subsection a provision from the Senate bill which requires community action agencies to establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the community action board or governing board may petition for adequate representation.

The conference substitute includes a provision designed to clarify the right of the poor and the residents of the areas concerned to participate meaningfully in the community action programs. This provision states that each community action board established to administer the community action program of the State or of a political subdivision or subdivisions shall (1) have a full opportunity to participate in the development and implementation of all programs and projects designed to serve poor or low-income areas with maximum feasible participation of residents of the areas and members of the groups served so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are meaningful and widely utilized by their intended beneficiaries, (2) have at least one-third of its members chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the areas served, (3) be so established and organized that the poor and residents of the area concerned will be able to influence the character of programs affecting their interests and regularly participate in the planning and implementation of those programs, (4) be a continuing and effective mechanism for securing broad community involvement in the programs assisted. Provisions in the House amendment also containing the requirements mentioned in (1), (2), (3) and (4) above were retained in the conference substitute and are to be found in sections 201, 211, and 212.

Section 214.—Housing Development and Service Organizations

The Senate bill, in section 215(b), requires each community action agency to encourage the establishment of housing development and service organizations to focus on the housing needs of low-income persons. These organizations will provide technical, administrative, and financial assistance required to help those persons to utilize existing programs and to enable sponsors to take advantage of existing mortgage insurance and housing assistance programs. While these corporations may themselves become sponsors of housing under existing programs, under no circumstances may they insure mortgages or duplicate the long-term capital financing functions of programs administered by the specialized housing agencies. They will coordinate their efforts with other community action agency efforts. The conference substitute includes this provision.

Part B—Financial assistance to community action programs and related activities

Section 221.—General Provisions for Financial Assistance

The Senate bill in section 220(a), and the House bill in section 220 and section 221(a), prescribe the nature of community action programs which are eligible to receive general financial assistance under the title. While somewhat different in form, the provisions are substantially the same, except that in the list of examples of types of community action activities, the Senate bill refers to activities and supporting facilities designed to assist participants to obtain services for the prevention of narcotics addiction, alcoholism, and the rehabilitation of narcotic addicts and alcoholics, to obtain emergency assistance through loans or grants to meet immediate or urgent individual and family needs including the need for health services, nutritious food, housing, and employment-related assistance, to remove obstacles and solve personal and family problems blocking the achievement of self-sufficiency, and to achieve greater participation in community affairs. The conference substitute adopts these provisions of the Senate bill, except for a conforming amendment recognizing the inclusion of a special program for health services and nutritious food. The Senate bill in section 220(b) provides that after July 1, 1968, the Director must require community action agencies to use a systematic approach to the achievement of the purposes of the title and the utilization of funds provided it. The Director may, however, extend the time for such requirement to take into account the length of time a program has been in operation. He is also required to take steps to assure the participation of other Federal agencies in support of the development and implementation of these systematic approaches. The House amendment contains no comparable provision. It is included in the conference substitute.

The House amendment in section 221(b) permits the Director to fund limited purpose projects of public or private nonprofit agencies where there is no community action agency for the community or where the community action agency has given its approval. This provision is retained in the conference substitute.

The House amendment requires the Director to take action to assure that every reasonable effort is made by applicants to secure the views of local public officials and agencies in affected communities, and to resolve all issues of cooperation and possible duplication prior to the submission of applications. This provision is retained in the conference substitute.

The Senate bill requires that at least 50 percent of the funds appropriated for this title must be used to finance programs locally selected to respond to particular community needs. This provision is not retained in the conference substitute.

The House amendment provides that in determining whether, in what amount, and on what conditions to extend financial assistance to new community action programs, the Director shall consider evidence of the extent of poverty in the community and the probable capacity of the agency to undertake an efficient and effective program in full conformity with the purposes of title II. In renewing or supplementing that financial assistance he is required to consider the progress made in carrying out such a program, consistent with the needs, and with due allowance for special problems of, rural and smaller communities, and the efficiency with which the agency has discharged its specific functions and duties to this end. The Senate bill, in section 220(e), contains a comparable provision which, in addition, prohibits the Director from establishing binding national priorities on funds authorized for community action programs, and instead requires him to review each application for financial assistance on its merits. The conference substitute adopts the provisions of the Senate bill.

Section 222.—Special Programs and Assistance

The Senate bill, in section 221, authorizes the Director to reserve funds and provide assistance for "national emphasis" programs which deal with the needs of the poor which are common to a number of communities. Except in the case of Follow Through programs and Upward Bound programs, this assistance would be provided through community action agencies, unless the community action agency does not wish to undertake the responsibility, fails to demonstrate its capability, or there is no such agency in the area. The House amendment authorizes the Director to develop and carry on special programs in order to stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities. This authority could be used only where the Director determines that the objectives sought could not be effectively achieved through the use of the authority granted to conduct community action programs. Also it could only be used with respect to programs which (1) involve activities which could be incorporated into or be coordinated with community action programs, (2) involve significantly new combinations of resources or new and innovative approaches, and (3) are structured in a way that, within the limits of the type of assistance contemplated, most fully and effectively promote the purposes of the act. The Director could provide financial assistance to public or private nonprofit agencies to carry on local projects initiated under special programs, but wherever feasible the inclusion of the assisted projects in community action programs would be encouraged, with a view to minimizing possible duplication and promoting efficiency in the use of community facilities and services, better assisting persons having a variety of needs, and otherwise securing from the funds committed the greatest possible impact in promoting family and individual self-sufficiency. The conference substitute adopts the provisions of the House amendment on these matters, except that to be eligible for such assistance a program need not meet all of the criteria contained in the numbered clauses above, as long as it meets one of those criteria.

The special programs carried on under this section include those described in the following paragraphs:

Both the Senate bill and the House amendment provide for carrying on Headstart projects as special programs. The Senate bill requires that these programs include appropriate activities to encourage parent participation and permit effective use of parent services. The House amendment requires direct participation of parents of the children in the development, conduct, and overall program direction at the local level. The Senate recedes.

Both the Senate bill and the House amendment contain substantially the same provisions for Follow Through programs, but the Senate bill requires that the funds for these programs be transferred directly from the Director to the Secretary of Health, Education, and Welfare. Financial assistance would be provided by the Secretary, on the basis of agreements reached with the Director, directly to local educational agencies except as otherwise provided by such agreements. A related provision adds a new section 621 to the Act which requires the Director to delegate his functions under this provision to the Secretary of Health, Education, and Welfare, and requires that such functions be carried on through the Office of Education. The House amendment does not contain this provision. The House recedes.

Both the Senate bill and the House amendment contain provisions relating to Legal Services programs. The Senate bill provides that these programs must further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. The comparable provision of the House amendment requires that legal services programs provide legal advice and legal representation to persons when they are unable to afford services of a private attorney, together with legal research and information as appropriate to mobilize the assistance of lawyers or legal institutions, or combinations thereof, in the furtherance of the cause of justice among persons living in poverty. On this difference the House recedes. The Senate bill requires the Director to make arrangements under which State and local bar associations would be consulted and afforded an opportunity to submit comments and recommendations on the project before it is approved and funded and to submit comments and recommendations on the operation of the project after it is approved and funded. The comparable provision of the House bill requires the Director to establish procedures to assure that the principal local bar association is afforded ample opportunity to submit comments and recommendations on the proposal before it is approved or funded. The conference report adopts the Senate language, but with the addition of the word "principal". The House amendment also contains a provision, which has no counterpart in the Senate bill, which provides that no funds or personnel made available for the legal services program under whatever provision of the act it is conducted, shall be utilized to organize or assist in organizing any unlawful demonstration or civil disturbance, or for the defense of any person charged with participating therein, or with the commission of a crime committed in the course thereof, if such person organized or assisted in organizing such demonstration or civil disturbance. The conference substitute contains a modification of this provision. As modified, it would prohibit the use of funds or personnel made available for this program for the defense of any person charged with crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director determines that adequate legal assistance will not be available for an indigent defendant unless such services are made available. The portion of this provision dealing with use of program funds and personnel to organize or assist in organizing unlawful demonstrations or civil disturbances is treated in the new section 613.

Both the Senate bill and the House amendment provide for a Comprehensive Health Services program to be carried out under this section. The differences between the Senate bill and the House amendment are the following: The Senate bill provides a list of examples of types of comprehensive health services which might be provided. The House amendment requires that the comprehensive health services include some of the listed types of services, but provides an exception in rural areas where the lack of even elemental health services and personnel may require simple, less comprehensive services to be established first. The Senate bill, but not the House amendment, lists family planning, narcotic addiction, and alcoholism prevention and rehabilitation among the comprehensive health services which might appropriately be included in a program. The Senate bill provides that the services must be made readily accessible to low-income residents of the area, but provides that they may be available on an emergency basis or pending the determination of eligibility to all residents of the area served. The comparable provision of the House amendment requires that the services be made readily accessible to the residents of the area. The Senate bill requires the Director to solicit and consider the comments and recommendations of the principal local medical associations in the area before approving any project. There is no comparable provision in the House amendment. The conference substitute contains the above provisions of the Senate amendment with the following changes: (1) the House amendment's exception for rural areas is included, and (2) the requirement that the principal local medical association be consulted is modified by deleting "principal".

The Senate bill requires that comprehensive health services programs include programs to provide financial assistance to public or private agencies for projects designed to develop knowledge or enhance skills in the field of health services for the poor. These projects would encourage health professionals to direct their talents and energies toward providing health services for the poor. In carrying out this provision, the Director would be authorized to provide or arrange for training and study in the field of health services for the poor. Under this authority the Director could arrange for the payment of stipends and allowances for persons undergoing this training and for their dependents. The Director and the Secretary of Health, Education, and Welfare are directed to achieve effective coordination of programs and projects authorized under this provision with other related activities. The House amendment does not contain this provision. It is retained in the substitute agreed upon in conference.

Both the Senate bill and the House amendment provide for Upward Bound programs. They differ only in that the Senate bill authorizes financial assistance for Upward Bound programs to be provided directly to institutions of higher education instead of through community action agencies. The House recedes.

The House amendment provides for a special program to be known as "Emergency Food and Medical Services" designed to provide on a temporary, emergency basis foodstuffs, and medical services needed to counteract conditions of starvation and malnutrition among the poor. It provides that the program should be carried out through arrangements with other Federal and State agencies or officials to insure the availability of such foodstuffs and services through a community action agency where feasible, or by other means if no such agency is available. It encourages community action agencies to develop projects to assist the poor to maintain an adequate and nutritious diet. The Senate bill contains no comparable provision. The conference substitute contains a modification of the House provision. As modified, the Director would arrange to carry out these functions through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare. The conference substitute also requires the Director to reserve and make available from the funds appropriated or allocated for programs authorized under the title, not less than $25,000,000 for the fiscal year 1968, and not less than $50,000,000 for the fiscal year 1969 for purposes of this program.

It is the view of the managers that to require a community action agency or other agency or organization to satisfy matching requirements imposed by section 225, when it is competent and willing to administer an emergency food and medical services program but unable to raise the necessary non-Federal cash or services, would render it difficult to meet the objectives of this emergency program authority. Therefore it is expected that the Director, in every such instance, will use his authority under section 225(c) to waive such matching requirements in favor of full Federal funding of such a program.

The House amendment authorizes financial assistance for day care programs to be carried on as national emphasis programs. The Senate bill adds a new part B to title V of the Act providing Federal assistance for a day care program, which is described later in this statement. However, it is not the intention of the conferees that the deletion of this special emphasis program from the community action title should discourage community action agencies from including day care projects in their community action programs.

Both the Senate bill and the House amendment provide for programs to identify and meet the needs of older, poor persons to be carried out as a special program. Under the Senate bill this program would be known as Project Find, while under the House amendment it would be known as Senior Opportunities and Services. The Senate bill intends the program to be for the benefit of persons over the age of 60 while the House amendment uses 55 as the eligibility age. The conference report adopts the Senate age limit. Both the Senate bill and House amendment list the development of certain all-season centers as one of the areas of activities to be included in the program. The House amendment, unlike the Senate bill, requires that these centers be controlled by the older persons themselves. The House amendment also provides that in administering this program, the Director must utilize to the maximum feasible extent the services of the Administration on Aging in accordance with agreements with the Secretary of Health, Education, and Welfare. The Senate recedes on both of these points.

The House amendment provides that in developing special programs the Director must give priority to programs involving services or activities whose effectiveness has been tested in one or more community action programs, or in connection with other Federal, State, or local programs, public or private. It also requires him to cooperate with Federal and State agencies with a view to developing programs which will supplement and improve programs for which those agencies are responsible. Where appropriate, he is required to provide for the operation of these programs by other Federal or State agencies pursuant to delegation of authority or suitable agreements. The Senate amendment has no comparable provision, and it is not included in the conference report.

Both the Senate bill and the House amendment permit the use of funds allocated for national emphasis programs for training, research, and technical assistance. The House amendment requires it to be directly related to program development and implementation. The Senate amendment requires that assistance for such purposes be consistent with, and subject to, the provisions which relate to training, technical assistance, research, and pilot programs generally. The House recedes.

The House amendment, in section 222(d), requires the Director to provide for the continuing evaluation of the national emphasis programs. For this purpose he is required to consult with other Federal agencies or where appropriate with State agencies. The reports of these studies shall be public records and shall be reflected in the annual report of the Director. The Senate provisions on program evaluation are contained in section 233, and are dealt with in that section in the conference report. All provisions of the conference substitute relating to program evaluation are contained in section 233.

Section 223.—Resident Employment

The Senate bill requires that in the conduct of all component programs of community action programs, residents of the area and members of the groups served shall be provided maximum employment opportunity, including opportunity for further occupational training and career advancement. The Director is also required to encourage the employment of persons 55 years and older as regular, part-time, and short-term staff in component programs. The House amendment contains no comparable provision. The conference substitute retains this provision.

Section 224.—Neighborhood Centers

The Senate bill requires the Director to encourage the development of neighborhood centers designed to promote the effectiveness of needed services in fields particularly relevant to the needs of the poor, and so organized as to promote the maximum participation of neighborhood residents in center planning, policymaking, administration, and operation. Such centers would be responsive to such neighborhood needs, including counseling, referral, followthrough, and community development activities, as may be necessary or appropriate to best assure a system under which existing programs are extended to the most disadvantaged, are linked to one another, are responsive to the range of community, family, and individual problems, and are fully adopted to neighborhood needs and conditions. The House amendment does not contain this provision. It is included in the substitute agreed upon in conference.

Section 225.—Allotment of Funds; Limitations on Assistance

Both the Senate bill and House amendment permit separate allotments for national emphasis programs, except that the Senate amendment does not make this provision applicable to the Headstart program. The Senate recedes.

Both the Senate bill and the House amendment require matching with respect to programs carried on under title II. Under the Senate bill the required matching is 10 percent of the approved cost of the assisted program. Under the House amendment the required matching is 20 percent of such cost. The House amendment provides that not more than one-half of the non-Federal contribution may be made in kind, fairly evaluated, including but not limited to plant, equipment, or services. Under the Senate bill 100 percent of the non-Federal contribution may be made in kind. Under the Senate bill if a community provides excessive non-Federal contributions the excess amount may be used to meet its matching requirements under the work-training programs. The conference substitute adopts the provisions which require non-Federal matching equal to 20 percent of the approved cost of assisted programs, and it also provides that all the non-Federal contribution may be made in kind. It also retains the provision of the Senate bill providing that excessive non-Federal contributions may be used to meet matching requirements under work-training programs.

The Senate bill contains a provision, not found in the House amendment, under which the Director may not approve a program for assistance under title II until he has satisfied himself that, to the extent in-school educational services previously provided can be expanded and adopted to meet more effectively the needs of the poor and the purposes of the assistance to be extended under the title, the agency providing such services will be utilized. The Senate recedes with the understanding that the March 5, 1966, agreement between the Office of Economic Opportunity and the Office of Education as revised and currently implemented (in the light of the 1966 amendments to the Elementary and Secondary Education Act of 1965) with respect to coordination of community action programs with programs carried out under the Elementary and Secondary Education Act will be observed.

Section 231.—State Agency Assistance

Both the Senate bill and the House amendment, in section 231, authorize the Director to provide financial assistance to State agencies. In the case of the Senate bill it is provided to the appropriate State agency, and in the case of the House amendment it is provided to the State agency designated in accordance with State law. The Senate recedes.

Section 232.—Research and Pilot Programs

The Senate bill provides that before approving any grant or contract for a pilot project in a community which has a community action agency, the Director must solicit and consider the views of that agency on the proposed project. The comparable provision of the House amendment provides that no pilot or demonstration project may be commenced in any major political subdivision except with the approval of the local community action agency, or in the absence of a community action agency, the local governing body of that subdivision. The conference agreement contains a substitute for this provision which requires a plan for a proposed pilot or demonstration project to be submitted to the appropriate community action agency or local governing officials of the political subdivision. The plan could then be carried out if not disapproved by such agency or officials within 30 days. If it is disapproved, the plan may be carried out only if it has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of the title.

The Senate bill requires the Director to develop and carry out pilot projects which aid elderly persons to achieve greater self-sufficiency, focus upon the problems of rural poverty, are designed to develop new techniques and community based efforts to prevent narcotics addiction or to rehabilitate narcotic addicts, or are designed to encourage the participation of private organizations, other than nonprofit organizations, in community action programs. The Senate bill also contains a provision requiring the Director to conduct research and pilot projects designed to assure the more effective use of human and natural resources of rural America and to slow the out-migration from rural areas. These projects may be operated jointly or in cooperation with other federally assisted programs. The House amendment contains no provisions comparable to those of the Senate bill. The conference substitute adopts the provisions of the Senate bill.

The Senate bill provides that not more than 15 percent of the funds available for carrying out title II in any fiscal year may be used for the purpose of making grants for research and pilot projects. The House amendment provides that not more than 10 percent of such sums may be so used. The Senate amendment also requires that of the sums appropriated for carrying out the act for the fiscal year 1968, $50,000,000 shall be available only for research and pilot projects provided for in subsection (d), that is, those designed to assure the more effective use of human and natural resources of rural America and to slow the migration from rural areas due to lack of economic opportunity. The conference substitute revises this restriction so as to provide that one-third of the sums so appropriated shall be available only for such projects.

Section 233.—Evaluation

The Senate bill requires the Director to provide continuing evaluation of technical assistance and training programs and of research and pilot projects. For this purpose he is authorized to contract for independent evaluations of these programs or individual projects. He is also required to arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs. Results would be included in the annual report required by section 608. The House amendment contains generally comparable provisions in section 214 and in section 222(d). The conference agreement includes a provision which is a substitute for the provisions of both the Senate bill and the House amendment. Under this provision, the Director is required to provide for continuing evaluation of programs carried on under title II. He is authorized, for this purpose, to contract for independent evaluations. The Director is authorized to require community action agencies to establish an independent group or committee to provide evaluation and advisory services. He is also required to consult with other Federal and State agencies to provide, where feasible, for jointly sponsored objective evaluation studies on a national or State basis. The opinions of program participants would also be obtained. The reports of these studies are made public records, and a summary of them is to be included in the Director's annual report. The Director is required to develop and publish standards for evaluation of program effectiveness. These standards would be considered in deciding whether to fund programs.

This section of the conference substitute also includes a requirement that the Director contract for an independent study and evaluation with a report to Congress before April 1, 1969, on the action taken under sections 210 and 211 and the effects thereof.

Section 240.—Assistant Directors for Community Action

The House amendment requires the Director to appoint an Assistant Director to be known as the Assistant Director for Community Action in Rural Areas who shall be responsible for assuring that funds allotted for assistance to programs and projects designed to assist the rural poor are so expended. He will also appoint an Assistant Director to be known as the Assistant Director for Community Action in Urban Areas who shall be responsible for assuring that funds allotted for assistance to the urban poor are so expended. The Senate amendment contains no comparable provision. The Senate recedes.

Section 241.—Rural Areas

Under the Senate bill, the Director is required to make special efforts to increase the effectiveness of rural community action programs in order to assure that rural areas are able to utilize their full and equitable share of assistance. The House amendment provides that the Director, in carrying out title II, must take necessary steps to further extension of benefits to residents of rural areas, consistent with the extent and severity of poverty among those residents, and to encourage high levels of managerial and special competence in programs undertaken in rural areas. These steps shall include to the maximum extent feasible (1) the development of national emphasis programs particularly responsive to needs of rural areas, (2) establishment of research and pilot project activities specifically focused on problems of rural poverty, (3) the provision of technical assistance to afford a priority to agencies in rural communities and to aid those agencies in securing assistance under Federal programs and for the development of special or simplified procedures for use in rural areas. The Senate recedes.

The Senate bill and House amendment contain provisions designed to achieve an equitable distribution of assistance under title II between urban and rural areas. These provisions are substantially the same, except that the Senate bill requires the Director to consider the relative number of persons living in urban places compared to the number living in rural places. The conference substitute adopts a modified version of the Senate provision. As modified, the Director would consider relative numbers of poor persons living in urban places compared with the number of poor persons living in rural places.

The House amendment authorizes the Director to provide financial assistance in rural areas to public or private nonprofit agencies for community action type projects if he determines that it is not feasible to establish a community action agency within a reasonable period of time. This assistance would be subject to such conditions as the Director deems appropriate to promote adherence to the purposes of the title and the early establishment of a community action agency in the area. The Senate amendment does not contain this provision. The Senate recedes.

The House amendment requires the Director to encourage the development of programs for interchange of personnel and the undertaking of common or related projects, and other methods of cooperation between urban and rural communities. Special emphasis is to be given on cooperation to create new employment opportunities. The Senate bill contains no comparable provisions. The Senate recedes.

Section 242.—Submission of Plans of Governors

The Senate bill provides that the provisions requiring submission of plans to Governors should include plans for carrying out part B of title I. The House did not require such plans to be submitted to the Governors. The Senate recedes.

Section 243.—Fiscal Responsibility and Audit

The Senate bill, in section 241, requires the Director to prescribe regulations to assure that programs under title II are carried on subject to adequate internal controls, accounting requirements, rules governing personnel standards and policies as may be deemed necessary or appropriate to promote efficiency and effective use of funds. The comparable provision of the House amendment is more detailed. It provides that no funds may be released to any agency until it has submitted to the Director a statement certifying that the assisted agency and its delegate agencies have established an accounting system and internal controls adequate to safeguard their assets, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies, and such additional fiscal responsibilities and accounting requirements as the Secretary may establish. The conference substitute adopts the provisions of the House amendment.

The Senate bill and the House amendment both require a preliminary audit survey within three months after the first grant or contract of assistance with an agency or organization to review and evaluate the adequacy of the accounting system and internal controls. The House amendment goes on to require the Director to determine from such audit survey whether the accounting systems and internal controls meet his standards, and, if not, whether to suspend the assistance. If assistance is suspended, the assisted agency is given six months to come into compliance, and thereafter the assistance is terminated. The Senate recedes.

The House amendment contains a provision, not included in the Senate bill, requiring the Director to establish additional requirements, not included in the Act, as may be necessary to insure fiscal responsibility and accountability, and the effective and efficient handling of funds in connection with programs assisted under the title. The Senate recedes.

Section 244.—Special Limitations

The House amendment provides that the Director shall issue rules and regulations to assure that no employee engaged in carrying out community action program activities receiving financial assistance is compensated from funds so provided at a rate in excess of $15,000 per year and that any amount paid in excess of $15,000 a year should not be considered in determining whether the requirements for matching have been complied with. The Director is, however, authorized to provide for exceptions covering cases where, because of the need for specialized professional skills or prevailing local wage levels, application of the foregoing restriction would greatly impair program effectiveness or be inconsistent with the purposes sought to be achieved. The Senate bill contains no comparable provision. The conference substitute contains the House provision with a minor change accenting the need for exceptions in large metropolitan areas.

The Senate bill contains a provision not found in the House amendment under which the Director could not approve a program for assistance under title II until he has satisfied himself that, to the extent in-school educational services previously provided could be expanded and adapted to meet more effectively the needs of the poor and the purposes of the assistance to be extended under the title, the agency providing such services would be utilized. The Senate bill also contains a provision not included in the House amendment which requires the Director to use, to the maximum extent feasible the services of the Commissioner of Education and the State and local educational agencies in extending assistance for supplemental educational services which are not prohibited under the foregoing provisions. The House amendment continues provisions of existing law, prohibiting financial assistance to provide general aid to elementary and secondary education other than the provisions of special, remedial, and other noncurricular educational assistance. The comparable provision of the Senate bill provides that financial assistance should not be extended to provide general "or curricular aid" to education in any school system other than for special health, welfare, remedial and other noncurricular services designed to encourage successful participation in school. The Senate recedes with the understanding that the March 5, 1966, agreement between the Office of Economic Opportunity and the Office of Education as revised and currently implemented (in the light of the 1966 amendments to the Elementary and Secondary Education Act of 1965) with respect to coordination of community action programs with programs carried out under the Elementary and Secondary Education Act will be observed.

The Senate bill adds a new prohibition which barred the extension of financial assistance in any case in which the Director determines that the costs of developing and administering all the programs assisted under the title carried on by or under the supervision of any community action agency, exceed 15 percent of the total costs of carrying on such program. The Director is required, after consultation with the Bureau of the Budget, to establish criteria for determining the costs of developing and administering such programs and the total costs of such programs. If he determines that the cost of administering such programs does not exceed 15 percent of the total cost but is, in his judgment, excessive, he will require the agency to eliminate such excessive administrative costs. The Director may waive the limitation prescribed by this paragraph for specific periods of time, not in excess of 6 months, if he determines that the waiver is necessary in order to carry out the purposes of the title. The House amendment contained no comparable provision. The conference substitute adopts the provisions of the Senate bill, but in receding and accepting the Senate language limiting administrative costs of community action agencies for title II programs to 15 percent, the House conferees clearly intend that (1) the costs directly attributable to the operation of specific component programs such as Head Start, and (2) payments to any trainees or to those employees who fall within the poverty classification as determined by the Director, shall not be counted as administrative expenses. Moreover, they recognize that in certain cases where reorganizations of local community action agencies become necessary or where the initial planning and developing of programs for new community action agencies proves difficult, it may be necessary for the Director to waive the 15-percent limitation for a second period of 6 months.

AMENDMENTS TO TITLE III—RURAL AREAS PROGRAMS

Section 104(c) of the House amendment contains a provision, not in the Senate bill, which would authorize loans to the elderly where it will contribute to the improvement of their living or housing conditions. The Senate recedes.

Section 105(e) of the Senate bill completely rewrites the provisions of part B of title III which relates to assistance for migrant, and other seasonally employed, farmworkers and their families. The House amendment did not change the migratory worker provisions of the existing law. The House recedes. The following is a description of the new part B:

Section 311.—Statement of Purpose

This section states it to be the purpose of the part to assist migrant and seasonal farmworkers and their families to improve their living conditions and develop skills necessary for a productive and self-sufficient life.

Section 312.—Financial Assistance

Subsection (a) authorizes financial assistance to State and local agencies and nonprofit institutions and cooperatives to carry out migrant assistance programs.

Subsection (b) authorizes such programs to include projects or activities in the fields of day-care for children, education, health, improved housing and sanitation, including the provision and maintenance of emergency and temporary housing, legal advice and representation, consumer training and counseling, the promotion of increased community acceptance of migrant and seasonal farmworkers and their families, and equipping of unskilled migrant workers through education and training to meet the changing demands in agricultural employment brought about by technological advancement.

Section 313.—Limitations on Assistance

Subsection (a) requires maintenance of effort as a condition of financial assistance.

Subsection (b) requires coordination with other programs or activities providing assistance to migrants and other persons served under part B.

Section 314.—Technical Assistance, Training, Evaluation

Subsection (a) authorizes the Director to provide technical assistance or training of personnel as required to implement rural loan and migrant assistance programs.

Subsection (b) requires the Director to evaluate rural loan and migrant worker projects and publish the results of such evaluations in his annual report.

The conference committee wishes to emphasize the concern on the part of the Senate as expressed in the Senate Committee report that programs and projects to provide temporary housing for migrant families be continued as part of the migrant program. In this connection, the fact that the conference substitute reduced the authorization for migrant programs for fiscal year 1968 from $30 million to $27 million is not intended in any way by the conferees and should not be interpreted to result in a reduction of financial assistance for temporary housing for migrant workers and their families.

INDEMNITY PAYMENTS TO DAIRY FARMERS

The Senate bill contained an amendment relating to indemnity payments to dairy farmers. This amendment has been enacted heretofore, and therefore, is not included here.

AMENDMENTS TO TITLE IV—EMPLOYMENT AND INVESTMENT INCENTIVES

Both the Senate bill and the House amendment make a number of substantial changes in title IV of the Act. In most instances the Senate and House changes are the same. The differences and their resolution are as follows:

(1) The House amendment of the statement of purpose requires that special attention be given to small business concerns in urban and rural areas of high proportions of unemployed or low-income individuals. The Senate bill, in the comparable provisions, limits special attention to small business concerns in urban areas of high concentrations of unemployed or low-income individuals. The Senate recedes on this point.

(2) The House amendment authorizes the Director to use the agencies, agreements, and obligations developed under title III to insure an equitable distribution between urban and rural areas for loans between $3,500 and $25,000. The Senate recedes on this point.

(3) The Senate bill authorizes the Director to identify areas of high concentrations of unemployed or low-income persons, and, jointly with the Administrator of the Small Business Administration, to define the meaning of "low-income". The House amendment imposes this duty in the Administrator of the Small Business Administration, but requires him to consider recommendations of the Director. The conference substitute provides that the Director, after consultation with the Administrator, will identify the areas; but that the Administrator will define "low-income" after consultation with the Director.

(4) The Senate bill places responsibility for technical assistance and management training in the Secretary of Commerce. The House amendment puts this responsibility in the Administrator of the Small Business Administration. The Senate recedes with amendments (*a*) requiring the Administrator to consult with the Secretary of Commerce in carrying out these provisions, (*b*) authorizing the President to transfer the Administrator's technical assistance and management training functions to the Secretary of Commerce, and (*c*) providing for evaluations.

Day care projects

The Senate bill, in section 107, amends title B of the act to add a new part B which provides a new day care program. There is no comparable provision in the existing act, but the House amendment authorizes the Director to carry out a day care program as a special program under section 221. The substitute agreed upon in conference follows generally the Senate bill but differs in several particulars. Following is a description, section by section, of the day care provisions agreed to in conference:

Section 521.—Statement of Purpose

This section states that the purpose of the part is to provide day care for children from families which need such assistance to become or remain self-sufficient or to obtain objectives related to the purpose of this act. Particular emphasis is placed upon enabling the relatives of the children to undertake basic education, vocational training, or gainful employment.

Section 522.—Financial Assistance for Day Care Projects

Subsection (a) authorizes the financial assistance to public and private agencies and organizations to pay not more than 90 percent of the cost of planning, conducting, administering, and evaluating projects under which children from low-income families or from urban and rural areas with high concentrations or proportions of low-income persons may receive day care. Non-Federal contributions may be made in cash or in kind. These projects will provide health, education, social, and such other supportive services as the children may need. Under this program, financial assistance may be provided employers, labor unions, or joint employer-union organizations, for projects at or associated with a place of employment or training where such project will be financed in major part through private funds. Financial assistance under this section may be provided in conjunction with or to supplement day care projects under other statutes.

Subsection (b) authorizes the Director to require families which are not low-income families to make payments in whole or in part for day care services where the family's financial condition is, or becomes through employment or otherwise, such as to make such payment appropriate.

Subsection (c) authorizes the Director to provide technical assistance and training necessary for these programs.

Subsection (d) directs the Director and the Secretary of Health, Education, and Welfare to coordinate programs under their jurisdiction which provide day care so as to attain, if possible, a common set of program standards and regulations and mechanisms for coordination at the State and the local levels. In approving applications for assistance to this part of the Director is required to take into consideration the extent to which applicants attain coordination and cooperation between their projects and other day care programs in the areas they serve and the extent to which unemployed or low-income individuals are employed in carrying out the projects.

Subsection (e) requires the thorough evaluation of each project with a view toward determining the extent to which day care may have increased the employment of parents and relatives of the children served, may have reduced the cost of aid and services to such children, the extent to which such children have received health and educational benefits, and the extent to which the project has been coordinated with other day care activities. The Director may pay up to 100 percent of the costs of such evaluations, except that he may pay only 90 percent of such costs when the agency itself carries on the evaluation and a report on the program must be included in the Director's annual report.

Section 523.—Duration of Programs

This section authorizes the carrying out of programs under this part through fiscal year 1970.

AMENDMENTS TO TITLE VI—ADMINISTRATION AND COORDINATION

Section 601.—Office of Economic Opportunity

The Senate bill increases the number of Assistant Directors of the Office of Economic Opportunity from four to five. The House amendment adds a sixth Assistant Director. The House recedes.

The House amendment adds a new subsection to section 601 which provides that the number of supergrade positions approved for the Office of Economic Opportunity and its field offices shall not exceed one for every 100 employees. The Senate bill contains no comparable provision. The conference substitute does not include the House provision.

Section 602.—Authority of the Director

The Senate bill retains, but the House amendment repeals, subsections (b) and (c) of section 602 of the act. These subsections permit the Director to employ experts and consultants, or organizations thereof, and to compensate them at a rate not in excess of $100 per day, and to appoint, without regard to civil service laws, one or more advisory committees composed of private citizens and governmental officials. The conference substitute retains the provisions of existing law, except that it limits the number of days in a fiscal year during which a person may be a consultant to 100.

Section 603.—Political Activities

The Senate bill does not change the provision of existing law authorizing the Director to impose such requirements as may be necessary to insure that programs are not carried on in a manner supporting, or resulting in identification of such programs with, partisan political activity or activity designed to further the election or defeat of a candidate. The House amendment modifies this provision by requiring the Director to impose such requirements, and by extending the prohibition to nonpartisan political activity. The conference substitute retains all of the provisions of the House amendment, and in addition consolidates in this provision the additional prohibitions contained in new section 246 of the Act as amended by the House amendment which broaden its application beyond activity designed to influence the election or defeat of a candidate, to include (1) all partisan and nonpartisan political activity associated with a candidate or political faction or group, (2) voter assistance activities, and (3) voter registration activities. A conforming amendment is made in section 213 to consolidate in one place provisions placing restrictions on political activities.

This section is intended only to preclude the use of funds provided under the authority of the Act, directly or indirectly, to support programs of partisan or nonpartisan political activity. Where a State or political subdivision, or a public or private nonprofit agency, carries on programs assisted, in whole or in part, under this Act, the limitation of section 603(b) does not apply to any other activities they may carry on with funds not provided under the authority of the Act. Similarly, officials and personnel of such agencies are subject to the limitations of this section only as to that portion of their time for which they receive compensation provided directly or indirectly under the authority of the Act.

Section 604.—Appeals, Notice and Hearing

The Senate bill, in conformity with a related amendment concerning coordination, strikes out the existing provisions of section 604 (relating to the Economic Opportunity Council) and inserts a new provision which requires the Director to prescribe procedures to assure that (1) notice and opportunity for appeal to the Director will be provided for an agency or organization which would like to serve as a delegate agency under title I–B or title II and whose application to its prime sponsor or community action agency has been rejected or not acted on within a reasonable period; (2) financial assistance under titles I–B, II, III–B will not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor will applications thereunder for refunding be denied unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and (3) financial assistance under titles I–B, II, III–B will not be terminated for failure to comply with applicable terms and conditions unless the recipient agency has been afforded reasonable notice and opportunity for hearing. The House amendment contains no comparable provisions. The conference substitute includes this provision.

Section 606.—Public Announcement of Demonstration and Research Projects

The House amendment adds a provision not contained in the Senate bill, which requires the Director or the head of any agency administering a program under the act to make a public announcement of any contract for a study, evaluation, research, or demonstration project and of the results of any such project. The announcement must be made within 30 days of entering into the contract or receiving the results, as the case may be. The Comptroller General is directed to report to Congress any failure to comply with these requirements. The conference substitute includes this provision of the House amendment, but modifies it so as to make it applicable only to research or demonstration projects.

Section 610.—Programs for the Elderly Poor

Section 610 of existing law declares it to be the intention of Congress that whenever feasible the special problems of the elderly poor shall be considered in the development, conduct, and administration of programs under the act. The Senate bill revises this section to require the Director (1) to carry out investigations and studies to develop and carry out a plan for the participation of the elderly poor in programs under the act, (2) to maintain a constant review of all programs under the act to assure that the needs of the elderly poor are given adequate consideration, (3) to initiate and maintain interagency liaison with appropriate Federal agencies to achieve a coordinated national approach to the needs of the elderly poor, and (4) to determine and recommend to the President and the Congress such programs requiring additional authority and necessary legislation to provide such authority.

The House amendment does not revise section 610, but merely amends it to require the Director to work in cooperation with the Director of the Administration on Aging in carrying out the section.

The conference substitute incorporates the provisions of the Senate bill with an additional requirement that the Director cooperate with the Director of the Administration on Aging in exercising his responsibilities under this section.

Section 610–1.—Comparability of Wages

Section 610–1 of existing law limits compensation of persons employed in Job Corps and community action programs to a maximum rate based on the rate of compensation of persons providing certain substantially comparable services. The Senate bill amends this provision to base the maximum rate on the rate of compensation received by a substantial number of the persons providing such services. The House amendment contains no comparable provision. The House recedes.

Section 611.—Limitation on Benefits for Those Voluntarily Poor

The House amendment adds a provision, not contained in the Senate bill, requiring the Director to take necessary action to assure that no one meets the poverty criteria under the act "if his lack of income results from his refusal without good cause to seek or accept employment commensurate with his age, health, education, and ability." The Senate recedes.

Section 612.—Joint Funding

The Senate bill provides a new section of the act which authorizes joint Federal agency funding of programs whereby any one Federal agency may be designated to act for all in administering the funds advanced to a community action or other agency assisted under the act. In such cases the local matching requirement would be established according to the proportion of funds advanced by each agency.

The House amendment contains a comparable provision applicable only to funds advanced to community action or other agencies assisted under title II. The conference substitute incorporates the provisions of the Senate bill.

Section 613.—Limitations With Respect To Rioting

The House amendment adds a new section to the act which was not contained in the Senate bill. The new section would (1) prohibit employees of agencies funded under the act from participating, or assisting in any picketing, protests, demonstrations, riot or similar group activities in the course of their duties, and (2) prohibit the use of funds appropriated to carry out the act to provide assistance in any form to an individual convicted of inciting, promoting, or carrying on any riot or group activity resulting in material damage to persons or property.

The conference substitute contains a provision which provides that no person employed or assigned by an agency funded under the act shall, pursuant to or during performance of services rendered in connection with any program or activity conducted or assisted under the act by such agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

Section 616.—Transfer of Funds

The Senate bill reenacts with technical changes section 616 of the act, relating to the transfer of funds, to provide authority for the Director to transfer not to exceed 10 percent of the amount appropriated or allocated for any program or activity to other programs or activities under the act provided that no such transfer will increase the amounts otherwise available for any program or activity by more than 10 percent. The House bill repeals section 616. The House recedes.

Section 621.—Responsibility for Follow Through Programs

The Senate bill adds a new section 621 to the act to require the Director to delegate the Follow Through program to the Office of Education. The House amendment contains no comparable provision. The House recedes.

Part B—Coordination

The Senate bill extensively revises part B of title VI which relates to coordination of antipoverty programs. The House bill makes no comparable changes in existing law (other than a provision relating to coordination among Federal agencies in carrying out title II). The conference substitute incorporates the provisions of the Senate bill. The revised part B provides as follows:

Section 630.–Statement of Purpose

This section states the purpose of part B of title VI to be to establish an Economic Opportunity Council, provide for an information center, promote better coordination among all programs related to the act, and to improve cooperation and communication among all levels of government, agencies, and institutions in matters related to the purposes of the act.

Section 631.—Economic Opportunity Council

Subsection (a) of this section establishes the Economic Opportunity Council in the Executive Office of the President. The Council is to be composed of the Director of OEO and the heads of such Federal departments and agencies and such Presidential assistants and other Federal officials as the President may from time to time designate. The President would designate one Council member to serve as Chairman and each member may designate an alternate to sit in his stead in the event of his unavoidable absence.

Subsection (b) of the section defines the responsibilities of the Council as providing for the coordination of programs and activities related to the act, developing basic policies and setting priorities with respect to such programs and activities, resolving differences among Federal departments and agencies, and initiating and arranging for the carrying out of specific actions and projects designed to achieve the objectives of the act.

Subsection (c) requires that the President appoint an Executive Secretary of the Council who in turn would appoint and fix the compensation of personnel to assist him in performance of his duties. It also authorizes employees of other Federal departments and agencies to be detailed to the Council from time to time to provide temporary assistance.

Under subsection (d) the Council's activities would, to the extent appropriate, be described in the Director's annual report to the Congress.

Subsection (e) requires the reservation of sums authorized to carry out title VI in order to carry out the purposes of section 631.

Section 632.—Responsibilities of the Director

This section defines the coordination responsibilities of the Director as including special studies of specific coordination problems, the continuing evaluation of all activities under the act with a view toward identifying coordination problems, and the preparation of a 5-year national poverty action plan showing estimates of Federal and other governmental expenditures needed, to eliminate poverty in the Nation within alternative periods of time. Such a plan would include estimates of the funds necessary to finance relevant programs authorized by this and other acts and any new programs which may be necessary to eliminate poverty. The plan would be presented to the Congress and updated on an annual basis.

Section 633.—Cooperation of Federal Agencies

Subsection (a) requires that other Federal agencies cooperate with the Director and carry out their programs so as to assist him in carrying out the programs and provisions of the act.

Subsection (b) authorizes the Economic Opportunity Council and the Director to call upon other Federal agencies to supply statistical data, program reports, and other materials.

Subsection (c) authorizes the President to direct that programs and functions, including the expenditure of funds of Federal agencies, be carried out in conjunction with or in support of programs authorized under the act.

Section 634.—Combinations Among Projects and Programs

This section states Federal agencies' responsibilities in terms of encouraging appropriate combinations among related projects and activities and charges the Economic Opportunity Council with responsibility for carrying on a continuing review of the operation of this section including identifying programs which may be especially appropriate for closely coordinated operations at the State or local level and evaluating and making recommendations concerning implementing procedures of various Federal agencies.

Section 635.—Information Center

This section sets forth provisions of the current law covering the information center, with one amendment, to specifically authorize the Director, in connection with the operation of the center, to study ways of improving existing information systems, the adequacy of data, ways in which data generated at the State or local level may be incorporated into Federal systems, and methods by which data may be made more readily available to State and local officials, agencies, and organizations and used to further coordination objectives.

Section 636.—Prohibition

This section restates, with no change, a provision in the current law that prohibits use of funds to establish any new department or office when the intended function is being performed by an existing department or office.

Section 637.—Special Responsibilities; Training Programs

This section restates a provision in current law setting forth certain responsibilities of the Director. the Secretary of Labor and the Secretary of Health, Education, and Welfare, and other Federal agency heads with respect to the coordination of training programs. One technical modification deletes the specific reference to the President's Committee on Manpower, which was created by Executive order rather than by statute, in favor of a more general reference to "mechanisms prescribed by the President."

Section 638.—Definitions

This section defines the terms "programs related to this Act" and "coordination" as used in part B. The definition of coordination is designed to focus upon four types of actions—actions to improve the common effectiveness of programs in reaching and serving the poor; actions to promote better use of Federal assistance under diverse programs at the State or local level; actions to promote simplification and efficiencies through the joint or combined use of Federal resources; and actions to improve communication and general cooperation.

AMENDMENT TO TITLE VII

The Senate bill extensively revises title VII of the act which deals with special treatment of income for purposes of determining the eligibility of persons for certain public-assistance payments. The House amendment makes only two amendments to title VII of existing law. The first of these is to extend until July 1, 1968, a period within which States must act to come into compliance with the requirements of the title. The second amendment provides that the title should not apply with respect to any period after June 30, 1968. The substitute agreed upon in conference adopts the House provision with an amendment extending until June 30, 1969, the period during which title VII will be in effect.

REVISION OF VISTA PROVISIONS

Both the Senate bill and the House amendment completely rewrite title VIII of the Economic Opportunity Act of 1964 which contains the authority for the VISTA program. Section references herein are to the sections of the new title VIII as they appear in the substitute recommended in the conference report.

Part A—Full-time volunteer programs

Section 810.—Authority To Establish Full-time Programs

The Senate bill, in describing programs and activities to which VISTA volunteers could be assigned, provides that volunteers can be assigned to mental health and mental retardation facilities only if the facilities are federally assisted. The House amendment and conference substitute do not contain this restriction.

The House amendment adds a provision not contained in the Senate bill giving the Director specific authority to give volunteers work assignments in their own or nearby communities. This provision of the House bill is included in the conference substitute.

The Senate bill provides that the assignment of any volunteer in a State can be terminated when requested by the Governor of that State within 30 days or at a time thereafter agreed upon by the Governor and the Director. The House amendment contains no comparable provision. This provision of the Senate bill is retained in the conference substitute.

Section 811.—Terms of Service

The Senate bill requires a full-time personal commitment on the part of the volunteer to the extent practicable to live among and at the economic level of the poor and to remain available for service without regard to regular working hours. The House amendment omits the words "to the extent practicable". The conference substitute restores the provisions of the Senate bill.

Part B—Auxiliary and special volunteer programs

Section 822.—Demonstration Projects To Help Young Adult Criminal Offenders

The Senate bill contains a provision authorizing the Director to provide for demonstration projects in not more than four areas during the fiscal year 1968, and not more than six areas during each of the 2 succeeding fiscal years, under which VISTA volunteers and members of the Teacher Corps provide youthful criminal offenders, aged 16 to 25, with intensive education, training, and counseling for at least a 6-month period prior to their release from confinement and for at least 6 months thereafter. Not more than 100 VISTA volunteers may be employed under this section during fiscal year 1968, and not more than 150 during the 2 succeeding fiscal years. The Commissioner of Education would furnish on a reimbursable basis members of the Teacher Corps. Not more than 40 Teacher Corps members would be used during fiscal year 1968 and not more than 60 such members during the 2 succeeding fiscal years. The Teacher Corps members participating in the program who are not experienced teachers would be compensated at the rate of $75 per week plus $15 per week for each dependent. Experienced teachers would be compensated at a rate set by the Commissioner of Education. The House bill does not contain this provision. The conference substitute retains it.

Part C—General provisions

Section 832.—Participation of Older Persons

The Senate bill provides that the Director shall encourage the participation of older persons as volunteers under title VIII. The House amendment provides that he shall encourage older persons and older person membership groups as volunteers and participant agencies under title VIII. The Senate recedes.

Section 834.—Special Limitations

The House amendment adds a provision not contained in the Senate bill prohibiting the use of funds authorized herein to finance labor union or related activity. The conference substitute further limits the authority by extending this provision to cover financing of "anti-labor" as well as "labor" organizations.

The Senate bill provides that volunteers shall be required to provide such information concerning their qualifications (including their ability to perform their assigned tasks and their integrity) and would be subject to such selection procedures as the Director shall prescribe, and authorizes the Director to fix special procedures for the selection as volunteers of low-income residents of the area to be served. The conference substitute incorporates these provisions of the Senate bill with a number of technical changes.

AMENDMENT TO THE MANPOWER DEVELOPMENT AND TRAINING ACT

The Senate bill, in section 112, amends section 203 of the Manpower Development and Training Act of 1962 to change the rate of training allowances paid thereunder in certain cases so that they would not exceed unemployment compensation payable in the State. The House amendment contains no comparable provisions. The Senate recedes.

TITLE II—INVESTIGATION AND EVALUATION BY THE COMPTROLLER GENERAL

The Senate bill, in title II, and the House amendment, as an amendment adding a new part C to title VI, contains provisions which are comparable in most respects, relating to an investigation and evaluation by the Comptroller General of programs and activities carried on under the act.

Under the Senate bill the Comptroller General would transmit his final report to the Congress by February 1, 1969. The House amendment requires a report to Congress not later than May 1, 1968. The conference substitute requires a report to Congress not later than December 1, 1968.

The House amendment permits employees, as well as officers, to hold hearings. The conference substitute, like the Senate bill, permits only officers to hold hearings.

The Senate bill permits payment of $50 a day per diem. The House amendment fixes the figure at $100 a day. The Senate recedes.

The Senate bill authorizes the appropriation of such sums as may be necessary to carry out the investigation and evaluation. The House amendment requires the Director to transfer to the Comptroller General from the funds available to carry out the act, such sums as might be required, but not in excess of $2,000,000 for the fiscal year ending June 30, 1968. The House recedes.

TITLE III—CRIMINAL PROVISIONS

The House amendment makes it a felony for any officer, director, agent, or employee connected with an agency receiving financial assistance under the act to embezzle, willfully misapply, steal, or obtain by fraud any funds or property granted or paid under the act. The Senate bill did not contain this provision. It is retained in the conference substitute.

TITLE IV—EFFECTIVE DATE

Section 301 of the House amendment provides that, while the bulk of the amendments will take effect immediately, the provisions of section 202 of the act as in effect heretofore would continue, until June 30, 1968, to apply to community action agencies in existence and funded prior to the enactment of these amendments, except that any grant or funding agreement made with such an agency before that date must provide for transfer of functions, obligations, records, authority, and funds to any successor agency. The Senate bill contained no comparable provisions. The substitute agreed upon in conference adopts the House provision but with a proviso which is designed to provide for orderly transition and to preclude premature termination of existing programs. This provision would permit continued funding between June 30, 1968, and February 1, 1969, of the existing community action program of an existing community action agency which does not meet the requirements of the first sentence of section 210(a) but only if no other agency has been (1) designated by the Director under section 210 as the community action agency for that community and (2) funded under the authority of section 221 or 222(a). This provision is not intended to relieve any community action agency of its obligation to meet by July 1, 1968, the provisions (including the new board requirement of a 51 member limit and one-third public official representation) of section 211(b).

The second House amendment changes the title of the bill. The Senate recedes.

CARL D. PERKINS,
EDITH GREEN,
FRANK THOMPSON,
JOHN H. DENT,
ROMAN PUCINSKI,
JAMES G. O'HARA,
CARL ALBERT,
SAM M. GIBBONS,
Managers on the Part of the House.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report which we now have pending before us comes before us in such a way that we have to either vote it up or down.

Mr. Speaker, the conferees on the part of the House did their best to defend the position of the House. In my judgment we were successful in doing this—in defending the House bill.

Mr. Speaker, permit me to state at this point that the distinguished gentlewoman from Oregon [Mrs. GREEN] deserves considerable credit and in my judgment deserves a medal for distinguished service in her support of this program which is so absolutely necessary in the passage of this legislation. She is an able legislator with penetrating insight into the problems we face with this legislation. I value greatly the work she has done in making this a successful legislative effort and I think that the beneficiaries of these programs will be thanking her in years to come.

Mr. Speaker, much of the criticism of the existing antipoverty programs has been attributed to the lack of involvement of responsible units of local government. In recognition of this, the most significant House committee amendment we brought to the floor on November 7 required community action agencies to be States, cities, or county governments or that such governments designate the public or private nonprofit agency to be the community action agency for the community. The Members of the House supported the committee in defeating floor amendments which would have undermined this principle.

I can report to you today, Mr. Speaker, that the managers on the part of the House have been successful in gaining the acceptance of the conference on this principle. The conference report and the House adoption of it today assure that responsibility for community action programs will rest largely in the hands of local officials who are elected and responsible to the people for their actions.

Also, Mr. Speaker, I can report that the conference has adopted the House provisions with respect to the structure of community action boards so that governing and administrative boards of community action agencies must, as we provided in section 211 of the House-passed bill, consist of one-third public officials, one-third representatives of the poor, and one-third representatives of business, education, and labor and other comparable interests in the community. Moreover, the House provision limiting the size of these boards to no more than 51 members has been accepted by the conference. This provision, it is hoped, will eliminate the chaos that has existed in some communities where community action boards have been incapable of effective action because they consisted of literally hundreds of people.

In section 210(d) of the bill as it passed the House on November 15, we provide that the Director could provide financial assistance to a public or private nonprofit agency as a community action agency other than one designated by a unit of local government only where a State or any qualified political subdivision was unwilling to be designated as the community action agency or when a designated community action agency had failed after having a reasonable opportunity to do so to submit a satisfactory plan for a community action program. It was our intention by this provision not to deny a community the benefits of this program because of the inaction of the local government. The House conferees accepted a clarifying addition to these two circumstances in which other than a political subdivision may be used as a community action agency. This clarification would extend the authority to recognize an agency other than a local political subdivision where the appropriate local unit of government has failed to carry out its plan in a satisfactory manner. However, even in the exercise of the authority under section 210(d), the requirements that the governing board for such agency consist of one-third public officials, one-third representatives of the poor, and one-third representatives of business, education, and labor and other comparable interests in the community as required in the House-passed bill were accepted by the conferees.

Thus, we have assured that in all community action programs responsible local public officials will be significantly involved in the programs. Mr. Speaker, in this connection I do not agree with the critics of the committee approach who feel that we have taken the innovative thrust out of community action programs by these changes. To the contrary, I have great confidence that the involved local public officials in the community action programs will bring about new innovative thrust to community action programs and will attract new energies and financial resources in making these programs more effective in assisting those trapped in a cyclical grip of poverty to enter into the mainstream of American economic prosperity.

The Senate bill provides that not more than 15 percent of the funds for title II could be used for pilot or research programs. The House provision provided for no more than 10 percent. The Senate bill also required that of the 15 percent, $50 million would be available only for research and pilot projects for the purpose of assuring a more effective use of human and natural resources in rural areas to slow the migration from rural to urban areas. The substitute provides that one-third of the funds allocated for research and pilot projects shall be used for this purpose.

The Senate bill provides that before approving any grant or contract for a pilot project in a community, the Director must solicit and consider the views of the community action agency if there is one. The House amendment provided that the community action agency or the appropriate political subdivision must approve such projects. The conference compromised the disagreement by requiring the Director to submit the plan for a proposed pilot project to the appropriate community action agency or local governing officials. If they did not disapprove the plan within 30 days, the Director could proceed. If such agency or officials disapproved within 30 days the Director could not proceed without again considering the entire project in the light of the objections and unless he found the project to be consistent with the provisions and in furtherance of the purposes of title II.

Mr. Speaker. Extensive revision of the authority for the Job Corps was made in the House-passed bill. Among the tightening provisions are:

First. Procedures for selection and recruitment of enrollees have been strengthened.

Second. Greater emphasis is required to be given to the use of existing vocational education facilities for the Job Corps.

Third. Enrollment on a nonresidential status has been encouraged.

Fourth. Appropriate testing and counseling of enrollees prior to graduation to effect placement in employment for which the trainee has been prepared is required.

Fifth. More effective participation of the states in Job Corps programs and coordination with State-operated programs are required.

All of these provisions have been retained in the conference agreement.

Finally, the conference substitute requires that operating costs be reduced from the $7,500 required in existing law to $6,900 per enrollee per year. This represents a compromise from the Senate bill's $7,300 and the House-passed bill's $6,500.

Mr. Speaker, in the light of the importance of skilled training and employment in eliminating poverty, greater emphasis has been given to job training. The House-passed bill would enable a community to structure manpower training programs specifically to meet local needs using existing program concepts such as the Neighborhood Youth Corps or the new careers program or the Operation Mainstream program as a part of a total package adapted to meet the specific training and employment needs of local citizens. These new provisions include incentives to encourage private employers to hire and provide intensive training on the job to unemployed and seriously disadvantaged persons. These principles are retained in the substitute with the addition of a special impact program to operate in rural and urban areas with either substantial outmigration or concentrations of low-income persons. The language is a rewrite of authority contained in section 131 of the existing law.

The conference substitute authorizes $1.98 billion for fiscal year 1968 and $2.18 billion for fiscal year 1969. The 1968 figures are $80 million below the 1968 budget estimates and $291 million below the Senate-passed bill. While these amounts are above those provided in the House amendment voted upon November 15, I think it should be kept in mind that these authorizations are well within the amounts actually budgeted and represent a minimum that should be authorized particularly when we are making substantial revisions in the programs by the involvement of State and local governments in the administration of community action programs.

Mr. Speaker, the eyes of the Nation are looking to improved program operations and greater benefits from the Economic Opportunity Act due to the changes made in the legislation this year. It would be a drastic mistake to handicap programs by severely curtailing funds to support them. Underfunded programs even under more effective and responsible local administration will have great difficulty in producing desirable effects. I hope that we will not defeat the success of the substantial changes made in the legislation by not providing the programs with adequate funds. But this is a matter which addresses itself more properly to the membership of the House when it considers supplemental appropriations which I understand will come up in the House tomorrow.

My hope would be that funds would be provided adequate to assure no cutback in programs and that a hoped-for relaxation of international tensions would permit the programs to be more fully funded in the future.

Provisions in the House amendment which extended restrictions against political activity to include partisan and nonpartisan political activity or any other political activity associated with a candidate as well as any activity to provide prospective voters with transportation or any voter registration activity have been preserved in the conference substitute and transferred to section 603 in title VI so as to assure their applicability to all programs funded under titles I to VIII.

The provisions adopted on the floor of the House prohibiting the use of funds in connection with labor organization activities have been retained in section 834(d).

Section 613 embodies principles of the House amendment prohibiting the use of funds under the act in connection with unlawful demonstrations, rioting, or civil disturbances.

Prohibitions against the use of legal service operations to defend persons charged with participating in an unlawful demonstration or civil disturbance have been broadened to include the defense of any person indicted or proceeded against by information for the commission of a crime except in extraordinary circumstances.

In conclusion, Mr. Speaker, I would refer my colleagues to the statement of managers which appears on pages 61 to 94 of the conference report and contains an item-by-item description of 196 substantive differences between the House amendment and the Senate bill which were resolved by the conference. I think that the conference report represents a sound resolution of the differences between the two bodies. I am strongly convinced that it preserves the essential changes made by the House in the Economic Opportunity Act programs and I am confident that with these changes much greater progress can be made in finding and providing solutions to the problems of many low-income families throughout the Nation.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I thank the gentleman for yielding to me.

I would ask the gentleman: Is it not true that what we are voting on in this conference report is basically the difference in the 1-year authorization, which is in the conference report?

The House was successful in maintaining almost all the amendments that were adopted here on the floor of the House in the conference committee, but the real difference is that in the first year we have raised the amount of money from $1.6 to $1.98 billion. We have extended the program for 1 additional year at $2.2 billion, or in that general area.

Mr. PERKINS. Let me say to the distinguished gentleman from Wisconsin that all the bills this year contemplated a 2-year program, and the opportunity crusade also so contemplated. And it would certainly be unwise to think about a 1-year program.

Now, the money was raised in conference, but some of the conferees on the gentleman's side were very generous and even made mention that money as we handled it would not be any detracting consideration.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LAIRD. I would just like to say to the gentleman—if he will yield himself another minute——

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to myself.

Mr. LAIRD. I would like to say to the gentleman that we are marking up the poverty program appropriation this afternoon by this vote.

I am forced to vote against this conference report because I cannot commit myself to an authorization of $1.98 million in this fiscal year with the large budget deficit that we are facing. In our markup today, I am sure Democrats and Republicans alike will join together in a much smaller figure.

I think it is a mistake for Members of this House to vote on the larger figure today on this conference vote.

Mr. PERKINS. Mr. Speaker, I decline to yield further to the gentleman.

The gentleman from Wisconsin well knows that it takes $1,787 million to fund the program for the fiscal year 1968 to the same extent that it is funded at the present time. I feel we have something to think about here and the figure we put in this bill for the fiscal year 1968 is reasonable because we have restructured the program. To say we are not going to let any communities that may desire to come in and take advantage of the new legislation, I think would be undoing the hard work of this Congress.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. THOMPSON of New Jersey. It is a fact, is it not, essentially with respect to the 2-year authorization that the conference report represents a compromise? The amendment by the gentleman from Florida would have terminated the program in 6 months. It now being late in December, the action of the conferees has the effect of making this an 18-month program. Further, is it not so that were this rejected on the ground raised by the gentleman from Wisconsin that we can assure the Members of this body that the other body would not recede on this point?

Mr. PERKINS. That is correct. I think the Members of this body want to see this program restructured and want to see these new amendments go into effect.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the gentleman from Minnesota [Mr. Quie].

Mr. QUIE. Mr. Speaker, it has been a long battle—3 years—attempting to change the Economic Opportunity Act and OEO. Not that there have not been some changes, some good ones that the gentleman from New York [Mr. Goodell] and I have advocated; and some good changes that we never thought of.

However, there are some changes that I think are unwise, even damaging to the program. There is a continuance of programs in a way that even 3 years ago I thought was unwise. They were expressed in the minority views of 1964, 1965, 1966, and 1967.

What are some changes Charlie Goodell and I have recommended that are now incorporated in the EOA, or will be with the passage today of this bill?

There has been some tightening of the Job Corps, with better discipline and more regionalization—improved but yet inadequate control of costs.

In other programs under the Economic Opportunity Act, there will be improved involvement of private enterprise—not sufficient—but there will be improved involvement.

The Economic Opportunity Council is given direction now to coordinate Federal programs. We have guaranteed at least one-third representation of the poor on community action boards, except as diluted by the Green amendment.

There will be greater involvement of State and local governments, although it went too far in the amendment.

We have included an emergency food and medical services program for the hungry and those who are suffering from malnutrition.

We have a division of authority in community action, so there will be an urban director and a rural director of community action in OEO.

In the past we transferred work study and basic adult education to the Office of Education, and now there has been a delegation of the Followthrough to the Office of Education.

Let me capsulize here what I think is wrong with the Green amendment. It is difficult, really, to explain in some cases because there has been a necessity for an increased involvement of responsible and responsive State and local governments, as well as the elimination of self-appointed spokesmen for the poor. But I believe it is now possible for local governments to totally exclude representatives of the poor from any share in policymaking where the political subdivision itself is the community action agency.

Mr. Howard W. Hallman, director of the poverty program study, wrote to the Senate conferees:

> This repudiation of the poor is a serious error for these reasons:
>
> It breaks a promise held out to the poor of all races and ethnic groups to have a voice in their own destiny.
>
> It will increase the alienation of the poor by showing that once again they are rejected by society.
>
> It plays into the hands of extremists who say, "I told you so. Only violent revolt is the solution."
>
> It will aggravate already building tensions. It will contribute to a national social disaster.

What continues to be wrong with the Economic Opportunity Act? What can be done about it?

First. Make residential centers, now called Job Corps, a part of vocational education for those who need such a change in environment and who cannot receive better training at less cost in other programs, no matter what their family income.

Let us quit segregating the poor. I believe that economic class segregation is as bad as racial discrimination and it might turn out to be as debilitating.

Second. Develop a national manpower policy and coordinate and consolidate similar programs now administered not only by OEO but the Department of Labor and Department of Health, Education, and Welfare.

Third. Develop a preschool and early years policy and coordinate and consolidate such programs now administered by OEO with the Department of Health, Education, and Welfare.

Fourth. Change from a project-by-project approval of programs between the Federal Government and local organizations and agencies whereby the local groups must develop "grantsmanship" in order to secure funds. Local groups now find they must not only request funding for programs which would meet their highest priority needs, but also for programs they hope will catch the fancy of some Federal administrator who must approve each and every proposal. We must change to a program where the Federal Government makes allocations—block grants—to States, based on a national policy. The States then would allocate the funds to local agencies and organizations, based on their particular and peculiar needs.

What should we do about this if you believe as I do? Vote against the conference report? No. After much soul searching, I have decided to vote for the conference report.

I plan to watch, scrutinize, and evaluate the operation of the OEO community action program, to point out its mistakes, and try to remedy the legislation when it comes up for consideration again.

I hope to encourage the people in my district to utilize step 2 of the Green amendment under which the local political subdivisions designate the public or private nonprofit agency so they will have a governing board, so the poor will have a voice in whatever policy decisions are made as specified in section 211 (b) and (e) of this bill.

You may ask why I am voting for the conference report. Because it is now such a good program? No. Because I have had a change of mind about the administration of the program by Sargent Shriver? No.

But there are three reasons I have chosen to vote for the conference report.

First, I do not believe it is worse than the bill that passed the House. In some respects it is better. We had to compromise a difference in money. But the details related to money concern us more greatly in the appropriation bill than in the authorization bill. I think we should make our decision on the program, and we should go into the amount of money involved when the appropriation bill is brought up in the supplemental appropriation bill.

Second, I think that by voting for the program it will help me in trying to give assistance to the community action agencies in my own district.

Third, in my view this is the final choice of whether the programs in the Economic Opportunity Act should be eliminated or continued. I have felt for a long time that they should be continued though changed.

This is the final week of the first session of the 90th Congress. Time has run out for the remedial changes involved in the Economic Opportunity Act. This is the decision I have come to.

Now, Mr. Speaker, as I have read the conference report, the language on page 70 of the report in the statement on the part of the managers bothers me. In the conference we agreed among the conferees that the interpretation I had of section 211(b), clause 2, was not correct; that mayors could appoint the representatives of the poor. Assurance was given to me by my colleagues on the conference committee that section 211(b) (2) did not mean that mayors could make the appointment of the representatives of the poor. I would like to ask the chairman of the committee, the gentleman from Kentucky [Mr. Perkins], to yield so that I might inquire whether my understanding is correct that the intention of the conferees was that the mayors should not be able to appoint the poor, that the poor should select their own representatives.

Mr. PERKINS. The gentleman's understanding is absolutely correct. It never was intended that the mayor in any municipality appoint the representatives of the poor. It was intended, even where the local government is a community action agency, that representatives of the poor should be selected according to democratic procedures, as they have been, and in accordance with the regulations and directives, but never will the mayor appoint the representatives of the poor.

Mr. QUIE. Mr. Speaker, I thank the chairman, because I wanted to ask this so that the legislative history will be written, and it will be abundantly clear that never will the representatives of the poor be appointed by the mayor or other officials of a local political subdivision.

Mr. POLLOCK. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Alaska.

Mr. POLLOCK. Mr. Speaker, I would like to ask the gentleman to discuss briefly the local participation in the community action program. It is my understanding that the local participation has now been changed from the 10 percent to 20 percent, but it may still be in kind rather than in cash, as it passed the House.

Mr. QUIE. The gentleman is correct. We should bear in mind that 20-percent local participation was in the law as it passed the Congress last year, so we accepted the present law for the 80–20 share in title II. We did drop the requirement that one-half of the 20-percent local share must be in cash.

Mr. PERKINS. Mr. Speaker, I yield such time as we may consume to the gentleman from Kentucky [Mr. WATTS].

Mr. WATTS. Mr. Speaker, I recognize the many problems that confronted the conferees in attempting to iron out the differences between the House and the Senate. The House conferees sustained and kept in the bill many important features that will probably make the bill much better than it was, that will lead to lessening of most of the abuses.

I feel they went too far with their money, but I have been assured by the Appropriations Committee that the appropriations will be much less, and since this is merely an authorization, I am going to support the conference report.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Speaker, I think I will not need to take the 6 minutes. I rise today in strong support of the conference report. This conference report and the final legislation does not include probably everything that any one person in the House wants, but it was a good compromise, in my judgment.

The major threat of title II of the bill was not changed. The House language was retained. There were three or four minor modifications of that provision, but, by and large, the House, under the very able chairmanship of the gentleman from Kentucky [Mr. PERKINS], was able to insist on this language. Mr. Speaker, throughout the days the conferees worked on this bill, the chairman of the House conferees offered real leadership—his patience, his understanding, his persistence made this conference report today possible.

May I also say a word about the 2-year extension of this legislation? I am one of those who believes very strongly that the legislation should be continued for the 2 years. I need not remind my colleagues we are already 6 months along in fiscal year 1968, and it seems to me that it would be a major error to say we would have to come back in January, or about the first of February, and start work on this legislation again. Therefore, I hope that the Members of this House, by an overwhelming majority, will support the conferees in submitting this report.

Mr. PERKINS. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am delighted to yield to my distinguished chairman.

Mr. PERKINS. There has been a lot of talk all the way through the debate, and especially in the conference, that the poor were left out and omitted under the gentlewoman's amendment. I hope the gentlewoman will elaborate on the provisions dealing with representatives of the poor.

Mrs. GREEN of Oregon. I thank the chairman for his suggestion.

All I can say is that those people who repeat and repeat, "There is no provision for the participation of the poor" must subscribe to the theory, "What I tell you three times is so." Their repetition of it 100 times does not make it so.

I suggest they read the bill.

The bill which was brought to the floor of the House by the committee provided for the "maximum feasible participation" of the poor. The conference report provides the same thing. There is language in four different places in the bill specifying that the poor will be involved in planning programs to meet the needs of the disadvantaged.

On both the community action boards and on the governing boards, both of which are limited to not more than 51 members, at least one-third of the members shall be selected by the poor and represent the areas in which the poor live. So there is this participation by the poor.

However, the change which the House adopted by a very substantial majority several weeks ago said that the community action agencies would not be controlled by the poor; all of the people in the community, also, have a right to have a voice through their elected officials on how their money is spent and the kind of programs most needed in the community.

The conference report has the same language that the House approved: that a State or a political subdivision of a State can be designated as a community action agency; or, if the State or political subdivision does not want to be so designated, they can designate a private agency.

But there is participation by the poor and by the elected officials.

Mr. PERKINS. Where the local government serves as the community action agency, if I understand the statement correctly, it is provided in the bill and in the conference report that representatives of the poor will constitute at least one-third of the community action board. They will participate in formulating policy. They will influence policy decisions. But they will not have the final say-so.

Mrs. GREEN of Oregon. That is absolutely correct. We were very careful in using the word "selected." At least one-third will be selected by the poor from these areas. We provide maximum flexibility, so that the local areas can determine how these poor will be selected.

Mr. PERKINS. Is there not a sound reason for this procedure, when the local government serves as the community action agency, since they pass judgment upon public-related projects and other things, as to how much funding will be involved and the size of the programs?

Mrs. GREEN of Oregon. The chairman is correct again.

I like to refer to this part of the bill as the gentleman from Illinois referred to it, the "home rule" provision. When we have elected government officials in an area, they are the ones who are responsible to the entire electorate. They should be responsible to the electorate.

As I said before, if they are blind to the needs of the poor and if they are deaf to any pleas for change, then the opportunity is available to all the people in the area to throw them out at the next election.

Mr. PERKINS. I like the terminology on home rule, but as I view the operation of this amendment I feel that it will be furthering good government of the people, by the people, and for the people. We have had this procedure for two centuries, and we must place responsibility with authority. I cannot think of any group of people, when they face the electorate continuously, who will not be on their toes to do a good job.

I believe this will considerably strengthen the programs.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentlewoman 5 additional minutes.

Mr. PEPPER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from Florida.

Mr. PEPPER. Would the distinguished gentlewoman please tell me how the so-called Green of Oregon amendment would operate, say, in my district, which has 12 municipalities in it?

Each one of them could be designated as the sponsor of a project. Suppose three or all of them wanted to get together and sponsor a project in common. How large a board would there be and who would designate the members of the board in that case?

Mrs. GREEN of Oregon. Because the situation does vary so much over the 50 States, by intent we left a great deal of flexibility in the area to which you refer. It could be done in any one of several ways. All of 12 of these municipalities could come together and they could decide upon a coordinated plan that would serve the interests of all the people in those 12 communities. They could probably coordinate existing programs to a much better extent than they could at the present time. If the 12 were designated as a "community action agency"—they would have a board and on this board there would be up to 51 individuals. Up to one-third of them are elected officials. At least one-third are representatives selected by the poor, and the remainder are to be representatives from the community at large; that is, from education, religious, and welfare groups.

The second alternative, I will say to the gentleman from Florida, is that six of the municipalities—or three of them could get together or indeed, if there was not this cooperative spirit, each one of the 12 could develop its own community action agency.

May I say that in my own State of Oregon I hope there will be a coordinated effort in the areas involved and a maximum degree of cooperation.

Mr. PEPPER. If the gentlewoman will yield, may I ask one question? Suppose municipality A is designated to sponsor a given project. There will be a board set up in accordance with the provisions of the amendment in that case.

Mrs. GREEN of Oregon. That is right.

Mr. PEPPER. Suppose municipality A goes in with municipalities B, C, and D for a common project. Will their several boards cooperate and work together, or will there be a new board which would function on behalf of the municipalities sponsoring that joint project?

Mrs. GREEN of Oregon. If each one of the municipalities has been designated as a community action agency, each one would be responsible for the programs. This would not prohibit them from cooperating on a specific program if that specific program were a part of all their work.

Mr. PEPPER. And there would not have to be a new or common board? They could use their several boards?

Mrs. GREEN of Oregon. For instance, if they wanted to cooperate on Headstart, four or six boards could get together and join each other in the one program, but if each one is organized as a community action agency, applied and asked to be designated as one, each one would have its board.

Mr. PEPPER. And those boards could work together?

Mrs. GREEN of Oregon. That is correct.

Mr. PEPPER. I thank the able gentlewoman.

Mr. ALBERT. Mr. Speaker, will the gentleman from Kentucky yield an additional 2 minutes to the gentlewoman from Oregon?

Mr. PERKINS. Mr. Speaker, I yield 3 additional minutes to the gentlewoman.

Mr. ALBERT. Mr. Speaker, will the gentlewoman yield to me?

Mrs. GREEN of Oregon. I yield to the gentleman from Oklahoma, the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, first of all, I would like to compliment the gentlewoman for the outstanding job she has done and ask her if it is not a fact that the provision of the so-called Green amendment has been substantially retained in the conference report?

Mrs. GREEN of Oregon. That is absolutely correct. There were minor modifications, but they do not change the intent.

Mr. ALBERT. If the gentlewoman will yield further, may I make this brief statement, as I do not expect to speak at any other time.

I served on this conference, and I must say I have never seen a conference do a better job toward maintaining the position of the body it represented than was done by the conferees on this bill. The Senate conferees were united and I think unanimous both with respect to the money and with respect to the provisions of the so-called Green amendment. The conference report which we have brought back represents, in all substantive issues, the position of the House of Representatives.

Mr. Speaker, the other body wanted a far more liberal bill, moneywise, than the House of Representatives had seen fit to adopt. Surely the House will agree that the conferees went as far as they possibly could to maintain the House position.

Further, Mr. Speaker, if the distinguished gentlewoman from Oregon will yield further, I wish to say that the conference was made up of strong men and women on the House side—and at this time I wish to compliment my distinguished Republican colleagues for their active and skillful participation in the conference, although they differed with us on many issues. May I also say, Mr. Speaker that I have never seen a member of a conference or of a committee or of the House of Representatives who did more work on a bill or on a conference report than the gentleman from Kentucky [Mr. PERKINS] did on this bill. He worked tirelessly. He worked day and night. I have never seen a committee chairman maintain better communication with his colleagues than the gentleman from Kentucky maintained on this bill. This is a fine bill. It is a needed bill, and this bill is a monument to one of the gentlest and at the same time one of the firmest men I have ever known, CARL PERKINS. I hope and believe that the House will support its conferees and send this bill today to the President of the United States. I think we will have a better antipoverty program because of this legislation.

Mrs. GREEN of Oregon. Mr. Speaker, if I may respond to the eloquent remarks just made by the distinguished majority leader, I endorse 100 percent the statement made by the distinguished gentleman from Oklahoma in regard to the chairman of our committee. The Representative from Kentucky was a gentleman at all times—yet a very insistent and persuasive defender of the House position. Because of his untiring work—we have a conference report today of which we can be proud.

The SPEAKER. The time of the distinguished gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Speaker, I yield the distinguished gentlewoman 1 additional minute.

Mr. LANDRUM. Mr. Speaker, will the distinguished gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the distinguished gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, I have discussed the changes and provisions of this conference report now pending before us with the distinguished chairman of the Committee on Education and Labor.

I believe that those who have previously expressed their feelings and who have talked on this conference report have expressed the fact that the conferees have retained the substance of the so-called Green amendment.

Mr. Speaker, I would very much have liked to have seen the conference report come back with something nearer the amount of money that was authorized in the House bill. However, I am confident that the conferees did the very best job of which they were capable under the circumstances. I further want to say that insofar as the substance of the so-called Green amendment is concerned, it is my opinion that this will make the act more effective. I believe it directs the thrust of the act more in the direction of what was intended when the bill was originally presented to the House of Representatives.

Mr. Speaker. I, too, recall that I had some participation in that endeavor.

The SPEAKER. The time of the distinguished gentlewoman has again expired.

Mr. PERKINS. Mr. Speaker, I yield the gentlewoman 1 additional minute, although I wish I could yield to her more additional time.

Mr. LANDRUM. Mr. Speaker, will the gentlewoman yield further?

Mrs. GREEN of Oregon. I yield further to the gentleman from Georgia.

Mr. LANDRUM. Now, Mr. Speaker, having said that, I wish to pay my respects to the chairman of the Committee on Education and Labor, the gentleman from Kentucky [Mr. PERKINS], for the distinguished, diligent, and able job which the gentleman has performed with reference to this legislation as well as other legislation which has been brought before the Committee on Education and Labor and which the gentleman has brought to the floor of the House since he has had the chairmanship of the committee thrust upon him.

Also, Mr. Speaker, I wish to say to the membership of the House of Representatives that despite the writings of some reporters to the contrary, no Member of this House of Representatives has done a more dedicated, a more complete, a more intelligent, a more successful job of developing and bringing before the House legislation designed to benefit the poor of this Nation and to lift the educational, cultural, and social standards of the poor, as well as all of the people of these great United States of America, than the distinguished gentlewoman from Oregon [Mrs. GREEN]. It is my opinion that without doubt we can say if the distinguished gentlewoman from Oregon had not been willing to give the thorough study and thought to the bill that she has given to it, we would today be without an extension of this authorization.

Therefore, Mr. Speaker, I commend the distinguished gentlewoman from Oregon for all that she has done.

Mrs. GREEN of Oregon. I thank the distinguished gentleman from Georgia [Mr. LANDRUM].

The SPEAKER. The time of the gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DELLENBACK].

Mr. DELLENBACK. Mr. Speaker, votes like the one each of us is called upon to cast on this issue which is now before us call for real soul searching, careful analysis and thinking, and a fine final balancing of all the pros and cons of a bill which has ample measure of both.

I earnestly wish at a time like this that our rules, like the rules in the Senate, did not call for a fixed and rigid limitation on discussion. We face the final chapter in our consideration of one of this session's most important bills. After 7 weeks of committee hearings, 3 weeks of committee markup, 2 weeks of off and on debate here in the House, and more than 2 weeks of conference committee deliberations, each of us has much more to say than can be said in a few minutes. But we must forfeit that limit.

There are serious faults in this bill. In my opinion a number of the amendments which were proposed in committee and here on the floor, aimed at strengthening the job orientation of the whole program and the involvement of private enterprise, were good amendments.

Such improvements in this program are vital if it is to be truly successful in the long run. The conference reports takes a few short steps in the direction of improvements in this area, but that portion of the debate ended for this year on this floor some weeks ago.

The bill and the basic program have other faults. The unit costs of Job Corps programs are too high. The independent audit of the GAO which we unanimously adopted in the House has been indefinitely delayed because of lack of certain funding. A desirable restriction on the number of supergrades has been dropped. In view of the needs of the Nation, the moneys herein authorized are inadequate, but in view of the provisions of this particular bill and the serious economic crisis we face, the moneys herein authorized are too high. There is no allocation of funds even by titles for the second year of this program.

But the most serious fault in this measure involves its unfortunate overreaction to the proposal for the involvement of State and local officials in community action programs. Some meaningful involvement of our elected officials in community action was long overdue, and was proposed and strongly backed by my party in committee and on this floor. Unfortunately, this bill as now before us swings from no required involvement of local officials to the far extreme of complete control and possible domination. One of the few great innovations in this program as it now exists was the basic idea of self-help on the part of the poor, which in many parts of our Nation means our Negro brethren. By this amendment there has been created a terrible danger that this most promising and meaningful element of self-help will be replaced by a return to a strictly welfare philosophy of doing for in place of doing with. May our fears prove unfounded in actual practice, and may each of us who is truly concerned watch carefully in his or her own district and State to limit the effect of this removal of the poor from policymaking responsibility and authority.

But with all of the bill's faults, our simple choice today is between life and death for this program. And with this the case, my personal choice is for life. I am in hopes that when the appropriation bill comes before us it will involve a reduced amount of funds. But today I shall personally vote in favor of the conference report. America dares not let this program expire here today.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Reid].

Mr. REID of New York. Mr. Speaker, I rise in support of the conference report. I believe the conference in its action has made two significant improvements in the bill as it passed the House.

First, of course, is the elimination of the 10-percent cash requirement for local programs. Under the bill as it passed the House at least half of the local share would have to have been made up in cash. This has now been removed so that the entire 20 percent local share can be made up of services and otherwise in kind.

I believe this is particularly important to stimulate voluntary efforts in support of the antipoverty program and to insure that programs are not terminated because localities are unable to raise the required cash or local officials are unwilling to seek additional tax revenues for these purposes.

Second, the conference adopted a 2-year authorization. It seems to me that this will provide for some stability and some life expectancy for the program.

For too long the antipoverty program has had a life expectancy of, at best, 6 months.

What I think it needs now is a clear commitment by the Congress so that it can move forward with real support.

There is no question, Mr. Speaker, but what there are some serious faults in the conference report.

The gentleman from California [Mr. Hawkins] and I tried to remove the Green amendment. I will not repeat what I said at that time, but I still have serious objections to it. But I think what is more important is that we recognize that by voting for the conference report today, we will support rather than imperil the program at a time when the country is facing its most serious domestic crisis since the Civil War.

I think the 30 million poor in America, including the 8 million unemployed and underemployed, deserve strong support and a clear commitment.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. REID of New York. I thank the distinguished chairman for yielding me an additional 2 minutes.

Mr. Speaker, I hope that by voting for this conference report, we will make clear our concern for the inner-city, for the ghetto, and for the disadvantaged.

I would be frank to say that I think the sights of the Congress, if anything, are far too low. I hope that some of the modest steps that are taken in this bill will be strengthened by subsequent Congresses, namely, by a massive attack on job training and upgrading of skills. I hope the Congress will do something in concert with private enterprise, with labor, and others that will make possible the training and upgrading of skills of some 500,000 Americans.

Lastly, Mr. Speaker, I would add that I very much hope that the Committee on Appropriations will do all in its power to give full and adequate funding to this bill. Measured against the needs of America and the problems of our cities, the fullest possible funding is imperative. Funding at a level of $1.6 billion would mean the shutdown of 150 community action agencies, deprivation of Headstart programs for more than 29,000 children, and the termination of follow through activities for some 180,000 children. We must not permit this to happen.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. Gurney].

Mr. GURNEY. Mr. Speaker, I wish to direct my remarks to section 406 of title IV of the bill. As we know, the conferees, in working out differences accepted a stipulation to the House-passed version which was insisted upon by one of the Members of the other body. This stipulation appears in section 406(f) and states:

> The President may, if he determines that it is necessary in order to carry out the purposes of this part, transfer any of the functions under this Section to the Secretary of Commerce.

During debate on the floor of the other body last Friday, the senior Senator from New York, in discussing this stipulation said:

> I feel the President has that power to transfer immediately. In other words, as soon as the bill is signed, if he feels that a change ought to be made in that respect, in my judgment the bill gives him the authority to make it. He can make it at any time from the time the bill is signed. I hope the President will use that power and not see it as a dead letter on the books.

Mr. Speaker, were the President to make such an immediate transfer of this authority, I feel that such a move would serve to distort the intent of the Congress. The Senator attributes the House's insistence that SBA administer these small business programs to the threat of one Member of this body. Such is certainly not the case, Mr. Speaker.

May I point out that on October 31, a letter unanimously signed by all 15 members of the House Small Business Committee was sent to the chairman of the Education and Labor Committee, specifically asking that this authority not go to the Department of Commerce, but remain with SBA.

No less than 16 speeches were made on the floor of the House by Members from both sides of the aisle, all asking that this authority remain with SBA.

In the other body, the esteemed chairman of the Senate Committee on Banking and Currency, and the chairman of the Senate Select Committee on Small Business both made speeches on the floor of the Senate, both speeches concluding with a plea that the House change the Senate-passed bill so that these functions would be retained by SBA.

I cannot disagree with the senior Senator from New York on the legislative history of this bill, that his amendment obviously grants the President the transfer authority, and his remarks would seem to urge the President to do this at once. However, I do say that if the President were to utilize this authority without giving the Small Business Administration a chance to show what they can do, such action would be an outright breach of faith and would make a mockery of the efforts of this House which is trying to help the needy small businesses of this country in the best possible manner; namely, by having the best qualified agency do the job, and that is the Small Business Administration.

In fact, in the Senator's own New York City, it is not the Department of Commerce that has been active in Harlem, as the Senator alleges, but the SBA. It is the SBA which posted trained loan and management assistance personnel in the very heart of the ghetto areas of New York. It is the Small Business Administration which is providing small economic opportunity loans to poverty-area small business owners and would-be owners, and tying some of these loans to management training and continuing face-to-face counseling by its own management specialists or SBA's Service Corps of Retired Executives—SCORE.

Further, on the question of who should administer to the small business needs in the poverty areas, the conference report language is carrying out the intent of Congress, expressed some 10 years ago when the Small Business Act was legislated, and reiterated time and time again that:

> It is important to make sure that no small business functions remain in any other agency (Rept. No. 555, 85th Cong., 1st sess., on H.R. 7963 which, when enacted, became the Small Business Act of 1958).

In fact, in order to enable the President to carry out this congressional intent, Congress enacted section 12 of the Small Business Act, granting the President authority to transfer any and all small business "functions, powers, and duties of any Department or Agency which relate primarily to small-business problems."

Consequently, to set the history of this bill straight, the House of Representatives intends this legislation to mean that the President may deviate from the congressional intent embodied in the aforecited House report of 1958 and section 12 of the Small Business Act, but not by the stroke of a pen, but only by using the long-established reorganization practice and procedure and, furthermore, only if, after expiration of a sufficient trial period, and determination that SBA is either incapable or unwilling to carry out the provisions of section 406, and if the President further determines that it is "necessary" to thus transfer these functions to the Department of Commerce.

I would say, without fear of contradiction, that congressional intent in this matter requires that SBA be given at least 1 or 2 years to work on the programs delegated to them in section 406.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Speaker and Members of the House, everybody has a little bit different idea of why they should or should not support this legislation. You have heard the issue raised here today that the conference report should be rejected because it provides for a 2-year authorization rather than a 1-year authorization as the committee in its initial action recommended.

I say to you, it makes no difference whatever whether it is a 1-year or a 2-year authorization. We authorize 2-year programs, 3-year programs, 4-year programs in all our other Federal programs such as our aid-to-education program for Elementary and Secondary Education Act which is for 3 years.

I do not think anybody can find real justification for voting against this program because the conference report recommends that it be for 2 years rather than 1 year. It must be stabilized if it is ever to work. Only time and good administration will do this.

Some people say that we should oppose this program because the money is in excess of that recommended by the House initially—and that it is. But we know quite well, having heard from the gentleman from Texas, the chairman of the Committee on Appropriations, that nothing near the amount authorized is going in the end to be appropriated.

I think you can take the word of the chairman of the committee for that. We did not appropriate what was authorized last year. We will not this year or next.

Some people say that we ought to reject this conference report because the poor are going to be segregated or because the poor are going to be excluded. Well, if anybody has made an effort to segregate the poor, it is the emphasis that some have laid upon the role of the poor in the community action program who distort out of all proportion the so-called role of the poor.

Certainly the poor are not going to be excluded because, explicit in the new definition of a "community action agency," is the role of the poor as they participate, and one-third of the community action agency must be representatives of the poor.

I will tell you what the issue is. There are some who would like to continue this program as it is with a continuing resolution, and for the life of me I do not see how anyone could in good faith vote to continue this program as it presently is, in view of the criticisms that every Member of this House has had of the program as it is now operated.

It is not a question of whether or not we have a program. The real crux of the matter is: What kind of a program are we going to have? I believe if we are going to have a program, that we must take recognition of the fact that this committee this year has done what should have been done at the outset, and that they have placed proper authority in the proper hands of local elected officials who do have some responsibility to the electorate and the people. I sincerely believe that even though I have other serious objections to the bill the legislation must be properly administered, for it has been poorly operated; there has been fraud in my district connected with the program—if we turn this program over to the elected officials, the time will not be many years away when this bill will not be controversial in the House of Representatives, because I believe these responsible elected officials will do a responsible job. It will gain the favor of the people and will allow, in time, people like myself to vote for the proposal who must, in view of the past, see first a proven record of performance. We have given local officials such responsibility in many other areas of legislation. It is consistent to do so with this program if indeed we are going to even profess a belief in States rights.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, I supported this legislation when it passed the House before it went to conference. I did so with a number of reservations. My reservations were not because I felt there was no need for such a program, for the need is everywhere apparent in our urban centers today. I did so rather because I felt that unless the program is improved materially in many aspects of its operation, it is likely to fall of its own weight, with a reaction that may well have very undesirable and unpleasant consequences.

Unfortunately, the improvements in the legislation which had been added by the House committee after a great deal of work, have many of them gone down the drain, and we have not taken advantage of other opportunities for improvement.

Specifically, it is a disappointment that a 2-year authorization has been added to the bill. This means that there will be no examination of this program in any depth by the Committee on Education and Labor for the second year. It is true, of course, that there will be a requirement for appropriations, but this will not get into the advisability of the various policies presently being followed and perpetuated in their errors by the present legislation.

The game of politics has dipped even deeper into the affairs of poverty at the expense of a voice for the poor by the retention of the so-called Green amendment. However, I was happy to see retention of the amendment to bar certain political activity of poverty workers. This political activity has been more of a detriment to community acceptance of the program than a help.

Moreover, elimination of other improvements in standards and administration, such as those in the Erlenborn amendment, which would have prevented unrestricted transfer of funds between the titles of the act, and the limitations upon the employment of experts and consultants and advisory committees, invite continued abuses.

A favorable aspect of the action of the conference committee is the removal of unrealistic local contribution to cost in cash which had been written into the House version of the bill. It seems to me that the requirement of a 20 percent local contribution in cash or kind, subject to waiver by the Director, is a far more realistic approach, and one that will permit the program in areas of the greatest need which might otherwise be deprived.

Ultimately, the choice as to whether to vote for the bill seems to turn on whether this program is to continue at all or whether a better bill might be secured if the measure were returned to conference. Unfortunatly, with the views and the makeup of the conference committee at the present time, further progress seems unlikely. Therefore, with the serious reservations which I have mentioned, which I intend to continue to dwell on, I am supporting it.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. DORN].

Mr. DORN. Mr. Speaker, I am supporting the conference report, and I wish to commend both the distinguished chairman of the committee and the gentlewoman from Oregon for the superb and outstanding job on a bill that I, very frankly, thought had no chance earlier in this session. They have piloted through the House a good bill, and this is a good conference report. I shall support it.

Mr. Speaker, I agree with the distinguished gentleman from Oklahoma [Mr. ALBERT] in his kind references to the distinguished chairman of the committee, the gentleman from Kentucky [Mr. PERKINS].

In my 19 years in the Congress, I have never known a committee chairman who was confronted with quite the problems as our able and beloved friend. His patience, good humor and kindness paid off to the country and to himself. He has rendered the entire Nation a great service.

Likewise, Mr. Speaker, I would like to commend the gentlewoman from Oregon [Mrs. GREEN] for her persistence, dedication and devotion regarding a basic fundamental principle. She manifested throughout this session a confidence in local government and through that belief in local government she has strengthened this bill and played a vital role in making it acceptable to the Congress and to the country.

I commend the members of the Education and Labor Committee, on both sides of the aisle, for their splendid and successful efforts to work out a bill acceptable to the Congress and to the country. Each of them and the staff of this great committee deserve the commendation and the high esteem in which they are held by this House.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Speaker, I take this opportunity to add a few words to what has already been said by the chairman of this committee, the gentlewoman from Oregon [Mrs. GREEN], and others who served on the conference committee for about a dozen days, morning, noon, and night. It was a difficult conference, because this is the type of legislation that usually creates a great deal of discussion and differences of opinion. Every member of that conference probably felt that he or she could write this bill better than the bill that is now before us. Each of us had our own strong beliefs on certain points in the legislation. Some of us felt that the participation of the elected public officials would lend more dignity to this program in the communities.

It would also allow elected community officials to participate not alone with responsibility, but to have some of the authority in managing these programs. Perhaps in the large urban centers where you have organized civic groups they can take over, but those of us who come from districts where in the main they are controlled by urban communities, we have no such agencies. We do not have multimillion-dollar corporations that set up boys clubs and all kinds of aids for the so-called poor and poverty stricken. So the only peoples they can go to in a small community are, in the main, the elected public officials.

Somehow or other this program has operated in a vacuum insofar as the elected public officials are concerned, and with the Green amendment, in spite of all the misunderstanding and all the propaganda that was put out by those who either refuse to read the Green amendment or at least certainly refuse to understand it, the community will have a direct interest in every program. I say that in the next few years we will find that this program will find its level and will become a part of our everyday exercises in our communities and the poor will gain many more benefits than under the present operation.

I want to add my endorsement of the gentleman from Georgia [Mr. LANDRUM] in his praise of the lady from Oregon [Mrs. GREEN] for her very valuable contribution to our deliberations.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Appropriations, the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, there are features to this conference report which I cannot support, and I am sure this represents the position of many others who are present today. But I am going to vote for the conference report. As I see it, this is the only practicable thing for the House to do. There has to be an authorization bill.

To operate on a continuing resolution into next year would be an abdication of power and responsibility by Congress and a confession of incompetence.

I have made it clear over a period of weeks as to what my position is with regard to appropriations under this legislation, and I wish to reiterate my position at this time for the RECORD.

I am supporting a continuation of the poverty program, as far as appropriations are concerned, at a level of $1.6 billion, substantially at the level of last year. On the appropriation bill I shall work for the $1.6 billion figure, and will do all I can to secure its adoption by the House and the other body.

My vote for the authorization legislation today is not a commitment to support appropriations at the authorization level.

In my opinion, Mr. Speaker, this is the strong position of many of the Members who will vote for the conference report. As a practical matter, we have no other course to follow, other than to support the authorizing bill in the conference report. The battle over the level of spending will come on the appropriation bill, which I hope will be before the House tomorrow.

Mr. PUCINSKI. Mr. Speaker, will the gentleman from Kentucky yield.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wanted to clear up one point earlier in the discussion today, and I wanted to ask the chairman to comment on it. Before I ask that question, I join my colleagues in commending the gentleman for the leadership he has shown in this legislation. A few months ago nobody would have bet a wooden nickle we would approve a poverty program in this Congress. Under the leadership of the gentleman, we are here today with a bill. I hope his soft voice and likable manner will not obscure the fact that he is a great leader.

The question I wanted to ask is whether or not the mayor of a municipality could appoint the members of a community action board? It is my understanding that the bill provides that the members of the community action board, for the poor people, shall be elected in a democratic manner, but as a technical proposition, they have to be appointed to that entity by the community action agency and the head of that agency. Am I correct in that understanding?

Mr. PERKINS. Mr. Speaker, the gentleman well knows it was never contemplated that any governing authority select representatives of the poor as such, but the poor will select their own representatives. However, after the poor have selected their representatives through democratic processes, then to certify the members as representatives of the poor, naturally I presume the mayor would have to do that. But that is separate and apart from selecting them originally.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I would like to ask the chairman a question on this, because we had better clear up this point before the conference report is adopted. I do not know of any instances where the mayor has to select the membership to a board. If the poor select their members for the board, are we saying that the mayor can say "No"?

Mr. PERKINS. No, I am not stating that. I have not stated that. I am only stating that when the application is made, to get the program funded, naturally the representatives of the poor will have to be—that will have to be made clear, who they are, as to who certifies them, and that would depend upon the regulations of OEO, I would think.

They must be duly selected in a democratic way.

Mr. QUIE. If the gentleman will yield further, it is true that the mayor cannot veto the selection of the poor; is that correct?

Mr. PERKINS. It was never intended that the mayor select the representatives of the poor or veto any method of selecting the poor that the poor may choose in selecting representatives to serve on a community action board.

Mr. QUIE. In the case where the political subdivision is the political action agency, then the mayor will have to certify who are the representatives of the poor. That is what the gentleman is talking about?

Mr. PERKINS. That is correct.

GENERAL LEAVE TO EXTEND

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. AYRES. I wonder if the chairman would ask consent for all Members to extend their remarks prior to moving the previous question on the conference report?

Mr. PERKINS. I shall be delighted to.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. AYRES. Mr. Speaker, the six House Republican conferees on the OEO poverty legislation (S. 2388) refused to sign the report as protest against the conference bill. There were some 195 differences in the two versions which went to conference. For your convenience, we have summarized some of the principal features of the bill which has emerged. In some instances, the conference recommendations are substantially different from—or an outright reversal of—decisions made by the House in acting upon the poverty bill.

AUTHORIZATION

The majority conferees have agreed upon a 2-year authorization of the poverty programs and have authorized $1.98 billion in fiscal 1968 and $2.18 billion for fiscal 1969. None of the $2.18 billion is allocated to specific titles or programs in the second year. This means that the Director is free to fund the various programs without any authorization guidelines by the Congress. As you know, the House bill contained only a 1-year authorization of $1.6 billion for fiscal 1968.

By their action, the majority conferees have effectively eliminated further review or consideration of the poverty programs at least until 1969.

LOCAL CONTRIBUTION TO COSTS

House conferees receded from the House amendment which required a cash contribution from non-Federal sources of at least 10 percent of the total cost of community action programs. Subject to waiver by the Director of OEO, 20 percent of the total cost of such programs must be met from non-Federal sources in cash or kind.

THE SO-CALLED GREEN AMENDMENT

The provisions of the so-called Green amendment remain essentially intact. There continues to be three structural alternatives for a community action agency—CAA:

First. A governmental body—State or political subdivision—shall be designated as the agency, with authority to plan and conduct programs. The programs are to be administered by a "community action board" which includes one-third representation for public officials and at least one-third representation for the poor, with the balance representing community groups and interests—labor, religious, business, et cetera. The bill provides that such boards shall have a full opportunity to participate in the "development and implementation" of programs and projects designed to serve the poor or low-income areas with maximum feasible participation of residents of such areas.

Second. In the absence of a public body willing to serve as the CAA, or if the public body so designated fails to develop a satisfactory plan, the Director may provide financial assistance to another agency—to be designated as a CAA—which has a "governing board" whose membership is constituted like the administrative board described above, with major policymaking and other powers specified in section 211(e). The conference bill allows the Director to exercise this authority where the CAA fails to carry out its plan in a satisfactory manner.

Third. A State or political subdivision may decline to serve as a CAA but designate another public or private, nonprofit agency to so serve. The agency so designated is required to have a governing board constituted similarly to the administrative board described earlier. However, its policymaking and other powers are identical to those of the governing boards of CAA's designated by the Director under the second alternative described above.

The conference did not alter the authority of the Director to provide financial assistance to public or private, nonprofit agencies, notwithstanding a designated CAA of any type, for certain limited purpose programs or projects. This authority, as described in section 221(b), can be used only in the absence of a CAA, or, if there is a CAA, with its approval.

The House version of S. 2388 extended the membership requirements of community action boards and governing boards to a subsidiary board or council serving a particular geographic area which has been given responsibility for policy determinations by the CAA, or is serving in an advisory capacity to the CAA on such determinations. The conference substitute provides that where a CAA places responsibility for major policy determinations with respect to certain program matters in a subsidiary group within a geographic area, its membership must be broadly representative of such area, subject to regulations of the Director which assure adequate opportunity for membership of elected public officials.

The effective date of the so-called Green amendment is controlled by section 401 of the act. Each existing CAA must comply with the new requirements as to board membership—including one-third representation for public officials—as of July 1, 1968. Such CAA's may, however, continue to operate and receive financial assistance—unless another CAA is designated and funded by the Director pursuant to the revised provisions of title II—through January 1969.

THE GURNEY AMENDMENT

During floor debate in the House, Representative GURNEY succeeded, on a rollcall vote of 332 to 79, in adding to the legal services program authorization on a prohibition against the use of funds or personnel, first, to organize civil disturbances; or second, to defend any person participating in such a disturbance against the criminal charges resulting therefrom. As revised by the conference majority, such funds or personnel may be utilized for the defense of any person who has been indicted for a crime only in those "extraordinary" circumstances where the Director determines that adequate legal assistance will not otherwise be available for an indigent criminal defendant.

THE GARDNER AMENDMENT

Congressman GARDNER obtained House approval for a new section in title VI barring employees of any agency assisted under the Economic Opportunity Act from engaging in any "picketing, protest, demonstration, riot, or any similar group activities," and prohibiting the extension of assistance under the act to "any person convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activities resulting in material damage of property or injury to persons." The latter prohibition would have incorporated as part of the permanent law of the act the provisions of the Broyhill amendment contained in the Economic Opportunity Amendments of 1966.

The conference agreed to delete the prohibition modeled after the Broyhill amendment, and limited the bar on engaging in the various group activities described above to any "unlawful demonstration, rioting, or civil disturbance." The revised wording permits individuals paid with poverty dollars to engage in lawful demonstrations, protests, and other such activities in the course of and pursuant to his employment.

THE FINO AMENDMENT

As adopted by the House, the amendment of Representative FINO added as a precondition of financial assistance, for title I-B programs—work and training for youth and adults—that no person charged in whole or in part, with responsibility for administration of the program is, or ever has been, a member of the Communist Party.

The conference eliminated the precondition and substituted the following words:

> The Director shall terminate financial assistance for any programs under this part in any case in which he determines that any person charged, in whole or in part, with responsibility for the administration of the programs is a member of the Communist Party.

GENERAL ACCOUNTING OFFICE INVESTIGATION

Representative DELLENBACK secured House acceptance of authority for the GAO to investigate the poverty programs under the act and report to Congress by May 1, 1968, with an allocation of $2 million for this purpose. The conference majority moved the reporting date back to December 1, 1968, and eliminated the specific allocation of funds.

EXCEPTIONAL TREATMENT OF RECIPIENTS OF PUBLIC ASSISTANCE

The House voted to terminate the exclusion of certain types of public assistance payments for purposes of determining the eligibility of recipients for poverty program participation, effective June 30, 1968. The conference majority voted to continue such special treatment through June 30, 1969.

JOB CORPS

One major change in the present law and structure of the Job Corps was contained in a House amendment which eliminated the requirement that 40 percent of all Job Corps males be assigned to conservation centers. The conference restored this provision and continues the present practice.

The House amendment also contained a requirement that Job Corps activities aggregate 60 hours per week, which requirement was dropped in conference.

The House amendment placing a limitation of $6,500 per enrollee on direct center operating costs was raised to $6,900 per enrollee. This limitation will also apply during fiscal 1969.

SISK AMENDMENT

An amendment by Representative SISK prohibited any pilot or demonstration project from being commenced within any political subdivision without the approval of the community action agency or, in their absence, the local elected officials. Majority conferees agreed to this provision after altering the approval clause to a local veto provision which can be overridden by the Director within 30 days.

ASHBROOK AMENDMENTS

Amendments by Representative ASHBROOK repealed sections of the law giving the Director authority to employ experts or consultants and to appoint advisory committees. Both authorities were restored in the conference with a limitation of 100 days in any 1 fiscal year in which a consultant may be employed.

The conference likewise rejected the Ashbrook amendment which limited the number of supergrades which may be employed by OEO to a ratio of 1 to every 100 empoyees.

AUTHORITY TO TRANSFER FUNDS

An amendment by Representative ERLENBORN repealed section 616, authorizing the Director to transfer funds from any one title in the bill to a program or activity in any other title. The conference restored this authority to the Director.

PUBLIC ANNOUNCEMENT OF RESEARCH AND DEMONSTRATION PROJECTS

An amendment by Representative STEIGER of Wisconsin required the Director or Administrator of programs under this act to make public announcement of any contract for a study, evaluation, research, or demonstration project and of the results of such project. The conference modified this provision to eliminate "studies and evaluations" from the requirement. Majority conferees felt it was mistreating OEO to require them to hang out their "dirty laundry" in the form of evaluations paid for by the taxpayers.

Mr. JOHNSON of California. Mr. Speaker, I wish to record my strong support for the antipoverty program. The Office of Economic Opportunity has already helped hundreds of thousands of Americans begin the upward journey to self-realization and self-respect. The OEO by helping people to help themselves, has contributed to a stronger, richer, and better America for each and everyone of us, poor and rich alike. But we have a long way to go before the war against poverty has been won.

Before I go any further, I want to emphasize that in combating economic poverty—and the spiritual poverty, disease and mental and physical apathy that so often accompany it—we are making an investment that will return many times the cost to ourselves and to our country. The benefits of taking unskilled, now unemployed men and women and helping them to become skilled, self-supporting and productive citizens, are now obvious. Reports I have seen indicate that if we upgraded the job skills, education and, consequently, the earning power of all the potentially or actually employable among the 30 million Americans now in poverty, we would I believe realize a $50 or $60 billion increase in our gross national product. This certainly would be well worth the investment in time, money, and effort that is required.

My support of the antipoverty program is based on more than academic theorizing, however. It is based solidly on what I have seen in my own Second Congressional District in California.

We had, in the Second District of California, which comprises 19 counties, 11 summer Headstart projects, which in 1967, helped give 648 children a better chance in life. These Headstart projects have an almost equally beneficial effect on the families of the children who are involved. In addition, some 760 youngsters are acquiring essential work experience and much-needed income for themselves and their parents through participating in the five Neighborhood Youth Corps projects. A number of small farmers have been given a better chance for success by the 78 individual rural loans which have been granted them.

I do not have any figures on the monetary value of the accomplishment of the four conservation centers in my district which have 616 enrollees, but I recall that early last spring, the Departments of Agriculture and Interior estimated the total value to the Nation of the conservation effort alone of the centers to be worth over $27 million. To get their true value, you would have to add to that, a number of other tangible and intangible benefits to the enrollees and the country, such as the benefit of a productive, self-supporting member of society as contrasted with the social and economic cost of an individual or family on welfare, with the increased incidence of antisocial behavior that so frequently accompanies life on welfare.

In addition to those projects I have cited, the 30 VISTA volunteers are making a noteworthy contribution to the welfare of many of those less fortunate than themselves.

In the brief time that I have at my disposal, I cannot begin to enumerate all the good that has grown from the many activities undertaken by those dedicated people who comprise the community action agencies in my district.

For the benefit of my many good friends on the other side of the aisle, perhaps I should point out that Governor Reagan wholeheartedly endorsed the poverty program. California has received more OEO funds than any other State. California has accepted more than $57 million for Federal poverty programs this year alone.

In conclusion, Mr. Speaker, as my colleagues well know, I have consistently supported the war on poverty since it was first envisioned. I supported the establishment of the Office of Economic Opportunity and I supported the various programs through which this agency wages this war on proverty, for I feel they are attacking the problem at the source; namely, the present inability of many of our citizens to earn their own way. This is an educational effort which I feel must be continued if these citizens are to have the opportunity to become contributing members of our society rather than to face a life on welfare. It is for this reason, Mr. Speaker, that I wholeheartedly support the measure which the conferees have brought before us today because I feel this is the best program attainable to continue this war on poverty.

Mr. ROBISON. Mr. Speaker, I shall vote for this conference report—on S. 2388, extending the Economic Opportunity Act—but I shall do so with reservations sufficient enough to compel me to make them a part of the record.

There are great and special problems faced by those of our fellow citizens who are today's poor—those individuals who, as Jacob Riis has said, cannot keep up in civilization's race to get ahead but "fall behind—lose hope and ambition, and give up, thenceforward (to become)—the victims, not the masters of their environment."

In times past, we used to deal with these problems—as we did with many other social problems—on something approaching a person-to-person basis but, as "government" at all its various levels gradually assumed this responsibility for our more affluent citizens in an ever-more-affluent society, this attitude began to disappear until, today, scarcely a trace can be found of it, except on a collective basis.

I am not at all sure this is good though, on the surface, it seems to be a much more businesslike way for a highly successful society such as ours to tend to the needs of those of its members who are not sharing in the full measure of that success.

In any event, we now have not only a vast, all-encompassing and largely depersonalized "welfare" structure that we lean on as the source for the more basic needs of our poorer neighbors, but also a federally directed and financed war on poverty that cannot be faulted in its ambition but only, perhaps, in the illusion it fosters that the realities of life can be repealed by federally applied antibiotics, and all made quickly perfect.

By such implied criticism, I do not mean to suggest that some such new attack on the root causes of poverty should not be made—nor that the Federal Government should not furnish the basic direction and the seed money to make that new attack far more meaningful than our sprawling, basic welfare structure—with its caretaking nature—has, or could ever, become. And, in point of fact, the very failure of that welfare mechanism to do anything other than taking care of our poor for us—its failure to motivate or encourage the poor, themselves, to rise above the crippling and self-defeating nature of their environment—was the reason why some new approach to this overall problem had become urgent.

However, Mr. Speaker, it has seemed to me from the very beginnings of this new effort that the approach, as drafted for us by the administration's social planners, contained certain clear deficiencies to which prior Congresses failed to address themselves in an objective, responsible fashion.

Thus, I had hoped that, this year, things would be different—and I was one of those who, for certainly other than partisan reasons, saw considerable merit in some of the provisions contained in the Republican substitute that such colleagues of mine as the gentleman from Minnesota [Mr. QUIE] and the gentleman from New York [Mr. GOODELL] had worked on so hard and so long. There is surely no point in attempting to debate those merits again, now, but I must say it was a discouraging thing for me to see so many of the amendments offered to this bill—when it was here before us in November—by these and others of my colleagues greeted with ridicule and derision from the other side of the aisle, from whence they were shot down by a new sort of "coalition" as steadily and, with but rare exception, with about the same efficiency as would be exhibited by an expert marksman spending a rainy Saturday afternoon in a shooting gallery.

And it was equally discouraging to me to again discover that those in charge of this program downtown, along with its chief advocates here, were displaying the same monolithic attitude toward its form and structure as they had before—an attitude that has marked and marred the legislative process, itself, insofar as it has pertained to this and all other so-called antipoverty bills.

It is quite evident, Mr. Speaker, that few, if any, of those persons who adopted that monolithic attitude—and who seem to think the antipoverty program, with one exception I will mention in a moment, is perfect as it is, were listening when Daniel P. Moynihan recently warned the Americans for Democratic Action that:

> We (liberals) have been too long prisoners of the rhetoric that Republicans don't know anything about the social problems of the nation, or in any event don't really care.

Mr. Speaker, I should think the substantial Republican vote for this bill, as it cleared the House last month, was pretty solid evidence of the fact that Republicans, by and large, do see the need for this kind of an effort, despite their repeated rebuffs at attempting to improve it as they think it should be improved.

We Republicans have supported this program this year—when, perhaps, we had the votes to kill it—because we see promise in it, and because we recognize that, for better or worse, it has been accepted as a sign of hope by the poor, as well as a national pledge of sorts that the opportunities that abound in this blessed land will be made available to all our citizens.

I assume that enough of us will still support this bill—even though to many of our minds it now carries more money than it can efficiently and wisely use, which is, perhaps, something we can hope to correct in the next few days when the supplemental appropriation bill necessary to actually fund it comes before us.

I also assume that enough of us will still support it even though most of us who do so will feel that the Green amendment, so-called, which was adopted here in this body over our objections and has now been retained by the conferees—the only real change made in the program and so made, apparently, to hold together that "coalition" I mentioned earlier—is an unwise amendment and one that may well cripple the vital community-action program which is the only truly innovative feature of the whole antipoverty effort and on the success of which the success of the whole program hinges.

And I also assume that enough of us will still do so even though, by virtue of the conferees' action, we now have before us not a 1-year but a 2-year authorization which means, of course, that we on our side of the aisle will have no real opportunity to attempt improvements in the program until the 91st Congress.

But, Mr. Speaker, we will do so—just as I shall do—with grave reservations and serious doubts that the antipoverty program, as presently structured and operated, can or will meet the rising tide of expectations of our Nation's poor, a tide that gives every sign of reaching flood proportions next summer, and only because we agree that the promise this program ultimately holds must be encouraged, the hopes the poor have put in it sustained, and the national pledge it represents eventually honored.

Mr. FINO. Mr. Speaker, I deeply regret the action taken by the conferees in rejecting my amendment which would have prohibited the OEO from funding any work-training programs administered by present or former members of the Communist Party.

The conferees, in eliminating my amendment, say that there is a provision which prohibits employment of Communists. Just placing a ban on Communists only is ridiculous. We certainly do not expect the Director of this program to employ Communists. But it is a sad commentary on the American taxpayers when we ask them to payroll ex-Communists to handle a program dealing with our young people. Everyone knows that Communists are particularly concerned with subverting young people.

To those who argue that an ex-Communist is harmless and might be an asset because he could inform our young people on the evils of communism, I say that argument is pure and simple stupidity.

Why should we gamble on whether or not an ex-Communist has had a change of heart? Why should we take a chance on an admitted Communist more particularly when he is assigned a sensitive position? Are there no other loyal, decent Americans to handle work-training programs which deal with the youth of America?

My amendment was directed specifically against a former Communist, Mr. Robert Schrank, who is now New York City's assistant poverty commissioner in charge of work training programs.

Let me tell you of Mr. Schrank's record. We don't have precise dates on his Communist membership but Mr. Lindsay's press secretary said:

> I understand that while Schrank had been a member of the Communist party for 15 years, he gave up his membership prior to his mobilization for Youth appointment three or four years ago.

There is no doubt that Mr. Schrank was connected with a Communist front while American soldiers were ducking bullets in Korea.

From 1952 to 1955, he was a representative of the International Mine, Mill & Smelters Workers Union which was tossed out of the AFL–CIO as a Communist front. Earlier, in 1948, he had been thrown out of the International Association of Machinists because he was a Communist. And do you know what? He repeatedly denied being a Communist in spite of the charges leveled against him. It was only after my charges that he finally admitted having been a Communist but said he broke off all connections in 1948. Has anyone ever known a Communist to admit membership in the party? What assurances do we have that Mr. Schrank's heart still does not belong to the Communist Party?

Yes, we have seen some Communists repent and realize their mistakes but they have done something overt to prove their disenchantment with the Communist Party. But not Mr. Schrank.

With millions of competent, capable, and loyal Americans who can handle these programs why should we gamble with a man whose loyalty can be still in doubt? Why entrust a sensitive program to a man who is an admitted Communist and who tells us he is now no longer a Communist?

This amendment was an important amendment. It would have stated the position of Congress against the hiring of obvious radicals in the war against poverty. This program is already treading on thin ice and every effort should have been made to remove the slightest scintilla of doubt. I am sorry that the conferees did not insist on retention of this anti-Communist amendment.

Mr. LLOYD. Mr. Speaker, I have listened to today's explanation of the report of the decision of the House-Senate conferees with mixed feelings.

In 1964, as a member of the 88th Congress, I voted against the birth of this program because I felt there were better and more fundamental ways to do the job of providing opportunity and jobs for the disadvantaged. But my vote was in the minority and the legislation passed.

Now, more than 3 years later, we have appropriated some $3 billion for the various programs under the so-called war on poverty. With these dollars there have been efforts to learn new programs, to train personnel throughout the United States to administer the programs, to acquire and use capital improvements which are now operative, to zero in on the most effective ways to make the poor more self-reliant and as this spending and this learning has been going on the hard-core problems of the poor have not diminished.

And yet, at extravagant, event profligate expense we have developed tools and we have gained experience. It does not seem to me that, given the problem of poverty in America, and given the investment we have made in lives and treasure, we can turn our backs and walk away because we do not agree with all the mechanics which this final legislative draft contains.

I listened with particular concern to the statement, which to me seemed somewhat subdued, of the gentleman from Minnesota [Mr. QUIE] whose long fight over the past 4 years to achieve maximum and meaningful results of this attempt at progress has ended this year in much frustration. I believe it is significant that he voted against the earlier authorization, and, as a member of the conference committee, declined to sign the conference report. But here today, realizing that we must vote up or down to continue or to kill this program, he has determined that despite the defects of the final bill, he will vote in favor of final passage. This seems to me to be testimony to the effect that while previous appropriations may often have been in vain, yet we cannot turn away from the investment which has been made.

For several months I have studied the operation of these programs in my own district. I have made personal inspection in some cases, and in others I have had objective examination made by a qualified staff member. I have attempted to remain unencumbered by the lobby, however well intentioned, of those employed in the program.

On balance, and in what I consider to be a responsible act, I believe it is proper in representing my district today to cast my vote for the continuance of the program. This is a vote to attack the root causes of poverty. Whether my vote proves to be wise or unwise will be determined by whether those from impoverished homes will be trained properly for tangible jobs, and whether self-reliance rather than dependency will be taught at the community action centers throughout America. I have seen at first hand that through the tools and knowhow we have developed there is a potential for constructive gain in this program. The next 2 years will determine whether this potential has been wisely developed.

Mr. RYAN. Mr. Speaker, the conference report on S. 2388 is a bitter disappointment to those of us who looked to the Senate conferees to strike out the Green amendment which the House wrote into the bill. The Green amendment provides for city hall and county courthouse domination of community action programs and effectively locks the poor out of the decisionmaking process. Despite the assertions on the floor today that there will be participation of the poor, the question is whether there can be meaningful involvement when the community action agency is the state or political subdivision or when two-thirds of the members of the community action board, or the governing board, are public officials and representatives of business, labor, religion, welfare, education, and other groups—appointed we know not how.

I opposed the city hall amendment, more colorfully referred to as the "bosses and boll weevil" amendment, when the antipoverty bill was on the floor last month, and I regret that under the parliamentary situation today there will be no way to vote separately on this issue.

Unfortunately, the conference report retains nearly all of the retrogressive provisions passed by the House in exchange for a minimally adequate authorization, which is still below the administration's request.

The Green amendment destroys the central concept of the poverty program: that programs are to be devised and operated by the poor even if privileged toes are stepped upon in the process. What was seen by some as a political necessity—lining up southern and big city votes—has been presented as a programmatic virtue—"giving a larger role to responsible elected officials."

This platitude obscures some harsh political realities: the reality that, despite the provision under section 210(a) permitting local governments to designate private nonprofit agencies, few mayors will authorize groups likely to cause the friction which is often a byproduct of social change; the reality that antipoverty programs beholden to city hall constitute a reservoir of attractive patronage.

Moreover, whatever independent community action agencies may be permitted to continue will probably be inhibited from operating programs which risk offending the local establishment.

In short, the conference report virtually guarantees that community action programs will revert to the stale social welfare philosophy of routine local government, whose unimaginativeness in dealing with poverty first necessitated a new Federal antipoverty effort.

The conference report retains the rhetoric and form of representation of the poor, but real decisionmaking power reverts to city hall or the county courthouse. Any political subdivision which so chooses may designate itself as sole policymaker, programing agency, and dispenser of funds. Under section 210(e) any political subdivision whose elected officials oppose a community action agency designated under section 210(a) may simply keep it out of the community.

In plain language the bill strips the Federal antipoverty program of the power to counter local complacency. It embodies a concept of States rights and local rights which is contrary to the interests and needs of the poor.

Under the present operation of the program only 41 out of 1,050 community action agencies are political subdivisions. In addition, some 30 agencies have switched from public to private. This hardly demonstrates the desirability of requiring that, upon the will of local government, no autonomous community action agency may continue to function.

As the senior Senator from New York, Senator JAVITS, remarked before the other body last Friday:

> You can hardly conceive of public officials who are so broadminded that they would countenance such activities criticizing their own effort as part of the poverty program. You can be sure that any type of work of that type will be suffocated in such a set-up.

This will impair all that was innovative and fresh in the community action program.

Another similarly narrowminded section is the restrictive provision relating to legal services. Section 222(3) provides that funds shall not be used for the defense of a person indicted or informed against for the commission of a crime "except in extraordinary circumstances." This is ludicrous. Poor people hardly need legal services for saving money on their income tax. What is the use of legal services if they are denied when they are needed most?

The new watchword for the antipoverty program seems to be: do not, under any circumstances, rock the boat. Community action, except when it generates change; legal services, except when a crime has been committed.

I regret that, in order to continue the antipoverty program at all, there is no alternative but to vote for the conference report which is a set back [illegible] the unique concept of self-hel[illegible]ch I fear will turn the antipov[illegible]gram into simply another welfare program.

Mr. HORTON. Mr. Speaker, I rise in support of the conference report on S. 2388, the Economic Opportunity Act Amendments of 1967. The bill as it emerged from the conference committee is one which, on balance, will improve and strengthen this Nation's efforts to combat poverty and the human suffering it causes.

The conference report provides an appropriation of nearly $2 billion for fiscal year 1968 which is an increase of approximately $200 million over the appropriation for fiscal 1967.

I am gratified that such productive programs as the Job Corps and the special emphasis educational programs have been continued essentially as they were. These programs have repeatedly demonstrated their worth and should be allowed to continue with only minor refinements.

I urge all of my colleagues to join me in supporting this conference report. On balance, I feel that its weaknesses are far overshadowed by the good it will achieve.

Mr. BUTTON. Mr. Speaker, I feel that I have worked hard and spent much time, research, and effort in support of OEO-initiated programs since becoming a Member of this body last January. I have consistently held that the Office of Economic Opportunity has, in large measure, done a commendable job, with the tools available, in dealing with the deep-rooted problems confronting the poor of our cities and rural areas. I have urged my colleagues to retain OEO as the agency administering the war on poverty. I am pleased that efforts to obliterate that agency have been defeated. However, Mr. Speaker, I feel that I would be remiss if I did not go on record in strong opposition to many of the amendments now a part of this legislation.

First, the very controversial so-called Green amendment remains almost intact. This one provision alone has done in another way what opponents of OEO were unable to do. It provides that State and local governments may either act as community action agencies themselves or may designate agencies to act for them. In other words, OEO is now placed in the position of administering its programs and dispensing its funds in a similar manner to that of the traditional old-line agencies.

The Green amendment has been attacked as a sellout to city hall—and to the county courthouse in the South. The gentleman from New York, Congressman Goodell, called it on the floor the "Bosses and Boll Weevil" amendment. Many who have favored the antipoverty program are seriously disturbed.

I count myself in this category, but I confess to being less seriously disturbed, or at least not disturbed enough to vote against the Economic Opportunity Amendments of 1967.

The conferees deferred the effective date of the Green amendment to February 1, 1969, which, I hope, gives us all time to assess its potentials and its pitfalls and to adjust to it, and possibly even change it in the next Congress.

The amendment also gives the Director of OEO the power to bypass the city hall or the county courthouse if they stall or misuse funds or in any way pervert the purposes of the economic opportunity legislation. I feel sure that the Director of OEO will use this power.

Participation of the poor in the poverty program has been the great difference between this agency's policy, with respect to handling the problems of the poor, and that of any other governmental body in the country. I am disappointed that this participation of the poor will be lessened in this year's legislation and hope that continued efforts will be made to reestablish this guiding policy.

It is also my hope that duly elected local officials will become active partners in community action; that they will be concerned and recognize the valuable contributions that can be made by local government in fulfilling the goal of eradicating the poverty in our midst.

Mr. O'HARA of Michigan. Mr. Speaker, as the House today considers the conference report on S. 2388, the Economic Opportunity Amendments of 1967, I would like to call attention to a very excellent article on this topic by my good friend and colleague, Congressman William D. Ford.

Congressman Ford's article appears in the December edition of the Michigander, the monthly publication of the Michigan Jaycees. In it, he points out that few Federal programs have been the subject of more misunderstanding than those in the Economic Opportunity Act.

He goes on to point out that over 6 million Americans have benefitted directly through OEO programs, and that millions more have been directly or indirectly affected by them.

Congressman Ford shows that the concept of private enterprise has been widely accepted as an integral part of OEO planning, and to prove this point quotes Walker L. Cisler, chairman of the board of the Detroit Edison Co.

I recommend this excellent analysis of the OEO program to the attention of my colleagues, and insert it in the Congressional Record:

Governmental Affairs

(By William D. Ford, U.S. House of Representatives)

Probably no Federal local programs have been the subject of more misunderstanding than those in the Economic Opportunity Act, with its many and varied projects—Head Start, Job Corps, Neighborhood Youth Corps, Community Action, Upward Bound, Legal Service for the Poor, Adult Basic Education, and others.

Although there has been partisan bickering over some of these projects, no one seriously disputes that the overall program has had immeasurable results. More than 6,000,000 Americans have benefitted directly through OEO programs, and millions more have been directly or indirectly affected by them.

For example, it is impossible to calculate the full impact of the Head Start Program. Not only does the child who is enrolled receive a "Head Start" on life, but his parents, brothers and sisters also benefit. This is true because of the Head Start emphasis on proper nutrition, health and dental care, and the importance of education.

The United States Jaycees this year began a program to inform the 6000 Jaycee chapters in the United States about the opportunities for them to participate in OEO programs in their communities. I can think of no more fitting project for Jaycee chapters than to become involved in the aims and objectives of the OEO.

Such an alliance would be a very natural thing for two organizations whose objectives are strikingly similar.

Jaycees have become known as an organization devoted to "Leadership Training through Community Development," and the Office of Economic Opportunity has been given the responsibility of opening avenues of personal development and agencies for community action that will enable those in poverty to pull themselves up to a respectable standard of living.

Like the Jaycees, OEO has recognized that a single agency cannot eliminate all the ignorance, disease, blight, and other handicaps that have condemned nearly thirty million Americans to an existence in poverty. It is because of this realization that the Office of Economic Opportunity tries to enlist the assistance of not only the Jaycees and similar volunteer groups, but also of business, industry, labor, the professions, educational institutions, the church, and every other available resource.

The concept of private enterprise as an integral part of the OEO planning is widely accepted. In a recent letter to me, Walter L. Cisler, Chairman of the Board of Detroit Edison Company, expressed his satisfaction with OEO accomplishments and his faith in its ideals, Mr. Cisler wrote:

"It has been my valued privilege to have served for the past two years as Chairman of the Business Leadership Advisory Council for the Office of Economic Opportunity. This group of key executives of many leading corporations from all segments of the United States consults with and advises the Director of the Office of Economic Opportunity, Sargent Shriver, and participates actively in the planning and evaluation of the programs of that office.

"As business and community leaders deeply concerned with the causes and effects of poverty in our society and as citizens who have been privileged to assist those directly responsible for the work of OEO, we know full well of the many problems which must be faced and overcome if meaningful progress is to be made. I and other members of the Council have personally visited and seen first-hand the work of many of the organizations and establishments associated with the endeavors of the Office of Economic Opportunity."

"The recommendations made to the Congress by the Administration redefine and strengthen those areas of the War on Poverty which experience has proven most effective. It merits your full support and I commend it to you most highly."

Howard S. Greenen, Chairman and President of International Telephone and Telegraph, had this to say in 1965 about business involvement in OEO planning:

"Now some of you may wonder why a major, profit-making corporation like IT&T wants to join the War on Poverty. The answer is threefold:

(1) We, in industry, owe it to our society to use our resources to cure a social ill that has been with us too long.

(2) We, in industry, must maintain for ourselves and the Nation, a trained labor force.

(3) We, in industry, have the capital, the manpower, the skills, the technology and the desire to get a job done."

Through direct and indirect contracts, voluntary services of talent and time, and donations of cash and equipment for individual projects, private enterprise has become an important part of the War on Poverty.

The Office of Economic Opportunity has been successful in attracting the assistance of private initiative because it has developed programs that are a departure from the accepted systems of welfare in this country. Rather than merely trying to maintain the poor in their impoverished state. OEO is trying to provide the less fortunate with the motivation and the personal resources to pull themselves out of poverty.

Community services by Jaycee and anti-poverty groups has the same objective—to do whatever the local situation demands for civic improvement.

According to the Jaycee Community Development concept, local clubs are encouraged to survey local needs and then to act in those matters that demand attention. OEO Director Sargent Shriver said in a recent press interview about the Community Action aspects of the poverty program:

"We don't try to tell each community what programs they should have. The problems vary from place to place. These are basic issues to be determined at the local level."

It is obvious that a Jaycee-OEO alliance should be an effective one and certainly a productive one for America's poor. In several Southeastern States, local Jaycees are already at work on such vital anti-poverty programs as job placement, slum clearance and housing. I am sure that these "young men of action" find great satisfaction in such meaningful endeavor.

The energy and enthusiasm that the more than 10,000 Michigan Jaycees could bring to anti-poverty programs in this state would be a tremendous boost for those who, because of their surrounding and other handicaps, are not sharing in our nation's prosperity. In addition, involvement in the human development and community action projects of the Office of Economic Opportunity would enable a Jaycee chapter to truly carry out the organization's belief that "Service to Humanity Is the Best Work of Life."

Mr. DONOHUE. Mr. Speaker, although this conference report on the economic opportunity amendments authorization bill measure of 1967 does not contain all that everyone would like, it does represent a responsible conference agreement on most of the basic issues involved and I most earnestly urge and hope that the House will overwhelmingly accept it in the particular interest of the underprivileged in this country and the general interest of all the American people.

When we realize that just a few weeks ago there was much serious discussion about the possibility of practically doing away with the Office of Economic Opportunity and distributing its antipoverty functions among several long-established agencies of the executive department then we, I think, can better appreciate the progress of understanding, to benefit the poor, that has been reached by this agreement to continue the Office of Economic Opportunity intact for another 2 years with fiscal authorization not too greatly below the original recommendations of the administration. Of course even these authorizations are less than many of us believe are necessary to do the complete job but they are reasonably acceptable for the continuation of this truly justifiable war on poverty in this country.

I would express the further hope, today, that when the actual appropriations bill is brought before us that the sentiment of this House will be overwhelmingly registered in support of the full authorized appropriation. Certainly there is no question, from authoritative evidence and testimony that has been given to us throughout this continuing discussion on this measure, that our Nation cannot longer afford the dehumanizing effects of poverty upon our national morale and its tremendous economic drain upon government treasuries at all levels. Let us, therefore, approve this conference report authorization without delay and let us hopefully look forward to approving the full actual authorized appropriation in the near future.

Mr. FRASER. Mr. Speaker, in terms of the tales of woe we were hearing in Congress only a few weeks ago, the passage of the Economic Opportunity Amendments of 1967 would represent a major victory.

Remarkably, the bill authorizes nearly the amount the administration requested. The money itself, of course, must come from a further bill which will be acted on later this week.

I would strongly urge the Appropriations Committee and the Members of this House to support legislation to maintain important antipoverty programs at the level we are about to authorize.

The war on poverty would be strengthened by several provisions in the bill on which we are voting today. It would specifically authorize a day care program for the children of working mothers. It would coordinate all the work and training programs. And it would continue the antipoverty program for 2 years, so that we would not have to go through this ritual next year.

Mr. FOLEY. Mr. Speaker, hunger should be obsolete—an anachronism—particularly in this country where there is no excuse for hunger or malnutrition. The section providing for emergency food and medical services in this bill is a significant step in furthering the eradication of malnutrition and allied medical complications in the United States.

With this section we add new impetus to programs now underway to eliminate hunger in our country: welfare, food stamps, surplus commodities. Its goal is to see that every man, woman, and child—regardless of low economic circumstances—has a diet sufficient to maintain good health. We regard this legislation as a means of working with those families which, today, do not have access to, or adequate help from, existing programs.

Many families are being helped by current programs. Yet the majority of those considered to be poor are not helped by commodities or food stamps. Over 1,000 counties have neither program; 86 of the counties having abnormally high poverty and infant mortality have neither program; 331 of the counties in lowest third by per capita income have neither program. Many poor people participate erratically; others cannot afford the food stamps; others, moving from county to county, cannot qualify under the essential local administrative regulations.

The conferees have rightly specified that OEO shall carry out its functions through the Department of Agriculture and the Department of Health, Education, and Welfare. But local CAP's are to be used to strengthen attention given to the hunger needs of the poor. One would hope that these CAP's would particularly note the food needs of conceiving mothers, infants, the sick, and the aged.

It is noteworthy that the recently enacted "partnership for health" legislation has authorized a nationwide study of the incidence—and prevalence—of hunger and malnutrition. This study, hopefully, will reveal the breadth, and the depth, of these problems. We recognize that proven malnutrition—by chemical tests and physical examinations—is but the top of the iceberg; a person must have been chronically hungry for some time before malnutrition can be proven. We cannot tolerate chronic hunger in our country today. Therefore, if malnutrition occurs in any sizable degree in any county of the United States, that county must receive immediate attention under this legislation from the Office of Economic Opportunity, the Department of Health, Education, and Welfare, and the Department of Agriculture.

The requested funding for this section cannot feed many people for long. Nor can it provide extensive medical services. The money can be judiciously used, however, to facilitate attention from other resources toward the persons or families in need. It can seek out those in need of help; it can reveal counties where the prevalence of hunger demands large-scale action; it can research why local medical facilities have not yet met the medical needs of malnourished people; it can attract the help of the private sector to the particular food needs of the Nation's poor. The Department of Health, Education, and Welfare, and the U.S. Department of Agriculture today can help a county administer a food and medical services program if that county, with its own resources, cannot administer the efforts alone. This legislation should point out where such situations exist, and should bring immediate attention to the food needs of chronically hungry people.

A school lunch program often is the first line of defense against a child's hunger. But pre- and post-school children, and those denied school lunch help, are also to be noted. The funds appropriated for this section should be used to extend food help to those not now being adequately served, and preferably with costs borne by other authorizations.

Medical services for the malnourished should include food supplements, fortified foods, vitamins, medication, and food itself. Again, the money will not go far unless the majority of such costs are borne by other appropriations.

One point is worth raising at this time: this Nation has long had welfare and food programs. Yet the chronically hungry seem to remain with us. Perhaps an excellent use of these funds would be to support a form of ombudsman for the hungry poor.

Such an effort could seek better HEW-USDA cooperation in focusing on needy families and needy counties. Such an effort could press local jurisdictions to implement food programs through regular channels. Such an effort could act as a catalyst with the private sector and could hasten the development of inexpensive fortified foods for regional, seasonal, and ethnic diets. Such an effort should seek companion studies on the mental retardation aspects of chronic hunger. Such an effort could stimulate subprofessional employment of the poor to educate the hungry poor on better diet practices. Such an effort could urge local medical facilities to originate watchdog operations to insure that groups of local impoverished citizens do not suffer from chronic hunger during adverse seasons, or during times of travel or unemployment. Such an ombudsman effort could also investigate situations where local practices seem to hinder, not aid, in meeting local hunger needs.

In short, the Department of Agriculture and the Department of Health, Education, and Welfare have many existing programs which can alleviate the food worries of hungry and malnourished Americans. OEO can coordinate and facilitate better attention to this critical problem area. OEO can also finance an ombudsman for the hungry American who seems unable to gain relief from existing local, State, and Federal programs.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 149, not voting 36, as follows:

[Roll No. 429]

YEAS—247

Adair
Adams
Addabbo
Albert
Anderson, Ill.

Anderson, Tenn.
Ashley
Aspinall
Ayres
Baring
Barrett
Battin
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Cahill
Carey
Casey
Celler
Clark
Cleveland
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Culver
Cunningham
Daddario
Daniels
Dawson
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kluczynski
Kupferman
Kyros
Landrum
Leggett
Lloyd
Long, Md.
McCarthy
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Matsunaga
May
Meeds
Meskill
Miller, Calif.
Mills
Minish
Mink
Monagan
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Pollock
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Schweiker
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Taft
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Walker
Wampler
Watts
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Wyman
Yates
Young
Zablocki
Zwach

NAYS—149

Abbitt
Abernethy
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Belcher
Bennett
Berry
Betts
Bevill
Blackburn
Bolton
Bow
Bray
Brinkley
Brock
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Bush
Byrnes, Wis.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Cramer
Curtis
Davis, Ga.
Davis, Wis.
Denney
Derwinski
Devine
Dole
Dowdy
Downing
Duncan
Edwards, Ala.
Eshleman
Everett
Findley
Fisher
Flynt
Ford, Gerald R.
Fuqua
Gardner
Gathings
Gettys
Goodell
Goodling
Gross
Gubser
Gurney
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hébert
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, Mo.
Jones, N.C.
Kleppe
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McClure
McCulloch
McMillan
Mailliard
Marsh
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Minshall
Mize
Montgomery
Myers
Nelsen
O'Konski
O'Neal, Ga.
Passman
Pettis
Poff
Pool
Price, Tex.
Pryor
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers
Rogers, Fla.
Roudebush
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Selden
Sikes
Skubitz
Smith, Calif.
Smith, Okla.
Steiger, Ariz.
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Vander Jagt
Waggonner
Watkins
Whalley
Whitener
Whitten
Wiggins
Williams, Miss.
Williams, Pa.
Winn
Wylie
Zion

NOT VOTING—36

Annunzio
Bates
Bell
Bolling
Broomfield
Carter
Cowger
Dickinson
Erlenborn
Fino
Fountain
Frelinghuysen
Halleck
Hardy
Harrison
Harsha
Heckler, Mass.
Henderson
Herlong
Hosmer
King, N.Y.
Kornegay
Kuykendall
Lukens
McEwen
Martin
Mathias, Md.
Nichols
Resnick
St. Onge
Snyder
Stratton
Watson
Willis
Wilson, Bob
Wyatt

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. St. Onge for, with Mr. Henderson against.

Mr. Annunzio for, with Mr. Kornegay against.

Mr. Stratton for, with Mr. Fountain against.

Mr. Resnick for, with Mr. Nichols against.

Mr. Hardy for, with Mr. Herlong against.

Mr. King of New York for, with Mr. Martin against.

Mr. Carter for, with Mr. Watson against.

Mr. Broomfield for, with Mr. Fino against.

Mr. Cowger for, with Mr. Kuykendall against.

Mrs. Heckler of Massachusetts for, with Mr. Erlenborn against.

Mr. Bell for, with Mr. Snyder against.

Mr. Harrison for, with Mr. Dickinson against.

Mr. Bates for, with Mr. Halleck against.

Mr. Mathias of Maryland for, with Mr. Harsha against.

Mr. Frelinghuysen for, with Mr. Bob Wilson against.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1968—CONFERENCE REPORT

Mr. MAHON. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes.

The Clerk read the title of the joint resolution.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1011)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 888) "making continuing appropriations for the fiscal year 1968, and for other purposes," having met, after full and free conference, have been unable to agree.

GEORGE MAHON,
MICHAEL J. KIRWAN,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
Managers on the Part of the House

CARL HAYDEN,
LISTER HILL,
WARREN G. MAGNUSON,
SPESSARD L. HOLLAND,
JOHN O. PASTORE,
MILTON R. YOUNG,
KARL E. MUNDT,
MARGARET CHASE SMITH,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 888), making continuing appropriations for the fiscal year 1968, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended as to each of such amendments, namely:

CONTINUING RESOLUTION EXPIRATION DATE

Amendment No. 1—Reported in technical disagreement. The dates mentioned in Amendment No. 1 to H.J. Res. 888 having passed, and Public Law 90–162, of November 28, 1967 having already extended the expiration date to December 2, 1967, the conferees have agreed on the date of December 20, 1967, and the managers on the part of the House will offer a motion to insert that date. It is hoped that Congress will have adjourned sine die before December 20, but the later date would provide a few extra days that could avoid a hiatus in obligating authority for the government programs and agencies operating under the interim authority.

TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

Amendment No. 2.—Reported in technical disagreement. The Managers on the part of the House will offer a motion incorporating a set of economy reduction provisions agreed upon by the conferees in the form of a substitute for the several economy provisions contained in the House version, all of which were stricken by the Senate. The substitute to be offered would impose limitations on, and thus reduce, fiscal 1968 budgeted obligations by not less than $9,000,000,000 which in turn would result in reducing fiscal 1968 budgeted expenditures by not less than $4,000,000,000.

These amounts are inclusive of the effect of Congressional actions to date in the 13 appropriation bills that have been enacted—actions that have resulted in reductions in appropriation requests of about $4.6 billion with a consequent fiscal 1968 expenditure reduction effect of about $1.5 billion; it now looks like the total appropriation bill actions, including the two bills still pending, may come close to $6,000,000,000 in appropriation reductions and close to $2,000,000,000 in fiscal 1968 expenditure reductions.

Background of the motion to be offered

While Congress throughout the year has recognized the need to effect economies and reduce Federal spending wherever it seemed reasonably possible to do so in actions on appropriation bills, and while considerable success has been attained as evidenced by the prospective appropriation reductions of close to $6,000,000,000 for fiscal 1968, the fact is that current estimates of the size of the Federal budget deficit, recent upheavals in international monetary circles, continuing inflationary pressures, and increasing pressure on the dollar throughout the world, make it imperative that still further reductions in Federal outlays be made. The fiscal outlook for 1968 is now vastly different than it was when the 1968 budget came last January—a deficit in excess of perhaps $20 billion in contrast to the original projection of $8.1 billion.

It has become increasingly necessary in recent years to enact continuing resolutions in the latter months of each session of Congress to make funds available for departments and agencies for which appropriation bills have not been passed by the beginning of the new fiscal year on July 1. Lack of more timely annual authorization for appropriations for many of these has been a major factor in these delays. Continuing resolutions for October and subsequent periods became the vehicle this year for various reduction proposals and expenditure limitations.

It will be recalled that two continuing resolutions (H.J. Res. 652 and H.J. Res. 804) making interim appropriations for July-August, and for September, for agencies of government for which regular 1968 appropriation bills had not been enacted were processed through Congress without event.

On September 27, however, by a record vote of 202 yeas to 181 nays, the House recommitted (without specific instructions) the October continuing resolution (H.J. Res. 849, H. Rept. 708). This recommittal action was a manifestation of desire in the House for further economies beyond the multi-billion dollar reductions already made, and in prospect, in the 15 appropriation bills.

On October 3, the House adopted H.J. Res. 853 (H. Rept. 724) which provided for the extension of the continuing resolution expiration date to October 10 in lieu of October 31. On October 4, the Senate adopted H.J. Res. 853, amended to extend the date through October 23, and on the same day the House agreed to the Senate amendment and the resolution was enacted into law.

On October 16, the Committee on Appropriations of the House, after considerable study of possible courses of action in response to the desires manifested by the House in recommitting the earlier resolution on September 27, reported H.J. Res. 888 (H. Rept. 785) which proposed to extend the date another 30 days—to November 23. It also included language—

To temporarily curtail (for 30 days) the incurring of obligations for new construction, research, demonstration, training, service, and similar activities not directly related to the military effort in Southeast Asia;

To reduce by 5 percent the funds for civilian personnel, and require that all amounts withheld pursuant to the above requirements be rescinded;

To reduce by 10 percent the funds for research and development, accompanied by rescission language; and

To so adjust program obligation schedules as to permit complete absorption of the civilian pay increase that the House had recently voted.

It was estimated to reduce budgeted expenditures by about $1.5 billion, or something in that area, in fiscal 1968, in addition to the estimated fiscal 1968 expenditure reduction approaching $2 billion as a result of actions in the 15 appropriation bills enacted or to be enacted for 1968.

On October 18, by record vote of 239 to 164, the House substituted for the committee propositions (except for the date of November 23) an amendment intended to hold expenditures—by each department and agency—to the 1967 level (with a number of major exceptions). Appended to the amendment was an overall ceiling of $131.5 billion on net administrative budget expenditures for fiscal 1968 except for those relating to our military effort in Southeast Asia. Also, a temporary obligation rate of not to exceed $2 billion for the foreign assistance program was added, as was a $1.2 billion temporary obligation rate for the anti-poverty program.

The best calculations available indicate that under the provisions of the resolution as passed by the House, fiscal 1968 budgeted expenditures would be reduced by roughly $7 billion, gross, against which would be offset the 1968 expenditure value—estimated at close to $2 billion—that would result from appropriation bill reduction actions made or expected to be made. Thus the net additional spending reduction that would have resulted was calculated at approximately $5 billion. This was not a rescission of funds, but rather to some degree a postponement or deferral through limitations on department and agency spending during fiscal 1968.

On October 20, the Senate Committee on Appropriations reported H.J. Res. 888, trimming the expiration date back to November 15 (Amendment No. 1), and striking all of the House provisions relating to reduced expenditures, the expenditure ceiling, and temporary obligation rates. On October 25, the Senate passed H.J. Res. 888 as reported, by record vote 59 to 26, after rejecting various floor amendments.

The conferees on H.J. Res. 888 have met a total of six times since late October. Due to the extremely complex and controversial nature of broad reduction propositions, and in view of the fact that it is closely related to the Administration's pending tax surcharge proposal, the conferees have experienced great difficulty in arriving at a final compromise. The Managers on the part of the House were committed to further expenditure reductions. The Senate conferees were governed somewhat by the rejection of such limitations during Senate consideration. The position of both sets of conferees was fully supported by strong votes by their respective bodies.

The obligation and expenditure motion to be offered

The conference agreement to be submitted in a motion to be offered in the House is estimated to result in an expenditure reduction of approximately $4.1 billion below the President's Budget request for fiscal 1968 by reducing budgeted obligations in that fiscal year by not less than $9 billion. These are reductions from the budget amounts, and thus include—in the case of the $9 billion—the 1968 obligations that will be reduced by reason of the expected cuts by Congress of close to $6 billion in new appropriation requests. And the $4.1 billion expenditure reduction figure would also thus include the effect of Congressional appropriation reductions—of about $1.5 billion to date and perhaps $1.9 to $2.0 billion when the two appropriation bills still pending are cleared. Of course, the expenditure savings not realized in fiscal 1968 from the close to $6 billion cut would be realized in subsequent fiscal years.

For the most part, the specific substitute language agreed upon by the conferees is that language which was submitted by the Administration on November 29th as title II of the proposed "Tax Surcharge and Expenditure Reduction Act" legislation. Certain perfecting amendments were agreed to in conference, but the basic thrust of the Administration's proposal has been maintained.

The substitute as agreed upon in conference would establish a mandatory reduction in the obligations of each civilian department and agency of the Executive Branch in fiscal 1968 by an amount equal to 2 percent of obligations estimated in the budget for personnel compensation and benefits, plus an amount equal to 10 percent of estimated budget obligations for other controllable items. Where Congress has reduced the appropriations of a department or agency by more than the amounts specified in the 2% plus 10% formula, the more restrictive Congressional action would prevail.

The substitute as agreed upon in conference is specific as to amounts of reductions to be made at the department or agency level. The allocation of the reductions within the various departments and agencies would be determined by the officials of the departments and agencies, and would be subject to the approval of the President. Personnel reductions are not absolutely mandatory, although undoubtedly in many cases reductions will be made in civilian compensation costs. Departments and agencies may choose to cut other expenses an amount equal to 2 percent of personal services estimates and maintain personnel levels. Of course, no individual employee's salary will be reduced by the operation of this title.

Under the substitute agreed upon by the conferees, budgeted obligations of the Department of Defense will be reduced by an amount equal to 10 percent of the new obligational authority for non-Vietnam purposes. It is anticipated that funds realized by the resultant defense savings and postponements will be utilized to cover added expenditures expected to be needed during the fiscal year 1968 for the war in Vietnam. Further, the substitute provides that the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

As is generally true in all such broadly based proposals, it is necessary to make some exceptions to the general rule, and to introduce some discretionary administrative flexibility, so as to prevent unintended harmful consequences in some instances. Accordingly, the substitute language agreed upon provides that the reduction provisions shall not apply to:

1. Permanent appropriations (such as interest);

2. Trust funds (social security, etc.);

3. Items included in the budget as "relatively uncontrollable" including, among others:

a. Veterans pensions, compensation, and insurance.

b. Public assistance grants.

c. Farm price supports.

d. Postal public service costs and revenue deficit.

e. Health insurance payments to trust funds.

f. The Legislative and Judiciary Branches.

g. Interest (largely public debt).

4. Programs, projects or purposes, the sum total of which may not exceed $300 million, which the President may exempt upon his determination that such exemption is vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

The substitute language of the resolution agreed upon further provides that, to the maximum extent practical, reductions in obligations for personnel shall be accomplished by not filling vacancies, and that reductions in obligations for construction be accomplished, insofar as practical, by stretching out time schedules of starting new projects and performing on contracts so as not to preclude new construction starts.

It is the sense of the conferees that, insofar as practical, reductions made under this title shall be applied in such manner as to maintain the level of operation of any program in fiscal year 1968 at not less than that maintained in the fiscal year 1967, except where otherwise provided in the 1968 appropriation bills or other Acts of Congress.

The conferees fully realize that large reductions in obligations and expenditures cannot be accomplished without denying funds for purposes considered by many to be praiseworthy. Nevertheless, fiscal deficits of the magnitude currently anticipated are recognized to hold some danger for the nation's economic well-being, and therefore are unacceptable. The Executive Branch has urged that the Congress join in a program of fiscal restraint.

There are those who would prefer deeper cuts. There are those who would prefer smaller cuts. There may be those who would prefer no further cuts. It is generally believed, however, that the reductions which would be accomplished by the plan worked out by the conferees and proposed herewith is a proper and workable compromise.

Text of substitute motion to be offered

The full text of the substitute motion agreed upon by the conferees and to be offered in the motion follows:

"TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

"Sec. 201. In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable programs for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose.

"Sec. 202. (a) During the fiscal year 1968, no department or agency of the Executive Branch of the Government shall incur obligations in excess of the lesser of—

"(1) the aggregate amount available to each such department or agency as obligational authority in the fiscal year 1968 through appropriation acts or other laws, or

"(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1968 by—

"(i) 2 percent of the amount included in such estimate for personnel compensation and benefits, plus

"(ii) 10 percent of the amount included in such estimates for objects other than personnel compensation and benefits.

"(b) As used in this section. the terms 'obligational authority' and 'budget estimate of obligations' include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

"(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1968 (House Document No. 16, 90th Congress, 1st Session), as amended during the first session of the 90th Congress.

"Sec. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading 'relatively uncontrollable' in the table appearing on page 14 of the Budget for the fiscal year 1968 (House Document No. 15, Part 1, 90th Congress, 1st Session), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

"(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 percent of the new obligational authority (excluding special Vietnam costs) requested in the Budget for the fiscal year 1968 (House Documents Nos. 15, Part 1, and 16), as amended during the first session of the 90th Congress: *Provided*, That the President may exempt from the operation of this Title any obligations for national defense which he deems to be essential for the purposes of national defense.

"Sec. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

"Sec. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

"Sec. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a)(2) of this title and (2) would not be available for use after June 30, 1968, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the second session of the 90th Congress."

GEORGE MAHON,
MICHAEL J. KIRWAN,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
Managers on the Part of the House.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: On page 1, lines 5 and 6, strike out "November 23, 1967," and insert "November 15, 1967."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "December 20, 1967."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: On page 1, line 6, strike out all after "1967" over to, and including line 13 on page 3.

MOTION OFFERED BY MR. MAHON OF TEXAS

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

"Sec. 201. In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable programs for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose.

"Sec. 202. (a) During the fiscal year 1968, no department or agency of the Executive Branch of the Government shall incur obligations in excess of the lesser of—

"(1) the aggregate amount available to each such department or agency as obligational authority in the fiscal year 1968 through appropriation acts or other laws, or

"(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1968 by—

"(i) 2 percent of the amount included in such estimate for personal compensation and benefits, plus

"(ii) 10 percent of the amount included in such estimate for objects other than personnel compensation and benefits.

"(b) As used in this section, the terms "obligational authority" and "budget estimate of obligations" include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

"(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1968 (House Document No. 16, 90th Congress, 1st Session), as amended during the first session of the 90th Congress.

"Sec. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading "relatively uncontrollable in the table appearing on page 14 of the Budget for the fiscal year 1968 (House Document No. 15, Part 1, 90th Congress, 1st Session), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

"(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 percent of the new obligational authority (excluding special Vietnam costs) requested in the Budget for the fiscal year 1968 (House Documents Nos. 15, Part 1, and 16), as amended during the first session of the 90th Congress: *Provided*, That the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

"Sec. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

"Sec. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

"Sec. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a)(2) of this title and (2) would not be available for use after June 30, 1968, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the second session of the 90th Congress."

The **SPEAKER**. The gentleman from Texas is recognized for 1 hour.

Mr. **MAHON**. Mr. Speaker, House Joint Resolution 888, as Members know, is the continuing resolution which was approved by the House on October 18. As passed by the House on that date, the continuing resolution carried a number of economy provisions which provided for many sharp reductions in expenditures.

This proposal went to the other body, and the other body rejected all of the proposals in the continuing resolution of the House, including the date of effectiveness and also the economy reductions.

We went to conference, then, with the other body, and we met six times. We made no headway. We were deadlocked. The House conferees insisted on making sharp reductions in both obligational authority and expenditures. We could not come to an agreement with the other body.

Finally, last week we did achieve a meeting of the minds, and the amendment which has just been presented provides for certain economy actions approved by a majority of the conferees of both Houses.

I should point out to the Members of the House that Congress has already—in 13 bills enacted—reduced appropriations by about $4.6 billion. It is expected that on the supplemental bill—largely for antipoverty programs—and on the foreign aid bill, further reductions will be made in appropriations, which would bring the total for the year to something close to $6 billion.

EFFECT OF ECONOMY PROVISIONS

Now, what does the proposal which is before us today do? We have yet to act in conference, of course, on the foreign aid appropriation bill and the antipoverty appropriations, so what does this do to the other programs?

It simply says that there shall be a reduction in obligations for each civilian department and agency of the Government equal to 2 percent of the amount included in the 1968 budget for that department or agency for personnel compensation and benefits, plus an amount equal to 10 percent of the budget request for all other controllable items. The sum of the two amounts—2 percent for personnel and 10 percent for all other items—is the reduction required of each agency. In the Defense Department, all items connected with the war in Vietnam are exempted and a reduction of 10 percent is made in total obligations for all other programs.

It is also provided that in any instance in which an agency has been cut by congressional actions by an amount in excess of the cut for that agency under the "2 percent plus 10 percent" formula, the congressional action governs and no further cut is imposed by the resolution.

These cuts would be assigned, as I said, to each agency and each department of the Government. We would not go into each appropriation item within a department or agency but we would assign these reductions to each department and to each Government agency.

Programs such as those for veterans, others of a like nature, interest on the debt, and so forth, many of which are considered as relatively uncontrollable, are necessarily excluded. But with a blanket approach such as this and in the closing days of the session, it was necessary to give some leeway to the Executive. So a provision is included, in the amendment to the resolution which has been read, which provides for exemptions which could be applied by the President to the extent of $300 million throughout all of the agencies of the Government.

So it is felt that even with this reduction it should be possible for the Executive to administer the proposal without doing irreparable injury to any worthwhile measure or program. This measure would be equivalent to a further reduction in appropriations of very roughly $3 billion plus. This would bring to more than $9 billion the reduction in the President's January budget, which is something that, insofar as I know, has not been achieved by the Congress for many, many years. So this would be more or less a landmark action by the Congress from the standpoint of reducing obligational authority.

EXPLANATION OF CONFERENCE ECONOMY PROPOSED

The statement of the managers on the part of the House contains a summary of the provisions proposed. I will include that summary in the Record at this point:

The conference agreement to be submitted in a motion to be offered in the House is estimated to result in an expenditure reduction of approximately $4.1 billion below the President's budget request for fiscal 1968 by reducing budgeted obligations in that fiscal year by not less than $9 billion. These are reductions from the budget amounts, and thus include—in the case of the $9 billion—the 1968 obligations that will be reduced by reason of the expected cuts by Congress of close to $6 billion in new appropriation requests. And the $4.1 billion expenditure reduction figure would also thus include the effect of congressional appropriation reductions—of about $1.5 billion to date and perhaps $1.9 to $2.0 billion when the two appropriation bills still pending are cleared. Of course, the expenditure savings not realized in fiscal 1968 from the close to $6 billion cut would be realized in subsequent fiscal years.

For the most part, the specific substitute language agreed upon by the conferees is that language which was submitted by the administration on November 29 as title II of the proposed Tax Surcharge and Expenditure Reduction Act legislation. Certain perfecting amendments were agreed to in conference, but the basic thrust of the administration's proposal has been maintained.

The substitute as agreed upon in conference would establish a mandatory reduction in the obligations of each civilian department and agency of the executive branch in fiscal 1968 by an amount equal to 2 percent of obligations estimated in the budget for personnel compensation and benefits, plus an amount equal to 10 percent of estimated budget obligations for other controllable items. Where Congress has reduced the appropriations of a department or agency by more than the amounts specified in the 2-plus-10-percent formula, the more restrictive congressional action would prevail.

The substitute as agreed upon in conference is specific as to amounts of reductions to be made at the department or agency level. The allocation of the reductions *within* the various departments and agencies would be determined by the officials of the departments and agencies, and would be subject to the approval of the President. Personnel reductions are not absolutely mandatory, although undoubtedly in many cases reductions will be made in civilian compensation costs. Departments and agencies may choose to cut other expenses an amount equal to 2 percent of personal services estimates and maintain personnel levels. Of course, no individual employee's salary will be reduced by the operation of this title.

Under the substitute agreed upon by the conferees, budgeted obligations of the Department of Defense will be reduced by an amount equal to 10 percent of the new obligational authority for non-Vietnam purposes. It is anticipated that funds realized by the resultant defense savings and postponements will be utilized to cover added expenditures expected to be needed during the fiscal year 1968 for the war in Vietnam. Further, the substitute provides that the President may exempt from the operation of this title *any* obligations for national defense which he deems to be essential for the purposes of national defense.

As is generally true in all such broadly based proposals, it is necessary to make some exceptions to the general rule, and to introduce some discretionary administrative flexibility, so as to prevent unintended harmful consequences in some instances. Accordingly, the substitute language agreed upon provides that the reduction provisions shall not apply to—

(1) Permanent appropriations (such as interest);

(2) Trust funds (social security, etc.);

(3) Items included in the budget as "relatively uncontrollable" including, among others—

(*a*) Veterans pensions, compensation, and insurance,

(*b*) Public assistance grants,

(*c*) Farm price supports,

(*d*) Postal public service costs and revenue deficit,

(*e*) Health insurance payments to trust funds,

(*f*) The legislative and judiciary branches,

(*g*) Interest (largely public debt); and

(4) Programs, projects or purposes, the sum total of which may not exceed $300 million, which the President may exempt upon his determination that such exemption is vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

The substitute language of the resolution agreed upon further provides that, to the maximum extent practical, reductions in obligations for personnel shall be accomplished by not filling vacancies, and that reductions in obligations for construction be accomplished, insofar as practical, by stretching out time schedules of starting new projects and performing on contracts so as not to preclude new construction starts.

It is the sense of the conferees that, insofar as practical, reductions made under this title shall be applied in such manner as to maintain the level of operation of any program in fiscal year 1968 at not less than that maintained in the fiscal year 1967, except where otherwise provided in the 1968 appropriation bills or other acts of Congress.

A more detailed list of "uncontrollable accounts" as set forth on page 14 of the budget for 1968 follows:

"UNCONTROLLABLE" ACCOUNTS

Legislative Branch.

The Judiciary.

FUNDS APPROPRIATED TO THE PRESIDENT

Disaster relief.

Asian Development Bank.

Investment in Inter-American Development Bank.

Subscription to the International Development Association.

DEPARTMENT OF AGRICULTURE

Sugar Act program.

Conservation reserve program.

Commodity Credit Corporation: Reimbursement for net realized losses; military housing, barter and exchange; National Wool Act; research to increase domestic consumption of farm commodities; export credit sales program; bartered materials for supplemental stockpile.

DEPARTMENT OF COMMERCE

Maritime—Operating-differential subsidies (liquidation of contract authorization).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grants for rehabilitation services and facilities.

Retired pay for commissioned officers.

Payment to trust funds for health insurance for the aged.

Payment to trust funds for military service credits.

Grants to States for public assistance.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low-rent public housing—Annual contributions.

Federal Housing Administration fund.

DEPARTMENT OF THE INTERIOR

Oregon and California grant lands.

Range improvements.

Bureau of Land Management permanent appropriations.

Bureau of Indian Affairs other miscellaneous appropriations.

Internal revenue collections for Virgin Islands.

Administration of Pribilof Islands.

Promote and develop fishery products and research pertaining to American fisheries.

Appalachian region fish and wildlife restoration projects.

Anadromous and Great Lakes fisheries conservation.

Payment to Alaska from Pribilof Islands fund.

Federal aid in fish restoration and management.

Federal aid in wildlife restoration.

National wildlife refuge fund.

DEPARTMENT OF LABOR

Unemployment compensation for Federal employees and ex-servicemen.

Claims and expenses, employees' compensation.

POST OFFICE DEPARTMENT

Contributions to the postal fund.

DEPARTMENT OF STATE

Contributions to international organizations.

DEPARTMENT OF TRANSPORTATION

Coast Guard—Retired pay of commissioned officers.

TREASURY DEPARTMENT

Claims, judgments, and relief acts.

Interest on uninvested funds.

Refunding internal revenue collections, interest.

Internal revenue collections for Puerto Rico.

Interest on the public debt.

VETERANS' ADMINISTRATION

Compensation and pensions.

Readjustment benefits.

Veterans insurance and indemnities.

Veterans reopened insurance fund.

Veterans special term insurance fund.

Servicemen's group life insurance fund.

CIVIL AERONAUTICS BOARD

Payments to air carriers (liquidation of contract authorization).

CIVIL SERVICE COMMISSION

Payments to trust funds.

SMALL BUSINESS ASSOCIATION

Disaster loan fund.

Prepared by Bureau of the Budget, December 4, 1967.

All Members know that when you reduce appropriations you do not reduce spending by the same amount in the same year. There is a rough rule of thumb as to the whole budget that only about 70 percent of the funds appropriated for a given year will be expended in that same year. The remainder is carried over for expenditure on long-range type programs for future years.

So what we do here with this joint resolution is to wrap up the economy fight and end temporarily, until next session, the battle on spending. And we say that those of us who believe in economy have put our foot down, for this session of the Congress, and we will reduce appropriations or obligations in excess of $9 billion and will reduce spending below the President's budget, that is, his present forecast—the one given to the Congress on November 29—by more than $4 billion.

The following table compares the obligation and expenditures in the January budget as revised in August, the total requirements based on estimates on November 29, the reductions under the 2-percent-to-10-percent formula and the revised estimates for fiscal year 1968. It also shows the application of the cut to controllable civilian and non-Vietnam defense programs.

1968 OBLIGATIONS AND EXPENDITURES (JANUARY BUDGET AS REVISED NOV. 29)

[In billions of dollars]

	January budget as revised in August		Additional estimated requirements		Total requirements		Reduction by 2-and 10-percent provisions		Revised estimate	
	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures
Controllable civilian programs	38.4	22.2	−0.3		38.1	22.2	−3.6	−2.1	34.5	20.1
Defense non-Vietnam	54.1	50.4			54.1	50.4	−5.4	−2.0	48.7	48.4
Foreign assistance military	.6	.8			.6	.8	−.1		.5	.8
Subtotal	93.1	73.4	−.3		92.8	73.4	−9.1	−4.1	83.7	69.3
Defense Vietnam	20.8	21.9	+3.0	+2.0	23.8	23.9			23.8	23.9
Uncontrollable civilian programs	30.5	45.5	+1.7	[1] +1.7	32.2	47.2			32.2	[2] 47.2
Participation sales public enterprise funds etc	1.1	−4.3			1.1	−4.3			1.1	−4.3
Total	145.5	136.5	[2] +4.4	+3.7	149.9	[3] 140.2	−9.1	−4.1	140.8	[2][3] 136.1

[1] See the following table:

[In millions of dollars]

	Amount
CCC: Price support program	672
HEW:	
Payments to trust funds for health insurance	217
Public assistance grants	475
Treasury: Interest of public debt	200
VA: Compensation, pensions, and insurance	127
All other	49
Total	1,740

[2] These figures vary slightly from Budget Bureau tables due to rounding.

[3] These figures do not include an estimated additional $544,000,000 of expenditures which would be in the picture if Congress fails to enact certain legislation proposed in the January budget, as follows:

[In millions of dollars]

	Amount
Defense Production Act (cancel interest on Treasury borrowings)	53
REA revolving fund and user charges	213
Interior, power marketing revolving funds	78
Beauty-safety activities and forest and public land highways	171
Treasury, mint revolving fund	22
Interfund transaction adjustments (net)	7
	544

Mr. Speaker, this is all we could achieve in the conference with the other body. It was this or nothing. It was this, or a continuation of the stalemate that began in the middle of October of this year.

Mr. Speaker, it was the feeling of the majority of the conferees that we should not go away and leave an economy proposal hanging. It was considered by a majority of the conferees that we should act responsibly. We interpreted responsible action as bringing back home resolution of the controversy. We did not get what we had in the original economy provision; no more than the original economy recommendation by the Committee on Appropriations was achieved.

As the Members of the House will recall, on October 18, when the original economy provision was pending before the House of Representatives, the proposal of the Committee on Appropriations would have cut about $1.5 billion, and I shall not go into the details of that proposed cut at this point. However, there was a substitute offered here on the floor on October 18 and agreed to which changed that. But, now, do we want to go home, insofar as this proposal is concerned, without having taken final and definite action thereon, or do we want to obtain something by way of further reductions?

Mr. Speaker, as I pointed out earlier, a continuing resolution with the compromise economy provisions in the pending motion has been difficult to attain. It has been long sought by the House conferees in Senate-House conferences. We met six times over a period of several weeks. We searched; we explored; we considered. We traveled a long and tortuous road to reach this agreement which presents to you a set of rather specific economies.

H.J. RES. 888 AS IT PASSED THE HOUSE

The original version of House Joint Resolution 888, which was approved by the Appropriations Committee and submitted to the House for action, provided for sharp reductions in Government personnel, a 10-percent reduction in research and development funds, and the absorption of $625 million in pay increases for the departments and agencies. The economies were considerable and they were rather well pinpointed.

The resolution in this form was not acceptable to the House and it was struck out on a rollcall vote in favor of a substitute proposal. The vote came on October 18 and the substitute was approved by 239 for and 164 against.

The substitute was adopted without any of the usual formal background hearings, and so forth. At the time the House voted on the measure on October 18, the actual effect which would have resulted, by program and activity, in the event the provision was enacted into law was not known with any degree of precision or reliability. Since that time, the matter has been thoroughly studied and researched and the House is entitled to know what our best calculations are as to what the effect would have been, in more detail, of the enactment into law of the economy provisions of the House version of the continuing resolution.

The 239 Members who voted for the House substitute to the committee recommendation and those who voted against the substitute are entitled to know its effects. It is now calculated that, had the House version of House Joint Resolution 888 been enacted, Federal expenditures would have been reduced by some $7 billion, including cuts already made or anticipated in appropriation bills. The effect of the substitute would be to make additional expenditure cuts in the sum of about $5.2 billion.

The House Appropriations Committee recommendations of October 16, which were rejected, would have provided expenditure reductions of some $1.5 billion over and above appropriation bill reductions.

The substitute version of the continuing resolution was far from perfect but it would have achieved additional economies. But I would point out that the economies which would be achieved in the substitute conference agreement in the pending motion total $2.6 billion beyond those already made in the 13 appropriation bills enacted. Of course, we are going to make additional savings in the two bills still pending, foreign aid and anti-poverty.

COMPARISON OF ECONOMY PROPOSALS

I am placing in the RECORD at this point a table showing the approximate effect of the reductions recommended by the committee on October 16 and a tabulation of the reductions which might have been achieved by the October 18 substitute over and above the reductions made in the regular appropriations process, as compared with the reductions made by the motion now before the House:

APPROXIMATION OF FISCAL YEAR 1968 DOLLAR VALUE OF THE JOINT RESOLUTION AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, OCT. 16, 1967

Section	Rough value (gross)	Credit cuts made in the regular bills by House	Residual value computed
3. Civilian personnel costs, 5 percent from the budget estimates (with exceptions)	$900,000,000	−$340,000,000	$560,000,000
Defense, excluding Southeast Asia	300,000,000	−166,000,000	134,000,000
Nondefense	600,000,000	−174,000,000	426,000,000
4. Cost of increased civilian pay, absorb all of *it* (House version)	625,000,000		625,000,000
5. Research and development, 10 percent from the budget estimates (with limited exceptions)	1,325,000,000	−1,000,000,000	325,000,000
Defense	340,000,000	−164,000,000	176,000,000
Nondefense	985,000,000	−836,000,000	149,000,000
Total	2,850,000,000	−1,340,000,000	1,510,000,000

CONTINUING RESOLUTION (H.J. RES. 888)—ESTIMATED EXPENDITURE REDUCTIONS

[In thousands of dollars]

Agency	Fiscal 1967 actual administrative budget expenditures	Fiscal 1968 administrative budget expenditures, (executive estimates, Nov. 29, 1967)	Estimate of expenditure changes made by appropriation bills	Approximate additional expenditure reductions by H.J. Res. 888 as passed by House Oct. 18	Expenditure reductions in conference agreement above those made in appropriation bills
Legislative branch	249,679	269,564	−400	−19,485	
Judiciary	87,098	95,887	−2,300	−6,440	
Executive Office of the President	27,776	28,204	+2,300	−2,728	(1)
Funds appropriated to the President	4,097,896	5,089,202	−400,000	−51,102	
Department of Agriculture	5,817,133	7,152,805	−56,000	−600,306	−234,000
Department of Commerce	756,649	998,865	−32,700	−169,513	−2,300
Defense, military	67,570,472	74,300,000	−688,000	−525,028	−1,312,000
Defense, civil	1,342,601	1,465,101	−8,000	−107,262	−27,000
Health, Education, and Welfare	10,800,979	12,938,980	−45,800	−893,751	−364,200
Housing and Urban Development	520,348	607,696	−40,000	−388,671	−100,000
Interior	1,509,924	1,661,263	−41,800	−108,232	−18,200
Justice	406,888	450,796	−7,500	−34,108	−2,500
Labor	506,425	555,780	−11,200	−24,664	−3,800
Post Office	1,182,581	606,218	−58,000		−2,000
State	410,796	422,866	−3,200	−8,870	−6,800
Transportation	1,468,065	503,660	−74,700		−10,300
Treasury	14,538,932	15,345,880	−6,600		−23,400
Atomic Energy Commission	2,264,017	2,385,000	−3,000	−77,713	−77,000
General Services Administration	678,956	710,480	−7,300	−24,194	−27,700
National Aeronautics and Space Administration	5,425,597	5,300,000	−385,000		−90,000
Veterans' Administration	6,194,507	6,330,000	−1,800		−78,200
Other independent agencies	465,947	559,458	−22,000	−55,022	−181,600
District of Columbia	83,601	126,760	−6,000	−37,159	(1)
Interfund transactions	−674,878	−681,957			
Sec. 203(4) (the $300,000,000 obligation exemption reserve)					+150,000
Subtotal	125,731,989	138,222,508	−1,899,000	−3,134,248	−2,411,000
Special allowances:					
Pay increases		1,000,000		−1,000,000	
Shortfall in asset sales		750,000		−750,000	
Contingencies		300,000		−300,000	
Total	125,731,989	140,272,508	−1,899,000	−5,184,248	−2,411,000
Adjusted to reflect estimates on 2 appropriations not yet passed:					
OEO (final supplemental, rough approximation)			−200,000		+80,000
Foreign assistance (rough approximation)			−200,000		+130,000
Adjusted total (total, $4,100,000,000)			−1,499,000		−2,621,000

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[1] Reflected in figures for other independent agencies.

I would call your attention to a few of the estimated additional reductions from the President's budget expenditure estimates which would have been made by the resolution as passed by the House on October 18.

For examples:

An additional cut of $600,306,000 in Agriculture Department programs.

An additional cut of $107,262,000 on the Corps of Engineers-Rivers and Harbors, and so forth.

An additional cut of $893,751,000 in Health, Education, and Welfare funds for health, school support, and so forth.

An additional cut of $388,671,000 in Housing and Urban Development's various urban aid programs.

An additional cut of $108,232,000 in Interior programs.

An additional cut of $77,713,000 in atomic energy funds.

An additional cut of $169,513,000 in the Commerce Department.

"CONTROLLABLE" ITEMS OR PROGRAMS

I will insert a more detailed list of the many items that would have been subject to reduction in the discretion of the department and agency heads under House Joint Resolution 888 as passed by the House on October 18. It is impossible to state with complete accuracy a precise item-by-item allocation of the reductions which might have been made by department and agency heads in assigning the required reductions. However, items subject to possible reduction in the several agencies and departments are listed below:

AREAS OF POSSIBLE REDUCTION IN 1968 ESTIMATED EXPENDITURES BY H. J. RES. 888 AS PASSED BY HOUSE, OCTOBER 18, 1967

Legislative branch.

The Judiciary (excluding retired pay).

Executive Office of the President.

FUNDS APPROPRIATED TO THE PRESIDENT

Office of Economic Opportunity (excluding loans), military assistance, economic assistance (excluding loans), other.

DEPARTMENT OF AGRICULTURE

Research and pest control programs, State experiment stations, extension services, soil conservation programs (including P.L. 566 watershed program), special milk program, school lunch program, food stamp program, section 32 programs, Foreign Agricultural Service, Sugar Act program, Agricultural Conservation Program (ACP), Cropland Adjustment Program (CAP), Foreign Assistance Programs (P.L. 480), Farmers Home Administration (including community development programs), other.

COMMERCE DEPARTMENT

Bureau of the Census; Economic Development Assistance (excluding loans); promotion of Industry and Commerce; Weather Bureau (excluding retired pay;)[1] Patent Office; Maritime Administration; other.

Defense, Military (excluding military & retired pay and Southeast Asia).

Defense, Civil (excluding Panama Canal Company).

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration; Office of Education (excluding loans); [2] Vocational Rehabilitation Administration; Public Health Service (excluding retired pay);[3] Grants for Maternal and Child Welfare; Other, Welfare Administration; Other.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Urban renewal programs; low-rent public housing; urban mass transportation; open space land programs; water and sewer facilities; city demonstration programs; other.

INTERIOR DEPARTMENT

Bureau of Indian Affairs (excluding loans); Bureau of Outdoor Recreation; Geological Survey (excluding loans); Bureau of Mines; National Park Service; Fish and Wildlife (excluding loans); Water pollution control; Other.

JUSTICE DEPARTMENT

Federal Bureau of Investigation; Immigration and Naturalization Service; Federal Prison Systems; Other.

LABOR DEPARTMENT

Manpower development and training; Labor-management relations; Wage and Hour Division; Bureau of Labor Statistics; Other.

STATE DEPARTMENT

Administration of foreign affairs; Contributions to international organizations; Education exchange; Other.

Atomic Energy Commission (excluding weapons program).

General Services Administration.

OTHER INDEPENDENT AGENCIES

National Science Foundation; Selective Service System; U.S. Information Agency; Water Resources Council.

District of Columbia.

SPECIAL ALLOWANCES

Civilian and military pay increases; Short fall in asset sales; Contingencies.

EXPENDITURE LIMITATIONS

The very able ranking minority member of the Appropriations Committee, my good friend from Ohio, FRANK BOW, proposes to offer an amendment which would place an overall unallocated ceiling on total expenditures for fiscal year 1968. As I understand it, his proposal would further reduce expenditures in the fiscal year by an additional $1,600,000,000 more than the reductions agreed to in conference.

My friend from Ohio is interested in expenditure ceilings. But as the gentleman knows, at the present time the bookkeeping in the Federal Government is based on obligations. At the end of this month, one-half of the fiscal year will have passed. It is not reasonably possible to establish the physical bookkeeping machinery necessary to place meaningful expenditure controls on the Federal Government in the remainder of fiscal year 1968.

Mr. Speaker, a vote for further reductions in the pending resolution at this time would only appear on the surface to be a vote for a further reduction. It would, in view of the practicalities of the congressional situation, be a vote for no reduction at all. My point is that it would be impossible to get agreement at this time for further reductions in a House-Senate conference and the passage of any further economy resolution would be jeopardized.

EXPENDITURE TREND

I should add, however, that even with the reductions which Congress has achieved this year in expenditures, including the $4.1 billion reduction contemplated by the pending motion, we must face up to the sobering and disturbing fact that budget expenditures in fiscal 1968 are estimated to exceed expenditures in 1967 by as much as $10.5 billion.

Of course, the war is responsible for much of the increase, but the American people need to be aware of the sharp upward trend in Federal spending.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I thank the chairman of the Committee on Appropriations, the distinguished gentleman from Texas [Mr. MAHON] for yielding to me at this time.

I am not completely clear in my own mind as to how this reduction affects the expenditure rate that was estimated in the original budget which was submitted by the President in January. I say this especially in view of the fact that when the Labor-HEW appropriation bill was on the floor of the House for consideration, I estimated at that time that the expenditures included in the President's budget were understated—the amount of money that would be expended by the Department of Health, Education, and Welfare were understated by over $1 billion. It is my opinion that at the present time the figure could well be $1.5 billion.

Further, the President of the United States has underestimated his expenditures in that Department by that amount with reference to the controlled items, as well as having underestimated expenditures in the Department of Defense, the subcommittee for which the distinguished gentleman from Texas is chairman. Certainly, the Department of Defense has underestimated its expenditures by at least $4 billion and, probably, by $6.7 billion.

How does this reduction affect this misstatement of expenditures on behalf of the executive branch of the Government?

Mr. MAHON. The President's spending budget, his administrative budget, which was sent up here in January, estimated spending as I recall, at $135 billion. It was revised upward in early August by about $1.5 million by reason of the initial support required for farm programs, and by reason of additional funds required for public assistance, as well as a large additional sum in the Department of Health, Education, and Welfare-Labor appropriation bill, and the like.

Mr. LAIRD. I understand that the budget document has not been amended. Either he will amend his expenditure budget or his new obligational authority budget and, therefore, he has to send up some additional requests.

Is he saving those requests until next year?

Mr. MAHON. What I am saying is that

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[1] Now designated as "Environmental Science Services Administration" which includes Weather Bureau, Coast & Geodetic Survey, and Central Radio Propagation Laboratory—formerly in Bureau of Standards.

[2] Includes funds for elementary and secondary education, impacted areas, higher educational activities, vocational education, libraries and community services, and education for the handicapped.

[3] Includes National Institutes of Health, Hill-Burton hospital construction, community health services, disease prevention and environmental control, Indian health activities, and mental health programs.

the present estimate is that the budget—without the economy action of the Congress and the Executive—the spending budget for fiscal 1968 will be about $140 billion, plus. The pending amendment represents a $4 billion cut in spending below the estimate which was submitted by the Bureau of the Budget. So, the revised spending budget, or the spending figure—whether you choose to call it the "budget" or not—is $136 billion, plus, if we achieve the economies proposed in the appropriation bills which we have heretofore passed and the reductions proposed here today.

So, Mr. Speaker, I would hope that we could achieve these additional reductions.

Mr. LAIRD. Mr. Speaker, if the gentleman will yield further, many of these items are obligational items which are cut back 2 percent plus 10 percent, as I understand it. In other words, every item that is a controllable item is cut to that extent, unless it was cut by a larger amount by the Congress itself.

My question is on the original House-passed resolution wherein we gave discretion within the executive branch of the Government insofar as the overall expenditure level is concerned. There are some items that are very close, for which the administrators of the various programs and items involved have given us a very accurate estimate. I would put the Department of State budget in that category. It is a very tight budget. There are not many areas insofar as personnel and other items are concerned that can probably be cut that much.

What leeway is there in this resolution on the executive branch?

Mr. MAHON. There is authorization to exempt an aggregate of $300 million of obligations for programs and projects.

Mr. LAIRD. In the original Bow proposition there was sufficient leeway in order to handle this matter.

Mr. MAHON. There is a $300 million leeway made available by section 203. That amount could be used to waive cuts which could not possibly be made without injury to the general welfare.

Mr. LAIRD. So this is more or less a general free fund for the President to use to prevent serious damage to essential programs?

Mr. MAHON. Yes.

Mr. LAIRD. And the President has complete jurisdiction over that?

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I would like to point out the language that was offered and accepted in the conference, which says in reference to the $300 million, "except that no program, project, or purpose shall be funded in excess of amounts approved and authorized by Congress."

So that while this is free to a degree, the President cannot use it for any purpose unless Congress theretofore had approved it.

Mr. LAIRD. But that is authorized, not appropriated.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS of Tennessee. Mr. Speaker, I thank the gentleman for yielding.

I just want to reemphasize what the Chairman said. By adoption of this resolution, new obligational authority will be cut by $9 billion, and spending will be cut by $4 billion 120 million. Earlier, when the resolution passed the House, we did not have the precise figures as to what expenditures would be cut under the provisions adopted. Now, at this time, we do have the precise figures. I believe most everyone would want to support this resolution to cut new obligational authority by $9 billion, and spending by more than $4 billion.

I just wanted to reemphasize the position of the chairman.

Mr. MAHON. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, first I would like to say exactly what I consider the parliamentary situation to be, and what I shall do.

We cannot recommit this conference report, but when the gentleman from Texas moves the previous question on amendment No. 2, I will seek to defeat the previous question for the purpose of offering an amendment. My amendment would be to the language now in the conference report as submitted by the gentleman from Texas and a spending limitation of $134,600,000,000.

The amendment which I will offer is the same amendment which the House has adopted on four occasions; that is, a spending limitation, putting a ceiling on the amount that can be spent. That will be the question before the House on the previous question if it is voted down. Then I can offer the amendment, we can debate the amendment, and then the question will arise on the adoption of the amendment. So I would hope that the House would vote down the previous question to give us that opportunity to debate the matter.

The last time we had this matter before the House, the spending limitation carried by over 100 votes. That was the will of the House, that we have a spending limitation. We gave it up in the conference. Frankly, I do not believe that the conferees fought very hard for the House position.

You will note that the three conferees on this side of the aisle did not sign this conference report because it does not contain any of the will of the House, and the House voted four times, and the limitation carried the last time by over 100 votes.

I have been chided here a number of times about delegating the authority of the House to the executive. Well, my friends, that is exactly what is being done here today, for the language in this continuing resolution, with the exception of a few words, was written and dictated by the Director of the Bureau of the Budget, not by your committee.

It is the same language, practically the same language that was held out as a carrot to the Committee on Ways and Means to try to get a 10-percent increase in taxes, and subsequently sold by the Bureau of the Budget to the conferees.

This is not the language of the House of Representatives and it is not what you voted for on four occasions, and the last time by over 100 votes.

So if you vote down the previous question, you will again have the opportunity to work the will of the House which we have been trying to do but which we did not do, and this will work the will of the House as to a spending limitation.

Now I have a chart here that I should like to discuss. This shows our present situation. This came out in the hearings of the Committee on Ways and Means.

The gross estimated expenditures as of November 29 are $140.3 billion—less expenditure reductions of Congress in its appropriations, which my distinguished chairman has discussed, which will amount to about $1.5 billion in spending, which produces net estimated expenditures for this year to $138,800,000,000.

We anticipate receipts, as given to the committee on November 29, of $116.4 billion, which shows a deficit of $22.4 billion.

Now I call your attention to this chart.

There are gross expenditures of $140.3 billion, which they have given.

Effect of congressional expenditure reductions in appropriation bills amounts to $1.5 billion.

Then under the so-called limitation—the Bow amendment, there will be an additional $4.2 billion, if it is adopted, giving us a total reduction of $5.7 billion—and putting a spending limitation of $134.6 billion.

In other words, that is all that could be spent.

I say to the Members of the House, the original spending limitation was $131.5 billion. But, in order that we may properly run the Government, we have increased the level and I have given in to that extent—but not on the principle of the spending limitation. If we start with the 1967 expenditures as a base—and we all know that 1967 was a good year, in spending, and they did not have much trouble with it. The uncontrollable items have increased, taking their own figures—the figures of the Director of the Bureau of the Budget—the increase on uncontrollable items is about $4.5 billion. That is on the war in Vietnam where there are the increased costs.

The increases in uncontrollable civilian programs amount to $4.4 billion.

If you take the 1967 base, which was a good year, and add to it the uncontrollable items of $4.5 billion and $4.4 billion, you get the $134,600,000,000. These are the administration's figures. These are the figures of the Director of the Bureau of the Budget. This puts a limitation here so that you will not have a continuation of the rise in expenditures.

I call your attention to one more chart. These are the expenditures under the administration's proposals as compared with 1967. Non-Vietnam is up $200 million. Defense in Vietnam is up $4,500,000,000.

Relatively, uncontrollable civilian programs are up $4.4 billion.

Controllable civilian programs are up $1.4 billion—from $15,200,000,000 to $16,600,000,000.

The administration's November 29 estimate of expenditures is $138.8 billion and the administration has said that we can take another $2.6 billion out of this.

That was the testimony before the Committee on Ways and Means.

If the administration proposal is adopted spending will be $136.2 billion.

If you take the additional savings by a spending limitation of $134.6 billion, there will be additional savings of $1.6 billion.

Let me remind you that in 1967 the deficit was $9.9 billion.

The deficit this year under the administration's proposals would be $22.4 billion, and, under this continuing resolution, as brought in by the gentleman from Texas, you would have a deficit of somewhere around $19.8 billion.

If you adopt the so-called Bow amendment, the spending limitation, and using their figures as to what they can get by with, there is no problem here for them. If you adopt that, then your deficit will be about $18 billion.

I submit to you that if you will vote down the previous question and give us an opportunity to offer the amendment you will still do the job that this House on four occasions asked that we do.

Again I say to you that this resolution as given to you today by our distinguished chairman is not the language of the House of Representatives. A few words were put in it and, I might say to you, one other change was put in it. The Director of the Bureau of the Budget included the House of Representatives and the judiciary, but that was taken out. I think we should find some way to include the judiciary and the House of Representatives, but the way has not been found yet. I would hope that the House will support the effort to vote down the previous question, only so we can debate in detail what I am submitting to you.

I am only asking that we have an opportunity to debate that which the House on four occasions has directed. Then, vote as you see fit after full debate on the question of limitation. I can ask no more than your best judgment after we have had an opportunity to work the will of the House on this measure.

I yield to the distinguished gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Speaker, I take this time to congratulate the gentleman in the well, the distinguished Member from Ohio and ranking member of the House Committee on Appropriations, for the magnificent fight he has made this year to bring the fiscal situation of this Government into some kind of order. I do not think we would be at this stage of the proceedings where some substantial reductions in spending are going to be directed if it had not been for the fight that the gentleman has led. I have been pleased to give him 100-percent support in this effort.

May I say in addition to that, while my friend from Ohio was unfortunately away earlier in the session, it was my privilege to substitute for him here on the floor, when the second departmental appropriations bill was on the floor, preceded only by the bill for the Post Office and Treasury Departments which are not really susceptible to an employee limitation, I offered an amendment on the floor which would have reduced the employee level of that Department by 2 percent, the exact percentage that the administration now proposes itself as is apparent from the text of the continuing resolution under consideration today.

If we could have gotten some support from the administration forces in the House, at that time, we would have had a 2-percent personnel reduction in most of the bills that have been enacted. Is that not true?

Mr. BOW. That is correct.

Mr. JONAS. While it is to be regretted that we did not receive much support from across the aisle in that effort when it was made, I guess we ought to be grateful for it now.

Mr. BOW. I thank the gentleman. May I say that if you vote down the previous question, the amendment will contain all the language that is now in the continuing resolution but will add one paragraph, and may I read it to you. This is all that is in the amendment which I shall offer:

> SEC. 207. Notwithstanding any other provision of this title, net aggregate administrative budget expenditures during the fiscal year ending June 30, 1968, shall not exceed $134,600,000,000, except by those expenditures in excess of $23.9 billion that the President may determine are necessary in behalf of our military effort in Southeast Asia.

That, my colleagues, is our position. I hope the House will support us.

I am glad to yield to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I thank the gentleman from Ohio for yielding to me. I should also like to add my congratulations to the gentleman for the yeoman service that he has rendered in this very important matter.

One of the things that has disturbed me throughout this whole consideration has been the delegation of the authority and the duty of the Congress to the President to make these cuts. If I understand it correctly, under the amendment proposed by the gentleman, the President could make these cuts wherever he saw fit in these items that are not controlled. Is that correct?

Mr. BOW. I do not believe so. If I may say to the gentleman, it will still contain the language in the bill with respect to the 2 and 10 percent. It only puts a ceiling on the total expenditures, but the formula for cuts is now set in the language submitted by the gentleman. Let me read further from the conference report, if I may, on page 5, about the middle of the page. This is under the language in the continuing resolution now before the Congress, without my amendment.

> The allocation of the reductions *within* the various departments and agencies would be determined by the officials of the departments and agencies, and would be subject to the approval of the President.

That is in the present resolution, and in mine we would adopt the same resolution; however, we would put a ceiling above which they cannot go. This puts a ceiling on the expenditures.

Mr. COLMER. I understand that part of the gentleman's argument. But if I understand the situation correctly, under both the Bow amendment and the amendment of the resolution offered by the gentleman from Texas, it would still be left up to the Executive as to where the cuts are going to be made.

Mr. BOW. That is true within the agencies up to a point of 10 percent.

Mr. COLMER. Yes.

Mr. BOW. The charts to which I have referred here in the well follow:

Fiscal 1968 administrative budget—Expenditures, receipts, and deficit as estimated by the Budget Bureau, November 29, 1967

[In billions]

Gross estimated expenditures	$140.3
Less: Effect of Congress' reductions in appropriation bills	1.5
Net estimated expenditures	138.8
Anticipated receipts	116.4
Deficit	22.4

Fiscal 1968 administrative budget expenditures

[In billions]

Gross expenditure estimate as of November 29	$140.3
Effect of congressional reductions in appropriation bills	1.5
Additional reduction under Bow expenditure limitation	4.2
Total proposed reduction in 1968 spending	5.7
Proposed Bow expenditure limitation	134.6

Bow expenditure limitation proposal

[In billions]

Start with 1967 as a base	$125.7
Add relatively uncontrollable items:	
Increased costs of Vietnam	4.5
Increased costs of civilian programs	4.4
Proposed expenditure ceiling	134.6

Expenditures under administration's proposal compared with 1967

[In billions]

Defense non-Vietnam:	
1967 actual	$48.2
1968 November estimate	48.4
1968 increase over 1967	+0.2
Defense Vietnam:	
1967 actual	19.4
1968 November estimate	23.9
1968 increase over 1967	+4.5
Relatively uncontrollable civilian programs:	
1967 actual	42.9
1968 November estimate	47.3
1968 increase over 1967	+4.4
Controllable civilian programs:	
1967 actual	15.2
1968 November estimate	16.6
1968 increase over 1967	+1.4
Total:	
1967 actual	125.7
1968 November estimate	136.2
1968 increase over 1967	+10.5
Administration's November 29 estimate of expenditures	138.8
Savings proposed by administration	2.6
Expenditures if administration proposal is adopted	136.2
Additional savings by Bow amendment	1.6
Expenditures if Bow ceiling is adopted	134.6

Mr. MAHON. Mr. Speaker, for clarification, I would like to state at this moment what I believe is involved here, and I would like to have the attention of the gentleman from Mississippi, Chairman COLMER.

The proposed Bow substitute would provide cuts above the cuts made in the pending amendment to the extent of $1,600,000,000 in expenditures, which would require a cut of about $3.5 billion of additional obligational authority. This would bring the total cut in obligational authority for the year up to about $12 billion-plus. Under the Bow proposal, the President could select where he would make the additional expenditure cut of $1.6 billion. He would not be confined to any one agency or group of agencies. Congress would lose control. The President could go to any area of the Government for the purpose of making those additional reductions.

He would be confined, however, under the $4 billion cut to specific amounts by individual departments and agencies. The amounts are outlined and required in the reduction formula of the motion now pending.

Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, Members of the House will recall that in connection with this matter, when it was last before the House—I believe on October 18—after the Bow amendment was adopted reducing expenditures by $5 billion and leaving to the President the determination as to the place to cut, I offered a substitute to the original resolution which would limit expenditures by departments and agencies to the 1967 fiscal year level, except in those cases where, of course, we can readily see we could not have such a limitation, such as Vietnam, interest on the debt, and certain loan programs and corporate operating expenditures.

My substitute as subsequently presented to the conference, less the Bow provisions, provided as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the joint resolution of October 5, 1967 (Public Law 90–102) is hereby amended by striking out "October 23, 1967" and inserting in lieu thereof "December 20, 1967". And by adding the following language:
>
> "*Provided further,* That for fiscal year 1968, unless hostilities in Viet Nam and Southeast Asia should cease earlier, Federal spending of appropriated funds except expenditures from trust funds, loan funds and corporate funds by each Department and Agency of government, including the Legislative and Judicial branches, except for military expenditures of the Department of Defense directly related to our involvement in Southeast Asia, including pay of all military personnel, the payment of interest on the National Debt, other obligations incurred under authority of law, payments under the Social Security Act, veterans programs and other retirement benefits, medicare and old age assistance payments, shall not exceed the amount essential to permit each Department and Agency to operate at the fiscal year 1967 level, except that the limitation on the Department of Transportation shall not be more than the 95 per centum of the Budgeted amount for 1968. Provided further that where deemed necessary to maintain mail service, the President is authorized to exempt the Post Office Department from the provisions of this Act; *and, provided further,* Should the President deem it necessary for collection of revenue, he is authorized to exempt, to the extent necessary, the Internal Revenue and the Customs Services.
>
> "*Provided further,* That such reductions of expenditures insofar as practical may be made by stretching out the time schedule of performance on contracts so as not to require the elimination of new construction starts, and by each Department and Agency not filling vacancies."

This resolution passed the House on October 18. Since that time we have been in conference trying to get the other body to go along. In the meantime, the executive department has frozen funds for the Rural Electrification Administration, for Public Law 566, watersheds, for water and sewer grants, and for other programs involving new construction.

Then we make the finding that we must cut the budget by $9 billion and the expenditures by $4 billion by holding back replacement of personnel up to 2 percent and by stretching out contracts and increases of up to 10 percent of programs, many of which are not frozen altogether.

Following that we provided for the $300 million to be available to meet unexpended contingencies, and we limit that to programs which the Congress has approved.

So it is not a carte blanche authority to spend anywhere.

It is mighty difficult to write something which applies to the whole Government and not to overlook something one did not think about. We provided that: "except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress."

Not only that, but this language was written by the conference members from the House side.

May I say, I do not know how much longer one can insist, than from October 18 until today. It strikes me that I have seen conferees stay out much less time than that, trying to have their way.

I call attention to the provision which was in the original bill, when I offered it as a substitute and which is in the present conference report:

> To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

That was put in by the Members of the conference at our insistence.

This provision I lost in the conference so far as including it is in the bill is concerned, but I believe the conferees without exception approved the language being in the report, where it is:

> It is the sense of the conferees that, insofar as practical, reductions made under this title shall be applied in such manner as to maintain the level of operation of any program in fiscal year 1968 at not less than that maintained in the fiscal year 1967, except where otherwise provided in the 1968 appropriation bills or other acts of Congress.

Your conferees have done everything possible. I personally do not see any reason why, under this conference report, a program should be reduced below the 1967 level. I know many are being blocked altogether, such as REA, hospital, and school construction, rivers and harbor development, and others.

If the Members will look at the table to my left, I believe they are bound to reach that same conclusion, when they look at what the 1967 spending level was.

As to those controllable items, how could anybody complain if they could go along at the same level they were used to?

Let me point out something else before us today. As I said, since October 18 your conferees have been unable to get the other body to agree with us on the 1967 spending level, with the exceptions mentioned. We have stayed there that long.

What has happened in the meantime? Listen to this, my friends. In the absence of our setting a guide rule, which the adoption of conference would do so far as the clear intent of Congress is concerned, these programs have been held up as I have pointed out.

The Corps of Engineers has been frozen by a directive of the executive department, and so has the Bureau of Reclamation.

These instructions place a freeze on all new contracts and on all bids not opened prior to October 9.

Since October 18, the executive department has issued orders freezing hospital construction and school construction.

Many of the Members come from areas other than mine. I notice there are reports here about the need to give attention to the great rural areas of this country.

Do the Members realize that in this period of time the executive department—the Bureau of the Budget—has frozen funds for these purposes?

No new loans or contracts are being approved where the plan was not underway and the work was not underway. If the work is underway, loan funds are being advanced.

For each of the FHA loans there is the same slowdown. The same is true with respect to operating loans.

We are caught in this situation, in the absence of our setting guidelines and at least holding the cuts to reasonable limits as the conference report before you would do, we are faced with these programs being on an absolute stop basis.

On the one hand, I feel I offered a much more sound proposition. I truly believe, that with the war going on, we will be lucky to be able to maintain domestic programs at the 1967 levels. On the other hand, we need to take care of our own country, in view of our obligations and commitments around the world. It is better for us to act than for the Budget Bureau to make the same savings by freezing these programs.

We have a need to save money on the one hand, but we also have a need to act so that we can proceed with these programs.

I would like to differ with my colleague from Ohio at this time. I too wish to commend him for his efforts, and I think they have been fruitful, but I think it has taken a whole lot of other things to go along with his proposal for it to be workable.

In the conference report we have before us, our committee—the gentleman says it comes from the Budget Director, but our committee—wrote in there section 201:

> In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines . . .

I would point out that since the gentleman from Ohio [Mr. Bow] adopts as a part of his amendment the language which is in this report, it shows he approves it. To these reductions he would add another $1.6 billion, which would again invite the executive department to freeze or to continue to freeze the very items that I mentioned to you, REA, public works, FHA, watersheds, water and sewage grants. Having adopted as a part of his proposal the pending resolution he thereby approves it, but when he adds to it $1.6 billion without any strings or directives or anything else, he invites more freezing of the very things that I am trying to unfreeze.

Let me give you another little illustration. I want to say again that the gentleman from Ohio deserves a great deal of credit for having brought this to a head, but there is one other thing I want to point out. Do you realize that if you have an overall expenditure ceiling in the whole Government, that you would have to check every cash register regularly in order to stay within the overall ceiling? Has anybody estimated whether it would cost less than the $1.6 billion to do that amount of bookkeeping? I say that it is completely unworkable to have it in the way that he approaches it.

You say to me, "What do you offer?" I offered as a limit the 1967 spending level. That spending level is a set of figures that you can put in front of you and limit yourself to, agency by agency. In this report we have the reduction is 10 percent on all of the programs from the budgeted level. May I say that I do not know of any program that should suffer any real injury below the 1967 spending level for the reason that a considerable part of these expenditures have already been held up for half of the fiscal year. I repeat again that I hope you will vote for the previous question and go ahead and get this behind us. It will save as much money, but it will save sound programs.

May I say personally—and I am sure other members of the committee have been assured likewise—the Bureau of the Budget says that it will cooperate with the Congress in carrying out this resolution on a fair and equitable basis.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague from Mississippi.

Mr. COLMER. First I would like to compliment the gentleman as well as I did the gentleman from Ohio [Mr. Bow], on the splendid work he has done also in this field of trying to cut expenditures, but I ask my colleague the same question that I asked the gentleman from Ohio [Mr. Bow].

In the final analysis, the President is going to make the cuts under the present resolution that the gentleman is advocating and the result is going to be the same so far as the responsibility for making the cuts is concerned. The Executive can cut out everything for the REA and cut out everything for some other department if he sees fit to do so, as I understand this resolution. I hope I am wrong.

Mr. WHITTEN. May I say that my distinguished colleague, the chairman of the Rules Committee is clearly wrong as far as the expressed intent of Congress and my understanding of it are concerned. The provisions are tied to the departments and the agencies and to the budget.

Furthermore, there has been absolute assurance given by the Bureau of the Budget to me and to others that this will be treated in a fair and proper manner. In addition we have directed that the 1967 level be maintained to the extent possible. So that there is not any reason for the gentleman's fear in this area so far as I know.

Mr. COLMER. I would like to see something spelled out here as to where the cuts will be made.

Mr. WHITTEN. May I say I just pointed out where the executive department is presently applying the cuts. We try to provide for fair play within guidelines as set out in the conference report, not more than 10 percent of the budgeted amount, except where Congress provided a lesser amount.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield 3 additional minutes to the gentleman from Mississippi.

Mr. BOW. Mr. Speaker, will the gentleman yield to me?

Mr. WHITTEN. I yield to the gentleman from Ohio.

Mr. BOW. So that I can very briefly reply to the question of the gentleman from Mississippi [Mr. Colmer]. I think the resolution brought in by the gentleman from Texas does protect many of the funds and trusts and uncontrolled funds. The gentleman will see by my chart that I proposed to protect the uncontrolled funds.

Mr. WHITTEN. May I say in appreciation of the fact that my colleague would like to do this that I do know I have worked hard since October 18 to try to reach an agreement with the other body so as to free the programs which have been frozen. This report is not exactly as I would have had it. Earlier in my remarks I pointed out what I preferred—that was to leave us able to operate at the 1967 level which would have saved just as much money. With about 12 others on the conference I simply could not have my way. The point that I am trying to make here is, that if you accept this report, I see no reason why our agencies could not go along at the 1967 level. While I lost this language in the resolution, it is in the report saying that it is the sense of the conferees insofar as practicable that programs shall be maintained at not less than the 1967 levels. I know of no way to bind the President. Certainly we make it plain what we mean.

In my opinion there is a whole lot of difference between right and might. I insist that there is no right to cut these programs below what Congress approves here today; I have to agree that there is power to freeze funds. When one reads this language as contained in the report saying that these operations shall be carried on at the 1967 level and the total amount to which they come, we have gone as far as we could to obtain what my distinguished colleague, the gentleman from Mississippi [Mr. Colmer] says he can accept.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. Of course, I yield to the distinguished Speaker of the House of Representatives.

Mr. McCORMACK. As I understand the resolution, the guidelines of the 10 percent in the end are achieved and are spelled out and prescribed; is that correct?

Mr. WHITTEN. That is right.

Mr. McCORMACK. Mr. Speaker, if the distinguished gentleman from Mississippi will yield further, if the previous question is defeated and if the amendment which has been offered by the distinguished gentleman from Ohio is adopted, such action would add the sum of $1.7 billion of absolute veto power to the President of the United States; is that correct?

Mr. WHITTEN. It would invite the President to cut that much further where he pleased, and might be taken by him as approving the freeze of funds for REA, hospitals, schools, water and sewerage grants, FHA and the others presently held up. These items which I have read to the Members of the House several times, in my opinion, it would be most unsound to follow that course. I truly believe if this resolution is adopted the President will release funds for these programs and will cooperate with the Congress in carrying on essential activities.

As I have said many times, "the more serious our problems the more essential that we look after the protection and development of our own country."

I used this argument very effectively when President Eisenhower vetoed 63 new public works projects in 1959 and the Congress adopted my motion overriding his veto on the second try.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. I thank the distinguished gentleman from Texas [Mr. Mahon], the chairman of the Committee on Appropriations, for yielding this time to me at this point during the debate upon this most crucial question. I particularly wish to congratulate the distinguished gentleman from Ohio [Mr. Bow] for initiating, fighting for and seeking to carry out the views of a majority of the Members of this House of Representatives in trying to effectuate and to achieve economy insofar as the Federal Government is concerned.

Mr. Speaker, I congratulate the Members of this House of Representatives on our side of the conference committee, those Members who joined with the distinguished gentleman from Ohio [Mr. Bow] in refusing to sign the conference report. I say this because in my opinion the conferees, the majority on the Democratic side of the aisle, have come back totally and completely emptyhanded insofar as measuring the conference accomplishments against what the House of Representatives decided upon on October 18, 1967.

Mr. Speaker, I concede that this conference report is probably better than anything we have had before. However, in relation to what the House voted for on October 18, 1967, this conference report, in effect, is emptyhanded.

Now, Mr. Speaker, permit me to review very quickly some of the figures which in my opinion are very pertinent to this discussion.

Mr. Speaker, in fiscal year 1967, the expenditures for the Federal Government were $125.7 billion. The limitation which the House of Representatives approved, by a vote of 253 to 143 on October 18, would have set a spending limitation for fiscal year 1968 of 131.5 billion, about $6 billion more than the actual expenditures last year in the previous fiscal year. Mr. Speaker, no one can allege that fiscal year 1967 was a year of austerity in the Federal Government.

Under the proposal which has been proposed by the distinguished gentleman from Ohio [Mr. Bow], if we defeat the previous question, the spending limitation would be $134.5 billion. The gentleman from Ohio has upped it above that which was approved by this very House of Representatives on October 18. He has done this because of certain facts of life which have transpired in the meantime. The fiscal situation in the Federal Government has deteriorated even worse than was anticipated under the mismanagement of the Johnson administration.

Another expenditure figure is the cut that is submitted to us today in the conference report—$136.2 billion. The conference report limitation is $1.6 billion more—higher—than the amount as carried in the amendment which will be offered by the distinguished gentleman from Ohio [Mr. Bow] if we defeat the previous question.

So when we come right down to it, in the vote on the previous question, which will come up very shortly, if you vote "no" on the previous question you are voting to save an extra $1.6 billion, and if you vote "yes" on the previous question you are voting to spend $1.6 billion more. It is just that clear cut and categorical. Even though it is a parliamentary vote, it will be identified—and it should be—as the difference between a spending limitation of $134.6 billion, which is the Bow proposal, and the spending limitation, if you can honestly call it that, which comes in the form of a conference report of $136.2 billion, a difference of $1.6 billion.

A "no" vote to save $1.6 billion. A "yes" vote to spend that much more. It is that clear cut. A "no" vote is for economy. A "yes" vote is for more spending.

I hope and trust that with the issue as visible, as clear cut as that, there should not be any question about how we should vote when you bear in mind that we are right now faced with the most serious fiscal crisis this country has faced in this century. I suggest we bear in mind the inflation that America is faced with today, the 4-percent increase in the cost of living, and the serious credit crunch and partly exhorbitantly, high interest rates. If you want to fight inflation, fight increases in the cost of living and try to bring down interest rates, vote "no."

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Speaker, one of the issues involved here, it seems to me, is whether we are going to have a continuing resolution that will be adopted by both bodies. I believe that is a very important issue. The wise course, it would seem to me, for those who believe we should make reductions in expenditures would be to vote for the previous question and to agree to the proposal presented by the conferees. We all agree that there is need for economy.

In fact, Mr. Speaker, the Congress is facing its moment of truth. Ahead of us is an absolutely unacceptable deficit that must be dealt with during this session of Congress.

The committee has proposed an expenditure reduction formula designed to cope effectively with this problem.

We submit today that the formula contained in that proposal—not the alternative proposal known as the "Bow expenditure limitation"—is the best answer for the Nation's needs.

The conferees propose that each civilian Federal agency reduce its obligations by an amount equal to 2 percent of its payroll and 10 percent of other controllable obligations. The President is in full accord with this proposal.

Congress has already appropriated reductions totaling $4.6 billion and in actual fiscal 1968 expenditures, 1.5 billion. This proposal would further reduce expenditures by $4.6 billion and in fiscal 1968 expenditures, by $2.6 billion.

It is important to note, however, that even after this proposed cutback the budget is still going to be $1 billion higher than January's budget as submitted by the President.

The proposal is sound and sensible. If we were to embrace the Bow formula we would place an across-the-board ceiling on Federal expenditures—a ceiling that would mean chaos and straitjacket management of vital programs.

In my judgment, the Bow amendment would endanger the vital operations of the Federal Government and affect the security and welfare of the American people.

We all know that "uncontrollable" expenditures can easily rise above current estimates. In fact, the present estimates are already $2½ billion more than we expected last January. If they do begin to rise, we may not get a confirmation of this until next March or April. Then, in one or two months, we would literally have to gut programs—farm loans, hospital construction, veterans' medical services, poverty and the like—to live within the Bow expenditure ceiling.

We cannot chain the Federal Government to the wall of fiscal absolutism. We must follow the reasonable and effective alternative proposed by the committee and by the Administration.

Cutbacks cannot be synonymous with an across-the-board ceiling. Some important programs have already had their appropriations cut back by Congress. Others have received nearly all of their appropriations.

For example, the proposal will cut back nearly half of the $4.6 billion from non-Vietnam appropriations received by the Defense Department.

We are not going to sacrifice the school lunch program or educational scholarships, or hospital grants in the name of fiscal integrity.

Mr. Speaker, expenditure cutbacks are not popular. But this is the right medicine to cure the terrible illness of inflation, and tight money.

The President needs and wants this proposal. The Congress should support him, and I believe it will.

Our President has led us through a period of unprecedented economic advancement. This advancement testifies to his leadership.

The economic dangers we face as a nation and a people demand prompt and courageous action. But they do not require the drastically irresponsible plan forwarded by the gentleman from Ohio [Mr. Bow].

I urge all my colleagues on this side of the aisle to stand together with their President and their Committee on Appropriations; to act with wisdom and responsibility, to vote up the previous question and to adopt the continuing resolution.

Mr. MAHON. Mr. Speaker, a number of statements have been made about the contributions that various Members have made during the session to the cause of economy and responsibility in Government. I welcome the support of the gentleman from Ohio [Mr. Bow], and the gentleman from North Carolina [Mr. Jonas], and others who have cooperated with the majority in making reductions. Their cooperation has been helpful. Every subcommittee chairman has contributed. But no committee is effective without the support of the House.

It is the House of Representatives that is due the credit or the blame for whatever reductions we have made. We are about to complete a program which for the session will achieve close to a $6 billion reduction in appropriations. We are now about to make additional cuts beyond the $6 billion. It is the best that we can do under the circumstances. Of that I am absolutely confident.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Arkansas [Mr. Mills], the chairman of the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, is it the idea of the gentleman from Texas that, if this matter is sent back to conference, he could accomplish in the conference any additional reduction over that which is in this conference agreement now?

Mr. MAHON. The gentleman has asked a very good question. No; we could not achieve additional cuts should this measure be sent back to conference.

The motivation for this resolution in the beginning was the continuing resolution. A continuing resolution was an imperative necessity. The need for the resolution has passed. There is no longer a real necessity for a continuing resolution. The only excuse to have this legislation on the floor today is the economy provision.

If we send this measure back to conference, for all intents and purposes, it would be dead. It took us weeks to work out an agreement. The other body would go no further than the pending proposal. About all that would happen, in my judgment, if we send this back to conference is that it would just die and when we adjourn on Friday or Saturday, we would have no further economy cuts at all as a result of the pending resolution. It is just this or nothing, as I see it.

Mr. MILLS. Do I understand my friend, the gentleman from Texas, to say then that you cannot get more reductions in conference? Really, we are faced here with the proposition of $2.6 billion of additional savings that we can accomplish by an affirmative vote. Whereas there is great risk in not accomplishing this reduction if you are sent back to conference; is that what the gentleman is saying?

Mr. MAHON. The gentleman has analyzed the situation with absolute accuracy in my opinion.

Mr. MILLS. I have it clear in my own mind that if the gentleman has to go back to conference, with all of the appropriation bills finally completed, the continuing resolution is no longer needed and you may not be able to even get an agreement from the Senate again for this amendment.

Mr. MAHON. I think the gentleman has wisely stated the situation.

Mr. MILLS. I am not casting any reflection upon the other body, of course.

Mr. MAHON. That is right, but we have a chance now to make a reduction. Some Members say that this is to some extent agreeing with the Director of the Bureau of the Budget. I am pretty well willing to agree with almost anyone who is willing to make a reduction at a time when we are threatened with such a heavy deficit and I think that is the gentleman's position.

Mr. MILLS. The gentleman does feel that the administration needs this authority to make these reductions; is that right?

Mr. MAHON. I think the Congress should maintain its control over the purse insofar as possible. The pending resolution is a step in the right direction.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. BOLAND], an able member of the Committee on Appropriations.

Mr. BOLAND. Mr. Speaker, I have only one comment to make and it is with reference to a comment made by the distinguished gentleman from Ohio [Mr. Bow]. I, like all the other Members here, am willing to pay him a compliment for what he has done. I think he has generated a great deal of concern for economy.

The gentleman made a statement that the conferees did not fight very well. I hope he will not leave the RECORD stand that way. We have been in conference some seven times. I think for periods from 1 to 2 hours. The gentleman knows what the attitude of some of the Members of the other body was. They were rather resolute and emphatic in their outlook on the Bow amendment, the Whitten amendment, and all other amendments that were attached to the continuing resolution. There was not a chance in the world of the other body or the Senate conferees accepting the continuing resolution that the House passed. I think the RECORD ought to spell that out.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I am glad to yield to the gentleman from Ohio.

Mr. BOW. I must differ with my friend from Massachusetts. I am not convinced that at one time the Senate was not getting ready to yield. There were certain Senators who said they were willing to go along, at least in conversations with me. Then we did not meet for a period of 3 weeks after that one conference when they began to show some softening in their attitude toward the expenditure limitation. I do not agree with the gentleman. I believe that if we had stayed with it and kept working on it, instead of discussing other subjects—there was very little discussion about the spending limitation; it was more on other subjects—we might have come to agreement.

Mr. BOLAND. Mr. Speaker, I recall one heated session at which the gentleman from Ohio was seated next to a Member of the other body. I thought we would never get out of that meeting. If you did have some information from a Member of the other body, it must have been from among those who serve in the minority. The majority of the conferees in the other body were completely opposed to the Bow amendment.

Mr. MAHON. It has been said that a vote for the proposal of the gentleman from Ohio [Mr. Bow] is a vote for economy and that a contrary vote is a vote for spending. In my judgment this assumption is 100 percent wrong. This would not be the effect of the approval of the proposal of the gentleman from Ohio. It took weeks to achieve the pending compromise proposal. A further conference with the other body would lead to a deadlock. The chance of getting anything out of a further conference toward greater economy to me seems nonexistent. We are not dealing with theory and philosophy. We are dealing with the cold legislative facts of life.

It is certainly correct to say that a vote for the position of the conferees is a vote for saving. It is a vote for real economy. It is not only economy but it is economy directed by the House of Representatives and by the Senate. It is something that can be achieved, not something just to be hoped for.

No one is infallible. The gentleman from Ohio [Mr. Bow] said in the House on October 18 that the expenditure figure for the year should be $131 billion-plus. In his proposal today he in effect admits that he was in error at that time in the sum of $3 billion.

It is perfectly obvious to me that if we are going to adjourn this Congress before the 1st of January and if we want further economies, this is the time to get them and here is the method and the time for Members to get on the dotted line for economy or against it.

If one votes to send this resolution back to conference, he is in effect voting to bury a measure of great economic significance. This would be a setback to the cause of economy and congressional control of the purse.

I would like to include in the RECORD at this point an excerpt from the statement of the managers which summarizes the many difficulties encountered in handling the continuing resolutions and economy proposals during the past few months:

> Two continuing resolutions (H.J. Res. 652 and H.J. Res. 804) making interim appropriations for July–August, and for September, for agencies of government for which regular 1968 appropriation bills had not been enacted were processed through Congress without event.
>
> *On September 27*, however, by a record vote of 202 yeas to 181 nays, the House recommitted (without specific instructions) the October continuing resolution (H.J. Res. 849, H. Rept. 708). This recommittal action was a manifestation of desire in the House for further economies beyond the multi-billion dollar reductions already made—and in prospect—in the 15 appropriation bills.
>
> *On October 3*, the House adopted House Joint Resolution 853 (H. Rept. 724) which provided for the extension of the continuing resolution expiration date to October 10 in lieu of October 31. *On October 4*, the Senate adopted House Joint Resolution 853, amended to extend the date through October 23, and on the same day the House agreed to the Senate amendment and the resolution was enacted into law.
>
> *On October 16*, the Committee on Appropriations of the House, after considerable study of possible courses of action in response to the desires manifested by the House in recommitting the earlier resolution on September 27, reported House Joint Resolution 888 (H. Rept. 785) which proposed to extend the date another 30 days—to November 23. It also included language—
>
> To temporarily curtail (for 30 days) the incurring of obligations for new construction, research, demonstration, training, service, and similar activities not directly related to the military effort in Southeast Asia.
>
> To reduce by 5 percent the funds for civilian personnel, and require that all amounts withheld pursuant to the above requirements be rescinded.
>
> To reduce by 10 percent the funds for research and development, accompanied by rescission language.
>
> To so adjust program obligation schedules as to permit complete absorption of the civilian pay increase that the House had recently voted.
>
> It was estimated to reduce budgeted expenditures by about $1.5 billion, or something in that area, in fiscal 1968, *in addition* to the estimated fiscal 1968 expenditure reduction approaching $2 billion as a result of actions in the 15 appropriation bills enacted or to be enacted for 1968.
>
> *On October 18*, by record vote of 239 to 164, the House substituted for the committee propositions (except for the date of No-

vember 23) an amendment intended to hold *expenditures—by each department and agency*—to the 1967 level (with a number of major exceptions). Appended to the amendment was an overall ceiling of $131.5 billion on net administrative budget expenditures for fiscal 1968 except for those relating to our military effort in Southeast Asia. Also, a temporary obligation rate of not to exceed $2 billion for the foreign assistance program was added, as was a $1.2 billion temporary obligation rate for the antipoverty program.

The best calculations available indicate that under the provisions of the resolution as passed by the House, fiscal 1968 budgeted expenditures would be reduced by roughly $7 billion, gross, against which would be offset the 1968 expenditure value—estimated at close to $2 billion—that would result from appropriation bill reduction actions made or expected to be made. Thus the net additional spending reduction that would have resulted was calculated at approximately $5 billion. This was not a rescission of funds, but rather to some degree a postponement or deferral through limitations on department and agency spending during fiscal 1968.

On October 20, the Senate Committee on Appropriations reported House Joint Resolution 888, trimming the expiration date back to November 15 (amendment No. 1), and striking all of the House provisions relating to reduced expenditures, the expenditure ceiling, and temporary obligation rates. *On October 25,* the Senate passed House Joint Resolution 888 as reported, by record vote 59 to 26, after rejecting various floor amendments.

The conferees on House Joint Resolution 888 have met a total of six times since late October. Due to the extremely complex and controversial nature of broad reduction propositions, and in view of the fact that it is closely related to the administration's pending tax surcharge proposals, the conferees have experienced great difficulty in arriving at a final compromise. The managers on the part of the House were committed to further expenditure reductions. The Senate conferees were governed somewhat by the rejection of such limitations during Senate consideration. The position of both sets of conferees was fully supported by strong votes by their respective bodies.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Speaker, I know that if the House today voted to insist on the Bow amendment by defeating the previous question, and if the chairman of the great Committee on Appropriations went back to conference with the other body and was as vigorous in such a conference in insisting on the House position as he has been here today condemning the House position of October 18, I know the House would prevail and we would save $1,600,000,000.

Mr. MAHON. Mr. Speaker, the gentleman from Michigan, in his position as minority leader, does not frequently go to conference with the other body, and he does not know just how difficult it is to get concurrence by the other body. I speak as one who has been in conference with the other body on more than a dozen major bills at this session. I welcome the support of my friend from Ohio on the reductions which are proposed by the Appropriations Committee. He just is in favor of making other reductions and I along with many other Members favor further reductions where possible. Let us recall the fable, in the incident about the dog, where the dog while crossing the water with a bone in his mouth saw what he thought was a larger bone, which was an image in the water, and dropped the bone he had and got nothing. Let us go back to Aesop and get our thinking straight. Let us not be found empty handed, when we complete action on the resolution today, which a majority of the conferees propose, but let us take this $4 billion reduction in spending home as a Christmas present to our constituents.

Mr. Speaker, I move the previous question.

The SPEAKER. The question is on ordering the previous question.

Mr. BOW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RYAN. Mr. Speaker, I was interested in the colloquy between the distinguished chairman of the Committee on Appropriations [Mr. Mahon] and the distinguished chairman of the Committee on Ways and Means [Mr. Mills], for it made the issues very clear.

The chairman of the Committee on Appropriations said that there is now no real excuse for a continuing resolution—inasmuch as the two remaining appropriation bills will be brought up this week—and that sending the resolution back to conference will kill it—inasmuch as the Senate conferees are not expected to accept any further reductions in expenditures.

Since there is no longer any necessity during this session for action on a continuing resolution, and since I am opposed to the further decimation of urgently needed domestic programs, I shall vote this afternoon on procedural motions in such a way as to enhance the chances of either killing the resolution or limiting its scope. If the previous question is defeated, then the resolution will be open to amendment—not only the amendment proposed today by the gentleman from Ohio [Mr. Bow], to which I am opposed in principle, but find tempting as a vehicle to kill the resolution since it is safe to assume the Senate conferees will not accept it, but it will also be open to other amendments which would liberalize the conference report.

Congress has already reduced the fiscal year 1968 budget estimates by $5 billion through cuts in appropriations, and this figure is expected to be $6 billion after the antipoverty and foreign aid appropriations bills are passed.

The conference report proposes a further reduction in obligations to no less than $9 billion below the President's budget requests, and a $4 billion reduction in expenditures. This would be accomplished by forbidding any department or agency to incur obligations in excess of the lesser of either the amount available through appropriation acts or an amount determined by cutting the department or agency budget estimate by 2 percent for personnel compensation and 10 percent for programs.

I am unalterably opposed to such cutbacks. I pointed out in my remarks on the floor of the House on October 3 that Congress at that time had already cut spending $4.265 billion below authorized levels in HEW and HUD alone. A 10-percent reduction in all major Federal programs will be devastating indeed.

It is obvious that the administration is supporting this conference report and the proposed reductions in order to lay the groundwork with the Committee on Ways and Means for the 10-percent surtax which is still pending. The resolution seems to negate the argument of those who favor a surtax on the theory that it would make revenue available for domestic programs and to strengthen the argument of those who view the surtax as a war tax related to the $30 billion cost of the Vietnam war this year.

Although Congress has delayed so long and created such havoc with the normal functioning of Government agencies, the conference report is, for all practical purposes, academic. It is assumed that OEO and AID will have their appropriation bills approved sometime this week. If not, this resolution is useless anyway since its authority expires on December 20 when, we are told, Congress will not be in session.

The practical utility of the resolution, therefore, depends on the desirability of the required cuts in Federal expenditures. While on paper this resolution requires a 2-percent cut in payroll and a 10-percent cut in programs, since the fiscal year is almost half over, and will be two-thirds or three-quarters over by the time these reductions are fully implemented, the cuts will be telescoped into the latter part of fiscal year 1968, creating additional problems.

There are strong economic arguments against this measure. Unemployment is up—to 4.3 percent, for the third month in a row. Nonwhite unemployment has jumped to 8.8 percent. Industrial production is down. The average workweek is down. The rise in the rediscount rate—undertaken to compensate for international pressures on the dollar—while undesirable internally, does provide a deflationary effect, one of the arguments used for a cut in spending. Further deflationary measures, such as pulling $4.1 billion out of the economy may result in higher unemployment.

If a large deficit is feared, there are sounder and socially more equitable ways to increase revenue than to cut back important domestic programs. One way is through tax reform. It has been estimated that a sound tax reform package would yield some $5 billion.

Today there is the paradox of growing unemployment and growing inflation, while major sectors of the economy show dangerous signs of slack. An analysis of the consumer price index shows that 25 percent of price rises can be accounted for by spiraling medical costs and rising interest rates—the high cost of borrowed money. A reduction in Government spending is unlikely to reduce medical costs, nor is it likely to affect the demand on the borrowed money market.

Companies with unprecedented profit levels are reacting to proportionally higher wages by passing wage increases along to the consumer through price increases. A reduction in Government spending would also have little affect on this problem.

It is worth repeating that the looming Federal deficit is caused principally by spending for the war in Vietnam. The war has become the cause, if not the excuse, for the gutting of domestic programs. If such high war spending continues and the accompanying deficit needs to be reduced, the necessary revenue should be raised by reforming the tax structure and closing tax loopholes, which would pull out of the economy dollars which do not affect bread-and-butter purchasing power by low- and middle-income families.

The conference report should be examined in the light of the dubious wisdom of further gutting our domestic programs and the effect of this upon the crisis in our cities. By this test it should be defeated.

The question was taken; and there were—yeas 213, nays 183, not voting 36, as follows:

[Roll No. 430]

YEAS—213

Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Ashley
Aspinall
Barrett
Bevill
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Casey
Celler
Clark
Cohelan
Corman
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fisher
Flood
Flynt
Foley
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Hicks
Holifield
Holland
Howard
Hull
Hungate
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kazen
Kee
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kupferman
Kyl
Kyros
Landrum
Leggett
Long, La.
Long, Md.
McCarthy
McFall
McMillan
Machen
Madden
Mahon
Matsunaga
Meeds
Miller, Calif.
Mills
Minish
Mink
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Price, Ill.
Pryor
Pucinski
Purcell
Randall
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
St Germain
Scheuer
Selden
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Steed
Stephens
Stubblefield
Stuckey
Sullivan
Teague, Tex.
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Watts
White
Whitener
Whitten
Wilson, Charles H.
Wright
Yates
Young
Zablocki

NAYS—183

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baring
Battin
Belcher
Bennett
Berry
Betts
Biester
Blackburn
Bolton
Bow
Bray
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Conyers
Corbett
Cramer
Cunningham
Curtis
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Duncan
Dwyer
Edwards, Ala.
Esch
Eshleman
Findley
Ford, Gerald R.
Fulton, Pa.
Gardner
Gathings
Goodell
Goodling
Gross
Grover
Gubser
Gude
Gurney
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harvey
Helstoski
Horton
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Kastenmeier
Keith
Kleppe
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
McClory
McClure
McDade
McDonald, Mich.
McEwen
Macdonald, Mass.
MacGregor
Mailliard
Marsh
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Mize
Moore
Morse, Mass.
Morton
Mosher
Myers
Nelsen
O'Konski
Ottinger
Pelly
Pettis
Pirnie
Poff
Pollock
Pool
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Riegle
Robison
Rogers, Fla.
Roth
Roudebush
Rumsfeld
Ruppe
Ryan
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Vander Jagt
Wampler
Watkins
Whalen
Whalley
Widnall
Wiggins
Williams, Miss.
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—36

Annunzio
Bates
Bell
Bolling
Broomfield
Carter
Cowger
Dickinson
Erlenborn
Fino
Fountain
Frelinghuysen
Halleck
Hardy
Harrison
Harsha
Heckler, Mass.
Henderson
Herlong
Hosmer
King, N.Y.
Kuykendall
Lukens
McCulloch
Martin
Mathias, Md.
Nichols
Resnick
Rivers
St. Onge
Scott
Snyder
Stratton
Watson
Willis
Wyatt

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, which Mr. Martin against.

Mr. St. Onge for, with Mr. Harrison against.

Mr. Fountain for, with Mr. King of New York against.

Mr. Willis for, with Mr. Hosmer against.

Mr. Henderson for, with Mr. Halleck against.

Mr. Stratton for, with Mr. Frelinghuysen against.

Mr. Resnick for, with Mr. Erlenborn against.

Mr. Nichols for, with Mr. Fino against.

Mr. Hardy for, with Mr. Dickinson against.

Mr. Rivers for, with Mr. Snyder against.

Mr. REIFEL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. MAHON].

Mr. BOW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 368, nays 26, not voting 38, as follows:

[Roll No. 431]

YEAS—368

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Battin
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Corbett
Corman
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Hicks
Holifield
Holland
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neal, Ga.
Ottinger

Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Rumsfeld
Ruppe
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Miss.
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—26

Ashbrook
Burton, Calif.
Cohelan
Conyers
Diggs
Dingell
Edwards, Calif.
Farbstein
Ford, William D.
Gilbert
Hawkins
Helstoski
Kastenmeier
Michel
Mink
Moss
Nedzi
O'Konski
Rees
Reuss
Rosenthal
Roybal
Ryan
Scheuer
Wilson, Charles H.
Yates

NOT VOTING—38

Annunzio
Bates
Bell
Bolling
Broomfield
Button
Carter
Cowger
Dickinson
Erlenborn
Fino
Fountain
Frelinghuysen
Halleck
Hardy
Harrison
Harsha
Heckler, Mass.
Henderson
Herlong
Hosmer
King, N.Y.
Kuykendall
Lukens
Martin
Mathias, Md.
Multer
Nichols
O'Neill, Mass.
Resnick
Rivers
St. Onge
Snyder
Stratton
Ullman
Watson
Willis
Wyatt

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Halleck.
Mr. St. Onge with Mr. Bates.
Mr. Fountain with Mr. Frelinghuysen.
Mr. Willis with Mr. Snyder.
Mr. Hardy with Mr. Harrison.
Mr. Nichols with Mr. Martin.
Mr. Resnick with Mr. Cowger.
Mr. Henderson with Mr. Fino.
Mr. Herlong with Mr. Carter.
Mr. Stratton with Mr. Erlenborn.
Mr. Hicks with Mr. Wyatt.
Mr. Rivers with Mr. Broomfield.
Mr. Multer with Mr. King of New York.
Mr. O'Neill of Massachusetts with Mr. Hosmer.
Mr. Ullman with Mr. Harsha.

Mr. FARBSTEIN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on House Joint Resolution 888.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

POSTAL REVENUE AND FEDERAL SALARY ACT OF 1967—CONFERENCE REPORT

Mr. DULSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 7977) to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. For what purpose does the gentleman from Iowa [Mr. GROSS] rise?

Mr. GROSS. Mr. Speaker, I desire to submit a point of order against the conference report.

The SPEAKER. The gentleman will state his point of order.

Mr. GROSS. Mr. Speaker, I make a point of order against the conference report on the grounds that the House managers exceeded their authority and did not confine themselves to the differences committed to them, in violation of the rules and precedents of the House of Representatives.

The House bill, in section 107(a) provided a minimum charge of 3.8 cents for bulk third-class mail effective January 7, 1968. Section 107(a) of the Senate amendment provided a two-step minimum charge—the first of 3.6 cents effective January 7, 1968, and a second 4-cent rate effective January 1, 1969.

The differences committed to the conferees with respect to this postage rate and the effective dates for this rate were: A rate range between 3.6 cents and 4 cents; a January 7, 1968, effective date for a one-rate charge with no further rate provided; and January 7, 1968, and January 1, 1969, effective dates for any two-rate charges.

The conference report contains a two-rate charge—the first, 3.6 cents, effective January 7, 1968; the second, 4 cents, effective July 1, 1969.

The July 1, 1969, effective date for a second rate goes beyond the disagreements confided to the conferees. By agreeing to any effective date for a second rate beyond January 1, 1969, the House managers have clearly exceeded their authority.

Mr. Speaker, the precedents of the House, Cannon's Precedents, volume VIII, section 3264, have established that where two Houses fix different periods of time the conferees have latitude only between the two, but may not go beyond the longer nor within the shorter.

On March 2, 1915—third session, 53d Congress—CONGRESSIONAL RECORD, page 5208, the conference report was presented on S. 5259, to establish mail lines with foreign countries and known as the ship purchase bill.

Mr. Mann raised a point of order against the conference report on the grounds that it contained certain matter not properly before the conferees.

As passed by the Senate the bill would have gone into effect immediately.

As passed by the House, the bill contained an effective date of 2 years after passage.

The conference report provided an effective date of 3 years after passage.

Speaker Clark of Missouri sustained the point of order by stating:

> If there is anything settled about a conference between the two Houses it is this: Where two amounts are named, and the question is referred to Conferees, they may oscillate as much as they please between the two extremes, but they cannot go below the lower amount and they cannot go above the higher.
>
> But the limit of time was fixed at two years, and the Conferees extended it to three years. If they could extend it beyond two years, they could extend it until the end of time. Their limit was from zero to two. In the nature of things they could not go below zero; under the practice of the Houses they could not go higher.
>
> The Chair sustains the point of order.

Rule 28, clause 3 of the Rules of the House reads:

> Whenever a disagreement to an amendment in the nature of a substitute has been committed to a conference committee it shall be in order for the Managers on the part of the House to propose a substitute which is a germane modification of the matter in disagreement, *but their report shall not include matter not committed to the conference committee by either House.*

The Senate bill was an amendment—in the nature of a substitute for the House bill. The conference report is an additional substitute on the same subject. However, the conference report distinctly includes matter not committed to the conferees by either House, and I make the point of order on that basis.

Mr. Speaker, this conference report is another case where expediency has been given priority over the rules and precedents of this House and over orderly procedures. I cannot, in good conscience, participate in such maneuverings and, therefore, make the point of order on that basis only.

The SPEAKER. Does the gentleman from New York desire to be heard on the point of order?

Mr. DULSKI. Mr. Speaker, I concede the point of order.

The SPEAKER. The Chair sustains the point of order.

The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That this Act may be cited as the 'Postal Revenue and Federal Salary Act of 1967'.

"TITLE I—POSTAL RATES

"FIRST-CLASS MAIL

"SEC. 101. (a) Sections 4252 and 4253 of title 39, United States Code, are amended to read as follows:

" '§ 4252. Size and weight limits

" 'The maximum size of first-class mail is one hundred inches in length and girth combined and the maximum weight is seventy pounds.

" '§4253. Postage rates on first-class mail

" '(a) Postage on first-class mail is computed separately on each letter or piece of mail. Except as otherwise provided in this section, the rate of postage on first-class mail weighing thirteen ounces or less is 6 cents for each ounce or fraction of an ounce.

" '(b) First-class mail weighing more than thirteen ounces shall be mailed at the rates of postage established by section 4303(d) of this title and shall be entitled to the most expeditious handling and transportation practicable.

" '(c) The rate of postage for each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card conforming to section 4251(c) of this title is 5 cents.

" '(d) The rate of postage on business reply mail is the regular rate prescribed in this section, together with an additional charge thereon of 2 cents for each piece weighing two ounces or less and 5 cents for each piece weighing more than two ounces. The postage and charge shall be collected on delivery.'.

"(b) Section 4251(a) of title 39, United States Code, is amended by striking out 'and (4)' and inserting in lieu thereof '(4) bills and statements of account, and (5)'.

"(c) Subsection (d) of section 4251 of title 39, United States Code, relating to the definition of drop letters, is repealed.

"(d) The table of contents of chapter 59 of title 39, United States Code, is amended by striking out—

" '4252. Weight limit.'

and inserting in lieu thereof—

" '4252. Size and weight limits.'.

"AIRMAIL

"SEC. 102. (a) Subsections (a) and (b) of section 4303 of title 39, United States Code, are amended to read as follows:

" '(a) Except as provided in section 4304 of this title and subsection (b) of this section, the rate of postage on domestic airmail weighing not more than 7 ounces is 10 cents for each ounce or fraction thereof.

" '(b) The rate of postage on each postal card and post card sent as domestic airmail is 8 cents.'.

"(b) Subsection (d) of section 4303 of title 39, United States Code, is amended—

"(1) by striking out paragraph (1) and inserting in lieu thereof the following:

" '(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

	" 'Zones					
	Local 1, 2, and 3	4	5	6	7	8
Not over 1 lb	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
Over 1 lb. but not over 1½ lbs	.98	1.02	1.07	1.14	1.18	1.24
Over 1½ lbs. but not over 2 lbs	1.16	1.23	1.34	1.47	1.55	1.68
Over 2 lbs. but not over 2½ lbs	1.40	1.48	1.62	1.79	1.91	2.08
Over 2½ lbs. but not over 3 lbs	1.64	1.73	1.90	2.11	2.27	2.48
Over 3 lbs. but not over 3½ lbs	1.88	1.98	2.18	2.43	2.63	2.88
Over 3½ lbs. but not over 4 lbs	2.12	2.23	2.46	2.75	2.99	3.28
Over 4 lbs. but not over 4½ lbs	2.36	2.48	2.74	3.07	3.35	3.68
Over 4½ lbs. but not over 5 lbs	2.60	2.75	3.02	3.39	3.71	4.08

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

"Zones	Rate
Local and zones 1, 2, and 3	$0.48
Zone 4	.50
Zone 5	.56
Zone 6	.64
Zone 7	.72
Zone 8	.80.":

"(2) by deleting paragraph (2).

"(c) Section 4303(f) of title 39, United States Code, is amended by striking out 'the Virgin Islands or the Canal Zone' wherever appearing therein and inserting in lieu thereof 'or the Virgin Islands'.

"(d) Section 4301(2) of title 39, United States Code, is amended by striking out the word 'eight' and inserting in lieu thereof the figure '7'.

"SECOND-CLASS MAIL PREFERRED RATES

"SEC. 103. (a) Section 4358 of title 39, United States Code, is amended—

"(1) by striking out subsection (a) and inserting in lieu thereof the following:

" '(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec 31, 1969
Rate per pound	1.3	1.4	1.5
Minimum charge per piece	.2	.2	.2.';

"(2) by adding at the end thereof the following:

" '(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title, of qualified nonprofit organizations, are as follows:

" '[In cents]

	" 'During calendar year 1968	During calendar year 1969	During calendar year 1970	During calendar year 1971	During calendar year 1972	During calendar year 1973 and thereafter
Rate per pound:						
Advertising portion:						
Zones 1 and 2	2.35	2.9	3.45	4.0	4.55	5.1
Zone 3	2.55	3.3	4.05	4.8	5.55	6.3
Zone 4	2.95	4.1	5.25	6.4	7.55	8.7
Zone 5	3.35	4.9	6.45	8.0	9.55	11.1
Zone 6	3.5	5.2	6.9	8.6	10.3	12.0
Zone 7	3.5	5.2	6.9	8.6	10.3	12.0
Zone 8	3.5	5.2	6.9	8.6	10.3	12.0
Nonadvertising portion	1.9	2.0	2.1	2.1	2.1	2.1
Minimum charge per piece	.13	.14	.15	.15	.15	.15

" '(2) The postage on an issue of a publication referred to in paragraph (1), the advertising portion of which does not exceed 10 per centum of such issue, shall be computed without regard to the rates applicable to the advertising portion prescribed in such paragraph.

" '(e) The postage on classroom publications, mailed in accordance with section 4359(a) of this title, is 60 per centum of the postage computed in accordance with section 4359(b) of this title.

" '(f) The postage shall be 4.2 cents per pound on the advertising portion of publications (1) which are mailed for delivery in zones 1 and 2 in accordance with section 4359(a) of this title, (2) which are devoted to promoting the science of agriculture, and (3) when the total number of copies of the publications furnished during the twelve-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose.

" '(g) In lieu of the minimum charge per piece prescribed by section 4359(b) of this title, the minimum charge per piece for publications (other than publications to which subsection (d) and (e) of this section are applicable), when fewer than five thousand copies are mailed outside the county of publication, is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter.

" '(h) The publisher of a classroom publication, of a publication referred to in subsection (f) of this section, or of a publication of a nonprofit organization, before being entitled to the rates for the publications, shall furnish such proof of qualifications as the Postmaster General prescribes.

" '(i) For the purposes of the application of this section with respect to each publication having original entry at an independent incorporated city, an incorporated city which is situated entirely within a county, or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous.

" '(j) As used in this section—

" '(1) "classroom publication" means a religious, educational, or scientific publication entered as second-class mail and designed specifically for use in classrooms or in religious instruction classes;

" '(2) "a publication of a qualified nonprofit organization" means a publication published by and in the interest of one of the following types of organizations or associations if it is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual: Religious, educational, scientific, philanthropic, agricultural, labor, veterans', fraternal, nonprofit educational television stations, educational television agencies operated by a State or a political subdivision thereof, and associations of rural electric cooperatives, and not to exceed one publication published by the official highway or development agency of a State which meets all of the requirements of section 4354 and which contains no advertising;

" '(3) "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title."; and

"(3) by amending the section heading to read as follows:

" '§ 4358. Rates of postage; preferred'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

" '4358. Postage rates within county of publication."

and inserting in lieu thereof—

"'4358. Rates of postage; preferred.'.

"SECOND-CLASS MAIL REGULAR RATES

"SEC. 104. (a) Section 4359 of title 39, United States Code, is amended—

"(1) by striking out subsections (b), (c), (d), and (e) and inserting in lieu thereof the following:

"'(b) Except as otherwise provided in this section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]

	" Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound:			
Advertising portion:			
Zones 1 and 2	4.6	4.9	5.2
Zone 3	5.7	6.0	6.4
Zone 4	7.8	8.3	8.8
Zone 5	9.9	10.5	11.1
Zone 6	12.0	12.8	13.6
Zone 7	12.8	13.7	14.5
Zone 8	15.0	16.0	17.0
Nonadvertising portion	3.0	3.2	3.4
Minimum charge per piece	1.1	1.2	1.3.

"'(c) For the purpose of this section and section 4358 of this title, the portion of a publication devoted to advertisements shall include all advertisements inserted in the publication and attached permanently thereto.

"'(d)(1) Publications mailed in accordance with subsection (a), upon request by the publisher or news agent, may be transported by air on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). The Postmaster General may authorize the transportation of publications by air pursuant to this subsection only when such transportation does not impede the transportation of airmail, air parcel post, or air transportation of first-class mail on a space-available basis.

"'(2) The Postmaster General shall prescribe from time to time charges to be collected for matter transported by air pursuant to this section. The charges—

"'(A) shall be in addition to the payment of lawfully required postage;

"'(B) may not be adjusted more frequently than once every two years; and

"'(C) when prescribed or adjusted, shall equal, as nearly as practicable, the amount by which the allocated cost incurred by the Department for the delivery of such matter by air is in excess of the allocated cost which would have been incurred by the Department had such matter been delivered by surface transportation, and, when added to lawfully required postage, shall not be less than 4 cents per piece.

"'(e) As used in this section the term "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(2) by amending the section heading to read as follows:

"'4359. Rates of postage; regular'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

"4359. Postage rates beyond county of publication."

and inserting in lieu thereof—

"'§ 4359. Rates of postage; regular'.

"(c) Subsection (b) of section 4365 of title 39, United States Code, is amended by striking out 'bills,'.

"SECOND-CLASS TRANSIENT MAIL

"SEC. 105. Section 4362 of title 39, United States Code, is amended by striking out 'four cents' and inserting in lieu thereof '5 cents'.

"CONTROLLED CIRCULATION PUBLICATIONS

"SEC. 106. Section 4422 of title 39, United States Code, is amended to read as follows:

"'§ 4422. Rates of postage

"'The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:

"[In cents]

	"Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	14.3	15.1	16.0
Minimum charge per piece	1.9	2.9	3.8".

"THIRD-CLASS MAIL

"SEC. 107. (a) Subsections (a) and (b) of section 4452 of title 39, United States Code, are amended to read as follows:

"'(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

"'Type of mailing	Rates		Unit
	Mailed during calendar year 1968	Mailed after Dec. 31, 1968	
	Cents	Cents	
(1) Individual piece	6.0	6.0	First 2 ounces or fraction thereof.
	2.0	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of—			
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	16.0	16.0	Each pound or fraction thereof.
(B) Other matter	22.0	22.0	Do.
(C) Mimimum charge of	3.6	4.0	Per piece.

"'(b) Matter mailed in bulk under subsection (e) by qualified nonprofit organizations is subject to a minimum charge for each piece equal to 40 per centum of the minimum charge per piece provided under subsection (a), rounded off to the nearest one-tenth cent.'.

"(b) Subsection (b) of section 4451 of title 39, United States Code, relating to mailing certain bills and statements of account as third-class mail, is repealed.

"SPECIAL RATE FOURTH-CLASS MAIL

"SEC. 108. (a) Section 4554 of title 39, United States Code, is amended—

"(1) by amending so much of subsection (a) as precedes subparagraph (3) thereof to read as follows:

"'(a) Except as provided in subsection (b) of this section, the postage rate is 12 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—

"'(1) books, including books issued to supplement other books, containing twenty-four pages or more (at least twenty-two of which are printed), consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books, including any accompanying pad of forms or ballots for use in obtaining expressions of opinion with respect to questions related to the subject matter of the book;

"'(2) 16-millimeter or narrower width films, and catalogs of such films, except when sent to or from commercial theaters;';

"(2) by striking out in subsection (b)(1) '4 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof' and inserting in lieu thereof '5 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof';

"(3) by inserting in subsection (b)(1)(B) 'museums and herbaria,' immediately following 'public libraries,';

"(4) in subsection (b)(2) by striking out 'and' at the end of clause (E); by striking out the period at the end of clause (F) and inserting in lieu thereof '; and'; and by adding at the end of such subsection the following new clause:

"'(G) museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the education work and interests of museums and herbaria.';

"(5) by inserting in subsection (c) 'or narrower width' immediately following '16-millimeter', and 'museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria,' immediately following 'sound recordings,'; and

"(6) by amending subsection (e) to read as follows:

"'(e) Articles may be mailed under this section in quantities of one thousand or more in a single mailing, as defined by the Postmaster General, only in the manner directed by him.'.

"(b) Subparagraph (6) of section 4554(a) of title 39, United States Code, is amended by inserting 'playscripts and' immediately following '(6)'.

"(c) The section heading of section 4554 of title 39, United States Code, is amended to read—

"'§ 4554. Books, films, and other materials; preferred rates'.

"(c) The table of contents of chapter 67 of title 39, United States Code, is amended by striking out—

"'4554. Postage rates on books and films.'

and inserting in lieu thereof—

"'4554. Books, films, and other materials; preferred rates.'.

"KEYS AND OTHER SMALL ARTICLES

"SEC. 109. Subsection (b) of section 4651 of title 39, United States Code, is amended by striking out '6 cents for each two ounces or fraction thereof' and inserting in lieu thereof '14 cents for the first two ounces or fraction thereof, and 7 cents for each additional two ounces or fraction thereof,'.

"SPECIAL HANDLING SERVICE

"SEC. 110. Section 6008 of title 39, United States Code, is amended to read as follows:

"'§ 6008. Special handling

"'Upon payment of a special handling fee, third-class mail and fourth-class mail are entitled to the most expeditious handling and transportation practicable, but such mail is not required to receive the same handling and transportation as airmail.'.

"SEPARATION BY MAILER OF SECOND-CLASS MAIL

"SEC. 111. Section 4363 of title 39, United States Code, is amended to read as follows:

"'§ 4363. Separation by mailer of second-class mail

"'The Postmaster General may require publishers and news agents to make up and address second-class matter in accordance with a 5-digit ZIP code system.'.

"PRINTING ON SECOND-CLASS COVERS

"SEC. 112. Section 4365 of title 39, United States Code, is amended by adding a new subsection to read as follows:

" '(d) In addition to other matter authorized by this section to be contained, enclosed, or inserted in second-class mail, there may be included, in accordance with uniform regulations which the Postmaster General shall prescribe, on the envelopes, wrappers, and other covers in which copies of publications are mailed, messages and notices of a civic or public-service nature, if no charge is made for the inclusion of such messages and notices on such envelopes, wrappers, and covers.'.

"ADDITIONAL ENTRY POINTS

"SEC. 113. Section 4358(b) of title 39, United States Code, is amended to read as follows:

" '(b) The rates of postage on the following publications admitted as second-class mail, when mailed for delivery by letter carrier at the office of mailing, shall be as follows:

" '[Cents per copy]

	" 'Mailed at office of original entry	Mailed at an office of addtional entry during—		
		Fiscal year 1969	Fiscal year 1970	Fiscal year 1971 and thereafter
Published more frequently than weekly	1	1.5	2.0	2.5
Published less frequently than weekly:				
Weighing two ounces or less	1	1.5	2.0	2.5
Weighing more than two ounces	2	2.5	3.0	3.5'.

The rates prescribed in section 4359 of this title shall apply to publications published weekly and mailed at additional entry offices and to any publications mailed at an additional entry office which does not have letter carrier service.".

"MAIL MATTER FOR BLIND AND OTHER HANDICAPPED PERSONS

"SEC. 114. (a) Chapter 69 of title 39, United States Code, is amended by striking out sections 4653 and 4654 thereof and inserting in lieu thereof the following:

" '§ 4653. Matter for blind and other handicapped persons

" '(a) The matter described in subsection (b) (other than matter mailed under section 4654 of this title) may be mailed free of postage, if—

" '(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

" '(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

" '(3) the matter may be opened by the Postmaster General for inspection;

" '(4) the matter contains no advertising; and

" '(5) the matter is mailed subject to size and weight limitations prescribed by the Postmaster General.

" '(b) The free mailing privilege provided by subsection (a) is extended to—

" '(1) reading matter and musical scores;

" '(2) sound reproductions;

" '(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

" '(4) reproducers or parts thereof, for sound reproductions; and

" '(5) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

" '§ 4654. Unsealed letters sent by blind or physically handicapped persons

" 'Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 4653(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

" '§ 4655. Markings

" 'All matter relating to blind or other handicapped persons mailed under section 4653, or section 4654, of this title, shall bear the words "Free Matter for the Blind or Handicapped", or words to that effect specified by the Postmaster General, in the upper right-hand corner of the address area.'.

"(b) The table of contents of chapter 69 of title 39, United States Code, is amended by striking out—

" '4653. Publications for the blind.

" '4654. Reproducers and sound reproduction records for the blind.'

and inserting in lieu thereof—

" '4653. Matter for blind and other handicapped persons.

" '4654. Unsealed letters sent by blind or physically handicapped persons.

" '4655. Markings.'.

"(c) Section 4451(d) of title 39, United States Code, is repealed.

"PERMISSIBLE ENCLOSURES FOR FOURTH-CLASS MAIL

"SEC. 115. Section 4555(a) of title 39, United States Code, is amended—

"(1) by striking out "and" at the end of clause (9);

"(2) by striking out the period at the end of clause (10) and inserting in lieu thereof "; and"; and

"(3) by adding at the end thereof:

" '(11) invoices, whether or not also serving as bills, if they relate solely to the matter with which they are mailed.'.

"REIMBURSEMENT OF THE POSTAL SERVICE OF THE CANAL ZONE

"SEC. 116. (a) Chapter 57 of title 39, United States Code, is amended by adding at the end thereof the following new section:

" '§ 4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

" '(a) For the purposes of sections 4169(a), 4303(d)(5), and 4560 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 705(d) of this title.

" '(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.'.

"(b) The table of contents of chapter 57 of title 39, United States Code, is amended by adding—

" '4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.'

immediately below—

" '4169. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.'.

"SOLICITATIONS IN GUISE OF BILLS OR STATEMENTS OF ACCOUNT

"SEC. 117. (a) Section 4001 of title 39, United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

" '(c) Matter otherwise legally acceptable in the mails which—

" '(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

" '(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postmaster General shall prescribe—

" '(A) the following notice: "This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are not under obligation to make any payments on account of this offer unless you accept this offer."; or

" '(B) in lieu thereof, a notice to the same effect in words which the Postmaster General may prescribe.'.

"(b) The amendment made by this section shall become effective with respect to matter mailed on or after the ninetieth day following the effective date of this section.

"EFFECTIVE DATE

"SEC. 118. This title, except section 113, shall become effective on January 7, 1968. Section 113 shall become effective on July 1, 1968.

"CONFORMING AMENDMENTS

"SEC. 119. (a) (1) Subparagraph (A) of section 2303(a)(1) of title 39, United States Code, is repealed.

"(2) Subparagraph (D) of such section is amended to read as follows:

" '(D) free postage on reading matter and other articles for the blind and other handicapped persons as provided by sections 4653 and 4654 of this title;'.

"(3) Subparagraph (I) is amended by striking out 'educational'.

"(b) Section 4552(c) of such title is amended—

"(1) by inserting 'and' after the semicolon at the end of paragraph (4);

"(2) by striking out '; and' at the end of paragraph (5) and inserting in lieu thereof a period; and

"(3) by striking out paragraph (6).

"EDUCATIONAL TELEVISION

"SEC. 120. Section 4355(a) of title 29, United States Code, is amended by striking out the period at the end of item (10) and inserting in lieu thereof a semicolon and the word 'or', and by adding after item (10) the following new item:

" '(11) published by an educational television agency of a State or political subdivision thereof or by a nonprofit educational television station.'.

"TITLE II—FEDERAL SALARY INCREASES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Federal Salary Act of 1967'.

"EMPLOYEES SUBJECT TO THE GENERAL SCHEDULE

"SEC. 202. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

" 'GENERAL SCHEDULE

" 'Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,776	$3,902	$4,028	$4,154	$4,280	$4,406	$4,532	$4,658	$4,784	$4,910
GS-2	4,108	4,245	4,382	4,519	4,656	4,793	4,930	5,067	5,204	5,341
GS-3	4,466	4,615	4,764	4,913	5,062	5,211	5,360	5,509	5,658	5,807
GS-4	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489
GS-5	5,565	5,751	5,937	6,123	6,309	6,495	6,681	6,867	7,053	7,239
GS-6	6,137	6,342	6,547	6,752	6,957	7,162	7,367	7,572	7,777	7,982
GS-7	6,734	6,959	7,184	7,409	7,634	7,859	8,084	8,309	8,534	8,759
GS-8	7,384	7,630	7,876	8,122	8,368	8,614	8,860	9,106	9,352	9,598
GS-9	8,054	8,323	8,592	8,861	9,130	9,399	9,668	9,937	10,206	10,475
GS-10	8,821	9,115	9,409	9,703	9,997	10,291	10,585	10,879	11,173	11,467
GS-11	9,657	9,979	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555
GS-12	11,461	11,843	12,225	12,607	12,989	13,371	13,753	14,135	14,517	14,899
GS-13	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
GS-14	15,841	16,369	16,897	17,425	17,953	18,481	19,009	19,537	20,065	20,593
GS-15	18,404	19,017	19,630	20,243	20,856	21,469	22,082	22,695	23,308	23,921
GS-16	20,982	21,681	22,380	23,079	23,778	24,477	25,176	25,875	26,574	----------
GS-17	23,788	24,581	25,374	26,167	26,960	----------	----------	----------	----------	----------
GS-18	27,055	----------	----------	----------	----------	----------	----------	----------	----------	----------'

"(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

"(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

"(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

"(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive (A) the maximum rate for his grade in the new schedule, or (B) his existing rate of basic pay increased by 4.5 per centum, rounded to the next highest dollar, if such existing rate as so increased is higher.

"(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

"(5) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, was promoted from one grade under the General Schedule contained in section 5332(a) of title 5, United States Code, to another such grade at a rate which is above the minimum rate thereof, his rate of basic pay shall be adjusted retroactively from the effective date of this section to the date on which he was so promoted, on the basis of the rate which he was receiving during the period from such effective date to the date of such promotion and, from the date of such promotion, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in the amendment made by subsection (a) of this section which corresponds numerically to the step of the grade of the General Schedule to which such officer or employee was promoted as in effect (without regard to this title) at the time of such promotion.

"(6) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, became subject to the General Schedule and his rate of basic pay was set above the minimum rate of the grade on the basis of a previously earned rate above such minimum rate, his rate of basic pay shall be adjusted retroactively to the date on which he became subject to the General Schedule on the basis of the rate of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the rate of the grade at which the pay of such officer or employee was set at the time he became subject to the General Schedule.

"LIMITATION ON NUMBERS OF CERTAIN POSTAL POSITIONS

"SEC. 203. Section 3301 of title 39, United States Code, is amended by striking out 'salary levels 19 and 20' and inserting in lieu thereof 'salary levels 20 and 21'.

"CHANGES IN KEY POSITIONS IN POSTAL FIELD SERVICE

"SEC. 204. (a) That part of chapter 45 of title 39, United States Code, under the heading 'POSITIONS' is amended by striking out section 3512 and inserting in lieu thereof the following new sections:

" '§ 3512. Positions in salary level 1

" 'Cleaner. (KP–51)

" '(1) Basic function.—Performs a variety of light cleaning and housekeeping tasks in connection with the custodial maintenance of a postal installation.

" '(2) Duties and responsibilities.—

" '(A) Sweeps, mops, dusts, washes, and otherwise performs light cleaning and housekeeping tasks to maintain offices, washrooms, lobbies, corridors, stairways, and other areas of the building in neat and orderly condition.

" '(B) Performs such duties as dusting, waxing, and polishing office furniture, sweeping and mopping floors, vacuuming rugs, emptying wastebaskets and trash, washing interior window and partition glass and fixtures which can be reached without use of ladders or scaffolding.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.

" '§ 3512A. Positions in salary level 2

" 'Custodian. (KP–1)

" '(1) Basic function.—Performs manual laboring duties in connection with custody of an office or building.

" '(2) Duties and responsibilities.—

" '(A) Performs any combination of the following duties:

" '1. Moves furniture and equipment.

" '2. Uncrates and assembles furniture and fixtures, using bolts and screws for assembly.

" '3. Loads and unloads supplies and equipment.

" '4. Removes trash from work areas, lobbies, and washrooms.

" '5. Tends to lawns, shrubbery, and premises of the post office and cleans ice and snow from the sidewalks and driveways.

" '6. Stacks supplies in storage rooms and on shelves, and completes forms or records as required.

" '(B) May perform cleaning duties as assigned.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.'.

"(b) Each salary level number in the headings of sections 3513 to 3531, inclusive, of title 39, United States Code, and each other numerical reference to such salary level number in any other provision of such title (including the table of contents of chapter 45) which is not otherwise increased by this title, is increased by 1.

"(c) Each employee in the postal field service on the date of enactment of this title, whose position is placed in salary level 2 of the Postal Field Service Schedule by reason of the enactment of this section and section 205(e)(1) of this title, shall remain in salary level 2 of such schedule so long as he remains in such position or occupies, without break in service of more than thirty days, a position of a comparable level of duties, responsibilities, and work requirements in such salary level. When the employee leaves any such position, the position shall be appropriately ranked in accordance with chapter 45 of title 39, United States Code.

"(d) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting—

" '3512A. Positions in salary level 2.'

immediately below—

" '3512. Positions in salary level 1.'.

"POSTAL FIELD SERVICE EMPLOYEES

"SEC. 205. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

" '(a) There are established basic compensation schedules for positions in the postal field service which shall be known as the Postal Field Service Schedules and for which the symbol shall be "PFS". Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedules.

"POSTAL FIELD SERVICE SCHEDULE I

"[To be effective for the period beginning on the first day of the first pay period beginning on or after October 1, 1967, and ending immediately before the effective date of Postal Field Service Schedule II set forth below]

"PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,118	$4,255	$4,392	$4,529	$4,666	$4,803	$4,940	$5,077	$5,214	$5,351	$5,488	$5,625
2	4,460	4,607	4,754	4,901	5,048	5,195	5,342	5,489	5,636	5,783	5,930	6,077
3	4,826	4,984	5,142	5,300	5,458	5,616	5,774	5,932	6,090	6,248	6,406	6,564
4	5,215	5,391	5,567	5,743	5,919	6,095	6,271	6,447	6,623	6,799	6,975	7,151
5	5,651	5,838	6,025	6,212	6,399	6,586	6,773	6,960	7,147	7,334	7,521	7,708
6	6,044	6,246	6,448	6,650	6,852	6,054	7,256	7,458	7,660	7,862	8,064	8,266
7	6,482	6,697	6,912	6,127	7,342	7,557	7,772	7,987	8,202	8,417	8,632	8,847
8	6,939	7,170	7,401	7,632	7,863	8,094	8,325	8,556	8,787	9,018	9,249	----------
9	7,515	7,764	8,013	8,262	8,511	8,760	9,009	9,258	9,507	9,756	----------	----------
10	8,128	8,398	8,668	8,938	9,208	9,478	9,748	10,018	10,288	10,558	----------	----------
11	8,846	9,146	9,446	9,746	10,046	10,346	10,646	10,946	11,246	11,546	----------	----------
12	9,775	10,109	10,443	10,777	11,111	11,445	11,779	12,113	12,447	12,781	----------	----------
13	10,815	11,183	11,551	11,919	12,287	12,655	13,023	13,391	13,759	14,127	----------	----------
14	11,951	12,364	12,777	13,190	13,603	14,016	14,429	14,842	15,255	15,668	----------	----------
15	13,173	13,631	14,089	14,547	15,005	15,463	15,921	16,379	16,837	17,295	----------	----------
16	14,564	15,066	15,568	16,070	16,572	17,074	17,576	18,078	18,580	19,082	----------	----------
17	16,090	16,650	17,210	17,770	18,330	18,890	19,450	20,010	20,570	21,130	----------	----------
18	17,803	18,425	19,047	19,669	20,291	20,913	21,535	22,157	22,779	23,401	----------	----------
19	19,642	20,294	20,946	21,598	22,250	22,902	23,554	24,206	24,858	25,510	----------	----------
20	21,758	22,484	23,210	23,936	24,662	25,388	26,114	26,840	----------	----------	----------	----------
21	24,126	24,932	25,738	26,544	26,960	----------	----------	----------	----------	----------	----------	----------

"'POSTAL FIELD SERVICE SCHEDULE II

"'[To be effective on the first day of the first pay period beginning on or after July 1, 1968]

"'PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,324	$4,468	$4,612	$4,756	$4,900	$5,044	$5,188	$5,332	$5,476	$5,620	$5,764	$5,908
2	4,687	4,841	4,995	5,149	5,303	5,457	5,611	5,765	5,919	6,073	6,227	6,381
3	5,068	5,234	5,400	5,566	5,732	5,898	6,064	6,230	6,396	6,562	6,728	6,894
4	5,476	5,661	5,846	6,031	6,216	6,401	6,586	6,771	6,956	7,141	7,326	7,511
5	5,938	6,134	6,330	6,526	6,722	6,918	7,114	7,310	7,506	7,702	7,898	8,094
6	6,348	6,560	6,772	6,984	7,196	7,408	7,620	7,832	8,044	8,256	8,468	8,680
7	6,807	7,033	7,259	7,485	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293
8	7,286	7,529	7,772	8,015	8,258	8,501	8,744	8,987	9,230	9,473	9,716	----------
9	7,891	8,153	8,415	8,677	8,939	9,201	9,463	9,725	9,987	10,249	----------	----------
10	8,535	8,819	9,103	9,387	9,671	9,955	10,239	10,523	10,807	11,091	----------	----------
11	9,289	9,604	9,919	10,234	10,549	10,864	11,179	11,494	11,809	12,124	----------	----------
12	10,264	10,615	10,966	11,317	11,668	12,019	12,370	12,721	13,072	13,423	----------	----------
13	11,356	11,743	12,130	12,517	12,904	13,291	13,678	14,065	14,452	14,839	----------	----------
14	12,549	12,983	13,417	13,851	14,285	14,719	15,153	15,587	16,021	16,455	----------	----------
15	13,832	14,313	14,794	15,275	15,756	16,237	16,718	17,199	17,680	18,161	----------	----------
16	15,293	15,820	16,347	16,874	17,401	17,928	18,455	18,982	19,509	20,036	----------	----------
17	16,895	17,483	18,071	18,659	19,247	19,835	20,423	21,011	21,599	22,187	----------	----------
18	18,695	19,348	20,001	20,654	21,307	21,960	22,613	23,266	23,919	24,572	----------	----------
19	20,625	21,310	21,995	22,680	23,365	24,050	24,735	25,420	26,105	26,790	----------	----------
20	22,848	23,610	24,372	25,134	25,896	26,658	27,420	27,800	----------	----------	----------	----------
21	25,333	26,179	27,025	27,871	27,900	----------	----------	----------	----------	----------	----------	----------'.

"(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"'(a) There are established basic compensation schedules which shall be known as the Rural Carrier Schedules and for which the symbol shall be "RCS". Compensation shall be paid to rural carriers in accordance with such schedules.

"'RURAL CARRIER SCHEDULE I

"'[To be effective for the period beginning on the 1st day of the 1st pay period beginning on or after Oct. 1, 1967, and ending immediately before the effective date of Rural Carrier Schedule II set forth below]

	"'Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,531	$2,658	$2,785	$2,912	$3,039	$3,166	$3,293	$3,420	$3,547	$3,674	$3,801	$3,928
For each mile up to 30 miles of route	94	96	98	100	102	104	106	108	110	112	114	116
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

"'RURAL CARRIER SCHEDULE II

"'[To be effective on the 1st day of the 1st pay period beginning on or after July 1, 1968]

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,668	$2,804	$2,940	$3,076	$3,212	$3,348	$3,484	$3,620	$3,756	$3,892	$4,028	$4,164
For each mile up to 30 miles of route	99	101	103	105	107	109	111	113	115	117	119	121
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25'.

"(c) Section 3544 of title 39, United States Code, is amended to read as follows:

"'§ 3544. Compensation of postmasters at fourth-class offices

"'(a) The Postmaster General shall—

"'(1) rank each position of postmaster at a post office of the fourth class in salary level 6 of the Postal Field Service Schedule; and

"'(2) establish, and adjust from time to time, the annual rate of basic compensation, for each such position of postmaster so ranked, in an amount which bears the same ratio to the annual rate of basic compensation for full-time service in a position (other than postmaster at a post office of the fourth class) in the same step of salary level 6 of such schedule, as the average number of hours of service per day which the Postmaster General determines necessary to be performed by such postmaster to operate the post office, in the light of the postal needs of the patrons of the office, bears to the total number of hours per day of such full-time service.

Actions and determinations by the Postmaster General under this subsection shall be final and conclusive until changed by him.

"'(b) A person who performs the duties of postmaster at a post office of the fourth class where there is a vacancy, or during the absence of the postmaster on sick or annual leave or leave without pay, shall be compensated at the rate of basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.

" '(c) When required by the Postmaster General, a postmaster at a fourth-class office shall, and any other postmaster in PFS level 6 when permitted by the Postmaster General may, furnish quarters, fixtures, and equipment for an office on an allowance basis. The allowance for this purpose shall be an amount equal to 15 per centum of the basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determine under subsection (a) of this section.'.

"(d) Each postmaster at a post office of the fourth class on the effective date of Postal Field Service Schedule I shall be placed in salary level 6 of the Postal Field Service Schedule at the lowest step which provides a rate, determined under section 3544(a) of title 39, United States Code, which is at least equal to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. If there is no such step in salary level 6, he is entitled to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. For the purposes of this subsection, basic compensation in effect immediately prior to the effective date of Postal Field Service Schedule I shall be determined after giving effect to any change in salary step or revenue units category which would have occurred on the effective date of this section without regard to the enactment of this title.

"(e) The basic compensation of each employee subject to the Postal Field Service schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule I shall be determined as follows:

"(1) Each employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position, placed in the next higher salary level, which he had attained immediatley prior to such effective date.

"(2) Each employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

"(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of ths Act, such changes shall be deemed to have occurred prior to conversion.

"(4) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) or (2) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 6 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(f) The advancement of any employee to a higher salary level of the Postal Field Service Schedule by reason of the enactment of this section shall not be deemed to be an equivalent increase within the meaning of section 3552(a) of title 39, United States Code.

"(g) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule II shall be determined as follows:

"(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this title, such changes shall be deemed to have occurred prior to conversion.

"(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 5 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(h) Each employee whose position, by reason of the enactment of this section, is placed in a level of the Postal Field Service Schedule shall be entitled, for purposes of section 3560 of title 39, United States Code, to credit for time served in the postal field service prior to the effective date of this section.

"(i) The table of contents of chapter 45 of title 39, United States Code, is amended by striking out—

" '3544. Fourth Class Office Schedule.'

and inserting in lieu thereof—

" '3544. Compensation of postmasters at fourth-class offices.'

"CONFORMING AMENDMENTS

"SEC. 206. (a) Section 3560(a) of title 39, United States Code, is amended by striking out '(3) revenue unit category, with respect to the Fourth Class Office Schedule.' and inserting in lieu thereof '(3) minimum hours of service with respect to postmasters in fourth-class post offices.'.

"(b) Section 3560 (f) of title 39, United States Code, is amended by striking out '(1) reductions in class or revenue unit category of any post office, or/' and inserting in lieu thereof '(1) reductions in class or revenue units of any post office or in the minimum hours of service for a fourth-class post office, or'.

"(c) Subsections (b) and (c) of section 3573 of title 39, United States Code, are amended by striking 'lend PFS–10' and 'lend PFS–11', whenever appearing therein, and inserting in lieu thereof 'level PFS–11' and 'level PFS–12', respectively. Subsection (g) of section 3573 is amended by striking out 'PFS–17' and inserting 'PFS–18'.

"(d) Subsection (a) of section 3575 of title 39, United States Code, is amended by striking out 'level PFS–15' and inserting in lieu thereof 'level PFS–16'.

"(e) Any reference to a level of the Postal Field Service Schedule in any order, rule, regulation, or statute (other than title 39, United States Code) which is in effect on the effective date of this section shall be deemed to refer to the next higher level of the Postal Field Service Schedule.

"SPECIAL SALARY RATE RANGES

"SEC. 207. (a) Section 5303(a) of title 5, United States Code, is amended by striking out 'seventh pay rate' and inserting in lieu thereof 'maximum pay rate'.

"(b) Section 5303(d) of title 5, United States Code, is amended to read as follows:

" '(d) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (a) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.'.

"EMPLOYEES IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

"SEC. 208. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

" '§ 4107. Grades and pay scales

" '(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

" '*Section 4103 Schedule*

" 'Assistant Chief Medical Director, $27,055.

" 'Medical Director, $23,788 minimum to $26,960 maximum.

" 'Director of Nursing Service, $18,404 minimum to $23,921 maximum.

" 'Director of Chaplain Service, $18,404 minimum to $23,921 maximum.

" 'Chief Pharmacist, $18,404 minimum to $23,921 maximum.

" 'Chief Dietitian, $18,404 minimum to $23,921 maximum.

" '(b) (1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

" '*Physician and Dentist Schedule*

" 'Director grade, $20,982 minimum to $26,574 maximum.

" 'Executive grade, $19,576 minimum to $25,444 maximum.

" 'Chief grade, $18,404 minimum to $23,921 maximum.

" 'Senior grade, $15,841 minimum to $20,593 maximum.

" 'Intermediate grade, $13,507 minimum to $17,557 maximum.

" 'Full grade, $11,461 minimum to $14,899 maximum.

" 'Associate grade, $9,657 minimum to $12,555 maximum.

" '*Nurse Schedule*

" 'Assistant Director grade, $15,841 minimum to $20,593 maximum.

" 'Chief grade, $13,507 minimum to $17,557 maximum.

" 'Senior grade, $11,461 minimum to $14,899 maximum.

" 'Intermediate grade, $9,657 minimum to $12,555 maximum.

" 'Full grade, $8,054 minimum to $10,475 maximum.

" 'Associate grade, $7,033 minimum to $9,139 maximum.

" 'Junior grade, $6,137 minimum to $7,982 maximum.

" '(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

" '(c) Notwithstanding any other provision of law, the per annum salary rate for each individual serving as a director of a hospital, domiciliary, or center who is not a physician shall not be less than the salary rate which he would receive under this section if his service as a director of a hospital, domiciliary, or center had been service as a physician in the director grade. The position of the director of a hospital, domiciliary, or center shall not be subject to chapter 51 and subchapter III of chapter 53 of title 5.'.

"FOREIGN SERVICE OFFICERS; STAFF OFFICERS AND EMPLOYEES

"SEC. 209. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows: 'The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

" 'Class 1	$24,944	$25,776	$27,055				
Class 2	20,280	20,956	21,632	$22,308	$22,984	$23,660	$24,336
Class 3	16,616	17,170	17,724	18,278	18,832	19,386	19,940
Class 4	13,507	13,957	14,407	14,857	15,307	15,757	16,207
Class 5	11,120	11,491	11,862	12,233	12,604	12,975	13,346
Class 6	9,267	9,576	9,885	10,194	10,503	10,812	11,121
Class 7	7,816	8,076	8,336	8,596	8,856	9,116	9,376
Class 8	6,734	6,959	7,184	7,409	7,634	7,859	8,084'.

"(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870 (a)) is amended to read as follows: 'The per annum salaries of such staff officers and employees within each class shall be as follows:

" 'Class 1	$16,616	$17,170	$17,724	$18,278	$18,832	$19,386	$19,940	$20,494	$21,048	$21,602
Class 2	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
Class 3	11,120	11,491	11,862	12,233	12,604	12,975	13,346	13,717	14,088	14,459
Class 4	9,267	9,576	9,885	10,194	10,503	10,812	11,121	11,430	11,739	12,048
Class 5	8,351	8,629	8,907	9,185	9,463	9,741	10,019	10,297	10,575	10,853
Class 6	7,524	7,775	8,026	8,277	8,528	8,779	9,030	9,281	9,532	9,783
Class 7	6,905	7,135	7,365	7,595	7,825	8,055	8,285	8,515	8,745	8,975
Class 8	6,125	6,329	6,533	6,737	6,941	7,145	7,349	7,553	7,757	7,961
Class 9	5,575	5,761	5,947	6,133	6,319	6,505	6,691	6,877	7,063	7,249
Class 10	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489'.

"(c) Foreign Service officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

"AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEE EMPLOYEES

"SEC. 210. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"SALARY RATES FIXED BY ADMINISTRATIVE ACTION

"SEC. 211. (a) The rates of basic pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the effective date of section 202 of this title, by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this title are hereby authorized to be increased, effective on the effective date of section 202 of this title, by amounts not to exceed the increases provided by this title for corresponding rates of pay in the appropriate schedule or scale of pay.

"(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

"IMPLEMENTATION OF SALARY COMPARABILITY POLICY IN 1968 AND 1969

"SEC. 212. In order to complete the implementation of the policy of the Congress set forth in paragraph (2) of section 5301 of title 5, United States Code, the President, after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, shall—

"(1) effective on the first day of the first pay period beginning on or after July 1, 1968, adjust the rates of basic pay, basic compensation, and salary, as in effect by reason of the enactment of the provisions of this title other than this section and sections 205, 210, 213, 214, 215, and 219—

"(A) by amounts equal, as nearly as may be practicable, to one-half of the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1967 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, or

"(B) by 3 per centum,

whichever is greater; and

"(2) effective on the first day of the first pay period beginning on or after July 1, 1969, adjust the rates he has established under subparagraph (1) of this section, and the rates established by Postal Field Service Schedule II, and Rural Carrier Schedule II (contained in the amendments made by subsections (a) and (b) of section 205), by amounts equal as nearly as may be practicable, to the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1968 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code. Adjustments made by the President under this section shall have the force and effect of statute. The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e)), and 214 of this title, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made by the President under subparagraphs (1) and (2) of this section, by the following authorities—

"(i) the President pro tempore of the Senate, with respect to the United States Senate;

"(ii) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

"(iii) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

"(iv) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(v) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute. Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

"JUDICIAL BRANCH EMPLOYEES

"SEC. 213. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, section 671 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 202 (a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 202 (a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(d) The first paragraph of section 603 of title 28, United States Code, relating to the compensation of the Director and the Deputy Director of the Administrative Office of the United States Courts, is amended to read as follows:

" 'The salary of the Director shall be the same as the salary of a district judge. The salary of the Deputy Director shall be in the same amount as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5.'.

"(e) Section 792(b) of title 28, United States Code, is amended by striking out '$26,000' and inserting in lieu thereof '$29,000'.

"LEGISLATIVE BRANCH EMPLOYEES

"SEC. 214. (a) Except as otherwise provided in this title, each officer or employee in or under the legislative branch of the Government, whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946, shall be paid additional compensation at the rate of 4.5 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

"(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased by reason of any other provision of this section, shall be increased by 4.5 per centum.

"(c) The rate of compensation of employees of the House of Representatives whose compensation is fixed by the House Employees Schedule under the House Employees Position Classification Act (78 Stat. 1079–1084; Public Law 88–652; 2 U.S.C. 291–303), including each employee subject to such Act whose compensation is fixed at a saved rate, are hereby increased by amounts equal, as nearly as may be practicable, to the increases provided by subsection (a) of this section.

"(d) Except as provided in the last sentence of section 218(a) of this title, the additional compensation provided by this section shall be considered a part of basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement.

"(e) The per annum rate of compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be the same as the per annum rate of compensation of the Legislative Counsel of the House of Representatives.

"(f) This section shall not apply with respect to the compensation of student congressional interns and the compensation of employees whose compensation is fixed by the House Wage Schedule under the House Employees Position Classification Act.

"(g) The annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate, and the annual rate of gross compensation of each telephone operator on the United States Capitol telephone exchange and each member of the Capitol Police whose compensation is disbursed by the Clerk of the House of Representatives, (1) is increased by 4.5 per centum, and (2) as so increased shall be adjusted, effective the first day of the month following the date of enactment of this Act, to the nearest multiple of $188.

"(h) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate, or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute or Senate resolution, such statutory provision or resolution shall be deemed to refer to the rate which an officer or employee subject to the provisions of subsection (g) receiving such rate immediately prior to the effective date of such subsection would be entitled (without regard to such statutory provision) to receive on and after such date. As used in this subsection and subsection (g), the term 'officer' does not include a Senator.

"(i) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective on the first day of the month following the date of enactment of this Act, to the lowest multiple of $188 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose rate of compensation is adjusted under this subsection shall receive an increase under subsection (g) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act. No increase shall be paid to any person under subsection (g) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Senator (other than the Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given. An increase under this subsection in the compensation of an employee in the office of a Senator for any period prior to the first day of the month following the date of enactment of this Act shall be made without regard to the clerk hire allowance of such Senator.

"(j) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, is amended by striking out '$180' and inserting in lieu thereof '$188'.

"(k) Section 105(d)(1) of such Act is amended by striking out the table and inserting in lieu thereof the following:

" '$199,280 if the population of his State is less than 3,000,000;

" '$212,440 if such population is 3,000,000 but less than 4,000,000;

" '$223,720 if such population is 4,000,000 but less than 5,000,000;

" '$234,060 if such population is 5,000,000 but less than 7,000,000;

" '$245,340 if such population is 7,000,000 but less than 9,000,000;

" '$258,500 if such population is 9,000,000 but less than 10,000,000;

" '$271,660 if such population is 10,000,000 but less than 11,000,000;

" '$284,820 if such population is 11,000,000 but less than 12,000,000;

" '$297,980 if such population is 12,000,000 but less than 13,000,000;

" '$311,140 if such population is 13,000,000 but less than 15,000,000;

" '$324,300 if such population is 15,000,000 but less than 17,000,000;

" '$338,400 if such population is 17,000,000 or more.'

"(l) Section 105 of such Act is amended by striking out '$1,080', '$6,120', '$10,620', '$10,800', '$14,220', '$14,400', '$15,660', '$15,840', '$18,180', '$22,320', $23,400', and '$24,480' wherever they appear in such section and inserting in lieu thereof '$1,128', '$6,392', '$11,092', '$11,280', '$14,852', '$15,040', '$16,356', '$16,544', '$18,988', '$23,312', '$24,440', and '$25,568', respectively.

"(m) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 4.5 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (g) shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading SENATE in the Second Deficiency Appropriations Act, 1948.

"(n) The first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60j), is amended by striking out '$540' and inserting in lieu thereof '$564'.

"(o) Section 5533(c) of title 5, United States Code, is amended to read as follows:

" '(c)(1) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the aggregate gross pay from the positions exceeds $6,256 a year, and if—

" '(A) the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

" '(B) one of the positions is under the Office of the Architect of the Capitol.

" '(2) For the purpose of this subsection, "gross pay" means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual, and, in the case of an individual receiving basic pay plus additional compensation provided by law, includes the aggregate amount received as basic and additional compensation, but does not include sums received as premium pay under subchapter V of this chapter.'.

"INCREASES IN BASIC PAY RATES FOR LEVELS III, IV, AND V OF EXECUTIVE SCHEDULE

"SEC. 215. (a) Section 5314 of title 5, United States Code, relating to the basic pay rate for level III of the Executive Schedule, is amended by striking out '$28,500' and inserting in lieu thereof '$29,500'.

"(b) Section 5315 of title 5, United States Code, relating to the basic pay rate for level IV of the Executive Schedule, is amended by striking out '$27,000' and inserting in lieu thereof '$28,750'.

"(c) Section 5316 of title 5, United States Code, relating to the basic pay rate for level V of the Executive Schedule, is amended by striking out '$26,000' and inserting in lieu thereof '$28,000'.

"SALARY INCREASE LIMITATIONS

"SEC. 216. Except as provided in sections 213 (d) and (e), 214 (a) through (f), 215, and 219, no rate of compensation shall be increased, by reason of the enactment of this title, to an amount in excess of the salary rate now or hereafter in effect for level V of the Executive Schedule in section 5316 of title 5, United States Code.

"UNCONTROLLABLE OVERTIME DUTY

"SEC. 217. Section 5545(c)(2) of title 5, United States Code, is amended by striking out '15' and inserting in lieu thereof '25'.

"PAYMENT OF RETROACTIVE COMPENSATION

"SEC. 218. (a) Retroactive pay, compensation, or salary shall be paid by reason of this title only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this title, except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, for services rendered during such period, and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

"SALARIES OF LEGISLATIVE OFFICIALS

"SEC. 219. (a) Section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415) is amended as follows:

"(1) in subsection (c), by striking out "$27,000" and inserting in lieu thereof "$28,000";

"(2) in subsection (d), by striking out "$25,000" and inserting in lieu thereof "$27,250"; and

"(3) in subsection (e), by striking out '$23,500' and inserting in lieu thereof '$25,000'.

"(b) Notwithstanding any other provision of law, no officer or employee of the General Accounting Office, the Library of Congress, the Government Printing Office, or the Office of the Architect of the Capitol, whose pay is fixed in accordance with the General Schedule under section 5332 of title 5, United States Code, shall be paid at an annual rate in excess of $27,055 by reason of the operation of section 212 of this Act.

"EFFECTIVE DATES

"SEC. 220. (a) Except as otherwise expressly provided, this title shall take effect as follows:

"(1) This section and sections 201, 207, 212, 218, 221, and 224 (a) and (b) shall become effective on the date of enactment of this title.

"(2) Sections 202, 203, 204, 205, 206, 208, 209, 210, 211, 213 (except subsections (d) and (e)), 214 (except subsections (j) (k), (l), (n), and (o)), and 216 shall become effective as of the beginning of the first pay period which began on or after October 1, 1967.

"(3) Sections 213 (d) and (e), 214 (j), (k), (l), (n), and (o), 215, 217, 219, and 224(c) shall become effective at the beginning of the first pay period which begins on or after the date of enactment of this title.

"(4) Sections 222 and 223 shall become effective thirty days after the date of enactment of this title.

"(b) For the purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Federal employees—

"(1) all changes in rates of pay which result from the enactment of this title (except Postal Field Service Schedule II, Rural Carrier Schedule II, and sections 207, 212, 213 (d) and (e), 215, and 219) shall be held and considered to become effective as of the date of such enactment; and

"(2) all changes in rates of pay which result from the enactment of section 212 of this title and which take effect retroactively from the date on which the adjustments thereof are actually ordered under such section, shall be held and considered to become effective on the date on which such adjustments are actually ordered.

"EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

"SEC. 231. (a) Chapter 31 of title 5, United States Code, is amended by adding at the end thereof the following new section:

" '§ 3110. Employment of relatives; restrictions

" '(a) For the purpose of this section—

" '(1) "agency" means—

" '(A) an Executive agency;

" '(B) an office, agency, or other establishment in the legislative branch;

" '(C) an office, agency, or other establishment in the judicial branch; and

" '(D) the government of the District of Columbia;

" '(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

" '(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

" '(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

" '(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

" '(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

" '(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible.'

"(b) The analysis of chapter 31 of title 5, United States Code, is amended by adding the following new item at the end thereof:

" '3110. Employment of relatives; restrictions.'.

"(c) The amendments made by this section do not apply to an appointment, employment, advancement, or promotion made or advocated by a public official of any individual who is a relative of the public official if, prior to the effective date of this section, the individual was appointed by the public official, or received an appointment advocated by the public official, and is serving under the appointment on such effective date.

"TRAVEL STATUS

"SEC. 222. (a) Section 5542(b)(2)(B) of title 5, United States Code, is amended to read as follows:

" '(B) the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(b) Section 3571 of title 39, United States Code, is amended by adding at the end thereof a new subsection as follows:

" '(e) Time spent in a travel status away from the official duty station of an employee is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(c) Subchapter II of chapter 57 of title 5, United States Code, is amended—

"(1) by adding at the end of thereof the following new section:

" '§ 5733. Expeditious travel

" 'The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.'; and

"(2) by inserting after item 5732 in the analysis of such subchapter the following new item:

" '5733. Expeditious travel.'

"(d) Section 5544(a) of title 5, United States Code, is amended by inserting immediately at the end thereof the following new sentence: 'Time spent in a travel status away from the official duty station of an employee subject to this subsection is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"APPEALS FROM POSITION CLASSIFICATIONS OF WAGE BOARD EMPLOYEES

"SEC. 223. (a) Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

" '§ 5345. Position classification appeals'

"On application, made in accordance with regulations prescribed by the Civil Service Commission, by an employee subject to section 5341(a) of this title for the review of the action of an employing agency in classifying his position for pay purposes, the Commission shall—

" '(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

" '(2) decide whether the position has been properly classified; and

" '(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in classifying the position.

The Commission shall certify to the agency concerned its action under paragraph (3) of this section. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.".

"(b) The analysis of chapter 53 is amended by inserting the following new item after item 5344:

" '5345. Position classification appeals.'.

"MISCELLANEOUS PROVISIONS

"SEC. 224. (a) Section 4101(2)(B) of title 5, United States Code, is amended by striking out 'Coast and Geodetic Survey' and inserting in lieu thereof 'Environmental Science Services Administration'.

"(b)(1) Section 8339(e)(2) of title 5, United States Code, is amended to read as follows:

" '(2) the greater of—

" '(A) the final basic pay of the Member; or

" '(B) the final basic pay of the appointive position of a former Member who elects to have his annuity computed or recomputed under section 8344(b)(1) of this title.'.

"(2) Section 8348(g) of title 5, United States Code, shall not apply to benefits resulting from the amendment made by this subsection.

"(c) Section 1(b) of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), as amended, is amended by striking out '$65,000' and inserting in lieu thereof '$80,-

000', and by striking out the fourth sentence therein and inserting in lieu thereof the following: 'The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.'.

"WABASH VALLEY INTERSTATE COMMISSION

"SEC. 225. (a) The Federal representative to the Wabash Valley Interstate Commission appointed under section 2 of the Act of September 23, 1959 (Public Law 86-375; 73 Stat. 698), is hereby covered into the competitive service under title 5, United States Code. Nothing in this subsection shall be construed to affect the provisions of section 2 of such Act relating to the compensation of such representative.

"(b) The Federal representative to the Wabash Valley Interstate Commission shall be subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and to the provisions of chapter 87 of such title, relating to life insurance.

"SEC. 226. (a) The paragraph under the heading 'Stationery (revolving fund)' in the appropriations for the Senate in title IV of the Foreign Aid and Related Agencies Appropriation Act, 1964 (77 Stat. 864; 2 U.S.C. 46a), is amended by adding at the end thereof the following: 'The allowance for stationery shall hereafter be available only for (1) purchases made through the Senate stationery room of stationery and other office supplies for use of official business, and (2) reimbursement upon presentation, within thirty days after the close of the fiscal year for which the allowance is provided or receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the Senate stationery room) for use for official business in an office maintained by a Senator in his home State. Any part of the allowance for stationery which remains unobligated at the end of the fiscal year 1968 or any subsequent fiscal year shall be withdrawn from the revolving fund established by the Third Supplemental Appropriation Act, 1957 (71 Stat. 188; 2 U.S.C. 46a-1), and covered into the general fund of the Treasury.'

"(b) The stationery allowance, as authorized by law, for each Member of the House of Representatives and each Resident Commissioner shall hereafter be available only for (1) purchases made through the House stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the session for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the House stationery room) for use for official business in an office maintained by a Member in his home State. Any part of the stationery allowance which remains unobligated at the end of the session for which it is available, beginning with the first session of the Ninetieth Congress, shall be withdrawn from the revolving fund established by the Legislative Branch Appropriation Act, 1948 (61 Stat. 366; 2 U.S.C. 46b-1), and covered into the general fund of the Treasury.

"TITLE III—PROHIBITION OF PANDERING ADVERTISEMENTS

"SEC. 301. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end of such chapter the following new section:

"'§ 4009. Prohibition of pandering advertisements in the mails

"'(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postmaster General to refrain from further mailings of such materials to designated addressees thereof.

"'(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postmaster General shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"'(c) The order of the Postmaster General shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addresses, effective on the thirtieth calendar day after receipt of the order. The order of the Postmaster General shall also direct the sender and his agents or assigns to delete immediately the names of the designated addresses from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addresses.

"'(d) Whenever the Postmaster General believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, he shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for his belief and request that any response thereto be filed in writing with the Postmaster General within fifteen days after the date of such service. If the Postmaster General, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, he is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"'(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"'(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"'(g) Upon request of any addressee, the order of the Postmaster General shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"'(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of part I of title 5, United States Code, shall not apply to any provisions of this section.

"'(i) For the purposes of this section—

"'(1) mail matter, directed to a specific address covered in the order of the Postmaster General, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postmaster General's order; and

"'(2) the term "children" includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.'.

"(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

"'4009. Prohibition of pandering advertisements in the mails.'.

"SEC. 302. The provisions of this title shall become effective on the one hundred and twentieth day after the date of enactment of this Act.

"TITLE IV—FEDERAL EMPLOYEES LIFE INSURANCE

"SEC. 401. Section 8704(a) of title 5, United States Code, is amended to read as follows:

"'(a) An employee eligible for insurance is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule, which schedule shall be automatically extended correspondingly by the amounts of increases in the annual rate of basic pay for positions at level II of the Executive Schedule under section 5313 of this title:

"'If annual pay is—		The amount of group life insurance is—	The amount of group accidental death and dismemberment insurance is—
Greater than—	But not greater than—		
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
9,000	10,000	12,000	12,000
10,000	11,000	13,000	13,000
11,000	12,000	14,000	14,000
12,000	13,000	15,000	15,000
13,000	14,000	16,000	16,000
14,000	15,000	17,000	17,000
15,000	16,000	18,000	18,000
16,000	17,000	19,000	19,000
17,000	18,000	20,000	20,000
18,000	19,000	21,000	21,000
19,000	20,000	22,000	22,000
20,000	21,000	23,000	23,000
21,000	22,000	24,000	24,000
22,000	23,000	25,000	25,000
23,000	24,000	26,000	26,000
24,000	25,100	27,000	27,000
25,000	26,000	28,000	28,000
26,000	27,000	29,000	29,000
27,000	28,000	30,000	30,000
28,000	29,000	31,000	31,000
29,000	------------	32,000	32,000'.

"SEC. 402. Section 8707 of title 5, United States Code, is amended to read as follows:

"'§ 8707. Employee deductions; withholding

"'During each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, there shall be withheld from the pay of the employee his share of the cost of the group life insurance and accidental death and dismemberment insurance. The amount withheld shall be at the rate, adjusted to the nearest half-cent, of 66⅔ percent of the level cost of each $1,000 of insurance, as determined by the Commission.'.

"SEC. 403. Section 8708(a) of title 5. United States Code, is amended to read as follows:

"'(a) For each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, a sum equal to one-half the amount which is withheld from the pay of the employee under section 8707 of this title shall be contributed from the appropriation or fund which is used to pay him.'.

"SEC. 404. Chapter 87 of title 5, United States Code, is amended—

"(1) by adding the following new section:

"'§ 8714a. Optional insurance

"'(a) Under the conditions, directives, and terms specified in sections 8709-8712 of this title, the Civil Service Commission, without regard to section 5 of title 41, may purchase a policy which shall make available to each insured employee equal amounts of optional life insurance and accidental death and dismemberment insurance in addition to the amounts provided in section 8704(a) of this title.

" '(b) The optional life insurance and accidental death and dismemberment insurance shall be made available to each insured employee under such conditions as the Commission shall prescribe and in amounts approved by the Commission but not more than the greater of $10,000 or an amount which, when added to the amount provided in section 8704(a) of this title, makes the sum of his insurance equal to his annual pay.

" '(c) (1) The optional insurance on an employee stops on his separation from service, 12 months after discontinuance of his pay, or on his entry on active duty or active duty for training, as provided in sections 8706(a) and 8706(d) of this title.

" '(2) So much of the optional life insurance in force on an employee on the date he retires on an immediate annuity or becomes entitled to receive compensation for work injuries which has been in force for not less than—

" '(A) the full period or periods of service during which the optional insurance was available to him; or

" '(B) the 12 years of service immediately preceding his retirement or beginning date of entitlement to compensation for work injuries and during which the optional insurance was available to him;

whichever is shorter, may be continued—

" '(A) after retirement, under the same conditions (except with respect to cost but including reduction of the amount continued) as provided in section 8706(b) of this title; or

" '(B) while in receipt of compensation for work injuries under the same conditions (except with respect to cost) as provided in section 8706(c) of this title.

" '(d) During each period in which an employee has the optional insurance the full cost thereof shall be withheld from his pay. During each period in which an employee continues optional life insurance after retirement or while in receipt of compensation for work injuries, as provided in section 8706(b) or 8706(c) of this title the full cost thereof shall be withheld from his annuity or compensation, except that, at the end of the calendar month in which he becomes 65 years of age, the optional life insurance shall be without cost to him. Amounts so withheld shall be deposited, used, and invested as provided in section 8714 of this title and shall be reported and accounted for separately from amounts withheld and contributed under sections 8707 and 8708 of this title.

" '(e) The cost of the optional insurance shall be determined from time to time by the Commission on the basis of such age groups as it considers appropriate.

" '(f) The amount of optional life, or life and accidental death, insurance in force on an employee at the date of his death shall be paid as provided in section 8705 of this title."; and

"(2) by inserting in the analysis of such chapter the following new item after item 8714:

" '8714a. Optional insurance.'.

"SEC. 405. (a) The amendments made by sections 401–403 of this Act shall take effect on the first day of the first pay period which begins on or after the sixtieth day following the date of enactment and shall have no effect in the case of an employee who died, was finally separated, or retired prior to the date of enactment. In the case of an employee who dies or retires during the period beginning on the date of enactment of this Act and prior to the effective date of the amendments made by sections 401–403 of this Act, the amount of insurance shall be determined as if the amendments made by section 401 were in effect for such employee during such period.

"(b) The amendments made by section 404 of this Act shall take effect on the first day of the first pay period which begins on or after the one hundred and eightieth day following the date of enactment or on any earlier date which is at least sixty days after the date of enactment that the Civil Service Commission may prescribe and shall have no effect in the case of an employee who died, was finally separated, or retired prior to such effective date.

"SEC. 406. The Employees Life Insurance Fund is available without limitation for expenses incurred by the Civil Service Commission in carrying out section 404 of this Act."

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with and that it be printed in full in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DULSKI moves that the House recede from its disagreement to the amendment of the Senate to the bill (H.R. 7977) and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Postal Revenue and Federal Salary Act of 1967'.

"TITLE I—POSTAL RATES

"FIRST-CLASS MAIL

"SEC. 101. (a) Sections 4252 and 4253 of title 39, United States Code, are amended to read as follows:

" '§ 4252. Size and weight limits

" 'The maximum size of first-class mail is one hundred inches in length and girth combined and the maximum weight is seventy pounds.

" '§ 4253. Postage rates on first-class mail

" '(a) Postage on first-class mail is computed separately on each letter or piece of mail. Except as otherwise provided in this section, the rate of postage on first-class mail weighing thirteen ounces or less is 6 cents for each ounce or fraction of an ounce.

" '(b) First-class mail weighing more than thirteen ounces shall be mailed at the rates of postage established by section 4303(d) of this title and shall be entitled to the most expeditious handling and transportation practicable.

" '(c) The rate of postage for each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card conforming to section 4251(c) of this title is 5 cents.

" '(d) The rate of postage on business reply mail is the regular rate prescribed in this section, together with an additional charge thereon of 2 cents for each piece weighing two ounces or less and 5 cents for each piece weighing more than two ounces. The postage and charge shall be collected on delivery.'.

"(b) Section 4251(a) of title 39, United States Code, is amended by striking out 'and (4)' and inserting in lieu thereof '(4) bills and statements of account, and (5)'.

"(c) Subsection (d) of section 4251 of title 39, United States Code, relating to the definition of drop letters, is repealed.

"(d) The table of contents of chapter 59 of title 39, United States Code, is amended by striking out—

" '4252. Weight limit.'

and inserting in lieu thereof—

" '4252. Size and weight limits.'.

"AIRMAIL

"SEC. 102. (a) Subsections (a) and (b) of section 4303 of title 39, United States Code, are amended to read as follows:

" '(a) Except as provided in section 4304 of this title and subsection (b) of this section, the rate of postage on domestic airmail weighing not more than 7 ounces is 10 cents for each ounce or fraction thereof.

" '(b) The rate of postage on each postal card and post card sent as domestic airmail is 8 cents.'.

"(b) Subsection (d) of section 4303 of title 39, United States Code, is amended—

"(1) by striking out paragraph (1) and inserting in lieu thereof the following:

" '(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

	" 'Zones					
	Local 1, 2, and 3	4	5	6	7	8
Not over 1 lb	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
Over 1 lb. but not over 1½ lbs	.98	1.02	1.07	1.14	1.18	1.24
Over 1½ lbs. but not over 2 lbs	1.16	1.23	1.34	1.47	1.55	1.68
Over 2 lbs. but not over 2½ lbs	1.40	1.48	1.62	1.79	1.91	2.08
Over 2½ lbs. but not over 3 lbs	1.64	1.73	1.90	2.11	2.27	2.48
Over 3 lbs. but not over 3½ lbs	1.88	1.98	2.18	2.43	2.63	2.88
Over 3½ lbs. but not over 4 lbs	2.12	2.23	2.46	2.75	2.99	3.28
Over 4 lbs. but not over 4½ lbs	2.36	2.48	2.74	3.07	3.35	3.68
Over 4½ lbs. but not over 5 lbs	2.60	2.73	3.02	3.39	3.71	4.08

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

" 'Zones	Rate
Local and zones 1, 2, and 3	$0.48
Zone 4	.50
Zone 5	.56
Zone 6	.64
Zone 7	.72
Zone 8	.80.';

"(2) by deleting paragraph (2); and

"(3) by striking out in paragraph (5), subparagraphs (B) and (C) and inserting in lieu thereof the following:

" '(B) second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office (i) in an overseas area designated by the President under section 4169 of this title or (ii) in an isolated, hardship or combat support area overseas, or where adequate surface transportation is not available; and

" '(C) parcels of any class of mail exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.'.

"(c) Section 4303(f) of title 39, United States Code, is amended by striking out 'the Virgin Islands or the Canal Zone' wherever appearing therein and inserting in lieu thereof 'or the Virgin Islands'.

"(d) Section 4301(2) of title 39, United States Code, is amended by striking out the word 'eight' and inserting in lieu thereof the figure '7'.

"SECOND-CLASS MAIL PREFERRED RATES

"SEC. 103. (a) Section 4358 of title 39, United States Code, is amended—

"(1) by striking out subsection (a) and inserting in lieu thereof the following:

" '(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	1.3	1.4	1.5
Minimum charge per piece	.2	.2	.2.';

"(2) by adding at the end thereof the following:

" '(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title, of qualified nonprofit organizations, are as follows:

" '[In cents]

	" 'During calendar year 1968	During calendar year 1969	During calendar year 1970	During calendar year 1971	During calendar year 1972	During calendar year 1973 and thereafter
Rate per pound:						
Advertising portion:						
Zones 1 and 2	2.35	2.9	3.45	4.0	4.55	5.1
Zone 3	2.55	3.3	4.05	4.8	5.55	6.3
Zone 4	2.95	4.1	5.25	6.4	7.55	8.7
Zone 5	3.35	4.9	6.45	8.0	9.55	11.1
Zone 6	3.5	5.2	6.9	8.6	10.3	12.0
Zone 7	3.5	5.2	6.9	8.6	10.3	12.0
Zone 8	3.5	5.2	6.9	8.6	10.3	12.0
Nonadvertising portion	1.9	2.0	2.1	2.1	2.1	2.1
Minimum charge per piece	.13	.15	.2	.2	.2	.2

" '(2) The postage on an issue of a publication referred to in paragraph (1), the advertising portion of which does not exceed 10 per centum of such issue, shall be computed without regard to the rates applicable to the advertising portion prescribed in such paragraph.

" '(e) The postage on classroom publications, mailed in accordance with section 4359 (a) of this title, is 60 per centum of the postage computed in accordance with section 4359(b) of this title.

" '(f) The postage shall be 4.2 cents per pound on the advertising portion of publications (1) which are mailed for delivery in zones 1 and 2 in accordance with section 4359(a) of this title, (2) which are devoted to promoting the science of agriculture, and (3) when the total number of copies of the publications furnished during any twelve-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose.

" '(g) In lieu of the minimum charge per piece prescribed by section 4359(b) of this title, the minimum charge per piece for publications (other than publications to which subsections (d) and (e) of this section are applicable), when fewer than five thousand copies are mailed outside the county of publication, is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter.

" '(h) The publisher of a classroom publication, of a publication referred to in subsection (f) of this section, or of a publication of a nonprofit organization, before being entitled to the rates for the publications, shall furnish such proof of qualifications as the Postmaster General prescribes.

" '(i) For the purposes of the application of this section with respect to each publication having original entry at an independent incorporated city, an incorporated city which is situated entirely within a county, or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous.

" '(j) As used in this section—

" '(1) "classroom publication" means a religious, educational, or scientific publication entered as second-class mail and designed specifically for use in classrooms or in religious instruction classes;

" '(2) "a publication of a qualified nonprofit organization" means a publication published by and in the interest of one of the following types of organizations or associations if it is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual: Religious, educational, scientific, philanthropic, agricultural, labor, veterans', fraternal, and associations of rural electric cooperatives, program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station, and not to exceed one publication published by the official highway or development agency of a State which meets all of the requirements of section 4354 and which contains no advertising;

" '(3) "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(3) by amending the section heading to read as follows:

" '§ 4358. Rates of postage; preferred'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

" '4358. Postage rates within county of publication.'

and inserting in lieu thereof—

" '4358. Rates of postage; preferred.'.

"SECOND-CLASS MAIL REGULAR RATES

"SEC. 104. (a) Section 4359 of title 39, United States Code, is amended—

"(1) by striking out subsections (b), (c), (d), and (e) and inserting in lieu thereof the following:

" '(b) Except as otherwise provided in this section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound:			
Advertising portion:			
Zones 1 and 2	4.6	4.9	5.2
Zone 3	5.7	6.0	6.4
Zone 4	7.8	8.3	8.8
Zone 5	9.9	10.5	11.1
Zone 6	12.0	12.8	13.6
Zone 7	12.8	13.7	14.5
Zone 8	15.0	16.0	17.0
Nonadvertising portion	3.0	3.2	3.4
Minimum charge per piece	1.1	1.2	1.3.

" '(c) For the purpose of this section and section 4358 of this title, the portion of a publication devoted to advertisements shall include all advertisements inserted in the publication and attached permanently thereto.

" '(d)(1) Publications mailed in accordance with subsection (a), upon request by the publisher or news agent, may be transported by air on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). The Postmaster General may authorize the transportation of publications by air pursuant to this subsection only when such transportation does not impede the transportation of airmail, air parcel post, or air transportation of first-class mail on a space-available basis.

" '(2) The Postmaster General shall prescribe from time to time charges to be collected for matter transported by air pursuant to this section. The charges—

" '(A) shall be in addition to the payment of lawfully required postage;

" '(B) may not be adjusted more frequently than once every two years; and

" '(C) when prescribed or adjusted, shall equal, as nearly as practicable, the amount by which the allocated cost incurred by the Department for the delivery of such matter by air is in excess of the allocated cost which would have been incurred by the Department had such matter been delivered by surface transportation, but the total of such charges and the lawfully required postage shall not be less than 4 cents per piece.

" '(e) As used in this section the term "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(2) by amending the section heading to read as follows:

" '§ 4359. Rates of postage; regular'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

" '4359. Postage rates beyond county of publication.'

and inserting in lieu thereof—

" '4359. Rates of postage; regular.'.

"(c) Subsection (b) of section 4365 of title 39, United States Code, is amended by striking out 'bills,'.

"(d) Section 4369 (a)(4) of title 39, United States Code, is amended by striking out ': *Provided, however,* That trade publications serving the performing arts need only to furnish such information to the Postmaster General'.

"SECOND-CLASS TRANSIENT MAIL

"SEC. 105. Section 4362 of title 39, United States Code, is amended by striking out 'four cents' and inserting in lieu thereof '5 cents'.

"CONTROLLED CIRCULATION PUBLICATIONS

"SEC. 106. Section 4422 of title 39, United States Code, is amended to read as follows:

" '§ 4422. Rates of postage

" 'The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	14.0	14.5	15.0
Minimum charge per piece	1.9	2.9	3.8'

"THIRD-CLASS MAIL

"SEC. 107. (a) Subsections (a) and (b) of section 4452 of title 39, United States Code, are amended to read as follows:

" '(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

" 'Type of mailing	Rates		Unit
	Mailed during calendar year 1968	Mailed after June 30, 1969	
	Cents	Cents	
(1) Individual piece	6.0	6.0	First 2 ounces or fraction thereof.
	2.0	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of—			
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	16.0	16.0	Each pound or fraction thereof.
(B) Other matter	22.0	22.0	Do.
(C) Minimum charge of	3.6	4.0	Per piece.

After June 30, 1969, in lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 3.8 cents on the first 250,000 pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2)(A), (B), and (C) of the above table.

" '(b) Matter mailed in bulk under subsection (e) by qualified nonprofit organizations is subject to a minimum charge for each piece equal to 40 per centum of the minimum charge per piece provided in the table under subsection (a), rounded off to the nearest one-tenth cent.'.

"(b) Subsection (b) of section 4451 of title 39, United States Code, relating to mailing certain bills and statements of account as third-class mail, is repealed.

"SPECIAL RATE FOURTH-CLASS MAIL

"SEC. 108. (a) Section 4554 of title 39, United States Code, is amended—

"(1) by amending so much of subsection (a) as precedes subparagraph (3) thereof to read as follows:

" '(a) Except as provided in subsection (b) of this section, the postage rate is 12 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—

" '(1) books, including books issued to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books;

" '(2) 16-millimeter or narrower width films, and catalogs of such films, except when sent to or from commercial theaters;';

"(2) by striking out in subsection (b)(1) '4 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof' and inserting in lieu thereof '5 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof';

"(3) by inserting in subsection (b)(1)(B) 'museums and herbaria,' immediately following 'public libraries,';

"(4) in subsection (b)(2) by striking out 'and' at the end of clause (E); by striking out the period at the end of clause (F) and inserting in lieu thereof '; and'; and by adding at the end of such subsection the following new clause:

" '(G) museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the education work and interests of museums and herbaria.';

"(5) by inserting in subsection (c) 'or narrower width' immediately following '16-millimeter', and 'museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria,' immediately following 'sound recordings,'; and

"(6) by amending subsection (e) to read as follows:

" '(e) Articles may be mailed under this section in quantities of one thousand or more in a single mailing, as defined by the Postmaster General, only in the manner directed by him.'.

"(b) Subparagraph (6) of section 4554 (a) of title 39, United States Code, is amended by inserting 'playscripts and' immediately following '(6)'.

"(c) The section heading of section 4554 of title 39, United States Code, is amended to read—

" '§ 4554. Books, films, and other materials; preferred rates'.

"(d) The table of contents of chapter 67 of title 39, United States Code, is amended by striking out—

" '4554. Postage rates on books and films.'

and inserting in lieu thereof—

" '4554. Books, films, and other materials; preferred rates.'.

"KEYS AND OTHER SMALL ARTICLES

"SEC. 109. Subsection (b) of section 4651 of title 39, United States Code, is amended by striking out '6 cents for each two ounces or fraction thereof' and inserting in lieu thereof '14 cents for the first two ounces or fraction thereof, and 7 cents for each additional two ounces or fraction thereof,'.

"SPECIAL HANDLING SERVICE

"SEC. 110. Section 6008 of title 39, United States Code, is amended to read as follows:

" '§ 6008. Special handling.

" 'Upon payment of a special handling fee, third-class mail and fourth-class mail are entitled to the most expeditious handling and transportation practicable, but such mail is not required to receive the same handling and transportation as airmail.'.

"SEPARATION BY MAILER OF SECOND-CLASS MAIL

"SEC. 111. Section 4363 of title 39, United States Code, is amended to read as follows:

" '§ 4363. Separation by mailer of second-class mail.

" 'The Postmaster General may require publishers and news agents to separate, make up, and address second-class matter in such manner as he directs in accordance with a 5-digit ZIP code system.'.

"PRINTING ON SECOND-CLASS COVERS

"SEC. 112. Section 4365 of title 39, United States Code, is amended by adding a new subsection to read as follows:

" '(d) In addition to other matter authorized by this section to be contained, enclosed, or inserted in second-class mail, there may be included, in accordance with uniform regulations which the Postmaster General shall prescribe, on the envelopes, wrappers, and other covers in which copies of publications are mailed, messages and notices of a civic or public-service nature, if no charge is made for the inclusion of such messages and notices on such envelopes, wrappers, and covers.'.

"ADDITIONAL ENTRY POINTS

"SEC. 113. Section 4358 of title 39, United States Code, is amended by adding at the end thereof a new subsection to read as follows:

" '(k) The rates of postage prescribed by subsections (a) and (b) of this section shall apply only to mailings within the county in which the publications have original entry.'.

"MAIL MATTER FOR BLIND AND OTHER HANDICAPPED PERSONS

"SEC. 114. (a) Chapter 69 of title 39, United States Code, is amended by striking out sections 4653 and 4654 thereof and inserting in lieu thereof the following:

" '§ 4653. Matter for blind and other handicapped persons

" '(a) The matter described in subsection (b) (other than matter mailed under section 4654 of this title) may be mailed free of postage, if—

" '(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

" '(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

" '(3) the matter may be opened by the Postmaster General for inspection;

" '(4) the matter contains no advertising; and

" '(5) the matter is mailed subject to size and weight limitations prescribed by the Postmaster General.

" '(b) The free mailing privilege provided by subsection (a) is extended to—

" '(1) reading matter and musical scores;

" '(2) sound reproductions;

" '(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

" '(4) reproducers or parts thereof, for sound reproductions; and

" '(5) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

"'§ 4654. Unsealed letters sent by blind or physically handicapped persons

"'Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 4653(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

"'§ 4655. Markings

"'All matter relating to blind or other handicapped persons mailed under section 4653, or section 4654, of this title, shall bear the words "Free Matter for the Blind or Handicapped", or words to that effect specified by the Postmaster General, in the upper right-hand corner of the address area.'.

"(b) The table of contents of chapter 69 of title 39, United States Code, is amended by striking out—

"'4653. Publications for the blind.

"'4654. Reproducers and sound reproduction records for the blind.'

and inserting in lieu thereof—

"'4653. Matter for blind and other handicapped persons.

"'4654. Unsealed letters sent by blind or physically handicapped persons.

"'4655. Markings.'.

"(c) Section 4451(d) of title 39, United States Code, is repealed.

"PERMISSIBLE ENCLOSURES FOR FOURTH-CLASS MAIL

"SEC. 115. Section 4555(a) of title 39, United States Code, is amended—

"(1) by striking out 'and' at the end of clause (9);

"(2) by striking out the period at the end of clause (10) and inserting in lieu thereof '; and'; and

"(3) by adding at the end thereof:

"'(11) invoices, whether or not also serving as bills, if they relate solely to the matter with which they are mailed.'.

"REIMBURSEMENT OF THE POSTAL SERVICE OF THE CANAL ZONE

"SEC. 116. (a) Chapter 57 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"'§ 4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"'(a) For the purposes of sections 4169(a), 4303(d)(5), and 4560 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 705(d) of this title.

"'(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.'.

"(b) The table of contents of chapter 57 of title 39, United States Code is amended by adding—

"'4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.'

immediately below—

"'4169. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.'.

"PARCEL AIRLIFT

"SEC. 117. (a) Chapter 67 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"'§ 4560. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"'Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding thirty pounds in weight and sixty inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 705(d) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), upon payment, in addition to the regular surface rate of postage, of a special fee to be prescribed by the Postmaster General for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.'.

"(b) The table of contents of such chapter 67 is amended by inserting at the end thereof—

"'4560. Air transportation of parcels mailed at or addressed to Armed Forces post offices.'.

"SOLICITATIONS IN GUISE OF BILLS OR STATEMENTS OF ACCOUNT

"SEC. 118. (a) Section 4001 of title 39, United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

"'(c) Matter otherwise legally acceptable in the mails which—

"'(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"'(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postmaster General shall prescribe—

"'(A) the following notice: "This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are not under obligation to make any payments on account of this offer unless you accept this offer."; or

"'(B) in lieu thereof, a notice to the same effect in words which the Postmaster General may prescribe.'.

"(b) The amendment made by this section shall become effective with respect to matter mailed on or after the ninetieth day following the effective date of this section.

"EFFECTIVE DATE

"SEC. 119. This title shall become effective on January 7, 1968.

"CONFORMING AMENDMENTS

"SEC. 120. (a)(1) Subparagraph (A) of section 2303(a)(1) of title 39, United States Code, is repealed.

"(2) Subparagraph (D) of such section is amended to read as follows:

"'(D) free postage on reading matter and other articles for the blind and other handicapped persons as provided by sections 4653 and 4654 of this title;'.

"(3) Subparagraph (I) is amended by striking out 'educational'.

"(b) Section 4552(c) of such title is amended—

"(1) by inserting 'and' after the semicolon at the end of paragraph (4);

"(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period; and

"(3) by striking out paragraph (6).

"EDUCATIONAL TELEVISION

"SEC. 121. Section 4355(a) of title 39, United States Code, is amended by striking out the period at the end of item (10) and inserting in lieu thereof a semicolon and the word 'or', and by adding after item (10) the following new item:

"'(11) program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.'.

"UNDELIVERED FIRST-CLASS MAIL

"SEC. 122. Subsection (a) of section 4106 of title 39, United States Code, is amended to read as follows:

"'(a) The Postmaster General shall notify the sender or addressee upon request by the sender or addressee, when mail is undelivered as addressed, of the reason for the nondelivery, and in the case of the notice to the sender, the new address of the addressee if known. The Postmaster General shall prescribe a uniform charge to be collected for the service performed pursuant to this subsection.'

"TITLE II—FEDERAL SALARY INCREASES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Federal Salary Act of 1967'.

"EMPLOYEES SUBJECT TO THE GENERAL SCHEDULES

"SEC. 202. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

"'GENERAL SCHEDULE

"'Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,776	$3,902	$4,028	$4,154	$4,280	$4,406	$4,532	$4,658	$4,784	$4,910
GS-2	4,108	4,245	4,382	4,519	4,656	4,793	4,930	5,067	5,204	5,341
GS-3	4,466	4,615	4,764	4,913	5,062	5,211	5,360	5,509	5,658	5,807
GS-4	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489
GS-5	5,565	5,751	5,937	6,123	6,309	6,495	6,681	6,867	7,053	7,239
GS-6	6,137	6,342	6,547	6,752	6,957	7,162	7,367	7,572	7,777	7,982
GS-7	6,734	6,959	7,184	7,409	7,634	7,859	8,084	8,309	8,534	8,759
GS-8	7,384	7,630	7,876	8,122	8,368	8,614	8,860	9,106	9,352	9,598
GS-9	8,054	8,323	8,592	8,861	9,130	9,399	9,668	9,937	10,206	10,475
GS-10	8,821	9,115	9,409	9,703	9,997	10,291	10,585	10,879	11,173	11,467
GS-11	9,657	9,979	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555
GS-12	11,461	11,843	12,225	12,607	12,989	13,371	13,753	14,135	14,517	14,899
GS-13	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
GS-14	15,841	16,369	16,897	17,425	17,953	18,481	19,009	19,537	20,065	20,593
GS-15	18,404	19,017	19,630	20,243	20,856	21,469	22,082	22,695	23,308	23,921
GS-16	20,982	21,681	22,380	23,079	23,778	24,477	25,176	25,875	26,574	......
GS-17	23,788	24,581	25,374	26,167	26,590	......	......	......	......	......
GS-18	27,055	......	......	......	......	......	......	......	......	......'

"(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

"(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

"(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

"(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive (A) the maximum rate for his grade in the new schedule, or (B) his existing rate of basic pay increased by 4.5 per centum, rounded to the next highest dollar, if such existing rate as so increased is higher.

"(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

"(5) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, was promoted from one grade under the General Schedule contained in section 5332(a) of title 5, United States Code, to another such grade at a rate which is above the minimum rate thereof, his rate of basic pay shall be adjusted retroactively from the effective date of this section to the date on which he was so promoted, on the basis of the rate which he was receiving during the period from such effective date to the date of such promotion and, from the date of such promotion, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in the amendment made by subsection (a) of this section which corresponds numerically to the step of the grade of the General Schedule to which such officer or employee was promoted as in effect (without regard to this title) at the time of such promotion.

"(6) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, became subject to the General Schedule and his rate of basic pay was set above the minimum rate of the grade on the basis of a previously earned rate above such minimum rate, his rate of basic pay shall be adjusted retroactively to the date on which he became subject to the General Schedule on the basis of the rate of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the rate of the grade at which the pay of such officer or employee was set at the time he became subject to the General Schedule.

"LIMITATION ON NUMBERS OF CERTAIN POSTAL POSITIONS

"SEC. 203. Section 3301 of title 39, United States Code, is amended by striking out 'salary levels 19 and 20' and inserting in lieu thereof 'salary levels 20 and 21'.

"CHANGES IN KEY POSITIONS IN POSTAL FIELD SERVICE

"SEC. 204. (a) That part of chapter 45 of title 39, United States Code, under the heading 'POSITIONS' is amended by striking out section 3512 and inserting in lieu thereof the following new sections:

" '§ 33512. Positions in salary level 1

" 'Cleaner. (KP–51)

" '(1) Basic function.—Performs a variety of light cleaning and housekeeping tasks in connection with the custodial maintenance of a postal installation.

" '(2) Duties and responsibilities.—

" '(A) Sweeps, mops, dusts, washes, and otherwise performs light cleaning and housekeeping tasks to maintain offices, washrooms, lobbies, corridors, stairways, and other areas of the building in neat and orderly condition.

" '(B) Performs such duties as dusting, waxing, and polishing office furniture, sweeping and mopping floors, vacuuming rugs, emptying wastebaskets and trash, washing interior window and partition glass and fixtures which can be reached without use of ladders or scaffolding.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.

" '§ 3512A. Positions in salary level 2

" 'Custodian. (KP–1)

" '(1) Basic function.—Performs manual laboring duties in connection with custody of an office or building.

" '(2) Duties and responsibilities.—

" '(A) Performs any combination of the following duties:

" '1. Moves furniture and equipment.

" '2. Uncrates and assembles furniture and fixtures, using bolts and screws for assembly.

" '3. Loads and unloads supplies and equipment.

" '4. Removes trash from work areas, lobbies, and washrooms.

" '5. Tends to lawns, shrubbery, and premises of the post office and cleans ice and snow from the sidewalks and driveways.

" '6. Stacks supplies in storage rooms and on shelves, and completes forms or records as required.

" '(B) May perform cleaning duties as assigned.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.'.

"(b) Each salary level number in the headings of section 3513 to 3531, inclusive, of title 39, United States Code, and each other numerical reference to such salary level number in any other provision of such title (including the table of contents of chapter 45) which is not otherwise increased by this title, is increased by 1.

"(c) Each employee in the postal field service on the date of enactment of this title, whose position is placed in salary level 2 of the Postal Field Service Schedule by reason of the enactment of this section and section 205(e)(1) of this title, shall remain in salary level 2 of such schedule so long as he remains in such position or occupies, without break in service of more than thirty days, a position of a comparable level of duties, responsibilities, and work requirements in such salary level. When the employee leaves any such position, the position shall be appropriately ranked in accordance with chapter 45 of title 39, United States Code.

"(d) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting—

" '3512A. Positions in salary level 2.'

immediately below—

" '3512. Positions in salary level 1.'.

"POSTAL FIELD SERVICE EMPLOYEES

"SEC. 205. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

" '(a) There are established basic compensation schedules for positions in the postal field service which shall be known as the Postal Field Service Schedules and for which the symbol shall be "PFS". Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedules.

" 'POSTAL FIELD SERVICE SCHEDULE 1

" '[To be effective for the period beginning on the 1st day of the 1st pay period beginning on or after Oct. 1, 1967, and ending immediately before the effective date of Postal Field Service Schedule II set forth below]

" 'PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,118	$4,255	$4,392	$4,529	$4,666	$4,803	$4,940	$5,077	$5,214	$5,351	$5,488	$5,625
2	4,460	4,607	4,754	4,901	5,048	5,195	5,342	5,489	5,636	5,783	5,930	6,077
3	4,826	4,984	5,142	5,300	5,458	5,616	5,774	5,932	6,090	6,248	6,406	6,564
4	5,215	5,391	5,567	5,743	5,919	6,095	6,271	6,447	6,623	6,799	6,975	7,151
5	5,651	5,838	6,025	6,212	6,399	6,586	6,773	6,960	7,147	7,334	7,521	7,708
6	6,044	6,246	6,448	6,650	6,852	7,054	7,256	7,458	7,660	7,862	8,064	8,266
7	6,482	6,697	6,912	7,127	7,342	7,557	7,772	7,987	8,202	8,417	8,632	8,847
8	6,939	7,170	7,401	7,632	7,863	8,094	8,325	8,556	8,787	9,018	9,249	----------
9	7,515	7,764	8,013	8,262	8,511	8,760	9,009	9,258	9,507	9,756	----------	----------
10	8,128	8,398	8,668	8,938	9,208	9,478	9,748	10,018	10,288	10,558	----------	----------
11	8,846	9,146	9,446	9,746	10,046	10,346	10,646	10,946	11,246	11,546	----------	----------
12	9,775	10,109	10,443	10,777	11,111	11,445	11,779	12,113	12,447	12,781	----------	----------
13	10,815	11,183	11,551	11,919	12,287	12,655	13,023	13,391	13,759	14,127	----------	----------
14	11,951	12,364	12,777	13,190	13,603	14,016	14,429	14,842	15,255	15,668	----------	----------
15	13,173	13,631	14,089	14,547	15,005	15,463	15,921	16,379	16,837	17,295	----------	----------
16	14,564	15,066	15,568	16,070	16,572	17,074	17,576	18,078	18,580	19,082	----------	----------
17	16,090	16,650	17,210	17,770	18,330	18,890	19,450	20,010	20,570	21,130	----------	----------
18	17,803	18,425	19,047	19,669	20,291	20,913	21,535	22,157	22,779	23,401	----------	----------
19	19,642	20,294	20,946	21,598	22,250	22,902	23,554	24,206	24,858	25,510	----------	----------
20	21,758	22,484	23,210	23,936	24,662	25,388	26,114	26,840	----------	----------	----------	----------
21	24,126	24,932	25,738	26,544	26,960	----------	----------	----------	----------	----------	----------	----------

"'POSTAL FIELD SERVICE SCHEDULE II

" '[To be effective on the first day of the first pay period beginning on or after July 1, 1968]

" 'PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,324	$4,468	$4,612	$4,756	$4,900	$5,044	$5,188	$5,332	$5,476	$5,620	$5,764	$5,908
2	4,687	4,841	4,995	5,149	5,303	5,457	5,611	5,765	5,919	6,073	6,227	6,381
3	5,068	5,234	5,400	5,566	5,732	5,898	6,064	6,230	6,396	6,562	6,728	6,894
4	5,476	5,661	5,846	6,031	6,216	6,401	6,586	6,771	6,956	7,141	7,326	7,511
5	5,938	6,134	6,330	6,526	6,722	6,918	7,114	7,310	7,506	7,702	7,898	8,094
6	6,348	6,560	6,772	6,984	7,196	7,408	7,620	7,832	8,044	8,256	8,468	8,680
7	6,807	7,033	7,259	7,485	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293
8	7,286	7,529	7,772	8,015	8,258	8,501	8,744	8,987	9,230	9,473	9,716	----------
9	7,891	8,153	8,415	8,677	8,939	9,201	9,463	9,725	9,987	10,249	----------	----------
10	8,535	8,819	9,103	9,387	9,671	9,955	10,239	10,523	10,807	11,091	----------	----------
11	9,289	9,604	9,919	10,234	10,549	10,864	11,179	11,494	11,809	12,124	----------	----------
12	10,264	10,615	10,966	11,317	11,668	12,019	12,370	12,721	13,072	13,423	----------	----------
13	11,356	11,743	12,130	12,517	12,904	13,291	13,687	14,065	14,452	14,839	----------	----------
14	12,549	12,983	13,417	13,851	14,285	14,719	15,153	15,587	16,021	16,455	----------	----------
15	13,832	14,313	14,794	15,275	15,756	16,237	16,718	17,199	17,680	18,161	----------	----------
16	15,293	15,820	16,347	16,874	17,401	17,928	18,455	18,982	19,509	20,036	----------	----------
17	16,895	17,483	18,071	18,659	19,247	19,835	20,423	21,011	21,599	22,187	----------	----------
18	18,695	19,348	20,001	20,654	21,307	21,960	22,613	23,266	23,919	24,572	----------	----------
19	20,625	21,310	21,995	22,680	23,365	24,050	24,735	25,420	26,105	26,790	----------	----------
20	22,848	23,610	24,372	25,134	25,896	26,658	27,420	27,800	----------	----------	----------	----------
21	25,333	26,179	27,025	27,871	27,900	----------	----------	----------	----------	----------	----------	---------- ".

"(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

" '(a) There are established basic compensation schedules which shall be known as the Rural Carrier Schedules and for which the symbol shall be "RCS". Compensation shall be paid to rural carriers in accordance with such schedules.

" 'RURAL CARRIER SCHEDULE I

" '[To be effective for the period beginning on the first day of the first pay period beginning on or after October 1, 1967, and ending immediately before the effective date of Rural Carrier Schedule II set forth below]

	" 'Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,531	$2,658	$2,785	$2,912	$3,039	$3,166	$3,293	$3,420	$3,547	$3,674	$3,801	$3,928
For each mile up to 30 miles of route	94	96	98	100	102	104	106	108	110	112	114	116
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

" 'RURAL CARRIER SCHEDULE II

" '[To be effective on the first day of the first pay period beginning on or after July 1, 1968]

	" 'Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,668	$2,804	$2,940	$3,076	$3,212	$3,348	$3,484	$3,620	$3,756	$3,892	$4,028	$4,164
For each mile up to 30 miles of route	99	101	103	105	107	109	111	113	115	117	119	121
For each mile of route over 30	25	25	25	25	25	25	25	15	25	25	25	25'.

"(c) Section 3544 of title 39, United States Code, is amended to read as follows:

" '§ 3544. Compensation of postmasters at fourth-class offices

" '(a) The Postmaster General shall—

" '(1) rank each position of postmaster at a post office of the fourth class in salary level 6 of the Postal Field Service Schedule; and

" '(2) establish, and adjust from time to time, the annual rate of basic compensation, for each such position of postmaster so ranked, in an amount which bears the same ratio to the annual rate of basic compensation for full-time service in a position (other than postmaster at a post office of the fourth class) in the same step of salary level 6 of such schedule, as the average number of hours of service per day which the Postmaster General determines necessary to be performed by such postmaster to operate the post office, in the light of the postal needs of the patrons of the office, bears to the total number of hours per day of such full-time service.

Actions and determinations by the Postmaster General under this subsection shall be final and conclusive until changed by him.

" '(b) A person who performs the duties of postmaster at a post office of the fourth class where there is a vacancy, or during the absence of the postmaster on sick or annual leave or leave without pay, shall be compensated at the rate of basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.

" '(c) When required by the Postmaster General, a postmaster at a fourth-class office shall, and any other postmaster in PFS level 6 when permitted by the Postmaster General may, furnish quarters, fixtures, and equipment for an office on an allowance basis. The allowance for this purpose shall be an amount equal to 15 per centum of the basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.'.

"(d) Each postmaster at a post office of the fourth class on the effective date of Postal Field Service Schedule I shall be placed in salary level 6 of the Postal Field Service Schedule at the lowest step which provides a rate, determined under section 3544(a) of title 39, United States Code, which is at least equal to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. If there is no such step in salary level 6, he is entitled to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. For the purposes of this subsection, basic compensation in effect immediately prior to the effective date of Postal Field Service Schedule I shall be determined after giving effect to any change in salary step or revenue units category which would have occurred on the effective date of this section without regard to the enactment of this title.

"(e) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule I shall be determined as follows:

"(1) Each employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position, placed in the next higher salary level, which he had attained immediately prior to such effective date.

"(2) Each employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

"(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

"(4) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) or (2) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 6 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(f) The advancement of any employee to a higher salary level of the Postal Field Service Schedule by reason of the enactment of this section shall not be deemed to be an equivalent increase within the meaning of section 3552(a) of title 39, United States Code.

"(g) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule II shall be determined as follows:

"(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this title, such changes shall be deemed to have occurred prior to conversion.

"(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 5 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(h) Each employee whose position, by reason of the enactment of this section, is placed in a level of the Postal Field Service Schedule shall be entitled, for purposes of section 3560 of title 39, United States Code, to credit for time served in the postal field service prior to the effective date of this section.

"(i) The table of contents of chapter 45 of title 39, United States Code, is amended by striking out—

"'3544. Fourth Class Office Schedule.'

and inserting in lieu thereof—

"'3544. Compensation of postmasters at fourth-class offices.'.

"CONFORMING AMENDMENTS

"SEC. 206. (a) Section 3560(a) of title 39, United States Code, is amended by striking out '(3) revenue unit category, with respect to the Fourth Class Office Schedule.' and inserting in lieu thereof '(3) minimum hours of service with respect to postmasters in fourth-class post offices.'.

"(b) Section 3560(f) of title 39, United States Code, is amended by striking out '(1) reductions in class or revenue unit category of any post office, or' and inserting in lieu thereof '(1) reductions in class or revenue units of any post office or in the minimum hours of service for a fourth-class post office, or'.

"(c) Subsections (b) and (c) of section 3573 of title 39, United States Code, are amended by striking out 'level PFS-10' and 'level PFS-11', wherever appearing therein, and inserting in lieu thereof 'level PFS-11' and 'level PFS-12', respectively. Subsection (g) of section 3573 is amended by striking out 'PFS-17' and inserting 'PFS-18'.

"(d) Subsection (a) of section 3575 of title 39, United States Code, is amended by striking out 'level PFS-15' and inserting in lieu thereof 'level PFS—16'.

"(e) Any reference to a level of the Postal Field Service Schedule in any order, rule, regulation, or statute (other than title 39, United States Code) which is in effect on the effective date of this section shall be deemed to refer to the next higher level of the Postal Field Service Schedule.

"SPECIAL SALARY RATE RANGES

"SEC. 207. (a) Section 5303(a) of title 5, United States Code, is amended by striking out 'seventh pay rate' and inserting in lieu thereof 'maximum pay rate'.

"(b) Section 5303(d) of title 5, United States Code, is amended to read as follows:

"'(d) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (a) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.'.

"EMPLOYEES IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

"SEC. 208. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

"'§ 4107. Grades and pay scales

"'(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

"'Section 4103 Schedule

"'Assistant Chief Medical Director, $27,055.

"'Medical Director, $23,788 minimum to $26,960 maximum.

"'Director of Nursing Service, $18,404 minimum to $23,921 maximum.

"'Director of Chaplain Service, $18,404 minimum to $23,921 maximum.

"'Chief Pharmacist, $18,404 minimum to $23,921 maximum.

"'Chief Dietitian, $18,404 minimum to $23,921 maximum.

"'(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"'Physicians and Dentist Schedule

"'Director grade, $20,982 minimum to $26,574 maximum.

"'Executive grade, $19,576 minimum to $25,444 maximum.

"'Chief grade, $18,404 minimum to $23,921 maximum.

"'Senior grade, $15,841 minimum to $20,593 maximum.

"'Intermediate grade, $13,507 minimum to $17,557 maximum.

"'Full grade, $11,461 minimum to $14,899 maximum.

"'Associate grade, $9,657 minimum to $12,555 maximum.

"'Nurse Schedule

"'Assistant Director grade, $15,841 minimum to $20,593 maximum.

"'Chief grade, $13,507 minimum to $17,557 maximum.

"'Senior grade, $11,461 minimum to $14,899 maximum.

"'Intermediate grade, $9,657 minimum to $12,555 maximum.

"'Full grade, $8,054 minimum to $10,475 maximum.

"'Associate grade, $7,033 minimum to $9,139 maximum.

"'Junior grade, $6,137 minimum to $7,982 maximum.

"'(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

"'(c) Notwithstanding any other provision of law, the per annum salary rate for each individual serving as a director of a hospital, domiciliary, or center who is not a physician shall not be less than the salary rate which he would receive under this section if his service as a director of a hospital, domiciliary, or center had been service as a physician in the director grade. The position of the director of a hospital, domiciliary, or center shall not be subject to chapter 51 and subchapter III of chapter 53 of title 5.'.

"FOREIGN SERVICE OFFICERS; STAFF OFFICERS AND EMPLOYEES

"SEC. 209. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows: 'The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"'Class 1	$24,944	$25,776	$27,055	----------	----------	----------	----------
Class 2	20,280	20,956	21,632	$22,308	$22,984	$23,660	$24,336
Class 3	16,616	17,170	17,724	18,278	18,832	19,386	19,940
Class 4	13,507	13,957	14,407	14,857	15,307	15,757	16,207
Class 5	11,120	11,491	11,862	12,233	12,604	12,975	13,346
Class 6	9,267	9,576	9,885	10,194	10,503	10,812	11,121
Class 7	7,816	8,076	8,336	8,596	8,856	9,116	9,376
Class 8	6,734	6,959	7,184	7,409	7,634	7,859	8,084.'

"(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: 'The per annum salaries of such staff officers and employees within each class shall be as follows:

"'Class 1	$16,616	$17,170	$17,724	$18,278	$18,832	$19,386	$19,940	$20,494	$21,048	$21,602
Class 2	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
Class 3	11,120	11,491	11,862	12,233	12,604	12,975	13,346	13,717	14,088	14,459
Class 4	9,267	9,576	9,885	10,194	10,503	10,812	11,121	11,430	11,739	12,048
Class 5	8,351	8,629	8,907	9,185	9,463	9,741	10,019	10,297	10,575	10,853
Class 6	7,524	7,775	8,026	8,277	8,528	8,779	9,030	9,281	9,532	9,783
Class 7	6,905	7,135	7,365	7,595	7,825	8,055	8,285	8,515	8,745	8,975
Class 8	6,125	6,329	6,533	6,737	6,941	7,145	7,349	7,553	7,757	7,961
Class 9	5,575	5,761	5,947	6,133	6,319	6,505	6,691	6,877	7,063	7,249
Class 10	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489.'

"(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

"AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEE EMPLOYEES

"SEC. 210. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"SALARY RATES FIXED BY ADMINISTRATIVE ACTION

"SEC. 211. (a) The rates of basic pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the effective date of section 202 of this title, by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this title are hereby authorized to be increased, effective on the effective date of section 202 of this title by amounts not to exceed the increases provided by this title for corresponding rates of pay in the appropriate schedule or scale of pay.

"(c) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

"IMPLEMENTATION OF SALARY COMPARABILITY POLICY IN 1968 AND 1969

"SEC. 212. In order to complete the implementation of the policy of the Congress set forth in paragraph (2) of section 5301 of title 5, United States Code, the President, after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, shall—

"(1) effective on the first day of the first pay period beginning on or after July 1, 1968, adjust the rates of basic pay, basic compensation, and salary, as in effect by reason of the enactment of the provisions of this title other than this section and sections 205, 210, 213, 214, 215, and 219—

"(A) by amounts equal, as nearly as may be practicable, to one-half of the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1967 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, or

"(B) by 3 per centum,

whichever is greater; and

"(2) effective on the first day of the first pay period beginning on or after July 1, 1969, adjust the rates he has established under subparagraph (1) of this section, and the rates established by Postal Field Service Schedule II, and Rural Carrier Schedule II (contained in the amendments made by subsections (a) and (b) of section 205), by amounts equal, as nearly as may be practicable, to the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1968 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code. Adjustments made by the President under this section shall have the force and effect of statute. The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e)), and 214 of this title, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made by the President under subparagraphs (1) and (2) of this section, by the following authorities—

"(i) the President pro tempore of the Senate, with respect to the United States Senate;

"(ii) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

"(iii) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

"(iv) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(v) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute. Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

"JUDICIAL BRANCH EMPLOYEES

"SEC. 213. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(d) The first paragraph of section 603 of title 28, United States Code, relating to the compensation of the Director and the Deputy Director of the Administrative Office of the United States Courts, is amended to read as follows:

" 'The salary of the Director shall be the same as the salary of a district judge. The salary of the Deputy Director shall be in the same amount as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5.'.

"(e) Section 792(b) of title 28, United States Code, is amended by striking out '$26,000' and inserting in lieu thereof '$29,000'.

"LEGISLATIVE BRANCH EMPLOYEES

"SEC. 214. (a) Except as otherwise provided in this title, each officer or employee in or under the legislative branch of the Government, whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946, shall be paid additional compensation at the rate of 4.5 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

"(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased by reason of any other provision of this section, shall be increased by 4.5 per centum.

"(c) The rates of compensation of employees of the House of Representatives whose compensation is fixed by the House Employees Schedule under the House Employees Position Classification Act (78 Stat. 1079–1084; Public Law 88–652; 2 U.S.C. 291–303), including each employee subject to such Act whose compensation is fixed at a saved rate, are hereby increased by amounts equal, as nearly as may be practicable, to the increases provided by subsection (a) of this section.

"(d) Except as provided in the last sentence of section 218(a) of this title, the additional compensation provided by this section shall be considered a part of basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement.

"(e) The per annum rate of compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be the same as the per annum rate of compensation of the Legislative Counsel of the House of Representatives.

"(f) This section shall not apply with respect to the compensation of student congressional interns and the compensation of employees whose compensation is fixed by the House Wage Schedule under the House Employees Position Classification Act.

"(g) The annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate, and the annual rate of gross compensation of each telephone operator on the United States Capitol telephone exchange and each member of the Capitol Police whose compensation is disbursed by the Clerk of the House of Representatives, (1) is increased by 4.5 per centum, and (2) as so increased shall be adjusted, effective the first day of the month following the date of enactment of this Act, to the nearest multiple of $188.

"(h) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate, or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute or Senate resolution, such statutory provision or resolution shall be deemed to refer to the rate which an officer or employee subject to the provisions of subsection (g) receiving such rate immediately prior to the effective date of such subsection would be entitled (without regard to such statutory provision) to receive on and after such date. As used in this subsection and subsection (g), the term 'officer' does not include a Senator.

"(i) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective on the first day of the month following the date of enactment of this Act, to the lowest multiple of $188 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose rate of compensation is adjusted under this subsection shall receive an increase under subsection (g) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act. No increase shall be paid to any person under subsection (g) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Senator (other than the Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given. An increase under this subsection in the compensation of an employee in the office of a Senator for any period prior to the first day of the month following the date of enactment of this Act shall be made without regard to the clerk hire allowance of such Senator.

"(j) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, is amended by striking out '$180' and inserting in lieu thereof '$188'.

"(k) Section 105(d)(1) of such Act is amended by striking out the table and inserting in lieu thereof the following:

" '$199,280 if the population of his State is less than 3,000,000;

" '$212,440 if such population is 3,000,000 but less than 4,000,000;

" '$223,720 if such population is 4,000,000 but less than 5,000,000;

" '$234,060 if such population is 5,000,000 but less than 7,000,000;

" '$245,340 if such population is 7,000,000 but less than 9,000,000;

" '$258,500 if such population is 9,000,000 but less than 10,000,000;

" '$271,660 if such population is 10,000,000 but less than 11,000,000;

" '$284,820 if such population is 11,000,000 but less than 12,000,000;

" '$297,980 if such population is 12,000,000 but less than 13,000,000;

" '$311,140 if such population is 13,000,000 but less than 15,000,000;

" '$324,300 if such population is 15,000,000 but less than 17,000,000;

" '$338,400 if such population is 17,000,000 or more.'

"(l) Section 105 of such Act is amended by striking out '$1,080', '$6,120', '$10,620', '$10,800', '$14,220', '$14,400', '$15,660', '$15,840', '$18,180', '$22,320', '$23,400', and '$24,480' wherever they appear in such section and inserting in lieu thereof '$1,128', '$6,392', '$11,092', '$11,280', '$14,852', '$15,040', '$16,356', '$16,544', '$18,988', '$23,312', '$24,440', and '$25,568', respectively.

"(m) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 4.5 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (g) shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading 'SENATE' in the Second Deficiency Appropriation Act, 1948.

"(n) The first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60j), is amended by striking out '$540' and inserting in lieu thereof '$564'.

"(o) Section 5533(c) of title 5, United States Code, is amended to read as follows:

" '(c)(1) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if—

" '(A) the pay of one or more of the positions is fixed at a single gross per annum rate, and the aggregate gross pay from the positions exceeds $6,256 a year, or

" '(B) the pay of each such position is fixed at a basic rate plus additional compensation authorized by law, and the aggregate basic pay of the positions exceeds $2,000 a year.

" '(2) For the purpose of this subsection, "gross pay" means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual, and, in the case of an individual receiving basic pay plus additional compensation provided by law, includes the aggregate amount received as basic and additional compensation, but does not include sums received as premium pay under subchapter V of this chapter.'.

"(p) The third paragraph under the heading 'Office of the Architect of the Capitol' and the subheading 'Salaries' in the Legislative Branch Appropriation Act, 1960 (73 Stat. 407), is amended by striking out '$7,700' and inserting in lieu thereof '$8,200'.

"INCREASES IN BASIC PAY RATES FOR LEVELS III, IV, AND V OF EXECUTIVE SCHEDULE

"SEC. 215. (a) Section 5314 of title 5, United States Code, relating to the basic pay rate for level III of the Executive Schedule, is amended by striking out '$28,500' and inserting in lieu thereof '$29,500'.

"(b) Section 5315 of title 5, United States Code, relating to the basic pay rate for level IV of the Executive Schedule, is amended by striking out '$27,000' and inserting in lieu thereof '$28,750'.

"(c) Section 5316 of title 5, United States Code, relating to the basic pay rate for level V of the Executive Schedule, is amended by striking out '$26,000' and inserting in lieu thereof '$28,000'.

"SALARY INCREASE LIMITATIONS

"SEC. 216. Except as provided in sections 213 (d) and (e), 214, 215, and 219, and subject to the operation of section 225 of this title, no rate of compensation shall be increased, by reason of the enactment of this title, to an amount in excess of the salary rate for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on or after the first day of the first pay period which begins on or after the date of enactment of this title.

"UNCONTROLLABLE OVERTIME DUTY

"SEC. 217. Section 5545(c)(2) of title 5, United States Code, is amended by striking out 'not in excess of 15 percent,' and inserting in lieu thereof 'not less than 10 percent nor more than 25 percent,'.

"PAYMENT OF RETROACTIVE COMPENSATION

"SEC. 218. (a) Retroactive pay, compensation, or salary shall be paid by reason of this title only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this title, except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, for services rendered during such period, and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(b) For the purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

"SALARIES OF LEGISLATIVE OFFICIALS

"SEC. 219. Section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415) is amended as follows:

"(1) in subsection (b), by striking out '$23,500' and inserting in lieu thereof '$29,500';

"(2) in subsection (c), by striking out '$27,000' and inserting in lieu thereof '$28,750';

"(3) in subsection (d), by striking out '$25,500' and inserting in lieu thereof '$27,500'; and

"(4) in subsection (e), by striking out '$23,500' and inserting in lieu thereof '$25,000'.

"EFFECTIVE DATES

"SEC. 220. (a) Except as otherwise expressly provided, this title shall take effect as follows:

"(1) This section and sections 201, 207, 212, 218, 221, 224 (a) and (b) and 225 shall become effective on the date of enactment of this title.

"(2) Sections 202, 203, 204, 205, 206, 208, 209, 210, 211, 213 (except subsections (d) and (e)), 214 (except subsections (j), (k), (l), (n), and (o)), and 216 shall become effective as of the beginning of the first pay period which began on or after October 1, 1967.

"(3) Sections 213 (d) and (e), 214 (j), (k), (l), (n), and (o), 215, 217, 219, and 224(c) shall become effective at the beginning of the first pay period which begins on or after the date of enactment of this title.

"(4) Sections 222 and 223 shall become effective thirty days after the date of enactment of this title.

"(b) For the purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Federal employees—

"(1) all changes in rates of pay which result from the enactment of this title (except Postal Field Service Schedule II, Rural Carrier Schedule II, and sections 207, 212, 213 (d) and (e), 215, 219, and 225) shall be held and considered to become effective as of the date of such enactment; and

"(2) all changes in rates of pay which result from the enactment of section 212 of this title and which take effect retroactively from the date on which the adjustments thereof are actually ordered under such section, shall be held and considered to become effective on the date on which such adjustments are actually ordered.

"EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

"SEC. 221. (a) Chapter 31 of title 5, United States Code, is amended by adding at the end thereof the following new section:

" '§ 3110. Employment of relatives; restrictions

" '(a) For the purpose of this section—

"'(1) "agency" means—

"'(A) an Executive agency;

"'(B) an office, agency, or other establishment in the legislative branch;

"'(C) an office, agency, or other establishment in the judicial branch; and

"'(D) the government of the District of Columbia;

"'(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

"'(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

"'(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

"'(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed employed, promoted, or advanced.

"'(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

"'(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible.'

"(b) The analysis of chapter 31 of title 5, United States Code, is amended by adding the following new item at the end thereof:

"'3110. Employment of relatives; restrictions.'.

"(c) The amendments made by this section do not apply to an appointment, employment, advancement, or promotion made or advocated by a public official of any individual who is a relative of the public official if, prior to the effective date of this section, the individual was appointed by the public official, or received an appointment advocated by the public official, and is serving under the appointment on such effective date.

"TRAVEL STATUS

"SEC. 222. (a) Section 5542(b)(2)(B) of title 5, United States Code, is amended to read as follows:

"'(B) the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(b) Section 3571 of title 39, United States Code, is amended by adding at the end thereof a new subsection as follows:

"'(e) Time spent in a travel status away from the official duty station of an employee is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(c) Subchapter II of chapter 57 of title 5, United States Code, is amended—

"(1) by adding at the end thereof the following new section:

"'§ 5733. Expeditious travel

"'The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.'; and

"(2) by inserting after item 5732 in the analysis of such subchapter the following new item:

"'5733. Expeditious travel.'.

"(d) Section 5544(a) of title 5, United States Code, is amended by inserting immediately at the end thereof the following new sentence: 'Time spent in a travel status away from the official duty station of an employee subject to this subsection is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"APPEALS FROM POSITION CLASSIFICATIONS OF WAGE BOARD EMPLOYEES

"SEC. 223. (a) Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"'§ 5345. Position classification appeals

"'On application, made in accordance with regulations prescribed by the Civil Service Commission, by an employee subject to section 5341(a) of this title for the review of the action of an employing agency in classifying his position for pay purposes, the Commission shall—

"'(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"'(2) decide whether the position has been properly classified; and

"'(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in classifying the position. The Commission shall certify to the agency concerned its action under paragraph (3) of this section. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(b) The analysis of chapter 53 is amended by inserting the following new item after item 5344:

"'5345. Position classification appeals.'.

"MISCELLANEOUS PROVISIONS

"SEC. 224. (a) Section 4101(2)(B) of title 5, United States Code, is amended by striking out 'Coast and Geodetic Survey' and inserting in lieu thereof 'Environmental Science Services Administration'.

"(b) Section 8339(e)(2) of title 5, United States Code, is amended to read as follows:

"'(2) the greater of—

"'(A) the final basic pay of the Member; or

"'(B) the final basic pay of the appointive position of a former Member who elects to have his annuity computed or recomputed under section 8344(b)(1) of this title.'.

"(c) Section 1(b) of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), as amended, is amended by striking out '$65,000' and inserting in lieu thereof '$80,000', and by striking out the fourth sentence therein and inserting in lieu thereof the following: 'The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.'.

"COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

"SEC. 225. (a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the 'Commission').

"(b) MEMBERSHIP.—

"(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

"(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

"(B) two appointed by the President of the Senate;

"(C) two appointed by the Speaker of the House of Representatives; and

"(D) two appointed by the Chief Justice of the United States.

"(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

"(c) PERSONNEL OF COMMISSION.—

"(1) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subsection (b)(2) and (3) of this section—

"(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

"(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

"(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subsection (b) (2) and (3) of this section, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

"(d) Use of United States Mails by Commission.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(e) Administrative Support Services.—The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

"(f) Function.—The Commission shall conduct, in each of the respective fiscal years referred to in subsection (b)(2) and (3) of this section, a review of the rates of pay of—

"(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

"(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

"(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426); and

"(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Such review by the Commission shall be made for the purpose of determining and providing—

"(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

"(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

"(g) Report by Commission to the President.—The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than January 1 next following the close of the fiscal year in which the review is conducted by the Commission.

"(h) Recommendations of the President With Respect to Pay.—The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section. As used in this subsection, the term 'budget' means the budget referred to in section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11).

"(i) Effective Date of Recommendations of the President.—

"(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that, between the date of transmittal of such recommendations in the budget and the beginning of such first pay period—

"(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

"(C) both.

"(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

"(j) Effect of Recommendations of the President on Existing Law and Prior Presidential Recommendations.—The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in subsection (b) (2) and (3) of this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations), and

"(B) any prior recommendations of the President which take effect under this section.

"(k) Publication of Recommendations of the President.—The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

"TITLE III—PROHIBITION OF PANDERING ADVERTISEMENTS

"Sec. 301. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end of such chapter the following new section:

" '§ 4009. Prohibition of pandering advertisements in the mails

" '(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postmaster General to refrain from further mailings of such materials to designated addressees thereof.

" '(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postmaster General shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

" '(c) The order of the Postmaster General shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Postmaster General shall also direct the sender and his agents or assigns to delete immediately the names of the designated addresses from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

" '(d) Whenever the Postmaster General believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, he shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for his belief and request that any response thereto be filed in writing with the Postmaster General within fifteen days after the date of such service. If the Postmaster General, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, he is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

" '(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

" '(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

" '(g) Upon request of any addressee, the order of the Postmaster General shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

" '(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of part I of title 5, United States Code, shall not apply to any provisions of this section.

" '(i) For the purposes of this section—

" '(1) mail matter, directed to a specific address covered in the order of the Postmaster General, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postmaster General's order; and

" '(2) the term "children" includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.'.

"(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

" '4009. Prohibition of pandering advertisements in the mails.'.

"Sec. 302. The provisions of this title shall become effective on the one hundred and twentieth day after the date of enactment of this Act.

"TITLE IV—FEDERAL EMPLOYEES LIFE INSURANCE

"Sec. 401. Section 8704(a) of title 5, United States Code, is amended to read as follows:

" '(a) An employee eligible for insurance is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule, which schedule shall be automatically extended correspondingly by the amounts of increases in the annual rate of basic pay for positions at level II of the Executive Schedule under section 5313 of this title:

"If annual pay is—		The amount of group life insurance is—	The amount of group accidental death and dismemberment insurance is—
Greater than—	But not greater than—		
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
9,000	10,000	12,000	12,000
10,000	11,000	13,000	13,000
11,000	12,000	14,000	14,000
12,000	13,000	15,000	15,000
13,000	14,000	16,000	16,000
14,000	15,000	17,000	17,000
15,000	16,000	18,000	18,000
16,000	17,000	19,000	19,000
17,000	18,000	20,000	20,000
18,000	19,000	21,000	21,000
19,000	20,000	22,000	22,000
20,000	21,000	23,000	23,000
21,000	22,000	24,000	24,000
22,000	33,000	25,000	25,000
23,000	24,000	26,000	26,000
24,000	25,000	27,000	27,000
25,000	26,000	28,000	28,000
26,000	27,000	29,000	29,000
27,000	28,000	30,000	30,000
28,000	29,000	31,000	31,000
29,000	------------	32,000	32,000".

"Sec. 402. Section 8707 of title 5, United States Code, is amended to read as follows:

" '§ 8707. Employee deductions; withholding

" 'During each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, there shall be withheld from the pay of the employee his share of the cost of the group life insurance and accidental death and dismemberment insurance. The amount withheld shall be at the rate, adjusted to the nearest half-cent, of 66⅔ percent of the level cost of each $1,000 of insurance, as determined by the Commission.'.

"Sec. 403. Section 8708(a) of title 5, United States Code, is amended to read as follows:

" '(a) For each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, a sum equal to one-half the amount which is withheld from the pay of the employee under section 8707 of this title shall be contributed from the appropriation or fund which is used to pay him.'.

"Sec. 404. Chapter 87 of title 5, United States Code, is amended—

"(1) by adding the following new section:

" '§ 8714a. Optional insurance

" '(a) Under the conditions, directives, and terms specified in sections 8709–8712 of this title, the Civil Service Commission, without regard to section 5 of title 41, may purchase a policy which shall make available to each insured employee equal amounts of optional life insurance and accidental death and dismemberment insurance in addition to the amounts provided in section 8704(a) of this title.

" '(b) The optional life insurance and accidental death and dismemberment insurance shall be made available to each insured employee under such conditions as the Commission shall prescribe and in amounts approved by the Commission but not more than the greater of $10,000 or an amount which, when added to the amount provided in section 8704(a) of this title, makes the sum of his insurance equal to his annual pay.

" '(c) (1) The optional insurance on an employee stops on his separation from service, 12 months after discontinuance of his pay, or on his entry on active duty or active duty for training, as provided in sections 8706(a) and 8706(d) of this title.

" '(2) So much of the optional life insurance in force on an employee on the date he retires on an immediate annuity or becomes entitled to receive compensation for work injuries which has been in force for not less than—

" '(A) the full period or periods of service during which the optional insurance was available to him; or

" '(B) the 12 years of service immediately preceding his retirement or beginning date of entitlement to compensation for work injuries and during which the optional insurance was available to him;

whichever is shorter, may be continued—

" '(A) after retirement, under the same conditions (except with respect to cost but including reduction of the amount continued) as provided in section 8706(b) of this title; or

" '(B) while in receipt of compensation for work injuries under the same conditions (except with respect to cost) as provided in section 8706(c) of this title.

" '(d) During each period in which an employee has the optional insurance the full cost thereof shall be withheld from his pay. During each period in which an employee continues optional life insurance after retirement or while in receipt of compensation for work injuries, as provided in section 8706(b) or 8706(c) of this title, the full cost thereof shall be withheld from his annuity or compensation, except that, at the end of the calendar month in which he becomes 65 years of age, the optional life insurance shall be without cost to him. Amounts so withheld shall be deposited, used, and invested as provided in section 8714 of this title and shall be reported and accounted for separately from amounts withheld and contributed under sections 8707 and 8708 of this title.

" '(e) The cost of the optional insurance shall be determined from time to time by the Commission on the basis of such age groups as it considers appropriate.

" '(f) The amount of optional life, or life and accidental death, insurance in force on an employee at the date of his death shall be paid as provided in section 8705 of this title."; and

"(2) by inserting in the analysis of such chapter the following new item after item 8714:

" '8714a. Optional insurance.'.

"Sec. 405. (a) The amendments made by sections 401 to 403, inclusive, of this Act shall take effect on the first day of the first pay period which begins on or after the sixtieth day following the date of enactment. In the case of an employee who dies or retires during the period beginning on the date of enactment of this Act and prior to the effective date prescribed by this subsection, the amount of insurance shall be determined as if the amendments made by section 401 were in effect for such employee during such period.

"(b) (1) The amendments made by section 404 of this Act shall take effect on the first day of the first pay period which begins on or after the one hundred and eightieth day following the date of enactment, or on any earlier date that the Civil Service Commission may prescribe, which is at least sixty days after the date of enactment. In the case of an employee who dies during the period beginning on the date of enactment and ending on the effective date prescribed by or pursuant to this subsection, or during the sixty days immediately following such period if the Commission determines that he did not have a reasonable opportunity to elect the optional insurance made available by section 404, the insurance of such employee shall be determined as if the amendments made by section 404 had been in effect on the date of such death, and the employee had elected to receive the maximum amount of optional insurance available to him under such amendments. An employee who retires during the period beginning on the date of enactment and ending on the effective date prescribed by or pursuant to this subsection shall have an opportunity to elect the optional insurance made available by section 404.

"(2) In the case of an employee in the service on the effective date prescribed by or pursuant to this subsection, (i) the period during which such employee may elect to receive optional insurance under the amendment made by section 404 shall not expire prior to the sixtieth day after such effective date, and (ii) for the purpose of determining the amount of insurance to be continued after retirement, the period during which such optional insurance was available to such employee shall not be considered to have commenced prior to the expiration of sixty days following such effective date.

"(c) The amendments made by sections 401 to 404, inclusive, of this Act shall have no effect in the case of an employee who died, was finally separated, or retired prior to the date of enactment."

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. FULTON of Pennsylvania. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects. The Clerk will proceed to read.

The Clerk proceeded to read the amendment.

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, at this point may I make a parliamentary inquiry?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, would the Senate amendment be subject to amendment if this motion is adopted, or prior to the adoption of this amendment?

The SPEAKER. The motion is to recede from disagreement to the Senate amendment and concur therein with an amendment.

Mr. GROSS. With an amendment?

The SPEAKER. Yes.

Mr. GROSS. Would that be subject to an amendment, Mr. Speaker?

The SPEAKER. It would be, if the previous question on the motion is voted down.

Mr. GROSS. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after 4 days of difficult and thorough negotiations, the committee of conference has settled differences between the House and the Senate on H.R. 7977, the postal rate and Federal salary bill. The conference report in my judgment represents a truly fair, reasonable, and very practical agreement which is in the interest of the Government, postal, and other Federal employees, and the American public. The amendment will effect the same purpose.

This legislation has occupied the attention of our Committee on Post Office and Civil Service since last April. Public hearings were held on a continuous basis for nearly 2 months, and 25 subcommittee and committee executive sessions were required to develop the bill passed by the House on October 11.

The Senate passed the bill on November 29, accepting nearly all of the basic policies laid down in the House-passed bill, but made three major changes and several relatively minor ones.

Both the House and the Senate conferees took very strong positions on the principal differences, and this made the task of reaching a suitable compromise agreement unusually difficult. But all of the conferees, for both Houses, were certainly aware that the postal rate and Federal salary adjustments embodied in the bill are long overdue and that it was essential that we reach an agreement.

It is important to note that the Senate version of the bill made no change in the House provisions for first-class and airmail postage rates, the three-phase salary increase for postal and other Federal employees, and the provision to regulate mailing of pandering matter. The three major changes made in the bill passed by the other body were a higher final rate on third-class bulk mail, elimination of the Quadrennial Commission to recommend executive, judicial, and legislative salaries, and inclusion of a new title IV to improve the Federal employees' life insurance program.

With respect to postal rates, the amendment conference substitute will add $900 million a year to postal revenues—a 50-percent greater increase than ever before enacted.

The pay raises for postal and other Federal employees represent the first real progress toward full "comparability" with private enterprise salaries since the policy of comparability was laid down in the 1962 Pay Act. These salary provisions are acclaimed by postal and Federal employee organizations as the finest salary bill ever enacted.

The Senate life insurance provision is identical to the plan already developed by our Subcommittee on Retirement, Insurance, and Health Benefits, and the conferees for the House accepted the Senate provision. This left the two other key differences in which compromise became necessary.

The House-passed bill adopted the Postmaster General's official recommendation to increase the regular third-class bulk mail minimum charge per piece from $2\frac{7}{8}$ cents to $3\frac{8}{10}$ cents, effective January 7, 1968. The Senate-passed bill provided for $3\frac{6}{10}$ cents effective January 7, 1968, and 4 cents effective after December 31, 1968, the conference substitute and amendment provide for $3\frac{6}{10}$ cents until June 30, 1969, after which the 4-cent rate will apply except that $3\frac{8}{10}$ cents will apply to the first 250,000 pieces sent by a mailer in a year.

The Senate accepted the House-passed provision establishing the Quadrennial Commission, with an amendment removing from the Commission's jurisdiction any consideration of allowances and related benefits. In other words, the Commission provision will apply only to rates of pay.

Mr. Speaker, to sit as chairman of the committee of conference on this important legislation has been a most enlightening experience for me. I want to extend my most sincere thanks and express my great respect and admiration for the eight members of our Post Office and Civil Service Committee who joined me as conferees. In my judgment, these eight members are unsurpassed anywhere in knowledge of the subject matter, resourcefulness, and dedication to the obligations of conferees representing this House. They were most conscientious in attendance at all conference meetings. They worked hard toward solutions both within and outside the conference, and each contributed substantially to the final agreement through unselfish and untiring effort.

Mr. Speaker, I believe these eight men have earned our thanks. They are the gentleman from North Carolina [Mr. HENDERSON], our vice chairman and ranking majority member; the gentleman from Montana [Mr. OLSEN], chairman of our Postal Rates Subcommittee; the gentleman from Arizona [Mr. UDALL], chairman of our Compensation Subcommittee; the gentleman from New Jersey [Mr. DANIELS], chairman of our Retirement and Insurance Subcommittee; the gentleman from Pennsylvania [Mr. CORBETT], our ranking minority member; the gentleman from Iowa [Mr. GROSS], our next senior minority member; the gentleman from Nebraska [Mr. CUNNINGHAM], ranking minority member of our Postal Operations Subcommittee and author of the antipandering title of the bill; and the gentleman from Pennsylvania [Mr. JOHNSON], the ranking minority member of our Postal Rates Subcommittee and a member of our Compensation Subcommittee.

In view of the long and expert attention the subcommittee chairmen and minority members have devoted to this legislation, I will yield to these chairmen for detailed discussion of their parts of the bill, and to our minority members, as time permits.

Mr. Speaker, I urge that the House approve the conference substitute. It is an excellent bill—one that has been most carefully worked out in the face of many difficulties, and one that is in the best interests of the Government, the postal service, Federal employees, and the American people.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. CORBETT], the minority leader of the committee.

Mr. CORBETT. Mr. Speaker, there are really four important titles to this bill, one of them dealing with postal rates, one dealing with employee salaries, one dealing with obscenity in the mail, and one dealing with the Federal employees' life insurance program. As regards the last three titles, the Senate and the House are in complete agreement. I do not think it would serve any useful purpose to get into a detailed and technical discussion of the rate features.

We worked on this bill in the House for at least 10 months. We worked on rates in other years. I myself do not believe that it would be at all harmful for us to go back to conference and try to come up with a better agreement, a better compromise on the postal rate situation. No one would be hurt even if we went over until the next calendar year, because the pay features are retroactive to October 1. There would be some loss of revenue to the Post Office Department. That is for sure. But I for one am not satisfied that we should not make a further effort to try to work out a more equitable and a less destructive situation regarding postal rates. Therefore, I am going to vote against the previous question in the hope that we might try here on the floor to amend the conferees' report. I am going to vote against this motion in the hope that we can go back to conference and try one further time.

I recognize that one of the conferees from the other body, a very influential and knowledgeable individual, arrived at our conference in a spirit of no compromise. In fact, he said, "I will sit here till hell freezes over before I will yield on this particular point." Now, the House conferees, as the gentleman from New York has said, went over there and made a sincere effort to arrive at compromises and agreements. They were blocked in their efforts until this makeshift arrangement was agreed to which resulted in the point of order.

Now, then, repeating, I am going to vote "No" on the previous question in the hope that we might amend the conference report in some important details.

If that possibility fails, I shall vote against the motion simply because I, repeating, do not believe it would hurt us to go back to conference and have another go at it with the two bodies being in agreement on salaries, on obscenity, and on insurance—to meet again to discuss the rate feature and try to arrive at a more equitable situation.

Mr. Speaker, in my opinion it would be good to do this, because this conference report provides for rates which very well could destroy an industry, or seriously impair it. We have in the Postal Policy Act of 1958 a stipulation that we should not alter rates in such a way that the impact upon any industry would be detrimental.

Mr. Speaker, if that policy means anything, the sudden increase of rates by up to close to 100 percent, is too severe an impact.

Therefore, I hope that we can somehow get back to conference and have another try at attempting to hold back this impact, particularly since this conference report does not put the 4-cent rate on third-class bulk mail into effect until July 1969. Therefore, it would very easily be possible for someone to introduce a bill raising the rates to 4 cents during the next session of the Congress.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Montana, a member of the Committee on Post Office and Civil Service [Mr. OLSEN].

Mr. POOL. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Texas.

Mr. POOL. Mr. Speaker, I voted against the postage rate-pay raise bill in committee and in the House.

However, since my vote there have been increases in industry pay throughout the Nation which I cannot, in good conscience, ignore. I have always said that Government employees should have comparable pay to that of industry.

In addition, the compromise bill worked out by the conference committee with respect to the crippled children and other nonprofit organizations is better than the original House bill.

Notwithstanding my approval of the above measures, I still do not advocate a commission passing on congressional and executive salaries.

Also, I am still strongly against an increase in first-class mail as it is paying its own way.

While I have done all I could to improve this bill, I must in all fairness cast my vote in favor of this bill.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to ask the distinguished gentleman from Montana one or two questions about the results of the conference.

In the statement of the managers on the part of the House, as I understand it, the cost coverage on first-class mail, after all pay and rate increases, would be 110 percent; is that correct?

Mr. OLSEN. That is correct.

Mr. HECHLER of West Virginia. Mr. Speaker, if the gentleman will yield further, it is my further understanding that as indicated on page 40 of the statement of the managers on the part of the House, the cost coverage on bulk rate third-class mail, after all pay and rate increases contained in this bill, would run between 72 and 75 percent; is that correct?

Mr. OLSEN. That is correct.

Mr. HECHLER of West Virginia. Mr. Speaker, if the gentleman will yield further, I would like to ask the gentleman from Montana whether it is his understanding that this figure of 72 to 75 percent does not include ZIP code savings which would increase cost coverage slightly, to equal less than 80 percent?

Mr. OLSEN. I do not know that.

Mr. HECHLER of West Virginia. If the gentleman will yield further, in any event the cost coverage for regular third-class mail would be considerably less than 100 percent?

Mr. OLSEN. Well, now, this is the statement that is contained in the conference report. When they used the words "cost coverage," of course they are using those words in conformity with what has been stated by the Post Office Department when the Department used the words "cost ascertainment system."

Mr. HECHLER of West Virginia. This is correct.

Mr. OLSEN. We have had a lot of dispute about this as to whether it is a cost ascertainment system or whether it is really something else. However, the verbiage which I have adopted in my discussion of this matter is "cost allotment system."

I believe that we should resolve that. And I want to tell the gentleman that we are going to resolve it, and we are going to commence in the first part of February. We are going to have discussions from industry and from the Post Office Department on this question. I might say in that regard that the Post Office Department is not content with the cost ascertainment either.

Mr. HECHLER of West Virginia. In the light of the fact that the statement of the managers on the conference report indicates that the cost coverage for first-class mail is 110 percent, and the cost coverage of bulk regular third class would be between 72 and 75 percent, I still feel, Mr. Speaker, that it is very unfair that third-class bulk regular mail is still subsidized by the taxpayers. In effect, there is also a subsidy by the first-class mailers who must pay more than 100 percent for their first-class mail at 6 cents when these new rates go into effect. The current budgetary situation and the tax revenues which are needed underline the importance of requiring third-class mail to pay its way.

I thank the gentleman from Montana for yielding.

Mr. OLSEN. I thank the gentleman for his comments.

Mr. Speaker, I must say that I rise in support of the Dulski amendment, and urge the adoption of the amendment of our chairman, Mr. DULSKI. Furthermore, I would like to praise Mr. DULSKI very highly for his splendid job in leading our committee, and then thereafter, being chairman of the conference committee, where he did a most excellent job from the standpoint of fairness and judicial presiding. I also want to thank all of the members of the conference committee, especially my dear friend, Mr. UDALL from Arizona, for a very competent job on the pay bill, the gentleman from New Jersey [Mr. DANIELS], chairman of our Retirement and Insurance Subcommittee, and the gentleman from Pennsylvania [Mr. NIX], chairman of our Postal Operations Subcommittee, who handled title III of the bill on pandering advertisement. I must say that in this conference we had excellent cooperation with all of our Members from the other side of the aisle, Mr. GROSS, Mr. CORBETT, Mr. CUNNINGHAM, and the gentleman from Pennsylvania [Mr. JOHNSON]. All of the men on our committee worked diligently, and they all had to give in some, and they did, on both sides. And while none of us got exactly what we wanted, it was an excellent conference.

As I say, really a large part of the credit goes to THADDEUS DULSKI through being a very fair and sympathetic chairman, and who gave everybody a chance to be heard.

Mr. Speaker, I rise to support our chairman, and urge the adoption of the Dulski amendment.

After meeting in conference on 4 days for five sessions, I think all of our House conferees will agree that we came back to the House with the best possible compromise that we could get. Our agreement is embodied in the Dulski amendment. I am convinced that this is one of the most far reaching postal rate and pay bills that has ever been brought before this body for consideration. It does not contain all of the provisions I would like to have, nor are all of the postal rates in amounts which I advocated and strongly supported all during our deliberations, but I am convinced it was the best we could get. There are several areas that need further consideration.

As chairman of the Subcommittee on Postal Rates, I already have initiated hearings on the standardization of mail, which was a major controversy before our committee. I have promised to conduct hearings next year on the question of advertising supplements mailed with second-class publications. So there are several areas which we are committed to study thoroughly next year.

Mr. Speaker, based upon estimates of volumes for fiscal year 1968, the House bill would have produced approximately an additional $890 million in postal revenue. The Senate amendment would have produced approximately $916 million. The amendment will produce over $900 million in additional postal revenue as shown by the following table:

REVENUE DIFFERENCES, H.R. 7977

[In millions]

	House	Amendment	Difference
Total	$889.6	[1] $900.0	[1] $10.4
2d class:			
Nonprofit	6.2	4.2	−2.0
Regular	25.0	26.1	+1.0
Surcharge	5.5	0	−5.5
Subtotal			−6.5
3d class: [1]			
Nonprofit	10.1	12.1	[1] +2.0
Effect of 250,000 exemption		[1] 14.6	[1] +14.6
4th class:			
Regular	9.7	11.5	+1.8
Library	2.6	1.1	−1.5
Subtotal			+.3
Total			[1] +10.4

[1] Effect of 250,000-piece exemption from 4-cent rate for bulk 3d-class minimum piece rate on July 1, 1969, has not been determined. Use of 4-cent rate under Senate bill would have increased revenue by $182,800,000 as compared with $154,000,000 under House bill. Use of 4-cent rate for mailings in excess of 250,000 is estimated to increase revenues by at least $14,600,000 for the purpose of this statement.

The effective date of the House bill had to be moved up, and is January 7, 1968, for the postal rate increases.

The postage rates for first-class mail and airmail remain the same as in the House-passed bill.

Our chairman, the gentleman from New York [Mr. DULSKI], has been very active in attempting to improve the mail service for our servicemen overseas, and we were successful in conference in restoring the two major portions of the military mail.

Under the amendment, the news publications which now can be airlifted to combat areas also will be airlifted to isolated, hardship, or combat-support areas overseas, or where adequate surface transportation is not available.

The parcel airlift on a space-available basis within the United States is retained. This is one of the most important provisions and will remove the requirement for paying high air parcel post rates in order to obtain fast service for the parcels going to our servicemen outside the United States.

The free mailing privilege for letters and sound-recorded communications was eliminated because of the $7 million cost.

Under the House bill, the minimum charge per piece for nonprofit publications was increased from one-eighth of a cent to 0.2 cent or one-fifth of a cent per piece.

Our conference substitute arrived at the 0.2-cent rate in three stages—0.13, 0.15, and 0.2—rather than having the higher rate go into effect in January 1968.

The amendment also adds a new provision to permit nonprofit publications with 10 percent or less advertising material to be mailed at the nonadvertising rates.

While we were successful in connection with the original consideration of this bill in preventing any new preferred categories from being added to the preferred rates, the amendment does add publications by educational television and radio stations to the list of preferred rate categories.

The rates for regular rate publications were increased 0.1 cent over the House rates in zones 1 through 4, but all of the other present pound rates and minimum charges per piece approved by the House were retained. This one-tenth of a cent increase adds $1 million additional postal revenue to this catgeory.

The authority for the air transportation of second-class publications upon request of the publisher is retained in the amendment, and a requirement is added, to the effect that the additional charge together with the regular postage, shall be not less than 4 cents per piece.

As I indicated earlier, we were not able to maintain the House position in connection with the requirement that advertising supplements mailed with second-class publications pay the regular first-, third-, or fourth-class rate, as appropriate. However, we were successful in maintaining the House position that bills be mailed at first-class postage. A clarification was included so that the invoices, which may serve as a bill, can continue to be mailed with a parcel under either the third- or fourth-class rates.

Mr. Speaker, another one of the very controversial items in conference involved controlled circulation. The House had provided minimum rates comparable with the rates for third-class bulk mailings, and we had provided substantial increases in the pound rates, going up to 15 cents a pound in 1970.

The Senate continued the minimum charge per piece, but increased the rate per pound to 16 cents.

We felt that we had obtained full cost coverage on this class of mail with the House rates, and I, for one, was firmly convinced that the Senate rates were entirely too high. I am glad to report to you here today that the House conferees were successful in convincing the Senate conferees that the 14-cent rate during 1968, the 14.5-cent rate during 1969, and the 15-cent rate starting on January 1, 1970, are the appropriate rates for controlled circulation publications. The House was successful in prevailing on this point.

Mr. Speaker, the third-class rates have given us the most trouble all during our deliberations on this postal rate bill. The House increased second-class regular publication rates by approximately 25 percent, for a net revenue gain of $30.5 million when the surcharge was included, and at the same time, we provided a 31-percent increase in bulk rate regular third-class mailings, for a revenue gain of $154 million.

Frankly, I thought these rates were a little steep, but the Senate increased the minimum rate per piece in the second stage to 4 cents, to be effective January 1969. I opposed the 4-cent rate because I felt it was too high. The amendment on this matter constitutes a compromise and provides a 3.6-cent minimum charge per piece during 1968, and in the first 6 months of 1969, then the minimum charge per piece will go to 4 cents in July 1969, with the additional provision that the minimum charge per piece shall be 3.8 cents on the first 250,000 pieces mailed during a year by an advertiser. Thus, the Senate retained their 4-cent rate on a portion of the matter, and we were able to maintain our position for the 3.8 cents on the small mailers.

The amendment does not contain the special provision for solicitation of funds by nonprofit organizations, but provides that the minimum charge per piece for nonprofit organizations will be 40 percent of the regular rates of 3.6 cents and 4 cents. These changes result in $2 million additional revenue over the amounts provided under the House bill.

The special book rate recommended by the Postmaster General, and adopted in the House bill, of 16 cents for the first 2 pounds and 6 cents for each additional pound, is changed in the amendment to 12 cents for the first pound and 6 cents for each additional pound. However, since so much of the volume under this rate is in the 2-pound category, the combination of 12 cents for the first pound and 6 cents for each additional pound, or 18 cents for 2 pounds, as compared with the 16-cent rate for 2 pounds under the House bill, the amendment rates do provide for $1.8 million more additional revenue than would have been obtained under the House bill.

The library rate under the House bill of 8 cents for the first 2 pounds and 3 cents for each additional pound, is changed in the amendment to 5 cents for the first pound and 2 cents for each additional pound.

For the purpose of creating legislative history, I would like to point out that in including "and smaller width films" in the materials which can be mailed under the special fourth class and library materials rates, it was the intention of the committee that these films may be contained either on reels or cartridges.

My reason for making this clarification is that, as I understand it, the majority of 8mm films used by schools and libraries are permanently mounted in cartridges, and I want to state for the record that such cartridges will be acceptable for shipment under these fourth-class rates.

Mr. Speaker, these are the major differences between the amendment and the House-passed bill. We also were successful in insisting upon several other minor matters, such as the authority for the Postmaster General to determine the manner of preparing second-class mail in accordance with the five-digit ZIP code system, the elimination of the special per copy rates at additional entry points, and the authority for the Postmaster General to advise the mailer of first-class mail of a new address when the mail is nondeliverable as addressed. The mailer in such a case would pay the cost of such additional service.

Mr. Speaker, as I have indicated, I have done everything I felt reasonably possible to obtain fair and equitable rates for all categories of mail. We have been successful in most cases, but not in all. I think we have treated first-class mail too harshly, but I believe this bill represents the best possible solution that we can obtain at the present time.

I know that my colleague, the gentleman from Arizona, will explain the pay increases, but I want to add my support to the pay increases for our employees. I particularly want to commend our chairman, the gentleman from New York [Mr. DULSKI], for the fine manner in which he acted as chairman of the conference committee, and the gentleman from Arizona [Mr. UDALL] for the way he was able to succeed in convincing our conferees to adopt his versions of the pay bill, particularly those provisions relating to the Salary Commission.

I also want to compliment the gentleman from New Jersey [Mr. DANIELS], who as chairman of our Subcommittee on Retirement and Insurance has worked so hard and diligently in working out the insurance provisions of this amendment.

Mr. Speaker, I urge the House to approve this amendment. I believe it is the best we can obtain this year.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I am interested in the local newspapers. They are largely weekly or biweekly, or even monthly newspapers.

In the conference report on page 7—and I can read this very shortly—under 107(a):

> After June 30, 1969, in lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 3.8 cents on the first 250,000 pieces mailed during a year.

That brings up a problem for the local newspapers that are on a nonsubscription basis, that are first, mailed locally, under the third-class bulk rates in the local zone for delivery in that same local zone, they are presorted and bundled and they carry local news.

The question on this comes when several newspapers are owned by any one individual. Each little town or shopping center likes to have its own newspaper name.

If we are then protecting small weekly papers, is it then the legislative intent to interpret the words "who mails for himself" mean for each of those newspapers owned by any one individual there shall be the rate of 3.8 cents on the first 250,000 pieces mailed during the year?

Mr. OLSEN. I think the gentleman is absolutely correct.

Mr. FULTON of Pennsylvania. I thank the gentleman.

Mr. OLSEN. I want to say, too, that I think we ought to clarify the factor of shipping films. These films may be contained either on rolls or in cartridges. There is some question as to what kind of package but whatever the weight of the package is finally and however they package it, they will have to pay, of course, the whole pound rate.

Mr. DULSKI. Mr. Speaker, I yield 7 minutes to the gentleman from Iowa [Mr. GROSS] for purposes of debate.

Mr. GROSS. Mr. Speaker, I thank the gentleman from New York, the committee chairman, for yielding me this time.

I want to commend the gentleman from Pennsylvania [Mr. CORBETT] for the excellent statement he made. I join him in urging you to vote down the previous question and send this bill back to conference.

Mr. Speaker, I rise in opposition to the motion which is in the nature of a conference report on the bill, H.R. 7977.

Mr. Speaker, I rise in opposition to the adoption of the conference report on H.R. 7977, a bill to raise postal rates and to increase the salaries of postal and other Federal employees.

On October 11, 1967 the House failed by the narrow margin of only 13 votes to send this bill back to committee to correct the same errors which still remain in the conference agreement.

From the House conferees' standpoint the so-called conference on this bill was little more than an exercise in futility.

At the very outset we were delivered an ultimatum by the chairman of the conferees from the other body.

We were told if we did not agree on specific postal rate increases we would be in conference "until Christmas" and later we were told we would be there "until hell freezes over."

Thus the House conferees were threatened on a number of issues with which the House had expressed disapproval, and to such an extent that one-third of the House conferees refused to sign the conference report.

One issue involved so-called trading on two unrelated sections of the bill; one pertaining to third-class minimum per piece postal rates and the other pertaining to the delegation to the President of authority to dictate the salaries of Members of Congress, heads and assistant heads of Government departments and agencies, and Federal judges.

With respect to the final agreement on third-class minimum per piece postal rates the House of Representatives is the victim of a running feud involving a third-class mailer lobbyist which is so widely known that it does not need repeating here.

Furthermore, the Postmaster General in April 1967 came to Congress with one set of postal rates and then after the House of Representatives approved such rates he changed his position and lobbied for different rates when the bill went to conference.

These are only a few of the reasons I refused to sign the conference report.

Of particular interest to those 199 Members of the House who voted to recommit this bill is the fact that the conference agreement does not cure a single defect in that bill in the form it was when they voted to recommit. In fact, a number of other defects have been added which make the conference report even less acceptable to the House.

The arbitrary powers granted to the President to set the salaries of Members of Congress, heads and assistant heads of executive departments and agencies, and Federal judges in 1969 still remain in the bill.

Mr. Speaker, I repeat what I said when this bill was originally before the House that this provision is delegation of congressional authority and responsibility, at its worst. It is an outright violation of the doctrine of separation of powers upon which our system of government is based. Through this process of fixing salaries, undue pressure could be brought to bear on Congress, judicial decisions could be influenced, executive branch policies could be altered, and decisions of quasi-judicial board and commissions could be changed.

This cringing abdication on the part of the House represents a delegation of power no President should seek, and should reject if offered him.

The arbitrary powers granted to the President to raise the salaries of Federal employees in whatever amounts he chooses in fiscal years 1969 and again in 1970 still remains in the bill.

Added to these unwise provisions the conference agreement contains a section to give special retirement benefits amounting to an estimated $100,000, to a former Member of Congress who now is a Federal judge; thus creating a most dangerous precedent.

Not only that, the so-called conference agreement to which three House conferees disagreed, negates a mandate of the House by striking from the bill the provision that a portion of the cost of the pay increases shall be absorbed by the executive branch.

While the lobbyists for the Postmaster General exerted their influence at the conference for different postal rates than those originally recommended, I noticed that they did not try to keep in the bill the only section that related to economy.

Is this the kind of performance the American people should expect from an administration which only 2 weeks ago asked Congress for a tax increase, promising a $4 billion reduction in Federal expenditures?

On the contrary, Mr. Speaker, this is clear proof to the Congress that the administration gives only lipservice to the economy feature of its proposal presented to the Ways and Means Committee.

This is another reason why, in good conscience, as a conferee representing this body I could not sign the conference report.

I am told it is late in the session and that we will not stay here much longer, and for that reason we should not deprive Federal employees of a pay increase regardless of the defects in the bill. It should be clear to everyone by this time that this bill is retroactive to October 1, 1967, and Federal employees will receive a lump sum retroactive payment to October no matter when this bill becomes law. For this reason I believe the House should stand up to its responsibilities and correct the defects and inequities in this legislation by instructing its conferees in such manner.

Mr. Speaker, if I had my way a separate bill raising Federal employees salaries effective October 1, 1967, including a reclassification of postal employees positions in the lower levels would be on the statute books today. And it would be so, had not the political opportunists opposed such proposal in favor of a combination postal rate and pay increase bill containing three separate pay increases.

Some of my friends shed crocodile tears while they remonstrate with me about the loss in postal revenues if this bill does not become law now. I predict that within 60 days there will be more grandiose plans and visionary schemes to spend this additional postal revenue presented by the Post Office Department to the Appropriations Committees than you have ever dreamed of.

The amount of giveaways and preferential treatment in the conference agreement is so extensive that it is impossible to detail them here. For example, there are lower pound postal rates for heavyweight controlled circulation magazines, special preferential postal rates for museums and herbaria, special low postal rates for educational television stations, and a special 12 percent, $3,000 per year increase in the salaries of Commissioners of the Court of Claims to $29,000 annually.

Mr. Speaker, if the Members vote to approve this conference agreement, let me remind them that: First, they are voting to increase their own salaries; Second, they are delegating unprecedented authority to the President to set salaries of Federal officials and employees which costs about $3 billion annually; Third, they are approving certain postal rates which are discriminatory in order to appease; Fourth, they are granting special retirement benefits to one former Member of Congress; Fifth, they are rejecting a prior commitment to require a part of the cost of the salary increases to be absorbed by the executive branch, and Sixth, they are voting to give certain preferred treatment to a wide assortment of mailers.

I have no desire or intent to hold up pay increases for Federal employees, particularly at this season of the year.

However, Mr. Speaker, at the roots of this Christmas tree is a great big can of worms.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, since the gentleman from Iowa raised the point of order, which was sustained, if the previous question is voted down, would the gentleman then in the conference committee help us raise the third-class rates between January and June of 1969 in conformity with the rules of the House?

Mr. GROSS. This Member will vote as he did vote in committee for the 3.6 and 3.8 cent rates.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I am interested in the fact that the gentleman, as a great defender of the free enterprise system, should support subsidization of third-class rates for concerns that are making tens of millions of dollars a year.

Mr. GROSS. Mr. Speaker, I am surprised that the gentleman does not wage the same kind of campaign on second-class rates as he is on raising third-class rates. They are a much larger loser than third class.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding.

Will the gentleman agree with me that we are presently considering the Senate-passed bill and not the conference report?

Mr. GROSS. I think that is the case, but this is a most unusual procedure.

Mr. HALL. If that be the case, would the gentleman agree with me that the Senate bill, if anything, is worse than the conference report as far as the Presidential Commission on Salaries, executive and legislative, the preferential treatment of one of our former Members, a military judge, the executive lobbying and Presidential arrogation of power, the amalgamation of supergrades and the bilateral consideration of both the mail rate increase and the civil service and postal employees' salaries is concerned?

Mr. GROSS. I think the gentleman is correct.

Mr. HALL. Then, I agree with the gentleman. We certainly should vote down the previous question and either amend this conference report, or we should vote finally to return this to conference.

Mr. CORBETT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Mr. Speaker, I believe the response to the question of the gentleman from Missouri might be in error. If I understand the motion correctly, the motion is to recede and concur in the Senate bill with the conference report as an amendment.

Mr. GROSS. That is correct.

Mr. CORBETT. The gentleman stated that we were voting on the Senate bill, and then the gentleman went on to say he did not think the Senate bill was as good even as the conference report. So, to make it absolutely clear, the motion is to recede and concur in the Senate bill with the suggested House amendment, which would be the conference report.

Mr. GROSS. Which would put in the Senate bill, for instance, the Presidential Commission to fix salaries.

Mr. CORBETT. That is in the conference report, definitely.

Mr. GROSS. That is correct.

Mr. CORBETT. It would appear that the only way we could eliminate it would be to vote down the previous question and amend it.

Mr. GROSS. I agree with the gentleman from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. DULSKI. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, this is the best pay bill, the best rate bill, and the best all-around bill to come out of our committee in the last couple of decades. We have heard a lot of talk this year about the need for a tax increase in an overheated economy and the need to get some new revenues for the Federal Government. We are not going to do anything about it out of the Ways and Means Committee this year, but, if we approve this bill today, we will have nearly a billion dollars of new revenue, and it will start rolling in at the rate of $2.5 or $3 million a month beginning a month from now.

We talk about loopholes, but we have closed more loopholes under the leadership of the gentleman from Montana this year than has been done for a long time.

This is a full comparability bill. After years of argument, the Federal employees will have full comparability. It goes a long way toward reclassifying postal clerks and carriers, that some 250 Members of this body introduced bills to carry out.

It will relieve us of an election year pay bill, and it will be the first time in my memory that we will not have a pay bill in an election year. I am sorry to say, we have not always legislated wisely on a pay bill in an election year.

It is a sound bill, and those who have talked about voting down the previous question are, in my judgment, recommending a course of action that would be extremely unwise.

The reason we are hearing this technical problem, I say to my friends who are worried about postal rates for third-class mail, is that in the conference report we went further toward the House position than we were permitted under the technical rules of the conference. The second stage for third-class mail occurs in 12 months. In the conference report, included in the pending amendment of the gentleman from New York, it would not be 12 months but it would be 18 months.

Should we go back to conference, I believe the likelihood is instead of doing something of the kind the gentleman from Pennsylvania and the gentleman from Iowa want to do we would find ourselves in the bind we found ourselves in the other day. Rather than helping the situation, we would harm it.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN. In that regard, in our committee we are going to have hearings on the question of the Post Office costs, and we will continue to have them year in and year out from now on. That has been a determination of our committee. So if there have to be more rate changes, we are capable of doing it.

Mr. UDALL. That is correct. The great subcommittee which the gentleman heads will do that job, I am satisfied.

Let me say to those Members who are interested in the plight of the Federal employees that the Government makes its studies of comparability based on March figures. We started the hearings in April, believing that we could get the pay bill in July. They wanted July 1. The main fight they made was for a July 1 effective date.

When we came out of the committee and came to the floor of the House, we compromised on the October 1 date. They do not have this yet, but there is still a chance that the retroactive features of this pay raise can be signed and put into effect, if the Congress will act this week.

Should we go back to conference, if the previous question is voted down, the Members will have complaints, I can assure them, from the Federal employee organizations.

I believe that the vote on the previous question and on the conference report really will be a fair test of whether one is against the Federal employees, or whether he wants to do a measure of justice for them. This provides only an October 1 effective date, when they asked for and I thought made a strong case for July. Or, it is a question of whether we will stall this off until after the first of the year, and possibly delay adjournment of the Congress, which we are trying to work out this week, and generally do a very serious injustice to people who have been delayed month after month after month.

So I urge that the previous question be voted up and that we adopt the amendment of the gentleman from New York [Mr. DULSKI] and complete action on this important bill here tonight.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. As the gentleman knows, the provision I have been interested in prohibits nepotism. It was attached to the bill and went to the Senate. In the Senate they rewrote the bill and included in it what I would call a loophole, which actually provides that veterans in certain cases do not have this provision applied to them.

I believe the bill ought to apply across the board, whenever it applies, to all, not only to one branch but to all three branches and to all people equally.

I take it from the conversations I have had with the gentleman, his advice is that this is really the best that can be done, the principle has been firmly established, and he believes we should accept this. Is that correct?

Mr. UDALL. The gentleman from Iowa ought to have full credit for ending this practice of nepotism in the Federal Government. Due to the gentleman's long and vigorous advocacy of this kind of legislation it is finally going to be written into the law.

While the Senate opened what might be termed a small loophole, which the gentleman has referred to, it also closed one, in that it broadened the definition of relatives to include some categories that we omitted.

I will say to the gentleman that the Senate was very adamant on the veterans.

The proposition is that here is a man who is a veteran. He takes an examination for a particular job. He is on the list of eligibles. He otherwise would get the job, except for the fact that he is related to the appointing official.

The Senators who served on the conference felt that it was very unjust to say to a man, "You could have this job as a veteran. You have taken the test. You are on the roster. You are qualified. But because you happen to be related to someone in a position to make a recommendation or an appointment you as a veteran must be denied the job you otherwise would have."

Mr. SMITH of Iowa. Of course, the same thing would apply to a nonveteran.

Mr. UDALL. That is of course true. Some of the Senate conferees serve on the committees which deal with veterans affairs in the other body, and they were very adamant.

We were afraid that this particular provision would hang us up on the whole bill unless we yielded, and we did.

Mr. SMITH of Iowa. This is the best that could be done?

Mr. UDALL. This is the best that could be done. I believe the great majority of the kinds of practices the gentleman has been striking at will be removed by this bill.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. HALEY. Just as a matter of inquiry, the Presidential Commission that will set the salaries of Members of Congress was not in the Senate bill. Am I correct on that?

Mr. UDALL. That is correct.

Mr. HALEY. And he will have the authority in future years to set the salaries of Members of Congress of the United States and Senators?

Mr. UDALL. No. I think the gentleman is not entirely correct. There has been considerable misunderstanding on this. The President does not set salaries. The President does not recommend them. But the Commission—two of whose members will be appointed by the Speaker of the House and two by the President of the Senate—will recommend salaries every 4 years. The President has the power to decrease but not to increase those recommendations. Then it comes to the Congress. We hold the final trigger. If the gentleman and I are both here and you want to have a political exercise, let us vote down a pay raise for ourselves in 1969, which we have the right to do under this provision.

Mr. HALEY. If the gentleman will yield further, this is supposedly two equal branches of the Government, the legislative and the executive branches. It is a strange theory and strange reasoning to me that if we do not have the courage to vote ourselves a salary increase if we think we need one, why should we push it off on some commission which is established by the executive branch of the Government?

Mr. UDALL. I will tell the gentleman that there are two reasons why. One is history. The average length of time between congressional and legislative and judicial salary increases is about 24 years. We have had seven of those since George Washington's time. It took 28 years to raise the pay from $6 a day to $8 a day and then some Members were beaten when they went back and their opponents campaigned up and down the country saying that they had raised their own pay.

The second reason is that no man ought to have the right or the sole responsibility to set his own pay. The public is entitled to have a say on these commissions which will be looking over our shoulder and making recommendations and bearing a part of the burden. I do not agree for a moment that Federal judges ought to have the right to fix their own pay or that Cabinet members ought to have the right to fix their own pay without interference from anyone else. Why should Members of Congress, as a matter of logic, as a matter of commonsense and good political science, say that nobody else is going to have anything to say and that we are the sole judges of what our salary is going to be?

Mr. HALEY. Maybe if we will have a commission there, we will have a reduction in senatorial and congressional salaries. That is probably long overdue, also.

Mr. UDALL. The commission will have the right to recommend reductions, and I am sure they will be glad to hear testimony from the gentleman from Florida if he thinks that the salaries should be reduced.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Paragraph (h) of the proposal before the House provides for pay recommendations by the President. It provides for his recommendations with respect to the exact rates of pay he deems advisable.

Mr. UDALL. That is right. They are only recommendations which take effect in the event that the Congress does not veto them or pass another provision of law. We could get a quorum here very quickly if the President tried either to raise or to lower the salaries in a manner which was considered offensive to the House. As a matter of fact, I think we could have no trouble at all raising a quorum if this should happen.

Mr. GROSS. Of course, the President's recommendation is not confined to Members of Congress, but it goes as well to all of the judiciary and to all of the top level in the executive branch of Government.

Mr. UDALL. Of course it does. And the students of the Federal personnel system are unanimously agreed that it is the most far-reaching and forward-looking attempt to improve the Federal career service of anything that has been done in modern times.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order, inasmuch as the gentleman says he can raise a quorum most any time, that a quorum is not present.

The SPEAKER pro tempore (Mr. BURLESON). Evidently a quorum is not present.

Mr. PRICE of Illinois. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 432]

Annunzio
Bates
Bell
Blackburn
Bolling
Broomfield
Button
Carter
Cowger
Dickinson
Diggs
Erlenborn
Fino
Fountain
Frelinghuysen
Green, Oreg.
Halleck
Hardy
Harrison
Harsha
Heckler, Mass.
Henderson
Herlong
Hosmer
King, N.Y.
Kuykendall
Lukens
McClory
McEwen
Mailliard
Martin
Mathias, Md.
Nichols
Reinecke
Resnick
Rivers
St. Onge
Snyder
Stratton
Teague, Tex.
Watson
Williams, Miss.
Willis
Wyatt

The SPEAKER pro tempore. On this rollcall 388 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 7819. An act to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

POSTAL REVENUE AND FEDERAL SALARY ACT OF 1967

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. CUNNINGHAM] for debate.

Mr. CUNNINGHAM. Mr. Speaker and Members of the House, for those who have come in at this moment, following the quorum and who may not have heard what went on before, I might say that the majority of the speakers have been in favor of this conference report.

I happened to have been a conferee on the conference report, and I favor the conference report. I signed the conference report.

As the gentleman from Arizona [Mr. UDALL] stated—and I agree—this is the best bill that has come out of this Congress in generations.

A threat was made earlier that a motion will be offered to vote down the previous question, and that may be the first vote that will occur on the conference report.

Mr. Speaker, as I said, this is the finest bill that has come out of this Congress in generations. We spent months and months and months working upon this bill.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Arizona.

Mr. UDALL. I believe the gentleman in the well has had a lot to do with the fact that it is a fine bill. I simply want to say to him, as a member of the committee, I appreciate the hard work he has put in and the contribution he has made.

Title III of the bill which is going to be enacted will begin to control some of the objectionable obscene material. The gentleman from Nebraska deserves a lot of credit for that. I want to thank the gentleman for that, and I thank him for urging his colleagues to vote up the previous question so that we can dispose of this tonight and get this good bill enacted.

Mr. CUNNINGHAM. I appreciate the gentleman's remarks.

I might say that the only deficiency I have seen in this bill, and one that I worked hard to improve, is the tremendous subsidy that we give to newspapers and magazines. Newspapers and magazines, which are second-class mail, pay only 33 percent of their way. They are subsidized by the taxpayers of this country to the tune of 67 percent of their cost of handling. This could reach a figure of about a half billion dollars that the American taxpayer must pay from his pocket to subsidize newspapers and magazines—second-class mailers.

We fought that battle out when this was before the House, and I shall not dwell on it further. I wanted the Members to know that this is where the big deficiency and loss of revenue and injustice is so far as this legislation is concerned.

Reference was made by one or two speakers that we were voting to increase our salaries in this bill. Nothing could be further from the truth. There is a Commission to be set up to study salaries but the Congress will have the final say as to whether or not they should be approved. So do not let anyone be misled. Do not let the statement we are raising our salaries go unchallenged. We are not increasing our salaries.

A suggestion has been made that we vote down the previous question and go back to conference. I can say as a conferee, this would be a waste of time. It would be futile.

The session is late. There is very strong feeling on the part of the other body on one provision of the legislation that is objected to by one of the Members on my side of the aisle; namely, the third-class postal rates. However, I know that the other body will not give on this even though I think they should. I might say so far as the third-class rates are concerned, they pay 100 percent of their way. If you take the cost ascertainment figures plus the 18 steps third-class mail users are required to perform and add those two costs together, you will see they are paying 100 percent of their way.

So, Mr. Speaker, I say that the people who are getting the real giveaway and handout here are the newspapers and magazines. They have the most powerful lobby I have ever seen. This is beside the point, however, because, as I said, we fought that out when this bill was before this body originally.

The gentleman from Iowa is very much opposed to this bill. He has made very many statements here earlier in this debate on his position. The gentleman from Iowa did not vote for this bill when it was before the House originally. He recommended a little while ago that this report go back to conference. As I said, we will get nowhere by taking this back to conference. We have a good bill here. Most everything that the House adopted has been approved by the Senate. They have given in more than we have.

Mr. Speaker, in conclusion, particularly to those on my side of the aisle, let me say that I urge my colleagues to vote yes on the previous question—vote aye on the motion in favor of ordering the previous question, and let us get this over with. Let us bring this to a conclusion. Let us vote this up and have a bill passed and be on our way home for Christmas.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker and Members of the House, I rise in support of this conference report. I think it is a good bill. The subcommittees involved worked extremely hard not only in the subcommittee but in full committee. In addition thereto, the conferees spent 4 full days in trying to work out the differences between both bodies. They say that the art of all good legislation is the art of compromise. I think this bill before us tonight, this conference report, is indeed a product of good compromise.

A great deal of discussion has taken place about this bill, but hardly any discussion has taken place with reference to title IV dealing with the Federal employees' life insurance. I would like to take a few moments of your time to explain that portion of the bill. It provides for life insurance equal to an employee's annual rate of pay plus $2,000, with a minimum of $10,000 and a maximum of $32,000.

Further, with respect to the premiums, the premium sharing would be the same as exists in the present law. Federal employees would pay two-thirds of the premium and the Government would pay one-third of the premium. Of course, this contains a new provision that the Civil Service Commission shall have the right to adjust the rates of contribution to the level cost of the insurance in the future. It also contains a new provision which would authorize an employee to obtain and to pay the full cost of additional life insurance at his option in an amount of not more than $10,000 or an amount which when added to the basic coverage does not exceed the employee's annual pay.

I might say to the Members of this House that this insurance bill before us today is substantially the same as the insurance bill which was previously adopted and passed by this body and also passed by the other body except for the following two modifications.

First, with reference to the premium formula.

Second, with reference to this new additional life insurance in the amount of $10,000.

Mr. Speaker, under the bill which was passed by both bodies prior to this time, but which was vetoed by the President of the United States on August 12 of this year, the premium formula was the primary question involved. We had attempted to change the premium formula from the existing law by having employees pay 60 percent of the premium and the Government pay 40 percent of the premium.

Mr. Speaker, that particular modification would have cost more than $20 million. It is not in this conference report.

So, in the bill now pending before us today the principal difference is the option to purchase an additional $10,000 worth of life insurance.

Under the provisions of this bill and the conference report, I would like to point out the fact that an employee does not have to buy this additional insurance; it is purely optional.

Secondly, it would be made available to employees for purchasing at their own expense. In other words, there is no cost to the Government.

Third, while certain statutory requirements are prescribed, the optional coverage would be made available under such conditions as the Commission shall prescribe.

Fourth, this coverage would be provided by the insurance industry in the same manner as is the regular insurance now provided.

Fifth, it would continue into retirement the same as the regular insurance, if purchased at the first opportunity, or in force for the period of 12 years immediately preceding retirement.

Mr. Speaker, this additional insurance would reduce at the rate of 2 percent a month, down to 25 percent, of the principal sum, beginning at retirement or after age 65, whichever anniversary occurs later.

It would include an equal amount of accidental and dismemberment insurance, up until the time of retirement, but not thereafter.

Finally, Mr. Speaker, I would like to point out that it would permit new employees to continue, through their salaries, this arrangement but with no part of the cost to be paid on the part of the Government.

Mr. Speaker, in my opinion this is a

good bill and I recommend that the conference report be adopted.

Mr. DULSKI. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER of West Virginia. Mr. Speaker, I am very pleased about the fact that a much more balanced rate bill has been obtained than Congress voted in 1962, when the conference committee literally butchered the third-class rate. At the time the House of Representatives voted a 3.5-cent third-class rate, but the conference committee cut it back to 2.875 cents. In the light of subsequent events, it is unfortunate that the 3.5-cent rate did not prevail.

I still feel that is grossly unfair to force the average person who does not have a big lobby working for him to pay a 6-cent first-class rate, while third-class mailers, with a powerful lobby, still pay far less than 100-percent cost coverage.

Mr. Speaker, the Assistant Postmaster General, the Honorable Ralph Nicholson, has repeatedly stated that even considering ZIP code savings, the new rates are less than 80 percent cost coverage.

Mr. Speaker, I was again reminded today that second-class rates are subsidized to a greater extent than third-class rates. The House of Representatives passed a second-class surcharge on publications circulating over 500,000, which I sponsored, but it was knocked out in conference.

Mr. Speaker, I have the highest personal regard for my friends who have worked so hard on this bill, but I regret that I cannot support it because of the inequity which exists between first- and third-class postal rates.

Mr. RYAN. Mr. Speaker, I am very pleased to note that the conferees have agreed to accept the Senate-adopted amendment which includes previously omitted playscripts under educational materials entitled to fourth-class mailing rates.

On October 11, when I offered this amendment, the leadership of the House Committee on Post Office and Civil Service accepted it, but dissenting votes from the other side of the aisle prevented its immediate adoption. I have introduced this proposal in several previous Congresses and believe that the acceptance of this amendment has been long overdue.

On November 29 this amendment was presented in the Senate by Senator YARBOROUGH, who agreed that this inequity deserved correction, and it became part of the Senate legislation.

This amendment simply adds "playscripts" to subsection 6 under section 4554 of title 39 of the United States Code which presently allows manuscripts for books, periodicals, and music to utilize fourth-class mailing privileges. In removing this discriminatory omission the limited volume of playscripts will result in no significant loss of revenue, according to a Bureau of the Budget report of February 10, 1966, and will "lessen operational and rate problems for postal employees pricing such matter" according to the Postmaster General in his report of February 14, 1966.

I am gratified that my amendment is included in the conference report on H.R. 7977, the Postal Revenue and Federal Salary Act of 1967, and wish to express my appreciation to the conferees for their action.

Mr. HORTON. Mr. Speaker, I rise to reaffirm my support of H.R. 7977, the Postal Rate and Federal Salary Act of 1967.

Although the bill before us does not provide all of the compensation benefits to postal employees which I feel it should, it does make very substantial improvements in these benefits and it will provide members of the postal field service with their long-overdue goal of wage comparability. I continue to believe that reclassification of postal field service salary grades is essential if the Department is to retain its most skilled and dedicated employees. Accordingly, I will continue to press for reclassification. In the meantime, I urge my colleagues to join me in supporting the measure presently before us.

I am particularly pleased that both the House and the Senate have adopted a provision to combat smut mail which is almost identical to a measure I sponsored earlier this year. The upsurge of this disgusting mail has assumed incredible proportions in recent months and I am gratified that we are now acting to balance the individual's right of privacy against the smut peddler's freedom of speech.

Mr. DULSKI. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. CORBETT) there were—ayes 125, noes 14.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. DULSKI] that the House recede from its disagreement to the amendment of the Senate and concur therein, with an amendment.

Mr. UDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 327, nays 63, not voting 43, as follows:

[Roll No. 433]

YEAS—327

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Battin
Belcher
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolton
Brademas
Brasco
Brinkley
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Cahill
Carey
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Conable
Conte
Conyers
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gurney
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Hébert
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kleppe
Kluczynski
Kornegay
Kyros
Leggett
Lloyd
Long, La.
Long, Md.
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mailliard
Mathias, Calif.
Matsunaga
May
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Monagan
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Pollock
Pool
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Whalen
Whalley
White
Whitener
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—63

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Ashmore
Bennett
Berry
Betts
Bow
Bray
Buchanan
Bush
Byrnes, Wis.
Collier
Colmer
Corbett
Curtis
Davis, Ga.
Davis, Wis.
Devine
Dorn
Edwards, Ala.
Everett
Flynt
Gathings
Goodling
Gross
Hagan
Hall
Hammerschmidt
Hechler, W. Va.
Jonas
Kyl
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Mahon
Marsh
Mayne
Michel
Mills
Montgomery
Nelsen
O'Neal, Ga.
Poage
Poff
Pryor

Rarick
Reifel
Satterfield
Schneebeli
Selden
Springer
Stuckey
Teague, Tex.
Tuck
Watts
Whitten
Wylie

NOT VOTING—43

Annunzio
Bates
Bell
Blackburn
Bolling
Broomfield
Button
Carter
Cowger
Dickinson
Erlenborn
Fino
Fountain
Frelinghuysen
Halleck
Halpern
Hardy
Harrison
Harsha
Heckler, Mass.
Henderson
Herlong
Hosmer
King, N.Y.
Kupferman
Kuykendall
Lukens
Martin
Mathias, Md.
Multer
Nichols
Reid, N.Y.
Resnick
Rivers
St. Onge
Smith, N.Y.
Snyder
Stratton
Utt
Watson
Williams, Miss.
Willis
Wyatt

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Carter for, with Mr. Martin against.

Mr. Harrison for, with Mr. Kuykendall against.

Mr. Fino for, with Mr. Cowger against.

Until further notice:

Mr. Annunzio with Mr. Broomfield.

Mr. St. Onge with Mr. Halpern.

Mr. Henderson with Mr. Bell.

Mr. Fountain with Mr. Wyatt.

Mr. Stratton with Mr. Kupferman.

Mr. Nichols with Mr. Watson.

Mr. Multer with Mr. Smith of New York.

Mr. Resnick with Mr. Reid of New York.

Mr. Hardy with Mr. King of New York.

Mr. Herlong with Mrs. Heckler of Massachusetts.

Mr. Rivers with Mr. Bates.

Mr. Willis with Mr. Halleck.

Mr. Williams of Mississippi with Mr. Snyder.

Mr. Mathias of Maryland with Mr. Blackburn.

Mr. Button with Mr. Dickinson.

Mr. Frelinghuysen with Mr. Erlenborn.

Mr. Hosmer with Mr. Lukens.

Mr. Harsha with Mr. Utt.

Mr. PASSMAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks and to include extraneous matter on the motion just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORITY TO CONSIDER DISTRICT BILLS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that District bills, H.R. 8581, to increase the price for reports of the U.S. Court of Appeals for the District of Columbia Circuit, and H.R. 14330, to provide a program for the prevention and treatment of alcoholism in the District of Columbia, may be brought up on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7819, THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I have no intention of objecting—the gentleman from New York was consulting with the gentleman from Kentucky on the question that I was about to raise. Has there been general agreement upon that question?

Mr. PERKINS. Mr. Speaker, if the distinguished minority leader will yield, there has been such general agreement. The conferees were cleared by the distinguished gentleman from Ohio [Mr. Ayres] and the distinguished gentleman from Minnesota [Mr. Quie] in the list that I have submitted to the Chair.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. Perkins, Mrs. Green of Oregon, Messrs. Holland, Pucinski, Daniels, Brademas, Carey, Albert, Ayres, Quie, Goodell, Bell, Esch, and Steiger of Wisconsin.

TO DESIGNATE THE SAN RAFAEL WILDERNESS, LOS PADRES NATIONAL FOREST, IN THE STATE OF CALIFORNIA—CONFERENCE REPORT

Mr. BARING submitted the following conference report and statement on the bill (S. 889) to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California:

Conference Report (H. Rept. No. 1029)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 889) entitled "An Act to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

Walter S. Baring,
Harold T. Johnson,
Morris Udall,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Frank Church,
Thos. H. Kuchel,
Gordon Allott,
Managers on the Part of the Senate.

Statement

The Managers on the part of the House at the Conference on the disagreeing votes of the two Houses to the bill (S. 889) to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying Conference Report.

Both the Senate and the House versions of S. 889 provide for the designation of a substantial area within the Los Padres National Forest as the San Rafael Wilderness. As passed by the Senate, S. 889 includes approximately 143,000 acres of rugged, relatively undisturbed wilderness land. As amended by the House the bill includes an additional 2,200 acres, consisting of three separate tracts of land, located along the northeast boundary of the proposed wilderness area. These three areas were added by the House primarily to provide for the inclusion of four sites displaying excellent examples of pictographs by the now extinct Chumash Indians, as well as to provide some additional protection along the route of a major flyway of the California condor and to include some additional natural grass openings, or potreros, within the exterior boundaries of the proposed wilderness area.

Since the adoption of the amendment by the House to include the additional 2,200 acres, information has been made available by the Forest Service emphasizing the extremely critical nature of wildfires and their control in this area and further emphasizing the vital importance of the additional area to existing and planned fire control programs. The subsequent information also points out that one of the most serious fire threats in brush areas, such as San Rafael, is from great sweeping conflagrations that move rapidly on a wide front. It has been well established that advance preparation of fuelbreaks will greatly enhance the chances of keeping a fire from sweeping over a ridge from one drainage to another. To aid in the control of such disastrous fires the Forest Service has, for several years, embarked on a program of establishing a system of fuelbreaks along the ten-mile stretch of the Sierra Madre Ridge southeast from Montgomery Potrero. This fire control system consists of areas wherein the brush has been removed and the area converted to grass. These converted grass areas are connecting links with the natural potreros and, with the potreros, make up a fire control line. About 900 acres of this work has been completed but another 600 acres remains to be converted. All of the remaining 600 acres of the strategic lands still to be treated lie within the 2,200-acre addition. It has been further represented that there are no suitable substitute areas that could be readily selected by the local fire control experts outside the 2,200-acre addition.

The House Members of the Conference Committee have very carefully weighed all information available on the problem of fire control as well as the possibility of selecting alternate sites for such control outside the 2200 acre addition. Based upon the best information available from private, state and federal fire control organizations, each familiar with the area and each a recognized authority on wildfires of the type common to this vicinity, the Members concluded that alternate sites for fire control are not readily available outside the 2200 acre addition.

As the prevention of disastrous wildfires is of major concern in this area and as the responsibility for the control and prevention of such fires rests with the Forest Service, the statements and recommendations of that agency weighed heavily with the conferees. As late as 1966 fires have occurred in this area and in the great Wellman fire of that year 70,000 acres were burned within the proposed wilderness area. Any course of action which would seriously inhibit fire control measures must, in the opinion of the conferees, be avoided. For this reason, and then only after strong representations by the Forest Service, the recognized experts in forest fire prevention as well as the agency that must take action to fight and control these fires, did the conferees agree upon the deletion of the additional 2,200 acres.

With respect to the Chumash Indian pictographs, it should be pointed out that examples of this culture are not confined to the additional 2,200 acres but some of the best preserved pictographs are located well within the wilderness area. Also, while the House amendment added some potreros to the wilderness, there are a number remaining within the proposal, including approximately 400 acres of the Montgomery Potrero.

Your conferees were not unmindful of the necessity to protect the Chumash Indian pictographs and the rare California condor, or of the advantages of preserving the beauty of the potreros in their natural state for the enjoyment of future generations. To a very large extent these values can be preserved by limiting public use to and on roads in this area and by maintaining the wilderness characteristics of the area without actual inclusion within a designated wilderness. Accordingly, the conferees find that the Sierra Madre Ridge road should remain closed to all but administrative traffic from McPherson Peak Lookout easterly to a point one mile from Santa Barbara Canyon, and that public travel should also be restricted on the Buckhorn and Cachuma Saddle-McKinley Peak road to the extent deemed advisable by the Forest Service. The conferees further stress that protection of the Chumash Indian pictographs in the area, as well as the protection of the endangered California condor, is essential. It is also desired that the potrero land adjacent to the wilderness areas be preserved as nearly as possible in its natural state, consistent with fire control needs.

Should the exclusion of the area contemplated by the House amendment impede the protection afforded these values, the Congress should review the entire proposal with a view to amending the wilderness boundaries.

Walter S. Baring,
Harold T. Johnson,
Morris Udall,
Managers on the Part of the House.

EILEEN SHANAHAN PROTECTS PUBLIC'S RIGHT TO KNOW ABOUT THE FEDERAL RESERVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the New York Times performed a great service last Tuesday when it printed a news story based on a so-called off the record speech by Federal Reserve Board Chairman, William McChesney Martin.

The Times reporter, Eileen Shanahan, performed in the highest traditions of journalism in refusing to accept the clumsy attempts to keep Mr. Martin's remarks out of the press and away from the public. The public's right to know was protected and the New York Times and Eileen Shanahan should be commended.

During this speech, William McChesney Martin referred to the President of the United States as "irresponsible." The Federal Reserve Chairman then went on to tell his audience of bankers and lobbyists just how the country ought to be run.

This speech was before more than 200 people who were attending an American Bankers Association meeting. As the New York Times concluded, it would have been indeed absurd to have considered a speech as "off the record" before such a large group.

Of course, the Federal Reserve Board Chairman wanted these "insiders" to hear his remarks about the President and then to whisper them among their friends on Wall Street and in other financial centers around the country. In this manner, Mr. Martin felt he could do the maximum damage to the President with the minimum danger to himself.

Eileen Shanahan's insistence on the public's right to know foiled this neat political gimmick.

Mr. Speaker, I hope that the New York Times straightforward reporting of this bankers' meeting heralds an era of vigorous and complete reporting on monetary affairs. I hope this means that the press will go behind the Federal Reserve's carefully worded press releases and off-the-record statements and report the full facts on monetary matters.

The Federal Reserve has long followed a practice of letting a few "insiders" know the secrets of its operations. It is the most secretive operation in Washington and it manages the release of information with great skill. As a result, the public is usually fed a steady diet of monetary pablum with a minimum of hard facts.

Mr. Speaker, as I have reminded the House many times, the Federal Reserve refuses to release the minutes of the Open Market Committee—probably the most important single instrument of monetary policy. The Banking and Currency Committee has attempted to obtain current minutes for many years and has been consistently refused. The most recent minutes which the members of the Banking and Currency Committee have been able to inspect are for 1960—almost 7 years old.

The press could do great service by insisting that the Federal Reserve System operate in the open, at least to the extent of other agencies of the Federal Government. At a minimum, I would hope that the members of the Washington press corps will insist that the Federal Reserve System—including the famous Open Market Committee—live up to the letter and the intent of the Moss bill—the Freedom of Information Act, which the Congress passed last year.

Again, Mr. Speaker, I want to commend the New York Times for opening one small window on the inside operations and political maneuverings of William McChesney Martin. But, I hope this is only a beginning.

CONFEREES AGREE ON TAX BENEFIT FOR AUTO FIRM

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, at a time when this body has found our economy so strained by deficits that we can barely afford $10 million in rent supplements for more adequate housing for those living under desolate conditions, I am sure it will warm your heart, as it warms mine, to find that we are on the verge of passing a $20 million tax rebate for the American Motors Corp.

Should the other body see fit to provide $40 million to improve living conditions and provide escape from ghettos through better housing, I hope this body will find itself able to concur.

I am sure Governor Romney would agree that this country has the strength to put at least twice as much money in housing for its poor as it awards American Motors.

I call your attention to the following article in the St. Louis Post-Dispatch of December 7, 1967:

> ### CONFEREES AGREE ON TAX BENEFIT FOR AUTO FIRM
>
> Washington, December 7.—Senate-House conferees agreed yesterday on a tax provision that could enable the financially troubled American Motors Corp. to receive a $20,000,000 tax rebate.
>
> The provision was one of several Senate riders to a minor House tax bill accepted in the conference.
>
> Under the provision, American Motors would be able to carry back net operating losses for five years instead of the three allowed by present law. This would mean it could offset the losses against taxes paid on profits in earlier years and get the substantial rebate.
>
> Also accepted was another Senate provision expected to benefit American Motors.
>
> It would repeal a section of present law that prevents the carry-back to earlier taxable years of an unused investment credit that results from the carry-back of a net operating loss.
>
> Under the investment credit, a company may substract from its taxes up to 7 per cent of its spending on new plant and equipment. But the credit is valueless unless a company makes a profit on which to pay taxes.

CONFERENCE REPORT ON THE POVERTY BILL

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE: Mr. Speaker, I voted against the poverty bill in the House and shall vote against the conference report. This should not be construed as an indication of any diminution of my high regard for the respective conferees. From previous statements on the floor, I recognize they are widely held in high esteem throughout this body. However, previous discussions and praise of the fruits of the conference report were such that I fear I must have read the wrong conference report. For this reason, I here state some of the conference report provisions as I understand them:

First. The House poverty bill called for a 1-year extension. The conference report calls for 2 years.

Second. The House bill would have provided $1,600 million for 1 year and the estimated price of the 2-year conference plan is $4 billion. Thus, the first year's increase will amount to something like $400 million or a 25-percent increase in expenditures, with which to ornament a current deficit of approximately $29 billion.

Third. The House bill called for participation by duly elected public officials in the so-called city hall amendment. The conference report changes the effective date of this amendment from July 1, 1968, to February 1, 1969, and includes a bypass provision that will make it possible for at least 90 percent of the programs to remain unaffected by locally elected officials.

Fourth. The House provision that would require a locality to contribute $1 in cash, to receive $9 in Federal funds has been eliminated, retaining the currently permissible in kind—sometimes called the blue sky or hot air—contribution from local sources.

Fifth. The House-voted ban on political activity by poverty workers has been limited in the conference to working hours. An interesting limitation.

Sixth. The House banned the use of $100-a-day consultants, but the conference report modified that ban to permit the use of consultants provided such use is limited to 100 days per year. On the basis of a 365-day year, with 52 Sundays, and, in our 40-hour-week economy, 52 Saturdays, seven legal holidays, 14 days vacation, 7 days sick leave, this totals 132 days which together with 100 days serving as a consultant would leave some of the more astute consultants with 133 days a year to devote to their regular full-time employment.

These are the things I am voting against. I just want to be sure my colleagues know what they are voting for.

LETTER TO PRESIDENT PRAISES HIS DEFENSE OF FREEDOM

Mr. POOL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POOL. Mr. Speaker, the simple eloquence of an open letter to President Johnson, published in the Brookfield Enterprise, should give renewed strength to our Chief Executive in his determination to preserve South Vietnamese independence.

A young American, Denny Johnson, has told the President that he supports our commitment to Vietnamese freedom because the blessings of peace must be secured for our children—regardless of the cost to us.

This extraordinary man recognizes that freedom around the world is indivisible—its loss in Vietnam is our loss in the United States. He realizes that America cannot remain secure in her prosperity while the hand of oppression lays upon an ally.

The brave people of South Vietnam are threatened with decision by aggression from a ruthless enemy. Our simple but lofty purpose, since the days of President Eisenhower, has been to allow the South Vietnamese to live their lives free of oppression—to secure for them the fruits of liberty.

Denny Johnson has offered his life to preserve the freedom of a distant land—as young Americans before him have valiantly sacrificed theirs. This determination in the face of challenge has made the United States the champion of the free world.

It will help our Nation and our President see through the difficult days ahead.

I include the letter to the President in the RECORD:

AN OPEN LETTER TO THE PRESIDENT

DEAR MR. JOHNSON: Tonight, as I lay awake in my bed listening to my wife and baby son sleep, I began to think of you.

Yes, as I lay there in my warm bed, many miles away from you, I began to think. I wondered what, just then, you were thinking of. I don't have your job, and sometimes I worry about you, sir, because, you see, I know you're a man just like John Smith, and all those other American people in our wonderful country.

Well, Mr. President, what I really wrote to tell you was this: I don't carry signs, nor do I let my beard grow, nor do I like to pay taxes, but I do love my country, more than anything in the whole world. I never had to go to Viet Nam, or Korea, or Saigon or any of those other far away jungles. But, Mr. President, I will if they call me, not because I want to, but because I think that to preserve a person's freedom is the most wonderful thing in the world.

For all my life I've lived in a country built on ideal, by men better than you and I, and if I can just do one little thing, even give my life, so that my son will enjoy these privileges as I have, I will, and I'll do it with love in my heart.

You and I, Mr. President, as much as I hate to say it, are not important. We will live our lives out and die and be forgotten. The important thing is this: For the world to exist, and for our grandsons and granddaughters to be able to live peacefully together in a world bound by love. And if we can help, in some little way, this is our purpose and the reason we are here.

I wonder sometimes, if you aren't sitting in your easy chair watching the morning sunrise on a new day and thinking, "Why have I taken upon myself this terrible weight." Yes, Mr. President, the weight of a man's life is a ghastly thing. But I myself would like you to know, deep in my heart, that I think the reason we are fighting more than threefold outweighs the lives we have lost. And I truly believe in my heart, what we are doing must be right.

Through the years men have fought and died for the opportunity to be able to say "this is my country and this is the way I want it." And while sometimes you may feel that maybe these people around you don't want to be free, it's not that way at all, not at all!

You must remember, Mr. President, that these people around us, me included, have known no different. We become used to the good life, and we find it hard to comprehend that people live under oppression.

Its hard to realize that some folks don't have eggs and bacon for breakfast on Sunday, and that they can't take a day off to watch a ball game. We don't know this, and we don't care to know it either.

But I believe that we must wake up now, that we must see that others, too, want to live our way, the American way, and we must help them in any way we can, even if it means sacrificing our own lives in the process.

Before I close, Mr. President, I'd like to mention that all Great Presidents, no, let me say all great men, have had to make decisions that put them alone and under fire, but they have proved to be the wisest in the outcome, otherwise they wouldn't be great men. I want you to know that my little bit of America is willing to help you share the weight of this conflict in my heart. . . .

DENNY JOHNSON.

TRIBUTE TO DR. HENRY TANNER, RETIRING DIRECTOR, VETERANS' ADMINISTRATION HOSPITAL, NORTHAMPTON, MASS.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise at this time to pay tribute to a loyal, dedicated, and excellent public servant, Dr. Henry Tanner, director of the Veterans' Administration hospital in Northampton, Mass., who will retire next Friday after 25 years of service to his country and the Federal Government.

Dr. Tanner assumed the directorship of the hospital in November 1960, when Northampton was in my Second Congressional District. Since that time, many new treatment programs have been initiated and a large number of existing programs refined and expanded.

He provided the leadership and guidance in the development of the psychiatric unit system, establishing an alcoholic rehabilitation program and initiating a treatment plan for patients legally blind or with severe impairment of vision.

Dr. Tanner was instrumental in providing motivation for the patients' rehabilitation employment program, referred to as PREP, through which patients are reimbursed for work assignments in the hospital and given an opportunity to accept gainful employment in the community and return to home and friends.

During the period of his tenure, the hospital facilities in Northampton have been improved, equipment updated, and many new pieces of modern equipment made available to the physicians and paramedical personnel.

The outpatient services have been expanded with ever-increasing numbers of veterans admitted directly for treatment in the general medical and surgical sections of the hospital. A greenhouse for patients was constructed for the patients.

The annual hospital evaluation from the Veterans' Administration regional medical director gave Dr. Tanner's hospital an overall rating of "high satisfactory," and the Northampton hospital received the Veteran Administrator's certificate for achieving an outstanding safety record for 5 consecutive years.

Dr. Tanner was presented with the Presidential citation for the hospital's participation in aiding the handicapped in conjunction with the "Salute to Industry" ceremony.

Mr. Speaker, Dr. Tanner is a fellow of the American Psychiatric Association, and a diplomate, American Board of Psychiatry and Neurology. He is a member of the American Medical Association, American Psychiatric Association, the Suffolk County Psychiatric Association, the Commission on Certification of Mental Hospital Administrators, the Western Massachusetts Psychiatric Society, in which he served as secretary and president, and the Massachusetts Medical Society.

A native of New York City, Dr. Tanner was educated at DeWitt Clinton High School, the City College of New York, and received his medical degree at Tulane University. On completing his internship, he was in private practice.

Dr. Tanner served in the Army Medical Corps during World War II, and later become associated with the Veterans' Administration hospital in Chillicothe, Ohio. He served as chief, acute-intensive treatment services and director of professional services at the Veterans' Administration hospital in Northport, N.Y., before his appointment as director of the hospital in Northampton.

Married to the former Mary Gertrude Churchwell of New York City, Dr. Tanner has one daughter, Mrs. Barbara Paquette of Wilmington, Del., formerly of Northampton, and two grandchildren, William Henry, and Anne Marie.

Mr. Speaker, a farewell reception to honor Dr. Tanner will be held at the hospital in Northampton tomorrow afternoon. I regret that I will not be able to attend, because the House will be taking up important conference reports on legislation this week. I do want to take this moment to extend to Dr. Tanner, and his wife, my very best wishes for the future.

Dr. Tanner has always been very kind and understanding to the veterans and their families in my area. I want to thank him for the courtesies extended to me and my office staff over the years. Dr. Tanner has a right to be justly proud of the hospital he leaves in Northampton, and of the leadership and guidance he gave to that first-rate institution.

On behalf of my colleagues in the Congress, I want to commend Dr. Tanner for the invaluable contributions he has made to the Veterans' Administration, to the veterans of this Nation, and to his Government over the last quarter century.

AM I YOUR ENEMY BECAUSE I TELL YOU THE TRUTH?

Mr. RARICK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RARICK. Mr. Speaker, under the pretext of academic freedom, most Americans assume every avenue of thought is given freedom of expression. But many fail to realize this is incomplete because "academic freedom" only extends to such facts as are preferred by the thinking of the modern libertine intellectuals.

Conversely, the true intellectuals fear telling the American people the truth because the truth is in many instances misinterpreted and can well be attacked and smeared with such hate phrases as racist, neo-Nazi, and white supremacy. Because of such fear from the left spectrum, many true intellectuals who possess the stature and facts to be of invaluable assistance to correct the fathomless depths our society has entered, the public does not hear the wisdom of caution, prudence and temporance—the educational opinion as to how the emotion and licentious release of today will affect the coming generations and those to follow.

One fearless searcher for the truth, able to withstand the pressures of the contemporary modernism is Mr. Carleton Putnam, the fearless author of "Race and Reason."

Mr. Putnam for some 7 years has been calling on our scientific brethren to overlook the passions and politics of popularity in an effort to have them acknowledge the true known facts of race differences.

On November 30 of this year Mr. Putnam addressed himself to Dr. Frederick Seitz, president of the National Academy of Sciences. Mr. Putnam's letter to Dr. Seitz is one of the most impressive summations of the situation I have ever had the good fortune to read. It most certainly begs the questions—the answers to which will separate the politician from the statesman.

Because of Mr. Putnam's renowned reputation and deep concern for the races, I commend his letter to the reading of every Member of this House.

There can be no resolution of the problem poignantly posed until the truth is faced and our politically attempted solutions based not on fiction but facts and reason.

The letter follows:

McLEAN, VA.,
November 30, 1967.

Dr. FREDERICK SEITZ,
President, National Academy of Sciences,
Washington, D.C.

DEAR DR. SEITZ: You are, I know, familiar with the recent speeches of Dr. William Shockley, both before the National Academy of Sciences and elsewhere, on what he calls the "environment-heredity uncertainty" as it affects the problem of the city slums. You may also remember that in some of these papers he refers to the National Academy of Sciences as the scientific conscience of the nation and as its "organized central core of intellectual scientific integrity."

These designations lead me to appeal to you (despite your Council's statement at Ann Arbor on October 23) on an aspect of the race problem with which Dr. Shockley has not dealt. I am in complete agreement with his view that more research on the nature of race differences should be encouraged, and that in "a time of less than a decade" "reliable answers" can be obtained. Shockley is rightly concerned about the Negro of the future. But I would go further. I would invite your attention to the Negro of the present. In my opinion our racial crisis is developing so rapidly that we cannot afford to spend ten years refining answers which are already sufficiently apparent to justify interim action on your part.

I refer not only to questions of eugenics on which the heredity-environment ratio has some bearing, but more specifically to the policy of misleading the average Negro as regards his biological potential and his achievable job and status expectations, and also to the wisdom of forced social integration in schools and housing. Here the precise heredity-environment ratio is of minor, if any, importance, once the existence of a substantial genetic factor is conceded. I assume you will agree that, given the hypothetical, ideal situation *where the environment is the same,* two races of substantially different genetic endowment will, as groups, perform substantially differently. If this be the case in the ideal situation, it will certainly be no better where the environment of the less-endowed group is the poorer. The only ultimate issue therefore is: Are there, or are there not, such substantial differences? This is more fundamentally a question for anatomy and its related disciplines than for genetics. It goes without saying that if there are certain brain structures related to intelligence which are characteristically White or Negro these must by definition be inherited, otherwise they would not be race characteristics. If they are also of different evolutionary grade, their significance is clear.

Let me emphasize at the outset that, while mathematical exactness is necessary and practicable in the physical sciences, this is not always the case in the life sciences, and is rarely true in the management of human societies. Moreover, a distinction must always be made between evidence and proof, or more specifically between the *balance* of the evidence in any given situation and absolute certainty. For example, our Anglo-American legal system requires simply a preponderance of the credible evidence in civil cases and proof "beyond *reasonable* doubt" in criminal cases [emphasis mine]. It would be manifestly impossible to function at all if absolute certainty were a prerequisite, either for every decision at law or for every public policy.

As regards the life sciences an unusual situation has developed over the past 40 years. I can think of no parallel in history where a strictly scientific misrepresentation (the positive statement that no significant genetic race differences in intelligence exist) has had such far-reaching social and political consequences. Were it not for the deluge of dogma which has inundated the minds of two generations of our people there would be no need to inform the public that the great preponderance of the credible evidence is on the side of innate race differences in both intelligence and temperament—that, indeed, there is no credible evidence whatever on the side of the equalitarian theory.

It would likewise be unnecessary even briefly to summarize the available data in support of race differences—the record of the Negro race throughout history, the brain-weight studies of numerous experts, the findings of qualified anatomists on the comparative structure of the White and Negro brain, the work of Geber and Dean on relative rates of kinesthetic maturation, the electro-encephalographic investigations of Gallais and Mundy-Castle, the researches of distinguished field anthropologists like Gates and Coon, the summaries by Shuey of 40 years of intelligence tests, and the repeated identical-twin studies of competent psychogeneticists—these would all be superfluous. The public would already have reached confirming conclusion based on normal perceptions and common sense. You will notice that we are not concerned here solely with a preponderance of evidence in one field, but in all areas related to racial capacities. It is a convergence from every direction, a preponderance within every segment of a totality.

However, in the light of our present academic climate it may be advisable for me to stress, even to you, that the above material is of record and that none of it has been contradicted by any counter-facts. It has been attacked as inadequate, but never disproved. Such counter-materials as have been offered have been either so irrelevant or so distorted as to be unacceptable to any thoughtful mind. If you doubt the accuracy of this, I can assure you it is a matter which will reward investigation by an impartial committee of the Academy. And I may add that all courts of law which have heard the evidence and made findings of fact in this area have not only confirmed the view that there is an ample "scientific basis" for the concept of significant genetic racial differences, but have held that its protagonists have sustained the burden of proof.

Meanwhile, the public, as I have said, has been categorically instructed that there are no such differences. The primary and secondary schools in which our children are educated are flooded with this deception, the colleges and universities re-enforce it, encyclopedias and reference books have been altered to contain it, laws have been passed requiring texts to expound it, the churches of all faiths preach it, newspapers and magazines admit no other doctrine, while the moving-picture, TV and radio media are committed to its diffusion 24 hours a day.

The interaction with our government complex has been complete. Throughout the nation, except for the Deep South, our state and federal legislatures, executive departments and higher courts are committed to policies founded on the equalitarian dogma at home and abroad. Our highest court cannot even bring itself to look at the record of the trial courts. In other words, in defiance of the overwhelming "preponderance of the credible evidence" and in spite of the fact that to most informed minds it must actually constitute proof "beyond *reasonable* doubt," all of our current thought and action has been based on the assumption that the opposite of the evidence is true.

The results should have been foreseen from the beginning. While the general public was being massively indoctrinated, the Negro mind could hardly remain immune. Some six years ago, at the time of the publication of my first book on the race problem, I received a letter from a Southerner which read in part as follows: "In the last ten years . . . the leadership of the Negro race has almost abandoned efforts at self-improvement by the Negro. In my lifetime the patient pioneering of Southern leaders, both White and Negro, had, I believe, led to some improvement, both in race relations and in the status of the Negro in the American communities. Now virtually all the emphasis is being placed upon the theory that the big obstacle to a millenium for the Negro race is the oppressive social system under which he lives. Even a far more sophisticated race of people would be corrupted by such a narcotic as this. In the case of the Negro, with his uncritical mind and lack of experience, the result has been nothing less than a catastrophe."

This was written in 1961. Today we have a national magazine like *Newsweek* referring to "black riots—the most sustained spasm of civil disorder in the violent history of a violent country." In the last three years there have been 101 such riots in which 130 people have been killed, 3,623 injured, and 28,932 arrested. The cost has been estimated at nearly three quarters of a billion dollars. And because much more and worse is expected, local and federal boards and commissions have been appointed to study the cause, in all of whose deliberations so far I fail to find one mention of the transparent source of the trouble.

It seems to me it should be self-evident that if one continuously saturates the average Negro with a flood of propaganda to the effect that there are no innate differences between himself and the White man, the Negro is bound to reach the conclusion that his condition nationally is due solely to White injustice rather than to his own limitations. This in turn must produce a deep sense of grievance and a desire for revenge. It must likewise generate an expectation of jobs and status that cannot in the nature of things be realized.

At the same time the impact upon the White man must be correspondingly, if more subtly, disastrous. Plagued by a false sense of guilt he will assume attitudes and adopt policies which will compound the difficulty. He will appease and indulge the lawlessness of the Negro, and nourish his self-pity. A pervasive White permissiveness, at times even a pathological fawning, will take the place of a climate conducive to self-reliance and self-improvement on the part of the Negro. All men and races instinctively respect and strive to emulate other men and races who know their own worth. They openly or secretly despise those who deny it. We hear much talk now-a-days about "human dignity", but nothing is more apt to destroy dignity on both sides than the equalitarian dogma. As the inferior moves toward superiority, dignity is self-generating. When the superior denies itself, dignity is left to neither. Show me the Negro who has fulfilled his potential and I will show you the man with dignity; it will not be the man who demands jobs and status beyond his potential which can lead only to failure and disillusionment.

I will not dwell on the effect of all this upon our society as a whole. The loss of respect for duly constituted authority and the traditions of the past, in both the community and the home, are a result of the violation of the same principle. The lack of genuine leadership throughout our society and many of the problems of crime and juvenile delinquency stem from it. In this debilitating atmosphere every form of subversion of our native American ideals multiplies. When Walter Lippmann deplores the sense of hopelessness of the spirit in the United States today he can look for the source here.

Nor is its malign influence confined to our borders. American foreign policy in Africa has been in large part based upon the identical assumptions which control our domestic affairs. We have encouraged the collapse of systems necessary to law and order, and the consequences have been more bloody and terrible than any in the United States. It is an underestimation to say that hundreds of thousands of people have died violent deaths in the Congo, Nigeria and other African "states" in the last five years because of the fantastic notion that the African Negro needs only a clear chance to govern himself. As for the folly shown in the structure of the United Nations, a folly directly traceable to the dogma in question, we deserve the futility it has added to our position in both hemispheres.

And now I come to the more painful part of this letter. Because the National Academy of Sciences has stood aside during the past 40 years while the Boas cult promulgated and expanded the dogma of innate human equality throughout our schools and universities, it must, in my opinion, bear the major responsibility for our present predicament. The Academy watched the cult give the dogma a supposed scientific foundation, the authority of established face, in the institutions where the young minds of the nation are formed. Here was the first pollution from which in succeeding generations it has spread to every crevice of our national life. Every opinion-molding agency of our society, when called upon to justify its position on this issue, retreats to the assurances of our scientific hierarchy. If it be true, as Shockley has said, that the Academy is the scientific conscience of the United States, then it has much to redeem.

Beyond this, it has permitted without protest the suppression of research and the persecution of truth-oriented experts throughout the country. It has allowed the United States to fall behind even the communists in this respect. I cite you a passage from an article in the *New York Times* for October 17, 1967, which in turn quotes the president of the Russian National Academy of Sciences as follows:

"We must frankly state that our biology had been acquiring the bad habit of solving debated scientific problems through the pressuring and suppression of scientific opponents, the use of disparaging labels and other unscientific means. All this has had a negative effect on the development of a number of branches of biological science. . . . In general, it must be stated that one-sided evaluation and attempts at arriving at official evaluations in science by a majority of votes or more vocal behavior is not fruitful."

The author of the article, the science editor of the *New York Times*, goes on to say: "Such candor is now commonplace. One is left with the impression that the Soviet establishment has learned its lesson and that a recurrence of suppressive tyranny in the physical and biological sciences is unlikely." It is unfortunate that the American Academy has not learned the same lesson.

I have sometimes heard it said that the reason for the Academy's inaction is the fear that the truth may be exploited by "racists". Yet apart from the fact that such an argument comes perilously close to conceding that truth may be on the "racist" side, let me suggest that misuse of the truth is no excuse for suppressing it. One suppresses the misuse, not the truth. In this connection I would like to quote a statement from the work of Dr. Wesley C. George, whom many have called a "racist". It reads as follows: "On a television religious program I heard a minister report that the National Council of Churches has recently said that love is the ultimate solution of the race problem. Any one worthy of being the shepherd of a flock should know that unrestrained and unguided love has led many people to tragedy. By all means, love should be involved in considering human affairs including race relations; but love is not necessarily wisdom and it does not eliminate the necessity for making judgments based on fact and reason."

I share Dr. George's views, and if he is a "racist", I am. From my standpoint there is neither kindness nor humanity in a policy which sets the races against each other in a rising crescendo of blood and terror, which inflames the Negro with false motives for revenge, and which incites him to insurrection against a race to whom he owes every attribute of civilization he possesses.

Nor do I find much logic in the comment with which you draw your Ann Arbor statement to a close. When you remark that you hope "persons would be considered as individuals and not as members of groups" you forget that every civilized society by necessity has laws and policies which apply to groups, regardless of their effect on exceptional individuals. We have legislation which prohibits women from working overtime in factories, despite the fact that some women are stronger than many men. We have laws that keep minors from voting, getting married and driving cars, although some minors are wiser and more competent than many adults. To damage a whole society with torrents of injurious influences in order to accommodate the exceptional few is something new in our democracy.

But of more importance is the fact that the exceptional Negro was doing very well in the United States before the forced-integration uproar started. I cite you as only one example the case of S. B. Fuller, president of the Fuller Products Company and publisher of *The Courier* chain of national weekly newspapers, whose career is well known. I do not hesitate to say that the exceptional Negro and the successful mulatto have been hurt more by the drive for forced integration than by any other influence in American life. These are the people who, under the old dispensation, would have been quietly welcomed in many areas of our society, but who now have become symbols of an indiscriminate mass movement which is rightly repulsive to perceptive White men.

If you ask me at this point to name a solution which the National Academy could provide to the problems discussed herein, I can answer without hesitation: Tell the truth. By this I mean inform the public of the direction in which the preponderance of the evidence points. Stop evading the issue by talk about the impracticabilities of absolute certainty in every area, and disclose the overwhelming probabilities. Then let the people make up their own minds as to what they do about it. Even a body as distinguished as the Academy is unacceptably dictatorial if it proposes to tell the American public how they should use this knowledge, or fears how they might use it. That is not your responsibility.

You will forgive my remarking, too, that for the Council to say on behalf of the Academy as it did at Ann Arbor that "there is no scientific basis for a statement that there are . . . substantial hereditary differences in intelligence between Negro and white populations" is patently misleading, even though you concede that there is likewise no basis for a statement to the contrary. By restricting one's definitions of "scientific basis" to the narrowest limits, the quoted dictum might be held marginally acceptable, provided one confines one's evidence to genetics, as in fact you do. But you have no right to confine your evidence to genetics, nor to leave the impression with the public that the story ends here, when the truth is that it only begins. It is the Academy who, for political reasons, are withholding the whole truth, and it is the rankest hyprocrisy for them to talk of fear of political abuse by others.

Actually a truth-oriented pathway out of our present predicament may not be as frightening as our current state of mind may lead us to think. Let me offer a blunt example of the starkest case. Suppose it be established and stated that the preponderance of the credible evidence indicates that the average Congo Negro is 200,000 years younger in evolutionary grade than the average Western Caucasian, and that the average American Negro, due to absorption of White genes, is 140,000 years younger than the average White American. It is not necessary for us to decide in advance what to do about this. The truth and its dissemination come first. Nothing is more obfuscating than to avoid the first step because of arguments over the second. The problems which will follow an acceptance of the truth cannot be evaluated until the truth is established, digested and studied against the background of other realities. Once the emphasis changes from fantasy to fact, better methods will develop for dealing with the exceptional Negro and the mulatto, for the job placement and status satisfaction of the average Negro, and for voluntary integration in certain situations and voluntary segregation in others. One does not attempt to navigate a vessel with a compass which is 180 degrees off. One corrects the compass, and then the beacons and the shore line begin to fall into place.

As for your conflicts within the National Academy, I recognize the difficulties. I have heard it estimated that if a secret poll were taken of the entire scientific establishment 20 percent would be found on the side of men like Garrett and George, 20 percent would belong to the hard-core left wing whose socialist and even communist leanings would put them in the directly opposite camp, and the remaining 60 percent would be found in the no-opinion category of scientists who would prefer to avoid the subject. The latter have the "Don't Disturb" signs on their doors, while they look in other directions.

What the proportions would be in the Academy, I of course have no means of knowing. You doubtless have your share of individuals who would like to speak if they could be sure of not losing their livelihood. You also have your quota of the uncommitted. Your membership may include several outright subversives who care nothing for the scientific issues and seek only the destruction, through scientific propaganda, of our traditional way of life. In any case, I am appealing not only to you personally but, through a copy of this letter, to all your members, to reconsider your Ann Arbor statement and at long last to fulfill your obligation as the scientific conscience of our common country. If, as I understand it, your role also includes an official position as advisor to the federal government on scientific questions, its importance increases. I would suppose that a resolution, a statement or a letter addressed by the Academy jointly to the President, the proper leaders in Congress and the Chief Justice of the Supreme Court would be eminently appropriate and effective. The record upon which the Supreme Court made its 1954 school integration decision was a blank on the major issue I have raised here.

To those of you who cling to the view that your religious or moral duty requires you to violate your scientific integrity, I would quote once more from Dr. George: "It is undoubtedly true that many good men of the Church believe that they are doing right in promoting integration of the races, blinded as they are by shibboleths and virtuous sounding phrases. But, for reasons that I have given, evil results are indicated if they succeed in their purpose. In that sad time, if it should come, the good intentions and virtuous-sounding slogans will not alter the human and cultural deterioration. I would remind you that things are not always what well-meaning men think they are. You will recall that Neville Chamberlain arrived home from Munich waving his scrap of paper and saying 'Peace in our time.' But there was no peace, only a sequence of tragedies. Words of Winston Churchill, written about the men who appeased and bumbled into the second world war, are appropriate to our race situation today. Churchill said: 'In this sad tale of wrong judgments formed by well-meaning and able people, we now reach our climax. That we should have come to this sad pass makes those responsible, however honorable their motives, blameworthy before history.' "

I am convinced that the Academy is one of the last sources to which an appeal can be made in this chaotic hour. Our broader difficulties began with a misrepresentation of scientific fact in our Anglo-American society. You alone now carry the authority to correct it.

Sincerely,

CARLETON PUTNAM.

SOVIET DISOBEDIENCE LOBBY

Mr. RARICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RARICK. Mr. Speaker, the Russian Communists must be hard up for a propaganda victory—they are losing in Vietnam and must now turn to other tricks to play for a big splash. The more noise they make, the more certain we know they know they are about to lose face.

They are so frantic that the Soviet Embassy here in Washington is sending one of its top secret police spies, Igor Bubnov, on their roster as first secretary, down to Baton Rouge, La., in a conspiratorial plot to intentionally resist a State law.

Possibly with the news media playup on disobedient marches, protests, and demonstrations, unsuccessfully directed to undermine public support of our war effort, the Reds have become so jealous of their dupes and comrades' notoriety they want to jump in and grab some anti-American glory.

Wonder how Bubnov's classless comrades will feel when they find out he lives across the Potomac in Virginia.

The Louisiana Legislature enacted a statute prohibiting the use of taxpayers' dollars to "authorize or benefit" Communists or atheists by any institution of higher education in the State. For sure, Bubnov is a card-carrying Communist and a God hater, and within the definition of the law. But who does he and the other atheists at the Embassy feel they are, as foreign nontaxpayers, to have any right to test the constitutionality of a State law?

Bubnov is here on a diplomatic visa—I hope we are not according Soviet diplomats freedom of speech to resist and run over the laws enacted by our States to protect the minds and morals of our students.

In Bubnov's Russia, the criminals are writers, poets, and authors, whom they imprison for derogatory comments against communism. In the United States of America, we only muzzle our military leaders.

I take this means to denounce Bubnov in this attempt to carry out his devious conspiracy to seek a propaganda victory from the campus of the old War School at LSU and, should he persist in proceeding with his resistance to State laws, I call on the State Department to cancel his visa and send him home—persona non grata.

Mr. Speaker, I insert a short biography of Bubnov, a copy of the Louisiana statute, and a news release from yesterday's Star concerning the Communist trial of three Soviet writers following my comments:

WHO IS IGOR BUBNOV?

Igor Dmitriyevich Bubnov, First Secretary, Russian Embassy in Washington, Member of Committee State Security (KGB). Born, Moscow, October 29, 1931.

1949–55: Institute of Higher International Diplomatic Relations, Moscow.

1955–59: Ministry of Foreign Affairs, Moscow.

1959–63: Soviet Embassy, Washington. Third Secretary, Second Secretary.

1961: Personal Secretary and Aide, Mikhail Menshikov, Russian Ambassador to U.S.

1963–66: Soviet Embassy, Washington. First Secretary, July, 1966 to date.

Speaks fluent Russian, English, French, and student in Spanish.

Wife: Ola Yevsyevna, graduate ballerina, Moscow. Fluent in Spanish. 1963–64, Press employee at Soviet Embassy.

Resides: Arlington, Virginia.

Assignment: Ranking Soviet Specialist, U.S. Legislative Affairs, U.S./Soviet Relations.

Lobbied successfully for ratification of infamous Soviet Consular Treaty.

Specialist: U.S./Latin American affairs with special interest in Castro's Cuba.

General: Highly intelligent, cleverly indoctrinated. Handsome sophisticated appearance, but possesses typical Communist robot philosophy—party line; brainwashed; parrots answers and unable to think as individual.

Standard Communist views: Every device to halt U.S. in Viet Nam war through public opinion. Talks better Soviet/U.S. understanding. Wants world peace, so long as Soviet dominated. If challenged on any point, shifts to war issue, i.e., war could mean atomic counter exchange, damaging mankind. Attacks U.S. as aggressor—Soviets occupy for peace and harmony.

ACT NO. 7

An Act to prohibit the use of state funds by an institution of higher education to promote, sponsor, authorize, or otherwise benefit any communistic or atheistic organization, program, speaker, or other person or function, and to provide for the reversion of any such funds so appropriated or designated for such a purpose to the state general fund

Be it enacted by the Legislature of Louisiana:

Section 1. Any monies from state funds appropriated, allocated, or proposed to be used by any institution of higher education shall not be used or made in any way available to finance, sponsor, support, foster or conduct any program, activity, seminar or any other function, or hire any speaker, or support any campus activity or organization that is communistic or atheistic, or to be used for any purpose for the benefit of, or in connection with any such communistic or atheistic activity.

Section 2. The Board of Supervisors of the Louisiana State Agricultural and Mechanical College or the State Board of Education shall determine, for the institutions under their respective jurisdictions, if any state funds have been appropriated, allocated, or proposed to be used for any of the aforementioned acts, and if such determination is made, these funds shall be transmitted without delay and shall be placed in the state general fund. If any of the aforementioned activities occur before a determination by the Board of Supervisors of the Louisiana State Agricultural and Mechanical College or the State Board of Education of said communistic or atheistic activities, and a later determination of such activity is made by said Boards, then the respective board shall transmit the amount of state funds expended for such purposes to the state general fund.

Section 3. The Board of Supervisors of the Louisiana State Agricultural and Mechanical College and the State Board of Education are authorized to make appropriate rules and regulations providing for the implementation of this Act, and to more specifically define the philosophy and activities prohibited by Section 1 hereof.

Section 4. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or application, and to this end the provisions of this Act are hereby declared severable.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: June 12, 1967.

A true copy:

WADE O. MARTIN, Jr.
Secretary of State.

[From the Washington Sunday Star, Dec. 10, 1967]

MOSCOW SLANDER TRIAL SET FOR THREE SOVIET WRITERS, TYPIST

(By Edmund Stevens)

MOSCOW.—The trial of three young writers and editors and a typist on charges of slandering the Soviet Union is to open tomorrow in Moscow City Court.

Alexander Ginsburg, 26, Yuri Galanskov, 28, Alexei Dobrovolsky, 29, and Vera Lashkova, 21, will get a closed trial, with Judge Mironov, deputy chairman of the Moscow Court, presiding.

They are accused of violating Article 70 of the Criminal Code which provides up to seven years' imprisonment for propaganda activities that could weaken the Soviet state.

Prosecution and defense reportedly plan to call 33 witnesses, so the trial is expected to last from a week to 10 days.

Even though the new trial is a kind of a sequel to the Sinyavsky-Daniel case, it would be wrong to interpret the trial as part of a crackdown on intellectuals, many of whom continue to criticize state activities without suffering repressive counter-measures.

Andrei Sinyavsky and Yuli Daniel were sentenced in February 1966 to seven and five years, respectively, in hard labor camps for smuggling abroad under pen names writings which a court branded anti-Soviet.

Ginsburg, Galanskov and Dobrovolsky have had previous convictions under Article 70. Ginsburg first collided with the law a decade ago for editing an "underground" literary magazine called Syntaxis. After serving a three-year sentence, he returned unregenerate to the literary underground.

Ginsburg's latest offense, for which he is to stand trial, was compiling and distributing a "white book" on the Sinyavsky-Daniel case. He again is being tried under Article 70.

ALSO SECOND OFFENDER

Galanskov, a poet, also is a second offender. Some of his verses have appeared abroad in translation, but they have only been circulated inside the country in typed carbon copies and through the underground magazine Phoenix which he edited.

Its last issue, Phoenix-66, was mainly concerned with Sinyavsky and Daniel.

Even more than Ginsburg, Galanskov is a kind of perpetual rebel with not one but several causes. Apart from his literary activities he has devised his own special brand of pacifism. He says the peace movement should be separated from state sponsorship.

On Dec. 5, 1965, he organized an unofficial demonstration in front of the American Embassy in Moscow to protest U.S. intervention in the Dominican Republic.

He has endlessly bombarded the government, the Communist party central committee and other Soviet organizations with protest letters, appeals and petitions on a wide variety of subjects.

In the spring of 1965, just before the 23rd party congress, Galanskov was committed to a mental institution. He has since been pronounced sane.

Besides indictment * * * Article 70, it is reported he also is being charged under Article 88 with illegal currency transactions.

He has seldom held a steady job and, according to persons who know him, seldom had more than one shabby suit or more than a ruble to his name.

A special case is that of Dobrovolsky, who previously served a six-year sentence. He has a wife and small child and is said to have recanted.

He apparently refused the services of a defense lawyer and plans to throw himself on the mercy of the court. Because of his cooperativeness, he may get off with a lighter sentence, although it is not expected any of the defendents will draw the seven-year maximum.

The fourth defendant, Vera Lashkova, is a typist who is charged as an accomplice. It was she who presumably typed Ginsburg's "white paper" and other material circulated underground. The four defendants have been detained since their arrest last January. This time will be deducted from whatever sentence they draw.

Last September Vladimir Bykovsky, a 26-year-old former biology student, and two 20-year-old companions were tried for "disturbing the peace" because they staged a demonstration calling for the release of the present defendants.

The foreign press at the time upgraded the four into writers, though they had no discernible literary credentials.

To most Russians, including intellectuals, Ginsburg, Galanskov and Dobrovolsky belong to the literary lunatic fringe and should not be lumped together with Sinyavsky and Daniel.

Many intellectuals, particularly writers, deplore the handling of the Sinyavsky-Daniel case and no action is taken against them.

No repressive measures have been taken against poet Andrei Voznesensky for his postures of defiance and Yevgeny Yevtushenko, another poet who has repeatedly quarrelled with the establishment, recently was awarded the Order of the Red Banner, the second highest Soviet decoration.

As for Sinyavsky and Daniel, there is a strong undercurent in favor of their release notably among Soviet writers. Most writers consider that the case was mishandled and Sinyavsky and Daniel never should have been sentenced in the first place.

The U.S. reaction that Bubnov and his comrades misinterpret is that the recent called for desperation and panic by him and his dupes only serves to reveal to Americans that we know they know they have lost in South Vietnam. And that such a U.S. victory over their propaganda is a Waterloo to the Red Commies—they have lost face in the Orient. No thinking person swallows the Chinese threat line.

FOOT AND MOUTH DISEASE EMBARGO

Mr. BERRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, I am today introducing a resolution expressing the sense of Congress that the Department of Agriculture and the Department of Commerce place a strict embargo on the importation of all livestock and red meat from every country until the exporting country proves to the satisfaction of those departments that it is free from foot-and-mouth disease.

Mr. Speaker, I cannot be too emphatic

over the urgency for this embargo action. Two weeks ago, I made a special plea to Agriculture and Commerce but to date have not even had the courtesy of a reply. Officials in Great Britain did exactly the same thing and now find their country on fire with a foot and mouth disease epidemic that may require the shooting and burning of all cattle, sheep, and hogs in that country. Somewhere around 300,000 have already been exterminated.

An outbreak in the Soviet Union has now been reported. This, Mr. Speaker, is serious.

Should this disease get into the United States, it would be impossible to check. Deer, antelope, and elk are carriers, and if the disease should get into the wildlife, birds, and predators spread the virus unchecked.

It is absolutely essential that Congress take immediate action to express its great concern over this serious matter. I hope that many other Members will join me in the introduction of this resolution.

Mr. Speaker, I include as part of these remarks a telegram from the South Dakota Veterinarian Medical Association and the South Dakota Stockgrowers Association urging this immediate action by Congress:

MILBANK, S. DAK.,
December 8, 1967.

Representative E. Y. BERRY,
Washington, D.C.:

In lieu of the present existence of foot and mouth disease in England and the new embargo in their country placed on imported meat from countries where the disease is present we feel that the importing of similar products to the United States constitutes a hazard to livestock enterprises in this country. Therefore we recommend that the presence of foot and mouth disease in any country exporting meat to this country be sufficient reason to stop import until the disease conditions no longer exists. We encourage you in your meat import control efforts and feel confident that meat raised and processed in America would supply the current needs.

SOUTH DAKOTA VETERINARIAN MEDICAL ASSOCIATION AND SOUTH DAKOTA STOCK GROWERS ASSOCIATION,
DR. W. PEDEN, *Secretary.*

CONTRA COSTA COUNTY UNREASONABLY EXPOSED TO HAZARD OF DEFECTIVE NAVY AMMUNITION PIERS

Mr. WALDIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALDIE. Mr. Speaker, during the brief time I have been a Member of this House of Representatives, I have devoted a good portion of my efforts attempting to portray to my colleagues the problem existing in my district from the unsafe operation of the Concord Naval Weapons Station, Calif.

That facility handles about 70 percent of the ammunition used in Southeast Asia. It is handled on three piers that are grossly deficient in terms of the minimum safety standards for handling high explosives that have been established by our Government. Those defective piers, Mr. Speaker, present an intolerable risk, not only to the personnel and civilian employees of the Navy, but to tens of thousands of civilians residing in the vicinity of the piers.

The risk, Mr. Speaker, because of the fact that the piers are many hundreds of feet too short, and 1500 feet too close to each other, is that 9 million pounds of high explosives will detonate at one pier and immediately communicate to a second and third pier, each also containing 9 million pounds of high explosives.

Mr. Speaker, in 1944, the Navy had one pier operating at this base, and blew up two ships containing only 3½ million pounds of high explosives. They destroyed 322 men in that explosion, Mr. Speaker, all of them on the pier or the ships—most of them Navy men. They also caused injuries to civilians in the surrounding communities of Port Chicago, Pittsburg, Concord, Martinez, Walnut Creek, Benicia, and Vallejo.

Now, Mr. Speaker, those communities have grown twofold and threefold in population, and, in addition, whole new communities have developed within destruction range of those piers.

Now, Mr. Speaker, we no longer talk about 3½ million pounds of high explosives—we talk about three piers, each containing 9 million pounds of high explosives.

Mr. Speaker, the Navy is aware of this extreme hazard, and in the immediate past suggested moving their piers from the shore to Roe Island, about a mile offshore. They indicated in their report to the Secretary of Defense recommending this solution, that their operation would be thereby safer and equally feasible.

Now, for reasons I do not understand, they no longer recommend reconstructing and relocating their unsafe piers. They now recommend relocating 3,100 people who live in Port Chicago, within 2 miles of these ominous piers, and they assert the problem will then be solved.

I suggest, Mr. Speaker, the problem will not be solved nor even diminished, as long as those piers remain on shore and as long as they are defective in length and separation. As long as the Navy is permitted to operate this dangerous facility without complying with safety standards, the problem will remain.

Surely, Mr. Speaker, the Navy does not require a 1944 explosion to prove that which is so apparent to other than Navy enthusiasts; namely, the people of Contra Costa County are subjected to an extreme and unwarranted hazard by the operation of the Concord Naval Weapons Station.

Mr. Speaker, recently a local newspaper in Contra Costa County that serves most of the population area of central Contra Costa County, that area most threatened by the base, did an exhaustive and penetrating series on this threat.

The reporter responsible for this article, Mr. Bob Neuman, devoted many months of exhaustive and thorough research into the problem. His article is a remarkably accurate reflection of increasing dissatisfaction within our county with a Navy attitude that seems to care very little about the people in our county and their justifiable fears and concerns.

I include that article as part of my remarks:

THE CASE FOR MOVING THE NAVY—PART 1: 322 DIED IN AMMO BLAST—NEXT COULD BE WORSE

(EDITOR'S NOTE.—The four-part series "The Case for Moving the Navy" was prepared by Times County Bureau Chief Robert A. Neuman to provide background on the controversy surrounding the issue of the location of the Naval Weapons Station in Contra Costa County—an issue which is liable to have final determination by Congress at the end of this week.)

(By Robert A. Neuman)

On that day in July of 1944, Monday the 17th, the newly-launched transport ship SS Quinault Victory tied up at the Port Chicago pier of the Navy's Naval Magazine located at the small town.

She was moored with her starboard, or right, side pierward and facing east.

All during the day the Quinault was rigged for loading. As evening wore out and night fell all her holds were open and ready to receive the contents of the railroad cars of ammunition and bombs spotted along the pier beside her. She was to begin initial loading and stowage at midnight.

On the port side of the pier, equipped with three rail tracks and a loading platform 18-feet wide and a railroad car high on each side, was the S.S.E.A. Bryan, also a new ship, but of the Liberty class and a veteran of one trans-Pacific voyage.

The Bryan had been moored at Port Chicago for four days and was loaded with some 4,600 tons of ammunition and bombs containing approximately 1,780 tons of high explosives and 200 tons of smokeless powder in her various holds.

As the assistant loading officer inspected the pier and the loading operations about 9:30 that night there were 16 rail cars loaded with 430 tons of bombs, ammunition and powder on the pier itself.

The Bryan was finishing her loading operations with incendiary bombs in number one hold, depth bombs in number two, tail vanes for aerial bombs were in number three, fragmentation cluster bombs were stored in number four hold and 40 millimeter cannon ammunition in number five.

The loading officer left the pier at 10:15 and reported nothing unusual in the operations.

The night was clear, but dark. The wind was but a cool breeze and the tide had reached flood stage.

On shore, within a mile of the pier, the administrative, storage and service buildings were empty of personnel. Most of the magazine's complement had retired for the night as the base movie had ended a half hour earlier sending most of its 700 patrons home.

In the channel just offshore from the pier, an empty oil tanker, the 388-ton M.S. Redline, approached a point about a quarter of a mile away, about midway between the shore and Roe Island.

A Coast guard patrol boat had just passed the pier and a fireboat kept vigil just off the pier. A tug with a barge in tow was plying Suisun Bay about 2,800 feet to the north and west of the pier.

At the Port Chicago rail station of the Southern Pacific a train was awaiting the signal to get underway after dispatching a few passengers and loading some mail.

At 9,000 feet above Port Chicago a C–49 cargo plane headed for Sacramento from Oakland and another smaller aircraft cruised to the north at 7,000 feet.

A traveling circus had completed a successful one-day stand at the busy town and was in the process of folding up and packing to leave. Its main tent was still in place.

Although the taverns of the town were still humming with activity and the 386-seat Port Chicago Theater was half-full, most of the residents of Port Chicago and nearby communities were in bed.

THE EXPLOSION

The University of California seismograph at Berkeley recorded two explosions less than eight seconds apart. The first at 10:18.47; the second, and larger of the two, at 10:18.54 p.m. Pacific War Time.

The pilot of the C–47 over Port Chicago described the blast as a "terrific white flash with a large smoke ring." He told of recognizable pieces of white hot metal flying at least 500 feet above the plane. Worried over damage to the craft from the tremendous shock wave, he headed for Sacramento. Upon landing, no damage to either the C–47 or the other plane was evident except for scratches on the undersides of the wing and fuselage.

On Roe Island, the officer in charge of the lighthouse there told of the first blast "shaking the lighthouse violently, smashing all the windows and tossing furniture around." He described the second explosion as beginning with a cone of orange and then becoming a sphere of flame from the pier.

A wave of water 20 to 30 feet high headed towards the lighthouse from the shore. In its path the Coast Guard patrol boat was totally destroyed by the combination of wave, blast and falling debris. The tanker Redline was left a hulk 80 per cent destroyed. The fireboat was blown beyond recognition and later identified by a fragment of fire hose. The five aboard died.

On Roe Island, all bulkheads and fences were torn down by the force of the wave and a small boat tied at the water's edge was pushed 40 feet inland.

All persons within a radius of 1,000 feet of the explosion lost their lives, a total of 322. No one more than 1,000 feet from the blast was killed.

A relatively small number of casualties were reported. Of the total of 390 injuries, 252 were military personnel, 25 civilian workers at the magazine and 113 civilians.

Of the civilians injured, a total of 58 claims were later paid for injuries sustained, 39 from Port Chicago and the remainder from areas outside the two-mile perimeter around the base.

Of all the dead, only one, a marine sentry walking his post at the entrance to the pier, was not in the immediate vicinity of the two ships, the pier or the fire boat.

In all, 202 of the dead were enlisted Navy personnel of the loading crews of the Bryan and the Quinault. Nine officers of the crews died, five men aboard the fireboat, three civilian members of a train on the pier, three construction company employes, the 30 man guard and the 67 officers and men aboard the two ships perished.

The force of the explosion was such that only 81 bodies were recovered. Of these, only 30 were identified.

The majority of the injuries were from flying glass and 54 percent of all injuries were in the vicinity of the eyes.

There has been much conjecture over the number of casualties which might have occurred had the blast taken place during working hours.

Windows were shattered not only in Port Chicago, but in Concord, Pittsburg, Antioch and points as far away as Oakland and Petaluma, 35.5 miles from the blast.

Structural damage also was widespread, with some damage to buildings as far away as Fairfield and Vallejo.

In Port Chicago, the average damage to residences was 20 percent of value, or $1,030.

The Port Chicago Theater had a wall blown in, but only two customers received minor injuries and luckily the roof of the theater did not fall until the day after the blast.

Damage to property was estimated by the government to be $12.5 million of which nearly $10 million was to government property.

In retrospect, nothing can be done to solve the tragedy that did occur. No evidence as to its cause could possibly be found due to the completeness of the destruction of the pier and to the ships.

Parts of the 16 railcars on the pier were found as far away as Roe Island and shell fragments were found in farmland as far away as Clayton and Walnut Creek.

The ships, the Bryan and the Quinault Victory, gave no evidence to the special inspection team sent to investigate the blast. The Bryan was literally blown to small pieces. Steel plate from the ship in chunks weighing as much as 15 tons were blown as far as three miles away.

Large parts of the Quinault's hull were later discovered embedded in the mud along what had been the pier. One piece of the keel, 60 feet long, was lying upside down, creased and buckled, visible at low tide.

From the position of the parts of the Quinault, it was later deduced that the stern had been moved 180 degrees by the force of the explosion of the fully loaded Bryan, the bow moved only 25 degrees, the ship had literally been bent in two.

A board of inquiry detailed possible causes and listed the damages. The Army-Navy Explosives Safety Board evaluated the findings and issued a confidential report on March 1, 1948, in which the effects of the explosion of the 3.5 million pounds of high explosives were reduced into formulas that became the basis for determining safety criteria for other installations handling ammunition.

Another result of the blast was the realization by both the Navy and the civilian population around Port Chicago that the horror of the explosion could be repeated at any time, despite the near heroic efforts by base personnel to keep operations free of accident.

The Navy has in the years since 1944 tried repeatedly to clear a two-mile safety zone around the piers. The people of Port Chicago and their representatives in Congress first John Baldwin then Jerome Waldie have repeatedly rebuffed the Navy efforts and in turn called for the Navy Department to relocate the naval weapons station in a less populated area.

Never since 1944 has the Navy come so close to gaining Congressional approval for the acquisition of the safety zone and the community of Port Chicago as it has in recent months.

Indeed the Navy's plan might in fact be accomplished before the end of this week if a Defense Department report on alternatives to the proposed land acquisition reveal no other acceptable plan.

Rep. Jerome R. Waldie has devoted the bulk of his time and energies to fighting the plan which will displace the more than 2,500 residents of Port Chicago from their homes, the largest such forced removal in peacetime history.

Waldie, the Navy and the residents of Contra Costa realize that if the Navy is authorized to purchase the more than 2,200 acres it seeks it will never be dislodged from the area despite a growing number of drawbacks.

The weapons station is facing more residential encroachment from both east, south and west. The narrow deep water channel to the ocean is not only a safety hazard to ships moving on it, but is a risk to all shipping which could be blocked for an extended period of time in the event a ship became disabled in the channel or one of the four bridges in the Carquinez Straits was structurally damaged.

Some of the advantages which led to the naval magazine being located at Port Chicago in 1942 still remain. There is deep water at the reconstructed piers; there are two transcontinental rail lines adjacent to the facility and three major highways.

The drawbacks are severe. A population of more than 150,000 in the immediate area, three major petroleum complexes within five miles and the hazards imposed by the shipping channel.

Sigval B. Johnson, a retired Coast Guard admiral and former president of the Bay Harbor Pilots Commission, said of the situation, "It is only by the grace of God that a serious collision has not occurred in these waters."

Henry W. Simonsen, also a former president of the commission and a past captain of an ammunition ship, said recently that the navy traffic up and down the channel near the shoreline cities of Contra Costa and Solano County is "like playing Russian Roulette."

Congressman Waldie has confined his attack on the Navy to claiming present piers at Port Chicago do not meet safety standards set by the Navy both in separation and in length. He has called on the Navy Department to bring the piers up to the criteria based on data of the 1944 blast, rather than clear a safety zone.

Waldie cites the hazards to men working on the ships and the piers as being the prime consideration for such action.

The Navy, however, steadfastly refuses to admit that the piers are lacking in separation and has noted that if a safety zone is provided all safety waivers now needed will be eliminated.

[From the Contra Costa Times, Nov. 29, 1967]

NAVY PIERS POSE EVER-PRESENT THREAT OF DISASTER TO COUNTY

(By Robert A. Neuman)

The decision by the Navy in 1942 to locate a munitions facility at Port Chicago did not evoke much in the way of protest in those early days of World War II.

The nation was still reeling from the shock of Pearl Harbor and the military, desperate to establish an ammunition depot on the West Coast, weighed the advantages of Port Chicago and quickly took steps to acquire the site.

Later the choice was described by county leaders, and munitions experts hired by the county to plead its case before Congress, as motivated by "war hysteria" and a war emergency act.

The Navy, in a report on the grim day in July of 1944 when some 320 men lost their lives in the great explosion which ripped the base, said the choice of Port Chicago was made "with extreme care."

Citing the relative sparseness of population, access to deep water, major highways and trans-continental rail lines, the Navy said the site was ideal for the transfer facility envisioned.

In the rush for establishing the Port Chicago magazine, the Navy's experts evidently did not foresee the dramatic growth of Contra Costa County, which would soon ring the base with residential developments, nor did the experts suspect what would happen to the transfer facility set for Port Chicago in 1942.

Originally the magazine was only responsible for receiving ammunition in railcars, then transferring the bombs, munitions and powder to transports from a single pier.

Today the base sprawls over 6,600 acres, stretching from Port Chicago to revetments and underground storage areas near Clayton.

Protests over the base's location did not arise until it appeared that the modest transfer base was becoming a major military facility.

The takeover of nearly 5,000 acres in the Concord area which soon occurred aroused heated opposition from the owners and the California Farm Bureau Federation but to no avail. It was wartime and the Navy needed the land.

THE SAFETY WAIVER

Following the destruction of the single permanent pier and a marginal pier in the 1944 explosion, the Navy constructed new facilities including wooden piers impregnated with creosote.

Because the piers were constructed 2,100 feet apart they were short of the required length set by subsequent regulations by 275 to 375 feet, a point of contention raised repeatedly in criticism of the facility.

Other deficiencies still present include the distance to the shipping channel, distance to highways, populated areas and passenger rail facilities.

According to a report made in 1967 by the prestigious Arthur D. Little Co. at the behest of the Congress, the Naval Weapons Station at that time was violating 51 standards set by the Army-Navy Explosives Safety Board.

The Little Co. estimated cost of bringing Port Chicago up to set standards would be in excess of $10,000,000. It was a figure many thought below credibility.

IT SHOULD BE MOVED

Warren H. McBryde, a consulting engineer with much experience in the field of explosives and hired by the county to investigate the dangers of the Navy Magazine, told the Board of Supervisors in 1959 "The Naval Ammunition Depot at Port Chicago should be moved. It is a growing cancer in the large center of a growing population and in the development of vital industries in Contra Costa County."

"In 1947," McBryde said, "the Army-Navy Safety Board adopted safety standards for construction and operation of piers and wharfs handling explosives and ammunition.

"Under the area of construction, the first requirement is 'the pier or wharf should be fire resistant. It should be constructed of reinforced concrete piles and deck or solid fill.'

"For ease of operation and from a standpoint of safety, both ends of the pier should be connected to the shore."

In 1959, none of the above conditions were in existance. Not until recently did the latter condition meet required standards. The only concrete reinforced pier is currently being completed.

The Arthur Little report also noted the approach channel depth to the base is not sufficient for such craft as carriers to unload their ammunition there when entering Naval Shipyards for repair work. It is necessary to remove bombs, shells and other explosives in San Francisco Bay and then to transport it to Port Chicago by barge necessitating extra manhandling, acknowledged to be the most dangerous and hazardous part of ammunition operations.

The Little report also cited the dangers inherent with the movement of ammunition-laden ships up and down the narrow deep water channel of the Carquinez Straits.

Marine experts have long feared the results of a collison between an oil or gasoline bearing tanker and a fully loaded ammunition ship.

The treacherous currents, heavy fogs and the possibility of human or mechanical error have caused much concern over potential dangers to the communities along the Straits, Crockett, Vallejo, Port Costa, Martinez and Benicia.

The recent ramming of an empty ammunition ship by a loaded freighter brought the spectre of such an accident closer.

Early this year, when a hearing was held in Martinez by Congressman Jerome R. Waldie and Supervisor Edmund A. Linscheid, Contra Costa Civil Defense Director Will H. Perry, Jr., said the deep water channel posed greater dangers to the citizens of the shoreline cities than the presence of the naval weapons station.

"If a gasoline ship and an explosives ship struck off Martinez you wouldn't have to worry about the assessed valuation there." Perry said. "There wouldn't be any."

In 1958 the county's consultant on the problem of explosives warned of a repetition of such a collision involving an ammunition ship in 1915.

Said Warren McBryde, "a freighter did collide with a loaded ammunition in Halifax, Nova Scotia. More than 1,800 persons died, 8,000 were injured."

DANGER TO CREWS

Also concerned about the dangers at Port Chicago are the crews who load the ships at the piers and the crews of the ships receiving the explosive cargo.

Although the crews do receive hazard pay for working on the ammunition ships, they have, through union spokesmen, indicated some concern over the special hazards encountered at Port Chicago.

In fact, it has been hinted that because of the deficiencies of the piers at the station and narrowness of the channel to the Bay, coupled with the fact that four bridges must be navigated under sometimes trying conditions, the union might soon ask for more hazard pay, or even demand that the ships, 55 transports are now under charter to carry ammunition from Port Chicago, be only partially loaded at Port Chicago, and then fully loaded via barge further down stream, which would again mean more man-handling of munitions.

The majority of the people of Port Chicago have indicated they do not fear the threat of explosion at the Navy facility. Supervisor Linscheid polled the residents and found that more than 70 per cent wanted to remain, despite the hazard.

A Navy spokesman said after Linscheid released the results of his questionnaire, "we could pick up 70 per cent of the property in a week." He left the obvious conclusion that many Port Chicago residents are persons renting homes and taking advantage of property values depressed by the presence of the Naval Weapons Station.

PROPERTY OWNERS

A letter sent earlier this year to property owners in Port Chicago also alluded to the safety question.

Under the letterhead of the "Port Chicago Property Owners' Committee In Support of the Navy," the mailer explained the "only purpose of our committee is to let everyone know that many property owners support the Navy's program."

"We recognize the terrible hazard of living next to ammunition piers," the committee said, "and the only real alternatives are the Safety Zone Program (the $19.8 million purchase of 5,000 acres surrounding the pier complex including the town (or complete abandonment of the station."

Forecasting "there is no possibility that the Navy will abandon the facility," the committee said, "acquisition of the safety zone is inevitable."

The assumption has been hotly contested by Congressman Waldie, who has proposed an alternative plan including the removal of two of the complex three piers to Roe Island, thus conforming the base to Naval safety regulations and making the acquisition of the town unnecessary.

This plan has been, in turn, the subject of vociferous attack by the Navy Department as to cost and actual safety benefits.

Capt. Thomas E. Eddy, commanding officer of the Naval Weapons Station, admitted recently "The hazard to the base personnel cannot be completely eliminated, but no waiver is necessary to operate the piers safely once the two mile buffer zone is established.

"In other words," Capt. Eddy said in the base newspaper "there is no evidence that the separation of the ships at the piers or the length of the piers is inadequate."

CONCORD JEOPARDIZED

Replying to Waldie's plan, Capt. Eddy noted that the removal of two piers to Roe Island "would put Port Chicago on the edge of the two mile zone, thereby reducing, but not eliminating the hazard to the town.

"However," he continued "the location of a pier to the westward would not reduce the hazard to Concord and would include the refinery at Avon within the danger zone."

The commander also said the refinery is more susceptible to damage than the General Chemical Allied Chemical Corporation's subsidiary plant presently located within the two-mile zone surrounding the piers. The plant along with a large undeveloped parcel destined for plant expansion, has not been included in the appropriation for land acquisition to clear the safety zone for the Navy.

V. A. Fink, manager of the General Chemical installation, quite concerned about the Navy's plans for the area, stated his company's position in May.

"Allied Chemical's position awaits answers to four questions: 1. Do Armed Forces Explosive Advisory Board criteria allow a chemical plant to remain in the two mile perimeter? 2. If so, can they retain their vacant land? 3. If they can retain it, can they use it for expansion? 4. If they can use it, can other companies use it for satellite plants?

One would conclude that the answer to all the above would be emphatically negative in light of the Navy's persistent efforts to clear the safety zone. However, the fact remains that General Chemical is not included in the authorization, much to the consternation of residents, General Chemical and Waldie.

Allied's plant manager has also chosen to reveal his personal position on the matter.

"The problem at Port Chicago is not economic," Fink said at a meeting of the Contra Costa Development Association, of which he is a director, "It deals with safety, which is a relative term and interpreted differently by opposing parties. It deals with uprooting people, moving them away from friends and neighbors—it deals with personal feelings and prejudices."

MORE THAN SAFETY

Fink has hit at the crux of the matter at its most basic level. There is no dispute over the omnipresent danger to the hundreds of children attending the elementary school at Port Chicago and sitting daily behind plate glass windows in clear view of ship-loading operations a short distance away.

A blast today, with the more sophisticated types of explosives being handled at the station, would surely wreak more damage than the 1944 tragedy.

If it occurred in daytime, unlike the 1944 blast, more persons would be caught on the streets, in the offices, in the schools.

The Navy, in recognition of the danger at the Port Chicago school, has withdrawn all dependent children and placed them in other schools.

No one, including Navy officials, feels as though removal of the town of Port Chicago will guarantee the safety of Central Contra Costa. Why then do the Defense Department, the Congress and the people allow this menace to remain within eyesight of thousands of residents?

[From the Contra Costa Times, Nov. 30, 1967]

DESIRE FOR INDUSTRIAL SITE SPARKS DRIVE TO MOVE NAVY FROM COUNTY

(By Robert A. Neuman)

With all due respect to the much-honored defender of the seas, the United States Navy is not above using politics to see that desired results are achieved in non-military engagements.

Indeed, political observers note with no little admiration the timing of the Navy's latest effort to clear a safety zone around the pier complex at Port Chicago.

It has been thought that it was no coincidence that the request for funds for the zone came during the heat of the Vietnam conflict and with the full knowledge that the Concord Naval Weapons Station is reputed to supply some 75 per cent of the munitions sent to the Far East.

Nor is it considered a happenstance that this fourth and most recent effort to purchase the town of Port Chicago and the 5,000 acres surrounding the docks came shortly after Rep. Jerome R. Waldie took office. As a freshman at the House of Representatives, with little in the way of political power in Washington, Waldie has had to fight an uphill battle to stave off the Navy's acquisition plan.

Although he has deported himself with great skill, Congressman Waldie would be the first to admit that the groundwork of his predecessor, the late John F. Baldwin, did much to aid in gaining what success he has had in the year-long fight.

Baldwin labored over much of his 12 years in the Congress on the question of the Navy and Port Chicago.

Aided by the Contra Costa Development Association and county officials, he launched an all-out effort in the mid-50's to remove the base from Contra Costa County entirely.

His campaign included a bill introduced in Congress with the support of the entire California delegation which would have forced the Navy Department to find another site for the base.

The Development Association's role in the fight was not entirely without motive. It admittedly eyed the possibility of opening the 6,600 acres of prime industrial land to eager bidders.

A CHANGED POSITION

The Development Association, contracted by the county to enhance its industrial climate and provide public relations, has become somewhat more restrained over the matter in recent years, perhaps acknowledging the important economic role the Naval Weapons Station plays in the county.

In 1957, however, with the moving of the ammunition depot a real possibility, the Development Association marshalled the county-wide effort to make it uncomfortable for the Navy.

Then, as now, the Pacific Northwest was eyed as a possible alternative site for the installation. In all, there were four areas named as feasible locations. Two in Washington and two in Oregon.

The Development Association enlisted the aid of Senators Henry Jackson of Washington and Richard Neuburger of Oregon in the cause.

Willapa Harbor, Wash., near the cities of South Bend and Raymond south of Seattle, went as far as preparing an illustrated 25 page booklet extolling the advantages of the area as a site for the ammunition facility.

The Coos Bay area also was eager to gain the prize so maligned by Contra Costa County. But to no avail. Congress, studying the report of the Arthur Little Co. on alternate sites, ruled each would be so expensive so as to prohibit transfer of the base.

Faced with the alternatives of closing the base, moving it to another location, maintaining it at its current status, combining it with a proposed Army ammunition terminal in Solano County or acquisition of the land necessary to provide the two-mile buffer zone, the Congress in the late 1950's chose leaving the situation as it was, but calling for some study to be made to alleviate the problem.

That decision, hardly decisive, has led to the continuance of the controversy until today, when, with the aid of emotions fanned by the war in Southeast Asia, the Congress is more likely to accede the Navy's wishes.

ROLE OF THE WAR

There can be no question that the conflict in Vietnam has detracted from the basic issues involved with the Concord Naval Weapons Station. No one, especially such a recognized student of politics as Congressman Waldie, could call for abandonment of the base in view of its mission in the present hostilities. Conversely, it is hardly likely that the Navy would have renewed its attempt to acquire more territory if the war had not been in full flower.

Despite this seemingly insurmountable obstacle, Waldie has mustered up the support of a number of influential private and governmental groups to back his plan to shift a part of the Port Chicago complex to a nearby island in Suisun Bay, thus sparing the beleaguered town from destruction.

He has done so at considerable risk to his political stature, again because of the war. Some consider thwarting the Navy plan as tantamount to impeding the progress of the war. Waldie has vigorously denied such a contention.

He has, however, pointed to the future when, hopefully, hostilities in Asia will be over and the urgent need for munitions diminished greatly.

THE ECONOMIC FACTORS

Knowing that the Congress will be less inclined to vote an appropriation ranging anywhere from $20 million (the Navy's figures) to closer to $50 million (according to Navy opponents) for acquiring the land for the safety zone, Congressman Waldie is hoping to stall final action on the matter until the war is over.

Proponents of the Navy's remaining in Contra Costa County immediately cite the tremendous impact on the county's economy by the presence of the base and its military and civilian payroll.

The Naval Weapons Station now employs in excess of 3,000 civilian workers and has nine ships assigned to it. The payroll is estimated to be more than $50 million annually, making it one of the largest employers in the county.

The effect of this payroll on the economy of the county is the subject of some dispute. It is a fact that nearly half of the work force has been hired within the past two years as a direct result of the Southeast Asia conflict.

It would therefore be risky to assume that the level of payroll will remain stable or increase.

It is also true that a large number of workers come from outside Contra Costa County and the resultant benefit to the economy of the county is not as great as the payroll figure indicates.

Services contracted by the station do, however, come largely from the surrounding area and are of direct benefit to its economy.

Consideration of the above coupled with thoughts that displaced Port Chicagoans would relocate in Concord, prompted the Concord Chamber of Commerce Board of Directors to vote in support of the Navy position, although the Concord City Council chose not to take sides.

As mentioned earlier, the fact that 6,600 acres of prime industrial land are off the tax rolls has been and still is, considered by opponents as a strong argument for removal of the base.

The Navy has estimated the true market value of the desired area making up the safety zone, excluding the chemical plant, at $7 million. It is willing to pay a 25 per cent premium to owners as well as pay for expenses.

Congressman Waldie, after conducting his own assessment, said a figure closer to $20 million would be more realistic, despite Contra Costa Assessor's office figures supporting the Navy.

THE TAX FACTOR

An assessment report submitted to the Development association in 1957 by an out-of-county appraiser said the presence of the station "has depressed the value and prevented the normal development of the area."

The real estate appraiser admittedly from Port Chicago, who conducted the survey for Waldie went beyond the Congressman's estimate noting that industrial land was appraised at $3,000 to $4,000 an acre despite similar land in nearby Concord valued at $17,000 to $20,000 an acre.

All of the above has much more relevance to the average Contra Costa taxpayer when considered as being a definite factor in the property tax.

Although the Navy has placed a price tag of more than $100 million on the facility in the event it was to be moved, an independent appraiser has estimated the raw land, piers, rail lines, buildings and improvements would fetch about $40 million to $50 million on the market today.

In 1957 the figure was $20 million and the appraiser reported he had a buyer eager to act on a purchase if the Navy moved.

The City of Concord, which annexed some 5,000 acres of the Naval Weapons Station effective November of 1966, would suddenly become a port city if the Navy moved and would have within its boundaries one of the prime industrial areas left in Northern California.

It staggers the imagination to envision the industrial possibilities the 6,600 acres now occupied by the Navy would hold for Contra Costa County and the City of Concord.

To the heavily taxed property owners of the Mt. Dialbo School District, the development of the property would be an unparalleled boon. The same would be true for the county taxpayer.

The Arthur Little Company report estimated cost of moving the station to the most acceptable alternate site as being in the neighborhood of $114 million and the cost of bringing up the present facility to meet all desired standards at $100 million. Both figures are low, it being nearly 10 years since the report was issued.

Although a case can be constructed showing the economic feasibility of moving the base, with a resultant windfall to the economy of Contra Costa, in addition to removing a threat to the safety of residents, the Navy is not about to leave the Bay Area free of an ammunition storage and transfer facility.

Every effort to move in the past has been countered with the argument that ammunition from ships heading for Hunters Point or Mare Island Naval Shipyards for repairs must be removed and stored. In other words, if the Naval Weapons Station is removed, the capabilities and usefulness of the shipyards would be jeopardized. A conclusion which strongly motivated Congressman Robert Leggett of Solano County to support the Navy in its difference of opinion with Contra Costa's Rep. Waldie.

It appears as if the Naval Weapons Station, much like other incompatible military facilities located around the nation, is destined to be a permanent fixture.

A community ridding itself of such a base would set a precedent in the history of such conflicts. The military has powerful friends.

Yet there are alternatives, including Waldie's, which would make the presence of the station more palatable to Contra Costa County and much safer for the residents. These alternatives are short of total removal, are expensive and somewhat inconvenient for the Navy. But then, who are they working for?

[From the Contra Costa Times, Dec. 1, 1967]

NAVAL STATION REMOVAL CALLED BEST SOLUTION

(EDITOR'S NOTE.—This is the last in a series of articles by Times News Bureau Chief Robert A. Neuman on the controversial location of the Concord Naval Weapons Station. A final determination on the matter is expected in the near future.)

(By Robert A. Neuman)

In 1956 the Department of the Navy released engineering criteria for a West Coast ammunition storage and outloading facility.

The requirements included a total land area of approximately 15,000 acres, three outloading piers 1,500 feet long each accommodating two ships and having depths of 35 feet alongside two of the piers and 42 feet alongside the third.

The specifications also called for an approach channel of 42 feet and overhead clearance to permit the passage of the largest of the Navy's combat ships.

The Navy also noted that the ideal facility would include an air strip accommodating the largest air transports and a sinking basin in the vicinity of the piers for sinking a ship which has caught fire.

That, the Navy said, was the ideal. It evidently wasn't very serious about reaching that lofty goal if one is to look at what it settled for at Port Chicago and the Concord Naval Weapons Station.

BASE "TOO SMALL"

The base is admittedly too small to continue optimum operations without obtaining a waiver from the Secretary of the Navy. The Concord NWS piers are too short, too close together and do not meet the requirements for either depth, clearance or sinking basin.

The latter deficiency has been the subject of criticism from the Coast Guard as well as the operators of upstream ports at Sacramento and Stockton. The two ports were somewhat shocked recently to learn that the Navy considered the narrow deep water ship channel linking them with the Pacific Ocean as its sinking basin.

The director of the Port of Sacramento wrote in protest to Capt. T. E. Eddy, commander of the Concord NWS, noting that sinking of a ship in the channel could effectively block the port's operations for a considerable period of time.

With such an obviously deficient facility, then, why is the Navy so relentless in resisting any and all efforts to alleviate the safety hazards inherent in its present operations? Is it pride or stubbornness? Is it out of disregard for its neighbors? Or is it out of the cold knowledge that an economy-minded Congress isn't likely to spend the more than $100 million necessary to bring the base into compliance with safety standards or remove it to another location?

RESIDENTS "WEARY"

Port Chicago residents living in the shadow of the piers, many who experienced that horrible night of July 17, 1944, are weary of the repeated promises of the Congress to give the matter all due consideration, and then to take no positive action either to satisfy their appeals to rid the community of the menace of explosion or move them out with just compensation.

When, in 1957, the report of the Arthur D. Little Company was made known, the people of Port Chicago saw at least some solution to the nagging problem which had depressed property values, made financing of new homes and construction difficult, if not impossible to obtain, and had discouraged industrial development in the area.

THE LITTLE CO. REPORT

They were to be disappointed yet again.

The Little Company, in preparing the report, surveyed some 37 possible sites for relocation of the base. Of those, five were selected as meeting the requirements mentioned earlier, including Port Chicago-Concord.

The cost ranged from $40 million to bring the existing facility into compliance, leaving however, some of the safety problems unresolved, up to an estimated $147 million for the development of Tubbs Island in Solano County. The first figure is the subject of dispute.

Other alternatives were a joint move with the Army to an area near Collinsville in Solano County or two sites on Puget Sound in the State of Washington.

MOST FEASIBLE SITE

After studying the Little Report, the Navy concluded that the choice of remaining at Port Chicago was the most feasible, as long as it was able to acquire the land needed for a safety zone around the docks.

This it has not been able to accomplish.

Even with the acquisition plan now pending before the Congress, the complete safety zone would not be available. The Navy has deferred purchase of the industrial complex at Nichols which some say would cost an additional $40 to $50 million, in addition to the $19.8 million appropriated to buy the town of Port Chicago and some surrounding acreage.

Thus the land acquisition cost alone could be as high as $70 million and still the Concord Naval Weapons Station, because of deficiencies at the piers themselves, and the problems incurred with the narrow ship channel to the Bay, would still be grossly deficient and would remain a hazard to nearby cities and shoreline communities along the channel route of ammunition ships.

THE WALDIE PLAN

Congressman Jerome R. Waldie, who reacted swiftly to the first announcement early this year that the Navy was again seeking the safety zone at Port Chicago, has proposed an alternate plan he contends will neither cost as much as the Navy's ultimate land acquisition and will bring the present facility up to minimum safety standards.

Waldie's plan includes removal of two of the present three mainland piers to Roe Island in Suisun Bay. One of the on shore piers will remain in operation at reduced capacity thus allowing the town of Port Chicago and the costly industrial complex at Nichols to remain, and allowing the open land now clouded by the Navy presence to develop at a rate equal to the rest of the county's prime industrial land.

The Roe Island plan would call for construction of a causeway or low-level rail bridge to the island for ammunition-laden rail cars to reach the piers. It would provide piers of adequate separation and length to handle maximum amounts of explosives.

Congressman Waldie has estimated cost of the plan at $30 million, a figure Navy officials have indicated to be only half of the real cost.

Other Navy objections include the provision for the causeway and the fact that the hazard from explosion to Port Chicago is only reduced, not eliminated.

Objection to the Waldie Plan has also come from Solano County interests hesitant over any move to locate the piers closer to the Solano shore and the new refinery at Benicia.

The Suisun Soil Conservation District has said that dredging and construction in conjunction with the Waldie Plan would disrupt water quality and wildlife of the area.

Another objection to the Waldie Plan is that a causeway or low-level bridge would require yet another lift or draw bridge over the ship channel to Stockton, Pittsburg and Sacramento.

The bridge was dismissed by the Army Corps of Engineers as no hindrance to plans to deepen and widen the channel in the future.

But aside from sparing Port Chicago, the Waldie Plan would not provide a total solution to the problem inherent with the location of the Naval Weapons Station.

TUBBS ISLAND PLAN

The relocation of the Naval Weapons Station to Tubbs Island on San Pablo Bay in Solano County has the favor of persons acquainted with the danger to shoreline cities from the possibility of collision between an ammunition ship and one of the large number of petroleum ships traveling to docks near Martinez.

Tubbs Island also was highly recommended in the Little Report because of its isolated position, which is unlikely to change, relatively low cost purchase and access to deep water allowing the largest of navy ships to discharge explosives without having to load and unload on barges.

Following release of the Little Study in 1957 Rear Adm. E. C. Stephen of the Navy Department admitted Tubbs Island, "meets all safety criteria and is the only site in the San Francisco Bay Area that could conceivably service large modern naval vessels directly without resorting to barging ammunition to an explosives anchorage."

Navy opposition, however, was leveled at two main drawbacks. The Tubbs Island site does not have rail facilities of any kind, much less of the nature of those at Port Chicago and the deep channel to piers would have to be constantly dredged to prevent silting.

These, of course, were added to the objection to the ultimate cost of development which in 1957 was figured at $147 million.

At that time Solano County officials were mixed on the advisability of locating such a facility off their shores. Today the opposition would probably be more organized.

Capt. Henry W. Simonsen, former president of the Bay Pilots Association, said that Tubbs Island remains today "the most favorable solution to the problem of the Naval Weapons Station location."

Noting that the latest trend in commercial shipping is to containerization, the preloading of ship cargo in truck-borne containers which are then transferred into container holds on specially designed ships, Simonsen said that the Navy should seriously consider doing the same in its ammunition loading operations.

Simonsen suggests that Tubbs Island, if connected by truck-rail causeway to the Solano County mainland, would be an ideal site for such a container-ship facility.

He notes that prepackaging explosives in truck-borne containers at the factory would greatly reduce risk of accident, ease handling and would be highly efficient.

PARTIAL REMOVAL

In the joint Senate-House Conference report authorizing funds for acquisition of Port Chicago, the conferees called for the Defense Department to study alternatives including the moving of piers to Roe Island and the partial removal of the facility to the Northwest, possible at the present ammunition terminal a Bangor, Wash.

Sen. Henry Jackson of Washington, a member of the Senate committee acting on the authorization, noted that the ultimate cost of purchasing the 5,021 acres for the safety zone would amount to more than the $19.8 million indicated.

"I venture to say," Sen. Jackson told the committee, "that if the Navy is to comply with existing regulations as to safety in handling ammunition it might come to $60 to $80 million."

"I want to make it clear," Jackson told the committee, "that estimates are always misleading. This, the $19.8 million appropriation, is only a downpayment on the problem."

Jackson's gloomy forecast of the cost of the safety zone, including the three chemical plants at Nichols, is an accurate one, however, and one which has not been discussed with candor by local Navy officials.

THE BALANCE SHEET

The case for moving the Navy from the Concord Naval Weapons Station would seem to be topheavy with favorable argument. The constant hazard to life and property heads the list. The base is hopelessly deficient in the face of safety criteria set by the Navy itself. It is a drain on the county's economy, more so if the 5,000 acres sought for the safety zone are given to the Navy. And there is the human factor.

The removal of the town of Port Chicago will cap nearly 25 years of injustice to its residents and property owners. Port Chicago has been denied the opportunity to grow in size and value comparable with the rest of Contra Costa. The Navy plan to compensate owners at least 25 percent above fair market value doesn't take into consideration the depressed value of property due to the presence of the base.

And if, as a highly respected senator and the Arthur D. Little Co. report suggest, the cost of land acquisition and pier improvements to bring the Naval Weapons Station up to the minimum safety standards is close to $100 million, would it not be wise to either partially cut down the local facility's capacity or remove it totally at nearly the same cost, or even less?

Would not the sheer size of the figure above warrant a new look at the Tubbs Island proposal?

Should not the Navy reveal the true ultimate cost of bringing the Port Chicago base up to minimum standards, including the admission that the present appropriation of $19.8 million is only "a down payment" on the proposed 5,021 acre safety zone.

It boils down to the cold fact that the Navy rushed headlong into a great error in locating the ammunition facility at Port Chicago in 1942. It compounded the error with subsequent land acquisition and seeks to enlarge it even now.

Due to the present wartime need, the Navy cannot be expected to immediately remove a facility supplying the front with some 70 percent of its munitions, but it can be hoped that the Navy can put aside its destructive pride and consider the alternatives, make the base safe, remove the economic depressant on the community of Port Chicago, and above all, be truthful as to costs, risk and responsibility.

If a report of alternatives to the acquisition is issued to the Congress this week by the Department of Defense, as was announced, it will be a shabby injustice. It will be a study of alternatives with nothing new, for it has been less than two months since the Congress called for an "intensive review of the alternatives."

It can only be hoped that the interests of Contra Costa County are not subjected to such a sham, an insult to those affected by the Navy's presence.

If the Department of Defense pursues this insult and does crank out the quick review of alternatives showing continuance of the present base at present capacity with present risk, it can only be hoped that it will not take another tragedy like the one of July 17, 1944 to show the Navy its error.

It can only be hoped.

[From the Contra Costa Times, Dec. 3, 1967]

PORT CHICAGO: BETTER GONE THAN BE EXPANDED

During the past four days the Times has been carrying a series called "The Case for Moving the Navy."

There is such a case for removal of the Naval Weapons Station at Concord and Port Chicago.

There is also cause for its remaining here, especially during the Southeast Asia crisis. But will that crisis persist? Will there be such need in a year or two?

The Navy plans to acquire 5,021 more acres for the safety zone around its Port Chicago docks. This will bring its total holdings to nearly 12,000 acres. It is an enormous drain on the county tax base.

Congressman Jerome Waldie has warned that a review of alternatives to the planned acquisition may be forthcoming in the next few days, following a Defense Department study of only two months.

We certainly hope that the review is a just one and not a coverup to cloak the acquisition in a mantle of fairness.

Thousands of Contra Costans daily live in great peril both from the station itself and the constant ship traffic in the narrow channel to San Francisco Bay.

Out of fairness to these thousands and to the economy of the county, we fervently hope the Navy and the Congress assess the alternatives and remove this constant danger from our county. If not immediately, and we can well understand why, then in the near future.

We cannot live together. This was proved on July 17, 1944 and we hope that it does not have to be proven again.

[From the Pittsburg Post-Dispatch, Nov. 29, 1967]

THE "EXHAUSTIVE STUDY"

Another verbal clash over the Navy's determination to buy up the town of Port Chicago has been touched off with word that "exhaustive study" of alternatives required by Congress of the Defense Department, will be finished by month's end.

Judging from his remarks, Concord Weapons Station's commanding officer is appalled that Cong. Jerome Waldie looks with suspicion at a government branch which can conclude a study in a month's time.

So do we.

And, whether it is poker-faced humor or plain naivete is unclear. But apparently to clinch the "sincerity" of this study, the captain adds that if it is not made in sufficient depth, the Defense Department can be expected to require further exploration.

With the Navy putting on the pressure from Washington, D.C., to the west coast, it is not likely the Defense Department is going to break its back studying alternatives.

The exchange of words among a Washington admiral who, while here for a holiday speech, supported buying the town; the Antioch congressman; the Defense Department's assistant secretary, and the higher echelon of the local station, leaves us with the uncomfortable conviction the "study" is no more than a gesture.

Nor do we find anything extraordinary in Cong. Waldie's implication the military may be expected to enjoy greater access to Defense Department ears than, for example, the people in Port Chicago who face eviction.

In short, this appears to be a situation in which a bulldogged, insistent Navy is dead set on acquiring the town, justifying both the intensity of its efforts as well as the speed of the defense study with the myth of safety.

And a myth it is indeed. The Navy is hell-bent on "protecting" 3400 people in Port Chicago but it continues to ignore the safety of its own workers on the piers (where all deaths occurred in the 1944 explosion), that of employes at the nearby chemical firm which will be allowed to remain (there are not enough funds to buy it) and, while this has been painstakingly ignored, the safety of thousands in Pittsburg, Martinez and Concord.

Two of those towns—Pittsburg and Martinez—suffered extensive damage in 1944. Yet the Navy, while declining to talk about its existing, sub-standard pier condition which is a very real hazard, ignores what happened here and in the county seat and, in the same breath, estimates another explosion would be three times greater.

With this in mind, it is all but impossible to understand the military attitude. It is difficult even to credit the Navy with a misguided, overzealous effort to assure a safety barrier.

Bluntly, we think this is no more than the military's typical inability to move off a position, once it is taken. It has wanted Port Chicago out of the path for years, it has almost $20 million now to do the job and it does not want to be deterred by logic.

INCREDIBLE OTEPKA CASE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include pertinent material.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, as each step of the Otepka case is reached, it becomes more incredible. There seems no end to the injustice and cruelty the State Department will try to heap upon Otto F. Otepka.

The crime: He told the truth to Congress, and then produced three documents to prove he was telling the truth and to prove that his boss, John F. Reilly, was a liar.

Now we have a report from a State Department hearing officer that declares that this is insubordination. The finding of hearing officer Edward Dragon is what we should have expected. The secrecy imposed upon the hearing was arbitrary and without justification. It was what we would expect of a Nazi gestapo or the Kremlin.

In Kremlin style, the State Department insisted that Dragon, a man under the State Department discipline, be the hearing officer. The result is what one would expect from such a "rigged" setup—a finding against Otepka—a finding that there were no extenuating circumstances in the 18 cases of security laxity Otepka was trying to bring to the attention of Congress.

Dragon also made the incredible finding that no conspiracy to "get Otepka" existed in the State Department. Dragon failed to note the unauthorized and illegal wiretapping and eavesdropping by Reilly and others. Dragon failed to note that Reilly and two others lied under oath about this illegal and unauthorized wiretapping and eavesdropping.

Dragon failed to note that the State Department legal office and other high State Department officials were involved in trying to hide this sordid activity from Congress. Nor did he note that the State Department took no disciplinary action against the liars, the wiretappers, and the assorted variety of security violators as justification for Otepka producing the records necessary to prove he was truthful in his testimony before the Senate Internal Security Subcommittee.

It is a sorry day for Congress and for this Nation when secret hearings before a handpicked selected hearing officer can be used to persecute a man for simply cooperating with Congress in matters involving national security. If the State Department can get by with this outrageous act then no witness can feel free to testify before committees of Congress. Next, we will see if the Secretary of State will give his personal endorsement to these sordid acts.

An article by Clark R. Mollenhoff, from the December 8, 1967, Des Moines Register, follows:

FINDS OTEPKA GUILTY, CASE GOES TO RUSK

(By Clark Mollenhoff)

WASHINGTON, D.C.—A State Department hearing officer has ruled that former chief security evaluator Otto F. Otepka was guilty of "insubordination" in giving three documents to Congress to prove he was telling the truth about laxity on security matters.

The Register obtained Thursday a copy of the still-secret report by Edward Dragon, the hearing officer, Dragon submitted the report to Secretary of State Dean Rusk Tuesday. Rusk has five working days to determine whether Otepka will be fired or whether other disciplinary action will be taken.

Dragon found there was no State Department "conspiracy" to fire Otepka for insisting upon high security standards.

He did find that Otepka had been subjected to an extensive pattern of harassment, but ruled that it was not a conspiracy.

Dragon did not note in his report that John F. Reilly, former deputy assistant secretary of state, had admitted under oath before a Senate subcommittee that he and others were engaged in a "get Otepka" movement.

Also, Dragon did not comment on testimony by Reilly and Elmer Dewey Hill, an electronics expert, admitting they engaged in illegal and unauthorized wiretapping and eavesdropping on Otepka's State Department telephone.

Otepka and his lawyer, Roger Robb, have emphasized that the wiretapping and eavesdropping were the most important aspects of the alleged conspiracy.

Otepka and Robb had objected to the appointment of Dragon as a hearing officer prior to the hearing.

They argued that Dragon, a career State Department employe, is under the discipline of Secretary of State Dean Rusk and was unlikely to be objective in reviewing the evidence.

REQUESTED ANOTHER

Otepka had requested a hearing officer from outside the State Department.

The State Department has brought no charges against Reilly and Hill. By contrast, it has been aggressive in trying to fire Otepka for telling the Senate Internal Security Subcommittee about "laxity" in the State Department's security division.

Dragon conceded that Otepka had delivered the three documents to the subcommittee as proof that he was telling the truth, and that Reilly, Otepka's superior, had given untruthful and inaccurate testimony under oath.

But Dragon found no fault with the procedure under which Reilly then filed charges of insubordination against Otepka for failing to obtain his approval before delivering the documents to the Senate subcommittee.

Dragon related that Subcommittee Counsel J. G. Sourwine had called Otepka's attention to the fact that there were discrepancies between his testimony and that given by Reilly.

"PUT UP OR SHUT UP"

Dragon said Sourwine did not request specific documents, but told Otepka "to put up or shut up" on improving the points at issue in the testimony.

Dragon said a directive issued on Mar. 13, 1948, by President Harry Truman prohibits executive branch employes from producing certain personnel papers for committees of Congress unless they have had specific approval.

In this case, Dragon stated, Otepka admitted he delivered the documents to Sourwine and admitted he had not sought Reilly's approval. Under these conditions, Dragon indicated, there could be no extenuating circumstances.

Dragon rejected Otepka's contention that the State Department had condoned misconduct and breaches of regulations of a more serious nature.

Dragon said the action of the State Department on other cases "is immaterial" to the ruling in this case.

He said actions in other cases could be taken into account by Secretary Rusk in determining whether Otepka's actions warrant dismissal from the department or other discipline.

Regardless of Rusk's ruling, it is almost certain that Otepka will appeal the case to the federal courts.

LET'S BAN STOKELY CARMICHAEL

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, this would be an excellent time, this week, for the Attorney General to make a public announcement that whenever Stokely Carmichael reenters the United States he will be prosecuted for sedition.

Carmichael's brand of revolutionary action should not be considered as the work of one man alone. He represents a good part of it by himself, but others like him are an important part of America's problem today.

And as long as they are all able to flaunt their defiance in the face of responsible Americans without any sign of concern from the Department of Justice, they all are encouraged to proceed with their troublemaking.

Prosecution of Carmichael would put this group on notice that there are limits to how far they can be allowed to go on undermining democracy.

I wrote the Attorney General last week, after Carmichael delivered a speech in Paris calling for the defeat of the United States in Vietnam and indicating his intention to return to this country. I referred to my suggestions of last spring when I first asked the Attorney General to act when Carmichael announced in Alabama that he was going to pay no attention to the laws of the land, and when he encouraged young men to refuse to serve in our Armed Forces.

The Attorney General's office said then that Carmichael would not be prosecuted because the young firebrand had not gone far enough to warrant any action against him.

Since then Carmichael has been in Cuba where Fidel Castro paraded him in front of a big conference of Communist revolutionaries from many parts of the world. It was like the proud young student coming back to the praise and further encouragement from the master revolutionary.

Then Carmichael turned up in North Vietnam where he associated himself with the guerrilla terrorism tactics of Ho Chi Minh. And he went to Algeria for discussions with some of the real master revolutionaries.

Sedition is defined as the promotion of discontent against the legal authority: the encouragement to defy allegiance so as to betray one's own country to the enemy.

In my view there are good laws on the books to warrant prosecution of Carmichael for sedition. In my letter to the Attorney General last week I suggested that if he feels new laws are needed that he recommend them to Congress so that we can proceed to provide them.

The Attorney General is said to feel that prosecution of Carmichael would make a martyr of him and so would help him.

It may be that Carmichael himself believes that in the role of a martyr he would be more effective in his revolutionary efforts. He enjoys notoriety.

But responsible people in all corners of America already tend to reject Carmichael, and need only Government action against him to confirm their position. But more important than that is the effect this action would have on the whole spectrum of revolutionary and semirevolutionary mentality today.

The rights of free speech and free assembly must be protected. But they must not be abused to the extent of treason. And the executive branch of the Federal Government today has a very real and vital responsibility to draw the distinction.

The reason they have this responsibility is that serious efforts are being made to paint revolution in the colors of free speech and thereby to confuse the people and paralyze the Government.

Revolutionaries thrive on government inaction. The agitators will go just as far as they are permitted to go. They deliberately seek the kind of Government paralysis which today exists.

The movement gathers strength while the high-powered lawyers at the Justice Department debate the meaning of insurrection and the first amendment.

We do need to protect the rights of American citizens under the Constitution. But we badly need executive branch leadership in recognizing major attempts to sweep away our whole system of democratic government which stands to protect those rights.

We badly need leadership in exposing the revolutionaries and their motives to the people through enforcement of the existing laws. And we lack that leadership today.

THE LATE DALE BERTHOUX, A VALIANT AMERICAN

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, with draft-card burners and draft protesters getting the headlines, you will be comforted, I know, to learn that love of country still exists. This afternoon at 2:30, Sp4c. Dale Berthoux, U.S. Army, one of my constituents, will be buried at Arlington Cemetery.

He is one of the great patriots of the war. At the age of 31, having already served his country for 2 years on active duty and for 6 years in the Reserves, this young citizen volunteered to his selective service board for service again.

At the time of his enlistment he was an elected commissioner of the city of Jerseyville, Ill., and profitably employed in a sales position. Previous to that he had been on the staff of the Democrat-News in Jerseyville. He was married and had a fine home.

In short, he had a comfortable, happy life in Jerseyville and every material reason to let others assume military responsibilities.

Nevertheless, he felt called to serve again. He wanted to serve in the frontlines in Vietnam, and he did. He was involved in the hard fighting on Thanksgiving Day this year when Hill 875 in Vietnam was taken by U.S. forces. On Sunday evening, November 26, near Dakto, he was killed in action. At that time he was attached to the 173d Airborne Division.

His body was brought to Washington for burial. In the presence of his widow; his mother, Mrs. Paul Berthoux; his brother, Dann; his sister, Mrs. Phil Shelton, and her husband; and his widow's parents, Mr. and Mrs. Charles Johnston, all of Jerseyville; and his brother, Duane, Fairfield, Calif., Private Berthoux joined today the great patriots of many battles and many wars at Arlington Cemetery.

Here is a letter I received a year ago, in behalf of Private Berthoux, which tells eloquently the motivation which led him to Arlington:

NOVEMBER 17, 1966.

Re Pvt. Dale P. Berthoux, US55467165, 4th Plt., Co. "B", 1st Bn. 61st Inf., Fort Carson, Colo.

Representative PAUL FINDLEY,
Congressional Office Building,
Washington, D.C.

DEAR SIR: As a former precinct committeeman and Secretary of the Jersey County Republican Central Committee, a former Marine, and as Executive officer of the Jersey Savings and Loan, I am requesting your help through the influence of your high office.

One of my close friends and a native of Jersey County, Illinois, now Pvt. Dale P. Berthoux, United States Army, is a very unique person in a very unusual situation. Pvt. Berthoux is a very rare individual indeed, because in my opinion, he is a true patriot.

Pvt. Berthoux on October 4, 1966, volunteered for service to his country through the local draft board for service in the United States Army. This, as such, may not seem to you to be unusual until the following facts are pointed out:

1. Pvt. Berthoux is 31 years of age.
2. He had already completed his military obligation by serving 2 years of active duty and 6 years in the reserves.
3. He resigned his elected position as one of the four Commissioners of the City of Jerseyville, Illinois.
4. He resigned his position as a salaried representative of one of the larger photographic supply houses in the Midwest.
5. Most important of all, he left behind a wonderful wife and a beautiful home.
6. He suffered from varied and sundry speculations concerning his action.

Knowing Pvt. Berthoux as I do and from my intimate conversations with him, his sole purpose and his aim in volunteering his services is to set an example for the young people of this community, this State, and this Nation. He is (as many people are) concerned about some of our young men who:

1. Publicly burn their draft cards.
2. Get married for the sole purpose of avoiding service to their country.
3. Purposely get into trouble, again for the sole purpose of avoiding the draft.

He is also very concerned, as many of us are, about the growing attitude that patriotism is passe and to be ridiculed.

I, therefore am requesting, because of his actions and the motives behind them, your help in obtaining a waiver for him as to his age to enable him to attend Army Flight Officers' Training. This young man, I believe, should even deserve direct commissioning because of the fine and brave action he has taken. I also believe that his action should be made known to the people of this Nation.

Yours very truly,

JOHN G. ZIMMERMAN.

DECISION IN UNITED STATES AGAINST ROBEL A TRAGEDY

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, I want to call the attention of my colleagues to an important decision today handed down by the Supreme Court—United States against Robel. I was dismayed to hear that the Court has declared an important section of the Subversive Activities Control Act unconstitutional. The Court now tells us that we cannot make it unlawful for any member of a Communist organization to engage in any employment in any defense facility. The Court feels that we have violated freedom of association by so trying to curb sabotage and spying in our defense facilities.

The people of this country have been patient with the Court in the past, although they have had good reason to question its decisions which appear to them to go easy on criminals and Communists, but I doubt that this decision will be met with the same patience.

To quote one part of this decision, written by Chief Justice Warren, the Court says:

> It is made irrelevant to the statute's operation that an individual may be a passive or inactive member of a designated organization, that he may be unaware of the organization's unlawful aims, or that he may disagree with those unlawful aims.

Communists know what the aims of their organization are, and their membership is surely an affirmation of consent as well as a method of support for those goals. They surely are not unaware that the aims of the Communist Party are unlawful and dangerous to the security of our country. The Court admits the objectives of the Communists are unlawful, but it declares that just because one belongs to an organization which conspires against the Government of the United States does not mean that he agrees with its unlawful aims. This is what the Court says is guilt by association. I disagree.

I have today been in contact with the Department of Defense about what needs to be done to provide adequate protection for our defense establishments in view of this decision. I hope my colleagues will join me in drafting and passing legislation by the early part of next year to fill the vacuum left by this decision. I will shortly have a bill in this area in which I would welcome cosponsors in the House.

IMPACT OF COPPER IMPORTS

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, an interpretation of the latest data from BDSA—Department of Commerce, on the import of copper raw material—ore concentrated material, blister, and refined copper—indicates the following: Whereas the first quarter report of 1966 importation of copper was 120,000 short tons, the figure increased to 175,000 short tons in December of 1966. This shows an accumulation of inventory by both domestic producer and consumer industries as a precaution against a possible strike and/or possible price increases.

The average import of copper raw material in 1966 was approximately 140,000 short tons per quarter. Beginning in the first quarter of 1967, imports held at the 140,000 short-ton level. However, in the second quarter of 1967 this figure increased to 154,500 short tons. The startling fact, however, is that during October of 1967 the import of raw copper increased to 60,892 short tons and, when projected on this basis for the fourth quarter of 1967, it will be 180,000 short tons, the largest figure for these imports in the last 2 years. This bears out charges made by the mayor and city council of Butte, Mont., and the unions that the importation of copper raw materials has increased sharply in recent months.

I would like to point out to my colleagues the grave impact that these imports are having not just on the State of Montana and the other copper-producing States, but on our Nation and its economy as well. We have discussed in this body the dangers of inflation, and I have discussed my concern for the employees who have been on strike against the copper companies since July 15, a total of 149 days on this December 11.

However, Mr. Speaker, I would like to call to the attention of my distinguished colleagues on the Ways and Means Committee and its distinguished chairman, WILBUR MILLS, who has given careful attention to the subject of inflation and the drain of our gold reserves from the impact of these imports. The cost of these imports has been averaging between 60-

65 cents per pound, while the domestic price is 38 cents per pound. This situation has created a drain on the dollar. It is inflationary, damaging to our national economy, and particularly damaging to the striking workers and to the industry.

Mr. Speaker, my concern for the strikers and the fact that negotiations have not been carried on has prompted me to write to the President, urging him to appoint a special board of inquiry to look into the copper strike.

I insert in the Record at this point an article by Robert Walker in the New York Times. This fine article points out an additional aspect of this situation: That buyers are substituting other metals, when possible, because of the shortage of copper. This, too, will surely be harmful to copper companies and workers as well.

SUBSTITUTES FOR COPPER GAIN GROUND

(By Robert Walker)

"Maybe you'd better forget about copper and ship us aluminum instead."

Reactions like this are increasingly evident among buyers of wire, cable and other products in which copper and aluminum compete for the market, industry sources observed in recent weeks.

The growing tendency to find substitutes for copper is only one of several symptoms of a strike in domestic copper mines, smelters and refineries that began July 15, closing about 90 per cent of American capacity.

In addition, prices for foreign copper have risen, driving the prices of brass-mill products higher. Many copper-and-brass fabricating operations—not themselves struck—have nevertheless been forced to shut down for lack of raw materials.

NO SETTLEMENT SEEN

A settlement of the 19-week strike was nowhere in sight last week. The United Steelworkers—bargaining for its own members and those of several other unions in the copper industry—and the major copper producers were reported to be far apart on two basic issues.

One was wages, and the other—probably destined to be more troublesome—was a union demand for company-wide bargaining with each of the producers. Traditionally, copper settlements have been reached mine by mine and smelter by smelter.

Company spokesmen charged that the eventual aim of the Steelworkers was to achieve simultaneous contract expiration dates at all the facilities of each company, enabling the union finally to bargain for one contract with the whole industry under the threat of a blanket, national strike.

Spokesmen for the copper producers last week discounted reports from Washington that the Administration would move for an injunction to halt the strike under the Taft-Hartley Act.

PRICE INCREASES

"Let's face it," one copper executive observed, "the strike is not yet a political problem. Most of the general public doesn't even know it's on."

The copper producers were painfully aware it was on. They estimated last week that the loss in production so far had been 600,000 tons.

Production in October was a trickle of 1,868 tons from United States mines, while 39,490 tons were refined and about 75,000 tons were shipped.

The difference between mine output and consumption has been made up partly by mill and consumer inventories—*evidently much larger at the beginning of the strike than almost anyone had imagined*—and partly by scrap supplies and foreign sources.

The American producer price—the lowest in the world at 38 cents a pound—was something of a joke. This is the price at which United States copper companies sell domestically mined metal to favored customers.

However, there was practically no mined metal. As a result brass mills had imposed a series of price increases that brought the level for copper content in such products as plumbing fixtures to about 60 cents a pound.

In a series of moves last week, Canadian copper producers raised their prices from 47¼ cents a pound to 51 cents a pound in Canadian funds.

The price on the London Metal Exchange—the so-called world price—was distorted by the devaluation of the pound. It was hovering around 61 cents a pound, down from 62 cents before the pound was cut from $2.80 in United States funds to $2.40.

And even if the strike ended tomorrow—which it won't—producers and consumers would be in trouble. The Barth Smelting Corporation, a Newark processor, commented in a market letter last week:

"Considerable problems will arise when United States producers' copper does again become available. There will be such a huge backlog of defense-rated orders laying claim to it that civilian consumers would not get copper for a long time, unless present regulations were changed.

"Defense set-asides [the proportion that producers must hold for defense orders] are still at 26 per cent.

"The Government may find it necessary to increase this percentage or stretch out the period for replacement of copper used from their inventories by defense contractors, to insure a flow of copper for defense and civilian producers alike.

"Without such change, non-defense consumers would be forced into the open market to secure their copper, which would push these outside prices even higher."

MONTANANS AND JOB CORPS SHARE THANKSGIVING

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, in his Thanksgiving proclamation, the Governor of the State of Montana, the Honorable Tim Babcock, asked his fellow Montanans as they celebrate a holiday from work and enjoy a bounteous meal, to open their hearts to their less fortunate neighbors. I am proud to note that among those "less fortunate neighbors, who never have known Thanksgiving in a home and who would count as one of the most cherished experiences of their lives, the opportunity to share in the joys of a Montana family Thanksgiving gathering," were the enrollees of the Federal Job Corps centers. It gives me great pleasure to know that these youngsters, who have been forgotten for so long, are being forgotten no more. I include Governor Babcock's proclamation at this point in the Record:

PROCLAMATION

Whereas, it has been traditional, since Thanksgiving was celebrated in Plymouth Colony in 1621, for Americans to set aside one special day each year to give thanks for the blessings afforded them by an Almighty Being; and

Whereas, the major religious faiths join together at Thanksgiving in a united appeal for aid to the unfortunate, asking all Americans to share in accordance with their ability; and

Whereas, Thanksgiving is a warm and happy occasion, a time when all of us as individuals and families can demonstrate to our own inner satisfaction that we are indeed good neighbors, concerned with the welfare of our fellow men and truly desirous of helping those who are less fortunate than we; and

Whereas, there are those among us—in our state rehabilitation centers, in the Job Corps camps, in orphanages and other institutions—who never have known Thanksgiving in a home and who would count as one of the most cherished experiences of their lives the opportunity to share in the joys of a Montana family Thanksgiving gathering; and

Whereas, this traditional American holiday is a time for prayer for our men in Vietnam and our service personnel in many other parts of the globe; a time for earnest reflection on the basic principles which have made America the greatest nation ever to exist in the history of the world; and a time for giving thanks for national loyalty, patriotism and belief in the ideals of freedom; and

Whereas, in praying for peace, it would be appropriate to display and honor our country's flag on the occasion of Thanksgiving;

Now therefore, By the power vested in me, as Governor of the State of Montana, I, Tim Babcock, proclaim: Thursday, the 23rd day of November, 1967, as Thanksgiving Day in Montana, and ask Montanans, as they celebrate a holiday from work and enjoy a bounteous meal, to implore the Almighty for the safety and strength of our fighting men, to open their hearts to their less fortunate neighbors to reflect seriously on the meaning of Thanksgiving, and to give prayerful thanks for the many wonderful blessings which are theirs.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. Done at the City of Helena, the Capital, this 20th day of November, in the year of our Lord, one thousand nine hundred and sixty-seven.

Tim Babcock,
Governor of Montana.

Attest:

Frank Murray,
Secretary of State.

NATIONAL HOLIDAY OF UPPER VOLTA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, for myself personally as well as for the Subcommittee on Africa of the Committee on Foreign Affairs I congratulate the citizens of Upper Volta on the occasion of their national holiday.

Upper Volta became independent in 1960 and, while small in territory, its strategic position in western Africa makes it a keystone in any grouping of west African states.

Upper Volta has primarily an agricultural economy and its industry, which is just getting started, does not yet contribute much to Upper Volta's gross national product. An overriding objective is improvement of economic conditions and studies are being made in advanced techniques in agriculture and stock raising so vital to her economy. This Nation has consistently maintained a moderate foreign policy and has shunned involvement in cold war issues.

The United States will continue to maintain most cordial relations with Upper Volta and is sympathetic to her policies in the field of foreign relations and to its program for economic improvement.

I extend the best wishes of my colleagues and myself to the people of the country, to the Chief of State, President Sangoule Lamizana, and to the Ambassador to the United States from Upper Volta, His Excellency Paul Rouamba.

FRENCH-AMERICAN RELATIONS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BUTTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUTTON. Mr. Speaker, the most recent attack on the American dollar by General de Gaulle should not go unanswered. Once again the general has shown a very materialistic view of world problems. His past remarks which suggest an anti-Semitic approach, his backing of the Soviet Union's stand in the Middle East, his encroachment in Canadian domestic affairs, his obstinacy regarding British entrance in the Common Market, and his rebuff of NATO, all smack of opportunism and an extremely narrow-minded view of political and sociological matters.

These and other provocations by General de Gaulle have prompted a number of Members of this House to suggest that various economic and political sanctions be levied against France to demonstrate to De Gaulle the seriousness of his actions. It has been urged that the United States make it difficult on the De Gaulle government in some or all of the following ways: First, to freeze French assets in the United States, unless payment of our World War I debt begins immediately; second, place an embargo on imports to France; third, place U.S. wheat on the world market, which is France's largest export; fourth, only give De Gaulle credit in our future aid assistance on the debt France owes us; and, fifth, appeal to American business and travelers to bypass France while doing business or visiting Europe.

While these and other economic levers could be applied to show De Gaulle that his actions in the political and economic world are not taken lightly by the United States—and might well be necessary to protect our own interest—it would be a tragic break in the relationship between two nations who have known greatness as friends.

A long series of events have bound together our two nations separated by a wide ocean, but linked in their past to the modern world. Our two nations have fought on the same side in four wars during a span of the last 189 years. Each has been delivered from the foreign rule of another by the other's friendship and courage. Our two revolutions helped define the meaning of democracy and freedom which are so much contested in the world today.

Mr. Speaker, if present relations between our two countries lead to dividing the heritage of our past and curtailing the cooperation of our future achievement, only General de Gaulle can be held answerable.

We have shown that we believe in a steadily increasing and growing Europe, a powerful Europe. We have during the course of the last 19 years put well over $50 billion worth of assistance in rebuilding Europe, including France. We have supported strongly the Common Market, and the other efforts to provide a more unified Europe, which permits Europe to speak with a stronger voice, to accept greater responsibilities and greater burdens, as well as to take advantage of greater opportunities.

It would, indeed, be a serious blow to Europe and us, if a division between the Atlantic community, a division between the United States and France, were allowed to take place. It must not take place. If it were to take place, the security of the United States and Western Europe would be dangerously threatened.

All of us hope, I am sure, that close cooperation on military matters, on economic matters, on political matters, will continue on both sides of the Atlantic; however, the General, I feel, continually impairs this cooperative spirit by his presently held views.

I know economic sanctions would have a serious effect on the De Gaulle government, but resorting to such measures would hurt the French people as well.

Mr. Speaker, as I have said, it might be necessary to apply some or all of the aforementioned economic sanctions, but in any case, I feel all Members of this House should give careful consideration and attention to the future of French-American relations.

NEW APPROACH

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HARVEY. Mr. Speaker, I have today introduced legislation on a problem—displacing older persons from their homes because of urban renewal needs—that has been, is, and probably will continue to be prevalent in practically all our major communities throughout the Nation.

Briefly, this legislation would amend the Housing Act of 1949 to authorize loans to assist older persons who have been ordered to leave their homes so that they might be able to resettle in comparable homes free of additional debt.

As we know, the greatest hardship faced by older persons who are displaced is the fact that they do not possess the financial means to acquire new homes. Further, because many of them are retirees with only limited income and assets, they simply cannot qualify for loans through regular financial institutions. This legislation's principal purpose is to assist these people in eliminating the uniquely severe hardship which urban renewal projects often impose by displacing them from their homes at a time in life when mortgage financing for suitable homes is not available to them.

This, then, is the thrust of the legislation—to ease both the hardship and heartache that progress often imposes on those less able to endure it. I recognize that we have existing Federal programs to help the elderly. These can be found in both public housing and private rental housing. But the additional assistance that my bill provides would allow these individuals to maintain homeownership and to do so in an area of their choice. Homeownership is a deeply rooted American trait and desire. It should be encouraged. But, equally important, our elderly citizens should not be penalized by Government programs such as urban renewal.

The assistance furnished under this legislation is not in the form of a subsidy or grant, but rather a loan. No such loan could be made by the Secretary of the Department of Housing and Urban Development unless he found that the property to be purchased is economically sound. Further, loans would bear an interest rate which would be fixed by the Secretary and would be repayable in a lump sum, including both principal and interest, from the borrower's estate after his death. This legislation would apply to an individual or head of a family at least 55 years of age at the time of displacement.

Furthermore, if the sum received by the borrower from the sale of the home from which he was displaced, together with his other assets, if any, is in excess of the amount which he and his family will reasonably need for future living expenses other than housing, the Secretary may require that part or all of such sum be applied to the purchase price of the new home and the amount of the loan would be reduced accordingly.

The legislation also states that if the borrower dies, leaving a surviving spouse, the Secretary may waive repayment of part or all of the amount otherwise due with respect to the loan from the borrower's estate, with provision for repayment of the amount remaining due to be made instead from the estate of the surviving spouse.

These, then, are some of the details of this legislation. Undoubtedly, it can be refined and improved. I hope it is. But, more importantly, I hope that the second session of the 90th Congress will take some affirmative action on this type of legislation next year.

H.R. —

A bill to amend title I of the Housing Act of 1949 to authorize loans to assist older persons who have been displaced from their homes by urban renewal projects to purchase comparable homes, free of additional debt

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That title I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"LOANS TO ASSIST DISPLACED OLDER HOMEOWNERS IN PURCHASING NEW HOMES

"SEC. 118. (a) It is the purpose of this section to assist in eliminating the uniquely severe hardship upon older persons which urban renewal projects, by displacing them from their homes at a time in life when mortgage financing for suitable new homes is not available to them, often imposes.

"(b) In any case where—

"(1) an individual or family owns and occupies a 1-, 2-, 3-, or 4-family residence in an urban renewal area;

"(2) such individual or family is displaced from such area (within the meaning given the term 'displaced' for purposes of section 114(a)) on or after the date of the enactment of this section; and

"(3) such individual, or the head of such family, is at least 55 years of age at the time of displacement or reaches 55 years of age within 6 months thereafter,

the Secretary may make a loan to such individual or family, subject to the provisions of this section, in an amount sufficient to pay the full purchase price of a new home providing decent, safe, and sanitary living accommodations substantially comparable to the accommodations provided by the residence from which the displacement occurred (and in any location selected by the borrower) together with closing costs and related expenses. No loan shall be made under this section unless the Secretary finds that the property to be purchased (without regard to the borrower's ability to repay) is economically sound.

"(c) Any loan made under this section shall bear interest at a rate, not more than — per centum per annum, which shall from time to time be fixed by the Secretary, and shall be repayable in a lump sum (including both principal and interest) from the borrower's estate after his death.

"(d) Notwithstanding the preceding provisions of this section—

"(1) if the sum received by the borrower from the sale of the home from which he was displaced (together with his other assets, if any) is in excess of the amount which he (and his family) will reasonably need for future living expenses other than housing, the Secretary may require that part or all of such sum (up to the amount of such excess) be applied to the purchase price of the new home, and the amount of the loan under this section shall be reduced accordingly;

"(2) if the borrower was making regular mortgage payments with respect to the home from which he was displaced, the Secretary may require that he make periodic payments of principal or interest or both (not exceeding the amount of such regular mortgage payments) with respect to his loan under this section; and

"(3) if the borrower dies leaving a surviving spouse, the Secretary may waive repayment of part or all of the amount otherwise due with respect to the loan from the borrower's estate, with provision for repayment of the amount remaining due to be made instead from the estate of the surviving spouse.

"(e)(1) Loans made under this section shall not be regarded as loans made or assistance provided under this title for any of the other purposes of this title except section 106(c).

"(2) No individual or family receiving a loan under this section shall be entitled to any payment under section 114(c)(2) with respect to the same displacement.

"(f) There are authorized to be appropriated such sums as may be necessary which shall constitute a revolving fund, separate and distinct from any other sums made available under this title, to be used by the Secretary in carrying out this section.

"(g) The Secretary shall prescribe such regulations as may be necessary to carry out this section, including regulations imposing such additional terms, conditions, and requirements as may be necessary or appropriate to protect against the loss of Federal funds to the maximum extent possible consistent with the purpose set forth in subsection (a)."

CHEAP FOOD MAKES HUNGRY PEOPLE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. ZWACH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ZWACH. Mr. Speaker, the following article is called to the attention of my colleagues because of the point of view expressed herein. Monsignor O'Rourke states that the supply-demand theory on farm products eventually leads to hunger and urges the rejection of this economic theory.

The article was recently carried in the Farm Tempo, U.S.A., printed at Clarinda, Iowa, and widely circulated among the breadbasket of the Nation.

CHEAP FOOD MAKES HUNGRY PEOPLE

(By Msgr. Edward W. O'Rourke)

Ever since the industrial revolution, the non-farm peoples of the world have manipulated prices and trade to make food cheap. In most instances they have been successful. Consistently during the past 20 years, farmers in the United States and other developed nations have received much lower returns for their capital, labor and management than have persons in other industries and professions. Presently in the United States, consumers pay only 18.2 per cent of their income for food.

Most city people feel that this situation is to their advantage. However, in the long run such a policy always leads to widespread hunger. The reason is obvious—low farm income eventually causes farmers to deplete their capital resources, it crains away from agriculture the most capable young farmers, and it undermines the family farm system which is the world's most dependable food producing system.

Communist nations have made the same mistake. From the beginning of the Bolshevist revolution in Russia, Communistic nations have been dominated by industrialists. Limited capital resources and low prices have been forced upon farmers. As a result, hunger has stalked the Communistic nations year after year.

Apparently, Russia has learned from her mistake. Recently a new policy was adopted in Russia, extending much more capital resources to farmers and giving them more independence. The large 1966 Russian wheat crop is an indication of the results.

To most Americans hunger seems remote and unimportant. However, hunger is an issue with us today. Our so-called surpluses have nearly disappeared. We have less than adequate reserves of wheat, milk, soy beans, meat and feed grains.

Already we are failing to meet our food sharing commitments in the developing nations. If present trends continue, we shall eventually lack the food required by our own people.

In our perennial policy of cheap food we have created an economic system in which the farmer dare not build up a food reserve adequate to meet domestic and foreign needs. This winter, with the lowest stock of wheat in recent years, the very mention of increased 1967 wheat acreage drove down the price of wheat 35¢ per bushel.

Radical changes must be made in our economy if we wish to set farmers free to produce the food needed to prevent hunger at home and abroad. First, we must admit that the principle of supply and demand does not work in agriculture.

For years supply-demand economists told us that the reason farm prices were low was because we were producing too much. Now when we are not producing enough, prices lag behind those of other industries at about the same rate.

Moreover, the supply-demand theory leads eventually to hunger. According to it the only way farmers can hope to get a fair price is by reducing production. Hence, the economic stability of the agricultural profession and the food needs of the world are pitted against one another. It is time to reject this theory.

There is another, better way to determine farm prices, namely through bargaining by producers and buyers. This would eventually bring about fair prices, reasonable food prices and abundance for all.

We have played the cheap-food game long enough. The stakes are too high to tolerate it any longer. Farmers must unite with fellow food producers and bargain at the market place for fair prices.

INTRODUCTION OF BILL ON CENSUS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McDONALD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDONALD of Michigan. Mr. Speaker, I am deeply concerned about the prospect that the 1970 census may ask totally unnecessary personal questions which invade right of privacy under the threat of fine or jailing. Because of this, I am introducing legislation that would limit to seven categories those questions requiring mandatory answers. Under this legislation, questions of a more personal nature could be answered by the resident on a voluntary basis.

As the director of the 1960 census in Wayne County, Mich., I became acutely aware of the drift in census-taking away from the basic idea behind the decennial count—which was to provide an accurate population count of congressional districts for the purpose of redistricting to assure equitable representation in the House of Representatives.

After reading sample questions suggested for the 1970 census, I feel compelled to do what I can to protect the privacy of my constituents and the people at large. I am therefore introducing a bill limiting the scope of questions in the 1970 census to matter within the categories of name and address, relationship to head of household, sex, date of birth, race or color, marital status and visitors in home at the time of the census.

I hope early action will be taken on this matter to assure protection of the privacy of our citizens during the 1970 census.

H.R. 14361

A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 5 of title 13, United States Code, is amended by inserting immediately after section 141 thereof the following new section:

"§ 141A. Limitation on categories of information required under penalty of law in certain censuses

"(a) In the conduct of any census under section 141 of this title, information required to be furnished under penalty of the provisions of section 221 of this title shall include only matter within the following categories:

"(1) name and address;
"(2) relationship to head of household;
"(3) sex;
"(4) date of birth;
"(5) race or color;
"(6) marital status; and
"(7) visitors in home at the time of census.

"(b) Refusal or neglect to furnish information not within the categories listed in subsection (a) of this section in connection with any census conducted under section 141 of this title shall not be an offense under section 221(a) of this title; but nothing in this section shall be construed to prevent the Secretary from requesting any such information in connection with such census on a voluntary basis.".

(b) The table of contents of subchapter II of chapter 5 of title 13, United States Code, is amended by inserting—

"141A. Limitation on categories of information required under penalty of law in certain censuses."

immediately below—

"141. Population, unemployment, and housing.".

SEC. 2. Section 221(a) of title 13, United States Code, is amended by striking out "(a) Whoever" and inserting in lieu thereof "(a) Subject to section 141A of this title, whoever".

WHAT'S THE USE?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WYMAN. Mr. Speaker, not only as a Member of the House but as an interested and concerned citizen, I am outraged by the story of frustration in law enforcement appearing on the front page of the New York Sunday Times of December 10, 1967. A reading of the complaints of Mr. Train will tempt many citizens to say, "What's the use?"

Mr. Speaker, we cannot give up. We must keep fighting crime, being firm and swift and fair with our administration of justice, and help to teach young people that crime does not pay and that honesty and integrity bring with them the reward of respect as well as self-confidence.

I hope the Justices on the U.S. Supreme Court will also take the time to read this story. It is they who are largely responsible for the woeful deficiencies in public protection of which Mr. Train complains, for it is they who have written the decisions again and again under which law enforcement in the United States has been substantially handicapped and the public morale weakened.

The answer under our system must come from a revision of these decisions. Let us hope that this will happen soon, and perhaps Mr. Krebs' article will help in this regard:

[From the New York Times, Dec. 10, 1967]

FRUSTRATION PLAGUES WITNESS TO THEFT

(By Albin Krebs)

One night last month John Train saw a man who had stolen three pieces of luggage from a car parked on an East Side street trying to make a getaway in a taxi.

With the help of the cab driver, Mr. Train retrieved the stolen luggage. The thief ran away.

Two nights later Mr. Train encountered the thief on the street, hailed a police car and saw to it that the man was picked up and taken to a station house. Less than an hour later he saw the man go free.

"The case was closed," Mr. Train said yesterday, "because under the conditions the police must work now, they could do nothing. They have a rough time prosecuting criminals, even when they have a witness willing to testify.

"I wanted to help, as I think the average citizen would, but the whole thing was an exercise in frustration."

Mr. Train, a 39-year-old partner in the investment firm of Train, Cabot & Associates and managing editor of The Paris Review, detailed, in tones of resignation, the frustrations he—and the law—encountered.

At about 8 P.M. on Nov. 21, Mr. Train, who lives on Park Avenue, was walking on 71st Street, between Third and Lexington Avenues, when he saw a man looking into parked cars.

Deciding he was a car thief, Mr. Train telephoned the police from a nearby store and told them he would wait for a policeman on the corner of 71st and Lexington.

When he got to that corner he saw the suspicious-looking man getting into a cab with three pieces of luggage he had not had before. Mr. Train stepped to the driver's window and said, "Don't go, don't go." The thief began to shout at the driver, then got out of the cab and ran east on 70th Street, leaving the luggage behind.

Mr. Train said he and the cab driver hailed a passing police safety-patrol car, but the policeman in it refused to pursue the thief, saying he had not been dispatched to the scene as a result of Mr. Train's call to the police. Under police regulations the patrolman was obligated to chase the suspect, unless the patrolman had been dispatched on an emergency call, such as delivering oxygen to a patient, a police spokesman said yesterday.

Mr. Train didn't know about that, so he and the cab driver remained in the street with the stolen baggage, waiting for the police.

While they waited, they watched another thief break into a blue Volkswagen parked at 71st and Lexington, 30 feet from where they stood, Mr. Train said. He picked up the receiver on a police telephone on a lamppost nearby.

"But for several minutes there was no reply," he said. "I therefore went inside a nearby liquor store, again called the police, and explained that although the first thief had escaped, a second one was now in action before my eyes."

Mr. Train said the cab driver had told him that the second thief took a coat and a bag out of the Volkswagen and ran north around the corner of 72d Street.

SECOND THIEF DISAPPEARS

A police car finally showed up in answer to his call, Mr. Train said, and he suggested that "we go after the thief."

They did, but only after the two patrolmen carefully inspected the Volkswagen. They found no trace of the second thief and went to the East 67th Street station house, where Mr. Train got a receipt for the three stolen bags he had recovered from the first thief.

"Two night later I was going home and deliberately detoured through the area in the hope of spotting one of the thieves," Mr. Train said.

"By luck I encountered the first one, on 70th Street between Second and Third Avenues. I saw a police car, hailed it and led it a couple of blocks until we overtook the thief. He was frisked and asked for his address. One of the patrolmen told him that the address given did not exist. We went in the police car to the station."

There, Mr. Train learned the stolen luggage had been picked up by the owner, a woman from Bethlehem, Pa., who had returned home.

NO COMPLAINT FILED

She had not filed a complaint—and that was lucky for the alleged thief, for, Mr. Train learned, the man could not be held only on the word of a witness. There had to be a complainant.

The man who had been picked up was questioned by Detective Ray Drago, with the aid of Detectives Robert Kean and Walter Little. When one of the detectives asked the man if he was still using drugs, he readily replied he had stopped a month before.

The suspect contended he had been released from jail the previous day, and so could not have committed the crime. But a check by police with the Department of Correction revealed he was not telling the truth. The detectives then tried, unsuccessfully, to get in touch with the woman in Bethlehem, to urge her to file a complaint.

Since no complainant was available, the suspect was released. Under present regulations, which many policemen say "tie their hands" when dealing with suspects, the accused must be arraigned swiftly or be freed.

FINDING THE ACCUSED

Mr. Train said he was surprised to learn that "under the actual circumstances, the police could not compel the man to give his name or address," and that "if a complainant comes forward later, the accused can be put on the wanted list, but by that time there is little way of knowing who he is or where he can be found."

"I'm sadder to learn all this, as a New Yorker," Mr. Train said, "but I guess I'm also a little wiser. I'd still try to help the police if I witnessed another theft."

The type of crime Mr. Train witnessed twice in the same night, breaking into parked cars, is a common one on New York streets.

According to the police, in the first 10 months of this year there were 20,083 reported thefts from cars of property worth more than $100. There were 341 arrests on such charges of grand larcency.

A total of 18,946 persons reported thefts from cars of property worth less than $100, and 272 persons were arrested on these petit larceny charges.

CONGRESSMAN HORTON INTRODUCED SENSE OF CONGRESS RESOLUTION ASKING UNIFORM FIRE AND POLICE EMERGENCY NUMBER THROUGHOUT THE NATION

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **HORTON**. Mr. Speaker, I am today introducing a resolution expressing the sense of Congress that fire and police departments should have uniform emergency telephone numbers across the country. This innovation would do much to strengthen law enforcement and reduce the time that a person must wait to receive emergency aid.

Many large cities have followed the example of the Chicago Police Department and have spent many millions of dollars developing and installing complex communications systems that permit police patrol cars to reach the scene of an emergency or crime within 30 to 60 seconds after a call for assistance is received at the communications centers.

The results of these efforts have proven the costs of these communications centers to be fully justified. Through improved police communications many criminals who formerly would have eluded capture are now caught in the act of committing their crimes or fleeing the scene. In addition, police-community relations have improved as residents have gained increased respect for the ability of the police to react to emergency situations. Also, realizing that their calls are now more apt to produce tangible results, citizens are increasingly willing to call the police to report suspicious situations.

Despite the dramatic increase in the promptness with which emergency vehicles can be dispatched once the communications center has received a call for help, little has been done to reduce the time lapse between the emergency arising and a call being received at the communications center. Frequently several minutes may be lost by a stranger in the area who does not know which agency to call and thus must call several agencies before receiving help. As our population becomes increasingly mobile the magnitude of this problem will continue to increase.

Additionally, many long time residents of an area become panicked in time of emergency and cannot remember which one of the several emergency numbers they know is the appropriate one to dial under the circumstances. Most of us do not appreciate the multiplicity of emergency telephone numbers until we are confronted by the need to use them. For instance, I suspect that most of my 660,000 fellow residents of Monroe County, N.Y., would be surprised to learn that there are more than 40 numbers in Monroe County alone for reaching fire and police departments and ambulance services.

The delays in reaching emergency numbers which are caused by either panic or unfamiliarity with the neighborhood could probably be eliminated if we were to adopt uniform, easy to remember telephone numbers for reaching police and fire departments across the country. Telephone technology is already sufficiently advanced to permit the implementation of such a system. This innovation would be even more valuable if the telephone system were modified so that people could reach these numbers from pay telephones without first depositing 10 cents. Absent this additional modification many emergency telephone calls will continue to be delayed because potential callers lack the change necessary to initiate the call.

As many of my colleagues know, the New York Telephone Co. is presently experimenting in one area of Manhattan with a procedure which permits callers to reach certain emergency numbers, through an operator, without depositing any money. I urge telephone systems across the Nation to follow this example and adopt similar procedures.

What is needed now is increased public understanding of the critical problems caused by this weak link in our emergency communications system and an awareness of how the weak link can be strengthened. I urge my colleagues to support this resolution and thus help develop the public awareness of the problem which will prompt local governments and the telephone industry to join in the development of uniform fire and police emergency numbers.

Mr. Speaker, even before these innovations are made, much of the present confusion could be eliminated if police patrol cars were marked with the police emergency telephone number. As I am sure many of our colleagues have noticed, this is now being done by the Washington, D.C., Police Department and I urge cities across the country to follow this excellent example.

TOWARD A RENEWED STRATEGY OF ANTICOMMUNISM

Mr. **WATKINS**. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Zion] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **ZION**. Mr. Speaker, the war in Southeast Asia and other "hotspots," generated by Communist movements as pressure points against the defenses of the free world, keep ever in mind the need for a decisive strategy of anticommunism among freedom-loving peoples.

While the United States has been quick to respond to the brush fires of conflict with the Communist adversary, our Government has totally failed to develop a long-range policy of meeting the Communist challenge—its philosophical and ideological bases and the governments which rest upon those philosophical and ideological assumptions. The long-range goals of U.S. foreign policy with respect to the Communist menace to our freedoms are practically nonexistent, compared to the long-range goals of the Communist nations toward overcoming the free world. This lack of foresight on the part of our foreign policy planners has led our Nation from one foreign policy blunder to another over the past several decades. Our long-range foreign policy toward the Communist adversary can most aptly be described as no policy at all.

Reflecting an awareness of the problems confronted by the American who is concerned over the persisting gains being made by the Communist governments throughout the world and who is concerned over how best to make his fellow countrymen aware of the nature of the Communist threat, is an article which appeared in the December 1967 issue of the New Guard, the national publication of Young Americans for Freedom—YAF.

Along with over 50 other Members of Congress, I have the pleasure of serving on the national advisory board of YAF, and I have long been heartened by the efforts YAF has been making, from the Nation's Capital to the local college chapters, to make our fellow citizens aware of the nature of the Communist threat.

The article to which I refer is entitled, "Toward a Renewed Strategy of Anti-Communism." It is an analysis of the problems posed in trying to be an effective, soundly-based anti-Communist, from problems generated by the Federal courts to those arising from local apathy. The article was written for the New Guard by Randal Cornell Teague, a member of the national board of directors of YAF since 1963 and the chairman of the National Student Committee on Cold War Education. Beginning in January, Randal will leave his position on the minority staff of the House Committee on Public Works and will assume the full time post as director of State organizations for National YAF.

Mr. Speaker, under unanimous consent, I include the full text of this worthwhile article.

The article follows:

[From the New Guard, December 1967]

TOWARD A RENEWED STRATEGY OF ANTI-COMMUNISM

(By Randal Cornell Teague)

At the request of the National Board of Directors of Young Americans for Freedom, I have investigated various strategies to abolish Communist organizations, with a view toward determining what should be the official position of YAF on this question, and the best means to implement that position.

Communism is the most complex economic, political, and social ideology yet born of the mind of man. It cannot be easily understood, although everyone thinks he does understand it. It is easy for a YAF member to get wrapped up in the day-to-day political affairs of the nation, but his abiding goal should be the study of that which the Sharon Statement calls the greatest single menace to our freedoms. An enthusiastic anti-Communist can be effective only if he fully understands the nature of this enemy. Learning this nature should be the immediate task of all YAF members.

Through the years we have strongly encouraged chapters to devote much attention to cold war education. Chapters should have a standing committee on cold war education whose responsibilities it should be to present chapter and special programs on the menace of the Communist movement and dogma, to obtain anti-Communist literature for distribution on campuses, and to stock local libraries with sound anti-Communist publications. Every chapter should have available for its members, friends, and inquiring students a library of anti-Communist literature. Most of these materials can be obtained, without cost and merely by asking, from Congressional committees, particularly the House Committee on Un-American Activities and the Senate Internal Security Subcommittee.

These materials should be supplemented with relatively inexpensive paperback books and related literature, much of which is available, without cost, from anti-Communist organizations. Every college and high school chapter should have at least one anti-Communist study group, meeting at regular intervals, composed not of the already convinced YAF members, but rather of the uncommitted political science, economics, government, and history majors. For community chapters, we recommend such study groups for friends, neighbors, and associates. Filmstrips, films, and printed literature for such groups are available without cost or at nominal rates.

What about the broader role of the anti-Communist? Of the movement toward enhanced cold war education? The overriding question is: How can we rid the world of the Communist movement, its parties, and its ideological base?

If one seeks to outlaw, and thereby eliminate, the CPUSA, or any other unquestionably Communist organization, one would make punishable the organization of any group with the purpose to which the CPUSA or such other organization are dedicated, to the extent that those purposes are known, or make punishable membership in any such organization. But recent decisions of the Federal courts indicate that a blanket proscription against any membership organization is contrary to the guarantees provided by the U.S. Constitution.

Another alternative, then, is to make punishable criminal acts committed by a member of a Communist organization. Since mere membership in such an organization does not, in itself, constitute a criminal act, Congress must establish what acts would be prosecutable. Substantial evidence would have to be introduced into a court of law to prosecute each individual member of such an organization for specified criminal acts.

Even if legislation could be enacted which would circumvent the objections of the Supreme Court, the further question is: would such legislation in itself be the best policy of effectively abolishing the CPUSA or other such organizations? Needless to say, the enforcement of a statute to outlaw membership in an organization would be difficult, if individual prosecutions would have to be made of all suspected CPUSA members. The process would surely be a slow one, and obviously not a comprehensive one.

F.B.I. Director J. Edgar Hoover, feels that a complete outlawing of the CPUSA might pose problems too burdensome to be effective: (1) it would drive the activities and the members of the CPUSA and similar organizations further underground, making the conspiracy much more difficult to counter by the F.B.I. and other internal security enforcement entities; (2) it would make martyrs of the Communist leaders; and (3) it would require the disclosure of actual membership, which can be obtained before a court of law only through the testimony of informants, whose real identities are too valuable to be sacrificed after many years of arduous labor in placing them in the top echelons of Communist organizations.

Are those who are actually carrying on the most dangerous Communist activity in America CP members? How about the militant, pro-Trotskite, pro-Red Chinese Communists who apparently participated in some recent racial riots? They probably are not members of the CPUSA, if for no other reason, because the CPUSA is "too moderate" for them.

It would be a never-ending task of the Justice Department, the F.B.I., and the Congress to put new organizations into the law as they are specifically outlawed. Hopefully, Congress would never leave the final discretion of determining such organizations to the not-so-Communist-prosecuting Justice Department.

The steps for Congress to take, and for state legislatures and other units of government to take as well, is *to make the commission of those revolutionary acts committed by Communists in the execution of their subversive activities criminal actions, punishable by fine, imprisonment, or both.* This would be a substantial step forward in developing a workable strategy of combating Communist activities.

There are several programs which YAF members can support to abolish the Communist conspiracy. Whatever course of action we pursue, however, it must be made explicitly clear that our end product will be *the abolition of the Communist conspiracy in the United States and eventually throughout the world.* I make this comment because the position we adopt may not be in total accordance with the views of other anti-Communist organizations.

One course of action would be to support proposals similar to the Weltner bill, despite their legal deficiencies. Such proposals are not strong enough, but political realities being what they are on Capitol Hill, they would at least be a step in the right direction.

Another course of action would be to prepare, and have introduced by a sympathetic Congressman or Senator, a bill outlawing the criminal activities of members of the Communist conspiracy, particularly the growing number of violent revolutionaries, and then to work diligently for the enactment of such legislation.

Certainly the most efficacious course of action is to undermine Communist ideology. This is done by promoting the market economy and our republican form of government. We should continue to do this, but specifically, YAF should instigate a nationwide campaign, initially, to have all state legislatures enact statutes requiring the teaching of a course on Communism in all high schools in the state. This is the concept upon which the National Student Committee on Cold War Education is based.

Some conservatives who oppose this plan believe that students may be taught by a compromising or incompetent instructor. Of course, there is this danger, but if a check on the instructors is needed, some type of summer seminar training program, directed by state officers of public education in conjunction with such organizations as the American Security Council, for example, could be instituted for a "refresher" program on Communism.

YAF state chairmen in states with agreeable legislatures should initiate the formation of statewide cold war education committees to seek the enactment of a statutory requirement for mandatory, secondary school level "Americanism vs. Communism" courses. Such courses have been officially endorsed by the National Governors' Conference and have been enacted in several states. The task called for here is too great to be done by YAF alone. YAF leaders should obtain the assistance of leaders of such organizations as the Jaycees, Young Republicans, Young Democrats where possible, the American Security Council, the American Legion, V.F.W., businessmen's and civic clubs, educational and political action groups, etc., to form this committee's leadership.

The state committee should then be formally organized, consisting of the young leadership from each of the cooperating organizations. An advisory board, consisting of prominent political and civic leaders, educators, clergy and lay leaders, etc., should also be formed. Names for such state committees could range from something as innocuous as the "Pennsylvania Committee for Improved Schools and Education" to something as specific as the "Illinois Citizens Committee for Cold War Education."

Once the committee has been organized, a news conference announcing the formation of the committee and its objectives should be held. Thorough information on the constituency of the leadership, the advisory board, and the purposes of the committee, stressing the great need for such programs, should be distributed to all press media. Frequent news releases should be issued as the proposal progresses, new members join the leadership, advisory board; the bill progresses in the legislature; new support gained; etc.

The committee leadership should then take it upon itself to convince the governor of the merits of including a cold war education program proposal in his next package of must bills to the legislature. If the governor is sympathetic, the committee is well down the road. However, if the governor is unsympathetic or just does not have the time to devote to the proposal, as is often the case, the committee should then seek out a sympathetic legislator to introduce, and strive for the enactment of the bill.

Of course, a state legislator will probably already be on the advisory board. A "moderate" should be given this assignment. The committee would then prepare appropriate materials for transmittal to all the state legislators and other appropriate officials, particularly the state superintendent of public instruction, asking for their support of the measure. The committee would also assume the responsibility for doing all work on behalf of the sympathetic legislator to get the bill enacted. Members of the committee, representing the groups from which the committee membership is drawn, if possible, should appear before the state legislative committee hearing the proposal, thereby indicating the broad base of support for the measure.

Actually, while this is a great undertaking, it requires little financing. Committee members would probably be in a position to finance their own activities, and what little printing that needs to be done probably could be donated by participating organizations or members. Make sure that all state laws for lobbying before the legislature are complied with fully. A great effort needs to be made in this area, and YAF can definitely find a leadership role for itself here.

If YAF means anything for the future of freedom—and I feel it does, and if freedom means anything for the future of man—and I feel it does, then one can see the necessity for YAF's adopting and instituting a renewed effective anti-Communist strategy for the coming years.

MORTGAGE GUARANTY INSURANCE RESERVES

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, the gentleman from Arkansas [Mr. MILLS] and I have jointly introduced a bill to correct an inequity in the tax treatment given mortgage guaranty insurance reserves. The bill is identical to an amendment passed by the Senate attached to a House-passed bill relating to a different subject matter which amendment was deleted from one bill reported by the conference.

In 1960 the Internal Revenue Service issued two relatively favorable rulings to mortgage guaranty insurance companies. These rulings, in effect, permitted the companies involved to take deductions, as unearned premium reserves, for special contingency reserves required by State law which in some cases equaled 50 percent or more of earned premiums.

Subsequently, the Service has not extended this favorable ruling to other mortgage guaranty insurance companies. I believe it is clear that the initial ruling was a mistake. This bill is an attempt to remove that error and to provide uniform treatment in the future for the two mortgage guaranty insurance companies which received the favorable rulings and other mortgage guaranty companies which have not received such rulings. It is expected that, if this legislation is passed, the Treasury Department will withdraw the prior rulings it has passed to the two companies in the past.

Under the bill, deductions for additions to a reserve for mortgage guaranty insurance losses required by State law or regulations will be allowed, but several restrictions are imposed with respect to this deduction. First, any amount added to the reserve must be restored to income at the close of 10 years—rather than the 15 years as is generally provided for under State law or regulations.

Second, the deduction is not allowed unless the company uses the tax money saved to purchase a special issue of Federal bonds which are non-interest-bearing, nontransferrable, and redeemable only when the amounts added to the reserve are restored to income.

These companies have a problem in that State law requires the additions to reserves of very large amounts of money relative to their premium income. Nevertheless, it does not appear appropriate to permit, on any permanent basis, the deduction of amounts substantially in excess of what experience shows can actually be properly claimed as deductions for catastrophe-type losses by these companies. For that reason, although it permits the provision for the deduction initially, the bill provides that any tax savings arising from the allowance of this deduction, to the extent the funds are not actually used up by catastrophe-type losses, are to be available for use by the Government rather than by the company. This is the effect of requiring the investment of these funds in non-interest-bearing Government bonds.

INTERNATIONAL TRADE AND LABOR POLICY IN DEVELOPING COUNTRIES: TRADE NOT AID

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, Mr. David A. Morse, Director General of the International Labor Office—ILO—is a world authority in the field of international labor policy. In a speech at the University of Pittsburgh, October 19, 1966, Mr. Morse turned his attention to one of the most difficult problems of international economic policy: how we permit developing countries to help themselves through trading in world markets, rather than simply relying on programs of government financial and technical aid to promote their development. Mr. Morse's speech, entitled "Labor Policies and the Development of International Trade" is a significant contribution to the dialog in this extremely important area.

Mr. Morse bases his speech on evidence that underdeveloped countries are falling increasingly further behind the developed countries in terms of per capita income and economic growth, which occurs particularly because of the slow growth of their exports and instability of world prices for their raw materials. He believes that both public economic assistance—that is typical government-to-government aid programs—but also private capital investment will be far from sufficient to finance economic development. The answer, he believes, is "to look to increasing their trade in foreign markets." Indeed, this is essential if their newly acquired political independence is to be anything more than a facade concealing their real dependence on the donations of the richer nations of the world. This continuing dependence, he believes, and the economic and social backwardness of the developing countries "constitutes by far the most dangerous threat to world peace and that in this sense at least, an extension of world trade could prove to be a powerful weapon in favor of peace."

To promote economic development and peace requires industrialization. And along with industrialization Mr. Morse believes that there must also come social and labor policies to support industrialization measures. Mr. Morse says—

> It is only recently that governments . . . have begun to realize that a well conceived social policy is not merely a luxury, not merely a burden on the economy; it should be seen as an investment in human capital, the returns of which are quite as valuable for the economy as investment in physical capital.

In so doing Mr. Morse believes, and I agree, that—

> One cannot expect labor relations in the developing countries to be exact reflections of procedures in the United States or Western Europe.

It should be the aim of developing countries to devise wage and social security policies, regulations governing hours of work, and other labor policies which do not burden the developing economy with excessive labor costs but which contribute to more equitable distribution of income, based upon proper compensation for work performed. This provides adequate incentive for social mobility, and the economic base of consumer demand on which to build a diversified industrial economy and higher rates of per capita income.

Now all of this seems to depend on the developing countries finding markets for their exports. Mr. Morse's opinion is that "there is no immediate danger of world markets being swamped by a wide range of manufactured products from developing countries." He believes that the industrialized countries would themselves have much economically and socially to gain from a new international division of labor, implemented with the assistance of policies that first, utilize the opportunity to swap jobs in less productive industries for new jobs in industries with advanced technology; and second, insure that those who do not share in this advantage directly will not lose through such a development and therefore not oppose it. Finally, Mr. Morse believes that such a "progressive labor policy" should be accompanied by policies to avoid sharp disruption of labor in established industries, and that it is the obligation of Government to encourage the development of adequate programs including, if necessary Government programs, such as the American Manpower Development and Training Act of 1962 which he cites, to cope with problems of adjustment to economic demand for new skills.

Finally, I would like to emphasize Mr. Morse's comment about international labor standards, or internationally agreed rules of good labor policy.

> These—

He says—

> represent one form of international action in the social field which has bearing on international trade. . . . In order to set minimum standards of social protection and welfare but also in order to discourage "social dumping" in the form of exports produced by sweated labor.

The article referred to follows:

LABOR POLICIES AND THE DEVELOPMENT OF INTERNATIONAL TRADE

(Address by David A. Morse, Director-General of the International Labor Office, Sidney Hillman Memorial Lecture, University of Pittsburgh, October 19, 1966)

It is with a great deal of pleasure that I come to the University of Pittsburgh to deliver an address at your Fall Assembly. The fact that this lecture is part of a series bearing the name of Sidney Hillman is of great importance to me personally. Historians know full well the part Sidney Hillman played in the development of the United States during an important stage of its industrial growth. Those of us who have been directly concerned with labor matters know even more about Sidney Hillman the man, and the work that continues as his memorial. He would be happy to know of the great effort in education being undertaken by labor and business alike of which the program of the Sidney Hillman Foundation is part. He would be proud of a nation with a total enrollment in its public and private schools and college in the order of 56 million this Fall, with six million students in colleges and universities such as this great institution. Sidney Hillman would be the first to appreciate the impressive factor that education represents in the cultural and economic life of the United States. Thus, it is with a feeling of fond memory for Sidney Hillman that I offer my comments on the topic of "Labor Policies and the Development of International Trade."

I am aware that, in choosing to speak on a theme as a complex as this, I am venturing on to some particularly dangerous ground. The development of international trade is a subject which is fraught with many unsolved problems and difficulties. In addition, the close connection between trade and labor questions has on many occasions given rise to a number of sensitive political and social issues in the main trading nations of the world. I do not need to remind this audience of the fact that the attainment of such social objectives as full employment, general prosperity and high standards of living is, in virtually every country of the world, heavily dependent on the country's ability to find outlets for its products on the world market. Nor do I need to remind you of the effects which labor troubles can have on a country's trading position. My objective is to draw attention to some of the labor problems which will have to be faced in all parts of the world as part of the process of an expansion and change in the patterns of world trade and to suggest means of coping with such problems.

It is becoming increasingly clear that it is urgently necessary, for both economic and political reasons, not only to expand the volume of world trade, but also to enable the developing countries to benefit more fully from readier access to world markets. It has long been recognised that trade is an important element in international relations. This is as true today as it ever was. But today the problem arises in a new context. With the accession to political independence of large numbers of new states in Africa and Asia the international community of 1966 has become a markedly heterogeneous constituency of nation states, in which nations both rich and poor, large and small, have full participation, with equal voting rights, in such organs as the General Assembly of the United Nations. The consolidation of the votes of what were 75 and have since become 77 developing countries at the 1964 United Nations Conference on Trade and Development has thus brought to the world's attention in a more concrete and dramatic form than ever before the aspirations of the two-thirds of the world's population that live below standards we wish for ourselves. And it has resulted in specific substantive proposals being made for actively expanding and changing current world economic relationships in favour of the developing countries. These proposals can no longer be dismissed out of hand as mere outcries from the have-nots. There are some very compelling reasons why the rich nations of the world should sympathetically consider the demands of the poor, and why they should go at least some way towards meeting their demands.

Not the least of these reasons is that unless new trading arrangements can be devised to the benefit of the developing countries, their efforts at economic development will be checked, hampered, or even nullified by a shortage of foreign exchange. Statistics indicate that the underdeveloped countries of the world are falling increasingly further behind the developed countries in terms of per capita income and economic growth. Among the factors contributing to the widening of this gap is the severe restraint which is being placed on the economic growth of the developing countries by the slow growth of their exports and the instability of world prices for raw materials, which still constitute today the bulk of these exports. The resulting balance of payments difficulties have seriously curtailed their capacity to import the capital goods and equipment which are essential for their industrial development and consequently for developing new export potential. It is, of course, true that the developing countries continue to benefit from quite considerable flows of capital, both public and private. Nevertheless, it is estimated that more than half the inflow of development finance is now being offset by a return flow in the form of amortisation, interest and dividends. And as George Woods, President of the International Bank for Reconstruction and Development, has stated, the developing countries can effectively absorb each year at least $3 to $4 billion more of development finance than they can currently obtain. The point I am trying to make is that not only public economic assistance but also the investment of private capital is far from sufficient to finance the economic development of the third world.

In the face of these conditions the developing countries have no alternative but to look to increasing their trade in foreign markets. Indeed, this is essential if their newly-acquired political independence is to be anything more than a facade concealing their real dependence on the donations of the richer nations of the world.

All these facts are sufficiently well known and need no further elaboration on my part. However, it is not enough to acknowledge the facts; it is also important to act on them. And the real initiative now lies with the developed countries. Of course, it could be asked why the rich countries need to go to the trouble and inconvenience of opening their markets to increased imports from developing countries. It would indeed be conceivably possible for them to isolate themselves in a small prosperous trading club, continuing to distribute charitable aid to the developing countries, but otherwise making no effort to improve these countries' trading position. To continue on this path would not only be fatal for the economic development of the third world; it would also, in the long run exacerbate the tensions and frustrations which have already begun to manifest themselves among the poverty-stricken populations of the developing countries. If these tensions and frustrations cannot be relieved by concrete achievements in the field of economic and social development they are likely to result in outbreaks of violence and social upheaval leading to such widespread chaos that all nations, rich and poor, would be affected. I do not think I am over dramatising the situation by saying this.

I am convinced that the economic and social backwardness of the developing countries constitutes by far the most dangerous threat to world peace, and that, in this sense at least, an expansion of world trade could prove to be a powerful weapon in favour of peace.

It is for this reason above all that I think the rich nations of the world need to face positively and constructively the challenge presented to them by the demands of the developing countries for a larger share in the benefits of world trade. Of course, the problems raised are not easy to solve. The difficulties in reaching agreement in the current Kennedy Round of negotiation point up the limitations still hampering trade liberalisation even among the industrialised countries themselves. Nevertheless, in February of 1965, G.A.T.T. adopted a protocol amending the General Agreement according to which the developed contracting parties agreed to accord high priority to the reduction and elimination of barriers against the products of less-developed contracting parties, not to introduce or increase such barriers, to take the same attitude toward fiscal policy and to consult in cases of dispute. The test will be in how these provisions will be followed in national practice. Even more challenging to the good intentions of the developed countries is the question of giving *preference* to the exports of the developing countries in their markets, now being considered seriously for the first time. The conciliation machinery provided for in the establishment of the United Nations Conference on Trade and Development may well make it possible for mutually satisfactory trading arrangements between the developed and the developing countries to be worked out on the basis of procedures which focus on such divisive issues as preferences rather than either avoiding them or attempting to impose the will of a purely numerical majority. It is interesting to note that the Organisation for Economic Co-operation and Development (O.E.C.D.), primarily a grouping of Western industrialised nations, recently convened a meeting of its Trade Committee to discuss tariff preferences.

It would seem therefore that some initial steps at least have been taken towards a new international division of labour that no longer casts the developing countries in the role of suppliers of raw materials only. The apparent caution with which the interested parties are approaching the question may not be altogether unjustified or unwise. Nevertheless, for the reasons I have stated, the problem is an urgent one, and every effort must be made to overcome as rapidly as possible the difficulties and obstacles that lie in the way of an expansion of world trade.

This brings me to the central thesis of my remarks. In my view the ease with which an accelerated transition to new patterns of world trade can be made depends to a very large extent on whether developed and developing countries alike are able to devise labor and social policies to deal with the problems posed by radical change. For it is not enough merely to state that new patterns of trade are desirable; we must also seek reasonable ways of assisting this transition.

The problem facing the developing countries is essentially one of building up viable export industries. Before the developing countries can improve their trading position they need to produce, and at competitive prices, goods that are in demand on the world market. And they can only improve their competitive position by achieving an increase in productivity and a greater diversity of output—in a word through *industrialisation*. Indeed, it is no coincidence that parallel to the establishment of the United Nations Conference on Trade and Development, the developing countries have sought, and obtained the creation of another new organization in the United Nations family with special responsibility for promoting industrialisation—the United Nations Organisation for Industrial Development. For there can be no adequate expansion of the trade of the developing countries without industrialisation; and their industrialisation will not progress unless there are markets open to their industrial products.

But I would take this argument one step further. I would also say that the success of the industrialisation efforts of the developing countries, and consequently the improvement of their trading position, depends on their ability to develop *social and labor policies* which are consistent with, and which back up, such economic measures as they may take to promote industrialisation. There have been examples of countries whose social policies have been too ambitious, too complex or too costly for their economies to support. At the same time, other countries have ignored the need for constructive policies of social promotion and adjustment, with disastrous consequences for their industrialisation and economic development programmes. But it is only recently that governments—and this applies to governments of advanced as well as developing countries—have begun to realise that a well-conceived social policy is not merely a luxury, not merely a burden on the economy; it should be seen as an investment in human capital, the returns of which are quite as valuable for the economy as investment in physical capital.

To be more explicit, I would say that there are generally speaking, in the developing countries four main obstacles of a social nature to technological change and industrialisation. One is the *ignorance* of the broad masses of the population which makes them incapable of acquiring the new skills for work in industry, or of applying new techniques in agriculture. The second is the *lack of social mobility* which effectively prevents the emergence of entrepreneurs and other dynamic leaders of an industrial society. The third is the *failure to invest resources,* often concentrated in the hands of certain limited and privileged sections of the population, in the most productive fashion. And the fourth is the *inadequacy of institutions and procedures* for enabling all sections of the population to participate in the work of production and modernisation.

The aim of a social policy in such countries should be to remove these very powerful brakes on economic and social development. It should aim at developing and planning educational and training programs which will produce a labor force that is adequately skilled for the occupations which are most needed for the development of the country's industries, and in particular, its export industries. It should aim to develop government services in the industrial and rural sectors, as well as institutions such as co-operatives, trade unions, peasants' associations, community development programs and so on which can gradually modify the traditional social structures and make the population as a whole more receptive to social and technological change.

Finally, it should aim to devise wage and social security policies, regulations governing hours of work, and other labor policies which, without burdening the economy with excessive labor costs, can contribute to a more rational distribution of income; which can provide adequate incentives for social mobility; and which can build up a stable, contented and productive labor force. In this process, co-operation between workers, employers and governmental authorities is crucial, as it is in already industrialised countries notwithstanding variations in institutional or political structure. One cannot expect labor relations in the developing countries to be exact reflections of procedures in the United States or Western Europe. But the collaboration of all concerned with industrialisation is no less important to the extensive effort of developing export industries.

That, very briefly is how I would sum up the essential ingredients of a social policy for industrialisation and consequently for an improvement in the trading position of the developing countries. Experience has shown that policies of this nature are difficult to devise, and even more difficult to apply. I, as Director-General of the International Labour Organisation, am only too well aware of this. Yet experience has also shown that unless an active social policy which is consistent with the imperatives of economic development can be devised; unless appropriate measures are taken to prepare the population as a whole, industrial as well as rural workers, educationally as well as psychologically, for industrialisation; unless it proves possible to break down social resistance to change; unless a solid institutional framework is set up to facilitate the modernisation process, little lasting progress can be made in developing a viable, more highly productive economy that is able to compete in world markets.

Of course, the success of the developing countries in their efforts to expand their trade, and particularly their exports of manufactured and semi-manufactured goods, will depend very much on the access their exports have to the markets of the industrialised countries. I have already suggested why it is politically important that the industrialised countries should not adopt a negative, protectionist attitude to the demands of the developing countries in this respect. I would add, too, that the industrialised countries would themselves have much economically and socially to gain from a new international division of labor, implemented with the assistance of policies directed toward two objectives: first, to take advantage of the emergence of industries abroad by utilising the opportunity to accelerate the swapping of jobs in less productive industries for new jobs in industries with advanced technology; secondly, to ensure that those who do not share in this advantage directly, will do so indirectly—or at least that they do not lose—thus reducing opposition to the importation of industrial products from the developing nations.

There is, as I see it, no immediate danger of world markets being swamped by a wide range of manufactured products from developing countries. The range of products which the developing countries will be able to export in any quantity and at competitive prices will for many years to come remain very narrow. Nevertheless, as their export industries develop, so will their demand for capital equipment and the products of more capital-intensive and "sophisticated" industries in which the developed countries have the advantage. Therefore, competition from low-wage countries does not pose a general threat to over-all employment or living standards in the high-wage countries. The problem is really one of the possible "disruptive effects" of competition in particular markets. In essence, sharp increases in imports, over a brief period of time and in a narrow range of commodities, may be very harmful to particular producers, both employers and workers, and may thus have serious economic and social repercussions in the importing countries. It is with these repercussions of structural change that those formulating policy in the industrialised countries should be concerned, rather than in perpetuating a protectionist position.

Now, I am not attempting to minimise the problems that would arise for certain sections of the population in such countries as the United States as a result of such a radical change in trade policies as I am advocating. Certain industries, certain categories of workers and certain regions will be seriously affected. Nevertheless, these problems are not new. They are problems of *structural change* that any growing industrialised economy has to face in this day and age. In particular, I suggest that the difficulties which would result from an accelerated liberalisation of trade would be qualitatively similar to, and quantitatively smaller than, the difficulties which highly industrialised countries are already facing today as a result of automation or other structural changes. The economy of the United States has in recent years undergone many far-reaching changes of this nature. The centre of the textile industry, for example, has shifted from New England towards the Southern States. Defence spending is today concentrated very largely on industries in Texas and the West Coast, whereas it is not so long ago that industries of the Middle West received the bulk of defence orders. Automation has already brought about the redundancy of many skills and the disappearance of certain industries. All these changes are far greater than those that would result from trade liberalisation.

Whether the problem arises as a result of automation or of new trade patterns, the cardinal principle of labor policies to meet the problem must be that structural change should not take place at the expense of individuals who may lose their jobs or their businesses. The cost of any necessary adjustments to alleviate hardships and to maintain the buoyancy of the economy should be assured by the community as a whole, and governments must be prepared to formulate and implement appropriate measures in order to help people to train for, to find, and, if necessary, to move to, new jobs. This approach which I suggested at the 1964 U.N.C.T.A.D. Conference has a major goal that of providing adequate adjustment measures for all displaced workers. Such measures are of three general types: those which seek to promote a re-deployment of the labor force, in terms of occupations, industries, and areas, and which may be termed collectively as an *active manpower policy;*[2] those which seek to ensure the redevelopment of areas whose populations depend for their livelihood on a declining or even disappearing industry;[3] and those to ensure the income maintenance of workers who are forced into a premature retirement or who are undergoing retraining.

The industrialised nations of North America and Western Europe have in recent years developed legislation and acquired a considerable amount of experience with measures of this nature. The 1962 Trade Expansion Act in the United States, for example, gives the President powers to implement a wide range of measures for the training or retraining of workers laid off; for the income maintenance of displaced workers; for the relocation of workers; and for the conversion of industries and enterprises to other products. Other measures taken in the United States and other industrialised countries, while not specifically directed at facilitating trade expansion, are also relevant. Thus, the provisions of the Area Redevelopment Act, and the special measures adopted for the Appalachian region in the United States are designed to cope with problems of depressed areas such as might arise in the event of further trade liberalisation. Many Western European countries have adopted similar measures for the development or redevelopment of backward areas. [The Manpower Development and Training Act—which was more specifically designed to cope with automation problems, and which is paralleled by similar and, in some cases, even more far-reaching measures in Western Europe—is yet another example of the type of government intervention to maintain full employment in a changing economy.]

I shall not attempt to give you a complete catalogue of legislative and other measures taken by governments to deal with problems of structural change in industrialised countries. I think the point I am trying to make is clear. Governments of advanced countries have developed and are continuing to develop, policies and mechanisms to promote and facilitate adaptation to structural change. No doubt much remains to be done, and our knowledge of the problems and the appropriate measures particularly in the labor and social field is not yet perfect. But the developed countries do have the means to accommodate imports from the developing countries without seriously disrupting their economies and thus to reap both the political and the socio-economic benefits of increased trade. Their standard of living has gone up so much in the last 20 years that measures which would have seemed generous in the 1940's are now quantitatively miserly and patently dated. Expenditure on training and retraining, removal grants, severance pay, unemployment compensation, employment services can no longer be regarded as wasteful, but must be recognised as an investment in adaptation to structural change, in overcoming obstacles to the fullest and most productive utilisation of resources. Should not labour and social policies be used as actively as monetary and fiscal policies when dealing with variations in economic activity or fundamental fluctuations resulting from structural change? We need to seek new ideas in this spirit and we must develop the will to apply them.

Quite understandably, workers are anxious to keep their jobs, certain businessmen are fearful of increased competition from overseas and governments are hesitant to assume commitments to continuing and increasing expenditures. What is now, I think needed above all in the industrialised countries is a vast educational campaign, in which political groups, organised labour and industrial leaders as well as governments could also play a key role, to familiarise the population as a whole both with the need for trade expansion and with the measures that can be taken to mitigate its harmful effects on individual members of the community and turn such expansion to advantage through an enlightened adaption policy.

So far I have focused my remarks on the types of labor and social policies which need to be taken *at the national level* to facilitate an expansion of international trade. I would like now to examine the need for, and the possible scope of, *international action* in the social field which can contribute to this end. While governments have in the last 20 years been singularly resourceful in setting up machinery at the international level to negotiate new trading arrangements, the social component of international trade has all too often been left out of account in their negotiations. And while it is true that the development of social policy is, and must remain, the prerogative of the governments of sovereign states, there is nevertheless a need for *co-ordinated* action in the social field if trade agreements are to yield the results that are expected of them. Such co-ordinated action might conceivably take the form of a fund in which all nations would participate, based on a levy on production or national product, administered by an international organization and designed to mitigate hardship by facilitating the social adjustments resulting from trade expansion.

In short, I do not think that the expansion of international trade can be ensured merely by international tariff agreements or international agreements on the prices of raw materials. As I have attempted to point out earlier, such agreements can become more effective when they are backed up by social policies which will make them workable and acceptable. That is why I think international machinery for action in the social field needs to be used to the full, and to be brought into close collaboration with such bodies as G.A.T.T. and U.N.C.T.A.D. and to complement such progressive instruments as the 1962 "Long-Term Arrangement regarding Trade in Cotton Textiles." This is why the *International Labor Organization* has, I feel, an important supporting role to play in the development of international trade. It has for many years been attempting to develop a constructive approach to social policy in all countries, developed and developing.

Moreover, it provides the only forum where the voices of workers and employers, the parties most directly affected by changes in world trade, as well as those of governments, can be heard at the international level.

Much of the I.L.O.'s work has already had a direct bearing on the development of world trade. It has, in recent years, been assisting developing countries in the elaborations of social policies which are appropriate for their industrialisation; and, as far as the industrialised countries are concerned, it has in the past few years been engaged in a program of action to mitigate the social effects of automation. Nevertheless, I believe that the I.L.O.'s unique tripartite machinery could be used more fully to promote a truly world-wide awareness of the social aspects of world trade.

International labor standards, that is, internationally agreed rules of good labor policy, represent one form of international action in the social field which has a bearing on international trade. Indeed many of the I.L.O.'s existing Conventions on such questions as minimum wages, social security and general working conditions were originally conceived not only in order to set minimum standards of social protection and welfare but also in order to discourage "social dumping" in the form of exports produced by sweated labor. However, experience has shown that in effect the main value of such standards has been their influence on the distribution of the fruits of production, and thus their contribution to social harmony and stability; their influence on international trade has been, generally speaking, far less significant.

There is however another type of international labor standard which may contribute more positively to the objective of expanded international trade. These are standards concerning Vocational Training, Employment Policy, and the Termination of Employment which have been adopted by the International Labor Conference in recent years, and which articulate policy rules recognised as beneficial and therefore desirable. The Employment Policy Recommendation, for instance, spells out in some detail the type of policies the developed and the developing countries should adopt to achieve the objective of full employment. Another subject for a future instrument of this type might be wages policy, a question which is of great topical interest to developed and developing countries alike, and which, of course, has an important bearing on international trade. Such an instrument might on the one hand set out in some detail the principles of a wages policy which is consistent with the industrialization programs of the developing countries; and on the other hand deal with some of the issues which are arising in industrialized countries in respect of "incomes policies" and their bearing on balance of payments problems.

I wonder, too, if new methods of supervision could not be introduced in respect of instruments of the type I have just described. Perhaps for these instruments it might be more appropriate to replace or supplement the I.L.O.'s existing *legal* supervisory machinery by a periodical *technical* review of the problems encountered in the implementation of the instruments. This might create a greater world-wide awareness of the labor and social implications of trade liberalization and stimulate new thinking and new policies to combat such problems, thus facilitating the transition to new trade patterns.

I believe too that the I.L.O.'s *Industrial Committees* could play a most useful role in the development of trade in specific industrial sectors. These bodies which are composed of governments', employers' and workers' representatives from a wide range of countries were set up to examine at an international level the labor problems which arise in a given industry. Some of them, the Textiles Committee for example, have already considered the social implications of changes in international trade in the industry concerned. But so far they have had little opportunity to engage in a systematic examination of the labor policies that need to be adopted in both developing and developed countries as a basis for an expansion and adjustment of trade in the products of the industries concerned. Nevertheless, this is an important role which they could play, in full collaboration with G.A.T.T. and U.N.C.T.A.D., as and when these latter bodies adopt decisions affecting a particular industry. Or, indeed, their review of the labor problems of trade in a given industry might on occasions precede G.A.T.T. and U.N.C.T.A.D. negotiations, in order that government trade negotiators might be fully aware of the magnitude and nature of the social problems involved and the feelings of workers and employers in the industries concerned.

Finally, I believe that the practical technical co-operation provided by the I.L.O. to the developing countries in such fields as manpower planning, vocational training, management development, co-operative development, wages and social security and so on has greatly contributed to improving their trading position, by assisting in the development of appropriate policies and procedures. Perhaps it is not too far-fetched to suggest that parallel to these efforts, the I.L.O. might be in a position to give assistance to the industrialised countries on their social adjustment problems, when requested to do so. Certainly, the I.L.O. performs a valuable service as a clearing house for information and as a research institution for the study of such matters as the factors affecting labor mobility or redundancy procedures—two studies which were undertaken by the I.L.O. for the Office of Manpower, Automation and Training of the United States Department of Labor.

It is not only at the world-wide level that new trading arrangements are being worked out. There has in recent years been increasing interest in *regional economic groupings* and in achieving a division of labor among countries within particular geographical regions. Work with this objective in mind has begun in the United Nations regional economic commissions, and in more embryonic form, through such media as the Latin American Free Trade Association (L.A.F.T.A.), the Central American Common Market, and groupings in Africa on the regional and subregional level. But the European Economic Community (E.E.C.) is by far the most advanced example of a concerted economic and social effort. The adaptation of employment to shifts in the currents of trade within the Common Market have proved remarkably and unexpectedly smooth and easy. The main reasons for this phenomenon appear to be firstly that a high level of economic activity and employment has prevailed, so that finding new jobs for displaced workers has not been difficult; secondly that measures were formulated for the early transitional period which ensured that changes did not occur faster than the repercussions thereof could be absorbed; and thirdly that the Treaty of Rome provides for a free movement of labor among member countries as well as other measures to facilitate labor mobility, including a fund for retraining and resettling workers.

We must remember, of course, that the member countries of the Common Market are at relatively similar stages of economic and social development—a quite advanced one at that—and that any comparison with a Latin American, Asian or African context must take into account both the lower levels of the latter two areas and the disparities within each region. But the main lesson of the Common Market experience is that the differences between member countries with regard to labor standards and social policies which prevailed have not constituted insuperable obstacles to rapid progress toward economic integration. What has been found necessary is a *harmonisation* rather than a standardisation of social policies. This is perhaps the main lesson to be learned from the E.E.C. experience, not only with regard to regional economic groupings, but also for trade at the world-wide level. Unless more energetic steps are taken to harmonise or to co-ordinate social policies through an international body such as the I.L.O., I fear that efforts to devise new directions in world trade will never be fully effective.

If I have laid such emphasis on the possibilities of international action in the social field, it is not because I think that this is in any way a substitute for *national* action to facilitate trade expansion. International action such as I have suggested can only point out possible solutions to certain problems; it can only propose a concerted international approach to these problems. But national authorities, in co-operation with national trade unions and national businessmen, alone are competent to devise the detailed policies and measures which will make new directions in trade possible.

We look to a country such as the United States, with its vast wealth and its enormous resourcefulness and generosity, to give a lead in making these changes in world trade possible. I realize that the implementation of the appropriate policies such as I have outlined would involve outstanding international statesmanship and a large measure of domestic political courage on the part of the developed countries. However, difficulties of implementation should never be regarded as permanent or inalterable factors in public affairs. Such difficulties are, in reality, strictly relative to the priorities accorded to the objectives in question. For example, when the full danger of the political and economic situation of Western Europe after the last World War was understood by the citizens of the United States, this nation adopted and implemented policies of the magnitude of the Marshall Plan with a determination that overcame the unprecedented economic burden and the political adjustments such action posed for the United States. The case for co-operating with the economically underdeveloped world today is quite similar. The problem is that the industrialised countries have yet to show by tangible action their realisation that this terrible poverty of two-thirds of the world requires co-operation with regard to trade as well as aid. The problems of structural adjustment raised by a changed pattern of international trade have not been faced with the sympathy reserved for problems which are domestic in origin nor has a comprehensive policy approach to all aspects of structural change been attempted. Such a comprehensive approach could provide the basic principle for a co-ordinated utilisation of the growing arsenal of corrective measures and mechanisms which have been developed and implemented in Europe and in North America and the availability of expertise at the international level.

I cannot believe that the talent assembled in this room and in similar centres of learning and industry across this prosperous and vital nation will not commit their support to an effort that is concerned with mutual benefit as much as benevolence. For the suggestions that I have discussed today can certainly be supplemented by the results of objective research and creative thinking that is independent of, yet that does not ignore, political considerations. I am convinced that the need is great and that we are up to the challenge. I hope my talk has at least conveyed that basic point; perhaps I have indicated some steps forward as well.

RECENT DEVELOPMENTS IN STEEL TECHNOLOGY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, recent price increases in steel products by the major U.S. producer have been the subject of some discussion. For the national economy as a whole such price increases for basic products have important effects. One effect is that technological innovation and investment in modernization, which can enable steel to make steel more cheaply, is spurred. Another is that users of steel find more efficient, cheaper ways of using steel or find substitutes. Recently there have been two interesting examples of innovation in steel technology that relate to the first of the above effects. One of them is the recent achievement of the Atlantic Steel Co., of Atlanta, Ga., which after 3 years of planning, testing, and trying, has put into operation a continuous steel metal that adopts concepts of the automotive processing industry in terms of automation, quality, versatility and easy repair.

In order to realize their original and unique conception for a truly modern steel facility Atlantic Steel had to provide special entrepreneurial talent. The Fairchild publication, Metalworking News, of November 20, reports after months of discouraging discussion with mill builders and designers from all over the world Atlantic finally put together a family of suppliers—several of them new to the steel industry—who are providing under one roof a highly unusual assortment of equipment that is said to be totally integrated for the first time.

In a time of rising steel prices, it is also significant to note the new accomplishment of the Granite City Steel Co., of Granite City, Ill., which has recently accomplished an extension program costing $140,000,000, which enabled the company to put on stream an 80-inch rolling mill. According to Granite City Steel's chairman and president, Nicholas P. Veeder, the new facility is as large, as powerful and as advanced as any hot strip mill in the world. Significantly, the Granite City Steel Co. also recently eliminated the geographic price differential of $2 a ton that has existed since 1958, thus making it competitive with anyone in the United States.

Immediately following is an article from the November 10 edition of Metalworking News describing the Atlantic Steel Co.'s achievement, and an article from the St. Louis Post-Dispatch of November 7, 1967, describing the Granite City Steel Co.'s achievement:

[From Metalworking News, Nov. 20, 1967]

ATLANTIC'S FRESH APPROACH

(By Donald D. Cooke and George Adcock)

ATLANTA.—Atlantic Steel Co. here is on the verge of putting to the test its boldly unconventional answer to the problems facing many steelmakers.

The key: Departure from the usual two-roll rod mill with a continuous three-roll mill which is rapidly being assembled for startup late next month.

The mill has been painstakingly designed to confront specific needs at Atlantic which are common also to much of the industry—efficiency lags and sagging profit margins, imports, high quality demands, skilled labor shortages, diversification reluctance.

Three years ago, said production vice-president, Frank Reese, "We started striving to design out the variables in rolling. We came to the conclusion we had to have something advanced, not something from the past."

He and his colleagues set some high standards:

The mill must be relatively free of skill demands.

It must adopt concepts of the automotive and processing industry, with highest quality assured by method.

It must duplicate quality time after time.

It would need only preventive maintenance, not breakdown repair.

In addition, the mill was to be built capable of handling not only larger coils than generally available (up to 5,000 pounds), but carry the ability to handle a wide range of metals beyond carbon steel—thus representing a potential major new direction for Atlantic Steel.

The mill is nearly ready to run and Hugh F. McCarley, vice-president of sales and marketing, enthusiastically envisions great benefits for his team, which will be expanding to handle the mill's increased capability.

Better quality in Atlantic's wire products and a wider assortment of rod sizes for converters is just the beginning, declared Mr. McCarley. Other goodies in the hopper:

The trend among rod fabricators is toward use of larger and larger coil sizes. Not many are in the 5,000-pound range at the moment, Mr. McCarley admitted, but Atlantic will be set to encourage and follow the movement upward.

Stainless and superalloys, not now in the Atlantic repertoire, can be shot through the mill either for end conversion by Atlantic or tooled for others.

Nonferrous metals such as fast-growing aluminum and promising titanium offer no difficulty for the new equipment, giving the company important new market and profit capability.

The equipment now coming on line realizes a program that Mr. Reese and James Owen, manager of planning and development, must have many times thought of giving up.

But after months of discouraging discussion with mill builders and designers from all over the world, Atlantic finally put together a tight-knit family of suppliers—several new to the steel industry—who are providing under one proof a highly unusual assortment of equipment that is totally integrated for the first time.

MACHINE CONCEPT

"It's time we introduced a machine concept to steel production rather than old mill ideas," declared Mr. Reese, as he and Jim Owen described how their rod mill will work. In Brief:

Billets first are heated in a range of 900 to 2600 degrees in a walking beam furnace, believed only the second or third such furnace installed in this country. One man operating a console discharges hot billet from the furnace for conveyance to the swing forge also with only a unit with also nearly unique in U.S. steel mills.

The Kocks swing forge will typically knock a 7 x 7-inch billet down to a 2¾ square for a pass through two 45-degree roll stands, rounding it enough for entry into the first of the three roll mills, also built by Kocks, of Germany.

Entering the primary five-stand block at about 2¼ square round and without twisting, the rod train will belt through a 10-stand intermediate block and finally a 12-stand three-roller at a breakin speed of 7,200 feet a minute. With an 18 per cent reduction in each block, the rod will coil at a minimum of 0.192 inch in diameter.

VARIATIONS POSSIBLE

This will be the basic pattern, Mr. Reese said, but infinite variations are possible. Rolls can be bypassed with ease to come out with rod in size ranges to $1\frac{1}{16}$ inch diameter, and Atlantic's planning crew is even thinking of ½ inch precision rounds when cooling beds are added later.

The mill's rated capacity is 25 tons an hour—giving it, under 5 day week conditions, an annual capacity of around 150,000 tons of carbon steel.

But the enthusiastic group responsible for the mill's development foresees speeds of up to 10,000 feet a minute and, with additional rolling equipment that is being considered, still higher speeds might be possible—providing the rolls can take it.

Certainly the electrical system can. Each mill unit is powered by either one or two 1,600 horsepower motors that formerly drove the engines of Naval destroyer escorts.

These electricals were supplied by Duquesne Electric, of Pittsburgh, in its first participation in a total mill system. Duquesne saved Atlantic $1 million by finding the World War II ship motors and after reconditioning they "are better than new," noted William Rhymer, Atlantic's manager of engineering.

MINIMAL SKILLS

"This mill has been designed to eliminate variables and thereby the skill required is minimized," explained Frank Reese.

All mill controls and sequencing is achieved by one operator. Attendants monitor the operation of various machine components and must be on hand for roll changes, but failure of any critical point—such as a temperature change—is indicated by an elaborate relay system for the console operator.

"All that is necessary to get a proper size out," said Jim Owen, "is to put a proper size in." Through sensors on the lube controls at the ends of the stands the effect of cobbling is minimized shears, alerted automatically, cut into little pieces the cobbled portions of the rod which drop into an underground system for conveyance to waiting cars and remelting.

When the rolls wear down—as they are expected to after about 600 tons of operations with carbon steel—the power to the entire block is simply unplugged along with oil, grease and water snap-on connections and the blocks pushed to the roll grinding shop.

A new block with freshly ground rolls waits to swing easily into place as soon as the online unit wears out.

All rolls can be ground to dimension while mounted in the stands—no need to break down a stand until it's ready for scrap. Each stand can be ground to precise dimensions according to a template and an optical scanner indicates when the required opening is achieved. Then the roll stand is rotated 180 degrees and placed one stand further up the line.

"Time utilization is what we're talking about here," Mr. Reese pointed out. "Our utilization will be very high. We'll save time on mill changeovers, we'll save maintenance and roll changing time, we'll expect to have a bar in the mill at least 80 per cent of the time and work toward 95 per cent utilization.

SUPPLIERS CITED

Frank Reese and Jim Owen kept turning the conversation again and again back to the credit for the project that must be given the supplier team and to others in the company, particularly Mr. Rhymer and Glenn Hightower, rolling mill superintendent.

"We just couldn't have done this if our suppliers didn't have faith in our idea," Mr. Reese said. Since the project is an unusual one, Atlantic officials emphasized how critical it was that each supplier realize that he could get a lot out of the program if he tried to do the best for his own reputation.

While the principles of three-roll steel reducing are well established in tube stretching, Atlantic's mill is the first to bring three rolls into a total mill concept. Kocks has supplied only finishing trains to several American and European rod mills.

Atlantic brought its total concept to Kocks and Jim Owens spent 3 months in Germany after the contract was signed in July, 1966, but Mr. Reese had high praise for the extra effort Kocks has invested in making the mill a success.

The same applies, he said, to Seals Corp., the furnace builder, Duquesne Electric and W. Vance Middough, of Cleveland, which performed the overall facilities engineering.

Not the least unusual aspect of the $7 million-plus project has been the speed of its culmination. Little of the equipment was even designed when the contract was signed last year, and Atlantic's first test, completion of the mill in a few weeks, follow hard on the heels of its April groundbreaking.

[From the St. Louis (Mo.) Post-Dispatch, Nov. 7, 1967]

GRANITE CITY STEEL'S NEW MILL TO BOOST MANUFACTURING IN AREA

(By William H. Kester)

With the completion of Granite City Steel's $140,000,000 expansion program, which was celebrated yesterday, the company has taken a major step to remain competitive and to make St. Louis a more important steel and manufacturing center.

Illinois Governor Otto Kerner, at a luncheon given by the company for civic and business leaders in the metropolitan area, congratulated the company on undertaking the expansion as a step that would help insure the continuation of its position.

He also praised the small amount of lost time due to jurisdictional strikes during the 4,000,000 manhours of work on the expansion and for the company's outlays for air pollution control.

Following the luncheon, Governor Kerner pushed a button to symbolize the start of the 80-inch rolling mill, which is a major feature of the expansion program. The mill has been in operation since Aug. 3.

The expansion program added 30 per cent to Granite City Steel's capacity. It was 1,700,000 tons of ingots a year and now is 2,200,000 tons a year.

Equally important is the improvement in quality of product which the company expects to achieve from the new equipment. The rolling mill is computer controlled.

Nicholas P. Veeder, chairman and president, said the mill was "as large, as powerful and as advanced as any hot strip mill in the world. You won't find a mill equal to this one in Pittsburgh and you won't find a mill any better in Chicago."

The rolling mill and the basic oxygen furnace, which also was a part of the expansion program, have made Granite City Steel "competitive with anyone in the United States," Veeder said. The company recently eliminated the geographic price differential of $2 a ton that has existed since 1958.

The price reduction is expected to make the St. Louis area more attractive to new industry which uses steel, Veeder said. He noted that Granite City Steel, which supplies the A. O. Smith Co. plant in Granite City for the production of automobile frames, was largely responsible for the location of the plant here.

Granite City Steel makes all of its steel from the basic oxygen furnaces, which are substantially more efficient than the open hearth furnaces previously used.

The company is under pressure to utilize its increased capacity and to improve its earnings, which have been depressed by large write-offs of equipment that had to be abandoned when the new furnaces and mill were put into use, and by other factors.

In its peak year—1965—Granite City Steel shipped 1,179,840 tons of products and produced 1,421,127 tons of ingots.

The record output was 1,441,845 tons of ingots in 1964, which amounts to 66 per cent of the capacity of the new facilities.

The recent price cut and a more intensive marketing effort are expected to bring new business to the company, a sales executive of the company said yesterday. Some customers in the St. Louis area have given the company commitments which are expected to be translated into firm orders soon.

Steel is bought for future delivery and the full effect of the price cut is not expected to be realized by the company until next year, the sales manager said.

COSA NOSTRA HAS FINGERS ON CINCINNATI AREA

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TAFT. Mr. Speaker, recently the Cincinnati Post and Times-Star published a comprehensive report on the possible spread of the Cosa Nostra into the Greater Cincinnati area. Award-winning Reporter James Horner, working in Cincinnati, combined efforts with Scripps-Howard Washington Reporter John Russell to produce a fascinating article. Mr. Russell and Mr. Horner are to be commended for their work on the following story:

MAFIA HAS FINGERS DEEP IN GAMBLING HERE: DIPIAZZA CONVICTION NIPS SPREAD—LAYOFF BETTING OK'D BY MOB, INVESTIGATORS SAY

(By James Horner and John Russell)

WASHINGTON.—The recent conviction in Cincinnati U.S. District Court of Sam DiPiazza, of New Orleans, and William Clyde Deming of Ft. Thomas, has temporarily halted the spread of Cosa Nostra in Greater Cincinnati.

"We believe that both DiPiazza and Deming were operating illegal layoff gambling from the Cincinnati area with the sanction of the mob," an official of the Justice Department's organized crime section told The Post and Times-Star.

How much of the Cincinnati gambling action ends up in the mob's coffers is unknown to federal investigators.

"You can't estimate Cincinnati's contribution to the mob until you get your hands on their books—and they won't let us do that," said one investigator.

Another investigator says, "Literally thousands of persons in Hamilton County place bets with at least 50 bookmakers in the county. Between 75 to 80 per cent of the betting is done over the phone."

However, gamblers who have bookie operations similar in size to the $400,000 a month handled by Deming have been known to pay from 25 to 40 per cent of their profit for the Mafia's permission to operate. A mob's decision to close down Deming's bookie business, officials admit, would be more effective than any action that could be taken by a law enforcement agency.

Federal officials regard both Deming and DiPiazza among the top 10 men in the country in the volume of layoff betting.

It is doubtful that Deming or DiPiazza are members of any of the Cosa Nostra "families." But DiPiazza, who operated out of public telephone booths in the lobbies of plush New Orleans hotels, is attached to Carlos "Little Man" Marcello, the Mafia boss of Louisiana, who insists he is only a businessman.

In tracing Marcello's background the New Orleans Crime Commission reported to the McClelland Senate hearings of organized crime in 1961:

"On Nov. 29, 1929 Carlos Marcello, then 19 years of age, was arrested by New Orleans police with his brother, Peter, 17, and his father Joseph. They were charged as accessories before and after the robbery of a bank in the Algiers section of New Orleans. These charges were dismissed by the district attorney.

"Six months later . . . Marcello was convicted of assault and robbery and sent to the Louisiana State Penitentiary for nine to 14 years. He had enlisted two juveniles to hold up a chain grocery store and supplied them with a gun and guidance. He served less than five years of this sentence.

"In 1935 . . . he was arrested for assault with intent to kill a New Orleans police officer; and for another assault and robbery of a chain grocery store.

"On Oct. 29, 1938 Carlos Marcello pleaded guilty to the sale of more than 23 pounds of untaxed marijuana. He was committed to the Atlanta Penitentiary and fined $76,830. On a pauper's plea, he was permitted to settle the fine for $400 and within 10 months was granted a conditional release from the federal institution."

A long list of additional arrests and convictions is appended to this report.

In contrast to piles of newspaper clippings about the criminal exploits of Marcello in his earlier years, the New Orleans papers reported in July 1966, he was a guest of honor at the wedding of DiPiazza's daughter.

The DiPiazza-Marcello friendship, however, goes deeper than the wedding-invitation stage, Justice Department officials disclosed.

In 1965 federal agents, using listening devices, picked up a conversation between DiPiazza and one of his customers, Eugene A. Nolan, a bookmaker who was convicted last May on federal gambling charges in Tulsa, Okla.

DiPiazza, according to a transcript of the private conversation, told Nolan that recently an anonymous telephone caller had instructed DiPiazza to leave his New Orleans home and take a plane to Miami.

DiPiazza followed the instructions.

When the New Orleans gambler arrived in Miami, he was "welcomed" by two heavy-set men who ushered him onto a Chicago-bound flight.

Still not knowing his destination, DiPiazza was escorted to the headquarters of Sam Giancana, overlord of the Chicago Mafia and who sits on the all-powerful nine-member Mafia legislative assembly, "The Commission."

Giancana, who since has left Chicago and now directs his empire from Mexico, demanded that DiPiazza pay him $100 a week to continue the bookmaking operation.

DiPiazza told Nolan that he balked at Giancana's demands and told the Chicago chief that he works for the "Little Man," Marcello.

A telephone call between Marcello and Giancana straightened out the episode, which was dismissed as a misunderstanding between Mafia families.

DiPiazza was returned to his New Orleans home via the same route, by the same escorts.

DiPiazza, despite an arrest record stretching back to 1946, had no convictions until his federal trial last September in Cincinnati.

In 1962, he was one of a dozen defendants in the New Orleans "free load" gambling case, but later was excused from the trial because of a weak heart. DiPiazza made the same excuse to get out of the Cincinnati trial, but a judge ordered him to trial with a federal physician standing by. (The free load case involved a federal charge that bookies were using long-distance phone lines without charge.)

Other defendants in the New Orleans case included Benny "Big Porky" Lasoff; his brother, Robert "Little Porky" Lasoff; Myron Deckelbaum, and Gilbert Lee Beckley, then all of Newport. All the defendants were acquitted.

DiPiazza, who continued his bookie business until his arrest by FBI agents in New Orleans on Nov. 25, may have learned some of his tricks from Gil Beckley.

Beckley, according to Internal Revenue agents, operated his gambling enterprises out of the Fontainebleau Hotel in New Orleans during the 1962 trial. Federal agents say Deming, Roger Egan and Roger Seith, all from northern Kentucky, received their gambling schooling from Beckley.

Beckley, known as "The Brain," of the nation's layoff gambling network, was the author of the "Cincinnati Line." He also was creator of the Beckley-Soble combine out of Montreal, the largest bookmaking operation in Canada.

Beckley, who paid tribute to the Vito Genovese family of New York through Mafia lieutenants "Fat Tony" Salerno and "Trigger Mike" Coppola, was convicted last March of violating the federal interstate transportation in aid of racketeering statute.

Federal agents say that the mob probably had selected Deming to be their layoff gambling man in Cincinnati, rather than Deming applying to them for his franchise.

Deming, because of his schooling with Beckley, is known to be an experienced gambler who ran a successful business. The mob would not try to control directly a nickel-dime handbook operator.

Deming also was known to be careful, had a relatively light arrest record, and would not be careless in allowing evidence to get into the hands of federal agents. He also was considered honest and would give an accurate accounting of his layoff business.

Agents were unable to uncover how Deming passed his money along the layoff betting routes. Other gamblers, they say, find no difficulty in passing money by couriers, Western Union, or through the mails.

The Mafia's "commission," which settles geographical and jurisdictional disputes, says a Justice Department official, knows exactly what is going in the Greater Cincinnati area.

"When you convict Gil Beckleys, Sam DiPiazzas and Clyde Demings, it hurts them," he says. "But they will be back.

"They have the time and the patience, and an unlimited supply of money."

What led to the conviction of Deming and DiPiazza last September was, literally, one of the biggest men in Hamilton County—Emil "Jelly" Wehby who weighs well over 250 pounds.

Jelly is one of the many small-time figures who hung around Newport in its heyday until George Ratterman was elected sheriff of Campbell County.

On Jan. 13, 1966, Jelly Wehby was in Las Vegas. He began making numerous phone calls from a pay phone. The calls were so numerous that special agents of the Internal Revenue Service took notice.

It was those phone calls which ultimately led to the arrest and conviction of Deming and DiPiazza.

Both were convicted in U.S. District Court on Sept. 26 on seven counts of interstate transportation in aid of racketeering and one count of conspiracy.

In January 1966 Wehby was using a public pay phone at the hotel. IRS agents got the long distance toll records for that phone.

The toll records showed that numerous calls were being made to a certain number in Cincinnati. The IRS office in Las Vegas asked the Cincinnati IRS office to check.

Cincinnati did. It found that the number was for Harry Acker at 3808 Woodford road, Silverton. The name Harry Acker meant nothing to the special agents in Cincinnati.

The wagering squad of the IRS office was out of town (the Cincinnati IRS office covers the southern half of Ohio including Columbus). But by June 11 the wagering squad turned its attention to Harry Acker by placing the Woodford road address under surveillance.

The surveillance was maintained from 11:30 a.m. to 5:30 p.m., normal bookmaking hours. Interest picked up when one of the IRS agents got a good look at Harry Acker. The agent informed his colleagues that Acker really was William Clyde Deming, a bookmaker. From 1954 to 1962, he had held a federal gambling stamp.

IRS went to the Cincinnati phone company and got toll records for the number and also for Deming's home in Ft. Thomas, showing calls to bookmakers in other cities. An IRS agent placed several bets with persons who were dealing with Deming.

The evidence was sufficient for agent Guy Wetherell to list the facts in an affidavit for a search warrant for the basement apartment at 3808 Woodford road. U.S. Commissioner Henry E. Sheldon II signed the warrant and on July 22, 1966, the agents raided the apartment.

Simultaneously, raids were conducted in Akron, Dayton, O., Cynthiana, and Lexington.

What they found in Silverton turned out to be a bonanza for enforcement agents. Deming was caught with weeks of betting slips and balance sheets, showing who he was dealing with, when, and how much money was involved.

The betting slips were torn into small pieces of paper and were accumulating in a shopping bag. Another shopping bag with more betting slips was found in Deming's home.

Agents believe Deming was afraid to put the slips in the garbage because other bookmakers have been convicted by evidence found in their garbage.

It took the IRS months to piece together the tiny pieces of paper into legible betting slips.

Also found in the basement apartment were a tape recorder with race results on the tape and a short-wave radio. Deming had $7500 on his person. The agents found a bank entry slip with the number of a safe deposit box.

The agents got another search warrant five days later to enter this box—listed as being rented by Carl Donaldson at the Norwood branch of the First National Bank of Cincinnati. There, the agents found $45,000 in cash. The money was seized and is being held as part of the evidence against Deming. Nobody ever has found Donaldson.

From the betting slips and balance sheets, the agents determined that from June 18 to July 21, 1966, Deming carried on a $400,000 a month bookmaking business.

The records show that both Deming and DiPiazza were laying off bets with each other. Bookmakers lay off bets when one of them has heavy betting on a particular race. To ease the hazard of a big pay-off on one race, a bookmaker bets part of it with another bookmaker.

Deming's records showed that while his knowledge of racing was excellent he nevertheless bet on short odds sure things. For instance, on June 30 he bet $15,000 and got back $17,000. On July 19 he bet $16,800 and got back $18,730.

Phillip Michael, federal prosecutor, asked Deming during a trial recess how he would pick the up-coming famous Woodward race at Aqueduct. Deming not only picked Damascus to win, Buckpasser to come in second, and Dr. Fager to place third, but also gave a 10-minute explanation for his choices. The race on Sept. 30 came out as Deming picked it.

The balance sheets found in the shopping bags contained phone numbers of DiPiazza's apartment home in New Orleans, the two New York hotels where he stayed along with their room numbers, and the New Orleans Athletic Club which DiPiazza frequented.

All this indicated Deming was making numerous bets with DiPiazza. The evidence to prove that DiPiazza was betting with Deming came from another raid.

This was made on Jan. 8, 1966, when the federal government conducted raids in Miami, Los Angeles, Baltimore, Conyers, Ga.; Columbia, S.C.; Clarksdale, Miss.; New Orleans and Baton Rouge.

These raids stemmed out of the use of the "blue box," a generator which produced a sound identical to a telephone dial tone. With this tone, long-distance calls can be made without toll records being made. The raids also stemmed from the use of telephone credit cards with bogus names.

One of the men to be served with search warrants that day was Samuel S. DiPiazza. And on his person DiPiazza was carrying balance sheets.

At the trial the balance sheets of Deming and DiPiazza complemented each other. The verdict was guilty as charged. The sentences were 10 years in federal prison for both of them.

Deming's days in Federal Court in Cincinnati have just begun. He goes on trial again today on another charge of interstate transportation (making long distance phone calls) in aid of racketeering. With Deming as another defendant is Otto Kuhn of Lexington, who, the government charges, was dealing with Deming in horse bets.

Deming also faces trials in Cincinnati with Hershel "Huck" Turner, 47, of Cynthiana, and Joseph Polli of Louisville.

RURAL POVERTY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Scherle] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHERLE. Mr. Speaker, on November 15, during the debate in this House on the amendments to the administration's antipoverty program, I offered an amendment which would earmark antipoverty expenditures on urban and rural poor, in accordance with the respective incidents of rural and urban poverty.

As was the fate of most amendments to that particular bill, this proposal was voted down.

We knew at that time that, while nearly half of this Nation's poor live in rural areas, the Office of Economic Opportunity was proposing to allocate about 36 percent of fiscal 1968 expenditures to the fight against rural poverty. We knew at that time that 26.9 percent of rural Americans are poor as compared with 14.4 percent of our city dwellers.

Mr. Speaker, what we did not know was that at the very time we were rejecting a move to guarantee the rural poor their fair share of the antipoverty effort, the President of the United States was holding the lid on a report which calls the situation of 14 million rural poor "a national disgrace."

This report has been in the President's hands since September, nearly 4 months. There was plenty of time for an evaluation of its contents by the Education and Labor Committee during its consideration of the whole antipoverty effort.

Today, I ask "Where were you, Mr. President?" I suspect many millions of poor people in rural America are asking the same question.

I include the following article from the Washington Post:

Rural Poverty

The President's National Advisory Commission on Rural Poverty has made findings and recommendations so sweeping and comprehensive and exhaustive in character that its report is bound to figure in the formation of national policy for a generation.

Its disclosures on the nature of rural poverty will not surprise or amaze those who have heard the reports of Secretary of Agriculture Orville Freeman and others. The poverty of 14 million rural Americans is, as the Commission says, "a national disgrace." It is not the first to say that the urban riots of 1967 "had their roots in considerable part in rural poverty." The Commission rightly makes the point that "the more vocal and better organized urban poor gain most of the benefits of current anti-poverty programs."

The disparities between urban and rural life have become a matter of common knowledge: one in every eight urban persons is poor, one of every 15 suburban, one of every four rural persons. Thirty per cent of the people live in rural America, but 40 per cent of the poor. Three out of five rural white people are poor. There are three million illiterate rural adults. One out of 13 houses are unfit. The melancholy indices of rural calamity can be continued ad infinitum.

The Commission, in spite of its gloomy findings of fact is hopeful that something can be done and it wishes the country to adopt and put into effect a policy that would give to residents of rural America equal opportunity with those of other citizens. It has a program for providing full employment, adequate shelter, rural education, medical care, family planning, rural housing, better rural government and other answers to rural inadequacies.

In total, its recommendations would involve Federal commitment to rural change on a scale unprecedented as to both expenditure and intervention in local and state affairs. Some of its proposals tend toward complicating governmental arrangements that elsewhere it finds already too involved.

The Commission's appraisal of the Federal acreage crop adjustment programs acknowledge that they are not specifically "poverty" programs, but faults them for not having more effect on the poor. The crop adjustment programs have effects that permeate the life of many parts of rural America, maintaining commodity price levels that otherwise would descend to disaster levels, distributing direct benefits and sustaining the prosperity of the vast rural business of supplying and marketing farm commodities. These commodity programs may not deal with the rural poor—but they deal with a lot of people who would be poor without them and their significance and importance in relations to rural life should not be minimized.

To close the poverty gap by cash subsidies to the poor, the Commission estimates, would cost $12.5 billion—$5 billion for rural poor alone. It is an alternative the utter simplicity of which, in the form of income subsidies of one kind or another in the end may strongly recommend itself as an alternative to the more involved social, economic and cultural programs the Commission proposes.

REA TELEPHONE LOAN POLICY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NELSEN. Mr. Speaker, it was my privilege to serve as the administrator of the Rural Electrification program under President Eisenhower for 3 years, 1953–56. This program has to a degree had its controversial moments, but by and large all admit that its contributions to the well-being of rural America have been outstanding, if not amazing.

During the years that I served, it was my purpose to administer the act in keeping with the intent of the law and in a manner that would bring maximum benefits to rural America with a minimum of burden to the treasury of the United States.

Today, the rural electric cooperatives have proceeded with a record most outstanding in near total rural service, and loan repayments are beyond the fondest forecasts of REA proponents. Rural telephone service in 1953 had not progressed to a satisfactory degree, and independent telephone companies had not been given the encouragement to expand services in rural areas. We adopted a policy of stimulating expansion by extending loans to those companies for that purpose. Major emphasis was placed on the small, independent companies which found other financing almost unobtainable. This was done because any system to be successful needs a central exchange, and hopefully rural areas would receive service with the stimulus of Federal low-interest loans. The plan worked and the independents met the challenge. A great expansion of rural telephone service resulted.

It was never the intention of the REA act to make telephone loans to companies well able to finance their own operation. However, it seems that this policy has been departed from and large companies now seem to have latched on to below-cost interest rates to expand not just rural telephone service but total overall systems operation.

I submit for the Record an article from the Wall Street Journal which is an example of the point I make:

Continental Telephone Is Expecting Increase in Earnings for Year—Executive Says Advance Is Seen Despite Per-Share Dilution of Acquisitions and Other Factors

New York.—Earnings of Continental Telephone Corp., St. Louis, are expected to rise to about $1.15 a share in 1967, from $15,129,598, or $1.07 a share, in 1966, Phillip J. Lucier, president, said after a meeting of the New York Society of Security Analysts.

Mr. Lucier said earnings gains are being achieved despite dilutionary earnings effects of prompt consolidation of 71 acquisitions made this year, with others pending, higher depreciation charges, and a general trend this year of lower earnings by the independent telephone industry.

Just one of the acquisitions, Trans-Continental Telephone & Electronics Inc., cost nine-month earnings five cents a share by being included just three days after merger into Continental. Sharply increased depreciation charges cost another seven cents a share, and will have a further adverse effect in the fourth quarter, Mr. Lucier noted. Earnings for the nine months were $14,828,746, or 79 cents a share, up from $12,322,846, or 71 cents a share, a year earlier. Revenue rose to $128,291,538 from $105,140,010.

Continental has made an agreement in principle with the government of Trinidad-Tobago to acquire a 50% interest in the government-owned telephone system serving those two Caribbean islands, Mr. Lucier disclosed. The agreement is subject to approval by the cabinet of Trinidad-Tobago and by Continental directors. If satisfactorily concluded, Continental would take over management of the system next spring, he said. The system serves 45,000 telephones and has a long waiting list of applicants for phone service, he added.

ENTERED AREA IN JANUARY

This would be Continental's fourth acquisition in the Caribbean area. It entered the area for the first time in January with acquisition of a 51% interest in the system serving Grand Bahama Island. It purchased a 51% interest in the Barbados system in February and a 50% interest in the Jamaica system at mid-year. These three systems now serve about 79,500 telephones. Continental is interested in making further acquisitions of telephone systems in the Caribbean, Mr. Lucier said.

Continental expects to be serving almost 1,200,000 telephones by year-end, almost double the 660,000 a year earlier, Charles Wohlstetter, chairman, told the analysts. The company expects to acquire additional independent systems next year with a total of about 100,000 telephones, and to continue making annual acquisition at about that rate for the next few years, he said. Company officials estimated that about 1,700 small nonaffiliated systems with about 2,000,000 telephones are candidates for acquisition by larger systems.

Even without further major acquisitions, Continental expects to be serving about 2,000,000 telephones by early 1971, Mr. Lucier predicted. He forecast telephone revenue of $300,000,000 and manufacturing sales of $75,000,000 by early 1971, and said the company expects to double per-share earnings by the end of 1972.

Capital outlays by Continental this year and next will total about $100,000,000, up from about $70,000,000 in 1966, he said. But outlays per-telephone are diminishing because 75% of the company's equipment is less than five years old, he said. Depreciation will provide about one-third of next year's construction budget, up from 22% last year, he said.

A bank line of credit will carry Continental's outside financing needs through May 1969, although the company may enter the money market next year, he said. Continental companies hold $132,000,000 of loans, averaging 30 years, from the Government's Rural Electrification Administration at 2% interest, he reported. The company may reconsider its current policy of reluctancy to seek new REA loans in view of interest rates up about 7% in commercial markets, he added.

Net income from Continental's manufacturing operation rose 18% in the first nine months, Mr. Lucier reported. "But the third quarter was very soft, reflecting the cutback in capital expenditures in the independent (telephone) industry generally, which, in turn, probably is a reflection of tight money," he said. Officials reported that the company's five cable plants have enough copper inventory to keep production going to year-end, by which time the concern hopes the copper industry strike will be settled.

Continental expects to receive about 10% of the expected "settlement" payment to independents by American Telephone & Telegraph Co.'s Bell System next year, although it accounts for only about 4% of the independent telephone industry, Mr. Lucier said.

He explained that Continental gets about one-half of its revenue from toll calls, compared with an average of one-third for the independent industry, and settles with Bell on a different costs basis. The settlement is expected to "materially benefit" Continental's 1968 revenue, he added.

Settlements are made by Bell to independents as a means of sharing toll revenue because independent facilities make up part of the nationwide telephone network.

NIXON TELLS HOW 1968 RACE STANDS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON of Pennsylvania. Mr. Speaker, herewith is an article from U.S. News & World Report of November 20, 1967, entitled "Nixon Tells How 1968 Race Stands":

NIXON TELLS HOW 1968 RACE STANDS

(NOTE.—With key local elections out of the way, the turn now is to next year's national campaign.

(Who will be the Republican Party's choice to run against Lyndon Johnson?

(What does he need to do to win the nomination? Once nominated, will he run against an LBJ-Humphrey ticket or an LBJ-Kennedy ticket?

(Finally, can the Republican nominee—whoever he is—win next November?

(You get a candid appraisal of the coming campaign, the prime issues, and odds for and against leading Republicans in this interview with Richard M. Nixon—who lists himself as one of the five men most likely to get the 1968 nomination.)

Question. Mr. Nixon, how do you size up the outlook now for the 1968 presidential election?

Answer. As of the present time, any man who received the Republican nomination would have a good chance to defeat President Johnson. If President Johnson does not run, and Bobby Kennedy should become the candidate—and he would be the candidate in the event that President Johnson did not run—it would be a closer contest. But, even in that event, I think the Republican candidate would be the favorite. That would be the situation as of today.

Question. Is there any real prospect that President Johnson will not run for re-election?

Answer. I had not thought that there was doubt on this score until recent weeks. Now, obviously, I haven't talked to President Johnson about his plans, but what we will call "informed Washington sources and friends of his" have talked to me and have indicated that, whereas they formerly had no doubt whatever about his intentions to run, and while they think the probability is that he will run, there is now a possibility that he might not run, assuming that the polls show him as vulnerable next August, when he must make the decision, as they show him today. My own evaluation is this: I expect Johnson to be the candidate. I can't see this man, who is very competitive, end his political life by running away from the last contest.

Question. Is there any possibility that President Johnson might dump Hubert Humphrey as his running mate for Vice President in favor of Robert Kennedy?

Answer. President Johnson would find that a very distasteful action. He likes Hubert Humphrey, and he has good reason to like him—not only personally, but politically—because Hubert Humphrey is in trouble politically himself due to the fact that he's been a good Vice President. Humphrey, in other words, is having trouble with his popularity, because the Johnson unpopularity is rubbing off on him. Humphrey, on his own, without having to defend the Johnson policies, would be a stronger man in the polls than he currently is.

Despite personal feeling, what may change President Johnson's mind on this point will be the tremendous pressures that undoubtedly will arise from Democratic candidates for Senate, Governor and Congress across the country. I think that, as we get closer to the election, it will be apparent that, even more than in 1966, the Democratic candidates will be running away from Johnson, rather than running with him.

As those pressures arise for strengthening the national ticket, Johnson will have a very hard decision to make. He will have to decide whether, by dumping Hubert Humphrey and putting Bobby Kennedy on the ticket, he could strengthen not only his chances, but the chances of survival for Democratic candidates across the country.

Question. Do you believe that Robert Kennedy would strengthen the Democratic ticket?

Answer. No question about it. Robert Kennedy would add to the Johnson strength by pulling the teeth of much of the "liberal" intellectual opposition to Johnson—not all of it, but a great deal. I believe, incidentally, that Robert Kennedy would accept the nomination with Johnson, if it were proffered.

I want to make clear, however, that what we are talking about is a hypothetical situation, one that is not likely to arise. I don't think it can be ruled out, however, for a very practical reason: the pressures that inevitably will be applied to President Johnson to strengthen the ticket in order to save the lives—the political lives—of his colleagues across the country.

Question. The Republicans seem to have three problems: (1) finding someone who can win the nomination; (2) who can win the general election; and (3) then be capable and qualified to operate the U.S. Government. Which Republicans meet all three qualifications?

Answer. The answer cannot be given until the Republicans, over the next several months prior to the Republican Convention in August of 1968, test their abilities in the primaries—in those cases where they enter primaries—and in their public appearances throughout the country.

What I am saying is this: It's always a mistake to reach a snap conclusion with regard to a candidate's "electability" and his qualifications until he has had a chance to prove whether or not he can hit big-league pitching. I think that over the next few months those who choose the Republican nominee, those who will have the power at the Convention, are going to be watching the five potential candidates. I think there are only five, and that one of the five will be nominated.

Question. Whom do you regard as the five?

Answer. Rockefeller, Romney, Reagan, Percy and Nixon. It will be one of these five, in my opinion.

I think that over these next few months these men will all be making public statements. They will be exposed to the merciless spotlight which will be put on them by the national press, by the television and communications media, and by the public. The measure of these men will be taken, and the people who nominate will be looking at them to see how they handle the great issues. That bears on your third point: Is he qualified to be President?

They will see how these men are able to project themselves on television and in their public appearances. That bears on the second point: whether or not they can win if nominated.

And they will be measuring these men in terms of their ability to unite the Republican Party—which bears on both the first and second points:

Question. Is it your belief, as of now, that any of these five could defeat President Johnson?

Answer. Any of these five who earns and receives the nomination will be able to beat Johnson. There is only one exception I would make: That would be the situation in which the nomination was won at the cost of dividing the party. If the party were divided, I believe the chances for beating President Johnson would be remote.

But if the party is, for all substantial purposes, unified, any of these five who receives the nomination will defeat President Johnson in November, 1968—assuming the issues are the same as they are now.

Question. In the event you were nominated, would you get the wholehearted support of Republican Governors around the nation?

Answer. I believe so, and I believe also that, if one of the others were nominated, he would get the support of not only the Republicans Governors, but the Republican Congressmen and Senators. The Republican Party has so recently experienced the cost of deep divisions—the "civil war" which destroyed what little chance, if any, we had in 1964—that they are not going to indulge in that kind of cannibalism in 1968.

While there may be a lot of talk and grumbling between now and the Convention about those who deserted the party in 1964, I think that once the nominee is selected, the great desire to win will unite the Republican Party, and that we're going to have the reverse of 1964. We're going to see a united Republican Party defeat a very badly divided and shattered Democratic organization.

IF WALLACE RUNS

Question. What would a third-party candidacy of George Wallace, former Governor of Alabama, do to the two major parties, or for George Wallace?

Answer. George Wallace will be the most formidable third-party candidate since La Follette [Robert La Follette of the Progressive Party] in 1924—formidable not only because his views appeal to a certain fringe of the American electorate, a fringe which derives its support from both parties, but formidable because, as an individual, he handles himself—from all the reports I have heard—very effectively in his public appearances.

However, formidable as he is, I believe that, if the American people see a very close election for the Presidency evolving, then Wallace's proportion of the vote will shrink dramatically before the election.

For example, two months before the election the polls may show Wallace drawing 10 per cent of the vote. But, if the Democratic and Republican candidates are runing a tight race against each other, then I don't think Wallace would get that 10 per cent on Election Day. The reason is that many of those who might want to vote for Wallace will decide to try to influence the outcome of the election, rather than cast their ballot in protest for a man who had no real chance of victory.

If you pressed me, I would predict that Wallace's vote will be a larger percentage than Henry Wallace got in 1948, but a smaller share than Robert La Follette received in 1924.

Question. In terms of electoral votes, whom does he help or hurt?

Answer. At present, it would appear that he would hurt the Republicans in those States in the South which Goldwater carried, but that he might hurt the Democrats in some of the key Northern and Midwestern States that Goldwater lost.

The Wallace strength is unmistakable in States such as Alabama, Mississippi, Louisiana, Georgia and possibly South Carolina—although I'm not conceding any of these States to Wallace, nor am I suggesting that his being on the ticket would make it impossible for a Republican to carry them.

On the other hand, the Wallace appeal among blue-collar workers in those areas that are overwhelmingly Democratic in the big cities, that are contiguous with Negro districts—the Wallace appeal there would be one which would take votes away from the Democratic candidate, and while they would not go to the Republican, they would mean that the Republican would have a change to win in a close race.

Question. On balance, who comes out on top in this equation?

Answer. As of now, the polls indicate that the Republicans would face the greatest danger from a Wallace candidacy. I believe, however, that by the time the campaign is waged the Democrats would be the major sufferers, because Wallace will so disrupt the already shattered Democratic machines in the great cities that it will be easier for Republicans to come through in the big States in the North.

Question. What about other dissident Democrats—the "peaceniks," the "black power" people, and other opposed to this Administration? How do they affect the election?

Answer. Naturally, they aren't going to vote for Wallace, and they're going to find great difficulty in voting for Johnson. By the same token, unless the Republican candidate takes a peace-at-any-price line on Vietnam—which I do not anticipate any of the Republicans will do—the chances of their voting Republican, I think, also are not bright.

What is likely to happen, I think, is this: Unless these people run their own third-party candidate, they will wind up as unenthusiastic supporters of the Democratic Party. Some will not vote, in protest, and very few of them will work. This will be significant to the Johnson candidacy, because, generally, each party's hard core is essential to victory in a close election—and these people are normally part of the Democratic hard core.

One reason the "conservative" wing of the Republican Party is very important to Republican success is that, in a close election, they are the primary workers—they're the goers, they're the people who are gung ho for victory, and will do the precinct work while the others talk about it. Whereas, in the Democratic Party, traditionally, their workers come from the "liberal" left wing of the party.

Question. How does this affect the 1968 election?

Answer. In 1968, we will be looking at a situation where as far as the "liberal" left wing of the Democratic Party is concerned, it is disenchanted with Johnson. Without Bobby Kennedy on the ticket, many of those people will not vote for Johnson, and very few of them will work for him. This is the Democratic dilemma.

Take a State like California—it is very typical. In 1966, one of the factors helpful to Reagan was that the Democratic left, which is vocal and strong in California, was so disenchanted with the Democratic Party's national policies that they didn't get in and pitch as much as they normally would for the Democratic State ticket. That same pattern was repeated across the country.

In 1968, when Johnson is actually on the ticket, this Democratic dilemma will become even greater.

Question. If you decide to become a candidate for President, when and how will you announce your candidacy?

Answer. I will make a decision after the first of January and before the first of February. I have not yet determined how I will announce that decision.

Question. In the event you decide to run, which primaries do you think it is essential for you to enter?

Answer. If I become a candidate, I have definitely decided to enter primaries in New Hampshire, Wisconsin, Indiana, Nebraska, Oregon and South Dakota.

Incidentally, as an indication of my plans in each of these States, the preliminary organization work has gone forward. That does not mean I've made a final decision. But to become a candidate in the primaries in those States—to keep my options open—it is essential that organization work begin in each of those primary States, and work has started in all of them.

INFLUENCE OF PRIMARIES

Question. Which primaries would it be essential for you to win?

Answer. My political judgment is that I must win a decisive majority. But it cannot be predicted at this time which of the primaries will prove to be the most influential in making the final determination of the nominee.

It has been written, and I think correctly, that doing well in the first two primaries—New Hampshire and Wisconsin—could create momentum which would make it much easier to win the rest of them. Doing badly in the first two primaries would make it very difficult to recover and go back and win the rest.

The objective that I've set for myself is very simply that—looking at these six primaries—I must win a decisive majority.

Question. You mean 4 out of 6, or 5 out of 6?

Answer. I don't think I'll pick a percentage at the present time. Let me say it has to be considerably better than half.

Question. Would a Ronald Reagan candidacy adversely affect your position in any of these primaries?

Answer. Soundings taken by pollsters at this point indicate that Ronald Reagan's name on the ballot in any primary State would draw more votes from me than from Romney. The question is whether there would be someone else on the ballot on the other side—a Percy or a Rockefeller—who might draw from Romney. But, if it's a three-way race between Romney, Nixon and Reagan, it makes the task more difficult for Nixon to win than it would be if it were a two-way race between Nixon and Romney.

Question. Do you have any understandings with Mr. Reagan?

Answer. Categorically no. There have been reports to the effect that such understandings exist. But I would know if there were such understandings. I'm sure that supporters of Governor Reagan and my own supporters would like to avoid a confrontation because they do not want to see the party split, which might happen if such a confrontation occurred in the primaries.

But, as far as the two of us are concerned, we have not discussed any such proposal: that I should have—as someone reported—a free ride without Reagan contesting me in the first three primaries, and then if I don't make it, I would shift my support to him. There is no such deal, and there will be none.

Question. Do you have any idea how many Convention delegates you might be able to count on by, say, next June?

Answer. No, I don't. This is a very different kind of campaign than the 1964 contest. Then it could honestly be said that Goldwater had the nomination sewed up before he entered a primary State. By hindsight, I can say that now, and I think any political sophisticate would agree.

However, that certainly is not the case with 1968. Delegates in the nonprimary States simply are not making commitments, as they did in 1964, to any candidate. They're waiting to see how the men perform on the long road which leads from now until the Convention. In my opinion, no one can really get a delegate prediction that means anything until after we've been tested in some of the primaries.

I believe that after the first two or three primaries, if one of the potential candidates wins decisively, some of the leaders in nonprimary States may then make their decision with regard to what they will do at the Convention. But, at the present time, as has been reported—and this is accurate—they're all staying loose.

Also, I should make it clear that, on my part, whether in conversations with Governors or Senators or Congressmen or potential delegates or party leaders, I am not doing any armtwisting. I have told all of them, those who have come and offered their support, I'm delighted to have it in the event I become a candidate. But I've also made it clear to them that unless and until I can demonstrate that, (1) I am the best-qualified candidate on the issues, and, (2) I am the strongest candidate as a nominee, I am not going to ask them to make commitments.

PICKING A VICE PRESIDENT

Question. It has been said that people vote for the first man on the ticket—not the second. Do you think the choice of a vice-presidential nominee will be important in 1968?

Answer. I think the choice of vice-presidential candidates for the foreseeable years ahead in this country will be vitally important to both parties. Because of the tragedy of the Kennedy assassination, which still is so fresh in people's minds, people will be thinking that the man who is the Vice President, or the vice-presidential candidate, could one day be President.

Now, starting with that generalization, looking specifically at the Republican ticket, I believe that this is one of those years when a vice-presidential candidate could add some—I do not think a great deal. But we should also remember that you don't always need a great deal.

In 1960, for example, a change of one tenth of 1 per cent in the vote could have made the difference. Therefore, if, according to the polls, one vice-presidential candidate could add 1 per cent to the strength of the presidential nominee, that's enough reason to put him on the ballot—if that's all you're looking at. My own view, however, is that, while the strength of the vice-presidential nominee in terms of increasing the chances to win the election is, of course, important, overriding that consideration is the matter of qualification. I think the matter of qualification also will affect whether he's a strong candidate in the end.

I get back to my original proposition that the people are going to be looking to the qualifications of both the vice presidential and presidential nominees, and if either is considered to be unqualified for the Presidency, that will be a drawback on the ticket.

Question. What do you regard as major issues for 1968?

Answer. The major issues will be:

Peace abroad. If the war in Vietnam is still on, ending the war and ending it on a basis that will produce lasting peace, rather than a peace that is a prelude to another war.

The cost of living at home, including higher taxes, higher prices, higher spending—the family budget as distinguished from the federal budget.

The issue of our cities, with all that means in terms of problems of transportation, urban sprawl, pollution, health and the myriad other related problems of urban and suburban life.

The issue of law enforcement—the fact that crime has been going up at an alarming rate, six times as fast as the population.

And the racial issue—in terms of which candidate can best bring reconcilation between the races after this period of revolution.

RIOTS VERSUS CIVIL RIGHTS

Question. On the racial issue, what do riots, arson and looting have to do with civil rights and social justice?

Answer. Racial riots, arson and looting render a terrible disservice to civil rights and social justice.

This brings up an issue which cuts across several of these we have mentioned. It's the growing attitude in this country that, if a a cause is good, any means that is used by an individual in pursuit of that cause is justified. Those who advocate this particular approach forget that this was part of the thinking behind fascism and Nazism—the deadly idea that the end justifies the means.

We have seen this in various ways in the United States. We've had demonstrations in the cause of peace. We have had demonstrations for the cause of civil rights. We have had demonstrations for the cause of better education, and so on down the line. Now, when these demonstrations are peaceful and where no laws are broken, that is one thing. This is dissent in the great American tradition and the kinds of dissent which brings about peaceful change.

On the other hand, where these demonstrators resort to lawlessness and to violence, there should be, in my opinion, an absolute rule which applies to all of them—that no cause, no matter how good, justifies breaking the law and resorting to violence.

Question. What about revolt against political oppression?

Answer. Some of our so-called intellectuals justify violence on the ground that it may be necessary to promote a good cause. They use the analogy of the Nuremberg trials, and point out that men who lived under the Nazi system should have broken the law, even resorted to violence, rather that tolerate the terrible atrocities which they did tolerate in silence under Hitler.

Of course, these so-called intellectuals miss the fundamental point—the difference between the Nazi system, or any totalitarian regime, and ours. The genius of the American system is that we provide a method for peaceful protest and peaceful change. The greatness of America is that we have had great progress—almost unbroken progress, except for a great Civil War—because of our respect for the rule of law. It is this fundamental difference in our system, compared with totalitarian systems, that gives the lie to this completely specious argument for justifying the use of violence.

Question. How does this affect the Negroes?

Answer. In the final analysis—taking Negroes who live in the "ghettos" of big cities—they deserve a better deal. They deserve an equal chance on the starting line. They deserve better education, better jobs, better housing. But we must remember that, when violence was resorted to, those whose suffered most were not the whites, but the Negroes. The Negroes were the main casualties. It was their shops and their houses that were burned and looted and destroyed.

This demonstrates the truth of the proposition that when a rule of law goes, it is the minority that suffers first. In the last analysis there is no cause which justifies the use of lawlessness, of illegal means or a resort to force.

Question. What do you mean by the term "ghetto"?

Answer. What we really have are *de facto* "ghettos" in the U.S. And by *de facto* "ghettos," I mean that while there is no law that requires Negroes to live in segregated areas of a city, there are economic factors which make it very difficult for Negroes to move from these areas.

That is why we must approach this problem in two different ways: One, we must remove any legal barriers that may exist—legal barriers which deny the Negroes the opportunity to live in any housing or to have any job or to have better education or attend any school. But that is simply opening the door. That is the easiest part of the problem. What is more difficult is preparing people to walk through the door.

Now we get to the economic facts. Many well-intentioned people are beating the drums for a federal open-housing law. I oppose a federal open-housing law. I feel that each State and city should make a decision on this issue, and that decision should reflect what the majority of people in that particular area believe.

As an individual, I support the principle of open and equal access to housing. We have an open-housing law in New York State—and I would oppose its repeal.

However, as for a federal open-housing law or any other open-housing law, including New York's for that matter, they do not get at the problem of adequate Negro housing. The 95 per cent of the Negroes in New York living in these *de facto* "ghettos" are not confined there by statutes, but by economics. Most of them cannot afford the better housing that is available.

So, in my view, when we talk about the Negro problem, we've had too much talk about symbolism—open housing, school busing, etc. These particular actions for perhaps the next 10 years will affect the futures of only around 5 per cent of the Negroes. Ninety-five per cent of the Negroes are going to continue to live in these "ghettos."

First priority should go to programs that will provide better housing, better education and better jobs for the Negroes where they are, so that—over the long haul—they can develop the educational and economic capability that will give them greater freedom of access than they have today.

Question. Some social reformers say the Federal Government must insure not only an end to segregation, but compulsory integration. Is the Federal Government the one to do all these things?

Answer. Forcible integration is no answer. A law is only as good as the will of the people to obey it. And the vast majority of Americans would, I believe, reject the type of social legislation suggested by that phrase.

I think the answer lies in a different direction. After this period of revolution, America needs a period of reconciliation. We need a period in which Americans develop an acceptance of the legislation that has been passed, and a period in which we develop better attitudes between the races. That last is a vital ingredient of progress with the many racial problems in the different sectors of this country.

It is this great variety of racial problems we have, the different rates of progress we are making in the different parts of the country—that is one reason I oppose a federal open-housing law.

Not only would it not be an effective answer to the problem of housing, it would set back the cause of civil rights by creating racial strife in States and cities in which public sentiment has not developed to the point where it would support such a law.

That is why, in this very sensitive area, handling these problems at the local and State levels is the preferred approach.

COURT DECISIONS AND CRIME

Question. What accounts for the growing burden of crime? As a realistic matter, do our judges and courts share in the responsibility for the growth of crime in the country?

Answer. They certainly do. As (columnist) Walter Lippmann said a number of months ago, the peace forces in this country have been dangerously weakened as against the criminal forces. This is partly a result of court decisions. And while I have the greatest respect for the courts as institutions, I reserve the right—and every person has the right—to criticize those decisions he believes are wrong.

I should also point out that there have been dissents within the Supreme Court itself to some of these decisions. I believe that the dissenters on the Supreme Court are right, and that the majority is wrong. And I hope the dissent becomes the majority in the future.

Basically, I would say this—there are two major factors:

One, the various court decisions—and I'm not talking simply about the Supreme Court, but the courts in general—which have gone too far in weakening the peace forces as against the criminal forces. Second, there is this growing attitude, that many of our opinion molders, community spokesmen and political leaders are promulgating—that each person has the right to decide what laws are good and what laws are bad, and that he should break the laws he doesn't like, and obey the laws that he does like. This kind of attitude is one which inevitably creates a tendency toward lawlessness across the country.

I have a full program, which will be coming out later with regard to technical ways to improve law enforcement, including, for example, better pay for law-enforcement people, better standards, better training, better techniques, and so forth. All of this is important.

But, even more important, we've got to get to the heart of the problem, and that is the attitude of our people. At the present time, there is simply a growing lack of respect for law and for institutions of justice in this country which has been condoned and encouraged by too many in all walks of life. This attitude toward the law simply has to be changed.

"VITAL INTEREST" IN VIETNAM

Question. What do you consider to be the "vital interest" of the United States in the Vietnam war?

Answer. What is at stake in this war is not just the future of Vietnam, but the future of peace and freedom in the Pacific. That means our future.

If the Communists succeed in Vietnam, the world would be cut in half by a chain of Communist-controlled nations running from Vladivostok through the Strait of Malacca. The future of 200 million people living in non-Communist nations in Southeast Asia would be placed in jeopardy.

Even more dangerous, however, the success of their exporting and supporting revolution in Vietnam would encourage use of this tactic elsewhere. And the danger of more Vietnams, and of World War III, would escalate correspondingly.

The message is clear: If a bunch of ragged guerrillas can defeat the powerful United States in Vietnam, isn't this the way to spread Communism to other parts of the world? If the Communists succeed in Vietnam, it would be a model for Communist strategy throughout the "third world."

Question. Why do you think public opinion seems to be rising against this war?

Answer. Because of the way the Johnson Administration has conducted the war. It has overestimated the danger of actions which could shorten the war, and underestimated the danger of allowing the war to drag on.

It has based its policy on the false assumption that the Soviet Union wants to end the war; it makes no sense to let the Soviet have its cake economically in Europe, and eat it militarily in Asia.

The Administration's policy of gradualism has resulted in frittering away our immense military and economic advantages. Never has such tremendous military and economic power been used less effectively than in Vietnam.

But the Administration's greatest failure is in leadership. The deep division at home, and lack of allies abroad, is due to an inexcusable failure to inform the people as to why we are there, the cause of the war, the progress of the war, and what needs to be done to bring it to a successful conclusion.

Question. Well, what is there that needs to be done now?

Answer. We must support policies which will end the war, and win the peace as quickly as possible. We must recognize that what will hasten the end of this war—more than anything else—is convincing the men in Hanoi that they cannot win politically in the United States the victory our fighting men deny them on the battlefield in Vietnam. Let this message get through loud and clear to the North Vietnamese leaders: We disagree on the conduct of this war. But regardless of what happens in the elections of 1968, a majority of Americans—Democrat and Republican—are united in this resolve—that there shall be no reward for Communist aggression in Vietnam.

I want my party to win in 1968, but—far more—I want America to win, and I want peace and freedom to survive in the world. Let's end this war. But let's end it in a way which will bring lasting peace, and not produce another war.

SHIFT IN RUSSIA'S TACTICS

Question. This is the 50th anniversary of the Bolshevik Revolution in Russia. Have there been any fundamental changes in the basic purposes of Soviet Communism?

Answer. There have been changes in the Soviet Union, but it is important to analyze why those changes have occurred. I would summarize it in one sentence: The Soviet leaders' change has been one of the head, and not of the heart.

They want détente and trade with the West for these reasons: First, because they now have an enemy in the East—Communist China—they need friends in the West. Second, because they have great demands from within the Soviet Union from their own people for more consumer goods. Third, because they ran up against the power of a strong Western European community, and could not break through. Finally, they looked down the nuclear gun barrel in Cuba, and realized the danger of such future confrontations for them as long as the U.S. had superiority in nuclear weapons.

There has been no change with regard to the basic Soviet principle that was Communist doctrine 50 years ago and that is Communist doctrine today—that is, they believe the Communist system should be expanded throughout the world.

Their means have changed. They realize the danger of expanding through conventional war, because that might result in nuclear confrontation. They realize they cannot expand by persuasion, because in 50 years they've never won a free election in a major country.

On the other hand, they are continuing to try to expand Communism through a tactic that has been immensely successful—that is, by exporting and promoting revolution, and supporting revolution, and that's what Vietnam is about. When we look at Vietnam, and see the Chinese Communist supporting the North Vietnamese and the Soviet Communists supporting the North Vietnamese, we can say the Soviets and Chinese have possibly irreconcilable differences, but a complete agreement on one fundamental proposition: They both stand for the principle of expanding the Communist system, and they act on that belief.

Question. The Middle East seems to be a big new danger area. What should be done to stabilize that situation?

Answer. Long range, the Eisenhower-Strauss plan to develop the water resources [by atomic energy] must be given a great deal of support—much more than the lip service of the present Administration. The difficulty is that the present Administration is not only ineffective at waging the war and winning the peace in Vietnam, but it has been completely deficient in developing policies all over the world which will avoid other Vietnams.

The Mideast is a case in point. That explosive situation requires long-range attention to economic problems that are a festering sore there, and that will explode in a new war unless we deal with them.

Short range, it's necessary to use our diplomatic influence to cool off the arms race. It is necessary to use our diplomatic influence with the Soviet Union, to get them to use their leverage for peace rather than for war.

Question. What about trade with the Communists?

Answer. It makes no sense to build bridges to Eastern Europe; it makes no sense to give credit to the Soviet Union for trade to help them build a Fiat plant, to let them have détente economically in Europe—and then, at the same time, close our eyes to the fact that they are stirring up trouble in the Mideast, and supporting our enemies in Vietnam.

Our economic policies must be synchronized with our military and diplomatic policies in other parts of the world. And unless and until the Soviet Union desists in its export of revolution to these troubled areas of the world, the U.S. should not go forward with either credits or trade in strategic items with the Soviet Union—something they want.

On the other hand, if they do desist, and if they decide that rather than pursuing a course of expansionism, they want to turn inward and develop their own country, then certainly we can co-operate with them, and we can enter a new era of peaceful relations.

WHY WAR ISN'T DECLARED

Question. The Constitution says that Congress has the power to declare war. Yet since the end of World War II, we have fought two major wars—in Korea and Vietnam—undeclared by Congress. Should we amend the Constitution?

Answer. This is a very difficult point in terms of the powers of the American Presidency, and what they need to be in order to preserve peace and freedom against an enemy that does not practice the usual methods of diplomacy.

In my view, we've heard our last declaration of war, insofar as the great powers are concerned. In areas like India and Pakistan and the Mideast and others, of course, there is still the possibility of a conventional declaration of war, and armies marching across borders.

But, wherever a confrontation of the major powers is concerned, the wars will be more like Vietnam—exporting and supporting revolution. And in such instances, a declaration of war probably would not serve a useful purpose. In Vietnam, for instance, a declaration of war would have grave possibilities of escalating the conflict in a way that we wouldn't want.

Right now, we can't anticipate and predict the type of tactics the Communists may develop and employ to expand in the years ahead. We are going to have to leave a wide measure of flexibility to the Chief Executive to move swiftly in areas where we have vital interests—and those interests are jeopardized.

While the President has to answer to the Congress and the people for what he has done, I would not want to put him in a strait jacket, so that he could not respond effectively and quickly to a crisis.

As an example, the rescue of the missionaries and the Europeans in the Eastern Congo was one that had to be planned and carried out in secrecy without consulting the Congress. The safety of these people was at stake. He was right in handling this in the manner that he did; but once done, of course, he had the responsibility to answer for it to the American people and the Congress.

We must remember that our goal is world peace, and our potential enemies in this world want victory—and they are not inhibited from acting by any constitution. They are always on the initiative. Our President must retain the flexibility to respond rapidly and effectively to that initiative.

HOUSE MINORITY LEADER GERALD R. FORD DETAILED FOR NATION'S REPUBLICAN GOVERNORS DETAILS OF FINE RECORD OF ACHIEVEMENT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Arends] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ARENDS. Mr. Speaker, House Republicans are proud—justifiably, I believe—of the record they have made during the first session of the 90th Congress.

In a speech Saturday, December 9, at Miami Beach, Fla., House Minority Leader Gerald R. Ford detailed for the Nation's Republican Governors the details of that fine record of achievement. He noted that of the 40 legislative and other objectives set forth in the Republican state of the Union message last January 24 were either enacted into law, or were approved by either the House or the Senate, or at least advanced in committee. We feel that is an impressive accomplishment. The gentleman from Michigan [Mr. Gerald R. Ford] also speculated on the possibility that the 1968 presidential election will be thrown into the House of Representatives for a decision. Under unanimous consent, I now place Mr. Ford's speech in the Record, as follows:

REMARKS OF REPRESENTATIVE GERALD R. FORD, REPUBLICAN, OF MICHIGAN, HOUSE REPUBLICAN LEADER, TO THE REPUBLICAN GOVERNORS' ASSOCIATION, PALM BEACH, FLA., DECEMBER 9, 1967

Distinguished Governors and friends, it is a real pleasure to meet with a Republican group representing the majority of Chief Executives of the United States.

I want to add my warm congratulations to Governor-elect Louie Nunn who has brought the native State of Abraham Lincoln back into the Republican Governors' fold. I hope next year you also reclaim Illinois and Indiana for Honest Abe.

Although I am still the House *Minority* Leader, I am convinced that our party today is reflecting the desires, hopes and great good sense of the *majority* of Americans. If we stay on this course, our future will be as sunny as these Florida skies.

Just a year ago when I last met with you in Colorado, none of us could quite believe our good fortune at the polls. But the trend is genuine and continuing. Many Republicans can share credit for this upsurge, but at bedrock lies the patient, painstaking job of party-building which Ray Bliss has been doing night and day. One of Ray's not-so-secret formulas is simply getting Republicans together and talking things out face to face, whether in the National Coordinating Committee or in conferences and seminars all over the country. Invariably, Ray throws his weight on the side of party unity and Republican harmony, and we are all beneficiaries.

I could wish that all the Governors and all Senators and Congressmen of our Party would get together periodically between conventions for more eyeball-to-eyeball discussions. There's no limit to the help we can give one another within the Republican fraternity and, believe me, that's the only way we're ever going to get this great country out of the mess it's in.

Last year we scored a net gain of 47 seats in the House of Representatives. These gains were made in 33 States, offset by losses in 3 States. We held our own in 14 States. At the same time, Republican governors were winning in 24 States and, generally, where Repubican Governors won big, our House candidates did well. We picked up five more members each in my own state of Michigan and in Ohio—and three in California.

Though 1968 is a Presidential year, I think it's doubly urgent that Republicans pursue the "all for one and one for all" principle clear up and down the ticket. If we do elect a President, if he is to undertake the serious tasks that must be done, he will need strong support on Capitol Hill and in the State houses. There will be 1968 contests for the Governorship in 20 of the States where House Republicans either gained, or held their own, in 1966, plus New Mexico and Louisiana, which have no Republican Congressmen.

Assuming we regain the current California vacancy, we need another net increase of 31 seats to control the House of Representatives. This goal is realistically within our party's grasp. Just how and just where we hope to do it I will leave to our expert, Bob Wilson of California, the tireless chairman of our national Congressional Campaign Committee. If anyone can bring in those 31 extra Republicans, Bob will.

Every member of the House will be running next November on his own record and the record of the 90th Congress. Republicans will have a far better record to take home to the voters than the Democrats who have been in charge. This is only half-time, of course, with another year to go. But let me give you a brief, and perhaps prejudiced, progress report.

We are still the minority party in the House, 186 to 247.

The Democratic majority leadership, and the Democratic chairmen of all House Committees, determine absolutely what measures shall come before the House, in what form they come, when they come, and the rules under which they will be considered. Whatever the Founding Fathers intended, in practice the President proposes legislation and Congress disposes. The news spotlight naturally is focused on the fate of the Administration's program rather than upon our Republican alternatives and initiatives.

Nevertheless, this Ford and Co does have some better ideas! And we have successfully written many of them into law this year. Often we have recognized and successfully reflected the will of the great majority of Americans when the Johnson Administration has not. With 47 reinforcements on our team, it has been a different ballgame. And we have been in the ballgame every minute since January 10th when we defeated the Democratic leadership's effort to seat former Rep. Adam Clayton Powell (D–N.Y.).

Most important, Republicans in the House have fought all year for fiscal responsibility and against an inflationary level of domestic spending on top of heavy wartime demands. On 23 key economy votes, Republicans averaged 85% for restraint and Democrats averaged only 17%. Moreover, we won 11 of these 23 showdowns. As the session ends, President Johnson is grudgingly coming around to our position after upping his deficit conjecture to $35 billion and feeling the foundations of the dollar shaking.

Similarly, during the year the President belatedly embraced our Republican call for restoration of the investment tax credit and gave a long-overdue go-ahead to close the Anti-Ballistic-Missile defense gap, which may someday save millions of American lives.

These were two of the 40 specific Republican recommendations for domestic action advanced last January in our Republican appraisal of the State of the Union.

Running through these 40 points, I was agreeably surprised to find that Republicans in this Congress have succeeded in enacting into law, gaining approval either by the House or the Senate, or advancing favorable committee consideration of 15 out of 30 domestic proposals, and all but one of our 10 national security recommendations. Sixty percent isn't a bad score for the minority.

Republican pressure compelled the House to create a Committee on Standards of Official Conduct, a balanced package of law enforcement legislation, improvements in Social Security and Viet-Nam veterans benefits, honest bookkeeping on participation sales borrowing, and slow but steady progress towards a Clean Election law for 1968. Republican insistence on the principle of revenue sharing and greater State control of Federal programs resulted in marked improvement of the Comprehensive Health Act, the Law Enforcement Assistance and Juvenile Delinquency Acts, the Air Quality and the Federal Meat Inspection Acts of 1967.

This is quite a change from the Great Society Rubber Stamp that was worn down to a nubbin during 1965 and 1966. The late unlamented 89th Congress sowed the wind of the fiscal whirlwind that now frightens the world. In this Congress we have won some and lost some; we have made some mistakes and we have learned some lessons; but all in all we are writing a responsible and constructive Republican record for 1968.

When we have won—and we aren't finished yet—it has been due to a degree of teamwork and solidarity among House Republicans unmatched in my 19 years in Congress. This has been achieved by the broadening of our leadership base, which now includes, besides Bob Wilson and myself, Les Arends of Illinois, Mel Laird of Wisconsin, John Rhodes of Arizona, H. Allen Smith of California, Charlie Goodell of New York, Dick Poff of Virginia and Bill Cramer of Florida. Naturally the news emphasizes those times when so many Republicans vote with the Democrats or so many Democrats vote with the Republicans. But the cold record of this session shows that Republicans generally stuck together when the chips were down. Les Arends' whip organization has never performed more effectively.

Of course we have varying viewpoints—we are supposed to. These have been aired and threshed out in frank but friendly House Republican conferences of all our members, chaired by the able Mel Laird, and within the representative House Republican Policy Committee under the dedicated guidance of John Rhodes.

Our Policy Committee in 29 spirited meetings has taken 30 formal and public policy stands on pending matters. These recommended 10 affirmative measures to implement major Republican programs supported 13 legislative solutions to major problems or improvements in present laws, proposed constructive changes in 5 key measures, and twice opposed a debt ceiling increase that was excessive and inflationary.

In 24 instances these issues came to a rollcall vote. Of course, the Policy Committee's conclusions are not binding upon any Republican member. But the record shows an average of 96% of Republicans present and voting supported the party policy position.

I think that's terrific—and so, secretly, do our Democratic rivals in the House. If they had 96% unity they could prevail every time in this Congress as they did in the last one. In their frustration, the President and the Democratic leadership have publicly made a curious confession—that the Democratic Party cannot govern the country unless it has a 2/3s majority in the legislative branch!

Republicans will settle for a simple working majority.

In those 24 rollcalls where Republicans stood together 96%, our position prevailed 18 times. Where we staked out a responsible Republican stand on major issues in advance, we scored 75% of the time. I think we're both *ready* and *able* to organize the next House.

A Republican majority in the House of Representatives, with Republicans running its committees and directing its labors, would be the best thing for the country even if President Johnson were to win re-election. But it will be absolutely imperative for any Republican President to have a Republican

House if he is to have a real opportunity to enact a Republican program of redirection and reform.

I was most impressed with the recent warning of our host, Governor Kirk, that every Republican campaign headquarters in 1968 should display a large sign saying: "Remember 1948!"

I remember 1948 as one always remembers his first campaign. I made it, but I had to wait four years for a Republican President and 12 long years for a Republican Governor, by which time we again had a Democrat in the White House. I must say both President Eisenhower and Governor Romney were eminently worth waiting for, but I surely second Gov. Kirk's caution against Republican overconfidence.

Times *do* change. In 1948 President Truman had a *balanced* budget of $33 billion—just about the size of President Johnson's conjectured deficit for 1968! And President Truman had his troubles from a Wallace on his left and a McCarthy on his right.

But the 1968 threats of a Senator McCarthy on the left and a George Wallace on the right pose problems for Republicans as well as for President Johnson. The prospect of a third or fourth party Presidental candidate winning the electoral votes of some States is a serious possibility. In a close election, the choice of our next President could be thrown into the House of Representatives for the first time since 1825.

After 142 years of disuse it's not surprising most Americans have forgotten that when there's no majority in the Electoral College, and the House of Representatives chooses the President from the top three contenders, we ballot not as individual Members but by State delegations.

Thus the States represented in the House by one Congressman—and four out of five of these are now Republicans—count as much in a Presidential runoff as the big House delegations of New York, California and Texas, now Democratic. And those States where party strength is equal or tied, as Illinois, Oregon and Montana now are, would have no voice at all in the decision.

It's quite conceivable that we could win a majority in the House next November and still fall short of the absolute majority of 26 State delegations required to decide a close Presidential contest. Right now we hold only 18 Republican delegations, while the Democrats dominate 29, and three are "even-steven."

But the odds on our picking up eight more State delegations are not as bad as they look.

For instance, there are seven States where one Republican replacing an incumbent Democrat in the House would switch control of the State delegation from Democrat to Republican, the three tied delegations already mentioned plus Pennsylvania, Nevada, Kentucky and Tennessee. And we have Republican Governors in 5 of these 7.

There also are 11 States where a switch would tie up the delegation and deny it to the Democrats, while a net gain of two Republican seats would win them for the Republican standard-bearer. They are Virginia (R4–D6), Arkansas (R1–D3), Colorado (R1–D3), Maryland (R3–D5), Oklahoma (R2–D4), Massachusetts (R5–D7), New Mexico (D2), Hawaii (D2), Rhode Island (D2), Alabama (R3–D5) and Maine (D2). Seven of these 11 States are now blessed with Republican Governors.

To sum up—if every Republican Governor could help us elect two additional Republican Congressmen from his State—or one more if that's the best he can do—we would gain 35 seats in the next House—a majority plus 4—and we would safely sew up 31 States delegations for a Republican President in a photo finish. I absolve Governors Hickel (Alaska), Samuelson (Ida.), Tiemann (Neb.), Boe (S. Dak.) and Hathaway (Wyo.) from this charge because they can't do any better for us in the House than they have already—their delegations are 100% pure Republican.

Gentlemen, my very sincere thanks and those of all House Republicans for the great and growing contribution you are making to the revival of our party. One of the earliest visitors to this hospitable State was Ponce De Leon, who was looking for the Fountain of Youth. Some say he found it and is alive and well today in Miami Beach.

I hope Republicans will go forth from Miami Beach next summer rejuvenated, reunited and rededicated—one for all and all for one—to a great Republican victory and a new era for America.

MICHIGAN'S 10TH CONGRESSIONAL DISTRICT LOSING ITS SOCIAL SECURITY MANAGER THROUGH RETIREMENT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CEDERBERG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, I would like to record my sentiments with regard to one of the Federal Government's respected career employees whose services the 10th Congressional District is losing this month.

Paul M. Ellifritz, district director for the Social Security Administration for 11 Michigan counties, is retiring at the end of December after 32 years of service. I am confident that few districts in the country can boast of a more conscientious social security manager.

Many people of the 10th District have expressed to me their appreciation for the personal attention he has given to their social security problems. In my dealings with him in behalf of my constituents I have always found him willing to go the extra mile to explore all the facts involved in a particular case to see that the claimant received the fullest possible consideration of his problem.

When aged annuitants were unable to comprehend the sometimes complicated formulas used in computing benefits, Mr. Ellifritz would visit the person in his home in a friendly attempt to clarify the problem.

Mr. Ellifritz is the type of Federal employee that makes us proud of our civil service personnel. Efficient public service has meant much to him and he has indoctrinated his staff with the awareness that it is not just working for some big Government agency, but serving flesh and blood in the form of the annuitants who call at the office in person or who write letters of inquiry to the district office.

Mr. Ellifritz and the social security program have grown up together. He joined the agency as a career clerk here in Washington 32 years ago. His superiors recognized in him the qualities of a good supervisor.

His first assignment was to Columbus, Ohio, where he served 2 years.

In 1947 he was designated district manager for 11 counties in the northeastern part of Michigan's Lower Peninsula. Most of these counties are in the 10th Congressional District which I represent. When Mr. Ellifritz opened the social security office in Bay City, he had a staff of two; it now numbers more than 20 men and women.

In a special memorandum announcing the retirement of Mr. Ellifritz a few days ago, Mr. P. D. Snider, acting chief of the Cleveland region, of which Michigan is a part, made the following comment:

> Paul Ellifritz, District Manager, Bay City, Michigan, has advised us that he will retire effective December 30, 1967. We accept this decision with regret. Paul has provided guidance and leadership to the Social Security program in various positions for over thirty years. He has served as the District Manager of Bay City for twenty years. His effective leadership, dedication and enthusiasm has helped the Administration and region meet the many challenges of growth during these years. It will be most difficult to replace this very able colleague.

Mr. Ellifritz is a native of Columbus, Ohio, and attended Ohio State University. He served 4 years in the Air Force during World War II. He was a photographer with the 110th Bomb Group of the 8th Air Force.

In spite of the fact that Mr. Ellifritz has assisted thousands of people in getting their social security benefits, he himself, oddly enough, will not receive one nickel of benefits from that agency.

Paul's wife, Cecilia, has been a career public servant too. For the past 22 years she has been a caseworker with the Bay County Board of Social Aid and the Bay County Department of Social Services. She too is retiring at the end of this month.

Not only as a Member of Congress, but as a personal friend, I want to wish Mr. and Mrs. Ellifritz many years of well-earned retirement pleasure and I hope they will now find great enjoyment in doing things they could not previously do because workdays were too long and vacation leaves were too short.

DISSONANT DISSENT DISRUPTS DISSENTERS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, last Friday the Emergency Civil Liberties Union held its annual dinner which must have rivaled any Broadway comedy for laughs. For the record, the ECLU is a cited Communist front, and its chairman, Corliss Lamont, has supported quite a number of Communist fronts for a number of years. According to the New York Times of Sunday, December 10, the ECLU is defending a group of Negroes in a test case challenging the draft laws. The right of free speech and peaceable assembly acquired new dimensions at this raucous session. It is really unfortunate that this show was not carried on a national TV hookup; its rating would have been unsurpassable.

Aside from the comic aspects, there is

a serious lesson to be learned. The ECLU proved inadvertently that the first amendment is a device to be used to advantage, as it is with any Communist front. Neither does either faction involved in the dispute speak for the overwhelming majority of the Negro people. As pointed out by Director Hoover, of the FBI, the Communist Party U.S.A. has for years been trying to make inroads among the Negro people but with very little success. And in the case of Mr. Hendricks, it would be interesting to see how much rapport he would have with Negro soldiers in Vietnam with his support of the National Liberation Front.

I insert at this point the article, "Yelling Match Disrupts Rights Forum," from the New York Times of December 10, 1967:

YELLING MATCH DISRUPTS RIGHTS FORUM

(By Sidney E. Zion)

A decorous tribute to the Bill of Rights turned into near bedlam in a dispute over who should be allowed to speak and what they should be allowed to say.

The fracas broke out when a black nationalist youth insisted on making a speech although he was only supposed to be introduced at the annual dinner Friday night of the Emergency Civil Liberties Committee that lasted until early yesterday.

The unscheduled speaker, Ralph Hendricks, was at the meeting because he is one of a group of Negroes being defended by the committee in a test case challenging the draft laws.

"We're not going to be showcases for white liberals," Mr. Richardson said in insisting that he be allowed to speak. And when he added that black men view the war "different than you whites," the meeting erupted.

"Some of us are black too, some of us are black too," shouted Prof. David Haber, a white civil liberties expert from the Rutgers University Law School.

"Shut up, we don't need to hear this," Dr. Haber said, standing at his table and shaking his finger at the speaker.

Mr. Hendricks roared back: "I'll say what I please and you'll listen."

Many in the audience of 950 cried, "Sit down, let him speak" at Mr. Haber, while some agreed with the professor, shouting, "He's right, we don't need to hear this."

Corliss Lamont, the chairman of the committee, pushed Mr. Hendricks away from the microphone, saying: "You're not going to disrupt this meeting. You weren't invited to speak here and you've gone past your time."

Some in the audience began moving towards the lectern, saying: "This is no way, this is no way, we can't act this way, let him finish."

Mr. Hendricks, a slightly built youth with a mustache and wearing a red sports jacket, turned to Mr. Lamont as he walked off the dais and angrily shouted:

"I'm gonna expose you or you're gonna put your money where your mouth is."

Mr. Lamont, the 65-year-old son of the late financier, Thomas Lamont, who headed J. P. Morgan & Co., has long been active in civil rights and other causes.

"Uncle Corliss" as he was called throughout the evening by the master of ceremonies, John Henry Faulk, tried to quiet the audience and continue the program, but the effort met with little success.

Furious efforts by some committee members were being made in the lobby outside the Imperial Ballroom to get Mr. Hendricks and his entourage to return to the dais. In a few minutes Mr. Hendricks reappeared charging "betrayal" and "sellout" and threatening to leave again.

But Edith Tiger, secretary of the committee, went to the microphone and said: "We've got a lot to atone for here tonight." The audience applauded and this seemed to partially satisfy Mr. Hendricks, who was standing nearby.

What convinced the young Negro to stay, however, was a plea from Warren Hinckle, editor of Ramparts magazine, who was to receive the committee's Tom Paine Award.

"If you guys walk off, I'm going with you, and to hell with the award," Mr. Hinckle told Mr. Hendricks. "But if you stay I'll give you half of my time to speak, I've got 15 minutes and you'll get seven and a half. I don't want any Chicago syndrome here but you gotta get half the time."

This was a reference to the recent New Left Conference in Chicago where the so-called blackpower groups were given half the votes in the convention by the whites who predominated in numbers.

After receiving the award, Mr. Hinckle said of the Negroes:

"They're speaking the truth. If they can't speak it at an E.C.L.C. meeting I say they can't speak it anywhere in America."

The audience applauded.

But Mr. Lamont did not agree that Mr. Hendricks should have half of Mr. Hinckle's time.

"He can talk after the other speakers—we have a schedule to adhere to," Mr. Lamont said.

"Schedules?" Mr. Hinckle replied. "Johnson talks about schedules, Rusk talks about schedules, are we gonna talk stuff like that?

Pete Hamill, columnist for Newsday, then averted a further dispute when he gave his speaking place to Mr. Hendricks.

"I am not speaking against white people," Mr. Hendricks said. "If what I said annoyed anyone here, they should not be in this audience.

"All I want is to assert a little black perspective in the Vietnam war. We blacks associate our hopes with the National Liberation Front [the political arm of the Vietcong] and with the cause of colored peoples everywhere.

"We are not racists, we're anti-imperialists and anti-white people doing things to colored people. If you don't agree with this please get the hell out of here."

Mr. Hendricks told the audience to "put your money where your mouth is" and leave contributions "with our sisters at Table II."

By the end of the night $150 was contributed toward the Harlem antidraft movement.

FAIRPLAY FOR OTEPKA: PART V

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, recently, interest has been generated through the press and by Members of Congress concerning the Otepka case which is to be ruled on within the next day or so by Secretary of State Dean Rusk.

The most recent development in this hearing within the State Department has been the forwarding to Mr. Rusk of the hearing examiner's findings. This, presumably, is what Mr. Rusk will study before making the final decision on the Otepka appeal within the Department.

Pulitzer prize-winning reporter and Washington correspondent Clark Mollenhoff submitted an exclusive story on this hearing examiner's report to the Des Moines Register which appeared December 8 and which contains more information than has previously been available.

It is important to note that Mr. Mollenhoff makes a few of the following points, in addition to others:

First. There was no conspiracy against Otepka, the findings conclude, but the findings fail to consider the illegal and unwarranted wiretapping of Mr. Otepka's room and telephone.

Second. There was no conspiracy, yet the findings presumably fail to account for the, as yet, unaccounted for dropping of 10 of 13 original charges against Otepka immediately prior to the start of the hearing.

Third. There was no conspiracy against Mr. Otepka, but State Department officials were, by the admission of one official involved in a "get Otepka" plot.

Fourth. There was no conspiracy, yet two State Department employees directly involved gave contradicting—and possibly perjuring—testimony.

On the face of these comments the "sins of omission" might warrant the closest scrutiny by the Secretary of State before he makes a final determination in the case. The conspiracy to "get rid of Otepka" is definitely central to the issue and cannot be easily avoided. Especially, since, as Mr. Mollenhoff concludes:

> Regardless of Rusk's ruling, it is almost certain that Otepka will appeal the case to the Federal courts.

I include the Des Moines Register article at this point:

FINDS OTEPKA GUILTY, CASE GOES TO RUSK

(By Clark Mollenhoff)

WASHINGTON, D.C.—A State Department hearing officer has ruled that former chief security evaluator Otto F. Otepka was guilty of "insubordination" in giving three documents to Congress to prove he was telling the truth about laxity on security matters.

The Register obtained Thursday a copy of the still-secret report by Edward Dragon, the hearing officer. Dragon submitted the report to Secretary of State Dean Rusk Tuesday. Rusk has five working days to determine whether Otepka will be fired or whether other disciplinary action will be taken.

Dragon found there was no State Department "conspiracy" to fire Otepka for insisting upon high security standards.

He did find that Otepka had been subjected to an extensive pattern of harassment, but ruled that it was not a conspiracy.

Dragon did not note in his report that John F. Reilly, former deputy assistant secretary of state, had admitted under oath before a Senate subcommittee that he and others were engaged in a "get Otepka" movement.

Also, Dragon did not comment on testimony by Reilly and Elmer Dewey Hill, an electronics expert, admitting they engaged in illegal and unauthorized wiretapping and eavesdropping on Otepka's State Department telephone.

Otepka and his lawyer, Roger Robb, have emphasized that the wiretapping and eavesdropping were the most important aspects of the alleged conspiracy.

Otepka and Robb had objected to the appointment of Dragon as a hearing officer prior to the hearing.

They argued that Dragon, a career State Department employe, is under the discipline of Secretary of State Dean Rusk and was unlikely to be objective in reviewing the evidence.

REQUESTED ANOTHER

Otepka had requested a hearing officer from outside the State Department.

The State Department has brought no charges against Reilly and Hill. By contrast, it has been aggressive in trying to fire Otepka for telling the Senate Internal Security Subcommittee about "laxity" in the State Department's security division.

Dragon conceded that Otepka had delivered the three documents to the subcommittee as proof that he was telling the truth, and that Reilly, Otepka's superior, had given untruthful and inaccurate testimony under oath.

But Dragon found no fault with the procedure under which Reilly then filed charges of insubordination against Otepka for failing to obtain his approval before delivering the documents to the Senate subcommittee.

Dragon related that Subcommittee Counsel J. G. Sourwine had called Otepka's attention to the fact that there were discrepancies between his testimony and that given by Reilly.

"PUT UP OR SHUT UP"

Dragon said Sourwine did not request specific documents, but told Otepka "to put up or shut up" on improving the points at issue in the testimony.

Dragon said a directive issued on Mar. 13, 1948, by President Harry Truman prohibits executive branch employes from producing certain personnel papers for committees of Congress unless they have had specific approval.

In this case, Dragon stated, Otepka admitted he delivered the documents to Sourwine and admitted he had not sought Reilly's approval. Under these conditions, Dragon indicated, there could be no extenuating circumstances.

Dragon rejected Otepka's contention that the State Department had condoned misconduct and breaches of regulations of a more serious nature.

Dragon said the action of the State Department on other cases "is immaterial" to the ruling in this case.

He said actions in other cases could be taken into account by Secretary Rusk in determining whether Otepka's actions warrant dismissal from the department or other discipline.

Regardless of Rusk's ruling, it is almost certain that Otepka will appeal the case to the federal courts.

TRAGIC SHOOTING OF 13 IN PENNSYLVANIA POINTS TO NEED FOR CRIME VICTIM COMPENSATION

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHWEIKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, a tragic incident occurred in Pennsylvania on October 23 that demonstrates the need in our society for some system of compensation for the innocent victims of crime.

A man named Leo Held went on a shooting rampage in Lock Haven, Pa., that concluded at his home in Loganton, 17 miles away. He killed seven persons in all, and left another six wounded. When he died 2 days later of wounds he received in a gun battle with police, Leo Held had still not told the world why he behaved as he did.

Regardless of what his explanation would have been, Leo Held left behind him a shattered community, a community that is now sensing acutely the need for crime victim compensation.

Neighbors have begun raising funds privately to assist one of the victims, a woman in here midtwenties who was beside her husband when he was shot to death and who suffered serious wounds herself. She faces not only medical expenses but also the job of raising two young children by herself.

While we can only praise the desire of these neighbors to help with the young widow's financial burden, recent editorials by the Lock Haven Express and WFBG radio and television, Altoona, point to the need for something more—an established system to give adequate compensation for crime victims.

Two recent editorials on WFBG radio and television make a persuasive case for crime victim compensation. I am honored that this important Pennsylvania broadcaster supports in both editorials my recent bill, H.R. 13208, to set up a Federal Violent Crimes Compensation Commission.

I would also like to share with my colleagues in the House the very moving editorial from the Lock Haven Express of November 17, entitled "Worthy Effort." It salutes the good people who are raising funds for the young widow, Mrs. Quiggle, and discusses the need for formal machinery in our society to compensate the innocent victims of crime.

So that all Members of the House can read these three outstanding Pennsylvania editorials, I include the texts at this point:

[A WFBG editorial, Oct. 11, 14, 1967]

HEY! WHAT ABOUT ME?

We believe in rehabilitating the law violator . . . especially if he's a young one. We know the money, time and effort to put him back on the right track are well spent. We know if we don't rehabilitate him, we'll pay for his support in jail . . . on and off . . . for the rest of his life, and that he'll be a threat to society while he is free. So, we're all for backing every effort to restore him to useful citizenship.

But we're also among those who are getting just a bit fed up with the concentration on the criminal, while we ignore the innocent citizen he victimizes.

We're beginning to hear the protests of, "Hey . . . what about *me*?"

"Who's going to reimburse *me*?" What does he mean, reimburse? It depends. But included are costly medical care, lost earnings, the family that loses its breadwinner through some criminal act of violence. While society houses, feeds, and attempts to rehabilitate the guilty, no one provides for the innocent.

That's why we are in favor of legislation introduced last month by Congressman Dick Schweiker of Pennsylvania's 13th District. His bill provides for up to $25,000 compensation to the victims of violent crime. This particular bill applies only to crimes committed in the District of Columbia and Federal installations, but would serve as a model for states to set up their own compensation plans for crime victims.

In our concentration upon the prevention of crime, and our efforts to turn the criminal from the error of his ways, we have ignored the plight of the "forgotten man" in our society . . . the innocent, law-abiding citizen who becomes the victim of crime.

Isn't it about time to pay some attention to *his* needs?

[A WFBG editorial, Dec. 5, 8, 1967]

LITTLE DID WE KNOW

Early in October, WFBG editorially supported passage of a bill introduced by Congressman Richard Schweiker of Pennsylvania's 13th District. This legislation proposed to provide up to $25,000 compensation for the victims of violent crime. The Congressman thanked us and entered the text of our editorial in the Congressional Record.

Little did we know how soon our own community was about to become very personally concerned with this bill.

Wild, demented tragedy struck our neighbors in Lock Haven on October 23rd. In its wake, seven people were dead and six injured. Thirteen families became the victims of a rational, seemingly normal man gone suddenly berserk.

One of the most seriously injured was a mother of two in her early twenties, whose husband was shot to death beside her. Her road to recovery will be long, painful and expensive.

One local group is attempting to raise funds to help meet her hospital expense. WFBG has only the highest praise for their efforts. But, realistically, funds raised on this basis cannot possibly answer the extreme needs . . . both present and future . . . in this situation.

The Lock Haven catastrophe leaves thirteen families who must suffer not only the personal anguish . . . but the dreadful financial aftermath . . . of their unbelievable nightmare.

Nowhere in the country could there be more compelling evidence of the need for passage of Congressman Schweiker's bill than right here in his own home state of Pennsylvania.

[From the Lock Haven (Pa.) Express, Nov. 17, 1967]

WORTHY EFFORT

We salute the good people of the Tylersville Sunday School who have begun a campaign to collect funds to help meet the heavy medical and rehabilitation expenses that will be involved in the long, slow and costly recuperation of Mrs. Donna Quiggle of Loganton. Mrs. Quiggle, in her mid-20s and mother of two young children, was one of the victims of Leo Held's obsessive shooting outburst three weeks ago. Her husband was one of the six men who were killed, and she was the most seriously wounded of the six other victims.

Ahead of Mrs. Quiggle lies a difficult and lengthy struggle to recover her health and spirits and prepare herself to carry on her life in spite of what may prove to be a permanent handicap.

Her injuries are no fault of hers. She was as safe and protected from harm as anyone can be in this world, lying in her own bed in her own bedroom in her own house, with her husband at her side, when malign Fate intervened to change her life, in an instant, from that of a healthy young wife and mother, to a helpless widow, handicapped not only by a dreadful injury but by the psychological shock of the way in which the injury was inflicted.

She was the victim, first of the gunman, haunted by his delusions of persecution and his irrational urge to punish and destroy, and also of society's inability to deal adequately with such aberrations.

But society should be able to deal adequately with the victims, and especially with one like Mrs. Quiggle. In the absence of formal machinery that can take over the problems of such a tragedy and provide the means of solving them, we, as individuals, must constitute the society that should meet this challenge.

The people of Tylersville and Sugar Valley have taken the lead, to recognize this need and obligation. They should have the help and the financial cooperation of everyone who was shocked by the Held case, everyone who has the maturity to realize that what happened to Donna Quiggle and a dozen other people, as the result of one bloody hour of shooting, could happen to anybody.

This is a problem too complex and difficult to be tackled at its source, for no one is competent to identify one single cause or origin for such a tragedy. It can be dealt with only on the basis of trying to alleviate its dreadful results and help the victims to meet the dilemmas it inflicts upon them.

The only way, indeed, in which any of us can do anything at all to mitigate the tragedy of that day when Leo Held took his guns in hand to fight out some obsessive grudge against the world, is to help Donna Quiggle through the life-shattering crisis that was imposed upon her.

The expenses of Mrs. Quiggle, in any hospital or rehabilitation center where she can get the kind of treatment and therapy she needs cannot be less than $50 a day, and she will have to be there many days.

We cannot overlook our obligations to the United Fund and the other agencies which need our help on a continuing basis, but here is an extraordinary emergency, to demand extra-generous attention. The Donna Quiggle Fund is not like any other cause that needs our financial support. It is something unique and different from everything else.

It should reach the heart and touch the pocketbook of everyone who never dreamed that violence could disrupt our quiet corner of the world as it did on Oct. 23.

REDS FOLLOW JAPAN'S PACIFIC CONQUEST PLAN

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Chamberlain] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, the 26th anniversary of the attack on Pearl Harbor, just observed, is an appropriate occasion to reflect upon what we might learn from the character and pattern of past history, in our efforts to understand and meet present-day challenges in the Far East.

In this regard, I particularly wish to commend to the attention of my colleagues a thoughtful article by Brig. Gen. James D. Hittle, USMC, retired, director of national security and foreign affairs, Veterans of Foreign Wars, carried by the Copley News Service, and appearing in the San Diego Union, Sunday, November 19, 1967:

The 1941 Goals Recalled: Reds Follow Japan's Pacific Conquest Plan

(By Brig. Gen. James D. Hittle, U.S. Marine Corps, retired)

Washington.—This Dec. 7 will mark the 26th aniversary of the Japanese attack on Pearl Harbor.

It is a time for remembering and honoring those who bore the first brunt of our great war in the Pacific. It is also a good time to reflect on the causes of that war.

Such reflection today has more than a mere academic historical value. It can help clear up some of the fuzzy thinking about why we are fighting in Vietnam.

Unfortunately, too many Americans believe the myth that World War II in the Pacific began with the attack on Pearl Harbor. Such was not the case. Japanese aggression already was under way in the Western Pacific. War was approaching with increasing certainty through late 1940 into 1941.

The Japanese warlords were pushing southward down the western rim of the Pacific. Their goal was the British naval base at Singapore that controlled the Straits of Malacca.

Gen. Hideki Tojo and his planners knew Far Eastern geography, and they fashioned their strategy to fit it. Once they had Singapore, they would dominate the narrow-water corridor connecting the Pacific and Indian oceans. Japan then would be able to prevent British and American water transit between these two vast areas of the world. At the same time, Japan would have entry into the Indian Ocean.

In such a position, Tojo and his cohorts would achieve their strategic dream. They would have smashed the "Malay Barrier."

The Toyko planners knew, however, that Singapore would be theirs only if their forces first cleared the strategic road. The key to their line of attack was French Indochina. Today we know it as Vietnam.

As Japan moved on Indochina, war in the Pacific became inevitable. By March, 1941, the Japanese had the Indochinese rice crops and the Saigon airfield. They had the strategic key to Southeast Asia.

In Washington, President Franklin R. Roosevelt and Secretary of State Cordell Hull realized the implications.

In late July, President Roosevelt made his move. He froze Japanese assets in the United States and embarged oil shipments to Japan.

This was the decisive step. The die was cast. It was only a matter of time until the Japanese would strike.

On Dec. 6, 1941, Japanese convoys were sighted off the southern coast of Indochina. The last acts of the drama were moving relentlessly toward the Dec. 7 climax.

As the Japanese strategy soon was to disclose, Tojo's scenario of conquest required a big stage. On Dec. 7, aircraft of the imperial fleet hit Pearl Harbor. On the other end of the stage, thousands of miles south and westward, the imperial forces were landing in Malaya and Singapore was being bombed.

We had been looking in one direction. Tokyo was looking in two. The lesson of all this is that Pearl Harbor was strategically inextricable from Indochina and Vietnam. The Japanese saw this.

Today the Communists are on the same battle path southward down the Southeast Asian peninsula. The key to their strategy is Vietnam. The Red planners have studied the Japanese plan well.

It is too bad that those in the United States who oppose our stand in Vietnam do not do the same.

CREDIBILITY CHASM

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Mailliard] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MAILLIARD. Mr. Speaker, we have all heard of the charge of the credibility gap lodged against the present administration. Well, in the maritime field it is no longer simply a gap but a mammoth chasm.

On December 5, the Baltimore Sun carried an article by its maritime editor, Helen Delich Bentley, datelined Bal Harbour, Fla., December 4, reporting the remarks of four senior Members of the Congress before the AFL-CIO convention. It was entitled "Ship Policy Failure Is Condemned."

The full text of this and a related special article of this same date, also from the Baltimore Sun, follows:

Ship Policy Failure Is Condemned—Four Senior Congressmen, Meany Speak Out at Union Convention

(By Helen Delich Bentley)

Bal Harbour, Fla., December 4.—Two senior senators, the dean of the House of Represenetatives, another senior Congressman, and the AFL-CIO president—normally all Administration supporters—today severely criticized the Johnson Administration both individually and publicly for its failure to produce a program to revitalize the American merchant fleet.

"We cannot have a Great Society if that society stops at the water's edge," declared Senator Magnuson (D., Wash.), chairman of the Senate Commerce Committee, at the biennial convention of the AFL-CIO Maritime Trades Department.

Under such conditions, there cannot be a Great Society, he explained, "for we cannot have a healthy economy or a secure defense if we do not enjoy adequate maritime strength."

CALLED "STUPID"

The lack of a maritime program was referred to as "stupid policy" by George Meany, the AFL-CIO president, and a "national tragedy" by Representative Celler (D., N.Y.), dean of the House and chairman of the House Judiciary Committee.

The United States has moved backwards in the maritime field was the way Representative Dent (D., Pa.), a subcommittee chairman for the House Labor and Education Committee, put it. He said that instead of giving foreign ships 75 per cent of its cargo to carry as it did after World War II, the United States now gives them more than 92 per cent of its foreign commerce.

Senator Bartlett (D., Alaska), chairman of the Senate Merchant Marine subcommittee, criticized the Department of Defense and particularly Robert S. McNamara, Secretary of Defense, for what he called their mistaken claims that ships are unnecessary because everything can be airlifted.

ALMOST "NOTHING LEFT"

He also chided the Defense Department's reliance on the reserve fleet for future strife because, "There is practically nothing left in the reserve fleet. Everything suitable has been broken out."

If there had been a need for help in the Middle East last summer or in Cyprus now, Bartlett said, "The plain truth of the matter is that we do not have sufficient shipping. We could not handle it."

Even though McNamara is leaving the Defense Department, the Alaskan said he does not believe that the Defense Department "is going to come out pitching for us in our efforts to get a new program enacted and under way."

He related that during the appearance of Paul R. Ignatius, assistant Secretary of Defense for Installations and Logistics, before his subcommittee, the official had stated that the Defense Department was interested only in sufficient shipping to carry military cargo.

White House Limits Building to Ten Ships

Bal Harbour, Fla., December 4.—The White House definitely has reduced the new merchant ship construction budget for fiscal 1969 to include only ten ships already, Senator Bartlett (D., Alaska) remarked here today.

But, even worse, he decried, is a report that the figure may be cut to allow only three ships, "an unthought-of figure, considering the condition of the fleet."

As you will observe, all of the spokesmen quoted above are highly respected Members of the Congress, possessing a recognized expertise in maritime affairs. Some are reported to be very close to the President and ardent supporters of his administration. Consequently, I certainly have no reason to question the veracity of their criticism. Yet on the very next day, their views were contested by virtue of statements made by still another spokesman for the administration.

On Tuesday, December 5, the Chairman of the Federal Maritime Commission, Rear Adm. John Harllee, USN, retired, told the press in San Francisco, Calif., that—

> President Lyndon B. Johnson has been one of the staunchest supporters of the American Merchant Marine in the history of our nation.

Such a statement not only flies in the face of the remarks appearing in the article of the Baltimore Sun, but also completely ignores the fact that we now have been waiting almost 3 years for the new policy for our merchant marine which the President promised in his state of the Union message of January 1965.

Not content with simply distorting the role of the Executive with respect to our merchant marine, Chairman Harllee also credited the President with such legislative accomplishments as the passenger ship safety law designed to get rid of "sail by night" cruise operators, and the Marine Resources and Engineering Development Act of 1966, both of which were the product of congressional, not Executive, initiative. Most of the other statistics quoted are the direct result of the war in Southeast Asia and not in any sense due to administration policy.

Quite frankly, I am overawed by the latent talents of the Chairman of the Federal Maritime Commission, who I thought was sufficiently preoccupied with his own duties. However, he now appears to be taking it upon himself to demonstrate expert familiarity, albeit of questionable quality, not only in his own field, but also in the areas of maritime promotion and the marine sciences.

Even more astounding is the glaring conflict between the statements of Chairman Harllee and those noted above in the press report concerning four distinguished and senior Members of the Congress. My colleagues in the House may be amused by the following text of a release put out by the Federal Maritime Commission. I was not. Will someone please tell us who, in the current administration, speaks with authority regarding the American merchant marine.

HARLLEE LAUDS PRESIDENT'S ROLE IN U.S. SHIPPING

Admiral John Harllee, Chairman of the Federal Maritime Commission, in San Francisco responding to press inquiries today, declared that as an impartial witness of the shipping situation over many years, he firmly believes that President Lyndon B. Johnson has been one of the staunchest supporters of the American merchant marine in the history of our Nation.

Admiral Harllee said he had just completed an extensive inspection of the maritime industry in the State of California, speaking to government officials, and to the maritime business community at all levels. Admiral Harllee stated that after a close and analytical look he could say unequivocally that the West Coast shipping complex was more prosperous and more vigorous than at any other time in this century and that the shipping industry in California could look ahead, certain that there would be continued growth and continued prosperity in the maritime field.

"This is true," Admiral Harllee stated, "not because Washington is being paternalistic to American shipping, but it can be traced directly to the fact that a vigorous West Coast shipping community, with governmental understanding and encouragement, has welded together a hard-hitting trade-expansion team which has increased both exports and imports, has stabilized employment, and has been beneficial to investors, management, and labor."

Replying to criticism which indicated a White House lag in interest in the American merchant marine, Admiral Harllee remarked:

"Gentlemen, I think that President Lyndon B. Johnson has been one of the staunchest supporters of the American merchant marine in the history of our Nation.

"First, as a Congressman, then as a Senator President Johnson consistently voted in favor of every bill that helped build American shipping. It was his role as Majority Leader in the Senate for years to steer through the tortuous legislative processes the budget needs for American shipping and shipbuilding and as that amount rose steadily from about $60 million in the 1950's to over $300 million in the 1960's, it required more and more skill to have the funds approved and it was Lyndon Johnson, in many instances, who supplied that skill.

"The Congress of the United States now has before it the merchant marine program welded together by Senator Warren Magnuson, Senator Bob Bartlett, Congressman Garmatz and others. These men, all staunch supporters of the Administration, have spent long and tedious hours with the President weighing, with full regard to our total national welfare, the merchant marine situation of this Nation. This does not mean that there has been total unanimity or that there is any single course to merchant marine achievement for our country. But, this Administration has kept the problem on the front burner and is spending long and tedious hours seeking solutions.

"In my inspection here in California I have heard murmurings about the merchant marine being adrift and about a lack of maritime policy. I will say unequivocally that under no circumstances do such shadowy charges constitute the entire picture and under no circumstances can such criticism honestly be laid to President Johnson.

"Look at the record. In 1961, total funds available for aiding American shipping, through subsidy, was 295 millions of dollars. They rose to 308 millions when Lyndon Johnson took over the reins in 1963. In 1964, when Lyndon Johnson was elected it went up to 356 millions. Today, the 1968 budget for operating and construction support to back American shipping tops $374 million.

"Certainly no one can call that a record of neglect on the part of the Lyndon Johnson administration.

"Let's look at the Lyndon Johnson record on shipbuilding. When the President was elected in 1964 there was $112.5 million appropriated for ship construction. In his first year in office the figure went up to $124.9 million. The next year it was $132 million. Today, the Lyndon Johnson administration, with the direct blessing of the White House, is supporting a monetary request of $143 million.

"While a lot of people will tell you that our shipbuilding program isn't all that it ought to be, I'll tell you it is a lot better off under Lyndon Johnson than it has been under a lot of other people whose maritime policies were never questioned. I can tell you that the Shipbuilder's Council of America, which certainly has been in the forefront fighting for ship construction, reports that today, under President Johnson, we have the biggest backlog in shipbuilding in the peacetime history of the Nation. This encompasses some $2.3 billion in a backlog of military and merchant marine construction for private American shipyards."

Admiral Harllee said:

"That $2.3-billion figure was at the beginning of November. Since that time, on November 14, the Maritime Administration of the United States Department of Commerce, signed a contract for $231 million in ship construction. In other words, the Johnson administration, after years of talk, moved ahead on the 'LASH' program.

"This is an advanced concept of bringing lighters or barges aboard a ship and having the mechanical means to discharge those lighters and pick up those lighters without the ship having to travel up-river to ports and wasting much idle time in those ports.

"Five of these ships, costing $21.3 million each, will be built for Prudential Lines, Inc., with which Mr. Spiro Skouras, of the movie-making family out here on the Coast, is connected. The other six ships will be built for Pacific Far East Lines, Inc., of San Francisco."

Admiral Harllee said that he was able to personally testify as to the encouragement he had received as Chairman of the Federal Maritime Commission from the President in regulatory activities which halted predatory practices, malpractices, rebating, and confusion in United States trade and commerce, and; "replaced these elements with a firm stability which is the hallmark of our commerce as 1967 draws to a close. We who know the shipping picture best in Washington would be among the first to say that the President has given material aid and support, encouragement, and inspiration to the attainment of this progress."

Admiral Harllee stated:

"In the field of ship operation, again under President Johnson, our ocean-borne commerce has grown more vigorously than ever before. Six years ago our total world trade stood at $34 billion per year. Today, under Lyndon Johnson, our world trade has reached past the $55-billion mark and is still climbing.

"That's the Lyndon Johnson record on shipping!

"Employment is important here. Let's look at the President's record in this respect.

"In 1960 the American merchant marine had 48,000 seamen on its payroll; today there are 55,000 seamen gainfully employed in American shipping.

"Let's look at longshore employment. In 1960, on a national basis, there were 70,000 workmen employed on the waterfront handling cargo. Today, under Lyndon Johnson, there are 88,000 longshoremen working a good 5-day week, every week of the year, serving our trade and commerce, supporting their families and helping to keep the area merchants prosperous."

Admiral Harllee declared that all the figures he had examined throughout California reflected these gains and he said there was no doubt that California has materially benefited under merchant marine programs.

Admiral Harllee remarked:

"From a purely business standpoint, what is the Lyndon Johnson record? You have, no doubt, heard a lot about the criticism but what is the fact with respect to the financial condition of the American merchant marine?

"Well, here again the record shows that under Lyndon Johnson's leadership, American steamship lines have prospered as in no other equal period.

"Using that financial data, which is available from public sources, if you examine the net earnings as I have, from 11 American steamship lines, including subsidized and non-subsidized lines, you will find that the figures show that their total net earnings have increased from $24 million in 1961 to better than $83 million in 1966. Correspondingly, the average rate on stockholders' equity in these companies has increased from 3.3 percent in 1961 to 8.8 percent in 1966.

"And that's pretty substantial!

"I can tell you firsthand that President Johnson has insisted, in Washington, that the regulatory agencies which are so vital in international shipping, carry on their work in an atmosphere of reasonableness. The President, in his guidance to us, has insisted that our regulations serve a useful purpose and, at all times, be of help to shippers, carriers, freight forwarders, and terminal operators, and that definitely means those out here in California. I can tell you firsthand that, under the watchful eye of President Lyndon Johnson, we have created in the shipping industry that serves California and all our ports, an atmosphere of reasonable and fair competition. There has been a curtailment of rebating, discrimination, prejudice, and other malpractices, all of which hurt American flag lines. We know at the Commission, that Lyndon Johnson's leadership has made a significant contribution to shipping, to our commerce, and to Free World trade. We know that this has benefited the consuming public, the investing public, and the people who work in the industry.

"If there were no other reason than the few I have cited, certainly the growth of California shipping prosperity would be adequate reason for everybody here to work for the reelection of Lyndon Johnson. The growth I have cited is not just war-stimulated, it is peace-and-prosperity stimulated. It is under the President's leadership, for the first time in our history, that this Nation has taken steps to see to it that the cruise trade is going to grow and flourish and that cruising is going to become a greater industry than ever before.

"It was under the encouragement of the President that the Congress of the United States was able to take steps, to get rid of sail-by-night cruise operators and floating cruise firetraps. Today, if you take a cruise, any liability is fully covered. The ships are fully inspected, and the President's program, for the first time in our history, has brought us to a point that we know that a passenger who pays for a cruise will either sail on that cruise or get his money back and I can state that when he walks up that gangplank that his loved ones will be protected if there is any injury, loss of life, or damage from ship casualty.

"Now perhaps some of you may believe that the prosperity which I have cited for our trade and commerce and for shipping, has probably come about because of the war in Viet Nam. Let me emphasize that the figures I have used on trade and commerce have carefully left out military transportation and refer only to our regular commercial transactions."

Admial Harllee said:

"Too many of us are prone to think of our marine activity only in terms of ships and ports but President Lyndon Johnson's views have been much broader than that. He has taken the leadership in mobilizing the resources of the oceans to help meet the many challenges that our Nation and the world face today.

"President Johnson backs and supports the development of the vast food reserves of the sea to help end the tragic global cycle of famine and despair.

"He supports the fight against pollution and erosion of our seashores, bays, estuaries, and the Great Lakes. The President has encouraged studies of the influence of our ocean environment, has stimulated research into long-term forecasting of storms, weather, and sea conditions. These studies will protect life and property and will improve prediction of rainfall in the interior.

"The President has supported the Sea Grant Colleges Programs which make available to the states funds for oceanographic studies.

"President Johnson has supported a National Council on Marine Resources and Engineering Development and, to stress its importance, has chaired it with the Vice President.

"And, in days when the budget has been carefully studied for every possible economy, the President has supported a 13 percent increase—from $409-to-$462 million—appropriations to further marine science activities.

"Lyndon B. Johnson has done more for the long-term shipping interests of the Nation than any President in history. He has built a firm foundation for the development of the foremost merchant marine in the world. In signing the Marine Resources and Engineering Development Act of 1966 into law, and the Sea Grant College Law he has provided for the maritime future of the Nation. His leadership and programs to encourage the broadest oceanic advancement by the Nation will result in maritime progress on into the 21st century.

"The American merchant marine today is moving to a competitive posture at sea, because our ships will be swifter, more modern, the best 20th century technology can provide, our Nation and merchant marine will prosper as never before, and I want all citizens to know and understand that it was Lyndon Johnson who paved the way for this revolutionary maritime progress and prosperity."

Now, of course, you gentlemen can say that I am partisan to President Lyndon Johnson and you'd be right. But let me say this to you—before anything, we're Americans. It is easy to criticize Lyndon Johnson because he is a man who is doing things. He's doing things not only to help shipping but to help this Nation and the world and he hasn't forgotten to help the "working stiffs" and the guys in the slums and the handicapped and the aged and the sick. Lyndon Johnson is not only a great American leader, he is a statesman of tremendous world stature and that is why I believe that his reelection is vital to the welfare of every human being on this globe.

I do believe that the shipping industry has a special stake in the Lyndon Johnson maritime program and I am certain that we will support the President and the Congress as they move forward in the specialized, tortuous maritime area.

FIFTY YEARS OF SCOUTING IN LANCASTER COUNTY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Eshleman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ESHLEMAN. Mr. Speaker, 50 years ago the Lancaster County Boy Scout Council was formed in Pennsylvania. Since that time more than 50,000 boys have participated in Lancaster scouting, and the rewards of that activity promise to extend far into the future.

American boys have long gloried in the magic of inheriting the wisdom of the frontiersman. While this desire was originally fulfilled by training boys in the skills of the wilderness, scouting has today increased its instruction to prepare young men to meet the challenges of the new frontiers of the atomic and space ages. Of course, Boy Scouting is still oriented toward the fascinations of the outdoors, but the wide range of activities offered in modern scouting provides many youngsters with a chance for meaningful participation.

The Boy Scouts of America in Lancaster County have been a credit to the national and worldwide organization for the past half century. Facilities and opportunities for boys have been expanded through an ever-increasing number of cub dens, scout troops, and explorer posts, as well as through improved camping and activity sites. A combination of inspired adult leadership and boys eager to be good Scouts has provided service that no dollar value could measure and spirit that is difficult to fully appreciate.

When one mentions the name Boy Scouts, there is immediate recognition that it means a creed of good conduct and a group of young men striving to live up to that creed. I am proud of the accomplishments of the Lancaster County Boy Scout Council in the 50 years past and look forward to more of their good work as they head toward a full century in Scouting.

UNFAIR TREATMENT OF DOMESTIC CHEMICAL INDUSTRY

The SPEAKER pro tempore (Mr. Kazen). Under previous order of the House, the gentleman from South Carolina [Mr. Ashmore] is recognized for 60 minutes.

Mr. ASHMORE. Mr. Speaker, I must draw attention to the unfair treatment of the domestic chemical industry at the hands of the administration's trade negotiators. Because one industry alone is unable to correct such abuses, it is perhaps fortunate in the long run for this industry that the President's Special Representative for Trade Negotiations, Ambassador William M. Roth, has elected to extend similar treatment to Members of the Congress. Recently, I was given the same "runaround" that the industry has experienced for almost 2 years.

The history of the negotiations of the American selling price—ASP—separate package during the Kennedy round involves an incredible amount of bootstrapping and circuitous reasoning by the administration's negotiators. Early in 1966, while these negotiators were abroad announcing that the United States was prepared and willing to negotiate away ASP, the Special Trade Representative asked the Tariff Commission to prepare converted rates which would yield equivalent duties and then to evaluate the economic impact of reducing the converted rates by 50 percent. In a March 1966 speech—3 months before the Tariff Commission commenced its investigation—our chief negotiator in Europe announced to the European chemical industry that the United States was "prepared" and "willing" to negotiate ASP. Why the Office of the Special Trade Representative needed the Tariff Commission's judgment of economic impact when it had already decided to sacrifice ASP is beyond my comprehension.

In the initial stage of the investigation, the Tariff Commission pointed out that the special trade representative's instructions prevented it from fixing converted rates which would yield equivalent protection. By refusing to allow the Tariff Commission to distinguish between competitive and noncompetitive products, the special representative intentionally loaded the conversion against the domestic industry. Nevertheless, after the conversion had been completed, the domestic industry presented its data and arguments to the Tariff Commission, and on October 3, 1966, the Commission sent to the special representative a 200-page report containing its conclusions and findings with respect to economic impact. On October 10, 1966, a second 300-page report summarizing all of the confidential business data was submitted by the Commission to the special representative.

Since that date the industry, labor unions, Members of Congress, indeed, even members of the Ways and Means Committee and the Finance Committee of the other body, have requested the release of these conclusions and findings. Initially, Ambassador Roth relied upon negotiating considerations for refusing access to the conclusions. In letters dated February 14, 1966, to Senators RANDOLPH and TALMADGE, Ambassador Roth explained:

> Accordingly, disclosure of even the conclusions in any report of the Tariff Commission dealing with probable economic impact could not fail but tip the hand of our negotiators in Geneva. The other countries would then have a good idea of the likely limits of our negotiators' authority, thus depriving our negotiators of a considerable amount of bargaining leeway—leeway which is often quite necessary in exacting the maximum offers from other countries.
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> . . . I do not believe the conclusions of the Tariff Commission's report should be made public *so long as there is a possibility that we may make a formal offer on ASP in the Kennedy Round.*

The corollary to Ambassador Roth's explanation is that once the negotiations ended, there would be no good reason to withhold from the Congress the Tariff Commission conclusions. If there were reasons apart from negotiating considerations which standing alone would require suppression of the conclusions, why did Ambassador Roth rely upon negotiating considerations as a reason for nondisclosure?

On October 9, 1967, I wrote to Ambassador Roth asking him to answer several questions which affect the economic welfare of my State and the entire Nation. More than a month later, after reminding Ambassador Roth's office that my letter remained unanswered, I received a tardy and nonresponsive reply from the Special Representative.

Our correspondence is a follows:

OCTOBER 9, 1967.

Hon. WILLIAM M. ROTH,
Special Representative for Trade Negotiations, Executive Office of the President, Washington, D.C.

DEAR MR. AMBASSADOR: I have been contacted by the Beaufort County Development Commission concerning a proposal by the Berkshire Color Division of Tenneco Chemicals, Inc. to construct a multi-million dollar plant in their county. The production, once the plant is in operation, will center on dyestuffs and related benzenoid chemical products.

As you can well imagine, the people of this county have high anticipations with respect to the job opportunities and the economic stimulation that will be generated by this investment. City and county officials are likewise pleased by this development as it will substantially broaden the property tax base. In short, the location of a dyestuff plant of this magnitude will provide a tremendous economic shot-in-the-arm for this county and the surrounding area.

Recently, however, the Development Commission has been informed by officers of the company, that the Kennedy Round tariff cuts on chemicals and the proposed elimination of the American Selling Price system will have an impact on domestic production of dyestuffs so severe that plans to proceed with the construction of the plant may have to be temporarily laid aside. Moreover, should the so-called "separate package" agreement (Agreement Relating Principally to Chemicals, Supplementary to the Geneva (1967) Protocol) be implemented and the ASP system abolished, any postponement might well become permanent.

First of all, I would, of course, be interested in your assessment of the probable economic impact of the Kennedy Round Tariff reductions on the domestic dye industry. This should include your forecast of the probable increase in the level of dye imports. In making your predictions, I would appreciate a comparison of the probable increases in dye imports on the basis of the 50 percent Kennedy Round tariff cuts, with the probable increases that would flow from the Kennedy Round tariff reductions as further reduced by the "separate package" agreement.

Also, I request that you make available to me the Tariff Commission's conclusions with respect to the probable economic consequences of ASP removal and a 50 percent reduction in the converted rates for dyes, pigments and dye intermediates. I understand that there is no confidential information connected with these conclusions which were submitted to you by the Tariff Commission on October 3, 1966, but if there is, I am sure you can expunge it without altering the stated conclusions. My colleague, Representative Thomas Curtis, indicated during July of this year that the Tariff Commission found injury would result to the above three areas of the benzenoid chemical industry if ASP were eliminated and the converted rates reduced by 50 percent. Did the Tariff Commission so conclude?

In addition, I would like to have any other reports, from whatever source, that have been prepared for the purpose of assessing the Kennedy Round tariff reductions on dyes and the probable impact to the domestic industry and its workers.

In reviewing your testimony before a subcommittee of the Joint Economic Committee, I read with particular interest your assessment of the probable economic injury to the dye industry. You stated:

"In the end we found that most parts of the benzenoid industry would not be seriously injured by elimination of ASP and reduction by 50 percent in the equivalent duties computed on the normal basis of tabulation. *For others, we found that elimination of ASP would have no adverse effect, but that reduction of duties by 50 per-cent would. In such cases—and this is particularly true of the dyes and sulfa drugs—we have proposed lesser tariff reductions.*"

Under the ceiling rate for dyes in the ASP package, the United States proposes to lower all dyes to a converted rate of 30 percent. Since you state that the tariffs on dyes were not reduced by as much as 50 percent, I assume that you used the 48 percent basket rate (TSUS 406.40J) to make this calculation. So my question is this: does the 48 percent converted rate distinguish between competitive and noncompetitive dyes? If it does not make this distinction, why did the Tariff Commission fail to so distinguish. What would be the average converated rate for competitive dyes? There are industry estimates that go as high as 80 percent, which, if correct, would mean a reduction much greater than 50 percent. I believe this is crucial in determining what the full tariff reductions for dyes really amount to, for it is the competitive dyes, not the non-competitive ones, with which we must be concerned.

I would appreciate your furnishing me the above information as quickly as possible, as this is a matter of great importance to the people of Beaufort County, South Carolina.

Sincerely,

ROBERT T. ASHMORE.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Washington, November 9, 1967.

Hon. ROBERT T. ASHMORE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASHMORE: Thank you for your letter of October 9, 1967, in which you ask a number of pertinent questions concerning the manner in which the separate American selling price agreement concluded in the Kennedy Round deals with dyes.

My staff has already done much of the research which is required to give you the fullest possible answers. I am hopeful that we can send you our substantive reply some time next week.

Nevertheless, I do wish to apologize for not having acknowledged your letter promptly. I fully appreciate your concern about this matter and its importance to the people of Beaufort County, South Carolina.

Sincerely yours,

WILLIAM M. ROTH,
Special Representative.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 14, 1967.

Hon. WILLIAM M. ROTH,
Special Representative for Trade Negotiations, Executive Office of the President, Washington, D.C.

DEAR MR. AMBASSADOR: This will acknowledge receipt of your interim reply of November 9, 1967, to my letter of October 9, 1967. Your apology for the tardiness of the reply is accepted.

Subsequent to receipt of this interim reply, one of my staff members received a telephone call from a Mr. Morton Pomeranz who called to inquire about certain aspects of information in my letter.

Mr. Pomeranz seemed quite concerned about the nature of the situation in Beaufort, South Carolina in that the Berkshire Color Division had already constructed a plant. He also stated that he was somewhat remiss, although responsible for doing so, to reply to the specific questions in my letter. He stated, in addition, that it is dye intermediates, not dyestuffs, which are being produced in Beaufort

It is true that dye intermediates are being produced at the Beaufort plant now, but the Berkshire Color Division of Tenneco planned to add 200 employees in the Beaufort plant and expand its physical operation to 5 times the present size for actual dyestuff production. It will *not* do this until the economic climate is *clearly* ascertained.

A more definite commitment to proceed with these plans could be made only if the information requested in my letter of October 9, is supplied. It means a great deal to the economy of both the local area and the State of South Carolina.

A candid and expeditious reply to my letter would be most helpful in the decision-making process. I look forward to your answer.

Sincerely,

Robert T. Ashmore.

Office of the Special Representative for Trade Npgotiations,
Washington, November 17, 1967.

Hon. Robert T. Ashmore,
House of Representatives,
Washington, D.C.

Dear Congressman Ashmore: This is in further reply to your letter of October 9, 1967, concerning the manner in which tariffs on dyes were treated in the Kennedy Round, as well as your letter of November 14, 1967.

We certainly share your concern that Beaufort County may not obtain the advantages of a proposed enlargement of the plant by the Berkshire Color Division of Tenneco Chemicals, Inc. On the basis of tariff facts alone, however, we cannot at this time understand Berkshire's decision not to proceed with its plans. When the full facts have been digested, evaluated, and appreciated, we are confident that it will be generally concluded that both the Kennedy Round package and the American selling price (ASP) package can only redound to the over-all benefit of all segments of the U.S. chemical industry.

Basic to the question you raise is the work of the Tariff Commission. The Commission initially spent the better part of a year in arriving at the converted rates of duty on benzenoid chemicals subject to the ASP system of evaluation. After extensive hearings, at which both U.S. producers and importers were given the fullest opportunity to present data and views, the Tariff Commission published a preliminary table of converted rates. A second series of hearings was then held to provide all interested parties with an opportunity to speak to these preliminary converted rates. It was only after this extensive exercise that the Commission, in August of last year, published its final determination.

In the expert judgment of the Commission, the converted rates are rates which, based on the conventional method of valuation, would have yielded collected duties on those products imported in the base period equivalent to the amount collected under the ASP system of valuation. It was early recognized by the Commission, for the reasons noted in its public report, that separate rates of duty could not be provided for each of the thousands of known benzenoid chemicals. Consequently, it was frequently necessary to group individual chemicals under a single unified average rate.

You are correct in assuming that I would include, in the areas for which there was less than a 50 per cent tariff cut, the 48 per cent "basket" rate for the dye basket, TSUS 406.50J. You are also correct in pointing out that the group of dyes classified therein and which came into the United States in 1964 in competition with like or similar production in the United States (and was therefore subject to duty on the basis of ASP) had a higher level of duty than the 48 per cent average. The significant fact, however, is that the volume of domestic production and sales competitive with these dyes was a very small portion of the total. This is because the Tariff Commission removed from the basket and treated separately most dyes of any trade consequence.

As to the subject of probable economic impact, I would recall what I said before the Joint Economic Committee. In reaching our conclusions as to the effects of reductions in the converted rates, we applied the same standards as we observed in determining the reductions we could offer on all other products. We carefully examined all available evidence with respect to individual companies and their workers, the prospects for future growth, the ability to adjust to increased competition, and the potential for benefiting from new opportunities to expand exports. We reached a judgment on whether a tariff reduction would cause serious injury and whether the industry has the competitive strength to adjust to such concessions, taking into account the adjustment provisions of the Trade Expansion Act.

Without attempting to describe all relevant details, the matter of impact should be considered against a background of facts such as the following. Four U.S. dye firms make more than half of all sales in our domestic market; ten have three-quarters of the total. U.S. domestic sales have experienced an average growth of 8 per cent per year. U.S. dyestuffs exports in 1966 were about $26 million, more than 65 per cent of which was sold in the markets of the principal foreign competitors. Much of traditional imports and much of the recent growth of imports have been of types of dyes not made here. Imports of dyes competing with U.S. production continue in a range of less than 2 per cent of domestic consumption.

Facts such as these were taken into account by the Tariff Commission in formulating its confidential advice to the President as to the economic consequences of a conversion from ASP and the reduction of the converted rates by 50 per cent. They were also taken into account in the interagency deliberations which resulted in our position on dyes in the Kennedy Round.

In the legislation we will be submitting to Congress, it is proposed that a uniform rate of 30 per cent be applied to dyes. In the important dye basket earlier referred to, this would mean a reduction of the Tariff Commission converted rate of 48 per cent to 30 per cent, considerably less than a 50 per cent reduction. The halving of the existing statutory rates for dyes, with the maintenance of ASP in the Kennedy Round package, and the 30 per cent rates which would apply as a result of the ASP package are crucial to any response as to what future imports are likely to be. We believe that in both packages the tariff rates provided will allow the efficient U.S. dye industry to remain profitably competitive and that we could reasonably expect that import growth will continue to be confined largely to dyes not produced in the United States or to those for which temporary domestic production shortages may occur. By way of comparision, under the ASP agreement the EEC will lower its dyestuffs tariff to 10 percent and the U.K. to 15 percent. This can only redound to the benefit of our industry, long a net exporter.

You request that we make available the Tariff Commission's conclusions with respect to the probable economic consequences of the removal of ASP and the reduction of converted rates by 50 per cent, as well as any other reports dealing with this question. I must first note that the Tariff Commission's report and all the other materials we draw upon in formulating our final recommendation to the President contain substantial amount of confidential business information. In accordance with the provisions of section 1905 of title 18 of the United States Code, we are not privileged to reveal such information without the consent of those who have provided it.

I would also emphasize that both volumes of the Tariff Commission's report contain confidential business information. Moreover, there is no way of exercising such information and leaving a document which would prove either intelligible or useful to an interested person. The fact is, as I think you appreciate, that the question of economic impact cannot properly be considered in the absence of concrete data concerning the production, employment, and other aspects of the economic condition of specific firms and establishments in the benzenoid chemical industry. It is for this reason that confidential business information plays an indispensable role in any attempt to understand the likely impact of the elimination of ASP.

Last summer, we wrote to each of the more than 700 companies which produce benzenoid chemicals in the United States and which have provided confidential business information to the Tariff Commission, this office, and other agencies of the Government, which was used in the preparation of our position in the Kennedy Round negotiations. As you will note from the enclosed copy, this letter requested approval for the public disclosure of such confidential information.

The responses to this letter were so overwhelmingly negative that we cannot, in keeping with the applicable statute, provide this information to you. You may be sure, however, that when the matter is before the Ways and Means Committee and the Finance Committee such information will be revealed in Executive session if thought desirable and requested by those Committees.

In conclusion, I would stress that we are endeavoring in every way possible to further the industry's analysis of the agreements reached in Geneva. We recognize that any group would be loathe to give up the formidable protection which ASP represents and which our benzenoid industry has enjoyed for 45 years. Objective analysis should, however, lead the industry, including Berkshire Color, to the conclusion that profits can be made without the protection of ASP and that such protection would be given up in exchange for highly desirable export opportunities for the entire chemical industry.

If you have any more specific questions about particular products, we will be pleased to answer them to the maximum extent possible.

Sincerely yours,

William M. Roth,
Special Representative.

Mr. Speaker, as I stated, Ambassador Roth's reply was nonresponsive. Since the reply contains great quantities of irrelevant and self-serving statistics, I have analyzed it to establish to which of my questions it utterly fails to respond:

Question: I would appreciate *a comparison* of the probable increases in dye imports on the basis of the 50 percent Kennedy Round tariff cuts, with the probable increase that would flow from the Kennedy Round tariff reductions as further reduced by the "separate package" agreement.

Answer: We believe that in both packages the tariff rates provided will allow the efficient U.S. dye industry to remain profitably competitive and that we could expect that import growth will continue to be confined largely to dyes not produced in the United States or to those for which temporary domestic production shortages may occur.

Comment: Ambassador Roth's answer provides no comparison and no specific information on the future level of imports under the Kennedy round or the "separate package." It is illustrative of the general evasion he manages whenever put to the task of defending the deal he made on chemicals in Geneva.

Question: Also, I request that you make available to me the Tariff Commission's conclusions with respect to the probable economic consequences of ASP removal and a 50 percent reduction in the converted rates for dyes, pigments and dye intermediates. I understand there is *no* confidential information connected with these conclusions which were submitted to you by the Tariff Commission on October 3, 1966, but if there is, I am sure you can expunge it without altering the stated conclusions.

Answer: You request that we make available the Tariff Commission's conclusions with respect to the probable economic consequences of the removal of ASP and the reduction of converted rates by 50 percent, as well as any other reports dealing with this question. . . . I would also emphasize that both volumes of the Tariff Commission's report contain confidential business information. Moreover, there is no way of exercising such information and leaving a document which would prove either intelligible or useful to an interested person.

Comment: Once again, Ambassador Roth deliberately confuses the confidential business data on which the conclusions were based with the conclusions themselves. I should like it left up to me as to whether the conclusions alone would prove intelligible, and I emphasize that I am not requesting any document, but only the conclusions that form but a part of the so-called document that could easily be distilled out.

Question: My colleague, Representative Thomas Curtis, indicated during July of this year that the Tariff Commission found injury would result to the [dyes, pigments and dye intermediates] areas of the benzenoid chemical industry if ASP were eliminated and the converted rates reduced by 50 percent. Did the Tariff Commission so conclude?

Answer: Question ignored.

Comment: I assume our colleague from Missouri had some of the information which I have asked for before he issued his July press release. Since the Tariff Commission's conclusions appear to conflict with the way Ambassador Roth exercised his judgment during the Kennedy round, he chose to ignore my question.

Question: Does the 48 percent converted rate [for the dye "basket" category] distinguish between competitive and non-competitive dyes? If it does not make this distinction, why did the Tariff Commission fail to so distinguish? What would be the average converted rate for competitive dyes? There are industry estimates that go as high as 80 percent, which if correct would mean a reduction [under the "separate package"] greater than 50 percent.

Answer: You are correct in assuming that I would include, in the areas for which there was less than a 50 percent tariff cut, the 48 percent 'basket' rate for the dye basket, TSUS 406.50J. You are also correct in pointing out that the group of dyes classified therein and which came into the United States in 1964 in competition with like or similar production in the United States (and was therefore subject to duty on the basis of ASP) had a higher level of duty than the 48 percent average. The significant fact, however, is that the volume of domestic production and sales competitive with these dyes was a very small portion of the total. This is because the Tariff Commission removed from the basket and treated separately most dyes of any trade consequences.

Comment: The "significant fact" is not that the volume of imports of competitive dyes was a small percentage of total imports in 1964, but rather that the domestic dyestuffs industry derives most of its tariff protection on the products it makes, that is, competitive dyes from the current 80 percent rate. By proposing a reduction of this rate to 30 percent under the "separate package," Ambassador Roth has in fact proposed a total tariff reduction exceeding 60 percent. Since the "product mix" of dye imports changes radically each year, the Tariff Commission's removal from the basket of certain dyes of "trade consequence" in 1964 does not ameliorate the impact of abandoning the competitive-noncompetitive distinction.

My letter called for a response "as quickly as possible." A month after my letter was received, and only after telephone inquires by my staff, I received an interim reply apologizing for the delay involved and stating that "much of the research has already been completed," and that a substantive answer could be expected the following week. This interim reply stated that "my staff has already done much of the research which is required to give you the fullest possible answer" and implied that more research on my request for the Tariff Commisson's conclusions and findings would be necessary. However, analysis of those portions of Ambasador Roth's letter dealing with release of the Tariff Commission's conclusions and findings shows his letter was a rehash, and indeed frequently a verbatim copy, of earlier replies he had made to other Members of the Congress. The paragraphs which rely upon section 1905 and title 18 of the United States Code, and the allegation that both volumes of the Tariff Commission's report contain substantial amounts of confidential information are verbatim extracts from Ambassador Roth's letters to Congressman VANDER JAGT of August 1, 1967, and to Congressmen JOELSON, CONABLE, and SANDMAN, on August 3, 1967. Why did such an answer require "research" of any kind? Why did Ambassador Roth need additional time merely to elude and evade my questions?

It is almost beyond belief to read one paragraph in which the Special Representative states that the confidential portions of the report, which I have not requested anyway, cannot be disclosed to anyone without violating a criminal statute, and then on the final page to see him claim that this same data will be disclosed to members of the Ways and Means and Finance Committees in executive session. Members of those committees are also Members of the Congress and the public, and there is no criminal immunity that attaches to an executive session of a committee. Of all the irresponsible positions the Special Representative has taken, this is the worst. What it amounts to is this: Ambassador Roth refuses to disclose the nonconfidential conclusions to interested Members of Congress which he could do within the law. Yet he gratuitously offers to reveal to these committees not only the nonconfidential conclusions but the confidential business data, the release of which violates a criminal statute. I submit that this not only makes no sense but is a calculated evasion of the questions propounded in my inquiry.

But the point I make is that there is no reason why the Members of Congress, and indeed the affected industry and its members, should not be given the Commission's nonconfidential conclusions in the interest of providing a full and fair airing of this important issue.

Ambassador Roth claims that the Commission's conclusions are not "intelligible" or "useful" without access to the confidential business information upon which they are based. It is inconceivable that this expert body is unable to reach an "intelligible" or "useful" conclusion. Moreover, I for one would want to reach my own independent judgment as to whether the Commission's conclusions are meaningful or useful. If they are not meaningful or useful, nothing can be lost, and much is gained, by full and fair disclosure of these conclusions to all interested parties. I cannot imagine that either body of Congress would wish to act on this issue without having the benefit of the Commission's findings and conclusions as to the probable economic consequences of the action we will be requested to take.

Mr. Speaker, I am tired of the silly games the Special Trade Representative is playing with the Congress, the American chemical industry, and most importantly, the workers that this industry sustains. I want answers, not high-sounding, carefully worded evasions. I am weary of this scheme employed by Ambassador Roth of pleading in the alternative. When the negotiations were going on, his reason for not disclosing the conclusions was because it would "tip the hands" of our negotiators. Now that they are over, he shifts to the argument that they are not "intelligible" or "useful."

Mr. Speaker, I am resentful of being thwarted by every bureaucratic straw-in-the-wind that comes along. I am concerned for the jobs and economy of my State, and when they are clearly in danger, I expect a little more cooperation from the executive branch. At the very least, they should be frank in such matters and disclose the conclusions that the Tariff Commission reached in its assessment of the probable economic consequences of ASP elimination and a reduction by one-half of the duties.

MARKETING ORDERS AND BARGAINING POWERS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. McFALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McFALL. Mr. Speaker, producers of fruits, vegetables, and related specialty crops are making extensive use of marketing orders as tools to improve their economic well-being through organized, group action.

Forty-seven Federal marketing agreement and order programs are now in effect. They cover virtually the entire commercial supply of fresh citrus fruits, fresh pears, nectarines, olives, raisins, prunes, walnuts, almonds, peanuts, filberts, cranberries, hops, and dates. Also covered is a variety of other fruits and vegetables, including potatoes, onions, lettuce, peaches, avocados, tomatoes, Tokay grapes, cherries, and apricots.

In my congressional district of California, consisting of San Joaquin and

Stanislaus Counties, more than 10 of the above commodities are operating under marketing orders and agreements.

Each program, dealing with a crop grown in a specific area, is tailor-made to cope with the industry's marketing problems. Growers design it with cooperation from the U.S. Department of Agriculture. It may be issued by USDA only after a public hearing at which producers, handlers, and consumers may voice their views and after growers vote approval in a referendum.

Once a program is in effect, an industry-selected committee of growers and handlers recommends specific marketing provisions to apply during each crop season. Specialists with USDA's consumer and marketing service offer guidance and see to it that operations under each marketing order are in the public interest and within legal bounds.

Written into nearly all the 47 programs are quality provisions, backed up by Federal-State inspection, to keep the less acceptable qualities and sizes of a crop off the market.

Many orders also provide for keeping the supply of a commodity at manageable levels. This is one by allotting the quantities which can be marketed in any week, month, or season, as is appropriate for the particular commodity. Industries producing less perishable commodities such as nuts, dried fruit, and dates have used these provisions to pool surplus supplies and divert them into export channels.

The orderly flow features of marketing orders thus work to avoid gluts and shortages on the market, reduce erratic swings in prices, and help stimulate new outlets for products in markets abroad.

Several marketing orders also provide for marketing research and development projects to expand markets and increase consumption. A few orders include advertising and sales promotion.

Perhaps the most important asset of every marketing order, however, is the assembly of growers, shippers, and allied industry men. Gone is the waste and frustration of isolated, opposing groups. People with many common problems and objectives, and sometimes with conflicting ones, get together. They discuss problems, become better informed, and try to reach objectives to their mutual advantage.

Farm value of fruits, vegetables, and specialty crops marketed under Federal marketing orders currently amounts to about $1½ billion annually.

While they are not held up as a cure-all for the problem of economic instability or the lack of an equitable balance of power between growers and marketing firms, marketing orders are undeniably making meaningful contributions to farmers' bargaining efforts.

THE BATTLE AGAINST BRUSH

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PURCELL. Mr. Speaker, brush infests four out of five of the 107 million acres of grassland a noncommercial forests in Texas. About half the infested area—44 million acres—suffers from a more than 20-percent canopy of brush.

The troublesome brush comes in all shapes and sizes, from mesquite and cactus to juniper, live oak, post oak, and blackjack oak. And there is little good to be said of any of them from the rancher's point of view. They are unpalatable, if not poisonous, and they compete directly with the more useful plants for water, nutrients, sunlight and space. They do little to stabilize the soil and water supply.

The high cost of removing brush was reviewed recently in a report by an Economic Research Service economist stationed at Texas A. & M. University. It can run from as little as 25 cents per acre to as much as $20.

The least expensive way to eliminate the brush is to burn it off by hand. But the method will not work if the brush is too thinly spread out or not easily burnable.

Common methods of removing single-stemmed trees or medium-size brush are to crush them with a brush roller or to uproot them with a heavy chain pulled between two tractors. The cost ranges from $1.50 to $3 an acre.

Trailing over the land with 3 to 9 railroad rails in tandem will take care of prickly pear and tasajillo for about $3 or $6 an acre.

Disking the field will get rid of shallow-rooted plants for anything from $8 to $12 an acre.

The most expensive problem and operation is root-plowing large, dense brush or dozing open stands of large trees. The cost can run from $10 to $20 per acre. If the operator seeds along with the root-plowing, he has to add another $3 an acre to his costs.

Future plans for the land have much to do with the way it is cleared. Range managers and ranchmen, for example, might substitute grass and palatable shrubs for the unwanted brush. Men who look on the area as a source of water would lean to a program of replanting which would increase water infiltration, reduce runoff, and the sediment load. And hunters and wildlife groups would probably choose oak species and limit juniper species.

TRUST TERRITORY SPEECH BY MRS. RUTH VAN CLEVE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. MINK. Mr. Speaker, I have been heartened by the increased attention being paid in the 90th Congress to the needs of the Trust Territory of the Pacific Islands which we administer under United Nations mandate. In a recent speech at a conference of the U.S. Committee for World Health Organization and the American Public Health Association in Miami, Fla., Mrs. Ruth Van Cleve, Director of the Interior Department's Office of Territories, provided the delegates with an encouraging status report on our investment in the development of the territory and also her views on steps that need to be accomplished as we help these Pacific peoples move toward self-government and economic independence. No single individual in Government has demonstrated more active interest and devotion to the needs of the trust territory, and I want to share her illuminating and direction-pointing comments with my colleagues by inserting her speech in full at this point in the RECORD:

A FUTURE FOR MICRONESIA

I very much welcome this opportunity to speak with you concerning Micronesia—concerning the United States' Trust Territory of the Pacific Islands.

I welcome the opportunity for many reasons, at least three of which may bear repeating.

First, the Trust Territory of the Pacific Islands is an important area, and the manner in which the United States assumes and discharges its responsibilities there is a matter of genuine significance in the world today. The area has 93,000 residents, and by any test, 93,000 people are important. These 93,000 people are the Interior Department's essential concern. At the same time, in 1947 the UN and the US agreed that our Trust Territory would be termed a "strategic" trust territory, and this action gave notice to the world that the United States regards the islands of Micronesia as important to its defense posture. To this the UN agreed, and provisions of our Trusteeship Agreement reflect that fact. As further testimony to the Trust Territory's importance, we have only to advert to the accepted fact that in vast areas of the earth today, the issue of colonialism is unquestionably the most compelling existing issue, the issue most capable of creating strong emotions and violent criticisms and severe antagonisms. Whether it is reasonable that this issue of colonialism should assume such importance is utterly beside the point. It is simply a fact that it does. And thus our performance in the Trust Territory matters very much in terms of the U.S. stance, both at home and abroad.

Secondly, I welcome this opportunity to speak with you because I believe, in all candor, that those of us engaged in the business of territorial administration suffer from a lack of critics. I think we would do a better job if a larger audience watched us and second guessed us and criticized us. I say this, notwithstanding the spate of recent articles and books published on the Trust Territory—some of which have been, we think, utterly unreasonable—because we need this spate, and more, in order to cause the right people in Washington, most particularly including all of us concerned with territorial administration, to direct our energies and our resources with new vigor and intensity to the massive job we have in the Trust Territory. So I believe we need critics, and many more of them, because only then will we have achieved the degree of public attention and public concern which is crucial to our getting on with the job. We hope all of you will join us in giving attention to Micronesia and in feeling concern about it, and if this takes the form of barbs, that, I believe, is one of the burdens we bureaucrats are paid to bear. This is not to say that we won't wince, and that we won't sometimes be outraged at the amount of energy that needs to be expended in responding to attacks. It is to say that we must cause more people to care about Micronesia and what we're doing there, or we cannot hope to do a better job.

3. I am glad to turn to Micronesia with you today because I think the area and its problems and its challenges hold absolutely infinite fascination. I have been in the business of territorial administration in the Interior Department for almost 17 years, and for over 16 of those years the Trust Territory has been part of Interior's bailiwick. Nothing about the Trust Territory has ever palled—indeed, I am as anxious to get to my in-box these mornings as I was in 1951. I will hope, in the next several minutes, to convey to you some of the reasons for this unflagging fascination and enthusiasm.

I have agreed to direct my remarks to the subject of A Future for Micronesia. But I think that in doing this, I shall have to advert to its present and its past. While I know many of you to be knowledgeable about the Trust Territory, it seems wise to assume that others of you are not. In this connection, I am also bearing in mind an admonition that I recently saw painted on the wall of a conference room in the Veterans' Administration building in Washington. The VA wall told me that President Lincoln said, "If we could first know whither we are tending, we could better judge what to do, and how to do it." So, best that we consider "whither we are tending."

The Trust Territory comprises 2000 islands, about 100 of which are actually inhabited. They cover an area coextensive in size with the boundaries of the original 48 States—3 million square miles, mostly of water. If all of the islands were pressed together in one lump, they would result in a land area about half the size of Rhode Island. These islands are the groups known as the Carolines, the Marshalls, the Mariannas, islands that were well known to American servicemen and to American newspaper readers, during World War II, for they were the scenes of some of the most sanguinary conflicts in history. Prior to the war, the islands were of course a Japanese Mandate under the League. It has become fashionable to state that the Japanese between the wars did a better job in Micronesia than the Americans have since done—and in some respects, this may seem true, if the judgment is quantitative—but we are certain that this impression will soon be erased.

The population of these islands now numbers about 93,000, and that population is increasing at a very rapid rate, for the TT has one of the highest birth rates in the world. The natives of the area are largely Micronesians, although a small portion are Polynesian. Nine languages are spoken. We say that about 25% of the population speaks English, but this figure is misleading. Many of those whom we categorize as English-speaking do it so poorly that they can't really communicate. But whatever the percentage, it is now rising very rapidly, in light of our relatively new program of English instruction in the schools.

So that, in a few words, tells you of the area and the people that are our concern. What are we doing about this, as of today? I would like to give you quick answers, geared to four elements which I have selected in the hope that they will reflect something of a picture of Micronesia today, and where we hope it is going. The elements are Federal funding, education, health, and political status.

First, let us consider the matter of United States fiscal support. Micronesia's own resources are so limited, and those that exist so largely untapped, that United States dollars constitute, as of this year, about 97% of the public resources of the territory. From the early 50's to the early 60's the United States Government spent about $5,000,000 annually in the Trust Territory. That amount, necessarily, was spent largely to support the central government of the Trust Territory, then made up of about 150 Americans, and to support a modicum of governmental services. These services included the operation of surface and air transportation systems, which in themselves cost about $1 million of the $5 million available. Clearly little was left over for imaginative or ambitious programs in education or health or economic development or much of anything else. Clearly, too, the effect of those years was to conduct a holding operation—a tidy, well-intentioned holding operation—but essentially a holding operation, nonetheless. Attitudes in the Executive Branch of the Federal Government, in the Congress, and indeed, in Micronesia itself, during the 1950's indicated that this was sufficient.

It no longer seemed so in the early years of the following decade, and we succeeded in achieving, beginning in fiscal year 1963, a higher level of funding—first $15,000,000 and soon thereafter $17,500,000. By last year, it was utterly clear to us all that $17,500,000 was grossly insufficient to finance the kind of program we knew needed to be undertaken. By that time, the entire $17½ million was needed for the costs of annual administration—for teachers salaries, for medical supplies, for an economic development beginning, and so forth. Not a cent remained for the capital improvements so sorely needed. This is not, of course, surprising. In 1963, the first year of our expanded program, about $7,000,000 out of $15,000,000 was available for capital improvements. In 1964, $6,000,000 of $17,500,000 was so available. But as schools and other facilities were built, the costs of operating them so bit into the sums available that, by last year, we were unable to seek any money at all for further facilities construction.

Like many other Federal agencies, the Interior Department in its Trust Territory concerns is faced not only with the need for annual appropriations, but also with the need for a prior statutory authorization to permit such appropriations. This we sought anew in 1966, with something short of total success.

Last year we sent to the Congress a dramatic new ceiling bill—one which we said would meet our total needs for 5 years. The total price tag, we said, for the upcoming five years was $324 million. The Congress balked, and I don't suppose we should have been surprised. In retrospect we see that we erred in many respects in seeking so much so fast. The Congress did give us, ultimately, an authorization for a lesser amount, but one which doubled what we had had—25 million for the year just passed and 35 million for this year and next. However, after we achieved this authorization and turned to actual funding, we were also to be disappointed. For last year, instead of 25 million, there was actually appropriated to us only 19.2 million. For the present year, instead of 35 million, we have actually 24 million.

All of the foregoing has resulted in our own great big credibility gap in Micronesia—a gap between the cheerful picture we bureaucrats paint of where we're going and the dollars that we actually achieve for doing so—a gap between our stated goals and our means of achieving them.

In honesty, however, I must pause in my recital of our monetary problems of the last year with the Congress, to say that my Department does not take the position that the current ills in the Trust Territory are the responsibility of the Congress. This is the tack reportedly taken by a Time magazine man quoted a few days ago in Guam, following a Trust Territory trip. He stated, quite unequivocally, that the Congress has been at fault all these years, and I suppose he will say so one day soon in Time. But this just isn't true. Until last year, the Congress had appropriated every cent the Executive Branch sought through the years for the Trust Territory. From the early 1950's until last year we sustained no budget cuts of consequence. Accordingly, we in the Executive Branch cannot pass this buck.

That, fiscally speaking is where we are today.

Where we will be a year from today depends upon decisions as to a new authorization which are being made this very day in the Executive Branch; and upon decisions which the Congress will make, we hope early in the 2d session of this 90th Congress, a Congress which is more frenetic about budgets than any in living memory. We could not escape going to the Congress for a new authorization next January if we chose to. Our authorization soon expires, so we must seek new authority. In determining the level that we will seek, we will necessarily assess again the needs of the Trust Territory, and we will do so with all the enlightenment and compassion that we can bring to the subject, but our conclusion will, also necessarily, have to be tempered by the realities of life on Capitol Hill.

I would turn next to the element of education, an area which we have emphasized, some believe disproportionately, in recent years. Look briefly at the school situation before our recent accelerated program: until 1963, there was no central education effort, and schools and their administration were the responsibility of whatever political subdivision within the Trust Territory was willing to assume it. This usually meant the villages, the lowest level. The school teached, almost always a Micronesian who was himself the product of the local school system, was paid whatever the village could afford—a few hundred dollars a year at most, for the tax base available to municipalities was and is almost nonexistent. Buildings too were a local chore, so school was conducted in whatever structure might exist as a wartime leftover. It goes without saying that supplies were almost unavailable. Pencils were chopped in half to increase the supply. During the 1950's there was one, just one, qualified American school teacher in all of Micronesia.

Today there are 679 classrooms for elementary children throughout the Trust Territory. Of these, 285 we regard as unsuitable, but they exist and can be used and are being used for classroom instruction. Children are taught in classes with a 31/1 student-teacher ratio. Too high, of course, but not far off from most such Stateside ratios today. We understand that 96 percent of the elementary school age children in the Trust Territory are going to school. Their teachers are very largely Micronesians, and not technically nor actually well qualified, but they are enormously assisted by about 300 Peace Corps volunteers, who concern themselves largely with teaching English to the children, as well as to the Micronesian teachers.

As to the secondary level, as recently as 1962 there was one high school only in the Trust Territory, and it had an enrollment of 150. We have made progress here too, though surely not enough. There is now a high school in each of the Trust Territory's six districts, and the high school population exceeds 4,000. The majority of their teachers are Americans, who meet the usually Stateside qualification tests. There are now about 200 American school teachers in the Trust Territory.

Lest this sound self-congratulatory, let me round the picture a bit by pointing out that at least half the graduates of the 8th grade cannot go to high school—either because their elementary education was so inadequate as to preclude their doing so, or because notwithstanding their level of competence, there are no seats in high school for them. Many of their teachers, particularly at the elementary level, are themselves untrained, and until further training is provided for them, the educational achievements of the Micronesian children will be severely inhibited. Facilities will remain a problem. We expect to require 1,300 elementary classrooms by 1973. We hope by then to be able to accommodate 11,000 secondary school students. Whether we can do this will depend, of course, upon whether we have funds available. At least as important, however is what goes on in the classroom. We hope to improve vastly the level of educational content, this by more careful recruitment, by advanced training for native teachers, by acting upon the good advice which educators are now giving us. We expect to give new and more realistic emphasis to vocational training. All of these lie in the future, but in the rather near future. All are dependent upon proper funding, but in the educational area our case is a good one and one which our experience shows the Congress has found persuasive.

I propose to advert only briefly to our medical program. You will hear more of this, and from experts which I am not, during the afternoon. Where were we, say, in 1960? First, we had one doctor of medicine on the Trust Territory payroll, and no trained nurses at all. Today there are 10 M.D.'s, if one includes as one should the Peace Corps doctors who have generously agreed to serve in the district medical programs as well. We have 21 registered nurses. In 1960 we had 6 inadequate, ramshackle buildings we call district hospitals. Today we have 3 inadequate, ramshackle buildings we call district hospitals. All 3 of these are scheduled for early replacement. The other three are new. Their adequacy has been questioned, but they are indisputably better than what they replaced. In 1960, we obtained $617,000 Federal dollars for our medical program in the TT—excluding capital improvements. We have this year $3,386,000 for this purpose—a 5 fold increase. In 1960 almost no citizen of the Trust Territory had been inoculated against common diseases, while today we are approaching the reverse situation. A polio epidemic in the Marshalls in 1962 precipitated our immunization efforts, and many dozen Micronesian crippled children offer testimony to our failure to act sooner, but at this time an immunization program is well advanced. We have now, too, taken the first steps toward creating protected water supply systems, and toward sanitary disposal facilities.

You will hear, as the afternoon passes, of the construction we must undertake, of new hospital buildings, of hospital improvements, of dispensary and other outlying medical facilities; you will hear of further recruitment of trained personnel, of training for our present staff, of procurement of more and better equipment, along with programs to keep it in operation. With all of this, I would say only, in short, we agree, and we mean to do our best to obtain the funds to permit it.

And, lastly, what of the future politically? Again, let us examine the present and the recent past. In 1965, for the first time in history the people of the Trust Territory went to the polls to elect a territory-wide legislative body, one with genuine legislative authority. Its power can be analogized to the power of territorial legislatures and state legislatures, except that, given the modest level of Trust Territory generated revenue, its budgetary power as a practical matter is limited. The Congress of Micronesia can and does appropriate locally raised revenues which range annually in the vicinity of $700,000. But it does not act with respect to the appropriation of Federal revenues, since that is and has been the prerogative of the U.S. Congress.

The creation and the functioning of this legislature, known as the Congress of Micronesia, is surely our proudest achievement in the area of political development to date. The members of the Congress have impressed all observers with the high degree of responsibility and sophistication which they have brought to their tasks.

One of their actions, this in the summer of 1966, was to call upon the President of the United States to appoint a commission to consider the matter of the Trust Territory's future. The Congress of Micronesia, in its resolution, told us that "this generation of Micronesians should have an early opportunity to determine the ultimate constitutional and political status of Micronesia". Accordingly they sought "meaningful proposals of the political and constitutional alternatives open to the people of Micronesia".

Others, including the last two Visiting Missions from the Trusteeship Council of the UN, have said that it is too early to turn to the matter of Micronesia's future status, that it is too soon to ask the Micronesians what they want by way of political arrangements. We believed, however, that we should listen to the popularly elected representatives of the Micronesians, and thus that questions as to the political future must be answered now. On the basis of urging from the Executive Departments, the President in August sent forward to the U.S. Congress a proposed bill which would create a commission on the political status of the Trust Territory.

Unlike the standard Washington commission, or at least the standard public view of the standard Washington commission, this is not an effort to postpone the day of decision. Indeed, we have been enthusiastic about the commission approach because we see it as the only effective means of reaching the day of decision.

There is no doubt that the people of Micronesia must one day exercise their right of self-determination. The history of UN trust areas makes this clear, and indeed, it is the logical result of our commitments under our UN Trusteeship Agreement. We foresee that at that time, the Micronesians will be asked to decide whether they want sovereign independence, the route which almost all former trust areas have chosen. At the same time, we have good reason to suppose that large numbers of Micronesians see their political future as involving some form of association with the United States. Although we in Interior, and indeed, others all over the Executive Branch in Washington, can quickly run through the usual forms of political association, ranging from Statehood through Commonwealth to traditional territorial arrangements, we are reluctant to define the form for Micronesia because this is the Congress' prerogative. The Federal Constitution gives very clear power to the Congress to deal with precisely this question. In this case, of course, Congress will need to give due regard, additionally, to the special constraints of our U.N. commitment. Because the U.S. Congress alone can decide what form of association with the U.S. should be offered to the Micronesians, we are persuaded that any effort to define that form would be fruitless, in the absence of Congressional participation. We therefore seek an act of Congress, to authorize Congressional membership on the commission. Enactment of the bill will not only permit that membership, but would also, more importantly, indicate the willingness of the Congress to entertain this question of Micronesia's future.

So, we hope our bill will be passed. We hope for a plebiscite no later than June 30, 1972. We hope to offer the Micronesians reasonable alternatives, and ones so clearly defined that they will know fully what the options are. Bureaucrats are constitutionally reluctant to predict the fate of their favorite bills in the Congress, and I should refrain this time. But this time the sitaution is different, for three major Departments of government—Interior, Defense, and State—have agreed upon this commission course, and the President has himself used urgent language in presenting it to the Congress. There is good reason for optimism.

I will conclude by repeating myself. I appreciate your listening, because these seem to me to be important matters. I hope you will join our critics, because we need you. I hope you see why the Trust Territory is an unending source of fascination to us all. I hope you will agree that we've come some distance in recent years, and I know you will agree that our journey of a thousand miles has just begun. I hope you will join us in that journey, by offering us your guidance and your encouragement.

Funds appropriated for Trust Territory medical services, exclusive of construction

Fiscal year:	*Amount*
1958	$576,000
1959	555,000
1960	617,000
1961	620,000
1962	575,000
1963	846,850
1964	1,350,000
1965	2,120,000
1966	2,367,500
1967	2,443,000
1968	3,386,700

Source: Annual budget justifications.

THE STRIKE COMMAND TODAY

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GIBBONS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GIBBONS. The U.S. Strike Command carries out one of the most important missions in our national defense operation. Strike Command is responsible for U.S. military activities in an area which encompasses one-fourth of the entire world. They are capable of delivering combat-ready forces to any critical area within hours. They represent a vital first line of defense.

Allan R. Scholin, associate editor of Air Force and Space Digest, has written an excellent article describing the important work carried out by the U.S. Strike Command. The article appears in the December 1967 edition.

Those who know about Strike's accomplishments are proud of the people who serve in our newest joint Armed Forces command. I am especially proud of their work because the Strike Command headquarters is located at MacDill Air Force Base in Tampa, Fla., which I represent.

I hope all Members will read this informative article which follows my remarks:

WHEN THE IRON IS HOT

(By Allan R. Scholin, associate editor, Air Force/Space Digest)

Six years ago this month, the US Strike Command—youngest of the seven US joint armed forces commands—was declared operational at MacDill AFB, Fla. In those six years USSTRICOM has wrought major improvements in the structure, operational techniques, and, to some extent, the hardware of the Army and the Air Force.

STRIKE's primary missions—assigned by the Joint Chiefs of Staff—are, first, to maintain a general reserve of combat-ready forces to reinforce other unified commands, and, second, to plan and execute contingency operations as directed by the JCS. STRIKE may call upon any or all combat-ready elements of its two components, AFSTRIKE, the Tactical Air Command, and ARSTRIKE, the Continental Army Command, together with the airlift or sealift needed to deposit a strike force and its equipment promptly at the scene of trouble.

As corollary missions, STRIKE is directed by the JCS to develop doctrine for employment of its assigned forces and to conduct joint training exercises to ensure a high state of combat effectiveness and a rapid-reaction capability.

The combat efficiency of US forces in Vietnam has been measurably enhanced by the operational relationships and teamwork hammered out between Army and Air Force in STRIKE-directed exercises beginning in 1962, under the impelling leadership of STRIKE's first Commander in Chief, the Army's Gen. Paul D. Adams, who retired in October 1966. Those exercises—the Swift Strike series, Coulee Crest, Desert Strike, and others—brought green- and blue-suiters together in jointly operated headquarters. Working in partnership on one another's problems helped to erase misunderstanding and distrust. General Adams brooked no chauvinistic service attitudes. His staff was bluntly made aware that it was expected to select whatever concept, or unit, or piece of equipment would do the job best.

The same philosophy permeates STRIKE Command headquarters today, under its present CinC, Gen. Theodore J. Conway, who took command in November 1966. Like his predecessor, General Conway has served as an airborne division commander and knows the Air Force well. Before coming to STRIKE he commanded the US Seventh Army in Europe.

"My staff (approximately 600 officers and men from all four services), is a fully joint staff in every respect," General Conway explains. "The Deputy Commander in Chief is Lt. Gen. Fred M. Dean, US Air Force; Rear Adm. Paul R. Blackburn, Jr., US Navy, is the Chief of Staff; the Department of State provides a senior foreign service officer as my political adviser, a position currently held by Ambassador John O. Bell.

"Three of the staff directorate positions are headed by Air Force general officers; three by Army general officers, and a Marine brigadier general is my deputy director for plans. Each director has as his deputy an officer of a different service. This same pattern extends downward throughout the staff."

(In addition to the better-known J–1 through J–5 staff directors, STRIKE headquarters includes a J–6, Director of Communications-Electronics, and J–7, Director of Military Assistance.)

"We conduct three different types of joint field exercises," General Conway explains. "The smallest is the quick-reaction series designed primarily to ensure that our ready forces are capable of rapid deployment. They are designated as 'Bold Shot' or 'Brim Fire.' The Bold Shot series tests elements of our airborne division and tactical air force units, while the Brim Fire series involves elements of our armored and mechanized divisions. We try to schedule about ten of these each year.

"A second type . . . is the large-scale exercise in the US. Experience indicates that two-sided maneuvers in which large forces oppose each other, as in actual combat, are most effective for joint training. Since the activation of Strike Command in 1961, we have conducted ten such large-scale exercises, the last being Exercise Silver Hand in 1965." (Kitty Hawk, which was to have been held in August 1967, was canceled by the JCS for economy reasons.)

"The third type of joint training exercise . . . is the overseas, or strategic mobility, exercise. To date, our units have participated in thirty-six exercises of this type. They serve not only to provide valuable training experience, but also demonstrate to any potential enemy our capability to deploy rapidly to any spot on earth." The most recent of those was Exercise Deep Furrow, held in Turkey in October.

As part of its mission to reinforce other unified commands, STRIKE has planned and directed all movements of Army and Air Force units from the US to Southeast Asia. The movements are coordinated and directed by a Transportation Operations Center at STRIKE headquarters. Each three months, the TOC summons representatives of more than a dozen agencies to resolve details of movements scheduled for the succeeding ninety-day period. Among agencies represented are the receiving commands—MACV, USARV, 7/13 AF, and CINCPAC; the transportation elements—MAC, MSTS, MTMTS, AFLC, and Army DesLOG; and the home stations of departing units, together with representatives from AFSTRIKE and ARSTRIKE. In the current ninety-day period, ninety-seven units with 20,000 personnel are being transferred to Southeast Asia.

But as the heavy pressure of supervising exercises and troop movements diminishes somewhat, General Conway and his staff are able to devote increasing attention to a second major mission assigned to CINCSTRIKE in December 1963. This is the responsibility for handling US military activities in sixty-four countries in the Middle East, Africa south of the Sahara Desert, and South Asia, known, for short, as MEAFSA. The US has no assigned forces in the area, except for a small naval unit composed of two destroyers, a patrol vessel flagship, and a C–54 transport, based at the Bahrein Islands in the Persian Gulf.

General Conway's responsibilties include drafting and keeping current contingency plans for possible US deployment to the many potential trouble spots that dot that huge section of the globe. MEAFSA contains one-fourth of the world's land area, more than a quarter of the world's population, and includes the longest continuous land frontier between the free and Communist worlds, stretching some 5,000 miles. Many of the nations are newly independent, hard-pressed economically, weak in internal security and stability, and thus fertile ground for Communist subversion.

STRIKE's job is further complicated by primitive communications and transportation facilities and a shortage of air bases. Possible actions for which CINCMEAFSA must plan range from missions of mercy or a show of force through the spectrum of military activity to the actual commitment of US forces in combat. Whenever forces may be required, as in the small airlift force now supporting the Congolese government, General Conway as CINCMEAFSA draws them from General Conway as CINCSTRIKE.

Obviously, the war in Vietnam has depleted the forces available to STRIKE. But it would be wrong for anyone—friend or foe—to assume that STRIKE today is impotent. In the U.S. are two Army corps headquarters, under which are two armored divisions, one mechanized division, and most of an airborne division. Not all the men in these units are combat ready; many are in training. But enough *are* combat ready to mount a sizable task force, which could be airlifted anywhere within forty-eight hours.

On the air side, STRIKE can draw on three TAC numbered air forces, encompassing twenty-nine tactical fighter squadrons, three tac reconnaissance squadrons, and a dozen airlift units. Again, most of the fighter and recce units are engaged in retraining aircrews for Southeast Asia, but at least half of their personnel are instructors fully qualified in their weapon systems, and, if necessary, student pilots would remain with the units to complete their training in combat.

"The combined combat strength of my assigned forces is roughly equivalent to that found in the US forces in Europe," says General Conway, "although we do not have assigned as many logistical and support-type units as are found in Europe."

Backing up these active forces are those of the Army and Air National Guard and Reserve, spearheaded by three Guard divisions, six brigades, and nine tactical fighter and four reconnaissance squadrons of peak readiness.

What is the role of STRIKE headquarters in employing these forces? It takes one of two forms. If an emergency were to occur in the vast area of the world over which CINCSTRIKE, in his second capacity as CINCMEAFSA, has jurisdiction, the required units would be commanded by a Joint Task Force headquarters drawn from STRIKE's headquarters staff. There are two JTF headquarters at STRIKE, JTF–7 and JTF–11, each made up of seventy-four officers headed by a major general, together with communications support necessary to link them with their subordinate units and with Washington, MacDill, and other parallel and intermediate echelons. Anywhere in MEAFSA, the JTF Commander would exercise direct command and control over his forces.

If, however, the emergency broke out in a part of the world encompassed by another US unified command, STRIKE would assemble forces in the strength required and deliver them to the unified commander.

"Let's look at it this way," explains Maj. Gen. E. P. Smith, J–3 at STRIKE headquarters. "US forces in Europe today are all charged with specific mission areas in the NATO defense posture. If any of them were surplus to requirements, they would have been brought home long before this. So you can't pull any of them out for use elsewhere without creating a gap in the defense structure. If CINCEUR decides he needs more combat forces in a particular area to meet an emergency, STRIKE delivers the troops."

To guarantee complete agreement between STRIKE and other unified commands over the size and makeup of forces that may be required, Strike Command prepares an annex to every contingency plan developed in each unified command. Each of these plans—and the total is substantial—is stored in an IBM 1410 computer and, as USAF Maj. Gen. Luther H. Richmond, STRIKE'S J–5, Plans, describes it, they are "massaged" frequently to assure that they remain current and valid.

Whenever a JTF of any size leaves MacDill, it is accompanied by a unit of STRIKE's Communications Support Element, which provides all communications necessary to control subordinate forces and maintain contact with STRIKE headquarters and the JCS in Washington. The CSE has a strength of 600 officers and men, and enough equipment to serve both JTFs simultaneously. The principal equipment package is the Joint Airborne Communications Center/Command Post, nicknamed Jackpot. Housed in a pair of trailers which readily fit into a C–130, Jackpot serves as the JTF commander's command post en route to the deployment area and becomes the hub of the comm center on arrival. An indication of the full communications coverage the CSE provides is that any staff officer at MacDill can pick up his desk phone and immediately be connected with JTF personnel halfway around the world.

Each STRIKE-directed exercise, in addition to flexing the mobility of participating units, pays added dividends as a laboratory in which to test new procedures and techniques under simulated combat conditions.

Several recent exercises have served to test alternative methods of airborne operations. One is to drop the men first, followed by their equipment. Another is to reverse the two, dropping equipment first. And a third is to drop equipment and the men who operate it from the same aircraft. STRIKE has experimented with all three.

The most effective system, of course, where the combat situation permits, is to land both men and equipment. Here losses are held to a minimum, and link-up of men and their gear is accomplished more readily.

In past airborne operations, the loss rate in airdropped equipment has averaged higher than ten percent. But in STRIKE tests, employing improved techniques and frequent practice, the rate has now been lowered to about two percent. Contributing to this reduction is a STRIKE innovation—creation of a Joint Air Drop Board, one of whose functions is to analyze each malfunction, just as the Air Force appoints a board to investigate each aircraft accident.

In terms of the Vietnam War, perhaps the most important product of STRIKE's work in bringing the two services together is close air support. The Air Force had made some effort in the Korean War to render better support to ground forces, assigning liaison officers to Army divisions and employing T-6 Texan trainers to find and mark targets for fighter-bombers. Later, TAC set up its Air-Ground Operations School, staffed with both Army and Air Force instructors. But the techniques they taught were little changed from those used in Korea.

Then came the Kennedy Administration, with its restructuring of US forces to meet the threat of limited war. The Army began to talk about filling the close-support gap with its own fixed-wing aircraft. To meet that challenge, Gen. Curtis LeMay, then USAF Chief of Staff, shifted Gen. Walter C. Sweeney, Jr., from a top SAC command to take over TAC in October 1961, with a directive to make TAC more responsive to the Army's requirements. That was the same month in which the Strike Command was formed.

Thus, one of the first projects initiated by General Adams when he was appointed CINCSTRIKE was to assign TAC and CONARC to produce a really workable joint doctrine that would satisfy both the Army and the Air Force.

In the Tampa office he set up after retiring last year, General Adams recalled the beginnings of that project. "I thought General Sweeney faced that problem exactly right. 'The Air Force is charged with close air support,' he said, 'and I think I should be responsible for all of it. That includes communications and the men to direct the fighters.' Up to that time, Army had the communications, the Air Force sent a liaison officer, and they might get together or they might not. So I agreed with General Sweeney. He went to work and got his house in first-class order."

General Sweeney's solution was to assign Air Force tactical pilots as liaison officers with Army combat units down to battalion level, with their own communications to tie them both to Air Force operations centers and to pilots in the air. Bugs in the system were screened out in a series of STRIKE exercises and the new joint doctrine was drawn up ,just in time to build the close-support system now proving so successful in Vietnam.

"It came right on the button," said General Adams. "As we built up our forces in South Vietnam, we had those procedures ready for use, and that's what they used."

Notwithstanding the presence of a senior naval officer, Admiral Blackburn, as STRIKE's Chief of Staff, and several Navy and Marine officers interspersed throughout the headquarters, CINCSTRIKE has no naval forces under his command.

"I am sure that it was envisioned [in 1961] that Strike Command would be a rapid-reaction force that might work anywhere," General Adams said. "But it quickly developed that the Navy did not want to get into this command. The Air Force and the Army contributed forces, and we got to work."

JCS has designated the Commander in Chief, Altantic Fleet, as Commander of CINCSTRIKE's naval component for naval planning purposes only. This gives STRIKE planners a channel to crank sealift requirements into their operational and contingency plans.

"We can count on Navy support," explained General Dean, STRIKE's Deputy CinC. "We can tell Navy elements what we want them to do—limitations and restrictions under which they may have to operate, and so forth—and know they'll be there. We can work with this."

Undoubtedly, when the chips are down the Navy will be there. But is it the same as having them on hand during the planning and carrying out of joint exercises? STRIKE has conducted no amphibious exercises, for example, even though its planners envision many conditions under which amphibious landings might be useful. Delivering troops and equipment on the beach may be solely a Navy specialty, but factors of close air support in the landing area, interdiction of inland routes by bombers or naval guns, paratroop drops to link up with ship-landing forces, and numerous other possible variations in the scenario calling for triservice teamwork have not been tested.

The Navy's disinclination to contribute operational elements to the STRIKE team was the first of two events that modified General Adams' original expectations of the role STRIKE would play. The other occurred in the Cuban crisis. To set the scene, readers may recall that the initial concept of Strike Command, promulgated in STRIKE news releases and widely accepted in military circles in 1961, was that of a highly trained, highly mobile force, something like an elite fire department, capable of responding swiftly and effectively to snuff out any incipient crisis. Once the fire was out and the damage repaired, the STRIKE task force would dust off its starched fatigues, turn the promises back to the rightful tenant, and withdraw.

"We saw the Cuban crisis developing quite early in the year," General Adams recalled. "We knew there were missiles down there. We also were considerably concerned about the sizable Soviet forces that were actually in Cuba. It sounded like the kind of operation the Joint Chiefs might assign to Strike Command."

General Adams and his staff developed an operational plan and submitted it to the JCS. He was in Washington in October 1962 when President Kennedy announced the presence of Soviet missiles in Cuba. STRIKE was called on to assemble Army and Air Force units on bases in Florida, poised to invade Cuba if the Soviets did not back down. But operational control of those forces went to CINCLANT, the unified commander responsible for US military activities in the Caribbean.

Of the STRIKE forces, only USAF reconnaissance aircraft saw action. But to General Adams, the JCS decision to assign his forces to CINCLANT "constituted somewhat of a turning point from the original intent of Strike Command."

If General Adams harbored any disappointment over his stewardship of STRIKE in its first five years, it was manifestly not shared by Secretary of Defense McNamara in a statement he made by telephone to a Tampa banquet audience saluting General Adams shortly before his retirement.

"When I announced his appointment as Commander in Chief of the new US Strike Command in the fall of 1961," Mr. McNamara declared, "I said I expected this move would substantially increase the flexibility and the combat readiness of the nation's tactical forces. I underestimated General Adams. The record now shows that, under his leadership, STRIKE has accomplished far more than our original expectations.

"In its five-year history, the Command has created efficient, combat-ready teams of both land and airpower. It has pioneered new concepts of combat readiness and joint employment of forces. It has trained over 400,000 soldiers and airmen. It has carried on massive field exercises—the end result of which can be seen today in the magnificent performance of our men in Southeast Asia.

"But these achievements, however noteworthy, are overshadowed by the personal achievement of the man who gave direction to them. Paul Adams has given a tradition to the title CINCSTRIKE which will shape the form of that Command for years to come. . . ."

This view is obviously shared by General Conway. At a press conference soon after he succeeded General Adams, a newsman asked if he was "aware that you have an almost impossible job in filling General Adams' shoes?"

"I am," General Conway replied. "But he lent me a hat, so I'm going to try to wear that. The shoes are going to be harder to fill."

MY PROMISE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. BRINKLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, the finest tribute that could be paid to me was in this Chamber last Wednesday when my colleague the gentleman from Georgia, Representative WILLIAMSON S. (BILL) STUCKEY, said of me that I live up to my campaign slogan reproduced on a plaque in my office. "I promise to remember who I am, where I am from and who sent me."

I now renew that pledge and I thank the people of my district for the privilege of serving them and our country in a Congress of outstanding men and women on both sides of the aisle.

PERSONAL ANNOUNCEMENT

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GIAIMO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I was unable to be present during the vote on the conference report on H.R. 12144, the Federal meat inspection bill, December 6, 1967. Had I been present I would have voted "aye."

HOME LOAN FRAUDS MUST BE STOPPED

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, homeowners throughout the Nation are being victimized by fraudulent and deceptive sales and second mortgage practices of hundreds of fly-by-night home improvement contractors who have grossed annual sales in the millions. So says the Federal Trade Commission in asking the Congress for a special $500,000 appropriation to enable the FTC to conduct a drive against swindlers who prey on homeowners, many of them poor and uneducated, through various home improvement confidence games. The prime areas of these racketeers have been in contracts for aluminum siding, storm windows, recreation rooms, kitchen fixtures, and applicances, air conditioning, swimming pools, awnings, gutters, and other home facilities.

As reported in the Washington Evening Star of December 6, 1967, some of the fraudulent sales schemes listed by FTC are these:

Inflated prices: While promised substantial discounts, the buyer actually ends up paying far more than fair price charged by ethical contractors.

Model homes: The consumer is offered phony discounts or commissions for use of his home for display or advertising purposes.

Bait and switch: Services or products are advertised at ridiculously low prices and then later disparaged in order to switch the purchaser to a highly overpriced item or service.

Contests: The "lucky winner" is offered fictitious discounts in a rigged contest.

Misleading guarantees: "Unconditionally guaranteed for 20 years" when there are really small print conditions which in fact render the guarantee worthless.

Scare tactics: The homeowner is led to believe a house defect endangers the family unless products or services are purchased.

Spiking the job: Contractors quickly do token work and then tell the consumer the contract is noncancelable.

Contracts: Actual misrepresentation of interest rates and finance charges, signatures obtained upon blank completion certificates before work is finished and on blank contracts later loaded with unauthorized charges.

A recent series of articles in the Washington Post described the manner in which hundreds of homeowners in the Washington, D.C., area have been bilked. For example, homeowners, without their knowledge, have been enticed into signing second mortgages that force them to pay double or more over the usual price of home repairs, remodeling, or appliances. Unfortunately, the same pattern of fraud that was found in the Washington area has been found by the FTC in more than 20 States in the East, Midwest, and the South.

Once a signed note is obtained from the borrower, the unethical operator sells or discounts it to a finance company. When the homeowner raises a complaint about the quality of the contractor's performance under the contract, or its inflated charges, the finance company disassociates itself from any knowledge of the fraud, and claims that it is a "holder in due course" of the note.

The FTC has indications, however, that some leading finance companies which specialize in home improvement loans are not always innocent holders of the notes, and should be prohibited from asserting this defense. However, too often the homeowner is forced to meet the exorbitant payments required by the mortgage, or suffer his property to be foreclosed. There has been a new development in the District of Columbia. Foreclosures as a result of the fraudulent practices have become so prevalent that some of the U.S. district court judges have "smelled something fishy," and have refused to order foreclosures, and have referred the cases to the U.S. attorney for investigation and possible prosecution.

Some unethical operators are financed by dummy corporations, set up by themselves and their cohorts. The FTC raises the shocking possibility, however, that some of the Nation's leading producers and fabricators of building materials not only supply the crooked contractors with sales materials, but also have established finance branches which keep the racketeers thriving with easy credit operations.

The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations has oversight jurisdiction over the operations of the Federal banking agencies. Regulations issued by the Federal Housing Administration require that banks investigate contracting firms to see if they are reliable, financially responsible, and qualified to satisfactorily perform any work to be financed by FHA. An article in the Washington Post indicated that firms that engage in fraudulent practices against homeowners may have been aided through the apparent failure of some banks to make the thorough investigations that the regulations contemplate. As chairman of the subcommittee, I, in October, alerted the Comptroller of the Currency, the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to the claim that banks and savings and loan associations might be used by the perpetrators of the frauds in their operations.

The operators of these nefarious schemes should be prosecuted to the fullest extent of the law. All agencies of the Federal Government whose jurisdiction touches any part of their operations should exert them to the fullest to stop these frauds. I support the FTC in the action it proposes to take against them.

BRING 'EM BACK ALIVE—THE STORY OF A SUCCESS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, with the holiday season will come new pleas for drivers to be cautious and drinkers to be prudent.

No one can tell whether the usual reminders to drive safely have a beneficial effect or not. We all hope they do but now there is dramatic evidence that at least one new approach to reducing the slaughter on our highways does work.

I refer to a plan developed by the American Automobile Association which was initiated in Michigan and has now been duplicated with outstanding success in my own State of Florida.

Mr. Speaker this new approach to highway safety known by the catchy title "Bring 'Em Back Alive" is one of the most promising developments in highway safety to come to my attention. Its basic concept is to approach safety from a positive rather than a negative point of view.

The hub of the BEBA organization in Florida is a new holiday radio network especially set up under AAA auspices by the Florida Association of Broadcasters and the Amateur Radio Public Service Corps. Reports from hams, local and State police agencies, special airborne reporters, AAA staffers and hundreds of interested citizens are fed into a communication center which in turn processes and coordinates all the information into 1 minute capsule reports which are fed back to 7 radio stations throughout the State each and every hour of a holiday weekend.

Included in these reports are up to the moment information on highway conditions and accomodations as well as special reports on holiday events drawing large crowds. In addition, a specific safety suggestion designed to fit the driving conditions and the time of day are included in each report.

Besides the massive communications effort, publicity of all kinds from banners and bumper stickers to newspaper cartoons and editorials blanket the State. The overall campaign has the enthusiastic support of Florida's Governor, the State cabinet, State agencies, local governments, the Jaycees, the Florida Sheriff's Association, the Police Chiefs Association, and dozens of other civic groups, clubs, associations, businesses, and individuals.

What was the result of this massive effort to cut highway fatalities during the two weekends on which it has thus far been tried?

On the July 4 weekend, the first time "Bring 'Em Back Alive" was in operation, Florida had the lowest death rate of any State in the Nation of those which experienced even one fatality. While the

Florida Highway Patrol on the basis of past experience had predicted 17 deaths on Florida's highways during the 102-hour holiday only nine were killed. This compares with 13 killed over the much shorter 72-hour July 4 weekend in 1966 and the 22 killed during the 1967 Memorial Day weekend.

An equally impressive, if grisly, statistic testifying to the success of BEBA is the fact that there was a death rate on Florida highways of only one per 11.3 hours during the July 4th weekend as compared with an average of one each 4.8 hours throughout 1966.

Labor Day weekend, despite another BEBA campaign saw the highway patrol's prediction of 20 dead on Florida's highways borne out. Despite this high rate of carnage on Labor Day, however, the 1966 record of 25 killed was not equalled. It should also be noted that the Labor Day highway patrol prediction took into account the effect of the new safety campaign and that without the campaign the patrol's prediction undoubtedly would have been higher.

The Florida Conference of AAA Motor Clubs is to be commended for the time and energy it devoted to cutting Florida's 1967 highway fatalities by more than 30 percent during the July 4 weekend and 20 percent during the Labor Day weekend.

Special credit belongs to the managers of the AAA clubs in Florida, R. J. Finley, of the East Florida AAA Division, Marvin Holloway, of the Peninsula Motor Club, and Jim Hendry of the St. Petersburg Motor Club. The task of coordinating hundreds of citizens was most ably handled by Keith Leslie of the East Florida Division, and Hampton Dunn of the Peninsula Motor Club.

The Congress has made great strides in meeting the problems of highway safety. We authorized the new interstate highway system which has greatly increased driving safety. As a matter of special interest to those of you who endorsed this legislation, I would like to point out that there was not one fatality on any interstate route or urban expressway in Florida during the entire Labor Day weekend.

The Congress more recently has insisted on higher standards in safety both in highway construction and in design of motor vehicles. When the full impact of these steps is felt there should be another sizeable improvement in highway safety. But while Congress has taken aggressive measures to combat the traffic toll, highway safety cannot, per se, be legislated. It takes the cooperation of an informed public and the public spirit evidenced by a program such as "Bring 'Em Back Alive."

The success of the "Bring 'Em Back Alive Program" in Michigan and Florida makes welcome news of the American Automobile Association's recent announcement that it is considering expanding the program nationwide.

I urge all Members to have their various States study the success of this program in both my own State and in Michigan. Perhaps on an expanded scale in all of our States and with a thorough exchange of information, we can take a substantial step forward in the promotion of highway safety.

VETERANS AND THE 90TH CONGRESS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HANLEY. Mr. Speaker, this first session of the 90th Congress has done well for the veterans of the United States through the passage of S. 16, the Veterans' Pension and Readjustment Assistance Act of 1967. In the tradition of other landmark veterans' legislation, this measure is a translation of our gratitude to these men into meaningful programs.

Mr. Speaker, for the benefit of our colleagues, I would like to relate the basic achievements of this legislation, the bulk of which went into effect on October 1, 1967:

First, it provides for a cost-of-living increase for nonservice-connected pensioners and liberalizes several programs for veterans with serious health problems.

Second, it rounds out war veteran benefits for those serving in the Vietnam war period.

Third, it increases the education and training allowances for veterans under the cold war bill of rights, passed in 1966, and extends several types of training available to veterans of World War II and Korea to those of the Vietnam war.

This act fulfills President Johnson's recommendations to Congress delivered in a special message early in 1967. Basically, the President requested: Disability pay at wartime rates under all circumstances; pensions for nonservice-connected disabilities and deaths; burial allowances; medical care benefits, such as drugs and therapeutic devices; automobile allowances for seriously disabled veterans.

The Veterans' Pension and Readjustment Act of 1967 extends on-the-job and apprentice-training programs to veterans who served after January 31, 1955, similar to the programs available to World War II and Korean veterans. There was one change. Under the World War II and Korean programs, the education and training allowances paid were geared directly to the wage scales of employers. This condition caused considerable variation between veterans' training for the same jobs and created an incentive for employers to pay the minimum, so that the Veterans' Administration would pay a greater amount for longer periods of time.

To eliminate the problem, the act substituted a standardized pay scale, to assure more uniform support for veterans' training.

Mr. Speaker, the farm cooperative training program in the act is patterned closely after the college level cooperative training program, with the same rates of allowances: $105 a month for veterans without dependents; $125, one dependent; $145, two dependents.

Along with the pension increase for veterans and their dependents, brought about by the cost-of-living increase, several other benefits of the act stand out:

First. A new "housebound" rate of $100 a month, in lieu of the basic pension rate, for certain veterans under the old pension law.

Second. A new monthly allowance of $50 in addition to pensions otherwise payable to widows of veterans of all wars, if they are in need of regular aid and attendance.

Third. Presumption of permanent and total disability of veterans after the age of 65, and the need of regular aid and attendance for pensioners in nursing homes.

Fourth. Increases in the educational assistance allowances for full-time courses from $100 to $130 a month for single veterans, $125 to $155 for veterans with one dependent, $150 to $175 for two dependents, and $10 a month for each dependent over two.

And, finally, Mr. Speaker, through this bill, we have committed ourselves to reexamine the structure of pension payments after enactment of the Social Security Amendments of 1967, in order to assure adequate and equitable pension rights for our veterans. This Congress will do right by the ex-serviceman.

In conclusion, Mr. Speaker, I insert at this point the information sheet printed by the Committee on Veterans' Affairs:

PENSION PROVISIONS—VETERANS' PENSION AND READJUSTMENT ASSISTANCE ACT OF 1967—PUBLIC LAW 90–77 (S. 16) (REPORTED IN HOUSE AS H.R. 2068)

Title: To amend title 38 of the United States Code in order to increase the rates of pension payable to certain veterans and their widows, to provide additional readjustment assistance for veterans of service after January 31, 1955, and for other purposes.

Mr. MONTOYA, for himself and others. Introduced S. 16, January 11, 1967. Referred to Senate Committee on Finance.

Mr. DORN. Introduced H.R. 2068 (by request), January 12, 1967. Referred to House Committee on Veterans' Affairs.

Analysis: Provides an average over-all cost-of-living rate increase of 5.4 percent for all veterans, their widows and children, receiving pension under Public Law 86–211, as amended, and a substantially greater increase for widows and widows with children in the lowest income categories (approximately 8½ percent). Amounts of increase are outlined in the charts which appear below. Old rates are printed in *italics* and enclosed in brackets [], and new rates are printed in roman.

VETERAN, NO DEPENDENTS [1] [2]

Annual income other than pension		Monthly pension
More than—	But equal to or less than—	
	$600	$104 [*$100*]
$600	1,200	79 [*75*]
1,200	1,800	45 [*43*]

[1] Pension reduced to $30 after second full month of hospitalization or domiciliary care by the VA.

[2] Applicable rate increased by $100 per month for veterans who are patients in nursing homes or so helpless or blind as to require the regular aid and attendance of another person, or by $40 [*$35*] when veteran is permanently housebound because of severe physical disability.

VETERAN, WITH DEPENDENTS [1]

Annual income other than pension		Monthly pension		
More than—	But equal to or less than—	Veteran and one dependent	Veteran and two dependents	Veteran and three or more dependents
	$1,000	$109 [*$105*]	$114 [*$110*]	$119 [*$115*]
$1,000	2,000	84 [*80*]	84 [*80*]	84 [*80*]
2,000	3,000	50 [*48*]	50 [*48*]	50 [*48*]

[1] Applicable rate increased by $100 per month for veterans who are patients in nursing homes or so helpless or blind as to require the regular aid and attendance of another person, or by $40 [*$35*] when veteran is permanently housebound because of severe physical disability.

WIDOW, NO CHILD [1]

Annual income other than pension		Monthly pension
More than—	But equal to or less than—	
	$600	$70 [*$64*]
$600	1,200	51 [*48*]
1,200	1,800	29 [*27*]

[1] Payment to widow increased by $50 a month when she is so disabled as to require the regular aid and attendance of another person or is a patient in a nursing home.

WIDOW, ONE CHILD [1 2]

Annual income other than pension		Monthly pension
More than—	But equal to or less than—	
	$1,000	$86 [*$80*]
$1,000	2,000	67 [*64*]
2,000	3,000	45 [*43*]

[1] Plus $16 [*$15*] for each additional child.

[2] Payment to widow increased by $50 a month when she is so disabled as to require the regular aid and attendance of another person or is a patient in a nursing home.

NO WIDOW, ONE OR MORE CHILDREN

Annual income equal to or less than (earned income excluded)—	Monthly pension
$1,800	$40 [*$38*] for one child and $16 [*$15*] for each additional child.

Pension Increases for Veterans and Widows of Spanish-American War and Prior Wars: Widows of the Spanish-American War, Civil War and Indian Wars who have been receiving a pension of $65 a month will receive a basic pension payment of $70 a month and will be eligible to receive an additional $50 a month if a patient in a nursing home or if in need of the regular aid and attendance of another person.

Directs the Administrator of Veterans' Affairs to pay aid and attendance veteran pensioners of Spanish-American War and Indian Wars under provisions of Public Law 86–211, as amended, where it would result in their receiving a higher pension payment. These veterans if they have not elected to receive under provisions of Public Law 80–211, have received $135.45 monthly, but may now be eligible to receive as much as $209.

Special Provisions for Veterans and Widows with Severe Disabilities: Veterans who continue to receive pension payments under laws effective on or before June 30, 1960, because of failure to elect to receive pension under laws effective after that date, and who are housebound because of the severity of their disabilities but unable to qualify for the aid and attendance allowance, will receive pension in the amount of $100 a month. These veterans have received $78.75 a month if on the pension rolls 10 or more years or if 65 years of age or older, or $66.15 if under age 65 or on pension rolls less than 10 years.

Widows of veterans of *all wars* will be eligible to receive a monthly allowance of $50, in addition to pension otherwise payable, if a patient in a nursing home or if in need of the regular aid and attendance of another person.

Veterans of *all wars*, previously eligible to receive aid and attendance allowance only upon a showing that they were helpless or blind or so near helpless or blind as to require the regular aid and attendance of another person, will be presumed to be in need of regular aid and attendance if a patient in a nursing home. This presumption also applies to widows in determining their eligibility to receive their aid and attendance allowance.

Veterans who have attained the age of 65 years will be presumed to be totally and permanently disabled. Removes 10-percent disability requirement at that age.

The special allowance paid in addition to pension otherwise payable to veterans who are housebound because of the severity of their disabilities and who are receiving pension payment under provisions of law effective on and after July 1, 1960 (Public Law 86-211, as amended) is increased from $35 to $40 a month.

Permits the furnishing of therapeutic or rehabilitative devices, medical equipment and supplies, when medically indicated, to veterans receiving pension based on the need for regular aid and attendance. Requires furnishing of drugs and medication to aid and attendance pensions receiving payments of pension under provisions of law in effect on or before June 30, 1960.

Miscellaneous Pension Provisions: A widow or wife of a deceased veteran will be permitted to exclude amounts paid for the last illness and burial of a child of the veteran, when computing annual income for pension purposes. A widow will be permitted to exclude expenses of the veteran's last illness which she paid prior to his death.

Liberalizes marriage requirements for a widow of a veteran to receive pension. Present law requires that the widow be married to the veteran prior to certain specified dates applicable to each war period; or for 5 or more years; or for any period of time if a child was born of the marriage. This amendment would change the 5-year requirement to 1 year, and would clarify the provision relative to a child born to the parties to the marriage.

Effective Date: October 1, 1967, except provision related to drugs, which is effective August 31, 1967.

LEGISLATIVE HISTORY

Senate Report No. 7 accompanying S. 16 (Committee on Finance), January 31, 1967.

House Report No. 130 accompanying H.R. 2068 (Committee on Veterans' Affairs), March 15, 1967.

Conference Report: House Report No. 554 on S. 16, August 14, 1967. (Conferees met July 18 and 27, and August 10, 1967.)

Congressional Record, Vol. 113 (1967) (S. 16):

February 7: Considered and passed Senate.

March 20: Considered and passed House, amended, in lieu of H.R. 2068, Roll Call No. 40, yeas 359—nays 0.

June 1: Reconsidered and passed Senate, amended, conference requested.

August 17: House adopted Conference Report, yeas 404—nays 0.

August 23: Senate adopted Conference Report, yeas 88—nays 0.

Approved: August 31, 1967.

MONETARY MOCKERY

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. Baring] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARING. Mr. Speaker, the past weeks have seen numerous articles written on the devaluation of the British pound. I would like to place in the Record the following article by that outstanding columnist, Henry Hazlitt, who to my way of thinking, hits the nail right on the head.

I commend to my colleagues, and to all readers of the Record, the following article:

Monetary Mockery

(By Henry Hazlitt)

The devaluation of the British pound from $2.80 to $2.40 is not only another declaration of the bankruptcy by Great Britain; it is another revelation of the bankruptcy of the international money system concocted at Bretton Woods, N.H., in 1944.

The argument put forward by the sponsors of that system was that it would promote international trade and domestic prosperity by stabilizing the values of national currencies and maintaining fixed and dependable exchange ratios between them. All that was necessary, they blandly explained, was to make one key currency—the American dollar—directly convertible into gold. All the others could simply be tied to each other by being tied to the dollar. Then every currency would support all the others, and everything would be just dandy.

What has been the result? the British pound, which already had been devalued from $4.86 to $4.03 when it entered the International Monetary Fund, was devalued again, in September 1949, from $4.03 to $2.80. That action, touched off 25 more devaluations of other currencies within a single week.

Since the fund opened for business, in fact, there is hardly one of its hundred or more member currencies, with the exception of the dollar, that has not been devalued at least once. Even before Nov. 18 every currency, without exception, bought less than it did when the fund started. The new devaluation of the pound to $2.40 has already touched off a series of more devaluation of other currencies. Not until at least several months from now will we know how seriously the world monetary edifice has been shaken.

And yet throughout the last 20 years we have been hearing and reading from official sources nothing but endlessly repeated statements about how "successfully" the fund ssytem has been functioning. Only this fall the fund members triumphantly announced a new gimmick, "special drawing rights" to make the system still more successful. These special drawing rights are nothing more than a new form of paper money or paper credit designed to make possible a further uniform international inflation and monetary depreciation that will not show up in the quoted exchange values of individual currencies.

At least an open devaluation of an individual currency, like that of the pound to $2.40, let us see just who is being swindled and by how much. The first losers are the central banks, private banks and firms and individuals all over the world who trusted the British government's solemn pledges that the pound would not again be devalued.

Maybe some of the "new economists" (though I doubt it) will at last begin asking themselves whether the international gold standard may have had some advantages that they could have overlooked.

Another bankruptcy that the new devaluation emphasizes is the welfare state. Prime Minister Harold Wilson fatuously blames "the speculators," but the real cause of the pound's new downfall is the attempt of Britain to live beyond its means—the cradle-to-grave security, the deficits of the socialized industries, all financed by budget deficits and the printing of more money.

ANTICRIME BILL IS URGENTLY NEEDED

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RODINO. Mr. Speaker, I am appalled by the failure of the Senate to act affirmatively on House-passed legislation (H.R. 5037) that seeks to provide the Nation with an important new weapon in its fight to halt the spread of crime in our cities and to curb lawlessness in our streets.

With the first session of the 90th Congress nearing adjournment, the bill remains buried and forgotten in the Senate Judiciary Committee.

This is no way to fight crime.

Unless this measure is passed, we cannot hope to mount an effective counterattack against the burglars and rapists, the muggers, and thugs who infest our cities and plague the innocent.

Decent, law-abiding citizens deserve better than the fear and terror that now haunt them, not only in the darkness of night but in bright daylight as well.

As a member of the House Judiciary Committee, I worked long and hard and conscientiously to help write a bill that would set in motion the machinery to lift the curtain of fear and stamp out the growth of crime.

That bill, originally titled the Safe Streets and Crime Control Act and now renamed the Law Enforcement and Criminal Justice Assistance Act, regrettably underwent considerable amendment before passing the House. It was a sounder, better bill as approved by the House Judiciary Committee, and I would hope that the original provisions can be restored before final enactment.

Even in the amended version, however, the bill continues to preserve the basic elements of President Johnson's anticrime proposals by authorizing Federal funds to help the States and municipalities improve, upgrade, and modernize their law-enforcement efforts.

Statistics confirm that crime is on the increase.

Fear among the innocent is on the rise.

The situation is serious and alarming. In some areas, crime has already reached the crisis level.

The need for meaningful countermeasures is urgent.

Law-abiding citizens must be given better protection. New methods of fighting the criminal and bringing him to justice must be investigated and perfected. Innovation must be encouraged. Professionalism among police must be enhanced.

And these goals are the targets at which the House-passed bill takes aim.

This vital legislation should be the Senate's first order of business in the next session. Delay is on the side of those who break the law. Inaction gives aid and comfort to the criminal. The public interest demands passage.

NEWARK NEWS PRAISES CYRUS VANCE AND THE PRESIDENT FOR CYPRUS PEACE NEGOTIATIONS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RODINO. Mr. Speaker, the Newark Evening News of November 30 in an excellent editorial described the recent U.S. mediation efforts over Cyprus as a "success."

Indeed, they were.

The News points out that—

> The settlement is especially welcome to the United States because it is a partner with both nations in NATO.

Neither the President nor Mr. Vance "took sides" in the dispute. Our efforts were those of the friendly broker who is an ally of both Greece and Turkey. Our aim was peace and friendship. And, hopefully, we have achieved that aim.

This is not the first international dispute in recent months which has seen the United States help prevent enlargement of international conflict.

Last summer, U.S. presence and diplomacy helped to keep limited the conflict between Israel and the Arab States.

In my opinion, in our debates and discussion, we do not give enough credit for our diplomatic successes, because Vietnam too often dominates our thinking.

Mr. Vance deserves a vote of thanks from the Congress. And President Johnson deserves our praise for having selected such an excellent emissary of peace for a very touchy and delicate problem.

I ask unanimous consent to insert in the Record the Newark News editorial entitled "Cyprus Peace."

Cyprus Peace

Success has crowned the efforts of special U.S. envoy Cyrus Vance and others engaged in mediating the dispute over Cyprus which threatened war between Greece and Turkey. The settlement is especially welcome to the United States because it is a partner with both nations in NATO.

Complexities of the dispute, whose origins date back four centuries, cannot be minimized. The ethnic, religious and cultural rivalries which have troubled Greece and Turkey are intensified in the harsh confines of Cyprus, an island less than half the size of New Jersey.

Greece and the Greek Cypriots would like to clear the island of Turkish Cypriots and effect some sort of union, or enosis. The Turkish Cypriots, numbering about 20 per cent of the island's 560,000 inhabitants, cherish their natural birthright and not only want to remain on the island but insist upon guarantees affecting their religion, political representation and voice in the administration of justice.

These just desires have been embodied in a Constitution promulgated after the island became independent in 1960. More, they are backed by the force Turkey is able to exert in behalf of the Turkish Cypriots.

By its willingness to pull its troops and excess guardsmen out of Cyprus, Greece has demonstrated the wisdom of compromise. To do otherwise, in the light of its current domestic difficulties, would have been to court disaster.

Nonetheless, Mr. Vance's peacemaking mission has been both delicate and difficult. He has acquitted himself well in performing an important service at this strategic gateway to the Mediterranean.

WAR PROFITEERING AND RENEGOTIATION

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I was scheduled last Friday to appear before the Economy in Government Subcommittee of the Joint Economic Committee. Senator William E. Proxmire, chairman of that subcommittee and that committee, graciously afforded me an opportunity to testify on the last day of hearings scheduled for this session, since my views on war profiteering and the Renegotiation Board had been injected into the hearings during the preceding week. However, I had made a prior commitment in Texas, if the House were not in session Friday. This turned out to be the case and I flew to Texas as I promised, but with deep regrets that I could not testify in person before the Proxmire subcommittee.

But I did submit a statement to the subcommittee because of my belief that the work of the Renegotiation Board in preventing war profiteering should be of vital interest to every Member of Congress, and I have requested permission to include my testimony at this point. I also have requested permission to include an article by Jack Anderson entitled "How Uncle Sam Is Cheated: The Multi-Billion-Dollar Giveaway," which appeared in Parade magazine on December 3, 1967. This article extensively quotes Senator Proxmire and Representative Martha W. Griffiths. I believe their statements about the great machinery giveaway are of interest to all my colleagues.

STATEMENT OF U.S. REPRESENTATIVE HENRY B. GONZALEZ, DEMOCRAT, OF TEXAS, BEFORE THE SUBCOMMITTEE ON MONOPOLY OF THE JOINT ECONOMIC COMMITTEE, DECEMBER 8, 1967.

Mr. Chairman and members of the subcommittee, I consider it a high honor and a rare privilege to appear before you today. Your investigations into defense procurement practices are of the highest importance, and I wish to lend my small voice in commendation. I should add that I am very grateful to be addressing such a distinguished body of legislators in the first committee forum accorded me relative to my interest in the activities of the Renegotiation Board and my concern about the unreasonably restricted role it now plays in returning excessive profits to the American taxpayer.

It was entirely through happenstance that I first became aware of the existence of the Renegotiation Board. This was a year and a half ago when Mr. Farris Bryant, Director of the Office of Emergency Planning appeared before the committee I served on, Banking and Currency. Although the topic was stockpiling, I was interested in figures that prime defense contract awards were approaching a magnitude higher than the Korean War peak. I asked about possible dislocations in the economy and whether special controls were being contemplated. I was not answered directly, but in the exchange the name of the Renegotiation Board was mentioned.

At the time I knew nothing about the Board. I have been pained to discover that the same is true with most of my colleagues. But the more I learned, the more hearty became my support of the Board, and the more strongly I have urged that it be strengthened. I introduced a bill, H.R. 6792, which would return the Renegotiation Board to its Korean War effectiveness. I have requested hearings on my bill. I have made 12 exhortations in the *Congressional Record*, covering 19 pages. I have written to the President several times. And often, I confess, I have gotten the impression that mine was a lone voice crying in the wilderness. So I am very pleased to have such a distinguished audience this morning.

I have also authored an article for the August 1967 issue of The Progressive magazine entitled "The War Profiteers." In the November 28 hearings of this subcommittee, a distinguished member, Congressman Donald Rumsfeld questioned the Assistant Secretary of Defense for Installations and Logistics, Mr. Thomas D. Morris, about my article. Since my views in this article were injected into your hearings and my conclusions challenged, I requested the opportunity to reply. I am grateful to Chairman Proxmire for graciously scheduling my appearance.

Mr. Rumsfeld asked Mr. Morris whether my charges that war profiteering is increasing were correct. Mr. Morris replied: "I know of absolutely no evidence to support those statements."

I cannot come before this subcommittee with figures and statistics proving that the volume of war profiteering is increasing by this or that amount, any more than Mr. Morris can prove that it is not increasing. The reason for this is not complex: there is simply no comprehensive scrutiny of war profiteering. The Department of Defense certainly does not keep track—it took them five years to order audits of cost estimates in order to better comply with the Truth in Negotiations Act. The General Accounting Office is not interested in the profits a contractor may realize except as resulting from unreasonable cost and pricing data at the time the original contract is negotiated. And the Renegotiation Board does not have purview over enough of the defense spending. With its present list of exemptions, and with its present minimum floor, I estimate that the Renegotiation Board annually misses at least $6 billion in government contracts and misses about 7,600 contractors. And also, while the preponderant majority of the contractors and subcontractors the Board reviews are defense-related, the Board also reviews contracts with NASA, AEC, FAA, GSA and the Maritime Administration. Therefore, its experience cannot be considered solely defense contracts.

The fact that there are such gaps in Congressional or quasi-judicial scrutiny of war profiteering is precisely the matter which causes me concern.

Despite the absence of statistics, I am confident there is a clear inference that war profiteering is increasing. I do not retract one iota from my statement that "the facts make it clear that profiteering is taking place on a considerable scale" and that "there is evidence it is on the upswing." I say this because the volume of defense contracts has risen sharply as a result of the Vietnam War. This year we are spending more in Vietnam, both in dollars and in percentage of total U.S. spending, than we did in the peak year of Korea, which was 1953. Specifically, Vietnam is costing $26 billion now, contrasted to $10 billion for Korea in 1953. I say profiteering is on the upswing because the jurisdiction of the Renegotiation Board has been cut back by Congress over the years. The successive exemptions to renegotiation allow more and more profiteering for two reasons. First, the number of contracts and the number of contractors within the Board's jurisdiction have declined. For example, in 1952 the Board reviewed the profits of 13,104 companies; but in 1966 the number of companies had dropped to 3,387, a cut of nearly 75 percent. And secondly, these exemptions increase profiteering because the deterrent effect of the Board has vanished in those areas.

Like the policeman of the beat, the Board casts a long shadow. To illustrate, in 1966 the Board made determinations of $24.5 million in excessive profits, but corresponding to this figure was an additional $23.2 million in voluntary refunds by the contractors which were reported to the Board. I suspect that the effect of the Board is like an iceberg—a good deal of its weight is below the surface.

Also, despite the direct denial of Mr. Morris, I stand squarely behind my statement that the "annual reports of the Renegotiation Board reveal that profiteering is going on now, is increasing, and will continue to increase unless something more realistic is done to stop it." Mr. Morris said, "The Renegotiation Board reports of past years certainly do not bear it out."

I disagree: The Board's reports certainly do. The fact that the Board in its latest report could point to its recovery of $47.7 million in excessive profits determinations or voluntary refunds certainly does confirm my statement that war profiteering is going on now. If I might be excused in appropriating the same argument used by Mr. Morris, I would say that I know of absolutely no evidence to support the contention that war profiteering has somehow ceased.

Further, the following table of Renegotiation Board determinations of excessive profits from 1962 to 1966 certainly does confirm my statement that profiteering is increasing:

Excessive profits

Fiscal year:	
1962	$7, 840, 000
1963	10, 070, 000
1964	24, 160, 000
1965	16, 150, 000
1966	24, 510, 000

And finally, the fact that the first rash of contracts awarded during the upswing during the Vietnam buildup are now coming before the Board does indicate the validity of my statement that profiteering will continue to increase.

While I am on the Renegotiation Board's latest report, I might mention that the Board recovered this $47.7 million in excessive profits with a total of 178 employees. This amount of profiteering is even more amazing to me when I consider all the contractors and their contracts now exempt from renegotiation. Though not entirely fair, it is nevertheless suggestive to contrast these 178 employees of the Renegotiation Board with the 25,000 "procurement professional people" that Mr. Morris said work for him. You might also be interested in my calculation that for every $1 spent on the Renegotiation, the Board has recovered for the American taxpayer about $18 in excessive profits.

Perhaps Assistant Secretary Morris objects to my use of the term "war Profiteering." I contend there is a war going on. I contend excessive profits are being made on defense contracts. I contend, therefore, that war profiteering exists. I refuse to mince words. At a time when we are engaging in the involuntary procurement of men for Vietnam through the draft—at a time when we are asking nearly half a million American troops in Vietnam to be prepared to make the ultimate sacrifice for their country—at a time when nearly 200 of our boys are dying each week, I say it is unconscionable that even one contractor should be allowed to make a killing on a defense contract.

The position of Mr. Morris on whether war profiteering exists amazes me. He tries to have his cake and eat it, too. For one thing, he said he knows of "no evidence" to support my statements there is war profiteering, and yet he admits there "may be . . . individual cases." But my credence is taxed to the utmost by his statement that "we have no valid information" of overcharging except that disclosed by Congressman Pike. "Nor," Mr. Morris states, "has GAO brought any to our attention that I am aware of."

Surely Mr. Morris is not unaware of the charges of excess profits against Colt's on the M–16? Surely Mr. Morris is not unaware of the ten examples of questionable profits picked out by Senator Young from among "private letters" of the GAO to his Department? Surely Mr. Morris is not also unaware of the questionable practices by the companies picked at random by Congressman Charles Whalen from among the "private letters" of GAO to DOD? Surely Mr. Morris is not unaware of the 222 out of 242 contracts which the Comptroller General stated before this subcommittee lacked evidence to support the cost or pricing data submitted by contractors? Surely Mr. Morris is not unaware of the 33 out of 101 cases of overpricing that the Assistant Comptroller General spoke of before the House Subcommittee on Military Procurement?

Surely Mr. Morris is not unaware of the Comptroller General's recent report to Congress charging improper use of Government-owned industrial plant equipment? In this connection, surely Mr. Morris is not unaware of the situation described by Jack Anderson in last week's Parade magazine under the title "How Uncle Sam is Cheated: The Multi-Billion Dollar Machinery Giveaway."?

Mr. Chairman, I would like to call attention to Attachment Number 1 of my remarks, which contains a short bibliography of recent charges of what I call profiteering, as compiled by my staff. Clearly, the Defense Department and the contractors must be heard in the full on these charges. But how anyone can imply that the GAO and the Congress has not brought to light serious indictments of war profiteering is beyond my comprehension.

If not already a part of the record of this subcommittee's hearings, I would like permission to include the Parade magazine story after my remarks. It is a very revealing article, and it gives an excellent account of the efforts of Chairman Proxmire and Mrs. Griffiths of this subcommittee in behalf of the national interest.

You may have noticed that the examples of defense overcharging as listed in my attached bibliography were disclosed by persons interested in procurement practices. They are important to me because they confirm my conviction that if profiteering did not exist in this war, it would be the first time in our history. But I have not brought here similar, current examples from the renegotiation process. This is due to the nature of the Renegotiation Act itself. The Board does not deal in current contract awards. It does not review contracts until several years after they are negotiated. And the renegotiation process is not constituted on a contract-by-contract basis, but lumps all renegotiable business of one firm together.

Another reason the Renegotiation Board does not make news is because the records submitted to them are held in strict confidence. This is because the records required by the Board are based on a contractor's income tax records, and are covered by the same nondisclosure laws as income tax returns. Not unless a contractor appeals an excessive profits determination to the Tax Court do the details of his case become public. And since more than 90% of the Board's determinations of excessive profits are agreed to by the contractor, few cases are disclosed. Those cases that do reach the Tax Court are older still.

I realize my presentation so far has not been a model of orderliness. I hope I can be excused for my interest in demonstrating that my facts on the Renegotiation Board and my charges of war profiteering were based on all the evidence I could locate. I know that the Renegotiation Board is not the first order of interest of this subcommittee, and I appreciate your patience. This is not the place to go into the whys and wherefores of my bill to strengthen the Board, although I would like to repeat that it would bring at least $6 billion more renegotiatible business under the Board's scrutiny, and cover about 7,600 more defense government contractors. However, I believe it would be of some value to this subcommittee if I briefly compared my understanding of the renegotiation process with the Truth-In-Negotiations procedures.

I firmly believe there is no substitute for sound, tight procurement practices in the government. I heartily endorse the investigations by this subcommittee into defense contracts. But I suggest that there is another way to help halt war profiteering than by fully implementing the Truth-In-Negotiations Act. I wish to suggest here that the statutory renegotiation process, developed during World War II and practiced by the Renegotiation Board, is an essential compliment to the audit process of Truth-In-Negotiations.

I am also in agreement with the opinion advanced by Admiral Hyman Rickover this year during the House Appropriations hearings of DOD that "the Government cannot rely on the Renegotiation Board to insure fair prices for defense equipment. The Board is not adequate for this purpose."

"First of all," Admiral Rickover said, "under renegotiation profits are averaged overall defense work so that high profits on individual contracts tend to have only slight effect on overall profit levels." This is correct, but I will argue later that there are advantages in this overall view.

He said, "Second, much Department of Defense procurement is exempt from renegotiation." Hence the need for my bill, H.R. 6792.

He said, "But most important, the Board cannot really determine how much profit a supplier makes since, as I have said before, there are no real accounting standards which industry must follow in accounting for work under Government contracts." Here, I defer to the Admiral.

My knowledge of the DOD procurement process is not extensive but I do see several difficulties in present DOD practices which the Renegotiation Board can partially compensate for.

First, it is my conviction that the procurement process is not weighted as it should be, in favor of the American taxpayer. Admiral Rickover said, "I think the Defense Department is influenced too much by people who have an industry view point." An article in the National Observer for November 6, 1967 and an AP wirestory which appeared about October 16, 1967 both pointed to disturbing connections between defense procurement officers and the "military-industrial complex." I do not believe the Department of Defense can be expected to adequately police its own procurement work. It took five years and heavy prodding from Congress before DOD this year issued regulations implementing the audit provisions of the Truth-in-Negotiations Act. It can be documented that the history of the Department of Defense in complying with its own regulations is not a glorious one. I believe Senator Proxmire and Congressman Minshall are correct in continuing to push for their legislation to strengthen the Truth-In-Negotiations Act.

The Renegotiation Board, in contrast, is independent, judicious and non-political. Its only job is to police excessive profits. The Board is not arbitrary. Nine out of 10 contractors reach agreement with the Board on its excessive profits determinations, and more than one-third of every tenth contractor eventually concedes the Board's position. Apparently, the Board is so fair-minded and non-political that few members of this Congress have had the occasion to learn about its functions.

A second difficulty with the procurement process is that the so-called "competitively-bid" contracts cannot always be called competitive by any stretch of the imagination. Congressman Pike uncovered several such cases. For example, the DOD had contracted to pay $312.50 apiece for a small-sized plastic adjusting knob for field generators. It turned out that the supplier was paying only $1.62 apiece for them from the manufacturer. But the irony is this: since the contract was formally advertised, it was considered competitive and DOD therefore chalked it up as a saving for the U.S. taxpayer of 25% on the $33,000 contract. And the Armed Services Procurement Regulations that describe contract awards as competitive when one response is received just so two or more proposals were solicited is perpetrating a definition of competition that is beyond me. The ASPR that permits purchases of $2,500 and under to be considered competitive also escapes me.

Although the Truth-in-Negotiations Act is not applicable to so-called competitive contracts, there is no limitation on the type of contract the Renegotiation Board can review. They review competitive contracts and negotiated contracts, whether cost-plus, firm fixed-price or incentive. I should say all types of contracts are reviewed by the Board as long as the contractor of his contracts do not escape under one of the numerous exemptions to renegotiation.

Thirdly, the Renegotiation Board has the advantage of taking a much broader view. It has jurisdiction over all contracts of subcontractors as well as prime contractors. A contractor is subject to renegotiation if he was awarded a total of $1 million of nonexempt business within a single fiscal year with either DOD, NASA, AEC, FAA, GSA or the Maritime Administration.

The Board customarily looks at a contract several years after they are negotiated. It looks at the finished contract or at least the first year's experience with the contract. From this vantage point, the cost estimates as originally negotiated assume a different complexion. This is important when the government has contracted for such innovative hardware as an Apollo booster or a new weapons system. Where new ground is being broken, cost estimates cannot be precise, and honest mistakes can occur. The Renegotiation Board is in a position in this respect to correct mistaken cost and profit estimates from the procurement process.

This broad view is advantageous in other situations. Take the hypothetical case of a company with an Air Force contract against which it must charge a certain amount of overhead. But further suppose that later in the same year this company gets a Navy contract that would rightfully relieve the Air Force of some degree of overhead costs. The Renegotiation Board can take this into account.

This overall view taken by the Board is also favorable to the contractor. A contractor is allowed to have a loss or a negligible profit on one contract balanced against profits on another contract that might otherwise be considered excessive. Further, the contractor gets a five-year carry forward on his losses for renegotiation purposes.

The contractor also benefits from the flexible criteria of the Renegotiation Act. The Board must give due weight to a contractor's efficiency, to the character of his business, to the extent of risk assumed (i.e., whether the contract is fixed fee or cost plus, etc.), to his contribution to the defense effort, to his capital employed, and to the reasonableness of costs and profits. On this latter point, the Board allows costs and profits on the basis of the tax code definitions, which are more liberal to a businessman than costs as allowed by the procurement regulations.

Undoubtedly there are legitimate gripes from businessmen on some aspects of the Renegotiation Act or the Board's activities. But the basic act has always been so well-balanced that I cannot conceive of any reputable firm complaining that renegotiation is onerous or repugnant.

To summarize, the renegotiation has a three-fold value as I see it (1) It strengthens the procurement process. I can imagine an alert procurement officer saying to a contractor's representative, "Don't get cagey; you know the Renegotiation Board will look at these costs on this contract we want to award you. Let's have some realistic cost estimates." (2) The Board's very presence is responsible for a large amount of voluntary profit refunds and generally acts as a restraint upon profiteering. Only finally (3) do I point to the actual determinations and recoveries of excess profits by the Renegotiation Board.

I am very grateful for your kind attention. Thank you.

What War Profiteering?—I'm Glad You Asked

1. EXCESSIVE PROFITS BY COLT'S

"A 10-percent profit rate was negotiated on all production contracts. The records and information made available by Colt's indicate that profits before taxes were 19.6 percent for calendar year 1965; 16.8 percent for calendar year 1966; and 13.4 percent for the first 4 months of 1967, for an average of 16.8."

Quotation from the Report of the Special Subcommittee on the M-16 Rifle Program of the Committee on Armed Services, October 19, 1967, p. 5342.

2. TEN EXAMPLES OF EXCESS PROFITS FROM "PRIVATE LETTERS" FROM GAO TO DOD

Senator Stephen Young picked ten examples from the "private letters" of the General Accounting Office calling the attention of the Defense Department to excessive profits and profiteering on defense contracts. Sen. Young gave details and the amounts of the excess profits alleged by GAO, but withheld the company names. The cases include "a giant Ohio corporation that has a record for veracity in its dealings with the Governments that leaves much to be desired"—

$143,681, "a Minnesota corporation, also a frequent violator"—$1.5 million, "one of the largest aircraft manufacturers"—$1.6 million, "a leading radar manufacturer"—nearly a half million dollars, "a Texas corporation"—$921,000, "a missile manufacturer"—$150,000, "an electronics company"—$108,000, "an Ohio missile supplier"—$134,000, "yet another aircraft manufacturer"—$465,000, "another well-known New York Company." These are from Senator Young's remarks in the July 21, 1967 Congressional Record, pages 19651 to 19652.

3. MORE "PRIVATE LETTERS" FROM GAO ON DOD BEING OVERCHARGED

Rep. Charles Whalen (R.-Ohio) has also reported on several of the "private letters" from GAO to DOD. Randomly selecting from these letters, Rep. Whalen pointed to Company A which overstated its proposed costs for electrical equipment by more than $50,000. Company B won a contract for reconnaissance equipment for a price about $16,400 higher than it should have been. Company C was awarded an aircraft procurement contract at a level, GAO concluded, "about 17,500 higher than indicated by information available at the time of negotiation." Company D estimated its costs for a new weapon $700,000 higher than the situation warranted, with an overstatement of the company's fee of $88,000. Company E, providing a navigation system, made two errors resulting in an overcharge of more than $250,000, and another error of $55,000 in overcharges.

Company F should have used data on its aircraft accessory contract which would have reduced the cost by $52,900. Company G overcharged for construction and operation of a storage facility, based on cost figures 42% more than the only available estimate. Rep. Whalen detailed these cases in the *Congressional Record* of August 23, 1967, pages 23716 to 23719.

4. EXCESSIVE PROFITS MADE BY LITTON INDUSTRIES, INC. ON THE LN-3 NAVIGATIONAL SYSTEM OF THE F-104 FIGHTER

"I believe that Litton has made very substantial excess profits on this system. . . . Yesterday the General Accounting Office advised me that Litton had declined to provide them with certain essential data as to their profits on these multimillion dollar procurements."

Congressional Record insert by Congressman Otis G. Pike (D-NY), September 27, 1967, 26954.

5. OVERCHARGES INCIDENT TO NEGOTIATED CONTRACT AWARDS

"(1) Despite the clearly expressed intention of the Congress, and the continual urgings of this subcommittee, it is clear that insufficient use has been made of competitive bidding, particularly in our military procurement.

"(2) Moreover, the overcharges to the Government incident to excessive reliance on negotiated contract awards have been accentuated by the serious lack of compliance with the so-called Truth-in-Negotiation Act. The Comptroller General of the United States had made repeated reports on the insufficient enforcement of the provisions of this act."

From the Report entitled *Economy in Government* of the Subcommittee on Economy in Government of the Joint Economic Committee, "Procurement Policies," July 1967, p. 1.

6. OVERPRICED CLEVELAND PNEUMATIC TOOL CO. CONTRACTS

"In three contracts (1963 & 1964) with the Cleveland Pneumatic Tool Co., totaling nearly $2 million, the Army allegedly was charged $239,000 more than was justified. This civil finding was made by the U.S. General Accounting Office. . . ."

Part of an article from the *Cleveland Plain Dealer,* April 10, 1967 as included in the *Congressional Record* in the remarks by Senator Stephen Young (D-Ohio), April 20, 1967, 10276.

7. DOD BEING SOLD DOWN THE RIVER ON 222 OF 242 PROCUREMENTS?

"Mr. STAATS. . . . We took 242 cases of either prime or first-tier subjects. . . . in 1965 of these awards we found that the agency officials and prime contractors had no records identifying the cost or pricing data submitted and certified. . . . of the remaining 57 of the 242 procurements examined . . . there was not a record showing the basis for the contracting officer's determination."

Testimony of the Honorable Elmer B. Staats, Comptroller General, in Hearings before the Joint Economic Committee, part 1 entitled *Economy in Government,* May 1967, pp. 62–63.

8. GAO REPORTS TO CONGRESS

"This report we sent over in draft from (sic) to the Department of Defense will come to Congress when we get their comments. It covers, I think, 101 contracts and finds overpricing in 33 of those contracts."

Extracted from the remarks of Mr. Frank H. Weitzel, Assistant Comptroller General in Hearings before a Subcommittee of the Commitee on Government Operations, entitled *Defense Contract Audit Agency,* July 28, 1967, p. 20.

9. IMPROPER USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT

"During the 3 years ended December 31, 1965, the 8,000 ton press was used 78 percent of actual production time for commercial work without advance OEP approval (i.e., illegally) . . . Also this contractor had used 10 machines, costing from $29,000 to $141,000 each, 100 percent of the time for commercial work during the first 6 months of 1966 without obtaining advance OEP approval. . . .

In another case, during the 9-year period ended September 1966, an ammunition facility was used about 80 percent of the time for commercial work. . . .

Report to the Congress by the Comptroller General, "Need for Improvements In Controls Over Government-Owned Property In Contractors' Plants," Nov. 24, 1967, p. 19.

10. MULTI-BILLION-DOLLAR GIVEAWAY

"But no one disputes that some contractors have misused and abused the free government machinery entrusted into their care . . . One company which had gotten a whopping $55 million of free special tooling 12 years ago, couldn't locate much of the stuff when GAO inspectors came around."

Article in the *Parade* magazine of the *Washington Post* by Jack Anderson entitled "How Uncle Sam Is Cheated: The Multi-Billion Dollar Giveaway," December 3, 1967, pages 6–7.

[From Parade magazine, Dec. 3, 1967]

HOW UNCLE SAM IS CHEATED: THE MULTI-BILLION-DOLLAR GIVEAWAY

(By Jack Anderson)

WASHINGTON, D.C.—The Pentagon is pumping billions into American industry to provide businessmen with sophisticated machinery to help them produce essential military hardware. Instead, many of the machines are also being used to produce commercial items—and big profits for the manufacturers.

No one knows the exact extent of the Great Machinery Giveaway. Neither the Pentagon nor the recipients have kept adequate records of the equipment, and a substantial number of machines can no longer be located. Other equipment, too large or too vital simply to disappear, has been diverted from defense to civilian production despite federal regulations and military needs. Still other equipment has been worn out producing commercial items, so that it can no longer be used for the purposes the government intended.

All told, machinery, facilities and material turned over to defense contractors by the Pentagon has been valued by the Comptroller General at more than $11 billion. Pentagon officials claim this figure is far too high; some government auditors insist it is too low. But no one disputes that some contractors have misused and abused the free government machinery entrusted into their care. Indeed, as a recent U.S. audit of 17 plants showed, this amazing charity program for big business has added up to an enormous swindle of the American taxpayers.

Ironically, the whole idea was to save the taxpayers money. Manufacturers who are given free machinery for their production lines are expected to pass on the savings to the taxpayers. More often, they have passed on the dividends to their corporate stockholders.

Of course, most of the contractors working on defense items are honest. But the case of one aerospace contractor illustrates how the taxpayers are being taken. The company complained that the 4000-ton presses which it had received free to produce blades for jet engines weren't adequate to stamp out parts for the latest military engines and meet production schedules. The Pentagon obligingly delivered to the company a one-of-a-kind 8000-ton press. Three years later, investigators learned that the military jet blades were primarily being stamped out on the smaller presses, while the 8000-ton press was being used to service commercial contracts 78 percent of the time.

An ammunition contractor used government equipment worth $4.2 million to produce military rockets only 20 percent of the time between 1957 and 1966. During the same period, he made $24 million worth of commercial orders on the machinery. When the Navy ordered the plant to begin producing rockets for Vietnam, the contractor wailed that he couldn't meet the production schedule. Investigators detected no noticeable cutback in commercial production, but the contractor insisted that the machinery could no longer meet the tolerances needed for rocket work. Apparently, the commercial work had worn out the government machines, although there was no way for the government to prove it. Instead, the taxpayers had to pay for more equipment to produce the rockets.

Federal regulations demand that contractors get permission to use government equipment for non-defense work and that they pay rent for the time it turns out civilian production. If the commercial use exceeds 25 percent, special authority has to come from the President's Office of Emergency Planning.

These rules are seldom enforced, however, and manufacturers often laugh at them. During one eight-year period, an aircraft company used government equipment to produce $500 million worth of airplane engines for commercial customers without paying a dime of rent to the U.S. Treasury. Even after a U.S. estimate that $5 million in rent was due, the money was never collected. It is a story that is repeated every day by other defense contractors.

In several instances, government equipment and machinery was used for commercial production as much as 97 percent of the time. One company had ten machines costing up to $141,000 which were used full time for commercial production in the first half of 1966.

Despite its celebrated computer systems for cost accounting, the Pentagon has confessed that it cannot completely keep track of all the equipment it has distributed to manufacturers out of the taxpayers' great grabbag. Astonishingly, the Pentagon has left it up to the contractors to inventory all this machinery and to log the hours it is used on commercial production. This is equivalent to putting the geese in charge of the corn.

The General Accounting Office—an investigative arm of Congress—disclosed a number of inventory abuses during a routine spot check in the Dallas area. One plant, which had been given $21.8 million worth of special equipment, couldn't explain satisfactorily what had happened to it. At another plant, 5,000 special items were missing. At a third, "special use" tools supplied by the Pentagon were intermingled with commercial equipment. The Defense Department's own records were found to be so botched that in four Dallas plants the probers located 88 government-owned machines which weren't even listed among the Pentagon's possessions.

One company which had gotten a whopping $55 million of free special tooling 12 years ago, couldn't locate much of the stuff when GAO inspectors came around. A company spokesman said it would take 20 men one full year to make such an inventory. It should be mentioned at this point that contractors are not required to report on or keep records of special tooling and special test equipment. Thus it is no surprise that the Pentagon was unable to tell Parade how much of this stuff it had given away, or where it was.

The discoveries in Texas can be multiplied by hundreds of defense plants across the country. The Pentagon simply doesn't know how much machinery it owns nor where all of the stuff is located. "We're not talking about little sausage grinder machines," one investigator told Parade. "A lot of this equipment costs many thousands, even millions of dollars. Defense not only has no idea where all of it is but doesn't know how extensively it's being used by private corporations for their own commercial purposes."

Members of Congress who have become aware of the situation are horrified by the waste and inefficiency. "It's all a monstrous disgrace," Rep. Martha W. Griffiths (D., Mich.) told Parade. "The contractors, in my opinion, are stealing, they're cheating. They do this because they see that nobody in the Pentagon cares about it. The Pentagon does not want to be bothered."

Mrs. Griffiths speaks with authority. Before her election to Congress, she spent nearly five years as an Army purchasing agent. "No one knows better than I how stupid these military people can be," she said. "This whole area of defense procurement and lack of controls over government-owned property is a mess. It's a real gyp not only to the taxpayers but to legitimate business. How can you possibly compete when your competitor gets his equipment absolutely free from the government?"

The great machinery giveaway began during World War I to speed production of war materials and to aid manufacturers who otherwise would have been stuck with specialized tools having no peacetime use. This subsidy to contractors steadily gained momentum and, in 1956, the Pentagon began replacing the equipment that had grown old and tired through civilian use.

As the use of government machinery spread to 5500 of the nation's plants, the abuses multiplied. Manufacturers bid for military contracts even when they didn't have the necessary machinery, confident that they could easily obtain the machinery from the government, according to Rep. Griffiths.

Other manufacturers hoarded special tools long after their military contracts had run out. Government auditors found "many instances" of plant equipment that should have been given back to Uncle Sam being diverted from military to civilian production. All too often, the government was obliged to duplicate these expensive tools and machines for other manufacturers.

An analysis of the utilization of $15.9 million worth of government equipment, scattered among several manufacturers, revealed that most of it had been used exclusively for commercial production or at least hadn't been used for defense work for a long while. Not one of the 328 items involved, however, was reported to the Pentagon as no longer needed. Yet 81 of them were urgently needed at other defense plants.

One Midwestern radio manufacturer, given special tools to produce Army radios, kept the machinery going to meet its commercial commitments after its defense contract had expired. The government had to pay its new contractor an extra $418,000 to speed production on the needed radios. Another contractor, with a small production order from the military, wangled 30 special machines from the government and spread the work out so he could swear that he had used them all. The total machine use, however, was 40 hours a month. The work could have been done by one machine in one week.

Other contractors have wheedled multipurpose tools, good for commercial production, out of Uncle Sam by claiming they were specialized tools. In one plant alone, government auditors listed $36 million worth of multipurpose tools that had been classified by the contractor as non-reportable "special tooling".

Use of government machines is controlled by regulations, not law, and the government's only recourse is through negotiation and civil lawsuits, not prosecutions. Armed with this immunity, the Pentagon's indifference and their own skill at juggling records, manufacturers are free to do almost anything they wish with the billions of dollars worth of machinery owned by the taxpayers. Even the General Accounting Office, which can find the hidden figures in most bookkeeping, was confused by one contractor's ability to mask his activities. The contractor had $8,858,833 worth of taxpayer-paid machinery. "This manufacturer's volume of commercial business was significant," grumped the GAO auditor who checked the books. But the "lack of detailed utilization records and basic agreement documents," he confessed, made it impossible for him to determine "whether equitable rental fees were being paid." The message between the lines was that this manufacturer likely was doing a lot of "moonlighting" with government equipment.

Checks by government investigators are infrequent in the plants, and contractors confidently play the loopholes. As long as they are keeping the records, they realize that they can be compelled to pay rental on the machines only for those days when government inspectors actually see the machines turning out commercial products.

"It's not really true that these tools, machines, presses and other equipment are useful only in making what the government orders," said Congresswoman Griffiths. "In the first place things like aircraft and electronic items are often identical to commercially used products. And much of the equipment the government hands out for free is sophisticated enough to turn out all kinds of commercial items. There are exceptions, and I say the government should only supply equipment absolutely incapable of producing anything but government-needed items."

Sen. William Proxmire (D. Wis.), who has also interested himself in the great machinery giveaway, has summed up his feelings. "I cannot come to any other conclusion," he said angrily, "except that it seems incredibly sloppy, a clear dereliction of duty in the management of inventory, a cost to the taxpayers of hundreds of millions of dollars, maybe even billions and billions of dollars."

The Department of Defense, on the defensive against GAO and Congressional charges of inadequate control and management of "government-owned property in the hands of contractors," is forming "implementation teams" to ride herd on this vast supply of equipment and machinery. Improved auditing, mechanized record keeping, and improving the caliber of government inspectors are also in the mill.

But perhaps the question should also be raised, as some officials in government already have, as to whether the government should even be in the business of supplying billions of dollars of free equipment, machinery, material, buildings, real estate and even whole plants to industry. There is also the question of whether Uncle Sam should rent out equipment paid for by taxpayers, for commercial production sidelines by manufacturers already making a no-risk profit on government defense work.

At a time when President Johnson is demanding higher taxes to pay for the Vietnam war, he might also insist on greater care with the money the taxpayers have already shelled out.

This story of a multi-billion-dollar boondoggle—the Pentagon's blatant waste of machinery and the enormous profits industry reaps from this waste—is the result of weeks of dogged digging into the facts. Mountains of documents were examined, charts and tables scrutinized. When it came time to interview the responsible officials, however, they ran for cover. Even some members of Congress, while admitting that the situation was "bad," didn't want to discuss it. One acknowledged that some of the companies involved were located in his state and they were "quite good to me."

Pentagon officials ducked calls and, when cornered, said they couldn't talk without clearance. The clearances never came. One official admitted to Parade: "The individual from whom the information should be forthcoming was frankly hoping that you would go away. Now that he's convinced you won't go away, I'm hoping for an answer within the next 36 hours."

When it did come, the answer was an evasion of the facts, cloaked in "credibility gap" semantics. "The Defense Department has no knowledge," said the spokesman blandly, reading from a prepared statement, "of any illegal use of government industrial plant equipment by contractors. For that matter, the General Accounting Office has made no report that indicates such a problem exists. Period. End of statement."

In the broadest sense, the spokesman was telling the truth. The misuse of government machinery, though against regulations, strictly speaking is not "illegal" but merely "unauthorized." When challenged, however, the spokesman smiled weakly and responded: "Well, they didn't really believe you'd buy it."

On the question of the legalities, Rep. Martha W. Griffiths (D., Mich.) told Parade: "Whether or not this is illegal is within the control of the Defense Department, and if they haven't made it illegal, then in fact the Pentagon is teaming up with contractors to fleece the American public."

POGO REASSURED WITH REFERENCE TO OKEFENOKEE SWAMP

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. STUCKEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STUCKEY. Mr. Speaker, on November 25, 1967, I noticed in the comic strip section of the Washington Evening Star that Pogo stated that the ol' Congressman Moop, the Big Frog, wants to exploit the Okefenokee Swamp.

I have a copy of Pogo's remarks here, and I would like to read them to my colleagues.

> I hears ol' Congressman Moop, the Big Frog, wants to ex-ploit your Natural-Born Resources, Albert . . . He's gonna call you the "Lost Child National Preserve" . . . Wants to Bull-doze into yo' innards, crepe-hung with the wealth of Croesus as I understand it an' then haul it out in the Federabobble inter'st . . . jewels, baubles, mealtickets, minerals, natural and unnatural gas.

Now, Mr. Speaker, I do not know who Congressman Moop is, but as the representative of the Okefenokee Swamp in the Eighth Congressional District of Georgia, I have asked for the floor at this time to set the record straight and to advise the distinguished Members of the House of Representatives and our constituents that I do not, have not, and will not favor exploiting the Okefenokee Swamp. I have sent a telegram to Mr. Walt Kelly asking him to please assure Pogo and all of his swamp friends that they can be assured that no such thought has entered my mind.

In fact, the opposite is true. There is a dam on the outer edge of the swamp, strategically placed to prevent drainage of the swamp even in times of drought. The dam is designed to maintain a minimum water level in the swamp. Therefore, all the animals of the swamp including Pogo need not worry about the swamp going dry. The Department of the Interior manages 300,000 acres which is almost all of the Okefenokee, as a National Wildlife Refuge and all of the effort of this Department are designed for the protection of the animals in the swamp. I am glad to further advise you and Pogo that no hunting is permitted in this National Wildlife Refuge. It is being maintained by the Department of the Interior in its natural state and as Pogo's Congressman, I shall make every effort to keep it that way.

Thank you, Mr. Speaker, for allowing me this time to reassure Pogo.

TERMINATION OF ECONOMIC ASSISTANCE TO IRAN

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, as Congress debates the level of next year's foreign aid appropriation, the Agency for International Development and the Johnson administration have marked a milestone of success with the termination of economic assistance to Iran.

With the cooperation of an enlightened Iranian Government and the assistance of our foreign aid, Iran in 15 years has moved from fiscal disaster to economic self-sufficiency.

Our aid program helped Iran strengthen its administrative structure, construct dams and ports, supply thirsty villages with pure water, and build its economy.

Iran is a tribute to what friendly cooperation, diligent effort, and direct economic assistance can achieve. As President Johnson noted, Iran looks at tomorrow with her rich heritage intact, her future secure, and her friendly ties with the United States strengthened.

But, as the President remarked, "we are celebrating an achievement—not an ending." Together with Iran, we can look forward to increasingly close, mutually satisfying, and jointly rewarding efforts "to work for peace and security."

The lesson of Iran should not go unnoticed by the 90th Congress.

I ask unanimous consent to insert into the RECORD the President's statement on the successful termination of our foreign assistance program to Iran.

STATEMENT BY THE PRESIDENT, NOVEMBER 29, 1967

> Today American and Iranian hands join in mutual congratulations. We mark a great success.
>
> It may seem strange that we celebrate when an enterprise goes out of business. It may seem odd that we are pleased that the American AID mission that has long channeled much of America's economic assistance to Iran will close its doors tomorrow.
>
> But we are celebrating an achievement—not an ending. This is a milestone in Iran's continuing progress and in our increasingly close relations.
>
> What we mark today is Iran's success. What we celebrate is Iran's economic and social progress. What we honor are the effective work of the men and women of Iran and the enlightened and progressive leadership of His Majesty the Shah.
>
> In 1962, I visited Iran and saw its farms, cities and schools when Iran was on the doorstep of its reform program.
>
> Just three months ago, I had the pleasure of hearing from the Shah himself of Iran's progress in land reform and its drive against illiteracy; its far-reaching deveolpment program and emphasis on private investment; and its many other vital reforms.
>
> That story is impressive.
>
> What is even more impressive is Iran's impatience with ways no longer useful—and yet its respect for traditions of the past and its willingness to face hard decisions and to do those difficult things necessary for a better future.
>
> We are glad that we have been able, in an important way, to assist in Iran's rapid strides forward. Our commitment to Iran's progress has been enthusiastically given and of long standing.
>
> Since the dark years following World War II we have moved from emergency economic support to exciting development efforts which have now paid visible dividends. Careful joint planning has had much to do with the success we mark today.
>
> We cannot depart one era without looking toward another that lies ahead. The similarity of needs and mutuality of purpose that Iran and the United States have long shared do not stop simply because Iran's well-being enables it to shoulder greater burdens.
>
> Now is the time when even stronger ties become possible.
>
> We will turn our hands now to new fields of cooperation. Exchanges in science and technology, expanded business relationships, continued cooperation in development and a common determination to work for peace and security—these are but a few of the ways in which Americans and Iranians will phrase their new plans for cooperation.
>
> With one milestone behind us, we begin planting for a new harvest of friendship, trust and shared hopes.

CATHOLIC UNIVERSITY LAW SCHOOL FRATERNITY HONORS CONGRESSMAN ROBERT O. TIERNAN

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, on the evening of December 6, 1967, members of the Phi Alpha Delta Law Fraternity at Catholic University gathered together to honor the law school's first graduate to serve in the House of Representatives: my highly esteemed colleague and friend from Rhode Island, the Honorable ROBERT O. TIERNAN.

Congressman TIERNAN, who was made an honorary member of the law school fraternity which was formed after he received his degree, is indeed worthy of great praise and recognition. Therefore, I am pleased that his accomplishments have not gone unnoticed by members of the Catholic University Law School fraternity.

When the newly elected Congressman TIERNAN arrived in Washington last April, a reception was held in his honor in the Capitol. At the reception, Father Lennon of Providence College expressed his hope that Mr. TIERNAN, who also graduated from Providence College, would "carry the torch of truth." All of us who are privileged to serve with him in the Congress can, I am sure, affirm that Father Lennon's hope has indeed been fulfilled.

In a relatively brief period of time, he has manifested his capability to represent the Second Congressional District of Rhode Island in the same admirable manner as did our beloved late colleague, John E. Fogarty, whom he succeeded.

He has proven to be an effective legislator whose devotion of the betterment of mankind will undoubtedly continue to bring great honor upon the State of Rhode Island and Catholic University where he earned his bachelor of law degree.

I am sure that all my colleagues join me in offering our congratulations.

BUDGETARY ADJUSTMENTS CANNOT BE MADE AT THE EXPENSE OF THE NATIONAL SECURITY AND INTEREST

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CHARLES H. WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHARLES H. WILSON. Mr. Speaker, in recent months we have been made increasingly aware of the danger of the $30 billion estimated deficit for this fiscal year. Our differences of opinion on the matter have been largely confined to debate centering about the means of meeting the challenge posed by the projected imbalance.

There have been those willing to rely entirely on measures designed to bring in greater revenue. Others look to a cut in spending. Many, including myself, have viewed this as an opportunity for overhauling the fiscal structure; tax reform and budgetary revision. We desire on this basis to make a more realistic estimate of the country's financial needs.

But certainly we must all agree that budgetary adjustments cannot be made at the expense of the national security and interest. Surely we can perceive the difference between the transitory nature of the current fiscal "crisis," and the immutable cause of public commitment to our national strength and vigor.

Yet, we have seen lately the growth of an attitude which requires budget cuts in the short run, no matter what the consequences to our future. We have witnessed a growing movement for an indiscriminate assault upon public spending, without regard for any logical list of priorities.

A stubborn group has taken this benighted principle and elevated it to the level of a creed. Its members have attemped—and on occasion succeeded—in imposing their will towards blanket budget chops on the majority. I speak now of the Republican "economy bloc," which has seen in the current fiscal situation an opportunity for a renewal of obstructionism.

They speak out in the name of economy, and proceeded to dismantle the investments of previous years. They lay claim to the mantles of "responsibility" and "defender of the national security," while they lay waste to our policy and research.

It is to this tendency, and to one particularly disturbing manifestation of it, that I address myself today.

The Republican "budget-slashers" were successful in throwing a suffocating limit on appropriations for the National Aeronautics and Space Administration program for fiscal year 1968. In doing so they over-rode the policy outlines of a Democratic President, the testimony of scientific experts, Democratic leadership in the Congress and the efforts of concerned rank-and-file Democrats in the House.

The NASA authorization totaled $4.866 billion, or some $234 million, and the final appropriations, $4.589 billion, or $411 million below the budget request. The administration's fiscal year 1968 budget request submitted last January totaled $5.1 billion. It was based upon a conservative estimate of the funds necessary to continue on-going programs in space, and to augment our manned-craft effort.

There was also a request for authority and funds to begin a small number of significant and far-reaching development programs for the 1970's. The development schedule was comprised of the Nerva II, a 200,000-pound thrust nuclear engine, which would have doubled the capacity of the Saturn V; the Voyager, with 1973 and 1975 set as target dates for the dispatch of scientific missions to Mars; Mariner Mars 1971, designed to be a forerunner to Voyager which would have made an atmospheric probe on that planet; and Sunblazer, an interplanetary probe for the purpose of expanding our knowledge of the Sun. The request also sought funds to maintain production of our largest space boosters, the uprated Saturn I and the Saturn V—at four each per year—and the moneys needed to use these boosters for a number of Apollo Applications missions, beginning in 1968.

Authorization of each of these programs except the Mariner Mars 1971 was approved by the Congress, but thanks to the Republicans, at greatly reduced levels. Some projects have been so thoroughly chopped as to have been emasculated. In testimony before the Senate Committee on Aeronautics and Space Administration, according to the head of NASA, Mr. James E. Webb, research and development funds appropriated for programs other than Apollo are 20 percent below the budget request. The money provided for the construction of facilities is less than half the budget request. The reduction of funds for administrative operations to $628 million will force NASA to reduce personnel about 5 percent, and total costs by some 7 percent.

These figures might not, at first glance, give full indication of the possibly tragic consequences of a slackening of our efforts or even of a monetary "pause." The funds which the Congress has provided are woefully inadequate.

First there is the matter of the loss of an estimated 20,000 to 30,000 man-years of experience through the disbanding of experienced scientific and technical teams. Second is the understood delay which these drastic reductions impose. Third is the economic and program-planning uncertainty which results. All three work to the detriment of the United States.

Regarding the dismantling or interruption of programs requiring long-range team building and research: Col. John H. Glenn, Jr., the first American to make an orbital space flight said:

> There are many places where there could be cutbacks rather than cutting back something that takes so many years to get momentum going.

The experienced teams which are now to be disbanded may never be put together again. Jointly, they have launched 16 spacecraft, and the monetary estimate of their work value has been said to be over $700 million.

The elimination of funds for the construction of facilities and other requirements has effectively ended development of the NERVA II engine. The appropriation cut of $43.3 million from the original request for planning administrative operations for fiscal year 1968 has dictated an estimated reduction of 361 positions at the Marshall Space Flight Center and of 77 positions at the Langley Research Center. Beyond these reductions in personnel and the maximum reduction on all other operating costs, it has still been necessary to plan to cut the personnel at each installation by 4 to 5 percent to permit operation at the level imposed. Reductions have also been scheduled in contractor support.

But if the road to inaction is paved with blind ignorance of the realities of scientific research; it is also fraught with the dangers of economic uncertainty and dislocation.

My congressional district, the 31st of California, is intimately involved in the space program. The future of its economy and the welfare of its people are inextricably bound up in the progress of the aerospace industry. That endeavor is a major employer and source of economic growth to the people of my area. It is as important to many others in southern California and the rest of the Nation as well.

What does the loss of projected contracts mean to these people? What will be its impact in terms of loss income and dislocation within the American economy?

The answer to the first question is simple. The NASA budget cuts imposed by the Republicans threaten the foundation of their economic well-being, and the growth prospects of their communities.

Relatively few people in the Nation and to my knowledge, none in my district will be immediately affected by the slash. But what of next year? What of the technicians and engineers we train today, and their sons tomorrow? If we willingly relegate ourselves to the status of a fourth-rate technological and scientific power, we will risk the regressive shriveling of our scientific and research opportunity until we in the United States experience a drain of our talented and well trained to other lands. In summary, then, for my district and the people of California, the threat of recession or unemployment is not imminent. But a Republican-contrived stranglehold has been locked on our future economic growth and prosperity.

The impact of the space cuts on the national economy is not as readily apparent. However it will be no less real. The importance of the entire aerospace industry component of the gross national product—the total of all the goods and services the country produces in a year—is unquestioned.

Although the industry is not entirely dependent on the space program, it is, of course, the direct beneficiary, and the size of its input into the economy is due in great measure, to the space agency's budget.

The aerospace and related industries contributed some $20.6 billion to our GNP, or 3.3 percent of the total in 1964. It added $20.7 billion, or 3 percent in 1965; and $24.2 billion, or 3.3 percent in 1966. The 1967 figure was estimated to be a little over $26 billion.

While an average contribution of approximately 3.3 percent to the GNP is not a seemingly large figure, it does indicate that the industry is a major component of our economic progress. The present balance of the American economy will be upset if our traditional emphasis on aerospace investment is not renewed in the coming years.

Even more dangerous than any of the side effects of inaction which I have just mentioned in the central theme of the consequences of the blind budget reduction to the national interest and military security. The space agency will be unable to begin any new projects.

The Voyager program, and with it the entire Mars exploration effort, will be stunted and unable to properly start. This is extremely unfortunate because 1973 and 1975 are rare years of close juxtaposition of Earth and Mars.

The 1970's could be the beginning of an American age of exploration of the planets. If we do not do our best at this time, it is my deep conviction that we will regret it in the end.

Yet the very programs which promise to take us to the Moon, to Mars—and beyond—have been throttled by this self-seeking, opportunistic, and irresponsible spirit. The Republican "economy bloc" has blindly wielded a meat cleaver on a phase of the budget vital to the national security.

The lessons of this rather belabored narrative are very clear. We cannot afford to let partisan politics determine our scientific policy and efforts.

This is, however, exactly what has occurred and so I have felt compelled to speak out.

In our own State of California and in my congressional district this issue has become a political bludgeon with which the opposition party has attacked my own. The Democrats have been assaulted on the matter of California's loss of aerospace contracts.

Republicans say, "After all, this has come to pass under a Democratic President, a Democratic Congress, and with me—a Democratic Representative sitting in the House." But let the people face the truth and retort: "Whose program has been smashed? Was it not a national program, written and sponsored by Democrats for the benefit of all Americans?"

The Republican attack is based upon vague insinuation supported by contorted logic. Let us set the record straight. The damage which is being done to California's industry and the Nation's security, finds its origins in those who oppose adequate funding for the space program.

The opposition comes from elected Republicans who have placed partisan politics above minimal responsibility.

The Democratic President has proposed a budget and programs which would have benefited California. Democrats in Congress supported it. I personally fought for it. The opposition party effectively killed it.

Can we now believe their pleas of pious innocence? I think not. Can we now entrust them with matters essential to the public good? Commonsense would dictate that answer.

Can we now believe that a new spirit has overtaken them, or that their false, deceptive and acidic charges have been supplanted with the milk of a public spirit? Let the voters judge for themselves.

They hear the fault. The California electorate must force them to bear the consequences.

But in a larger realm: In these times of great stress and crises, we must occasionally remind ourselves that we cannot be so preoccupied with one or two acute problems that we devote all energies to their solutions, at the expense of all else. I address you as a Representative who is every bit as concerned about the current estimated deficit as any of you.

We do not live in a vacuum, nor can we take comfort in isolation, thinking that no one else will take advantage of our lost opportunities in space. The Russian effort is strong. In the areas of brute thrust and propulsion—precisely the project-fields most affected by the budget squeeze—they are ahead of the United States. We cannot afford to widen the gap?

Our latest great success, the impeccable launch of the Saturn V, will seem small indeed, if we become dormant in the shadow of continued Soviet energy and drive. It will be doubly dangerous, too, in the light of the embarkation of the Chinese People's Republic into the fields of nuclear weaponry, and missile and space research. Over a month ago, on the floor of this very Chamber, I said:

> The time will probably come when we are going to be faced with the same situation as when the Russian Sputnik first went up, and then we are going to be wondering why we did not go ahead . . .

It is my firm belief that it will take all our collective wisdom and determination to avoid that fate.

So let every man here be made aware of our stake. And let the American people be educated to the need. I have no doubts that they will bear the burden and the price—willingly if it is presented in the proper light.

A FINE COMMUNITY LEADER

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. VANIK] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VANIK. Mr. Speaker, I wish to direct the attention of the House to the fine community leadership of Mr. Thomas C. Westropp, president of the Women's Federal Savings & Loan Association and leader in community efforts to rehabilitate large sections of the Hough area of Cleveland.

Mr. Westropp was extremely active in the development of HOPE, Inc.—housing our people economically—which was the first recipient for rent supplement funds in the United States. He is vice president of Better Homes for Cleveland Foundation, developed in conjunction with the Catholic diocese, which will be rehabilitating thousands of apartments in the Cleveland area very shortly. Mr. Westropp is also vice chairman of the St. Ann Hospital advisory board; vice chairman of the American Legion; and the treasurer of Catholic Charities.

I wish to include at this point in the RECORD a fine article from the Cleveland Press of November 11, 1967, about Mr. Westropp which indicates how responsive he is to community obligations and in making Cleveland a better place in which to live:

SAVINGS CHIEF DEVOTES TIME, SKILL ON GOOD DEEDS

(By Fred McGunagle)

Thomas Westropp is a president of a financial institution who acts like a crusader.

The head of Women's Federal Savings & Loan Assn. is credited with doing more than any other businessman to promote rehabilitation of the Hough Area.

Westropp is a trustee of HOPE Inc., which this year received the first rent supplement commitment in the nation and which is now going ahead with plans for the remodeling of two entire blocks.

He is vice president and moving spirit of the Better Homes for Cleveland Foundation, the group set up by the Catholic Diocese which this month will start the first in a series of remodelings in the tenements of Little Hollywood.

His association is puttng up the mortgages for both projects. He has also traveled to Portland, Ore., to spread the gospel of rehabilitation to wood industry leaders, and to Chicago to chide his fellow savings executives for not doing enough in the field.

Westropp is an unusual savings executive. He has built the association begun by his aunt, Clara and Judge Lillian Westropp, into an institution with assets of more than $150,000,000.

But he devotes at least half his time to civic work.

He has been chairman of the St. Ann Hospital Advisory Board, district vice commander of the American Legion, treasurer of the county hospital levy drive, treasurer of Catholic Charities, president of the National Committee on Civic Responsibility and active in the Welfare Federation and Jewish National Fund.

"This is my city," he says. "Its problems are my problems. I'd like to turn over a beautiful city to the next generation.

"Most suburbanites don't really understand the problems in the slums. They should take a tour of the city and see what we have. They'd find much of it is not a decent climate to live and raise a family in.

"We may have a fine art museum and a great orchestra and good hospitals, but we can't have a great city when we're denying a large segment of our population the basic right to marry and raise a family.

Westropp and his wife, Mary, live at 2527 Rubyvale Rd., University Heights, where they have a growing stake in the next generation. They are expecting their 10th child next month.

FELLED REDWOODS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COHELAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COHELAN. Mr. Speaker, after long deliberations, the House of Representatives is nearing a final decision on the boundaries of a unique national park—the park that will preserve in all their splendor the groves of stately redwoods in northern California.

The choices we must make, while limited greatly from the choices we could have made 20 or 30 years ago, are still many. We can choose different boundaries than those selected by the Senate in the bill it passed on November 1.

That is, the choices are many if the areas are not scarred by any further felling of the giant trees.

A short time ago, 34 Members of the House asked the Georgia-Pacific Corp. to cooperate with the House by suspending logging operations in a small area of its holdings until the House worked its will on the park legislation. Tragically, the corporation refused.

On December 8, the New York Times carried an editorial on what it called the "condescending" reply of the Georgia-Pacific Corp.

I want to call that editorial condemning the action of Georgia-Pacific to my colleagues' attention by inserting it in the RECORD at this point:

FELLED REDWOODS

Two weeks ago thirty-four members of Congress, under leadership of Representative Jeffery Cohelan of California, wrote the president of the Georgia-Pacific Corporation, urging the company to suspend the logging of redwood trees in an area being considered for a new national park.

The Senate has passed a compromise bill, but there is strong sentiment in the House for adding several thousand acres in Redwood Creek Valley to include trees that are of park quality and to protect the future park from erosion and siltation.

Georgia-Pacific has now brushed off the Congressmen's letter with a condescending reply expressing doubt that "it is truly in the public interest to commit many millions of taxpayers' dollars to preserve additional redwood timberlands to fill a nonexistent need." The company declares its determination to continue logging in the proposed park acreage "in the interest of our employes, our stockholders and good forest management and, indeed, as a corporate citizen."

It takes a good deal of arrogance to announce an antisocial policy and then prate about being a "corporate citizen." If Redwood Creek Valley is despoiled before Congress can reach a decision, the public will have paid a high price for the refusal of Chairman Aspinall of the House Interior Committee to perform his duty and act upon the Senate bill this year.

The Federal Government should seek injunctive relief in the courts before more of these majestic trees are felled.

VIETNAM

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COHELAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COHELAN. Mr. Speaker, the now old but telling observation of the late Bernard Fall and several other astute students of the problems of South Vietnam—that it will not be possible to achieve a military victory without a decent political base—seems to be more true than ever.

It seems clear and undisputable that we have forestalled the military defeat of our South Vietnamese. So long as our Army remains and there are no further escalations by our side or theirs, it seems that the Communists cannot achieve a military victory in the south.

But we have forestalled defeat by the Communists in South Vietnam before—with the Geneva accords in 1954 and with the Diem regime in 1956, to name just two. Yet, we are still engaged in this struggle—and at the most deadly and costly level ever.

Several Americans have said in recent months—and I believe that they are correct—that the way in South Vietnam cannot be won by the Americans. The South Vietnamese, who are our Vietnamese, must want to win, and they must have the courage, inspiration, conviction, and determination to bring about this end.

Thus, to me, one of the most crucial indicators of how well it goes in Vietnam is the progress which is made toward instilling this desire and conviction in our Vietnamese. Indications are that this effort goes poorly.

Recent reports from Vietnam, of which perhaps the best is by David Halberstam in the December issue of Harper's magazine, are not encouraging. Mr. Halberstam reports soberly, but with an honest affection for the Vietnamese people, that—

> The society is rotten, tired, and numb. It no longer cares. Twenty-one years of the war, first the French and then Diem, have weakened the Vietnamese deeply. The sons are more corrupt than the fathers. The few patriots increasingly withdraw from the society and the struggle. The fine young men do not want to die in the U Minh forest; they want to drive their Hondas, get their draft deferments, and sit in the cafes. We are not building a nation.

Mr. Halberstam chronicles too the corruption that infects and afflicts the society. He describes the bribery, inside dealing, and nepotism of the corps area commanders, of the province chiefs, of the army officers. When one realizes that these men are the only prominent extensions of the government in the field, if they are as corrupt as Mr. Halberstam reports, can there be any doubt why the peasants do not have the desire and determination to see the Saigon government prevail?

In the end, the result in Vietnam will depend on the fiber and ability of the South Vietnamese society. Many men, apparently David Halberstam among them, do not believe that our Vietnamese have the fiber and the ability to pull it out. Are these men wrong? Should our objectives be changed?

I would like to insert in the RECORD at this point the article by Mr. Halberstam and to say to my colleagues that the article reflects many of my own impressions based upon my many visits to South Vietnam, the most recent one being with the Moss Subcommittee on Foreign Operations of the Committee on Government Operations this summer.

The article follows:

RETURN TO VIETNAM

(By David Halberstam)

One of the great exports of South Vietnam has always been American optimism, but this time I thought when I returned that it would be at least tempered; there would be an end of illusion, a knowledge perhaps of just how dark the tunnel really is. But we flew into Tan Son Nhut and the scenes were familiar: the jetliner waiting too long on the tarmac, its air conditioning off, then the waiting room with the American AID men come out to welcome their new arrivals and steer them past all the waiting Vietnamese at immigration. Finally I got through customs and Mert Perry, an old friend, five years here and one of the very best reporters in town, met me and assured me I was wrong: the illusions still exist. When you pay $30 billion a year you buy at least a fair share of illusions.

We drove downtown and checked into the American press office. Perry introduced me to Barry Zorthian, the chief press officer. While we were talking, Perry asked Zorthian: "Say, Barry, what's all this crap Komer [the chief of pacification, rank of Ambassador, six photos of Lyndon Johnson on his office wall] is putting out about the war being over in six months?"

Zorthian is a real pro, a very tough operator, and I think he has many changes of speed for different reporters. For people like Perry and me he didn't want that kind of optimism, he wanted it more controlled, an optimism that recognizes all the problems but triumphs anyway. "I don't think Bob said that . . . ," he began.

"No, goddamnit," Perry said. "He's told it to a couple friends of mine. Different friends. Six months."

Zorthian began again: "Well, what I think Bob meant is that the conventional war phase would be over in six months, you know. They've got one good campaign in them."

That night a group of us, experienced reporters here, went out to a restaurant in Cholon. The subject of the Komer-Zorthian quotes come up. Everyone boggled, and reminisced about the last campaign and its lineal antecedents: the *dernier quart d'heure* [for the French] . . . the corner being turned . . . home by Christmas 1965. Then one of the group picked up the inevitable box of toothpicks always in the Vietnamese restaurants and spilled them all over the table. "Each toothpick," he said, "represents one French or American spokesman who over the last twenty-one years has said they have one last campaign in them."

I have never been a dove or a hawk—few reporters who have spent any length of time here are. When I was here in 1962 and 1963 I belonged to a group of reporters who thought the war was worth winning but who doubted the effectiveness of the fight against the enemy and sensed the seed of failure in our own efforts. That group was roundly attacked by American officialdom for being too pessimistic, but in retrospect I think the great sin was that we were not pessimistic enough.

More than three years later, I still think the enemy is a real one. I think the evidence is more complete than ever that Hanoi has controlled this war since 1957, but now I doubt our capacity to win. The important things in talking about Vietnam now are: Can the war be won? Do we have the resources to win, and can we really afford these resources? People here now are talking about reorganizing the Vietnamese Army, just as they did six years ago. But it is very late here, the fabric is strained at home now, and what guarantee is there that the Vietnamese Army can be reorganized, or that it will make any difference? Can you have a fine young army in a rotting society?

The morality of this war has always been mutually ugly. We are waging a very tough war, and the enemy has waged a tough war on its own people since 1945, when Vo Nguyen Giap systematically murdered hundreds of non-Communist nationalists so that the choice for Vietnamese would be the Vietminh or the French. So the questions have become more pragmatic than moral. "The only difference between Richard Russell and me," Senator Fulbright is reported to have said recently, "is that he thinks the war can be won." Or as Senator Symington said of both Fulbright and Russell, "They went into the woods separately and came out holding hands."

So is the war being won?

The answer is yes it is, and no it isn't. On those occasions when we can use our massive power, those rare instances when our main force units find their main force units, our power is decisive, and there is more often than not a victory.[1] Similarly in those areas which we choose to saturate with American troops, the Vietcong must move back, and in that specially protected, hothouse atmosphere a kind of pacification takes place. But the sense one finally gets is of the fragility of the situation rather than the permanence. It may be that to a particular American general, five months into his twelve months' tour the progress of the war in his zone is a final and concrete entity, but to an experienced Indochina hand there is more hesitance. Progress at a given moment is a fleeting experience unless it is brought about by the deeprooted desire of the Vietnamese peasants themselves. That is why I am so pessimistic, for the other war, the nation building, helping the Vietnamese to help themselves, has not changed.

There is no doubt that the arrival of half a million Americans here has brought considerable military progress to Vietnam. In 1965 the Arvin (Vietnamese Army) had been defeated and the country was the Vietcong's to take. The Americans instead came and have fought well. Even General Westmoreland's critics—and their number is increasing—praise him for the way he imposed a growing American commitment on a very weak base, maneuvered his troops, and staved off defeat.

Nor is there any doubt of the massive power we have accumulated here. The mind boggles at the firepower an infantry company possesses. If anything we may have too much firepower, and with it there may be too much of a tendency not to come to grips with the more subtle problems of the war. The Vietcong and the regular North Vietnamese units have been hurt, and at times hurt badly, although it would be a great mistake to underestimate, as Westerners traditionally have, the enemy's resilience and durability, his ability to recover from his wounds, and his *passion* to keep coming.

The Americans here talk a good deal about rooting out the Vietcong infrastructure, the invisible shadow government which is the Communist key to local success. Yet it is frankly admitted that the infrastructure has barely been touched. Thus while the enemy has lost bodies, it has not lost its apparatus, which is a very important distinction. Hence the real power of the Vietcong has not been affected.

The escalation of the war has escalated the pressure the Vietcong are putting on the population. They no longer have the luxury of working side by side with the peasants in the field, nor do they have the Ngo Dinh Diem government to help them with their own recruiting as in the old days. The VC are inflicting higher taxes on the population, recruiting boys at younger and younger ages. A friend of mine who has always been a dissenter from official optimism feels that the most striking change in the last two years has been the weakening of the Vietcong. "In 1963 and 1964 they controlled fifty per cent of the population, and they did it while being liked," he said, "and now they are down to about twenty-five. The important thing, of course, is that the South Vietnamese government has not been able to move into the vacuum, there's been no real government pickup. But there's no doubt of the problems the VC face—a couple of years ago if I were a young Vietnamese boy I'd have gone with the VC, but now it's different. They're putting a lot of pressure on the population too. They've lost some of their mystique."

(It should be noted that this has been done at a very high price to the Vietnamese peasants. In the Delta, for instance, the Vietcong has been hurt, but not by an aggressive Vietnamese Army searching out and waiting at night for VC units, but rather by constant bombing and shelling of those villages not controlled by the government, so that finally life becomes unbearable. The people either drift out of the villages toward government-controlled areas, or sleep at night, not in their huts, but in the paddies themselves to escape the shelling. Thus they no longer welcome the Vietcong into their villages, and when they come into the government areas, they say, yes, we understand why you are shelling us, yes, we know it's the Vietcong's fault; but I have my doubts about what they really feel and what the final political outcome of this will be. In the past, methods such as this have come back to haunt us.)

Yet for that reason our task seems immense. If the mythmakers with the fine speeches—a Vietnamese war which can finally only be won by Vietnamese—are right, and I think they are, then anyone with a serious knowledge of this country must be more pessimistic than ever. For the easy way of building a nation is to rally behind a popular national figure. There was one rare chance when Diem fell and Duong Van Minh, the one truly popular figure in the South, took over. That missed chance is a landmark. Now if anything effective is going to be done, it will be the hard way.

The society is rotten, tired, and numb. It no longer cares. Twenty-one years of the war, of first the French and then Diem, have weakened the Vietnamese deeply. The sons are more corrupt than the fathers. The few patriots increasingly withdraw from the society and the struggle. The fine young men do not want to die in the U Minh forest; they want to drive their Hondas, get their draft deferments, and sit in the cafés. We are not building a nation.

II

Before I came back I was assured again and again by people who had been in Vietnam more recently that I would never recognize it, that it was not the same country. The American presence was so great. And yes, there is Cam Ranh Bay, and the endless Long Binh military complex outside Saigon, trucks, generators, barracks, helicopters as far as the eye can see. There is American television, and one sees American troops still in combat gear watching *Combat*, and a blonde weather girl pointing at the map of the U.S. and saying "Los Angeles is clear and sunny . . .," and most Vietnamese seem to have Batman T-shirts for their kids. And there is a strip of bars in Bien Hoa so long that one American there calls it Tijuana East, with sign after sign offering car wash. (The Vietnamese are ingenious that way. One friend of mine has a song which goes, "Baby, won't you wash my car.") All these are signs of Americanization, but what finally struck me was how little had really changed here.

For it is the essential problems of this society that have not changed. They are the same problems, virtually insoluble, caused by the same terrible historical truths. The government of Vietnam is largely meaningless to its citizens. The rare good province chief or district chief is talked about avidly in the American Mission. (Perhaps Romney was sent to see him.) Yet it is a fact of life that most province and district chiefs are corrupt and incompetent. There is talk of improvement in the Vietnamese Army, yet it is widely known that the Arvin is still poorly led and barely motivated. Its officers represent a microcosm of existing privilege in Vietnam. It does not change, perhaps because it cannot change and let in new blood—but unless it does it is dooming itself to its own defeat.

The pacification program, known periodically as The Other War, heir apparent to a long line of programs tried, programs vaunted, programs praised, programs failed—*agrovilles*, strategic hamlets, spreading oil slicks, national priority areas—is a study in the past. At very best there is creeping pacification. Pacification, of course, is always difficult. The social and political problems which the Americans can avoid when they simply are fighting the war and killing VC suddenly reappear when we try to create somethng here.

There are Americans here who have become over the past five or six years good but bitter diagnosticians. They know the reasons the programs have failed in the past, and the best of them fear the same failures rising again out of the same causes. They are angry but powerless. The ones in the field are angry at the Americans in Saigon; Saigon does not get them any leverage. Perhaps Saigon is angry at the top Vietnamese, and privately shares the frustration of the field.

Yet the pressure from Washington is greater than ever, pressure which produces the optimism, coonskins, yes, coonskins, to be hunted and tacked to walls, and the sooner the better. Progress is reported here as certain as the tide, and the tide comes in each day at the exact hour of the daily press briefing.

The third day I was here I went to a briefing by a high pacification official. He began by saying that Quang Ngai province was going to be the success story of 1967, and to mark his words: *Quang Ngai*. Even as he was talking the Vietcong were walking into Quang Ngai and freeing twelve hundred prisoners from the jail there. He was saying *this* pacification program, his pacification program, was different from the other pacification programs, because this time we had the *resources*.

I thought to myself, My God man, didn't they tell you about the strategic hamlet program, how the province chiefs used to choke to death on resources, how they were afraid to stand out on the little airstrips for fear of being buried alive by resources tumbling out of the sky: barbed wire, bricks, pigs, rat killers, pig fatteners, mosquito killers, snow plows? In those days I talked with one British expert on Malaya, and he said there was one thing which bothered him about this war: too much in the way of resources, too many material goods. He had never seen so much gear in his life, stuff going to rust and rot, being black-marketed, creating all the wrong attitudes in the Vietnamese.

The day after the briefing I was with one of the rural pacification workers, a competent American professional who had spent four years here. He recounted his past year: more of the same Vietnamese apathy, American indifference to his pleas, faking of provincial operations, increased corruption by his Vietnamese counterpart, resources not reaching their destination, his counterpart's interest in his own building business.

The American had documented it all, handed in his report, and for a brief time the job of his Vietnamese counterpart was in the balance, and then he was given it back. "I'm going to stay in this country until I see that son of a bitch in jail," the American said. "Pacification," he said, "what the hell is pacification? You find it." Then he added: "We are losing. We are going to lose. We deserve to lose."

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[1] The exception to this would be the area near the Demilitarized Zone, where we have repeated French mistakes and placed Marines in static outposts within artillery range of the North Vietnamese. There the Marines are taking a terrible pounding and quite heavy casualties from the enemy with very little hope of the situation changing. In effect we are giving away one of our greatest advantages—our mobility—and permitting them one they usually lack—artillery—in a sad repeat of history. Worse, the U.S. seems paralyzed by its own mistakes. Recently Westmoreland told *Time* Magazine Con Thien was a "Dienbienphu in reverse."

III

There is a reason for all these problems. It is not simple happenstance, although some Americans here think it is. One knowledgeable American colonel thinks it is just bad luck catching up with the Americans: we had fine commanders and leaders in World War II and Korea, and now we have fallen short in *American* leadership. If only Westy or Taylor or Lodge had been a real leader, had really put the blowtorch to old Ky, made him get with our program and stay with it, things would be different.

There is much subsurface criticism of Westmoreland here, particularly among experienced Americans, because they feel in large part he has abdicated his responsibilities with the Vietnamese. The job was just too tough, and so he preferred to work with the Americans, which was natural enough. Push an American button and an American jumps; push a Vietnamese button and then push it again. And then again.

Certainly Westmoreland accepts too much at face value what the Vietnamese say they are doing, and he is too eager to impress on the reporters his own debatable view of the quality of Vietnamese troops. But at this late hour he cannot make the Vietnamese do what they really don't want to do. And so because the Americans were easier to work with and because the problems were so immediate—imminent defeat—he worked with the Americans and the situation of the Vietnamese military remained unchanged.

But the frustrations go so very deep. They are the product of the colonial era and the divisions brought about by the French-Indochina war, and to a much lesser degree the Diem era, both of which saw the destruction of anti-Communist nationalism. We are prisoners of that time now, more than we know. All of our failings, I think, are traced back to them. The enemy has had a revolution, and we, failing to have one, have tried to compensate for it piecemeal. But we have never really changed the order of the society. Rather, our presence, despite our words and our good intentions, has tended to confirm and strengthen the existing order.

The French-Indochina war divided this country in a more important way than the separation at the seventeenth parallel. In the process of driving the French out of Vietnam, the Vietminh—communist led and Communist dominated—captured the nationalism of the country. They drove the white man out and they appealed to the highest aspirations of the best young Vietnamese of a whole generation. There was no choice; it was French or Vietminh. If later some of these same Vietnamese became disillusioned because of the dominance of the Communists, the apparatus and the system survived.

The Communists had not only driven out the French, and developed a new and cunning type of warfare, they had also brought the best men in their ranks to the fore. They offered hopes to the peasants, they released something latent and very powerful in the country, and they broke down petty divisions until finally that which united them was stronger than that which divided them.

One of the most telling stories from the first Indochina war is recounted in Jean Larteguy's *The Centurions*. A French officer by the name of Glatigny, just overrun and defeated at Dienbienphu, sees his enemy counterpart for the first time:

"No canvas shoes on his feet and his toes wriggled voluptuously in the warm mud of the shelter. Glatigny's reaction was that of a regular officer. He could not believe that this *nha que* squatting on his haunches and smoking foul tobacco was, like him, a battalion commander with the same rank and the same responsibilities as his own. This was one of the officers of the 308th Division, the best unit in the People's Army. It was this peasant from the paddy fields who had beaten him. Glatigny, the descendant of one of the great military dynasties of the West, for whom war was a profession and the only purpose in life. . . ."

The other day I interviewed a Vietnamese lieutenant colonel who had recently defected. He came from a stock slightly above that of peasant. His father had been something of a low-level medicine man. Although he had been a Vietminh since 1945, he had spoken with a slightly different accent and dressed a little better than some of the others at first, and though he excelled in combat he was sure that his lack of true peasant origin had been held a little against him—perhaps if he had been a pure peasant, he said, he would be a general now. . . .

Equally important in these years was what happened on our side. Our Vietnamese, by and large, had fought under the French. The enemy had revolutionaries; we had functionaries with functionary mentalities. Our high officers were former French corporals.

Things which divided men below the seventeenth parallel were far more powerful than the things which united them. The nearest enemy was the real one; the Communists were an enemy, but they were distant, and there were the French and then the Americans to hold them off.

Under Diem and for a long time afterwards no book could be published here which told at all about any Vietnamese struggle against the French. To this day, despite the talk of revolution, a Vietnamese who collaborated with the French can get a job with the Americans or his own government much more easily than anyone who had fought against the French but had become disillusioned. The Americans push hard for a Chieu Hoi center for defectors, but they admit privately it is almost impossible to integrate any ranking defector into the open society here on anything above a cab-driver level. The Army in the South, rather than having any national purpose, is riddled with intrigues and divisions.

I talked with another high-level defector, a major, and asked what he could do if given an Arvin battalion. "I could command a division in North Vietnam," he answered. "I have the ability to do that. But a platoon here, even a squad, I could not do that. What can you do? They have no purpose."

But if the troubles go back to the French, we can no longer blame them. When I was here in 1962 there was a tendency to blame everything on the French legacy of training, of tactics, of civil service. Now, however, we have been here long enough on our own. The French are a vanishing scapegoat.

Near Danang not too long ago one of the foremost figures of American television was talking to a tough little French female photographer. He started talking about an area where he saw some improvement since his last visit. No, she quickly disabused him, it was not good in that area, it was getting worse. So he discussed another area. Again she disabused him. Finally he raised his eyes to the sky and said, "Well, I guess the only answer then is to give the whole country back to the French." "No, no, monsieur," she said. "You sleep in your own shit."

One of the smartest Americans in the Embassy, spelling out the progress the Americans had made here since 1965—the dead VC, the improved security in certain areas—told me, "The VC are hurting and they're licking their wounds, real hurts and real wounds this time. This time we're really getting to them. The trouble is that every single thing that's taking place here is directly attributable to the presence of half a million Americans."

Was there anything local that was viable? I asked him.

"No," he said, "I don't think so. We can go into an area and improve the security. Pacify if you want to call it that. But then pull the American boots out of the area and it would go Red in a week."

IV

Recently the American Mission, realizing that among the longest suffering people in this country were the Arvin veterans, decided to do something to improve their morale and at the same perhaps improve the society. The Mission decided to offer 120 four-year scholarships to colleges in the United States for deserving veterans, with a full English-language course thrown in. It was a widely praised idea in Mission circles, and no one really minded that it came from the Americans and not the Vietnamese. And the Vietnamese were enthusiastic.

The idea was taken to the Ministry of Education, which shortly presented the Americans with a list of 120 deserving veterans. Just by chance someone at the Mission checked out the list—Americans are learning to do that these days—and found that any relationship between those nominated and veterans was purely coincidental. All 120 were simply brothers, cousins, friends, creditors, debtors of people in the ministry.

Then the Americans went to veterans' groups themselves and advertised in the newspapers. Eventually the deserving recipients were found and chosen, and off they went to America. The Mission congratulated itself, both on the idea, and on catching the fake list, and it was not until several weeks later that someone found out that each veteran had been forced to pay a bribe of 40,000 piastres (six months' pay at the very least) in order to get his passport so he could leave.

This corruption works from the top down, from the corps commander selling everything in his area, the corruption of venality, to the poor schoolteacher making only 1,400 piastres a month, selling questions and answers to exams to all of her students, making an additional 8,000 piastres a month—all to offset the terrible inflation, the corruption of survival. It is very bad and getting worse. Each day in the Vietnamese government and the Vietnamese Army it is a little more likely that if a position is any good it must be bought.

We have created a new class here, at a time when men are supposed to go out and die for their country. We are rewarding all the wrong values, the grafters, the black marketeers, the 20 per centers. There are some in the American Mission who believe that worrying about Asian corruption is naive, that it is traditional, but I do not think this is true. One of the reasons for the success of the other side has been its relative lack of corruption. The corruption here has long since[2] passed the marginal phase and now dominates and indeed paralyzes the society. Unless it is checked and checked quickly and ruthlessly, it is impossible to win this war.

Thieu and Ky are reportedly not corrupt, but they are propped up by men who are rank with corruption. They can fire one or two generals or province chiefs for corruption (usually men not of their cliques—who have been a little too blatant, or no longer useful) but although they talk articulately to the American Ambassador about what a serious problem it is, they have shown neither the capacity nor the desire to stop it or punish it. Perhaps this is because it goes beyond individuals into the system.

Cao Van Vien, chief of staff of the Vietnamese armed forces, a favorite of the Americans, and his wife, Madame Vien, are deeply involved in the system. In the resort city of Vung Tau, Madame Vien has exploited government land holdings and developed buildings which she rents to Americans at a total profit of 400,000 piastres, roughly $3,000, a month. In addition she has considerable property in Saigon, and manipulates government land on the Bien Hoa highway.

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[2] Corruption has always been a problem here, as has American indifference to it. In 1963, when Marine Major General Victor Krulak was assigned by President Kennedy to find out whether or not the war was being won, he sent the American military command here a questionnaire with about sixty questions. One was: "Is there government corruption?" The answer: "To our knowledge there is not."

Recently a young American, a Vietnamese language officer, was with her and some local officials in Vung Tau. She was giving orders on how the distributorship for San Miguel beer would be handled. "What was so amazing," he said later, "was not the extent of her financial interest, which was very considerable, but the *flagrancy* of it—the absolute indifference to what we thought. She knew I spoke Vietnamese and she simply did not give a damn." (One high Mission official, when asked about her, said, "Well, she has been quite forceful and successful in her real-estate dealings.")

The province chief of Bien Hoa province, a former airborne officer, is a protégé of Vien's. Bien Hoa is one of the most profitable provinces in the country for graft because the Americans at the Long Binh base use it for relaxation. The Americans there have tried to get the province chief on graft charges several times, but Vien has intervened for him. The Americans are now convinced that Madame Vien is sharing in the Bien Hoa profits.

But Vien is one of the better ones. The corps commanders are the worst, particularly in Two, Three, and Four Corps (there is too much fighting these days in the first corps area, near the Demilitarized Zone, for very much profiteering). They have become the new warlords of Vietnam, holding a certain balance of power which in the past has supported, or not supported, the government in Saigon. They buy and sell almost everything conceivable and a few things which are inconceivable.

They sell the province and district chiefs' jobs: up to three million piastres for a province chief's job; one million or more for a district chief's job, plus of course a monthly kickback, varying from 10,000 piastres a month to 10 per cent of the chief's budget. A division commander's job may cost as much as five million piastres.

The profits vary. Smaller fry make money off what are known here as ghost soldiers, the 30 per cent of a unit roll which does not exist—dead or never existed—but for which the commander still draws money. But the bigger men make the real money off the new construction wave. Everything that is built has its take, an immense percentage. Nothing can be done without bribery, and the bribes go to the highest officials in the region.

Then there are the vast amounts of material brought in by the Americans. The docks become a gold mine, as do the bars which the Americans frequent. One corps commander is the opium king. In the Delta there is massive taxation on the rice harvest, which slips out illegally to Cambodia while Vietnam imports most of its rice. Along the Cambodian border there is a thriving two-way illicit traffic—rice and beer going out, food, fish, and clothes coming in.

A division commander like Nguyen Van Minh in the 21st Division (lower Delta) will make an agreement at rice harvest time to share the profits on collected taxes with absentee landlords and thereupon launch operations for that purpose. He will share also in the profits of outgoing charcoal and of trucking beer and supplies into the area. Minh is the prototype of the new Vietnamese officer. He is very popular with the Americans, speaks good English, knows American staff styles, and is on the surface quite cooperative. In Saigon among the Americans his division is considered a good one. But in the area, provincial advisers who are not directly in his chain of command feel that he is vastly overrated and that his division does not pursue the Vietcong all that actively.

The province chiefs make theirs in construction (faked sealed bids, with Americans there to watch the surface honesty—one province chief even created his own proxy building company) and local smuggling. In Kien Phong and Chau Doc provinces, district chiefs along the border are so wealthy that they have to kick back at least 50,000 piastres a month to their superiors. The price for certifying that Cambodian fish is indigenous Vietnamese fish is two piastres a kilo, and since as much as 20,000 kilos may enter a day, the profits are very handsome indeed.

In Bien Hoa, typical of those provinces where there are large numbers of Americans, bars are big business: at Tet alone the province chief has made an estimated 10 million piastres from the bars. He gets an estimated kickback of 10,000 piastres a month from each bar and he periodically extorts more by threatening to open new ones. The Americans have documented his corruption, but so far he has managed to stay in power.

And this works down. The assistants to these men, assistant province chiefs and district chiefs, buy their jobs and then make the payoffs back by selling positions under them. The assistant district chief for security sells police jobs and the police get their smaller payoffs at resource checkpoints or working the bars. Finally eveyone is selling something: 5,000 piastre bribes to get a driver's license, 20,000 piastres to get a Honda out of the docks, 6,000 piastres to get a free place on a military aircraft, 50,000 piastres to get permisison to have a job with the Americans.

Someone both honest and capable like General Nguyen Duc Thang, head of revolutionary development, is almost overwhelmed by this cynicism. He is trying to run an honest program, and corruption has become his favorite subject with visitors. An able Vietnamese friend of mine was offered a province in the Delta to run. He went there for a month and was told at the end of the month to kick in. He asked where he would find the money. That is your problem, the corps commander said. He immediately asked to be relieved. "It is very bad," he said. "If you are not one of them you become a threat to them and very dangerous." The handful of Americans who are fighting the massive corruption are numbed by the problem. One of them told me, "You fight like hell to get someone removed and most times you fail and you just make it worse than ever. And then on the occasions when you win, why hell, they give you someone just as bad who's a little more careful about it. I mean he's been warned about you, that you're a little smarter than the other long noses, and the guy you had relieved, why they promote *him*."

There was for a time earlier this year an American Mission committee on corruption, but it met three times and has not met in six months. The problem is so delicate that it can only be handled by the very highest Americans, and indeed it is so delicate even there that it may not be discussed in the blunt and strong terms which it demands. A real attack on it, and real punishment, have yet to come, and there lingers among fair-minded Americans here a good deal of doubt that the government has either the desire or the capacity to take strong steps.

Right now there is some talk about a military reorganization which would strip the corps commanders of their power, and make the province chiefs responsible to the central government. If so, it would be a significant step. But as with many other things that are being talked of here, this reform has not come. The Ky government in the past has been more notable for words than deeds.

I have described this at length not just because the corruption is so serious and so corroding, but also because there is a new and growing Mission view of the war, a view which I think is the product of frustration in pacification and other nation-building programs. It says, in effect: military power will not win the war alone, and though the government is weak and indeed frequently venal, and Arvin is a myth, we Americans are doing so many things, so much gear is going into so many places, that relentlessly, almost in spite of ourselves, we are producing results.

"We are smothering them into victory," one very high official said. The failure of the past, this official added, was not just weak people and a weak policy, although that is now acknowledged. It was a lack of resources: 15,000 Americans and a half billion dollars a year simply weren't enough.

This is a philosophy that is at times quite well argued here, and it has the advantage of admitting the weakness of our Vietnamese. But I am not so sure: the failures of the past were deeply tied not so much to lack of resources—we always had more helicopters than the enemy—but to lack of leadership, motivation, unity. I am not sure but that the more resources we feed into this country, the more we weaken the fiber and the more we corrode our own Vietnamese.

VI

We flew over the southern part of Long An province. My guide, an experienced American here, pointed down to the strange scene: deserted pathways leading nowhere, mud paths leading up to shacks which barely existed, a few deserted huts still left. "You know what that is?" he asked. I shook my head.

"Strategic hamlets," he said. "All that's left. You can see the outlines of where they used to be, where they built up the mud for paths. Part of the scenic beauty of Long An. Vacant since November 3, 1963, the first day the new government said they could all go; they left. I'm not even sure they waited that long. Those that we controlled, that is, and that was damn few enough. Mass desertion. Funny people, they preferred their ancestors' ashes to our barbed wire."

I looked down and he was right, there they were. One could still see the traces of the paths, neatly laid out, neatly eroding, and it all came back to me, the visits to Long An, and the other provinces, the hamlet program, the *key* to success, making the population turn on the enemy, all those fine charts showing that we were way ahead of schedule, only X hamlets programed and 3X completed.

In 1963 when Washington's confidence about the hamlets mounted and doubts mounted in the field, a young American civilian named Earl Young came down to take over Long An as province representative. Long An was allegedly almost completely government controlled; Young was appalled and quickly told Saigon that 80 per cent of Long An was VC controlled, and the war was virtually over in it. It was a report which jarred Saigon's sensitivities, and as a reward for this Paul Reveremanship a two-star American general tried to have Young fired.

Long An is not exactly typical; its problems are more serious, but they are not much more serious than other areas. If we cannot make real progress in Long An, then we cannot win this country. The area touches on the Plain of Reeds on the west, a traditional VC bastion, and it has a long history of VC influence and government stupidity. Part of the population, says one American, does not have a Vietcong infrastructure. It is actually a Vietcong society, more than three generations of it.

What is astounding about Long An is that it sits just south of Saigon, virtually a suburb—500,000 people in a very rich province. It sat there and always got its resources, through 1963, but never got any more than some very distant province. Ambassador Lodge, having saved Earl Young his job, was unsettled by the idea of the VC controlling what amounted to his backyard. He made Long An a priority area. The 25th Arvin division was brought down from the coastal region, and two of its regiments placed there with much heralding and exclamation. (There is still much exclamation about the 25th, not only that it may be the worst division in the Army, but the worst in any army.) But resources did not arrive, local officials were lethargic and unsure of their standing, and the 1964 priority failed to succeed.

Later in 1964 and 1965 Long An became a *hop tac* area, the spreading of oil slicks out from Saigon, the gradual driving back of the enemy. One American who was there said, "We knew what we wanted to do, but we couldn't get them to do it. There would be agreement, this was a priority operation and this or that program would be done, and they would nod and say yes, and then nothing would happen. You ask me why, I don't know why. If I had known why, I'd have been able to do something. So you'd send the word up to Saigon, and the top Americans there would say, 'Yes, look, we just talked to the Vietnamese about that problem and they're taking care of it—it's all okay.' And of course not a damn thing would happen."

In 1965, still almost completely Vietcong controlled, still squeezing Saigon, Long An was dubbed a National Priority Area. One American told me, "I don't know what happened to all the other national priority areas, but we couldn't cut it there. It was the same old goddamn story. You could tell the story of this country from Long An, like a dying man seeing his whole life flash before him. Their battalion commanders, peasants from the area who had everything to gain and nothing to lose if the VC won, had a rainbow waiting in this war. And up against them our little Arvin officers all from the upper or middle class, holding those damn baccalaureates, hating Long An a hell of a lot more than I ever did, with nothing to gain if there was a victory and a damn lot to lose down here, not wanting a bit to get wounded. So they tore us up when we went out. Most of the time the division advisers would be reporting how many operations they were on and all these things they were doing, and the troops wouldn't be doing anything at all, just sitting around and letting the VC have it free."

The National Priority Area never got off the ground there; Long An remained a particularly ugly sore. By late 1966 it remained as bad as ever (no American troops set foot there until September 1966) until by American estimates the VC controlled the entire rural province at night and all but 5 per cent during the daytime. Bridges were out, ferries were out, yet another try was made.

American troops were sent into the area and Colonel Sam Wilson, then Lodge's Mission coordinator, left his high Saigon post to try and oversee all operations there. He was somewhat appalled by what he found: "The province chief and the district chiefs do things for the people as if it were some form of largess. If a district chief wants to build a marketplace it doesn't really matter whether the village wants it or needs it—that's what it gets." But the Wilson experiment started with the best of intentions, floundered too. There was always some doubt over just how much control he had over the American military; and the Vietnamese military was always divided between the province chief's wishes and the division commander's whims. Finally neither high nor low goals were reached.

Now, in late 1967, Long An is somewhat better. There is what one American who knows the past failures calls "marginal improvement or even better under difficult conditions." A brigade and a half of American troops, in addition to two Vietnamese regiments, are operating there. The Americans, working the difficult terrain, are paying a high price, but have hurt the tough Vietcong battalions in the area. Latest intelligence is that these battalions are at about 60 per cent strength, which means that they are still quite effective fighting forces. Security is somewhat better and some areas have been opened up.

But the local officials are no better, the Arvin forces are as bad as ever, and knowledgeable Americans speak of progress in muted tones, knowing it can vanish the next day. In addition, the Americans here—as elsewhere in the Delta—are wary of areas where they think local forces have reached an accommodation with the enemy. One Vietnamese described it to me in Long An: "They sit there and make their gentlemen's agreements. The VC let our people know when they want to move and not too much happens. If the boss comes down from Tan An, the local commander lets the VC know and the province chief arrives. So everyone walks around freely and the chief tells the local man what a fine commander he is."

Long An is at least without illusions.

VII

One of the smaller wars in Vietnam these days is the one taking place between American military command and the American reporters over that most time-honored subject, the quality of the Vietnamese Army. To the military they are constantly improving. To the reporters, nothing has changed. There is the same vast discrepancy between their statistics and their actual performances.

The other day an American officer from Three Corps, the area right above Saigon, was brought in to brief reporters on the Arvin units in his area. The briefing was standard: the officer patiently and politely went through his line about better leadership, better motivation, better morale. But the area is close to Saigon and most reporters have friends there; they listened in obvious disbelief. After the officer finished his briefing and was moving toward the door, one veteran reporter caught him, and asked what could really be done to shape Arvin up. "Fire all three goddamn division commanders and two-thirds of the regimental commanders," he said, and walked out the door.

Yet there are some here who claim that we have one last chance in Vietnam. The history of Vietnam in recent years has been littered with last chances. One follows another faithfully. But, say men whose judgment I have respected in the past, this is another: we have all the material and we have just had an election, and perhaps now all the mistakes can be corrected. President Thieu will have the power he lacked before and we can get him to do these things which all his predecessors have failed to do. Thieu can use power; he can crush the little warlords.

Perhaps so, but one senses in Thieu a clever operator who will play it close to his vest. His ability to perform these late miracles is questionable. Give him six months, one very high American says. But what is it going to be at the end of it? Something dramatic—or just more statistics and briefings?

There are a few good things happening, friends of mine in our Mission say. At this writing, the National Assembly elections are stirring feelings never stirred here before. They are touching basic regional and factional feelings in this pluralistic society—and for the first time giving people a sense of representation in the government. These developments are certainly to be encouraged, for they might be the one thing which could save us in a political showdown with the Communists. But, otherwise, they amount to a very small plus in a very tired country.

They say also that there are changes within the Mission; the real dissenters are getting a better hearing in Mission councils than ever before. Yet there is little in what the Mission says, or thinks to support this hope. I fear for the dissenters in the months ahead as the pressure for results intensifies; for that kind of pressure does not want to hear dissent or complicated answers. It wants reams of prepared statistical documents, and it most surely will get them.

VIII

And the alternate solutions?

Putting American and Vietnamese troops together into joint units, thereby improving the morale of the Vietnamese—where tried so far in this country it has worked. . . . Giving the Americans complete command of Vietnamese forces, and giving them good American leadership . . . forgetting about the Vietnamese and bringing out one million more American troops and do the job right.

But instead I have a sense that we are once again coming to a dead end in Indochina. We have in the past narrowly staved off defeat several times in the South. In 1954 at Geneva, in 1956 with Diem, in 1961 with the Taylor report and the beginning of the American buildup, in 1965 with the commitment of American combat troops. Each time we have averted defeat and grabbed victory out of the hands of Hanoi, but in doing it, we have always been forced to up the price of the game, we have increased the stakes, so that now we stand with the present frustrating situation, neither victory nor defeat, a half-million troops, a heavy bombing program, with the military wanting more troops and more bombing. Yet meanwhile we are more aware than ever of the frustrations of that particular war and of the strains that a commitment of half a million men places on our own society at home.

Or perhaps all the very best critics, such as the late Bernard Fall, will be proven wrong: you *can* gain a military victory without any decent political basis. You can simply grind out a terribly punishing war, year after year, using that immense American firepower, crushing the enemy and a good deal of the population, until finally there has been so much death and destruction that the enemy will stumble out of the forest, as stunned and numb as the rest of the Vietnamese people.

What would become of the country in this case I do not know. It could happen, but I doubt it. For though the highest Americans here have talked in terms of victory through a war of punishment and attrition, I have my doubts that we can win in a war of attrition. Attrition, after all, is not just a physical thing, it is a psychological state as well, and I wonder if they will fold first. Rather, the war is to them an immediate thing; it is their highest priority, their most important commitment, like the Israelis viewing the Arabs; they see it in terms of *survival*, while we are far away. We have our other fronts, other commitments, other priorities. We talk about this as a war of our national security, but we treat it as a war of luxury. Nothing shows this more than the casual way the war has been reported from Saigon to Washington, the willingness to pass on gentle fallacies instead of hard and cold truths. The general who tried to have Earl Young removed would, I am sure, give a very accurate report to Washington if the Vietcong were moving north from San Diego.

Perhaps. Perhaps. I do not think we are winning, and the reasons seem to me to be so basic that while I would like to believe my friends that there is a last chance opening up again in Vietnam, it seems to me a frail hope indeed. I do not think we are winning in any true sense, nor do I see any signs we are about to win. That is why this is such a sad story to write, for I share that special affection for the Vietnamese, and I would like to write that though the price is heavy, it is worth it. I do not think our Vietnamese can win their half of the war, nor do I think we can win it for them. I think finally we will end up lowering our sights, encouraging our Vietnamese to talk to their Vietnamese, hoping somehow they can settle what we cannot. That is what this country longs for right now, and it may well be that even if we stay here another five years, it is all we will end up with anyway.

ARMS RACE?

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Cohelan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COHELAN. Mr. Speaker, one of the most ominous prospects facing us today is what appears to be a new round in the nuclear arms race.

Recent months have seen the disclosure of new weapons and defenses by both the United States and the Soviet Union. These events have passed with little public stir. Yet these events are critical to the future security of the world.

Mr. Roswell L. Gilpatric, former Deputy Secretary of Defense, has written in the New York Times magazine an excellent summary of these events, together with some observations on their meaning.

I commend this article to the attention of my colleagues and insert it in the Record at this point:

The Atomic Arms Race: A "Mad Momentum" May Be Underway

(By Roswell L. Gilpatric)

Both the United States and the Soviet Union have said repeatedly that they share common aims in avoiding an atomic arms race, preventing nuclear war and reducing the amount of their national resources now devoted to military uses. But no formal agreement to that end exists or is in prospect, and meanwhile the actions of the two superpowers are inconsistent with their aims. The present trends in the United States and Russia toward more and better nuclear armaments would not only jeopardize the accomplishment of the nonproliferation treaty which they are jointly advocating but could well signify a turn for the worse in their own strategic relationship. Let us examine both sides of this two-sided looking glass.

The United States is now ahead of the Soviet Union by a ratio of 3 or 4 to 1 in numbers of nuclear warheads, sometimes called target kill capability. In terms of megatonnage, however, the Soviet Union's nuclear arsenal may already be on a par with or possibly ahead of the United States'.

In keeping with its strategic objective of maintaining a second-strike capability through the assured destruction of Soviet missile sites, the United States is proceeding with a number of qualitative advances in its strategic weapons. It is equipping our Minuteman III's, the most advanced of that family of ICBM's, with devices that will enable them to penetrate Soviet missile defenses. It is pushing the development of Poseidon submarine-launched ICBM's which will surpass Polaris missiles in range, destructive power and targeting accuracy. Also in the works is a new concept of multiple warheads for American missiles—called Multiple Independent Re-entry Vehicles (MIRV's)—that will multiply the effectiveness of our present ICBM's without adding to the number of launchers. The MIRV missile will be designed to carry from 5 to 10 warheads that can be separated in flight to strike independently at a corresponding number of widely dispersed, preselected targets.

In view of this development and because American strategy does not depend on retaining our existing overwhelming quantitative superiority, our Government is not at the moment contemplating any major additions to the size of its missile force. In the early research and development stage, however, there is exploratory work going forward on a new long-range missile (Strat X), the nature of which is highly classified but which presumably would be more effective and less vulnerable to counterattack than existing ICBM's. Similar effort continues on the propulsion system and avionics for a more advanced long-range bomber in the event it is later decided that still another generation of manned strategic-weapon delivery systems is needed.

For its part, the Soviet Union is stressing a major quantitative improvement in its strategic offensive forces. It is adding more hardened land-based and submarine-launched ICBM's in an attempt to reduce the present disparity between its missile forces and those of the United States. It is still emphasizing large warheads—that is, megatonnage rather than precision targeting—in its missiles, and it continues to stress advanced missile development, as shown by the new missiles exhibited at the 50th-anniversary military parade in Moscow on Nov. 7.

Rather than seeking to match United States capability in long-range manned bombers, the Soviets are apparently initiating a system of delivering nuclear warheads from orbit. The delivery vehicle for such a weapon would be fired in a low orbit, about 100 miles above the earth, from which its bomb would be released against unprotected targets, such as American bomber bases, with a flight time considerably less than that of an ICBM. This system, which our Defense Department calls a Fractional Orbital Bombardment System (FOBS), would thus materially reduce the 15-minute warning time that now enables American bombers to become airborne prior to the impact of any Soviet missile attack on the United States.

There are also significant differences in the approaches being followed by the two countries with respect to their strategic defenses. The United States has decided to go ahead with a limited or "thin" deployment of antiballistic missiles (ABM's) consisting of from 10 to 15 sets of missile batteries and radar installations so located throughout the country as to be able, thanks to the 400-mile range of the interceptor missiles, to protect the entire nation. The defensive missiles will be provided with a new nuclear warhead designed to destroy incoming missiles by releasing bursts of X-rays. Although this area missile defense system, called Sentinel, is conceived primarily as a countermeasure to Chinese Communist nuclear development rather than as a shield against a Soviet missile attack, it has been intimated that even such a limited deployment of ABM's would provide, as a concurrent benefit, a further defense of our Minuteman sites against Soviet ICBM's. No significant radioactive fallout is anticipated from the operation of the Sentinel system so that no great increase in our shelter program would be needed. To defend against the Russian orbital bomb, if that materializes, the United States will rely on over-the-horizon radar, which will give as much warning time as we now would have in the case of an ICBM attack, and on its existing capability of destroying spaceborne weapons.

When it comes to ABM's, the Soviets have already gone well beyond United States planning by deploying a full-scale set of ABM installations around Moscow and Leningrad, and the Russians may be extending another antimissile system around most of western Russia. Eventually the Soviets will undoubtedly set up systems to defend against Chinese Communist missiles.

Meanwhile, there are considerable pressures on both Governments to build up their nuclear stockpiles even further. Within the Soviet Union the military still constitutes a powerful force, with probably more influence under the present collective leadership of Podgorny, Brezhnev and Kosygin than in the heyday of Khrushchev as undisputed top man in the Politburo.

In the United States, military influence on national security policy is likewise strong, particularly through organizations dominated by retired officers and through Congressional committees. In recent months there has appeared under the aegis of the American Security Council a report, entitled "The Changing Strategic Military Balance—U.S. vs. U.S.S.R.," which reached the conclusion that in terms of megatonnage the Soviets have already wiped out the United States margin of security in nuclear arms, and warning of further Soviet gains in strategic weapons. Among those associated with this report and the American Security Council were such former Air Force leaders as Generals LeMay, Powers and Schriever.

Later, another report came out, also predicting that, if present trends continue, the Soviets will soon surpass the United States in numbers of ICBM's. This report was prepared by the Center for Strategic Studies at Georgetown University, a group headed by Adm. Arleigh Burke, retired Chief of Naval Operations.

Several Congressional groups are currently active along parallel lines. A subcommittee of the House Armed Services Committee, headed by Congressman Porter Hardy, Jr., is continuing in executive session a comprehensive review of the entire United States strategic position. The Military Applications Subcommittee of the Joint Committee on Atomic Energy, chaired by Senator Henry M. Jackson, which is conducting a full-scale inquiry into the ABM issues, has been told that the Soviet Union is deliberately challenging the nuclear superiority of the United States. The Preparedness Subcommittee of the Senate Armed Services Committee, under Senator John Stennis, can be expected to be heard from to the same effect.

The net effect of these activities and attitudes is to keep the Johnson Administration under constant pressure to demonstrate that its actions with respect to strategic weapons will not shift the military balance in favor of the Soviet Union. From the time it was announced early this year, President Johnson's effort to persuade the Soviet Union to accept a moratorium on the deployment of ABM's has been regarded with growing skepticism in Congressional and military circles. The timing of recent announcements on strategic weapons system developments reflects the concern within the executive branch over these Congressional-military points of view. Secretary McNamara's September speech in San Francisco announcing the Administration's decision to deploy a thin ABM system followed by a few days a talk in Connecticut by Senator John O. Pastore, the chairman of the Joint Committee on Atomic Energy, strongly urging a full ABM deployment. The October announcement of Secretary McNamara that the Soviets were apparently testing FOBS barely preceded the start of the hearings on the ABM issues by Senator Jackson's subcommittee.

These pressures, which are naturally fed by resentment at Soviet aid to North Vietnam, will grow in intensity both in the near term as the Johnson Administration formulates the portion of its fiscal 1969 military budget dealing with strategic forces, and during the Presidential election campaign next year. Unless the still-to-be-begun American-Soviet talks on halting the growth in nuclear arms produce some dramatic results, the likelihood is that United States military plans and programs for the future will put more rather than less emphasis on offensive and defensive strategic weapons.

The prospects of nuclear arms restraint on the Soviet side are even less encouraging. In the first place, the current Russian arms budget is up at least 15 per cent, and all the indications point to a continuation of the Soviet military's ability to claim an increasing share of their national resources. No one on the civilian side of the Soviet leadership seems capable or willing to control the appetites of their military. Furthermore, arms decisions within the Soviet Union, as is true also in the United States, will continue to be made in the context of each country's policy with respect to "wars of national liberation." The clash of such policies finds its immediate expression in the Vietnam conflict. Although that war is being waged with conventional weapons, the effect of each side's moves on the other is strongly influenced by the balance of nuclear power backing up the respective positions of the two main protagonists.

Indeed, it can well be argued that the interaction between conventionally armed and nuclear forces is such that the trends in each cannot long move in opposite directions. In the American military budget, the support for nuclear strategic forces has been progressively reduced from $11.2-billion in 1962 to $7.1-billion in 1967, while the sums appropriated for nonnuclear general purposes forces nearly doubled, rising from $18-billion in 1962 to $34.3 billion in 1967. The increase has, among other things, financed a 45 per cent increase in Army combat divisions (from 11 to 16), a 73 per cent increase in naval ship construction and modernization and a 40 per cent increase in Air Force tactical squadrons. Now the indications are that the strategic curve will also turn upward; for the current fiscal year the cost of United States strategic forces will go up by $1-billion, or 15 per cent.

On the Soviet side, the pattern has been one of adding to both the nuclear and nonnuclear forces. Besides setting out to overcome the United States' nuclear lead, the Soviets are seeking, through long-range airlift and seabased air power, to emulate our capability of projecting conventional military power on a global scale.

One of the most frightening aspects of the American-Soviet military equation is the inexorable rhythm of its measures and countermeasures. Secretary McNamara calls it the "mad momentum intrinsic to the development of all new nuclear weaponry."

Starting with Sputnik I, the history of the missile age has been characterized by a series of American reactions to Soviet moves and vice versa. The pioneer effort by the United States in submarine-launched missiles was a response to the vulnerability of the first-generation ICBM's with their soft sites and flammable fuels. As successive generations of ICBM's became less vulnerable, the Russians proceeded along parallel lines of producing larger warheads with greater destructive power and at the same time strengthening their missile defenses. United States missile development, on the other hand, has emphasized continuing improvement in penetrability to counter more sophisticated Soviet defenses.

The United States reaction to the recent disclosure that the Soviets are testing a new kind of space weapon—FOBS—is but another illustration of how inescapable is the pattern of response. Although Secretary McNamara does not regard the development as one that should cause concern for the state of American security, Senator Richard B. Russell, chairman of the Senate Armed Services Committee, expressed a viewpoint common to many of his colleagues when he insisted that the United States' reply to the latest Soviet arms challenge should be for us to develop our own orbital bomb.

So much depends in these matters on from which side of the looking glass one views a power struggle such as that going on in Vietnam or in the Middle East, where the two superpowers also have major interests and where, in the eyes of President Johnson, the same kind of issues are at stake. What the United States considers an effort to keep the peace or to protect independent nations from externally generated aggression looks to the Russians like another projection of American military power as well as an intervention in the internal affairs of sovereign states. Similarly, in the light of the overseas base structure built up by the United States during the cold-war period, its current disavowals of any intention to maintain military bases in Southeast Asia cannot carry much conviction in Russian minds.

The Soviet Union is not the only one to indulge in ambivalent attitudes. For its part, the United States makes scarcely credible distinctions between the military aid which it furnishes to its friends and the arms which the Soviet Union provides to those on its side. Thus, while fielding an American Army of nearly half a million soldiers in South Vietnam, supported by a naval force of 100 vessels and thousands of aircraft, we take umbrage at what the Soviets are doing on a far smaller scale for the North Vietnamese.

The prospects, then, are poor that either the United States or the Soviet Government will find itself in the immediate future so domestically positioned as to be able to level off, far less scale down, its nuclear arms program. Should the Johnson Administration go slow in developing and procuring more and better strategic weapons, it will be accused by its critics among the military and the Congress and by its opponents in the Presidential campaign of shifting from a strategy of "nuclear superiority" to one of "nuclear parity" with the Soviet Union. On the other hand, the Soviet leadership can hardly be expected, without some reciprocal move by the United States, to relax in its efforts to overcome or at least narrow the margin of nuclear advantage which the United States now enjoys.

In these circumstances, is there any alternative to a continuation, if not an intensification, of the arms race beyond the now somewhat forlorn hope that considerations of logic and economic self-interest might prevail in both Washington and Moscow? The only new factor in the equation is the growing nuclear power of Red China, which, on account of its proximity, constitutes a more immediate threat to the Russians than to the Americans. From an ideological viewpoint, it seems inconceivable that even a common threat from Red China could cause the Soviet Union and the United States to mitigate their current competition in arms. Certainly, in the case of the Soviet Union, it would take an overriding sense of national self-interest for it to make common cause with the United States to the detriment of Communist China. The United States has taken a step in that direction by orienting its missile defenses against the Chinese rather than the Soviets. Could we go further, and if so, would the Soviets reciprocate?

Questions such as these must be pondered by whatever national Administration presides over American destinies after the 1968 Presidential election. One operative factor will still be a source of great difficulty for our leadership. In view of its present superiority in nuclear arms, the initiative toward deflecting downward the nuclear arms race will continue to rest on the United States. A Presidential campaign is not the ideal environment or the exercise of such an initiative; yet it is to be hoped that the Johnson Administration will not be deterred by political considerations at home from pursuing its objective of avoiding another step-up in nuclear armament. Less hopeful but equally desirable is the possibility that the Republican candidate would run on a platform embracing a similar objective.

SLEEPING BEAR DUNES NATIONAL LAKESHORE PARK

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'Hara] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the proposal for creation of Sleeping Bear Dunes National Lakeshore in Michigan has been on the legislative agenda for many sessions of Congress. It was first introduced by Senator Philip Hart in the 86th Congress. Senator Hart has introduced it in the Senate in subsequent Congresses, and this session I introduced companion legislation in the House of Representatives. There have been extensive hearings on the proposal in the Interior Committees of both Houses of Congress. The legislation has been passed by the Senate in the last two Congresses. Last year it was reported to the House by the Committee on Interior and Insular Affairs, but never came to the floor. It is my hope—and I am optimistic—that this Congress will make the proposed Sleeping Bear Dunes National Lakeshore a reality.

The proposal has widespread support, not only in Michigan, but throughout the entire upper Midwest and Great Lakes States. Citizens of this vast area realize that it is essential that this magnificent area of sand dunes, forest, lakes, and hills be preserved in its present near-natural state. They want it open to all the people and held for all the people for all time. Finally, most people in the Great Lakes region realize that creation of the national lakeshore will have a significant, beneficial impact on the economy of the Great Lakes States. Indicative of the extent, variety, and quality of support are two resolutions which I recently received. One resolution was passed by the Michigan Conservation Commission, the other by the Upper Great Lakes Regional Commission. It is important to note that the regional commission includes three Governors—all of whom signed the resolution—Gov. George Romney, of Michigan; Gov. Harold LeVander, of Minnesota; and Gov. Warren P. Knowles, of Wisconsin.

I sincerely hope that when the list of major conservation legislation is posted by the 90th Congress, Sleeping Bear Dunes National Lakeshore will be on it.

Mr. Speaker, I insert copies of these two resolutions urging creation of the Sleeping Bear Dunes National Lakeshore in Michigan, along with a letter from Ralph A. MacMullan, director of the Michigan Department of Conservation, to be printed in the Record:

DEPARTMENT OF CONSERVATION,
Lansing, Mich., December 4, 1967.
Hon. JAMES G. O'HARA,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE O'HARA: Attached is a copy of a resolution adopted by the Michigan Conservation Commission urging the establishment of the Sleeping Bear Dunes National Lakeshore. A similar resolution which was recently adopted by the Upper Great Lakes Regional Commission is also enclosed.

I would respectfully recommend that the enactment of this legislation be given top priority in the Ninetieth Congress. There is no other conceivable act of Congress which could do more to implement the orderly development of the outdoor recreational resources of the State of Michigan. The project would, indeed, be the focal point for tourism in the entire mid-continent area.

Please call on me if I can assist in any way with the advancement of this important project proposal.

Sincerely,
RALPH A. MACMULLAN,
Director.

RESOLUTION URGING LEGISLATION TO ESTABLISH THE SLEEPING BEAR DUNES NATIONAL LAKESHORE

Whereas, Legislation to establish the Sleeping Bear Dunes National Lakeshore has been continuously considered by the Congress since 1960; and

Whereas, The present identical bills (S. 1192 and H.R. 6616) are the product of exhaustive studies and extensive hearings and have been tailored to satisfy the reasonable objections of local residents; and

Whereas, The Sleeping Bear Dunes area, so unique from both a scenic and scientific point of view, is of national scope and significance and clearly warrants designation as a national lakeshore; and

Whereas, The State of Michigan does not presently have the fiscal capability of developing this area up to its full potential for recreation; and

Whereas, The Sleeping Bear Dunes area as a federal project area, will be a focal point for tourism for over twenty million people that live within an easy one day's drive of this beautiful area; and

Whereas, The Upper Great Lakes Regional Commission has recently endorsed the establishment of the lakeshore as a measure which would serve as a stimulus to the economy of northern Michigan; and now therefore be it

Resolved, That the Michigan Conservation Commission urges the Ninetieth Congress to enact legislation establishing the Sleeping Bear Dunes National Lakeshore.

UPPER GREAT LAKES REGIONAL COMMISSION RESOLUTION 13

A resolution of the Upper Great Lakes Regional Commission to recommend establishment of the Sleeping Bear Dunes National Lakeshore

Whereas, the Upper Great Lakes Regional Commission is instructed by the Congress (under Section 503(a)(6) of the Public Works and Economic Development Act of 1965) to "prepare legislative and other recommendations with respect to both short-range and long-range programs and projects"; and

Whereas, the Upper Great Lakes Regional Commission is concerned with the increase of economic activity in the Region; and

Whereas, part of such increase depends upon the orderly development and preservation of areas of natural beauty for the purpose of strengthening the tourist industry; and

Whereas, the Sleeping Bear Dunes area in Benzie and Leelanau Counties in Michigan is a rare and priceless resource of natural beauty; and

Whereas, national legislation would provide for the preservation and development of this area; Now Therefore

Be it resolved by the Upper Great Lakes Regional Commission that establishment of the Sleeping Bear Dunes National Lakeshore be recommended to the Congress; and

Be it further resolved, that full action be taken to minimize any possible adverse effects on private property owners and local units of government resulting from the establishment of the Sleeping Bear Dunes as a National Lakeshore.

Adopted by the full Commission this 22 day of September 1967.

WARREN P. KNOWLES,
State cochairman and Governor of the State of Wisconsin.
GEORGE ROMNEY,
Governor of the State of Michigan.
THOMAS S. FRANCIS,
Federal Cochairman.
HAROLD LEVANDER,
Governor of the State of Minnesota.

MEATPACKING AND PROCESSING

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SMITH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, most of the meatpacking and processing plants which are represented in Washington on an organized basis are represented by the American Meat Institute, the Western States Meat Packers Association, or the National Independent Meat Packers Association.

These three associations represented the red meat packers and processors who opposed the passage of the Smith-Foley meat inspection bill. Nick Kotz of the Des Moines Register dug out facts relating to these associations and the extent to which their members were among those which were subjected to the inspections of nonfederally inspected plants. These plants were selected at random and researching that resulted in a comparison of membership in each organization with plants cited in the reports was obviously a time-consuming and tedious task for which the newspaper is to be commended.

I have previously placed in the CONGRESSIONAL RECORD the news stories relating to the AMI and WSMPA membership. Although the bill has now passed the Congress and is awaiting the President's signature, I believe the recent news story making the same comparison of the NIMPA's members cited should in all fairness be placed in the RECORD so that the RECORD will treat all alike and show the overall picture.

It will be noted that a total of only 945 companies are listed as members of the three associations. This means that most plants were not members of any of the groups but I do not know exactly how many were the nonfederally inspected plants which will now be subject to inspection. It will be noted, however, that the percentage of nonfederally inspected plants cited unfavorably was high from the plants selected at random.

I also wish to state that some of the plants state that they have now corrected the situation cited unfavorably. Some State laws have been changed but most of the conditions cited should not have existed with or without a State law.

Under the final version of the meat inspection bill, the USDA has a duty to examine the nonfederally inspected plants periodically and report the findings to Congress. This includes a duty to make purchases of products from retail outlets and make laboratory tests to determine the extent to which the labeling is accurate and sufficient. I hope the possibility that improper practices will become known to consumers will cause the nonfederally inspected plants to conduct a better operation during the 2-year period pending mandatory inspection under more adequate minimum standards. The possibility of penetrating articles setting forth information should have some affect. Following is another example and the last of the series of articles concerning practices by some of the members of these three associations:

[From the Des Moines Register, Dec. 7, 1967]

REVEAL NEW INSTANCES OF DIRTY MEAT

(By Nick Kotz)

WASHINGTON, D.C.—Agriculture Department (USDA) investigators have reported finding improper conditions in 54 meat plants operated by members of the National Independent Meat Packers Association (N.I.M. PA.), a trade association that opposed strong inspection legislation.

USDA investigators cited 39 N.I.M.P.A. members in a 1962 survey of conditions in plants exempted from federal inspection, and cited 15 plants in a 1967 survey. Five N.I.M.P.A. members were praised for good conditions in their plants

CHECKED LIST

The Register checked the status of N.I.M. P.A. members by comparing the organization's confidential membership list with the USDA survey of plant conditions.

In earlier stories, The Register revealed that 50 members of the American Meat Institute (A.M.I.) and 45 members of the Western States Meat Packers Association were cited for improper conditions.

The results of these surveys indicate that numerous members of the three major trade associations who lobby in Washington will have to make corrective changes under the new meat inspection law that eventually will require all plants to meet federal standards.

All three organizations initially opposed strong meat inspection legislation, and only the A.M.I. supported it in the end.

The USDA-surveys are more revealing of the three organizations when consideration is given to their total membership and the number of plants surveyed.

In 1962 and 1967, the Agriculture Department surveyed conditions in a total of only 1,200 of the nation's 16,000 meat packing plants. Plants were selected at random for the surveys.

SECRET MEMBERSHIP

The three lobbying groups have a total membership of only 945 companies. Yet USDA investigators reported improper conditions in plants operated by 50 of A.M.I.'s 350 members, 45 of Western States 295 members, and 54 of N.I.M.P.A.'s 300 members.

All three organizations declined to disclose either to Congress or to The Register the names of their members. In each case, the names of the member firms were obtained from other sources by this newspaper.

Several congressional advocates of strong consumer legislation began raising questions privately the last three weeks about the status of lobbying groups that represent special interests in Washington, yet decline to identify those they do represent.

N.I.M.P.A. carried on some of its lobbying against a strong meat inspection bill in close coordination with the National Association of State Department of Agriculture.

It is reported that Representative Neal Smith (Dem., Ia.) particularly had N.I.M.P.A. in mind when he said that some state secretaries of agriculture "jumped every time the meat lobby said to."

LOUISIANA FIRM

Among N.I.M.P.A. members cited in the Agriculture Department investigations was the Rapides Packing Co., Alexandria, La.

Of this plant, investigators reported in 1967: "Except for the killing floor, the plant is old and visibly filthy. All of the walls are stained with greenish slime caused by humidity and condensation. Contamination of food products is inevitable."

Agriculture Department investigators made the following 1967 report about the W. H. Butcher Packing Co., Oklahoma City, Okla.:

"Sewage water was backing up in one room. A dead mouse was in the corner of one cooler. Putrid water standing in a hole in the floor and cracks in the floor contained bloody, stinking water. No attempt to screen flies from the building."

In a 1967 report, investigators said that the Ricks Packing Co., Aiken, S.C., was using "unclean pork fat in products" and that meat in the freezer was covered with dirty ice from refrigeration coils.

In a 1962 investigation of Brown & Scott Packing Co., Wilmington, Del., investigators said: "Walls splattered with decomposing meats and meat by-products. Massive evidence of vermin and rodent poison used indiscriminately. Steak tenderizing solution contained three dead flies and one dead wasp."

Investigators praised conditions at the Copeland Sausage Co., Alachua, Fla.; Beavers Packing Co., Newnan, Ga.; Calihan & Co., Peoria, Ill.; Hitch Packing Co., Princeton, Ind.; and Kessler's, Inc., Lemoyne, Pa.

The following list summarizes conditions reported by USDA investigators in both 1962 and 1967 in other plants that are members of N.I.M.P.A.:

ALABAMA—1962

R. L. Zeigler, Inc., Bessemer, Ala.—Sanitation at plant only fair and below Federal standards; evidence that hams were being pumped with close to 20 per cent water.

ARKANSAS—1962

Heard's Sausage Company, Searcy, Ark.—Fairly new plant with equipment and sanitation adequate; however, state provided only periodic inspection.

COLORADO—1967

Stauffer Food Co., Rocky Ford, Colo.—Meat being processed into sausage products was not clean; pork trimmings contains skin with hog hair still on it; coolers dirty and covered with mold; chopper leaking grease directly into meat product.

FLORIDA—1962

Dirr's Gold Seal, Meats, Inc., Miami, Fla.—Well constructed plant with good equipment but during slaughter waste water drained from ceiling and trolley onto carcass.

Loeb & Gottfried, Hialeah, Fla.—Numerous flies on killing floor contaminating meat during slaughter, several beef carcasses covered with dirt from killing floor.

Harman Sausage Company, Inc., Tampa, Fla.—Killing floor very poorly equipped and filth splashed onto beef carcass during washing; grease and rust from trolley hooks on carcasses.

Tarnow Food Delicacies, Inc., Tampa, Fla.—Hams being opened under peeling paint from ceiling; no control over addition of non-fat dry milk during sausage production.

Jones Chambliss Company, Jacksonville, Fla.—Necks of cattle carcass dragging on floor; ceiling in sausage holding room peeling with paint falling into the product.

GEORGIA—1962

Thomas Packing Co., Griffin, Ga.—Plant seriously overcrowded and procedures in processing portions are not those that would be considered acceptable under federal inspection.

ILLINOIS—1967

Streck Bros. Packing Co., Belleville, Ill.—"Poor sanitation and housekeeping; believed to slaughter cripples and downers."

ILLINOIS—1962

Streck Bros. Packing Co.—Dirty hogs head soaking in water; believe carcasses contaminated with killing floor dirt; (plant is not acceptable from structural, operational or sanitary standpoint).

Bartlow Brothers, Inc., Rushville, Ill.—No trichinosis control exercised on cured, smoked or cooked pork; no control over addition of water to hams.

Virginia Packing Co., Virginia, Ill.—Cooking of frankfurters and bologna in wood tanks; bacon press boxes heavily encrusted.

Circle Packing Corp., E. St. Louis, Ill.—Scraps of meat on walls in killing floor area. Scaling paint on ceiling of sausage cook room; a few roaches observed.

Leons Sausage Co., Chicago, Ill.—Floor of pork cooler was not drained and dirty wooden floor racks were present. Rusty barrels containing grease sitting in basement room.

Slotkowski Sausage Co., Chicago, Ill.—Evidence that sodium phosphate, not allowed under federal standards, was being added to sausages; evidence that ham being pumped with 15 per cent water.

INDIANA—1967

Elkhart Packing Co., Elkhart, Ind.—Largest non-federally inspected slaughtering and processing plant in the state. Overhead rails for movement of beef quarters rusty and grease covered; walls and tables dirty in sausage department and screen covered with fat and grease; equipment contaminated and rusty in cutting room.

Parrot Packaging Co., Ft. Wayne, Ind.—Killing floor is small and would not meet federal standards, no veterinary supervision for determination of diseased lesions.

Laurents Packing Co., Ft. Wayne—Sanitation could be improved; beef cooler in need of repair and does not meet federal standards.

INDIANA—1962

Valentine Co., Inc., Terre Haute, Ind.—No screens on windows and many flies inside plant; dirt and hair on carcasses; no sinks for handwashing.

Bloomington Packing Co., Bloomington, Ind.—Flies entering basement of plant through open window in sausage room; inspector noted: "Sanitation was worse than any I have previously observed," and added that many flies were killed on the inside surface of one sausage truck.

IOWA—1962

Nissen & Sons Packing Co., Webster City, Ia.—No inspection of paunches, lymph glands and abdominal viscera; most equipment in plant of stainless steel and in good sanitary condition.

Marshall Packing Co., Marshalltown, Ia.—Cutting boards on boning and break-up tables old and split; overhead structures were painted and considerable paint flaking and peeling was observed; no inspection of abdominal viscera.

Gus Glaser Meats, Inc., Fort Dodge, Ia.—Plant and equipment generally in good condition but flies prevalent in most areas; boxes, twine and sausage on floor; beef quarters touching floor.

Amend Packing Co., Des Moines—A small beef slaughtering establishment. No attempt made to open bronchi of lungs saved for edible purposes during post mortem inspection; flies prevalent on killing floor. Sawdust present in boning room; no floor drain evident in one cooler. Inspector noted, "The plant itself was quite old but was fairly well maintained."

KANSAS—1967

Winchester Packing Co., Hutchinson, Kan.—No sterilizer seen in operation; sausage sticks very dirty; no apparent control on pumping of ham.

Thies Packing Company, Great Bend, Kan.—Plant appears to have excellent facilities inside and out but lay inspector apparently was not actually doing post-mortem inspection and "seemed to be doing more work for the house than inspection"; no sterilizers in operation in any of the departments.

LOUISIANA—1962

Austin Packing Co., Houma, La.—Numerous flies where slaughtering was being conducted; containers for various cuts of meat had residue of blood, fats and tissue. Carcasses touching floor contaminated with blood and stomach contents.

MASSACHUSETTS—1962

Davidson's Meat Products, New Bedford, Mass.—Plant operation in an old building on first floor which is level with outside courtyard, permitting possible entry of floodwater in case of a storm.

K. Monkjewicz, Inc., Chelsea, Mass.—Windows lacking screens, permitting entry of flies; uncovered trash barrels in yard behind plant.

MICHIGAN—1967

Thomas's, Inc., Grand Rapids, Mich.—Report states plant "used 4–D beef for a long period of time until raided by the state attorney general in September, 1966.

Holland Meat Company, Holland, Mich.—Also reported to have used 4–D beef until raid in Sept. 1966.

MINNESOTA—1962

Caldwell Packing Co., Windom, Minn.—Plant clean and generally in good sanitary condition but only a small percentage of animals received ante-mortem examination; post-mortem examination was not complete in that bronchial lymph nodes were not adequately incised; no sterilization facilities for saw on slaughtering floor; pus and diseased carrying media splashed on carcasses during slaughtering operation; no effort was made to prevent contamination from possibly diseased udders.

MISSISSIPPI—1967

Delta Packing Company, Clarksdale, Miss.—Plant old, in poor repair and overcrowded; cutting and boning tables rusty and dirty; sanitation was not good.

NEBRASKA—1967

Gus Glaser Meats, Inc., Wilber, Neb.—Numerous flies were present in plant; mold and/or slime in sausage cooking area.

NEBRASKA—1962

Gus Glaser Meats, Inc., Wilber—Standard of house-keeping and sanitation generally not acceptable; flies observed in sausage manufacturing room; no control of additives such as cereal, non-fat dry milk and so forth.

North Platte Packing Co., North Platte, Neb.—Slaughtering equipment dirty, old, and in poor repair; sterilizer not used during dressing of beef carcass. Casing for bologna not inspected before stuffing, allowing rancid casing fat to become part of the bologna; no trichina control on bologna process.

OHIO—1962

Rittenberger Brothers, Zanesville, Ohio—No inspector present during cattle slaughtering operation; 30-gallon drums filled with dirty water and scrap fat used by employes for washing hands.

PENNSYLVANIA—1962

Spungin's Abattoir, Harrisburg, Pa.—Dirty meat observed in old dirty wooden barrels in basement; water from ceiling dripping onto meat products.

SOUTH CAROLINA—1962

Dreher Packing Co., Columbus, S.C.—No inspection during slaughter; no control over destruction of trichina. Plant is practically new throughout.

Roddey Packing Co., Columbia, S.C.—Sanitation lacking in many departments; hogs not properly cleaned and excessive hair and scurf on carcasses in cooler.

TENNESSEE—1962

Purity Packing Co., Powell, Tenn.—Plant construction good but bacon skinning machine apparently not cleaned for some time; no sterilization facilities for hog viscera pan.

TEXAS—1962

Pinkney Packing Company, Amarillo, Tex.—Sanitation good and most equipment adequate but no evidence of inspectional control in processing departments; no inspection of cervical glands in hog slaughtering department.

VERMONT—1967

John McKenzie Packing Co., Inc., Burlington, Vt.—Boning room congested, cluttered and untidy; ice machine blades rusty and pitted, meat handling trucks rusty and corroded.

VERMONT—1962

John McKenzie Packing Co., Inc.—Clean-up of equipment very poor and debris was allowed to accumulate; large cooler heavily encrusted with residue; tank of pork products to be pickled contained product in a slimy condition.

VIRGINIA—1962

George H. Meyer Sons, Richmond, Va.—Construction of plant and sanitary conditions very good but no hand-washing facilities and tool sterilizer conveniently provided for workers opening carcasses on platform; apparently no trichina control on smoked pork cuts.

Joseph McSweeney and Sons, Richmond, Va.—Major portion of plant old and in need of rehabilitation to improve sanitary conditions; some cockroaches observed in plant; little control on restricted additives to meat products.

WEST VIRGINIA—1962

P. E. Holz Sons Company, Charleston, W. Va.—Accumulation of filth around base of pattie-making machine and cubing machines; no hand washing facilities for employes.

WISCONSIN—1962

Quality Packing House, Inc., New London, Wis.—Carcass being boned for sale and sausage making contaminated by manure and hair and condensation from dirty overhead structure; meat observed in dirty, blood encrusted boxes and rusty dirty containers.

A SALUTE TO "DOC" MORGAN

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Moorhead] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, it has been my great pleasure and privilege during my 9 years in Congress to serve in the Pennsylvania delegation under the leadership of the distinguished chairman of the Committee on Foreign Affairs, the Honorable Thomas E. Morgan.

During these 9 years, my respect, liking, and admiration for "Doc" Morgan has grown daily. As the dean of our delegation, he has carefully weighed the interests of America's third most populous State against the needs of the Nation as a whole; as the chairman of a powerful and important committee, he has astutely balanced the interests of the United States with the demands of world politics.

All this comes naturally to "Doc" Morgan, because, as he himself has said, "I came out of a political family. Like playing poker, politics is in my blood."

In yesterday's Washington, D.C., Sunday Star, staff writer Benjamin Forgey wrote an eloquent tribute to "Doc" Morgan, justly describing him as "a Congressman's kind of Congressman," "a man who conscientiously does his job," a man with "no detractors, Republican or Democrat, in Congress," "a consummate politician without even trying."

I insert Mr. Forgey's article at this point in the Record, Mr. Speaker, and commend it to my colleagues as a well-deserved salute to my friend, "Doc" Morgan:

House Foreign Affairs Chairman Is a Practical Man

(By Benjamin Forgey)

Walk into the Rayburn Building office of Rep. Thomas E. Morgan, D-Pa.

Sit down, chat with "Doc" Morgan.

The attitude is friendly and businesslike. Routine and unhostile. Not intellectual. Casual but cautious. Kind of down-home and very political.

Morgan is chairman of the House Foreign Affairs Committee. One of his long-time aides suggests, for some reason, that the congressman is "the fourth most important man in Washington."

An exaggeration, certainly.

Nevertheless. There are numerous reasons why the Senate and not the House of late has been the source of the more (much more) vocal, insistent and organized opposition to the foreign policy of the United States. Morgan is one of the reasons.

POLITICS AND POKER

He is the temperamental antithesis of Sen. William Fulbright, his outspoken counterpart committee chairman in the Senate. There is nothing of the maverick in "Doc" Morgan's blood.

Politics, on the other hand, runs in the family. "I came out of a political family," he remarks in a flat and steady voice. "Like playing poker, politics is in my blood."

Politics—responsible, reasonable, traditional, organization politics. Like most of the committee chairmen on the hill, Morgan is a product of the seniority system and the safe district.

He has represented his district—Pennsylvania's 26th—since 1944. Comprised of the three large counties snuggled together in the southwest corner of the state, the district in sociology, in economics and in politics is not unlike the craggy, mountainous counties of West Virginia coal country which surround it to the south and west.

Morgan was born on October 13, 1906, in Ellsworth, Pa., not far from his present home in Fredericktown. Except for three years (1930–33) at the Detroit College of Medicine and Surgery, he has not strayed for any length of time from his roots in Washington County.

His father was William Morgan, a transplanted Welsh coal-miner who was active in the early fights to organize the United Mine Workers in the coal fields. Both the father and three brothers took a keen interest in politics—"local things, local offices," Morgan comments.

Dr. Morgan once was township commissioner in Fredericktown during the 30s, but for the most part he preferred to practice medicine and bide his time, waiting for the biggest local prize—the right to represent the district in Congress.

"I wasn't too interested in local office," he says. "I let it be known I was interested in Congress." The opportunity came when he was still a relatively young man, politically.

In 1942 the district's voters turned against their 10-year Democratic congressman, Rep. Charles Faddis, who had made a few too many anti-union votes in the House. As an alternative, the powerful Democratic organization put up a man with a name, Dr. Robert Grant Furlong, an M.D. whose brother, an admiral, was a hero in Washington County.

COUNTRY DOCTOR

"He (Furlong) wasn't too active in Congress," Morgan says, "and the Democrats were dissatisfied. They knew I was interested, and asked me to run."

With this organization support, Morgan beat Furlong in the 1944 Democratic primary. Since 1944, Morgan has defeated all comers with an average majority of some 50,000 votes.

Morgan, who at six-foot-two, 240 pounds, has the authoritative, calm air of a country physician, shrewdly tends to his district's interests. One of his ever-popular statements with the voters has been: "I'm for anything that will bring a dollar into Pennsylvania." And he practices this time-sanctified preachment as head of a steering committee of Pennsylvania's Democratic congressmen working in Washington on statewide problems.

DEMOCRATIC STALWART

On the national scene in Congress, Morgan takes a generally predictable stance. He's pro-union, and has been a stalwart in the New Deal-Fair Deal-New Frontier-Great Society tradition. He gets good grades in the liberal vote ratings of the Americans for Democratic Action—a cumulative rating of close to 90 percent. Where he frequently differs from textbook liberalism is on matters or internal security—in recent sessions several votes supporting the House Committee on un-American Activities have cost him liberal percentage points.

As a committee chairman, a more solidly pro-administration man would be hard, if not impossible, to find.

Unlike Sen. Fulbright, Morgan is in no way worried that the executive branch has usurped the constitutional functions of the legislative branch in foreign affairs.

"Frankly, today there are some decisions of the Commander-in-Chief that simply couldn't wait for the deliberation of the Senate Foreign Relations Committee at all," he says.

Does he support the President's policies in Vietnam? "Yes." Straightforward, flatout, no frills at all. "This war is absolutely necessary. After all, we don't want an inch of territory over there. This war is to stop the advance of international communism, it's as plain as that. To me it's a cold, basic fact."

Does he think Congress has abdicated in its constitutional responsibility to declare war? "No." No frills to that "no." "You have these limited military operations today. You can't avoid them. And you've got to look at the reason why some of these fellows want to declare war. It's mostly to take care of some domestic problems associated with the war—treason, disloyalty, things like that."

KNOWS THE RULES

Morgan, obviously, does not care to use his position as one of the most powerful committee chairmen in Congress to play to a larger public. One gets the feeling: here is a man who conscientiously does his job. He doesn't much like the larger limelight, and doesn't much like public controversy. He knows the rules of political give and take, and likes the challenge of a good trade. He plays the game pretty much by the rules of the established system, and his tolerance of apostates is pretty low.

Of course, in addition to temperament and conviction, much of Morgan's distaste for the maneuvers of the counterpart Senate committee must reside in the fact that with Fulbright leading the opposition, the administration's (and Morgan's) foreign aid bills have been badly damaged in recent years.

He has been a staunch supporter of foreign aid, and bills issuing from his committee generally follow administration guidelines very closely.

Usually, however, the Morgan authorization measure is somewhat—and sometimes more than somewhat—cut down when the foreign aid appropriation measure reaches the House floor, and Rep. Otto Passman, D-La., chairman of the foreign affairs subcommittee of the House Appropriations Committee, leads the attack.

A BAD YEAR

This year, Passman was successful as never before.

The administration requested a cut-down foreign aid bill of about $3.2 billion. Morgan's committee reported out a bill authorizing about that much. On the floor, the House scaled this down to about $2.8 billion. A Senate-House conference further reduced the amount to about $2.67 billion. Then, voting on the appropriation measure, the House further cut the amount to about $2.2 billion, by far the lowest allotment in the history of the foreign aid program.

Morgan's reaction? No frills. "That's just not enough," he says. "Given the extra expenses, we have in Asia, and the economic conditions here, I suppose the aid program could get along on about $2.6 billion. But $2.2 billion, that's much too small."

Morgan, the friend of foreign aid and the party stalwart, is a congressman's kind of congressman. He has no detractors. Republican or Democrat, in Congress.

Everybody calls him "Doc." Everybody in Congress, and just about everybody in his home district. He returns to Fredericktown on weekends whenever he can, to check on the medical practice, which is mostly the job of a full-time partner.

THE TRUE HOME

In Washington, he lives quietly with his wife, in an apartment in the Southeast, across the Anacostia. Nearby live his only daughter and her husband, and a 10-month-old grandson whose first name is, as one might expect, Morgan.

But Fredericktown is the true home. In 1950 he was able to purchase at a county tax sale a 23-acre hilltop there, and his wife helped to design the U-shaped home with a spectacular view, just the touch for the boy who grew up in coal country, who got himself educated, and who, it's been said, is "a consummate politician without even trying."

A GREAT AND GALLANT NEWSMAN SIGNS "30" TO A BRILLIANT CAREER

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. CASEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CASEY. Mr. Speaker, in my long career of public service, I have been privileged to know personally many great newspapermen.

One of the best, in my judgment, is my longtime friend, Walt Mansell, whose retirement December 2, 1967, from the Houston Chronicle, closed out a long and brilliant career.

An able and dedicated reporter, he had the respect and admiration of his colleagues and our whole community. In our great and growing community of Houston, where we take such great pride in our fiercely competitive news media, the career of Walt Mansell will long stand as an example for generations of reporters to come.

Walt was no stranger to the State and national scene, for he has covered our national conventions, traveled with our major candidates, and made endless friends across our country. Because many of my colleagues know, and share my own deep respect and friendship for this great reporter, I am taking the liberty of bringing to their attention a great story about a great newspaperman, at the end of a great career:

A REPORTER'S EYE-VIEW OF A GREAT REPORTER: WALT MANSELL (RETIRED)

(By Zarko Franks)

A bread and butter newspaperman retired Saturday and our ranks are a little lonelier because he's gone.

Walter Mansell, 65, the political writer for this paper, was first of all a reporter. He left opinion writing to the pundits.

Along the way he seemed never to have forgotten the basic ingredients of a good reporter: Honesty, impartiality, common decency and a rigid code of keeping a confidence.

This is not, in any sense, a puff job for a departing colleague. If it were, Mansell wouldn't like it.

The people he dealt with, big people in this community, state and nation, know he was a solid little guy they could trust to report accurately the politics of our times.

FAIR AND ACCURATE

Albert Bel Fay, Republican national committee man from Texas, once wrote a letter to the editor of this newspaper.

Mansell's stories, he said, are fair and accurate. "I've known Walter a long time," he added, "and I still don't know his political beliefs."

Mansell was and is a liberal Democrat, but that ideology belonged to him, not for conveyance to his readers.

He kept that beautiful sense of balance in reporting whereby even political candidates this newspaper opposed on its editorial page could not complain of slanted stories in the news columns.

Chronicle editor Everett D. Collier says of Mansell:

"Walt is a prototype of good journalism. In the years that I have worked side by side with him I have found him to be a man of precise journalistic integrity. Rarely have I seen a man who could so completely divorce his personal thinking from his professional work and achieve the degree of objectivity that Walt's stories always had. His career has not only been a contributing factor for good in the community, state and nation, but it has also set an example in journalism for the accomplishment of the best aims of the profession."

DESK WAS CLUTTERED

Mansell is a slight man, weighing less than 125 pounds, whose handwriting was a despair to the city desk.

His own desk was a cluttered mass of notes, drawers stuffed with long ago election results and penciled memos in his spidery scrawl.

One of these days he may sit down and write his memoirs of the political figures he has known and interviewed.

Now that he's retired, he talked about his personal impressions of those figures.

Mansell traveled with Lyndon Johnson during the then Senate majority leader's unsuccessful campaign to win the Democratic nomination for the presidency in 1960.

He knows the Johnson who is "proud and thin-skinned" as well as the Johnson "who can be the most charming man in the world."

He recalls the great gloom and glacier silence prior to the announcement in a Los Angeles hotel room on the day Mr. Johnson announced he would accept the vice-presidential nomination as Kennedy's running mate.

"Sam Rayburn was horrified that Johnson would accept the No. 2 position," says Mansell.

KENNEDY "EXCITING"

To him the most exciting political personality he has met was John F. Kennedy, the late President, whose wit and knowledge captivated the press corps.

Mansell says Kennedy's appearance here—which he covered—before the Houston Ministerial Assn. was a master stroke in the critical issue of separation of state and religion.

Of Texas governors he has known:

John Connally: "A man of natural charm and grace. I like him. He looks like a governor of Texas should look."

Allan Shivers: "More austere, stand-offish than Connally."

Price Daniel: "A quiet, earthy man."

Of the two U.S. senators from Texas:

John Tower: "It took a while to realize he had ability. Perhaps because of his school-teacher background he had a pedagogic approach to issues in his early days as a senator. He's proven himself a capable man doing a good job for the state."

Ralph Yarborough: "A fairly able politician with an unfortunate knack of putting his foot in his mouth at times."

MEMBERS OF CONGRESS

Of Harris Country's three U.S. representatives in Congress, he is a long time admirer of both Bob Casey and Robert Eckhardt.

The public impression of Eckhardt as a die-hard liberal is erroneous, says Mansell; actually "Eckhardt is what I call a sensible liberal. He doesn't believe his opponents are all ogres."

At the risk of over-emphasing the Republicans, he says, he likes the cut of George Bush, "intellectual and likeable, he's the comer in Texas politics."

His all time favorite, he says, is Oscar Holcombe, the "old gray fox" of politics, and 11 times mayor of this city.

Mansell, a one-time City Hall reporter for the old Houston Press and the Post before he came to The Chronicle in 1952, says of Holcombe:

"I've known reporters who came to City Hall with preconceived ideas about Holcombe. They said they couldn't stand the man.

LAUDS FAIRNESS

"After thirty days Oscar completely won them over because of his fairness and great personal magnetism."

Mansell, author of numerous page one stories, has been, innocently and unwittingly, the subject of headline stories himself.

Two years ago one day he left his home at 2348 Goldsmith for work. He didn't show up, this man who rarely missed an assignment.

His wife, Lucille, and Chronicle editors reported the incident to police. A state-wide alert was issued for a Mansell and his car, a white Ford.

Homicide detectives closely questioned Mrs. Mansell and reporters on this newspaper who knew Mansell.

She told the truth. Theirs was a good, solid marriage. No financial difficulties. He didn't gamble except for penny-ante poker game on Sunday nights with two old-time friends.

SOUGHT MOTIVE

His disappearance didn't make sense. The detectives, as they should have, sought a motive. One newspaperman, in a burst of anger, told one detective:

"It may be difficult for you to accept this but he didn't run around on his wife, he didn't gamble, he drank in moderation and he's a decent man."

A rancher found Mansell bound and gagged and savagely beaten in a field 10 miles west of Rosenberg on Nov. 13.

Gov. John Connally called from Austin and talked to Mrs. Mansell. Mayor Louie Welch drove to a Rosenberg hospital to see the reporter.

Nearly four months later, a man named Lionel V. Bushway, 43, of Los Angeles, was arrested in Mansell's missing car by a state trooper in Mineral Wells.

He told the trooper he believed he had killed a reporter in Houston.

He had stumbled into Mansell's garage by accident, he said. He had struck the reporter with a hard object, possibly a sash weight, then trussed him up and dumped him in the field outside of Houston.

He presumed Mansell was a reporter from the newswriter tags below the license plates.

Mansell, after 9 days in a hospital and three weeks at home, recovered. His attacker drew a 12-year prison sentence.

Mansell, an Ohio State University journalism graduate in 1924, had made news prior to his attack and kidnaping.

A man called him at home before dawn one Sunday morning in 1958.

"I've killed a man and a woman and committed rape," the voice said. "I want to surrender after I talk to you."

Mansell suggested a rendezvous at The Chronicle Building that afternoon. The man never showed up.

Mansell checked police immediately. Did they have any report of two murders and a rape? They didn't.

However, it wasn't a crank call. The bodies of Shirley and Cliff Barnes were found within two days and a young man, Howard Stickney, was accused and later executed for murder after a trial here.

He had admitted to authorities he had telephoned Walter Mansell and considered confessing to the newsman.

BORN IN OHIO

Mansell, son of a Church of Christ minister, was born in Salem, Ohio. He began his newspaper career as a cub reporter on the now defunct Buffalo Times. He worked as a reporter, city editor, telegraph editor in Akron, South Bend and back to Buffalo before that Scripps-Howard paper folded in 1939. He came to the Houston Press, also a Scripps paper, that year.

He and his wife, Lucille, for years a school teacher in the Spring Branch district, have one daughter, Mary Kay, a media director for an advertising agency here. She lives with her parents.

He has one sister, Kathryn Mansell, who retired recently after teaching English at Sarah Lawrence College, Bronxville, N.Y.

He has known no other profession but the newspaper business.

The story always was meat and potatoes to Mansell, whether it was politics, crime or human interest.

He has the respect of his colleagues and his news sources. In the final analysis, that's what really counts.

CONGRESS ADOPTS $25,000,000 A YEAR PROGRAM FOR DAY-CARE FACILITIES FOR THE CHILDREN OF WORKING MOTHERS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FRASER. Mr. Speaker, a broad new program to provide day-care facilities for children of working mothers has now been adopted by Congress as part of the Economic Opportunity Amendments of 1967 (S. 2388).

Many Members of the House and Senate have been sponsors of bills to start new Federal programs for day care. The language included in the OEO amendments and the new authority in the social security amendments just passed, will make 1967 a banner year for services to children.

Although appropriations may be a problem, it is important that the basic authority is now written into the antipoverty law and the social security statutes. I have unanimous consent to insert in the RECORD three important excerpts: First, the new language in the Economic Opportunity Act; second, the conference committee report on the new day-care program, and third, the Senate Finance Committee report on the new day-care language in the Social Security Amendments of 1967.

NEW LANGUAGE IN THE ECONOMIC OPPORTUNITY ACT (S. 2388)

DAY CARE PROJECTS

SEC. 107. (a) Title V of the Economic Opportunity Act of 1964 is amended by adding the following new part at the end thereof:

"PART B—DAY CARE PROJECTS

"STATEMENT OF PURPOSE

"SEC. 521. The purpose of this part is to provide day care for children from families which need such assistance to become or remain self-sufficient or otherwise to obtain objectives related to the purposes of this Act, with particular emphasis upon enabling the parents or relatives of such children to choose to undertake or to continue basic education, vocational training, or gainful employment.

"FINANCIAL ASSISTANCE FOR DAY CARE PROJECTS

"SEC. 522. (a) The Director is authorized to provide financial assistance to appropriate public agencies and private organizations to pay not to exceed 90 per centum of the cost of planning, conducting, administering, and evaluating projects under which children from low-income families or from urban and rural areas with large concentrations on proportions of low-income persons may receive day care. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment and services. Such day care projects shall provide health, education, social, and such other supportive services as may be needed. Financial assistance under this section may be provided to employers, labor unions, or to joint employer-union organizations, for day care projects established at or in association with a place of employment or training where such projects are financed in major part through private funds. Project costs payable under this part may include costs of renovation and alteration of physical facilities. Financial assistance under this section may be provided in conjunction with or to supplement day care projects under the Social Security Act or other relevant statutes.

"(b) The Director may require a family which is not a low-income family to make payment, in whole or in part, for the day care services provided under this program where the family's financial condition is, or becomes through employment or otherwise, such as to make such payment appropriate.

"(c) The Director may provide, directly or through contracts or other arrangements, technical assistance and training necessary for the initiation or effective operation of programs under this part.

"(d) The Director and the Secretary of Health, Education, and Welfare shall take all necessary steps to coordinate programs under their jurisdictions which provide day care, with a view to establishing, insofar as possible, a common set of program standards and regulations, and mechanisms for coordination at the State and local levels. In approving applications for assistance under this part, the Director shall take into consideration (1) the extent to which applicants show evidence of coordination and cooperation between their projects and other day care programs in the areas which they will serve, and (2) the extent to which unemployed or low-income individuals are to be employed, including individuals receiving or eligible to receive assistance under the Social Security Act.

"(e) Each project to which payments are made hereunder shall provide for a thorough evaluation. This evaluation shall be conducted by such agency or independent public or private organization as the Director shall designate, with a view to determining, among other things, the extent to which the day care provided may have increased the employment of parents and relatives of the children served, the extent to which such day care may have reduced the costs of aid and services to such children, the extent to which such children have received health and educational benefits, and the extent to which the project has been coordinated with other day care activities in the area served. Up to 100 per centum of the costs of evaluation may be paid by the Director from funds appropriated for the purposes of carrying out this part, except that where such evaluation is carried on by the assisted agency itself, he may pay only 90 per centum of such costs. Such evaluations, together with a report on the program described in this part, shall be included in the report required by section 608.

"DURATION OF PROGRAMS

"SEC. 523. The Director shall carry out the programs provided for in this part during the fiscal year ending June 30, 1968, and the two succeeding fiscal years."

CONFERENCE COMMITTEE E REPORT ON ECONOMIC OPPORTUNITY AMENDMENTS OF 1967 (S. 2388)—EXPLANATION OF THE NEW DAY CARE PROGRAM

DAY CARE PROJECTS

The Senate bill, in section 107, amends title V of the act to add a new part B which provides a new day care program. There is no comparable provision in the existing act, but the House amendment authorizes the Director to carry out a day care program as a special program under section 221. The substitute agreed upon in conference follows generally the Senate bill but differs in several particulars. Following is a description, section by section, of the day care provisions agreed to in conference:

Section 521.—Statement of purpose

This section states that the purpose of the part is to provide day care for children from families which need such assistance to become or remain self-sufficient or to obtain objectives related to the purpose of this act. Particular emphasis is placed upon enabling the relatives of the children to undertake basic education, vocational training, or gainful employment.

Section 522.—Financial assistance for day care projects

Subsection (a) authorizes the financial assistance to public and private agencies and organizations to pay not more than 90 percent of the cost of planning, conducting, administering, and evaluating projects under which children from low-income families or from urban and rural areas with high concentrations or proportions of low-income persons may receive day care. Non-Federal contributions may be made in cash or in kind. These projects will provide health, education, social, and such other supportive services as the children may need. Under this program, financial assistance may be provided employers, labor unions, or joint employer-union organizations, for projects at or associated with a place of employment or training where such project will be financed in major part through private funds. Financial assistance under this section may be provided in conjunction with or to supplement day care projects under other statutes.

Subsection (b) authorizes the Director to require families which are not low-income families to make payments in whole or in part for day care services where the family's financial condition is, or becomes through employment or otherwise, such as to make such payment appropriate.

Subsection (c) authorizes the Director to provide technical assistance and training necessary for these programs.

Subsection (d) directs the Director and the Secretary of Health, Education, and Welfare to coordinate programs under their jurisdiction which provide day care so as to attain, if possible, a common set of program standards and regulations and mechanisms for coordination at the State and local levels. In approving applications for assistance to this part the Director is required to take into consideration the extent to which applicants attain coordination and cooperation between their projects and other day care programs in the areas they serve and the extent to which unemployed or low-income individuals are employed in carrying out the projects.

Subsection (e) requires the thorough evaluation of each project with a view toward determining the extent to which day care may have increased the employment of parents and relatives of the children served, may have reduced the cost of aid and services to such children, the extent to which such children have received health and educational benefits, and the extent to which the project has been coordinated with other day care activities. The Director may pay up to 100 percent of the costs of such evaluations, except that he may pay only 90 percent of such costs when the agency itself carries on the evaluation and a report on the program must be included in the Director's annual report.

Section 523.—Duration of programs

This section authorizes the carrying out of programs under this part through fiscal year 1970.

SENATE FINANCE COMMITTEE REPORT ON SOCIAL SECURITY AMENDMENTS OF 1967 (H.R. 12080)—REQUIREMENT FOR DAY CARE FACILITIES FOR CHILDREN UNDER AFDC

(b) EMPLOYMENT AND COMPREHENSIVE SERVICE PROGRAM FOR EACH FAMILY

Under the Social Security Act Amendments of 1962, an amendment was added to title IV requiring the State welfare agency to make a program for each child, identifying the services needed, and then to provide the necessary services. This has proven a useful amendment, for it has required the States to give attention to the children and to provide services necessary to carry out the plans for the individual child. For instance, it has made social workers see that children are in school. With the emphasis in the bill on plans for employment of all adults, the prevention of births out of wedlock and otherwise strengthening family life, the committee believes that it is essential to broaden the requirement for the program of services for each child to include the entire family. The committee bill would require, therefore, that the States establish a social services program for each AFDC family. Thus there will be a broadened emphasis to include a recognition of the needs of all members of the family, including "essential persons."

State welfare agencies would be required to provide the social services determined to be needed for an effective work incentive program. Family planning services are also to be offered to the recipient and, in accordance with provisions in the bill, can be accepted or rejected in accordance with the dictates of the individual's religion or conscience. The term "family services," under the committee bill, is defined to include services to preserve, rehabilitate, reunite, or strengthen the family. The term includes services which are specifically designed to assist the family members to attain or retain capability for maximum self-support and personal independence.

The committee believes that many mothers of children on AFDC would like to work and improve the economic situation of their families if they could be assured of good facilities in which to leave their children during working hours. In addition to other provisions which will provide incentives to work and training, the bill would require that the State welfare agencies make arrangements for adequate day care facilities for the children of working mothers. In addition, the committee believes that it may be worthwhile for the States to work out arrangements under which some mothers on AFDC can care for the children (and get paid for it) of other AFDC mothers who take jobs. (The committee is aware that this is an idea dating back to the 1930's, but urges the States to experiment with this and other methods to bring these families into the mainstream of American economic life.) The House bill contains no provision defining the day care arrangements which would be satisfactory. Under the committee bill the day care standards applicable to child welfare plans (as modified by another provision in the committee bill) would also apply to the day care arrangements for AFDC children.

The committee is aware that in a few States child welfare services are in separate organizational units from services offered through the unit providing services to AFDC recipients. This separation, whether it occurs on the State level or in the local unit of the welfare department, diminishes the prospect of the State being able to concentrate the available help for the families that need this help. For this reason, the House bill provided that the services for each family must be provided by a single State and local agency by July 1, 1969. The committee is aware that there are separate State agencies in two States, Kentucky and Illinois, which for some years have been functioning successfully. The services of one agency includes child welfare services and another administers the AFDC program. The committee is recommending a modification of the bill to permit separate State agencies to exist under this provision, if they were in existence prior to July 1, 1967. The bill would not require the merger of separate local agencies responsible for these programs. It expects, however, that within the State agencies not covered by this exemption, the Department of Health, Education, and Welfare will bring about the closest integration of all services for children by eliminating separate units for the different services thus focusing the total resources of the agency on the children most in need of such services. This can most effectively be done by a single organizational unit in the State agency dealing in an overall fashion with the provision of services for all children.

Under the bill, the States would submit reports to the Secretary of Health, Education, and Welfare showing the results of their experience with the social services program for each family for encouraging and making possible the employment of adults and for strengthening family life. The Secretary, in turn, would publish his findings of the programs developed by the States and would be required to submit an annual report to the Congress (beginning not later than July 1, 1970) on the programs developed and administered by the States to carry out these provisions. The report would include such factors as the numbers of AFDC recipients referred to the work incentive program; the frequency with which the programs were reviewed and revised; the extent to which, in the opinion of the States and the Secretary, the programs contributed to making families economically independent; the extent to which family planning services have been offered and accepted; the extent to which people asked to be referred to the work incentive program and the disposition of such cases; and other pertinent factors, information, and recommendations which the Congress could use in assessing the effectiveness of these provisions.

The committee is well aware that the services which the States will be required to furnish AFDC families will impose an additional financial burden on the States. Therefore, the provisions of law relating to Federal financial participation would be amended by the committee bill to provide 75 percent Federal financial participation in the cost of all the services provided under these new requirements upon the States. In addition, as is provided under present law, 75 percent Federal sharing would be available for services for applicants and families that are near dependency. Provision of such services can help families to remain self-supporting. As appropriate for this purpose, services may be made available to those who need them in low-income neighborhoods and among other groups that might otherwise include more AFDC cases. Seventy-five percent Federal matching would also continue to be available to help meet the cost of training staff who are employed by the State or local agency or who are preparing for such employment.

Until July 1, 1969, however, the matching ratio for these various services would be 85 percent for State plans complying with the new requirements before that date, in order to encourage earlier implementation of these provisions in those States where it is feasible.

The 1962 amendments relating to social services provide that, with certain exceptions, the basic services must be provided by the staff of the State or local welfare agency. The committee bill proposes some changes in this provision to take into account the need for a variety of services in State implementation of the plan for each family. Thus, an exception is permitted, to the extent specified by the Secretary, to permit child welfare, family planning, and other family services to be provided from sources other than the staff of the State and local agency. This will permit the purchase of day-care services, which, as indicated above, the committee anticipates will be needed in great volume under the bill, and other specialized services not now available or feasible to be provided by the staff of the public welfare agency and which are available elsewhere in the community. Services may be provided by the staff of the State or local agency in some part of the State and may be provided in other parts of the State by purchase. The Secretary, in his standards governing this aspect of the program, may permit purchase from other agencies and institutions. The basic reason for the exception is the variety of existing arrangements around the country in which some kinds of services are now provided, usually institutional services, by other than the State or local public welfare agency.

The committee bill also authorizes similar flexibility in the purchase of services in the OAA, AB, and APTD programs. Provision of services with 75 percent Federal matching should be effectively available, as in the AFDC program, for recipients and those near dependency in these categories.

NEW ANTIPOVERTY PROGRAM WILL GIVE INCENTIVES TO PRIVATE EMPLOYERS TO TRAIN OR EMPLOY UNEMPLOYED OR LOW-INCOME PERSONS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FRASER. Mr. Speaker, the antipoverty amendments passed by Congress contain a new program that will have far-reaching effect in opening up new work opportunities for the disadvantaged.

Although the Senate, which originated the new language, provided an authorization of $10 million for this program, the total authorization for work and training programs of which the incentive program is a part was reduced from $567 million to $476 million. This may prevent the incentive program from reaching full funding in its first year, but should not prevent immediate planning and arranging to put the program into effect as quickly as possible.

The new program as it appears in S. 2388, and the explanation in the conference committee report and the Senate committee report follow:

QUOTATION FROM ECONOMIC OPPORTUNITY AMENDMENTS OF 1967

ELIGIBLE ACTIVITIES

SEC. 123. (a) The Director may provide financial assistance in urban and rural areas for comprehensive work and training programs or components of such programs, including the following:

(8) programs to provide incentives to private employers, other than nonprofit organizations, to train or employ unemployed or low-income persons, including arrangements by direct contract, reimbursements to employers for a limited period when an employee might not be fully productive, payment for on-the-job counseling and other supportive services, payment of all or part of employer costs of sending recruiters into urban and rural areas of high concentrations or proportions of unemployed or low-income persons, and payments to permit employers to provide employees resident in such areas with transportation to and from work or to reimburse such employees for such transportation: *Provided*, That in making such reimbursements to employers the Director shall assure that the wages paid any employee shall not be less than the minimum wage which would be applicable to employment under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to the employee and he was not exempt under section 13 thereof; and

CONFERENCE COMMITTEE REPORT (S. 2388)

Section 123.—Eligible activities

The House amendment provides that concentrated work and training programs shall be carried on, not only in urban and rural areas having large concentrations or proportions of low income, unemployed persons, but also in those rural areas having substantial outmigration to urban areas. The Senate bill does not contain this provision. The Senate recedes.

Both the Senate bill and the House amendment provide for programs to provide incentives to private employers, other than nonprofit organizations, to train or employ unemployed or low income persons. Among the incentives permitted by the Senate bill are reimbursements to employers for a limited period when an employee might not be fully productive. Under the House amendment reimbursements are limited to reimbursements for unusual training costs for such a period. The House recedes; however, the conferees expect that appropriate regulations will be issued to safeguard against abuses of any of these incentive programs, including but not limited to safeguards against the use of such incentives by any employer in order to transfer any enterprise from one area to another and safeguards designed to prevent the incentives from being used as a subsidy for normal operations. The incentive program should, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants. It is not intended that these programs should provide assistance which would be supportive of firms or industries which have high rates of turnover of labor because of low wages, seasonality, or other factors, or which would lead to displacement of their currently employed work force by persons newly trained through these programs. Nor is it intended that the various incentive programs under this act lead to the disruption of an industry's existing patterns of competition or stimulate labor turnover by encouraging replacement of the existing work force by newly trained workers. It would not be in keeping with the purposes of this provision, as it is not in keeping with the purposes of the MDTA, to make available financial assistance or other incentives for work, training and related programs for industries which are highly mobile, labor intensive, and vigorously competitive on a national basis, which have high labor turnover, and in which the prior possession of a specific skill or training is not typically a prerequisite for employment. In order to prevent abuse it is expected that appropriate administrative steps shall be taken to assure that reimbursements paid to an employer under section 123(a)(8) should cover only such costs as are incurred because the particular worker or workers are not able to perform on the job in the manner the employer previously expected of his new hires for the same or a similar occupation.

SENATE COMMITTEE REPORT (S. 2388)

A new eligible activity is the provision of incentives to private employers other than nonprofit organizations to hire and train unemployed or low-income persons (sec. 123(a)(8)). The committee feels, based on reports which it has received, that in many cases the incentives and reimbursements to private employers under existing programs are inadequate to induce such employers to hire and train on-the-job unemployed and severely disadvantaged individuals. A variety of such new incentives should be made available to induce the private sector to take a greater role in the employment and training of such persons. These incentives might take the form of reimbursements to employers for a limited period when an employee might not be fully productive. However, wages shall be paid only by the employer and must be not less than the Federal minimum wage. Payments may be made to employers for on-the-job counseling and other supportive services, and for recruitment in areas with high concentrations or proportions of unemployed or low-income persons. Employers may also be given financial assistance to enable them to provide transportation assistance to employees, particularly when the low-income areas are a considerable distance from the place of employment. The committee increased the requested authorization for title I part B by $10 million to assure funds for this special incentive program and feels that at least $15 million should be allocated for these purposes in fiscal year 1968.

The committee expects that appropriate regulations will be issued to safeguard against abuses of any of these incentive programs, including but not limited to safeguards against the use of such incentives by any employer in order to transfer any enterprise from one area to another and safeguards designed to prevent the incentives from being used as a subsidy for normal operations. The incentive program should, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

AUSTRALIA AND AMERICA—MISSION OF AMBASSADOR CLARK

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PICKLE. Mr. Speaker, sometime next month, Ambassador Edward Clark will return from Australia completing one of the most successful missions ever accomplished in that country by a member of our diplomatic corps.

"Mr. Ed" and his lovely wife Anne have been in Australia for over 2 years, now, and I believe there is little question as to the impression and good will they have established.

They have won the hearts of our Australian friends, and the feelings expressed on the news of their departure strike true cords of regret.

Mr. Speaker, as an example of the kind of ministry the Clarks have carried abroad for the United States, I ask permission at this point in the RECORD to insert a speech by Mrs. Clark to the Australian-American Association in Melborne in November, shortly after the announcement of their departure.

Also, I would like to have reprinted several of the many editorials giving an Australian view of the work done by the Clarks. I believe that you, as I, will feel a sense of pride in knowing that these two people have given so enthusiastically and unselfishly in their work.

AUSTRALIA AND AMERICA: TWO COUNTRIES WE JOIN IN LOVING

(Remarks by Mrs. Edward Clark before a luncheon of the Australian-American Association in Melbourne, November 21, 1967)

Madame Chairman, Fellow Australians and Fellow Americans: As I look around I see so many of the faces that have made my stay in Australia so happy and serene. I tell everyone at home, when I visit the United States, that Australia is the ideal post—certainly for the kind of American system that my husband represents and that I, in a small way, try to support.

Three things stand out. We have had no language barrier—even our Southern accents have been understood here. In fact, some of my Aussie friends say "Good mawnin', you all", to us now. We have had no health problems—never felt better in our lives. When American visitors are slightly inconvenienced by your strict quarantines, they must also be thankful that a ten-day visit is not spoilt by spending half of it coping with some indigenous ailment as frequently happens in the western half of the Southern Hemisphere, and that they don't take home with them some parasitic pest that might take years of battling. The only time I really raised a voice of complaint was about the Bird of Paradise plumes from New Guinea. The authorities were adamant, and they now grace the museum in Port Moresby.

I solved the dog problem by acquiring a Silky here. He bears the auspicious name of "Happy". I got him on New Year's Day, so he's a Happy New Year dog. I plan to take him home to perpetuate his breed in the United States. In fact, Silkies have become my chief export. I have sent half a dozen home to various friends, and I am glad to report that they are making a good adjustment as immigrants. I noted that a Silky won "Best in Show" at a large dog show in America recently. And because they are such charming pets, I predict that soon they will be one of our very popular breeds. Zsa Zsa Gabor is a Silky owner.

Lastly, the quality that makes serving in Australia so delightful is the absence of hostile attitudes—nobody treats us like Ugly Americans. I am told that in many places the natives ape American ways, even some of our less attractive customs like tight blue jeans and chewing gum, but nonetheless hiss and spit and jeer at us. Australians certainly appear to like us. However, I must say now that your standards of manners and courtesy are so high that we would never guess if you did not. I have never encountered a bit of rudeness or lack of consideration anywhere.

On our last trip from the United States, we changed to a Qantas flight in Honolulu. I was immediately struck by the charm, courtesy and thoughtfulness of all the Qantas people. You should be very proud of them, for they are truly ambassadors of goodwill.

I stayed in the United States for two months. It was my private holiday away from official things, parties and dinners. I visited with my mother. She will be 91 on December 3 and is extremely alert and physically active. She still sews on the sewing machine, gardens enthusiastically, and goes to church twice a week.

My daughter—who is the light of our lives—has four children. The girls are 9, 10 and 11 years old; and the boy—she calls him her "little miracle in the crib"—is one year old. He was born during the President's visit to Australia.

I planted pomegranates and iris at my little house in East Texas, and a gum tree. We harvested the first pecan nuts from the pecan trees while I was there, and gathered pine cones for kindling next winter's fires.

The season was lovely. It was glorious autumn in the Virginia countryside around Washington. The leaves were turning yellow and red. In East Texas, where I have my little house, we don't see as much change in seasons because the trees are all pines. In fact, my husband frequently says he is not a rancher, but a "tree farmer." We harvest the pines regularly, every few years, sometimes for pulp wood to manufacture paper, and sometimes for sawn timber.

The dogwood trees make particularly beautiful red leaves. It is one of my little jokes that in Australia the dogwood is the American national flower and Thanksgiving is our national holiday. Were I there now one of my duties would be to decorate the Church for Thanksgiving—it's a harvest festival and we load the altar with the fruit of the field—pumpkins, and squash, and persimmons, and apples, and corn and grapes which we later distribute to needy families. My first year in Australia I received a letter from my altar guild asking me to send something from Australia for the decoration. The only thing that could travel was a box of your beautiful dried flowers which blended with the fruit and vegetables. They were sensational—I received a number of letters about them and many friends took the trouble to make snap shots and slides to send me.

In the northern part of the U.S. they sometimes have snow but in my region—the south—a crisp cool day for the football games is the most we can hope for. One of my friends says it is her favorite holiday—she doesn't have to buy anybody a present—or even a new hat for herself—just cook dinner. Mine would be a mid-day meal—served early for the football fans' convenience. If we don't go, we want to at least watch it on television. Because of an expandable company we no longer spread the table with damask, we have a buffet—with turkey and ham—sweet potatoes with marshmallows and brandy—corn bread stuffing, squash or turnips, grapefruit salad with poppy seed dressing, inevitably cranberry sauce—and perhaps peach pickle too, and hot rolls, and for dessert maybe ambrosia—a combination of oranges, pineapple and coconut—or brownies. The day after Thanksgiving we start Christmas shopping and by the first week in December we have a wreath on the door. All too soon, my quiet little family time was over.

Of course, when my husband, the Ambassador, arrived for two weeks, pandemonium broke. We spent a family evening at the White House with the President and Mrs. Johnson, Lynda and her fiance, Chuck, were there. And we were able to personally present her with the kangaroo coat that we had made especially for her wedding present. She loved it. Chuck is a wholesome young American and Lynda's parents were thoroughly pleased with her choice. We had corn muffins and peach preserves from the Ranch for dinner.

When Mrs. Johnson came to Texas the following week to receive an honorary degree from my husband's old college—Southwestern University at Georgetown, Texas—and I must say there was not a demonstrator or a peacenik visible—I saw Luci and her young husband, Pat, and their fat blonde cherub, whom the President says looks just like Winston Churchill. My husband opened the Mertz Collection of Australian Art at the University of Texas—500 invited guests showed up at four o'clock on a mid-week afternoon and the Chancellor of the University said that earlier in the day 2,000 students had trooped through the galleries to see it. Such is the impact that Australia is having in the United States. Say the word and you can get up a crowd.

The University of Texas is now in excess of thirty thousand students. It has grown tremendously in my absence. It is the sixth largest campus in the U.S. I guess there must be some of those horrible people around that I read of in the papers, but in the several weeks that I was on campus daily, I never saw a one. The boys had neatly trimmed hair and the girls were adorably shiny and fresh.

I've talked a lot and I certainly haven't said anything very profound—but I am no official spokesman. Someway I didn't think you invited me to talk about all the grim problems that fill the newspaper and magazines today, so my theme has been just feminine chatter about the two countries we join in loving. It is obvious that I don't find much wrong with either of them.

To the complainers and critics of either of my beloved countries, I hurl in their teeth the all-comprehensive phrase which I've learned here in Australia—"Oh, she'll be right!"

November 23, 1967.

[From the Australian, November 15, 1967]

A Rare Sort of Ambassador

Mr. Ed Clark is not an ambassador in the usual mould. His first impact startled and probably bewildered as many Australians in officialdom as in the general public. But the confirmation of Mr. Clark's resignation from February 1 will be received with genuine regret only two years later.

Mr. Clark has done a great deal in a short time to explode the spurious mystique of diplomatists necessarily operating in a manner beyond the sight and understanding of the public. He has proved himself a shrewd and perceptive, big-thinking and big-hearted representative of the American President with a distinctive empathy toward Australia.

Two other things should be recalled: Mr. Clark arrived in Australia after an inexplicable and unconscionably long period in which there was no American Ambassador in Australia and he has had direct and personal access to the American President at a time when such a level of communication was invaluable.

It is not in Australia's province to suggest that only another close friend and confidant of President Johnson is equipped to succeed Mr. Clark. But it is proper and necessary to point out that the delay last time was as damaging as it was hard to justify and that in the present state of Australian-American relations an ambassador without access to the President is hamstrung, whatever his qualities.

[From the Adelaide Advertiser, Nov. 15, 1967]

The Friendly Diplomat

Mr. Ed. Clark came to Australia as American Ambassador two years ago because he was one of President Johnson's closest friends. When he returns home he will be as closely one of ours. He came here not only as a very new Ambassador; he was for every Australian who met him a new experience. The Texan drawl, the complete absence of side, the consuming friendliness of the man, even the talkativeness that earned him the name of Mr. Ed—he seemed too good to be true.

In fact, in his chosen field of diplomacy by friendship—the only one he knew originally—he has been a superlatively good ambassador. Behind the drawl and the handshake and the endless stories there is a shrewdness and an intense dedication. He worked hard at a peculiarly difficult time, and there can be no better tribute to his success than to say that no departing ambassador has ever been missed as he will be when he goes.

[From the Sydney Daily Telegraph, Nov. 17, 1967]

"Mr. Ed"

Ed Clark, the big friendly Texan who has been American Ambassador for the last two years, is going home next February.

During those two years, "Mr. Ed" travelled 360,000 miles, endeared himself to many thousands and probably saw more of this country close up than most Australians.

In the same time he has been directly responsible for a huge amount of new American investment in Australia.

Ed Clark has been a great ambassador for the U.S. in Australia—and he will be a great ambassador for Australia in the United States.

STOKELY CARMICHAEL

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. Abbitt] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ABBITT. Mr. Speaker, I understand from reports in the news media that Stokely Carmichael is returning to the United States. In my opinion, he has rendered a great disservice to America, to the members of the armed services in Vietnam, and to peace and good order generally. In addition, I believe he is guilty of treason because of his actions in rendering aid and comfort to the enemy in time of war.

It is reported that the administration is uncertain as to what action, if any, will be taken against Carmichael for his violent outbursts and actions overseas. Seldom in our national history has there been a more flagrant example of treachery on the part of an American against his country. It is doubtful if there has ever been a case where anyone has gained wider publicity for attacks against his government than has this apostle of hate and disorder.

Carmichael's words have been welcomed by the Communists and anti-American nations in various parts of the world. In many instances his attacks have been far more vicious than any which have come from our bitterest enemies. He has assailed our institutions, ridiculed and vilified the President, spread lies and misrepresentations and done everything within the bounds of treason which can be conceived. With words he has assaulted our democracy, assailed our leaders and done more to undercut our country's standing abroad than any single individual in our time. Obviously his actions and statements have been relished by the foreign press, much of which is anti-American. He has been courted by foreign governments, which are opposed to the United States, because such statements by an American citizen against his own country are more damaging than anything the enemy might do on their own.

It is utterly ridiculous that while American boys are dying in Vietnam in defense of freedom, one individual of questionable loyalty can go about the world denouncing his Government, especially when the self-styled spokesman has never served a day in the Armed Forces. He bitterly denounces the democratic system which ironically stretches every point to sanction what he says. His hate and venom pours from a warped sense of justice and dignity of the individual. He is so busy tearing down that he ignores the fact that he has made little contribution to building anything except a place for himself among the architects of treason.

I call upon the Attorney General of the United States of America and the Justice Department to take prompt and swift action to bring Stokely Carmichael before the proper court and prosecute him vigorously for the crime of treason. It is high time officials of the Federal Government stop coddling criminals and do their utmost to enforce the laws of the land, particularly as to those people who are continually harrassing our law-abiding citizens, downgrading America and playing footsies with our enemies in an endeavor to weaken America and to assist and aid known enemies who are shooting down American boys in Vietnam.

Talk about revoking Carmichael's passport is tommyrot and amounts to nothing. What we need is for the public officials who are charged with enforcement of the law to take a firm and vigorous stand for the ordinary people of America. The only way we can maintain law and order is to let the lawless element know they are going to be prosecuted vigorously, swiftly, and justly; bring them before the proper courts; let the judges and juries decide their guilt or innocence and mete out to the guilty penalties in keeping with the crime committed and to such an extent that it will deter others from committing criminal acts and bring some semblance of peace and order to America.

Heretofore, there has been no vigorous prosecution of the guilty and swift justice meted out but rather we see people in high places trying to excuse the criminal element and thus contribute to lawlessness, disregard and disrespect for the honest, law-abiding citizen. We must call a halt to this trend and it can only be done by determination on the part of the entire leadership to stamp out crime and do whatever is necessary to keep law and order. I cannot think of a better place to start than with Stokely Carmichael who, in my opinion, is guilty of treason and should be prosecuted accordingly.

HEALTH PROGRAMS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLOOD. Mr. Speaker, President Johnson offered the 90th Congress a challenge to help improve the health of Americans in his message of February 28. He unfolded a four-point program to expand our knowledge of disease and our research and development of better ways to deliver health care to every American; to build our health resources, by stepped-up training of health workers and by improved planning of health facilities; to remove barriers to good medical care for those who most need care; and to strengthen our partnership for health program by encouraging regional, State, and local efforts—public and private—to develop comprehensive programs serving all of our citizens.

Mr. Speaker, it is encouraging to note that the Congress so far has enacted three major health bills, and also has approved numerous other acts with health implications.

Only a few days ago, the President signed H.R. 6418, now Public Law 90–174, which extends for 3 years the Public Health Service Act program and planning grants, as well as aid to communities needing to upgrade existing hospitals and to provide for licensing of clinical laboratories operating on an interstate basis. A floor amendment to the act in the House provided for a rat-control program, which is essential to a sound public health program. Mr. Speaker, we all recall the spectacle in this Chamber on July 20, when the original Rat Extermination Act, H.R. 11000, was laughed down without regard to its merits. Many of those who enjoyed a good laugh at the expense of the poor who are unable to live outside rat-infested areas came to their senses on September 19 and voted in favor of this amendment.

The Partnership for Health Act provides a total of $589 million in various classes of grants for the next 3 fiscal years, ending in June 1971.

The President recently signed into law H.R. 6430, the Mental Retardation Act Amendments of 1967, to extend President Kennedy's forward-looking program originally passed in 1963. The new law—Public Law 90–170—extends the mental retardation facilities construction program for 3 years and provides the first grants for meeting costs of technical and professional personnel in centers for mentally retarded persons. The act provides a total of $281 million.

The Mental Health Amendments of 1967—Public Law 90–31—provided for a 3-year extension of matching grants for the 1963 program of construction assistance for community mental health centers, and a 2-year extension of the grants program for helping these community centers meet their initial staffing costs. Funds authorized for the program under this act total $238 million.

Mr. Speaker, the President also proposed a program for expanded biomedical research, an International Center for Advanced Study in the Health Sciences, increased funds for training of health professions personnel, and establishment of a National Institute for the Deaf and Blind. I hope this Congress in the second session will see fit to act on these other sound health proposals.

Other legislation, either passed into law or in process, dealing with health, include—

Air Quality Act of 1967—Public Law 90–148—to strengthen Federal powers to control air pollution, a serious public health problem connected with our industrial society. The act authorizes $428 million in fiscal years 1968 to 1970, of which $125 million will be for research. The Secretary of Health, Education, and Welfare is directed to set and enforce air pollution control standards.

Wholesome Meat Act of 1967, sent to the President for signature December 6, which will strengthen inspection procedures of intrastate meat sales, require States to have inspection procedures at least equal to Federal regulations, and provide Federal aid to States wishing to upgrade their meat inspection procedure.

Social Security Amendments of 1967—H.R. 12080—approved by the conferees December 7, which provides for medicare, medicaid, public welfare, child health and related services, in addition to increases in retirement, survivor, and disability benefits.

Economic Opportunity Act Amendments—S. 2388—cleared for the President December 11, which includes authorization for continuing of neighborhood health centers and comprehensive health services and other health programs for low-income families.

Appalachian Regional Development Act of 1967—Public Law 90-103—which continues the demonstration, operating and construction grants program in the health area as provided in the 1965 act. Some 380 counties in 13 States, from Mississippi to New York, are eligible for aid under this development program.

Mr. Speaker, there have been introduced several other health-connected measures, which I hope will be considered during the second session. They include—

Medical Device and Safety Act—H.R. 10726—to require approval for safety by the Food and Drug Administration of therapeutic devices. Items to be subject to approval would be artificial organs used on or in the body, bone pins, X-ray machines, and diathermy equipment.

Mr. Speaker, it is encouraging that this Congress has seen fit to enact these health programs, continuing the work of Presidents Kennedy and Johnson. In an ever-growing population, the only choice for the Congress is to keep supporting upgraded health programs.

VETERAN LEADERS SUPPORT VIETNAM FIGHTING MEN

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Teague] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, my office has been flooded with mail from all over the United States urging my support for the policies of this Government and for our fighting men in Vietnam.

A new emergence of patriotism is evident in all this mail. Otis F. Mattox, of Lincoln, Nebr., wrote me recently:

> I cannot see how our best interest can be served and not be there (Vietnam). I feel that way in spite of the fact that I have only one son, who will be eighteen years of age this coming December 31, 1967. I am a veteran of World War II, served in Europe for a year and a half in General Patton's 3d Army. I am sure that I hate war as much as anyone can. I am sure that the majority of the American public is in support of the government position there, but the noisy minority is getting the publicity because the rest of us are not saying anything, nor are we trying hard enough to offset what they are saying and doing.

Louis T. Kricker of Portsmouth, Ohio, summed up his feelings by saying:

> I feel that were we not now involved in this war in Vietnam, all that we people of the Spanish American War, World War I and II, and Korea, and now Vietnam, would have fought for nothing, and our liberty for which so many have fought, died and bled, will have disappeared.

William R. Morgan, of Clayton, N. Mex., wrote me:

> I am fully in support of our government's decision in Vietnam. I see this as you do (that) all Americans should support our fighting men in Vietnam to victory.

James R. Smith, commander of the Veterans of Foreign Wars post in McPherson, Kans., writes:

> I want to assure you and our government that Fred E. Ellis Post 2715, Veterans of Foreign Wars, is behind the fighting men wholeheartedly. We are real proud of our fighting men in Vietnam and all over the world. We are also proud of our freedom, our country, our heritage and our Americanism Week in our city.

From Robert C. MacMillan, commander of the Amvets, Middletown, Md., came this letter:

> At our regular meeting, Valley Memorial Amvet Post No. 9 of Middletown, Maryland, went on record as supporting the President and our fighting men in Vietnam on holding the line against the Communist aggression in that area.
>
> We further deplore the actions of some Americans in their demonstrations against the war in Viet-Nam. It is very discouraging to us to see and read of draft card burners and other dissenters aiding and abetting the enemy, while thousands of our men are being wounded and hundreds more dying each month so that we may continue in the heritage that we have all fought to preserve.
>
> It is high time all Americans get behind the President and our fighting men, and show the rest of the world that we have a united front against Communist aggression any place in the world.

SOCIAL SECURITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. MILLS submitted a conference report and statement on the bill (H.R. 12080) to amend the Social Security Act, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Harsha (at the request of Mr. Gerald R. Ford), for 10 days, on account of illness.

Mr. McCulloch (at the request of Mr. Arends), for today, on account of official business.

Mr. Henderson (at the request of Mr. Lennon), for today, on account of death of mother.

Mr. Aspinall for Tuesday, December 12, 1967, on account of official business.

Mr. Nichols (at the request of Mr. Albert), for today, on account of official business.

Mrs. Heckler of Massachusetts (at the request of Mr. Gerald R. Ford), for the week of December 11, on account of injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Halpern (at the request of Mr. Watkins), for 15 minutes, today.

Mr. Feighan (at the request of Mr. Pucinski), for 30 minutes, on December 12, 1967; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Mahon to revise and extend his remarks, and include tables and extraneous material during the conference report on House Joint Resolution 888 today.

(The following Members (at the request of Mr. Watkins) and to include extraneous matter:)

Mr. O'Konski.

Mr. Edwards of Alabama.

Mr. Horton.

Mr. Wydler.

Mrs. May.

(The following Members (at the request of Mr. Pucinski) and to include extraneous matter:)

Mr. Stuckey in two instances.

Mr. Irwin.

Mr. Hays.

Mr. Rogers of Florida.

Mr. Edwards of Louisiana.

Mr. Blatnik.

Mr. Brooks.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 51 An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 172. An act for the relief of Mrs. Daisy G. Merritt; to the Committee on the Judiciary.

S. 265. An act for the relief of Manuel Pe Benito Supnet; to the Committee on the Judiciary.

S. 909. An act for the relief of Paul L., Margaret and Josephine Kirsteatter; to the Committee on the Judiciary.

S. 989. An act to provide improved judicial machinery for the selection of Federal juries, and for other purposes; to the Committee on the Judiciary.

S. 1052. An act for the relief of Nicholas S. Cvetan, U.S. Air Force (retired); to the Committee on the Judiciary.

S. 1212. An act for the relief of John L. Dean; to the Committee on the Judiciary.

S. 1247. An act to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes; to the Committee on the District of Columbia.

S. 1999. An act to amend the District of Columbia Public Education Act; to the Committee on the District of Columbia.

S. 2018. An act for the relief of Wong Wah Sin; to the Committee on the Judiciary.

S. 2104. An act for the relief of Irva G. Franger; to the Committee on the Judiciary.

S. 2118. An act for the relief of Dr. Joseph E. Stapleton; to the Committee on the Judiciary.

S. 2132. An act for the relief of Dr. Robert L. Cespedes; to the Commitee on the Judiciary.

S. 2149. An act for the relief of Dr. Jose J. Guijarro; to the Committee on the Judiciary.

S. 2249. An act for the relief of Dr. Mario G. Mendez; to the Committee on the Judiciary.

S. 2318. An act for the relief of Kelley Michelle Auerbach; to the Committee on the Judiciary.

S. 2380. An act for the relief of Dr. Juan Jose Villa-Campos; to the Committee on the Judiciary.

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo; to the Committee on the Judiciary.

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez; to the Committee on the Judiciary.

S. 2477. An act for the relief of Dr. Fang Luke Chin; to the Committee on the Judiciary.

S. 2488. An act for the relief of Dr. Raul Agustin Pereira-Valdes; to the Committee on the Judiciary.

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia; to the Committee on the Judiciary.

S. 2492. An act for the relief of Leonardo E. Arteaga; to the Committee on the Judiciary.

S. 2495. An act for the relief of Dr. Jesus Ortiz Ricote; to the Committee on the Judiciary.

S. Con. Res. 43. Concurrent resolution to officially recognize the 150th anniversary of the admission of the State of Illinois to the Union; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6111. An act to provide for the establishment of a Federal Judicial Center, and for other purposes; and

H.R. 12121. An act to amend the act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 830. An act to prohibit age discrimination in employment;

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes;

S. 2126. An act to amend the Food and Agriculture Act of 1965; and

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 9 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 12, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1270. A letter from the Acting Director of Civil Defense, Department of the Army, transmitting the report on property acquisitions of emergency supplies and equipment during the quarter ending September 30, 1967, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1271. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a report of increased working estimate with respect to the construction project undertaken for the Air National Guard at Dobbins Air Force Base, Ga., pursuant to the provisions of 10 U.S.C. 2233a(1), and pursuant to the authority delegated by the Secretary of Defense; to the Committeee on Armed Services.

1272. A letter from the Assistant Secretary of Defense, transmitting the annual report relative to disposition of foreign excess personal property located in areas outside of the United States, Puerto Rico and the Virgin Islands during fiscal year 1967, pursuant to the provisions of Public Law 81–152; to the Committee on Government Operations.

1273. A letter from the Comptroller General of the United States, transmitting a report of potential economies and improvements in service through modernization of the postal field service, Post Office Department; to the Committee on Government Operations.

1274. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on an individual case involving suspension of deportation, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee of the Judiciary.

1275. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to promote the foreign policy of the United States by authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs, etc.; to the Committee on the Judiciary.

1276. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 6, 1967, submitting a report, together with accompanying papers and an illustration, on a letter report on North Fork Republican River at Wray, Colo., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted January 19 and February 17, 1950; to the Committee on Public Works.

1277. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report listing certain required information with respect to contracts negotiated by the National Aeronautics and Space Administration through June 30, 1967, pursuant to the provisions of 10 U.S.C. 2304 (e); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of December 7, 1967, the following reports were filed on December 8, 1967:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8581. A bill to amend section 11–341(b) of the District of Columbia Code which relates to the sales price for the reports of the opinions of the U.S. Court of Appeals for the District of Columbia Circuit; with amendment (Rept. No. 1014). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 14330. A bill to provide a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia, and for other purposes (Rept. No. 1015). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of December 6, 1967, the following reports were filed on December 8, 1967:

Mr. RIVERS: Committee of conference. H.R. 6167. An act to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purpose (Rept. No. 1016). Ordered to be printed.

Mr. RIVERS: Committee of conference. H.R. 13510. An act to increase the basic pay for members of the uniformed services, and for other purposes (Rept. No. 1017). Ordered to be printed.

[*Submitted December 11, 1967*]

Under clause 2 of rule XIII, reports of committees and conferees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee of conference. H.R. 10595. An act to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities (Rept. No. 1018). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 10564. A bill to amend section 2(3), section 8c(2), and section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended; with amendment (Rept. No. 1019). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 852. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; with amendment (Rept. No. 1020). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1722. An act to amend the wheat acreage allotment provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 1021). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee of conference. S. 889. An act to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California (Rept. No. 1029). Ordered to be printed.

Mr. MILLS: Committee of conference. H.R. 12080. An act to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance system, to provide benefits for additional categories of individuals, to improve the public assistance program and programs relating to the welfare and health of children, and for other purposes (Rept. No. 1030). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 4370. A bill for the relief of Sandy Kyriacoula Georgopoulos and Anthony Georgopoulos; with amendment (Rept. No. 1022). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 4544. A bill for the relief of Giovanna Ingui Dallara (Rept. No. 1023). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 4976. A bill for the relief of Theofane Spirou Koukos (Rept. No. 1024). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary, H.R. 10397. A bill for the relief of Nguyen Van Be (James Be Roellig); with amendment (Rept. No. 1025). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 11287. A bill for the relief of Amir U. Khan (Rept. No. 1026). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 13301. A bill to confer U.S. citizenship posthumously upon Pfc. John R. Aneli (Rept. No. 1027). Referred to the Committee of the Whole House.

Mr. MacGREGOR: Committee on the Judiciary. H.R. 12420. A bill for the relief of Nguyen Van Hue; with amendment (Rept. No. 1028). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 14356. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

By Mr. BOLAND:

H.R. 14357. A bill to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development; to the Committee on Banking and Currency.

By Mr. CHAMBERLAIN:

H.R. 14358. A bill to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EILBERG:

H.R. 14359. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 14360. A bill to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McDONALD of Michigan:

H.R. 14361. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PELLY:

H.R. 14362. A bill to amend the Migratory Bird Treaty Act to prohibit the baiting of waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of California (for himself, Mr. Bell, Mr. Del Clawson, Mr. Hosmer, Mr. Utt, and Mr. Reinecke):

H.R. 14363. A bill to provide for the appointment of additional circuit judges; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 14364. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, in order to provide additional loan assistance under such act to farmers who have suffered severe production losses as the result of a national disaster, and for other purposes; to the Committee on Agriculture.

By Mr. ZWACH:

H.R. 14365. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans; to the Committee on Agriculture.

By Mr. MILLS (for himself and Mr. Curtis):

H.R. 14366. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of amounts set aside by insurance companies in certain reserves for mortgage guarantee insurance losses, and for other purposes; to the Committee on Ways and Means.

By Mr. RIVERS:

H.R. 14367. A bill to authorize the disposal of beryl ore from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. VIGORITO:

H.R. 14368. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 14369. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 14370. A bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 14371. A bill to provide for the appointment of additional circuit judges; to the Committee on the Judiciary.

By Mr. GILBERT (for himself Mr. Addabbo, Mr. Murphy of New York, and Mr. Nix)

H.R. 14372. A bill to amend the Internal Revenue Code of 1954 to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. POFF (for himself, Mr. Gerald R. Ford, Mr. Widnall, Mr. McCulloch, Mr. Conable, Mr. Cramer, Mr. Devine, Mr. Erlenborn, Mr. King of New York, Mr. MacGregor, Mr. Mathias of California, Mr. Price of Texas, Mr. Railsback, Mr. Smith of New York, Mr. Taft, Mr. Wylie, and Mr. Wyman):

H.R. 14373. A bill to amend title 18 of the United States Code to make the obstruction of interstate commerce by loan sharking a Federal offense, and to make the use of any facility of interstate commerce to promote loan sharking a Federal offense; to the Committee on the Judiciary.

By Mr. TAFT:

H.R. 14374. A bill to provide for orderly trade and market sharing in iron and steel mill products; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 954. Joint resolution proposing an amendment to the Constitution of the United States relating to the conservation of the natural resources and natural beauty of the United States; to the Committee on the Judiciary.

By Mr. McDADE:

H.J. Res. 955. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BERRY:

H. Con. Res. 594. Concurrent resolution expressing the sense of the Congress that certain meat imports be prohibited until the exporting country satisfies the President that no livestock in such country is infected with hoof-and-mouth disease; to the Committee on Ways and Means.

By Mr. McDADE:

H. Con. Res. 595. Concurrent resolution expressing the sense of Congress that the United States should have one uniform nationwide fire reporting telephone number and one uniform nationwide police reporting telephone number; to the Committee on interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:

H. Con. Res. 596. Concurrent resolution expressing the sense of Congress that the United States should have one uniform nationwide fire reporting telephone number and one uniform nationwide police reporting telephone number; to the Committee on interstate and Foreign Commerce.

By Mr. HORTON:

H. Con. Res. 597. A concurrent resolution that it is the sense of Congress that the United States should have one uniform nationwide fire reporting number and one uniform nationwide police emergency reporting telephone number; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

295. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the granting of funds to the Charles M. Weber Foundation by the Office of Water Resources Research of the Department of the Interior; to the Committee on Interior and Insular Affairs.

296. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the enactment of legislation placing the observance of George Washington's Birthday, Memorial Day, Independence Day, and Veterans Day on Monday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 14375. A bill to provide for the free entry of a certain Fiberglas igloo for the Colorado Mountain Club, Boulder Group; to the Committee on Ways and Means.

By Mr. CASEY:

H.R. 14376. A bill for the relief of F. W. Bert Wheeler, Mae Dean Wheeler, and Reagan M. Marshall; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 14377. A bill for the relief of Bernard A. Hegemann; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 14378. A bill for the relief of Angelo Appio; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 14379. A bill for the relief of Domenico Perichilli; to the Committee on the Judicary.

By Mr. GERALD R. FORD:

H.R. 14380. A bill for the relief of Al Bok Chun; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 14381. A bill for the relief of Rollo Oskey; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 14382. A bill for the relief of Oswald Lloyd Folkes; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 14383. A bill for the relief of Kyung Hie Won and his wife, Jung Hie Rhee; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 14384. A bill for the relief of Mr. Loucas Arvanitis; to the Committee on the Judiciary.

H.R. 14385. A bill for the relief of Mr. Epaminodas Triantis; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 14386. A bill for the relief of Teresa Belemmi Echeverria; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 14387. A bill for the relief of Teruo and Setsuko Morishige; to the Committee on the Judiciary.

By Mr. MACHEN:

H.R. 14388. A bill to direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Md.; to the Committee on Agriculture.

By Mr. MOORE:

H.R. 14389. A bill for the relief of Dr. Erdogan Y. Baysal; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 14390. A bill for the relief of Domenico Bologna; to the Committee on the Judiciary.

H.R. 14391. A bill for the relief of Goacchino Cusumano; to the Committee on the Judiciary.

H.R. 14392. A bill for the relief of Azucena M. Maniago; to the Committee on the Judiciary.

H.R. 14393. A bill for the relief of Giuseppe Scorsone; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 14394. A bill for the relief of Gaetano Battiniello; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 14395. A bill for the relief of Sofio Salemi; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 14396. A bill for the relief of Mrs. Geo-chen Lee; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

215. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to publication of the official register of the United States, which was referred to the Committee on House Administration.

EXTENSIONS OF REMARKS

Stuckey Speaks Out for Georgia's Youth

EXTENSION OF REMARKS
OF

HON. EDWIN W. EDWARDS

OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 11, 1967

Mr. EDWARDS of Louisiana. Mr. Speaker, BILL STUCKEY could not be called middle aged at 32. Although his votes on the social security legislation and his own proposal to raise outside earning levels for senior citizens clearly show that Congressman STUCKEY is aware of and concerned with the senior citizens of his district, he has not neglected the young people, that group of people who will be the leaders and decisionmakers of our country in just a few years.

On several occasions the gentleman from Georgia [Mr. STUCKEY] has spoken out in defense of the youth of Georgia and the Eighth District, praising their responsibility and contrasting them to the irresponsible "hippies" that made headlines all last summer and I commend him for so doing. He said recently:

> While the streets of Georgetown in Washington and Haight-Ashbury in San Francisco and Greenwich Village in New York were filled with mobs of so-called "hippies" and "teenie-boppers" wandering aimlessly about, conducting sit-in's, lie-in's, and wed-in's, we had no such irresponsible conduct in our District. And, neither did any of our young people travel to these other cities to take part.

Congressman STUCKEY said that while the activities of these "hippies" made every major magazine in the country, no such coverage was given to the outstanding achievements of our young people of the Eighth District or others just like them across the country who spent their summer working at summer jobs to help earn their own spending money or money to further their educations and who spent their summer participating in constructive activities.

In a speech praising the accomplishments of the members of the Valdosta High School Band and the Waycross Band, Congressman STUCKEY said:

> Full length stories, complete with pictures were written about those unclean individuals who openly used a chemical drug called LSD and who smoked marijuana, commonly referred to as "pot" or "grass". Meanwhile the Valdosta High School Band, made up of a fine group of clean, wholesome young people, worked together as a team and won first place in the Cherry Blossom Festival Band Competition in Washington last spring.
>
> And just a few weeks ago, the Waycross High School Band was selected over many other bands throughout the country to perform before 50,000 spectators at the Washington Redskins Football game in Washington.

The gentleman from Georgia [Mr. STUCKEY] says that he believes that the experience our young people receive from such activities participated in by these two bands from Valdosta and Waycross is extremely valuable. He has said:

> These young people learn how to work together as a team. They learn to respect their fellow students. And, they become aware of the fact their individual effort means the success of the entire group.

Congressman STUCKEY commended the young people of the Eighth District and gave special recognition to the members of the two bands for their outstanding achievements.

Stuckey Visits With 4-H Members

EXTENSION OF REMARKS
OF

HON. WILLIAMSON S. STUCKEY

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 11, 1967

Mr. STUCKEY. Mr. Speaker, two separate groups of 4-H members visited in Washington last summer to participate in a national citizenship short course at the National 4-H Center.

In July, Lee Hesters, of Valdosta; and George Rowntree Kirkland, of Hahira, took part in the program.

In August, Al Gaskins, of Nashville; Don Holland, of Lumber City; James Souter, of Brunswick; Eddie Knowlton, of Waycross; Rhonda Ramsey, of Lakeland; Karen Walker, of McRae; Brenda Thrift, of Brunswick; Gilda Freeman, of Waycross; and Debra Mallard, of Odum, took part in the week-long program.

While in Washington, the 4-H'ers had the opportunity to share experiences with 4-H'ers from several other States.

Also, they visited the monuments, memorials, and museums, the White House, several of the agencies, and the Library of Congress.

The short courses given in citizenship are designed to help the participants to develop a greater understanding and appreciation of our American heritage, learn basic functions of Government at the national level, deepen their commitment to the American way of life, and develop skills for practicing and teaching citizenship to their local 4-H clubs.

President Congratulated on Wedding of His Daughter

EXTENSION OF REMARKS
OF

HON. JACK BROOKS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, December 11, 1967

Mr. BROOKS. Mr. Speaker, I would like to extend my sincere congratulations to President and Mrs. Johnson on the marriage of their eldest daughter, Lynda Bird.

Certainly, one of the President's greatest sources of strength in these trying times is his lovely family—his wonderful wife and two sparkling daughters.

This Nation and the nations of the

world demand much from our President, for it is Lyndon Johnson's fate to be President at a time of great national and international challenge.

The underdeveloped world in the throes of a revolution of rising expectations looks to America's leader for guidance; a world delicately balanced at the edge of a nuclear abyss looks to the United States to lead the world to sanity; and a watchful world listens intently to every word uttered by our President.

At home, 200 million Americans have entrusted their welfare to President Johnson. His every decision touches their fate. Their economy, their education, their health care, and the quality of their lives must be his personal concern.

To this enormous task President Johnson devotes his enormous energies in an unending series of 18-hour days, which leave him little of the time for his family other Americans enjoy.

Thus, we as a Nation should be pleased that the marriage of his daughter can bring such joy and lightness of heart to our President.

To Lynda Bird and her husband, Charles S. Robb, who have given the Nation the first White House wedding in 53 years, we wish, the happiness of a long and healthy life together. To her parents we offer our blessings.

President Establishes Nation's First Urban Development Institute

EXTENSION OF REMARKS

OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. BLATNIK. Mr. Speaker, President Johnson has asked a group of distinguished Americans to enter into an enterprise which affords great hope for the future of America's cities—the establishment of an Institute for Urban Development.

President Johnson has recognized that the Federal Government must look beyond the press of immediate concerns and present crises to the long-range urban requirements of America. This Institute will prepare blueprints for urban America as we face the challenges of the last quarter of the 20th century.

The Institute will be called upon by the President to make an objective study of our complex urban problems, coordinate the abilities of a variety of disciplines in the analysis of our urban requirements, and suggest programs to meet our urban needs.

The Urban Development Institute—first mentioned in the President's 1967 message on urban and rural poverty—will be the first on-going governmental organization to develop long-term strategies for metropolitan development.

The problems of our cities are manifold and multifaceted—traffic congestion, population explosion, environmental pollution, urban sprawl, ghetto frustration—but they can be solved if we devote our rich intellectual and economic resources to the great task.

The President's Urban Institute is testament to America's faith in herself—faith that we can solve the problems which we ourselves have created.

I wish the Institute for Urban Development great success, and I congratulate the President for pressing on with the unfinished business of America.

Tenth District Trainee Receives Title V Award

EXTENSION OF REMARKS

OF

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. O'KONSKI. Mr. Speaker on Friday, December 8, Mrs. Jean Spesock of Superior, Wis., was one of six former public assistance recipients in the United States who received special recognition in ceremonies at the U.S. Department of Health, Education, and Welfare.

Mary E. Switzer, Administrator of the Department of Health, Education, and Welfare's new Social and Rehabilitation Service presented the citation of outstanding achievement to Mrs. Spesock and five other individuals who became self-supporting following work experience and training programs conducted under title V, the work experience and training program of the Economic Opportunity Act. These six individuals are representative of nearly 56,000 public assistance recipients who have found jobs immediately after completing work training projects or have gone on to advanced training.

The awards recipients—two men and four women—were commended for their diligence in learning a skilled trade and increasing excellence of performance on the job. They represent six families with a total of 20 children. As AFDC recipients, these families were being helped with a total of about $16,000 a year. They now earn over $30,000 a year.

Those receiving the outstanding achievement citation with Mrs. Spesock were: Edward Crowe, of Cumberland, Md.; Thomas Freeman, of Cleveland, Ohio; Mrs. Fanny Tellio, of Phoenix, Ariz.; Mrs. Shirley Woodward, of Ogden, Utah; and Magdalene Mosses, of St. Paul, Minn.

Mr. Ray Olson, work and training specialist for the Douglas County Department of Public Welfare, attended the award ceremony with Mrs. Spesock.

I am very proud of the accomplishments of Mrs. Spesock and of her high degree of success under the title V program. It is a pleasure for me to call to the attention of my colleagues the fine record of achievement of Mrs. Spesock as shown in her biographical sketch.

Mrs. Spesock, 30 years old, and a mother of three, left Montana in January of 1960 to return to her parents' home in Superior, Wis. She began receiving public assistance in June 1960, and was receiving an AFDC grant of approximately $200 per month when she entered the title V program in June 1966.

Mrs. Spesock had never been employed, although she had finished the 11th grade before her marriage. Under title V, she was assigned to a high school equivalency course, and on March 8, 1967, she received a regular high school diploma.

After unsuccessfully attempting to find a job, she returned to the title V project in May and was sent to the Superior Vocational School for clerical training. At the same time, she was placed in the Douglas County, Wis., treasurer's office for on-the-job training and less than 2 months later, in July 1967, was hired as a clerk in that office on the basis of her performance as a title V trainee.

Upon the death of the county treasurer, the deputy treasurer advanced to that post and appointed Mrs. Spesock to the deputy position with the concurrence of two employees senior to her who recognized her ability and industry. Mrs. Spesock now earns $440 per month and after 6 months will receive $475. Her AFDC grant had been $200 a month.

Vietnam

EXTENSION OF REMARKS

OF

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. IRWIN. Mr. Speaker, the problem of Vietnam is one that we will address ourselves to every day and I am bringing to the attention of my colleagues, correspondence I have had with an old friend and supporter of the past. He is a good American and an honest man and I think our correspondence may be helpful in illustrating the difficulties this heartrending issue has for all of us:

OLD GREENWICH, CONN.,
October 21, 1967.

Hon. DONALD IRWIN,
House of Representatives,
Washington, D.C.

DEAR DON: It is Saturday night and I have just finished listening to the 11 o'clock news about today's peace demonstrations in Washington.

I have no desire to excuse any non-peaceful actions on the part of the demonstrators—or on the part of governmental representatives. In the long run, as in the short, violence is no answer and leads only to more violence. Nor am I close enough to the events to be able to explore the possibility that the bringing in of troops to Washington might well have contributed to provoking violence.

What I would like to bring to your attention is my conviction that the increasingly rigid stance taken by the Administration on Vietnam is serving not only to heighten the despair and frustration on the part of those opposed to the present course, but also to lead to increasingly desperate measures among those opponents.

And I am beginning to wonder now whether you, too, have not also begun to close your ears—and your mind—to those who object to your unwavering support of Administration policy. I am thinking specifically of your attitude (expressed on the telephone interview over WSTC last Thursday) that you had explained your views often enough and that you did not want to take more of your constituents' time in going over them again.

When I typed the address above, I paused to note that I was addressing you at the House of Representatives and to remind myself that you are indeed a Representative. It is hard to know when you stop "representing" the people of Fairfield County (or at least those who agree with you) and when you begin—presumably on the basis of information that the average citizen does not possess, expressing your own point of view, regardless of what any of your constituents feel on this subject.

I can sympathize with the impatience you must feel on this vexing subject, but I would like to express the hope that you will try to keep your mind open, and, even more, your ears open to what is being said in the Fourth District. And perhaps you will start hearing some of what I am hearing everywhere here and come to the conclusion that all of this awful killing and awful dying is not, in the age of nuclear weapons, the only way of solving the problem of Vietnam.

Sincerely,

Pyke Johnson, Jr.

Defense—Vietnam

October 25, 1967.

Mr. Pyke Johnson, Jr.,
Old Greenwich, Conn.

Dear Pyke: Thank you for your letter of October 21, 1967, and I certainly appreciate the feelings that motivated you to write. It was a kind and thoughtful letter and I don't blame you for worrying about whether my mind is still open on the question of Vietnam.

In the simplest of terms, I don't even deserve to be a candidate for this office if I'm not willing to keep an open mind. While I don't blame you for not realizing it, I'd be willing to come and discuss this matter with you and your friends any weekend—with an open mind—only asking, of course, that you all should have an open mind.

While my remarks on WSTC might suggest impatience I am not impatient either. The only people I have ever worried about on this subject are those that don't think Vietnam is important. On that you and I are in agreement.

Sincerely,

Donald J. Irwin.

Old Greenwich, Conn.,
October 30, 1967.

Hon. Donald Irwin,
House of Representatives,
Washington, D.C.

Dear Don: I was glad to get your letter of October 25, stating that you were keeping an open mind on the Vietnam question and offering to come any weekend to discuss the whole problem with me and my friends—providing, of course, that we, too, keep our minds open.

It gave me the chance to think over my whole views on the subject, and to realize that my mind is closed and will remain closed. I spent four years in the Navy in World War II—in a non-combatant job; and while I did not serve happily, I did serve with the realization that this was a war we did not start over a cause in which I could believe. Hiroshima changed all that, and I no longer believe in killing, whether the victims be North Vietnamese or South Vietnamese or Americans or Jews or Arabs or Cubans or Dominicans, or, indeed, anyone living anywhere in the world.

I teach a Sunday School class, and I have tried to get my students to grasp one point: when an American pilot drops a bomb or an American Marine fires a rifle to kill, the final blame does not go the pilot or the soldier, or to the officers who have commanded them, or to the Staffs in Washington, or to the President or to the Congress. The final blame, I feel, goes to us, the people who elected the President and the Congress, and it is finally up to us to see that the war is stopped, and if not now, certainly next November. My class is small and its members are not of voting age, and I realize my influence is small, but I do not intend to stop.

There has been so very much written about this war, and I have read much—too much—of it. Recently there has been Fulbright and Lippmann and the New York *Times*, and Gus Tyler in the *New Leader* for October 23 (you'll like this one; it castigates liberals for the "dangers of the 'Dump-Johnson movement'"); and, most recently, Richard Rovere's piece on why he wants out from Vietnam in the latest *New Yorker*.

But I now realize that there is only one piece of writing that I can listen to or be influenced by, and it is to be found in Exodus 20:13 and is only four words long: Thou shalt not kill. I have weighed every possible answer, political, economic, diplomatic, chauvinistic, or what have you, and I can find nothing that can contradict it. Nor can I imagine anything that you could say that would possibly change my mind.

So, yes, I do have a closed mind; and you are now free to write me off as a nut or a fool or a misguided sentimentalist. But if anything survives this period in which we are living, it will be these four words and not those who, for any reason, continue to wage war or to speak on its behalf.

Sincerely,

Pyke Johnson, Jr.

House Beauty Salon Back in Business

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, December 11, 1967

Mrs. MAY. Mr. Speaker, I believe it will come as good news to all our colleagues in this body that as of this morning the House Beauty Salon is back in operation. Since the untimely closing of this service to your secretarial staffs on the distaff side I am sure you have all been subject to many complaints. The members of the select committee, which you created last week to solve this problem, are happy to make formal announcement that we have worked out the solution and service is restored under new management and new rules. Here is the formal announcement released to the press today by me and the two other members of the committee—the gentlewoman from Michigan [Mrs. Griffiths] and the gentlewoman from Oregon [Mrs. Green].

I include the release in my remarks at this point:

Washington, D.C.—The beauty shop of the House of Representatives was back in business at 7 o'clock this morning.

After 32 years in operation, the House Beauty Salon went out of business on Saturday, December 2, when the concessioner unexpectedly removed the equipment. The beauty services are available to all women employees working in the offices of the House of Representatives, wives of Congressmen and the women Members of the House.

Last week the House approved creation of a Select Committee of Representatives Martha Griffiths (D-Mich.), Edith Green (D-Ore.), and Catherine May (R-Wash.) to work out a plan to put the Salon back in business. The House also provided for the advancement of up to $15,000 from the House contingency fund to purchase the necessary supplies and equipment. It was understood that all funds over operating costs are to be returned to the U.S. Treasury at the end of the first year of operation, and such funds are likely to amount to several thousand dollars more than the funds advanced.

The Select Committee hired a professional manager, purchased the necessary equipment and supplies and had the shop back in operation today, one week after the precipitate closing.

In jointly issuing a statement today, the three Congresswomen forming the Select Committee said they are deeply grateful for the tremendous cooperation they received from their colleagues in Congress, the girls who have been working in the Beauty Salon and many others who helped them settle this matter.

"The hundreds of secretaries who work on Capitol Hill have always had a special problem in obtaining beauty salon services because of the long hours they work six days a week. We are certainly glad these services are once again available to them after only a week's interruption. We anticipate that our new manager, Mrs. Betty Oszust, will provide clean, attractive surroundings and good operators at competitive prices.

"In addition to this, we have every expectation that the United States Treasury will, for the first time in 32 years, receive payment for the use of the space, facilities, and utilities, that the government has until now provided for free," the Congresswoman said.

Annual Report

EXTENSION OF REMARKS
OF
HON. JACK EDWARDS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 11, 1967

Mr. EDWARDS of Alabama. Mr. Speaker, each year I have served in Congress I have made it a practice to prepare a report on the year's activities for presentation to the citizens of Alabama's First Congressional District.

My annual report for 1967 is ready this week, and I include it at this point in my remarks:

Congress in 1967

This is my third annual report to you as your representative in Congress. It is an effort to give you information about the year's legislative activity and also about my work in Washington as Congressman from Alabama's First District. Once again this year I have received hundreds and hundreds of letters from First District citizens, and talked in person and on the phone with many others about matters related to the federal government. Folks in our area, just like all over the country, are vitally concerned about today's issues including the war, taxation, crime and civil disturbances. In this report I want to discuss these and other matters.

THE WAR

The Vietnam situation is very unfortunate and complicated. I feel sure we are right in resisting aggression in Asia just as we were right in resisting aggression in Europe two times.

I also believe that Hanoi thinks U.S. patience will wear down in a long and inconclusive war so that the U.S. military effort will be undermined by confusion and dissension here at home.

If these judgments are valid, then public support for our goals in Vietnam is vital. But the government is not adequately explaining to the people either the goals or the strategy of our effort in Asia.

Badly needed now are fresh, new approaches to military strategy, to the economic requirements, and to the diplomatic and home front tasks which in this kind of challenge are absolutely essential to success.

DISORDER IN THE CITIES

All over the country folks are dismayed and saddened over riots in our cities, rising crime rates, general defiance of the law, and a decline in moral standards.

In the House of Representatives we approved a measure to penalize persons who promote riots, another to help fight the pornography problem, and others to strengthen the hand of law enforcement officials.

In reasonable defense of law-abiding citizens the hard-core riot agitators must be treated as criminals. Local law enforcement officials must have the tools and the support they need to do their job.

Efforts are going forth in Congress to help ease these problems. The real solution, however, must come not from Washington but from the cities themselves. We need a rebirth of community pride, respect for our neighbors, and calm good sense. And yes, we need a return to old-fashioned patriotism as well.

THE GREAT DOLLAR GAP

In the last year of the Eisenhower Administration, 1960, the national budget recorded a $1.2 billion surplus. The cost of living was stable and the dollar had the confidence of the world. Since that time irresponsible government fiscal policies have led to huge increases in spending almost without regard for income. In 1964 the $8.2 billion deficit seemed large, but in 1968 it will likely be at least three times that amount, and could go as high as $30 billion.

This means higher costs for everything you and I must buy, rising interest rates, and other complications which threaten to seriously damage not only our own U.S. economic structure, but that of the entire non-Communist world as well. All during 1967 this issue has been of real concern in Congress.

In August the Johnson Administration said a tax increase was needed to hold down the inflationary pressures. I quickly joined with other Congressmen in saying, in effect: "The real cause of the problem is irresponsible spending. Cut spending down to reasonable levels before we talk about increasing taxes." Unfortunately the only real spending cuts have been made by the Administration in federal projects which create legitimate federal jobs. The Administration is unwilling to trim the Great Society welfare programs. This seems like a crazy way to fight poverty—doing away with jobs and increasing welfare.

I think we can look for renewed efforts by the Administration for a tax increase in early 1968.

ALABAMA PROJECTS

A great amount of time and effort has gone this year for advancing projects of importance to our southwest Alabama economy.

Expansion of the Coast Guard operation on Mobile Bay has been of special interest to me. We have worked to make the transition of Brookley AFB as smooth as possible by assisting Brookley employees and by helping to create new jobs in our whole area. This is a continuing effort.

Work on the Millers Ferry and Claiborne dams has proceeded on schedule, along with channel improvement in the Alabama River. The Tenn-Tom project is moving ahead according to plan.

We also have achieved real progress in developing work in Mobile Bay and also in Bayou Coden and Bayou La Batre. We expect more of this progress in 1968.

EDWARDS LEGISLATION

During 1967 the House of Representatives gave favorable action to several legislative goals of mine. They included bills to establish an independent Federal Maritime Administration, to prohibit desecration of the U.S. flag, to penalize persons inciting riots, to repeal the scheme for financing election campaigns through the income tax, and to begin action against the growing flow of pornographic materials onto the news stands and, through the mail, into our homes.

Other bills of mine were not given consideration this year and I will continue to work for them next year. These include one to help persons defend themselves in income tax claims, one to provide a tax credit to individuals for certain expenses of higher education, and one to provide added protection to firemen and policemen engaged in anti-riot duty.

COMMITTEES AT WORK

On any typical day in Washington I am called to a 10:00 A.M. meeting of one of the committees or sub-committees on which I serve. My two committee assignments are on the Government Operations committee and the committee on Merchant Marine and Fisheries. A major project on the first committee has been a study of the organized crime problem. As a result of this study we have recommended several steps to make the fight against crime more effective. On this committee we are also working to strengthen the government's handling of regulations for the sale and use of drugs.

On the Merchant Marine committee we are concerned with giving the Coast Guard a stronger hand in meeting its responsibilities, and also are trying desperately to prod the Johnson Administration into halting the serious decline of our merchant fleet strength. Our national security depends on an effective Merchant Marine, and U.S. policy must reflect that basic fact. We also want to revitalize U.S. commercial fishing activity on the seas, and to protect U.S. fishing trawlers and our fishing grounds from overly-ambitious foreign competitors.

I also am a member of the Republican Policy Committee, working with others to establish responsible, workable and effective programs, and to take proper positions on legislation coming before the House of Representatives.

SLOWING IT DOWN

The biggest single development in Washington during 1967 has been a slowing down in programs of the Great Society. While spending on existing projects has continued, no new ones have been created as in 1965 and 1966. The brakes have been applied as well as could be expected, and we still have a long way to go.

THE DOOR IS OPEN

I want to emphasize again that the door to my office in Washington is always open to you. I hope you will visit with me if you can, and write to let me know your ideas on national issues whenever you feel it is appropriate. In order to represent you in Congress I need your help in letting me know how you feel about the issues.

OUTLOOK FOR THE NEW YEAR

1968 is sure to be a lively year. Unfortunately, all the signs point to more riots and disorder in the big cities, and no letup in crime. The President may reduce his requests for federal spending, and will ask again for more taxes. The cost of living will continue to rise, perhaps by as much as 3½ percent. And interest rates will continue to go up. But on the bright side of things, I believe it is likely that in 1968 we will turn the corner towards common sense in budgetary matters and perhaps, in handling of the crime problem. I'll be working for a better approach to the many problems that confront our country.

Please remember that while we get very unhappy about the many real problems we face, ours is still the greatest nation ever conceived by the mind of man. I am proud of this country and all that it stands for. I guess I think more about this as we enter the Christmas season. This is a time for joy and happiness and good friends getting together. Since I will not be able to see many of you this Christmas I want to take this occasion to wish you a pleasant holiday season and a most happy and prosperous New Year in 1968.

Better Radiation Education Is Needed

EXTENSION OF REMARKS

OF

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. ROGERS of Florida. Mr. Speaker, as I have indicated many times in my remarks concerning the need for standard-setting radiation legislation, the problem produced by this public health hazard has many facets. And, likewise, the solution to the overall problem may well call for more than simply emission standards and enforcement policies.

It was brought out several times during hearings on H.R. 10790 that among the ways to reduce medical diagnostic exposure to ionizing radiation would be the implementation of improved methods of education and training for those who utilize X-ray devices. One of the leading proponents of improved educational and training programs is Dr. Karl Z. Morgan, Director of the Health Physics Division, Oak Ridge National Laboratory.

I have remained in contact with Dr. Morgan since the conclusion of hearings in October, and he has continued to keep me informed of his efforts among the scientific and educational communities. He recently made me aware of his communication with Dr. Arthur H. Wuehrmann, a well-known professor of dentistry at the University of Alabama at Birmingham.

In response to Dr. Morgan's suggestion that perhaps more emphasis should be placed on certain basic physical principles, thus enabling the medical and dental student to possess a deeper understanding of the functioning of X-ray devices, Dr. Wuehrmann replied as follows:

> In your letter, you suggested a number of basic physical principles which could be taught to medical and dental students which would give them a better appreciation of the subject. While I concur and while we do attempt to cover some of these subjects on a nonmathematical basis at the University of Alabama School of Dentistry, I couldn't help but be a little amused at your suggestions. The humor of the situation was based on the fact that some dental students don't even have an understanding of what happens when they turn a milliamperage dial on the panel of their machine in a clockwise or counter clockwise direction. Furthermore, they have little or no understanding of the effect of kilovoltage changes either on a

> physical basis or in terms of film quality. And, lest we single out dental students, medical students are often even more ignorant of the subject.
>
> I am really in a considerable dilemma as to the direction my efforts should take. Dentistry must not be deprived of its right to use x-radiation. In my opinion, the specialty of dental radiology should be promoted by organized dentistry as part of an effort to develop greater competency. Educational standards must be elevated, and the tendency on the part of some in organized dentistry to regard the radiation contribution made by dentistry to the population as "hair splitting" must be discouraged. Just how all of this is to be accomplished is at present a moot question.

Mr. Speaker, from his vast experience in the dental X-ray field, Dr. Wuehrmann feels that, on the whole, education and training programs are inadequate. Because the use of X-ray devices is an important diagnostic tool and an integral part of dental therapy, it is extremely important that the student be taught the proper operational techniques of such devices.

The leadership taken by these two gentlemen in recognizing a problem area and working to produce an effective solution deserves the recognition of all who are concerned over the public health hazards of overexposure to ionizing radiation. If the education and training programs which such men are working to produce are adopted, I am certain that, together with the emission standards arising from the Radiation Control for Health and Safety Act, they will insure the American public that this X-ray device which enables a dentist to locate a cavity, or a doctor study a broken bone, is not at the same time causing radiation damage which could result in birth defects to future generations.

Congressman Horton Praises Monroe County, N.Y., Health Department and Rochester Institute of Technology for Joint Program To Train Environmental Health Sanitarians

EXTENSION OF REMARKS

OF

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. HORTON. Mr. Speaker, the past decade has seen a rapid increase in the entry of universities into the mainstream of American life to lend their analytical and instructional genius to problems faced by the various levels of Government.

This marriage of the joint academic and practical approach to public problems is very well illustrated in an educational program established by the Monroe County, N.Y., Department of Health, and the Rochester Institute of Technology.

The director of the health department, Dr. Wendell Ames, recently became concerned about a shortage of environmental health sanitarians. He discussed the shortage with officials of RIT. Together they have created a unique program, open to majors in biology and chemistry who will spend alternating 13-week periods at RIT and at the health department during the last 3 years of a 5-year curriculum. They will complete the program with a B.S. degree, fully qualified as professional sanitarians.

I would like to share with our colleagues, Mr. Speaker, the details of this pioneering, joint training venture.

While at the health department, the students will be assigned on a scheduled basis to work in various areas of environmental health, ranging from the control of air and water pollution to the supervision of nursing homes and hospitals. They will serve under an adviser and receive a trainee salary, $5,120 to $6,400.

Dr. Ames said the program will provide vital field experience, complementing academic instruction, for young persons interested in careers in environmental health.

> The protection and improvement of our environment has become of prime importance—

Dr. Ames said.

> Health agencies and other organizations across the nation are in need of able, experienced sanitarians to carry out the work. We believe our new program with Rochester Institute of Technology is of a kind that can help to fulfill this need.

The new program was developed by Dr. Margaret L. Rathbun, deputy director of the Monroe County Department of Health, and Mr. Joseph DeSantis, associate public health sanitarian at the department, in cooperation with Mr. Robert J. Winter, associate director of placement services at Rochester Institute of Technology. Two students are currently enrolled in the program, which began this semester. Eventually two third-year students, two fourth-year students, and two fifth-year students will be enrolled simultaneously.

Mr. DeSantis, who holds B.S. and M.P.H. degrees, will serve as adviser to the students while they are assigned to the health department. He said the work training sessions are divided into six periods, each of 13 weeks duration. The first period includes orientation and administration in public health; water supply and sewage disposal systems; inspection, sampling and operation of swimming pools. The second period includes theory, regulation and survey of radiation installations; stream sampling and investigation of water pollution; plan reviews and field investigation of subdivisions; rodent control. The third period includes inspection and evaluation of farm labor camps; dairy farm inspection; familiarization with pasteurization processes; inspection of food-handling establishments and the control of food-borne diseases; laboratory work associated with food and milk programs. The fourth period includes inspection and operation of sewage treatment plants; housing and sanitation; sampling, analysis and investigation of air pollution. The fifth period includes inspection, evaluation and review of nursing homes and hospitals, and special assignments selected on the basis of the student's interests.

> The final thirteen weeks of the student's training will be devoted to a thorough environmental survey of a selected community—

Mr. DeSantis said—

> The student will make a complete analytical study of all environmental health factors, including the performance of necessary laboratory analyses. The survey will correlate all his previous training into a meaningful result of benefit to all concerned.

Mr. Speaker, I would like to take this opportunity to congratulate Dr. Wendell Ames, the Monroe County Health Director, Dr. Margaret Rathbun, the deputy director, Mr. Joseph DeSantis, associate public health sanitarian of Monroe County, and the associate director of placement services at RIT, Mr. Robert Winter, for their practical solution to the problem of breaking new ground in the field of public health.

The Monroe County Health Department-RIT training program for environmental health sanitarians combines the practical knowledge of department officers with the instructional skills of RIT. Its graduates will be eagerly sought by public health departments because they will be able to step right out of their caps and gowns into professional sanitarian work, fully qualified and experienced.

Mr. Speaker, I commend this creative, cooperative approach to public problems to my colleagues for consideration by public and academic institutions in their own congressional districts.

I am bringing this program to the attention of the Mayor of Washington, D.C., the Honorable Walter Washington, in the hope that it will provide a source of qualified sanitarians who could help fight the extensive pollution problems in the Nation's Capital.

Detailed information on the plan can be obtained by contacting Mr. John Van Buren, the Health Information Officer of the Monroe County Health Department.

Speech of the Honorable L. Mendel Rivers, of South Carolina, at the North Atlantic Assembly

EXTENSION OF REMARKS

OF

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. HAYS. Mr. Speaker, during the recent 13th annual session of the North Atlantic Assembly in Brussels the distinguished chairman of the Committee on Armed Services, the Honorable L. MENDEL RIVERS, served, as he has since 1963, on the Military Committee of the Assembly. As the first speaker in the plenary session debate on the report and resolutions of the Military Committee, the gentleman from South Carolina delivered an eloquent and powerful speech which I am inserting at this point in the RECORD.

The speech follows:

Mr. L. Mendel Rivers (United States of America). Mr. President, my distinguished colleagues, ladies and gentlemen: We have heard the presentation of our distinguished President of our Committee and our Rapporteur, and also the eloquent discussion of our distinguished Senator from the United States, Senator Mundt, as well as that of Mr. Chamberlain of the Committee on Armed Services of the House of Representatives of the United States, of which I have the great honour of being the chairman. And I urge you most respectfully to adopt the resolutions we have given you. But I would be bold and urge you to consider another step as you depart this day for your respective homes. We meet here today in the continued tension which has marred this world since first I entered the Congress of the United States thirty years ago, and many of you have served in your own parliaments equally as long as this.

After World War II the North Atlantic Treaty Organization, our organization, was founded to defend Western Europe against the onslaught of Communism, and that is what it does.

Because of the continued co-operation of our NATO forces—our NATO forces, and unfortunately not our diplomats—we have had peace in Western Europe. History's pages are replete with small nations who wanted to do as we but they did not have the strength. And we have had the strength of the NATO shield to enforce peace and keep a peace in a world deserving peace which has risen from the ravages of a terrible war.

Did it ever occur to any of you, have you ever thought of what a great sacrifice my country has made as one of these partners? We have not faltered yet. We have contributed to world peace over $300 billion, almost one-third of a trillion dollars. And we do not regret it. We were able, we were willing, we asked for no trade advantages, and we seek no territories. No nation on earth has done, or tried to do, more.

The role my country has played in making peace possible, or trying to make peace possible, and contributing to the prosperity of all our partners, sometimes seems to have been forgotten. At least one has forgotten. And as a result of this and of course other actions—and I want you to know I speak as your friend, because we are—the American people now are asking questions.

Senator Mundt has told you God knows we do not seek isolationism. We want one policy in the vast Pacific to be the same as the less vast Atlantic. And we want to play our part equally with all our friends. The American people want some assurance, I say to you, my friends, that what we are doing is appreciated. The Foreign Aid Bill passed the House of Representatives the other day with scarcely ten votes out of almost 450 members. The American people are worried. Two hundred million of my countrymen are asking is it worth the sacrifice.

Why were we driven from the soil of France? General Lemnitzer told you he moved 100,000 people and 100 million tons of material at vast cost. The United States Army alone spent over $62 million getting out of France. I do not know how much the Air Force has spent, but it is a sizeable amount. Consider our bilateral agreements, and what we have spent in France.

Moreover, on the ungrateful soil of this nation lie 60,000 Americans, who gave their lives in two World Wars, bearing mute testimony that my people keep their promises; and in Flanders Field in World War II, where that great Canadian Lieutenant Jack Macray wrote: "In Flanders field the poppies grow, between the crosses row on row". And Henri Chapelle, 8000 dead in World War II. And Neuville en Coudroy and the Battle of the Bulge. And little Luxembourg, ten times smaller than the State of Carolina, there over 5000 of my countrymen died because we are determined that Luxembourg is as important as you and as the United States, and if one shot is fired at Luxembourg it is a shot fired at the heart of my country—and we mean it. This is the NATO shield.

I was in Berlin yesterday with my own troops, eating Thanksgiving dinner. Thousands of my young men, a lot of them back from Vietnam, serving on the front line in Berlin, are determined that if one Russian lays foot on Berlin soil we go to war. This is how serious we mean to be in our NATO commitments everywhere in Europe.

You talk about your Detente. You should have been with me at the Berlin Wall, the new one, not the old one, when I saw American tanks a few years ago muzzle to muzzle against Soviet tanks. And we would have gone to war then if we had had to. But yesterday I saw these boys at the new Berlin Wall, and I put on the cap and boots and I rode in a jeep and I saw with them that No man's land. And my colleagues, they are there for keeps until we drive them away. And I hope the day will come when they will be gone. But the new No man's land in Berlin is there for ever if they have their way. And this is the answer when you talk about a Detente. And I must beseech you to keep NATO strong.

Now, what am I saying to you? I am asking you, as you go to your homes, to remember that the Mediterranean is on fire. I know what I am talking about. Israel gave us time. I do not know what the future brings. Senator Mundt has told you our southern flank is exposed. Can you imagine how hard it will be for our Canadian friends to get to Greece or Turkey or Italy in case of war, or how hard it would be for the South to come to the aid of the North? We may not be able to fly over France. We positively have no right to use the land of France. What do we do? I say this to you: think of Spain, my colleagues. We need Spain as an ally, and we need her now. The next war you will not have the luxury of time. My country has a treaty with Spain, and we like it. We like to do business with the Spaniards because Spain is the only country in Europe who ever beat the Communists on the field of battle. And I am quite aware of certain of the things that have been said about General Franco, and I know as much as you know what has been said. I know he is head of the Army, the Prime Minister, and I know we had some excellent and splendid experience with the Franco Government. I would say this to you, the Franco Government has been better to my country than the French Government. The Franco Government is not today fighting the currency of my country and trying to knock it down as it helped do to the English pound.

Moreover, the Franco Government has not decried and criticized my country everywhere on earth when we are fighting for the life of an infant country in far away South East Asia who only asks the right to live. We have 500,000-odd of our boys in far away Vietnam, and we will send more. We will not be driven from this soil and we seek nothing else. I remember World War II, the Carolines, the Marshalls, the Gilberts, the Solomons, Okinawa, the Palaus, and Iwojima where that statue remains and reminds us today that everywhere lies an American in the cause of freedom in the vast Pacific.

I say to you as a friend, let us consider the important Iberian peninsula. Did it occur to you where you would be today had Spain fallen into Communist hands a scant thirty years ago? If that Mediterranean erupts, as it will do, where will you be, and where will I be, where will NATO be? How will we get to Greece and to Turkey and to Italy? How will we keep our commitments? I want peace. God knows we have paid enough in our quest for this elusive hope for mankind. I say to you as your friend, speaking for a nation who is your friend, seeks nothing, we do not want to be more important than any one of you, God has been good to my people and good to my country and we share what we have with you, and our advice to you as you go home—and I will take no more of your time—is that you consider, that we consider, inviting Spain to be one of us. France has a treaty with her, Germany has a treaty with Spain, the United States has a treaty with Spain, and we like it. Portugal has a treaty with Spain, and they like it. It is this war of the hammer and sickle against the cross of Christianity, and this is where we come in.

I do not question France's right to withdraw from NATO. I do not question any path that De Gaulle elects to travel. He has elected to invite us out of his country, and this is his right, just like you can do if you want to. And since this is a fact of life, and since this is a condition over which neither you nor I have control, let us look for friends from somewhere else. America is in Spain, and we are happy. We want you with us, and we want the Spanish with us. The world would be a safer place, take my word for it. I have seen the tragedies. My boys are all over the world. They want to come home, too. They are dying every minute, as Senator Mundt said. Yesterday somebody sent me a little prayer, and I share it with you as I direct my friendly and respectful remarks to you, and it goes like this:

"Oh Lord, as I go my uncaring way,
Help me to remember that somewhere out there
A young man died for me today.
So long as there be war
I must ask and I must answer,
Am I worth dying for?

I thank you very much."

Outstanding Service of Senior Senator

EXTENSION OF REMARKS

OF

HON. WILLIAMSON S. STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. STUCKEY. Mr. Speaker, Georgians from every corner of our State gathered in Washington on Saturday, September 17, to pay tribute to a great man who has dedicated his life to the service of Georgia and Georgians, as well as to his country.

The man, Senator Richard B. Russell, often referred to as "a Senators' Senator" was honored at a testimonial luncheon given by the Georgia State Society of Washington, D.C.

To go back a bit in history to a time when many of us were not even born, Richard Russell's life of public service began when he was elected to the Georgia House of Representatives at the age of 22. And, after 10 years, the last 4 as speaker of the house, Richard Russell was elected as our State's youngest Governor.

As Governor of our State during the great depression of the 1930's, Richard Russell brought about economy in government so that our State could continue to function. And his first economy move was to reduce his own salary by $4,000.

The achievements of Richard Russell's administration as Governor are too numerous to cover except in the pages of our history books.

Most Georgians today are more familiar with RICHARD RUSSELL, the U.S. Senator who has served us in that capacity for some 34 years. Senator RUSSELL was elected as the youngest U.S. Senator in 1933.

A strong constitutionalist, a champion of States rights, and the leader of the southern bloc, the U.S. Senator from Winder, Ga., has served longer than any other Senator in our history. Today, he is the second ranking Member in terms of seniority in the Senate. And only four others in U.S. history have served longer terms.

Senator RUSSELL gained National prominence when he conducted the McCarthy hearings. He was acclaimed because of his fairness in conducting these hearings. As the author of the school lunch program, it is due to this great man, who has no children of his own, that today over 18 million children, 700,000 of whom are Georgia children, now enjoy hot meals at school; for many of these children, it is the only hot meal they receive.

Senator RUSSELL is the ranking Democrat on the Senate Appropriations Committee. He is chairman of the Armed Services Committee, and as chairman of the Defense Appropriations Subcommittee, he is responsible for our armed services appropriations, which will total some $70 million this year.

Just as in his service in the general assembly and as our Governor, Senator RUSSELL's achievements in the U.S. Senate can only be covered in the chapters of our U.S. history, where his is a place of prominence.

In his Presidential Memoirs, Harry Truman remarked of Senator RUSSELL:

> Had Richard Russell been from Indiana, Missouri, or Kentucky, he may well have been President.

Well, personally, I do not think our Nation could have had a better President.

As I sat with my wife, Ethelynn, and the members of our congressional staff on Saturday, the 17th, I looked up at a great man who stood 10 feet tall. And, I swelled with pride at being a Georgian and at being able to serve with him in the U.S. Congress.

RICHARD B. RUSSELL's service to Georgia may never be matched. He has served Georgia ably for many years with his power and his might. And, just looking at him that day, I knew that Senator RICHARD B. RUSSELL will be serving the good citizens of our State with that same vigor and might for a long time to come.

Report From Congressman Wydler

EXTENSION OF REMARKS

OF

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 1967

Mr. WYDLER. Mr. Speaker, it has been my practice since being a Member of Congress to report to my constituents. Recently I was able to make a mailing of my December issue report on the events in the 90th Congress. I believe this is of interest to my colleagues and the material in the report follows:

FROM YOUR CONGRESSMAN JOHN W. WYDLER TO THE FABULOUS FOURTH CONGRESSIONAL DISTRICT, DECEMBER 1967

Bellerose, Bethpage, East Meadow, Elmont, Farmingdale, Floral Park, Franklin Square, Garden City, Garden City South, Lakeview, Levittown, Hempstead, New Hyde Park, North Bellmore, North Massapequa, North Merrick, North Valley Stream, Plainedge, Seaford, Stewart Manor, Uniondale, Wantagh, West Hempstead

A PERSONAL MESSAGE

As this edition of the "Fabulous Fourth Report" goes to press, the Congress of the United States is still in session. I can, therefore, give you no final report on the workings of the First Session of the 90th Congress. In the main, however, this has been a long, disappointing session. There was much opportunity to improve and make workable many of the bills passed in a rush in the last Congress. Instead, because of a lack of leadership in the Congress and because of a lack of coordination between the President and Congress, we had much talk but little constructive action.

The Congress is still an interesting place to be, and to see. If you intend to make a visit, please let my office know and we will make arrangements for you.

We are now in the midst of the celebrations of the Christmas seasons. I hope that you enjoy the holidays and that the New Year may find us all enjoying the blessings of peace.

JACK WYDLER.

WYDLER SPEAKS ON TAXES

I believe, after long and careful study of the problem, that no increase in federal income tax is necessary or justified at this time. Instead, I believe that by cutting some of the wasteful programs now in effect, by slashing others and by reducing federal spending, the economy of the Nation can be strengthened and improved.

Recently the President asked the American people to write their Congressman to say they wanted a federal tax increase. The President indicated that the people should demand this.

I have news for the President. The people have been writing me about his tax increase ever since he proposed it. They are overwhelmingly opposed to it.

As a result of his request, I am receiving more letters every day opposing the tax increase.

The President appears to be out of touch with the sentiments of the people. There is a communications gap between the White House and the man on the street.

I have decided to send him copies of all the letters I have received to date on the question. He will see for himself that the people know about his tax increase and do not want it.

Additionally, I am asking the people of the Fabulous Fourth Congressional District to write the President and tell him they oppose his tax increase and that they wish him to cut federal spending instead. I believe he should be made aware of the sentiments of the people on such an important issue.

The President also appears to have confused prosperity and inflation. He recently bragged about our continuing national prosperity. He did not explain how a prosperous country could be running a national deficit of $30 billion a year. The "prosperity" he talks of is built on inflation and war-time spending.

If the prosperity is the result of inflation and we raise taxes to fight inflation, we would appear to be undermining the President's prosperity. In the fiscal quicksands of the Great Society the people appear to have been called upon to engage in a new war—this time a war on "prosperity."

TURNING THE TABLES ON TAXES

The President has asked the American people to write their Congressman and request a tax increase. He apparently does not know that I have received a great deal of mail on this subject against the tax increase. I would like to urge each and every one of my constituents in the Fabulous Fourth Congressional District to write the President and let him know how you feel on his proposed surtax. I think he should be kept informed of the feelings of the people.

Photo caption: Protecting Long Island Water: Congressman Wydler testifies at special hearings on future Long Island water needs and supply. Hearings were held in Fourth District on Long Island's special needs at Congressman's request.

WATER

The five year drought is ended as far as Long Island goes and, sadly, forgotten by most people.

When the rains came the water level rose, dry stream beds ran wet, restrictions on water use were abandoned and we began to forget.

But the drought will come again. We have proof of that from the past. Population is rising. Industry and its use of water is increasing. Some experts say we will begin to suffer from lack of water by 1980.

We can't afford to wait for dry faucets or polluted water. We must act now.

When the Army Corps of Engineers scheduled a water hearing in New York, I insisted that a separate one be held on Long Island. The problems of the two areas are vastly different. New York gets its water from rivers upstate. We get ours from underground wells.

The Corps reacted to my request and scheduled a hearing at Hofstra University on July 19. I led off the conference. About thirty persons spoke, most of them water experts, presenting some useful and interesting data and proposals. Some alarmed homeowners were there. The result has just been issued in an inch thick report, still under Army study.

Last Spring I insisted that any plan for a bridge or tunnel crossing Long Island Sound should include a gigantic water conduit with provisions for pumping stations. It may be that the least expensive water will eventually come from streams in parts of New England or even from Canada.

One thing is certain.

We must plan and act on a bi-county basis now. I have called for the formation of a Nassau-Suffolk Water Authority to take the necessary action. Such a regional board could preserve and protect our water supply.

ACTION TO SAVE THE WETLANDS

I was pleased to play a part in a victory for conservation.

Although the Nassau County Government attempted to fill in and destroy many acres of south shore wetlands, I was able to stop them and save a major portion.

This concerned an area near Seaford which the County wished to fill and use for a golf course. I persuaded General W. F. Cassidy, Commanding General of the Army Corps of Engineers, to intervene. The County's proposal would have destroyed almost all the wetlands in the Seaford sewer site area.

Finally, and reluctantly, the County altered its plans to save some wetlands. It was strange to see the County, which had advocated saving wetlands, plan for their destruction.

In any event, in spite of all the talk about preserving wetlands, the only wetlands saved to date are the acres rescued from the County of Nassau's dredges.

I have called for that saved area to be set aside so our Nassau schoolchildren can study marshes and wildlife in their natural state.

AIRPORT IN SOUND MAY BE THE ANSWER

Recent suggestions in the Long Island Daily Commercial Review, by the editor and publisher, Mr. Paul Townsend, merit a thorough investigation.

He suggests, as the site for the needed fourth metropolitan jet airport, the shoals area of Long Island Sound near Bridgeport. An area of several thousand acres could be filled in, as the water is very shallow in the area.

This would be in connection with a Sound bridge or tunnel between a spot somewhere near Bridgeport and a spot somewhere near Port Jefferson. I believe that the problems of jet noise would be almost nonexistent, as no homes or factories could be built anywhere nearby.

It seems to me that the ultimate decision should be a Federal one and that the costs of a survey of the practicality of such construction and its probable costs should be a Federal expense. There are Federal agencies equipped and financed to do this preliminary work.

I intend to take proper Congressional action and, at the same time, to call on Governor Rockefeller and Governor Dempsey of Connecticut for their cooperation.

If this idea proves to be feasible, then this multi-million dollar, sixteen year search for a fourth site could be ended. I might add that the construction time would not be greater than that for creating a vast airport on land. The result would combine solutions for transportation problems of Long Island in a unique and economical manner.

THE FABULOUS FOURTH SPEAKS OUT

The results of my 1967 Opinion Poll are now a part of the Congressional Record and other Congressmen are reading them with interest. Your opinions on Vietnam were especially illuminating.

You voted overwhelmingly to mount a strategically sound effort for military victory, rather than to continue the present course. Only a handful wanted to withdraw as soon as possible and relatively few want to hold key positions and negotiate a settlement.

The question of expanding trade with countries which supply North Vietnam brought a resounding "No." The inclusion of Red China in the United Nations was spurned.

Large majorities favored Federal sharing of funds with states; tax credits for parents with children in college; ending farm price supports and by far the largest majority favored a truth-in-lending bill. That figured out to 93% to 5%, with 2% undecided.

President Johnson's request for a surcharge on income taxes was snowed under, as I believe it should be.

Anyone wishing a complete copy of the results have only to write me and request them.

Photo caption: Safety First: Congressman Wydler examines new high visibility colors of Long Island Railroad gates with Frank Aikman, Jr., President of the Long Island Railroad. This material was installed as a test on Congressman Wydler's recommendation. Wydler is sponsoring legislation to have this done across the country.

THERE IS SAFETY IN MODERNIZATION

One of my recent proposals, which was incorporated into a bill in Congress, was that railroad crossing gates and warning signs at grade crossings be painted some high visibility color, one especially visible by automobile headlights.

Thousands of people die annually at these crossings, now protected by black and white signs and gates which go back to the horse-and-buggy era. More thousands are crippled and the property loss is tremendous.

Not all of these accidents can be avoided by painting the gates, but I believe they can be reduced.

The Long Island Railroad cooperated in a demonstration of the worth of the colored gates, and such cooperation is heartily appreciated. The National Association of Railroads is also working with me on this idea.

Photo caption: Levittown's Division A Senior Class Leaders discuss youth problems with Congressman Wydler. Jerome Zeldis, Michael Swarts and Brian Keenan presented a sheaf of new ideas.

FEDERAL COURTS COMING TO LONG ISLAND

Nassau and Suffolk counties have long needed Federal Court facilities nearby. The long trek to downtown Brooklyn, where parking facilities are at a premium, is not to be tolerated much longer.

At the request of Bar Associations in both counties and as the result of my own experience as a member of the Federal Courts Committee of the Nassau County Bar Association, I introduced a bill calling for a Federal Court for the island. The bill puts in concrete form proposals I made seven years ago, before I was elected to Congress.

Preparations are now being made for Federal Courts to sit on the Island. It will be a happy day for litigants, for witnesses and for attorneys when it finally comes to pass, and I am doing all I can to hurry that date. Happily, once again, our Fabulous Fourth Congressional District, in the heart of Long Island, will be the location of the new facilities.

HOW YOU CAN SUPPORT OUR BOYS IN VIETNAM

Veterans' posts and other organizations, and even some individuals, have expressed interest in "adopting" a military unit in Vietnam.

This has been done in many places. For instance, the City of Birmingham has adopted an entire division That's a tremendous undertaking, far out of the reach of small groups. But there are smaller units, such as companies and platoons. My office has complete instructions, which I will be happy to mail to anyone.

This is called a "guidelines" sheet. The individual should specify the size of the unit he desires to adopt. A Platoon, which is a portion of a Company, is just about the right size for a local organization. You will correspond with the Commander of a unit not already adopted, being given the correct mailing address. The Commander might even suggest the type gift his men most desire.

Just a line to me at my Washington office will bring you Guidelines.

WYDLER OFFERS FREE VIETNAM MAPS

Anyone who is interested in receiving a free map of Vietnam has merely to write me and request it. These free maps were printed by the government as a result of a resolution passed by Congress. They are up-to-date and complete.

Photo caption: Oceanography in New York State: During a break at the Governor's Conference on Oceanography in New York State, Governor Rockefeller and Congressman Wydler confer. Listening in is John C. Baiardi Vice Chancellor, Long Island University and leader in fight to make Long Island leader in oceanography.

Photo caption: A Great Combination: Congressman John W. Wydler welcomes the Grumman Aircraft Corporation to the Fabulous Fourth Congressional District. Shown above with the Congressman are E. Clinton Towl, President, and Llewellyn Evans, Chairman of the Board of Grumman, at new plant on Stewart Avenue which was recently opened to build the aft part of the new F–111A.

Photo caption: Who Writes Their Congressman? Everybody! Washington staff members Miss Gloria Pershing and Miss Bette Hoppel bid good morning at the start of an average day.

LEGISLATIVE BOX SCORE

Some bills I have sponsored

H. Con. Res. 79 to Establish a Congressional Ethics Committee.

H.R. 4079 Federal Tax-Sharing Act. To provide appropriations for sharing of Federal taxes with States and their political subdivisions out of funds derived from a cutback in projected new expansion of grant-in-aid programs and as a substitute for portions of existing grant-in-aid expenditures.

H.R. 4693 Human Investment Act. To amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs.

Some bills I have voted "yes" on

H.R. 421 Prohibits travel in interstate or foreign commerce, or use of such facilities, for the purpose of inciting riot or other civil disturbances; fixes penalties of up to 5 years in jail, up to $10,000 fine, or both.

H.R. 10480 Fixes penalty of 1 year and $1,000 fine for desecration of the American flag.

H.R 7819 Strengthens and extends through June 30, 1969, the Elementary and Secondary Education Act; authorizes $3.5 billion for aid to local school agencies in low-income and federally-impacted areas, to overseas dependents and to schools for Indian children; provides aid to State education departments to improve their methods and broadens authority over innovative programs.

S. 20 Establishes a National Water Commission to make a full study of national policy, problems and programs related to water resources.

H.R. 10226 Provides free mailing privileges for members of Armed Forces in Vietnam.

Some bills I have voted "no" on

H.R. 10867 Raises permanent limit on national debt, by $22 billion to $358 billion for 1 year to June 30, 1968, thereafter permitted to raise by $7 billion to $365 billion, but must revert to $358 billion each June 30 (end of fiscal year).

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 12, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With God all things are possible.—Mark 10: 27.

O God, our Father, the light of the true-hearted and the life of the wholehearted, strong in Thy strength we greet the coming of another day. May the hours be radiant with Thy presence and the minutes reflect the glory of Thy love. In everything we do and say may we be mindful of Thy spirit, eager to do Thy will, and ready to serve our country with all our hearts.

Make us great enough to face these hours with courage, good enough to live through these days with confidence, and generous enough to share our faith that in these trying times we fail not man nor Thee.

Not for ourselves alone may our prayer be;
Lift Thou Thy world, O God, closer to Thee.
Cleanse it from guilt and wrong; teach it salvation's song,
Till earth, as heaven, fulfill Thy holy will.

Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 8376. An act to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

> H.R. 1411. An act to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes; and
>
> H.R. 10864. An act to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc., and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1843 An act to establish rights for individuals in their relations with Indian tribes; to direct the Secretary of the Interior to recommend to the Congress a model code governing the administration of justice by courts of Indian offenses on Indian reservations; to protect the constitutional rights of certain individuals; and for other purposes.

IS NOT ANYONE ON OUR SIDE?

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, Stokely Carmichael is back. I am told that he received quite a noisy welcome from the kook element. As far as I can determine, the Department of Justice did not join in the welcome but did not do much about the fact that he has preached insurrection and the overthrow of the American Government through the Communist press all over the world. True, his passport has been taken from him. That mild restraint does not stop his activities against our country. When I insisted to the Department of Justice that more adequate steps be taken, I was told his activities were under investigation. This seems an extremely poor method with which to deal with a troublemaker of his caliber. The Department of Justice has had ample time to investigate Mr. Carmichael's machinations. Their weasel-wording gives small comfort to the American people about the Department's intentions for dealing with insurrectionists or revolutionists.

It is beginning to appear that there are some in the Department of Justice who are obstructing the proper discharge of its responsibilities. It is time to get rid of them and of any others who simply are trying to avoid doing their duty. They may be doing as much harm to the American ideal as the Carmichaels.

While this comparative indifference to the workings of Communists by the Department of Justice was being broadcast to the world, the U.S. Supreme Court has ruled unconstitutional the law which was intended to bar Communists from working in defense plants. In other words, the very people who are seeking to destroy the American system of government and the American way of life are being authorized to do as much damage as they possibly can, even in the defense plants of the Nation.

This incomprehensible attitude on the part of the Supreme Court fits into the pattern which it has established in previous ultraliberal rulings. It is tragic to realize that these rulings have obstructed police action, freed criminals, and encouraged anarchists. They have placed obstruction after obstruction in the way of those who believe in America and who are seeking to defend its institutions. These rulings are irresponsible; they are not based on any reasoning which takes into account the future of the Nation. The efforts of Congress to curb the activities of Communists have been reversed time after time. I wonder how long the Nation and its Congress will tolerate this situation. It is probable that a thousand bills have been introduced to correct these problems and are now before the Congress. But no action has been taken and none is scheduled. I doubt that any situation before the Congress is more serious or that any action is needed more.

MISS EULALIA HOTZ—25 YEARS IN PUBLIC SERVICE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, it was my pleasure on Saturday night, December 9, to attend a dinner at the Mineral Springs Hotel in Alton, Ill., in observance of the 25th anniversary of Miss Eulalia Hotz as county clerk of Madison County, Ill.

Miss Hotz is the only woman elected to county office in Madison County history. But it was not because of this precedent that she was being honored by the capacity gathering of over 1,100 persons. It was because of her record—which also is precedent establishing in the manner of conduct and service to the people for all public officials to follow.

Serving in the office since 1942, she is the third member of her immediate family to hold the post. Her father served as county clerk from 1922 until his death in 1932. He was followed by his son, Norbert, who retired in 1942. Well trained as a deputy for several years Miss Hotz then sought election and after a successful campaign, she began her 25 years of service in December of 1942.

Miss Hotz' record has been outstanding in the service she has rendered and the innovations she has made in the operations of her office to increase its efficiency and effectiveness. Her efforts have brought statewide recognition. At the testimonial dinner she was presented with a plaque of recognition by the auditor of public accounts of the State of Illinois, Michael J. Howlett, which read:

> Since the organization of the Illinois County Audit Advisory Board in 1963, Miss Hotz has served faithfuly and well as a member.

In his remarks at the dinner, State Auditor Howlett said:

> Although she has been recognized many times for her work against cancer and heart disease, and has served as president of the Illinois Association of County Officials, her contribution to better auditing of local government is not the least of her many accomplishments.

Highest commendations came to "Uke," as everyone knows her, from Gov. Otto Kerner; from Secretary of State Paul Powell, who came from Springfield to participate in the anniversary observance; from State Senators Paul Simons, Bill Lyons, and Dan Dougherty; State Representatives Sam Vadalabene and Leland Kennedy; and many of the civic organizaitons of Illinois and Madison County.

From my personal acquaintance with "Uke" for over 30 years I can say no tribute to anyone was ever more deserved. It was an impressive affair and must have given Miss Hotz a feeling of satisfaction in knowing that her 25 years of public service is so deeply appreciated.

STOKELY CARMICHAEL

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, today's news reports indicate that Mr. Stokely Carmichael has returned to the United States after a protracted visit to many foreign nations, including North Vietnam, Cuba and several of the Iron Curtain countries.

Mr. Carmichael takes pains to proclaim the legitimacy of the Communist cause and the merits of the Communist system.

He speaks of the freedom of the people in the Communist nations, yet it must be remembered that he was a guest in those police states enjoying the privileges of the elite. I submit that the vast majority of citizenry in the "workers' paradises" have not felt more than a ripple of freedom in the whole tide of revolution.

I submit that Mr. Carmichael, either through naivete or through intellectual dishonesty, betrays the cause of those he claims to lead. He castigates the system in this country, yet the fact that he struts around with impunity belies his arguments. He publicly admires the policies of the police states, yet, as an individual citizen of any one of those states, he would be either dead or in jail if he so much as criticized their system or leadership.

Literally dozens of my constituents have written me thoughtful letters about Mr. Carmichael's highly publicized world peace tour. They have wondered aloud how the likes of Mr. Carmichael can flout the immigration laws, attempt to undermine the international commitments of this Nation and still stand outside the pale of the law. Unfortunately, adequate statutory controls over such situations are lacking. Only this morning Acting Secretary of State Katzenbach called upon Congress to provide the necessary legislative tools. I endorse that move heartily.

I do not know, nor have I ever met Mr. Carmichael. And so I am not in a position to comment on the man personally. I am, however, familiar with the bombastic pronouncements he makes periodically. His cries for revolution, his open denunciations of America, his public love affair with Castro and Ho Chi Minh apparently do not bear culpability in the strictly legal sense, but they go far beyond the bounds of proper dissent. They bear the unmistakable stamp of a warped perspective.

CARMICHAEL GUILTY OF SEDITION?

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, Stokely Carmichael has toured the world for 5 months and according to reports has advocated the overthrow of the U.S. Government. Mr. Carmichael has called for the defeat of our Armed Forces in South Vietnam. He was wined and dined and otherwise entertained by Communist leaders in Hanoi. He thus openly encouraged the Communist invader of South Vietnam. His conduct is without parallel in the history of our country. He went from one Communist country to another including Castro's Cuba lambasting the United States and our fighting forces in South Vietnam. There is no way to tell at this time how many American lives he will cost this Nation by his worldwide campaign to encourage the Communist forces of terror and aggression.

We must administer the law in this country fairly and impartially. We as a people and as a nation are dedicated to equal justice under the law.

At a time when crime, lawlessness, and disorder are on the increase, the Federal Government must be diligent in enforcing the laws of the land. I urge the Attorney General to enforce our sedition laws, laws against treason, laws against aiding the enemy, and laws against advocating violent overthrow of our Government—all of which may apply to Mr. Carmichael. I believe the Attorney General now has the tools at hand to deal with this situation. If not, the Congress should be notified and we will pass the necessary legislation.

IRS—AN EXAMPLE OF THE ARROGANCE OF POWER

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, today the Johnson administration added another dimension to the "credibility gap." Acting through the Internal Revenue Service, as published in today's Federal Register, the President has decided, without any new congressional authorization; to impose a tax on the advertising income of hundreds of nonprofit organizations including the Boy Scouts and Girl Scouts of America, civic organizations such as the Kiwanis Club, the Lions Club, professional organizations like the American Bar Association, the American Medical Association, and publications published by labor organizations, and similar groups.

This action can only be described as an exercise in the arrogation of power. It will cause a severe financial drain on the organizations which, taken together, comprise the very cultural heritage of our Nation, voluntary and self-policing training organizations; which in their efforts to improve the quality of American life do more for America than all the Federal poverty programs combined, and do so at no expense to the taxpayer.

The IRS action is a pure and simple money grab, for no one can honestly believe that publications like Boys Life magazine pose, even remotely, a competitive threat to Life, or Look, or Newsweek, or Time, or any other publication whose market is not confined to members of a single organization.

It will raise precious little revenue, but it will certainly restrict the ability of the Boy Scouts of America from enriching the lives of young men and preparing them to better serve in positions of leadership in tomorrow's world.

Does President Johnson and the IRS now propose that the Boy Scouts, or any of the more than 600 organizations that seek to improve the quality of American life, go hat in hand to the poverty program to seek a handout to replace the funds that will now be siphoned into the Federal Treasury?

I submit that this action is without any legislative basis, and I implore the House Committee on Ways and Means to schedule hearings at the earliest possible moment when Congress reconvenes next month, and allow the people's representatives to be heard, on a matter of vital importance to those we represent.

BULL ELEPHANTS

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, on behalf of my fellow Republican Congressmen I wish to pay tribute to a fine organization on Capitol Hill called the Bull Elephants. The Bulls are a club comprised of male assistants to Republican Members of Congress. They meet about once a month to hear distinguished speakers discuss issues of importance. An additional purpose of the meetings is to promote fellowship among the various Republican offices. Besides meetings, the Bulls have sponsored projects such as one this summer where wounded veterans of the Vietnam war were their guests at an all-day picnic barbecue. Within a week the chairman of the Bull Elephants, Robert Bradford—POFF of Virginia—will present a check to the Salvation Army which represents voluntary donation by the members. These projects and programs reflect the good judgment and purpose of the Bull Elephants.

Speakers who have addressed the club range from President Eisenhower to Jim Lemon, manager of the Washington Senators baseball team. Other guest speakers have been Govs. John Love, of Colorado; Winthrop Rockefeller, of Arkansas; and Ted Agnew, of Maryland; Senator Ev DIRKSEN, my colleagues Representatives JERRY FORD and BOB WILSON, as well as Ambassador Henry Cabot Lodge, Dr. Walter Judd, and Barry Goldwater. I have had the pleasure of addressing them too.

All Republican Members join with me in saying "Thanks and a job well done" to the officers and members of the Bull Elephants. They are chairman: Robert Bradford—POFF, of Virginia; Patrick J. Breheny—GROSS, of Iowa, treasurer; Don Deuster—MCCLORY, of Illinois, secretary. Board members: George Berg—KING, of New York; Don Zahn—BETTS, of Ohio; Carl Wallace—LAIRD, of Wisconsin; Rady Johnson—MARTIN, of Nebraska; Tom Lankford—minority; Jerry Reynolds—CLAUSEN, of California, and Hal Eberl—CORBETT, of Pennsylvania.

STOKELY CARMICHAEL

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, like many of my colleagues, I am becoming increasingly alarmed and amazed at the failure of the Department of Justice to do anything about Stokely Carmichael. Accordingly, I have sent a telegram today to our Attorney General and a copy to the White House. The telegram reads as follows:

Stokely Carmichael has just received a hero's welcome in New York after a worldwide tour in which he hobnobbed with our Nation's enemies in Havana and Hanoi. Carmichael spewed hatred and advocated the violent overthrow of our Government not only in this country but in Asia, Africa, Latin America and Europe. Where was the Justice Department yesterday when he returned? He is clearly in violation of laws already on our books applicable to sedition, advocating overthrow of the Government, and activities affecting our Armed Forces. When I demanded the arrest of this traitor on July 28 you advised me that you were "looking into" his activities. What more evidence do you need to make an arrest? Why do you refuse to carry out your duties as Attorney General to uphold and support the Constitution of the United States?

STOKELY CARMICHAEL

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, the State Department yesterday asked Congress to impose criminal penalties on persons who violate passport regulations in traveling to countries on the Department's restricted list. This action was obviously taken because of the concern of the citizens of this country for the most recent actions of one Stokely Carmichael.

This is a welcome action. But where was the State Department when Members of Congress made the same proposal months ago? My bill to do this exact same thing is H.R. 12315, introduced August 14, 1967. Has the State Department just now discovered that there is no authority to punish people today for traveling to an area which is restricted; that there is no authority to punish passport violators of the Stokely Carmichael type.

Let us act now to enact this legislation. There is no reason why it could not be done in a few hours time. It is needed. There is full justification for it. We should have passed it long ago. I welcome the State Department's support for the proposal. But the support is long overdue.

PERMISSION FOR COMMITTEE ON VETERANS' AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORT ON H.R. 12555

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs may have until midnight tonight to file a report on H.R. 12555, to amend title 18, United States Code, to liberalize the provisions relating to payment of pensions, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CREATION OF NEW DIVISION FOR THE WESTERN DISTRICT OF TEXAS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8338) to create a new division for the western district of Texas, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 2, line 7, strike out "Midland.'" and insert: "Midland. Court may be held, in the discretion of the court, in Odessa, when courtroom facilities are made available at no expense to the Government.'"
>
> Page 2, after line 7, insert:
>
> "(4) by deleting the word 'six' in the first sentence of subsection (d) and inserting in lieu thereof the word 'seven'.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ARENDS. Mr. Speaker, reserving the right to object, if I understood the gentleman from Texas correctly, he has checked this with the gentleman from Ohio [Mr. McCULLOCH], the ranking minority member of the committee, and other members of the Judiciary Committee?

Mr. BROOKS. That is correct.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Missouri.

Mr. HALL. Will the gentleman from Texas advise us as to whether there are any extraneous amendments from the other body that were added to this bill, or if anything that was added involves cost to the taxpayers, is nongermane, or if there is any difference whatsoever in the bill from the form in which it was when it left the House?

Mr. BROOKS. All amendments are germane. It will not cost one additional cent to the U.S. Government, as the amendment clearly states.

Mr. HALL. If the gentleman will yield further, what amendments were added?

Mr. BROOKS. They added one amendment which, as stated by the Clerk, reads as follows:

> Midland. Court may be held, in the discretion of the court, in Odessa, when courtroom facilities are made available at no expense to the Government.

This is about 20 miles from the authorized place to hold court.

Mr. HALL. I thank the gentleman. I know the area well and appreciate the motivation.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, do we have the assurance that it is not envisaged at this time or in the future that the proposed legislation will require an expenditure on the part of the taxpayers to build a brand new Federal court building with all the trappings that go with it?

Mr. BROOKS. There is no contemplation that the amendment will cost the taxpayers a thing at this time.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATIONS, 1968

Mr. MAHON, from the Committee on Appropriations, reported the bill (H.R. 14397) making supplemental appropriations for the year ending June 30, 1968, and for other purposes (Rept. No. 1037), which was referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

UNIFORMED SERVICES PAY ACT OF 1967—CONFERENCE REPORT

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1017)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 2 of the Senate engrossed amendments, line 12, strike out "September 30" and insert the following: "October 1"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 10. Chapter 7 of title 37, United States Code, is amended:

"(1) By inserting the following new section:

"'411a. Travel and transportation allowances: travel performed in connection with convalescent leave

"'(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 of this title.

"'(b) The allowances prescribed under this section may not be at rates more than the rates authorized under section 404 (d) (1) of this title. Authorized travel under this section is performed in a duty status.'

"(2) By inserting the following new item in the analysis:

"'411a. Travel and transportation allowances: travel performed in connection with convalescent leave.'"

And the Senate agree to the same.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. E. HÉBERT,
MELVIN PRICE,
L. ARENDS,
ALVIN E. O'KONSKI,
W. BRAY,
Managers on the Part of the House.

RICHARD B. RUSSELL,
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the Uniformed Services and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House, on October 26, 1967, passed H.R. 13510 and referred it to the Senate for action.

The Senate, on November 29, 1967, passed H.R. 13510 with 15 amendments. Included in the 15 numbered amendments made by the Senate were 10 amendments which simply effected technical, clerical, clarifying, or conforming changes. These amendments, numbered 2, 4, 6, 7, 9, 10, 11, 12, 13, and 14, were accepted by the House conferees.

The remaining 5 Senate amendments, numbered 1, 3, 5, 8, and 15, involved substantive changes to the House-passed bill.

The action of the conferees in respect to these substantive differences in the House and Senate actions is as follows:

Amendment No. 1: The House-passed bill authorized continuation pay for physicians and dentists payable in equal, yearly installments.

The Senate amendment would permit continuation payments to be paid in "annual or semi-annual" installments.

The House conferees therefore receded from their position and accepted the Senate language.

Amendment No. 3: Under the House-passed bill authorizing continuation pay for physicians and dentists, there was no statutory requirement for an annual report to the Congress.

The Senate amendment adds a new subsection which requires an annual written report on the operation of this special pay program to the Committees on Armed Services of the Senate and House of Representatives.

The House conferees receded from their position and therefore accepted the Senate language.

Amendment No. 5: The House-passed bill included a refinement in the formula for adjusting retired pay on the basis of changes in the Consumer Price Index. This change was recommended by the Department of Defense and was adopted by the House without change.

Subsequent to the House adoption of this language in the bill, the Department of Defense advised the Senate that additional language in the nature of a savings clause was necessary in this provision of the bill to avoid a possible inequity.

The Department advised the Senate Armed Services Committee that: "We have found that a combination of the recent upward movement of the CPI, the transition to the proposed method of adjustment I just described, and the timing of the basic pay raise now under consideration has the almost certain possibility of creating a new inequity.

"This amendment will insure that those retiring after the effective date of this bill and before the next pay increase will receive as much in retired pay as comparable members retiring before the effective date of this bill."

The Department of Defense further advises that it estimated additional costs of this savings clause in Fiscal Year 1968 will be approximately $98,000; in Fiscal Year 1969, $72,000, with a declining cost in subsequent years.

The Senate adopted the language requested by the Department of Defense and approved by the Bureau of the Budget and incorporated as amendment number 5 to the House-passed bill.

The House conferees receded from their position and accepted the Senate amendment, with a technical amendment.

Amendment No. 8: The House-passed bill, in Section 5, included language which would have authorized persons retired prior to October 1, 1949, for age or length of service to carry their years of inactive service as the equivalent of full-time active duty in computing their retired pay to the same extent as though they had been retired on or after October 1, 1949, and before June 1, 1958.

The Senate deleted Section 5 in its entirety since it was of the view that Section 5, if enacted, would reverse one of the basic changes adopted by the Congress as part of the Career Compensation Act of 1949, with respect to the matter of recognizing inactive reserve time for retirement purposes.

The Department of Defense had also advised the Senate Armed Services Committee that it was opposed to enactment of Section 5 of the House-passed bill.

The Senate conferees were adamant in their position and the House conferees therefore reluctantly receded from their position and accepted the Senate amendment.

Amendment No. 15: Section 10 of the House-passed bill incorporated a House Floor amendment which provided that service personnel returning to the United States upon completion of a tour of duty in an area in which they had been entitled to the receipt of hostile fire pay, would then be entitled to transportation at the expense of the United States to their home and thence to their new duty station.

This provision of the House-passed bill would, if enacted, result in increased annual transportation costs to the Federal government of approximately $41,000,000.

The Department of Defense opposed Section 10 of the House-passed bill.

The Senate concurred in the Department of Defense view on Section 10 of the House-passed bill and, therefore, by Amendment No. 15, struck Section 10 in its entirety.

The Senate conferees, in support of their position, pointed out that the provisions of Section 10 as written would inevitably have an adverse effect on the present successful program, recently approved by Congress, under which men who extend their Vietnam tour for six months are provided with a 30-day round trip to the United States at government expense. In view of the adamant position of the Senate conferees on this provision, the House conferees agreed to recede from their position with a substitute amendment.

The substitute amendment, accepted by the Senate conferees in lieu of Amendment No. 15, will provide an entitlement for travel and transportation allowances for those service members authorized convalescent leave provided that such convalescent leave resulted from illness or injury incurred while the member was performing duty which made him eligible for the receipt of hostile fire pay.

The new language agreed to by the conferees therefore provides that under uniform regulations prescribed by the Secretary concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in continental United States, to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay.

On the basis of information available to the conferees, it is estimated that implementation of this new provision of law will result in annual costs of approximately $2.7 million.

The Senate conferees therefore receded from their Amendment No. 15 and accepted the substitute amendment recommended by the House conferees.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. E. HÉBERT,
MELVIN PRICE,
L. ARENDS,
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W. BRAY,
Managers on the Part of the House.

Mr. RIVERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume that the gentleman is going to take some time to explain this?

Mr. RIVERS. Certainly.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. The gentleman from South Carolina is recognized for 1 hour.

Mr. RIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Friday, December 8, 1967, the House conferees on H.R. 13510, the uniformed services pay bill for 1967, met with their Senate contemporaries and reached agreement on the differences which existed between the House and Senate on this very important and timely legislative proposal.

The results of the conference and the resolution of these differences have been outlined in detail in the statement of managers printed in the CONGRESSIONAL RECORD of December 8, 1967, as House Report No. 1017.

The uniformed services pay bill as drafted by your Committee on Armed Services and approved by you on October 26, 1967, was given a complete endorsement by the other body with the exception of two substantive provisions in the bill.

I will refer to these two differences and explain the action taken by the conferees.

The first major difference in the House and Senate versions of H.R. 13510 related to language which would have authorized persons retired prior to October 1, 1949, for reasons other than physical disability, the right to recompute their pay entitlements on the basis of the provisions of the Career Compensation Act of 1949.

The effect of the House action would have been to substantially increase the retired pay of this relatively small group of retired military personnel. However, the Senate conferees refused to accept this change since they were of the unanimous view that any action by the Congress to provide this group of retired personnel with a revision in their retired pay entitlement would automatically trigger demands from other retired military personnel for similar action.

As a consequence of the Senate conferees views on this matter, the House conferees reluctantly receded and accepted the deletion of section 5 from the House-passed bill.

The second and final major substantive change effected by the Senate, related to the language which appeared in section 10 of the House-passed bill.

As Members of the House will recall, this language was added by the House as a floor amendment. That language provided that service personnel returning to the United States upon completion of a tour of duty in an area in which they had been entitled to receive hostile fire pay, would then be entitled to transportation at the expense of the United States to their home and thence to their new duty station.

This provision, if enacted, would have resulted in an annual increase in transportation costs of approximately $41 million.

This provision was strongly opposed by the Department of Defense for a variety of reasons, and the Senate, therefore, deleted it from the bill in its entirety.

Despite the efforts of your House conferees to restore this amendment in its entirety, we were unsuccessful. Therefore, a compromise was finally achieved when your House conferees recommended a substitute amendment.

The substitute amendment, accepted by the Senate conferees, will provide an entitlement for travel and transportation allowances for those service members authorized convalescent leave provided that such convalescent leave resulted from illness or injury incurred while the member was performing duty which made him eligible for the receipt of hostile fire pay.

Stated very simply, those military personnel who, while serving in a so-called combat area, receive either injury or suffer illness which necessitates their return to the United States and subsequent medical treatment, will during such period of medical treatment, and when they are physically able to enjoy convalescent leave, be given transportation from the medical facility to their homes and back to the medical facility.

I am sure that every member of this body agrees that we can do no less for these dedicated service personnel.

The cost of this substitute amendment is nominal and should not exceed more than $2.7 million annually. It will, of course, happily, no longer apply when we no longer have our military personnel serving in a combat area.

The Senate conferees had no objection whatsoever to this compromise amendment and, therefore, the House-Senate differences were amicably resolved.

All of the conferees were most anxious to resolve the relatively minor differences that existed in this bill since we were mindful of the significance that this bill will have on the morale of our military personnel.

The conferees, and particularly your House conferees, were anxious that this bill and its benefits be signed by the President and enacted into law in time to provide our military families with a genuine Christmas bonus from a grateful nation.

The increased pay provided by this bill is retroactive to October 1. Therefore, every member of the uniformed services will, in addition to receiving future increases in his basic pay rates, will also receive a Christmas bonus reflecting these increases for the 3-month period of October, November, and December of this year.

You and I know that our service families are certainly not overpaid. This bonus, particularly at this time of the year, will, therefore, be welcome indeed.

I want every military member to know that his Committee on Armed Services and his Congress, is determined to provide him with a level of compensation which will enable him and his family to enjoy a standard of living equal to that of his civilian contemporaries.

As you know, incorporated in this bill, H.R. 13510, is a provision which insures that our service personnel will receive future pay increases comparable to that provided their Federal civilian contemporaries.

The Pentagon was opposed to language inserted by your Committee on Armed Services in this bill which guarantees service personnel automatic pay increases when their classified civil service contemporaries receive salary adjustments. The Pentagon, in opposing this provision, says that it will recommend necessary increases for military personnel in the very near future. Perhaps the Pentagon will, on this occasion, perform. However, if it fails to "deliver" on its promises, the Congress will not. This is guaranteed by the provisions of this bill.

Since Federal classified employees are now scheduled to receive an additional pay increase on July 1, 1968, and July 1, 1969, approximating an estimated 4.4 percent in 1968 and approximately 7.4 percent in 1969, comparable increases will automatically go to our service personnel. These increases in service pay over the next 2 years should, therefore, amount to approximately 16.3 percent, representing a total pay increase for our service families of more than $2.7 billion.

We can do no less for our dedicated military personnel than we are doing for our civil service employees. This bill makes crystal clear this policy of the Congress. Let every service family be assured from this day on that a grateful Congress is aware of their indispensable contribution toward insuring our future survival.

I therefore urge unanimous approval of this conference report.

I might add at this point, that the floor amendment which raised the issue of transportation for servicemen returning from Vietnam was one offered by the gentleman from Iowa [Mr. Smith]. We are therefore indebted to Mr. Smith for providing the conferees with an opportunity to work out in conference, the reasonable compromise solution which I have just explained.

Mr. Speaker, I am glad to yield to the gentleman from Iowa at this time.

Mr. SMITH of Iowa. Mr. Speaker, I am sorry that the Senate reduced the scope of the amendment which I had offered in the House which provided a trip home for the servicemen and which with the cooperation of the chairman, Mr. Rivers, became a part of the House bill. Especially during the first years, 2 years, our servicemen are greatly underpaid. They receive no adjustment and moving allowance and do not even receive travel expenses to go home at least once per year. Most business, Job Corps enrollees, Peace Corps members, and many others who are sent away from their home to work or train are provided travel home at least once per year but not our servicemen.

With one out of 400 Americans in Vietnam, surely the other 399 should at least pay for a trip home from the point of debarkation for the returning veteran from combat areas. That was all the amendment I offered in the House provided but the Senate cut that to exclude all except those convalescing disabilities incurred in service.

I hope the committee will hold hearings and pass the bill or a bill similar to the one I introduced several months ago which will at least provide one trip per year during the first 2 years of service. That is the least we should do for these men, most of whom are suffering both financially and otherwise compared to the 99 percent who are not in service.

With the cooperation of the chairman of the committee, the gentleman from South Carolina [Mr. Rivers], the amendment was included in the House bill and without that I assume there would not have been any travel provision in the bill. I hope this is a prelude to full consideration of the issue and I am thankful for the support of the gentleman from South Carolina whose powerful influence will most likely result in passage of a bill.

Mr. RIVERS. I understand the gentleman's views on this matter and certainly will keep them in mind.

The Department of Defense did not favor the bill we wrote. The Department would have preferred limiting the bill to the first stage increase of 4.5 percent and advised that future increases were the subject of continued "study."

Our committee has come to realize that when the Department of Defense says that something is "under study" it means no decision, so we did not accept this "under study" gimmick and we wrote our own bill along lines which will insure that our service personnel will receive pay increases that parallel those provided classified and civil service employees.

There is now before the Department of Defense a compensative study and report from a committe headed by Admiral Hubbell, which takes in the whole spectrum of pay and allowances, BAQ, subsistence and other items of service compensation. This report is supposed to come over to Congress some time in the near future. It is hoped that will be next year. At that time we will have ample opportunity to discuss it along with possible additional changes to transportation allowances for service personnel.

We do owe the gentleman from Iowa a debt of appreciation and gratitude for his insistence, for his help and for his suggestion in this area.

Mr. SMITH of Iowa. Again I want to thank the gentleman from South Carolina. I must in passing mention again that only one out of 400 Americans is in Vietnam. It seems to me the least we can do for the boys in Vietnam is to pay for their cost of travel.

Mr. RIVERS. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Iowa.

Mr. GROSS. Am I correct in assuming that the conference report carries a two-stage increase, in addition to the first increase, which is retroactive to October 1?

Mr. RIVERS. That is correct.

Mr. GROSS. Then there is an increase in 1968?

Mr. RIVERS. One in 1968 and the other in 1969.

Mr. GROSS. And one in 1969?

Mr. RIVERS. That is correct.

Would the gentleman want me to amplify on that? That is roughly a total cumulative 16.3-percent basic pay increase in all these incremental stages for the military personnel.

Mr. GROSS. But there is no Presidential Commission to fix pay for the military thereafter?

Mr. RIVERS. No, there is no Presidential Commission in this. This will be the law. These will automatically occur.

Mr. GROSS. I am pleased to know there is no Presidential Commission to fix the pay of the military. As the distinguished gentleman is aware, I was absolutely opposed to the Presidential Commission to recommend salaries for Members of Congress and others.

Mr. RIVERS. I should like to say something else. Will the gentleman listen?

Mr. GROSS. Yes.

Mr. RIVERS. The last time this bill was presented the present speaker misunderstood the gentleman. I may have said something that was not timely. I do not want to say it today, because the gentleman has been a great help to our committeee. I want to thank him for his help today and in the many days past. His discussions have always been helpful to us, and I am very grateful for them.

Mr. GROSS. I appreciate the gentleman's statement very much, and assure him of the high regard I have for him. Perhaps I should say to him, however, that as with the original pay increase authorization bill, I will be compelled to vote against this conference report because I could not support the two-stage forward pricing, if I may put it that way, in the pay bill for the civilian employees of the Federal Government, and I cannot support the forward pricing or pay increases projected into the uncertain future of the next 2 years. To be consistent I must vote against this bill. As with civilian employees I would have voted for one pay increase for the military, retroactive to last October 1.

Mr. RIVERS. There is no Member of this House of Representatives who is more dedicated to his opinion than the gentleman from Iowa [Mr. Gross]. I never questioned any vote that the gentleman cast. I know he comes to these decisions after deep study. He has my affection, respect, and deep gratitude.

Now, Mr. Speaker, I want to yield to the gentleman from Illinois [Mr. Arends].

Mr. ARENDS. Mr. Speaker, I want to thank the gentleman for yielding to me.

I want to commend the gentleman from South Carolina, the chairman of the committee, for his diligence and continuing work in this business of providing additional pay to the men in the service. It has been something that he has worked on so hard and for such a long, long time. Those of us on the committee have been pleased to help and cooperate with him in what we think is well deserved attention to those in the military who mean so much to each and every one of us.

Again, Mr. Speaker, I commend the gentleman for his action and agree with him heartily that we should adopt this conference report today.

Mr. RIVERS. Mr. Speaker, I want to thank the distinguished minority whip and the ranking minority member on our committee, the gentleman from Illinois [Mr. Arends], for that statement. His knowledge, attention, sympathy, and undertanding of the problems of the military over long years of service make my job an easy one. His cooperation is a part of this, and I thank him for it.

Now, Mr. Speaker, I yield to the distinguished gentleman from New York [Mr. Pirnie], one of the ranking members of our committee.

Mr. PIRNIE. Mr. Speaker, I want to say to the gentleman in the well that it is a very interesting reaction to the person who moves among servicemen and finds them so appreciative of the leadership that you have given our committee in looking out for their interests and considering their problems, and particularly in evaluating the responsibilities of their career decisions which they have to make. We know that they in the service have families to consider and problems of living, housing, and education. They feel that under your leadership our committee has been responsive to their needs. I believe in the long run we are best serving the interests of our Nation by so doing. I wish to express my pleasure at being associated with your efforts in this regard and in following your leadership.

Mr. RIVERS. Mr. Speaker, I want to thank the distinguished gentleman. May I say that there is no more dedicated Member than the gentleman from New York [Mr. Pirnie]. He happens to be one of the great authorities on military justice. Indeed, through his efforts down at Charlottesville, Va., there was established a school of military justice. His knowledge and assistance along with that of other Members have been most helpful.

Mr. Speaker, I want to say this for every member of our great committee, the largest legislative committee in the House—we have a dedicated committee, Mr. Speaker. The needs of the men in uniform are their first responsibility and get their first attention. It is easy to preside when we have men of this makeup, this dedication, and this motivation, working for the good of the country and for the good of the men who are keeping us free.

Mr. Speaker, I also want to say this: On yesterday I was not here late in the afternoon because I went up to New York to attend a dinner sponsored by the Freedom Foundation and the Medal of Honor Association for the Medal of Honor winners of this country. There were over 30 of these Congressional Medal of Honor winners at the Waldorf-Astoria Hotel last night. There was an overflow crowd of Americans from all walks of life who attended this dinner. One of them was from the Joint Chiefs of Staff. General Lemnitzer flew in from Brussels, one of the leading members of the Joint Chiefs of Staff. The Army's last five-star general was there, Gen. Omar Bradley. Others were these of equal importance. However, the 30 Medal of Honor winners were there ranging from a four-star general in the Marine Corps to a three-star admiral in the Navy, also living and on active duty, as well as other officers, and one of the most recent holders of the medal, a boy 17 years old, a sergeant and a Medal of Honor winner.

Mr. Speaker, never have I been more inspired in my life than when I looked into the eyes of these men who had helped to save my country. Here I am, Mr. Speaker, representing this great body of Congress presenting to you and to my colleagues only a small token of our appreciation for what they have done.

Mr. Speaker, never, never, have I seen such patriotism, such dedication, or such enthusiasm.

However, Mr. Speaker, I was saddened too as I looked down the street and saw one Stokely Carmichael land, landing in this great country of the United States of America, thereby reflecting upon the service of these men as a result of the statements which he has made abroad.

Mr. Speaker, all these men ask—all these men ask—is the opportunity to serve, the opportunity to fight for America.

I saw that lovely young lady who sings with Bob Hope, the young lady who has been there five times in Vietnam, pour out her heart with patriotic songs for the GI.

She came back and wrote a heartrending letter on behalf of a young soldier, which began "Although I know I shall die before you get this letter and the contents thereof".

The attitude and dedication of our service personnel represents something that just makes my heart melt with tears, it should be an inspiration to all of us—and should make us say, "What can we do for our country?"

But, Mr. Speaker, more than all of these things, there are today in Vietnam over 500,000 of our boys. There is also in Europe a large number of service personnel—made up of Navy, Air Force, and Army personnel. I have recently visited these troops. I want to tell you this occurrence: On Thanksgiving Day I went to Berlin and had dinner with two companies of the 6th Infantry Regiment. I had to eat one-half meal with each group, although I had never had two Thanksgiving dinners; however, I enjoyed it. But, Mr. Speaker, it was an inspiration as I went from one company to the other and had a Thanksgiving dinner, to see the feelings in the eyes of the boys, the boys of this country. I observed a patrol of these boys along the Berlin wall—of course, it is no longer a wall; it is an electrical fence with a "no man's land" beyond it, where no living man can walk.

Mr. Speaker, I came back with an inspiration which I cannot express to you, the Members of the House of Representatives.

I was not satisfied then. I went up to the area of Holy Loch, Scotland, to see our Polaris submarines which we have stationed there. I ate with those boys. This, too, was an inspiration.

Right now, Mr. Speaker, in fact, in Southeast Asia I have a subcommittee of the full Committee on House Armed Services, an interim committee, which will file a report and which report I shall present to the House at a later date. They have not returned as yet. However, this special committee is headed by the distinguished gentleman from Virginia [Mr. HARDY].

But, Mr. Speaker, I want to say that we cannot do enough for these boys. They are not asking, as the late great distinguished General MacArthur said—they are not questioning from dripping dawn to drizzling dusk the stench of the jungle, the filth and the horrors of the foxholes; they are fighting the vermin of the jungles, fighting the serpents of the jungles, fighting the animals of the trees, the insects, the pestilence, the plague, the malaria, as well as other diseases along with fighting the enemy; they are doing this only for an opportunity to serve America, and to see the experience through which these men have gone and are now going, nothing makes my heart burn or bleed more for them.

Mr. Speaker, this is the least I can do.

I am constantly reminded—and I hope the Members of the House do not mind my repetition of that prayer that was sent to me just the other day from an unknown author—and I do not know who sent it—but it went like this:

> Oh, God, as I go my uncaring way, help me to remember that somewhere up there a young man died for me today.
> So long as there be war, if there must be war, I must ask and I must answer,
> Am I worth dying for?

Mr. Speaker, we may not be worth dying for, but they are not questioning; they ask only to serve you and me.

Mr. Speaker, this report of your conferees from your Committee on Armed Services, doing your work and carrying out your orders, is the least we can do, with great humility and with great pride.

Therefore, Mr. Speaker, I present this conference report to you and the entire membership of the House and ask for its early, immediate and unanimous approval.

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from South Carolina has consumed 18 minutes.

Mr. RIVERS. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NAVAL VESSEL LOANS

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1016)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, three destroyers (Act of July 18, 1958 (72 Stat. 376)); (2) Brazil, two destroyers and two submarines (Act of July 18, 1958 (72 Stat. 376)); (3) Chile, two submarines and two destroyers (Act of July 18, 1958 (72 Stat. 376)); (4) Colombia, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (5) Federal Republic of Germany, one destroyer (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (6) Greece, one submarine (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)), two destroyers (Act of October 4, 1961 (75 Stat. 815)); (7) Korea, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended), one destroyer and one destroyer escort (Act of October 4, 1961 (75 Stat. 815)); (8) Portugal, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363) as amended by Act of August 3, 1956 (70 Stat. 967)); (9) Spain, two destroyers (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)).

"SEC. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend two destroyers to the Government of Korea and one destroyer to the Republic of China, in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this section shall be charged to funds programmed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1969.

"SEC. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Any agreement for a new loan or for the extension of a loan executed pursuant to this Act shall be subject to the condition that the agreement shall be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

"SEC. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

"SEC. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes."

And the Senate agree to the same.

L. Mendel Rivers,
F. Edw. Hébert,
Melvin Price,
O. C. Fisher,
Leslie Arends,
Alvin E. O'Konski,
Bob Wilson,
Managers on the Part of the House.

Richard B. Russell,
John C. Stennis,
Stuart Symington,
Henry Jackson,
Margaret Chase Smith,
Strom Thurmond,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

BACKGROUND

House action

The House passed legislation during this session of the Congress authorizing the extension of existing loans of naval vessels to friendly foreign nations. During the consideration of this legislation the Committee added three new loans: one destroyer for the Republic of China and two destroyers for the Government of Korea. The House accepted the three new loans.

Senate action

The Senate Armed Services Committee, in its consideration of this legislation, eliminated the three new loans referred to above.

The bill was then referred to the Senate Foreign Relations Committee. That Committee further amended the bill as indicated below.

The bill on the Floor of the Senate was still further amended in one respect, also as indicated below.

AMENDMENTS

As indicated above the Senate Armed Services Committee amended the legislation by eliminating the new loans to the Government of Korea and the Republic of China. The Senate passed the bill in this fashion. After extended discussion the conferees agreed that these new loans should be included in the legislation.

The Senate recedes.

This ship loan legislation, as presented to the Congress, would have permitted an original loan period of five years with discretion in the President to extend the loans for an additional period of five years. The Foreign Relations Committee modified this portion of the bill to restrict the loans to a single five year period.

After discussion the conferees agreed that the two five year periods should be included in the bill.

The Senate recedes.

The Senate Floor amendment to the legislation reads as follows:

"Any agreement for the extension of a loan executed under the first section of this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States."

The conferees agreed that this language should be included in the legislation. This language was slightly modified in view of the reinsertion of the three new loans.

The House recedes.

The Senate Foreign Relations Committee further amended the bill by the insertion of the following language:

"Any agreement for the extension of a loan executed pursuant to the first section of this Act shall be subject to the condition that the agreement will be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party."

This matter has been the subject of extended discussion in the Congress for some years and it was agreed by the conferees that this language should be included in the legislation. This language was slightly modified in view of the reinsertion of the three new loans.

The House recedes.

Appropriate provision was made in the language agreed upon by the conferees to insure that the Secretary of Defense keeps the Congress currently advised of any transfer or other disposition pursuant to this legislation.

The title was changed in view of the inclusion of new loans.

L. Mendel Rivers,
F. Edw. Hébert,
Melvin Price,
O. C. Fisher,
Leslie Arends,
Alvin E. O'Konski,
Bob Wilson,
Managers on the Part of the House.

Mr. RIVERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier in the session the House passed legislation authorizing the extension of existing loans of naval vessels to friendly foreign nations. You will recall that the House has passed many such bills over the years.

During its consideration of this legislation, the House committee amended the legislation to authorize three new loans: one destroyer to the Republic of China and two destroyers to the Government of Korea.

The House supported the committee action and passed the legislation with these three new loans.

Nothing need be said to support these additions by the committee and later by the House; we all know of the firm friendship of the Republic of China and the large and capable military force that is stationed on the island of Formosa. This force has provided, and will continue to provide, a stability in that part of the world that could be achieved in no other way.

With respect to Korea, we find the picture very much the same. There are some 50,000 Koreans fighting alongside our own forces in Vietnam today. Korea, too, is our firm and stalwart friend. Both countries have a real need for these ships and will use them effectively.

The Senate Armed Services Committee in its consideration of this legislation amended it to eliminate the three new loans.

In somewhat unusual fashion, the Senate committee, after its consideration of the legislation, referred it to the Senate Foreign Relations Committee. That committee further amended the bill, and when the bill was considered on the floor of the Senate, still another amendment was adopted.

CONFERENCE

On last Friday, your conferees and the Senate conferees met and agreed as follows:

First, the Senate agreed that the three new loans to the Republic of China and Korea should be included in the bill.

Second, where the House had permitted not only an original 5-year loan period but also gave the President discretion to make a further extension of an additional 5 years, the Senate cut this period to only the original 5 years. The conferees agreed that the House version should be accepted and it now will be two 5-year periods.

Third, the Senate inserted language in the bill which provided that a loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the loan is made, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. This was accepted by the House conferees. I think this is a sound provision.

Last, the Senate amended the bill to provide that any loan agreement will be immediately terminated upon a finding by the President that the country with which such an agreement was made has seized a U.S. fishing vessel on account of its fishing activities in international waters. As you will recall, this has been the subject of discussion on the floor of the House on many occasions in the past. The House conferees accepted this language and I feel that it is a very valuable addition to the bill.

I would like to say a further word about this. Not only is this amendment a valuable addition to the bill as a protective device to our fishing fleet, it is a manifestation of the importance to all Americans of their sovereignty as a nation and their dignity as a people. These fishing boats have been harassed in a most unreasonable and, in my opinion, illegal fashion. So long as I am a Member of Congress, I will oppose this harassment; I will oppose the arbitrary extension of national waters to the unreasonable and unrealistic extent that this has been done by some South American countries.

Mr. Speaker, those are the results of the conference and I say with a real sense of gratification that the House came out of the conference in very fine fashion indeed.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. FINDLEY. I compliment the gentleman for bringing this report to the House.

I have a question which relates to news in the New York Times today. The story that I read reported that NATO is considering the establishment of a destroyer force which would operate in peacetime and be under a rotating command system. I think this is a very promising proposal. I wonder if this conference report and the bill that it deals with may help to make possible this joint destroyer force. It does provide for naval vessels, I believe, to Greece and Turkey; does it not, as well as to Portugal, of a size that could be involved in this force? Is the gentleman acquainted with that proposal?

Mr. RIVERS. The gentleman is speaking of the multilateral force?

Mr. FINDLEY. Yes.

Mr. RIVERS. There were three destroyers to begin with.

I would like to know more about it. They do have the capability to do this. But I do think it should be a NATO force. That is what NATO is for. We should not have to do all these things.

But I do not want this to be implemented to the point where it might extend into the Mediterranean and affect our 6th Fleet. You must remember that our 6th Fleet is a very large task force. If it is planned to implement it into the Mediterranean, I would like to have a look-see first. But so far as the three destroyers are concerned, I can really at this point find nothing wrong with it from what I know. But true to form, nobody ever discussed this with me—true to form, as I say.

Mr. FINDLEY. As I understand the proposal, it involves only destroyers and not warships of bigger class. One of its hopeful aspects was the possibility that this destroyer unit of a multinational character might have assignments in the Mediterranean and thus be an effective counter to Soviet influence in that area.

Mr. RIVERS. Last September I visited a NATO inspection base in Norway at a place that is the highest point that you can get to in Norway. They are quite disturbed, up beyond the Arctic Circle. They are quite disturbed about their proximity to the Soviet border. Should any breakthrough come, a destroyer group could be very helpful. This is a possibility. I do not know enough about it to be really for or against it. From what I have read, I feel that I would be for it.

Mr. FINDLEY. I know from past experience that the distinguished chairman of the Armed Services Committee is very keenly interested in Spain having a part in NATO. I just wondered if he has anything promising in that connection to report.

Mr. RIVERS. That is very coincidental, I was just coming to that subject. I want you to understand this, and if any member of the press or a representative of the international crowd hears this statement, I want them to put this in their media if they think it is worthy to be put in.

We might as well get this point in our heads right now:

NATO is a group of nations designed to save Western Europe, and hence America. NATO has been cut in half, and we might just as well recognize it. The north has been cut from the south and the south has been cut from the north. The north can hardly get to the south and the south can hardly get to the north. We have a temporary agreement for overflights over France. France can stop those any time. The only reason they are not doing so, along with other silly things, is that De Gaulle has no early warning system, and the only early warning system to which he has access is the early warning system of NATO. He has no early warning defense. So he is staying in there because that system is helpful to himself.

He can lead France anywhere he wants to. That is his business. But when he leads them over my dead body and the bodies of 60,000 of my contemporaries in two world wars, then that comes under the heading of my business.

NATO has been cut in half. NATO is not as effective as you think it might be when we do not have all the parts properly put together. We need Spain in NATO. We have Portugal sitting out there in the Atlantic Ocean on the side of Spain, a member of NATO, but Spain is not in NATO. The only army on earth that ever beat the Communists on the field of battle was the Army of Spain, dedicated to opposition to communism.

We have Col. Houari Boumédienne, the Algerian avowed Communist, who is being loaded to the teeth by Communist Russia with implements of war of every kind. They are right across the straits from Spain. We have Portugal, Greece, Turkey, and Italy. We cannot get to them until we get Spain in NATO.

As I say, NATO is not as effective as you might want it to be, and, indeed, you may see the beginning of the end of NATO if the people in the Low Countries and Great Britain continue to keep Spain out of NATO.

Our country should exercise more of its power. It should be insistent that Spain come into NATO, because unless Spain comes into NATO we may see the end of it in our time. We need Spain in NATO, and to keep Spain out is not only ridiculous but it could also be suicidal. We have an investment in Spain of about a billion dollars. We have about $400 million in equipment in Spain. It is the only place where we can operate with our submarines. But there is no NATO mission there. If we land one plane there on a NATO mission, Spain can say, "Get out." That is how simple it is.

In addition to that, we have A.C. & W. sites in Spain and other large bases in Spain. Spain is vital to America. Yet, some of these people are sitting in the Low Countries, keeping them out, because they do not like one Francisco Franco. I would rather trust him than one Charles de Gaulle any day in the week. I say this to people everywhere in the world, that we had better take Spain in if she wants to come in. Spain is a great friend of our country—of America—and we had better keep that friendship.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

I want to congratulate the chairman of the committee and the conferees for accepting the amendment having to do with the taking of fishing vessels in South American countries. It has been reported here on more than one occasion that frequently the South American countries have sent out the vessels we loaned to those countries, to take in our own fishing vessels and slap heavy fines on them.

I certainly hope the administration will enforce this provision. I think it is a good provision. Certainly we ought not to be lending our military vessels to those countries that are going to take our fishing vessels out of international waters.

Again I commend the conferees for accepting this Senate amendment.

Mr. RIVERS. Mr. Speaker, I thank the gentleman.

I have no definite information that our own ships have been used in this mission, because I do not have any information on it. But it is very significant that this amendment did not originate in our committee. It did not originate in the Senate Armed Services Committee. It did originate in the Foreign Relations Committee. This is a significant development, because historically the State Department has not been helping us on this. Whenever we got help from the Foreign Relations Committee, I accept it forthwith.

Mr. EDWARDS of Alabama. Mr. Speaker, I think this is the most encouraging sign.

Mr. RIVERS. This is an unexpected windfall, and I am very glad to accept it.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I hope I misunderstood what the gentleman said a few minutes ago. Did I understand correctly that the gentleman, the distinguished chairman of the Armed Services Committee, was not consulted in advance in regard to the destroyer proposal within NATO?

Mr. RIVERS. No. The gentleman did not misunderstand me. This is par for the course. The gentleman did not misunderstand me.

Mr. FINDLEY. That is, to me, Mr. Speaker, shocking news that the legislative leader in military affairs in the United States would not have any advance information about a proposal as sweeping as this one is. But I say that not to be critical of the proposal, because I consider it a hopeful one.

I do not see how the Executive can hope to have the right relationship with the Congress if it treats the distinguished chairman of the Armed Services Committee in this manner.

Mr. RIVERS. I do not know whether I should be notified yet at this point, because NATO is a 15-nation outfit, and this may be in the early stages, so I cannot get angry about this. But we have been overlooked on other occasions. Maybe things will be better for the future, because somebody said one time:

As long as the light holds out to burn,
there is time for the violent sun to return.

Things may be better with DOD one of these days. Just wait and see.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield further?

Mr. RIVERS. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, the gentleman was a delegate to the recent conference of the North Atlantic Assembly. I had the privilege of being a delegate at that time myself.

Mr. RIVERS. Let me say this to the gentleman. I am glad he said that. I and the gentleman from Massachusetts [Mr. Bates], the gentleman from Illinois [Mr. Arends], and the gentleman from Ohio [Mr. Hays], our distinguished chairman to the NATO conference, attended. The gentleman from Ohio [Mr. Hays] is a very effective and very popular and very capable man. But every member of our committee worked hard. Also the gentleman from Pennsylvania [Mr. Clark] and the gentleman from Illinois [Mr. Findley] attended. I forget all who attended. But nobody puts in more time than the gentleman from Illinois. He is very popular. Our proposals to NATO are now bearing fruit, and I want to congratulate the gentleman, who made some very strong speeches and got very favorable reception. After the gentleman left, I stayed there a day or so longer, and I heard comments on the magnificent address the gentleman from Illinois made. It was very helpful and very effective for his country.

Mr. FINDLEY. I thank the gentleman.

I did want to ask if the gentleman had any reaction from the German delegates about the impact which the Nonproliferation Treaty might have on NATO. I gathered from some conversations I had that if we persist in driving ahead over the heads of the Germans, against what seems to be their own interest, to insist upon a treaty against the proliferation of nuclear weapons, it may have an adverse influence on the alliance.

I realize that this is not a subject of the conference report, but it is of great importance to Western Europe.

Mr. RIVERS. I hope that nonproliferation does not mean keeping the Germans from getting nuclear energy, because any time they want it they can pay for it, like De Gaulle did.

I do not like these new words like "proliferation" and all the other crazy concoctions which come out of the mouths of people who do not understand.

If proliferation means that, they are not kidding Germany.

Mr. FINDLEY. Germans seem to interpret the proposed treaty as being directed action against them.

Mr. BOB WILSON. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from California.

Mr. BOB WILSON. Mr. Speaker, I rise today in support of the conference report on H.R. 6167, which authorizes the extension of certain U.S. naval vessel loans to a number of countries.

A significant amendment to this bill was made in the Senate and agreed to by the House conferees, of which I served as a member. The amendment would direct the President to reclaim vessels the United States has loaned to other nations if these are used to harass or seize our fishing boats on the high seas.

This provision is particularly aimed at several Latin American countries which have used former U.S. Navy vessels on loan to them in the seizure of American tuna boats off their coasts. During our Armed Services Committee hearings on this bill, I asked the Navy to supply us information on the number of former U.S. Navy vessels that have been used in the seizure of American tuna boats off South America in the past 5 years. The Navy's report showed that a U.S. minesweeper on loan to Peru has been used to seize three American tuna boats between 1962 and 1965, and that a fleet tug and a high-speed transport on loan to the Ecuadorian Navy have been involved in the seiure of five American fishing vessels between January and August of this year.

Now, the reclaiming of loan vessels from countries that seize our fishing boats in international waters is not a permanent solution to the longstanding dispute over our rights to fish in waters inside of 200 miles off South America. However, this amendment will have the value of prodding the administration into action for a permanent solution and in showing offending nations that we mean business in maintaining our rights to sail the high seas without interference.

I urge my colleagues to vote for the conference report on this legislation.

I commend my chairman for his leadership on this.

Mr. RIVERS. I thank the gentleman for his kind reference to me.

As the gentleman understands, only combatant ships are transferred by act of Congress. A YMS, a minesweeper, would not be transferred by legislation.

As the gentleman says, no ship which we give to these people—I do not care what its type or class may be—should be used to harass our fishing fleet on the high seas.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I am delighted to yield to my colleague.

Mr. ARENDS. Mr. Speaker, I want to indicate my wholehearted support of the remarks which the chairman of the committee has made with respect to the ship loan bill.

Testimony presented to our committee this year and over the past several years has indicated that the friendly foreign nations who are the recipients of these loans perform a function that we ourselves would have to perform if it were not for the policy of lending ships in the fashion exemplified by this bill.

The ships are old ones and they come from the reserve fleet. It is highly unlikely that we would ever take them out of mothballs for our own use and I can think of no better use for them than placing them in the hands of friends to perform antisubmarine patrols and other similar activities which, as I say, we would have to do ourselves if our friends were not doing it for us.

In the case of China and Korea, there are additional requirements for these ships. Korea, for example, is subject to constant penetration by North Korean patrol boats and the lending of ships to them is merely an extension of our existing military policy with respect to this country.

As the chairman has said, the Republic of China is our good friend and from what I have heard, run these loaned ships in a highly efficient and effective fashion.

We did very well in the conference indeed—the Senate amendments that we did accept actually in each instance improved the bill.

So, I will repeat that I fully support the remarks that the chairman has made and I urge that this conference report be accepted.

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, we have before us today the conference report on H.R. 6167 which authorizes the extension of several existing loans of naval vessels and the loan of three additional vessels.

When this bill was before the House on October 4 this year I voted against it. The bill has returned from conference in essentially the same form in which it left the House, and consequently I am still opposed to it.

Why am I opposed to the loan of these ships?

I am opposed because I do not think this loan is the highest and best use of American resources. I am opposed because I do not believe that the borrowing countries should be spending their dearly limited resources on the operation of obsolete navies instead of desperately necessary social programs. I am opposed because I believe that these ships may be misused to further inhance the power and prestige of military forces in countries beset with difficulties in maintaining democratic rule. I am opposed because I do not believe that the United States should, at this time be providing military assistance to the military junta that is now ruling Greece and has repressed many of the most basic rights of its citizens.

Mr. Speaker, this loan is not the best use of our resources because frequently the loan of vessels is also accompanied by the extension of United States military assistance to defray part of all of the costs of operating and maintaining these vessels. These countries are all relatively poor countries with loss gross national products and per capita incomes. They are struggling to raise the living standards of their people. Our contribution should mainly be in the form of economic aid, not military assistance. As Secretary McNamara said at Montreal and as many of us have realized for years, security ultimately lies not in military might but in the abolition of poverty, starvation, and deprivation.

Mr. SCHWEIKER. Mr. Speaker, I ask

unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, I rise in support of the conference report on H.R. 6167, which would extend existing loans of naval vessels to friendly nations and make three new ship loans.

The House last considered this legislation on October 2. In the meantime it has become clear that along with the various loans we are making and renewing with this legislation, we must provide for the future naval security of the State of Israel.

The *Elath*, one of the two destroyers in the Israel Navy, was sunk October 21 in the Mediterranean Sea off Port Said. Egyptian forces used an up-to-date Soviet missile fired from a guided-missile PT boat.

This left the fledgling Israel Navy with only one destroyer in its fleet. Furthermore, it gave concrete foundation to reports that since the 6-day war last June the Soviet Union has been rearming Egypt with massive quantities of weapons, both conventional and sophisticated.

Five days after the sinking of the *Elath*, I introduced H.R. 13719, which would authorize the loan of a destroyer to the Israel Navy. I would hope that through this measure, this Nation could prepare itself to come to Israel's assistance should Israel require an emergency loan of a destroyer to replace the *Elath*.

Unfortunately my bill authorizing the loan of a destroyer to Israel came too late to be incorporated with the other ship loans in H.R. 6167. I hope my bill can receive prompt action by this body early in the next session.

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I support this conference report on H.R. 6167 and especially so because of the fact that the committee of conference adopted the Senate provision which provided that any naval vessel loan agreement shall be immediately terminated if the President of the United States finds a country with such an agreement has seized any U.S. fishing vessel on account of its fishing activities in international waters.

I had urged the distinguished chairman of the House Committee on Armed Services to accept this Senate provision and I wish to say that I am gratified with the action of the House conferees.

Now I hope the Latin American countries will sit down and iron out our differences over seizure of American fishing vessels fishing outside the 12-mile limit.

Mr. RIVERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

UNITED STATES-MEXICAN RELATIONS—LETTER FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. Without objection, the Clerk will read a letter received by the Speaker from the President of the United States.

There was no objection.

The Clerk read as follows:

The White House,
Washington, D.C., December 6, 1967.

Hon. John McCormack,
Speaker of the House,
U.S. House of Representatives.

Dear John: On the third anniversary of his administration—December 1—Mexican President Diaz Ordaz held a press conference in which he was asked to comment on the present state of United States-Mexican relations. This is how he replied:

> Our relations, I believe, are at their best. I do not say they cannot be improved because everything that is human can be perfected: we can and should, as members of the government and peoples of both countries, make greater and lasting efforts to improve our relations. They are at present, however, exceedingly cordial and based fundamentally on an absolute reciprocity of respect and show of friendship and truth. I believe that deceit has no ethical justification even between enemies, but between friends it is unpardonable. The language of friends is the language of truth.
>
> I have had the opportunity to speak to President Johnson on various problems, and I can tell you that I have always had magnificent results telling him the truth. While I am on this point, let me pay homage to a country which among its virtues knows how to listen to, not just to tolerate, the truth. It listens to it attentively, meditates on the truth which is presented to them and acts accordingly. You and I were witness to the way in which the Congress of the United States listened to our modest words of truth, not simply tolerating what we had to say, but giving cordial attention to what was said by outward signs of their assent. In this respect, Congress simply reflects one of the traditional virtues of the American people: that of knowing how to tell and how to listen to the truth.

I bring these words of tribute to the U.S. Congress and the American people to your attention, thinking that you might want to bring them to the attention of your colleagues in the House of Representatives.

Sincerely,

Lyndon B. Johnson.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 434]

Abbitt
Annunzio
Aspinall
Bates
Battin
Bell
Bolling
Broomfield
Button
Carter
Celler
Cowger
Davis, Ga.
Dickinson
Diggs
Dulski
Dwyer
Erlenborn
Ford, Gerald R.
Fountain
Green, Oreg.
Halleck
Hardy
Harrison
Harsha
Heckler, Mass.
Herlong
King, N.Y.
Kuykendall
Lukens
Martin
Mathias, Md.
Multer
Pepper
Poage
Pool
Purcell
Resnick
Rosenthal
St. Onge
Scott
Snyder
Stratton
Watson
Williams, Miss.
Willis

The SPEAKER. On this rollcall, 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUBSTITUTION OF CONFEREE ON H.R. 7819, THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Holland] be relieved from further duties on the conference committee on H.R. 7819, to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehnsive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Michigan [Mr. O'Hara] as a conferee, and the Clerk will notify the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1968

Mr. MAHON. Mr. Speaker, pursuant to an order of the House on December 6, 1967, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14397) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Ohio [Mr. Bow] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14397, with Mr. O'Hara of Michigan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas [Mr. MAHON] will be recognized for 1 hour, and the gentleman from Ohio [Mr. BOW] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself 5 minutes.

SUMMARY OF THE BILL

Mr. Chairman, this is the 17th appropriation bill to be considered by the House of Representatives during this first session of the 90th Congress.

This is not, in the usual sense, a final supplemental appropriation bill. Some 99.9 percent of the bill is for regular annual recurring purposes—the annual budgets, rather than supplementary items. No supplemental requests were sent by the President for consideration in the closing days of the Congress. This is a unique and very unusual circumstance.

This bill contains funds in the amount of $1,679,436,500, almost all of it in response to requests in the President's January budget. The bill before us is nearly 21 percent, or $441,348,500 below those budget estimates. The largest item, of course, is $1,612,500,000 for the antipoverty program. The appropriation for this program, generally speaking, would have been provided many months ago, except for the fact that there was no authorization bill and it was not possible to put the appropriation for the antipoverty program in the regular Labor-HEW appropriation bill earlier in the year.

HOUSE REDUCTIONS IN APPROPRIATIONS FOR THE SESSION

I believe it noteworthy here, as we approach the end of the session, to say that we have reduced appropriations below the President's budget estimates to a greater extent than at any time in more than a decade. So far the House, during this session, has reduced the budget estimates by some $6.2 billion, including this bill. For the fiscal year 1968 bills only, the House will have reduced appropriations by just over $6 billion.

It would be well to point out again that Congress is going to appropriate less for this fiscal year than for the last fiscal year, probably in the total sum of a billion dollars—perhaps a little over—depending upon the final decisions on the two bills which have not yet been finalized.

With the roughly $6 billion which apparently we will cut the appropriation bills, in the regular bills, and with the $3 billion additional cut in obligational authority which was approved in the House yesterday, a total of about $9 billion in obligational authority has been stricken by the House from the President's budget during this session. This would indicate that the House is interested in reducing the deficit and reducing the amount of money which the Treasury must go to the market to borrow in order to carry on the functions of Government.

I believe this bill now before us is a step in the right direction.

ACTIONS PROPOSED IN THE BILL

If Members will look at the committee report they will find that there are several chapters. One involves independent offices; the Appalachia program. The gentleman from Tennessee [Mr. EVINS] is the chairman of that subcommittee.

Then we have the Interior chapter; the Office of Saline Water is involved there. There is also an item for the Public Land Law Review Commission. The chairman of that subcommittee, as you know is the gentlewoman from Washington [Mrs. HANSEN].

Then we have the Office of Economic Opportunity. This is in chapter III of the bill. The gentleman from Pennsylvania [Mr. FLOOD], is the chairman of that subcommittee. This chapter contains for the Office of Economic Opportunity the same amount as was appropriated last year in the original appropriation bill for the antipoverty program; that is, $1,612,500,000.

And may I add at this point, so that the record will be crystal clear, Mr. Speaker, that we anticipate that the Congress would look with disfavor upon any supplemental request for the antipoverty program. Whatever is finally appropriated in this bill is the amount that is to cover the entire fiscal year 1968. It is to be expected that the amount appropriated in this bill will be apportioned—as in fact the antideficiency law requires—in such manner over the year as to avoid any need for a supplemental request.

The Committee on Appropriations also took a position on the matter. I include the following excerpt from the committee report:

> The bill includes $1,612,500,000, the exact amount of the original appropriation for fiscal year 1967 and a reduction of $447,500,000 below the budget estimates for 1968. The total appropriation for fiscal year 1967 shown in the following table includes $75,000,000, which was a supplemental appropriation for certain summer programs. No request was made for such summer programs in the budget estimates for fiscal year 1968. The Director of the Office of Economic Opportunity testified that the appropriation finally enacted in the accompanying bill will be the amount that the Office will plan its programs within for the full year; in other words, he does not anticipate asking for a supplemental appropriation for 1968. The Committee is in complete agreement with this approach. It definitely is not the intention of the Committee to supplement this appropriation at a later date.

Let all responsible officials take due note of these remarks.

In the legislative branch, which is chapter IV, there was a request pending for considerably more than the House Committee on Appropriations approved. There were about $82 million involved in 1968 and future years, including $7 million for the proposed improvement of the Longworth Building for which an initial $500,000 was sought. A new library building, costing some $75 million—with $2.8 million requested in this bill for plans—was considered. However, all of these items were laid aside at this time.

Members will also be interested in knowing that in an effort to reduce expenditures in the legislative branch we struck out funds available for the congressional student intern program, which is the summer program for interns. We did not include the legislative branch yesterday in the 2-percent reduction in personnel and in the 10-percent reduction in programs in connection with the reduction proposals in House Joint Resolution 888, because there was no feasible way to do it. There is no budget officer in the House or the Senate who has the authority or the opportunity to reduce funds available to a Member for the running of his office or to reduce funds to the chairman for the running of a committee. There was no practical way to make these reductions, so we have eliminated funds totaling several millions of dollars which normally would have been appropriated.

As I said, in a further effort to save some funds, we have eliminated funds for the student summer intern program in Congress. This comes to about $300,000. Earlier in the year, when we had the regular legislative bill before us, we eliminated the Office of the Coordinator of Information. It is not often that an office or an agency is eliminated, but earlier in the year we did eliminate the Office of the Coordinator in an effort to bring spending more into line at a time of great fiscal urgency.

Mr. Chairman, I believe that is all that it is necessary for me to say at this time. Various members of the Committee on Appropriations are present and we would be glad to discuss any aspects of the bill which may be of interest to the Members.

Mr. KUPFERMAN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. KUPFERMAN. Are you saying that you have eliminated the payment for the summer intern program?

Mr. MAHON. The gentleman is correct.

Mr. KUPFERMAN. I cannot possibly understand how you can take a position like that. I think this is one of the best programs we have ever had for the good of the country and for the training of young people. I myself have already committed myself for a young man or young woman from my district who will prepare for this work.

I think a good many young people rely on this and we should not strike this program.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, we are involved in a war. We are borrowing money with which to finance the operations of the Government. The dollar is being challenged in various areas of the world. It was thought that these economies on housekeeping items of the House of Representatives could be justified. The intern program is a good program. My interns have been wonderful. I am going to try to squeeze out of my regular clerical allowance, funds with which to employ some young man or young woman for the summer. But, after all, we in Congress when calling upon the various agencies of the various departments of the Government as well as the people at home to sacrifice, and those people facing a tax increase which will probably come next year, I think we can show to the country that we, too, are tightening our own belts a bit.

Mr. Chairman, under leave to extend, I include a summary of the totals of the appropriation bills of the session:

COMPARATIVE SUMMARY OF APPROPRIATION BILL TOTALS, 90TH CONG., 1ST SESS., AS OF DEC. 12, 1967

[Does not include any "back door" type appropriations, or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

	All figures are rounded amounts		
	Bills for fiscal 1967	Bills for fiscal 1968	Bills for the session
A. House actions:			
1. Budget requests for "appropriations" considered	$14,411,000,000	[2,3,4] $133,040,000,000	[4] $147,451,000,000
2. Amounts in 17 bills passed by House	14,238,000,000	[2,3] 126,945,000,000	141,183,000,000
3. Change from corresponding budget requests	−173,000,000	[4] −6,095,000,000	[4] −6,268,000,000
B. Senate actions:			
1. Budget requests for "appropriations" considered	14,533,000,000	[2,3] 131,153,000,000	145,686,000,000
2. Amounts in 16 bills passed by Senate	14,457,000,000	[2,3] 128,937,000,000	143,394,000,000
3. Change from corresponding budget requests	−76,000,000	−2,216,000,000	−2,292,000,000
4. Compared with House amounts in these 16 bills	+219,000,000	+3,672,000,000	+3,891,000,000
C. Final actions:			
1. Budget requests for "appropriations" considered	14,533,000,000	[2,3] 127,334,000,000	141,867,000,000
2. Amounts approved in 15 bills enacted	14,394,000,000	[2,3] 122,759,000,000	137,153,000,000
3. Comparison with corresponding budget requests	−139,000,000	−4,575,000,000	−4,714,000,000

[1] Permanent appropriations were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968.

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget, $980,000,000; House bill, $925,000,000; Senate bill, $955,000,000; enacted, $925,000,000) and for grants-in-aid for airports (budget, $75,000,000; House bill, $65,000,000; Senate bill, $75,000,000; enacted, $70,000,000).

[3] And participation sales authorizations as follows: Total authorizations requested in budget, $4,300,000,000; total in House bills, $1,946,000,000; total in Senate bills, $4,085,000,000; total enacted, $4,250,000,000.

[4] Excludes $138,182,000 budget estimates not considered in any appropriation bill.

Note: Table prepared Dec. 12, 1967, in the House Committee on Appropriations.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. I thank the distinguished ranking member of the minority of the Committee on Appropriations.

I should like to say to the chairman of the full committee, the distinguished gentleman from Texas [Mr. MAHON], that I subscribe wholeheartedly to his views with reference to the intern program. However, I have just one question in mind: I plan to provide out of my regular staff allowance funds to pay one or two interns next summer. But if that carries me over the maximum number of permissible employees, am I correct in thinking that I cannot hire any interns, even though I plan to pay for them out of my regular clerk-hire allowance?

Mr. BOW. I might say to the distinguished gentleman from Minnesota [Mr. MACGREGOR] that he is correct. There is a limitation as to the number of employees each Member of Congress can have on his staff. If you have not exceeded that number of employees, you can then hire interns from your present allowance.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. Of course I yield to the distinguished chairman of the full committee.

Mr. MAHON. Of course, if there is a problem of paramount significance on this question, then, undoubtedly the matter will be presented to the Committee on House Administration for resolution.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, I am delighted to hear the gentleman from Texas say that, and I hope there will be an opportunity for all of us to hire interns and still save money as recommended here by the Appropriations Committee, but be able to make provision for the employment of interns within the regular monetary allowances which are prescribed for Members of the House.

Mr. BOW. That is a matter, as the chairman stated, for consideration of the Committee on House Administration. If they allow it, you can do it. You can hire from your regular allowance, but not from the funds as provided for under House Resolution 416.

Mr. MACGREGOR. I thank the gentleman from Ohio very much. In my opinion that represents a needed clarification of the situation in which we find ourselves.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to the distinguished gentleman from New York [Mr. GOODELL].

Mr. GOODELL. I would like for the record to indicate and reflect the fact that it is my understanding it would also cut out the funds for planning which would enable us to move forward on the 1st of January 1969, with the renovation and expansion of Members' offices from two rooms to three rooms in the Longworth Building; is that correct?

Mr. BOW. That is correct. And, I may say to the gentleman from New York that this matter will be considered again by the Committee on Appropriations in January or February of next year.

However, permit me to say to the gentleman that the gentleman from Alabama [Mr. ANDREWS], and I am sure the distinguished gentleman from Minnesota [Mr. LANGEN], will discuss that further. But, when we begin talking about the amount that is involved in that program one has to stop and take a good look at it.

I understand that there was also a suggestion that we build a tunnel from the Longworth Building over to the Congressional Hotel. There is no reason to expend large sums to remodel the Congressional Hotel for only 2 years' use. Based upon the present fiscal situation I feel that the gentleman from Alabama [Mr. ANDREWS] and the gentleman from Minnesota [Mr. LANGEN] are absolutely correct in what they have done.

Mr. Chairman, the gentleman from Alabama [Mr. ANDREWS] said this morning that there have been so many tunnels under that street over there now, he just wonders how it holds up. I wish to say at this time that I agree with the gentleman completely. I think that the bill as presented represents a great job. However, my understanding is that any Member in the Longworth Building who needs a third office will be able to get one.

However, in my honest opinion, we have to make the point that the Congress of the United States has to go along with the rest of the Government under the resolution which was adopted by the House yesterday.

The Congress itself, as the distinguished gentleman from Texas has pointed out, over the last 2 years has made very substantial reductions in its own spending.

This is one way in which we can go along with what we did yesterday in having the Congress reduce spending.

Mr. GOODELL. Mr. Chairman, I want to make the RECORD clear that I am not objecting to saving money, and saving money in this instance, but I believe the Members ought to know specifically what the cuts are that are being made.

I would say to the gentleman it is also important that they understand that under the limitation of space that we have here in the House of Representatives it is very unlikely that very many Members of the Longworth Building will have an extra room. We are at the moment, in the renovation of the Cannon Building, reduced to eight annexes available to Members. This is done on the basis of seniority, and this makes for a far less number of Members who can have a third room. This is a sacrifice that I believe perhaps should be made under the circumstances, and the Members should understand that the improvements have been taken out because we face a fiscal crisis here, and they will continue to use the Longworth Building and get along with two rooms for a longer period than otherwise would have been the case.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be glad to yield to the gentleman.

Mr. LANGEN. In explanation of the matter of rooms, as far as the Longworth Building is concerned, I believe it should be known by this House that the procedure that has been recommended by the committee will actually provide more room than it would under the remodeling plan as requested. Just as soon as the second half of the Cannon Building is completed, which will be next summer some time, they will move some 75 Members out of the Longworth Building into the Cannon Building, and this will make 75 suites available in addition to what is there now. However, if you start the second part of the remodeling program as proposed, take half of the offices out of the Longworth Building and the Members will be hampered for space for a much longer time than by following this course.

Let me just add one other thing, it has already been pointed out, in view of the budgetary situation, this seems to be a likely expenditure that could be delayed at least for this time.

It is my opinion that the two major building requests ought not to have been considered in the supplemental to begin with, because it does involve a very intricate remodeling plan not only in the Longworth Building, but also the Congressional Hotel, creating new suites all through the hotel. This ought to have a more detailed consideration than we could give it in this very limited time. I think it would serve the best interests of the House and the country to not approve these building projects at this time.

Mr. BOW. Mr. Chairman, I thank the gentlemen.

I shall not take much more time on these preliminaries because the ranking members of the subcommittees involved will handle their portions of the bill. They have done a magnificent job, the chairmen and the ranking minority members, in handling this appropriation bill.

This is one of the last appropriation bills we will have in this session. I hope it is the last one we will have.

But I should like to take this opportunity to express to the majority the appreciation of the minority for the courtesies that have been extended to us. My distinguished chairman, the gentleman from Texas, has been most cooperative, and has given the minority members full opportunity to work with the majority.

I believe that in the Committee on Appropriations there has been cooperation between the two parties to try to do what we believe is for the best interests of our Nation. I do want to take this last opportunity on this last appropriation bill to pay tribute to the gentleman from Texas, the chairmen of the several subcommittees, and also to say that I believe that the minority members have cooperated to the fullest extent. As the ranking minority member, I appreciate what the minority members have done to support me this session.

Mr. Chairman, I have no further requests for time from this side.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. Evins].

Mr. EVINS of Tennessee. Mr. Chairman, as the distinguished chairman of the Committee on Appropriations, the gentleman from Texas [Mr. Mahon], and the ranking minority member, the gentleman from Ohio [Mr. Bow], have said, this is a supplemental appropriation bill, and the last one for this year. There are five titles in the pending bill, or, rather, five chapters in the bill.

The Subcommittee on Independent Offices was concerned with title I, one section of the bill; namely, the Appalachian Regional Commission.

The reason appropriations for this agency were not considered earlier is the fact that legislation was only recently reenacted for a 2-year period and was signed into law on October 11, last.

The highway portion of Appalachia was for a 6-year period and the funds for that portion of the program have already been appropriated and included in the Department of Commerce appropriation bill.

The programs of the Appalachian Regional Development Commission are funded in three separate items.

Funds for the highway portion—the budget recommended $100,000,000—we have previously approved and appropriated $70,000,000 for this purpose.

The reason we could consider this earlier was that the highway portions of the program were authorized for 6 years, whereas the nonhighway programs were authorized for 2 years and had to be reenacted.

Appalachian Regional Development Commission's activities cover 13 States, 397 counties—24 new counties were added by recent amendments. Some 19,000,000 people live in Appalachia or Appalachian States. The overall budget requests total $164,985,000. The committee has cut $40,278,500 from the overall budget requests. We are providing $124,706,500 for the Appalachian highway and other development programs. As the highway funds have previously been appropriated, we are considering only two items: First, administrative expenses of the Commission, and second, funds for the development programs including education, health, water pollution, supplemental grants for regional development, and other activities of the Commission.

For the Commission, the budget recommended $785,000. The committee has approved and recommended $706,500. This is a cut of $78,500—a 10-percent cut.

Last year the Congress appropriated $1,100,000 for this purpose so we have made some economies.

Under the law, the Congress provided the full funding for the Commission for the first 2 years.

This is the first year that the States are required to pay 50 percent of the administrative costs of the technical staff. The Federal Government shares in 50 percent of the cost of the Commission's staff, and pays all the expense of the staff of the Federal Cochairman.

In the continuing resolution passed yesterday, we provided for 2-percent and 10-percent cuts in administrative costs and programs.

Here we have provided 10-percent cuts in both administrative and program operations.

Concerning the nonhighway programs—programs of education, health, water pollution, regional development, supplemental grants for public facilities and forestry, among others—the budget recommended $64,200,000. The committee has approved $54,000,000—a cut and reduction of $10,200,000 for development programs.

I want to mention two items in this connection.

The first is an item recommended by the budget for $1,200,000 for mine area restoration in the Department of Interior budget. This was denied earlier before passage of authorization to extend the program.

The second item of $3,000,000 was considered in the public works appropriations bill for sewage treatment facilities. This amount was approved for this purpose—but for the entire Nation—not for the Appalachian region.

In summary, Mr. Speaker, the committee earlier had cut and reduced the highway program by 30 percent.

In the pending bill, the nonhighway programs were cut by 17 percent, and funds for the administrative expenses of the Commission were reduced by 10 percent. Overall this represents a 25-percent cut.

However, the funds appropriated represent a lump-sum appropriation and the Commission and Governors of the Appalachian States may transfer and apply the funds to programs which they accord the highest priority and need.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. JONAS. While the gentleman is on that point, I think that it would interest the Members to know and the Record should show that while these are substantial cuts that in most of these programs they do have large carryover funds that they have not been able to commit heretofore.

Mr. EVINS of Tennessee. There are some, I will say to my friend. Now the program is well underway and they are ready to move forward. It has taken a period of time for the initial planning and to develop coordination with the Governors of the several States.

The President's National Advisory Commission on Rural Poverty recently made recommendations that unquestionably will have a substantial impact on the formation of future national policy and programs in Appalachia, which has the Nation's greatest concentration of the rural poor.

The Commission in its report diclosed that 14 million rural Americans are living in poverty.

The Commission justifiably described this as a national disgrace.

The report by the Commission pointed out that—

In our cities one in every eight persons is poor.

In our suburban areas one of every 15 persons is poor.

But that in our rural areas one of every four persons is classified as poor.

Thirty percent of the Nation's total population lives in rural America—and 40 percent of this rural population is considered and classified as being poor, according to the Commission study and report.

The committee considered a budget of $35 million for the supplemental grants-in-aid program. This program enables States, local governments, and other applicants to take advantage of existing Federal grant-in-aid programs. This phase of the Appalachian program is devoted primarily to educational and health programs.

The committee considered a recommendation of $3,000,000 for demonstration health projects.

This program includes grants for the planning, construction and operation of multicounty health facilities.

Seven States have multicounty projects planned or underway under this program.

The maximum Federal contribution for construction under this program is 80 percent—100 percent of the first 2 years of operation and 50 percent of operational costs thereafter.

The budget recommended $3,000,000 which the committee considered for the land stabilization program.

This program authorizes the Secretary of Agriculture to enter into contracts of up to 10 years with landholders for conservation practices.

The maximum Federal contribution for this program is 80 percent.

The committee considered a budget recommendation of $4,600,000 for the mine area restoration program.

This program includes the reclamation and rehabilitation of land affected by waste piles and fire extinguishment projects.

The committee considered $1 million for the Appalachian low-cost housing program to provide technical assistance grants and advances for the development of low-cost housing projection under section 221 of the National Housing Act.

This new program was authorized by recent amendments to the act. This money operates as a revolving fund.

The committee considered $2 million for the Appalachian water resource survey.

This survey is a comprehensive plan for development and utilization of water resources in the Appalachian region and is being prepared by the U.S. Corps of Engineers.

The committee considered $12,000,000 for the vocational education facilities program—for the construction and equipping of vocational education facilities. These funds are used almost exclusively for construction.

The committee considered $2,000,000 for sewage treatment facilities—for construction of sewage treatment plants. These funds are in addition to funds allocated to the States in the basic nationwide sewage treatment program under Public Law 660.

The purpose of the Appalachian development program is to build upon the many Federal, State, and local efforts to provide the Appalachian region with the means of developing a self-sufficient and self-sustaining economy.

The purpose of this program is to provide the spadework for growth and progress; to open the way for our great free enterprise system to provide jobs and opportunities for our people.

This program supplements existing Federal programs by providing for more activity, by redirecting existing efforts, and by providing the means of making them more effective.

I want to point out also that this program is different from the traditional pattern of Federal grant-in-aid programs in that—

Major responsibility is given to the Governors of the participating States in the planning and carrying out of the program. The Appalachian program vests the basic responsibility for project and program decisions with the Governors.

A great degree of interstate cooperation is being achieved through the framework of the Appalachian program. Allocations of funds appropriated are being accomplished by agreements among Governors. Allocation formulas have been developed and plans are being coordinated.

The third innovation in the program concept is the manner of carrying out the program. Each State develops its own investment and development plan, and establishes priorities for projects.

The Appalachian regional development program is attacking the basic and elemental problems that affect the Appalachian region—problems of access, lack of education, lack of public facilities, lack of adequate vocational training, and housing, among others.

The Appalachian program is designed and directed to meet these problems—to alleviate rural poverty by providing jobs and opportunities for the people of Appalachia, and to develop the region and its economy.

Although this program is in its early stages, this program has demonstrated already that it can make a major contribution toward the solution of these problems and the meeting of these challenges.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, the discussion between the gentleman from Minnesota [Mr. MACGREGOR] and the gentleman from Ohio [Mr. BOW] on the section dealing with summer interns, makes clear that there must be a further explanation of the intention of the committee in its drafting of that section.

It would appear from first reading that the committee intended an absolute prohibition of the use of any funds of the House of Representatives to implement or to finance the summer intern program. That interpretation would indicate that the committee had in mind a determination to repeal House Resolution 416, but certainly this is not true. The committee intended only to eliminate the funding of the program from the contingent fund of the House of Representatives from which it is now funded. It wanted to effect economy by cutting out the use of that fund for this purpose.

However, the committee never intended to control the use of clerk hire funds which are used by Members of Congress for the payment of staff salaries. The committee never contemplated that a Member could not use a part of the money made available to him for clerk hire, for the purpose of employing a summer intern. House Resolution 416 provides in part as follows:

> *Resolved*, That, notwithstanding any other provision of law, each Member of the House of Representatives and the Resident Commissioner from Puerto Rico are authorized to hire for two and one-half months during the period June 1 to August 31, inclusive, each year, one additional employee to be known as a student congressional intern.

The resolution also says this:

> Such allowance to such intern shall be in addition to all allowances and personnel made available to each Member or the Commissioner under other provisions of law.

The effect of the action of the committee was to eliminate the extra monetary allowances for the intern program. It did not eliminate the authorization for the employment of a summer intern—an extra person—in addition to the personnel made available to each Member under law.

In my opinion, therefore, Mr. Chairman, the provision in the bill must be interpreted not to prohibit absolutely the use of all House of Representative funds for the payment of a salary to a summer intern, but only to eliminate the use of the contingent funds of the House which are now used for the purpose. Members may still use their regular clerk hire appropriation for the purpose.

All that is being done in this bill is prohibiting the use of funds from the contingent fund of the House of Representatives for this purpose. But I would say that, as I read this resolution, if the gentleman from Minnesota wanted to hire a summer intern and pay that summer intern out of his allowances for his staff, he could do so.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, does the gentleman mean that I could do so, even if by so hiring I would exceed the number of staff assistants I am regularly entitled to?

Mr. YATES. As I understand the rules of the House now, as promulgated by the House Administration Committee, the gentleman is entitled to have 11 members on his staff. As I read this resolution, this authorizes the gentleman to appoint one extra person for 2½ months during that period, to be paid no longer out of the funds which were allocated for the purpose previously, but the gentleman may pay that person now out of his regular staff allowances.

Mr. MacGREGOR. I thank the gentleman from Illinois.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. Long].

Mr. LONG of Maryland. Mr. Chairman, I would like to say a few words in opposition to the deletion of the intern program. I find interns serve a very useful purpose. The program has been helpful to young people, has given persons of modest means opportunities to serve on the staff of a Congressman and to observe at first hand the functioning of our leading democratic institution. The interns have helped Congressmen get a tremendous volume of work done during the summer, when many of the regular staff are on vacation.

This intern program has helped to arouse among young people an interest in their Government, to say nothing of helping the young people go to college.

Furthermore, I think the House abandoning this program would be abandoning an important and glamorous program to the Senate. One of the Senators in my State has 17 summer interns. Increasingly, we all know, the Senate has become the glamour body that is capturing the minds of the young people. I am not sure we ought to be fostering this trend by this type of action.

Furthermore, it used to be that we could get free summer interns. I have had as high as seven people working in my office for nothing. Since we have started to pay them, and now the Senate is running its very elaborate program, it has become impossible to get young people as interns to work free. This provision means the abandonment of what to me has become one of the most valuable programs we have had to offer young people.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. Tiernan].

Mr. TIERNAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Chairman, I was disappointed by the action taken by the House Committee on Appropriations to eliminate funds for the summer internship program. My office has participated in the program and I have been extremely impressed with its results.

There were two student interns in my office last summer. Not only were they of great assistance to me and my staff, but they made it clear to me that this opportunity turned out to be an unforgettable experience. Both young men have returned to their communities better informed on the functions of Congress and more enlightened as to the role of the legislative branch.

It seems to me that this action gives the appearance of the House of Representatives turning its back on the youth of America. At a time when we are attempting to bridge the "generation gap," this action is both nearsighted and backward. The youth of today have inquisitive minds, a healthy sign of the times. The least we can do is to assist them in appreciating and understanding the problems we face as legislators and also to give them an opportunity to be involved on the periphery of Government.

I urge the House to reconsider its action when we reconvene in January. Let us not close our doors—our minds—our hearts—on the most valuable asset we have.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. Langen].

Mr. LANGEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LANGEN. Mr. Chairman, your committee has done its best to limit the requests for additional moneys in the legislative requests to comply with the difficult budget situation. It is proper that the legislative branch should give the same concern to its expenses as we have suggested to the rest of the departments of Government. It is for this reason that we did not approve more than $10 million of expenditures that are not essential at this time. We ought to set an example of prudence for all of Government to follow. The continuing deficits and threat of inflation must be dealt with, or even more serious problems will develop for taxpayers and consumers. The national debt grows and interest rates are going up, so I hope the House will sustain the recommendations of the committee in the interest of economy.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. McClory].

Mr. McCLORY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Chairman, my experience with the congressional summer intern program has been most gratifying. The college students from my congressional district who have served in my office during the past 3 years have contributed valuably to the work product. Their attendance at committee hearings, their research on a variety of legislative subjects, their attention to innumerable details and their observations based upon their experiences are among the benefits which I have noted.

In addition, it is my feeling that the intimate contact with the lawmaking process and related work of the Congress has been of inestimable benefit to the student interns and to the entire academic community.

I fear that the careless selection of some interns and the injudicious and irresponsible behavior of some publicity-seeking beneficiaries of the college intern program are responsible for the decision to bar interns during the 1968 summer vacation period.

The long-range value of the congressional intern program should be evident to all. It is shortsighted and pennywise economy to eliminate the program.

Mr. MAHON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. Hansen], chairman of the Interior and Insular Affairs Appropriations Subcommittee.

Mrs. HANSEN of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. Mr. Chairman, chapter II of this bill contains two items for the Department of Interior and related agencies. Ten million dollars is provided for salaries and expenses for the Office of Saline Water, and $2,200,000 is provided for salaries and expenses for the Public Land Law Review Commission.

The President's 1968 budget estimate included $20,982,000 for the saline water program. However, at the time of the committee's consideration for the 1968 fiscal year appropriation bill, current authorization for this activity existed in the amount of only $7,500,000. Because of the immediate need for additional funding in fiscal year 1968, the total amount of the existing authorization was appropriated. Subsequently, the additional authorization was enacted into law on June 24, 1967, Public Law 90–30.

The $7,500,000 appropriated under Public Law 90–28, along with the $10 million recommended in this bill would provide total funding for this appropriation item in fiscal year 1968 of $17,500,000. This combined total is $10 million less than the $27,500,000 available in fiscal year 1967, and $3,482,000 below the $20,982,000 requested in the President's 1968 budget estimate last January.

The saline water program was initiated in fiscal year 1953. Since that time, research efforts have continued in the quest for a practical and economical means of water desalinization. It would appear that considerable progress has been made during this period. In the early stages of the program, the cost of water provided through the desalinization process was $5 per thousand gallons. Witnesses testifying before the committee a few days ago stated that this cost has now been reduced to 22 cents per thousand gallons. The committee is informed that technical ability is now available for a plant with production of 150 million gallons of water a day by this process, and the technical feasibility for a plant producing 1 billion gallons of water per day is imminent.

Mr. CONTE. Will the gentlewoman yield?

Mrs. HANSEN of Washington. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I had intended to offer an amendment which would prevent the use of the appropriation for the Office of Saline Water for paying salaries or expenses for any foreign travel or other activity outside the

United States, except in connection with activities of the U.S. Government such as the desalting plant at the Naval Base at Guantanamo. Information came to my attention only yesterday to the effect that personnel of the Office of Saline Water have made many trips to foreign countries offering their services as consultants for building salt water conversion plants. Unfortunately I received this information after the Interior Department Appropriations Subcommittee had completed its hearings last week on the appropriation requested for the balance of fiscal 1968 for the Office of Saline Water. Thus it was too late to obtain adequate information on the extent of such overseas activity by OSW personnel. On page 647 of the printed appropriations hearings I note that Chairman HANSEN inquired as to what percentage of the funds of the Office of Saline Water is spent in the international field. She was told that about 2 percent of their personnel budget is spent annually for this purpose. None of the discussion between Mr. Savage of OSW and Chairman HANSEN brought forth the fact that the Office of Saline Water has for the past several months been serving as an adviser for the procurement of a salt water conversion plant for the Government of Saudi Arabia. Mr. Savage was not asked the direct question, but he surely volunteered no information on this relationship during the general interrogation about OSW's international activities.

I think the House of Representatives is entitled to know just what the Office of Saline Water is up to. This morning, during our full Appropriations Committee meeting, I consulted Mrs. HANSEN and Congressman REIFEL about this matter and they both kindly agreed to obtain any information about OSW's activities that I might ask for. I intend to take advantage of this offer and to ask Mrs. HANSEN, as chairman of the Interior Appropriations Subcommittee, to inquire further into this matter and to let the House know what she finds.

I do no care to get into the merits of specific problems but I am told that the Office of Saline Water insisted that all bids on a plant for the Government of Saudi Arabia be confined to a multistage flash evaporator plant which was designed by or for the Office of Saline Water. I have seen a number of references in the press to the fact that several privately owned American companies have greater techical knowledge in the design and construction of multistage flash evaporator plants than has the Office of Saline Water or any other Government agency. If that information is correct I am curious to know why the Office of Saline Water has taken this restrictive attitude. And I am especially curious to know why the Office of Saline Water accepted the role of agent for a foreign government in the first place. When foreign governments or foreign industrial concerns procure heavy mechanical or electrical equipment under the U.S. Agency for International Development program they frequently employ qualified private consultants to advise them and assist them to procure equipment that is modern, reliable, and economical. I do not understand why the Office of Saline Water assumes the role that is normally filled by privately owned architect-engineer concerns.

The first appropriation for the activities of the Office of Saline Water was for the fiscal year 1953. According to a table inserted in the hearings last week, OSW has received a total of $121,640,000 for their programs. They have spent vast amounts of money, either directly or under contracts with industries, universities, research laboratories, and others, researching and developing almost every conceivable facet of the technology of water conversion; yet I understand they have never designed or built a water conversion plant which has been successful by economic standards.

The only community in the United States today that relies on desalted water for its daily needs is Key West, Fla. The desalting plant that this community now uses was designed and built by a private American company. The Office of Saline Water had nothing to do with it. The Key West plant works dependably and economically and furnishes ample proof that U.S. industry is fully qualified to do whatever needs to be done in the field of salt water conversion.

I notice that at page 655 of the hearings before the Interior Appropriations Subcommittee, Mr. Savage, of the Office of Saline Water, let Congressman REIFEL assume that this program, not private industry, had reduced the cost of converting salt water to fresh from $5 per thousand gallons to 22 cents per thousand gallons. I would appreciate having an explanation from the Office of Saline Water as to who brought the cost of desalting down to 22 cents per thousand gallons. Can private industry build a plant without any subsidy to produce fresh water from salt water for 22 cents per thousand gallons? Is private industry able and qualified to do the prototype work the Office of Saline Water is conducting for the Metropolitan Water District project in Los Angeles, Calif.? The hearings last week mentioned studies by the Office of Saline Water for a desalting plant in Israel. If private industry can do this work, why is the Office of Saline Water spending Government funds for this purpose?

If there is any justification for overseas activity of this type by the Office of Saline Water, it seems to me its funds should be budgeted under the foreign aid program where it can be subjected to the review of the Foreign Affairs Committee and of the Foreign Aid Appropriations Subcommittee. I do not believe we can let agencies of the Government conduct their own foreign aid activity. The administration has had many reviews and reorganizations to prevent foreign aid from being furnished from all over the Government. Congress has created and insisted that foreign aid be conducted by the Agency for International Development. I would like to be informed why the foreign activities of the Office of Saline Water should not be made to conform to this philosophy.

Mrs. HANSEN of Washington. As you are probably aware, the authorizing legislation of the saline water program does provide for the interchange of information on saline water research between the United States and foreign countries. However, there is no legislative authority that specifically provides for the active participation of saline water officials in the actual award of construction contracts for foreign plants.

Officials of the saline water program, of course, may consult and advise with officials of foreign governments, and give various technical advice on the requirements of any proposed plant. However, I can say that to date, no construction of foreign plants has been funded by any appropriations to the saline water program. The country building the plant is required to furnish its own construction funds and is responsible for the selection of the contractor for the construction of the plant. As I have previously mentioned, officials of the saline water program do give technical advice on the preliminary plans and designs for the plants.

The committee will be glad to cooperate with the gentleman in securing whatever additional information he desires on the activities of the saline water program.

If the gentleman will refer to our hearings on the annual 1968 appropriation he will find that the foreign activities of the saline water program are described rather thoroughly.

Mr. CONTE. I thank the gentlewoman.

Mrs. HANSEN of Washington. For activities of the Public Land Law Review Commission the bill provides $2,200,000.

The original budget estimate for fiscal year 1968 provided no funds for necessary studies to be performed under contract because officials of the commission at that time did not have sufficient experience to estimate with any degree of accuracy the cost of the studies to be undertaken, nor was program planning for this purpose sufficiently complete. Since that time the necessary information has been developed.

H.R. 12121, which was cleared for submission to the President on December 6, 1967, extends the life of the commission until December 31, 1970, and increases the amount authorized to be appropriated by $3,390,000.

In the opinion of the committee, this is a most important activity, especially when one considers the fact that the recommendations of this commission will be applicable to 740,695,844 acres of Federal land or about one-third of the total acreage in the United States. The importance of this activity is further enhanced when consideration is given to the fact that the major receipts from these public lands during fiscal year 1966 amounted to $632,000,000.

The $860,000 appropriated under Public Law 90-28, along with the $2,200,000 recommended in this bill, will provide a total appropriation of $3,060,000 for this activity in fiscal year 1968. This amount is $1,153,000 above the 1967 appropriation of $907,000 and is $2,200,000 above the 1968 budget estimate of $860,000.

In recommending this appropriation, the committee was mindful of the tremendous task facing the commission in its review of all our national laws pertaining to public lands, and recognized the need for various contract studies to be initiated as soon as possible so that the commission will have adequate time to review the reports emanating from these studies in making its recommendations prior to December 31, 1970, of the revisions and changes that should be made in our public lands statutes.

I earnestly recommend the approval of these two items by the House.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14397) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 79, answered "present" 1, not voting 47, as follows:

[Roll No. 435]

YEAS—305

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashley
Ayres
Baring
Barrett
Battin
Belcher
Berry
Betts
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Bray
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Celler
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Foley
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Gardner
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Hull
Hunt
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kluczynski
Kupferman
Kyl
Kyros
Laird
Landrum
Langen
Leggett
Lloyd
Long, Md.
McCarthy
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Mahon
Mailliard
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Monagan
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poff
Pollock
Price, Ill.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Schweiker
Schwengel
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Taft
Talcott
Teague, Tex.
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Walker
Wampler
Watkins
Watts
Whalen
Whalley
White
Widnall
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—79

Abernethy
Andrews, Ala.
Ashbrook
Ashmore
Bennett
Bevill
Blackburn
Brinkley
Broyhill, Va.
Buchanan
Burleson
Cederberg
Chamberlain
Clancy
Clawson, Del
Colmer
Cramer
Curtis
Davis, Wis.
Denney
Devine
Dole
Dowdy
Edwards, Ala.
Everett
Fisher
Flynt
Fuqua
Gathings
Gettys
Gross
Gubser
Gurney
Hagan
Haley
Hall
Hansen, Idaho
Hays
Henderson
Hungate
Hutchinson
Jones, N.C.
Kleppe
Kornegay
Latta
Lennon
Lipscomb
Long, La.
McClory
McClure
McMillan
Marsh
Mize
Montgomery
Nichols
O'Neal, Ga.
Passman
Pool
Price, Tex.
Rarick
Rivers
Rogers, Fla.
Satterfield
Schadeberg
Scherle
Selden
Smith, Calif.
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Whitener
Whitten
Wiggins
Winn
Zion

ANSWERED "PRESENT"—1

Waggonner

NOT VOTING—47

Abbitt
Anderson, Tenn.
Annunzio
Aspinall
Bates
Bell
Bolling
Broomfield
Broyhill, N.C.
Button
Carter
Cowger
Derwinski
Dickinson
Erlenborn
Ford, Gerald R.
Ford, William D.
Fountain
Green, Oreg.
Halleck
Hardy
Harrison
Harsha
Hébert
Heckler, Mass.
Herlong
Hosmer
Johnson, Calif.
King, N.Y.
Kuykendall
Lukens
Madden
Martin
Mathias, Md.
Multer
Patman
Poage
Purcell
Resnick
Rosenthal
St. Onge
Scott
Snyder
Stratton
Watson
Williams, Miss.
Willis

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gerald R. Ford for, with Mr. Waggonner against.

Mr. Harrison for, with Mr. Scott against.

Mr. Annunzio for, with Mr. Martin against.

Mr. St. Onge for, with Mr. Hébert against.

Mr. Johnson of California for, with Mr. Fountain against.

Mr. Aspinall for, with Mr. Abbitt against.

Mr. Bates for, with Mr. Kuykendall against.

Mr. Hosmer for, with Mr. Cowger against.

Mr. King of New York for, with Mr. Snyder against.

Mr. Carter for, with Mr. Dickinson against.

Mr. Broomfield for, with Mr. Watson against.

Until further notice:

Mr. Madden with Mr. Halleck.

Mr. Resnick with Mr. Mathias of Maryland.

Mrs. Green of Oregon with Mrs. Heckler of Massachusetts.

Mr. Anderson of Tennessee with Mr. Bell.

Mr. Willis with Mr. Derwinski.

Mr. Multer with Mr. Erlenborn.

Mr. Stratton with Mr. Button.

Mr. Rosenthal with Mr. Broyhill of North Carolina.

Mr. Hardy with Mr. Lukens.

Mr. Herlong with Mr. William D. Ford.

Mr. Patman with Mr. Harsha.

Mr. Purcell with Mr. Williams of Mississippi.

Mr. HUNGATE, Mr. DOLE, Mr. PRICE of Texas, and Mr. McCLURE changed their votes from "yea" to "nay."

Mr. WAGGONNER. Mr. Speaker, I have a live pair with the gentleman from Michigan [Mr. GERALD R. FORD]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION TO CALL PRIVATE AND CONSENT CALENDARS AND FOR THE SPEAKER TO RECOGNIZE MEMBERS UNDER THE SUSPENSION OF THE RULES PROCEDURE ON FRIDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order to call the Private and Consent Calendars and for the Speaker to recognize Members under the suspension of the rules procedure on Friday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

Mr. **HALL**. Mr. Speaker, reserving the right to object, would the majority leader please explain this just a little bit further?

Mr. **ALBERT**. If the gentleman will yield, I should be delighted to.

Mr. **HALL**. I am glad to yield to the gentleman.

Mr. **ALBERT**. First, may I say that up to now we have only three bills on the Consent Calendar and 10 on the Private Calendar.

Mr. **HALL**. Plus the ones, Mr. Speaker, that have been carried over, of course, which would ordinarily repeat if any day were given for the call of the calendar?

Mr. **ALBERT**. Of course, the bills would have to be passed by unanimous consent, as the gentleman knows.

As to a suspension of the rules, may I advise the gentleman that the Speaker would not recognize any Member to call up a bill under a suspension of the rules procedure without consulting with the Republican leadership.

Mr. **LAIRD**. Mr. Speaker, will the gentleman yield at that point?

Mr. **ALBERT**. The gentleman from Missouri has the floor.

Mr. **HALL**. I do not yield at this moment, Mr. Speaker.

Continuing to reserve the right to object, would the distinguished majority leader please advise the Members of the House if it is his intention, according to the rules of the House, to fix a date certain, under which suspensions may be brought up in the remaining 6 days of the Congress.

Mr. **ALBERT**. It is very difficult to do that, and we would have to pass the adjournment resolution in advance. We do not have the idea of doing that at this stage.

We would like to get these matters out. To be frank, I cannot bind anyone on what suspensions may be requested, but the only one I know anything about at the present time is on the bill relating to veterans' pensions.

Mr. **HALL**. Is it not true, I ask the majority leader, as to these individual bills, since there are so few, that they could be brought up either under that rule as far as suspensions are concerned, or the Private and Consent Calendar bills by individual unanimous-consent requests?

Mr. **ALBERT**. Well, I suppose they could, but this is a much better way to do it. May I say that a distinguished Member on this side of the aisle asked that we make the request as far as the Private Calendar is concerned.

Mr. **HALL**. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. LAIRD].

Mr. **LAIRD**. I thank the gentleman for yielding. It is my understanding that on the suspension request only those suspensions that have been cleared on both sides of the aisle will be called up for suspension, and not just consultation, but they will be cleared on both sides.

Mr. **ALBERT**. That is my understanding.

Mr. **HALL**. The majority leader already said that.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. GROSS].

Mr. **GROSS**. Mr. Speaker, is it not possible to divide this request? It is my understanding that the gentleman was asking for permission to consider the Consent and Private Calendars and suspensions on Friday.

Mr. **ALBERT**. The gentleman is correct.

Mr. **GROSS**. Is it not possible to divide this request? I would be constrained to object to unlimited suspensions without knowing the bills.

Mr. **ALBERT**. There will not be unlimited suspensions. Any suspension that is put down will be put down in advance and will be cleared with the minority.

Mr. **GROSS**. Of course, if the gentleman will yield further, this advance notice——

Mr. **ALBERT**. I have all of the confidence in the world in the minority leader, and I am sure that the gentleman has an equal amount of confidence.

Mr. **GROSS**. The gentleman is speaking of advance notice on these bills. We just completed action on a supplemental appropriation bill. I could not get a copy of that bill this morning as late as 9:30. I could not get a copy of the report on the bill. I understand the hearings were not released until this morning. It is impossible to deal with an appropriation bill involving some $2 billion without far more knowledge of what you are doing. That is almost no advance notice on a bill of such magnitude.

Mr. **HALL**. Mr. Speaker, in the present form of the unanimous consent request, I object.

REQUEST FOR PERMISSION TO CALL PRIVATE AND CONSENT CALENDARS ON FRIDAY, DECEMBER 15

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that it may be in order on Friday next to call the Private and Consent Calendars.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

Mr. **HALL**. Mr. Speaker, I object.

PERMISSION TO CONSIDER VETERANS BILL (H.R. 12555) UNDER SUSPENSION OF THE RULES ON FRIDAY, DECEMBER 15

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that it may be in order on Friday next for the Speaker to recognize the gentleman from Texas [Mr. TEAGUE], to call the veterans bill (H.R. 12555) under suspension of the rules.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. **MAHON**. Mr. Speaker, I ask unanimous consent that on the supplemental appropriation bill just passed all Members may have 5 legislative days in which to revise and extend their remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2171 UNTIL MIDNIGHT TONIGHT

Mr. **TUCK**. Mr. Speaker, I ask unanimous consent that the conferees on the bill S. 2171, amendment of the Subversive Activities Control Act of 1950, have until midnight tonight to file a conference report for printing under the rule.

The **SPEAKER**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

INCOME TAX TREATMENT OF CERTAIN DISTRIBUTIONS PURSUANT TO BANK HOLDING COMPANY ACT OF 1956—CONFERENCE REPORT

Mr. **MILLS**. Mr. Speaker, I call up the conference report on the bill (H.R. 4765) relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1010)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4765) relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

Restore the matter proposed to be stricken out, omit the matter proposed to be inserted, and on page 3 of the House engrossed bill, after line 6, insert the following:

"The amendment made by this section shall apply with respect to distributions made after the date of the enactment of this Act in taxable years ending after such date.

"SEC. 2. (a) Section 46(b) of the Internal Revenue Code of 1954 (relating to carryback and carryover of unused investment credits) is amended by striking out paragraph (3) (relating to effect of net operating loss carryback).

"(b) Section 6411(a) of such Code (relating to application for tentative carryback adjustment) is amended by inserting after 'within a period of 12 months from the end of such taxable year' in the second sentence the following: '(or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year)'.

"(c) Section 6501(j) of such Code (relating to limitations on assessment in the case of investment credit carrybacks) is amended by inserting before the period at the end thereof the following: ', or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, at any time before the expiration of the period within which a deficiency for such subsequent taxable year may be assessed'.

"(d) Section 6511(d)(4)(A) of such Code (relating to special period of limitation on refunds with respect to investment credit carrybacks) is amended by inserting after 'which results in such carryback' in the first sentence the following: '(or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, the period shall be that period which ends with the expiration of the 15th day of the 40th month, or 39th month, in the case of a corporation, following the end of such subsequent taxable year)'.

"(e) Section 6601(e)(2) of such Code (relating to interest on underpayments, etc.) is amended by inserting before the period at the end thereof the following: ', or with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, such increase shall not affect the computation of interest under this section for the period ending with the last day of such subsequent taxable year'.

"(f) Section 6611(f)(2) of such Code (relating to interest on overpayments) is amended by inserting before the period at the end thereof the following: ', or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, such overpayment shall be deemed not to have been made prior to the close of such subsequent taxable year'.

"(g) The amendments made by this section shall apply with respect to investment credit carrybacks attributable to net operating loss carrybacks from taxable years ending after July 31, 1967.

"Sec. 3. (a) Section 172(b) of the Internal Revenue Code of 1954 (relating to net operating loss carrybacks and carryovers) is amended—

"(1) by striking out 'subparagraph (D)' in paragraph (1)(A)(i) and inserting in lieu thereof 'subparagraphs (D) and (E)';

"(2) by striking out 'subparagraphs (C) and (D)' in paragraph (1)(B) and inserting in lieu thereof 'subparagraphs (C), (D), and (E)';

"(3) by adding at the end of paragraph (1) the following new subparagraph:

" '(E) In the case of a taxpayer which is a domestic corporation qualifying under paragraph (3)(E), a net operating loss for any taxable year ending after December 31, 1966, and prior to January 1, 1969, shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 3 taxable years following the taxable year of such loss.'; and

"(4) by adding at the end of paragraph (3) the following new subparagraphs:

" '(E) Paragraph (1)(E) shall apply only if—

" '(i) the amount of the taxpayer's net operating loss for the taxable year exceeds the sum of the taxable income (computed as provided in paragraph (2)) for each of the 3 preceding taxable years of the taxpayer,

" '(ii) the amount of the taxpayer's net operating loss for the taxable year, increased by the amount of the taxpayer's net operating loss for the preceding taxable year or decreased by the amount of the taxpayer's taxable income for such preceding year, exceeds 15 percent of the sum of the money and other property (in an amount equal to its adjusted basis for determining gain) of the taxpayer, determined as of the close of the taxable year of such loss without regard to any refund or credit of any overpayment of tax to which the taxpayer may be entitled under paragraph (1)(E),

" '(iii) the aggregate unadjusted basis of property described in section 1231(b)(1) (without regard to any holding period therein provided), the basis for which was determined under section 1012, which was acquired by the taxpayer during the period beginning with the first day of its fifth taxable year preceding the taxable year of such loss and ending with the last day of the taxable year of such loss, equals or exceeds the aggregate adjusted basis of property of such description of the taxpayer on, and determined as of, the first day of the fifth preceding taxable year, and

" '(iv) the taxpayer derived 50 percent or more of its gross receipts (other than gross receipts derived from the conduct of a lending or finance business), for the taxable year of such loss and for each of its 5 preceding taxable years, from the manufacture and production of units within the same single class of products, and 3 or fewer United States persons (including as one person an affiliated group as defined in section 1504(a)) other than the taxpayer manufactured and produced in the United States, in the calendar year ending in or with the taxable year of such loss, 85 percent or more of the total number of all units within such class of products manufactured and produced in the United States in such calendar year.

" '(F) For purposes of subparagraph (E)(iv)—

" '(i) the term "class of products" means any of the categories designated and numbered as a "class of products" in the 1963 Census of Manufactures compiled and published by the Secretary of Commerce under title 13 of the United States Code, and

" '(ii) information compiled or published by the Secretary of Commerce, as part of or in connection with the Statistical Abstract of the United States or the census of manufactures, regarding the number of units of a class of products manufactured and produced in the United States during a calendar year, or, if such information should not be available, information so compiled or published regarding the number of such units shipped or sold by such manufacturers during a calendar year, shall constitute prima facie evidence of the total number of all units of such class of products manufactured and produced in the United States in such calendar year.'

"(b) No interest shall be paid or allowed with respect to any overpayment of tax resulting from the application of the amendments made by subsection (a) for any period prior to the date of the enactment of this Act.

"(c) The amendments made by subsection (a) shall apply with respect to net operating losses sustained in taxable years ending after December 31, 1966.

"Sec. 4. (a) Section 815(f) of the Internal Revenue Code of 1954 (relating to definition of distribution) is amended—

"(1) by striking out 'or' at the end of paragraph (2);

"(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; or'; and

"(3) by inserting after paragraph (3) the following new paragraph:

" '(4) any distribution after December 31, 1966, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is in control (within the meaning of section 368(c)) of both the distributing corporation and such controlled corporation and if such controlled corporation is a life insurance company of which the distributing corporation has been in control at all times since December 31, 1957.'

"(b)(1) The next to last sentence of section 815(f) is amended—

"(A) by striking out 'Paragraph (3) shall not' and inserting in lieu thereof 'Neither paragraph (3) nor paragraph (4) shall'; and

"(B) by striking out 'subparagraph (B) of such paragraph' and inserting in lieu thereof 'paragraph (3)(B)'.

"(2) The last sentence of section 815(f) is amended by striking out 'paragraph (3) also' and inserting in lieu thereof 'paragraphs (3) and (4) also'.

"(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1966."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

W. D. Mills,
Cecil R. King,
Hale Boggs,
Frank M. Karsten,
A. Sydney Herlong, Jr.,
John W. Byrnes,
James B. Utt,
Jackson E. Betts,
Managers on the Part of the House.

Russell Long,
George Smathers,
Clinton P. Anderson,
Vance Hartke,
Everett M. Dirksen,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4765) relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as passed by the House related to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended in 1966. The Senate amendment to the text of the bill strikes out all after the enacting clause and inserts new text in which the first section is a substitute for the bill as passed by the House and the remaining sections contain provisions not included in the bill as passed by the House.

BANK HOLDING COMPANY DISTRIBUTIONS

The bill as passed by the House amended the provisions of the Internal Revenue Code of 1954 which relate to distributions pursuant to the Bank Holding Company Act of 1956 to provide rules for the application of these provisions in the case of any company which becomes a bank holding company as a result of the 1966 amendments to the Bank Holding Company Act. In substance, the rules provide tax treatment with respect to distributions required by the 1966 amendments similar to that which was applied with respect to distributions required by the original enactment of the Bank Holding Company Act of 1956, except that the tax-free treatment is provided only if the distributions made in kind are made on a pro rata basis to all shareholders. The effect is to provide (in general) that no gain or loss is recognized to any shareholder on a distribution required by the Bank Holding Company Act, and that the basis of the property received and of the stock with respect to which it is distributed is to be determined by allocating between such property and such stock the adjusted basis of such stock.

Under the Senate amendment, different rules would apply. In the case of individuals, capital gain would be recognized to the extent that the fair market value of the distributed divested stock exceeds the basis of the shareholder's stock in the bank holding company. Where the distribution of divested stock by a bank holding company is to a corporate shareholder, the Senate amendment also contained special rules applicable to the corporation and to its shareholders (where the divested stock is passed through the corporation to its shareholders), but only if the corporation elected to have the provisions of the Senate amendment apply.

Under the conference agreement, the provisions of the bill as passed the House are restored. These provisions are to apply to distributions made after the date of enactment of the bill in taxable years ending after such date.

MORTGAGE GUARANTY INSURANCE COMPANIES

The Senate amendment would have added a section to the bill (sec. 2 of the Senate amendment) containing provisions relating to the tax treatment of certain reserves for losses set up by mortgage guaranty insurance companies.

The bill recommended in the accompanying conference report does not include these provisions. While the conferees on the part of the House did not agree to the provisions of the Senate amendment relative to the special deduction for mortgage guaranty insurance reserves, they, as well as the conferees on the part of the Senate, recognize the need for a permanent solution to the special reserve problem of these companies.

UNFUNDED PENSION PLANS OF CERTAIN EDUCATIONAL AND OTHER TAX-EXEMPT ORGANIZATIONS

The Senate amendment would have added a section to the bill (sec. 3 of the Senate amendment) containing provisions relating to the tax treatment of unfunded pension plans of certain educational and other tax-exempt organizations. The proposed section 3 of the bill would also have amended section 403(b)(2) of the Internal Revenue Code of 1954 to revise the methods of computing the 20-percent-exclusion allowance in the case of retirement benefits for employees of certain tax-exempt organizations.

The bill recommended in the accompanying conference report does not include these provisions.

INVESTMENT CREDIT CARRYBACKS RESULTING FROM NET OPERATING LOSS CARRYBACKS

Present law (sec. 46(b) of the Internal Revenue Code of 1954) provides, in general, that an unused investment credit may be carried back 3 taxable years and then forward 7 taxable years to the extent it is not used in any of the earlier years to which it may be carried. However, if the unused investment credit arises by reason of a net operating loss carryback, present law (sec. 46(b)(3) of the 1954 code) provides that the unused investment credit may be carried forward only.

Section 4 of the bill, as passed by the Senate, strikes out this restriction so that an unused investment credit arising by reason of a net operating loss carryback will be subject to the 3-year carryback and 7-year carryforward rule. This section also makes necessary technical changes in other provisions of the Internal Revenue Code of 1954. These amendments apply with respect to investment credit carrybacks attributable to net operating loss carrybacks from taxable years ending after July 31, 1967.

Under the conference agreement, this section is retained as section 2 of the bill.

FIVE-YEAR CARRYBACK OF NET OPERATING LOSSES SUSTAINED BY CERTAIN DOMESTIC CORPORATIONS

Under present law (sec. 172(b) of the Internal Revenue Code of 1954) a net operating loss sustained for any taxable year shall, in general, be carried back 3 taxable years and forward 5 taxable years, to the extent it is not used in computing the net operating loss deduction for any earlier taxable year.

Section 6 of the bill as passed by the Senate amends this section of the code to provide that in the case of a domestic corporation which meets certain qualifications set forth in new subparagraphs (E) and (F) of section 172(b)(3) of the code as added by the Senate amendment, a net operating loss for any taxable year ending after 1966 and before 1969, shall be carried back 5 taxable years and forward 3 taxable years. The amendments made by this section apply with respect to net operating losses sustained in taxable years ending after December 31, 1966, but no interest shall be paid or allowed with respect to any overpayment of tax resulting from the application of such amendments for any period before the date of enactment of the bill.

Under the conference agreement, this section is retained as section 3 of the bill.

The conferees on the part of the House agreed to the provisions of the Senate amendment relating to the application of a five-year net operating loss carryback in the limited cases provided under the amendment since this will aid competition. The form of the relief which was in conference prevented the conferees on the part of the House from considering a broader version of the amendment. Nevertheless they, as well as the conferees on the part of the Senate, believe it would be appropriate in the future to consider the broadening of the types of cases to which the five-year net operating loss carryback is available.

DISTRIBUTION OF STOCK OF A CONTROLLED LIFE INSURANCE COMPANY IN A TAX FREE REORGANIZATION

Under present law (sec. 815 of the Internal Revenue Code of 1954), distributions by a life insurance company to its shareholders may result in an increase in the taxable income of the distributing company for the taxable year of the distribution (the so-called phase III tax). Section 815(f) of the code defines the term "distribution" for purposes of applying this provision.

Section 5 of the bill as passed by the Senate amends this definition so that a distribution (made after 1966) of stock of a controlled corporation to which section 355 of the code applies will not be treated as a distribution (for purposes of the phase III tax), if (1) such distribution is made to another corporation which immediately after the distribution is in control of both the distributing corporation and the controlled corporation, and (2) the controlled corporation is a life insurance company of which the distributing corporation has been in control at all times since December 31, 1957. This amendment applies to taxable years beginning after 1966.

Under the conference agreement, this section is retained as section 4 of the bill.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
FRANK M. KARSTEN,
A. SYDNEY HERLONG, Jr.,
JOHN W. BYRNES,
JAMES B. UTT,
JACKSON E. BETTS,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, when the House passed H.R. 4765 its only provision provided for certain tax-free distributions in the case of bank holding companies. The Senate, however, added five other tax provisions to the bill and also revised the tax treatment the House-passed bill would have provided for the bank holding companies.

The bill as agreed to by the conferees restores the House version of the bank holding company provision and accepts three of the five other provisions added by the Senate.

BANK HOLDING COMPANY PROVISION

The members will recall that under the Bank Holding Company Act a bank holding company is generally not permitted to hold both banking and nonbanking interests. Under the original act passed in 1956 there were certain exceptions to this rule, but in 1966 further amendments were made requiring further distributions. The 1966 amendments affected primarily the Financial General Corp.

In 1956 special tax provisions were enacted which permitted a bank holding company at that time required to distribute either its banking or nonbanking assets to do so without tax consequences. The House version of this bill provides essentially the same treatment for those required to make distributions required as a result of the 1966 amendments. Although no gain or loss is recognized in the case of these distributions, the shareholders are to allocate their cost or other basis for the underlying stock between the stock received in the distribution and the underlying stock retained in proportion to the fair market value of each. This gives assurance that if the shareholder disposes of either the stock received or the underlying stock he will have a capital gain if there has been appreciation in its value.

MORTGAGE GUARANTY INSURANCE

The conferees on the part of the House did not agree to a Senate amendment relating to the special deduction for mortgage guaranty insurance reserves. The amendment adopted by the Senate covered only 1 year and it was not within the scope of the conference to extend the amendment to cover future years. However, the conferees generally recognized the need for a permanent solution for the reserve deduction of these companies. Moreover, it appeared that the amendment dealing with this problem as reported by the Senate Finance Committee would provide an appropriate solution to this problem. Accordingly, Mr. CURTIS and I have introduced bills substantially the same as the amendment reported out by the Senate Finance Committee. I hope at an appropriate time that it will be possible to pass legislation of this type.

INVESTMENT CREDIT CARRYBACK RESULTING FROM NET OPERATING LOSS CARRYBACKS

One of the three amendments added by the Senate which the House conferees accepted alters the manner in which the investment credit carryback operates.

Under present law if a taxpayer earns an investment credit but has no tax in that year, he generally may carry back the credit to one of the three prior years in which he had income and owed a tax. However, the investment credit carryback under present law is not available if an investment credit for a particular year is claimed and then subsequently a net operating loss carryback to that year eliminates his income and therefore his tax. In such a case only a carryforward of the investment credit is available—no carryback.

The Senate amendment to which the House conferees agreed repeals this special limitation on the availability of the investment credit carryback and as a result the investment credit can be carried back for up to three years where a net operating loss carryback comes into operation in the same manner as where the credit cannot initially be used in the year it was earned. This amendment applies with respect to the investment credit carrybacks attributable to net operating loss carrybacks from years ending after July 31, 1967.

The House conferees found this provision acceptable because as we studied the problem it appeared to us that this in reality does no more than correct a defect in the initial investment credit law. It gives assurance that the investment credit carryback will be equally available whether or not it initially arose by reason of the operation of a net operating loss carryback.

CARRYOVERS OF NET OPERATING LOSSES

A second Senate provision accepted by the House conferees relates to the carryback and carryforward of net operating losses.

Under present law, corporations generally may carry losses back 3 years and then, if any loss still remains, carry the remainder forward for up to 5 years. The Senate adopted a provision reversing these carryover periods in specific situations; that is, in special cases it provided a 5-year net operating loss carryback and a 3-year net operating loss carryforward.

Four conditions are set forth which must be met for the 5-year carryback to be available. First, the taxpayer's loss for the year in question must exceed his income for the 3 prior years. Second, this loss for the current year and immediately preceding year must exceed 15 percent of all of the corporation's funds and assets. Third, the cost of the business property acquired during the 5-year period ending with the loss year in question must be greater than the cost of the business property owned by the taxpayer at the beginning of that period. Fourth, the taxpayer must derive 50 percent or more of its receipts from the manufacture of a single class of products and three or fewer U.S. persons, other than the taxpayer, must manufacture in the United States more than 85 percent of all of the products in question in the loss year.

This amendment was adopted by the Senate to help the competitive position of the American Motors Corp.; probably this is the only taxpayer in the country to which this amendment in its present form will apply.

The conferees concluded that although this amendment obviously has very narrow application, it is in the public interest for us to do what we can to see that the range of competition is not narrowed in the automobile industry. The House conferees would have been pleased if they had had the opportunity to consider a broader provision in this context. However, this was not the case. The conferees on the part of the House, as well as those on the part of the Senate, recognize that it may be desirable to broaden the availability of a 5-year carryback, and in the statement of managers you will find a statement to the effect that the conferees believe that it would be desirable in the future to consider other types of cases to which it might be appropriate to extend a 5-year carryback. Some have argued, for example, that this might be appropriate where the losses arose as a result of an effort to expand export business. The tax committees will be glad to consider such possible legislation at an appropriate time.

SPINOFF OF LIFE INSURANCE COMPANIES

The third Senate amendment relates to a spinoff by a life insurance company of the stock of a subsidiary life insurance company without the imposition of the so-called phase III tax imposed by present law.

Present law provides a current tax on the investment income of a life insurance company plus half of the remaining net gains from operations. The remaining net gains from operations are placed in a "policyholders surplus account." Whenever a distribution is made out of this account to the shareholders, the so-called phase III tax on life insurance companies applies. Included in the distributions which may give rise to this tax are distributions of stock of a subsidiary in a spinoff. The principal reason for this is that the stock of the subsidiary may have been acquired since this tax was first imposed by the 1959 act. However, a subsidiary acquired before the effective date of the 1959 act obviously was acquired with earnings not subject to this tax in the first place.

For the reason I have just given to you, in the past specific exceptions have been made in the case of certain distributions of stock where the stock was acquired before the 1959 act. For example, under one of these exceptions spinoff of the stock of a casualty and fire insurance company under certain conditions does not result in any phase III tax.

This provision, which the House conferees accepted, provides that a spinoff by a life insurance company in which it distributes the stock of another life insurance company is not to result in a phase III tax if the distributing corporation at all times since 1957 owned 80 percent or more of the stock being spun off. The amendment also provides that to the extent contributions to capital were made after 1957 they are to be subject to the phase III tax on the spinoff distribution. This amendment applies to distributions made in 1967 and subsequent years.

Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I have a very unpleasant duty to perform. I have not signed this conference report. This again, in my judgment, is a clear violation of the Constitution.

These amendments that the chairman of the Committee on Ways and Means has been talking about are nongermane amendments.

Again we have this situation where at the tail end of a session of the Congress very technical tax concession matters involving millions of dollars are placed on a specific tax bill concerned with entirely different matters that passed the House much earlier this year. The bill itself was handled in the Senate in an orderly way. It could have been referred back with amendments germane to the subject matter and then if it was necessary to have a conference, this could have been done.

Last year we had a similar situation. In this instance it was the Foreign Investment Tax Act which was passed by the House with proper study and consideration by your Committee on Ways and Means and was then sent over to the other body and then brought back at the tail end of the session with blatantly nongermane amendments tacked onto it. I well remember that it was late at night. The conference bill included one of the most poorly conceived and drafted measures I think I have ever seen since I have been in the Congress on a subject matter that was of vital importance to everyone and involving millions of dollars, namely, this method of financing political campaign contributions, a measure that no one on the Committee on Ways and Means or anyone else in the House had had an opportunity of exercising any judgment.

We did not insist on the prerogatives of the House, which I say are embodied in the Constitution that revenue measures must originate in the House.

I think sometime the House of Representatives—the leaders of the House of Representatives, the Speaker, the majority leader and I would say from my side of the aisle, the minority leader and the chairman and the ranking members of the committees must stand by these orderly procedures. It should not have to be each time just another member of the committee who has to stand in the well of the House, as I have done so often in the past, to make these points that are so obvious. When I talk to my colleagues privately they concede it and say, "Oh, yes, that is right."—But for some reason or other there are certain people who have to be accommodated so they act contrariwise.

The bill that is before us, relating to certain tax treatment of operations under the Bank Holding Company Act, in my judgment, is a good bill. Notably, the Senate receded on its amendment. That legislation should be passed.

There may be merit in the three nongermane amendments which have been tacked on. Indeed there is in one of the two nongermane amendments, which were rejected by the Congress, relating to the Mortgage Guaranty Insurance Company problems which I think has merit. In conference I said to my colleagues from the Senate that I would be very pleased to introduce a bill—and I would be happy if anyone of the majority party would join me—to accomplish this purpose. The Ways and Means Committee could then meet to consider the bill. We could pass it up and it could come out before this body. We could urge that it be accepted, and it probably would be by unanimous consent. It could go over to the other body and be passed.

I said, "That is the orderly procedure." It is not that the House Members are trying to interfere with moving forward to correct inequities in the tax laws. Quite the contrary. We would be very pleased to introduce these measures. Yesterday the gentleman from Arkansas and I cosponsored a bill to accomplish these purposes.

The chairman of the committee has commented on the three amendments that we accepted. But I hope the membership of the House will take the conference report and read the brief description of the three amendments that were accepted. One thing you will conclude when you read them is that they are highly technical amendments and very complicated.

I want to say this. I try to do my homework in the area of the Internal Revenue Code. I think I understand these specific nongermane amendments but I am not sure I do. I can tell you that the Ways and Means Committee never studied these matters at all. No bills were introduced in the House. The Ways and Means Committee has not done its work in this area. If the chairman of the committee says he knows what is in them, he possibly does. But the 25 members of the Ways and Means Committee do not. The only ones in the House who have had any opportunity of zeroing in on this question are your conferees, of which I am one. But I do not believe that we have that amount of knowledge on the subject that we are in a position to bypass orderly legislative process to be certain. I have seen some very poor legislation come out in this fashion. All your House conferees know about these matters is what we heard behind closed doors in a very brief—less than 1-hour session—from the Senate conferees.

I do not know whether the Senate did their homework in this area. It is hard to judge. But judging by some of the amendments that they place on bills, they are not even well drafted in some instances.

I was pleased that the chairman of the committee mentioned the name of the only company that is benefited in amendment No. 4 that we accepted, one of the nongermane amendment—the American Motors Co. I think I am probably sympathetic to their problem. But when I find that the American Motors Co. lobbyists go over to the other body and get in touch with some Senators to introduce their legislation, which is contrary to the Constitution, I ask, Why do they not come over to the House side? I did not know about the American Motors matter until about 2 weeks ago, when one of the lobbyists came in to talk to me about it.

I said to him then, "Why do you not follow orderly procedure? If there is nothing wrong with this."—And I do not believe there is; do not misunderstand me, I do not think there is anything wrong with this, other than the fact that this is bad procedure—this kind of procedure does breed corruption. Believe me, I think it is very important that the Congress of the United States starts exercising some self-discipline and undertanding. It is this kind of improper procedure that tends to cause the people to lose confidence in what we are doing here in the Congress.

The Chairman of the committee has pointed out that the form of relief which was in conference prevented the conferees on the part of the House from considering a broader version of the amendment. That simply means we could start writing general law that needs to be written instead of just for the American Motors Co. The failure to follow orderly procedure prevents this from being done.

Let me tell you the argument used: That American Motors is going to go broke, that it has had bad management, and now new management has come in.

The other big automobile companies say, "We think it is pretty important that this smaller company be kept in business; otherwise, we are in trouble on antitrust legislation." Do the Members see the depths of the issues involved here? This should not be handled in this kind of fashion, with the Senate doing what they did in developing an obviously inadequate kind of amendment.

My chairman knows there are only about five or six members of the Ways and Means Committee who have even looked at this, and our staff has not had a chance to do this. There have been no public hearings on this.

All we are going to have is a recess, in fact, over Christmas. It would be well if the House would vote down this whole mess before us and have this brought before us in an orderly fashion where your Committee on Ways and Means—not just the few of us privileged to be conferees—can advise you we have studied the matter and can explain in detail what the facts are and our recommendations on legislation based upon these facts.

Nothing is going to happen in a period of a mere 30 days. Let us see if we can proceed in an orderly fashion in a proper legislative fashion.

My final remarks are these. I am not going to be making many more of these kinds of speeches, but I am saying this to my House colleagues. The Constitution vests in our body, which is closest to the people, the sole authority to originate revenue matters. This gives us our strength.

This kind of procedure—and as I have argued before, coupled with the closed rule under which the Ways and Means Committee brings out bills permits no one to amend them. We have to accept our bills from the Ways and Means Committee, and vote them up or down. As a Member of the Ways and Means Committee, I do not want that kind of responsibility, frankly. I want my colleagues in the House to be able to exercise their judgment. If we deprive a body of the power to amend, we deprive the body of the power to legislate. This is fundamentally so.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the chairman of the Ways and Means Committee.

Mr. MILLS. Mr. Speaker, I read in the paper the other day where my good friend made a decision, and I know he did it because he thought it was in his own best interest and in the interest of the people he represents and in the belief that he can win. Does the gentleman mean to suggest that I can never consider in conference a Curtis amendment, if one should be adopted in the other body?

Mr. CURTIS. I hope he cannot, and I hope I have the integrity not to change my position wherever I might operate from.

I feel this is so important and I plead with my chairman—for whom I have a great admiration, and he knows this—to make a fight on this point. It is basic. When we go over to the other body with revenue measures which have been passed here under a closed rule, and then permit the other body to put on nongermane amendments, in effect we are robbing all of our colleagues in the House of the opportunity of putting those kinds of amendments in themselves.

I can talk a little bit politically, if Members want me to. This renders the House a weaker body. This is one reason our colleagues in the other body can get certain things from people back in their communities that House Members cannot. If the people in American Motors know that this body is no place to go, but they should go to the other body to introduce revenue measures, knowing also they are going to bypass public hearings and a full discussion by the Ways and Means Committee, as I say, we, in effect, weaken ourselves. I want to see this House strengthened, and it badly needs strengthening.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I believe it has been reported in the press that the amount of or the value of this amendment on American Motors, if we might call it that, is $20 million. Do the conferees agree, or does the gentleman think it is that figure?

Mr. CURTIS. I do not know the figure. It is in the millions. It is enough for them to say that if this does not pass, eventually they will go broke. So I would say probably it is near that amount.

Mr. MILLS. Considering the entire change, it is an approximation of $22 million, but that is not the most compelling factor. The loss in competition, if we let this company go down, and the ultimate loss in revenue resulting from such an event were considered by the conferees to be most important.

Mr. CURTIS. Let me say this. These are arguments. As I say, I am inclined to think that these would appeal to me, but I do not think that I, nor the chairman, nor the small group of conferees, behind closed doors, have the wisdom or knowledge to make these judgments without some public hearings and without hearing from some other people who are also knowledgeable of the subject.

These things are too vital. It is to stem the deterioration of the legislative process I am pleading for here in the well.

None of these amendments—and I should have stressed this—have any emergency aspects about them. There is nothing that a delay of a month or so will make any difference.

These measures could have been brought up in the correct way, why they were not I do not know.

Mr. REUSS. Mr. Speaker, one of the provisions of this bill incorporates the terms of the bill (H.R. 12218) which I introduced in the House earlier this session.

The amendment contained in the present bill would provide American Motors with a 5-year-loss carryback and 3-year-loss carryforward, instead of the 3-year-carryback and 5-year carryforward allowable under present law, so that it may carry its recent losses back against the income of earlier profit years and thus receive a speedy tax refund when it is most needed.

This amendment will involve no ultimate added cost or loss to Federal tax revenues. If American Motors is successful, it will pay more taxes in the future because it will not be able to carry forward its present operating losses for more than 3 years. If American Motors is not successful, it is more than likely that another company will acquire it and use the American Motors losses for its own benefit, and thereby reduce the taxes that the acquiring company would ordinarily have to pay.

I might mention that Congress has already approved the principal of the 5-year operating loss carryback in the Trade Expansion Act.

Although American Motors is now clearly beginning to recapture a larger share of the automobile market, it is faced with a stringent working capital squeeze and badly needs tax relief which this amendment will provide.

With the relief requested, there is no doubt but that American Motors will continue as a highly important factor in the economy of the State of Wisconsin and that of the Nation as a whole. It is of prime importance that this corporation be maintained as a healthy competitive force in the automotive industry.

American Motors is an established significant automobile producer in the already heavily concentrated domestic automobile industry, in which the Big Three have about 97 percent of domestic passenger car production. This amendment will enable American Motors to continue to broaden its competitive effect—an element greatly needed in that industry.

American Motors has been a significant factor in the U.S. automotive export trade, at a rate far in excess of its relative size in the industry. Its share of automotive units exported, excluding Canada, rose from 11 to 18 percent during the past 5 years. It has contributed more than $150,000,000 to a favorable national balance of trade over that period—something most important to our Nation.

Over the 5 preceding years, American Motors has paid over $400,000,000 in income, excise, and payroll taxes to the Federal Government. Moreover, its operations over that span have generated Federal, State, and local tax payments, collected from the corporation and its employees, dealers, suppliers, and subcontractors, which are estimated to average $295,000,000 a year.

It has also been estimated that over the same 5 years the company's operations have generated annual average retail sales of $1.4 billion a year, total payroll and related employee benefits of $784 million a year, as well as providing jobs for 100,000 people.

During its 1966 fiscal year alone, American Motors paid approximately $230,000,000 in wages, salaries and related benefits to its own employees. The company continues to be one of the largest employers in Wisconsin and one of major significance nationwide.

American Motors is not as heavily economically integrated as its competitors. Consequently, it purchases the larger part of the components of its cars from independent producers and suppliers throughout the country. For the 1966 fiscal year, 69 percent of the American Motors sales dollar went for such purchases. This is a greater percentage than that of any automobile manufacturer. What would hurt American Motors would also hurt these independent producers and suppliers.

American Motors has more than 2,300 dealers and distributors, employing roughly 35,000 people, located throughout the Nation. The investment of these dealers in their facilities is estimated to exceed $250,000,000. Much of this investment would be lost if American Motors does not succeed.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to compliment the gentleman from Missouri [Mr. CURTIS] for once again courageously raising his voice to defend the established legislative process and the basic principles of our Constitution.

Frankly I agree with the basic intent of the contents of this conference report and the legislation contained therein and would normally cast an affirmative vote, if and I stress if, the regular legislative procedure had been followed.

As Mr. CURTIS so ably suggests the prerogatives of the House and its ability to initiate tax and revenue legislation must be preserved and protected. This is particularly true when one considers the potential for circumvention of the House Ways and Means Committee because of the Senate's ability to avoid the germaneness question.

Unless the regular legislative process is strictly adhered to, the Senate could be initiating tax legislation at will and the net result would be a weakening of the House of Representatives position as a full partner in the legislative process and set the stage for further incidents of legislative manipulation. Certainly, the Constitution we were sworn to uphold, would be abridged or circumvented. Therefore, in good conscience, I must cast my vote in opposition to the adoption of the conference report.

Mr. HUNGATE. Mr. Speaker, I cannot support this conference report. I am embarrassed that this body found it possible to allow only $10 million for better housing for the poor under the rent supplement program. But now suggests allowing $20 million for American Motors Corp. Two dollars for American Motors for every $1 for the poor is not the greatest slogan we could have.

Mr. VANIK. Mr. Speaker, I oppose the conference report on H.R. 4765.

It seems to me that it is fiscally irresponsible to take funds from the deficit-ridden Federal Treasury to "bail out" a financially distressed private corporation.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members desiring to do so may revise and extend their remarks on the conference report.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CURTIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 104, answered "present" 1, not voting 53, as follows:

[Roll No. 436]

YEAS—274

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashmore
Ayres
Baring
Barrett
Battin
Berry
Betts
Bevill
Bingham
Blanton
Blatnik
Boggs
Boland
Bolton
Brademas
Brinkley
Brock
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burleson
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Casey
Cederberg
Clancy
Clark
Clawson, Del
Cohelan
Conable
Conyers
Corbett
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Fino
Fisher
Flood
Flynt
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Green, Pa.
Griffiths
Gubser
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harvey
Hathaway
Hays
Henderson
Holland
Howard
Irwin
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly

King, Calif.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lipscomb
Lloyd
Long, La.
Long, Md.
McCarthy
McClory
McCulloch
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Machen
Mahon
Mailliard
Marsh
Mathias, Calif.
Matsunaga
Meskill
Miller, Calif.
Miller, Ohio
Mills
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poff
Pool
Price, Ill.
Pryor
Pucinski
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Ruppe
St Germain
Sandman
Saylor
Schadeberg
Schneebell
Schweiker
Schwengel
Selden
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Staggers
Steed
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Tunney
Udall
Utt
Waggonner
Waldie
Walker
Wampler
Watts
Whalen
Whalley
White
Whitener
Whitten
Wilson, Bob
Wright
Wyatt
Wydler
Wylie
Young
Zablocki

NAYS—104

Anderson, Ill.
Ashbrook
Ashley
Bennett
Biester
Blackburn
Bow
Brasco
Bray
Brotzman
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Cahill
Chamberlain
Clausen, Don H.
Cleveland
Collier
Colmer
Conte
Curtis
Dellenback
Dulski
Duncan
Eshleman
Feighan
Findley
Foley
Ford, William D.
Goodling
Gross
Grover
Gude
Gurney
Hall
Hansen, Idaho
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Joelson
Johnson, Pa.
Jonas
Kyl
Lennon
McClure
McDade
McEwen
MacGregor
May
Mayne
Meeds
Michel
Minish
Mink
Minshall
Mize
Morse, Mass.
Mosher
Nedzi
Olsen
Ottinger
Pollock
Price, Tex.
Randall
Rarick
Reid, N.Y.
Rhodes, Ariz.
Rogers, Colo.
Roybal
Rumsfeld
Ryan
Scherle
Scheuer
Shipley
Smith, N.Y.
Smith, Okla.
Stanton
Steiger, Ariz.
Talcott
Tiernan
Van Deerlin
Vander Jagt
Vanik
Vigorito
Watkins
Widnall
Wiggins
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyman
Yates
Zion
Zwach

ANSWERED "PRESENT"—1

Pelly

NOT VOTING—53

Abbitt
Annunzio
Aspinall
Bates
Belcher
Bell
Bolling
Broomfield
Broyhill, N.C.
Button
Carter
Celler
Cowger
de la Garza
Dickinson
Dwyer
Erlenborn
Ford, Gerald R.
Fountain
Gray
Green, Oreg.
Halleck
Hansen, Wash.
Hardy
Harrison
Harsha
Hawkins
Hébert
Heckler, Mass.
Herlong
Hosmer
King, N.Y.
Kuykendall
Lukens
Madden
Martin
Mathias, Md.
Multer
O'Hara, Mich.
Poage
Purcell
Resnick
Rosenthal
Satterfield
St. Onge
Scott
Snyder
Stratton
Stuckey
Ullman
Watson
Williams, Miss.
Willis

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Herlong with Mr. Halleck.

Mr. Hardy with Mr. Bates.

Mr. Fountain with Mr. Broomfield.

Mr. Abbitt with Mr. Dickinson.

Mr. Aspinall with Mr. Erlenborn.

Mr. Celler with Mr. Bell.

Mr. Multer with Mr. King of New York.

Mr. Madden with Mr. Harrison.

Mr. Willis with Mr. Broyhill of North Carolina.

Mr. Purcell with Mr. Kuykendall.

Mr. Rosenthal with Mr. Harsha.

Mr. St. Onge with Mr. Carter.

Mr. Annunzio with Mr. Lukens.

Mr. Stratton with Mrs. Heckler of Massachusetts.

Mrs. Hansen of Washington with Mr. Martin.

Mr. Resnick with Mr. Cowger.

Mr. Gray with Mr. Hosmer.

Mr. O'Hara of Michigan with Mr. Mathias of Maryland.

Mr. Stuckey with Mr. Scott.

Mr. Satterfield with Mr. Watson.

Mr. de la Garza with Mr. Snyder.

Mr. Hawkins with Mr. Button.

Mrs. Green of Oregon with Mrs. Dwyer.

Mr. Ullman with Mr. Belcher.

Messrs. BURTON of California, HOLIFIELD, SCHEUER, FOLEY, ROYBAL, CHARLES H. WILSON, WILLIAM D. FORD, ASHLEY, OTTINGER, SHIPLEY, JOELSON, OLSEN, FINDLEY, ICHORD, BURKE of Massachusetts, HELSTOSKI, and MINISH changed their votes from "yea" to "nay."

Mr. GOODELL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 7977) entitled "An act to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7819) entitled "An act to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MORSE, Mr. YARBOROUGH, Mr. CLARK, Mr. RANDOLPH, Mr. KENNEDY of New York, Mr. WILLIAMS of New Jersey, Mr. PROUTY, Mr. JAVITS, Mr. DOMINICK, and Mr. MURPHY to be the conferees on the part of the Senate.

PERMISSION TO CALL PRIVATE AND CONSENT CALENDARS ON THURSDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order to call the Private and Consent Calendars on Thursday next, the call of the Private Calendar to stop at No. 345 and of the Consent Calendar to stop at No. 127.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, I had hoped that these requests would be divided, one for the Consent Calendar and one for the Private Calendar, as presented in colloquy on the floor of the House a while ago.

Since they are not, Mr. Speaker, may I ask the distinguished majority leader if that involves only the two additional bills now listed on the Consent Calendar?

Mr. ALBERT. There are three bills on the Consent Calendar and a number on the Private Calendar.

Mr. HALL. I thank the gentleman for his response.

Mr. Speaker, since our former colloquy and inasmuch as I now have the bills in hand in addition to those which have previously been put on without prejudice, I would like to ask the distinguished majority leader if he is herewith revising his statement that there will be 17 additional new bills instead of 10 as stated in his previous unanimous-consent request?

Mr. ALBERT. The gentleman is correct, because I was incorrect in my statement before.

Mr. HALL. I wonder if the gentleman realizes that the reports have not yet been filed on the last seven of those bills according to the Document Room when I checked less than 15 minutes ago; that is, on Calendars Nos. 329 through 333.

Mr. ALBERT. If the gentleman will yield, I was not aware of that.

Mr. HALL. Is there any way that the distinguished majority leader can assure those of us who do do our "homework" in advance, and review these before they come up for unanimous consent requests, whether such reports will be filed and will be available to the Members prior to consideration on the floor?

Mr. ALBERT. It is my understanding that they will be available tomorrow. As the gentleman knows, Members have the right to object to or to ask to put over any bill the report on which is not ready. Tomorrow I think they will all be ready and available.

Mr. HALL. There are certainly some deserving bills, but it is not the desire of the membership or certainly of this Member from Missouri, to let the flood-gates open and a great rush of final private bills or Consent Calendar bills come through here by unanimous consent in the waning days of this session of Congress. I therefore shall take such action if the requisite basis for prudent legislating is not available.

Mr. ALBERT. Of course, the request is very restricted.

Mr. HALL. I appreciate the gentleman's request. Of course, the corollary is also true. Any of them, if they are deserving, can come up at any time by a unanimous-consent request. Is that not correct?

Mr. ALBERT. That is correct, but the orderly way to do it is give all Members of the House advance notice to put them on the Private Calendar.

Mr. HALL. I submit that the orderly way is not always the logical way. If those bills and the reports are not available, there would be considerable question as to the orderliness of the procedure when we are asking each Member to waive his right to object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RYAN. Mr. Speaker, reserving the right to object, is it possible to know what matters will be on the Consent Calendar? I ask the distinguished majority leader if the Consent Calendar will be limited to these three bills—S. 1477, S. 974, and S. 1722.

Mr. ALBERT. The gentleman is correct. The request is limited to those.

Mr. RYAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROHIBITION ON USE OF FINANCIAL INSTITUTIONS AS LOTTERY AGENCIES—CONFERENCE REPORT

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1018)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 8, 9, 12, 13, and 16; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a national bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "selling, redeeming, or collecting"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a State member bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a State nonmember insured bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from tis disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits an insured institution from accepting funds from, or performing any lawful services for, a State operating a lottery, or an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Wright Patman,
Abe Multer,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
William B. Widnall,
Florence P. Dwyer,
Managers on the Part of the House.

John Sparkman,
William Proxmire,
Edmund S. Muskie,
Wallace F. Bennett,
Bourke Hickenlooper,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill prohibited national banks, State member banks, State nonmember insured banks, and insured savings and loan associations from selling, keeping any records or books for the State lottery or its agents or from redeeming, collecting, keeping any books or records with respect to or otherwise handling in any way lottery tickets or transactions associated with lottery tickets.

Under the amendments agreed to by the conferees, the prohibition against bookkeeping and recordkeeping was deleted, and a provision was added to make clear the intention not to prohibit the acceptance of deposits and the performance of other lawful banking services.

No inference is to be drawn of any legislative intention to grant banks or other financial institutions any authority which they would not possess in the absence of this legislation. As there are cases currently pending in the courts in which the legal power of national banks to engage in certain activities is at issue, neither the report filed herewith nor this statement is to be construed as evidence of any legislative intention to express approval or disapproval of the legality of any practice or activity carried on by financial institutions, other than that which is specifically prohibited under this legislation.

Wright Patman,
Abe Multer,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
William B. Widnall,
Florence P. Dwyer,
Managers on the Part of the House.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to take up a great deal of time on the conference report of H.R. 10595, since Members of the House, by a vast majority, have already indicated their approval of this legislation. However, I would like to take a few minutes to review the legislation and to discuss the effect of the conference report.

Basically, H.R. 10595 would prohibit all federally insured financial institutions from participating in gambling activities generally and in lottery schemes more specifically. The legislation simply carries out 100 years of legislation and public policy that the U.S. Government should not engage in or use its name in any type of gambling promotion.

Perhaps the best summary of this legislation was contained in an editorial published in the Stamford, Conn., Advocate. The editorial reported the purpose of H.R. 10595 was to "get banks out of the bookie business."

H.R. 10595 was introduced because of a potentially dangerous threat to financial institutions which grew out of the adoption by New York State of a State-run lottery. In setting up the lottery, officials of New York State authorized banks and other financial institutions to sell lottery tickets on the banking premises. As payment for this service, the financial institutions would receive a commission currently 5 percent, on each ticket sold. One of the many reasons for selecting banks, witnesses appearing before the Banking and Currency Committee testified, was that by using banks as sales outlet, "a certain amount of respectability would be lent to the lottery."

In view of the sordid history of both illegal and legalized gambling, it was not felt that banks or other financial institutions should be a party to the lottery. In addition, many smaller banks in New York State which were opposed to the lottery and did not want to become sales agents, were forced into selling tickets in order to maintain a competitive basis with the State's larger banks that were selling lottery tickets. Thus, H.R. 10595 would not only protect financial institutions from engaging in questionable banking practices, but will also help smaller banks in New York State maintain a competitive position in the banking market.

H.R. 10595 was passed by the House on July 13 by 271-to-11 vote. The overwhelming vote in favor of this legislation—70 percent—clearly indicates the sentiment of this body. The Senate passed the measure by an even greater majority, thus going on record that like the House, the Senate would not turn its back on 100 years of public policy against gambling.

As passed by the House, H.R. 10595 would prohibit all federally insured financial institutions from selling lottery tickets, performing bookkeeping or recordkeeping services for the lotteries, distributing and collecting lottery tickets to vendors and from paying prizes to lottery winners.

The Senate version of H.R. 10595 removed many of the prohibitions of the House version, but still retained the prohibition against insured financial institutions selling lottery tickets. The prohibition dealing with redeeming, collecting, bookkeeping, and record activities was deleted from the House bill by the Senate. In addition, the Senate bill specifically authorized insured financial institutions to distribute lottery tickets to duly authorized sales agents; to receive from the sales agents the proceeds of their sales for subsequent transfer to the State lottery and to pay off the winners of State lotteries.

When the conference committee met, the House conferees were successful in retaining all but one of the provisions of the House bill in the measure that was adopted by the conference. Under the bill as reported from the conference, all insured financial institutions will be prohibited from selling lottery tickets, collecting and distributing the tickets, warehousing the tickets, and from directly paying the winners of the lotteries. All of these provisions were contained in the House bill. The conferees did agree to accept one provision from the Senate bill, that the insured financial institutions, where authorized by law, may perform bookkeeping and record service for authorized State lotteries.

It should also be made clear that nothing in the legislation prohibits financial institutions from performing normal and traditional banking services for State lotteries such as paying and receiving deposits. In short, the bank may perform any service for the State lottery that it normally performs for any other customer.

In order to avoid confusion, it should be pointed out that there is a difference between paying lottery prizes to winners and maintaining a checking account for the State lottery from which winners' checks are made payable. There is nothing in the legislation that would prevent a State lottery from operating a checking account in a commercial bank and to draw checks made payable to lottery winners on that account. However, the legislation does prohibit banks from acting as an agent of the lottery in making direct payments to winners. That is, lucky ticketholders could not go directly to a bank and present their winning tickets in return for a prize.

The bill agreed to by the conferees prohibits insured financial institutions from performing warehousing services for State lotteries or from acting as distribution centers. The State lotteries could avail themselves of the safety deposit services of the bank, since that would be a normal banking service, but this service could not be expanded to include the warehousing of tickets or lottery records nor could bank personnel engage in any type of distribution operation on behalf of the lottery. It should be made clear at this point that the conferee's agreement to insert language in the bill that allows financial institutions to perform normal banking services for the lotteries in no way is to be interpreted as granting any authority to the bank-lottery relationship that is not specifically contained in banking law.

For instance, at the present time there are several suits in the courts challenging the authority of national banks to provide data processing services for bank customers outside of the normal bank-customer relationship. While the agreed upon bill permits banks to provide record and bookkeeping services for lotteries, it is done so with the full knowledge that if such services are declared illegal by the courts, H.R. 10595 cannot be used by the banks as a basis for the exemption from the courts ruling. Nor can the granting of recordkeeping privileges in connection with State lotteries be construed as a recognition that such services are legal and normal banking functions for other than lottery customers.

Mr. Speaker, the Senate has already adopted the conference report and has made part of its record the statement of the managers on the part of the House. The only action that remains before this bill can go to the President for signature is the adoption by the House of this conference report. I strongly urge the House to take that action at this time.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. WIDNALL] for the purposes of debate.

Mr. WIDNALL. Mr. Speaker, on behalf of the minority, I would just like to say we agreed in conference to what has been stated by our distinguished chairman, the gentleman from Texas [Mr. PATMAN]. There was a dissenting vote by the gentleman from New York [Mr. FINO] who would like to speak on this with respect to his dissent.

Mr. Speaker, we have a very strong sentiment within the committee that banks should not be indulging in the lottery business in any way or form either by the sale of tickets or by the distribution of tickets.

The bill as it has finally been adjusted in conference provides that banks just perform normal banking services of taking in deposits and paying out from those deposits in accordance with normal banking practices.

At this time, Mr. Speaker, I yield to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Speaker, I listened with great interest to the statement made by the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas [Mr. PATMAN]. I was fascinated by his statement that the purpose of the legislation is to prohibit banks from engaging in, and I quote—"gambling activities."

The chairman knows full well that the banks in New York State that are selling lottery tickets are not—and I repeat—are not engaged in "gambling activities." They are merely acting as sales agents of the State government as a legal and proper revenue raising device.

Mr. Speaker, I hope that the Members of the House of Representatives realize that this bill is a deliberate attempt to legislate morality.

This bill is nothing more than a dodge to accomplish two purposes and two objectives: First, as I indicated, it is a deliberate attempt to cripple the New York State lottery; second, it is a vehicle to cast doubt on the integrity of our banking system in the State of New York. In the guise of regulating American banks, this legislation strikes at a legal State revenue device which was approved by two separate New York State legislatures and overwhelmingly approved and endorsed by the people of the State of New York on a referendum vote.

What we are doing here today with this bill is to make our American banking system a vehicle for interference with legitimate State activities. A desire to legislate morality should not be allowed to warp a dual banking system by subjecting State-chartered banks to a variety of Federal legislation which has nothing to do with safeguarding bank deposits or preventing unsound banking practices.

I ask the gentlemen and the ladies of this House, How can selling legal lottery tickets affect a bank's soundness? How can it affect its deposits?

At the present time the New York banks are simply serving as lottery ticket agents for a fee, just as they serve as stock transfer agents for a fee. These banks cannot underwrite the lottery any more than they can underwrite securities. The sale of lottery tickets has no more to do with the safety of bank deposits, has no more to do with banking practices than serving as stock transfer agents for a bank client.

This bill represents no more and no less than a Federal interference with a proper and legal function of our State government.

As I indicated earlier, we in the State of New York submitted this proposition to the people. Two separate legislatures had their say. In their wisdom they felt that this was a good revenue-raising device, and they in turn had to, under our Constitution, submit it to the people of the State of New York, and the people in their wisdom and in their good judgment approved it. So I urge the Members of the House to reject this conference report.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Speaker, by their votes on H.R. 10595, Members of the House now have the opportunity to contribute to a continuation of the integrity of all banks insured by the Federal Government.

We will do this as we vote for a bill which prohibits any such bank from becoming associated in any way with a lottery.

Specifically, we will prevent banks insured by the Federal Government from becoming sales centers for tickets in lotteries now conducted in New Hampshire and New York and proposed in other States.

Reports from both States now having lotteries reveal that incomes from that source have been most disappointing in the intended objectives of raising funds for schools and other public purposes. This has made the sponsors all the more eager to involve banks more directly in the lottery procedure.

Mr. Speaker, over many years banks have been symbols of integrity, encouraging thrift and honesty. To involve them now in sales for gambling enterprises will serve to undermine virtues as much needed today as in the times of our fathers and grandfathers. It seems unthinkable that we would now vote to have in our banks stations, often adjacent and competing, one for encouragement of savings, the other to promote gambling.

Eagerness of lottery sponsors to associate more banks with their faltering enterprises gives all the greater evidence that we should save financial institutions from that association, lest they also falter from an unnatural and unconscionable relationship.

In the great advances of medical science as revealed in recent transplants of human organs, the greatest danger lies in the possibility, even probability, that the host body will reject the transplant and that both host and transplant will die.

I suggest that the same danger lies in the proposal before us under H.R. 10595. This is not to suggest that our banks are unhealthy, but in a time of inflation and "tight" money their responsibility to maintain financial health is all the greater.

By proposing to introduce into a healthy bank an unhealthy transplant from the world of gambling, we surely invite the process of rejection which, as in the transplant within the human body, may bring tragic consequences.

Mr. Speaker, I propose that our responsibility in Congress is to maintain the health of our banks, not to use them in resuscitation for unhealthy lotteries.

Mr. ASHLEY. Mr. Speaker, the House bill made it unlawful for any insured bank or savings and loan association to "deal in" lottery tickets or related bets or to "keep any record of the existence or identity of any participant or winner, as such, in a lottery," and it defined "deal in" as including, among other things, "keeping any books or records with respect to, or otherwise handling in any way." The House bill did not, however, contain any references to, or prohibitions or restrictions on, the performance of data processing or activities which might be the subject of data processing, other than in connection with lotteries.

The Senate amendment eliminated all the phrases quoted above—except "deal in"—so that the prohibited practice of dealing in lottery tickets would include only "making, taking, buying, or selling." In addition, the Senate amendment added specific provisions to the effect that "Nothing contained in this section shall prohibit" insured banks or savings and loan associations from distributing lottery tickets to authorized sales agents, receiving proceeds of sales from such agents, or distributing prizes.

The legislative history of the bill in the Senate makes it clear that the Senate amendments were intended to permit banks in New Hampshire to continue to distribute tickets and collect the proceeds, and to continue to keep records and perform data processing services, for the New Hampshire Sweepstakes Commission. These amendments limited the effect of the bill to a prohibition on the sale of lottery tickets, and on advertising or publicizing the existence of lotteries or the identity of winners.

Under unanimous consent I insert in the RECORD at this point excerpts from the Senate hearings on H.R. 10595 and from Senate Report No. 727 which make this clear:

> The State of New Hampshire has established a special state agency, the New Hampshire Sweepstakes Commission, for the purpose of managing a lottery to be conducted for the benefit of elementary and secondary education in New Hampshire. In obedience to its responsibilities under state law, the Commission has entered into a number of relationships with financial institutions which do not at all differ from the relationships which those institutions have with many respectable, law-abiding businesses and individuals.
>
> For example, the Sweepstakes Commission maintains a checking account in a commercial bank. It leases safe deposit facilities. It has contracted for time on automatic data processing equipment.
>
> These relationships with financial institutions are clearly within the right of an agency of a State of the United States. Nevertheless, it is my belief that each of them would be prohibited by the enactment of H.R. 10595. I would hope that the Subcommittee on Financial Institutions would find it possible to amend H.R. 10595 so that State agencies would be permitted to continue making normal use of financial institutions, regardless of the particular responsibilities of those agencies. (Senate hearings on H.R. 10595, page 21.)
>
> ### COMMITTEE AMENDMENTS
>
> In recommending this legislation, the committee approved amendments which permit federally insured banks and savings and loan associations to engage in recordkeeping activities and to perform other custodial functions on behalf of the State lottery. Such institutions would be forbidden to sell lottery tickets directly to the public or to advertise or promote the lottery, but they could perform other services such as recordkeeping, data processing, as well as the acceptance of the proceeds of the lottery ticket sales for delivery, payment, or transfer to the State. Banks would also be permitted to distribute lottery tickets to duly authorized sales agents of the State and could make payment to the winners in such lotteries. Since these are common bank services which are already performed for other bank customers, the committee does not believe it feasible or practical to prohibit banks from performing these same services on behalf of a State lottery. However, the direct sale of lottery tickets to the general public is not incident to the business of banking and would be prohibited by the bill. (Senate Report No. 727, page 5)
>
> I do feel that the bill reported out by the committee is a clear improvement over the bill as it was received from the House. The committee amendments, adopted with no opposition, make it clear that the committee does not intend to interfere with such functions of financial institutions—safe-keeping and distribution, data processing, maintaining demand deposits, etc., which they may wish to perform for State-operated lotteries on the same basis as may be done for other customers.
>
> The committee must be commended for these realistic and necessary improvements. (Senate Report No. 727, page 21)

The conference revised the definition of "deal in" to include "selling, redeeming, or collecting." In addition, the conference deleted the Senate provisions which made it clear that the Senate bill would not prohibit the distribution of lottery tickets to authorized sales agents, receiving sales proceeds from agents, or distributing prizes. Instead the conference inserted provisions to the effect that:

> Nothing contained in this section prohibits a . . . bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery.

The House bill would clearly have prohibited insured banks and savings and loan associations from performing bookkeeping, data processing, and similar services for lotteries. The Senate amendments deleted these prohibitions, and the conference bill now before the House contains nothing whatever which authorizes or permits banks or savings and loan associations to perform data processing services for State lotteries, and nothing whatever which prohibits banks or savings and loan associations from performing data processing services for State lotteries, or for anyone else.

In other words, the conference version of the bill is completely silent and neutral with respect to data processing, and the existing law on the subject would not be affected in any respect by the Senate version of the bill.

The last two paragraphs of the statement of the managers on the part of the House make this very clear:

> Under the amendments agreed to by the conferees, the prohibition against bookkeeping and recordkeeping was deleted, and a provision was added to make clear the intention not to prohibit the acceptance of deposits and the performance of other lawful banking services.
>
> No inference is to be drawn of any legislative intention to grant banks or other financial institutions any authority which they would not possess in the absence of this legislation. As there are cases currently pending in the courts in which the legal power of national banks to engage in certain activities is at issue, neither the report filed herewith nor this statement is to be construed as evidence of any legislative intention to express approval or disapproval of the legality of any practice or activity carried on by financial institutions, other than that which is specifically prohibited under this legislation.

The deletion by the Senate of the prohibition in the House bill against the performance by banks of data processing services in connection with lotteries is not, of course, in itself a grant of authority to perform such services. Such authority must be found elsewhere in the statutes, primarily in the National Bank Act in the case of national banks and in the State banking codes in the case of State banks. It is appropriate, however, to point out that the prohibition would have been unnecessary and meaningless unless there was authority elsewhere, and the deletion of the prohibition would likewise have been ineffective and meaningless unless there was authority elsewhere.

Mr. MURPHY of New York. Mr. Speaker, I rise today in support of the conference report on H.R. 10595, a bill to prohibit certain banks from selling lottery tickets. As a sponsor of this bill I am happy to note that the Senate has already approved the conference report, and I am hopeful that the House will approve it today so it can be sent to the President before the end of the year.

Basically, this bill recognizes the principle that gambling is not a proper activity for thrift institutions. It does not violate the right of States to operate a lottery, it merely prohibits the sale of tickets for such a lottery by certain banks.

In my own State of New York it is charged that if enacted, this bill would destroy the lottery by eliminating the major source of ticket outlets. This is nothing more than a smokescreen, however, because there are many possible ticket outlets not being used. Just recently, the State tried a few new outlets in an effort to increase sales, and the State tax commissioner, Joseph Murphy, will soon recommend a number of additional outlets. The point is that the lottery can operate without banks, and I might mention that I have yet to hear a New Yorker complain that he could not find a ticket outlet when he wanted to buy a lottery ticket.

The fact is that the lottery is not failing because of a shortage of ticket outlets or a bill that has not yet become law, but because it is a sucker bet that will never attract the volume of participants originally expected. If it were a matter of increasing sales a few million, the answer might well be to increase outlets and advertising. But the lottery is earning only one-fifth of the expected volume; even if ticket outlets were placed on every street corner, in every bank, bar, hotel, and store in town, sales could not be increased by five times.

There is more to the failure of the New York State lottery, however, than the problem of ticket outlets or a lottery bill. The lottery was designed to finance education in New York State; the education budget was planned on the assumption that a certain volume of tickets would be sold—approximately 360 million a year. The public discussion to date has concentrated on the problem of lottery sales and has ignored the real problem of how education is to be financed.

The only response we get from the Governor's office is that steps are being taken to increase ticket sales, but this is obviously not the answer. The answer is for Governor Rockefeller to come forward with a sound plan to finance education in New York State. It will be a difficult task for the Governor; he will have to admit that he cannot finance education with proceeds from a State-operated gambling operation. But if he continues to procrastinate, if he continues to shirk his responsibility to offer a sound plan to finance education, the New York schools will be unable to operate. I would hope that the Governor thinks as much of education as he does of the lottery; if he would spend as much time on the former as he has on the latter the State of New York would be much better off.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD today or within 5 days on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I have no further requests for time. Does the gentleman have any further requests for time?

Mr. WIDNALL. Mr. Speaker, I have no further requests for time.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FINO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 289, nays 74, answered "present" 1, not voting 68, as follows:

[Roll No. 437]

YEAS—289

Abernethy
Adams
Albert
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Ayres
Barrett
Battin
Bennett
Berry
Betts
Bevill
Blatnik
Boggs
Boland
Bolton
Brademas
Brinkley
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Cabell
Casey
Chamberlain
Clark
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corman
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Dellenback
Dent
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Everett
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Gibbons
Gonzalez
Goodell
Green, Pa.
Griffiths
Gude
Gurney
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hays
Helstoski
Henderson
Hicks
Holifield
Holland
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kleppe
Kluczynski
Kornegay
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Long, Md.
McCarthy
McClory
McClure
McCulloch
McDade
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Matsunaga
Mayne
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Randall
Rarick
Rees
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
St Germain
Schwengel
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, Okla.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield

Sullivan
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wilson, Bob
Winn
Wolff
Wyatt
Wylie
Yates
Young
Zablocki
Zion
Zwach

NAYS—74

Addabbo
Ashbrook
Baring
Biester
Bingham
Blackburn
Bow
Brasco
Brown, Mich.
Burke, Fla.
Byrnes, Wis.
Cahill
Carey
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Corbett
Davis, Wis.
Delaney
Denney
Derwinski
Devine
Eckhardt
Eshleman
Farbstein
Fino
Fulton, Pa.
Giaimo
Gilbert
Goodling
Gross
Grover
Gubser
Hall
Halpern
Hechler, W. Va.
Kupferman
Laird
Leggett
Lipscomb
Lloyd
McDonald, Mich.
McEwen
May
Michel
Mosher
Myers
O'Neill, Mass.
Pike
Pirnie
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Robison
Ryan
Sandman
Scherle
Scheuer
Schneebeli
Schweiker
Smith, Calif.
Smith, N.Y.
Steiger, Ariz.
Taft
Teague, Calif.
Tenzer
Watkins
Wiggins
Williams, Pa.
Wright
Wydler
Wyman

ANSWERED "PRESENT"—1

Pelly

NOT VOTING—68

Abbitt
Adair
Anderson, Ill.
Anderson, Tenn.
Annunzio
Aspinall
Bates
Belcher
Bell
Blanton
Bolling
Bray
Broomfield
Broyhill, N.C.
Button
Carter
Celler
Cowger
Dickinson
Dwyer
Erlenborn
Fallon
Ford, Gerald R.
Fountain
Gray
Green, Oreg.
Halleck
Hardy
Harrison
Harsha
Hawkins
Hébert
Heckler, Mass.
Herlong
Hosmer
King, N.Y.
Kirwan
Kuykendall
Long, La.
Lukens
Martin
Mathias, Md.
Morton
Multer
Nelsen
O'Hara, Mich.
Poage
Purcell
Reinecke
Resnick
Rivers
Rosenthal
St. Onge
Satterfield
Saylor
Schadeberg
Scott
Sisk
Snyder
Stratton
Stuckey
Talcott
Teague, Tex.
Udall
Watson
Williams, Miss.
Willis
Wilson, Charles H.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Celler with Mr. Gerald R. Ford.
Mr. Hébert with Mr. Halleck.
Mr. Herlong with Mr. Bates.
Mr. Hardy with Mr. Broomfield.
Mr. Fountain with Mr. Dickinson.
Mr. Multer with Mr. Erlenborn.
Mr. Abbitt with Mr. Bell.
Mr. Aspinall with Mr. King of New York.
Mr. Willis with Mr. Harrison.
Mr. Purcell with Mr. Broyhill of North Carolina.
Mr. St. Onge with Mr. Kuykendall.
Mr. Rosenthal with Mr. Harsha.
Mr. Annunzio with Mr. Carter.
Mr. Stratton with Mr. Lukens.
Mr. Fallon with Mrs. Heckler of Massachusetts.
Mr. Kirwan with Mr. Martin.
Mr. Resnick with Mr. Hawkins.
Mr. Long of Louisiana with Mr. Hosmer.
Mr. Udall with Mr. Adair.
Mr. Teague of Texas with Mr. Scott.
Mr. Charles H. Wilson with Mr. Snyder.
Mr. O'Hara of Michigan with Mrs. Dwyer.
Mr. Button with Mr. Mathias of Maryland.
Mr. Sisk with Mr. Morton.
Mr. Gray with Mr. Reinecke.
Mr. Rivers with Mr. Talcott.
Mr. Cowger with Mr. Bray.
Mr. Anderson of Tennessee with Mr. Nelsen.
Mrs. Green of Oregon with Mr. Belcher.
Mr. Satterfield with Mr. Anderson of Illinois.
Mr Stuckey with Mr. Saylor.
Mr. Blanton with Mr. Schadeberg.

Mr. ECKHARDT and Mr. MICHEL changed their votes from "yea" to "nay."

Mr. GALLAGHER, Mr. HUNT, and Mr. ROUDEBUSH changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

NOTE TO FOREIGN GOLD SPECULATORS: ONLY THE U.S. CONGRESS CAN RAISE THE PRICE OF GOLD, AND CONGRESS IS NOT ABOUT TO DO IT

Mr. REUSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. REUSS. Mr. Speaker, gold buying is heavy on the London market again. Accompanying it is a well-authenticated rumor that Algeria has turned in $100 million for U.S. gold.

All this is as serious as it is ridiculous. Here we have the sheiks of the Middle East—some in white burnooses, some in white piping—egged on by President De Gaulle, endangering the free world's monetary system.

The gold raiders have had a relatively easy time of it. The U.S. monetary gold stock—the only stock available for exchange—is now down to something over $12 billion. Even were our international payments completely in balance, our stock would be vulnerable to huge drafts from outside the monetary system. We make it easy for the speculators by conveniently providing them with the London gold pool, and by guaranteeing them against loss by putting a floor under the price of gold.

If we go on like this, we invite a monetary panic. Worse, as we lose gold, we lessen the credibility of our commitment to supply gold to those foreign central banks and monetary authorities who have accumulated dollars, at least in part, because of our commitment. Foreign official dollar holdings are now around $15 billion. As our stock of monetary gold diminishes, our ability to validate this commitment made by three Presidents lessens.

The gold raiders are gambling on their hunch that the President will be induced in the future to raise the official price of gold, in an effort to increase U.S. reserves. I have confidence that the President means what he says when he says that we will not increase the price of gold.

But I have a word for the gold speculators. That word is this—even if he wanted to, the President of the United States cannot increase the price of gold. Under section 5 of the Bretton Woods Agreement Act of 1945, only the Congress can do that. And this Congress is never going to increase the price of gold and thus reward the speculators for their attack on the dollar.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Arkansas.

Mr. MILLS. I would like to join the gentleman from Wisconsin and associate myself with the statement he has just made.

Mr. REUSS. I thank the gentleman.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Louisiana.

Mr. BOGGS. I should like also to associate myself with the gentleman's statement.

Mr. REUSS. I thank the gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the distinguished majority leader.

Mr. ALBERT. I also wish to commend the gentleman and associate myself with his remarks.

Mr. REUSS. Mr. Speaker, there are a variety of ways open to the free world to make sure that foreign gold speculators in the end will be left holding the bag.

One way is to "pedigree" gold—to keep the present $43 billion of gold now in the hands of central banks, and to provide that members of the International Monetary Fund will purchase or sell gold only from or to each other, and not from or to the private market. The price of gold on the outside market can then fluctuate up or down, probably down when some of the banks call their margin on present private gold hoarders, and when it is realized that speculators have to fear a decline in the price of gold below $35 an ounce. The speculators, now gloating over the "overhang" of dollars, should ponder the "overhang" of hoarded gold—many billions' worth that could come on the market once the $35 an ounce support price is abandoned.

Another way is to "dethrone" gold. The United States could announce that all foreign monetary authorities holding dollars—which they have at least in part acquired as a result of the U.S. commitment to turn them into gold—have a set period of time in which to demand gold. This announcement should be accompanied by an announcement that the United States no longer agrees to buy gold at $35 an ounce, and will not make gold available for official dollar holdings to be acquired in the future. In all likelihood, only a small fraction of the roughly $15 billion in official dollar holdings would be presented for gold—because the future of the gold price would become extremely dubious, and because most foreign official dollar holdings are necessary either for current transactions or will be held because their holders have confidence in the dollar, and wish to take advantage of the interest rate that is payable on dollar holdings. The present parity values of the dollar would then be supported, under International Monetary Fund rules, not by gold but by exchange operations, just as all other exchange rates are now maintained. If we maintain an economy aimed at full employment without inflation, there is no reason why the current exchange value of the dollar with other currencies cannot readily be maintained. If France, for example, thinks that the dollar should be devalued, let it press its position within the International Monetary Fund. I doubt very much that it would wish dollar devaluation, since this would simply cut down on American tourism into France, and on the sale of French wines and perfumes in this country. If the free world in the future wants to change its system from one of fixed exchange rates to one of flexible exchange rates, that is a question to be argued out in the future.

The point is that only Congress can increase the price of gold. Congress will never do so. And there are many ways open to the free world, particularly now that the foundations for special drawing rights as a supplement or substitute for gold have been laid out in the International Monetary Fund, to take the wind out of the sails of the gold speculators.

A SLOW BOAT FOR GOLD TO EUROPE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I was intrigued by the statement of the gentleman from Wisconsin [Mr. REUSS], joined in by most of the Democratic leaders of the House, concerning the gold flow out of this country.

Bless your hearts and souls, only last week this administration dumped $240 million of gold in one shipment over in London to be cleared through the Bank of England to the so-called gold pool. This $240 million in bullion and bars went over by U.S. military aircraft. They could not even wait to put it on a boat and ship it over. Apparently the Johnson administration cannot operate fast enough to dump our gold in England. It has to pull out military planes to haul it over there.

The least this administration could do would be to pick a good slow boat over to the Bank of England and the gold pool.

THE ARROGATION OF POWER BY BOARDS AND AGENCIES

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, for some time I have been deeply concerned about the tendency of certain boards and agencies to arrogate to themselves powers of a lawmaking character which were neither conferred nor intended to be conferred by the Congress.

The presumption and arrogance of these boards and agencies is compounded to the point of insufferability when their officers blithely refuse to answer plain and simple questions from Members of Congress.

A classic example of a board which presumes to be a law unto itself and cavalierly disdains to answer an uncomplicated question by a Member of Congress is the Federal Reserve Board.

As a pointed example of this presumption of immunity from congressional desires and information requests, I am submitting for publication in the RECORD at this point an exchange of letters in which I have sought in vain to get a simple answer to a simple question.

My letter of September 15 to William McC. Martin, Jr., poses the question in plain language and expresses my deeply felt convictions on a matter of policy.

The reply from J. L. Robertson, dated October 3, comments vaguely on the policy but totally ignores my direct question.

On October 4, I wrote to Mr. Robertson and restated the question. As of today, more than 2 months later, I have not even received an acknowledgment of my second letter, let alone an answer to the question which I asked first on September 15.

SEPTEMBER 15, 1967.

Hon. WILLIAM McC. MARTIN, Jr.,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

DEAR MR. CHAIRMAN: Recently, in the lobby of a Fort Worth hotel, I saw prominently displayed a sign which read as follows:

"Due to a Federal Reserve ruling, 'changed' checks and customer drafts will no longer be handled as checks by the Fort Worth area banks. Please use printed checks furnished by your bank."

Now, what I want to know is: Whose idea was this? Did it come about because of Federal Reserve Board insistence, as the notice seems to indicate? Or was it done upon the initiative of the Fort Worth banks and acceded to by the Board?

In either case, it is an extremely shabby way to treat customers, i.e. citizens. The purpose of the Federal Reserve and its rules, unless I am mistaken, is not merely to serve and promote the convenience of banks and bankers, but primarily to promote and serve the convenience of the general public.

Clearly this does not promote the convenience of the public. It has resulted on one occasion in personal embarrassment to me. There are others who have been similarly embarrassed. If the Federal Reserve is engaged in a deliberate attempt to regiment people in this manner and to rule out their use of check forms which have always been regarded as legal tender, then I for one want to go on record with the strongest possible protest. I do not like it one bit. I am convinced that the public—at least in my area where a man's word is still his bond and mutual trust is still a way of life—does not like it either. If you are fostering this kind of thing, you are tinkering with something pretty sacred in our mode of life, at least in my part of the country, and I emphatically disapprove of it!

Sincerely,

JIM WRIGHT.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., October 3, 1967.

Hon. JIM WRIGHT,
House of Representatives,
Washington, D.C.

DEAR MR. WRIGHT: We have received your letter of September 15, 1967 and can readily appreciate your concern regarding the change in the Federal Reserve System's handling of checks that are not encoded for magnetic ink character recognition. Others have also been somewhat disturbed when first hearing of the change, and we welcome the opportunity of explaining what is actually involved.

As a matter of fact, the use of the magnetically encoded checks that banks furnish their customers is not mandatory, although I must say that it is highly desirable and we hope it will become virtually universal. What the Federal Reserve System did was to specify that after September 1 of this year the Reserve Banks would collect nonencoded checks in a different way than they collect encoded checks. The Reserve Banks will still accept nonencoded items and process them as "noncash" items, collection of which will require more time because of the special handling involved—that is, the accounts of the banks that deposit the items with the Federal Reserve Banks will not be credited until the Reserve Banks receive payment from the banks on which the checks are drawn. In contrast, for magnetically encoded checks that qualify for high-speed processing, the Reserve Banks will continue to give credit within at least two business days regardless of how long it takes to collect the checks.

The procedure that came into operation September 1 affects only a small percentage of checks. Practically all checks are now encoded as a result of efforts made over the years on the part of the system and various banking groups to reduce the number of nonencoded checks. Such inconvenience as does occur from the new procedure will affect primarily those collecting checks rather than than those writing checks. The banks collecting the checks will have to make arrangements for encoding the checks, wait longer to collect their funds, or refrain from using the Federal Reserve collection channels. About the only time that check writers will be inconvenienced will be those rare instances in which the payees are reluctant to accept nonencoded checks.

As you pointed out in your letter, the Federal Reserve System is concerned—in all its operations—with serving the public. The revised procedure for check handling represents an effort to expedite and reduce the cost of processing the millions of checks received by the Reserve Banks each day. Substantial benefits to business and to the public generally are expected to result from it. The enclosed press release of August 5, 1966 describes the System's action in more detail.

I hope that our response will clarify to your satisfaction the position of the Federal Reserve System in carrying out its check collection responsibilities. If you have any further comments, we shall of course be glad to hear from you.

Sincerely,

J. L. ROBERTSON.

OCTOBER 4, 1967.

Mr. J. L. ROBERTSON,
Office of the Vice Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR MR. ROBERTSON: Your letter of October 3, responding to mine of September 15, is very much appreciated, but it does not answer my basic question.

That question is whether or not the Federal Reserve System has officially required, encouraged, or recommended the action on the part of hotels and other public institutions in displaying signs and refusing to honor counterchecks and other legally negotiable instruments.

Your letter of October 3 leaves this question unanswered. It states that the use of magnetically encoded checks is "not mandatory," although you regard it as desirable and hope that it will become virtually universal. It is somewhat gratifying to be assured that the use of these encoded checks is "not mandatory" and that "the Reserve Banks will still accept" nonencoded checks. But I want to know whether you are requiring or encouraging public institutions and service institutions like hotels to make them mandatory at their cashiers' windows. The sign which I quoted verbatim to you in my letter of September 15 has this effect, and it credits the Federal Reserve System with having encouraged or required it.

You state in your letter of October 3 that your new procedure "affects only a small percentage of checks." If this is indeed the case, why is it thought sufficiently valuable to place the inconvenience upon the general public? And an inconvenience I assure you it is.

You state further that such inconvenience as occurs "will affect primarily those *collecting* checks rather than those *writing* checks." As it applies to a hotel or other public accommodation in its relations with its customers and clients, I assure you that it inconveniences *both* those offering and those refusing to accept legally negotiable checks. My concern is not over the internal mechanism of the Federal Reserve's relations with its customer and member banks, but with the disrupting influence which this requirement intrudes into the friendly and amicable relationships between those operating public accommodations and the public.

You state further that "about the only time that check writers will be inconvenienced will be those rare instances in which the payees are reluctant to accept nonencoded checks."

Exactly so, except that the instances are not "rare." If you misunderstood the concern of my letter, it dealt specifically and exclusively with these instances. My complaint is that people *are* inconvenienced—the *public* is inconvenienced. That was the entire burden of my letter to you of September 15. The other comments you make in your letter do not address themselves to this question.

The point is that people *are* inconvenienced by your new ruling. I think the Federal Reserve System exists to serve the public and you have inconvenienced the public if indeed you have required or encouraged this procedure of refusal on the part of our public accommodations to accept our checks.

Therefore, I do earnestly hope that you will reconsider it, if indeed it is the result of a Federal Reserve policy which your letter does not specifically acknowledge but which we must by implication concede.

Very sincerely yours,

JIM WRIGHT.

ALGERIA CASHES IN ITS DOLLARS FOR GOLD

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I was distressed, as others were, but not very surprised to read in yesterday's New York Times that Algeria converted more than $100 million into gold last month. It is no secret that the Algerian economy is manipulated by French interests, and the major role played by Algeria in the gold raid that followed in the wake of the British devaluation is further evidence that France is the primary force behind the attack on the American dollar.

I am particularly chagrined at the French-inspired Algerian role in the gold rush of 1967 because Algeria broke diplomatic relations with the United States more than 5 months ago. At that time Algeria indicated it wanted to maintain economic, commercial, and consular relations with the United States. This is tantamount to saying: Accept this affront but let us get all, from you, that we can.

And our Government said, OK. Well I say, it is not OK. I say it is not OK that a country that does not have diplomatic relations with the United States can freely accept French orders to raid our gold reserves and threaten our economy.

I call for an immediate halt of gold sales to Algeria and any other nation with which we do not have diplomatic relations.

Under leave to extend my remarks I wish to include in the RECORD the article I referred to from the New York Times of December 11:

LARGE GOLD SALE MADE TO ALGERIA—MORE THAN $100 MILLION IN U.S. DOLLARS UNDERSTOOD TO HAVE BEEN CONVERTED—FRENCH ROLE UNCLEAR—PARTLY TO CURB SPECULATORS, TREASURY'S NOVEMBER LOSS SET RECORD, $425 MILLION

(By Edwin L. Dale, Jr.)

WASHINGTON, December 10.—Algeria, whose links to France remain close, took a large amount of gold from the United States last month, reportedly more than $100-million, it was reliably learned today.

The Treasury, following its customary practice of not disclosing transactions with individual foreign countries until an official report is made several months later, declined to confirm or deny the report. But its accuracy—though not to the precise amount of the Algerian conversion of dollars into gold has been established.

When the Treasury disclosed a record gold loss of $475-million last Thursday, officials revealed that part of the loss reflected a conversion of dollars into gold by four foreign central banks, though they were not named. A big part of the loss stemmed from the United States share of gold sales on the London market by the seven nation gold pool to match speculation demand and hold the price down to $35 an ounce.

FRANCE CRUCIAL

Assuming Algeria took a $100-million or more, this would mean that the loss because of the operations of the pool was less than some had feared. It is not known how much the other three central banks took or which country they represented.

There is no direct evidence here that France induced the Algerian conversion of dollars into gold, thus heightening the United States gold loss. But France is, in the words of one official, "absolutely crucial to Algeria's existence as a viable economic entity."

For example, only France is a good market for Algeria's low-grade wine, which is in heavy surplus. Thus, French wishes would have a strong influence.

NEARLY $400 MILLION EXCESS

Although French officials here deny that France is out to "attack the dollar," the words of President Charles de Gaulle have left that distinct impression. Nearly three years ago France made the decision to convert all dollars into gold except for a working balance of about $600 million.

A big question for the weeks ahead is what France will do with the nearly $400-million of "excess" dollars it took in during the monetary turbulence preceding and following the devaluation of the British pound. French officials here say that no decision has been made whether to convert these dollars into gold, which would further dramatize the United States gold loss.

Algeria no longer receives any United States aid and relations between the two countries have been cool if not verging on the hostile. But, under the rules of the international monetary system, all non-Communist nations have the right to convert dollars they hold at the established United States Treasury price of $35 an ounce.

Although Algeria publishes almost no statistics, its total monetary reserves are estimated by United States officials at the substantial total of about $200-million. Thus, a conversion of the dollar portion of these reserves into gold in an amount of $100-million or more would be well within Algeria's capacity.

There has been some talk in Paris that the French Government might try to induce all the French-speaking countries in Africa to convert any dollars they hold into gold. The total amount, however, is not believed to be large.

ASSAIL PAYMENTS GAP

French officials have insisted that the purpose of President de Gaulle's policy is not to "bring down" the dollar or force a devaluation but rather to exert pressure on the United States to eliminate the chronic deficit in its balance of international payments. This deficit, they claim, hurts European countries as much as the United States, and also creates a constant climate of monetary instability in the world.

It is true, French officials say, that France sees merit in an increase in the price of gold, from its present level of $35 an ounce. But they argue that this should be done without any devaluation of the dollar in relation to other currencies.

The device would be a "uniform change in par values," which is permitted in the articles of agreement of the International Monetary Fund. The "gold content" of all currencies would be changed at the same time in the same amount. The gold price would go up, but exchange rates among currencies would remain the same.

The United States unequivocally opposes such a move, in part because it would "cheat" countries that had held dollars instead of gold in their reserves, and in part because the main beneficiaries would be South Africa and the Soviet Union, the two chief gold-mining countries.

KENYA INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, today, December 12, is Kenya Independence Day. Americans have watched with pleasure and admiration Kenya's continuing internal progress and enhanced international prestige in its fourth year of independence.

During the year, Kenya's wise and responsive leadership has continued to inspire the cooperative efforts of the country's diverse peoples in the task of promoting economic development and strengthening political democracy. Since Kenya's independence 4 years ago, the spirit of "Harambee" or "Let's pull together" has been transformed from a ringing appeal to a concrete and visible reality throughout the land.

This fourth year of independence has witnessed such remarkable accomplishments in the sphere of Kenya's international relations as the successful negotiation of the Treaty of East African Economic Cooperation and the Arusha Agreement with the Republic of Somalia.

During a year when all too frequently forces of disunion and conflict have been tragically unleashed elsewhere in Africa and the world, it has indeed been encouraging to observe this firm progress which Kenya has made in the fields of economic cooperation and peaceful settlement of disputes with its neighbors. Through these and other achievements the role of the Republic of Kenya, under the wise and dynamic leadership of President Jomo Kenyatta, has gained increased respect in the councils of African as well as world organizations.

I am happy, Mr. Speaker, to convey to the people of Kenya my sincere best wishes and hearty congratulations on the fourth anniversary of the independence of the Republic of Kenya. In doing so, I am sure that I speak for the many friends of Kenya here in the United States.

It is my good fortune to number among my personal friends President Kenyatta, who was held as a political prisoner by the British when I first visited Kenya; and Tom Nboya, who on my first visit to his country, pointed out to me the land selected as a site for the Temple of Labor donated by American labor. Since that time, independence has come to Kenya, and the strides the new nation has made have delighted Kenya's friends all over the universe.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members who so desire may have 5 legislative days in which to pay tribute to a great country, the Republic of Kenya.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WHAT SHOULD BE DONE WITH STOKELY CARMICHAEL?

Mr. THOMPSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. THOMPSON of Georgia. Mr. Speaker, from the press reports there seems to be a question in the minds of certain members of the executive branch of our Government as to what can be done with regard to Stokely Carmichael who, while maintaining residence in my district, has traveled over the entire country and world preaching hate and violence against his country and urging persons to evade the draft. Stokely Carmichael has just returned to this country after approximately 5 months abroad, during which time he called for the defeat of the United States by the Vietcong and North Vietnamese and made numerous despicable remarks concerning the country that has given him a home and many benefits.

Last May on the floor of this Congress I called upon the Attorney General to enforce the law, specifically section 12A of the Selective Service Act, against all of those who have violated it. This includes Stokely Carmichael. The Attorney General sent a spokesman to the House Armed Services Committee who, in effect, stated that he had no intention of enforcing this law because he was afraid he might violate Mr. Carmichael's right of free speech.

Mr. Speaker, I am getting a little bit fed up with the executive branch of the Government refusing to enforce the laws now in the books and then suggesting new laws, as the State Department has suggested, with regard to additional penalties for people such as Stokely Carmichael, who violate their passport conditions.

Judging from past experiences, I have no reason to believe that if we pass 10 laws on this subject that the Attorney General will enforce them.

The cold, hard facts are simply that the Attorney General of the United States could have long ago brought enforcement actions against Stokely Carmichael had it have been his desire to do so. He is not serving the best interest of this country nor the Office of the Attorney General by his indecision and failure to take action when action is warranted, needed, and necessary to protect the interests of our people and country.

The time has come when officials in a position to take action realize that this country has a basic right to survive, and the right of free speech, though we must protect it, is not an absolute right but a right which must be construed in the light of valid laws and the basic unwritten cardinal right threaded throughout the fabric of the entire Constitution—the right of the American people of the American Government to survive and protect itself from treacherous apostles preaching hate and violence and calling for the defeat of the country to whom they owe so much.

Mr. Speaker, if the Attorney General of the United States refuses to enforce the laws of the country as they should be, in order to protect the survival of our country, then he should resign and let someone be appointed in his place who is not afraid to stand up for their country and do their duty.

LEGAL AND MONETARY AFFAIRS SUBCOMMITTEE OF THE GOVERNMENT OPERATIONS COMMITTEE—ACTIVITIES IN THE FIRST SESSION OF THE 90TH CONGRESS

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, as we approach the end of the first session of the 90th Congress, I am pleased to submit a résumé of the activities and accomplishments of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations in this session.

The following Members were appointed by the Honorable WILLIAM L. DAWSON, chairman of the full committee, to the Legal and Monetary Affairs Subcommittee: CORNELIUS E. GALLAGHER, of New Jersey; JIM WRIGHT, of Texas; FERNAND J. ST GERMAIN, of Rhode Island; JACK EDWARDS, of Alabama; GUY VANDER JAGT, of Michigan; and WILLIAM O. COWGER, of Kentucky. I was made chairman.

One of the committee's chief responsibilities is to examine and evaluate the efficiency and economy of the operations of the executive branch departments and agencies. Among the departments and agencies whose efficiency and economy of operations the subcommittee is concerned with are the Treasury Department, Department of Justice, the Federal banking regulatory agencies, the U.S. Coast Guard, and the Securities and Exchange Commission. In my estimation, the subcommittee can take justifiable pride in the kinds of investigations they conducted during the year and in their results. Significant savings should inure to the benefit of the Government if the recommendations for improved efficiency and economy are implemented by the agencies.

During the year, 9 days of public hearings were held on studies that were being made by the subcommittee. Other studies were conducted which resulted in improved agency operations without the necessity of public hearings. Some of the most significant studies made during the year are discussed here:

THE FEDERAL EFFORT AGAINST ORGANIZED CRIME

Although the Department of Justice and the Federal investigative agencies have directed assaults of varying intensity on organized crime and racketeering at one time or another since 1950, published reports indicated that as late as the beginning of 1967 the Federal Government lack sufficient personnel and financial resources in the fight against organized crime. In fact, in establishing his Crime Commission, the President was obliged to say that despite best efforts the menace of organized crime continued to grow.

The Legal and Monetary Affairs Subcommittee has oversight jurisdiction over the two Federal departments that are in the forefront of the Government's efforts to combat organized crime, that is the Department of Justice, including the FBI; and the Treasury Department, particularly the Internal Revenue Service, and the Customs, Secret Service, and Narcotics Bureaus.

It seems essential for the subcommittee to get the record clearly before the American people and to see what more can be done to help the Federal Government better equip itself to deal with the problem. Public hearings have been held, and others are planned, early in the second session, designed to determine the magnitude of the syndicated crime problem; the Federal Government's proper role in meeting the problem; its ability to carry out its responsibilities; whether its resources are being used to fullest advantage; the results being obtained; and whether—and how—its capabilities can be strengthened.

DEPARTMENT OF JUSTICE'S HANDLING OF VETERANS' ADMINISTRATION MORTGAGE FORECLOSURES

Although for about 20 years the Veterans' Administration itself, or through fee attorneys, handled the litigation involved in foreclosing on defaulted mortgages which VA held, the Department of Justice on June 22, 1964, gave VA only slightly over a week's notice that it was taking over the handling of such foreclosures as of July 1, 1964. Because of various objections raised by the VA the actual takeover was delayed until March 1, 1965.

Because of indications that delays in the handling of the litigation were proving costly to the Government, the subcommittee made a study, including public hearings, of the efficiency and economy of the Department's handling of the cases. Resulting therefrom was a report entitled "Department of Justice's Handling of Veterans' Administration Mortgage Foreclosures," House Report No. 536, 90th Congress, first session.

Among the findings made by the subcommittee was that before the takeover the Department did not have precise knowledge of the volume of foreclosure cases that might be involved in the takeover, nor the capability of the Department to handle them speedily. The Department had made no investigation of the problems that were likely to arise, nor had it consulted with the Bureau of the Budget before the takeover.

Many reasons accounted for delays in completing cases, including inadequate staff in some U.S. attorneys' offices to handle the extra caseloads, the duplication of procedures within VA and the Department under the Department's method of handling the cases, and the fact that the cases were concentrated primarily in a few Federal courts, whereas they had been much more speedily handled by VA in State courts. The net result according to the subcommittee was a loss to the taxpayers of some $800,000 on 2,890 foreclosure cases considered.

The report recommended means whereby the processing of the cases by the Department can be speeded up, thus reducing or eliminating the costly delays. It also recommends that before any function being performed by one agency of the Government is taken over by another, the Bureau of the Budget should first consider the proposal, with the objective of judicious planning and the elimination of wasteful situations.

COAST GUARD EXAMINATION OF FOREIGN PASSENGER VESSELS—PROGRESS REPORT ON INCREASED PASSENGER SAFETY

In 1966, following the SS *Yarmouth Castle* tragedy, in which 90 persons lost their lives on a pleasure cruise when that vessel burned and sank, the subcommittee made an extensive study of the U.S. Coast Guard's role in assuring the safety of foreign passenger vessels, and the means of prohibiting vessels unsafe because of their combustibility from carrying passengers from U.S. shores. House Report No. 1663, entitled "Coast Guard Examination of Foreign Passenger Vessels," was issued following that study.

In the first session of the 90th Congress the subcommittee gave further attention to the problem of increased passenger ship safety, and the Coast Guard's role with respect thereto, following which House Report No. 829, entitled "Coast Guard Examination of Foreign Passenger Vessels—Progress Report on Increased Passenger Safety," was issued.

The report recites the marked improvements that have occurred for improving the fire safety standards of vessels and the providing of information to prospective passengers of safety standards applicable to foreign ships; it also makes recommendations for further efforts toward safety.

SEARCH AND RESCUE OPERATIONS FOR U.S. PRIVATE PILOTS MISSING IN FOREIGN AREAS

In an incident brought to the attention of the subcommittee, even though congressional intervention was made, it took 3½ days after an American private pilot was reported as missing on a flight between Mexico and Nicaragua to get U.S. search and rescue efforts underway. The efforts that were made were conducted by the Coast Guard, an agency within the subcommittee's jurisdiction. Investigation developed that the basic reason for the delay in getting the search started was the lack of any overall Federal agency plan that was to apply when U.S. private pilots or aircraft were missing in foreign areas. In consequence, the State Department, Coast Guard, and Federal Aviation Administration officials to whom the missing pilot report was made, either did not know what to do, or had not received authority to conduct operations in the foreign areas involved.

Public hearings were held during which officials of the State Department, Coast Guard, the Air Force, and the FAA testified. The reasons for the failure to prepare a search-and-rescue plan were fully explored, as reported in the committee report which was issued, House Report No. 832, 90th Congress, 1st session, "Search and Rescue Operations for U.S. Private Pilots Missing in Foreign Areas."

The report recommended that the agencies involved develop the needed plan; that the State Department internally promulgate instructions for its duty officers on the procedures to be followed in the event of a similar emergency which requires clearances from foreign countries before U.S. search-and-rescue efforts may be made therein; and other procedures for insuring speed in searching for downed U.S. aircraft and private pilots in foreign areas.

OTHER STUDIES

Numerous studies were conducted by the subcommittee without public hearings being held or formal reports issued, which resulted in improved agency operations or substantial savings, or both.

A study was made of procedures and practices of the General Accounting Office in the handling of protests made by bidders, against contracts, or the award of contracts. The GAO recently published procedures which are aimed at providing every reasonable opportunity to bidders and contractors to make fair presentations of their positions regarding entitlement to contracts, which procedures should work out to the benefit not only to those parties but also to the Government.

A study has considered the manner and extent to which the interest equalization tax, which was passed in aid of the Nation's balance-of-payments situation, has been enforced.

Additional studies have considered such subjects as the possibility of effecting savings through changes in the marketing of Government agency obligations; the compliance with Federal Reserve Board interest advertisement rules by banks in the introduction and advertising of new kinds of accounts; improving the recordkeeping procedures on returns for social security credits filed by self-employed persons; inquiry into Internal Revenue Service procedures in the settling of tax liabilities for sums less than the amount of the tax obligations; inquiry into Federal Reserve policy with respect to loans to member banks at the "discount window"; inquiry into the adequacy of the enforcement of the Federal Firearms Act by the Treasury Department; various studies with respect to the Treasury's savings bond operations; and inquiry with respect to the Treasury's issuing and subsequently prohibiting licenses to organizations for the delivery of medical supplies to U.S. prisoners in North Vietnam; numerous other studies were also made, some of which are continuing into the second session of the 90th Congress.

GENERAL ACCOUNTING OFFICE REPORTS

At the beginning of the year the subcommittee had six GAO reports under review and study, and 13 more were received. Seventeen were closed after action taken by the subcommittee, or after it developed that no action was required. Two reports remain under review.

PRIOR ACTIVITIES OF CONTINUING INTEREST

In the 88th Congress, after subcommittee investigation, House Report No. 1146 was issued entitled "Crimes Against Banking Institutions." Because such crimes, such as bank robberies, have not decreased, the subcommittee maintains a continuing interest in the subject and in having the bank supervisory agencies take recommended action to have banks safeguard themselves against both external and internal crimes.

In the 88th Congress, House Report No. 1640, entitled "Judgment Collection Practices and Policies of the Department of Justice," made numerous recommendations designed to improve the collecting of judgments by the Department of Justice. When the investigation started at the end of fiscal year 1963 collections totaled only about $67 million in that year. Since that time collections have increased substantially so that the total for fiscal year 1966 was almost $100 million more than in fiscal year 1963. In the 4 years that the subcommittee has interested itself in improved collections about $350 million more has been collected than was being collected when the study began.

In the 89th Congress, House Report No. 1335, entitled "Federal Reserve System—Check Clearance Float," made recommendations for decreasing the float and the consequent open market operation problems of the Federal Reserve System. Because of steps taken by the System pursuant to the recommendations, there has been significant reduction in the float despite the fact that the number of check clearings have increased substantially.

In closing, I would like to say that the members of the subcommittee have devoted a great deal of time and effort and made valuable contributions to the subcommittee's work by reason of their training, experience, and interest. As chairman of the subcommittee I am most grateful.

PELLY URGES GAO INVESTIGATION OF DEFENSE DEPARTMENT DEAL

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, the U.S. maritime industry, already beset with problems created by the lack of administration leadership and martime programs, now has been struck with a new and dubious action which further compounds the plight into which this vital industry has been forced.

Commissioner of Customs Lester D. Johnson has confirmed a report that was given me that navigation laws were waived so that two German-built hydrofoil vessels could be imported into the United States. This was done at the request of the Secretary of Defense, who considered the move, "in the interest of national defense."

Mr. Speaker, 2 years ago the Grumman Aircraft Co. attempted to lease the U.S. Maritime Administration's research hydrofoil, the HS *Denison*, a vessel they built with Government funds, but this was contrary to the intent of the Merchant Marine Act of 1936, and it was halted. The announced purpose of the lease was for European demonstration use.

Now, Grumman has entered a joint venture with Blohm & Voss of Hamburg, Germany, the company which built the two hydrofoils allowed to be imported into the United States. The sum total of these moves has been that the German manufacturer has gained the hydrofoil know-how which Grumman gained at the expense of the U.S. taxpayer, and which is now being used in competition with our hydrofoil efforts; competition, I might add, that the Defense Secretary refers to as, "in the interest of national defense."

Mr. Speaker, there are two companies in my own district which are privately owned builders in the hydrofoil field, and this is just one more example of the Johnson administration circumventing the will of Congress and the law to build American ships foreign and avoid using American labor.

In the interest of protecting the American shipbuilding industry, I am urging the General Accounting Office to fully investigate this waiver of the law by the Department of Defense and who engineered this deal.

Mr. Speaker, the law is specific that transportation of passengers and cargo between American ports is limited to American-built vessels. The Defense Department ruling in this case clearly circumvents the law.

These two hydrofoils are for domestic use in the San Francisco area.

WHY, MR. ATTORNEY GENERAL, IS STOKELY CARMICHAEL "ABOVE THE LAW"?

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, the newspapers are full of stories about the return of Stokely Carmichael to the United States with much fanfare from black power groups, but a minimum of activity by the U.S. Department of Justice.

The Attorney General shows the courage of a bull-butterfly in meeting his responsibilities with characters of this nature.

The Justice Department lamely and almost apologetically lifted Carmichael's passport upon his arrival and permitted him to go on his merry way.

The very respected dean of the Notre Dame Law School, Joseph O'Meara, wrote an article appearing in the December 1967 issue of the American Bar Association Journal entitled, "No Man Is Above the Law."

Dean O'Meara very objectively and very ably points out that although the Department of Justice appears to believe that Carmichael, King and others have not violated the law that he disagrees and states specific reasons why, citing decisions and opinions.

One particular statement by Dean O'Meara is as follows:

> Like other malefactors, they should be prosecuted. And that goes for anyone else—white or black—who is urging young men to "become" conscientious objectors—a vicious absurdity, which is nothing less than urging them to become hypocrites and perjurers. These men should be prosecuted, I repeat, and there is no excuse for not doing so. As the record shows, I profoundly believe that no man should be discriminated against because of his color. I am equally convinced that no man should be protected by his color.

The following is the full text of Dean O'Meara's article:

NO MAN IS ABOVE THE LAW

(NOTE.—In this article, Dean O'Meara declares that Stokely Carmichael and others like him should be prosecuted for counseling young men to refuse to bear arms in violation of two sections of the United States Code. To support his contention he compares some of Carmichael's recent utterances with those for which the defendant was punished in the landmark case of *Schenck* v. *United States*.)

(By Joseph O'Meara, dean of the Notre Dame Law School)

"No man is above the law and no man is below it"[1]—this was Theodore Roosevelt's magnificent capsule statement of the rule of law which served as the theme for Law Day 1967. Far more eloquent, however, is John Courtney Murray's expression of the meaning, the intent and the effect of the rule of law. "Western man", Father Murray says, "has sought in the idea of law a manifold redemption—from the arbitrary despotisms of uncontrolled power; from the threat or fact of injustice to his person and to his property; from dispossession of his human and his civil rights; from the degradation that ensues upon social inequalities destructive of his personal significance and worth . . . from the disruption of life by the irrational forces of passion, caprice, and chance that militate against the 'life of expectability,' . . . that is guaranteed by the rule of law."[2]

What would happen to these values, so highly prized by us, if Communist aggressors should carry the day? We are locked in mortal combat with them at this moment—in Vietnam. There, in that hot and distant land, we are waging an escalating war, a war that is horrible and tragic as all wars always have been.[3]

Why are we fighting a war in that far-away corner of the earth?[4] First of all, because we have made commitments, which have been and are being relied on; because we are not and cannot afford to become welshers.

We are fighting that war, moreover, to preserve the rule of law and the values it protects.

We are fighting that war, finally, as a matter of self-preservation. If we do not stop Communist aggression in Vietnam, where shall we stop it? After the Reds have engulfed or neutralized Indonesia? Overwhelmed the Philippines? Reduced or isolated Japan? Established a beachhead in Australia? Or shall we wait until they have landed in Central America or Mexico?

To stop the Communist aggressors *now*, while they are still far from our own shores, American men are dying in Vietnam; American women are losing their sons, husbands and sweethearts. At the same time there are many in this country who are fighting another and different war, a war against what is called our "involvement" in Vietnam. Some of these are motivated by strongly held moral principles. They are entitled to respect, and nothing I shall say is directed against them. To a considerable extent, however, I am persuaded that the objectors are either Communists[5] or cowards, or they are persons of large good will but little insight who have been euchred into being stooges,[6] or persons who are seeking some end of their own (ambition, revenge or whatever) at the expense of their country.

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[1] 38 CONG. REC. 3 (1903).

[2] MURRAY, WE HOLD THESE TRUTHS 155 (1960).

[3] The legality of the war was affirmed by the House of Delegates of the American Bar Association in February of 1966. The resolution was published in the April, 1966, issue of the JOURNAL (52 A.B.A.J. 392–393).

[4] *Cf.* columnist Roscoe Drummond as reported in The South Bend Tribune for September 14, 1967, at page 12: ". . . The basic premise of the U.S. defense of South Vietnam was set out by President Eisenhower as early as 1953. It was that it is vital to the national interest of the United States to arrest further Communist expansion-by-force in Asia following the Korean war. This was the position of the Eisenhower administration, of the Kennedy administration and is that of the Johnson administration."

To be specific I am referring to Martin Luther King, Stokely Carmichael and others like them. Such persons are doing a disservice to the cause of civil rights by seeking to link the civil rights movement with their efforts to persuade young men to avoid military service.[7][8] Like other malefactors, they should be prosecuted. And that goes for anyone else—white or black—who is urging young men to "become" conscientious objectors—a vicious absurdity, which is nothing less than urging them to become hypocrites and perjurers. These men should be prosecuted, I repeat, and there is no excuse for not doing so. As the record shows, I profoundly believe that no man should be discriminated against because of his color. I am equally convinced that no man should be protected by his color.

What I have said may be denied indignantly. But the men I have named and others like them let the cat out of the bag. They give themselves away. For never once do they condemn the terrorist tactics of the North Vietnamese. Never once do they condemn Hanoi's rejection of all peace proposals, not only those put forward by the Administration but also those advanced by neutral powers, by the Secretary General of the United Nations and by the Vatican. Never once do they lament the suffering and death borne by our forces in Vietnam. These men weep only for the enemy.

Let them criticize, protest and condemn to their heart's content. To do so is their privilege under the First Amendment. But let it be understood that the Constitution gives no right to obstruct the war effort, as by attempting to persuade young men to refuse to bear arms for their country. Such attempts are a violation of two sections of the United States Code, namely, Title 18, Section 2388 and Title 50, Section 462, which provide as follows:

Title 18, Section 2388(a):

"Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States, or attempts to do so—

"Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both."

Title 50, Section 462(a):

"Any member of the Selective Service System or any other person . . . who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title . . . shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment."

Section 2388 is in full force and effect by virtue of Section 2391 of Title 18.[9] An examination of the relevant materials discloses that the national emergency referred to in Section 2391 has not been terminated.[10]

But is it true that these statutes, in fact, have been violated by Messrs. King and Carmichael and others like them? The Department of Justice appears to believe that no violation has occurred. To show that the department is mistaken, I shall take up, for now, only the case of Stokely Carmichael.

Consider some of Carmichael's recent utterances. Compare them with the language for which the defendants were convicted in *Schenck* v. *United States*[11] and *United States* v. *Miller*.[12]

To facilitate the comparison, I set out in Table I, side by side, the relevant language from *Schenck* (as described by Mr. Justice Holmes at page 51) and *Miller*, and one of Carmichael's incendiary outbursts (as quoted in the April 22, 1967 issue of *The National Guardian*, published by Weekly Guardian Associates, 197 East Fourth Street, New York City).

What is there about Carmichael's inflammatory statements that is so different from the language for which Schenck and Miller were punished? Why is Carmichael entitled to an immunity that was denied to them? In point of fact, I submit that Carmichael's language is more violent, more provocative, more likely to inflame young men against conscription and to defy the draft than the statements made by Schenck and Miller.

In *Schenck* Mr. Justice Holmes, writing for the Court, which included Mr. Justice Brandeis, said that (page 52):

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right."

In a *per curiam* opinion in *Miller*, the Court said (at page 172) that defendant's—

". . . constitutional objections have been met by the overwhelming weight of well-settled and unanimous authority. . . . Congress in fulfillment of its constitutional duty has enacted this legislation to provide for the national security; that defendant disapproves the Congressional action and has frequently and vehemently stated her position on this and other matters of public importance lends no weight to the validity of her arguments, which are without legal merit. Like the conviction of her husband this day affirmed . . . this is a sad case where self-delusion has carried defendant to the point where she apparently believes her own warped ideas of patriotism, interlarded with distressing racial, religious, and political biases, can justify her in the crudest of law violations."

Mr. Justice Holmes pointed out in *Gitlow* v. *New York*[13] (Brandeis concurring), as he had in *Schenck*, at page 52 that:

"The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree."

And in *Schaefer* v. *United States*,[14] Mr. Justice Brandeis (Holmes concurring) quoted exactly the same language from *Schenck* which Holmes had quoted in *Gitlow*.

So the question is: What are the circumstances, that is to say, in what conditions did Carmichael speak, since it is essential to consider his fiery utterances in context. Stokely Carmichael is a firebrand, a militant, a violent character. He seems to breed riots; they follow in his train. This is understandable in view of the inflammatory nature of his speeches as reported on the radio and in the press. Thus in Louisville (according to the *Courier-Journal* for June 20, 1967, at page A-11) he proclaimed: "It's not a question of law and order. We have to build a revolution."

The South Bend Tribune of June 22, 1967 (page 17) carries the following UPI dispatch from Atlanta:

"Atlanta's racial troubles began Monday night following a speech by Carmichael in which he:

"Urged Negroes to join a 'revolution' against whites;

"Told the audience not to clap . . . to save their energy for 'beating heads.'"

And, according to both ABC and CBS radio broadcasts on June 26, 1967, Carmichael, in Boston, suggested bombing stores owned by white merchants as a means of acquiring them for Negroes. An AP dispatch from the scene (according to *The South Bend Tribune* for June 26, 1967, at page 7) reads, in part, as follows:

"Stokely Carmichael led a march through the streets of Boston's heavily Negro Roxbury section Sunday and told Negroes they must take control of the land and stores in their areas.

"'We will control things in our communities by any means necessary,' he told a rally in Franklin Park.

"'If hunky (the white man) gets his store bombed out every Friday or Saturday,' Carmichael said, 'he's going to have to sell it to us.'

"He also told the crowd that the only way to stop 'racist aggression' by police 'is by armed resistance.'"

Finally, *The South Bend Tribune* for July 26, 1967, at page 9, carried the following AP dispatch from Havana:

"Stokely Carmichael says Negroes in American cities are going to wage a guerrilla 'fight to the death,' the Cuban news agency reported Tuesday as the U.S. black power leader arrived in Havana for a revolutionary conference.

"The Prensa Latina agency quoted the fiery 26-year-old Negro as saying: 'In Newark we applied war tactics of the guerrillas. We are preparing groups of urban guerrillas for our defense in the cities. The price of these rebellions is a high price that one must pay. This fight is not going to be a simple street meeting. It is going to be a fight to the death.' "

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[5] Secretary of State Dean Rusk, commenting on "Vietnam Week", is quoted by the New York Times for April 17, 1967, as saying: "I have no doubt at all that the Communist apparatus is very busy indeed in these operations all over the world and in our own country. I do not mean to say that all those who have objections to the war in Vietnam are Communists. But the worldwide Communist movement is working very hard on this."

[6] Many of them, unhappily, are teaching in our colleges and universities.

[7][8] This is the official position of the National Association for the Advancement of Colored People. See the New York Times for July 16, 1967, page 1, column 7.

[9] "The provisions of section 2388 of this title, as amended and extended by section 1 (a) (29) of the Emergency Powers Continuation Act (66 Stat. 333), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2912, 3 C. F. R., 1950 Supp., p. 71), or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 2388 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for. (Added June 30, 1953, ch. 175, § 6, 67 Stat. 134.)"

[10] This has been verified by the National Archives and Records Service in Washington.

[11] 249 U.S. 47 (1919).

[12] 233 F. 2d 171 (2d Cir. 1956).

[13] 268 U.S. 652 (1925).

[14] 251 U.S. 466 (1920).

If you have heard him on radio, you know that his language is so impassioned that he sometimes becomes almost incoherent. And he speaks to restless young Negroes, many, if not most, of draft age, who idolize him. The remarks I have quoted above from *The National Guardian* must be judged in this context. And their effectiveness, at least according to a column in the April 23, 1967, issue of *The Daily Worker* (page 9) is obvious:

"Led by Stokely Carmichael and marching behind the banner of the Black United Action Front, coordinating committee for the peace marchers in Harlem, the parade evoked sympathetic comments from many onlookers.

"Carmichael was besieged particularly by young Harlemites who eagerly shook his hand. A number asked for his autograph.

"THEME

"The theme of the marchers, 'Hell no; we won't go!' won the greatest response along the line of march, especially from draft-age youth. And it was evident from the determined expression on many faces that for many it was not just a march slogan.

"A rhythmic chant taken up repeatedly by the marchers seemed to express the mood of large numbers of onlookers.

"It was:

" 'We'll fight in Mississippi, in Watts, in Birmingham, in Harlem, but not in Vietnam.' "

If *Schenck* is followed, it is obvious, I submit, that Stokely Carmichael is guilty of attempting to sabotage the draft and should be prosecuted without further delay. There are some, however, who suggest that the authority of *Schenck* was destroyed by *Abrams* v. *United States*,[15] *Schaefer* v. *United States*,[16] and *Pierce* v. *United States* [17] because Justices Holmes and Brandeis dissented in those cases.

They did not dissent, however, in *Frohwerk* v. *United States* [18] or in *Debs* v. *United States*.[19] Like *Schenck* these were prosecutions under the Espionage Act of 1917. In *Frohwerk* the defendants were found guilty on the basis of articles in a newspaper they published. In *Debs* the basis of the conviction was a speech the defendant had made. In both cases the convictions were affirmed by the Supreme Court and in both Mr. Justice Holmes wrote for a unanimous Court.

The authority of *Schenck* is supported, moreover, by *Gitlow* v. *New York* [20] and *Whitney* v. *California*.[21] In *Gitlow*, Justices Holmes and Brandeis dissented, as in *Abrams*, *Schaefer* and *Pierce*. In *Whitney* the same Justices concurred in the Court's judgment, which affirmed a conviction under the California Criminal Syndicalism Act, this time in an opinion by Mr. Justice Brandeis. In both cases, however, they cited and relied on *Schenck*. Indeed, in *Abrams* Mr. Justice Holmes, speaking for Mr. Justice Brandeis as well as himself, affirmed his faith in *Schenck*.

Those who brush aside the *Schenck* case argue that the Universal Military Training and Service Act (Title 50, U.S.C. App. § 462 (a)) is violated only by attempting to persuade specific persons to evade their duty under that act. There are only a few judicial decisions involving Title 50, U.S.C. App. § 462(a), *e.g.*, *Gara* v. *United States* [22] and *United States* v. *Miller*.[23] Each involved the proscribed "counseling and aiding and abetting" in respect of specified individuals. But I find nothing in the opinion in either case suggesting the decision turned on that fact. In *Gara* the contrary is explicitly stated. This is demonstrated by the following excerpts from the opinion at pages 40–42. A letter written by the defendant to the United States Attorney in Toledo contained the following:

"Appellant also signed a pledge in 1948, stating, 'I shall in every way possible assist and support Non-registrants.' Evidence was presented to the effect that at a meeting held in Reading, Pennsylvania on August 25, 1948, he advocated that men of draft age refuse to register under the Selective Service Act of 1948, and later stated, 'In making this speech I intended to violate the Selective Service Act.' [Page 40.]

* * * * *

"Here appellant admits that he agreed in every way possible to assist and support nonregistrants. At an open meeting he advocated refusal to register. His repeated letters state that he counseled men of draft age to refuse registration. Such actions, if carried out extensively, might well nullify the law. Appellant may attack the Selective Service Act of 1948 from every platform in America with impunity, but he cannot, under the guise of free speech, nullify it by disobedience to its express provisions" [pages 41–42].

I want no misunderstanding of my position. The record shows, as I said earlier in this paper, that "I profoundly believe that no man should be discriminated against because of his color. I am equally convinced that no man should be protected by his color." As I see it, Carmichael *is* being protected by his color. This immunity, tacitly granted for *that* reason to a demagogue who is giving aid and comfort to the enemy, seems to me intolerable.

"No man is above the law and no man is below it"—no man is below the law and *no man is above it*.

TABLE I

SCHENCK

In impassioned language it [*i.e.*, a circular distributed by the accused] intimated that conscription was despotism in its worst form and a monstrous wrong against humanity in the interest of Wall Street's chosen few. It said "Do not submit to intimidation," but in form at least confined itself to peaceful measures such as a petition for the repeal of the act. The other and later printed side of the sheet was headed "Assert Your Rights." It stated reasons for alleging that any one violated the Constitution when he refused to recognize "your right to assert your opposition to the draft," and went on "If you do not assert and support your rights, you are helping to deny or disparage rights which it is the solemn duty of all citizens and residents of the United States to retain." It described the arguments on the other side as coming from cunning politicians and a mercenary capitalist press, and even silent consent to the conscription law as helping to support an infamous conspiracy. It denied the power to send our citizens away to foreign shores to shoot up the people of other lands, and added that words could not express the condemnation such cold-blooded ruthlessness deserves, &c., &c., winding up "You must do your share to maintain, support and uphold the rights of the people of this country."

MILLER

Defendant, Lucille S. Miller, was convicted in July, 1955, on all eighteen counts of an indictment charging her with knowingly counseling nine named persons to refuse to comply with certain provisions of the Universal Military Training and Service Act, in violation of 50 U.S.C. App. § 462(a).

CARMICHAEL

The Student Nonviolent Coordinating Committee took a stand against [the Vietnam] war in 1965 because it is a brutal and racist war. We took our stand because we oppose the drafting of young Afro-Americans to defend a so-called democracy which they do not find at home. We took that stand because this war forms part and parcel of an American foreign policy which has repeatedly sought to impose the status quo, by force, on colored peoples struggling for liberation from tyranny and poverty. Only the white powers of the West will deny that this is a racist war. When the colored peoples of the world look at that war, they see just one thing. For them, the U.S. military in Vietnam represents international white supremacy.

* * * * *

We have not only a right to speak out—we have an obligation. We must be involved, we must fight racism in all its manifestations. There is another America, and it is an ugly one. It is an America whose basic policy at home and abroad can only be called genocide.

* * * * *

We must speak out more strongly against the draft. Our position on the draft is very simple: Hell no, we ain't going. The draft takes the enslaved black youth of this society and uses them to support enslavement abroad. The draft is white people sending black people to make war on yellow people in order to defend the land they stole from red people.[1]

OUR POLICE MUST BE SUPPORTED

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, in recent days the wives of policemen have come to me with tears in their eyes and terror in their hearts because of the incidents of disrespect, disinterest, and distrust in official places for their husbands and the duties they are assigned to perform.

One wife and mother is fearful that her marriage will fail because her husband returns home from the streets of our model city each night after 15 and 18 hours of duty, angry and frustrated, unable to strike out at anyone but his family in his bitterness at what he has to endure on the streets and in the courts each day.

A general sessions court judge crudely and irrationally assails policemen in his courtroom for looking at the floor or the ceiling during sessions.

Antipoverty officials apologize for the criminals they employ and use their high offices and Federal funds to promote court actions against the Government that feeds them.

Our new officials appoint new study groups and lobby Congress for new laws, ignoring the basic statutes that will provide them with all the anticrime weapons needed if they will apply their power to enforcing them.

The first official action of our new

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[15] 250 U.S. 616 (1919).

[16] 251 U.S. 466 (1920).

[17] 252 U.S. 239 (1920).

[18] 249 U.S. 204 (1919).

[19] 249 U.S. 211 (1919).

[20] 268 U.S. 652 (1925).

[21] 274 U.S. 357 (1927).

[22] 178 F. 2d 38 (6th Cir. 1949), *aff'd without opinion*, 340 U.S. 857 (1950), *rehearing denied*, 340 U.S. 893 (1950).

[23] 233 F. 2d 171 (2d Cir. 1956).

[1] See also the New York Times for May 2, 1967, at page 11, column 1.

Council is to lovingly comfort a local malcontent and put on a public display of demanding an investigation of our policemen.

They seem to be wildly anxious to listen to the same old complainers, exotic planners, and costly promoters of more study groups, more commissions, more blueprint makers of model cities.

In effect, we are getting excuses but no action.

What is needed is a public display of confidence in and support of our police forces—a step in effective leadership, totally lacking at this moment.

It is a step that has not been taken by the White House.

A step that has been neglected by the Attorney General of the United States.

A step that has been avoided by many courts in the city, and by contingent arms of the judicial at higher levels.

No one speaks out for the police except their tearful wives.

A policeman's duty is to the people. It is from the people that he obtains his authority. His uniform is a symbol of his obligation to law and order, an obligation that is basic for the survival of a decent society.

A policeman is trained to use his judgment, briefed in the intricacies of the law he is charged with enforcing. He is made adept in the use of the weapons provided to him by the people.

And he is put on the streets and alleys in the dark of night to keep secure a city and a society that so far is failing him in every respect except handing him the full responsibility of making the streets and alleys safe.

Today he is the victim of an appalling travesty of justice.

He is a knight in purpose but in fact one stripped of his armor.

He is denied the basic protection afforded other citizens, the presumption of innocence until proven guilty of wild and unsubstantiated charges repeatedly flung in his unprotected face.

He is a victim of neglect and public indifference, a target of slander, abuse, and disrespect—and, in recent days, far too often the victim of criminal guns and knives, more often than not used against him by practiced felons freed by lenient judges or left free to roam the streets by forgetful or neglectful prosecutors.

We are not in need of new laws; but of enforcement of existing ones.

We are not in dire straits over the capacity of existing forces, but of public support for those who are on the streets night and day.

We are not safe or secure, not because of the unwillingness of our policemen and their leaders, but because of public apathy and official eagerness to let them be condemned in order to please a raucous and inflammable segment of our population.

A felony repeater guns down a policeman and our city and its leaders are silent.

A hippie spits in the face of our law enforcers and the crackpots applaud.

A store is robbed by parolees, a fire set by convicted arsonists, while our prosecutors remain indifferent and other officials hurry to add another name to the long list of those they are bent on rehabilitating, regardless of how many police lives it costs or how much destruction of public property ensues.

Justice is no longer delayed. It is indifferent.

Support for our police is no longer lacking. It has disappeared.

Public interest in rigid enforcement of the law is no longer apathetic, it is nonexistent.

And the major victims of this neglect are the very police we assign to maintain law and order, plus their wives and children, who bear the burden of the harassment and disrespect as much as the husbands and fathers on the receiving end of it.

The President cries out for a new crime bill, despite his proclivity for vetoing those already sent him.

Government officials hold court and forums, suspending police officers who in the performance of their duties angered or frustrated those caught in the act of committing a crime.

The fine print of judicial exercises in semantics is offered as a substitute for law and order.

Lawbreakers are paraded as public spokesmen. Criminals and crackpots are appointed to high-paying jobs as youth leaders and social planners.

I believe it is time to call in the police of Washington, D.C., and instruct them to enforce the law to the letter—those on the books today, not those on the back burner.

I believe it is time for our courts to enforce judicial restraint in coddling criminals or those justices continually responsible for it to be removed from the benches.

When these things are done and not until they are done will we have any semblance of a peaceful city; a city with safe streets; a city where police are respected and laws obeyed; a city that supports the efforts of its police and backs them with public expressions of endorsement when they are under attack.

Law and order cannot endure as a split personality. Justice cannot function unless it is a two-way street.

If this model city and this Nation must choose between spending tax dollars on enforcing existing laws or supporting those encouraged to break the laws, I believe it will select the former. Choose it must, and soon, or there will be no choice left.

Either we shed our indifference to police abuse and disrespect, renew our demands for speedy and lasting prosecution of those responsible for disorder, or we suffer from the disintegration of society.

The policeman on the street has made his choice. It is time for the residents in the livingrooms to raise their voices.

I have raised mine in the hope that others will follow. If they do not riots and breakdown of law and order, which have historically proven a prelude to revolution, will inevitably follow.

H. H. H.'S "GREAT ADVENTURE"

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Speaker, I know that the Members were aroused several weeks ago when I spoke on the floor regarding a news article which reported Vice President HUBERT H. HUMPHREY as saying that he believed the Vietnam war would go down as America's "great adventure." The next day, November 1, 1967, the same newspaper, the Washington Daily News, printed an editorial entitled "H. H. H.'s 'Great Adventure.' "

In the interest of fairness and for the general information of those Members who showed an interest in these newspaper reports, I wish to report on related further developments at this time.

Vice President HUMPHREY, on November 21, 1967, wrote to me to state that he was the victim of an erroneous report. Mr. HUMPHREY pointed out that what he said was that the "great adventure" was one associated with nationbuilding and peaceful development around the world.

The full text of Vice President HUMPHREY's letter follows:

THE VICE PRESIDENT,
Washington, November 21, 1967.

Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: I have just read the November 6 copy of The Congressional Record in which you made reference to my statement in Vietnam concerning "America's great adventure."

I, too, read The Washington Daily News editorial and was deeply disturbed by it. In fact, I sent an immediate telegram to the Scripps-Howard Editor-in-Chief, pointing out that he was the victim of an erroneous report.

What I did say, in my remarks at the American Embassy in Saigon, was that the United States' "great adventure" was the adventure of nation-building and peaceful development around the world. At no time did I use the phrase "great adventure" in reference to the Vietnam war itself. That war is costly, burdensome, necessary—anything but an adventure.

I wanted to pass this information on to you. I know that you would not wish to unknowingly misrepresent my views.

With best wishes,
Sincerely,
HUBERT H. HUMPHREY.

In my reply to Mr. HUMPHREY, I assured him that I would never knowingly misrepresent his views. I also pointed out to him that the editorial to which he referred was the result of the United Press International story which appeared in the October 31 edition of the Daily News.

I informed him, in the interest of fairness, that I would write to Mims Thomason, president of UPI, to check on the accuracy of the news story.

I also told him:

> Further, at the appropriate time, I intend to utilize the Congressional Record so that all Members can be made aware of these developments and, in particular, the information that you have provided to me.
>
> If you feel the response that you have received from the Scripps-Howard Editor-in-Chief should be included, I would be delighted to do so.

While Vice President HUMPHREY has yet to respond to my letter of November

27, I have received a communication from Mr. John N. Fallon, foreign editor of UPI, dated December 6, 1967. I would particularly point out Mr. Fallon's closing paragraph in which he states:

> This is what Mr. Humphrey said and it is what we reported. Going back over the file of his visit to Vietnam, I believe we were fair and honest in our reporting. As we would be for anyone, regardless of his political stripe.

Mr. Fallon's letter follows:

UNITED PRESS INTERNATIONAL,
New York, N.Y., December 6, 1967.

Representative JAMES HARVEY,
Longworth Office Building,
Washington, D.C.

DEAR MR. HARVEY: Your letter to Mims Thomason came to me in his temporary absence and I double-checked our story about Vice President Humphrey and his address to members of the U.S. Embassy in Saigon.

According to a tape recording of the speech on October 31, Mr. Humphrey spoke at considerable length. Near the end of his address, he said:

"Let me leave you with this. I believe that when the history of this period is written, Vietnam may well be marked as the time and the place where men finally learned the lessons of the past. The lesson that the aggressor must be checked before it is too late; the lesson that there is no peace with appeasement; that there is no freedom in weakness and that there is no security in isolation.

"I'm sure that Vietnam will be marked as the time and the place where peace was preserved, because peace has to be fought for, just as everything else worthwhile has to be sacrificed for. I believe that Vietnam will be marked as the place and the time and the place where the family of man gained the time it needed to finally break through to a new era of home and human development and justice.

"This is the chance that we have. This is our great adventure, and a wonderful one it is. And you are the Americans that are making that history. And our business is to make history. I've said from many a platform, it's all right to study it, and I did. It's all right to teach it, and I have. But it's wonderful to make it. Make history your own way in your own time."

This is what Mr. Humphrey said and it is what we reported. Going back over the file of his visit to Vietnam, I believe we were fair and honest in our reporting. As we would be for anyone, regardless of his political stripe.

Very truly yours,

JOHN N. FALLON.

I concur with Mr. Fallon's comments. Our Vice President has experienced similar difficulty in the past when he mentioned that he would lead a mighty good revolt if he lived in a slum; a "Marshall plan" for American cities; and now, only a few days ago, his radio comments about possibly bringing non-Communist elements of the National Liberation Front into a Saigon government one day.

If there are future developments on this subject of a "great adventure," I will certainly bring them to the Members' attention. Of course, there is always the likelihood that you will hear or read of them first.

ACTION TO DEPORT STOKELY CARMICHAEL

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, the flagrancy and apparent impunity with which Stokely Carmichael violates our laws, demeans our institutions, and harms this Nation, both internally and in respect to its image abroad, is a national scandal of the first magnitude. It is essential that immediate prosecutive action be taken by the Department of Justice, specifically by Attorney General Ramsey Clark.

It is urged that Mr. Carmichael should not be made a martyr. Nonsense. Mr. Carmichael is a subversive intentionally seeking to destroy this country. That his continual statements calling for revolution, riot, and Communist victory should pass unpenalized is incredible. No one who takes such action or makes such statements should be able to remain a derivative citizen of this country. His public utterances in country after country from Cuba to North Vietnam are totally incompatible with the obligations of U.S. citizenship.

Carmichael is only a derivative citizen of the United States. He was not born in this country. He was born in Jamaica, but since he was the son of parents subsequently naturalized, he himself has become a citizen by operation of our law.

Upon a conviction of violation of section 1481(9), he will lose this derivative citizenship. The Immigration and Naturalization Act—8 U.S.C. 1481(9)—specifically provides that a person who is a citizen of the United States whether by birth or naturalization, shall lose his nationality by "violating or conspiring to violate any of the provisions of section 2383 of title 18, or willfully performing any act in violation of section 2385 of title 18, or violating section 2384 of title 18—when he is convicted thereof—by a court of competent jurisdiction." The statute further provides that the burden of proof in such cases shall be merely by a preponderance of the evidence.

Section 2385, to which the Immigration Act has reference, prohibits advocacy of the overthrow of our Government in the following respects and language clearly applicable to Carmichael's utterances and acts:

> Whoever knowingly or willfully advocates, advises, or teaches the desirability of overthrowing or destroying the government of the United States . . . or
>
> Whoever . . attempts to organize any . . . group or assembly of persons who . . . advocate or encourage the overthrow of (the United States) . . . by force or violence . . .

Stokely Carmichael should be indicted forthwith under the provisions of this act. I am certain that his conviction will follow as night the day. Thereafter, his citizenship gone by operation of the law, we can do what ought to have been done months ago, which is to throw him out of this country, removing him once and for all from the place he calls "Hell," but which most true Americans love and revere.

TRAGIC DEATH OF AIR FORCE MAJ. ROBERT H. LAWRENCE, JR.

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, the entire Nation was shocked and saddened by the tragic death last week of Air Force Maj. Robert H. Lawrence, Jr., who was killed when his F-104 fighter plane crashed during a training flight. Our country's first Negro astronaut, Major Lawrence, was a graduate of my old school, Bradley University, in Peoria, and since my home is located only a block from the campus, I can give you a firsthand report that the news of his sudden passing sent a shock wave of anguish and sorrow throughout the university community. While at Bradley, Major Lawrence was an "A" student in chemistry and also was cadet commander of the Air Force ROTC unit on campus. He was then chosen to continue his education at Ohio State University, receiving his Ph. D. in nuclear chemistry in 1961. He was married to the former Barbara H. Cress, of Chicago, and they had one son, Tracey, 8.

And speaking of Mrs. Lawrence, I was deeply moved by her statement to the news media when she and her son returned to Chicago on the same plane carrying her husband's body. The courage and dignity which she displayed during the most difficult and trying moments of her young life stirred the hearts of those present and the millions who later read it in the Chicago press. I include her statement at this point in my remarks:

> Bob's death is quite a personal loss to Tracey and myself. He gave us a love and security that will be a tremendous void in the days and years ahead. However, he gave his life doing the thing that he wanted most—preparing to be an astronaut.
>
> Every day of his life has been given toward this goal. I am most proud of him as a husband, an air force officer, and as an American. I hope all of us share this pride with me. Thank you for the courtesy you've shown all of us.

I salute this gallant lady and extend to her and her fine young son my deep and heartfelt sympathy in their grievous loss.

Mr. Speaker, when Major Lawrence was selected as our first Negro astronaut, I recall his very straightforward and modest comment that his appointment was nothing dramatic.

He said:

> It's just a normal progression. I've been very fortunate.

I suggest that it is we who have been very fortunate to have men of his high caliber who are willing to risk their lives in serving our country. All Americans, whether they be black, white, red, or yellow—and especially our teenagers—might well emulate the life of Major

Lawrence by being ever mindful of the following truism:

Not gold, but only men can make
A nation great and strong
Men who for truth and honors' sake
Stand fast and suffer long.

Brave men, who work while others sleep,
Who dare while others shy
They build a nation's pillars deep,
And lift them to the sky.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I agree with the gentleman thoroughly. We citizens of the United States have lost a fine outstanding young man, in the death of Maj. Robert H. Lawrence, Jr., the first Negro astronaut in training of the United States, and of the world.

As a member of the House Science and Astronautics Committee, and the Manned Space Flight Subcommittee, I have known and followed our U.S. astronauts closely. It is a pleasure to rate Major Lawrence with the tops of our U.S. astronauts.

I am submitting for the RECORD the original release of the U.S. Air Force of June 30, 1967, showing the selection of four new pilots for the manned orbital laboratory program, including Major Lawrence. Also I am submitting the U.S. Air Force biography of Major Lawrence dated July 1967, for the permanent RECORD.

Also I submit an article of the New York Times of Saturday, December 9, 1967. The front page article of the Washington Evening Star of December 9, 1967, is also worth while, and I submit it for the RECORD, as well. I am also submitting the Associated Press dispatch of December 8, 1967, from Edwards Air Force Base, Calif.

The material referred to above, follows:

[News release of the U.S. Air Force]

Four New Pilots Chosen for MOL—Manned Orbital Laboratory

The Air Force has selected four more Aerospace Research Pilots for the Manned Orbiting Laboratory (MOL) program, it was announced today. They will begin training in September for 30-day long space flights as part of the Department of Defense contribution to the National space program.

The newest MOL pilots are:

Major James A. Abrahamson, 34, Portland, Ore., B.S. and M.S. degrees in aeronautical engineering; married, two children.

Lt. Colonel Robert T. Herres, 34, Denver, Colo., U.S. Naval Academy graduate, M.S. degrees in engineering and political affairs; married, three children.

Major Robert H. Lawrence, Jr., 31, Chicago, Ill., B.S. and Ph.D. degrees in chemistry; married, one child.

Major Donald H. Peterson, 33, Winona, Miss., U.S. Military Academy graduate, M.S. degree in nuclear engineering; married, three children.

All four are Air Force officers currently attending the Aerospace Research Pilot School at Edwards Air Force Base, California. Upon graduation, they will join twelve pilots—eight Air Force, three Navy, and one Marine—previously assigned to the MOL program.

Selection of this new group completes a recruitment process begun over a year ago when over 500 Air Force, Navy and Marine officers applied for assignment to the program. To be eligible, applicants had to: be born on or after December 1, 1931; no taller than six feet; pass a rigid physical examination; be a college graduate with a B.S. degree in engineering, natural, physical or biological science or be a service academy graduate: be a pilot with at least 500 hours.

The MOL program, the only Department of Defense manned space program, is designed to obtain new knowledge about manned space flight and to determine how that knowledge relates to defense requirements.

Two-man MOL crews will be launched into space inside a Gemini B spacecraft by a Titan IIIM booster. In orbit, they will transfer into the laboratory through a hatch in the Gemini heat shield. The laboratory is designed to allow the crew to conduct experiments for up to 30 days in a shirt-sleeve environment.

For return to earth, the crew will go back into the Gemini B, detach it from the laboratory and re-enter the atmosphere for an ocean landing and recovery.

In addition to their training for such flights, the MOL pilots act as engineering consultants in the design of equipment. This is to insure that the unique capabilities of the human pilot are used to the greatest advantage.

Biography of Maj. Robert H. Lawrence, Jr., Manned Orbiting Laboratory (MOL) Aerospace Research Pilot

Major Robert H. Lawrence, Jr., U.S. Air Force, is one of the third group of Aerospace Research Pilots assigned to the Manned Orbiting Laboratory Program. He is 31 years old and the son of Mrs. G. W. Duncan, Chicago, Illinois.

Major Lawrence graduated from Englewood High School, Chicago, and earned a bachelor's degree in chemistry at Bradley University and a Ph.D. in physical chemistry at Ohio State University.

His previous assignments include duty with the Military Assistance Advisory Group (MAAG) in West Germany, where he instructed German pilot trainees, and service as a Research Scientist in the Air Force Weapons Laboratory, Kirtland Air Force Base, New Mexico.

He is a Senior Pilot with over 2,500 flying hours, over 2,000 of these in jet aircraft. He is a graduate of the Aerospace Research Pilot School, Edwards Air Force Base, California.

He holds the Air Force Commendation Medal and the Air Force Outstanding Unit Citation.

Major Lawrence is married to the former Barbara H. Cress of Chicago. They have one son, Tracey C., 8.

[From the New York Times, Dec. 9, 1967]

Crash Kills First Negro Astronaut

EDWARDS AIR FORCE BASE, CALIF., December 8.—Air Force Maj. Robert H. Lawrence Jr., the first Negro United States astronaut, was killed today when his F–104 crashed on the runway during a training flight, the Air Force announced.

A second pilot in the craft, Air Force Maj. Harvey J. Royer, 36, was injured. Major Royer is chief of operations for the Air Force's Aerospace Research Pilot School.

The Air Force disclosed no details of the crash, saying only that it had occurred "during a proficiency training flight."

Major Lawrence, 31, was selected "astronaut designee" in June, the first of his race chosen. He was to have participated in the Air Force manned orbiting laboratory program.

The Air Force said a team of officers had been appointed to investigate the accident.

Major Lawrence leaves his widow, Barbara, and an 8-year-old son, Tracey.

The Air Force picked Major Lawrence with 15 others for its orbiting laboratory program and announced in June that two of the men would be aboard a craft in 1970 headed for an orbiting laboratory.

Major Lawrence had a doctor of philosophy degree in physical chemistry from Ohio State University.

EDWARDS AIR FORCE BASE, CALIF., December 8.—Major Lawrence was the ninth astronaut to be killed in an accident. Three were killed last January when their Apollo spacecraft caught fire during a test at Cape Kennedy.

[From the Washington Evening Star, Dec. 9, 1967]

Crash of F–104 Jet Kills First Negro Astronaut

EDWARDS AIR FORCE BASE, CALIF.—Maj. Robert H. Lawrence Jr., America's first Negro astronaut, has been killed in the crash of an F104 Starfighter jet as it landed after a routine training flight.

An Air Force spokesman called him "one of those young bright guys with everything going for him."

Lawrence, 31, was preparing a project for the Defense Department to orbit two men on a space laboratory in 1970.

The Air Force has not said how his death will affect the program's projected launching date.

The Chicago-born Lawrence was the ninth U.S. astronaut to die on the ground. The others were assigned to the National Aeronautics and Space Administration. Five died in accidents earlier this year.

MISSILE WITH MAN

The F104, "a missile with a man in it" which travels twice the speed of sound, smashed onto a runway after the flight yesterday at Edwards Air Force Base and spurted "a little fire," an Air Force spokesman said.

A second occupant, Maj. Harvey J. Royer, was injured. Royer, 36, chief of operations for the Air Force's Aerospace Research Pilot School, was hospitalized with undisclosed injuries.

The Air Force appointed a board of officers to investigate. No other details of the crash were made public.

Lawrence, selected as an astronaut-designee in June, was one of 16 military officers in training for the MOL Project—the Manned Orbiting Laboratory program. The group was made up of 12 Air Force officers, three Navy men, and one Marine.

HELD DOCTORATE

Lawrence's wife, Barbara, and their 8-year-old son, Tracey, live at the base.

Lawrence held a bachelor's degree in chemistry from Bradley University and a doctorate in physical chemistry from Ohio State University.

An 11-year veteran of the Air Force, he logged more than 2,500 flying hours, more than 2,000 in jets. He served with the military assistance group in West Germany training German pilots and as a research scientist at Kirtland Air Force Base, N.M., before assignment to the space program.

Another Negro pilot, Capt. Edward J. Dwight, was selected as the first Negro to enter the space pilot training program in 1963, but did not complete the program.

When selected for the space program, Lawrence told a news conference his race was incidental and the choice "probably a culmination of the great deal of training and help a lot of people put in to prepare me," the United Press International said.

"It's an expression of success that they should enjoy instead of me," he said. "Perhaps I have been more fortunate than others in the opportunities that came my way."

Crash Kills Negro Astronaut

EDWARDS AIR FORCE BASE, CALIF., December 8.—Air Force Maj. Robert H. Lawrence Jr., 31, the first Negro U.S. astronaut, was killed today when his F–104 crashed on a runway in landing.

He was the ninth American astronaut to die in an accident.

The Air Force said the crash occurred "during a proficiency training flight." There was "a little fire," a spokesman said, and neither of two men on the plane was burned.

The second pilot in the craft, Air Force Maj. Harvey J. Royer, 36, was injured. Royer is chief of operations for the Air Force's Aerospace Research Pilot School.

Lawrence, of Chicago, was selected "astronaut designee" in June and was to have participated in the Air Forces' Manned Orbiting Laboratory Program known as MOL.

The program calls for two men in a Gemini B capsule to make contact with the orbiting lab and enter through a heat shield for a 30-day stay, living in the satellite without the use of space suits.

Lawrence leaves his widow, Barbara, and an 8-year-old son, Tracey.

After being named an astronaut Lawrence was asked by reporters whether he felt he had to try harder than the other candidates for the space program, because he was a Negro. He replied, "No, I feel this is the culmination of a lot of effort that people put into preparing me for this and I feel it is an expression of success that they should enjoy rather than I."

Lawrence graduated from Englewood High School, Chicago, and earned a bachelor's degree in chemistry at Bradley University, in Peoria, Ill., and a doctorate in physical chemistry at Ohio State.

His appointment as an astronaut overshadowed the earlier failure of Air Force Capt. Edward Dwight Jr., also a Negro, to qualify as an astronaut. Dwight was nominated in 1963 for manned space flight training, but was not chosen as an astronaut.

[Astronauts Virgil Grissom, Edward White and Roger Chaffee died when a test pad fire swept the Apollo 1 capsule. Theodore Freeman died when his small plane struck a goose. Edward Givens was killed in an auto accident. Charles A. Bassett and Elliot See died in a T–38 plane crash while approaching a St. Louis airport. Clifton Williams died when his T–38 crashed during a routine flight in Florida. In addition, Soviet cosmonaut Vladimir Komarov died when his spaceship apparently became entangled in its parachute shrouds during reentry.]

CHAIRMAN SOL ROSENBAUM AND B'NAI B'RITH COMMISSION ON COMMUNITY AND VETERANS SERVICES

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the Record, I include therein two letters, one from President Johnson, and the other from my esteemed friend, an outstanding leader, Attorney Solomon Rosenbaum, of Fitchburg, Mass., distinguished national chairman of the B'nai B'rith Supreme Lodge Commission on Community and Veterans Services, relative to the magnificent work of this group under his leadership throughout the year.

It is to be noted that one very commendable project undertaken by the commission involved sending more than 700,000 books to American servicemen in Vietnam and other military outposts.

Since this is a monumental accomplishment on the part of the commission, I am anxious to bring it to the attention of the Congress and the American people, as evidencing the tremendously impressive dedication of Mr. Rosenbaum and his commission loyally supported by the famous B'nai B'rith.

At the same time, I want to express my great pride and extend my sincere gratitude to my very dear friend, Mr. Rosenbaum and his very able distinguished commission, for their extraordinary accomplishments for the servicemen and for the country.

It is the work of dedicated Americans like Mr. Rosenbaum, and the members of his commission, and the B'nai B'rith, that distinguishes our country for the individual initiative we display in the realm of patriotism, charity, and works of helpfulness and mercy far beyond the call of duty, and I extend my heartiest congratulations to Mr. Rosenbaum and everyone concerned with this highly valuable project which is so heartening and gratifying to all of us. Sol Rosenbaum is a truly great American, and I hail and salute him and his colleagues for their inspiring contributions to the Nation.

The letters follow:

December 6, 1967.

Hon. Philip J. Philbin,
House of Representatives,
Washington, D.C.

Dear Phil: As you know, I have the honor of being the National Chairman of the B'nai B'rith Supreme Lodge Commission on Community and Veterans Services.

Among the many services which this Commission rendered during the past year was one outstanding project which I should like to bring to your attention, viz:

We obtained and sent more than 700,000 books to American servicemen in Vietnam and other military outposts.

I am happy to tell you that the President of the United States took cognizance of this activity and sent us a letter commending our efforts. I am pleased to enclose copy of his letter herein.

I sincerely hope that everything continues well with you and your family. With warmest personal regards and all good wishes, please believe me

Very cordially yours,
Solomon Rosenbaum.

The White House,
Washington, November 20, 1967.

Mr. David Brody,
B'nai B'rith,
Washington, D.C.

Dear Dave: John Roche has shown me the B'nai B'rith news release in which you note that your Community and Veterans Services Commission has sent more than 700,000 books to our servicemen during the past year.

This is the kind of continuing, unostentatious, but vital activity that, I know, brings enormous pleasure to the men of our armed services. I appreciate it.

With best regards.

Sincerely,
Lyndon B. Johnson.

PERSONAL ANNOUNCEMENT

Mr. WILLIAM D. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, today I was present and on the floor during the entire debate on the supplemental appropriations bill for 1968. I answered my name in every instance except when the final vote was taken. At that time, I was called off of the floor. Had I been present, I would have voted in the affirmative.

PRESIDENT'S BUDGET MESSAGE

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, on December 4, 1967, I introduced House Concurrent Resolution 491 expressing the sense of Congress that the President shall present his budget to Congress in the form of a unified budget as recommended by the President's Commission on Budget Concepts and that this shall be done no later than January 1969.

I am not alone in urging the adoption of this unified budget. I am joined in this effort by the executive committee of the American Institute of Certified Public Accountants, which passed a resolution on November 27, 1967, calling for the adoption of the unified budget concepts at the earliest practical moment.

I believe that my colleagues would benefit from the statement by the executive committee and I include in the Record at this point the resolution adopted:

A Statement on the Report of the President's Commission on Budget Concepts

(By the Executive Committee of the American Institute of Certified Public Accountants)

The Executive Committee of the American Institute of Certified Public Accountants recommends that the Federal Government adopt, at the earliest practical moment, the modern and progressive budget principles contained in the Report of the President's Commission on Budget Concepts.

The Executive Committee agrees with the President's Commission that adoption of these recommendations would make the budget of the United States Government a more understandable and useful instrument of public policy and financial planning. The Executive Committee believes also that the recommended concepts are in accord with sound financial planning and decisionmaking processes.

The Report of the President's Commission cites confusion now existing because of the use of at least three competing budget concepts. In this move toward one unified summary budget statement, there is a parallel in the private sector where the AICPA has been working toward improved corporate financial reporting through better disclosure standards and the elimination of undesirable alternative accounting principles. The consistent use of the recommended budget statement would greatly improve public understanding of the Federal budget, which is necessarily a brief summary of an immensely complex underlying financial system.

Some aspects of the budget concepts recommended in the Commission's report might well find applicability in budgeting for state and local governments. Uniform budget systems throughout government should prove useful in decision making and should aid the people in understanding budgets as an instrument of government at all levels.

Reporting budget expenditures and receipts on an accrual basis is one of the more significant recommendations of the President's Commission. In recent years, many government agencies have abandoned the cash basis of accounting, which long had been traditional, and have adopted modern accrual accounting with integrated cost accounting systems. It is only logical that the government take advantage of these improved accounting systems in its overall financial planning.

Because the Report of the President's Commission does not call for the accrual of future commitments for items such as social security benefits and veterans pensions, the Executive Committee believes that the budget document should contain summary disclosure of the amounts of these commitments.

The Executive Committee recommends that the concepts set forth in the Report of the Commission be translated into government policy and practice promptly so that the budget for the coming fiscal year will reflect as many of those concepts as possible. The Committee also respectfully suggests that the Executive Branch report periodically to the Congress and the people on progress in implementing the Commission's recommendations.

STAR EDITORIAL POINTS TO DANGER OF RADIATION-COLOR TV SITUATION

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, last week my fears that the problem of X-radiation and color television is still with us was born out by a report issued by the U.S. Public Health Service.

In the report, the Public Health Service cited a survey it has conducted in conjunction with the Pinellas County, Fla., Health Department on color television sets which were supposed to have been corrected to prevent the emission of radiation in excess of the recommended level.

The survey, however, showed that 28 percent of these sets were still emitting radiation in excess of the recommended levels, indicating that we do still have a problem. Indeed, the report indicates that rather than being an isolated case, it may well be an industrywide problem.

I think an editorial in the December 8 edition of the Washington Star best sets out the problem and the needed solution. I would like to quote briefly from that editorial:

> It seems apparent that Congress should set standards for both color TV receivers and similar sources of radiation.

I have introduced a bill, H.R. 10790, which would realize this goal and I hope that my colleagues will join with me in urging its passage.

At this time I include the editorial from the Star in the Record, for the information of my colleagues:

Radiation in the Home

The new reports of excess radiation from color television sets have reinforced the case for legislation to protect the public from such hazards.

A check of modifications made by General Electric Co. to prevent a recurrence of radiation from its color sets a year ago has turned up new evidence. The old problem of downward X-ray leakage has been corrected, but new radiation, according to the Public Health Service, is escaping toward the sides and rear of some sets. Representative Rogers of Florida, who has been leading the fight for a new law, notes that the guilty tube is used in other makes. That suggests this may be an industry-wide problem.

Surgeon General Stewart says the potential for biological damage to viewers is low. He explains that the danger can be minimized by keeping 6 to 10 feet in front of a set and avoiding prolonged exposures at the sides and rear of the set. That is hardly a reassuring statement to mothers who cannot watch small children every minute.

It seems apparent that Congress should set standards for both color TV receivers and similar sources of radiation.

President Johnson in his message on consumer protection last February asked for federal radiation standards to assure the safety of certain medical equipment such as X-ray machines. Hearings held last summer brought out the fact that eight states now have no laws controlling radiation levels in such devices. The testimony also made it obvious that the law should be broadened to include not only color TV but microwave ovens and household burglar alarms using radar.

Our technology has produced some marvelous but potentially dangerous gadgets. It's time to devise an adequate system of surveillance over these products.

WEST VIRGINIA DEVELOPMENT

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, a modern, up-to-date profile on my State of West Virginia is carried in the November 10 edition of Southern Markets/Media in an article entitled "West Virginia, Once Hurt by a Coal Slump, Throwing Off That 'Appalachia' Label."

The author, Garland B. Porter, describes how the State's coal industry is now humming and the demand for miners is so great that an estimated 50,000 to 75,000 are going to have to be trained during the next 5 years.

The article follows:

West Virginia, Once Hurt by Coal Slump, Throwing Off That "Appalachia" Label: Mountain State Is Cashing in on Her Varied and Rich Resources, Story of How a State Is Telling the World About the Side a "Bad Press" Missed

(By Garland B. Porter)

A good case for being unique might be made for several of the 50 States that today form this great Nation. West Virginia is unique in a number of ways. It is the only State that actually was born of the Civil War. An interesting item of that tragic travail is that one of the greatest generals who fought on either side, Stonewall Jackson, was born at Clarksburg, and although the people of the mountain regions refused to leave the Union, he fought with the South.

Today West Virginia is unique in many ways, which will be mentioned, but in one respect—her "bad press"—the uniqueness should be corrected. Endowed by nature with a beautiful terrain, from lush valleys to rolling hills and towering mountains, rich in minerals, blessed with a climate that is nice and wintry at the proper time and delightful in the summer, the State has come in for some of the worst press imaginable from many of her sister States. Why is this? It's not from envy, surely, not from spite, certainly—it's just plain, old-fashioned ignorance, plus the editorial penchant to print-my-two-cents-worth.

The State did have the misfortune to lay itself open to the political "Appalachia" tag with the slump in its coal industry in the 1950's. It made big "news" at the time, and the snowball started down the mountain. There were destitute families and they did make pitiful feature stories; but today there is a revival in the coal mining segment of the State's resurgent industry, so why not give it a ride? It could become as much fun as kicking a political football around.

Anyway, Angus Peyton, Commissioner of Commerce for the State of West Virginia, a member of one of the oldest and most distinguished families of the Mountaineer State, looks at the Appalachia stigma a bit philosophically from this distance, irksome as it had become, and points to 1961 as the year of economic turn-around.

"The 1960 Presidential primaries awakened us to the realities of our problems," he said, "and to the realization that these problems would remain with us unless we picked ourselves up by our bootstraps."

The West Virginia Department of Commerce was established in March, 1961, and was organized under the leadership of Governor Hulett C. Smith, who served as its first Commissioner. In practical terms, the poverty label became a blessing in disguise—a spur, let us say.

All along West Virginia had been blessed by many things other than her great coal deposits. However, the coal alone is so abundant as to excuse the citizens of the Mountain State to have underestimated the others. For instance, minable coal is to be found in 44 of her 55 counties and underlies more than 55 per cent of the total area of nearly 25,000 square miles. Each of 28 counties has more than a billion tons of coal reserve. It is distributed in more than 60 minable seams themselves distributed through nearly 5,000 feet of sedimentary rock. This astounding wealth, once looked upon as almost wholly fuel, today is becoming a raw material with many other fascinating possibilities. Other and rare minerals are present in coal in recoverable form, notably germanium, important in the electronics industry. Coal production, let it be noted, over the last five years has shown a consistent increase.

During 1966 demand for metallurgical coals exceeded the production capacity of the mines, and new mines are being opened as fast as miners can be trained. So important is this revival of mining that they are being trained at an estimated 50,000 to 75,000 to be needed in the next five years. That's resurgence right from the spot where the Appalachia label sprang during the 'fifties. The State today is reshaping her destiny around many other gifts than coal, rich as that is, and the list is imposing.

First, the location of the State. Lying within 500 miles of 55 per cent of the nation's population, it is in an ideal position as a recreation area. What does it have to offer? National and State parks, from the 805,721 acres of the Monongahela National Forest down to the little 30-acre Pinnacle Rock State Park. There are 20 important State Parks alone, and 98,259 acres of the George Washington National Park lie along the eastern border; and there is the 469-acre Harpers Ferry National Park at the northeastern edge of the State. These are laced with cabin-lodges, museums, swimming and boating sites, restaurants, camp sites, well-kept areas for fishing, hiking, picknicking—everything that folks like to do in the great outdoors. And skiing in the winter is becoming more and more popular.

West Virginia does not claim to have all the beautiful scenic gifts on the North American Continent, but she has more than a modest share. And they are easy to get to. With a highway system that criss-crosses the state already, there are 1,100 miles of modern new roads costing more than $1,500,000,000 scheduled to be added to the State's highway system in the next six years.

Aviation too is growing at a rapid pace in West Virginia: more than 300 per cent in the last ten years. The State Airport Plan for 1966–67 includes programming 18 airports, including two new commercial air-carriers, nine new general, and upgrading seven existing facilities.

Railroad trackage totals 6,615 miles, with major trunklines traversing the State as follows: the Chesapeake and Ohio-Baltimore and Ohio system, Norfolk and Western, Western Maryland, New York Central, Pennsylvania. Track mileage, by classification: main lines, 3,305; branch lines, 342; second roads, 662; sidings and spurs, 2,306. That's a lot of trackage; but bear in mind what one amazed traveler said: "If this State's hills and mountains were all flattened out, it'd be bigger than Texas."

What do these railroads carry? In 1961, for instance, the State's main line carriers originated 108,628,100 tons of all classes; in 1963 (latest figures available when this is being written) originating tonnage increased 9,949,400—a solid gain. Total West Virginia destination tonnage, all commodities, was 25,800,500. What if a big gondola of that outgoing tonnage was coal—coal brings in money!

It is conservatively estimated that under the rugged, scenic top layers of earth, beside the fortunes of coal, at least 8,000,000,000 tons of salt are waiting in West Virginia. Salt, bear in mind, is the word from which salary is derived—and salary means money. And deep under the surface of an extensive area in northern West Virginia is an even more remarkable deposit of rock salt. From known and estimated deposits there is a possibility that 544,000,000,000 tons of rock salt awaits the need to bring it out. We should all be such poor folks!

And there are vast deposits of shale and clays suitable for the manufacture of face brick, paving tile, and similar products, with adequate fuel, transportation available to practically all the locations. There are great reserves of limestone; the high calcium limestone will be of increasing demand in the steel and chemical industries that are being attracted to the State, and for agricultural purposes, and for rock dusting of coal mines.

The value of the State's mineral production—stone, sand and gravel, clays, salt, coal, natural gas, petroleum, and miscellaneous—in 1965 was $859,604,000, according to the Minerals Yearbook of the U.S. Department of the Interior, 1960–65.

One of the State's most famous industries is glass—flat glass, window glass, container, colored glass, lamp glass, tubing, decorative, lighting, crystal, stemware, cut glass. Such names as Libbey-Owens-Ford, Pittsburgh Plate, Hazel-Atlas, Corning. At Fairmont, Westinghouse Electric has the largest fluorescent lamp plant in the world.

The farming slice of the Mountaineer State is, briefly stated 5,700,000 acres with an average of 163 acres per farm. In 1966 there were 35,000 farms of which 13,000 were classified as commercial and the remaining as part-time or part retirement. Cash receipts were, in 1966, $112,100,000, up $9,800,000 over the average of the previous five years. The State has a varied farm product: dairy, livestock, poultry and eggs, fruit, field crops.

With a bountiful equilibrium of natural resources, West Virginia in recent years is luring the sort of industry that can get rich itself and enrich the State. She can play chin-to-chin with any State with her varsity of All-Americas of industry; such as duPont, Union Carbide & Carbon, International Nickel, Kaiser, Wheeling Steel, Pittsburgh Plate Glass, Weirton Steel, Blaw-Knox, Monsanto, Koppers, Allied Chemical, Westinghouse, Continental Can, American Cyanamid, Sylvania, Goodrich-Gulf, Borg-Warner. The list is much longer of the greats of the nation that have put up giant facilities to tap the vast natural resources of the Mountain State. How this State, with so many blessings going for it, could have been kicked around so blandly by the communications media of the sister States is an anomaly of injustice.

West Virginia, having bituminous coal in unlimited supply "right under the house," has no ceiling on the capacity for electric power, spark-plug for modern industry. One, operated by the Virginia Electric and Power Company on Stony River near Mount Storm has an initial capacity of more than 500,000 kilowatts. Another, of Monongahela Power Company at Fort Martin, near Morgantown, is in the half million kilowatts class, and the Appalachian Power Company, serving most of Southern West Virginia is building apace in the State's southern coal fields. The State is fast becoming a major supplier of electric power to neighboring States. Present and planned capacities will be supplied by Area Development Department of the Appalachian Power Co., Charleston, W. Va.; Monongahela Power Co., Fairmont, W. Va.; Potomac Edison Co., Hagerstown, Md.; Virginia Electric Power Co., Richmond, Va.; and Wheeling Electric in Wheeling, W. Va.

The census of 1960 showed West Virginia's population at 1,860,421. Charleston, the State Capital, had 85,796, the leader, closely followed by Huntington with 83,627. Wheeling was third with 53,400. Others: Parkersburg, 44,797; Weirton, 28,201; Clarksburg, 28,112; Fairmont, 27,477. In all there were 15 cities with a population above 11,000.

The population is distributed principally along the rivers, led by the Charleston-Huntington area in the west-by-southern bulge of the State, and in the area along the Ohio river northward to the thin panhandle of the Wheeling-Weirton area. Two other principal rivers, the Great Kanawha and the Monongahela (with the Ohio) have five of the State's largest cities. The rivers serve as great arteries of commerce, with barges strung hundreds of feet before tugs of giant horsepower pushing them to market.

The State's population for some time has been stable, although the slump in the coal-based industries did cause a loss in population between the census of 1950 and 1960. The economy is showing a steady rise in the 1960's. Personal incomes in 1960 were $2,957,000,000; in 1965 the figure has risen to $3,679,000,000. In retail sales the 1960 figure was $1,655,000,000; in 1965 it was $1,972,000,000 (in 1966 it was $2,090,000,000.) Another good statistic is in the growth of electric energy production. In 1960 the figure was 14,011,000,000 kwh; in 1966 it had risen to 23,220,000,000 kwh.

The State's financial status is sound. The cash total balance as of June 30, 1966—last figure I have seen—was $72,287,846.72. Securities and investments owned by the State or deposited with State departments, commissions and institutions, as well as bonds deposited by State depositories, as of June 30, 1966 totaled: $541,198,888.95 (Page 57, West Virginia Economic Outlook, 1967–72.)

While it is in a sense easier to chart material/economic well-being than of a cultural or spiritual aspect, the latter are equally important and in this evaluation West Virginia is high in the ratings. In both vocational and higher education institutional facilities, the State is on the move. Ten of the 21 institutions of higher education are more than 90 years old. All are accredited by the State and all four-year institutions by the North Central Association. They are well-distributed throughout the State and the network of highways makes interchange and commuting no problem.

Enrollment in the State's colleges and universities has risen from 21,498 full-time students in 1959–60 to 40,621 in 1966–67, a gain of more than 88 per cent in seven years. Part-time students were up from 7,244 to 10,089.

The elementary and secondary education, reflecting a strengthening of the State's economy, represented cost factor of $118,848,000 in 1960, rising to $172,982,000 in 1966. As is true of every State or nation, the greatest resource is the people, and the young must be prepared to carry the torch of progress, culture, and civilization. Such is the attitude of West Virginia. In fiscal 1965 28.6 per cent of all income of the State went into education.

Another facet of the State's economy is in her forests, representing almost three-fourths of the land area, close to 11,400 million acres, 91 per cent of which is privately owned. Most of the remaining is Federally owned. The timber runs to hardwood, top-quality suited to furniture manufacturing and most of it is sent to factories elsewhere. West Virginia is seeking to attract more furniture factories of her own. Sawmills are producing more than 300,000,000 board feet annually, providing jobs for 13,000 people and a payroll of $43,000,000 without diminishing the supply in the forests. Nature aided by seedlings replenishes it and 50 per cent more.

The sense of history is strong in West Virginia. At Phillipi, not far from the boyhood home of Stonewall Jackson, was fought the first land battle of the Civil War. At Point Pleasant, on October 10, 1774, when General Andrew Lewis and his forces defeated the Indians under Cornstalk, winning the Northwest for the Colonials, they say the American Revolution was kicked-off. (Massachusetts might not like this.) In September 1782, the American garrison at Fort Henry (Wheeling) repulsed an attack of British and Indians, last battle of the Revolution—Cornwallis had surrendered at Yorktown on October 19, 1781. Another, less laudatory historical incident happened off the banks of the State in the Ohio River: at Blennerhassett Island Aaron Burr tried to launch his Empire of the Southwest.

Delegates of the 40 western counties of Virginia held their two conventions at Wheeling after the start of the Civil War in 1861, and voted to stay with the Union. The new State of West Virginia was admitted into the Union on June 20, 1863, with Wheeling as the capital. A tug of war developed in an effort to move the capital to a more central location. The legislature in 1870 voted to move it to Charleston; the citizens there offered to build a statehouse at their own expense. But Wheeling promised a finer one, so the legislature voted to return it there, effective from February 20, 1875. Another statewide vote favored Charleston, however, and in 1885 it went to Charleston, where it is today.

The first settlers of the State brought their religions with them and the circuit-riding preacher was an important factor in the life of the frontier. First to come were the Methodists, then came the Baptists, Presbyterians, Episcopalians, and Catholics. Church life remains a strong ingredient in the life of the State.

To keep the population of the Mountain State informed of what's going on around them and in the world at large 32 daily newspapers, 88 weekly newspapers, 60 radio stations (including seven FM), and nine television stations do a job comparable with that of anywhere in the Nation.

There is a further unique situation with reference to the markets in West Virginia. For instance, representatives for some of the media in the State report that credit for retail sales in certain instances, following back to the wholesale sources in Columbus, Ohio, or Pittsburgh, swell budgets from big national advertisers, whereas the media in the cities where the retail demand is created should get the increased budgets.

The Mountaineer State lays claim to the birthplace of outdoor advertising. In Wheeling about 1908 the Block Brothers Tobacco Company painted bridges and barns with "Treat Yourself to the Best, Chew Mail Pouch." Today they are still painting about 12,000 barns a year.

The forested and wild terrain of West Virginia favors many kinds of wildlife. Although the big cats, such as the cougar, or panther, are extinct, the black bear can still be seen. In fact, he is the State Animal. The State Bird is the Cardinal, and the Sugar Maple is the State Tree. The designation Mountaineer State has a background. That Virginia's Western edge ran into the mountains was a fact of geography. In 1716 Governor Alexander Spottswood, of Virginia, led an expedition from Williamsburg, capital at that time, to the crest of the mountains. He gave each member of the party a tiny Golden Horseshoe on which was engraved in Latin words meaning: "Thus he swears to cross the mountains," an episode that is honored in West Virginia schools today. The State flag bears these Latin words: "Montani Semper Liberi." Meaning "Mountaineers Forever Free."

There are many signs that the Appalachia label has just about faded, though it was painted so extensively it will take a bit more time to be forgotten. Facts have a way of coming to the surface, and there is a growing number of Mountaineers who are telling their progress story. Facts and figures can become a big mountain; and already an imposing list of the nation's leading firms are adding their dollars and energies to develop the tremendous resources of the Mountain State.

MINNEAPOLIS-ST. PAUL METROPOLITAN AIRPORTS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, I was very interested to read in the current issue of the AOPA Pilot an article entitled "Twin Cities' Model Airport System." I believe this article contains a lesson in airport development from which other States and regions can profit. All too often we have seen superior air service sacrificed to the sectional rivalries of cities whose leaders seem to prefer to fight and bicker rather than pooling their interests for the common good. Minneapolis and St. Paul decided to bury their costly rivalry and unite to build a sensible airport system.

Just as the two largest cities in Minnesota have decided to shake hands and join together for the benefit of the people, instead of perpetuating provincial rivalry, so can the largest cities in other States join to obtain the least-cost air service. I know this is true in the State of West Virginia, where the two largest cities have made great strides of progress toward building a regional airport midway between Charleston and Huntington.

Particularly notable in the Minneapolis-St. Paul situation is the integrated airport system which has developed since 1943 when the Minnesota State Legislature created the Metropolitan Airports Commission. One of the highlights of the airport system is the encouragement given to the development of general aviation at the six airports which comprise the complex. Especially pertinent are the remarks by the executive director of the Metropolitan Airports Commission, Henry G. Kuitu, on the way in which commercial and general aviation are related at the various airports in the system.

The article follows:

TWIN CITIES' MODEL AIRPORT SYSTEM

(By Robert A. Klobnak)

Six airports located within a 25-mile radius of the city halls of Minneapolis and St. Paul provide the Twin Cities with a complex of aviation facilities rated among the best in the country in terms of development, maintenance and management.

A model program, this integrated airport system came into being in 1943 when the Minnesota State Legislature created the Metropolitan Airports Commission (MAC) to curb the costly rivalry for airport construction between Minneapolis and St. Paul, and to unite the state's two largest cities in a program of aeronautical development.

Specific objectives of the act creating MAC were to "serve the public interest; promote air navigation and transportation; develop the full potentialities of the Twin Cities as an aviation center, increase air commerce; and promote the efficient, safe and economic handling of such commerce."

Just how effective MAC has been in carrying out these objectives can best be illustrated by the fact that 80% of the 1,245,416 aircraft movements in 1966 at the six MAC-owned and operated airports were recorded by general aviation at a total cost of only six cents out of every capital and operational dollar.

As further evidence of the agency's effectiveness, the number of based aircraft on its six fields increased 70% over the past 10 years, 22% more than the national average for the same period. But the public has benefited, too, proving again that airports are not only for pilots and aircraft. A survey taken in 1960 to measure the value of general aviation to the MAC community indicated an economic benefit of $233,000,000 with a projected jump to $386,000,000 by 1975.

Considering that the current investment of public money in the MAC airport system —Federal, state and local—is just over $70,000,000, the public has realized a better than three-to-one return for every dollar invested.

MAC is unique as an organization, the only agency of its kind in the nation. But what has made MAC a success are the concepts of its executive director, Henry G. Kuitu, and his 22-man staff. A former employee of the Civil Aeronautics Administration, Kuitu said one of his biggest tasks over the years has been to prove to people that "general aviation aircraft are not toys for a few people's amusement."

Kuitu has proved that point, judging from the general aviation boom in the Land Of Sky Blue Waters since he took over the MAC controls in 1953. "Our strongest promotion for general aviation," Kuitu insists, "is that we simply recognized it as a vital segment of our transportation system and have developed the finest of facilities for general aviation use."

The six airports in the MAC complex are Anoka County, Crystal, Flying Cloud, Lake Elmo, Minneapolis-St. Paul International (Wold-Chamberlain Field) and St. Paul Downtown (formerly Holman Field).

Backing up Kuitu and his paid staff are nine appointed MAC commissioners, four each from Minneapolis and St. Paul, plus the chairman who is selected from an area outside the MAC complex. Minneapolis Mayor Arthur Naftalin and St. Paul Mayor Thomas R. Byrne serve as commissioners representing their respective cities.

Under the Twin Cities integrated airport system, all improvements are handled by MAC with anything costing over $1,000 requiring the approval of the commissioners. MAC continuously improves all its airports, cuts the grass, removes snow, furnishes first-rate facilities to all users at a reasonable cost, and protects lower altitude airspace connecting its network of airports.

Crash-rescue equipment is no problem at any of the airports in the complex because MAC has a letter of agreement with local communities to provide that service, freeing additional funds for other needs. Replaced and surplus equipment at International is given to other airports in the complex on the basis of priority.

With the exception of Lake Elmo Airport, there are two MAC men at each airport in the system. These men make recommendations for improvements, request needed equipment and, in general, see that everything runs smoothly at their respective facilities.

"There is no fat in our budget, so the airports must be run very efficiently," Kuitu is quick to point out. "We don't charge any landing fees for general aviation aircraft at any MAC field and we only charge two cents a gallon in aviation fuel tax and two cents a foot for leased space at four of our airports."

Fuel and lease rates, understandably, are slightly higher at International and St. Paul Downtown Airports. MAC allows the lessee to build his own hangar facility at any of its suburban airports and provides a 10-year lease and black-topping from the hangar to the taxiway.

"In a program such as ours," Kuitu explained, "it is absolutely necessary to have the support of the Federal Aviation Administration and the state Department of Aeronautics. FAA has been most helpful in the area of navigational aids, and our Commissioner of Aeronautics, Lawrence McCabe, is 100% behind general aviation and MAC."

McCabe (AOPA 143870), an ex-Navy pilot, throws out Minnesota aviation statistics and facts better than any computer. A native son and former FBO at Hibbing, McCabe is dedicated to the task of "making Minnesota as well known for its aviation facilities as it is for its great fishing."

McCabe's department has produced a clever film called "Aviation Swings in Minnesota" which shows the network of VOR's in the state, its many airports and landing strips. The film projects the same kind of enthusiasm and accomplishment on a statewide basis that MAC demonstrates for its Twin Cities complex.

The continuing controversy over barring general aviation aircraft from large metropolitan airports with heavy jet traffic is not a problem of busy Minneapolis-St. Paul International Airport only because of MAC's "equal facilities concept" for general aviation.

MAC does not restrict general aviation movements at International, in line with its position that aircraft cannot and should not be regulated off of publicly owned and operated airports. "What we have done," Kuitu emphasized, "is to provide excellent facilities at other airports in our system which are consistent and compatible with the type of aircraft being flown by corporate and business pilots."

"If we didn't do this," Kuitu added, "Wold-Chamberlain would have long ago surpassed its maximum capacity in based aircraft and operations."

Lyle K. Brown, former FAA Minneapolis area manager now serving as director of FAA's Alaska Region, is outspoken in praise of the MAC operation, referring to its integrated airport system as a model for other metropolitan areas to consider.

"We highly endorse the MAC concept and its program. They have done an outstanding job, in fact the best we have seen in the country. Their concepts provide for a natural segregation of traffic and increase the capabilities of all airports," Brown said.

Competition is keen among the 30 FBO's at the six fields. Their feelings about being a part of the airport complex are probably the best barometer for measuring acceptance of MAC policies and programs.

Niels H. Sorensen, one of six FBO's at Crystal Airport, operates Lakeland Skyways. He didn't mince any words in describing MAC as a "fabulous organization."

"Without MAC steering the satellite airport system, I don't think we would enjoy the high degree of action we do. This airport exists today because of MAC," Sorensen said. "They staved off the attacks that would have turned this field into neat rows of homes."

Then their is Ray Ryan of the Nelson-Ryan Flying Service at Flying Clouds Airport. A man of few words, Ryan said, "We think MAC is just wonderful."

The dean emeritus of FBO's in the Twin Cities area, and perhaps in the nation, is Angelo "Shorty" DePonti (AOPA 135255) who has operated the DePonti Aviation Company since 1927. Located at Minneapolis-St. Paul Internation since 1950, "Shorty" was long on praise for the excellent job MAC has done over the years. "They gave aviation a home in this area," DePonti said.

There doesn't seem to be much question about what MAC has accomplished over the past 24 years, but it is the future that concerns Kuitu, a soft-spoken Finn who relaxes by sketching out airport designs. He and his staff know that air traffic will increase in the MAC complex to 2,000,000 movements in 1970 and almost 3,000,000 by 1975.

"Pressure is starting to mount among a lot of people for us to develop more airports," Kuitu said, "but we believe the most important use of our dollars is to continually improve our existing facilities to maximum capacity. Otherwise," he continued, "we will have a situation of satellites around satellites."

Kuitu said the present MAC airport system was built with a maximum amount of state and Federal aid, "without which we would not have the fine complex of airports we have today." With International getting 94 cents out of every capital and operational dollar, "I guess the big question is whether MAC can continue to take care of 80% of the anticipated increase in general aviation movements in 1975 with the remaining six cents.

"We don't think we will be able to do as well," Kuitu said, "but the figures don't frighten us."

The big problem, Kuitu believes, will be to acquire additional land to house the facilities to accommodate the aircraft. "A second major airport in the greater metropolitan area of the Twin Cities is definitely in our thinking, for if we don't move aggressively today, we will be in big trouble within the next five years," Kuitu said.

Asked if he thought a MAC-type agency was the answer for unsolved airport problems in other metropolitan areas, Kuitu fired back, "We don't think there is any other way to do the job. It isn't economically sound to try to provide for smaller aircraft on the larger airports, but it is sound to develop and support reliever airports in the area to take off the pressure."

Through its program of providing quality facilities for general aviation aircraft, MAC has come up with a healthy solution for solving major airport congestion problems in a natural way, without penalizing the little guy. The MAC success formula is obvious. By considering the needs of general aviation and the scheduled air carriers together, many of the problems of both have been solved.

There is no doubt that MAC is fulfilling the objectives for which it was created. And the primary reason for MAC's success has been its acceptance and recognition of general aviation as a full and equal partner in all phases of its programs.

MUNICIPAL BOND FINANCING—STATEMENT BY HON. CHARLES W. WHALEN, JR., BEFORE SUBCOMMITTEE OF JOINT ECONOMIC COMMITTEE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Joint Economic Committee's Subcommittee on Economic Progress held hearings this week on the serious problems that our municipalities face. More specifically, they face tremendous problems of financing. The demand for facilities and equipment is growing rapidly, their tax bases are shrinking in many cases, interest rates have skyrocketed, and now the industrial revenue bonds are cutting into the available supply of loan funds. Our public policies are going to have to concern themselves far more with these problems in the future than has been the case in the past.

The subcommittee was most fortunate in having a number of excellent witnesses. One of them was my distinguished colleague, the gentleman from Ohio [Mr. Whalen], who was invited by the subcommittee to give us the benefit of his sound knowledge of credit and finance.

I insert in the Record at this point Mr. Whalen's statement:

Statement of Charles W. Whalen, Jr., Member of Congress, State of Ohio, Third District, Before the Subcommittee on Economic Progress, Joint Economic Committee, December 7, 1967

Chairman Patman, members of the Subcommittee on Economic Progress, Joint Economic Committee, it is an honor to be asked to appear before your Subcommittee today in connection with your hearings on municipal finance. I have never served as an elected or appointed city official. Therefore, I have not been directly involved in the processes attendant to the securing of community funds. Nevertheless, as an economist and a twelve-year member of the Ohio General Assembly, I am aware of many of the financial problems confronting our cities.

I. SCOPE

This morning I shall address my remarks specifically to the issue delineated by the Chairman in his Statement of December 5, namely, *"the difficulties experienced by small municipalities in marketing their bonds."*[1]

II. BOND MARKETING PROBLEMS

Finance officers of our nation's smaller cities, in my opinion, face three distinct problems in their bond-placement efforts.

First, they frequently are hampered by unrealistic legal restrictions.

Second, they are at the mercy of a highly competitive money market.

Third, their communities' tax bases often bear no relationship to financial needs. Let me analyze each of these situations briefly.

A. Unrealistic legal restrictions

During the Depression of the 1930's ten percent of municipal bonds outstanding—approximately $1.5 billion out of $15.0 billion—were in default.[2] As a result of this experience, many states imposed constitutional or statutory restrictions upon debt financing. Ohio residents, for example, adopted a constitutional amendment in the early thirties which limits to ten mills the total taxes which can be levied against real property (assessed valuation). Any additional millage can be secured only through the vote of the electorate of a political subdivision. Additional taxes once approved, then are subjected to periodic renewals.

This simply means that finance officers must spend a great deal of their time campaigning for passage of bond issues. Thus, in Ohio, as in other states, a city finance director, in addition to his fiscal capabilities, must possess the skill of a seasoned vote-getter.

Many states, including Ohio, have established arbitrary debt ceilings (usually expressed as a percentage of total assessed property valuation). When this limitation is reached, even the most politically consumate finance director is prohibited from exercising his powers of persuasion.

It is paradoxical that local officials—those who are closest to the people—are burdened with fiscal sanctions which are not imposed upon federal functionaries operating in Washington literally hundreds, or thousands, of miles away.

B. Highly competitive money market

Robert E. Weintraub, in his recent publication "Options for Meeting the Revenue Needs of City Governments," estimates "a revenue gap of $262 billion" during the next ten years.[3] Projected expenditures during this period are $1,025 billion, while current revenue sources are expected to yield $763 billion.[4]

Of the alternative methods of closing this "gap," sale of securities seems the least attractive, especially to smaller communities. Small cities not only must compete for funds against private borrowers (corporations and consumers) but also against larger, better-rated municipalities. In order to attract investors, therefore, less populous cities, many of which are not rated by Moody's or Standard and Poor's usually must offer their bonds at substantially higher rates of interest.

Under our profit system, a variation in corporate bond yields can be defended. However, it seems inequitable to the taxpayer of Coldwater, Ohio, to burden him with relatively higher interest costs merely because he happened to reside in a small community.

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[1] Statement of Chairman Wright Patman, Joint Economic Committee, Subcommittee on Economic Progress, Hearings on Municipal Finance, December 5, 6, and 7, 1967, page 2.

[2] James A. Maxwell, *Financing State and Local Governments* (The Brookings Institution, 1965), page 181.

[3] Robert E. Weintraub, *Options For Meeting The Revenue Needs of City Governments,* Prepared for: National League of Cities, TEMPO, General Electric Company, January 1967, page 6.

[4] Ibid.

C. Lack of correlation between tax base and financial needs

In 1962 over 90,000 local governmental units existed in the United States.[5] This proliferation of tax jurisdiction has distorted the correlaton between revenue producing capabilities and revenue needs.

For example, the inheritance taxes collected each year by one wealthy Ohio suburb have enabled that community to enjoy the lowest property tax rate in the state. Another small town is blessed with the presence of a huge industrial plant whose property taxes proved more than enough funds to meet this city's needs.

By the same token, many other political subdivisions lack the high-yield base which factories or high-priced residences provide. The needs of the citizens residing in these areas, however, do not differ materially from those who live in high tax base communities. Each of us wants a good education for our children; reasonable protection of our person and property; paved streets; adequate sanitation and recreation facilities. Regrettably those whose residences are in "tax-poor" districts are penalized in two ways. First, the quality of governmental services which they receive is substandard. They have poorer schools, ineffective police and fire protection, inadequate sanitation and recreation facilities. Second, in order to receive even this minimal level of service, they must bear a proportionately higher tax rate on their real property. This, in turn, creates a regressive tax structure.

III. RECOMMENDATIONS

What, if anything, can the federal government do to mitigate these municipal bond-financing problems?

The first—constitutional and statutory legal restrictions—does not come within the purview of federal authorities. Hopefully, state officials will undertake (and are gradually doing so) the elimination or reduction of the archaic limitations which needlessly handcap local finance directors in their bond-disposal efforts.

As a nation, however, we *are concerned* about the need for a more equitable tax structure, equality of educational opportunities, and adequate protection for all of our citizens. Thus, it is in the national interest, it seems to me, to produce an alternative revenue source which would reduce the dependence of American cities upon bond financing.

The major objective of national policy in the area of local government should not be further federal assumption, or partial assumption, of certain responsibilities presently ascribed to our communities. Rather, the goals should be to strengthen local governments so that they are capable of assuming the increased responsibilities which the public expects of them. One means of fulfilling this objective is through some type of federal tax sharing program.

A federal tax sharing plan would offer three positive advantages to our nation's cities.

First, it would reduce the dependence upon bond financing. Local tax payers, in smaller communities, especially, will be relatively less burdened with costs stemming from the payment of premium interest rates.

Second, a portion of the total federal tax rebate could be distributed on a "need" basis. This would provide material assistance to those who, because they reside in low tax yield communities, receive poor quality services.

Third, revenue-sharing could effectively broaden local tax bases by providing an incentive to political subdivisions to establish and support certain services on an area-wide basis.

Ultimate adoption of a federal tax sharing program, in my opinion, would strengthen both state and local governments so that they are better equipped to face the challenges of our time.

Mr. Chairman, I am pleased to be joined this morning by three distinguished representatives of the City of Dayton who are well versed in the intricacies of bond financing. I am certain the Dayton Mayor Dave Hall, City Manager Graham Watt, and Finance Director Winton Parent in their testimony will make a significant contribution to your study.

NO FARM HOPE IN CONGRESSS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Zwach] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ZWACH. Mr. Speaker, this week I received a copy of an editorial written by Mr. O. B. Augustson, Willmar Daily Times, with his sage and seasoned observations of the agricultural situation. His comments deserve a thorough study as Mr. Augustson speaks with a great deal of sincerity coming from one of the most diversified agribusiness cities in the Sixth Congressional District. He has a deep conviction that our countryside needs to be built up for the good of the Nation, but he also very accurately points out that the base for present and future hopes is to help the primary industry—that of farming.

After pointing out that this administration is spouting lipservice without concrete action, he resigns himself to the plain fact that farmers must take a stronger action themselves, not in Congress or in the political routes—in the marketplace.

I believe this editorial comes the closest to putting into clear perspective, the attitude of the farmers today on this befuddled, directionless administration farm program.

The editorial referred to follows:

NO FARM HOPE IN CONGRESS

(By O. B. Augustson)

To all who are concerned about the farm situation and those should be not only farmers but all of us who live in rural towns where the farm dollar is so mighty important—we recommend the reading of the special article found in this issue of The Tribune entitled—"Farm Legislation in the Congress Viewed Hopeless."

Guess Mr. Hendrickson put his finger squarely on the situation. Much better than the Secretary of Agriculture who came into this farm state of his and spoke recently. He painted idle hopes, promises but the performance of the past has been nil. Representing an administration that is not for the farmer and that starts with the White House. Meanwhile the number of farmers in the country have been cut in half and more of the devastation is coming. 700,000 farms forced out of business since Freeman became secretary. Enough discouragement to make a secretary of agriculture from a farm state resign and quit in disgust as a protest.

The Department of Agriculture also sends out silly talk about "more research." That's just idle hogwash. Farmers don't need more research—they need fair prices for the work they do like all other industry. The same department has issued a book called "Outdoors U.S." where the farm problem is treated like a recreational area. That's also by-passing the real issue. We are not interested in making rural America a playground—we want to preserve the rural America of family farms, thriving farm villages and towns that have been the backbone of this nation. That statement will stand the test of any intelligence.

Meanwhile the gulf between the farmer and the consumer is widening while processors sit in the saddle and skim off the cream from the most important industry in the land—that of food production.

As a resident of a rural city we see our main industry go begging. That on one hand. Then for a rural city to have a better economy we scramble for more industry, factories and such, to replace lost farm patronage. Well as far as we are concerned—we would rather retain the one big prosperous farm industry which alone in Kandiyohi County is around thirty million dollars a year than a whole town full of smokestacks.

What's the answer? It is now plain—a fight at the market place. Farmers demanding their price or not selling. Like other industry. Can come if a national farm board is established like labor has, this being proposed by Thatcher of the GTA. It would of course need the 100% support of all farm organizations. But even then, knowing the atmosphere at Washington and in the Congress hopes for even such legislation are dim. You perhaps can wait for that until "something" freezes over. Then the only recourse is the militant action of the NFO if enough farmers have both the vision and the guts to rock the market by firm and united action. This administration is conducting many wars—war on the yellow race, war on poverty and the like—but no war in behalf of an underpaid basic farm industry. No, it caters to the big city vote and the consumers of those big cities to give them cheap food at the expense of the food producers. Nothing for the farmers of the nation who have always subsidized the high standard of the American people. The die is cast and it is quite clear that the battle for the survival of rural America is at the market place.

LET'S DEMONSTRATE FOR THE FARMER

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Zwach] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ZWACH. Mr. Speaker, Dr. Joseph L. Knutson, president of Concordia College, Moorhead, Minn., and a highly respected religious and educational leader, provides some pertinent remarks on the problems besetting our country in a recent issue of the Lutheran Standard, and reprinted in Farm Tempo, U.S.A.

Dr. Knutson speaks fervently about the plight of the American farmer and contrasts their positions with that of other special interest groups in our Nation.

The article follows:

LET'S DEMONSTRATE FOR THE FARMER

This spring I attended three district conventions of The American Lutheran Church. They ran pretty much true to form. Whatever men may say about the church, no one can charge the church with lack of social concern. Our fathers used to gather in church conventions and discuss the sovereignty of God and the responsibility of man, and try to bridge the gulf between them. Today church conventions are more sociological than theological. There are discourses on sexuality, divorce, planned parenthood, civil rights, avant garde religious journalism, Indians, war and conscientious objectors, the urbanization of life, automation and the laboring man, poverty, education, and everything else in a good sociology textbook.

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[5] James A. Maxwell, *Financing State and Local Governments* (The Brookings Institution, 1965).

When these subjects are dealt with in the light of God's revelation in Christ, this is as it should be. Too often, though, there is too much sociology and not enough Gospel.

In all this sociological concern there is one group that has been overlooked of late. I refer to the farmer. There used to be a Lutheran agency dealing specifically with the problems of rural life, but in the new Lutheran Council of the United States of America it has become "The Department of Church and Community Planning."

From 1921 to 1940, almost 20 years, rural America suffered severe economic blight. The farmer knew depression long before 1929. Ever since the end of the Korean conflict the economic position of the farmer has deteriorated. Now, in 1967, the farmer is worse off, parity-wise, than at any time save in the depth of the depression—way down to 74%.

We promote a fair deal for the Negro, a new day for the Indian, more security for the laboring man, better salaries for teachers, low-cost housing for the urban dwellers, and crusades for nearly everybody but the farmer.

The economists always pointed to our huge surpluses in wheat, feed grains, and dairy products as a price depressant. When the surpluses disappeared, prices were expected to rise. Then, because of the clamor of city people against high food prices, the government opened the import gates and flooded the markets.

Farm subsidies have been criticized, but how many of us when we sit down to eat realize that the farmer through his sweat and meager income is actually subsidizing our daily bread? We Americans spend only 18 cents of our pay dollar for food, less than any place in the world.

A few months ago, when housewives picketed the food markets because of rising prices, where was the support for the farmer from church people, students, and social workers? If we are concerned about inequality and some people being second-class citizens, there should have been demonstrations and marches for the most underprivileged vocational group in America. If we believe, as the Apostle Paul says, that we should "do good to all men, and especially to those who are of the household of faith." The American Lutheran Church should have been marching for the farmer. Farmers are still the biggest single vocational group in the ALC, even though they are now only 5% of the American population.

In an address at Moorhead shortly after the Cuban missile crisis, the then Senator Hubert Humphrey credited the farmer and American agriculture as the one deterrent that kept Khrushchev from pushing the button that would have sent a nuclear holocaust to the cities of our eastern seaboard. He did not dare to push the button because Russia did not have the food to fight a war. It is also true that America's abundance of food is our prime diplomatic pacifier and tool.

Inability to make a decent living is driving farmers off the land by the millions. It is hastening the demise of the family farm. Those still on the land put up with living conditions far below that of their city counterparts.

What can The American Lutheran Church do to help the farmer? (1) We can recognize his plight and be sympathetic. (2) We can be grateful for what the farmer has done for America and for us personally. (3) We can pray that God will improve the condition of the farmer. (4) At our church conventions we can talk about the plight of the farmer as we concern ourselves with sex, civil rights, and everything else on the sociological scene. (5) We can defend the farmer and plead for a fair deal for him among our fellow citizens. (6) We can put pressure on our president and congressmen to protect the farmer's market and not to use food as a bait to pull in the vote of our heavily urban population. (7) We can help the farmer organize to control and protect his market so that he too can live with some degree of security and dignity.

After all there would have been no civil rights movement if groups other than Negroes had not organized and manned it.

If we are sincere as a church in praying for daily bread, I do not know how we dare forget the farmer any longer. If you and I as church people are concerned about inequality and second-class citizens, we ought to demonstrate for the farmer.

PROBLEMS FACED BY OUR DOMESTIC CATTLE INDUSTRY AND THE MIDWEST FEED GRAIN PRODUCER

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. KYL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KYL. Mr. Speaker, the American Cattle Producer, the National Beef News magazine, for December 1967, includes at least four items which point up problems faced by our domestic cattle industry and the midwest feed grain producer. The articles concerning beef production again demonstrate two factors: Our domestic market prices on livestock are too low in comparison with production costs; and, the effect of imported meat cannot be dismissed with a trite condemnation of "protectionism."

Fresh, frozen, and chilled meat imports were down 2 percent in September, for a total of 89.7 million pounds, but the January-to-September total is 6 percent above the previous period in 1966. This does not include imported canned beef, and other prepared or preserved meats which total has been substantially higher.

The four items follow:

Australia Looks to Doubling Beef Supply

Australia is set to stage its Fifth World Hereford Conference in a month-long observance next April.

The Sydney Royal Easter Show takes place between April 5 and 16, which is annually attended by more than a million people. Some 33,00 entries are judged.

News releases from the Australian Tourist Commission point to the influx of Americans to the "land down under", many to settle and invest. North Americans now contribute 50 percent of Australia's foreign investment.

Many new areas are opening up for farm and ranch development in Australia. One of these is the "brigalow country" in Queensland. The potential there is said to be so great that it may ultimately carry as many cattle as there are now in all of Australia—a 15,000,000 total.

With Americans moving into the Australia livestock production picture so heavily, the question arises where will they market the added millions of animals?

Australian Believes U.S. Cattleman "Vanishing Race"

Under the title of "American Cattleman, A Vanishing Race," the herd bull edition of the Queensland Country Life in Australia says "at the rate things are going, beef will be too costly to produce (in America) and it will be much more sensible to import it from countries like Australia."

On that premise the article, written by Frank H. Johnston, the writer then blames the chain stores and high labor costs for much of the U.S. beef producers problems.

The pitch, of course, is that Australia can produce lean beef much more cheaply and that logically the American consumer should be supplied from this source.

Johnston points out that "since 1950 the American cattleman's cost of production has increased about 75 percent while fat cattle prices are still pretty much as they were then."

Then, he says, "so serious does the cattleman's plight appear that some authorities envisage beef being designated a national utility . . . a disturbing thought seeing that the cattleman has long regarded himself as the last of America's free men."

Johnston also includes the farmer in the category of "vanishing race" by stating "farming as a way of life is no longer profitable for the family man."

U.S. Producers Forced To Compete With This

Live cattle prices in Argentina moved to record highs in mid-October, but were expected to lower in late November. Reason for the top prices was due to transportation problems of getting cattle to market, and because of heavy rains.

Purchases by export packinghouses have been minimal, necessitating postponement of many commitments.

Producers are taking advantage of improved forage conditions brought on by the recent rains after drought had prevailed since mid-year.

Price for chiller-type steers were ranging between 70 and 80 pesos per kilogram (9 and 10 cents per lb.), at one point reaching 13 cents per lb. This compares with an average of 62 pesos (8 cents) during the first 6 months of the year.

Shipments to the United Kingdom have been cut back most notably, although exporters are also having some difficulties meeting their quota shipments to Spain. Not only refrigerated beef, but also processed items like corned beef, are affected.

World Corn Supply High, Hurting U.S. Surplus

Excess corn production in the United States occurred on top of higher world feed production, probably cutting any possibility of exports to relieve the domestic situation.

Both Argentina and South Africa harvested bumper corn crops last spring, so they have corn to sell in competition with U.S. corn. As of July 1, stocks of corn in the Argentine were estimated at around 190 million bushels—slightly less than a year before but 40 percent more than the 5-year 1961–65 average. South Africa is expected to have more than 100 million bushels for export this year, about four times as much as in recent years.

Europe has good feed crops this year. The total production of barley in West European countries is estimated at 1,580 million bushels—up 7 percent from 1966. The production of oats and corn also may be larger than last year; and with the big wheat crops, more wheat may be used for livestock feed this year.

"GOD IS NOT DEAD"—TRY NIMH—A CRITIQUE ON STATE-FEDERAL RELATIONS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HALL. Mr. Speaker, herewith a speech made by the director of the division of mental health in the Georgia Department of Public Health, Atlanta, Ga. Dr. Addison M. Duval is a well-qualified physician to whom I first reported in my rotating internship at St. Elizabeths Hospital in the early 1930's. He has always been a great preceptor, instructor, and close personal friend. After completing over 32 years in the Federal service and retiring from the position of assistant superintendent of St. Elizabeths Hospital, he has directed the mental health program in my home State of Missouri and is now doing some in the "Peach" State of Georgia. He is a fellow of the American Psychiatric Association and the American College of Physicians. He has been a great administrator as well as superb physician and psychiatrist.

For all of these reasons it is timely and worth while for all to study at his feet, from the "user's point of view."

This paper was delivered before the American Public Health Association in Miami Beach, Fla., in October of this year, and its constructive suggestion concerning the National Institute of Mental Health applies professionally, as well as we members recognize the need for improving the efficiency and economy thereof. The title is staggering, but intention gaining, and the contents are truly food for thought and a must for implementation. It is stimulating to know that from the inner circles—Dr. Duval has just completed a long term on the Council of the American Psychiatric Association—he takes time to be objective and constructive, and actually suggests what many of us have known for some time about a "sacred cow." The essay follows:

GOD IS NOT DEAD—TRY NIMH—A CRITIQUE ON STATE-FEDERAL RELATIONS

(By Addison M. Duval, M.D., F.A.P.A., F.A.C.P., director, Division of Mental Health, Georgia Department of Public Health, Atlanta, Ga.)

Last year, before a Special Session of this Association at its 94th Annual Meeting, Dr. Eugene Hargrove, Commissioner of Mental Health in North Carolina—in his quiet respectful manner—presented several very important criticisms of Federal regulations which deal with developing community mental health programs. These specific criticisms included (1) unimaginative and provincial thinking, (2) services that are insular and emphasize a program which can be developed in very few atypical American cities and has little relationship to programs in small urban or rural areas, (3) the guide lines make no allowance for the differences in individual community mores or in patterns of service, and (4) the "all or none" policy which permits no variation from the rigid requirement of five essential services from the start of the program.

In Georgia, we too have complained about the rigidity of the regulations as well as the rigidity of those administering the regulations—but to no avail. In my judgment, this situation needs the combined attention of all the affected states. By standing together, we may develop enough strength to force a change for the better. When invited to speak at this meeting and discuss Georgia-Federal relations in a very direct and blunt fashion, I was glad to accept in the hope I might assist in calling attention to some of the failures and errors being made in Washington. Some of these are crucially damaging to our state programs and in my opinion they could be readily corrected if Federal motivation was just present.

On the long chance of obtaining a beneficial shock effect, I decided to use a provocative title for these remarks, "God Is Not Dead. Try N.I.M.H.!" The more I thought about this title, however, the more accurate and realistic it seemed to be as an indicator of the Messianic attitude of NIMH toward the individual state. Where this attitude originates or why, I have not been able to determine accurately. Other Federal departments are said to have similar attitudes toward state operations. Of this, I have no personal knowledge. As a Federal employee in Washington for thirty years, I accepted the Federal "line" that the Federal mental health professionals were more competent and knowledgeable than those in State employment and knew best what was good for the States. I, no longer, believe that! But this attitude persists in Washington as I will attempt to illustrate in the following examples of what has happened in Georgia. I have no desire or intention of "trying" the case of Georgia versus the National Institute of Mental Health in this presentation, however, you will recognize that I must give enough evidence to try and convince you and other interested readers of the truth of my allegations if any help is to come in correcting the situation.

In the midst of our struggle to develop comprehensive community mental health programs in Georgia, I wrote to the Director of the National Institute of Mental Health under date of February 1, 1966, in part as follows:

"During the past seven or eight years, Georgia has been slowly and gradually moving towards the establishment of community mental health programs. At the present time, we have some mental health services provided in eighteen (18) different geographic locations in the State. Historically, these programs have been developed on a step-by-step method as staff and money could be made available. It is generally agreed by mental health professionals in the State that the step-by-step method is the only practical way to proceed with future programs. Some of our eighteen community programs have only a weak beginning toward providing an adequate amount of services which meets only a small portion of the need, while other programs provide at least four of the five essential services as described in Federal legislation. . . . As we carefully study Federal regulations concerning the Community Mental Health Centers Act of 1963, Title 2, Public Law 88–164, and the proposed Federal Regulations Sub-Part D, Part 54, Title 42, Public Law 89–105, we have encountered three major problems and we would very much appreciate your cooperative assistance in finding possible solutions."

PROBLEM ONE

"While we realize that Public Law 89–105, . . . indicates that Federal funds may be made available 'for the initial operation of new community mental health centers or of new services in community mental health centers', it is our belief that the Harris Committee did not intend so limited and restrictive a definition of 'new centers or new services in centers' as the regulations provide.

"To support this view I would like to refer you to page 7, paragraph 1 of Report 248 to the House of Representatives by the Harris Committee relating to the Community Mental Health Centers Act as follows:

"'In this connection, the committee has also been mindful of the situation of those few communities which have been able to establish most or all of the essential elements of community mental health services. Under the present bill such communities would not be penalized for the leadership they have shown. While they would not be eligible for assistance toward the cost of existing services, they would be eligible for grants toward meeting the cost of new and additional services necessary to achieve the goal of truly comprehensive mental health care. They would be eligible for Federal funds to assist them in maintaining their position of leadership.'

"It is our hope that with the above report in mind, you may feel justified in considering the 'additional services' mentioned above as including the expansion in quality and quantity of weak and inadequate existing services. Such a liberalization of interpretation would be enormously helpful to Georgia. Federal funds so provided would not reduce or replace any present state or local funds being used for mental health purposes."

PROBLEM TWO

"The *proposed* regulations concerning Sub-Chapter D, Part 54, Title 42, Public Law 89–105 seems to us to clearly prohibit the use of Federal funds for mental health programs unless *all* five essential elements of service are provided from the beginning of use of such funds. Such arrangement would be very detrimental to program development in Georgia and we urge a change to less restrictive language."

"As we have previously said, the best method for program development in Georgia has been the step-by-step method and we believe it advisable to continue this method. It fits the individual program needs with regard to both manpower and supporting funds and also to the communities' program development capacity. We do not object in any way to the concept of comprehensive community mental health programs as described in Federal legislation. In fact we heartily support the concept. We do object to the idea of an 'all or none' arrangement where no Federal funds are provided unless all five essential elements of service are present."

"We would like to suggest that the Secretary of Health, Education and Welfare is permitted under Public Law 89–105 to exercise his personal judgment concerning the number of essential elements which he will require in one program for that program to be eligible for Federal funds. This seems to us to be indicated in Section 221.(2) of Public Law 89–105 as follows:

"'The services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is situated, at least those essential elements of comprehensive mental health services which are prescribed by the Secretary.'"

In his reply, dated February 21, 1966, the Director indicated his dissent to my interpretation of the House Report and ruled out any Federal support for ". . . simple expansion in volume of existing services". This decision was a body blow to our hopes for program expansion.

With regard to the second problem, that of the "all or none" concept, the Director indicated that to require less than the five essential services from the beginning of a program "would be inconsistent with the intent of the Congress . . ."

How can such conclusion be made when the Secretary of H.E.W. is given specific legal authority to prescribe essential elements? The Director further wrote that ". . . Federal funds under these Acts" (P.L. 88-164 and P.L. 89-105) "are available to bring into operation any or all of these services which have not yet been established in a community."

This last statement was to come back and haunt us when we later applied for our first initial staffing grant where Federal funds were in fact denied for this specific purpose. The Director concluded his letter by saying, in part:

"To conclude, it seems clear to me that Georgia should be able to use the Federal funds now available for community mental health centers just as other States in the Nation will use them."

This prediction by the Director of the National Institute of Mental Health later proved to be quite accurate, as Georgia has, in fact, used all its Federal construction funds for community mental health centers. Let it be clearly understood, however, that in order to obtain Federal approval for our Grant Applications each community was required to promise the full implementation and development of all five essential services when construction was completed and the program started. Whether, in fact, each community can meet its commitment remains to be seen. I am not sure what would happen in the event that it cannot. I think it would have been a much sounder plan to have proposed to deliver these essential services on a step-by-step method where we could be really sure we could deliver our promises. In my opinion, the regulations—and if necessary the Law—should be changed to permit both (1) a step-by-step program development and (2) the participation of Federal funds in the expansion of existing elements of service. In some instances this expansion may be more important than the development of a new service.

My second illustration of rigidity of attitude on the part of NIMH staff deals with the first application for staffing grant funds submitted by a rural Georgia community which occurred in 1966. The catchment area of this community included approximately 155,000 persons. No community mental health program was in existence—either in whole or in part—so this was an entirely new program. With the "all or none" requirement in mind for the five essential services as previously referred to herein, this community developed a plan wherein all five essential services would be provided but by reason of limited capability of recruitment of adequate staff for the total catchment area population and the lack of capability to raise local matching funds for an adequate program, the application sent forward to the National Institute of Mental Health really represented a first or beginning phase of program development within the capability of the community to participate, but with the hope of expansion of all five services as time went by. We knew that the program was inadequate to meet all the needs of the 155,000 people in the catchment area but we wanted to test the alleged flexibility of the National Institute of Mental Health, or, said another way, we were still testing the rigidity of the Institute.

As you might anticipate, our grant application for financial support was rejected by the Review Staff at N.I.M.H. with these words "it seemed to them that it would be almost impossible for two full-time persons and additional part-time staff to offer the basic elements of comprehensive services or continuity of care to the approximately 155,000 persons in the catchment area." We couldn't help but smile at such a pontifical explanation. Then followed the suggestion that "it may be expeditious to start a program on a smaller scale, engendering strong interest in the community before moving into a more comprehensive center. Therefore, we wonder if it would be possible for the resources of your Department to start the program now in the space which is now available, with the aim in mind to apply later for construction and staffing funds to provide all the basic elements of a comprehensive service."

One can only wonder whether if we had developed a community program for Troup County with State funds and later applied for construction and initial staffing funds from the National Institute of Mental Health, we might have then been given the decision that "such funds cannot be used for expansion of existing services", to which I have previously referred.

Following the disapproval of the Troup County application for initial staffing funds, I tried writing directly to an Assistant Secretary of the Department of Health, Education and Welfare who had offered to us his personal assistance in our problem. We pointed out to him our belief that the Troup County application in fact did provide for all the Federally required services even though on a drastically limited basis. We indicated that in our opinion this lack of adequacy "does not have adequate basis under law or regulations to serve as a valid reason for rejection of this application."

We said further:

"This problem again demonstrates the position we have held throughout our discussion that in order for communities to take advantage of grant programs, they must be permitted to start with initial small steps in program development provided these are realistic and intended to lead to additional larger steps within a reasonable time."

In a three page letter rejecting our appeal, the Assistant Secretary said in part, "While we are fully cognizant that small progressive steps are a sound mode of program development, the National Centers program is designed to assist communities in making substantive initial steps forward."

To me the only interpretation possible is that any community incapable of making a "substantive initial step" (whatever that is) gets no help at all from Washington.

In his letter the Secretary also stated that the National Institute of Mental Health had recently established a Section within its Technical Programs Assistance Branch which is to be a focus for developing mental health services in rural areas and that efforts would be made to encourage development of innovative approaches according to the particular characteristics, needs and resources of the areas involved. This proposal gave us new hope, so I wrote to the Director of the Institute requesting that the Troup County application be referred to this new Section for further study and evaluation, and I again expressed the hope that this Section would be able to find some special and more flexible method of providing assistance to rural communities. The Institute Director replied that this was an excellent suggestion but I have heard nothing further about the matter since that day in October, 1966.

I could give additional detailed illustrations of Federal power in decision making with regard to such local questions as the location of drinking fountains in patient wards and criticism of local modalities of treatment not presently in the good graces of N.I.M.H., but I will not burden you further. You have heard enough to see that Washington plays the tune and the State and counties dance the jig!

Even in the face of our urgent requests for flexibility and understanding of our problems I can detect no softening on the part of the Director of the National Institute of Mental Health or any desire to give us relief from these rigid requirements—a continuation of which will surely be detrimental to state mental health program development. You and I know that the centers yet to be developed will be much more difficult than the first few!

However, I think it fair to say that the Institute Director is not the only one responsible for the continuance of too much centralized power in the Federal Government. No specific effort toward changing this situation can be found in the actions of other officials in the Public Health Service or in the Department of Health, Education and Welfare. There may be a ray of hope in the new Federal program known as "Partnership in Health" the name of the program to develop Comprehensive Community Health Services. Again we hear rumors from Washington that authority for decision making in this program will be transferred to the Regional Offices. Would it be so! For we have had excellent understanding, cooperation and support from the Regional Office staff. But these ideas seem to die aborning and never see the light of day. I suspect no shift of power and authority to the states will ever come until we mobilize the interest and assistance of our Senators and Congressmen to enact the necessary legislation to that end. Then and then only might we truly say "The Power God in Washington is dead. Let's get on with the job yet to be done!" Until that day we in the states appear to have no choice but to try and keep up our courage and make the best of a bad situation.

In conclusion, I am pleased to be able to add my voice to that of Dr. Hargrove and others in objecting to the centralization of authority for decision making in Washington rather than in the states where the people live who are to serve and to be served.

STOKELY CARMICHAEL

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. SCHADEBERG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, I am appalled at the news that this Government refuses to take legal action against Stokely Carmichael. I am convinced the decision not to do so is political.

If this is the case, and I am convinced that it is, the Attorney General of the United States and officials of the Department of State who participated in the decision are guilty of malfeasance in office.

Anxiety over the Negro vote should in no way imperil the proper execution of the laws of the United States. And any decision not to prosecute Carmichael because of this anxiety is a backhanded slap at the decent Negroes in the Nation who have no use for the likes of Carmichael. The public excuse given by these top administration officials in refusing to bring Carmichael to heel is that another law is needed. This is political baloney.

Title 18, section 2388(a) of the Criminal Code states:

> Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States, or attempts to do so shall be fined no more than $10,000 or imprisoned not more than twenty years or both.

In addition, Mr. Speaker, title 50, section 462(a) of the Criminal Code, provides that:

> Any member of the Selective Service System or any other person—who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title—shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000 or both.

I might point out, Mr. Speaker, that the provisions of section 2388(a) relating to the emergency status of the U.S. Government have not been repealed or terminated; so in effect, these wartime emergency provisions would be applicable in the Carmichael case. There is ample precedent for taking Carmichael to court. The Criminal Code is replete with provisions against those who incite, assist or engage in rebellion against the authority of the United States or the laws thereof, or gives aid and comfort thereto.

Carmichael is guilty of the most sordid kind of inflammatory statements. He has a warped idea of patriotism, laced with racial and political bias and engages in the crudest kinds of unpatriotic and illegal statements.

His return to the United States is not a signal for our legal authorities to weasel out of their duty. It is a time for them to stand up and protect the interests of the United States. Taking Carmichael before the bar of justice, where he belongs, is their duty. Let them perform it.

DE GAULLE AND THE DOLLAR

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BUSH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUSH. Mr. Speaker, from 1945 to 1966 the United States has supplied France with foreign assistance totaling $4,142,000,000. Today France has a reserve of $5,744,000,000 and an excellent position in regard to the balance of payments. All this would not have been possible without U.S. help.

Now, she is attacking our dollar with the purpose of destroying the financial position of the dollar in the world community. It is done only to satisfy the ego of Mr. de Gaulle and I do not believe that this is the feeling of the French people.

Many have said that we should force France to pay her World War I and II debts—let us be realistic, there is no way we can force her to do so.

But, I do think that this country should review its future commitments to France very carefully.

I also think that every American should resent Mr. de Gaulle's behavior and should give our Government every cooperation to nullify the effects of this attack.

We must face the facts—the skepticism about the strength of the dollar would not be present if it were not for the tremendous size of the deficit. The people who have a call on our gold are asking, "Will the United States of America continue the high deficits or will they make an effort to reduce them?"

The only way the dollar can be harmed is by irresponsibility on the part of this country. The Government has been going its merry spending way far too long. It must be stopped. If the American people will face the fact that we cannot continue to live in a guns and butter economy—that cuts must be made—that sacrifices will probably have to be asked—then, Mr. de Gaulle's attack will ironically have been of great benefit to the United States.

GOING INTO BUSINESS THE RIGHT WAY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STEIGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, in recent weeks I have called to the attention of the House the struggle in our country aimed at encouraging and helping the Negro to become an entrepreneur and go into business for himself.

An organization that has devoted effort and brought leadership in this area is the Interracial Council for Business Opportunity. For the information of my colleagues, I include as part of my remarks a recent article from the Chicago Sun-Times describing the operation of the ICBO:

GOING INTO BUSINESS THE RIGHT WAY

(By Tom Brooks)

Peter and Mildred LeMonier, a young Long Island couple, dreamed for years of owning their own business. Working first for an airline catering service and then as an insurance salesman, Peter and his wife, who worked before and after their two children were born, scrimped and saved.

"We finally had enough to begin looking around," LeMonier recently recalled. "We thought about buying a delicatessen in our area but the owner didn't want to sell to Negroes."

"But we didn't let that stop us," his wife quickly added.

The LeMoniers, however, also found it difficult to arrange for a loan to supply the additional capital they would need to get a a solid start in business. And, too, they began to feel their lack of prior business experience or business education.

"We'd never been in business before," LeMonier explained. "We didn't even know how to talk to other business people."

Moreover, the white business community did not know how to talk to the LeMoniers. It could not offer any practical advice that would help them overcome the obstacles they confronted as Negroes. As for the Negro business community, it is too small and scattered to be of assistance to struggling, would-be entrepreneurs.

"We were pretty desperate," LeMonier said, "when a friend suggested we get in touch with ICBO."

What the LeMoniers got when they appealed to the Interracial Council for Business Opportunity for help was the kind of consultation and advice that giant corporations pay very good money indeed to get. The ICBO was formed in 1963 by the American Jewish Congress and the Urban League, with an initial grant of $25,000 from the Rockefeller Brothers Fund, to help minority group members strengthen an existing business or organize a new one. In 1965, a $300,000 Ford Foundation grant enabled ICBO to go national. Today, with offices in New York City, Newark, Washington, D.C., and Los Angeles and with prospects in New Orleans, Cleveland, Chicago and San Francisco, ICBO consultants offer free the practical assistance that can often help turn the thought of going into business from an idea into an accomplished fact, or change a struggling business into a thriving one.

To help the LeMoniers translate their dream into reality, ICBO assigned Samuel Sadin, a certified public accountant and president of Seaway Lumber Sales Corporation, as a consultant to the LeMoniers.

"They wanted to go into the food business," says Sadin, "but they were not sure exactly what they wanted—a Chicken Delight franchise, a sandwich shop or a supermarket." As a result of several intensive discussions with Sadin, the LeMoniers decided on a grocery business. While they scouted for a good location, Peter and his wife attended a 16 week course in supermarket management at the State Agricultural College in Farmingdale, Long Island.

"We helped with general business advice," Sadin says, "and the Progressive Grocers' Alliance came in with additional technical assistance."

The LeMoniers finally decided to rent space in a small suburban shopping center in Lakeview, Long Island, just outside of Rockville Center. Sadin and the LeMoniers developed figures and the prospectus for a successful $12,000 loan from the Small Business Administration. The LeMoniers' PGA Supermarket opened on September 30, 1965. In short order, they had three employees and plans for future expansion.

"The Negro small businessman," says Harvey C. Russell, ICBO co-chairman and a vice-president of Pepsi-Cola Company, "has all the problems of small business in general and many more. He rarely has any training in business management or any business background from which to draw. Those who do go into business for themselves often do not have the resources to meet financial crisis and, more important, do not have as ready access to sources of credit guidance and financial management counseling as do their white counterparts."

Blunt-speaking William R. Hudgins, president of Harlem's Freedom National Bank, puts the problems of the Negro in business this way: "The Negro businessman has found it difficult to compete equally because of his color, and he struggles for survival. He finds it hard to get loans. He finds it hard to get supplier credit. As a Negro businessman myself, I can tell you that Negro businessmen generally have not been able to draw on the services of United States business on the same terms as everybody else."

Frequent bankruptcies and business failures, as a result, have marred the Negro business record. Capital flows out of the Negro community rather than into it, despite the tremendous growth in Negro purchasing power from $3.5 billion a year in 1940 to $32 billion today. Only 3.2 per cent of all Negro workers are self-employed or managers as compared to 11.5 per cent for white workers. Negro parents tend to discourage their children from pursuing business careers, preferring the security of the professions and civil service. Only 18 per cent of the retail businesses in Harlem are Negro-owned. In the entire city of New York, with a Negro population of 1.3 million, only about a dozen Negro-owned businesses employ ten or more people. Nationally, the business picture isn't much brighter with only 100,000 businessmen within a total Negro community of more than 24 million.

The ICBO, says co-chairman Russell, "is an effort by private industry to cope with this critical problem and to encourage change of the unnatural pattern of white economic dominance in the Negro community."

Co-chairman Rodman C. Rockefeller, a vice-president of the International Basic Economy Corporation, points out that ICBO also "enables white businessmen to do something in addition to just contributing financially to the civil rights movement." IBM, for example, loaned one of its executives, Carter F. Henderson, to ICBO for seven months, paying his salary all the while he worked to set up ICBO as a going operation. Pepsi-Cola loaned, on similar terms, its manager of special markets, Charles Dryden, for two months when ICBO suddenly became short-staffed. "Many businessmen," Rockefeller added, "have been sitting on their hands, wondering how to participate. Now they are pitching in by doing what comes naturally—promoting good business."

But promoting good business is not always easy, especially when racial distrust blocks the development of the confidence necessary to a consulting relationship. At an ICBO conference called to discuss what businessmen could do to help Negro small businessmen, a very important corporate person humphed, then said, "What's the big problem? So, a fellow needs a little help, he gives me a call and I tell him, 'come down and see me. . .' " A Negro businessman broke in, saying, "This Negro is not coming downtown for another white man's handout."

ICBO's consultants, as a result, go to the client wherever he may be. Even then, suspicion often lingers. Benjamin Goldstein, former president of Franklin Simon, a smart specialty chain, recalls his first visit as an ICBO consultant to a sportswear shop in Brooklyn owned by Floyd Ramsey and Jaime McDowell, two porters at New York's East Side Airlines Terminal. "They were saying to me, 'cure me,' and I was saying to them, 'show me your wounds.' It took an hour before we were really able to talk to each other."

The two proprietors obviously had good style sense, a very smart looking store, and ran an attractive operation. But there it was, right after Christmas, and they were about to lose the savings they had invested only a few short months ago. Though the shop had enjoyed a good holiday season, nothing much had moved since. And, the two owners needed cash for a spring line. They were running a sale, marking down their prices by five and 10 per cent. Goldstein told them they would never move their goods unless they slashed prices by 50 per cent. It was the kind of advice that makes green businessmen nervous.

"Frankly," Floyd Ramsey said later, "we wondered whether the man came to put us in business or out of business."

Today, the two men no longer wonder. Goldstein's advice started merchandise moving. Working together, the three men set up inventory controls and a sales reporting system to enable them to tell what sold well and what did not. Jay Schwamm, a financier and former chairman of American Trust Company, was brought in as a financial consultant and he guided the two embryo businessmen through the intricacies involved in securing a business loan. The store has flourished.

"We are a no-fee management consultant firm for small Negro businesses," John T. Patterson, ICBO's 38-year-old national director, explained over an early breakfast. "That's the idea we'd like to get across to our prospective clients. If a successful business can use outside consultants, there is no reason why they shouldn't. Whatever their problem may be, we try to find someone with the expertise in that area to assist them in solving that problem."

He quickly added that all ICBO consultants are volunteers, Negro and white businessmen, including bank presidents, middle management and junior executives, accountants and lawyers, merchandising and other business experts. Often, more than one consultant is called upon to help an ailing business or to start a new one.

ICBO consultants, Patterson notes, "get involved." One conservative banker-type once found himself painting a small store alongside his client and friends. Another ICBO consultant found that in order to save a husband-wife business, he had to patch up a marriage. "So we do a little marriage counseling on the side," Patterson said, adding with a warm smile, "actually, we don't encourage this activity."

In its own quiet way, however, ICBO is as adventurous as openly militant civil rights organizations North and South. In June, 1965, the ICBO opened its Los Angeles office under co-chairman Victor M. Carter, president of Republic Corporation, a film processor and appliance manufacturer, and Norman O. Houston, Negro chairman of Golden State Mutual Life Insurance Co. The Los Angeles ICBO used the "buddy system"—pairing in established businessman consultant with a neophyte or businessman in trouble—to good effect. A Negro in his mid-twenties, for example, wanted to go into the franchise rug-cleaning business. He was working in a liquor store and had three years of college but he couldn't secure a loan to get started in business. He turned to ICBO and a volunteer consultant was impressed with his ambition and capability. The ICBO helped arrange a $2,300 bank loan that skirted some normal collateral requirements. The ex-liquor store employee has now set up his own business. The Los Angeles ICBO had all the cases it could handle. Then came Watts—a terrifying four days that saw 35 persons killed, 947 injured and 3,873 arrested; more than 900 buildings destroyed or damaged, an estimated $45 million lost in real estate and personal property and more than $1 million in emergency fire and police expenditures.

Within a week after the riots, the ICBO opened a "business assistance center" in riot-torn Watts. Haskell L. Lazere, western regional director of the American Jewish Congress, became the center's acting coordinator. "Our primary interest is helping Negro small businessmen get back into business or to get started in business," Lazere explained at the time. "These businesses must be rebuilt or started to prevent the economy of the area from deteriorating further." Norman Houston said that he hoped that the Council eventually could find time to work toward eliminating overcharging, extremely high credit terms and other business malpractices that have infuriated the citizens of Watts. "I have talked to residents," Houston said, "and there are some businesses that would not be welcomed back into the community."

Within two weeks, 200 small businessmen came to the center seeking aid. And, they weren't easy cases. "Most riot-affected cases weren't insured," says Lazere, "and many of those wanting to start businesses, which make up half our cases, aren't bankable, that is, they can't qualify for loans." Nonetheless, in short order, the Center found financing for six businesses. It also lined up financing for a Negro couple whose five-month-old, modest but promising restaurant enterprise had turned into ashes in riot flames. An apparel company employee, out of work because his place of employment burned out, was launched in the haberdashery business through the center.

The ICBO also made a small start toward the goal of setting up bi-racial partnerships. A Negro graduate engineer, who makes taxi meter devices that double-check drivers, was put into touch with a white investor through ICBO.

"The difficulties Negroes have starting small businesses," Patterson explained, "fundamentally are not financial but stem from a lack of know-how." Or, as an ICBO consultant put it, "in 75 percent of our cases people feel that all their problems are solved if only they had money. But it isn't necessarily so."

A Negro pharmacist, for example, recently came to ICBO for help in seeking a loan. Two ICBO consultants, an accountant and a pharmacist, went to take a look. The inventory was right; the mark-up was right. But the profits just weren't there. They estimated that $5,000 a year was "leaking" out of the business. But where? ICBO's Holmes and Watson team found that the cleaning people came in after the business shut for the day; that once an order came in from the suppliers, it was shelved without a check of the invoices; and that the register went unchecked until the close of the day, sometimes. It appeared that somebody was stealing. However, without fingering anybody, the opportunity for theft was reduced by instituting sound business practices: two cash register checks a day, supervision of the cleaning staff, and the checking of deliveries from the wholesalers. The pharmacist, who came to ICBO in need of $12,000 found his need for money cut in half. He improved his profit and shaved his loan costs—the kind of all-around gain that a businessman loves.

"We don't loan money; we give advice," Patterson said, stressing the point. And, advice can mean money in the bank. One day, recently, a young man called, saying that he and his sister had saved $2,500 and had an opportunity to buy a candy store. But they had to act fast, the offer was only good for a few days. "We need to know if it's a good deal," said the breathless voice at the other end of the phone. ICBO, as it happened, did not have a consultant familiar with the candy business. But, wanting to do something, it asked Nelson Bengston, president of Bengston & Co., an investment consulting firm, to call the young man back. He did, asking a few questions. "What are gross sales by the week or month? Does the business show a profit? Is there a lease? How much inventory and what's it worth?" The answer to each question was the same. "I don't know but I'll find out." The young man did, and the answers were all bad. "Thanks," he said, when he called ICBO back, "at least we still have our money."

ICBO is fully aware that at some point a good many of its clients require money to put their businesses on a firmer footing. All too often, however, banks are reluctant to make loans to businessmen with a shaky record, and other sources, including the federal Small Business Administration, have proven to be of limited help.

So, the ICBO is experimenting through a pilot project in New York City designed to open a new source of "soft" loans or, as an ICBO consultant explained, "loans normally not bankable," for its clients. With typical ingenuity, the ICBO plan will develop the very banks that normally would turn down such loans as *the* new source. To do this, the ICBO is organizing a separate corporation, which has funds already granted to it by a private foundation, to partially guarantee loans to ICBO clients. This guarantee, together with the knowledge that an ICBO consultant is working closely with the borrower, tilts the balance in his favor. Bankers are enthusiastic about the plan. Hopefully, it will surmount a prime obstacle to the success of Negro entrepreneurs.

ICBO, incidentally, is accumulating an invaluable fund of knowledge about small business that no one else has. As a result, it has discovered that some of its objectives may be met through business seminars as well as through individual consulting. "Experience has shown us," says ICBO director Patterson, "that no matter what the business, there are basic problems every small businessman faces." To help solve those, ICBO offers business workshops—small group discussions of 12 or so businessmen covering such subjects as accounting, bookkeeping, shopping for credit and similar small business problems.

ICBO also is reaching a new generation through its "Business in Action Clubs" in high schools. In 1963, Patterson points out, "Three out of every five white college graduates went into business while 86 per cent of Negro college graduates went into teaching, civil service and other professions." The Business in Action clubs, made up mostly of youngsters who will go on to college, meet with businessmen, study and discuss business problems, ICBO has set up a speakers' bureau of successful Negro businessmen, who are available for speaking before the clubs and before high school assembly programs. "We want to expose these youngsters to business," says Patterson, "for they do not as yet get much chance for this, unlike the white youngster, who may absorb business acumen or inherit a business from his father or relatives."

This missionary role, however, was not entirely a satisfactory one for ICBO. "We want to give Negro youngsters some real experience in business as well as exposure to business," says Patterson. For a while, there seemed to be no practical way to achieve this goal. Then, someone mentioned Junior Achievement, Inc., an organization that co-ordinates a national program which introduces young people to business through the actual operation of a business venture. Although over 130,000 "achievers" were participating in some 6,300 companies at 506 centers throughout the United States, there was not a JA Chapter in any predominantly Negro area.

In late 1966, ICBO set up the first such JA center in Harlem. High school youngsters were recruited and two companies were established. Both companies—Soulcrafts and JA-Tex—manufacture and sell jewelry at a profit.

"It gives you a small background about what the big stuff is really like," says George Richardson, a 14-year-old freshman at the High School of Commerce and one of Soulcraft's 18 stockholder-workers.

What ICBO is doing looks to the future growth of the Negro community. "Many of our consultants," says Patterson, "are successful Negro businessmen, who, by example and through their advice, are contributing for the first time to the advancement of their community. If there wasn't much of a Negro business community before," he concluded, "we are creating one now."

TEETERING BOOSTS USO OVER $1,200

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I would like to call attention to $1,200 which will benefit our men in Vietnam through distribution of services of the USO.

This particular sum was raised during the past week—exactly 1 week—by members of the Sigma Nu Fraternity at Ashland College, Ashland, Ohio.

All 71 members of the fraternity participated in an idea credited to Michael Clinaco, one of six members directing the project. The idea: all 71 brothers took turns manning the ends of a teeter-totter for 168 nonstop hours. The ultimate goal was to generate enough publicity to get across the message that Sigma Nu was accepting donations which would be turned over in full to USO.

As the Ashland Times-Gazette stated last Saturday, near the end of the marathon:

> The 71 members of the fraternity said they have been hearing and seeing different organizations throughout the Nation demonstrating against the men in the service and they wanted to do their part to show their support for the servicemen overseas.

The six-man committee in charge of the marathon consisted of Cochairmen Mike Miller and Dave Bednek; Brooks Hull, taking care of physical problems; Mike Clinaco, public relations; and Tom Kramer and Stan Zurowski, time schedule.

Mr. Zurowski stated last week that response was "great," and the total of more than $1,200 in checks made out to USO back up his words. In addition he said that members of the community stopped by and added their vocal support. Some of these persons were relatives of GI's and helped fortify the fraternity men with hot coffee and snacks.

The success of this marathon is not only a tribute to the concern of the men at Sigma Nu at Ashland College, but it is another indication that the vast majority of Americans—while not as vocal as the peaceniks and protesters—do support our men in the services and our stand in Vietnam.

I add, at this point, the article from the Ashland Times-Gazette which contains additional details on the marathon:

TEETERING BOOSTS USO OVER $1,200

Sigma Nu fraternity of Ashland College was to end their teeter-tottering marathon of 168 hours or seven days at Main and Center streets today at noon.

The fraternity's junior class member Michael Clinaco was credited with the suggestion of the teeter-tottering demonstration to raise funds for the United Service Organizations (USO) programs.

The 71 members of the fraternity said they have been hearing and seeing different organizations throughout the nation demonstrating against the men in the service and they wanted to do their part to show their support for the servicemen overseas.

Members of the fraternity were divided into groups of three with each group scheduled to put one hour at a time on the board.

Up until Friday afternoon the fraternity members had received more than $1,200 in contributions. Shoppers would stop by and drop donations into a plastic receptacle used by the organization. Motorists pulled up to the curb and gave their support.

The fraternity said that the people encouraged them, one salesman driving by Ashland from Columbus had heard about the demonstration and stopped to give his support.

Each member was asked to send three letters to businessmen in their home town, with hopes of receiving more donations. Response by mail has been good, according to Paul Beskid.

They have received letters from members of City Council, the Ashland Board of Realtors, National Headquarters of Sigma Nu, Lexington, Va., Berea's Baldwin-Wallace College and Radio Station WEWS in Cleveland, to mention a few.

Since the marathon started one-week ago, some of the boys have come down with colds and some with sore buttocks. Precautions were taken by the boys against sore bottoms by the use of thick foam rubber pads. "But after sitting there awhile," one of the members said, "it got to feel as hard as the board."

Once the seven day marathon is over and the funds are totaled, it will be sent to United Service Organization headquarters in New York City for the servicemen overseas.

POVERTY SHAKEDOWN?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the Manchester Union Leader of New Hampshire carried an article on November 13 of this year concerning an alleged attempt to shakedown a supermarket owner in the Roxbury section of Boston, Mass.

According to the article by Arthur C. Egan, Jr., the owner stated that picket lines were set up around his newly opened store after he refused to contribute 20 percent of the store's profit to a "profit-sharing plan." The boycott failed, and the administrator of the project, Rev. Virgil Wood, later received a new position in Philadelphia, Pa. Although it could not be confirmed whether Wood received Federal funds while in Roxbury, the article states that the Philadelphia organization, the Philadelphia Opportunities Industrialization Center, Inc., has been the recipient of Federal poverty funds in the past few months.

The Union Leader account goes on to state that:

> The Boston Police Department confirmed that three men, known to be bodyguards of Wood during the Roxbury events, and who took part in the picketing of the Columbia Road market, were criminals with long police records.

Here are excerpts from the article, "Confirms Shakedown Demands," from the Manchester Union Leader of November 13, 1967:

[From the Manchester (N.H.) Union Leader, Nov. 13, 1967]

APPROACHED BY REV. VIRGIL WOOD—CONFIRMS SHAKEDOWN DEMANDS

(By Arthur C. Egan, Jr.)

BOSTON.—The owner of a large supermarket chain here has confirmed a report that his firm was the victim of a "money shakedown demand" by a former Roxbury negro racial agitator.

Paul J. Cifrino, president of Supreme Supermarkets, Inc., admitted his company was the target last June of Rev. Virgil Wood who demanded a "cut of the profits" from a new store which opened June 14 on Columbia Road in the Roxbury section of Boston.

"Rev. Wood approached me and made a racketeering-type demand that our Columbia Road store turn over 20 per cent of its profits to him," said Cifrino.

The supermarket president said Wood indicated some type of trust fund or public organization would be established to administer the "profit-sharing plan" of the self-styled negro leader.

"I never did learn what Rev. Wood had in mind. You don't get talking about what you are going to do after you have given someone money when you have absolutely made up your mind you won't give any money away," explained Cifrino in commenting on Wood's proposed setup to administer the 20 per cent profit demand.

The Supreme Supermarket president said picket lines were set up around the Columbia Road store following his refusal to give Wood his 20 per cent "cut" of the store's profit.

Asked when the pickets first appeared at the Columbia Road store Cifrino said, "Rev. Wood made his percentage demand on June 13, the day before the market was scheduled to open. We gave our refusal the same day. Opening day, June 14, pickets were parading at all entrances to the store and this lasted a week."

The supermarket president expressed the belief that "this was all Wood's own idea" and not the attitude of the general population of the Roxbury district. "Rev. Wood is a completely irresponsible person. He is the typical Stokely Carmichael type of leader—a self-styled spokesman using the negro people for his own personal purpose and gain. Wood cared nothing about the Roxbury people—his was looking out for himself."

Cifrino credited the people of Roxbury with breaking Wood's demand for a share of the profits from the new store when he said, "Residents of Roxbury, both negro and white, ignored the picket lines and shopped in our store. They crossed Wood's picket lines without incident."

PRAISES ROXBURY RESIDENTS

The supermarket president praised Roxbury residents by saying, "Roxbury people are fine people—they are a credit to their community. The negro people need good leadership in Roxbury, something they lack at this time. But the persons associated with Freedom House and with the NAACP are striving to bring their people along the right way and some day they will accomplish their goal."

"Our store chain did not give Rev. Wood any money at any time. We would never submit to a racketeering type demand as that made by Wood," replied Cifrino when questioned about any agreement made between Wood and the supermarket head.

Cifrino said following the chain's refusal to share the store's profits with Wood, the negro leader called a press conference and made the announcement that Stokely Carmichael's policy of making white businesses in negro areas share their profits would be put into effect in Roxbury.

During the Roxbury riots last summer Wood also advocated the policy that a white business in a negro district should be made to share their profits with the negro population of the district," said the store president. Cifrino said Wood told the press he would work towards that goal in connection not only with Supreme Markets but all white businesses in Roxbury.

It was noted however that shortly after July 1, Wood received a "new position" with the Philadelphia "Opportunities Industrialization Center, Inc.," a group which has been the recipient of federal poverty funds in the past few months.

Wood himself had been awarded $20,000 from the Ford Foundation to operate a "baby OIC" in Roxbury. According to Boston officials the grant was arranged through the ABCD (Action for Boston Community Development). Wood's project was said to "have fizzled out." ABCD officials said it "might be true" that Wood has received some federal money but this fact could not be confirmed.

One informed ABCD official, who stressed the point his name could not be used lest he be fired said, "Wood was given the $20,000 to shut him up. He was making lots of noise in Roxbury. Word has been filtered up from Washington to 'oil a squeaky wheel—toss a trouble maker some money or give him a high paying poverty job to keep him quiet.' That's the theme today of the administration."

The newly reformed Roxbury OIC founded by Wood, recently was awarded $400,000 from federal funds authorized by the U.S. Department of Labor. This was arranged just prior to Wood's transfer to Philadelphia according to OIC headquarters.

REPLACED WOOD

Bertram Lee, new head of OIC in Roxbury, admitted he was formerly with the Philadelphia unit and replaced Wood who took a position with OIC in the City of Brotherly Love.

Lee when asked for details about the position "swap" said, "I am sorry, I cannot tell you anything unless you tell me the tone of your article. I want to know more about you and what you plan to write before I give you any information."

The Philadelphia OIC, through its spokesman, a Rev. Mr. Roman, also gave the same type of answer. Roman said, "We are not allowed to give out any information to a newspaper unless we know what it is going to be used for. You might contact the project director when he returns a day or two from now."

Attempts to reach Rev. Wood in Philadelphia for a comment concerning his alleged "shakedown" of the Supreme Supermarket were fruitless. He failed to return telephone calls left with his office for two days.

The Boston Police Department confirmed that three men, known to be bodyguards of Wood during the Roxbury events, and who took part in the picketing of the Columbia Road market, were criminals with long police records.

One is regarded as a "sex maniac" having been convicted of three counts of rape and one count of attempted rape. He received a 12–18 year sentence to Walpole State Prison on each count. This man is currently on parole in Massachusetts and has numerous past arrests for sex offenses.

The second man of Wood's trio has a police record in New York State and Michigan and is presently on parole in Massachusetts, having served a state prison term for robbery.

The third man was recently arrested by the FBI in Boston for selling marijuana to 16-year-old boys.

All three of these men, along with Wood, had charged Boston police with "brutality" during the Roxbury riots of last summer. The trio later was given federal poverty positions or grants.

CREDIBILITY GAP—WOULD YOU BELIEVE $425 MILLION?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, last spring columnist Henry J. Taylor wrote an article revealing the fantastic amount of money which the Federal Government spends each year on publicity. He noted that the General Accounting Office listed 6,858 Federal employees who handle "publicity." The Defense Department is spending $23.3 million annually for publicity; the Department of Agriculture $8.9 million; Health, Education, and Welfare $7.8 million; NASA $11.5 million; and the Atomic Energy Commission $9.9 million. The total cost for advertising Federal programs is about $415 million a year, reportedly approximately twice the outlay of all three TV and radio networks, AP, UPI, and the Nation's 10 largest newspapers combined. All this, and still a credibility gap.

In a time of fiscal crisis, inflation, war in Vietnam, and riots at home, $425 million is outrageous. But what disturbs me even more is the fact that at least part of these funds are being used for flagrantly political purposes.

POVERTY PROPAGANDA

One example is a recent publication of the Office of Economic Opportunity, a "News Summary of the War on Poverty," dated November 20, 1967, volume II–36. The pamphlet lauds the fact that the administration had won an overwhelming victory when the House approved the OEO bill authorizing $1.6 billion. It went on to say, and I quote:

> The Republican "Opportunity Crusade," which would have dismantled the Office of Economic Opportunity by spinning off its programs to other, well-established government agencies was completely thwarted.

Mr. Speaker, I protest against this type of Government-subsidized partisan politicing on the part of the OEO. It is this kind of emotionalism, along with slogans like "Republicans are trying to kill the poverty program with crippling amendments," and like "Republicans don't care about the poor," which is killing honest debate in this country. If people do not realize that there are almost always at least two sides to any good debate, then what is the future of democracy and representative government?

And furthermore, I do not think that it is the business of the Office of Economic Opportunity to be spending Government money to campaign against Republicans. The money should rather be spent trying to better its poverty programs, for several of the OEO programs, and notably the Job Corps, are in drastic need of improvement. The reason we Republicans offered amendments and constructive alternatives was that we hoped to improve them.

VA PROPAGANDA

A second example of partisan politicing in Federal publications was brought to my attention by a constituent of mine, a young man who is taking advantage of the cold war GI bill to complete his education. Not long ago, he received a check in which the new increase was included. Enclosed with the check was a pamphlet entitled "The New Veterans Law," dated September 1967, which briefly outlined the changes and improvements made under the new law. The first two sentences read as follows:

> The President has signed into law "The Veterans Pension and Readjustment Assistance Act of 1967." This new legislation was enacted by the Congress in response to the President's request of last January.

Now it may seem all very well that the Veterans' Administration should pat the

President on the back, but if my memory serves me correctly, not only has the cold war GI bill been in the works a lot longer than since last January, but it was also considerably slowed down by the administration's opposition. Early in 1966 there was a great deal of pressure to pass this bill, but the President made only passing reference to it in his state of the Union address, and nothing more was done until the hearings.

By then 29 bills had been introduced to give additional farm and on-the-job training, five more bills providing higher tuition grants, and still another seven bills giving Vietnam veterans the full wartime disability rates instead of the 80 percent peacetime rates. The administration spokesmen opposed all these measures, for which the President now claims credit.

The Veteran Pension and Readjustment Assistance Act of 1967 was not passed due to any pressure from the White House; but because Congress recognized that an inequity existed, and moved to correct it.

"EVERYBODY DOES IT" IS A POOR EXCUSE: AMEN!

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I want to submit for the RECORD an extremely perceptive and thoughtful editorial written by William Rotch of the Milford Cabinet in Milford, N.H. Mr. Rotch does not lift his eyebrows when he sees a young person take a drink, nor frown when he hears of a college pot party. He is saddened because he realizes, as a young person often does not, that "the bar bill never shows the full cost of the drink." He hates to see them "skating on the thin ice of self-indulgence, so confident that they can stay on the right side of the line and never slip over into the realm of addictive and harmful drugs." It scares him to see the young "grasping so eagerly at habits which can rob them of the potential that the world so needs, and deprive them of lasting satisfactions that could be theirs to enjoy."

If only all young people could hear the wisdom of his words, and then understand them. And too, there is a message here, and a meaningful one, for all of us.

"EVERYBODY DOES IT" IS A POOR EXCUSE

Perhaps no one should be surprised that marijuana has been found in Milford. It would be surprising if it were otherwise. Local reaction varies. Some people are upset, while others shrug and ask if the situation is as serious as it is made out to be.

Is smoking "pot," as it is called, more habit-forming than tobacco, more intoxicating than whiskey? Is there evidence that marijuana leads to the use of more powerful drugs?

These are fair questions that are being asked, and the kids deserve better answers than most of us are able to offer. They ask for proof, and are impatient when we reply with emotion. Alcohol, sex, tobacco, drugs—everybody does it, they tell us, and so let's stop being hypocrites. Whom do we adults think we are kidding?

Maybe we are not kidding anyone. Maybe we just happen to believe that "everybody does it" is a poor excuse for self-indulgence.

We are sorry when a boy or girl starts smoking cigarettes. This is not a matter of morals. It is because it is disappointing to see young people with so much potential taken in by industry which spends millions of dollars a year on advertising to encourage habits which will, in a number of cases, lead to lung cancer, heart trouble and disease. And when the youngster replies with a wisecrack about more people dying of some other cause he is right, of course, but he is not intelligent.

When we express distress at what passes today for sexual freedom it is not because it is "wrong" or "harmful," so much as it is that we have known young people who made a mess of their lives because they were too cocky and too impatient to heed advice.

Most of us enjoy what we smugly call social drinking. We find it relaxing even to think of a gin and tonic at the end of a long day. Yet there is another side to the coin, and those of us who have seen young men stinking drunk rolling in their own vomit would be dishonest if we did not question whether the pleasure is worth the price.

We stood in a college fraternity after a football game, while the band beat out a dance rhythm and the liquor was flowing freely. Afterward someone asked us why adults frown on this sort of thing; what is wrong with a few drinks to liven up a party?

We replied that we did not object to a few drinks to liven up a party, that our feelings went somewhat deeper than that. We tried to explain that as we looked at that fraternity gathering we knew—as anyone who thinks knew—that of that group of young men and women some percentage would find their lives wrecked because of alcohol. No one could say with certainty which, but certainly some were going to ruin their marriages, lose their jobs, drive their cars off the road late at night. It is not because we disapprove of drinking as such that we adults have misgivings, nor is it because we refuse to recognize the pleasures of alcohol. It is because we are aware that the bar bill never shows the full cost of the drink.

This same feeling carries over to marijuana. Oh, we have read Allen Ginsberg's articles to the effect that the fear of marijuana is a big propaganda farce, and that the drug is really relaxing and non-habit forming. And certainly we cannot prove that smoking pot leads to the use of LSD, nor do we find it easy to be critical of a youngster who is eager to try something he has read so much about.

It is just that . . . well, our generation has succumbed already to tobacco and alcohol. Both habits are so well-entrenched, and backed by such powerful lobbies, that we may well be fighting a losing battle when we try to control them. Now along come the drugs, and we hear the refrain that they are no worse than cigarettes or whiskey, that "everybody does it," and the important thing is freedom.

We hate to see youngsters getting their kicks from drugs, however harmless, which divorce them from reality at a time when reality demands the best they can offer.

We hate to see them skating on the thin ice of self-indulgence, so confident that they can stay on the right side of the line and never slip over into the realm of addictive and harmful drugs. And we know, too, that sometimes that line shifts rapidly, that what seems all right today may be all wrong tomorrow. We remember how recently it was that "everybody" agreed there was no lasting harm in LSD.

It is hard, and in some cases impossible, to explain how we feel to these young men and women growing up today. We just hope that some day they will understand that when we seemed to resist their efforts to achieve freedom it was precisely because we wanted so desperately for them to enjoy life to the fullest.

We have brought them into the world, have fed them, clothed them, educated them, tried to give them the best of a very good life. If we seem stuffy and old-fashioned it is because it scares us to see them grasping so eagerly at habits which can rob them of the potential that the world so needs, and deprive them of lasting satisfactions that could be theirs to enjoy.

—WILLIAM ROTCH.

A COMMUNIST VICTORY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. KUYKENDALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUYKENDALL. Mr. Speaker, yesterday's decision by the Supreme Court to make it impossible to keep non-Communist Party members out of defense plants is an important victory for the Communists.

It seems the Supreme Court is bent on removing all restraints against subversion. It is inconceivable that any American, let alone a Supreme Court Justice, sees no harm in permitting sworn enemies of the United States access to vital defense secrets by allowing them to be employed in defense industries. I do not know why some of those people do not just invite the officials of the Kremlin here and hand them our secrets without the necessity of them to employ middlemen, members of their Communist Party in America.

The statement that Communist Party membership is no proof that membership threatens plant security is so naive as to be ridiculous. The very basis of membership in the Communist Party is the destruction of the United States. It appears some of the Justices are either too visionary or too old to be of any further value to this country as members of the highest tribunal in the land. It is time that the American people demand action to protect this Nation against its enemies. There is no indication the present Supreme Court intends to do it or is capable of doing it.

KENYA INDEPENDENCE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, this week Kenya is observing its fourth birthday, and it is fitting that we should take note of the occasion.

In its 4 years Kenya has come a long way. It has faced many of the problems typical of rapidly developing countries in the 20th century, including the allocation and development of land, the modernization of education, expansion of industrialization, the frictions that result naturally from a population consisting of numerous tribes, of which some are constantly shifting across indefinite boundaries, the settlement of border problems, development of a government and political structure that serves adequately the needs of the people, and development of leadership in all spheres of life.

After an initial wait-and-see period, foreign firms have begun investing in Kenya's economic potential. Kenya has joined her neighbors, Uganda and Tanzania, in founding the new East African Community, in the hope of reviving regional economic cooperation and stimulating its own industrialization and trade.

During the course of this year Kenya has endured continuing sporadic guerrilla fighting by Somali tribesmen from the north and has made commendable efforts to resolve the border disputes. Just recently Kenya and Somalia agreed to resume diplomatic relations, work for security along the troublesome border and accept the mediation of Zambia in resolving their difficulties.

Sometimes we tend to view the progress of the newer nations by comparing them to our development today. Should we not also consider the progress Kenya has made in these 4 years? Her national slogan is "Harambee," meaning "Let's all pull together." The people of Kenya have shown that they are pulling together to help the country grow and assume a constructive role in the world community. They deserve our recognition and congratulations.

VETERANS LEGISLATION OF THE FIRST SESSION OF THE 90TH CONGRESS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Reinecke] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. REINECKE. Mr. Speaker, as the 90th Congress reaches the twilight hours of its first session, and rapidly approaches the halfway milestone of its existence, I recall the legislation I have strongly supported which would be of benefit to our veterans across the Nation.

Most importantly, I believe, this Congress confronted the duty of providing full wartime benefits for Vietnam era veterans commensurate with those provided all other war veterans. Need for provision of compensation for service-connected injury, such as from battle wounds, was conspicuous among our unfinished work. This gap has now been filled: Vietnam era veterans will receive compensation for disability incurred in service the same as all other war veterans.

During this session we have also ended the unfair exclusion of Vietnam veterans and their dependents from eligibility for the non-service-connected disability pension. All veterans who served for 90 days or more after August 5, 1964, or their dependents will be eligible for the pension just as are veterans of World War I, World War II, and the Korean war. Besides extending the disability pension and wartime compensation rates to Vietnam veterans, during the present session we have increased the rate of this assistance. The rates are now adjusted to correspond to the increased cost of living. I am especially gratified with the pension increase, since it is largely the product of many worthy recommendations of my constituents—recommendations which were formulated into the successful legislation.

Other changes in disability and pension assistance are of importance to particular groups of the recipients. Summarized briefly, they are as follows:

All veterans over 65 who meet the requirements of limited income will be eligible for the non-service-connected disability pension regardless of their physical condition. Before this session, only veterans who were permanently and totally disabled received the pension.

Veterans in nursing homes shall be considered to be in need of regular aid and attendance and therefore will be eligible for assistance provided for such need.

Veterans' widows who meet certain age requirements will receive increased pensions.

A psychotic condition arising within 2 years after discharge or termination of the Vietnam conflict will be considered to be service-connected for purposes of hospitalization by the Veterans' Administration. Before this session, the law did not extend this presumption to Vietnam veterans.

Payments for prescribed drugs and medicines will be provided for Vietnam veterans who are on the pension rolls and in need of regular aid and attention.

Disabled Vietnam veterans will be eligible to receive an amount of up to $1,600 for especially equipped automobiles and other special conveyances and appliances.

Also, although I continue to propose that the burial allowance be increased, I am glad to point out that the $250 allowance has been extended to Vietnam veterans.

To return again to the subject of educational assistance, the 90th Congress has increased the subsistence allowances paid student veterans, provided by the 89th Congress. We have made the purchasing power of the allowance more commensurate to that of previous GI bills.

Furthermore, as of this year, veterans who attend high school will receive the allowance. Many veterans entering the service have not finished high school. That they should receive less educational assistance simply because they answered the call to arms at an earlier stage of their educational careers is an iniquitous proposition which this Congress has very rightly put an end to.

Orphans of servicemen killed in military duty, and the children of severely disabled wartime veterans will now receive educational benefits until the age of 21. This change provides greater provision for restoration to the children of the educational opportunities otherwise lost by their parents' death or disability.

Besides increasing the allowance, the new legislation further expands the areas of education by inclusion of flight training and on-the-job training. Our Government is heavily financing programs for increasing manpower skills. It fervently calls for citizens' support of the program. Therefore, I think it is only logical that we have added vocational training to the veterans educational program.

Finally, I wish to point out that the House of Representatives has at last this year brought the entire scope of legislation affecting national cemeteries—that is, cemeteries in which the Nation provides burial to veterans—under the jurisdiction of the Veterans Affairs Committee.

I trust that soon we will act upon my proposed legislation which will, likewise, place the entire administration of national cemeteries under the Veterans Administration rather than leaving it spread, as now, among three separate agencies.

Also in conclusion, I trust that my bill, which would establish a national cemetery from federally owned land in Los Angeles County, will encounter successful passage. The shortage of space in national cemeteries is, indeed, acute.

Therefore, as we review the unfinished work that confronted us on the first day of this Congress, and our accomplishments, now, at the final moment before the bell tolls on the first session, I am confident that America's obligations to her veterans are more fully met.

SUPPORT FOR TWO VIETNAMS IN U.N. GROWS—THE CHICAGO SUN-TIMES ENDORSES PLAN EDITORIALLY—A WASHINGTON STAR COLUMNIST, CROSBY S. NOYES, SUGGESTS IT BE CONSIDERED

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, 2 weeks ago I had made a proposal that the United States consider making a formal proposition to both North and South Vietnam that they both be admitted to the United Nations to create a political mechanism by which perhaps we could start a dialogue to bring the war in Vietnam to a successful conclusion.

Today, I was very pleased to see in the Washington Star an article by its distinguished columnist Crosby S. Noyes suggesting that this proposal should be considered seriously by the administration.

Last week the Chicago Sun-Times, one of the most highly respected newspapers in America, editorially endorsed this proposal and urged that the President seriously consider making this proposal to the United Nations.

There is no question in my mind that we are winning the war in Vietnam. History will show that President Johnson made one of the great decisions in the annals of civilization when he decided to defend freedom in Vietnam and make his stand against Communist seizure of all Southeast Asia by resisting terror and subversion in South Vietnam. But while we are winning the military war, it appears proper now, in the wake of our huge victories, that we must create a political apparatus by which we can bring these two sides to the negotiating table to work out a satisfactory solution, not only to themselves, but also to all parties involved in the Vietnam conflict.

I hope some of my colleagues will join me in this support, and I hope that the administration will give serious consideration to this proposal.

The Chicago Sun-Times editorial and Mr. Crosby S. Noyes' article follow:

[From the Chicago (Ill.) Sun-Times, Nov. 28, 1967]

New Approach to Vietnam Peace

The problem of finding a way to peace talks in Vietnam is not insurmountable. It is merely insoluble so long as both sides refuse to move from established political positions.

Since neither side will move forward nor backward, Rep. Roman C. Pucinski (D-Ill.) has an idea that merits consideration, in that it gives both sides freedom to move laterally.

Pucinski says North Vietnam has applied for membership in the United Nations on three occasions. It was rejected each time. South Vietnam has twice applied for UN membership. The French sidetracked one try; the Russians vetoed the other. Pucinski suggests the United States now support a move to admit both nations to the UN.

If there was no effort by North Vietnam to back away from UN membership, it would be a tacit admission by Hanoi's leaders that they could be willing to use the face-saving mediation of the UN as a means of coming to the peace table.

The idea has further merit in that both Vietnams would have to sign the UN Charter and agree to respect its conditions, mainly to prevent war and help nations to live in peace.

The UN Charter specifies the admission of any state be voted upon by the General Assembly, upon recommendation of the Security Council. As Pucinski said in Chicago Sunday, a Russian veto of UN membership for South Vietnam would have to be made in full view of the world.

Pucinski says he has tried his idea on the State Department and there are some persons there who think it's "worth a try." We would suggest that Pucinski urge President Johnson to take the lead and ask the United Nations to review the applications of both Vietnams for UN membership. It is one approach that has not been used and could be effective.

[From the Washington (D.C.) Star, Dec. 12, 1967]

U.N. Membership for Two Vietnams Makes Sense

There is one obvious way to get the United Nations involved in the attempt to end the war in Vietnam. If both North and South Vietnam were made members of the U.N. the world organization would be drawn automatically into the attempts to settle the conflict.

The idea is not quite as zany as it sounds. It has, in fact, been kicking around for many years and was resurrected most recently by Rep. Roman Pucinski, D-Ill., in a little-noted speech to the House. In Pucinski's view, "prospects for the United Nations becoming the vehicle for ending hostilities in Vietnam would be substantially increased if both South and North Vietnam were members of the international organization."

It must be added that nothing of the sort is in the works at this stage.

The position of the U.S. government is simply that it will raise no objections to any party presenting its case to the U.N. Security Council—including South Vietnam's Communist National Liberation Front. But there is considerable skepticism that the Security Council, assuming it decides to tackle the problem, will contribute much to a solution.

Still, it would not be altogether surprising if at some point a new pitch for joint membership were made. The possibility of its succeeding would depend largely on the Russians—who have vetoed the application of South Vietnam on several occasions—and on the reaction of Hanoi and Saigon.

Divided countries such as Vietnam—or China, Germany and Korea—present a special problem for the U.N. The problem is that one or the other of the two governments involved—or both of them—claims to be the only legitimate government of the whole country. The normal expedient has been to exclude them both, the only exception being China, whose refugee government on Taiwan became a charter member of the U.N. and a permanent member of the Security Council before the Communists took over control of the mainland.

Vietnam is no exception. The government in Saigon has objected in the past to a "two Vietnams" solution on the ground that it is the legal government of the whole country. On other occasions, the government in Hanoi has objected just as strenuously to the application of South Vietnam, arguing that its admission would violate the spirit of the 1954 Geneva agreements and result in the permanent division of the country.

These objections, however, have not prevented the Soviet Union from pressing for U.N. membership for Hanoi on several occasions since 1954 and the United States from supporting the application of Saigon. In 1957, the Russians themselves proposed that both North and South Vietnam be admitted, together with North and South Korea—a proposal which was decisively rejected by the General Assembly.

Between 1955 and 1958, the Soviet Union used its veto three times to prevent the admission of South Vietnam. Since 1957, the Russian position has been that the whole issue of membership should be postponed until the country is reunified. It has not been raised in the Security Council for the last nine years.

So far, there is no sure sign from the Communist side of a change of heart. When last heard from, the leaders in Hanoi were still dead set against any role for the U.N. in solving the Vietnam conflict and still—along with the Chinese—denouncing the organization as a "tool of American imperialism."

Yet the situation, quite clearly, is changing. As the course of the war turns against them, the leaders in Hanoi appear to be rethinking their position on a number of issues—including, quite possibly, the United Nations.

Certainly, the U.N. itself has changed since 1958. The massive anti-Communist majorities that could be mustered in the General Assembly at that time are now a thing of the past. The attitude of a majority of delegations toward the war in Vietnam is, to say the least, ambiguous.

The recent request from the National Liberation Front to be allowed to present its case at the U.N. suggests an important shift in the Communist attitude toward the organization. It is quite possible that Hanoi has reached the conclusion that the U.N. at this point does indeed offer a favorable forum for propaganda, and perhaps, when the time comes, negotiations for a settlement.

If this is the case, the issue of membership for both North and South Vietnam could well come up again. In fact, it might make sense for the United States to raise it, if Saigon can be persuaded to go along.

IMMIGRATION SUBCOMMITTEE WILL TAKE A CLOSE LOOK AT ANNUAL REPORT OF THE VISA OFFICE

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Feighan] is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, on December 1 of this year the Immigration Reform Act of 1965, abolishing the national origins quota system and establishing a new selective system based on U.S. needs and the relationship of prospective immigrants to U.S. citizens and resident aliens, had been in effect for 2 years. On the second anniversary of the law, as the chairman of the immigration Subcommittee, I wish to report to the Congress on the effects of the law and the need for some modification of the system.

The Department of State has just distributed its annual report of the Visa Office with most complete statistical tables and highly perceptive analyses of these tables. Of the 170,000 visas authorized to be issued under the new law, 154,087 were used during the fiscal year ending June 30, 1967. Additionally, 128,583 Western Hemisphere visas were issued and 37,924 immediate relative visas were authorized. Together with some other special classes, these brought the total of immigrant visas which were issued or authorized during the fiscal year to a total of 326,553. This figure compares with the 287,679 in 1965 and 311,356 for 1966.

More important than the totals and more demonstrative of the effect of the new law, however, are the changes in the classes and in the nationalities of the immigrants. All of the applicants for preference visas that were pending on December 1, 1965, have now been reached, and if still entitled to the preference and otherwise admissible, they have now been issued immigrant visas, with the single exception of the Italian-born brothers and sisters of United States citizens. In this latter group, an extraordinary demand has come up against a national annual ceiling of 20,000.

While all the backlogs which existed on December 1, 1965, have been abolished, with the single exception noted, new backlogs are in the process of being created. To insure that the close relatives of United States citizens and of resident aliens would never again be obliged to wait for visas because their classifications were "oversubscribed," we deliberately made the percentages available to these immigrants larger than estimated demand, with provision for utilization of unused numbers in the succeeding relative classes. Thus, as the Visa

Office report points out, the 50 percent authorized for these three classes, 30 percent for sons and daughters of citizens and 20 percent for relatives of permanent resident aliens, totaling an 85,000 potential, was almost more than three times the demand. During the past fiscal year only 30,223 visas were issued to these classes, amounting to 17½ percent of the total authorized. Most significant is the estimate contained in the State Department report that in fiscal 1969 the total demand in these classes will be only 41,000 or less than 25 percent.

On the other hand, the total of 20 percent which was authorized for the professional and worker classes has proved to be inadequate to the demand and both the third and sixth preference classes currently are heavily oversubscribed and the situation will worsen after July 1, 1968, when the present generous nonpreference allowances to Western European natives, particularly from the United Kingdom, Germany, and Ireland are abolished. During the fiscal year 1965, the five leading countries contributing to United States immigration were the United Kingdom, Germany, Poland, Italy, and Ireland. By State Department estimate in 1969 they will be Italy, Greece, Portugal, China, and the Philippines.

On October 11 I joined with the distinguished chairman of the House Judiciary Committee, the gentleman from New York [Mr. CELLER], in sponsoring a bill, H.R. 13453 to make a number of other changes in our immigration system. An identical bill was introduced on the same day in the U.S. Senate by the senior Senator from Massachusetts, EDWARD M. KENNEDY, for himself and 20 sponsors. These changes largely involve issues which were brought up in 1964 and 1965 when we were considering the Immigration Reform Act, but which were put aside at that time while we focused all our attention and devoted all our energies to the repeal of the national origins quota system. The bill would provide for the creation of a Board of Visa Appeals in the State Department, a Select Commission on Nationality and Naturalization, a statute of limitation against deportation for certain classes of permanent resident aliens, a complete reworking of the refugee provisions of the law, the conversion of all fifth preference—brothers and sisters—backlogs pending on December 1, 1965, to special, ceiling exempted, applications with immediate visa issuance eligibility; and a number of minor amendments to both the immigration and nationality provisions of the basic law.

My subcommittee will commence hearings on H.R. 13453 and other bills to amend the Immigration and Nationality Act early in the second session of the Congress. I am taking this opportunity not only to inform the Congress of this intention, but to place the various departments of the Federal Government and the representatives of the many private agencies which will be invited to testify on notice, so that necessary information may be gathered and positions prepared, to the end that we may speedily report out a bill to improve the basic immigration system.

In addition to the queries that will be raised with respect to the specific language of the bills, answers will be sought to numerous questions which the 2-year experience has posed. Our inquiry will certainly seek to develop what changes should be made in the classifications of preferences. Specifically, what modifications should be made in the statutory language and in the agency administration of the labor clearance provisions. Should unskilled aliens be given any preference, even though there is a shortage of available U.S. citizens to fill the positions, such as in the domestic service field? Should labor certifications be issued in behalf of intending immigrants who have had absolutely no experience in the occupations for which they have been certified? Should penalties be imposed, and if so, of what nature, to those immigrants who fail to continue for any reasonable period in the occupation or in the geographical area for which they were initially certified?

These are only a few of the areas which the Immigration Subcommittee will seek to probe. A 2-year testing under the present law should have provided a reservoir of experience and precise statistics which should permit of definitive answers to our queries. The end result will be, not to alter the basic concepts which were embodied in the act of October 3, 1965, but to modify and refine aspects of the system which a 2-year trial would indicate can be improved.

BOYS CHOIR OF IMMACULATE HEART OF MARY CHURCH

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. LONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, the boys choir of Immaculate Heart of Mary Church in the Baynesville area of Baltimore County present a beautiful program of Christmas music at 12:30 p.m. today on the steps of the Capitol. I invite my colleagues and their friends and associates to hear this distinguished group.

The boys choir is led by Norman Sydnor, a graduate of the Peabody Conservatory of Music in Baltimore and the musical director of Immaculate Heart of Mary Church. The choir has previously sung at the wedding of the President's daughter, Luci Baines Nugent, and at the dedication of the Cathedral of Mary Our Queen in Baltimore. It is my pleasure to serve as Congressman for the 10,000 families who belong to Immaculate Heart of Mary Church and to welcome to Washington the talented choir this parish has nourished.

The members of the choir are:

Michael Rusk, 8114 Loch Raven Boulevard.
Keern Soper, 8169 Pleasant Plains Road.
Rick Botti, 1808 Edgewood Road.
Bob Oberle, 1781 Amuskai Road.
Bryan McDermott, 8318 Loch Raven Boulevard.
Larry Snyder, 9529 Powderhorn Lane.
Michael Bisker, 8212 Oakleigh.
Marty Fischer, 1818 Darrich Drive.
Gerard Mafale, 1821 Edgewood Road.
Doug Sopp, 1602 Aberdeen Road.
John Nowocki, 8219 Laurel Drive.
Rick Ulrich, 1810 Redwood Avenue.
Steve Walsh, 1866 Yakona Road.
Tony Mafale, 1821 Edgewood Road.
Nick Mullin, 8527 Water Oak Road.
Jeffrey Einig, 8716 Littlewood Road.
Tom Eckinrode, 1604 Cottage Lane.
Michael Jakubowski, 1321 Brixtor Road.
John O'Connor, 1549 Putty Hill Avenue.
David Kowalewski, 1720 Pin Oak Road.
Jerry Lynch, 8322 Wyton Road.
Walt Mills, 1754 Amuskai Road.
Thomas Kaiser, 1617 Hardwick Road.
Tim Johnson, 2314 Foster Avenue.
Bill Hooper, 1733 White Oak Avenue.
Ray Hastings, 8215 Evergreen Drive.
Mark O'Brinnan, 8517 Oak Road.
Jack Corbett, 1824 Glen Ridge Road.
Gary Czapski, 6635 Loch Hill Road.
Bobby LeMautre, 8802 Richmond Avenue.
Pat Lynch, 1836 Deveron Road.
John Brocato, 906 Cromwell Bridge Road.
Michael Fischer, 1818 Darrich Drive.
Phil Kotschenreuther, 1606 Taylor Avenue.

IMPORTED MAIDS—PROBLEMS AND THE NEED FOR REFORM

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. OTTINGER. Mr. Speaker, Patent Trader, of Mount Kisco, N.Y., recently published a very penetrating three-part series on the problems confronting maids imported into the United States from overseas.

These articles describe the advantages taken of alien live-in domestics; the hollow promises made to many of them prior to their entry into the United States; the questionable conditions under which they must work; the many and varied problems in their daily lives, particularly for those who cannot speak English. I understand that the lot of foreign maids elsewhere in the country is much worse than in Westchester County and, if it is not the employment itself which is unbearable to a young Swede, Colombian, or Jamaican, it is the boring, lonely, and lowly life they lead after their chores are done.

Mr. Speaker, I believe Patent Trader has done a great service in publishing these articles and I feel that its proposals for reform deserve full consideration. I plan to bring these articles to the attention of the Department of Labor and the Immigration and Naturalization Service and request their comments on the situation in general as well as on obviously needed reforms. Meanwhile, I commend these articles to the attention of our colleagues and I include them, herewith, for insertion in the Record:

Imported Maids—Part 1: The Dream, the Gamble, and the Need for Reform

(By Paula Bernstein)

Dial a local home telephone in upper Westchester. Often you hear "hello" in a voice more accustomed to saying "bonjour" or "buenos dias."

European and Latin American girls are being imported to American homes in increasing numbers to replace the vanishing U.S. live-in domestic. The Government keeps no statistics on foreign maids but reliable sources estimate 14,000 come to this country every year, with 2,500 working in upper Westchester today.

Who are these girls and why do they come here?

They are former secretaries, telephone operators, salesgirls, clerks, waitresses, nurses, school teachers—almost any occupation you can name except maids. They all have one thing in common—a desire to come to the United States. Why? For a variety of highly-charged personal reasons (none involving love of housework or child care).

Many come to escape poverty, boredom, family problems, a broken romance. Some are young, spirited, restless, searching for adventure on their own. Others make the move to join friends and relatives already here, improve their English or just see the U.S.

They agree to become maids because that's the fastest, easiest and cheapest way to enter the U.S.—outside of marrying an American overseas. Once here, they can remain indefinitely on permanent visas. Most plan to find different jobs or to travel (California is a favorite destination) as soon as possible. In five years, they are eligible for citizenship. They are recruited by hometown employment agencies affiliated with U.S. agencies or by individual Americans. Girls hired by the agencies usually exchange pictures, letters and official forms with their prospective employers. Money also flows—one way. The employer usually pays a $275 agency fee plus the maid's plane fare—anywhere from $300 to $500. In most agency-written contracts (which have no legal status) this plane fare is to be withheld in 12 monthly installments and returned as a bonus to the maid at the end of the year. Agencies advise a salary of about $200 a month with $5 monthly increases, with Thursdays and every other Sunday as days off.

Girls are also hired by U.S. lawyers and free lance recruiters who fly to a foreign country, sign up maids, charge them $500 or so to get them into the country, advertise their availability for jobs and then leave them on their own, often without contracts or advice.

"It's very shoddy," declares Abe Spivack, chief of the frauds and prosecution section of the U.S. Immigration and Naturalization Service in New York City, who is concerned about this practice.

"There's so much fraud in this whole thing," he continues, turning to other aspects of foreign maid recruitment. "People with marginal incomes, for instance, try to bring girls into three-room apartments. In one case, we discovered the prospective employer was on welfare."

If there are frauds in the system of bringing girls over here, there are also injustices once they arrive.

For the maids, abuses range from overwork, underpay and exploitation to lockouts and in rare cases, physical violence. For employers, problems include their maids lack of basic English, refusal to work, pregnancy, desertion and theft.

The girls most frequently complain they are not paid the stipulated amount and must work longer than they think is fair. "I was working from 6:30 in the morning until 10 at night, with no time off," a girl from Colombia told Patent Trader. "After two weeks, when I asked to go see my friend down the street, the woman I worked for said, 'Do you intend to make a habit of this?'" (The maid went to the employment agency and immediately got another job in a less demanding household.)

Another maid, a pretty 20-year-old blonde from Sweden, charged that she received only a $50 bonus when she left after a year, despite the fact that $280 was promised in her contract. (She has returned to secretarial work at a Wall Street investment firm.)

"I worked three months without a dollar's pay or even one day off," recalls a 23-year-old Parisienne. "The wife told me she didn't have to pay me at all but I had to stay with her or else be deported."

Housewives' threats of deportation are fairly common. Actually, under U.S. law foreign maids can walk off their jobs without being shipped home—unless the Government can prove "fraudulent intent." This has happened only once. Last July in Boston a Jamaican woman was ordered deported because she entered the U.S. under Labor Department certification as a domestic but instead found immediate employment as a sewing machine operator. The Massachusetts housewife who applied for the Jamaican's alien employment certification admitted to the Board of Immigration Appeals that she didn't need another maid; she was only trying to help her friends solve their servant problems.

"We anticipate more cases like this and will be making discreet inquiries on our own," warns Sol Marks, deputy district director for the U.S. Immigration and Naturalization Service in New York City. "We would have no difficulty in similar circumstances deporting a maid if we can establish fraudulent intent—that the girl had no intention of pursuing a domestic job. It's different if she stays a week, or a month, and the longer she stays on the job, the harder it would be to establish fraud."

Although some girls do walk out during those first months of sometimes agonizing adjustment, most try to fulfill their part of the bargain and the system on the whole works fairly well.

However, neither the girl nor the woman who hires her really knows quite what to expect of each other nor do they have any legal protection. For both, it's a gamble. To even the odds, reforms in the system are badly needed and long overdue.

Imported Maids—Part 2: A Day Off Can Be the Loneliest of All

(By Paula Bernstein)

A year ago, Mary was selling wide ties on Carnaby Street in London. Last week, she unplugged Mrs. Robinson's vacuum cleaner, shoved it into the corner, and contemplated life as a maid.

"Oh, yes," she nodded. "I would definitely have live-in help myself, someday, if I could afford it. The thing I hate to do most of all is housework."

If they don't all actually hate it, most foreign maids here would rather be doing something else and few of them ever continue a second year in domestic service.

These girls enter the United States with the blessing of the U.S. Government which views the shortage of native live-in help here as "critical." So do the women who most need this help—mothers confined by illness or handicapped by injury, mothers of children requiring extraordinary attention and mothers who work for a living.

But the American employment agencies and lawyers who recruit these girls in increasing numbers assume little or no responsibility for their working conditions, wages or general welfare after arrival. Also, housewives vary widely in their treatment of foreign maids and in understanding their special needs.

A maid rarely knows what's in store for her when she steps off the plane from Europe or the Caribbean to work in an American home. She may sleep on a cot in a cold basement or she may luxuriate in a private bedroom with her own TV, radio and deluxe hair dryer. She may be treated like a daughter or like an indentured servant.

"Most of us don't eat with the family and we don't feel like members of the family," believes 19-year-old Brigitte from Scotland. "We have to eat with the children. Some of us sleep in the children's room . . . You just have a feeling you're not free. There's no time off to be by yourself. Living and working in the same place is bad."

"I do eat with my family—except when they have company. And I go almost every place with them," says Tina, a 24-year-old Norwegian.

"I have the children all the time," sighs Maria, a 21-year-old from Stockholm. "Two of them, all the time, five and three years old. I have to do everything. If children are good you can work all right but it's usually not possible. I can never sleep late. They expect me to do everything. Even on my free day, Thursday, I have to make breakfast, dress the baby and clean the bathrooms before I can go."

Gertrude, 20, from Switzerland, finds life easier. "In my house, the wife has a schedule. I'm finished with everything after lunch. The afternoons are mine."

But the job, which many of the girls find intolerably boring, lonely and lowly, is really not their biggest problem.

There's the depression that almost inevitably sets in after two or three months, the almost unbearable loneliness, the desperate longing to talk to someone who speaks your language, the homesickness for family and friends and the life you knew.

Their low prestige is a constant source of irritation to the girls. They don't even know what to call themselves. They refuse to label themselves "domestics;" resent the "potwalloper" epithet pinned on them by boys in White Plains; and usually settle for the euphemism "mother's helper."

For the most part, Scandinavians and Europeans are younger, better-educated and more confident than their Latin American counterparts. The Spanish-speaking girls often come here doubly handicapped—totally ignorant of English and illiterate in their native Spanish, too.

But many other girls, too, from Europe, are so weak in English that they are unable to comprehend a Doris Day movie, let alone cope with printed washing machine instructions.

If language is a hurdle many never overcome, the lack of recreational opportunities is a problem shared by all foreign maids. And transportation is an almost insurmountable obstacle.

"Bus connections are very poor around Westchester and nobody tells you that the houses are so far from railroad stations," comments Brigitte. If their employers cannot or will not chauffeur them, the girls must take cabs and it is not at all unusual for a maid to spend $10 in cab fare during one Thursday of getting to and from and around White Plains.

Where can the girls escape on Thursdays and Sundays?

Some visit friends and relatives from back home. Some go to the White Plains YWCA's Lila Wallace Centre for dances with boys from West Point and Stewart Air Force Base, for exercise and swim classes, for sightseeing trips, skating parties and road rallies.

The more adventurous shop and rubber-neck in New York City "but you have to get used to the city," says Brigitte.

"They don't know what to do with their spare time," explains a Westchester housewife who has hired seven girls in the last three years. "And with family and small kids, we don't have much time to help them. They should have a life of their own for one day, within a different framework, and not come home with a different boy in a different car every Thursday. People are distressed about where the girls go but they won't make any effort to provide anything else . . . In many cases it's like having a teenage daughter in your house."

Sundays are the worst of all. Some of the about 2,500 foreign maids in upper Westchester are involved in church activities; others wander aimlessly about White Plains, congregating in certain bars "and they don't realize that an American bar and an English pub are not the same," observes an advisor who sums up their plight:

"These are young girls. They are cooped up all week as servants with nobody their own age to talk to. They lack a normal dating situation. They see boys only on Thursdays and maybe every other Sunday and they feel desperate to keep the boys' interest. About one out of every five becomes pregnant."

"They need a place of their own—a clubhouse they could come to and something interesting to look forward to on their days off," says Mrs. Charles Adams of White Plains who has befriended many maids and has taken a personal interest in their problems.

Imported Maids—Part 3: Two-Way Protection Is Needed

(By Paula Bernstein)

The United States Government acts like a protective Dutch uncle to foreign maids before they arrive but shows little interest in their welfare once they're here. Neither are their American employers offered any legal guarantees or rights.

To enter the United States as a maid, a girl must get permission from the U.S. Labor Department which approves job offers. According to Labor Department rules, the job must pay between $45 and $65 a week, the girl must have a separate room (but not necessarily a separate bath) and her hours and duties must be defined. The Labor Department also wants to know her employer's annual income, how many children he has and how long he intends to hire her.

"The usual contract for one year's service (signed by many girls) is a civil agreement between employee and employer," explains Abe Spivack, chief of the frauds and prosecution section of the U.S. Immigration and Naturalization Service in New York City. "The law does not require the employee to work for a year. If the girl breaks her contract, the Immigration Service cannot deport her. The employer's only recourse would be through the civil courts."

However, the Government can deport a maid if "fraudulent intent" is proved, as in only one case so far.

In most cases, however, if things just don't work out after a period of time, "girls can quit and employers can fire them," according to Bernard Zupa, manager of the Labor Department's central immigration office in Corona, Queens.

Advice and other jobs are available to foreign girls (just as they are to Americans) at local state employment offices. Maids who consider themselves overworked and underpaid can complain to the Labor Department's Division of Labor Standards which can investigate and try to persuade employers to improve conditions.

"We get only about three to five complaints a month from aliens," reports Mr. Zupa. "Complaints from employers are few. The bulk of the cases have worked out well."

Requests from local New York families for foreign maids are checked and re-checked in the Labor Department's Queens office. "We are on the alert and we call the employers if the application doesn't look right," declares Mr. Zupa.

"We just turned down a bachelor with a 1½-room apartment who wanted a live-in domestic. We have housewives processing these applications. They get the feel of them and can tell when something doesn't look right. For instance, if the employer says English is not required, we call up and ask, 'How come?'

"We tell employers that the girls are overqualified. They are not usually maids but have worked as stenographers or salesgirls. They will go on to other jobs. Employers have to be careful not to expect that ideal Poppins girl who walks kids in the park."

Conscientious as the Labor Department is, it could never undertake the enormous task of certifying the truth of every statement in every application or inspecting every U.S. home requesting a foreign maid.

"But you really don't know enough about the job when you come over," insists Conchita, a dark, quiet Colombian. "On the printed job offer they fill out, they outline the work in vague terms. When you get here, the woman gives you a piece of paper telling you how to clean every corner." Other maids discover their "separate" room is a cot next to a basement boiler and the "two" children mentioned in the official form are really five.

The Labor Department makes no effort to interest American girls in domestic service "because we feel there is a better potential for United States school dropouts," maintains Mr. Zupa. "There is tremendous stress to place them in job training programs."

And so, with the continuing shortage of sleep-in Americans, foreign maids will continue coming here, 14,000 or so each year. Some will arrive under employment agency contract arrangements and some under freewheeling deals with private agents—among them a lawyer "who took $500 from my maid and told me I could fire her tomorrow if things didn't work out," recalls one Westchester housewife.

At its best, the system of importing foreigners into a country whose natives will not become servants is an uncomfortable situation. However, it is one that will be with us a long time. It can be made at least tolerable with reforms in five areas:

Contracts, wages, hours. If the U.S. Labor Department approves job offers, it should also be required to approve simple legal contracts between maids and employers. Details should be supervised by government-approved and government-regulated employment agencies. A contract should not become valid until the foreign maid arrives, visits her employer and both parties appraise each other. Contracts should specify no more than 10 hours' work per day with two full days off every week and at a salary no less than the minimum hourly wage.

References and proof. Burden of proof of adequate living accommodations and family income should be placed on the employer who could be required to furnish references, pictures and notarized documents. The burden of proof of adequate mastery of the English language should rest on the girls, to submit proof of their language skill from a teacher or from the closest U.S. Embassy.

Advice and arbitration. Local state employment offices should offer special counseling services for foreign maids and employers, with power to arbitrate disputes. The Government should fine employers who break their word on hours, salaries or working conditions and should deport girls who refuse to live up to their part of the contract.

Language skills and recreation. On the community, voluntary level, more language courses should be taught in adult education programs as a desperately needed service to all the foreigners among us. Employers, social agencies and civic groups should share responsibility for providing foreign maids with decent recreation and companionship.

Educational information. Incoming maids should receive booklets in their own language explaining in detail their rights and legal obligations, including income tax they will owe. Descriptions of the typical American family life, suburban transportation problems, and social customs for young people should be included. Likewise, employers need an educational booklet pointing out their legal and moral duties to these girls who come here to begin a new life, as our own ancestors once did, dreaming the American Dream.

Shortsighted Policy

A three-part Patent Trader survey on foreign maids concluded in Thursday's issue. Recommendations on steps which might be taken to protect the interests of both these young women and their employers appeared with the survey and do not need comment here.

What does seem to require further exploration is the statement a U.S. Labor Department representative made to the Patent Trader reporter responsible for the survey: the department, he said, makes no effort to interest American girls in domestic service "because we feel there is a better potential for United States high school dropouts." The department attempts to place these girls in job training programs which, presumably, will eventually groom them for industry or the service trades.

This cavalier attitude toward domestic service seems both undeserved and, for the long run, short sighted. As standards of living elsewhere in the world rise, the supply of imported domestic help—which provides, at best, a less than satisfactory solution, as Patent Trader discovered—can be expected to dry up. The countries of western Europe which once raised their own (and supplied this country, too) are now importing maids from the less affluent nations to the south.

Meanwhile, labor saving devices or no, there will continue to be families to whom domestic help is not a luxury but a necessity. Households with several small children, with elderly members or chronic invalids and, above all, families which are motherless—or whose mother is physically incapacitated or must work outside the home herself—will always be with us.

There will also always, we suspect, be some young women better adapted to the pace and variety of domestic work than to the pressure and monotony of the assembly line, whether the job is finishing shirts in a steam laundry or tightening screws in an appliance factory. And they need not all be "dropouts." Almost any woman can testify that it takes a pretty high I.Q. to run a home successfully.

A better approach might be for the Department of Labor to sponsor programs for training domestic help and establish and enforce standards for hours, wages and working conditions which would make such work attractive. The time has come to dust the ashes off Cinderella and make her a respected and productive member of society.

STATES AND INDIVIDUALS BEING ATTACKED BY IRRESPONSIBLE ARTICLES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BARING. Mr. Speaker, I ask the indulgence of my colleagues for a few minutes on a matter that not only involves my State of Nevada, but all States. I am referring to articles that have appeared in the written media wherein the good names of the State, its cities, and its citizens are maliciously slandered by innuendo and hearsay.

My own State of Nevada, especially the city of Las Vegas, has been the recent target of three irresponsible and inaccurate articles. One article, written by a man who spent all of 18 hours in Las Vegas, tended to imply that Las Vegas was strictly a "Fun City" and that its citizens could not give a tinker's darn about world or national, let alone civic affairs.

Frankly, Mr. Speaker, I am at a loss as to just who this writer talked to. It certainly was not any wage earner in Las Vegas. It had to be "tourists"—and we want them to come and have fun in Las Vegas.

A second article, which appeared in a New York paper, gave the impression that gangsters were driving about Las Vegas in shade-drawn limousines, their submachineguns at the ready. While we know this is not true, the reading public does not know this and are convinced that what they read is an accurate portrayal of Las Vegas.

A good example of this came just the other day when a member of my staff received a phone call from a woman whose son is now working in our State. She asked my staff member for some information about the State and inquired if it was true that gansters ran rampant. She had read about the "mob," the "mafia," and so forth, and she was worried about the safety of her son.

Then there was the recent national weekly publication that carried an article that was highly defamatory and without any evidence of substantiation. This is a second attempt by this periodical to blacken the name of my State.

But it is not my State alone that is attacked by irresponsible articles. It has come to my attention that there are many instances of irresponsible and inaccurate statements appearing in various public media which cause tremendous damages to innocent individuals and because of the practical and economic considerations find themselves unable to seek proper remedies.

However, in articles directed at my State, many of these irresponsible defamatory insinuations are directed to citizens and businesses, many of whom are personally known to me and who have qualified for operations and are being meticulously controlled, supervised, and investigated by our State authorities.

In all instances, the irresponsible allegations that appear in many of these articles are completely inconsistent with the facts, findings, and records of our State agencies. This practice of irresponsible character assassination by insinuation should not be tolerated and should be condemned as undemocratic and un-American injustice.

Mr. Speaker, gambling is legal in my State. We have a very strict gaming commission that sees to it that undesirables are not in any way connected with our gaming casinos. Yet these articles imply through cleverly worded innuendoes that gangsters abound throughout our casinos.

The third article that I had mentioned made reference to "electronic eavesdropping investigation" which allegedly uncovered gangsters in one of our newer hotels. Did the writer mean to represent that his periodical had been involved in illegal wiretapping or illegal electronic eavesdropping to secure the information they claim they have? Or did the writer, or periodical, represent that another source, such as a U.S. Government agency, was engaged in illegal wiretapping or illegal electronic eavesdropping and compounding this objectionable deed by passing on information incomplete and out of context that permitted the writer and periodical to make unfair allegations? In either instance such deplorable actions are both illegal and immoral and any such practice must be stopped.

But what makes the article even more incongruous is the fact that the hotel named by the writer was not opened until 1966, and I have been reliably informed that the Government was not involved in any illegal wiretapping or illegal electronic eavesdropping in my State. But great harm has been done to individuals and the hotel itself by this article.

I want to make it clear. I do not challenge the freedom of the American press, but let us not misconstrue the meaning of freedom of the press. As Oliver Wendell Holmes stated:

> The right of free speech does not give the man the right to yell fire in a crowded theatre.

The freedom of the press does not give the media the carte blanche right to use character assassination by insinuation.

I call upon this Congress to assume its inherent responsibility in the protection of the constitutional rights of its citizenry and immediately use its best efforts to prevent further immoral and objectionable practices of irresponsible reporters in irresponsible publications.

Mr. Speaker, I respectfully submit the following sense of the House resolution for consideration by this august body:

H. RES. 1005

Resolution expressing the sense of the House of Representatives with respect to the responsible exercise of certain freedoms guaranteed by the Constitution of the United States

Whereas freedom of speech and freedom of the press guaranteed by the Constitution of the United States are freedoms cherished by every American; and

Whereas many instances of irresponsible and inaccurate statements appearing in various public media have caused tremendous damage to innocent individuals and legitimate businesses; and

Whereas prolonged legal battles over the truth or falsity of damaging statements are rarely a complete answer for the innocent victims: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that every American should recognize that freedom of speech and freedom of the press carry with them the duty to exercise these freedoms in a responsible manner with due regard for the rights of others and that this duty is particularly important in the exercise of these freedoms by various public media which assume the responsibilty of keeping the American public currently informed with respect to items of public interest, but not impinge the rights of the individual citizen.

CONGRESS SHOULD GUARD THE SUPREME COURT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BARING. Mr. Speaker, I see by the papers that our Supreme Court has done it again to loyal Americans everywhere by striking down a section of the 1950 Subversive Activities Control Act which makes it a crime for members of Communist organizations to work in defense plants. This is just the latest in a long line of decisions handed down by the Supreme Court that is of a friendly nature to communism.

What are we waiting for, Mr. Speaker? Why do we not just hand over this country in one big bundle to the Communists instead of having our Supreme Court dole it to the Communists in bits and drabs as it has been doing the past years.

Be it a hot, cold, or a lukewarm war, the Soviet Union is our enemy. Their goal is to destroy the United States via any means possible. The best route thus far has been internally. And our Supreme Court has done its best to open the internal doors for the Communists.

Last March the Supreme Court overthrew a New York State law denying teaching jobs to Communists and others who advocate overthrow of the Government by violence. It also declared unconstitutional a 1917 New York law which made the utterance of treasonable or seditious acts grounds for dismissal.

One only has to look at the newspaper articles today to see where campus demonstrations are not only encouraged, but, in some cases, even led or aided by professors who voice Communist theories.

Now the Supreme Court says it is no longer a crime to be a member of the Communist Party and work in defense plants. Is that not just dandy. Maybe my memory is a bit hazy, but it seems to me that over the past 30 years we have either executed, or deported, or jailed Communist Party members who have obtained information to our innermost secrets and forwarded them on to Moscow.

The actions taken by our Government then was one of protecting this country. Monday's action by the Supreme Court was one of disarming our internal defense against Communist subversion.

Chief Justice Earl Warren, in writing the majority opinion, stated that the employment bar violates "the right of association protected by the first amendment."

What of the "rights" of the millions of Americans who have fought to keep this country free of any Communist infringement? Or do loyal Americans not have any rights anymore?

Chief Justice Warren, in handing down the Court's decision, said the Court was "not unmindful of the congressional concern over the danger of sabotage and espionage in national defense industries." The Chief Justice added the "spies and saboteurs do exist and Congress can, of course, prescribe criminal penalties for those who engage in espionage and sabotage."

That is very sweet of the Supreme Court to allow Congress this latitude.

Mr. Speaker, in our system of divided government, the Supreme Court has usurped the authority of the legislature. It is time that Congress blasts a hole in the Supreme Court's pretensions.

The Founding Fathers of this great country named Congress to guard the Supreme Court. It is time Congress lives up to its responsibility.

JOHN F. KENNEDY MEMORIAL, NOVEMBER 22, 1967, INDIANAPOLIS, IND., MONUMENT CIRCLE PROGRAM

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, on November 22, 1967, a memorial service was conducted in tribute to the memory of the late President John F. Kennedy in Indianapolis, Ind., at the Monument Circle.

Among those who participated in this memorial service were our distinguished colleague, the Honorable ANDREW JACOBS, Representative in Congress from Indianapolis; members of the J. F. Kennedy Memorial High School choral group; the superintendent of the high school, the Reverend Patrick J. Kelly; and the Reverend Landrum E. Shields, pastor of the Witherspoon United Presbyterian Church of Indianapolis.

I insert the program for this service at this point in the RECORD:

JOHN F. KENNEDY MEMORIAL, NOVEMBER 22, 1967, INDIANAPOLIS MONUMENT CIRCLE PROGRAM

The Memorial Service began with the J. F. Kennedy Memorial High School Choral Group, directed by Sister Marcia Ann, C.S.J. singing, "Which Way America?" followed by the Posting of the Colors by the United States Marine Corps.

Reverend Landrum E. Shields of the Witherspoon United Presbyterian Church, when he delivered the invocation, said:

"Here we are, God. Assembled at this time and place in tribute of a great American. We rejoice in this memorial experience, wherein thou givest us also to have part, to testify, as a cloud of witnesses of this great life, which to us, has been an example of Godly living and in whose life, we have seen the vision of thy beauty.

"Unite us still, Lord of our souls, in one household, of faith and love, one family in heaven and upon earth. With this spirit of Thanksgiving, may we run the race set before us, with common hope and future joy.

"May the eternal flame in Arlington, the true light of John Fitzgerald Kennedy, increase in brightness, for peace among the brotherhood of thy children everywhere. Transform our attitudes to love and a sensitivity for peace in our community, as John Fitzgerald Kennedy advocated it. Take the veil from our hearts and join us in one communion, with all the Saints on earth and in heaven.

"We who are the only instruments and channels for thy kingdom of love and peace to come into this world, keep us ever from failing thee. This is our supplication, which we lift to thee. In the Redemptive Spirit of our Lord and Savior, Jesus The Christ, we pray. Amen."

The superintendent of Kennedy Memorial High School, Reverend Patrick J. Kelly, made these moving remarks in his introduction of the speakers:

"All of us at Kennedy Memorial High School, faculty and students, consider it a privilege to be here today to participate in this civic commemoration of the late President's death. Moreover, we all regard it an honor to serve the community as a continuing reminder of the President's youthful vigor and enthusiasm. It is our hope that our students, both now and in the future, will be inspired and guided by the principles and ideals which governed the life of President Kennedy.

"It is, I think, particularly appropriate that ours—a Catholic school—bears the late President's name. For he was not only a great man and a great American, but a great Christian as well. It is reported that the great Indian leader Mahatma Ghandi once observed: 'I have read the Christian Gospels; and I have loved and respected the Christ I found there, for he was so much concerned with the needs of others. It is a pity I have never found a Christian who awakened in me the same love and respect.' I believe that Ghandi, had he lived to meet John F. Kennedy, would not have made that statement.

During a commemorative assembly this morning at the high school, several students presented original essays or poetic readings in honor of the late President. I am proud to present two of these students now. Miss Yvonne Burns will deliver an original poetic essay—*The Search*. And Mr. Brian Nelson will recite the poem composed by Robert Frost on the occasion of John F. Kennedy's inauguration—*The Gift Outright*.

Miss Yvonne Therese Burns then delivered her original composition, which she titled, "A Search":

Hear that beckoning sound: Protest!

Listen to those maddening cries: Down with wars; down with open housing; down with current wages.

And what is that fanatic screeching? Riots! Riots!! Riots!!!

Dissatisfied world, I too, have a protest to sound: *Down* with all this ugly, cruel hate that lurks in the world today. And . . . Up Up Up with Love!

Oh love, flame upon this world like a forest fire, Rage, Scorch . . . Burn . . . Linger in hearts.

Oh big, rushing river, has mankind ventured your tributaries?

The questions that bother my mind:

Is brotherly love lost in the soul of a soldier lying in the mucky swamps of Vietnam?

Is life flicked out like a match for world peace?

Can love be found hiding under a crack in an orphanage wall?

Does it have to be dug out of a black crevice?

Where, where, where is love? Now, when we need it.

Look to the hills, look to the skies, look to the world—but find love.

Let a bent world take courage in hearts filled with love.

Let all hearts be instilled with unbounded kindness.

Let all men search for the unbuttressed path to each individual heart.

Instruments of peace . . . love's greatest artillery—let your magic sweetness be tasted.

Pondering hearts—find out what reason cannot.

Transform all hatred into love.

World, I am not a disillusioned hippy entreating you with a "flower song."

Nor am I a rambunctious teeny-bopper out to incite trouble.

But I am a young American begging of you—and the whole world—to share one simple word—love!"

Brian Nelson then delivered Robert Frost's "The Gift Outright."

REMARKS OF CONGRESSMAN ANDREW JACOBS, JR.

Since the beginning, leaders who loved, lived and taught the ways of peace have seldom been allowed to live in peace or even die that way. So it was with John Fitzgerald Kennedy, an apostle of peace who taught America the process of peace. He followed the teachings of Christ and by chance, his national public life endured but three years. A man of peace, the victim of violence—violent words as he lived as, in fact, they appear in the public press this very day about his widow. And one last violent act which cut him down.

Historians report that with the loss of Britain's last foothold on the continent, Queen Mary was heard to say, "When I die Calais will be written on my heart."

John Fitzgerald Kennedy is ageless. A thousand years from now men and women will talk of his thousand days. And those of us whom history has privileged to live in the time of Kennedy, who have known the magic of his days, might well say, "When we die Kennedy will be written on our hearts."

When we think of President Kennedy we think of Camelot. "Don't let it be forgot that once there was a spot—for one brief shining moment—that was known as Camelot."

But perhaps the shining moment is not so brief at all. It occurs to one how difficult it would be to imagine President Kennedy ever growing old in any way. He might have been President for only eight years. But now he will be President forever.

BENEDICTION

The Choral Group again performed, singing "The Impossible Dream."

Reverend Thomas Breidenbach, who, in addition to being the assistant Pastor of St. Catherine Church, is the head of the Religion Department of Kennedy Memorial High School, then offered this benediction:

"Almighty, Eternal God: we thank you because you have given us the desire and strength to honor our brave, martyred leader, President Kennedy. At his death, each of us felt the pain—even as if losing one of our on family. It is fitting, then, that we not forget such loss so quickly, but that we revere and honor his memory today. We thank you for the holy inspiration of his life and death. With your blessing we will go forth now, firm in our resolve to live in our lives his example of responsible service to others: both to our own country and to the whole world community.

"One special blessing we beg, O Lord: that like him, we may especially strive to serve those best who need us the most. Amen."

The close of this Memorial Service came when Spec/4 Charles Ontko, Jr., 74th Army Band, Fort Benjamin Harrison, sounded Taps.

URBAN SCHOOLS FOR AN OPEN SOCIETY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, one of the most distinguished leaders in American education is the president of Teachers College, Columbia University. Dr. John H. Fischer.

On November 16, 1967, President Fischer delivered a most thoughtful address during the National Conference on Equal Educational Opportunity in American Cities sponsored by the U.S. Commission on Civil Rights.

I insert President Fischer's address, "Urban Schools for an Open Society," at this point in the RECORD:

URBAN SCHOOLS FOR AN OPEN SOCIETY

(By John H. Fischer, president, Teachers College, Columbia University)

The American public school system is the world's most comprehensive and fruitful experiment in universal education, but the very impressiveness of its past accomplishments now throws into sharp contrast the schools' present shortcomings. There are indeed some critics who consider the current performance of city schools so poor and their resistance to change so adamant that they propose replacing publicly controlled systems with publicly subsidized independent schools.

To many who work in the schools, it seems not only odd but unjust that these judgments should be so severe after twenty years of quite remarkable reform and improvement. For it is true that American schools have changed in significant ways in the last two decades. Immediately following World War II came the campaigns to raise standards, to emphasize the solid subjects, and to do more for able students. Even the academicians, having become newly conscious of the schools' existence, joined in efforts to improve them. With useful consequences, if for the wrong reasons, Sputnik freightened the Congress and the country into strengthening programs in mathematics, physical science, foreign languages and guidance. Despite a few examples of excessive zeal and some false starts, the results of these successive developments on the whole have been good. So many better educated youngsters emerged from the high schools that the upward thrust of entering freshmen even helped to modernize higher education.

But the earlier reforms, those that occurred before 1960, were motivated mainly by a concern for academic values, by apprehension over what had been happening to subjects and standards. By contrast, the rise of the civil rights movement redressed the balance and swung the spotlight of criticism back to focus on students as individual human beings and centered it particularly on the Negro student who, despite *Brown* and subsequent decisions, was still being denied opportunities his contemporaries enjoyed. To this newer criticism the response has been less prompt and less effective than the earlier reaction. Part of the difference is attributable to prejudice, part to inertia, and part to lack of community interest. But the principal reason for the slower rate of change is that the problems of providing inclusive, relevant, effective education under the present conditions of urban life require insights, attitudes and types of competence that too few teachers and administrators now possess. The solution of these problems also requires fundamental changes in educational policy and in the arrangements by which that policy is determined.

To be sure, the schools are often held accountable for failures which they have neither the means nor the opportunity to correct. Not even the best school or the most dedicated teacher can guarantee that all the pupils will finish the year above the grade median. Nor can every child be assured a place in college, however strongly his parents may demand equal treatment. But the excessive casualty rates of the schools can be neither explained nor excused by statistics. Nor are they all the inevitable result of unfortunate heredity, broken homes, or bad community influences. Before we can project educational solutions we must understand the character of the problems to which we are attempting to respond.

WIDE GAPS STILL SEPARATE THE LESS FORTUNATE FROM THE MAJORITY

The complexity of the situation can be seen in the gaps that separate less fortunate Americans from the majority of their countrymen. Not only are these gaps disgracefully wide; in certain cases they are actually widening. Most of these inequities are related to poverty, many are aggravated by racial discrimination, and all contribute to the handicapping circumstances within which and against which the school must carry on its work. Let me cite a few comparisons.

Non-white infant mortality in 1940 was 70 percent worse than the white rate. In 1960 it was 90 percent worse.

Maternal mortality among non-white mothers in 1940 was 2.4 times the white rate. In 1960 it was 3.8 times the white rate.

A Negro boy born in 1962 had as much chance of surviving to 20 as a white boy had of reaching 37. A Negro girl could look forward to reaching 20 as confidently as a white girl to reaching 42.

In employment, the best years for Negroes only come up to the recession levels for whites. In 1964, a prosperous year, when white unemployment dropped to less than 3.5 percent, the Negro rate was still almost ten percent. That was half again as high as the worst white rate since the depression. These figures are for adults, 20 and older. For 16 and 17 year old Negroes, unemployment has not dropped below 20 percent in ten years.

There is, of course, a close relation between these data and educational conditions. The median years of school completed by persons over 25 in 1940 was 8.7 for whites but 5.8 for non-whites. By 1960 the non-whites had reached 8.2, still half a year below where the whites had been twenty years earlier. Meanwhile, the white median had risen to 10.9 years.

But, some argue, things are better now than they used to be. They are better, but far from good. In 1960 the percent of Negro men college graduates aged 25 to 29 was 15.6 percent for whites and 5.3 percent for Negroes. That meant that in 1960 the Negroes were where the whites had been in 1920. In high school graduation, the gap is closing faster. The Negro rate in 1960 equalled the white in 1940.

The Selective Service Mental Test is a constant reminder that the educational gap is still tragically wide for our present 18 year olds. The variation among the states is well known, but the differential figures on white and Negro registrants are not as widely circulated. For the country as a whole, the failure rate is about 25 percent. Between June, 1964 and December, 1965, the rate for white applicants was 19 percent, for Negroes 67 percent. Failures among whites ranged from 5 percent in the state of Washington to 43 percent in Tennessee. For Negroes the range was from 25 percent in Washington to 85 percent in South Carolina. Those who think that the determining factor is race rather than education might note that Negroes in the state of Washington did better than whites in eight other states. Negroes in Rhode Island surpassed the whites of six other states. The poor showing of city schools is not attributable simply to the influx of Negro children. It is due rather to the failure of the schools to respond to the special problems of American youngsters who are the victims of deprivation, neglect, and prejudice.

In order for the schools to respond as promptly and as effectively as they should to these conditions, it seems to me that three things are necessary:

1. We must reconsider the principle of equal opportunity.

2. We must devise more effective ways to adapt schools to the children they serve.

3. We must reconstruct existing arrangements for policy making and school administration.

II—THE PRINCIPAL OF EQUAL OPPORTUNITY

In the whole American credo, no tenet is more firmly fixed than our devotion to equal opportunity. We cite it constantly as the fundamental principle in the whole structure of public education. We assert with great pride that in these schools every American child finds his birthright of opportunity and gets the start that will enable him to make his way as a free man in a free land. The race, we say, is to the swift, but it is open to all, and everyone who appears at the starting line is allowed to run. This system, we have long told ourselves, assures equality of opportunity. And so it does—for most. But always there are those who, for no fault of their own, cannot make it to the line before the gun is fired. Among them are good runners, but they never really get into the running that counts. Others get to the track determined to run and eager to win, but, having been barefoot all their lives, they must first learn to wear the spikes that the rules require. Before they can learn, their race is over. To be sure, we treat all the entrants with meticulous equality. What we overlook is that "the equal treatment of unequals produces neither equality nor justice."

To offer all children equal education remains a necessary beginning, for even in our most affluent cities many thousands still have nothing remotely approaching equality of schooling. But equality among schools is only the first step. We must set our sights not on making schools equal, but on devising whatever means are required to enable every child to develop his own potential. Whatever his possibilities, wherever he begins, he should have the help he needs to reach maturity prepared to compete on fair terms in an open society. To live with this conception of equal opportunity, the community must be willing and the school must be able to furnish unequal education. Unequal education to promote equal opportunity may seem a radical proposal, but it is in fact a well-established practice. This is precisely what has long been done for physically and mentally handicapped children under the name of "special education." As it has been offered to these minorities, what we now call compensatory education is universally approved. But the largest minority of our children are not the crippled and mentally retarded. They are the millions who suffer the handicaps of sustained deprivation and neglect much of it due to racial discrimination. The time has come to provide unequal, exceptional education as a matter of deliberate public policy to every child who needs it.

The concept of compensatory education

Lip service to the principle of compensatory education in itself will solve nothing. It only points up another puzzling issue, for much of what has been done under this label in the past half dozen years has proved disappointing. The United States Civil Rights Commission, in its report, "Racial Isolation in the Public Schools," describes a number of such efforts and concludes that "the programs did not show evidence of much success." Coleman's massive study, "Equality of Educational Opportunity," similarly found that existing teaching practices and curricula do little to counteract the effects of isolation or deprivation.

Nevertheless, it would be indefensible at this point to dismiss the concept of compensation as useless. Even though both Coleman and the Commission find integration to be more beneficial than compensation, the fact remains that in many cities the attainment of complete integration cannot be expected soon. Even if it were instantly possible, many children are so seriously retarded academically that if they could be placed in integrated schools today they would still need a great deal of special help. Whether such teaching is called preventive, remedial, corrective, or developmental, it must be designed to meet the unusual individual requirements of children for whom present programs are inadequate.

The finding of the Coleman study that may ultimately turn out to be the most significant of all is that students with a sense of control over their own destiny do better in school than those who are convinced that what they do will have little effect on their ultimate opportunities. Ways must be found to create more schools where children will find that they are respected, that they can be successful, and that what they do does make a difference.

The complications of cultural difference and ethnic prejudice were not unknown in the public schools of an earlier day. In 1901 when the United States Industrial Commission investigated conditions in city slums, it was Italian youngsters who were being characterized as irresponsible, difficult to discipline, and not so bright. As one teacher put it, they "were fair students, better than the Irish, but not as good as the Hebrews and the Germans. . ." Now, as then, many promising efforts fail because they rest on stereotypes and deal with categories rather than with persons. While it is inevitably necessary to work with children in groups, whether in schools, classes, or in teaching units of two or three, the only acceptable compensatory approach is to identify their needs as individuals. The best teacher begins with each child where he is, engaging interest through activities that make sense to him, and steadily encouraging him toward new encounters and fresh discoveries. Thus, from each new day's success the child accumulates the confidence to try a bit more than he managed the day before.

This process must begin early. It becomes increasingly clear that children have a better chance to succeed in school if they are introduced to planned learning experiences well before the age of six. An immediately available forward step for every city is to make kindergartens universally available for five-year-olds and to establish pre-school programs for four-year-olds. This step is especially urgent for those most in need of the benefits that such programs at their best can provide.

Most of us here are acquainted with evidence that the level of intellectual capability young people will achieve by 17 is already half determined by age four and that another 30 percent is predictable by age seven. This is no ground for believing that a child's academic fate is sealed by his seventh birthday, but it means that a community that seriously wants to improve its children's opportunities will start them to school early. In terms of sheer economy, it can be shown that the earlier the investment in systematic intellectual development is begun, the greater will be the rate of return.

Some of the early follow-up studies of children in Head Start programs have been interpreted as meaning that such early programs have no effect on subsequent success in the primary grades. It is much more likely that what has actually been discovered is the failure of primary grade teachers to build upon the gains made at the preschool level. Even the best preschool programs will produce only temporary benefits unless the follow-through at the primary level is well planned. In the middle and secondary years, as well, curricula and teaching procedures must be designed to build on the progress of earlier stages and to introduce the new emphases appropriate at each level.

III—FUNDAMENTAL CHANGE IN THE NATURE OF THE SCHOOL ITSELF

Relevance in the curriculum, respect for the student, and the continuous cultivation of his capability, self-confidence, and self-esteem should permeate the entire school program. But if we are to have such programs soon enough in every urban school, the speed of reform will have to be much faster than it has been. The obvious question is how to speed things up. The equally obvious answer would appear to be to invent new curricula, new teaching procedures, better teaching materials, more effective uses of technology, and improved school organization. That all of these are needed is beyond doubt, but we need something else even more. Our present shortcomings are due less to the state of the pedagogic art than to the state of mind of the artists. Not only teachers, but administrators, board members, and parents alike almost invariably approach these new problems assuming that they can be solved without any fundamental change in the nature of the school itself. We should by now be able to see that much of what must be done cannot be fitted into the customary institutional form.

There are, to be sure, schools which have abandoned egg-crate architecture and with it the image of teachers as interchangeable parts to be distributed, one to thirty children, equally throughout the building. But most schools, even when the need for innovation is most pressing, have yet to make the first break toward anything remotely resembling a teaching team. The utility of the flexible primary unit, in which several teachers work jointly with one group of children for two to four years, has been well demonstrated; but the idea spreads ever so slowly, because it calls for a fundamentally different pattern of professional practice and school organization.

At the secondary level, despite the evidence that adolescents are both able and eager to work on their own, only a handful of teachers will really trust them to learn out of the teacher's sight. Every community, most notably the large city, presents a priceless collection of living laboratories for learning about the modern world and how it works. Amid this wealth the typical school is managed as though real education could occur only on its premises. Long before deTocqueville commented on force of voluntarism in this country, Americans were tapping the committed energy of volunteers to get things done, yet we still hesitate to use this magnificent source of help as freely as we should in the schools.

In mentioning these practices I am aware that each of them is, in fact, already being used in schools. They are, to be sure, but the point is that almost everywhere they are considered exceptional. As variations from long established custom they are suspect. In the face of the new tasks now being laid upon the schools, and the consequent need for better learning and more effective teaching such changes as these and others far bolder should not only be tolerated; they should be expected, insisted upon, and rewarded.

Racial integration a high priority

Among the necessary changes in school policy and practice none are more urgently needed now than those that will speed racial integration. Thirteen years after the Supreme Court's declaration that segregated schools are inherently unequal, the number of segregated Negro students is still on the rise. Although reluctance to change has not wholly disappeared and sheer defiance of the law is still evident in some places, the lack of progress now in most cities is due to conditions that are more resistant to analysis and far more difficult to correct. The most impressive fact in the situation is the steady increase in the number and proportion of Negroes in the central cities of our metropolitan areas and the even sharper rise in the proportion of Negro students in the public schools of those cities. As the ghetto within the city expands into a virtual ghetto city, even the most resolute and ingenious school authorities find meaningful desegregation beyond their own capabilities. The easy course in such circumstances—and a plausible one—is to argue that nothing can be done and that the inevitable must be accepted. But the inevitable in this case means perpetuating the cycle of segregated schooling, denying both Negro and white children integrated experiences and extending into the next generation the grievous tensions that plague this one. If that cycle cannot be broken within the present context of school systems and community structures, ways must be found to change that context. To continue for the indefinite future the socially and personally destructive evils of a segregated society is a choice this nation cannot afford and may not survive.

Three possible courses, at least, are open to us. In those cities where the problem is not yet overwhelming, steps can be taken, as on a limited scale White Plains has recently demonstrated, to abolish segregated Negro schools and by concerted action to redistribute children of all groups in ratios that will lead to stable, viable student bodies.

In other communities where the proportions of Negro pupils are higher, cooperative schemes for pupil exchanges, possibly including the establishment of school parks, may be developed with neighboring suburban districts.

In yet other cases, state education authorities may have to act under the clause of the *Brown* decision which holds that "the opportunity of an education . . . where the state has undertaken to provide it is a right which must be made available to all on equal terms." This would appear to require that where inequality exists, and where other steps to effect equity have failed, the state is obligated to take whatever corrective action may be necessary.

To propose action in any community contrary to the will of a substantial body of the citizens is to propose trouble, but there is reason to believe that the resistance to change that has impeded integration in many places is due less to recalcitrance or prejudice than to simpler and more tractable causes. In many cases it is probable that parents—of both races—only want reasonable assurance that the schools their children attend after integration will be at least equal and preferably superior, to those to which they have been accustomed. Plans for integration should therefore include for all the children involved provisions that will respond to this understandable concern of their parents.

Another principle that becomes increasingly clear is that any plan for school integration is projected at considerable risk if it is not closely related to a broad scale, comprehensive plan for stable community integration. Without the support and cooperation of the other major segments of community action and authority, it is wholly unrealistic to expect the school to carry alone the burden of creating a new pattern of community association.

In arguing for comprehensive approaches to school and community integration I am not suggesting that the school authorities should wait patiently for every other agency to move first. There are ways in which the schools must and can act to meet their own responsibilities. Moreover, the educational forces of the community should be prepared to exercise leadership in their own field and to offer it to others, but leadership is meaningless unless it is part of a reciprocal relationship. The reform of public education in regard to integration, no less than to the instruction of the disadvantaged or the nurture of the highly gifted, must be a widely shared concern. Slightly paraphrasing Plato, we can be confident that only where such reform is commonly honored is it very likely to be cultivated.

IV—NEED TO RECONSTRUCT SCHOOL ADMINISTRATIONS

My final point is that we must reconstruct the arrangements for school governance in the city. Whether one starts from the position of the superintendent, the board, the teachers, the children, or the public, it becomes increasingly difficult to justify the outmoded ways in which we continue to conduct the affairs of city schools.

To call this the decentralization question is to oversimplify both the problem and the solution. The issue is not whether a particular city should have one public school system, or five, or fifty. That is a matter of detail. The issue is, rather, how to plan, manage, and use the educational possibilities of the city to meet the pressures of the times, the students' needs, and the public interest In any city, the public schools are the largest single element in the total educational enterprise, but they are by no means the whole of it. The tradition of separatism that has so long dominated public school policy and administration has become anachronistic. The mechanisms initially designed to protect the schools from partisan or corrupt political influence, however necessary they once were, now tend to isolate the schools from other agencies and to insulate them from normal political processes.

In the city, as in the nation, every important undertaking today has its educational aspect. Many projects have no future at all unless they can count on effective schools. An intricate network of relationships ties the families of every community to its economic, cultural, political and social institutions. With virtually all of these agencies and many of the families, the school is connected in mutual dependence. Yet among school boards, administrators and university people, there are many who still think that these connections call for no more than routine courtesies, prudent "public relations," and a vigilant watch against any sign of encroachment on the school's traditional prerogatives.

Urban planning that does not now include educational planning is not only unrealistic; it is irresponsible. Such planning must moreover go far beyond a perfunctory review by the planning body of the size and location of new school sites. It must confront questions of curriculum, attendance patterns, teacher supply, financial support; in brief, the whole complex interrelationship between the development of schools and the total development of the city. The need for such planning is crucial and so is the manner in which it is done. Not only the central planning agency, but the school authorities, other public and private agencies, and the municipal and state governments must accept jointly the responsibility for projecting goals and setting timetables, and they must also share the responsibility for seeing that commitments are met.

Only by adopting educational strategies commensurate with the character and scope of its objectives can any city hope to surmount the constant need to react to one school crisis after another. The community that neglects the development of a long-range, broad-scale plan of educational development, or fails to commit to that plan the resources necessary to execute it, is neglecting its own future.

At the other end of the system, in the individual school, where the whole business succeeds or fails, there are other needs for reform. The demonstrations and boycotts, to say nothing of the thousands of less publicized complaints that have plagued the schools are symptoms of deeply serious problems. To be sure, not everyone who criticizes a principal is wholly objective. There are no doubt occasional picketers whose zeal for school reform is diluted by other ambitions. But when all the extraneous interests have been allowed for, there remain the just and proper grievances of parents who often are denied even a respectful reception, much less a voice, in the schools their children are required to attend.

Despite the accumulations of resentment, pride, and defensiveness that encumber those situations, ways can be devised to involve parents more deeply in school affairs. A first step is to lift the controversies beyond the adversary level. So long as school people and parents view each other as opponents to be defeated, the likelihood of positive results is negligible. What is needed is a sustained, patient effort to build and maintain channels through which each group may express its views and be assured of respectful attention and consideration by the other. A second step is to systematize these exchanges, turning them to constructive deliberation and providing the substantive data necessary to enable the participants to make responsible choices and projections. A third step is a thoroughgoing analysis of the nature of school policy issues to determine at what level the different types can best be handled. Some should be settled within the school, some at intermediate points, and others on a city-wide basis. The heart of the matter is to find the means by which a city school board can maintain a common floor of opportunity for every pupil in the city and at the same time encourage parents, citizens, and school staff members to apply their own initiative in raising their school as far as possible above the basic level.

V—WE MUST SEEK A NEW VISION OF THE CITY

There are no easy solutions, and very probably no final solutions of any kind to the educational problems of our cities. But there are vast possibilities, still untried and broad ranges of opportunity open to imagination and bold attack. Yet it would be a grave error and a stupid miscalculation to think that the public schools should assume these tasks alone, or that they could possibly perform them in isolation.

It is an ironic paradox that the gravest educational deficiencies are often found in the very cities that possess the best resources for correcting them. All too often, however, the institutions that harbor these resources—the universities, museums, libraries, scientific agencies, and mass media, all with enormous possibilities for enriching human life—carry on their work with little awareness of the life of the community in which they stand. In the same cities hundreds of agencies, public and private, with the competence and experience to make critically important contributions to the physical, social, and economic well-being of people, could undergird and supplement educational and cultural efforts.

Even more than resources, we need new initiatives to bring the possibilities to bear upon the problems, and to breach the walls and bridge the chasms that separate these sovereignties.

No such dream can be made to come true without altering existing political and administrative mechanisms. We shall need new laws, new agencies and new money; but most of all, we need a new vision, newly shared, of what the city at its best might be, and do, and give. Louis Mumford put it well:

> "We must now conceive the city not primarily as a place of business or government, but as an essential organ for expressing and actualizing the new human personality . . . Not industry but education will be the center . . . and every process and function will be approved . . . to the extent that it furthers human development . . . For the city should be an organ of love; and the *best economy of cities is the care and culture of men.*"

Only upon such a conception of the problem of the city and its promise can we project the public policies and the educational processes that are the prerequisites of a free and open society.

THE UNIVERSITY AT THE SERVICE OF SOCIETY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, the Carnegie Foundation for the Advancement of Teaching, among its other activities, conducts studies of various education problems. For the past 10 years the trustees have devoted their annual meetings to the consideration of major issues of higher education.

At the 61st annual meeting of the foundation on November 16, 1966, the trustees engaged in an all-day discussion of the public service responsibilities of universities. The essay that follows is based on the discussion.

At this meeting there was no attempt to arrive at a consensus. Accordingly, this essay is not presented as the views of the trustees of the foundation but is an informal account of a discussion of an important question in education today.

Mr. Speaker, because I believe this essay, "The University at the Service of Society," will be of interest to Members of Congress, I insert it at this point in the RECORD:

THE UNIVERSITY AT THE SERVICE OF SOCIETY

The notion that academic institutions should reach out to serve the workaday needs of a developing society is over a century old in this country. Although Justin Morrill, in sponsoring the Land-Grant College bill in 1862, appears to have been primarily interested in the nexus between democratic access to higher education and the maintenance of political democracy, he and others believed that in time this type of institution would also be a congenial home for a novel additional function—direct service to the wider society.

The public service function of the land-grant colleges did not, however, materialize for several more decades, because these new colleges were preoccupied simply with the struggle to survive. When it did develop shortly after 1900, it related specifically to the vocational needs of what was still a predominantly agrarian society and took the form of an extension service from campus to farm. The demonstrable success of the "cow colleges" in increasing agricultural production and improving farm life through this means became a principal justification for expenditure of public tax revenues on them.

They also served, as Morrill hoped they

might, to educate young men and women of humble parentage. But it was agricultural extension, and the applied research on which this depended, that for some years occupied the more honored place in these institutions. And because in its day and place this peculiarly American invention in higher education worked, indeed worked brilliantly, it came to have a wide influence on popular notions about the proper "uses" of the university.

It was also during these years, and even earlier, that some universities initiated general extension programs for the public, and these, too, represented public service of a high order.

Nonetheless, it was not until the First World War and the period immediately following it that public service began to be regarded as a responsibility of universities generally. The idea that it was an acceptable function for any academic institution was, of course, given considerable additional recognition as the result of the deep involvement of the universities in the 1942–1945 war effort. Since then, in response to the pressing needs of a maturing society for fundamental solutions to its ever more complex problems, public service has become a large and important activity at virtually every university, both public and private, and at many colleges as well.

WHAT IS PUBLIC SERVICE?

University public service today has burgeoned to include a wide range of new activities—in science and technology, in health, in urban problems, in the international field, in economic development, in the utilization and conservation of natural resources, and in a great variety of other areas. The university, with massive contract and grant funds from the federal government, has become a major instrumentality through which the nation is accomplishing some of its most important business. It is virtually axiomatic now that when a substantial new national program is launched—the Peace Corps, the Regional Medical Program, or whatever—universities will be deeply involved in its implementation. Indeed, much federal legislation today is predicated on that assumption.

University public service is a concept which is difficult to define precisely. Although it is usually thought of as one of a triumvirate of university pursuits, it can and often does include the other two, teaching and research. For example, courses for municipal officials in a school of public administration can be regarded both as part of the normal teaching function and as public service. And a study of racial imbalance in an urban school system undertaken as a public service responsibility may also prove to be intrinsically interesting sociological research, justifiable in traditional academic terms. Similarly, investigations in the area of environmental pollution, although commissioned by a federal agency to solve a particular problem, may very well contribute basic new scientific knowledge.

Nevertheless, public service is, in most of its manifestations, readily recognizable. It has to do with the outreach of a university to society at large, with extending the resources of the campus to individuals and groups who are not part of the regular academic community, and with bringing an academic institution's special competence to bear on the solution of society's problems. It can involve all members of the academic community, including students, although most frequently we think of it as an activity of the president and of the faculty. It can take place on or off campus, and can be related to either the governmental or private sectors of our national life. Lastly, the emphasis in public service is on converting knowledge into readily usable forms for immediate application.

DEMAND AND SUPPLY

A variety of forces impel the university toward expansions of its public service role. Some of these forces reflect demand—the requirements of society—and others, supply—the special capabilities or characteristics of the university particularly qualifying it for the role. More and more, however, demand and supply are in such close interaction as to be scarcely distinguishable from each other. On one side, our society today has compelling needs which force it constantly to call on the university for assistance; on the other, the university has characteristics which increasingly attract the larger society. Thus, demand and supply are reciprocating forces thrusting public service activity by the university forward at ever higher speed.

This phenomenon is explainable in part by the almost symbiotic relationship today between science and art, or in simpler terms, knowing and doing. A few decades ago a lengthy hiatus between the discovery of knowledge and its application was normal. Today in many fields, although regrettably not in some, the process is nearly instantaneous, to such a degree has ours become a knowledge-oriented society. And the application of knowledge is no longer a simple matter. So complex has this process become in many fields that the university's help is needed there also.

The heart of the matter is that the university is the natural home of those kinds of highly trained and specialized talent on which the larger society is heavily dependent. In the university's science and social science departments, in its engineering and medical schools, and in many other places within its walls are housed the individuals best qualified to solve, or at least mitigate, some of the nation's most difficult problems. Since it is the national will that these problems be attacked, pressure on the university for its help is immense.

This pressure is exerted much more heavily than in the past on the university's traditional areas of responsibility, the production of highly trained manpower and the discovery of new knowledge. Beyond these functions, however, the university is being asked today to take on many kinds of new public service tasks, including the management of large-scale scientific, technological, and social enterprises. Although the university's record in carrying out these tasks has perhaps been uneven, its achievements generally in all three areas—teaching, research, and service—have been so centrally important as to lead some observers to believe that the society's future salvation will depend essentially on this institution alone. The immensity of such a responsibility and the almost limitless performance expected of the university are cause for deep concern among those who manage its affairs.

A further attribute of the university is its capacity for objectivity. Of all social institutions, it provides the most hospitable home for free enquiry. It can permit individual members of its community to pursue their own paths of investigation even if these conflict. It is prepared for error in the search for ultimate truth. In the outside world, this quality of objectivity assumes extraordinary value in situations of extreme social tension or in areas of decision where economic or social stakes are high.

Within the university itself are forces contributing to an expansion of the public service function. Wholly admirable is the genuine concern that many faculty members, administrators, and students feel for directing their talents and energies to the nation's most grievous problems. The desire to be socially useful outside the academic community is considerable at the present time. And frequently coupled with this kind of motivation is a scholar's belief that, by participating in public service activities himself, he can bring a heightened sense of reality and greater vividness into his teaching.

Less admirable is the motivation that derives solely from a scholar's realization that his special competence has an unusual market value outside the university. Less admirable also is the ambitious administrator's conviction that his institution's prestige can be instantaneously and inexpensively inflated by large government, foundation, or industrial contracts or grants for domestic or international projects for which the institution may well be ill suited.

More difficult to weigh is the sense of exhilaration that many university people feel in getting away from their campuses from time to time to take part in stimulating new enterprises in Washington or abroad. This can be a form of escapism if overdone, but it can also serve to bring vitality to the campus.

THE DEBATE OVER PUBLIC SERVICE

So large and varied has public service become that concern has begun to arise on some campuses over whether this relative newcomer to the academic enterprise—some would still say intruder—is not getting out of hand.

There would be little disagreement today that involvement in public service activities has been good for the university. Teaching has benefited; campus life has acquired a greater relevancy and liveliness; students have developed more mature attitudes. The availability of a real laboratory rather than an abstract one, of an actual problem rather than theoretical one, makes the university a more vigorous institution. Furthermore, the university's willingness to reach out from its protected environment to help grapple with some of the community's nastier problems has won it new admirers and allies and broader public support.

Nevertheless, public service has both present and potential risks, and in some institutions these have been too little recognized. Most clearly apparent to administrators is the financial burden which outside activities frequently place on the university. However generously funded these may seem to be, eventually there will be unexpected costs for the institution. In some instances also there is confusion about just how these activities are to be funded, and they can become indirectly, or even directly, parasitic on income required to finance the traditional responsibilities of the university.

A second and obvious danger is that if public service activities are allowed to proliferate in an uncontrolled manner on a campus they may in time become the university's dominant activity, dwarfing other pursuits. Students will then with justice attribute the neglect or lack of personal attention they feel to the faculty's heavy involvement in public service. And many faculty members will rightfully believe that applied research, or in some cases what passes for it, has taken precedence over basic research.

Another danger, perhaps more theoretical but nonetheless possible, is that deep involvement in external, public service activities may lead a university imperceptibly to develop a kind of "institutional doctrine" on some issue or, at any rate, come to be regarded by the public as a protagonist for a particular cause or point of view. This could conceivably jeopardize one of the university's most important characteristics—its role as a hostel for the accommodation, in an atmosphere of tranquillity and mutual respect, of individuals with widely variant views on important social and moral issues. (Of course, this caution applies only to the university, not to the off-campus activities of faculty members and students as *individuals*.)

THE EXTREMES

There are, theoretically, two diametrically opposed positions which the university may adopt as it considers its public service role.

In the first of these, public service is regarded as an inappropriate and irrelevant function for the university on the grounds that it is inconsistent with an academic institution's basic responsibilities for teaching and the discovery of new knowledge. Those who share this view say that it is the duty of university leaders not to be engaged in selling the university's services but in protecting its essential integrity. This, they believe, must be done by getting government, industry, and even the public at large to understand that the national interest lies in preservation of the university's true nature as the institution which above all others is concerned with learning. This implies impressing upon all possible sources of assistance the urgent importance of adequate support for the tools of learning, such as the great research libraries, and for leaving the university free to pursue its basic mission.

In this view, the university is not regarded as having a responsibility to become involved in the substantial new government programs which appear periodically. And the university should be particularly wary of the frequently heard argument that, since government is going to be spending its large new appropriations anyway, the university should pitch in and help ensure that the money is well spent.

Nor is the university regarded as having a responsibility, whatever the appeals made to its sense of patriotism, to lend its manpower to government for various kinds of service. This will simply strip the university of its best people and destroy whatever cohesion and internal power it has as an institution.

Finally, the university in this view should abjure any conception of itself as an activist shaper of the larger society. It should not "bite off propositions," develop "positions," or be a "protagonist" for causes. It should stick to the pursuits of the academic cloister with which it has traditionally been concerned and carry them out to the best of its ability. All else is in the end illusory.

At the opposite pole is the view that, among all institutions in the nation, the university has the greatest responsibility to be a shaper of the society. As such it has an obligation to identify social wrongs and take an aggressive lead in rectifying them. It must be engaged, activist, reformist. It must, furthermore, be prepared to reach out into the larger community, and it must respond whenever it can to any legitimate call from government for assistance, including both the provision of manpower and the acceptance of public service responsibilities.

In this view, the university can best protect its position not by an attitude of aloofness from the great social issues of the day but by actively engaging in them. And this kind of activist role, far from detracting from the traditional functions of teaching and research, will actually strengthen them.

The philosophical support for this position is that since the university stands for the highest values of the larger society of which it is a part, it has a consequent duty to intervene where it can to assist the society to conform to these high values. To do less would be to be untrue to itself.

Each of these positions is, of course, in its absolutist form, unrealistic in the light of constraints which operate on all universities today. It is useful, however, to delineate the positions in sharp outline, because on every campus there are individuals who hold tenaciously to one doctrine or the other, and there are universities, or more likely certain departments or professional schools within universities, which lean more toward one position than the other.

A MORE REALISTIC STANCE

In one way the two positions are not as antithetical as they seem. If the university is a true university, it is concerned not just with teaching and research in a strict sense but more broadly with cultivation of the intellect and the faculty of reason, with the refinement and deepening of moral conscience, and with sharpening of aesthetic sensitivities. It must, therefore, inevitably become a powerful, if indirect, force for social change and improvement. Out from its citadel will go educated men and women with a passion to remake the world. From it will emanate ideas and knowledge that will be revolutionary in their impact. This will be public service in its truest form.

This broader area of congruence between the two extreme positions does not, however, answer the immediate question facing every university of how far it should go in making its resources available for a wide variety of public service activities. How responsive should it be to the needs of society, and how permissive should it be in allowing the members of its own community to initiate service projects off campus?

In practical terms every university will realize that it can no longer adopt the simple course of rejecting public service altogether. Interdependence between the university and society has become too great for that. The university *must* have society's support. Society *must* have access to the university's resources. Were the university to turn its back on society's needs, it would be tantamount to self-destruction.

But self-destruction can, equally, lie down the road of too much engagement by the university in public service, either turning it into a kind of universal service station or so directly involving it in the restructuring of society that a major share of its energies and resources are perpetually engaged in external controversy.

There must, then, be a practical middle ground. This need not be simply a weak compromise. It can be a positive position arising out of a deliberate consideration of the questions: How much public service? What kinds? How can a consistent policy for control of the mushrooming function be developed and administered?

TOWARD A WORKABLE PHILOSOPHY

Each institution must in the end answer these questions for itself. But in doing so it may find it useful to consider some general propositions about appropriate and inappropriate kinds of activities in the public service area.

First, the university can, in regard to controversial social issues such as racial integration in housing, look carefully at its own practices and adhere to high standards on its own campus.

Second, the university can play an important role in providing a refuge—even platform—for the dissenter in society, the man with unpopular or unconventional views. In the American democratic society, where consensus has always been given such a high value, the man with another voice can too easily become a stranger with no place from which to be heard. But it is essential to the health of the society that he be heard. The university, in providing a sanctuary for this purpose, can meet one of society's greatest needs, and this too is a form of public service.

Somewhat akin to this function is the role the university can play as an objective agency of society in providing contending forces with a place to meet under dispassionate and intellectual sponsorship.

Third, a rather different type of public service which the university can on occasion perform is the management, on an emergency basis, of urgent national or local projects for which no other auspices can be found, regardless of whether there is research or training value in them for faculty or students. This sort of service must be offered with restraint and only with the understanding that the responsibility will be passed on to some other body as soon as possible. The old French proverb, "Il n'y a rien qui dure comme le provisoire," however, applies all too frequently in these situations.

Another activity of this kind can be the organization and carrying out of demonstration projects, because demonstration is in itself an aspect of the production of knowledge. For example, it would seem to be appropriate for a medical school to take on responsibility for the delivery of comprehensive health care to a defined population group to show how improvements might be made over existing arrangements.

Fourth, a role which the university can occasionally play is to provide leadership for the coalescence of a variety of constructive forces in society into a joint attack on large-scale social problems. In such enterprises the emphasis will be on partnership with government, industry, voluntary organizations, school systems, and other agencies rather than the university being the sole operator. This is a role that should leave the university free to withdraw when more permanent leadership has been established, or to continue its participation only in limited ways with limited responsibility.

On the other hand, the university should not be an active seeker of government contracts simply to aggrandize itself. It will occasionally take such initiatives, but its role should generally be more passive. It will respond when it can to calls for assistance, but always with an eye to the possible harmful effect on its responsibilities for teaching and the search for new knowledge.

The university must be careful not to allow itself to come to be regarded merely as a pool of talented, specialized manpower available on call for assignments in the larger society. The talent is there principally for the internal purposes of the institution. In some instances of severe national need it will, of course, be made available freely, but these should be limited. Otherwise, absence from the campus should be subject to normal leave arrangements.

And finally, the university must avoid the acceptance of long-term responsibility for the management of public service projects in which benefit to the internal functioning of the institution is minimal. Such projects should be transferred to other auspices as quickly as possible.

SOME SPECIAL PROBLEMS

There are some particularly thorny problems which crop up in aspects of the university's engagement in public service. The first arises when it is involved in overseas work on contract from the federal government. In these circumstances the university is clearly a contractual agent of the government; it has an obligation to conform to official American policies in the foreign country concerned, and it is subject to whatever controls the host government may impose through its laws or other regulations.

But what is not so clear is the status of the individual faculty member involved in the project or the nature of the restrictions imposed on him. Is he in any sense personally a representative of the American government? Opinion is divided on this question. Does he, when actually engaged in the contract project abroad, enjoy the same academic freedoms and privileges he enjoys when he is on his own campus at home? In practical terms he probably does not, but where should the line be drawn? On this question also there is considerable difference of opinion.

Few will disagree, however, that when it comes time to sign a contract with the federal government the university is a completely free agent and has an obligation to negotiate terms as nearly consistent with the accepted practices of academic freedom as is possible. What these terms should be will depend on the circumstances of the project, but at a minimum they would seem to include free publication rights, full disclosure of the purposes of the contract, and full disclosure of the sources of funding.

Another set of problems stems from a university's involvement in classified work for the government. As a matter of patriotic duty in time of war or other national crisis, many universities undertake such work. However reluctant they may be, they do so because there is no feasible alternative. Nevertheless, the presence on a campus of a project about which faculty are unable to communicate freely with students or with each other violates the essential teaching function of the university. Any such activity should, therefore, as quickly as possible after the extreme national emergency has passed, be transferred off campus to some other auspices. It is then up to the faculty members involved in the activity to decide whether to depart with it or stay in the university and take up other kinds of nonclassified work. There would appear to be no justification for having projects involving industrial secrecy located on the campus.

A rather different situation arises when a faculty member as an individual is engaged in classified work as a consultant to government or industry. This is fairly commonplace and does not seem to raise the same problem as that of having a secret project actually located on campus. Here, although the practice may perhaps be an irritant to university administrators, the matter is one which is essentially an individual affair not threatening to the basic integrity of an academic institution.

Still another type of question which arises from time to time has to do with the nature and extent of the university's legal and moral responsibility when members of its faculty or student body are engaged in off-campus public service activities. If, for example, an authorized student organization, having raised funds on the campus for an off-campus project, then gets into some kind of trouble in carrying out the project, is the university liable to suit? Or, in another kind of situation, is it morally liable for the legal costs of students or faculty who are individually prosecuted or sued while taking part in a project which the university has sanctioned although not actually sponsored in its own name?

Clearly the nature of a specific case will have a good deal to do with the answer in each instance. But in general terms this problem area appears to be relatively unexplored and one where some further work and clarification would be desirable.

ORGANIZING FOR PUBLIC SERVICE

Increasingly aware that they are inadequately organized to administer off-campus activities efficiently, a number of universities have created special administrative devices, institutes, centers, and so forth, to control these activities. These are found with increasing frequency in the international and urban studies fields, and they are helpful.

Basically, however, many universities today are simply not governed in such a way that they can determine and enunciate any policy with regard to their public service role. On some campuses this is because public service is a relatively new phenomenon, whereas the bylaws of such universities, having been adopted in an earlier era and for a different concept of the university, confine their definition of corporate authority and responsibility to the teaching function alone. In these instances there is apt to be no way in which the faculty as a corporate body can be involved in the formulation of a university policy on public service. Such policy as there is may be simply the accretion of a body of precedent decisions on particular cases by a succession of administrative officers at various levels in the institution.

What would appear to be desirable now, where needed, is the modernization of university governance to take account of all three functions in which the typical institution is engaged today—teaching, research, *and* public service. Such a process would have the salutary effect of focusing the entire academic community's thought on the function of public service and perhaps lead to a redefinition of the meaning of the university in today's world. It would at the very least bring to many people a realization that the governance of universities is becoming a matter of far more than institutional significance—that it relates directly to the viability of our knowledge-centered society.

ARE THERE ALTERNATIVES?

As the burden of public service becomes heavier within the universities, the possibility of alternatives needs to be examined more carefully. Must all of the tasks which the university is being asked to take on by society be placed there? Has the university itself been too accommodating? Too eager to respond? Too much motivated to destroy its ivory tower stereotype?

Among the alternatives to be considered are nongovernmental organizations such as independent nonuniversity research institutes, professional and scholarly societies, technical assistance, health, welfare and other types of voluntary agencies; private industrial firms; state and local governments; and the federal government itself, which is the originator and funder of a large proportion of the new social tasks.

Another alternative, which has already had some consideration in the federal government by both the administration and Congress, is to increase the numbers of universities capable of taking on major public service responsibilities—a spreading of the load. This has been quite successful in some programs, for example, in the training of Peace Corps volunteers. Nevertheless, the additional institutions that have been drawn in have their problems too of rapid growth, insufficient resources, and overcommitment. Furthermore, there are some tasks which require concentrations of specialized talent found only on a few campuses, sometimes on only one campus, and these are almost certain to be the campuses of the leading universities.

A more promising alternative may be the development of closer working relationships in the public service area between universities and various kinds of nonuniversity agencies. In such alliances the university would take only that part of the responsibility for which it is uniquely suited, such as the training of specialized manpower for a particular program, leaving to its partner the operational phases. In some cases, where no appropriate partner could be found, a university either alone or in a consortium with other institutions might create a separate operational mechanism. This has been done successfully in the scientific and technological areas but only infrequently in other fields.

A PRECEPT

Even after a process of elimination, there will still be a number of public service tasks that can be carried out only by a university. These are the tasks that are either so complex as to require talent available nowhere else or so sensitive as to necessitate the kind of objectivity most likely to be found in the discipline of the scholarly community. In view of the evolving nature of American society and the unique attributes of the university, many observers have become skeptical about the possibility of ever being able to lighten the public service burden of our major educational institutions.

Thus the formulation of a satisfactory philosophy of public service is a task of the greatest urgency. It is, at the same time, one of the most difficult assignments facing the American university today. On the one hand the university must remain faithful to its highest ideal, the pursuit of learning; on the other, it must be responsive to the legitimate needs of the society that sustains it. Furthermore, it has a responsibility to make that society a better society. Perhaps the simplest and most satisfactory precept for most institutions to follow is to participate, if possible, only in public service activities that are a direct outgrowth of their regular teaching and research programs and that, in turn, feed back into and strengthen them. Obviously this precept is not applicable in each of the many and various situations which arise today, but it does offer initial guidance in coping with a pressing, complex issue.

TRUSTEES AND ADMINISTRATION

Mr. Speaker, at this point in the RECORD I insert the names of the trustees and administration of the Carnegie Foundation for the Advancement of Teaching. I should here note that in addition to the officers of the foundation, the following trustees were present during the discussion on which this essay is based: Mr. Bissell, Mr. Carr, Mr. Dean, Mr. Friday, Mr. Goheen, Mr. Harnwell, Father Hesburgh, Mr. Hovde, Mr. Kirk, Mr. Lamont, Mr. Lowry, Miss McBride, Mr. McMurrin, Mr. Millis, Dr. Murphy, Mr. Perkins, Mr. Pusey, Mr. Ransom, Mr. Weinberg, and Mr. Wilson.

The complete list, as of July 1, 1967, follows:

TRUSTEES

Claude T. Bissell, President, University of Toronto, Chairman.

Franklin D. Murphy, Chancellor, University of California, Los Angeles, Vice Chairman.

Robert K. Carr, President, Oberlin College.

Arthur H. Dean, Sullivan & Cromwell.

William Friday, President, University of North Carolina.

John W. Gardner,[1] Secretary, Department of Health, Education, and Welfare.

Robert F. Goheen, President, Princeton University.

Gaylord P. Harnwell, President, University of Pennsylvania.

Rufus C. Harris, President, Mercer University.

David D. Henry, President, University of Illinois.

Theodore M. Hesburgh, President, University of Notre Dame.

Frederick L. Hovde, President, Purdue University.

Grayson L. Kirk, President, Columbia University.

Howard F. Lowry,[2] President, College of Wooster.

Katherine E. McBride, President, Bryn Mawr College.

Sterling M. McMurrin, Dean of the Graduate School, University of Utah.

John S. Millis, Chancellor, Case Western Reserve University.

James A. Perkins, President, Cornell University.

Alan Pifer [1], Acting President, The Carnegie Foundation for the Advancement of Teaching.

Kenneth S. Pitzer, President, Rice University.

Nathan M. Pusey, President, Harvard University.

Harry H. Ransom, Chancellor, University of Texas System.

Sidney J. Weinberg, Jr., Goldman, Sachs & Co.

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[1] On November 17, 1965, John W. Gardner was granted leave of absence as a trustee to serve as Secretary of Health, Education, and Welfare, and Alan Pifer was elected a trustee to serve while Mr. Gardner was on leave.

[2] Deceased July 4, 1967.

O. Meredith Wilson, Director, Center for Advanced Study in the Behavioral Sciences.

EXECUTIVE COMMITTEE

Alan Pifer, Chairman.
Claude T. Bissell.
Robert K. Carr.
William Friday.
Robert F. Goheen.
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INVESTMENT COMMITTEE

Arthur H. Dean, Chairman.
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John W. Gardner, President on leave of absence.
Alan Pifer, Acting President.
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E. Alden Dunham, Executive Associate.
Edward A. Ackerman, Assistant Secretary.
Clara F. Clapp, Administrative Assistant.

THE PENDULUM SWINGS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DENT. Mr. Speaker, the magazine for trade association executives, Association Management, carries in its December issue a fine article entitled "A Second Look at the Kennedy Round—The Pendulum Swings."

The author, Donald M. Counihan, a lawyer in Washington, D.C., was formerly the legislative liaison officer of the Department of Health, Education, and Welfare. I have known him for a number of years. His coverage here of the problems facing domestic industries bears careful reading. He approaches the road ahead with fine perception.

The article referred to follows:

A SECOND LOOK AT THE KENNEDY ROUND: THE PENDULUM SWINGS

(By Donald M. Counihan)

On November 2, 1967, President Johnson in a sharply worded speech served notice that he would veto any trade quota bill that came across his desk. Mr. Johnson stated that bills to limit imports of foreign goods would "invite massive retaliation from our partners abroad". He further stated: "These bills must not become law".

While Mr. Johnson may veto a separate bill on quotas, or a minor one to which a quota bill is attached, he may not end up with such an easy decision. The battle will soon switch to the House from the Senate. The President may have the following choices:

1. Having a quota section tied to the Administration's tariff bill which must be considered and which he would have difficulty vetoing;

2. Vetoing a major bill he really desires, such as the tax or Social Security bill.

Also, the Congress has been known to pass bills into law over the Presidential veto if the public desires the legislation and lets their Congressmen know they want it.

Americans have always been willing to lend a hand to nations abroad. An example of this open-handed generosity is evidenced by the Marshall Plan, where massive U.S. aid was a major factor in rebuilding Europe after World War II. The war in Vietnam is another example of "willingness to help an embattled nation in Southeast Asia at tremendous cost of men and money." But, there comes a time when the economic welfare of the United States must be balanced against commitments abroad. American markets have been available to products from abroad on a liberal basis since World War II. One of the keys to the economic recovery of both Japan and Germany (our enemies in World War II) has been their extensive export markets in the United States.

World trade is valuable and essential, but it should not become a one-way street where domestic industries and American jobs are sacrificed for State Department objectives.

When the Kennedy Round results were announced on June 30, 1967, they were accompanied by a great number of reassuring comments from the Administration concerning the reciprocity achieved and the opportunity afforded for expansion of exports by American business.

After studying the results of the Kennedy Round, numerous domestic industries have been appalled at the impact of the negotiations. The threat of vastly increased imports transcended any prospect of increased exports. The costs of labor and materials in the United States, notwithstanding the advances of automation, are just too high in many industries. Further, the tariff cuts made by countries abroad are in many cases disappointing. In many instances where substantial tariff cuts were made abroad, *non-tariff barriers* such as government subsidies, special taxes, and levies are more of a problem than the tariff. The recent 14.3 per cent devaluation of the British pound will have a greater impact on British trade than any reductions negotiated by Britain in the Kennedy Round. Reaction to this devaluation could vitiate any gains obtained.

An indication of the changed view of the Kennedy Round results was notable in the House of Representatives on September 28, 1967. The House of Representatives is the traditional place for the little fellow at the grass-roots to make his feelings known. On that day a rather obscure bill—H.R. 478—came to the House floor after a rather rough time getting an O.K. in the Rules Committee for full House consideration. The bill was sponsored by Congressman Dent (D-Pa.) who as Chairman of a House Labor Subcommittee had held extensive hearings on the impact of imports on domestic labor for the past few years. Because of the tenuous jurisdiction of his Subcommittee over matters involving imports (jurisdiction in this area normally lies in the House Committee on Ways and Means), Congressman Dent tied his legislation to the Fair Labor Standards Act. Few observers expected the bill to be passed by the House, particularly by an overwhelming margin. But the bill passed the House by the overwhelming margin of 340 to 29!

What does the Dent bill do? The bill amends Section 4(e) of the Fair Labor Standards Act to make it *mandatory* for the Secretary of Labor to conduct an investigation upon the filing of a complaint by the President, or upon resolution of either House of Congress, or upon application of any employee organization in a domestic industry, *or upon application of any interested party*, or upon his own motion, where it is alleged that imports are impairing the health, efficiency and general well-being of any group of workers in the U.S. or the economic welfare of the community where the workers are employed.

The Secretary of Labor has four months in which to make his investigation, conduct hearings and issue his public report to the President on whether imports are "causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency and general well-being of any group of workers." The problem is that the President can ignore any recommendations that the Secretary of Labor makes for relief of domestic industry since the bill provides only that "The President may take such action as he deems appropriate to remove such impairment or threat of impairment."

On the Senate side, considerable support has developed backing various quota bills. A bill (S. 1796) to install quotas on textile products introduced by Senator Hollings (D.-S.C.) has been co-sponsored by 68 Senators. Hearings on textile imports commenced on November 13, 1967 before the Tariff Commission. However, it is expected that Senator Hollings, who is up for reelection in 1968, will try to tie his textile quota to the House-approved Chinese gooseberry bill now before the Senate, without waiting for the results of the Tariff Commission hearings. The Dairy Import Act of 1967, to set quotas on dairy products, introduced by Senator Proxmire (D.-Wisc.) has received the co-sponsorship of the majority of the Senate. Senate Finance Committee Chairman Long has introduced a bill (S. 2332) imposing a quota on the importation of petroleum with 30 co-sponsors. Other quota bills have been introduced with widespread support in the areas of steel, meat, milk, lead, zinc and glass. Numerous similar bills are pending in the House of Representatives, expressing the strong sentiment of that body which is the closest to its constituents.

The sentiment was great enough in the Senate that Senator Russell Long put aside the House-passed Social Security Bill that the Senate Finance Committee was considering and scheduled Committee hearing on quota bills covering textiles, meat, oil, dairy products and steel on October 18, 19 and 20, 1967. Reports circulated that Senators Long and Dirksen intended to co-sponsor an omnibus quota bill providing four arithmetic criteria under any one of which an industry could qualify for import quotas. Since the Senate cannot initiate tariff legislation (the House Ways and Means Committee has that power), the omnibus quota bill or any quota bill would have to be attached to a House-passed bill. Senator Dirksen (R.-Ill.) entertained thoughts of tying an omnibus quota bill to the House-passed Social Security legislation. This kind of rider would be questioned in the House, under its stricter rules of germaneness, but not in the Senate. Further, it would tend to make the quota bill veto-proof since the Administration badly wants the Social Security legislation enacted before the 1968 election.

But the Administration counter-attacked strongly, sending Secretary of State Rusk, Secretary of Commerce Trowbridge, Secretary of Agriculture Freeman, Secretary of Interior Udall and Ambassador Roth to the opening day of the Senate Finance Committee hearings on October 19, 1967 to protest loudly that quota legislation would touch off harmful retaliation abroad. This has been buttressed by the great number of formal protests to quota bills that have been received by the State Department from countries involved in the GATT negotiations, including the EEC countries, England, Japan, Canada, Denmark, Finland, Norway and Sweden.

As a result, the likelihood of an omnibus quota bill being tied on to the Social Security bill has been greatly lessened. Nevertheless, the Finance Committee seems determined to press ahead with quota legislation in 1968 when they will be able to attach a quota bill to a major trade or revenue bill which the President cannot afford to veto. Senator Long predicted that the Administration and quota bill advocates will wind up "closer together next year than most people think." He said he has in mind devising a formula imposing quotas not on the present level of U.S. imports but on any sharp increase in the volume.

The Administration argued at the hearings that there was no need for Congress to vote quotas since adjustment assistance, the antidumping law, the countervailing duty and the unfair trade provision of the 1930 Tariff Act are all available for those claiming import injury.

Rep. Thomas Curtis (R.-Mo.) recently proposed that import quota bills be placed before the House Committee on Ways and Means for study and hearings. He expressed doubt whether the Senate Finance Committee was capable of making a study and deliberating on the wide variety of complex issues that confront it in the various trade bills. He alluded to the traditional jurisdiction of the Ways and Means Committee to initiate major trade legislation. Committee Chairman Wilbur Mills (D.-Ark.) has stated that he felt that quota legislation was not necessary and that import controls on textiles, meat and dairy products could be handled administratively or by informal negotiation.

Unfortunately, the adjustment assistance provisions under the Trade Expansion Act of 1962 have proved worthless to embattled domestic industries hard hit by imports. It has proved impossible for any industry to secure tariff adjustments to correct mistakes in judgment made by tariff negotiators in reducing U.S. duties. The dismal record shows that twenty times applicants representing industries, firms or workers have sought adjustment assistance under the Trade Expansion Act—and *none* got it! This record is so poor that even the Administration concedes a need for revision of adjustment assistance criteria, and proposed Administration legislation is expected to include liberalization of adjustment assistance. However, the Administration trade bill is not expected this year due to problems it would face. These, however, will not just vanish by postponement. The Dent bill is a reflection of dismay with the Tariff Commission's performance in this area and an attempt to achieve better results by switching to the Secretary of Labor for action.

Labor-intensive industries such as leather, steel, dairy products, meat, bicycles, textiles and glass have felt the pinch from imports particularly hard. Labor and management have joined hands in efforts to control imports by means of quotas. An example of this can be taken from the recent Senate Finance Committee hearings where John P. Roche testified for the Iron and Steel Institute in support of a steel import quota, and John P. Malony, United Steelworkers Union vice president, gave solid support to the industry's demand for import quotas on his testimony by stating "jobs will vanish" unless import quotas are imposed.

A Trade Relations Council of the U.S. study shows that 70% of U.S. manufacturing employment is in labor-intensive industries. Obviously, the job displacement from imports is higher in these industries than it would be for capital-intensive industries. Of these labor-intensive industries, there is a group which supplied more than a million and a half jobs in 1964 where the share of the U.S. market accounted for by imports in 1964 exceeded 5%. In these industries, an absolute decline in employment accompanied the rise in imports.

The quota bills usually provide that imports shall be limited in any year either to a stated quantity maximum, or a percentage figure tied to past U.S. consumption. The bills also provide for increase in these quotas if U.S. consumption increases.

Any industry that is feeling the effects of imports should review its position immediately to ascertain whether action should be taken to seek the imposition of import quotas on its product.

The quota has the advantage of offering a ceiling on imports so that low prices cannot destroy a domestic industry. Without a quota, many industries would face extinction. Congressman Dent has pointed out that it is unfair competition when a domestic industry is forced to compete with a foreign counterpart that is paying wages of 30 cents an hour or less.

The Smith Bill (S. 2476) introduced with 25 Senate co-sponsors on September 27, 1967, seeks to establish more effective criteria for a finding of serious injury to domestic industry as a result of concessions granted under trade agreements, and it also makes it mandatory for the President to implement the findings of the Tariff Commission with respect to tariff adjustments if injury is found. This goes further than the Dent bill which was previously discussed in that the President *must* act rather than having discretion to act or not act.

The Smith Bill sets up definitive injury standards rather than the usual subjective standards embodied in words like "substantial contributing factor," "primary cause," "major" and "serious injury," which are normally found in tariff legislation. First, under the bill, the Tariff Commission is required to find serious injury or threat thereof to the domestic industry when the ratio of imports to domestic production exceeds 10% during the calendar year immediately preceding the initiation of the Tariff Commission investigation. Second, the Tariff Commission is required to find unemployment or underemployment or threat thereof with respect to workers seeking adjustment assistance when the Commission determines that increased imports have contributed or are contributing in any substantial degree to a decline amounting to 5% or more in man-hours or wages paid to workers employed by firms concerned.

Recently, the Tariff Commission has eased somewhat its normally harsh stand on dumping cases filed under the Antidumping Act of 1921. These cases arise when foreign goods are sold in the U.S. at less than their fair value in the country of origin. If this determination is made by the Treasury Department, it is then up to the Tariff Commission to determine whether the domestic industry has been injured.

In this area, as well as others, the Tariff Commission has traditionally taken a strict view of its authority to aid domestic industry by requiring a finding of "material injury" before giving dumping relief to the domestic industry. In a recent case involving cast iron soil pipe from Poland, newly appointed Commissioner Clubb stated his view that the injury requirement of the Antidumping Act is satisfied by a showing of *an injury which is more* than *de minimis*. After a careful review and study of the legislative history of the Antidumping Act, he concluded that the injury requirement was included in the law for administrative reasons to prevent setting the governmental machinery in motion in minimal injury cases. The next complainant in a dumping case would be well advised to seek to establish what "de minimis" injury is and argue his case on that basis. In recent cases, the shorthanded (two vacancies—with Stanley Metzger's nomination before the Senate for confirmation as Chairman) Tariff Commission voted 2–2 which provides affirmative relief for domestic industry since a tie vote is deemed a vote for affirmative relief. This deadlock was broken when Mr. Metzger's nomination was affirmed by the Senate on November 7, 1967. Whether this liberalization will continue depends on who is appointed by President Johnson as the sixth Tariff Commissioner.

A recent little-noticed Tariff Commission decision on eyeglass frames also indicates a possible change in Tariff Commission thinking in the adjustment assistance area. In order to qualify for assistance, the petitioner, under present law, must prove he has been injured "in major part" by imports and that imports rose "in major part" from trade concessions. Congress has offered little guidance on how "major part" should be construed. The Commission took the narrow view and decided it meant 51% or more.

But in the eyeglass report, two Commissioners (Messrs. Clubb and Thunberg) set down a new philosophy. "We feel", they said, "that the overall Congressional intent can best be implemented if, interpreting the term 'in major part', we ask only whether, absent the aggregate of concessions granted since 1934, imports would now be at substantially their present levels." Thus the two Commissioners would ditch the 51% rule and hold that imports rose "in major part" from trade concessions if trade concessions have contributed substantially to rising imports.

It may be that the Tariff Commission is concerned over the increasing criticism by Congress and industry of its timidity in applying the various relief provisions for domestic industry under the Tariff Acts and the Antidumping Laws and plans a more liberal view in future cases. We will have to wait and see on this point.

In any event, it is clear that the Kennedy Round results have caused a lot of people to have second thoughts about the advantages that have accrued to the U.S. The basic problem remains, particularly in labor-intensive industries, that U.S. industry cannot compete with foreign producers because of the *differential* in wages paid in the U.S. over those paid abroad. We can't pay high wages in this country and at the same time let unlimited imports come in from low wage countries which directly compete with American products. In many respects, the concept of reciprocity is illusory since many of our domestic products cannot compete abroad whether there is a tariff there or not because of the differential in wages paid.

No American worker wants to take a cut in pay so that his employer can compete abroad and against imports coming into the U.S. Thus, the only solution appears to be selective limitations on imports where labor-intensive industries are being injured by imports.

The Dent and Smith bills, the various quota bills, the proposed Dirksen-Long bill, and the recent changes in attitude at the Tariff Commission signal a swing of the pendulum back from free trade without assistance to domestic industry to some middle ground with selective relief in the form of quotas and/or adjustment assistance for embattled domestic industries. It is expected that this trend will continue and be manifested in trade legislation that the Congress passes. It will be an interesting session for industries that prepare their cases and present them properly. Already groups on both sides are organizing for battle.

INDUSTRIAL DEVELOPMENT BONDS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Gilbert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. GILBERT. Mr. Speaker, a few months ago I cosponsored, with several other Members, a bill to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax. As it was introduced, the bill would apply to bonds issued after December 31, 1967. Due to the fact we are now approaching this date, and it is doubted if the taxing of interest could be made retroactive on any obligation which was tax exempt when issued, I have reintroduced this proposal, substituting the date of enactment as the effective date, instead of December 31, 1967. The new bill, H.R. 14372, introduced on December 11, 1967, was cosponsored with me by my colleagues, Joseph P. Addabbo and John M. Murphy, of New York, and Robert N. Nix, of Pennsylvania.

Mr. Speaker, we should correct this tax abuse as soon as possible. I believe this is a tax loophole which should be closed, and I am of the opinion the change in the effective date will enhance the changes of enactment of this legislation. The use of industrial development bonds and other related abuses of the tax-exempt borrowing privilege extended to our State and local governments is a source of major concern to everyone interested in State and local government financing and to all of us interested in the integrity of our Federal taxing system. Exempting the interest in such cases clearly amounts to a Federal subsidy to private industry. The full benefit to private industry is at the direct expense of the Federal Government.

I call the attention of the House to H.R. 14373, which follows:

H.R. 14372

A bill to amend the Internal Revenue Code of 1954 to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by relettering subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) Industrial Development Bonds.—

"(1) Subsection (a)(1) not to apply.—Any industrial development bond (as defined in paragraph (2)) issued after the date of enactment of this paragraph shall not be considered an obligation described in subsection (a)(1).

"(2) Industrial development bond defined.—

"(A) In general.—For purposes of this subsection, the term 'industrial development bond' means an obligation the payment of the principal or interest on which is—

"(i) secured in whole or in part by a lien, mortgage, pledge, or other security interest in property of a character subject to the allowance for depreciation, or

"(ii) secured in whole or in part by an interest in (or to be derived primarily from) payments to be made in respect of money or property of a character subject to the allowance for depreciation.

which is or will be used, under a lease, sale, or loan arrangement, for industrial or commercial purposes.

"(B) Exceptions.—For purposes of subparagraph (A), property shall not be treated as used for industrial or commercial purposes if it is used—

"(i) to provide entertainment (including sporting events) or recreational facilities for the general public;

"(ii) to provide facilities for the holding of a convention, trade show, or similar event;

"(iii) as an airport, dock, wharf, or similar transportation facility;

"(iv) in the furnishing or sale of electric energy, gas, water, or sewage disposal services; or

"(v) in an active trade or business owned and operated by an organization described in subsection (a)(1).

"(3) Exception.—Paragraph (1) shall not apply to any obligation issued before January 1, 1969, for a project assisted by the United States under title I of the Housing Act of 1949 (42 U.S.C. 1450 and following, relating to slum clearance and urban renewal) or under title I or title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131 and following)."

(b) Section 102(g) of the Housing Act of 1949, as amended (42 U.S.C. 1452 (g)), is amended to read as follows:

"(g) Obligations, including interest thereon, other the industrial development bonds (within the meaning of section 103(c) of the Internal Revenue Code of 1954), issued by local public agencies for projects assisted pursuant to this title, and income derived by such agencies from such projects, shall be exempt from all taxation now or hereafter imposed by the United States."

(c) The amendment made by subsection (a) shall apply with respect to taxable years ending after the date of the enactment of this Act.

FIRST PRIORITY—ADEQUATE AID TO THE POOR

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Cohelan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COHELAN. Mr. Speaker, I have long and consistently held that a national commitment to our poor must be accorded utmost priority. Therefore, I was heartened by a recent action of the Berkeley, Calif., City Council in adopting a resolution urging full attention to the "accumulated and festering needs of our poor."

It seems to me that this action reflects not only the feeling in Berkeley but a nationwide concern. For this reason I wish to draw our colleagues' attention to this thoughtful action on the part of the Berkeley City Council.

Mr. Speaker, I insert at this point the resolution:

Resolution No. 42, 168–N.S.

Resolution urging the President and Congress to give first priority to solution of needs and problems of cities and the poor

Be it resolved by the Council of the City of Berkeley as follows:

Whereas, recent events in many of the large urban centers of our nation have dramatically drawn attention to the plight of the poor in this country; and

Whereas, there is a clear need to establish priorities for a greater moral and financial commitment to alleviate the underlying causes of the problems of the poor; and

Whereas, the cost of programs which are aimed at the solution of the problems facing cities and the poor is so great that their funding must come in large part from the federal government.

Now, therefore, Be it Resolved that the City Council of the City of Berkeley hereby calls upon the President and Congress of the United States, in further recognition of their responsibilities toward the people of the country, to give first priority to the solution of accumulated and festering needs of the poor and of the cities by appropriating all of the funds necessary for the alleviation and solution of these problems.

HEARINGS ON LEGISLATION TO EFFECT NECESSARY SAFETY STANDARDS FOR NATURAL GAS PIPELINES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, last week the Communications and Power Subcommittee of the House Interstate and Foreign Commerce Committee began hearings on significant new legislation which I am sure will grow in interest with all the Members of this body during the next several months. I refer, of course, to the administration proposal to effect necessary safety standards for natural gas pipelines which literally web our urban and suburban communities within this country.

Last week's 1-day hearing is just the beginning and I am sure our distinguished chairman and the other interested Members of the House will continue to work for early action on this all-important measure in the next session. In as much as further hearings will have to wait until next year and as a matter of information for those who have not yet begun to look into this critical subject I should like to have inserted in the Record the very excellent statement of Hon. Alan S. Boyd, Secretary of Transportation, at last week's hearing. In this connection it should be noted that the Senate has already unanimously passed a measure which could call for the administration of this program by the Department of Transportation and thus far over 20 similar bills have been introduced by Members of the House.

The statement referred to follows:

Statement of Alan S. Boyd, Secretary of Transportation, Before the Subcommittee on Communications and Power of the Interstate and Foreign Commerce Committee of the House of Representatives on S. 1166, H.R. 6551, H.R. 13936, and Related Bills, December 6, 1967

Mr. Chairman, members of the committee, I am pleased to have the opportunity this morning to present the views of the Department of Transportation on legislation which is designed to enhance the safe operation of the thousands of miles of pipelines which transport natural and other flammable gases, and nonflammable hazardous gases to all corners of the Nation. It is our belief that the American public deserves the kind of protection contemplated by such legislation and that action should be taken by this Congress to create Federal authority to establish the necessary safety standards.

In his message of February 16, 1967, on protection of the American consumer, President Johnson called for legislation to reduce the potential hazards of gas pipeline failures. To this end, S. 1166 was introduced in the Senate on March 3, 1967. As you know, the bills which you are now considering differ in many particulars from S. 1166 as it was originally introduced. S. 1166 as passed by the Senate is a good bill. However, we believe it can be substantially improved and my primary purpose here today is to suggest the improvements I believe necessary.

You are aware, I know, that the legislation creating the Department of Transportation centered in one body for the first time Federal regulatory authority over the safety of virtually every mode of transportation.

This consolidation came at a time in which the health, safety, and well-being of the individual citizen, in the most abundant society in the world, is a major goal. Because transportation is synonymous with mobility, the only practicable bases on which to predicate safety regulation in this field is through Federal regulation. Authority now exists in the Department of Transportation to significantly improve the public safety as it is affected by transportation by private auto, bus, truck, railroad train, airplane, ship, and pipelines which carry products other than gas and water. It is apparent that the only significant mode of transportation which is presently beyond the reach of effective, comprehensive safety regulation is the transportation of gases by pipeline. The anomaly of this exception is more evident when we realize that the Department of Transportation now exercises safety regulation over flammable and other hazardous gases moving other than by pipeline and over pipeline movements of many commodities, including petroleum.

The concept of regulation of transportation safety on a national basis is three-quarters of a century old and dates from the first Federal railroad safety appliance act late in the nineteenth century. While we are convinced that the safety record in the gas industry has been a relatively good one, there are a number of reasons why this industry should be included among the modes of transportation subject to effective, uniform and comprehensive safety regulation.

There are now over 800,000 miles of gas pipeline in the United States including approximately 63,000 miles of gathering lines, 224,000 miles of transmission lines, and 536,000 miles of distribution lines. These lines range in diameter from less than 1 inch to 42 inches with 48-inch lines under consideration. They vary in condition from old, unprotected lines to new, well-protected lines. They differ in function from low-pressure distribution lines operated at one-fourth pounds per square inch to high-pressure transmission lines operated at 1,300 pounds per square inch, which is equivalent to a force of over 93 tons pushing against the pipeline wall over every square foot. Thus, any failure of a pipe may cause large amounts of gas to be released to the atmosphere in a relatively short period of time. Any gas thus escaping which is mixed with air may ignite; the area affected can be very large depending on such variables as the gas pressure, size of the pipe and the size of the break. When it burns, the gas can reach temperatures up to 2,500° F.

In addition to such factors as the diameter and pressure of the pipe, population density has an important bearing on the potential dangers associated with a pipeline failure. As our cities and towns expand, the problem of population density near transmission, distribution and gathering lines grows more acute, since much of this pipe was laid to specifications designed for unpopulated areas. The danger and extent of injury or death is patently greater in the more densely populated areas.

Still another factor contributing to the risk of pipeline failure and the danger of death or injury is the age of some of the pipeline throughout the country. This is not because age in itself causes deterioration of the pipe, but because older pipe was not designed, constructed, or protected as well from the effects of corrosion and other deterioration as is newer pipe.

A study made by the Federal Power Commission and released in April 1966 deals with the safety of the 150,000 miles of transmission lines under the Commission's jurisdiction. The companies reported 64 deaths and 225 serious injuries between January 1950 and August 1965, as a result of transmission system failures. In addition, they reported around 1,200 operational failures, or about one every five days. Roughly the same number of failures during testing were also reported. In most cases the gas which escaped as a result of these failures did not ignite. The danger of injury and death is not as great in the case of these transmission lines which are often located away from areas of population density. When a transmission line failure occurs in a populated locale and ignition follows, the resulting explosion can be highly destructive. For example, the rupture and explosion at Natchitoches, Louisiana, in March 1965 gutted a 13-acre area, killed 17 people, burned five houses and melted cars and rocks in the vicinity.

Problems of the distribution lines are more complicated. Distribution systems have been in existence for many years and much of the original pipe is still in use even though it is now 30 or 40 years old. In some instances, it may be twice as old as that. There is no readily available information concerning past accidents in distribution systems as there is with transmission pipelines. However, in the first few months of this year, there were several major accidents in distribution systems. On January 13, there was a fire which engulfed an area equivalent to an entire block in Queens, Long Island, in which seven people were injured and 19 families left homeless. On February 19, there was an explosion in a rehearsal hall in South Milwaukee, Wisconsin, where 250 people had been located just 20 minutes prior to the explosion, 14 people were injured. Simple chance and the heroic action of the police prevented loss of life in both these incidents.

On February 27, in Hastings, New York, one person was killed and 15 injured and 35 families left homeless. On March 14, a crack in a main located in Logansport, Indiana, caused a blow-up leaving eight injured. Another recent accident occurred in Fort Worth, Texas, where a gas main failed during a test, resulting in a blow-up in which 12 were injured. The most recent incident of which we are aware occurred less than a month ago, on November 11, in St. Louis. Fortunately, the office building, which reportedly was leveled, was unoccupied since the blast occurred at night. However, records and documents were destroyed and two passersby were slightly injured.

How many major accidents have occurred in past years and how many minor ones this year is pure conjecture, but this emphasizes the need for safety jurisdiction over distribution lines to help prevent accidents of the type I have related.

I would like to make clear at this point that my statement is not an indictment of the natural gas industry. On the contrary, its record is good. For almost two decades the industry has supported a self-regulating safety unit now known as the United States of America Standards Institute—B31.8 Code Committee. The group developing these particular standards is comprised of technicians from the gas industry, allied supply industries, along with representatives from the academic profession and from government. This group has sought to insure the adaptation of technological advances to the transporation of natural gas.

I believe that they have performed a meritorious and public spirited task over these past years. A counterpart in other industries is difficult to find. Few industries have devoted the time and attention to safety procedures as has this one.

Yet pipeline transportation of the commodity in which this industry deals is an inherently dangerous one. The examples of pipeline accidents which I described to you a few moments ago gives us some idea of the magnitude of the destruction which results from such accidents. The steadily and rapidly increasing use of gas as a power source and the increasing population densities where gas is used presents, in my judgment, a compelling and convincing case for assuring that additional measures to protect the public are taken. Clear authority to establish comprehensive safety standards must be enacted; we believe that the exercise of such authority by the Federal Government will assure the best framework within which the standards can be developed and implemented.

For I do not believe that we can provide such protection through the enactment of the present Code. I have attached to my statement a list of some of the major areas where the Code would not provide the kind of protection which we believe is essential.

Let me cite what I consider to be a major shortcoming of the Code—it does not provide for a systematic testing or evaluation of pipe already in the ground. Only some pipe whose operating capacity will be upgraded is subjected to such testing. Yet we know that there are new techniques for testing and evaluating which can in some instances provide far greater assurance that existing pipe does not constitute a threat to the life and health of those who may be exposed to it.

Let me make one thing clear at this point. At the same time, however, much of the Code and the expertise and experience which produced it will be of great usefulness in developing the regulations which would be issued by the Secretary of Transportation. I am particularly referring to those portions of the Code related to design, construction and installation of pipe and the welding processes by which it is connected.

It is my assumption that the industry membership of the advisory committee called for in this bill will be heavily comprised of the present membership of the Code committee or others with similar experience.

The bills, S. 1166 and H.R. 13936, would authorize the Secretary of Transportation to establish minimum Federal safety standards applicable to gas transportation and pipeline facilities. These standards would apply to companies engaged in activities in and affecting interstate or foreign commerce and would extend to design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance. The intended reach of the bill would be to all gathering, transmission, and distribution operations in the Nation.

The facilities and activities subject to regulation would be those relating to natural gas, other flammable gases, and nonflammable hazardous gases. The history of S. 1166 in the Senate is not clear on the question of what is meant by nonflammable hazardous gases. It would be our interpretation that this is intended to cover toxic and corrosive gases, chlorine, for example (whether or not these gases are currently moving by pipeline), but not such things as steam, which is often carried by pipe in intra-urban situations to heat large office buildings.

Under the procedures set up in either bill, the Secretary would follow the rule-making procedures of the Administrative Procedure Act in developing the standards. While S. 1166, and presumably H.R. 13936, does not contemplate evidentiary hearings, the bills provide that interested persons will have the opportunity to present arguments orally and through witnesses.

There is a limited Federal preemption contained in each bill extending to those transmission lines which are regulated for economic purposes by the Federal Power Commission. Otherwise, the States are free to exercise their particular knowledge of the needs of their citizens by establishing additional or more stringent standards, provided they are not inconsistent with the Federal minimum standards.

In fact, both bills provide for a very significant role for the States in the development, adoption and enforcement of safety standards. The bills contemplate that the States would enter into agreements with the Secretary under which each State would undertake to adopt the Federal minimum standards as its own; be willing and able to impose the same sanctions for violations as would the Federal Government; adopt a program designed to assure compliance; and cooperate in a system of Federal monitoring. The State executing and implementing such an agreement would be exempt from the Federal standards.

Even if a State is unable to give all of the assurances which I have described, it may nevertheless enter into an agreement whereby it agrees to undertake certain compliance activities on behalf of the Secretary, agreeing to notify him promptly of any violations which it might uncover. The Secretary, in recognition of the significant contribution that the States will be making under these agreements would be authorized, out of appropriated funds, to make grants of up to one-half of the cost of the programs undertaken by the States.

Any such agreement with a State could be terminated by the Secretary if, after notice and opportunity for hearing, he finds that the State has failed to comply with any provision of the agreement.

To provide the Secretary with additional expert counsel on his proposed safety standards, both bills authorize the creation of a technical pipeline safety standards committee. Composed of experts representing the various interested segments of the population the committee would offer a knowledgeable body to consult with the Secretary on technical matters. Quite properly the role of this group is restricted to commenting on technical feasibility of proposed standards and their conclusions are not binding on the Secretary. In the final analysis, it is the Secretary who bears the responsibility for establishing sound and workable safety standards.

There are several deficiencies in S. 1166 about which I would like to comment. S. 1166, as passed by the Senate, does not contain criminal sanctions. It does provide for injunction and civil penalties. I think you gentlemen are familiar with the arguments for the proposition that civil penalties and injunctive relief alone provide adequate deterrents to violation of a statute.

I do not share that view. I believe the life, health, and safety of millions of Americans cannot be willfully and knowingly jeopardized by a violation of these standards by an unconscionable few. I believe there must be criminal penalties in this measure as an added deterrent to those few who may knowingly and willfully violate conditions of this Act.

Let me make it clear that no one in this Administration is seeking to cast a stigma on the thousands of men and women who manage and who are employed in the gas industry. But every large class of individuals contains a few who are willing to take shortcuts, even though this can result in serious injury or death. I believe that criminal penalties can provide far greater protection against such individuals.

What may be called a partial exemption from retroactive application of standards is contained in S. 1166; there is no similar provision in H.R. 13936. This provision relates to the fears expressed by the industry that it might be forced to bear the expense of replacing large quantities of existing pipeline for no reason other than that they do not comply with a subsequently enacted standard, irrespective of whether the pipe is sound and safe. This fear is necessarily based on an assumption that the Department would or could implement this legislation in an impetuous or unreasonable fashion. I think it is entirely unreasonable to assume that any Secretary of Transportation would act to require the industry to expend great sums of money without reference to whether such actions would improve safety.

I believe that this section of S. 1166 is unnecessary. I believe that the Bill contains adequate restraints on the authority of the Secretary in establishing standards. The Bill specified that his standards must be "practicable and designed to meet the needs for pipeline safety."

The Act also imposes on the Secretary the obligation to consider the following criteria;

(1) relevant available pipeline safety data;

(2) whether such standards are appropriate for the particular type of pipeline transportation;

(3) the reasonableness of any proposed standards; and

(4) the extent to which such standards will contribute to public safety.

In addition the Secretary will be bound by all procedural requirements of the Adminstrative Procedure Act. He will have the advice and recommendations of the Technical Advisory Committee in which two-thirds of the membership will represent the public. Finally, every standard issued by the Secretary, whether prospective or retroactive is subject to judicial review.

For these reasons I would urge that this provision in Section 3(b) be stricken from S. 1166.

There are two aspects of the administration of both S. 1166 and H.R. 13936 which are, in our judgment, in need of improvement. I indicate elsewhere in this statement that the Technical Advisory Committee will serve a useful role in administering pipeline safety under this law. However, I consider the requirement that the Secretary must publish his reasons for any rejection of a Committee recommendation to be an unreasonable administrative burden. I am not aware of any other similar situation imposing this burden on a Federal safety administrator. Such justification is not required in relation to the work of the advisory committees under either the Traffic or Highway Safety Acts which we administer. The recently passed flammable fabrics admendments do not impose this burden on the administrator and I am unaware of anything requiring a unique treatment of the recommendations of the pipeline safety advisory committee envisioned by this bill.

In my opinion, it is important for any statute which creates grants-in-aid to States for public safety activities to contain a provision requiring maintenance of a minimum level of financial effort from state sources. In other words, we want to obviate any possibility that a State will substitute the Federal grant funds for state funds it may have been spending on establishing and enforcing pipeline safety. We want to foster an expanding effort; the bill should provide, as a prerequisite to receiving a grant, that a state's financial effort may not fall below its previous experditures. I shall furnish the Committee with language to accomplish this.

In summary I believe that, among the bills before you, S. 1166 is a preferable item with the following amendments:

1. Striking of that section which requires Secretarial publication of his reason for rejecting a recommendation of the Technical Advisory Committee.

2. Language which would clarify that the grants-in-aid provided to the states could not be substituted for funds already being spent by the states for the establishment and enforcement of gas pipeline safety regulations.

3. Inclusion of criminal sanctions in addition to the civil penalties and injunctions now in the bill.

4. Removal of the partial exemption from retroactive application of standards.

I urge that this committee take prompt action to report this bill to the House of Representatives. The need for authority to establish Federal gas pipeline safety standards is clear. You have before you the vehicle by which to authorize the establishment of such standards in a fair, informed and effective manner which will be another step toward the ultimate goal of providing Americans with the safest possible transportation system.

GAINS IN WAR ON POVERTY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, during the months we in Congress have debated, attacked, investigated, defended, and sometimes procrastinated about the war on poverty being waged by the Office of Economic Opportunity, communities such as those in my congressional district have been at work setting up their antipoverty organization and declaring their "war."

As we prepare now for the final vote on a conference report to continue funding of the programs administered by the Office of Economic Opportunity, I would like to invite the attention of my colleagues to several articles published by newspapers in my congressional district. These articles deal with the nonsensational aspects of the poverty war—the day-to-day efforts of a great many citizens to help the less fortunate members of our communities.

A two-part series which I would like to insert in the Record was published by the Sunday Call-Chronicle newspaper, Allentown, Pa. It describes what already has been accomplished and what plans are being made for further accomplishment in the Lehigh Valley war on poverty.

I also wish to call to my colleagues' attention an editorial which appeared in the Bethlehem, Pa., Globe-Times newspaper which focuses on the plan to give local governments a greater role in poverty program planning.

The articles and editorial follow:

[From the Allentown (Pa.) Call-Chronicle, Dec. 3, 1967]

Gains Made in Antipoverty Effort in Area

(Editor's note.—This is the first of two looks at what has been accomplished and what is ready for accomplishment in the antipoverty program in the Lehigh Valley as 1967 draws to a close.)

(By Albert Hofammann)

Is anything going on in the antipoverty program in the Lehigh Valley?

While Congress is asking questions about the money involved nationally, Lehigh Valley residents may well be wondering what part, if any, of that money is coming here and what, if anything, is being done with it.

Said Dr. Charles E. Chaffee, director of the Lehigh Valley Citizens Action Council, the agency set up for the antipoverty campaign in Lehigh and Northampton counties:

"In the last 12 months we have brought in about $250,000 in federal money for only $25,000 in local money or 'in kind' contributions like office space, volunteer workers and so on."

The major accomplishments so far have been in the Head Start education project and in the neighborhood center idea. Day-care centers and a retraining program for jobs which currently need personnel are principal programs due soon. A neighborhood youth corps idea which did get started in 1966 has more or less disappeared locally.

Why doesn't the public know more about what the Office of Economic Opportunity (the correct name for the antipoverty program) is doing in Allentown, Bethlehem, Easton and elsewhere in the area? The answer, according to Dr. Chaffee, who, incidentally, will be leaving the antipoverty job as of Feb. 1 to go into consultant work for school districts, is:

"We haven't really sought publicity because we didn't have much to promote for a while except visions and ideas. We believed people would get tired of reading about plans, that they would want to know what has actually been accomplished and what is at least begun. Now we have something a person can get his teeth into."

EDUCATION FIRST

The Head Start program was among the first projects to get off the ground. Four school districts in Lehigh and Northampton counties participated in summer sessions in this program for "disadvantaged" preschool children. The sessions were in the Northampton, Wilson, Easton and Allentown districts. These districts and others like Salisbury Township, Bethlehem, East Penn and Whitehall-Coplay also are involved in Elementary-Secondary Act proposals for such specific goals as remedial reading, communication skills improvement, prevention of dropouts and so on. (Allentown is no longer involved in the Head Start project as such, however.)

Here is a point at which confusion is likely to make the average citizen give up on trying to find out what the OEO is doing. Anyone becoming involved in governmental red tape will get headaches in deciphering who has responsibility for exactly what and who pays what money for which project. Anyway, more than $500,000 worth of Elementary-Secondary Act proposals is going on right now in the two counties, Chaffee noted.

NEIGHBORHOOD CENTERS

Another aspect of the Lehigh Valley progress in the antipoverty fight is the neighborhood center. Since Oct. 1 five of these centers have been operating with full staff. Three are in Allentown, one in Bethlehem and one in Easton. The idea of the center is to develop interest in the community and to organize neighborhoods into doing something about such problems as jobs, household economies, housing and area improvement. To help all the neighborhood centers, each of which has a board of directors consisting of at least a third membership from the immediate neighborhood of the center, a fulltime family counselor and a fulltime youth worker have been available for the past month or so through the LVAC headquarters at 520 E. Broad St., Bethlehem.

Dr. Chaffee, who became the fulltime LVAC director in December 1966 after he had retired from his job as superintendent of the Bethlehem School District, said he is convinced the five centers now set up "hit" the major low-income areas in the two counties with one exception. The exception is the Marvine Village-Pembroke-Clearfield-Fairmont section of Bethlehem. "Target workers are at work there now," Dr. Chaffee said, "and we hope to get that center operating before too long."

IMMEDIATE PLANS

Is there anything else in the works for the immediate future? The LVAC director says several things are just about ready but only two are of major moment at this point. "We must consolidate, and get functioning what we do have ready and get local agencies more involved in helping present projects."

The first upcoming development will probably be day care centers for Allentown and Easton. Applications for these centers have been filed in Washington, where the word, according to Dr. Chaffee, is that they were favorably received. "All we need to get going is the actual finding."

The other project expected in the near future is a "new careers" program which two LVAC staff workers, R. Wakefield Roberts and William Meis, are developing with the assistance of area hospitals and police departments. The LVAC believes hospitals and police departments are in the greatest need of personnel at the moment; the "new careers" program would train prospective policemen and nurses aids or other hospital workers in a full year's program. Further education may be required, of course, and thus an institution like the Lehigh County Community College might play an important role.

Here again is the bureaucratic puzzle of who will do just what. The career idea is an OEO sponsorship and coordination but its funds are "Manpower" funds from the department of labor.

START IS MADE

Thus when one asks what the antipoverty program is accomplishing in the Lehigh Valley, the answer is not always a clear-cut single one. As far as Lehigh and Northampton counties are concerned at least the show is on the road.

That's something in itself. The antipoverty program in the valley had a somewhat frustrating start. It should have got under way in the spring of 1966 and there was more than a little concern that the deal would never be handed out to the players. Federal funds were delayed and the Lehigh Valley Community Council kept cutting the deck through the trying times of 1966. As a matter of fact there had been long months of shuffling the cards by the federal government about organization before the play got as far as the money pot.

When Dr. Chaffee became the director in January, he had a problem of considerable complexity, including work on a mandated survey of community needs in the Lehigh Valley. That 100-page study was completed in September. It and the situation in the Carbon County-Panther Valley area will be discussed next Sunday in the concluding article on the antipoverty scene in the Lehigh Valley.

[From the Allentown (Pa.) Call-Chronicle, Dec. 10, 1967]

WHAT'S BEING DONE?—EIGHTH OF VALLEY LIVES IN POVERTY

(EDITOR'S NOTE—This is the second of two articles on the antipoverty program's purpose and accomplishments in the Lehigh Valley.)

(By Albert Hofammann)

Who are the poor in the Lehigh Valley? This is a question workers in the antipoverty program answer with a rule of thumb—families with annual incomes below $3,000.

These persons are the unemployed, the aged living on pensions and social security checks, recipients of public assistance and those who are employed but who do not earn enough money to live without deprivation.

The estimate is that about an eighth of the Lehigh Valley families lives in poverty and a fifth has inadequate income. In other words, if all the poor of the valley were placed in one spot, they would populate a city larger than Easton, the third largest city in the area.

To carry out the antipoverty program in the valley at least two major organizations are at work. The Community Action Committee of the Lehigh Valley, headquartered in Bethlehem, is in charge of the efforts in Lehigh and Northampton counties. The Carbon County Action Committee for Human Services is the group for residents of the Lehighton-Panther Valley area.

OVERALL PURPOSE

The general purpose of both committees is to stimulate municipalities and local agencies to do more on their own—without federal aid—to meet the needs of the poor. As the Rev. John D. Ickes, Allentown, coordinator of neighborhood centers for the Community Acion Committee of the Lehigh Valley, said, "Through what we are doing we hope local business industry and all types of agencies including churches will recognize the need and play an increasingly active role."

As examples Rev. Ickes noted one Allentown neighborhood center is supported financially by the Penn-Northeast Conference of the United Church of Christ and that in Easton the city provides the center's building and pays such operating expenses as heat.

So far in the local antipoverty program—which the director of the Lehigh Valley CAC, Dr. Charles E. Chaffee, summarized in last Sunday's story as primarily the Head Start education project and the neighborhood center idea—the local area must raise 10 per cent of the money received from the federal funds for the approved projects. Thus the Lehigh Valley group has brought in about $250,000 in anti-poverty money for local contributions of $25,000 in money or "in kind."

CARBON COUNTY PROGRESS

In Carbon County, meanwhile, a Head Start project, which began in July and is scheduled to end Feb. 9, is being financed through a $25,981 federal grant and $8,058 in local contributions.

The Head Start project has been the major emphasis on antipoverty in the Panther Valley. The current 9-month program is the third of its kind. It involves 30 children in the Panther Valley School District under the coordination of Kenneth Forest.

The Carbon County Action Committee has also sponsored a neighborhood youth program for 22 young persons and it is awaiting funding for an in-school program which will involve 70 youths. The budget for this Neighborhood Youth Corps project has been approved and it was scheduled to begin on Dec. 1—had funds arrived. Each of the young persons to be connected with this project will work 10 hours a week during school hours for non-profit organizations.

Like Dr. Chaffee the director of the Carbon County committee, Kay Sharpe, notes several plans on the drawing board. Dr. Chaffee said day-care centers and a job retraining program are the principal patterns for the immediate future. In Carbon County the major items are four day-care centers, a home-help service program, a countywide beautification project and a 4-year Head Start application.

TWO AREAS

Whereas the Caroon County emphasis seems to be on education, the Lehigh-Northampton County combination seems to be centering its first steps on the neighborhood center idea.

One of the problems of the poor and the deprived, of course, is lack of education. A high school education is usually considered minimum training for today's job market. The median years of schooling, however, in Allentown are put in the recently completed survey of community needs by the LVCAC as only 9.9. The figure for Bethlehem is 10.5 and for Easton, 9.6.

A significant number of young persons continues to drop out of school in the valley.

The Head Start program through its attempts to fill in a cultural background for "disadvantaged" preschool children may have a long range effect of preventing dropouts in later years of education.

The neighborhood center is an approach to fighting poverty at the neighborhood level. It can provide health services, family counseling, employment information, consumer education and recreational facilities. It seeks to organize residents of a neighborhood into a unit which can resolve problems through group action.

Target areas for the antipoverty program are those which have the highest concentration of poor, the most unsound housing, the highest unemployment rate and the lowest educational levels. The poor today, according to the workers in the antipoverty program, have problems different from those of the poor of the past. They face unemployment because of increased automation. They need more education, therefore, to scope with modern job demands—or retraining for a new job.

WORK CONTINUES

These are the things which the valley action committees have been working on and will continue to concentrate upon. As noted in the first article there were problems in setting up the local programs and funding projects which are approved slows down the attack even today.

The old saying that God helps those who help themselves seems applicable to the development of aid under the Office of Economic Opportunity. The action committees want local municipalities and agencies to realize much must be done by the valley itself, that the federal funds are only a catalyst to get things going. After all, before long the local units will have to raise 20 per cent of whatever money is obtained from the federal government and eventually the percentage (in money or "in kind" materials and services) is expected to reach 50.

Meanwhile men like Dr. Chaffee and Rev. Ickes—assisted by such neighborhood directors as Jesse E. Lovell in Easton, Arthur Solomon in Bethlehem and George Yoder in Allentown and others—are looking ahead to firming up the progress already made and planning new areas of work. In Carbon County Miss Sharpe and her staff, including neighborhood aides Mrs. Justine Kopunek and Charles Englehart are continuing surveys and waiting approval of some projects and funding of others.

[From the Bethlehem (Pa.) Globe Times, Dec. 8, 1967]

Crippled Poverty Program

The decision to shift major control of O.E.O. anti-poverty funds and programs to local public officials and away from Community Action Committees will be a catastrophe for the program in places like Mississippi and could have serious effects on the program in the Lehigh Valley.

Dr. Charles Chaffee, outgoing executive director of the Lehigh Valley Community Action Committee, is of the opinion that the county commissioners of Lehigh and Northampton Counties will probably see fit to let the Lehigh Valley CAC carry on its work without substantial change. However, that will be a very unlikely decision in many other areas.

In Mississippi this decision, if implemented, will mean the virtual elimination of programs not under the control of friends of people like Senators Eastland and Stennis. Here it means the target area people will have the right to exercise some control over the programs designed for their benefit only by the permission of the local authorities.

Target area persons of all races, religions and national origins have worked with others from the community to get the various neighborhood associations off the ground. According to Dr. Chaffee, it would be disastrous to pull the rug out from under the program at this time.

Yet, the ease with which the antipoverty bill passed the Senate and the House was, without question, the result of a concession traded to the Southerners. The price is high in terms of crippling amendments.

We hope that the local authorities in our city and in the Valley will not act to diminish the control that the poor have over programs designed for their benefit. Nowhere else do the poor have such an immediate responsibility in directing and judging these programs.

Local officials and other agencies should be secure enough in their own positions not to be threatened by the grass roots democracy involved in the OEO program.

STOKELY CARMICHAEL

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I noted with a great deal of regret that Stokely Carmichael has returned to the United States. This man who had for months urged violence and destruction in his speeches in this country increased his vicious attack on the officials of our Government and our democratic society during his 5 months of travel throughout the world.

He consorted with the Communists in Cuba and North Vietnam and added to and supported their cause by his outrageous remarks against the United States. Now, he returns to resume his work of hate and revolution.

What action has been taken in regard to this man and his actions? The State Department has seized his passport and proposed legislation to prevent such unauthorized travel to such countries as Communist China, Cuba, North Korea, Syria, and North Vietnam in the future. This is fine and good as far as it goes, however, legislation was introduced to this effect by me and other Congressmen in August of this year.

My question and the question of every law-abiding citizen in this country is what is going to be done in addition to revoking Carmichael's passport. What action is the Justice Department going to take under the sedition laws of our country?

Congressmen, including myself, have pleaded with the Department of Justice as early as August to prepare to prosecute Carmichael under the sedition laws, however at the time of his arrival yesterday, their only response was that the matter was under study.

The time has come for action. Carmichael's violation of the law is flagrant and the sedition laws are applicable. The conscience of our people and country demand action now.

SENSITIVITY TRAINING—THE BRAIN BENDERS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Rarick] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RARICK. Mr. Speaker, the attacks and persistent efforts of a minority to bring about a guided overthrow in correct thinking and social behavior continues.

Many ask why under freedom of speech, if a person states his views and opinions he is seldom, if ever, answered—but usually attacked personally or by verbiage.

And now the "brain benders," who are prepared to change change itself have a new gimmick identified by many names—it is currently called sensitivity training. Few have become concerned enough to question why and investigate what is going on. The dangers posed by sensitivity training are immeasurable—its effects can be more damaging than LSD. Those innocently being duped do not yet understand they are not erasing "hate"—they are destroying individual freedom by change manipulations instigated by Pavlov, "the brain bender," of Communist Russia, the true hate of individual liberty in a nonconforming free society.

Those who submit to sensitivity training cannot win—they do not even hold the odds of Russian roulette.

An authoritative analysis of "sensitivity training" prepared by Gary Allen appears in the January 1968 American Opinion and is recommended to all for study and consumption. Mr. Allen's analysis follows:

Hate Therapy—Sensitivity Training for "Planned Change"

(Note.—Gary Allen, a graduate of Stanford University and one of the nation's top authorities on civil turmoil and the New Left, is author of Communist Revolution in the Streets—a highly praised and definitive new volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen is active in anti-Communist and other humanitarian causes and is President of the Foundation for Economic and Social Progress. A film writer and journalist, he is a Contributing Editor to American Opinion. Gary Allen lectures widely.)

Even as I review my notes I am aware that what is to follow will read like dialogue from an insane asylum. Unfortunately it is not. It is far too real. It happened, and it is continuing to happen daily all across the country. What I am about to relate is but a tiny segment from a marathon group confession, a Sensitivity Training session of the type now being promoted throughout the country by the usual forces of the conspiratorial Left. Despite the fact that I was well prepared for what was coming, I found it one of the most incredible experiences I have ever endured. Here is the way it was.

It is three A.M. on a Sunday morning. We are in the smoke-clouded livingroom of a Beverly Hills stockbroker, high in the Hollywood hills, overlooking the San Fernando Valley. There are fifteen of us here, sitting in a circle. In addition to the stockbroker and his "wife," there is a teacher, a writer, an artist, a nurse, a social worker, a librarian, a pathetic hunchback with a Chinese pigtail who smells as if he has not bathed since spring, and assorted students and hippies. All eyes are riveted on a handsome red-haired college student, except for those of poor

Quasimodo mercifully snoring in the corner, and a well-built young Negro and his senuous yet wholesome-looking Caucasian girlfriend, who are on the floor petting lewdly. (She wears a mini-skirt without underwear, but seems oblivious to the discomfort her exhibitionism is forcing on the other guests.) My tape-recorder is whirring away, catching all but the sights.

"I can't stand rules—any rules. Rules cause wars and war is ugly, and we must have peace and love," rambles a neatly dressed student. "I'm up tight with all these rules and it's all a game. I call the game 'distraction'; it's just like playing pool. . . . I have to do something to help my mother. She doesn't understand my problems . . .," he continues, staring glassily at the wall.

"Chuck," interjects the broker's foul-tongued "wife," "Don't bull*hit me now. Are you on a trip?"

Chuck's eyes drop. "No, honest, I'm not high on anything or on a trip. At the party they called the cops, but I was cool. I talked them out of it. I think they may become heads now themselves. . . ." He mutters semi-coherently.

"Bull*hit!" screams the broker's "wife," "I've dropped acid plenty of times and you are on a trip. Why won't you cop out?"

"Okay, so I smoked a little grass earlier tonight, but that's all." And then Chuck begins mumbling again about peace and love and his mother and drugs.

The group's "leader" is Fred, a husky forty-one. He is a writer-teacher with milk-white skin and a deep rumbling voice which belies his effeminate appearance. Fred is apparently trying to look like Benjamin Franklin, with his head bald back to the middle and thereafter draped with long reddish hair which nearly reaches his shoulders. He spearheads the verbal assaults on those assembled, but keeps interjecting that he doesn't have to be there—that he has a novel to write, and a beautiful home, gorgeous wife, and new baby he could be with.

"We are all sick. Everyone is sick. Every self-respecting, self-righteous, bill-paying, homeowning, self-centered, patriotic American is sick," Fred shouts at Sherry, a strikingly attractive young nurse wearing a loose boyish sweater and trousers.

Sherry, who had begun screaming and crying almost hysterically earlier in the evening, starts in again: "I want Alice (the broker's "wife") to touch me. I feel so attracted to her. But I also feel strongly drawn to Julie; she is so feminine and delicate." Sherry points to Julie, a tall, dark haired, stylishly "mod" Twiggy-type with the classic features of a fashion model. (Julie had earlier confessed her concern that she was being drawn into a love affair with her female roommate.)

Fred now tries to "reassure" Sherry by telling her that gender is not important when selecting a sex partner; it's only love that counts. We should not hesitate in expressing whatever emotions we feel. All are equally valid. Sherry continues: "Oh, God! I wish you would all step on me and mutilate me. . . . I don't want to be a lesbian, but everybody tells me how groovy it is to be bisexual. I think I am drawn to Alice because a friend told me she had had love affairs with several other girls."

"That's true," Alice interjects in a tender voice. Later, while her stockbroker "husband" debates with Fred about who is jealous of whom as a group leader, Sherry and Alice sit on a couch with their arms entwined about each other, holding hands in the region of Sherry's thigh. Occasionally Alice, who had begun the evening revealing to us her thrilling sex life with her "husband," kisses Sherry—and then Fred and Sherry, who also had been very affectionate all evening except when she was wrapped up with Alice, disappear into an automobile parked out front.

Monstrous?

Yes, it is. And even more so when you understand that what I have recorded here is but an honest sample of the Left's latest little psywar scheme, a process known as Sensitivity Training—a program now being internationally promoted by psychiatrists, psychologists, and politicians using phrases that would sound good in church.

If Sensitivity Training were merely a cult, a hobby for the warped, we would hardly take space for it in AMERICAN OPINION. It is, sadly, much more than that. You may never have heard of Sensitivity Training by that name, or any of its two-dozen pseudonyms, but you certainly will in the future. It is being energetically pushed by the federal governments,[1] the National Education Association, the War on Poverty, private business, colleges, the Y.M.C.A., the military, and the churches. "Civil Rights" leaders are now successfully promoting it for the police, teachers, and welfare department. Collectively they intend to provide the "benefits" of Sensitivity Training for millions of Americans, often on a mandatory basis.

A recent United Press release by Robert Strand reveals that 100,000 Californians have already participated in Sensitivity Training and Group Dynamics, and that the problem is not by any means unique to the Westcoast. Strand's article confirms our own experience with the bizarre effects which so often accompany these training sessions:

"Imagine the hefty mayor of a middle-size city leaping in the air around the room like a ballet dancer. Or a nun describing her daily wrestling with sexual desires. Or a business executive who dissolves in tears. Or a church member group of 15 men and women in a circle who touch hands and close their eyes. Soon they begin to sway and the movements get basic. Bodies writhe against each other, hands explore the roughness of jeans, the softness of the female, the coarseness of the masculine face. The senses are bombarded with body odors and the sound of deep human breathing.

"In a half-hour, the group collapses in a remorseful heap.

"Kooks? Perhaps, but this group included a college professor, two lawyers, an architect, an engineer, a psychiatrist and their wives.

"Nobody quite agreed when questioned by UPI on what they got out of this experience, but all were sure that whatever it was, it was exhilarating, joyful, renewing—and religious in nature."

How do the behavioral scientists expect to entice participation in these bizarre and potentially dangerous sessions? Simple: By maintaining (with a straight face, of course) that Sensitivity Training is the miracle worker of the age, the most significant psychological development since Freud found his mother or Pavlov discovered how to make a schizoid out of Snoopy. The Leftist mind-meddlers are disguising their intrigues by claiming that Sensitivity Training produces love, trust, openness of communication, greater sensitivity to the feelings of others, and that it builds leadership and individual responsibility. As we shall see, the results are usually the opposite of those advertised.

I

Sensitivity Training is a concept in which Leftist behavioral scientists are "merging science and democracy" with the stated purpose of bringing about a change in "the total system" through interpersonal Group Dynamics in small sessions involving ten to fifteen people. It is, in short, brainwashing. The significant factor that separates Sensitivity Training from other forms of Group Dynamics is that it is based upon self-criticism and group-criticism. Before delving further, let us review the use and effects of these within their historical context.

As early as the twelfth anniversary of the Russian Revolution, the Communist Party included among its slogans: "Through Bolshevist Self-Criticism we will enforce the dictatorship of the proletariat."[2] In their book, The Iron Curtain, Leftist authors Harry and Bonaro Overstreet reveal how authorities in the U.S.S.R. use group-criticism and self-criticism to make their tyranny almost self-enforcing:

"It is 'perfect' because the individual has no real life outside the several collectives to which he belongs; and within any one of these, he can at any time, without warning, have his future put in jeopardy—by having some fellow member accuse him of some deviation from the approved norm of behavior. . . . What is at issue, now, is not the offense itself, but, rather, the manner of his response to group criticism . . . he is on the spot . . . alone. He cannot expect his friends to rally to his support; for each of them is endangered by his offense. . . . Thus, there is set going one of the strangest and potentially most destructive rituals ever devised."

Once accused, a person must not defend himself, "his only proper recourse is to self-criticism. It is up to him to admit the rightness of the group's criticism. . . . If his self-abasement is up to the group specifications, he may get by with nothing worse than censure." The individual has no rights and is at the mercy and whim of the group. The Overstreets explain:

"To the non-Communist mind, this ritual of collectivized coercion can scarcely seem other than incredible. Why do decent human beings take part in it? Why do they not make the whole design unworkable by defending the accused? . . . In collective after collective, day after day, throughout . . . the U.S.S.R. the rituals of control are enacted . . . every member of every group knowing that, sooner or later, he will be cast in this role of fearful isolation. It is thus that every segment of the populace is gradually conditioned to fit the Party concept of the 'new man.'"

The group and self-criticism technique—Sensitivity Training—is used today in every Communist country in the world. Their thought-control people have learned from experience that it is an effective weapon not only for producing "mass man" or "group man," but also for locating "reactionary individualists" who may become opposition leaders. As Mao Tse-tung put it:

"We have the Marxist-Leninist weapon of criticism and self-criticism. . . . Conscientious practice of self-criticism is still another hallmark distinguishing our Party from all other political parties. . . . To check up regularly on our work and in the process develop a democratic style of work, to fear neither criticism nor self-criticism, and to apply such good popular Chinese maxims as, 'Say all you know and say it without reserve.' . . . This is the only effective way to prevent all kinds of political dust and germs from contaminating the minds of our comrades and the body of our Party." [Quotations from Chairman Mao Tse-tung, Foreign Language Press, Peking, 1966, pp. 258–259.]

The Sensitivity Training concept, using group and self-criticism based on the studies of Pavlov, was, of course, implemented in Korea among American prisoners of war as a method of group control through "brainwashing." In his book, *In Every War But One*, author Eugene Kinkead delves into the disturbing behavior of American prisoners of war held by the Chinese in Korea. The Communists' success, he notes, was not based on torture tactics, *but on the use of group and self-criticism*. Again—Sensitivity Training!

Prisoners were put into criticism groups soon after their capture and those with strong convictions, the "reactionaries" who did not buy the Reds' "new morality," were quickly removed from the group lest their strength contaminate the others. The factor valued most by the Communists was *participation* in the group confession by each prisoner. No prisoner group would be allowed to eat until every member had participated in confessing something and criticizing someone. Thus the pressure came from the group and not the group leader.

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[1] According to *Time* of September 29, 1967, "350 members of the State Department, including ambassadors, have taken sensitivity classes at Washington NTL Institute for Applied Behavioral Science."

[2] See William Fairburn's Russia—The Utopia in Chains, 1931, Page 257.

Edward V. Hunter, the acknowledged expert in the field who coined the word *brainwashing*, describes the process:

"A prisoner could prove that he had accepted Communism only by self-criticism, that is, by confession. And it didn't matter what he confessed, no matter how trivial, as long as he did. One man, honestly unable to think of anything, finally confessed that he had failed to brush his teeth that morning. The group 'leader' was content. For the man, by the act of confessing, had submitted to the system. He had in effect said, 'I submit, you're the boss.'"

What were the effects of such Sensitivity Training sessions on the prisoners in Korea? Kinkead graphically describes the results: "Self-criticism and mutual criticism encourage criticism outside the group. When you are used to criticizing yourself it is easier to criticize others. This creates informers, stool pigeons, sometimes called 'canaries' (because they sing so well). It takes teamwork and secrecy to dig a tunnel, lay plans, etc. But the canaries, sometimes numbering three out of every four Army P.W.'s, always sang to the group leader." So effective was the Communists' Sensitivity Training program that not one prisoner escaped from a Communist P.O.W. camp.

Major William E. Mayer, the chief neuropsychiatrist of the U.S. Army in charge of rehabilitating returned American P.O.W.s from Korea, stressed the importance to the Communists of building mutual distrust among those who should have trusted each other more. Thanks to Chinese-style Sensitivity Training, fellow prisoners became the enemy, and the captors the ones to be trusted. As Mayer put it: ". . . once you abandon this concept of the individual and visualize him as does the Marxist as a fragment of a class in that greatest of all realities, the struggle between the classes, then of course informing becomes not a miserable, mean, nasty renunciation of individual loyalties, it becomes an exercise in social responsibility which is exactly the way it was encouraged and exactly the way it grew even among Americans."

Collaborating with Hunter in his definitive book, *Brainwashing*, was Dr. Leon Freedom, an eminent Baltimore neuro-psychiatrist who explains why the Sensitivity group confession process was so incredibly effective for the Communists:

"Confession is analogous to a psychological catharsis—a mental purge. This explained the Reds' stress on what they called self-criticism and mutual criticism, always within the group structure. Out of this came what psychiatrists term resistances, transferences, and counter-transferences. The entire process is similar to the familiar clinical practice known as free association. By it, the individual's defenses are removed, his resistance overcome."

What Dr. Freedom is talking about is nothing more than the Sensitivity Training now being promoted in the United States under about twenty different pseudonyms, most of them as misleading as possible. Titles under which Sensitivity Training is being given include: Group Dynamics, Group Confession, Group Discussion, Marathon Interpersonal Competence, Nude Marathon, Interpersonal Relations, Self-Evaluation, T-Group Training, Auto-Criticism, Operant Conditioning, Self-Honest Sessions, Human Portential Workshops, Human Relations Lab, Prayer Therapy, Class In-Group Counseling, Synanon Games Clubs, and Basic Encounter Group.

This name game, which is used to disguise group and self-confession, will now undoubtedly be expanded even further as informed persons begin exposing Sensitivity Training as the dangerous scheme it is.

II

Parallel to the Communist success with it in Korea, Sensitivity Training was first experimented with in this country in the Fifties by social psychologist Kurt Lewin. Dr. Lewin was involved in the founding of The National Training Laboratories in Group Development, but died soon after and his work has been carried on by colleagues in Washington, D.C., and Bethel, Maine. The name was shortened in 1954 to National Training Laboratories (N.T.L.), and it is, curiously, a subsidiary of the Left's powerful National Education Association (N.E.A.).

The interest of the behavior scientists at the National Training Laboratories lay in promoting "human change." In 1956, N.T.L. began holding workshops for industrial administrators and national church executives, and in 1958 it sponsored its first laboratory for educational administrators and key executives of volunteer service organizations. The workshops have continued to train leaders to carry the gospel of Sensitivity Training back to their organizations where they act as "change agents."

In order to acquire professional "trainers," or group "leaders," the National Education Association—through N.T.L.—has obtained assistance from the National Institute of Mental Health in a program funded by foundations, government agencies, and private donors. N.E.A. wants Sensitivity Training adopted by local schools and has acquired the full cooperation of the Department of Health, Education and Welfare in working toward the accomplishment of this goal.

With the involvement of H.E.W., Sensitivity Training obtained an entre into a multitude of fields including the War on Poverty, where the Office of Economic Opportunity has now instituted Sensitivity Training. As fate would have it, the definitive textbook on the matter of the new "social change," *Self Renewal: The Individual and the Innovative Society*, was written by John Gardner, Director of the Department of Health, Education and Welfare. And, Title III of the Elementary-Secondary Education Act of 1965 provides the funds for bringing "planned change" programs into the local schools.

The U.S. Office of Education is now financing a joint program sponsored by the National Training Laboratory of the N.E.A. Known as Co-Operation Project for Educational Development (C.O.P.E.D.), the program seeks "the exploratory development of models of planned change in education." C.O.P.E.D. is the link joining the behavioral scientists and school system "change agents teams." Other federal funds for the "planned change" Sensitivity-Training programs are coming, incredibly enough, from the National Defense Education Act (Title V, Part A) as interpreted by the U.S. Office of Education.

One of the first school systems to be blessed by this new program is that of Garden Grove, California. According to the *Santa Ana Register* of March 27, 1967, a $78,000 Sensitivity Program, nearly half financed by the U.S. Office of Education, had been proposed for that city to provide Sensitivity Training for teachers and counselors and to "embrace 7,550 students in grades seven and eight." [3]

Sensitivity Training is recognized by the Left as so important a revolutionary tool that since the exposure of Civilian Review Boards as a threat to law enforcement, and their defeat at the polls in several major American cities, "Civil Rights" agitators have in many cases switched their demands from the Review Boards to the establishment of mandatory Sensitivity Training for all police officers. Their feeling seems to be that if they can apply the same techniques so successful in Korea to the nation's law enforcement officers, they won't need Civilian Review Boards. Dr. Al Cannon, for example, a Negro "Civil Rights" activist who is a psychiatrist at U.C.L.A., fancies integrated "marathon groups," lasting up to thirty hours, to "improve race relations."

Sensitivity Training, alas, is being forced on police departments all over the country, either under that name or as part of human relations courses. A semantic gamemanship is, as usual, most effective. On August 17, 1966, then-Attorney General Nicholas Katzenbach discussed the "Law Enforcement Assistance Act" under which grants totaling one million dollars would be made available to large cities for planning and development of "Community Relations" programs—in this case a cover for Sensitivity Training.

Writing on the Los Angeles Police Department in *Atlantic* for December of 1966, Paul Jacobs (a "former" member of the Young Communist League and Trotskyite Communist who now claims that he is merely a "radical") expressed his satisfaction that "the police commission has approved a training program designed to increase the officers' sensitivity to minority problems." [4] Again—Sensitivity Training. On August 18, 1967, the *Los Angeles Times* reported that the Los Angeles Police Department was adopting "a new 'sensitivity training' tactic which will be employed in the interest of better community relations." [5] It is partially financed by federal funds. What is more, confessional Sensitivity Training is already *mandatory* for parole officers in the California Department of Corrections and in California's Department of Mental Hygiene. The Parole Departments of Michigan, Utah, and Oregon are expected to introduce the program soon.

A focal point for the spreading of Sensitivity Training is the Western Behavioral Sciences Institute at La Jolla, California, which operates on an annual $500,000 budget provided by foundations and federal grants. Psychologists there have been developing techniques to harness the pressure of opinion in newly formed small groups, especially among young people, to force on them a new system of values. "It is such groups," says Jack Gibb of the Behavioral Institute, "that can provide the framework for a better world." The Institute, currently conducting Sensitivity sessions using O.E.O. tax funds, has already determined that "over-protective parents" are a hindrance to "group communications." As a spokesman for the Institute put it: "Their value systems, *centering around a stern morality*, tend to be a greater problem than racial differences."

Now, here's the key: the Western Behavioral Sciences Institute is involved in projects to pinpoint elements in human behavior that, its staff members say, "create the tensions underlying war." But, the often-cited purpose of Dr. Gibb, explaining the object of all of this high-sounding experimentation, boils down to this: *"World human nature must be changed to fit world government."*

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[3] Because of the prompt exposure of Sensitivity Training by State Senator John Schmitz and California journalist Ed Dieckmann, the school system may back down. The trial balloon appears to have exploded.

[4] Jacobs is on the staff of the Center for the Study of Democratic Institutions at Santa Barbara, an energetic promoter of Sensitivity Training. Other staff members teach at the avowedly Marxist New Left School in Los Angeles. The "Center," which also spawned the New Politics movement, is according to one highly placed infiltrator of the New Left, "the 'brain factory' of the revolution." The only disagreement they have is over whether they want the Russian or Chinese version of Communism.

[5] So far this program has concentrated on bleeding-heart lectures and has not begun group confession.

The Institute concentrates on the application of Sensitivity Training in the fields of education, organizational functioning, and international relations. It has now concluded that its brand of group therapy is so productive that it can be universally used even by leaderless groups. As the Institute's Dr. Carl Rogers put it: "If it is good for people in trouble, then it is bound to be as good or even better for people who function well. They get more out of it, and quicker." And, if a lobotomy is good for a man who is hopelessly and violently insane, it ought to be even better for those who might oppose the "planned change"—right, Dr. Rogers?

As a strong individualist who had endured months of Sensitivity Training told us: "That is the whole idea of this thing: make well minds sick. They want people interdependent on others so they will not be able to think or make decisions for themselves. And these people plan to make this mandatory."

Dr. Rogers himself confirms that Sensitivity Training will, if he has his way, become mandatory. And he says: "Many of our most astute behavioral scientists are agreed that this process of conditioning, of 'shaping up' the individual's behavior, will not much longer be left to chance, but will be planned." Pavlov rides again: And Dr. Rogers, as fate would have it, is a member of the California Council for Public Responsibility, a sort of local Institute for American Democracy which is dedicated to fighting Rightwing Extremism. When he has his way, no doubt, the behavior of such wicked Americans "will not much longer be left to chance," but to the planning of such behavioral scientists as Dr. Rogers.

In addition to N.T.L. and the behavioral Institute, one of the most active centers for preparing Sensitivity Training "change agents" is the Esalen Institute, located in an old resort at Big Sur, thirty-five miles south of Carmel, California. It is headed by Michael Marphy, thirty-seven, a psychology graduate of Stanford who charges seventy dollars a weekend to "turn-on" at Esalen. Dr. Abraham M. Maslow, President of the American Psychological Association, calls Esalen "potentially the most important educations institution in the world." Some of those attracted there as speakers include Arnold Toynbee, Bishop James A. Pike, and S. I. Hayakawa.

Now five years old, Esalen's appeal is so broad, according to *Time* magazine, that a Jesuit moral theologian from Loyola University of Los Angeles and a curriculum expert for the State University of New York are among its twenty-one resident fellows, who pay $3,000 for nine months of study. *Time* reports: "Also intrigued by the institute is the Ford Foundation's Fund for the Advancement of Education, which recently gave Esalen a $21,000 grant to train five public school teachers, who will then try some of its techniques in their home classrooms."

All the more interesting is the fact that Big Sur has also become a large hippy center, and the Flower Children talk freely about the "plastic hippies in three-button suits" at Esalen. One recently told a Big Sur visitor that teachers, priests, ministers, attorneys, bankers, and businessmen from all over the San Francisco Bay area are conducting weekend pilgrimages to Esalen Institute and "dropping acid"—"turning on with Sensitivity Training, and getting their 'high' from LSD." If that is true, it is no wonder people are leaping through the air like ballet dancers.[6]

Sensitivity training is offered throughout the country in a variety of ways. In colleges it is most often given once or twice a week as a "lab"; in police departments and other Civil Service jobs, classes may be given weekly or semi-weekly; and, many private groups meet once a week in a home. Some lab designs call for starting at a weekend retreat—then meeting weekly for a specific time, and concluding with a marathon session (the loss of sleep aids suggestibility).

To produce the optimum condition for applying the brainwash it is best to totally remove the subjects from normal surroundings and get them away for a retreat in a rural area where the full environment can be controlled. There "marathon sessions" in which persons are subjected to twenty-four to forty-eight hours of gruelling "sensitizing," without sleep and little food, *à la* Korea, are most effective. Though, certainly, such marathons can take place in a home or at a motel.

The session generally begins with an introductory talk from the group's "leader" or "trainer." At one of the introductory sessions which I attended the group "leader," a Professor from U.C.L.A., addressed us for about forty-five minutes using jargon right out of a textbook in introductory psychology, the assorted cliches no doubt included to impress us with how scientific it was all going to be. This, of course, gives the whole experiment an aura of being clinical.

We were told again and again that we were going to be in on something very new that is destined to reshape the world.

The "leader" informed us that Sensitivity Training was based on the newest concepts of psychology: He said that while in the past it had been believed that man was totally shaped by his environment, now scientists had discovered that there was "a sliver of freedom" in our lives. We were told we could use this "sliver of freedom" to escape total environmental determinism and "change" our lives. Well, you must admit, that does sound impressive.

The Professor's key word was "change." The world must be changed and Sensitivity Training, he said, is the key to "changing human nature and producing a new societal or democratic man." Does that have a familiar ring? The same "Liberals" who foisted on us the fraud of environmental determinism now find it expedient to allow for "a sliver of freedom," as a rationalization for speeding collectivism.

Frankly described, the object of the "leader" is to emotionally shred the group. Though, they don't tell it that way. It is peddled with such vaseline as this lubricant from West Magazine, a supplement of the Los Angeles Times, for January 8, 1967:

"Hopefully, the group moves from mistrust to trust, from polite acceptance to honest critique, from 'peeping-tomism' to participation and a giving of one's self, from dependency on the group leader to more autonomy, from autocracy to democracy . . . layer by layer, masks, roles, false images, pretenses and pretensions will peel away like the sections of an artichoke. Many believe that what is left when the difficult trial-by-intimacy is over is an astounding revelation of one's self and of others."

The "leader" keeps the discussion oriented around personal feelings. Telling the naked truth about how one feels about one's self and others is the cardinal virtue. "Feeling" and expressing emotion are what is expected; "intellectualizing" is an unpardonable sin. The "trainer's" job is to manipulate the exposed feelings of the group. He probes for raw nerves and then starts drilling. With practice he develops the faculty for discovering the weak points of each member of the group, and then attacks viciously. Any problem in human relations, real or imagined, becomes the subject of group concern and the property of the group. The more personal, the better. Great emphasis is put on saying and doing whatever one feels like with the exception, of course, of actually punching the "trainer" in the nose.

Abusive and gutter language—remember Alice?—is prized as "an honest expression of true feelings," and a sign that participants are really "taking off their social masks, stop playing games and start interacting truthfully, authentically and transparently." Participants are told to "pierce the veneer," of their companions, to "search out their Achilles heel," and "find the chink in their personal armor." Every personal secret, every fear, every worry, every repressed desire, every act for which one is ashamed must be trotted out to be handled and pawed by the group.

As each speaks, emotion fills the room and participants blurt out thoughts they never told even their spouses. "The surprise is that the roof doesn't fall in," they say. Unfortunately, the roof often does fall in. For grown men and women to break down and cry during these sessions is common, but some crack-up, and run from the session, barricade themselves in a room, or go into a virtual state of shock and nervous breakdown, or are unable to return in succeeding weeks to face the group.

According to the Leftist behavorial scientists promoting Sensitivity Training, you can't make an omelette without breaking eggs. Dr. Michael J. Singer, a Long Beach, California, psychiatrist doesn't see it that way. He says: "There is danger of serious psychological damage rather than benefit from this type of group . . . meetings, particularly if an emotionally disturbed person in this group is not being treated by a fully qualified and trained psychotherapist."

Usually, a first step is the breaking down of inhibitions. Thus, in an extreme example, the Westcoast's influential dance teacher, Ann Halprin, has had a Sensitivity-Trained class appear in public to take off its clothes, put them on, take them off again and put them on, before continuing a dance improvisation.

Why would anyone participate in this degrading mental-immolation? Primarily because they have been convinced by the Leftists promoting this scheme that self-improvement and the ability to be sensitive to others come only through conflict. This concept, that all progress comes through conflict which leads to synthesis, is known as "dialectical materialism" in the nightmare-theory books of the Communists. Also, there is a sick fascination involved in Sensitivity Training which brings sadism or masochism. Sensitivity Training attracts sadistic personalities and they tend to assume leadership because of their strength and ruthlessness. Verbal voyeurs are attracted by the prospects of vicariously running through everyone else's sex life. The process brings out the worst in everybody.

Many former trainees told me they could not later understand why they had themselves "ganged up" on a member of the group, criticizing the feelings of one person for hours. Why hurt one so deeply? It seemed, they agreed, a way to get involved in the discussion. Group pressure, they explained, gives way to pent-up feelings and takes a form of revenge, sadism, or masochism.

The marathon session I described at the beginning of this article featured participants who obviously needed psychiatric help, help which they were not getting. But most of these groups are composed of ordinary middle-class people who have no more problems than those faced by everyone else. A highly intelligent woman whose job required her to go through the better part of a year in a once-a-week Sensitivity Training session described her experience for me this way:

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[6] Other regional centers for preparing Sensitivity Trainers include Boston University, Temple University, George Washington University, University of Texas, University of Chicago, Rocky Mountain Laboratory, Intermountain Laboratory (University of Utah), University of California (several branches), and University of Washington.

"Our leader fascinated us with his descriptions of the teaching in the Pavlovian theory he had experienced in human relations workshops. . . . In order to get started, someone would be asked to give his perceptions about another participant, sometimes this meant giving a first impression of a stranger. As time progressed, we got to know each other better and moved on to more intense exchanges.

"Our feedback system [others' criticisms of you] operated quickly making for 'hot' sessions. Negativism would flow and somehow we didn't approach the love and trust Sensitivity Training is supposed to create. We did accomplish the openness and honesty promised, but to what ends? Deep emotional sobbing, separations of long-time friendships, and mental withdrawal were not rare."

The system of emotions-in-the-raw confession actually stimulates one to magnify his problems, admitting to things he has not really done or felt because anything else will not satisfy the group "leader" or the other members. If what you say about yourself is not degrading, you are accused of "kidding yourself" or maintaining your "false mask." After such an experience, what can one conclude but that everyone is sick and immoral and perverted—so why fight it?

A pretty coed who got involved in a Sensitivity Training program disguised as a speech course (Speech 132: Elements of Group Discussion) described how she was constantly attacked by the group "leader" and the rest of the class because she rejected the so-called "new morality." The "leader," of course, refused to accept her feelings as authentic. She was accused of compromising her integrity by not being honest about how she felt about pre-marital and extra-marital sexual experiences. You see, with Sensitivity Training the individual with high morals and integrity must be cut down to the level of the rest of the group. Instead of being respected for her strength of character, the young woman found herself being ridiculed—the ridicule being led by her Professor serving as the group "leader." A conservative point of view honestly held was just not acceptable, and the pressure was applied to grind down the student.

The coed accused those who challenged the way she felt of trying to take away the values she held, and trying to break down her defenses for the sake of breaking them down. If only the destruction of her principles would be a triumph for the growth, for democracy, then to Hell with democracy. The young woman told her group that they had no higher values to offer and that they were offering *nothing* for everything she treasured.

Few people, particularly young people, have such strong convictions in these days when absolute moral and ethical relativism is being preached from lecturns, podiums, and pulpits throughout the land. During Sensitivity Training most will surrender their values since it is much easier to do this than to defend them against the vulgarity and rage of a dozen hostile people. Personal morality or conviction is always on the defense, and is often surrendered point by point until the least common denominator is reached. After hearing others confessing their wrong-doing, one is apt to feel that his own deeds weren't so bad after all, causing him to accept lower moral standards. After such brutal criticizing of one's home, family, friends, religion, attitudes, beliefs, and ideas, one is apt to doubt that he has any values, ideals, or beliefs worth keeping or defending. In short, Sensitivity Training produces "change" by realigning loyalties away from family, home, church, and co-workers.

Of course, the "new morality" is no newer than the flesh pots of Babylon, the decadence of Sodom, or the orgies of Rome. The "new morality" is a step into the past, a leap toward the dismemberment of civilization; and, like its accomplice, the hoary concept of the omnipotence of the State, it is promoted as "modern" and "progressive" by the trumpeters of "planned change." Participants in Sensitivity Training are forced into making an awful choice: morality or moral disobedience. Group pressure forces them to choose between the "old and the new." A few are strong enough to run this psychological gauntlet, but even they are racked by scars of humiliation and hyperbolic self-doubt.

IV

At first glance, what seems strangest about Sensitivity Training is the fact that so many people become sincerely and completely hooked on it. It seems logical that the results of *all* Sensitivity Training would be the same as in the enemy prison camps of the Korean War, with each person becoming an isolated island afraid to talk to, or trust, anyone else in the group. But Sensitivity Training carries the prison camp process one step further.

In the prison camp, group and self-criticism leads to isolation and alienation from the rest of the group; support comes only from the group "leader" and the society he represents, Communism. Thus the rapport is with the group "leader," not with one's fellow prisoners, making it very natural for one to confess that others are trying to escape. Sensitivity Training can operate this way where it works to the advantage of the planners, as for instance in a police department where the natural end product could be that the officer does not trust or have confidence in other officers, or even his own partner. But most groups carry on where the prison camp technique concludes.

After one's pride, integrity, and self-esteem have been crushed through group and self-criticism he naturally considers himself a miserable specimen of humanity of little worth to anyone. But now, the group that has mercilessly destroyed him picks him up. Many groups actually act this step out symbolically by having the individual lie on the floor while the others place one foot on his head, neck, or body displaying that all power comes from the group. Then they remove their feet and physically lift the individual up, telling him that they "love" him. He is now dependent on the group for approval and for esteem. His ego having been crushed and totally subjected to the group, he is welcomed as "mass man."

Many feel that they have actually been improved by Sensitivity Training. Any progress is illusory. The process has such a profound and Orwellian effect on many minds that it is similar to that of the college graduate who after use of L.S.D. felt that she had improved her status in life when she became a prostitute. Since one is taught that it is dishonest and hypocritical not to hurl your most blunt reactions and impressions at everyone you bump into, the victim of Sensitivity Training may find that he cannot communicate outside the group. Such trainees have not learned to communicate better, they have isolated themselves. But this is rationalized away by a feeling of superiority they are conditioned to assume by the "leader." A typical speech given by one "leader" at the conclusion of training goes like this: "In the outside world they are not on the same wave lengths you are. You have reached a wave length now that no one else has."

The young lady previously quoted described for me the false euphoria of her group:

"After being away for two years, I still wonder why I stood for being hurt so deeply and why I hurt others. How with such a positive goal as better communication could I fall for such negative, destructive methods? There seemed to prevail a false sense of well-being. Often, very often, we would say that others outside of the group didn't know what strides we were making. We thought we were a happy few; paradoxically, we were very unhappy.

"We paid lip service to our progress, but we spoke double-talk and practiced double-think. We allowed pressures of rejection, status loss, desires to please, or fear of being the one on the 'hot seat' to dictate our actions. We knew, in order to be really 'in,' each person would have to 'change' if his behavior was not what the group thought to be correct. If the people of such a group do come to interdependence as individuals, they are no longer able to make their own decisions in important matters or during times of stress."

This is the essence of Sensitivity Training—substituting the will and judgment of the group for that of the individual. You exchange your personal values, convictions, and morality for those of the groups. You subjugate your intellect for their emotions. Group security is substituted for individual security. For example, in one session, attended by the author, an artist described his married life for about ten minutes. It wasn't the world's happiest marriage, but it could have been a lot worse. Yet after only ten minutes the group collectively told the artist that he had to divorce his wife—that there was no alternative.

Since many schools, churches, and Y.M.C.A.s[7] are pushing Sensitivity Training for young people, it is extremely important that they know what they are dealing with. The young are particularly vulnerable since they are usually very naive, sincere, and impressionable. Few young people possess the sophistication to realize that many things can be the very opposite of how they are described; and they seldom question the motives of those who profess to be interested in "humanity." Just as most young people do not realize that those fostering the "peace" movement in America are the world's primary war makers, so they cannot believe that Sensitivity Training, which is supposed to make one a better communicator, or bring out leadership qualities, has just the exact opposite effect.

Virtually all young people share two common problems—anxiety and curiosity concerning sex, and difficulty in communicating with their parents, who are of course "old-fashioned." To facilitate the "planned change" they admit they are after, the behavioral scientists use the weapons of the "new morality" and parental misunderstandings to gain their aims. The natural strains that have always accompanied adolescence are magnified to the point where parents and children become totally alienated because, after all, you can't build a new Utopian society unless all reactionary vestiges are severed. A leader at a Sensitivity Training retreat attended by a Los Angeles reporter used this technique expertly with a group of teenage boys and girls: "How many have felt this hurt here in your gut during the last few days? (All raised their hands.) An emotional level hurt is not something easy to get out of your gut. *It is there because of the conflict with your parents.*"

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[7] In the *Long Beach Independent* of December 12, 1966, George Robeson quotes from a forty-two page "log" prepared by group "leaders" from a Los Altos Y.M.C.A. Sensitivity Training program among teenagers. It reads as follows: "Bob and Rick wondered why Marcia liked her parents. She became increasingly nervous, in motion, tapping her foot, wiggling her arm, squeezing her hands. . . . She is unhappy with her mother, for she works. Her brother bothers her for he drinks and smokes. Robbie, sitting next to Marcia, asked her to close her eyes and relax for five minutes. . . . Robbie put his hand on her knee to stop the motion of her foot, and while he did this he spoke softly and gently to her . . . gradually she started to relax. There was total silence. When she opened her eyes she said, 'Everything looks different.' She thought a piece of cement was crushing her and then it went away.

". . . Mary Kay arrived, crying . . . she said, 'I'm glad I'm Burt's friend—this whole mess makes me sick.' . . . Martha got too involved. Robbie nudged her to be quiet. Rick told Mary Kay to shut her mouth. . . . Mary Kay said, 'I feel for him (Burt).' . . . she told Martha, 'I hate you.' . . ."

Sensitivity Training is used by many to achieve a drug-like reaction. In his report for U.P.I. on the matter, Robert Strand revealed that "the concern of many Sensitivity Training participants is to 'turn-on' without narcotics. Some, who have tried L.S.D., claim to have had more exotic experience than those inspired by the hallucinatory drugs. Similar emotional orgies are reported by persons who concentrate on a white panel until they have visions, or who stare into one another's eyes until something else happens." Robert Strand also quotes from a "conventional" Los Angeles woman, age forty-eight, who returned "from a 48 hour sensitivity marathon" to write the local underground hippie newspaper, *The Oracle,* telling of her experience. "Turning on," she said, is also being done by many who look and are just average 'nine-to-five' people who sense there is more to life than meets the eye." She describes how her "turn-on" was effected through "the unique painful sharing, tearing, giving, baiting, waiting, hoping, supporting, intuitive, knowing, groping, giving, surrendering, choosing, holding back in trust, laughing, holding, kissing, hugging male to female, male to male, woman to woman. . . ."

▼

What do the brain benders have in mind for the future? In August of 1967, Dr. Stanley Les told the International Congress of Psychiatry that society will become depersonalized and anyone who tries to be an individual "will be looked upon as odd, reactionary and antigroup." According to the Professor, "unanimity of thinking would be seen as the normal pattern." Sensitivity Training is an important part of this scheme.

It is true that when the Russian Communists were unable to persuade the people of that land to willingly follow their brutal leaders, the Comrades turned to Pavlov and his conditioning experiments in an attempt to change human nature. Our behavioral scientists are now trying to change human nature by subjecting the individual to an enforced conditioning process. It is also true that those pushing such training in schools, government, and our churches are invariably members of the Far Left. But if Russia had not turned to Pavlov, and those acting as "change agents" in our society were not almost universally Leftists—and even if Sensitivity Training were not a parallel of the Communist brainwashing tactics used in Korea—it should still be resisted by every individual who possesses any pride or self-esteem. Sensitivity Training should be resisted if only because it is emotionally and morally destructive.

A courageous survivor of "Sensitivity Training" put her feelings this way: "My involvement for nine months did teach me something. I know now that no one can choose what another should think and know. No one should take it upon himself to sit in judgment of others. We should be individuals—as different inside as we are on the outside. And the most important of all is, I will never allow any concept to deprive me of one iota of my independence, my right to think, choose, and do for myself."

That, we think, is a pretty good way of summing up our whole case.

COMMUNIST-INSPIRED MOCK TAKEOVER OF WASHINGTON

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. RARICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RARICK. Mr. Speaker, one of the most revealing accounts of the October 21–22, 1967, Communist-inspired, financed, and directed mock takeover of our Nation's Capital appears in the January 1968 issue of American Opinion, written by Dr. Susan L. M. Huck, the analysis editor of "The Review of the News."

Her firsthand, on-the-scene account is called "The Vietniks: 'American' Vietcong Assault the Pentagon."

The American people need see for themselves. Evidently the truth is being suppressed because of the fear of a resurrection of McCarthyism. Possibly those who hold to such a rationalization of bottoms-up thinking should awaken that they are responsible for what they profess to fear.

I regret that the gruesome, nauseating photographs of hippies, exploited youth, Vietcong flags, posters of the Communist terrorist, Che Guevara, and the public ridicule of our military men cannot accompany the full text which I place in the RECORD as a perpetual reference for all our colleagues to review and research, along with a release "From Washington" by Reed Benson and Robert Lee. I also include letters to the editor of the Washington News for December 1 and the Evening Star for December 10:

THE VIETNIKS: "AMERICAN" VIETCONG ASSAULT THE PENTAGON

(By Susan L. M. Huck)

Washington can be splendid in the fall, when the soggy white heat of its tropical summer has fled. October there can be a glorious month. The grass is greener than in August, the sky is vastly bluer, and the trees green and gold and at their most beautiful. The industrial wastes of government are nearly all exported, generously distributed to the nation as a whole, leaving much of Washington like a big park studded with monuments and monumental buildings, clean and white in the sun. Adding to all this, the weather in Washington on the weekend of October 21-22, 1967, was that of a classic Indian-summer—sunny, breezy, and sixtyish, perfect for being active outdoors. It was a day, in the American tradition, for raking leaves or playing football or taking the kids to the zoo.

Ah, but somebody, somewhere, had to lift a big, flat rock. And the creepy-crawlies stirred, wriggled, and began their migration to Washington.

So downtown Washington was thin on shoppers and tourists, and thick with police, plainclothesmen, and pairs of armed-forces police temporarily deputized to patrol the District of Columbia. They policed the "white ghetto"—you know—Georgetown, where the ruling elite lives, the rich Bohemian policymakers. And, the National Guard armories for miles around the District were full of men, perhaps twenty thousand in all, desultorily performing the usual military busy-work while awaiting a possible call for help. Meanwhile, down at the Pentagon, some five thousand Regular Army troops—veteran paratroopers and military police—and over seven hundred Federal Marshals took up "defensive positions."

It adds up to roughly two divisions tied down for the occasion, including the 82nd Airborne, which has seen considerable action on the domestic "front" lately in such places as Detroit. Four battalions had been brought in from Ft. Bragg, North Carolina, and fifteen *C–130 Hercules* carrying fifty M.P.s each brought units from the 6th Army at Presidio, California, and the 4th Army at Ft. Hood, Texas.

The government seemed to be taking this all very seriously, and certainly the newspapers did, making sure that everybody got the message about how unprecedented it is to have to deploy large units of the Regular Army to *defend the capital itself.*

If it's so serious that the government thinks it needs two divisions to contain the action, then why doesn't the government think it's serious enough to try to prevent in the first place? Any businessman, school board member, even a lot of simple taxpayers have had a taste of the means of quiet harassment and arm-twisting available to the government, when it wants to make a point without a scene. And yet, the leaders of the October uproar have publicly and repeatedly flaunted the breaking of some mighty serious laws, and they do not seem to suffer the least inconvenience. Perhaps someone is expecting that the national reaction to what is about to happen will mean increased sympathy for the Administration's handling of the war. Perhaps it is all an *agent provocateur* operation. If the government didn't think so, one suspects it could have been stopped.

So there it was—Washington practically on a war footing, certainly on an insurrectionary footing, so that you'd think the hordes of Genghis Khan were at the outskirts of the city, or already in it. Of course you weren't seeing the hordes of Genghis Khan—they only *looked* like that. It was really just the drugs of the Spock generation, under the guidance of men freshly returned from special briefings in Communist Czecho-Slovakia and in Hanoi, North Vietnam—and even more freshly from lengthy discussions with *U.S. Government officials* about what they are going to do.

Of course, it takes a long time, and a lot of work, and a lot of money, to plan and stage a week of preliminary "spontaneous" demonstrations which will build up to the "spontaneous" monster rally in Washington. The Pied Pipers, in this case, were a clutch of hard-eyed, full-time, professional revolutionaries. Such chaps don't exactly wear Hindu temple bells suspended from their earlobes. And they meant business. As "American" Marxist Tom Hayden of the Students for a Democratic Society told a delegation of forty Vietcong and Communist North Vietnamese on September 13, 1967:

"We will tell [the President] he'd better leave some men at home. Because like Spartacus, whose fellow slaves in Rome protected his hiding-place by each claiming to be Spartacus himself, I am the Vietcong. We are everywhere! We are all Vietcong."

After the Vietniks' Spring Mobilization, in April—the flag burnings, the mass marches behind Vietcong flags—the Communists evaluated their success, and it was decided to try another in the fall. It would be another international event—and of course only the Communists are sufficiently organized, internationally, to guarantee simultaneous performances. The two-day marathon meeting in Washington was well-led by top officials of the Communist Party, U.S.A., like its National Public Relations Director, Arnold Johnson; and such members of its National Committee as Archie Brown, James Jackson, and Bettina Aptheker. Also present were top representatives from the Communist Socialist Workers Party, the Communist Young Socialist Alliance, the Communist Progressive Labor Party, the Communist DuBois Clubs, and assorted other avatars of the International Communist Conspiracy which was running this show.

Over-all leadership of the October project was assigned to Dave Dellinger, fifty-two, a Yale graduate who served three years in prison during World War II rather than risk his precious hide for his country. He now describes himself as "a non-Soviet Communist." Dellinger is editor of *Liberation,* a Marxist publication which, like many on the Far Left, has little advertising or circulation but few financial problems. He has been an honored guest of Communist Cuba and Red China—and of Hanoi, not once but twice. After the first trip, in late 1966, the State Department took away his passport, but gave it back when he *promised* he wouldn't go again. So he went again last fall, being personally greeted by Ho chi Minh. He got back in time to finish work on this big theatrical production.

The National Mobilization Project Director was Jerry Rubin. He is so highly thought of by the International Communist Conspiracy that it sent him to Cuba in 1964 under the sponsorship of the Communist Progressive Labor Party (P.L.P.). Though attached to P.L.P., he attended the 1966 Convention of the Communist Party, U.S.A. Co-chairman of the Mobilization was Mrs. Dagmar Wilson, founder of the notorious Women Strike for Peace, who missed the Marxist New Politics Convention in Chicago over Labor Day because she was in Hanoi visiting Ho chi Minh. Another Co-chairman was Ivanhoe Donaldson, a top aide to comrade Stokely Carmichael. He attended the 1966 National Convention of the Communist Party, U.S.A., and is Director of the New York office of the Marxist Student Nonviolent Coordinating Committee. Still another was Sid Lens (*ne:* Sid Okun), formerly Secretary of the Communist Revolutionary Workers League, honorary Co-chairman of the Fair Play for Cuba Committee, and sponsor of the Communist Front National Committee to Abolish HUAC.

According to *Internal Security Report* for October, 1967, the following individuals are listed as sponsors of the Spring Mobilization Committee which birthed this monster project: Franklin Alexander, National Chairman of the Communist W.E.B. DuBois Clubs; Paul Booth, former National Chairman of the Marxist S.D.S.; Stokely Carmichael; Ken Cloke of the Communist Front National Lawyers Guild; Lew Jones of the Communist Young Socialist Alliance; Michael Myerson of the Communist Tri-Continental Information Center; Judy White of the Communist Socialist Workers Party; and Mike Zagarell, National Youth Director of the Communist Party, U.S.A.

Other top Communists who are sponsors of the Mobilization include: Peter Camejo; Albert J. Lima, Chairman of the Northern California District of the Communist Party; James R. Lindsay, Communist Party candidate for City Councilman of San Jose, California; Ben Dobbs; Robert Treuhaft; Benjamin Dreyfus; Malvina Reynolds; Don Ruthenberg; and, Al Richmond, Executive Editor of the Communist *People's World*.

Converting itself from the Spring Mobilizing Committee into the National Mobilization Committee, the publicity angle, among many others. They understand what type of activity makes headlines, and the need for a rising crescendo of events to give the appearance of a snowballing "movement" to inspire the faithful and attract passengers for the bandwagon. They also recognized, however regretfully, the hiatus which was going to settle over things during the college summer vacation.

Campus agitation would continue as long as possible, and resume with a bang in September; meanwhile the professionals would do the organizational work. The summer hiatus led many to the conclusion that, two months before the October twenty-first rally, "plans were almost dead." Nonsense.

In September, Dave Dellinger led forty Americans on a pilgrimage to Communist Czecho-Slovakia, where they met with the North Vietnamese in Bratislava from September fourth to thirteenth. A little cultural exchange no doubt. When they returned, things moved into high gear at once. Instructions went out to the network of campus radical groups, and the public began to read about more and more "student unrest" and "confrontations" and "protests" against the draft, recruitment, or just anything else that could be whomped up. These affairs were made as unruly as possible, and then converted into "police brutality" propaganda, regardless of what happened. The week of snowballing activities began exactly on schedule, with attempts in several cities to block draft induction centers. Some of those became pretty lively affairs, especially in Oakland, California.

But, before we get to all of that, let's return briefly to the Bratislava meetings. Dellinger's flack, Ray Mungo, went along and came home with a long propaganda tract, which was distributed to "hippy underground" and Leftist campus publications Dellinger's specialized *Liberation News Service,* aimed precisely at those uprooted, demoralized, rebellious, and/or malcontent adolescents who represent a fine source of bodies for the Movement.

In Bratislava some funny things happened. The North Vietnamese delegation had bought complete wardrobes of the best clothing available in Prague, before arriving, and as Mungo put it, "they were surprised that we wore dungaree jackets and tattered sandals and complimented our 'humility as well as courage.'" At a formal reception, with everyone but our forty Americans dressed in something other than beatnik garb, they performed a frug and "the Vietnamese brothers clapped and laughed uninhibitedly." And in the end—the sourest note of all—Mungo says, "the Americans took to bowing, using protocol titles, and asking others to step ahead of them."

Now, isn't that funny, in a sick sort of way? Especially if you recall the pictures of our brainwashed airmen in North Vietnam, forced to bow to their captors. And here are forty America Vietcong, leaping at the opportunity to bow to their masters.

Mr. Dellinger, sir, did you bow to your masters, too?

Maybe he did. Ten of the forty, Dellinger among them, and S.N.C.C.'s man, John Wilson, were taken on to Hanoi for further instructions. (And this is after Dellinger *promised* . . .) The rest of them had a whirl around swinging Prague before coming back to the United States, where their work is. They were allowed to change their money on the black market ("So valuable is the U.S. dollar, g*d d*mn it to hell, reflects Mungo, while wallowing in the joys of it), so that Mungo could write a propaganda piece suggesting that American hippies come to Prague, bring their dollars, and *do* stay as long as the dollars last. Prague needs *you*—to prepare you properly for a return to America, where the real work lies.

And back to work it was, in mid-September. The Communists had that blasted Peace Torch to get across the country somehow, and all those monstrous children to get shaped upon and pointed in the Red direction, after more or less of a summer's layoff.

Finally, the programed events for the week leading up to the Washington uproar began. Oakland, we would have to say, turned in the best performance—Berkeley is so *close,* to supply young bodies to the many old-time Reds in the Bay Area. They got a couple of days of real riot going. Law enforcement officers were attacked by 2,500 Communist-led rioters with hunks of broken concrete, clubs, road flares, firecrackers, garbage cans, and park benches. The roads were thoughtfully blocked by autos rendered *hors de combat*. And, though 204 were arrested, elements of the same group later stormed the military supply area at Port Chicago, California.

Communist DuBois Clubbers and members of Students for a Democratic Society ("We are all Viet Cong," remember?) put up a fairly good show at Brooklyn College, and were aided by Professors Howard Moltz and William Zimmerman. More than sixty were arrested. Nick Eggleson, former President of the Marxist S.D.S., fresh from Bratislava, led the Boston performance with the aid of Professor Noam Chomsky of M.I.T., Professor of Divinity George Williams of Harvard, and Marxist Professor Howard Zinn of Boston University. Sixty-seven draft cards were burned and 217 surrendered to the kindly Marxists running the show.

Naturally, these "spontaneous" demonstrations occurred at all sufficiently radicalized "institutions of higher learning" between Berkeley and Boston, and also in Canada, Great Britain, Scandinavia, Belgium, the Netherlands, France, West Germany, Italy, Japan, Australia and New Zealand—all on cue.

Meanwhile, in Washington, after two weeks (perhaps much more) of "conferences" and "negotiations" with the federal government, a script for the Communists' Pentagon Assault had been prepared—with the National Mobilization Committee reserving the right to depart from it at will. And, as demonstrators and "intellectuals" not otherwise occupied began arriving in town at midweek, the ignorant smallfry were given indoctrination sessions, and the adults were provided with such treats as the rally at the Ambassador Theater, where Robert Lowell, alleged to be a poet, mainly just lay on the floor of the stage; Dwight Macdonald and Paul Goodman deplored America; and good old Norm Mailer, falling-down drunk and quaffing the stuff out of a mug as he spoke, treated the audience to an anthology of contemporary obscenity. So much for the "intellectual" contingent.

At last, D-Day. The "troops" poured in by chartered bus and special train, by air and carpool (would you believe five in a Mercedes-Benz?) and gathered 'round the Lincoln Memorial and the Reflecting Pool, lolling, littering, and loving, waiting for H-Hour in their inimitable way.

Surely *some* of the leaders must have cast an eye over the throng and found it the sorriest rabble of infants it had ever been their duty to lead. Not real revolutionaries, but petulant brats, sons and daughters of the decadent "Liberals" themselves. That's one reason why the government was going to be so dreadfully careful not to hurt anyone. What a pity.

It was time for the Mobilization's "marshals" to get busy. Under the direction of "head marshal" Cornell Reagan, a bearded black, selected male crudniks with U.N.-baby-blue ribbons around their arms expanded their activities from guarding their leaders to assembling the various groups and trying to get a march under way. It wasn't easy—H–Hours came and went. But there were plenty of speakers to pollute the clear air with their opinions of America.

The sister of the late "black nationalist," Malcolm X, stepped to the mike from amid her funeral bodyguard of Muslim toughs and opined as how "This is the first time I have witnessed white people and black people rocking in the same boat." She must have been blind; that mob was almost as white as a North Dakota grange meeting.[1]

In the absence of Stokely Baby, who was on a world tour of the Communist nations, and H. "Rap" Brown, unaccountably detained, S.N.C.C.'s John Wilson, fresh from his briefing in Communist Czecho-Slovakia, called for endless resistance,† and a moment of silence for the late Ernesto "Che" Guevara. In the distance, floating serenely over the unsightly horde was a large U.N. flag carried by a bearded, wild-eyed youth. Through the trees to the south along the Reflecting Pool could be seen another U.N. flag sandwiched between rows of giant posters mourning the death of "Che" Guevera. Pictures of Guevara were everywhere.

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[1] The revolutionaries had decided to hold a special show for Negroes at the Baneker Playground in Northwest Washington. It was run by Charles Kenyatta, chief witchdoctor of the New York Mau Mau. (At the Newark Black Power Conference in July he was photographed arrogantly spearing a *Holy Bible* with a two-foot machete.) Speakers included Marxist Lester McKennie of S.N.C.C. and Milton Henry, a Michigan attorney. For kicks the Mau Mau boys burned a flag.

Between acts, or when the leaders wanted to huddle for a few minutes, the usual ghastly folksingers took turns twanging and whining their propaganda dirges. The talent included "Peter, Paul, and Mary," Phil Ochs, Barbara Dane, and a member of the Communist W.E.B. DuBois Club from the Chad Mitchell Trio.

Down in the crowd, Walter Teague III openly raised money for the Vietcong, which is his regular occupation, by peddling enemy flags for a buck apiece. Hawkers were everywhere, gouging quarters for the propaganda rags of every socialist, anarchist, and Communist group known to man. Fun for the feeble-minded was supplied by several middleaged-to-senile crackpots—a doddery old goofus who wore a rubber fright mask all day long, and the clown who calls himself General Hersheybar. While the assembled "youths" hadn't outgrown many things, they *had*, by and large, outgrown General Hersheybar's brand of humor.

You wonder what these people do in real life—or whether they are just let out for the day, now and then.

One of American Opinion's men on the "inside," a two-year veteran member of the Communist DuBois Clubs, was awfully busy trying to take attendance. There were, after all, both sheep and shepherds, even though they looked the same.[2] There were plenty of "Red diaper babies," too—second- and third-generation Communists like Mike Eisenscher, who brought his flock of sheep down from the University of Wisconsin. Mike is Midwest Coordinator of the DuBois Clubs; his daddy is identified Communist Sigmund Eisenscher. Another was Ruth Partnoy, daughter of a Red member of Veterans for Peace, Leon Partnoy. The list of lower-level corporals and sergeants, spawn of the endless interlocking Communist Front groups infesting the United States, is simply too long to reproduce.

But if anyone wants a clue as to how promising sheep are first spotted and softened up—you parents out there who are considering sending a child to college—it's always good to know some of the Professors who helped to stage this show: Like Douglas Dowd of Cornell, who organizes the teach-ins above Cayuga's waters. His superior in revolutionary rank is another Cornell Professor, Robert Greenblatt, a Vice Chairman of the Vietcong's April march organization and coordinator of "teach-ins" across the nation through the Inter-University Committee for Debate on Foreign Policy. Sidney Peck, another organizer, teaches sociology at Case-Western Reserve University in Cleveland, and works closely with Greenblatt in the same organizations. Needless to say, the Ivy League was represented at a suitably prestigious level. Yale chaplain, the notorious William Sloane Coffin,[3] entrusted to counsel future leaders in their formative years, gave almost desperate demonstrations of his desire for "martyrdom," and of course Massachusetts Institute of Technology contributed Professor Noam Chomsky.

The "cultural" contingent had to make do with that well-known "candidate for the Presidency of the United States," a very funny Dick Gregory, and Norman Mailer. The latter must have had quite a hangover after that night before. Mailer seems to think *somebody* has to be the teeny-boppers' Brendan Behan, and if he can't write, at least he can drink. (Poor old fellow, so antediluvian he's still blowing his mind on *alcohol!*)

At long, long last, the "march" began to take form. Confronted with a three-mile walk, the "army" suffered about twenty percent casualties right away, as the non-athletic types sloped off under the trees for more sedentary pursuits.

Blue-armbanded revolutionaries began pushing the crowd into assigned places and trying to clear the way for that star-studded Front Rank, centered on baby-doctor Benjamin Spock, who had just told the crowd how *betrayed* he had been by Lyndon Johnson. The line-up of Glorious Leaders of the American Vietcong posed gloatingly for pictures for as long as possible, then stepped off between posters lauding such heroes as Ho Chi Minh, "Che" Guevara, and Lee Harvey Oswald. Suddenly it took a detail of District of Columbia police, shoulder-to-shoulder two deep, to protect some clean-cut young counter-demonstrators. They were waving an American flag, and needed protection.

The flag wavers were lucky that they were not arrested for being provocative. Other counter-demonstrators, including some creeps, received rough handling from the "marshals" in the Peace Force armbands, and were often arrested on top of it. One got ten days for shouting that the marchers were "Communist scum," since the magistrate was of the opinion that such a cry "might have caused a riot." Another was fined fifty dollars *for carrying an uncomplimentary sign.* If these seem rather minor things, they are mentioned primarily so that they may be compared to the "punishment" meted out to the most outrageous of the revolutionaries, a matter we shall discuss shortly.

The "marshals," variously booted and costumed, including one disguised as the reincarnation of "Che," gave a few demonstrations of goonery on the way across Memorial Bridge—including a fierce mob attack on a carload of TV men who were filming a counter-demonstrator instead of the Vietcong flag-bearers.

The massive column, swelled by tens of thousands of marchers, moved haltingly across the Memorial Bridge. Scores of onlookers lined the sidewalk on both sides of the column gaping with disbelief as it crawled along behind the Vietcong flags. The three-mile trek wound over the Potomac River, down a narrow roadway to the Channel Drive, and past the Arlington National Cemetery toward the Pentagon.

Once across Memorial Bridge, however, the theatricals began in earnest. The *Washington Free Press,* a grubby revolutionary rag with no visible means of support, put out a "Pentagon Special" which describes things from the point of view of the "innocent idealists" involved:

"Two groups the Revolutionary Contingent [consisting of Teague's Committee to Aid the National Liberation Front, or Vietcong, and a new outfit called the Black Mask—whites wearing black masks] and Students for a Democratic Society, split off from the parade at Memorial Bridge. They entered the Pentagon [grounds] by slashing a fence off the North Parking Lot and pushing their way through the American Legion on the outside of the fence and the first contingent of military police on the inside. Walter Teague was arrested at this point, but most of the two groups, managed to force their way through."

Let's look at this a minute, because it includes great evidence that the whole cast was following a script. Except for mention of "the American Legion" here, which appears nowhere else in the festering mass of "literature" on the subject, the picture is fairly clear. The government had agreed to permit uproars to take place in various sections of the Pentagon grounds. The federally-appointed rallying point for this "army" was the North Parking Lot, and another site for staged "confrontation" was the grassy area *below* the terrace at the building's north entrance.

Running *directly* between these two government-approved scenes of disturbance was a *brand-new,* barbedwire-topped cyclone fence. It couldn't have been in place more than a couple of days; certainly it had been built with the demonstrations in mind. The normal mind leaps to the conclusion that it was supposed to serve the functions of a fence—not as part of a stage set.

Yet these "revolutionary contingents," totaling less than a hundred relatively unarmed men ("relatively" because there were a number of revolutionaries armed with hefty pick-handles, and some tools for dealing with the fence were reportedly used) were able to tear down that fence with perfect impunity. With thousands of troops immediately available, with company upon company of crack Military Police on duty on the scene, we are supposed to believe that the government couldn't stop these people from tearing down a fence!

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†Among his more original absurdities was his declaration that "We must resist and fight for this peace in any way necessary!"

[2] Among those our man spotted were Communist Phyllis Ann Kalb, news editor of *Student Voice* at Brooklyn College; George M. Chaikin, Student Body President at Cooper Union; Jose and Roque Ristirucci, national officers of the Communist DuBois Clubs; *Worker* correspondent Ted Pearson of the Chicago DuBois Club; Henry Gordillo of the Queens College DuBois Club; DuBois Clubs photographer Ted Reich; and Michael Zagarell, National Youth Director of the Communist Party, U.S.A. Other top activists from the Communist DuBois Clubs included John and Ann Kransdorf, Detroit; Jose Stevens and Matty Barkelhammer, City College of New York; Harold Greenberg and Ron Rivers, Bronx; and Martha Rotenberg, Temple University. Another interesting Communist there was Patti Rabbitt, Seattle, who was handing out free copies of *The Worker.* Patti is Northwest Coordinator for the DuBois Clubs.

Also circulating through the crowds were such odd revolutionaries as Dale Younce, a member of the Communist Young Socialist Alliance (passing out free copies of the Communist *Young Socialist*); Communist Maureen Jasinsky (selling copies of a Communist sheet called *The Militant*); and, Abraham Egnol of the Philadelphia Mobilization Committee, who claimed he brought five thousand people in his delegation. There too was Fred Halstead, Chairman of the Communist Socialist Workers Party, whose supporters were distributing flyers announcing his candidacy for President of the United States; Pedro Juan Rua of the vicious Movement for Puerto Rican Independence; Edward Shaw, Organizational Secretary of the Communist Socialist Workers Party and former Midwest Representative of the Communist Fair Play for Cuba; Derrick Morrison of the National Committee of the Communist Young Socialist Alliance; and, Sherman Drexler, a New York artist and editor currently working on the manuscript of a new book by General James Gavin. There were many, many more, of course. People like Communist Les Friedman and Mexican revolutionary Jose Gonzalles. Enough, in fact, to lend frightening significance to the declaration made in 1964 by Boris N. Ponomarev, and issued from the Soviet Embassy in Washington, that: "The revolution in the United States has begun!" It certainly has.

[3] "Reverend" Coffin, whose father has been cited as having amassed twenty-five affiliations with Communist Fronts, has quite a heritage to live up to. He is doing his best. For example, he is rather proud of the fact that despite having signed his widely publicized declaration that it is his intent to "aid and abet" any draft-resister in any way possible, the government has not dared take action against him. Aiding and abetting draft-resisters is a felony, punishable by a maximum fine of $10,000 and up to five years in prison. Another signer of that declaration is the apparently senile Dr. Benjamin Spock.

Obviously, that proposition is ridiculous. But it leaves nothing except the strong suspicion that the fence was erected *in order to be torn down*. In other words, it appears to have been *in the script*.

So the Committee to Aid the Vietcong can report to Hanoi that its "assault" "breached the defenses," and there are plenty of pictures to prove that the V.C. battle flags were carried away in the police van. That was the whole point. The propaganda pictures out of this affair are worth their weight in diamonds to the Communist cause.

The Military Police "couldn't" hold the bottom of the two staircases leading up to the entrance terrace, either—a "front" totaling about forty feet! Moments later they had no trouble holding a "front" a hundred times as long, and that includes a sector ten times as long in front of one of the most closely-packed herds of anthropoids it has ever been my misfortune to be imbedded in!

The home-grown V.C. assault squads were able to boast, then, of planting the flag in "the *illegal* zone of confrontation," where the government had said they mustn't go. But where the government, the day *before*, had set up flatbed trailers to serve as platforms for the cameramen covering what was going to happen in that precise spot. As American soldiers died in the field in Vietnam, their own government was at home cooperating with the staging of a pro-Vietcong propaganda show. It is incredible! Incredible unless one is prepared to accept the fact that performances like this make good Americans damn angry. And, they drum up nationwide reaction to favor not a hard-line go-in-and-win posture, but blind support for whatever the President wants to do. You may bet that Lyndon Johnson is not averse to such a reaction. Not at all! So long as the President pushes a "no-win" policy, neither are the Communists.

Pursuing the story of the "revolutionary contingent" has taken us out of the North Parking Lot prematurely. To provide time for the "revolutionary contingent" to do its work, there was a desultory "rally" at a distant spot. The city-bred little hippies could sit down and nurse their fallen arches while listening to the usual stuff from Spock, Gregory, *etc.* "Presidential candidate" Dick Gregory reportedly told the crowd, "America is the most sick and insane nation in the world. . . . This country will be torn apart from the inside. That is not a threat—that is a promise. . . . What is our flag? Nothing but a rag!" In another corner, a truckload of wayoutniks under a lovingly-painted emblem of the Illuminati was extending the Leftists' usual courtesy and respect for dissent to the Reverend Richard Wurmbrand, who, having spent years under severe torture in Communist prisons, happens to know what the Communists are *really* like. The Reverend Wurmbrand was trying to tell them something, but the leaders of this creepy gang didn't want anybody to hear it. Drums, bells, and top-volume loudspeakers went to work to drown him out. The leaders, between emitting drawn-out animal noises into their speakers, could be heard to repeat, over and over, a moaning, "Ke-e-e-ep it u-u-up!"

The day was full of examples of this type of Democracy in Action.

When the speechifying was over, it was time for the Big Names to go out and get arrested. Now, this isn't as easy as it sounds, as Yale's chaplain can attest. He has spent more time trying to get arrested for obstructing the draft than he has in eating, lately. He keeps devising and staging ever more brazen, obvious, unmistakable public violations of the law, but he *still* just can't get arrested. It seems that the laws of Man are suspended for special folks like Coffin.[4]

At any rate, the leaders had their requirements for arrest. The event had to take place early, publicly, and painlessly. Norman Mailer probably had a thundering headache and couldn't get out of that screaming mob of adolescents fast enough. He walked across a line provided for him and was escorted away to a nice, quiet clink. Dellinger, Spock, Gregory, Robert Lowell, M.I.T.'s Professor Chomsky, Dagmar Wilson, Donna Allen, and other such ghastly dignitaries found a quiet side of the building and tried to subvert the soldiers there until a signal was given to arrest them and they, too, were carted off.

Accommodations were the best that could be found for them by the federal government. The Occoquan Workhouse (don't worry—only the employees worked) was cleared of ordinary criminals and stocked with free cigarettes, coffee, and ham sandwiches for these special guests. Terms of magistrates were drafted for Saturday work, so that no one would have to spend the weekend behind bars—unless he wanted to. It was a lesson in how to be a martyr while escaping the tedium of continued association with your frightful "troops," and any blame for what they do. That's what subordinate officers are *for*, heaven's sake!

Ray Mungo, head of Dellinger's *Liberation News Service*, which pipes propaganda and pornography to scores of ever-so-daring "hippy underground" and campus papers, stuck close to the boss, to chronicle his tribulations and spread word of how absolutely thrilling and inspiring it is to be in jail with such elegant folks. Mungo claims he was kicked—in the head no doubt. We begin his chronicle at that point.

"Infuriated, I turned on the cop who kicked me and hissed. 'you * * * fascist!' Another prisoner [in the celebrity cell, of course] replied, 'That was a gratuitous and unhelpful remark.' A third, from San Francisco, began a chant of Hari Krishna. Spilled blood and American honor at stake, the war machine disrupted, and laughs aplenty during Freak Night at the Workhouse.

"Inside the cell again, Dellinger is cool and cheerful as he sips his coffee; Rev. Ashton Jones, 69 and proud to be there, tells old prison jokes; Noam Chomsky is neat and academic, worried about getting back to M.I.T. for a Monday morning symposium; the poet Tuli Kupferberg is wonderful just to look at; Norman Mailer is unusually quiet; Walter Teague of the Committee to Aid the NLF has drawn up a statement accusing the Mobilization of disorganization and duplicity, which some sign while others bitterly argue that the opinion, intended for publication in the [Communist] *National Guardian*, will be exploited by the capitalist press; Richard Gale of *The Catholic Worker* is on a smiling hunger strike; Mike Rothberger of the Bronx is considering telling the whole story to his junior-high school students . . . and I'm thinking how incredibly mind-blowing it is."

So all the leaders contrived to get arrested by six P.M. They also seem to have contrived to spend Saturday night in a warm cell, instead of outdoors with their witless charges. Demonstrators were being run through the government's legal machine in record time, and helpfully transported back to Washington in time to rejoin the group and pass the word that being arrested is nothing, really a gas—"they don't even take your name," we heard some say. (Actually, you had to give a name. John or Mary Smith was acceptable, however.) Charges and fines were all the same, the fines $10 to $25, no matter whether the little heroes had spit on an M.P., smashed an officer, destroyed government property, or what. Hark back to the fate of *counter*-demonstrators!

But the point is that while ordinary demonstrators were being processed through in nothing flat, and while the Mobilization Committee was served by loud-mouthed activist lawyers[5] like William Kunstler and Arthur Kinoy, Mungo states that "nobody was charged until Sunday," and therefore they slept indoors that night. There was a total absence of collective yawping about the Constitutional rights of the "celebrities" on that occasion!

Everyone *thrilled* to the rumor that two or three M.P.s had broken ranks and defected to the demonstrators. That story was, of course, denied by the Pentagon, and since both sides are equally self-serving in their news releases, one will never know. But it is certain that American troops were forced to endure studied demoralization by both the Communist demonstrators and the government.

The Washington Lawyers Committee, headed by Edward De Grazia, and the Lawyers Committee to Defend Demonstrators, headed by Philip Hirschkop, handled all legal involvements. After several early arrests, Hirschkop reported that "the sentences imposed in both cases were obviously light . . . There is no doubt that the powers that be have come to some sort of agreement."

They sure had.

Apparently Mr. Hirschkop was not at the meeting in Chicago last April, when Professor Daniel Berman, a leader of the Communist Front National Committee to Abolish HUAC, explained to a sympathetic, closed meeting: "Ramsey Clark is a genuine liberal who would be very much at home with us here this morning. We must help him in every way. The Justice Department will take on a new light—as you will soon see."

Attorney General Ramsey Clark "took personal command of the security arrangements" during the period of the attack on the Pentagon.

The fix was in.

Here is one of the charades of law-enforcement in the Reds' own account of things:

"Tom Bell, of S.D.S., climbed the wall of the plaza, where reporters were stationed, to set up the bullhorn. He was comforted by an MP who attempted to billy-club him. Bell managed to pull the billy-club from his hand and gained the position. . . . Bell, at that station, began to talk to the troops, to tell them that the soldiers were not the people's enemy."

Yes, indeed. Tom Bell, we are to believe, bravely moved into some forbidden "station" under cover of the Press cameras, and though burdened by a heavy, awkward, battery-powered bull-horn, managed to disarm and rout the M.P. sent to "billy-club him." Having won this astounding victory, our little Captain Nice remained in place and went to work trying to subvert the troops, and the forces of law and order remained impotent, as usual.

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[4] On October 20, 1967, five hundred Vietniks blocked the Constitution Avenue entrance to the Justice Department and left 992 draft cards. Reverend Coffin was furious when he was not arrested, declaring: "Here was an officer of the law facing clear evidence of an alleged crime, and refusing to accept that evidence. He was derelict in his duty."

[5] Providing on-the-spot legal aid for the Vietnik multitudes was a marching team of thirty-eight Washington lawyers from the Communists' National Lawyers Guild and the Communist Front A.C.L.U., and 110 law students, all of whom wore tags bearing the word "Legal."

William Kunstler and Arthur Kinoy directed legal proceedings for the Mobilization. Kinoy, a member of the Communist National Lawyers Guild, had to be ejected from last fall's H.C.U.A. Hearings where he upset proceedings with puerile tantrums. Kunstler is attorney for the Communist DuBois Clubs and for such top Marxist revolutionaries as H. "Rap" Brown.

If it happened, it's another typical example of the sort of thing which went on all weekend.

A fact which seems to have escaped the entire press corps is that a vast area of the Pentagon grounds—the property and responsibility of the federal government—was simply abandoned by it and allowed to become Vietcong-occupied territory. It was even called, by some, the "Liberated Zone." There was no law enforcement, no attempt at it, outside the cordon of M.P.'s. Anyone could have been lynched and barbecued in full view and reach of five or six thousand American troops, for about two days. Certainly the destruction of property was understrained—or limited only by a shortage of property to destroy. There was not the slightest restraint on tearing down expensive fences, or dotting the lawn with camp-fires fueled partly by tree limbs broken off—and partly, we are happy to add, by posters and wads of propaganda, as the night grew colder. The entire area became the world's largest outhouse and rest-room wall, as the calls of nature became "symbolic protest" and the graffiti artists went to work.

Drugs were in evidence everywhere, from the bedraggled marijuana cigarette being passed from mouth to anxious, twitching mouth, to supplies of "pink caps," "blue dots," and other popular forms of narcotics. "Speed freaks" were easily spotted. These people take metamphetamine which, if it doesn't kill you, does make you look quite distinctive. If you see a youngster with what looks like a really roaring skin disease, or the face of an old rummy—a kind of puffy, fleshy red normally acquired after a lifetime of devotion to the bottle—he is probably on "speed."

There is not the slightest evidence that anybody was arrested for anything in the Vietcong-occupied portion of the Pentagon grounds.

After the Big Names were conveniently carted off, long before dark, the body of the demonstrators, about 35,000 strong, settled down to more or less of a routine. Most of the time, most of the creatures were fairly inert, standing or sitting around "confronting," munching, socializing, going along with a chant for a few moments, waiting for suggestions and wondering what was going to happen.

Naturally, the activists had to stage their shows, and very likely the only surprise of the evening, for them, came from the U.S. Marshals. While *all* uniformed personnel were under the most rigid orders, the Marshals were something else. This was good old James "Punchy" McShane's Goon Squad, of University of Mississippi fame. Though deceptively dressed in civilian clothes, with white helmets and clubs, they are mainly deputized federal prison guards, accustomed to summary handling, in the privacy of Atlanta or Leavenworth penitentiaries, of hard-cases who have gotten out of line. When they had their attentions transferred to the students of Ole Miss, who were protesting against Bobby Kennedy as "Director of Admissions" back in 1963, they covered themselves with glory, and everybody else with blood. That was okay because *those* kids didn't think right, and the defenders of civil liberties were therefore quite unconcerned about it.

But, for what small comfort it may bring to some, let it be recorded that on October 21, 1967, just four years after Ole Miss, Punchy's boys went to work, briefly but with characteristic lack of subtlety, on the crudniks who fell into their grasp at the Pentagon.

The active, consciously operating Vietniks among the mob constantly agitated, provoked, probed, assaulted, and occasionally broke through the military cordon. That last straw was the only thing that brought them any pain, because then they met the Marshals. There was gas around, here and there and from time to time, loosed by both sides. Its delicate fumes, when mingled with those of marijuana and unwashed bodies, ought to be bottled and labeld *Collective Sin.*

Dellinger called for making the affair a "teach-in" aimed at the troops who were forced to stand there, unmoving and unblinking, and take everything unless ordered to move. In the Reds' own papers, a report from a supposedly sympathetic M.P. says, "We were directed not to use tear gas. Anyone using tear gas unless they were told to do so would be courtmartialed. Also no one was to use any violence whatsoever. This is a courtmartial offense, too." Behind the line of M.P.s and the second line of Marshals, there were Regular Army paratroopers. They looked just fine—all the military men had to wear full-dress uniforms for the affair—but their rifles were visibly unloaded, with an open gap where the magazine should be, and at time some had bayonets fixed—but sheathed, of course. It wasn't at all like Ole Miss, but then these were different kinds of people. They weren't kids trying to keep the Feds out of their state university, but kids trying to storm the Pentagon in defense of an enemy killing our soldiers in the field. It makes a lot of difference.

Instructions to the 1,500 policemen, 1,850 National Guardsmen, and special 220-man "civil disturbance unit," who handled things within the District of Columbia, emphasized extreme restraint, required them to be "patient, discreet, and courteous"—and presumably to overlook petty breaches of the law except by counter-demonstrators, since they were the only ones arrested within the District, at the beginning of the march. These instructions included the following:

"It is imperative that every man and every official do his utmost to see that these orders are carried out, to the end that when the demonstrations are over and the participants have dispersed, they may look back on their day with pleasure and that there will linger in their hearts a genuine esteem for our Department."

So the M.P.s had to stand there, motionless, hour after hour, and be harangued, insulted, jostled, spat upon, and even kissed! It's hard to tell what's worse. They had to be photographed with flowers stuck in their rifle muzzles, and submit to games of grab-his-helmet. Chants of "Join us! Join us!" or "Drop those guns! Drop those guns!" were probably the most bearable things to happen all day. One lover-boy, who probably really believed what he was saying, got hold of one of the portable electric bullhorns which were tools of the trade, brought along by Students for a Democratic Society, and told everyone over and over how much he really "loved" those M.P.s. At that, one of the very few "black nationalists" in evidence couldn't stand it any more and just sneered, "Well, then, kiss 'em, baby!" There was no kissing on that occasion, but there was elsewhere, they say.

Agitators in the front ranks threw small sticks and candy wrappers at the silent, motionless M.P.s. . . . Then a volley of small rocks and burning bits of paper. Those near the restraining ropes began pulling at the iron peg that held up a barrier. When the troops moved forward to stop them they were met with curses and taunts. The agitators began to spit and throw lighted cigarettes to provoke the soldiers into some sort of retaliation. An M.P. Captain called through the bullhorn, "'A Company,' hold your ground, 'A Company.' Nobody comes and nobody goes. Just hold your ground, 'A Company.'" The tension was mounting.

In the dense areas adjacent to the two ramps, assault groups began forming as young revolutionaries spread the word to, "Link arms, link arms!" Then the leaders began a series of probing actions, assaulting first one position, then another. Advance and retreat. The troops were jumpy, and the taunts became more abusive.

A large squad of about two hundred revolutionaries, led by the U.S. Committee to Aid the N.L.F. [Vietcong], with Vietcong banners streaming, suddenly broke through the heavy M.P. line. A paramilitary leader, wearing a white siege-helmet, shouted orders as the assault group slammed into the troops with guerrilla precision. Again and again they attacked—kicking, gouging, and punching their way up the ramp. Several troopers had their helmets torn off and suffered cracks on the head as rocks and bottles rained down upon them. By the time the M.P.s recovered and regrouped, the Comrades were already charging up the ramp toward the auxiliary entrance. Several hundred newsmen, photographers, and officials scattered in panic when they found themselves in their path. The troops and Marshals had been outflanked and the Redniks dashed onto the terrace and up the steps into the Pentagon. Immediately, the stand-by troops of the 6th Armored Cavalry Division rushed out of the building, knocking several Comrades down the stairs, and formed a phalanx around the entrance.

Orders were now shouted to the M.P.s standing beneath the plaza behind the rope barricade: "Gas masks! Gas masks!" Someone had thrown a tear-gas cannister into the crowd on the ramp. The troops backed up a few yards and the nasty, cursing mob charged into them swinging burning firebrands and picket signs. Another handful got through but the M.P.s stopped the flow. Several rioters and an M.P. were carried to a waiting first-aid station some twenty yards back of the ramp. A hippy circulated through the crowd with a bottle of aspirin asking, "Any headaches? Any headaches?"

The troops were blamed for the gas attack, because on their belts they each carried a gas grenade. Actually the Vietnik leaders also came fully prepared. Some, hoping to provoke a riot, had brought their own gas cannisters. One of the revolutionaries boasted: "We have our own tear gas if they try to use any of it on us. And we got masks, don't worry."

Over on the right another group was busy scaling the wall leading to the plaza. From somewhere came grappling hooks which were tied to long heavy ropes and thrown over the rim of the cement wall. At the top, policemen tried to keep the intruders back, but within minutes they were overwhelmed; they broke and ran toward the line of troops who stood motionless, unloaded rifles in their hands. A huge cheer went up as a Vietcong flag was hoisted to the top of the parapet by the jubilant scaling party.

It was starting to get dark now, and the protagonists had faced each other for hours. By this time about five hundred had either scaled the wall or successfully charged up the two ramps, completely frustrating the efforts of the M.P.s and troops. Feigning attacks on one position caused troops to come running to protect that flank, thereby exposing another section to infiltration. Leading another wild charge up the ramp to the right were Communist DuBois Club leaders Jack Radey and Robert Heisler. Heisler, an admitted Communist, is also Chairman of the Communist Youth Forum at C.C.N.Y. In a recent letter he addressed to Robert Lederer, Heisler stated: "Mr. Hall recently passed the letter you wrote to him on to me and asked me to respond to it as soon as possible . . . I too was very impressed with Mr. Hall's ideas when I heard him speak about 3 years ago. *I joined the Communist Party soon after.* I am twenty-one now." Robert Heisler is also in charge of DuBois Club activities in New York, and was active in the April fifteenth peace march and flag burning.

Several other DuBois Club leaders were directing activities from the top of the wall. They included Robert Shreefter, Chairman of Students for Peace at Hunter College, and Steve Shreefter, Chairman of the Political Action Committee of the Faculty-Student Committee to End the War, at Brooklyn College.

A number of student monitors wearing red armbands passed through the crowd telling everyone to sit down and follow orders. Only a few wanted to follow orders, from either side. They were too worked up. A Professor now commanded the group's attention, goading and provoking the troops to lay down their weapons and defect. Professor Thompson Bradley, from Swarthmore College, charged that officers beat and kicked the peace marchers. It was the other way around. Two more gas cannisters exploded nearby.

A wide range of emotional techniques were utilized by the Communists to work up their streetbunders against the troops. Where some of the more passive types tried to talk quietly with the M.P.s who stood watching and waiting—others screamed vile names. A young Negro girl pleaded with a tall, strong-looking Negro soldier to lay down his weapon and defect. She told him not to be a traitor to his race. After a time—eliciting no response—she shrieked, "You dumb black nigger! Go ahead and shoot us. I dare you." Another Negro, a hippy, climbed down from his perch in a nearby tree and shouted, "Hey nigger! What have you done for your people?" The hippy then slowly and with deliberation set his draft card afire and waved it tauntingly under the nose of the trooper. Tears of anger rolled down the young soldier's cheeks—and he stood his ground.

It was getting dark now and the sight of the burning draft card sparked a wave of other burnings. With each one a prolonged round of applause flooded the mall. Several large bonfires were started in the bivouac area as a cold wind swept the field. Within minutes a score of fires were burning, fueled by picket signs, leaflets, and newspapers. Splintered wood was carried in from the barricades on the road, and tree branches were heaped on the leaping flames. Weird shadows were cast on the besieged walls of the Pentagon as the Communist-led rabble congregated around their fires.

Soon, probing actions began again and a small knot of activists made a thrust at the Marshals on the ramp, who fought back leaving several demonstrators bleeding on the ground. More tear gas was thrown and the crowd ran amuck. Several troopers were attacked and pushed back up the ramp. More invaders climbed the ropes dangling from the walls. Another assault column battled troops up the righthand ramp until the whole contingent flowed out onto the terrace. Those who had made it to the steps of the Auxiliary entrance sat down and refused to move, defying the troops.

A Mobilization "marshal" handed a bullhorn to one of the protest leaders, a Professor from New York who had recently led a rally at Foley Square. The Professor told the assembly that their intention was to paralyze the operations of the war makers by keeping the 27,000 employees from getting to work. He urged all those within range of his voice to relieve themselves on the walls and shrubbery of the Pentagon. "Let us turn our biological needs into a real symbolic gesture," he screamed. A call was sent out for food, water, and blankets to the thousands below the terrace. Runners were sent over the wall to collect cigarettes, coffee, and food which was later brought in to the squatters.

Since one of our men on the "inside" was, in effect, one of the "heroes," having been in one of the first assault teams (by no choice of his own) someone threw him a sandwich from down below. He offered half to a tired looking paratrooper—who ignored the gesture. The troops had stood in the same position for over six hours now and they were beginning to show fatigue.

The smell of marijuana drafted over the black-top terrace and a faint blue mist hung over the fantastic scene. The last of the determined protestors finally scaled the parapet and prepared for the long, cold night.

Eventually midnight arrived, the witching hour, when the permit for the demonstrations expired until morning. After midnight the assemblage was unlawful. That meant just about as much as their being in an "unlawful" part of the grounds, or flying an enemy flag atop the parapet of the Pentagon. There was no attempt to disperse the crowd—the "army" had dwindled abruptly to a few thousand as night fell, buses had left for home, and it got colder by the minute. The big "atrocity story" of the whole night was based on a feeble attempt to clear the terrace by slow, steady inching forward of the M.P. cordon. Professor Peck "took the bullhorn from S.D.S. and begged the troops to stop until the person responsible within the Pentagon for the massacre order could be found."

"We, like the Jews, had come non-resisting into this isolated house of death, and sat in the dark, at the mercy of robots before the gas chambers waiting for the proverbial bar of soap," runs the Communist account. Whoosh!

At the end of the "massacre" the mighty U.S. Army had gained about fifteen or twenty feet and the terrace was not cleared.

Saturday's accumulation of litter was almost gone on Sunday morning, as everything combustible had been sacrificed to the cause of keeping warm; but as the sun rose higher on Sunday, the level of garbage built up again, and by afternoon the Pentagon steps were hip deep in it—bottles, caps, rags and/or castoff clothing, candy-wrappers, potato-chip bags, apple cores—you name it. Indelible and unprintable messages were everywhere in lipstick and spray paint. Those who fancied themselves Oriental mystics were posing in the lotus position, or trying yoga exercises.

The costume party was on again, as the softies came back to the scene after a cozy night somewhere else. There were characters there dressed as Pocahontas, Geronimo, Guevara, Trotsky, the cast of *Doctor Zhivago*, and Alley Oop. I was about to immortalize on film one particularly intriguing creature when he swung a chain at me and offered to smash my camera. Police protection being what it was, he got away. A pity.

The affair petered out during Sunday afternoon, really, but the government went the extra mile and let the die-hards stay beyond the limits of the permit, until even *they* went home sometime Monday. The box-score read: forty-seven injured—twenty-four revolutionaries, twenty-three troopers; 682 arrests. Some 35,000 had marched, two thousand camped for the night, and 239 stayed till Monday.

So ended the activist phase of yet another carefully planned and staged propaganda assault on the American people; a people who never seem to look past the view of the world presented on television and in the headlines, and converted to pabulum for them once a week by *Time* and *Newsweek*, whose editors are only too happy to stuff all those empty heads with *their* interpretation of events. Of course, these same American people will be forced to pick up the million-dollar tab for this Washington weekend—an episode which, in fact, was a microcosmic example of our plight in Vietnam itself. We spend any amount of money to deploy overwhelming military power—and then carefully refrain from using it.

We can't know what all this cost Hanoi, but it was surely worth it; Dellinger and Company were rewarded by the North Vietnamese Government itself, through a public statement that their work "constitutes a valuable support" for Hanoi, which emphasized Hanoi's intention of "coordinating actions" between the "fronts" in Vietnam *and* the United States, and repeated the line used often by Mobilization speakers, that this marks a point of shift in tactics to "active resistance," or what Hanoi terms "fierce struggle" in the United States.

Our government seems to have gotten us into a *lovely* box—a "heads they win, tails we lose" situation. Since "victory" is officially renounced as an American policy, we are left with the choice of surrendering to the Communists, or bleeding indefinitely. Certainly, from the Communist point of view, either course of action is satisfactory; and if the United States can be further ripped apart by dissension—by bitter struggle over whether to surrender now, or bleed indefinitely, with talk of *winning* completely ruled out of order—well, just wonderful! So we have the spectacle, alas, of exactly this happening. "Moderate, responsible" people—the usual adjectives the Establishment "Liberals" apply to themselves in their wholly-controlled mass media—are for a mixed policy, really, of bleeding until some graceful means of surrender can be devised and put over on the people. The "radicals," whose conversations with the Communists are more open and frank, concentrate on tearing down our society with the largest crowbars available.

Probably a hundred million or so ordinary Americans would resent this if they knew about it. Many if not most have been pricked to acute awareness of it sufficient to cause some moments of anger or even fury. But then it subsides—after all, "Waddaya gonna do?" Veterans of Vietnam, Legionnaires, refugees from Communism on three continents, and just ordinary homegrown citizens have muttered again and again: "Why doesn't the government do something?" The few who have been sufficiently overcome by fury to slug a flag-burner or something have been arrested or at least restrained by police, and of course lambasted all over the Press for their "intolerance of dissent." And any organization, from the American Legion to The John Birch Society, which shows any public desire to counter open subversion and treason is hacked down, smeared, and wedged apart by "Liberal" groups formed for this precise purpose.

Meanwhile, the government goes to greater and greater lengths to permit violations of the law, and of the rights of the ordinary citizen and the serviceman being asked to die in Vietnam. And, the so awfully Reverend William Sloane Coffin does hardly anything any more but demonstrate that you *can* violate the Selective Service laws and nothing will happen. Campus mob-actions regularly violate the rights of non-participating students to attend classes, or pass through the halls, or visit a recruiter or job-interviewer if he wants to. On several occasions, during campus demonstrations, people have been forcibly confined to their offices, or even autos, for hours or days, and there has been no concern for their right not to be imprisoned by Communist-led mobs. This police, of course, are subject to such incedible harassment, and left so defenseless behind their backs by cheap politicians, that you can't hire men for this work any more, certainly not in sufficient numbers.

Look at the figures on casualties during insurrections in the three years *since*, not including, Watts. The revolutionaries have already killed twelve policemen, and injured 1,200. The number of civilians injured is only twice that many, and of course this includes many who were merely in the wrong place at the wrong time, and *all* the victims—those whose cars were smashed and burned and so forth. The extreme restraint, then, has probably resulted in more police than revolutionaries getting hurt.

The revolutionaries are now, and always have been, protected from the law, and from the natural resentment of ordinary Americans, by the "Liberals" who control the government and mass media. This is not an idle statement at all. It is based on a thirty-five-year record of tolerating Reds, encouraging Reds, advancing Reds to high positions, beating off any attempt to reduce or end their activities, and reserving all the "Liberals" viciousness for attacks on anti-Communists, who must be destroyed by fair means or foul.

In Washington, over the weekend of October 21–22, 1967, there were continuous public displays of subversion and treason. The government did nothing except to bend over backward on behalf of seditionists and traitors. Thirty-five thousand American youngsters learned on that weekend, if they didn't know it before, that *there is no penalty* for treason, for sedition, for assault, for public indecency, for taking dope right under the noses of the "forces of law and order," for destroying property and mobbing opponents and attacking U.S. soldiers.

And let's never forget the impact overseas! That was a major part of the whole show! Our boys in Vietnam will certainly be further demoralized by the disgusting spectacle. Other countries, not yet Communist-ruled, can't help but have serious doubts about the health and sanity of the American body politic. The Communist countries will simply thrive for months on the tremendous propaganda pictures and articles which flow almost without effort from such an affair. The government, intead of enforcing the laws which leaders of the Mobilization have left shattered behind them for years, offers them every assistance in their treasonous enterprises. The government is *not* helpless. It merely acts that way.

You will all be interested to know that the terribly "informed" *Washington Post* has stated that there were no Communists involved in the assault on the Pentagon.

And *Time* magazine, not daring to go quite that far and yet not inclined to lay it on the line, either, squirms out of it by a cute one. Dean Rusk, it seems, was asked whether *he* thought there were Communists involved.

Well, hurrumph, said the Secretary of State, " 'We haven't made public the extent of our knowledge' for fear of setting off 'a new McCarthyism.' " (*Time,* October 27, 1967)

Above all, we must be kept safe from "McCarthyism," which is to say from looking too deeply into Communist influence and activities within our country. After all, those two "hawks" in State and the White House, Dean Rusk himself and Presidential Advisor Walt Whitman Rostow, who push the bleed-indefinitely solution to Vietnam, might well worry about McCarthyism. Wasn't Rostow denied security clearances over and over again, until Kennedy brought him in at the *top*—the very *top?* And wasn't Dean Rusk an early and ardent admirer of Mao Tse-tung, going so far as to call him "the George Washington of China" as late as 1950?

With leaders like this, Hanoi has little to fear.

Why should they, they've already literally flown the Vietcong flag from the Pentagon.

From Washington

(By Reed Benson and Robert Lee)

If you take the October twenty-first "peace" demonstration at the Pentagon, and subtract the massive publicity it received in the news media, you are left with a colossal flop. Although some reports (including one in the Communist newspaper *The Worker*) placed the crowd at as high as two hundred thousand persons, and most projected a figure of around fifty thousand, the truth is that not more than thirty-five thousand Communists, hippies, and "peace" people came out on that sunny day to advocate capitulation to Communism. That's not even as many as the number of Americans who volunteered for the armed services during any of the long, hot summer months of June, July, and August. And if you discount the hundreds of newsmen and curious on-lookers who turned out, the figure is even less.

The Pentagon arranged to have some aerial photographs taken of the crowd during the peak of the march. A careful headcount based on those photographs was made and, as the "Liberal" *Washington Post* reported on October twenty-ninth, "Navy photo interpreters reported the maximum crowd size to be between 30,000 and 35,000 on the basis of pictures taken at 5 p.m. . . ."

A few days following the march—on October twenty-fifth—the formation of a new organization was announced at a press conference in Washington. The primary goal of this new Citizens Committee for Peace with Freedom in Vietnam (C.C.P.F.V.) appears, based on its initial policy statement, to be that of rallying support for the Administration's Vietnam policies. The new Committee has rented space two floors below the Washington office of The John Birch Society at 1028 Connecticut Avenue, N.W.

Former Senator Paul H. Douglas (D.-Illinois) of the Americans for Democratic Action is the C.C.P.F.V.'s Organizing Chairman. Co-chairman is General Omar Bradley, who sided with the politicians who ousted General Douglas MacArthur during the Korean War, and who now says that Vietnam is "the right war against the right enemy." Mrs. Oswald B. Lord, former U.S. Representative on the United Nations Human Rights Commission is Vice Chairman. Former Presidents Eisenhower (remember Cuba?) and Truman (remember Korea?) are members, as is former Secretary of State Dean Acheson (remember China?).

Those who have taken the opportunity to read *The Invisible Government,* Dan Smoot's definitive study of the Council on Foreign Relations, will readily recognize the significance of the fact that fully one-fourth of the initial members of the C.C.P.F.V. were also listed on the roster of the secretive[1] C.F.R. as of September 1, 1966. They include:

Dean Acheson; Frank R. Barnett; Thomas D. Cabot; Lucius D. Clay; James B. Conant; Roscoe Drummond; Dwight D. Eisenhower; Irving M. Engel; Wesley R. Fishel; Thomas S. Gates; Harry D. Gideonese; Edmund A. Gullion; John W. Hanes Jr.; Oscar de Lima; Edwin Allen Locke Jr.; George C. Lodge; Myers S. McDougal; Whitelaw Reid; Kermit Roosevelt; Charles E. Saltzman; Robert A. Scalapino; George N. Shuster; Arthur Smithies; H. Christian Sonne; Lewis L. Strauss; George E. Taylor; Frank N. Trager; Henry P. Van Dusen; Abbott Washburn; and John Hay Whitney.

In addition, five members of the C.C.P.F.V. are also sponsors of the notorious Institute for American Democracy, the anti-anti-Communist organization that has dedicated itself to preserving "democracy" by trying to destroy the growing "Conservative" movement in America. They are:

Thurman Arnold; Oscar de Lima; George C. Lodge; Ralph McGill; and George N. Shuster.

There are many other associations between C.C.P.F.V. members and various Leftwing organizations—including, in some instances, officially cited Communist Fronts. But we think the point is made. Does anyone believe that the C.C.P.F.V. could possibly promote any *real* anti-Communist program regarding Vietnam or anything else with this kind of membership?

To the contrary, the Committee's initial policy statement makes it quite clear that it intends to go all the way with L.B.J.'s no-win, aid-'em-while-you-(sort of) fight-'em policy in Vietnam. It asserts:

"We strongly support our commitment in Vietnam and the policy of non-compromising [sic], although limited, resistance to aggression. . . . Our committee has been formed to rally and articulate the support of the concerned, independent-thinking, responsible citizens in America who favor our nation's fundamental commitment."

The word *communist* is mentioned only once in the nine-hundred-word statement, and the Soviet Union isn't mentioned at all, even though Moscow and its European satellites are supplying over three-fourths of North Vietnam's war-making capability. This fits in with the current State Department line that the Soviets are so mellow we can build bridges to them, while the really "bad" Communists are those in Asia.

The Committee has already received a huge boost from the usual Leftwing sources. The *Washington Post* has lauded it editorially. So has the *Washington Star,* which is a strong backer of the Administration's policy of aiding the Communists everywhere else while claiming to fight them in Vietnam. *Time* magazine has climbed on the bandwagon, and the Committee's materials and membership list have been entered into the *Congressional Record* a number of times by such "Liberal" political figures as House Majority Leader Carl Albert (D.-Oklahoma) and Senator Jacob Javits ("R."-New York).

All-in-all, the C.C.P.F.V. has gotten off its launching pad with a good deal of thrust. Senator Douglas told those gathered at the October twenty-fifth press conference that the Committee plans to organize a speakers bureau, publish pamphlets, issue policy statements, and "engage in a variety of other educational activities." We shall follow those activities with interest.

[From the Washington (D.C.) News, Dec. 1, 1967]

The Attorney General's Reluctance To Speak

Your editorial (Nov. 27) "Why Not Spill It?" explains that the "Pentagon Disturbance" was "engineered by communists and their sympathizers." You state that Attorney General Clark did not want this information released.

In a news story I read that the Attorney General did not want the facts made known because it would start a wave of "McCarthyism." I have never thought that McCarthyism was more dangerous than communism. Yet that is the implication of the Attorney General's reluctance to reveal the results of investgation about this obscene disturbance at the Pentagon.

In spite of the hysteria caused by McCarthyism and the injustice it caused, I believe the time had come for the nation to be alerted to the communistic conspiracy. It is too bad that a man of greater stature than Senator McCarthy was not chosen to make the necessary investigation of the inroads of communistic activity.

Naturally he was vilified, and he deserved some of it, by the press and other powerful influences in the nation. This group told us that the Chinese revolutionists were "agrarian reformers" and that Castro was not a communist. This misguided group is as dangerous as the communists.

Matthew A. McKavitt.

[From the Washington (D.C.) Star, Dec. 10, 1967]

Big Brother?

Lancaster, Tex.

Sir: Secretary Rusk, and now the President, have referred to the Communist leadership of the anti-war demonstrations in this country. Secretary Rusk and Attorney General Clark say they do not want to publicize this information for fear of creating a new wave of McCarthyism in this country. McCarthyism was not pleasant but McCarthyism has yet to enslave or murder anyone, while communism is a clear and direct threat to all freedom-loving people in the world.

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[1] Article II of the C.F.R.'s By-Laws states: "It is an express condition of membership in the Council . . . that unless expressly stated by an Officer of the Council to the contrary, all proceedings at the Council's afternoon and dinner meetings as well as study and discussion groups are confidential; and any disclosure or publication of statements made at such meetings . . . is contrary to the best interests of the Council and may be regarded by the Board of Directors in its sole discretion as ground for termination or suspension of membership. . . ."

It looks as though everyone in the administration is in some sort of sociological bag. Secretary of Defense McNamara does not want to build an adequate missile defense even though the Russians continue to expand their nuclear capacity and variety because the Secretary has some sociological pipe-dream that he can talk the Russians into limiting armaments.

Now Attorney General Clark does not want to reveal the truth about the leadership of the rioters because he feels the American people are not capable of accepting the truth.

For the administration to withhold information about the Communist direction of the anti-war and other demonstrations in this country is, to me, little short of criminal. Who does Attorney General Clark think he is—Big Brother?

C. T. Hellmuth.

CHIEF JUSTICE OF THE WORLD

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Rarick] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RARICK. Mr. Speaker, every night suffering Americans go to sleep after saying their prayers begging forgiveness for their bitter hatred toward Earl Warren—many no longer ask forgiveness, they just suffer.

Probably no one native-born American has caused more havoc, financial loss, distress, and mental frustration to so many than the present Chief Justice of the Supreme Court.

Possibly some special interest group of benefactors, who are indebted to this black-robed reactionary, have promised him greatness in history—not as he is publically regarded—or from his "anti-people" record—but rather as a great reformer—similar to Tito or Castro.

To such end those whose causes he has championed have commissioned the writing of history to record a favorable image.

The strategy must be based on the premise that those living soon forget and tomorrow's history for a new generation must reserve a place of prominence for the old revolutionary. They have promised his reward and he regards himself Chief Justice of the World.

But one question for posterity—whatever happened in the strange death of his father, Methias H. Warren?

Mr. Speaker, I ask that the Evening Star release for December 11, the several Warren book reviews, an article from U.S. News & World Report for December 18, and other comments follow:

[From the Washington (D.C.) Evening Star, Dec. 11, 1967]

Court Voids Subversion Act Clause

(By Dana Bullen)

The Supreme Court today struck down a section of the 1950 Subversive Activities Control Act making it a crime for members of Communist organizations to work in defense plants.

The court held the section an unconstitutional limitation of freedom of association.

Chief Justice Earl Warren, who delivered the 6-2 ruling, said the law "quite literally establishes guilt by association alone" without requiring proof that a worker's contacts pose a threat to a defense facility.

"It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the nation worthwhile," Warren said.

Justices John M. Harlan and Byron R. White dissented. Justice Thurgood Marshall did not participate.

In a second action involving alleged subversive activity, the high court summarily upheld a court ruling here that clears the way for a Subversive Activities Control Board hearing on activities of the campus-oriented W.E.B. DuBois Clubs.

The Justice Department has charged that the DuBois Clubs, active in this fall's anti-war demonstration at the Pentagon and other such activities, should be required to register with the government as a Communist-front organization.

The Supreme Court's action today, from which Justices William O. Douglas and Hugo L. Black dissented, upheld a special three-judge federal court's decision that a suit challenging the registration law was premature before the proceedings have been held.

The case in which the defense employment section of the Subversive Activities Control Act was struck down grew out of government attempts to prosecute a machinist employed at a Seattle, Wash., shipyard.

A federal judge there dismissed the charge on the ground that the 1950 law was not specific enough with regard to the type of membership in a Communist-action organization that would bring a worker within the criminal provision.

Today's decision by the Supreme Court went beyond this ground in finding that the law itself is unconstitutional because of its impact upon the constitutionally protected right of freedom of association.

The section, similar to a provision in new anti-Communist legislation recently backed by the House of Representatives, provides for a possible sentence of 5 years in prison and a $10,000 fine.

BROAD RANGE CITED

The present law, said Warren, "casts its net across a broad range of associational activities, indiscriminately trapping membership which can be constitutionally punished and membership which cannot be so proscribed."

He said the 1950 law failed to deal with whether an individual was a passive or inactive member of a designated Communist organization, whether he was aware of or agreed with a group's unlawful aims, or whether an individual occupied a sensitive job.

Warren said, however, the high court was "not unmindful of the congressional concern over the danger of sabotage and espionage in national defense industries.

"Nothing we hold today should be read to deny Congress the power under narrowly drawn legislation to keep from sensitive positions in defense facilities those who would use their positions to disrupt the nation's production facilities," he said.

"Spies and saboteurs do exist," Warren said, "and Congress can, of course, prescribe criminal penalties for those who engage in espionage and sabotage."

Along this line, he said, the government also can deny access to secret information and can declare "sensitive positions" in defense industries off limits.

TWO DISSENTERS' VIEW

The two dissenters, Justices White and Harlan, argued that the protective measures included in the Subversive Activities Control Act were "clearly appropriate" in light of evidence before Congress about Communist tactics.

"Given the characteristics of the party, its foreign domination, its primary goal of government overthrow, the discipline which it exercises over its members and its propensity for espionage and sabotage, the exclusion of members of the party who know the party is a Communist-action organization from certain defense plants is well within the powers of Congress," they said.

In the case involving the DuBois Clubs, the Justice Department charges that the youth-oriented organization has been substantially controlled by the Communist party since its inception.

APPEAL RIGHT NOTED

An SACB hearing on the organization's status would provide the board with an opportunity to hold its first such proceeding in more than two years. The board's lack of work has figured in recent congressional moves to revitalize the body over the objections of critics who maintain that it would be better simply to abolish it.

In rejecting the DuBois Clubs' appeal today, the high court pointed out that someone losing in an SACB hearing can appeal up to the Supreme Court.

To hear objections to the registration law at this point, the justices said, would require determination of "important and difficult constitutional issues" without necessary factual information and before it is clear that the DuBois Clubs will be required to register.

Black and Douglas argued in dissent that: "Ideas, beliefs and advocacy are beyond the reach of committees, agencies, Congress and the courts," they said.

In opposing registration proceedings, the DuBois Clubs were joined by a number of individuals also opposing the Vietnam war. They argued that Communist-front registration provisions conflict with freedoms of speech and association.

Established in 1964 after the Communist party allegedly decided there should be a national Marxist youth group, the DuBois Clubs were named for the late Dr. William E. B. DuBois, a Negro historian and sociologist.

[From American Opinion, January 1968]

Warren: The Man, The Court, The Era

(By John D. Weaver)

When I had read 250 pages of this book I made a note that seldom had I seen so many facts about a man that explained so little. Then on Pages 252 and 253 I ran into a brief passage that explains everything. As background for the Mau Mau decisions (*Baker* v. *Carr, Gray* v. *Sanders, Reynolds* v. *Sims*) in which the Supreme Court ordered reapportionment of state legislatures according to the slogan "One Man, One Vote," author Weaver tells among other things how as Governor of California Earl Warren had in 1948 opposed proportionate representation in the California Senate, for "the same reason that the Founding Fathers of our country gave balanced representation to the states of the union—equal representation in one house and proportionate representation based on population in the other." Then, in the 1960's, "Chief Justice Warren, as his critics gleefully reminded him, had overruled Governor Warren." What happened? Weaver tells, tells more perhaps than he intended:

"In taking his stand on the 'one-man, one-vote' issue, Warren had to consider the effect of the decision not just on California. . . . As he keeps explaining to friends back home who wonder what has happened to him since he went to Washington, he has a different constituency now. It embraces not just a single country or a single state, but the entire country, *and, indeed, the world.*" [Emphasis supplied.]

Earl Warren thinks of himself as Chief Justice of the World! Now consider that the man "presides over a revolutionary tribunal" (Weaver's words), and that, in the words of Clayton Fritchey, the Warren Court has "stepped into the vacuum left by the other two branches of government, and launched a transformation of our society." This grandiose usurpler aims at being not merely chief justice, but also lawgiver and dictator to all nations. Weaver's astonishing statement that Warren's "consituency . . . embraces . . . the world" commends itself as a fair report of impeachable Earl's frame of mind, not only because Weaver says flatly that this sense of universal responsibility is something which Warren "keeps explaining to friends back home," but also because it so instantly illuminates the otherwise almost inexplicable conduct of this preposterous character whom Ike appointed and whom Lyndon has called "the greatest Chief Justice of them all." God help us!

Every once in a while it comes over me that ideas which "Liberals" promote and "Conservatives" dismiss on the ground that they are mere impractical dreaming are not only practical, but already in force. For example, disarmament. Not only is nuclear disarmament of the United States possible, it has probably already been effectively accomplished. McNamara has seen to it. Now Earl Warren, whatever else he may be, is, like McNamara, a practical man, not a loony idealist. If he thinks of himself as chief justice of the world, he's got some reason in his experience to think it. Weaver reports for us a bit of that experience.

In the summer of 1956 Warren visited India on the invitation of Prime Minister Nehru, "and sat on the High Courts of Bombay, Madras and Calcutta." We are not told whether the American participated in the decisions of those Indian courts at that time, but Weaver does say that Warren saw for himself that "the decisions of the United States Supreme Court are routinely cited by Indian lawyers as the country proceeds to build a body of constitutional law."

Perhaps it should not alarm us that the subtle Hindus pay us the flattery of imitation, but judging from one thing which Weaver reports regarding the Indian constitution, and judging from the record of the Warren Court, the influence is greater from East to West than vice versa. After citing the Tenth Amendment of the U.S. Constitution, with its provision that powers not expressly delegated to the federal government are reserved to the states, Weaver says: "In India, all powers not delegated to the states are reserved to the central government." Just such a reversal of the Tenth Amendment has obviously guided the Warren Court through the years, and it should be noted that the "central government" in question seems increasingly to be not the open government of the United States, of which Warren is openly the Chief Justice, but that shadow world government of which he is such a shady chief justice.

The world is Warren's constituency, and he leans over backward to avoid any imputation of favoring his own, his native land. Whatever kind of morality that may be, it is not keeping his oath of office. But then an oath is like a prayer, and so perhaps un-Constitutional by the standards of the Warren Court. At any rate the world constituency applauds the renegade Californian. Or so biographer Weaver claims: "In India, as in the new nations of Africa, Warren is best known as the author of the decision ending racial segregation in public schools." That such a man should adopt a Mau Mau slogan is perhaps only natural.

Born March 19, 1891 in Los Angeles, brought up in Bakersfield, California, a frontier-type town where his father was a skilled workman for the Southern Pacific, educated at the University of California at Berkeley, where he at least in part earned his own way, Earl Warren was a success in the best Horatio Alger tradition. Along the way he added more than a touch of Perry Mason, or rather Perry Mason in the reverse role of prosecuting attorney—a virtuous, "police are the good guys" kind of prosecuting attorney who saved grateful taxpayers and other citizens from the rapacity of unscrupulous gamblers and racketeers.

And Warren did his best to appear to be a gung-ho anti-Communist. If there had been a John Birch Society in the 1930's he might have joined it. As Republican Chairman he campaigned against Upton Sinclair in 1934: "The issue is between Americanism and extreme radicalism—a foreign philosophy of government, half Socialistic and half Communistic." In 1940, as Attorney General of California, Warren participated in the action of the Judicial Qualifications Commission in denying approval to Governor Culbert L. Olson's appointment to the State Supreme Court of University of California Professor Max Radin, who was thought to be something of a Red, and may have been, though his citations in *Appendix IX* of the House Committee on Un-American Activities are exactly half as many, and in my judgment considerably less nocuous, than those of Warren's current brother on the U.S. Supreme Court, Mr. Justice Abe Fortas.

In the late 1930's, Warren as Attorney General successfully prosecuted for murder certain union members and officials who were, according to the Communist press, thus the victims of a frame-up. Warren spoke harshly of Communists and they spoke harshly of him. The Communists, of course, had some "Liberal" support, and eventually (November 1941) the convicted murderers were paroled. Earl Warren was indignant. "The murderers are free today, not because they are rehabilitated criminals but because they are politically powerful communistic radicals." (Do you suppose that started Earl to thinking?)

Weaver gives a fascinating quotation from former Lieutenant Governor of California Ellis Patterson, who favored pardoning the labor leaders Earl had convicted, a quotation made in 1962, with the perspective of twenty-odd years: "I liked Mr. Warren very much, but at that time he was playing to the press and to the reactionary and conservative business interests who were opposed to labor organizations in any form whatsoever. He developed, I presume as district attorney, a very sadistic view on life. The main thing was to win cases, no matter who died or who hung. [Though, curiously, in the case of the murder of Attorney General Earl Warren's father, no one hung and the case is unsolved.] We had quite a disagreement on this. I notice as a Supreme Court Justice he has become more liberal, and, in my opinion, a better man. So I forgive him his shortcomings then because I think that he was playing politics and not his conscience." (Notice Patterson's "Liberal" twist: Earl's meanness was all right if he knew it was wrong and was just doing it to get ahead!)

In 1942 Warren ran for Governor against Olson and beat him, attacking the incumbent for, among other things, having vetoed a bill requiring schoolchildren to salute the American flag. Ole Earl was a flag-waver in those days. And, on coming into office, one of the first things he did was to fire Carey McWilliams, now notorious as editor of *The Nation* and a Leftwing author and agitator, then California Commissioner of Immigration and Housing, stockpiling grapes of wrath over migratory workers. A mutual friend of Warren and McWilliams said later, "It's a pity they never got to know each other. They were never as far apart as they thought." Right, Carey?

Earl Warren has outraged Americans on many counts. Reading his decisions they are convinced he is against prayer and for pornography, he is hard on the police and easy on criminals, he is for integration but indifferent to education, he is against security officers and for Communists. Perhaps the most widespread revulsion against his methods followed the decision outlawing prayer in the public schools. Perhaps the most intense disillusionment with him is that of law-enforcement officers who once thought he was one of them. Weaver summarizes: "It is ironical that Earl Warren, who first attracted national notice as a racket-busting district attorney, should end up presiding over a tribunal that has inflamed so many of his old friends in law-enforcement circles. His political base in California was originally built on his close ties with the state's police officers and district attorneys." Well, Mr. Weaver, like other moral atrocities of this old betrayer from California, this *volte-face* deserves a heavier adjective than *ironical*. How about *abominable?*

It was Eisenhower who called Warren to the highest judicial post in the visible U.S. government. It was Johnson who appointed him to what may have been at the time the most crucial post in the invisible government—under cover of the chairmanship of the extraordinary commission which bears his name, the Warren Commission. Weaver tries a feeble hand at upholding the conclusion of the Warren Commission, which no one really believes any more, that Lee Harvey Oswald was the sole assassin of President John F. Kennedy. The responsibility of legitimizing the *coup d'átat* of November 22, 1963, of sanitizing any and all possible surviving participants in that *coup*—such a responsibility is indeed commensurate with the scope and majesty of the position of Chief Justice of the World.

You know who I thought was the only Supreme Judge of the World? I thought it was God.

I still do.

I don't know whether you should try to read Weaver's book or not. He tries to make it admiring of Earl Warren, but it's hard. From an advocate's point of view, he makes the mistake of admitting too many facts. Of course those admissions are what give the book its real value. Weaver is a pretty good reporter, not much of a polemicist. He tries to make the Warren Court cases sound good, just as he tries to shore up the Warren Commission's Report. But I doubt whether he would convince anybody who wasn't already kind of mushminded. If you can get a copy free or have $7.95 that doesn't mean much to you, go ahead and read it.

[From U.S. News & World Report, Dec. 18, 1967]

Are Judges Remaking America?: Look Behind Some of the Major Changes Occurring in This Country and You Find They Stem From Decisions of the Supreme Court—Not From Acts of Congress. Raised Is This Question: Is the Court Interpreting the Constitution or Making National Policy?

The Supreme Court, once again, is plunging into a dispute that Congress has failed to settle.

The Court agreed, on December 4, to consider whether suburban housing developments must be opened to Negroes.

This case could bring the first nationwide ban on racial discrimination in privately financed housing.

If so, it would mean another major change in American life and government brought about by Court ruling rather than by act of Congress. The "open housing" test comes at a time when the role of the Supreme Court is a subject of growing controversy.

COURT'S INFLUENCE ON HISTORY

On November 29, an Associate Justice of the Supreme Court, John M. Harlan, told a Princeton University debating group that the

Supreme Court exercises "great influence on the course of history in this nation."

Said Justice Harlan:

"From the beginning, though more evident I think in the last 15 years than it had been in the recent past, two views as to the proper role of the Supreme Court in our governmental system have existed both within and without the Court.

"The one [view] is that the Court should stand ready to bring about needed basic changes in our society which for one reason or another have failed or lagged in their accomplishment by other means.

"The other [view] is that such changes are best left to the political process and should not be undertaken by judges who, as they should be because of their office, are beyond the reach of political considerations in their accountability.

"There can be little doubt but that the former, broader role of the Supreme Court is the one currently in vogue, and that it is resulting in the accomplishment of basic changes in governmental relationships. . . .

"As one example I might mention the Court's reapportionment decisions which have required that both houses of State legislatures and the federal House of Representatives be structured on a purely population, or as it has been called, 'one person, one vote' basis. . . .

"It can hardly be denied, I think, that these decisions represent a fundamental change in the federal judiciary's relationship to the political process and, with respect to State reapportionment, a profound shift in the balance between federal and State authority.

"Other examples could be found in the course of recent Supreme Court decisions in the field of criminal law. . . .

"I . . . venture to say that among the many problems facing students of the present-day scene none is worthier of close attention than the current course of constitutional development."

There is growing evidence that the effect of the present High Court on "constitutional development" is getting the "close attention" that Justice Harlan recommends. One legal expert after another has spoken out in warning. The trend that many authorities see is toward amending the Constitution and enacting laws by Court decree.

Important shifts in the way the nation is governed are seen to be flowing from this trend.

Speaking of Supreme Court decisions in recent years, Prof. Philip B. Kurland of the University of Chicago law school has said this: "The Justices have wrought more fundamental changes in the political and legal structure of the United States than during any similar span of time since the Marshall Court [early in the history of this country]."

Some of the Supreme Court decisions that brought about those changes are listed on page 37. All those decisions have been handed down since Earl Warren became Chief Justice in 1953.

The changes are to be found in many phases of American life.

In politics, the "one person, one vote" rule not only has altered the makeup of legislatures in most of the nation's 50 states; it also has brought a massive swing of political power—away from rural areas and toward metropolitan areas where the bulk of the population is centered.

In some States, big cities and their suburbs now control the legislatures.

RULINGS ON SEGREGATION

Supreme Court decisions have done far more than acts of Congress to change the racial picture in this country.

It was the Court—not the Congress—that ordered an end to segregation in schools, trains, buses, parks and other public facilities. It was later that Congress followed the Court's lead by ordering integration in restaurants, hotels and other public accommodations—and in jobs.

It is also the Court—not Congress or the State legislatures—that has virtually rewritten the code of criminal procedures for State as well as federal law-enforcement agencies.

RESTRAINTS ON POLICE

A series of Court rulings added restrictions on police—climaxed in 1966 by a decision that laid down strict new rules that police must follow in questioning a suspect in custody.

Dissenting in the 1966 decision, Justice Byron R. White—joined by Justices Potter Stewart and Harlan—said it "has no significant support" in the history or the language of the Constitution. He made the prediction that:

"In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets . . . to repeat his crime."

The Court's rulings on criminal procedures are held responsible by many Americans for contributing to the rapid rise in crime. And Court rulings that freed civil-rights demonstrators are being blamed, in part, for the rise in mass protests, racial violence and riots in recent years.

As a result of Supreme Court rulings, prayer and Bible readings are disappearing from public schools; it is becoming increasingly difficult to ban any publication on the ground of obscenity, to prosecute subversives or to keep watch on Communists; the Federal Government has been given wider powers to block business mergers.

Effects attributed to Supreme Court decisions in recent years are stirring wide criticism of the way the Court reaches its decisions.

STRETCHING JUDICIAL PROCESS

From Professor Kurland of the University of Chicago comes this comment:

"The Justices are stretching the judicial process to try to translate their notion of an ideal society into reality."

Much of the criticism has come from Supreme Court members themselves.

Justice Hugo L. Black recently cautioned fellow members of the Court:

"Our business is not to write laws to fit the day. Our task is to interpret the Constitution."

In dissenting from a 1966 decision, Justice Black said that the Court was "consulting its own notions rather than following the original meaning of the Constitution."

In a dissent from a 1966 ruling, Justice White said:

"The Court has not discovered or found the law in making today's decision. . . . What it has done is to make new law and new public policy. . . ."

Justice Harlan has described recent decisions as "nothing less than an exercise of the amending power by this Court." He said:

"These decisions give support to a current mistaken view of . . . the constitutional function of this Court.

"This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle,' and that this Court should 'take the lead' in promoting reform when other branches of Government fail to act.

"The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements."

Criticism of the Supreme Court has been voiced with growing frequency on the floors of Congress.

POWERS OF CONGRESS USURPED

Senator Sam J. Ervin, Jr. (Dem.), of North Carolina, a former associate justice on his State's supreme court, told the U.S. Senate on August 30:

"The tragic truth is that in recent years the Supreme Court has repeatedly usurped and exercised the power of the Congress and the States to amend the Constitution while professing to interpret it.

"On some occasions it has encroached upon the constitutional powers of the Congress as the nation's legislative body. On other occasions it has stretched the legislative powers of Congress far beyond their constitutional limits.

"On occasions too numerous to mention, it has struck down State action and State legislation in areas clearly committed by the Constitution to the States.

". . . A study of the decisions invalidating State action and State legislation compels the conclusion that these Supreme Court Justices now deem themselves to be the final and infallible supervisors of the desirability or wisdom of all State action and all State legislation."

Along the same line, Justice Black in a 1965 dissent said this:

"There is no provision of the Constitution which either expressly or impliedly vests power in this Court to sit as a supervisory agency over acts of duly constituted legislative bodies and set aside their laws because of the Court's belief that the legislative policies adopted are unreasonable, unwise, arbitrary, capricious or irrational."

Criticism of the Warren Court is far from new. As long ago as 1958 the Conference of Chief Justices—with chief justices from 36 States concurring—adopted a resolution saying:

"We believe that . . . the Supreme Court too often has tended to adopt the role of policy maker without proper judicial restraint."

LIBERAL MAJORITY INCREASED

Recent appointments to the Supreme Court are viewed widely as adding new votes to the "liberal" majority that has been responsible for nearly all the nation-changing decisions.

Justice Abe Fortas, appointed in 1965, has been lining up with this group in many rulings, and Thurgood Marshall, a Negro appointed this year, is expected to do likewise.

Now, at a time when Congress is balking at passing a nationwide "open housing" law, the Supreme Court again is being asked to step in and do what Congress has not seen fit to do.

[From the Wasington (D.C.) Daily News, Dec. 2, 1967]

CRIME AND THE COURT

The Washington woman who was stabbed and dragged into an alley garage by a rapist might read with some interest Tom Clark's statement that it is senseless to think Supreme Court rulings encourage crime.

Speaking recently at Denton, Tex., Mr. Clark, who retired last summer as a Supreme Court Justice, observed. "The idea that a man will read an opinion of the Supreme Court and then go out and rob a bank is ridiculous."

Possibly true; but that isn't the point. And "ridiculous" hardly is the word.

The rapist in the alley previously had raped a 17-year-old girl who identified him. Police found the girl's sweater and skirt in the back of his car. The courts freed him, to rape again, because the police hadn't had a search warrant.

This case is by no means unique. The annals of crime in the United States are full of such incidents.

There is, for instance, the notorious case of Andrew Roosevelt Mallory who got the death penalty for rape. He was freed because he was held overnight for arraignment. Later he was convicted of assault on a woman, freed after a 120-day sentence, finally convicted of assault and burglary, got 11 to 23 years in prison.

It isn't that marauders go about their work with a book of court decisions in hand. The complaint is that hairsplitting decisions have turned criminals loose by the hundreds and thousands to repeat their crimes.

If this may be considered an exaggeration, consider the decision in the case of Danny Escobedo, who got 20 years for helping to murder his sister's husband. He was freed because he hadn't been permitted to see a lawyer before talking.

In the light of this decision the district attorney in Dallas dropped charges against 100 persons who had confessed to burglary and narcotics charges, holding prosecution futile.

A recent FBI survey found more than half of arrested persons, freed by Federal authorities in one year, were arrested again on new charges within three years. Three-fourths of all persons arrested had records of two or more previous arrests.

And the damage goes far beyond the mere release of arrested criminals. As Sen. John McClellan says, a series of decisions has brought "confusion and disarray into the field of law enforcement."

Crime, in obviously large majority, is not committed by weak individuals who are victims of sudden impulse. It is the work of professionals, aided by Constitutional safeguards which were established to protect the innocent.

The FBI reports crime increased 17 per cent in the first half of this year. There were 30 per cent more robberies, 20 per cent more murders, 7 per cent more rapes.

Justice Byron White stated the case succinctly in his dissent from the majority Escobedo decision:

"The most basic function of any government is to provide for the security of the individual and his property . . . Without the reasonably effective performance of the task . . . it is idle to talk about human dignity and civilized values."

[From the Washington (D.C.) Sunday Star, July 2, 1967]

A LIFE OF JUSTICE WARREN

Until and unless the Chief Justice of the United States decides to tell his own story, Leo Katcher's biography could easily be the best and the most revealing.

His big book lacks just one thing, and that Katcher could not supply: Warren's own assessment of his life and work. The Chief Justice did not aid in the book's preparation, although he did not oppose it. Access to Warren would have supplied another dimension and an intimacy to the biography. But it might also have compromised one of the main virtues of the Katcher book: objectivity.

Katcher, a former newspaperman in New York and now a full-time author in California, has written a balanced and apparently complete analysis of Warren's public life. Since, with Warren, public actions have been but extensions of private personality, the book reveals the Chief Justice, politician, governor, and prosecutor fully.

Two-thirds of the book deals with Warren's life before he became head of the Supreme Court in 1953—his ancestry, boyhood, college and Army years, his public service from assistant district attorney in Oakland, Calif., to district attorney, state attorney general, California governor, and candidate for the nation's highest political offices.

The last third covers the 14 years as the Chief Justice, including Warren's direction of the commission on the assassination of President Kennedy. This part of the book pays less attention to the particulars of what Chief Justice Warren has done than to the setting in which he worked and the political and social impact of what he did. However, there are here fresh revelations of "inside secrets" about how the Court decided the segregation and reapportionment cases.

Katcher's book dispels the facile notion that "something came over" Warren as Chief Justice, to change him almost completely. That notion is held by, among others, former President Eisenhower, who put Warren on the court.

True, Warren's judicial actions in the three key areas of race relations, political reapportionment, and criminal law contradicted positions he had taken as politician and prosecutor. But the author shows how these "before-and-after" positions also had a common background in Warren's character and beliefs.

It is significant that Katcher calls his book a "political biography." That does not mean it is a story of Warren as a seeker and holder of public office. Rather, it means that the book is a story of Warren as a figure in the broad world of public affairs, where sociology, law, economics, and political science come together.

Katcher's book is sympathetic, but it is by no means adoring. A characteristic assessment is that "the only figure in recent American history with whom Warren can be equated is Franklin Delano Roosevelt." That is, preeminence in his time, yet a figure as much detested as idolized.

From the Katcher biography, Warren emerges as something of a benovelent, autocrat, a compassionate moralist, a reforming nonthinker, a stubborn humanitarian. There is a strong strain of consistency in principle running through this life as seen by Katcher, but there is also a strong capacity to change through "growth and learning." If, as this author sees it, Warren was slow to come to maturity in his ideas, he was early committed to basic notions of right which he has never forsaken.

Two of Katcher's story-telling techniques add not only to the value of his book, but also to the ease of reading it.

One is the use of brief chapters—there are 51 in all—with each offering not only an encapsuled treatment of a topic or event, but also a lead-in to the chapter immediately following.

The other technique finds Katcher, discussing Warren's roles only after the author has first made evident the context in which a role was performed. This was particularly helpful in understanding, for example, Warren's irrational belief during World War II that Japanese ancestry automatically equated disloyalty to America.

ADDRESS OF RICHARD KLABZUBA ON AIR SAFETY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. ADAMS] may extend his remarks at this point in the RECORD and include extraneous matter and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ADAMS. Mr. Speaker, each year the Flight Safety Foundation sponsors an international air safety seminar. At the 20th annual international air safety seminar held last week, December 4–7, 1967, in Williamsburg, Va., a paper was presented by Richard W. Klabzuba exploring the possible use of various criteria for measuring the exposure-hazard to an aviation accident.

The Flight Safety Foundation is a nonprofit, nongovernment organization based in New York City. Its president is Maj. Gen. Joseph D. Caldara, USAF, retired. General Caldara distinguished himself by serving this Nation as the Director of Flight Safety Research and Deputy Inspector General—Safety of the U.S. Air Force from 1955–60.

Mr. Klabzuba is a former MAC officer who attempted to form his own airline at age 20. In developing his statistical approach, he consulted with statisticians and safety officials in various agencies and countries.

The paper follows:

THE IMPACT OF THE EXPOSURE HAZARD ON AVIATION ACCIDENT STATISTICS

It is a pleasure to be with you today to discuss aviation accident statistics and their measurement of the "exposure hazard" to an aviation accident or fatality.

Those of you have been following the dialogue during the last few years are aware of the growing criticism of the statistical yardsticks used at present for evaluating aviation accidents. There are now a number of critics who question the validity of accident rates based upon million of miles flown. They say it does not reflect a true picture.

Bobbie R. Allen, the Director of the Bureau of Aviation Safety of the new National Transportation Safety Board, noted this criticism over a year ago in an address to the Aviation/Space Writers Association in Washington.[1] A. M. Lester, Director, Air Transport Bureau, International Civil Aviation Organization, observed similar criticism in his article, "Global Air Transport Accident Statistics," which appeared earlier this year in the *ICAO Bulletin*.[2] Other speeches and articles by industry leaders have made corresponding observations.

With this criticism in mind, I would like to explore with you the possible use of other criterion. First, however, because so many things we say today are subject to misinterpretation, I would like to clarify what I mean by the terms "safety" and "exposure" or exposure hazard.

Safety is by definition a condition or state of being freed from harm, injury or risk; secure from threat of danger. It is the qaulity or state of being devoid of whatever *exposes* one to danger or harm.

Exposure, on the other hand, involves the act of laying one open to danger; to rendering one accessible to something that may prove detrimental, such as an accident or fatality. An exposure hazard in aviation is, therefore, the chance that a particular aircraft and its contents may sustain loss or damage. The purpose of accident statistics is merely to ascertain and bring together those facts which are calculated to best illustrate present conditions and determine future prospects.

Second, I believe it is important to review again briefly with you an air carrier's duty to the public. In common law countries, air carriers (barring treaties or statutes) have an affirmative duty to provide the public safe air transportation service. Carriers who accept passengers entrusted to their care must use great caution to protect them. This has been described as "the utmost caution characteristic of very prudent men," or "the highest possible care consistent with the nature of the undertaking." [3]

A common carrier, for example, may make a different contract with each single passenger—varying in its terms as to fare and length of haul—but the tort duty of reasonable care for their safety extends to every person towards whom it stands in relation of carrier and passenger, including those who have not contracted at all but are riding free.[4]

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[1] Allen, Bobbie R., Presented to Aviation/Space Writers Association, Willard Hotel, Washington, D.C., Sept. 29, 1966, p. 5.

[2] Lester, A. M., "Global Air Transport Accident Statistics", *ICAO Bulletin*, International Civil Aviation Organization, Montreal, Vol. XXII, No. 1 (January, 1967) p. 3–6.

[3] Prosser, William L., Law of Torts, West Publishing Company, St. Paul, Minnesota, 2nd Ed. (1955) p. 147.

Upon much the same basis, a bailee who receives property entirely for his own benefit, such as an air cargo carrier, is recognized as assuming great responsibility and therefore must also use great care.

The weight of legal authority, by the way, rejects the idea of degrees of negligence—considering instead that *any* failure to use care required under the prevailing circumstances is simply ordinary negligence. Thus, within common law jurisdiction, every air carrier has an affirmative legal duty to provide safe air transportation service.

Many nations have also established laws requiring every air carrier to provide safe service. In the United States, as an example, in addition to Title IV, "Safety Regulation of Civil Aviation", the word "safe" or "safety" is mentioned three times in the Federal Aviation Act of 1958 in connection with air commerce.

Safety and economic control of air carriers flow from a single command. The directive is clear; Congress is animate in its demand that every air carrier and the C.A.B. provide and promote the highest degree of safety in air transportation. Nothing less will satisfy Congress nor the Act.

Air carrier executives, however, have always been vitally concerned with safety. William A. Paterson, when he was Chairman of United Air Lines' Board of Directors, stated: "Safety is always the No. 1 problem for an airline."[5] These annual Flight Safety Foundation Seminars and other similar meetings manifest the industry's concern with safety. As an industry, I feel you have been instrumental in establishing the highest standards of any industry.

Nevertheless, in spite of the high standards already attained, the fact remains air carriers have an affirmative obligation to provide safe service "under the prevailing circumstances" and, as you know, *these conditions do change periodically*. As a consequence, you and I must always be alert for such changes.

Now with regards to aviation accident statistics, two principal yardsticks have historically been used, among others, to analyze and measure the rate at which accidents occur. These are (1) the number of aircraft-miles and passenger-miles flown per accident or fatality, and (2) the number of aircraft-hours flown per accident or fatality.

Generally, the statistical data has always been divided into two broad categories: air carrier and general aviation. General aviation comprises all civil flying except that of air carriers; hence figures for general aviation include student pilots, aerial agriculture applicators, air taxies, pleasure and recreational flying, personal business flying, corporate/executive flying (by professional crews), as well as non-certificated pilots.

Up until recently all statistical data concerning passenger fatalities on air carriers have historically been based upon the passenger-mile. The unit appears to have been adopted because this was the method initially established to measure railroad safety. According to Mr. Lester the main reason why accident rates have generally been related to the aircraft-mile or passenger-mile is simply that these statistics are almost universally available and can be obtained for the fairly distant past, whereas other statistics have only recently been reported internationally and are still not generally available for passenger movements.

Statistical data published on the basis of the ratio of passenger fatalities per passenger-mile flown has continually indicated air carrier service to be safer than general aviation. However, another factor (which has long been recognized to be worthy of analysis) is the time spent in the air. Carl B. Allen, a member of the first U.S. Air Safety Board, refers to this is the "time of exposure" theory.

It is not surprising, therefore, that someone eventually would attempt to correlate air carrier passenger fatalities to flying hours, just as air carrier aircraft accidents, and general aviation accidents and fatalities, have historically been correlated to aircraft-hours flown. Apparently the first published data relating air carrier passenger fatalities to flying time was made by William K. Lawton (formerly President of the National Business Aircraft Association) in October 1965 in an article that, among other things, compared the safety record of general aviation to air carrier operations.[6]

As far as we are concerned here today, the interesting fact revealed by this new evidence is not the comparison between the safety records of the air carriers and general aviation, but rather the high degree of statistical correlation between air carrier accidents and flying time. The accident rates per 100,000 flying-hours were: 2.0 (1959), 1.9 (1960), 2.2 (1961), 1.7 (1962), and 1.8 (1963).

More disturbing, however, is a comparison of the air carrier fatality rate per 100,000 flying-hours reported in the article with a similar passenger fatality rate per 1,000,000 passenger-miles as supplied by the Bureau of Aviation Safety. Like cost-per-mile and cost-per-hour figures, these two ratios do not at all times agree statistically. To be specific, when the fatality rates for the year 1962 are compared with the year 1961, those statistics based upon 1,000,000 passenger-miles indicate the fatality rate *decreased*, whereas data covering the same period based up 100,000 flying-hours shows the fatality rate as *increasing*.

Such a fundamental difference raises a very elementary question: What really were the passengers' and crews' chance of survival in 1962? Is the passenger's and crew's exposure hazard to an air carrier aircraft accident or fatality more closely related to the aircraft-mile or passenger-mile, or the aircraft-hour or passenger-hour flown?

Unfortunately this question can not be answered (nor can the statistical study proffered by Mr. Lawton be supported nor denied) with statistical data supplied by the Civil Aeronautics Board or National Transportation Safety Board, because neither the Bureau of Aviation Safety nor the Bureau of Accounts and Statistics have published any data concerning the number of passenger-hours flown.

However, even though neither Board has yet supplied the public with data concerning the number of passenger-hours flown, it is possible to logically contruct an approximation of such a figure using other data published by C.A.B.'s Bureau of Accounts and Statistics. The three fundamental elements are: 1. "Average Available Seats per Aircraft"; 2. "Total Revenue Passenger Load Factor, Scheduled Service (Percent)"; and 3. "Over-all Revenue Aircraft Hours, Scheduled Service".

The product of this data provides a passenger-hour flown figure that is reasonably accurate. Application of this figure to the number of passenger fatalities incurred produces a ratio that is similar to the passenger fatality rate per 100 million passenger-miles flown, thereby enabling us to compare trends in the two ratios. Both ratios being based upon raw data acquired from the same sources.

Table 1 provides a direct comparison of the passenger fatality rate per 100 million passenger-miles flown with the passenger fatality rate per 100,000 passenger-hours flown for eighteen annual calander periods (1949–1966). Three observations should be noted.

One, the passenger fatality rate per 100,000 passenger-hours flown is identical for the two years 1951 and 1960 (i.e., 0.24), whereas the passenger fatality rate per 100 million passenger-miles flown indicate a marked difference between the same two years. The mileage rate for 1960 is something like 28% less than that for 1951. 1963 and 1966 provide a similar situation. The ratios are therefore inconsistent.

Two, the passenger fatality rate per 100 million passenger-miles flown for the two years 1952 and 1962 are almost identical, i.e., 0.35 and 0.34 respectively. But the passenger fatality rate per 100 thousand passenger-hours flown for 1962 (0.13) is almost double that for 1952 (0.07). These two rates are certainly incompatible.

Three, the 1962 passenger fatality rate per 100 million passenger-miles flown indicates approximately an 11% decline from the previous year (0.38 to 0.34), while the passenger fatality rate per 100 thousand passenger-hours flown shows a 30% increase during the same period (0.10 to 0.13); *a direct contradiction*.

The passenger fatality rates per passenger-mile flown and passenger-hour flown are therefore not at all times consistent or compatible, and they can contradict each other. As a consequence, a choice must ultimately be made between the two ratios. That choice should be made on the basis of the ratio which best assess the exposure to accidents, and best determines trends in accident and fatality rates.

The next two Tables compare passenger and crew fatalities, and aircraft accidents, to revenue aircraft-hours flown. All the raw data necessary for these two tables is available in various C.A.B. and N.T.S.B. reports. Table 2 compares the data on an annual calendar basis for a period of eighteen years (1949–1966), but it is difficult to read and does not clearly indicate trends. For this reason, the results of the same data are compared on the basis of a five year moving average in Table 3. This latter Table will enable you to more easily obtain a better comprehension of the exposure rate. (To further improve your understanding of the trends, all of the ratios in Table 3 have been rounded to one decimal place.)

In Table 3, a high degree of correlation is shown between both aircraft accidents (total and fatal) and aircrew fatalities, and the number of aircraft-hours flown. From these figures it can be reasonably concluded that aircraft accidents and aircrew fatalities are closely related to the number of aircraft-hours flown.

On the other hand, although the passenger fatality rate per 100,000 revenue aircraft-hours flown does show a correlation to the number of revenue aircraft-hours flown, it does not show the same high degree of correlation. This however is to be anticipated.

If aircraft accidents are related to aircraft-hours flown (as these statistics indicated), then because the composition of the aircrew to aircraft is relatively constant, the crew fatality rate per aircraft-hour will also be relatively constant. This is especially true in the case of flight-deck personnel, as opposed to cabin attendants—whose number tends to fluctuate with the capacity of the equipment and class of service. Under these circumstances we should expect the crew fatality rate to show a similar high degree of correlation to revenue aircraft-hours flown as the rate for fatal aircraft accidents.

Passengers present a different problem. Since the number of passengers carried per aircraft-hour flown fluctuates materially with both capacity and percentage utilization of that capacity, it can not be expected that the passenger fatality rate per 100 thousand revenue aircraft-hours will have the same high degree of correlation to aircraft-hours as fatal aircraft accidents or crew fatalities.

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[4] Ibid., 5.

[5] "All in one lifetime—From 'Crates' to super jetliners", *U.S. News & World Reports*, Washington (Feb. 7, 1966) p. 66.

[6] Lawton, William K., "In Good Company", *Flying*, New York, N.Y., Vol. 77 (October 1965) p. 52.

The figures confirm this expectation. They show a reasonable correlation to aircraft-hours flown, but to a lesser degree than either fatal aircraft accidents and aircrew fatalities.

Carrying this idea one step further, it would appear that because the number of passengers carried per aircraft-hour will vary with equipment capacity and percentage utilization of capacity, it might be anticipated that the passenger fatality rate would be affected by the size of the equipment and the load factor. That is, the average available seats per aircraft, and the average revenue load per aircraft.

Present data, however, does not affirm this hypothesis. In point of fact, it denies this assumption on two separate occasions.

Average aircraft capacity and loads carried have increased every year since 1949 with only one exception (the average revenue load per aircraft decreased three-tenths of one percent in 1957). Nevertheless, during the period 1949 to 1958, the five year average of the passenger fatality rate per 100 thousand revenue aircraft-hours flown declined almost continuously from 4.4 to 3.1. Thus, the passenger fatality rate declined 26 percent during the same period that capacity increased 32%, and loads increased 29%.

Again, today we find that the five year average of passenger fatalities per 100,000 revenue aircraft-hours flown has dropped from a high of 5.5 (1959–1962 period) to 3.5 (1962–1966 period). This represents a *36 percent decline* during a period when capacity expanded 29%, and the average load per aircraft climbed 24%.

These two extended periods tend to refute any presumption that the passenger fatality rate is associated with either the capacity of the equipment or the average load carried. The primary exposure hazard (or wrecking rate as it is referred to in insurance terms) appears to be associated with the aircraft. Its contents are incidental.

In flight safety or accident reports, it is customary to categorize aircraft accidents as being generally attributable to either aircrew or pilot error, technical defects, servicing faults, natural hazards, unkown or other specified causes, or a combination thereof. Such reports also classify aircraft accidents by phase-of-flight (i.e., taxiing, take-off, cruise or in-flight, landing, etc.) as well as the rate per flight-hour.

The universal consensus has been that the majority of all aircraft accidents occur in the take-off and landing phase-of-flight. However, the figures published in one recent study on the subject showed that only 11.5% of the 158 accidents investigated were actually referable to the take-off and landing phase-of-flight.[7]

Mr. Lester in his article also noted that although it is true that the main risk of accident are associated with landings and take-offs, *this is not quite so true of fatal accidents as it is of less serious accidents.*

He went on to point out there are a number of accident risks enroute that are greater for long flights than for short ones. That the risks of a fatal accident associated with a long flight are certainly greater than those associated with a shorter flight, even if they are not directly proportional to the distance flown.

Thus it is possible that this area needs reconsideration and that, at least at this time, a ratio associated with landings and take-offs would not provide the best assessment of a passenger's exposure hazard, nor determine trends in either the passenger fatality or aircraft accident rates.

However, because the feeling that aircraft accidents are principally related to landings and take-offs is so wide spread, it cannot be ignored. I have therefore taken the liberty to prepare another Table comparing aircraft accidents per revenue aircraft-hours flown to those sustained per revenue aircraft departures performed (Table 4).

You will note the rates are substantially similar. The only major difference is that the rate per aircraft departure performed has been declining more rapidly in recent years. During this period, of course, the introduction of jet aircraft has reduced intransit time. This, in turn, increased the number of departures per aircraft-hour flown.

Your attention is also invited to the fact that the fatal aircraft accident rate per 100,000 departures performed has now dropped from 0.2 to 0.1, while the rate per aircraft-hours flown has remained unchanged for 18 years. This tends to affirm the thesis of Messieurs Mason and Lester.

The statistical inference clearly appears to be that aircraft accidents are more closely related to revenue aircraft-hours flown as opposed to revenue aircraft departures performed. But, as I have already indicated, this entire area needs further examination.

Upon the basis of the statistical data presented heretofore, it may be stated that both aircraft accidents (over-all and fatal) and aircrew fatalities have a high degree of correlation to revenue aircraft-hours flown. The aircrews' exposure to a fatality is at present in the neighborhood of 0.5 per 100,000 revenue aircraft-hours flown; or one fatality per each 200,000 revenue aircraft-hours flown.

It can be reasonably anticipated that some sort of reportable aircraft accident will occur every 77,000 revenue aircraft-hours; and that a fatal aircraft accident will take place approximately each 500,000 revenue aircraft-hours.

In addition to the foregoing, it may be asserted that passenger fatalities are also related to aircraft-hours flown. At present, the passenger fatality rate appears to be possibly 3.5 per 100,000 revenue aircraft-hours flown; or one fatality per each 28,600 aircraft-hours flown.

The over-all aircraft accident rate is declining, but because the fatal accident rate has remained relatively stable, a greater proportion of all accidents now involve at least one fatality. In this regard, it should be noted that the number of fatalities per fatal accident may have either decreased slightly or at least remain unchanged, despite the fact average aircraft capacity has expanded. In other words, modern aircraft appear to be more "crash worthy" than their predecessors.

The foregoing fatality rates apply to U.S. domestic scheduled air carriers, and it is apparently significantly lower than that experienced by air carriers on a worldwide basis. Without going into great detail, there are now a number of agencies throughout the world, both public and private, who are using the aircraft-hour to a greater and greater extent as their principal yardstick. Some are considering supplementing their figures by adding rates per aircraft-hour, passenger-hour and ton-hour flown, in an effort to develop a more realistic and meaningful technique.

The statistics which these agencies have developed to date indicate that the accident rate is affected by (or can be classified according to) type of equipment, experience with equipment-type, geographical region, and air carrier. This may not appear to be significant, but it is a beginning. It has enabled some agencies to ascertain the facts more clearly; to determine trends more precisely. But your assistance will probably be needed in the long-run to further improve the quality of the product. So please be generous with your comments and suggestions when they are solicited.

The facts set forth here today have tended to show that (1) aircraft accidents, fatal aircraft accidents, aircrew fatalities, and passenger fatalities, are at all times reasonably related to the number of aircraft-hours flown. (2) That passengers, crews, and aircraft are exposed to an accident or fatality on the basis of the number of aircraft-hours flown. And (3) the *aircraft-hour flown* is at present the best unit for measuring the numerical magnitude of passenger and aircrew fatalities, as well as aircraft accidents, to determine trends and assess their exposure to accidents.

Ladies and gentlemen, everything I have said here today can be stated in 25 words or less: "The aircraft-hour flown, and possibly the passenger-hour and ton-hour flown, measure the exposure hazard in aviation."

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[7] Mason, J. K. (M. D., D. C. P.), Aviation Accident Pathology, Butterworth & Co., London, England (1962) p. 3.

TABLE 1.—PASSENGER FATALITIES AND PASSENGER FATALITY RATES, U.S. AIR CARRIERS, SCHEDULED DOMESTIC PASSENGER SERVICES, CALENDAR YEARS 1949–66

Year	Passenger fatalities	Passenger-miles flown (thousands)	Estimated revenue passengers-hours flown	Passenger fatality rates			
				Per 100,000,000 passenger-miles		Per 100,000 passenger-hours	
				Rate	Change (percent)	Rate	Change (percent)
1949	93	7,071,042	39,498,832	1.32		0.24	
1950	96	8,363,379	45,662,389	1.15	−13	.21	−13
1951	142	10,949,903	58,397,507	1.30	+13	.24	+14
1952	46	12,996,657	65,857,243	.35	−73	.07	−71
1953	86	15,337,760	75,743,085	.56	+60	.11	+57
1954	16	17,389,817	82,945,553	.09	−84	.02	−82
1955	195	20,550,940	96,674,387	.75	+733	.20	+900
1956	143	23,155,153	107,138,130	.61	−19	.13	−35
1957	32	26,252,338	118,763,914	.11	−82	.03	−77
1958	114	26,266,401	117,030,903	.43	+291	.10	+233
1959	209	30,435,495	133,999,791	.68	+58	.16	+60
1960	326	31,851,753	133,817,481	.93	+37	.24	+50
1961	124	32,547,998	127,136,699	.38	−59	.10	+58
1962	158	35,287,129	126,073,858	.34	−11	.13	+30
1963	48	40,263,416	137,728,978	.12	−65	.03	−77
1964	106	46,044,743	152,213,062	.14	+17	.07	+133
1965	205	54,254,616	168,842,095	.38	+171	.12	+71
1966	59	62,968,478	194,559,341	.09	−76	.03	−75

Sources: Bureau of Accounts and Statistics, Civil Aeronautics Board; Bureau of Aviation Safety, National Transportation Safety Board.

TABLE 2.—AIRCRAFT ACCIDENTS, FATALITIES, AND ACCIDENT AND FATALITY RATES, U.S. CERTIFICATED ROUTE AIR CARRIERS, SCHEDULED DOMESTIC PASSENGER SERVICES, CALENDAR YEARS 1949–66

Year	Number of accidents		Number of fatalities			Revenue aircraft-hours flown	Aircraft accident rate per 100,000 revenue aircraft-hours flown		Passenger and crew fatality rate per 100,000 revenue aircraft-hours flown		
	Total	Fatal	Total	Passengers	Crew		Total	Fatal	Total	Passengers	Crew
1949	29	4	104	93	11	1, 965, 116	1. 48	0. 20	5. 29	4. 73	0. 56
1950	36	4	109	96	13	2, 011, 559	1. 80	. 20	5. 42	4. 77	. 65
1951	37	8	166	142	24	2, 195, 395	1. 69	. 36	7. 56	6. 47	1. 09
1952	36	5	52	46	6	2, 403, 549	1. 50	. 21	2. 16	1. 91	. 25
1953	32	4	101	86	15	2, 620, 868	1. 22	. 15	3. 85	3. 28	. 57
1954	44	4	23	16	7	2, 675, 663	1. 64	. 15	. 86	0. 60	. 26
1955	41	8	221	195	26	2, 965, 472	1. 38	. 27	7. 45	6. 57	. 88
1956	47	4	156	143	13	3, 246, 610	1. 45	. 12	4. 80	4. 40	. 40
1957	44	4	34	32	2	3, 631, 924	1. 21	. 11	. 94	. 88	. 06
1958	42	4	129	114	15	3, 546, 391	1. 18	. 11	. 94	3. 22	. 42
1959	61	9	242	209	33	3, 774, 642	1. 62	. 24	6. 41	5. 54	. 87
1960	62	8	363	326	37	3, 493, 930	1. 78	. 23	10. 39	9. 33	1. 06
1961	56	5	135	124	11	3, 146, 948	1. 78	. 16	4. 29	3. 94	. 35
1962	35	5	183	158	25	3, 016, 121	1. 16	. 17	6. 07	5. 24	. 83
1963	39	4	64	48	16	3, 102, 004	1. 26	. 13	2. 06	1. 55	. 41
1964	45	6	120	106	14	3, 224, 853	1. 40	. 19	3. 72	3. 29	. 43
1965	55	6	223	205	18	3, 459, 879	1. 59	. 17	6. 45	5. 93	. 52
1966	48	4	72	59	13	3, 684, 836	1. 30	. 11	1. 95	1. 60	. 35

Sources: Bureau of Accounts and Statistics, Civil Aeronautics Board; Bureau of Aviation Safety, National Transportation Safety Board.

TABLE 3.—AIRCRAFT ACCIDENTS, FATALITIES, AND ACCIDENT AND FATALITY RATES, U.S. CERTIFICATED ROUTE AIR CARRIERS, SCHEDULED DOMESTIC PASSENGER SERVICES

5-YEAR MOVING AVERAGE, CALENDAR YEARS 1949–66

Period	Aircraft accident rate per 100,000 revenue aircraft-hours flown		Passenger and crew fatality rate per 100,000 revenue aircraft-hours flown		
	Total	Fatal	Total	Passengers	Crew
1949–53	1. 5	0. 2	5. 1	4. 4	0. 7
1950–54	1. 6	. 2	3. 8	3. 2	. 6
1951–55	1. 5	. 2	4. 4	3. 8	. 6
1952–56	1. 4	. 2	4. 0	3. 5	. 5
1953–57	1. 4	. 2	3. 5	3. 1	. 4
1954–58	1. 4	. 2	3. 5	3. 1	. 4
1955–59	1. 4	. 2	4. 6	4. 0	. 5
1956–60	1. 4	. 2	5. 2	4. 7	. 6
1957–61	1. 5	. 2	5. 1	4. 6	. 6
1958–62	1. 5	. 2	6. 2	5. 5	. 7
1959–63	1. 5	. 2	6. 0	5. 2	. 7
1960–64	1. 5	. 2	5. 4	4. 8	. 6
1961–65	1. 4	. 2	4. 5	4. 0	. 5
1962–66	1. 3	. 2	4. 0	3. 5	. 5

Source: Table 2.

TABLE 4.—AIRCRAFT ACCIDENT RATES, U.S. CERTIFICATED ROUTE AIR CARRIERS, SCHEDULED DOMESTIC PASSENGER SERVICES

5-YEAR MOVING AVERAGE, CALENDAR YEARS 1949–66

Period	Aircraft accident rate per 100,000 revenue aircraft-hours flown		Aircraft accident rate per 100,000 revenue aircraft departures performed	
	Total	Fatal	Total	Fatal
1949–53	1. 5	0. 2	1. 4	0. 2
1950–54	1. 6	. 2	1. 5	. 2
1951–55	1. 5	. 2	1. 4	. 2
1952–56	1. 4	. 2	1. 4	. 2
1953–57	1. 4	. 2	1. 4	. 2
1954–58	1. 4	. 2	1. 4	. 2
1955–59	1. 4	. 2	1. 4	. 2
1956–60	1. 4	. 2	1. 5	. 2
1957–61	1. 5	. 2	1. 5	. 2
1958–62	1. 5	. 2	1. 5	. 2
1959–63	1. 5	. 2	1. 4	. 2
1960–64	1. 5	. 2	1. 3	. 2
1961–65	1. 4	. 2	1. 3	. 1
1962–66	1. 3	. 2	1. 2	. 1

Sources: Bureau of Accounts and Statistics, Civil Aeronautics Board; Bureau of Aviation Safety, National Transportation Safety Board.

THERE IS AN URGENT NEED TO RESTRICT THE DISTRIBUTION OF AUTOMOBILE MASTER KEYS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BARRETT. Mr. Speaker, there is an urgent need to restrict the distribution of automobile master keys to individuals and organizations that have a legitimate use for them. This is a serious problem that deserves our immediate attention.

Unfortunately, anyone can order through the mails sets of master keys for prices ranging from $3 to $20 that will open and start almost any General Motors, Ford, Chrysler, or American Motors car. Auto thefts have been increasing annually in the United States at an alarming rate. During 1966 there were 557,000 autos stolen—more than one per minute throughout the year. Since 1961 the rate of auto thefts has increased by 71 percent and the year 1966 showed an increase of 14½ percent over the level of 1965. At this rate of increase by 1970 we will have about 1 million autos stolen a year.

On a national basis juvenile thieves account for more than 60 percent of car thefts, and in some areas they account for as high as 90 percent of the thefts. The indiscriminate sale of master keys through our mails allows these keys to fall into the hands of juvenile and professional thieves alike. This is a problem that cannot be solved by State and local governments because the master keys are sold through interstate commerce.

Mr. Speaker, I am today introducing a bill to deal with this problem and request that you use your good office to urge the chairman of the committee to hold hearings on this proposal and report the same so that the Members of Congress can consider adequate legislation to control the distribution of auto master keys.

THE AUTO INSURANCE MESS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RODINO. Mr. Speaker, the Washington Daily News has performed a distinct public service for all those who are wondering about the state of the automobile insurance industry. Articles such as the following are vital steps in the process of public understanding and education, for only when the public really knows what is happening to them will the Congress be moved to forthrightly enact funamental reforms to adequately protect the driving public:

[From the Washington Daily News, Dec. 5, 1967]

THE AUTO INSURANCE MESS—30 MILLION DRIVERS TOO "RISKY"

(By Tom Talburt)

As many as 30 million licensed drivers in the U.S. are considered sub-standard risks under the guidelines followed by many auto insurance companies.

This estimate is made by auto insurance executives themselves, some of whom privately criticize what they feel are outmoded and prejudicial guidelines on drivers.

Others defend restrictions set up against insuring certain drivers—saying they are based both on sound judgment and experience, and pointing out that insurance companies are private enterprises, in business to show profits.

Among the 30 million—representing nearly a third of the nation's 102 million licensed drivers—are people who never have had an accident. Still, many of them must pay higher auto insurance premiums for a variety of reasons.

MILITARY PERSONNEL

Military personnel, as a group are treated as exceptional risks by 18 of 19 leading auto insurance companies checked by investigators for the House Judiciary Committee.

Said Allstate Insurance Co.:

"The obvious increased hazard presented by the single military risk is the very limited time provided him for use of his car. All of us remember the 800-mile round trip on a 36-hour pass just to spend a few hours at home . . . the frenzied dash to the destination; then the long exhausting drive thru the night, with drooping eyelids and dulled reflexes, to make Monday morning reveille.

"Too fast, too far, too little sleep—these are the hazards that concern underwriters."

Allstate noted, however, that it will accept at standard rates a serviceman applying for a policy who is a member of a family already insured by the company.

Who else is considered risky?

Members of the clergy and doctors, according to Continental-National of Chicago which makes this comment about ministers and doctors under a listing of "undesirable occupations":

"Their driving records are among the poorest. Both appear to drive when preoccupied with problems. The clergyman may drive with the attitude that the Lord will provide. With doctors, there is the possibility of the use of the car in emergencies."

AS FOR ACTORS

As for actors, musicians, entertainers and professional athletes: "May be target risks if income is high. Juries may award liberal settlements because the jury feels that 'they can afford it.'"

Other drivers marked as poor risks by some companies are those over age 65 and single drivers under 25. Continental Insurance Co.'s instructions to underwriters says:

"If the husband is under 21 we should proceed with caution. This is especially so if he is less than 20. Marriage by males of these ages is frequently an indication of emotional problems that produce a below-average risk."

The Hanover Insurance Group of New York includes on its list of 50 "occupations or exposures which should be avoided or selected with care": barbers, bartenders, beauty shop operators, farm laborers, masseurs, waiters, wrestlers, domestics, and sheriffs or deputies who may use their cars in emergencies.

Basically, today's high-risk driver is anyone rejected by the major auto insurance companies. Their standards alone—not those of a motor vehicle department or state insurance commission—determine the risk category of drivers.

Only three states—New York, Massachusetts and North Carolina—make it mandatory that drivers carry liability insurance.

But all states and the District of Columbia have financial responsibility laws or their equivalent requiring drivers to prove they can meet damage claims arising from accidents. Most comply with the law by purchasing liability insurance.

NOT COVERED

Of 94 million registered motor vehicles in the U.S., the insurance industry estimates 9.4 million—or 10 per cent—are not covered by liability insurance.

None of the insurance company "risk lists" obtained by the House Judiciary Committee and Senate Antitrust and Monopoly subcommittee mentions Negroes. Industry officials say discrimination against Negroes is a thing of the past with most companies.

Some persons have trouble getting insurance, however, simply because they work in menial jobs.

Others may be ruled out because they live in certain sections of a city. Virtually all insurance companies use "zone systems" and costs of obtaining auto insurance vary from one zone to another. In cities, these zone rates often depend on incidence of crime, whether there is off-street parking, and other factors.

BLACKOUT MAPS

Some companies use "blackout maps"—in which entire slum areas of cities are blocked off as too risky to provide auto insurance for their residents. One company's instructions to agents lists as "unacceptable" for example, "residents of prohibited areas."

Sen. Gaylord Nelson (D., Wis.) says that in a case brought to his attention a driver demanded to know why his policy had been cancelled. The company told him his neighborhood was "going downhill."

And Rep. M. G. (Gene) Snyder (R., Ky.) said insurance company representatives have informed him they have to black out whole areas—all of Appalachia in his own state of Kentucky, for instance. They say, according to Mr. Snyder: "We don't have the time to underwrite these people individually."

Sen. Philip A. Hart (D., Mich.), chairman of the Senate Antitrust subcommittee which has announced it will hold hearings on auto insurance next year, says:

"Auto insurance, far from being a luxury, is regarded by most drivers as a necessary protection. But can we legitimately request that drivers carry insurance without taking some measures to see that it is available at something resembling reasonable cost?"

CAN'T BE JUSTIFIED

Some insurance companies acknowledged in statements of the House Judiciary Committee that they could not justify with precise statistics their underwriting guidelines and rules. Continental Insurance Co. for example said:

"We do not maintain statistical information based on occupation, marital status, etc. We cannot statistically support all of our underwriting judgments. (We cannot, in fact, statistically support our refusal to write insurance for known dishonest and completely immoral persons.)"

On the other hand, Nationwide Insurance Co. of Columbus, O., submitted findings of a study it made of some 400,000 drivers involved in accidents over a one-year period to back up its underwriting principles.

Among its significant findings: "Those drivers who live in slums or blighted neighborhoods had accidents at about twice the rate of the average drivers in the study. While those who resided in deteriorating neighborhoods produced an accident frequency 50 per cent higher."

[From the Washington Daily News, Dec. 6, 1967]

THE AUTO INSURANCE MESS—FIRMS VIE FOR $9.6 BILLION PIE

(By Tom Talburt)

Nearly 900 companies that sell auto liability insurance compete fiercely for the $9.6 billion now paid annually by U.S. drivers—but the competition is for "preferred risks."

What happens to the driver whose applications for auto insurance are rejected by company after company or the driver whose policy is cancelled?

His insurance agent may be able to obtain a policy for him with a smaller company—possibly a subsidiary of a larger company—at a slightly higher cost.

If these companies also turn him down he can get into what is known as the assigned-risk plan which has been set up by law in all states and the District of Columbia. It is a catch-all for the risks no company wants to underwrite.

Each company doing business in a state is required to accept its quota of assigned-risk drivers in proportion to the total volume of business it does in the state. As with regular auto insurance, rates must be approved by the state.

THE RISK POOLS

Cost of insurance for drivers in these "risk pools" runs from 25 per cent above standard rates to 200 per cent higher. This means a driver with a string of traffic convictions on his record who was paying, say, $150 annually at standard rates would pay $450.

This reporter's spot check of records of 20 assigned-risk drivers—records pulled from an insurance company's file at random and in no way a statistically sound sampling—showed:

Each of the drivers had from three to six moving traffic violations in the 18-month period before they applied for insurance in the risk pool. Twelve of the 20 had been in accidents during that period.

Some states use a system whereby drivers in the pools pay standard insurance rates, others have a starting base which is 25 per cent higher. Then surcharges are tacked on for the prior driving convictions within a given period.

For example, Maryland's base rate in the pool is about 25 per cent higher than the average auto-insurance policy carried by a non-risk driver. A driver in the Maryland pool who has had five moving traffic violations in the previous three years in required to pay a 75 percent surcharge. If he has had two moving traffic convictions he pays an extra 20 per cent surcharge.

A person convicted of driving while drunk or failing to stop and report his involvement in an accident pays a 150 per cent surcharge.

In Maryland 67,310 drivers are assigned to the risk pool as are 6968 drivers from the District of Columbia. In Maryland and most other states the drivers are assigned to the pool for three years. As a rule companies cannot cancel their policies during this period unless the driver's license is revoked or he is convicted of a felony.

VOLUNTARY MARKET

At the end of three years many of the drivers try again on the "voluntary" market to get standard auto insurance.

C. W. Hufft, manager of the Maryland-District of Columbia assigned-risk pool, says he has no statistics showing how many drivers manage to get out of the plan after three years.

Insurance companies, in aggregate, maintain they have paid $160 million more in claims than they have received in premiums for assigned-risk drivers since the first pool plan went into effect in 1938. This figure does not reflect any yield on investments made by the companies with premiums received.

Government Employes Insurance Co. says, for example, that during the first six months of this year it paid out $1.40 in claims for every $1 received in premiums from drivers in assigned pools.

"These plans are in existence because the companies realized there had to be an outlet for the stuff (high-risk drivers) they don't want to take," said Mr. Hufft.

HIGH-RISK COMPANIES

Some drivers, possibly fearing the stigma of the state assigned-risk pools, turn instead to high-risk companies which usually will take them at costs ranging from two to six times the going market rates for auto insurance.

Many of these companies cropped up in the early 1960's, apparently because of a growing demand for what they offer—expensive insurance for the cast-off driver—and a climate of laxity in some state regulatory commissions.

Since 1960, some 80 high-risk companies have gone broke leaving more than 300,000 policyholders and accident victims holding the bag in at least 35 states. Claimants are seeking $600 million out of collectible assets of $25 million from these companies, according to the Senate Anti-Trust sub-committee.

At present only three states—New York, New Jersey and Maryland—have set up guarantee funds to compensate accident victims with claims against insolvent auto insurance companies.

In earlier hearings on high-risk failures the Senate sub-committee found that fraud, incompetency and dubious vigilance by state regulators—rather than inadequate rates—were major causes for failures.

Causes included: pirating of company funds (in one instance to help pay for a company official's yacht); underestimating or falsifying claims records (in another case 10,000 accident claims marked "closed" that had never really been settled at all were found stuffed into cardboard boxes in a company closet); and payment of large management fees for services never performed.

In many states insurance companies know well ahead of time when state examiners will arrive to audit their books as required by law—in some cases because the checks are made at specific intervals and in others because the companies are served notice of upcoming audits.

CALLED UNSATISFACTORY

Maryland Insurance Commissioner Newton Steers Jr., for one, feels this system is unsatisfactory.

"A system of surprise should be instituted," he says, but then adds: "It's true that some state commissioners are not on the job enough, but generally it's impossible for an insurance commissioner to prevent a company from going bankrupt.

"One day after an examination of a company has been completed, a crooked president can run that same company into the ground."

Neither the insurance industry nor state regulatory officials favor Federal control. They say there is nothing to be gained by junking state regulatory systems and placing control in the hands of Federal bureaucrats.

In at least 20 states, auto insurance rate changes are made without public hearings and in some of these states neither the public nor competing companies are told of a company's request for higher rates until after the insurance commissioner has acted on it.

In Ohio, State Sen. Anthony O. Calabrese of Cleveland said he will introduce a bill which would require insurance companies operating in Ohio to submit proposed rate increases to a five-member board for approval before the new rates go into effect. The board would hold a public hearing.

[From the Washington Daily News, Dec. 7, 1967]

The Auto Insurance Mess—Safeguards for Policyholders

(By Tom Talburt)

Stung by charges they are discriminating against many drivers on a wholesale basis, some auto insurance companies are striving to repair their badly bent public image.

The National Association of Independent Insurers, representing more than 350 companies, has just issued a "policy statement" pledging its members will give insurance applicants individual consideration.

Under this plan, these companies would not reject applicants solely on the basis of race, occupation, old age or previous rejections or policy cancellations.

But the association's statement noted that an applicant's occupation may have an important bearing on driving hazards involved, and therefore may be a "proper factor" in evaluating insurance applications.

The association also suggested establishing a system that would provide auto insurance to all licensed drivers "provided there are adequate rates and a uniform all-out government effort thruout the country to remove unfit drivers from the road."

Spokesmen for another group of some 180 companies said these companies would cancel policies, once they were in effect 60 days, for only two reasons: Nonpayment of premiums and suspension of drivers licenses or auto registrations.

State legislatures and insurance commissions also are moving in some instances to protect policyholders from being informed abruptly by their companies that their insurance is being terminated.

Allstate Insurance Co. now provides a five-year non-cancellation guarantee in its policies, a move the company claims is unique in the industry. While the Allstate policy assures renewal premium charges still can be raised if the policyholder is involved in an accident.

State Farm has indicated it will follow Allstate's lead. Other companies have restricted their rights to cancel by issuing policies which will not permit them to cut off a policyholder merely because he passes a certain age or moves to a less desirable part of town.

Maryland this year started requiring by law that insurance companies furnish a report, upon request of the policyholder, showing the "real reason" for canceling. A copy must also be sent to the state insurance department. The law provides immunity to the companies so they cannot be sued for defamation.

INVESTIGATIONS

When the insurance department feels the "real reason" fails to justify the cancellation, it investigates further and tries to have the insurance reinstated.

In the first two months after the law went into effect, the Maryland department received 225 "real reason" reports from insurance companies. In 36 cases, after discussions with the drivers involved and the companies, the insurance was reinstated. Of the remainder, 168 cancellations were considered justified by state officials. The other 21 were still awating action.

In New York a joint legislative committee has started holding hearings on auto insurers' underwriting practices and in at least eight other states hearings have been held or scheduled by state insurance commissioners.

Insurance company executives say the public clamor over policy cancellations has made a mountain of a molehill. They are talking in terms of volume and a report issued by the House Judiciary Committee—based on data submitted by the insurance companies—explains:

"The number of policies canceled (for reasons other than non-payment of premiums) to the number of policies oustanding, in any state and in the U.S. as a whole, is not very substantial. In most instances the proportion of cancellations and non-renewals to total outstanding claims * * * will not insure, or will insure only at stepped-up * * *.

No statistics are available relating cancellations and non-renewal to claims submitted against companies because of accidents involving their policyholders.

And tho there appears to be no way of estimating accurately how many policies are canceled for reasons other than non-payment of premiums across the nation in a given period, studies in four states—Wisconsin, Michigan, Washington and California—showed annual cancellation rates of less than 1 per cent of outstanding policies.

POLICY CANCELLATIONS

But if, as the insurance industry claims, there are some 90 million persons covered by auto liability insurance, even 1 per cent would account for 900,000 being affected by policy cancellations in a one-year period.

And the driver whose policy is cancelled often finds himself in a jam because many companies will not insure, or will insure only at stepped-up rates, a driver whose policy has been cancelled by another company.

For many the next step is to apply for insurance at much steeper rates in an assigned-risk pool operated under state aegis or to apply to a company specializing in "high-risk" drivers.

Most companies refuse to state their reasons for cancelling, saying that in many states the law does not protect them against defamation suits.

Industry executives while conceding that some companies cancel policies merely because a policyholder passes age 65 or because the policyholder was in an accident which resulted in a claim against the company, insist their business is to insure and they don't want to cancel.

They contend the issue has been distorted because some drivers have been canceled unfairly—but more often because the industry's flaws have become grist for ambitious politicians.

"This industry has an absolute right to expect rates charged for insurance to reflect the risks taken on the driver," says Norman L. Gidden, president of the Government Employees Insurance Co., which collected auto premiums totaling more than $143 million last year.

"This business is risk selection and the question we face is whether we can underwrite drivers profitably at the rates we're permitted to charge."

SPOKESMAN'S REPORT

Says John J. Nangle of the National Association of Independent Insurers which represents more than half of the nation's insurance firms handling auto insurance:

"It's perfectly understandable that motorists who have poor driving records and show a disregard for law and rights of others have difficulty getting insurance.

"Government at all levels should have the courage to take the unfit drivers and the irresponsible off the roads. There are some in government who want the insurance business to be the policeman and then condemn us when we are."

Nangle and other insurance spokesmen know the tide of public sentiment is turning against them, however, and they sense the possibility of coming changes. Nangle says:

"This business has changed and is changing. It's still private enterprise but auto insurance is a social problem today and the industry has to accept the commensurate risks."

[From the Washington Daily News, Dec. 8, 1967]

The Auto Insurance Mess—Where Do We Go From Here?

(By Tom Talburt)

Auto insurers, facing both Federal investigations and a public that is howling over zooming auto insurance rates, are wondering: Where do we go from here?

The answers, by all estimates, will be years coming because the problems afflicting the industry are numerous and complicated.

These points seem clear:

Costs of auto insurance will continue to rise unless the mounting rate of auto accidents is stayed. There is no indication that will happen.

Insurance companies, caught between demands for lower rates and rising accident claims, will continue to seek the "preferred driving risks" by weeding out and rejecting applicants for insurance who appear risky.

The industry as a whole, despite its complaints that some states will not permit high-enough rates for auto insurance, does not want to be placed under Federal regulation.

Aside from the issue of Federal control, the most hotly debated proposal for change would revolutionize the present auto-insurance system. To recover damages from an accident today, a victim must be able to prove the other driver was at fault.

TOUGH TO PROVE

But because many accidents occur in a blurring crunch of metal and often involve tremendous emotional as well as physical shock for drivers involved, it is often virtually impossible to prove who was at fault.

The proposal, advanced by two law professors, is called the Basic Protection Plan. It would do away with the "fault principle" in most auto accidents.

Under this plan, the insurance company would pay off its own policyholder, regardless of who was to blame. The company routinely would pay up to $10,000 for out-of-pocket losses—chiefly medical costs and wage losses.

Backers of this plan, along with its sponsors, Robert E. Keeton of Harvard University and Jeffrey O'Connell of the University of Illinois, contend it would cut the interminable haggling over claims and reduce the backlog of cases clogging court dockets in many cities.

Opponents argue that, while it would reduce sharply the costs of litigation, there is no convincing evidence that it would lead to lower insurance rates.

The Keeton-O'Connell non-fault plan would permit the accident victim to go to court only for losses in excess of $10,000.

NON-FAULT CONCEPT

The non-fault concept—which has been batted around for years but is emerging again because of the outcry for auto insurance reforms—is opposed by many trial lawyers, some of whom do a handsome business handling auto accident claims.

And it is viewed dubiously by a large segment of the insurance industry altho the Insurance Company of North America, in recent full page newspaper advertisements, has recommended adoption of some reform "along the lines" of the Keeton-O'Connell plan.

Insurance groups are studying the plan and at least three states—California, Michigan and New York—are doing the same. A bill embracing the plan passed the Massachusetts house, but was defeated in the state senate.

To illustrate the seeming simplicity of the plan it has been compared to fire insurance. A homeowner buys this insurance and if his house catches fire the company compensates the victim.

The Keeton-O'Connell plan is being challenged by many including James S. Kemper, Jr., president of the Kemper Insurance group, who says: "Our attorneys are of the opinion . . . that the Basic Protection Plan will be struck down as a violation of the due process and equal protection clauses of the Federal and State Constitutions."

Before Congress now is a bill sponsored by Sen. Thomas J. Dodd (D., Conn.) to set up a Federal agency which would pay claims against insurance companies that go broke. It would operate much the way the Government insures bank depositors through the Federal Deposit Insurance Corp.

The bill, on which hearings will be held next year, also would give the Federal agency power to inspect accounts of auto insurance firms—a power seen by many in the industry as an opening wedge to Federal control.

Also being discussed is the possibility of applying the group insurance principle to auto insurance. Employes would be covered by group policies in the manner group health coverage is provided today.

ANOTHER PROPOSAL

Edward Rust, president of State Farm Mutual Insurance Co., has proposed that claims normally paid now by insurance companies be reduced in the future by any sum paid for the same accident from other sources. His stated aim: to reduce insurance costs to permit lower premiums.

Insurance companies themselves are taking some steps to improve their services.

Some companies, led by Allstate with its five-year non-cancellation-of-policy guarantee, are restricting their rights to cancel in their policies.

Most companies, for $3 to $5 a year extra on their premiums, are providing families protection against injuries caused by other motorists who have no insurance. (Forty-one states now require this be offered in all auto liability policies.)

Some companies also offer good-driver incentive plans by offering drivers who have had no accidents or moving traffic violations from 10 per cent to 25 per cent cuts on standard premium rates. (But the rates go up if you have an accident.)

Despite these efforts by auto insurance firms to step up services to the public—efforts which in some cases are comparatively isolated rather than industry-wide—insurance executives acknowledge that more and faster changes are needed.

"Either we'll improve the system or we'll be forced to swallow some pretty radical reforms in the long run," said one.

M. JEAN MONNET—A FRENCHMAN WITH VISION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Monagan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONAGAN. Mr. Speaker, as a major element in our European policy we look forward to the expansion and further strengthening of the European Community.

One of the great leaders of this movement since the days following the Second World War is Jean Monnet who recently visited our shores to accept a justly deserved honor—the Family of Man Award.

As a result of that visit he has left with us some wise counsel. Today's Washington Post on its editorial page salutes Mr. Monnet in an editorial entitled "Dealing With De Gaulle."

I insert the Washington Post editorial in the Record at this point:

Dealing With De Gaulle

It has apparently occurred to some people, though not necessarily to anybody in a position to make the decision, that we ought not to bother replacing Ambassador Charles E. Bohlen, who has been moved from Paris to a top job in the State Department. The idea is that this would teach President de Gaulle not to be so disagreeable to us. It would do nothing of the sort, and to believe otherwise to misunderstand grossly what is important about this country's relations with France, and what is not.

We have just had a timely reminder of what is important, in the quiet visit to this city last week of a distinguished Frenchman, a man of good heart, great intellect and soaring vision who has devoted a lifetime to creating something excitingly new for the future while General de Gaulle, for all his historic and uncalculable service to his country has been building his monument on the precepts of the past. Mr. Jean Monnet may not be a towering figure on the contemporary French scene. But he has been a powerful force on the European scene, and he talks sense about the world, and France and the long-term future of France and Franco-American relationships. He is a reminder, in sort, of the fundamental community of interest between our two nations, of shared values, of cultural interests in common, of past collaborations and of the certain prospect that there will be collaboration again.

It is easy to focus on the irritations of the moment, on the posturings of history of an aging statesman, on the bitter, personal hostility of a head of state. But our friendship is with France, and it is to the Government of France that our Ambassador is accredited. To leave that post vacant would only invite the recall of France's Ambassador here, and a loss of contact between two countries which need to understand each other all the better in a time of trial. The Administration ought to look hard for a successor as able as Mr. Bohlen, and never mind the cold shoulder from President de Gaulle. While there are Frenchmen like Jean Monnet, and when there is a whole new generation of future French leaders waiting in the wings, it is no time for petty pique or slamming doors.

SIXTY-THIRD ANNIVERSARY DINNER OF MIDWEST BOARD AND LABOR COMMITTEE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rostenkowski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, on December 6, 1967, the Midwest Board and Labor Committee of the American Medical Center at Denver held their 63d anniversary dinner in the grand ballroom of the Sherman House, Chicago, Ill. It was a tribute to the memory of Michael J. Fomusa and Stephen M. Bailey, two well known Chicagoans who were stalwarts in the ranks of labor, both dedicated to the fight against cancer and who died of the very disease they worked so hard to banish.

Mr. Donald Peters, president of the Warehouse & Mail Order Employees Union, Local 743, Chicago, addressed the throng at the dinner eulogizing Mike Fomusa and Steve Bailey.

I include in my remarks at this point the speech made by Mr. Peters:

Speech by Donald Peters

All of us miss Steve Bailey and Mike Fomusa.

We know how much they loved to work . . . for others.

Now, all of you who have done so much for so many, are showing your affection for two men whose compassion for people knew no boundaries of race, creed or national origin . . .

Yes, they had love that overflowed . . . as far as their influence could reach . . . and beyond.

Steve Bailey and Mike Fomusa never knew

how to say "No" to any cause that would lift the burden of illness or poverty, prejudice or aggression from one troubled child or a new nation struggling for the right to exist.

Both were men without a trace of malice . . .

Steve Bailey . . . good humored, hard working, a showman whose delight was in making everyone around him share the joy of living and giving.

He was a man of magic who could change the color of the Chicago River to bright green in honor of Saint Patrick, and who could lend his good name and boundless energy to raise thousands of dollars for the labor movement of Israel.

Steve Bailey was of another generation . . . yet forever young . . . in ideas . . . in action and in hopes.

He was blessed with a devoted wife . . . his Margie worked at his side . . . quietly encouraging him in his dreams for others.

Steve Bailey planned well . . . trained and developed new, young leaders to take up the reins . . . always generous in sharing his knowledge and experience . . . gentle in guiding the youngest apprentice to give of his best to his trade . . . to his Union and to his community.

That is why we have men like Steve Lamb and his associates . . . keeping alive the tradition of service for people created by Steve Bailey.

I was closer to Mike Fomusa.

We came into the labor movement together . . . just thirty years ago.

We both helped establish our unions . . . saw them grow. We went into military service at the same time and came back to help build our organizations.

We communicated almost daily to share ideas, to discuss problems . . .

The relationship was close . . . personal and warm.

Mike was always creative in his ideas . . . with interests as broad as our society and culture.

Mike relaxed from the tensions of his work with music . . . and always sharing, he brought concerts into his Union Hall.

No matter what the occasion, Mike would inevitably bring the talk around to some idea he had for his Union, for a cause he loved because it helped people.

Who else but Mike would put his skill and energy on the line to help oppressed migrant mushroom pickers to see the light . . . even if the law barred them from membership in his Union?

That was Mike . . . restless, intense, involved with people who sometimes had no other spokesman.

The well being of others was always a deep concern to Mike Fomusa.

Even as his final illness struck him, Mike was hopefully looking forward to the creation of a health center to serve the members of Local 738 and their families.

We, too, know of his devotion to his wife, Virginia and his family.

There are so many memories we all have of Steve Bailey and Mike Fomusa.

They have left us a proud legacy.

We here this evening and the thousands of others who were blessed by their presence among us are committed to the causes they supported so ardently.

The American Medical Center at Denver . . . its patients . . . staff . . . are the beneficiaries of what we do here.

Let us resolve that we will keep alive the spirit which motivates people to help the Center and all the other causes which men like Steve Bailey and Mike Fomusa made their own.

In their name . . . and, in their memory . . . we accept the challenge . . . as they would . . . without reservation and with hope and love for all of God's children.

DEPARTMENT OF JUSTICE AND THE FIGHT AGAINST ORGANIZED CRIME

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Rees] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. REES. Mr. Speaker, every law-abiding citizen should be greatly heartened by the effectiveness of the campaign being waged against organized crime by the Department of Justice.

As Deputy Attorney General Warren Christopher pointed out in a recent speech at Town Hall of California, the number of racketeers indicted in cases handled by the Department's Organized Crime Section rose from 19 in 1960 to 1,198 last year.

Even greater achievements are expected from the Department's new Strike Force program recently disclosed by Attorney General Ramsey Clark. Results of the initial project are so promising that Strike Forces are planned for a number of major cities.

The administration also has proposed the Safe Streets and Crime Control Act, which would greatly help to reduce all types of crime by giving badly needed financial assistance to police departments in every part of the country. This most important measure has been before Congress for 10 months, and I hope it is approved soon for the need is great.

Warren Christopher's speech gave a valuable insight into the accomplishments and problems in the crime fighting field. Under unanimous consent I place it in the Record as part of my remarks:

There are 24 Cosa Nostra groups operating in the United States. Although each is called a family, its common bond is crime. Its family tree is an organization chart bearing the legends gambling, narcotics, prostitution, extortion, and armed robbery.

On the first Friday in February, 1965, four members of one of these Cosa Nostra families met in a hotel in a city in Northeastern United States. Their purpose was to plan a jewel theft and the robbery of a bank messenger. The conspiracy was formed in the Northeastern city and the principal actors were from that area.

But the targets of the conspiracy—a wealthy lady and a bank messenger—were located 3,000 miles away at a hotel in Beverly Hills, California. The conspiracy was formed but fortunately it was never carried out. Last week, a Federal court jury convicted all five men charged with this conspiracy.

This case is but one of many which illustrate the national scope of organized crime. It underscores the interdependence between law enforcement in Los Angeles and law enforcement throughout the United States. It demonstrates that the threat of organized crime demands the greatest cooperation and coordination among law enforcement agencies from all levels of government.

Crime has many faces in our complex society. But there are three aspects of the crime problem which today are the major source of concern. They are (1) organized crime, (2) what has become known as crime in the streets—assaults, robbery and similar crimes of violence, and (3) civil disorders. In discussing these three broad areas of the crime problem, I will briefly outline what the Federal Government is doing to control them.

Before doing so, let me stop to put my remarks in context by stressing that crime control is not a task solely for law enforcement, and that law enforcement is not primarily a task for the Federal Government.

We must face that fact that crime cannot be controlled without the best efforts of all: schools, churches, community organizations, individuals, social agencies and businesses. Business and industry can play a particularly significant role. They have the financial and technical resources, and the influence in their communities, to bring dramatic successes.

As far as law enforcement is concerned, the challenge of crime must, under our Constitutional system, be met largely at the local level. The Federalist papers and the constitutional debates show the care which our founding fathers took to assure that law enforcement would be primarily a local responsibility.

The reasons for this are stronger today than they were when our country began. Prudent exercise of the police power requires quick flexibility and special sensitivity to changing local problems and needs. The local police know their streets and sidewalks, and they know where danger and disaster lurk. If final authority and responsibility were located in a distant city, the result would be rigidity which fails to meet the needs of the community, and delay when quick action is required.

Our practice conforms to this principle of primary local responsibility. Ninety-four per cent of the nation's law enforcement officers are state or local. Over 83 per cent are local. There are more local policemen in Los Angeles County than there are FBI agents for the entire country. There are nearly seven times as many deputy sheriffs for Los Angeles as there are Deputy U.S. Marshals for the nation.

In time of trouble, this division of responsibility can be a frustration. When help is needed, there seems to be an instinct, indeed a compulsion, to look toward Washington. This was brought home to me rather vividly in a recent pre-dawn telephone call to my home from a man in South Carolina. He reported that someone had come into his restaurant and called him a dirty name. He urged that the FBI be sent in immediately.

While law and order is and must remain basically a local responsibility, the Federal Government has made and must continue to make an important contribution. Never before has the crime problem had a higher priority in the Federal Government than it does today. And in no respect is the Federal role clearer than the fight against organized crime.

Many people regard organized crime as a colorful invention of comic strips and night time television. It is indeed hard to believe that it exists. Yet, not only does it exist, but it stands as one of the most corrosive influences in American life.

A survey made by President Johnson's Crime Commission showed that 19 major cities acknowledged that they had organized crime. Four of the five largest cities in our nation reported the presence of organized crime.

Organized crime is neither monolithic nor simple in structure. However, the best known force in organized crime is the intricate conspiracy called La Cosa Nostra, or the "syndicate," as it is sometimes called. It operates through 24 sub-units called "families," whose membership ranges from 100 to upwards of 700. About a dozen of the most influential family heads constitute a national ruling group for the syndicate.

Organized crime feeds on gambling, loan sharking, narcotics and other vice operations.

But it has also penetrated numerous legitimate businesses. Once penetrated, they serve as a front for illegal operations and provide monopoly profits after competitors have been eliminated by strong-arm methods. In addition, organized crime frequently preys on labor unions.

There is no way to gage the revenues of organized crime with any precision. Estimates of its gross take from gambling operations range up to $50 billion annually. Profits from wagering on horse races, lotteries, and sporting events alone are thought to be in the $6 to $7 billion range.

But the evil of organized crime is by no means limited to the dollars it exacts from Americans. The anti-social spillover is widespread. Because organized crime is a big business dealing with thousands of people, it cannot be concealed and cannot succeed without protection. To flourish, it must corrupt public officials as it corrupts private citizens.

The need for direct Federal participation in the fight against organized crime is plain. Any single operation is likely to range through several police jurisdictions, often across many state lines. The syndicate is a highly disciplined national organization, and we must combat it with national as well as local resources.

The Organized Crime and Racketeering Section of the Department of Justice now has more lawyers than ever before working exclusively on organized crime. We are concentrating more funds on this activity than ever before. At the present time, nearly two dozen Federal grand juries are probing organized crime in various cities.

One of the most important functions of the Organized Crime Section and the FBI is to furnish classified intelligence and other information to local police agencies. The Los Angeles Police Department and the Los Angeles County Sheriffs' Office are among the finest and most professional law enforcement agencies in the nation. Chief Tom Reddin and Sheriff Pete Pitchess have an enviable and merited reputation for excellence. The Federal agencies involved in the fight against organized crime are working in close and effective cooperation with your local agencies. In addition, we are cooperating fully with the organized crime unit which has been established by Attorney General Lynch.

Within the last few days, the Attorney General has revealed that a new technique, the Strike Force concept, has been tested and found highly effective in organized crime matters. These Strike Forces are composed of Attorneys from the Organized Crime and Racketeering Section and selected investigators from other Federal agencies. Working in close coordination with state and local law enforcement agencies, these strike forces develop data regarding the capabilities, the intentions, and most important, the vulnerabilities of organized crime groups.

The Strike Force which tested the concept developed the information for the prosecution to which I referred to at the beginning of my remarks. Other Strike Forces are now being planned for centers of organized crime activities.

We are getting a good return on these investments in law enforcement. The number of racketeers indicted in criminal cases handled by the Organized Crime and Racketeering Section increased sharply from 19 in 1960 to 1,198 last year. Between 1964 and 1967, convictions of organized crime and gambling figures resulting from FBI investigations alone have risen 300 per cent. Within the last 12 months, there have been 66 indictments and convictions of known numbers of Cosa Nostra. It is our purpose to continue and accelerate this attack on organized crime.

The second aspect of crime which is causing great anxiety among Americans is what is loosely termed, crime in the streets. The widespread occurrence in our cities of these crimes of violence has created an atmosphere of fear throughout our nation. These crimes represent the most dangerous forms of lawlessness and they will be the most difficult to bring to book.

By and large assault, purse-snatching, robbery, and similar crimes of violence are predominantly local in nature. They are committed by local people. To the extent that there is planning or preparation, it is locally done. For control of this kind of crime, we depend primarily on local police.

By any reasonable standard, the resources now committed to supporting the police are grossly inadequate. This nation spends eight times as much for liquor and tobacco as it spends for police protection.

This disparity is sharply reflected where it counts the most—in salaries. A few weeks ago, the Federal Government estimated that it costs $9,000 per year for a family of four to maintain a moderate standard of living. Yet the median salary for a policeman is only $5,300 per year.

The President believes that the best way to attack crime in the streets is not by the establishment of a massive, centrally controlled Federal police, but rather to improve and build excellence in our local police agencies. The Government's efforts have been in this direction. The first major Federal program was the Law Enforcement Assistance Act of 1965. Two years old last September, it has already provided valuable aid through more than 266 grants for research, training, and demonstration programs.

A substantially larger program, the Safe Streets and Crime Control Act, is now pending in Congress. This bill is the direct product of the most comprehensive study of crime in our history. This was the study made by the President's Commission on Law Enforcement and Administration of Justice, which was completed earlier this year and which had three distinguished Californians among its members—Attorney General Lynch, Chief of Police Cahill of San Francisco and publisher Otis Chandler of Los Angeles. Under this pioneering bill, direct grants of Federal funds would be made available to local and state agencies involved in the law enforcement process.

This Federal support would help hard pressed police agencies which have already stretched local tax resources to the limit.

It would help the police hire the best men, provide the best training, and pay decent salaries.

It would help to provide the patrol cars, radios, alarm boxes, and other modern equipment.

It would help build new crime laboratories.

And, it would help modernize the entire system of criminal justice from courts to correctional institutions.

As presented to Congress by President Johnson last February, the Safe Streets and Crime Control Act has the potential of tripling the growth rate of expenditures for crime control. We are bending every effort to obtain passage of this Act yet this session. It is vitally important that we do so.

The third face of crime is civil disorder. Last summer rioting in the cities was both pervasive and massive. It caused 85 deaths, injury to more than 3,200 persons, and the arrest of 16,000.

The destruction of property in last summer's riots exceeded a hundred million dollars, but the social cost was far greater. The legacy of hate and bitterness and fear which follows in the wake of the violence cannot be measured in dollars but it represents a severe impediment, sometimes a fatal obstruction, to progress in education, employment, in housing, and the other areas where remedial action is necessary.

The President's National Advisory Commission on Civil Disorders will soon have a statement on the underlying causes of riots in our cities. Their recommendations will merit our most serious study. In the meantime, however, we must seek short-run solutions for otherwise we may forfeit our opportunity to probe the deeper causes and achieve long-term reforms.

From the bitter experience of the recent summers, a great deal has been learned about riot control by the Federal Government and by the cities. We have learned that there are a number of steps which, if taken, will enhance a city's ability to break the cycle of violence involved in a riot.

First, a city should build excellence in its police force, with a financial commitment reflecting the true importance of law enforcement to the community.

Second, there must be a renewed effort to improve communications and understanding between the disadvantaged community and the police.

Third, we must devise new means to dispel and counteract the rumors which, in almost every instance, fan the flames of disorder.

And fourth, there must be intensive advance preparations for dealing with riots, including preparations in the field of intelligence, emergency orders, command and coordination of the law enforcement agencies involved, and the tactics and strategy to be employed.

This winter the Department of Justice will devote major energy and resources to disseminating the lessons which have been learned concerning riot control. Recognizing that the primary responsibility must remain with the cities, the Department will hold a series of training sessions for top law enforcement officers and municipal officers from more than fifty major cities. The purpose of these meetings will be to share the latest information regarding tactics and strategy to be used in the control of riots.

Rioting in the center city is not the only type of civil disorder which is causing deep concern. Today our national landscape is disfigured by lawlessness masquerading as dissent or protest. New scars from this violence appear almost every day and in widely separated parts of our country.

This is a time to remember that under our Constitution, the rights of free expression and peaceful assembly are interlocked with the maintenance of law and order. One set of principles is absolutely dependent upon the other. The survival of our form of government depends upon the maintenance of both.

The right of free expression or dissent is not merely an academic virtue or emotional luxury. At its birth no philosophy or concept has ever commanded the support of a majority of citizens. Every new idea begins as a minority view. As Justice Brandeis said, "the best test of truth is the power of the thought to get itself accepted in the competition of the market place". No single circumstance has had more to do with our progress as a nation than the maintenance of a free market for new ideas.

The right of dissent is important not only because it provides a hospitable climate for new ideas but because open and rational debate exposes the bankruptcy of extremist views. The American people have a very satisfying capacity to recognize exhibitionists who seek to attract attention to themselves not by the merit of their ideas but by the crudeness of their speech, the vulgarity of their conduct, and the hostility of their threats.

Let no one suppose that the right of dissent, however valuable, carries with it a license for lawlessness. Disorder disgraces dissent. Violence turns protest first to travesty then to tragedy.

The rights of free expression and peaceful assembly, the right to speak and the right to hear, apply to those who favor our course in Vietnam equally with those who are opposed to it. Those who would design disorder to silence their opponents, those who would excuse violence as protest, have turned their back on the Constitution. They have forgotten the essential truth that in our society when anyone is deprived of his rights, everyone loses exactly that much of his freedom.

In these times, to preserve freedom and to maintain order is a tall task indeed. We pledge ourselves to the achievement of the dual goal represented by the concept of ordered liberty.

GENERAL CHAPMAN, USMC: AN ILLUSTRIOUS CAREER

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Sikes] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SIKES. Mr. Speaker, as a Floridian and member of the Committee on Appropriations, it gives me great pleasure to note the President's recent nomination of Lt. Gen. Leonard F. Chapman, Jr., USMC to become Commandant of the U.S. Marine Corps on January 1, 1968. General Chapman is a native of Key West, Fla., and graduate of the University of Florida.

General Chapman has had an illustrious career.

As commanding officer of the marine detachment aboard the U.S.S. *Astoria* following the outbreak of World War II, then Captain Chapman took part in the early Pacific naval raids culminating in the battles of the Coral Sea and Midway and earned the Navy Commendation Ribbon with Combat "V."

In June of 1944, as a lieutenant colonel, he earned the Legion of Merit with Combat "V" for meritorious service with the 11th Marine Regiment of the 1st Marine Division in the Pacific area and thereafter the Bronze Star Medal with Combat "V" while serving as an artillery battalion commander on Okinawa in 1945.

During post World War II assignments, he served with the Fleet Marine Force Pacific and thereafter at Quantico, Va. In 1953, as regimental commander of the 12th Marines, 3d Marine Division, he sailed for Japan and the following year became commanding officer of the Marine Barracks at Yokosuka, Japan. He also served as the commanding officer of the Marine Barracks, Washington, D.C., and director of the Marine Corps Institute from 1956 to 1958.

Upon his promotion to brigadier general in 1958 he was assigned as commanding general, Force Troops, Fleet Marine Force, Atlantic. Thereafter in 1961, as a major general, he was designated as the assistant chief of staff, G-4 at Headquarters, Marine Corps. He was awarded his second Legion of Merit for service in this capacity.

On January 1, 1964, General Chapman was named chief of staff, Headquarters Marine Corps with the rank of lieutenant general and was later awarded the Distinguished Service Medal for this service. On July 1, 1967, he became assistant commandant of the Marine Corps.

General Chapman and his wife, the former Emily Ford of Birmingham, Ala., have two sons, both Marine Corps officers who have served in combat with Marine forces in Vietnam.

The State of Florida, and indeed the entire United States should be proud of the President's nomination and the confidence he has placed in General Chapman.

AFL-CIO GIVES UNEQUIVOCAL SUPPORT TO JOHNSON'S VIETNAM POLICIES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Patten] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PATTEN. Mr. Speaker, the largest labor organization in the United States has given President Johnson its "unequivocal support" on his policies in Vietnam.

This is a strong voice from a very strong group of men who represent millions of employees throughout this country.

This is an important endorsement, not because it is a labor organization, but because the endorsement must reflect the views of the rank and file of trades and crafts and industries throughout our country.

The workingman in America fully understands the meaning of a Communist takeover, whether it is in Southeast Asia or in Europe or in South America. And the AFL-CIO through its international efforts has been a bulwark in the international free trade union movement.

President Johnson's policies in Vietnam carry on the policies of two Presidents—Kennedy and Eisenhower. Eisenhower made the original commitment to Southeast Asia with SEATO in 1954. President Kennedy recognized the threat not only to Vietnam, but to Laos and Cambodia. And President Johnson realized that without a direct American involvement, there might not be a free Southeast Asia in a few years.

So, the United States is standing up to what it and many others believe is Communist aggression, Communist subversion and Communist takeover.

I am proud that the AFL-CIO had the wisdom and strength to back the President all the way on Vietnam.

SOONERS WELCOME TENNESSEE CHALLENGE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Edmondson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, on December 7 one of our genial colleagues from Tennessee, the Honorable Ray Blanton, put on the mystic mantle of a pigskin prophet and predicted in bold and colorful prose an incredible event—the defeat of the University of Oklahoma's great Sooners in the Orange Bowl on New Year's Day.

The same distinguished gentleman expressed his sympathy for the Oklahoma delegation in Congress because of the predicted Orange Bowl result, and with tongue in cheek proceeded to recommend that the Sooners be decorated for bravery for daring to meet the Tennessee Volunteers in a football contest. In fact, he said he was sending our team copies of the book, "Profiles in Courage," in recognition of their football bravery.

Mr. Speaker, every Oklahoman now has an added reason to look forward to the Orange Bowl classic, and the moment of truth which follows.

With characteristic Tennessee modesty, Congressman Blanton has claimed that the Volunteers are "the No. 1 football team in the Nation," and appears to believe that makes their victory a sure thing.

The Sooner team has been dealing with this brand of blissful overconfidence all season, and likes nothing better than moving up the ladder of national rankings over the battered remains of overconfident opponents.

The Orange Bowl, which in fact provides a battle between the two college teams generally ranked as No. 2—Tennessee—and No. 3—Oklahoma—is almost certain to provide the best college football game on your television screen January 1.

Oklahomans are looking forward to the battle, and thousands of them will be in the Orange Bowl for the moment of truth.

If the Volunteers should perform the unbelievable feat of winning, we in the Oklahoma delegation are prepared to serve our Tennessee colleagues a quail dinner when we return to Washington.

We hope our Tennessee colleagues are prepared to extend a similar invitation, in the more likely event that the Sooners are the winners.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Halpern (at the request of Mr. Watkins), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Feighan, for 30 minutes, on December 13, 1967; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Laird.
Mr. Lukens.
Mr. Collier.

Mr. DULSKI.
Mr. BOW.
Mr. ROTH.
Mr. EDWARDS of Alabama.

Mr. MAHON to revise and extend his remarks and include tabulations on the supplemental appropriation bill.

Mrs. BOLTON.

(The following Members (at the request of Mr. WATKINS) and to include extraneous matter:)

Mr. BROCK.
Mr. BLACKBURN.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mrs. GRIFFITHS.
Mr. NIX.
Mr. FRASER.
Mr. MACDONALD of Massachusetts.
Mr. HOWARD.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1843. An act to establish rights for individuals in their relations with Indian tribes; to direct the Secretary of the Interior to recommend to the Congress a model code governing the administration of justice by courts of Indian offenses on Indian reservations; to protect the constitutional rights of certain individuals; and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1592. An act for the relief of Dr. Rene Jose Triay;

H.R. 1670. An act for the relief of Dr. George H. Elder;

H.R. 1894. An act for the relief of Our Lady of Pillar Church in Santa Ana, Calif.;

H.R. 2138. An act to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes;

H.R. 2152. An act to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts;

H.R. 3032. An act for the relief of Mrs. Karen Wood Davila;

H.R. 3516. An act for the relief of Andres Mauricio Candela, M.D.;

H.R. 3525. An act for the relief of Isreal Mizrahy, M.D.;

H.R. 3528. An act for the relief of Isaac Chervony, M.D.;

H.R. 3866. An act for the relief of Dr. Eduardo Enrique Ramos;

H.R. 3889. An act for the relief of the Standard Meat Co.;

H.R. 4974. An act for the relief of Dr. Manuel A. Turbat;

H.R. 5186. An act for the relief of Dr. Armando Cobelo;

H.R. 5187. An act for the relief of Dr. Hector Alfreda E. Planas-Pina;

H.R. 5853. An act for the relief of Raymond E. Grail;

H.R. 6088. An act for the relief of Dr. Manuel Jose Coto;

H.R. 6096. An act for the relief of Mrs. Inge Hemmersbach Hilton;

H.R. 6670. An act for the relief of Dr. Virgilio A. Ganganelli Valle;

H.R. 6766. An act for the relief of Dr. Raul Gustavo Fors Docal;

H.R. 7890. An act for the relief of Dr. Josefina Quintos Marcelo;

H.R. 7896. An act for the relief of Dr. José A. Rico Fernández;

H.R. 7898. An act for the relief of Dr. Nemesio Vazquez Fernandez;

H.R. 7977. An act to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes;

H.R. 8256. An act for the relief of Dr. Hermes Q. Cuervo;

H.R. 8258. An act for the relief of Jorge Gabriel Lazcano, M.D.;

H.R. 8376. An act to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y.;

H.R. 8738. An act for the relief of Guillermo Ramon Palacio Sela;

H.R. 8407. An act for the relief of Dr. Raquel Maria Cruz-Flores;

H.R. 9081. An act for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya;

H.R. 9574. An act for the relief of Joseph J. Wojcik;

H.R. 10449. An act for the relief of Camille Anita Dobson;

H.R. 11395. An act to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the Act of July 14, 1960;

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments;

H.R. 12144. An act to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes; and

H.R. 12912. An act to give the consent of Congress to the State of Ohio to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60) and consented to by Congress in that Act and in the acts of November 1, 1965 (79 Stat. 1157), and November 2, 1966 (80 Stat. 1156).

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2388. An act to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on December 11, 1967, present to the President, for his approval, bills of the House of the following titles:

H.R. 6111. An act to provide for the establishment of a Federal Judicial Center, and for other purposes; and

H.R. 12121. An act to amend the act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 13, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 150. A bill to provide for the designation of certain Veterans' Administration facilities; with amendment (Rept. No. 1031). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 4892. A bill to provide for the conveyance of certain real property of the United States to the city of Leavenworth, Kans.; with amendment (Rept. No. 1032). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 8364. A bill to amend the joint resolution of March 24, 1937, to provide for the termination of the interest of the United States in certain real property in Allen Park, Mich.; with amendment (Rept. No. 1033). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10277. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the State of Mississippi (Rept. No. 1034). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 5789. A bill, to authorize the disposal of platinum from the national stockpile and the supplemental stockpile (Rept. No. 1035). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 5785. A bill to authorize the disposal of magnesium from the national stockpile (Rept. No. 1036). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 14397. A bill making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes (Rept. No. 1037). Referred to the Committee of the Whole House on the State of the Union.

Mr. TUCK: Committee of conference. S. 2171. An act to amend the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts (Rept. No. 1038). Ordered to be printed.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 12555. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; with amendment (Rept. No. 1039). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAHON:

H.R. 14397. A bill making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

By Mr. BROYHILL of North Carolina:

H.R. 14398. A bill to amend the Internal

Revenue Code of 1954 to allow a credit against income tax for a portion of amounts paid for certain educational expenses incurred at an institution of higher learning or vocational training; to the Committee on Ways and Means.

By Mr. CASEY:

H.R. 14399. A bill to amend the Immigration and Nationality Act to authorize, in the national interest, restrictions on travel by nationals of the United States in certain designated areas of the world; to the Committee on the Judiciary.

By Mr. EVANS of Colorado (for himself, Mr. ASPINALL, and Mr. ROGERS of Colorado):

H.R. 14400. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 14401. A bill to grant the masters of certain U.S. vessels a lien on those vessels for their wages; to the Committee on Merchant Marine and Fisheries.

By Mr. HARVEY:

H.R. 14402. A bill to amend title I of the Housing Act of 1949 to authorize loans to assist older persons who have been displaced from their homes by urban renewal projects to purchase comparable homes, free of additional debt; to the Committee on Banking and Currency.

By Mr. HOLIFIELD:

H.R. 14403. A bill to provide for the appointment of additional circuit judges; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 14404. A bill to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Georgia:

H.R. 14405. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. ABBITT:

H.R. 14406. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. BARRETT:

H.R. 14407. A bill to amend title 18, United States Code, in regard to the distribution of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. BIESTER:

H.R. 14408. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania:

H.R. 14409. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 14410. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. SCHWEIKER:

H.R. 14411. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 14412. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 14413. A bill to authorize the acquisition and disposal of certain lands at Chickamauga and Chattanooga National Military Park, Ga., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14414. A bill to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of Louisiana:

H.R. 14415. A bill for the relief of the city of Lake Charles, La.; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 14416. A bill to provide compensation in the case in which a law enforcement officer or firefighter is killed or disabled in the course of his duties; to the Committee on the Judiciary.

By Mr. CASEY:

H.J. Res. 956. Joint resolution proposing an amendment to the Constitution of the United States to grant to the Congress the power to establish uniform laws for the loss of nationality and citizenship; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Res. 1003. Resolution providing additional postage for Members and officers of the House of Representatives; to the Committee on House Administration.

H. Res. 1004. Resolution authorizing payment of compensation of certain committee employees of the House of Representatives; to the Committee on House Administration.

By Mr. BARING:

H. Res. 1005. Resolution expressing the sense of the House of Representatives with respect to the responsible exercise of certain freedoms guaranteed by the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 14417. A bill for the relief of Calogero Lauria; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 14418. A bill for the relief of Francesco Randazzo; to the Committee on the Judiciary.

H.R. 14419. A bill for the relief of Salvatore Nicolosi: to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 14420. A bill for the relief of Alexis Jack Henry; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 14421. A bill for the relief of Fausto Petetti; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 14422. A bill for the relief of Victoria Josefina Perez Norton; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 14423. A bill for the relief of Bartolomeo Alessandra; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 14424. A bill for the relief of Ivica Stipisic; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 14425. A bill for the relief of Giovanni Viviano; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 14426. A bill for the relief of Carmine Denza; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14427. A bill for the relief of Comdr. John N. Green, U.S. Navy; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

> (b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

QUARTERLY REPORTS

The following reports for the second calendar quarter of 1967 were received too late to be included in the published reports for that quarter:

A. Herbert F. Alfrey, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. The National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $401. E. (9) $21.25.

A. The American Beekeeping Federation, Minco, Okla.

D. (6) $5,516.38. E. (9) $4,053.62.

A. American Carpet Institute, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $295. E. (9) $479.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.

D. (6) $5,054.55. E. (9) $5,054.55.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.

D. (6) $1,356.36. E. (9) $1,356.36.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $8,040.85. E. (9) $8,040.85.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.

D. (6) $14,818.59. E. (9) $14,818.59.

A. American Humane Association, 5351 South Roslyn Street, Englewood, Colo.

E. (9) $1,500.

A. American Insurance Association, 85 John Street, New York, N.Y.

D. (6) 6,927. E. (9) $6,927.

A. American Library Association, 50 East Huron, Chicago, Ill.

D. (6) $747.55. E. (9) $19,061.02.

A. American Merchant Marine Institute, Inc., 11 Broadway, New York, N.Y.

E. (9) $3,048.28.

A. American Taxpayers Association, 326 Pennsylvania Building, Washington, D.C.
D. (6) $2,774.50. E. (9) $1,309.22.

A. Robert E. Ansheles, 1028 Connecticut Avenue NW., Washington, D.C.
B. Consolidated International Trading Corp., 180 Madison Avenue, New York, N.Y.
D. (6) $187.50. E. (9) $54.64.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. The Lawyers Co-operative Publishing Co., Rochester, N.Y.
E. (9) $42.21.

A. Vincent Gerrard Barnett, 1725 I Street NW., Washington, D.C.
B. Committee of European Shipowners, 30/32 St. Mary Axe, London, E.C.3, England.
D. (6) $12,296.74. E. (9) $12,296.74.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C.
B. Brotherhood Railway Carmen of America, 4929 Main Street, Kansas City, Mo.
D. (6) $3,600.

A. Michael P. Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.
D. (6) $1,642.34. E. (9) $539.69.

A. Harvey M. Berg, 356 SE. Second Street, Fort Lauderdale, Fla.

A. Fred F. Bockmon, 405 Luhrs Building, Phoenix, Ariz.
B. Southern Pacific Co., 65 Market Street, San Francisco, Calif., and the Atchison, Topeka & Santa Fe Railway, 121 East Sixth Street, Los Angeles, Calif.
D. (6) $10. E. (9) $50.50.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.
B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.
E. (9) $722.01.

A. Wally Briscoe.
B. National Community Television Association, Inc., 1634 I Street NW., Washington, D.C.
D. (6) $400. E. (9) $37.65.

A. Florence I. Broadwell, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $3,173.10.

A. Derek Brooks, 1025 Vermont Avenue NW., Washington, D.C.
B. National Retail Furniture Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $1,500.

A. Brotherhood of Painters, Decorators & Paperhangers of America, 217–19 North Sixth Street, Lafayette, Ind.
E. (9) $6,169.13.

A. Robert J. Brown, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $137.

A. James E. Bryan, 2000 P Street NW., Washington, D.C.
B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $1,000. E. (9) $1,867.83.

A. Lowell A. Burkett, 1025 15th Street NW., Washington, D.C.
B. American Vocational Association, Inc., 1025 15th Street NW., Washington, D.C.

A. Charles S. Burns, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $584.50. E. (9) $619.83.

A. Robert B. Byrnes, 1514 17th Street NW., Washington, D.C.
B. National Railroad Pension Forum, Inc., 2403 East 75th Street, Chicago, Ill.
D. (6) $300. E. (9) $33.13.

A. Canal Zone Central Labor Union-Metal Trades Council. AFL–CIO, Post Office 471, Balboa Heights, C.Z.
D. (6) $1,212.86. E. (9) $7,926.89.

A. Robert S. Carr, 1220 Pennsylvania Building, Washington, D.C.
B. Hiram Walker & Sons, Inc., 8323 Jefferson Avenue, Detroit, Mich.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y.
B. South African Sugar Association, Post Office Box 507, Durban, South Africa.
E. (9) $2,150.60.

A. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

A. Donald E. Channell, 1705 DeSales Street NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $500. E. (9) $150.

A. Hal M. Christensen, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Dental Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,250.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $6,195. E. (9) $6,185.

A. Clarke & Nevius, 1000 Vermont Avenue NW., Washington, D.C.
B. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d Street, New York, N.Y.
D. (6) $3,750. E. (9) $838.05.

A. Joseph Cohen, National Press Building, Washington, D.C.
B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill.
D. (6) $750.

A. Nicholas S. Collins, 1155 15th Street, NW., Washington, D.C.
B. Committee of American Steamship Lines, 1155 15th Street NW., Washington, D.C.
D. (6) $298. E. (9) $28.09.

A. Committee For a Free Cotton Market, Inc., 1725 K Street NW., Washington, D.C.
E. (9) $1292.83.

A. Committee for Study of Revenue Bond Financing, 55 Liberty Street, New York, N.Y.
D. (6) $59,665. E. (9) $7,122.83.

A. Committee for Time Uniformity, 1101 17th Street NW., Washington, D.C.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $1,625.

A. The Council for Exceptional Children, 1201 16th Street NW., Washington, D.C.
E. (9) $1,024.91.

A. Council of Savings & Loan Stock Cos., 1330 Massachusetts Avenue NW., Washington, D.C.
E. (9) $400.

A. Council of State Chambers of Commerce, 1208 Connecticut Avenue, Washington, D.C.
D. (6) $850.02. E. (9) $850.02.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Bicycle Manufacturers Association, 122 East 42d Street, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla.

A. Donald M. Counihan, 1000 Connecticut Avenue, Washington, D.C.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Donald M. Counihan, 1000 Connecticut Avenue, Washington, D.C.
B. Classroom Periodical Publishers Association, 38 West Fifth Street, Dayton, Ohio.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. J. A. Crowder, 1200 17th Street NW., Washington, D.C.
B. National Association of Wool Manufacturers, 1200 17th Street NW., Washington, D.C.
D. (6) $1,500.

A. Cuna International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,821. E. (9) $1,216.07.

A. V. M. Delisi, Ridgefield, N.J.
B. Pfister Chemical Works, Inc., Ridgefield, N.J.
E. (9) $80.

A. Ronald W. De Lucien, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $400. E. (9) $100.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $553.14.

A. Eastern Meat Packers Association, Inc., 1820 Massachusetts Avenue NW., Washington, D.C.
D. (6) $102. E. (9) $36.54.

A. Elliott & Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. Council of Savings & Loan Stock Cos., 1330 Massachusetts Avenue NW., Washington, D.C.
D. (6) $400.

A. Elliott & Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. United Business Schools Association, 1101 17th Street NW., Washington, D.C.
D. (6) $750.

A. John W. Emeigh, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. The National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $401. E. (9) $15.10.

A. Employee Relocation Real Estate Advisory Committee, Inc., 333 North Michigan Avenue, Chicago, Ill.

D. (6) $7,900.

A. Ethyl Corporation, 1155 15th Street NW., Washington, D.C.

E. (9) $750.

A. Frederick W. Ford.

B. National Community Television Associates, Inc., 1634 I Street NW., Washington, D.C.

D. (6) $834. E. (9) $43.50.

A. Forest Farmers Association Cooperative, Post Office Box 7278, Station C, Atlanta, Ga.

D. (6) $5.48. E. (9) $5.48.

A. David C. Fullarton, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,426.

A. Gadsby, Maguire & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Brazilian Embassy, 3007 Whitehaven Street NW., Washington, D.C.

D. (6) $500. E. (9) $31.25.

A. William C. Geer.

B. The Council for Exceptional Children, 1201 16th Street NW., Washington, D.C.

D. (6) $500.

A. Ernest Giddings, 1346 Connecticut Avenue NW., Washington, D.C.

B. National Retired Teachers Association, American Association of Retired Persons, 1346 Connecticut Avenue NW., Washington, D.C.

E. (9) $1,378.35.

A. Royce L. Givens, 224 Seventh Street NW., Washington, D.C.

B. International Conference of Police Associations, 224 Seventh Street NW., Washington, D.C.

A. Robert J. Grant, 2701 Boston Street, Baltimore, Md.

B. Young Aniline Works, Inc., 2701 Boston Street, Baltimore, Md.

E. (9) $55.50.

A. John F. Griner, 400 First Street NW., Washington, D.C.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.

D. (6) $8,076.95. E. (9) $2,297.74.

A. Wilfred H. Hall, 1701 K Street NW., Washington, D.C.

B. National Oil Jobbers Council, 1701 K Street NW., Washington, D.C.

D. (6) $1,562.51.

A. Charles C. Hartman, 1701 K Street NW., Washington, D.C.

B. National Oil Jobbers Council, 1701 K Street NW., Washington, D.C.

A. Eugene B. Hayden, Jr., 828 Midland Bank Building, Minneapolis, Minn.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.

D. (6) $9,000. E. (9) $1,626.82.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $875. E. (9) $1,151.66.

A. Noel Hemmendinger, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $30.

A. Christopher O. Henderson, 1341 G Street NW., Washington, D.C.

B. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.

D. (6) $550. E. (9) $25.

A. Maurice G. Herndon, 801 Warner Building, Washington, D.C.

B. Insurance Agents, 96 Fulton Street, New York, N.Y., and 801 Warner Building, Washington, D.C.

E. (9) $448.65.

A. Carey W. Hilliard, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. The National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $401. E. (9) $37.50.

A. William Bentley Hitchcock II, 1307 Norwalk Lane, Austin, Tex.

B. International Public Relations, Inc., 315 First National Bank Building, Canton, Ohio.

A. Brig. Gen. James D. Hittle, USMC (Ret.), 200 Maryland Avenue NE., Washington, D.C.

B. Veterans of Foreign Wars of the United States.

D. (6) $1,166.67. E. (9) $40.30.

A. David P. Houlihan, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.

E. (9) $10,871.49.

A. Ralph K. James, 1155 15th Street NW., Washington, D.C.

B. Committee of American Steamship Lines, 1155 15th Street NW., Washington, D.C.

D. (6) $440. E. (9) $41.09

A. Thomas L. Jones, 1701 K Street NW., Washington, D.C.

B. National Oil Jobbers Council, National Federation of State Oil Distributor, Jobber and Marketer Association, 1701 K Street NW., Washington, D.C.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

E. (9) $35.85.

A. Karelsen, Karelsen, Lawrence, & Nathan, attorneys, 230 Park Avenue, New York, N.Y.

E. (9) $232.96.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.

E. (9) $300.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.

B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

E. (9) $12.10.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. Thomas John Kehoe and Associates, 1904 Rockwood Road, Silver Spring, Md.

E. (9) $575.

A. John A. Killick, 1820 Massachusetts Avenue NW., Washington, D.C.

B. Eastern Meat Packers Association, Inc., 1820 Massachusetts Avenue NW., Washington, D.C.

D. (6) $22.50.

A. John A. Killick, 1820 Massachusetts Avenue NW., Washington, D.C.

B. The National Independent Meat Packers Association, 1820 Massachusetts Avenue NW., Washington, D.C.

D. (6) $27.83.

A. Ralph W. Kittle.

B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. George J. Knaly, 1200 15th Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.

D. (6) $4,999.98.

A. Richard M. Lauzier, 1701 K Street NW., Washington, D.C.

B. National Oil Jobbers Council, 1701 K Street NW., Washington, D.C.

D. (6) $12.75.

A. Lawyers Co-operative Publishing Co., Rochester, N.Y.

A. Robert J. Leigh, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $116.

A. L. Blaine Liljenquist, 917 15th Street NW., Washington, D.C.

B. Western States Meat Packers Association, Inc., 917 15th Street NW., Washington, D.C.

D. (6) $6,562.50. E. (9) $87.70.

A. LeRoy E. Lyon, Jr., Eleventh & L Building, Sacramento, Calif.

B. California Railroad Association, Eleventh & L Building, Sacramento, Calif.

D. (6) $3,437.49. E. (9) $1,918.96.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.

D. (6) $300.

A. Jos. R. MacLaren, 4 Linden Drive, Hudson Falls, N.Y.

B. Mountain Fir Lumber Co., Independence, Oreg.

D. (6) $2,000. E. (9) $205.65.

A. Jos. R. MacLaren, 4 Linden Drive, Hudson Falls, N.Y.

B. Potlach Forests, Inc., Post Office Box 2591, San Francisco, Calif.

D. (6) $1,170. E. (9) $566.87.

A. Albert E. May, 1155 15th Street NW., Washington, D.C.

B. Committee of American Steamship Lines, 1155 15th Street NW., Washington, D.C.

D. (6) $436. E. (9) $26.68.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.

B. Amalgamated Meat Cutters & Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill.

D. (6) $4,185. E. (9) $405.

A. Donald Melvin, 20 E Street NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $689. E. (9) $575.37.

A. Alan W. Mercill, 1346 Connecticut Avenue NW., Washington, D.C.
B. National Retired Teachers Association, American Association of Retired Persons, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $602.34.

A. Ellis E. Meredith, 2000 K Street NW., Washington, D.C.
B. American Apparel Manufacturers Association, Inc., 2000 K Street NW., Washington, D.C.
E. (9) $2,150.

A. Joseph L. Miller, 815 17th Street NW., Washington, D.C.
B. Northern Textile Association, National Parking Association, and the Maytag Co.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 20 West 40th Street, New York, N.Y.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $3,750.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500.

A. Murden & Co., Inc., 1616 H Street NW., Washington, D.C.
B. Ad Hoc Committee of Foreign Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $10,500. E. (9) $641.43.

A. John J. Murphy, Jr., 815 15th Street NW., Washington, D.C.
B. Bricklayers, Masons, & Plasterers, International Union of America, 815 15th Street NW., Washington, D.C.
D. (6) $2,925. E. (9) $354.50.

A. John J. Murphy, Wilelinor Estates, Route 2, Box 113–D, Edgewater, Md.
B. National Customs Service Association.

A. J. Walter Myers, Jr., Station C, Atlanta, Ga.
B. Forest Farmers Association Cooperative, Post Office Box 7278, Station C, Atlanta, Ga.

A. Micah H. Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. Ethyl Corp., 1155 15th Street NW., Washington, D.C.
D. (6) $750.

A. National Association for the Advancement of Colored People, 20 West 40th Street, New York, N.Y.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,338.90. E. (9) $1,131.64.

A. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill.
E. (9) $1,867.83.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $7,623.11. E. (9) $12,991.44.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
E. (9) $448.65.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill. and 1300 Connecticut Avenue, Washington, D.C.
E. (9) $10,858.20.

A. National Association of Social Workers, Inc., 2 Park Avenue, New York, N.Y.
D. (6) $2,828. E. (9) $2,828.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $597,633.15. E. (9) $6,228.06.

A. National Committee to Abolish HUAC, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,536.65. E. (9) $1,535.65.

A. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.
D. (6) $600. E. (9) $524.82.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Cenco Instruments Co., 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $900. E. (9) $172.22.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 55 Liberty Street, New York, N.Y.
D. (6) $1,000. E. (9) $108.49.

A. National Federation of Business and Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C.
D. (6) $84,822.35. E. (9) $4,697.91.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $147,146.09. E. (9) $12,751.92.

A. The National Independent Meat Packers Association, 1820 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,615.05. E. (9) $1,938.35.

A. National Oil Jobbers Council, 1701 K Street NW., Washington, D.C.
D. (6) $10,355.66. E. (9) $2,372.30.

A. National Rehabilitation Association, Inc., 1522 K Street NW., Washington, D.C.
D. (6) $3,869. E. (9) $1,130.

A. National Retail Furniture Association, 1150 Merchandise Mart, Chicago, Ill.
E. (9) $6,093.13.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $8,437. E.(9) $6,004.

A. National Tax Equality Association, Inc., 1000 Connecticut Avenue Building, Washington, D.C.
D. (6) $3,841.29. E. (9) $3,983.81.

A. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
E. (9) $1,679.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $2,194.05. E. (9) $1,194.96.

A. Verlin Nelson, 1223 Connecticut Avenue NW., Washington, D.C.
B. Americans for Democratic Action, 1223 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,009.62. E. (9) $14.10.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Ave., Madison, Wis.
D. (6) $300. E. (9) $163.40.

A. Nixon, Mudge, Rose, Guthrie, Alexander, 1701 Pennsylvania Avenue NW., Washington, D.C.
B. American Bulk Carriers, Inc., 201 East 42d Street, New York, N.Y.
D. (6) $1,250. E. (9) $76.43.

A. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.
E. (9) $722.01.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C., and 1530 North Lake Shore Drive, Chicago, Ill.
D. (6) $3,125. E. (9) $250.

A. Edmund W. O'Brien, 204 Great Neck Road, Waterford, Conn.
B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill.
D. (6) $6,628.56.

A. Charles T. O'Neill, Jr., 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,000. E. (9) $57.84.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Post Office Box 381, Washington, D.C.
D. (6) $831.11. E. (9) $1,112.68.

A. Outdoor Advertising Association of Oklahoma, Inc., 6702 East 11th Street, Tulsa, Okla.
E. (9) $1,656.98.

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,200.

A. Geo. F. Parrish, Post Office Box 7, Charleston, W. Va.
B. West Virginia Railroad Association.
D. (6) $5,749.98. E. (9) $259.

A. Normand Phaneuf, 5020 Evanston Avenue, Muskegon, Mich.
B. Lakeway Chemicals, Inc., 5020 Evanston Avenue, Muskegon, Mich.
E. (9) $171.53.

A. Joseph D. Phelan, 485 National Press Building, Washington, D.C.
B. Colorado River Association, 417 South Hill Street, Los Angeles, Calif.
D. (6) $3,300. E. (9) $1,000.

A. J. Francis Pohlhaus, 422 First Street, SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 20 West 40th Street, New York, N.Y.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C.
B. Investment Company Institute, 61 Broadway, New York, N.Y.
D. (6) $2,507.92.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
D. (6) $900. E. (9) $47.70.

A. Ragan & Mason, 900 17th Street NW., Washington D.C.

B. South Atlantic & Caribbean Line, Inc., 250 Park Avenue, New York, N.Y.

D. (6) $200.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. Stimson Lumber Co., Post Office Box 68, Forest Grove, Oreg.

D. (6) $1,000. E. (9) $145.24.

A. Carl R. Ramsey, 239 Beach Road, Alameda, Calif.

B. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.

D. (6) $150.

A. Record Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.

E. (9) $16,992.37.

A. Robert E. Redding, 1101 17th Street NW., Washington, D.C.

B. Transportation Association of America, 1101 17th Street NW., Washington, D.C.

D. (6) $25. E. (9) $2.

A. John Riley, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $600. E. (9) $58.94.

A. Stephen Philip Robin, 1000 Connecticut Avenue NW., Washington, D.C.

B. International Public Relations Co., Ltd. (N.Y.) d/b/a Japan Steel Information Center, 230 Park Avenue, New York, N.Y.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $1,500. E. (9) $66.46.

A. John F. Rolph III, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $500.

A. Robert A. Saltzstein, 1300 Wyatt Building, Washington, D.C.

B. American Business Press, Inc., 205 East 42d Street, New York, N.Y.

D. (6) $4,375. E. (9) $1,336.31.

A. Schoene and Kramer, 1625 K Street NW., Washington, D.C.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

E. (9) $125.84.

A. C. Herschel Schooley, 815 15th Street NW., Washington, D.C.

B. Independent Bankers Association of America, Sauk Centre, Minn.

D. (6) $8,500. E. (9) $2,936.84.

A. Stanley W. Schroeder, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $300.

A. Carroll M. Shaw, 6326 Southcrest Drive Shreveport, La.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $575.

A. A. Z. Shows, 1010 Vermont Avenue NW., Washington, D.C.

B. Custer Channel Wing Aircraft Corp., Hagerstown, Md.

E. (9) $749.30.

A. David Silver, 61 Broadway, New York, N.Y.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

D. (6) $200. E. (9) $73.25.

A. Single Persons Tax Reform Lobby, 1692A Green Street, San Francisco, Calif.

D. (6) $307.05. E. (9) $210.75.

A. Donald E. Smiley, 1730 K Street NW., Washington, D.C.

B. Humble Oil & Refining Co. (a Delaware Corp.), Post Office Box 2180, Houston, Tex.

E. (9) $885.03.

A. James E. Smith, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $2,000. E. (9) $625.

A. Milan D. Smith, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.

B. Citizens Committee on Natural Resources, 712 Dupont Circle Building, Washington, D.C.

D. (6) $2,438.50. E. (9) $2,124.82.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.

B. Japan General Merchandise Exporters Association and Japan Rubber Footwear Manufacturers Association of Tokyo, Japan; Miscellaneous Goods Division, Japanese Chamber of Commerce of New York, Inc. and Imported Footwear Group, National Council of American Importers, Inc., N.Y.

D. (6) $200. E. (9) $75.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.

B. Unione Industriale Pratese, Prato, Italy; American Textile Importers Association, 200 West 34th Street, New York, N.Y.

D. (6) $672. E. (9) $672.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. Philip W. Stroupe, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $450.

A. Noble J. Swearingen, 224 East Capitol Street, Washington, D.C.

B. National Tuberculosis Association, 1740 Broadway, New York, N.Y.

D. (6) $400. E. (9) $117.38.

A. Evert S. Thomas, Jr., 20 E Street NW., Washington, D.C.

B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $832. E. (9) $477.30.

A. Trade Relations Council of the United States, Inc., 122 East 42d Street, New York, N.Y.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.

D. (6) $6,929.51. E. (9) $4,093.17.

A. United Business Schools Association, 1101 17th Street NW., Washington, D.C.

E. (9) $750.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $30. E. (9) $30.

A. Veterans of World War I, USA, Inc., 40 G Street NE., Washington, D.C.

A. Douglas Whitlock II, 1616 H Street NW., Washington, D.C.

A. Robert P. Will, 487 National Press Building, Washington, D.C.

B. The Metropolitan Water District of Southern California, 1111 Sunset Boulevard, Los Angeles, Calif.

D. (6) $3,600. E. (9) $783.68.

A. Francis S. Williams, 61 Broadway, New York, N.Y.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

E. (9) $80.63.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.

D. (6) $1,076.56. E. (9) $488.63.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $4,153.86. E. (9) $2,826.49.

QUARTERLY REPORTS

The following quarterly reports were submitted for the third calendar quarter 1967:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names or agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

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Note on Item "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) **If This Report Is for an Employer.**—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) **If This Report Is for an Agent or Employee.**—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. Receipts (Including Contributions and Loans):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------Total for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------Total from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------Total now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ----------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	Total

Note on Item "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) **If This Report Is for an Agent or Employee.** In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. Expenditures (Including Loans) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------Total for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------Total from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------Total now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	Total	

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A. Charles D. Ablard, 1629 K Street NW., Washington, D.C.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.
D. (6) $2,500. E. (9) $438.63.

A. Ad Hoc Committee of the Construction Industry Advancement Funds, 1016 20th Street NW., Washington, D.C.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) 5,676.19. E. (9) $5,676.19.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $4,129. E. (9) $3,672.03.

A. Air Traffic Control Association, Inc., 525 School Street NW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,950.45. E. (9) $2,950.45.

A. Aircraft Owners and Pilots Association, Post Office Box 5800, Washington, D.C.

A. Mrs. Donna Allen, 3306 Ross Place NW., Washington, D.C.
B. National Committee To Abolish the House Un-American Activities Committee, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,040. E. (9) $1,392.98.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $50.75. E. (9) $27.02.

A. Louis J. Allen, 916 Nashville Trust Building, Nashville, Tenn.
B. Class I railroads.

A. Nicholas E. Allen and Merrill Armour, 806 15th Street NW., Washington, D.C.
B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.
D. (6) $25. E. (9) $12.98.

A. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. The American Beekeeping Federation, Minco, Okla.
D. (6) $2,995. E. (9) $3,530.91.

A. American Cancer Society, 219 East 42d Street, New York, N.Y.
E. (9) $6,938.12.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $1,167.21. E. (9) $1,167.21.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $5,110.84. E. (9) $5,110.84.

A. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill., and 425 13th Street NW., Washington, D.C.
D. (6) $34,655. E. (9) $34,655.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
E. (9) $38,784.55.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $15,940.25 E. (9) $15,940.25.

A. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.

A. American Humane Association, 5351 South Roslyn Street, Englewood, Colorado.
E. (9) $2,382.83.

A. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $1,650. E. (9) $1,650.

A. American Insurance Association, 85 John Street, New York, N.Y.
D. (6) $6,927. E. (9) $6,927.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $1,380.45. E. (9) $5,272.15.

A. American Justice Association, Inc., Defense Highway, Gambrills, Md.
D. (6) $2. E. (9) $2.

A. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
E. (9) $38,045.25.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $732.23. E. (9) $40.38.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
E. (9) $15,329.53.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $310.

A. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $20,439. E. (9) $5,250.

A. American Nurses' Association, Inc., 10 Columbus Circle, New York, N.Y.
D. (6) $11,331.90. E. (9) $11,331.90.

A. American Optometric Association, Inc., 4836 Broadway NE., Knoxville, Tenn.
D. (6) $7,561.40. E. (9) $7,561.40.

A. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.

A. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $4,160. E. (9) $6,584.

A. American Podiatry Association, 3301 16th Street NW., Washington, D.C.
E. (9) $3,968.56.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,229.66. E. (9) $1,229.66.

A. American Society of Consulting Planners, Post Office Box 206, West Trenton, N.J.
E. (9) $2,383.13.

A. American Textile Machinery Association, 224 Ellington Road, Longmeadow, Mass.
D. (6) $10.55.

A. American Textile Manufacurers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $15,834.86. E. (9) $15,834.86.

A. American Transit Association, 815 Connecticut Avenue NW., Washington, D.C.
D. (6) $400. E. (9) $6,249.

A. American Trucking Associations, Inc., 161 P Street NW., Washington, D.C.
D. (6) $10,290.06. E. (9) $13,745.55.

A. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.
E. (9) $290.

A. American Vocational Association, Inc., 1025 15th Street NW., Washington, D.C.
D. (6) $35,013.37. E. (9) $500.

A. American Warehousemen's Association, 222 West Adams Street, Chicago, Ill.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.
D. (6) $3,208.67. E. (9) $3,208.67.

A. Cyrus T. Anderson, 400 First Street NW., Washington, D.C.
B. The National Football League, 1 Rockefeller Plaza, New York, N.Y.

A. Cyrus T. Anderson, 400 First Street NW., Washington, D.C.
B. Spiegel, Inc., 2511 West 23d Street, Chicago, Ill.

A. Walter M. Anderson, Jr., Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

A. Mrs. Erma Angevine, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. George W. Apperson, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Arkansas Railroad Association, 1100 Boyle Building, Little Rock, Ark.
B. Class one railroads operating in the State of Arkansas.
D. (6) $336.88. E. (9) $1,285.71.

A. Cary F. Arnold, 1101 17th Street NW.. Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $3,000. E. (9) $1,298.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Commissioner of Baseball, 680 Fifth Avenue, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Electronic Industries Association, 2001 I Street NW., Washington, D.C.
D. (6) $1,153.75. E. (9) $8.20.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. The Lawyers Co-operative Publishing Co., Rochester, N.Y.
E. (9) $19.27.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Record Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.
D. (6) $12,499.98. E. (9) $246.43.

A. The Arthritis Foundation, 1212 Avenue of the Americas, New York, N.Y.
E. (9) $1,101.71.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

A. Associated Third Class Mail Users, Room 202, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $8.543.56. E. (9) $8,543.56.

A. Association of American Physicians and Surgeons, Inc., 230 North Michigan Avenue, Chicago, Ill.

D. (6) $525. E. (9) $525.

A. Association of American Railroads, 929 Transportation Building, Washington, D.C.

D. (6) $8,087.89. E. (9) $8,087.89.

A. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington D.C.

D. (6) $248.06. E. (9) $1,213.08.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.

D. (6) $500. E. (9) $500.

A. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d Street, New York, N.Y.

D. (6) $32,000.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.

E. (9) $260.

A. The Association of Western Railways, 224 Union Station Building, Chicago, Ill.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.

D. (6) $7,973. E. (9) $6,495.98.

A. The Atlantic Richfield Co., 260 South Broad Street, Philadelphia, Pa.

E. (9) $300.

A. Robert L. Augenblick, 61 Broadway, New York, N.Y.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

D. (6) $100.

A. Richard W. Averill, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

A. Michael H. Bader, 1735 DeSales Street NW., Washington, D.C.

B. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. Harry S. Baer, 1725 DeSales Street NW., Washington, D.C.

B. National AeroSpace Services Association, 1725 DeSales Street NW., Washington, D.C.

E. (9) $199.

A. Donald Baldwin, 1625 I Street NW., Washington, D.C.

B. Northern Pacific Railway Co., St. Paul, Minn.; Great Northern Railway Co., St. Paul, Minn.; Chicago, Burlington & Quincy Railroad Co., Chicago, Ill.

E. (9) $352.41.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. John Barnard, Jr., 61 Broadway, New York, N.Y.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

E. (9) $11.92.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $250. E. (9) $12.49.

A. Vincent Gerrard Barnett, 1725 I Street NW., Washington, D.C.

B. Committee of European Shipowners, 30/32 St. Mary Ave., London, E.C.3, England.

D. (6) $12,610.61. E. (9) $12,610.61.

A. Wesley Barthelmes, 2133 Wisconsin Avenue NW., Washington, D.C.

B. Insurance Company of North America and Life Insurance Company of North America, 1600 Arch Street, Philadelphia, Pa.

D. (6) $534.77. E. (9) $312.78.

A. Eugene T. Bartkowiak, 3829 W Street SE., Washington, D.C.

B. The National Association of Polish Americans, Inc., 3829 W Street SE., Washington, D.C.

A. James P. Bass, 1101 17th Street NW., Washington, D.C.

B. American Airlines, Inc., 1101 17th Street NW., Washington, D.C.

A. Roy Battles, 917 Cafritz Building, Washington, D.C.

B. Clear Channel Broadcasting Service, 917 Cafritz Building, Washington, D.C.

A. Donald S. Beattie, 400 First Street NW., Washington, D.C.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $1,200.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.

D. (6) $1,415.39. E. (9) $298.42.

A. John H. Beidler.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $4,751.50. E. (9) $556.12.

A. James F. Bell, 1001 Connecticut Avenue NW., Washington, D.C.

B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.

D. (6) $750. E. (9) $29.64.

A. Ernest H. Benson, 400 First Street NW., Washington, D.C.

B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich.

D. (6) $6,000.

A. Reed A. Benson, 1028 Connecticut Avenue NW., Washington, D.C.

B. The John Birch Society, 395 Concord Avenue, Belmont, Mass.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,525. E. (9) $254.30.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. John H. Bivins, 1101 17th Street NW., Washington, D.C.

B. American Petroleum Institute, 1101 17th Street NW., Washington, D.C.

D. (6) $670.

A. Joel D. Blackmon, 910 17th Street NW., Washington, D.C.

B. International Mailers Union, 2240 Bell Court, Denver, Colo.

D. (6) $100.

A. Robert W. Blair.

B. New Process Co., Warren, Pa.

E. (9) $567.

A. Wm. Rhea Blake, 1918 North Parkway, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. William Blum, Jr., 1815 H Street NW., Washington, D.C.

B. Committee for Study of Revenue Bond Financing, 149 Broadway, New York, N.Y.

D. (6) $6,086. E. (9) $1,047.91.

A. Blumberg, Singer, Ross, Diamond & Gordon, 245 Park Avenue, New York, N.Y.

B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $6,250. E. (9) $61.32.

A. Fred F. Bockmon, 405 Luhrs Building, Phoenix, Ariz.

B. Southern Pacific Co., 65 Market Street, San Francisco, Calif., The Atchison, Topeka & Santa Fe Railway, 121 East Sixth Street, Los Angeles, Calif.

D. (6) $25. E. (9) $14.25.

A. Eugene F. Bogan, 1000 16th Street NW., Washington, D.C.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

E. (9) $44.

A. Thomas Hale Boggs, Jr., 1200 17th Street NW., Washington, D.C.

B. The Reader's Digest Association, Inc., Pleasantville, N.Y.

D. (6) $600. E. (9) $10.

A. Book Manufacturers' Institute, Inc., 161 East 42d Street, New York, N.Y.

A. Lyle H. Boren, Seminole, Okla.

B. The Association of Western Railways, 224 Union Station Building, Chicago, Ill.

D. (6) $1,500.

A. Robert T. Borth, 777 14th Street NW., Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $1,500. E. (9) $230.10.

A. G. Stewart Boswell, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,666.66. E. (9) $125.

A. Mary Ann Boukalis, 1616 H Street NW., Washington, D.C.

B. National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $1,875.

A. Rev. Eugene L. Boutilier, 110 Maryland Avenue NW., Washington, D.C.

B. National Campaign for Agricultural Democracy, 110 Maryland Avenue NE., Washington, D.C.

D. (6) $3,469.23. E. (9) $205.60.

A. Melvin J. Boyle, 1200 15th Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.

D. (6) $4,687.25.

A. Samuel E. Boyle, 428 South Avenue, Pittsburgh, Pa.

B. The Christian Amendment Movement, 804 Penn Avenue, Pittsburgh, Pa.

D. (6) $1,425.99. E. (9) $457.68.

A. Col. A. A. Brackett, 333 Pennsylvania Avenue SE., Washington, D.C.

B. Reserve Officers Association of the United States, 333 Pennsylvania Avenue NW., Washington, D.C.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, 122 Sheraton Gibson Hotel, Cincinnati, Ohio.

B. National Coordinating Committee of the Beverage Industry.

A. A. Marvin Braverman, 1001 Connecticut Avenue NW., Washington, D.C.

B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.

E. (9) $226.85.

A. Parke C. Brinkley, 1155 15th Street NW., Washington, D.C.

B. National Agricultural Chemical Association.

D. (6) $20.

A. Noah M. Brinson, 919 18th Street NW., Washington, D.C.

B. American Merchant Marine Institute, Inc., 919 18th Street NW., Washington, D.C., and 11 Broadway, New York, N.Y.

D. (6) $750. E. (9) $31.35.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C.

B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.

D. (6) $200.

A. Milton E. Brooding, 215 Fremont Street, San Francisco, Calif.

B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif.

D. (6) $500. E. (9) $100.

A. Derek Brooks, National Retail Furniture Association, 1025 Vermont Avenue NW., Washington, D.C.

B. National Retail Furniture Association, 1150 Merchandise Mart, Chicago, Ill.

A. Joseph P. Brosnan, 9160 Springhill Lane, Greenbelt, Md.

B. Air Force Sergeants Association, 960 15th Street SE., Washington, D.C.

D. (6) $100. E. (9) $1,010.

A. Brotherhood of Painters, Decorators and Paperhangers of America, 217–19 North Sixth Street, Lafayette, Ind.

E. (9) $4,154.40.

A. E. Fontaine Broun, 350 Fifth Avenue, New York, N.Y.

B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

E. (9) $248.21.

A. J. D. Brown, 919 18th Street NW., Washington, D.C.

B. American Public Power Association, 919 18th Street NW., Washington, D.C.

D. (6) $200.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. American & Foreign Power Co., Inc., 2 Rector Street, New York, N.Y.

D. (6) $812.50.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,000. E. (9) $1,014.07.

A. Robert J. Brown, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $62.

A. Robert W. Bruce, 140 New Montgomery Street, San Francisco, Calif.

B. The Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.

D. (6) $476. E. (9) $645.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.

B. American Institute of Certified Public Accountants, 666 Fifth Avenue, New York, N.Y.

A. George S. Buck, Jr., Post Office Box 12285, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. Henry H. Buckman, 54 Buckman Building, Jacksonville, Fla.

B. The Canal Authority of the State of Florida, 803 Rosselle Street, Jacksonville, Fla.

A. Henry H. Buckman, 54 Buckman Building, Jacksonville, Fla.

B. Florida Inland Navigation District, 2725 Avenue E, Riviera Beach, Fla.

A. Bulgaria Claims Committee, 2 Broadway, New York City.

D. (6) $20. E. (9) $18.01.

A. George S. Bullen.

B. National Federation of Independent Business, 15th Street and New York Avenue NW., Washington, D.C.

A. Norman D. Burch, 1317 F Street NW., Washington, D.C.

B. National Retail Merchant Association, 100 West 31st Street, New York, N.Y.

E. (9) $79.75.

A. George J. Burger, 250 West 57th Street, New York, N.Y.

B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, 921 Washington Building, Washington, D.C.

B. National Federation of Independent Business, 921 Washington Building, Washington, D.C.

A. John J. Burke, Finlen Hotel, Butte, Mont.

B. Pacific Northwest Power Co., Post Office Drawer 1445, Spokane, Wash.

E. (9) $500.00.

A. Lowell A. Burkett, 1025 15th Street NW., Washington, D.C.

B. American Vocational Association, Inc., 1025 15th Street NW., Washington, D.C.

A. C. P. Burks, 2000 Massachusetts Avenue NW., Washington, D.C.

B. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.

D. (6) $600.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.

E. (9) $853.82.

A. George B. Burnham, 132 Third Street SE., Washington, D.C.

D. (6) $190. E. (9) $190.

A. Charles S. Burns, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $584.50. E. (9) $445.21.

A. David Burpee, Fordhook Farms, Doylestown, Pa.

A. Hollis W. Burt, 1101 17th Street NW., Washington, D.C.

B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.

D. (6) $67.50.

A. Monroe Butler, 1801 Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.

A. Robert B. Byrnes, 1514 17th Street NW., Washington, D.C.

B. National Railroad Pension Forum, Inc., 2403 East 75th Street, Chicago, Ill.

D. (6) $200. E. (9) $19.08.

A. Lydston D. B. Cady, 836 Wyatt Building, Washington, D.C.

B. United Medical Laboratories, Inc., 6060 NE., 112th Avenue, Portland, Oreg.

E. (9) $1,851.56.

A. C. G. Caffrey, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $760.20. E (9) $85.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.

B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $1,405.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y.

B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. Carl C. Campbell, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $232.32.

A. The Canal Authority of the State of Florida, 803 Rosselle St., Jacksonville, Fla.

A. Marvin Caplan.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $1,834.50. E. (9) $134.20.

A. Donald A. Capone, the Farragut Building, Washington, D.C.

B. Committee of European Shipowners, 30–32 St. Mary Ave., London E.C.3, England.

D. (6) $7,500. E. (9) $468.15.

A. Michael H. Cardozo, Washington, D.C.

B. Association of American Law Schools, 1521 New Hampshire Avenue NW., Washington, D.C.

A. Philip Carlip, 650 Fourth Avenue, Brooklyn, N.Y.

B. District 2, Marine Engineers Beneficial Association, AFL–CIO.

D. (6) $1,000. E. (9) $125.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y.

B. Seafarers International Union.

D. (6) $2,500. E. (9) $1,150.

A. Col. John T. Carlton, 333 Pennsylvania Avenue SE., Washington, D.C.

B. Reserve Officers Association of the United States, 333 Pennsylvania Avenue SE., Washington, D.C.

A. Braxton B. Carr, 1250 Connecticut Avenue, Washington, D.C.

B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.

D. (6) $2,750. E. (9) $192.38.

A. Richard M. Carrigan, 1201 16th Street NW., Washington, D.C.

B. Division of Federal Relations, National Education Association, 1201 16th Street NW., Washington, D.C.

D. (6) $1,899.79. E. (9) $27.77.

A. Blue Allan Carstenson.
B. The Farmers' Educational & Cooperative Union of America, 1575 Sherman Street, Denver, Colo., 1012 14th Street NW., Washington, D.C.
D. (6) $1,299.76. E. (9) $154.51.

A. Eugene C. Carusi, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Ralph E. Casey, 919 18th Street NW., Washington, D.C.
B. American Merchant Marine Institute, Inc., 919 18th Street NW., Washington, D.C. and 11 Broadway, New York, N.Y.
D. (6) $2,875. E. (9) $541.60.

A. E. Michael Cassady, 225 South Meramec, St. Louis, Mo.
B. Mississippi Valley Association, 225 South Meramec, St. Louis. Mo.

A. Francis R. Cawley, 15th and H Streets NW., Washington, D.C.
B. Label Manufacturers National Association, Inc., Agricultural Publishers Association, 15th and H Street NW., Washington, D.C.
D. (6) $140. E. (9) $136.68.

A. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.
D. (6) $52,355. E. $24,302.97.

A. Col. Joseph L. Chabot, 333 Pennsylvania Avenue SE., Washington, D.C.
B. Reserve Officers Association of the United States, 333 Pennsylvania Avenue SE., Washington, D.C.

A. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.
D. (6) $1,359,668. E. (9) $17,000.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. Alaska Pipeline Company, Post Office Box 6554, Houston, Tex.
D. (6) $1,500. E. (9) $39.51.

A. Chapman, DiSalle and Friedman, 932 Pennsylvania Building, Washington, D.C.
B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.
D. (6) $27,666.67. E. (9) $38.94.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. Newspaper Committee for a Free and Competitive Press, 33 North Dearborn Street, Chicago, Ill.
D. (6) $4,000. E. (9) $1,484.70.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. Strohmeyer & Arpe Co., 139–141 Franklin Street, New York, N.Y.
E. (9) $1.50.

A. James W. Chapman, 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $3,125.

A. A. H. Chesser, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Trainmen.
E. (9) $100.

A. Hal M. Christensen, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Dental Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,250.

A. The Christian Amendment Movement, 804 Penn Avenue, Pittsburgh, Pa.
D. (6) $2,714.73. E. (9) $5,110.66.

A. Edwin Christianson.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $35,608.15. E. (9) $61.32.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $9,987. E. (9) $6,560.

A. Citizens Foreign Aid Committee, 1001 Connecticut Avenue NW., Washington, D.C.
E. (9) $14,515.44.

A. Allen C. K. Clark, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1294. E. (9) $57.

A. James E. Clark, Jr., 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Clarke & Nevius, 1000 Vermont Avenue NW., Washington, D.C.
B. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d Street, New York, N.Y.
D. (6) $10,030. E. (9) $1,003.24.

A. Clay Pipe Industry Depletion Committee, Post Office Box 13125, Kansas City, Mo.
D. (6) $192.22.

A. Clear Channel Broadcasting Service (CCBS), 917 Cafritz Building, Washington, D.C.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
D. (6) $5,000. E. (9) $103.08.

A. Earle C. Clements, 1735 K Street NW., Washington, D.C.
B. The American Tobacco Co.

A. Earle C. Clements, 1735 K Street NW., Washington, D.C.
B. Brown & Williamson Tobacco Corp.

A. Earle C. Clements, 1735 K Street NW., Washington, D.C.
B. Liggett & Myers Tobacco Co.

A. Earle C. Clements, 1735 K Street NW., Washington, D.C.
B. Philip Morris, Inc.

A. Earle C. Clements, 1735 K Street NW., Washington, D.C.
B. R. J. Reynolds Tobacco Co.

A. Earle C. Clements, 1735 K Street NW., Washington, D.C.
B. The Tobacco Institute.

A. David Cohen, 815 16th Street NW., Washington, D.C.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $1,703. E. (9) $227.70.

A. Edwin S. Cohen, 26 Broadway, New York, N.Y.
B. Investment Company Institute, 61 Broadway, New York, N.Y.
E. (9) $65.70.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Tanker Owners, Inc., 1 Chase Manhattan Plaza, New York, N.Y.

A. William J. Colley, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. J. I. Collier, Jr., 2000 Massachusetts Avenue NW., Washington, D.C.
B. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $231.24.

A. Collier, Shannon & Rill, 1625 I Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500.

A. Collier, Shannon & Rill, 1625 I Street NW., Washington, D.C.
B. National Footwear Manufacturers Association, 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $220.

A. Collier, Shannon & Rill, 125 I Street NW., Washington, D.C.
B. Tool and Stainless Steel Industry Committee, care of the Carpenter Steel Co., Reading, Pa.
D. (6) $1,250. E. (9) $460.

A. Paul G. Collins, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $125.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. Harrison Combs, Jr., 1427 I Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $3,301.98.

A. Committee for Automobile Excise Tax Repeal, 900 17th Street NW., Washington, D.C.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 South LaSalle Street, Chicago, Ill.
D. (6) $1,597.

A. Committee for a Free Cotton Market, Inc., 1725 K Street NW., Washington, D.C.
E. (9) $6.

A. Committee for an Interstate Taxation Act, 1209 Ring Building, Washington, D.C.

A. Ralph T. Compton, 918 16th Street NW., Washington, D.C.

A. Paul B. Comstock, 1812 K Street NW., Washington, D.C.
B. National Association of Broadcasters, 1812 K Street NW., Washington, D.C.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y.
D. (6) $220. E. (9) $141.82.

A. The Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn.
E. (9) $54.49.

A. Howard M. Conner, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6). $625.50. E. (9) $591.15.

A. John D. Conner, 1625 K Street NW., Washington, D.C.
B. Book Manufacturers' Institute, Inc., 161 East 42d Street, New York, N.Y.

A. Robert J. Conner, Jr., 1700 K Street NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $365. E. (9) $120.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $1,625.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C.
B. The National Waterways Conference.

A. Edward Cooper.
B. Motion Picture Association of America, Inc., 918 16th Street NW., Washington, D.C.

A. J. Milton Cooper, 1000 Vermont Avenue NW., Washington, D.C.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. J. Milton Cooper, 1000 Vermont Avenue NW., Washington, D.C.
B. R. J. Reynolds Tobacco Co., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.
B. Portsmouth-Kittery Armed Services Committee, Inc., Post Office Box 1123, Portsmouth, N.H.
D. (6) $3,750. E. (9) $1,553.66.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Council of Forest Industries, 1477 West Pender Street, Vancouver, B.C., Canada.
D. (6) $3,000. E. (9) $1.50.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, Inc., 444 Madison Avenue, New York, N.Y.
D. (6) $6,000. E. (9) $28.85.

A. Darrell Coover, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $1,500. E. (9) $819.60.

A. Thomas L. Copas, 702 H Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 702 H Street NW., Washington, D.C.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $125.

A. The Council for Exceptional Children, 1201 16th Street NW., Washington, D.C.
E. (9) $503.

A. Council for a Livable World, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $18,972.84. E. (9) $18,588.43.

A. Council of Mutual Savings Institutions, 60 East 42d Street, New York, N.Y.
E. (9) $353.11.

A. Council of Profit Sharing Industries, 29 North Wacker Drive, Chicago, Ill.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. American Machine Tool Distributors' Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. Connecticut General Life Insurance Co. and Aetna Life Insurance Co., Hartford, Conn.
D. (6) $1,114.36. E. (9) $65.58.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. The Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn.
D. (6) $3,385.64. E. (9) $34.12.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. Eugene Meyer III, Katharine Graham, Frederick S. Beebe, and American Security & Trust Co., as trustees under an agreement dated April 25, 1963, between them and Agnes E. Meyer.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. A. P. Moller, 8 Kongens Nytorv, Copenhagen, Denmark.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. National Association of Mortgage Insurance Cos., Post Office Box 2976, Raleigh, N.C.
E. (9) $31.59.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. National Machine Tool Builders' Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. The Wisconsin Corp., 500 Union Street, Seattle, Wash.
E. (9) $85.07.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich.

A. Michael B. Crowson, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. J. Steele Culbertson, 1614 20th Street NW., Washington, D.C.
B. National Fish Meal & Oil Association, 1614 20th Street NW., Washington, D.C.
D. (6) $150. E. (9) $54.21.

A. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,132. E. (9) $403.22.

A. John T. Curran, 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
D. (6) $5,550. E. (9) $2,119.91.

A. John R. Dalton, 1508 Merchants Bank Building, Indianapolis, Ind.
B. Associated Railways of Indiana, 1508 Merchants Bank Building, Indianapolis, Ind.

A. Charles A. Darnell, 3129 Brereton Court, Huntington, W. Va.
B. Sheet Metal Workers International Association, 1000 Connecticut Avenue, Washington, D.C.

A. F. Gibson Darrison, Jr., 1010 Pennsylvania Building, Washington, D.C.
B. New York Central Railroad Co., 466 Lexington Avenue, New York, N.Y.

A. Larry C. Davenport, 702 H Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 702 H Street NW., Washington, D.C.

A. John C. Davidson, 1120 Connecticut Avenue NW., Washington, D.C.
B. The Tax Council, 1120 Connecticut Avenue NW., Washington, D.C.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.
D. (6) $2,500. E. (9) $373.17.

A. Charles W. Davis, 1 North LaSalle Street, Chicago, Ill.
B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill.

A. Charles W. Davis, 1 North LaSalle Street, Chicago, Ill.
B. Chicago & North Western Railway Co., 400 West Madison Street, Chicago, Ill.
D. (6) $2,460. E. (9) $246.52.

A. Charles W. Davis, 1 North LaSalle Street, Chicago, Ill.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.
E. (9) $284.76.

A. Charles W. Davis, 1 North LaSalle Street, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
E. (9) $295.70.

A. Charles W. Davis, 1 North LaSalle Street, Chicago, Ill.
B. Union Tank Car Co., 111 West Jackson Boulevard, Chicago, Ill.
D. (6) $700. E. (9) $121.36.

A. Lowell Davis, Box 45682, Houston, Tex.
D. (6) $175.90. E. (9) $175.90.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. D.C. Transit System, Inc., Washington, D.C.
D. (6) $2,000.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. Guild of Prescription Opticians, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,000.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.

B. Oceanic Properties, Inc., Post Office Box 2780, Honolulu, Hawaii.
D. (6) $1,250.

A. Dawson, Griffin, Pickens & Riddell, 723 Washington Building, Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. Dawson, Griffin, Pickens & Riddell, 723 Washington Building, Washington, D.C.
B. American Nursing Home Association, 1101 17th Street NW., Washington, D.C.
D. (6) $1,750.

A. Dawson, Griffin, Pickens & Riddell, 723 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Dawson, Griffin, Pickens & Riddell, 723 Washington Building, Washington, D.C.
B. Indian Sugar Mills Association, Export Agency Division, Calcutta, India.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $600. E. (9) $186.30.

A. Debevoise, Plimpton, Lyons & Gates, 320 Park Avenue, New York, N.Y.
B. Sparrow Pacific Corp., 1 East 66th Street, New York, N.Y.

A. Tony T. Dechant.
B. The Farmers' Educational and Cooperative Union of America (National Farmers Union), 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $89.57.

A. L. E. Deilke, 163–165 Center Street, Winona, Minn.
B. The Interstate Manufacturers Association, 163–165 Center Street, Winona, Minn.
D. (6) $1,500.

A. L. E. Deilke, 163–165 Center Street, Winona, Minn.
B. National Association of Direct Selling Co.'s, 163–165 Center Street, Winona, Minn.
D. (6) $3,000.

A. John deLaittre, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $9,803. E. (9) $5,599.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Ronald W. De Lucien, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $400. E. (9) $100.

A. Franklin W. Denius, Post Office Box 1148, Austin, Tex.
B. Texas Electric Service Co., Post Office Box 970, Fort Worth, Tex.; Dallas Power & Light Co., Dallas, Tex.; Texas Power & Light Co., Post Office Box 6331, Dallas, Tex.
E. (9) $924.41.

A. Max A. Denney, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $900.

A. Lloyd J. Derrickson, 888 17th Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc.

A. Russell C. Derrickson, 4000 Cathedral Avenue NW., Washington, D.C.
B. Responsive Environments Corp., 1707 L Street NW., Washington, D.C.
D. (6) $1,250. E. (9) $320.

A. Cecil B. Dickson, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $900. E. (9) $104.74.

A. George S. Dietrich, 1741 DeSales Street NW., Washington, D.C.
B. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif.
D. (6) $2,222.06. E. (9) $197.06.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif.
D. (6) $1,608.86. E. (9) $58.86.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Yuba County Water Agency, Marysville, Calif.
D. (6) $1,214.75. E. (9) $14.65.

A. Disabled American Veterans, 1701 18th Street NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $11,791.66. E. (9) $2,320.45.

A. Robert H. Distelhorst, Jr., 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $462.50. E. (9) $2.50.

A. William H. Dodds, 1126 16th Street NW., Washington, D.C.
D. (6) $750. E. (9) $79.88.

A. James F. Doherty, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $3,913. E. (9) $526.71.

A. Paul R. M. Donelan, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $250.

A. Jasper N. Dorsey, 1730 K Street NW., Washington, D.C. and 195 Broadway, New York, N.Y.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $232.20.

A. C. L. Dorson, 501 13th Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, 501 13th Street NW., Washington, D.C.
D. (6) $2,800.56. E. (9) $135.

A. Leonard K. Dowiak, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Asociation, 221 West 57th Street, New York, N.Y.
D. (6) $100.

A. Franklin B. Dryden, 1735 K Street NW., Washington, D.C.
B. The Tobacco Institute.

A. Evelyn Dubrow, 1710 Broadway, New York, N.Y.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.
D. (6) $2,715.44. E. (9) $1,503.92.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, AFL–CIO, 99 University Place, New York, N.Y.
D. (6) $1,727. E. (9) $165.

A. J. D. Durand, 1725 K Street NW., Washington, D.C.
E. (9) $260.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $553.14.

A. Robert G. Dwyer, 1511 K Street NW., Washington, D.C.
B. The Anaconda Co., 25 Broadway, New York, N. Y.
D. (6) $250.

A. Walter A. Edwards, 1700 K Street NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $250. E. (9) $100.

A. George V. Egge, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. J. C. B. Ehringhaus, Jr., Post Office Box 1776, Raleigh, N.C.
B. Southern Railway System, Post Office Box 1808, Washington, D.C.
D. (6) $5,512.50. E. (9) $1,600.46.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md.
D. (6) $4,411.76. E. (9) $2,407.55.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Elliott & Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $750.

A. Elliott & Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. United Business Schools Association, 1101 17th Street NW., Washington, D.C.
D. (6) $750.

A. Warren G. Elliott, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $287.50. E. (9) $27.23.

A. Clyde T. Ellis, 2000 Florida Avenue NW., Washington. D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $65.

A. Perry R. Ellsworth, 1025 Vermont Avenue NW., Washington, D.C.
B. Retail Jewelers of America, Inc., 1025 Vermont Avenue NW., Washington, D.C.
D. (6) $135. E. (9) $148.85.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.
D. (6) $2,100.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Coachella Valley County Water District, Coachella, Calif.
D. (6) $1,200.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Department of Water and Power of the City of Los Angeles, 111 North Hope Street, Los Angeles, Calif.
D. (6) $2,400.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. East Bay Muncipal Utility District, 2130 Adeline Street, Oakland, Calif.
D. (6) $1,200.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Imperial Irrigation District, El Centro, Calif.
D. (6) $2,100.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Six Agency Committee, 909 South Broadway, Los Angeles, Calif.
D. (6) $6,210. E. (9) $175.21.

A. Employee Relocation Real Estate Advisory Committee, Inc., 333 North Michigan Avenue, Chicago, Ill.
D. (6) $4,700. E. (9) $345.65.

A. Myles W. English, 202 National Press Building, Washington, D.C.
B. National Highway Users Conference, Inc., 202 National Press Building, Washington, D.C.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $760. E. (9) $62.

A. Lawrence E. Ernst, 324 East Capitol Street, Washington, D.C.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C.
E. (9) $1,521.18.

A. Ethyl Corporation, 1155 15th Street NW., Washington, D.C.
E. (9) $750.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $2,174. E. (9) $22.50.

A. William J. Fannin, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A.

A. The Farmers' Educational and Co-Operative Union of America (National Farmers Union) 1575 Sherman Street, Denver, Colo., 1012 14th Street NW., Washington, D.C.
D. (6) $65,645.21. E. (9) 20,309.89.

A. Joseph G. Feeney, 1101 17th Street NW., Washington, D.C.
B. REA Express, 219 East 42d Street, New York, N.Y.
D. (6) $1,200. E. (9) $600.

A. Arthur Fefferman, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. Bonner Fellers, 1001 Connecticut Avenue NW., Washington, D.C.

A. Maxwell Field, 210 Lincoln Street, Boston, Mass.
B. New England Footwear Association, Inc., 210 Lincoln Street, Boston, Mass.
D. (6) $400.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Council of Forest Industries of British Columbia, 1477 West Pender Street, Vancouver 5, B.C., Canada.
D. (6) $7,125. E. (9) $130.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Joint Committe of Printing and Publishing Industries of Canada, 117 Eglinton Avenue East, Toronto 12, Canada.
D. (6) $1,600. E. (9) $102.93.

A. Mello G. Fish, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $2,835. E. (9) $1,367,56.

A. William J. Flaherty, 1701 18th Street NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $3,625. E. (9) $50.18.

A. Florida Citrus Mutual, Lakeland, Fla.
E. (9) $800.

A. Florida Inland Navigation District, 2725 Aveune E., Riviera Beach, Fla.

A. Gene Fondren, Box 192, Taylor, Tex.
B. Texas railroads.
D. (6) $902.72. E. (9) $766.86.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.
D. (6) $500. E. (9) $1,723.82.

A. Forest Farmers Association Cooperative, Post Office Box 7278, Station C, Atlanta, Ga.

A. James W. Foristel, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $1,650. E. (9) $161.61.

A. Charles E. Foster, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corporation, 900 17th Street NW., Washington, D.C.
D. (6) $195. E. (9) $371.96.

A. Ronald J. Foulis, 1730 K Street NW., Washington, D.C., and 195 Broadway, New York, N.Y.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $40.

A. John G. Fox, 1730 K Street NW., Washington, D.C., and 195 Broadway, New York, N.Y.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $398.40.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C.
B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.
D. (6) $210.90. E. (9) $113.20.

A. John George Frain, 1780 Lanier Place NW., Washington, D.C.
B. The Eighteenth and Columbia Road Business Association, 2380 Champlain Street NW., Washington, D.C.
D. (6) $400.

A. Charles A. Francik, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $420.

A. Walter L. Frankland, Jr., 1625 I Street NW., Washington, D.C.
B. Silver Users Association, 1625 I Street NW., Washington, D.C.
D. (6) $225. E. (9) $42.50.

A. R. Frank Frazier, 1155 15th Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500.

A. James H. French, 1625 K Street NW., Washington, D.C.
B. Book Manufacturers' Institute, Inc., 161 East 42d Street, New York, N.Y.

A. Joseph Freni, Jr., 1619 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $450.

A. Milton Fricke, Papillion, Nebr.
B. National Association of Soil & Water Conservation Districts, League City, Tex.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $123,098. E. (9) $9,170.

A. Frank W. Frisk, Jr., 919 18th Street NW., Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.
D. (6) $350.

A. David C. Fullarton, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,165.

A. Garrett Fuller, 836 Wyatt Building, Washington, D.C.
B. United Medical Laboratories, Inc., 6060 NE., 112th Avenue, Portland, Oreg.
D. (6) $2,400. E. (9) $78.29.

A. Gadsby, Maguire & Hannan, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Brazilian Embassy, 3007 Whitehaven Street NW., Washington, D.C.
D. (6) $500. E. (9) $43.59.

A. Gadsby ,Maguire & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Massachusetts Investment Co., et al.
E. (9) $3,390.18.

A. Henry E. Gardiner, 1511 K Street NW., Washington, D.C.
B. The Anaconda Co., 25 Broadway, New York, N.Y.
D. (6) $550. E. (9) $74.96.

A. William B. Gardiner, 1701 18th Street NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $3,166.66.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $50.

A. Gas Appliance Manufacturers Association, 2000 K Street NW., Washington, D.C.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $60,550.

A. Aubrey D. Gates, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $170.

A. William C. Geer.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $500.

A. Mary Condon Gereau, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,365.70. E. (9) $93.25.

A. Ernest Giddings, 1346 Connecticut Avenue NW., Washington, D.C.
B. National Retired Teachers Association, American Association of Retired Persons.
E. (9) $1,217.75.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.
B. International Union of United Brewery, Flour, Cereal, Soft Drink & Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.
B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
D. (6) $1,375. E. (9) $221.55.

A. Royce L. Givens, 224 Seventh Street SE., Washington, D.C.
B. International Conference of Police Associations, 224 Seventh Street SE., Washington, D.C.
D. (6) $14,513. E. (9) $2,820.26.

A. Glassie & Molloy, 1819 H Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., 1820 Massachusetts Avenue NW., Washington, D.C.
D. (6) $5. E. (9) $0.87.

A. Glassie & Molloy, 1819 H Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 1820 Massachusetts Avenue NW., Washington, D.C.
D. (6) $225. E. (9) $2.87.

A. Glenn F. Glezen, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. John Goldbum, Post Office Box 1148, Austin, Tex.
B. Texas Electric Service Co., Post Office Box 970, Fort Worth, Tex.; Dallas Power & Light Co., Dallas, Tex.; Texas Power & Light Co., Post Office Box 6331, Dallas, Tex.
E. (9) $274.09.

A. W. S. Gookin, 112 North Central Avenue, Phoenix, Ariz.

A. John A. Gosnell, 1225 19th Street NW., Washington, D.C.
D. (6) $1,883.34.

A. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y.
B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich.

A. Lawrence L. Gourley, 1625 I Street NW., Washington, D.C.
B. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.

A. Government Employes' Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $11,622.44. E. (9) $3,599.64.

A. Harry L. Graham, 1616 H Street NW., Washington, D.C.
B. National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $4,375.

A. Grain & Feed Dealers National Association, 500 Folger Building, Washington, D.C.
E. (9) $33.

A. Grand Lodge of the Brotherhood of Locomotive Firemen & Enginemen, 15401 Detroit Avenue, Lakewood, Cleveland, Ohio.
D. (6) $8,921.27. E. (9) $8,921.27.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. George O. Gray, 1625 I Street NW., Washington, D.C.
B. Legislative Committee, International Economic Policy Association, 1625 I Street NW., Washington, D.C.
E. (9) $3,613.21.

A. James A. Gray, 2139 Wisconsin Avenue NW., Washington, D.C.
B. National Machine Tool Builder's Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.
D. (6) $71.25. E. (9) $180.84.

A. Samuel A. Grayson, Union Pacific Railroad Co., 611 Idaho Building, Boise, Idaho.
B. Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr.

A. Warren Griffiths, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,000.

A. J. S. Grigsby, Jr., 1103 Stahlman Building, Nashville, Tenn.
B. Southern States Industrial Council.
D. (6) $2,550.

A. John F. Griner, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $6,923.10. E. (9) $1,944.23.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.
B. National Automobile Dealers Association and American Zinc Co.
D. (6) $4,100. E. (9) $1,800.

A. Jerome R. Gulan.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C.

A. Lester M. Haddad, 5005 Wickett Terrace, Bethesda, Md.
B. Committee for the Evaluation of Industrial Aid Financing, 1629 K Street NW., Washington, D.C.
D. (6) $3,400. E. (9) $609.07.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $600. E. (9) $363.92.

A. Hoyt S. Haddock.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,294. E. (9) $234.

A. John R. Haire, 61 Broadway, New York, N.Y.
B. Investment Company Institute, 61 Broadway, New York, N.Y.

A. Hal H. Hale, 421 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Randolph M. Hale, 1200 18th Street NW., Washington, D.C.
B. National Electrical Contractors Association, 1200 18th Street NW., Washington, D.C.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill.

A. J. G. Hall, General Motors Corp., Detroit, Mich.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. E. C. Hallbeck, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $6,346.14.

A. Norman S. Halliday, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $600. E. (9) $149.95.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Tejon Ranch Co., Post Office Box 1560, Bakersfield, Calif.
D. (6) $900.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.
D. (6) $250. E. (9) $7.50.

A. Carlton B. Hamm, 1900 L Street NW., Washington, D.C.
B. National Oceanography Association, 1900 L Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $45.

A. Robert N. Hampton, 1200 17th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.
D. (6) $4,249.98. E. (9) $212.20.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif.
B. California Savings and Loan League, 1444 Wentworth Avenue, Pasadena, Calif.
E. (9) $2,262.52.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Eugene J. Hardy, 918 16th Street NW., Washington, D.C.

A. Bryce N. Harlow, 1730 K Street NW., Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.
E. (9) $28.

A. Mildred B. Harman, 640 Warner Building, 13th and E NW., Washington, D.C.

B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.

D. (6) $725. E. (9) $489.78.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $55.33.

A. L. James Harmanson, Jr., 1200 17th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.

D. (6) $6,300. E. (9) $68.75.

A. David Hartsough, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $335.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $80. E. (9) $15.72.

A. Eugene B. Hayden, Jr., 828 Midland Bank Building, Minneapolis, Minn.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.

D. (6) $4,500.

A. Hays and Hays, Warner Building, Washington, D.C.

B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

D. (6) $300.

A. Joseph H. Hays, 280 Union Station Building, Chicago, Ill.

B. The Association of Western Railways, 224 Union Station Building, Chicago, Ill.

A. John C. Hazen, 1317 F Street NW., Washington, D.C.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

E. (9) $96.30.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $793.34. E. (9) $793.34.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $200. E. (9) $24.30.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $875. E. (9) $962.54.

A. Kenneth G. Heisler, 1200 17th Street NW., Washington, D.C.

B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

D. (6) $1,000.

A. Phil D. Helmig, 1001 Connecticut Avenue NW., Washington, D.C.

B. The Atlantic Richfield Co., 260 South Broad Street, Philadelphia, Pa.

D. (6) $150. E. (9) $150.

A. Mrs. Elizabeth S. Hendryson, 6303 Indian School Road NE., Albuquerque, N. Mex.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.

D. (6) $1,125.

A. John K. Herbert, 575 Lexington Avenue, New York, N.Y.

B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y.

D. (6) $3,448.26.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.

B. National Football League, 1 Rockefeller Plaza, New York, N.Y.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.

B. Savage Arms, Westfield, Mass.; Redfield Gun Sight Co., Denver, Colo.; O. F. Mossberg & Sons, Inc., New Haven, Conn.; High Standard Corp., Hamden, Conn.; and Browning Arms Co., Morgan, Utah.

D. (6) $5,416.50. E. (9) $212.59.

A. Hester & Stone, 432 Shoreham Building, Washington, D.C.

B. United States Brewers Association, 535 Fifth Avenue, New York, N.Y.

D. (6) $5,000. E. (9) $128.85.

A. John W. Hight, 1028 Connecticut Avenue NW., Washington, D.C.

B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

D. (6) $100.

A. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.

A. William B. Hitchcock II, 1800 Home Federal Tower, Hollywood, Fla.

B. International Public Relations, Inc., 315 First National Bank Building, Canton, Ohio.

A. Claude E. Hobbs, 1000 Connecticut Avenue NW., Washington, D.C.

B. Westinghouse Electric Corp., 3 Gateway Center, Pittsburgh, Pa.

D. (6) $900. E. (9) $195.

A. Ralph D. Hodges, Jr.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

A. Irvin A. Hoff, 1001 Connecticut Avenue, Washington, D.C.

B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.

E. (9) $15.95.

A. Lee B. Holmes, 829 Pennsylvania Building, Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $20.

A. John W. Holton, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $1,500. E. (9) $34.25.

A. Edwin M. Hood, 1730 K Street NW., Washington, D.C.

B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Donald E. Horton, American Warehousemen's Association, 222 West Adams Street, Chicago, Ill.

A. Harold A. Hosier, 2240 Bell Court, Denver, Colo.

B. International Mailers Union, 2240 Bell Court, Denver, Colo.

A. Thomas B. House.

B. National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C.

D. (6) $100.

A. Joe L. Howell, 1710 H Street NW., Washington, D.C.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill.

A. Charles L. Huber, 1701 18th Street NW., Washington, D.C.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.

D. (6) $5,000. E. (9) $2,270.27.

A. Meryle V. Hutchison, 1030 15th Street NW., Washington, D.C.

B. American Nurses' Association, Inc., 10 Columbus Circle, New York, N.Y.

D. (6) $2,828.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.

B. Miss Alice M. Hesing, Rochester, N.Y.

E. (9) $374.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.

D. (6) $5.

A. Frank N. Ikard, 1271 Avenue of the Americas, New York, N.Y.

B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

D. (6) $875.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $9,505.02. E. (9) $9,505.02.

A. Harry A. Inman, 1200 17th Street NW., Washington, D.C.

B. The Reader's Digest Association, Inc., Pleasantville, N.Y.

D. (6) $157.50. E. (9) $1.20.

A. Institute of Amateur Radio, Inc., Peterborough, N.H.

A. Institute of Scrap Iron & Steel, Inc., 1729 H Street NW., Washington, D.C.

D. (6) $300. E. (9) $248.02.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.

E. (9) $13,445.38.

A. International Mailers Union, 2240 Bell Court, Denver, Colo.

E. (9) $100.

A. International Union of District 50, United Mine Workers of America, 1435 K Street NW., Washington, D.C.

E. (9) $3,444.98.

A. The Interstate Manufacturers Association, 163–165 Center Street, Winona, Minn.

D. (6) $2,975.

A. Iron Ore Lessors Association, Inc., 1000 First National Bank Building, St. Paul, Minn.

D. (6) $15,210.64. E. (9) $9,202.50.

A. Investment Company Institute, 61 Broadway, New York, N.Y.

E. (9) $20,766.60.

Rear Adm. Alexander Jackson, Jr., 333 Pennsylvania Avenue SE., Washington, D.C.

B. Reserve Officers Association of the United States, 333 Pennsylvania Avenue SE., Washington, D.C.

A. Chas. E. Jackson, 715 Ring Building, Washington, D.C.
E. (9) $567.89.

A. Robert C. Jackson, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $235.40.

A. Raymond M. Jacobson, 1707 H Street NW., Washington, D.C.
B. American Society of Consulting Planners, Post Office Box 206, West Trenton, N.J.
D. (6)$2,250. E. (9)$133.13.

A. Japanese-American Citizens League, 1634 Post Street, San Francisco, Calif.
E. (9) $200.

A. Daniel Jaspan, Post Office Box 1924, Washington, D.C.
B. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $4,500.51. E. (9) $49.10.

A. Gene Johnson, 814 Fleming Building, Des Moines, Iowa.
B. International Mailers Union, 2240 Bell Court, Denver, Colo.

A. Glendon E. Johnson, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $529.90. E. (9) $27.78.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Reuben L. Johnson.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $3,461.38. E. (9) $133.14.

A. Spencer A. Johnson, 1025 Vermont Avenue, NW., Washington, D.C.
B. National Retail Furniture Association, 1150 Merchandise Mart, Chicago, Ill.,
D. (6) $2,100.

A. Ned Johnston, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Charles W. Jones, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Carpet Institute, Inc., 350 Fifth Aveune, New York, N.Y.
D. (6) $80. E. (9) $128.

A. Geo. Bliss Jones, Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala,

A. L. Dan Jones, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $32.63.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A.

A. Karelsen, Karelsen, Lawrence & Nathan, 230 Park Avenue, New York, N.Y.
E. (9) $20.68.

A. William J. Keating, 500 Folger Building, Washington, D.C.
B. Grain & Feed Dealers National Association, 500 Folger Building, Washington, D.C.
D. (6) $25.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co. (a Delaware Corp.), Post Office Box 2180, Houston, Tex.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C.
B. American Retail Federation.

A. Thomas John Kehoe & Associates, 1904 Rockwood Road, Silver Spring, Md.
E. (9) $550.

A. Robert H. Kellen, 25 East Chestnut Street, Chicago, Ill.
B. Mayonnaise & Salad Dressing Institute, 25 East Chestnut Street, Chicago, Ill.

A. Robert H. Kellen, 25 East Chestnut Street, Chicago, Ill.
B. National Preservers Association, 25 East Chestnut, Chicago, Ill.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.
B. American Machine Tool Distributors' Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. Thomas A. Kelly, 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $2,200.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $180.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $96.40.

A. William F. Kenney, New York, N.Y.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.

A. Kennon, White & Odom, 356 Somerulos Street, Baton Rouge, La.
B. Connecticut General Life Insurance Co. and Aetna Life Insurance Co., Hartford, Conn.
D. (6) $1,000. E. (9) $205.37.

A. Kennon, White & Odom, 356 St. Charles Street, Baton Rouge, La.
B. Jefferson Standard Life Insurance Co., Post Office Box 21008, Greensboro, N.C.
E. (9) $440.50.

A. Thomas P. Kerester, 1120 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.

A. J. Don Kerlin, 100 Indiana Avenue NW., Washington, D.C.
B. The Reuben H. Donnelley Corp., 235 East 42d Street, New York, N.Y.
D. (6) $200. E. (9) $100.

A. J. Don Kerlin, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $150. E. (9) $85.

A. J. Don Kerlin, 100 Indiana Avenue NW., Washingotn, D.C.
B. Time, Inc., Rockefeller Center, New York, N.Y.
D. (6) $300. E. (9) $150.

A. William J. Kerwin, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

A. Edward W. Kiley, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $475. E. (9) $18.44.

A. T. Bert King, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings & Loan League, 221 North LaSalle Street, Chicago Ill.
D. (6) $750.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $210.83.

A. A. R. Kirkley, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $331.25. E. (9) $9.86.

A. Clifton Kirkpatrick, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $690. E. (9) $30.42.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.
D. (6) $197.20. E. (9) $226.53.

A. Ralph W. Kittle.
B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Robert E. Kline, Jr., 430 Wyatt Building, Washington, D.C.
B. American Fishing Tackle Manufacturers Association, 20 North Wacker Drive, Chicago, Ill.

A. Robert E. Kline, Jr., 430 Wyatt Building, Washington, D.C.
B. Bowling Proprietors' Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.
D. (6) $1,250. E. (9) $46.30.

A. James F. Kmetz, 1427 I Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $4,802.

A. George J. Knaly, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, AFL–CIO & CLC, 1200 15th Street NW., Washington, D.C.
D. (6) $4,999.98.

A. Robert M. Kotch, 702 H Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 702 H Street NW., Washington, D.C.
E. (9) $37.80.

A. William L. Kohler, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $491.65.

A. John H. Kostmayer, First Investors Corporation, 120 Wall Street, New York, N.Y.
B. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d Street, New York, N.Y.
E. (9) $2,491.53.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Germaine Krettek, 200 C Street SE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
E. (9) $5,390.64.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $4,872. E. (9) $799.24.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C., and 11 South LaSalle Street, Chicago, Ill.

A. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
E. (9) $10,068.09.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $8,706. E. (9) $7,014.

A. Laborers' Political League, 905 16th Street NW., Washington, D.C.
D. (6) $8,433.46. E. (9) $1,300.

A. Julian J. Landau, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $240.

A. Richard H. Lane, 1511 K Street NW., Washington, D.C.
B. The Committee for Broadening Commercial Bank Participation in Public Financing.

A. Morton Langstaff, 1317 F Street NW., Washington, D.C.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.
E. (9) $141.40.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C.
B. D.C. Division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. L. Edward Lashman, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations Federation of Trades and Labor Unions, 815 16th Street NW., Washington, D.C.
D. (6) $3,913. E. (9) $738.38.

A. Dillard B. Lasseter, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $525.

A. George H. Lawrence, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $312.50. E. (9) $27.75.

A. John V. Lawrence, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $16.50.

A. The Lawyers Co-operative Publishing Co., Rochester, N.Y.

A. Robert F. Lederer, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C.
D. (6) $36.25. E. (9) $108.

A. Leonard F. Lee, 402 Solar Building, Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.
E. (9) $93.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $260. E. (9) $278.

A. Legislative Committee, International Economic Policy Association, 1625 I Street NW., Washington, D.C.
E. (9) $3,613.21.

A. Robert J. Leigh, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $96.

A. Richard Leighton, Munsey Building, Washington, D.C.

A. G. E. Leighty, 400 First Street NW., Washington, D.C.

A. Nils A. Lennartson, Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $9,249.96.

A. Kenenth D. Lester, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $340.

A. Roy T. Lester, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $437.50. E. (9) $6.52.

A. Mrs. Alfred Letsler, 237 North Galveston Street, Arlington, Va.
B. National PTA, 700 North Rush Street, Chicago, Ill.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. The Pennsylvania Railroad Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. Estate of Hal Leyshon, 122 East 42d Street, New York, N.Y.

B. American Federation of Musicians, 641 Lexington Avenue, New York, N.Y.
D. (6) $3,333.32. E. (9) $38.

A. Liberty Lobby, Inc., 132 Third Street SE., Washington, D.C.
D. (6) $15,115. E. (9) $14,243.

A. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $3,706.32. E. (9) $3,706.32.

A. Blaine Liljenquist, 917 15th Street NW., Washington, D.C.
B. Western States Meat Packers Association, Inc., 917 15th Street NW., Washington, D.C.
D. (6) $6,562.50. E. (9) $87.70.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C.
D. (6) $37.50.

A. Charles B. Lipsen, 1741 DeSales Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1741 DeSales Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $1,535.77.

A. Zel E. Lipsen, 1925 K Street NW., Washington, D.C.
B. Brotherhood of Painters, Decorators & Paperhangers of America, AFL–CIO, 1925 K Street NW., Washington, D.C.
D. (6) $3,575.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $375. E. (9) $22.84.

A. Paul H. Long, 1612 K Street NW., Washington, D.C.
B Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y.
E. (9) $64.25.

A. R. C. Longmire, Paulis Valley, Okla.
B. National Association of Soil & Water Conservation Districts, League City, Tex.

A. Harold O. Lovre, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $391.25.

A. Otto Lowe, Cape Charles, Va.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $1,500.

A. Otto Lowe, Cape Charles, Va.
B. Norfolk & Western Railway Co., Roanoke, Va.
D. (6) $600.

A. Scott W. Lucas, 1028 Connecticut Avenue NW., Washington, D.C.
B. Mobile Homes Manufacturers Association, 20 North Wacker Drive, Chicago, Ill.
D. (6) $1,000.

A. Scott W. Lucas, 1028 Connecticut Avenue NW., Washington, D.C.
B. Western Medical Corp., 415–423 West Pershing Rd., Chicago, Ill.
D. (6) $1,000.

A. William R. Lucas, Post Office Box 2268, San Antonio, Tex.
B. Non-Commissioned Officers Association of the U.S.A., Post Office Box 2268, San Antonio, Tex.
E. (9) $168.

A. Dr. John M. Lumley, 1201 16th Street NW., Washington, D.C.
B. National Education Association, Division

of Federal Relations, 1201 16th Street NW., Washington, D.C.
D. (6) $3,626.50. E. (9) $486.54.

A. Milton F. Lynch, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $750.

A. John W. Lynham, 888 17th Street NW., Washington, D.C.
B. Charles and Katrushka J. Parsons, 310 Park Avenue, Pasay City, Manila, Philippines.
E. (9) $300.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
D. (6) $3,437.49. E. (9) $1,670.77.

A. Breck P. McAllister, 25 Broadway, New York, N.Y.
B. American Committee for Flags of Necessity, 25 Broadway, New York N.Y.

A. William J. McAuliffe, Jr., 1725 I Street NW., Washington, D.C.
B. Amercan Land Title Association, 1725 I Street NW., Washington, D.C.
E. (9) $11.25.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C.
B. Government Employes' Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,019.22.

A. Alfred R. McCauley, 1629 K Street NW., Washington, D.C.
B. The Magnavox Co., 270 Park Avenue, New York, N.Y.
D. (6) $200.

A. E. L. McCulloch, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, B. of L. E. Building, Cleveland, Ohio.
D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street N.W., Washington, D.C.
B. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.
D. (6) $150.

A. Angus H. McDonald.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo., and 1012 14th Street NW., Washington, D.C.
D. (6) $3,277.06. E. (9) $212.72.

A. Joseph J. McDonald, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,625. E. (9) $590.88.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $179.77.

A. Stanley J. McFarland, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) 2,483.70. E. (9) $88.71.

A. Paul J. McGowan, 777 14th Street NW., Washington, D.C.
B. Virgin Islands Legislature, Charlotte Amalie, St. Thomas, Virgin Islands.
D. (6) $3,750 E. (9) $269.01.

A. Marshall C. McGrath.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $380. E. (9) $167.86.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,049.50. E. (9) $426.42.

A. Clarence M. McIntosh, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 1015 Vine Street, Cincinnati, Ohio.
D. (6) $2,524.50. E. (9) $169.35.

A. William F. McKenna, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

A. John S. McLees, 1615 H Street NW., Washington, D.C.

A. William H. McLin, 1201 16th Street NW., Washington, D.C.
B. National Education Association, Division of Federal Relations, 1201 16th Street NW., Washington, D.C.
D. (6) $2,483.70. E. (9) $129.24.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $600. E. (9) $227.15.

A. C. W. McMillan, 801 East 17th Avenue, Denver, Colo.
B. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $5,250.

A. Clarence M. McMillan, 1343 L Street NW., Washington, D.C.
B. National Candy Wholesalers Association, Inc., 1343 L Street NW., Washington, D.C.
E. (9) $10.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $387.50. E. (9) $10.19.

A. Shane MacCarthy, 20 Chevy Chase Circle NW., Washington, D.C.
B. Printing Industries of America, 20 Chevy Chase Circle NW., Washington, D.C.
D. (6) $475. E. (9) $840.

A. William P. MacCracken, Jr., 1000 Connecticut Avenue NW., Washington, D.C.
B. American Optometric Association Inc., 4836 Broadway NE., Knoxville, Tenn.
D. (6) $2,000.

A. James E. Mack, 1225 19th Street NW., Washington, D.C.
B. Rolled Zinc Manufacturers Association, 1225 19th Street NW., Washington, D.C.

A. Macklin, Hanan & McKernan, 99 John Street, New York, N.Y.
B. Fred Alger & Company, Inc., and Falco Associates, Inc., 120 Broadway, New York, N.Y.
E. (9) $92.80.

A. H. E. Mahlman, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Inc., 4836 Broadway NE., Knoxville, Tenn.
D. (6) $968.75. E. (9) $84.78.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.
D. (6) $62.50. E. (9) $5.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va.
B. National Coal Association, Coal Building. Washington, D.C.
D. (6) $5,400. E. (9) $131.45.

A. Rufus W. Manderson, 1200 18th Street NW., Washington, D.C.
B. National Electrical Contractors Association, 1200 18th Street NW., Washington, D.C.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.
E. (9) $2,355.31.

A. Olya Margolin (Mrs.), 924 Dupont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C.
B. National Council of Jewish Women, Inc., 1 West 47th Street, New York, N.Y.
D. (6) $2,296.20. E. (9) $120.15.

A. James Mark, Jr., 1427 I Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $4,802.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $100. E. (9) $100.34.

A. Raymond E. Marks, 65 Market Street, San Francisco, Calif.
B. Southern Pacific Co., 65 Market Street, San Francisco, Calif.
E. (9) $697.54.

A. David M. Marsh, 1725 K Street NW., Washington, D.C.
B. American Insurance Association, 85 John Street, New York, N.Y.
D. (6) $750. E. (9) $49.05.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.
D. (6) $3,417.77. E. (9) $198.54.

A. Michael Marsh, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $503.96.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

A. J. Paull Marshall, 925 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $252.52. E. (9) $196.09.

A. Thomas A. Martin, 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $110.

A. Mike M. Masaoka, 919 18th Street NW., Washington, D.C.

A. Mike M. Masaoka, 919 18th Street NW., Washington, D.C.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
D. (6) $500. E. (9) $500.

A. Mike M. Masaoka, 919 18th Street NW., Washington, D.C.

B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $200. E. (9) $200.

A. Walter J. Mason, 815 16th Street NW., Washington, D.C.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $5,499.91. E. (9) $980.

A. P. H. Mathews, 925 Transportation Building, Washington, DC.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $206.19. E. (9) $443.32.

A. Charles D Matthews, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,100. E. (9) $77.57.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $2,820. E. (9) $79.61.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C
B. Georgia Power Company, 270 Peachtree Street, Atlanta, Ga.

A. Mayonnaise and Salad Dressings Institute, 25 East Chestnut Street, Chicago, Ill.

A. James E. Meals, 1143 National Press Building, Washington, D.C.
B. Air Line Pilots Association, 55th Street & Cicero Avenue, Chicago, Ill.
D. (6) $100. E. (9) $100.

A. John S. Mears, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,291. E. (9) $104.31.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
E. (9) $1,034.38.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C.
B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.
E. (9) $8,800.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,186. E. (9) $322.47.

A. Lawrence C. Merthan, 1700 Pennsylvania Avenue, NW., Washington, D.C.
B. Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y.
D. (6) $1,000. E. (9) $110.

A. Metropolitan Washington Board of Trade, 1616 K Street NW., Washington, D.C.

A. Midland Cooperative Dairy Association, Shawano, Wis.

A. Midwest Federal Savings & Loan Association, Minneapolis, Minn.
E. (9) $656.

A. Capt. A. Stanley Miller, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Miller Associates, Inc., 1705 DeSales Street NW., Washington, D.C.
B. Associated Telephone Answering Exchange, Inc., 777 14th Street NW., Washington, D.C.
D. (6) $937.50. E. (9) $90.

A. Miller Associates, Inc., 1705 DeSales Street NW., Washington, D.C.
B. National Music Publisher's Association, 460 Park Avenue, New York, N.Y.
D. (6) $3,000. E. (9) $295.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $1,650.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Gulf Intracoastal Canal Association, 2211 South Coast Building, Houston, Tex.
D. (6) $2,625.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $2,250.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $3,900. E. (9) $438.06.

A. Herbert J. Miller, Jr., 1701 K Street NW., Washington, D.C.
B. Automatic Phonograph Manufacturers.

A. Joseph L. Miller, 815 17th Street, Washington, D.C.
B. Northern Textile Association, National Parking Association, Maytag Co., and Chicago Bridge & Iron Co.

A. Lloyd S. Miller, 1730 K Street NW., Washington, D.C., and 195 Broadway, New York, N.Y.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $357.12.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg.
E. (9) $724.95.

A. Luther L. Miller, 1909 Q Street NW., Washington, D.C.
B. National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.
D. (6) $2,692.20. E. (9) $45.35.

A. Robert H. Miller, 402 Solar Building, Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.
E. (9) $176.82.

A. Jim M. Milligan, 402 Barclay Building, Bala-Cynwyd, Pa.
B. National Water Company Conference, 402 Barclay Building, Bala-Cynwyd, Pa.

A. Jack Mills, 1735 K Street NW., Washington, D.C.
B. The Tobacco Institute.

A. Marion Daniel Minchew, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $165. E. (9) $17.94.

A. Othmer J. Mischo, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Missouri Railroad Committee, 906 Olive Street, St. Louis, Mo.

A. Carl A. Modecki, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Michael Monroney.
B. Communications Satellite Corp., 1900 L Street NW., Washington, D.C.
D. (6) $850.

A. G. Merrill Moody, 925 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $19.90. E. (9) $38.43.

A. Joseph E. Moody, 1000 16th Street NW., Washington, D.C.
D. (6) $625.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $3,750.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500. E. (9) $71.59.

A. Morison, Clapp, Abrams & Haddock, The Pennsylvania Building, Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.
D. (6) $130.

A. Lynn E. Mote, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $1,000.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $550. E. (9) $375.

A. T. H. Mullen, 4301 Columbia Pike, Arlington, Va.
B. Union Camp Corp., 233 Broadway, New York, N.Y.

A. John J. Murphy, 2794 Wilelinor Drive, Edgewater, Md.
B. National Customs Service Association, 2794 Wilelinor Drive, Edgewater, Md.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. J. Walter Myers, Jr., Station C, Atlanta, Ga.
B. Forest Farmers Association Cooperative, Post Office Box 7278, Station C, Atlanta, Ga.

A. Kenneth D. Naden, 1200 17th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.
D. (6) $7,999.98. E. (9) $648.09.

A. Micah H. Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. The Ethyl Corp., 1155 15th Street NW., Washington, D.C.
D. (6) $750.

A. John J. Nangle, 2600 Virginia Avenue NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $5,000. E. (9) $977.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

A. Sarah Anne Nation, 917 15th Street NW., Washington, D.C.
B. Western States Meat Packers Association, Inc., 917 15th Street, Washington, D.C.
D. (6) $1,641. E. (9) $18.70.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $20. E. (9) $20.

A. National Association of Direct Selling Cos., 163–165 Center Street, Winona, Minn.
D. (6) $15,000.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,481.74. E. (9) $19,026.09.

A. National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C.
D. (6) $57,402.53. E. (9) $1,644.30.

A. National Association of Margarine Manufacturers, Munsey Building, Washington, D.C.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $2,211.68. E. (9) $2,211.68.

A. The National Association of Polish Americans, Inc, 3829 W Street SE., Washington, D.C.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $30,000. E. (9) $10,649.91.

A. National Association of Soil & Water Conservation Districts, League City, Tex.
D. (6) $383.03. E. (9) $662.70.

A. National Association of Travel Organizations, 1100 Connecticut Avenue NW., Washington, D.C.
D. (6) $42,125.97. E. (9) $682.50.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
E. (9) $1,110.13.

A. National Automobile Dealers Association (NADA), 2000 K Street NW., Washington, D.C.
D. (6) $30,803.25. E. (9) $30,803.25.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $1,000.

A. National Campaign for Agricultural Democracy, 110 Maryland Avenue NE., Washington, D.C.
D. (6) $129.20. E. (9) $8,697.63.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $522,860.32. E. (9) $5,258.04.

A. National Coal Association, Coal Building, Washington, D.C.

A. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
E. (9) $5,892.50.

A. National Committee to Abolish HUAC, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,392.98. E. (9) $1,392.98.

A. National Committee for Research in Neurological Disorders, University of Minnesota Hospital, Minneapolis, Minn.
E. (9) $5,000.

A. National Conference of Non-Profit Shipping Associations, Inc., 2309 Fannin, Houston, Tex.
D. (6) $525.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. National Cotton Compress & Cotton Warehouse Association, 1085 Shrine Building, Box 23, Memphis, Tenn.

A. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $6,728.15. E. (9) $6,728.15.

A. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.
D. (6) $6,307.50. E. (9) $6,887.69.

A. National Council, Junior Order United American Mechanics, 3027 North Broad Street, Philadelphia, Pa.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
D. (6) $645.30. E. (9) $555.52.

A. National Counsel Association, 421 New Jersey Avenue SE., Washington, D.C.
B. Cenco Instruments Co., 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $900. E. (9) $118.67.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 55 Liberty Street, New York, N.Y.
D. (6) $1,000. E. (9) $147.04.

A. National Cystic Fibrosis Research Foundation, 202 East 44th Street, New York, N.Y.
E. (9) $1,666.66.

A. National Education Association, Federal Relations Division, 1201 16th Street NW., Washington, D.C.
E. (9) $18,522.93.

A. National Electrical Contractors Association, Inc., 1200 18th Street NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. National Farmers Organization, 720 Davis Avenue, Corning, Iowa.
E. (9) $3,506.52.

A. National Federation of Independent Business, Inc., 920 Washington Building, Washington, D.C.
D. (6) $24,984.79. E. (9) $24,984.79.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $523.67. E. (9) $530.39.

A. National Grange, 1616 H Street NW., Washington, D.C.
E. (9) $13,350.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $12,543. E. (9) $15,837.69.

A. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.
E. (9) $262.68.

A. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $1,074.21. E. (9) $1,000.

A. National Limestone Institute, Inc., 702 H Street NW., Washington, D.C.
D. (6) $1,861.15. E. (9) $1,861.15.

A. National Livestock Feeders Association, 309 Livestock Exchange Building, Omaha, Nebr.
D. (6) $3,888.40. E. (9) $3,888.40.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $8,351.10. E. (9) $8,351.10.

A. National Multiple Sclerosis Society, 257 Park Avenue South, New York, N.Y.
E. (9) $734.47.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $832.81.

A. National Preservers Association, 25 East Chestnut Street, Chicago, Ill.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C
D. (6) $568.37. E. (9) $1,130.

A. National Retail Furniture Association, 1150 Merchandise Mart, Chicago, Ill.
E. (9) $3,884.84.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.
E. (9) $6,989.71.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $2,361.30.

A. National Small Business Association, 1285 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $93,372. E. (9) $2,517.

A. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
E. (9) $1,323.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.
D. (6) $17,486.35. E. (9) $4,641.97.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.
D. (6) $9,850. E. (9) $10,594.87.

A. Robert R. Neal, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
E. (9) $36.74.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.
B. Southern California Edison Co., Post Office Box 351, Los Angeles, Calif.
D. (6) $2,500. E. (9) $2,238.65.

A. Samuel E. Neel, 1707 H Street NW., Washington, D.C.

B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $3,750. E. (9) $3,059.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,008.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $118.15.

A. William E. Neumeyer, 1120 Connecticut Avenue NW., Washington, D.C.
B. GT&E Service Corp., 730 Third Avenue, New York, N.Y.
D. (6) $282.50.

A. New England Footwear Association, 210 Lincoln Street, Boston, Mass.
D. (6) $400. E. (9) $400.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C.
B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.
D. (6) $1,650.

A. Herschel D. Newsom, 1616 H Street NW., Washington, D.C.
B. National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $5,000.

A. Miss Judith E. Nies, 120 Maryland Avenue NE., Washington, D.C.
B. Women's International League for Peace and Freedom, 120 Maryland Avenue NE., Washington, D.C.
D. (6) $31,833.53. E. (9) $7,094.73.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, Washington, D.C.
D. (6) $4,615.38. E. (9) $1,305.57.

A. Stanley D. Noble, 29 North Wacker Drive, Chicago, Ill.
B. Council of Profit Sharing Industries, 29 North Wacker Drive, Chicago, Ill.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.
D. (6) $100.

A. Non-Commissioned Officers Association of the U.S.A., Post Office Box 2268, San Antonio, Tex.
E. (9) $168.

A. Charles M. Noone, 410 Ring Building, Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $1,500. E. (9) $354.76.

A. Joseph A. Noone, 1155 15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. O. L. Norman, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $525. E. (9) $18.05.

A. North Carolina Railroad Association, Post Office Box 2635, Raleigh, N.C.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Harry E. Northam, 230 North Michigan Avenue, Chicago, Ill.
B. Association of American Physicians and Surgeons, Inc., 230 North Michigan Avenue, Chicago, Ill.

A. Graham T. Northup, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $5,508. E. (9) $4,260.

A. Michael J. Norton, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $200. E. (9) $161.45.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C., and 1530 North Lake Shore Drive, Chicago, Ill.
D. (6) $3,125. E. (9) $250.

A. Seward P. Nyman, 3301 16th Street NW., Washington, D.C.
B. American Podiatry Association, 3301 16th Street NW., Washington, D.C.
D. (6) $650.

A. Leo W. O'Brien, 99 Hawthorne Avenue, Albany, N.Y.
B. Home Rule Committee, Virgin Islands Legislature, Capitol Building, Charlotte Amalie, St. Thomas, V.I.
D. (6) $2,187. E. (9) $1,807.10.

A. Richard T. O'Connell, 1200 17th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.
D. (6) $4,650. E. (9) $283.37.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Transit Association, 815 Connecticut Avenue NW., Washington, D.C.
D. (6) $6,249. E. (9) $135.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Barden Investment Management Corp., 18610 James Couzens Highway, Detroit, Mich.
D. (6) $7,500. E. (9) $452.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. El Paso Natural Gas Co., 1 Chase Manhattan Plaza, New York, N.Y.
D. (6) $5,000. E. (9) $505.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Investors Building, Minneapolis, Minn.
D. (6) $4,000. E. (9) $949.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Minneapolis, Minn.
D. (6) $2,500. E. (9) $95.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill.
D. (6) $16,313.79.

A. John A. O'Donnell, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, AFL-CIO, 15 Union Square, New York, N.Y.
D. (6) $2,080. E. (9) $525.95.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
E. (9) $2,030.20.

A. Alvin E. Oliver, 500 Folger Building, Washington, D.C.
B. Grain & Feed Dealers National Association, 500 Folger Building, Washington, D.C.
D. (6) $44.80.

A. Robert Oliver, 400 First Street NW., Washington, D.C.
B. The Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. Samuel Omasta, 702 H Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 702 H Street NW., Washington, D.C.
E. (9) $18.60.

A. Jerry H. Opack, 815 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill.

A. Order of Railway Conductors and Brakemen, O.R.C. & B. Building, Cedar Rapids, Iowa.
E. (9) $6,963.68.

A. Morris E. Osburn, Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. John A. Overholt, 10400 Connecticut Avenue, Kensington, Md.
B. National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.
D. (6) $2,125.

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,200.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.
B. Campbell Soup Co., 375 Memorial Avenue, Camden, N.J.

A. Walter Page, Box 128, Cazenovia, N.Y.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. Lew M. Paramore, Post Office Box 1310, Kansas City, Kans.
B. Mississippi Valley Association, 225 South Meramec, St. Louis, Mo.

A. J. D. Parel, 244 Transportation Building, Washington, D.C.

B. Association of American Railroads, Transportation Building, Washington, D.C.

D. (6) $316.46. E. (9) $196.

A. James D. Parriott, Jr., 539 South Main Street, Findlay, Ohio.

B. Marathon Oil Co., 539 South Main Street, Findlay, Ohio.

A. Geo. F. Parrish, Post Office Box 7, Charleston, W. Va.

B. West Virginia Railroad Association.

D. (6) $5,749.98.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $28.30.

A. Michael Pasternak, 1435 K Street NW., Washington, D.C.

B. International Union of District 50, United Mine Workers of America, 1435 K Street NW., Washington, D.C.

D. (6) $3,444.98.

A. Perry S. Patterson, 800 World Center Building, Washington, D.C.

B. Automatic Phonograph Manufacturers.

A. Lynn C. Paulson, 1735 K Street NW., Washington, D.C.

B. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.

E. (9) $77.

A. E. George Pazianos, 1140 Connecticut Avenue NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 1015 Vine Street, Cincinnati, Ohio.

D. (6) $3,750. E. (9) $2,140.59.

A. Pennzoil Co., 900 Southwest Tower, Houston, Tex.

E. (9) $790.

A. D. V. Pensabene, 1700 K Street NW., Washington, D.C.

B. Standard Oil Co. of California, 1700 K Street NW, Washington, D.C.

D. (6) $50. E. (9) $25.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C.

B. Shell Oil Co., 50 West 50th Street, New York, N.Y.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn.

B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.

D. (6) $7,500. E. (9) $3,761.05.

A. J. Hardin Peterson, Post Office Drawer BS, Lakeland, Fla.

B. Florida Citrus Mutual, Lakeland, Fla.

D. (6) $800. E. (9) $43.50.

A. Kenneth T. Peterson, 400 First Street, NW., Washington, D.C.

B. District of Columbia Psychological Association, Post Office Box 8227, Southwest Station, Washington, D.C.

A. Kenneth T. Peterson, 400 First Street NW., Washington, D.C.

B. Hotel and Restaurant Employes and Bartenders International Union, 6 East Fourth Street, Cincinnati, Ohio.

D. (a) $2,499.99.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.

B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

D. (6) $300. E. (9) $250.

A. Pharmaceutical Manufacturers Association, 1155 Fifteenth Street NW., Washington, D.C.

E. (9) $887.42.

A. Joseph D. Phelan, 485 National Press Building, Washington, D.C.

B. Colorado River Association, 417 South Hill Street, Los Angeles, Calif.

D. (6) $3,300. E. (9) $1,000.

A. John P. Philbin, 510 Shoreham Building, Washington, D.C.

B. Mobil Oil Corporation, 150 East 42d Street, New York, N.Y.

D. (6) $1,125. E. (9) $73.20.

A. Richard N. Philleo, 1 Farragut Square South, Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $1,462.50.

A. Tom Pickett, 944 Transportation Building, Washington, D.C.

B. Association of American Railroads, Transportation Building, Washington, D.C.

D. (6) $14.96.

A. Albert Pike, 277 Park Avenue, New York, N.Y.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

A. Bruce O. Pike, 400 First Street NW., Washington, D.C.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $625.

A. James F. Pinkney, 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $276.60.

A. T. E. Pinkston, 101 East High Street, Lexington, Ky.

E. (9) $119.15.

A. James H. Pipkin, 1001 Connecticut Avenue, NW., Washington, D.C.

B. Texaco Inc., 135 East 42d Street, New York, N.Y.

D. (6) $700. E. (9) $1,460.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.

D. (6) $10,296.05. E. (9) $1,350.

A. Joseph M. Pollard, 1001 Connecticut Avenue, NW., Washington, D.C.

B. County of Los Angeles, State of California, Hall of Administration, 500 West Temple Street, Los Angeles, Calif.

D. (6) $2,250.

A. John W. Pompelli, 1 Farragut Square South, Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $1,462.50. E. (9) $525.91.

A. Robert R. Poston, 908 Colorado Building, Washington, D.C.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

D. (6) $900. E. (9) $372.71.

A. Ramsay D. Potts, 910 17th Street, NW., Washington, D.C.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

D. (6) $4,406.92.

A. William J. Potts, Jr., 1735 DeSales Street, NW., Washington, D.C.

B. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C.

B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.

A. Graydon R. Powers, Jr., 1735 DeSales Street NW., Washington, D.C.

A. William C. Prather, 221 North LaSalle Street, Chicago, Ill.

B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.

D. (6) $400. E. (9) $282.71.

A. William H. Press, 1616 K Street NW., Washington, D.C.

B. Metropolitan Washington Board of Trade, 1616 K Street NW., Washington, D.C.

D. (6) $7,000.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C.

B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.

D. (6) $187.50. E. (9) $1.60.

A. Jerry C. Pritchett, 408 New Jersey Avenue SE., Washington, D.C.

B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.

D. (6) $2,205.10. E. (9) $2,205.10.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. William A. Quinlan, 1317 F Street NW., Washington, D.C.

D. (6) $359.62. E. (9) $179.82.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue NW., Washington, D.C.

B. American Cancer Society, New York, N.Y., et al.

D. (6) $14,916.63. E. (9) $7,224.11.

A. Thomas H. Quinn, 410 Ring Building, Washington, D.C.

B. Committee for Study of Revenue Bond Financing, 55 Liberty Street, New York, N.Y.

D. (6) $250. E. (9) $148.

A. Thomas H. Quinn, 410 Ring Building, Washington, D.C.

B. An Informal Committee of Small Municipal Bond Dealers, 501 Dixie Terminal Building, Cincinnati, Ohio.

D. (6) $500.

A. Alex Radin, 919 18th Street NW., Washington, D.C.

B. American Public Power Association, 919 18th Street NW., Washington, D.C.

D. (6) $222.20.

A. Edward F. Ragland, 6917 Marbury Road, Bethesda, Md.

B. The Tobacco Institute, Inc., 1735 K Street NW., Washington, D.C.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $15. E. (9) $15.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

E. (9) $200.

A. William A. Raleigh, Jr., 1000 16th Street NW., Washington, D.C.

B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $4,375.

A. Donald J. Ramsey, 1625 I Street NW., Washington, D.C.
B. Silver Users Association, 1625 I Street NW., Washington, D.C.
D. (6) $500. E. (9) $16.19.

A. James A. Ransford, 1701 Pennsylvania Avenue NW., Washington, D.C.
B. Tidewater Oil Co.

A. Edward M. Raymond, 1200 17th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.
D. (6) $4,075.02. E. (9) $89.75.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $190. E. (9) $40.

A. Record Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.
E. (9) $32,683.56.

A. Campbell L. Reed, 302 Ring Building, Washington, D.C.
B. National Lumber & Building Material Dealers Association, 302 Ring Building, Washington, D.C.
D. (6) $750. E. (9) $74.05.

A. W. O. Reed, 6254 Woodland Drive, Dallas, Tex.
B. Texas railroads.

A. George L. Reid, Jr., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $799.98. E. (9) $121.19.

A. Reserve Officers Association of the U.S., 333 Pennsylvania Avenue SE., Washington, D.C.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $78,213.46.

A. Retirement Federation of Civil Service Employees of the U.S. Government, 13th and E Streets NW., Washington, D.C.
D. (6) $18,187.43. E. (9) $13,414.69.

A. Theron J. Rice, 1710 H Street NW., Washington, D.C.
B. Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. James W. Richards, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,138.46. E. (9) $11.80.

A. Dorsey Richardson, 61 Broadway, New York, N.Y.
B. Investment Company Institute, 61 Broadway, New York, N.Y.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La.
B. Louisiana Railroads.
D. (6) $35.75. E. (9) $135.76.

A. Siert F. Riepma, Munsey Building, Washington, D.C.

A. William Neale Roach, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. William Neale Roach, 1725 K Street NW., Washington, D.C.
B. International Armament Corp., 10 Prince Street, Alexandria, Va.
D. (6) $1,500.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW,. Washington, D.C.
D. (6) $250.

A. Austin L. Roberts, Jr., 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.
D. (6) $875.

A. Clyde F. Roberts, 277 Park Avenue, New York, N.Y.

A. Kenneth A. Roberts, 423 Washington Building, Washington, D.C.
B. American Podiatry Association, 3301 16th Street NW., Washington, D.C.
D. (6) $1,200.

A. Kenneth A. Roberts, 423 Washington Building, Washington, D.C.
B. Animal Health Institute, 1030 15th Street NW., Washington, D.C.
D. (6) $3,000.

A. Kenneth A. Roberts, 423 Washington Building, Washington, D.C.
B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $3,000.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $183.

A. Howard O. Robinson, Jr., 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
E. (9) $523.18.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $210.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $562.50.

A. Frank W. Rogers, 1700 K Street NW., Washington, D.C.
B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif.
D. (6) $526.

A. John F. Rolph III, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $500.

A. Royall, Koegel, Rogers & Wells, 200 Park Avenue, New York, N.Y. and 1730 K Street NW., Washington, D.C.
B. American Realty and Petroleum Corp., 16 West 61st Street, New York, N.Y.
D. (6) $950. E. (9) $965.90.

A. Royall, Koegel, Rogers & Wells, 200 Park Avenue, New York, N.Y. and 1730 K Street NW., Washington, D.C.
B. Great Salt Lake Mineral & Chemical Corp., 579 Fifth Avenue, New York, N.Y.

A. Royall, Koegel, Rogers & Wells, 200 Park Avenue, New York, N.Y. and 1730 K Street NW., Washington, D.C.
B. Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.
B. The Goodyear Tire & Rubber Co., Akron, Ohio.

A. Harland J. Rue.
B. New Process Co., Warren, Pa.
E. (9) $396.07.

A. Albert R. Russell, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $886.35. E. (9) $330.89.

A. J. T. Rutherford & Associates, Inc., 1555 Connecticut Avenue NW., Washington, D.C.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $750. E. (9) $417.21.

A. J. T. Rutherford, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $301.50.

A. William H. Ryan, Machinists Building, Washington, D.C.
B. International Association of Machinists and Aerospace Workers, Machinists Building, Washington, D.C.
D. (6) $1,875. E. (9) $480.

A. Francis J. Ryley, 519 Title and Trust Building, Phoenix, Ariz.
B. Standard Oil Co. of California, et al.

A. Charles E. Sandler, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $500.

A. Leslie J. Schmidt Associates, 1341 G Street NW., Washington, D.C.
B. National Beer Wholesalers' Association of America, 6310 North Cicero Avenue, Chicago, Ill.
D. (6) $200. E. (9) $15.05.

A. Schoene and Kramer, 1625 K Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $8,21250. E. (9) $36.04.

A. C. Herschel Schooley, 815 15th Street NW., Washington, D.C.
B. Independent Bankers Association of America, Sauk Centre, Minn.
D. (6) $4,250. E. (9) $2,441.35.

A. Stanley W. Schroeder, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $300.

A. Hilliard Schulberg, 1900 L Street NW., Washington, D.C.
B. Washington, D.C., Retail Liquor Dealers Association, Inc., 1900 L Street NW., Washington, D.C.
E. (9) $66.88.

A. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C.
E. (9) $750.

A. Scribner, Hall & Casey, 1200 18th Street NW., Washington, D.C.
B. Jefferson Standard Life Insurance Co., Post Office Box 21008, Greensboro, N.C.

A. Scribner, Hall & Casey, 1200 18th Street NW., Washington, D.C.
B. New Process Co., Warren, Pa.
D. (6) $500. E. (9) $3.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegtable Association, 777 14th Street NW., Washington, D.C.

A. Hollis M. Seavey, 1812 K Street NW., Washington, D.C.
B. National Association of Broadcasters, 1812 K Street NW., Washington, D.C.

A. Clayton A. Seeber, 1201 16th Street NW., Washington, D.C.
B. National Education Association, Division of Federal Relations, 1201 16th Street NW., Washington, D.C.
D. (6) $2,413.50. E. (9) $49.93.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y.
D. (6) $500 E. (9) $210.

A. David C. Sharman, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Inc., 4836 Broadway NE., Knoxville, Tenn.
D. (6) $1,187.50. E. (9) $707.46.

A. A. Manning Shaw, 1625 I Street NW., Washington, D.C.
B. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C., and National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $835.

A. Arnold F. Shaw, 503 D Street NW., Washington, D.C.
B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.
D. (6) $12,333.33.

A. Carroll M. Shaw, 6326 Southcrest Drive, Shreveport, La.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Kenneth D. Shaw, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 1015 Vine Street, Cincinnati, Ohio.
D. (6) $750.

A. Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, Washington, D.C.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,500. E. (9) $2,757.91.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $575.

A. Ira Shesser, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Max Shine, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $992. E. (9) $20.

A. Alvin V. Shoemaker, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.
D. (6) $500. E. (9) $805.

A. Robert L. Shortle, 1147 International Trade Mart Tower, New Orleans, La.
B. Mississippi Valley Association, 225 South Meramec, St. Louis, Mo.

A. George Shuff, 916 Nashville Trust Building, Nashville, Tenn.
B. Class I Railroads in Tennessee.

A. Charles B. Shuman, Merchandise Mart Plaza, Chicago, Ill.
B. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.
D. (6) $875.

A. David Silver, 61 Broadway, New York, N.Y.
B. Investment Company Institute, 61 Broadway, New York, N.Y.
D. (6) $277. E. (9) $156.13.

A. Silver Users Association, 1625 I Street NW., Washington, D.C.
D. (6) $35. E. (9) $5,013.37.

A. Six Agency Committee, 909 South Broadway, Los Angeles, Calif.
D. (6) $27,200. E. (9) $6,385.21.

A. Carstens Slack, 1625 I Street NW., Washington, D.C.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Harold Slater, 1 Farragut Square South, Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $900. E. (9) $28.55.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $3,125. E. (9) $24.50.

A. Jonathan W. Sloat, 1632 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 205 East 42d Street, New York, N.Y.

A. Donald E. Smiley, 1730 K Street NW., Washington, D.C.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.
E. (9) $885.03.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.
B. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y.

A. Irvin A. Smith, 418 East Rosser Avenue, Box 938, Bismarck, N. Dak.
E. (9) $78.15.

A. James E. Smith, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $2,000. E. (9) $525.

A. Milan D. Smith, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.

A. Robert B. Smith, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Robert Wm. Smith, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $987. E. (9) $198.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.
B. Citizens Committee on Natural Resources, 712 Dupont Circle Building, Washington, D.C.
D. (6) $2,231.90. E. (9) $2,350.

A. Wallace M. Smith, 829 Pennsylvania Building, Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $40.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn Mich.
D. (6) $3,575. E. (9) $901.

A. Lyle O. Snader, 244 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $265.80. E. (9) $135.

A. Frank B. Snodgrass, 1726 M Street NW., Washington, D.C.
B. Burley and Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.
D. (6) $375. E. (9) $478.82.

A. J. R. Snyder, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Trainmen.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.
D. (6) $10,251.44. E. (9) $8,675.60.

A. Carl A. Soderblom, 1 East First Street, Reno, Nev.
B. Nevada Railroad Association, 1 East First Street, Reno, Nev.

A. Marvin J. Sonosky, 1225 19th Street NW., Washington, D.C.

A. J. Taylor Soop, 400 First Street, Washington, D.C.
B. International Brotherhood of Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $999.90.

A. Southern Pine Industry Committee, 520 National Bank of Commerce Building, New Orleans, La.
D. (6) $740.14. E. (9) $118.34.

A. Southern States Industrial Council, 1108–1111 Stahlman Building, Nashville, Tenn.
D. (6) $51,980.34. E. (9) $6,312.82.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $190. E. (9) $190.

A. William W. Spear, 214 Fremont National Bank Building, Fremont, Nebr.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,030.77. E. (9) $4.78.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Lynn E. Stalbaum, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $1,250.

A. Melvin L. Stark, 1725 K Street NW., Washington, D.C.
B. American Insurance Association, 85 John Street, New York, N.Y.
D. (6) $2,000. E. (9) $250.

A. Newton I. Steers, Jr., 10400 Connecticut Avenue, Kensington, Md.

A. Mrs. Nell May F. Stephens, Post Office Box 6234, Northwest Station, Washington D.C.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. California Olive Growers and Canners Industry Committee, 572 East Shields Avenue, Fresno, Calif., and Green Olive Trade Association, 80 Wall Street, New York, N.Y.
D. (6) $1,000.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y.
D. (6) $150. E. (9) $2.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.
D. (6) $230.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.
B Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $1,575. E. (9) $130.28.

A. Dr. Ronald F. Stinnett, 7606 Hogarth Street, Springfield, Va.
B. Midwest Federal Savings & Loan Association, Minneapolis, Minn.
E. (9) $485.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. American Importers Association, 111 Fifth Avenue, New York, N.Y.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. Japan General Merchandise Exporters Association and Japan Rubber Footwear Manufacturers Association of Tokyo, Japan; Miscellaneous Goods Division, Japanese Chamber of Commerce of New York, Inc. and Imported Footwear Group, American Importers Association, Inc., New York, N.Y.
D. (6) $200. E. (9) $75.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. Japan Iron & Steel Exporters' Association, 16, 3-Chome, Kayabacho, Nihonbashi, Chuo-ku, Tokyo, Japan.
D. (6) $500. E. (9) $500.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. Unione Industriale Pratese, Prato, Italy; American Textile Importers Association, 200 West 34th Street, New York, N.Y.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. Vorort des schweizerischen Handels- und Industrie-Vereins, Doersenstrasse 26, Zurich, Switzerland.

A. Sterling F. Stoudenmire, Jr., 61 St. Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C.
D. (6) $4,350. E. (9) $268.50.

A. Ronnie J. Straw, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $4,675.98. E. (9) $439.77.

A. Philip W. Stroupe, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $450.

A. Norman Strunk, 221 North LaSalle Street, Chicago, Ill.
B. United States Savings & Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $1,875. E. (9) $282.97.

A. Sam S. Studebaker, Tipp City, Ohio.
B. National Association of Soil & Water Conservation Districts, League City, Tex.

A. Richard L. Studley, 1400 20th Street NW., Washington, D.C.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C.

A. Walter B. Stults, 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C.
D. (6) $600.

A. Barry Sullivan, 536 Washington Building, Washington, D.C.
B. National Association of River & Harbor Contractors, 3900 North Charles Street, Baltimore, Md.
D. (6) $750. E. (9) $182.55.

A. Frank L. Sundstrom, 1290 Avenue of the Americas, New York, N.Y.
B. Schenley Industries, Inc., 1290 Avenue of the Americas, New York, N.Y.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Noble J. Swearingen, 224 East Capitol Street, Washington, D.C.
B. National Tuberculosis Association, 1740 Broadway, New York, N.Y.
D. (6) $400. E. (9) $139.11.

A. Monroe Sweetland, 1705 Murchison Drive, Burlingame, Calif.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $335. E. (9) $50.

A. Gary Tabak, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperation Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

A. Clarence M. Tarr, 1909 Q Street NW., Washington, D.C.
B. National Association of Retired Civil Empolyees, 1909 Q Street NW., Washington, D.C.
D. (6) $3,365.60. E. (9) $166.31.

A. Warren G. Taylor, 604-5 Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee, 604-5 Central Trust Building, Jefferson City, Mo.

A. Evert S. Thomas, Jr., 20 E Street NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $832. D. (9) $285.07.

A. J. Woodrow Thomas, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, 10 Richards Roads, Kansas City, Mo.

A. Clark W. Thompson, 1625 I Street NW., Washington, D.C.
B. National Board of Fur Farm Organizations, Inc., 152 West Wisconsin Avenue, Milwaukee, Wis.
D. (6) $300.

A. Clark W. Thompson, 1625 I Street NW., Washington, D.C.
B. U.S. Independent Telephone Association.
D. (6) $300.

A. Julia C. Thompson, 1030 15th Street NW., Washington, D.C.
B. American Nurses' Association, Inc., 10 Columbus Circle, New York, N.Y.
D. (6) $3,320.94.

A. Wm. B. Thompson, Jr., 244 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $276.14. E. (9) $147.

A. Eugene M. Thoré, 277 Park Avenue, New York, N.Y.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

A. William H. Tinney, 1223 Pennsylvania Building, Washington, D.C.
B. The Pennsylvania Railroad Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Tobacco Associates, Inc., 1101 17th Street, NW., Washington, D.C.
E. (9) $1,421.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $3,125. E. (9) $194.10.

A. John H. Todd, Post Office Box 23, 1085 Shrine Building, Memphis, Tenn.
B. National Cotton Compress & Cotton Warehouse Association, 1085 Shrine Building, Box 23, Memphis, Tenn.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Cos., 1140 Connecticut Avenue, Washington, D.C.
D. (6) $1,687.50. E. (9) $527.76.

A. Dwight D. Townsend, 1012 14th Street NW., Washington, D.C.
B. Cooperative League of USA, 59 East Van Buren Street, Chicago, Ill.
D. (6) $4,800. E. (9) $2,180.

A. F. Gerald Toye, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $300. E. (9) $17.25.

A. John P. Tracey, 1705 DeSales Street NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $350. E. (9) $75.

A. Richard S. Tribbe, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, 10 Richards Road, Kansas City, Mo.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $4,375. E. (9) $67.95.

A. Galen Douglas Trussell, 918 16th Street NW., Washington, D.C.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.
D. (6) $4,062.50. E. (9) $2,115.60.

A. Dick Tullis, 307 Maple Terrace, Dallas, Tex.
B. Superior Oil Company, Houston, Tex., and Los Angeles, Calif.
D. (6) $125. E. (9) $100.

A. A. O. Turek, 815 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. William S. Tyson, 821 15th Street NW., Washington, D.C.
B. Western Range Association, 375 North Fulton Street, Fresno, Calif.
E. (9) $115.39.

A. David G. Unger, Washington, D.C.
B. National Association of Soil and Water Conservation Districts, League City, Tex.

A. Union Producing Co., 1525 Fairfield Avenue, Shreveport, La., and United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La.
E. (9) $997.01.

A. United Business Schools Association, 1101 17th Street NW., Washington, D.C.
E. (9) $750.

A. United Cerebral Palsy Associations, Inc., 321 West 44th Street, New York, N.Y.
E. (9) $1,224.14.

A. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $623,713.52. E. (9) $58,109.56.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Washington, D.C.
E. (9) $196.55.

A. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
E. (9) $26,395.52.

A. C. Braxton Valentine, Jr., 1309 State-Planters Bank Building, Richmond, Va.
B. Theodore A. Mangelsdorf, Cumberland Farm, New Kent County, Va.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.
B. International Association of Machinists, and Aerospace Workers, AFL–CIO.
D. (6) $1,625. E. (9) $480.

A. Charles R. Van Horn, 17th and H Streets NW., Washington, D.C.
B. Baltimore and Ohio Railroad Co., and Chesapeake and Ohio Railway Co., Charles and Baltimore Street, Baltimore, Md.

A. John M. Vansant, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Mrs. Lois W. Van Valkenburgh, 1673 Preston Road, Alexandria, Va.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.
D. (6) $129. E. (9) $7.95.

A. G. W. Vaughan, 233 Broadway, New York, N.Y.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $147. E. (9) $12.60.

A. L. T. Vice, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
E. (9) $115.

A. Volume Footwear Retailers Association, Inc., 51 East 42d Street, New York, N.Y.
E. (9) $662.44.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
D. (6) $161.55. E. (9) $25.88.

A. Paul H. Walker, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $712.50. E. (9) $33.18.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agriculture Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $3,810.17. E. (9) $1,026.73.

A. Thomas G. Walters, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $2,866.96. E. (9) $7,742.21.

A. William A. Walton, 820 Quincy Street, Topeka, Kans.
B. Kansas Railroad Committee, 820 Quincy Street, Topeka, Kans.

A. Washington Home Rule Committee, Inc., 924 14th Street NW., Washington, D.C.
D. (6) $330. E. (9) $766.74.

A. Jeremiah C. Waterman, 1250 Connecticut Avenue NW., Washington, D.C.
B. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,200.

A. Waterways Bulk Transportation Council, Inc., 1750 Brentwood Boulevard, St. Louis, Mo.

A. E. E. Webster, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $4,212.62.

A. E. Jerome Webster, Jr.
B. National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $8,000.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1735 K Street NW., Washington, D.C.

A. Joseph E. Welch, 1630 Locust Street, Philadelphia, Pa.
B. Wellington Management Co., 1630 Locust Street, Philadelphia, Pa.
E. (9) $39.64.

A. Wenchel, Schulman & Manning, 1625 K Street NW., Washington, D.C.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.
E. (9) $903.27.

A. Don White, 3150 Spring Street, Fairfax, Va.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $956.25. E. (9) $246.80.

A. Donald F. White, 1616 H Street NW., Washington, D.C.

A. John C. White, 1317 F Street NW., Washington, D.C.
B. Truck Council of America, Inc., 1317 F Street NW., Washington, D.C.

A. Douglas Whitlock II, 1616 H Street NW., Washington, D.C.

A. Louis E. Whyte, 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

A. Thomas D. Wilcox, 1625 K Street NW., Washington, D.C.
B. Pacific American Steamship Association, 635 Sacramento Street, San Francisco, Calif.
D. (6) $750. E. (9) $685.98.

A. Claude C. Wild, Jr., 1120 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $250.

A. John Wilder, Somerville, Tenn.
B. National Association of Soil & Water Conservation Districts, League City, Tex.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y.
E. (9) $7.60.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Arapahoe Indian Tribe, Fort Washakie, Wyo.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Confederated Salish & Kootenai Tribes of the Flathead Reservation, Mont.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. KSL, Inc., 145 Social Hall Avenue, Salt Lake City, Utah.
E. (9) $2.10.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. J. Ray McDermott & Co., Inc., Houston, Club Building, Houston, Tex.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. National Congress of American Indians, 1346 Connecticut Avenue, Washington, D.C.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. Quinaielt Tribe of Indians, Taholah, Wash.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

A. Robert P. Will, 487 National Press Building, Washington, D.C.

B. Metropolitan Water District of Southern California, 1111 Sunset Boulevard, Los Angeles, Calif.

D. (6) $3,600. E. (9) $553.29.

A. John Willard, Box 1172, Helena, Mont.

B. Montana Railroad Association, Helena, Mont.

A. Francis S. Williams, 61 Broadway, New York, N.Y.

B. Investment Company Institute, 61 Broadway, New York, N.Y.

A. Harding deC. Williams, 918 16th Street NW., Washington, D.C.

A. John C. Williamson, 1300 Connecticut Avenue NW., Washington, D.C.

B. National Association of Real Estate Boards, 155 East Superior, Chicago, Ill., and 1300 Connecticut Avenue, Washington, D.C.

D. (6) $4,500. E. (9) $248.14.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.

D. (6) $1,608.92. E. (9) $563.69.

A. Clark L. Wilson, 1145 19th Street NW., Washington, D.C.

B. Lead-Zinc Producers Committee.

D. (6) $600. E. (9) $298.61.

A. E. Raymond Wilson, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,440.

A. W. E. Wilson, 1525 Fairfield Avenue, Shreveport, La.

B. Union Producing Co., 1525 Fairfield Avenue, Shreveport, La., and United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La.

D. (6) $600. E. (9) $397.01.

A. Roy Winchester, 900 Southwest Tower, Houston, Tex.

B. Pennzoil Co., 900 Southwest Tower, Houston, Tex.

D. (6) $500. E. (9) $290.

A. Robert Winter-Berger, 123 East 75th Street, New York, N.Y.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo.

B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. Venlo Wolfsohn, 1729 H Street NW., Washington, D.C.

B. Institute of Scrap Iron & Steel, Inc., 1729 H Street NW., Washington, D.C.

D. (6) $300. E. (9) $1.50.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $4,846.17. E. (9) $1,048.39.

A. Russell J. Woodman, 400 First Street NW., Washington, D.C.

B. Transportation-Communication Employees Union, 3860 Lindell Boulevard, St. Louis, Mo.

D. (6) $250.

A. James Woodside, 1126 16th Street NW., Washington, D.C.

B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

D. (6) $240. E. (9) $20.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.

B. The Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.

B. Signal Oil & Gas Co., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Hal J. Wright, 1612 K Street NW., Washington, D.C.

B. Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.

B. American Football League, 280 Park Avenue, New York, N.Y.

D. (6) $500. E. (9) $17.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.

B. Holly Corp., 1111 West Foothill Boulevard, Azusa, Calif.; General Development Corp., 2828 Coral Way, Miami, Fla.; and Cherokee Village Development Corp., Cherokee Village, Ark.

D. (6) $250. E. (9) $50.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.

B. National Association of Business Development Corporations, 45 Milk Street, Boston, Mass.

E. (9) $15.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.

B. Savings Associates, 315 East Colorado Boulevard, Pasadena, Calif.

D. (6) $250. E. (9) $170.

A. J. Banks Young, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $540.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $4,049.50. E. (9) $586.28.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Gordon K. Zimmerman, Washington, D.C.

B. National Association of Soil and Water Conservation Districts, League City, Tex.

A. Zimring, Gromfine & Sternstein, 1155 15th Street NW., Washington, D.C., and 11 South LaSalle Street, Chicago, Ill.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1967:

(Note.—The form used for registration is reproduced below. In the interest of economy in the Record, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◀

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names or agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

A. Allen & Murden, Inc., 1616 H Street NW., Washington, D.C.
B. Informal Committee of 14 European and Other Foreign Cruise Ship Lines, 25 Broadway, New York, N.Y.

A. American Society of Consulting Planners, 1707 H Street NW., Washington, D.C.

A. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d Street, New York, N.Y.

A. Barna-Reggitts, 1055 Main Avenue, Clifton, N.J.

A. Mark H. Berens, 231 South LaSalle Street, Chicago, Ill.
B. Oscar Mayer & Co., Inc., 1241 Sedgwick, Chicago, Ill., and 910 Mayer Avenue, Madison, Wis.

A. Thomas Hale Boggs, Jr., 1200 17th Street NW., Washington, D.C.
B. The Reader's Digest Association, Inc., Pleasantville, N.Y.

A. David R. Bowen, Jr., 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.
B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

A. Jeffrey M. Brookstone, 2424 Pennsylvania Avenue NW., Washington, D.C.

A. Kingsbury Browne, Jr., 225 Franklin Street, Boston, Mass.
B. Boston Manufacturers Mutual Insurance Co. and Mutual Boiler & Machinery Insurance Co., 225 Wyman Street, Waltham, Mass.

A. L. C. Carpenter, 201 South Seventh Street, Columbia, Mo.
B. Midcontinent Farmers Association.

A. Lowell T. Christison, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Inc., 4836 Broadway NE., Knoxville, Tenn.

A. William J. Colley, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. Mrs. Margaret B. Collier, 6101 16th Street NW., Washington, D.C.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.

A. The Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn.

A. Clayton E. Cook, 1321 West Eleanor Street, Philadelphia, Pa.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.

A. John C. Davidson, 1120 Connecticut Avenue NW., Washington, D.C.
B. The Tax Council, 1120 Connecticut Avenue NW., Washington, D.C.

A. Michael B. Deane, 1707 L Street NW., Washington, D.C.
B. Meat Importers' Council, Inc., 26 Broadway, New York, N.Y.

A. Steven B. Derounian, 815 Connecticut Avenue NW., Washington, D.C.
B. Amperex Electronic Corp., 230 Duffy Avenue, Hicksville, N.Y.

A. Russell C. Derrickson, 4000 Cathedral Avenue NW., Washington, D.C.
B. Responsive Environments Corp., 1707 L Street NW., Washington, D.C.

A. John Edward Dowling, 404 Stockton Avenue, Roselle, N.J.

A. Milton Eisenberg, 1700 K Street NW., Washington, D.C.
B. Dominium International Inc., 1270 Avenue of the Americas, New York, N.Y.

A. Elliott & Naftalin, 1330 Massachusetts Avenue NW., Washington, D.C.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C.

A. Arthur E. Ericson, 910 Mayer Avenue, Madison, Wis.
B. Oscar Mayer & Co., Inc., 1241 Sedgwick, Chicago, Ill., and 910 Mayer Avenue, Madison, Wis.

A. Harold E. Fields, 2142 East Onyx, Orange, Calif.,
B. Hazel's Realty, 7481 La Palma Avenue, Buena Park, Calif.

A. Gene Fondren, Post Office Box 192, Taylor, Tex.

A. John George Frain, 1789 Lanier Place NW., Washington, D.C.
B. The Eighteenth and Columbia Road Business Association, Washington, D.C.

A. Neal P. Gillen, 1707 L Street NW., Washington, D.C.
B. American Cotton Shippers Association, 1707 L Street NW., Washington, D.C.

A. Patricia A. Goldman, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

A. Lester M. Haddad, 5005 Wickett Terrace, Bethesda, Md.
B. Committee for the Evaluation of Industrial Aid Financing, 1629 K Street NW., Washington, D.C.

A. Carlton B. Hamm, 1900 L Street NW., Washington, D.C.
B. National Oceanography Association, 1900 L Street NW., Washington, D.C.

A. James L. Hatcher, 4222 Suitland Road SE., Suitland, Md.

A. Mrs. Elizabeth S. Hendryson, 6303 Indian School Road NE., Albuquerque, N. Mex.

A. John E. Horton, 1735 K Street NW., Washington, D.C.
B. National Association of Independent Metal Frabricators, Inc., 48 Nichol Avenue, McKees Rocks, Pa.

A. Harry A. Inman, 1200 17th Street NW., Washington, D.C.
B. The Reader's Digest Association, Inc., Pleasantville, N.Y.

A. Raymond M. Jacobson, 1707 H Street NW., Washington, D.C.
B. American Society of Consulting Planners, 1707 H Street NW., Washington, D.C.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill.

A. Krause, Lindsay and Nahstoll, Loyalty Building, Portland, Oreg.
B. Contracting Stevedore's Association of the Pacific Coast, Inc., San Francisco, Calif.

A. Kenneth D. Lester, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. Arden Publishing Co., Tucson, Ariz.

A. Donald O. Lincoln, 1001 Connecticut Avenue, Washington, D.C.
B. World Trade Committee of Parts Division, Electronic Industries Association, 2001 I Street NW., Washington, D.C.

A. Scott W. Lucas, 1028 Connecticut Avenue NW., Washington, D.C.
B. Financial General Corporation, 1717 Pennsylvania Avenue NW., Washington, D.C.

A. William J. McAuliffe, Jr., 1725 I Street NW., Washington, D.C.
B. American Land Title Association, 1725 I Street NW., Washington, D.C.

A. Alfred R. McCauley, 1629 K Street NW., Washington, D.C.
B. The Magnavox Co., 270 Park Avenue, New York, N.Y.

A. George E. MacKinnon, 800 Investors Building, Minneapolis, Minn.
B. Investors Mutual, Investors Stock Fund, Investors Variable Payment Fund, Investors Selectors Fund.

A. Harold M. Mayer, 1241 Sedgwick, Chicago, Ill.
B. Oscar Mayer & Co., Inc., 1241 Sedgwick Chicago, Ill. and 910 Mayer Avenue, Madison Wis.

A. James E. Meals, 1143 National Press Building, Washington, D.C.
B. Air Line Pilots Association, 55th Street and Cicero Avenue, Chicago, Ill.

A. Alan W. Mercill, 1346 Connecticut Avenue NW., Washington, D.C.
B. National Retired Teachers Association, American Association of Retired Persons, 1346 Connecticut Avenue NW., Washington, D.C.

A. Mid-America CATV Association, 11 North Lee, Post Office Box 1334, Oklahoma City, Okla.

A. Midwest Federal Savings and Loan Association, Minneapolis, Minn.

A. Lynn E. Mote, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. John J. Nangle, 2600 Virginia Avenue NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monore Street, Chicago, Ill.

A. National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C.

A. National Council Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Encylopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill.

A. Verlin Nelson, 1223 Connecticut Avenue NW., Washington, D.C.
B. Americans for Democratic Action, 1223 Connecticut Avenue NW., Washington, D.C.

A. Louis H. Nevins, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill. and 1300 Connecticut Avenue NW., Washington, D.C.

A. The Newspaper Committee for a Free and Competitive Press, 33 North Dearborn Street, Chicago, Ill.

A. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

A. Edmund W. O'Brien, 204 Great Neck Road, Waterford, Conn.
B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Barden Investment Management Corp., 18610 James Couzens, Detroit, Mich.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C. and 845 Northwestern Bank Building, Minneapolis, Minn.
B. Fingerhut Manufacturing Co., 3104 West Lake Street, Minneapolis, Minn.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Investors Building, Minneapolis, Minn.

A. Francis J. O'Rourke, 820 National Press Building, Washington, D.C.
B. Professions Unlimited, Inc., 1430 K Street NW., Washington, D.C.

A. Outdoor Advertising Association of Oklahoma, Inc., 6702 East 11th Street, Tulsa, Okla.

A. C. R. Peterson, 812 Ring Building, Washington, D.C.

A. Kenneth T. Peterson, 400 First Street NW., Washington, D.C.
B. Aldens, Inc., 5000 West Roosevelt, Chicago, Ill.

A. Thomas W. Power, 1414 I Street NW., Washington, D.C.
B. Southern Furniture Manufacturers' Association.

A. Jerry C. Pritchett, 408 New Jersey Avenue SE., Washington, D.C.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.

A. Thomas H. Quinn, 410 Ring Building, Washington, D.C.
B. Committee of Small Municipal Bond Dealers, 501 Dixie Terminal Building, Cincinnati, Ohio.

A. Thomas H. Quinn, 410 Ring Building, Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 55 Liberty Street, New York, N.Y.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.

A. Michael J. Romig, 20 E Street NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

A. Royall, Koegel, Rogers & Wells, 200 Park Avenue, New York, N.Y., and 1730 K Street NW., Washington, D.C.
B. Great Salt Lake Mineral & Chemical Corp., 579 Fifth Avenue, New York, N.Y.

A. James S. Rubin, 1346 Connecticut Avenue NW., Washington, D.C.
B. National Retired Teachers Association, American Association of Retired Persons, 1346 Connecticut Avenue, Washington, D.C.

A. Charles E. Sandler, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C.

A. Scribner, Hall & Casey, 1200 18th Street NW., Washington, D.C.
B. Record Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.

A. Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, Washington, D.C.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. A. Z. Shows, 1010 Vermont Avenue NW., Washington, D.C.
B. Custer Channel Wing Aircraft Corp., Hagerstown, Md.

A. Maynard H. Smith, 329 Eighth Street NE., Washington, D.C.

A. Southern Furniture Manufacturers' Association, Post Office Box 951, High Point, N.C.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
B. Sindicato da Industria de Cafe Soluvel, São Paulo, Brazil, Rua 7 de Abril 252, 10 andar, São Paulo, SP, Brazil.

A. Eugene L. Stewart, Esq., 1001 Connecticut Avenue, Washington, D.C.
B. World Trade Committee of Parts Division, Electronic Industries Association, 2001 I Street NW., Washington, D.C.

A. Ronald F. Stinnett, 7606 Hogarth Street, North Springfield, Va.
B. Midwest Federal Savings Association, Minneapolis, Minn.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. American Importers Association, 111 Fifth Avenue, New York, N.Y.

A. Stitt, Hemmendinger & Daniels, 1000 Connecticut Avenue NW., Washington, D.C.
B. Vorort des schweizerischen Handels- und Industrie-Vereins, Boersenstrasse 26, Zurich, Switzerland.

A. Russell D. Tall, 1200 17th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1200 17th Street NW., Washington, D.C.

A. William C. Taylor, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Southern Pine Industry Committee.

A. L. D. Tharp, Jr., 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 916 16th Street NW., Washington, D.C.

A. John D. Tyson.
B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Verner, Liipfert & Bernhard, 1875 Connecticut Avenue NW., Washington, D.C.
B. Barden Investment Management Corp., 18610 James Couzens Highway, Detroit, Mich.

A. James S. Viasto Associates, 417 East 58th Street, New York, N.Y.
B. Dominimum International, Inc., 1270 Avenue of the Americas, New York, N.Y.

A. John S. Walker, 1002 Ring Building, Washington, D.C.
B. Industrial Fasteners Institute, 1505 East Ohio Building, Cleveland, Ohio.

A. Whitlock, Markey & Tait, 15th and H Streets NW., Washington, D.C.
B. American Institute of Laundering, Joliet, Ill. and National Institute of Drycleaning, 909 Burlington Avenue, Silver Spring, Md.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. J. Ray McDermott & Co., Inc., Oil Division, Houston Club Building, Houston, Tex.

A. Laurens Williams, Kenneth H. Liles and James V. Heffernan, 1200 Farragut Building, Washington, D.C.
B. Mutual Service Casualty, Insurance Co., 1919 University Avenue, St. Paul, Minn.

A. James Woodside, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 I Street NW., Washington, D.C.

SENATE

TUESDAY, DECEMBER 12, 1967

The Senate met at 11 a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, whose most searching words are heard in the silences, give, we beseech Thee, to Thy servants who here wrestle with the Nation's problems, quiet hearts and open minds welcoming all truth from whatever direction it may come.

As in reverence we hallow Thy name, so may we hallow our own, keeping our honor bright, our hearts pure, our ideals untarnished, and our devotion to the Nation's weal high and true.

We are grateful for this sweet time of prayer that calls us from a world of care, and bids us at our Father's throne make all our wants and wishes known.

At this altar of devotion we would be sure of Thy presence ere pressing duty leads us back to a noisy, crowded way. Where—

"We are watchers of a beacon whose
light must never die;
We are guardians of an altar that shows
Thee ever nigh;
We are children of Thy free men who
sleep beneath the sod;
For the might of Thine arm we bless
Thee: Our God, Our fathers'
God."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 11, 1967, be dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On December 8, 1967:

S. 2514. An act to grant the consent of Congress to the Wheeling Creek Watershed Protection and Flood Prevention District compact.

On December 10, 1967:

S. 2211. An act to amend section 509 of the Merchant Marine Act, 1936, to provide for construction aid for certain passenger vessels operating on the inland rivers and waterways.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had rejected the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7977) to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes, and that the House receded from its disagreement to the amendment of the Senate to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House receded from its disagreement to the amendments of the Senate numbered 1 and 2 to the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mrs. Green of Oregon, Mr. Holland, Mr. Pucinski, Mr. Daniels, Mr. Brademas, Mr. Carey, Mr. Albert, Mr. Ayres, Mr. Quie, Mr. Goodell, Mr. Bell, Mr. Esch, and Mr. Steiger of Wisconsin were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, and for other purposes, and it was signed by the Vice President.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Ohio.

Mr. MANSFIELD. Mr. President, will the Senator yield 1 minute to me?

Mr. YOUNG of Ohio. I yield.

TRIBUTE TO WARREN S. DUFFEE

Mr. MANSFIELD. Mr. President, I regret that I must advise the Senate of the death of an outstanding member of the Press Gallery. Warren S. Duffee, representative of the United Press International, passed away during the night at the George Washington Hospital.

Warren Duffee covered the Senate for many years. He knew the Senate and its ever-changing membership as few men do. He probed its actions with a firm but friendly mind. With an uncompromising but understanding honesty, he wrote of its strengths and weaknesses, of its successes and failures. His journalism—his outstanding journalism—reflected with great accuracy the nature of the Senate through many years. It also reflected the nature of Warren Duffee—decent, tolerant, perceptive, and replete with personal and professional integrity.

We shall miss Warren Duffee. Everyone who knew him will feel a personal loss at his death. He was a great reporter. He was a friend. He was, in a word, a newspaperman. When that has been said, all has been said.

To his family and relatives, I extend the condolences of the Senate and my deepest personal sympathy.

Mr. DIRKSEN. Mr. President, I fully concur in the observations of the distinguished majority leader with respect to Warren Duffee. I can only add that he was, by all odds, one of the most agreeable and affable men that I ever knew.

When the majority leader spoke of his integrity, I can testify to that. One could feel free to speak to Warren Duffee, whether it was on the record or off the record, and to know and have full confidence that that confidence would be respected.

I share with his many friends the sorrow that comes from his passing. He leaves a void. He made a great contribution to his community, to his profession, and to his country, and he will be missed.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Business and Commerce of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. Hollings in the chair). Without objection, it is so ordered.

WE SHOULD SEEK DISENGAGEMENT AND DEESCALATION OF OUR INVOLVEMENT IN VIETNAM INSTEAD OF ESCALATION, MORE BOMBING, AND "HOT PURSUIT"

Mr. YOUNG of Ohio. Mr. President, another presidential election is but a few months away, and I vividly recall the presidential and congressional election of 1964. President Johnson did not campaign for election as President in 1964 on any platform or proposition that the defense of the United States from Communist aggression would compel us to send more than one-half million fighting men into a little country in Southeast Asia and change a civil war in Vietnam into an American ground war. Nor at that time did he or Secretary Rusk or any Cabinet member bring up the subject of a claimed SEATO Treaty commitment that required us to bomb North Vietnam and fight a war in the jungles and rice paddies of South Vietnam and continue fighting for perhaps some years ahead. In the 3 years since that period in 1964 we Americans have suffered the deaths of more than 16,000 of our young men killed in combat and 95,000 wounded, to say nothing of nearly 3,000 of the finest warplanes in the world destroyed.

Nothing was said about a SEATO treaty commitment which was only thought of in recent months by Secretary Rusk. Nothing is said even now regarding the fact that France, Pakistan, and the United Kingdom, also signatories to the SEATO Treaty, have refused to commit even one soldier to the war in Vietnam, and, in fact, have been hostile and unfriendly toward our fighting to prevent reunification of that little nation as agreed upon in the Geneva accords of 1954.

Instead, President Johnson campaigned in 1964 on a peace platform. In his campaign statements he spoke out in direct opposition to the policy he has since pursued toward Vietnam and which, as a matter of fact, he seemed to have adopted directly after being elected by an overwhelming majority of the ballots cast by the men and women of America.

In Akron, Ohio, on October 21, 1964, seated on the platform within 20 feet of him, I heard our President state:

> We are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves.

It seems unfortunate that citizens who voted for peace find themselves saddled with a major war. In that campaign in Ohio and elsewhere we heard a distinguished former colleague, whom I personally admire very much, propose all-out bombing of Vietnam and defoliating the countryside. When he said:

> In your heart you know I am right.

I shuddered in disbelief. My views are unchanged. After more than three years of escalating and enlarging this war in and above a foreign land of no strategic or economic importance to the defense of the United States, in my heart I know Senator Barry Goldwater was wrong. Evidently, those in high places in the executive branch of our Government, in the State Department and in the Pentagon, have reached the opposite conclusion.

When the facts are considered it does not seem so extraordinary that some of the protests particularly from the younger generation flow into activist outlets and become too emotional. I condemn these sit-ins, noisy demonstrations, and unruly, disorderly conduct on the part of those opposing President Johnson's policies in waging an all out American war in Vietnam. Those extremist agitators and demonstrators harm the very causes they espouse. Instead of resorting to violent, noisy dissent they would do well to talk quietly and convincingly in support of their beliefs and in support of congressional and senatorial candidates whose views and public utterances voice the wisdom of deescalation, disengagement and seeking peace instead of "hot pursuit," more bombing, and the commitment of more hundreds of thousands of American boys to Vietnam responding to the urgings of General Westmoreland and others. Sit-ins and violence at draft board offices are acts of stupidity. Reasonable arguments in the precincts and universities are acts of wisdom and patriotism.

Very definitely, dissent should be made in a dignified manner. Disorderly demonstrations should not be tolerated as a way of debating the issues of our involvement in an ugly civil war in Vietnam.

It should be recognized that one reason for emotional outbursts and protests is probably the natural result of deep-seated feelings that this is the only form of expression that might be listened to in the White House. Those who indulge in these tactics, which I dislike and very definitely do not sanction, undoubtedly have a feeling, and there is justification for their views, that we Americans have been misdirected and tricked into this Vietnam war by the power and influence of a military-industrial complex whose front is the Joint Chiefs of Staff of our Armed Forces.

President Johnson should encourage and request responsible discussion of the issues before the American people. Instead, those in the Pentagon and some in the White House frequently bracket dissenters, in and out of Congress, as persons who are giving aid and comfort to the enemies of the United States.

Mr. President, I was dismayed and shocked that the senior Senator from Connecticut [Mr. DODD] in this Chamber last week stated:

> There is no wartime precedent for the extravagant degree of freedom that the Johnson administration has accorded to dissenters and demonstrators.

May I say that I for one feel no gratitude whatever to any administration official for the freedom of speech guaranteed to all Americans, including me, in the first amendment to the Constitution of the United States. The fact that such allegations critical of those who dissent from President Johnson's committing more than 500,000 men of our Armed Forces to fight in a civil war in Vietnam are made is a mark of the moral decay which has set in our body politic as a result of our involvement in the Vietnam war. As the distinguished chairman of the Foreign Relations Committee pointed out in this Chamber last Friday, it is not the people's freedom which is a gift from their Government, but the Government's authority which is a gift from the people. Let us pray that the day will never come when Americans must feel grateful to their Government for their freedom of speech or for any other of the inalienable rights guaranteed them in the first 10 amendments to our Constitution, adopted on the demand of those patriots who fought for and won our independence. It would be well for some in the administration to reread and keep in mind the first 10 amendments of our Constitution.

Frankly, I take a dim view of the statement from the White House that the sort of dissent the President is willing to listen to, according to his words, is the dissent which helps us win victories. That really connotes no dissent whatever.

Unfortunately, the generals and the Joint Chiefs of Staff and Secretary of State Rusk have prevailed on President Johnson to expand and escalate the war to achieve military victory. The ultimate decision to do just that has apparently been made by President Johnson and his chief warhawk in the Cabinet, Secretary Rusk. Where that will ultimately lead this Nation, no man knows.

We should hope for a diplomatic settlement. Very definitely, the National Liberation Front of South Vietnam, which is the political front of the Vietcong, must necessarily participate in any conference and be represented by delegates independent of those of the Saigon and Hanoi governments if there is to be peace in Vietnam. The Vietcong are doing the fighting as successors to the Vietminh who fought for years against the French attempt to reestablish their Indochinese colonial empire.

It is noteworthy that Secretary of State Rusk has always evaded this question. His evasive statement is that the Vietcong would have no trouble being represented at any conference. This is a slick evasion and a failure to answer the question, "Are you willing that the Vietcong be represented by individual delegates at any conference in an effort to end the fighting in Vietnam?" He is not being frank and honest with the American people when he refuses to answer that question directly and in a forthright manner.

If President Thieu of South Vietnam and President Ho Chi Minh of North Vietnam, and representatives of their Governments, and delegates of the National Liberation Front met in a conference to seek to achieve peace in Southeast Asia, why should leaders of our Nation object?

It is disheartening and causes a loss of confidence in the administration when the White House issues optimistic statements that victory is around the next corner and when General Westmoreland "anticipates no increase in the troop buildup beyond 525,000 already in South Vietnam." This reiteration of optimistic predictions time and time again in the last 3 years shows there is a credibility gap and is disturbing to citizens generally who wish to have confidence in this administration. The truth is that General Westmoreland at the White House expressed the need for additional troops in Vietnam. President Johnson owes it to the American people to answer definitely and positively if the goal he is pursuing in Vietnam is to achieve a military victory or to encourage all elements of governing groups of Vietnam, including the National Liberation Front, to conduct negotiations for a cease-fire and end the fighting by a diplomatic settlement which would necessarily be a compromise settlement. The Geneva Accords of 1954, which we agreed to, but which our representatives did not sign, stated:

> The military demarcation line at the 17th parallel is provisional and should not in any way, be considered as constituting a political or territorial boundary.

Unfortunately, President Johnson in recent weeks seems to have changed the whole rationale for our turning the civil war in Vietnam into an American war. No longer does he claim that we Americans are in Vietnam to assist the Saigon government to endure and maintain South Vietnam as a viable government. Now the claim is made that we are fighting in South Vietnam to prevent Communist aggression from overwhelming all of Vietnam, and in doing this we are defending our own freedom from Communist aggression. This, despite the fact that the two great Communist nations, the Soviet Union and Red China, have become bitterly hostile to each other and that there is disorder and fighting in a number of areas along the more than 5,000-mile common border between these Communist nations. Also, despite the fact that no longer is there such a thing as monolithic communism and that the nationalist communism of North Vietnam is entirely different than was the communism of Stalin's time of Communist China at the present time.

We have been witnessing the breaking up of the Communist world during recent years. The Soviet Union has become a have nation and is no longer a have-not nation. It has definitely been veering toward capitalism, intent on raising the standard of living of its own people. On the other hand, as far as we can determine, Communist China is in a state of unrest and civil disorder akin to chaos.

Secretary Rusk and others, including the senior Senator from Connecticut [Mr. DODD], prefer to ignore the fact that Ho Chi Minh leads a nationalist movement, as well as a Communist movement—more nationalist than it is Communist. The Vietnamese for years have feared the Chinese colossus to their north. The fact is that Vietnam, even under the nationalist Communist rule of Ho Chi Minh, offers the best hope of erecting political and cultural barriers to Communist Chinese aggression.

In his recent speech the senior Senator from Connecticut [Mr. DODD] spoke at length of the Asian governments that support our efforts in Vietnam. Let us look at the facts. Let us study the record. Malaysia has not contributed one soldier nor one cent to assist us in Vietnam.

The Philippine Republic sent 2,000 noncombat engineers to Vietnam for which we gave the government of President Marcos an additional $100 million in foreign aid. On a population per capita basis, taking into consideration that we have nearly 600,000 combat soldiers and airmen in South Vietnam and Thailand, Australia would have sent to our aid 27,000, New Zealand 6,300 and the Philippine Republic 71,000.

Japan has given us no assistance whatever in Vietnam. In fact, there are frequent demonstration and anti-American riots in Japanese cities against our involvement there.

India and Cambodia have consistently opposed our involvement in the Vietnam war and have offered no assistance whatever.

The Foreign Minister of Indonesia, in a speech before the United Nations, urged that we cease the bombing of North Vietnam.

Regarding South Korea, it is a fact that South Korea has sent 50,000 fighting men to fight in the Vietnam civil war. It is also a fact that this was done following our agreement to give and our granting to South Korea of more than $150 million additional aid in 1965 and 1966. And this year approximately $200 million additional American taxpayers' money has been granted South Korea.

As the distinguished majority leader [Mr. MANSFIELD] recently stated, there is little enthusiasm in Asia for our involvement in Vietnam except in South Korea and possibly in Taiwan, which has also made no contribution to assist us in Vietnam. To continue to lose the priceless lives of thousands of young Americans in behalf of a cause in which our so-called allies show so little interest—despite the allegations to the contrary by the senior Senator from Connecticut—is unconscionable.

Mr. President, at this point, may I express my deference and devotion to the chairman of the Foreign Relations Committee for the brilliant and concise review of the Vietnam war which he made last week and on other occasions. The distinguished Senator from Arkansas [Mr. FULBRIGHT] deserves the gratitude of all Americans for the logic and effectiveness with which he has stated the case against our involvement in this ugly war 10,000 miles distant from our shores, and not within our sphere of influence.

It is unfortunate that both President Johnson and Secretary Rusk have been less than candid with the American people, and have not been frank in their statements at all times.

Secretary McNamara, who is soon to leave the Cabinet, and who is one of the great dedicated public servants in the Johnson administration, expressed doubts that our continued bombing of the north, which has cost us the destruction of thousands of warplanes and helicopters and the loss of priceless lives of many pilots, is justified in view of the meager results accomplished in destroying bridges and roads which are readily reconstructed at night. Secretary McNamara asserted that the bombing had resulted in the deaths and maiming of many thousands of civilians—children, women, and men—and seems to have hardened the will and determination of the Vietcong to fight on.

History will record that Robert S. McNamara has been a very great Secretary of Defense. I consider he is the greatest Defense Secretary ever to serve in the Cabinet of any President. He alone of the various Secretaries of Defense during the past quarter of a century maintained at all times that civilian authority was supreme over military authority, a doctrine written into the Constitution of our country by those patriots including Benjamin Franklin, George Washington, and James Madison, who were among the men who wrote the Constitution.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. YOUNG of Ohio. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I want to congratulate the Senator for the great speech he is making. I wish I could make one as good on the subject. I merely wish to associate myself with every word of it, because these things need to be said over and over again as we continue to slaughter American boys in a war in which we should never have become involved.

We are now faced with a Secretary of State who does not have the courage to come before the American people and answer questions put to him by the representatives of the people in a public session of the Committee on Foreign Relations. He knows he will be protected under the separation-of-powers doctrine in connection with any improper question that any Senator might try to ask of him. However, under our Constitution the Congress represents the people in carrying out the checks of the Constitution under the advise-and-consent clause. Foreign policy belongs to the American people, not to the President or the Secretary of State or the Congress. A committee of the Senate has the constitutional right to call the Secretary of State before it for public examination.

The American people should make clear to the President of the United States that they want to know whether he supports the Secretary of State in his refusal to testify on Vietnam at a public hearing called by the Foreign Relations Committee. I repeat that a basic constitutional question has been raised by Secretary Rusk. If the President says that he supports Secretary Rusk in his refusal to attend a public hearing, then let the American people take note that the President himself knowingly contributes to the growing trend of creating more and more government in our country by executive supremacy. The President should be the first to protect the people from such a violation of their constitutional rights. The people already are worried about government by secrecy. They are particularly concerned about a failure to deliver to the American people full information about our policies and conduct in prosecuting this undeclared war. This growing suspicion will be augmented by Rusk's inexcusable obstinacy. If the President does not support the Secretary of State, then he should order him to testify, and if he refuses, he should fire him.

Mr. YOUNG of Ohio. I thank the great and distinguished senior Senator from Oregon for the fine statement he has just made.

Mr. President, unfortunately, on other occasions in the past, the Joint Chiefs of Staff have dominated the Secretary of Defense.

Very definitely, although the Joint Chiefs of Staff and the military-industrial complex, against which President Eisenhower warned in his farewell statement to the American people, were constantly throwing their weight around and seeking to overwhelm the President and his Secretary of Defense with their views and plans, Secretary McNamara stood fast.

Unfortunately, even before his impending departure from this most important post in our President's Cabinet, the Joint Chiefs of Staff seemed heartened in their determination to expand our intervention in Vietnam, particularly our bombing of North Vietnam, and to do those acts of violence—defoliation; "hot pursuit of the enemy" across the borders of Communist China, Cambodia, and Laos; invasion of North Vietnam by U.S. ground forces—that Senator Barry Goldwater proclaimed he would do if elected and which President Johnson in his campaign speeches in Ohio and elsewhere promised that he would not do.

Mr. President, former President Eisenhower has now also advocated hot pursuit by our planes into Communist China and the destruction of airbases in China. It is frightening to hear about hot pursuit across the borders of Communist China and Cambodia and to have the continuing speculations, proposals, hints, and threats that soon American ground forces may be fighting north of the demilitarized zone separating North Vietnam from South Vietnam.

Preceding further escalation of the fighting on the part of our forces and expansion of our involvement in an insurrection in Vietnam in the past, there have always been hints leaked to newspapers which, though denied at the time, were subsequently followed out by offensive action on the part of our Armed Forces. It is horrifying to contemplate that more escalation and a greater expansion of the fighting will now be urged and may be undertaken.

CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the unanimous-consent agreement of yesterday, the Senate will now proceed to the consideration of H.R. 10783, which the clerk will state.

The Bill Clerk. A bill (H.R. 10783) relating to crime and criminal procedure in the District of Columbia.

The PRESIDING OFFICER. The Senator from Nevada [Mr. Bible] is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended from 12:20 p.m., not to go beyond 12:30, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, further, that the time be equally divided between the Senator from Oregon [Mr. Morse] and the Senator from Nevada [Mr. Bible].

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, following disposition of the pending business, it is the intention to take up the postal rate increase conference report.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

Mr. MORSE. Mr. President, I ask the Chair to lay before the Senate the message from the House on H.R. 7819.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes; and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MORSE. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Morse, Mr. Yarborough, Mr. Clark, Mr. Randolph, Mr. Kennedy of New York, Mr. Williams of New Jersey, Mr. Prouty, Mr. Javits, Mr. Dominick, and Mr. Murphy conferees on the part of the Senate.

CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 10783) relating to crime and criminal procedure in the District of Columbia.

Mr. BIBLE. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. BIBLE. I yield myself 10 minutes.

Mr. President, the bill before us today is the so-called District of Columbia omnibus crime bill, H.R. 10783. As I said last evening just very briefly, this is not a stranger to the Senate of the United States. It was before us in the last session, and it has been before us in earlier sessions in various forms.

Crime throughout America today is a cancer eating away at the vitals of our democratic way of life. More Americans are worried today about getting murdered, raped, yoked, or robbed in the course of their daily lives than ever before in our history.

The statistics that came to us just yesterday from the FBI pointed up this alarming increase, not only nationwide, but particularly in the Nation's Capital.

Whether crime is the cause or effect of the erosion of the quality of our daily lives, I cannot say. Most of us in the Congress have moved affirmatively in other areas to make life better for Americans on all economic levels, especially in the lower income levels.

The alarming fact is, however, that there is no domestic problem that has a higher priority than the tide of crime.

The upward spiral of crime continues in the Nation's Capital, and will reach an alltime record high in 1967 if this year's present trend persists. For the first 9 months of 1967 crime increased in the District of Columbia 34 percent over 1 year ago, more than double the average rise in cities nationally over 250,000 people.

Nationally, Washington, D.C., as compared with other cities of similar size, had the second highest rate of crime per thousand population.

For 1966, the District in the various classifications of crimes ranked as follows among the 16 cities:

First in robbery.

Second in aggravated assault—assault with a dangerous weapon.

Third in murder.

Fourth in housebreaking.

Fourth in larceny—$50 and over.

Fifth in auto theft.

Eighth in rape.

Mr. President, your committee has worked diligently during the last four Congresses in making an in-depth examination of crime within the District of Columbia.

We have spent days—yes, even weeks, over the years—in attempting to come to grips with the problem and to devise possible solutions.

Our bill today includes many recommendations of the President's Commission on Crime in the District of Columbia. It is our belief that this is a good bill and should assist in curbing crime in the District of Columbia.

Crime has eroded the quality of life in the District of Columbia. The streets of the Nation's Capital are not safe at night. Parks are hazardous places even during daylight hours. Law-abiding citizens are afraid to enjoy their Nation's Capital.

This tragic situation has developed at an alarming rate. It requires immediate action, including the measures now proposed.

All indicia, past and present, point to the need for legislation to aid our law enforcement authorities. We cannot wait for the long-range programs needed to eradicate the roots of crime. As the President's Commission on Crime in the District of Columbia observed:

> This Commission is convinced that a successful challenge to crime requires more than sporadic changes in the criminal law or increased expenditures for the traditional tools of law enforcement * * * Radical reduction of crime over the long run will require basic social and economic changes * * * *But there are many specific steps which must be taken in the immediate future to improve the law enforcement process.* [Emphasis supplied.]

The evidence is conclusive. Crime is increasing in the District of Columbia and there are legislative methods of controlling it.

Commencing in the 87th Congress, your committee engaged in hearings which looked toward better control of crime in the District of Columbia. The broad spectrum of causes of crime were considered. Citizens, police officials, members of the judiciary, health and welfare leaders, school executives, Attorneys General, and Commissioners of the District of Columbia were heard. During this time, the Metropolitan Police Department was increased from an authorized strength of 2,500 to 3,100 and Washington became No. 1 in the Nation in police officers per 1,000 population. Your committee also developed, with the District Commissioners and the Chief of Police, such short-range deterrents as tactical squads.

The problem of crime in the District of Columbia, however, grew steadily worse. The evidence accumulated in the 88th and 89th Congresses led to the conclusion changes had to be made in the criminal laws of the District of Columbia. Your committee proposed a crime bill which was passed by the Congress, but it did not become law.

No subject has approached receiving the in-depth attention of this committee over the last half dozen years than has the problem of crime and how to deal with it in the Nation's Capital City.

Hearings conducted in the 90th Congress further amplified the need for legislation. Your committee reviewed with care the findings of the President's Commission on Crime in the District of Columbia and particularly noted its call for modification of the Mallory rule, revision of the District of Columbia Code, use of citations, changes in supervision of youth offenders and training of prisoners, return of escapees from St. Elizabeths Hospital, notice of the insanity defense, and adequate payment of witnesses in criminal cases in the court of general sessions.

Mr. President, nationally, crime itself is public enemy No. 1 in every city and town. Our survival as a nation depends upon our ability to maintain effective law and order, and especially so in our rapidly expanding urban communities. Unless protection of the individual and of property rights prevails, we will no longer be a nation of laws. Without law, there is no government, but only chaos and anarchy.

Possibly, in our zealous efforts to guard individual liberties, we have watched the pendulum of equal justice under law swing too far. The fundamental rights to the safety of our homes, our streets, and our places of business cannot continue to be eroded. The sophisticated criminal, the hoodlum, the thrill thug, and the juvenile delinquent must be stopped. Our Nation must remain a nation of laws and all our countrymen must be respecters of those laws. The time has come to stop bemoaning the rising crime rate and to start doing something about it.

As a people and as a nation, we simply cannot tolerate lawlessness. We cannot be permissive about violence. We cannot accept excuses for looting and killing. Those who destroy and kill must be punished under the laws they violate. The punishment must fit the crime, regardless of the announced or underlying purpose of that lawlessness.

The temper of the vast majority of Americans today demands action here and now by all branches of their Government—legislative, executive, and judicial—and on all levels—local, State, and Federal. I firmly believe most Americans are fed up with the pampering and the mollycoddling of lawbreakers.

I hasten to add that, obviously, this bill today is not a panacea, nor would the passage of this bill and the writing of it into law cure all the crime problems. Many other things remain to be done, but the public safety requires that no further delay be permitted. However, our action today should show this Senate is going on record against crime.

This bill is divided into 11 separate titles, which may be capsulized as follows:

First. Title I amends existing law to authorize arrest upon probable cause but without a warrant for certain serious misdemeanors not committed in the arresting officer's presence.

Second. Title II amends existing law so as to require a defendant in the District of Columbia to give the government written notice of intention to raise the insanity defense in a criminal proceeding in the District of Columbia. It also provides for return of persons who escape from mental institutions after confinement in connection with criminal charges in the District of Columbia.

Third. The most difficult title of the bill and the one that has been controversial this year and in past years, I think—coincidentally enough, it had the same number—is title III, which authorizes up to 3 hours' questioning of persons arrested in the District of Columbia, and insures the admissibility in evidence in criminal trials in the District of voluntary confessions, admissions, or statements made within 3 hours after arrest.

The report that is filed in connection with the bill has individual views from both the distinguished senior Senator from Oregon [Mr. MORSE] and the distinguished Senator from New York [Mr. KENNEDY], directed primarily to title III. I am confident the Senator from Oregon [Mr. MORSE] will want to discuss title III when he is recognized, and raise questions similar to those he has raised before, and possibly new ones, on this particular title.

Mr. President, the purpose of title III is to provide at least some limited opportunity for interrogation of arrested persons by prescribing a rule of evidence for the courts of the District of Columbia governing the admissibility of statements obtained from an accused after a lawful arrest and prior to an appearance before a U.S. commissioner. In short, title III is a legislative clarification of the meaning of the statutory term, "unnecessary delay," as contained in rule 5(a) of the Federal Rules of Criminal Procedure, as this rule is applied in the District of Columbia.

Interrogation of arrested persons, subject to appropriate safeguards, is a necessary, in fact vital, activity in the solution of many crimes. There are numerous instances when proper interrogation has resulted in clearing a person accused of a crime. On the other hand, many guilty individuals freely and voluntarily admit their involvements and thereby insure that the proper person will be held to answer for the crime. But in the District in particular, a problem has developed which all but prevents any meaningful questioning of arrested persons. This problem derives from rule 5(a) of the Federal Rules of Criminal Procedure and the Mallory case, as it has been interpreted by the District of Columbia courts.

Rule 5(a) of the Federal Rules of Criminal Procedure provides that—

> (a)n officer making an arrest * * * shall take the arrested person without unnecessary delay before the nearest available commissioner * * *

In 1957 the Supreme Court of the United States in *Mallory* v. *United States,* 354 U.S. 449, held that if an arrested person is not brought before a U.S. commissioner without unnecessary delay but is held and interrogated by officers for the purpose of obtaining incriminating statements, then any statement so obtained may not be received in evidence at a subsequent trial. In the Mallory case, the accused was arrested about 2:30 p.m., made his first statement of admission about 9 p.m., gave a full confession about midnight and was presented to the U.S. commissioner the next morning. Cases following Mallory, particularly in the District of Columbia, have gone much gurther in restricting permissible questioning.

This again is a subject which has been closely examined by the committee over several years. The discussion of the problem contained in the committee's report on last year's crime bill is still pertinent:

Recent cases in the District of Columbia have demonstrated that there is great uncertainty among the judges on the appellate and district courts about how much delay is permissible between arrest and arraignment before a commissioner.

For instance in *Spriggs* v. *United States* (335 F. 2d 283 (D.C. Cir. 1964)), a conviction was reversed because of the admission in evidence of a confession made during booking some 30 minutes after arrest when the officer told the suspect three witnesses had seen him shoot another person.

In *United States* v. *James J. Jones,* Criminal No. 366–63 (U.S. District Court for the District of Columbia, 1963), the trial judge excluded a confession which occurred within 15 minutes after arrest and prior to presentment of the arrested person to the committing magistrate * * *. (T)he ruling * * * [was] based on the ground that no interrogation of any length is permissible and, indeed, an arrested person is not to be taken to the precinct or headquarters for booking and fingerprinting, but is to be taken before a magistrate forthwith. Thus "without unnecessary delay" was considered to mean "without any delay."

In *Alston* v. *United States* (District of Columbia Cir., No. 18750 (May 6, 1965)), appellant was arrested * * * and arrived at police headquarters, with his wife at 5:30 a.m. Appellant's wife then sat in the homicide squad office while appellant was taken into an adjoining room where police questioned him "for at least 5 minutes." During this questioning, appellant "stated he didn't know anything about [the offense]or words to that effect." Appellant was then permitted to speak briefly to his wife, after which he returned to the police and confessed the crime.

The U.S. Court of Appeals for the District of Columbia Circuit reversed the case for a new trial on two grounds, (1) that the questioning violated rule 5(a) because the arresting officers failed to take appellant before a committing magistrate "as quickly as possible," and (2) that appellant was not informed of his right to remain silent prior to his being interrogated.

In *Elsie V. Jones* v. *United States* (113 U.S. App. D.C. 256, 307 F. 2d 397 (1962)), the defendant was arrested at 4:25 of a Sunday morning, confessed 3½ hours later, and was brought before a committing magistrate at 9 Monday morning. A divided court held her confessions inadmissible.

In *Charles S. Coleman* v. *United States* (114 U.S. App. D.C. 185, 313 F. 2d 576 (1962)), a delay of 2 hours and 5 minutes was, again by a divided court, held fatal to the admissibility of the confession

In *Tony A. Coleman* v. *United States* (317 F. 2d 891 (1963)), a divided court permitted the conviction on one count to stand although based upon a confession given 1 hour after the arrest, but reversed the conviction on other counts based upon confessions given 2 or 3 hours after arrest.

In a dissenting opinion in *Robert A. Muschette* v. *United States* (D.C. Cir. No. 17410 (July 25, 1963)), it was contended that a confession obtained 25 minutes after arrest and 1 hour and 50 minutes before the arrested person was presented to the committing magistrate should be excluded.

Testimony before the committee indicated that in each of these cases, the confession was clearly voluntary and admissible under all of the usual legal and constitutional criteria. The exclusion of these confessions except for the *Alston* case was based solely on the lapse of time after arrest and prior to appearance before the U.S. Commissioner and the finding of the courts that such lapse of time constituted an unnecessary delay within the meaning of rule 5(a) of the Federal Rules of Criminal Procedure.

The interpretation of the Mallory rule and rule 5(a) in the District of Columbia has been that, even where it can be demonstrated that the police have not acted coercively, and where all of the constitutional rights of the accused were protected, voluntarily given statements have been excluded in a significant number of cases on the basis of very minimal delay alone. The committee feels that this interpretation of the law is wrong and title III is designed to strike a proper balance in this difficult area.

The special problem in the District of Columbia was clearly recognized by Nicholas deB. Katzenbach, then Deputy Attorney General of the United States, when he testified before our committee on November 5, 1963.[1]

> The *Mallory* rule is not frequently invoked in Federal criminal cases in jurisdictions other than the District of Columbia. The reason is twofold: First, only in the District of Columbia do the Federal courts have broad jurisdiction over crimes of violence which characteristically lack eyewitnesses and independent evidence.
>
> It is quite common in cases of homicide, yoke, robberies, rape, and certain other crimes that there is no third eyewitness, and it is often difficult for the complaining witness to make an identification. Of course, in homicides there is no complaining witness. Thus, in such cases, confessions assume far greater significance as evidence of guilt, and it becomes important to defendants to have their confessions excluded in the courts of the District of Columbia. Second, by contrast, most Federal criminal cases in other jurisdictions involve frauds, mail thefts, narcotic violations, and the like, where there is substantial evidence apart from a confession, i.e., contraband property, financial records, tax returns, et cetera.
>
> Therefore, it is reasonable to consider the problems in the District of Columbia as being rather unique with respect to the *Mallory* rule and deserving of congressional consideration in legislation limited to its application to the District of Columbia.
>
> In my opinion, the *Mallory* rule is a good one. Through it, the Supreme Court made clear its intention to prevent law enforcement officers from delaying preliminary hearings for the purpose of eliciting confessions. This is as it should be.
>
> The problem which gives rise to the legislative proposal before the committee lies not with the *Mallory* rule but with its application in the District of Columbia.
>
> In a number of cases in the District of Columbia "unnecessary delay" has been interpreted and applied to make it virtually impossible, I am informed, for investigating officers to speak with arrested persons with any assurance that resultant confessions will be acceptable in the courtroom.

COMMITTEE'S RECOMMENDED SOLUTION

Title III, as amended by your committee, authorizes questioning of any person arrested in the District of Columbia during the 3 hours immediately following arrest, provided such person is accorded all of his rights under applicable law respecting such interrogation. It provides further than any statement, admission, or confession made by the arrested person during this 3 hours shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment. The title also provides a further protection to the arrested person by directing that, if such person is released without being charged with crime, his detention shall not be recorded as an arrest in any official record.

The committee believes that the foregoing provisions protect the rights of the accused and at the same time aid the police by defining a time interval during which they can conduct any questioning, in accordance with law, without fear of arbitrary exclusion of any resulting statement. The specific rights of the accused, constitutional or otherwise, are not enumerated in the statute itself. New court decisions on such subjects as the right to counsel, the warnings which must be given, and so forth, can be anticipated, so it is deemed impractical and undesirable to codify such current decisions as Miranda against Arizona and other pertinent cases which define the constitutional rights of an accused in an incustody interrogation setting. It is emphatically meant that the arrested person be accorded all applicable constitutional and statutory protections in connection with any questioning.

Title III is not intended to authorize law enforcement officers to conduct automatic 3-hour interrogations in every case. The title is intended only to guarantee that law enforcement officers are accorded a 3-hour period to enable them to make an appropriate investigation of a case, including a reasonable interrogation of an arrested person. The committee recognizes and intends that under applicable law a person who questions whether the police had probable cause for his arrest has a right to secure termination of his interrogation and an opportunity for prompt presentment before a judicial officer. The provision in title III for release of arrested persons without charge is not intended to deny such persons those rights.

Nor is title III intended to prohibit the admissibility in evidence of all statements made after the 3-hour period has expired. Such statements will not be protected by title III, but they may still be admitted in evidence so long as they were obtained with full regard for the constitutional and other rights of the arrested person, including his rights under rule 5(a) and the Mallory decision. The committee specifically intends that the phrase "unnecessary delay" will be given an interpretation that is fair in all the circumstances and title III is not to be invoked to bar all statements obtained after the 3-hour period. Depending upon the circumstances, delay would not be "unnecessary" merely because the law enforcement officers briefly exceed the 3-hour period in order to record a statement already made by the arrested person. Nor would such a statement be inadmissible in evidence merely because, without more, it was made after an arrested person had been detained overnight for presentment, where a magistrate was unavailable at an earlier time.

Many persons are plagued by records of arrest which did not culminate in convictions. It is well established that the fact of arrest irrespective of the disposition of the case can militate severely against the employment opportunities of the individual involved. This is unfair and needlessly disadvantages individuals who are guilty of no offense. Title III alleviates this problem by providing that the detention of arrested persons who are released without being charged with a crime shall not be recorded as an arrest in any official record.

This does not mean, however, that no record is to be kept of the event. On the contrary, the committee intends that the police department or other law enforcement agency, under appropriate regulations, will keep records identifying the time and circumstances of each arrest which culminates in a release without charge, including the identity of the person involved.

It must be emphasized that title III does not in any manner expand the authority of law enforcement officers to make arrests. No change is made in the various provisions of the law which prescribe the circumstances under which arrests may be made. Title III is not authority for investigative arrests. The provision to expunge from all official records the fact of arrest of persons who are not charged is aimed solely at protecting the individuals concerned. This is definitely not a back door method of reinstituting investigative arrests in the District of Columbia.

The solution to the rule 5(a), Mallory problem in the District of Columbia, which your committee now proposes in title III, differs substantially from the Senate version of last year's crime bill (H.R. 5688), although both solutions were aimed at the same dilemma—to provide a meaningful opportunity for law enforcement officers to conduct appropriate interrogations while protecting the rights of the accused. The measure last year included an aggregate 3-hour time limitation for protected interrogation rather than the more restrictive fixed period of "not to exceed 3 hours immediately following arrest," which is now recommended. The committee believes that this latter period is adequate and will not be subject to the abuses or constitutional difficulties which might be encountered under the earlier provision. Otherwise the measures differ primarily in their specificity regarding the conditions governing the questioning.

The committee's description of the purpose of last year's bill is equally applicable to the present measure. In the previous report it was stated:[2]

> The committee's recommendations as contained in . . . the instant bill represents a legislative effort to retain for persons charged with crime those essential individual rights that the *Mallory* rule and its subsequent case law refinements have made. At the same time the recommendation strikes a balance point in permitting police to carry on proper and necessary questioning under clearly defined limitations. It is the committee's judgment that the *Mallory* rule and subsequent court decisions, which have tightened the noose around effective law enforcement, must be changed.
>
> This recommendation is limited to apply only to the District of Columbia where violent crimes fall within the trial and appeal jurisdiction of the Federal judiciary and limitations of the Federal Rules of Criminal Procedure. Since the District is unique in

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[1] P. 432, committee hearings, H.R. 7525 (88th Cong.).

[2] Rept. No. 600 on H.R. 5688, pp. 19, 20.

> many ways, the committee believes law enforcement must be dealt with uniquely in providing the District courts and the police with clear-cut procedural guidelines so as not to do harm to persons accused of crimes and at the same time provide protection not now being given to the law-abiding general public.
>
> What Congress approved by the language of rule 5 of the Federal Rules of Criminal Procedure, Congress can now disapprove by statutory enactment for the District where the court interpretations of *Mallory* are felt more keenly than in any other Federal jurisdiction.
>
> It is not contended that legislative enactment to alter the severe application of the *Mallory* rule alone will curb the crime rate which has risen steadily since that Supreme Court decision in 1957. The Department of Justice, the U.S. Attorney, police officials, a respected member of the U.S. district court, the District of Columbia Council on Law Enforcement, and members of the bar have testified at various times before this committee that a change in the *Mallory* doctrine should provide assistance in combating crime.
>
> Certainly, proper interrogation free of abuse and with the guidelines this title contains, would provide a valuable law enforcement investigative tool.

Mr. President, the House-passed version of title III troubled your committee in several regards.

Present case law in the District of Columbia authorizes the police to stop persons on the street for preliminary questioning upon reasonable suspicion, *Brown* v. *United States,* 365 F. 2d 976, 979 (D.C. Cir., 1966); *White* v. *United States,* 222 A. 2d 843 (D.C. Ct. App., 1966); *Cunningham* v. *United States,* 340 F. 2d 787 (D.C. Cir., 1964); *Seals* v. *United States,* 325 F. 2d 1006 (D.C. Cir., 1963); *Green* v. *United States,* —— A. 2d —— (D.C. Ct. App. Oct. 18, 1967). The House version of title III appears to require probable cause, which is a more stringent test. The problem is that the House's title III may be interpreted as overruling existing case law, and as imposing a heavier burden on the police.

The House version of title III appears to authorize nonwarrant arrests on probable cause for any out-of-presence misdemeanor. This is much broader than the expanded arrest authority in title I and renders this part of title I a nullity.

It creates a questionable detention status that is sure to cause much litigation. For example, the legality of searches conducted during a detention would be a prime target.

The effect on the Mallory rule is unclear in that title III relies on the legislative history as set forth in the House report instead of modifying the rule directly.

As reported by the committee, title III does not disturb existing law respecting prearrest questioning, and retains the present law of arrest intact. It removes any conflict with title I and eliminates the problematical detention status authorized in the House bill. At the same time, the amendment meets what appear to be the basic objectives of the House bill. It provides a reasonable question period following arrest and assures that so long as they are otherwise admissible, statements obtained will not be excluded from evidence merely because of delay in presentment. It also meets the objective of protecting innocent persons from having an arrest recorded against them, and has the advantage of clearly addressing the Mallory problem directly, rather than through reliance on report language.

The next title is title IV.

Fourth. Title IV amends existing law to provide that obstruction of criminal investigations in the District of Columbia shall be a felony.

Fifth. Title V amends existing law to include robbery among the crimes of violence in the District of Columbia.

Sixth. Title VI amends certain existing criminal laws in the District of Columbia to specify minimum sentences for certain crimes of violence, and increase other penal provisions. It rewrites and strengthens District laws dealing with burglary and obscenity.

Seventh. Title VII frees police time for handling serious criminal activity by authorizing issuance of citations in lieu of arrest or custody in certain misdemeanor cases.

I may add, on that particular title, that the record was made, and I think rather emphatically and rather forcefully, that this practice had been followed in certain other cities with a high degree of success.

One of the real problems we have in the District of Columbia—and I see present on the floor at this time the chairman of the Subcommittee of the Committee on Appropriations handling District of Columbia matters—is in the police area, supplying the police and providing the police with the money to pay the necessary salaries, and particularly with the necessary number of men. The Congress has authorized and appropriated funds for something like 3,100 policemen. I believe the last figure—and this figure changes from time to time, obviously—shows the police force was some 360 policemen short of being up to authorized strength.

We have done everything we could to try to be of assistance in helping secure more policemen. The recruiting program has been stepped up. I think we can be optimistic that the force will come up to its full authorized and appropriated strength, and that the 362 men now short of the authorized and appropriated strength will be forthcoming.

It is also significant, I think, and worthy of comment, that in Washington, D.C., there are more policemen per thousand population than in any other city in the United States. We have worked hard in this field, to supply not only qualified policemen, but policemen in sufficient numbers to meet the needs of a city in a metropolitan area that is obviously very much crime ridden.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. BIBLE. I yield myself an additional 5 minutes.

Title VIII amends existing law so as to improve the supervision of youthful offenders and provides better training for prisoners. It also increases witness fees for persons testifying in criminal cases in the District of Columbia court of general sessions.

Title IX relates to rioting and incitement to riot in the District of Columbia and provides substantial penalties for these offenses.

Title X creates a Commission on Revision of the Criminal Law of the District of Columbia and authorizes it to formulate and recommend to the Congress a code of criminal laws which will contain provisions adequate for present-day law enforcement needs.

Title XI is a saving provision with respect to criminal offenses committed prior to enactment of the bill.

As I previously noted the section of the bill which evokes the most controversy, now as in the past, is title III, dealing with postarrest questioning, and known more properly in the District of Columbia as the very famous Mallory rule, a pronouncement by the Supreme Court some years ago interpreting rule 5A of the Federal Rules of Criminal Procedure, requiring that an arrested person be taken "without unnecessary delay" before the nearest available commissioner.

I think I should comment, Mr. President, that I met on yesterday with the very able chairman of the local City Council, Mr. Hechinger. The Council, after considering the matter, had stated that, although they felt the bill as a whole was an excellent crime prevention measure, it was their belief that title III should be studied further; and, although they did not wish to impede Senate action on other sections of the bill, it was their request that title III be deleted from the bill.

I met with Mr. Hechinger at length, and indicated to him that we already had the position of the city government of the District of Columbia—not that of the present City Council nor the Mayor, to be sure, but that of the former three Commissioners. They had on all occasions, I believe—and I think the record will bear me out—made objection to title III, and they had stated that was the position of the government.

But it seems to me that more important at this point than the position of the government of the District of Columbia on this controversial title III is the parliamentary situation. The facts of life are simply these: that title III is in the bill as it comes to us from the House of Representatives, and certainly whatever action we might take, even if we were to delete title III—which I certainly do not advise or counsel, or think to be a step in the right direction—title III would still be in conference, because it is in the House bill. So whatever the City Council's feelings about title III might be, and I understand, of course, that feelings can run the whole gamut of emotions and legal explanations, it still will be in the present bill, and will still be before us when we go to conference.

As to the conference, I would hope—optimistically, possibly—that we could get to conference this week. I sense the adjournment fever in the air, and there are not many days left in this week; but there are other conferences that have to be resolved. There is the education conference, on which conferees were just appointed a few moments ago by the Senate. There will obviously have to be final approval of the foreign aid appropriation conference report, and there will, of course, be the final supplemental, which has not even been acted upon yet by the Committee on Appropriations of the Senate, and which will obviously, after final Senate action has been taken, of necessity at least be a subject of conference, and will undoubtedly go to conference.

So I am optimistic, though not overly optimistic, that we might be able to complete action on this particular bill at this time.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Iowa [Mr. MILLER] proposes an amendment as follows:

> On page 29, line 15, insert the following: before the word "any": "or is about to commit".

Mr. MILLER. Mr. President, the amendment I have offered is designed to cover what appears to be a gap in the bill.

As presently drafted, the bill—title I, section 101—authorizes arrest by a police officer without a warrant: First, any person who commits an offense in his presence or within his view; second, any person who threatens to commit an offense in his presence or within his view; third, any person who attempts to commit an offense in his presence or within his view; or, fourth, any person who the police officer has probable cause to believe has already committed an offense and who, unless immediately arrested, may not be apprehended, may cause injury to others or damage to property, or may tamper with, dispose of, or destroy evidence.

The gap is the situation where the police officer has probable cause to believe a person is about to commit an offense and that such person, unless immediately arrested, may not be apprehended or may cause injury to others or damage to property.

It is true that the bill would cover such a situation where, in the officer's presence, a person threatens to commit an offense.

But what about the situation where—not in the officer's presence but in the presence of someone else—there has been such a threat?

Assume a situation where a police officer has been called by a citizen reporting that there is a disturbance of some kind at a certain address. The officer goes to the address and is told by two people that they have just witnessed an argument which is still going on and one of the parties has threatened to kill the other. The threat did not take place in the officer's presence, but considering the circumstances and the statements of the witnesses he has probable cause to believe that if he does not make an arrest the person who made the threat may cause the death or injury to the person threatened and such danger is imminent. Under the bill as drafted, he would not be authorized to make an arrest. Under my amendment he would.

I have discussed this amendment with the chairman of the committee and I believe he recognizes this amendment has sufficient merit to go to conference.

I would appreciate it if the amendment can be taken to conference. I believe there is a gap. I do not take great pride in the authorship of the language, but I think it is something for the conferees to consider.

Mr. BIBLE. I have discussed this matter with the Senator from Iowa. He was kind enough, last night, to tell me of his concern about this particular section of title I of the bill, and the suggested amendment which he has just offered is such that I think it should require additional consideration, and particularly the guidance of the Attorney General's office and of the legal authorities.

With that understanding, Mr. President, I am perfectly willing to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, I yield 3 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I support the District of Columbia crime bill as reported by the Senate District Committee.

The crime rate in the Nation's Capital is a national disgrace. It also reflects the grave menace that serious and ever-mounting crime throughout the United States poses to our internal security.

According to the most recent FBI report, the crime rate in the District of Columbia for the first 9 months of 1967 has increased 34 percent over the comparable period in 1966. In other words, it is more than double the 16-percent national rate of increase during the first 9 months of this year.

The report accompanying the bill contains alarming statistics and indicates that the District of Columbia is rapidly becoming a crime jungle.

The need to furnish the police more effective tools with which to combat this menace is compelling. The Senate Subcommittee on Criminal Laws and Procedures, of which I am chairman, has held extensive hearings this session on the problems of crime. We concluded that the Nation is indeed facing a crisis and that congressional action is imperative. We reported a bill from the subcommittee that has many parts similar to the good features of the pending bill.

While I am in general agreement with the provisions of the pending bill, I particularly favor providing that the police can detain and question a suspect for a period of time before taking the suspect before a committing magistrate.

The pending bill provides that any confession obtained during that period of detention is not to be inadmissible solely because of delay in presenting the suspect before the committing magistrate.

The bill reported by the Criminal Laws and Procedures Subcommittee provides that a confession will not be deemed inadmissible solely because of delay in arraignment.

Both bills seek to place the inadmissibility of confessions in its proper perspective. Self-incriminating statements, voluntarily made, have historically been treated as strong and convincing evidence of guilt. They should be so treated and so received in the future.

In the interest of curbing lawlessness in the District of Columbia and increasing the effectiveness of law enforcement, I am glad to have the opportunity to vote for the passage of this measure.

Mr. President, I commend the able chairman of the District Committee and its members for presenting the pending bill to the Senate. I hope that the bill will be enacted into law.

Mr. BIBLE. Mr. President, I reserve the remainder of my time.

Mr. MORSE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. MORSE. Mr. President, I missed part of the opening statement of the Senator from Nevada because I was called from the floor by a very high official of the District of Columbia, a member of the City Council, who made the request of me that an amendment be offered to strike title III of the bill.

The member of the City Council pointed out that great concern has developed in the District, as revealed in the articles published in the newspapers as to the attitude of members of the Council. I shall offer an amendment later for action by the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD some articles from the local papers concerning this matter.

They are entitled "Council Seeks Delay in Part of Crime Bill," "Council May Seek Delay on Crime Bill," and "Crime Bill Vote Set Despite City Plea."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 11, 1967]

COUNCIL SEEKS DELAY IN PART OF CRIME BILL—"INVESTIGATIVE ARRESTS" SECTION HIT BY VOTE OF 6 TO 2

(By Paul Delaney)

The District City Council voted 6 to 2 today to ask the Senate District Committee to withdraw a section of the proposed anti-crime bill for the city that the council vice chairman had said would re-establish "investigative arrests."

In a special meeting called to consider action on Title 3 of the bill, councilmen wrestled with the problem and finally accepted a resolution drawn up by their acting secretary, Frank Murphy.

An even stronger resolution was requested Saturday by the Rev. Walter Fauntroy, vice chairman. Notice of today's action will be sent to Sen. Alan Bible, D-Nev., chairman of the Senate committee.

The resolution finally passed this morning was introduced by Chairman John W. Hechinger. Voting in favor besides the chairman were councilwomen Margaret Haywood and Polly Shackleton and councilmen Stanley J. Anderson, William S. Thompson and Joseph Yeldell. Opposing the resolution were Fauntroy and councilman John A. Nevine. Councilman J. C. Turner did not attend the meeting.

WOULD HOLD SECTION OVER

The resolution commended Sen. Bible and the District Committee for work done on the anticrime bill. The resolution also declared that the council favors the rest of the bill.

The resolution urged Bible to "take such steps as may be appropriate as to remove consideration of Title III by the full Senate. If this could be accomplished it is hoped that Title III could then be considered as soon as possible in the next session, at which time the views of the council could be presented to the committee."

The special meeting was called at the insistence of Fauntroy, who wanted the council to request that the full bill be sent back to the committee. He said he voted against Hechinger's resolution because he questioned whether it would accomplish his aim.

The Senate bill would allow questioning of suspects up to three hours before arraignments. A House version would permit questioning up to four hours before arraignment, and would not require a prior arrest.

[From the Washington Star, Dec. 10, 1967]

COUNCIL MAY SEEK DELAY ON CRIME BILL

(By Ronald Sarro)

Washington's City Council apparently will ask the Senate tomorrow not to act on the proposed D.C. anticrime bill until the council has a chance to express its views on the measure.

The action would provide a major test of the Senate District Committee's attitude toward the new city government, particularly in view of the fact the bill is not expected to clear Congress until early next session.

The council has scheduled a special meeting for 9:30 a.m. tomorrow to act on a request by Council Vice Chairman Walter E. Fauntroy that the Senate District Committee be asked to defer floor action.

Fauntroy told the council yesterday that he is "very much concerned" about Title III of the bill, which he said would reestablish "investigative arrests" in the District and "would contribute to the community tension here."

The vice chairman raised the issue during a public budget briefing for the council. Council rules would not permit action on the request yesterday.

Polled by reporters, five of the seven council members present indicated they would flatly support Fauntroy's motion to request postponement of Senate action. Other than Fauntroy, none of the council members took a position on Title III.

Council Chairman John W. Hechinger and Councilwoman Mrs. Polly Shackleton indicated they might support Fauntroy, but had some reservations.

The Senate measure would allow police to question persons for up to three hours before requiring that they be arraigned. The House-passed measure would allow questioning for up to four hours and would not require a formal arrest for such questioning.

Fauntroy asserted that the measure would be contrary to the Supreme Court's Mallory decision, requiring arraignments "without unnecessary delay" and said that Sen. Robert F. Kennedy, D-N.Y., considers it "unconstitutional."

If the Senate does act on the crime bill early this week, as had been planned, the bill would go to a conference committee to iron out differences in the Senate and House versions.

Fauntroy hopes the Senate would defer action so that the council's view might be reflected in the Senate bill. Otherwise, the council's position could not be argued at the Senate-House conference, he fears.

The vice chairman told the council that the "investigative arrest" provision of the bill "would have far ranging nation-wide implications" as well as "affecting a very sensitive area in the District."

Fauntroy said he was willing to approach Sen. Alan Bible, D-Nev., Senate District Committee chairman, on the measure himself, but that, "I want it clear this is the council's concern."

The bill, said Fauntroy, involves a "very serious issue" deeply concerning the relations between the city's government and its citizens. He emphasized that the new city government had had no opportunity to express itself on the measure.

"We represent the interest of the people of the community." Fauntroy said. The vice chairman added.

"We in the District will be the primary beneficiaries if the bill really does contribute to crime control, but we will also be the primary losers if the bill ends up contributing to more community tensions, invalid law enforcement short cuts, and congestion in our courts.

Hechinger appointed Fauntroy as an ad hoc committee of one on the issue to report to the council at its Monday special meeting. Fauntroy said he hopes to meet with Bible soon after the council session in an effort to seek deferral of Senate action Monday.

[From the Washington Post, Dec. 12, 1967]

CRIME BILL VOTE SET DESPITE CITY PLEA

The Senate has scheduled action today on the omnibus crime bill for Washington despite a last-minute request by the City Council to delete controversial arrest provisions.

After conference with City Council Chairman John W. Hechinger, Senate District Committee Chairman Alan Bible (D-Nev.) said he will go ahead with the bill as it is.

The Senate will take up the legislation shortly after it convenes at 11 a.m. with a vote scheduled for 12:20 p.m. The leadership was prepared to consider the bill last night, but put off action after Sen. Wayne Morse (D-Ore.) said he had a 20-minute speech to voice objection to the arrest section.

The Council wrangled over the bill for more than an hour and a half yesterday morning and by a 6-to-2 vote passed a resolution urging Bible to withdraw the Title III section. It is that section that would permit police to arrest a suspect and hold and question him for up to three hours before placing a formal charge against him.

If the person were released without being charged with a crime, the detention would not be recorded as an arrest in any official record.

At the Council session, the vice chairman, the Rev. Walter E. Fauntroy and John A. Nevius voted against the resolution urging withdrawal of this section. Councilman J. C. Turner was not present at the meeting.

Mr. Fauntroy and Nevius cited different reasons for opposing the resolution. Mr. Fauntroy wanted the entire bill withdrawn while Nevius thought that the Senate leadership rather than just Bible should have been asked to delete Title III. Both offered resolutions that failed.

In the resolution that finally passed, the Council said that it did not want to hold up the entire bill but hoped that the arrest section would be delayed until next year when the Council would have a chance to present its views.

Morse and Sen. Robert F. Kennedy (D-N.Y.), both members of the Senate District Committee, filed minority reports, which declared that Title III would reinstate investigative arrests, the practice ended by the District Commissioners several years ago on the grounds that they were unconstitutional.

Mr. MORSE. Mr. President, the councilman who spoke to me expressed great regret that we are not giving greater consideration to the pending bill. Council members were not too happy with me because I had gone along with the unanimous-consent agreement to limit debate.

I thought the unanimous-consent-agreement request was a perfectly fair request on the part of the chairman of the committee. I happen to think that we have to get these issues before the Supreme Court. I have told the Senator from Nevada [Mr. BIBLE] at different times that I think when these issues get before the Supreme Court, we will find that parts of the bill will be declared unconstitutional. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Mr. President, we have a unanimous-consent agreement to vote, as I understand it, at 12:30. If I offer an amendment now, do we have to vote on that amendment before 12:30, or will we merely vote on whatever is pending at 12:30?

I have an amendment at the desk. I have just announced the origin of the amendment. I felt that I would offer an amendment to strike title III. I shall call it up now and make it the pending business. The Presiding Officer can then rule on my inquiry as to when we have to vote on it.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the amendment of the Senator or any other amendment then pending will be considered at 12:30 and voted on at that time.

Mr. MORSE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Oregon [Mr. MORSE] proposes an amendment, as follows:

Strike out all of title III beginning on line 10 of page 31 down through lines 23, as follows:

"TITLE III

"SEC. 301. (a) Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed three hours immediately following his arrest. Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record.

"(b) Any statement, admission, or confession made by any arrested person within three hours immediately following his arrest shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment."

Mr. MORSE. Mr. President, my minority views really constitute my speech. I ask unanimous consent to have them printed in the RECORD because, with just a few Senators present, I will not be heard anyway.

Mr. President, I ask unanimous consent that my minority views from the committee report be printed at this point in the RECORD; also the minority views of the Senator from New York [Mr. KENNEDY].

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF SENATOR WAYNE MORSE

I dissent from the majority report recommending passage of H.R. 10783. The reason for this dissent is the inclusion in that bill of title III, section 301 of which permits under certain defined circumstances the interrogation of a defendant during the period immediately following his arrest. If title III of H.R. 10783 were eliminated from the bill I would have no objection to passage of the bill. However, as long as title III remains in the bill, I will oppose its passage and will urge the Senate to reject the bill.

I have filed similar dissenting views in 1964 and 1965 in opposition to a proposed legislative enactment to alter the *Mallory* rule. I have opposed legislative tampering with the *Mallory* rule since it was first attempted by Congress in 1957.

THE MALLORY RULE

The purpose of title III of the bill is to destroy the application of the *Mallory* rule [1] to the District of Columbia. Rule 5(a) of the Federal Rules of Criminal Procedure requires that an arrested person must be brought before a committing magistrate "without unnecessary delay." The *Mallory* rule simply provides that no statement obtained during a period of unlawful detention in violation of rule 5 shall be admissible in a Federal court. In short, the *Mallory* rule tells the police that they, like all citizens in a free society, must obey the law, and that if they break the law, they shall not profit from their wrongdoing because unlawfully obtained evidence may not be admitted against the defendant.

The *Mallory* rule does not exclude a spontaneous confession after arrest; it excludes only those statements obtained during an "unnecessary delay." The Supreme Court made this much clear in the *Mallory* decision:

"The duty enjoined upon arresting officers to arraign without unnecessary delay indicates that the command does not call for mechanical or automatic obedience. Circumstances may justify a brief delay between arrest and arraignment, as for instance, where the story volunteered by the accused is susceptible of quick verification through third parties. But the delay must not be of a nature to give opportunity for the extraction of a confession."

What constitutes "unnecessary delay" has been the subject of numerous opinions in the District of Columbia [2] and the other Federal circuits.[3] The opinions have not always been harmonious. It is clear, however, the differences of opinion on the question among learned judges are not confined to the judges of the District of Columbia.

The purpose of rule 5 and the *Mallory* rule are several:

(1) To prevent conflicts over the nature of secret interrogations and to minimize the temptation and opportunity to obtain confessions as a result of coercion, threats, or unlawful inducements;

(2) To effectuate and implement the citizen's constitutional rights by insuring that a person arrested is informed by a judicial officer of his privilege against self-incrimination, his right to counsel, and his right to be admitted to bail and given an opportunity to exercise these rights; and

(3) To protect the citizen from a deprivation of liberty as a result of an unlawful arrest by requiring that the Government establish probable cause to the satisfaction of a judicial officer before a citizen can be detained by the police.

I am at a loss to understand why this rule excites so much criticism.

I agreed with the Department of Justice in 1965 when it asserted during the hearings on similar legislation that "the *Mallory* rule is a good one." I believe now, as I believed then, that if the rule is a good one for this Nation, then it certainly is a good one for its Capital City. I was gratified by the testimony during the 1965 hearings of the Honorable Ramsey Clark, then Deputy U.S. Attorney General, that the Justice Department "would not challenge the wisdom, fairness, or necessity of the *Mallory* doctrine" (1965 hearings, pt. I, p. 32). If the Department of Justice regards the *Mallory* rule as good, wise, fair, and necessary, and does not seek to curtail its nationwide application to Federal criminal prosecutions, I see no reason for carving out an exception where the District of Columbia is concerned.

WHY THE MALLORY RULE SHOULD NOT BE CHANGED

Title III of H.R. 10783 would destroy the vitality of rule 5 and the *Mallory* rule in the District of Columbia. Citizens of the District of Columbia would be deprived of substantial rights guaranteed to other citizens throughout the Federal system. The objectives of rule 5 and the *Mallory* rule would be discarded in favor of a procedure designed to permit the police to extract confessions from citizens who waive important constitutional rights through ignorance or failure to appreciate the significance of these rights.

My reason for opposing title III of H.R. 10783 can be summarized as follows:

(1) The postponement of the presentation of a defendant to a magistrate for any period of time for the sole purpose of interrogating that defendant is an unconstitutional erosion of several of the rights guaranteed to an accused by the fourth, fifth, sixth, and eighth amendments to the Constitution of the United States.

(2) The clear purpose of title III is the circumvention and subversion of the defendant's constitutional right not to be convicted out of his own mouth.

(3) The philosophy of title III is foreign to our accusatorial system of criminal justice.

(4) As title III is now drafted, it will not even achieve the purpose its sponsors have in mind.

(5) Title III, as it is presently worded, raises serious problems of interpretation, is bound to provoke a heavy volume of litigation, and erects safeguards meaningful only to the wealthy.

(6) Since the bill allows at least a 3-hour delay between arrest and arraignment, it is bound to become in practice a device for arresting any person for investigation and interrogation for 3 hours.

THE 3-HOUR RULE

By title I of H.R. 10783, as approved by the majority of this committee, the Congress is requested to legislate into existence a several-hour interval between the arrest of any individual in the District of Columbia, and his presentment before the U.S. commissioner or one of the judges of the District of Columbia court of general sessions. The Congress is asked to do this by a statute defining the words "unnecessary delay" in rule 5(a) of the Federal Rules of Criminal Procedure to exclude at the bare minimum, the first 3 hours after an accused is arrested. In order to evaluate both the constitutionality and the desirability of isolating an arrested person from a representative of the judiciary branch of the Government for a 3-hour period, it is essential for the Senate to understand fully the procedure that occurs when an accused is presented to the magistrate. For all must agree that one who is asked to postpone a procedure for at least 3 hours should at least know what it is that he is postponing.

The procedure that occurs before the magistrate is spelled out in rule 5(b) of the Federal Rules of Criminal Procedure:

"The commissioner shall inform the defendant of the complaint against him, of his right to retain counsel, and of his right to have a preliminary examination. He shall also inform the defendant that he is not required to make a statement and that any statement made by him may be used against him. The commissioner shall allow the defendant reasonable time and opportunity to consult counsel and shall admit the defendant to bail as provided in these rules."

Rule 5(b) should be read in conjunction with the following provisions from the Bill of Rights:

"The right of the people to be secure in their persons * * * against unreasonable * * * seizures shall not be violated, and no warrants shall issue, but upon probable cause * * * (fourth amendment).

"No person * * * shall be compelled in any criminal case to be a witness against himself * * * (fifth amendment).

"In all criminal prosecutions, the accused shall enjoy the right * * * to be informed of the nature and cause of the accusation * * * and to have the assistance of counsel for his defense (sixth amendment).

"Excessive bail shall not be required * * * (eighth amendment)."

CONSTITUTIONAL ISSUES

Can any person read rule 5(b) and these provisions of the Bill of Rights (with the interpretation put upon them by over 170 years of judicial decisions), and yet say that there are no constitutional implications to title III of this bill? Can any person read rule 5(b) and the fourth, fifth, sixth, and eighth amendments, and reach any conclusion other than that the proceeding before the magistrate is the method for activating these provisions of the Bill of Rights for use in each particular criminal case? Can any person read rule 5(b) together with those amendments and not conclude that by title III of this bill the Congress is asked to hold those constitutional rights in a state of suspended animation for at least the first 3 hours after a person is arrested? And, if the Congress has the power to suspend the application of these rights to the individual defendant for 3 hours, can anyone explain why it would not also have the power to suspend the application of those rights for 12 hours, or 24 hours, or a week, or a month?

If any Senator were bold enough to introduce a bill to the effect that an accused person shall have no right to be free on bail during the first 3 hours after his arrest, the vast majority of the Senate would immediately recognize it as an unconstitutional narrowing of the right to bail conferred by the eighth amendment. Yet, is this not exactly what we are asked to do by title III of this bill?

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[1] *Mallory* v. *United States*, 354 U.S. 449 (1957).

[2] See *Watson* v. *United States*, 249 F. 2d 106 (D.C. Cir., 1957); *Trilling* v. *United States*, 260 F. 2d 677 (D.C. Cir., 1958); *Naples* v. *United States*, 307 F. 2d 618 (D.C. Cir., 1962); *Jones* v. *United States*, 307 F. 2d 397 (D.C. Cir. 1962); *Tatum* v. *United States*, 313 F. 2d 579 (D.C. Cir. 1962); *Coleman* v. *United States*, 313 F. 2d 576 (D.C. Cir., 1962); *Metoyer* v. *United States*, 250 F. 2d 30 (D.C. Cir., 1957); *Perry* v. *United States*, 253 F. 2d 337 (D.C. Cir., 1957); *Porter* v. *United States*, 258 F. 685 (D.C. Cir. 1958); *Heideman* v. *United States*, 259 F. 2d 943 (D.C. Cir., 1958); *Lockley* v. *United States*, 279 F. 2d 915 (D.C. Cir., 1959); *Goldsmith* v. *United States*, 277 F. 2d 335 (D.C. Cir. 1959); *Day* v. *United States*, 281 F. 2d 33 (D.C. Cir., 1960); *Turberville* v. *United States*, 303 F. 2d 411 (D.C. Cir., 1962); *Hughes* v. *United States*, 306 F. 2d 287 (D.C. Cir., 1962); *Jackson* v. *United States*, 313 F. 2d 573 (D.C. Cir., 1962); *Muschette* v. *United States*, 322 F. 2d 989 (D.C. Cir., 1963); *Pailly* v. *United States*, 328 F. 2d 542 (D.C. Cir., 1964); *Spriggs* v. *United States*, No. 17962, decided June 19, 1964; *Seals* v. *United States*, 325 F. 2d 1006 (D.C. Cir., 1963).

[3] See *United States* v. *Ladson*, 294 F. 2d 535 (2d Cir., 1961); *United States* v. *Vita*, 294 F. 2d 524 (2d Cir., 1961); *Holt* v. *United States*, 280 F. 2d 273 (8th Cir., 1960); *Teguer* v. *United States*, 302 F. 2d 214 (8th Cir., 1962); *Evans* v. *United States*, 325 F. 2d 596 (8th Cir., 3 1963); *Williams* v. *United States*, 278 F. 2d 781 (9th Cir., 1959); *Inoza* v. *United States*, 279 F. 2d 616 (9th Cir., 1960); *Muldrow* v. *United States*, 281 F. 2d 903 (9th Cir., 1960).

Suppose the Senate were asked to enact a statute to the effect that until a defendant has been in custody for at least 3 hours, there shall be no judicial inquiry into the question of whether there was probable cause to arrest him at all. Does any Senator seriously doubt that such a statute would quickly and correctly be branded unconstitutional by the U.S. Supreme Court? Yet this is precisely what the Senate is asked to do through the provisions of title III of this bill.

Suppose the Senate were asked to pass a bill to the effect that unless a defendant is able on short notice and while in police custody to contact a criminal lawyer and unless he has enough funds to retain that lawyer, the accused shall have no right to an attorney and no right to his freedom to seek an attorney until at least 3 hours have passed after his arrest. Can any person read the recent decisions of the U.S. Supreme Court and conclude that such a statute would be constitutional? Yet, by indirection, we are asked to enact the substance of such a plainly unconstitutional provision when we are asked to enact into law title III of this bill.

But in the final analysis, it is misleading to speak of a 3-hour delay in arraignment, for the delay may be, and in practice undoubtedly will be, much longer; in some cases, it might come out to a matter of days. Title III of this bill places a 3-hour limit on questioning, but it places no limit at all on the delay between arrest and arraignment. Moreover, it permits an aggregate 3 hours of questioning, exclusive of interruptions. In a particular case, then, an individual could be arrested, questioned for 15 minutes, held incommunicado overnight, questioned intensively for an hour, returned to his cell for several hours or days, and then questioned again for an additional hour and three-quarters, either in one continuous session or in a series of shorter sessions. The interrogation-interruption-interrogation combinations are limitless. It will be only a matter of time before techniques will be developed by the police which will enable them in effect to detain and question a suspect as long as may be necessary to break him. Title III is worded to make the interrogation procedure which it creates as palatable as possible, but no matter how it may be sugar coated, it still means that once an accused has been arrested, his constitutional right to liberty may be withheld from him for at least 3 hours while the police try to persuade him to waive his constitutional right not to be a witness against himself. And it also means that it shall not be necessary that the accused actually receive the advice of counsel on whether to make such a waiver, although he is not to be denied the "opportunity" to obtain this advice provided he is wise enough to ask for it and wealthy enough to pay for it. It also means that an accused may be held for at least 3 hours before any judicial inquiry is undertaken into the validity of his having been arrested in the first place.

INQUISITION IS FOREIGN TO OUR SYSTEM OF JUSTICE

Even if one can force himself for the moment to overlook the formidable constitutional problems that are presented by title III of H.R. 10783, it is plain that legislation of this sort runs against the grain of the Anglo-American system of administering criminal justice. This legislation would inject into our accusatorial system of criminal law enforcement the seeds of the inquisitorial system. This legislation could signal the beginning of the end of the privilege against self-incrimination, which in many ways is the hallmark of our systems of criminal justice. I do not wish to burden this minority report with lengthy quotations, but the following observations by the late Justice Felix Frankfurter, the author of the *McNabb-Mallory* rule, are so pertinent to the issue presented by title III that I believe they justify quotation here:

"To turn the detention of an accused into a process of wrenching from him evidence which could not be extorted in open court with all its safeguards, is so grave an abuse of the power of arrest as to offend the procedural standards of due process.

"This is so because it violates the underlying principle in our enforcement of criminal law. Ours is the accusatorial as opposed to the inquisitorial system. Such has been the characteristic of Anglo-American criminal justice since it freed itself from practices borrowed by the star chamber from the continent whereby an accused was interrogated in secret for hours on end. [Citation omitted.] Under our system society carries the burden of proving its charge against the accused not out of his own mouth. It must establish its case, not by interrogation of the accused even under judicial safeguards, but by evidence independently secured through skillful investigation. * * * The requirement of specific charges, their proof beyond a reasonable doubt, the protection of the accused from confessions extorted through whatever form of police pressures, *the right to a prompt hearing before a magistrate,* the right to assistance of counsel, to be supplied by government when circumstances make it necessary, *the duty to advise an accused of his constitutional rights*—these are all characteristics of the accusatorial system and manifestations of its demands. Protracted systematic, and uncontrolled subjection of an accused to interrogation by the police for the purpose of eliciting disclosures or confessions is subversive of the accusatorial system. It is the inquisitorial system without its safeguards. For a while under that system the accused is subjected to judicial interrogation, he is protected by the disinterestedness of the judge in the presence of counsel (*Watts* v. *Indiana,* 338 U.S. 49 (1949))." [Emphasis added.]

No one who testified during the hearings on this bill did or could, contest the proposition that one who is arrested has an absolute constitutional right to refuse to make any statement whatsoever to the police. Since this is so, it is difficult to see the justification for a statute which would have the effect of delaying his right to go free on bail for any period of time, be it 1 minute or 3 hours, so that the police can ask him questions which he has a constitutional right not to answer. Moreover although in some respects a period of 3 hours can seem a relatively short space of time, 3 hours or even 1 hour, of questioning of any sort is certainly an unpleasant experience and one which most people would find an ordeal.

PROPOSED MODIFICATIONS OF MALLORY RULE ERODE PROCEDURAL RIGHTS OF ACCUSED

Even if we assume that the time is propitious for tampering with the judicially determined meaning of rule 5(a); and even if we believe that such tampering is permissible under the Constitution and desirable in view of the special problems that are alleged to exist with respect to law enforcement in the District of Columbia, I am still brought to the question of whether title III is a good way to go about the matter.

The Justice Department appreciates that the interrogation would be unconstitutional unless preceded by the opportunity to obtain counsel (1964 hearings, p. 433).

Nevertheless, the bill contains no provision for appointment of counsel for the indigent. The Legal Aid Agency Act (District of Columbia Code 2-2201, June 27, 1960, 74 Stat. 229, Public Law 86-531) does not authorize staff attorneys of the Legal Aid Agency to appear in criminal cases before preliminary hearing. Neither the proposed changes in the Federal Rules of Criminal Procedure (rule 44(b), second preliminary draft (1964)) nor the Criminal Justice Act of 1964 (S. 1057) provide for the appointment of counsel before the preliminary hearing.

In *Massiah* v. *United States* (377 U.S. 201 (1964)), the Supreme Court held that a statement obtained from an indicted defendant at a time when the defendant was not represented by counsel violated the sixth amendment and was inadmissible. The Court observed that "a Constitution which guarantees a defendant the aid of counsel at * * * trial could surely vouchsafe no less to an indicted defendant under interrogation by the police in a completely extrajudicial proceeding. Anything less * * * might deny a defendant effective representation by counsel at the only stage when legal aid and advice would help him."

On June 22, 1964, the Supreme Court in *Escobedo* v. *Illinois* (378 U.S. 478), held that the failure of the police to warn a defendant taken into custody of his right to remain silent and the refusal by the police to permit the defendant to consult his counsel upon request constituted a violation of the sixth and 14th amendments and rendered statements elicited from the defendant inadmissible in a criminal proceeding. In his dissenting opinion in the *Escobedo* case, Justice White pointed out the broad effect of the decision:

"* * * Although the opinion purports to be limited to the facts of this case it would be naive to think that the new constitutional right announced will depend upon whether the accused has retained his own counsel * * * or has asked to consult with counsel in the course of interrogation."

It seems clear that Mr. Justice White is correct in foreseeing that the Supreme Court will not tolerate a system which permits the rich defendant to consult with counsel while providing no counsel to advise the majority of defendants who cannot afford legal assistance. In a series of decisions, the Court has reiterated the theme that equal justice under law means that no defendant may be deprived of an important procedural right because of poverty. *Griffin* v. *Illinois* (351 U.S. 12, 17-18 (1956)); *Smith* v. *Bennett* (365 U.S. 708 (1961)); *Coppedge* v. *United States* (369 U.S. 438, 446-447 (1962)); *Gideon* v. *Wainwright* (372 U.S. 335 (1963)); *Douglas* v. *California* (372 U.S. 353 (1963)); *Lane* v. *Brown* (372 U.S. 477, 483-84 (1963)); *Hardy* v. *United States* (375 U.S. 277, 280 (1964)).

The more recent decision in *Miranda* v. *Arizona* has defined constitutional rights of an accused in an in custody interrogation setting to a greater degree. I cannot and will not subscribe to congressional tampering, futile at best, with these rights which the Supreme Court has been forced to protect against the onslaught of those who wish to curb crime by taking away our precious individual rights.

Finally, if title III should happen to function as it should in the ideal situation, the whole purpose of the title; namely, to allow interrogation of a defendant for a 3-hour period after his arrest, would be frustrated, for no attorney who has any competence in the criminal law is going to advise a defendant who is under arrest to make a statement to the police, and especially not during the 3 hours after his arrest, when, presumably, the attorney could not possibly have had enough time to make an intelligent investigation of the facts surrounding the police charges. Any competent lawyer would advise his client to remain silent until the lawyer has investigated the case and a committing magistrate has had an opportunity to pass judicially on the question of probable cause justifying the arrest by the police in the first instance.

The proponents of title III have argued that the necessities of law enforcement require that the police be able to interrogate suspects in order to elicit damaging statements from them. However persuasive such an argument may be, it is no longer permissible. The desirability of obtaining incriminatory admissions from uninformed or unappreciative defendants is no longer debatable. The practice has been prohibited by the Supreme Court. The Court specifically dealt with the issue in the *Escobedo* case:

"It is argued that if the right to counsel is afforded prior to indictment, the number of confessions obtained by the police will diminish significantly because most confessions are obtained during the period between arrest and indictment, and 'any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances' (*Watts* v. *Indiana*, 338 U.S. 49, 59 (Jackson, J., concurring in part and dissenting in part)). This argument, of course, cuts two ways. The fact that many confessions are obtained during this period points up its critical nature as a 'stage when legal aid and advice' are surely needed *Massiah* v. *United States*, *supra*, at —; *Hamilton* v. *Alabama*, *supra; White* ———— v. *Maryland*, *supra*.) The right to counsel would indeed be hollow if it began at a period when few confessions were obtained. There is necessarily a direct relationship between the importance of a stage to the police in their quest for a confession and the criticalness of that stage to the accused in his need for legal advice. Our Constitution, unlike some others, strikes the balance in favor of the right of the accused to be advised by his lawyer of his privilege against self-incrimination.

"We should have learned the lesson of history, ancient and modern, that a system of criminal law enforcement which comes to depend on the confession will in the long run be less reliable and more subject to abuses than a system which depends on extrinsic evidence independently secured through skillful investigation. As Dean Wigmore so wisely said:

"'*(A) ny system of administration which permits the prosecution to trust habitually to compulsory self-disclosure as a source of proof must itself suffer morally thereby*. The inclination develops to rely mainly upon such evidence and to be satisfied with an incomplete investigation of the other sources. The exercise of the power to extract answers begets a forgetfulness of the just limitations of that power. The simple and peaceful process of questioning breeds a readiness to resort to bullying and to physical force and torture. If there is a right to an answer, there soon seems to be a right to the expected answer—that is, to a confession of guilt. Thus the legitimate use grows into the unjust abuse: ultimately, the innocent are jeopardized by the encroachments of a bad system. Such seems to have been the course of experience in those legal systems where the privilege was not recognized,' (8 Wigmore, Evidence (third edition, 1940) 309). [Emphasis in original.]

"This Court also has recognized that 'history amply shows that confessions have often been extorted to save law-enforcement officials the trouble and effort of obtaining valid and independent evidence * * *' (*Haynes* v. *Washington*, 373 U.S. 503, 519).

"We have also learned the companion lesson of history that no system of criminal justice can, or should, survive if it comes to depend for its continued effectiveness on the citizens' abdication through unawareness of their constitutional rights. No system worth preserving should have to fear that if an accused is permitted to consult with a lawyer, he will become aware of, and exercise, these rights. If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement then there is something very wrong with that system."

In the *Escobedo* case the right to remain silent has been reinforced by the right to counsel. The inquisitorial system prior to indictment has been rejected. This is a matter of constitutional law. It is beyond the power of Congress to change. I do not see how a Senator can read the *Escobedo* decision and still support title III of the bill.

The sum and substance of this is that this committee has recommended to the Senate that it enact into law title III on the basis of a record before the committee which demonstrated that if title III is effective, the legislation would be useless, and if title III is ineffective, the legislation would be unconstitutional. The action of the majority of the committee just does not make sense.

Title III purports to create for the first time in the Federal system a right of interrogation for 3 hours. I believe that in practice this will be considered by the police as a license to resurrect the investigative arrest provided the person so arrested is not questioned for more than 3 hours. We must remember that the clearly unconstitutional practice of making an arrest on suspicion or for investigation grew up in the District of Columbia despite a clear constitutional provision that all arrests must be based upon probable cause; despite a rule of procedure which required that all arrested persons must be immediately presented before a magistrate; despite the absence of any statutory authorization for the interrogation of the arrested person. Now if the arrest for investigation could flourish despite such a constitutional, procedural, and statutory climate there is every reason to believe that it will reappear if the Senate authorizes 3 hours of interrogation of all arrested persons.

It is significant that the bill provides no protection against unlawful arrests. What will prevent the police from arresting a defendant for investigation, interrogating him until a damaging statement is obtained, and then using the statement to establish probable cause at the subsequent hearing before the Commissioner?

This is no theoretical problem. The report of the Commissioners' Committee on Police Arrests for Investigation (1962), the Horsky report, establishes that during 1961, 5,524 persons were arrested for suspicion, and 3,743 of these were listed as arrests for investigation. A higher number of arrests on suspicion or investigation were made in previous years. During 1960 and 1961, 17 out of each 18 persons arrested were ultimately released. A substantial percentage, perhaps as many as 45 percent of these arrests, were unlawful because there was no probable cause at the time of the arrest.

That committee recommended that arrests for investigation should be stopped. The chief of police replied to the report in a memorandum to the Board of Commissioners. In his memorandum former Chief Murray attempted to justify the existing practices.

That chief concluded his memorandum by urging the Commissioners not to implement the recommendations of their committee "until satisfactory alternatives are established to provide the police force with tools to continue an effective war on crime." The Commissioners disregarded his advice and ordered that the practice of police arrests for investigation should cease. The testimony of police officials before committees of the Congress during the last few years provides ample proof that the police do not regard the decision to be fair and that they are exploring all avenues to find "satisfactory alternatives."

The procedure permitted by the present bill would provide such an alternative. Ultimately these efforts will be thwarted by court decisions suppressing all statements obtained as a result of unlawful arrests. (See *Wong Sun* v. *United States*, 371 U.S. 471 (1963).) During the interval, title III of the bill will provide justification for their conduct. It is difficult to estimate how many citizens will be arrested unlawfully during the interval.

THE EQUAL PROTECTION OF THE LAW

Rule 5(a) of the Federal Rules of Criminal Procedure governs all criminal prosecutions in the Federal system in the United States. This is so now, and it will be so even if title III is enacted. Title III does not change the wording of rule 5(a). What it does do is to define the words "unnecessary delay," which appear in that rule, in one way for the District of Columbia, while leaving unchanged a quite different definition of those identical words which was made by the Supreme Court in the *Mallory* case. Is not the concept of equal protection of the laws inherent in the due process clause of the fifth amendment substantially invaded if the Congress says that the same rule of criminal procedure means one thing in the District of Columbia and another thing in the 50 States of the Union? We should not lose sight of the fact that the only thing that separates the District of Columbia from the eastern district of Virginia (and the Federal district court which sits in Alexandria, Va.) is the Potomac River. Does Congress have the power to say by legislation that the same rule of criminal procedure means one thing on one side of the river and another on the other side? It would seem obvious that a person arrested for a violation of the Harrison narcotics law in the District of Columbia cannot be legislatively subjected to an interrogation which would be impermissible if he were arrested in Alexandria, Va., or Baltimore, Md., for the same charge.

Nor should the Senate allow itself to be stampeded into the enactment of title III of the bill by those who seek to blame any increase in the District of Columbia crime rate on the U.S. Supreme Court's *Mallory* rule. The statistics which are offered to support this position cannot carry the burden which they seek to place upon them. Indeed, the then U.S. attorney for the District of Columbia, David C. Acheson, acknowledged that repeal of the *Mallory* rule would have little or no impact insofar as the prevention of crime is concerned (1965 hearings, pt. 1, p. 57).

The Department of Justice has acknowledged during the hearings before this committee that it is impossible to establish a cause and effect relationship between the District of Columbia crime rate and the *Mallory* rule.

Yet, 3 years after the *Mallory* decision, Oliver Gasch, the then U.S. attorney for the District of Columbia, reported "*Mallory* questions, that is to say, confessions or admission, are of controlling importance in probably less than 5 percent of our criminal prosecutions."

During the hearings in 1965, Mr. David Acheson, then the U.S. attorney for the District of Columbia, said that only a "handful" of prosecutions were declined by his office because of the anticipated impact of the *Mallory* rule (1965 hearings, pt. 1, p. 56).

I am convinced that title III is an unconstitutional piece of legislation.

Moreover, interrogation of the accused is alien to the traditions of our system of criminal justice, which is and should be accusatorial.

Finally, during the short life that title III would have until the Supreme Court declared it unconstitutional—which I think in all probability will happen eventually—it would create a volume of litigation that would clog the administration of criminal justice in the District of Columbia.

SEPARATE VIEWS OF SENATOR ROBERT F. KENNEDY

I am troubled by several of the committee's recommendations, as I was 2 years ago when the committee last reported a crime bill for the District of Columbia.

Of course I share the committee's concern over the problems of crime and delinquency in the District. Indeed, since the committee last considered these problems, the situation has in fact worsened. The Washington Post reported the other day that crime increased 30 percent in the Nation's Capital between October 1966 and October 1967. And for every person actually assaulted on our streets, thousands more hesitate to travel them at night for fear of attack.

We must therefore intensify our efforts to fight crime and make our streets safe for all of our citizens. Our police must be strengthened if they are to have the tools to enforce the law effectively. We need higher police salaries and new police training methods and facilities. We need reorganization of our police forces for greater efficiency, where that is appropriate. We need full utilization of all of the new technologies of law enforcement. And we must renew our commitment to eradicating some of the root causes of crime: inadequate education, rat-infested housing, joblessness, despair, and frustration.

TITLE III

All of these efforts are weapons in the struggle against crime. But title III of the bill—an effort to modify the *McNabb-Mallory* rule by permitting 3 hours of postarrest interrogation—is not such a weapon, and we should not delude ourselves that it is. It will neither strengthen our police forces nor eliminate the causes of crime.

In my separate statement two and a half years ago, I expressed doubts that those who urged a weakening of the *Mallory* rule had made their case. Developments since that time have, in my judgment, further eroded their position.

At that time it was unclear to me that the need for expanding the power of the police to subject suspects to interrogation had been demonstrated. Nothing has happened since then to convince me of that need. On the contrary, a number of studies of police interrogation practices have appeared, and most seem to take the view that "the value of confessions in law enforcement has been grossly exaggerated." That is the conclusion of Nathan Sobel, a respected judge of the Supreme Court of New York, who made a detailed study of the use of confessions and admissions as evidence in Brooklyn, N.Y. Just this month, the Yale Law Journal published a study of interrogation in New Haven, Conn., and concluded that "questioning was necessary to solve a crime in less than 10 percent of the felony cases in which an arrest was made."

In the period since the last bill, the District itself was the subject of a detailed study by the President's Commission on Crime in the District. The Commission's report, published last year, devoted 30 pages to a survey of "Police Interrogation and the Mallory Rule." One of its most striking conclusions was that "confessions are not essential to the successful prosecution of the vast majority of cases." Its tables show nearly the same percentage of convictions among suspects who made incriminating statements as among those who did not.

Yet the Commission was frank in acknowledging that its information was less than adequate; it, too, found that there is not enough relevant data, and that its own efforts to generate useful material had met with only partial success. So we still do not know enough. But in my judgment the burden of proof is on those who would dilute the *Mallory* rule. The reason is simple: the *Miranda* decision establishes that in-custody interrogation is constitutionally suspect, and will be tolerated only under the most carefully controlled conditions.

Indeed, I do not think the committee has adequately considered the change in the law worked by *Miranda*. Title III is unnecessarily vague on the protections which *Miranda* requires during this 3-hour interrogation—or any interrogation. The bill says merely that: "Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation."

But a provision that took *Miranda* seriously would spell out the minimum requirements of that case: that the suspect must be cautioned, that he must be offered the services of a lawyer, and—most crucially—that if he indicates an unwillingness to participate further, the interrogation must cease. The last is most crucial because the police seem to be authorized by title III to continue the questioning for up to 3 hours—even if the suspect indicates that he does not want to respond. If this reading is correct, title III raises the most serious constitutional questions.

Yet even if this part of the *Miranda* rule is complied with, title III seems constitutionally vulnerable. For one of a suspect's "rights under applicable law" is a right to a judicial determination of probable cause, but title III would delay this. The suspect also has a constitutional right to bail, but title III would cut it down. Rule 5(a) provides the machinery for implementing these rights and I do not believe that the courts of the District and the Supreme Court will stand for any tampering with it.

Title III is only the most recent of the attempts that have been made to repeal the *Mallory* rule since the Supreme Court promulgated it. But in my judgment the *Miranda* decision has made such attempts even more dubious constitutionally than they were in the past. *Miranda* emphasizes that a meaningful and effective warning to the suspect concerning his privilege against self-incrimination is crucial. Hence that decision may strengthen the Court's commitment to a requirement of prompt presentment before a magistrate. For there is mounting evidence that warnings given by the police in the stationhouse are not effective. The preliminary report of a Georgetown University study of *Miranda's* impact in the District states that "only 7.3 percent of all persons arrested on felony or serious misdemeanor charges made telephone requests for help from attorneys." It seems unlikely that this figure would be so low if it were a magistrate who ordinarily informed the suspect that he could have a lawyer.

Moreover, considerations of policy lead one to doubt the wisdom of title III. The tragic results over the past few years of poor relations between the police and our urban communities should dictate caution in adopting any provision which might exacerbate difficulties in police-community relations. Title III makes no express change in the standard for arrest—probable cause to believe that the suspect has committed a crime. But the fact that arrests will not be subject to an immediate judicial test of their legality could result in a return to the practice of making "arrests for investigation," arrests on less than probable cause.

Investigative arrests were attacked in the Horsky report 5 years ago, and officially prohibited at that time. Even though theoretically prohibited, they might begin to recur in practice if the law guaranteed a 3-hour delay before a judicial inquiry into the legality of the arrest had to occur. Whatever the legal standard, the de facto standard might be merely "suspiciousness." The language of title III appears to encourage this, since it provides that if a detained person is not charged, the detention shall not be recorded as an arrest in any official record. No doubt this is intended to protect the accused, but it may also encourage investigative arrests in practice.

Similarly, title III says that "any person arrested * * * may be questioned with respect to any matter." This seems to contemplate the arrest of people on a minor charge to question them about a serious crime, as to which there is no evidence of their involvement. A person might be arrested for vagrancy so that he could be interrogated about a robbery or a murder.

In my judgment these practices could generate misunderstanding and resentment in some areas of the District. One cannot read the studies of the disorders that have wracked our cities in recent years without recognizing that allegations of police misuse of the power of arrest has contributed to their eruption. Rule 5(a) creates a procedure for checking such misuse, and this is not the time to weaken that procedure.

Again, I emphasize that adequate tools of police investigation are vitally necessary to control crime. As a former law enforcement officer, I appreciate the difficult challenge that rising crime rates pose to those charged with preventing crime and apprehending offenders. But constitutional and practical considerations make the doubt that title III is a meaningful response to this challenge. This is even clearer now than it was 2 years ago. Title III is likely to provoke extensive litigation in an area which has become relatively settled over the past 10 years. The upshot of this litigation is likely to be a decision declaring it unconstitutional for any of a number of reasons, as I have suggested. And while it is in effect, it could provoke more disorder than it will deter.

Finally, title III seems to me to represent a diversion of our energies from meaningful ways of strengthening and supporting the police. We and they should be developing new techniques of investigation, not insisting on old ones, whose constitutionality is suspect, and whose effectiveness now seems in doubt. We should be strengthening the patrol operations of the police; expanding and modernizing their laboratory facilities; improving their communications equipment. We should be helping them to foster good relations between the community and themselves. And we should be attacking the breeding grounds of crime—poverty and hopelessness.

When the Congress legislates for the District, we should set an example for our cities and States where most decisions about law enforcement are made under our system. We should provide the model of a modern and forward-looking system for assuring security and justice to all our citizens. Title III does not seem adequate when measured by this standard.

TITLE II

I am also disappointed that the committee has retained section 201 of the 1965 bill (now numbered sec. 202), requiring a defendant who intends to assert an insanity defense to give notice of such intent within 15 days of the time he pleads. The House version of the present bill had adopted a requirement that seems much more reasonable to me, calling for notice either 30 days prior to trial or 15 days after the court has received a psychiatric report on the defendant, if one was ordered. This version is nearly identical with the recommendation that I offered in connection with the bill we considered in the 89th Congress.

I am still convinced that while some time limit on assertions of this defense is needed, the period provided in the bill is inadequate. The result of its enactment will be either the frustration of legitimate claims of insanity, or a flood of notices from defendants unsure whether they will raise the defense, but anxious not to waive their right to do so.

The notice called for by section 202 should not be required until a later stage in the proceeding.

TITLE VI

Finally, I must express again, as I did two and a half years ago, my dissatisfaction with the mandatory minimum sentence provisions of the bill. I believe now, as I did then, that our judges must be left broad discretion to determine the appropriate disposition of criminal cases.

No material that has come to my attention in the intervening period suggests that these mandatory provisions are wise. On the contrary, informed opinion remains nearly unanimous that they are not. They may even cause a jury to acquit, rather than convict a man whom it believes guilty but deserving of only a light sentence.

This view is firmly supported by the President's Commission on Crime in the District. It is their conclusion that: "Until reliable and detailed data are gathered, the Commission cautions against unsufficiently informed responses to reports of rising crime, which assume unproved relationships between sentence severity and crime control, and restrict the discretion and flexibility of the courts and correctional authorities to deal with convicted offenders. Unfortunately, such responses mask the need for experimentation with new sentencing alternatives and methods in the light of current knowledge in the fields of correction and the behavioral sciences."

Mr. MORSE. Mr. President, I shall now repeat what I said in my minority views on why the Mallory rule should not be changed.

My reason for opposing title III of H.R. 10783 can be summarized as follows:

First. The postponement of the presentation of a defendant to a magistrate for any period of time for the sole purpose of interrogating that defendant is an unconstitutional erosion of several of the rights guaranteed to an accused by the fourth, fifth, sixth, and eighth amendments to the Constitution of the United States.

Second. The clear purpose of title III is the circumvention and subversion of the defendant's constitutional right not to be convicted out of his own mouth.

Third. The philosophy of title III is foreign to our accusatorial system of criminal justice.

Fourth. As title III is now drafted, it will not even achieve the purpose its sponsors have in mind.

Fifth. Title III, as it is presently worded, raises serious problems of interpretation, is bound to provoke a heavy volume of litigation, and erects safeguards meaningful only to the wealthy.

Sixth. Since the bill allows at least a 3-hour delay between arrest and arraignment, it is bound to become in practice a device for arresting any person for investigation and interrogation for 3 hours.

I state further in my minority views:

The purpose of rule 5 and the Mallory rule are several:

First. To prevent conflicts over the nature of secret interrogations and to minimize the temptation and opportunity to obtain confessions as a result of coercion, threats, or unlawful inducements;

Second. To effectuate and implement the citizen's constitutional rights by insuring that a person arrested is informed by a judicial officer of his privilege against self-incrimination, his right to counsel, and his right to be admitted to bail and given an opportunity to exercise these rights; and—that is after arrest, we must remember.

Third. To protect the citizen from a deprivation of liberty as a result of an unlawful arrest by requiring that the Government establish probable cause to the satisfaction of a judicial officer before a citizen can be detained by the police.

I am at a loss to understand why this rule excites so much criticism.

Mr. President, the procedure in title III is an on-again, off-again procedure as far as arrest is concerned. It is neither fish nor fowl.

So, I raise this fundamental issue. Is a man arrested under title III, or is he not? Do not forget that if they do not decide to hold him, he will not be considered as having been arrested.

The issue is very simple. Before a police officer has any right to put the arm of arrest on the shoulder of anyone, he has to have probable cause for that arrest; and if he has probable cause for that arrest, he does not have the slightest justification to interrogate that prisoner prior to the time he is arraigned and the judge rules that he should be held.

Let us not fool ourselves. I said the other day, when I made a brief statement with respect to this matter, that I worked for some years, before I came to the Senate, in one crime survey after another in this country. I was editor in chief of the five-volume work of the Department of Justice that deals with the matter of criminal law procedure and enforcement in this country.

If you give this type of arbitrary, capricious power to police departments, you will develop various forms of police tyranny. That is the route that police departments invariably go when you give them this type of capricious, arbitrary power.

You will have various forms of third degree, and police departments do not need third degree techniques. That is why it is basic to the constitutional rights and to the preservation of our freedom in this country that police officers know that when they put the arm of arrest upon an American, they must have probable cause for that arrest. If they have probable cause, they can have him held under the basis of arraignment, but they should not be permitted to put that free man or woman to the interrogation that is permissible under title III.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MORSE. I will not yield at this time. I should like to complete my statement.

Mr. President, we cannot shuffle away the constant danger of third degree methods by police departments. That is what the District of Columbia government official warned me about over the telephone within the past few minutes. That is why the City Council is shocked by title III. In the District of Columbia, many ignorant people become involved.

You can say, "Oh, you don't have to say anything, and you can tell them all about their constitutional rights." In many cases, you are dealing with illiterates. You are also dealing with mentally disturbed people. The whole idea of the proponents of this proposal is that you are dealing with hardened criminals. If you have a hardened criminal, you can probably show probable cause with respect to him, and you can have him held under the arraignment.

This proposal will hurt the Metropolitan Police Department. If you think you are strengthening the hand of the Metropolitan Police Department by this course of action, you cannot be more wrong. You will build up more turmoil in the ghettos of Washington, where there is already great hate for the police, because the people in the ghettos of this city believe great injustices are being done to them.

I want to keep our Police Department in a position where there is not the slightest basis for false charges being made against them, because many false charges are being made against the Washington, D.C., Police Department.

My subcommittee of the Senate committee has jurisdiction over the Washington Police Department. I am proud of the Department, and I intend to back up the Department, as I have in all my years of service in the Senate. I am pleading not to give the Department this type of authority under title III, because it will make trouble for the Washington, D.C., Police Department. That is what the councilman warned me about this morning.

I cannot support title III in its present form. That is why I believe it should be stricken, and that is why I have offered this amendment. I point out my legal views with regard to this matter in my minority views. I believe that when this matter comes before the Supreme Court, the Court will have no choice but to rule that even the semantics of title III will have to be declared unconstitutional.

Mr. President, title III purports to create for the first time in the Federal system a right of interrogation for 3 hours. I believe that in practice this will be considered by the police as a license to resurrect the investigative arrest provided the person so arrested is not questioned for more than 3 hours. We must remember that the clearly unconstitutional practice of making an arrest on suspicion or for investigation grew up in the District of Columbia despite a clear constitutional provision that all arrests must be based upon probable cause; despite a rule of procedure which required that all arrested persons must be immediately presented before a magistrate; despite the absence of any statutory authorization for the interrogation of the arrested person. Now if the arrest for investigation could flourish despite such a constitutional, procedural, and statutory climate there is every reason to believe that it will reappear if the Senate authorizes 3 hours of interrogation of all arrested persons.

It is significant that the bill provides no protection against unlawful arrests. What will prevent the police from arresting a defendant for investigation, interrogating him until a damaging statement is obtained, and then using the statement to establish probable cause at the subsequent hearing before the commissioner?

This is no theoretical problem. The Report of the Commissioners' Committee on Police Arrests for Investigation, 1962—the Horsky report—establishes that, during 1961, 5,524 persons were arrested for suspicion, and 3,743 of these were listed as arrests for investigation. A higher number of arrests on suspicion or investigation were made in previous years. During 1960 and 1961, 17 out of each 18 persons arrested were ultimately released.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The 10 minutes of the Senator have expired.

Mr. MORSE. Mr. President, does the Senator from Massachusetts desire that I yield time to him?

Mr. KENNEDY of Massachusetts. If the Senator will be kind enough to yield some time.

Mr. MORSE. How much time does the Senator desire?

Mr. KENNEDY of Massachusetts. Four or 5 minutes.

Mr. MORSE. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, I appreciate the courtesy of the Senator from Oregon.

I wonder whether I could enter into a dialog with the distinguished Senator from Nevada about an aspect of the bill—actually what I consider a deficiency of it—which has not been touched upon in the report or in the comments made earlier this morning by the distinguished Senator from Nevada.

I believe all of us are aware of the comments of both the President's National Crime Commission and his District of Columbia Crime Commission in their reports to the American people about the importance of gun control legislation. I believe many of us are deeply distressed because the committee which considered and reported anticrime legislation for the District of Columbia did not include gun control legislation. I know that some legislation has been proposed for the improved control of handguns in the District of Columbia, but even that legislation has not been considered by the committee. Certainly any comprehensive review of gun controls in the District of Columbia would also have to include the question of the need for control over long arms as well.

Because of the extraordinary amount of deliberation that has been given to this problem by the Committee on the Judiciary over a number of years, there is available to all the Members of this body a very complete and exhaustive record as to the need for both national and local gun control legislation.

I should like to ask the distinguished chairman of the committee whether or not this matter of gun controls was considered by the committee when it discussed the crime problem, and I should like to hear the views of the distinguished chairman with respect to this matter.

Mr. BIBLE. I thank the Senator from Massachusetts. The question he asks is certainly proper.

I am sure the Senator knows that there is in existence a law in the District of Columbia requiring the licensing of hand guns. This matter was not considered at the time we discussed the omnibus crime bill. I assured my distinguished colleague on the committee, the Senator from Maryland, during the time we had our committee deliberations, that there would be a hearing on this bill early next year, in January or Februrary. Before the committee is a bill to strengthen—I believe that is the correct word—the present registration law in the District of Columbia.

The District of Columbia already has a law on this subject. It may be weak in certain areas, and, if so, perhaps it should be tightened up. I do not know. We have had no hearings this session on this bill. There were hearings in an earlier session on a similar bill.

But I say to the Senator from Massachusetts that there will be a hearing on this matter early next year, in January or February. It will be submitted to the committee.

I have also assured the Senator from Maryland, who has some questions as to the ultimate action of the committee, that if the committee should reject such a bill, there will be ample opportunity on other bills coming from the Committee on the Judiciary, because we plan to move forward in bolstering the judicial framework in the District of Columbia. There certainly will be ample opportunity, first in the committee—whatever the final action of the committee might be; and if the final action of the committee is adverse with respect to a strengthening of the gun registration bill, there will be an opportunity on the floor of the Senate for the Senate to work its will insofar as a gun registration bill for the District of Columbia is concerned.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Oregon yield me 1 additional minute?

Mr. MORSE. I need all the time I have, but I yield 1 additional minute to the Senator from Massachusetts.

The Senator from Nevada will be of assistance to me later in this respect, I am sure.

Mr. BIBLE. Certainly.

Mr. KENNEDY of Massachusetts. Of course, the reassurances given by the Senator from Nevada are extremely important. We are all realistic enough to know that there can be no binding schedule, but I understand from what he has said that there will be an opportunity for hearings in the early part of next year, and then an opportunity for the Senate to work its will.

Mr. President, I appreciate the comments of the Senator from Nevada. All of us are aware of the importance and persuasiveness of the report of the President's Commission on Crime in the District of Columbia. It has pointed out that in spite of the fact that there is already in existence a gun control law in the District, there is a definite need for additional gun control laws, and that is something which I think is important and significant, particularly when we are addressing ourselves, as all of us now are, to the problems of crime in this country's Capital City.

I thank the Senator from Nevada.

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. MORSE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I am the person who stopped investigative arrests in the District of Columbia, not only on the basis of these statistics when they were called to my attention, but also when I discovered a situation involving a young colored man on my patronage assigned to the post office in the basement of the New Senate Office Building. He had to go to work at 4 o'clock in the morning. Without my knowledge, for some time he was stopped several times by patrolmen in squad cars as he was simply walking along C Street on his way to his job, since he lived near the Senate Office Building. He was subjected to a lot of interrogation. That is one of the great evils of police abuse that has to be watched. They would not arrest him but they arrested many people under like circumstances.

You could not walk in the streets at 4 o'clock in the morning, particularly if your skin was black, without a patrolman stopping and subjecting the person to interrogation as to his whereabouts and where he was going when all he was doing was walking in the streets.

Mr. President, the same young man got off a bus in Georgetown to go to a dinner to which he had been invited. A patrolman stopped him and insisted that a policeman take him to the house where he said he was going, or he would have to get back on the bus or go to the police station. He got on the bus. I do not have to tell the Senate what I did. I got that kind of abuse stopped.

I warn the Senate this morning that if title III is adopted it will spring up under a different cloud. This is a dangerous and deadly thing the Senate is about to adopt, as far as the rights of free men and women in the District of Columbia are concerned.

Therefore, I am not going to support title III because I think it will lead to the abuse of arrests for investigation which I thought we had stopped in the District of Columbia.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MORSE. I yield 2 minutes to the Senator from Maryland.

Mr. TYDINGS. I thank the Senator from Oregon.

By way of supplement to the dialog between the Senator from Massachusetts [Mr. KENNEDY] and the chairman of the committee, in April of this year I introduced S. 1650, which is similar to a prior bill which I introduced in the 89th Congress as S. 1633 to require registration of pistols and contained certain other provisions relating to the possession and carrying of firearms in the District of Columbia. During the 89th Congress we held hearings on S. 1633, which is the same bill as S. 1650.

The Senator from Nevada assured me during the consideration of the crime bill, at which time I propounded the possibility of attaching my pistol registration bill as a rider to the crime bill, there would be a vehicle from the Committee on the Judiciary during the first 2 months of 1968 whereby it would be appropriate or at least possible to offer the amendment, assuming I could attach it in committee. In all candor I am doubtful that I would be successful in attaching it in committee.

The bill I introduced in the 89th Congress and the 90th Congress was prepared with the assistance of the Department of Justice. It is a product of the Crime Commission recommendation, the President's Crime Committee, and the District of Columbia Crime Committee.

Basically, it would tighten up the present pistol registration law on the District of Columbia. The present law requires a permit to carry a pistol. My proposal would be to require a permit to carry or possess a pistol. The present law forbids pistol sales to minors. My proposal would forbid the sale or possession of pistols by minors.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, will the Senator from Oregon yield me 2 additional minutes?

Mr. MORSE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oregon has 8 minutes remaining.

Mr. MORSE. I yield 2 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, the present law forbids possession by felons, drug addicts, and those convicted of specified crimes. My proposal would extend the prohibition to drug users, alcoholics, or the mentally incompetent as well.

The present law has no restriction on long guns. My proposal would prohibit carrying long guns unless they were unloaded and encased. My proposal would add 10 years as a penalty for using firearms in a crime.

Finally, my proposal would revise the regulations as to licensing of sellers, manufacturers, and repairers of firearms to require records of sales and repairs be kept. In addition, my proposal would prohibit sales except to those with permits to possess or carry firearms.

Mr. President, I appreciate the assurances which the Senator from Nevada made in private to me and in public to the Senator from Massachusetts. I thank the Senator from Oregon for his patience and consideration.

Mr. MORSE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, I have promised to yield 2 minutes to the Senator from Michigan. I think the Senator from Iowa [Mr. Miller] would like to have some time but since I know he is for the bill, I cannot give him my time.

Mr. BIBLE. Mr. President, I shall yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator request that rule XII be suspended?

Mr. BIBLE. For an additional 2 minutes; yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I yield 2 minutes of my time to the Senator from Michigan.

Mr. HART. Mr. President, I guess I have less a question than a comment and I make my suggestion to the chairman of the committee as well as to the Senator from Oregon.

Mr. President, 2 minutes is not long to express the concern which I seek to voice. We have been given 1 hour to dispose of the bill. In the brief time that it has been considered we have been told that one title of the bill, in all probability, will be held to be unconstitutional, or certain of that title will be held to be unconstitutional.

That is a very serious suggestion. I have sat here listening to lectures about our responsibility to uphold the Constitution, which includes opposing legislative enactment which will do it violence. The Senator from Oregon [Mr. Morse] did not have time to develop his arguments. Indeed, he did not have time to put his speech into the Record. He asked unanimous consent that his report be made a part of the Record so that we may read it. But when? Well, the same day we read it, which will be tomorrow, we shall have passed the bill. We have been told during these brief minutes of debate that Title III is a dangerous and deadly thing. We have not had an opportunity for sufficient explanation, although I happen to bring a prejudgment to the floor of the Senate. Indeed, I do think it is a deadly and dangerous thing—that is, to say we can hold a man for 3 hours. We probably will get away with it, unless we know a Senator or are on a Senator's patronage list, or he is my son. But if he is just some poor guy who happens to come along in the middle of the night——

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. MORSE. Mr. President, I yield 2 additional minutes to the Senator from Michigan. He is making a much better speech than I am on this subject.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. No, no. But this is my concern. I make a third point that we have been asked again by the newly created government of the District of Columbia not to act on this today until they have had an opportunity to be heard.

My question, then, goes to anyone: Why, in heaven's name, under the circumstances, do we sit around and pretend that we are legislating constructively under a 1-hour time limitation? Why do we not put this thing over so that we will have an opportunity fully to develop our arguments?

Mr. MORSE. I am sure that the Senator's question is not directed to me, because my answer would be that I cannot answer it. I agree with the Senator from Michigan.

Mr. BIBLE. Mr. President, I should like to respond to the Senator from Michigan. The time limitation was voluntarily entered into. There was no pressure indicated for extra time. The Senator from Oregon and I voluntarily entered into the time limitation because we have spent hour after hour after hour on the bill with no time limits whatever.

I do not know how many hours we spent discussing this very same question of the Mallory rule. It has been with us for year after year after year. I would say to my dear friend from Michigan——

The PRESIDING OFFICER. The 2 minutes of the Senator from Nevada have expired.

Mr. BIBLE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 additional minutes.

Mr. BIBLE. Let me say to my dear friend from Michigan that I think the ultimate in whatever we do here will be settled by the court of last resort; namely, the U.S. Supreme Court. I would welcome that kind of final test. We have discussed it ad infinitum. We have heard it discussed every year for about the past 10 years. I think it is high time now that we should have the final Supreme Court test.

Mr. HART. But something new has been added since this debate, as I understand it, the new District of Columbia government has come into being, which we advertise as having some dignity and strength. We have been asked not to act on this until they have had an opportunity to be heard. I am not suggesting that there is an involuntary giving of unanimous consent. I criticize myself for not having been in the Chamber to say "Wait a minute."

I ask the question now: Will Christmas and New Year's collapse if we do not wait until January so that the Government of the District of Columbia can be heard?

Let us read the speeches that will be printed in today's Record.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. BIBLE. Mr. President, I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator from Nevada is recognized for an additional 30 seconds.

Mr. BIBLE. On the point made by the Senator from Michigan, I noted earlier the letter from the Chairman of the Council. I met with him at length on yesterday and I indicated to him that title III would be in conference no matter what the Senate did, that even if the Senator from Oregon prevailed, title III would still be in conference.

We have heard from the District of Columbia government time and time again. Here at the eleventh hour, just as we are going into the final stage, they say, "Will you delay further?"

I say they can make their views known to us. We will certainly do everything we can to take their views into consideration as we go to conference.

Mr. President, with respect to the amendment of the distinguished senior Senator from Oregon [Mr. Morse] to strike the Mallory provision of this bill—title III—he has few peers in his articulate capability, knowledge of his subject, and conscientious dedication to a principle. However, the Mallory rule provision of title III of this bill is where I must part company with him.

The Mallory rule has long been a problem in the District of Columbia. For over a decade that rule has caused uncertainty in local law enforcement.

There have been nearly 150 court decisions relating to Mallory questions in the District. Many of them conflict and some of them have caused the release of guilty men.

Police and prosecutors are in need of clear guidance in this area of the law. In the absence of guidance, interrogation and use of confessions or statements have been severely curtailed. Yet, as the District of Columbia Crime Commission concluded: (1) police interrogation plays an important part in law enforcement, and (2) the presence of a statement or an admission affects the outcome of a case.

We need clear, statutory law on post-arrest questioning and the admissibility of confessions to aid law enforcement.

In my judgment, it is the duty of Congress to judge, in its wisdom, what it believes to be constitutional standards and to exercise its legislative responsibility. The judicial branch of the Government likewise must exercise its responsibility and pass upon the constitutionality of laws enacted by the Congress.

I do not believe the Congress should sterilize itself in acting on the premise that a congressional enactment should not be carried out because of any constitutionality question mark. I believe the public interest here makes it necessitous that we act so the court can act, if it so chooses.

Mr. President, day in and day out the Congress deals with this question mark in every law we pass. We cannot shirk that duty because of it. Title III, as amended by your committee, authorizes questioning of any person arrested in the District of Columbia for 3 hours immediately following arrest, provided such person is accorded all of his rights under applicable law respecting such interrogation. Obviously, applicable law is intended to mean, and does mean, the guidelines laid down in the Miranda decision of June 13, 1966.

Your committee believes that title III protects the rights of the accused and, at the same time, aids the police by defining a time interval during which they can conduct any questioning in accordance with law, without fear of arbitrary exclusion of any resulting statement. The specific rights of the accused, constitutional or otherwise, are purposely not enumerated in the statute itself. New court decisions on such subjects as the right to counsel, the warnings which must be given, and so forth, can be anticipated, so it is deemed impractical and undesirable to codify such current decisions as Miranda against Arizona. As an example, the U.S. Supreme Court this week is hearing arguments on the "stop and frisk" law enacted by several States as to whether such a stop and such a frisk are constitutional. It is not beyond the realm of possibility that the Supreme Court may move into the area of its decision enlarging upon post-arrest procedures. Even in Miranda, the Court lent encouragement both to the Congress and to the States "to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws."

As the committee report states, in my opinion the Supreme Court in the Miranda decision would not rule out reasonable interrogation by police officers where an individual has been advised of his constitutional rights, such as right to counsel and right against self-incrimination. These are strong safeguards and are to be provided at the earliest possible time that an individual comes into contact with law enforcement officers. The Miranda case does not only advise an individual of his right to counsel, but in fact requires counsel to be provided when requested. Equally important is the fact that a person has a right to stop the interrogation at any time or at any place, even though he has consented initially to be questioned.

In my view, a close reading of the Miranda decision demonstrates that title III is constitutional, and the Supreme Court did not intend to foreclose the Congress from legislating with postarrest procedures. In that connection, the Supreme Court stated:

> It is impossible for us to foresee the potential alternatives for protecting the privilege which might be devised by Congress or the States in the exercise of their creative rule-making capacities. Therefore we cannot say that the Constitution necessarily requires adherence to any particular solution for the inherent compulsions of the interrogation process as it is presently conducted. Our decision in no way creates a contitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect. We encourage Congress and the States to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws.

In the debate here today, title III has been specifically cited as violating constitutional principles. The criticism of this section appears to be unfounded. Clearly, reasonable detention without interrogation by police officers is no more a violation of constitutional rights than is detention for purposes of interrogation, and we know that the Miranda case clearly sanctions the latter. The Miranda decision stands as enunciated, and nothing that we do here today as legislators will alter or amend the total effect of the Miranda decision. The Supreme Court made this patently clear when it stated in the Miranda case:

> Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

Clearly, the basic rights and safeguards as enunciated in Miranda cover all individuals and it would be for the courts to apply such rights and safeguards as it may see fit to so do in all instances of detention by law enforcement officers.

For these reasons, I think such arguments made against title III are without validity.

Certainly, in any criminal procedural statute, the challenge is to strike a balance between protecting the rights of the accused and protecting the law-abiding citizen from criminal molestation. It is the committee's judgment that title I, as amended, meets that test squarely.

The complexities of the Mallory rule question are admitted. There is no question that the courts of the entire country are watching the Mallory developments, not to mention law enforcement officers. As an example the highly respected former Chicago Police Superintendent Orlando W. Wilson, testifying before your committee on this subject, expressed a fear that the Mallory rule, as made more restrictive by the District of Columbia Circuit Court of Appeals, might be adopted by other State courts and possibly by the legislatures of States looking to the Congress for guidance. He said:

> There is always lurking in the back of my mind the fear that the Mallory Rule may one day be imposed countrywide on all law enforcement agencies, placing the Chicago police in the same position that the Metropolitan Police are confronted with here. . . . This I think would be disastrous for our country.

I want to call to the attention of the Senate the most succinct statement on the Mallory rule problem I have ever heard. Its brevity makes its impact. That statement was also made by Superintendent Wilson of the Chicago before our committee. He said:

> I feel that the purpose of the machinery of criminal justice should be to ascertain the truth so that the innocent may be freed and the guilty punished. The Mallory Rule arbitrarily excludes the truth on the peculiar theory that by doing so, the court can punish the police for what the court considers to be a violation of the rights of the accused. But it is society that is being punished; not the police. The only beneficiary is the criminal. As a consequence, crime is overwhelming our society.

Mr. President, I submit that the Nation's Capital City cannot delay longer in taking an affirmative step, small though it may be, to bring criminals to justice.

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 minutes.

Mr. MILLER. Mr. President, first, I should like to point out, in connection with the language, that any person arrested in the District of Columbia, I would certainly so intend, be a lawful arrest and not an unlawful arrest.

Second, with regard to the 3 hours, I have read the Senator's minority views and I know that he has suggested the 3 hours might be continued over a long period of time. But I would say that the intent is that it be 3 consecutive hours.

Finally, in the course of the arguments on constitutionality, let me point out the one critical sentence in title III so far as constitutionality is concerned:

> Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation.

I should like to have a comment from the Senator from Oregon on that.

Mr. MORSE. Such an arrest would mean, in a number of cases, an investigative arrest. The title III also provides that if they let him go, there is no record made of the fact that they stopped him. That is the kind of deceit we should not write into legislation.

The Supreme Court says that he must be arraigned without unnecessary delay. Three hours certainly does not meet the test of the Supreme Court's "without unnecessary delay." In my judgment, we have got to take the suspect forthwith, before a committing magistrate. That is why I have taken the position I have for many years, that we should get busy and have night courts, such as they have in the great metropolitan areas of this country, so that the police cannot take someone into jail and subject him to the third degree, which is typical of too many of the police departments in this country.

If we want to protect the police departments from being pressured into participating in that kind of conduct, then let me say we should not adopt title III. If we are going to have investigative arrests, if we are not going to carry out the constitutional rights of the individual, let me say that we are going to have to deal with a good many ignorant, illiterate people, including a good many Negroes who fear the police, who will do anything to stay out of jail. They tell us when we talk to them, that they are afraid of what will happen to them in jail. That is why we have got to get a judicial officer between the police officer and the Negro, the white person, the illiterate, the ignorant—and see that the judiciary protects them from the police being given the kind of arbitrary power which is proposed in title III.

Mr. LAUSCHE and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. Who yields time on the bill?

Mr. BIBLE. Mr. President, I yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. I thank the Senator from Nevada very much.

Mr. President, I have made up my mind that I am not going to let this issue pass through the Chamber any more, without at least saying something about it.

I live in a law-abiding area of the city. I leave home rather early in the morning but not without considerable concern and making sure that my house is protected by more than just ordinary locks on the doors.

The other morning, we all read in the newspaper of the young woman who was attacked by 20 or more assailants, who assaulted and ravished her within less than 2 hours' time. I do not know the record of what became of the case but the probabilities are that the police, being so restricted and restrained in their efforts to apprehend criminals, have so far not been able to apprehend the perpetrators, at least not many of them.

We are not living in glass houses. Neither are we living in a glass society. We must make our rules of criminal law and procedure meet the realities of the exploding crime rate in this country. Otherwise, we are fooling ourselves. I do not believe there is any more innate wrong in the minds and hearts of the people of this country now than there was a generation ago.

The trouble is, so many restraints have been taken off the criminal element, and so many restrictions and restraints have, instead, been placed upon the law enforcement officers and their procedures.

Such a situation is already intolerable. We hear that crime is the greatest issue before the people at this time. We also heard from the President on yesterday, to pass a crime bill. Well, we had one passed in Congress last year, but it was vetoed by the President.

What are we going to do today with this matter of procedure? There is an abundance of protection for the criminal——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. I thank the Chair, and I thank the Senator from Nevada for yielding to me.

Mr. BIBLE. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute remains to each Senator.

Mr. LAUSCHE. Mr. President, will the Senator from Nevada yield to me?

Mr. BIBLE. I yield 30 seconds to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 30 seconds.

Mr. LAUSCHE. Mr. President, I vigorously disagree with the proposals made by the Senator from Oregon.

The time has come in this country when we must begin to think about the innocent a little bit more, recognizing that under the constitutional principles and procedures of the past, the criminal has already been given adequate protection.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUSCHE. Expired?

Mr. MORSE. Mr. President, I will take my minute so the Senator from Nevada will have the right to close.

I may say to the Senator from Ohio that I am thinking of the presumption of innocence. We would not have it if we adopted title III, which permits——

Mr. LAUSCHE. I was on the bench for 10 years and I know more about it than the Senator does.

Mr. MORSE. I have answered the Senator from Ohio. The fact that he is against me does not convince me at all. What we have to do here is to determine whether or not we are going to protect the people of this country in their constitutional rights.

My further comment to the Senator from Michigan [Mr. HART] is that we are going to accomplish something of what he seeks to obtain by voting on my amendment to strike out title III of the bill. The Senator from Nevada says we are going to have title III in the bill anyway in conference. Vote to strike it and we will strike a blow in the Senate to protect the constitutional rights of the innocent as well as the guilty in this country.

Mr. KENNEDY of New York. Mr. President, I support the amendment of the Senator from Oregon. I have serious misgivings about title III. I have filed separate views in the committee report, and I appreciate the Senator from Oregon inserting them in the RECORD, but I wish to address the Senate directly as well. For I am increasingly convinced that enactment of this provision is unwise and, depending on how it is read and interpreted, unconstitutional as well. By enacting title III we shall be burdening the courts with a volume of litigation as vast as it would be unnecessary. We shall be treating the problem of crime with a measure that may provoke more disorder than it will deter. And we shall be doing the people of the District a disservice—we shall be doing the police a disservice—by pretending that the enactment of title III is a meaningful response to this problem. We must do more, and we must do better, if we are to stem the tide of crime and delinquency.

Let me make it clear that I share the dismay which the stubborn rise in crime has inspired throughout the District—and indeed throughout the Nation. A recent column in the Washington Post contained the appalling statistic that crime in the District increased 30 percent between October 1966 and October 1967. While I have not seen a breakdown of this figure, my guess is that it would show especially marked increases in crimes of violence—crimes that bring tragedy to a whole circle of family and friends, and cause ripples of fear throughout the whole community. FBI Director J. Edgar Hoover reported yesterday that the average American's chance of being a victim of some crime increased 14 percent in the past year—and this national figure is almost surely equaled or surpassed in the District. Crime is less and less something that happens to someone else.

Crime claims other kinds of victims as well. Fear of violence drives the more affluent, more mobile groups from the District, depriving the Capital of the resources they could contribute toward making it a great seat for our Nation's Government. A rising crime rate drives up the costs of doing business, drives up the cost of insurance—in many cases makes insurance unavailable at all—frustrating efforts to revitalize the economic life of our urban neighborhoods. And an atmosphere of violence and insecurity creates temptations for the young, implants the idea that the good things in life can be won by taking shortcuts, undermines honest ambition and encourages cynicism.

So I do not underestimate the dimensions of our crime problem.

But a problem as far-reaching as this demands far-reaching solutions. It makes demands on all of us. And of course the police feel the weight of it most directly. We must help them in their complex and difficult task. We should support them with higher salaries and better training methods and facilities. We should help them to reorganize their forces for greater efficiency. We should make available to them the new technology of scientific law enforcement. And we should ease their burden by facing the fact that crime is not just a police problem—and acting on that fact by renewing our commitment to better education, better housing, better health care, better jobs for all our citizens.

A program such as this would control the rise in crime. Title III will not.

In the two and a half years since the

Senate last considered a crime bill, more and more evidence has accumulated to support this conclusion.

Over those 2½ years, a number of studies of police interrogation have been published, careful, thorough examinations of the practice that title III would make the mainstay of police investigation. These studies clearly establish that "the value of confessions in law enforcement has been grossly exaggerated." That is the conclusion of Judge Nathan Sobel, a respected judge of the Supreme Court of New York. The reason for his conclusion is that the vast majority of crimes that are ever solved occur between people who know each other. Witness testimony is what convicts people, not confessions.

But we need not look to New York for proof. The District itself has been searchingly studied by a Commission on Crime appointed by the President. Its report was published last year. The report devotes 30 pages to a study of the problem raised by the Mallory rule and concludes that "confessions are not essential to the successful prosecution of the vast majority of cases." Even more to the point, it concludes that defendants who do not confess are convicted just as frequently as those who do. Mr. President, we cannot close our eyes to the evidence that more and lengthier police interrogation simply will not solve more crimes. Yet title III ignores that evidence.

But other developments in the past 2½ years strongly suggest that we do not have the right to authorize that kind of interrogation. Since we last considered this problem, the Supreme Court has made it unmistakably clear that lengthy police interrogation is repugnant to the Constitution. I refer of course to the Miranda decision, handed down well over a year ago. I believe that title III can be read—and might be read by the courts—to be inconsistent with both the letter or the spirit of that decision, as well as with other constitutional prescriptions.

If the bill is interpreted to mean what it says on its face, I think it is unconstitutional, as I shall explain.

By authorizing 3 hours of interrogation, it seems to ignore the clear directive of Miranda that police questioning must cease whenever a suspect chooses not to cooperate. Title III seems to give 3 hours in which to persuade the suspect to cooperate but Miranda says that that kind of persuasion is unacceptable.

Miranda gives the suspect the right to have a lawyer, and states that there shall be no questioning until a suspect's request for a lawyer is granted.

But by permitting the suspect to be held for 3 hours at the police station, we provide the possibility that the warning, made not by the magistrate in open court but by someone else in private, will be less than full and clear. Indeed, a Georgetown University study of Miranda's impact in the District shows that only 7.3 percent of the suspects questioned by police requested lawyers. It would appear that the warnings they received might not have informed them effectively of the assistance a lawyer could give them. Title III thus seems to invite a warning about right to counsel which is less than the full and effective warning which Miranda prescribes.

The bill has the same infirmity with respect to the warning that the accused has a privilege against self-incrimination. Miranda says that this warning is crucial. It says that the privilege is at the heart of our system of criminal justice. The suspect must have a fair opportunity to claim the privilege. But the bill raises the possibility that warnings about this privilege will not be effective, since it allows the warning to be made by men whose interest is that the suspect will waive his privilege.

If the bill were read as I have described, it would almost certainly be held unconstitutional. But I cannot believe that the Senate would knowingly enact a bill that is repugnant to the Constitution. I do not believe that this reading—although seemingly invited by the bill's language—is intended by the Senate.

My understanding of the bill is therefore that it is meant to be consistent with Miranda, that it respects the rules of that case. When it preserves the suspect's "rights under applicable law," I read it to mean that the constitutional requirements of Miranda must govern whenever the statute seems in conflict with them.

This means that the police must carefully and sympathetically warn the suspect of his right to remain silent. It means that the police must sympathetically explain that the suspect may have the advice and support of a lawyer if he wants it. And it means that the police must understand that the 3 hours authorized by the bill is only an outside limit. Constitutionally acceptable questioning must stop far short of that time limit if the suspect so desires.

It is not only Miranda that dictates a narrow construction of title III. The law of arrest—based on the requirement of probable cause—also is superior to any statute we might pass. And title III may invite arrests on less than probable cause in order to question a suspect. For it delays, and as a practical matter may prevent altogether, a judicial test of probable cause—the kind of test intended by the rule requiring prompt arraignment.

The temptation will be strong to make what used to be called "arrests for investigation" arrests on less than probable cause, for the purpose of interrogating the arrested person in the hope of turning up a lead. Those who drafted Federal rule 5(a), many of them men with long experience in law enforcement, knew the strength of this temptation. That is why they insisted on an independent determination of probable cause, a determination by a judge, in a courtroom, a determination away from the pressures of the street and the station house.

Even though title III does not change the legal standard for an arrest, we should face the fact that, if it were enacted, the de facto standard might become merely "suspiciousness." Indeed, the language of title III seems to encourage this, since it provides that if the suspect is not charged, the detention shall not be recorded as an arrest in any official record. No doubt this is meant to spare the suspect the embarrassment of an "arrest record" but in practice it would also spare the police the necessity of defending their detaining him.

Here again, I cannot believe that the Senate intends to erode the protection of the fourth amendment. I therefore read the bill to authorize no diminution of the requirement of probable cause. Title III is not a license to the police to disregard that one requirement. We have no authority to grant such a license, and I cannot believe we are claiming that we do.

But, Mr. President, apart from these difficult constitutional questions, I doubt the wisdom of enacting title III. Other events of the past two and a half years convince me that it is unwise to tamper with the provisions of rule 5(a). I refer to the terrible disorders that have wracked our cities summer after summer. In my judgment, the arrest practices that title III might encourage could generate misunderstanding and resentment in many areas of the District. One cannot read the studies of the urban riots without concluding that they have been sparked by police-community tensions—a sense of alienation and hostility among slum-dwellers, which rightly or wrongly is directed at the police. Almost every one of these explosions has begun over an allegedly unwarranted, unlawful arrest. Rule 5(a) creates a procedure for deterring such arrests, and in my judgment this is not the time to weaken that procedure.

Again I emphasize that adequate tools of police investigation are vitally necessary in the fight against crime. Imaginative and resourceful police work makes an indispensable contribution to the control of crime. But we should be helping the police to develop new techniques of investigation, not insisting on old ones whose constitutionality is suspect, and whose effectiveness now seems in doubt. We should be strengthening the patrol operations of the police; expanding and modernizing their laboratory facilities; improving their communications equipment. We should be helping them to foster good relations between the community and themselves. And we should be attacking far more vigorously the breeding grounds of crime—the swamps of poverty and hopelessness in which so many are sunk.

The police cannot do it alone. They need our support. But we are deluding ourselves and misleading them if we think that the enactment of title III will help them. In my judgment it will only aggravate their difficulties. It will embroil them in complex constitutional litigation. I think it will also produce numerous suits against them for false arrest—civil actions asking damages for unlawful detention. If I am right about the effect of title III, many of these suits will succeed. Zealous police officers, anxious to do their job, will find themselves rewarded by an embarrassing and expensive judgment for damages. And they will only have done what we urged them to do. Finally, the temptation to take advantage of title III could destroy the good results of our police department's efforts to improve police-community relations. Resentment and bitterness in the ghettos will lead to more crime, more hostility, and less cooperation even from the law-abiding. We do the police no favor by bringing these results about. That is not the way to support our police in the fight against crime. It is easy, it is quick, but it will be fruitless, and worse than fruitless.

Mr. President, if we are to make effective use of the Police Department's resources of courage, dedication, and intelligence, we must face the fact that law enforcement is entering a new era. All the evidence that has come to light since we last considered a crime bill is evidence of a new era. Interrogation does not work any more—if it ever did. Constitutional standards of due process make old methods of police work unacceptable. A heightened sense of injustice among the poor makes them resent mistreatment by officials even if those mistreated are criminals.

Let us not persist in efforts to turn the clock back. Let us accept the challenge of this new era. Let us provide here in the District the model of a modern- and forward-looking system for assuring security and justice to all our citizens. I think we must begin by rejecting title III.

Mr. BIBLE. Mr. President, title III should be retained by all means. In our considered judgment, it is constitutional. We have the benefit of the views of the Justice Department. If title III is retained in the bill, we are reasonably sure it will be signed into law by the President of the United States. In any event, we could stay here for weeks and months arguing the constitutionality of title III. It will still remain for the Supreme Court or some of the higher courts to determine.

I recommend and suggest that the amendment of the Senator from Oregon be defeated.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on the amendment of the Senator from Oregon.

Mr. BIBLE. Mr. President, I ask unanimous consent that we may have a brief quorum call, with the understanding that the time not be taken out of either side.

The PRESIDING OFFICER. The Senator has that right.

Mr. BIBLE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll for a quorum.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment of the Senator from Oregon. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. Clark], the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. Fulbright], the Senator from Minnesota [Mr. McCarthy], the Senator from Minnesota [Mr. Mondale], the Senator from Missouri [Mr. Symington], and the Senator from Georgia [Mr. Talmadge] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. Eastland] is absent because of illness.

I further announce that the Senator from Louisiana [Mr. Ellender], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Magnuson], and the Senator from Connecticut [Mr. Ribicoff] are absent on official business.

I further announce that, if present and voting, the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], and the Senator from Washington [Mr. Magnuson] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Missouri [Mr. Symington]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Missouri would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Tennessee [Mr. Baker], the Senator from Colorado [Mr. Dominick], the Senator from California [Mr. Kuchel], the Senator from Illinois [Mr. Percy], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Colorado [Mr. Allott] and the Senators from Kentucky [Mr. Cooper and Mr. Morton] are absent on official business.

The Senator from Vermont [Mr. Prouty] is absent because of illness.

The Senator from New Hampshire [Mr. Cotton] is detained on official business.

If present and voting, the Senator from Colorado [Mr. Dominick], the Senator from Tennessee [Mr. Baker], the Senator from New Hampshire [Mr. Cotton], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from Illinois [Mr. Percy], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] would each vote "nay."

The result was announced—yeas 19, nays 57, as follows:

[No. 384 Leg.]

YEAS—19

Bartlett
Brooke
Burdick
Case
Gruening
Hart
Hartke
Hatfield
Javits
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
McGee
McGovern
Metcalf
Morse
Muskie
Williams, N.J.
Young, Ohio

NAYS—57

Anderson
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Curtis
Dirksen
Ervin
Fannin
Fong
Gore
Griffin
Hansen
Harris
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Mansfield
McClellan
McIntyre
Miller
Monroney
Montoya
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Smathers
Smith
Sparkman
Spong
Stennis
Thurmond
Tydings
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—24

Aiken
Allott
Baker
Clark
Cooper
Cotton
Dodd
Dominick
Eastland
Ellender
Fulbright
Inouye
Kuchel
Magnuson
McCarthy
Mondale
Morton
Percy
Prouty
Ribicoff
Scott
Symington
Talmadge
Tower

So Mr. Morse's amendment was rejected.

Mr. BIBLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIBLE. Mr. President, if there are no further amendments, I suggest the third reading.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time; and the bill (H.R. 10783) was read the third time.

Mr. BIBLE. Mr. President, I ask unanimous consent to file at this point in the Record a statement by the Senator from Colorado [Mr. Dominick], in view of the fact that he was unable to be present.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR DOMINICK

I wish to join with my good friend, the Senator from Nevada, in urging the support of the Senate for the omnibus crime bill as reported by the Committee.

Crime, in my opinion, is the number one problem facing the Nation's Capital. Its climb in generous proportions to new heights has already become a source of frustration, of embarrassment, and more importantly, of deep-rooted and justifiable fear, for those who live and work here and for those who would visit their capital city.

Indeed, Washington, D.C., is hardly surpassed in crime. The District ranked third in total offenses for cities of comparable size in 1966. It was second in the rate of crime index offenses per thousand population of the 16 cities in the 500,000 to 1 million population class.

The alarming and critical shape our federal city finds itself in is, I think, most forcefully shown by the 1966 FBI Uniform Crime Report, dated August 10, 1967. Of the 16 cities of similar size, the District is unquestionably a front-runner in crime. The District ranked first in robbery, second in aggravated assault, third in murder, fourth in housebreaking and grand larceny, fifth in auto theft, and eighth in rape.

Shocking? Yes, but not new. The crime rate in the District has been steadily climbing since 1957.

In the five years of my membership on the Senate District of Columbia Committee, I have endeavored to approach this subject with the concern and the attention it deserves. I think no other matter has received more careful analysis of more lengthy debate by the Committee. Legislation has been under study by our Committee since the 87th Congress. The Committee reported an omnibus bill in the 88th Congress, but unfortunately, the bill never received Floor action. In the 89th Congress I introduced S. 1526, which was identical to the bill we reported in the prior Congress. I had though that was a practical piece of legislation.

Most of the members of this Body are familiar with what happened. After the long hours the Senator from Nevada, myself, and others spent over the years coming up with a crime bill and working out an acceptable measure in conference, President Johnson vetoed it.

I have stated many times I do not think that veto by a President of legislation on the suspicion that it might have some unconstitutional features is a proper function of his office.

During the debate on the omnibus crime bill in the 89th Congress, I made my position clear that certain areas with which we were dealing were not well settled in the realm of constitutional law. I further stated I did not feel we could do justice, either to the accused or the victim, by ducking the issue.

Congress has a duty to meet the crime problem in the District head-on. This, I think, we have been attempting to do for some six years now.

As the Senator from Nevada has so ably made clear, the bill we have reported this year has a number of changes, a number of new areas, from the 1966 vetoed bill.

While constitutional questions may still arise, I most earnestly hope that this bill will be enacted into law. If there are areas which smack of going against the constitution, let them be tested by the time-honored method in the courts.

Frankly, the law-abiding citizens in the Federal City can't afford another LBJ veto of crime legislation.

I support this bill and urge the Senate to pass it in the form reported by the Committee.

I would like, however, to make some legislative history with regard to Title I, providing for arrest without a warrant.

I must respectfully disassociate myself with the statement at page 9 of the Committee report that "The Committee concludes that authority to arrest without a warrant improves law enforcement."

As you are aware, I am a co-sponsor of 15 of the 16 District of Columbia Crime bills introduced in the 90th Congress. The one bill which I did not co-sponsor was S. 1524, the Senate counterpart of Title I.

At the time of its introduction on April 13, 1967, I stated the reasons for withholding my sponsorship of this aspect of the legislation. Following our hearings and executive sessions, my position remains the same.

I have strong reservations on the advisability of broadening the power of arrest in this fashion.

Title I amounts to a substantial change in existing law both with respect to the time relationship between the commission of an offense and the arrest, and the substance of the misdemeanor for which the arrest is made.

As I read the present District of Columbia Code, section 4–140, which this bill would amend, arrests may now be made with a warrant for "any" offense prohibited by Congress provided commission takes place "in the presence" or within the "view" of the arresting authority. True, District of Columbia Code, section 23–306 allows arrest without a warrant for certain named misdemeanors, but it must be noted that arrests based on probable cause for the listed misdemeanors are limited to those where the person arrested "is violating the section involved at the time of the arrest." This, I submit, is already in accord with the general rule across the country.

Actually District of Columbia Code section 23–306 is one example of the ambiguities found in the outdated criminal laws of the District, for this section apparently lumps together as one, arrest on probable cause and arrest for perpetration in the presence of the arresting authority. My understanding is that traditionally these have formed the basis for two differing types of arrest and are based upon factors peculiar to each.

The bill would alter this situation by permitting arrests for named misdemeanors where there is probable cause to believe the defendant "has committed" the offense. Thus the arrest might be made some time after the violation.

Moreover, the misdemeanors now listed in District of Columbia Code section 23–306 seem to have the common characteristic of possession of an item at the time of arrest. This differs markedly from the misdemeanors in the bill.

I understand this language is taken from the "first draft" of the American Law Institute's Model Code of Pre-arraignment Procedure.

It seems to me this "first draft" is an eroding of established principles in the law of arrest. The prerequisite of obtaining a warrant before an arrest for a misdemeanor not committed in the officer's presence is well known in the law.

Is the misdemeanor situation so serious that we are compelled to knock aside long-standing safeguards designed to keep the power of arrest within bounds?

Expanding the arresting authority in this manner is a policy question. It received the endorsement of the Department of Justice and the D.C. Commissioners at the time of our hearings.

I would merely like the record to reflect that I am not convinced this is a wise decision.

Mr. HOLLINGS. Mr. President, the Senate of the United States has an opportunity today to take a new, meaningful step toward the restoration of respect for law and order in this land.

The District of Columbia crime bill, if enacted, will lay the groundwork for making this area once again a place where our citizens can walk the streets without fear of being molested. A place where a police officer can do his job without fear of being shot to death. A place where the fall of night does not mean the end of a civilized society.

I will vote for passage of this most important piece of legislation. In so doing, I earnestly believe that I am voting for a principle that must be adhered to if we are to survive as a Nation governed by laws rather than men.

The criminal must once again learn that he has no right to loot and burn and steal. He has no right to beat and rape and kill. He has no right to take our society back into the jungle from which it emerged so many years ago.

On the other hand our law-enforcement officers must be told that they do have rights. They have a right to expect support in their attempts to halt those who would violate the rules by which we live. They have a right to expect our courts to keep the handcuffs on the criminals they apprehend rather than see those cuffs taken off and placed around their wrists. They have a right, as well as a duty, to defend themselves and their society without the necessity of confronting a small, but vocal, chorus that yells brutality.

The lessons of this year should not be forgotten. The veil of anarchy that came so close to falling in Detroit, Newark, and other cities must not be permitted to cover the face of America ever again.

Mr. BIBLE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. Clark], the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. Fulbright], the Senator from Minnesota [Mr. McCarthy], the Senator from Minnesota [Mr. Mondale], the Senator from Missouri [Mr. Symington], and the Senator from Georgia [Mr. Talmadge] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. Eastland] is absent because of illness.

I further announce that the Senator from Louisiana [Mr. Ellender], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Magnuson], and the Senator from Connecticut [Mr. Ribicoff] are absent on official business.

I further announce that, if present and voting, the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Magnuson], the Senator from Connecticut [Mr. Ribicoff], the Senator from Missouri [Mr. Symington], the Senator from Pennsylvania [Mr. Clark], and the Senator from Georgia [Mr. Talmadge] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Tennessee [Mr. Baker], the Senator from Colorado [Mr. Dominick], the Senator from California [Mr. Kuchel], the Senator from Illinois [Mr. Percy], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Colorado [Mr. Allott] and the Senators from Kentucky [Mr. Cooper and Mr. Morton] are absent on official business.

The Senator from Vermont [Mr. Prouty] is absent because of illness.

The Senator from New Hampshire [Mr. Cotton] is detained on official business.

If present and voting, the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Dominick], the Senator from Tennessee [Mr. Baker], the Senators from Kentucky [Mr. Cooper and Mr. Morton], the Senator from California [Mr. Kuchel], the Senator from Illinois [Mr Percy], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 67, nays 9, as follows:

[No. 385 Leg.]

YEAS—67

Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.

Byrd, W. Va.
Cannon
Carlson
Church
Curtis
Dirksen
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Harris
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland

Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Lausche
Long, Mo.
Long, La.
Mansfield
McClellan
McGee
McGovern
McIntyre
Miller
Monroney
Montoya
Moss
Mundt
Murphy

Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Smathers
Smith
Sparkman
Spong
Stennis
Thurmond
Tydings
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—9

Brooke
Case
Hart

Kennedy, Mass.
Kennedy, N.Y.
Metcalf

Morse
Williams, N.J.
Young, Ohio

NOT VOTING—24

Aiken
Allott
Baker
Clark
Cooper
Cotton
Dodd
Dominick

Eastland
Ellender
Fulbright
Inouye
Kuchel
Magnuson
McCarthy
Mondale

Morton
Percy
Prouty
Ribicoff
Scott
Symington
Talmadge
Tower

So the bill (H.R. 10783) was passed.

Mr. BIBLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIBLE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. TYDINGS, and Mr. DOMINICK conferees on the part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report of Number of Officers on Duty With Headquarters, Department of Army and Army General Staff

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the number of officers on duty with headquarters, Department of the Army and the Army general staff, dated September 30, 1967 (with an accompanying report); to the Committee on Armed Services.

Report of Board of Visitors, U.S. Naval Academy

A letter from the Chairman, Board of Visitors, U.S. Naval Academy, transmitting, pursuant to law, the Interim Report of the Board of Visitors to the U. S. Naval Academy, dated December 4, 1967 (with an accompanying report); to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services, with amendments:

S. 793. A bill to provide for the conveyance of certain real property of the United States to the Alabama Space Science Exhibit Commission (Rept. No. 925).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 8547. An act to amend title 10, United States Code, to simplify laws relating to members of the Army, Navy, Air Force, and Marine Corps, and for other purposes (Rept. No. 931).

By Mr. MILLER, from the Committee on Armed Services, without amendment:

H.R. 12961. An act to amend title 37, United States Code, to authorize the nontemporary storage of household effects of members of a missing status (Rept. No. 932).

By Mr. ERVIN, from the Committee on Armed Services, with an amendment:

H.R. 1341. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas (Rept. No. 933).

By Mrs. SMITH, from the Committee on Armed Services, with an amendment:

H.R. 3982. An act to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services (Rept. No. 934).

By Mr. PEARSON, from the Committee on Armed Services, with amendments:

H.R. 10242. An act to amend title 10, United States Code, relating to the authorized strengths by grade for medical and dental officers on active duty in the Army, Navy, and Air Force (Rept. No. 935).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 1902. A bill for the relief of Greene County, Miss. (Rept. No. 924).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

H.R. 11542. An act for the relief of Marshall County, Ind. (Rept. No. 928).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without additional amendment:

S. Res. 189. Resolution to authorize certain additional studies by the Committee on Public Works (Rept. No. 923).

By Mr. TYDINGS, from the Committee on the District of Columbia, with amendments:

S. 1245. A bill to authorize the Commissioners of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes (Rept. No. 921); and

S. 1246. A bill to authorize the Commissioners of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over, and under the streets and alleys under their jurisdiction, other than freeways, and for other purposes (Rept. No. 922).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 13833. An act to provide that the post office and Federal office building to be constructed in Bronx, N.Y., shall be named the Charles A. Buckley Post Office and Federal Office Building in memory of the late Charles A. Buckley, a Member of the U.S. House of Representatives from the State of New York from 1935 through 1964 (Rept. No. 929).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

H.R. 13933. An act to amend section 103 of title 23, United States Code, to authorize modifications or revisions in the Interstate System (Rept. No. 927).

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 1637. A bill to amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority (Rept. No. 930).

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that a report filed earlier today by my colleague, Senator RANDOLPH, together with individual and supplemental views, the report being from the Committee on Public Works, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES IN THE PASSPORT LAWS—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 926)

Mr. SPARKMAN. Mr. President, I send to the desk, on behalf of Senator FULBRIGHT, chairman of the Foreign Relations Committee, a report on S. 1418, relating to changes in the passport laws, and I ask unanimous consent that it be printed, together with the supplemental views.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

INCREASE OF LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. RUSSELL, from the Committee on Armed Services, reported the following original resolution (S. Res. 196); which was referred to the Committee on Rules and Administration:

S. Res. 196

Resolved, That the committee on Armed Services hereby is authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted.

By Mr. CANNON, from the Committee on Armed Services:

Charles A. Bowsher, of Illinois, to be an Assistant Secretary of the Navy.

By Mr. MILLER, from the Committee on Armed Services:

Lt. Gen. Leonard F. Chapman, Jr., U.S. Marine Corps, to be Commandant of the Marine Corps, with the rank of general.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of 33 flag and general officers in the Army, Navy, Marine Corps, and Air Force, and ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. Glenn Charles Ames, and sundry other Army National Guard of the United States officers, for appointment as Reserve commissioned officers of the Army;

Maj. Gen. Richard P. Klocko, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Wood B. Kyle, and sundry other officers, for promotion in the Marine Corps;

Lt. Gen. William W. Momyer (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of general;

Vice Adm. Bernard A. Clarey, U.S. Navy, to be Vice Chief of Naval Operations, in the grade of admiral; and

Adm. Charles D. Griffin, U.S. Navy, when retired, for appointment to the grade of admiral.

Mr. STENNIS. Mr. President, in addition, I report favorably 960 appointments and promotions in the Army in the grade of colonel and below; 3,621 appointments and promotions in the Air Force in the grade of major and below; and 1,004 appointments in the Marine Corps in the grade of colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Albert L. Gore, and sundry other persons, for appointment in the Regular Army of the United States;

William W. Carter, and sundry other distinguished military and scholarship students, for appointment in the Regular Army of the United States;

Harold R. Aaron, and sundry other officers, for promotion in the Regular Army of the United States;

Frank A. Barker, Jr., and sundry other persons, for appointment in the Regular Army of the United States;

Hubert C. Agee, Jr., and sundry other distinguished military and scholarship students, for appointment in the Regular Army of the United States;

Richard H. Bennett, and sundry other persons, for appointment in the Regular Air Force;

Charles B. Frazier, Jr., U.S. Air Force, for appointment in the Regular Air Force;

Richard F. Barker, and sundry other distinguished graduates of the Air Force Officer Training School, for appointment in the Regular Air Force;

John T. Abell, and sundry other officers, for promotion in the Regular Air Force; and

Gerald G. Abel, and sundry other officers, for promotion in the Marine Corps.

By Mr. HARTKE, from the Committee on Commerce:

James M. Nicholson, of Indiana, to be a Federal Trade Commissioner.

By Mr. BARTLETT, from the Committee on Commerce:

Capt. John D. McCubbin, Capt. Robert E. Hammond, Capt. William L. Morrison, and Capt. William F. Rea III, for promotion to the grade of rear admiral in the U.S. Coast Guard; and

Capt. Arnold I. Sobel, for promotion to the grade of rear admiral in the U.S. Coast Guard Reserve.

Mr. BARTLETT. Mr. President, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Irving G. Sauer, and sundry other officers, for promotion in the Coast Guard.

By Mr. HART, from the Committee on the Judiciary:

Stephen J. Pollak, of the District of Columbia, to be an Assistant Attorney General.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRIFFIN:

S. 2762. A bill for the relief of Miss Pornthip Nutayothin; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 2763. A bill for the relief of Webber W. Dawsey; to the Committee on the Judiciary.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. SMATHERS:

S. 2764. A bill for the relief of Dr. Santiago Jose Manuel Ramon Bienvenido Roig y Garcia; to the Committee on the Judiciary.

By Mr. NELSON:

S. 2765. A bill for the relief of Tomas Ballesta Dominguez and Maria Pilar Roman Ballesta; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 2766. A bill to promote the foreign policy of the United States by authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs, etc.; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 2767. A bill to prohibit the use of gold for the settlement of international balances with the Government of France while such government is in arrears in the payment of its obligations to the United States; to the Committee on Banking and Currency.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 2768. A bill for the relief of Dr. Carolina Alfonso Dacquel; and

S. 2769. A bill for the relief of Claro R. Francisco; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 2770. A bill to amend the provisions of title 5, United States Code, relating to administrative procedure and judicial review; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri:

S. 2771. A bill to amend the provisions of title 5, United States Code, relating to administrative procedure and judicial review; to the Committee on the Judiciary.

(See the remarks of Mr. LONG of Missouri when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S.J. Res. 128. A joint resolution authorizing the President to proclaim the period February 11 through 17, 1968, as "LULAC Week"; to the Committee on the Judiciary.

(See the remarks of Mr. YARBOROUGH when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

TO PRINT ADDITIONAL COPIES OF HEARINGS ENTITLED "RIOTS, CIVIL AND CRIMINAL DISORDERS"

Mr. McCLELLAN submitted the following resolution (S. Res. 195); which was referred to the Committee on Rules and Administration:

S. RES. 195

Resolved, That there be printed for the use of the Committee on Government Operations one thousand additional copies of part I of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, first session, entitled "Riots, Civil and Criminal Disorders."

INCREASE OF LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 196) increasing the limit of expenditures for hearings before the Committee on Armed Services, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. RUSSELL, which appears under the heading "Reports of Committees.")

WEBBER W. DAWSEY

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill for the relief of Webber W. Dawsey.

Mr. Dawsey was employed as a supervisory cartographer with the Bureau of Land Management in the Department of the Interior when he was transferred in 1964 from Fairbanks, Alaska, to Portland, Oreg., for the convenience of the Government. The personnel action authorizing this transfer, dated June 19, 1964, also authorized reimbursement for travel expenses and the shipment of household goods at Government expense. Under this authorization, the National Trailer Convoy, Inc. of Tulsa, Okla., was engaged to transport a trailer containing Mr. Dawsey's household possessions from Fairbanks to Portland. During that move, however, Mr. Dawsey's trailer was badly damaged and the cost of repairs was estimated at almost $1,000.

When the trailer was damaged at Delta Junction, Alaska, where it has remained unrepaired since that time, National Trailer Convoy, Inc., was released from further responsibility with respect to transportation of the trailer.

In response to legal action filed by Mr. Dawsey against the carrier charging negligence, the carrier claimed that the damage was caused entirely by structural defects in the trailer. The trailer, a 1955 Spartan Royal Mansion, was manufactured by the Spartan Trailer Co., which, as I understand it, is no longer in business. Mr. Dawsey's attempts to collect for damages through legal action were futile, however, as mounting legal fees placed a heavy burden on him and he was forced to withdraw his suit without prejudice.

Early in 1966, Mr. Dawsey sought the assistance of the Department of the Interior's Regional Solicitor in Portland, Oreg. However, there was some question as to the Government's liability for the damage. Now, 2 years later, it has been determined by the Department of the Interior that under the rulings of the Comptroller General, the department is in no position to pursue claims for damages arising out of the transportation of property of employees under Government bills of lading prior to August 31, 1964 as in this case. Even though in a recent ruling the Government now recognizes a liability for loss or damage to personal property arising incident to the service of the employee under the Military Personnel and Civilian Employees' Claim Act of 1964 now in effect, the statute does not operate retroactively and since Mr. Dawsey's loss occurred prior to August 31, 1964, it is not applicable to his case.

At the time the damages occurred, Mr. Dawsey was under financial obligation for the cost of the trailer and it was not until this summer that he liquidated that debt. In view of the lapse of over 3 years since Mr. Dawsey's loss necessitating the loss to him of the use of the trailer as his home, requiring him to take up residence elsewhere, and causing him to lose the bulk of his savings which were tied up in the purchase of the mobile home, I would hope that this legislation might receive favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2763) for the relief of Webber W. Dawsey, introduced by Mr. BARTLETT, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROPOSED RESTRICTION ON FOREIGN TRAVEL IN THE INTEREST OF U.S. FOREIGN POLICY

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to promote the foreign policy of the United States by authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs.

The proposed bill has been requested by the Acting Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Acting Secretary of State to the Vice President dated December 11, 1967, in regard to it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2766) to promote the foreign policy of the United States by authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs, and so forth, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 45 of title 18 of the United States Code, relating to foreign relations, is amended by adding at the end thereof the following new section:

"§ 970. Travel in violation of area restrictions

"(a) Subject to such policy or policies as the President may prescribe for carrying out the authority granted to the Secretary of State by this section, the Secretary may restrict travel to a foreign country or area by citizens and nationals of the United States if he determines that the country or area is—

"(1) a country or area which is at war,

"(2) a country or area where insurrection or armed hostilities are in progress.

"(3) a country or area whose military forces are engaged in armed conflict with forces of the United States, or

"(4) a country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of United States foreign policy.

"(b) Such restriction shall be announced by public notice which shall be published in the Federal Register and shall state the grounds for imposing the restriction. The restriction shall expire at the end of one year from the date of publication unless sooner revoked by public notice issued by the Secretary. Any such restriction may be extended by public notice by the Secretary for periods not to exceed one year at a time.

"(c) The Secretary may authorize travel to a restricted country or area by any person when the Secretary deems such travel to be in the national interest. The authorization shall take such form as the Secretary shall by regulation prescribe.

"(d) Any citizen or national of the United States who willfully enters or travels in or through any country or area to which travel is restricted pursuant to this section without having received the Secretary's authorization for such travel shall be punished by imprisonment for a period not exceeding one year or by a fine not exceeding $1,000, or both.

"(b) The analysis of such chapter 45, immediately preceding section 951, is amended by adding at the end thereof the following new item:

"970. Travel in violation of area restrictions."

The letter presented by Mr. FULBRIGHT is as follows:

DEPARTMENT OF STATE,
Washington, December 11, 1967.

Hon HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. VICE PRESIDENT: I have the honor to transmit a bill authorizing the Secretary of State to determine that travel to certain foreign countries by United States citizens should be prohibited and prescribing criminal penalties for those who travel in violation of such a prohibition.

This proposed legislation is intended to fill a gap in existing law. More than two years ago, in *Zemel* v. *Rusk,* 381 U.S. 1, the Supreme Court sustained the authority exercised by the Secretary of State for over fifty years to endorse passports as invalid for travel to specified countries or areas when travel to those regions would seriously impair our foreign policy. Recognizing that such a restriction might effectively prevent travel by American citizens to the area, the Court found nonetheless that an inhibition on travel was a constitutionally permissible means of implementing policies justified by "the weightiest considerations of national security."

Such considerations of national security are clearly illustrated by two current examples. At a time when our military forces are engaged in protecting South Viet-Nam against aggression from the North, it would be plainly self-defeating to authorize unrestricted travel of our citizens to North Viet-Nam. Travel in these circumstances provides assistance and support in derogation of the military effort to which the nation has turned its energies.

The recent situation in the Middle East is another illustration of the importance of effective limitations upon travel of American citizens in times of extraordinary crisis. When emergency evacuation of American citizens from an area is required by heightened tensions or armed combat in that region—as was true of countries in the Middle East—steps must be taken to keep other Americans from the crisis area. Experience has demonstrated that the mere presence of Americans in a country where passions have been inflamed against the United States may result in unintended incidents, and these may have severe consequences to our foreign policy and to the safety of the nation.

Until recently it was assumed that the provisions of Section 215 of the Immigration and Nationality Act of 1952 and the criminal penalties provided therein applied to knowing violations of geographical passport restrictions in times of national emergency. In January of this year, however, the Supreme Court determined unanimously that Section 215 did not apply to such conduct (*United States* v. *Laub,* 385 U.S. 475; *Travis* v. *United States,* 385 U.S. 491).

The Secretary of State has, pursuant to published regulations been exercising the authority to revoke passports of individual violators in order to prevent repeated violations of area restrictions. This administrative measure has, however, proved inadequate to secure the foreign policy interests which are at stake. Our law presently contains no effective and practical deterrent for violations of travel restraints deemed necessary in the implementation of our foreign policy.

The proposed bill accomplishes five objectives:

1. It explicitly grants authority to the Secretary of State, acting pursuant to such policies as the President may prescribe, to specify foreign countries or areas where travel by United States citizens or nationals is prohibited;
2. It defines the limit of that authority;
3. It establishes a procedure whereby geographical restrictions are subject to continuing examination;
4. It grants authority to the Secretary to permit travel to restricted areas by those whose travel is deemed to be in the national interest; and
5. It prescribes an enforceable and fair criminal penalty for violations of geographical restrictions.

Legislation affecting the travel abroad of American citizens must, of course, take account of the established constitutional principle that travel is a "liberty" secured by the Fifth Amendment to the United States Constitution. The Supreme Court recently sustained a restriction upon travel to Cuba, however, recognizing that "the fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited." The proposed bill accords full respect to the constitutionally protected liberty to travel abroad; it authorizes official restraints on such travel only in the most compelling circumstances and after a public announcement of the basis for the restriction. And by requiring annual re-examinations of the countries to which travel is restricted, the bill ensures that the announced limitations will be in keeping with current needs.

It is the Secretary of State's present practice to authorize certain categories of citizens, such as professional journalists, scholars or doctors, to travel to restricted areas notwithstanding the passport limitation. The proposed bill permits continuation of this practice by specifically empowering the Secretary to grant exceptions to the general prohibition for travel which is "in the national interest."

Finally, the bill imposes a criminal sanction for unauthorized travel by a citizen to a restricted area irrespective of whether the traveler uses or possesses a passport, and whether or not limitations are endorsed in the travel document he is carrying. The heart of the offense is not the violation of a passport condition; the citizen's entry to a restricted area is the act which jeopardizes our foreign policy. It is appropriate, therefore, that the statute define the proscribed conduct directly and not relate it to passport restrictions.

I urge the Congress to give prompt and favorable consideration to this important legislation.

The Bureau of the Budget advises that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

Nicholas deB. Katzenbach,
Acting Secretary.

RESTRICTING GOLD OUTFLOW TO FRANCE

Mr. HARTKE. Mr. President, the Government of France has declared financial war on the U.S. dollar, yet the Government of France has been the beneficiary of thousands of American lives in World Wars I and II and more than $9 billion of economic and military aid since World War II. France also remains the debtor on World War I debt with over $5 billion of principal and interest due and unpaid. Yet President de Gaulle seeks to forget that and declare that he wishes to destroy the dollar as an international reserve currency.

Mr. de Gaulle has now set out to wreck the international monetary system which has supported the post-World War II prosperity of the Western World. He has consistently opposed British attempts to join the European Common Market and has made it explicitly clear that he dislikes U.S. investment in France. He has withdrawn France from NATO defense plans at a cost to us of additional millions of dollars. He withdrew France from the London gold pool in June, but remained quiet about that until the British devaluation which he desired provided the apt moment to use the French withdrawal to create additional panic in the dollar markets of the world. He has opposed the other Western trading nations in creating international drawing rights to meet the needs of an increased volume of international trade in the future. In declaring that the dollar must be devalued, he has sought to create panic in the world dollar markets, and he has been amassing billions of dollars in gold in hopes of making a financial killing in the event of U.S. devaluation.

For these reasons I introduce a bill today which will prevent the Government of France from turning in our dollars for gold until she pays those obligations which are outstanding to us and remain unpaid, due, and in arrears. I ask unanimous consent that the text of this bill may be printed in the Congressional Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2767) to prohibit the use of gold for the settlement of international balances with the Government of France while such government is in arrears in the payment of its obligations to the United States, introduced by Mr. Hartke was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Gold Reserve Act of 1934 (31 U.S.C. 442) is amended by inserting before the last sentence thereof a new sentence as follows: "Such regulations shall prohibit gold from being exported or earmarked for the purpose of settling any international balance with the Government of France, or any instrumentality thereof, while such government is in arrears, as determined by the Secretary of the Treasury, in the payment of its obligations, in whole or in part, to the United States."

ADMINISTRATIVE PROCEDURE ACT

Mr. DIRKSEN. Mr. President, on January 10, 1967, at the request of the American Bar Association, I introduced S. 518 to amend and update the Administrative Procedure Act. Extensive hearings were held on this bill on March 6, 7, 16, 17; April 12; and May 3, 1967, by the Subcommittee on Administrative Practice and Procedure.

Subsequent to the hearings, there have been several developments:

First. The Department of Justice has submitted a similar but somewhat different measure to the same end, which, I understand, will be introduced in bill form today;

Second. The staff of the Subcommittee on Administrative Practice and Procedure, in collaboration with the American Bar Association and a number of Federal agencies, has suggested a number of perfecting amendments to S. 518; and,

Third. It has been pointed out that technically the legislation should amend title 5 of the United States Code—as codified—and not the Administrative Procedure Act of 1946.

Therefore, I hereby introduce a bill which incorporates the perfecting amendments of the staff and which is couched in terms of title 5, and ask that it be appropriately referred.

It is my understanding that the Subcommittee on Administrative Practice and Procedure will have a comparative print made of this bill and the companion proposal of the Department of Justice and will give priority consideration to these two bills in the coming months.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2770) to amend the provisions of title 5, United States Code, relating to administrative procedure and judicial review, introduced by Mr. Dirksen, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADMINISTRATIVE PROCEDURE ACT

Mr. LONG of Missouri. Mr. President, on January 10, 1967, Senator Dirksen introduced S. 518, to amend and update the Administrative Procedure Act.

Extensive hearings were held on this bill on March 6, 7, 16, 17; April 12; and May 3, 1967. During these hearings, opposition to the legislation was expressed by a number of Federal agencies and others.

When he testified on the bill, Assistant Attorney General Frank Wozencraft made a counterproposal which I now introduce.

It is my understanding that this bill—now couched in terms of title 5 of the United States Code—will be considered simultaneously with a revised version of S. 518 which is also being introduced today.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2771) to amend the provisions of title 5, United States Code, relating to administrative procedure and judicial review, introduced by Mr. Long of Missouri, was received, read twice by its title, and referred to the Committee on the Judiciary.

JOINT RESOLUTION TO AUTHORIZE LULAC WEEK, FEBRUARY 11–17, 1968

Mr. YARBOROUGH. Mr. President, I introduce today a joint resolution to authorize and request the President of the United States to proclaim the period February 11–17, 1968, as "LULAC Week."

LULAC is the official designation of the League of United Latin American Citizens, a nonprofit, civic organization seeking on the one hand to relate the full meaning of citizenship to all Americans of Spanish-speaking background, and seeking on the other hand to assure these citizens full access to the rights, privileges, and benefits of American citizenship.

Founded on February 17, 1929, LULAC is the oldest national organization in the United States working for Americans of Mexican and Spanish descent. It originated in south Texas during the successful struggle to desegregate the public schools of that area. Since then, LULAC councils have been established in 19 States across the Union, and their sphere of interest and activity has expanded beyond civil rights to include programs in the areas of education, manpower training, community action, and so forth.

This organization of concerned and capable people has made great strides toward bringing the Spanish-speaking citizen out of the shadows of poverty and into the glow of the American promise.

Perhaps LULAC's finest virtue, however, is that it fosters economic and social advances without forcing the Spanish-American to reject his noble heritage—indeed, LULAC's success is predicated on the strength of the individual's identification with this heritage. By making the individual aware of the dignity and meaning inherent in his Latin American identity, LULAC forms a firm foundation for economic and social progress.

During recent years LULAC has become increasingly concerned with poverty and employment opportunities. It is interesting to note that the Operation Headstart program of the Office of Economic Opportunity is largely adopted from a LULAC program called Little School of 400. It is this sort of innovative thinking in response to real needs that has earned LULAC its outstanding reputation, not only among its constituency, but among all peoples concerned with the underprivileged of the United States.

In concert with the American GI Forum, LULAC has organized Jobs for Progress, Inc. This organization, funded jointly by the Department of Labor and the Office of Economic Opportunity, administers Operation SER, which is an experimental and demonstration project designed to provide greater employment opportunity for the Americans of Mexican and Spanish descent in the Southwest. In Arizona, California, Colorado, New Mexico, and Texas, Jobs-for-Progress centers provide counseling, job training, job placement, job development, and other services for the Mexican- and Spanish-American communities. The very distinguished Secretary of Labor, W. Willard Wirtz, paid the following tribute to Operation SER last fall:

> By exploring new trails leading to full employment and higher earning power for a large body of Spanish-American citizens in the Southwest, this unique program will play a vital part in our mutual efforts to ensure a richer and fuller life for all.

Mr. President, during the week of February 11 through 17, 1968, LULAC will pause to reflect on 39 years of accomplishment by and for those Americans of Mexican and Spanish heritage. During this progressive period, LULAC has provided much of the initiative, leadership, and support to make these accomplishments possible.

Even now they are probing the new and complex human problems in the barrios of our great southwestern cities and towns. The fantastic movement of displaced Mexican-American farmworkers into urban complexes poses an awesome challenge. As journalist Helen Rowan has written in the Atlantic Monthly:

> The recent urbanization of such a group given its low educational level and other characteristics, must represent social economic, educational—and potentially political—significance of high order.

Through concerned and creative involvement, LULAC is hard at work helping these people help themselves.

Mr. President, this joint resolution affords this Congress the opportunity to recognize and honor the proud past and promising future of LULAC. This organization is a credit to the noble people it serves, and I am pleased to offer this legislation in the Senate, just as my distinguished colleague, Representative Richard White, has introduced it in the House. I urge quick and favorable consideration so that next February 11 through 17 may be presidentially designated LULAC Week. I request that the proposed joint resolution be printed in full at this point in the Record.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 128) authorizing the President to proclaim the period February 11 through 17, 1968, as "LULAC Week," introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 128

Whereas the League of United Latin American Citizens, better known as LULAC, a nonprofit, nonsectarian, and nonpoliticial civic organization, in this year 1968 is observing its thirty-ninth anniversary; and

Whereas each year the week which includes February 17, the anniversary of LULAC's organization, is observed as LULAC week as provided by the League constitution; and

Whereas LULAC has achieved a proud record in training new Americans for citizenship, in improving the educational opportunities for young Americans of Spanish speaking background, and in promoting the highest standards of true patriotism among its members, while preserving their Latin American heritage, and

Whereas this dedicated organization has consistently identified itself with worthy civic projects in the communities where LULAC Councils exist; and

Whereas LULAC Councils presently exist in nineteen States of the Union from New York and New Jersey to California and from Michigan to Texas: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period February 11 through 17, 1968, as "LULAC Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 RELATING TO COMPUTATION OF TAX ON CIGARS—AMENDMENT

AMENDMENT NO. 494

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (H.R. 6058) to amend the Internal Revenue Code of 1954 to provide for rounding the amount of State and local taxes for purposes of computing tax on cigars, which was ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 12, 1967, he presented to the President of the United States the following enrolled bills:

S. 830. An act to prohibit age discrimination in employment;

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes;

S. 2126. An act to amend the Food and Agricultural Act of 1965;

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges; and

S. 2388. An act to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, and for other purposes.

NOTICE OF PUBLIC HEARING ON PATENT LAW REVISION

Mr. McCLELLAN. Mr. President, as chairman of the standing Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee will continue public hearings on patent law revision on January 30 and 31, and February 1, 1968.

The hearings will commence each day at 10 a.m. in room 3302, New Senate Office Building. The hearings will consider S. 1042, the administration bill for general revision of the patent laws, and S. 2, S. 1377, S. 1691, S. 2164, and S. 2597, all measures providing for revision of the patent laws.

The subcommittee consists of the Senator from Michigan [Mr. Hart], the Senator from North Dakota [Mr. Burdick], the Senator from Pennsylvania [Mr. Scott], the Senator from Hawaii [Mr. Fong], and myself.

NOTICE OF HEARINGS

Mr. KENNEDY of New York. Mr. President, I wish to announce for the Senator from Connecticut [Mr. Ribicoff], who is out of the country, that the Subcommittee on Executive Reorganization of the Committee on Government Operations will hold hearings in January 1968, on S. 47 and S. 2116, bills to establish commissions to study the efficiency, economy, organization, and management of the executive branch. The actual hearing dates are in the process of being scheduled.

NOTICE OF HEARINGS

Mr. KENNEDY of New York. Mr. President, I wish to announce that the Special Subcommittee on Indian Education of the Labor and Public Welfare Committee will hold its initial hearings on December 14 and 15, this Thursday and Friday. Tribal leaders and education experts will be among the 18 witnesses scheduled to testify as the subcommittee undertakes its intensive examination of Indian education in our Nation. Field hearings and other inquiries will follow in the coming months.

Mr. President, the American Indians are the most neglected group of our citizens, and our failure to provide adequate educational opportunities for Indian children is a serious national tragedy. It is the purpose of the subcommittee to learn why we have failed and to develop proposals for the future. The hearings later this week mark the beginning of that effort.

TRIBUTE TO FRANK R. NOE

Mr. McCLELLAN. Mr. President, several weeks ago, as I was preparing to leave my office to address the National Council on Crime and Delinquency in New York City, I learned that Sgt. Frank R. Noe, a resident of my State, had been killed in Vietnam. Sergeant Noe was to be buried in Arlington Cemetery that day with full military honors.

I have since been notified that the Department of the Army will award Sergeant Noe the Bronze Star with valor device for heroic action, the Air Medal for meritorious achievement, the Army Commendation Medal for meritorious service, and the Purple Heart. To these expressions of commendation from a grateful nation, I add my personal tribute to a young man who was a loyal soldier and who was dedicated to the principles of freedom for which we fight in Vietnam.

This young American was probably not unlike the average boy next door. He grew up in the American tradition and when he finished high school in Hot Springs, Ark., he joined the U.S. Navy to fulfill his military obligation to his country. When Frank Noe finished his hitch in the Navy, he could have come home and returned to school, entered into private business, or he could have become engaged in some other occupation which would not have placed him in the path of a Vietcong machinegun.

But Frank knew we were at war and he felt his place was in our armed services, doing his part. He joined the U.S. Army and was selected to become a member of the Green Beret. He did his job well and quickly advanced to the rank of staff sergeant. When he was not leading his platoon in search of the enemy, he was traveling from one South Vietnam hamlet to another making friends for America and otherwise assuming the responsibilities for which he had been trained as a member of the Special Forces medical team.

On November 1, 1967, at the young age of 25, and just 1 month before he was to complete his tour of duty in Vietnam. Sergeant Noe was killed from ambush by automatic weapons fire while on patrol with a Special Forces unit in Vietnam. In one of the last letters this young soldier wrote home he said:

> I am scared when I go out on patrol and scareder when I return. It takes a lot of something to stay alive out here. I hope to leave here alive; but if I die it will not be for nothing. I am over here and I know why I am fighting. I know that it is all worth everything our great country is willing to invest, even lives.

Frank R. Noe knew that the price of liberty was high but he was willing to pay the price.

PRIVATE FINANCIAL SUPPORT RECOMMENDED FOR FEDERAL CITY COLLEGE

Mr. MORSE. Mr. President, I am happy to have the privilege of announcing in the Senate today the formation of a Federal City College Support Fund, a private fund established to receive moneys for the "extras for excellence"—money in addition to that which the Congress may appropriate to this new institution as it grows. The fund will be administered by the Board of Higher Education as provided in the enabling legislation, Public Law 89–791, which created the Federal City College.

This new college which is going to mean so much to the young people of Washington, and we hope to the Nation, has no alumni association, no friends of City College, no other resources to help provide that extra scholarship, that sports equipment, that transportation money needed for a youngster to have the kind of college life experience most of us here have had.

As we are making donations to the colleges and universities which we normally support, may I urge you to remember the Federal City College and its needs, and the needs of its students.

Perhaps a tithe now will make the difference between the routine operations of a much-needed public educational institution and the additional help which traditionally endowed colleges are able to give. Contributions may be sent to the fund at 131 Indiana Avenuc NW., Washington, D.C.

We have created this new college. Let us, and our friends at home, contribute "extras for excellence" to Federal City College.

I speak not only on my own behalf, but also on behalf of the very able president of the college, President Frank Farmer.

MIDDLE EAST ARMS SITUATION

Mr. JAVITS. Mr. President, the deceptive tranquillity which currently prevails in the Middle East continues to be very fragile indeed. Hopeful developments have slightly overbalanced retrogressive and destructive developments in recent weeks, but the margin separating the two trends is perilously thin. On the negative side we have the spectacle of renewed truculence from the lips of President Nasser, as well as the continuing chorus of bluster from the lesser Arab leaders.

On the constructive side there is the unanimous resolution of the Security Council—a modest accomplishment produced after much labor—but still a most welcomed and constructive development. We are justified in viewing Ambassador Jarring's most difficult mission in a light of cautious optimism.

With this faint smell of peace and constructive negotiations in the air, I am reluctant to raise some of the unpleasant matters which continue just beneath the surface. There is no one more devoutly dedicated to a real and meaningful peace in the Middle East than I.

However, I have seen the bitter fruit of false optimism in this regard too many times. So, without in any way wishing to prejudice or derogate the "angel's" work which Ambassador Jarring is embarking upon, I do feel compelled to raise publicly an important underlying question. The necessity of raising this question now is precipitated by President de Gaulle's press conference in which he indulged in a most extraordinary and uncalled-for attack on people of the Jewish faith in general and upon the State of Israel in particular. President de Gaulle's most recent action this week in indicating that an alleged 70 Mirage jets would now be sold to Iraq underlines the crisis nature of President de Gaulle's position. Iraq is still in belligerent status and, along with Algeria, has yet even to become a party to the cease-fire agreement following the 6-day war as has Egypt, Jordan, Syria, and Israel.

Ordinarily, one might choose to ignore the more distorted charges of President de Gaulle, as we have learned to do with regard to his charges and interpretations concerning U.S. policies and activities in Europe.

However, unlike the United States, Israel is a small and vulnerable nation still very much involved in the struggle to assure its permanent existence. And we must remember that three times in the past 20 years Israel has had to validate its very existence in the crucible of warfare.

In shaping its defense posture, Israel had developed before the June war a crucial dependency on France for the supply of aircraft. This crucial source of supply has been thrown into very serious question by the embargo by recent Gaullist policy.

Israel has pending with France an order for some 50 Mirage jet aircraft. France has refused to make known whether or not it intends to honor its contractual obligations. However, the moment of truth is not far off. The first of these promised Mirages is scheduled for delivery early in 1968.

These aircraft are very badly needed by Israel, not only as normal replacements for obsolescent French Mysteres, but now most urgently to fill gaps created by losses sustained in the June fighting.

On the other side of the line, the Soviet Union, on a crash basis, has replaced virtually the entire war losses of the Arab air forces. Thus, there is the possibility of a most dangerous imbalance developing if France withholds the promised aircraft from Israel.

These are the figures, Mr. President:

Before the 6-day war, the Egyptians had some 550 planes, the Syrians had 150, and the Iraqi had 200, a total fleet of 900 aircraft not counting the air fleets of other Arab nations; Algeria, the Sudan, Saudi Arabia, and Jordan. The Israelis had about one-third that number. Since the end of the hostilities the Egyptians have been rearmed by the Soviet Union—in terms of number of aircraft—to the extent of some 80 percent of their losses; the Syrian losses have been almost entirely replaced; and Iraq, which lost 25 planes, has received 35 new aircraft, 10 more than its losses, and is about to receive a large addition to its fighting air force from France. In addition, the Soviets are providing more "military advisers" than ever before to the Syrians and the Egyptians and the highest ranking Soviet officers are said to be in Egypt to train the Egyptians.

The significance of these replacements is twofold. First, the replacements are more modern and more deadly than the aircraft which were lost. IL–28 bombers, Mig–21's and Sukhoi–7 fighters now make up the Arab air fleets. The other principal factor is the lack of replacement of the Israeli war losses. Aircraft ordered from the United States before the war are just now finally being delivered.

Such an arms imbalance is doubly dangerous in view of the morbid mentality of the radical Arab leadership. If Israel's Air Force, weakened by the struggle, appears vulnerable to the Arab Air Force, now rebuilt on a crash basis by the Soviet Union, then one of the Arab leaders may be tempted to venture a sneak attack on Tel Aviv or Haifa. Such an attack would surely prove suicidal in the longer run, and would have as its objective maximum damage to the civilian population of Israel. It would let war loose again and could be expected to trigger an all-out holocaust which could well involve the superpowers.

It is not pleasant for me to conjure such images. I would much prefer to concentrate on extolling the hopes and possibilities which ride on the Jarring peace mission. But it is clear that it is the United States which is going to have to step in and fill the gap as President de Gaulle backs away from French contractual obligations to Israel for jet aircraft.

What is needed, therefore, is for Israel to have assurances that beyond the current deliveries of aircraft from the United States, they can hope for deliveries at future dates. It must be kept in mind that there have been lapses of as much as 2 years between agreements and delivery—so-called leadtime. It is not just necessary to provide for the current situation, but Israel, if she is to survive, must continue to be assured of a supply of deterrent force weapons to match the threats facing her. It would be sad indeed if Israel would find itself with no source of weapons for the future and be faced with being engulfed by Soviet arms in the hands of its implacable Arab neighbors.

In addition, Mr. President, the Soviet Union must be warned that its crash program of rearming the United Arab Republic and Syria has again reached the peril point of endangering world peace. This needs to be said openly and publicly by the United States in and outside the United Nations.

I raise this point now so that the administration and the Nation may be advised. I anticipate that there will be opposition and criticism from various quarters, if it proves necessary for the United States to move in as the prime supplier of Israel's defense requirements. Internationally, of course, we can expect shrill attacks from the radical Arabs and their Kremlin patrons.

I trust that the words of the Soviet Union will be taken for the mischievous hypocrisy that they are. It is plain to all the world that a major factor in bringing war to the Middle East, and in keeping the pot of war danger boiling, has been the Kremlin's own reckless and ill-advised policy of pouring arms into the hands of the most bellicose and least stable Arab nations.

Even now the Soviet Union refuses to cooperate with the considered offer of the United States to organize a system of international arms control and arms limitations for the Middle East.

The question of supply of arms to less developed nations has been the subject of debate here on the Senate floor. There is no doubt in my mind that there have been mistakes and abuses in the U.S. arms sales programs. In my view, important and much needed reforms have now been written into the pertinent legislation. I have opposed the enactment of rigid and blanket prohibitions on arms sales. Like that of any great power, U.S. diplomacy must have flexibility and the recourse to various options.

It is the role of Congress to correct abuses and initiate legislative reforms. But in my judgment it is most unwise to place a straitjacket on the conduct of our international affairs. To put the matter bluntly, we ought not to make our own past congressional apathy an excuse for overreacting now.

For more than a decade Israel has depended upon France as its primary source of arms. It seems clear that President de Gaulle is determined to close off this source despite the prevailing sentiments to the contrary of his own countrymen.

Therefore, in addition to continuing our traditional role as a supplementary source, the United States in all likelihood will have to become the prime source of Israel's security needs. It would be a pure case of irresponsibility if we did not do so.

The surest way to invite renewed warfare in the Middle East is to allow the illusion to grow in vengeful Arab minds that "another round" of war will achieve their objective of annihilating Israel. If gaps or imbalances in Israel's defense posture are allowed to remain because of the mystifying games which President de Gaulle is intent on playing, then the risk of war will be high. Specifically, that risk is most likely to assume the ugliest form—a sneak air attack against the civilian population of Israel.

In summary, let me say that there is some evidence that, at last, some among the Arabs are beginning to realize that their own future, and their own welfare, lies in reaching a modus vivendi with Israel. We must not jeopardize this ray of hope by allowing deficiencies to develop in Israel's military equipment which could tempt the Arabs back to the disastrous path of total belligerency toward Israel. It is not only the security of Israel which is at stake—and that is why I speak today—it is now the security of the whole world, because the Soviets are now in the Middle East in a big way.

Mr. President, with the enlarged Russian flotilla now in the Mediterranean and the Kremlin's determination to establish a power position in the Mediterranean, we had better look to that area before the greatest kind of compromise of our interests takes place, while our national attention is directed so obsessively on Southeast Asia.

WARNER & SWASEY CO. VIEWS DANGERS CONFRONTING THE COUNTRY

Mr. LAUSCHE. Mr. President, in the Forbes magazine issue of December 1, 1967, the officials of the Warner & Swasey Co., of Cleveland, Ohio, published a statement setting forth the company's views about what it believes to be the dangers confronting our country.

The views expressed by it are so sound and forceful that I feel obliged to ask unanimous consent that the statement be printed in the Record. I am in complete accord with the statement. The warnings contained in it, unless heeded by the people of our Nation, will lead to catastrophical and irreparable injury to every one of the persons of 200 million living within the United States today.

There being no objection, the advertisement was ordered to be printed in the Record, as follows:

Why Do We Borrow the Worst From Countries Instead of Their Best?

We talk about Guaranteed Income for everyone, whether he works or not. The British called the same thing The Dole, and it helped make England Socialist and destroy the British Empire.

We complacently watch unions demand and force unearned wage increases which destroy profits vital to national growth. That's only one step from the Russians, who abolished profits in favor of the Workingman's Soviet.

We watch our central government seizing more and more power, destroying the authority and self-respect of cities and states. That's what Germany did—and out of it came Hitler.

More and more of our income is taken in taxes to support indolence by people who won't work but who will support whoever gives the most from the public trough. That's what supports Cuba's Castro.

Criminals are pampered, police attacked. Success is suspect, poverty perpetuated. Government runs amok in spending money it doesn't have, and in destroying thrift and hard-won security.

All this is the very opposite of what built America. And, continued, this won't be America long.

SAN ANTONIO YOUTH OPPORTUNITY FAIR OFFERS HELPING HAND TO YOUNG JOBSEEKERS

Mr. YARBOROUGH. Mr. President, in San Antonio, Tex., one solution to the problem of unemployment among young people has been the Youth Opportunity Fair, open to all youthful members of the Bexar County community. Fair Manager Roy A. Broussard, a leader in community efforts to combat poverty at the roots, and the many active, imaginative members of the Youth Opportunities Fair Council, are especially to be congratulated for their work in this, the second, fair—for amidst hurricane warnings, and the drenching rains of Hurricane Beulah, between 6,000 and 8,000 young people turned out to receive the valuable counseling offered on job openings, and training opportunities, available to them. Contributing members of the community also stood their ground, making for a successful fair in the face of formidable obstacles. Members of business, academic, and military communities contributed their time, money, and counseling services to make a successful fair.

In Texas, where more people are earning below the poverty level than in any other State, this effort is especially needed, and the people of San Antonio are to be highly commended on the work, the expense, and the planning that went into this fair for the youth of their area. These soon-to-be jobseekers gain immeasurably, as does their community, from this guidance and assistance in seeking employment.

Vice President Hubert H. Humphrey, Chairman of the President's Council on Youth Opportunity, was a sponsor of the fair. I later presented the Vice President with a certificate of appreciation from the San Antonio Youth Opportunities Fair, in thanks for this great help in this program.

I ask unanimous consent that the résumé of the fair in San Antonio, its participants, and its services, be printed in the Record.

There being no objection, the résumé was ordered to be printed in the Record, as follows:

Bringing Careers Within Reach

At 2:30 on the afternoon of September 19, 1967, Mayor Walter W. McAllister opened the Second Annual Youth Opportunity Fair in San Antonio, Texas. At the opening ceremony were a number of local and state dignitaries, approximately 400 young people, and the majority of school superintendents representing San Antonio's fourteen (14) independent school districts.

It was a typical, warm and sunny day as the mayor "busted" the ceremonial ribbon made of newspaper want ads on job opportunities. Little did the audience realize that hurricane Beulah was to play a major role during this second annual career information program.

In spite of the rain, wind, and general turmoil instigated by the fierce old gal, the second annual Youth Opportunity Fair was, nonetheless, tremendously successful.

In spite of the constant rainfall and severe weather news bulletins, some fifty-five organizations had exhibits assembled in the Villita Assembly Hall—an excellent indication of the committed concern of the community of Bexar County for its population of young people.

To not list each of these exhibitors in this report would certainly be an injustice; to list every single exhibitor is definitely justifiable, as well as a number indication of the gratitude felt by the Advisory Council of the Youth Opportunity Fair, Inc.

Hence, the council salutes and comments each of the following exhibitors who played a magnificent role in bringing careers within reach.

EXHIBITORS—1967 YOUTH OPPORTUNITY FAIR

Business

IBM Corporation.
Braniff International.
Southwestern Bell Telephone Company.
Friedrich Refrigerators, Inc.
Precision Manufacturing Company.
Sears Roebuck and Company.
Joske's of Texas.
Coca-Cola Bottling Company.
Travelers Insurance Company.
United Services Automobile Association.
Frost National Bank.
National Bank of Commerce.
Handy-Andy, Inc.
Texas Insurance Field Men's Association.
San Antonio Hotel and Motel Association.

Medical

Baptist Memorial Hospital.
Robert B. Green Hospital.
Santa Rosa Medical Center.
Southwest Texas Methodist Hospital.
San Antonio District Dental Hygienist Society.

Government agencies

City of San Antonio.
City Public Service Board.
Office of Economic Opportunity—VISTA.
San Antonio River Authority.
State Department of Public Welfare.
Texas Employment Commission.
U.S. Civil Service Commission.

U.S. Armed Forces

Armed Forces Recruiting Stations.
Aerospace Medical Division, Brooks AFB.
Brooke Army Medical Center, Ft. Sam Houston.
San Antonio Air Material Area, Kelly AFB.
U.S. Army Medical Training Center, Ft. Sam Houston.

Educational and training institutions

St. Mary's University.
Incarnate Word College.
San Antonio College.
St. Philip's College.
Harlandale Independent School District.
Community College.
Durham College.
Ogtell's Academy of Beauty Culture.
Strauch Beauty College.
Texas Vocational Schools, Inc.
Gary Job Corps Training Center.
San Antonio Neighborhood Youth Organization.
Texas Educational Service Center.
Victor Better Business Service.
Hick's Beauty School.

Miscellaneous

Congressman Henry B. Gonzalez' Office.
March of Dimes.
San Antonio Association for Retarded Children.
KAPE Radio Station.

The tremendous participation of the foregoing organizations can only be appreciated when one visualizes the thousands upon thousands of handouts on career information distributed during the two days of the Fair; by visualizing hundreds of young people being given first-hand information on the opportunities offered by being a police officer, a fireman, a soldier, sailor, airman, Wac, Waf, a VISTA volunteer, a cosmetologist, Job Corps trainee, a plumber, a bank teller, a telephone operator, a sales person, an LVN, a registered nurse, an x-ray technician, a medical orderly and 20,000 other careers in the medical field, an unlimited number of careers in civil service, a multitude of jobs offered by the Texas Employment Commission—name the job and/or career and a young person attending the Fair could obtain all the information needed concerning his or her particular interest.

Imagine all medical institutions in Bexar County—the Baptist Memorial Hospital, Santa Rosa Medical Center, Robert B. Green County Hospital, the University of Texas Medical Complex, Brooke Army Medical Center, and the Aerospace Medical Division, Brooks A.F.B.—distributing information on the unlimited opportunities in Health careers.

And, moreover, consider the fact that the Coca-Cola booth handed out some 18,000 free "Coke" samples during the first half day of the Fair. Interest and generosity were tremendous during the Fair, one vocational school even gave out a free course in plumbing to a lucky young man, some exhibitors gave cookies and cake; Ogtell's Academy of Beauty Culture, Inc., Strauch's Beauty Colleg and Hick's Beauty School, a school to train Negro beauty operators, were offering free beauty services to young ladies and female adults who had coiffures ruined by a constant rain.

The fair participants, both exhibitors and youths, were handicapped by Beulah; however, the exhibitors' desire to contribute and the youths' eagerness to be informed both prevailed, and the two day program was a success.

Many school districts were bringing high school students to the Fair in buses even though these districts are limited in available transportation. The superintendents of these districts are to be commended for their desire in having the students in each respective district take full advantage of this career information program.

Others who are to be commended for sincere cooperation, at the national level, by endorsing and sponsoring the Youth Opportunity Fair of 1967 are: Senators Ralph W. Yarborough and John G. Tower, and Congressman Henry B. Gonzalez; a special commendation is also afforded the honorable Hubert H. Humphrey, vice-president of the United States, who, as chairman of the President's Council on Youth Opportunity, endorsed the Fair and sent a personal letter of invitation to the youth of Bexar County, requesting that they take advantage of this program.

STATISTICS AND OBJECTIVES OF YOF

In order to serve both the in-school junior and senior high school student and the school drop outs, certain steps were taken by the Advisory Council of Youth Opportunity Fair. One was a survey on the number of junior and senior high school students in all school districts in San Antonio—the survey follows:

SURVEY ON NUMBER OF JUNIOR AND SENIOR HIGH SCHOOL STUDENTS IN BEXAR COUNTY

School district	Junior high school students	Senior high school students	Total
Alamo Heights Independent School District, 7101 Broadway	940	1,846	2,786
East Central School District, Stuart Rd	406	621	1,027
Edgewood Independent School District, 6458 West Commerce	3,396	4,260	7,656
Fort Sam Houston Independent School District, Winans Rd	320	446	766
Harlandale Independent School District, 102 Genevieve	3,600	3,650	7,250
Judson Rural School District, Old Seguin Rd	245	350	595
North East Independent School District, 10214 Sommers	2,837	2,256	5,092
Northside Independent School District, Evers Rd	3,946	6,681	10,627
San Antonio Independent School District, Lavaca at Matagorda	18,385	15,192	33,577
Special education enrollment, SAISD	239	169	408
Schertz-Cibolo Independent School District, Schertz	428	572	1,000
South San Antonio Independent School District, 2515 Navajo	950	1,200	2,150
Southside School District, Martinez Rd	505	398	903
Southwest Independent School District, Macdona Rd	287	339	626
San Antonio Catholic Archdiocese School	1,444	1,386	2,830
Total	37,928	39,366	77,294

The Advisory Council then knew that there were approximately 77,294 junior and senior high school students who could utilize the Youth Opportunity Fair resource.

The second step undertaken was that of getting the school drop outs to attend the Fair.

Included in this group were the drop outs, delinquents, youth on probation, and youth with other problems. Contacts were made with the many community centers in the city, the Juvenile Probation Office, Federal Housing Units, Economic Opportunity Development Corporation, EODC, and other organizations thereunder, such as Project FREE and the San Antonio Neighborhood Youth Organizations, SANYO.

During these contacts, moreover, pictures were taken of young people holding the Youth Opportunity Fair theme poster and inviting all youths (in accompanying newspaper stories) to attend the Fair. The newspapers, radio and TV media responded by giving the Fair their full cooperation. The three San Antonio TV stations each alloted six twenty second spot announcements, in color, by youth of all three ethnic groups in San Antonio. The radio stations also offered spot announcements. Youth was used to deliver the message on the Fair to other young people whereby there could be an identification concept.

Another tremendous boost was the San Antonio Bus Card Agency allowing the Youth Opportunity Fair some 265 free bus card spaces on the city buses.

In order to arrive at some conclusions as to the response made in youth attendance, a registration form was developed to be completed by all youths who attended the Fair—this form identified the youths in school, in employment, in college, out of school, and youth looking for work.

A sampling was made on the morning of the second day of the Fair. The results of this sampling, taken from the number of youth who attended the Fair between the hours of 9:00 a.m. to 11:00 a.m., at the aforementioned time follows:

Statistics on youths attending Youth Opportunity Fair, September 20, 1967, between the hours of 9 a.m. to 11 a.m.

Group name	*Number of youths*
Alamo Heights School District	308
East Central School District	22
Edgewood School District	467
Ft. Sam Houston School District	102
Harlandale School District	114
Judson Rural School District	22
North East School District	57
Northside School District	46
San Antonio Catholic Archdiocese School	71
San Antonio Independent School District	96
Schertz-Cibolo School District	17
South San Antonio School District	16
Southside School District	27
Southwest School District	14
Total number in in-school youths attending during sampling	1, 379
Students in college	11
Dropouts	131
Youths looking for work	6
Students in vocational schools	14
Status unidentified	2
Total number of out-of-public-school youths attending during sampling	164
Total number of all youths attending during 3-hour samplying	1, 543
Approximate total attendance during both days of fair*	6, 000–8, 000

*Because of severe weather conditions some youths forgot their registration slips at home or never got to register at the entrance—it was raining constantly during the three hours of this sampling.

In conclusion, the Youth Opportunity Fair Advisory Council wishes to report that in spite of the weather, the Second Annual Youth Opportunity Fair was a tremendous success; in spite of the weather all exhibitors stood their ground; in spite of the tornado warnings the youth of San Antonio turned out for the Fair; and, that the entire Bexar County community should be commended for a job well done in behalf of its future citizens—everyone is now looking forward to the Youth Opportunity Fair of 1968.

PROBLEMS OF THE AGED—RESOLUTIONS OF ALLIED COUNCIL OF SENIOR CITIZENS OF WISCONSIN

Mr. NELSON. Mr. President, the Allied Council of Senior Citizens of Wisconsin, Inc., has just concluded a most successful third annual State convention.

More than 200 delegates representing 450,000 aged Wisconsin citizens, all of whom are 65 years of age or older, participated in many hours of significant and meaningful discussion of the problems of the aged.

The council's able secretary, David Sigman, and its president, Edward Schroedter, Sr., are to be congratulated for the fine contribution these people are making to the solution of their own problems. Such leadership cannot go unnoticed.

For the benefit of the many persons who are interested, I ask unanimous consent that the resolutions passed by the delegates be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

High Cost of Living and Food Stamp Program

Whereas the income of the aged person is fixed upon retirement; and

Whereas there has been a rapid and continuous increase in the cost of food, clothing, medicines, and other necessities to a decent standard of living; and

Whereas the Food Stamp Program was created by the Federal Government to assist those with substandard incomes; now, therefore

Be it resolved that the Food Stamp Program be liberalized so that more aged persons can participate;

Be it further resolved that cooperative programs and aged organization be established so that better communications and understanding of the Food Stamp Program will exist, which would result in more aged persons benefiting by the Food Stamp Program;

Be it further resolved that, if food prices and cost of medicines continue to rise, the Federal Government consider price fixing in these areas; and

Be it further resolved that a copy of this resolution be sent to the U.S. Senators and Congressmen from the State of Wisconsin.

Reduced Fare for Travel for Aged

Whereas many of our aged people find it desirable and necessary in their remaining years of their life to have a useful and educational and pleasurable experience in traveling to various parts of our country which was denied them during most of their working lives; traveling costs have risen

Therefore be it resolved that the Congress of the United States enact legislation whereby some of the travel cost by the aged such as Ship Travel, Air Travel, Rail Travel and Bus Travel be subsidized so that the aged are able to travel at the lowest possible cost.

Be it resolved that the National Council of Senior Citizens go on record in behalf of the above action.

Social Security

Whereas many retirees and others who depend upon Social Security cannot meet their minimum needs under the present low schedule of benefits; and

Whereas President Johnson has constantly asked the United States Congress to increase Social Security benefits by an average of 20% and,

Whereas the protection offered by Social Security is of vital importance not only to those who receive it, but also to the national economy and to the welfare of many citizens of Wisconsin; and

Whereas the inadequate Social Security benefits not only affect those who rely on such benefits, but impose a social and economic burden upon all citizens; therefore be it

Resolved that the Allied Council of Senior Citizens of Wisconsin, Inc., urge our Congress to go on record as favoring an immediate increase of not less than 20% in Social Security; that Social Security be made a part of the cost of living formula; that the minimum Social Security be established of $125 per person per month; and that the age limit be lowered to 60 years; and be it

Further resolved that certified copies of this resolution be transmitted to our Wisconsin Senators and Congressmen.

Poverty Program

Whereas there are some twenty million aged, 65 or over in the United States and four hundred fifty thousand aged in Wisconsin; and

Whereas there are enough statistics to prove the aged are the lowest low-income group in America and that over 60% of those living in poverty in this country are age 65 or over; and

Whereas continued research is wasted money; and

Whereas two years ago the United States Congress provided millions of dollars for a Poverty Program; and

Whereas the aged have had little opportunity to participate in programs to strengthen their voice through organization; and

Whereas the aged want to assume responsibility to solve their own problems;

Be it resolved that the project under the Poverty Program opposed by the aged be given priority consideration; and

Be it further resolved that, unless an immediate and effective program is developed whereby monies are funded for programs initiated and implemented by the aged, such programs be carried on by the Health, Education, and Welfare Dept., instead of the Poverty Program as now designed; and

Be it further resolved that the "Project Involve", which was submitted by the Allied Council of Senior Citizens of Wisconsin Inc. be given immediate consideration and funding; and

Be it further resolved that copies of this resolution be sent to all United States Senators and Congressmen from the State of Wisconsin.

Improvement in the Medicare Program

Whereas it is common knowledge that the Medicare program was enacted over the strenuous objections of the American Medical Association, the National Chamber of Commerce, and the reactionary and conservative members of Congress; and

Whereas the Medicare program as enacted was far short of the needs of the recipients of Medicare; and

Whereas the cost of prescriptions, dental work, hearing aids, eye care, etc., are beyond the reach of many senior citizens; and

Whereas an immediate increase of not less than 50% in current and prospective benefits payments applicable throughout the range of covered earnings is needed; and

Whereas additional coverage for the cost of Chiropractor services, and prescription drugs used outside the hospital is not included;

Be it resolved that the Allied Council of Senior Citizens of Wisconsin Inc., work towards amending the Medicare program to include the services and expenditures as outlined above, and

Be it further resolved that a copy of this resolution be sent to all United States Senators and all Congressmen from the State of Wisconsin.

Opposition to Increase in Medicare Insurance

The Allied Council of Senior Citizens of Wisconsin, Inc. believes that it is necessary to the American way of life and to the health and welfare of the aged that Social Security and our Medicare Program be improved. We realize that everything improved means an increase in the cost of such programs. We believe that the Federal Government should share the cost of the Medicare and Social Security Programs through its general tax structure. We strongly oppose any suggested increase to the individual aged as it affects the voluntary medicare insurance program.

Be it resolved that a copy of this resolution be submitted to the Wisconsin U.S. Senators and Congressmen and the U.S. Department of Health, Education, and Welfare.

National Council of Senior Citizens

The National Council of Senior Citizens, Washington, D.C., with whom the Allied Council of Senior Citizens of Wisconsin Inc. is an affiliate has done an outstanding job for all the aged in the United States. It is recognized throughout the nation as the organization which has done more than any other in keeping the people of the nation aware of the need of increasing social security and the Medicare Program.

We commend and praise its untiring work and urge all to encourage and support it so that it may continue to bring more benefits and happiness to the aged of the United States of America.

We urge that they extend their efforts also toward government agencies supporting realistic programs to meet the needs of the aged instead of wasteful expenditures on research.

Freeze on Property Tax at Time of Retirement

Whereas the income of the aged is fixed upon retirement; now therefore,

Be it resolved that the Wisconsin Legislature enact legislation freezing the property tax under homestead of those property owners who have reached the age of retirement.

Be it further resolved that a copy of this resolution be sent to the members of the Wisconsin Legislature.

Resolution

Whereas many Senior Citizens of the State of Wisconsin have to rely, unfortunately, not only on Social Security but also on Public Welfare to increase their income so as to house, feed and clothe themselves and their loved ones because of low earnings during productive years; and

Whereas this segment of the Senior Citizens are being denied their just portion of benefits derived from Social Security because of an archaic statute on the law books of the State of Wisconsin which, in effect, reduces the welfare benefits of the recipients when an increase in Social Security is granted so as not to exceed a set figure established by the State of Wisconsin which is no longer realistic in view of the increased cost of living; and

Whereas there is at present legislation pending in both houses of the State Legislature to overcome this inequity and to allow this segment of the Senior Citizens community to retain those increases granted under the Federal Social Security Act.

Now, therefore be it resolved that the Allied Council of Senior Citizens of Wisconsin in Convention November 13, 1967 do hereby urge with all its strength the Legislature of the State of Wisconsin to support with all their skill and abilities this legislation to overcome the afore mentioned inequities.

Be it further resolved that copies of this resolution be sent to all the legislators and the Executive branch of the State of Wisconsin.

Resolution on Probate

Whereas the laws regarding probating of estates in Wisconsin are in need of drastic revision; and

Whereas excessive fees charged in probate are particularly hurtful to older and retired couples; therefore, be it

Resolved that the Wisconsin State Legislature be urged to make the following amendments in state probate law:

1. Small estates, particularly those in joint tenancy, be exempted from going through probate. A reasonable limit of some figure such as $60,000 could apply to exemptions.
2. Exempt the homestead completely when it is left to one of a surviving couple.
3. Allow other qualified personnel to handle probate matters than the attorney.
4. Prohibit set fees by the Wisconsin Bar Association in handling probate allowing an attorney to work out mutually satisfactory arrangements with his client.

Be it further resolved that copies of this resolution be sent to appropriate members of our State Legislature and be given as great publicity as possible.

State Commission on Aging

The Allied Council of Senior Citizens of Wisconsin, Inc., goes on record urging the Governor and our State Legislature to reinstate the Wisconsin State Commission on Aging. We believe that a Commission on Aging should be a free and independent agency of the government, devoted to the welfare and concern of the aged.

We further recommend that the now existing State Council on Aging be authorized by the legislature to seek to strengthen its agency so it can best serve the interests of the aged and the people in the State of Wisconsin, by urging communities to set up similar commissions on aging to coordinate its activities with those of the State.

Be it further resolved that a copy of this resolution be submitted to the members of the Wisconsin State Legislature and to the State Council for Aging.

Resolution Re: Unfair and Unjustified Practice by Insurance Companies of Premiums Held by Senior Citizens

A resolution on the above matter has been introduced by Trustee John Polakowski, Past Pres., Southside Senior Citizens Unit No. 1.

The resolution Committee wishes to point out that the Allied Council of Senior Citizens of Wisconsin has taken a firm position against cancellation and discriminatory cost of premiums to Senior Citizens because of age. Your committee on legislation has appeared before the State Legislature and demanded that legislation be enacted whereby any citizen, regardless of age, who receives a driver's license may not be denied liability automobile insurance nor be discriminated against because of age.

We urge close attention to this particular problem and ask that Congress, as well as the State, continue investigation of unfair practices by insurance companies against policyholders solely because of age and, if necessary, legislation be introduced to prevent discriminatory practices.

Resolution

Whereas there is presently legislation pending in the Wisconsin Legislature relating to changing the Sales Tax by increasing it;

And whereas this is the most regressive tax that can be levied on Society and by its own method taxes those least able to pay such as Senior Citizens and those living on a fixed income;

And whereas there are many areas of taxation that have not been tapped as yet;

Now therefore be it resolved that the Allied Council of Senior Citizens of Wisconsin in Convention session November 13, 1967 do hereby oppose with all our vigor possible any and all legislation designed to increase the State of Wisconsin income and/or any of the municipalities within the confines of the State of Wisconsin through a program of increasing or assessing a Sales Tax on the citizens of the State of Wisconsin or any of its municipalities.

Be it further resolved that copies of this resolution be forwarded to all legislators and the Executive Branch of the State of Wisconsin.

POSTAL RATES AND FEDERAL SALARIES

Mr. MONRONEY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7977.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House of Representatives, which the clerk will state.

The legislative clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate to H.R. 7977 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Postal Revenue and Federal Salary Act of 1967'.

"TITLE I—POSTAL RATES

"FIRST-CLASS MAIL

"Sec. 101. (a) Sections 4252 and 4253 of title 39, United States Code, are amended to read as follows:

" '§ 4252. Size and weight limits

" 'The maximum size of first-class mail is one hundred inches in length and girth combined and the maximum weight is seventy pounds.

" '§ 4253. Postage rates on first-class mail

" '(a) Postage on first-class mail is computed separately on each letter or piece of mail. Except as otherwise provided in this section, the rate of postage on first-class mail weighing thirteen ounces or less is 6 cents for each ounce or fraction of an ounce.

" '(b) First-class mail weighing more than thirteen ounces shall be mailed at the rates of postage established by section 4303(d) of this title and shall be entitled to the most expeditious handling and transportation practicable.

" '(c) The rate of postage for each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card conforming to section 4251(c) of this title is 5 cents.

" '(d) The rate of postage on business reply mail is the regular rate prescribed in this section, together with an additional charge thereon of 2 cents for each piece weighing two ounces or less and 5 cents for each piece weighing more than two ounces. The postage and charge shall be collected on delivery.'.

"(b) Section 4251 (a) of title 39, United States Code, is amended by striking out 'and (4)' and inserting in lieu thereof '(4) bills and statements of account, and (5)'.

"(c) Subsection (d) of section 4251 of title 39, United States Code, relating to the definition of drop letters, is repealed.

"(d) The table of contents of chapter 59 of title 39, United States Code, is amended by striking out—

" '4252. Weight limit.'

and inserting in lieu thereof—

" '4252. Size and weight limits.'.

"AIRMAIL

"Sec. 102. (a) Subsections (a) and (b) of section 4303 of title 39, United States Code, are amended to read as follows:

" '(a) Except as provided in section 4304 of this title and subsection (b) of this section, the rate of postage on domestic airmail weighing not more than 7 ounces is 10 cents for each ounce or fraction thereof.

"'(b) The rate of postage on each postal card and post card sent as domestic airmail is 8 cents.'.

"(b) Subsection (d) of section 4303 of title 39, United States Code, is amended—

"(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"'(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

" 'Zones

	Local 1, 2, and 3	4	5	6	7	8
Not over 1 lb.	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
Over 1 lb. but not over 1½ lbs.	.98	1.02	1.07	1.14	1.18	1.24
Over 1½ lbs. but not over 2 lbs.	1.16	1.23	1.34	1.47	1.55	1.68
Over 2 lbs. but not over 2½ lbs.	1.40	1.48	1.62	1.79	1.91	2.08
Over 2½ lbs. but not over 3 lbs.	1.64	1.73	1.90	2.11	2.27	2.48
Over 3 lbs. but not over 3½ lbs.	1.88	1.98	2.18	2.43	2.63	2.88
Over 3½ lbs. but not over 4 lbs.	2.12	2.23	2.46	2.75	2.99	3.28
Over 4 lbs. but not over 4½ lbs.	2.36	2.48	2.74	3.07	3.35	3.68
Over 4½ lbs. but not over 5 lbs.	2.60	2.73	3.02	3.39	3.71	4.08

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

" 'Zones	Rate
Local and zones 1, 2, and 3	$0.48
Zone 4	.50
Zone 5	.56
Zone 6	.64
Zone 7	.72
Zone 8	.80';

"(2) by deleting paragraph (2); and

"(3) by striking out in paragraph (5), subparagraphs (B) and (C) and inserting in lieu thereof the following:

"'(B) second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office (i) in an overseas area designated by the President under section 4169 of this title or (ii) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"'(C) parcels of any class of mail exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.'.

"(c) Section 4303(f) of title 39, United States Code, is amended by striking out 'the Virgin Islands or the Canal Zone' wherever appearing therein and inserting in lieu thereof 'or the Virgin Islands.'

"(d) Section 4301(2) of title 39, United States Code, is amended by striking out the word 'eight' and inserting in lieu thereof the figure '7'.

"SECOND-CLASS MAIL PREFERRED RATES

"SEC. 103. (a) Section 4358 of title 39, United States Code, is amended—

"(1) by striking out subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31, 1969
Rate per pound	1.3	1.4	1.5
Minimum charge per piece	.2	.2	.2.';

"(2) by adding at the end thereof the following:

"'(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title, of qualified nonprofit organizations, are as follows:

" ' [In cents]

	" 'During calendar year 1968	During calendar year 1969	During calendar year 1970	During calendar year 1971	During calendar year 1972	During calendar year 1973 and thereafter
Rate per pound:						
Advertising portion:						
Zones 1 and 2	2.35	2.9	3.35	4.0	4.55	5.1
Zone 3	2.55	3.3	4.05	4.8	5.55	6.3
Zone 4	2.95	4.1	5.25	6.4	7.55	8.7
Zone 5	3.35	4.9	6.45	8.0	9.55	11.1
Zone 6	3.5	5.2	6.9	8.6	10.3	12.0
Zone 7	3.5	5.2	6.9	8.6	10.3	12.0
Zone 8	3.5	5.2	6.9	8.6	10.3	12.0
Nonadvertising portion	1.9	2.0	2.1	2.1	2.1	2.1
Minimum charge per peice	.13	.15	.2	.2	.2	.2

"'(2) The postage on an issue of a publication referred to in paragraph (1), the advertising portion of which does not exceed 10 per centum of such issue, shall be computed without regard to the rates applicable to the advertising portion prescribed in such paragraph.

"'(e) The postage on classroom publications, mailed in accordance with section 4359(a) of this title, is 60 per centum of the postage computed in accordance with section 4359(b) of this title.

"'(f) The postage shall be 4.2 cents per pound on the advertising portion of publications (1) which are mailed for delivery in zones 1 and 2 in accordance with section 4359(a) of this title, (2) which are devoted to promoting the science of agriculture, and (3) when the total number of copies of the publications furnished during any twelve-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose.

"'(g) In lieu of the minimum charge per piece prescribed by section 4359(b) of this title, the minimum charge per piece for publications (other than publications to which subsections (d) and (e) of this section are applicable), when fewer than five thousand copies are mailed outside the county of publication, is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter.

"'(h) The publisher of a classroom publication, of a publication referred to in subsection (f) of this section, or of a publication of a nonprofit organization, before being entitled to the rates for the publications, shall furnish such proof of qualifications as the Postmaster General prescribes.

"'(i) For the purposes of the application of this section with respect to each publication having original entry at an independent incorporated city, an incorporated city which is situated entirely within a county, or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous.

"'(j) As used in this section—

"'(1) "classroom publication" means a religious, educational, or scientific publication entered as second-class mail and designed specifically for use in classrooms or in religious instruction classes;

"'(2) "a publication of a qualified nonprofit organization" means a publication published by and in the interest of one of the following types of organizations or associations if it is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual: Religious, educational, scientific, philanthropic, agricultural, labor, veterans', fraternal, and associations of rural electric cooperatives, program announcements or guides published by an educational radio or television agency of a State or political subdivision there or by a nonprofit educational radio or television station, and not to exceed one publication published by the official highway or development agency of a State which meets all of the requirements of section 4354 and which contains no advertising;

"'(3) "zones" means the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(3) by amending the section heading to read as follows:

"'§ 4358. Rates of postage; preferred'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

"'4358. Postage rates within county of publication.'

and inserting in lieu thereof—

"'4358. Rates of postage; preferred.'.

"SECOND-CLASS MAIL REGULAR RATES

"SEC. 104. (a) Section 4359 of title 39, United States Code, is amended—

"(1) by striking out subsections (b), (c), (d), and (e) and inserting in lieu thereof the following:

"'(b) Except as otherwise provided in this section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"'[In cents]

	"'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec. 31 1969
Rate per pound:			
Advertising portion:			
Zones 1 and 2	4.6	4.9	5.2
Zone 3	5.7	6.0	6.4
Zone 4	7.8	8.3	8.8
Zone 5	9.9	10.5	11.1
Zone 6	12.0	12.8	13.6
Zone 7	12.8	13.7	14.5
Zone 8	15.0	16.0	17.0
Nonadvertising portion	3.0	3.2	3.4
Minimum charge per piece	1.1	1.2	1.3

" '(c) For the purpose of this section and section 4358 of this title, the portion of a publication devoted to advertisements shall include all advertisements inserted in the publication and attached permanently thereto.

" '(d) (1) Publications mailed in accordance with subsection (a), upon request by the publisher or news agent, may be transported by air on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). The Postmaster General may authorize the transportation of publications by air pursuant to this subsection only when such transportation does not impede the transportation of airmail, air parcel post, or air transportation of first-class mail on a space-available basis.

" '(2) The Postmaster General shall prescribe from time to time charges to be collected for matter transported by air pursuant to this section. The charges—

" '(A) shall be in addition to the payment of lawfully required postage;

" '(B) may not be adjusted more frequently than once every two years; and

" '(C) when prescribed or adjusted, shall equal, as nearly as practicable, the amount by which the allocated cost incurred by the Department for the delivery of such matter by air is in excess of the allocated cost which would have been incurred by the Department had such matter been delivered by surface transportation, but the total of such charges and the lawfully required postage shall not be less than 4 cents per piece.

" '(e) As used in this section the term "zones" means, the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title.'; and

"(2) by amending the section heading to read as follows:

" '§ 4359. Rates of postage; regular'.

"(b) The table of contents of chapter 63 of title 39, United States Code, is amended by striking out—

" '4359. Postage rates beyond county of publication.'

and inserting in lieu thereof—

" '4359. Rates of postage; regular.'.

"(c) Subsection (b) of section 4365 of title 39, United States Code, is amended by striking out 'bills,'.

"(d) Section 4369(a) (4) of title 39, United States Code, is amended by striking out ': *Provided, however,* That trade publications serving the performing arts need only to furnish such information to the Postmaster General'.

"SECOND-CLASS TRANSIENT MAIL

"Sec. 105. Section 4362 of title 39, United States Code, is amended by striking out 'four cents' and inserting in lieu thereof '5 cents'.

"CONTROLLED CIRCULATION PUBLICATIONS

"Sec. 106. Section 4422 of title 39, United States Code, is amended to read as follows:

" '§ 4422. Rates of postage

" 'The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:

" '[In cents]

	" 'Mailed during calendar year 1968	Mailed during calendar year 1969	Mailed after Dec 31 1969
Rate per pound	14.0	14.5	15.0
Minimum charge per piece	1.9	2.9	3.8'.

"THIRD-CLASS MAIL

"Sec. 107. (a) Subsections (a) and (b) of section 4452 of title 39, United States Code, are amended to read as follows:

" '(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

" 'Type of mailing	Rates		Unit
	Mailed during calendar year 1968	Mailed after June 30, 1969	
	Cents	Cents	
(1) Individual piece	6.0	6.0	First 2 ounces or fraction thereof.
	2.0	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of—			
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	16.0	16.0	Each pound or fraction thereof.
(B) Other matter	22.0	22.0	Do.
(C) Minimum charge of	3.6	4.0	Per piece.'

"After June 30, 1969, in lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 3.8 cents on the first two hundred and fifty thousand pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2) (A), (B), and (C) of the above table.

" '(b) Matter mailed in bulk under subsection (e) by qualified nonprofit organizations is subject to a minimum charge for each piece equal to 40 per centum of the minimum charge per piece provided in the table under subsection (a), rounded off to the nearest one-tenth cent.'.

"(b) Subsection (b) of section 4451 of title 39, United States Code, relating to mailing certain bills and statements of account as third-class mail, is repealed.

"SPECIAL RATE FOURTH-CLASS MAIL

"Sec. 108. (a) Section 4554 of title 39, United States Code, is amended—

"(1) by amending so much of subsection (a) as precedes subparagraph (3) thereof to read as follows:

" '(a) Except as provided in subsection (b) of this section, the postage rate is 12 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—

" '(1) books, including books issued to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books;

" '(2) 16-millimeter or narrower width films, and catalogs of such films, except when sent to or from commercial theaters;';

"(2) by striking out in subsection (b)(1) '4 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof' and inserting in lieu thereof '5 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof';

"(3) by inserting in subsection (b) (1) (B) 'museums and herbaria,' immediately following 'public libraries,';

"(4) in subsection (b) (2) by striking out 'and' at the end of clause (E); by striking out the period at the end of clause (F) and inserting in lieu thereof '; and'; and by adding at the end of such subsection the following new clause:

" '(G) museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the education work and interests of museums and herbaria,';

"(5) by inserting in subsection (c) 'or narrower width' immediately following '16-millimeter', and 'museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria,' immediately following 'sound recordings,'; and

"(6) by amending subsection (e) to read as follows:

" '(e) Articles may be mailed under this section in quantities of one thousand or more in a single mailing, as defined by the Postmaster General, only in the manner directed by him.'.

"(b) Subparagraph (6) of section 4554(a) of title 39, United States Code, is amended by inserting 'playscripts and' immediately following '(6)'.

"(c) The section heading of section 4554 of title 39, United States Code, is amended to read—

" '§ 4554. Books, films, and other materials; preferred rates'.

"(d) The table of contents of chapter 67 of title 39, United States Code, is amended by striking out—

" '4554. Postage rates on books and films.'

and inserting in lieu thereof—

" '4554. Books, films, and other materials; preferred rates.'.

"KEYS AND OTHER SMALL ARTICLES

"Sec. 109. Subsection (b) of section 4651 of title 39, United States Code, is amended by striking out '6 cents for each two ounces or fraction thereof' and inserting in lieu thereof '14 cents for the first two ounces or fraction thereof, and 7 cents for each additional two ounces or fraction thereof,'.

"SPECIAL HANDLING SERVICE

"Sec. 110. Section 6008 of title 39, United States Code, is amended to read as follows:

" '§ 6008. Special handling

" 'Upon payment of a special handling fee, third-class mail and fourth-class mail are entitled to the most expeditious handling and transportation practicable, but such mail is not required to receive the same handling and transportation as airmail.'.

"SEPARATION BY MAILER OF SECOND-CLASS MAIL

"Sec. 111. Section 4363 of title 39, United States Code, is amended to read as follows:

" '§ 4363. Separation by matter or second-class mail

" 'The Postmaster General may require publishers and news agents to separate, make up, and address second-class matter in such manner as he directs in accordance with a 5-digit ZIP code system'.

"PRINTING ON SECOND-CLASS COVERS

"Sec. 112. Section 4365 of title 39, United States Code, is amended by adding a new subsection to read as follows:

" '(d) In addition to other matter authorized by this section to be contained, enclosed or inserted in second-class mail, there may be included, in accordance with uniform regulations which the Postmaster General shall prescribe, on the envelopes, wrappers, and other covers in which copies of publications are mailed, messages and notices of a civic or public-service nature, if no charge is made for the inclusion of such messages and notices on such envelopes, wrappers, and covers.'.

"ADDITIONAL ENTRY POINTS

"SEC. 113. Section 4358 of title 39, United States Code, is amended by adding at the end thereof a new subsection to read as follows:

" '(k) The rates of postage prescribed by subsections (a) and (b) of this section shall apply only to mailings within the county in which the publications have original entry.'.

"MAIL MATTER FOR BLIND AND OTHER HANDICAPPED PERSONS

"SEC. 114. (a) Chapter 69 of title 39, United State Code, is amended by striking out sections 4653 and 4654 thereof and inserting in lieu therof the following:

" '4653. Matter for blind and other handicapped persons

" '(a) The matter described in subsection (b) (other than matter mailed under section 4654 of this title) may be mailed free of postage, if—

" '(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

" '(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

" '(3) the matter may be opened by the Postmaster General for inspection;

" '(4) the matter contains no advertising; and

" '(5) the matter is mailed subject to size and weight limitations prescribed by the Postmaster General.

" '(b) The free mailing privilege provided by subsection (a) is extended to—

" '(1) reading matter and musical scores;

" '(2) sound reproductions;

" '(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

" '(4) reproducers or parts thereof, for sound reproductions; and

" '(5) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a) (1) of this section.

" '§ 4654. Unsealed letters sent by blind or physically handicapped persons

" 'Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 4653(a) (1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

" '§ 4655. Markings

" 'All matter relating to blind or other handicapped persons mailed under section 4653, or section 4654, of this title, shall bear the words "Free Matter for the Blind or Handicapped", or words to that effect specified by the Postmaster General, in the upper right-hand corner of the address area.'.

"(b) The table of contents of chapter 69 of title 39, United States Code, is amended by striking out—

" '4653. Publications for the blind.

" '4654. Reproducers and sound reproduction records for the blind.'

and inserting in lieu thereof—

" '4653. Matter for blind and other handicapped persons.

" '4654. Unsealed letters sent by blind or physically handicapped persons.

" '4655. Markings.'.

"(c) Section 4451(d) of title 39, United States Code, is repealed.

"PERMISSIBLE ENCLOSURES FOR FOURTH-CLASS MAIL

"SEC. 115. Section 4555(a) of title 39, United States Code, is amended—

"(1) by striking out 'and' at the end of clause (9);

"(2) by striking out the period at the end of clause (10) and inserting in lieu thereof '; and'; and

"(3) by adding at the end thereof:

" '(11) invoices, whether or not also serving as bills, if they relate solely to the matter with which they are mailed.'.

"REIMBURSEMENT OF THE POSTAL SERVICE OF THE CANAL ZONE

"SEC. 116. (a) Chapter 57 of title 39, United States Code, is amended by adding at the end thereof the following new section:

" '§ 4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.

" '(a) For the purposes of sections 4169(a), 4303(d) (5), and 4560 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 705(d) of this title.

" '(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.'

"(b) The table of contents of chapter 57 of title 39, United States Code, is amended by adding—

" '4170. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone."

immediately below—

" '4169. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.'

"PARCEL AIRLIFT

"SEC. 117. (a) Chapter 67 of title 39, United States Code, is amended by adding at the end thereof the following new section:

" '§ 4560. Air transportation of parcels mailed at or addressed to Armed Forces post offices.

" 'Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding thirty pounds in weight and sixty inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 705(d) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), upon payment, in addition to the regular surface rate of postage, of a special fee to be prescribed by the Postmaster General for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.'.

"(b) The table of contents of such chapter 67 is amended by inserting at the end thereof—

" '4560. Air transportation of parcels mailed at or addressed to Armed Forces post offices.'

"SOLICITATIONS IN GUISE OF BILLS OR STATEMENTS OF ACCOUNT

"SEC. 118. (a) Section 4001 of title 39, United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

" '(c) Matter otherwise legally acceptable in the mails which—

" '(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

" '(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postmaster General shall prescribe—

" '(A) the following notice: "This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are not under obligation to make any payments on account of this offer unless you accept this offer."; or

" '(B) in lieu thereof, a notice to the same effect in words which the Postmaster General may prescribe.'.

"(b) The amendment made by this section shall become effective with respect to matter mailed on or after the ninetieth day following the effective date of this section.

"EFFECTIVE DATE

"SEC. 119. This title shall become effective on January 7, 1968.

"CONFORMING AMENDMENTS

"SEC. 120. (a) (1) Subparagraph (A) of section 2303(a) (1) of title 39, United States Code, is repealed.

"(2) Subparagraph (D) of such section is amended to read as follows:

" '(D) free postage on reading matter and other articles for the blind and other handicapped persons as provided by sections 4653 and 4654 of this title;'.

"(3) Subparagraph (I) is amended by striking out 'educational'.

"(b) Section 4552(c) of such title is amended—

"(1) by inserting 'and' after the semicolon at the end of paragraph (4);

"(2) by striking out '; and' at the end of paragraph (5) and inserting in lieu thereof a period; and

"(3) by striking out paragraph (6).

"EDUCATIONAL TELEVISION

"SEC. 121. Section 4355(a) of title 39, United States Code, is amended by striking out the period at the end of item (10) and inserting in lieu thereof a semicolon and the word 'or', and by adding after item (10) the following new item:

" '(11) program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.'.

"UNDELIVERED FIRST CLASS MAIL

"SEC. 122. Subsection (a) of section 4106 of title 39, United States Code, is amended to read as follows:

" '(a) The Postmaster General shall notify the sender or addressee upon request by the sender or addressee, when mail is undelivered as addressed, of the reason for the nondelivery, and in the case of the notice to the sender, the new address of the addressee if known. The Postmaster General shall prescribe a uniform charge to be collected for the service performed pursuant to this subsection.'

"TITLE II—FEDERAL SALARY INCREASES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Federal Salary Act of 1967'.

"EMPLOYEES SUBJECT TO THE GENERAL SCHEDULE

"SEC. 202. (a) The General Schedule contained in section 5332(a) of title 5, United States Code, is amended to read as follows:

" 'GENERAL SCHEDULE

" 'Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,776	$3,902	$4,028	$4,154	$4,280	$4,406	$4,532	$4,658	$4,784	$4,910
GS-2	4,108	4,245	4,382	4,519	4,656	4,793	4,930	5,067	5,204	5,341
GS-3	4,466	4,615	4,764	4,913	5,062	5,211	5,360	5,509	5,658	5,807
GS-4	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489
GS-5	5,565	5,751	5,937	6,123	6,309	6,495	6,681	6,867	7,053	7,239
GS-6	6,137	6,342	6,547	6,752	6,957	7,162	7,367	7,572	7,777	7,982
GS-7	6,734	6,959	7,184	7,409	7,634	7,859	8,084	8,309	8,534	8,759
GS-8	7,384	7,630	7,876	8,122	8,368	8,614	8,860	9,106	9,352	9,598
GS-9	8,054	8,323	8,592	8,861	9,130	9,399	9,668	9,937	10,206	10,475
GS-10	8,821	9,115	9,409	9,703	9,997	10,291	10,585	10,879	11,173	11,467
GS-11	9,657	9,979	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555
GS-12	11,461	11,843	12,225	12,607	12,989	13,371	13,753	14,135	14,517	14,899
GS-13	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
GS-14	15,841	16,369	16,897	17,425	17,953	18,481	19,009	19,537	20,065	20,593
GS-15	18,404	19,017	19,630	20,243	20,856	21,469	22,082	22,695	23,308	23,921
GS-16	20,982	21,681	22,380	23,079	23,778	24,477	25,176	25,875	26,574	--------
GS-17	23,788	24,581	25,374	26,167	26,960	--------	--------	--------	--------	--------'
GS-18	27,055	--------	--------	--------	--------	--------	--------	--------	--------	--------

"(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in the amendment made by subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

"(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on and after such date.

"(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

"(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive (A) the maximum rate for his grade in the new schedule, or (B) his existing rate of basic pay increased by 4.5 per centum, rounded to the next highest dollar, if such existing rate as so increased is higher.

"(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this subparagraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

"(5) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, was promoted from one grade under the General Schedule contained in section 5332(a) of title 5, United States Code, to another such grade at a rate which is above the minimum rate thereof, his rate of basic pay shall be adjusted retroactively from the effective date of this section to the date on which he was so promoted, on the basis of the rate which he was receiving during the period from such effective date to the date of such promotion and, from the date of such promotion, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in the amendment made by subsection (a) of this section which corresponds numerically to the step of the grade of the General Schedule to which such officer or employee was promoted as in effect (without regard to this title) at the time of such promotion.

"(6) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this title, became subject to the General Schedule and his rate of basic pay was set above the minimum rate of the grade on the basis of a previously earned rate above such minimum rate, his rate of basic pay shall be adjusted retroactively to the date on which he became subject to the General Schedule on the basis of the rate of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the rate of the grade at which the pay of such officer or employee was set at the time he became subject to the General Schedule.

"LIMITATION ON NUMBERS OF CERTAIN POSTAL POSITIONS

"SEC. 203. Section 3301 of title 39, United States Code, is amended by striking out 'salary levels 19 and 20' and inserting in lieu thereof 'salary levels 20 and 21'.

"CHANGES IN KEY POSITIONS IN POSTAL FIELD SERVICE

"SEC. 204. (a) That part of chapter 45 of title 39, United States Code, under the heading 'POSITIONS' is amended by striking out section 3512 and inserting in lieu thereof the following new sections:

"§ 3512. Positions in salary level 1

" 'Cleaner. (KP-51)

" '(1) Basic function.—Performs a variety of light cleaning and housekeeping tasks in connection with the custodial maintenance of a postal installation.

" '(2) Duties and responsibilities.—

" '(A) Sweeps, mops, dusts, washes, and otherwise performs light cleaning, and housekeeping tasks to maintain offices, washrooms, lobbies, corridors, stairways, and other areas of the building in neat and orderly condition.

" '(B) Performs such duties as dusting, waxing, and polishing office furniture, sweeping and mopping floors, vacuuming rugs, emptying wastebaskets and trash, washing interior window and partition glass and fixtures which can be reached without use of ladders or scaffolding.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.

" '§ 3512A. Positions in salary level 2

" 'Custodian (KP-1)

" '(1) Basic function.—Performs manual laboring duties in connection with custody of an office or building.

" '(2) Duties and responsibilities.—

" '(A) Performs any combination of the following duties:

" '1. Moves furniture and equipment.

" '2. Uncrates and assembles furniture and fixtures, using bolts and screws for assembly.

" '3. Loads and unloads supplies and equipment.

" '4. Removes trash from work areas, lobbies, and washrooms.

" '5. Tends to lawns, shrubbery, and premises of the post office and cleans ice and snow from the sidewalks and driveways.

" '6. Stacks supplies in storage rooms and on shelves, and completes forms or records as required.

" '(B) May perform cleaning duties as assigned.

" '(3) Organizational relationships.—Reports to a foreman or other designated supervisor.'.

"(b) Each salary level number in the headings of sections 3513 to 3531, inclusive, of title 39, United States Code, and each other numerical reference to such salary level number in any other provision of such title (including the table of contents of chapter 45) which is not otherwise, increased by this title, is increased by 1.

"(c) Each employee in the postal field service on the date of enactment of this title, whose position is placed in salary level 2 of the Postal Field Service Schedule by reason of the enactment of this section and section 205(e)(1) of this title, shall remain in salary level 2 of such schedule so long as he remains in such position or occupies, without break in service of more than thirty days, a position of a comparable level of duties, responsibilities, and work requirements in such salary level. When the employee leaves any such position, the position shall be appropriately ranked in accordance with chapter 45 of title 39, United States Code.

"(d) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting—

" '3512A. Positions in salary level 2.'

immediately below—

" '3512. Positions in salary level 1.'.

"POSTAL FIELD SERVICE EMPLOYEES

"SEC. 205. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

" '(a) There are established basic compensation schedules for positions in the postal field service which shall be known as the Postal Field Service Schedules and for which the symbol shall be "PFS". Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedules.

“ ‘POSTAL FIELD SERVICE SCHEDULE I

“ ‘[To be effective for the period beginning on the first day of the first pay period beginning on or after October 1, 1967, and ending immediately before the effective date of Postal Field Service Schedule II set forth below]

“ ‘PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,118	$4,255	$4,392	$4,529	$4,666	$4,803	$4,940	$5,077	$5,214	$5,351	$5,488	$5,625
2	4,460	4,607	4,754	4,901	5,048	5,195	5,342	5,489	5,636	5,783	5,930	6,077
3	4,826	4,984	5,142	5,300	5,458	5,616	5,774	5,932	6,090	6,248	6,406	6,564
4	5,215	5,391	5,567	5,743	5,919	6,095	6,271	6,447	6,623	6,799	6,975	7,151
5	5,651	5,838	6,025	6,212	6,399	6,586	6,773	6,960	7,147	7,334	7,521	7,708
6	6,044	6,246	6,448	6,650	6,852	7,054	7,256	7,458	7,660	7,872	8,064	8,266
7	6,482	6,697	6,912	7,127	7,342	7,557	7,772	7,987	8,202	8,417	8,632	8,847
9	6,939	7,170	7,401	7,632	7,863	8,094	8,325	8,556	8,787	9,018	9,249	----------
8	7,515	7,764	8,013	8,262	8,511	8,760	9,009	9,258	9,507	9,756	----------	----------
10	8,128	8,398	8,668	8,938	9,208	9,478	9 748	10,018	10,288	10,558	----------	----------
11	8,846	9,146	9,446	9,746	10,046	10,346	10,646	10,946	11,246	11,546	----------	----------
12	9,775	10,109	10,443	10,777	11,111	11,445	11,779	12,113	12,447	12,781	----------	----------
13	10,815	11,183	11,551	11,919	12,287	12,655	13,023	13,391	13,759	14,127	----------	----------
14	11,951	12,364	12,777	13,190	13,603	14,016	14,429	14,842	15,255	15,668	----------	----------
15	13,173	13,631	14,089	14,547	15,005	15,463	15,921	16,379	16,837	17,295	----------	----------
16	14,564	15,066	15,568	16,070	16,572	17,074	17,576	18,078	18,580	19,082	----------	----------
17	16,090	16,650	17,210	17,770	18,330	18,890	19,450	20,010	20,570	21,130	----------	----------
18	17,803	18,425	19,047	19,669	20,291	20,913	21,535	22,157	22,779	23,401	----------	----------
19	19,642	20,294	20,946	21,598	22,250	22,902	23,554	24,206	24,858	25,510	----------	----------
20	21,758	22,484	23,210	23,926	24,662	25,388	26,114	26,840	----------	----------	----------	----------
21	24,126	24,932	25,738	26,544	26,960	----------	----------	----------	----------	----------	----------	----------

“ ‘POSTAL FIELD SERVICE SCHEDULE II

“ ‘[To be effective on the first day of the first pay period beginning on or after July 1, 1968]

“ ‘PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,324	$4,468	$4,612	$4,756	$4,900	$5,044	$5,188	$5,332	$5,476	$5,620	$5,764	$5,908
2	4,687	4,841	4,995	5,149	5,303	5,457	5,611	5,765	5,919	6,073	6,227	6,381
3	5,068	5,234	5,400	5,566	5,732	5,898	6,064	6,230	6,396	6,562	6,728	6,894
4	5,476	5,661	5,846	6,031	6,216	6,401	6,586	6,771	6,956	7,141	7,326	7,511
5	5,938	6,134	6,330	6,526	6,722	6,918	7,114	7,310	7,506	7,702	7,898	8,094
6	6,348	6,560	6,772	6,984	7,196	7,408	7,620	7,832	8,044	8,256	8,468	8,680
7	6,807	7,033	7,259	7,485	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293
8	7,286	7,529	7,772	8,015	8,258	8,501	8,744	8,987	9,230	9,473	9,716	----------
9	7,891	8,153	8,415	8,677	8,939	9,201	9,463	9,725	9,987	10,249	----------	----------
10	8,535	8,819	9,103	9,387	9,671	9,955	10,239	10,523	10,807	11,091	----------	----------
11	9,289	9,604	9,919	10,234	10,549	10,864	11,179	11,494	11,809	12,124	----------	----------
12	10,264	10,615	10,966	11,317	11,668	12,019	12,370	12,721	13,072	13,423	----------	----------
13	11,356	11,743	12,130	12,517	12,904	13,291	13,678	14,065	14,452	14,839	----------	----------
14	12,549	12,983	13,417	13,851	14,285	14,719	15,153	15,587	16,021	16,455	----------	----------
15	13,832	14,313	14,794	15,275	15,756	16,237	16,718	17,199	17,680	18,161	----------	----------
16	15,293	15,820	16,347	16,874	17,401	17,928	18,455	18,982	19,509	20,036	----------	----------
17	16,895	17,483	18,071	18,659	19,247	19,835	20,423	21,011	21,599	22,187	----------	----------
18	18,695	19,348	20,001	20,654	21,307	21,960	22,613	23,266	23,919	24,572	----------	----------
19	20,625	21,310	21,995	22,680	23,365	24,050	24,735	25,420	26,105	26,790	----------	----------
20	22,848	23,610	24,372	25,134	25,896	26,658	27,420	27,800	----------	----------	----------	----------
21	25,333	26,179	27,025	27,871	27,900	----------	----------	----------	----------	----------	----------	----------'.

“(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

“ ‘(a) There are established basic compensation schedules which shall be known as the Rural Carrier Schedules and for which the symbol shall be “RCS”. Compensation shall be paid to rural carriers in accordance with such schedules.

“ ‘RURAL CARRIER SCHEDULE I

“ ‘[To be effective for the period beginning on the 1st day of the 1st pay period beginning on or after Oct. 1, 1967, and ending immediately before the effective date of Rural Carrier Schedule II set forth below]

	“ ‘Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,531	$2,658	$2,785	$2,912	$3,039	$3,166	$3,293	$3,420	$3,547	$3,674	$3,801	$3,928
For each mile up to 30 miles of route	94	96	98	100	102	104	106	108	110	112	114	116
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

“ ‘RURAL CARRIER SCHEDULE II

“ ‘[To be effective on the 1st day of the 1st pay period beginning on or after July 1, 1968]

	“ ‘Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,668	$2,804	$2,940	$3,076	$3,212	$3,348	$3,484	$3,620	$3,756	$3,892	$4,028	$4,164
For each mile up to 30 miles of route	99	101	103	105	107	109	111	113	115	117	119	121
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25'.

“(c) Section 3544 of title 39, United States Code, is amended to read as follows:

“ ‘§ 3544. Compensation of postmasters at fourth-class offices

“ ‘(a) The Postmaster General shall—

“ ‘(1) rank each position of postmaster at a post office of the fourth class in salary level 6 of the Postal Field Service Schedule; and

“ ‘(2) establish, and adjust from time to time, the annual rate of basic compensation for each such position of postmaster so ranked, in an amount which bears the same ratio to the annual rate of basic compensation for full-time service in a position (other than postmaster at a post office of the fourth class) in the same step of salary level 6 of such schedule, as the average number of hours of service per day which the Postmaster General determines necessary to be performed by such postmaster to operate the post office, in the light of the postal needs of the patrons of the office, bears to the total number of hours per day of such full-time service.

Actions and determinations by the Postmaster General under this subsection shall be final and conclusive until changed by him.

" '(b) A person who performs the duties of postmaster at a post office of the fourth class where there is a vacancy, or during the absence of the postmaster on sick or annual leave or leave without pay, shall be compensated at the rate of basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.

" '(c) When required by the Postmaster General, a postmaster at a fourth-class office shall, and any other postmaster in PFS level 6 when permitted by the Postmaster General may, furnish quarters, fixtures, and equipment for an office on an allowance basis. The allowance for this purpose shall be an amount equal to 15 per centum of the basic compensation for step 1 of salary level 6 of the Postal Field Service Schedule, determined under subsection (a) of this section.'.

"(d) Each postmaster at a post office of the fourth class on the effective date of Postal Field Service Schedule I shall be placed in salary level 6 of the Postal Field Service Schedule at the lowest step which provides a rate, determined under section 3544(a) of title 39, United States Code, which is at least equal to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. If there is no such step in salary level 6, he is entitled to his rate of basic compensation in effect immediately prior to such effective date plus 6 per centum thereof. For the purposes of this subsection, basic compensation in effect immediately prior to the effective date of Postal Field Service Schedule I shall be determined after giving effect to any change in salary step or revenue units category which would have occurred on the effective date of this section without regard to the enactment of this title.

"(e) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule I shall be determined as follows:

"(1) Each employee subject to the Postal Field Service Schedule shall be assigned to the same numerical step for his position, placed in the next higher salary level, which he had attained immediately prior to such effective date.

"(2) Each employee subject to the Rural Carrier Schedule shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date.

"(3) If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this Act, such changes shall be deemed to have occurred prior to conversion.

"(4) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) or (2) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 6 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(f) The advancement of any employee to a higher salary level of the Postal Field Service Schedule by reason of the enactment of this section shall not be deemed to be an equivalent increase within the meaning of section 3552(a) of title 39, United States Code.

"(g) The basic compensation of each employee subject to the Postal Field Service Schedule or the Rural Carrier Schedule immediately prior to the effective date of Postal Field Service Schedule II shall be determined as follows:

"(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this title, such changes shall be deemed to have occurred prior to conversion.

"(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation increased by 5 per centum, rounded to the next highest dollar, shall be established as his basic compensation.

"(h) Each employee whose position, by reason of the enactment of this section, is placed in a level of the Postal Field Service Schedule shall be entitled, for purposes of section 3560 of title 39, United States Code, to credit for time served in the postal field service prior to the effective date of this section.

"(i) The table of contents of chapter 45 of title 39, United States Code, is amended by striking out—

" '3544. Fourth Class Office Schedule.'

and inserting in lieu thereof—

" '3544. Compensation of postmasters at fourth-class offices.'.

"CONFORMING AMENDMENTS

"SEC. 206. (a) Section 3560(a) of title 39, United States Code, is amended by striking out '(3) revenue unit category, with respect to the Fourth Class Office Schedule.' and inserting in lieu thereof '(3) minimum hours of service with respect to postmasters in fourth-class post offices.'.

"(b) Section 3560(f) of title 39, United States Code, is amended by striking out '(1) reductions in class or revenue unit category of any post office, or' and inserting in lieu thereof '(1) reductions in class or revenue units of any post office or in the minimum hours of service for a fourth-class post office, or'.

"(c) Subsections (b) and (c) of section 3573 of title 39, United States Code, are amended by striking out 'level PFS–10' and 'level PFS–11' wherever appearing therein, and inserting in lieu thereof 'level PFS–11' and 'level PFS–12', respectively. Subsection (g) of section 3573 is amended by striking out 'PFS–17' and inserting 'PFS–18'.

"(d) Subsection (a) of section 3575 of title 39, United States Code, is amended by striking out 'level PFS–15' and inserting in lieu thereof 'level PFS–16'.

"(e) Any reference to a level of the Postal Field Service Schedule in any order, rule, regulation, or statute (other than title 39, United States Code) which is in effect on the effective date of this section shall be deemed to refer to the next higher level of the Postal Field Service Schedule.

"SPECIAL SALARY RATE RANGES

"SEC. 207. (a) Section 5303(a) of title 5, United States Code, is amended by striking out 'seventh pay rate' and inserting in lieu thereof 'maximum pay rate'.

"(b) Section 5303(d) of title 5, United States Code, is amended to read as follows:

" '(d) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (a) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.'.

"EMPLOYEES IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

"SEC. 208. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

" '§ 4107. Grades and pay scales

" '(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director, shall be as follows:

" 'Section 4103 Schedule

" 'Assistant Chief Medical Director, $27,055.

" 'Medical Director, $23,788 minimum to $26,960 maximum.

" 'Director of Nursing Service, $18,404 minimum to $23,921 maximum.

" 'Director of Chaplain Service, $18,404 minimum to $23,921 maximum.

" 'Chief Pharmacist, $18,404 minimum to $23,921 maximum.

" 'Chief Dietitian, $18,404 minimum to $23,921 maximum.

" '(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

" 'Physician and Dentist Schedule

" 'Director grade, $20,982 minimum to $26,574 maximum.

" 'Executive grade, $19,576 minimum to $25,444 maximum.

" Chief grade, $18,404 minimum to $23,921 maximum.

" 'Senior grade, $15,841 minimum to $20,593 maximum.

" 'Intermediate grade, $13,507 minimum to $17,557 maximum.

" 'Full grade, $11,461 minimum to $14,899 maximum.

" 'Associate grade, $9,657 minimum to $12,555 maximum.

" 'Nurse Schedule

" 'Assistant Director grade, $15,841 minimum to $20,593 maximum.

" 'Chief grade, $13,507 minimum to $17,557 maximum.

" 'Senior grade, $11,461 minimum to $14,899 maximum.

" 'Intermediate grade, $9,657 minimum to $12,555 maximum.

" 'Full grade, $8,054 minimum to $10,475 maximum.

" 'Associate grade, $7,033 minimum to $9,139 maximum.

" 'Junior grade, $6,137 minimum to $7,982 maximum.

" '(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

" '(c) Notwithstanding any other provision of law, the per annum salary rate for each individual serving as a director of a hospital, domiciliary, or center who is not a physician shall not be less than the salary rate which he would receive under this section if his service as a director of a hospital, domiciliary, or center had been service as a physician in the director grade. The position of the director of a hospital, domiciliary, or center shall not be subject to chapter 51 and subchapter III of chapter 53 of title 5.'.

"FOREIGN SERVICE OFFICERS; STAFF OFFICERS AND EMPLOYEES

"SEC. 209. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows: 'The per annum salaries of Foreign Service officers within each or the other classes shall be as follows:

" 'Class 1	$24,944	$25,776	$27,055				
Class 2	20,280	20,956	21,632	$22,308	$22,984	$23,660	$24,336
Class 3	16,616	17,170	17,724	18,278	18,832	19,386	19,940
Class 4	13,507	13,957	14,407	14,857	15,307	15,757	16,207
Class 5	11,120	11,491	11,862	12,233	12,604	12,975	13,346
Class 6	9,267	9,576	9,885	10,194	10,503	10,812	11,121
Class 7	7,816	8,076	8,336	8,596	8,856	9,116	9,376
Class 8	6,734	6,959	7,184	7,409	7,634	7,859	8,084'.

"(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: 'The per annum salaries of such staff officers and employees within each class shall be as follows:

" 'Class 1	$16,616	$17,170	$17,724	$18,278	$18,832	$19,386	$19,940	$20,494	$21,048	$21,602
Class 2	13,507	13,957	14,407	14,857	15,307	15,757	16,207	16,657	17,107	17,557
Class 3	11,120	11,491	11,862	12,233	12,604	12,975	13,346	13,717	14,088	14,459
Class 4	9,267	9,576	9,885	10,194	10,503	10,812	11,121	11,430	11,739	12,048
Class 5	8,351	8,629	8,907	9,185	9,463	9,741	10,019	10,297	10,575	10,853
Class 6	7,524	7,775	8,026	8,277	8,528	8,779	9,030	9,281	9,532	9,783
Class 7	6,905	7,135	7,365	7,595	7,825	8,055	8,285	8,515	8,745	8,975
Class 8	6,125	6,329	6,533	6,737	6,941	7,145	7,349	7,553	7,757	7,961
Class 9	5,575	5,761	5,947	6,133	6,319	6,505	6,691	6,877	7,063	7,249
Class 10	4,995	5,161	5,327	5,493	5,659	5,825	5,991	6,157	6,323	6,489'

"(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

"AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEE EMPLOYEES

"SEC. 210. The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable. to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"SALARY RATES FIXED BY ADMINISTRATIVE ACTION

"SEC. 211. (a) The rates of basic pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the effective date of section 202 of this title, by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title for corresponding rates of basic pay.

"(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this title are hereby authorized to be increased, effective on the effective date of section 202 of this title, by amounts not to exceed the increases provided by this title for corresponding rates of pay in the appropriate schedule or scale of pay.

"(c) Nothing contained in this section, shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of pay may be fixed by administrative action.

"IMPLEMENTATION OF SALARY COMPARABILITY POLICY IN 1968 AND 1969

"SEC. 212. In order to complete the implementation of the policy of the Congress set forth in paragraph (2) of section 5301 of title 5, United States Code, the President, after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide shall—

"(1) effective on the first day of the first pay period beginning on or after July 1, 1968, adjust the rates of basic pay, basic compensation, and salary, as in effect by reason of the enactment of the provisions of this title other than this section and sections 205, 210, 213, 214, 215, and 219—

"(A) by amounts equal, as nearly as may be practicable, to one-half of the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1967 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, or

"(B) by 3 per centum,

whichever is greater; and

"(2) effective on the first day of the first pay period beginning on or after July 1, 1969, adjust the rates he has established under subparagraph (1) of this section, and the rates established by Postal Field Service Schedule II, and Rural Carrier Schedule II (contained in the amendments made by subsections (a) and (b) of section 205), by amounts equal, as nearly as may be practicable, to the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1968 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code.

Adjustments made by the President under this section shall have the force and effect of statute. The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e), and 214 of this title, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made by the President under subparagraphs (1) and (2) of this section, by the following authorities—

"(i) the President pro tempore of the Senate, with respect to the United States Senate;

"(ii) the Speaker of the House of Representatives, with respect to the United States House of Representatives;

"(iii) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

"(iv) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(v) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute. Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

"JUDICIAL BRANCH EMPLOYEES

"SEC. 213. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 671 to 675, inclusive, or section 604 (a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 202(a) of this title in corresponding rates of compensation for officers and employees subject to section 5332 of title 5, United States Code.

"(d) The first paragraph of section 603 of title 28, United States Code, relating to the compensation of the Director and the Deputy Director of the Administrative Office of the United States Courts, is amended to read as follows:

" 'The salary of the Director shall be the same as the salary of a district judge. The salary of the Deputy Director shall be in the same amount as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5.'

"(e) Section 792(b) of title 28, United States Code, is amended by striking out '$26,000' and inserting in lieu thereof '$29,000'.

"LEGISLATIVE BRANCH EMPLOYEES

"SEC. 214. (a) Except as otherwise provided in this title, each officer or employee in or under the legislative branch of the Government, whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946, shall be paid additional compensation at the rate of 4.5 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

"(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased by reason of any other provision of this section, shall be increased by 4.5 per centum.

"(c) The rates of compensation of employees of the House of Representatives whose compensation is fixed by the House Employees Schedule under the House Employees Position Classification Act (78 Stat. 1079–1084; Public Law 88–652; 2 U.S.C. 291–303), including each employee subject to such Act whose compensation is fixed at a saved rate, are hereby increased by amounts equal, as nearly as may be practicable, to the increases provided by subsection (a) of this section.

"(d) Except as provided in the last sentence of section 218(a) of this title, the additional compensation provided by this section shall be considered a part of basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement.

"(e) The per annum rate of compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be the same as the per annum rate of compensation of the Legislative Counsel of the House of Representatives.

"(f) This section shall not apply with respect to the compensation of student congressional interns and the compensation of employees whose compensation is fixed by the House Wage Schedule under the House Employees Position Classification Act.

"(g) The annual rate of gross compensation of each officer or employee whose compensation is disbursed by the Secretary of the Senate, and the annual rate of gross compensation of each telephone operator on the United States Capitol telephone exchange and each member of the Capitol Police whose compensation is disbursed by the Clerk of the House of Representatives, (1) is increased by 4.5 per centum, and (2) as so increased shall be adjusted, effective the first day of the month following the date of enactment of this Act, to the nearest multiple of $188.

"(h) In any case in which the rate of compensation of any officer, employee, or position, or class of officers, employees, or positions, the compensation for which is disbursed by the Secretary of the Senate or any minimum or maximum rate with respect to such officer, employee, position, or class is referred to in or provided by statute or Senate resolution, such statutory provision or resolution shall be deemed to refer to the rate which an officer or employee subject to the provisions of subsection (g) receiving such rate immediately prior to the effective date of such subsection would be entitled (without regard to such statutory provision) to receive on and after such date. As used in this subsection and subsection (g), the term 'officer' does not include a Senator.

"(i) The annual rate of gross compensation of each employee in the office of a Senator shall be adjusted, effective on the first day of the month following the date of enactment of this Act, to the lowest multiple of $188 which is not lower than the rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act, the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose rate of compensation is adjusted under this subsection shall receive an increase under subsection (g) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act. No increase shall be paid to any person under subsection (g) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Senator (other than the Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given. An increase under this subsection in the compensation of an employee in the office of a Senator for any period prior to the first day of the month following the date of enactment of this Act shall be made without regard to the clerk hire allowance of such Senator.

"(j) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1968, is amended by striking out '$180' and inserting in lieu thereof '$188'.

"(k) Section 105(d)(1) of such Act is amended by striking out the table and inserting in lieu thereof the following:

" '$199,280 if the population of his State is less than 3,000,000;

" '$212,440 if such population is 3,000,000 but less than 4,000,000;

" '$223,720 if such population is 4,000,000 but less than 5,000,000;

" '$234,060 if such population is 5,000,000 but less than 7,000,000;

" '$245,340 if such population is 7,000,000 but less than 9,000,000;

" '$258,500 if such population is 9,000,000 but less than 10,000,000;

" '$271,660 if such population is 10,000,000 but less than 11,000,000;

" '$284,820 if such population is 11,000,000 but less than 12,000,000;

" '$297,980 if such population is 12,000,000 but less than 13,000,000;

" '$311,140 if such population is 13,000,000 but less than 15,000,000;

" '$324,300 if such population is 15,000,000 but less than 17,000,000;

" '$338,400 if such population is 17,000,000 or more.'

"(l) Section 105 of such Act is amended by striking out '$1,060', '$6,120', '$10,620', '$10,800', '$14,220', '$14,400', '$15,660', 'I15,840', '$18,180', '$22,320', '$23,400', and '$24,480', wherever they appear in such section and inserting in lieu thereof '$1,128', $6,392', '$11,092', '$11,280', '$14,852', '$15,040', '$16,356', '$16,544', '$18,988', '$23,312', '$24,440', and '$25,568', respectively.

"(m) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 4.5 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (g) shall not apply to employees whose compensation is subject to such limitation, or to employees referred to in the last proviso in the second paragraph under the heading 'SENATE' in the Second Deficiency Appropriation Act, 1948.

"(n) The first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60j), is amended by striking out '$540' and inserting in lieu thereof '$564'.

" (c)(1) Unless otherwise authorized by States Code, is amended to read as follows:

" '(c) (1) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if—

" '(A) the pay of one or more of the positions is fixed at a single gross per annum rate, and the aggregate gross pay from the positions exceeds $6,256 a year, or

" '(B) the pay of each such position is fixed at a basic rate plus additional compensation authorized by law, and the aggregate basic pay of the positions exceeds $2,000 a year.

" '(2) For the purpose of this subsection "gross pay" means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual, and, in the case of an individual receiving basic pay plus additional compensation provided by law, includes the aggregate amount received as basic and additional compensation, but does not include sums received as premium pay under subchapter V of this chapter.'.

"(p) The third paragraph under the heading 'Office of the Architect of the Capitol' and the subheading 'Salaries' in the Legislative Branch Appropriation Act, 1960 (73 Stat. 407), is amended by striking out '$7,700' and inserting in lieu thereof '$8,200'.

"INCREASES IN BASIC PAY RATES FOR LEVELS III, IV, AND V OF EXECUTIVE SCHEDULE

"SEC. 215. (a) Section 5314 of title 5, United States Code, relating to the basic pay rate for level III of the Executive Schedule, is amended by striking out '$28,500' and inserting in lieu thereof '$29,500'.

"(b) Section 5315 of title 5, United States Code, relating to the basic pay rate for level IV of the Executive Schedule, is amended by striking out '$27,000' and inserting in lieu thereof '$28,750'.

"(c) Section 5316 of title 5, United States Code, relating to the basic pay rate for level V of the Executive Schedule, is amended by striking out '$26,000' and inserting in lieu thereof '$28,000'.

"SALARY INCREASE LIMITATIONS

"SEC. 216. Except as provided in sections 213 (d) and (e), 214, 215, and 219, and subject to the operation of section 225 of this title, no rate of compensation shall be increased, by reason of the enactment of this title, to an amount in excess of the salary rate for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on or after the first day of the first pay period which begins on or after the date of enactment of this title.

"UNCONTROLLABLE OVERTIME DUTY

"SEC. 217. Section 5545(c)(2) of title 5, United States Code, is amended by striking out 'not in excess of 15 percent,' and inserting in lieu thereof 'not less than 10 percent nor more than 25 percent,'.

"PAYMENT OF RETROACTIVE COMPENSATION

"SEC. 218. (a) Retroactive pay, compensation, or salary shall be paid by reason of this title only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this title, except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, for services rendered during such period, and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after October 1, 1967, and ending on the date of enactment of this title, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

"SALARIES OF LEGISLATIVE OFFICIALS

"SEC. 219. Section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415) is amended as follows:

"(1) in subsection (b), by striking out '$28,500' and inserting in lieu thereof '$29,500';

"(2) in subsection (c), by striking out '$27,000' and inserting in lieu thereof '$28,750';

"(3) in subsection (d), by striking out '$25,500' and inserting in lieu thereof '$27,500'; and

"(4) in subsection (e), by striking out '$23,500' and inserting in lieu thereof '$25,000'.

"EFFECTIVE DATES

"SEC. 220. (a) Except as otherwise expressly provided, this title shall take effect as follows:

"(1) This section and sections 201, 207, 212, 218, 221, 224 (a) and (b), and 225 shall become effective on the date of enactment of this title.

"(2) Sections 202, 203, 204, 205, 206, 208, 209, 210, 211, 213 (except subsections (d) and (e)), 214 (except subsections (j), (k), (l), (n), and (o)), and 216 shall become effective as of the beginning of the first pay period which began on or after October 1, 1967.

"(3) Sections 213 (d) and (e), 214 (j), (k), (l), (n), and (o), 215, 217, 219, and 224(c) shall become effective at the beginning of the first pay period which begins on or after the date of enactment of this title.

"(4) Sections 222 and 223 shall become effective thirty days after the date of enactment of this title.

"(b) For the purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Federal employees—

"(1) all changes in rates of pay which result from the enactment of this title (except Postal Field Service Schedule II, Rural Carrier Schedule II, and sections 207, 212, 213 (d) and (e), 215, 219, and 225) shall be held and considered to become effective as of the date of such enactment; and

"(2) all changes in rates of pay which result from the enactment of section 212 of this title and which take effect retroactively from the date on which the adjustments thereof are actually ordered under such section, shall be held and considered to become effective on the date on which such adjustments are actually ordered.

"EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

"SEC. 221. (a) Chapter 31 of title 5, United States Code, is amended by adding at the end thereof the following new section:

" '§3110. Employment of relatives; restrictions

" '(a) For the purpose of this section—

" '(1) "agency" means—

" '(A) an Executive agency;

" '(B) an office, agency, or other establishment in the legislative branch;

" '(C) an office, agency, or other establishment in the judicial branch; and

" '(D) the government of the District of Columbia;

" '(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, advancement, in connection with employment in an agency; and

" '(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

" '(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

" '(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

" '(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

" '(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible.'

"(b) The analysis of chapter 31 of title 5, United States Code, is amended by adding the following new item at the end thereof:

" '3110. Employment of relatives; restrictions.'

"(c) The amendments made by this section do not apply to an appointment, employment, advancement, or promotion made or advocated by a public official of any individual who is a relative of the public official if, prior to the effective date of this section, the individual was appointed by the public official, or received an appointment advocated by the public official, and is serving under the appointment on such effective date.

"TRAVEL STATUS

"SEC. 222. (a) Section 5542(b)(2)(B) of title 5, United States Code, is amended to read as follows:

" '(B) the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(b) Section 3571 of title 39, United States Code, is amended by adding at the end thereof a new subsection as follows:

" '(e) Time spent in a travel status away from the official duty station of an employee is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"(c) Subchapter II of chapter 57 of title 5, United States Code, is amended—

"(1) by adding at the end thereof the following new section:

" '§ 5733. Expeditious travel

" 'The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.'; and

"(2) by inserting after item 5732 in the analysis of usch subchapter the following new item:

" '5733. Expeditious travel.'.

"(d) Section 5544(a) of title 5, United States Code, is amended by inserting immediately at the end thereof the following new sentence: 'Time spent in a travel status away from the official duty station of an employee subject to this subsection is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling (iii) is carried out under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.'.

"APPEALS FROM POSITION CLASSIFICATIONS OF WAGE BOARD EMPLOYEES

"SEC. 223. (a) Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

" '§ 5345. Position classification appeals.

" 'On application, made in accordance with regulations prescribed by the Civil Service Commission, by an employee subject to section 5341(a) of this title for the review of the action of an employing agency in classifying his position for pay purposes, the Commission shall—

" '(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

" '(2) decide whether the position has been properly classified; and

" '(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in classifying the position. The Commission shall certify to the agency concerned its action under paragraph (3) of this section. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.'

"(b) The analysis of chapter 53 is amended by inserting the following new item after item 5344:

" '5345. Position classification appeals.'.

"MISCELLANEOUS PROVISIONS

"SEC. 224. (a) Section 4101(2)(B) of title 5, United States Code, is amended by striking out 'Coast and Geodetic Survey' and inserting in lieu thereof 'Environmental Science Services Administration'.

"(b) Section 8339(e)(2) of title 5, United States Code, is amended to read as follows:

" '(2) the greater of—

" '(A) the final basic pay of the Member; or

" '(B) the final basic pay of the appointive position of a former Member who elects to have his annuity computed or recomputed under section 8344(b)(1) of this title.'.

"(c) Section 1(b) of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), as amended, is amended by striking out '$65,000' and inserting in lieu thereof '$80,000', and by striking out the fourth sentence therein and inserting in lieu thereof the following: 'That annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.'.

"COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

"SEC. 225. (a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the 'Commission').

"(b) MEMBERSHIP.—

"(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

"(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

"(B) two appointed by the President of the Senate;

"(C) two appointed by the Speaker of the House of Representatives; and

"(D) two appointed by the Chief Justice of the United States.

"(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

"(c) PERSONNEL OF COMMISSION.—

"(1) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subsection (b)(2) and (3) of this section—

"(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

"(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

"(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subsection (b)(2) and (3) of this section, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

"(d) USE OF UNITED STATES MAILS BY COMMISSION.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(e) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

"(f) FUNCTION.—The Commission shall conduct, in each of the respective fiscal years referred to in subsection (b) (2) and (3) of this section, a review of the rates of pay of—

"(A) Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico;

"(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

"(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426); and

"(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

Such review by the Commission shall be made for the purpose of determining and providing—

"(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

"(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

"(g) REPORT BY COMMISSION TO THE PRESIDENT.—The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than January 1 next following the close of the fiscal year in which the review is conducted by the Commission.

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section. As used in this subsection, the term 'budget' means the budget referred to in section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11).

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—

"(1) Except as provided in paragraph (2) of this subsection all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that between the date of transmittal of such recommendations in the budget and the beginning of such first pay period—

"(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

"(C) both.

"(2) Any part of the recommendations of the President may in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

"(j) EFFECT OF RECOMMENDATIONS OF THE PRESIDENT ON EXISTING LAW AND PRIOR PRESIDENTIAL RECOMMENDATIONS.—The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in subsection (b) (2) and (3) of this section shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations), and

"(B) any prior recommendations of the President which take effect under this section.

"(k) PUBLICATION OF RECOMMENDATIONS OF THE PRESIDENT.—The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

"TITLE III—PROHIBITION OF PANDERING ADVERTISEMENTS

"SEC. 301. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end of such chapter the following new section:

"'§ 4009. Prohibition of pandering advertisements in the mails

"'(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postmaster General to refrain from further mailings of such materials to designated addressees thereof.

"'(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postmaster General shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"'(c) The order of the Postmaster General shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Postmaster General shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"'(d) Whenever the Postmaster General believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, he shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for his belief and request that any response thereto be filed in writing with the Postmaster General within fifteen days after the date of such service. If the Postmaster General, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, he is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

" '(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

" '(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

" '(g) Upon request of any addressee, the order of the Postmaster General shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

" '(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of part I of title 5, United States Code, shall not apply to any provisions of this section.

" '(i) For the purposes of this section—

" '(1) mail matter, directed to a specific address covered in the order of the Postmaster General, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postmaster General's order; and

" '(2) the term "children" includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.'.

"(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

" '4009. Prohibition of pandering advertisements in the mails.'.

"SEC. 302. The provisions of this title shall become effective on the one hundred and twentieth day after the date of enactment of this Act.

"TITLE IV—FEDERAL EMPLOYEES LIFE INSURANCE

"SEC. 401. Section 8704(a) of title 5, United States Code, is amended to read as follows:

" '(a) An employee eligible for insurance is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule, which schedule shall be automatically extended correspondingly by the amounts of increases in the annual rate of basic pay for positions at level II of the Executive Schedule under section 5313 of this title:

" 'If annual pay is—		The amount of group life insurance is—	The amount of group accidental death and dismemberment insurance is—
Greater than—	But not greater than—		
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
9,000	10,000	12,000	12,000
10,000	11,000	13,000	13,000
11,000	12,000	14,000	14,000
12,000	13,000	15,000	15,000
13,000	14,000	16,000	16,000
14,000	15,000	17,000	17,000
15,000	16,000	18,000	18,000
16,000	17,000	19,000	19,000
17,000	18,000	20,000	20,000
18,000	19,000	21,000	21,000
19,000	20,000	22,000	22,000
20,000	21,000	23,000	23,000
$21,000	22,000	$24,000	$24,000
22,000	23,000	25,000	25,000
23,000	24,000	26,000	26,000
24,000	25,000	27,000	27,000
25,000	26,000	28,000	28,000
26,000	27,000	29,000	29,000
27,000	28,000	30,000	30,000
28,000	29,000	31,000	31,000
29,000	-----------	32,000	32,000'.

"SEC. 402. Section 8707 of title 5, United States Code, is amended to read as follows:

" '§ 8707. Employee deductions; withholding

" 'During each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, there shall be withheld from the pay of the employee his share of the cost of the group life insurance and accidental death and dismemberment insurance. The amount withheld shall be at the rate, adjusted to the nearest half-cent, of 66⅔ percent of the level cost of each $1,000 of insurance, as determined by the Commission.'.

"SEC. 403. Section 8708(a) of title 5, United States Code, is amended to read as follows:

" '(a) For each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, a sum equal to one-half of the amount which is withheld from the pay of the employee under section 8707 of this title shall be contributed from the appropriation or fund which is used to pay him.'.

"SEC. 404. Chapter 87 of title 5, United States Code, is amended—

"(1) by adding the folllowing new section:

" '§ 8714a. Optional insurance

" '(a) Under the conditions, directives, and terms specified in sections 8709–8712 of this title, the Civil Service Commission, without regard to section 5 of title 41, may purchase a policy which shall make available to each insured employee equal amounts of optional life insurance and accidental death and dismemberment insurance in addition to the amounts provided in section 8704(a) of this title.

" '(b) The optional life insurance and accidental death and dismemberment insurance shall be made available to each insured employee under such conditions as the Commission shall prescribe and in amounts approved by the Commission but not more than the greater of $10,000 or an amount which, when added to the amount provided in section 8704(a) of this title, makes the sum of his insurance equal to his annual pay.

" '(c) (1) The optional insurance on an employee stops on his separation from service, 12 months after discontinuance of his pay, or on his entry on active duty or active duty for training, as provided in sections 8706(a) and 8706(d) of this title.

" '(2) So much of the optional life insurance in force on an employee on the date he retires on an immediate annuity or becomes entitled to receive compensation for work injuries which has been in force for not less than—

" '(A) the full period or periods of service during which the optional insurance was available to him; or

" '(B) the 12 years of service immediately preceding his retirement or beginning date of entitlement to compensation for work injuries and during which the optional insurance was available to him;

whichever is shorter, may be continued—

" '(A) after retirement, under the same conditions (except with respect to cost but including reduction of the amount continued) as provided in section 8706(b) of this title; or

" '(B) while in receipt of compensation for work injuries under the same conditions (except with respect to cost) as provided in section 8706(c) of this title.

" '(d) During each period in which an employee has the optional insurance the full cost thereof shall be withheld from his pay. During each period in which an employee continues optional life insurance after retirement or while in receipt of compensation for work injuries, as provided in section 8706(b) or 8706(c) of this title, the full cost thereof shall be withheld from his annuity or compensation, except that, at the end of the calendar month in which he becomes 65 years of age, the optional life insurance shall be without cost to him. Amounts so withheld shall be deposited, used, and invested as provided in section 8714 of this title and shall be reported and accounted for separately from amounts withheld and contributed under sections 8707 and 8708 of this title.

" '(e) The cost of the optional insurance shall be determined from time to time by the Commission on the basis of such age groups as it considers appropriate.

" '(f) The amount of optional life, or life and accidental death, insurance in force on an employee at the date of his death shall be paid as provided in section 8705 of this title.'; and

"(2) by inserting in the analysis of such chapter the following new item after item 8714:

" '8714a. Optional insurance.'.

"SEC. 405. (a) The amendments made by sections 401 to 403, inclusive, of this Act shall take effect on the first day of the first pay period which begins on or after the sixtieth day following the date of enactment. In the case of an employee who dies or retires during the period beginning on the date of enactment of this Act and prior to the effective date prescribed by this subsection, the amount of insurance shall be determined as if the amendments made by section 401 were in effect for such employee during such period.

"(b) (1) The amendments made by section 404 of this Act shall take effect on the first day of the first pay period which begins on or after the one hundred and eightieth day following the date of enactment, or on any earlier date that the Civil Service Commission may prescribe, which is at least sixty days after the date of enactment. In the case of an employee who dies during the period beginning on the date of enactment and ending on the effective date prescribed by or pursuant to this subsection, or during the sixty days immediately following such period if the Commission determines that he did not have a reasonable opportunity to elect the optional insurance made available by section 404, the insurance of such employee shall be determined as if the amendments made by section 404 had been in effect on the date of such death, and the employee had elected to receive the maximum amount of optional insurance available to him under such amendments. An employee who retires during the period beginning on the date of enactment and ending on the effective date prescribed by or pursuant to this subsection shall have an opportunity to elect the optional insurance made available by section 404.

"(2) In the case of an employee in the service on the effective date prescribed by or pursuant to this subsection, (i) the period during which such employee may elect to receive optional insurance under the amendment made by section 404 shall not expire prior to the sixtieth day after such effective date, and (ii) for the purpose of determining the amount of insurance to be continued after retirement, the period during which such optional insurance was available to such employee shall not be considered to have commenced prior to the expiration of sixty days following such effective date.

"(c) The amendments made by sections 401 to 404, inclusive, of this Act shall have no effect in the case of an employee who died, was finally separated, or retired prior to the date of enactment."

Mr. MONRONEY. Mr. President, the parliamentary situation today is that a point of order was raised in the House of Representatives yesterday to the conference report on this bill. The point was sustained, the conference report was, therefore, rejected by the House, and the House then proceeded to the consideration of the Senate amendment to H.R. 7977. The House thereafter adopted the Senate amendment with a further amendment which, as a matter of fact, is identical to the bill agreed upon by the Senate and House conferees with two unimportant technical changes to which the Senate conferees do not object.

I say this so that my colleagues will know that we are not considering the conference report as such, but we are considering the text of the conference report in the form of an amendment to the Senate amendment to the House bill.

Mr. President, I wish to thank the splendid members of the conference on both sides of the aisle for their faithful, complete, and total attendance: The distinguished Senator from Kansas [Mr. CARLSON], the senior Senator from Hawaii [Mr. FONG], the senior Senator from West Virginia [Mr. RANDOLPH], and the senior Senator from Texas [Mr. YARBOROUGH]. Their support of the Senate bill was amazingly strong and by that we won a major victory in the compromises that finally made this bill possible.

I strongly support the agreement which your conferees reached with Members of the House last week. There were vast differences in a bill involving changes of rates of much of the mail and hundreds of mail users who had special interests they were seeking to protect. It is the best postal rate and Federal pay bill I have seen in 29 years as a Member of Congress. It produces almost twice as much revenue as the postal rate increase in 1962. The increase in first-class and air mail will raise $567 million. The increase in second-class mail will raise $26 million. The rate increase in third-class mail will produce about $250 million—a quarter of a billion dollars additional revenue from all third-class mail which will increase cost coverage for this class of mail to 75 percent.

This difference is made up in part by raising the rate to 3.6 cents on January 7, 1968, and to 4 cents on July 1, 1969. This will give the users of third-class mail the opportunity to adjust to two of the most spectacular and important rate increases for this heretofore heavily subsidized class of mail.

This 75-percent cost coverage must be considered in the light of the ZIP code and presort requirements imposed on third class that has resulted in the elimination of one dozen operations in the post office so that the mail gets down to the carrier and does not have to be worked on by hundreds of thousands of clerks.

Mr. President, I think we can say that we won a major victory over the so-called junk mail, one group of which I think has set a new low in lobbying tactics during the consideration of the bill and even up until final action on the conference report.

And finally, the increase on fourth-class book rates will produce $12 million. The total additional revenue will be about $900 million, which is $75 million more than the Postmaster General requested in his message to Congress early this year. It provides a reasonable and responsible means of achieving pay comparability for our 3 million Federal employees.

We promised comparability in 1962. This is the first long-range step toward achieving comparability in 1969.

It provides an effective means for stopping obscene mail. The provision came from the House. It is based on the right of privacy under the the fourth amendment. It would give anyone the right to object if he considers the mail to be pornographic and the right to ask that no more mail from that mailing list to be sent to his door.

In addition, the bill includes one of the greatest provisions that has gone unrecognized, which is an extension of long overdue improvement in the life insurance program to give postal employees or civil service employees adequate coverage for his dependents if he is killed in the early stages of his service.

I think that as time passes this will prove to be the greatest forward step accomplished for the security of these men and in the long run will mean more than the 4.5 percent for civil service workers and 6 percent for postal workers.

The significant difference between the conference agreement and the Senate bill which we passed on November 29 is that the Senate receded on the pound rate for controlled circulation from our figure of 16 cents to the House figure of 15 cents. This resulted in a loss of $1.5 million. The House figure was supported by the Post Office Department.

Second, the increase on third-class mail in the Senate bill was 3.6 cents effective January 7, 1968, and 4.0 cents effective January 1, 1969. I am sure I need not tell my colleagues how deeply controversial this issue has been. It was the most critical issue in conference. After 4 days' lengthy and heated discussion, the members of the conference agreed upon a rate increase of 3.6 cents effective January 7, 1968, and 4.0 cents effective July 1, 1969. In addition, the conference approved a provision setting 3.8 cents as the bulk rate for the first 250,000 pieces of third-class mail. This will continue as the rate. I proposed this in an effort to reach agreement when it seemed we would break up in disagreement and have no bill. It will be of great benefit to the very small third-class mail user, the true small businessman in the little towns all over America who uses third-class as an advertising medium. It will also benefit the large mail user, but in no case will it mean more than a savings of $500 a year to any mailer, no matter how large he might be. To the small businessman $500 is a very beneficial relief clause. To the 13 bulk mail permit holders who this year have mailed 7 billion pieces of direct mail, it is meaningless.

Since this bill was introduced, I have heard many, many people plead for the small grocer, the small retailer, and the country store owner who rely upon direct mail advertising. This provision permitting the first 250,000 pieces of third-class mail per year to go at 3.8 cents is aimed directly at that small businessman. The rest of the mail users, the great American industries, which mail out millions upon millions of advertising and other third-class letters every year will pay 4 cents.

The Senate also receded on the Advisory Commission on Federal Executive Salaries.

I know that this is a matter of great importance to Members of the Senate. I think that I can speak on this subject with full understanding of the position of most Members of this body. I have opposed every proposal in the past which would delegate to anyone the authority to establish salaries for Federal executives, judges, and Members of Congress. My colleagues on the Committee on Post Office and Civil Service removed this provision from the bill because we were unanimously opposed to it. The language of our committee report on H.R. 7977 is quite expressive of our opposition. But in conference we reluctantly, and only after long and thoughtful consideration, agreed to approve this proposal in order to get a bill, because of the impasse which existed because the House insisted on a lower rate. We insisted on the higher rate and on that portion of the bill pertaining to the special Presidential Commission, which we did not wish and would not take.

The House conferees were deeply committed to its enactment. The leaders of the House who favored this provision had won on a rollcall vote on an issue which for Members of the House is very, very difficult—that of raising their own pay when they have to run for office every 2 years. The administration very strongly supported this provision. John Macy, Chairman of the Civil Service Commission, talked to me and to other Senators at great length urging its favorable consideration.

This is keeping in mind the fine amendment offered on the floor to the Reorganization Act, which we brought before the Senate, which was passed with only seven votes against it. I refer to the amendment of the Senator from Virginia [Mr. BYRD]. The amendment provided that on any matter affecting an increase in the emoluments and pay of Members of the Senate and House, we would be forced to have a rollcall vote so that they could not obscure under various parlimentary hanky-panky the fact that we voted on something that benefited us.

Keeping in mind this amendment, we insisted on an amendment to the Presidential Commission, under which we would have a right to vote on, separately, the differences between legislative, executive, and judicial, so that we would not have to take the whole package. One Member can move to veto the recommendation, and we can have a full and complete discussion on that in the light of day, before the press and before the world, so that they will know what we are doing, and then have a rollcall vote on final passage.

So, there was this amendment that made it more palatable to the Senate conferees, and I hope to Members of the Senate. We had to meet one of the prime objections, that people would not know how we voted on each measure that would increase the pay of Members of the House and Senate, by providing a means for voting separately on the executive department, sub-Cabinet, and Cabinet officers, and a large part of the judiciary. We can have a separate vote and then could accept two of them and refuse one. This was corrected in that. Another way, we provided that we would in no case, as the House bill provided, permit the Commission to consider telephone calls, telegraph allowances, postage or air mail allowances, and other allowances of Members of Congress for the operations of their office. This was stricken out, and the Commission can deal only with salaries of Members of the House and Senate.

Mr. BYRD of Virginia. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I am happy to yield to the Senator from Virginia, deeply appreciating his amendment. I feel that we are retaining a very important part that we put in the Reorganization Act so that there will be no loopholes through which Members could escape responsibility and accountability for their salary status.

Mr. BYRD of Virginia. I thank the distinguished Senator from Oklahoma. I realize that he worked extremely hard, as did other members of the Senate conferees, to maintain in the final legislation the provisions which were adopted by the Senate some time ago.

This is a very complex and complicated bill and deals with many subject matters affecting a great many people.

The conferees had a very difficult task in trying to get the mail rate adjustments which are so important so that the mail rate can be adjusted, particularly third-class mailing matter.

The conferees, I feel, did a magnificent job in trying to work that out.

I personally would have preferred that the entire section dealing with the Presidential Commission be eliminated. I think that is probably the view also of the Senate conferees because the Senate committee of which the distinguished Senator from Oklahoma is chairman, eliminated the House proposal for a Presidential Commission to recommed salaries for Members of Congress, members of the Judiciary and members of the Cabinet. That is, as I see it, a responsibility of Congress and should not be delegated to any commission.

Now may I ask the Senator from Oklahoma a few questions in regard to this subject?

Mr. MONRONEY. I shall be very happy to try to answer them.

Mr. BYRD of Virginia. On page 32 of the conference report it states that the President shall include in the budget next transmitted by him to the Congress his recommendations with respect to rates of pay for the Judiciary, Members of Congress, and Cabinet officials. His recommendation could be the recommendation of the Commission, or it could be another recommendation, as I read the report; is that not correct?

Mr. MONRONEY. That is correct; but there would be little likelihood of a President doing that because of the veto rights by a mere majority vote of Members of the Senate and Members of the House. So a majority vote in either House would veto it, as in the original reorganization program.

Thus, a wise President—and all our Presidents have been wise, in varying and different degrees, of course, and I respect the wisdom of our present President very much in that regard—would certainly not appoint a commission and then, after their long study of the equities and the comparability for a legislative, judicial, and executive pay bill, deviate from that. But if one President should, Congress still holds the power, by majority vote, to nullify any such recommendation.

Mr. BYRD of Virginia. As I read the next section of the report, the President's recommendations, whatever they are, become effective within 30 days unless Congress acts to the contrary. Is that correct?

Mr. MONRONEY. That is correct.

Mr. BYRD of Virginia. So if the parliamentary situation were such that either the House or the Senate could not bring the matter to a vote, the new salaries would then become effective without a vote.

Mr. MONRONEY. I believe I am correct in saying that we followed the pattern of the Reorganization Act. This has worked perfectly. We were trying, as nearly as possible, to stay in line with the provisions of the Reorganization Act.

Mr. BYRD of Virginia. I am merely trying to get an understanding, however, as to how this arrangement would work.

Mr. MONRONEY. It would be a commission of distinguished and outstanding persons of the business, the industrial, and the academic worlds. They would study the proposal carefully and consider it objectively, because they would not be concerned with anything that might be self-rewarding. They would then report their findings to the President, who would submit his proposals to Congress.

I read from page 32 of the conference report I read from section 225 (h) and (i):

> (h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under subsection (g) of this section, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f) of this section. As used in this subsection, the term "budget" means the budget referred to in section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11).
>
> (i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—
>
> (1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that between the date of transmittal of such recommendations in the budget and the beginning of such first pay period—
>
> (A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,
>
> (B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or
>
> (C) both.
>
> (2) Any part of the recommendations of the President may in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

I think that language nails down the intent. The language was supplied by Senate counsel, some of the finest legal draftsmen that I think we have. I believe it effectively sets forth the responsibility and the requirement that Members of both Houses shall go on record, because we can be certain that some Members of either body will challenge and move to veto the recommendation if he disapproves, and a yea-and-nay vote can be had in the customary constitutional manner.

Mr. BYRD of Virginia. But if it is not possible, because of pending legislation or because of a parliamentary situation, to call up the matter within 30 days, the increases will become effective regardless, as I understand.

Mr. MONRONEY. All that would be needed then would be a simple resolution, if it were a pay raise bill that Congress had passed, to extend the time for a longer period. It is hard for me to conceive that anyone, even one most dedicated to the gentle art of filibustering in the Senate, would filibuster for 30 days to prevent the consideration of a pay increase, of which he would be a beneficiary, which another high-level body had recommended.

Mr. BYRD of Virginia. The Senator from Oklahoma is looking at it from the opposite point of view from that of the Senator from Virginia.

Mr. MONRONEY. I am a practical man, and I believe that in matters of the greatest interest to Members of the Senate we would find a way, even if we had to have night sessions, to bring up for consideration even a pay increase that amounted to only 1 percent.

Mr. BYRD of Virginia. The Senator from Virginia is not looking for a pay increase for Members of Congress.

The Senator from Virginia is only trying to understand if, and under what conditions, the Senate would have an opportunity to vote before a pay increase were put into effect. As I understand it, this would have to be done within 30 days; otherwise the pay increase would go into effect without Members of Congress having an opportunity to vote on it on a yea-and-nay vote.

Mr. MONRONEY. It is inconceivable to me that we would have such a situation. I was in the House when we voted on retirement benefits for Members of Congress. I remember the "bundles for Congress" that came in. This was during the "bundles for Britain" days.

I think, of all the people sensitive to anything affecting emoluments and privileges of Members of Congress, the public is the greatest judge of all, and I know the Senate would not take the extreme method of filibustering this through. We would have a march on Washington, not by the peaceniks and beatniks and hippies; it would be by the respectable people who form the great body politic of our country.

Mr. BYRD of Virginia. The Senator from Oklahoma and the Senator from Virginia have basically the same view of this matter.

I am not being critical of the Senator from Oklahoma or of any member of the committee. I prefaced my remarks by saying I know all the members of the conference under the leadership of the distinguished Senator from Oklahoma did what they could to protect the Senate's position and to have this particular commission knocked out, because it was not part of the proposal that the Senate approved.

Mr. MONRONEY. May I say that from the first day until the last day, and almost every hour on the hour, the conferees on the House side tried to keep the junk mail rate at the lower rate. The House provided 3.6 cents. They also insisted on the House passed version of the Presidential Commission. We were just as adamant. In fact, as those matters were taken up and as we saw the quarreling and the snarls, I was reminded of the old law of physics that the Senator and I learned in our universities—that when an irresistible force meets an immovable object, something has to give. Up to the last 5 minutes I can say advisedly that the House position was unanimous for the junk mail rate they had put in and the Senate position was unanimous in having this commission taken out. We got to such a trading point on the junk mail that to get a bill or not rested on whether we had to lower junk mail rates slightly on the first 250,000 pieces mailed. The House conferees gave in on that and they gave in on the striking out the objectionable language that we thought was not proper and that would force us to vote for the whole package. We would be forced to vote for the legislative, executive, and judicial and then be in a position of being told by the executive department that they are losing their best men. We had to pass it as regards judges, because, we are told, no man would accept a judicial position when he is making twice as much in the private practice of law.

So we could have been in the position, if it had not been separated, of saying that this was forced on us because we had to take the whole package. That did not happen. The Senate had adopted the amendment of the Senator from Virginia, which went into the Reorganization Act, although it has not passed the House yet. This is why we insisted that it be separated and voted on individually.

Mr. BYRD of Virginia. I thank the Senator. I think he did the right thing. The compromise he had to make, was one that was forced on us. I think he greatly improved the aspects of the Presidential Commission by severing the various officials involved.

I intend to support the conference report. I think the conferees worked long and hard and have done the very best they could under the conditions existing.

I am jealous of the prerogatives of the Congress. I would hate to see any President, no matter who he is, have the prerogative of setting the salaries of Members of Congress.

I think that would tend to give him additional power over individual Members of Congress, which I do not like. I also like the idea of Members of Congress going on record, which, as the Senator has pointed out, can, under certain conditions, be done with this legislation. I intend to support the conference report.

I thank the Senator from Oklahoma for his hard work. I shall support the conference report—although I am strictly opposed to one section of this complex legislation; namely, the Presidential Commission idea.

Mr. MONRONEY. I am deeply indebted to the Senator from Virginia for helping to clarify, by his cogent and well-thought out inquiry, why this was done. The conference committee was within 5 minutes of a breakup, of picking up our papers and walking out, and there would have been no pay increase for the 3 million Federal workers, including members of our own staffs, and for the widows and orphans of those who die between Christmas and 2 months later, when we might resume the conference. It was the only way, as I said before; it was the only way to give when an irresistible force was colliding with an immovable object.

Mr. BYRD of Virginia. I thank the Senator.

Mr. MONRONEY. Finally, Mr. President, in all candor, I must say that without its approval I do not believe the conferees would have been able to reach agreement. I believe the Senate has done very well in this conference. On almost all important issues, after lengthy discussion with the House, our position has prevailed. But to get a bill this year, I felt under the strongest compulsion to accept the Advisory Commission plan.

We have not delegated congressional authority, but we have authorized a program which may work. The recommendations of the President on executive and congressional salaries will be subject to review by both Houses, and if we are not in agreement, a simple resolution of disapproval of all or even a part of the President's recommendations can be adopted. In addition, the conferees struck out a provision that was completely unacceptable to the Senate, and that is that the President's recommendations shall not have any effect upon allowances or any other aspect of a Member's office, staff, or other personal allowances.

So, I urge that the Senate accept this amendment and give the Commission a chance. I have been wrong, we all have been wrong, from time to time and it may be that the Commission plan will work. If it does not, I know as surely as I know anything, that Congress will remedy the situation.

The Senate conferees receded on the amendment by the distinguished senior Senator from Delaware regarding stationery allowances. I regretted very much that we had to do this. I personally favor the proposal. It does not really affect me because I have always refunded any unused portion, and with the number of inquiries received and the volume of mail increasing, I have found that the refunds become less and less, almost to the point of insignificance. I have voted for it on occasions in the past. But it was not acceptable to the House under any circumstances and the members of the conference on the part of the House would not consider it as a negotiable item. It had to come out or we would still be sitting there. And the hour has grown late. As a member of the Appropriations Committee, I pledge the Senator my best efforts to resolve this proposal next year.

I ask that the Senate agree to the House amendment to the Senate amendment on H.R. 7977 without further amendment; that we pass the bill and send it to the President; that we insure additional revenue for our postal service, better postal service for all Americans, and a pay increase for all our fine Federal employees in the postal service and all other agencies, and I hope it will be hanging in their stockings on Christmas morning.

Mr. President, I know a rollcall is requested, but I believe the distinguished senior Senator from Delaware [Mr. WILLIAMS] had something he wanted to say.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the pending bill will increase the cost of government by over $2 billion annually at a time when our budget is already out of balance by around $18 billion.

Furthermore, I object to the conferees' action in eliminating the Senate amendment which would have required any unused portion of our stationery allowance, any part which was not needed to defray the legitimate costs of operating our senatorial offices, to revert to the Federal Treasury.

There can be no justification for allowing Members of Congress to retain any part of this official stationery allowance for their own personal use.

It is ironic to note that while the conferees rejected the stationery amendment they retained the amendment which gave a $100,000 retirement windfall to just one man—a former Texas Congressman.

There is one further provision in this conference report to which I strongly object and that is the section which confers upon the President the power to raise judiciary and congressional salaries. This would be accomplished by the President's submitting his proposed salary scale to the Congress with such recommendations automatically becoming law within 30 days unless rejected by Congress.

This is an unwarranted delegation of our responsibility and would give the President a dangerous weapon to exercise control over Congress and the judiciary.

I shall vote against this conference report.

Mr. MONRONEY. I ask for the yeas and nays on the question of agreeing to the conference report.

The yeas and nays were ordered.

Mr. MONRONEY. Mr. President, it is a great and distinct pleasure for me to yield to one of the finest men with whom I have ever had the privilege of serving as a Representative and a Senator. His leadership, ability, integrity, character, and industry are beyond question. He has faithfully served in times past as chairman of this great Committee on Post Office and Civil Service. He sat through all the hearings and participated in every decision. When he lost, he lost with good grace; when he won, he was a quiet and considerate winner. We held differing views, but he supported us in conference, and he contributed greatly to bringing out of this difficult situation and achieving the passage of this bill, in time for the Christmas holidays. I am happy to yield to the distinguished senior Senator from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. President, I appreciate very much the statement made by the distinguished chairman of our Senate Post Office and Civil Service Committee in regard to this conference report. It represents a compromise, as most of these conference reports do, and I shall discuss only briefly the contents of the report. The Senate has some very definite views, and the House conferees also had some very definite views; and after 4 days of meetings and five sessions of the conference, we were finally able to resolve some of those differences and reach the agreement which is now before the Senate with the unanimous approval of the conferees.

I would be less than frank if I did not state that I held views on some of these matters from which I had to recede. I was not happy about this Presidential Commission to recommend executive, judicial, and legislative salaries. I have grave question as to giving this authority to the President, which will come to him in the form of a recommendation from a Commission. The conferees had reached a place where we could not reach an agreement on postal pay and postal rates without accepting that provision. The House conferees were adamant in their views on the Commission proposal and arrived at a point where we had to accept their position or there would be no Federal pay or postal rate increase. Time only will tell if our acceptance of this proposal was in the best interests of those in the executive, legislative, and judicial branches of the Government.

Second, I was not happy about some of the rates we established in the postal rate section of the bill, but here again, my views did not prevail and I accepted the views of the conferees, and approved the report. It is my view that the Post Office is a public service Department of Federal Government and the raising of revenue should not be its prime objective.

Third, I was greatly pleased with the postal pay sections of the bill. In 1962, I helped write the legislation that provides for comparability of the pay to the postal and classified workers of the Federal Government; and I am proud to state that in this particular case, we are making progress toward comparability. When this 3-year phase is carried out, we will be well on the way; and I sincerely hope that that will result from the action taken by this Congress. I am happy to have participated in that action. I am also pleased with the life insurance section. I believe it represents a great improvement. I not only associated myself with that provision, but did everything I could to secure its approval. I believe these items are greatly in the interests of our Federal employees.

The distinguished chairman of the conference is entitled to much credit. The Senator from Oklahoma rendered outstanding service in the hearings, in executive sessions, and in the conference; and I am proud to have been associated with him and under his leadership in this matter.

Mr. MONRONEY. Mr. President, I thank the Senator.

I yield to the distinguished senior Senator from West Virginia [Mr. RANDOLPH]. In all of the hearings and throughout the long conferences, no man could have fought more diligently nor more actively for the adjustment of pay scales toward comparability for the 3 million Federal employees covered by this bill. No member of the conference supported more strongly the increase in rates for third-class mail to change it from a subsidized service to coming closer to paying for its own weight. No member of the conference was more perceptive in trying to put the greater weight on the bigger horse, considering the services the Post Office is required to render.

It is a great thrill to have men like Senator RANDOLPH on one's committee, firm as the Rock of Gibralter, when one is fighting for days, trying to resolve wide differences between the two bodies.

I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am very grateful for the gracious words of our knowledgeable and distinguished chairman of the Committee on Post Office and Civil Service. I express my personal and official appreciation to him and to the Senator from Texas [Mr. YARBOROUGH]. The Senator from Oklahoma, the Senator from Texas, and I formed the majority membership of the Senate conferees on the conference committee. Additionally, the splendid contributions which were made by the Senator from Kansas [Mr. CARLSON] and the Senator from Hawaii [Mr. FONG], who represented the minority in the conference, deserves recognition. The opportunity for understanding, within the Post Office and Civil Service Committee, was not only present during the hearings and the markups within the committee itself, but also in resolving the intricate and controversial problems in conference. The members of the conference I have just mentioned—Senator YARBOROUGH, Senator CARLSON, the former chairman, and Senator FONG, working with Senator MONRONEY, our chairman—consistently reflected the viewpoint of the Senate on this legislation.

I wish to indicate my special interest, this afternoon, in two matters that were of concern to me. The first has to do with the fair rate on third-class bulk mail.

It is my belief that a sufficient amount of time has been provided in the conference agreement so that those persons who use this class of mail in advertising their merchandise and in other ways will have the opportunity to revise and modify their procedures.

I feel that in sustaining the 4-cent rate, we did not fix an arbitrary figure, but that the Senate, by a majority of 37 votes, established a reasonable and fair rate. The amount of money which will accrue on the volume of mail now handled in this category will ultimately be more than $28,700 annually. Through this action on third-class rates, we have the prevailing sentiment, I think, of both the Senate and the House of Representatives, as reflected in the report presented here today.

In offering the amendment adopted in the Senate legislation, I believe I was being fair to both those who receive this class of mail and to those who send it.

Mr. President, I had a particular interest also in the subject of nepotism in reference to the employment of persons in both the legislative and executive branches. There is a difference of opinion in this subject area as it concerns the right of an individual to have a part in the recommendation, and perhaps in the direct employment, of his or her relatives. This is understandable. There are many examples of Members of Congress who have had members of their families associated with them, and those persons have made significant contributions in legislative branch positions. For such employees in the executive branch of the Government, a like case could be made. However, if we were to deal with the subject of nepotism—and the House decided it would deal with the subject prior to the legislation being considered in the Senate—there was, I think, a very real responsibility to plug any loopholes which might exist. It was critical that the nepotism provisions be applied across the board.

Thus, I offered and advocated the proposal to extend this provision to include the President of the United States. There were those who thought that this would be an affront to the Presidency and perhaps might constitute a form of embarassment to the Chief Executive. However, I did not see the matter in that light.

Rather, it was my belief that this would be a protection, not only to the President now in office, but also to any President who might succeed him. The name of the President was not the matter that I considered. It was the office. We could not stop at a certain point in formulating a policy on nepotism. We had to apply the policy across the board.

I am delighted to state in the presence of the members of the conference committee who are now on the floor that during our consideration of this provision and after Senate action I had no contact whatsoever from the White House.

I feel that this is indicative that the White House believes, as does now the Congress, that a nonnepotism policy should apply equally to any branch of Government.

While formulating this provision on nepotism, we sought to protect the so-called veterans' preference which applies to positions within the classified civil service and positions generally in the Federal structure.

As chairman of the Subcommittee on Veterans' Affairs, it was my desire to see that veterans' preference continued. I think that Congress generally and the people of the country believe that the veterans' preference should not be vitiated.

Thus, in connection with the nepotism amendment, we have protected the veterans of the United States of America who have defended this country and its interests in time of crises.

Mr. President, I believe that this legislation on postal rates and Federal salaries to strengthen an agency of the Government and to compensate the faithful employees of the Federal Establishment, is fair and equitable, and should be approved by the Senate.

The Senator from Oklahoma has again proved his exceptional leadership. Not only will all citizens be benefited but we will give Federal workers better compensation. Needed revenues will be realized, more adequate pay will be provided, and government itself will be improved. Senator MONRONEY's effective efforts cannot be stressed too much.

Mr. MONRONEY. Mr. President, I yield such time as he may require to the distinguished Senator from Hawaii who did so much to help bring about the pay increase and the additional application of the measure, particularly with respect to the many postal and civil service workers, and has been very instrumental in helping us to work out the bill in the committee consideration and has sought to help us over the course of many long hours to shape up an amendment to improve the House version and get the bill reported and effectuate the compromise that is so necessary to get a bill in the form in which it will pass.

Mr. FONG. Mr. President, I thank the distinguished senior Senator from Oklahoma for his very kind and laudatory words. I commend him for a very excellent conference report on a very complicated and complex bill.

The success of the conference was due very largely to the fine leadership and great ability and long patience of the senior Senator from Oklahoma.

I commend also the very distinguished senior Senator from Kansas [Mr. CARLSON] for his great contribution to the conference.

The postal service and the Federal employees have no greater friends than these two distinguished leaders, the distinguished senior Senator from Oklahoma and the distinguished senior Senator from Kansas.

I would be remiss if I did not say that the services of the distinguished senior Senator from West Virginia [Mr. RANDOLPH] and the services of the distinguished senior Senator from Texas [Mr. YARBOROUGH] were tremendously helpful in achieving agreement in the conference report.

These Senators have been stalwart members of the committee. They have done yeomen's duty in the best interests of the Senate, the thousands of dedicated Federal employees, and the postal service.

Mr. President, I wish to urge my Senate colleagues to approve the conference report on H.R. 7977, the postal rate and Federal salary increase bill.

The bill passed by the Senate 2 weeks ago was an excellent one. I supported it on the floor and supported it as a Senate conferee. However, both the Senate and the House conferees had to compromise on several issues in order to report out a bill before this session of the 90th Congress adjourned.

All conferees were convinced that it was essential that a postal rate and Federal salary increase bill be sent to the President this year. This is why we met every day last week until we reached an agreement on Thursday evening. I believe we have written a bill satisfactory to both Houses. Yesterday, the House passed this measure by an overwhelming margin.

The postal rate increases in this legislation will bring in approximately $900 million in postal revenues next year. Our Post Office Department needs this additional income to help defray the rising costs of our postal system. Although I personally was not in favor of all of the increases contained in the report, it does bring needed new revenue into the Department.

Another important feature of this measure is the Federal employee salary increase section. This section is landmark legislation. It will increase Federal classified employee salaries by 4.5 percent and postal employee salaries by 6 percent, retroactive to October 1, 1967. Also included in the bill are two future automatic pay increases effective July 1, 1968 and July 1, 1969. These two additional increases will bring Federal classified and postal employees up to comparability with their counterparts in private industry. The Congress overwhelmingly approved the comparability principle in the Federal Salary Reform Act of 1962. However, at no time since then have Federal salaries been comparable to those paid for similar positions in private industry. The three-stage salary increase contained in H.R. 7977 will make comparability a reality in 1969. This will fulfill a promise Congress made to the almost 2 million dedicated Federal employees 7 years ago.

Several times during the Senate-House conference it appeared that the conferees were hopelessly deadlocked and a final conference agreement could not be obtained. A number of compromises were suggested on the issues in disagreement and intensely debated on both sides of the table.

The two biggest issues were: First, the House provision establishing a quadrennial commission on executive, legislative, and judicial salaries. The Senate had no similar provision in its version of the bill; and second, the Senate provision setting a two-stage rate increase for third-class bulk per piece mail. The rates in the Senate bill were 3.6 cents per piece in 1968 and 4 cents in 1969. The House voted a one-stage 3.8-cent rate effective in 1968 for this type of mail.

Both sides were adamant on their respective positions on these two issues. On Friday, these two items were the only remaining provisions in contention. The conferees recessed several times during the day to cool off from the heated conference discussions. Finally, late Friday afternoon the compromise package presently before us was worked out and agreed to by both sides.

The Senate bulk third-class per piece rates were retained in the bill although the 4-cent rate was put back to July 1, 1969, rather than in January 1969. It was also agreed that, beginning in July 1969, those advertisers who sent less than 250,000 third-class bulk rate pieces of mail annually would only pay 3.8 cents per piece. The 4-cent rate would only apply to mailings over 250,000 pieces.

The other part of the compromise was that the Senate accept a modified version of the salary commission contained in the House bill. The House provisions were changed to limit the Commission's area of inquiry and recommendation only to basic salary rates and not to allowances and expenses.

As worked out, the Commission would make recommendations concerning executive, congressional, and judicial salaries to the President every 4 years. The President in turn would make his recommendations on such pay to the Congress. The Congress could vote to change or vote down the recommendations. If the Congress decided not to vote the recommendations down or to change it the recommended salary rates would become effective 30 days after being submitted to the Congress.

These are the most important matters compromised on in the Senate-House conference. I am convinced the conference report is a good compromise. It broke a deadlock that threatened the entire bill.

I again wish to commend the able leadership of the committee chairman, Senator MONRONEY and the ranking minority member of the Senate Post Office and Civil Service Committee, Mr. CARLSON. Their guidance and leadership has resulted in this excellent conference report, which contains most of the provisions approved by the Senate on November 29.

I strongly urge that the Senate approve this conference report. It will bring much needed additional revenue to our Post Office Department and will also bring the salaries of our Federal classified and postal employees up to comparability with their counterparts in private industry in 1969.

Mr. MONRONEY. Mr. President, I regret that the distinguished senior Senator from Texas is not in the Chamber. His name has been mentioned often, and he was very helpful, indeed, in many of the compromises that we worked out, both in committee and on the floor. His dedication to the Federal employees in all branches has long been a hallmark of his distinguished career in the Senate. His effort to raise adequate revenue to make possible the operation in the black, or nearly the black, for the new year, and perhaps later, was most effective. His continuous battle for educational materials and the right for them to be carried at a special rate also demonstrated his long standing interest in education and the excellence thereof.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. MILLER. Mr. President, one matter in this measure which has not received very much attention, but for which the able chairman and his colleagues deserve high praise, is title III, prohibition of pandering advertisements. This deals with the serious national problem of obscene literature. I hope that this provision will be strongly enforced by the Postmaster General. I believe that its inclusion in this measure is a great step forward.

I should like the chairman to know that those of us who have been working hard in this field to do something about the problem appreciate what he has done.

Mr. MONRONEY. I thank my distinguished colleague, the Senator from Iowa.

The primary enforcement power is with the recipient of pornographic advertisements and material. All he need do is to say that the material is pornographic, in his judgment, and the Postmaster General must act to notify the mailer to take this man's name off that list and to never send any more mail to him.

It is self-enforcing, I believe, because it will avoid the very thorny question of the first amendment, the freedom of speech amendment, with respect to which the Supreme Court has been unable to find a commonly satisfactory definition of what is pornography. Works of art are in question, as opposed to the lowdown, lewd, lascivious material, revolting by its very nature, which is sent every day to people's homes.

May I say that the Senator's distinguished colleague, Representative CUNNINGHAM, is the author of this amendment. We kept it intact in the Senate, and I believe it is a great contribution to the bill.

May I also point out that the nepotism provision is as strong as possible. In going through the language that came from the House, we denied the right of Senators and Representatives to employ their wives, but we forgot that the ladies of the House and the Senate would have a right to employ their husbands, under the House-passed language; so we corrected that. We have equal rights for both men and women to be denied as well as to receive privileges in the antinepotism section. The language is as tight as it can be, and the efforts to water it down which were presented in conference—not by the Senate conferees—were defeated by us as one of the resisting points, because it would have allowed waivers by the Architect of the Capitol, the Speaker of the House, and by the President pro tempore of the Senate, for reasons which he considered sufficient.

Mr. MILLER. As a point of information is my understanding correct that the nepotism section is prospective in operation only?

Mr. MONRONEY. The Senator's understanding is correct. It is what we call a grandfather clause. Many Members have served for years, with their wives as their personal secretaries, sometimes with their sons. They are very capable people.

Mr. MILLER. And that will continue until there is a change in the particular office?

Mr. MONRONEY. That is correct.

Mr. MILLER. The grandfather clause covers——

Mr. MONRONEY. Only those presently employed.

I believe this provision will meet the objection and will not disrupt a Member's office, where longtime custom and familiarization in his home State well acquaints his constituents with the fact that he has had a relative assisting him.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. JAVITS. I thank my colleague very much for his customary courtesy.

In respect to title III, about which the Senator had a colloquy with the Senator from Iowa, the Senator from Oklahoma will remember that he and I engaged in a colloquy in which I made of record certain views as to the legal situation with respect to this title.

Would the Senator say, therefore, as a matter of legislative history, that whatever we had in the way of a colloquy with respect to the title, as the title has been retained intact, will continue to be applicable to it as retained in the conference report?

Mr. MONRONEY. That is my feeling on the matter. I speak only for myself. What I say would not be binding on the other members of the committee.

I believe this matter will come to a court decision, whether the first amendment or the fourth amendment would apply. I believe that the use of the fourth amendment as a basis for this legislation, under the right of privacy, would probably obtain. But I cannot second-guess the Supreme Court.

Mr. JAVITS. The Senator will remember how I felt about the matter. I repeat what I said then—because we are finally closing the record—that it is possible to reconcile the fourth amendment privilege with the first amendment privilege by having the courts, if they sought to, enjoin the Postmaster, if they felt that strongly about it, and that a case could be made out, notwithstanding the fact that the amendment reads "in his sole discretion."

I still believe—and I say this advisedly—that the courts would have to reconcile the first and fourth amendment protections, as the first amendment also protects the addressor, who has a right—I believe I gave the example of what sometimes happens in politics—to try to persuade the addressee. That is a right, also, just as it is the right of the addressee to his privacy.

I am not in any way disagreeing with the fundamental thrust of the legislation. It is a problem we have all endured as fathers. I have young children, also. The Senator has been through that, and so have many other Senators. We understand what we are trying to reach. But I point out that it is possible for the courts to reconcile the first and fourth amendment privileges by dealing with the substantive nature of the items in question and by respecting the rights of both the addressor and the addressee.

I believe the Senator, by his leadership, has been responsible for tying together the rates and the salaries. I have seen this tried for years. It is a most creative concept. The postal employees, as the Senator knows, are very articulate, as are many other Government employees, and they do not feel that this is necessarily the optimum or that comparability has thereby been attained.

I believe that what the Senator has creatively led in being done on the subject of postal rates and Federal salaries—especially the salaries of postal workers—has gone a long way toward giving meaning to the concept of comparability, which was offered quite a few years ago, before it came to its own right in this bill. We all are grateful to the Senator for his arduous labors and the very creative way in which he has worked out this particular problem.

Mr. MONRONEY. I am deeply appreciative of the Senator's kind remarks. They apply to the entire committee, who worked long and diligently.

In this connection, I am very proud, as I know all other members of the committee are, of the excellent staff work we had. I have served for 29 years in many committees. I have gone through the price control days, Bretton Woods, and the World Bank. We have had good staffs in the past. But none have performed so diligently and perfectly, and none were better informed.

The staff members are John M. Burzio, the staff director of the Committee on Post Office and Civil Service; his colleague, David Minton, the general counsel; and the distinguished representative on the committee from the minority side, Mr. Frank A. Paschal, who was the right hand of the distinguished chairman when the committee was under Senator CARLSON's control; and he has worked in teamwork with these fine, outstanding, dedicated public servants to help bring about this result.

Mr. JAVITS. I should like to join the Senator in the remarks he has made about the staff.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. RANDOLPH. I wish to reemphasize the commendation of members of the staff by our distinguished chairman. These staff members are not only knowledgeable but also are very cooperative, and I desire that the RECORD reflect how strongly I feel about their vital contributions. The staff members have indeed provided valuable assistance.

(At this point, Mr. BYRD of Virginia assumed the chair.)

Mr. MONRONEY. I thank my distinguished colleague.

Mr. President, I am sorry if my distinguished colleague, the senior Senator from Texas [Mr. YARBOROUGH] was not in the Chamber. Again I wish to say that without his valiant help in the fight for movement forward on comparability and on revenue to go along with the bill to make up for additional costs during the next 2 years, we would not have been successful. The distinguished Senator was there at every meeting with his

Texas shooting irons strapped to his side and it was with dead-eyed aim that he made a point.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. YARBOROUGH. Mr. President, the Senator from Oklahoma has given me more credit than I am entitled to. This is the most comprehensive postal rate and pay bill ever passed by a Congress of the United States, and it was due in great measure to the distinguished Senator from Oklahoma who conducted the hearings.

The bill came to the Senate and there were differences of opinion. The Senator from Oklahoma took the bill which the House passed, added provisions to it, and through his legislative know-how we have this insurance provision added to the bill.

There is another title added to the bill which would be of great benefit to the Federal service in that it takes Federal employees another step toward comparability. In 1962, under the leadership of President Kennedy, for the first time we had comparability promised for Federal employees; their pay for Federal service was to be comparable in amount and kind to that paid to people in private employment for similar jobs. Ever since then, due to the increasing cost of living, we have lagged behind further and further.

With the increases that are provided in the bill and promised in future years there will be averted the necessity for Congress to consider another pay bill next year, even if the cost of living continues to rise, because the steps are provided here to bring Federal employees closer to the comparability of salaries in private employment. This provision is likewise due to the legislative genius of our distinguished colleague from Oklahoma.

The Senator from Oklahoma held the committee together in the very tense days of the executive sessions when there were great differences of opinion in the committee and great differences of opinion within the two parties. There was a 12-man committee. Some votes were 6 to 6. But every time a motion failed with a 6-to-6 vote, the Senator from Oklahoma was on the prevailing side and his views prevailed throughout many close votes.

Mr. President, this fine bill is brought to the floor with unanimity of the conferees in both Houses, but in the executive sessions where every member speaks his piece wholeheartedly, it was not easy. This legislation is due to the dynamic leadership of the distinguished Senator from Oklahoma.

One of the most hotly contested provisions in the bill was solved by the amendment added by the senior Senator from West Virginia, and it prevailed in the conference with the House. We were deadlocked on that provision day after day and the House at one time said they would not accept the bill, but they did accept it yesterday. Mr. President, this bill stands as a tribute to the Senators from West Virginia and Oklahoma. They have given the Senate great leadership and this bill will add much to Federal service.

We know there is a brain drain out of the Federal service, with officers and employees leaving, particularly in the higher echelons and in the higher GS grades. We hope that this bill will make it possible to keep these employees in the Federal service.

In this country we hear about the shortage of labor, but the greatest shortage is in those who are skilled in management. People who know how to manage and get things done are in extremely short supply. We have attempted to try to hold these people and keep them in the Federal service by raising their status. There is not much raise in money but there is in status.

I commend the distinguished Senator from Oklahoma for his leadership on this bill, and for the excellence of his staff. I have never seen excelled the skill of the staff of the committee and the technical know-how they displayed. In the past, we have had to have experts from Civil Service present to answer difficult questions. The Senator from Oklahoma now has a highly trained staff so that it is not necessary to call in people from the Civil Service Commission dealing with these highly complicated matters, and there are many difficult questions with 3 million employees covered in one bill.

Mr. President, the 1967 Federal pay bill provides a long-needed wage increase for our many fine Federal employees. The U.S. Government is the largest employer in the world. Today there are almost 3 million civilian employees in all branches of the Government. The 700,000 postal employees will receive a 6-percent increase retroactive to October 1, so in addition to a salary raise they will get a little extra for Christmas. In July of 1968, they will receive an additional 5-percent increase.

As chairman of the Postal Affairs Subcommittee I have long had an interest in postal salaries and have gladly supported each increase in the past 11 years. This year I was able to work for the increase in the committee, on the floor of the Senate, and in the Senate-House conference committee where we assured that the raise for our postal employees would be maintained.

Other Federal employees will also receive salary increases. I am proud that there are nearly 150,000 persons who will benefit directly from this bill in my own State of Texas. The wage increase is certainly justified by the testimony I heard in the many days of hearings held on this bill.

For many years, those who chose Federal service received less for their work than persons in private sectors of our economy doing comparable work. Those private occupations, based, of course, on profits and incentives, responded more quickly to price increases and to individual talents of employees. Federal employees, with wages periodically set by Congress, seemed destined to lag always behind.

The result was that the Government had a problem in recruiting the many doctors, lawyers, engineers, and other professional and staff persons it needed. And even after recruitment, increasing salaries and fringe benefits in the private sector lured away many of the most promising employees. Our Government and the employees on which it depends must be second to none. And that means that we must be a fair employer and pay a fair wage.

Under the leadership of President Kennedy, the Federal Salary Reform Act of 1962 was passed. That act established as a goal of Government, and as a commitment to its employees, wages which are comparable to those paid in private enterprise. There is a direct and proved relationship between adequate pay and the willingness of any employee anywhere to do his best. The Government must follow the principle of equal pay for equal work for Government employees.

Comparability will be given our Federal employees in three steps, beginning with a 4½-percent increase now. One-half of the gap between Government salaries and salaries in comparable private jobs will be closed in July 1968, and the full comparability will be reached in April 1969. I am proud to have participated in the passage of the bill whereby this pledge to 3 million American workers will be kept.

Mr. MONRONEY. Mr. President, I thank the able and competent Senator from Texas. I wish I could live up to his kind words but I do appreciate the compliment. It is credit which I do not justly deserve.

Mr. MUNDT. Mr. President, will the Senator yield so that I may ask a few questions?

Mr. MONRONEY. I yield.

Mr. MUNDT. Undoubtedly during my absence from the Chamber the Senator has discussed the Commission on Legislative, Executive, and Judicial Salaries.

Mr. MONRONEY. Yes.

Mr. MUNDT. It was not in the bill at the time it was passed by the Senate but it was put in, I presume, at the insistence of the House. Does that include all of the salaries which would be covered in the present bill?

Mr. MONRONEY. I do not understand the Senator.

Mr. MUNDT. Would it include all salaries included in the present bill?

Mr. MONRONEY. Senators' salaries are not included and neither are executives, nor the judiciary.

Mr. MUNDT. In the bill as we passed it.

Mr. MONRONEY. As we passed the bill the Commission, which the House insisted on until the last 5 minutes of our conference when we were ready to break up and postpone action until after Christmas, this was the final result between the House, and was strongly insisted on in order to get the higher rate for third-class mail. The Senate strongly insisted on our position to throw out the President's Commission. Any Member can move to veto the recommendation, not only of the entire package of legislative, judicial, or executive, but separately as to legislative, judicial, or executive, or as to any ratio within those groups.

This was the final compromise that broke the logjam and made it possible for agreement on the bill.

Mr. MUNDT. As the bill passed the Senate, in the first instance, and I was happy to support the bill at that time, there was nothing involving a presidential commission at all in it.

Mr. MONRONEY. The Senate committee unanimously struck out that provision.

Mr. MUNDT. My question is, first, by this action of the conference committee, it now brings judicial and congressional salaries within the purview of a presidential commission.

Mr. MONRONEY. Also executive salaries.

Mr. MUNDT. Also executive salaries. As it brings in the executive salaries, does it include civil service salaries?

Mr. MONRONEY. No. This is only at the level the pay bills do not ordinarily apply to. Usually we deal with the general services or postal. But this is sub-Cabinet level.

Mr. MUNDT. Do I understand correctly that if the commission feature stays in, Congress would continue to retain control over postal and civil service salaries up to a certain executive level?

Mr. MONRONEY. Up to what we call the executive level, which includes sub-Cabinet, assistant secretaries, and such as that. This has been a troublesome thing for the committee because they are jealous of rank, responsibility, and so forth, which differs by titles. When we had the 1964 pay bill up, it was most confusing and difficult when we tried to adjust some of the salaries.

Mr. MUNDT. What is the rationale employed by the House to recognize the constitutional authority of Congress to pass on postal and Civil Service salaries, but to delegate the authority for their own salaries, as well as judicial and high-level executive salaries, to a commission?

Mr. MONRONEY. They have not delegated it. They have delegated the rights of recommendation. I would assume that it would be a high-level commission composed of some of the leading industrial and business leaders of this country, as well as lawyers, educators, and so on. They would study the situation and make recommendations to the President. The President, in his first budget message to Congress, would then transmit his recommendations. It is obvious that he would follow, perhaps, most of the commission's recommendations, recommendations which have been made by those who have no personal interest in the salaries of judges, of Congressmen, or of executives in the executive department.

Congress, being in session in the new term, would take up, within 30 days, the recommendations. Any Member in this body, or of the House, could demand a rollcall vote to veto it, so that no Member could avoid, in line with the Byrd amendment—which we accepted, and which passed the Senate with only seven votes against it as it was incorporated in the Legislative Reorganization Act now pending in the House—giving every Member the right to be recorded and would require all Congressmen to be recorded "yea," "nay," or "absent." In other words, the conferees have employed the general formula we used in dealing with the executive reorganization recommendations.

Mr. MUNDT. The same pattern.

Mr. MONRONEY. A similar pattern, because we would be in session. The President's budget message comes to us in January, before we are involved in any other legislation. I am sure that if it contained increases for Members of the House and Senate, it would receive what I would think would be less than delayed consideration.

Mr. MUNDT. Speaking as one who applauded the action of the Senate committee in striking this commission feature from the bill, because I believed that determination of these salaries is very much within the right of Congress, as it is its right to determine postal and civil service salaries, let me ask this question, and I am sure that the chairman, who is a good parliamentarian, has explored this fully. Is there any parliamentary device available to the Senate, short of rejecting the conference report itself, by which it could move to strike this commission from the bill?

Mr. MONRONEY. There is none whatever. We could strike it from the bill. We could send it back to conference. But we would be hopelessly deadlocked and would be reopening an entirely new conference. It would mean no pay bill, not only this Christmas but probably for 2, 3, or 4 months ahead. That is my unstudied opinion, but it is my belief.

Mr. MUNDT. In other words, if I understand the Senator correctly, the only tool available to us now would be to reject the conference report.

Mr. MONRONEY. That is right—vote down the conference report, which would send it back to conference. I am not absolutely sure, but I think it would hurt the whole thing that we worked so hard and long to achieve. I think this was the hardest and longest bargaining session I have ever participated in.

Mr. MUNDT. This creates quite a dilemma for those of us who voted for the pay increase bill for classified employees and the postal service, who believe they are entitled to have it, but who do not approve of this particular method of determining salaries of high level agency heads and Members of Congress, as well as judicial salaries. It would mean having to reject something we approve of to accept something we dislike.

Mr. MONRONEY. That is right, but we still have the privilege of voting yea or nay. There is no hanky-panky about it. If we have the leading citizens of this country studying and recommending salary rates, and then the President submits those recommendations, we have a right either to veto them or accept them or change them. We did this for the reorganization of the Government departments, remember, and it has worked rather well.

Mr. MUNDT. Did the Senator say that he cranks into this commission formula a regulation that any one Member in either House can determine by a rollcall vote that we do not have to have the recommendations?

Mr. MONRONEY. He would have to be supported. We cannot change the House rules, and we cannot change the Senate rules. But, customarily, of course, any time any one Member demands a rollcall on a most insignificant amendment, we have a rollcall. It is inconceivable to me that——

Mr. MUNDT. It seems to be always true on insignificant amendments, but that sometimes is not so true on significant amendments dealing with salaries of Members of Congress.

Mr. MONRONEY. Well, I have been in Congress for 29 years and I have never seen a rollcall refused when the issue was important and when one Member asked for it. We customarily are put on record on many minor things that sometimes are a lot more embarrassing than the task of approving or disapproving a recommendation by a high level commission which is supported by the President and comes to Congress in the regular order and which we have the power to veto.

We cut it out of the bill. We insisted during the last 5 minutes that if we wanted a bill we could have one. The House gave and gave and gave on their junk mail provisions. We made them rewrite the amendment to take out the language that we thought would avoid a definite objection, strictly on the issue of our own allowances.

Mr. MUNDT. Well, I should like to conclude by saying that I join my colleagues in thanking the conferees for doing a splendid job, with the caveat that I am sorry they failed on this particular issue.

Mr. MONRONEY. We did our work as best we could. Certainly, when we threw it unanimously out of the committee, the report clearly shows our attitude in the debate that went along, about the "irresistible force meeting an immovable object," which obtained; and we finally came down to the wire. It was either break up in 5 minutes and go over it again in the future, start the thing all over again, or take the two things in the best shape we could possibly get them in.

Mr. MUNDT. I thank the Senator for his explanation.

Mr. ERVIN. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. ERVIN. I want to commend the Senator from Oklahoma for the wonderful job he has done, not only as chairman of the committee which considered the bill on behalf of the Senate conferees, but also as a representative of the Senate in the very hard conference which the Senate conferees had with the House on this question.

Like the Senator from Oklahoma and the Senator from South Dakota, this provision of the conference report which is adopted from the original House bill, passing the buck of fixing congressional salaries, is totally repugnant to me. However, I am satisfied, from what I have been able to learn about the difficulties in the conference, that the adoption of this conference report is necessary to get a bill at all on this subject.

Notwithstanding that this particular provision, which passes the buck on fixing congressional salaries, is totally repugnant to me, I expect to vote for the measure on the ground that it is the only way to permit the bill being passed.

I know the Senator from Oklahoma,

like the Senator from North Carolina, was strongly opposed to that original provision in the House bill, and that he agreed to this in conference merely as a last resort to prevent the loss of the measure entirely.

I thank the Senator for giving me this opportunity to make my position clear.

Mr. MONRONEY. I thank the Senator from North Carolina for his comments. He is one of the most learned constitutional lawyers who has ever graced this Chamber.

(At this point Mr. HATFIELD assumed the chair as Presiding Officer.)

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. THURMOND. I want to ask the Senator whether the Commission—I believe reference to it begins on page 34—is in accord with the Constitution, in that Congress has the right to act. It may be said that Congress will act, but the President, under this provision, will submit a plan and then one body or the other has to reject it. In other words, the whole plan must go up or down.

Mr. MONRONEY. We could vote separately, and, if Congress wished, it could reduce congressional salaries and accept the recommendation of the Commission on the Executive and Judiciary Salaries. This provision makes possible a direct individual vote on matters involving the Members of the House and the Senate or anyone else.

Mr. THURMOND. Suppose Congress favored raising some salaries, but the President brought in a plan that puts some salaries at a certain figure and some at higher or lower figures, and that was not in accordance with what the Congress wanted. The only way to show that disapproval would be to kill the whole plan.

Mr. MONRONEY. We could vote on the separate parts. It takes only a majority of one of either the House or the Senate to reject it. I am not a constitutional lawyer. Many great men in the Senate are. But this follows the test we had in the reorganization plan, in which Congress said these recommendations can be made by a Presidential commission, submitted to the Congress, and either House, by a majority of one, can veto it. So we did surrender similar constitutional power that we had in order to permit reorganization of many departments of government.

Mr. THURMOND. The Constitution provides that Congress shall legislate, which means it will pass legislation fixing salaries. If this plan is adopted and the President comes up with a plan in which he fixes salaries, Congress does not fix them. Congress will go along with what he recommended for the executive branch or turn them all down. Does not the Senator think that is depriving Congress of the right to readjust salaries as Congress would wish, rather than have a whole plan rammed down our throats?

Mr. MONRONEY. This provides for a separate vote. We would have a separate vote on the executive and a separate vote on the legislative.

Mr. THURMOND. I am talking about salaries within the executive branch.

Mr. MONRONEY. If the Senator does not like those salaries, a majority of one in either body can veto that plan and Congress can fix those salaries legislatively. We have not surrendered any power. We have the right to exercise that power whenever such a plan does not meet the consensus of a majority of one in either House.

Mr. THURMOND. Would not one plan be presented for the Executive and for the Judiciary and for the Legislative?

Mr. MONRONEY. It would likely come down from the Presidential Commission as one proposal. When that plan reached the floor, it could be separated and we could vote on it one by one. Any Member rising in his place can move to reject each section of the proposal. We can vote on each separately. Either House, by a majority of one, can reject or modify the plan. So the power rests with the congressional branch. We must accept the responsibility for accepting any recommendations that may come to us. There is the other alternative. If it should go through by a majority of three or four, Senators can say, "I do not care for that pay raise. I will send back the rest of the money." I do not expect many to do that.

Mr. THURMOND. Again, the Senator had a plan for the Executive.

Mr. MONRONEY. I did not have a plan——

Mr. THURMOND. I mean if the President submits a plan, the plan will come, one for the Executive, one for the Judiciary, and one for the congressional branch. The President, though, is going to fix those salaries. Yes, we can turn them down. We can turn any one plan down, but the salaries for any of those branches of the Executive, the Legislative, and the Judiciary will be fixed by the President. Then the whole plan can be voted up or down.

I take the position that that is depriving Congress of the right to legislate.

Mr. MONRONEY. I thank the Senator. Mr. President, I ask for a vote.

The PRESIDING OFFICER. The question is on the motion to concur in the House amendment to the Senate amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. THURMOND (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Kentucky [Mr. COOPER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia: I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HILL], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MONDALE], the Senator from Georgia [Mr. RUSSELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

I further announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alabama [Mr. HILL], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MONDALE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Colorado [Mr. DOMINICK], the Senator from California [Mr. KUCHEL], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] and the Senators from Kentucky [Mr. COOPER and Mr. MORTON] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Tennessee [Mr. BAKER], the Senator from California [Mr. KUCHEL], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The pair of the Senator from Kentucky [Mr. COOPER] has been previously announced.

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Delaware [Mr. WILLIAMS]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 72, nays 0, as follows:

[No. 386 Leg.]

YEAS—72

Bartlett
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cotton
Curtis
Dirksen
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Montoya
Morse
Moss
Mundt
Murphy
Muskie
Nelson

Pastore
Pearson
Pell
Proxmire
Randolph
Smathers
Smith
Sparkman
Spong
Stennis
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—28

Aiken
Allott
Anderson
Baker
Bayh
Clark
Cooper
Dodd
Dominick
Eastland
Ellender
Hill
Inouye
Kuchel
Lausche
Magnuson
Mondale
Morton
Percy
Prouty
Ribicoff
Russell
Scott
Symington
Talmadge
Thurmond
Tower
Williams, Del.

So the Senate concurred in the House amendment to the Senate amendment.

Mr. MONRONEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAIL MATTER FOR THE BLIND AND HANDICAPPED

Mr. HARTKE. Mr. President, it gives me genuine satisfaction to see the passage today in final form of the postal rate and pay bill.

But as one who has consistently over the years championed the improvement of conditions for the blind, I am particularly gratified at the inclusion of my bill S. 1953 as section 114 of the bill. There is reason to be gratified when we have helped to improve the lot of the blind and visually handicapped as this part of the bill has done. In only a few words, let me point out what it accomplishes.

The free mailing privilege is now to be provided not simply for a limited class of material in Braille, but for sound reproductions, whether records, tape, or other items made possible by modern technology; for the reproducers and parts of such machines which are now so indispensable to many blind persons; for braillewriters and typewriters, and other devices or parts for them used by the blind or sight handicapped. Further, for the first time it will now be possible for the blind to communicate with others by sending through the mails records or tapes—voice letters, really—without charge, as well as unsealed letters in Braille or sightsaving type. This, in particular, is a real boon to many of the blind, who have such limited income that the cost of mailing tapes and "voice letters" can be a genuine hardship.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that Mr. O'Hara of Michigan had been appointed as a conferee in the conference on the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes, vice Mr. Holland, excused.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8338) to create a new division for the western district of Texas, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 1592. An act for the relief of Dr. Rene Jose Triay;

H.R. 1670. An act for the relief of Dr. George H. Edler;

H.R. 1894. An act for the relief of Our Lady of Pillar Church in Santa Ana, Calif.;

H.R. 2138. An act to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest and for other purposes;

H.R. 2152. An act to amend the act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts;

H.R. 3032. An act for the relief of Mrs. Karen Wood Davila;

H.R. 3516. An act for the relief of Andres Mauricio Candela, M.D.;

H.R.3525. An act for the relief of Israel Mizrahy, M.D.;

H.R. 3528. An act for the relief of Isaac Chervony, M.D.;

H.R. 3866. An act for the relief of Dr. Eduardo Enrique Ramos;

H.R. 3889. An act for the relief of the Standard Meat Co.;

H.R. 4974. An act for the relief of Dr. Manuel A. Turbat;

H.R. 5186. An act for the relief of Dr. Armando Cobelo;

H.R. 5187. An act for the relief of Dr. Hector Alfredo E. Planas-Pina;

H.R. 5853. An act for the relief of Raymond E. Grail;

H.R. 6088. An act for the relief of Dr. Manuel Jose Coto;

H.R. 6096. An act for the relief of Mrs. Inge Hemmersbach Hilton;

H.R. 6670. An act for the relief of Dr. Virgilio A. Ganganelli Valle;

H.R. 6766. An act for the relief of Dr. Raul Gustavo Fors Docal;

H.R. 7890. An act for the relief of Dr. Josefina Quintos Marcelo;

H.R. 7896. An act for the relief of Dr. José A. Rico Fernández;

H.R. 8256. An act for the relief of Dr. Hermes Q. Cuervo;

H.R. 8258. An act for the relief of Jorge Gabriel Lazcano, M.D.;

H.R. 8376. An act to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y.;

H.R. 8407. An act for the relief of Dr. Raquel Maria Cruz-Flores;

H.R. 8738. An act for the relief of Guillermo Ramon Palacio Sela;

H.R. 9081. An act for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya;

H.R. 9574. An act for the relief of Joseph J. Wojcik;

H.R. 10449. An act for the relief of Camille Anita Dobson;

H.R. 11395. An act to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960;

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments;

H.R. 12144. An act to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes; and

H.R. 12912. An act to give the consent of Congress to the State of Ohio to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the acts of November 1, 1965 (79 Stat. 1157), and November 2, 1966 (80 Stat. 1156).

FED CONTINUES TO INFLATE THE MONEY SUPPLY AND PRICES

Mr. PROXMIRE. Mr. President, last week I warned the Senate that the Federal Reserve's easy money policy was contributing to inflationary pressures. For most of this year the Fed has been buying Federal securities through its open market operations in such large amounts that it has expanded the money supply at an estimated 8-percent annual rate. This contrasts with a 3.2-percent trend rate of growth from 1961 to 1965, and a slight decline in the money supply from April 1966 to January 1967.

While rapid expansion in the money supply is usually associated with declining interest rates, the experience of the past 2 years shows that the long term effects may be quite different from the short run effects. In the first few months of this year, the rapid growth of money did act to hold down interest rates. However, by early spring this trend was reversed and interest rates began rising despite continued monetary ease. The reason for this change is simply that prolonged large increases in the money supply ultimately cause inflationary pressures and rising interest rates. People increase their demands for goods, services, and credit, and as credit demands rise market rates of interest respond through upward adjustment.

Although there have been reports recently indicating that the Federal Reserve was moderating its expansive open market policy, the Wall Street Journal reported last Friday that the Fed was still active in the open market. In the week ended last Wednesday, the Fed added $506 million on a daily-average basis into the banking system through open market purchases in U.S. Government securities. Although this expansion was counteracted in part by an increase in required reserves, reflecting increased deposits, the expansive stance of the Fed appears largely unchanged. I think that continuation of this very expansive policy is harmful. I hope that the Fed will move toward a more moderate expansion of the money supply which would be sustainable and would bring a lower level of interest rates over the longer run.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE CONTINUED ACTIVE IN OPEN MARKET—IN WEEK ENDED WEDNESDAY, RESERVES OF COMMERCIAL BANKS NARROWED SOMEWHAT—NEW YORK BUSINESS LOANS UP

NEW YORK.—The Federal Reserve System continued to take strong action to stabilize money conditions in wake of last month's devaluation of the British pound, according to figures released yesterday by the New York Federal Reserve Bank.

The system injected $506 million on a daily-average basis into banking channels through open-market purchases of U.S. Government securities in the week ended Wednesday, the figures showed.

But the reserve position of the nation's commercial banks narrowed somewhat in the statement week. Recent changes in bank reserves and other factors seemed to suggest that the Federal Reserve may have begun to move to a slightly less generous monetary policy from a policy of actively supplying funds to the banks earlier this year.

At the same time, the New York Federal Reserve Bank reported that commercial and industrial loans at major New York City banks jumped $138 million in the week, the largest weekly gain since the middle of September.

In the previous week, New York business loans registered a $3 million decline, while in the like 1966 week they were up $12 million.

As of Wednesday, business loans at the 12 leading New York commercial banks totaled $21,343,000,000, down $330,000,000 from the middle of the year. A year earlier they totaled $20,162,000,000, up $98,000,000 from mid-1966.

Nationally, "free" reserves of the nation's commercial banks slipped to an average of $228 million in the statement week, the Federal Reserve bank estimated, from $255 million in the previous week. The prior week's figure was revised from an initial estimate of $204 million.

The latest week's free reserve level represents the extent to which reserves held by many banks in excess of their requirements exceeded total borrowings by other banks that had to borrow to reach required reserve levels.

Principally contributing to the narrowing of free reserve was a $267 million daily-average increase in required reserves, reflecting increased deposits. This counteracted in part the expansionary effect of a $506 million daily-average increase in the Federal Reserve's holdings of U.S. Government securities. When the Federal Reserve buys securities it pumps money into the banking system because securities dealers are paid by check, which they deposit into their commercial bank accounts.

Free reserves are frequently used by bankers as a barometer of monetary policy. There have been signs that that policy has grown less easy than the vigorous expansion in effect since late last year. The Federal Reserve on Nov. 19 boosted to 4½% from 4% its discount rate, the fee it charges on loans to member commercial banks. But at that time, it stressed that it intended to make ample funds available to the banking system to help cushion U.S. markets from any devaluation shocks.

Bankers also observed that the nation's "money supply" lately has been expanding at a far less rapid pace than earlier this year. According to the Federal Reserve Bank of St. Louis, the money supply—the total of bank-checking deposits of individuals and business, and cash in public hands—averaged $181.3 billion in the four weeks ended Nov. 29.

This was a 7.6% increase from a four-week span ended March 1, but only a 4.9% rise from a four-week period ended Aug. 30, the St. Louis Reserve bank said.

People who attach importance to money-supply statistics contend that a marked and sustained change in the trend of supplies ultimately augurs a change in economic activity.

Relaying other figures, the New York Federal Reserve Bank said commercial and industrial loans of Chicago banks decreased $9 million in the statement week, following a $34 million decline the prior week. In the like 1966 week, they were down $44 million.

Since mid-year, Chicago business loans have shown a $70 million cumulative decline, in contrast to a $75 million cumulative gain in the year-earlier period.

HOPE FOR MEANINGFUL NEGOTIATIONS WITH VIETCONG AND NORTH VIETNAM IS IMPOSSIBLE

Mr. McGEE. Mr. President, Columnist Richard Wilson, in yesterday's Evening Star, told how captured enemy papers from Vietnam confirm the opinion that hoping for meaningful negotiations now with our adversaries—the Vietcong and North Vietnam—is hoping for the impossible. Negotiations, in the view of the Communists, means only one thing—establishment of a coalition government in Saigon in which the National Liberation Front would be dominant. In short, it means success, ultimately, for the Communist campaign to control South Vietnam. These are conditions which can only be termed unacceptable both to South Vietnam and to the United States of America, as well.

Mr. President, I ask unanimous consent that Mr. Wilson's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAPTURED PAPERS ON VIET RED GOALS CONVINCING

(By Richard Wilson)

The winter-spring offensive of the Communists in Vietnam has reached the halfway mark without notable success. The second half of the offensive is now beginning and its success or failure will become evident in February or March.

This is the story told in the avalanche of captured documents which are studied and analyzed in Saigon, at the Pentagon and at the White House. These documents, ranging from individual diaries to the entire battle plan for the winter-spring offensive of the 2nd North Vietnamese Division, are being translated at the rate of about 5,000 documents a month and have provided information on enemy plans and objectives on a scale without precedent.

If the documents are to be taken literally, and they are largely taken literally because they are confirmed by other intelligence, the North Vietnamese are now moving south substantial forces for the continuation of what the documents call the winter-spring offensive.

New pressure on Con Thien, Dak To, and in the highlands can be expected, with mounting casualties. A sweep deeper in the area below the demilitarized zone can also be expected, along with any pressure anywhere to draw U.S. and "puppet" (South Vietnam forces) out of areas where pacification is proceeding.

The Viet Cong and the North Vietnamese are still striving for a localized victory of the Dien Bien Phu type, the infliction of heavy casualties on American forces which will drive American public opinion along the road toward negotiation in a presidential election year. This seems to be the general goal of Communist strategy carried out through a variety of local and tactical operations.

Perhaps the most interesting story the documents tell, therefore, is the Communist conception of negotiations. There can be no mistake about this so far as Communist doctrine passed on down through the cadres and the political organization is concerned.

Negotiation means just one thing in this language, the creation of a coalition government which will be dominated by the National Liberation Front. The NLF is the southern wing of the Communist party of Vietnam called the Viet Cong and controlled in a complicated and well-structured organization from Hanoi.

Repeatedly and consistently the officers and men in the field, the political cadres, and the whole structure of the Viet Cong are told that a coalition government is the sole and exclusive aim of the war. The documents themselves are very convincing on this point when read by the untutored observer, and the skilled analysts at the White House arrive at the same conclusion.

The line is unvarying and persistent as the justification for military actions, and the instructions as late as October have even more strongly emphasized the imperative and controlling condition that the NLF shall be the dominating force in a coalition government in South Vietnam.

When these documents, in all their volume and variety, are read it can be wondered why anyone in the Senate or running for president could conceivably conclude that in negotiation as Americans think of the word lies the hope for a successful settlement of the war.

Negotiation on these terms would be an abject confession of defeat leaving the Hanoi-controlled National Liberation Front in charge of South Vietnam after the withdrawal of American forces.

Some of the analysts speculate that this continued harping on a negotiated settlement with the NLF dominant may be for the purpose of preparing the Viet Cong political and military organization for a negotiated settlement in which the NLF will not actually be the dominant force in a coalition government. The constant repetition of the objective may be for the purpose of conditioning the Communist organization to think that any negotiation means per se that the NLF is dominant and thus that the North has won its objectives.

This kind of black-is-white doctrine is not unfamiliar in the Communist world, but it strains credulity to think that the political cadres could thus be deceived. The world, of course, would not be deceived.

What seems more likely is that the vast evidence of the captured documents means precisely what it says, negotiations under conditions which could not conceivably be accepted either by the government of the United States or of South Vietnam.

Nor would this objective seem likely to be abandoned before the conclusion of the winter-spring offensive, the last half of which is now getting under way and upon which the North relies so heavily.

In the first half of this offensive the Communists failed to take over Quang Tri City. They failed at Con Thien. They failed at Dak To. We shall now see if they fail in the second half, as they are likely to do, and what the effect of that will be.

Some of the oldest hands at this kind of thing—Henry Cabot Lodge, Maxwell Taylor, Dean Acheson—think that if the Communists do not soon have more success they will just fade away. None of them, knowing the Communist attitude toward negotiations, has any faith in negotiations.

SHOE REBUILDERS PLAN TRAINING PROGRAM

Mr. CLARK. Mr. President, I wish to inform Senators of a splendid, new, constructive organization, the National Master Shoe Rebuilders Association, recently formed in the Commonwealth of Pennsylvania.

This group, composed of the master shoe repair craftsmen, whose services we all use, is an outstanding example of the application of hands, hearts, and minds to an important and worthwhile purpose to serve the public welfare and good.

Looking to the future, and to an ever-increasing public need, the master shoe rebuilders are sponsoring training programs that will offer job opportunities for a potential 50,000 men and women.

In this connection, and while it is true that manual aptitude and an artist's eye are applied in this craft, its basic requirements easily are met, and its high skills acquired, by most men and women, either through formal vocational instruction, or by in-the-shop training.

The National Master Shoe Rebuilders Association programs cover both of these training approaches.

Significantly, a census initiated by the U.S. Department of Commerce in 1963, enumerated approximately nineteen thousand American shoe repair shops. This represented a decrease of more than 20 percent from the shoe repair shop census of 1958.

This decline in an essential personal service is attributed by the national association to the higher than average age of shoe repairmen. Further, the introduction of machinery and techniques of a time-and-labor-saving character permitted increased production by a comparatively smaller number of craftsmen.

Thus, it is apparent that the manufacturers of shoe repair equipment and machinery, and the leather finders who serve as jobbers and wholesalers to this industry, have kept pace with the shopowner's efforts to serve the growing American public. There has been progress.

Today, the shoe repair industry is marked by innovations in midcity and suburban shopping areas. Individual shopowners have modernized, and brightened their shops, and alined themselves with the forces of renewal that are reshaping our country.

In view of their valued and respected services, it is not surprising that many of our American shoe repair shops are manned by second- and third-generation shoe repairmen.

The dynamics of American commercial and industrial development, however, have exerted a strong pull on men and women, away from this work.

Through a concerted program of action the shoe repairmen plan to stress the benefits inherent in their craft, retain present personnel, and to attract newcomers. Their accomplishments, plans, and future purposes are a vital sector of our personal-services industry.

CONTINUING APPROPRIATIONS JOINT RESOLUTION—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

(For conference report, see House proceedings of December 11, 1967, p. 35796, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Mr. President, I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 888.

The **PRESIDING OFFICER.** The Chair lays before the Senate the message from the House of Representatives, which the clerk will state.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the resolution (H.J. Res. 888) entitled "Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes", and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "December 20, 1967".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid resolution and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

"SEC. 201. In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable programs for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose.

"SEC. 202. (a) During the fiscal year 1968, no department or agency of the Executive Branch of the Government shall incur obligations in excess of the lesser of—

"(1) the aggregate amount available to each such department or agency as obligational authority in the fiscal year 1968 through appropriation acts or other laws, or

"(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1968 by—

"(i) 2 percent of the amount included in such estimate for personnel compensation and benefits, plus

"(ii) 10 percent of the amount included in such estimate for objects other than personnel compensation and benefits.

"(b) As used in this section, the terms "obligational authority" and "budget estimate of obligations" include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

"(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1968 (House Document Numbered 16, Ninetieth Congress, first session), as amended during the first session of the Ninetieth Congress.

"SEC. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading 'relatively uncontrollable' in the table appearing on page 14 of the Budget for the fiscal year 1968 (House Document No. 15, Part 1, 90th Congress, 1st Session), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

"(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 percent of the new obligational authority (excluding special Vietnam costs) requested in the Budget for the fiscal year 1968 (House Documents Nos. 15, Part 1, and 16), as amended during the first session of the 90th Congress: *Provided,* That the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

"SEC. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

"SEC. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

"SEC. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a)(2) of this title and (2) would not be available for use after

June 30, 1968, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the second session of the 90th Congress."

Mr. HOLLAND. Mr. President, I yield first to my distinguished chairman, the senior Senator from Arizona.

Mr. HAYDEN. Mr. President, I wish to make a few explanatory remarks about the new version of House Joint Resolution 888, the continuing resolution, which the conference committee has agreed to.

Title I sets the expiration date as December 20, 1967, for the continuing resolution. It is to be hoped that Congress will have adjourned by that time with all appropriations bills having been passed.

Title II deals with reductions in Federal expenditures, and it is on this part of the resolution that I wish to speak, since it is of considerable importance.

NEED FOR BUDGET REDUCTION

It was generally agreed that a reduction in Federal expenditures is necessary for a number of reasons:

First, we must attempt to reduce the large budget deficit which is now being forecast.

Second, we must try to put a brake on economic inflation, which continues to mount.

Third, we must attempt to decrease the pressure on interest rates, which comes from heavy Federal and private borrowing.

And fourth, we must try to improve international confidence in the strength of the American dollar. The Senate conferees believe that the resolution adopted by the conference committee will help to meet all of these objectives. It is backed by the Senate conferees of both parties, and has been agreed to by the House.

IMPORTANT ASPECTS OF THE RESOLUTION

Briefly, the continuing resolution provides as follows:

That each civilian agency reduce its obligations by an amount equal to 2 percent of payroll and 10 percent of other controllable obligations.

That the Department of Defense reduce its obligations by an amount equal to 10 percent of its programs outside of Vietnam.

That wherever the Congress has reduced the appropriations by more than the amounts required by the 2 and 10 percent formula, the congressional reduction will prevail.

Finally, that the President, when he deems it vital to the national interest or national security, may modify the required reductions up to a maximum of $300 million.

OBLIGATION REDUCTION RATHER THAN EXPENDITURE LIMITATION

I should like to emphasize several features of the resolution which are of particular significance.

First of all, the resolution requires that reductions will be made in the obligations of Federal agencies, rather than in their expenditures. This is in line with previous Senate action in refusing to accept a reduction based on expenditures. It is believed that reductions based on obligations are a better method to make cuts, since expenditures result from, and come after, obligations. The Government obligates itself when it hires a man to do a job; only after he has accomplished the work is the money expended. Once an obligation has been made, an expenditure will inevitably result. Therefore, to meet a payroll or fulfill a contract, the Government must pay its obligations. By reducing obligations rather than expenditures, we turn off the car's motor rather than try to put up barricades in the road.

It is estimated that the proposed action will reduce expenditures in fiscal year 1968 by $4.1 billion. There may be Members present who conscientiously believe that the resolution does not go far enough in this respect, that we should have greater reductions. But consider one thing. The present fiscal year, which began last July 1, is now almost half over. In order to make the total proposed reduction of $4.1 billion in expenditures, the agencies of the Government will have to reduce the level of obligations for the year by an estimated $9.1 billion. This is a very substantial cut, and it will have a significant impact on Government programs.

CONTROLLABLE OBLIGATIONS CUT

Another important point in regard to the resolution is that it covers only the controllable obligations of the civilian Government agencies. It does not include those programs under which payments are virtually fixed by statutory formula. These include interest on the public debt, veterans' pensions, public assistance, and farm price supports. To my way of thinking this is a sound approach. Many of these items are legal and moral obligations of the Government. To place a limitation on these would require a change in the basic authorizing legislation or an attempt to estimate the level of uncontrollable expenditures. The first of these would be difficult if not impossible to accomplish within the time available. And the second would at best be guesswork involving factors over which the Federal Government has no control. Therefore, I believe that the exclusion of uncontrollable obligations is the only sensible procedure to follow.

FLEXIBILITY OF RESOLUTION

There is a third important point in regard to the resolution and that is its flexibility. Each agency is required to make specified overall reductions, based on percentage cuts. But the reductions need not be applied uniformly throughout the controllable programs within the agency. In fact, it is expected that careful consideration will be given to basic needs and priorities in allocating the reductions. To add to this flexibility, the resolution gives the President a $300 million waiver authority to cope with any unforeseeable problems that may arise. We believe that with these two tools, the President and the agencies can solve any problems short of a national crisis, which would require congressional action anyway.

DISADVANTAGES OF EXPENDITURE CEILING

As you know, there was some sentiment in the other body for a fixed statutory limitation on expenditures for fiscal year 1968. The figure of $134.6 billion has been mentioned. But I believe that such action would eliminate practically all the advantages of the resolution as agreed to by the conferees and at the same time would jeopardize the orderly continuation of agency functions. There are several reasons for this.

One reason is that if spending on uncontrollable items were to increase over current estimates, it would be necessary to make deeper and deeper cuts in the controllable items in order to stay within the expenditure ceiling. Areas which would be affected would be in public services and in personnel, and might well include such matters as aids to elementary and secondary education, health research, hospital construction, water and sewer grants, and loans to small business and to rural electrification co-ops. As a result, such programs could suffer crippling cuts.

Another reason is that, in order to make an additional $1.6 billion reduction in spending, a further cut of $3½ billion in obligations would have to be made in the remainder of this fiscal year. At this time in the year, such action would make adjustments within agencies that much more difficult.

Moreover, by placing a fixed ceiling on expenditures, we would remove the flexibility that the President and the agencies need in order to operate in an orderly manner, particularly in the event of unpredictable emergencies, and certainly since we are so far advanced into the fiscal year.

CONCLUSION

Thus the advantages of a somewhat larger reduction as a result of an expenditure ceiling are far outweighed by the many disadvantages. The method which we present to you represents a sensible approach to our objective, which is to cut the budget. It is reasonable in size for the time period involved. It is workable. It has the approval of the administration. I hope that the Senate will support the adoption of the resolution before us.

Mr. HOLLAND. Mr. President, first I want to call the Members' attention to the wording in the conference report that indicates that the committee of conference was not able to reach an agreement. While this is technically true under a strict interpretation of the rules of the other body, it is not the actual case. The conferees did reach an actual agreement, which was not within the strict purview or either the House resolution or the Senate resolution, and the conference report was signed by all of the Senate conferees who were present and all of the majority party conferees on the part of the House.

Mr. President, I am authorized by the distinguished senior Senator from Georgia [Mr. RUSSELL] who could not be present at the time of the conference to say that he, too, would have signed the conference report had he been there, and he wanted the Senate to be advised of that fact.

The report had to be handled in this fashion in order to comply with the House rules and allow the matter to be reported in technical disagreement. At the appropriate time, I will make the necessary motions in order that the Senate may vote on the agreements actually reached by the conference committee.

The conferees agreed to an extension of the existing authority under the continuing resolution to December 20, 1967, on the assumption that the Congress will have completed all its work on appropriation bills and adjourned sine die by that date. This matter is covered in Senate amendment No. 1, and I do not think that there will be any long discussion on this particular point, since I am sure that all Senators want the Federal payrolls and other commitments to be promptly met.

It will be recalled that when House Joint Resolution 888 passed the other body, it not only provided for an extension of the authority under the existing continuing resolution, but also included several provisions making substantial reductions in expenditures for fiscal year 1968. I repeat that included several provisions making substantial reductions in expenditures rather than reductions in appropriations.

One of these provisions—the so-called Whitten amendment—was designed to hold fiscal year 1968 expeditures to fiscal 1967 levels, with certain exceptions. It is estimated that this provision would have made a reduction of approximately $7 billion in fiscal 1968 expenditures.

The resolution, as it passed the House, also included a provision, known as the Bow amendment, that imposed an overall ceiling of $131.5 billion on fiscal year 1968 expenditures.

The resolution also included provisions establishing new rates of obligations under the continuing resolution for the Office of Economic Opportunity and programs funded under the Foreign Assistance Appropriation Act, neither of which has to be considered at this time.

After 2 days of hearings and prolonged discussion in the Committee on Appropriations, the committee recommended that the resolution be amended as follows: First, to extend the authority under the existing continuing resolution until November 15 in lieu of the date of November 23 in the House version of the bill; and, second, to delete all other provisions in the House resolution. This amended resolution was considered in the Senate on October 25 and was passed as reported by the committee.

The resolution was then referred to a committee of conference to reconcile the differences between the two bodies. This conference committee then met five times and could not reach an agreement.

The real problem in this conference concerned those provisions calling for expenditure reductions, that is, the Whitten and the Bow amendments, and not the matter of a date for the extension of the continuing resolution.

On November 29, the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Chairman of the Board of Governors of the Federal Reserve System appeared before the Ways and Means Committee of the House of Representatives and presented a plan that was designed to increase taxes and reduce expenditures. We all know that a decision was reached by the Ways and Means Committee not to report a tax bill during this session. However, that decision did not go to those provisions in the proposal pertaining to the reduction of obligations and expenditures for fiscal 1968. In fact, the chairman of the Ways and Means Committee announced that those matters properly went to the Appropriations Committees of the two Houses.

The conference committee met on December 6 and agreed to include in House Joint Resolution 888, with some modifications, the expenditure reduction provisions included in the administration's proposal in lieu of the House provisions in that resolution pertaining to the reduction of expenditures for fiscal 1968. This proposal has been approved by the other body on a rollcall vote yesterday of 366 to 26.

At this time, I should like to take a few minutes to explain the proposal recommended by the conference committee. Each department and agency of the executive branch of the Government would be required to reduce its controllable obligations, as submitted in the budget, by an amount equal to 2 percent of payrolls and 10 percent of other controllable programs or by the amount Congress reduced its appropriation, whichever reduction is the larger. It also provides for a reduction in Department of Defense obligations equal to 10 percent of non-Vietnam programs. It allows the President a leeway of $300 million in restoring reductions whose effect, in his opinion, would vitally impair our national security or well-being; that is, if our 2 percent and 10 percent reductions, in his opinion, impinge upon the security and welfare of the country, he is given the fund of $300 million to make allowance for such instances.

In those instances where the application of the 2 to 10 percent formula does not result in a reduction equal to the reductions made by Congress in the pertinent appropriation act, the lower level will prevail.

Mr. President, the effect of these provisions would be to impose a ceiling on the obligations to be incurred by a department or agency—that is, by each department and by each agency separately. In other words, the reductions are not applied to specific appropriations, but are reductions in the total obligations of that department or agency.

As an example of the application of the 2- to 10-percent formula, let us look at the Department of the Interior.

In acting on the appropriations for the Department of the Interior, Congress made reductions that will reduce their planned obligations by $85 million. The application of the formula results in a total reduction of $128 million—$43 million more than the congressional reduction. In this instance, the amount of the reduction is determined by the application of the formula—that is, as to that particular department, the Department of the Interior.

Now, let us take an instance where Congress has already made reductions in excess of the reductions that would result from the application of the formula. In acting on the NASA appropriation, Congress made reductions totaling $511 million, which is far in excess of the reductions that would be made by application of the formula. Therefore, the level of obligations for NASA is controlled by the congressional action on the appropriation bill. The same is true as to the foreign aid bill because the reductions made in the Senate bill, which is higher than the House bill, exceed the reductions made by application of the "2%-10%" formula.

Mr. President, at this point, I want to make it absolutely clear that these provisions are not applicable to what is determined by the Bureau of the Budget to be "uncontrollable" obligations. Examples of uncontrollable obligations are interest on the public debt, various programs of the Commodity Credit Corporation, veterans compensation and pensions, and the disaster loan fund of the Small Business Administration. There are many others, of course, as will occur to every Senator—for example, public assistance grants to States, payments to the civil service retirement fund, and payments to the social security fund for health insurance for the aged.

I call attention to table No. 3 appearing on page 10 of the committee print that has been furnished to each member that gives the total for those uncontrollable obligations at $47.3 billion and lists them by account title.

As the proposal was submitted to the House Ways and Means Committee, these expenditure reduction proposals would have been applicable to the legislative and judicial branches of the Government as well. The provisions recommended by the conference committee are not applicable to the legislative and judicial branches. It was the view of the conferees on the part of the House that it would be extremely difficult to administer these provisions with respect to the legislative and judicial branches, inasmuch as there is no one central authority to administer the reductions. While it was the view of some of the conferees on the part of the Senate that these provisions should be applicable to the legislative and judicial branches, a majority felt that we should not jeopardize the whole proposal on this point. It is interesting to note that the Bureau of the Budget considers programs of the legislative branch and the judicial branch as "uncontrollable."

I call the Members' attention to the tabulation appearing on page 35 of the committee print, which is a reproduction of a tabulation from page 14 of the budget for fiscal year 1968. It will be noted in this tabulation that programs for "legislative and judiciary" are included under the category entitled "Relatively Uncontrollable Civilian Expenditures." I believe that we would all agree that, in the main, these programs are uncontrollable.

It is estimated that these provisions will reduce fiscal year 1968 obligations and expenditures by not less than $9 billion as to obligations and $4 billion as to expenditures, respectively, below the amounts proposed in the budget as revised. On the appropriation bills enacted to date, the Congress has made reductions totaling $4.5 billion, which will result in expenditure reductions in fiscal year 1968 of at least $1.5 billion. It is likely that when action is completed on the remaining appropriation bills—that is, the foreign aid bill and the supplemental bill, which includes the OEO and others—the congressional reductions will be in the neighborhood of $6 billion, which would effect a total expenditure reduction in fiscal 1968 of approximately $2 billion. That is an expenditure reduction of $2 billion. The obligational reduction would be, of course, the nearly $6 billion. Therefore, it will be seen that the provisions recommended by the conference committee will increase reductions in obligations by about $3 billion and in expenditures by about $2 billion below actions already taken by Congress to reduce appropriations.

I wish to make it clear at this time that Congress has already made very large reductions in appropriations that will result in substantial reductions in fiscal 1968 obligations and expenditures, but we of the conference committee agree with the House that additional reductions above and beyond those amounts should be made.

Mr. President, I ask unanimous consent to have included in the RECORD at this point—

First. A tabulation giving a summary of fiscal year 1968 obligations and expenditures under this proposal.

Second. A tabulation giving these reductions by departments and agencies of the executive branch of the Government.

Third. A tabulation giving those fiscal year 1968 expenditures for uncontrollable programs which are not subject to the provisions recommended by the conference committee.

Fourth. A section-by-section analysis of the provisions recommended by the conferees.

Fifth. A tabulation giving a summary of congressional action on appropriation bills for fiscal year 1968 to date.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—SUMMARY, 1968 OBLIGATIONS AND EXPENDITURES

[In billions of dollars]

	January budget as revised in August		Reduction to 2- to 10-percent provisions		Other changes		Revised estimate	
	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures
Controllable civilian programs	38.4	22.2	−3.6	−2.1	−0.3		34.5	20.1
Defense, non-Vietnam	54.1	50.4	−5.4	−2.0			48.7	48.4
Foreign assistance, military	.6	.8	−.1				0.5	.8
Subtotal	93.1	73.4	−9.1	−4.1	−.3		83.7	69.3
Defense, Vietnam	20.8	21.9			+3.0	+2.0	23.8	23.9
Uncontrollable civilian programs	30.5	45.5			+1.7	+1.7	32.2	47.3
Participation sales, public enterprise funds, etc	1.1	−4.2					1.1	−4.3
Total	145.5	136.5	−9.1	−4.1	+4.5	+3.7	140.8	136.2

Note: This tabulation is based on the legislative and judicial branches being subject to the "2- to 10-percent" reduction provisions. However, the provisions recommended by the conferees are not applicable to the legislative and judicial branches. The details with respect to the legislative and judicial branches are set out below.

LEGISLATIVE AND JUDICIAL BRANCHES, FISCAL YEAR 1968 OBLIGATIONS AND EXPENDITURES

[In millions of dollars]

	January budget as revised in August		Reduction if 2- to 10-percent provisions were applicable		Revised estimate if 2- to 10-percent provisions were applicable	
	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures
Legislative	266	270	14	14	252	256
Judicial	96	96	3	3	93	93
Total	362	366	17	17	345	349

TABLE 2.—REDUCTIONS BY AGENCY

[In millions of dollars]

	January budget as revised in August		Reduction to 2- to 10-percent provisions		Other changes		Revised estimate	
	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures
Controllable civilian programs:								
Agriculture	4,322	3,260	−376	−290			3,946	2,070
Commerce	1,070	404	−104	−35			966	369
Corps of Engineers	510	716	−48	−35	−19	−30	443	651
HEW	7,498	3,419	−716	−410			6,782	3,009
HUD	1,351	205	−488	−140	−150		713	65
Interior	1,668	684	−128	−60		−15	1,540	609
Justice	477	387	−20	−10			457	377
Labor	525	189	−47	−15			478	174
Post Office	532	211	−62	−60	−49	−30	421	121
Proposed postal rate increase		−580				+180		−400
State	306	229	−18	−10			288	219
Transportation	1,456	1,055	−93	−85	−5	−65	1,358	905
Treasury	917	790	−33	−30			884	760
AEC	2,646	1,156	−200	−80			2,546	1,076
GSA	699	475	−64	−35	−57	−40	578	400
NASA	5,061	3,665	−511	−475			4,550	3,190
VA	1,754	1,830	−119	−80			1,635	1,750
OEO	2,060	905	−195	−80			1,865	825
Economic assistance	2,450	683	−310	−100			2,140	583
Other civilian programs	[1] 1,300	[1] 1,177	[1] −334	[1] −210			[1] 966	[1] 967
Allowances	2,450	2,050					2,450	2,050
Interfund transactions	−682	−682					−682	−682
Exceptions			+300	+150			300	150
Subtotal	[1] 38,370	[1] 22,228	[1] −3,566	[1] −2,090	−280	0	[1] 34,524	[1] 20,138
Defense, non-Vietnam	54,100	50,400	−5,400	−2,000			48,700	48,400
Foreign assistance, military	595	800	−86	−30			509	770
Total	[1] 93,065	[1] 73,428	[1] −9,052	[1] −4,120	−280	0	[1] 83,733	[1] 69,308

[1] Includes the legislative and judicial branches which are not subject to the provisions recommended by the conferees. (See note on table 1 for details.)

TABLE 3.—1968 EXPENDITURES FOR UNCONTROLLABLE PROGRAMS

[In millions of dollars]

	January budget as revised in August	Further revisions	Revised estimate
Agriculture: Commodity Credit Corporation price support program	1,910	672	2,258
Health, Education, and Welfare:			
Payments to trust funds for health insurance	1,085	217	1,302
Public assistance grants	4,407	475	4,882
Treasury: Interest	14,152	200	14,352
Veterans' Administration:			
Compensation, pensions, and insurance	5,006	127	5,133
All other	18,974	49	19,023
Total	45,534	1,740	47,274

Note: The funds referred to above are included in the following accounts:

UNCONTROLLABLE ACCOUNTS

- Legislative branch.
- The judiciary.
- Funds appropriated to the President:
  - Disaster relief.
  - Asian Development Bank.
  - Investment in Inter-American Development Bank.
  - Subscription to the International Development Association.
- Department of Agriculture:
  - Sugar Act program.
  - Conservation reserve program.
  - Commodity Credit Corporation:
    - Reimbursement for net realized losses.
    - Military housing, barter and exchange.
    - National Wool Act.
    - Research to increase domestic consumption of farm commodities.
    - Export credit sales program.
    - Bartered materials for supplemental stockpile.
- Department of Commerce: Maritime—Operating-differential subsidies (liquidation of contract authorization).
- Department of Health, Education, and Welfare:
  - Grants for rehabilitation services and facilities.
  - Retired pay of commissioned officers.
  - Payment to trust funds for health insurance for the aged.
  - Payment to trust funds for military service credits.
  - Grants to States for public assistance.
- Department of Housing and Urban Development:
  - Low-rent public housing: Annual contributions.
  - Federal Housing Administration fund.
- Department of the Interior:
  - Oregon and California grant lands.
  - Range improvements.
  - Bureau of Land Management, permanent appropriations.
  - Bureau of Indian Affairs, other miscellaneous appropriations.
  - Internal revenue collections for Virgin Islands.
  - Administration of Pribilof Islands.
  - Promote and develop fishery products and research pertaining to American fisheries.
  - Appalachian region fish and wildlife restoration projects.
  - Anadromous and Great Lakes fisheries conservation.
  - Payment to Alaska from Pribilof Islands fund.
  - Federal aid in fish restoration and management.
  - Federal aid in wildlife restoration.
  - National wildlife refuge fund.
- Department of Labor:
  - Unemployment compensation for Federal employees and ex-servicemen.
  - Claims and expenses, employees' compensation.
- Post Office Department: Contributions to the postal fund.
- Department of State: Contributions to international organizations.
- Department of Transportation: Coast Guard—Retired pay of commissioned officers.
- Treasury Department:
  - Claims, judgments, and relief acts.
  - Interest on uninvested funds.
  - Refunding internal revenue collections, interest.
  - Internal revenue collections for Puerto Rico.
  - Interest on the public debt.
- Veterans' Administration:
  - Compensation and pensions.
  - Readjustment benefits.
  - Veterans insurance and indemnities.
  - Veterans reopened insurance fund.
  - Veterans special term insurance fund.
  - Servicemen's group life insurance fund.
- Civil Aeronautics Board: Payments to air carriers (liquidation of contract authorization).
- Civil Service Commission: Payments to trust funds.
- Small Business Administration: Disaster loan fund.

SECTION-BY-SECTION ANALYSIS

TITLE II—EXPENDITURE REDUCTION PROVISIONS

Section 201 is a declaration of the intent of Congress to reduce budget expenditures for the fiscal year 1968 below the budget estimates. Expenditures result almost automatically from obligations, which consist of contracts awarded, materiel ordered, loan contracts entered into, grants approved, salaries of employees hired, and so forth. This section recognizes that a reduction in expenditures can be effected only if projected obligations are controlled and reduced; it calls for reductions of not less than $9,000,000,000 in obligations and $4,000,000,000 in expenditures—to be achieved by limiting obligations as required by the sections which follow.

Section 202 prescribes a formula for establishing a limitation on obligations which may be incurred during the fiscal year 1968. The section is applicable to each department and agency of the executive branch. The limitations are computed in the aggregate in each case—that is, they apply to the sum of the appropriations for each department or agency rather than to individual appropriation accounts.

To apply the formula prescribed by section 202(a), each agency will be required to add the estimated obligations for personnel compensation and benefits (object classes 11, 12, and 13 in the uniform object classification) and multiply the result by 2 per centum. It will then add the estimated obligations for all object classes, deduct therefrom the estimated obligations for classes 11, 12, and 13, and multiply the remainder by 10 per centum. The sum of the 2 per centum of the 10 per centum is then to be deducted from the budget estimate of obligations, and the remainder is the maximum of obligations which may be incurred under subsection (2) of section 202(a).

In the event that the maximum, determined as described above, exceeds the obligational authority available to an agency—either because Congress has cut the appropriations further below the budget estimates, or because balances brought over from the prior year in continuing appropriations are appreciably less than estimated in the budget—the agency will be limited, under subsection (1) of section 202(a), to the amounts actually made available to it in accordance with appropriation acts and other laws.

The provisions of section 202 are not intended to apply to reimbursable obligations—that is, those financed by reimbursements and therefore not a final charge against the appropriations of the spending agency. In short, the bill is applicable to "net obligations" (the concept used in the Government-wide Budget table on obligations, page 50), which represents gross obligations incurred less reimbursements

Subsection 202(b) defines the terms "obligational authority" and "budget estimate of obligations" which are employed in subsection 202(a). Under these definitions, "obligational authority" includes authority derived both from appropriations and from authority to enter into contracts in advance of appropriations (often referred to as "contract authority"). "Budget estimate of obligations" includes estimates both of obligations to be entered into and of reservations to be made; this is intended to apply the limitation on obligations to administrative reservations in those instances where such reservations represent a firm commitment even though the funds technically may not be obligated until a later date. (An example of this use of administrative reservations is the program for urban renewal capital grants as set forth on pages 516–517 of the Budget Appendix.)

Subsection (c) of section 202 adopts the Budget Appendix (the official document of detailed estimates, numbering more than one thousand three hundred pages) as the basic point for figuring the computations required by the bill. However, to the extent that the President has formally amended the Budget during the first session of the Ninetieth Congress, the figures in the Appendix will be replaced by the revision in estimates resulting from the amendments. (Budget amendments customarily are printed as either House documents or Senate documents promptly upon transmission by the President to the Congress.)

Section 203(a) provides certain classes of exemptions from this Title:

Clause (1) exempts obligations for permanent appropriations; these are appropriations under which new amounts become available in succeeding years without a new action by Congress. They are regularly identified by the use of the word "permanent" in the listing in the Budget and in the schedules in the Budget Appendix.

Clause (2) exempts obligations for trust funds; these funds, considered to be held in a fiduciary capacity, are identified by these words and appear in a separate listing in the Budget and in a separate part in the Budget Appendix.

Clause (3) exempts obligations for certain items described as "relatively uncontrollable" in a table on page 14 of the Budget. In this group are obligations for items such as interest on the public debt, public assistance grants, veterans' pensions, and continuation of contracts entered into in prior years (a situation which occurs primarily in the water resources field).

Clause (4) provides a degree of flexibility by enabling the President to exempt from the limitations of this Title obligations up to an aggregate of $300,000,000 for specific programs, projects, or purposes which he may determine to be vital to the national interest or security. The provision includes language to make it clear that the $300,000,000 provided for flexibility cannot be used to increase programs and projects over the levels established by the Congress.

Subsection 203(b) provides a special rule relating to national defense. (The term "national defense" in the context of the budget relates to those activities set forth on page 76 of the 1968 Budget; it comprises the military functions of the Department of Defense together with the programs of the Atomic Energy Commission, military assistance, and a very small number of other defense-related activities.) The first part of this subsection indicates that the maximum reduction required by this title, in the case of national defense, is 10 per centum of the new appropriations and contract authorizations requested in the Budget for the fiscal year 1968, exclusive of "special Vietnam" costs. Nothing in this title is intended to restrict the amount which would otherwise be available for defense activities pertaining to the conflict in Vietnam.

The second part of subsection 203(b) gives the President authority to exempt from the operation of the title any obligations for national defense—whether incurred in the Department of Defense or elsewhere—which he deems to be essential for national defense purposes.

Section 204 relates to programs which require the distribution of funds in accordance with a formula set forth in the legislation establishing the programs. In many of these programs (usually for grants-in-aid), the amount appropriated or otherwise made available by law for distribution to a class or classes of recipients is one of the factors which must be considered in the application of the formula. Section 204 would require that, in applying the formula prescribed for any such program, the amount determined to be available for that program by the head of the department concerned, in accordance with the provisions of section 202, would be substituted for the amount appropriated. In any particular program, the amount to be substituted for the appropriated amount in applying the formula might be smaller or larger than the budget estimate of obligations as affected by the 2 per centum—10 per centum limitation prescribed in section 202.

Section 205. This section was not in the provisions as submitted. It requires that, to the maximum extent practical, the required reductions in obligations for personnel be accomplished by not filling vacancies. Also, this section would authorize reductions in obligations for construction to be effected by stretching out the schedules for starting new contracts and for performing contracts so as not to limit the number of new construction starts which may be made with the reduced amounts available for obligation.

Section 205 relates to the disposition of the amounts reserved from use under this title. In the case of those appropriations and contract authorizations which are available without time limitation, or which already extend into fiscal year 1969 or a later specified year, unused balances at the end of the current fiscal year would be carried forward as contemplated by existing law; the forthcoming 1969 budget and the action by Congress on that budget can, of course, take suitable account of the balance thus brought forward in determining the amounts to be appropriated for 1969. However, in the more common type of account in which unobligated balances lapse at the end of the fiscal year and cannot be carried forward, section 205 provides that the amounts which are unused because of the limitation on obligations imposed by section 202 shall be used only as Congress may determine in its next session. If, in the second session of the 90th Congress, there is no specific provision enacted which permits such funds to be used, they will revert to the general fund of the Treasury as provided by existing law (31 U.S.C. 701(a)(2)).

SUMMARY OF ACTION ON BUDGET ESTIMATES OF APPROPRIATIONS IN FISCAL 1968 APPROPRIATION BILLS, 90TH CONG., 1ST SESS., AS OF DEC. 11, 1967

[Does not include any "back-door" type appropriations, or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills.

	Budget estimates considered by House	Passed House	Budget estimates considered by Senate	Passed Senate	Enacted	(+) or (−), latest action compared to budget
Bills for fiscal 1968:						
Treasury-Post Office	$7,613,787,000	$7,499,230,000	$7,615,148,000	$7,555,167,000	$7,545,641,000	−$69,507,000
District of Columbia:						
Federal payments	63,499,000	59,499,000	73,499,000	71,499,000	67,478,000	−6,020,800
Federal loan appropriation	49,600,000	48,100,000	89,700,000	79,200,000	79,200,000	−10,500,000
Interior	1,443,793,000	1,365,310,150	1,458,218,000	1,399,359,550	1,382,848,350	−75,369,650
Loan and contract authorizations	(30,700,000)	(16,200,000)	(30,700,000)	(16,200,000)	(16,200,000)	(−14,500,000)
Independent offices-HUD	[2][3] 10,804,642,700	[2][3] 10,013,178,782	[2][3] 10,820,513,700	[2][3] 10,514,830,900	[2][3] 10,139,473,900	−681,039,800
Contract authorization (rent supplements)	(40,000,000)	----------	(40,000,000)	(40,000,000)	(10,000,000)	(−30,000,000)
Labor-HEW	[3] 13,322,603,000	[3] 13,137,488,000	[3] 13,424,146,000	13,421,660,000	[3] 13,255,356,000	−168,790,000
State, Justice, Commerce, and Judiciary	[3] 2,342,942,000	[3] 2,194,026,500	[3] 2,347,803,195	[3] 2,186,105,500	[3] 2,169,012,500	−178,790,695
Legislative	231,311,132	228,089,952	276,005,210	275,885,804	275,699,035	−306,175
Agriculture	[3] 5,021,097,400	[3] 4,770,580,950	[3] 5,021,097,400	[3] 6,782,529,789	[3] 4,952,945,700	−68,151,700
Loan authorization	(859,600,000)	(859,600,000)	(859,600,000)	(909,000,000)	(859,600,000)	----------
Defense	71,584,000,000	70,295,200,000	71,584,000,000	70,132,320,000	69,936,620,000	−1,647,380,000
Transportation	[4] 1,718,618,772	[4] 1,530,198,372	[4] 1,718,618,772	[4] 1,651,407,272	[4] 1,581,905,772	−136,713,000
Public works	4,867,813,000	4,622,922,000	4,867,813,000	4,776,064,000	4,689,938,000	−177,875,000
NASA	5,100,000,000	4,583,400,000	5,100,000,000	4,678,900,000	4,588,900,000	−511,100,000
Military construction	2,937,000,000	2,142,693,000	2,937,000,000	2,099,350,000	2,093,362,000	−837,650,000
Foreign assistance	3,818,736,000	2,775,011,000	3,842,836,000	3,313,345,000	----------	[5] −529,491,000
Supplemental (Poverty, other deferred items; usual supplementals)	[6] (2,120,785,000)	----------	----------	----------	----------	----------
Subtotal, 1968 bills	130,765,779,004	125,264,927,706	131,176,398,277	128,937,623,815	122,758,380,457	−5,098,684,820

[1] Permanent "appropriations" were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968. (All forms of permanent "new obligational authority" for 1968 were tentatively estimated in the January budget at $17,452,899,000.)

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget, $980,000,000; House bill, $925,000,000; Senate bill, $955,000,000; enacted, $925,000,000.

[3] And participation sales authorizations as follows: Independent Offices-HUD, $3,225,000,000 in budget estimates, $881,000,000 in House bill, $3,235,000,000 in Senate bill and $3,235,000,000 enacted; Labor-HEW, $115,000,000 in budget estimates, House bill and enacted; State, Justice, Commerce, and Judiciary, $150,000,000 in budget estimates. House bill, Senate bill and enacted; Agriculture, $800,000,000 in budget estimates and House bill, $700,000,000 in Senate bill and $750,000,000 enacted. Total authorizations requested in budget, $4,300,000,000; total in House bills, $1,946,000,000; total in Senate bills $4,085,000,000; total enacted, $4,250,000,000.

[4] Includes advance funding for fiscal 1969 for grants-in-aid for airports (budget $75,000,000; House bill, $65,000,000; Senate bill, $75,000,000; enacted, $70,000,000).

[5] As passed Senate.

[6] These are the amounts presently pending consideration in the committee.

Note: Prepared Nov. 15, 1967, in the House Committee on Appropriations.

Mr. HOLLAND. Mr. President, the question has been raised as to why the Congress should enact these provisions inasmuch as the executive branch of the Government has the authority to make these reductions without the enactment of these provisions. I think there are two excellent reasons why these provisions should be enacted:

First. While the executive branch of the Government undoubtedly has the authority to make these reductions without the enactment of these provisions, let me say that such authority is wholly discretionary, and while I think the reductions would be made, they would not be compulsory. By the enactment of these provisions, the executive branch will have no discretion, and the country and the world will know from the date the President approves this measure that these reductions will and must be made.

I think it is highly important that the country and the world know that Congress regards our situation as such that we should require reductions in expenditures.

The second reason—and let me say that I think it is a most compelling one—is that this Congress must exercise its power in accomplishing fiscal responsibility. In view of recent developments in international financial circles, I think it is imperative that this Congress take this action.

Mr. President, the way in which the conference is reported requires the making of two motions and I shall at this time make the first motion.

Mr. MILLER. Mr. President, before the Senator makes the motion, would the Senator yield so that I may ask a few questions at this point?

Mr. HOLLAND. I am happy to yield to the Senator for such questions as he wishes to ask and which I shall attempt to answer.

Mr. MILLER. I thank the distinguished Senator and I appreciate his fine explanation of what has taken place.

My first question is, Do I understand that the 10-percent reduction is a reduction measured not against the current level of spending but a reduction rather against the budget estimate that the Senate received this year?

Mr. HOLLAND. Yes; as corrected. That estimate we received the first of the year has been modified from time to time and, I might say, enlarged from time to time; and the reduction is against obligations to be incurred for controllable programs as set out in the 1968 budget, as revised.

Mr. MILLER. Let us say an agency has expenditures for the fiscal year 1967 of $2 billion; the budget estimate was, let us say, $2.5 billion. The 10 percent measured against the $2.5 billion would be $2.25 billion, which is still $250 million over the current level of spending.

Therefore, the agency could not say the expenditures were being cut in terms of what is being spent but only in terms of measurement against the budget estimate.

Mr. HOLLAND. The Senator is basically correct. What we are actually doing is making a reduction in 1968 expenditures by imposing a ceiling on the amount that can be obligated. However, there are some instances where Congress has already taken action that will result in fiscal 1968 expenditures being less than 1967 expenditures. I have already stated the one for NASA and the same is true of the foreign aid. I am told one or two other smaller agencies are in the same position, although I am not in a position to name them at this time.

Mr. MILLER. I have one other question. I understand there is an obligational authority reduction of $9 billion and an expenditure reduction of $4 billion. Does that lead to the conclusion that probably for fiscal year 1969 there would be a reduction in expenditures of $5 billion, which represents the difference?

Mr. HOLLAND. That would be in 1969 or later years. There are many appropriations that are not fully obligated or expended in the year they are made, and they carry over into following fiscal years.

But it does mean there will be reductions in expenditures totalling $9 billion during fiscal 1968, fiscal 1969 and following years.

Mr. MILLER. I was wondering if the

Senator had any estimate of how much of that $5 billion difference would be applicable to 1969.

Mr. HOLLAND. No; I am not able to do that. The staff member here may have an estimate based on our earlier experience. Each year is somewhat a rule in itself; but there may be some averages in the second year.

The staff member advises me that based on past experience better than one-half of the difference between the $9 billion reduction in obligations and $4.1 reduction in expenditures will be reflected as an expenditure saving in the next fiscal year.

Mr. MILLER. I thank the Senator.

Mr. HOLLAND. I thank the Senator for his interest and apparent understanding of our objectives, which I admit are complicated. I think they had members of the conference scratching their heads ever since October when we started on this course.

(At this point, Mr. Moss assumed the chair.)

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to my friend, the senior member of the minority in the conference, the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, this measure will put a mandatory ceiling on obligations for controllable programs that will limit expenditures to $136.1 billion, which is $4.1 billion below the revised estimated of $140.2 billion.

Mr. HOLLAND. That is correct.

Mr. YOUNG of North Dakota. The expenditures change so fast that it is hard to keep up with them. Our total overall Federal expenditures now are estimated at about $184 billion. The difference between $184 billion and $136.1 billion would be represented by trust funds, expenditures for highways, social security, and so forth.

Mr. HOLLAND. That is correct; assuming the reductions required in this resolution are made.

Mr. YOUNG of North Dakota. But this action in approving this continuing resolution with a $4 billion cut in expenditures will help as greatly as did the $6 billion cut in the appropriation bills.

It will still leave a deficit of over $20 billion, as I have it figured out, which is far too much.

This is going to mean continued and heavy inflation unless Congress narrows this gap and imposes an additional income tax.

Mr. HOLLAND. The Senator is stating his figures on what he has seen, and I have seen the same figures as to estimates of the amount of the budget. I do not suppose that anybody knows within several billion dollars what the amount of the deficit will be on June 30 of next year because of the uncertainties prevailing and which will prevail between now and then.

Mr. YOUNG of North Dakota. I think the Senator will agree we have serious financial problems. Our appropriation this session for the military, construction, defense, and Vietnam was about $85 billion. According to estimates I have, appropriations requested for next year will be for about that amount. We have embarked upon many new programs with the ever-increasing deficits. It has meant less confidence in the dollar both here and abroad. It has also meant a heavy drain on our gold supply by countries throughout the world.

Mr. HOLLAND. The Senator, of course, is right in his pessimistic view of the situation, in which I join. I would call his attention to one other factor which he has not mentioned but which has helped us somewhat, and that is the action of Congress in making available to the administration the sale of participation certificates which will sell some of the securities now in the possession of the Government to the tune of approximately $5 billion.

Mr. YOUNG of North Dakota. We face another difficult situation which has resulted from large deficits; namely, our gold supply, which is at its lowest level in 30 years—a little over $12 billion. About $10 billion is required by the 25-percent coverage of our currency. This means we will have little gold left to meet our foreign and domestic commitments. I suspect that next year one of the biggest and most important problems we will have to face, as soon as Congress comes back from adjournment, will be the question of this large deficit and what we are going to do about preventing a further devaluation of the dollar.

Mr. HOLLAND. The Senator is exactly right in pointing out that adoption of the measure, while helpful in the current situation, by no means solves it in its entirety. I have not attempted to give the impression that it does, but I applaud the action of the House yesterday in approving the action by such a heavy vote—366 to 26, I believe; and I hope that the Senate will also give its approval, because here is the acid test, it seems to me: Will Congress show that it realizes the difficult situation we are in?

The Senator from North Dakota has already shown clearly that he realizes it. Realizing it, will Congress be willing to do everything in its power to better the situation?

We have already done two things to better it, by reducing the appropriations to date by $4½ billion, without considering the foreign aid bill and the supplemental bill, which will include OEO and some other items. We have already helped in the situation by allowing the sale of some of the securities in the possession of the Government in regard to participation certificates, a matter which I mentioned a while ago. That, so far as I know, is the only other avenue remaining by which in this almost unknown new effort, so far as I am concerned, to impose our will in a compulsory way on expenditures not lying all out of appropriations of this year, some of it coming out of appropriations made in earlier years, we are taking this third step, to try to give help to our Nation in this difficult situation.

I suspect that the Senator from North Dakota [Mr. YOUNG] who participated so actively and so helpfully not only in this conference but also in all appropriation work, feels as I do that he wishes we could have done more; but I believe we have shown by this, the third measure, and the other two I have mentioned, our deep concern about the situation and our willingness to do much, and I think as much as we could do under the conditions, in helping to solve this extremely bad fiscal situation growing, in the main, out of our Vietnam experience.

Mr. YOUNG of North Dakota. I would certainly agree with the Senator from Florida that this is all we can do at the present time, and we are doing it with the full knowledge that some programs we favor strongly will get cut.

Mr. HOLLAND. The programs dear to the hearts of the Senator from North Dakota and the Senator from Florida were cut in the appropriations bills which he and I both had some part in drafting and some part in handling in conference. They have also been cut in other ways. Also in this particular measure.

I am sure that the Senator from North Dakota has no regrets, because of his participation. Neither do I.

I think that every Senator—I do not exclude a single one—realizes that it is our plain duty to do all we can in this critical situation to preserve the solvency of the Government and to preserve the high standard of the American dollar, and also to give increased confidence to the rest of the world, particularly that part which is friendly to us, in the soundness of our system.

Mr. YOUNG of North Dakota. Let me add one further point: What the Senator has said is tremendously important, by Congress acting with the Executive. It will tend to increase our prestige in other parts of the world and enhance confidence in our fiscal responsibility.

Mr. HOLLAND. It will give us more confidence in anyone who looks at the legislative branch, as a separate branch, cooperating with the executive branch, a separate branch. I think it will give confidence to our people in the legislative branch, if I may speak in a more selfish way. I believe it will give on the part of our people generally throughout the Nation greater confidence in their legislators in both the House and the Senate to see us trying to do these various things, doing as much as we can to help meet the critical situation.

I thank the Senator from North Dakota very much for his most helpful comments.

Mr. President, if there are no further questions, I call up the first amendment in disagreement, inasmuch as the report simply said that we were not able to agree. That means now that we have to take up the two amendments in disagreement.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the resolution (H.J. Res. 888) entitled "Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes", and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "December 20, 1967".

Mr. HOLLAND. Mr. President, the Senate will remember that both dates which were stated in the two original resolutions, one in the House resolution and one in the Senate resolution, have long passed. That is because it has been in conference so long, and the situation has been studied over such a long period of time, that the date of December 20, a date calculated to meet all of the continuing problems which we think we shall have in this session, is a new date. It must be agreed upon, as the House has already agreed to the Senate amendment as amended, I move that the Senate concur in the House action.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

Mr. HOLLAND. I thank the Presiding Officer. If there be no further objections to this, I now move that the Senate concur in the amendment of the House to Senate amendment No. 2.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid resolution and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

Mr. HOLLAND. Mr. President, unless there is a request for reading the amendment in full, which I have already discussed at some length, I ask unanimous consent that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

"TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

"Sec. 201. In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable programs for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose.

"Sec. 202. (a) During the fiscal year 1968, no department or agency of the executive branch of the Government shall incur obligations in excess of the lesser of—

"(1) the aggregate amount available to each such department or agency as obligational authority in the fiscal year 1968 through appropriation acts or other laws, or

"(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1968 by—

"(i) 2 per centum of the amount included in such estimate for personnel compensation and benefits, plus

"(ii) 10 per centum of the amount included in such estimate for objects other than personnel compensation and benefits.

"(b) As used in this section, the terms 'obligational authority' and 'budget estimate of obligations' include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

"(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1968 (House Document Numbered 16, Ninetieth Congress, first session), as amended during the first session of the Ninetieth Congress.

"Sec. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading 'relatively uncontrollable' in the table appearing on page 14 of the Budget for the fiscal year 1968 (H. Doc. No. 15, part 1, 90th Congress, first sess.), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

"(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 percentum of the new obligational authority (excluding special Vietnam costs) requested in the Budget for the fiscal year 1968 (H. Doc. Nos. 15, part 1, and 16), as amended during the first session of the 90th Congress: *Provided,* That the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

"Sec. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

"Sec. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

"Sec. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a)(2) of this title and (2) would not be available for use after June 30, 1968, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the second session of the 90th Congress."

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of amendment No. 2.

Mr. MUNDT. Mr. President, I send to the desk amendments to Senate amendment No. 2 and ask that they be read.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

Amend the first paragraph of section 202 to read as follows:

"Sec. 202. (a) During the fiscal year 1968, no department or agency of the Federal Government, including the legislative and judicial branches, shall incur obligations in excess of the lesser of—"

In section 203, after "(3) items", insert "(except legislative and judiciary)."

Mr. MUNDT. Mr. President, I ask unanimous consent that the two amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. MUNDT. I yield.

Mr. HOLLAND. Do I understand the Senator's amendment to be to this effect: That he would simply add the legislative and judicial departments and the appropriations to those two departments to be included within the scope of the amendment which is now before us?

Mr. MUNDT. The Senator is exactly correct.

Mr. HOLLAND. I thank the Senator.

Mr. MUNDT. Mr. President, this is the identical amendment that I offered in the conference committee in behalf of the distinguished Senator from North Dakota and myself, bringing within the purview of this economy amendment both the judiciary and the legislative branches of the Government.

My amendment failed by a single vote in the conference committee, and I said then that I would sign the conference report but only with the understanding that I would offer this amendment in the Senate so the Senate itself could work its will on this matter.

I have but a brief statement to make.

I would like to get the yeas and nays on my amendment. I do not know whether a sufficient number of Senators is present, but I will ask for the yeas and nays.

Mr. HOLLAND. Mr. President, if the Senator is unable to get the yeas and nays at this time, I will assist him in getting them later, before we vote on the amendment.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. MUNDT. I will try to get them later. I have the assurance of my distinguished friend that we will not have a vote until we get them.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. LONG of Louisiana. On behalf of the leadership, we will cooperate with the Senator in getting them, at the appropriate time.

Mr. MUNDT. I thank the Senator.

The Senate has once in this session already voted on the question to include the legislative and judicial branches of Government in an economy move. The motion did not prevail. I offered a 5-percent cut in the course of the debate on the continuing resolution, and failed to get a majority by three votes. But I call attention to the fact that those voting for that economy move then were voting in favor of incorporating the legislative and judicial branches in any effort toward economy.

Mr. President, at best we are not going to attain the goals we sought, but I completely agree with the Senator from Florida that, largely because of the adamancy and persistency of the House, in holding the conference in session, we finally arrived at a meeting of minds whereby, after one formula after another had been tried, we agreed in the conference on these reductions, which are significant. They are greater in the end than they would have been had my amendment been adopted on the floor. They are smaller than they would have been however if the Bow amendment had been adopted, because the Bow amendment would have put a ceiling of $131.5 billion on the expenditures, and this action brings it to $136.2 billion in expenditures. Thus our savings are smaller than those which would have resulted had the House passed the Mundt 5-percent amendment and the conference committee thus been required to come up with a compromise figure. So we are nearly $5 billion above what the House had voted for at the time it voted in favor of the Bow amendment.

I think it would be interesting and informative for the Senate to have incorporated in the Record at this time a table which was prepared by the Senate staff as one of the long series of documents which were presented by the staffs of both the House and Senate Appropriations Committees, and by both staffs working together, to advise and counsel and inform the Senate. We have a table which describes the various efforts which were made and the results.

So I ask unanimous consent that there appear at this point in my remarks what is identified as table No. 1, on page No. 8 of the Senate committee print, which was placed before the conference committee for consideration.

There being no objection, the table was ordered to be printed in the Record.

TABLE 1.—SUMMARY, 1968 OBLIGATIONS AND EXPENDITURES

[In billions of dollars,

	January budget as revised in August		Reduction to 2- to 10-percent provisions		Other changes		Revised estimate	
	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures
Controllable civilian programs	38.4	22.2	−3.6	−2.1	−0.3		34.5	20.1
Defense, non-Vietnam	54.1	50.4	−5.4	−2.0			48.7	48.4
Foreign assistance, military	.6	.8	−.1				0.5	.8
Subtotal	93.1	73.4	−9.1	−4.1	−.3		83.7	69.3
Defense, Vietnam	20.8	21.9			+3.0	+2.0	23.8	23.9
Uncontrollable civilian programs	30.5	45.5			+1.7	+1.7	32.2	47.3
Participation sales, public enterprise funds, etc	1.1	−4.3					1.1	−4.3
Total	145.5	136.5	−9.1	−4.1	+4.5	+3.7	140.8	136.2

Note: This tabulation is based on the legislative and judicial branches being subject to the "2- to 10-percent" reduction provisions. However, the provisions recommended by the conferees are not applicable to the legislative and judicial branches. The details with respect to the legislative and judicial branches are set out below:

LEGISLATIVE AND JUDICIAL BRANCHES, FISCAL YEAR 1968 OBLIGATIONS AND EXPENDITURES

[In millions of dollars]

	January budget as revised in August		Reduction if 2- to 10-percent provisions were applicable		Revised estimate if 2- to 10-percent provisions were applicable	
	Obligations	Expenditures	Obligations	Expenditures	Obligations	Expenditures
Legislative	266	270	14	14	252	256
Judicial	96	96	3	3	93	93
Total	362	366	17	17	345	349

Mr. MUNDT. Mr. President, as the administration submitted these proposals for reductions in 1968 obligations and expenditures, they were applicable to the legislative branch and the judiciary. I call Senators' attention to the note on table No. 1, on page 8 of the print, which I have just now inserted into the Record. It is indicated that the application of these provisions to the legislative branch will effect reductions in budgeted obligations and expenditures totaling $14 million, and their application to the judicial branch will result in reductions in budgeted obligations and expenditures of another $3 million.

Thus, by the adoption of my amendment, we will increase by $17 million the amount of expenditures which are being saved.

As a matter of fact, the only material change the conference committee has made in the reduction of obligation and expenditure proposal is to exclude the legislative and judicial branches from this economy move.

There are a number of reasons why I think we should include them, as they were included in the motion which I made on the Senate floor, which was defeated by three votes in a rollcall vote at the time we first tried to effectuate some economies on the side of the avenue, following the action of the House, which at that time had cut the budgetary expenditures by $5 billion more even than the conference report supplied.

I agree that $17 million is not very much money when we are dealing with reductions totaling $9 billion. However, I submit that it is a matter of principle, when the Congress takes action to impose reductions totaling $9 billion—as I think we should, and as I believe we will—on the departments and agencies of the executive branch, and then specifically excludes the legislative and judicial branches from this economy move.

We have heard that the House conferees take the position that this provision would be difficult for the legislative and the judicial branches to administer. Mr. President, I suppose it will be. I submit however that the Secretary of Health, Education, and Welfare is going to have some difficulties in administering a cut of $716 million. I am sure that the Atomic Energy Commission will not find it easy to live with a reduction of $200 million. I am even more confident, Mr. President, that the Veterans' Administrator is not going to find it easy to absorb the $118 million reduction that he has, with the country at war and new veterans being created every hour and every minute of every hour. But we are living, as has been brought out in the colloquy between the distinguished Senator from Florida and the distinguished ranking minority member on the Appropriations Committee, the Senator from North Dakota, in unusual times.

We are faced with a fiscal crisis. We are trying to avoid a collapse of our fiscal structure and we are justified in my opinion in bringing to bear on Members of Congress the inconveniences necessary when we are trying to run the Government on a sound fiscal basis. We are at war with waste, and I do not want the legislative branch to operate as draft dodgers in that war.

I do not want the legislative branch to be a peacenik parading around saying we are for economy for everybody else but ourselves. I felt we should be included, and have felt so from the start, and so made a motion in the conference committee, which, as I said, lost by a single vote.

If we can cut the executive departments by $9 billion—and I think we can and should—then we should apply the same formula to the legislative and judicial branches, and bring a total cut in those two branches of another $17 million.

My amendments would make these provisions applicable to the legislative and judicial branches, just as this proposal was submitted to Congress by the executive branch. The only change made by our conference was to say, "We go along with these recommendations for the executive branch, but we do not want them to apply to us," and, hoping that it would not become too conspicuous that they had carved out a cyclone cellar for themselves, the conferees added, "We do not want them to apply to the judicial branch, either."

Mr. President, there is no reason in the world why they should not apply to the judiciary. The total saving in the judiciary would be $3 million, and $14 million in the legislative branch.

I think we all recognize, from our old

school books, that great American adage that states: "Sauce for the goose is sauce for the gander." Mr. President, I agree with what the Senator from Florida has said, that Congress ought to participate in this economy move. But I do not believe we should participate solely to the extent of saying we want to fight the economy war with the other fellow's blood; we want to economize in the executive branch but we do not want to economize in our own house.

To me, Mr. President, this is a preposterous proposal to foist on the public, to propose that we economize every place else except in our own areas. I think we should practice what we preach. We have preached economy on the floor of the Senate almost since the beginning of this year. We will be preaching it most of next year. We will preach it when we are confronted with a new tax bill—because these cuts will not be adequate to meet the fiscal problems that we have.

I think now is the time we ought to practice what we preach, and say that since we are engaged in this war on waste, since we are confronted with a very serious international fiscal crisis and a domestic fiscal crisis, we should lead the way, and, by precept and example as well as by vote, participate in this very necessary economy program.

It is not going to be any easier for us than it is for the Veterans' Administration, or for the other departments and agencies; but it is fully as possible for us, and if we actually believe that economy is necessary, we should be willing to defer for awhile the purchase of new drapes or new rugs or new furniture. If this is as serious as we think it is, we should be able to reduce for awhile the legislative appropriations for foreign travel. We should defer for awhile the addition of members to our staffs, and accept the same procedures of attrition in our staffs, committeewise and individually, that we insist upon for the executive branch of Government. We can defer some of our proposed construction. We can make economies in exactly the same way we are providing for executive agencies.

Mr. President, I think the situation is serious enough so that we should have a Government-wide attack on deficit spending. I think that the executive departments should start tightening their belts; but I think we should do it in the legislative branch also. I think in the judiciary they can defer for a few months the purchase of new books or the addition of new staff members, or some of the other expenditures which are available to the judicial branch. I think we should fight this war across the board. I think the judiciary, the legislative, and the executive should march arm in arm in saying, "We want to have some economies." I do not like the idea of just marching the executive branch to the front while we stand behind and cheer the results of the economizing. If the situation is as serious as we say it is, we ought to be willing to participate. If this is just a capricious cut, perhaps we should not make it at all. But it is not capricious. It is important; it is necessary; it is essential. And if it is essential, I submit we ought to do it all the way across the board. We should include ourselves in the economizing.

Something has been said about the fact that foreign countries will have more confidence in this Government if we join with the Executive in a manifestation of economy. I think that is right; and I think the parliamentarians around the country and around the world will have more confidence that we mean business if we say that we are going to participate to the extent of tightening the belt ourselves in the legislative branch.

The only valid argument I have heard against my amendment is the fact that some people say the Members of the House of Representatives will not accept it. I do not know who those crystal ball gazers are. I served in the House 10 years, which qualifies me at least to belong to the amateur class, I guess, among those who make speculative conclusions about what the House of Representatives will do.

I happen to think that the House will welcome a change to vote "yea." But if they vote "nay," after we vote "yea," that will not delay this economy drive. We will then simply have to yield to the House, and go along and take the other cuts. But I submit that we, as Members of the U.S. Senate, now ought to manifest our sincerity about reducing expenditures by being willing to go along on the same formula we very properly and necessarily impose upon the others.

So I hope that on the ensuing rollcall, this amendment will be overwhelmingly supported. I have stated my case. Unless there are others who wish to take an opposite point of view, and say things which I think should be refuted, I am willing to rest it and proceed to a vote, provided we can find a way, now, to get a rollcall ordered, which we can.

Mr. HOLLAND. Mr. President, I shall be glad to suggest the absence of a quorum, after which I shall wish to speak briefly. Then, of course, if the distinguished manager of the bill wishes to reply, he can.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I wish to reply briefly to the argument made by my distinguished friend, the Senator from South Dakota.

In the first place, I want to make it perfectly clear that the budget for the legislative department and the budget for the judicial department are both shown by the President's budget filed with us in the beginning of the year, and every year, as uncontrollable. And the proper page, copied out of the budget, is attached to the papers which I have furnished to each Senator in this case.

In the second place, I call attention to the fact that not only is it listed in the budget that these two items are uncontrollable, but that also happens to be the case. They are uncontrollable.

We have 100 Senators and 435 Representatives. Their salaries are fixed by law. There is no provision in this resolution at all to cut anybody's salary, their salaries or anybody else's.

In the case of the executive branch of the Government, the cuts are accomplished by failing to fill vacancies.

I took this up personally with the Civil Service Commissioner. I found out that there is a 27-percent turnover of personnel each year, and that it will be possible, simply and easily, for them to accomplish the 2-percent reduction from the budget amount for personnel.

In the case of the Senate and the House, of course, there is no such situation existing. The salaries of Senators and Representatives are fixed by law and are collectible by the individuals themselves.

Insofar as the other expenses of the Senate are concerned, they are in the main in connection with the employees and the staffs of the Senate and House Members. And, in that case, every Senator and Representative has a chance to make savings if he wants to do so. The Senator from Florida has been making a saving by using less than his full allowance for the hire of personnel on his staff.

Each Senator is given that chance. Each Senator who is able to do so can do so. However, it happens to be a fact that a great many of our colleagues have to use not only their full allowance for the employment of their staff, but also have to go into their own personal pockets or, receive aid from their friends, to pay for the larger staff which is required for them to properly serve their particular constituencies. That is known to all of us.

It has been shown by the press in the last few days that one of our distinguished colleagues, in the effort to properly serve his very large constituency—because he comes from one of our larger States—has had to have help from friends in an amount sufficient for him to man his office in such a way that he can properly serve his constituency.

I call back to the attention of every Senator the fact that if he can make a savings out of the funds provided for the hiring of his staff, he has a chance to do so.

Other expenses of the Senate are connected with printing. We know that we have to have printing done for the information of the Senate. We have to have committee reports printed. We have to have the transcript of hearings of committees printed.

There is on the desk of each Senator a small hearing record pertaining to a matter that was handled this morning or on yesterday. Twelve hearings records were printed for one hearing conducted by the distinguished Senator from Oregon [Mr. MORSE].

And there would have been no other way for the Senate as a whole to be informed as to what occurred in those hearings and as to what the witnesses who testified at those hearings had to say on the subject matter of the hearings except to have them printed.

Mr. President, the Congressional Record is printed overnight and contains everything that is said on the floor of the Senate and of the House of Representatives for the whole session. It looks as if this session is going to be about 1 year long.

I see no way to save that expense without cutting down on the information that is sent out to the people who receive the Congressional Record all over the world, and particularly the citizens of the United States who have a right to keep up with what is going on here. Of course, the Congressional Record preserves for posterity in its permanent Record form, when it is printed in book form, the doings of every Senate and of every House of Representatives since the Government was established way back in the late 1700's.

There are so many of the expenses of the Senate and of the House of Representatives that are uncontrollable that I do not think it is necessary to mention more of them.

We all have an allowance for travel to our homes. It may be necessary for me to go home, in order to serve my constituents well, because of the things that are going on there, for the full number of trips that are permitted me under the laws passed by Congress. Next year it may be possible for me to get along without going home more than once or twice. The situations change, and nothing is controllable ahead of time or by the fiat of anyone as to how much of that money shall be expended.

I could go on with the expenses generally of the Senate and the House—and they are not heavy. My recollection is that they are about $40 million for the Senate, and $80 million for the House. The Legislative Appropriation Act for fiscal 1968 totals $275 million.

We are talking about saving here $9 billion—$9 billion—in obligation authority and $4.1 billion in actual expenditures this year. The entire saving with reference to Congress, if it could be accomplished, would be approximately $14 million. And it would be difficult to accomplish. Who has the authority? Is it the present occupant of the chair, or the President pro tempore, or the Vice President? Certainly, it is not the President, because he is the head of a coordinate branch of Government which cannot, under our constitutional Government, control the Senate or the House.

So my distinguished friend asks if we are not willing to make contributions. I will say that we are willing to make contributions. I will say that every Senator has it in his power, by frugal handling of his office and by frugal public travel, to make contributions. I say also that every Senator who has stayed here and tended to his duty the entire session has made considerable contribution in that way to the welfare of the Nation and to the solving of our problems.

It has not been easy—and I am sure the Senator from South Dakota will agree with me—for us who sit in the Appropriations Committee to cut what appears to be almost $6 billion from the appropriations before we get through. Every time you cut anybody's appropriation, you make some of your constituents angry at you; and the Senator knows that is a fact. If it is something that affects an agency that operates in your State, you cut at your peril. Yet, I do not believe we have shown any timidity or any unwillingness to cut, when it appears that we will have cut a total of almost $6 billion by the time we get through passing the foreign aid bill and the supplemental bill, which lie ahead of us, when added to the bills we have already passed.

So, Mr. President, I do not believe that Senators deserve the implied charge made by my distinguished friend, the Senator from South Dakota, that we are not showing a willingness to contribute or a willingness to cooperate. To the contrary, I suspect that we are contributing and cooperating a good deal more than most of the citizens of this country to meeting the difficulties of our Nation. The Senator from Florida feels that for himself, and I am sure that many others in Congress could make a great deal more at home, tending to their own business, instead of being here and trying to come to grips with these terrible problems.

So much for the legislative part of the motion of the Senator. Let us come to the judicial part. He suggests that we also add the judicial department to be cut. I am sure that my distinguished friend has forgotten the provisions of the Constitution of the United States, in part, at least, because one provision is that the judges—meaning the Judges of the Supreme Court—shall receive compensation which shall not be diminished during their continuance in office. It is also true that the compensation of other judges cannot be diminished. They can be struck out of office. They can quit if they wish. Their district can be discontinued. But they are appointed for life, and their expenses are expenses which this Government gladly incurs, and incurs in such a way that they are not made subject to all of the vicissitudes that affect our Nation. They run on regularly.

The same is true with reference to other expenses of the judiciary. I know that the Senator has been in the library of the Supreme Court. If he has been in any Federal courthouse in the Nation, he has been in the library there. As to those library expenses, we cannot very well say to the lawbook publishers. "You must take a cut because we have passed a law here saying that you shall do so." We cannot very well discontinue publication of the reports, which are required to be published by law, and which are published at heavy expense and circulated at heavy expense. We cannot discontinue any of the many expenses of the judicial department.

What about the juries? The jurors are payable by law, under law that we pass, and we provide money to pay them.

Can we say that the jurors must take a cut in their pay or that we shall have such a cut as will not permit the courts to function, not permit the courts to have jurors, not permit the courts to summon jurors from the citizenship that they serve and swear them to do justice by their fellow men in the courts?

The very idea of bringing the judicial department under this proposal shocks me and astounds me, because it does not show a clear understanding by the Senator. I realize he is not a lawyer, but a college professor. However, I am a lawyer, and I know something about the expenses of the judiciary department. Having once been a judge myself, I do not see how we could possibly impose any real restriction or meaningful restriction; and, if we did, I do not see who could impose it, because each judge has the same right to draw his salary that we Senators have individually; each judge has the same right to swear jurors or to have his clerk swear jurors, to have his marshals summon jurors, as every other judge.

The President cannot stop that. The President does not control the judiciary. The President is not the head of the judicial system. By our Constitution, we make the judicial system a separate, coordinate branch of Government.

The Senator has said, I believe he is correct, that if this cut could be applied—the 2 percent and the 10 percent—to the judiciary, it would save the magnificent sum of $3 million. And he suggests that that be done. Mr. President, I do not believe that is practical. I do not believe it is possible. I do not believe we should do it. I do not believe we shall consider it seriously. We have done what is possible in the terms of this resolution, which has been adopted so overwhelmingly on the part of the other body. I believe I have stated in the Record that the vote by which the resolution was adopted was 366 to 26, which makes it completely evident that the House of Representatives wants to do its part in bringing about this particular added saving in addition to what we have saved in the passage of our appropriations.

Now, Mr. President, one more word and I shall be through. While we were in conference on the foreign aid bill earlier today, the head of the minority group of the House conferees came over and told me—I shall not mention his name; Senators know who he is—"By no means allow this provision affecting legislative and judiciary to go on this bill." He said, "We have argued this thing up and down in our committee. We cannot get it accepted. They think it is unreasonable and impractical and cannot be done. Please be sure that that not be done."

Then, before I left, the chairman of the majority group, the head of the House conferees, came over and told me the same thing. I understand that he was in the Senate Chamber shortly before we took up this measure, although I did not see him at that time, passing on word to various members of the Appropriations Committee that such was the case.

They have gone into this matter very exhaustively because they made a beginning in this effort, as the Senator from South Dakota said. That is not how they had made the mistake under the Whitten amendment of putting in the judicial and legislative departments. It will be remembered that in our conference the distinguished Representative, Mr. Whitten, made it very clear that he should have exempted some agencies which he had not and these are two he said should have been exempted, and he named others that were not named in the original wording of his so-called Whitten amendment.

(At this point Mr. KENNEDY of New York assumed the chair.)

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I join the Senator from Florida in opposing this amendment. Very reluctantly I oppose this amendment. I cosponsored with the Senator from South Dakota an amendment in the Senate-House conference committee which would have required a 2-percent cut in legislative expenditures. We have been working for 6 weeks to try to reach an agreement with House conferees on reducing expenditures. We have finally reached an agreement which would save over $4 billion. I have the same advice as the Senator from Florida. That to accept the Mundt amendment would jeopardize the whole bill and the $4 billion saving.

Mr. HOLLAND. I thank the Senator. I was sure he did.

Mr. YOUNG of North Dakota. If we were to add amendments such as this amendment, it would jeopardize this $4 billion savings.

There are Members of the Senate and the House of Representatives, particularly from the bigger States, who need all the money that is appropriated to them for clerk hire. I realize that. Some of those Members are even digging into their own pockets to cover expenditures.

In my case, I am presently spending at a rate of $45,000 less than I am allowed. For this year I have turned back $25,920.

I will save more than 2 percent and I assure the people of North Dakota and the Senate that I will be turning back far in excess of this 2 percent cut being proposed. I very rarely use all of the money for clerk hire that is allotted to me so this would not affect me.

Mr. President, I ask to have printed in the RECORD a table prepared by the Disbursement Office of the Senate under the direction of Robert A. Brenkworth, Financial Clerk, indicating my savings so far this year. The money I will turn back to the Treasury.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CLERK-HIRE ALLOWANCE, OFFICE OF SENATOR YOUNG OF NORTH DAKOTA, FOR PERIOD JAN. 1 TO DEC. 31 1967, INCLUSIVE

	Basic	Percent	Gross
Used, Jan. 1–July 31	$29,819.17	93	$85,029.16
Unused	2,275.83	7	6,391.20
Allowed	32,095.00	100	91,420.36
Used, Aug. 1–Sept. 30	----------	75	23,785.00
Unused	----------	25	8,015.00
Allowed	----------	100	31,800.00
Used, Oct. 1–Dec. 31	----------	76	36,187.50
Unused	----------	24	11,512.50
Allowed	----------	100	47,700.00
Recapitulation, Calendar Year 1967			
Used	----------	84.9	$145,001.66
Unused	----------	15.1	25,918.70
Allowed	----------	100.0	170,920.36

Mr. HOLLAND. Mr. President, I am glad that the Senator has introduced the table. The brethren of the Senator know that he operates frugally, as well as effectively. I think that can be said of most Members of the Senate.

However, there are some Senators who are caught in a tight position by reason of the great burden they carry, due to the size of their States or the activity in their States, who cannot operate under the Senate allowance. I think we would be blind to close our eyes to that situation.

I thank the Senator. I am not surprised at his position.

As far as the Senator from Florida is concerned, he will save a good deal more than 2 percent in his case, not only from clerk hire, but from travel and other matters having to do with his office. I know the Senator from South Dakota does that. I think he will have discharged his responsibility by so doing.

However, when we have brethren here who cannot run their offices with the amount allowed for clerk hire because of the great activity and the size of the States they represent, we should not be blind to the fact that we do have several Members of the Senate who are in that category. The same is true with reference to the committees and committee staffs. There is never a year that there are not some committee staffs which are required to do more than was expected in the beginning and they have had to come back to the Senate, or the chairman of the committee has had to come back to the Senate, and ask for a further allowance in order that they can fully carry out their obligations to the Senate and the people of the United States.

However, I have again illustrated by that one fact that here is a matter that is uncontrollable. The Senator from North Dakota and I serve together on two committees, the Committee on Appropriations and the Committee on Agriculture and Forestry. We cannot tell, to save our souls, at this stage what will be the level of work falling on those two committees next year. It may be heavier than it was this year, although I hope not, or it may be lighter. However, it is uncontrollable and it is not foreseeable. No human being can foresee it.

I think the Bureau of the Budget is sizing up this matter correctly when it says here are two departments, legislative and judiciary, which are uncontrollable.

I hope the Senate by its verdict on this vote, by its defeat of this motion, will make it clear that we do not intend to jeopardize the passage of this very worthwhile act, in which it is very vital to our country to act now, by the adoption of something from the leadership on both sides of the aisle in the House of Representatives that has been fairly gone into and not accepted there.

I hope the Senator from South Dakota will not insist on his amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. MUNDT. Mr. President, I have a few comments I would like to make on the rejoinder offered by my good friend from Florida. I shall try to take up his proposals and arguments in the order in which he presented them.

In the first place, the Senator said the legislative budget is uncontrollable, which came as a shock to me because I served for a while on the Appropriations Subcommittee dealing with the legislative branch of Government and it is as controllable as that of any agency. We have people coming in for more and less and we move it up and down every year. However, I offer as the best testimony to that effect that the President and the Bureau of the Budget included the judiciary and the legislative branches among the controllable agencies in their presentation to Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HOLLAND. I asked the Bureau of the Budget about that. Does the Senator know what they told me? They said, "Because the Whitten amendment included them and not because we considered them controllable." They pointed out on page 14 of the budget last January that both of these departments are uncontrollable.

Mr. MUNDT. Did they say completely or relatively,

Mr. HOLLAND. I believe the word was relatively uncontrollable. That means the Senator from South Dakota and I could save money but that it might not be controlled by some of our common friends.

Mr. MUNDT. That can be controlled. If we have savings and economize ourselves that can apply to others.

I know from having served on the committee that they are controllable because I have seen them controlled. Mr. President, you can stack the testimony by the Bureau of the Budget as high as the roof. I can point to the chapter and page showing the legislative costs can be controlled. I say that the Senators know it can be controlled. You can vote to put new rugs in an office or you can vote not to put new rugs in an office; you can vote to build a new building or you can vote not to build a new building; you can vote to expand or reduce travel abroad. There is possible control over our expenditures and it is easier than in the VA, in time of war. So I submit our legislative budget is controllable. So much for that.

The Senator makes a great deal of the point that legislative salaries are fixed by law and judicial salaries are fixed by law. The Senator knows so well, and I am sure he must because he is as conversant with this as I am, that the whole thrust of this economy bill is that no salaries are to be cut anywhere along the line in the executive branch, the judiciary, or the legislative branch. The Senator tries to appeal to Senators to frighten them into thinking they might be taking a personal reduction in salary.

Members in other eras of our history have done even that. They cut their salaries back $2,500 a year in time of war because there was a danger to our fiscal affairs. We are not suggesting that in this bill, however, although we might have to come to that and I, for one, am ready to face that issue and make such cuts if necessary.

For the Senator to try to frighten Members to vote against my amendment by saying they might be cutting your salaries, however, is completely wrong. I say to Senators that this legislation is not going to cut any salaries anywhere. Then, there is the matter of not filling vacancies by reason of attrition through which there could be salary savings—this would and should apply to us as well as others.

Mr. HOLLAND. If any such thing as a vacancy occurred in the process of attrition——

Mr. MUNDT. Yes, sir.

Mr. HOLLAND. Would not the Governor of the State immediately appoint a Senator to take his place?

Mr. MUNDT. Not if he happens to be a Member of the House.

Mr. HOLLAND. Would not the Governor of the State call for an election to fill the seat, if a Representative passed away, retired, or resigned? Neither of those is a Federal official because it is the right of a State and it is the right of a district in a State to be represented here in Congress. How can Congress control that in this resolution when the Senator knows there is not going to be any such attrition?

Mr. MUNDT. Congress does not suggest that there be a cut in salary, that it be by attrition in the number of Members of the House of Representatives, or the number of Senators, but there is the same kind of turnover on committee staffs and on the individual staffs of Senators, as in executive departments. We say to the executive departments, "Just do not fill the jobs quite so rapidly and you make the saving."

That is what we applied to them. I think that is what we should apply to ourselves.

Mr. HOLLAND. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I yield.

Mr. HOLLAND. Assuming that any Senator, the Senator from Florida or the Senator from South Dakota, should lose his administrative assistant, who is it that has the right under the law to fill that post? Is it not the Senator who is concerned? If he needs an administrative assistant, does he not promptly get one?

Mr. MUNDT. May I answer that question in old Yankee fashion by asking the Senator from Florida: Suppose, in the Veterans' Administration, because of the extra business as a consequence of the Vietnamese war, that 100 people retire, who has it within his power to reappoint them, replace them, or not replace them?

Mr. HOLLAND. Did not the Senator ask me a question?

Mr. MUNDT. I did.

Mr. HOLLAND. Then all I can say is that I asked the Civil Service Commissioner what the situation was, and he said that there was a 27-percent turnover each year in the Civil Service force of this country, and that it would be extremely easy for any sizable agency to effect a 2-percent cut against the budgeted amount for personnel salaries because of that large turnover.

Mr. MUNDT. The Senator did not answer my question. He does not have to answer it, if he does not wish to do so, but his statement led to the question.

Mr. HOLLAND. The answer is this, that if he is talking about the Veterans' Administration, with thousands of employees, and there are 100 vacancies there, they may not have to fill all those vacancies, or they may fill some, or they could still leave some unfilled. They ask only a 2-percent reduction in the total budget for personnel salaries. The Civil Service Commission tells me that this is easily attainable from the standpoint of the various executive agencies.

Mr. MUNDT. Is it not true that the Veterans' Administration administrator can elect to replace them or not replace them, just as a Senator can elect to replace or not to replace a member of his staff?

Mr. HOLLAND. Of course he may do so, but the Senator, if he does not replace his right arm, and he has only one, and that is his administrative assistant, he would be without his right arm if he did not replace him. If he did not replace his legislative assistant, should he leave or retire, he would be without his left arm, because he has only one legislative assistant. That is true of all of us as Senators. Obviously, we would have to replace them. Is the service of those people so worthless that we might like to go ahead without an administrative or a legislative assistant? I think the question answers itself. We have an office with a limited number of employees, some 12 or 14 in the average Senate office, each with functions which that particular one is well trained to perform.

We do not have the same situation in a department such as Agriculture, with its tens of thousands of employees, or in the Veterans' Administration, with its tens of thousands of employees, or in any other of the huge departments of Government.

I repeat, I am willing to accept—and I hope the Senator from South Dakota is willing to accept—the verdict of the chairman of the Civil Service Commission who states that Federal agencies can easily accept this condition because of their normal, large turnover, leaving some positions unfilled, and thus saving 2 percent on their budgeted personnel expenses.

Mr. MUNDT. Did the Chairman of the Civil Service Commission say that Members of Congress and Senators could not likewise accept such a reduction?

Mr. HOLLAND. The Civil Service Commission had nothing to say to us about that. That is our business. I am saying, for the Senator from Florida, that I cannot get along without an administrative assistant. I think I can also say that for the Senator from South Dakota, that he cannot get along without an administrative assistant. I cannot get along without a legislative assistant and I think I can say that for the Senator from South Dakota, too.

I cannot get along without trained people to do specific work in my office. I have only barely enough now to do the work. I am one of the offices in Washington, as I think the Senator from South Dakota is also, which keeps open every Saturday in order to try to catch up on our work. We have difficulty getting in touch with the executive offices throughout the District because they are not open on Saturdays.

Mr. MUNDT. That is right.

Mr. HOLLAND. They are not open after 4:30 or 5 o'clock and we are open not only at 6 o'clock but sometimes until 7 or later. All the staffs of Senators and House Members are very hard workers. They are well paid for their work. They are well trained to do specific work. If something happens to one, either he or she has to be replaced, because there is no one else to do that particular work. The Senator knows that perfectly well, so that it is idle for us to discuss it further.

Mr. MUNDT. I believe that we do not have to discuss this issue much more. We start out with a different philosophy. The Senator from Florida seems to feel that all Federal officials down at the executive end of the avenue are wasters and squanderers. If he can allege that as a Democrat, then I can reaffirm it as a Republican. I think there is a lot of that going on down there. But I do not think the other side of the coin is right when he assumes that all Members of the Senate and House are thrifty Scotsmen and traditional pennypinchers who never spend a nickel of the public's money which they should not be spending.

I cannot get along without an administrative assistant. I cannot get along without a sizable staff. We keep the office open on Saturdays as does the Senator from Florida. Most of the departments downtown do not. The Senator from Florida states that he does not have a loose clerical budget. I do not, either. I have turned back well over $200,000 of my expense money to the Federal Government since I became a Member of Congress. But that does not mean I could not have had some more people. It does not mean I could not have made the members of my staff a little happier if I had hired four or five more in the office to work the Saturday shift and let the rest of them off. It means, I guess, that I have been somewhat hard-boiled with my staff and have resisted their legitimate pleas not to have to work so long or so late.

Mr. HOLLAND. Mr. President, will the Senator from South Dakota yield?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. MUNDT. I yield.

Mr. HOLLAND. I will be much kinder to the Senator from South Dakota than he is to himself. I think that he runs a frugal office, and a well-trained office with fine personnel. I do not think he could spare a single one of them. If he did have to spare one, he would need quickly to replace him or her.

I think his situation is like mine and like that of most Senators and most House Members. Aside from that, the Senator has not gotten around to the point of telling us from what source there could be any control exercised in this particular matter.

The Senator from South Dakota is answerable only to the people of South Dakota. He has the right to determine the salaries and those who shall be on his payroll and what work they shall do. He has the right, the privilege, and the duty to report to his State and no one can control him in any of those matters.

For myself, I would not cast one vote that would look as though I thought I could control him, because I know that I cannot. I am sure he knows the same thing is true of the Senator from Florida.

Mr. MUNDT. I will get around to that but, first, I want to disavow the very gracious compliment which the Senator paid me when he indicated I ran such a tight ship, that I have exactly the right number of people, working precisely the right number of hours per week, to get the job done.

One of my fine girls took ill and was gone for a long time. I hoped she would come back. We waited 4 or 5 months. She came back. To my surprise, the office continued to run without her. I suppose I could have saved her salary. I did not. She was ill and I continued to pay her. Had she resigned I could have saved that money. Thrifty as I am, I could have saved some additional money. So I think we all could. I point out that the situation is serious enough for unusual and painful action.

Let me conclude by saying that if we accept everything the Senator from Florida said about salaries, we do not have to make the saving out of salaries. We can also take it out of the executive, judicial, and legislative from nonsalary sources. We can reduce the amount spent for travel, equipment, construction, what is spent by the Architect of the Capitol. Our money is as controllable as is any other item.

Turning to the next point of the Senator from Florida, he said it was kind of a piddling little saving. It amounted to only $14 million in the legislative and $3 million in the judiciary. We agree on the arithmetic. Against a $4.1 billion saving in the executive branch, it is not very large, but large savings are made by pyramiding little amounts on top of little amounts.

As I said before, I am interested in the principle. It seems to me commonsense and simple justice that we in the legislative and judiciary branches should feel a pinch, economywise, in these crucial days of war, particularly when we ask the Veterans' Administration to accept a reduction. Perhaps we should have exempted it, but we decided to include that department. We included reductions for the Department of Agriculture, with farmers struggling along at 72 percent of parity, in the worst economic straits they have been in in three decades, paying the highest interest rates since the War Between the States, or maybe since Reconstruction. Yet we are cutting money out for services for the farmers.

So I think $14 million could be spared from the services and committees in the Congress, consisting of 535 Members, as a representation of good faith on our part.

On the next point, I am sure the Senator from Florida misspoke himself, because he implied that, as a college professor, I did not know the Constitution said Congress could not cut the salaries of Federal judges. Let me tell him that, if I did not know that, I would be advocating reductions in the salaries of some of them. I know it, and the Senator knows it. But no cut in judicial salaries or senatorial salaries or any other salaries are involved. The judiciary has $6 million for travel. I do not know why. When I hear some of the speeches made by the top judges in their travels, I wish they would stay home. Then when I read some of the decisions they make, I wish they would go travel. But perhaps they could save half of the travel money.

The judiciary spends one-third of a million on buildings and grounds and $41 million for supporting personnel. Maybe they could get along, as I found to my surprise I could, with one less employee for 6 months. So they could, too, participate in this all-out attack on waste.

I conclude my argument by saying we have a decision to make. I agree with everything the Senator from Florida has said about the inconveniences involved in economizing. It is not going to be easy. It is going to be a little painful. Maybe he is right in assuming that down at the other end of the avenue they shovel money out in big shovelfuls and do not pay attention to it, and here we parcel it out with an eye dropper and that we are consistently thrifty. I do not accept that, but I would like to see us get into the economy act. I would like to see us participate. I would like to see us give some manifestation of good faith. Then perhaps we could effect some more economies in the executive branch next year, if we do not insist on excluding ourselves from this first real meaningful experiment in economy.

The question is, Will we participate in economy or just continue to pontificate about economy? That is the question we will resolve in the rollcall vote on my amendment. The question is, Will we practice what we preach, or just keep on preaching economy without being willing to practice any of it? Our rollcall will determine that.

Mr. President, I conclude simply by saying that the proposition on which we are about to vote is to determine whether we are just going to continue to provide counsel to others who we think should save some money, or whether we ourselves will cooperate a little bit by saving some in our own house and our own shop. I think we ought to wage an all-out war against waste, against deficit spending, and I think we should do it with all three branches of the Government participating in the effort.

I urge a favorable vote on my amendment.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The question is on the amendments of the Senator from South Dakota to the House amendment to Senate amendment No. 2.

Mr. HOLLAND. Mr. President, I suggest a temporary quorum call, to be called off in 2 or 3 minutes, just to give warning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the amendments of the Senator from South Dakota to the House amendment to Senate amendment No. 2. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. DIRKSEN (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Delaware [Mr. WILLIAMS]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HILL], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MONDALE], the Senator from Georgia [Mr. RUSSELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

I further announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Alabama [Mr. HILL] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Massachusetts [Mr. BROOKE], the Senator from Colorado [Mr. DOMINICK], the Senator from California [Mr. KUCHEL], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Texas [Mr. TOWER] and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kentucky [Mr. COOPER] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Illinois [Mr. PERCY], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The pair of the Senator from Delaware [Mr. WILLIAMS] has been previously announced.

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from California would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 29, nays 44, as follows:

[No. 387 Leg.]

YEAS—29

Bennett
Burdick
Byrd, Va.
Cannon
Case
Church
Clark
Cotton
Curtis
Fannin
Fong
Fulbright
Hansen
Hatfield
Hickenlooper
Hollings
Hruska
Javits
Mansfield
McGovern
Miller
Morton
Mundt
Murphy
Pastore
Smith
Spong
Stennis
Thurmond

NAYS—44

Anderson
Baker
Bartlett
Bible
Boggs
Byrd, W. Va.
Carlson
Ervin
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hayden
Holland
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Long, La.
McCarthy
McClellan
McGee
McIntyre
Metcalf
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Pearson
Pell
Proxmire
Randolph
Smathers
Sparkman
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—27

Aiken
Allott
Bayh
Brewster
Brooke
Cooper
Dirksen
Dodd
Dominick
Eastland
Ellender
Hill
Inouye
Kuchel
Lausche
Long, Mo.
Magnuson
Mondale
Percy
Prouty
Ribicoff
Russell
Scott
Symington
Talmadge
Tower
Williams, Del.

So Mr. MUNDT's amendment was rejected.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. Mr. President, I wonder if the Senator from Florida qualifies to make that motion.

Mr. YOUNG of Ohio. Mr. President, I move to lay that motion on the table.

Mr. CASE. Mr. President, did the Senator from Florida intend to vote the other way?

Mr. HOLLAND. I voted on the prevailing side.

Mr. CASE. Did the Senator intend to vote the other way on the reconsideration?

Mr. HOLLAND. I do not have to qualify, as I understand parliamentary procedure. I voted on the prevailing side. I have moved to reconsider the vote by which the amendment was rejected, and a motion has been made to lay that motion on the table.

Mr. CASE. Does not the Senator have to qualify in order to make that motion?

The PRESIDING OFFICER. The Senator is qualified to make the motion to reconsider under the rule.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG of Ohio. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I understand that the next question is on my motion to concur in the amendment of the House to the Senate amendment No. 2.

We have just rejected an amendment to change Senate amendment No. 2. The motion would now recur on the motion to concur.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, is the motion before the Senate?

Mr. HOLLAND. Mr. President, may we have order?

The PRESIDING OFFICER. The motion is before the Senate.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the amendment of the House to Senate amendment No. 2.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, a parliamentary inquiry. What is the House amendment?

The PRESIDING OFFICER. The roll is being called. A parliamentary inquiry is not in order, and the Chair has no authority to interpret the House amendment. The clerk will continue to call the roll.

The rollcall was resumed.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished senior Senator from Missouri [Mr. SYMINGTON]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

I further announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HILL], the Senator from Ohio [Mr. LAUSCHE], the Senator from Georgia [Mr. RUSSELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Lousiana [Mr. ELLENDER], the Senator from Alabama [Mr. HILL], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Massachusetts [Mr. BROOKE], the Senator from Colorado [Mr. DOMINICK], the Senator from California [Mr. KUCHEL], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kentucky [Mr. COOPER] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], the Senator from California [Mr. KUCHEL], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] would each vote "yea."

The result was announced—yeas 74, nays 0, as follows:

[No. 388 Leg.]

YEAS—74

Anderson
Baker
Bartlett
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Long, La.
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Smathers
Smith
Sparkman
Spong
Stennis
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—26

Aiken
Allott
Bayh
Brewster
Brooke
Cooper
Dodd
Dominick
Eastland
Ellender
Hill
Inouye
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
Percy
Prouty
Ribicoff
Russell
Scott
Symington
Talmadge
Tower
Williams, Del.

So Mr. HOLLAND's motion to concur in the amendment of the House to Senate amendment No. 2 was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the motion was agreed to.

Mr. ANDERSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. PELL in the chair). The Senator from Florida will state it.

Mr. HOLLAND. Do I correctly understand that now that the Senate has voted to concur in the House amendments to the Senate amendments No. 1 and No. 2, those being the only amendments that were involved, the action is now final upon this measure?

The PRESIDING OFFICER. The Senator from Florida is correct. Action is now completed on the bill.

Mr. HOLLAND. I thank the Presiding Officer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4765) relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 7898. An act for the relief of Dr. Nemesio Vazquez Fernandez; and

H.R. 7977. An act to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes.

DUTY-FREE TREATMENT OF LIMESTONE

Mr. LONG of Louisiana. Mr. President, I move that the Senate proceed to the consideration of H.R. 1141, Calendar No. 900.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 1141) to permit duty-free treatment of limestone, when imported to be used in the manufacture of cement, pursuant to the Trade Expansion Act of 1962.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator of Louisiana.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That (a) item 915.25 (relating to bona fide gifts, and not exceeding $50 in retail value, from members of the Armed Forces serving in combat zones) of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "On or before 12/31/67" and inserting in lieu thereof "On or before 12/31/69".

(b) The headnotes for part 1, subpart B of the Appendix to such Schedules are amended by adding at the end thereof the following headnote:

"2. Articles exempted under item 915.25 from the payment of duty shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1963.

Mr. LONG of Louisiana. Mr. President, the committee amendment strikes out all after the enacting clause in the House bill. H.R. 1141, as passed by the House, would authorize the President to eliminate the duty on certain limestone, when imported to be used in the manufacture of cement, pursuant to his trade agreement authority. The substance of this bill was added as a floor amendment to H.R. 286 on March 23, 1967, and has since been enacted into law—Public Law 90–14. Accordingly, the objective sought by the House version of H.R. 1141 has been achieved, and the House provision now is unnecessary.

Mr. President, the House has a bill which might not reach the Senate at this session. It would permit servicemen to send gifts from Vietnam, duty free, to friends and relatives in the United States.

Because of this, in lieu of the language of the House bill, the committee substitutes an amendment to extend for 2 years, until December 1, 1969, the $50 exemption in the tariff law for gifts from Armed Forces personnel serving in combat zones.

Under the basic customs law of the country, gifts from abroad may enter duty free if they are valued at not more than $10. Historically, this Nation has made an exception to this $10 rule in the case of gifts from servicemen serving abroad in the time of war. Under the exception, gifts from these servicemen valued up to $50 may enter duty free.

In spring of last year Congress reenacted this exemption for servicemen serving in combat zones, such as Vietnam. Last year's amendment was limited to gifts received in this country on or before December 31, 1967. The passage of time has demonstrated that the Vietnam war will continue beyond that date. That being the case, we have a responsibility to our fighting men in Vietnam to continue the $50 gift exemption for an additional period. Under the committee amendment, this $50 gift exemption for servicemen in combat zones will be continued until December 31, 1969. Unless we act now, Christmas gifts arriving late from the Vietnam servicemen may not be received by their families and others without the payment of a tariff on the value of the gift property.

The Treasury Department endorses the committee's amendment; the Defense Department favors it. It is identical to a proposal offered in the House of Representatives by the chairman of the Committee on Ways and Means. I believe it should be agreed to, and I urge that it be agreed to.

Mr. President, this privilege to send to the United States gifts of up to $50 free of duty exists until January 1, but some of these packages may be delayed and may not be received by January 1. Therefore, the bill is necessary to relieve the tariff on these presents being sent by servicemen to loved ones in the United States. This is the main purpose of the amendment. I know of no objection to the bill as amended.

Mr. President, I ask that the committee amendment be agreed to and the bill considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the committee amendment is agreed to and the bill is considered as original text for the purpose of amendment.

Mr. ANDERSON. Mr. President, I have an amendment to the bill, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. ANDERSON] proposes an amendment at the end of the bill as follows:

Section 551 of the Tariff Act of 1930, as amended (19 U.S.C. 1551), is amended by adding at the end thereof the following new sentence: "A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant."

Mr. ANDERSON. Mr. President, this section was originally submitted on another bill (H.R. 2155) and approved unanimously by the Committee on Finance. Inasmuch as the other bill may not reach the floor, I have called up the amendment here.

Mr. LONG of Louisiana. Mr. President, I am familiar with the amendment. The amendment was reported favorably by the committee as an amendment to H.R. 2155, which it has been agreed is a subject of rather controversial debate involving trade policies that we will get around to this session or next session. There is no reason why this amendment should be held up because it is not controversial. It was agreed to unanimously in committee.

I have discussed the amendment with the distinguished minority leader and he agrees that there is no point in holding it up. It should have been acted on a long time ago. Let me now turn to an explanation of the amendment.

Under present law, imported merchandise which has not been entered, or withdrawn from warehouse, for consumption, ordinarily may be transported between ports of entry or from the port of importation to a customs bonded warehouse in another customs district only by common carriers or contract carriers bonded for such purpose.

Specifically, the authority of the Bureau of Customs to designate carriers of bonded merchandise prior to the release of such merchandise from customs custody is limited to, first, any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States; second, any contract carrier authorized to operate as such by any agency of the United States; and, third, any freight forwarder authorized to operate as such by any agency of the United States—19 U.S.C. 1551.

In 1936, Congress provided an exception to this rule which had the effect of qualifying private cartmen and lightermen, when bonded, to transport imported merchandise between the ports of New York, Newark, and Perth Amboy—which were in the same customs district—before such merchandise had been released from customs custody and the duties involved had been paid. However, there is no rule under which a private carrier may similarly transport customs bonded merchandise between other customs ports or between customs districts.

This shortcoming tends to discriminate against importers who operate customs bonded warehouses in customs districts away from the seacoast. Such an importer must formally enter his merchandise and pay tariff on it at the seacoast port if he desires to transport it by private carrier to his inland warehouse. On the other hand, if he operated a customs bonded warehouse within the limits of the port on the coast he could transport his bonded merchandise to his warehouse by private carrier without prepayment of tariff.

The present rules, in effect, force inland importers to resort to higher priced common carriers or contract carriers if they are to avoid large capital investments in tariff charges. If the customs revenues can be protected it would be appropriate to permit private carriers to transport customs bonded merchandise between customs districts for delivery to a customs bonded warehouse without requiring prepayment of duties. To accomplish this objective, the amendment would add a new section to the bill authorizing the Secretary of the Treasury to designate private carriers as carriers of bonded merchandise. In exercising this new authority, the Secretary may impose such special terms and conditions upon each applicant as he considers necessary to safeguard the revenues of the United States with respect to the transportation of the bonded merchandise.

Mr. ANDERSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 916), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF COMMITTEE AMENDMENT

The committee amendment strikes all after the enacting clause in the House bill and substitutes an amendment to extend for 2 years, until December 31, 1969, the $50 exemption in the tariff law for gifts from Armed Forces personnel serving in combat zones. Under present law, the $50 exemption is scheduled to terminate December 31 of this year. At that time, the regular $10 gift exemption would apply with respect to gifts from these servicemen.

DELETION OF HOUSE PROVISION

H.R. 1141 as passed by the House would authorize the President to eliminate the duty on certain limestone, when imported to be used in the manufacture of cement, pursuant to his trade agreement authority. The substance of this bill was added as a floor amendment to H.R. 286 on March 23, 1967, and has since been enacted into law (Public Law 90–14). Accordingly, the objective sought by the House version of H.R. 1141 has been achieved and the House provision now is unnecessary.

GIFTS FROM VIETNAM SERVICEMEN—$50 TARIFF EXEMPTION

Under the basic customs law of the United States, gifts from abroad may enter duty free if they are valued at not more than $10, determined on the basis of the fair retail value of the gift. Historically, the United States has made an exception to this $10 rule in the case of gifts from servicemen serving abroad in time of war. Under the exemption, gifts from these servicemen valued up to $50 (determined on the basis of fair retail value) may enter this country duty free. The last special exemption for gifts from servicemen related to the Korean conflict. It expired on July 1, 1961.

In the spring of last year in recognition of the Vietnam conflict, Congress reenacted this $50 exemption for servicemen on duty in combat zones. Last year's amendment was limited to gifts received in this country on or before December 31, 1967. Passage of time has demonstrated that the Vietnam war will continue beyond that date. Accordingly, we have a responsibility to our military personnel in Vietnam to continue the $50 gift exemption for an additional period.

Under the committee amendment, the $50 gift exemption with respect to servicemen in combat zones will be continued for 2 years, until December 31, 1969. Prompt consideration of this amendment is imperative since Christmas gifts arriving late from Vietnam servicemen might not be received by their families and others without payment of a tariff on the value of the gift. The committee does not believe our servicemen in Vietnam should be penalized by a tariff on the gifts they send home. This amendment assures that they will not be.

The administration is strongly in favor of this amendment.

Mr. LONG of Louisiana. Mr. President, I am on notice that the Senator from North Carolina [Mr. JORDAN] wanted to offer an amendment. He is probably in the lobby adjoining the Chamber discussing the matter with the Senator from Tennessee [Mr. GORE]. I would like to allow sufficient time for him to return.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 897, 898, 899, and 902.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE DISTRICT OF COLUMBIA TEACHERS' LEAVE ACT OF 1949

The bill (H.R. 5709) to amend the District of Columbia Teachers' Leave Act of 1949, to remove certain limitations, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 913), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 5709 is to amend the District of Columbia Teachers' Leave Act of 1949 in two particulars, as follows:

(1) Provide an unlimited number of days of earned sick leave for all teachers; and

(2) Increase the number of days of sick leave which may be "borrowed" from 25 days to 30 days.

BACKGROUND

Under present law, probationary and permanent teachers and attendance officers in the District of Columbia public school system are allowed to accumulate not more than 75 days of sick and emergency leave, and temporary teachers and attendance officers may accumulate not more than 20 days of sick leave.

Also under existing law, teachers and attendance officers in the District of Columbia system may be advanced not more than 25 days of sick leave or emergency leave, in the event of a situation of medical emergency.

NEED FOR LEGISLATION

These existing restrictions pertaining to sick and emergency leave for District of Columbia teachers and attendance officers are no longer in keeping with the trend in other large city school systems nor in other jurisdictions in the Washington metropolitan area.

The May 1966 edition of "Educational and Research Service," published by the American Association of School Administrators and the Research Division of the National Education Association, states in part as follows:

"It appears that during the past 4 years provisions for accumulating unused sick leave have been liberalized in a number of the larger schools systems. Comparison of the current study with the 1961–62 survey shows an increase of 6.3 in the percentage of policies permitting unlimited accumulation at full pay. There is also a notable increase (from 19.8 to 34.1) in the percentage allowing 100 to 200 days' accumulation. Combining these data, we find an increase of 20.6 in the percentage of policies providing a potential accumulation of 100 days or more at full salary."

Among the larger cities listed in this study, those which allow unlimited accumulation of sick leave are Denver, Los Angeles, New Orleans, San Francisco, San Diego, Philadelphia, and Jersey City. Cities which allow an accumulation of 200 days of leave are New York City, St. Louis, and Detroit.

Even more pertinent, however, are the sick leave policies in the area surrounding Washington. Teachers in Montgomery County in Maryland and in Arlington and Fairfax Counties in Virginia are allowed an unlimited accumulation of sick leave. In Prince Georges County, Md., teachers may accumulate 200 days.

As for the present limit of 25 days or the amount of sick or emergency leave which the District of Columbia Superintendent of Schools may advance to probationary or permanent teachers and attendance officers in cases where serious medical emergencies justify such an advance, this also is not as liberal as is the case in most other comparable public school systems.

These facts show clearly that sick leave and emergency leave policies for teachers in the surrounding area and in other large U.S. cities are considerably more liberal than those which presently apply to District teachers. In view of the present nationwide scarcity of qualified teachers, this situation contributes toward a lessening of the bargaining position of the District of Columbia in the vital matter of recruitment and retention of proficient teacher personnel.

HEARING

A public hearing on this bill was conducted by the Subcommittee on Fiscal Affairs on November 16, 1967. At this time, approval of this measure was expressed by spokesmen for the Board of Commissioners of the District of Columbia, the District of Columbia Public School Administration, the District of Columbia Education Association, and the Washington Teachers' Union. The U.S. Civil Service Commission also supported the bill. There was no objection to this legislation from any source.

AMENDMENT OF THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

The bill (H.R. 8715) to amend the District of Columbia Alcoholic Beverage Control Act to limit the amount of wines, spirits, and beer that may be brought into the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 914), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 8715 is to amend the District of Columbia Alcoholic Beverage Control Act so as to restrict to 1 quart per month the amount of wines, spirits, and beer which may be mailed into the District of Columbia for delivery to any person other than a licensed manufacturer, wholesaler, or retailer in the liquor trade.

BACKGROUND

It has been brought to the attention of your committee that in recent months certain foreign companies, mostly in England, have been circularizing residents of the District of Columbia for the purpose of soliciting a mail-order business of selling alcoholic beverages at prices substantially lower than those prevailing in the licensed retail outlets in the District. These companies pay no license fees nor taxes of any kind to the District of Columbia, and the present District of Columbia Alcoholic Beverage Control Act permits 1 gallon of such alcoholic beverages to be brought into the District at any one time, by common carrier, for delivery to any person other than a licensed manufacturer, wholesaler, or retailer in the liquor trade. In view of this laxity in the present law, it is obvious that this mail-order business in tax-free alcoholic beverages may attain a considerable volume, to the detriment of the licensed liquor dealers in the District and to the city's revenues. The tax loss to the District through such mail-order sales is $1.75 per gallon.

Your committee is advised that at the present time this type of mail-order sales is prohibited in both Virginia and Maryland, and in most other States as well.

NEED FOR LEGISLATION

At the time of the adoption of the 21st amendment to the Constitution, the Congress established the District of Columbia Alcoholic Beverage Control Board, with power to regulate and control the orderly distribution of alcoholic beverages in the Nation's Capital. At the same time, a system of license fees, and excise and other taxes on such alcoholic beverages was established in order to raise revenues for the use of the District. This system for the control of the distribution of such beverages, and for the collection of appropriate revenues, has operated well.

It is the view of your committee that this rising business of mail-order sale of alcoholic beverages in the District of Columbia, without the payment of any local taxes whatever and entirely beyond the control of the District of Columbia Alcoholic Beverage Control Board which is responsible for the orderly distribution of such beverages in the District, is detrimental to the best interests of the city. For this reason, and since the present language of the District of Columbia Alcoholic Beverage Control Act does not impose any effective limitation on the volume of this business, your committee feels strongly that the approval of H.R. 8715, which will effectively terminate this business by limiting the amount of wines, spirits, and beer which may be brought into the District by common carrier for delivery to any person unlicensed in the liquor trade to 1 quart in any 1 calendar month, is in the public interest.

HEARING

At a public hearing conducted by the Subcommittee on Fiscal Affairs on November 16, 1967, testimony in favor of this legislation was presented by spokesmen for the District of Columbia government and the District of Columbia Retail Liquor Dealers Association, Inc. No opposition to enactment of the bill was expressed.

RETIREMENT OF PUBLIC SCHOOL TEACHERS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 12505) to provide that a District of Columbia public school teacher may retire on a full annuity at age 55 after 30 years of service or at age 60 after 20 years of service, and for other purposes which had been reported from the Committee on the District of Columbia with amendments, on page 6, line 3, after the word "the", where it appears the first time, strike out "Commissioners" and insert "Commissioner"; in line 4, after the word "or", strike out "their" and insert "his"; on page 10, line 12, after the word "the", where it appears the second time, strike out "Commissioners" and insert "Commissioner"; at the beginning of line 22, strike out "Commissioners" and insert "Commissioner"; on page 11, line 7, after the word "the", where it appears the first time, strike out "Commissioners" and insert "Commissioner"; in line 19, after the word "the", where it appears the second time, strike out "Commissioners" and insert "Commissioner", in line 20, after the word "Columbia" strike out "determine" and insert "determines"; on page 13, after line 171, insert:

(10) Such Act is amended by adding at the end thereof the following new section:

And after line 19, insert a new section, as follows:

SEC. 22. Wherever the term "Commissioners of the District of Columbia" is used in the first section of this Act and section 16 of this Act, as amended, such term shall be deemed to mean the District of Columbia Council. Wherever the term "Board of Commissioners of the District of Columbia", or "Commissioners of the District of Columbia" is otherwise used in this Act, as amended or supplemented, such term shall be deemed to mean the Commissioner of the District of Columbia.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 915), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill H.R. 12505 is to amend the District of Columbia Teachers' Retirement Act so as to bring it into conformity with the Civil Service Retirement Act as presently amended.

The Subcommittee on Fiscal Affairs held a public hearing on the bill on November 16, 1967.

BACKGROUND

Over the years, the provisions of the District of Columbia Teachers' Retirement Act have been kept comparable to those of the Civil Service Retirement Act. The latest amendment to achieve this comparability, for example, was Public Law 89-494 (80 Stat. 266), approved July 5, 1966, which provided the same cost of living increases in annuities for retired District of Columbia teachers as were established for civil service retirees in Public Law 89-205 (79 Stat. 840), which was approved September 27, 1965. Since that time, further benefits have been provided for civil service retirees in Public Law 89-504 (80 Stat. 288), approved July 18, 1966.

This proposed legislation is designed to afford annuitants under the District of Columbia Teachers' Retirement Act the same benefits as have been provided under the civil service system for all the retired classified employees of the District of Columbia government. Hence, the provisions of the bill H.R. 12505 all have precedent in the Civil Service Retirement Act as presently amended.

The term "teacher" as used in the bill includes all education employees coming under the District of Columbia Teachers' Salary Act except employees of the Department of School Attendance and Work Permits.

PROVISIONS OF THE BILL

The major provisions of H.R. 12505 are the following:

1. Lower age for voluntary retirement

The bill will permit voluntary retirement at age 55 with 30 years of eligible service, and at age 60 with 20 years of eligible service.

Under present law, a teacher in the District of Columbia public school system with 30 years of service may retire with full annuity at age 60, or with a reduced annuity at age 55.

2. Reduced annuities for involuntary retirement

It is provided that the annuity of a teacher involuntarily separated from the service, under conditions specified in the act, shall receive an annuity reduced by one-sixth of 1 percent for each month the teacher is below the age of 55 at the time of such separation.

At present, such annuities for involuntary separation are reduced by one-twelfth of 1 percent for each month less than 60, and by one-sixth of 1 percent for each month in excess of 60, that the teacher is below the age of 60 years of age at the time of separation from the service.

This new formula, in addition to being simpler in its application, will also conform more closely to the proposal for voluntary retirement at age 55 with 30 years of service.

3. Commencing and terminating dates for retirees' annuities

The starting date for all retirees' annuities is established as the day following separation from the service; except that in the case of retirement for disability, the annuity shall start on the day after the teacher's salary ceases and he meets the disability requirements. It is provided further that all retirees' annuities shall terminate on the date of the annuitant's death.

The present District of Columbia Teachers' Retirement Act establishes the commencing date for all retirees' annuities as the first day of the month following the date of separation from the service. Thus, at present if a teacher were to retire on the first day of any month, her annuity would start in the first day of the following month, and hence she would receive no income of any kind, either from salary or from annuity, for one entire month. The present Act provides no specific date for the termination of such annuities.

4. Transfer of retirement funds

The bill will permit a teacher entering the District of Columbia school system after having deposited retirement fund payments elsewhere, in connection with prior teaching or Government employment, to transfer or redeposit such funds into the District of Columbia Teachers' Retirement Fund at any time. These payments into the District of Columbia fund may be made in any number of monthly installments at 3 percent interest compounded annually.

Under present law, a teacher coming into the District of Columbia system under these circumstances must elect to make such deposits into the District of Columbia Teachers' Retirement Fund within 1 year after receiving her probational appointment or reappointment into the District of Columbia system, or within 2 years after discharge from military service. Further, payment of such funds may not exceed 50 monthly installments, at 3 percent interest compounded annually.

Your committee is advised that there have been many complaints from teachers who have entered the District of Columbia system after having taught elsewhere, concerning the 1-year period within which they must take steps to transfer their previous retirement fund deposits, as well as the limit of 50 monthly installments within which such payments into the District of Columbia fund must be completed.

5. Retirement credit for temporary teaching time

The bill provides that when a temporary teacher achieves probationary appointment, as a requisite to attaining permanent status, the time she spent as a temporary teacher may count toward her eligibility for benefits under the District of Columbia Teachers' Retirement Act.

A temporary teacher in the District of Columbia school system is covered under the Civil Service Retirement Act. However, when a temporary teacher qualifies fully and receives a probationary appointment, in which she must spend 2 years prior to acquiring permanent status, there is no provision in the present law which entitles her to receive credit for her years of service as a temporary teacher for benefits under the District of Columbia Teachers' Retirement Act. Thus, when a temporary teacher in the District system advances herself into probationary and permanent status, and starts making contributions into the District of Columbia Teachers' Retirement Fund, she must spend at least 5 years of service on a probationary and permanent basis before becoming eligible for any benefits whatever under the District of Columbia Teachers' Retirement Act.

It is the opinion of your committee that this situation is not equitable, and that its correction is particularly important at this time when every effort is being made to encourage the temporary teachers, who now constitute some 34 percent of the total teaching personnel in the District, to qualify for probationary and permanent appointment.

Under this provision of H.R. 12505, when a temporary teacher becomes probationary, she will of course be required to redeposit into the District of Columbia Teachers' Retirement Fund the payments she had paid into the Civil Service Retirement Fund during her tenure as a temporary teacher.

6. Annuity of surviving widow or widower of a retired teacher

The present act provides that at the time of his retirement, a teacher may elect to receive a reduced annuity and an annuity payable after his death to a surviving widow or widower.

The bill H.R. 12505 provides that the annuity of such a widow or widower shall begin on the day after the retired teacher dies and shall terminate on the last day of the month before the surviving annuitant dies or remarries before reaching the age of 60 years. It is provided further that if the annuity of such a widow or widower is terminated because of remarriage prior to attaining the age of 60, the annuity may be renewed on the day such remarriage is terminated by death, divorce, or annulment. However, the renewal of the annuity will be permitted only if the surviving widow or widower elects such renewal instead of any other survivor benefit to which he or she may be entitled, by reason of the remarriage, from the District of Columbia Teachers' Retirement system or from the Federal or District of Columbia government. Also, in order to have this annuity renewed, the surviving widow or widower must return to the District of Columbia Teachers' Retirement Fund any lump sum which was paid on the termination of the original annuity.

Under the provisions of present law, the annuity of a surviving widow or widower of a deceased retired teacher starts on the first day of the month following the month in which the retired teacher dies or attains the age of 50 years, whichever occurs later. Also, such an annuity ceases upon the date of the surviving widow's or widower's death or remarriage. There is no provision for renewal of the annuity in the event the remarriage is terminated.

In this same section of H.R. 12505, it is provided that when an unmarried teacher elects to receive a reduced annuity and an annuity payable after his death to a survivor having an insurable interest in the teacher, such survivor's annuity shall begin on the day after the retired teacher's death and shall cease on the last day of the month before the death of the survivor annuitant. At present, no specific starting date is provided for such a survivor's annuity, and the annuity ceases upon the death of the survivor.

7. Annuity of widow or dependent widower of a teacher who dies in service

The bill provides that when a teacher with at least 5 years of creditable service dies in service, entitling his widow or dependent widower to an annuity, such annuity shall start on the day after the teacher's death and shall terminate on the last day of the month before the death of the survivor, or the widower becomes capable of self-support, or the widow or dependent widower remarries before becoming 60 years of age. If the annuity is terminated by reason of the survivor's remarriage prior to reaching 60 years of age, it may be renewed if the remarriage is terminated, under the same conditions as specified above for remarried widows and widowers of deceased retired teachers.

In the present law, such a survivor's annuity starts on the first day of the month following the death of the teacher, and terminates upon the death of the widow or dependent widower, or when the widower becomes capable of self-support.

8. Surviving children's annuities

The bill amends Section 9 of the Teachers' Retirement Act with respect to annuities for surviving children, by establishing new provisions for the starting and termination of such children's annuities to conform to the comparable present provisions of the Civil Service Retirement Act. Also, the term "child" is redefined so as to provide benefits similar to those under the civil service system, by including in the new definition unmarried children between the ages of 18 and 22 years, if they are students as defined.

9. Payment of unrefunded retirement deductions upon teacher's death

The bill amends section 10 of the District of Columbia Teachers' Retirement Act, dealing with the payment, to a designated beneficiary or others, of unrefunded lump-sum credits from a decreased teacher's retirement deductions. The bill provides a new definition of the term "lump-sum credit," sets forth the several conditions under which lump-sum credit is to be payable, and provides a new order of precedence for the recipients of such lump-sum credit, all conforming to the comparable provisions presently included in the Civil Service Retirement Act.

10. Correction of oversight in Public Law 89–494

Public Law 89–314 (79 Stat. 1162), approved November 1, 1965, provided in part that all persons who retired under the Civil Service Retirement Act during the month of December 1965 should receive an additional 6.1 percent in their annuities.

It was intended that Public Law 89–494 (80 Stat. 266), approved July 5, 1966, provide this same "bonus" provision retroactively for District of Columbia teachers who retired during that same month. Accordingly, the extra percentage was specified in the case of teacher annuities effective December 1, 1965, and with a commencing date not later than December 30, 1965. This latter date, of course, should have been December 31, 1965. However, the serious oversight in this language lay in the fact that under existing law the annuities of all District teachers who retired at any time during the month of December 1965 did not commence until January 1, 1966. For this reason, the nine District of Columbia teachers who retired during that particular month have been unable to receive the amount of annuity which was intended for them, and which was granted to all civil service retirees of that period.

The bill seeks to correct this oversight by changing the terminal date referred to above from December 30, 1965, to January 1, 1966. Through this amendment, it is intended that the nine District of Columbia teachers who were adversely affected receive the additional 6.1 percent in their annuities, retroactive to their commencing date of January 1, 1966. This provision of the bill, of course, does not affect any other retirees in any way.

COST ESTIMATE

It is extremely difficult to project the additional cost to the District of Columbia which will result from the earlier retirement ages authorized for teachers under the provisions of this bill. This is true because it is impossible to predict the number of teachers each year who will avail themselves of the opportunity for earlier retirement.

Pursuant to a request by the House District of Columbia Committee, an actuary in the U.S. Treasury Department prepared a report on the possible projected cost of this bill. This actuary's report, in pertinent part, is as follows:

"Based on a sample, the distribution of teachers who are eligible for immediate retirement at ages 55 through 61 is approximately as shown below. (Ages 62 through 70 have been excluded.) An additional column showing the number normally expected to retire at each of these ages under existing law has been added.

" Age	Total number	Eligible under H.R. 12505	Annual retirements expected under existing law
55	93	50	5
56	93	56	5
57	107	64	5
58	78	45	5
59	85	49	8
60	69	[1] 62	9
61	37	[1] 33	5
Total	562	359	42

"[1] It is estimated that about 40 percent of these cases are not yet eligible for retirement under existing law.

"The points at which the incentive for accelerated retirement is greatest are probably ages 55, 60, and 61. If for example, retirements at these ages were to double in the first year, it would mean 19 extra retirements at about $5,000 each or a total extra cost of about $95,000 per year in the first year."

At the hearing before your committee, a U.S. Treasury Department actuary testified that the first year cost of granting a full annuity to teachers retiring early would actually be about $5,000 and that the $95,000 amount referred to in the actuarial report is the projected total liability for this group of teachers. The actuary cautioned that these figures do not take into account the possibility that more teachers may retire earlier.

AMENDMENTS

Your committee amended the bill that passed the House to conform its provisions with the requirements of Reorganization Plan No. 3 of 1967. Under the reorganization plan, the Board of Commissioners of the District of Columbia was abolished, and its functions were transferred to the Commissioner and Council established by the plan.

The committee intends no substantive change in the bill that passed the House as a result of these technical amendments.

CONCLUSION

It is the view of your committee that the enactment of H.R. 12505, which will simply afford for the teachers and other professional employees of the District of Columbia public school system the same retirement benefits which are already in effect, through the Civil Service Retirement Act as presently amended, for nearly all the other employees of the District of Columbia government, is entirely justified. It is our hope that this legislation may serve to alleviate to some degree the serious problems of recruitment and retention of capable, qualified teachers for the public school system of the Nation's capital.

AMENDMENT OF THE WATER POLLUTION CONTROL ACT

The bill (S. 2760) to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution of water by oil was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act (70 Stat. 498), as amended (33 U.S.C. 466 et seq.), is amended—

(a) by redesignating subsection (h) of section 5 as subsection (j); and

(b) by inserting after subsection (g) of section 5 two new subsections to read as follows:

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(i) The Secretary is authorized to make grants to, or enter into contracts with, public or private agencies and organizations and individuals to carry out any project which, in his judgment, will demonstrate feasible and practical techniques of eliminating or controlling acid or other mine water pollution."

SEC. 2. The Federal Water Pollution Control Act, as amended, is amended—

(a) by repealing section 17;

(b) by redesignating sections 7 through 16 and all references in the Act to such sections 8 through 17, respectively; and

(c) by inserting after section 6 a new section to read as follows:

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 7. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State to carry out one or more projects which will demonstrate methods for the elimination or control, within all or part of a watershed or drainage area, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watershed or drainage areas for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential public value for use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. Not more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State."

SEC. 3. Section 17 of the Federal Water Pollution Control Act (as amended by this Act) is amended by striking out "(a)" after "Section 17", and by striking out subsection (b).

SEC. 4. (a) The Federal Water Pollution Control Act, as amended, is amended by redesignating section 19 as section 20 and by inserting after section 18 a new section to read as follows:

"OIL POLLUTION CONTROL

"SEC. 19. (a) For the purposes of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, fuel oil, sludge, oil refuse, and oil mixed with other matter;

"(2) 'owner or operator' means any individual or organization which owns, operates, or charters by demise a vessel or which owns or operates a shore installation;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(4) 'public vessel' means a vessel owned and operated by the United States, or by a State, or, except where such vessel is engaged in commercial activities, by a foreign nation;

"(5) 'shore installation' means any building, structure, contrivance, or device, including, but not limited to, a terminal facility, manufacturing or industrial plant, drilling facility, pipeline, pumping station, pier, wharf, or dock, which is used in the handling or processing of oil and which is located in or adjacent to the navigable waters of the United States;

"(6) 'public shore installation' means a shore installation operated by the United States or by a State;

"(7) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil;

"(8) 'navigable waters of the United States' means all portions of the sea within the territorial jurisdiction of the United States and all inland waters navigable in fact; and

"(9) 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"(b) Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary under this section, it is unlawful to discharge or permit the discharge of oil by any method, means, or manner into or upon the navigable waters of the United States or adjoining shorelines of the United States.

"(c) Any owner or operator of a vessel or a shore installation, other than a public vessel or a public shore installation, or any employee thereof, who willfully violates the provisions of subsection (b) of this section or the regulations issued thereunder, shall, upon conviction, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both, for each offense.

"(d) Any vessel or a shore installation, other than a public vessel or a public shore installation, which discharges oil in violation of subsection (b) of this section or any regulation issued thereunder shall be liable for a penalty of not more than $10,000. Clearance of a vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid or until a bond or other surety satisfactory to the Secretary is posted. The penalty shall constitute a lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"(e) The owner or operator of a vessel or shore installation from which oil is discharged into or upon the navigable waters of the United States or adjoining shorelines shall remove such discharged oil immediately from such waters and shorelines in accordance with regulations prescribed by the Secretary under this section. If such owner or operator fails to so act, the Secretary may remove the oil or arrange for its removal from such waters and shorelines, and such owner or operator and, as appropriate, the vessel and the shore installation shall be liable, notwithstanding any other provision of law, to the United States, in addition to any penalties prescribed in this section, for the full amount of the actual costs incurred by the Secretary under this subsection: *Provided,* That there shall be no such liability where such discharge was due to an act of God. Clearance of a vessel liable for such costs from a port of the United States may be withheld until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"(f) There is hereby authorized to be appropriated to a revolving fund, which is established in the Treasury, such amounts as may be necessary to carry out the provisions of subsection (e) of this section. Any funds received by the United States in payment of any actual costs incurred by the Secretary pursuant to said subsection and any penalties collected for any violation of this section shall also be deposited into said fund for such purpose. All sums appropriated to, or deposited into, said fund shall remain available until expended.

"(g) The Commandant of the Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any vessel found violating the provisions of subsection (b) of this section.

"(h) The Secretary shall issue regulations which (1) will set forth the methods and procedures to be followed in removing oil from the navigable waters of the United States and adjoining shorelines of the United States, (2) will facilitate the enforcement of this section, and (3) will assist in preventing the pollution of the navigable waters of the United States. The Secretary may also issue regulations which authorize the discharge of oil from a vessel or shore installation in quantities, under conditions, and at times and locations, deemed appropriate by the Secretary, after taking into consideration various factors such as the effect of such discharge on the public health or welfare, recreation, fish and wildlife, and navigation.

"(i) The provisions of this section and the regulations issued thereunder shall be enforced by authorized personnel of the Department of the Interior and by authorized personnel of the Department in which the Coast Guard is operating. The Secretary may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this section and the regulations issued thereunder, including the enforcement thereof. The Secretary is also encouraged to enter into agreements or other arrangements with any State in carrying out the provisions of this section, including the enforcement thereof. Such Federal personnel are authorized to swear out process and to arrest and take into custody, with or without process, anyone who violates the provisions of this section or the regulations issued thereunder in their presence or view, and to take such person immediately for examination or trial before a United States commissioner or court of competent jurisdiction. The judges of the United States district courts and the district courts of Guam and the Virgin Islands and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required to enforce this section and the regulations.

"(j) In the case of Guam, actions arising under this section shall be brought in the district court of Guam and in the case of the Virgin Islands, such actions shall be brought in the district court of the Virgin Islands. In the case of American Samoa, such actions shall be brought in the United States district court for the district of Hawaii and such court shall have jurisdiction of such actions.

"(k) The head of any Federal agency responsible (A) for operations at Federal projects or works of improvement, heretofore or hereinafter authorized by Act of Congress, or (B) for regulatory activities, which affect or modify the navigable waters of the United States, shall immediately take, in consultation with the Secretary, appropriate measures to prevent the discharge of oil mixed with other matter in connection with such operations and activities, and shall, in the event of such discharge, take appropriate measures to remove or cause to be removed from such waters such oil mixed with other matter where adverse effects may occur."

(b) Redesignated section 15 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

(c) The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 917), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. GENERAL STATEMENT

The Subcommittee on Air and Water Pollution held 5 days of hearings on specific water pollution legislation this year. The bills considered by the committee include S. 1341, to authorize comprehensive pilot programs in lake pollution prevention and control principally sponsored by Senator Walter F. Mondale, of Minnesota, and Senator Quentin Burdick, of North Dakota; S. 1870 to provide for acid pollution control demonstration projects principally sponsored by Senator Jennings Randolph, of West Virginia; S. 1591 sponsored by Senator Edmund S. Muskie, of Maine; and S. 1604 by Senator Clifford Case, of New Jersey, to amend the Oil Pollution Act of 1924.

The three subjects to which the new bill refers were derived from the above-mentioned bills. The committee found, after determining that oil pollution should be made a part of the Federal Water Pollution Control Act, that all three bills could be combined and reported as an omnibus water pollution bill.

The first amendment to the Water Pollution Control Act authorizes a research and development program for improved techniques of dealing with the unique problems of lake pollution. All lakes go through a natural process of change and decay known as eutrophication. The rate of decay varies with depth, temperature, waterflow, and the intake of nutrients. Increasing use of lakes by man accelerates this process. Recreational demands, agriculture runoff, industrial waste disposal, and urbanization have taken and are taking their toll on the Nation's lakes.

Both Senator Mondale and Senator Burdick testified to the limited Federal effort being made to cope with either natural or manmade lake pollution and the necessity of expanding this Federal effort if future generations are to enjoy the lake resources of the Nation.

S. 1341 as originally introduced provided a specific authorization of $5 million to begin a research and demonstration program on lake pollution and control. After analysis of the available authorization under section 5 of the act, the committee found that sufficient flexibility exists within the funds authorized for fiscal year 1969 to finance both the clean lakes program and the basic mine water research program. In fiscal 1968, the Bureau of the Budget requested slightly over $37 million to carry out programs authorized in section 5 of the act. The authorization for that year was $60 million. The authorization for 1969 is $65 million, a more than adequate amount to finance both existing research, investigation, and training programs now carried out under section 5 and the new programs authorized by the amendments.

The committee included the provisions of S. 1870 as two new parts of the Water Pollution Control Act. S. 1870 provided a dual approach to acid and other mine water pollution including a basic program research into new and improved techniques for dealing with the problem, and areawide demonstration of those techniques which appear to have practical application.

The first part of S. 1870 was handled as a new subsection of section 5, the second as a new section 7 of the Water Pollution Control Act. The act is expanded to accelerate the activities of the Water Pollution Control Administration in developing new techniques under section 5 and to begin to apply the techniques already developed on an areawide basis in cooperation with the States under the new section 7.

The second phase of this program should result in practical demonstration of those scientifically proven techniques of control of mine water pollution. The $15 million authorized for the areawide demonstration program is not considered to be an amount adequate to deal fully with this serious pollution problem. The committee is cognizant of the serious budgetary restrictions, but at the same time it recognizes the need to begin application of those techniques already developed if the research expenditures of the past are to be effectively translated into meaningful methods of control.

Finally, the areawide demonstration approach adheres to the basic concept of the act by continuing the concept that the primary responsibility and construction of water pollution rests with the States and local government. Under the new section 7 the States develop and assist in financing these areawide programs.

The third facet of the legislation, oil pollution, is designed to deal with another specific threat to our water environment. Oil, unlike many other substances which reach the Nation's waterways, does not easily disperse or break down. Known methods for control, dispersal, or removal are inadequate. While the committee did not consider legislation to expand research in this area, it took into account the fact that the President called for a special study of oil pollution problems and expects to receive recommendations from the executive branch on the research needs in this area.

Vessels and shore installations are the primary source of oil spills into and upon the navigable waters of the United States. The principal difference between these two sources relates to the ability of a vessel to leave the area in which a discharge occurs prior to being discovered as the source of the discharge.

The legislation is designed effectively to reach both of these potential sources of oil discharges, to provide a deterrent to such discharges, and to vest the Secretary with adequate authority to clean up the spills in the event the discharger failed to do so.

More importantly, the committee considered it essential that the discharger bear absolute responsibility for the actual costs of removing oil from the navigable waters and the adjoining shorelines except where such discharges were due to an act of God. In this way the owners of a vessel or shore installation will have to develop proper techniques for handling oil and oil mixed with other matter or pay the cost of cleanup.

Federal authority is expanded in the area of oil pollution, but the Secretary is encouraged to enter into agreements with the States at such time as the States develop enforceable water quality standards relative to oil pollution. This emphasizes the importance of State and local action and stresses the importance of avoiding duplication of activities.

Control of oil discharges from shore installation can enhance water quality and should save the Government considerable sums associated with maintaining the Nation's navigable waters. At the present time the Corps of Army Engineers spends over $100 million annually dredging the rivers and harbors of the United States. While a large part of the dredged matter is naturally occurring siltation and runoff, substantial industrial and municipal wastes also accumulate in navigable waters. Industrial wastes discharges are often in the form of oil or oil mixed with other matter and can be controlled under the new provision. Effective enforcement by the Department of the Interior, the Coast Guard, and the Army Corps of Engineers should eliminate this serious water pollution source.

The committee has indicated its concern with the impact of Federal activities on water quality. It has announced planned hearings on the adequacy of present Atomic Energy Commission policies relating to thermal pollution from nuclear powerplants. It will also explore the adequacy of policies in other Federal agencies, including the Corps of Engineers, in meeting the intent of the Water

Pollution Control Act and Executive Order 11288, both with respect to Federal activities and public and private activities supported by Federal grants, contracts, loans, licenses, and similar agreements.

Given such financial resources, effective administration, and vigorous enforcement, the three new programs should move the national water pollution control effort a step further toward the eventual goal of clean water.

II. SUMMARY OF PROVISIONS

The bill as reported includes the following provisions:

(1) Authority for the Secretary of Interior to initiate research and demonstration programs of new or improved methods of preventing, removing, and controlling pollution of the Nation's lakes whether caused by natural or artificial processes.

(2) Authority for the Secretary to make grants or enter into contracts for projects which will demonstrate new or improved techniques which are feasible and practical to eliminate or control acid or other mine water pollution.

(3) Authority for the Secretary to enter into agreement with States to carry out watershed or drainage area demonstration programs for the elimination or control of acid or other mine water pollution resulting from active or abandoned mines. For this purpose the bill would authorize an appropriation not to exceed $15 million.

(4) The bill would repeal the Oil Pollution Control Act of 1924 and amend the Federal Water Pollution Control Act authorizing a comprehensive program for controlling and preventing oil pollution in our Nation's waterways and territorial sea. The bill would consolidate into one statute the pollution authority of the Secretary of the Interior and would incorporate many of the provisions of the Oil Pollution Act of 1924, as amended. The bill would clarify those provisions, particularly the enforcement and cleanup authority, and remove ambiguities in the amended act. It would also expand, in some cases, the authority of the 1924 act.

III. NEED FOR LEGISLATION

Clean lakes

Senator Walter Mondale of Minnesota and Senator Quentin Burdick of North Dakota, sponsors of S. 1341, called to the committee's attention the critical and unique nature of the pollution problem confronting the Nation's lakes.

Lake pollution is a critical national problem. Little has been done to develop meaningful methods for solving this problem while lakes continue to deteriorate and a vital public resource is wasting away.

There are approximately 100,000 lakes in the United States which constitute a major and irreplaceable resource for water supply, recreational uses, propagation of fish and wildlife, and for other economic benefits. According to the U.S. Geological Survey, there are 273 lakes with surface areas of 10 square miles or more each.

Manmade reservoirs add to the natural lake resource and experience the same problems of accelerated eutrophication. Manmade impoundments of 5,000 acre-feet or greater capacity in this country number more than 1,600, with over 15 million acres of surface area.

Considerable attention has been paid to water quality in our rivers, and construction programs for waste treatment facilities which improve the quality of all our waters have been increasingly successful. The particular problem of lake pollution has not had equivalent attention. As Senator Walter Mondale of Minnesota, a sponsor of the legislation, pointed out during hearings on this bill. "There is no program of Federal assistance to the States for the full-scale cleaning of polluted lakes, and without assistance the States cannot handle this problem."

Because lakes are pools of water, with very little flushing action similar to flowing streams, whatever flows into the lake tends to remain or disperse slowly.

Even in the absence of man, lakes would eventually die (eutrophy) through natural runoff, sedimentation, and changes in the biological balance of the lake. The common definition given to this most severe pollution problem associated specifically with lakes is accelerated eutrophication, "the state of a body of water resulting from intentional or unintentional, natural or manmade modifications to the aquatic environment to the extent that the ecological system supports an imbalance in the biological production resulting in a nuisance or interference with a water use."

Eutrophication is characterized by an accumulation of plant nutrients, decreased depth, increased temperature, all leading to an increased fertility and the proliferation of algae. Algae may render water supplies toxic to man and animals and impart offensive tastes and odors to waters. The later stages of the lakes natural life cycle are marked by decreased depth, algal growth, weed growth, swampiness, and the eventual disappearance of the lake as an open body of water.

With respect to accelerated eutrophication, the most important of these pollutants are phosphates and nitrates, which act as plant nutrients. The main sources of these plant nutrients include agricultural runoff of fertilizers, runoff from livestock feedlots, various industrial wastes, detergents, domestic and food wastes, and treatment plant effluent.

Problems of lake eutrophication are further aggravated by siltation from agricultural land and construction. As a lake becomes more shallow, the water tends to become warmer, thus decreasing oxygen solubility and increasing plant growth and deoxygenation of the lower levels of the lake. Consequent prolific growth of algae and rooted plants depletes further the oxygen needed for decomposition of wastes, which accumulate and putrify on the bottom of the lake. This, along with the rooting of algae mats piled up on the shoreline, produces the highly unpleasant odors of hydrogen sulfide.

There have been recorded episodes of algal toxicity in which overproduction of algae in a lake has produced metabolites toxic to a variety of birds, wild and domestic animals. The presence of algae in water has been known to also impart offensive tastes and odors to waters. Although no cases of human toxication from algal poisons have been brought to the attention of the committee, it represents a potential problem which, when considered with the losses to livestock, merits expanded study and concern.

Present knowledge of eutrophication and potential techniques of prevention and reclamation of lakes from eutrophic conditions is too limited to begin a full-scale program of Federal involvement. Federal support for research efforts is essential to determine the parameters of lake eutrophication. We lack adequate technology to deal with the problems of diffuse sources, natural and man influenced, which characterize the principal contributors to eutrophication. We lack adequate technology to clean up already polluted lakes. Only lagooning has been suggested as feasible for control of feedlot wastes, and no remedies exist for agricultural runoff, beyond presently practiced soil conservation methods.

The only techniques of control and restoration applied with any success have been chemical eradication of aquatic plants and this offers only temporary relief. In addition, chemical treatment with substances such as copper sulfate is only temporary, often have serious side effects in destruction of fish life. Dredging appears to have promise but at present it is almost prohibitively expensive on any large scale. Dredging and cleaning a lake cost a minimum of 25 to 50 cents per cubic yard of material removed. Deepening an acre of water by only 1 foot costs between $4,000 and $8,000; to deepen a lake of 10,000 acres surface area by 1 foot would cost between $20 and $40 million. A single community could not bear such an expense, and less expensive means of lake restoration must be found.

Under the bill the Secretary is directed to report to the Congress within 1 year after the date of enactment of this act on the need for and the value of a large-scale program for the demonstration of lake pollution control techniques.

During the hearings, a number of techniques for cleansing eutrophic lakes were discussed, with several showing considerable promise for the immediate concentration of research. These included the use of algal predators, the harvesting of algae and rooted vegetation to remove nutrients from the eutrophic lake, and techniques for destratification of eutrophic waters by diffused air and mechanical pumping. This last apparently has the potential of immediate and relatively inexpensive large-scale application.

Acid and other mine drainage pollution

Acid and alkali pollution discharged into various local watercourses, are carried by the natural flow of stream systems into major river basins, thus creating extensive intrastate and interstate pollution problems.

The specific impact of mine drainage pollution is characterized by what might be termed "stream sterility." The normal stream and river ecology, or balance between living organisms and their environment, is disrupted by the presence of large volumes of acid or alkali mine drainage wastes. These wastes are products of chemical reaction between air and water and the minerals found in and around ore deposits. Coal mine drainage waste is primarily in the form of sulfuric acid and the dissolved salts of such metals as iron and aluminum. When these wastes reach a watercourse the iron salts undergo hydrolysis in the receiving water, producing an ugly yellow or orange brown precipitate (iron hydrate) known as "yellow boy."

In those areas where coal has a low sulfur content the mine drainage wastes are characterized by dissolved salts and alkalinity. Regardless of their character, mine drainage wastes present a serious pollution problem because of the great quantities involved, whether acid, metallic salts, precipitates, or alkalinity. However, acid mine drainage wastes is by far the most serious problem, and is the most critical in waters which are lightly buffered by natural alkalinity.

The magnitude of the problem is staggering. It has been estimated that 4.5 million tons of acid are discharged into the streams of the United States annually, resulting in *major* damage (that is destruction of aquatic life, large increases in treatment costs, loss of water supply, recreational and other uses) to more than 4,300 miles of the Nation's major streams. The extent of acid pollution influence is compounded when less-than-major damage is considered. The many acid seepage areas around mines are barren of plantlife to the extent that as much as 1,000 times as much sediment is washed into streams by erosion than would be the case for natural forest- and grass-covered lands. In addition there are more than 30,000 surface acres of impounded waters and reservoirs which are seriously affected by surface and subsurface mining operations.

Extensive water quality investigations in Appalachia revealed widespread acid mine drainage pollution. In the relatively small Kanawha-New River system in West Virginia, approximately 67 million gallons of acid mine drainage water enter the river system every day. This adds to a total for West Virginia of 360 million gallons a day. A single large coal mine may discharge as much as 10 million gallons of water a day and the over 20.000 abandoned mine openings, and many active mines have the potential of draining into streams, lakes and reservoirs.

Such uncontrolled pollution of water resources has widespread economical and esthetic implications. Acid mine drainage wastes are especially critical as they can result in disaster to fish and other aquatic life in addition to the corrosion of piping and treatment plant facilities. Associated discolorations and precipitates render the streams unappealing and offensive. Fishing and recreational uses of former spots of beauty are curtailed.

The economic cost can amount to many millions of dollars annually, resulting from higher water treatment operating costs and equipment replacement costs. The resultant costs are imposed on both the users of industrial and municipal water supplies.

The most serious problem associated with acid mine drainage pollution is the fact that 60 to 90 percent of acid mine drainage comes from abandoned and inoperative mines. Where State laws and regulations control present and future mining operations, there appears no simple way to achieve control over the thousands of abandoned mines.

Well over 90 percent of this land is in private hands, putting institutional and financial limits on the abilities of State and local government units to deal with the problem. Houston R. Wood, Jr., assistant chief of the West Virginia Division of Water Resources, testified that due to restrictions in the mining area restoration provision of the Appalachian Regional Development Act of 1965 to lands in public ownership, West Virginia could not avail itself of allocated funds. Some arrangement must be devised whereby States can mount far-reaching programs of reclamation and acid drainage control, by the use of easements or other similar techniques. The committee does not recommend the outright purchase of lands just for the purpose of controlling drainage from abandoned mining activities.

Research, development and demonstration should proceed along two primary pathways. The most effective and economic treatment processes should be involved and at-source control technology should be developed and demonstrated. Answers provided by research and development may result in a significant reduction in cost for cleanup of mine drainage pollution and subsequently reduce the cost of damages. The impact of these potential savings is increased by the fact that a major portion of the problem is associated with economically depressed areas.

There are a variety of techniques for sealing and/or flooding mines, preventing air and water exposure of pyritic materials, and preventing the egress of polluted water. Generally, however, the very mechanism by which acid is produced initially keeps these techniques from being entirely satisfactory. Research has produced a number of control proposals, some of which (including advanced grouting techniques) show considerable promise. Some appear ready for limited application in selected situations; others are ready for pilot plant or single-unit scale application.

The possibility of employing more advanced techniques to alleviate the problem has recently been explored. Considerable research is required to develop a clear understanding of the mechanisms involving the related kinetics, the role of bacteria, and the feasibility of treatment techniques such as neutralization, reverse osmosis, electrodialysis, and ion exchange. Preliminary data have shown that many, or all, of these treatment processes will be of value in reducing acid pollution.

New methodology for the control of mine drainage at the source must be developed; existing techniques must be refined and demonstrated, and the costs for large-scale application must be more closely defined. Methods requiring research and development alteration include air sealing, mine flooding, drainage diversion, chemical inhibition of pollutant formation and injection of mine drainage to underground rock formations.

Though much research has been carried out, Federal efforts have been sporadic and poorly coordinated until recently, and current programs of practical scale reclamation are not nearly ambitious enough to meet the problem. State efforts have almost uniformly been directed at surface mining, through control of current mining operations, and very few States have made attempts to reclaim abandoned operations. Thus the majority of the problem lies outside of their present attention.

Federal action, although still disjointed, is attempting with the aid of private industry and some of the States to fill the gaps with approaches to the knottier problems. Testimony strongly suggested that the cooperative State-Federal effort envisioned in the demonstration provisions of this bill would be an important step toward overcoming these gaps.

There are also areas in which our abilities to deal with acid mine drainage are fairly well developed, and where areawide demonstration projects would provide the opportunity to show ways of putting these techniques together into coordinated attacks. In Dr. Abel Wolman's 1966 report to the Research Management Advisory Panel of the House Committee on Science and Astronautics, he observes:

"Substantial sums are being devoted to rather detailed and long-term survey and research projects. In view of the fact that certain empirical practices have already been proved to be efficacious in minimizing acid mine drainage, the public interest may be better served if a greater portion of the Federal funds were employed at this time in an effort to secure immediate benefits" (hearings on the "Adequacy of Technology for Pollution Abatement," p. 492).

Finally, a definitive evaluation of the role acid pollution abatement will play in the total pollution control program must be developed. Only by continuing present research, engaging new and more sophisticated techniques, and by instituting new laboratory and demonstration-level projects can this overall evaluation be realized, and can acid pollution be rendered a "thing of the past."

Oil pollution

The subject of oil pollution is not new to the Subcommittee on Air and Water Pollution. Last year, in the Clean Water Restoration Act, which expanded Federal assistance to States and local governments for water pollution control, the Congress also amended the Oil Pollution Act of 1924 to deal with the problem of cost of removal of an oil spill from navigable waters and adjoining shorelines.

Nearly a billion barrels of oil annually pass along our 90,000 miles of coastline and enter U.S. ports; making it imperative for us to develop adequate procedures to protect the public against accidental or negligent oil spillages.

The oil spillage which occurred on the York River near Yorktown, Va., is a case in point. On March 26, a tanker of foreign registry apparently left a valve open on a sluice pump while unloading crude oil. The result, according to a Department of the Interior report, was an oil slick extending for 10 miles downstream and, as a result of tidal action, for 9½ miles upstream, causing extensive damage to recreational beaches, waterfowl, and potentially endangering shellfish harvesting. Public beaches were described as having "heavy accumulations of oil" from low tide to high tide lines. Meanwhile the ship, which eyewitnesses attested was responsible for the pollution, sailed.

Since last year's congressional action, which fixed the absolute responsibility for the cost of removing oil from the water and adjoining shorelines and extended the coverage of the Oil Pollution Act to all navigable waters of the United States, the United Kingdom has suffered one of the worst oil pollution disasters in its history.

In the *Torrey Canyon* case, that disaster highlighted the need to give increased attention not only to the assurance of recovery of damages but to better methods to prevent those damages from occurring. The latter point obviously includes better practices on the part of the shipowners and operators.

However, the committee understands that the Justice Department considers the present Oil Pollution Act has been difficult to administer. Clarifying that intent, plus such other measures as the voluntary programs initiated by the tanker operators, are important steps toward ultimately eliminating pollution of the seas by oil.

The committee found that of the various threats to our environment from oil pollution, the most serious occurs during transport of oil. This includes movement, loading, unloading, transfer, and cleanup. It includes bulk movement by vessel, river, and lake barge, pipelines, road and rail tank cars, terminals, pump stations, and bulk marketing. Accidents, poor maintenance, carelessness, shortcutting of cleanup operations, the apparatus and the methods used—all contribute to the problem.

Tank cleaning, flushing of oil residue can be serious contributor to oil pollution. Industry witnesses pointed out that it is much safer to clean the ships at sea than in port. A technique known as load on top which enables tankers to retain such oil-water mixtures on board requires discharge of all possible clean tank-washing or ballast water at sea and consolidation of the remaining oil-water mixture in one or two cargo compartments. The mixture generally occupies a small portion of these tanks, which are filled with cargo at the next loading port. The resultant slop oils can then be disposed of in appropriate port facilities.

The committee recommends that the appropriate industries and agencies review existing port and terminal discharge facilities and, where such facilities are either inadequate or nonexistent, appropriate measures be taken to rectify the situation. A voluntary effort by industry in the area would be an excellent indicator of its willingness to assist in prevention of pollution by oil.

The sections of this bill dealing with oil pollution are designed to permit effective Government action against oil polluters: to provide the Secretary of Interior with adequate authority to prevent or abate threatened or actual pollution; to fix responsibility for the cost of removal of oil, and to provide funds to offset the cost of such action as the Secretary may necessarily take.

IV. MAJOR PROVISIONS OF BILL AS REPORTED

Research on clean lakes

This subsection provides for two new programs calculated to step up the development of methods to deal with the serious pollution problems associated with lakes. Since the most serious lake pollution problems involve eutrophication, with its natural and man-accelerated accumulation of nutrients and attendant prolific plant growth, the thrust of this subsection is aimed at developing methods to control and clean up eutrophication.

First, the bill provides for an expanded research effort, intended to supply basic scientific information and advanced techniques of prevention and treatment. It is expected that such research will include the identification of pollution sources and conditions contributing to the deterioration of lakes. There should be basic research leading to better analytical techniques, with criteria for the measurement of eutrophication, and standardization allowing for nationwide comparability of results.

Research also should go forward on the more difficult pollution-control problems such as control of diffuse sources such runoff from forest and farmlands and feedlots. Another important focus of research must be the development of improved methods for cleaning up and reclaiming eutrophic lakes. A badly polluted lake does not have the regenerative power of a stream, and must be restored. Means of removing accumulated plant nutrients and controlling algae and rooted plant growth must be found, and this information made available to the many communities with dying lakes.

Secondly, this new subsection provides for demonstration projects, including large-scale demonstrations of promising new or improved methods of pollution control and cleanup on entire lakes of reasonable size. It is expected that these demonstrations will concentrate on the difficult problems of control of diffuse sources, nutrient removal, and other aspects of the reclamation of eutrophic lakes.

The Federal contribution to such demonstration projects is not specifically defined by a formula in the bill. Where local interests can be expected to derive considerable benefits from improvement of the lake involved in the demonstration project, the committee expects the Secretary will require proportionate local contribution to the costs of the project. These projects, however, will be demonstrations of new and possibly unsuccessful, or inordinately expensive techniques. With such high risk, and certainly with primarily public benefits anticipated, the Federal Government should assume a greater share of the costs of a demonstration project. The bill would permit the Secretary to pay up to 100 percent of the project cost, through contracts or grants.

To assure that this program does not duplicate existing water pollution control programs, the committee directs the Federal Water Pollution Control Administration to satisfy itself, as a condition for Federal grant or contract, that such a demonstration project will include adequate safeguards for maintenance and enhancement of future water quality. The lake must not be polluted by preventable sources after the termination of the demonstration.

It is especially important to seek assurance that municipalities bordering the lake or on its watershed will not pollute the lake with municipal wastes. Before a demonstration project such as this section contemplates is instituted, assurance should be obtained that municipal waste treatment facilities will be designed for maximum nutrient removal, and/or that advanced treatment processes be used, if they do not already have such facilities. The FWPCA should be especially careful that money granted or contracted under this program is not used as a substitute for existing Federal grant programs designed to implement removal of septic tanks and installation of collection sewers. The committee believes that demonstration projects supported by this provision should be located in areas where maximum local effort has been or is being made to prevent such pollution sources as septic tanks.

It is also important to ascertain as a condition for Federal participation that all lands in the lake's watershed (agricultural, forest, and those developed for construction) are managed according to the best principles of soil conservation. Erosion and subsequent siltation, as well as fertilizer runoff, must be curbed as much as possible.

The committee intends that lake pollution control research and demonstration projects authorized by this section be undertaken as quickly as possible. The FWPCA is specifically asked to meet the proven urgent need for such efforts by reviewing existing research programs under section 5 of the act to determine what funds might be applied to small lake pollution research, in addition to allocating such part of appropriated funds as may be needed to initiate research and demonstration projects under this new subsection.

Research on mine drainage pollution control

The committee recognizes that an effective research, development and demonstration program for acid mine drainage control should consist of two related elements: (1) the development and demonstration of various unit processes for controlling sources of acid mine drainage, and (2) the development of areawide demonstration programs to show how various control measures can be applied to improve water quality for a watershed or segment of a stream or river.

The bill provides the Secretary of Interior in subsection 5(h) with the authority to make grants to or contracts with public or private organizations or individuals to carry out projects which will, in the Secretary's judgment, demonstrate new and improved methods of eliminating or controlling acid mine drainage and its attendant water quality problems. These projects may be to assist efforts now going forward, or they may be fresh attempts to solve mine water pollution problems. Grants and contracts under this subsection should be concentrated on the development of new techniques, to be available later for inclusion in areawide projects.

It is intended that only demonstrations of techniques of a new or markedly improved nature, generally meeting in these projects their first practical scale application, should be undertaken. Moreover, subsection 5(h) requires demonstrations by a single-unit application of technology. This restriction serves to insure a maximum number of demonstrations and physical locations and to reduce the complexity of demonstrations for the purpose of easier evaluation of practicality, performance, and feasibility. A single-unit application is a demonstration where a single technique is embodied, or a project which consist of several stages in a single process having a unity of purpose.

Such projects should be located within relatively small geographic areas with priorities being given to communities confronted with water quality problems associated with acid and other mine drainage and most likely to benefit from successful demonstration of new techniques of control. Because these demonstrations are expressly intended to produce new or improved techniques, there will be a greater risk of failure. The burden of expense, therefore, logically rests with the Federal Government, even though local benefits may accrue. This is not to be construed as a restriction on the discretion of the Secretary as to terms or conditions for grants or contracts.

It is expected that in selecting processes and techniques to be demonstrated and areas or communities in which to locate the demonstrations, that the Secretary will consult with recognized experts in the field of acid and other mine drainage control and mining technology.

The committee intends that acid and other mine drainage pollution control research and demonstration projects authorized by this section be undertaken as quickly as possible. The FWPCA is specifically asked to meet the proven urgent need for such efforts by reviewing existing research programs under section 5 to determine what funds might be applied to this research area, and, in addition, allocate such appropriated funds as may be needed to initiate research and demonstration projects under this new subsection.

Area acid and other mine water pollution control demonstration

The bill would add a new *section 7* to the act authorizing the Secretary of the Interior to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of projects for the demonstration of feasible and practical areawide methods of controlling acid pollution resulting from mining activities.

These projects should demonstrate for an entire watershed the kind of abatement techniques, land management, and water management necessary to eliminate pollution from acid and other mine water pollution. In selecting the watershed or drainage area for the project, the bill requires the Secretary to give preference to the areas which have the greatest public values and uses, and to take what measures he deems appropriate to satisfy himself that the selected project area will not be adversely affected by the influx of acid mine pollution from nearby sources. Clearly, the project would not be effective if it could be demonstrated that the acid mine pollution in the project area could be controlled, but such pollution originating outside that area could not be controlled. If there is such pollution coming from within and without the project area, the Secretary should satisfy himself that the project will demonstrate an effective and practical method of control of all such pollution.

In choosing such an area, the Secretary will make studies including an inventory of acid drainage sources within the watershed, downstream water uses, the benefits of pollution control, engineering and economic feasibility of locating the project in that area, and the feasibility of protecting the area from future damage once remedial measures have been employed. In choosing drainage areas, consideration would be given to potential public uses such as water supply, fish and wildlife enhancement, and recreational values, and in areas where land has been lost to agriculture through mining activities, the potential for demonstrating reclamation to agricultural uses.

Another key provision of the bill directs the use of "various abatement techniques" for acid mine water elimination or control rather than limiting the approach to a particular process. In considering the possible solutions to an areawide problem, it may be necessary to use a combination of techniques. The techniques used and the relative importance of each will vary from area to area.

It is expected that with Federal leadership these basinwide projects will attempt to demonstrate solutions to the more difficult problems associated with acid mine drainage. In addition to these projects related to abandoned mines, attention should be given to problems such as drainage from gob and waste piles and pollution from roads built with pyritic materials.

In the Appalachian areas where the acid mine drainage problem is most severe, quality agricultural land is at a premium. Much of this land has been disturbed by surface mining and depositing of slag and gob wastes.

Recreational opportunities in the Appalachian area have been limited by the relatively small number of natural lakes. Recreational developments in these area demonstration projects might well be planned so as to include lakes in the reclamation-control demonstrations, thus enhancing the possibilities of the water-based recreation Americans prize.

The State contribution to the costs of area demonstration projects can be met in cash, or in kind, such as land, goods, or services. It is hoped that wherever possible, a cash share will be offered by the State, but selection of demonstration areas should be based on their potential for significant demonstration, apart from considerations of State and local cash contributions.

Much concern has been expressed over the failure of earlier programs of control of mine acid drainage. These earlier programs, notably the WPA efforts in the 1930's, were Federal projects not followed up by the States. Most of the States involved were not financially able to bear the burden of maintenance over 30 years. Thus, an investment has been wasted, and acid mine water issues from once-sealed mines.

The act directs that Federal participation shall be conditioned on the State providing legal and practical protection to demonstration areas, assuring the prevention of future acid mine water pollution problems from the area. The Secretary, in discontinuing Federal participation in the project and maintenance, should again be assured that the States or a private authority will maintain demonstration projects where there is a lasting public value.

The appropriation of this money "to be available until expended" is especially important. These programs cannot be limited to a specific short-time period. Any time limitation could seriously impair the detailed planning and legal efforts that must precede the actual fieldwork, as well as the proper execution and evaluation of the various processes necessary to do the job.

Oil pollution

Section 3 of the bill relates to oil pollution and, among other things, carries out the intent of S. 1591 by Senator Muskie and S. 1604 by Senator Case. In order to make the oil pollution control program a logical extension of the existing Federal water pollution control effort the entire Oil Pollution Act of 1924 has been repealed and the revised version contained in this bill is written as an amendment to the Water Pollution Control Act.

The new *section 19* of the Water Pollution Control Act includes the following changes in the Oil Pollution Act as amended:

1. Deletes the reference to "grossly negligent or willful" in the definition of the word "discharge."
2. Adds several additional definitions to the section.
3. Extends coverage of the act to shore installations.
4. Requires vessels and shore installation owners to remove discharged oil from navigable waters or pay cleanup costs in all cases, except where the discharge was caused by an act of God.
5. Authorize the Secretary of the Interior to take steps either directly or by contract to remove discharged oil from navigable waters and adjoining shorelines in order to prevent or mitigate the adverse effects of discharges on health, welfare, fish and wildlife, and recreation, whenever the discharger fails to act and to charge such actual costs as may be incurred to the discharger.
6. Authorize appropriations to a revolving fund to enable the Secretary to finance such cleanup measures.
7. Limit criminal penalties to cases where the discharge was due to a willful act.
8. Applies civil penalties to all discharges except emergency imperiling life or property, unavoidable accident, collision, or stranding, the latter two applying only to vessels.
9. Expands the act's coverage to Puerto Rico, the Virgin Islands, Guam, and American Samoa.

It is the intent of these amendments to provide an effective deterrent against oil spills whether those spills emanate from a vessel or from a shore installation. The committee considers both sources equally responsible and interested and therefore has extended the act to reach both.

At the same time the committee felt it essential to refine the concept of absolute responsibility created by last year's Senate amendments to the Oil Production Act. The inclusion of a revolving fund makes possible immediate action by the Secretary to remove any spill from navigable waters and adjoining shorelines. The fund would be financed by appropriations from the General Treasury and would be reimbursed by deposit of all penalties collected and costs recovered. Vigorous enforcement of the provisions of this act combined with the expected precautions taken by shore installation and vessel owners should result in a self-supporting revolving fund.

The problem of oil pollution is not limited to vessels. Oil is also discharged from various shore facilities, such as storage tanks, petroleum industrial plants, and pipelines. As in the case of vessels, some discharges are unavoidable and some are due to negligence or willfulness. It is the committee's intent that the shore installation and their owners or operators be as fully responsible for their actions as vessels and their owners or operators. Many shore installations located in reasonable proximity to navigable waters have the potential of creating just as serious pollution problems as vessels.

By expanding the definition of "oil" the committee intends that the term be construed broadly. For example, it was brought to our attention that in some cases waste materials discharged from shore installations contain various quantities of oil mixed in with the material. This oily material can cause a serious oil pollution problem. It is the intent of the committee that this oily waste material mixture be controlled under this legislation.

The committee believes that criminal prosecution for oil discharges by individuals should be limited to cases where it may be shown that the discharge was willful. Mere negligence by a crewmember, for example, should not be the basis for criminal prosecution. The object of this legislation is to control pollution by oil by making it unprofitable for the owners or operators of a vessel or shore installation to countenance carelessness, and by providing a ready statutory basis for containing and removing the oil when it is discharged. This objective is satisfied thorugh the levying of a civil penalty against the vessel and shore installation—i.e., a civil action for forfeiture—and through the requirement that the owner or operator pay the cleanup costs.

Public vessels and public shore installations are exempted from the civil and criminal penalty provisions of the act. It is not the general practice in programs of this type to apply penalties to Federal or State agencies even though the general purpose of the program is to be followed by such agencies.

The exemption of Federal and State vessels or shore installations from subsection (c) and (d) is not to be construed as a license for Federal and State agencies to discharge oil. They are not exempted from subsection (b) which makes such discharge unlawful nor are they exempted from subsection (e) which requires that any such discharge be removed or the cost of removal be paid. Federal agencies are bound by Executive Order 11288 and it is assumed that the States have placed similar responsibility on their agencies.

The bill would establish by statute that when oil is discharged into the Nation's waters the oil must be removed immediately under procedures to be established by the Department of the Interior. The object of this provision is to make the discharger completely responsible to the United States for cleaning up the discharged oil and preventing or lessening the potential damage to our natural resources such as fish, shellfish, and wildlife, and our shorelines, including recreational beaches from such discharges. The term "removal" means that the owner or operator must take all appropriate measures to prevent or lessen these damages.

The bill would make the owner or operator of the vessel or shore installation liable to the United States for the actual cost of cleanup by the Government regardless of any other limitation on liability in Federal or State law, including statutory law. The only exception to this general obligation would be cases where it is determined that the oil discharge was due to an act of God.

The committee intends that the term "act of God" apply to discharges occurring as a result of direct natural causes exclusive of any human intervention. Also, the accident must be one that could not have been prevented by any amount of foresight and care on the part of the prudent and experienced owner or operator, including his employees.

The potential damage that may result from any discharge, as was seen in the case of the *Torrey Canyon*, makes it plain that the responsibility for the costs of removal must be borne ultimately by the owner or operators who have control of the oil and the immediate ability to prevent its ruinous discharge, and not the general public. This statutory responsibility should help to encourage such owners and operators to improve the practices and procedures for preventing damaging oil spills. The bill does not affect any obligation that the owner or operator may have to parties other than the United States under our system of laws. Nor does the bill create any new obligations to such parties.

The Department of the Interior has advised the committee they are developing regulations relative to the removal of oil pursuant to the 1924 act. This effort should be expedited. The Department should develop and publish regulations which will aid the enforcement of this section and which will help to prevent oil pollution. For example, regulations should be developed to govern the handling of oil on board a vessel or when discharging it to a shore facility to prevent and eliminate the accidental and negligent spills which cause serious pollution problems. The Department should issue these regulations promptly, hopefully within 6 months after enactment, and in preparation of the regulation should draw upon the experience and knowledge of other Federal agencies and private industries.

The bill would also authorize the Secretary of the Interior to issue regulations permitting the discharge of oil, including oily mixtures from vessels and shore installations into navigable waters.

The committee intends that the Secretary of the Interior utilize to the greatest extent possible the services and capabilities of other Federal and State agencies in carrying out his responsibilities under this legislation. It is contemplated that this would be done under cooperative agreements. The committee is particularly interested in seeing that the Department utilize the services of those States which have adopted enforceable water quality standards.

The committee believes that enforcement of the law must be intensified in offshore waters where the likelihood of oil spills is greatest. At present there is no systematic policing of these waters by the Coast Guard, which relies upon happenstance sightings by passing ships and planes to alert it to oil spills.

This gap in enforcement encourages violation of existing law. Even the increased authority to take preventive measures given the Secretary (of the Interior) under this bill could be ineffective so far as offshore oil pollution is concerned unless Coast Guard surveillance practices are substantially improved.

The committee therefore urges that the Secretary take advantage of the additional authority granted him, and that the Coast Guard increase in a systematic way its oil pollution patrols of the Nation's offshore waters.

The committee has been advised that the Federal Water Pollution Control Administration and the Army Corps of Engineers are studying alternative methods for the disposal of all dredged material, including that containing oil, and that following completion of this study guidelines will be issued to carry out the most practical and economic methods of disposal. It is important to note that the provisions of section 19 are written so as to inhibit oil of any kind from entering the navigable waters of the United States. Adequate enforcement of this section should result in an elimination of oil mixed with other matter, and thus in the future the Corps of Engineers will not have to be generally concerned with the particular problem of dredge spoil containing oil.

Subsection 19(k) is designed to deal with this specific problem. Because of the necessity of maintaining the Nation's waterways, both for economic growth and national security, and because oil pollution from dredging involves oil which was previously discharged, the committee believes specific provisions should govern such problems.

In those instances where oil is mixed with other dredged matter it is possible that such oil will be released into the water either during the dredging process or in the process of disposing the dredge spoil. Subsection (k) requires Secretary of the Army to take appropriate measures to prevent any discharge of oil mixed with other matter. Under the provisions of this section he must remove such oil from public waters and the adjoining shoreline if the discharge is unavoidable.

The committee further recognizes that the particular problem of oil pollution emanating from dredging activities is similar to many other Federal agency pollution problems. These activities are covered by section 11 (renumbered section 12 by this act) of the Federal Water Pollution Control Act (cooperation to control pollution from Federal installations) and by Executive Order 11288 which deals with water pollution from Federal activities.

The committee is not satisfied that the Federal Government is doing all it could to provide leadership in meeting water quality standards and enhancing water quality. Therefore, the committee intends to review this leadership role to determine the extent to which the Federal agencies are complying with the Executive order and the extent to which these agencies are moving toward compliance with applicable water quality standards.

These hearings will cover a broad range of Federal activities, including those programs which fall in categories such as Federal contracts, loans, licenses, permits and leases, dredging, thermal pollution, waste disposal from Federal agencies, and stream augmentation by Federal licensees.

COMMENDATION OF JESSE R. NICHOLS

Mr. DIRKSEN. Mr. President, on November 15, I was evidently absent, because that was the day the Senate took note of the fact that Jesse R. Nichols, who has been a staff member of the Committee on Finance, has rendered 30 years of service to that committee and to the country.

He began his service when the late Pat Harrison, of Mississippi, was the distinguished chairman of the committee. He served and has served under four or five chairmen since that time. I can testify to his diligence, devotion, and to his capacity, competence, and public service.

Mr. President, I wish to take particular note of the fact that 30 years of faithful and devoted service certainly deserves to be taken account of in the proceedings of this body. I salute Jesse Nichols for his devotion.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. ANDERSON. Mr. President, I was also absent on the date which the Senator mentioned. I appreciate the comments that the Senator has made and I associate myself with all of his statements.

Mr. DIRKSEN. I thank the Senator.

VIETNAM CASUALTY FIGURES

Mr. KENNEDY of Massachusetts. Mr. President, official United States and South Vietnamese Government statistics released in Saigon yesterday indicated that an estimated 76,000 South Vietnamese civilians had been wounded during the year, and that an additional 24,000 South Vietnamese civilians were killed as a result of the war.

It is important that we have finally begun to face up to the problem of civilian casualties in South Vietnam. Until December of 1966, no effort was made to obtain figures and information on civilian casualties, and then efforts were made reluctantly under pressure from Congress and the press.

Yesterday's statistical information is a major step in realizing the magnitude of the civilian casualty problem in South Vietnam. I believe we all appreciate our Government's candor in facing up to this problem.

Based on hearings of the Senate Judiciary Subcommittee on Refugees held over the past year, I would, however, like to take exception to the official Government estimates in two respects. Last May, I stated that the subcommittee investigation indicated civilian casualties were running at a rate in excess of 100,000 a year.

Our subsequent investigations would indicate a more precise estimate would be 150,000 civilian casualties a year. It would also indicate that the 24,000 civilian deaths estimated in Saigon yesterday are on the low side.

The subcommittee has arrived at the estimate of 150,000 by using official Government figures, and by supplementing the official information by interviews and analysis from about 100 medical personnel who have served in Vietnam for periods of 2 months to 2 years.

According to the official figures, approximately 50,000 South Vietnamese civilian casualties have been admitted to one of the 43 provincial hospitals for periods of 24 hours or more this year. An additional 50,000 people are being treated on the village or hamlet level or as outpatients in the provincial hospitals, according to testimony before the subcommittee by Gen. James Humphreys, who headed the civilian medical programs in Vietnam for 2 years until this past May.

According to the information released in Saigon yesterday, an estimated 50,000 additional civilians receive either minor injuries or are killed outright. The subcommittee investigations show higher estimates in both these categories.

We have had substantially higher estimates of those not receiving treatment, but given the Saigon estimates, together with supplemental information developed by the subcommittee, which apparently did not include figures for the treatment of injuries in some of the village or hamlet health stations or those receiving treatment from private doctors, or those treated in Vietcong hospitals—the number of civilian casualties should be revised upward from 100,000 to at least 150,000.

On the question of the number of civilians killed, the subcommittee's investigations again would indicate that the 24,000 figure is low. Because of the difficulty in getting the wounded to hospitals, many civilian casualties die before treatment can be given. For example, there are virtually no burn cases reaching hospitals exceeding 20-percent bodily injuries, which indicates that the more severely burned die before treatment. Burns up to 60 percent and as high as 80 percent are considered treatable in the United States. And, the number of serious head, chest, and artery wounds treated in hospitals are substantially below what random percentages would indicate.

This is accounted for in part by the remoteness of many of the areas where Vietcong terror takes place, the difficulty in our learning of injuries in remote places, and the lack of any sort of civilian casualty reporting and evacuation system or helicopter support.

One shocking statistic developed by the subcommittee is that the time it takes for an injured South Vietnamese civilian to reach a hospital from the time of injury more often than not is between 24 to 36 hours. Is it any wonder that there are few serious burn cases reaching hospitals, or that serious, head, chest, or artery injuries among civilians often result in death because of failure to obtain the emergency treatment required to save lives? Is it any wonder that the rate of amputations among South Vietnamese civilians receiving hospital treatment is high, far higher than the rate of United States and South Vietnamese military casualties?

It is important to make clear that these civilian casualties are not caused solely by the United States and South Vietnamese military activities. There is conflicting information on the number or percentage caused by deliberate Vietcong action. But there is no question that a large proportion can be laid to deliberate Vietcong terrorizing of the South Vietnamese countryside. The village of Dak Son, in which over 200 South Vietnamese were brutally murdered by the Vietcong, is a recent example.

The point I have been making over the past year is that our efforts to help the wounded and injured civilian should in no way be affected by who caused the injury. Our concern must be for the people of South Vietnam and their physical well-being.

The original decision to expand our role in Vietnam was made in large measure to help the people of South Vietnam defend themselves. We made our decision with the realization that the real battle was for the allegiance of the people and that bombs and bullets could not win them to the cause of democracy.

Yesterday's Saigon statistic represents a step in trying to come to grips with the dimension of the problem we face in dealing with civilian injuries. The immediate job, however, is not merely to understand the problem. There is a necessity to do something about it.

Our medical programs in South Vietnam are currently totally inadequate to meet the needs created by the high casualty toll.

Hundreds of South Vietnamese wounded today die in sheds, corridors, on floors, sometimes even in open countrysides, awaiting surgery that, except in emergency cases, may be delayed a year.

Not one of the provincial or major hospitals servicing the people of South Vietnam meets even the barest minimum of sanitation or other support conditions necessary to carry out simple medical practices.

Even as I speak today, the Public Health Service is preparing to withdraw the last two of its medical teams in Vietnam. What type of medical help can be expected to replace the work formerly handled so well by our Public Health teams?

We know also that there are currently 35,000 amputees awaiting prosthetic devices. Yet only a few hundred are being produced each month, hardly enough to keep up with current needs. Some amputees face 10 years or more delay before getting artificial limbs, and with delay, medical people tell us, many will never be able to adjust to artificial limbs.

No real means has been worked out to meet the problem of getting war-injured patients to hospitals, despite pleas by AID personnel, medical people, and others.

The Department of Defense, on three occasions, has announced the building of hospitals in Danang, Chu Loi, and Can Tho to relieve the civilian casualty pressures in these areas. We were first told that two of the hospitals would be completed in early fall of 1967, then in December of this year, now the projection is for mid or late April. How much time must go by before action is taken?

I do not feel that these present conditions can be justified. Beyond that, I feel that as long as these conditions prevail, we are risking long-range losses in our efforts to gain the allegiance of the South Vietnamese people.

These people know as well as we do how efficiently and swiftly United States and South Vietnamese wounded soldiers are removed from the field to receive the best in medical care immediately. That we do so little for the peasants and the children can only create distrust and cynicism, a cynicism so dangerous and deep that it threatens our efforts to gain support from the South Vietnamese people.

Many devoted AID, United States, and South Vietnamese medical personnel are doing splendid jobs in South Vietnam under the most difficult of conditions, Yet, as William Gaud testified before the Refugee Subcommittee in 1966, we have just scratched the surface in this area.

We must do more than scratch the surface. We must, I believe, change our priority level in Vietnam to give these problems and related efforts in the civilian side of the war in Vietnam far higher priority. Until we do so, we run the grave risk of winning battles but losing the long-range objectives of political stability in South Vietnam. which can only be obtained through and with the support of the South Vietnamese people.

Mr. President, I ask unanimous consent to have printed in the Record a New York Times article entitled "Civilian War Toll for 1967 Estimated," with a dateline of December 11, from Saigon, and also an article published in Time magazine for December 15, 1967, about Dak Son.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 12, 1967]

Civilian War Toll for 1967 Estimated—South Vietnam Total Put at 76,000 Hurt, 24,000 Dead

Saigon, South Vietnam, December 11.—Government hospital statistics indicate that the war's toll of civilians in South Vietnam this year may reach 76,000 wounded and 24,000 killed or dying of wounds.

The deaths from war-related causes will exceed the expected total of more than 19,000 American and South Vietnamese military combat deaths during 1967. American combat losses for the first 11 months were 8,001 killed, while South Vietnamese military fatalities totaled 9,566.

The South Vietnamese Government does not maintain accurate statistics on civilian war casualties. The estimates are based on monthly reports that the Ministry of Health has been compiling since Jan. 1 from hospitals throughout the country.

The system of tabulating civilian casualties collapsed with the overthrow of the Ngo Dinh Diem regime in 1963. The hospital reports compiled this year give public health officials the first up-to-date measure of the war's cost to South Vietnam's 14.5 million civilians.

ESTIMATE MAY BE HIGH

Col. William H. Moncrief Jr., Assistant United States Director for Public Health, said that the estimate of civilian deaths might be too high, but that the projection from hospital admissions was "the only valid rule we have."

Civilians admitted to hospitals for war wounds probably represent half of those wounded, he said. Of the remaining 50 per cent, 30 per cent generally suffer minor wounds and 20 per cent die, he estimated. Hospital medical staffs are unable to save the lives of 10 to 12 per cent of those admitted.

Admissions to 71 provincial and national hospitals for war wounds this year have averaged about 4,000 civilians a month, records show. Of the 39,331 victims admitted in the first 10 months of the year, 13,834 were women or girls over 13 and 7,171 were children under 13.

Records are not kept at many small district dispensaries, Colonel Moncrief said, "because we do not have the funds or personnel."

ALL INCIDENTS INCLUDED

By the best available yardsticks, the statistics indicate that a total of 48,000 civilians will have been admitted to hospitals by the end of 1967 and that deaths will total 4,800.

Colonel Moncrief emphasized that the figures included civilians injured in incidents related to the war, such as a traffic accident involving a military vehicle, but that most patients were victims of shot and shell.

The South Vietnamese Ministry of Health tried last February to determine, by the type of wound, whether civilians were the victims of allied or Vietcong actions. The study was given up because of inadequate resources, Colonel Moncrief said.

A survey of doctors in the field gave this estimate 40 per cent attributed to Vietcong raids, booby traps or mines; 30 per cent to allied artillery and air strikes, and 30 per cent to small-arms fire, mortar rounds and other weapons used in direct engagements.

STATISTICS ON TERRORISM

The Government keeps statistics on the number of civilians—including national policemen—killed and wounded by Vietcong terrorists. As of Dec. 2, the terrorists had killed 3,487 civilians, wounded 6,861 and kidnaped 4,487. These figures do not include some 200 montagnards, the mountain tribesmen of Vietnam, who were killed last week when guerrillas attacked the hamlet of Dakson.

A United States military spokesman said that the allies were doing everything possible to keep civilian casualties as low as possible. Military operations and air and artillery strikes are coordinated with the Vietnamese province and district chiefs, pilots are carefully briefed and warning leaflets are often dropped before allied actions.

"This is not true of the Vietcong," the spokesman said. "They deliberately use terror as a weapon against civilians."

KENNEDY ESTIMATES BACKED

The hospital statistics on the toll of civilians in South Vietnam this year appear to support estimates made last May by Senator Edward M. Kennedy, Democrat of Massachusetts, and the staff of the Senate Subcommittee on Refugees and Escapees, of which he is a member.

After visiting South Vietnam with subcommittee staff members, Senator Kennedy concluded that war casualties were occurring at a rate of about 100,000 a year.

The figure was double the Administration estimate of 50,000 civilian casualties a year. The Administration continued to cite the 50,000 figure until last September, when it received a report from a group of doctors who toured South Vietnam with Government approval.

[From Time, Dec. 15, 1967]

The War: The Massacre of Dak Son

The worst atrocity yet committed in the Viet Nam war began its course last week when a handful of Viet Cong crawled up to the wall-and-wire perimeter of the hamlet of Dak Son, some 75 miles northeast of Saigon. The V.C. called for the hamlet's inhabitants to surrender and come out. When they got no takers, they withdrew, hurling behind them their ultimate epithet: "Sons of Americans!" Earlier in the day, villagers had reported to their 140-man defense force that some Viet Cong were roaming through the surrounding fields. But that was hardly unusual, or cause for any particular alarm. The Viet Cong had steadily harassed Dak Son, and four times this year had mounted an attack and tried to overrun it; each time they had been stopped short of the defense perimeter and thrown back.

The reason for the Communists' intense interest in Dak Son, a hamlet of 2,000 Montagnard people, was that it was the new home and sanctuary of some 800 Montagnard refugees who 14 months ago fled from life under the Viet Cong in the surrounding countryside, where they had been forced to work in virtual slavery as farmers and porters. The Montagnards are the innocents of Viet Nam: primitive, peaceful, sedentary hill tribesmen. The women go bare-breasted and the men, who scratch out a living by farming and hunting with crossbows and knives, wear loincloths. The Viet Cong not only missed the services of those Montagnards who had fled to government protection, but also feared that their lead might be followed by the 20,000 other Montagnards in the province of Phuoc Long, many of whom are still serfs of the V.C. Lest the others should get the idea of seeking government protection, the Communists decided to make an example of the refugees of Dak Son.

Yelling and Screaming. As in most Vietnamese villages, the people of Dak Son were completely unarmed, and most of them were women and children. The Viet Cong began their attack at midnight, pouring machine-gun, mortar and rocket fire into Dak Son as they had in the past. This attack, however, was to be very different from the others. The 600 Viet Cong who assembled outside Dak Son were armed with 60 flamethrowers. Yelling and screaming, they attacked the town, shooting countless streams of liquid fire that lit up the night and terrified by its very sight a people who had only recently discovered the use of matches.

The Viet Cong first broke through the perimeter opposite the refugee quarter and forced the outmanned militia force to retreat across the road into the town proper. There the militiamen were surrounded and isolated—and for the rest of the macabre night pointedly ignored by the marauders. The Viet Cong were not intent on a military victory but on the cold-blooded, monumental massacre of the helpless Montagnards.

To that end, long ugly belches of flame dashed out from every direction, garishly illuminating the refugee hamlet and searing and scorching everything in their path. The shrieking refugees still inside their houses were incinerated, any of those who had had time to get down into dogholes beneath the houses were asphyxiated. Spraying fire about in great whooshing arcs, the Viet Cong set everything afire: trees, fences, gardens, chickens, the careful piles of grain from the annual harvest. Huts that somehow survived the fiery holocaust were leveled with grenades. Then the hoses of fire were sprayed down inside the exposed burrows. Later, the Communists incinerated a patch of the main town just for good measure.

NIGHT OF TERROR

One mile away, at the town of Song Be, Dak Son's intended defenders, a battalion of South Vietnamese soldiers, clenched their fists in helplessness as they watched the flames on the plateau mount higher and higher into the dark sky. Their small force of helicopters had earlier been sent out on another mission and could not be recalled. A march on foot to relieve Dak Son would lead through a wild and deep ravine separating the burning hamlet from Song Be. It meant three miles on a tortuous and twisting trail in the darkness—and an almost certain Viet Cong ambush. Dak Son's only outside help during its long night of terror and death was a single C-47 Dragonship that hovered over the hamlet, spraying the surrounding fields with its miniguns. The grim gunners had no need of flares to spot their targets.

Only when they ran out of fuel for their flamethrowers did the Viet Cong resort to guns. Forcing 160 of the survivors out of their dogholes, they shot 60 of them to death on the spot. Then, finally abandoning the smoking ruins of Dak Son at dawn, they dragged away with them into the jungle another 100 of the survivors.

GHASTLY EMBRACE

In numb horror, the other survivors stumbled out to look for wives, children and friends. They held handkerchiefs and cabbage leaves to their faces to ward off the smell of burnt flesh that hung over everything. One by one the dogholes were emptied, giving up the fire-red, bloated, peeling remains of human beings. Charred children were locked in ghastly embrace, infants welded to their mothers' breasts. The victims were almost all women and children. The dead adults were covered with scorched mats and blankets salvaged from the ashes, the bodies of babies laid in bamboo baskets. One man lost 13 members of his family. All told, 252 of the unarmed Montagnards had been murdered and another 100 kidnaped; 500 were missing, either dead or fled into the hills. Nearly 50 were wounded, 33 with third-degree burns over up to 20% of their bodies. Three U.S. Army doctors treating them in Song Be's dispensary were sickened and appalled by the sight. One remarked that any hospital in the U.S. would be paralyzed by that many burn cases being brought in at once. The doctors did their best.

The Viet Cong's aim was clearly to frighten the rest of the Montagnards from seeking haven in government towns like Dak Son. But in this case, Communist terrorism had clearly overshot its mark. Chanting and weeping as they buried their dead, the Montagnard survivors resolved to stay in Dak Son and rebuild the hamlet. More than 100 men immediately volunteered for irregular-force training and a chance to defend Dak Son should the men with "the guns that shoot fire" ever show up again.

DEPARTMENT OF COMMERCE'S METHOD OF COMPUTING OUR BALANCE OF TRADE

Mr. DIRKSEN. Mr. President, for some considerable time, I have been concerned with the method that our Department of Commerce has employed to compute our balance of trade. Their monthly, quarterly, and annual reports show favorable balances of impressive magnitude. But, they do not show how much we pay for what we buy and how much we are paid for what we sell. If the Department of Commerce reports did show this information, then their reported surpluses might prove to be a mirage. It was in an effort to get this basic data that I introduced a resolution, that was considered by the Finance Committee, which resolution directed the Department of Commerce to show in their reports the landed value of the goods that we buy and the dollar value of our commercial export sales. The committee obtained assurances from the Department of Commerce that this reporting procedure would be followed.

The initial effort by the Department to supply this data came in their September 1967 issue of "Highlights of U.S. Export and Import Trade." I ask unanimous consent, Mr. President, that two tables from page IV of that report be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—TOTAL U.S. DOMESTIC AND FOREIGN MERCHANDISE EXPORTS AND ESTIMATED EXPORTS FINANCED UNDER THE FOREIGN ASSISTANCE ACT AND PUBLIC LAW 480

[In millions of dollars]

Period	Total values published in U.S. export statistics	Foreign Assistance Act		Public Law 480				
		Military grant-aid	AID loans and grants [1]	Total	Sales for foreign currencies	Donations	Barter	Long-term dollar credit sales
1965:								
January–June	13,196	473	564	754	460	127	77	90
July–December	14,282	306	553	756	466	126	110	53
1966:								
January–June	15,019	507	522	818	440	140	118	120
July–December	15,300	434	607	749	394	80	156	119
1967:								
January–March	7,875	187	398	328	182	45	83	18
April–June	8,128	158	296	464	227	142	54	41

[1] Excludes AID's barter transactions which are reported under Public Law 480 by the U.S. Department of Agriculture. In the periods January–June 1965 through April–June 1967, respectively, as shown above, these transactions were valued (in millions of dollars) as follows: 11, 12, 23, 33, 10, 5.

Note.—Figures are provisional, and are not adjusted for seasonal variation. The data above exclude insurance and freight on U.S. exports, whether earned by a U.S. or a foreign firm.

Source: Prepared in the International Trade Analysis Division, Bureau of International Commerce.

TABLE II.—ESTIMATED C.I.F. VALUES COMPARED WITH PUBLISHED VALUES FOR U.S. GENERAL IMPORTS, CALENDAR YEAR 1966 AND JANUARY–SEPTEMBER 1967

[In millions of dollars]

Period	Value as published in U.S. import statistics [1]	Estimated c.i.f. values [2]
Calendar year 1966	25,542.2	27,662.2
January–September 1967	19,616.3	21,244.

[1] Defined as the value required by law for customs purposes, which in most instances is the value of the commodities at the principal markets in the exporting country.

[2] Defined as the cost (to the U.S. importer) of the commodities at the foreign port of exportation, plus insurance and freight to the U.S. port of entry, regardless of whether earned by a U.S. or a foreign firm.

Mr. DIRKSEN. Mr. President, a brief examination of these two tables discloses something that should be of concern to every Member. Using the published calendar year 1966 figures, the only year for which complete figures are shown in the report, it appears that our commercial exports were $26,682 million, the landed value of our imports, $27,662.2 million, leaving us not with a surplus of $3.9 billion as the Department has maintained, but an actual deficit in our balance of trade of $980,200,000 for calendar year 1966.

I have one further observation on these figures, Mr. President. The Department, in an earlier announcement indicated that a factor of 8.9 percent would be used to convert our imports to reflect landed value. The explanatory note on page IV indicates that a factor of 8.3 percent was used for conversion purposes. The Tariff Commission advised the Finance Committee that a 10-percent conversion factor would be required to ascertain landed value. If this 10-percent figure were used the deficit in our balance of trade for calendar year 1966 would be $1.3 billion.

The Department has made a good beginning in revising their reporting system. I would hope, however, that in their press releases and other reports on balance of trade, a complete picture be used.

Mr. President, I have some additional figures here, taken from a most recent Commerce Department bulletin, in which I am sure all Senators will be interested, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

TABLE I.—TOTAL U.S. DOMESTIC AND FOREIGN MERCHANDISE EXPORTS AND ESTIMATED EXPORTS FINANCED UNDER THE FOREIGN ASSISTANCE ACT AND PUBLIC LAW 48

[In millions of dollars]

Period	Total values published in U.S export statistics	Foreign Assistance Act		Public Law 480				
		Military grant-aid	AID loans and grants [1]	Total	Sales for foreign currencies	Donations	Barter	Long-term dollar credit sales
1965:								
January–June	13,196	473	564	754	460	127	77	90
July–December	14,282	306	553	756	466	126	110	53
1966:								
January–June	15,019	507	522	818	440	140	118	120
July–December	15,300	434	607	749	394	80	156	119
1967:								
January–March	7,875	187	398	328	182	45	83	18
April–June	8,128	158	296	464	227	142	54	41

[1] Excludes AID's barter transactions which are reported under Public Law 480 by the U.S. Department of Agriculture. In the periods January–June 1965 through April–June 1967, respectively, as shown above, these transactions were valued (in millions of dollars) as follows: 11, 12, 23, 33, 10, 5.

Note.—Figures are provisional, and are not adjusted for seasonal variation. The data above exclude insurance and freight on U.S. exports, whether earned by a U.S. or a foreign firm.

Source: Prepared in the International Trade Analysis Division, Bureau of International Commerce.

TABLE II.—ESTIMATED C.I.F. VALUES COMPARED WITH PUBLISHED VALUES FOR U.S. GENERAL IMPORTS, CALENDAR YEAR 1966 AND JANUARY–SEPTEMBER 1967

[In millions of dollars]

Period	Value as published in U.S. import statistics [1]	Estimated c.i.f. values [2]
Calendar year 1966	25,542.2	27,662.2
January–September 1967	19,616.3	21,244.5

[1] Defined as the value required by law for customs purposes, which in most instances is the value of the commodities at the principal markets in the exporting country.

[2] Defined as the cost (to the U.S. importer) of the commodities at the foreign port of exportation, plus insurance and freight to the U.S. port of entry, regardless of whether earned by a U.S. or a foreign firm.

DUTY-FREE TREATMENT OF LIMESTONE

The Senate resumed the consideration of H.R. 1141, to permit duty-free treatment of limestone, when imported to be used in the manufacture of cement, pursuant to the Trade Expansion Act of 1962.

Mr. JORDAN of North Carolina. Mr. President, I call up my amendment and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. At the end of the bill add the following new section:

SEC. —. (a) Section 504(a) of the Internal Revenue Code of 1954 (relating to denial of exemption) is amended by inserting after the second sentence thereof the following new sentence: "Paragraph (1) shall not apply to income attributable to property transferred to a trust before January 1, 1951, by the creator of such trust to the extent such income is required to be accumulated pursuant to the mandatory terms of the instrument creating such trust."

(b) Section 68(e) of such Code (relating to limitation on charitable deduction of trusts by reason of accumulated income) is amended by inserting after the second sentence thereof the following new sentence: "Paragraph (1) shall not apply to income attributable to property transferred to a trust before January 1, 1951, by the creator of such trust to the extent such income is required to be accumulated pursuant to the mandatory terms of the instrument creating such trust."

(c) The amendments made by subsections (a) and (b) shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. For purposes of sections 3814 and 162(g)(4) of the Internal Revenue Code of 1939—

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. GORE. Mr. President, I object.

The **PRESIDING OFFICER**. Objection is heard. The clerk will continue to read the amendment.

The assistant legislative clerk resumed and concluded reading the amendment as follows:

provisions having the same effect as such amendments shall be treated as included in such sections effective with respect to taxable years beginning after December 31, 1950.

Mr. LONG of Louisiana. Mr. President, the Senator from North Carolina [Mr. JORDAN] has discussed this matter with me a number of times, and with other Senators, who serve on the Committee on Finance.

This amendment would permit a tax exempt trust to accumulate income without imposition of tax if the income is from property transferred to it before January 1, 1951, by the creator of the trust to the extent the income is required to be accumulated by the terms of the instrument which created the trust.

Present law permits a testamentary trust to accumulate income without a tax being imposed, but only if the income is from the property of a person dying before January 1, 1951, which is transferred under his will to the trust created by that will.

This amendment is similar to S. 2197, a bill offered earlier this year by the distinguished junior Senator from North Carolina. Only technical refinements have been made in the language of the original bill in order to make sure that the proposal took care of the case which was brought to the attention of the Senator from North Carolina without doing any harm to organizations presently coming under the pertinent provisions of the law.

It is my understanding that a bill identical to S. 2197 was introduced this year in the House of Representatives by the chairman of the House Committee on Ways and Means. As a result, I am led to believe that if the Senate were to approve this amendment it would receive favorable consideration by the House. Since I know of no objections to the proposal, I am prepared to accept it as an amendment to H.R. 1141 and I hope that the Senate will concur in my acceptance.

Mr. President, since I know of no objections to the proposal, I am prepared to accept it.

I understand that the Senator from Tennessee [Mr. GORE], who is very much of a watchdog on our committee with regard to measures that might otherwise go unobjected to, finds an objection to the bill, in line with his discussion with the Treasury. However, I would point out that when we passed the law in 1951, to which the proposal before us is an amendment, to see that these tax-exempt organizations could not accumulate an unreasonable amount of income, we recognized that this might do an injustice and be unfair to people who had already left a will and had passed away and were in no position to change their way of doing business to provide a tax-exempt income.

Mr. President, I ask that the pertinent section of the Internal Revenue Code be inserted in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 504. DENIAL OF EXEMPTION.

[Sec. 504(a)]

(a) GENERAL RULE.—In the case of any organization described in section 501(c)(3) to which section 503 is applicable, exemption under section 501 shall be denied for the taxable year if the amounts accumulated out of income during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(1) are unreasonable in amount or duration in order to carry out the charitable, educational, or other purpose or function constituting the basis for exemption under section 501(a) of an organization described in section 501(c)(3); or

(2) are used to a substantial degree for purposes or functions other than those constituting the basis for exemption under section 501(a) of an organization described in section 501(c)(3); or

(3) are invested in such a manner as to jeopardize the carrying out of the charitable, educational, or other purpose or function constituting the basis for exemption under section 501(a) of an organization described in section 501(c)(3).

Paragraph (1) shall not apply to income attributable to property of a decedent dying before January 1, 1951, which is transferred under his will to a trust created by such will. In the case of a trust created by the will of a decedent dying on or after January 1, 1951, if income is required to be accumulated pursuant to the mandatory terms of the will creating the trust, paragraph (1) shall apply only to income accumulated during a taxable year of the trust beginning more than 21 years after the date of death of the last life in being designated in the trust instrument.

Mr. LONG of Louisiana. With regard to a person who created a trust by a will, we provided the tax-exempt status of the trust would not be lost, if it accumulated income. It never occurred to anyone that the tax-exempt status of the trust would be lost if the income were attributable to property transferred to the trust before January 1, 1951, by the creator of the trust where the income is required to be accumulated pursuant to the mandatory terms of the instrument creating the trust.

In this case I understand the trust involved is the Duke endowment trust and this, of course, is important to Duke University. Exempting trusts of the type involved here benefits education, expressly Duke University, as well as other schools, and other worthwhile purposes such as health and religion. I and others who have examined it believe the proposal has merit, and, if it would be the will of the Senate, I would be pleased to have it agreed to.

Mr. ERVIN. Mr. President, I would like to make a very short statement on this matter. On December 11, 1924, James B. Duke executed two documents. James B. Duke was a North Carolinian who had amassed a substantial estate, largely from hydroelectric power generated out of the rivers of North and South Carolina; and he felt constrained to leave his estate for charitable purposes in North Carolina and South Carolina.

One of these instruments, which he executed on December 11, 1924, was a living trust which was created by an indenture. The other was his last will and testament. By his living trust he transferred to the Duke endowment assets worth $40 million. By his will he transferred his residuary estate to the Duke endowment, increasing the principal endowment to $103.9 million.

He wanted to increase the assets which were transferred to the Duke endowment by the living trust from $40 million to $80 million. He recognized that, with the passage of time, the expense of carrying on the objects of his charity would increase. So he wisely put in the provision that 20 percent of the net income on the $40 million of the assets transferred by the living trust should be accumulated until the $40 million had grown to $80 million. This has been done to the extent of approximately $22 million.

At the time the indenture was executed and at the time the will was executed there was no limitation upon the power of a trust to accumulate part of its earnings. Subsequently Congress passed a law which placed a limitation upon the power of a trust to accumulate its earnings. And shortly thereafter, Congress, recognizing that this should not be done with respect to a trust investment created by will, in 1951 changed the law and restored the right of a trust created by will to accumulate profits to make the trust's corpus grow. As a result of this law, we have this very peculiar situation. The part of this endowment which was created by the will is under the 1951 law which allows the accumulation of assets out of earnings. There is some doubt about the status of the trust created by the indenture.

It is all one trust in effect. It is administered by the same trustees.

Certainly, it is ridiculous to have one law apply to the assets which come under the living trust and perhaps another law which applies to the assets which come under the will. All of it comes from the same man, from instruments executed on the same day.

The net proceeds were used for charitable purposes. This was a great dream in which he wanted to restore to the people of this area, which had given him his estate, the benefits of that estate.

So his will and the endowment created by the indenture provided that 32 percent of the profits arising from the assets in the endowment would go to Duke University; 32 percent to hospitals in North Carolina; 5 percent to Davidson College in North Carolina; 5 percent to Furman University in South Carolina; 4 percent to Johnson C. Smith University, which is a fine Negro university in Charlotte, N.C.; 10 percent of the net assets would go to orphanages in those two States, regardless of what denomination supports and maintains the orphans; 2 percent would go to superannuated Methodist ministers; 6 percent to build rural Methodist churches; 4 percent to maintain and operate Methodist churches.

This amendment, which would apply only to trusts which were created prior to 1951, would put the trust created by the indenture; that is, the living trust, exactly on the same plain as a trust created by will, which seems to be the rational thing to do. It seems to me a reasonable amendment.

Mr. GORE. Mr. President, it is an onerous undertaking to object to bills in which colleagues and dear friends of long years are interested. Earlier today the distinguished Senators from North Carolina discussed this bill with me. My staff and I discussed it with technicians in the Treasury Department.

I do not undertake to say what the official position of the Treasury is. I do not know that it has an official position—that is, a position taken by the Secretary of the Treasury and approved by the Bureau of the Budget. But the technical experts in the Treasury with whom this has been discussed have advised that there may be serious questions, if not serious objections, to the provision. They express doubt as to whether the bill does exactly what it is intended to do. In fact the opinion has been expressed that it may work a hardship on other trusts and foundations retroactively in the cases where these trusts have been relying upon the present law.

The basic problem of the accumulation of income by tax-exempt organizations is one of the serious problems of foundations and trust that have been presented to the Congress in a report by the Treasury Department.

I understand that the amendment now before us has been changed somewhat from the earlier amendment when I was able to study.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG of Louisiana. May I say that I am advised that the amendment has been changed to deal with the problem the Senator has in mind. So far as we can determine, as presently drafted no one could be injured by it. The Treasury might loose a tax on the accumulated income, but no one else would be injured by it.

Mr. GORE. Mr. President, this illustrates the inadvisability of considering technical tax amendments during the closing days of the session, by way of amendment on the floor. The proposed amendment is shown to one member of the Committee on Finance, and presented, I know in good faith, as if it applied only to this trust and foundation; but when I discover that it applies to others, it brings about a change in the amendment.

This illustrates, may I say to my distinguished chairman, the advisability of having these matters considered carefully by a committee and by the staff.

The real objection is to the procedure of taking up complicated matters of this sort without committee consideration, here at 20 minutes to 6 in the evening, the last week of the session.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG of Louisiana. I have the highest admiration for the Senator from Tennessee as one who, probably more than any other Member of this body, insists that we not put through something to give someone an unjustified advantage, and that we not rush headlong into action on a matter that has not been carefully considered.

But may I say, the Senator from North Carolina introduced this bill in July, and our staff on the Finance Committee—I am happy to say I think we have a good staff; it is small but very efficient—has had an opportunity to look at the bill.

The big difficulty was that, even though this bill was introduced in July, the committee has not, even to this day—in the middle of December, approaching Christmas—obtained a report, yes or no, from Treasury. Treasury has had a long time to think about this matter, and if Treasury cannot discover something or make up its mind about something, we must proceed without the benefit of their views.

I believe the Senator from Tennessee has complained from time to time that Treasury could not make up its mind as to what it thought about something. But I repeat, this is not just a half-baked idea. I salute the Senator from Tennessee, and express my deep regard for his diligence in seeking assurance that we know what we are doing here.

Mr. GORE. I thank the Senator. I discussed this matter earlier with a member of the committee from across the aisle——

Mr. LONG of Louisiana. May I further assure the Senator that if this measure should pass here today, I shall not move to reconsider, so that, if the Senator wants to look at it overnight, and finds, after talking to some of the Treasury people, that they can show him some objections that do not readily meet the eye, I would have no objection to reconsidering later.

Mr. GORE. I know the Senator from Louisiana is in absolute good faith in what he seeks to do here. Frankly, I have not had an opportunity to study the changes that have been made, I am sure in good faith, to meet the objections that I raise. Earlier today, I discussed the matter with one of our committee members from across the aisle, who is not now present, and he expressed to me the view that he did not understand it enough to give assent.

It may be that if I could study it overnight and if he could study it overnight, it would appear entirely meritorious. But I would not be in a position to permit it to pass tonight, in his absence or in the absence of most of the Members; and if it is pressed, I shall make a point of no quorum. But I certainly would prefer not to do so.

If the Senator will permit it to remain until tomorrow, I will look into it and ask the committee staff to look into it.

Mr. LONG of Louisiana. Mr. President, ordinarily, I would be happy to agree with the Senator from Tennessee on that. Our difficulty is that we are planning to adjourn this week. As far as I am concerned, when we vote on that social security conference report, the chairman of the committee is going to leave. I am running for office next year, and as far as I am concerned, if we have not managed to clear the matter up by that time, I shall be leaving.

I would hope that the Senator would let us vote on this matter this evening, and if he decides by tomorrow that this is something very bad, we will just reconsider and modify it or take it off the bill.

But I do believe that most Senators would probably like to vote for the amendment.

Mr. GORE. Most Senators are not here, Mr. President. Most Senators do not know that the amendment has even been offered.

Mr. LONG of Louisiana. But the record will show that the Senator does not like the bill. He can explain why he does not like it, and, if he would be so kind as to let us vote on it, when the Senate meets tomorrow, if the Senator thinks it is a bad piece of legislation, we can reconsider it and just drop it off or modify it.

Mr. GORE. I am not inclined to think it is a bad piece of legislation; but after an hour's look at it with my staff, we came up with serious objections to it, so serious that it has been altered; but I have not had a chance to study the alterations. I am not prepared to let it be voted upon without a quorum, Mr. President. I do not wish to do that, but—

Mr. LONG of Louisiana. Then, Mr. President, if that is the case, there is one other revenue bill that this matter can be considered in connection with, and I would have to ask that the amendment be withdrawn.

Mr. GORE. I would not object to its being called up again tomorrow.

This deals with a subject, Mr. President, on which the Treasury has been making studies, and on which it has made recommendations which I hope Congress will consider next year. I know of nothing that would be prejudiced by considering this amendment in January. The Internal Revenue Service has conducted an audit in the case involved; it has not reached a decision. In effect, this is injecting Congress into—I am not sure it is a controversy, but into an issue, perhaps one that may be the subject of litigation, between the Internal Revenue Service and the trust.

I would like a chance to study the amendment and I prefer that the bill go over, or that the amendment be withdrawn. I do not wish to be arbitrary, but I am not prepared to have it passed tonight.

Mr. LONG of Louisiana. Mr. President, we have another revenue bill on the calendar. The Senator well knows, as I know, that this late in the session, a measure of this sort can be killed by any Senator who wishes to kill it. All he has to do is suggest the absence of a quorum and talk for awhile. There are some big bills, even this late in the session, which the Senate is anxious to pass, and——

Mr. GORE. Mr. President, this is not any major issue with me. I do not propose to make a do-or-die fight. I think it is a bad procedure, and that I am entitled to know what we are voting on.

There is one condition on which I will agree for the Senate to act now, and that is that I have unanimous consent, if I so request, to reconsider the bill by 2 o'clock tomorrow.

Mr. LONG of Louisiana. I would be happy to agree to that.

Mr. GORE. Mr. President, I ask unanimous consent that I be permitted to obtain reconsideration of the pending amendment before 2 o'clock tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Let us understand: If the bill passes and the Senator so desires, on his request, the bill will be reconsidered. It will be before the Senate, and the amendment will be before the Senate.

Mr. GORE. That is fair enough.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to continue for a temporary period the existing suspension of duty with respect to certain gifts from members of the Armed Forces serving in combat zones."

THE GASBUGGY TEST

Mr. ANDERSON. Mr. President, a joint experiment in my home State—the first of its kind carried out by private industry and Government—has generated a great deal of enthusiasm all over the world. That event, known as Project Gasbuggy, could be the starting point for a new technology using nuclear excavation to recover natural gas deposits embedded in rock formations, particularly in the Rocky Mountain area.

This is not the first time New Mexico has taken the lead in developing a peaceful program for atomic energy. Six years ago to the day of the Gasbuggy test, Carlsbad, N. Mex., was the site for the first Plowshare experiment, known as Project Gnome. Although this pioneer effort was not related to industrial application, valuable scientific data was gathered from the nuclear fracturing of 130,000 tons of salt rock.

There were 500 witnesses to last Sunday's experiment, which produced a 20- to 30-kiloton explosion from 4,200 feet underground. The visible evidence seconds afterwards was a 360-foot "chimney," the area into which the gas flows.

It will be some time before we can measure the direct benefits of this work. The drilling of a reentry well into the "chimney" to gather samples of gas has already begun at the site, 55 miles east of Farmington. From this and other wells, information will be obtained to measure the amount of gas produced and to determine reservoir characteristics.

Many years of study by the Atomic Energy Commission, the Bureau of Mines and the El Paso Natural Gas Co. preceded last week's undertaking. The evaluation task this group now faces is equally ambitious.

Only considerable probing and investigation will bear out our expectations. There are many of us who are optimistic about the future industrial application of this technology. Nuclear excavation could be applied to digging of canals, mountain passes, harbors, and storage areas.

Mr. President, this whole effort has much broader ramifications than those which surfaced from last week's test. The nonproliferation treaty in limiting weapons production places a priority on the peaceful application of the atom. Project Gasbuggy is further acknowledgment that while the United States is in the forefront of this peaceful research our efforts are being applied on an international scale that promises benefits for all mankind, not just one nation or a few. New Mexico, of course, is proud to be associated with this broad aim.

It is with this background in mind that I ask unanimous consent that three articles about last Sunday's Project Gasbuggy be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 11, 1967]

A-Blast Set Off in Earth To Spur Recovery of Gas

(By Gene Smith)

Gasbuggy Site, N.M., December 10.—The world's first commercial thermonuclear blast was successfully detonated here at 12:30 P.M., Mountain Standard Time, in lonely Leandro Canyon just outside the boundary of the Jicarilla Apache Indian Reservation.

The thrice-postponed blast—designated Project Gasbuggy—was the first commercial test in the Plowshare program, which is aimed at peaceful applications of nuclear energy. It marked the initial use of a thermonuclear device under joint sponsorship of industry and government. The basic partners, the El Paso Natural Gas Company and the Atomic Energy Commission, shared in the $4.7-million cost of the underground blast.

The 13-foot-long nuclear device was placed in the Pictured Cliffs geological formation 4,240 feet below ground in the San Juan Basin about 55 miles east of Farmington in northwestern New Mexico.

About 500 invited guests stood watching 5.57 miles north of Ground Zero as the countdown reached its final seconds. About two seconds after "zero" sounded over the public address system, the earth shook violently. This was followed almost immediately by a second rolling shock. The crowd burst into cheers.

Amateur seismographs (small piles of stones about 10 inches high) wavered and some of the stones fell from the top. Paper cups filled with water spilled over. Lines to a special telephone trailer were knocked out by the blast almost six miles to the south. Later the blast was reported to have been felt in Farmington, where windows shook.

Glenn Worth, associate director of the Lawrence Radiation Laboratory, which designed and developed the technical program, said that preliminary readings of seismographic equipment showed the shock waves amounted to 2.6 mentimeters a second at the visitors' site. This means that the ground came up about one-third of an inch and the acceleration of gravity amounted to 0.05 G's—one-twentieth the normal acceleration of gravity.

Robert H. Thalgott, Gasbuggy the A.E.C., issued a statement about 30 minutes after the blast, confirming the successful detonation. He reported there had been "no release of radiation and no reports of damage from ground shock."

MONITORING GOES ON

"Radiation and health safety experts will continue to monitor the experimental area," he said.

Prior to the detonation, pipelines within a five-mile radius of the site were cut apart from the El Paso Natural Gas network. Mr. Thalgott described the nuclear device as having a yield of 26 kilotons, or the equivalent of 26,000 tons of TNT. The explosion was designed to create a cavity, 160 feet in diameter, which would then collapse forming a zone, or chimney, of shattered and broken rock 160 feet in diameter and about 350 feet high—"roughly the size of a one-half-block-square, 35-story building more than 3,500 feet underground."

Mr. Thalgott said initial drilling into the broken rock zone, to collect samples for preliminary analysis, is expected to begin tomorrow. He added that "no substantial information" was expected for several weeks or months.

The principal objective of Project Gasbuggy is to "assess the extent of natural gas reservoir stimulation." This will require several months of analyzing the gas flowing into the well bore from the chimney, seeking the reasons for any increase in potential production and testing to determine radioactivity in the gas.

The detonation—which originally was scheduled for Oct. 14, then postponed to Nov. 16 and again to Dec. 5—was delayed for an hour and a half today because of "technical difficulties."

Before the detonation, Representative Chet Holifield, Democrat of California, told the gathering that there were now more than 1,100 industrial uses for atomic energy. He termed today's event "an auspicious occasion which will be of incalculable profit to the people of the United States." Mr. Holifield is vice chairman of the Joint Congressional Committee on Atomic Energy.

About an hour after the blast, Harry Reynolds, associate director for test at the Lawrence Radiation Laboratory and scientific adviser to the project manager, flew to a press briefing to report that preliminary indications showed that a chimney had been formed in the predicted dimensions within the first few minutes after the blast.

He also reported that seismographic detection equipment at Mina, Nev., and Kenab, Utah, placed the yield of the detonation at "between 20 and 30 kilotons."

Dr. Reynolds added, "From the seat of my pants, I'd say it was 26 kilotons, all right."

[From the New York Times, Dec. 11, 1967]

FORWARD WITH THE GASBUGGY

If the hopes of its sponsors are even partly realized, yesterday's nuclear explosion almost a mile underground in New Mexico will mark a major advance in the application of atomic energy for peaceful purposes. Theoretical considerations suggest that the explosion may have so altered the geological formation involved that large quantities of natural gas will be freed from its rocky abode and made available for use.

If this hypothesis proves correct, estimates indicate that the nation's resources of economically recoverable gas will be more than doubled. And, if nuclear explosions can aid the gas industry, the possibility opens that they will also prove useful for increasing the supply of recoverable oil and for aiding the mining industry generally.

More broadly, Project Gasbuggy pioneers the entire area of utilizing nuclear explosions constructively for human benefit. Until yesterday the peaceful atom has been for all practical purposes the nonexplosive atom, as it has been harnessed in existing nuclear power plants and in the incredibly varied medical and other employments of radioactive substances. But even at the beginning of the nuclear age a quarter-century ago, it was apparent that vast potenialities existed for using nuclear explosions as a sort of superdynamite to help build canals, harbors and the like.

A major technical problem in the way of all such uses, however, is that posed by the resulting radioactivity. This problem may bedevil even the use of gas liberated by yesterday's blast. At a symposium preceding Project Gasbuggy, one participant warned that pollution of the gas by radioactive tritium would require dilution of the fuel by uncontaminated gas. Unless a thoroughly "clear" nuclear explosive is developed, the problem of radioactive pollution of the atmosphere and of the earth moved would attend any use for surface construction tasks.

Nevertheless, the general assumption is that technical obstacles of this nature will be surmounted and that the future will see nuclear power used to move mountains, both literally and figuratively. It is precisely this conviction that explains the strenuous opposition some nonnuclear powers have exhibited in the Geneva disarmament negotiations to any nuclear nonproliferation treaty that might block their access to atomic explosives for nonmilitary purposes.

The ease with which a nuclear explosive can turn from benefactor to annihilator makes it imperative that a workable system be devised for insuring the availability of such explosives for genuinely peaceful use anywhere in the world without a spread of membership in the nuclear club.

[From the Washington Post]

INDUSTRY A-BLAST SET OFF—NATURAL GAS DATA SOUGHT IN NEW MEXICO

(By Jake Booher, Jr.)

FARMINGTON, N. MEX., December 10.—An underground thermonuclear explosion rocked the northern New Mexico hills today and heralded the first joint use by industry and government of such blasts for peaceful applications.

Atomic Energy Commission spokesmen said preliminary indications were that the blast, a part of the Project Gasbuggy natural gas recovery experiment, went as planned.

But they said it may be several weeks or more before it is known whether the objective of increasing natural gas recovery from rock formations with low permeability was achieved.

SHOCK WAVES FROM BLAST

The nuclear device, packing a wallop equal to between 20,000 and 30,000 tons of high explosives, hurled shock waves from ground zero that were felt as far away as Farmington, 55 miles to the west.

Generating its energy in one-millionth of a second and creating temperatures hotter than the center of the sun, the device went off at 2:30 p.m. after a 90-minute delay caused when test directors chose to make minor adjustments.

The shock waves were felt as five sharp jolts by 275 observers and newsmen at a site five miles away, where one scientist said the ground was raised one-third of an inch.

Robert Thalgott, deputy project manager for Gasbuggy, said that as predicted, "no radiation escaped at the surface and there is no indication that there will be."

NO REPORTS OF DAMAGE

Thalgott said there were no reports of property damage as a result of the explosion, which had more power than the atomic bomb dropped on Hiroshima.

Gasbuggy, conducted under the AEC's Plowshare program for peaceful uses of nuclear energy, came exactly six years after the first Plowshare detonation. But unlike Gasbuggy, Project Gnome at Carlsbad, N.M., Dec. 10, 1961, had no industrial participants.

Gasbuggy's detonation was the combination of a four-year, $4.7 million project by three sponsors—the AEC, El Paso Natural Gas Co. and the U.S. Bureau of Mines.

They estimate that if Gasbuggy and subsequent tests prove out the nuclear stimulation concept, the Nation's natural gas reserves may be doubled.

Dr. Barry Reynolds, scientific adviser to the Gasbuggy project manager, said preliminary data indicated a chamber as high as a 35-story building was created more than 3500 feet underground.

AEC spokesmen said drilling is expected to begin Monday into the chamber, about 60 feet in diameter.

In Los Angeles, California, Tech spokesmen said seismographs recorded a disturbance at 2:33 p.m. with a force comparable to recent earthquakes in Colorado, which were between five and six on the Richter scale.

SALUTE TO KENYA

Mr. HARTKE. Mr. President, today the people of Kenya celebrate the fourth anniversary of their national independence. It is appropriate that we take special note of this event.

During my trip to Africa in 1962, it was my great pleasure to visit Kenya and meet with ministers of the government as well as with tribal chiefs. Such personal acquaintance impressed upon me the energy and dedication of these newly independent people in meeting the invigorating and frustrating challenges of economic development, social change, and political amalgamation.

It is my sincere wish that our two nations may enjoy friendly and fruitful relations based upon mutual respect. I know that many Americans share this wish and join with me in saluting the people of Kenya on this special occasion.

RETURN OF SS "HOPE" FROM MEDICAL MISSION TO COLOMBIA

Mr. MURPHY. Mr. President, in an era when dissenters dominate news accounts, it is refreshing to take note of the activities of a group of Americans who are serving their country in a manner in which we can all take pride. I refer to the dedicated physicians, nurses, medical technicians and others aboard the SS *Hope,* the floating medical center which brings the skills and modern medical facilities of the United States to less fortunate peoples in other lands.

The SS *Hope* in a few days will return from a 10-month medical mission to Cartagena, Colombia. The vessel will dock in Philadelphia where it will remain for 2 months to make repairs and take aboard new supplies in preparation for a voyage to Ceylon next spring.

I have been informed that the *Hope's* mission to Colombia was its most successful to date. Dr. William B. Walsh, the founder and president of Project Hope, reports that 24,227 patients were treated aboard ship or in shore clinics during the Colombia stay. Dr. Walsh said 1,642 surgical operations were performed and 162,157 immunizations were administered. In addition, a total of 676 Colombian physicians, dentists, nurses and other medical personnel took part in medical educational exchange programs.

Mr. President, I am pleased that the *Hope's* complement of medical personnel included 17 Californians. In the belief that these doctors, nurses, and medical specialists deserve recognition, I extend my personal congratulations to these Californians and ask that their names be printed in the Record.

From northern California, the *Hope* crew included Miss Dorothy Aeschliman, R.N., of Sacramento; Miss Christiana Aparicio, R.N., of Sutter Creek; Miss Gloria Hammond, of Palo Alto; Earsei Hinoki, of San Francisco; Robert M. Kradjian, M.D., of Long Beach; Edward D. Maggiore, D.D.S., of San Jose; Mary Morrison, R.N., of San Mateo; David J. Noorthoek, M.D., of Oakland; and Miss Priscilla Strong, R.N., of San Francisco.

The *Hope* medical complement included the following southern Californians: Miss Elaine M. Geissler, R.N., of Los Angeles; Miss Gail E. Graham, R.N., of Newport Beach; Miss Frankie Lou Harmon, R.N., of Chula Vista; Mrs. Virginia L. Hoerner, of Santa Monica; Miss Melinda E. Lehrer, of Beverly Hills; Herman Kirchdoerfer, M.D., of Pasadena; Walter C. Rogers, M.D., of Pasadena; and Edward L. Wollman, of Englewood.

LET THE COURTS DEAL WITH STOKELY CARMICHAEL

Mr. MOSS. Mr. President, I speak today, as I did in the Chamber yesterday, to urge that proper legal action be taken against Stokely Carmichael. The American people will not accept the revocation of Mr. Carmichael's passport as adequate legal action by the Department of Justice.

The Department of Justice questions whether there is sufficient evidence to establish that Carmichael has violated any laws now on the statute books. My answer to the Department of Justice is: File charges and let a court of competent jurisdiction render a decision.

This is the proper procedure under our system of jurisprudence. When reasonable grounds exist to believe that a Federal crime has been committed, it is the duty of the Department of Justice to file charges and, I submit that the conduct of Mr. Carmichael consititutes such reasonable grounds.

Stokely Carmichael has called again and again for the overthrow of our Government. He has again and again attempted to incite rebellion and insurrection. I need not detail his conduct here for it is well known to all Americans.

On December 1, I directed a letter to Attorney General Clark suggesting that the conduct of Mr. Carmichael might warrant prosecution under title 18, United States Code, section 2381—Treason; title 18, United States Code, section 2383—Rebellion and Insurrection; and title 18, United States Code, section 2385—Advocating Overthrow of Government. In addition I noted that there may be other provisions of law which he has violated.

On December 8, I received a reply to my letter from Assistant Attorney General Yeagley advising me that the Justice Department is currently investigating Carmichael's activities.

After all these months, after all of Mr. Carmichael's utterances, after all his conduct, I am hard put to understand why the Department is still only investigating his activities.

Mr. President, the American people want action against those who, in the name of honorable dissent, heap abuse upon our country, incite people to crime and violence, and who urge them to overthrow the Government of the United States.

Mr. Carmichael has stated that he has returned to the United States to face up to his responsibility. I urge the Department of Justice to face up to its responsibility and initiate prosecutive action against Mr. Carmichael without further delay.

SUPPORT FOR MEAT INSPECTION LEGISLATION

Mr. MONDALE. Mr. President, I recently received a most unusual and encouraging telegram. It was a petition, signed by scores of men and women attending the annual convention of the Minnesota Farmers Union, expressing support for the adoption of strict legislation overhauling our meat inspection system.

As Senators know, the recent debate on this legislation drew nationwide attention. It is a fact, I believe, that the movement from no bill at all to a very strong one in a short period of time was largely the result of massive public support for such action. This petition is but one example of that support, and I want every individual who signed it, as well as all other persons and groups who urged Congress to assure wholesome meat for the consuming public, to know that their outrage over inadequate meat inspection brought prompt congressional action.

Mr. President, I ask unanimous consent that the entire petition be printed in the Record.

There being no objection, the petition was ordered to be printed in the Record, as follows:

December 6, 1967.

U.S. Senator Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.:

The undersigned men and women attending the annual convention of Minnesota Farmers Union commend you for your persistent efforts to gain approval of a meaningful Federal meat inspection bill and your success in gaining concurrence on a satisfactory version in the conference committee. We hope now that quick final passage of the bill will follow.

John Gorman, Goodhue; Mrs. Deloris Genereux, Thief River Falls; Harry Peterson, Madison; Bernard C. Brandon, Dawson; Mrs. Ann Gulbranson, Fertile; Herbert Meyer, Kasota; Ida Barlau, Mayer; Joan Klaseus, Kasota; Hugh J. Jones, Lime Springs, Iowa; Louis Huper, Wells; Martha Smith, Pennock; John Delaney, Rosemont; Mrs. Wilma Noble, Austin; Willis Swehla, Wells; Clarence Grunke, Wells.

Victor Schulz, Goodhue; Virginia Knudsen, Kandiyohi; Mrs. Violet L. Bedbury, St. Paul; Mrs. Gladys Hasser, Long Prairie; Ida Buckneberg, St. Paul; Russel H. Anderson, Clinton; Mrs. Carl Gloege, St. Paul; John Sundeth, Halstad; Melvin W. Hayes, St. Paul; Alec G. Olson, Willmar; Mrs. Josie Haaland, Hanley Falls; Mrs. Edwin Christianson, St. Paul; Mrs. Evelyn Ackerman, Lakefield; Alice Mann, Windom; Neland Nelson, Osakis.

Palmer Langsev, Blue Earth; Mrs. Selma Kompelien, Porter; Arthur Carow, Perham; Mrs. Jeggy Burg, St. Peter; W. E. Rentschler, Larchwood, Iowa; Louis Borgschatz, Zumbrota; R. E. Sammelson, Red Wing; Lawrence Deml, Owatonna; Gordon R. Sederstrom, Montevideo; Harlow Berg, Sunberg; Burton Schroeder, Minnesota Lake; Robert Wiseth, Goodridge; Anna Jacobs, Foley; James Liesinger, Minneapolis; Leonard Gulden, Montevideo.

Palmer Nokleby, Montevideo; Levain Mitchell, Ruthton; Don Schoenberger, Balaton; Axel Larson, Montevideo; Mrs. Joann Hegge, Sacred Heart; Mrs. Josie Arndtson, Lamberton; Herold Alund, Minneapolis; Mrs. Fred Howie, Northfield; Joan Delaney, Rosemount; Mrs. Stephen Delaney, Rosemount; Angela Thompson, Mankato; Mrs. Harry B. Hamre, Sacred Heart; Betty Stegora, Minneapolis; Arvid Gravdahl, Pequot Lakes; Mrs. Bert Thomson, Baudette.

Mrs. Melvin Hanson, Kerkhoven; Stanley Johnson, Hector; Garfield Arneson, Kerkhoven; Johan A. Lee, Murdock; Helen Holtan, Red Lake Falls; Nels Wangen, Albert Lea; Lillian G. Bergstrom, Cambridge; Harriet Rues, Minneapolis; Floyd Gimse, Kerkhoven; Mabel A. Setchell, St. Paul; Gladys Dayland, Balaton; Bernetta Stepanek, Ruthton; Mrs. Betty Tufte, Hayward; Richard N. Knott, Faribault; Clifford Tobolt, Wheaton.

Carl T. Bergstrom, Cambridge; John C. Petersen, Spicer; Mrs. Louise Magnuson, Austin; Stanley C. Lostegaard, Austin; Gale Haukos, Ortonville; Mrs. Connie Vatthauer, Red Lake Falls; Elmer Koch, Brook Park; Emery A. Harding, Montevideo; L. J. Kosel, Sanborn; Bert Bellig, Sanborn; Harold Larson, Springfield; Mrs. Linda Korstad, Boyd; Mrs. Alice Pasch, Hampton; Robert McCoy, Cannon Falls; Mary R. Feidt, Cannon Falls.

James O. Larson, Dawson; Dale Smith, Farmington; Mrs. Robert Handschin, St. Paul; Ralph Bloomgren, Cambridge; Mrs. Mildred Smith, Farmington; Marvin J. Diersen, New Albin, Iowa; Alfred Patenaude, Lakeville; Mrs. Myrtle Peterson, Paynesville; Mrs. H. Seymour Thompson, Paynesville; Mrs. Marie Pearson, Paynesville; Kenneth Ellingson, Hanley Falls; Mrs.

Doris K. Bloomgren, Cambridge; Dennis Sjodin, Cambridge; Charles W. Schramm, Minneapolis; Mrs. Alice Becklin, Cambridge.

Mrs. Emma Katzung, Ellendale; Ruby S. Johnson, Isanti; Stuart Proehl, Mapleton; Mrs. Teresa Tabaka, Lakeville; Mrs. Franklin Lundquist, Braham; Laurence Kramer, Mankato; Wayne Hebring, Renville; June Mork, Renville; Alfred Rabenhorst, Mapleton; Mrs. Verda Welling, Montevideo; Arnold E. Rapp, Rochester; Mrs. Axel Larson, Montevideo; Arthur Hansen, St. Paul; William H. Schwartz, Sanborn; William Wennerberg, Kerkhoven.

Mrs. Milton O. Hubin, Westbrook; Albert Ruckelshausen, Brewster; M. E. Livingston, Dodge Center; Fred Sperr, Alberta; Melvin Hagelin, Delano; Henry Seys, Mankato; Mrs. Ethel Nystrom, Isanti; Mrs. Elda Hagelin, Delano; Mrs. Fran Carpenter, Minneapolis; Mrs. Lillian Livingston, Dodge Center, Fred Schlattman, Alberta; Virgil Quade, Sauk Centre; Carl Blomgren, Morris; Clarence C. Schlueter, Raymond; Mrs. Frances Quade, Sauk Centre.

Mrs. Albert L. Lietz, Sauk Centre; Dorothy Proehl, Mapleton; Mrs. Richard Weeda, Iona; Mrs. Regine Lietz, Sauk Centre; Mrs. Adella Wuertz, Paynesville; Darwin A. Judes, Sauk Centre; Mrs. Vernon Gilbertson, Woodstock; Robert Schewe, Haymond; Ruthie Paulson, Hollandale; Emil Feucht, Hills; Anton Janes, St. Paul; Mrs. Lee H. Garber, Sebeka; Mrs. Mae Ewing, St. Paul; James Lange, Windom; Kenneth Pietz, Revere.

Mrs. Donna Christianson, Halstad; Urban Ewing, St. Paul; Everett Tufte, Hayward; Mrs. Esther Lang, Mankato; Mrs. Florence Horky, Minneapolis; Edwin Albright, Dent; Kenneth Benson, Blooming Prairie; Clyde Beldo, Sebeka; Art Croft, Owatonna; Marvin Christianson, Halstad; Mrs. Bernice Patenaude, Lakeville; Harvey Goelz, Maple Leaf; Marvin Sunvold, Sacred Heart; Mrs. Violet Gimse, Kerkhoven; Charles Janzen, Robbinsdale.

Adolph Giese, Euclid; Fred W. Groninger, Crookston; Mrs. Roy Rude, Thief River Falls; Mrs. Gladys Bakke, Thief River Falls; Henry Roiger, Springfield; Larry Stensrud, Clarkfield; Peter Robidoux, Brooks; Ferne Simonson, St. Paul; Mrs. Blanche Larson, Climax; Alton Thune, Climax; Oskar E. Reimnitz, Willmar; Peter H. Heppner, Warroad; Mrs. Robert W. Solien, Brooks; Gladys Jewison, Mapleton; Mrs. Ann Stensrud, Clarkfield.

Milton Ebeling, Claremont; Mrs. Hildegard Denn, Mankato; Clara Hipsag, Elk River; Estelle Ryan, St. Paul; Mrs. Anne Gravenish, Austin; Gerald Sullivan, Morton; Mrs. Lena Garberich, Lake Lillian; Mrs. Evelyn Jacobson, Lake Lillian; Rolf A. Standfuss, Renville; Vernon Fousek, Olivia; Bert Denn, Mankato; Hazel Einck, St. Paul; Vivien Otto, St. Paul; Cameron Cleugh, St. Louis Park.

Robert Sommars, Verndale; David H. Mattila, Sebeka; John B. Folkens, Clinton; Gus Weinman, Clinton; George Allingham, Menahga; Dale Gillespie, Chokio; Thortsen Peterson, Parkers Prairie; Robert Swain, St. Paul; Emil Hipsag, Elk River; Francis Jewison, Mapleton; Robert W. Solien, Brooks; Mrs. Delois Robidoux, Brooks; Joseph Larson, Climax; Mrs. Charles Janzen, Robbinsdale; Mrs. Elsie Roiger, Springfield.

Mrs. Mildred Sunvold, Sacred Heart; Bernice Goelz, Maple Lake; Leonard Horky, Minneapolis; Harold M. Lang, Mankato; Mrs. Lois Pietz, Revere; Fred D. Paulsen, Hollandale; Elmer J. Wuertz, Paynesville; Mrs. Evelyn Schlueter, Raymond; Mauritz Nystrom, Isanti; Mrs. Fred Sperra, Alberta; Milton O. Hubin, Westbrook; Marguerite Ruckelshausen, Brewster; Amanda Schwartz, Sanborn; Gina Hansen, St. Paul.

Norma Rapp, Rochester; Orville Welling, Montevideo; Jean Rabenhorst, Mapleton; Arthur Mork, Renville; Mrs. Monica Kramer, Mankato; Franklin Lundquist, Braham; Ralph W. Johnson, Isanti; Mrs. Joanne Sjodin, Cambridge; T. M. Finn, Minneapolis; Mrs. Kenneth Ellingson, Hanley Falls; Henning Pearson, Paynesville; Irma Diersen, New Albin, Iowa; John G. Pasch, Hampton; Mrs. Loretta Larson, Dawson; Robert McCoy, Cannon Falls.

Dean Vatthauer, Red Lake Falls; Ann Haukos, Ortonville; Mrs. Hilda Losetgaard, Austin; Mrs. Richard Knott, Faribault; Gerald E. Ruis, Minneapolis; Mrs. Melvin Hayes, St. Paul; Mrs. Bernice Sundseth, Halstad; Russell H. Anderson, Clinton; Mrs. L. E. Jacobson, St. Paul; John Hasser, Long Prairie; Mrs. Victor Schulz, Goodhue; Eugene P. Knudsen, Kandiyohi; Mrs. Lorraine Grunzke, Wells; Harvey Fendrick, Wells; Mrs. Betty Lou Fendrick, Wells.

Mrs. Gladys Swehla, Wells; Arthur Noble, Austin; Ben F. Smith, Pennock; Richard Klasens, Kasota; Edward Barlau, Mayer; Helmer Gulbranson, Fertile; Mrs. Arvid Gravdahl, Pequot Lakes; Laurence Thompson, Mankato; Stephen Delaney, Rosemount; Mr. Harold Lund, Minneapolis; Ove Arndtson, Lamberton; Selmer Hegge, Sacred Heart; Mrs. Robert Wiseth, Goodridge; Emil Jacobs, Foley; Alan Burg, St. Peter.

Knute Kompelien, Porter; George Mann, Windom; Jewell Haaland, Hanley Falls; Rosella McCoy, Cannon Falls; Dale Haen, Renville; Earl H. Eisenbacher, Hawick; Charles Kuzel, Angus; Mrs. Lena Kummer, Cannon Falls; Mrs. Mildred Fuchs, Lake Lillian; Mrs. Jeanette Weber, Cannon Falls; Leo G. Fox Hastings; Blaise Legatt, Rice; John N. Weber, Sr., Cannon Falls; Dale Pulkrabek, Angus; Erwin Erkel, Le Center.

Edwin Falk, Clarkfield; Mrs. Lois M. Haney, Rochester; Maurice Mickelsen, Elbow Lake; Mrs. Ione Falk, Clarkfield; Dorothy A. Riebel, Le Sueur; Elove Lindell, Isanti; Virgil Lang, Russell; Mrs. Mabel T. Ruesch, Maynard; Lloyd Ruesch, Maynard; Mrs. T. H. Johnson, Fosston, Henry Staska, Kilkenny, Mrs. Ruth Anderson, Clara City; Mrs. Beryl Bose, Lake Wilson; Ellis Anderson, Clara City; Richard Clarke, Elysian.

Albert Zimmerman, Le Center; Clifford Anderson, Granite Falls; Mrs. Syrena Proulx, Forest Lake; Evan R. Bosch, Atwater; Mrs. Vivian Anderson, Granite Falls; Jim Waber, St. Paul; Homer Raguet, Eden Prairie; Carl Rouvel, Isanti; John Borden, Merrifield; Mrs. Rhoda Lindell, Isanti; Robert Riebel, Le Sueur; Mrs. Marion Derner, Farmington; Sander Lee, Ross; Robert Handschin, St. Paul; Donald Nash, Kerkhoven.

Fred Kuhn, St. Paul; Earl Ruehling, Belle Plaine; Robert J. Schmitz, Jordan; Louis R. Eddy, Excelsior; Bernice L. Larson, Minneapolis; Harvey Gunderson, Kensington; Anthony F. Derner, Farmington; Mrs. Fg. F. Londgren, Lynd; Lloyd J. Zentgraf, Fairmount; Harold Kiel, Ghent; Wendell Miller, Cottonwood; Henry R. Vasek, Warren; Steve Thymian, Rothsay; Fritz Johnson, Wheaton; Mrs. Helen Miner, Gaylord.

Mrs. Daisy Clarke, Elysian; Raymond Hager, Madison Lake; John M. Emerson, Emmons; David L. Langsdorf, Cannon Falls; Selmer G. Haugen, Montevideo; W. H. Denning, Atwater; D. E. Miller, Montevideo; Mrs. Inga Carlson, Halstad; Kenneth Carlson, Halstad; Christina Klenken, Minneapolis; Mrs. Madalyn Gustafson, Madison; Mrs. Roy Kispert, Nerstrand; Mrs. Floyd Nelson, Kenyon; Mrs. Norman R. Undahl, Minneapolis; Don E. Anderson, Walnut Grove.

Thomas G. Mitchell, Hugo; Wallace Herr, Atwater; Mrs. Neva Hamann, Minnesota Lake; Lloyd Parrish, Faribalt; Mrs. Ruth Emerson, Emmons; Wilton Gustafson, Madison; Mrs. Maynard Kemen, Madison; W. M. Johnson, St. Paul; Herbert Schulz, Spring Valley; Osca Wallin, Cambridge; Robert Felt, Kerkhoven; Roy A. Splinter, Stillwater; Mae M. Edmonds, Minneapolis; Randolph Windingstad, Dawson; Ed Fox, Franklin.

Reinhard Albrecht, Spring Valley; Frank Klenken, Windom; Mrs. Marion A. Grasdalen, Albert Lea; William F. Fitting, Minneapolis; Carl Hokanson, Dodge Center; Ernest Hokanson, Dodge Center; Mrs. Lida Saxton, Dodge Center; Leonard Pikal, Brownton; Mrs. Louise Ebbers, Bird Island; Al Kruse, Bird Island; Ed Ebbers, Bird Island; Mrs. Al Kruse, Bird Island; Raymond W. Becklow, Cambridge; Mrs. Pearl Waber, St. Paul; Laureen Borden, Merrifield.

Mrs. Helen Rouvel, Isanti; Loi Raguet, Eden Prairie; Louis Proulx, Forest Lake; Kenneth Bose, Lake Wilson; T. H. Johnson, Fosston; Avert R. Haney, Rochester; Mrs. Bessie Fox, Hastings; L. E. Jacobson, St. Paul; Mrs. Bernice Sundseth, Halstad; Mrs. E. Hokanson, Dodge Center; Raymond A. Grasdalen, Albert Lea; Mrs. Robert Felt, Kerkhoven; Inga Windingstad, Dawson; Maynard Kemen, Madison Lake; Mrs. Ellouise Parrish, Faribault.

Burnell A. Hamann, Minnesota Lake; Mrs. Viola Herr, Atwater; Norence A. Undahl, Baudette; Mrs. Lenore Mitchell, Hugo; Roy Kispert, Nerstrand; Floyd Nelson, Kenyon; Mrs. Josephine Denning, Atwater; Mrs. Elsie Langsdorg, Cannon Falls; Marie Hager, Madison Lake; Gilbert K. Miner, Gaylord; Mrs. Wendell Miller, Cottonwood; W. F. Thymian, Rothsay; Mrs. Harold Kiel, Ghent; G. F. Londgren, Lynd; Verna Ruehling, Belle Plaine.

Hazel Kuhn, St. Paul; Mrs. Francis Lee, Ross; Mrs. Emily A. Hakel, St. Paul; Hilman Korstad, Boyd; Levern Larson, Kasson; A. L. Kummer, Cannon Falls; Lenard H. Schuft, Hutchinson; G. A. Anderson, Morris; Harold Katzung, Ellendale; Mrs. Luella Arend, Waverly; Paul P. Petersen, Red Lake Falls; J. W. Brainard, Detroit Lakes; Mrs. Louella Kerrigan, St. Paul; Margaret Lee, Ellendale; Alphonse Deschene, Argyle.

Dorothy Tovsley, St. Paul; David Thoe, Hayfield; Bottolf Lee, Ellendale; Mrs. Virginia Stegora, Little Falls; Arthur S. Krueger, St. Paul; Richard Justin, Alexandria; Lyle Canton, Kenyon; George Sahlberg, Hitterdal; Dewey Roush, Shafer; John O. Boer, Crookston; Kenneth De Baer, Raymond; Leif Fostervold, Atwater; Weldon Beese, Owatonna; Ambrose McShane, Owatonna; Florence Truwe, Mayer.

F. Koenig, Steward; Lloyd H. Dedon, Taylor Falls; Ervin L. Nelson, Pine City; Howe Anderson, Hancock; Leslie Vokes, Park Rapids; Mrs. Alvin Olson, Lake Park; Mrs. Clara Falk, Mountain Lake; Richard L. Anderson, Donnelly;

Mrs. Almira Westphal, Bethel; Alice Jaloszynski, Cambridge; Mrs. Elmer Boden, Isanti; Margaret Cole, Bethel; Samuel Genereux, Brooks; Merle A. Peterson, Mabel; George F. Klose, Jr., Atwater.

Dean R. Paulson, Morris; Mrs. Jeanette Gorman, Goodhue; Mrs. Vera C. Hanson, Dennison; Mrs. Nick Almen, Dennison; Haryry Hamre, Sacred Heart; Gerald J. Stegora, Minneapolis; Fred Howie, Northfield; Agnes J. Gregory, Belle Plaine; Margaret Ann Hunter, Belle Plaine; Laura Oeffling, Loretto; Jordyce Schnell, Hamel; Joe Mounts, Ottertail; Mrs. Marie Werner, Austin; F. J. Gravenish, Austin; Norbert J. Lanners, Minneota.

Mrs. Alvin Wilson, Rose Creek; Glen Van Winkle, Balaton; Ray Werner, Austin; Roy A. Smith, Austin; Catherine Jenkins, Austin; Stephen Kleven, Canby; Mrs. Verna Kadusce, Mapleton; Ike Schwartz, Mapleton; Oliver D. Rondell, Owatonna; James K. Nash, Owatonna; Cameron E. Strand, Chisago City; Harold Benson, Mabel; Adrian Austin, Mabel; Mrs. Eunice Lyngaas, Doran; William Toukey, Avoca.

Mrs. Jorgen Fog, St. Paul; Gordon Erickson, Marshall; Mrs. Adelinde Kulzer, Sauk Centre; Fred Wyffels, Marshall; Ervin Kaduce, Mapleton; Kenneth Jones, Hawick; Jorgen Fog, St. Paul; Thomas W. Henderson, St. Paul; Joe Feidt, Cannon Falls; Russel T. Satter, Revere; Leo Lorentzon, Deer Park; Merle Anderson, Climax; Frances Jones, Hawick; Mrs. Lilly Anderson, Worthington.

Clarence Anderson, Worthington; Roy Fletcher, Vergas; David E. Monson, St. Paul; Leland Affeldt, Jr., Fosston; Don E. Noetzelman, Alexandria; Mrs. Katherine Sunderland, Montevideo; Hjalmer Jenson, Maynard; Sam Everson, Twin Valley; Ben Daugherty, Kenyon; Daniel R. Miller, Pine Island; Mary Schraman, Minneapolis; Mrs. Sam Berglund, Roseau; Norma Hanson, Goodridge; Mrs. Eueggene Battles, Warroad; Mrs. Merle Peterson, Mabel.

Kenneth Jones, Moorhead; S. J. Monson, Scandia; Denny Dunham, Lakeville; Claudette King, Lakeville; Walter W. King, Jr., Lakeville; Arthur Smith, Fertile; Mrs. Roy A. Splinter, Stillwater; Mrs. Olive Lunke, Plummer; Mrs. Arthur Smith, Fertile; Oscar Johnson, Lafayette; Leland Johnson, Lafayette; De Wayne Shaske, Faribault; Edwin Wegenast, Winnebago; Tom Vickerman, Alexandria; Jake Jordan, St. Paul.

Neal J. Murphy, Blue Earth; Lyle N. Lanes, Montevideo; Arvid Nystrom, Worthington; Clifford W. Mattson, Gully; Bernard Eckert, Hastings; Albin Johnson, Worthington; Leon Lyngaas, Doran; Mrs. Agnes S. Nash, Owatonna; Margaret L. Randall, Owatonna; Mrs. Ida Schwartz, Mapleton; Alvin Wilson, Rose Creek; Mark M. Schnell, Hamel; Matt Oeffling, Loretto; Joseph J. Gregory, Belle Plaine; Bessie Klose, Atwater.

Forrest Westhphal, Bethel; Alvin A. Olson, Lake Park; Raymond Truwe, Mayer; Joe Stegora, Little Falls; Ralph Arends, Waverly; Mrs. Wava Larson, Kasson; Elizabeth Jordan, St. Paul; Mrs. Anna Johnson, Lafayette; Mrs. Denny Dunham, Lakeville; Sam Berglund, Roseau; Mrs. Sam Everson, Twin Valley; Dale Sunderland, Montevideo; Roman C. Kutzer, Sauk Centre; Dennis M. Nachreiner, Springfield; Carl Damlow, Hutchinson.

Elmer C. Wendorff, Hutchinson; Tim Coyne, Svea; Margaret Johnson, Svea; Lowell Johnson, Svea; Edgar Olson, Fosston; Glenn A. Long, Newport; E. H. Kruft, Park Rapids; Frank O. Christianson, Blomkest; Ellsworth Smogard, Madison; Mrs. Dennis Nachreiner, Springfield; Mrs. Sylvia Smogard, Madison; Arthur Norris, Harwick; L. B. Huss, Perham; Kunibert Muench, Bird Island; Mrs. Caroline Cornell, Olivia.

Mrs. Ervin Strey, Olivia; Floyd E. Waldo, Winona; Georgine M. Nelson, Kerkhoven; Ardell E. Nelson, Kerkhoven; Mrs. Earline Swenson, Kerkhoven; Leonard Swenson, Kerkhoven; Mrs. Elverd Torkelson, Murdock; Dayton Jacobson, Perham; Elverd Torkelson, Murdock; Clarence M. Carlson, Murdock; Arne Kivioja, Hector; Carl Hanson, Milan; Miles A. Nelson, Cook; Ervin R. Strey, Olivia; Richard Samuelson, Cannon Falls.

Erwin Klassen, Regal; Roman Rezac, Webster; Cecil E. Hall, Litchfield; Jeraldine Samuelson, Cannon Falls; De Witt W. Albright, Litchfield; Mrs. Mary Eichten, Lindstrom; Pauline Eichten, St. Paul; Mrs. Harry Jensen, Albert Lea; Mrs. Ione C. Anderson, Cambridge; John P. Anderson, Cambridge; Veldin Osterbauer, Kerkhoven; Walter Lottman, Kerkhoven; Priscilla Gabrelcik, Montrose; Wilhelm C. Walther, Callaway; Melvin G. Paulson, South St. Paul.

Erick Bergman, Clearbrook; Mrs. Helen Austin, Mabel; Joseph L. Stepanek, Ruthton; Henry Krabbenhoft, Pipestone; Mrs. Herb Botz, Sauk Centre; Alvin Fore, Oklee; Albert Herberg, Ruthton; Arden Kremin, Cottonwood; Mrs. Floyd Waldo, Winona; Mrs. Hilda de Groot, Renville; Raymond F. Thomas, Henning; Newell C. Anderson, Moose Lake; James Sanford, St. Paul; Maurice Melbo, St. Paul.

Delores Frantz, St. Paul; Edwin Kroshus, Spring Grove; Harold Omodt, Spring Grove; George H. Gabrielson, Luverne; Mrs. Tracy Fransen, Worthington; Mrs. Irma J. Wangen, Albert Lea; Truman Omodt, Spring Grove; A. H. Onstad, Spring Grove; Gladys Kroshus, Spring Grove; Robert T. Rickert, Okabena; Roger C. Splinter, Pasadena, Tex.; Margaret Ann Splinter, Pasadena, Tex.; Wallen Jacobson, Gibbon; Elmer Splinter, Stillwater; Mrs. Martha Jacobson, Gibbon.

Mrs. Janice Pehl, Breckenridge; Wilton Nelson, Kerkhoven; Mrs. James C. Sanford, St. Paul; Mrs. Marvel Nelson, St. Paul; Milton J. Mattson, St. Paul; Helena Murray, St. Paul; Virginia Knutson, Richfield; Ernest Schmidt, Albert Lea; Marcel Nelson, St. Paul; E. J. Narverud, Albert Lea; Robert Borge, Hartland; Harry A. Jensen, Albert Lea; Mrs. Hilding T. Alson, Baudette; Herbert Hareldson, Chatfield; Sylvester A. Sanow, Minneota.

Mrs. Phydelis Hamann, Luverne; Alvin Bock, Spring Valley; Roy E. Wiseth, Goodridge; Mrs. Fred Troye, St. Paul; Mrs. Velma Eischens, St. Leo; Shirley Anderson, Donnelly; James F. Abesy, St. Paul; F. D. Daniel, West St. Paul; A. T. Schaffer, Rosemount; Nancy Schaffer, Rosemount; Richard Fox, Rosemount; Thomas W. Schaffer, Rosemount; Olaf Haugo, Wadena; Theo A. Boyer, Mentor; Helmer Hogenson, McGrath.

Walter C. Kubista, West Concord; Mrs. Marie Kubista, West Concord; Donald A. Tentis, Kellogg; Francis Lillie, Theilman; Mrs. Edna Bollman, Tyler; Fred Bollman, Tyler; Mrs. Donna Wallen, Cambridge; Percy Drake, Tyler; Ethel Krukemeyer, St. Paul; Charles H. Martin, Minneapolis; Clayton Blomseth, Twin Valley; Elvin Blomseth, Twin Valley; John Dikken, Sacred Heart; Norman Swenberg, Red Wing; Mrs. Grace Finn, Minneapolis.

Mrs. Sophie Martinz, Minneapolis; Mrs. Ted Latour, Sr., Maple Lake; Earl Stabenow, Lake Elmo; Alvin C. Stabenow, Lake Elmo; Clarence Saxton, Dodge Center; Mrs. Ardith Schewe, Hayward; Mrs. Jackie Haen, Renville; Ben Sullivan, Morton; Frederick Hempftling, Red Wing; Wallace Weberg, Welch; Robert Transtrom, Roseau; Mrs. Madeline Hart, Elgin; Darryl Propp, Clinton; Albert Schuster, Chokio; Howard E. Hartung, Newport.

Gordon Tholen, Marshall; Betty Scholljegerdes, Waseca; Paul Bindert, Welcome; Mrs. Ruby Jones, Lime Springs, Iowa; Donald Hart, Elgin; Otto Drewes, Morris; Donovan C. Folsom, New Brighton; William M. Hanson, Staples; Margaret E. Geoebel, Newport; Mrs. Lillian Sanow, Minnesota; Mrs. Frank H. Livingston, Mound; Robert Stegmaier, Farmington; Hubert Hanson, Echo; Mrs. Mae Watson, Palisade; James Jones, Moorhead.

Mrs. Elmer Runke, Hutchinson; Herb Botz, Sauk Centre; Mrs. Hy Bollmann, Watertown; James R. Smith, Redwood Falls; Otto K. Olson, Bagley; Roy A. Watson, Palisades; Merlin Anderson, Raymond; Julia E. Stegmaier, Farmington; Mrs. Edward F. Schmidt, Pierz; Janet G. Folsom, New Brighton; William L. Graven, Dawson; Mrs. Newell C. Anderson, Moose Lake; H. O. Windingstad, Sr., Dawson; M. O. Miller, New Richland; Mrs. Doris Graven, Dawson.

Ronald Nelson, St. Paul; Mrs. Garfield Arneson, Kerkhoven; Mrs. Harold Windingstad, Jr., Dawson; Mary J. Nelson, St. Paul; Verdie Heieren, Montevideo; Norman J. Viken, Boyd; M. H. Gilomen, Perham; Edwin A. Lenius, Frazee; Mrs. Donald Reese, Ellendale; Harold Windingstad, Jr., Dawson; Mrs. John Fobbe, Maple Lake; Mrs. Joe Rishavy, Owatonna; Mrs. Fred Bruggemann, St. Paul; Mrs. Warren Hagel, St. Paul; Carole Lynn Hagel, St. Paul.

Mrs. Loretta Holmquist, Waseca; Frank Pfeffer, Bertha; George H. Rustad, Kerkhoven; Monroe Sletta, Osakis; Gillman W. Gilbertson, Willmar; Donald Holy, East Grand Forks; Donald Tank, St. Paul Park; Elmer Bergvall, Browerville; Fremont Breberg, Dawson; Addie Fore, Oklee; Le Roy Larson, Svea; Beatrice L. Standfuss, Renville; Mrs. Stanley Campbell, Utica; Donald Olson, Vining; Mrs. Henry Mavencamp, Maple Lake.

James F. Pribyl, Maple Lake; Herbert Nelson, Kerkhoven; Mrs. Luella Jacobson, Hitterdal; Katherine H. Roe, Minneapolis; Lovina Borghorst, St. Paul; Mrs. Violet Baumann, St. Paul; Mrs. Jean Cleugh, St. Louis Park; Joseph Peach, Medford; Mrs. Eileen Tank, St. Paul Park; Howard Nelson, Glenwood; Harold S. Nelson, Glenwood; Margaret Papenfuss, St. Paul; Grace Genereux, Minneapolis; Bernard Pehl, Breckinridge; Mrs. Irene Splinter, Stillwater.

Mrs. Robert Rickert, Okabena; Gerrit Fransen, Worthington; Arna Gabrielson, Luverne; Lewis De Groot, Renville; Art Gabrelcia, Montrose; Laura Lottman, Kerkhoven; Monica Osterbauer, Kerkhoven; Everett Eichten, Lindstrom; Mrs. Cecil Hall, Lichtfield; Mrs. Roman Rezac, Webster; Gwen Coyne, Svea; Willard Scholljegerdes, Waseca; Mrs. Nina Schuster, Chokio; Mrs. Gladys Hempftling, Red Wing; Mrs. Hazel Weberg, Welch.

Mrs. Florence Stabenow, Lake Elmo; Grace Swenberg, Swengergred Wing;

Frank Krukemeyer, St. Paul; Mrs. Pearl Drake, Tyler; Marvin Wallen, Cambridge; Olaf Haugo, Waubun; Mrs. Frances Schaffer, Rosemount; Nancy Jane Daniel, St. Paul; Mary V. Daniel, West St. Paul; Mervin E. Eischens, St. Leo; Ida T. Wiseth, Goodridge; Melvin C. Hamann, Luverne; Mrs. Robert Borge, Hartland; Herman Knutson, Minneapolis; Frank J. Murray, St. Paul.

Ed F. Schmidt, Morrison; Henry Bollmann, Watertown; Elmer F. Runke, Hutchinson; Mrs. Hubert Hanson, Echo; Frank Livingston, Mound; Ole K. Jones, Lime Springs, Iowa; John Fobbe, Maple Lake; Donald Reese, Ellendale; Delano Fore, Oklee; Mrs. Ruth Breberg, Dawson; Henry P. Mavencamp, Jr., Maple Lake; Stanley Campbell, Utica; Kathy Bongiovanni, St. Paul; Milton D. Hakel, St. Paul; Archie W. Baumann, St. Paul.

AWARDS TO INTERIOR DEPARTMENT EMPLOYEES

Mr. JACKSON. Mr. President, all too often, outstanding service and, on occasion, personal bravery on the part of Federal employees are taken for granted and attract little or no public notice. Therefore, it is with especial pleasure that I announce an exception to this rule and report to the Senate that the Secretary of the Interior is today giving recognition for distinguished service to 35 employees of the Department, and is singling out four others for valor awards for acts of bravery in which they risked their own lives to help others.

I ask unanimous consent that the announcement of Secretary Udall listing these brave and dedicated employees to whom special recognition is given be printed in the RECORD.

There being no objection, the anouncement was ordered to be printed in the RECORD, as follows:

UDALL GIVES AWARDS FOR OUTSTANDING SERVICE AND VALOR TO INTERIOR DEPARTMENT EMPLOYEES

Secretary of the Interior Stewart L. Udall today presented the Department's highest honor, the Distinguished Service Award, to 35 outstanding employees and Valor Awards to 4 others for acts of bravery in which they risked their own lives in successful rescues.

Several of the Distinguished Service Awards recipients at today's convocation in Washington, D.C., are high-level officials in the Department.

Following are the winners of Valor Awards:

Officer Robert K. Cornwell, United States Park Police, for saving an elderly woman March 27, 1967, after she had plunged into the Potomac River off the Potomac Park. Officer Cornwell leaped into the icy waters and brought the woman to the seawall and safety. Officer Cornwell lives at 5204 Vernon Dr., Washington, D.C.

Officer Daniel W. Martinez, an employee of the Papago Indian Agency, Arizona, for rescuing two men from a flood on the reservation August 16, 1967. Martinez, a Mohave Indian, failed in efforts to reach the men by driving his truck into a torrential stream where the men were stranded atop their car which had been swept off the highway. Using his truck as a base, Martinez then waded into the raging waters with a lifeline. He was swept off his feet several times, but finally was able to extend the line to them so they could be pulled ashore. Those rescued are Guy Pence and Eddie Monroe, both of Mesa, Ariz. Officer Martinez lives at Casa Grande, Ariz.

Park Ranger D. L. Huggins of Fort Matanzas National Monument, Florida, for saving the lives of four persons after their boat capsized July 16, 1966, in the Atlantic Ocean near the National Park Service monument. After rescue attempts by others had failed, Huggins braved the heavy breakers in a 13-foot outboard motorboat and saved Robert K. Adkins and his 7-year-old son, Keith, of Gainesville, Fla., and Jerald B. Adkins and Lonnie Westberry, both of Palatka, Fla. Huggins is a resident of St. Augustine, Fla.

Albert Thomson, electronic engineer, Bonneville Power Administration, Portland, Ore., for helping save the life of a neighbor, 7-year-old Leanna Boyd, trapped by a fire in her home March 24, 1967. Thomson, aided by another neighbor, Warren A. Johnson, mounted a ladder to the second story of the Boyd residence at 1220 SW Mitchell Court. Thomson entered through a window, found the girl unconscious, and carried her to Johnson, who was waiting atop the ladder. Johnson then carried her to the ground. Thomson lives at 1642 SW Westwood Dr., Portland. Johnson resides at 1420 SW Mitchell Court.

Distinguished Service Award recipients today were:

DISTRICT OF COLUMBIA AREA

Washington, D.C.

Winifred G. Baum, Bureau of Sport Fisheries and Wildlife, 1301 Vermont Ave., N.W.

Max N. Edwards, Assistant to the Secretary and Legislative Counsel, 4201 Cathedral Ave, N.W.

Kenneth Holum, Assistant Secretary of the Interior for Water and Power Development, 8132 W. Beach Dr., N.W.

Willard F. McCornack, Administrative Officer, Geological Survey, 5919 Overlea Rd.

Irene C. Smolder, Bureau of Outdoor Recreation, 510 21st St., N.W.

Accokeek, Md.

Richard H. Kenah, Geological Survey, Bryan's Point Rd.

Bowie, Md.

Carl Rampacek, Bureau of Mines, 12103 Maddox Lane.

Rockville, Md.

Edward C. Crafts, Director, Bureau of Outdoor Recreation, 11910 Hitching Post Lane, Walnut Woods.

University Park, Md.

Newcomb B. Bennett, Jr., Bureau of Reclamation, 6801 Wells Parkway.

Alexandria, Va.

Kenneth E. Lohman, Geological Survey, 3215 Old Dominion Blvd.

Arlington, Va.

Jule E. André, Geological Survey, 2710 N. 19th St.

Harold L. James, Geological Survey, 1001 Wilson Blvd.

George E. Robinson, Deputy Assistant Secretary for Administration, 1517 N. Kentucky Street.

Falls Church, Va.

John W. Aldrich, Bureau of Sport Fisheries and Wildlife, 6435 Lake View Dr.

Robert W. Nelson, Deputy Assistant Secretary for Water and Power Development, 3010 Crane Dr.

Abram V. Tunison, Deputy Director, Bureau of Sport Fisheries and Wildlife, 3102 Sleepy Hollow Rd.

McLean, Va.

Frank J. Barry, Solicitor of the Department, 2305 Rockingham St.

Vienna, Va.

Robert M. Mangan, Deputy Under Secretary of the Department, 2449 Fardale St.

Morris M. Thompson, Geological Survey, 1722 Pine Valley Dr.

OTHER AREAS

Menlo Park, Calif.

Thomas W. Dibblee, Jr., Geological Survey, 440 Sherwood Way.

David Gallagher, Geological Survey, 633 Woodland Ave.

Golden, Colo.

Bernard P. Bellport, Bureau of Reclamation, 1900 Zinnia St.

Lawrence, Kans.

Warner A. Coffin, Jr., Haskell Institute (posthumous).

Independence, Mo.

Donald R. Burnett, Bureau of Reclamation, 1125 W. Walnut St.

Billings, Mont.

Roy F. Allan, Office of the Solicitor, 110 Locust St.

Courtney T. Judah, Bureau of Reclamation, 2724 Lyndale Lane.

Ronan, Montana

Presley T. LaBreche, Bureau of Indian Affairs (posthumous).

Albuquerque, New Mexico

Lawrence J. Merovka, Bureau of Sport Fisheries and Wildlife, 533 Solano Dr., N.E.

Santa Fe, New Mexico

Daniel B. Beard, National Park Service, 1590 Canyon Rd.

Portland, Oregon

Amos A. Herget, Bonneville Power Administration, 2205 S.E. 35th Pl.

Richard J. Mather, Bonneville Power Administration, 4265 N.E. Halsey St.

Salem, Oregon

Otto C. F. Krueger, Bureau of Land Management, 4190 Munkers St., S.E.

Hague, Virginia

Clifford C. Presnall, Bureau of Sport Fisheries and Wildlife.

Luray, Virginia

R. Taylor Hoskins, National Park Service.

Spokane, Washington

Robert W. Coddington, Bonneville Power Administration, 3223 N. Vista Rd.

OPPOSITION TO SOCIAL SECURITY CONFERENCE REPORT

Mr. METCALF. Mr. President, already telegrams are pouring in urging us to reject the conference version of the social security bill, H.R. 12080. Yesterday I included in my remarks a telegram which I received from Walter P. Reuther, president of the Industrial Union Department of the AFL–CIO. Today I ask unanimous consent that 11 other telegrams, a letter, and a statement made today by AFL–CIO President George Meany be printed in the RECORD.

There being no objection, the telegrams, letter, and statement were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 11, 1967.

Hon. LEE METCALF,
U.S. Senate, Washington, D.C.:

The executive committee of the leadership conference on civil rights urges you to vote against the conference report on the Social Security bill. What started out as a Social Security measure has become an instrument of social insecurity. It generates pressure to break up families. Under this bill fathers would abandon their families and mothers would be forced to leave their children and go to work. The war on poverty is becoming a war on the victims of poverty. Cities now wracked by terrible crises would be faced with the intolerable choice of leaving poor people destitute or trying to provide for them out of funds they do not have. This is a shocking and regressive bill. We urge you to send it back to conference and instruct the conferees to insist on the Senate provisions.

Roy Wilkins,
Chairman, Executive Committee, Leadership Conference on Civil Rights.

Washington, D.C.,
December 11, 1967.

Senator Lee Metcalf,
Old Senate Office Building,
Washington, D.C.:

AVC urges rejection conference report restrictions on welfare payments for dependent children and parents.

Dr. Eugene Byrd,
National Chairman, American Veterans Committee.

New York, N.Y.,
December 11, 1967.

Senator Lee Metcalf,
U.S. Senate,
Washington, D.C.:

Please reject conference report on H.R. 12080. Title II irremediably endangers and deprives millions of children.

Joseph H. Reid,
Executive Director, Child Welfare League of America.

New York, N.Y.,
December 12, 1967.

Hon. Lee Metcalf,
U.S. Senate, Washington, D.C.:

The Board of Social Ministry, Lutheran Church in America is opposed to the regressive public welfare measures embodied in the conference report on the social security amendments of 1967. We support you in your efforts to keep the substance of the Senate bill.

Cedric W. Tilberg,
Secretary for Program and Leadership.

Sioux Falls, S. Dak.,
December 11, 1967.

Lee Metcalf,
Senate Office Building, Washington, D.C.:

Know of hearty professional support for your coalition of Senators Mondale, Kennedy, Morse, Kennedy, Harris, Hartke, and Metcalf regarding Senate position on 12080 ADC provisions better that the 1967 social security amendments perish than that we regress to the punitive era of the English poor laws of 1600.

Robert Mabbs,
National Assn. of Social Works Commission, Social Actions for Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

Valley Forge, Pa.,
December 12, 1967.

Senator Lee Metcalf,
Senate Office Building,
Washington, D.C.:

Support your refusal to accept the conference report on the social security bill with its regressive provisions regarding work and training programs and the freeze in the number of children on AFDC. We will try to interpret the problems in this bill to our constituency.

Elizabeth J. Miller, *Executive Director, Division Christian Social Concern, American Baptist Convention.*

Washington, D.C.,
December 12, 1967.

Senator Lee Metcalf,
Senate Office Building,
Washington, D.C.:

We beseech you to filibuster if necessary to defeat the welfare amendments to the social security bill. The mental growth of thousands of infants and children will be gravely effected by the absence of their mothers in compulsory work or training. Day care for children under age 3 is highly experimental and likely to be extremely dangerous if applied broadly. We feel the freeze on ADC payments is also unspeakably cruel. Your courage on this issue now will be justly rewarded by an easy conscience later.

Frederick Solomon, M.D.,
Medical Committee for Human Rights.

New York, N.Y.,
December 12, 1967.

Senator Lee Metcalf,
Senate Office Building,
Washington, D.C.:

Family service association of America concerned for America's needy families and helpless children finds conferees' report on social security amendments most unsatisfactory. Understand you are considering working to restore Senate provisions. Assure you of our continued support and gratitude for such effort to avoid regressive legislation adversely affecting strong family life.

Clark W. Blackburn,
General Director, Family Service Association of America.

Washington, D.C.,
December 11, 1967.

Senator Lee Metcalf, *Washington, D.C.:*

The National Association of Social Workers is deeply concerned about restrictive welfare provisions in conference report on H.R. 12080—The Social Security Amendments of 1967.—compulsory work requirements on mothers with small children and the AFDC freeze must be eliminated. Respectfully request that you not approve conference report but refer it back with request that new conferees be appointed.

Charles I. Schottland,
President, National Association of Social Workers.

New York, N.Y.,
December 12, 1967.

Senator Lee Metcalf,
The Senate:

Urge your strongest leadership in opposing conference report which would provide seriously inadequate social security benefits and will cruelly punish the poor with retrogressive welfare changes.

Philip Bernstein,
Executive Vice President, Council of Jewish Federations and Welfare Fund.

Washington, D.C.,
December 12, 1967.

Hon. Lee Metcalf,
U.S. Senate, Washington, D.C.:

We are extremely dismayed over the conference committee report on social security amendments. The basic approach to public welfare embodied in the report is not in keeping with human dignity. We urge correction of the coercive features of the report, the elimination of the freeze on number of AFDC recipients and the limit on amount of medicaid payments. Urge you to oppose conference report and to seek the return of the bill to conference committee for results more in keeping with the Senate bill.

Very Rev. Msgr. Lawrence J. Corcoran,
Secretary, National Conference of Catholic Charities.

National Social
Welfare Assembly, Inc.,
New York, N.Y., December 11, 1967.

Hon. Lee Metcalf,
U.S. Senate,
Washington, D.C.

Dear Senator Metcalf: Thank you for your letter of December 1 about the Senate floor action on H.R. 12080.

These were indeed great gains and it was heart-breaking to lose them all in conference. The welfare, church, labor and other groups supporting the earlier Senate action on welfare changes are, therefore, hoping that the conference report will be rejected in the interest of a better bill.

We are naturally concerned that the social insurance beneficiaries should not be long deprived of badly needed increases but feel the Senate can appropriately insist on the level of benefits in its bill as well as a welfare program which is morally and practically tenable.

Sincerely yours,

Elizabeth Wickenden,
Technical Consultant on Public Social Policy.

AFFILIATE ORGANIZATIONS

AFL–CIO Department of Community Services; Agency for International Development; American Camping Association; American Council for Nationalities Service; American Foundation for the Blind; American Hearing Society; American Jewish Committee; American National Red Cross; American Social Health Association; Association of the Junior Leagues of America; Big Brothers of America; Board of Hospitals and Homes of The Methodist Church; Boy Scouts of; Boys' Clubs of America; Bureau of Employment Security, U.S. Department of Labor.

Bureau of Family Services, Welfare Administration, Department of Health, Education, and Welfare; Bureau of Labor Standards, U.S. Department of Labor; Bureau of Labor Statistics, U.S. Department of Labor, of Prisons, U.S. Department of Justice; Camp Fire Girls; Child Study Association of America; Child Welfare League of America; Children's Bureau, Welfare Administration, Department of Health, Education, and Welfare; Council of Jewish Federations and Welfare Funds.

Department of Christian Social Relations, Executive Council of the Episcopal Church; Department of Social Welfare—Lutheran Church—Missouri Synod; Division of Welfare, National Lutheran Council; Family Service Association of America; Federal Extension Service, U.S. Department of Agriculture; Florence Crittenton Association of America; Girl Scouts of the U.S.A.; Girls Clubs of America; Goodwill Industries of America; International Social Service, American Branch; National Association for Mental Health; National Association for Retarded Children; National Association of Social Workers; National Catholic Community Service.

National Committee on Employment of Youth of the National Child, Labor Committee; National Conference of Catholic Charities; National Council of Jewish Women; National Council of Negro Women; National Council of the Churches of Christ in the U.S.A.; National Council of the Young Men's Christian Association of the U.S.A.; National Council on Alcoholism; National Council on Crime and Delinquency; National Council on the Aging; National Federation of Settlements and Neighborhood Centers; National Jewish Welfare Board; National League for Nursing; National Legal Aid and Defender Association.

National Presbyterian Health and Welfare Association; National Public Relations Council of Health and Welfare Services; National Recreation and Park Association; National Society for the Prevention of Blindness; National Travelers Aid Association; National Tuberculosis Association; National Urban League; Office of International Economic and Social Affairs, Department of State; Public Health Service, Department of Health, Education, and Welfare.

Public Housing Administration, Housing and Home Finance Agency; Social Security Administration, Department of Health, Education, and Welfare; The Salvation Army; The Volunteers of America; United Community Funds and Councils of America, Inc.; United Hias Service, United Seamen's Service; United Service Organizations; United States Committee for UNICEF; Veterans Administration; Vocational Rehabilitation Administration, Department of Health, Education, and Welfare; Young Women's Christian Association of the U.S.A.; Youth Department, National Catholic Welfare Conference.

ASSOCIATE GROUPS

Council on Social Work Education; National Health Council; National Association of Statewide Health and Welfare Conference and Planning Organizations; National Council on Agricultural Life and Labor; Social Work Vocational Bureau; U.S. Committee of the International Conference of Social Work, Inc.

REMARKS BY AFL–CIO PRESIDENT GEORGE MEANY ON THE HOUSE-SENATE CONFERENCE REPORT ON THE SOCIAL SECURITY BILL, AT THE BEGINNING OF THE TUESDAY MORNING SESSION, DECEMBER 12, 1967

The House and Senate Conference Committee on the Social Security bill has produced a report that no group of Americans, who have a regard for their fellow man, could approve. Let me tell you about it.

First, the Social Security bill fails the very purpose for which it was introduced. By limiting the increase in benefits to 13 percent, millions of elderly, and widows and dependent children will be shortchanged and denied funds they desperately need to catch up with the sharply increased cost of living.

Not only does the bill fail to restore lost purchasing power, it falls far short of making long-overdue improvements in the plight of the 23 million whose subsistence depends on Social Security.

Second, instead of making solid improvements in the minimum payment, the bill will add only 33 cents per day. It is difficult to see how a person can be expected to survive on $55 per month in these days of high living costs. How could anyone call that "social security?"

But hard as the bill is on the elderly, it saves its cruelest blow for children. Without regard for need or right or social or economic conditions, a mathematical formula in the bill would arbitrarily freeze the number of children receiving benefits and cut off unknown thousands of children now surviving on public welfare as well as children yet unborn. Actually this measure provides the states with the option of sterilizing mothers or letting children starve.

There is punishment, too, for the mothers. The bill could force mothers, regardless of how desperately they are needed at home, to leave their infants and school-age children, go out and incur the expense of their day-care, and undertake job training. It is entirely conceivable that her training could be for a job that didn't exist and that the cost of entering the work world is greater than caring for her children. But if she stayed with her children she could lose all assistance.

And, finally, dropping all pretense of social advancement, the bill embraces a concept we had hoped was far behind us in today's America. Instead of providing meaningful incentives for welfare recipients to receive work or training, the conference report has reduced such provisions to a mockery.

In sum, the conference has made the 1967 Social Security Act punitive, rather than progressive. In every aspect of the measure there is total conflict with the concepts of the Social Security program as it was envisioned by its creators and nurtured by us for over the last 32 years.

As trade unionists and as American citizens we cannot give support to the concept that somehow it's a crime to be poor.

And we cannot remain silent.

Therefore, I have sent telegrams to all members of the United States Senate and a similar wire to the House. The telegram to the Senators is as follows:

"AFL–CIO considers conference report on Social Security absolutely inadequate. Most of Senate provisions designed to improve House Bill have been abandoned. Benefits for OASDI recipients would barely exceed already increased costs of living. Retreats on welfare provisions enacted by Senate are travesty on America's image as compassionate and humanitarian nation. We urge every Senator to vote against this deplorable attack on poor and underprivileged and request another conference to secure passage of an adequate Social Security Bill."

SS "HOPE" RETURNS FROM COLOMBIA

Mr. **BAYH**. Mr. President, the SS *Hope* has just completed what may be her most successful mission to date, and this Friday returns to the United States. She carries with her more than 130 volunteer doctors, nurses, and technicians who, for the past 10 months, have conducted medical teaching-treatment programs in the Republic of Colombia.

The formula for HOPE's success, conceived by Dr. Bill Walsh in 1958, is made up in large part by the non-Government, people-to-people nature of the project. People in the countries visited by HOPE—seven in the past 7 years—know that HOPE comes to them not as an arm of U.S. foreign policy, but as a genuine expression of the concern of the American people.

HOPE's success in the countries it visits can be measured in many ways. One of the most significant can be found in the recognition given to the project by the people it serves. An example of the esteem and appreciation which accrues to Project Hope is the resolution of gratitude which was adopted unanimously by the Senate of the Republic of Colombia in the concluding months of SS *Hope*'s visit to that country. In view of its importance, Mr. President, I ask unanimous consent that the resolution be printed at the conclusion of my remarks.

It should be pointed out also that, in addition to honoring HOPE with this resolution, the Government of Colombia presented to Dr. Walsh its highest honor, the Order of San Carlos. I am sure that all Americans share our pride in the achievements of Project Hope, and join with me in wishing the SS *Hope* a "hearty welcome home."

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PROPOSITION NUMBER 108—THE SENATE OF THE REPUBLIC OF COLOMBIA

Whereas, That the Hospital Ship HOPE performed in the City of Cartagena an admirable mission of scientific exchange between Colombian and North American physicians;

That the combined teaching programs for students and residents in the urban and rural sectors had excellent results;

That it developed training programs in intermediate careers such as nursing, nursing auxiliaries, and laboratory technicians;

That in every sense the rendering of medical and hospital services to patients of scant economic resources was admirable and beneficial for the country,

Resolved, Express to the North American people the very sincere gratitude of the Senate of the Republic of Colombia for the services rendered by the scientific and teaching personnel of the Hospital Ship HOPE in the City of Cartagena.

Manifest to Doctor William Walsh, Founder of the HOPE Program, the recognition of the Colombians of the exemplary work done in favor of medical education and social and hospital assistance.

Approved unanimously by this body in its session of October 19, 1967.

GUILLERMO ANGULO GOMEZ,
The President of the Senate.
AMAURY GERRERO,
The Secretary General.

MANY GOOD REASONS FOR US TO RATIFY HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, I am continually amazed at the lack of Senate action on the human rights conventions. To date, only one human rights convention, the Supplementary Convention on Slavery, has been ratified. Four other human rights conventions were sent to the Senate by Presidents Truman and Kennedy, but, as yet, the Senate has not chosen to vote on them.

One would expect that such inactivity is the result of a carefully organized and well reasoned opposition. But such is not the case. Instead we hear only vague statements and specious arguments.

One of the most popular reasons given for nonratification is that the rights which the conventions guarantee already belong to Americans. So, this theory continues, the Senate's ratification of these conventions would bring no benefit to our country and would just be a needless act.

At first glance such reasoning may sound plausible, but a second look reveals that it just does not hold water. We all recognize the great protection afforded human rights in this country. But we have not achieved such protection by resting on our laurels. Such rights as we have are the result of hard and constant labor. No, Mr. President, we cannot afford to sit still. We must be ever vigilant of our rights lest they be abridged. These conventions help protect our rights for they are an additional legal precedent upon which we can call in time of need. They are a most formidable hurdle any potential tyrant must overcome.

The American struggle for and achievement of human rights has thrilled and inspired not only ourselves but also countless millions in the rest of the world. This was an integral part of the American dream that brought millions of immigrants to our shores. But today people in many parts of the world are questioning the truth of our assertions about the protection we have given human rights. Their suspicions are only confirmed when they learn that the United States has ratified only the Convention on the Abolition of Slavery while doing nothing about such conventions as those on forced labor, political rights of women, or genocide.

Yet the United States has often done more than just offer an example to others. Many times this country has offered tangible aid, sometimes even the lives of our young men to preserve and expand human freedom. Mr. President, we cannot rest content just because we have innumerable rights. We must continue to offer leadership to those nations struggling to realize and achieve those rights which we take for granted. One excellent way to do this is to ratify all the human rights conventions before us.

ARTICLES IN THE LIVING WILDERNESS SHOW NEED FOR POPULATION RESTRAINT

Mr. YARBOROUGH. Mr. President, last spring the very perceptive and creative commissioner of parks in New York City, Mr. August Heckscher, mused aloud about one of the major problems facing the individual in tomorrow's America. He said on May 18:

> If structure and pavement take over the world entirely, if green places and growing things have no guarded life, then man will go through the years deprived and lopsided. He will be poor, whatever the gadgetry of affluence around him.

Mr. Heckscher is one who is well aware of, and alarmed by, the impact of an exploding population on the quality of our environment—an impact most severely felt in our great urban centers, but increasingly important to all of us.

Every day the American population grows by almost 6,000 persons. On November 20, the U.S. Census Bureau recognized officially that ours is a nation of 200 million people. While a phenomenal population rate does not pose quite the imminent threat to American food resources that it does in other nations, it does endanger seriously our human resources. What is involved here is not the survival of life, but the survival of human quality in life.

The explosion of the American population, ironically, has joined forces with a rampantly developing technology and economic affluence to make life an increasingly harsh experience for individuals. Thus, we have massive electrical power systems that bring light and energy to the many, but pollute the air to such an extent that individual health is endangered and human spirit is suffocated. We have fantastic airplanes that sweep thousands of people from great city to great city in a matter of minutes, only to be tied up in endless traffic jams within the city. And we have efficient computers to allow business and Government to seek to satisfy the insatiable material needs of a burgeoning population, but in so doing reduce the individuals who are that population to a series of numbers on IBM cards, thus stripping the individual of his dignity as a man in control of himself and his environment.

Mr. President, there is a clear, crucial need to examine from the perspective of human values and individual need the uncontrolled expansion of the American population. I have been pleased to join with my friend, the distinguished Senator from Alaska [Mr. GRUENING], as a cosponsor of S. 1676, his bill to coördinate and disseminate birth-control information upon request at home and overseas. Through public hearings on the bill, we are receiving vital testimony on the worldwide population crisis, and we are gaining some new insights into the relationship of that crisis to human values. I commend Chairman GRUENING and the other members of the Subcommittee on Foreign Aid Expenditures for their exhaustive review of the population crisis, and I assure them of my continuing interest in their important work.

In the spring and summer issue of the Living Wilderness, two articles were published which discuss the influence of the population buildup in America on the quality of our environment and, consequently, on the quality of our lives. In "Burdened Acres—The People Question," author Monroe Bush expresses his belief that—

> The quality of individual human experience is significantly—perhaps even definitively—determined by the degree of man's contact with the environment of earth itself, by the depth of his relationship to the natural world.

He argues that our recreational and wilderness lands are not infinite, and cannot support an infinitely expanding population. Not only must we preserve and create "islands of isolation and repose," but we also must devise workable means of population control.

In the second article, entitled "An Ecologist's View of the Population Problem," Dr. David S. Lyon observes that America has established the finest system of national and State parks, forests, and wilderness in the world, "yet the huge increase in usage within the last decade has threatened to destroy some of those very values for which the areas were established—unexploited natural environments, wilderness values, and the experiencing of solicitude in a natural setting." In his conclusion, Dr. Lyon offers this rather poignant thought:

> It will indeed be a sad commentary on man as the most intelligent animal ever to have inhabited the earth if he is unable or unwilling to control his numbers at a level which would allow for maximum quality.

I believe that these two thoughtful, articulate articles make a meaningful contribution to the public dialog on the population crisis. I urge Senators who are concerned with this matter of greatest public import to give these articles their close attention. I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BURDENED ACRES—THE PEOPLE QUESTION

(By Monroe Bush)

Man is a consumer. It follows as the night the day that the more men the more the consumption of water or minerals, food or fiber—or of wilderness, for which there is no possible technological substitute. Under the impact of growing human consumption, wilderness will decline in both total acreage and natural quality. This will continue until our human numbers stabilize. When that is to happen is a decision the American people have not yet made.

America's population is growing by 1 person every 14.5 seconds—slightly under 6,000 a day. Only 177 years ago the first United States Census counted 3.9 million heads; today the national figure teeters at the brink of 200 million. Projections are always uncertain, but a sophisticated guess is that the United States will approach 350 million by 2000 A.D.

Nothing illustrates the uncertainty of this numbers game better than a prediction of the United States Census in 1947—a bare 20 years ago—that the United States would have a population of "145 million in 1950, of 153 million in 1960 and possibly 163 million by 1990." There were, in fact, about 180 million Americans by 1960, 25 million more than had been foreseen only thirteen years earlier. Obviously the American family did not feel bound by the projections of the Census Bureau.

The celebrated oceanographer, Roger Revelle, who two years ago assumed direction of Harvard's Center for Population Studies, recently prognosticated that we could support, within the next 50 years, a national population at any level that might be reached within that time. This is a confidence based on Revelle's strong, knowledgeable faith in America's ingenuity and energy. He was expressing the assurance of men who built from nature's raw wealth the greatest productivity the world has ever seen.

In terms of food, energy, and materials per capita, Revelle's confidence is hopefully justified. The technological skills of the nation are by no means exhausted. Yet in terms of the quality of individual human life, we recognize that even today the regimented congestion of a New York City or a Los Angeles far exceeds any standard for a viable, civilized community.

We know that life today for most people is crowded, hurried, and harassed. In 1965, as a case in point, 75 million private automobiles drove 700 billion vehicle miles, in the course of which they killed 50,000 people and wrecked the nerves of a good many millions. In the same period there were 121 million visits to the National Parks—on which some experts place an efficient capacity of a mere 50 million annual visits.

No wonder wise men tell us that our individuality is in jeopardy. We ourselves know that our fulfillment as persons is increasingly more difficult under pressures of automation and conformation.

And despite a near-record low United States birth rate that has just ducked under 19 live births per 1000 population, the prospect for an easing of the "people pressure" is uncertain.

Robert C. Cook, of the Population Reference Bureau, noting that this low figure is close to the rock-bottom mid-thirties, warned recently that "Though the 1933 and 1966 birth rates are virtually identical, a more precise measure of fertility—the 'fertility rate'—reveals an important contrast between then and now. This rate measures the number of live births per 1000 women between the ages of 15 and 44. Thirty-three years ago, the fertility rate stood at 76. . . . In 1957, at the height of the baby boom, the rate had increased by three-fifths to 123. By 1965 it was down to 97. . . .

"With birth rates equal, it may seem paradoxical that the fertility rate in 1966 is substantially higher than in 1933. This is accounted for by the fact that the population of women in the fertile ages has changed; there were relatively more women in the 15 to 44 bracket in 1933 than there are today.

". . . The proportion of women in the high fertility ages is now beginning a sharp increase. This is because the boom babies of the late 1940's are moving now into the fertile age brackets. For the next 13 years, at least the proportion of women in the most fertile ages—20 to 29—will increase from about 14 million in 1967 to 20 million in 1980. The number of women 15 to 44 will increase from 40 million to 52 million.

"This rapidly increasing fertility potential could set off another baby boom. . . ."

If this prediction is true, the population of the United States may increase by 75 million in each of the first decades following the year 2000.

Even were the population to stabilize early in the 21st century at a 400-million ceiling, the task ahead to make life truly "worth living" is immense. (This in a nation in which 6 per cent of the world's people consume one half of the world's non-renewable resources!)

It is commonplace to view this problem in terms of metropolitan planning, energy distribution, transportation, and communication. There is no dearth of information respecting economic development, mass education, or mass culture. Some of us, however, believe that the quality of individual human experience is significant—perhaps even definitively—determined by the degree of a man's contact with the environment of earth itself, by the depth of his relationship to the natural world. And when you speak of 400 million people, this becomes a considerable challenge.

The Department of the Interior reports that 90 per cent of the people "participate in some form of open-air sport," whether backyard croquet or Quetico-Superior canoeing; whether sailing, skiing, or skin-diving—or so simple an experience as a Sunday walk on the Chesapeake and Ohio Canal.

In few instances, relatively speaking, does the "outdoorsman" establish a meaningful identification with the living natural world. For the natural world is best—perhaps only—found in isolation and in raw openness. Better to have a petunia on the window-ledge than no touch of the earth at all; yet how much better it is to be able to walk alone far into the exciting silence of a natural community where there is wilderness.

For two billion years wilderness was man's home. He roamed it in terrifying privacy. He knew himself there. In these circumstances he was his own person.

Today the earth is crowded with more than 3.3 billion people. Taking a hard-nosed look at the future, Prof. John D. Durand of the University of Pennsylvania warned recently that "If the events of the next few decades bear out the assumptions of the United Nations projections . . . the population in the year 2000 will be in the range of approximately 5,500 to 7,000 million and still increasing, according to the most conservative assumptions ('low' variant), at an annual rate of 1¼ per cent. This would be appreciably less than the present growth rate . . ."

In casting about for an open wilderness, the Asian and the European today can find scarcely a nook to hide in, and the American of the land of "great open spaces" has less each year.

Do we miss our wilderness origins? How much wilderness must be preserved to preserve man himself? These are not easy questions. First, we must define our term. Wilderness, like love, is a word of a thousand meanings. Neither legislation nor administration can conclusively define it. Officials draw inclusive but not exclusive maps. We are dealing with a subjective thing.

There is the wilderness of isolation, though a motor road may lie no more than a hundred feet beyond the trees.

There is the wilderness of nature, which in fact is wildness, and we find it in a spring robin on the lawn or in an August thunderhead, or in the stillness of heavy snow.

There is the heroic wilderness of primeval space in which earth rests vast and unmolested, a womb in which men find themselves by the private process of finding their origins.

There is another kind, which may be fixed by a boundary and administered as a reality. In *The Quiet Crisis* Secretary of the Interior Stewart Udall quotes from John Muir's reflection that in such wilderness "life seems neither long nor short, and we take no more heed to save time or make haste than do the trees and stars. This is true freedom, a good practical sort of immortality."

"Early in his mountain career," Udall continues, "Muir came to a conclusion that decisively affected his own future and to some degree the future of his country: wilderness freedom, like political freedom, was perenially in danger. . . . It was necessary, he became convinced, permanently to preserve large tracts of choice lands in public ownership."

From the first assault upon the majestic white pine forests of New England to the continuing depredation of the West Coast redwoods, this has been no easy undertaking.

The initial effective effort to conserve came in the first fifteen years of this century, under the leadership of Theodore Roosevelt and Gifford Pinchot, as the national population was approaching 100 million. The second push to preserve the vitality of the earth, and a remnant of the earth's creatures, began in the 1930's, prodded by the fire and genius of Hugh Bennett and Ira Gabrielson, when the population simmered at approximately 125 million. The next push began with the Secretaryship of Stewart Udall, as our population edged beyond 180 million.

This is an oversimplification, of course. At every moment throughout these years there were dedicated government officials, and private citizens, who struggled to safeguard what was left of natural America.

It remained for Howard Zahniser, with neither votes in his pocket nor money in his purse, to spearhead the drive which culminated in the President's signing of the Wilderness Act on September 3, 1964—by which late hour the population had exceeded 190 million—"in order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition . . ." (the language in the Wilderness Act itself).

There must, of course, be balanced outdoor recreational opportunities, on a scale reaching from the centers and perimeters of urban density to the islands of isolation and repose which are essential to the human spirit. The whole gamut of these opportunities serves the need of man, but the experience of "quality" is fundamental to his growth—an experience which wilderness is uniquely equipped to supply.

It may be said that increase of "people pressure" on the national parks and on the national forests, as elsewhere, is due to the pursuit of curiosity and adventure by a newly affluent people, to new convenient mobility, and to advertising dexterity. But it seems inescapable that this increased pressure directly reflects the population increase.

Outdoor Recreation Trends, compiled in 1967 by the Bureau of Outdoor Recreation, and based on a nationwide survey of summertime activities, estimates that there will be "a fourfold increase in recreation participation between 1960 and the year 2000." Said Secretary Udall, "This surge to the outdoors is highly gratifying, but it creates multiple problems. We will need to combine new and novel methods with our traditional approaches to supplying needed public and private recreation opportunities if we are to meet the demand."

As demand for recreational land goes up, so is there an escalation in recreation land acquisition costs—due in part to a rising trend in land values, but due also to competition and the law of supply and demand.

As far as wilderness is concerned there is no more today than there was yesterday, but less. Yet there are more and more people who not only seek it but need it.

Fairfield Osborn, in addressing the Eighth Wilderness Conference in San Francisco in 1963, came right to the point. "It is now clear," he said, "that an increasing population is detrimental to every aspect of human life including the values to be derived from wilderness. The population explosion—not only in our country but throughout the world—is the greatest social problem facing man today."

This is the point of our concern.

An Ecologist's View of the Population Problem

(By David L. Lyon)

Population limitation is a universal phenomenon in all species of organisms. The observation that populations do not continue to expand indefinitely is in itself adequate testimony of this principle. The exact method by which each species accomplishes population regulation is unique to the individual species, but on the basis of the general mechanisms limiting numbers, species of animals may be loosely fitted into three categories: those limited by the food supply, species regulated by predation, parasitism and disease, and those which by some intrinsic device are able to limit their numbers at a level which prevents exhaustion of the food resources. Nature regards none of these types as inherently superior to the others—the ultimate test is whether it permits survival of the population. In the words of the late Paul Errington, "Nature's way is any way that works."

Modern man clearly belongs to the first category. Since the advent of agriculture and the industrial revolution he has eradicated certain diseases and drastically reduced the effect of others, and although direct predation may never have been a real concern for human populations man has nevertheless continually attempted, with considerable success, to wipe out the larger predators which threatened or were believed to threaten his domestic livestock. At the same time he has been highly successful in increasing both the quantity and dependability of his food supply.

The time is approaching, however, when no further significant increase in food supplies can be anticipated, the miracle of modern agriculture notwithstanding. Virgin areas capable of supporting highly intensive agriculture will be non-existent, and increases in production on those lands already in use will be only relatively modest. Species which live up to the level of their food resource typically fluctuate drastically; exploitation increases to the point where the food supply, unable to withstand the demands upon it, finally collapses, and with it the population, a type of population response clearly unacceptable where the individual and not the population is the primary consideration.

The type of population regulation typical of the third category is for man also unacceptable. Populations of species in this category are commonly characterized by territoriality, a condition resulting in a system of "haves" and "have-nots" whereby the "haves" remain secure and well-situated, but the "have-nots" suffer heavy mortality, are prevented from breeding and reproducing, or at best live "substandardly" in relation to holders of territory. In man, although the existence of territoriality in individuals has yet to be demonstrated, wars between nations may represent a type of "social territorialism," whereby each nation desires to protect its own "territory" and the resources within it while at the same time attempting to preempt the "territory" and resources of the other.

Whatever the underlying complex and diverse individual and corporate rationales which precede and which may culminate in warfare, wars produce a type of species of self-limitation which most of mankind, we may assume, does not encourage or favor. If man is therefore not to suffer the consequences of existing continually near the limits of his food supply or engage in inhumane methods of self-limitation he must devise another approach to population control, one which might be termed "enlightened self-limiting," if any degree of numerical stability is to be achieved.

There exist only two possibilities for limiting and stabilizing world population: either the death rate must go up or the birth rate must go down. Since few would suggest the former as an acceptable solution it is evident that man is relegated to control of the birth rate as the only device permissible for consideration in "enlightened self-limitation." It is clear that population growth must eventually cease as he continues to deplete resources and reduce the allotment of space per individual. In brief, something will do the limiting; the less we are able or willing to limit our own numbers the more some other factor will do the limiting.

Because of failure to stabilize numbers some countries have equaled or even exceeded their local food supply so that mass famine within the next decade is inevitable unless food is supplied annually from external sources. India, of course, is the prime example, As United States ships bearing wheat unload their cargoes at various Indian ports, millions have anticipated the docking and have literally brought the countryside along, swelling the coast cities far beyond the original population. Each passing year brings more millions to welcome the boats, but each year finds the United States wheat surplus shrinking due to a rapidly increasing population of its own, and the United States government less eager to perpetuate the annual event. Crisis is near unless something can be done—but it is likely that not enough *can* be done.

For countries such as India, the survival of individuals is the immediate preoccupation. Questions concerning salvation of quality within such cultures are completely irrelevant. But in other areas of the world population growth has not yet pushed to the limit of the food supply. Overpopulation is therefore really two distinct yet nevertheless related problems. On one hand are nations such as India, Indonesia, and some Latin American countries where mass starvation threatens, and on the other the United States, Western Europe, Russia, Argentina, New Zealand, Australia, Canada, and others where existing quality of life is threatened.

Most populations of animals exhibit typical or approximate sigmoid curves during population growth and increase. In the lower part of the curve, the accelerating phase, conditions are optimal and population increase occurs at a continuously accelerating rate. Beyond the point of inflection, however, growth slows because factors increasing in intensity due to density itself (density-dependent) such as disease, competition and predation become more and more inhibitive, finally stabilizing the population at an asymptote.

Man is the only species which by limiting his numbers can remain "underpopulated," prematurely and voluntarily establishing the asymptotic level at any "artificial" lower level so that in effect he keeps himself indefinitely exposed to those optimal conditions usually associated only with the accelerating phase. In doing so he has within his power the ability to preserve "quality," a concept fully developed only in the human species.

Although "quality" is a difficult word to pin down, if we define it broadly as "degree of excellence" and view it in relation to our cultural values, there appears little doubt that rapid population growth has decreased, and will continue to decrease the experiencing of quality in many ways.

To date, a number of claims have already been made that density per se is a factor in disrupting individual and social functioning. Increases in juvenile delinquency and mental illness have been attributed to the sheer overbearing force of high human density; but man is a very complex animal and, at best, evidence for such a view is highly tenuous. Although it is entirely possible that extremely high density may someday be found to affect our well-being, it is not likely in a highly social animal such as man that a social radar highly sensitive and negatively reactive to density itself would be well-developed.

The argument for stabilizing the United States population need not rest on such unsubstantiated claims however. There exist numerous more concrete examples which indicate that the effects of population growth are at least partially responsible for an increasingly greater loss of quality in our culture. Witness the rising cost of simply maintaining standards which Americans have come to regard as minimal in such areas as water and air pollution, urban renewal, education, natural resources, conservation of wildlife, and preservation of parks and recreation areas.

In attempting to maintain these standards we do so only at great cost in terms of our non-renewable and renewable resources. As population continues to rise the rate of resource exploitation also increases—the more rapid the population increase and the more top-heavy the population becomes, the closer we approach depletion of our non-renewable resources and the more rapidly we exceed the maximum rate of "renewability" of renewable resources. The consequences as we reach the limit of these resources are potentially tragic. A strong case could be presented to demonstrate the loss of quality in any of the above categories. Let us concentrate here on parks and recreation.

Historically, Americans have had a strong interest and tradition in the appreciation of the natural environment. Early in our history and continuing up to the present we have established a system of national and state parks, forests and wilderness areas unequaled anywhere else in the world. And yet the huge increase in usage within the last decade has threatened to destroy some of those very values for which the areas were established—unexploited natural environments, wilderness values, and the experiencing of solitude in a natural setting. Each of these decreases in some proportion to increased use. It may even become difficult in the face of population growth to maintain the legal protection these areas now enjoy. For example, should a significant mineral deposit or a superior stand of timber be discovered within a wilderness area or national park at a time when the United States population is 400,000,000 the integrity of the area could be in extreme danger. Congress could open the area to exploitation based on the "national interest."

True, the loss of quality within these categories can not be attributed solely to population growth. Even if our population stabilized at its present level, natural resources would continue to decrease because of an expectation (or even insistence) by Americans that the per capita accumulation of material goods continue to increase indefinitely, and because of intensified competition for these resources as other industrialized and emerging underdeveloped nations, with enlarging populations of their own, demand a share.

These factors, superimposed on population growth, make the lessening of quality inevitable. In short, with rising population, an increasingly greater cost will be required even to *maintain* the status quo quality, to say nothing of *improving* quality.

Perhaps the most significant change resulting from population growth is a reduction in individual freedom. Freedom is an elusive concept meaning many things to many people; if we define it here as "liberty of choice without intervention of external restraint" it is not clear whether present-day Americans are less or more free than their forefathers. Growth in population by its very nature necessitates an increasing number of laws, regimentation, and a more elaborate social structuring demanding individual restraint, for as population increases so does the complexity of life. To insure that society functions efficiently both in terms of ease of social relations and the use of scarce resources such as clean air, unpolluted water, and space or "living room," the need for greater external control of the individual increases. In the United States, however, this trend in loss of certain freedoms due to population growth has been counteracted by an equally significant gain in economic freedom (the individual driving to Yosemite National Park may possess adequate cash to purchase the latest Detroit creation [economic freedom], but once arriving is literally turned away because every parking space is occupied [loss of freedom through population increase]), and thus the balance of freedom probably remains unchanged. But who would say that a loss of *any* freedom was unimportant even though no net loss could be clearly demonstrated? Unfortunately, the freedoms which are lost through population growth are never "significant" ones, those for which wars are fought; they are instead those simple, everyday yet highly cherished freedoms which are so easily overlooked because they possess little dramatic appeal or evoke no strong emotional response.

As Americans continue to insist that they increase in number, reducing natural resources and raw materials, and economic growth necessarily slows, they may find their store of freedom increasingly depleted. Nature, however, is unimpressed by man-centered platitudes relating to individual freedom, but instead demands obedience to basic principles and laws which can be bent but not broken and which withdraw freedom in direct proportion to their abuse.

If continuing population growth in the United States does indeed lead to an overall loss of quality in life (and few seriously advocate that additional increase is desirable), then why as a nation do we continue it? There exist two possibilities: either we do not care or are simply unaware of the loss of quality attending continued population growth. Since Americans traditionally have had a stronge sense of the future and a deep concern for the welfare of their children and grandchilden, I simply cannot accept the first interpretation. I must conclude therefore that Americans have not yet accepted the responsibility for limiting their own numbers because they are not fully aware of the consequences resulting from the absence of responsibility. As a result the magnitude of the problem of population increase has outstripped the realization of the repercussions following from inability to cope with the problem. Making awareness more difficult is the fact that the consequences of continued growth occur slowly and subtly by attrition so that each individual step in the loss of quality in itself is not sufficiently impressive, even though when viewed in retrospect the total forfeiture over a lifetime may be readily apparent.

It may be possible in terms of material comforts to produce in the future what we desire by the achievement of atomic power on a large scale, thereby freeing us from dependency on decreasing supplies of fossil fuels. Fully within the realm of possibility and more desirable still would be the capture and use of a direct and virtually inexhaustible supply of solar energy. It may even be possible at some distant day to devise an artificial type of photosynthesis to produce much greater quantities of food than are now possible. We therefore might be able to physically support and care for the additional millions of bodies which may be present in this country in the future—and yet, when it can be avoided why should we anticipate such a fate just because we may find it barely tolerable? The sacrifice in personal freedom and the cost of social reforms would be immense.

The final answer rests not in increasing food and industrial production; by this approach we merely treat symptoms and ignore the disease. The need is obviously for a reduction and limitation of births. It will indeed be a sad commentary on man as the most intelligent animal ever to have inhabited the earth if he is unable or unwilling to control his numbers at a level which would allow for maximum quality. Implied in this is a strong sense of individual responsibility. The individual decision to reproduce must be tempered by a strong social conscience and consideration for the interests and future welfare of generations yet unborn.

A fresh conception of man's relation to nature is needed before the problem can be attacked with any real hopes of solution. Concomitant with changes in attitude toward population regulation must go change in perception of and attitude toward the natural environment. Man must learn that like all other organisms he performs a role within nature rather than perceiving nature as a segment of man's world which can be ignored or embraced as whim dictates. This new attitude will at the very least change to significant degree his orientation to the most important questions of the time—man's responsibility to man, and man's responsibility to his natural environment.

RECENT DEVELOPMENTS IN BURMA

Mr. McGEE. Mr. President, last Thursday evening I heard Chet Huntley, in his Perspective feature on NBC radio, reviewing recent developments in Burma. It was an excellent report which did, in fact, lend a good deal of perspective to the entire scope of Asian problems, for Mr. Huntley went back to the Chinese aid program to Burma, which was announced with so much fanfare in 1961, and recounted its dismal failure from the Burmese point of view. Today, the Burmese get no aid from China. Only trouble comes from China.

Mr. President, I ask unanimous consent that Mr. Huntley's Perspective for Thursday, December 7, be printed in the RECORD.

There being no objection, the Perspective was ordered to be printed in the RECORD, as follows:

I reported here the other day on reports that American transport airplanes had recently flown to Rangoon, Burma with loads of weapons for use against subversive agents and guerrillas in the northern provinces of that country . . . provinces adjoining Communist China.

A confirmation of all this appears in the Nov. 18th issue of the Sunday Times of London by correspondent Peter Boog. The trouble Burma is having with the Chinese Reds is getting serious.

More on this in a moment following this message.

According to Times correspondent Boog, 5 transport planes left Rangoon several weeks ago, carrying 500 Chinese technicians back to China. The vaunted Chinese program of aid to Burma had come to an end and the pretense was over.

The Chinese aid program for Burma was announced in 1961 with tremendous fanfare. But for 3 long years, absolutely nothing happened. Finally the Burmese inquired politely and the Chinese responded in a curious way. Instead of starting work on the promised textile mill, the sugar mill, the plywood factory, and other projects, they started construction on two bridges: one to connect Burma and China and the other which would connect northern Burma with Thailand. Thailand got nervous about this and asked the Burmese why they were consenting to the construction of an all-weather highway and new bridges to open the way for Chinese invasion of Thailand through Burma.

Then came the next chapter. Peking demanded that Burma accept 15 million dollars worth of Chinese products with the proceeds going to pay off loans. The goods arrived and the Burmese were shocked at the way they had been taken in. The shipment of automobile and truck tires, for example, were rejects. All the goods were similar . . . factory rejects or seconds. Burma complained so vehemently that the rest of the shipments were cancelled and the Burmese asked that Peking forget about the rest of the aid program.

Then Chinese Communist living in Burma began a tremendous program of sabotage and subversion. Trains were blown up and propaganda attacked the Burmese government of Gen. Ne Win.

Ne Win responded by shutting down Chinese newspapers and rounding up 200 known Peking agents.

Chinese students began rioting and the Burmese students responded by beating up Chinese and one Chinese teacher was killed. Peking began making ominous threats against Burma. Burmese officials in Peking were harassed and molested.

Now the Burmese government has announced that it is receiving aid from the United States, Japan, and the Soviet Union.

But what is most worrisome is the fact the UN Scty. Gen. U Thant was recently telling us how no one has anything to fear from the Chinese Reds . . . that they have treated Burma so nicely.

ADDRESS BY CHAIRMAN OF NATIONAL ASSOCIATION OF BROADCASTERS

Mr. PEARSON. Mr. President, last Tuesday Mr. Grover C. Cobb, chairman of the National Association of Broadcasters, addressed the Federal Communications Bar Association. I have just had the pleasure of reading the text of this address which I found to be refreshingly candid and carefully reasoned. On the one hand, Mr. Cobb skillfully reminded his audience that Congressmen and FCC Commissioners are not united in some devilish plan to antagonize the broadcasting industry and, on the other hand, appropriately argued that the broadcasters are not some narrow self-serving pressure group insensitive to the public interest.

Mr. Cobb is particularly effective in pointing out that the quantity of broadcasting and freedom of choice is best achieved through a judicious blend of private enterprise and keen awareness of the public interest. If both Government officials and broadcasters take this enlightened view, radio and TV service will continue to meet the needs of a free and independent people and, in his words:

> It is this felicitous combination of private and public interest which not only advances and expands the individual but advances and expands the society as a whole. That we have achieved the highest standard of living in the world under this system is no accident. The harnessing of private and public interest pulling together, not in opposite directions, is perhaps our most underrated contribution to political theory. Except that ours is no theory. It works.

Mr. President, because of the value of Mr. Cobb's remarks, I want to take this opportunity to call this address to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GROVER C. COBB, CHAIRMAN, NATIONAL ASSOCIATION OF BROADCASTERS, BEFORE THE FEDERAL COMMUNICATIONS BAR ASSOCIATION, DECEMBER 5, 1967

I have been Chairman of the Board of the National Association of Broadcasters for only about five months. The job requires me to spend about 25% of my time in Washington. I am told that the minimum residence requirements for qualifying as an expert in Washington are *one month*, so I assume, that even though my service has been intermittent, I can now take my place among you with the confidence that my views will be treated with all the reverence that yours enjoy.

Heretofore, I had tended to look at the Congress and the Federal Communications Commission as dangerous antagonists who must be fought at every turn because they were capable of doing us great harm—and seemed to be trying to do so all the time.

My front line troops in Washington were my lawyers and the NAB. It was their job to protect our rights and save us from harm. The NAB was supposed to do on an industry basis what you of the legal fraternity did on an individual basis for a specific client—that is where you pleaded the case for one station, they pleaded the industry case; where you fought the battle for one station, they fought the industry battle; where you appealed the individual case, they participated in appeals which had industry wide ramifications.

In the course of my five months here, however, I have revised that view. I find that the relationship between the four parties interested in broadcasting—Congress, FCC, NAB and the Legal Fraternity—is more complex, less clearly black and white and much more closely interrelated than I conceived it to be.

Both Congress and the FCC, for example, have been sympathetic and responsive—not bristling and antagonistic—on several important matters. To cite a few: the House Committee's action in rejecting Pay-TV, the rules imposed on CATV systems in the FCC's Second Report and Order, the generally favorable attitude in both the House and Senate toward our copyright case and, over a longer period of time, the FCC's acceptance of technical advances, such as the use of remotely controlled automatic transmitters.

So, in many instances, these government bodies are not against us; they are helpful to us. Congressmen and Commissioners are not necessarily ogres; they are accessible and interested human beings.

Not always, of course.

Occasionally a Commissioner seems more interested in personal publicity than in fair factual analysis. Sometimes the Commission seems bureaucratically indifferent to the burden of paper work it imposes which, in the case of a small station, is nothing less than crushing.

The point is that, on most issues, it is not one group imposing its views on the other, of one group licking the other. Rather the final result is achieved after contact and discussion among *all* interested parties.

Now some people regard this process as shady. They see corruption behind every action. They take a simplistic view of our actions here in Washington. In their view the government, specifically the Congress and the FCC, are the guardians of public interest. Nobility of purpose and purity of motive are regarded as the sole preserve of these public bodies. In their view, we are a narrow but powerful pressure group, undeviatingly self-serving. We accomplish our ends by chicanery. Pursuit of the dollar is the basis of all our actions. We are entirely oblivious of any public interest considerations.

Well, in my five months here I have found that neither my own preconceived views of Washington nor the often-expressed views of these critics are accurate. Let me illustrate this by citing as examples some of the major and most far-reaching broadcasting issues we presently face in Washington.

For example, NAB testified on the recently-passed Public Broadcasting bill. NAB supported that bill but expressed great concern that government control would follow the money. Thus we suggested that the money be channeled to the educational stations themselves and that they, in turn, devote a portion of this money to the formation of a central organization which would be operated under their joint control.

Now, I submit that had we taken cynical point of view we would not have suggested that method. In my view, the closer the government control the more assurance that the system will be a eunuch, that it will be cowed and cowardly, that it will be less imaginative and more wrought with political pushing and pulling, that it will offer the least competition to presently operating stations.

Actually, the freer that system is, the more competitive it is going to be. The freer it is the tougher it is going to be for us.

And yet we advocated the freest possible public broadcast system. Now why would we do that? Why would we seemingly act *against* our own narrow economic interests?

Because, on a matter of such overriding importance as this, the public interest comes first. All of us in broadcasting know and respect the power of radio and television. We don't want to see it become a tool of *governments* which own and operate radio and television systems using them exclusively for their own purposes. It is obvious that in Russia, China, the Soviet satellite countries, there is no free *people's* television or radio; but neither is there in India, in most of southeast Asia, in the Middle East, in the whole continent of Africa, in many parts of South and Central America. Even in the so-called advanced countries—there is none in Germany, France, Spain, Italy, and most other European nations.

That should never be allowed to happen here. No public broadcasting system should be set up in which there is even a *possibility* that it might eventually be converted into a government propaganda agency. That was the basis for NAB's position—a public rather than a private consideration.

Recently the House Commerce Committee rejected the concept of pay television. It is no secret that the NAB was active and vocally in support of that action. Certainly we will admit candidly that our own private, economic interests had a strong bearing on the position we took in that matter. (Let me point out here, parenthetically, that the economic effect of pay television on broadcasters is not necessarily negative. In fact, many broadcaster entities are in a particularly advantageous position to profit from such a system.)

But many believe that economic considerations were our sole motivation and our arguments against pay television merely a sophisticated cover. That is not true. That was never the sole motivation. We believe what we have publicly stated—that pay television would not provide anything new, that it would inevitably go after the mass audience and that people would end up paying for the same programs they now get without charge. Frankly, we do not think that would be in the public interest. Further, we think the evidence supports us. The various pay television experiments have not done anything new, nor have they sought out the needs and desires of segments of the public whom they claimed were not now being adequately served by free television. Instead, they have programmed movies, sports events and entertainment, going after the same mass audiences now served by free television. Thus, on this issue, broadcasters combine a private with a public concern.

Let me now look at another matter which is of grave importance to you as lawyers and to all of us broadcasters—satellites, their operation and control. The subject has many ramifications. But there is one really central question here: "Will satellites eventually beam their signals into individual homes, thus largely obviating the need for and destroying the economic base of radio and television stations?"

Now, do we have a private interest here? Obviously we do, because the disposition of this matter may well decide our very existence. And yet there is a very definite public interest question here as well. Do we really want to destroy these thousands of private businesses with diversified ownership, responsive to local issues, serving local economic interests, in favor of some vast organization which could ultimately dwarf AT&T? Is not national defense better served by a flexible network of arrangements between thousands of radio and television stations rather than by basing all communications on a three-foot ball in the stratosphere?

We think so. We think it would be in the *public* interest.

Let us consider the Fairness Doctrine. Here, certainly, the FCC must be operating from the high moral ground. They are expressing the appealing and apparently unassailable idea that people should be fair.

How could anyone take exception to that?

Well, we do, and let me explain why. The principle is fine, the problem is that it doesn't work.

The attempted enforcement of the Doctrine involves the FCC in making subjective judgments about what is controversial and what is not, who and how many have the standing to reply, what is fair and what is not. It places the FCC in a position of being both the prosecuting attorney and jury. First the FCC must determine whether a particular broadcast is of a controversial nature (no easy task—they have determined, for example, that *religion,* which has caused wars to scourge entire continents, and for which millions have died, some burned at the stake—is not a controversial issue). Then the FCC must examine the substance of that broadcast, the program content, to determine whether the correct degree of fairness was present. Finally, it informs the licensee whether he was right or whether he was wrong and if he made any errors these are entered on his record to be considered at renewal time.

We believe this process is destructive to an atmosphere of free expression and a violation of the Constitutional provisions of free speech. When the penalty for being held unfair by a government body is the threat of loss of license, there is a very real power over freedom of speech. *People,* and *broadcasters are people,* are effectively intimidated from exercising that *constitutionally* guaranteed right. The Fairness Doctrine becomes a lever exercised by the government to induce behavior the government has determined is acceptable.

Our objection is not really based on economics; economically, this issue is insignificant. It is based on the public interest. We believe broadcasting should be allowed to be the virile and vigorous citizen it can be—not a hobbled creature caught up in the bureaucratic entanglements of something misaptly named the Fairness Doctrine.

What about CATV? Are broadcasters foes of progress? Unimaginative, stolid battlers for the status quo? Roadblocks on the electronic superhighway that leads to the future?

I hope not.

Broadcasters have a personal and private interest in the preservation of the present system—and, again, we candidly admit it. However, we also feel that a substantial part of our case overlaps the public interest. Let me try to set forth NAB's position on CATV because it has been much misunderstood. Our objective can be set forth in simple terms in one sentence: NAB seeks to integrate CATV into the broadcasting system so that it will be a legitimate part of it, and will not displace it or destroy it.

NAB's views on this subject have been publicly and repeatedly stated. NAB thinks that CATV systems should be subject to the copyright law as are all others who present a public performance of another's work for profit. So does Judge Herlands, probably the most eminent legal authority on that matter in the country. Further NAB believes that, in picking up programs, CATV should be subject to sensible and practical rules. We think that the FCC's Second Report and Order which sets down rules on carriage, on duplication of programs, and on the importation of signals, is basically sound. (As you know, the Supreme Court will determine whether the FCC has the requisite authority in this area.) NAB has also stated its view that CATV systems should not be permitted to originate programs or commercials. Basically, we feel that it is unfair competition for a CATV to take our programs to build up its audience and then turn around and compete with us in the marketplace for programs and on the television set for an audience. That might be characterized as our private and personal reason. But we also feel that origination by CATV would lead down the garden path to pay television which might be in the interest of the few who could pay but not in the interest of the many who could not. *That* is a question of the public interest.

My argument, simply stated, is that broadcasters are also people. They are also citizens. As is the case with all human beings, concern for self is undeniably important. But, as is also the case with most human beings, there are other urgings, other aspirations.

Every man who serves in public office combines his personal ambitions with his desire to serve the public interest. So do those in the academic world. So do doctors. Every lawyer is making a living; he is also an officer of the court.

Broadcasters are no different from any other men.

And so, is it so unusual that a broadcaster's life is also partly the pursuit of private gain and partly the satisfaction of the public interest.

Broadcasters have made and are now making immense contributions to the public interest. These are, in our judgment, too often ignored or lightly dismissed by those who have preconceptions that broadcasters act *only* in their private interest.

Let me cite one instance which perhaps will serve as an example of the many things that broadcasters do—nearly every day, certainly every week. Little things like this happen so often they are expected without question, accepted as a matter of course.

Last Thursday, Washington had a heavy snowstorm. The subject in every Washington household that morning was the weather. Would the snow continue? Was public transportation functioning? Were roads passable? Would schools be open? The snow began in the early morning hours; newspapers, if they were delivered at all, were of no help on these questions.

The answers were provided by a turn of the switch of the radio. It provided the latest information immediately to a couple of million concerned citizens. Did anybody really think about that service? Didn't they assume it—expect it to be there?

From the broadcasters point of view, it was great. The larger his audience, the greater his, if you will pardon the expression, profit. But these things were also undeniably a great service in the public interest. The broadcaster gets some satisfaction from that as well.

We, who believe in the free system, believe this is a felicitous combination which not only advances and expands the individual but advances and expands the society as a whole. That we have achieved the highest standard of living in the world under this system is no accident. The harnessing of private and public interest pulling together, not in opposite directions, is perhaps our most underrated contribution to political theory.

Except that ours is no theory. It works.

RESOLUTION BY NATIONAL CUSTOMS SERVICE ASSOCIATION, MAINE STATE BRANCH

Mrs. SMITH. Mr. President, for myself and on behalf of my colleague from

Maine [Mr. Muskie], I ask unanimous consent to have printed in the Record a resolution adopted by the Maine State branch of the National Customs Service Association at its recent annual meeting.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas: the members of the Maine State Branch of the National Customs Service Association are convinced:

That the United States Customs Service is now understaffed,

That the workload is constantly increasing,

That necessary training has been discontinued and important services curtailed, and

That it is becoming increasingly difficult to enforce Customs laws and regulations and to serve adequately the commercial importers and the travelling public with our limited personnel and facilities, and

Whereas: additional inspectors would mean additional revenue and more adequate law enforcement, while further economy would bring disaster;

Now be it resolved that these convictions be made a matter of record and that each Senator and Congressman from the State of Maine be furnished with a copy of this Resolution.

WHAT WE ARE LEARNING ABOUT MIGRANT FARMERS' HEALTH

Mr. WILLIAMS of New Jersey. Mr. President, last week the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare held hearings on proposed legislation to extend the Migrant Health Act for 5 years.

The migrant health program was enacted into law in 1962 and by the end of the first year of operation we had 31 projects serving migrants in 114 counties in 20 States. The program has been steadily expanded since then and we now have 115 projects serving migrant farmworkers in 300 counties in 36 States and Puerto Rico.

Existing authority for the migrant health program expires June 30, 1968. The proposed legislation would authorize $13 million for fiscal 1969; $15 million for fiscal 1970; $20 million for fiscal 1971 and such amounts as may be necessary for fiscal 1972 and 1973.

In the graphic testimony of the State health officials from the States of Georgia, Florida, Texas, California, and New Jersey it was unquestionably clear that the need for health service far outdistances the available services.

We are operating this year with $7.2 million. We could use almost double that amount of money simply to do a more effective job in the existing projects. In addition, we have many applications for new projects which the Public Health Service has been forced to turn down because of lack of funds.

The migrant health program provides the kind of health care which most families have long regarded as routine care. That is, pre- and post-natal care, obstetric service, immunizations, examinations, and treatment for ordinary ailments.

But, it does this with a difference. The migrant health program, operating through the various State health departments, goes out into the migrant labor camps and, indeed, into the field sometimes, to find its patients and bring the care to them.

Before this program was launched, there simply was no medical care available for migrant farmworkers, except for grave emergencies and frequently not even then.

We have made some progress since then. But we have a long way to go. It is still the exception, rather than the rule, for the migrant farmworker and his family to have available even the barest minimum of medical services.

To illustrate: In 1964, the infant mortality rate among migrants was at the level of the country as a whole for 1949. The maternal mortality rate in 1964 was the same as the national level of a decade ago.

Mortality from tuberculosis and other infectious diseases among migrants in 1964 was two and a half times the national rate, approximating the national rate of more than a decade ago.

Just 2 months ago, in one of the wealthiest States in the Nation—a migrant with an emergency illness was rejected by four hospitals because he could not assure payment of the bill. At the fifth hospital where he obtained attention, doctors said the patient had only about 2 hours left to shop around for hospital treatment.

Of the more than 1 million migrants, including workers and their dependents, 750,000 still live and work outside the areas served by existing migrant health projects.

This group includes by conservative estimates:

Over 6,500 persons with diabetes who are without adequate medical care;

Over 5,000 migrants with tuberculosis who are traveling and working with their disease undetected and untreated;

Over 300 children under the age of 18 who have suffered cardiac damage as a result of rheumatic fever. These children are unlikely to receive treatment for prevention of reinfection and further cardiac damage. Such treatment is ordinarily readily available to most nonmigrant children in their communities;

Approximately 9,800 children who have undiagnosed and untreated iron deficiency anemia. This increases their suspectibility for childhood infection and interferes with their normal growth and development;

Over 250 infants who will die in the first year of life as a result of congenital malformation or disease. Early, adequate medical care will not be available for these infants;

Over 16,000 expectant mothers who will find it difficult to obtain prenatal care. Infant and maternal mortality can be expected to be significantly higher under such conditions; and

Between 20,000 to 30,000 individuals who have enteric parasitis infestations—resulting in most cases from poor sanitation. Such a problem is almost nonexistent in the general public.

The illuminating testimony of Dr. John Radenbaugh, assistant professor of pediatrics and preventive medicine, University of Rochester School of Medicine and Dentistry—also project director of migrant health programs, Monroe County, N.Y.—described the imperative which is ours—to extend the Migrant Health Act. I ask unanimous consent that his testimony be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

"The modern locus of poverty is even more the rural than the urban slum," commented John Kenneth Galbraith in his book, *The Affluent Society*. Many of those who make up these slums are the seasonal farm workers who travel North and South and ebb and flow with the crops. They are isolated in areas with few social services, few financial resources, and are away from the scrutiny of the public. These rural communities, in contrast to urban communities, have little flexibility in attempting to help the seasonal worker. For when a rural community is inundated by a transient population such as the migrant farmer, it cannot tax its already over-taxed resources to accommodate his needs. One of these needs is health care and one of those least able to provide this care is the general physician located in this rural area. Already overburdened with his own practice, he finds it almost impossible in many situations to offer care except in extreme emergency for the incoming seasonal farm worker. Let me give you some recent examples of conditions which have been encountered in New York State.

Mr. Carter, a worker with B.E.A.M. (Basic Education for Adult Migrants), in Wayne County, was called one evening by Mr. Roy, a migrant who was quite concerned about a sick friend. Mr. Roy had tried unsuccessfully to seek medical attention for his friend and now turned to Mr. Carter for help. Mr. Carter found this man to be quite ill with a temperature of 103°. He helped him into the back seat of his car and headed toward the nearest hospital. There the migrant worker was denied medical care. Mr. Carter then went to another hospital. Medical care was not obtained there, and still another hospital would not see this man. A doctor on the street near the hospital was also too busy to examine the sick man and gave the excuse that he was hurrying for an appointment. Twelve miles later, the semi-conscious man was admitted to a Veterans' Hospital in Syracuse, New York. The attending doctor told Mr. Carter that if two more hours had passed this man would have died.

Mr. Post, director of Area I of B.E.A.M., noted that his area had more unsolved health problems than any other area in the central portion of the state of New York. He pointed out a lack of clinics, hospitals, and dental facilities throughout the area. There was a temporary clinic conducted by the State Health Department during the summer, but it closed down two months prior to the time that the seasonal farm workers left the area. The nearest location to most of these seasonal farm workers was Sodus, New York, with only two practicing physicians—both of whom required an appointment before seeing any patient. Mr. Post recounted the following incident:

"A woman and a child fell from a truck one evening, and I couldn't get a doctor. After traveling around and telephoning for help, I finally took the woman and child into Sodus. By this time, the child was unconscious. Someone is going to have to bring medical service into this area of Wayne County."

In Genesee county, Reverend James Proctor, a migrant minister, attempted to find emergency medical care for a mother, daughter, and an adult woman at one of the seasonal camps. He took them into the local Health Department who referred them to the Emergency Ward of a nearby hospital. A physician in the Emergency Ward said that these patients could qualify for Medicaid; and, thus, he would not treat them. The migrant minister took these people back to the camp and called six doctors in the area before he was finally able to obtain care for them two days later. His comments:

"If these people had tried to seek care on their own, they would have been unable to find it. It is only because I knew the physicians in the area that I was finally able to get an appointment."

"Three weeks ago, I had a similar situation develop," Rev. Proctor recounted, "of a person with a severe tooth infection. It took me 5 days before I was able to get emergency care for this patient in a dentist's office."

The difficulties of the seasonal worker are compounded occasionally by language barriers, by cultural barriers, and by lack of transportation. Another more vivid example was encountered in Monroe County when Mr. James Alford was found dead in the outhouse at the Perzik Camp on August 8, 1966. The report reads as follows:

"This adult Negro male with no medical history was found expired this morning in the outdoor toilet about 6:30 a.m. by Willie Oliver, also a resident of the camp. According to Mr. James Hill, camp boss, the deceased arrived in the Monroe County area from Gifford, Florida, on July 15, 1966, and has been working at the camp since this time. He is a big eater, smokes about 5 packs of cigarettes per week, and does not drink. He has had no medical history or attendance but has complained of a constant cold since coming from Florida; and according to his room mates, the deceased coughed continually all night long. Apparently, some time early this morning he got up to go to the bathroom. It is a walk of some 85 feet from the dormitory to the bathroom (actually an outhouse). On following the path, spots of blood can be seen in the sand along the way as well as a fruit juice can filled with reddish-brown substance next to the deceased's bed. The deceased was found lying supine on the bathroom floor. There is blood on the toilet seat and on the floor of the toilet. A foamy, bright-red substance is emitting from the oral and nasal cavities. The body was removed by car 160 and lodged in the Monroe County Morgue at 10:35 a.m. State police request an autopsy be performed".

An autopsy was not performed, but the patient was signed out as having tuberculosis. His death is an example of:

1. The lack of medical care available even in a county with a migrant health program.
2. the danger which a person with active tuberculosis presents to his fellow workers.

Under existing health laws, he would not be allowed to work in a kitchen. Yet, why would he be allowed to work in the field handling the same food without adequate medical screening?

In Steuben County, New York, Father Timothy Weider tells of Mrs. Robinson, a seasonal worker, who sought medical care for her sick baby in 1966. Without transportation, she walked 10 miles in a fruitless attempt to find a physician. Her baby died in her arms.

Another family was unable to return South in the winter of 1967 and lived in a corn crib in Steuben County. In the winter of 1967, unable to find transportation for medical care, the mother delivered a baby in this corn crib. The outside temperature was 15° below zero—yet the baby survived.

Father Weider stated that medical or dental care was almost impossible to obtain in this county of about 1,900 seasonal workers. Most of the people could not afford medical or dental care nor knew how to apply for medical assistance.

Dental problems are even more neglected than medical problems with the seasonal farm worker. For example, in 1966 in Monroe County in an organized Dental Program, Dr. Louis Gangarosa and other dentists studied a series of migrant children and urban children. In the migrant children, they only found 7 filled teeth in 68 children as compared to 173 filled teeth in the 97 urban children from a poverty area. In addition in the migrant children, they found only 7% of the children had filled or missing teeth compared to 57% of the urban children. This showed almost total lack of dental care to which the migrant children had been exposed. This was even more evident in the adult population, many of whom have never seen a dentist except for an emergency dental extraction.

Dr. Arthur Baker, deputy commissioner of health for the state of New York, has a deep interest in the medical problems of the seasonal worker in New York State. To quote:

"There is a large reservoir of unmet medical needs among seasonal workers in this state. These workers need programs close to where they live and work, and the kinds of health problems which they exhibit cannot be adequately covered economically under existing social services."

The New York State Health Department with assistance from the Migrant Health Act sponsored several projects, one of which was a dental project in Wayne County. This Dental Clinic provided over 650 services to over 300 patients at a total cost of less than $10,000, including dental equipment and supplies. This was a small investment to cover unmet dental needs. . . .

However, society, in attempting to bargain itself out of responsibility for health services, often incurs a greater hidden debt, as shown by the following example.

The Sanitary Code for the State of New York, Chapter I, Part 15.6 for farm labor camps states:

"Where a stove or other source of heat is provided, it shall be installed in such a manner as to avoid both a fire hazard and a dangerous concentration of fumes or gas. Use of portable kerosene heaters shall not be permitted."

On October 20, 1967, Mrs. Caroline Cooks was looking over the shoulder of her husband who was filling their portable kerosene heater. They lived in a building with six rooms without central heating in Steuben County of New York State. The Cooks have 4 children and needed heat especially for the smallest child. Mr. Cooks had requested heat from the owner of the camp in which he was living. The camp owner merely laughed and said, "You've got a wife haven't you; let her keep you warm."

Mr. Cooks was finally able to borrow a portable kerosene heater, the type which is shown on this slide. The heater exploded, and Mr. Cooks received some flash burns of his face and one hand.

His wife received severe burns of the body and face and was rushed to the hospital with 65% 2nd and 3rd-degree burns. She was placed on the danger list at the Strong Memorial Hospital and was treated in the Intensive Care Unit with 3 special nurses. Estimates were that she would be in the Intensive Care Unit for 4 or 5 weeks and then in the hospital for another 6 months. The costs in the Intensive Care Unit were: $250.00 per day or $7,500.00 for 4-weeks' period of time. The remainder of her hospital care would include daily physiotherapy programs, frequent skin grafting, and would cost at an average of: $75.00 per day for a 6-month period of time or $13,500.00 total cost. The total estimated cost: $21,000.00 for the 7-month period of time.

The cost of this would be covered by the local community and the state, a cost which this rural poverty-stricken community could ill afford. Yet, with an adequate health program which included sanitary inspections, this accident could have been prevented. The Migrant Health Act provides for such preventive programs thus saving the government thousands of dollars.

Needless to say, the human suffering cannot be measured in terms of dollars and cents. An initial investment in some type of a program in this county may have prevented this accident and may have prevented the vast sums of money needed to treat some of these tragedies.

In closing, the Migrant Health Act was created to prevent such problems as this:

LETTER TO FLORIDA STATE HEALTH DEPARTMENT

THE UNIVERSITY OF ROCHESTER
SCHOOL OF MEDICINE AND DENTISTRY,
Rochester, N.Y., September 14, 1965.

FLORIDA STATE HEALTH DEPARTMENT,
Migrant Health Division,
Jacksonville, Fla.

GENTLEMEN: Kenneth Cain, whose parents are Mr. & Mrs. Willie Cain, Box 207, Hastings, Florida, was seen by me in the Brockport Day Care Center, Brockport, New York, on 8/12/65. A diagnosis of a right indirect inguinal hernia was made at that time and recommendations were started for referral to the Surgical Outpatient Department at Strong Memorial Hospital, since surgical correction was recommended. The family moved, however, to Florida before this appointment could be kept and said that they would seek medical care upon their return. I am writing to you hoping that such arrangements can be made. We have been conducting a health program in this area and are interested in the follow-up care of patients seen here. I wonder whether a return note could be sent to us regarding disposition of this particular child.

Sincerely yours,
JOHN F. RADEBAUGH, M.D.

The return note stated:

"Sorry. At the present time, we have no referral agencies that could help this family."
J. C. LOZANZIA, M.D.

St. Johns County Health Department, 49 Orange Street, St. Augustine, Florida 32084.

I am happy to say that this will not happen again in this county, which is now able to provide services with assistance from the Migrant Health Act.

Let Congress take positive action, for a group of citizens who need recognition and who may reply, as did this worker in a letter to one of our nurses in November of 1967:

"I will never forget how good you were with us, cause this is our first time we been treated like humans."

Mr. WILLIAMS of New Jersey. Mr. President, the need to extend the Migrant Health Act is obvious; the urgency is unquestioned. On December 13, 1967, the subcommittee will be hearing further testimony from migrant health project directors and farmers from Florida, Texas, and California on the need to extend the existing facilities of the migrant farmworkers. I am sure that the testimony of Dr. William Stewart, the Surgeon General, as well as the testimony from the other scheduled witnesses, will further serve to point out the health gap of the migrant worker.

NEW YORK TIMES SUGGESTS WAGE-PRICE HEARINGS TO STEM COST-PUSH INFLATION

Mr. PROXMIRE. Mr. President, this morning's New York Times expresses constructive concern about the inflationary cost-push forces in the economy. The Times recognizes that voluntary "jawboning" from the White House under present circumstances will not keep wages in line with productivity increases and will fail to do much about stemming rising prices.

On the other hand, the Times also perceives that rigid wage-price controls are "nobody's enthusiasm."

It suggests a middle ground; that is,

hearings on proposed increases that would force up prices in key industries, coupled with power to defer those increases for a period when no adequate justification of them is shown.

Without endorsing this specific suggestion, I think this is a suggestion that deserves congressional and administration attention.

Unlike the proposed tax increase which would stem a nonexistent boom in demand, it would zero in on a very definitely inflationary element in the economy right now.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

United States: Wage-Price Leapfrog

Prices and wages are resuming the futile chase that undermined the buying power of the dollar after World War II.

Inflationary increases in steel prices and auto wages are the latest indications that the chief immediate threat to domestic economic stability arises out of the pressure of strongly entrenched companies and unions for higher earnings. Virtually all the nation's supply of copper, lead and other nonferrous metals has been cut off for five months by a strike in which the whole A.F.L.–C.I.O. is pitting its economic strength against that of the giant metal producers. Next year will bring fresh tests in aerospace, aluminum, steel, railroads, longshore and other big industries.

In this city the intimate link between the collective bargaining table and the consumer's pocketbook is reflected in the impact of actual and prospective wage settlements on taxi and subway fares and milk prices.

The taxi fleets are seeking city authorization for fare increases that would push up the price of a ride by one-third to three-quarters. Unionized drivers have a direct cash stake in the outcome since those in fleet jobs are paid a percentage of the meter and those driving their own cabs keep all they take in.

Subway negotiations are moving toward the New Year's Day contract deadline, with the Transport Workers Union demanding more than a billion dollars in increased wages and benefits. Mayor Lindsay has made the usual pre-settlement pledge that the transit fare will not rise as a result of any wage pact, but few New Yorkers will bet a token on the prospect that this commitment can be fulfilled without sacrificing funds needed for schools, police or other services.

Milk distributors in the metropolitan area warn that their prices will have to go up by 2 to 5 cents a quart if they meet union demands in negotiations now under way. Any general increase will be subject to special scrutiny, however, in the light of District Attorney Hogan's charges of a union-industry price-rigging conspiracy in milk.

The Chase Manhattan Bank estimates that the national price level will show a 3 per cent increase for 1967, with "more of the same" in store for 1968. President Johnson's urgent appeals for restraint are obviously inadequate to check this upward trend. Too many industries and too many unions have already broken the line to provide a realistic chance for voluntary enforcement of the productivity guideposts that once represented the country's best defense against cost-push inflation. The White House itself is still giving contradictory signals, as evidenced by its lack of zeal for cutting the fat out of governmental spending.

The Administration's proposed tax surcharge is not geared to meet the problem. The possibility is that in the absence of restraints it would spur the wage-price spiral, not arrest it; and tighter credit is certainly not the answer in a period when unemployment is rising and much industrial capacity remains unused.

The President has given the most oblique of hints that mandatory wage and price controls may become the alternative if his plea for self-restraint proves ineffective. Price controls are nobody's enthusiasm, not even that of the potential price controllers. Nevertheless, the shape of current inflation indicates that some middle ground between voluntarism and compulsion must be sought to avoid the deadening effect of higher taxes and higher interest rates.

A mild version of possible control might consist of no more than a mechanism for public hearings on the reasons for proposed increases that would force up prices in key industries, coupled with power to defer for a period those increases for which inadequate justification was shown. Britain's experience with its incomes policy indicates that such a policy provides only limited protection, but it would purchase time for a consideration of stand-by controls on an industry-by-industry basis. The need—and it can be met—is for a formula that will promote stability without stifling freedom.

TEACHING THE LAW AMONG THE POOR

Mr. METCALF. Mr. President, a booklet which explains their legal rights to impoverished children was recently prepared by Dr. Catherine Nutterville, a VISTA volunteer, in cooperation with the local neighborhood legal services.

As Dr. Nutterville explains:

> Too often young people think of lawyers as either putting you in jail or getting you out.

Her booklet, based on ideas used at Nichols Elementary School last spring, goes into such matters as consumer credit for purchase of appliances, rights of tenants, rat control—problems that have a reality to a slum child that "My Summer Vacation" could never equal.

An article entitled "Learning the Law," describing the booklet and the program it supplements, was published in the October 1967, issue of the Journal of the American Judicature Society. I commend this article to Senators and wish to mention Dr. Nutterville's credentials.

This estimable woman joined VISTA in 1965, after more than half a century of teaching in Montana, beginning with horseback rides to a rural schoolhouse at Fort Maginnis. She came here for a year. She took the job simply because "it was impossible to do otherwise." Helping the less fortunate was family doctrine, learned during the depression years in Butte, to Catherine Nutterville. She has stayed on the job. She is truly one of Montana's and the District of Columbia's great ladies.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Learning the Law

Dr. Catherine Nutterville, a 79-year-old VISTA (Volunteer in Service to America) who has spent her life in teaching and in clinical psychology, has prepared a 49-page booklet titled, "How to Make Rights and Responsibilities Meaningful to the Underprivileged."

The book, which was prepared in cooperation with the Neighborhood Legal Services (NLS), a branch of the United Planning Organization in Washington, D.C., contains programs which will teach slum children their legal—and human—rights.

The ideas in the booklet were used in a program for students in the sixth grade at Nichols Elementary School last spring. The experiment was so successful that it has been expanded to include six additional schools in the District. "It is the first effort I am aware of in which lawyers and teachers work together," Dr. Nutterville said.

Julian Dugas, Director of NLS, said, "The pilot school is in a neighborhood with a high incidence of poverty. We thought it would be the hardest possible place to try the program. And if it could work in this area, it could work any place. We rapidly found out that people anywhere love their children and want to be involved in any project that enhances their education—and their dignity."

The vehicle chosen by Dr. Nutterville for the pilot program was an essay contest. But it was the subject of the essay that made it pertinent: "How to Buy a TV Set."

"The purchase of TVs and appliances was causing us a lot of trouble . . . credit buying," said Dugas. "The kids themselves got so doggoned interested that they went into stores—reputable ones—and told the merchans what they were doing and the merchants got interested and helped the kids."

In addition to learning about the rights of consumers and earning the respect of the merchants they visited, the children were also fulfilling another aim in Dr. Nutterville's program: "Children from the age of 12 to 15 are still closely identified with the home and also have an influence in the home. As they learned about their rights, they could take the knowledge home to their parents as they would carry home the measles."

Other subjects suggested by Dr. Nutterville include the rights of tenants and rat control—problems that have a reality to a slum child that "My Summer Vacation" could never equal.

As the children gathered material for their essays, they broadened their knowledge. "In cases where legal issues are involved," said Dugas, "we would have lawyers visit the classroom . . . and also have the children visit the lawyers in their offices."

Both Dr. Nutterville and Dugas hope that this exposure will make the children aware that lawyers can be a source of advice. "Too often young people think of lawyers as either putting you in jail or getting you out," said Dr. Nutterville.

The initial implementation of the program depended on the cooperation of the District school system. Dugas explained how they had obtained it.

"We approached the deputy superintendent of elementary schools and explained the idea. She put us in touch with the woman who handles the curriculum, who decided to try it. Dr. Nutterville was fortunate in that the teacher in the pilot class understood exactly what we were trying to accomplish."

Another person who understood Dr. Nutterville's aims was Alberta R. Beverly, principal of the Nichols Elementary School. "There was no difficulty getting the program into the school. I was in favor of it," she said. "The children enjoyed it and I think they learned quite a bit. It's very refreshing to have someone from the outside like Dr. Nutterville bring her wealth of experience to such a program."

Although, as outlined in her handbook, Dr. Nutterville sees the program ideally as a merger between education and law, she mentions that similar programs could also be developed by churches, clubs and neighborhood centers.

She suggests a variety of methods in which children can be made aware of their rights: socio-drama in which students act out the do's and don'ts of a situation; the drawing of cartoons to illustrate a pertinent theme. But the prime factor in each of her suggested methods is competition.

Although she specifies that such contests begin and end within the classroom and are not a "device to find a Grand Champion in any area," she feels that the dramatic incentive of knowing that some members of this group will be "winners" in the contest, and that all participation will be recognized, should make the effort both stimulating and effective."

That the competition is not cutthroat was borne out by the pilot program. Each child received an engraved certificate, an "award" for submitting an essay. Certificates for a first, second and third place and an honorable mention were so marked.

Last June Dugas attended the award ceremony for participants in the pilot program. "On graduation day the program paid for itself," he said. "You've never seen a more motivated group than the kids who were the recipients of this award."

HOOSIER CHRISTMAS TREES AT THE ROTUNDA AND THE ELLIPSE

Mr. HARTKE. Mr. President, tomorrow at 12 noon there will take place in the Rotunda of the Old Senate Office Building the presentation of the annual Christmas tree, around which musical groups will sing and which will be the center of the pre-Christmas noon programs to mark the Christmas season.

This beautiful 15-foot red pine comes from Pike County, Ind., near my boyhood home. Fifty-three similar matching trees, representing the States and possessions, are to be found at the Ellipse, where they now line the Pathway to Peace at the 1967 White House Christmas Pageant. Not only were these trees cut in Pike County, but on a recent trip I participated in the cutting ceremony and subsequently in their presentation for the peace pageant.

These trees have been made available for the third successive year under a program sponsored by the American Mining Congress. They were grown on reclaimed land restored for usefulness following strip mining operations conducted by the Ayrshire Collieries Corp., of Indianapolis. The fact that the beautiful trees come from such a source is a demonstration of the fact that responsible coal operators are able to, and do, successfully restore strip mine lands to useful, productive purposes. I commend Ayrshire Collieries and the American Mining Congress for their continuing efforts at responsible conservation, and I am grateful to them for the trees they have presented to the Nation.

SOUTH DAKOTANS RECEIVE DEPARTMENT OF INTERIOR DISTINGUISHED SERVICE AWARDS

Mr. McGOVERN. Mr. President, South Dakota is known as the Proud State.

South Dakotans are proud today because two of the Distinguished Service Awards made this afternoon by the U.S. Department of the Interior were made to two of her citizens, the Assistant Secretary of the Interior for Water and Power Development, Kenneth Holum, and the Deputy Assistant Secretary for Water and Power Development, Robert W. Nelson.

I am especially pleased with the awards, for both of the recipients are longtime associates of mine. Ken Holum, who farmed at Groton, S. Dak., and served as the executive officer of the South Dakota Association of Cooperatives before his appointment as Assistant Secretary, has had a lifelong interest in public affairs, as has the Deputy Assistant Secretary, Bob Nelson. Bob was my administrative assistant during my service in the House of Representatives in the late fifties, and an outstanding one.

It is a great pleasure to extend to them my personal congratulations on recognition that I know is well deserved.

Mr. President, I ask unanimous consent that Secretary of the Interior Stewart Udall's citations of these two great South Dakotans be printed in the RECORD.

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

CITATION FOR DISTINGUISHED SERVICE, KENNETH HOLUM, IN RECOGNITION OF OUTSTANDING SERVICE AS ASSISTANT SECRETARY OF THE INTERIOR FOR WATER AND POWER DEVELOPMENT

For nearly seven years, Mr. Holum has served the Department of the Interior and the United States of America with distinction. He has provided imaginative and courageous leadership in the formation and execution of new policy concepts and goals in the water and power field. Previous to this appointment, he had earned national recognition as a conservationist for his work on behalf of comprehensive river basin and water resource development programs. His skill, perceptiveness and genuine interest in resource management have enabled him to supervise activities of water and power bureaus in a most exemplary manner. Under his direction, a vigorous power marketing program has been carried out. The first all preference customer-federal system power pool was established. He has been instrumental in guiding and encouraging power bureaus to take significant leadership roles in developing extra-high-voltage transmission technology and other similar power concept advancements of vast potential benefit to all Americans. His keen knowledge of water resource development policies and diligent work contributed immeasurably to the authorization of thirty-two Reclamation projects since January 1961. Because of his effectiveness and outstanding conservation record, Mr. Holum has been given numerous complex assignments, one of the most important of which is Chairman of the Federal Interdepartmental Task Force on the Potomac. His profound interest and concern in the conservation ideal is equalled by his consideration for the people with whom he works and deals. It is with genuine pride that I bestow on Mr. Holum the Department's highest honor, the Distinguished Service Award.

STEWART L. UDALL,
Secretary of the Interior.

CITATION FOR DISTINGUISHED SERVICE, ROBERT W. NELSON, IN RECOGNITION OF SUPERIOR GOVERNMENT SERVICE

For almost seven years, Mr. Nelson has served with outstanding competence in the office of the Department's Assistant Secretary for Water and Power Development; the past four years and nine months as Deputy Assistant Secretary. During the entire period, he has been the ranking assistant to the Assistant Secretary, a position requiring special qualities of leadership; day-by-day knowledge of departmental policy, in the formulation of which he often is influentially involved; exceptional judgment; and a broad knowledge of the entire field of water and power development. He has fulfilled these needs in admirable fashion. He has contributed significantly to the Department's liaison and information effort with members of the Congress and their staffs as well as with the staffs of Congressional committees, other Government agencies, and the public. In recognition of his dedication to duty and the outstanding service he has rendered the Department, it gives me great pleasure to grant Mr. Nelson the highest honor of the Department of the Interior, its Distinguished Service Award.

STEWART L. UDALL,
Secretary of the Interior.

LEONARD REISMAN

Mr. KENNEDY of New York. Mr. President, New York and the Nation have suffered a grievous loss with the passing of Leonard Reisman. As counselor, prosecutor, and police administrator, he dedicated his too-brief career to the proposition that the criminal justice system must become more humane if it is too contribute to the growth of a more humane society. Deeply committed to the goals of both security and justice for all our citizens, he never succumbed to the discouragement that tempts some to conclude that they must sacrifice one to the other.

His years of experience in the courts, in the police department, and among the people of New York taught him that crime is a complex phenomenon, that understanding is as necessary as force. He brought to the presidency of the John Jay College an appreciation of the true dimensions of our crime problem which informed his efforts to create a police force with an equally large view of the problem.

It is no criticism of the police to say that we have all fallen short of this standard. Now we cannot learn from him any longer. But we must learn from his example. He leaves us the bright light of that example, to show the way along the arduous and demanding path that we must travel.

PEACE IN THE MIDDLE EAST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 904, Senate Resolution 155.

The PRESIDING OFFICER. The resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 155) to express the sense of the Senate concerning a means toward achieving a stable and durable peace in the Middle East.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, Senate Resolution 155 has been reported favorably and unanimously by the Committee on Foreign Relations. I believe that the effort to obtain a durable peace in the Middle East can be substantially improved and moved forward simply by the expression of interest by this body in finding a new, viable, and different method of attacking the basic problems of this strife-torn area.

I ask unanimous consent to have the resolution printed in full at this point, including the names of the cosponsors.

There being no objection, the resolution with the names of cosponsors, was ordered to be printed in the Record, as follows:

S. Res. 155

Mr. BAKER (for himself, Mr. Aiken, Mr. Allott, Mr. Bayh, Mr. Bennett, Mr. Boggs, Mr. Brooke, Mr. Byrd of West Virginia, Mr. Carlson, Mr. Case, Mr. Clark, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dirksen, Mr. Dodd, Mr. Dominick, Mr. Eastland, Mr. Fannin, Mr. Fong, Mr. Griffin, Mr. Hansen, Mr. Hartke, Mr. Hatfield, Mr. Hickenlooper, Mr. Hollings, Mr. Hruska, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Kuchel, Mr. Long of Missouri, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Miller, Mr. Morton, Mr. Murphy, Mr. Muskie, Mr. Pearson, Mr. Percy, Mr. Prouty, Mr. Randolph, Mr. Ribicoff, Mr. Scott, Mrs. Smith, Mr. Spong, Mr. Thurmond, Mr. Tower, and Mr. Tydings) submitted the following resolution; which was referred to the Committee on Foreign Relations.

Resolved, That it is the sense of the Senate that the prompt design, construction, and operation of nuclear desalting plants will provide large quantities of fresh water to both Arab and Israeli territories and, thereby, will result in—

(1) new jobs for the many refugees;

(2) an enormous increase in the agricultural productivity of existing wastelands;

(3) a broad base for cooperation between the Israeli and Arab Governments; and

(4) a further demonstration of the United States efforts to find peaceful solutions to areas of conflict; and be it further

Resolved, That the President is requested to pursue these objectives, as reflecting the sense of the Senate, within and outside the United Nations and with all nations similarly minded, as being in the highest national interest of the United States.

Mr. BAKER. Mr. President, the communications stalemate exacerbated by the crisis earlier this year in the Middle East continues. The Arabs will not talk to the Israelis, and the Israelis will not talk to the Arabs. Other governments have tried without apparent success to bring the warring parties together. International organizations have met with a similar and notable lack of success in their efforts at bridging the gap.

There is a growing amount of pessimism about solving the complex and seemingly intractable problems in that strife-torn area of the world.

But there is also a growing feeling that the times are ripe for new approaches and new ideas in our efforts to begin to resolve the conflict.

Something other than traditional political solutions, perhaps technology, may be needed as a first step toward creating a lasting peace in the Middle East.

The concept of MEND—Middle East nuclear desalting—embodied in Senate Resolution 155 which has been unanimously reported by the Committee on Foreign Relations, could be such a first step.

MEND envisions the construction of three giant nuclear-powered water desalting plants in the Middle East. The concept proposes to use nuclear energy to make peace instead of war, to unleash man's mightiest energies to create rather than to destroy.

Science has developed technology of nuclear power and water desalinization to the point where it could be useful as a new tool for social and political progress in the Middle East.

It would be tragic for our Nation to overlook this opportunity to use this new technology as a first step toward resolving the present political stalemate.

The prospect of making water available to both Arabs and Israelis in such quantities that they can begin to cultivate the fields that now lie fallow and produce ample food for themselves is an exciting concept.

And it is not an idle dream. It is now entirely within our grasp.

Equally exciting is the prospect that through such regional economic cooperation in the Middle East, we may hasten the day when regional political cooperation is not an idle dream.

The establishment of an international corporation such as MEND, which has as its very core the objective of solving the root problems of the Middle East, will provide a forum at which both sides may reach a common understanding for their own national interests, unencumbered by previous biases and influences. I do believe that the very international nature of this corporation can and should be used as a vehicle to accomplish what narrower national interests today prevent.

Creation of such a entity would provide a non-national third party with which both the Arabs and Israelis could talk.

MEND envisions the construction of a 6,600 megawatt thermal desalting reactor which would produce 450 million gallons of fresh water per day. Two other plants, one of equal size to the first, and one slightly smaller, would also be constructed.

Each plant would produce a quantity of fresh water greater than the combined flow of the major tributaries of the Jordan River. This water would be used for irrigating fields and turning the desert into productive land for farming.

It would also provide, virtually as a byproduct, tremendous quantities of electrical energy which would be an incentive for industrial development of the region.

MEND would from its inception provide a source of employment for the thousands of unskilled refugees whose inability to find work exacerbates the tensions of the Middle East.

Water, work, and food are inextricably interwoven with the problem of creating a climate of peace in the strife-torn Middle East.

These are among the basic underlying causes of dissension and until these needs are sufficiently satisfied, they will continue to be key points of friction.

Water is the basic and unreplaceable need. I am fully convinced—and I submit that the testimony offered at the hearings conducted on October 19 and 20 by the Foreign Relations Committee supports this conclusion—that the satisfaction of these needs by the construction of such nuclear desalting plants is within our present technology and capability.

I also am convinced that a practical method of financing the project exists. It has been suggested that the MEND corporation be formed along the lines of COMSAT. Part of the original capitalization would be provided by the U.S. Government. The remainder of the capitalization would come from other governments and private capital. We have full reason to believe that the international financial community will enthusiastically support such a financial arrangement for the project and will therefore provide an important source of capital for it on a risk basis.

This approach offers some enticing advantages from the financial point of view. However, the principal advantage, the one which makes this venture attractive, is that the MEND corporation would have no national identity; it would be international in scope and identity.

As the report by the Foreign Relations Committee states, the purpose of Senate Resolution 155 is to urge the President to consider taking appropriate steps to promote the design and construction in the Middle East of nuclear desalting plants for the benefit of both the Arab Governments and Israel. It is our hope that Senate endorsement of the resolution will stimulate consideration of the ways and means of furthering the cause of peace in the Middle East through regional economic cooperation. It is my belief that the use of our advanced technology as a tool of diplomacy in this difficult situation would encourage cautious optimism about the resolution of the continuing political stalemate.

The import of Senate action approving this resolution is that the times are ripe for new ideas, for new approaches in trying to resolve the political problems of the Middle East. And our action could be taken to mean that, at least in the Middle East and at this time, there is a growing awareness that there may not always immediately be an immediate political solution for every political problem. Perhaps something else should be tried first.

It is equally important to recognize what this effort in the Senate is not. It is not, as the report makes clear in the committee comments, recommendation or support for any particular approach in the implementation of the resolution or a commitment to contribute financing to the program. Thus, approval of the resolution should not, for example, be construed as any designation on matters such as where the plants might be located or what the financing arrangement for the MEND corporation might be.

It is important also to recognize that the MEND proposal far surpasses any partisan consideration. There are 53 sponsors of this resolution in the Senate, from both sides of the aisle and including both the majority and the minority leaders. The administration has expressed a sympathetic concern for and genuine interest in this proposal from its initiation, as Secretary Udall's testimony at the hearings demonstrates.

For my part, in espousing this idea, it is not my intention to try to preempt in any way executive responsibility nor is it my intention to try to involve myself in the negotiation of our foreign policy. For these reasons, I have chosen to try to crystalize broad support for MEND by introducing a sense of the Senate resolution which would merely commend the concept and its bold and exciting possibilities to the administration.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ANDERSON. Mr. President, I do not want this resolution to be agreed to without paying high tribute to the able junior Senator from Tennessee. I have been working for a long time in this field.

The Senator from Tennessee has been a very fine worker and a very fine leader. He has done an excellent job. Agreement to this measure will hold out an excellent promise for future peace.

I pay great tribute to the Senator from Tennessee and to Senators on the other side of the aisle.

I recognize what the Senator from Tennessee has done and I commend him on his accomplishment. I am glad that he appreciates the problem now. I hope that he continues to appreciate it for all the time that the Senate is in session. I thank the Senator very much. We all appreciate the fine work he has done.

Mr. BAKER. Mr. President, I thank the Senator from New Mexico from the depths of my heart. I recognize his early pioneering and effective efforts made in this very important field of desalinization, especially the early and effective application of nuclear technology to this most vital of areas—the production of fresh water in this country and in other parts of the world.

I hope and feel that the efforts of the Senator from New Mexico, together with the expression of support on the part of the Senate in this way and the promise of cooperation on a multilateral basis with all of the countries of the Middle East, may serve as a symbol which, by itself, may encourage a dialog and a prospect for the finding of a durable and permanent solution to the warring conflicts of this much-tortured area.

Mr. GORE. Mr. President, I congratulate my distinguished colleague upon the initiative he has taken in this field.

I had intended to speak at some length on this subject. I think it certainly deserves careful consideration. But I do not have my notes with me and I am unprepared to discuss either this particular proposal or its relationship to the Middle East at this late hour. Therefore, I will content myself with saying that it has a worthy purpose. I think it is very meritorious and, if put into execution with the cooperation of the peoples and the nations of the Middle East, it might accomplish what the political and religious and tribal leaders there have been unable to accomplish.

I must utter this one thought, that by agreeing to the pending resolution, the Foreign Relations Committee, as stated in its report, is not seeking to specify a particular form of financing, or a particular measure which may be developed as a result, or partly as a result, of the pending resolution.

It is a movement in the right direction.

I sincerely and wholeheartedly congratulate my distinguished colleague for undertaking to bring this forward.

So often, as I have said recently in the Senate, the constitutional responsibility of the Senate to advise and consent is considered to be that purely of consent. This is a constructive measure. It is the working of the will of the Senate, and the expression of the sense of the Senate in a most constructive and forward-looking manner.

I am happy and honored to join in supporting this measure.

Mr. BAKER. Mr. President, I take this opportunity to express my deep appreciation and sincere thanks to my senior colleague from Tennessee.

I express my appreciation for his most relevant remarks about the duty of the Senate to deal with foreign affairs.

I add, in addition, that the pending resolution has been since its inception, as evidenced by its sponsorship and this dialog today, truly bipartisan in scope. In addition to its bipartisan nature, I think that throughout its consideration both in committee and here today, the pending resolution has expressed the unmistakable intent of the Senate to perform in this field of foreign affairs in conjunction with the efforts of the executive department.

I urge the Senate to express its support of this concept in general terms. I very much hope that the executive branch of the Government, as the branch of the Government charged with the implementation of foreign policy, will go forward with studies for implementation of the contracts and negotiations which will be necessary to explore the feasibility of and the ultimate design for the implementation of this idea.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 155) was agreed to, as follows:

Resolved, That it is the sense of the Senate that the prompt design, construction, and operation of nuclear desalting plants will provide large quantities of fresh water to both Arab and Israeli territories and, thereby, will result in—

(1) new jobs for the many refugees;

(2) an enormous increase in the agricultural productivity of existing wastelands;

(3) a broad base for cooperation between the Israeli and Arab Governments; and

(4) a further demonstration of the United States efforts to find peaceful solutions to areas of conflict; and be it further

Resolved, That the President is requested to pursue these objectives, as reflecting the sense of the Senate, within and outside the United Nations and with all nations similarly minded, as being in the highest national interest of the United States.

The preamble was agreed to.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon, tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the reading of the Journal, the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY OF MASSACHUSETTS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following a speech by the Senator from Arkansas [Mr. FULBRIGHT], the senior Senator from Massachusetts [Mr. KENNEDY] be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, as a reminder to the Senate, beginning tomorrow and throughout the remainder of the week, I am advised by the distinguished majority leader, if I did not misunderstand him, that the Senate will be considering the following conference reports: S. 889, San Rafael Wilderness; H.R. 4765, the Bank Holding Company Act; H.R. 12080, the social security amendments; S. 2171, the Subversives Control Act; and H.R. 13893, the Foreign Assistance Act for 1968. These measures will not necessarily be considered in that order.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, December 13, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 12, 1967:

Department of Agriculture

Edward M. Shulman, of Ohio, to be General Counsel of the Department of Agriculture, vice John C. Bagwell.

Department of the Interior

Max N. Edwards, of New Mexico, to be an Assistant Secretary of the Interior, vice Frank C. Di Luzio.

Post Office Department

John H. Johnson, of Illinois, to be a member of the Advisory Board for the Post Office Department.

EXTENSIONS OF REMARKS

Columbus Day

EXTENSION OF REMARKS
OF
HON. TORBERT H. MACDONALD
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1967

Mr. MACDONALD of Massachusetts. Mr. Speaker, it has been 475 years since this country was discovered by a great Italian navigator, Christopher Columbus.

The exploits of Columbus have been an inspiration to explorers and adventurers for many years and now, in the age of space exploration we find new Columbuses—men willing to risk their lives in seeking new frontiers; in conquering new challenges. Columbus' ambition and dedication in the face of what then were termed insurmountable odds still inspires a challenge to all of us.

History records that Columbus discovered the "New World" on October 12. Again this year, there is pending, as there has been in several past Congresses legislation which would make October 12 a national holiday, that day came and went without a suitable acknowledgment from the Congress. Thirty-eight of our 50 great States, including my own Commonwealth of Massachusetts, observes Columbus Day, October 12, as a legal State holiday. Federal employees, however, in these States must report for work or take annual leave and in some cases are unable to perform their duties if they do go to work because other businesses and offices are closed for the day. I feel that it is past time that this discrepancy be rectified and that Congress recognize October 12 as Columbus Day and have it made a legal Federal holiday.

Columbus, in his discovery of the Western Hemisphere, opened not only the continent of North America, but that of South America as well, for development. Most of the nations on the South American continent recognize the importance of Columbus' voyage and celebrate October 12 in his honor. Why have we in the United States not recognized this great achievement of the intrepid Italian, Columbus? We now honor many who helped form this great Nation. Why do we not honor the man credited with its discovery?

The national commander of the Italian American War Veterans, Joseph J. Villano, who resides in the district which I am privileged to represent here in the Congress, has gone on record for his organization as being in favor of such a legal Federal holiday. I join Mr. Villano and his organization in this effort.

So that there should be no question in the minds of our colleagues of the support this proposal has on a national level I recommend the reading of a succinct letter from National Commander Villano of the Italian American War Veterans of the United States, Inc., to the chairman of the House Committee on the Judiciary.

The letter follows:

ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES INC.,
Hartford, Conn., September 30, 1967.

CHAIRMAN, HOUSE JUDICIARY COMMITTEE,
House of Representatives,
Washington, D.C.

HONORABLE CHAIRMAN: As the National Commander of the Italian-American War Veterans, I, Joseph J. Villano, do hereby express on behalf of my entire organization that we are in favor that Legislation be enacted making Columbus Day a legal Federal Holiday.

Sincerely yours,
JOSEPH J. VILLANO,
National Commander.

Salute to Tennessee's 1967 Volunteer Team

EXTENSION OF REMARKS
OF
HON. W. E. (BILL) BROCK
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1967

Mr. BROCK. Mr. Speaker, it is a well-known fact that we Tennesseans take our football seriously. For this reason, I hope that my colleagues will forgive me a little serious bragging on the exploits and accomplishments of the Nation's finest football team.

The University of Tennessee's 1967 Volunteer team has just recently completed one of the most successful and inspiring seasons in the school's football history. Despite a crippling series of injuries to key players, the Vols fought through one of the toughest schedules in college football to compile a 9–1 record, win the No. 2 position in both major national rankings, and earn an invitation to play in the Orange Bowl classic at Miami on New Year's Day. This justifies a little bragging.

When Coach Doug Dickey talks about the 1967 Vols, he always stresses the word team. No one can deny that what Coach Dickey and his boys accomplished required a maximum of cooperation and unity of purpose. It also required that each player possess that extra measure of courage, personal responsibility, and pride that makes up a champion. Tennessee is proud of every man.

I could spend some time talking about individuals, for there were many great performances by outstanding players. Dewey Warren, hobbled all season by injuries, still managed to turn in some spectacular duty at quarterback. Charlie Fulton and Bubba Wyche, Walter Chadwick and Derrick Weatherford, were all outstanding. Albert Dorsey, the tough defensive back, and Richmond Flowers, the lightning-fast flanker, have been honored by selection as All Americas.

But, I feel compelled to express a great deal of extra pride in a young man from the city of Cleveland in my own Third District of Tennessee. His name is Bob Johnson, and you will find him listed on every All-America team.

Longtime Vol watchers have labeled Bob as the best center in the team's history. He is a great blocker; a hard competitor with the size, strength, speed, and natural ability to earn lasting respect from teammates and opponents alike. Coach Dickey has characterized Bob as an excellent leader both on and off the field, a player who can be counted on to do his job on every play of every game. That is a pretty solid rating, and one in which I wholly concur.

I salute Tennessee's Volunteers and Bob Johnson and hope to be at the Orange Bowl when they win their next great victory. As representatives of our State, they are a real source of pride to every Tennessean.

Christmas Greetings to Constituents

EXTENSION OF REMARKS
OF
HON. DONALD E. LUKENS
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1967

Mr. LUKENS. Mr. Speaker, I place the text of my Christmas greetings letter to my constituents in the CONGRESSIONAL RECORD at this point:

WASHINGTON, D.C.

DEAR FRIEND: During the present holiday season, I want to take the opportunity to wish you a very merry Christmas and a happy and prosperous New Year.

This is the time of year, of course, when we are inclined to look back and consider the happenings of the past twelve months with a view to how they may affect the future. It is a time of thoughtful dwelling on the meaning of Christmas and the coming of the Prince of Peace. It is a time for counting our blessings, as individuals and as a nation; for rededicating ourselves to the principles of brotherhood and charity, and for making resolutions for the future.

At the same time, the holidays are a time for hustle and bustle, for round-the-clock shopping, for the making of lists, the assembling of toys, the mailing of cards. The accent is on that greatest of all institutions—the family—the preparations for once-a-year get-togethers of the "clan."

It is a time when serious thought is given to phrases like "Peace on Earth; goodwill to men" and what they might mean in the present day and age. Do they, for example, mean "peace" at any price—even the "price" of human freedom and human dignity? Or do they mean peace founded on the fulfillment of commitments to oppose aggression against small and defenseless peoples? Do they mean a peace based on opposition, military and otherwise, to international evil?

I firmly believe that the "peace" we talk about during the Christmas season is a "peace" of honor and responsibility, a "peace" which must be earned and defended. I do not believe it can be attained by refusing to honor our beliefs and defend our principles. I do not think it can be secured by refusing to stand up for what is right and just. And I do not believe it can be had by walking out on the defense of liberty when the going gets tough.

This holiday finds our nation engaged in a struggle for human freedom. Let us all pray for a speedy—and honorable—end to that conflict so a just and proper peace may be attained and our American boys can be returned to their homes and their loved ones. And meanwhile, let us marvel once again at the miracle of the Christmas Spirit which turns this time of the year into a period of universal love and gives a special meaning to the words "goodwill toward men."

Our little greeting is to let you know that our sincerest thoughts and prayers go out to you and yours during this beautiful and sacred season.

God bless you all.

DONALD E. "BUZZ" LUKENS.

Reflections on the 90th Congress

EXTENSION OF REMARKS

OF

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. EDWARDS of Alabama. Mr. Speaker, the gentleman from Alabama [Mr. DICKINSON] has prepared another interesting and informative letter to his constituents. I include it in the RECORD at this point:

REFLECTIONS ON THE 90TH CONGRESS

This session of Congress, which lingers even as Christmas Day approaches, has been an exciting one and I believe a very constructive one. Certainly, no one can accuse the 90th Congress of being a "rubber stamp" body. Such was the nature of the 89th Congress, but Republican gains in the last election have given this Congress a distinct sense of change.

We have, through party unity and a lot of sweat and persuasion, managed to make some important inroads into LBJ's free-wheeling Great Society. The 90th Congress, by and large, has been one of determination, direction, and most important of all, sound conservative action. This body has managed to give the American citizen a much-needed fiscal "breathing spell."

The 90th Congress has forced fiscal issues to the surface—into the halls of debate, where they rightfully should be decided. This Congress does not believe that the President is all-powerful, all-correct in judgment.

I have sincerely tried to represent your wishes and your best interests, and I feel that most of the time the two have been compatible. I hope that you feel that I have properly discharged the many duties and responsibilities you have given me.

Due to incomplete action on many important pieces of legislation, I am not able to give you a complete report on legislation action during this session of the 90th Congress as I had planned. However, the loose ends should be tied up before adjournment and a year-end report will be forthcoming in my next newsletter.

THE 90TH CONGRESS SETS RECORD

When the bells sounded recently for the 400th Roll Call vote of the 90th Congress, a record for the largest number of votes during any session of Congress was established. I was present and voting on almost 89 percent of the roll calls. I feel somewhat proud of my record of low absenteeism, for as most of you know it is almost impossible to make all of the votes, what with speaking engagements in the District and Committee assignments out of the country.

But I'll let you judge for yourselves. The number of votes, different types of votes, and my percentage are recorded below:

Total number of votes	400
Record votes	213
Dickinson	186
Quorum calls	187
Dickinson	167
Percentage	88.3

By the time you rceive this month's report, the holiday season will be in full-bloom and I will be in Vietnam as a member of a newly-created subcommittee of the House Armed Services Committee. As members of the Subcommittee on National Defense Posture, our mission is to determine as best we can just what our objectives are in Vietnam, and whether our fighting forces have all of the equipment and manpower necessary to carry out these objectives.

As always, while on these missions to Vietnam, I will visit with as many Alabama servicemen as possible. My travels across Vietnam have more than confirmed our beliefs that Alabama has made a selfless contribution to the bitter struggle to free those enslaved by Communism. As in every American war, Alabama servicemen have distinguished themselves beyond the call of duty. In my next newsletter, I will make a report of our findings in Vietnam to you.

VIETNAM: THE OTHER PROTEST

The protestors marched in a ragged, uneven but determined line. They were very young—many in their teens, most in their early twenties.

Many wore beards, and their clothes, stained and dirty, smelled of blood and sweat.

But unlike most of the marches we have read about lately in the press, this scene was not taking place in New York or Washington, but in a strange land where men still die from the bite of a mosquito.

Although they did not shout or sing much, they had the unmistakable look in their tired eyes of men who believe in what they were protesting.

These men, in fact, were offering the ultimate protest: they were laying their lives on the line for their beliefs.

These young men came from Alabama, Kansas, New York . . . and from cities with strange sounding names like Da Nang, Chu Lai and Da Tat.

They are protesting Communism in South Vietnam. They want to be home for Christmas, but most won't.

The least we can do, during this season of peace and goodwill, is offer our prayers for the end to the terrible oppression for which they are protesting.

Georgia Women Express Love and Affection for America

EXTENSION OF REMARKS

OF

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. BLACKBURN. Mr. Speaker, it was my pleasure to address a joint meeting of the American Legion and Veterans of Foreign Wars in Rockdale County, Ga., on Veterans' Day, November 11.

Since that time, I have received numerous letters from the members of those posts expressing their great love for their country and their emphatic desire that the United States show determination in bringing the Vietnam war to a successful conclusion.

I particularly was impressed by one group of letters from many of the women who live in Rockdale County and the Fourth District who asked that this country's leadership take whatever steps are needed to win the war over there.

I wish to compliment every one of these outstanding women from the district who have expressed their love and affection for America by including their names in the CONGRESSIONAL RECORD. They are: Janet Bias, Jewel Biggers, Louise Cook, Mrs. Martha D. Jett, Mrs. Virgil McCart, Eunice McElhattan, Eloise Marlowe, Mrs. James J. Mayes, Alice Stephenson, Mrs. Alice Underwood, Evelyn C. Underwood, Sarah S. Watson, and Mrs. James E. Whitten.

Postal Service Copes With Transportation Changes

EXTENSION OF REMARKS

OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. DULSKI. Mr. Speaker, the changes in our national transportation network in the past 30 years have necessarily been reflected in changes in mail transportation concepts.

The most important factor in the transportation picture has been the precipitous decline in railroad passenger service. This has forced the Post Office to seek other ways of moving the mail.

To its credit, the postal service has adapted to the decline in passenger trains in a way that has produced faster delivery and more flexible movement of the mail.

The significant changes in mail transportation in recent years were outlined by Postmaster General O'Brien in a very informative article in the December 18 issue of U.S. News & World Report. With permission, I include the article with my remarks:

OTHER SIDE OF THE POSTAL STORY

(By Lawrence F. O'Brien, Postmaster General)

The United States Post Office Department is now handling more than 80 billion pieces of mail a year—as much mail as the rest of the world combined. With volume of this magnitude, isolated instances of delay are inevitable.

But mail service today is better than it has ever been in history. This statement is supported by our own continuing surveys of dispatch and delivery times, by the statements of volume mailers, and by the results of a recent Roper survey, which showed that an overwhelming majority of Americans are fully satisfied with the postal service they are receiving.

Today, 35 States are getting overnight delivery of virtually all intrastate first-class mail. Five years ago, only six States received such service.

Today, transcontinental first-class mail is receiving two-day delivery. A year ago it took five days to deliver most transcontinental mail.

These dramatic improvements in service are the direct result of increased use of air transportation for the first-class mail. They would not have been possible if we continued to rely so heavily on railroads for transporting first-class mail.

The use of fast freight trains for bulk mail is an inevitable and desirable development. It gives the Post Office Department the benefits of tremendous technological advances in railroad handling of freight. It gives us the opportunity to take full advantage of containerization and the ability to use rail and highway movements in flexible combinations which can give prompt, regular and dependable service to mailers.

We are very selective in the type of railroad-freight services used for mail movement. Only premium freight trains carry parcel post and similar mails. In most cities, special terminal handling arrangements are set up to insure that mail receives prompt, regular and fast service.

The net result of these changes is the establishment of a long-range transportation network for movement of bulk mails—a network which will take advantage of containers, improved materials-handling systems, the latest technology in rail services, and the most flexible combination of rail and highway transportation.

Alternate services are still available in most areas for newspapers, magazines, special delivery and handling parcels and perishables. Where railroads continue to operate passenger service on reasonable schedules, these types of mail will continue to move in passenger-train baggage cars if this gives better service to the mailer.

It is also worth noting that the postal-rate bill now nearing final action includes a provision authorizing air-mail service for second-class mail. This new service, incidentally, was requested by publishers.

In recent years it has become increasingly popular in some circles to cite the Postal Service as the principal culprit in the withdrawal of passenger-train service by the railroads. This is not true. In the last 15 years alone, 7 of every 10 passenger trains dropped by the railroads were still carrying mail at the time they were discontinued. In other words, mail as well as passengers were left standing on the platform in 70 per cent of all passenger-train discontinuances. This hardly supports the contention that the Postal Service is responsible for decimating passenger-train service.

Actually, it is the other way around. Train discontinuances by the railroads have created serious problems throughout the country in the distribution and routing of mail.

Since 1930, the number of mail-carrying trains in the United States has been reduced from about 10,000 to less than 700 today, a reduction of well over 90 per cent. Thousands of towns have lost passenger-train service completely, and those that still receive it have far less schedule frequency than before. Good connection between passenger trains at junction points have become a rarity. Any traveler knows this, and that is why more than 97 per cent of intercity passenger miles in the United States are by automobile, bus and plane. Not only are passenger trains often poorly scheduled for mail-service requirements, but we also find that their performance of published schedules leaves much to be desired. Our national mail-train report shows on-time performance—no more than 15 minutes late—often falls below 75 per cent.

This is a serious matter. From January 1 to March 10, 1967, late running of two trains in the New York-New England area delayed 40 million letters and caused overtime pay to postal employes amounting to $38,000. One of these trains ran late 33 times in 43 days. In another case, from February 25 to March 15 of this year, late operation of trains on one line serving St. Louis delayed 4 million letters and 330,000 newspapers by missing connections with trains of four other railroads at that point.

The continued extensive use of railway post offices certainly cannot be justified from an economic point of view. Railway post offices accounted for only 19.5 per cent of our rail-transportation costs in fiscal year 1967. It is, however, a most expensive service, because the Department pays, in addition to the transportation costs, the salaries and travel expenses of the postal employes.

With the development of sectional centers and ZIP Code, we have found that postal clerks can sort mail much less expensively in regular post offices. We can also provide the same or better transportation at less cost, especially where train schedules and performance are not good enough for postal requirements.

The transfer of first-class mail formerly handled on railway post offices to air transportation on a space-available basis results in much faster service at no increase in cost.

The basic responsibility of the Postal Service is to give all our customers dependable, economical service, with delivery schedules that reflect fairly the class of mail used and the postage paid.

I believe any objective analysis would show that the changes we have made in our transportation modes and patterns are fully in keeping with this responsibility.

The Air Quality Act of 1967

EXTENSION OF REMARKS
OF
HON. JAMES J. HOWARD
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1967

Mr. HOWARD. Mr. Speaker, air pollution has been a subject of growing national concern for more than a decade.

It has been studied and analyzed, graphed and charted, and talked about, but it has not been removed. It still hangs over cities, threatens our health, and destroys our property.

Every community with over 50,000 people has an air pollution problem. This represents more than two-thirds of our population.

Air pollution causes economic losses estimated at $11 billion a year. Even more important is the overwhelming evidence that air pollution is a factor in the development and worsening of such chronic respiratory diseases as asthma, bronchitis, emphysema, and lung cancer.

The problem is real and it is getting worse.

In January of this year, the President reminded us that air pollution worsens in direct proportion to the Nation's economic growth, increases in urban population, rising demands for heat and energy, and upward trends in the use of motor vehicles, production of refuse, and production and consumption of manufactured goods.

Clearly, it will not be long before air pollution reaches truly critical proportions in many parts of the county. What happened last Thanksgiving in New York, where severe air pollution cost many lives, was not an isolated occurrence; it was an omen of things to come.

As President Johnson has suggested, we must strengthen both our research efforts and our regulatory activities if we are to succeed in dealing with the menace of air pollution.

It provides for the acceleration of research needed to advance our knowledge of control methods, and it calls for standard setting on a regional basis, which is a logical way to attack the problem.

In recommending last January that the Congress adopt the Air Quality Act, President Johnson expressed the Nation's resolve to eliminate air pollution. This feeling by our citizens is not just a fad; it is based on an increasing comprehension of the enormous price we have been paying—and continue to pay this very day—for neglecting our air supplies. There was a time when a plume of smoke from a factory stack was emblematic of progress and productivity, but our society has reached the stage when we are able to have the benefits of industrialization without attendant detriments. Air pollution is a health hazard, air pollution damages property, air pollution decreases visibility, and air pollution depresses the human spirit. The Air Quality Act is a step toward mitigating these undesirable byproducts of our affluent society.

Three times since 1963, the Congress has taken steps to accelerate the Nation's movement toward cleaner air. Under the legislation enacted by the Congress, the Department of Health, Education, and Welfare has helped in the creation and strengthening of State and local air pollution programs, instituted Federal action to abate interstate pollution in nine areas of the United States, established national standards for control of motor vehicle pollution, and intensified research on ways of controlling the major air pollutants.

Yet, each day the air pollution problem is worsening. With a renewed sense of urgency, the States, the cities, and the Federal Government must commit themselves more fully and effectively to America's struggle against poisoned air. Federal action alone cannot overcome the problem. The measures proposed in the new legislation before us will directly help State and local governments in their efforts to prevent and control air pollution arising within their jurisdictions.

I believe that the Air Quality Act of 1967 will prove to be the start of a new era in air pollution control.

The act requires the Secretary of Health, Education, and Welfare to designate air quality control regions, to public criteria on the effects of various pollutants in the air, and to issue information on available control techniques for these pollutants. The Governors of the States then have the responsibility of setting air quality standards for the control regions and for establishing programs to implement the standards. Taken together, the criteria on the effects of pollutants and the information on available controls will give direction to our research efforts.

In all, the provisions of this legislation are a logical and timely response to a growing national problem.

Reappraisal of Poverty Program Needed Now

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. COLLIER. Mr. Speaker, recently an editorial appeared in one of the Chicago newspapers suggesting that the stripping away of $460 million in antipoverty funds was an example of the House of Representatives at its parochial worst.

The editorial writer is most certainly entitled to his opinion, regardless of how wrong I think his observations and conclusions might be in this regard.

The crowning remark of the editorial was that:

> The OEO is conducting a national poverty war and while the war is not perfectly fought, it is winning victories.

This could easily be one of the understatements of the year.

I think the Nation has to meet its commitments, but I think the American taxpayer is entitled to a great deal more for his dollar than he is presently getting in many areas including the poverty program. It is going to be interesting to see how right the editorial writer will be in the light of the final bill adopted in conference which was approved this week. We are going to see what will be funded on one hand and just what actual effect it is going to have on some of the programs sponsored by OEO—good, bad, or indifferent.

I submit that certain educational programs under the Office of Economic Opportunity that have been successfully conducted and those that could be made successful with proper administration ought to be transferred to the Office of Education in the Department of Health, Education, and Welfare.

It appears from the figures published by two of the bureaus in the executive branch of the Government that the war on poverty is going to be a long, drawn-out, and expensive affair. According to the Bureau of the Census, the number of the poor has decreased rather slowly during the past few years of recordbreaking prosperity. Certainly no one can attribute this reduction solely to the war on poverty since the number was reduced from 1959 to late 1964 when we did not have the Office of Economic Opportunity.

1959	38, 900, 000
1964	34, 100, 000
1965	31, 900, 000
1966	29, 700, 000
1967	27, 500, 000

If this rate can be maintained, the war on poverty will be over around 1980.

Those who would like to see poverty eliminated, and that includes every responsible person, cannot complain that the war is being lost or victory delayed because of lack of funds. Ever-increasing amounts are being spent. According to the Bureau of the Budget, Federal funds spent for the benefit of the poor have increased during the past few years:

	Billions
1960	$9.9
1963	13.0
1966	19.6
1967 estimated	22.0
1968 estimated	25.6

Mr. Speaker, I hope that some day someone will write a book about the war on poverty, just as others have written about the Civil War and the two World Wars. What fascinating reading it would be. Let me recite for the record a few items that a future historian can use as he pens his account for the future generations that will have only a hearsay knowledge of what poverty was.

In the meantime, here are a few items that a historian might find worthy of inclusion in his history, at least in the footnotes.

Under an emergency loan program authorized recently by the Office of Economic Opportunity, $1 million would be used for cash loans for poor families in seven Southern States that are unable to buy Federal food stamps. According to the OEO, most of the loan recipients were out of work "due to the impact of the recent minimum wage law covering agricultural workers, the reductions in cotton acreage, and the increasing use of chemicals and mechanization in crop production." In other words, by supposedly solving one problem by governmental action, we have in reality created another. Farmworkers who not only failed to benefit from the increase in the minimum wage rate, but found themselves unemployed because of the increase, must now borrow money from the Federal Government in order that they and their families can eat.

Let us hope that this $1,000,000 reaches the people who are in need, thus alleviating poverty. A great deal of poverty money is used for everything else, as I will proceed to demonstrate.

One of America's best reporters during recent years has been Victor Riesel, so I would like to begin by quoting from one of his recent columns:

> The Office of Economic Opportunity and thousands of its tiny . . . headquarters are loaded with literature and promoters of street action. Some of the latter are of the New Left, the independent Maoists, the Trotskyites, the pro-Peking Progressive Labor party "youth," and even Muscovite Communist party activists. . . .
>
> * * * * *
>
> In some areas of New York City, the record will show that street gangs have been subsidized by units of the poverty "crusade."
>
> * * * * *
>
> Experts . . . say they have evidence that youth operating on the fringe of the program have distributed leaflets containing instructions for the manufacture of Molotov cocktails.
>
> . . . When police raided [LeRoi Jones' Black Arts Repertory Theatre in Harlem] they found a cache of automatic guns, small arms, ammunition, brass knuckles, and explosives. This was . . . a revolutionary cell. And it had been subsidized by HARYOU-Act, a section of the poverty operation."

In Newark, across the Hudson River from New York City, antipoverty workers fomented the race riots of last summer. On May 25, over a month before the riots broke out, they were foreseen by Newark's police director, Dominick A. Spina. On that date he sent a telegram to Sargent Shriver, who heads the war on poverty, in which he protested the "use of resources and manpower of any agency of OEO for the purpose of fomenting and agitating against the organized and democratic government and agencies of the city of Newark." Mr. Spina warned that the "acceleration of this practice by this antipoverty agency will lead to riots and anarchy in our city."

More than 2 weeks later, Mr. Shriver denied Mr. Spina's specific charges and whitewashed the OEO agency. It was not long afterward that the race riots broke out in Newark. Police Director Spina declared that poverty money was used to rent vehicles and sound equipment which were used "for agitating" during the riots.

Information indicating that the rally which set off the riots was arranged by antipoverty workers was developed by investigators for the House Committee on Education and Labor Antipoverty officials refused to even suspend Charles McCray, the accountant for Newark's antipoverty agency, who was arrested during the riots for firing a rifle from the window of an automobile.

Willie Wright, one of the directors of Newark's antipoverty agency, said:

> Get yourself a machine gun, 'cause you're gonna need it. Every black man should buy a tank and put it in his backyard.

In Memphis, a local community action group refused to fire two poverty warriors who had been identified as black power advocates. One of them declared:

> If the newspapers would report it like it really is, if they'd come in here and really look at poverty, and stop worrying about inconsequential things like whether you're a Snick or a Communist, maybe we wouldn't have to burn it down.

In Chicago, a member of Volunteers in Service to America was found guilty of disorderly conduct and interfering with police during a racial outbreak. According to police, he shouted:

> Black power! Wait until it gets dark and we'll burn the city down and show the white cops.

In Pittsburgh, Federal funds have been used to channel the aggressiveness of black militants into protests that are supposed to stop short of violence. According to columnist Charles Bartlett:

> The Mayor's Committee on Human Resources furnishes experts who guide and advise protests that lead in some cases to marches on city hall. Neighborhood branches of the Mayor's Committee give summer employment to young black power advocates with police records and encourage them to march at the head of protest parades. . . . Thus encouraged, the spirit of protest runs high and Mayor Joseph Barr has to move fast to stay ahead of it. Militants employed for the summer with OEO funds talked of burning down the city's slums during one recent visit to his office.

Poverty money has been earmarked to finance a "liberation school" in Nashville that, according to police, teaches Negro children to hate whites. According to Capt. John A. Sorace of the Nashville police, the director of the school is

Fred Brooks, local chairman of the Student Nonviolent Coordinating Committee, who was involved in rioting in the Tennessee capital last April. Brooks, 20, told an interviewer from the Nashville Tennesseean that Sorace "is a racist and should be killed."

Brooks was listed on the antipoverty payroll at $300 a month and drove a new station wagon that was leased with OEO money. Rev. J. Paschall Davis, chairman of the Nashville antipoverty program, admitted that the vehicle had been leased and that the local antipoverty agency had agreed to pay $20 a week rent for 6 weeks for four women who worked at the school. Davis conceded that a list of prospective salaries that had been drawn up showed that Brooks was to be paid $300 per month and that there would be no bar to financing the project despite the fact that those who operated the school were known as SNCC activists.

Marion Barry, a militant civil rights leader, has been a $50-per-day consultant for the United Planning Organization, top antipoverty agency for Washington, D.C. In August 1965, he took part in a protest demonstration organized by the Assembly of Unrepresented People. Barry was arrested and charged with disorderly conduct while leading demonstrators onto the Capitol Grounds.

> Riot power and rebellion power—

He was quoted as saying last July—

> might make people listen now.

City Councilman Raymond Lewandowski of Buffalo recently told about two VISTA workers who "threatened" him that, unless more Negro youths were given jobs, there would be a race riot. One of these workers was arrested during the subsequent riots. The antipoverty program was described by Mr. Lewandowski as—

> A well-organzied conspiracy in which Buffalo's elected representatives are being subjected to threats of riot and intimidation by anti-poverty workers.

According to the official, seven of the city's nine councilmen want "all Federal antipoverty activity removed from Buffalo because of the agitation and disruptive action on the part of antipoverty workers in local affairs."

Military police "to protect us from an invasion of Job Corps enrollees" were recently demanded by James Barker, public safety commissioner of Salt Lake City.

> We've had all kinds of trouble with these people. . . . We've got to have military police to protect our citizens—

Mr. Barker declared.

Last fall the mayor of Perth Amboy, N.J., accused the local antipoverty leader of seeking "to foment and incite unrest, agitation, and disorder." The city manager of Rochester, N.Y., said almost the same thing last July.

The Office of Economic Opportunity recently granted $700,000 to the Southwest Alabama Farmers Cooperative Association of Selma, which numbers among its principals John Zippert and Shirley Mesher. Zippert's association with the Kremlin-financed World Youth Festival has been documented by the Louisiana Joint Legislative Committee on Un-American Activities. Miss Mesher is "a prime participant in the Black Panther movement designed to overthrow the Government," according to the Alabama Legislative Commission to Preserve the Peace.

In Pikeville, Ky., Joe Mulloy, a field representative for the Appalachian Volunteers, which is financed by the Federal Government, was arrested on charges of sedition. In Houston, two former students who were indicted for murder after the riots of last May were later hired by that city's antipoverty agency to work with poor children. Only after the local press raised a furor were they suspended.

In the Hough area of Cleveland, OEO has been financing an experimental project whose goal "is to enroll all Hough tenants in a tenant union." It is spending $57,000 to organize such a union and has earmarked an additional $20,000 to evaluate the "experiment." An antipoverty project in Pittsburgh planned to include "preparations for a city-wide rent strike."

Recently 50 persons picketed Gottschalk's department store in Fresno, Calif., for 6 hours. The purpose of their picketing was to try to get the store to remove some items from its shelves because they were on a boycott list drawn up by the AFL–CIO.

This would not have been particularly newsworthy were it not for the fact that 16 of the pickets were from a federally supported training center in the Watts section of Los Angeles. The picketing activities in Fresno which, incidentally, is 250 miles from Watts, were part of the trainees' instruction in "nonviolent means to reach economic gains," according to officials of the California Center for Community Development, which sponsors the Watts Social Action Training Center. The SATC received a direct grant from the Office of Juvenile Delinquency and Youth Development, an agency of the Department of Health, Education, and Welfare. Although it was supposedly established to help prevent more riots in the Watts section of Los Angeles, most of its trainees are from outside of Watts.

Mr. Speaker, I would feel terrible if a group of poverty workers picketed the Merchandise Mart in Chicago.

The CCCD, which has been supported partly by $280,000 in war on poverty money, has tried to unionize farm workers, according to Carl Samuelson, the president of the California Council of Growers. Edward P. Dutton, the director of the CCCD, admitted:

> We work with people to get unionized if that's what they decide that they need. Our first commitment is with the people; a smaller commitment is with the funding source.

A project of one trainee of the CCCD was to assist Bakersfield garbage collectors to organize a union and carry out a strike.

The activities that I have mentioned are but a few of the many projects in which the antipoverty program personnel have engaged. About 70 poverty fighters in Atlanta drew Federal pay for registering people to vote. Similar activities have been carried on in Florida.

Part of the $434,000 Federal welfare grant to Kentucky will go to provide $50 per month allowances to boys from poor families. Many boys and girls from middle-class and well-to-do families do not receive such lavish amounts of spending money.

In Iowa, OEO will pay newspapers and radio and television stations to publish their news releases, with payment to be based on regular advertising rates.

The Office of Economic Opportunity recently invested $620,000 in a pilot program to test effectiveness of a negative income tax. Under this program, 800 New Jersey families whose incomes are below the poverty level will receive direct, unconditional payments, rather than pay income taxes. According to OEO, the experiment would be "a graduated work incentive program." According to 620 income taxpayers who would pay $1,000 each to finance such nonsense, it might be called something less printable.

Mr. Speaker, I believe the genuinely poor people in our midst would be best helped by the elimination of most of the so-called antipoverty programs. One of the things that helps to keep these people poor is the high cost of Government and the inflation that has plagued our Nation as the direct result of the huge deficits in the national budgets.

Antipoverty money not only has not helped the genuinely poor to any great extent, it has not helped to prevent riots. Before the riots in Detroit, the Federal Government had spent over $30 million on antipoverty activities in the Michigan metropolis. It had also spent some $112 million on 28 urban redevelopment projects there.

Mr. Speaker, I could go on and on, citing other horrible examples, but I do not want to be like the lawyer who bores the jury or like the preacher who puts his congregation to sleep with too much fine talk. Let me simply close with one observation about the ineffectiveness of welfare programs.

In 1939, shortly before the end of the greatest depression of all time, average per capita income in the United States was $695, total Government welfare spending was less than $10 billion a year, and unemployment was nearly 14 percent. Today per capita income is four times as great, unemployment is only one-third as severe, and the Government is spending seven times as much on welfare programs and yet the rate of crime has doubled.

Detroit's Hundred Club

EXTENSION OF REMARKS

OF

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mrs. GRIFFITHS. Mr. Speaker, Detroit had the first Hundred Club. It is a volunteer organization of Detroit citizens banded together for the sole purpose of helping materially—in dollars and cents and economic self-respect—the families of Detroit's firemen and policemen who are killed in the line of duty. On Friday, June 19, 1959, the Honorable Louis C. Rabaut, of Michigan, placed in the Congressional Record remarks on Detroit's Hundred Club in which it was suggested that the Nation would do well to take note of the club's success. I understand that now several clubs modeled after the Hundred Club have been organized in other cities throughout the country.

We are happy now to make a report to you of the success of Detroit's Hundred Club. On November 15, 1967, the club celebrated its 15th anniversary. Since its establishment the club has helped 105 widows and families of policemen and firemen killed in the line of duty in the Detroit metropolitan area and State troopers throughout the State. The total benefit payments have been $509,572.

The club has established a scholarship fund of $80,000 administered by the Student Aid Foundation. This scholarship program assures higher education for children of firemen, policemen, and State troopers killed in the line of duty, as well as for those children who want to acquire skills or get training in other vocations.

It is, indeed, an impressive record of achievement.

A Debt of Gratitude to an Involved American

EXTENSION OF REMARKS

OF

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. ROTH. Mr. Speaker, crime in the streets recently touched very close to me when a member of my staff was robbed on a downtown Washington, D.C., street.

Certainly one of the critically important problems of our time is the alarming increase of such crimes. As our mass media recounts this increase, it also reports what seems to be a startling disinclination of citizens to "get involved" by coming to the aid of victims of such crimes.

Yet when a crime is committed on our streets, we are all "involved." We are involved as members of society. We are involved as individuals. And no one understands this better than David W. McClenon, a young Air Force officer on leave in Washington, D.C.

Lieutenant McClenon, who is assigned to the 447 Strategic Missile Squadron, Grand Forks, N. Dak., courageously gave chase to the two men who robbed my secretary, and when the robbers realized they had not gone unnoticed and were being pursued, they discarded the stolen wallet and money. These were retrieved by Lieutenant McClenon and returned to my secretary.

I think we all owe a special debt of gratitude to this young officer who unhesitantly involved himself in the plight of a fellow human being. Lieutenant McClenon's actions attest in no small measure to his personal fortitude and to his willingness to stand up against the national problem of crime in the streets.

He has my heartfelt thanks for aiding a member of my staff and the admiration of all of us for being a courageous American.

Legislative Assessment, First Session, 90th Congress

EXTENSION OF REMARKS

OF

HON. MELVIN R. LAIRD

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. LAIRD. Mr. Speaker, my December newsletter contains an assessment of what was accomplished in the first session of the 90th Congress measured against the primary goal we in the minority set for ourselves last year.

Under unanimous consent, I insert it in the Record at the conclusion of my remarks.

A more detailed legislative wrap-up will be contained in my final report upon adjournment of Congress.

The newsletter referred to above follows:

DECEMBER 13, 1967.

DEAR FRIENDS: This Christmas Season will once again be a happy one for the millions of Americans who feared that the true meaning of Christmas was drifting away from us. Last year, we thought we had won once and for all one skirmish in the battle of putting Christ back into Christmas through issuance by the Post Office Department of a "true" Christmas stamp.

Earlier this year, the battle was renewed, in the form of a court action brought by the organization, "Protestants and Other Americans United for Separation of Church and State," which sought to prevent the Post Office Department from issuing the stamp.

The courts were urged by me and others interested in this matter to dismiss the suit as irrelevant to the question of separation of church and state. The entire Laird family, my staff and I were delighted that the stamp was once again issued this year and hope that all of you will have a very Merry Christmas and a Happy New Year.

Some criticism has been directed at my efforts to bring about issuance of a "true" Christmas stamp. As I told the Postmaster General in a letter three years ago, "If a national holiday were set aside to commemorate Moses or John Calvin or Mohammed, one would expect and would have no objection to a commemorative stamp that appropriately symbolized that which is being commemorated."

It is hard to believe that Congress is still in Session. At long last, however, we appear to be winding up our business for this year. Unlike the last Congress, we made substantial progress in changing the nature of some major programs in order to create a better framework within which to better the conditions in our society.

During the Christmas Season last year, I reported that two party government had been restored as a result of the elections. My prediction at that time was that this would create a "better chance for a true dialogue, a true discussion and debate among reasonable men about the problems that face our country and the programs that will best resolve those problems."

My reports to you during that period indicated that our top priority goal in this First Session of the 90th Congress would be to do everything possible in moving toward the establishment of a broad system of revenue-sharing with the states and localities in this country.

With President Johnson's opposition to the program and with his Party still in control of both Houses of the Congress, we were unsuccessful in bringing about action on a broad revenue-sharing program.

We were, however, highly successful in moving much closer to the revenue-sharing principle by successfully changing several categorical grant-in-aid programs into the more effective bloc grant approach.

For example, the President's Anti-crime legislation would have established several new categorical grant programs requiring each local law enforcement agency to get approval from the Attorney General for funds under these programs. The Minority Party succeeded in changing this program into one that follows the bloc grant device which provides maximum state and local control over law enforcement with a minimum of federal interference.

The same principle of bloc grants was applied to the Juvenile Delinquency Prevention and Control Act through successful efforts by the Minority on the House Floor. We were also partially successful in returning significant portions of the Elementary and Secondary Education Act to state control and planning which means that those portions of the act will work more effectively in providing better education for all our children.

In the area of Health legislation, the same kind of success was achieved. We were able to expand substantially the Comprehensive Health Act which had consolidated 16 separately administered public health programs into a single bloc grant.

There are more than 400 separate categorical grant programs presently administered by the federal government, each with its own administrator here in Washington. There is almost universal agreement that this represents too many programs chasing too many goals with too few dollars.

The best solution to the many domestic problems we face in America today lies in the revenue-sharing approach. Under such a program we would return greater control and more revenue sources to our hard-pressed state and local government where the real problem-solvers are.

But until revenue-sharing itself can become a reality, the more programs we can consolidate into bloc grants, the better off our entire nation will be.

One of the most memorable experiences of this First Session for me was participation in the Laird Youth Leadership Workshop at Wisconsin State University at Stevens Point.

Below is an excerpt from the letter I received from Major General Richard Stilwell, one of the six outstanding faculty members who accepted my invitation to participate in the Workshop. It is an indication of the fine impression our young people in the 7th Congressional District made on the outstanding national leaders who came to Stevens Point to participate in Education Day, 1967.

"You told me in advance that it would be an unforgettable experience—and you were absolutely right. The delegates—front runners all—were mighty impressive for their maturity, intellectual depth, appearance and citizenship. These attributes are not haphazardly acquired and thus your teachers, churches, social institutions and, above all, the Moms and Dads who are your constituents deserve much credit."

Best regards.

MEL LAIRD.

Secretary Weaver Outlines Labor's Role in Urban Affairs

EXTENSION OF REMARKS

OF

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. NIX. Mr. Speaker, on November 30, 1967, Secretary Robert C. Weaver addressed the 54th annual convention of the AFL–CIO Building and Construction Trades Department in Bal Harbor, Fla. He discussed the national leadership role of labor in urban affairs.

Secretary Weaver commended labor's support over the years for better housing. He said:

> Labor has supported virtually all the significant housing measures—from the first Federal effort to help low- and moderate-income families, to rent supplements, and now . . . the Model Cities Act of 1966.

But his speech was not devoted so much to the past as to the future—the role that labor unions can play in the important task of rebuilding the ghetto areas. He called upon the unions to aid in creating a rehabilitation industry in which new jobs for skilled craftsmen and neighborhood residents might be created; to meet the $1 billion pledged by the insurance industry for mortgages in ghettos; and to utilize their regular funds to provide much needed construction loans.

Mr. Speaker, Secretary Weaver's speech was direct and straightforward as he called on unions to make the sacrifices necessary to rebuild our cities. So that my colleagues might read this excellent speech by Secretary Weaver, I include it as a part of my remarks:

> You and I have important business to discuss here today—the business of rebuilding the American city.
>
> When President Haggerty's invitation arrived in my office, my calendar called for attendance at a meeting in London. I canceled that, and several other meetings, because I feel that there is no more important place in the world for me than to be here today. This Nation has urgent business with the men who build the Nation's housing.
>
> I do not come here unmindful of your contributions to government housing efforts of the past. Thirty-four years ago, I worked under Secretary Ickes in the National Industrial Recovery Program. Later with Walter Price of the Bricklayer's Union, I served in the United States Housing Authority. I know organized labor's contribution to the World War II effort because I was Administrative Assistant to Sidney Hillman, and a close associate of Joe Keenan.
>
> So I know at first-hand that, since the first low-rent public housing battles were being fought in the 1930s, the building trade unions were there, you fought and you won. I know, too, labor's role since then, under President Meany, President Haggerty, the National AFL–CIO Housing Committee, and your legislative department.
>
> Over the years, labor has supported virtually all the significant housing measures—from the first Federal effort to help low- and moderate-income families, to rent supplements, and now, the most significant effort yet devised to reverse the deterioration in the heart of the American city—the Model Cities Act of 1966.
>
> Your legislative record should be a source of pride to your membership and it is an example of social responsibility to the Nation.
>
> Anyone who examines the record of organized labor will find that it has not simply supported legislation, but it has involved itself directly in the Nation's housing problems.
>
> Unions from Connecticut to California, and from Florida to Michigan, are using the broad range of Federal housing programs to help those who need housing assistance.
>
> Many of the building trade unions are among the 31 union sponsors in 13 states participating in our FHA below-market-interest-rate program to help house the displaced, the elderly, the handicapped and families of low- and moderate-income.
>
> Unions are sponsoring rent supplement projects in ten states, including the first, all-new, rent supplement construction effort in Pasco, Washington.
>
> Labor organizations pioneered in what are now tens of thousands of large-scale union cooperative housing units, either now built or under construction in New York and many other cities.
>
> But my primary reason in coming here today is not to talk about the past but rather about the present and the future and about your role in the future.
>
> Few statements that I have read give a more honest assessment of our present urban predicament than your own AFL–CIO publication, "The Urban Crisis." That presentation gives a 10 point proposal for what is needed—action! If you have not read it, I urge every one of you to do so.
>
> The summer of 1967—the summer of discontent—came as an astounding shock to the American people. Frustration, deep-seated, flamed in the ghettos where impoverished families languished, ill-housed, ill-fed and ill-equipped for a highly competitive urban society.
>
> Let me call your attention to an article in the September *Atlantic* magazine. I invite your close attention because there is at the end of it what is known in show business as a "snapper."
>
> The article quotes the report of a Commission on Race Relations in a major city. Listen to the litany of charges by this Commission:
>
> The police and state's attorney, it says, are guilty of gross inequities in the protection of citizens.
>
> The courts are guilty of facetiousness in handling black defendants.
>
> The school board fails to show enough care in appointing principals and teachers to ghetto schools.
>
> Employers are admonished for excluding black workers from jobs, and unions for excluding them from membership.
>
> The commission also condemns unfit housing, arbitrary rent increases, and the arbitrary exclusion of nonwhites from good housing they can afford elsewhere in the city.
>
> The "snapper" is that this report was written in 1919—following a riot that took 38 lives and left more than a thousand people homeless.
>
> That was a half a century ago, but you and I know that it could have been written this past summer. I believe the point is made: these are old problems in need of new answers.
>
> The ghetto is a destructive, self-generating, interwoven series of forces that smoulder beneath the surface of the city.
>
> Is it so difficult to understand that when a man is virtually imprisoned in the ghetto, and he feels there is nothing more to lose, that his frustration will turn to violence?
>
> What is really needed in the ghetto is organization and representation—and these are two matters you understand better than anyone. The unorganized ghetto resident needs not just the building skills but the social and political skills that the labor movement knows so well.
>
> Oscar Lewis, in his book *LaVida* has observed that Negroes, Puerto Ricans, Mexicans, Indians, and southern poor whites, in Lewis' words: "do not belong to labor unions or political parties and make little use of banks, hospitals, department stores, and museums. Such involvement as there is in the institutions of the larger society—in the jails, the army and public welfare system—does little to suppress the traits of the culture of poverty."
>
> When people cannot turn to the successful institutions of a free society—particularly to the one group that has made economic improvement the base of its historic mission—and I am talking about the American Trade Union movement—then where will they turn?
>
> I believe the greatest single weapon in this Administration's arsenal for overcoming the urban crisis—the program which has had your invaluable support—is the popularly known "Model Cities" Program.
>
> It calls for comprehensive dealing with social, economic and physical problems in selected slum and blighted areas. It requires the most effective and economical concentration of Federal, state, and local public and private efforts. Financial and technical assistance will enable cities to plan, develop and carry out comprehensive local programs containing new and imaginative proposals to develop "model" neighborhoods.
>
> This is more than a housing program. It zeros in on public facilities, transportation, education, health, employment, recreational and cultural opportunities, crime reduction, social services and public assistance.
>
> As many of you know, the Model Cities Act requires the payment of prevailing wages. These are determined by the Secretary of Labor in accordance with the Davis-Bacon Act. This work is similarly covered by the Contract Work Hours Standards.
>
> But Congress has also written into the Act the requirement that any Model City's program must provide, and I quote, "maximum opportunities for employing residents of the area in *all* phases of the program, and enlarged opportunities for work and training."
>
> That language may raise some questions in your minds. My staff, including building trade unionists, has been in communication with President Haggerty, and the Building Trades Department, with the Construction Industry Joint Committee, with the Department of Labor, and with the most knowledgeable technical people we could find—so that we can anticipate problems that may arise in the implementation of this requirement.
>
> Work standards will be preserved in this program. We have no illusions that unskilled workers can do the jobs of skilled craftsmen. But we will require that the proposals presented to us guarantee maximum and realizable training and employment opportunities for the residents of the target areas.
>
> In all phases of the program for residents of Model City Neighborhoods, residents themselves must have the opportunity for the jobs they are qualified to perform or for which they can be trained. Many of such jobs will be in construction.
>
> In recent months a member of my staff has spent much time checking with many individuals and groups familiar with the building trade unions in an effort to consider your position in structuring our program.
>
> I spent several hours with some of you discussing our mutual concerns in developing a viable and effective rehabilitation industry. All of these efforts reflect my realization that these are problems which require our joint action and our collective thinking.
>
> They also demonstrate that we do not intend to tear down one section of the work force while raising another.
>
> As a matter of fact, skilled craftsmen will find new employment opportunities in the supervision and training of area residents.

Keep in mind that this construction will take place in areas where virtually nothing has been done and where without the Model Cities Act little would be done. Construction projects will be undertaken in the most deteriorated sections of our cities.

We know from our conversations that you have legitimate areas of concern. Your organizations throughout the country will be given the opportunity to make their voices heard as these projects are planned, not in Washington, but in each community.

There will be one new negotiator at the table—the area resident himself. He is there as the business agent for the people. Recognizing your past mission, knowing your movement's present policy, I hope you will work with him to solve the complex problem of new careers in construction and in hospitals, retail stores, social services, schools and many others.

This of course brings up the matter of apprenticeship. I cannot speak to this subject quite as glowingly as I did about your support for the Nation's housing programs.

But I do see certain hopeful signs. Indeed, I have some academic support for my glow of restrained optimism. Professors F. Ray Marshall and Vernon M. Briggs in their study of *Negro Participation in Apprenticeship Programs* concluded that, in their words, "although racial discrimination continues to be an important problem, we are convinced that its relative importance has declined in recent years and that measures to recruit, train and counsel qualified applicants currently are much more important."

The AFL–CIO Civil Rights Department, with the cooperation of the Building Trades Department and building trades councils throughout the country, have concentrated their efforts in working with the Joint Apprenticeship Committee of the Workers Defense League and the A. Philip Randolph Educational Fund, the Urban League's LEAP Program, the Trade Union Leadership Council, and the Opportunities Industrialization Center (OIC). These are indications of movement on your part.

But we are still a long distance removed from the goal of equal employment. Some unions either have no minority members or a handful who represent "token" integration.

The only criteria that the victims of discrimination have—the criteria by which you and I must judge progress—are the figures which show the present degree of minority participation in the building trade unions. I do not believe you will find the figures impressive.

But I also believe that these problems weigh heavily on all of us in our concern for people. For it is our joint responsibility to overcome the impediments to full and equal participation in every phase of our national life.

Of course, a vital part of this whole effort is that our schools in the inner cities must properly prepare ghetto youngsters for the training they need. We recognize that there is quite a distance between non-discrimination, on one hand, and affirmative action for equal employment, on the other, and that the necessity for affirmative action may be difficult to explain in areas where your own members are not working full-time.

However, you have one advantage that many organizations in this country do not have. Your leadership has clearly enunciated, on many occasions, the policy determination to end discrimination in your ranks. It is because of that announced policy that I have addressed you so directly on this matter.

One common concern has been expressed by the building trade unions. If we bring additional men into the construction work force, where will they eventually find employment? First, I believe we are going to see a rapid increase in construction volume. We must, I believe, plan for the building and rebuilding of what President Johnson has called the "Second America"—the construction between now and the year 2000 of more new housing units than there are standing in this country at the present moment. We know the target is 2½ million units a year, including 500,000 low-income units.

This is not just wishful thinking—population growth will make it mandatory.

Secondly, present population pressures already mean that we must rehabilitate the deteriorated housing that can and should be saved. There is no well-organized rehabilitation industry at the moment. If you and this country's contractors will help us create one—there will be a tremendous number of new jobs for skilled craftsmen and for the residents of the neighborhoods.

If there is a limitation on our abilities to deal with the problems of low- and moderate-income housing, it is the money available to fund new efforts.

A short time ago insurance companies formed a pool to provide 1 billion dollars for this purpose. Justifiable praise has been heaped upon these progressive institutions for a major contribution to one of this country's most pressing problems.

It is my proposal to you that through the efforts of organized labor an equal amount can be made available to create new and rehabilitated housing construction projects.

The AFL–CIO Mortgage Investment Trust is already participating in an effort to make funds available for mortgage loans. I know too that your general treasury and special purpose funds require a high degree of liquidity to meet contingencies so that the massive amounts required to assist housing programs are not available from these sources. But they can safely and productively be used to finance short-term construction loans for low- and moderate-income housing.

I hope you will consider the large and growing reserves in labor-management pension and welfare trusts for funds to help rebuild housing for America's needy families. Those of you who serve on Boards of Trustees know that many of these trusts have been turned over to professional investment advisors. Their portfolios have been made up primarily of high-grade common stocks and corporate bonds. The socially-desirable mortgage loan investment, for the most part, has been ignored.

As Trustees you could encourage investment advisors to be more aware of the opportunity to make available a portion of the investment reserves for loans to desirable and badly needed housing projects. Trusts must earn income to provide for their actuarial benefits. But the interest rates paid to investors are normally slightly higher than rates on high grade bonds. And within the areas of the Federal programs, housing investments can be considered as having minimum risk.

Private pension plans today, including those of organized labor, total many billions of dollars. State, county, and local government employee pensions funds are another potential.

There is no better potential for enlightened self-interest and social service than investment in programs that generate construction—programs that return an attractive interest and are as secure as any portfolio that can be designed.

It would require a selling job on your part. It is my hope that the building trades unions and AFL–CIO will officially undertake the implementation of such an effort. This would serve notice on the country that labor is determined to maintain leadership in the problems of the urban crisis.

I have spoken to you in straight-forward terms, as one speaks to an ally in a common cause. I am confident the Nation can count on your continuing support for programs to house all American families. I hope that you will want leadership roles in the Model Cities Programs and in this Administration's search for equal employment. Both activities have to succeed. And each will be facilitated if it has your understanding, commitment, and full cooperation.

We have been dealing with big questions relating to housing and jobs for America. In this endeavor there are no small questions. I know that the building trades unions, with your historic concern for people, will want to be involved in finding the answers.

Report to My Constituents on the 90th Congress, First Session

EXTENSION OF REMARKS

OF

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mrs. BOLTON. Mr. Speaker, now that this first session of the 90th Congress is nearing its end, it is time to reflect on some of our major decisions of the last 11½ months. It has been a long session and we have been faced with some of the most frustrating and difficult problems in the history of our Nation. To mention just a few: the Vietnam conflict, riots and crime in our cities, and the serious fiscal situation. All of these issues need deep thought and consideration and they are far, far from being settled.

In recent years the trend has been for congressional sessions to stretch longer and longer, until for all practical purposes we are in session the year around. In view of this, it would seem far more preferable to plan the work on a year-around basis with regularly scheduled times to return home for contact with our constituents. In particular, there should be better planning on the consideration of the various bills providing funds for Government departments. Although the new fiscal year began on July 1, only one of the regular departmental appropriation bills had been cleared at that time. As late as December, several agencies were still operating on continuing resolutions.

While it is impossible to discuss every bill considered in this first session, here are some of the major items and a summary comment on them:

INVESTMENT TAX CREDIT RESTORED—PUBLIC LAW 90–26

The Congress passed a bill (H.R. 6950) to restore the 7-percent investment tax credit for business and industry. I voted for this legislation. This investment credit provision was originally enacted in 1962 for the purpose of stimulating the economy. In October 1966 the administration thought the economy should be cooled off a bit and requested Congress to suspend the investment credit for a period of 15 months, even though business planning and financing had been made in reliance upon the investment credit. I opposed the suspension at that time on the grounds that the Government was breaking faith with the business community, and also because of my studied judgment that the safe and sound cure for the then existing strong inflationary pressures was an attack on Government spending rather than an attempt to manage the private economy with on-again, off-again tax policies. The fact that the administration, in less than 6 months, asked that the investment tax credit be restored is clear vindication of the conclusion of those of us who opposed the suspensions originally.

Government actions to suspend the investment credit as a means of dealing with inflation had an adverse effect on business confidence. The continuity of orderly business expansion was broken. The quick response on the part of Congress to restore the investment tax credit was a step in the right direction.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967—H.R. 7819

For 3 days the House debated the Elementary and Secondary Education Amendments of 1967. The issue was not centered on the money involved—although it was considerable—but on the direction that Federal aid should take. Traditionally education has been a local function, with control centered in the hands of local and State boards of education. More and more in recent years the control has shifted to Washington in the U.S. Office of Education.

The administration succeeded in defeating the so-called Quie amendment which would have given block grants to States for distribution instead of categorical grants directly to local boards and schools. After the Quie amendment was defeated on a nonrecord vote of 168 to 197, the House proceeded to adopt an amendment sponsored by the gentlewoman from Oregon, the Honorable EDITH GREEN, providing that funds for supplementary education centers under title III be given to the State education departments for distribution under a State plan. Thus, it appears that a majority of the Members favored a return of some control to the States.

The debate during the 3 days often reached a state of confusion with general disagreement on the meaning of various amendments. In view of this I joined my Ohio colleague, the Honorable WILLIAM AYRES, the ranking Republican on the Education and Labor Committee, in voting to recommit the legislation for 30 days in order to have further hearings on the bill and all germane amendments thereto.

The recommittal would not have delayed any programs since the provisions of this bill do not become effective anyway until July 1, 1968. Unfortunately, Mr. AYRES' motion failed by a vote of 180 to 236. I then voted against the bill on final passage in the House.

After Senate passage and a House-Senate conference, it was agreed that the program would be extended for 2 years through June 30, 1970. Total amount authorized for 1969 is $4.5 billion, for 1970 $4.7 billion. I voted for the conference report and it was adopted by a vote of 286 to 73.

SELECTIVE SERVICE ACT EXTENDED—PUBLIC LAW 90-40

The draft was extended to June 30, 1971. Fathers remain exempt, barring all-out war. Deferments for undergraduates in college are continued. Deferments for graduate students will be curtailed, probably starting in 1968. Nineteen-year-olds not in college or deferred go to the head of their draft boards' lists for induction. A lottery to choose 19-year-olds who must serve was neither required nor barred by Congress. The President was left with the power to order a shift to a lottery system if he wishes.

Although I would hope that we may eventually move toward an all-volunteer service, under present circumstances there would appear to be no alternative to a continuation of the Selective Service System. Therefore, I voted for this bill and it was passed by a vote of 362 to 9.

AN INCREASE IN THE DEBT LIMIT—PUBLIC LAW 90-39

On three separate occasions this year, the House debated bills to increase the national debt limit. The first occasion was a $6 billion increase—from $330 billion to $336 billion. I opposed this, but it passed. Then, less than 3 months later, the administration asked that it be increased from $336 billion to $365 billion. This was defeated 197 to 210. I voted "nay"—to defeat this increase. Coming back again, it was proposed that the permanent ceiling be increased to $358 billion, with a $7 billion temporary increase each year beginning July 1, 1968. This was passed 217 to 196. I voted "nay" again as a protest against continued deficit spending.

ANTIRIOT BILL—H.R. 421

The House passed a bill—H.R. 421—to impose Federal criminal penalties upon persons traveling in or using the facilities of interstate commerce with intent to incite a riot. The vote was 347 to 70. I voted with the majority. This legislation represents the legitimate exercise of Federal power to control crime under authority based on the commerce clause of the Constitution. Historically, certain types of conduct have been prohibited by Federal statute when the facilities of interstate commerce are used. For example, there is the Federal kidnaping statute, the Antiracketeering Act, and the prohibition against the interstate transportation of strikebreakers.

H.R. 421 is not intended to and does not limit the right of dissent and peaceful demonstration. Legitimate activities by those who travel in interstate commerce to participate in public gatherings or other lawful demonstrations are not affected. However, those persons who use facilities in interstate commerce in order to incite riots, violence, looting, and bombing would be subject to prosecution. The most effective means of riot control still rests with local and State police. The intent of H.R. 421 is only to supplement existing State laws, not to replace them. By assuring Federal jurisdiction over out-of-State inciters, State and local authorities will be substantially assisted in keeping peace and protecting public safety. The immediate victims of riots and violence are the law-abiding citizens who suffer personal injury and loss of property. In a larger sense we are all victims of these acts of violence, for those who incite riots preach disrespect for authority and the breakdown of law and order.

Final passage of this legislation would be an effective deterrent toward elimination and control of riots. However, riots cannot be prevented by legislation alone. Every citizen has a responsibility in this area. We must strengthen respect for law and order through constructive action and concern for others, while opposing those who would teach destruction and violence.

The Senate has taken no action on this legislation so far.

SOCIAL SECURITY BENEFIT INCREASE—H.R. 12080

This legislation, which received bipartisan support, provides a general increase of 13 percent in benefits. This will be effective in the checks that will be received around March 1, 1968.

Here are some other highlights: minimum benefits are increased from $44 a month to $55. The amount a person may earn without having his social security benefits withheld would be increased from $1,500 annually to $1,680. I have long favored repealing the earnings limitation entirely, but there was no opportunity to amend this bill as it was debated under a closed rule. Those persons over 72, who had not met social security work requirements, will get a monthly increase of $5—from $35 a month to $40—and for a couple the increase will be from $52.50 per month to $60 per month.

An increase in social security cash payments is, of course, essential for our older citizens on fixed incomes. They are tragic victims of the inflation spiral.

While I voted for and supported H.R. 12080, I do want to point out what is often overlooked with expansion of a program of this kind. That is, the tax increase which goes hand in hand with increased benefits. Under the measure, the taxable pay base goes from $6,600 annually to $7,800. This means the maximum tax will be raised from $290 to $343 a year in 1968. There always exists the possibility that some future Congress will raise the benefits—and the taxes—again, thereby increasing the tax even more. Nevertheless, this bipartisan bill should go a long way in improving the financial situation of our senior citizens.

LAW ENFORCEMENT AND CRIMINAL JUSTICE ACT—H.R. 5037

Responding to the overwhelming sentiment of the Nation, the House passed H.R. 5037, the Law Enforcement and Criminal Justice Act of 1967. Aimed at the scandalous rise in major crimes throughout the country, the legislation seeks to increase the effectiveness and coordination of law enforcement at all levels of government. During floor debate two Republican amendments were adopted which strengthened the administration bill. The first provided an additional $25 million specifically earmarked to meet the need of local police officials for training in riot prevention and control, as well as to provide communication between the States relating to persons traveling with the intention of inciting riots. Second, one of the major considerations was whether to give the greatest voice in the use and control of funds provided by the act to the Attorney General or to the Governors of the States. As passed by the House, the decision favored the State Governors.

There was concern lest a national police force would be established if we left the authority in the hands of the Attorney General. In addition, the States and local communities should train and equip their own police forces. I voted for these amendments and for the bill on final passage. The acceptance of these amendments by a resounding vote—256 to 147—and the size of the vote on final passage—377 to 23—suggest wide support from all parts of the country for efforts to arrest the spread of crime and violence.

No action in Senate so far.

COMMISSION ON OBSCENITY AND PORNOGRAPHY—PUBLIC LAW 90–100

Congress enacted a bill to establish a Commission on Obscenity and Pornography. This is similar to the bill—H.R. 299—which I introduced earlier this year and in the previous Congress.

The amount of obscene materials being circulated in the United States has increased unbelievably in the past few years. Last year, for example, the Post Office Department received some 200,000 complaints from postal patrons about unsolicited obscene materials they or their children had received. Those of us who have long been concerned realize the problems involved in trying to eliminate smut peddlers. Numerous court decisions have complicated the legal proceedings. The Post Office Department, except in hard-core cases, has often been helpless in trying to stop the traffic. Police are hampered and district attorneys have been handcuffed in prosecuting those who originate or sell salacious materials because of the faultiness of legal definitions. In fact, public information programs on this subject have been lacking because of shaky guidelines. Many hesitate to raise a clamor for fear of being accused of censorship. The 16-member Commission is to analyze the laws now in effect, explore the methods and volume of traffic in such materials, study their effect on the youth of the Nation, and come up with recommended guides for action by Federal, State, and local levels of government and by individuals. One must remember that public opinion is, in the final analysis, the driving force that can and must create an atmosphere of decency. But the public, like the Government, has been entrapped in a maze of uncertainty. The Commission on Obscenity and Pornography should be an important first step in providing the people and the Government with the proper information with which to deal effectively with the evil influences that would corrupt our young people.

FOREIGN AID BILL—PUBLIC LAW 90–137

At the close of a grueling 16-hour session, the House passed the foreign aid bill by a very small margin. This, on top of the Senate action, assured for the aid program the slimmest budget in its 20-year history. Numerous cuts were made, reducing the administration's request of $3.46 billion to $2.8 billion. The Senate version, passed a few weeks earlier, had slashed the request to a little over $2.6 billion.

The future of the aid program appears uncertain, as the House bill barely passed, with a vote of 202 to 194. Should the strong antiaid sentiment persist, the program might be discontinued in a few more years. It was obvious that the majority party leaders were having difficulty mustering enough forces to prevent cuts and to pass the bill.

In the drive to curtail unnecessary Government spending, every major economic assistance program was trimmed. The 2-year authorization was rejected and some previously approved multiyear authorizations were repealed. Interest rates on loans were boosted. Presidential authority to sell arms on credit to underdeveloped countries was eliminated. The House withdrew the tariff-cutting most-favored-nation treatment from Poland, which has been supplying military equipment to North Vietnam. It forbade aid and sale of surplus goods to any country which breaks diplomatic relations with the United States. Arms sales to and purchase from any country trading with North Vietnam were barred.

It has been noted that the administration request was less than one-half of 1 percent of our gross national product. The United Nations has asked the wealthier nations to earmark 1 percent of their GNP to assist the less-developed countries. We must remember, however, that this aid authorization, although less than one-half of 1 percent of our GNP, is only part of our total foreign assistance contribution. The United States also furnishes aid through various international organizations, such as the International Monetary Fund and World Bank, the Export-Import Bank, Asian Development Bank, and Inter-American Development Bank. Also not included in this authorization is the amount we spent to help South Vietnam in its war—last year, $20 billion—and our Public Law 480 food program.

Some exponents of foreign aid complained that the restrictions added to the House legislation will hurt the building of East-West trade bridges which the administration has been promoting and will hamstring the administration in several other respects. As a member of the House Foreign Affairs Committee I have worked long and hard on this year's bill. To my mind there was room for improvement in the bill presented to the full House for consideration. The cuts made need not impair the effectiveness of the program. With our tax burdens mounting, it is imperative that we cut the fat out of every piece of legislation.

More than ever I have been disturbed this year over the difficulties the Foreign Affairs Committee has had in the matter of studies in depth of these far-reaching programs. I am convinced more firmly than ever that if the testimony from the various areas had been submitted to the committee's subcommittees, who have developed no little expertise in their subjects, we could have brought to the House a far more intelligent presentation. The chairman does not agree to the idea, having told us it was tried only to fail. I confess I am a "try and try again" person, and have not abandoned the idea.

The House-Senate conferees agreed on a total authorization of $2.67 billion.

NEW VETERANS BENEFITS LAW—PUBLIC LAW 90–77

The Congress passed a bill covering a wide range of benefit increases for veterans—pensions for disabilities not incurred in service, benefits for college or other training, and benefits at the wartime rate for Vietnam veterans. The President signed the bill and it is now Public Law 90–77.

Increases in pensions averaging 5.4 percent go to 2.7 million veterans with disabilities not connected with their service, and dependents of deceased veterans, based on need. Largest increases go to widows with low incomes. The basic pension for a veteran with no dependents and annual income of $600 or less is increased from $100 a month to $104. The increases do not apply to compensation payments for disabilities suffered as a result of service. Those payments were boosted in late 1965.

Monthly benefits for college or other training under the new cold war GI bill go up from $100 to $130 for a veteran with no dependents, with corresponding increases for veterans with dependents. Other provisions of the new law are as follows: For purposes of benefits, service after August 4, 1964, will be considered wartime service. Vietnam veterans, for example, will be paid compensation for disability incurred in service at the full wartime rate. A veteran reaching 65 will be presumed to be fully disabled, for pension eligibility, without having to submit medical proof. Eligibility of veterans of World War II for mortgages guaranteed by the Veterans Administration which was to expire in July of this year is restored—until July 25, 1970.

PARTNERSHIP FOR HEALTH AMENDMENTS OF 1967—RAT CONTROL—PUBLIC LAW 90–174

This legislation extends for 3 years and expands the authorizations for grants for comprehensive health planning and services. The original Comprehensive Public Health Service Act passed late in the 89th Congress rejected the standard administration formula of categorical grants. It consolidated 16 separately administered public health programs and permitted States to develop plans, establish priorities, and coordinate local activities. Under this approach, the priority health problems in each State and community, whether they stem from communicable disease, narcotics, or rat infestation, can be identified and programs designed and funded to combat them. This legislation represented a step in the direction of a meaningful Federal-State partnership.

On July 20 of this year, I voted against the administration's Rat Extermination Act—not because I am blind to the necessity for rat control nor because I thought the idea was "funny"—but because there are presently available within the Department of Agriculture, the Department of the Interior, Office of Economic Opportunity and the Department of Health, Education, and Welfare, Federal funds which may be used for rat eradication. To establish another rat control program under the Department of Housing and Urban Development as requested by the administration would serve only to extend the maze and confusion which so many community officials experience in making the rounds to learn where they should apply for various Federal grants. Since the presence of rats represents a definite threat to public health, assistance for control logically should come under the Comprehensive Health Act.

When the bill came before the House Committee on Interstate and Foreign Commerce, it contained some $892 million in comprehensive grants to be made to the States in the next 3 years. As the bill was written, the State and local communities would be free to determine the priorities and to use the funds in attacking those problems which are most prevalent and most pressing. Not one representative from the Department of Health, Education, and Welfare came before the committee to suggest that additional money was needed to be earmarked for any specific purpose—rats or otherwise. However, during the course of floor debate, an amendment was adopted to add some $40 million to the bill to be used over a 2-year period for rat control. This amendment would have been worthy if no money had been included in the bill which could be used for this purpose. But there was some $70 million already in the legislation which could be used for rat control. Furthermore, we were advised that some $2.3 million was available to the State of Ohio under last year's bill to support the rat control program. In view of the fact that sufficient funds were included in the bill, I voted against the amendment to increase the authorization from $892 million to $932 million. Experience has shown that to vote authorizations in excess of those that can be used prudently only tends to encourage wastefulness, rather than speed a solution to the problem involved. After carefully weighing the facts, and considering that we have been asked by the administration to increase tax burdens by 10 percent, I could not in good conscience vote for the $40 million increase. However, the amendment was adopted 227 to 173. I then voted for final passage, since I favored the general approach the legislation takes.

POSTAL REVENUE AND FEDERAL SALARY ACT—PUBLIC LAW 90–206

The House passed and sent to the Senate a bill—H.R. 7977—to increase postal rates and give a salary increase to postal and Federal classified workers. Under this bill first-class letters and postcards go up 1 cent each and airmail will be up 2 cents. Second-class mailers which consist mostly of newspapers and magazines will have their rates increased by 23 percent and third-class rates will be increased by 31 percent.

Postal workers get a 6-percent pay increase and the salaries of the Federal classified employees go up 4.5 percent retroactive to October 1. Postal employees will get another 5-percent increase next July; other employees will get a raise to be determined by the President after comparing their salaries with similar employment in private industry, but not less than 3 percent. Both postal and other employees will receive a final third phase adjustment in April of 1969 to bring all of their salaries up to a par with private enterprise salaries as determined by the Bureau of Labor Statistics. The bill provides also for the establishment of a Quadrennial Commission to determine once every 4 years the proper salaries for officials in the executive, legislative, and judicial branches, including Members of Congress. The President would then include the exact recommendations for such salaries and expenses in his budget submitted to the Congress. These recommendations would become effective after 30 days unless Congress by law sets the pay or one House specifically disapproves the President's recommendation.

Prior to final passage of H.R. 7977, a motion was made to approve the salary increases for the first year only. This would give the Congress an opportunity to reexamine the situation next year and could result in substantial savings to the taxpayer. The motion also would have eliminated the Quadrennial Commission and kept direct control over salaries in the Congress which represents the taxpayers. I supported this motion in behalf of economy and good legislative procedure, but we lost by a close vote, 211 to 199. On final passage I voted for the bill, although it was far from perfect, because I favored a raise for our hardworking postal people and other Federal workers. It may surprise some of you to learn that it takes a post office employee, a clerk or carrier, almost 13 years to make as much money as a busdriver in Washington, D.C., makes the first day he goes to work. Another point to remember is that the average postal employee in the United States handles approximately twice as much mail as is handled by employees of any of the postal services in Europe. H.R. 7977 was passed by a vote of 318 to 89. The Senate bill was very similar to the House bill.

ECONOMIC OPPORTUNITY ACT AMENDMENTS (S. 2388)

The "greatest deliberative body in the world" spent nearly 2 weeks on S. 2388, Economic Opportunity Act Amendments, then set aside its deliberativeness by bringing up some 19 amendments, many having serious consequences, in an hour and a half at the end. Final passage came literally at the 11th hour—11 p.m. on Wednesday, November 15. The bill finally passed by the House authorized $1.6 billion. The Senate bill, passed previously, authorized $2.2 billion.

The poverty war was launched hurriedly just prior to the 1964 presidential election. In the first year, $800 million was authorized, the second year $1.5 billion, and last year approximately $1.6 billion. When the Economic Opportunity Act of 1964 was before the 88th Congress, I expressed strong reservations about the manner in which the effort to assist the poor and underprivileged was being launched. While the desire was strong to do something constructive in addition to that which was already being accomplished through programs authorized under the Manpower Training and Development Act and the Vocational Education Act, the antipoverty program was open to many questions. Specifics were lacking. A sense of direction did not accompany the sense of purpose. Rather than such a massive undertaking rife with uncertainty, I preferred the "seed money" approach to establish pilot programs. Try a Headstart project. Underwrite a community action effort. Establish a Job Corps center. By doing so, the wrinkles could be ironed out along the way. Unfortunately, this view did not prevail. As a result there has been great waste. Mistakes were made, not on a modest scale, but in the grand fashion and the misfortunes of the Office of Economic Opportunity—OEO—are well known.

Now, some 3 years later, much has been learned at great cost. We know that the individual programs are important. Headstart, work experience, Upward Bound, community action, legal services, the Neighborhood Youth Corps, the Job Corps, and others are successful if they have proper leadership. Leadership is the key and there is no better example than the Cleveland Women's Job Corps Center which Dr. Zelma George has turned into a model program.

As reported from the House Committee on Education and Labor, S. 2388 authorized a total of $2.06 billion. A recommittal motion offered by my Ohio colleague, the Honorable WILLIAM AYRES, reduced this total to $1.6 billion. I voted for this recommittal motion because there was general agreement that the cut would be limited to an amount approximating the level of expenditures for the current fiscal year. It was a figure that would assure the continuation of the currently existing programs. Furthermore, knowing that the Senate wanted an even larger amount next year, it was a foregone conclusion that the amount finally arrived at would be in excess of what was spent this year. The recommittal motion prevailed by a vote of 221 to 190.

I then voted for the bill on final passage in the House. It passed by a vote of 283 to 129. As I said in my speech during general debate:

> For 1967 we are asked for $2.06 billion. I am not here in this well to say we must give so huge a sum—certainly not before every effort has been made to cut down and do a better job. We should be able to do much more and do better with less. I am here to say that I cannot live with myself if we stop the doing.

The House-Senate conferees brought back a bill calling for a 2-year authorization of $1.98 billion in 1968 and $2.18 billion for 1969. This means there can be no effective review or consideration of the poverty programs until 1969. In view of this and also as a protest against the increased expenditures, I voted against the conference report but it was adopted 247 to 149. The amount finally appropriated for fiscal year 1968 was $1,773,000,000. I voted for the supplemental appropriations bill which included these funds.

AIR QUALITY ACT OF 1967—PUBLIC LAW 90–148

This new law would encourage the solution of air pollution problems on a regional basis with air quality standards and enforcement plans developed by the States. It authorizes $362.3 million over a 3-year period for air control research, studies, planning, and grants to States and air pollution agencies. The bill further gives the Secretary of Health, Education, and Welfare the power to obtain court injunctions to abate pollution when there is an "imminent and substantial endangerment to the health of persons anywhere in the country."

Air pollution is no longer just a threat, it is a present menace to the health and well-being of the American people. Approximately 130 million tons of pollutants are discharged annually into the Nation's atmosphere, an average of 1,400 pounds for each American. This pollution is a byproduct of our highly developed economy. It stems from the rising number of motor vehicles, and from the trend toward urbanization which concentrates the highest levels of pollution in the most populated areas. Smog, damage to health and property, and even death have resulted from the pollution of our air. This new law should be helpful in our fight to combat this menace and I supported it. However, the Congress must not end the battle that it has just begun. A further step that should be taken is to give careful and serious consideration to providing tax incentives to those who undertake construction programs for treatment works to prevent air and water pollution. Many companies have been unable to combat pollution as fast and effectively as they would wish because such construction is very costly and, unlike other types of industrial construction, it does not add to productive capacity. Earlier this year I introduced a bill—H.R. 304—which would accomplish this objective.

RENT SUPPLEMENTS—PUBLIC LAW 90–121

Of all the appropriation bills, H.R. 9960, independent offices and Department of Housing and Urban Development, attracted the most press and public attention because it contained funds for the rent supplement program. When this bill passed the House in May, there was a motion which prevailed to strike out the $10 million for rent supplements. I voted for the motion at that time, not because I wanted to see the program ended, but as a protest against excessive Government spending. During the Labor Day recess, I made a tour of the areas of Cleveland affected by the rent supplement program. It was heartening to see the cooperation that is being extended by civic, church, labor, and banking groups to improve the housing conditions in some of these neighborhoods. When the House-Senate conference report was brought back to the House, there was a motion to recommit with instructions to insist on disagreement to the compromise of $10 million for rent supplements—in effect to knock out the $10 million. I opposed this motion and it was defeated by a vote of 184 to 198. The $10 million provided should be very helpful in furthering the rent supplement program—especially the projects that are completed or in the planning stage in Cleveland.

CONCLUSION

The success or failure of a Congress cannot be determined on the first session alone as all bills introduced this year and not acted upon are still pending and may be considered in the second session which begins in January 1968.

The enormous increase which has occurred in the legislative program over the years is due partly to the growing complexities of Government, increased population, and also because the Federal Government has become involved more and more in the daily lives of individuals. Paralleling the increase in legislative business is a striking increase in the needs of constituents for assistance. This is a result of the proliferation of the Federal bureaucracy. The size and complexity of the U.S. Government has become so great that often in the last analysis congressional offices remain the only authorities close enough to the people to intercede on their behalf. This we are always glad to do..

It is a very great privilege to serve the 22d Ohio District in the Congress of the United States. May I express my appreciation to all of my constituents for the support given me during this present session of the Congress.

Completion of U.S. Aid to Iran

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. BOW. Mr. Speaker, and my colleague Congressman THOMAS E. MORGAN of Pennsylvania, chairman of the Special Subcommittee for Review of Foreign Aid Programs.

I attended an interesting celebration at the Department of State on November 29. The purpose was to mark the successful completion of the U.S. aid to Iran. Many public officials, participants in the foreign aid program, and four of our Ambassadors to Iran were present.

I have visited this country on several occasions and have found the Iranians to be a noble people. I am happy to report that our country was able to help them substantially in the progressive development of their country and that they are now able to continue such progress from their new economic base. This is a noteworthy achievement for the foreign aid program in an area that is burdened with many political, economic and social problems. Our foreign aid program in Iran was of a 17-year duration. We advanced a total of $605,000,000 in direct loans and grants, only $37,000,000 of which has been provided in the last 5 years. It is a happy occasion when a country can terminate these economic grants and loans and say to our country, "we are now ready to walk alone in this world." This was the initial aim and objective of the foreign aid program. This is a tribute to the progressive leadership of His Majesty, the Shahanshah of Iran who has made such remarkable changes in the economy of Iran that it is now growing at one of the highest rates in the world.

Perhaps at no period in the 2,500 years of Iranian monarchy have the Iranian people held their monarch in greater esteem and admiration. They have rallied behind his Imperial Majesty both in crisis and reform, in war and in peace, as an inspired leader with extraordinary ability to handle the burdens of leadership. The progress that Iran has made in the last 15 years in all aspects of life is truly phenomenal. The consistent reforms have revolutionized the country's social and economic structures. They have abolished the old feudal system of landlords, women have been granted their long-sought political equality, and illiteracy is under attack by a well planned and well executed campaign throughout the land. They have expanded the public health programs together with medical and nursing services to the far-flung and isolated parts of the country and created a Development Corps that gives guidance and assistance to the villagers in their self-help programs of road building and community affairs. Houses of Justice have been established in the many rural areas so that the people may have recourse to the proper judicial procedures in the settlement of their local problems.

When we met November 29 to celebrate this progress, the Honorable William S. Gaud, Administrator of the AID program, opened the proceedings and read the following letter from the President of the United States, followed by the remarks of the Honorable Dean Rusk, Secretary of State, and the response by His Excellency Hushang Ansary, Ambassador of Iran. The Ambassador of Iran announced that in commemoration of our support, the Shahanshah of Iran has established the Pahlavi Scholarship for American students. This will make it possible for 81 American students to go to Iran to study in their universities and live among their people.

It is encouraging to have friends such as Iran. May our countries continue to build an everlasting bond of friendship and trust in this troubled world.

The speeches follow:

MESSAGE OF THE PRESIDENT MARKING THE CLOSING OF THE AID MISSION AT TEHRAN

Today American and Iranian hands join in mutual congratulations. We mark a great success.

It may seem strange that we celebrate when an enterprise goes out of business. It may seem odd that we are pleased that the American AID mission that has long channeled much of America's economic assistance to Iran will close its doors tomorrow.

But we are celebrating an achievement, not an end. This is a milestone in Iran's continuing progress and in our increasingly close relations.

What we mark today is Iran's success. What we celebrate is Iran's economic and social progress. What we honor are the effective work of the men and women of Iran and the energetic and progressive leadership of His Majesty the Shah.

I have recently had the pleasure of hearing from the Shah himself of Iran's land reform and its drive against illiteracy; its far-reaching development program and emphasis on private investment; and its many other vital reforms.

That story is impressive.

What is even more impressive is Iran's impatience with ways no longer useful—and yet its respect for traditions of the past and its willingness to face hard decisions and do those difficult things necessary for a better future.

We are glad that we have been able, in an important way, to assist in Iran's rapid strides forward. Our commitment to Iran's progress has been enthusiastically given and of long standing.

Since the dark years following World War II, we have moved from emergency economic support to exciting development efforts which have now paid visible dividends. Careful joint planning has had much to do with the success we mark today.

We cannot depart one era without looking toward another that lies ahead. The similarity of needs and mutuality of purpose that Iran and the United States have long shared do not stop simply because Iran's well-being enables it to shoulder greater burdens. Now is the time when even stronger ties become possible.

We will turn our hands now to new fields of cooperation. Exchanges in science and technology, expanded business relations, continued cooperation in development and common determination to work for peace and security—these are but a few of the ways in which Americans and Iranians will phrase their new plans for cooperation.

I join all of you in marking a past that has been so successful. I ask those of you present to begin planting for a new harvest of friendship, trust and shared hopes.

Remarks by the Honorable Dean Rusk, Secretary of State

We are gathered to celebrate the completion of a major foreign aid program. Tomorrow, November 30, direct economic aid to Iran under our Foreign Assistance Act will end.

We celebrate because Iran has arrived at the point where it can support its own continuing economic development.

This is a varied group—businessmen, churchmen, and engineers and others in private life as well as officials of our government and representatives of Iran. Our interests in Iran are in its safety and its prosperity, in its people and its capacity to enrich the cultural heritage of us all; in its progressive but staple government and its constructive role in the family of nations.

This is an especially moving occasion for me. In the spring of 1946, as a junior officer in the Department of State, I accompanied Secretary of State Byrnes to the Security Council of the United Nations in New York. Our mission was to get the Soviet troops out of northern Iran.

Last December I arrived in Teheran on the great national holiday celebrating the twentieth anniversary of the reoccupation of Azerbaijan by Iranian troops.

Plutarch once used the metaphor of "a rich Persian carpet, the beautiful figures and patterns of which can be shown only by spreading and extending it out."

What is true of Persia's carpets is also true of her history. Its patterns can be appreciated only when seen in broad dimension.

For thousands of years Iran has been at the center of cycles of growth and development, violence, and change. Milennia before Christ, cultures appeared there which used the wheel, copper tools, and woven cloth. In the sixth century B.C., the Persian tribes were welded into a single nation by Cyrus the Great and became the foremost people of the world.

In historic perspective, Iran's recent period of growth is only an instant in time.

Iran began to become a modern national political entity only about half a century ago. The first railroad linked the Caspian Sea with the Persian Gulf in 1933.

The United States and Iran have had close and friendly relationships for many years. In 1911, we responded to an invitation to send a financial adviser to Iran. In 1922, at the request of Iran, another American financial mission went out. Iran employed American engineers to build roads in the 1920's and to prepare feasibility studies for the trans-Iranian railroad.

The United States has long supported the independence and territorial integrity of Iran. That was one of our vivid concerns in discussions with our allies in the Second World War about the peace settlement.

The economic assistance program which ends tomorrow night began in 1952 as a technical assistance program under Point IV. The next year, when oil production came to a halt, it was expanded to include direct budgetary support. It has totalled $605 million in direct loans and grants for economic development. But only $37 million of that has been provided in the last five years.

In the same period—15 years—Iran invested more than $3 billion in public programs—half of that in the last five years.

Last year oil production yielded more than $600 million in revenues to the government of Iran, and this year the figure will be still higher. Oil revenues are paying for 80 percent of Iran's development budget.

In ten years, Iran's industrial production has increased 88 percent and its exports by more than one-third. Its GNP increased 11.8% in 1965 and 9.5% in 1966.

In 1950, more than three-quarters of the available water in Iran was not being used productively; a handful of irrigation facilities covered a few thousand acres. Today, dams, irrigation systems, and well-drilling projects are multiplying.

The use of fertilizer has more than quadrupled since 1960, and the capacity of Iran to produce its own fertilizer is being expanded, partly in cooperation with American firms.

Rice, sugar, tea, and cotton crops have all doubled in the last ten years. The production of wheat has risen substantially. Poultry and dairy farming have grown from almost scratch to significant levels.

American aid has helped Iran to establish an agricultural extension service with more than 1,000 trained technicians. We have assisted Iran's new hydrographic program and government service to conserve and utilize ground waters. Only 11 percent of Iran's land is now cultivated. With adequate irrigation, an estimated 30 percent can be farmed.

The list of concrete results from Iran's development programs is too long to repeat here. But perhaps we can be forgiven for citing just a few more programs in which American assistance played a significant role. The American people deserve to know this record:

Building of the new port at Bandar Abbas on the Persian Gulf, which will open Iran's entire southern region.

Loans totalling $77½ million to help complete a nationwide network of improved highways;

Loans of about $9 million to help with a master electrification program.

Aid in building or improving schools in which 100,000 Iranians are enrolled this year.

A drastic reduction in the incidence of malaria.

Immunization of 95 percent of the population against smallpox.

The insuring, as of last year, of $55 million of industrial development in Iran by American business—in ventures in petrochemicals, mining, rubber products, dairy products, and pharmaceuticals.

But, I would emphasize, the American role has been to help. The main job has been done by Iran.

And, certainly, strong and wise leadership deserves a large share of the credit for the remarkable progress of Iran.

The Shah's land reform has given 14 million Iranians a direct stake in agricultural progress His far-reaching social and educational reforms, including equal rights for women, are producing results. His "white revolution" has made dramatic progress. I have never met a Chief of State or head of government who could speak with more precision, detail, and real expertness about the economy of his country than does the Shah of Iran. And I know also from experience that His Maesty is extensively informed about world affairs. We in the United States Government value his judgments. We are proud to have Iran as a friend and partner.

There is every reason to believe that Iran's forward march will continue. Loans from the Export-Import Bank will not be affected by tomorrow's termination. American private enterprise carries on. Many American companies and firms—some of them represented here today—are demonstrating their confidence in Iran's future. Assisted by AID's investment guaranty and investment survey programs, they will provide a continuing partnership that will help to maintain Iran's momentum toward an ever higher level of prosperity.

There is a Near Eastern proverb which pleads: "May God make our end better than our beginning."

That has been Iran's goal and Iran's accomplishment.

Only a few weeks ago the Shah was crowned—he had postponed the event until his aspirations and policies and programs for his people had produced substantial results. The verdict throughout the Free World was that he had thoroughly earned his crown.

Indeed, the story of modern Iran is one of the great success stories of our time. And the realization that in some small measure we have been able to help Iran to accomplish this success should give all of us in the United States satisfaction and joy.

Remarks by His Excellency Hushang Ansary, Ambassador of Iran

This is a memorable moment in the history of relations between Iran and the United States, and I would like to start by extending to the President, to you, Mr. Secretary, and to Mr. Gaud the expression of my most sincere thanks and appreciation for your kind words and generous tributes to my August Sovereign and to my country.

You spoke with great warmth of the historic significance of the Coronation of His Imperial Majesty. It is no coincidence that this observance today should follow the Coronation by only a few weeks. For the Coronation of the Shahanshah, marking a unique page in Iran's colorful history, has brought home the recognition that, under wise leadership, a nation can bring together the technology and the social purpose of the modern world with the wisdom and richness of its own historic experience. In this context, the official termination of the American AID program in Iran is yet another manifestation of what the Shahanshah had hoped to achieve for his nation before consenting to hold his Coronation.

Iran was the first country to receive aid under the United States technical assistance program. She is not the first to terminate an AID mission. But in many ways the termination of AID in Iran has its own distinction as an outstanding example of close and cordial relationship between friends, and as a milestone in Iran's progress. Ours is a story with a happy ending.

To this I may add that U.S. aid came to

Iran at a critical time in her history. It was a time of internal chaos and turmoil, a time of external threat and danger. Iran is indeed grateful for your assistance in that hour.

When we turn to the Iran of today, we see demonstrated for the world the enormous potential that can come to fruition when modern technology, joined with social and political reform, ignites the energies and aspirations of a determined people guided by wise and resolute leadership.

This recalls Iran's bloodless revolution, organized and led by the Shahanshah himself, and carried out within the framework of a free democratic society. Its goals were the correction of problems that are chronic and typical in the developing countries. Its technique did not follow doctrinaire blueprints of East or West, but grew out of traditions and existing local institutions. Its results speak for themselves.

Over 2.4 million farm families, 11½ million people in all, now own the land they till. Workers share in the fruits of their productivity. Women exercise the rights denied them for centuries. The youth of Iran join hands in a coordinated battle against rural poverty, ignorance, backwardness and disease.

The economy has been growing at one of the highest rates in the world. GNP rose by 11.8% in 1965 and 9.5% in 1966. It is expected to grow around 12% in 1967. Per capital income has tripled in the past decade.

The size of Iran's market for foreign goods has grown almost tenfold in the period between 1953 and 1966. It is now a billion-dollar market, one of the handful of huge markets among the developing countries.

Industry has grown at a fantastic rate. Industrial production has nearly doubled. Last year alone total investment in this sector rose by 16%, amounting to 22% of the GNP.

Over the next five years, we expect to spend 11.2 billion dollars on development. During that period, we hope to increase agriculture annually by four percent, industry by 15%, electricity and gas by 16%. Iranian market will double in size during the same period, offering another billion-dollar opportunity for trade growth.

Per capita income is expected to increase by nearly one third, GNP by more than 50 percent.

Social targets during the same period call for educational services for 92% of urban and 55% of rural school-going children at elementary level, doubling the number of university students, tripling the number of students in vocational schools.

The termination of aid, therefore, signals the arrival of a new era in the enriching association of Iran with your great country. It offers great opportunities to private investors from the United States to assume a larger share in the rapid development of my country. Political stability, plus tax holidays, easy repatriation of capital and profits, as well as other incentives provide a healthy climate in virtually every positive field of activity. This, therefore, serves as an open invitation to private investors from the United States to join hands with their Iranian counterparts and to further identify themselves with one of the fastest moving economies in the world.

In the Middle East, with its history of turbulence, Iran's stable democratic government serves as a stabilizing influence. As an emerging, dynamic modern state, with great prosperity, she has the highest stake in the maintenance of peace in the region and draws upon a rich cultural and philosophical heritage in meeting her responsibilities. In the words of the Shahanshah:

"We seek peace, coexistence and better understanding with other nations, whatever their ideologies may be; we will always support any endeavors for the establishment and furtherance of social justice; we will assist efforts in bridging the gap between the poor and rich nations of the world; and will support any plans for international cooperation, campaigns against illiteracy, poverty, disease and other social ills.. These firm beliefs have been our guide in international situations and have enabled us to defend the principles of right without hesitation."

Among those means which men of goodwill find most effective in striving for peace is knowledge of other nations. For with knowledge comes understanding, and where there is understanding among men, there is far less likely to be disagreement and conflict.

With this in mind, I am most happy today to close my remarks with the announcement that His Imperial Majesty has just established the Pahlavi Scholarships for American students. This, you might recall, Mr. Secretary, is the result of the discussion last summer between the Shahanshah and yourself, on the occasion of His Imperial Majesty's visit to the United States.

The scholarships will make it possible for 81 American students to go to Iran, to study in our universities and live among our people, under provisions that are now being worked out.

It is hoped that through the Pahlavi Scholarships, our two nations build another bridge of understanding and forge another bond of friendship and trust. Most important, we do this among a new, upcoming generation, who, within a few short years, will bear the responsibilities for peace and harmony among nations.

I thank you.

Vice President Humphrey Calls for Tax Hike

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1967

Mr. FRASER. Mr. Speaker, while there are many who oppose higher taxes, I was interested to note last week where Vice President HUBERT HUMPHREY spoke out strongly for the proposed tax increase and received an "enthusiastic response."

That was the way one newspaper reported the reaction to the speech by the Vice President on December 6 to the National Association of Home Builders convention in Chicago.

This holds an important lesson. It is that there are many others in this country like the homebuilders—farmers, small businessmen, retired workers, salaried labor—who know that a tax increase coupled with a reduction in spending is necessary to preserve their own—as well as the Nation's—economic welfare. All are clearly worried about getting "clobbered" as the Vice President put in his Chicago speech if we do not take such fiscal restraining action.

Mr. Speaker, there is a human reluctance to higher taxes. Even those who know today that a tax hike is necessary and accept that fact will not go out of their way to ask their Congressmen "to raise my taxes." I suggest, Mr. Speaker, we are not hearing from everybody and many who really count. For if we do not take fiscal action, those homebuilders, farmers, small businessmen, retired workers, and a host of others will really be heard from when they are being squeezed by inflation and soaring interest rates and look to Congress for failing to take proper action when it was needed.

The Los Angeles Times article and HUMPHREY's speech follow:

[From the Los Angeles Times]

BACK TAX HIKE, HUMPHREY ASKS HOME BUILDERS

(By Dick Turpin)

CHICAGO.—The nation's home builders were exhorted Wednesday by Vice President Hubert Humphrey to help the Johnson Administration get a modest but imperative tax increase out of Congress before it adjourns.

The Vice President's typical, rapid fire delivery received an enthusiastic response from those attending the National Association of Homebuilders convention. Association members have supported President Johnson's request for a 10% surcharge on income taxes.

TIGHT MONEY THREAT

He said unless such an increase—"one cent on every dollar"—comes about the burden will fall upon the Federal Reserve System to tighten the money market and the "mortgage market will get clobbered."

"Then we'll get clobbered and none of us wants that," he said.

"Tax action is imperative," he said. "We need a modest tax increase and we need it now.

"Taxes are not popular but you have supported that (surcharge) proposal . . . and you have been right in doing so," he said.

Congressional inaction has caused uncertainty and upheaval in credit markets and cast international doubt on the health of the dollar, Humphrey said.

"And every day that passes without such action increases the pressure on credit, the dangers of inflation and endangers particularly such industries as housing and real estate.

"The No. 1 legislative objective of this Administration remains passage of this badly needed tax surcharge," he said amid quick applause from the builders.

He also urged the builders to help fight the Administration's "war on slumism." Planning is needed now for the future of the American city which today contains 70% of the people on 1% of the land, he said.

"We will be joined by 100 million newcomers before the year 2000. Where are we going to put them? Where and how will they exist?" he asked.

He also reminded the convention that the greatest untapped market in the nation are the poor. Putting them on their feet, just as putting a man on the moon, must be accomplished, he said.

Robert C. Weaver, secretary of the Department of Housing and Urban Development, said his staff is conducting discussions with savings and loan and mutual savings company leaders about investing in mortgages in ghetto areas.

SEEKS FINANCING

HUD is seeking new sources of financing for mortgages in low and moderate income housing areas, Weaver said, and first priority in housing must go to those who live in the slums and ghettos.

"We can't keep treating the deep-seated illnesses of these areas as though they were only summer colds that will disappear with summer remedies.

"If restraint of aggregate economic demand is not brought about through higher taxes, the burden for restraint will fall on the Federal Reserve System.

"Home building cannot escape the implications of a tight monetary policy; we learned that fact in 1966 and it was a painful lesson," Weaver said.

CONSTRUCTION NEEDS

A recent study by his department indicated the need for about 22.5 million units of new residential construction and the rehabilitation of another 3.5 million units in the next 10 years.

"When we stop to think about last year's record low number (1,196,000) of housing starts and project it against the requirements of the next 10 years, we get some idea of what this all means to the home building industry," the secretary said.

A message from President Johnson to the 24th annual convention said the builders' "partnership with the government has produced better housing for millions of American families" but that:

"There has never been a greater need for your efforts than today. We have cities to rebuild; new towns to create; new techniques to develop if we are to assure every American a decent life."

EXCERPTS OF VICE PRESIDENT HUBERT HUMPHREY'S SPEECH TO THE NATIONAL ASSOCIATION OF HOME BUILDERS, CHICAGO, ILL., DECEMBER 6, 1967

I want to visit with you briefly today about our America, and what we can do to make it even better . . . and stronger . . . and freer than it is today.

Right now we are passing from an era in which there has been regrettable injustice and intolerance—fed by longstanding poverty and unequal opportunity—into a time when these things are being met and challenged.

And, at this time of transition, we see all too clearly that the problems are difficult and the answers will not be easy. We may even tend to doubt ourselves.

But, if we ask: "Is our leadership able? Is our society strong?"—and if we see how far we have come—I believe we have reason for hope and even for optimism.

The thing is not to doubt ourselves, but to keep moving forward.

You and I are asking questions together.

What is the future of the American city? Today 70 per cent of our people live in the city—on one per cent of the land.

We will be joined by 100 million newcomers before the year 2000.

Where are we going to put them? Where and how will they exist?

In what environment will our children and grandchildren live—an environment of poverty, crowding, poor housing and schools, frustration and agitation?

Or an environment where every child looking to the stars through a tenement fire escape can reach outward to an open future . . . an environment where every citizen can have his chance . . . and yes, where every American family can live secure in a decent home.

It's up to us to provide the answers to those questions.

Basic to any future progress is one thing: A strong, stable, growing economy.

To sustain that kind of economy, we have urgent business before us.

We need a tax increase, and we need it now.

President Johnson requested last August a temporary, 10 per cent tax surcharge. He did this in the face of an unacceptable deficit . . . rising interest rates . . . and clear inflationary pressures.

You supported that proposal then. You have supported it since. And you have been right in doing so.

But there has still been no Congressional action.

As you know, uncertainty about such action has caused upheaval in credit markets.

Uncertainty about such action has cast international doubt on the health of the dollar.

And every day that passes without such action increases the pressure on credit . . . increases the dangers of inflation . . . and endangers particularly such industries as housing and real estate.

Let me be clear: The No. 1 legislative objective of this Administration remains passage of this badly-needed tax surcharge.

And we believe it should be the No. 1 item of priority on the agenda of the Congress.

I ask you to give your help, as you have before, in support of this measure. Is our progress to be cheapened by inflation, and our expansion to be stifled by intolerable interest rates? Or are we going to take the responsible course and act in time to keep our growth healthy and steady?

The building blocks of the new neighborhoods . . . the new cities are at hand.

Never before have we had such a storehouse of tools to bring the full partnership of industry and government, public and private financing, local, state and federal programs to focus on the remaking of old cities and building the new.

With these tools we not only rebuild the structures of the slums and the new towns of tomorrow, more importantly we rescue and revitalize the people of lost dreams.

Our nation is awakening to those who lack income to do more than struggle for survival . . . people who live in a building no one could call a home . . . people deprived of health, education and, most importantly, hope.

What are these tools that are being put to work?

Perhaps most important for the long pull is Model Cities.

There is now a catalyst through which our resources can turn a neighborhood of decay and poverty into one of happiness and opportunity.

We look to leadership to be drawn from every corner of the community.

We look to neighborhoods that are safe and secure.

We look to neighborhoods where health and education standards will be as high as the national average . . . where youngsters can play and families be proud to grow together.

Every housing program to insure decent housing, at costs every family can afford, will be called on.

Our aim: That residents in these model neighborhoods should be full partners in developing businesses, schools and public facilities.

Today, this is not an idle dream.

Model Cities planning is a reality . . . you have helped us achieve it. You know the opposition to the President's effort for full funding. You know the doubters and the doers in Congress.

You have been partners in many of these legislative fights. We are proud of these mutual accomplishments. The American people know what has been done.

You fought for full fundings of rent supplements.

You understood the importance of more public housing through the "turnkey" program.

You supported efforts by Senator Sparkman and Senator Mondale in reporting to the Senate new FHA financing tools to reach low income families.

The housing bill recently reported to the Senate, with your support, from the Senate Banking and Currency Committee, is one which the Administration is most anxious to see enacted. It will have high priority in the next session.

Through this nation's massive assault on poverty, unskilled manpower, discrimination, unequal education, inadequate health care, impoverished diets, we are doing things never believed possible in any great nation.

This Administration . . . President Johnson, your Vice President . . . every Member of the Cabinet is committed to this war on slumism.

This is not a hand-wringing Regime of Doubts and Fears. It is a responsive government of confidence and commitment.

We know what a strong, growing economy can accomplish for the American people.

We know our obligations to the people of this nation . . . and to the Americans of the year 2000.

We are committed in this nation to see that their homes, their neighborhoods, their cities, their new towns are built and renewed to provide the wholesome environment so important to the human spirit.

If we falter with the resources and know-how presently in our hands, we will be harshly and rightly judged—just another one of history's false starts.

But we shall not falter.

We pledge not just minimum housing.

We seek not just minimum neighborhoods.

Our goal is not just a minimum America.

We have asked for your partnership in the past and received it. We ask again, and know that we will have it—in the work of today—the building of an America where every day can be better than the day before, because we decided it could be done and did it.